

Those “Other Rights:” The Constitution and Slavery

U.S. History lesson, Grades 9-12

Sara Ziemnik
Rocky River High School
20951 Detroit Road
Rocky River, OH 44116
440.356.6800
ziemnik.sara@rrcs.org

Overview:

As the Constitutional Convention concluded, Charles Pinckney of South Carolina lamented that “some provision should be included in favor of property in slaves.” Within a few days, this motion was renewed as a formal addition in Article IV. Clause 2 became the most controversial of the so-called “slave clauses” and led to many arguments and disputes in the 1840s and 1850s.

In this lesson, students will use primary and secondary sources to evaluate the origins of slavery in the United States as evident in the original ratification of the Constitution. Then, they will analyze how challenges to slavery developed throughout America, and how the Constitution was challenged and eventually changed as a result. By examining the different laws and documents related to the “right” to own slaves, they will understand how the Constitution was at the heart of the argument over the very nature of slavery in America. Analyzing the sources from 1787 to the 13th Amendment will enhance students’ understanding of this critical period in our history and how important the Constitution is as a living document. Upon completion, students will be able to trace the uncomfortable yet true protection of slavery that is present in the Constitution, as well as be inspired by the ability of individuals to shape the laws that ultimately changed this unjust system at odds with the very nature of liberty and justice in that document.

Purpose:

To evaluate various primary source documents related to the Constitutional right of slaveowners present in the original document, and to analyze the various steps challenging and changing this right.

Connections to the Curriculum:

U.S. History, AP U.S. History

Grade level:

9-12

Time:

1 class period

Objectives:

1. Students will use information from original text sources to recognize the right of slaveowners present in Article 4, Section 2, Clause 3 of the Constitution.
2. Students will evaluate the effectiveness of laws and events that were seen as a “threat” to the rights of slaveowners and place them in a historical context to understand the debate of the time period.
3. Students will demonstrate application of the historian’s skills of asking historical questions, acquiring historical information, and answering historical questions.
4. Students will understand that the Constitution is a living document and that its imperfectness and its fluidity are reflective of our nation’s struggle for equality for all.

NCSS Thematic Strand

1. “Power, Authority, and Governance: Social Studies programs should include experiences that provide for how people study of how people create, interact with, and change structures of power, authority, and governance.”

NCSS C3 Standards

1. D2.His.1.9-12: Evaluate how historical events and developments were shaped by unique circumstances of time and place as well as broader historical contexts.

Materials Needed:

Constitution: Article 4, Section 2, Clause 3

(1)Text, Fugitive Slave Act of 1793

(2)Background on Oney Judge

(3)Letter to the Editor: Reverend Benjamin Chase, *The Liberator*, January 1, 1847, regarding Oney Judge (Martha Washington’s runaway slave)

(4)Text, Fugitive Slave Act of 1850

Text, Thirteenth Amendment

Butcher paper or other large pieces of paper (4 per class)

Background Information/Homework/Pre-Learning:

Students should read two assigned primary sources: all students should read the Constitution, Article 4, Section 2, Clause 3, and come with a brief analysis of the effects of this clause. Then, they should also be assigned one of four of the other primary sources, and their job is to evaluate to what extent it upheld or challenged the original language in the Constitution

regarding slavery. The teacher shall project the 13th Amendment at the conclusion of the activity, and will lead the discussion of its impact.

Essential Question:

What Constitutional protections of slavery existed in the Constitution, and what challenges resulted from these protections?

Procedures:

1. On a SmartBoard or chalkboard, present the text of Article 4, Section 2, Clause 3. Ask students what the original intent of this clause was, and why they put it in the Constitution. Discuss with students the already evident tension between slaveowners and non-slaveowners, and why the Framers would have felt the need to add a protection for slaveowners toward Fugitive Slaves. Clearly, the issue of slavery was divisive from Day One of this nation, yet it still emerged as a protection in the Constitution. Discuss the reasoning behind this seemingly inexplicable action in a document created to protect liberty.
2. In their four groups, supply students with a large piece of paper or a large sticky pad, and send them to four corners of the room. Have them view their primary source and take the 25 most important words in their document. Expect them to want more words, but they must choose the 25 that best sum up their document or article! This teaches students important analytical skills for difficult primary and secondary sources and how to interpret their meaning effectively. These 25 words should be written largely on their paper, so that they can easily be seen across the room.
3. As they complete this task, groups should also examine the cause and effect of their particular document. How was it supporting or challenging the Constitutional right guaranteed slaveowners in Article 4?
4. Each group (in order) will present their 25 words to the class, as well as the causes and effects of their document upon the rights of slaveowners in Article 4. Challenge students to see each document as a step in the journey toward abolition of slavery in the Constitution.
5. Project the image of the Thirteenth Amendment at the conclusion of the activity, and discuss with students the effects of this document as far as changing the original language of the Constitution. What problems related to guaranteeing rights of former slaves may still be lingering after this amendment was ratified?

Assessment:

I typically assess the statements made by each student in their accuracy and how well they have used the required primary and secondary sources. If desired, you can have students submit a 1-2 paragraph explanation of their document and how it challenged the original wording of Article 4.

Extension/Enrichment:

Ask the students, “Why would the Framers of the Constitution protect slavery in a document that’s very intent was to honor liberty and freedom?” This is a difficult question to answer, yet an important one in for students to consider when understanding the evolution of Civil Rights in America.

The AP US History 1982 Document-Based Question is a fabulous activity for students to examine and/or write after completing this activity, as it examines the role of John Brown’s raid in ending slavery, and many of the same themes are analyzed in the documents.

As a discussion or a written extension, ask the students to pinpoint the moment the Civil War became inevitable. Possible answers include: 1787, the Missouri Compromise Law, the Compromise of 1850, the Kansas-Nebraska Act, John Brown’s Raid, Lincoln’s election, etc. They should research why they believe their choice is a better choice than the others, and share their findings with the class.

Websites:

Text of the Constitution: <http://constitutioncenter.org/interactive-constitution>

1793 Fugitive Slave Act:

<http://www.pbs.org/wgbh/aia/part2/2h62t.html>

Background on Oney Judge:

<http://www.mountvernon.org/research-collections/digital-encyclopedia/article/oney-judge/>

Letter to the Editor, *The Liberator*, January 1, 1847:

<http://www.ushistory.org/presidentshouse/news/oj010147.htm>

Fugitive Slave Act of 1850:

http://avalon.law.yale.edu/19th_century/fugitive.asp

Original Document: The Thirteenth Amendment to the Constitution:

<http://memory.loc.gov/cgi-bin/ampage?collId=mal&fileName=mal3/436/4361100/malpage.db&recNum=0>