

Freedom for All? The Contradictions of Slavery and Freedom in the Maryland Constitution

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Grade Level: Upper Elementary/Middle

Duration of lesson: 2-3 periods

Overview:

This lesson uses the Maryland State Constitution of 1776 and the Declaration of Independence to examine the contradiction between slavery and freedom at the heart of the American Revolution. The United States' founding fathers clamored for "liberty," "rights," and "freedom," yet incorporated slavery into the earliest constitutions. In Maryland's case, indentured servitude characterized the early labor force in the colony, but as soon as state legislators legalized life-long servitude for Africans, slavery became much more common. Despite early opposition to the institution and the campaigning of Christian abolitionist societies, slavery would accompany the United States' independence from Great Britain.

Related National History Standards:

Content Standards:

Era 3: Revolution and the New Nation (1754 – 1820's)

Standard 1: The causes of the American Revolution, the ideas and interests involved in forging the revolutionary movement, and the reasons for the American victory

Standard 2: The impact of the American Revolution on politics, economy, and society

Standard 3: The institutions and practices of government created during the Revolution and how they were revised between 1787 and 1815 to create the foundation of the American political system based on the U.S. Constitution and the Bill of Rights

Historical Thinking Standards:

Standard 2: Historical Comprehension

B. Reconstruct the literal meaning of a historical passage.

C. Identify the central question(s) the historical narrative addresses.

E. Read historical narratives imaginatively.

Standard 3: Historical Analysis and Interpretation

B. Consider multiple perspectives.

Standard 4: Historical Research Capabilities

- A. Formulate historical questions.
 - B. Obtain historical data from a variety of sources.
 - C. Interrogate historical data.
 - F. Support interpretations with historical evidence.
- Standard 5: Historical Issues-Analysis and Decision-Making**
- E. Formulate a position or course of action on an issue.

Lesson Objectives:

- Students will be able to analyze the contrast between the rights and privileges referenced in the Declaration of Independence and the Maryland State Constitution in comparison to the rights and privileges of slaves.
- Students will be able to explain the responsibilities associated with certain basic rights of citizenship, such as freedom of speech and religion, and explain why these responsibilities are important.
- Students will be able to explain what rights of citizenship slaves were not given.

Topic Background:

The Declaration of Independence, I think, is one of the most remarkable documents in the world. . . 'Inalienable rights.' . . 'Life, liberty, and the pursuit of happiness'. . . 'We hold these truths to be self-evident.' . . [But] it didn't apply to black folks. Thomas Jefferson kept slaves. But Thomas Jefferson nevertheless wrote these marvelous words, and he understood the inconsistency. . . .

- General Colin Powell, former Chairman of the Joint Chiefs of Staff

“How is it,” asked Samuel Johnson, “that we hear the loudest yelps for liberty among the drivers of negroes?” Samuel Johnson was a British author who pointed out one of the central contradictions of the American Revolution, namely that many of the colonists who were fighting in the name of freedom were also slave owners, not the least of which was General George Washington. Many Europeans thought it was strange that a nation that was led by slave owners should be so insistent about its own freedom. Many colonists became aware of the contradiction involved in slaveholders fighting for their own freedom. “To contend for Liberty,” John Jay wrote, “and to deny that blessing to others involves an inconsistency not to be excused.” But even though the founders were aware of this moral contradiction, they incorporated it into their new nation anyway.

Yet after declaring independence, states such as Maryland enshrined slavery within the legal boundaries of the new governments they created, as they saw no contradiction between owning slaves and the fight for political freedom. The Maryland constitution of 1776, enacted just months after the issuance of the Declaration of Independence, included numerous references to ‘freedmen,’ and included human beings in the term property. To understand why Maryland, along

with all the other former colonies, legalized slavery in their new constitutions while fighting in the name of freedom, the history of slavery in the new state has to be examined.

African servitude in Maryland occurred early in Lord Baltimore's colony. The first African laborers arrived in the early 17th century, but their legal status was uncertain. By the 1660s, the status of Africans became clearer; some Africans became free after a term of servitude, and others remained slaves for life. Only three percent of the population were enslaved Africans in 1658 (Apple, Lampron, & Van Dyke, pg. 1). Shortly after that, the Maryland colonial assembly laid down the foundation for life long servitude as the common standard for Africans and for future children of enslaved African mothers. Many of these laws pertaining to the treatment of Africans passed after the arrival of immigrants from Barbados. In 1664 Maryland passed its first slave legislation. It stated that all "Negroes or other slaves hereafter imported into the province shall serve for life, as should their children. It also stated that any white woman who forgot her status and married a slave would have to serve the master of her husband. All children born into such a union would be slaves as well (Middleton, pg. 324).

As a middle state, Maryland provides a unique way of looking at slavery in the early United States. Slavery was more widespread in Maryland than in Pennsylvania or New England, but less prevalent than in southern states such as Virginia and South Carolina. Until the end of the seventeenth century, few slaves were actually imported to Maryland. The landowners preferred and relied on mainly white indentured servants to cultivate their crops, until tobacco became the staple crop in Maryland in the seventeenth century. After 1680 the purchase of slaves increased, because fewer whites were entering the colony. The abolition of the Royal African Company monopoly on trade influenced the increase in the buying of slaves in 1698. By the early 18th century, slaves made up about 25 percent of the colony's population (Apple, et al., pg. 1).

The first African slaves grew tobacco and lived in groups of eight to twenty. Blacks developed and maintained strong families despite all of the uprooting and in-state migrations due to the slave trade within Maryland (Apple, pg. 2). They lived in quarter houses, outbuildings, and in surrounding tobacco fields. Some slaves lived in the same building as livestock. On the Eastern Shore of Maryland, planters by the 1750's were using slaves to grow wheat, corn, and vegetables. Some slaves tended to livestock as well. Slaves were also used as craft workers and industrial laborers. Some of the jobs were in carpentry and even shipbuilding. Enslaved blacks thus played a major role in the expansion of Baltimore (Apple, et al., pg. 2). By the year 1810, Baltimore was the third largest city in the nation.

On the eve of the Revolution, the first group in America to address the problem of slavery was the Quakers. Many of them said that slavery was inconsistent with Christianity. The Quakers had a major part in the formation of the Pennsylvania Society for the Abolition of Slavery in 1775, which was the first antislavery society in America. The slave codes that existed in every colony deprived blacks of basic human rights; this in turn gave slave holders the opportunity for ruthless control over their slaves. While the Declaration of

Independence stated, “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,” this applied only to free men (and to a lesser extent free women), not slaves. During the 20 years that followed the adoption of the Declaration of Independence, each state acted as a separate sovereign entity under the Articles of Confederation was ratified. This meant that the future of slaves in a given state depended largely on the state’s constitution. Maryland’s constitution highlighted the conflict between the ideal of freedom and the reality of the new country (www.csusm.edu/Black_Excellence/documents/pg-s-a-revolution.html).

Within the state of Maryland some blacks gained freedom through manumission. Manumission was the legal action whereby a slaveholder gave or sold freedom to a slave. Before 1790, most of the manumissions granted to slaves in Maryland came from Quakers or Methodists who considered slaveholding evil (Whitman, pg. 3-4). Although rebellion against slavery was less common in colonial Maryland than in other colonies, there were still slaves that seized opportunities to flee to freedom in the North or join British forces during the American Revolution and the War of 1812.

A law was passed in Maryland in 1783, prohibiting the importation of slaves. James Otis, one of the early revolutionary leaders and a man who believed that the principles of the American cause should be extended to all Americans, including slaves, said, “It is a clear truth, that those who every day barter away other men’s liberty will soon care little for their own.” James Otis called the slave trade, “the most shocking violation of the law of nature.” In 1807 the Federal Government took action to terminate the trading of slaves from Africa. However, illegal trade across the Atlantic and domestic slave trading continued until the Civil War. It was not until the Civil War that slavery as an institution started to fade in Maryland.

When Maryland adopted its state constitution in 1776, the document pointedly provided numerous rights to freedmen, not all citizens. Property rights also included the possession of human beings serving in bondage. Each of the original Thirteen Colonies faced similar contradictions when they set out to create new governments. By examining these early documents it is clear that, despite the founders’ claim that they fought for the freedom of all men, they did not extend these rights to slaves in the new United States.

Bibliography:

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Whitman, T. Stephen. *The Price of Freedom: Slavery and Manumission in Baltimore and Early National Maryland*. Lexington: University Press of Kentucky, 1997.

Vocabulary:

Constrain: To force, compel, or oblige

Deprive: To remove or withhold something

Emancipation: Freeing someone from the control of another

Exile: Prolonged separation from one's country or home

Freeman: A person who is entitled to all the rights and privileges of citizenship

Impeach: To challenge the validity of

Manumission: The act of releasing a person from slavery

Militia:	All able-bodied male citizens organized as part-time military units in case of emergency
Negro:	The term used in the past to refer to individuals of African origin or their ancestors.
Parliament:	The legislature of Great Britain
Possession:	To own
Subjugate:	To bring under complete control
Suffrage:	The right to vote

Teaching Procedures:

1. Provide each student with an index card as they enter the classroom. Instruct students to list as many of their rights as they can on the card. Invite students to share their lists with the class. Record their responses on chart paper.
2. Read aloud Resource Sheet #1, "A Picture of Slavery for Youth." Invite students to visualize the experiences of the slaves described in the text as you are reading. Provide students with an opportunity share their reactions to the text, first with a partner, and then with the whole class.

Ask students to use information from the read aloud to brainstorm what rights and privileges slaves held. Record their responses on chart paper.

Lead students in a discussion comparing and contrasting their rights with those of slaves. Pose the following question to the students:

What determines our rights and privileges?

Allow students to briefly share their responses, explaining that the class will further explore this question in the lesson.

3. Discuss *The Declaration of Independence* with the students, making sure students know when the document was written, why the document was written, and who wrote the document. Provide each student a copy of Resource Sheet #2, "Selected Excerpts from the Declaration of Independence."

Allow students a few moments to read the excerpts independently, then read them aloud, clarifying vocabulary as needed.

4. Break students into small groups. Have the groups highlight the references to rights & privileges in the excerpts from the Declaration of Independence and record these on Resource Sheet #3 “References to The Rights and Privileges of Men: The Declaration of Independence.” Allow groups to share their answers with the class.

Lead students in a discussion summarizing the beliefs about rights and privileges held by the framers of the Declaration for Independence.

5. Discuss the *Maryland Constitution* with the students, making sure students know when the document was written, why the document was written, and who wrote the document. Emphasize that Maryland’s constitution and that of other states would be used as examples when the U.S. Constitution was discussed in 1787. Provide each student a copy of Resource Sheet #4, “Selected Excerpts from the Maryland Constitution.”

Allow students a few moments to read the excerpts independently, then read them aloud. As you read each excerpt aloud, discuss it with the students to ensure they understand the excerpt’s importance and how it references slavery.

6. Break students into small groups. Have the groups highlight any references to rights and privileges (even those prohibited by the Constitution for slaves) and record them on the Resource Sheet #6 “References to the Rights and Privileges of Men: Maryland Constitution.” Allow groups to share their answers with the class.

Lead students in a discussion comparing and contrasting the beliefs of the framers of the Declaration of Independence with the laws that were written in the Constitution.

7. Distribute Resource Sheet #7 “You Decide!” to each student. Review the directions and rubric that will be used to score students’ responses.

Instruct students to complete Resource Sheet #7.

8. To assess student understanding employ the scoring rubric to student responses on Resource Sheet #7.

9. Extension activities may include:

- Encourage students to conduct further research on the indirect references to slavery in the United States Constitution. For example, students may research the origins of the Three-Fifths Compromise.

Primary Source Annotation:

Copy of The Declaration of Independence, signers omitted.
<http://www.archives.gov/national-archives-experience/charters/declaration.html>.
[accessed January 6, 2006].

Excerpts from the Declaration of Independence will be used to show students what rights and privileges the colonists wanted for themselves.

Copy of Maryland Constitution. <
<http://www.yale.edu/lawweb/avalon/states/ma02.htm> > [accessed
November 7, 2006].

Excerpts from the Maryland Constitution will be used to show students the basis of our government; students will also examine the document for any references to slavery.

Library of Congress: American Memory. “A Picture of Slavery for Youth.”
Slaves and the Courts, 1740-1860. <
http://memory.loc.gov/cgi-bin/ampage?collId=lst_gcmisc&fileName=lst/lst0049//gcmisc/lst0049.db&recNum=0
> [accessed January 3, 2006].

A Picture of Slavery for Youth identifies the mistreatment of African Americans in the time of slavery, as well as showing that slaves were also abused by not only their male masters, but females also. This document shows the students that African Americans had it very hard as slaves, and were sometimes punished for the littlest things.

Slaves and the Courts, 1740-1860 contains just over a hundred pamphlets and books (published between 1772 and 1889) concerning the difficult and troubling experiences of African and African-American slaves in the American colonies and the United States. The documents, most from the Law Library and the Rare Book and Special Collections Division of the Library of Congress, comprise an assortment of trials and cases, reports, arguments, accounts, examinations of cases and decisions, proceedings, journals, a letter, and other works of historical importance. Of the cases presented here, most took place in America and a few in Great Britain. Among the voices heard are those of some of the defendants and plaintiffs themselves as well as those of abolitionists, presidents, politicians, slave owners, fugitive and free territory slaves, lawyers and judges, and justices of the U.S. Supreme Court.

Slavery and the slave trade shall be prohibited in all its forms. Article 4; Universal Declaration of Human Rights.(The United Nations). The life of a slave, although difficult, was not always the end of a person's life. It was possible for a slave to buy his freedom, for a slave soldier to become a general, or for a freed slave to become an important member of society. In the 19th Century, newer political ideals of freedom and equality were anti-slavery. It is ironic that the two countries at the time associated with freedom and equality; USA and France; still permitted slavery. France didn't abolish slavery until 1848, and there were still slaves working in the White House in the same year. The humanitarian ideal, the idea that all people are. Podcasts "Themes" Slavery. Harriet Tubman, a slave in Maryland who escaped and subsequently led some 70 fugitives out of the state to freedom, has been called the "Moses of her people." Photograph by Corbis. There are many heroes and heroines in your book. Perhaps the most famous is "Captain" Harriet Tubman. First of all, the right of the South to get their fugitives back is in the U.S. Constitution. Unfortunately, on this and many other points, the Constitution is rather vague. It doesn't say who's supposed to capture them or whose responsibility it is. In 1850, because previous laws had not succeeded in stopping the escapes of slaves, this fugitive slave law, which was very draconian, was passed. How slavery flourished in the United States. See 400 years of data tracking the rise and fall of the slave trade. Culture. All, or nearly all, the value, he says, comes from the efforts of the farmers who improve the land. Since God gave us the land to improve, it rightfully belongs to those who improve it. Locke's reputation as an opponent of slavery rests in part on misunderstanding and in part on the fact that he offered a more limited justification of slavery than earlier writers. The contradictions inherent in Locke's position were pointed out by critics at the time, and summed up by that old-fashioned Tory, Dr Samuel Johnson, who remarked, "How is it that we hear the loudest yelps for liberty from the drivers of Negroes?" (Johnson's friendship with his Jamaican servant, Francis Barber, a former slave, was a striking testimony to his character.) But history is written by the winners.

The freedom of the free, the growth of freedom experienced in the American Revolution depended more than we like to admit on the enslavement of more than 20 percent of us at that time. How republican freedom came to be supported, at least in large part, by its opposite, slavery, is the subject of this book. American Slavery, American Freedom is a study of the tragic contradiction at the core of America. Morgan finds the keys to this central paradox, "the marriage of slavery and freedom," in the people and the politics of the state that was both the birthplace of the Revolution and th The contradiction, etched into the Constitution, would come to define Madison and a nation irreconcilably founded both on slavery and the ideals of liberty and justice. Luther Martin of Maryland argued that slavery was "inconsistent with the principles of the Revolution and dishonorable to the American character." But rather than argue for the end of slavery, he instead couched it in coded language, rewriting the text to read that "a tax or duty may be imposed on such importation not exceeding \$10 for each person." Feldman writes that Madison's arguments in favor of a bill proposed by Thomas Jefferson establishing religious freedom applied to all Virginians, not just dissenters, but fails to note the trampled rights of the enslaved.