An Honorable Document or a Pro-Slavery Deal?

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"'[The Constitution] was made in view of the existence of slavery, and in a manner well calculated to aid and strengthen that heaven-daring crime'" (Berry 19). This was, and still is, the opinion held by many scholars and historians regarding slavery and the initial drafting of the U.S. Constitution. Many people believe that although the Constitution did not directly mention the word "slavery," the Founders' intention toward this practice was apathetic, if not completely unsupportive. Although it is evident after studying the drafting of the Constitution that many founders were morally opposed to slavery, it is not a stretch to say that some also fought for the permanent protection of it. It is because of this reason that many people believe the original drafters of the Constitution included provisions which allowed the slave states to continue the practice of importing and mistreating slaves.

While the word "slavery" is never specifically mentioned in the Constitution, it is easy to see that the issue of slavery was prominent in the minds of each of the Constitutional framers. One major problem which led to a compromise that seemingly supported the issue of slavery is that of congressional representation. Under the Articles of Confederation, each state had only one vote. However, the new Constitution relied upon a system of proportional representation, which meant that each state would have a certain number of representatives dependent upon population. With this new system arose the question of whether or not slaves should be counted in the census. Counting the slaves on the same level as free people would have given the southern slave states more power. On the other hand, because slaves were often considered to be property and not people, not counting them at all would have given the southern states less power in the House.

Initially, the southern states argued that slaves should be counted on the same level as a free person because they believed "equal representation ought to be allowed for them in a government which was instituted principally, for the protection of property, and was itself to be supported by property" (Phillips 26). The North, however, claimed that this would be unjust. Therefore, a compromise was proposed – the 3/5 compromise. Essentially, this clause stated that slaves were to be counted as 3/5 of a person when a census of the population was taken to

Written for Dr. Erik Trump's PS 270 Course
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determine the number of seats for each state. While those debating for the North could not understand how a person – even a black slave – could be counted as only 3/5 of a person, they understood that a compromise was essential in order to satisfy the southern states so they would remain a part of the Union. During the Federal Convention of 1787, Mr. Wilson of Pennsylvania argues that he "did not well see, on what principle the admission of blacks in the proportion of three-fifths could be explained…These were difficulties, however, which he thought must be overruled by necessity of compromise" (Phillips 28).

Although this may seem like a reasonable compromise in order to keep the South in the Union, it also seems plausible that this compromise was really a disguise for the true pro-slavery intentions of the founders. The 3/5 clause also led to many other constitutional provisions that had to be debated and included in the Constitution in order to keep the southern slave states happy. These other provisions are also arguably pro-slavery. The first of these ideas that seemed to go hand-in-hand with the 3/5 clause was the fact that more representation in the House gave the South added power in the Electoral College. This demonstration of additional influence can easily be seen as a pro-slavery attempt because it allowed the southern slave states to have increased influence in the ability to elect a president. The results of this were beneficial to the southern states because for many years to follow, either slave owners or northerners with southern sympathies held office which meant there was practically no chance of abolishing slavery during this time (Berry 17).

In addition to increased representation, the government also established many clauses which limited Congress' ability to eliminate slavery. The first of these clauses prohibited the government from placing taxes on exports which helped slave states because "slaveholders depended on the agricultural exports produced by slaves" (Berry 17). Another provision, the Tenth Amendment, also benefitted slave states because any powers, such as slavery, which were not specified in the Constitution, were left to the discretion of the states. Mr. Ellsworth argued in the constitutional debates that "the morality or wisdom of slavery are considerations belonging to the States themselves" (Phillips 43). This meant that southern slave states had the authority to decide whether or not to abolish slavery – and most of them would choose not to. Another provision that was added by the founders required the federal government to assist slave states in the event of domestic violence or insurrections (Berry 17). This basically meant that there was no way that slaves could stand up for themselves, which left no opportunity for them to assert their status as individuals. Finally, another very important condition that was included in the Constitution allowed importation of slaves to continue until 1808 – twenty years after the provision was added. Mr. Rutledge stated that when it came to allowing slaves to be imported for twenty more years, "religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations" (Phillips 42). This amendment made it practically impossible for