



The Colonial Williamsburg Foundation

TEACHER INSTITUTE

Defining Freedom: Founding Documents and Slavery

The irony of white revolutionaries calling for freedom while holding people in bondage was not lost on eighteenth-century Americans. In this lesson, we will look at primary documents to examine how people who seemingly prized individual liberty justified the continuation of slavery.

Objectives:

At the conclusion of the session, you will be able to:

- Describe how (and if) the institution of slavery was impacted by the American Revolution.
- Analyze how founding documents addressed or did not address slavery.
- Define, analyze, and discuss the concept of compromise in influential documents.

Materials:

- Document Set 1
 - Virginia Declaration of Rights – George Mason’s Draft
 - Virginia Declaration of Rights – Final Version
 - George Mason Quotation
- Document Set 2
 - Jefferson’s “original Rough draught” of the Declaration of Independence
 - Declaration of Independence – Final Version
 - Extract from Thomas Jefferson’s “Notes on Proceedings in the Continental Congress”
- Document Set 3
 - Excerpts from the Constitution of the United States
 - Excerpts from James Madison’s Notes on the Constitutional Convention, 1787
- Additional Resources with Transcriptions and Explanations

Strategy:

1. Divide students into three groups. Give each group a set of documents with their original drafts and the final versions. Have the learners identify the differences. Then have the learners answer the following questions:

- Did this document address the institution of slavery?
- Was there an attempt to address the institution of slavery, and what was the result?

2. As students these follow up questions:

- Define “compromise.” Why is compromise important toward understanding why we don’t all agree?
- What was given up in the compromise?
- What does the compromise tell us about the individuals involved in making these decisions?
- Was freedom dependent on slavery?

Document Set 1

Virginia Declaration of Rights – George Mason’s Draft

A Declaration of Rights made by the Representatives of the good people of Virginia, assembled in full and free Convention; which Rights do pertain to them and their posterity, as the Basis and Foundation of Government.

1. That all men are created equally free & independent, & have certain inherent natural Rights, of which they cannot, by any Compact, deprive or divest their posterity; among which are the Enjoyment of Life & Liberty, with the Means of acquiring & possessing property, & pursuing & obtaining Happiness & Safety.
2. That all power is by God & Nature vested in, & consequently derived from the people; that Magistrates are their Trustees & Servants; and at all Times amenable to them.
3. That Government is or ought to be, instituted for the common Benefit, protection & Security of the people, Nation, or Community. Of all the various Modes and Forms of Government that is best, which is capable of producing the greatest Degree of Happiness & Safety, and is most effectually secured against the Danger of Mal-Administration; and that whenever any Government shall be found inadequate or contrary to these purposes, a Majority of the Community hath an indubitable, unalienable, & indefeasible Right, to reform, alter, or abolish it, in such Manner as shall be judged most conducive to the public Weal.
4. That no Man, or Set of Men are entitled to exclusive or separate Emoluments or Privileges from the Community, but in Consideration of public Services; which not being descendible, neither ought the Offices of Magistrate, Legislator, or Judge, to be hereditary.
5. That the Legislative & executive powers of the State should be separate & distinct from the judicial; and that the Mem[bers] of the two first may be restrained from Oppression by feeling & participating the Burthens of the People, they should, at fixed Periods, be reduced to a private Station, & return into that Body from which they were originally taken; and the Vacancies be supplied by frequent, certain & regular Elections.
6. That Elections of Members, to serve as Representatives of the People in the Legislature, ought to be free, and that all Men having sufficient Evidence of permanent common Interest with, & Attachment to the Community, have the Right of Suffrage; and cannot be taxed, or deprived of their property for public Uses, without their own Consent, or that of their Representatives so elected, nor bound by any Law to which they have not, in like Manner, assented for the common Good.
7. That all power of suspending Laws, or the Execution of Laws, by any Authority, without Consent of the Representatives of the People, is injurious to their Rights, and ought not to be exercised.

8. That in all capital or criminal prosecutions, a Man hath a Right to demand the Cause & Nature of his Accusation, to be confronted with the Accusers & Witnesses, to call for Evidence in his Favor, and to a speedy Trial by an impartial Jury of his Vicinage, without whose unanimous Consent He cannot be found guilty, nor can he be compelled to give Evidence against himself; And that no Man be deprived of his Liberty, except by the Law of the Land, or the Judgment of his Peers.

9. That excessive Bail ought not to be required, nor excessive Fines imposed, nor cruel & unusual punishments inflicted.

10. That in Controversies respecting property, and in Suits between Man & Man, the ancient Trial by Jury is preferable to any other, & ought to be held sacred.

11. That the Freedom of the Press is one of the great Bulwarks of Liberty, and can never be restrained but by despotic Government.

12. That a well regulated Militia, composed of the Body of the People trained to Arms, is the proper, natural, & safe Defense of a free State; that standing Armies, in Time of Peace, should be avoided, as dangerous to Liberty; and that, in all Cases, the Military should be under strict Subordination to, & governed by the Civil power.

13. That no free Government, or the Blessing of Liberty, can be preserved to any People, but by a firm Adherence to Justice, Moderation, Temperance, Frugality & Virtue, and by frequent Recurrence to fundamental Principles.

14. That Religion, or the Duty which We owe to our Creator, and the Manner of discharging it, can be directed only by Reason & Conviction, not by Force or Violence, and therefore that all men should enjoy the fullest Toleration in the Exercise of Religion, according to the Dictates of Conscience unpunished, & unrestrained by the Magistrate; unless under Color of Religion, any Man disturb the Peace, the Happiness, or the Safety of Society: And that it is the mutual Duty of all to practice Christian Forbearance, Love, & Charity towards each other.

Source: George Mason, *Declaration of Rights*, 1776, Accession 21512, Personal Papers Collection, Library of Virginia, Richmond, Virginia.

Document Set 1

Virginia Declaration of Rights – Final Version

Introduced by George Mason at the Virginia Convention in the Capitol in Williamsburg.
Unanimously adopted June 12, 1776.

A DECLARATION OF RIGHTS made by the representatives of the good people of Virginia, assembled in full and free Convention, which rights do pertain to them, and their posterity, as the basis and foundation of government.

Article 1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

Article 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

Article 3. That government is, or ought to be, instituted for the common benefit, protection, and security, of the people, nation, or community; of all the various modes and forms of government that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of mal-administration; and that whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right, to reform, alter, or abolish it, in such manner as shall be judged most conducive to the publick weal.

Article 4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of publick services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge, to be hereditary.

Article 5. That the legislative and executive powers of the state should be separate and distinct from the judicative; and, that the members of the two first may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part of the former members, to be again eligible, or ineligible, as the laws shall direct.

Article 6. That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community have the right of suffrage, and cannot be taxed or deprived of their property for publick uses without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented, for the publick good.

Article 7. That all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

Article 8. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favour, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, nor can he be compelled to give evidence against himself; that no man be deprived of his liberty except by the law of the land, or the judgement of his peers.

Article 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Article 10. That general warrants, whereby any officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

Article 11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

Article 12. That the freedom of the press is one of the greatest bulwarks of liberty, and can never be restrained but by despotick governments.

Article 13. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free state; that standing armies, in time of peace, should be avoided, as dangerous to liberty; and that, in all cases, the military should be under strict subordination to, and be governed by, the civil power.

Article 14. That the people have a right to uniform government; and therefore, that no government separate from, or independent of, the government of Virginia, ought to be erected or established within the limits thereof.

Article 15. That no free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

Article 16. That religion, or the duty which we owe to our CREATOR and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other.

Source: *The Proceedings of the Convention of Delegates, Held at the Capitol, in the City of Williamsburg, in the Colony of Virginia, on Monday the 6th of May, 1776.* Williamsburg (1776), 100-103; Hening, William W. (ed) *The Statutes at Large*, IX, (1890-1923), pp. 109–112.

Document Set 1

George Mason Quotation

“That slow poison . . . is daily contaminating the minds and morals of our people. Every gentleman here is born a petty tyrant. Practiced in acts of despotism and cruelty, we become callous to the dictates of humanity, and all the finer feelings of the soul. Taught to regard a part of our own species in the most abject and contemptible degree below us, we lose that idea of dignity of man which the hand of nature has implanted in us for great and useful purposes.”

— George Mason, 1773

Source: George Mason, “Extracts from the Virginia Charters,” July 1773.

Document Set 2

Jefferson's "original Rough draught" of the Declaration of Independence

A Declaration of the Representatives of the UNITED STATES OF AMERICA, in General Congress assembled.

When in the course of human events it becomes necessary for a people to advance from that subordination in which they have hitherto remained, & to assume among the powers of the earth the equal & independant station to which the laws of nature & 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 change.

We hold these truths to be sacred & undeniable; that all men are created equal & independant, that from that equal creation they derive right inherent & inalienable, among which are the preservation of life, & liberty, & the pursuit of happiness; that to secure these ends, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government shall become destructive of these ends, it is the right of the people to alter or to abolish it, & to institute new government, laying it's foundation on such principles & organising it's powers in such form, as to them shall seem most likely to effect their safety & happiness. prudence indeed will dictate that governments long established should not be changed for light & 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 & usurpations, begun at a distinguished period, & pursuing invariably the same object, evinces a design to subject them to arbitrary power, it is their right, it is their duty, to throw off such government & to provide new guards for their future security. such has been the patient sufferance of these colonies; & such is now the necessity which constrains them to expunge their former systems of government. the history of his present majesty, is a history of unremitting injuries and usurpations, among which no one fact stands single or solitary to contradict the uniform tenor of the rest, all of which have in direct object the establishment of an absolute tyranny over these states. to prove this, let facts be submitted to a candid world, for the truth of which we pledge a faith yet unsullied by falsehood.

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 & pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has neglected utterly to attend to them.

he has refused to pass other laws for the accomodation of large districts of people unless those people would relinquish the right of representation, a right inestimable to them, & formidable to tyrants alone:

he has dissolved Representative houses repeatedly & continually, for opposing with manly firmness his invasions on the rights of the people:

he has refused for a long space of time 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, & convulsions within:

he has endeavored 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; & raising the conditions of new appropriations of lands:

he has suffered the administration of justice totally to cease in some of these colonies, refusing his assent to laws for establishing judiciary powers:

he has made our judges dependant on his will alone, for the tenure of their offices, and amount of their salaries:

he has erected a multitude of new offices by a self-assumed power, & sent hither swarms of officers to harrass our people & eat out their substance:

he has kept among us in times of peace standing armies & ships of war:

he has affected to render the military, independant of & superior to the civil power:

he has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknoleged by our laws; giving his assent to their pretended acts of legislation, for quartering large bodies of armed troops among us;

for protecting them by a mock-trial from punishment for any murders 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 of the benefits of trial by jury;
for transporting us beyond seas to be tried for pretended offences:
for taking away our charters, & altering fundamentally the forms of our governments;
for suspending our own legislatures & declaring themselves invested with power to legislate for us in all cases whatsoever:

he has abdicated government here, withdrawing his governors, & declaring us out of his allegiance & protection:

he has plundered our seas, ravaged our coasts, burnt our towns & destroyed the lives of our people:

he is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation & tyranny, already begun with circumstances of cruelty & perfidy unworthy the head of a civilized nation:

he has endeavored 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, & conditions of existence:

he has incited treasonable insurrections in our fellow-subjects,[10] with the allurements of forfeiture & confiscation of our property:

he has waged cruel war against human nature itself, violating it's most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. this piratical warfare, the opprobrium of *infidel* powers, is the warfare of the CHRISTIAN king of Great Britain. determined to keep open a market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce: and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which *he* has deprived them, by murdering the people upon whom *he* also obtruded them; thus paying off former crimes committed against the *liberties* of one people, with crimes which he urges them to commit against the *lives* of another.

in every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered 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 people who mean to be free. future ages will scarce believe that the hardness of one man, adventured within the short compass of 12 years only, on so many acts of tyranny without a mask, over a people fostered & fixed in principles of liberty.

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 a jurisdiction over these our states. we have reminded them of the circumstances of our emigration & settlement here, no one of which could warrant so strange a pretension: that these were effected at the expence of our own blood & treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited: and we appealed to their native justice & magnanimity, as well as to the ties of our common kindred to disavow these usurpations which were likely to interrupt our correspondence & connection. they too have been deaf to the voice of justice & of consanguinity, & when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have by their free election re-established them in power. at this very time too they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch & foreign mercenaries to invade & deluge us in blood. these facts have given the last stab to agonizing affection, and manly spirit bids us to renounce for ever these unfeeling brethren. we must endeavor to forget our former love for them, and to hold them as we hold the rest of mankind, enemies in war, in peace friends. we might have been a free & a great people together; but a communication of grandeur & of freedom it seems is below their dignity. be it so, since they will have it: the road to glory & happiness is open to us too; we will climb it in a separate state, and acquiesce in the necessity which pronounces our everlasting Adieu!

We therefore the representatives of the United States of America in General Congress assembled do, in the name & by authority of the good people of these states, reject and renounce all allegiance & subjection to the kings of Great Britain & all others who may hereafter claim by, through, or under them; we utterly dissolve & break off all political connection which may have heretofore subsisted between us & the people or parliament of Great Britain; and finally we do assert and declare these colonies to be free and independant states, and that as free & independant states they shall hereafter have power to levy war, conclude peace, contract alliances, establish commerce, & to do all other acts and things which independant states may of right do. And for the support of this declaration we mutually pledge to each other our lives, our fortunes, & our sacred honour.

Source: *The Papers of Thomas Jefferson, Volume 1: 1760–1776* (Princeton University Press, 1950), pp. 423–428.

Document Set 2

Declaration of Independence – Final Version

Note: The following text is a transcription of the Stone Engraving of the parchment Declaration of Independence (the document on display in the Rotunda at the National Archives Museum.) The spelling and punctuation reflects the original.

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 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.

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.

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 Brittish 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.

Source: Jefferson, Thomas. *Declaration of Independence*, July 4, 1776. National Archives transcription. <https://www.archives.gov/founding-docs/declaration-transcript>

Document Set 2
Extract from Thomas Jefferson's
"Notes on Proceedings in the Continental Congress"

July 2. [1776]

Congress proceeded the same day to consider the declaration of Independance which had been reported & laid on the table the Friday preceding and on Monday referred to a committee of the whole. the pusillanimous idea that we had friends in England worth keeping terms with, still haunted the minds of many. for this reason those passages which conveyed censures on the people of England were struck out, lest they should give them offence. the clause too, reprobating the enslaving the inhabitants of Africa, was struck out in complaisance to South Carolina & Georgia who had never attempted to restrain the importation of slaves, and who on the contrary still wished to continue it. our Northern brethren also I believe felt a little tender under those censures; for tho' their people have very few slaves themselves yet they had been pretty considerable carriers of them to others.

Source: *The Papers of Thomas Jefferson*, vol. 1, 1760–1776, ed. Julian P. Boyd. Princeton: Princeton University Press, 1950, pp. 299–329.]

Document Set 3

Excerpts from the Constitution of the United States

ARTICLE I

Section 2, Clause 3

Representatives 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.

Section 9, Clause 1

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

ARTICLE IV

Section 2, Clause 3

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 Service or Labour may be due.

Source: *The Constitution of the United States*. Excerpts from National Archives transcription.
<https://www.archives.gov/founding-docs/constitution-transcript>

Document Set 3

Excerpts from James Madison's Notes on the Constitutional Convention, 1787

Below is an excerpt from James Madison's notes from the debates in the Constitutional Convention of 1787. He records a debate about the Three-Fifths Compromise and the slave trade.

Mr. L MARTIN proposed to vary the Sect: 4. Art VII so as to allow a prohibition or tax on the importation of slaves. In the first place, as five slaves are to be counted as three freemen, in the apportionment of Representatives, such a clause would leave an encouragement to this traffic. In the second place, slaves weakened one part of the Union, which the other parts were bound to protect; the privilege of importing them was therefore unreasonable. And in the third place, it inconsistent with the principles of the Revolution, and dishonorable to the American character, to have such a feature in the Constitution.

Mr. RUTLIDGE did not see how the importation of slaves could be encouraged by this section. ... Religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations. The true question at present is, whether the Southern States shall or shall not be parties to the Union. If the Northern States consult their interest, they will not oppose the increase of Slaves, which will increase the commodities of which they will become the carriers.

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

Mr. PINCKNEY. South Carolina can never receive the plan if it prohibits the slave trade. In every proposed extension of the powers of the Congress, that State has expressly and watchfully excepted that of meddling with the importation of negroes.

Source: Madison, James. *James Madison John C. Payne. John C. Payne's Copy of James Madison's Original Notes on Debates in the Federal Convention of 1787*. Manuscript/Mixed Material. <https://www.loc.gov/item/mjm023110/>

Additional Resources with transcriptions and explanations

Document Set 1

- *For onsite Teacher Institute participants* – “Resolved” program performance: Discuss the performance of George Wythe and members as they debate the contents of the Virginia Declaration of Rights.
- Virginia Declaration of Rights (George Mason’s Draft): <https://edu.lva.virginia.gov/dbva/items/show/184>. Useful with downloadable scans and analysis of draft vs. final versions.

Document Set 2

- Why Thomas Jefferson's Anti-Slavery Passage Was Removed from the Declaration of Independence: <https://www.history.com/news/declaration-of-independence-deleted-anti-slavery-clause-jefferson>. Useful to note 168-word passage in the draft version that condemned slavery and discussion of why it was removed.

Document Set 3

- Article I, Section 2, Clause 3 (Enumeration Clause or Census Clause): https://constitution.congress.gov/browse/essay/artI-S2-C3-1/ALDE_00001034/. Analysis and interpretation via congress.gov
- Article I, Section 9, Clause 1 (Restrictions on the Slave Trade): https://constitution.congress.gov/browse/essay/artI-S9-C1-1/ALDE_00001086/. Analysis and interpretation via congress.gov
- Article IV, Section 2, Clause 3 (Fugitive Slave Clause): https://constitution.congress.gov/browse/essay/artIV-S2-C3-1/ALDE_00013571/. Analysis and interpretation via congress.gov
- James Madison’s Papers, 1723-1859: <https://www.loc.gov/collections/james-madison-papers/about-this-collection/>. Useful with downloadable scans