

ANTI-SLAVERY CONSTITUTIONALISM

Institute for Constitutional History - NYHS

Spring, 2019

Professor James Oakes and Sean Wilentz

Participants should purchase a copy of Sean Wilentz, No Property in Man. Chapters 1 and 2 are assigned, but you are strongly encouraged to read the entire book before the seminar begins.

The remaining readings are all digitized.

WEEK 1: No Property in Man (Feb. 14)

- Sean Wilentz, *No Property in Man*, introduction and chapters 1-2

Documents:

- *Somerset* case report (1772)
- Constitutional Convention Debates (Madison's Notes)
- Slavery-related clauses in the US Constitution
- The Northwest Ordinance (1789)
- Slave Trade Debates in Congress (1790)
- Pennsylvania Abolition Statute (1780)
- Colonial PA slave codes repealed by 1780 statute

WEEK 2: Origins of Antislavery Constitutionalism (Feb. 28)

Documents:

- Missouri Crisis Speeches: James Tallmage, Rufus King and John Taylor (1819-20)
- The Missouri Compromise (1820)
- Ohio Resolutions on Emancipation and Colonization, with Governor Troup of Georgia's Reply (1824)
- Benjamin Lundy, Plan for Abolition of Slavery, in *Genius of Universal Emancipation* (1821)
- The *D'Auterive* Debate (1828)
- American Anti-Slavery Society, Constitution and Declaration of Sentiments (1833)

WEEK 3: The Critical Decade, 1835-1844 (March 7)

Documents:

- U.S. Constitution: The Preamble
- Speeches in Congress: Samuel Prentiss and Thomas Morris (1836)
- John C. Calhoun on Abolition in the District of Columbia (1836)
- Theodore Dwight Weld, *The Power of Congress over the District of Columbia* (1838)
- Henry Stanton on the Abolitionist Project (1839)
- Salmon P. Chase, Argument in *James G. Birney v. The State of Ohio* (1837)
- Massachusetts Report on the Powers and Duties of Congress upon the Subjects of Slavery and the Slave Trade (1838)
- William Jay, *View of the Actions of the Federal Government with Regard to Slavery* (1839)
- John C. Calhoun's *Enterprise* Debate (1840)
- Senate Debate on *Enterprise* Resolutions (1840)
- Justice John McLean's dissent in *Groves v. Slaughter* (1841)
- Joshua Giddings's *Creole* Resolves (1842)
- William Ellery Channing, *Duty of the Free States* (1842)
- Liberty Party Platform, 1844

WEEK 4 Territorial Expansion (March 14)

Documents:

- U.S. Constitution: Rules & Regulations and Guarantee Clauses
- Joshua Giddings on Texas Annexation (1844)
- The Wilmot Proviso (1847)
- Gamaliel Bailey on the Wilmot Proviso (1847)
- The Free Soil Party Platform, 1848
- William Seward, "Higher Law Speech" on the Territories (1850)
- Samuel Phelps, Speech on the Federal Territories (1850)
- Thaddeus Stevens, Speech on the Federal Territories (1850)
- Kansas-Nebraska Act (1854)
- Abraham Lincoln, Peoria Address (1854)

WEEK 5: Fugitive and Transient Slaves (March 21)

Documents:

- U.S. Constitution: Article IV (States' Relations)
- Slave Clauses
- Joseph Story, Remarks on the Fugitive Slave Clause, in *Commentaries on the Constitution* (1833)
- Joseph Story, Remarks on Slavery and Interstate Comity, in *Commentaries on the Conflicts of Law* (1834)
- *Commonwealth v. Aves* (1836)
- Salmon P. Chase, *Matilda speech* (1837)
- James C. Alvord, "Trial by Jury, in Questions of Personal Freedom," in *American Jurist* (1837)
- *Prigg v. Pennsylvania* (1842)
- Massachusetts Legislature Report on Fugitive Slaves (1843)
- Fugitive Slave Act of 1850

WEEK 6: Citizenship and the Triumph of Antislavery Politics (March 28)

Documents:

- U.S. Constitution: Privileges & Immunities Clause
- William Yates, "The Citizenship of Persons of Color" (1838)
- Joshua Giddings, *Pacificus* essays (1842)
- Negro Seaman's Act (1823)
- Congressional Debate on the Fugitive Slave Bill (1850)
- Charles Sumner, "Freedom National, Slavery Sectional" (1852)
- Philemon Bliss, "Citizenship: State Citizens, General Citizens" (1858)

- 1856 Republican Party Platform
- *Dred Scott v. Sanford* (1857)
- Abraham Lincoln, Speech at Springfield (1857)
- Quincy (Illinois) resolutions (1855)
- Abraham Lincoln, Letter to Owen Lovejoy (1855)
- 1860 Republican Party Platform
- Abraham Lincoln on the Fugitive Slave Issue (1859, 1860)