U.S. Constitution & Slavery

Readings from the U.S. Constitution

The three constitutional clauses dealing with slavery in the original U.S. Constitution are as follows. Note that the italicized text is no longer in effect.

**Article I, Section 2, Clause 3**, of the original U.S. Constitution contained the three-fifths clause.

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. . . .*

**Article I, Section 9, Clause 1**, of the original U.S. Constitution prohibited Congress from ending the slave trade before 1808.

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 1808; but a tax or duty may be imposed on such importation, not exceeding $10 for each person. .

. .

**Article IV, Section 2, Clause 3**, of the original U.S. Constitution contained the fugitive-slave clause. It is no longer in effect:

*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 Labor may be due. . . .*

**Discussion Questions**

1. How did the three-fifths clause increase the political power of the South? Ask students to give a scenario or to visually represent what exactly the three-fifths clause meant and how it increased the political power of the South.

2. How did the slave-trade clause indirectly increase the political power of the South?

3. How did the fugitive-slave clause make slavery a national institution, one that was recognized and protected even in non-slave states?

4. How did each of the slavery clauses strengthen the institution of slavery?

5. Who did "we the people" include and exclude? In what sense did the Constitution protect slaveholders' right to property in slaves?

6. Why is the word "slavery" not used in the Constitution? What does this indicate about the way the framers viewed slavery?