

THESE ARE THE PROVISIONS OF THE CONSTITUTION, PAST AND PRESENT, THAT RELATE DIRECTLY OR INDIRECTLY TO THE PRESERVATION AND ULTIMATE ABOLITION OF SLAVERY IN THE UNITED STATES.

ARTICLE I

SECTION 2¹

...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...

SECTION 9

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 one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person...

ARTICLE IV

SECTION 2²

...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 Labour may be due...

¹ All of this portion of §2 was changed by the Fourteenth Amendment ratified in 1868.

² All of this portion of §2 was changed by the Thirteenth Amendment ratified in 1865.

ARTICLE V

...[N]o amendment which may be made prior to Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article...

AMENDMENT XIII³

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV⁴

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside...

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or

³ Ratified in 1865.

⁴ Ratified in 1868.

rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT XV⁵

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

I would define the cases, below, as more of a lesson in history than in law. Or, to put it another way, a prime example of how “circumstances” of an era can easily get in the way of principle. Most informed Americans have heard of “*The Dred Scott Case*.” Fewer know it as “*Scott v Sandford*” and far fewer have read it. *Plessy v Ferguson* and *Brown v Board of Education* are two more examples of Supreme Court cases that are widely known. I am betting that many of you know that *Brown* struck down the concept of “separate but equal” in our schools and that it overturned *Plessy*. I am also betting that most of you do not know anything about the *Plessy* case. I choose not to provide much commentary in these cases because the words of choice (on both sides of the issues) speak in such stark contrast to today’s rhetoric that they speak loud enough on their own.

The *Scott* case, in unedited form, is 175 pages long. I have cut that down considerably, but I think its message is fairly presented. Interestingly, the *Brown* case, in original form, is only about four pages long, so there has been very little editing there.

⁵ Ratified in 1870.