

Constitutional Insight

When Three-Fifths is Better Than a Whole

By _____
Doug Anderson
President
American Reclaimed
Ministries

Ignorance is not always bliss. Consider the "Three-Fifths Compromise" of the U.S. Constitution. Many people today, who have very little knowledge of our Constitution, spout off about the injustice of this compromise: that it was the means by which the Constitution considered African Americans as only 3/5ths of a person, or that it was used to enshrine slavery into our Constitution, or even worse, that it was evidence that our Founding Fathers were bigots who considered African Americans as less than human.

Evidently, these self-appointed Constitutional scholars would prefer that the Constitution had counted such persons as "whole" persons rather than only "three-fifths." Therein lies the ignorance of so many Americans today, and points to the truth of the title of this article; sometimes, three-fifths is better than a whole.

Some much needed teaching is in order on this issue. What has become known as the "Three-Fifths clause" of the original Constitution was contained in Article 1, Section 2, Paragraph 3. It stated the following concept: *"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 Number of Years, and excluding Indians not taxed, three fifths of all other Persons."* (emphasis added)

The U.S. Constitution never claimed that Blacks were only 3/5ths human. The 3/5ths compromise decided

legislative representation of those persons who were enslaved and being treated as property. It had nothing to do with determining the humanity of individuals.

On the issue of legislative representation, the Constitution proposed that a state would receive one representative before Congress for every 30,000 inhabitants living within its borders. However, slavery would inflate the number of "inhabitants" through the forced servitude of persons who were not truly being represented by

founders in the north strongly objected to allowing slaves to be counted as whole persons, not because they were bigots towards black people, but just the opposite. They didn't want the slaves to be used as a means to further strengthen the pro-slavery votes in Congress.

Several founders actually used the southern slave-holders' own argument, that their slaves were property, against them. Their argument was one based on Biblical principle, not bigotry. If slaves be men, then they should be treated as such and set free,



anyone. As a result, the numbers of southern state inhabitants would be skewed to a disproportionate extent of those persons actually having a voice in their government. It was not right to allow slave holders to count their slaves as "inhabitants" permitting a greater representation in Congress when those slaves were not being represented, nor being treated as humans. Moreover, from a practical perspective, to allow the slaves to be counted as a whole person in the representation scheme, the southern states would have a stronger voice to push their pro-slavery agenda.

As a result, the anti-slavery

and by so doing, the south could count them fully as a whole person. But if the slaves were considered mere property, no different than a table or a chair, then why should they be counted at all?

Making matters worse, the south continued to increase their slave-holding numbers through the importation of additional slaves. All the states agreed that the importation of slaves should cease: the anti-slavery forces of the north sought for immediate elimination, while southern representatives felt their economies were so dependent on slavery that they could not survive unless there was a period of gradual elimination.

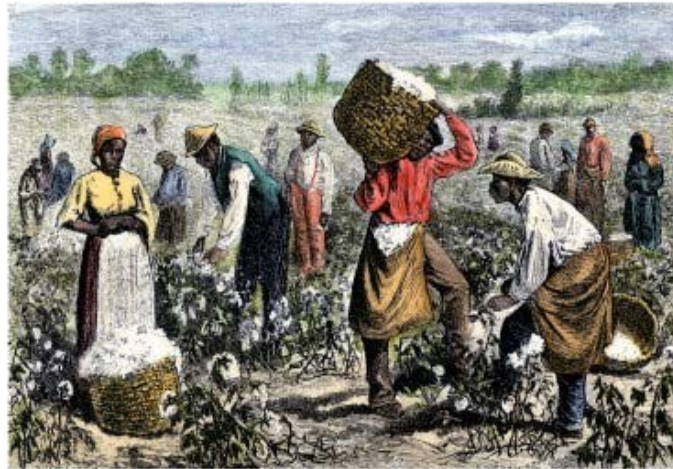
Continued on page 13

I have alternatively been called an Aristocrat and a Democrat. I am neither. I am a Christocrat. – Benjamin Rush, signer of the Declaration of Independence

When Three-Fifths is Better Than a Whole (cont.)

A stalemate ensued that threatened not just the continuation of the Constitutional Convention, but the continuation of the United States as a whole. The delegations of Georgia and the two Carolinas made it clear that they would never join the union if their slaves were not counted. The United States was a fragile entity at this point in its history with Spain, France, and even Great Britain eyeing it for possible take-over. America was relatively small and weak as a union of 13 states; it would be even weaker if split into two separate nations. James Madison for one believed that the evil of continued slavery was less than the danger of losing their hard fought liberties altogether by being overrun by another nation. At least as a whole nation, they retained the possibility of obtaining political freedom for the slaves at a later time.

Thus, for the sake of holding their nation together as one, the delegates from the north and south reached a compromise. The south agreed to allow Congress to regulate commerce and the slave trade by a simple majority (which the north had), and to allow the slave trade to be eliminated if the north agreed to give them a 20 year period to gradually prepare and adjust their economies. As a result, article I, section 9 allows for the importation “of such persons as any of the States now existing shall think proper to admit” up to the year 1808. Moreover, the north agreed to count the slaves for purposes of



count them. Hence the three-fifths compromise.

The response of Frederick Douglass, the former slave who became a strong abolitionist, is illustrative. During his first years of freedom, he was mentored by abolitionist William Lloyd Garrison who taught him that the Constitution was a pro-slavery document due to its counting of slaves as three-fifths of a person.

Originally, Douglass accepted that claim. However, once he began to read and research the document for himself, he came to the opposite conclusion. He noted that the document contained no guarantees in favor of slavery and that by its “letter and spirit,” it was an anti-slavery instrument.

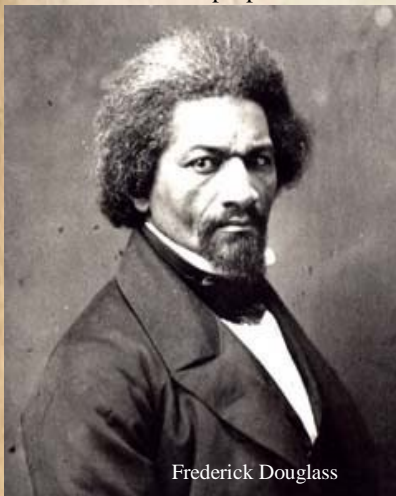
“The Constitution is a glorious liberty document. Read its preamble; consider its purposes. Is slavery among them? Is it at the gateway? Or is it in the temple? It is neither . . . [I]f the Constitution were intended to be, by its framers and adopters, a slaveholding instrument, why neither ‘slavery’ ‘slaveholding,’ nor ‘slave’ can anywhere be found in it? . . . Now, take

reading and I defy the presentation of a single pro-slavery clause in it. On the other hand, it will be found to contain principles and purposes entirely hostile to the existence of slavery.” (July 5, 1852, before the Rochester Ladies Anti-Slavery Society)

Given its context, what the founders achieved for the cause of liberty in the slavery compromises is really quite remarkable. Keep in mind, that at that time, no nation in Europe or anywhere else around the globe had agreed to such political action as to end the slave trade, let alone reduce the voice of the slave owners. Moreover, as Frederick Douglass so astutely noted, nowhere in the Constitution are the words “slave,” “slaveholding,” or “slavery” found because the framers did not want to acknowledge in this founding document the idea that men could be considered property. They considered it a shameful institution that would blemish the Constitution. Therefore, most anti-slavery delegates considered the Constitutional guarantee to abolish the slave trade and the three-fifths compromise to reduce the representation of slave holders as invaluable parts of our Constitution.

In the words of Stephen

“When a man assumes a public trust, he should consider himself as public property.” – Thomas Jefferson



Frederick Douglass

When Three-Fifths is Better Than a Whole (cont.)

McDowell, historian with The Providence Foundation, “[t]hrough America’s Founders failed to accomplish all of their desires and wishes in dealing with the issue of slavery, ~~the principles of equality~~

~~and God-given rights~~ they established in the American constitutional republic set into motion events leading to the end of slavery in the United States and throughout the

world.”(emphasis added)

The three-fifths compromise is proof positive that sometimes it is true that three-fifths is better than a whole.

“The laws of nature are the laws of God, whose authority can be superseded by no power on earth.” – George Mason

