

Explaining the Three-Fifths Language in the Constitution

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By Walter Williams

FAIRFAX, Va.—Rep. Charlie Rangel, D-N.Y., referring to his race and the Constitution on John Stossel’s recent show [in 2011 titled] “The State Against Blacks,” said, “I wasn’t even considered three fifths of a guy.”

The Rev. Al Sharpton, debating on Sean Hannity’s show [in 2011], said, “Any black, at any age at any stage, was three fifths of a human.”

Even eminent historian John Hope Franklin charged the Founders with “degrading the human spirit by equating five black men with three white men.”

Statements such as those either represent ignorance or are part of the leftist agenda to demean the founding principles of our nation by portraying the nation’s Founders as racists.

Consider the origin

Let’s look at the origin of the three-fifths clause.

- Northern delegates to the 1787 Constitutional Convention and those opposed to slavery wished to count only free people of each state for the purpose of representation in the House of Representatives and the Electoral College.
- Southerners wanted to count slaves just as any other person. By counting slaves, who didn’t have a right to vote, slave states would have had greater representation in the House and the Electoral College.

Purpose of compromise

If slaveholding states could not have counted slaves, the Constitution would not have been ratified and there would not be a union. The compromise was for slaves to be counted as three fifths of a person in deciding representation in the House and Electoral College.

The compromise reduced the power of slave states relative to the South’s original proposal but increased it over the North’s original proposal.

Why condemn the compromise?

My questions for those who condemn the three-fifths compromise are the following.

- Would blacks have been better off if slaves had been counted as a whole person?

- Should the North not have compromised at all and a union not have come into being?
- Would Rangel and Sharpton have agreed with Southerners at the Constitutional Convention, who argued slaves should “stand on an equality with whites” in determining congressional representation and Electoral College votes?

Reactions to compromise

Abolitionist Frederick Douglass understood the compromise, saying that the three-fifths clause was “a downright disability laid upon the slaveholding states” that deprived them of “two fifths of their natural basis of representation.”

Patrick Henry acknowledged reality: “As much as I deplore slavery, I see that prudence forbids its abolition.” With the union created, Congress at least had the power to abolish slave trade in 1808.

James Wilson believed the anti-slave-trade clause laid “the foundation for banishing slavery out of this country.”

Condemning slavery

Other Founders condemned slavery.

George Washington said, “There is not a man living who wishes more sincerely than I do to see a plan adopted for the abolition of it.”

John Adams: “Every measure of prudence . . . ought to be assumed for the eventual total extirpation of slavery from the United States . . . I have, throughout my whole life, held the practice of slavery in . . . abhorrence.”

James Madison: “We have seen the mere distinction of color, made in the most enlightened period of time, a ground of the most oppressive dominion ever exercised by man over man.”

James Otis said, “The colonists are by the law of nature freeborn, as indeed all men are, white or black.”

Benjamin Franklin: “Slavery is . . . an atrocious debasement of human nature.” Franklin, after visiting a black school, also said, “I . . . have conceived a higher opinion of the natural capacities of the black race than I had ever before entertained.”

Alexander Hamilton’s judgment was the same: “Their natural faculties are probably as good as ours.”

John Jay wrote: “It is much to be wished that slavery may be abolished. The honour of the States, as well as justice and humanity, in my opinion, loudly call upon them to emancipate these unhappy people. To contend for our own liberty, and to deny that blessing to others, involves an inconsistency not to be excused.”

Contempt for Constitution

Here’s my hypothesis about people who use slavery to trash the Founders: They have contempt for our constitutional guarantees of liberty.

Slavery is merely a convenient moral posturing tool as they try to reduce respect for our Constitution.