

THE CONFEDERATE CONSTITUTION

AND

SLAVERY

Since the 1860s communists and Marxists have attempted to link the protection and promotion of slavery with the Confederate Constitution and the Confederate States of America. Today, neo-Marxists and their gullible allies often proclaim that the Confederate Constitution demanded that every Confederate State be a slave state. In 1861, Karl Marx said that the war was being fought for “the extension and perpetuation of slavery.”¹ Modern-day neo-Marxists and neo-conservatives issue the same false “Marxist” charge against the Confederate Constitution and soldiers. How did the Confederate Constitution deal with the issue of slavery, which includes the African slave trade?

The Confederate Constitution unequivocally outlawed the African slave trade, whereas the United States Constitution protected the African slave trade for twenty years after its adoption. The only additional slaves that were allowed into the Confederacy were slaves from the slaveholding states of the United States, and the Congress of the Confederacy could stop that additional flow as it saw fit. As for the African slave trade, the Confederate Constitution was far superior in fighting that nefarious trade than the United States Constitution.

The charge that the Confederate Constitution “protected” slavery is unfounded. Nowhere in the Confederate Constitution is there a mandate to maintain slavery. What the Confederate Constitution did state is that the “Confederate” (central) government could not interfere with the institution of slavery—it was left to each sovereign State to decide the matter. This is absolutely the same stance that was taken by the founding fathers of the United States in regard to slavery in the United States in 1788 at the adoption of the United States Constitution. It must be pointed out

that in 1776 all 13 states were slave-holding states. The abolition of slavery was deemed to be a purely local (state) matter. It was thought wiser to leave the matter in the hands of people at the local level to handle as their situation dictated. The situation varied from state to state. For example, Massachusetts, with less than 3 percent of its population of African descent, found it easier to end slavery and make adjustments in its society for the newly freed slaves than Virginia with 50 percent of its population of African descent. Nevertheless, by 1861, Virginia had freed more slaves than all of New England combined! The idea that the elimination of slavery should be a task for the states and not the Federal government was not a Southern idea. At the time of the drafting of the Constitution, Oliver Ellsworth of Connecticut stated, "The morality or wisdom of slavery are considerations belonging to the States themselves...the States are the best judges of their particular interest."² The Confederate States Constitution treated the institution of slavery just as the United States Constitution treated it-- as an issue to be adjudicated by the people of each sovereign state.

Well known and respected historians have refuted the idea that the Confederate Constitution prohibited a state from abolishing slavery. Ludwell Johnson unequivocally stated, "There was nothing to prevent any state from abolishing slavery or to keep non-slaveholding states from joining the Confederacy."³ Dr. Marshall DeRosa noted that as for the status of slavery, "the C.S.A. Constitution restricts the CONFEDERATE GOVERNMENT, not the states."⁴ In other words, just as in the Federal Constitution, the issue of slavery and its elimination was to be determined by the people of the sovereign states not the central government. Many will decry this as promoting slavey, yet, it must be noted that slavery existed for 73 years longer in Massachusetts than it did in Mississippi, and yet Massachusetts was

allowed to end slavery at its will. The South was well on its way to ending slavery by the time of Northern invasion.

Regardless of what Karl Marx said, neither the Confederate Constitution nor the Confederate States of America were attempting to promote “the extension and perpetuation of slavery.” As the true history of the South proves, Marx was wrong, and today’s neo-Marxists are equally wrong.

¹ Karl Marx, “The Civil War in the United States,” *Die Presse*, November 7, 1861.

² Oliver Ellsworth, as cited in, M.E. Bradford, *Founding Fathers*, 2nd Edition (Lawrence, KA: University of Kansas Press, 1982) 33.

³ Ludwell H. Johnson, *North Against South: The American Iliad 1848-1877*, (Columbia, SC: The Foundation for American Education) 73.

⁴ Marshall L. DeRosa, *The Confederate Constitution of 1861* (Columbia and London: University of Missouri Press, 1991) 64.