



Slavery in the Constitution

How Did the Constitution Protect the System of Slavery?



Sarah Brewer

Published by K20 Center

This work is licensed under a [Creative Commons CC BY-SA 4.0 License](https://creativecommons.org/licenses/by-sa/4.0/)

Grade Level	8th Grade	Time Frame	2 class period(s)
Subject	Social Studies	Duration	100 minutes
Course	U.S. History		

Essential Question

How are governments created and structured? How did the Framers create and structure the Constitution to protect and continue the system of slavery?

Summary

Students will listen to a New York Times podcast discussing the contradiction in the Constitution by which it protects both freedom and slavery. Working in collaborative groups, students will summarize four parts of the Constitution—the Three-Fifths Clause, the Fugitive Slave Clause, the Slave Trade Clause, and the Electoral College Clause—and determine how these clauses protected slavery in the United States. To extend their knowledge, students will connect these elements of the Constitution to the shape of American history and the American experience today. This lesson includes optional modifications for distance learning. Resources for use in Google Classroom are included.

Snapshot

Engage

Students listen to an excerpt of the New York Times podcast "1619." During a class discussion, students evaluate the relationship between slavery and the creation of the new U.S. Constitution.

Explore

Students work in collaborative groups to analyze and summarize four excerpts from the Constitution that protect slavery.

Explain

Students use the Categorical Highlighting strategy with transcript excerpts from the "Teaching Hard History" podcast to explain how each of the four clauses worked to maintain and protect the institution of slavery.

Extend

Students analyze historical documents as visuals and predict how the four clauses of the Constitution continue to shape American history and American society today.

Evaluate

The "Slavery in the Constitution" handout with summaries, the "Slavery in the Constitution" chart, and the

historical document visual analysis are used to evaluate the lesson.

Standards

Oklahoma Academic Standards (Social Studies Practices (8th Grade))

8.3.3: Describe how the framers of the Constitution addressed the issue of slavery including the Three-Fifth Compromise which maintained the institution of slavery in both northern and southern states, the Fugitive Slave Clause, and the delayed ban on the slave trade.

Attachments

- [1619 Podcast Excerpt—Slavery in the Constitution - Spanish.docx](#)
- [1619 Podcast Excerpt—Slavery in the Constitution - Spanish.pdf](#)
- [1619 Podcast Excerpt—Slavery in the Constitution.docx](#)
- [1619 Podcast Excerpt—Slavery in the Constitution.pdf](#)
- [Constitution Excerpts—Slavery in the Constitution - Spanish.docx](#)
- [Constitution Excerpts—Slavery in the Constitution - Spanish.pdf](#)
- [Constitution Excerpts—Slavery in the Constitution.docx](#)
- [Constitution Excerpts—Slavery in the Constitution.pdf](#)
- [Four Clauses Chart—Slavery in the Constitution - Spanish.docx](#)
- [Four Clauses Chart—Slavery in the Constitution - Spanish.pdf](#)
- [Four Clauses Chart—Slavery in the Constitution.docx](#)
- [Four Clauses Chart—Slavery in the Constitution.pdf](#)
- [How Did the Constitution Protect Slavery—Slavery in the Constitution - Spanish.docx](#)
- [How Did the Constitution Protect Slavery—Slavery in the Constitution - Spanish.pdf](#)
- [How Did the Constitution Protect Slavery—Slavery in the Constitution.docx](#)
- [How Did the Constitution Protect Slavery—Slavery in the Constitution.pdf](#)
- [Lesson Slides—Slavery in the Constitution.pptx](#)
- [Poster and Map Activities—Slavery in the Constitution - Spanish.docx](#)
- [Poster and Map Activities—Slavery in the Constitution - Spanish.pdf](#)
- [Poster and Map Activities—Slavery in the Constitution.docx](#)
- [Poster and Map Activities—Slavery in the Constitution.pdf](#)

Materials

- Internet-connected device with sound
- 1619 Podcast Excerpt (attached)
- 1619 Podcast audio link
- Constitution Excerpts handout (attached)
- "How Did the Constitution Protect Slavery?" reading (attached)
- Four Clauses Chart (attached)
- Poster and Map Activities handouts (attached)

Engage

Teacher's Note: Lesson Preparation

Prior to the lesson, open the link for the [1619 Podcast](#). Cue the audio to 17:08. During the lesson, students will listen to approximately the next two minutes of the podcast. Print a copy of the attached handouts for each student: 1619 Podcast Excerpt, Constitution Excerpts, Four Clauses Chart, and the "How Did the Constitution Protect Slavery?" handout. Additionally, review the Extend section of this lesson and the Poster and Map Activities handouts. Select one or both activities and print copies of the appropriate handout(s) for each student.

Use the attached slide show to guide the lesson. Begin by introducing students to the essential questions on **slide 4**: How are governments created and structured? And how did the Framers create and structure the Constitution to protect and continue the system of slavery?

Move to slide five. Introduce the 1619 podcast to the class. The podcast addresses the issue of slavery in the American colonies and its impact on the writing of the Constitution. Pass out the attached 1619 Podcast Excerpt to students and ask them to follow along with the podcast. Move to slide six and ask students to consider this question: What point is the speaker making about the relationship between slavery and the creation and structure of the new Constitution? Explain to students that they should highlight or underline lines and phrases that address the question. Next, move to slide seven or to the tab where the podcast is ready to play.

Teacher's Note: About The "1619" Podcast

"1619" is a project created by The New York Times to memorialize the 400th anniversary of the first enslaved people being sold into the American Colonies. The podcast's intent is to acknowledge slavery's profound impact and the legacy it has had in shaping all aspects of American life.

After the podcast, show **slide 8**. Ask students to draw an [I Think/We Think](#) chart on the back of the 1619 Podcast Excerpt. Invite students to consider the question on slide 8: What point is the speaker making about the relationship between slavery and the creation and structure of the new Constitution? Students may wish to look at the excerpt again, including the lines and phrases the highlighted or underlined, to formulate their answers. Students should write their answer in the "I Think" column of the chart.

Place students in pairs or groups of three. Ask students to share their "I Think" response to the question with their assigned group. Students should come to a consensus regarding what the group considers the best answer to the question. Allow a few minutes for groups to form their responses and record them in the "We Think" column of the chart. Then ask student groups to share their answers with the whole class.

Possible Student Responses

Students may note that the speaker recognizes the choice facing the Framers when they wrote the Constitution. Did the Framers intend to acknowledge the equality of all human beings by equally protecting the rights of all people? How could they do so if slavery was permitted to exist under the new government? Were the Framers willing to compromise their ideals to preserve the system of slavery? Students may note that the colonists ultimately chose to create a government that allowed slavery to continue, therefore undermining their principles of equality and freedom from the very beginning.

Conclude the brief discussing by letting students know that, throughout the rest of the lesson, they will identify how the Constitution was structured to protect and perpetuate the system of slavery, even though it also promoted freedom and equality.

Optional Modification For Distance Learning

Consider creating multiple copies of a blank [Google Doc](#). Assign two or three students to each copy and have them collaborate virtually. Students can add notes to the document and collaborate as a group using the "chat" feature in the document. You may also consider making this activity a discussion board post to which your students can respond directly. [Download all attachments to use this lesson in Google Classroom.](#)

Explore

Hand out the attached Constitution Excerpts. Ask students to work with their groups and use a modified [Stop and Jot](#) strategy to analyze each of the four excerpts from the Constitution. Move to **slide 10** to view the full instructions. Students should pause after reading the first excerpt to create a group summary statement before moving to the second excerpt, and repeat until all excerpts are summarized.

Once all groups have completed their summaries, ask each group to share one of their four summaries with the class. Some groups may summarize the same excerpt--this is fine, as each group should interpret the excerpt differently. As groups present, use **slides 11–14**, containing example summaries, to clarify excerpts further.

Teacher's Note: Clarifications In Slides 10–13

The Three-Fifths Clause (slide 11) counts three-fifths of the enslaved population to determine a state's representation in Congress. The Electoral College Clause (slide 12) states that the President of the United States is elected by the Electoral College, which is made up of electors from each state. Each state's number of electors is determined by adding its senators plus its House representatives. The number of House representatives is determined by the state's population. The Slave Trade Clause (slide 13) prohibits Congress from banning the international slave trade before the year 1808. However, it did not require Congress to ban the trade in 1808. The Fugitive Slave Clause (slide 14) requires those who escaped enslavement to be returned to their enslavers, even if the fugitive flees to another state.

Optional Modification For Distance Learning

To make use of the above activity in an online or distance learning environment, consider creating multiple copies of the excerpts using [Google Docs](#). Assign a copy to a different group of students. Have each group collaborate on their summaries virtually. Students can draw from their individual annotations to add notes to the document and collaborate as a group using Google Docs's "chat" feature. You might also consider making this activity a discussion board post to which your students can respond directly. [Download all attachments to use this lesson in Google Classroom.](#)

Explain

Now that students know what these four excerpts from the Constitution mean, they can work to understand how each of these parts of the Constitution protected and perpetuated the system of slavery in the United States. Assign each group one of the four excerpts and give each student the appropriate pages from the attached "How Did the Constitution Protect Slavery?" handout. The group assigned to the first excerpt, for example, should receive pages one and two from the handout, which detail the Three-Fifths Clause.

Ask students to use the [Categorical Highlighting](#) strategy with their groups to highlight lines from the text that explain how the Constitution protected and perpetuated the institution of slavery.

After groups have read and highlighted, hand out copies of the attached Four Clauses Chart to all students. Invite students to reference their highlighted information and work with their groups to write 3–4 sentences in the appropriate corner of the chart explaining how their assigned reading from the Constitution maintained and/or protected the system of slavery. When the class is ready, ask each group to share their findings. Reference **slides 16–23** during the discussion. Type each group's response into the blank slide provided for the appropriate clause. The slides following each blank slide can be used to clarify and provide additional information if students struggle to connect their assigned clauses to how the Constitution protected slavery.

Ask students to fill in the rest of their Four Clauses Chart based on group presentations and class discussion.

Teacher's Note: Providing Additional Information

The Three-Fifths Clause is covered on **slides 16–17**. The Electoral College Clause is covered on **slides 18–19**. The Slave Trade Clause is covered on **slides 20–21**. The Fugitive Slave Clause is covered on **slides 22–23**. The suggestions covered on each slide are also listed below.

Sample Student Response: The Three-Fifths Clause

For the Three-Fifths Clause, students might say that states can count three-fifths of their slave population towards their total population. This elevates the population of slave states to a much higher number than counting only free persons. This protects slavery because, with a higher population, slave states get more representation in Congress. Because of this, slave states get more political power to shape the laws of the country. This gives them the power to keep slavery from being abolished or made illegal.

Sample Student Response: The Electoral College Clause

For the Electoral College Clause, students might note that, since a state's number of representatives is determined by counting their free population plus three-fifths of their enslaved population, slave states have more electors in the electoral college than they would if only free persons were being counted. This gives slave states greater influence in who is elected president. Many of the early presidents of the United States owned slaves and supported keeping the system legal.

Sample Student Response: The Slave Trade Clause

For the Slave Trade Clause, students might notice that the clause says the slave trade cannot be abolished before 1808, but does not require that it be banned in 1808. This protects slavery by guaranteeing slave states the ability to continue importing enslaved people and growing the system of slavery overall.

Sample Student Response: The Fugitive Slave Clause

For the Fugitive Slave Clause, students might note that the clause required any enslaved person who escaped slavery to be returned to their enslaver, even if they escape to a free state. This protects slavery by making "slave" status legal and recognized anywhere in the United States—even in free states. Slave owners were legally allowed to reclaim their "property" from any state, giving them significant power over those people they enslaved.

Discuss with the class how the Constitution was deliberately structured to protect and maintain the system of slavery for years to come. Since slavery was written into the Constitution, it was very difficult to abolish. The doctrine of white supremacy that propped up the system of slavery continued to be ingrained in American society, the legacies of which the United States still experiences today.

Optional Modification For Distance Learning

For online or distance learning, consider using a website such as [Voice Thread](#) to engage your students in the Four Clauses Chart activity. You can upload each clause ahead of time to the site, and students can choose whether they would like to make a quick video, a voice memo, or a written note to explain how their assigned reading from the Constitution maintained and/or protected the system of slavery. [Download all attachments to use this lesson in Google Classroom.](#)

Extend

Consider the following two options for extending the lesson. If the class would benefit from both activities instead of just one, be sure to allow additional time beyond what is listed.

Optional Activity: Boston Kidnappers Warning Poster

Pass out the warning poster and questions (page one from the attached **Poster and Map Activities** handout). Ask each group to read and discuss both questions while a selected student from each group records the group's answers.

Possible Student Answers: Poster Activity

Question 1: This image relates to the Fugitive Slave Clause in the Constitution. This clause allowed for the capture of people who had escaped from slavery, which made the situation in the poster legal.

Question 2: According to the poster, police officers in Boston had the power to legally capture black people and sell them into slavery. Historically, this type of abuse of power caused black people to fear and mistrust police and other law enforcement representatives. Given this history of mistrust, and current issues such as racial profiling by police, police shootings of unarmed black people, the disproportionately high incarceration rate of African Americans, etc., there is still a sense of fear and mistrust that the black community sometimes has toward the law enforcement community. Since the Constitution was structured to give slave owners the legal authority to reclaim their escaped "property," even people who had escaped slavery had to always be wary of police and other law enforcement. The legacy of this fear and mistrust influences the relationships between communities of color and law enforcement today.

Optional Activity: Map From "freedom, Slavery, And The Coveted Territories"

Pass out the map and questions (pages two and three from the attached **Poster and Map Activities** handout). Ask each group to read and discuss the questions while a selected student from each group records the group's answers.

Possible Student Answers: Map Activity

Question 1: Much of the new territory in the west would eventually be made into states. Whether or not these territories would become slave states or free states would impact who had more power, in terms of representatives in Congress, and thus who could better influence the laws and policies of the national government. This especially included laws related to slavery. **Question 2:** This map relates to the Three-Fifths Clause. The Three-Fifths Clause is relevant because, if a new state were deemed a slave state, it would be able to count three-fifths of its slave population toward its total population. This would give that state, and any slave state, more power than is fair. **Question 3:** The authors of the map argue that the slave states have more power than is fair because of the Three-Fifths Clause. Because of the way the Three-Fifths Clause inflated the amount of representation slave states had in Congress, they were able to continue making laws to protect slavery. This included keeping the national government from limiting or abolishing slavery until the end of the Civil War in 1865. The system of slavery has had enduring social and economic consequences.

Optional Modification For Distance Learning

Consider creating multiple copies of the attached Poster and Maps Activities handout using Google Docs. Assign two or three students to each copy of the handout and have them collaborate virtually. Students can add notes to the document and collaborate as a group using the "chat" feature in the document. You may also consider making this activity a discussion board post to which your students can respond directly. [Download all attachments to use this lesson in Google Classroom.](#)

Evaluate

Methods of evaluating this lesson include students' responses to the Constitution Excerpts handout, the Four Clauses Chart, and either of the historical document analyses from the Poster and Map Activities.

Resources

- Anderson, L., Tobin, L., Chow, L. [eds.]. (2019, Aug. 23). The fight for true democracy [Podcast]. 1619 Podcast. Retrieved from: <https://www.nytimes.com/2019/08/23/podcasts/1619-slavery-anniversary.html?>
- Jeffries, H. K., & Finkelman, P. (2018, April, 26). Slavery in the constitution. Teaching hard history: american slavery [Podcast]. Podcast retrieved from: <https://www.tolerance.org/podcasts/teaching-hard-history/american-slavery/slavery-in-the-constitution>
- K20 Center. (n.d.). Categorical highlighting. Strategies. Retrieved from <https://learn.k20center.ou.edu/strategy/fc74060730ea745c8c4f356aa204c85d>
- K20 Center. (n.d.). I think / we think. Strategies. Retrieved from <https://learn.k20center.ou.edu/strategy/d9908066f654727934df7bf4f5065bfd>
- K20 Center. (n.d.). Stop and jot. Strategies. Retrieved from <https://learn.k20center.ou.edu/strategy/d9908066f654727934df7bf4f5077921>
- Summary objective 6. (n.d.). Retrieved from: <https://www.tolerance.org/frameworks/teaching-hard-history/american-slavery/summary-objective-6>
- (n.d.). The constitution of the united states: a transcription. Retrieved from <https://www.archives.gov/founding-docs/constitution-transcript>