

THE FEDERAL CONVENTION, 1787

OBJECTIVES

- To understand the interconnected issues regarding slavery, representation, commerce and union at the Federal Convention.
- To compare and contrast the positions and underlying interests of the delegates from various states at the Federal Convention.
- To understand what alternative solutions were available at the Federal Convention.
- To appreciate the long-term impact of decisions made about slavery in 1787.

CORRELATIONS WITH NATIONAL HISTORY STANDARDS

Era Two

Standard 3

The student understands how the values and institutions of European economic life took root in the colonies and how slavery shaped European and African life in the Americas.

- Explain the shift from indentured servitude to chattel slavery in the southern colonies.

Era Three

Standard 3A

The student understands the issues involved in the creation and ratification of the United States Constitution and the new government it established.

- Analyze the factors involved in calling the Constitutional Convention.
- Analyze the alternative plans considered by the delegates and the major compromises agreed upon to secure approval of the Constitution.
- Compare the arguments of Federalists and Anti-Federalists during the ratification debates and assess their relevance in late twentieth century politics.

OVERVIEW

*I*n the summer of 1787, delegates from twelve of the thirteen states met in Philadelphia to correct what they considered were the problems with the Articles of Confederation that had emerged since its ratification in 1781: Congress had no money and no power to get it from the states, no power to make state governments abide by international treaties or trade agreements, and no power to regulate trade among the states or to protect the property rights of individuals. While the delegates agreed that they needed a stronger national government, they feared too strong a central government and disagreed about how the states would be represented in a new and stronger national government, an issue that pitted large states against small states. They also divided over if and how slaves should be included in determining each state's representation in

Congress and whether or how long slave trade should continue, issues that generally set the southern slave states against the northern states, which had comparatively few slaves and were moving to end the institution of slavery. Although the delegates represented the various economic, political and ideological interests of their state and region, there were many areas of common concern: most importantly, the economic and national security problems of the new nation. While the delegates differed over the amount of power to give to the central government and also over slavery in a new republic based on individual liberty, they wanted to stay united and to avoid splitting into several small and weak republics. It was this desire to ensure that the new nation remain an enduring Union and one that could work effectively for the general welfare and the common defense that propelled the creation of the Constitution of the United States in 1787. While historians have traditionally focused on the debate over the degree of power for and within the new central government, the existence of black slavery was a powerful underlying and unresolved issue in 1787. It would rupture the Union seventy years later with a bloody Civil War.

HISTORICAL BACKGROUND

Slavery in the Colonies

 Slavery played a significant role in the development of the American colonies. Slaves cleared forests, drained swamps, cultivated rice and tobacco and worked as domestic servants, artisans, skilled craftsmen or laborers. Slaves were common in most of the colonial seaboard cities as well as on farms and plantations. When the English seized the New Netherland colony in 1664, newly-named New York City had a higher percentage of slaves than Virginia. However, the southern states soon became the center of slavery.

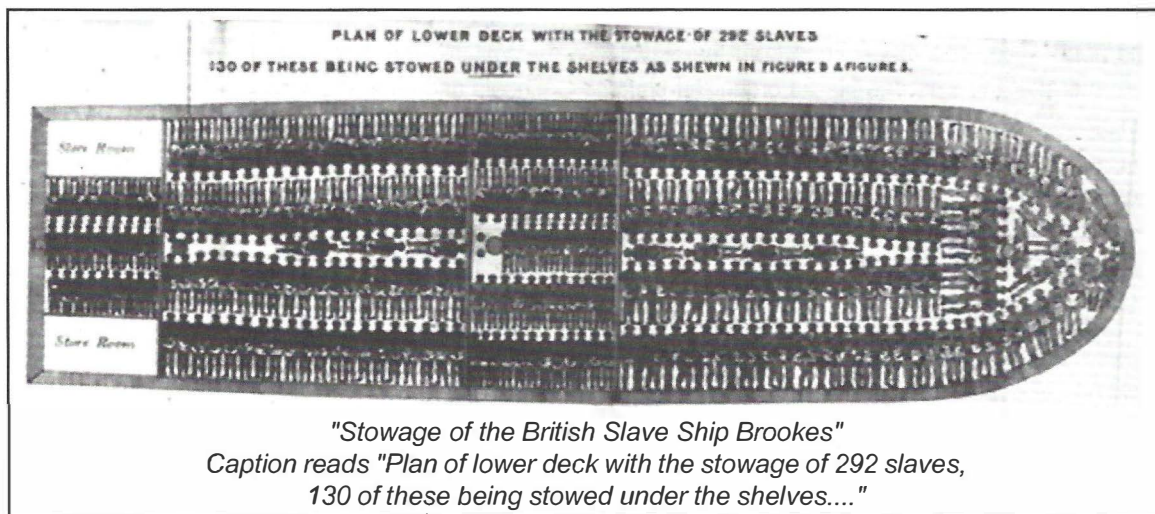
The Spanish had brought African slaves to the Americas in the early sixteenth century, but the English were slow to adopt slavery. In 1619, a "Dutch Man-of-War" sold the Jamestown colony "20 and odd negroes." The Dutch probably considered these Africans slaves, but the English in Virginia most likely treated them as indentured servants since at least a few of the blacks who were sold in 1619 later showed up in records as free men and landowners. Indentured servants gained their freedom after serving their period of indenture (a contracted time of service), usually seven years. However, by 1660, Virginia had evolved into a society where slavery, that is, lifelong servitude which was also inherited by the children, was becoming increasingly common. Although both whites and blacks served as indentured servants, only blacks were slaves, and more and more Africans were being brought to the American colonies as slaves. By 1660, at least half of the 1,000 or so Africans in Virginia were slaves. By 1700, Virginia had at least 10,000 Africans, and almost all of them were slaves. Planters in Maryland, like Virginia, were using slaves to grow tobacco, and the institution of slavery became increasingly codified.

South Carolina, established in 1669, had slavery from the beginning, in part because many of its original leading settlers came from Barbados where slavery was already well established. The "Fundamental Constitution" of the colony, drafted in part by John Locke, explicitly provided for black slavery. By 1708, South Carolina had become the only colony with a black majority. Slaves were essential to the forest-products industry and the emerging rice and indigo plantations. By 1720, two-thirds of its population was slaves. In response to the bloody Stono Rebellion in 1739, South Carolina's white planter elites temporarily suspended the importation of slaves. By 1775, slaves were still about 60 percent of the population, but the Revolutionary War and the suspension of the African trade during and after the war, as well as immigration by whites into the Carolina backcountry, reduced the percentage of slaves to less than half the population by 1790.

Slavery grew less rapidly in the North. It was inconsistent with the Puritan, Quaker and Pietistic religious values and notions of community—although some members of all these faiths owned slaves. Rhode Island, which was not Puritan, was the only New England colony with a substantial slave population. It also became a

center for the African slave trade, as its ships brought slaves from Africa to the West Indies and the South, often returning with Caribbean molasses which was converted into rum. Slavery was an important institution throughout the middle colonies, although objections were raised, mainly by Quakers and Mennonites (See Document 1: Resolutions of the German Mennonites, 1688.) In New York, slaves labored on farms, unloaded ships at wharves, provided skilled and unskilled urban labor, and everywhere provided domestic service. On the eve of the American Revolution, slaves were around 20 percent of the population in New Jersey and New York but probably no more than 10 percent of the population in Pennsylvania.

Between 1630 and 1775, approximately 340,000 slaves were imported to the mainland English colonies, mostly in the South. However, well before the Revolution, these colonies already had a self-sustaining slave population. Indeed, what became the United States was the only major slave society in the New World in which the slave population grew through natural increase. This was markedly different from the sugar colonies of the Caribbean, Brazil and Suriname, where the climate and conditions were so deadly that massive and continuous importations were necessary to maintain the slave populations. By the end of the eighteenth century, more than half a million black slaves labored in the thirteen colonies. The African slave trade proved highly profitable to many Europeans and Americans, and also to those in Africa who sold captives into the slave trade. Ship builders, merchants and seaman from New England and the mid-Atlantic colonies, as well as British investors and traders, all made money from human cargoes. By 1720, most of the slave ships headed for the North American mainland went to the Chesapeake or the Carolinas, where the worldwide demand for tobacco and rice made some planters very rich.



During the American Revolution, some free black men and African slaves enlisted in primarily northern units of the Continental Army, often with the encouragement of their masters, some of whom emancipated them for doing so. Massachusetts, Connecticut and Rhode Island organized some black battalions, but in these and other northern states, most blacks served in integrated units. Under southern influences, the Continental Congress and General Washington initially attempted to prohibit black enlistment. But, by early 1776, both the Congress and General Washington reversed their position. Similarly, Virginia, the largest state, initially prohibited blacks, slave or free, from serving in the military but later modified its position. These policy changes were not solely motivated by humanitarian or recruiting concerns. In late 1775, Lord Dunmore, the Royal Governor of Virginia, offered freedom to slaves willing to fight for the Crown. While this promoted southern fears of a race war, it also contributed to a re-evaluation of the initial ban on black soldiers. In 1779, the Continental Congress offered to compensate masters in South Carolina and Georgia who enlisted their slaves, but the legislatures in both states rejected this proposal.

Early Eighteenth Century Slave Trade

In 1775, slavery was legal in all thirteen colonies. However, during the Revolutionary period, opposition to slavery grew stronger. (See Document 2: Jefferson's Original Draft of the Declaration of Independence Indicting the British for Bringing Slavery to the Colonies, in 1776.) During and after the Revolutionary War, opponents of slavery formed abolitionist societies in all the northern states, usually led by local elites such as John Jay, Gouverneur Morris and Alexander Hamilton in New York and Benjamin Rush and Benjamin Franklin in Pennsylvania. The state constitutions of Massachusetts (1780) and New Hampshire (1784) were interpreted to prohibit slavery while Pennsylvania (1780), Connecticut (1783) and Rhode Island (1783) passed gradual emancipation acts. The Massachusetts' constitution declared that "all men were born free and equal," a provision interpreted by the courts to end slavery. Pennsylvania's gradual emancipation act provided that all children of slaves would be free but required to serve their mother's master as indentured servants until they turned twenty-eight. This balanced the master's property claims to the children against the goal of ending slavery. Efforts to pass gradual emancipation acts would not succeed in New York until 1799 and in New Jersey until 1804.

The American Revolution also influenced attitudes toward slavery in the South. Quakers in Virginia and North Carolina protested the institution, and small abolitionist societies formed in Virginia, Delaware, and Maryland. In 1782, Virginia allowed masters to manumit (free) slaves, leading to a significant number of private manumissions: between 1782 and 1810 the state's *free* black population grew from 2,000 to about 30,000. Although Maryland and Delaware were committed to the institution of slavery, there was a great deal of private manumission, and the slave population was beginning to decline in both states. The Revolution also had a profound effect on black communities, especially in the North. Serving with skill, honor and courage, black soldiers challenged existing beliefs about race. The dislocations from the Revolutionary War allowed many slaves to escape to freedom. During and after the war, free blacks organized churches, schools and other institutions. In 1786, Richard Allen began preaching to free blacks in Philadelphia. He helped organize the Free African Society in 1787 and, in 1794, organized the African Methodist Episcopal Church. Meanwhile, Phillis Wheatley, a young, free black woman in Boston, began publishing poems and essays. Wheatley's poetry went through numerous editions in England and America before her death in 1784. Although few in number, these black leaders in arts, religion and culture were living refutation of the predominant views of slaveowners regarding the inferiority of blacks.

In 1787, blacks were about 4 percent of the population in the northern states, and less than a quarter of them were slaves. By contrast, about 43 percent of the population in South Carolina and 40 percent of Virginia's population were slaves. The first national census in 1790 showed a total population of 3,900,000, of which 757,000 were "negroes." (See the 1790 Census: Total and Slave Populations by State, on page 149 and as a



Slaves hoeing tobacco



Slaves clearing a field to plant

handout on the CD.) Slaves were critical to the maintenance of the wealth and lifestyle of southern economic elites and political leaders. In addition, many white Southerners, including Thomas Jefferson, were very concerned about the idea of a large number of free blacks living among them.

During the Revolution, all the states banned the African slave trade, (in the case of the Carolinas and Georgia, it was simply suspended) and on the eve of the Federal Convention in 1787, the foreign slave trade was still closed throughout the nation. Virginia and Maryland had more slaves than they needed for their plantations, but the leaders of South Carolina and Georgia expected to import more slaves from abroad in the future. Slavery itself was illegal in Massachusetts and New Hampshire and being gradually abolished in Pennsylvania, Rhode Island and Connecticut. Slavery was legal and vigorous in Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey and New York. Despite its founding ideology of individual liberty and self-government, the United States was a slaveowning republic.

TO BE SOLD on board the
Ship *Bance Island*, on Tuesday the 6th
of May next, at *Appleby Ferry*, a choice
cargo of about 250 fine healthy
NEGROES,
just arrived from the
Windward & Rice Coast.
—The utmost care has
already been taken, and
shall be continued, to keep them free from
the least danger of being infected with the
SMALL-POX, no boat having been on
board, and all other communication with
people from *Charles Town* prevented.
Austin, Laurens, & Appleby.
N. B. Full one-half of the above Negroes have had the
SMALL-POX in their own Country.

Slave advertisement, 1780

Background to the Federal Convention of 1787

The Federal Convention of 1787 grew out of the perception on the part of many leading Americans that the nation needed a stronger national government. Since the American Revolution had been, in part, a revolt against the abuse of power by the central government in London, the Second Continental Congress had created a relatively weak and decentralized government, without a single executive or a judiciary in the Articles of Confederation in 1781. (See Document 3: The Articles of Confederation.) The states were sovereign. The limited national power rested with the Congress, which consisted of a single house. Each state could send three to five delegates to the Congress, but no matter how many delegates the state had, each state had only one vote in Congress. This meant that tiny Rhode Island had as much political power as highly-populated Virginia.

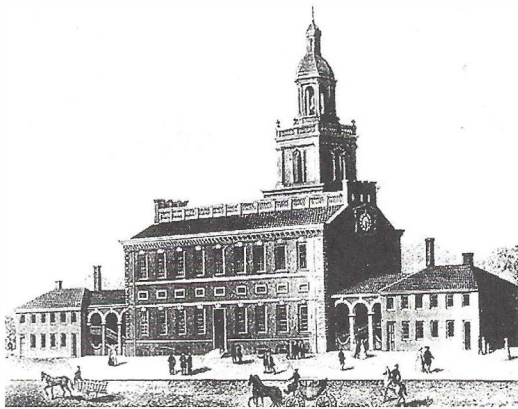
Under the Articles of Confederation, Congress had no power to tax, only to request funds from the states. During the war, the national government teetered on the verge of bankruptcy, and the army often went unpaid. After the war, Congress was unable to pay off its debts, while the states ignored the agreements that Congress had made with foreign nations, including key provisions of the peace treaty with England. There was no national currency, and trade and tariff policies were basically in the hands of the states. Nationalists, such as George Washington, James Madison, Alexander Hamilton and John Jay, wanted a stronger central government empowered to regulate commerce, enforce treaty obligations, collect taxes and maintain an effective defense.

After a series of failed attempts to amend the Articles of Confederation (including the Annapolis Convention in 1786), the Congress authorized the thirteen states to send delegates to meet in Philadelphia in May 1787. In order for a state delegation to vote, it had to have at least two members present. Eventually, a total of fifty-five delegates from twelve states came to the Convention, but no more than eleven delegations were present at any one time: the delegation from New Hampshire did not arrive until mid-July, and the delegation from New York left in early July. Some of the same individuals were also serving as delegates to the Continental Congress, which was meeting at the same time in New York City. Rhode Island never sent a delegation to Philadelphia. Most delegates were politically experienced, and many were wealthy. At least twenty-six owned slaves, and more than half had legal training. To avoid public speculation and lobbying, the delegates met behind the sealed doors of

the Pennsylvania statehouse (later known as "Independence Hall") and were sworn to secrecy. The Convention chose George Washington as its president.

The Convention and Issues Affected by Slavery

Most of the delegates shared a nationalist perspective, instilled through their extensive involvement with the national government. Thirty-nine had sat in Congress, where they had seen the defects of the Articles of Confederation firsthand. Although the purpose of the Convention was to propose "revisions" to the Articles of Confederation, it was clear from the start that many of the leaders of the Convention had more in mind. Madison and the delegation from Virginia arrived early in Philadelphia and worked with the Pennsylvania delegation to develop the "Virginia Plan," which was introduced by Edmond Randolph, the young governor of Virginia. The plan called for a radical restructuring of the government, from a federation of states into a national government, to provide for "common defence, security of liberty and general welfare." Thus, on May 29, began nearly four months of debates. During these debates, the delegates did not merely suggest revisions to the Articles of Confederation; they completely scrapped it for a whole new system of government.



Independence Hall, Philadelphia

Nevertheless, the Convention intended to create a government of limited powers. No one thought that the national government should, or could, regulate local affairs. The main issues were about the structure of the new government. Although slavery was not directly at issue, the delegates understood that slavery would affect national issues, such as representation in Congress, national taxation, domestic and foreign commerce, foreign affairs and military policy. No delegate thought that the Convention would empower Congress to end slavery, regulate the treatment of slaves or provide for the manumission of slaves. Slavery was seen as an institution controlled by each state.

Representation and Slavery

The issue of representation in the new government began with the Virginia Plan, which proposed a bicameral legislature and fixed representation in both houses proportional to each state's population and/or wealth. The Virginia Plan's call for "rights of suffrage in the National Legislature . . . proportioned to the Quotas of contributions, or to the number of free inhabitants..." aroused immediate opposition (Farrand, *Records of the Federal Convention of 1787*, Volume 1, 20-22). On May 30, James Madison moved to delete the term "free inhabitants" because he understood the potential for slavery to "divert" attention "from the general question whether the principle of representation should be changed" from states to population. George Read declared that the deputies from Delaware could not assent to "any change in the rule of suffrage..." (Farrand I, 35-37). The Convention adjourned.

On June 15, William Paterson proposed the "New Jersey Plan" as a substitute for the Virginia Plan. His plan would have continued a single chamber with equal representation for each state but would have revised the Articles of Confederation to enlarge the powers of the national government and to enable the Congress to requisition (or tax) each state "in proportion to the whole number of white & other free citizens & inhabitants of every age sex and condition including those bound to servitude for a term of years & three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes" (Farrand I, 243). The three-fifths ratio for counting black slaves was not a new idea. It had originated with a 1783 amendment proposed to change

the basis for determining the wealth of each state from real estate to population in the Articles of Confederation. This would have increased the financial obligations of the southern states to the national government. In 1783, the North proposed counting all slaves and the South insisted that slaves were not as productive as white males. On June 18, 1787, Alexander Hamilton from New York opposed the New Jersey Plan because it did not create a sufficiently strong federal government. He argued that the problems with the existing structure of government were too great to be solved by Paterson's plan, which was rejected 7-3 on June 19th.

By June 30, the Convention was at a standstill over the issue of representation in the Congress, and Madison noted "that the States were divided into different interests not by their difference of size, but by other circumstances; the most material of which resulted partly from climate, but principally from their having or not having slaves. These two causes concurred in forming the great division of interests in the States. It did not lie between the large and small States: it lay between the northern and southern, and if any defensive power were necessary, it ought to be mutually given to these two interests" (Farrand I, 486). The question of representation was sent to a committee composed of one delegate from each state, and the Convention adjourned until July 5th. The Committee proposed an upper house with each state having equal votes and a lower house based on population, with slaves to be counted as three-fifths of other persons for purposes of determining representation (Farrand I, 524). A five-man committee was appointed to redraft the clause on July 6th (Farrand I, 538). William Paterson protested against the three-fifths clause for purposes of representation, and a four-day debate over slavery and representation continued (Farrand I, 561). This debate was necessitated by the need to establish the size of the first House of Representatives before a census would be taken in 1790.

Rufus King, from Massachusetts, warned that the South would not unite with the rest of the country "unless some respect were paid to their superior wealth" (Farrand, I, 562). He also reminded his northern colleagues that if they expected "preferential distinction in Commerce," they should be willing to give up something. On July 10, without the benefit of a census, the delegates allocated thirty-five seats in the new Congress to the northern states and thirty to the southern states. Charles Pinckney, from South Carolina, asserted that the South only wanted "equality" so that Congress would not pass commercial regulation favorable to the North. The Convention adopted an apportionment scheme for representation in the first Congress and on July 11 debated the provision for a census to determine future representation in Congress. Pierce Butler, also from South Carolina, and General Pinckney moved that "blacks be included in the rule of representation, equally with whites" (Farrand I, 575). Nathaniel Gorham of Massachusetts protested that when the three-fifths ratio was originally proposed in 1783 as part of a plan to raise revenues, the delegates from the states having slaves argued that slaves were inferior to freemen and should not be counted equally. Butler insisted that:

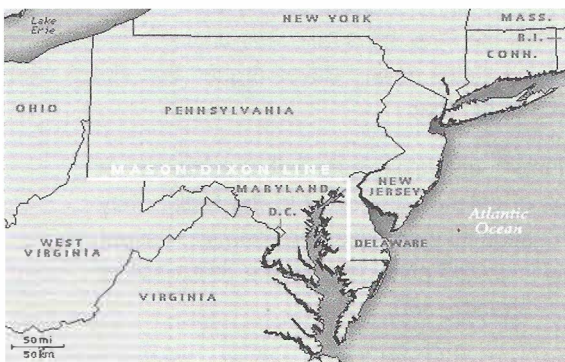
the labour of a slave in South Carolina was as productive and valuable as that of a freeman in Massachusetts, that as wealth was the great means of defence and utility to the Nation they were equally valuable to it with freeman; and that consequently an equal representation ought to be allowed for them in a Government which was instituted principally for the protection of property, and was itself to be supported by property (Farrand I, 580).

Responding for Virginia, George Mason said that he "could not agree with the motion for equal representation of blacks, notwithstanding that it was favorable to Virginia, because he thought it was unjust" (Farrand I, 581). Butler's motion was defeated, and the debate continued. Rufus King suggested that the inclusion of blacks along with whites would excite great discontent among the states having no slaves. James Wilson of Pennsylvania did not see on what principle the inclusion of blacks in the proportion of three-fifths could be explained. "Are they admitted as Citizens? Then why are they not admitted on an equality with white citizens? Are they admitted as property? Then why is not other property admitted into the computation?" These difficulties, however, he thought "must be overruled by the necessity of compromise" (Farrand I, 587). Gouverneur Morris was equally unhappy with the idea of including slaves as three-fifths for purposes of representation. He declared that he was "reduced to the dilemma of doing injustice to the Southern States or to human nature," and he chose the

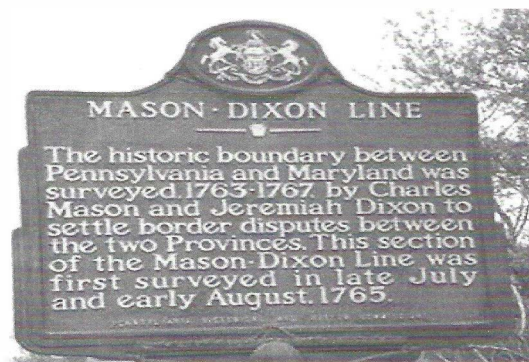
former, asserting that he “could never agree to give such encouragement to the slave trade” by allowing the slave states “a representation of their negroes;” and he “did not believe those States would ever confederate on terms that would deprive them of that trade” (Farrand I, 588). A motion for counting blacks in the proportion of three-fifths for purposes of representation was defeated, and the debate continued.

Meanwhile the Continental Congress, which has been at a standstill for lack of a quorum for most of June, gained sufficient delegates to return to its discussion about the land ordinance regarding the northwestern territory. (Two delegates from North Carolina and two from Georgia were serving as delegates to both the Federal Convention in Philadelphia and the Continental Congress in New York.) On July 9th, the Congress agreed to include a provision in the ordinance to prohibit slavery north of the Ohio River and provide for the return of fugitive slaves. Article 6 of the Northwest Ordinance, as passed by the Continental Congress on July 13, 1787, banned slavery in the Northwest Territory. (See Document 4: Article 6 of the Northwest Ordinance.) This provision was supported by the delegates from Virginia, North Carolina, South Carolina and Georgia, as well as Massachusetts, New York, New Jersey and Delaware.

Back at the Federal Convention in Philadelphia, after heated debate on July 12, the three-fifths clause was provisionally approved as part of the Connecticut Compromise, which proposed representation in the House by population and representation in the Senate by state. However, the basis for representation in the House was debated and reconsidered repeatedly over the next two months before final adoption. Although South Carolina's delegates were willing to accept full taxation for slaves if they also were fully counted for representation, Gouverneur Morris, from Pennsylvania, argued there would never be direct taxes because it was “idle to suppose that the General Government can stretch its hand directly into the pockets of the people scattered over so vast a Country.” At one point, Morris suggested that “the Southern Gentlemen will not be satisfied unless they see the way open to their gaining a majority in the public Councils.” Pierce Butler responded, “The security the Southern States want is that their negroes may not be taken from them which some gentlemen within or without doors, [inside or outside of the Convention] have a very good mind to do.” Six southern states demanded substantial representation for their slave population or they would oppose the Constitution. Morris was prepared to call their bluff, but no other northern delegate was willing to join him (Farrand I, 597-604).



Map showing the Mason-Dixon Line



Mason-Dixon Line Marker

All of the delegates understood that although there were moral implications to the debate over counting slaves for representation, the debate was really about political power. If the Constitution did *not* count slaves for representation, then the five states south of the Mason-Dixon Line expected to have about 41 percent of the representatives in the Congress. If slaves were counted fully, the five states believed they would have about half of the seats in Congress. Under the three-fifths clause, these states expected to have about 47 percent of the seats in Congress.

Commerce and Slave Trade

The northern delegations wanted a constitution that would authorize Congress to regulate commerce by a simple majority vote. The southern delegations stated that they wanted no national regulation of commerce; however, they understood that some regulation was necessary. Some Southerners argued for regulation of commerce by a two-thirds majority in Congress and demanded an absolute ban on export taxes by the states or the federal government. In addition to southern concerns about taxing their agricultural exports, South Carolina and Georgia feared Congress would use the commerce clause to end the African slave trade. Even though their states were not currently importing slaves from Africa, they wanted to preserve the right to reopen the trade if they deemed it necessary. But the delegates from southern states were split on the issue: all the delegates from Virginia and some from Maryland opposed the slave trade on moral, economic and prudential grounds. Both states had a surplus of slaves which they could sell to the Deep South. The northern states were also split: Pennsylvania, New Jersey and Delaware opposed the slave trade on moral grounds; the delegates from Connecticut argued that the North should not force its morality on another section of the country.

During the debate on August 22, Roger Sherman declared that he disapproved of slave trading, but that "as the States were now possessed of the right to import slaves, as the public good did not require it to be taken from them, and as it was expedient to have as few objections as possible to the proposed scheme of government," he thought it best to "leave the matter as we find it" and noted that the abolition of slavery seemed to be proceeding anyway. George Mason complained that the "infernal traffic originated in the avarice of British merchants," and suggested that the express prohibitions against the importation of slaves by the states of Maryland, Virginia and North Carolina would be in vain if South Carolina and Georgia were at liberty to import slaves. (See Document 5: Excerpts from the Debate and Vote on the Slave Trade, Farrand II, 370.)

Charles Pinckney declared that "If slavery be wrong, it is justified by the example of all the world," and cited Greece, Rome, other ancient states, and modern states like France, England and Holland, all of which sanctioned slavery. He also suggested that if the southern states were left alone, they would probably stop importing slaves. However, attempts to take away the right would produce serious objections to the Constitution. General Pinckney insisted that South Carolina and Georgia could not do without slaves; that Virginia would gain by stopping importation and that the importation of slaves was for the interest of the whole Union—the more slaves, the more agricultural goods to be carried by northern ships, the more consumption, the more revenue for the common treasury. Since Virginia had a surplus of slaves, an end to foreign importation of slaves would enhance the value of the slaves that Virginia could sell to other southern states. Rutledge aggressively declared: "If the Convention thinks that North Carolina, South Carolina and Georgia will ever agree to the plan unless their right to import slaves be untouched, the expectation is in vain. The people of those States will never be such fools as to give up so important an interest." (See Document 6: Excerpts from the Debate and Vote on the Fugitive Slaves, Farrand II, 371- 373.) The issue was referred to the Committee of Detail which reported on August 25.

Fugitive Slaves

On August 28, Pierce Butler and Charles Pinckney moved "to require fugitive slaves and servants to be delivered up like criminals" (Farrand II, 443). They were mocked for this suggestion. Pennsylvania's James Wilson complained that this "would oblige the Executive of the State to do it at public expense." Roger Sherman saw "no more propriety in the public seizing and surrendering a slave or servant, than a horse." Butler withdrew the proposal. However, the next day Butler introduced a provision that "if a person bound to service or labor in the U-[United] States shall escape into another State, he or she shall be...delivered up to the person justly claiming their service or labor (Farrand II, 454). This clause was inserted after the extradition clause for discussion by the delegates.

MOCK MEDIATION: DELEGATE CAUCUS IN 1787

After a long, hot summer of negotiation and renegotiation, the delegates to the Federal Convention were at loggerheads about the slave trade and the commerce clause; whether the national government should enforce the return of fugitive slaves; and whether and how slaves should be included in the population count for determining representation in the federal legislature.

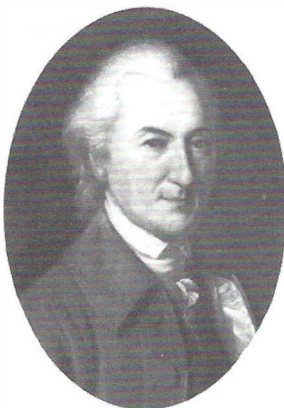
Have your students conduct a mock caucus of selected delegates at the Federal Convention in Philadelphia. It is August 1787. As they often did in reality, we will have a hypothetical break where some delegates have retired to the City Tavern for dinner and to caucus about these three highly charged issues relating to slavery. Either Benjamin Franklin or George Washington, both highly respected by the other delegates, will help to mediate the discussion and to bring the delegates to a resolution on these issues.

THE PARTICIPANTS

Pierce Butler (South Carolina: 1744–1822) Pierce Butler was born in Ireland and settled in South Carolina in 1771. A wealthy planter with more than 100 slaves, he served in the South Carolina legislature from 1778–82 and 1784–89. At the Convention, Butler argued that “the labour of a slave in South Carolina was as productive and valuable as that of a freeman in Massachusetts,” and since the national government “was instituted principally for the protection of property,” slaves should be counted fully for representation. In a heated debate with Gouverneur Morris, Butler declared that “The security the Southern States want is that their negroes may not be taken from them which some gentlemen within or without doors, have a very good mind to do.” He strongly opposed ending the slave trade and introduced the fugitive slave clause requiring states to return runaways to their masters. Fearful of any actions that would threaten slavery, he was zealously committed to protecting the institution. He later served in the U.S. Senate (1789–96, 1802–06).



Pierce Butler



John Dickinson

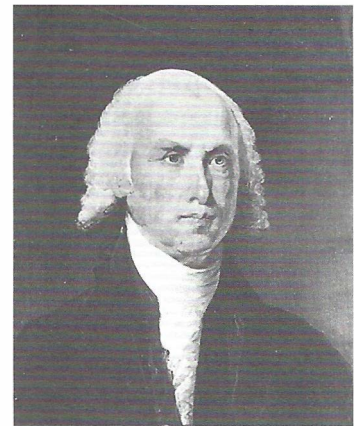
John Dickinson (Delaware: 1732–1808) John Dickinson was born in Maryland but grew up in Delaware. He practiced law and held numerous public offices in both Pennsylvania and Delaware. In *The Letters from a Pennsylvania Farmer* (1768), he denied Parliament had any power to tax the colonies. He served in the Stamp Act Congress and the Continental Congress, where he advocated keeping open the chance for reconciliation with Britain and also chaired the committee which drafted the Articles of Confederation. Although Dickinson opposed British measures such as the Stamp Act, he disapproved of violent resistance and hoped for reconciliation between the colonies and England. He refused to sign the Declaration of Independence but then enlisted in the Continental Army. Dickinson owned slaves but fiercely opposed the continuation of the slave trade, a practice which he felt was “inadmissible on every principle of honor and safety.” He also believed that the representatives of the Deep South were bluffing when they said that they would reject the Constitution if they did not get their way on the slave trade.



Rufus King

Rufus King (Massachusetts: 1755–1827) Rufus King was the eldest son of a successful merchant. He graduated from Harvard in 1777, was admitted to the bar in 1780 and opened an office in Newburyport. He was a delegate to Congress from 1784–86. Although he originally opposed any radical alteration of the Articles of Confederation, in the Convention he argued for a strong central government. After the Convention, King moved to New York City. He was elected to the New York Assembly and as a U.S. Senator from that state. In 1791, he also was elected as director of the Bank of the United States. He served as minister to Great Britain under Washington from 1796–1803. King was the Federalist candidate for vice-president in 1804 and 1808. King opposed the War of 1812. In his last term in the Senate, he opposed admitting Missouri as a slave state during the Missouri Compromise debates in 1820.

James Madison (Virginia: 1751–1836) James Madison was educated at the College of New Jersey (Princeton University) and served on the committee which framed Virginia's constitution and Declaration of Rights in 1776. As a delegate to the Continental Congress, he suggested that state contributions to the federal government be based on population and incorporate the three-fifths rule for counting slaves. This "federal ratio" was the model for the three-fifths compromise at the Constitutional Convention. At the Convention, Madison argued strongly for a powerful central government with representation based on population rather than the states themselves, a plan which would benefit more populous states such as Virginia. He feared that giving equal representation to the states would result in a northern majority, although he assumed, like many Southerners, that the development of the trans-Appalachian west would bring the South more into population parity with the North. Like other Virginians, he was opposed to the slave trade. Unlike most other Southerners, Madison favored giving the federal government authority to regulate commerce. Madison took extensive notes of the proceedings of the Convention, and spoke out strongly for ratification of the Constitution. Madison served in Congress, as Secretary of State, and in 1809 became the fourth president.



James Madison



George Mason

George Mason (Virginia: 1724/5–1792) George Mason was a wealthy, slaveholding planter who held numerous positions in local government and served with George Washington in the Virginia House of Burgesses in 1759. During the revolutionary period, he helped draft the Virginia state constitution and Declaration of Rights which influenced the Declaration of Independence and the Bill of Rights of the U.S. Constitution. Mason denounced slavery as an evil system that produced "the most pernicious effect on manners," and "would bring the judgment of heaven on the Country." Yet, he only argued that the national government should have the power to end the African slave trade (an action which would have benefited Virginia planters who had a surplus of slaves in 1783), not slavery itself. Mason played an active part in the Federal Convention but finally refused to sign the Constitution and campaigned against its ratification because he saw it as creating too strong a central government.

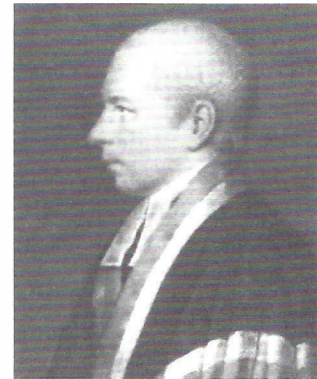


Gouverneur Morris

Gouverneur Morris (Pennsylvania: 1752–1816) Gouverneur Morris was born in the manor house at Morrisania, New York. His grandfather, Lewis Morris, served as Chief Justice of New York and governor of New Jersey. Morris graduated King's College (now Columbia University) in 1768 and was admitted to the bar in 1771. When the war began, Morris became an ardent supporter of the Revolution. In 1777, along with John Jay and Robert Livingston, Morris helped draft the New York State Constitution. After service in the Continental Congress, Morris moved to Philadelphia where he practiced law. As a delegate from Pennsylvania to the Convention of 1787, Morris favored a strong, centralized government. He strenuously opposed equal representation in the Senate, the concessions to slavery in the three-fifths clause and the compromise over the slave trade. He declared that the three-fifths clause and the compromise over the slave trade "when fairly explained comes to this: that the inhabitant of Georgia and South Carolina who goes to the Coast of Africa, and in defiance of the most

sacred laws of humanity tears away his fellow creatures from their dearest connections and damns them to the most cruel bondages, shall have more votes in a Government instituted for protection of the rights of mankind, than the Citizen of Pennsylvania or New Jersey who views with a laudable horror, so nefarious a practice." In spite of these concerns, he was a firm supporter of the final Constitution. In 1789 he replaced Jefferson as minister to France until he was expelled by the Revolutionary French government. He was U.S. Senator from New York from 1800 to 1802 before retiring to the family mansion.

William Paterson (New Jersey: 1745–1806) William Paterson was born in Ireland and raised in New Jersey. He graduated from the College of New Jersey (Princeton University) in 1763 and practiced law until 1775, when he entered politics. He helped write New Jersey's constitution and was elected state attorney general. He later served as governor of New Jersey, U.S. Senator, and as associate justice of the U.S. Supreme Court. Although a slave owner, Paterson opposed the three-fifths compromise, stating that he regarded "negro slaves in no light but as property. They are not free agents, have no personal liberty, no faculty of acquiring property, but on the contrary are themselves property, and like other property entirely at the will of their master."



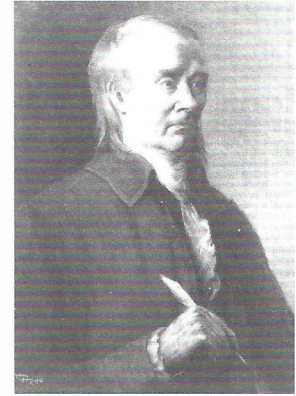
William Paterson



*Charles Cotesworth
Pinckney*

General Charles Cotesworth Pinckney (South Carolina: 1746–1825) General Pinckney studied law in England and began practice in his native South Carolina in 1770. He entered the Continental Army in 1775 as a colonel and was a general before his discharge. Like his younger cousin, Charles Pinckney who was also a delegate from South Carolina, General Pinckney was deeply committed to protecting his state's interests and was a tenacious defender of slavery at the Convention. He threatened to vote against the plan "if the Committee should fail to insert some security to the Southern States against an emancipation of slaves." He urged that "blacks be included in the rule of Representation, equally with whites," and was unhappy with the three-fifths compromise. He argued strongly against ending the slave trade and was a supporter of the fugitive slave clause. In the end, he was very satisfied that the new Constitution protected slavery. He was an unsuccessful candidate for U.S. president in 1804 and 1808.

Roger Sherman (Connecticut: 1721/22–1793) Roger Sherman was born in Newport, Massachusetts. He received no formal education beyond the common schools, but throughout his life he read widely. At age 20, Sherman moved to Connecticut where he became the surveyor for New Haven County. This position was unusually lucrative, and Sherman became a considerable landowner. In 1754, he was admitted to the Litchfield bar and was elected to the General Assembly in 1755. At age forty, he moved to New Haven and opened various businesses. He served in the Connecticut state legislature from 1764 to 1785. Frustrated with the limitations of the Confederation, Sherman drew up a series of amendments designed to strengthen it. He entered the Federal Convention still “disposed to patch up the old scheme of Government,” but soon saw the need for creating a new system. Sherman actively campaigned for ratification of the Constitution. He was elected to the U.S. Congress in 1789 and to the U.S. Senate in 1791.



Roger Sherman



James Wilson

James Wilson (Pennsylvania: 1742–1798) James Wilson moved from his native Scotland in 1765, settled in Philadelphia, studied law with John Dickinson, and by 1774 was a successful attorney and a committed opponent of English rule. In an essay written in 1774, he set out a number of arguments challenging Parliamentary authority over the American colonies. He signed the Declaration of Independence as a delegate to the Second Continental Congress. A firm believer in popular sovereignty, Wilson favored the direct election of the president and members of both houses of Congress, rejecting the idea of equal representation for each state in the Senate. He vigorously supported the three-fifths clause and the compromise over the slave trade, but he expressed concern that the fugitive slave clause would cost the northern states money by requiring them to track down runaway slaves. While Wilson was personally opposed to slavery, he believed that compromise was necessary. He later served on the U.S. Supreme Court but died in disgrace, fleeing creditors.

POSITIONS AND INTERESTS

Not every member of each state delegation uniformly supported every position. For example, Madison fully supported the Commerce Clause, while the Virginia delegation as a whole did not. Similarly, James Wilson supported the slave trade compromise, while the Pennsylvania delegation as a whole did not. Nevertheless, there were positions and interests.

The South

Positions

- Slave trade was necessary for the economies and prosperity of the southern states.
- South Carolina threatened to walk out of the union if slaves were not included in representation. Virginia believed it was morally entitled to the most delegates in Congress because it was the most populous state.
- Slaves constituted an interest in the political economy of the society and that interest should be represented according to the population of slaves.
- Slaveowners' considerable property investments in their slaves should be recognized.

- Slavery was not immoral. It was a legitimate institution found in all the successful republics of the ancient world.
- Slavery was the best system of race relations for controlling the dangerous impulses of the blacks.

Interests

Economic

- South Carolina delegates admitted that slavery was highly profitable for slaveowners and for the country.
- Virginia and Maryland had more slaves than they needed—it was to their economic benefit to end the international slave trade which was bringing in additional slaves, and thus diluting the value of their excess slaves at the auction block. South Carolina and Georgia could get additional slaves at a lower price from foreign slave trade than if they bought slaves from Virginia or Maryland.
- Southern slaveowners did not want to lose their significant investment in their slaves.
- Southern delegates wanted to make sure that the new Congress would not eliminate slave trade or pass commercial regulations favoring the northern states at the expense of southern agricultural exports.

Political

- Counting slaves as three-fifths or equal with whites would give slaveowning states more political clout in the new Congress than if slaves were not counted for purposes of representation.
- Southern states wanted to form a stronger national government for defense and economic benefits, but with limited powers.

Security

- Southern whites feared the social impact of large numbers of freed slaves (never publicly stated).

The North

Positions

Delaware, Pennsylvania and New Jersey argued that:

- Slavery was immoral and should not be supported in a government of free people.
- Slaves were not citizens and did not vote; therefore they should not be counted for representation.
- The African slave trade was particularly immoral, so Congress should have the power to end it.
- Slavery weakened the national government, especially in times of war (Ten of thousands of slaves responded to British offers of freedom and fled to British lines during the American Revolution)

Massachusetts and Connecticut argued that:

- The United States needed a Union of all the states to form a national marketplace.
- The North wanted stronger central regulation of commerce to protect property and to prevent states from being played off against each other by foreign powers.
- Southern property interests in slaves must be respected.

Interests*Economic*

- The North wanted a national commerce clause to protect their mercantile and shipping interests.
- They had a commercial interest in brokering and transporting the agricultural products of slavery.
- The northern states wanted to form a stronger union for defense and economy.

Political

- The northern states were concerned about the allocation of political power—counting slaves as part of population for purposes of determining representation in Congress gave the South more political power.
- Having one vote per state was important for both smaller states and those which could not expand westward, such as Delaware, New Jersey and the states of New England.
- The fugitive slave clause would involve all states in supporting the institution of slavery; hunting people who have taken great risks to achieve their freedom was particularly immoral.
- Northern states wanted the southern states to agree to a stronger national government.

State	Total Population	Slave Population	Percentage Slave Population
Connecticut	237,946	2,764	1.2
Delaware	59,096	8,887	15
Georgia	82,548	29,264	35.3
Kentucky	73,667	12,430	16.9
Maryland	319,728	103,036	32.2
Massachusetts	378,787	0	0
New Hampshire	141,885	158	0.1
New Jersey	184,139	11,423	6.2
New York	340,120	21,324	6.3
North Carolina	393,751	100,783	25.6
Pennsylvania	434,373	3,737	0.9
Rhode Island	68,825	958	1.4
South Carolina	249,073	107,094	43
Tennessee	35,691	3,417	9.6
Vermont	85,425	0	0
Virginia	691,737	292,627	42.3
Totals	3,776,791	697,902	18.5

1790 Census: Total and Slave Populations by State

DIRECTIONS FOR THE MOCK MEDIATION

Preparation

1. Share the historical background with the class. Focus on the people involved and their positions and interests in order to gain a thorough understanding of the events, characters and historical context.
2. Summarize what has already taken place at the Convention. For example, the Connecticut Compromise has already been accepted but can be reopened for further discussion by the delegates and the mediator.
3. Distribute Student Handout: "Positions and Interests" for students to read.
4. Distribute the brief biographies for students to review.

Directions

1. Divide the class into groups of seven or eleven, as follows (make sure that there is an historically accurate representation of states and views):

Delegates:

Rufus King (Massachusetts) and/or Roger Sherman (Connecticut)

James Wilson and/or Gouverneur Morris (Pennsylvania)

William Paterson (New Jersey) and/or John Dickinson (Delaware)

George Mason and/or James Madison (Virginia)

Pierce Butler and/or General Charles Cotesworth Pinckney (South Carolina)

Mediator: Benjamin Franklin OR George Washington

Observer/Recorder/Reporter: Mark Anthony, a fictitious slave, OR Reverend Richard Allen

Optional Delegates: You may wish to add some of the following as additional or alternate delegates:

Elbridge Gerry (Massachusetts), Oliver Ellsworth (Connecticut), George Read (Delaware), Luther Martin (Maryland), Alexander Hamilton (New York), Hugh Williamson (North Carolina), Charles Pinckney (South Carolina) and Abraham Baldwin (Georgia). If you use one or more of the optional delegates, have your students research their historical backgrounds.

2. Distribute Student Handout: "The Mock Mediation" and review the roles for the facilitator, the delegates and the observer/recorder/reporters.
3. Review the setting and roles, positions and interests with the students and have them proceed with their mock caucuses.

Debriefing

1. Once the groups have finished, bring the class back together for a discussion. Have each observer/reporter/recorder describe how the process worked in their group.
2. Summarize and compare the results from each group.
3. Review "The Facts Continued." Compare the results of the mock caucus with what actually happened at the Constitutional Convention. Discuss why the results did or did not differ from the historical reality.

4. Use the "Questions for Discussion" for essay topics or for further in-class discussion.

THE FACTS CONTINUED

The Constitution that the framers completed in September 1787 resulted from a four-month negotiation and debate in which possibilities were tested, rejected, and then revised and adjusted according to the changing perspectives of the various delegates. Although leaving much authority to the states, the new Constitution established a national government clearly superior to the states. It totally abandoned the notion of a federation of virtually independent states. It vested Congress with the authority to levy and collect taxes, to regulate interstate commerce, to conduct diplomacy, declare war and raise an army. States could no longer coin money, interfere with contracts and debts or tax interstate commerce. The acts and treaties of the United States became "the supreme law of the land." The inability to fully resolve the issue of power between the federal and state governments led to federalism: a system of shared power and dual lawmaking. Slavery was treated as a political, not a moral, issue at the convention and many compromises were made.

Representation

The framers agreed that: "Representation and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, *three-fifths of all other persons [emphasis added]*." (See Document 7: United States Constitution, Article I, section 2.)

The vote was:

YES: Connecticut, Pennsylvania, Maryland, Virginia, Georgia

NO: New Jersey, Delaware

Divided: Massachusetts, South Carolina

The Result: Slaves would be counted as three-fifths for representation in the lower house of Congress, for taxes and for the makeup of the electoral college which was based on representation in Congress. The proportionate share of the population by the southern states turned out to be only 44.8 percent based on the 1790 census rather than the 47 percent which had been expected at the convention. Thereafter, the southern share declined. Ironically, while most of the delegates at the convention expected the Senate to protect the northern states, in fact, it has more frequently protected the southern states. Article 1, section 2 was changed by the Fourteenth Amendment in 1868.

The Slave Trade

The framers agreed that: "The migration or importation of *such persons* as the several States now existing shall think proper to admit, shall not be prohibited by the Legislature prior to the year 1808, but a Tax or duty may be imposed on such importation, not exceeding ten dollars for each Person." (Article I, section 9) "No Amendment which may be made prior to the Year 1808 shall in any Manner affect the first and fourth clauses in the Ninth Section of the first Article... *[emphasis added]*" (See Document 8: United States Constitution, Article V.)

The vote was:

YES: New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, South Carolina and Georgia

NO: New Jersey, Pennsylvania, Delaware, and Virginia

Result: The African slave trade would continue until 1808 and any import tax on slaves would not be more than \$10 a person.

Fugitive Slaves

The agreement reached by the framers regarding fugitive slaves was: "No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour but shall be delivered up on Claim of the Party to whom such Services or Labour may be due." (See Document 9: United States Constitution, Article IV, section 2.)

The vote: Agreed to without a formal vote being taken and without dissent.

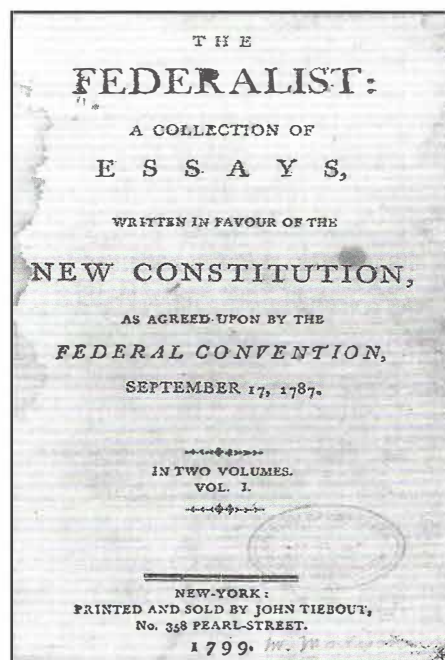
The Result: Fugitive slaves would be returned to their owners.

Clearly the slave states had obtained significant concessions at the Convention. The fugitive slave clause was added with little debate and without any *quid pro quo* for the North.

Ratification

At the close of the convention, Eldridge Gerry of Massachusetts, Edmond Randolph and George Mason of Virginia, explained that they could not sign the document that they had helped to create because they had political and practical objections to many provisions. Gerry thought the three-fifths compromise gave too much political power to the South at the expense of New England. Mason opposed allowing the slave trade to continue because it made the United States weaker and more vulnerable.

Having strengthened national authority, the convention had to face the issue of ratification. Article VII of the new Constitution provided for its ratification when passed by the Conventions of nine states. It seemed unwise to submit the Constitution to ratification by state legislatures because they would probably reject it. Therefore, the framers provided for ratification by special state conventions composed of delegates elected by the people. Ratification by state conventions satisfied their concern that the Constitution be approved by the consent of the people in order to become a higher law beyond the reach of future legislators. The framers expected the nation's "natural aristocracy" to continue to exercise political leadership. As part of the campaign for ratification, those in support called themselves Federalists, a term that implied that the Constitution balanced the relationship between the national and state governments and lessened the opposition of those hostile to a centralization of national authority. *The Federalist Papers* were part of a massive effort to persuade public



*The Federalist Papers, 1787-1788
Collected Edition, ca. 1799*

opinion in support of the new Constitution. The opponents became known as Anti-Federalists, a term which probably hurt them. The Anti-Federalists reflected a deep-seated American suspicion of concentrated power and strong central government.

Federalist delegates prevailed in eight conventions between December 1787 and May 1788, sometimes ramming through approval. Rhode Island and North Carolina rejected the Constitution and refused to join the new Union until several years later. The Constitution became the law of the land on June 21, 1788, when the ninth state, New Hampshire, ratified it. Ratification barely squeaked through in the big states of Massachusetts, Virginia, and New York. Some Northerners opposed the Constitution because of the concessions to slavery. Many were concerned about the centralization of power and threats to liberty. In South Carolina, Charles Cotesworth Pinckney reassured the state legislature: "We have a security that the general government can never emancipate them, for no such authority is granted and it is admitted, on all hands, that the general government has no powers but what are expressly granted by the Constitution, and that all rights not expressed were reserved by the several states."

The Legacy

At the time of the Convention, slavery was a profitable and healthy institution. However, the declining value of tobacco and slaves in the Upper South led some to wonder whether the institution would be permanent. This led Sherman, Wilson and other Northerners to claim that slavery might end soon. However, the invention of the cotton gin in 1793 made slavery even more profitable by making the widespread production of cotton possible. There was a rapid push westward into additional lands for cotton growing in Alabama, Mississippi and Louisiana. Although South Carolina imported no new slaves from 1787 through 1803, there were 80,000 new slaves imported from abroad to other states from 1803 to 1808. In 1808, Congress banned the importation of foreign slaves, but an illegal trade continued in South Carolina, Georgia and Florida until the Civil War. The national government, dominated by the slaveowning South, winked at this trade. In 1793, Congress passed a fugitive slave law, but because of northern opposition it was weak and did little to help masters recover their runaway slaves.

The unresolved controversy over the future of slavery underlay the struggle for sectional advantage that took place as the country expanded west, and slavery steadily marched into the old Southwest. Before 1820, five additional slave states (Kentucky, Tennessee, Louisiana, Mississippi and Alabama) had been admitted to the Union, increasing the total to eleven, which were balanced by eleven free states. The resulting political equilibrium in the Senate was threatened, however, when the territory of Missouri, settled mostly by farmers and planters from Kentucky and Tennessee, petitioned for admission as a slave state in 1819. Congress finally agreed to admit Missouri as a slave state in 1820, but it preserved the balance by admitting Maine as a free state. The Missouri Compromise again postponed the basic issue regarding slavery. Most importantly, it banned slavery north of 36 degrees, 30 minutes latitude—the southern border of Missouri. (See Document 10: Missouri Compromise, 1820.)

However, the vast territorial acquisition from Mexico following the Mexican War (See Chapter Eight: War between the United States and Mexico) forced Congress to reconsider the problem of slavery in the West. The Compromise of 1850 (See Chapter Nine: The Compromise of 1850) has been described as an "armistice." Under the Compromise, California was admitted as a free state; Utah and New Mexico territories were created with the question of slavery in each to be determined by popular sovereignty; the slave trade in Washington, D.C. was ended and a new Fugitive Slave Act made it easier for southerners to recover their fugitive slaves.

In 1861, President Abraham Lincoln called slavery "an unqualified evil to the negro, the white man, and the State" but declared in his first inaugural address that he had "no purpose, directly or indirectly, to interfere with slavery in the States where it exists." Nevertheless, the South seceded and the Civil War began. By 1862, most Republicans had become convinced that the war against a slaveholders' rebellion must become a war against slavery itself. The Constitution, however, gave Congress no power to touch slavery in the existing states. In the

Emancipation Proclamation (1863), Lincoln avoided this constitutional problem by making emancipation a war measure under his constitutional powers as commander-in-chief. Ironically, had the eleven slave states remained in the Union, they would still have been able to block a constitutional amendment ending slavery. After the defeat of the Confederacy, the Thirteenth Amendment, ratified on December 18, 1865, removed any doubts about the constitutionality of Lincoln's action. The Thirteenth Amendment simply asserted that "neither slavery nor involuntary servitude...shall exist within the United States." (See Document 11: United States Constitution, Thirteenth Amendment.)

QUESTIONS FOR DISCUSSION

1. Why were the delegates at the Constitutional Convention unable or unwilling to address the issue of slavery directly?
2. What alternatives to the compromises reached might have been possible at the Federal Convention in 1787?
3. Although little has been said in the letters of the delegates to the Federal Convention, some scholars have hypothesized that the "Great Compromise" at the Federal Convention included Article 6 of the Northwest Ordinance that precluded slavery north of the Ohio River and let it continue south of the Ohio River. Consider the dates of the two historic discussions that were taking place almost simultaneously during the summer of 1787 at the Continental Congress in New York and the Federal Convention in Philadelphia (see page 142). Do you believe that this hypothesis might be correct? Why or why not?
4. How would the history of the United States have differed if the gradual abolition of slavery had been included in the Constitution in 1787?



DOCUMENTS

- Document 1: Resolutions of the German Mennonites, 1688
- Document 2: Jefferson's original draft of the Declaration of Independence indicting the British for bringing slavery to the colonies, 1776
- Document 3: The Articles of Confederation, 1781
- Document 4: Northwest Ordinance, July 13, 1787
- Document 5: Excerpts from the Debate and vote on the slave trade, from Farrand, *The Records of the Federal Convention of 1787*
- Document 6: Excerpts from the Debate and vote on fugitive slaves, from Farrand, *The Records of the Federal Convention of 1787*
- Document 7: United States Constitution, Article I, section 2
- Document 8: United States Constitution, Article V
- Document 9: United States Constitution, Article IV, section 2
- Document 10: Missouri Compromise, 1820
- Document 11: United States Constitution, Thirteenth Amendment, ratified December 18, 1865

TEACHER OVERHEADS/STUDENT HANDOUTS

1. Timeline
2. What experiences led to the Federal Convention in 1787
3. Who was at the Federal Convention?
4. Slavery issues at the Federal Convention
5. Short biographies of Pierce Butler, John Dickinson, Rufus King, James Madison, George Mason, Gouverneur Morris, William Paterson, General Pinckney, Roger Sherman and James Wilson
6. Southern Positions and Interests
7. 1790 Census: Total and Slave Populations by State
8. Directions for a mock mediation
9. What really happened?
10. What were the costs?

SOURCES AND CREDITS FOR ILLUSTRATIONS

- p. 3: "Stowage of the British Slave Ship *Brookes*," *Library of Congress (LC) USZ62-44000*
- p. 4: "Slaves hoeing tobacco," *Jamestown National Historic Park*
- p. 4: "Slaves clearing and planting a field," *Special Collections- University of Virginia Library*
- p. 5: "Slave advertisement, 1780," *Rare Books Division, Library of Congress*
- p. 6: Independence Hall, Philadelphia, *National Archives-NWDNS-66-G-IE-6*
- p. 8: The Mason Dixon Line Map and Marker, *Carroll County, Maryland*
- p. 10: Pierce Butler, *Soldier-Statesmen of the Constitution series, U.S. Army, Center of Military History*
- p. 10: John Dickinson, *Soldier-Statesmen of the Constitution series, U.S. Army, Center of Military History*
- p. 11: Rufus King, *LC-USZ62-6061*
- p. 11: James Madison, *LC-USZ62-13004*
- p. 11: George Mason, *National Archives-NWDNS-148-CP-121*
- p. 12: Gouverneur Morris, *LC-USZ62-45482*
- p. 12: William Paterson, *Soldier-Statesmen of the Constitution series, U.S. Army, Center of Military History*
- p. 12: Charles Cotesworth Pinckney, *National Archives-NWDNS-148-CC-13-9*
- p. 13: Roger Sherman, *LC-USZ62-111793*
- p. 13: James Wilson, *LC-USZ62-6065*
- p. 15: 1790 Census: Total and Slave Populations by State (U.S. Census)
- p. 18: *The Federalist Papers, LC Rare Book Division*

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