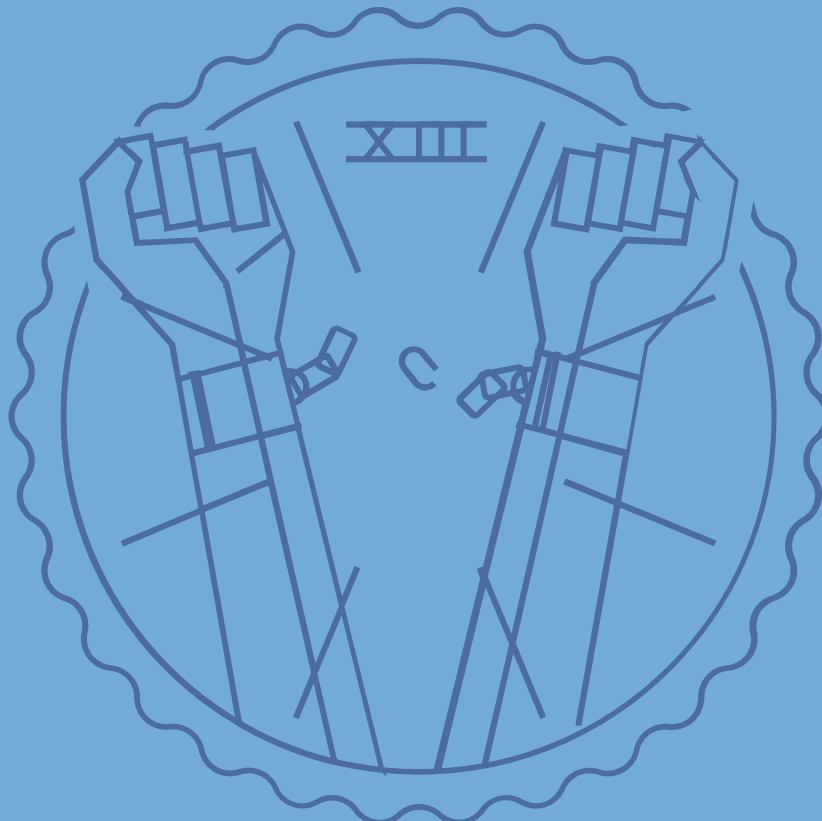


# CONSTITUTION

## MODULE 12

# SLAVERY IN AMERICA: FROM THE FOUNDING TO AMERICA'S SECOND FOUNDING



## SLAVERY IN AMERICA: FROM THE FOUNDING TO AMERICA'S SECOND FOUNDING

***"I am exceedingly distressed at the proceedings of the Convention—being ... almost sure, they will ... lay the foundation of a Civil War."***

— Elbridge Gerry (Massachusetts Delegate), 1787

Slavery was embedded into America's fabric by the time of the framing and ratification of the Constitution. At the Constitutional Convention, the delegates refused to write the word "slavery" or enshrine a "right to property in men" in the Constitution's text, but they did compromise on the issue of slavery, writing important protections for slaveholders into our nation's charter. Debates over slavery continued (and increased) in the decades to come, culminating in Abraham Lincoln's election as America's first anti-slavery president, the Southern secession, and the Civil War. Following this bloody war, the Reconstruction Republicans worked to rebuild our nation on a stronger constitutional foundation, passing our nation's first civil rights laws and ratifying the 13th, 14th, and 15th Amendments. These amendments ended slavery, wrote the Declaration of Independence's promise of freedom and equality into the Constitution, and promised to end racial discrimination in voting. Many scholars refer to this key period as America's "Second Founding."

### Learning Objectives

At the conclusion of this module, you should be able to:

1. Analyze the compromises over slavery at the Constitutional Convention and discuss the the Constitution's effects on how long the institution of slavery lasted in America.
2. Examine the Supreme Court decision in *Dred Scott v. Sandford* and explain its importance to American constitutional history.
3. Analyze the events that led to the Civil War by using primary sources to explore the voices that pushed for the end of slavery.
4. Describe the protections contained in the 13th, 14th, and 15th Amendments and how they promote freedom and equality.
5. Discuss whether the 13th, 14th, and 15th Amendments represented a "Second Founding" for America.

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding Lesson Plan

#### 12.1 Activity: Image Review

##### Purpose

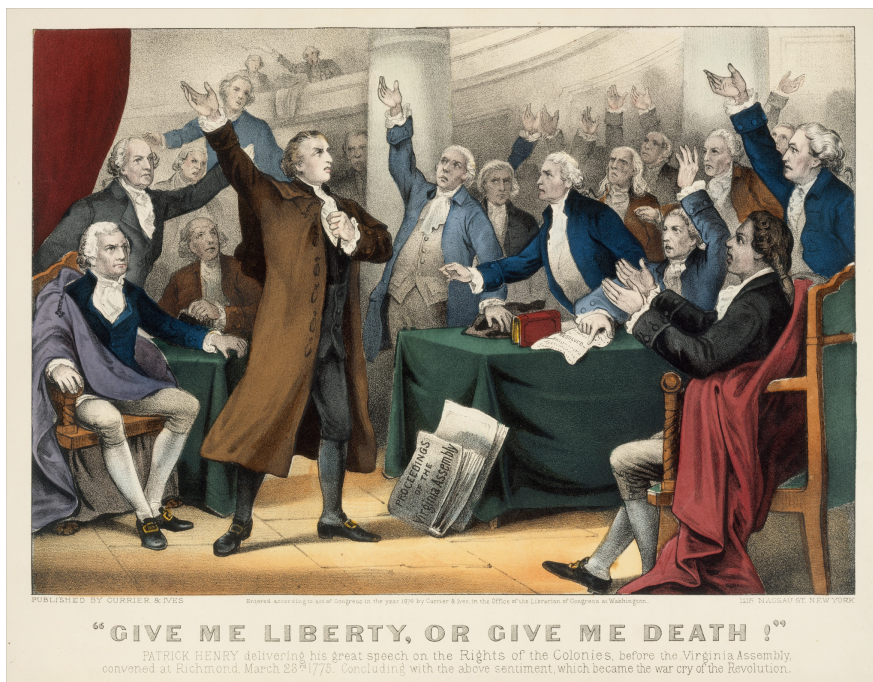
In this activity, you will compare and contrast the founding story of America's fight for liberty with the founding story of existence of slavery. You will first examine an image and speech of Patrick Henry, embodying young America's push for independence. Then, compare that image and speech with a letter written by the same author on the issue of enslavement. Reflect on the relationship between America's fight for independence and the desire of some of those same founders to preserve the institution of slavery. Finally, read a passage from Harriet Tubman and reflect on her fight to end slavery.

##### Process

In small groups, examine the artwork capturing Patrick Henry's famous speech, entitled "Give Me Liberty, or Give Me Death!" Then, read an excerpt of Henry's famous speech of the same title. Finally, compare the image and Henry's speech to a letter written by Henry during the same time period.

View the image and quotes below, or review the [Visual Info Brief: Patrick Henry and Slavery](#) slides.

Discuss as a large group the contradiction between young America's fight for freedom with the existence of chattel slavery during the same period.



## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding Lesson Plan

#### **“Give Me Liberty, or Give Me Death!”**

This lithograph captures the moment when Patrick Henry delivered his famous speech on the rights of the colonists before the Virginia Assembly who convened at Richmond, March 23, 1775. Henry's famous speech became the battle cry of the American Revolution:

*“Gentlemen may cry, Peace, Peace – but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!”*

#### **Patrick Henry, Letter to Robert Pleasants, January 18, 1773**

This excerpt is from a letter authored by Patrick Henry during the same time period. He wrote it to Robert Pleasants two years earlier. Henry was a slaveholder.

*“Is it not amazing that at a time when the rights of humanity are defined and understood with precision, in a country, above all others, fond of liberty . . . that in such an age and such a country we find men professing a religion the most humane, mild, meek, gentle and generous, adopting a principle as repugnant to humanity as it is inconsistent with the Bible and destructive to liberty?”*

*I shall honor the Quakers for their noble efforts to abolish Slavery. It is equally calculated to promote moral and political good.*

*Would any one believe that I am master of slaves by my own purchase? I am drawn along by the general inconvenience of living without them. I will not—I cannot justify it, however culpable my conduct. I will so far pay my devoir to Virtue, as to own the excellence and rectitude of her precepts, and to lament my want of conformity to them. I believe a time will come when an opportunity will be afforded to abolish this lamentable evil.”*

#### **Activity 12.1 Notes & Teachers Comments**

##### **Launch**

From the very beginning of the American republic, Americans battled over the institution of slavery—with each side laying claim to the Constitution's text and history to defend its position.

A range of voices—both pro-slavery and anti-slavery—turned to the Constitution's language and constructed arguments to favor their side of the great constitutional battles over slavery in the 1800s. We'll cover many of those constitutional debates in detail in this module.

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding Lesson Plan

#### Activity Synthesis

We are using Patrick Henry here as a stand-in for many leaders in early America. Through this activity, we will try to help students understand the complexity of this context in early America, a conflict between America's founding principles and the existence of chattel slavery. Share the image, speech, and letter, found on the Visual Info Brief: Patrick Henry and Slavery slides, and discuss as a large group.

- How can Patrick Henry and many of his fellow slaveholder revolutionaries push for a revolution based on the principle of freedom, while still holding enslaved people in bondage? How can we be this and that at the same time? (Project both on board)
- How does Patrick Henry explain this contradiction in his own words?
- How might future reformers use the sorts of founding principles contained in Henry's famous speech and in canonical documents like the Declaration of Independence to challenge the institution of slavery?
- Was your group aware of this acknowledgement of the evils of slavery by the leaders of the American Revolution?

As a final reflection, share the power of Harriet Tubman.

The quote below is from a biography of [Harriet Tubman](#). Echoing Patrick Henry, Tubman writes about her work on the Underground Railroad and the fight for liberty:

*"Harriet was now left alone, . . . She turned her face toward the north, and fixing her eyes on the guiding star, and committing her way unto the Lord, she started again upon her long, lonely journey. She believed that there were one or two things she had a right to, liberty or death."*

After making her own escape, Tubman returned to the South 19 times to bring over 300 fugitives to safety, including her own aged parents.

#### Activity Extension (Optional)

Now that students have a better understanding of the complexity of our founding story, ask the following question: Have you seen similar complexity in other periods in American history? With other key figures?

What is the role of America's founding creed (perhaps, most notably, as written into the Declaration of Independence) in pushes for reform? How has our nation's founding creed served as both a tool to expose our contradictions and a north star guiding us to do better?

## CONSTITUTION 101

---

### Module 12: Slavery in America: From the Founding to America's Second Founding Lesson Plan

## 12.2 Video Activity: Slavery in America

---

### Purpose

In this activity, you will view a video on the compromises over slavery at the Constitutional Convention and the story of slavery and emancipation in America.

### Process

Watch [the video](#) about slavery.

Then, complete the [Video Reflection: Slavery in America](#) worksheet.

Identify any areas that are unclear to you or where you would like further explanation. Be prepared to discuss your answers in a group and to ask your teacher any remaining questions.

### Activity 12.2 Notes & Teachers Comments

#### Launch

Give students time to watch the video and answer the questions in the worksheet.

#### Activity Synthesis

Have students share their responses in small groups and then discuss as a class.

#### Activity Extension (Optional)

Now that students have a better understanding of slavery and the Constitution, ask the following question:

- If you were a delegate to the Constitutional Convention, would you have signed the Constitution on September 17, 1787?

## 12.3 Abolitionist Movement in America

---

### Purpose

The anti-slavery movement was part of the American story from the very beginning. Prior to the Civil War, both pro-slavery and anti-slavery advocates debated the Constitution's meaning and its relationship to slavery. Several different visions emerged. An important set of voices pushed to end slavery in America. These abolitionist and anti-slavery voices comprised an interracial movement, bringing together African Americans and white Americans (and both men and women) in the fight for emancipation.

In this activity, you will examine some key figures in the fight to end slavery in America. Here is an [Info Brief: Anti-Slavery Movements Throughout American History](#) to support your understanding of the movement.

## CONSTITUTION 101

---

### Module 12: Slavery in America: From the Founding to America's Second Founding Lesson Plan

#### Process

Read the profile of a person who was a key figure in the push to end slavery and/or advance the rights of African Americans. Then, analyze an excerpt of a primary source authored by that person.

Create a short presentation or flyer about your assigned person, their actions, and their ideas. Include visuals and at least one primary source quote.

Share your presentation with your classmates.

#### **Activity 12.3 Notes & Teachers Comments**

##### Launch

Break students up into small groups or have them complete this activity alone. Provide some background information on the abolitionist movement and have them review the Info Brief: Anti-Slavery Movements Throughout American History.

Next, assign each group a key figure in the fight to end slavery and/or advance the rights of African Americans. Students will analyze the excerpt of a primary source authored by that person and share findings with the larger group.

##### Activity Synthesis

Have students summarize the background, actions, and ideas of their figure with the larger group and build a flyer or presentation on their freedom fighter. What aspect of African American freedom and equality did they prioritize?

##### Activity Extension (Optional)

Now that students have a better understanding of abolitionism, ask the following questions:

- Who is missing from this list? During your research, did you find someone that you would like to add? Share why.
- Write a profile on that person and send it to [education@constitutioncenter.org](mailto:education@constitutioncenter.org) to build our Abolitionist Resource List!

## 12.4 Activity: Building to Crisis

---

### Purpose

In this activity, you will explore the key events that led to the Civil War and the eventual ratification of the 13th, 14th, and 15th Amendments. You will also use primary documents to explore the cause of the Civil War and its broader meaning.

## **CONSTITUTION 101**

### Module 12: Slavery in America: From the Founding to America's Second Founding Lesson Plan

#### **Process**

Read [Info Brief: Slavery in America](#) to build your understanding about the events that led to the Civil War.

Then, we will review primary sources from key Southern states explaining their decisions to leave the Union after the election of Abraham Lincoln as the nation's first anti-slavery president. Explore the proclamations of secession and the relationship between the Civil War and slavery. Secession is the act of withdrawing formally from membership in a nation. These secession ordinances were formal acts passed by the seceding states when they decided to leave the Union. Like the Declaration of Independence, these ordinances were meant as written statements explaining their reasons to the rest of the world.

As part of this activity, you will also read key primary sources from the North, namely, key texts by Abraham Lincoln, explaining why secession was unconstitutional and offering Lincoln's own account of the meaning of the Civil War.

Through these sources, we will explore two key questions:

1. Why did the South secede?
2. Why did the North fight the Civil War, in response?

Your teacher will break you into groups and assign you a set of primary sources. Answer the questions on the worksheet and reflect on these key questions.

#### **Activity 12.4 Notes & Teachers Comments**

##### **Launch**

The goal of this activity is to allow students to explore primary sources around the causes and meaning of the Civil War. These sources cover Southern secession, the Union response, and the outcome of the Civil War. Primary sources are a powerful tool to give students the opportunity to read the Southern states in their own words, Lincoln's powerful responses, and examine the meaning of the Civil War.

##### **Activity Synthesis**

The goal of the activity is to help students: (1) see that Southern secession was driven by slavery (in the Confederates' own words); (2) understand Lincoln's arguments against secession, and (3) reflect on the broader meaning of the Civil War. The sources to review are:

Group 1: Primary Sources: Reasons for Secession and Lincoln's Initial Response

- South Carolina Declaration of Secession (1860)
- A Declaration of the Immediate Causes which Induce and Justify the Secession of the State of Mississippi from the Federal Union (1861)



## CONSTITUTION 101

---

### Module 12: Slavery in America: From the Founding to America's Second Founding Lesson Plan

- Abraham Lincoln, First Inaugural Address and Message to the Special Session of the 37th Congress (1861)

#### Group 2: Primary Sources: Lincoln and Preserving the Union

- Abraham Lincoln, Emancipation Proclamation (1863)
- Abraham Lincoln, The Gettysburg Address (1863)
- Abraham Lincoln, Second Inaugural Address (1865)
- The 13th Amendment (1865)

Have students share their responses in small groups and then discuss as a class. As a class, consider the following question:

- How did the Emancipation Proclamation and the 13th Amendment connect to the reasons for secession and shape the meaning of the Civil War? Connect the cause of the war with the outcome of the war.

#### Activity Extension (Optional)

Now that students have a better understanding of slavery and the Constitution, have the students examine the text of the 13th Amendment again. Then, ask them to read the

*Interactive Constitution* [Common Interpretation essay on the 13th Amendment](#) and an excerpt from [George Julian's Political Recollections](#) that describes the moment when Congress approved the 13th Amendment and sent it to the states for ratification.

You can ask students again: How did the Emancipation Proclamation and the 13th Amendment connect to the reasons for secession and shape the meaning of the Civil War? Connect the cause of the war with the outcomes of the war. Following the ratification of the 13th Amendment, what more was needed to ensure “a new birth of freedom” for African Americans in post-Civil War America?

## 12.5 Activity: Constitution and Slavery

---

### Purpose

The period after the Civil War is known as Reconstruction. During this critical moment, the Reconstruction Republicans—the party of Lincoln and the party of Union—worked to place the post-Civil War nation on a strong constitutional foundation. In this activity, you will explore the challenges facing the nation after the Civil War and reflect on how the 14th and 15th Amendments responded to them. While the 13th Amendment abolished slavery, the 14th Amendment wrote the Declaration of Independence's promise of freedom and equality into the Constitution and the 15th Amendment promised to end racial discrimination in voting. Many scholars refer to these Reconstruction Amendments as America's “Second Founding.”

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding Lesson Plan

#### Process

Read the texts of the [14th Amendment](#) and [15th Amendment](#) as a class. Analyze the text of each amendment and pull out the big ideas.

Then, read [America's Unfinished Second Founding](#) written by Jeffrey Rosen and Tom Donnelly for *The Atlantic*. Discuss as a class.

From there, your teacher will divide you into groups or you can work individually. Each group will review one of the sources listed below. For this activity you will be collecting examples from the primary sources that connect to the protections that the framers wrote into the 14th and 15th Amendments. If relevant, take notes on the author of the source and the author's importance to Reconstruction. Who were they and why should we listen to them?

Finally, come back together as a class and share your findings from your assigned source. Explore the essential questions:

- What is the meaning of Reconstruction? What important constitutional baselines did the Reconstruction generation set?
- What factors on the ground shaped the 14th and 15th Amendments and led to their framing and ratification?
- What was the vision of the political leaders who fought for these amendments? Who pushed for these transformative changes to the Constitution?
- How did the Reconstruction Amendments transform the Constitution?
- Did they address the key problems arising out of the Civil War? If not, which ones did they fail to address? What might the Reconstruction founders have done to address them?

#### Activity 12.5 Notes & Teachers Comments

##### Launch

Before the activity begins, have students share what they believe are the key outcomes of the Civil War. Then, ask them what they know about Reconstruction.

##### Activity Synthesis

In this activity, students will explore the Constitution's text and primary source materials that highlight the factors that shaped the framing and ratification of the 14th and 15th Amendments and outline the vision of some of the voices pushing these transformative changes to the Constitution. Have students summarize the primary sources and then compare them to the 14th and 15th Amendments.

## CONSTITUTION 101

---

### Module 12: Slavery in America: From the Founding to America's Second Founding Lesson Plan

Students will focus on the following questions:

- What is the meaning of Reconstruction? What important constitutional baselines did the Reconstruction generation set?
- What factors on the ground shaped the 14th and 15th Amendments and led to their framing and ratification?
- What was the vision of the political leaders who fought for these amendments? Who pushed for these transformative changes to the Constitution?
- How did the Reconstruction Amendments transform the Constitution?
- Did they address the key problems arising out of the Civil War? If not, which ones did they fail to address? What might the Reconstruction founders have done to address them?

#### Activity Extension (Optional)

- Should we think of Reconstruction as America's "Second Founding"?
- What did the Reconstruction Amendments achieve?
- What work, if any, did they leave undone?

## 12.6 Activity: Martin Luther King Jr. and Founding Values

---

### Purpose

Over time, many reformers have used the powerful words of the Declaration of Independence to demand that we live up to our nation's founding principles. In this activity, you will read excerpts written by Dr. Martin Luther King, Jr., and explore how Dr. King called on America's founding creed and the Declaration of Independence's promises of freedom and equality to advance the goals of the civil rights movement.

### Process

Your teacher will break your class up into small groups and assign each group to read [Letter from Birmingham Jail](#) or the [I Have a Dream speech](#). We encourage you to read both if you have the time.

Compare your assigned source with the [Declaration of Independence](#) to cite convergence and divergence between the two documents. Answer the following questions:

- How did Dr. King draw inspiration from the Declaration of Independence?
- And how (if at all) did he push beyond the Founding generation's vision?

Share as a large group and write a complete list of convergent and divergent statements of the pairings.

## CONSTITUTION 101

---

### Module 12: Slavery in America: From the Founding to America's Second Founding Lesson Plan

#### **Activity 12.6 Notes & Teachers Comments**

##### **Launch**

Explain that by the late 1800s, a mix of white violence and Jim Crow laws undermined the promise of the Reconstruction Amendments. However, the civil rights movement fought to realize America's founding principles and fulfill the constitutional promise of the Reconstruction Amendments. Break students into two groups. Have one group read Letter from a Birmingham Jail and the other read the I Have a Dream speech.

##### **Activity Synthesis**

Share as a large group and write a complete list of convergent and divergent statements of the pairings.

Ask the students to reflect on the following questions:

- How did Dr. King draw inspiration from the Declaration of Independence?
- And how (if at all) did he push beyond the Founding generation's vision?

Ask the students to give other examples from this course of reformers that draw on America's founding principles to call on us to become "a more perfect Union."

## 12.7 Test Your Knowledge

---

### **Purpose**

Congratulations for completing the activities in this module! Now it's time to apply what you have learned about the basic ideas and concepts covered.

### **Process**

Complete the questions in the following quiz to test your knowledge.

- [Test Your Knowledge: Slavery in America](#)



**"GIVE ME LIBERTY, OR GIVE ME DEATH!"**

Having failed to affirm the first part of the Rights of the Colonies, before the Virginia Assembly approved an amendment known as the "No Taxation Without Representation" which became the key cry of the Revolution.

NATIONAL CONSTITUTION CENTER



★ [constitutioncenter.org](http://constitutioncenter.org) ★

“Gentlemen may cry, Peace, Peace-- but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!”

- Patrick Henry



“Is it not amazing that at a time when the rights of humanity are defined and understood with precision, in a country, above all others, fond of liberty . . . that in such an age and such a country we find men professing a religion the most humane, mild, meek, gentle and generous, adopting a principle as repugnant to humanity as it is inconsistent with the Bible and destructive to liberty?”

I shall honor the Quakers for their noble efforts to abolish Slavery. It is equally calculated to promote moral and political good.

Would any one believe that I am master of slaves by my own purchase? I am drawn along by the general inconvenience of living without them. I will not—I cannot justify it, however culpable my conduct. I will so far pay my devoir to Virtue, as to own the excellence and rectitude of her precepts, and to lament my want of conformity to them. I believe a time will come when an opportunity will be afforded to abolish this lamentable evil.”

- Patrick Henry



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.2 Video Reflection

# SLAVERY IN AMERICA

In this activity, you will view a video on the compromises over slavery at the Constitutional Convention and the story of slavery and emancipation in America.

Watch the [video](#) and answer the following questions.

### Views of Slavery

As you watch the video, listen for quotes from the following people. In your own words, describe their views on slavery.

Thomas Jefferson  
(Timestamp: 0:40 – 1:50)

Patrick Henry  
(Timestamp: 3:10)

Prince Hall  
(Timestamp: 4:45)

Frederick Douglass  
(Timestamp: 6:00 – 8:45)





## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.2 Video Reflection

##### History of Slavery in America

Describe slavery at the time of the founding, and how it developed during the early years of the country.

(Timestamp: 9:10)

##### Key Debates

Describe the key debates around slavery at the Constitutional Convention. Then describe the compromises that the delegates reached.

Debate	Compromise
Debate One: (Timestamp: 9:10)	
Debate Two: (Timestamp: 11:40)	
Debate Three: (Timestamp: 12:25)	



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.2 Video Reflection

### The Dred Scott Case

Who were Dred and Harriet Scott? What did they argue? What happened when they brought their case to the Supreme Court?

(Timestamp: 13:45)

### Reconstruction Amendments

List the three Reconstruction Amendments and describe how they transformed the Constitution.

Amendment	Description
Amendment One: (Timestamp: 18:44)	
Amendment Two: (Timestamp: 18:50)	
Amendment Three: (Timestamp: 20:15)	



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.3 Info Brief

# ANTI-SLAVERY MOVEMENTS THROUGHOUT AMERICAN HISTORY

## COLONIAL AMERICA

Slavery is obviously older than the U.S. Constitution. And slavery itself was written into colonial law as early as the 1660s in places like Virginia and the Carolinas.

By the 1700s, these colonial slave codes transformed slavery itself—making it inheritable. In other words, it was passed down from mother to child and was a lifelong condition based on race. This was known as “chattel slavery.” And this was a fundamental shift in how the institution of slavery worked. In the 1700s, American slavery expanded. To give just the example of Virginia—enslaved people grew from just 7% of the population in 1680 to 28% in 1700 and, finally, to a whopping 46% in 1750. So, slavery became a massive part of the Southern population—and white Southern wealth—in the 1700s.

With the signing of the Declaration of Independence in 1776, it also flew in the face of our nation's founding principles.

Throughout the colonial period, slavery wasn't only a Southern phenomenon. There were enslaved people in the North. However, during the 1780s, many Northern states took steps toward freeing enslaved people.

- Vermont ended slavery in their 1777 constitution.
- A state supreme court decision ended slavery in Massachusetts in 1783.
- Pennsylvania passed a gradual emancipation bill in 1780, followed by Rhode Island and Connecticut in 1784.

## EARLY ANTI-SLAVERY MOVEMENTS

The **anti-slavery movement** was part of the American story from the very beginning.

- In January 1777, **Prince Hall**—a free African American in Boston—offered a petition for freedom to the Massachusetts House on behalf of seven African Americans. Like the Declaration of Independence, the petition offered a powerful vision of natural rights, arguing that the institution of slavery violates natural law. Massachusetts's highest court

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.3 Info Brief

would go on to declare slavery unconstitutional in 1783—answering Prince Hall's prophetic call.

- During the 1780s, other Northern states took steps toward freeing enslaved people. Vermont ended slavery in their 1777 constitution. And Pennsylvania passed a gradual emancipation bill in 1780, followed by Rhode Island and Connecticut in 1784.
- Finally, consider **Benjamin's Franklin's** push to present an anti-slavery petition to the First Congress in 1790. Pennsylvania had the first abolition society in the country—founded in April 1775, called the Pennsylvania Abolition Society. The Quakers took a lead role in the society. A decade later, Benjamin Franklin was elected the society's president. In his final public act, he sent a petition—signed in February 1790—to Congress on behalf of the Pennsylvania Abolition Society, calling for the abolition of slavery and an end to the slave trade. The petition was introduced in the House and Senate shortly thereafter. Pro-slavery forces denounced the petition—and it sparked a heated debate in both the House and the Senate. The Senate took no further action on the petition, while the House sent it to a select committee. The House eventually tabled the resolution—putting it to the side—and argued that the Constitution limited Congress's power to end the slave trade until 1808. This ended the debate on slavery in the First Congress. Franklin died two months later.

#### DEBATES AROUND SLAVERY AT THE CONSTITUTIONAL CONVENTION

Now let's look at the Constitutional Convention in Philadelphia. What role did slavery play there?

All told, 25 of the 55 convention delegates were slaveholders (roughly 45%), and slavery was critical to many of these delegates' wealth—and to the economies of their home states. At the Constitutional Convention, the framers refused to recognize the right of property in men. However, they *did* compromise over the issue of slavery, enshrining protections for slaveholders in the Constitution.

The original Constitution prohibited Congress from ending the slave trade until 1808, counted enslaved people as three-fifths of a person for purposes of representation in Congress, and protected the slaveholder's power to retrieve those who escaped slavery.

In the end, the anti-slavery Northern delegates wanted to block the expansion of slavery and did not want to write explicit protection for slavery—recognition of the so-called “right of property in man”—into the Constitution. Many framers hoped that enough states in the North would move toward emancipation that slavery might die out in a generation or two.

Here's Connecticut's Oliver Ellsworth: “Slavery, in time, will not be a speck in our country.”

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.3 Info Brief

The delegates were open to protecting the existing property rights of the slaveholders and were willing to compromise with Southern slaveholders in order to form a new Union, ratify the Constitution, and create a new national government stronger than the government under the Articles of Confederation. At the same time, Southern slaveholders fought to build in protections against future anti-slavery Northerners' attempts to restrict (and even abolish) slavery.

In the end, the legality of slavery—whether to permit it or to abolish it—was left to the states, where it stayed until the ratification of the 13th Amendment after the Civil War.

#### DEBATES OVER SLAVERY IN ANTEBELLUM AMERICA

Prior to the Civil War, *both* pro-slavery *and* anti-slavery advocates debated the Constitution's meaning and its relationship to slavery. Several different visions emerged.

#### PRO-SLAVERY ADVOCATES

Pro-slavery advocates like John C. Calhoun looked to the Constitution's text and history and argued that the Constitution was a *pro-slavery* document. They argued that provisions like the Three-Fifths Clause and the Fugitive Slave Clause made it clear that the Constitution was designed to protect the Southern slaveholders' right to hold enslaved people as property—what they referred to as a “right to property in man.” And they made the historical argument that the slaveholding states never would have agreed to the Constitution if they hadn't been able to strike that bargain. Finally, over time, the pro-slavery argument became even more aggressive—eventually arguing that the Constitution didn't just protect slavery in the existing slaveholding states, but also denied Congress the power to ban slavery elsewhere, including in the federal territories.

#### ANTI-SLAVERY ADVOCATES

Anti-slavery advocates also battled over the meaning of the Constitution and its relationship to slavery. These anti-slavery constitutional visions took on a variety of (sometimes conflicting) forms.

To begin, here's some quick background on the larger movement itself. The movement to end slavery gained momentum in the early-to-mid 1800s, eventually drawing the entire nation's attention. Because the Constitution allowed slavery to continue in the states, some wondered how it could ever be abolished through *constitutional* means. Abolitionism was an interracial movement, bringing African Americans and white Americans together in a common cause. African American and white Northerners—women and men, alike—increasingly joined anti-slavery societies over time. Their members sent petitions to Congress, pressed state legislatures to pass laws that protected the rights of alleged fugitives, and organized to resist

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.3 Info Brief

slave catchers and kidnappers. As the decades advanced, a wide range of abolitionist and anti-slavery thought emerged as the country grappled with how to deal with slavery.

Ideas about freedom, equality, and the Constitution that emerged in the anti-slavery movement became the foundation for the birth of the Republican Party, the rise of Abraham Lincoln, and the ratification of the transformational Reconstruction Amendments after the Civil War. Some anti-slavery politicians pressed the national government to end slavery in places where it seemed to have unquestioned authority: the U.S. territories and the District of Columbia. Some sought to build an anti-slavery political party, separate from the two major parties—at the time, the Democratic Party and the Whigs. (This is how we get the Republican Party.) Others argued for a spiritual rejuvenation that would lead to the immediate abolition of slavery everywhere.

In Northern states, African American activists and their allies pressed for racial equality in citizenship, including the right to vote. And in the white South, Southern leaders felt threatened by talk of ending or even limiting slavery. They aimed to suppress anti-slavery thought and in doing so, violated core rights like free speech and religious liberty.

At the same time, a major division emerged among abolitionist and anti-slavery leaders over the relationship between slavery and the Constitution.

#### THE GARRISONIAN INTERPRETATION

The Garrisonians or “radical abolitionists”—including William Lloyd Garrison and Wendell Phillips—maintained that the Constitution was “a covenant with death and an agreement with hell.” Ironically, Phillips, Garrison, and their supporters agreed with pro-slavery advocates like Calhoun. They argued that the Constitution was a pro-slavery compact. They burned Constitutions and opposed involvement in political parties, arguing that the only way to end slavery was through moral persuasion and activism.

#### AN ANTI-SLAVERY CONSTITUTION

Other anti-slavery advocates opposed the Garrisonian vision and argued that the Constitution gave anti-slavery forces the power they needed to end slavery. For instance, anti-slavery advocates like Lysander Spooner rejected the Garrisonian argument and countered with a vision of the Constitution as a fundamentally anti-slavery document. And a group led by Salmon P. Chase—the future chief justice of the United States—adopted the view that, while the Constitution didn't empower the national government to attack slavery where it already existed in the slaveholding states, the federal government was free to abolish slavery in the District of Columbia, in the federal territories, and on all federal property. Scholars sometimes call this group the “political abolitionists” for its willingness to engage in electoral politics to achieve the end of slavery.

## CONSTITUTION 101

---

### Module 12: Slavery in America: From the Founding to America's Second Founding 12.3 Info Brief

Their slogan was “Freedom National, Slavery Local.” They sought to limit the spread and influence of slavery in the hopes that it might eventually die out without war or the end of the Union. This stance became the constitutional platform of the Liberty Party, the Free Soil Party, and eventually Lincoln’s Republican Party.

#### FREDERICK DOUGLASS

Frederick Douglass was one of the most powerful (and influential) anti-slavery voices in pre-Civil War America. Douglass began as a Garrisonian, but later changed his mind.

In a famous 1860 speech, Douglass read the Constitution’s text as a “glorious liberty document.” It’s a radically *textualist* speech, interpreting various clauses of the Constitution in an anti-slavery direction. Douglass reasoned that the Constitution doesn’t mention the word “slavery,” and argued that future generations shouldn’t search the history for “secret motives” or “dishonest intentions,” looking to protect slavery.

For instance, Douglass reads the Three-Fifths Clause as opening the door to freedom by recognizing the humanity of enslaved people. He reads the Constitution’s optimistic Preamble as bending toward freedom, *not* slavery. And he argues that the Fifth Amendment’s Due Process Clause should be read to support the claims of enslaved people—*not* slaveholders.

Here’s Douglass:

“Its language is ‘we the people.’ Not we the white people, not even we the citizens, not we the privileged class, not we the high, not we the low, but we the people.”

“If the South has made the Constitution bend to the purposes of slavery, let the North now make that instrument bend to the cause of freedom and justice.”

In the end, these constitutional visions helped frame a series of important debates in Congress and at the Supreme Court. In many ways, these debates culminated in the infamous *Dred Scott* decision and, eventually, the Civil War itself.

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.3 Primary Source

### ABRAHAM LINCOLN, COOPER UNION ADDRESS (1860)

View the document on the Constitution Center's website [here](#).

#### SUMMARY

Arguably the most important speech in American political and constitutional history, Abraham Lincoln delivered this address on February 27, 1860, at the Cooper Institute in New York City. Lincoln's speech, with its criticism of the Supreme Court's proslavery decision in *Dred Scott*, reinvigorated Lincoln's political prospects and likely secured his nomination as the Republican presidential candidate. This placed Lincoln in the presidency at one of the most critical moments in American history. Unlike his predecessor, James Buchanan, Lincoln refused to accept secession. Instead, he fought a war to save the Union, eventually turning the Union cause toward abolition. His Emancipation Proclamation freed the enslaved behind enemy lines and welcomed black soldiers into the Union army (thereby securing their claim to all the rights of citizenship). Finally, in the weeks before his assassination, Lincoln convinced the House of Representatives to hold a second (and, this time, successful) vote on the proposed 13th Amendment. These ends are glimpsed in this beginning. In his Cooper Union speech, Lincoln embraced Webster's nationalist theory of the Union, insisted that slavery was wrong, and declared that Congress had both the moral duty and constitutional power to exclude slavery from the territories. By declaring otherwise in *Dred Scott*, Lincoln insisted the Supreme Court had made an "obvious mistake."

#### Excerpt

***Dred Scott* was a lousy decision, and it was wrong the day it was decided; the Constitution does not protect a right to property in man.** The Court have substantially said, it is your Constitutional right to take slaves into the federal territories, and to hold them there as property. When I say the decision was made in a sort of way, I mean it was made in a divided Court, by a bare majority of the Judges, and they not quite agreeing with one another in the reasons for making it; that it is so made as that its avowed supporters disagree with one another about its meaning, and that it was mainly based upon a mistaken statement of fact—the statement in the opinion that “the right of property in a slave is distinctly and expressly affirmed in the Constitution.”

**The Constitution doesn't explicitly and clearly protect this right.** An inspection of the Constitution will show that the right of property in a slave is not “distinctly and expressly affirmed” in it. Bear in mind, the Judges do not pledge their judicial opinion that such right is impliedly affirmed in the Constitution; but they pledge their veracity that it is “distinctly and expressly” affirmed there—“distinctly,” that is, not mingled with anything else—“expressly,” that





## CONSTITUTION 101

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.3 Primary Source

is, in words meaning just that, without the aid of any inference, and susceptible of no other meaning.

**The Founding generation went out of its way to leave the word “slave” and “slavery” out of the Constitution’s text, and this was by design; Founding-era history confirms that the Founders made this choice because they did not want to explicitly endorse a right to property in man.** If they had only pledged their judicial opinion that such right is affirmed in the instrument by implication, it would be open to others to show that neither the word “slave” nor “slavery” is to be found in the Constitution, nor the word “property” even, in any connection with language alluding to the things slave, or slavery; and that wherever in that instrument the slave is alluded to, he is called a “person;”—and wherever his master’s legal right in relation to him is alluded to, it is spoken of as “service or labor which may be due,”—as a debt payable in service or labor. Also, it would be open to show, by contemporaneous history, that this mode of alluding to slaves and slavery, instead of speaking of them, was employed on purpose to exclude from the Constitution the idea that there could be property in man.

**This argument is clear and right; shouldn’t we expect the Supreme Court to reconsider *Dred Scott*?** To show all this, is easy and certain. When this obvious mistake of the Judges shall be brought to their notice, is it not reasonable to expect that they will withdraw the mistaken statement, and reconsider the conclusion based upon it?

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.3 Primary Source

# AMERICAN ANTI-SLAVERY SOCIETY, DECLARATION OF SENTIMENTS (1833)

View the document on the National Constitution Center's website [here](#).

## SUMMARY

Even before the American Revolution, anti-slavery societies began to emerge in the Northern states (Pennsylvania's Abolition Society was established in 1775). In the early 1800s, the Protestant religious movement known as the Second Great Awakening added religious zeal to abolitionist advocacy and helped fuel the rise of numerous anti-slavery organizations. The most radical abolitionists, such as William Lloyd Garrison, denounced the U.S. Constitution as "an agreement with Hell" for allowing the existence of chattel slavery in the Southern states. Other anti-slavery societies accepted the Constitution's federalist compromise with state-sanctioned slavery but passionately insisted that foundational texts such as the Declaration of Independence and the Fifth Amendment's Due Process Clause were incompatible with slavery and obligated the national government to prohibit slavery wherever federal law controlled, particularly in the territories and in the District of Columbia. These societies had no interest in maintaining the status quo: they committed their members to preaching, speaking, and writing about the evils of slavery *throughout* the United States. The rise of abolitionist agitation soon triggered a response by Southern states who attempted to silence what they viewed as dangerous and inflammatory rhetoric.

## Excerpt

**The Declaration of Independence is our nation's founding creed.** More than fifty-seven years have elapsed, since a band of patriots convened in this place, to devise measures for the deliverance of this country from a foreign yoke. The cornerstone upon which they founded the Temple of Freedom was broadly this—"that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, LIBERTY, and the pursuit of happiness."

...

**We have never been enslaved, but we are fighting for the freedom of those who are held in bondage.** Our fathers were never slaves—never bought and sold like cattle—never shut out from the light of knowledge and religion—never subjected to the lash of brutal taskmasters. But those, for whose emancipation we are striving—constituting at the present time at least one-sixth part of our countrymen—are recognized by law, and treated by their fellow-beings, as



★ [constitutioncenter.org](http://constitutioncenter.org) ★

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.3 Primary Source

marketable commodities, as goods and chattels, as brute beasts; are plundered daily of the fruits of their toil without redress; really enjoy no constitutional nor legal protection from licentious and murderous outrages upon their persons . . . .

**No one has a right to enslave another human being; everyone is born with a natural right to liberty.** [N]o man has a right to enslave or imbrute his brother—to hold or acknowledge him, for one moment, as a piece of merchandise—to keep back his hire by fraud—or to brutalize his mind, by denying him the means of intellectual, social and moral improvement. The right to enjoy liberty is inalienable. To invade it is to usurp the prerogative of Jehovah. Every man has a right to his own body—to the products of his own labor—to the protection of law—and to the common advantages of society. It is piracy to buy or steal a native African, and subject him to servitude. Surely, the sin is as great to enslave an American as an African.

. . .

**We concede that, under our Constitution, each state has the power to determine for itself whether to allow the institution of slavery and that Congress has no power to interfere with slavery in the states where it currently exists; however, Congress *does* have the power to attack the domestic slave trade and to abolish slavery in the federal territories; “Freedom national, slavery local.”** We fully and unanimously recognise the sovereignty of each State, to legislate exclusively on the subject of the slavery which is tolerated within its limits; we concede that Congress, under the present national compact, has no right to interfere with any of the slave States, in relation to this momentous subject: But we maintain that Congress has a right, and is solemnly bound, to suppress the domestic slave trade between the several States, and to abolish slavery in those portions of our territory which the Constitution has placed under its exclusive jurisdiction.

. . .

**We are building a national anti-slavery movement.** We shall organize Anti-Slavery Societies, if possible, in every city, town and village in our land. We shall send forth agents to lift up the voice of remonstrance, of warning, of entreaty, and of rebuke. We shall circulate, unsparingly and extensively, anti-slavery tracts and periodicals. We shall enlist the pulpit and the press in the cause of the suffering and the dumb. We shall aim at a purification of the churches from all participation in the guilt of slavery.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.3 Primary Source

# DAVID WALKER, APPEAL TO THE COLORED CITIZENS OF THE WORLD (1829)

View the document on the Constitution Center's website [here](#).

## SUMMARY

David Walker was born a free African American in North Carolina. He later moved to Boston and became a part of the vibrant African American community there—joining the anti-slavery movement and writing for the nation's first African American newspaper. In 1829, he published his *Appeal to the Colored Citizens of the World*—a series of essays critiquing the powerful colonization movement and calling for the immediate abolition of slavery. In his *Appeal*, Walker offered a powerful vision that blended Christianity, natural rights, and America's founding creed. Walker argued that slavery violated both the key tenets of Christianity and the Declaration of Independence's promise of freedom and equality. Following the publication of his *Appeal*, Walker then pushed to distribute his pamphlet widely to both free African Americans and enslaved people. Walker's *Appeal* shocked the American conscience and set in motion a burgeoning movement for immediate abolition. It also helped spark a backlash in the white South. Tragically, Walker died as a young man in 1830.

## Excerpt

**I know that others will attack me for these essays, but I am writing them to inspire the African American community.** I am fully aware, in making this appeal to my much afflicted and suffering brethren, that I shall not only be assailed by those whose greatest earthly desires are, to keep us in abject ignorance and wretchedness, and who are of the firm conviction that Heaven has designed us and our children to be slaves and beasts of burden to them and their children. I say, I do not only expect to be held up to the public as an ignorant, impudent and restless disturber of the public peace, by such avaricious creatures, as well as a mover of insubordination—and perhaps put in prison or to death, for giving a superficial exposition of our miseries, and exposing tyrants. . . . But against all accusations which may or can be preferred against me, I appeal to Heaven for my motive in writing—who knows that my object is, if possible, to awaken in the breasts of my afflicted, degraded and slumbering brethren, a spirit of inquiry and investigation respecting our miseries and wretchedness in this Republican Land of Liberty!!!! . . .

**Is God a God of justice for all, including African Americans?** I ask every man who has a heart, and is blessed with the privilege of believing—Is not God a God of justice to all his creatures? Do you say he is? Then if he gives peace and tranquility to tyrants, and permits them

## **CONSTITUTION 101**

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.3 Primary Source

to keep our fathers, our mothers, ourselves and our children in eternal ignorance and wretchedness, to support them and their families, would he be to us a God of justice? . . .

**All others are called “men,” but we are called “brutes” and told that we should be enslaved forever.** My beloved brethren:—The Indians of North and of South America—the Greeks—the Irish, subjected under the king of Great Britain—the Jews, that ancient people of the Lord—the inhabitants of the islands of the sea—in fine, all the inhabitants of the earth, (except however, the sons of Africa) are called men, and of course are, and ought to be free. But we, (colored people) and our children are brutes!! and of course are, and ought to be SLAVES to the American people and their children forever!! to dig their mines and work their farms; and thus go on enriching them, from one generation to another with our blood and our tears!!!! . . .

**God is still on our side and will aid us.** Never make an attempt to gain our freedom of natural right, from under our cruel oppressors and murderers, until you see your way clear—when that hour arrives and you move, be not afraid or dismayed; for be you assured that Jesus Christ the King of heaven and of earth who is the God of justice and of armies, will surely go before you. And those enemies who have for hundreds of years stolen our rights, and kept us ignorant of Him and His divine worship, he will remove.

**We are happy to be just as God made us; and no one has a right to enslave us; how would you like it if we enslaved and murdered you?** Millions of whom, are this day, so ignorant and avaricious, that they cannot conceive how God can have an attribute of justice, and show mercy to us because it pleased Him to make us black—which color, Mr. Jefferson calls unfortunate!!!! As though we are not as thankful to our God, for having made us as it pleased himself, as they, (the whites,) are for having made them white. They think because they hold us in their infernal chains of slavery, that we wish to be white, or of their color—but they are dreadfully deceived—we wish to be just as it pleased our Creator to have made us, and no avaricious and unmerciful wretches, have any business to make slaves of, or hold us in slavery. How would they like for us to make slaves of, and hold them in cruel slavery, and murder them as they do us? . . .

**Don't be afraid. God is on our side.** Fear not the number and education of our enemies, against whom we shall have to contend for our lawful right; guaranteed to us by our Maker; for why should we be afraid, when God is, and will continue, (if we continue humble) to be on our side? . . .

**I would rather die than be enslaved.** I therefore ask the whole American people, had I not rather die, or be put to death, than to be a slave to any tyrant, who takes not only my own, but my wife and children's lives by the inches? Yea, would I meet death with avidity far! far!! in preference to such servile submission to the murderous hands of tyrants. . . .

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.3 Primary Source

**We must prove to Americans and to the world that we are men, not brutes.** There is a great work for you to do, as trifling as some of you may think of it. You have to prove to the Americans and the world, that we are MEN, and not brutes, as we have been represented, and by millions treated. Remember, to let the aim of your labors among your brethren, and particularly the youths, be the dissemination of education and religion. . . .

**We will be free, whether you like it or not; you may try to continue to hold us in bondage, but God will see to it that we're free; we can either do it peacefully or do it through violence; it's up to you; finally, stop pushing to send us back to Africa; we are Americans.** Remember Americans, that we must and shall be free and enlightened as you are, will you wait until we shall, under God, obtain our liberty by the crushing arm of power? Will it not be dreadful for you? I speak Americans for your good. We must and shall be free I say, in spite of you. You may do your best to keep us in wretchedness and misery, to enrich you and your children, but God will deliver us from under you. And wo, wo, will be to you if we have to obtain our freedom by fighting. Throw away your fears and prejudices then, and enlighten us and treat us like men, and we will like you more than we do now hate you, and tell us now no more about colonization, for America is as much our country, as it is yours.—Treat us like men, and there is no danger but we will all live in peace and happiness together. . . .

**You have treated us horribly; now is the time to change your ways and live up to the principles of the Declaration of Independence.** In conclusion, I ask the candid and unprejudiced of the whole world, to search the pages of historians diligently, and see if the Antideluvians—the Sodomites—the Egyptians—the Babylonians—the Ninevites—the Carthagenians—the Persians—the Macedonians—the Greeks—the Romans—the Mahometans—the Jews—or devils, ever treated a set of human beings, as the white Christians of America do us, the blacks, or Africans. I also ask the attention of the world of mankind to the declaration of these very American people, of the United States. . . . Hear your language, proclaimed to the world, July 4th, 1776—“We hold these truths to be self-evident—that ALL MEN ARE CREATED EQUAL!! that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness!!” Compare your own language above, extracted from your Declaration of Independence, with your cruelties and murders inflicted by your cruel and unmerciful fathers and yourselves on our fathers and on us—men who have never given your fathers or you the least provocation!!!!!!

**More from the Declaration.** Hear your language further! “But when a long train of abuses and usurpation, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.”



## **CONSTITUTION 101**

---

Module 12: Slavery in America: From the Founding to America's Second Founding

12.3 Primary Source

**You have treated us much worse than Great Britain ever treated the American colonists.**

Now, Americans! I ask you candidly, was your sufferings under Great Britain, one hundredth part as cruel and tyrannical as you have rendered ours under you? . . .

**You can't hide your sins from God.** The Americans may be as vigilant as they please, but they cannot be vigilant enough for the Lord, neither can they hide themselves, where he will not find and bring them out.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.3 Primary Source

### FREDERICK DOUGLASS, WHAT TO THE SLAVE IS THE FOURTH OF JULY? (1852)

View the document on the National Constitution Center's website [here](#).

#### SUMMARY

Frederick Douglass was born an enslaved person in Maryland, later escaping into freedom and emerging as one of the leading abolitionist voices in the 1800s. In June 1852, he delivered this Independence Day address to the Rochester Ladies' Anti-Slavery Society. It became one of Douglass's most famous speeches—criticizing the chasm between America's founding principles and the institution of slavery. In the speech, Douglass lamented that Independence Day wasn't a day of celebration for enslaved people. At the same time, he urged his audience to read the U.S. Constitution not as a pro-slavery document, but as a "GLORIOUS LIBERTY DOCUMENT."

#### Excerpt

**Why ask me to speak on the Fourth of July when you have refused to extend the Declaration of Independence's promise of freedom and equality to African Americans?**

Fellow-citizens, pardon me, allow me to ask, why am I called upon to speak here to-day? What have I, or those I represent, to do with your national independence? Are the great principles of political freedom and of natural justice, embodied in that Declaration of Independence, extended to us? and am I, therefore, called upon to bring our humble offering to the national altar, and to confess the benefits and express devout gratitude for the blessings resulting from your independence to us?

**I wish that you had already extended the Declaration's promise to us; it would make this an easy speech.** Would to God, both for your sakes and ours, that an affirmative answer could be truthfully returned to these questions! Then would my task be light, and my burden easy and delightful. For who is there so cold, that a nation's sympathy could not warm him? Who so obdurate and dead to the claims of gratitude, that would not thankfully acknowledge such priceless benefits? Who so stolid and selfish, that would not give his voice to swell the hallelujahs of a nation's jubilee, when the chains of servitude had been torn from his limbs? I am not that man . . . .

**Today, I think about those who are enslaved and how their enslavement is in such stark contrast to your Fourth of July celebrations; so, I will use my speech today to discuss American slavery and to try to get you to see the Fourth of July from the perspective of the enslaved.** Fellow-citizens; above your national, tumultuous joy, I hear the mournful wail of

NATIONAL CONSTITUTION CENTER

★ constitutioncenter.org ★



## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.3 Primary Source

millions! whose chains, heavy and grievous yesterday, are, to-day, rendered more intolerable by the jubilee shouts that reach them. If I do forget, if I do not faithfully remember those bleeding children of sorrow this day, "may my right hand forget her cunning, and may my tongue cleave to the roof of my mouth!" To forget them, to pass lightly over their wrongs, and to chime in with the popular theme, would be treason most scandalous and shocking, and would make me a reproach before God and the world. My subject, then fellow-citizens, is American slavery. I shall see, this day, and its popular characteristics, from the slave's point of view. Standing, there, identified with the American bondman, making his wrongs mine, I do not hesitate to declare, with all my soul, that the character and conduct of this nation never looked blacker to me than on this 4th of July! . . .

#### **American slavery is inconsistent with America's founding principles and with Christianity; it is terrible for the nation and endangers the Union; you should get rid of it.**

What, to the American slave, is your 4th of July? I answer: a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. . . . I will not enlarge further on your national inconsistencies. The existence of slavery in this country brands your republicanism a sham, your humanity a base pretense, and your Christianity a lie. It destroys your moral power abroad; it corrupts your politicians at home. It saps the foundation of religion; it makes your name a hissing, and a bye-word to a mocking earth. It is the antagonistic force in your government, the only thing that seriously disturbs and endangers your *Union*. It fetters your progress; it is the enemy of improvement, the deadly foe of education; it fosters pride; it breeds insolence; it promotes vice; it shelters crime; it is a curse to the earth that supports it; and yet, you cling to it, as if it were the sheet anchor of all your hopes. Oh! Be warned! Be warned! A horrible reptile is coiled up in your nation's bosom; the venomous creature is nursing at the tender breast of your youthful republic; *for the love of God*, tear away, and fling from you the hideous monster, and *let the weight of twenty millions crush and destroy it forever!* . . .

**The Constitution isn't a pro-slavery document; it is a glorious liberty document.** Fellow-citizens! There is no matter in respect to which, the people of the North have allowed themselves to be so ruinously imposed upon, as that of the pro-slavery character of the Constitution. In that instrument I hold there is neither warrant, license, nor sanction of the hateful thing; but, interpreted as it ought to be interpreted, the Constitution is a GLORIOUS LIBERTY DOCUMENT. Read its preamble, consider its purposes. Is slavery among them? . . . While I do not intend to argue this question on the present occasion, let me ask, if it be not somewhat singular that, if the Constitution were intended to be, by its framers and adopters, a slave-holding instrument, why neither slavery, slaveholding, nor slave can anywhere be found in it. . . . I hold that every American has a right to form an opinion of the constitution, and to propagate that opinion, and to use all honorable means to make his opinion the prevailing one. .

..

## **CONSTITUTION 101**

---

Module 12: Slavery in America: From the Founding to America's Second Founding

12.3 Primary Source

**When we read the Constitution plainly, it contains no pro-slavery clauses and embraces principles hostile to slavery.** Now, take the Constitution according to its plain reading, and I defy the presentation of a single proslavery clause in it. On the other hand it will be found to contain principles and purposes, entirely hostile to the existence of slavery. . . .

**I remain hopeful; America's founding principles are on our side.** Allow me to say, in conclusion, notwithstanding the dark picture I have this day presented of the state of the nation, I do not despair of this country. There are forces in operation, which must inevitably work the downfall of slavery. 'The arm of the Lord is not shortened,' and the doom of slavery is certain. I, therefore, leave off where I began, with hope. While drawing encouragement from the Declaration of Independence, the great principles it contains, and the genius of American institutions, my spirit is also cheered by the obvious tendencies of the age. . . .

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.3 Primary Source

### PHILLIS WHEATLEY, LETTER TO REVEREND SAMUEL OCCUM (1774)

View the document on the National Constitution Center's website [here](#).

#### SUMMARY

Historical accounts describe Phillis Wheatley as a woman traded out of Gambia or Senegal in 1761 and shipped to Boston, where she was purchased by Susanna Wheatley. Susanna's 18-year-old daughter, Mary, became Phillis's tutor in English and classical languages, in which Phillis succeeded sufficiently to accomplish a translation of Ovid's *Metamorphosis*. There ensued the development of a poetic craft, nurtured by a British matron when Phillis had difficulty having her work received in Boston. Born circa 1753, by age 12 she was reading works in Greek and Latin. She produced her first poem at age 14, and went on to celebrate classical themes and modern heroes, including George Washington, who invited her to meet him at his headquarters when he heard of her poem. In "On the Affray in King Street, on the Evening of the 5th of March," she celebrated the event of the Boston Massacre that led to the martyrdom of Crispus Attucks, the Black patriot who organized the "affray." Wheatley published her first poem on December 21, 1767, in the *Newport Mercury* of Newport, Rhode Island. Two years earlier, her first composition was a letter to Samson Occum, the Mohegan minister. Her name, Phillis, was derived from the slave ship, Phillis, in which she was shipped. Though freed by her master, she remained with him through his death.

#### Excerpt

*The following is an extract of a letter from Phillis, a Negro Girl of Mr. Wheatley's, in Boston, to the Rev. Samson Occum, which we are desired to insert as a Specimen of her Ingenuity. —*

Rev'd and Honor'd Sir,

**Thank you for defending the natural rights of African Americans; God has given every human being a love of freedom; this includes African Americans; therefore, we want an end to slavery.** I have this day received your obliging kind Epistle, and am greatly satisfied with your Reasons respecting the Negroes, and think highly reasonable what you offer in Vindication of their natural Rights: Those that invade them cannot be insensible that the divine Light is chasing away the thick Darkness which broods over the land of Africa, and the Chaos which has reigned, so long, is converting into beautiful Order, and [r]eveals more and more clearly, the glorious Dispensation of civil and religious Liberty, which are so inseparably united, that there is little or no Enjoyment of one without the other: Otherwise, perhaps, the Israelites had been less

## **CONSTITUTION 101**

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.3 Primary Source

solicitous for their Freedom from Egyptian Slavery; I do not say they would have been contented without it, by no means, for in every human Breast, God has implanted a Principle, which we call Love of Freedom; it is impatient of Oppression, and pants for Deliverance, and by the leave of our Modern Egyptians I will assert, that the same Principle lives in us. God grant deliverance in his own Way and Time, and get him honor upon all those whose Avarice impels them to countenance and help forward the Calamities of their Fellow Creatures. This I desire not for their Hurt, but to convince them of the strange Absurdity of their Conduct whose Works and Actions are so diametrically opposite. How well the Cry for Liberty, and the reverse disposition for the Exercise of Oppressive Power over others agree, — I humbly think it does not require the Penetration of a Philosopher to determine.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.3 Primary Source

### PRINCE HALL, PETITION TO THE MASSACHUSETTS LEGISLATURE (1777)

View the document on the National Constitution Center's website [here](#).

Prince Hall was a free African American living in Boston. He began a petition campaign to end slavery in 1773. But after 1776, he had new authority to draw on—the power of the Declaration of Independence and its commitment to natural rights. In January 1777—six months after Congress issued the Declaration of Independence—Prince Hall presented a new petition for freedom to the Massachusetts Legislature on behalf of seven African Americans. Like the Declaration of Independence itself, Hall rooted his argument in a powerful vision of natural rights, arguing that slavery itself violated the “natural & inalienable right to that freedom, which the great Parent of the Universe hath bestowed equally on all Mankind.” While Hall’s petition failed in 1777, the Massachusetts Supreme Judicial Court declared slavery unconstitutional just six years later in 1783.

#### **Excerpt:**

To the Honorable Council & House of Representatives for the State of Massachusetts-Bay . . .

The Petition of a great number . . . who are detained in a state of Slavery, in the Bowels of a free & Christian Country –

. . .

**We are entitled to natural rights, and slavery violates natural rights.** That your Petitioners apprehend that they have, in common with all other Men, a natural & inalienable right to that freedom, which the great Parent of the Universe hath bestowed equally on all Mankind, & which they have never forfeited by any compact or agreement whatever – But they were unjustly dragged, by the cruel hand of Power, from their dearest friends, & some of them even torn from the Embraces of their tender Parents – From a populous, pleasant, & plentiful Country – & in Violation of the Laws of Nature & of Nations & in defiance of all the tender feelings of humanity, brought hither to be sold like Beasts of Burden, & like them condemned to slavery for Life – Among a People professing the mild religion of Jesus . . .

**Slavery is a horrible evil.** – Your Honors need not to be informed that a Life of Slavery, like that of your petitioners, deprived of every social privilege, of everything requisite to render Life even tolerable, is far worse than Non-Existence

**We have been patient and used our right to petition to push for change.** – In imitation of the laudable example of the good People of these States, your Petitioners have long & patiently

## **CONSTITUTION 101**

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.3 Primary Source

waited the event of Petition after Petition, by them presented to the Legislative Body of this State & cannot but with grief reflect that their success has been but too similar . . .

**Please pass a law ending slavery in Massachusetts.** – They therefore humbly beseech your Honors, to give this Petition its due weight & consideration, & cause an Act of the Legislature to be passed, whereby they may be restored to the enjoyment of that freedom which is the natural right of all Men – & their Children (who were born in this land of Liberty) may not be held as Slaves after they arrive at the age of twenty one Years – So may the Inhabitants of this State (no longer chargeable with the inconsistency of acting, themselves, the part which they condemn & oppose in others) be prospered in their present glorious struggles for Liberty; & have those blessings secured to them by Heaven, of which benevolent minds cannot wish to deprive their fellow-Men.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.3 Primary Source

### WILLIAM YATES, THE RIGHTS OF COLORED MEN (1838)

View the document on the National Constitution Center's website [here](#).

#### SUMMARY

In 1838, abolitionist William Yates published the first legal treatise on the rights of free black Americans. Yates insisted that all free Americans were citizens who were entitled to the “privileges and immunities” guaranteed to citizens in Article IV, Section 2, Clause 1 of the Constitution. Yates’s call for the equal rights of citizenship relating to “persons and to things; his acquisitions of property by contract, and by inheritance; and even the soil which no alien inherits” became law in the [1866 Civil Rights Act](#) and became one of the fundamental principles underlying Section 1 of the 14th Amendment.

#### Excerpt

Citizenship of persons of color.

**Citizenship is of central importance; it is the foundation of key personal rights.** In regard to citizenship, this is a subject of great importance—an exclusion from suffrage is a withholding of political rights only, but the question of citizenship strikes deeper; deny a man this, and his personal rights are not safe. He may be hindered from going into a State—or, if he enters it, he may be expelled, or treated as an alien. On this principle Missouri attempted to prohibit free colored men from coming into, or settling in the State, on any pretext whatever.

...

**Yates turns to the Constitution's text.** “The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.” Const. U. S. Art. iv. Sec. 2, clause 1.

**Are free African Americans entitled to the “privileges and immunities of citizens” protected by Article IV of the Constitution?; when it comes to fundamental rights, there is no basis for discriminating against free African Americans; there is nothing to justify it in the English common law, in the British Constitution, or in the Declaration of Independence.** These are important and valuable privileges. Do they belong to free persons of color? If they were white it is conceded they would. The point then turns on a distinction of color. But such a distinction, as the basis of fundamental rights, is not recognized by the common law of England, or the principles of the British constitution; nor by our own declaration of independence.

## CONSTITUTION 101

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.3 Primary Source

**We are human beings, and we are Americans; we are entitled to the same rights as white Americans.** Free persons of color are human beings, natives of the country—for such of we speak—and owe the same obligations to the State, and to its government as white citizens. They have an equal right to liberty—to the enjoyment and security of home and family—and of a good name and character as white men; so, to all the rights of conscience—to read, write, and print—to speak, teach, and debate—to preach, and worship God according to its dictates—their title as the same as that of white men. They have the same right to the rewards of their industry, as white men.—They may buy, hold, or sell real or personal estate, the same—and they are as fully entitled to the protection of the law—have a right to sue—to jury trial—to a verdict and judgment—to execution—to habeas corpus, and in some of the States to the writ of homine replegiando, or writ of personal replevin, as white men.—For them all our courts, from the highest to the lowest, are as open, and the officers as much bound to issue, to obey, and execute process, as for white men; and they equally, as white citizens, enjoy the advantages of the public mail.

**We are not second-class citizens.** Thus we see the colored man is not of an intermediate class—his relations to society are the same as others; his absolute and relative rights; his rights of persons and to things; his acquisitions of property by contract, and by inheritance; and even the soil which no alien inherits, are the same. Every favor or right conferred on the citizens by general legislation, reaches him, and every requisition demands his obedience.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.4 Info Brief

# SLAVERY IN AMERICA

Generations of Americans battled over slavery and the Constitution—with each side laying claim to the Constitution's text and history.

A range of voices—*both* pro-slavery *and* anti-slavery—turned to the Constitution's language and constructed arguments to favor their side of the great constitutional battles over slavery in the 1800s.

But it's also important not to forget the human cost of slavery—the violence, forced labor, the families were torn apart, wives sold away from husbands, and children from parents.

And every right that we cherish is violated: no right to speak, pray, read, learn, gather together, or to a fair process before we're punished or lose our freedom. No right to marry and raise a family, or to earn a freely chosen living, and so on.

Finally, let's also not forget that African Americans played a central role in this story of constitutional transformation.

In the late 1700s and throughout the 1800s, African Americans played a key role in the nascent abolitionist movement. These voices fought for the rights of free African Americans, and they demanded emancipation for enslaved people.

They also advanced a powerful vision of equal citizenship—a vision that the Reconstruction generation would later write into the Constitution with the ratification of the 13th, 14th, and 15th Amendments.

## TIMELINE OF SLAVERY FROM THE CONSTITUTIONAL CONVENTION TO THE CIVIL WAR

**1787:** Constitutional Convention delegates refused to recognize a “right” to “property in men,” leaving the question of slavery to Congress and the states. However, they compromised on the constitutional status of slavery. The Slave Trade Clause prohibited Congress from ending the importation of enslaved people until 1808. The Fugitive Slave Clause protected slaveholders' power to retrieve alleged fugitives. The Three-Fifths Clause counted three-fifths of the enslaved population for purposes of representation.

**1787:** The Northwest Ordinance established a framework for governing the Northwest Territory and protecting the civil liberties of settlers. It also banned slavery in the territory, north of the Ohio River.

## **CONSTITUTION 101**

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.4 Info Brief

**1793:** The Fugitive Slave Act permitted slaveholders to cross state lines to retrieve alleged fugitives.

**1807:** Congress banned the importation of enslaved people, which took effect in 1808. It was the earliest date the Constitution permitted Congress to impose such a ban.

**1820:** Under the Missouri Compromise, Missouri was admitted as a slaveholding state and Maine as a free state. It also banned slavery to the north of a set line within the Louisiana Territory.

**1820s:** The Negro Seamen Acts prevented free African American sailors from freely disembarking in slaveholding states and exercising their constitutional rights. Instead, they were often jailed in local prisons.

**1823:** In *Corfield v. Coryell*, Justice Bushrod Washington interpreted the Constitution's Privileges and Immunities Clause as protecting a set of fundamental rights, including the right to make contracts. This circuit court opinion would influence the drafting of the 14th Amendment.

**1830s:** Congress imposed a "Gag Rule," banning the House of Representatives from considering anti-slavery petitions. It was eventually defeated.

**1832 – 33:** During the Nullification Crisis, South Carolina viewed federal tariffs as unconstitutional and sought to declare them null and void. The state eventually backed down and accepted the supremacy of federal law.

**1833:** In *Barron v. Baltimore*, the Supreme Court ruled that the Bill of Rights only restricted Congress and did not protect Americans against violations of fundamental rights by the states. This would change with the 14th Amendment.

**1842:** In *Prigg v. Pennsylvania*, the Supreme Court struck down a state law that provided protections to those accused of being fugitive slaves—claiming it violated the Fugitive Slave Clause and the Fugitive Slave Act of 1793.

**1846 – 48:** The Mexican War added extensive new territory, fueling conflicts over whether future states would enter as slaveholding states or free states.

**1850:** With the Compromise of 1850, California entered as a free state, but the Utah and New Mexico territories were opened to slavery. The Fugitive Slave Act was also strengthened.

**1854:** The Kansas-Nebraska Act established the Kansas and Nebraska territories with the issue of slavery to be decided by their settlers.

## **CONSTITUTION 101**

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.4 Info Brief

**1857 – 58:** During the Lecompton Crisis, pro-slavery advocates drafted a state constitution that excluded free African Americans and protected slavery. Congress rejected that constitution, and Kansas entered as a free state.

**1857:** In *Dred Scott v. Sandford*, the Supreme Court ruled that African Americans were not citizens of the United States. Overturning the decision became a rallying cry for the new Republican Party.

**1860:** Republican Abraham Lincoln won the presidential election with a plurality of the vote, while the Democratic Party split between its Southern and Northern wings.



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.4 Activity Guide

### REASONS FOR SECESSION AND LINCOLN'S INITIAL RESPONSE

In this activity, you will use primary documents to explore the meaning of the Civil War.

Read the following sources and record your notes using the tool below.

- [South Carolina Declaration of Secession \(1860\)](#)
- [A Declaration of the Immediate Causes which Induce and Justify the Secession of the State of Mississippi from the Federal Union \(1861\)](#)
- [Abraham Lincoln, First Inaugural Address and Message to the Special Session of the 37th Congress \(1861\)](#)

SOUTH CAROLINA DECLARATION OF SECESSION (1860)	
<b>Key Terms and Questions:</b> <i>(After you've read the essay, write down key words or terms, and big ideas or questions.)</i>	<b>Notes:</b> <i>(While you read the essay, take notes in an outline format.)</i>
<b>Summary:</b> <i>(After you've read the essay, write a short paragraph summarizing it.)</i>	

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding

12.4 Activity Guide

### A DECLARATION OF THE IMMEDIATE CAUSES WHICH INDUCE AND JUSTIFY THE SECESSION OF THE STATE OF MISSISSIPPI FROM THE FEDERAL UNION (1861)

**Key Terms and Questions:**

*(After you've read the essay, write down key words or terms, and big ideas or questions.)*

**Notes:**

*(While you read the essay, take notes in an outline format.)*

**Summary:**

*(After you've read the essay, write a short paragraph summarizing it.)*

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding

12.4 Activity Guide

ABRAHAM LINCOLN, FIRST INAUGURAL ADDRESS AND MESSAGE TO THE SPECIAL SESSION OF THE 37TH CONGRESS (1861)	
<b>Key Terms and Questions:</b> <i>(After you've read the essay, write down key words or terms, and big ideas or questions.)</i>	<b>Notes:</b> <i>(While you read the essay, take notes in an outline format.)</i>
<b>Summary:</b> <i>(After you've read the essay, write a short paragraph summarizing it.)</i>	

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.4 Primary Source

# A DECLARATION OF THE IMMEDIATE CAUSES WHICH INDUCE AND JUSTIFY THE SECESSION OF THE STATE OF MISSISSIPPI FROM THE FEDERAL UNION (1861)

View the document on the National Constitution Center's website [here](#).

## SUMMARY

Four more Southern states—Virginia, North Carolina, Tennessee, and Arkansas—joined the original seven in secession after Lincoln announced his intention to act against the new Southern Confederacy. All of these states had long legalized slavery, and in the secession ordinances passed by them, slavery was prominently cited as a justification, along with the failure of the non-slave states of the Union to enforce national pro-slavery statutes like the Fugitive Slave Law (1850), President Lincoln's feared obstruction of admission of further slave states to the Union, and the disruption of slavery where a legally protected institution. Lincoln, in his First Inaugural Address, protested that he had no authority to meddle with slavery in the states where it was legal, but few slaveholders believed this. Mississippi was in the first wave of seven state secessions, on January 9, 1861.

## Excerpt

**We are seceding from the Union, and we must explain our reasons.** In the momentous step which our State has taken of dissolving its connection with the government of which we so long formed a part, it is but just that we should declare the prominent reasons which have induced our course.

**We are defending the institution of slavery.** Our position is thoroughly identified with the institution of slavery – the greatest material interest of the world...and a blow at slavery is a blow at commerce and civilization. That blow has been long aimed at the institution, and was at the point of reaching its consummation. There was no choice left us but submission to the mandates of abolition, or a dissolution of the Union, whose principles had been subverted to work out our ruin.

**Hostility to slavery has grown over time; those fighting against slavery oppose the right to property in man, oppose slavery in the federal territories, oppose any new slaveholding states, refuse to enforce the Fugitive Slave Act, promote slave rebellions, and support African American equality; they have breached their obligations to us under the Constitution; their goal is to destroy slavery by confining it to where it already exists.**



★ constitutioncenter.org ★

## CONSTITUTION 101

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.4 Primary Source

...The hostility to this institution...has grown until it denies the right of property in slaves, and refuses protection to that right on the high seas, in the Territories, and wherever the government of the United States had jurisdiction. It refuses the admission of new slave States into the Union, and seeks to extinguish it by confining it within its present limits, denying the power of expansion. It has nullified the Fugitive Slave Law in almost every free State in the Union, and has utterly broken the compact which our fathers pledged their faith to maintain. It advocates negro equality, socially and politically, and promotes insurrection and incendiarism in our midst.

**The only way to protect slavery is to leave the Union; our grievances are greater than those of the American colonists during the American Revolution.** ...Utter subjugation awaits us in the Union, if we should consent longer to remain in it. It is not a matter of choice, but of necessity. We must either submit to degradation, and to the loss of property worth four billions of money, or we must secede from the Union framed by our fathers, to secure this as well as every other species of property. For far less cause than this, our fathers separated from the Crown of England.

**We are taking the same path as the American colonists and declaring our independence from the Union; we are seceding.** Our decision is made. We follow their footsteps. We embrace the alternative of separation; and for the reasons here stated, we resolve to maintain our rights with the full consciousness of the justice of our course, and the undoubting belief of our ability to maintain it.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.4 Primary Source

### SOUTH CAROLINA DECLARATION OF SECESSION (1860)

View the document on the National Constitution Center's website [here](#).

#### SUMMARY

The victory of Republican presidential candidate Abraham Lincoln in the 1860 elections convinced South Carolina legislators that it was no longer in their state's interest to remain in the Union. South Carolina declared its secession from the United States. Citing "an increasing hostility on the part of the non-slaveholding states to the institution of slavery," South Carolina insisted that the Northern states had breached their constitutional obligation to enforce federal laws like the Fugitive Slave Act and had "united in the election of a man to the high office of President of the United States" who would "inaugurate a new policy, hostile to the South, and destructive of its beliefs and safety." "We, therefore, the People of South Carolina . . . have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved." Within months, a total of 11 slaveholding states declared their secession from the Union. And war came. The Union defeat of the Confederate army was nothing less than a defeat of secessionist theories of the Constitution. It also opened up the door to profound changes in the federal system during Reconstruction.

#### Excerpt

**We are seceding from the Union, and we must now explain our reasons.** [T]he State of South Carolina having resumed her separate and equal place among nations, deems it due to herself, to the remaining United States of America, and to the nations of the world, that she should declare the immediate causes which have led to this act. . . .

**Many Northern states refused to enforce the Fugitive Slave Act; and many of these states have also passed personal liberty laws that make it harder to retrieve alleged fugitives; these states have breached their obligations to us under the Constitution.** [A]n increasing hostility on the part of the non-slaveholding States to the institution of slavery, has led to a disregard of their obligations, and the laws of the General Government have ceased to effect the objects of the Constitution. The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa, have enacted laws which either nullify the Acts of Congress or render useless any attempt to execute them. In many of these States the fugitive is discharged from service or labor claimed, and in none of them has the State Government complied with the stipulation made in the Constitution. . . .

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.4 Primary Source

**Things have gotten worse over time, and now America has elected Abraham Lincoln, the nation's first anti-slavery president; he only represents the Northern states; and he will pursue policies that attack the institution of slavery.** For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common Government. Observing the forms of the Constitution, a sectional party has found within that Article establishing the Executive Department, the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all the States north of that line have united in the election of a man to the high office of President of the United States, whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common Government, because he has declared that that "Government cannot endure permanently half slave, half free," and that the public mind must rest in the belief that slavery is in the course of ultimate extinction. . . .

**The anti-slavery Republican Party will control the national government soon; this new government will ignore the Constitution and attack slavery; at that point, the national government will become the enemy of the slaveholding states.** On the 4th day of March next, this party will take possession of the Government. It has announced that the South shall be excluded from the common territory, that the judicial tribunals shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States. The guaranties of the Constitution will then no longer exist; the equal rights of the States will be lost. The slaveholding States will no longer have the power of self-government, or self-protection, and the Federal Government will have become their enemy. . . .

**We are seceding from the Union.** We, therefore, the People of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America, is dissolved, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and independent State; with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.4 Primary Source

# ABRAHAM LINCOLN, FIRST INAUGURAL ADDRESS AND MESSAGE TO THE SPECIAL SESSION OF THE 37TH CONGRESS (1861)

View the document on the National Constitution Center's website [here](#).

## SUMMARY

Abraham Lincoln was elected as the 16th president of the United States of America, and was the first president avowedly opposed to legalized slavery. Lincoln was elected on November 6, 1860, and inaugurated March 4, 1861. In between these dates, seven states of the American Union that legalized slavery announced their secession, to create the Confederate States of America. It fell to Lincoln to declare such secession unconstitutional, and when the Confederates attacked the U.S. Army garrison at Fort Sumter in South Carolina, Lincoln called a special session of Congress on July 4, 1861, to lay out his reasons for acting against the Confederacy, not as a rival nation, but as an insurgency which the United States would suppress.

## Excerpt

*Inaugural Address, March 4, 1861:*

**Secession is unconstitutional.** I hold, that in contemplation of universal law, and of the Constitution, the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments.... Again, if the United States be not a government proper, but an association of States in the nature of contract merely, can it, as a contract, be peaceably unmade, by less than all the parties who made it? One party to a contract may violate it – break it, so to speak; but does it not require all to lawfully rescind it?

**This conclusion is confirmed by our nation's history; no state can simply choose to leave the Union on its own; these states' secession ordinances are void; and the Confederacy is a violent insurrection.** Descending from these general principles, we find the proposition that, in legal contemplation, the Union is perpetual, confirmed by the history of the Union itself.... It follows from these views that no State, upon its own mere motion, can lawfully get out of the Union, that resolves and ordinances to that effect are legally void; and that acts of violence, within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to circumstances....

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.4 Primary Source

**Secession equals anarchy; if any part of a nation can leave whenever it wants (e.g., after it loses an election), no nation can survive; in a republic, elections matters, and majorities rule, within the constraints laid out in the Constitution.** Plainly, the central idea of secession, is the essence of anarchy. A majority, held in restraint by constitutional checks, and limitations, and always changing easily, with deliberate changes of popular opinions and sentiments, is the only true sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or to despotism.

*Message to Special Session, July 4, 1861:*

**The attack on Fort Sumter was an aggressive act of violence; it forces us to choose between disunion and war.** [T]he assault upon, and reduction of, Fort Sumter was, in no sense, a matter of self-defence on the part of the assailants. They well knew that the garrison in the Fort could, by no possibility, commit aggression upon them. ...In this act, discarding all else, they have forced upon the country, the distinct issue: "Immediate dissolution, or blood."

**And this issue is about more than America; it is about the future of republican government itself; the key question is whether America will defend key principles like majority rule, free elections, representative government, and the peaceful transfer of power against a disgruntled minority committed to insurrection and secession; I had no choice but to use my war powers to oppose the Confederacy.** And this issue embraces more than the fate of these United States. It presents to the whole family of man, the question, whether a constitutional republic, or a democracy – a government of the people, by the same people – can, or cannot, maintain its territorial integrity, against its own domestic foes. It presents the question, whether discontented individuals, too few in numbers to control administration, according to organic law, in any case, can always, upon the pretences made in this case, or on any other pretences, or arbitrarily, without any pretence, break up their Government, and thus practically put an end to free government upon the earth. It forces us to ask: "Is there, in all republics, this inherent, and fatal weakness?" "Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?" So viewing the issue, no choice was left but to call out the war power of the Government; and so to resist force, employed for its destruction, by force, for its preservation.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.4 Activity Guide

### LINCOLN AND PRESERVING THE UNION

In this activity, you will explore the key events that led to the Civil War and the eventual ratification of the 13th, 14th, and 15th Amendments. You will also use primary documents to explore the cause of the Civil War and its broader meaning.

Read the following sources and record your notes using the tool below.

- [Abraham Lincoln, Emancipation Proclamation \(1863\)](#)
- [Abraham Lincoln, The Gettysburg Address \(1863\)](#)
- [Abraham Lincoln, Second Inaugural Address \(1865\)](#)
- [The 13th Amendment \(1865\)](#)

ABRAHAM LINCOLN, EMANCIPATION PROCLAMATION (1863)	
<b>Key Terms and Questions:</b> <i>(After you've read the essay, write down key words or terms, and big ideas or questions.)</i>	<b>Notes:</b> <i>(While you read the essay, take notes in an outline format.)</i>
<b>Summary:</b> <i>(After you've read the essay, write a short paragraph summarizing it.)</i>	

## **CONSTITUTION 101**

### Module 12: Slavery in America: From the Founding to America's Second Founding 12.4 Activity Guide

ABRAHAM LINCOLN, THE GETTYSBURG ADDRESS (1863)	
<b>Key Terms and Questions:</b> <i>(After you've read the essay, write down key words or terms, and big ideas or questions.)</i>	<b>Notes:</b> <i>(While you read the essay, take notes in an outline format.)</i>
<b>Summary:</b> <i>(After you've read the essay, write a short paragraph summarizing it.)</i>	

## **CONSTITUTION 101**

### Module 12: Slavery in America: From the Founding to America's Second Founding 12.4 Activity Guide

ABRAHAM LINCOLN, SECOND INAUGURAL ADDRESS (1865)	
<b>Key Terms and Questions:</b> <i>(After you've read the essay, write down key words or terms, and big ideas or questions.)</i>	<b>Notes:</b> <i>(While you read the essay, take notes in an outline format.)</i>
<b>Summary:</b> <i>(After you've read the essay, write a short paragraph summarizing it.)</i>	

## **CONSTITUTION 101**

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.4 Activity Guide

THE 13TH AMENDMENT	
<b>Key Terms and Questions:</b> <i>(After you've read the essay, write down key words or terms, and big ideas or questions.)</i>	<b>Notes:</b> <i>(While you read the essay, take notes in an outline format.)</i>
<b>Summary:</b> <i>(After you've read the essay, write a short paragraph summarizing it.)</i>	



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.4 Primary Source

# ABRAHAM LINCOLN, EMANCIPATION PROCLAMATION (1863)

View the document on the Constitution Center's website [here](#).

## SUMMARY

President Lincoln made no overt moves to link the suppression of the rebellion with the ending of slavery for more than two years after the outbreak of conflict. But he began making indirect moves within six months of taking office, devising a congressionally funded plan for compensated emancipation in the four “border states”—Delaware, Maryland, Kentucky, and Missouri (which legalized slavery but had not joined the Confederacy). He received little cooperation. Finally, in the summer of 1862, he shifted the basis for an emancipation strategy to his presumed constitutional “war powers” as commander in chief, presenting a draft emancipation proclamation to his Cabinet in July. Although there was no consensus on the existence of such “war powers,” Lincoln issued a preliminary emancipation proclamation on September 22, 1862, and then released a final Emancipation Proclamation on January 1, 1863.

## Excerpt

**The Emancipation Proclamation is framed as a war measure to suppress the Confederacy; Lincoln roots it in his Article II Commander in Chief powers; the Proclamation emancipates enslaved people held in Confederate territory; and the national government pledges to protect their freedom.** Now, therefore I, Abraham Lincoln, President of the United States, by virtue of the power in me vested as Commander-in-Chief, of the Army and Navy of the United States in time of actual armed rebellion against authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three...order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

**Lincoln calls on formerly enslaved people to avoid violence, unless in self-defense; and he calls on them to work in exchange for a fair wage.** And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

## **CONSTITUTION 101**

---

Module 12: Slavery in America: From the Founding to America's Second Founding

12.4 Primary Source

**Lincoln also calls on African Americans to join the Union army.** And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

**According to Lincoln, the Emancipation Proclamation is an act of justice, consistent with the Constitution and necessary to win the Civil War.** And upon this act, sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity, I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.4 Primary Source

# ABRAHAM LINCOLN, SECOND INAUGURAL ADDRESS (1865)

View the document on the Constitution Center's website [here](#).

## SUMMARY

In 1864, the nation held a presidential election during the Civil War—a powerful symbol of the American people's commitment to democratic self-governance. The election was largely a referendum on President Lincoln's war record, and it pitted Lincoln against his former top general, George McClellan. As late as August 1864, Lincoln believed that he might lose the election. Furthermore, he feared that a President McClellan might compromise with the Confederacy and put an end to the Civil War without emancipation. However, a series of battlefield victories helped to rally the electorate to the Union's cause, and Lincoln won reelection in a landslide—the first president reelected since Andrew Jackson. With Lincoln's reelection secure and Union victory within reach, the debate in the North pivoted to how Lincoln, the Republican Congress, and the U.S. Army would handle the nation's transition to peace—with Republican leaders disagreeing over the pace and scope of Reconstruction. Lincoln reflected on the meaning of the Civil War and the looming challenge of Reconstruction when he delivered his Second Inaugural Address on March 4, 1865.

## Excerpt

Fellow-Countrymen:

**The war is going well, and there's not much that I can say today that everyone doesn't already know.** At this second appearing to take the oath of the Presidential office there is less occasion for an extended address than there was at the first. Then a statement somewhat in detail of a course to be pursued seemed fitting and proper. Now, at the expiration of four years, during which public declarations have been constantly called forth on every point and phase of this great conflict which is of primary concern to the nation as a whole, little that is new could be presented. The progress of our arms, upon which all else chiefly depends, is as well known to the public as to myself, and it is, I trust, reasonably satisfactory and encouraging to all. With high hope for the future, no prediction in regard to it is ventured.

**When I delivered my First Inaugural Address, everyone feared a civil war; neither side wanted war; but the Confederates were committed to making war rather than staying in the Union; and the North was willing to fight a war to keep the nation together.** On the occasion corresponding to this four years ago all thoughts were anxiously directed to an

## **CONSTITUTION 101**

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.4 Primary Source

impending civil war. All dreaded it, all sought to avert it. While the inaugural address was being delivered from this place, devoted altogether to saving the Union without war, insurgent agents were in the city seeking to destroy it without war—seeking to dissolve the Union and divide effects by negotiation. Both parties deprecated war, but one of them would make war rather than let the nation survive, and the other would accept war rather than let it perish. And the war came.

**Slavery caused the Civil War; the Confederate states tried to leave the Union in order to defend slavery, even though the national government claimed no power to abolish slavery inside the states where it already existed; the national government only wanted to keep slavery out of the federal territories.** One-eighth of the whole population were colored slaves, not distributed generally over the Union, but localized in the southern part of it. These slaves constituted a peculiar and powerful interest. All knew that this interest was somehow the cause of the war. To strengthen, perpetuate, and extend this interest was the object for which the insurgents would rend the Union even by war, while the Government claimed no right to do more than to restrict the territorial enlargement of it.

**Neither side thought that it would be a long war or end in the abolition of slavery; both sides prayed for God's aid.** Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph, and a result less fundamental and astounding. Both read the same Bible and pray to the same God, and each invokes His aid against the other. It may seem strange that any men should dare to ask a just God's assistance in wringing their bread from the sweat of other men's faces, but let us judge not, that we be not judged. The prayers of both could not be answered. That of neither has been answered fully. The Almighty has His own purposes.

**The Civil War may be God's punishment for the evils of slavery.** "Woe unto the world because of offenses; for it must needs be that offenses come, but woe to that man by whom the offense cometh." If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove, and that He gives to both North and South this terrible war as the woe due to those by whom the offense came, shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him?

**We hope that the war will end soon; but that's in God's hands.** Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. Yet, if God wills that it continue until all the wealth piled by the bondsman's two hundred and fifty years of unrequited toil shall be sunk, and until every drop of blood drawn with the lash shall be paid by another drawn with the sword, as was said three thousand years ago, so still it must be said "the judgments of the Lord are true and righteous altogether."



## **CONSTITUTION 101**

---

Module 12: Slavery in America: From the Founding to America's Second Founding

12.4 Primary Source

**We must finish the work that we have set out to do, without malice and with both firmness and charity.** With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



★ [constitutioncenter.org](http://constitutioncenter.org) ★

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.4 Primary Source

### ABRAHAM LINCOLN, THE GETTYSBURG ADDRESS (1863)

View the document on the Constitution Center's website [here](#).

#### SUMMARY

On November 19, 1863, Abraham Lincoln delivered one of the most famous speeches in American history: the Gettysburg Address. The Union victory at Gettysburg was a key moment in the Civil War—thwarting General Robert E. Lee's invasion of the North. President Lincoln offered this brief speech in a dedication ceremony for a new national cemetery near the Gettysburg battlefield. Lincoln was not even the featured speaker that day. Noted orator Edward Everett spoke for nearly two hours, while Lincoln spoke for a mere two minutes. In his powerful speech, Lincoln embraced the Declaration of Independence, recalling how the nation was “conceived in Liberty, and dedicated to the proposition that all men are created equal.” By resurrecting these promises, Lincoln committed post-Civil War America to “a new birth of freedom.” Following the Civil War, the Reconstruction Amendments—the 13th, 14th, and 15th Amendments—abolished slavery, wrote the Declaration of Independence's commitment to freedom and equality into the Constitution, and promised to ban racial discrimination in voting. In so doing, these amendments sought to make Lincoln's “new birth of freedom” a constitutional reality.

#### Excerpt

**Our nation began with the Declaration of Independence and its promise of freedom and equality.** Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

**We are fighting a massive war to defend the American experiment; we are gathered here to honor the soldiers who have died for this noble cause.** Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

**Our words and deeds today pale in comparison to what these soldiers did on the battlefield; we must not forget them.** But, in a larger sense, we can not dedicate – we can not consecrate – we can not hallow – this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here.

## **CONSTITUTION 101**

---

Module 12: Slavery in America: From the Founding to America's Second Founding

12.4 Primary Source

**We must complete their unfinished work, fight for “a new birth of freedom” for America, and defend the future of republican government.** It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us – that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion – that we here highly resolve that these dead shall not have died in vain – that this nation, under God, shall have a new birth of freedom – and that government of the people, by the people, for the people, shall not perish from the earth.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



★ [constitutioncenter.org](http://constitutioncenter.org) ★

## THE 13TH AMENDMENT (1865)

View the amendment on the National Constitution Center's website [here](#).

### Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

### Section 2

Congress shall have power to enforce this article by appropriate legislation.

### Common Interpretation by Jamal Greene and Jennifer Mason McAward

Slavery is America's original sin. Despite the bold commitment to equality in the Declaration of Independence, slavery was legal in all of the thirteen colonies in 1776. By the start of the Civil War, four million people, nearly all of African descent, were held as slaves in 15 southern and border states. Slaves represented one-eighth of the U.S. population in 1860.

Many think that slavery ended with the Emancipation Proclamation, issued by President Abraham Lincoln on January 1, 1863. However, the Emancipation Proclamation freed only slaves held in the eleven Confederate states that had seceded, and only in the portion of those states not already under Union control.

The true abolition of slavery was achieved when the Thirteenth Amendment was ratified on December 6, 1865. The first section of the Amendment declares: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." The Amendment is unique in the Constitution because it bars every person from holding slaves or engaging in other forms of involuntary servitude, whereas most constitutional provisions only constrain or regulate the government. It is unique in another way as well: although the Constitution obliquely acknowledged and accommodated slavery in its original text, the Thirteenth Amendment was the first explicit mention of slavery in the Constitution.

The most immediate impact of the Thirteenth Amendment was to end chattel slavery as it was practiced in the southern United States. However, the Amendment also bars "involuntary servitude," which covers a broader range of labor arrangements where a person is forced to work by the use or threatened use of physical or legal coercion. For example, the Thirteenth





## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.4 Primary Source

Amendment bans peonage, which occurs when a person is compelled to work to pay off a debt. Originally a Spanish practice, peonage was practiced in the New Mexico Territory and spread across the Southern United States after the Civil War. Former slaves and other poor citizens became indebted to merchants and plantation owners for living and working expenses. Unable to repay their debts, they became trapped in a cycle of work-without-pay. The Supreme Court held this practice unconstitutional in 1911. [\*Bailey v. Alabama\*](#) (1911).

Most scholars also assume it would violate the Thirteenth Amendment to order specific performance of a service contract. An example of this situation would be where an employee has a contract to work for a full year but wants to leave after six months. Forcing the employee to continue to work instead of paying a financial penalty to get out of her contract would almost certainly violate the Thirteenth Amendment.

Notably, the Amendment does allow a person convicted of a crime to be forced to work. Thus, prison labor practices, from chain gangs to prison laundries, do not run afoul of the Thirteenth Amendment. The Thirteenth Amendment has also been interpreted to permit the government to require certain forms of public service, presumably extending to military service and jury duty.

In addition to the first section's ban on slavery and involuntary servitude, the second section of the Thirteenth Amendment gives Congress the "power to enforce" that ban by passing "appropriate legislation." This provision allows Congress to pass laws pertaining to practices that violate the Amendment. For example, the Anti-Peonage Act of 1867 prohibits peonage, and another federal law, 18 U.S.C. § 1592, makes it a crime to take somebody's passport or other official documents for the purpose of holding her as a slave.

Section Two of the Thirteenth Amendment has broader applicability as well. The Supreme Court has long held that this provision also allows Congress to pass laws to eradicate the "badges and incidents of slavery." The Supreme Court has never defined the full scope of what the badges and incidents of slavery are, and instead has left it to Congress to flesh out a definition. In [\*The Civil Rights Cases\*](#) (1883), the Court held that racial discrimination in private inns, theaters, and public transportation did not qualify as a badge or incident of slavery. In a series of cases in the 1960s and 1970s, however, the Court held that racial discrimination by private housing developers and private schools is among the badges and incidents of slavery that Congress may outlaw under Section Two of the Thirteenth Amendment. Most recently, Congress has determined that Section Two provides a basis for a portion of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 (which criminalizes race-based hate crimes) and the Trafficking Victims Protection Act (which penalizes human trafficking and protects its survivors). The Supreme Court has yet to evaluate these laws.

Despite its significance in American history, the Thirteenth Amendment is not one of the more frequently invoked parts of our Constitution today. Now that slavery is a part of our past, the Amendment's current relevance is subject to debate. Does it govern the fairness of modern

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.4 Primary Source

labor practices? Does it empower Congress to pass broad-ranging civil rights laws? Whatever the outcome of those debates, though, the Thirteenth Amendment deserves recognition as an historic and solemn promise that slavery will never again exist in the United States.



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.5 Primary Source

### EQUAL SUFFRAGE: ADDRESS FROM THE COLORED CITIZENS OF NORFOLK, VA TO THE PEOPLE OF THE UNITED STATES (1865)

View the document on the National Constitution Center's website [here](#).

As the Civil War was coming to a close, and fresh off passage of the 13th Amendment, African Americans began to gather to give voice to their understandings of the nature of freedom, citizenship, equality, and their place in the post-Civil War America. A thousand African American men formed the Colored Monitor Union Club in Virginia and pressed for full rights of citizenship. After being turned away from trying to vote in Virginia, a group of them gathered to write this address in which they articulated a vision of freedom and the franchise that would find its way into the first federal civil rights legislation, the 14th Amendment, and, eventually, the 15th Amendment.

#### **Excerpt:**

Fellow Citizens:

**We are exercising our assembly rights to weigh the conditions of African Americans in the South, especially the right to vote.** The undersigned have been appointed a committee, by a public meeting of the colored citizens of Norfolk, held June 5th, 1865, in the Catharine Street Baptist Church, Norfolk, Va., to lay before you a few considerations touching the present position of the colored population of the southern States generally, and with reference to their claim for equal suffrage in particular.

**We ask for the rights of citizenship; this will help promote our prosperity.** We do not come before the people of the United States asking an impossibility; we simply ask that a Christian and enlightened people shall, at once, concede to us the full enjoyment of those privileges of full citizenship, which, not only, are our undoubted right, but are indispensable to that elevation and prosperity of our people, which must be the desire of every patriot.

**This is not merely a white man's country; we've been here, too.** ...It is a common assertion, by our enemies, that "this is a white man's country, settled by white men, its government established by white men, and shall therefore be ruled by white men only." How far are these statements true and the conclusion reasonable? Every school-boy knows that within twelve years of the foundation of the first settlement at Jamestown, our fathers as well as yours were toiling in the plantations on James River, for the sustenance and prosperity of the infant colony. Since then in New England, New York and the middle Atlantic States, our race has borne its part in the development of even the free North, while throughout the sunny South, the millions

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.5 Primary Source

upon millions of acres, in its countless plantations, laden with precious crops, bear witness to the unrequited industry of our people....

**We have fought loyally for our country, both in the American Revolution and the Civil War.** Again, is it true that this government owes its existence entirely to white men? Why, the first blood shed in the Revolutionary war was that of a colored man, Crispus Attucks, while in every engraving of Washington's famous passage of the Delaware, is to be seen, as a prominent feature, the woolly head and dusky face of a colored soldier, Prince Whipple. ...Then what has been the behavior of our people during the past struggle? ...Over 200,000 colored men have taken up arms on behalf of the Union...and on a hundred well fought fields, have fully proved their patriotism and possession of all the manly qualities that adorn the soldier.

**We are denied many of our civil rights in the South.** ...In many of the southern States, it is still a crime for colored men to learn or be taught to read, and their children are doomed to ignorance; there is no provision for insuring the legality of our marriages; we have no right to hold real estate; the public streets and the exercise of our ordinary occupations are forbidden us unless we can produce passes from our employers, or licenses from certain officials; in some States the whole free negro population is legally liable to exile from the place of its birth, for no crime but that of color; we have no means of legally making or enforcing contracts of any description; we have no right to testify before the courts in any case in which a white man is one of the parties to the suit we are taxed without representation, and, in short, so far as legal safeguards of our rights are concerned, we are defen[s]less before our enemies....

**To improve our situation, all we ask is for the right to vote.** Fellow citizens, the performance of a simple act of justice on your part will reverse all this; we ask for no expensive aid from military forces, stationed throughout the South, overbearing State action, and rendering our government republican only in name; give us the suffrage, and you may rely upon us to secure justice for ourselves, and all Union men, and to keep the State forever in the Union....

**Please listen to our concerns.** In concluding this address, we would now make a last appeal to our fellow-citizens of all classes throughout the nation. Every Christian and humane man must feel that our demands are just; we have shown you that their concession is, for us, necessary, and for you expedient. We are Americans, we know no other country, we love the land of our birth and our fathers, we thank God for the glorious prospect before our country, and we believe that if we do but obey His laws He will yet enthrone her high o'er all the nations of the earth, in glory, wealth and happiness.... With these reflections we leave our case in the hands of God, and to the consideration of our countrymen.

Signed, on behalf of the colored people of Norfolk and vicinity, June 26th, 1865.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.5 Primary Source

# CARL SCHURZ, REPORT ON THE CONDITION OF THE SOUTH (1865)

View the document on the National Constitution Center's website [here](#).

## SUMMARY

Carl Schurz was a German immigrant, Union general, journalist, and eventually, U.S. senator from Missouri. Shortly after Schurz resigned his military commission, President Andrew Johnson assigned him to investigate the conditions of the South and to draft a report. Schurz's report warned of widespread abuse of Freedmen after emancipation and predicted dire consequences to African Americans, Unionists, and their allies if Southerners were able to reconstitute local militias and other domestic security institutions. Although his report was ignored by Johnson, Schurz's observations proved to be prescient, leading to more protective enactments by Congress under its power to enforce the 13th and 14th Amendments.

## Excerpt

Washington, D.C., December 18, 1865.

Report of Carl Schurz on the States of the South Carolina, Georgia, Alabama, Mississippi, and Louisiana.

**The ex-Confederate states are trying to preserve slavery as much as possible.** A belief, conviction, or prejudice, or whatever you may call it, so widely spread and apparently so deeply rooted as this, that the negro will not work without physical compulsion, is certainly calculated to have a very serious influence upon the conduct of the people entertaining it. It naturally produced a desire to preserve slavery in its original form as much and as long as possible....

**Some white Southerners are using violence and intimidation against African Americans.** Efforts were, indeed, made to hold the negro in his old state of subjection, especially in such localities where our military forces had not yet penetrated, or where the country was not garrisoned in detail. Here and there planters succeeded for a limited period to keep their former slaves in ignorance, or at least doubt, about their new rights; but the main agency employed for that purpose was force and intimidation. In many instances negroes who walked away from the plantations, or were found upon the roads, were shot or otherwise severely punished, which was calculated to produce the impression among those remaining with their masters that an attempt to escape from slavery would result in certain destruction.

## **CONSTITUTION 101**

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.5 Primary Source

**Even non-slaveholding whites treat African Americans poorly, including through physical violence and murder.** ...Here I will insert some remarks on the general treatment of the blacks as a class, from the whites as a class. It is not on the plantations and at the hands of the planters themselves that the negroes have to suffer the greatest hardships. Not only the former slaveholders, but the non-slaveholding whites, who, even previous to the war, seemed to be more ardent in their pro-slavery feelings than the planters themselves, are possessed by a singularly bitter and vindictive feeling against the colored race since the negro has ceased to be property. The pecuniary value which the individual negro formerly represented having disappeared, the maiming and killing of colored men seems to be looked upon by many as one of those venial offences which must be forgiven to the outraged feelings of a wronged and robbed people.

**Those who oppose these atrocities in the South have done little to check acts of violence against African Americans.** ...These statements are naturally not intended to apply to all the individuals composing the southern people.... There are certainly many people there who entertain the best wishes for the welfare of the negro race, and who not only never participated in any acts of violence, but who heartily disapprove them.... But however large or small a number of people may be guilty of complicity in such acts of persecution, those who are opposed to them have certainly not shown themselves strong enough to restrain those who perpetrate or favor them. ...It must not be forgotten that in a community a majority of whose members is peaceably disposed, but not willing or not able to enforce peace and order, a comparatively small number of bold and lawless men can determine the character of the whole. The rebellion itself, in some of the southern States, furnished a striking illustration of this truth.

**Discrimination has also been written into law through the Black Codes.** ...Clearer and more significant was the ordinance passed by the police board of the town of Opelousas, Louisiana.... The negro is not only not permitted to be idle, but he is positively prohibited from working or carrying on a business for himself; he is compelled to be in the "regular service" of a white man, and if he has no employer he is compelled to find one. It requires only a simple understanding among the employers, and the negro is just as much bound to his employer "for better and for worse" as he was when slavery existed in the old form. If he should attempt to leave his employer on account of non-payment of wages or bad treatment he is compelled to find another one; and if no other will take him he will be compelled to return to him from whom he wanted to escape. The employers, under such circumstances, are naturally at liberty to arrange the matter of compensation according to their tastes, for the negro will be compelled to be in the regular service of an employer, whether he receives wages or not.... The sections providing for the "summary" enforcement of the penalties and placing their infliction into the hands of the "chief of patrol"—which, by the way, throws some light upon the objects for which the militia is to be reorganized—place the freedmen under a sort of permanent martial law, while the provision investing every white man with the power and authority of a police officer as against every black man subjects them to the control even of those individuals who in other

## **CONSTITUTION 101**

---

Module 12: Slavery in America: From the Founding to America's Second Founding

12.5 Primary Source

communities are thought hardly fit to control themselves. On the whole, this piece of legislation is a striking embodiment of the idea that although the former owner has lost his individual right of property in the former slave, "the blacks at large belong to the whites at large."

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



★ [constitutioncenter.org](http://constitutioncenter.org) ★

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.5 Primary Source

# JOHN BINGHAM, ONE COUNTRY, ONE CONSTITUTION, ONE PEOPLE (1866)

View the document on the National Constitution Center's website [here](#).

## SUMMARY

John Bingham of Ohio was a leading Republican in the U.S. House of Representatives during Reconstruction and the primary author of Section 1 of the 14th Amendment. This key provision wrote the Declaration of Independence's promise of freedom and equality into the Constitution. Because of Bingham's crucial role in framing this constitutional text, Justice Hugo Black would later describe him as the 14th Amendment's James Madison. Bingham delivered this speech in defense of an early draft of the 14th Amendment, advancing a bold vision of nationally protected rights. Today, the Bill of Rights represents a charter of national freedom applying to all levels of government: national, state, and local. However, when it was added to the U.S. Constitution in 1791, the Bill of Rights applied only to the national government—not to the states. So, throughout the pre-Civil War period, if a state violated a person's free speech rights or right to freely exercise one's chosen religion, that person had no legal claim under the U.S. Constitution. And many Southern states did violate core Bill of Rights protections throughout this period—for instance, banning abolitionist speakers and preachers. Following the Civil War, Bingham and his colleagues sought to attack state laws and practices like that. In his speech "One Country, One Constitution, One People," Bingham explained that his early draft of the 14th Amendment was "simply a proposition to arm the Congress of the United States . . . with the power to enforce the bill of rights as it stands in the Constitution today." Eventually, the Supreme Court embraced Bingham's vision of nationally protected rights through a process known as "incorporation"—applying many core Bill of Rights protections like free speech and religious liberty to abuses against state governments.

## Excerpt

**This Congress is doing important work that will be felt for generations to come; the Joint Committee on Reconstruction sent this early draft of the 14th Amendment to Congress because the committee thought that it was important to the safety of all Americans; this proposed amendment gives Congress the power to protect the key rights enshrined in the Bill of Rights against state abuses.** [T]he action of this Congress in its effect upon the future prosperity of the country will be felt by generations of men after we shall all have paid the debt of nature. I believe, Mr. Speaker, as I have had occasion to say more than once, that the people of the United States have intrusted to the present Congress in some sense the care of the Republic, not only for the present, but for all the hereafter. Your [Joint Committee on

NATIONAL CONSTITUTION CENTER

★ [constitutioncenter.org](http://constitutioncenter.org) ★



## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.5 Primary Source

Reconstruction], sir, would not have sent to this House for its consideration this proposition but for the conviction that its adoption by Congress and its ratification by the people of the United States is essential to the safety of all the people of every State. I repel the suggestion made here in the heat of debate, that the committee or any of its members who favor this proposition seek in any form to mar the Constitution of the country, or take away from any State any right that belongs to it, or from any citizen of any State any right that belongs to him under that Constitution. The proposition pending before the House is simply a proposition to arm the Congress of the United States, by the consent of the people of the United States, with the power to enforce the bill of rights as it stands in the Constitution today. It “hath that extent—no more.”

**Even if this amendment is ratified, the states will still preserve many of their key powers; the system of federalism will survive; but the Bill of Rights has been a dead letter in the ex-Confederate states; this amendment will address this problem and ensure equal protection for all.** The adoption of the proposed amendment will take from the States no rights that belong to the States. They elect their Legislatures; they enact their laws for the punishment of crimes against life, liberty, or property but in the event of the adoption of this amendment, if they conspire together to enact laws refusing equal protection to life, liberty, or property, the Congress is thereby vested with the power to hold them to answer before the bar of the national courts for the violation of their oaths and of the rights of their fellow men. Why should it not be so? Is the bill of rights to stand in our Constitution hereafter, as in the past five years within eleven states, a mere dead letter? . . .

**Without this amendment, there's little that Congress can do to address abuses of key rights in the states.** Why, sir, what an anomaly is presented today to the world! We have the power to vindicate the personal liberty and all the personal rights of the citizen on the remotest sea, under the frowning batteries of the remotest tyranny on this earth, while we have not the power in time of peace to enforce the citizens' rights to life, liberty, and property within the limits of South Carolina after her State government shall be recognized and her constitutional relations restored. . . .

**The Founding generation didn't grant Congress this power.** [I]t is surprising that the framers of the Constitution omitted to insert an express grant of power in Congress to enforce by penal enactment these great canons of the supreme law, securing to all the citizens in every State all the privileges and immunities. . .

**The Founding generation would have included this grant of power in the original Constitution but for the fact that it would have conflicted with slavery; we have now abolished slavery.** What more could have been added to that instrument to secure the enforcement of these provisions of the bill of rights in every State. . . . Nothing at all. And I am perfectly confident that that grant of power would have been there but for the fact that its insertion in the Constitution would have been utterly incompatible with the existence of slavery

## CONSTITUTION 101

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.5 Primary Source

in any State; for although slaves might have not have been admitted to be citizens they must have been admitted to be persons. That is the only reason why it was not there. There was a fetter upon the conscience of the nation. Thank God, that fetter has been broken; it has turned to dust before the breath of the people, speaking as the voice of God and solemnly ordaining that slavery is forever prohibited everywhere within the Republic except as punishment for crime on due conviction. . . .

**If we are going to readmit the ex-Confederate states, we must ratify an amendment like this one to prevent them from abusing the rights of African Americans and white Unionists.** It seems to me equally clear if you intend to have these thirty-six States one under our Constitution, if you intend that every citizen of every State shall in the hereafter have the immunities and privileges of citizens in the several States, you must amend the Constitution. It cannot be otherwise. Restore those states with a majority of rebels to political power and they will cast their ballots to exclude from the protection of the laws every man who bore arms in the defense of the Government. The loyal minority of white citizens and the disfranchised colored citizens will be utterly powerless. There is no efficient remedy for it without an amendment to your Constitution. . . .

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.5 Primary Source

### THADDEUS STEVENS, SPEECH INTRODUCING THE FOURTEENTH AMENDMENT (1866)

View the document on the National Constitution Center's website [here](#).

#### SUMMARY

On May 8, 1866, Thaddeus Stevens delivered this speech introducing the 14th Amendment in the U.S. House of Representatives. The leader of the Radical Republicans in the House, Stevens was a lawyer, politician, and staunch abolitionist. As a politician in Pennsylvania, he supported free public education and suffrage for African Americans. He also offered his home as a stop on the Underground Railroad. As a leader in Congress, Stevens fought to end slavery and promote civil rights and racial equality. He served on the Joint Committee on Reconstruction and chaired the powerful House Ways and Means Committee. In this speech, Stevens called on his colleagues to support the proposed 14th Amendment—arguing that it would help to bring about legal equality for African Americans. However, he also urged his colleagues to remember the crimes of the Confederacy.

#### Excerpt

**Some Members of Congress think that the Joint Committee on Reconstruction is moving too slowly.** The [members of the Joint Committee on Reconstruction] are not ignorant of the fact that there has been some impatience at the delay in making this report . . . .

**But Congress tasked the committee with reconstructing the nation and setting new constitutional baselines for post-Civil War America; this is difficult work; above all, we are trying to write the Declaration of Independence's promise of freedom and equality into the Constitution.** But I beg gentlemen to consider the magnitude of the task which was imposed upon the committee. They were expected to suggest a plan for rebuilding a shattered nation—a nation which though not dissevered was yet shaken and riven by the gigantic and persistent efforts of six million able and ardent men; of bitter rebels striving through four years of bloody war. It cannot be denied that this terrible struggle sprang from the vicious principles incorporated into the institutions of our country. Our fathers had been compelled to postpone the principles of their great Declaration, and wait for the full establishment till a more propitious time. That time ought to be present now. But the public mind has been educated in error for a century. How difficult in a day to unlearn it. In rebuilding, it is necessary to clear away the rotten and defective portions of the old foundations, and to sink deep and found the repaired edifice upon the firm foundation of eternal justice. If, perchance, the accumulated quicksands render it impossible to reach in every part so firm a basis, then it becomes our duty to drive deep and



## **CONSTITUTION 101**

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.5 Primary Source

solid the substituted piles on which to build. It would not be wise to prevent the raising of the structure because some corner of it might be founded upon materials subject to the inevitable laws of mortal decay. It were better to shelter the household and trust to the advancing progress of a higher morality and a purer and more intelligent principle to underpin the defective corner.

**This amendment is not perfect, but I'm willing to support it; I will take what I can get now.**

I would not for a moment inculcate the idea of surrendering a principle vital to justice. But if full justice could not be obtained at once I would not refuse to do what is possible. The commander of an army who should find his enemy intrenched on impregnable heights would act unwisely if he insisted on marching his troops full in the face of a destructive fire merely to show his courage. Would it not be better to flank the works and march round and round and besiege, and thus secure the surrender of the enemy, though it might cost time? The former course would show valor and folly; the latter moral and physical courage, as well as prudence and wisdom. . .

**Stevens paraphrases key parts of Section 1 of the 14th Amendment.** The first section, prohibits the States from abridging the privileges and immunities of citizens of the United States, or unlawfully depriving them of life, liberty, or property, or of denying to any person within their jurisdiction the "equal" protection of the laws.

**This amendment realizes the promise of the Declaration of Independence and gives Congress the power to attack discriminatory laws in the states like the Black Codes.** I can hardly believe that any person can be found who will not admit that every one of these provisions is just. They are all asserted, in some form or other, in our DECLARATION or organic law. But the Constitution limits only the action of Congress, and is not a limitation on the States. This amendment supplies that defect, and allows Congress to correct the unjust legislation of the States, so far that the law which, operates upon one man shall operate equally upon all.

**With this amendment, laws must treat African Americans the same as white Americans.**

Whatever law punishes a white man for a crime shall punish the black man precisely in the same way and to the same degree. Whatever law protects the white man shall afford "equal" protection to the black man. Whatever means of redress is afforded to one shall be afforded to all. Whatever law allows the white man to testify in court shall allow the man of color to do the same. These are great advantages over their present codes. Now different degrees of punishment are inflicted, not on account of the magnitude of the crime, but according to the color of their skin. Now color disqualifies a man from testifying in courts, or being tried in the same way as white men. I need not enumerate these partial and oppressive laws. Unless the Constitution should restrain them, those States will all, I fear, keep up this discrimination and crush to death the hated freedmen.



## **CONSTITUTION 101**

---

Module 12: Slavery in America: From the Founding to America's Second Founding

12.5 Primary Source

**The Civil Rights Act of 1866 already attacks laws like the Black Codes; but a future Congress filled with ex-Confederates can get rid of that law; we need to write these protections into the Constitution to avoid this fate and protect future generations; we must ratify this amendment before we readmit the ex-Confederate states.** Some answer, "Your civil rights bill (the Civil Rights Act of 1866) secures the same things." That is partly true, but a law is repealable by a majority. And I need hardly say that the first time that the South with their copperhead allies obtain the command of Congress it will be repealed. The veto of the President and their votes on the bill are conclusive evidence of that. And yet I am amazed and alarmed at the impatience of certain well-meaning Republicans at the exclusion of the rebel States until the Constitution shall be so amended as to restrain their despotic desires. This amendment once adopted cannot be annulled without two thirds of Congress. That they will hardly get. And yet certain of our distinguished friends propose to admit State after State before this becomes a part of the Constitution. What madness! Is their judgment misled by their kindness; or are they unconsciously drifting into the haven of power at the other end of the avenue? I do not suspect it, but others will.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



★ [constitutioncenter.org](http://constitutioncenter.org) ★

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.5 Primary Source

### JACOB HOWARD, SPEECH INTRODUCING THE 14TH AMENDMENT TO THE SENATE (1866)

View the document on the National Constitution Center's website [here](#).

#### SUMMARY

Michigan Senator Jacob Howard was a leading Republican in the Reconstruction Congress. He helped draft and pass the 13th Amendment, abolishing slavery. He also served on the Joint Committee on Reconstruction and supported the Civil Rights Act of 1866—our nation's first major civil right law. Most importantly, when Senator William Pitt Fessenden, Chair of the Joint Committee on Reconstruction, fell ill, Howard took over as the chief spokesperson for the 14th Amendment in the Senate. In this new role, Howard introduced this transformational amendment before a packed Senate gallery on May 23, 1866. His speech was published on the front pages of various newspapers, including *The New York Times* and *The New York Herald*. In his speech, he offered a powerful vision of nationally protected rights—drawing on Justice Bushrod Washington's influential circuit court opinion in *Corfield v. Coryell* (1823) and exploring the “privileges or immunities” of U.S. citizenship that the new amendment would protect against abuses by the states. As Howard argued, these “privileges or immunities” of U.S. citizenship included key liberties enshrined in the Bill of Rights. While the original Bill of Rights only applied to abuses by the national government, Howard explained that the 14th Amendment would extend those protections to cover state abuses.

#### Excerpt

**Congress tasked the Joint Committee on Reconstruction with studying the conditions in the ex-Confederate states and recommending policies to address them.** The joint resolution creating [the Joint Committee on Reconstruction] intrusted them with a very important inquiry, an inquiry involving a vast deal of attention and labor. They were instructed to inquire into the condition of the insurgent States, and authorized to report by bill or otherwise at their discretion. . . .

**Section 1 of the Fourteenth Amendment addresses abuses by the states.** It will be observed that [the Fourteenth Amendment's Privileges or Immunities Clause] is a general prohibition upon all the States, as such, from abridging the privileges and immunities of the citizens of the United States. That is its first clause, and I regard it as very important. It also prohibits each one of the States from depriving any person of life, liberty, or property without due process of law, or denying to any person within the jurisdiction of State the equal protection of its laws.

## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.5 Primary Source

**The Fourteenth Amendment protects key rights against state abuses; it shares some language with Article IV of the Constitution.** The first clause of this section relates to the privileges and immunities of citizens of the *United States* as such . . . . [T]o put the citizens of the several States on an equality with each other as to all fundamental rights, a clause was introduced in the Constitution [Article IV] declaring that “the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.” . . .

**To understand the rights protected under the Fourteenth Amendment, we might look to how similar language in Article IV has been interpreted over time; the Supreme Court hasn't set out an authoritative interpretation of this part of the Constitution; Justice Bushrod Washington offered the most famous interpretation of Article IV in a lower-court decision called *Corfield v. Coryell*.** It would be a curious question to solve what are the privileges and immunities of citizens of each of the States in the several States. . . . I am not aware that the Supreme Court have ever undertaken to define either the nature or extent of the privileges and immunities thus guaranteed. . . . But we may gather some intimation of what probably will be the opinion of the judiciary by returning to a case adjudged many years ago in one of the circuit courts of the United States by Judge Bushrod Washington of the Supreme Court; and I will trouble the Senate but for a moment by reading what the very learned and excellent judge says about these privileges and immunities of the citizens of each State in the several States. It is the case of *Corfield v. Coryell*.

**In *Corfield v. Coryell*, Justice Washington concluded that Article IV covered a range of important rights.** Judge Washington says: “The next question is, whether this act infringes that section of the constitution which declares that ‘the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states?’ The inquiry is, what are the privileges and immunities of citizens in the several states? We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, fundamental; which belong, of right, to the citizens of all free governments; and which have, at all times, been enjoyed by the citizens of the several states which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are, it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: Protection by the government; the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; subject nevertheless to such restraints as the government may justly prescribe for the general good of the whole. The right of a citizen of one state to pass through, or to reside in any other state, for purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefit of the writ of habeas corpus; to institute and maintain actions of any kind in the courts of the state; to take, hold and dispose of property, either real or personal; and an exemption from higher taxes or impositions than are paid by the other citizens of the state; may be mentioned as some of the particular privileges and immunities of citizens, which

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.5 Primary Source

are clearly embraced by the general description of privileges deemed to be fundamental: to which may be added, the elective franchise, as regulated and established by the laws or constitution of the state in which it is to be exercised. These, and many others which might be mentioned, are, strictly speaking, privileges and immunities, and the enjoyment of them by the citizens of each state, in every other state, was manifestly calculated (to use the expressions of the preamble of the corresponding provision in the old articles of confederation) 'the better to secure and perpetuate mutual friendship and intercourse among the people of the different states of the Union.'"

**These "privileges" and "immunities" also include the key rights enshrined in the Bill of Rights' first eight amendments.** Such is the character of the privileges and immunities spoken of in the section of the fourth article of the Constitution. To these privileges and immunities, whatever they may be—for they are not and cannot be fully defined in their entire extent and precise nature—to these should be added the personal rights guaranteed and secured by the first eight amendments of the Constitution; such as the freedom of speech and of the press; the right of the people peaceably to assemble and petition the Government for a redress of grievances; a right appertaining to each and all of the people; the right to keep and to bear arms; the right to be exempted from the quartering of soldiers in a house without consent of the owner; the right to be exempt from unreasonable searches and seizures, and from any search or seizure except by virtue of a warrant issued upon a formal oath or affidavit; the right of an accused person to be informed of the nature of the accusation against him, and his right to be tried by an impartial jury of the vicinage; and also the right to be secure against excessive bail and against cruel and unusual punishments. . . .

**As originally ratified, the Bill of Rights did not apply to the states, and Congress had no power to enforce its key protects; so, the states could violate these rights with impunity; the Fourteenth Amendment was designed, in part, to check the states when they abuse these key rights; in other words, it applies important rights like those in the Bill of Rights to abuses by the states; and the Fourteenth Amendment's Enforcement Clause (Section 5) grants Congress new power to pass laws to enforce these protections.** Now, sir, there is no power given in the Constitution to enforce and to carry out any of these guarantees. They are not powers granted by the Constitution to Congress, and of course do not come within the sweeping clause of the Constitution authorizing Congress to pass all laws necessary and proper for carrying out the foregoing or granted powers, but they stand simply as a bill of rights in the Constitution, without power on the part of Congress to give them full effect; while at the same time the States are not restrained from violating the principles embraced in them except by their own local constitutions, which may be altered year to year. The great object of the first section of this amendment is, therefore, to restrain the power of the States and compel them at all times to respect these great fundamental guarantees. How will it be done under the present amendment? As I have remarked, they are not powers granted to Congress, and therefore it is necessary, if they are to be effectuated and enforced, as they assuredly ought to be, that



## **CONSTITUTION 101**

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.5 Primary Source

additional power should be given to Congress to that end. This is done by the fifth section of this amendment, which declares that “the Congress shall have power to enforce by appropriate legislation the provisions of this article.” Here is a direct affirmative delegation of power to Congress to carry out all the principles of all these guarantees, a power not found in the Constitution.

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.5 Primary Source

### CHARLES SUMNER, ONE MAN POWER VS. CONGRESS (1866)

View the document on the National Constitution Center's website [here](#).

#### SUMMARY

Charles Sumner (R-MA) was a leading radical voice in the U.S. Senate during the Civil War and Reconstruction. He often stood alone politically, representing the most ambitious stands on issues of racial equality and Southern reconstruction. With the outbreak of the Civil War, the Republican Congress divided over how best to conceive of the political status of the ex-Confederate States. Offering a bold theory, Sumner argued that when the ex-Confederate States seceded from the Union, they had committed state “suicide” and reverted to the status of mere territories of the United States. As a result, Congress had broad authority to govern the ex-Confederate States and impose various conditions on them before they could be readmitted to the Union. On the opening day of its new session in December 1865, the Republican-controlled Congress excluded Southern representatives until the ex-Confederate states met certain requirements. In this powerful speech, Sumner defended Congress's authority to exclude the Southern representatives. He also attacked President Andrew Johnson for undermining congressional efforts to reconstruct the ex-Confederate states, protect the rights of African Americans, and ensure a Second Founding for post-Civil War America.

#### Excerpt

**We must exclude the ex-Confederate states from Congress until we reconstruct them on a stronger constitutional foundation; in recent months, a conflict has arisen between the Republican Congress and President Andrew Johnson over the proper approach to Reconstruction.** It is now more than a year since I last had the honor of addressing my fellow citizens of man. On that occasion I dwelt on what seemed to be the proper policy towards the states recently in rebellion—insisting that it was our duty, while renouncing indemnity for the past, to obtain at least security for the future; and this security I maintained could be found only in the exclusion of ex-rebels from political power . . . . During the intervening months the country has been agitated by this question, which was perplexed by an unexpected difference between the President and Congress: The President insists upon installing ex-rebels in political power, and sets at naught the claim of guarantees and the idea of security for the future, while he denies to Congress any control over this question and takes it all to himself. Congress has asserted its control and has endeavored to shut out ex-rebels from political power and to establish guarantees, to the end that there might be security for the future. Meanwhile the states recently in rebellion, with the exception of Tennessee, are without representation in Congress. Thus stands the case. . . .

## CONSTITUTION 101

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.5 Primary Source

**It is Congress's job to set the course of Reconstruction, not the President's; plus, President Johnson was never elected to the presidency (he took over after Lincoln's assassination), and he is a man of inferior abilities and character.** The two parties to the controversy are the President on the one side and the people of the United States in Congress assembled on the other side; the first representing the Executive; the second representing the Legislative. It is the One Man Power vs. Congress. Of course each of these performs its part in the government; but until now it has always been supposed that the Legislative gave the laws to the Executive, not that the Executive gave the law to the Legislative. Perhaps this irrational assumption becomes more astonishing when it is considered, that the actual President, besides being the creature of an accident, is inferior in ability and character, while the House of Representatives is eminent in both respects. A President, who has already sunk below any other president, even Buchanan, madly undertakes to give the law to a House of Representatives, which there is reason to believe is the best that has sat since the formation of the Constitution. Thus, in looking at the parties, we are tempted to exclaim - such a President dictating to such a Congress! . . .

**We must use Reconstruction to realize the broadest ambitions of the Civil War and emancipation; otherwise, the war will not have been worth it; if President Johnson wins this battle, the ex-Confederates will seize power and African Americans will face intimidation, violence, and unjust laws; however, if Congress prevails, we will crush the rebels, protect the rights of African Americans, ensure peace throughout the nation, and bring the nation together again under the right set of constitutional principles.** The question at time is one of the vastest ever presented for practical decision, involving the name and weal of this Republic at home and abroad. It is not a military question; it is a question of statesmanship. We are to secure by counsel what was won by the war. Failure now will make the war itself a failure, surrender now will undo all our victories. Let the President prevail, and straightway the plighted faith of the Republic will be broken; the national creditor and the national freedman will be sacrificed; the Rebellion itself will flaunt its insulting power; the whole country in its length of wealth will be disturbed; and the rebel region will be handed over to misrule and anarchy. Let Congress prevail and all this will be reversed; the plighted faith of the Republic will be preserved; the national creditor and the national freedman will be protected; the Rebellion itself will be trampled out forever; the whole country in its length and breadth will be at peace; the rebel region, no longer harassed by controversy and injustice, will enjoy richest fruits of security and reconciliation. To labor for this cause may well tempt the young and rejoice the old. . . .

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.5 Primary Source

**The Civil War was a brutal war; we must use this moment to secure a better future for America; we must hold the ex-Confederates out of Congress until we write the results of the Civil War (emancipation) and the promise of equal rights for all into our laws and into the Constitution itself.** Here I stand. At the close of a terrible war—which has wasted our treasure—which has murdered our fellow citizens—which has filled the land with funerals—which has maimed and wounded many whom it has spared from death—and which has broken up the very foundations of peace—our first duty is to provide safeguards for the future. This can be only by provisions, sure, fundamental ir repealable, which shall fix forever the results of the war—the obligations of government—and the equal rights of all. Such is the suggestion of Common prudence and of self-defence, as well as of common honesty. To this end we must make haste slowly, states which precipitated themselves out of Congress must not be allowed to precipitate themselves back. They must not be allowed to enter those halls which they treasonably deserted, until we have every reasonable assurance of future good conduct. We must not admit them and then repent our folly. . . .

**President Johnson argues that he has the power to set Reconstruction policy; his policy is to restore the ex-Confederates to power and abandon African Americans and white Unionists in the South; this is a serious mistake.** Glance, if you please, at that Presidential Policy—so constantly called “my policy”— which is now so vehemently pressed upon the country and you will find that it pivots on at least two alarming blunders—as can be easily seen; first, in setting up the One Man Power, as the source of jurisdiction over this great question; and secondly, in using the One Man Power for the restoration of rebels to place and influence, so that good Unionists, whether white or black, are rejected, and the rebellion itself is revived in the new government. Each of these assumptions is an enormous blunder. . . .

**President Johnson and his supporters say that they're simply following Lincoln's path; they are wrong.** Partizans of the Presidential “policy” are in the habit of declaring that it is a continuation of the policy of the martyred Lincoln. This is a mistake. Would that he could rise from his bloody shroud to repel the calumny! . . .

**I am willing to reconcile with the ex-Confederates, but not until we reconstruct the South.** I am not against pardon, clemency or magnanimity, except where they are at the expense of good men. I trust that they will always be practiced; but I insist that recent rebels shall not be admitted without proper precautions to the business of the firm. . . .

**President Johnson promised me that he would approach Reconstruction differently.** I was in Washington during the first month of the new Administration, destined to fill such an unhappy place in history. During this period I saw the President [Johnson] frequently, sometimes at the private house he then occupied and sometimes at his office in the Treasury. On these occasions the constant topic was “reconstruction,” which was considered in every variety and aspect. More than Once, I ventured to press upon him the duty and the renown of

## **CONSTITUTION 101**

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.5 Primary Source

carrying out the principles of the Declaration of Independence and of founding the new governments in the rebel states on the consent of the governed, without any distinction of color. To this earnest appeal he replied on one occasion, as I sat with him alone in words which I can never forget; "On this question, Mr. Sumner, there is no difference between us. You and I are alike." . . .

**But President Johnson decided to pursue a different course; he chose the ex-Confederates over Congressional Republicans; the ex-Confederates retook power in the Southern states and imposed the Black Codes, trampled on white Unionists, and violated core rights like free speech and a free press.** Only a short time afterwards there was a change which seemed like a summerset; and then ensued a strange sight. Instead of faithful Unionists recent rebels thronged the Presidential antichambers, rejoicing in a new-found favor. They made speeches at the President and he made speeches at them. A mutual sympathy was manifest. . . . Every where ex-rebels came out of their hiding-places. They walked the streets defiantly and asserted their old domination! Under the auspices of the President a new campaign was planned against the Republic, and they who failed in open war sought to enter the very citadel of political power. Victory, punctuated by so much loyal blood and treasure, was little better than a cypher. Slavery itself re-appeared in the spirit of Caste. Unionists, who had been trampled down by the Rebellion were trampled down still more by these Presidential governments. There was no liberty of the press or liberty of speech, and the lawlessness of Slavery began to rage anew.

**Under President Johnson's policy, the rebellion began anew; and the ex-Confederates expressed hatred towards Congressional Republicans and treated African Americans unjustly.** Every day brought tidings that the rebellion was re-appearing in its essential essence. Amidst all professions of submission there was an immitigable hate to the national Government, and a prevailing injustice to the freedman. . . .

**President Johnson has kept up his battle against Congressional Republicans; he opposes the Fourteenth Amendment.** Meanwhile the Presidential madness has become more than ever manifest. It has shown itself in frantic efforts to defeat the Constitutional Amendment [the Fourteenth Amendment] proposed by Congress for adoption by the people. By this amendment certain safeguards are established. Citizenship is defined, and protection is assured at least in what are called civil rights. The basis of representation is fixed on the number of voters, so that if colored citizens are not allowed to vote they will not by their numbers contribute to representative power, and one voter in South Carolina will not be able to neutralize two voters in Massachusetts or Illinois. Ex-rebels who had taken an oath to support the Constitution of the United States are excluded from office, national or state. The national debt is guaranteed, while the rebel debt and all claim for slaves are annulled. But all these essential safeguards are rudely rejected by the President. . . .

## **CONSTITUTION 101**

---

Module 12: Slavery in America: From the Founding to America's Second Founding

12.5 Primary Source

**In response, we must continue to exclude the ex-Confederates from Congress; we must ratify the Fourteenth Amendment; we must end racial discrimination in voting; we must give African Americans land of their own; we must ensure a good education for African American children; and we must protect free speech, a free press, and the right to travel.**

And now that I may give practical direction to these remarks, let me tell you plainly what must be done. In the first place, Congress must be sustained in its conflict with the One Man Power, and in the second place, ex-rebels must not be restored to power. Bearing these two things in mind the way will be easy. Of course, the constitutional amendment must be adopted. As far as it goes, it is well; but it does not go far enough. More must be done. Impartial suffrage must be established. A homestead must be secured to every freedman, if in no other way, through the pardoning power. If to these is added Education, there will be a new order of things, with liberty of the press, liberty of speech and liberty of travel, so that Wendell Phillips may speak freely in Charleston or Mobile. . . . Our present desires may be symbolized by four "E's," standing for Emancipation, Enfranchisement, Equality and Education. Let these be secured and all else will follow. . . .

**\*Bold sentences give the big idea of the excerpt and are not a part of the primary source.**



## CONSTITUTION 101

Module 12: Slavery in America: From the Founding to America's Second Founding  
12.6 Primary Source

# THE DECLARATION OF INDEPENDENCE

View the document on the National Constitution Center's website [here](#).

## SUMMARY

On July 4, 1776, the United States officially declared its independence from the British Empire when the Second Continental Congress adopted the Declaration of Independence. The Declaration was authored by a “Committee of Five”—John Adams, Benjamin Franklin, Thomas Jefferson, Robert Livingston, and Roger Sherman—with Jefferson as the main drafter. But Jefferson himself later admitted that he was merely looking to reflect the “mind of Americans”—bringing together the core principles at the heart of the American Revolution. The Declaration also included a list of grievances against King George III, explaining to the world why the American colonies were separating from Great Britain. The American Revolution ended with the Battle of Yorktown in 1781 and the Treaty of Paris in 1783. A little over two decades after King George III took the throne, the American people had broken from Great Britain and begun a new experiment in Republican government.

## Excerpt

### **In Congress, July 4, 1776**

The unanimous Declaration of the thirteen united States of America, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, —That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and



★ [constitutioncenter.org](http://constitutioncenter.org) ★

## **CONSTITUTION 101**

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.6 Primary Source

usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.



## **CONSTITUTION 101**

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.6 Primary Source

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

## **CONSTITUTION 101**

---

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.6 Primary Source

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.



## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding 12.6 Test Your Knowledge

## SLAVERY IN AMERICA

Complete the questions in the following quiz to test your knowledge of basic ideas and concepts covered in this module.

1. During the colonial period, slavery in America was \_\_\_\_\_.
  - a. Only a Southern phenomenon
  - b. Practiced in both Northern and Southern colonies
  - c. Abolished in every Northern colony
  - d. Prohibited by order of the King of England
2. Although founders like George Mason, James Madison, and Thomas Jefferson expressed a desire to end slavery in theory, \_\_\_\_\_.
  - a. They were only able to free the enslaved persons they had held
  - b. They saw no problems with the institution of slavery
  - c. They were never able to reconcile slavery or free the people they enslaved
  - d. They succeeded in eliminating slavery only in Virginia
3. Which founder, when discussing his involvement with slavery, admitted that "I am drawn along by the general inconvenience of living without them, I will not, I can not, justify it."
  - a. Patrick Henry
  - b. George Mason
  - c. George Washington
  - d. Thomas Jefferson
4. A year after the Declaration of Independence, this man submitted a petition to the Massachusetts legislature, arguing for the abolition of slavery.
  - a. John Adams
  - b. Paul Revere
  - c. Prince Hall
  - d. Crispus Attucks
5. At the Constitutional Convention, where 25 of the 55 delegates were slaveholders, the framers \_\_\_\_\_.
  - a. Abolished slavery throughout the United States
  - b. Refused to write explicit protection for the "right to property in man"
  - c. Enshrined protections for slaveholders in the Constitution
  - d. Both B and C

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.6 Test Your Knowledge

6. Which of these is *not* true about the Constitution?
  - a. It mentions slavery by name.
  - b. It includes a Slave Trade Clause.
  - c. It includes a Three-Fifths Clause.
  - d. It includes a Fugitive Slave Clause.
  
7. Because the House of Representatives is drawn based on each state's population, a key question at the Convention was how to count the enslaved population. Ultimately, the delegates decided to \_\_\_\_\_.
  - a. Compromise and count enslaved persons as three-fifths of a person
  - b. Count enslaved persons as whole persons, as Southerners wanted
  - c. Exclude enslaved persons from the count, as some anti-slavery delegates wanted
  - d. Postpone the debate until the next presidential election
  
8. Although some northern states had begun to abolish slavery and the practice itself was banned in the Northwest Ordinance of 1787, the Fugitive Slave Clause \_\_\_\_\_.
  - a. Protected runaway slaves who were in hiding
  - b. Provided land in the Northwest Territory for runaway slaves
  - c. Allowed Southern slaveholders to go into Northern states to retrieve enslaved people who had escaped
  - d. Declared everyone who lived north of the Mason-Dixon line to be free
  
9. By the time of the founding, even many slaveholders opposed the inhuman Atlantic slave trade. However, the issue led to heated debates at the Constitutional Convention, where the delegates ultimately agreed to \_\_\_\_\_.
  - a. End the slave trade immediately, even though South Carolina threatened to walk out of the Convention
  - b. Compromise by allowing Congress to ban the slave trade after 20 years
  - c. Allow the slave trade to continue indefinitely
  - d. Permit only the wealthiest merchants to continue in the slave trade
  
10. The anti-slavery movement was part of America from the beginning. In January 1777, Prince Hall, a free African American in Boston, offered a petition for freedom in Massachusetts, drawing on the promises of the Declaration of Independence. By 1783, \_\_\_\_\_.
  - a. Massachusetts had passed a stronger fugitive slave law
  - b. Boston voted to protect the slave trade
  - c. Massachusetts' highest court would declare slavery unconstitutional
  - d. Paul Revere had told everyone about Prince Hall's petition

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.6 Test Your Knowledge

11. In his final public act, this framer and president of the Pennsylvania Anti-Slavery Society sent a petition to Congress calling for the abolition of slavery and an end to the slave trade.
- Benjamin Franklin
  - George Washington
  - Thomas Jefferson
  - James Madison
12. Abolition, the movement to end slavery, gained momentum in the early-to-mid 1800s. What was true about the abolition movement?
- It was made up of only free blacks and former enslaved persons.
  - It included only wealthy whites from the New England states.
  - It was an interracial movement, bringing African American and white Americans, women and men alike, together in a common cause.
  - It only supported the expansion of slavery into western territories.
13. Ideas about freedom, equality, and the Constitution that emerged in the anti-slavery movement became the foundation for rise of Abraham Lincoln and the birth of this political party.
- Federalist Party
  - Republican Party
  - Whig Party
  - Democratic Party
14. A major division emerged among abolitionist and anti-slavery leaders over the relationship between slavery and the Constitution. Radical abolitionists such as William Lloyd Garrison and Wendell Phillips argued that \_\_\_\_\_.
- The Constitution was a pro-slavery compact
  - The Constitution was “a covenant with death and an agreement in hell”
  - The only way to end slavery was through moral persuasion and activism
  - All of the above
15. In contrast, some read the Constitution as a “glorious liberty document.” In 1860, \_\_\_\_\_, a formerly enslaved person and influential abolitionist, urged that the North should “now make that instrument bend to the cause of freedom and justice.”
- Frederick Douglass
  - Ella Baker
  - Martin Luther King Jr.
  - Malcolm X

## CONSTITUTION 101

### Module 12: Slavery in America: From the Founding to America's Second Founding

#### 12.6 Test Your Knowledge

16. In 1852, Frederick Douglass criticized the celebration of this holiday as a sham, given that millions of Americans were still enslaved.
- New Years Day
  - The Fourth of July
  - Thanksgiving
  - Christmas
17. Many anti-slavery advocates, including Abraham Lincoln, thought that the Constitution didn't empower the national government to attack slavery where it already existed. These advocates\_\_\_\_\_.
- Didn't mind as long as slavery wasn't in their own state
  - Agreed that the Constitution was a pro-slavery document
  - Hoped to prohibit slavery's expansion into western territories
  - Never believed that America would abolish slavery
18. In 1857, the Supreme Court made its most important—and infamous—decision on slavery, arguing that African Americans “had no rights that a white man was bound to respect.” The name of this infamous case was \_\_\_\_\_.
- Marbury v. Madison*
  - Dred Scott v. Sandford*
  - Plessy v. Ferguson*
  - Brown v. Board of Education*
19. Drawing on his war powers as president, Abraham Lincoln issued this historic declaration on January 1, 1863, both affirming what was already happening and setting a new baseline for the treatment of slavery after the war.
- The Declaration of Sentiments
  - The Gettysburg Address
  - The Emancipation Proclamation
  - The Civil Rights Act
20. After the Civil War, the 13th, 14th, and 15th Amendments abolished slavery, wrote the Declaration of Independence's promise of freedom and equality into the Constitution, and banned racial discrimination in voting. This period, which some historians call America's “Second Founding,” is also known as\_\_\_\_\_.
- Reconstruction
  - Antebellum
  - The Progressive Era
  - The New Deal

## **CONSTITUTION 101**

---

### Module 12: Slavery in America: From the Founding to America's Second Founding 12.6 Test Your Knowledge

#### Answer Key

1. B
2. C
3. A
4. C
5. D
6. A
7. A
8. C
9. B
10. C
11. A
12. C
13. B
14. D
15. A
16. B
17. C
18. B
19. C
20. A