

Education and Programming Resources

Discussion Topics

From The Programming Guide for *Through Darkness to Light: Photographs Along the Underground Railroad*
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America's Original "Human" Rights?

The First ten amendments to the Constitution make up the Bill of Rights. These were written by James Madison in 1791 and outline the rights of **people and governmental power**. In addition to granting people freedom of religion and speech, they also give individuals the right of privacy—to be free of “unwarranted government intrusion into one’s personal and private affairs, papers, and possessions, and give a person the right to be treated fairly by the government and equally regardless of social status (given a trial etc.).”

Read the articles from the Bill of Rights printed below, read the Fugitive Slave Acts of 1793 and 1850, and discuss.

Article [IV] (Amendment 4 - Search and Seizure)

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article [V] (Amendment 5 - Rights of Persons)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article [VI] (Amendment 6 - Rights of Accused in Criminal Prosecutions)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Article [VII] (Amendment 7 - Civil Trials)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-

examined in any Court of the United States, than according to the rules of the common law.

Do the Articles written here seem *fair, just, and equal* to you as they are written? Why or why not?

Read the Fugitive Slave Acts adopted by the United States Congress in 1793 and 1850.

The Fugitive Slave Act of 1793 (1 Stat. 302)

- allowed a slave owner to seize an escaped slave
- present the slave before a federal or local judge, and, upon proof of ownership, receive a certificate authorizing the slave to be retaken.
- established a penalty of 500 dollars for obstructing an owner's efforts to retake a slave, or for rescuing, harboring, or concealing a fugitive slave.

The Fugitive Slave Act of 1850 (9 Stat. 462)

- did not allow slaves to testify at a hearing.
- gave commissioners twice as much compensation (ten dollars) for granting certificates authorizing a slave to be taken as for denying them.
- Made Federal marshals financially liable for not trying to execute warrants for escaped slaves and for allowing fugitives to escape.
- increased penalties for obstructing slave owners or helping fugitives which included imprisonment.

Why didn't enslaved persons fall under the scope of the original Bill of Rights language written in 1791? It states "people" and protects individuals rights. . . ?

Enslaved individuals were indeed part of America's population during the early settlement of the American colonies and at the time the Constitution was written. It was assumed however, the word "people" in the constitution only applied to men—white men. Women, Native Americans, and African-Americans were not included as having rights under the constitution. Instead of constitutional rights, enslaved individuals were governed by "slave codes" that ensured they could not go to court, make contracts, or own any property.

According to the slave codes, slaves could be whipped, branded, imprisoned without trial, and hanged. Slaves could not testify against a white person nor could they serve on a jury. It was illegal to teach a slave to read or write, although some were taught by whites in order to read the Christian Bible. Although seen as "Christians" in the eyes of whites, black slaves were not allowed to marry or be recognized as married in the church.

Do the Articles written here after knowing the context of 1791 and reading the subsequent Fugitive Slave Acts seem *fair, just, and equal* to you as they are written? Why or why not?

Read several of the amendments to the Constitution following the Civil War.

The **Thirteenth Amendment** to the United States Constitution officially abolished and continues to prohibit slavery to this day. (1865)

The **Fourteenth Amendment** to the United States Constitution declared that all persons born or naturalized in the United States are American citizens including African Americans. (1866 and ratified 1868)

The **Fifteenth Amendment** to the United States Constitution prohibits each government in the United States from denying a citizen the right to vote based on that citizen's race, color, or previous condition of servitude. (1869 and ratified 1870)

Even though these amendments were adopted more than one hundred years ago in our American history, do you feel as a whole our country is fair, just, and equal today in terms of equality and race? Why or why not?

What could you do to promote fairness, equality, and justice in your school, community, city, or state?