



Social Studies Exemplary Text Student Handout

Let's begin with two tiny puzzles posed by the Article I command that "Representatives and direct Taxes shall be apportioned among the several States...by adding to the whole Number of free Persons...three fifths of all other Persons." First, although this language specified the apportionment formula "among the several states," it failed to specify the formula within each state.

[...]

A second small puzzle: why did Article I peg the number of representatives to the underlying number of persons, instead of the underlying number of eligible voters, a la New York?

[...]

These two small problems, centering on the seemingly innocent words "among" and "Persons" quickly spiral out into the most vicious words of the apportionment clause: "adding three fifths of all other persons." Other persons here meant other than free persons – that is, slaves. Thus, the more slaves a given state's master class bred or bought, the more seats the state could claim in Congress, for every decade in perpetuity.

The Philadelphia draftsmen camouflaged this ugly point as best they could, euphemistically avoiding the S-word and simultaneously introducing the T-word – taxes – into the equation (Representatives and direct Taxes shall be apportioned).

[...]

The full import of the camouflaged clause eluded many readers in the late 1780s. In the wake of two decades of debate about taxation and burdens under the empire and confederation, many Founding-era Americans confronting the clause focused on taxation rather than on representation. Some Northern critics grumbled that three-fifths should have been five-fifths so as to oblige the South to pay more taxes, without noticing that five-fifths would have also enabled the South to gain more House seats

Amar, A. R. (2005). *New Rules for a New World. America's Constitution: A Biography*. New York: Random House.

This is an example of exemplary text found in *Common Core Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects: Appendix B Text Exemplars and Sample Performance Tasks*. Retrieved from http://www.corestandards.org/assets/Appendix_B.pdf

Social Studies Exemplary Text Teacher Resource

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Teacher introduces the text with minimal commentary and students read it independently. Teacher then reads passage aloud. Give a brief definition to words students would likely not be able to define from context (underlined in text). Teacher guides the students through a series of text-dependent questions. Complete the performance task as a cumulative evaluation of the close-reading.

Text-Dependent Questions

1. Restate Article 1 of the Constitution in your own words.
2. What are the two "tiny puzzles" the article mentions?
3. What part of the Constitution contains these puzzles?
4. What ugly point did the Philadelphia draftsmen camouflage? How did they attempt to do this?
5. What didn't some Northern critics realize would have resulted from "five-fifths"?
6. Do you think the representation portion of the 3/5 clause had an effect on the growth of slavery? Cite evidence from the text to support your answer.

Performance Tasks for Informational Texts

The Constitution was a document based upon compromise, as evidenced by ARTICLE I: Section 2. "Representatives and direct taxes shall be apportioned among the several States...by adding to the whole number of free persons...three fifths of all other persons." In what way was the Three-Fifths Clause a compromise? How did 'taxation without representation' and historical context contribute to this debate. Research these concepts and support the claims set forth by these sources. [RH.11-12.8]

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