

James Buchanan

OVERVIEW

During the mid-Nineteenth Century, all three branches of the United States government wrestled with the question of whether the unrestricted spread of slavery was protected by the Constitution. In this lesson, students will evaluate President James Buchanan's reaction to the *Dred Scott* decision in light of our nation's highest principles.

OBJECTIVES

Students will:

- Trace the events surrounding the *Dred Scott* decision.
- Examine President Buchanan's statements regarding the *Dred Scott* decision and the spread of slavery.
- Assess contemporary reactions to the *Dred Scott* decision expressed in newspaper editorials.
- Evaluate various statements regarding the institution of slavery, considering to what extent those statements reflect our nation's highest principles.

MATERIALS

- **Handout A:** James Buchanan and the *Dred Scott* Decision
- **Handout B:** Editorial Analysis of the *Dred Scott* Decision
- **Handout C:** Slavery and American Ideals

BACKGROUND/HOMEWORK

- Have students read **Handout A: James Buchanan and the Dred Scott Decision** and answer the questions.

CONSTITUTIONAL CONNECTION

To create a context for this lesson, students complete **Constitutional Connection: Slavery and the Constitution**.

CRITICAL ENGAGEMENT QUESTION

How did President James Buchanan's response to the US Supreme Court's decision in *Dred Scott v. Sanford* (1857) contrast with the United States's highest principles?

WARM UP [5 MINUTES]

As a large group, go over the questions to **Handout A**.

Ask students:

- How would you assess Buchanan's response to the *Dred Scott* decision, and his hope that the ruling would settle the controversy over the spread of slavery?
- Ask students to brainstorm what America's highest principles are. Did Buchanan's response to the ruling reflect or contradict those principles?

ACTIVITY I [20 MINUTES]

- A.** Cut out and give eight students one slip each from **Handout B: Editorial Analysis of the *Dred Scott* Decision**.
- B.** Tell students they will now hear some quotes from editorials that ran in newspapers in 1857. Call on one student to read the quotation from his or her slip. The student should NOT reveal the information about the newspaper.
- C.** Ask the class whether the editorial supports the ruling or condemns it, and clarify any questions.
- D.** Next, ask students to assess whether the editorial ran in a Northern or Southern newspaper. Have the student inform the class as to the correct answer with the information on the slip. Designate a side of the room for “Northern” and “Southern” and have the student move to the correct side.
- E.** Repeat the process for the remaining students/editorials.
- F.** Once all have been completed, have the students with editorials give either a “thumbs up” or “thumbs down” to show their position on the ruling. What patterns are revealed?
- G.** Ask students what important constitutional principles are highlighted in the editorials. How do the editorial writers refer to concepts such as liberty, federalism, and equality? *Editorials that oppose the Dred Scott decision point to such principles as the Founders’ ideals of liberty and equality. Those that support the Dred Scott decision reflect the Constitution’s guarantees of such principles as property rights and states’ powers. Students may say that property rights should never apply to “property” in people.*

ACTIVITY II [25 MINUTES]

- A.** Distribute or put up an overhead of **Handout C: Slavery and American Ideals**. Students should follow directions on the Handout.
- B.** When students have finished, asked:
 - Which (if any) of these quotes is a good articulation of our nation’s highest principles.
 - What other quotes explain our highest principles?
 - How did President James Buchanan’s response to the *Dred Scott* decision demonstrate or fail to demonstrate those principles?
 - What do you think his response should have been?

HOMEWORK

Have students write a one-page paper explaining what America’s highest principles are and in what ways James Buchanan’s reaction to the *Dred Scott* decision demonstrated or failed to demonstrate those principles.

James Buchanan and the Dred Scott Decision

A

President-Elect James Buchanan was about to take office at a time of great turmoil for the United States. The issue of slavery was tearing the country apart. While Buchanan personally opposed slavery on moral grounds and hoped it would eventually end, he believed that the Constitution supported it.

SETTING THE STAGE: DRED SCOTT'S QUESTION

As Buchanan got ready to take the oath of office, the nation was waiting for a decision from the Supreme Court on the issue of slavery. Dred Scott was the slave of an army physician who had lived for almost nine years in the Wisconsin Territory (now Minnesota), where the Missouri Compromise had outlawed slavery. Upon returning to Missouri, Scott sued for his freedom on the grounds that he had once lived in a free territory. His case eventually made its way to the US Supreme Court. This decision would affect not only Scott and his family, but also the larger question of whether Congress could regulate the spread of slavery.

Buchanan secretly consulted with Supreme Court Justice James Grier and learned that the Supreme Court was going to hand down a pro-Southern decision. Buchanan hoped to put to rest forever the controversy regarding the spread of slavery.

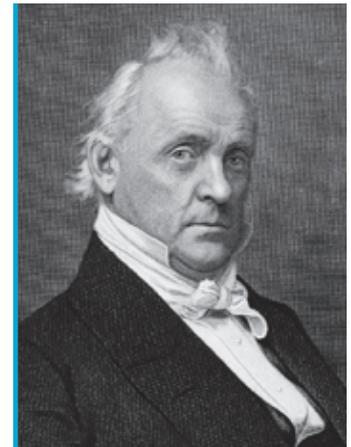
BUCHANAN'S INAUGURATION

In his Inaugural Address, Buchanan endorsed the principle known as “popular sovereignty.” Voters in a territory would hold an election to determine whether slavery could exist in that territory. Referring to the Kansas-Nebraska Act of 1854, he said, “...this simple rule, that the will of the majority shall govern, [should settle] the question of domestic slavery in the Territories. Congress is ... to leave the people

thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.” Buchanan’s approach ignored “Bleeding Kansas,” the violence that had accompanied the settlement of Kansas beginning in 1854.

Buchanan went on to pre-approve the Supreme Court’s upcoming action concerning the future of slavery. “(I)t is a judicial question, which legitimately belongs to the Supreme Court of the United States, before whom it is now pending, and will... be speedily and finally settled. To their decision, in common with all good citizens, I shall cheerfully submit, whatever this may be... all agree that under the Constitution slavery in the states is beyond the reach of any human power except that of the respective states themselves wherein it exists. May we not, then, hope that the long agitation on this subject is approaching its end...?”

Buchanan pretended not to know what the Court’s decision would be, and made it clear that everyone should accept the Court’s interpretation of this constitutional issue as the final answer. Buchanan hoped and believed that, since all three branches of the federal government agreed that the Constitution protected the spread of slavery, the divisive issue would be resolved and slavery would spread—or not—according to the wishes of the voters in their respective states.



SUPREME COURT DECISION

Two days later, the Supreme Court announced a 7-2 ruling against *Dred Scott*. The Court ruled that Congress had no power to prohibit slavery in the territories and that the Missouri Compromise had been unconstitutional. Moreover, neither Scott nor any black person had any legal rights because blacks were not considered part of the political community when the Constitution was ratified. Slaves were property, and slave owners could not be deprived of their property without due process.

Justice Benjamin Curtis wrote a lengthy dissent. He pointed out that in 1787, free blacks voted in several states, including Massachusetts, New Hampshire, and New York. Therefore, according to Curtis, they were part of the political community and had always been citizens. Furthermore, Curtis supported the constitutionality of the Missouri Compromise because it had been accepted as law for more than three decades.

PRESIDENT BUCHANAN'S APPROACH

The Court's majority opinion supported the idea that there could be "property" in people, as opposed to supporting the rights of enslaved individuals. Far from settling the question of the spread of slavery, the Court's answer demonstrated that a political solution to the problem was impossible and helped set the stage for the Civil War.

Expansion of slavery became the dominant issue of Buchanan's presidency. Throughout his term, he maintained that the Constitution protected the right of slaveowners to their property. In his last annual address to Congress on December 3, 1860, after the election of Abraham Lincoln, Buchanan blamed the crisis of disunion on the "long continued and intemperate interference of the Northern people with the question of slavery."

Buchanan stated that Southern grievances regarding slavery were legitimate. He thought secession was illegal, but believed the President lacked the power under the Constitution to stop it. He denied that the federal government could legitimately force any state to remain in the Union. Repeating a point from his Inaugural Address, he explained that the only thing necessary to preserve the Union was for the slave states "to be let alone and permitted to manage their domestic institutions in their own way." Buchanan even called for a constitutional amendment specifically recognizing the right of "property" in slaves.

President Buchanan's hope that the nation would accept the *Dred Scott* ruling as a final settlement was misguided. And his understanding of the protection of slavery in the Constitution, while consistent with that of the majority both in Congress and in the Supreme Court, was inconsistent with the nation's highest principles.

CRITICAL THINKING QUESTIONS

1. Who was *Dred Scott* and on what grounds did he sue for his freedom? How did the Supreme Court rule in his case?
2. How did President-Elect Buchanan know in advance how the Court would rule?
3. Why was "popular sovereignty" not an adequate solution to the question of the spread of slavery in the territories?
4. According to Buchanan, why was Congress powerless to regulate the spread of slavery?
5. Why was Buchanan wrong in his belief that the Supreme Court's answer to *Dred Scott v. Sanford* would settle the question of the spread of slavery?

Editorial Analysis of the Dred Scott Decision

B

Note to teacher: Cut out the slips and give one each to eight students.

A

“Judge Taney requests the American people to believe that the framers of the Constitution did not know their own minds!”

(I write for the Evening Journal newspaper in Albany, New York.)

B

“[This decision is] a blot upon our national character abroad, and a long-remembered shame at home.”

(I also write for the Evening Journal newspaper in Albany, New York.)

C

“If they would let us alone and leave slavery to the states, and to the same protection and privileges enjoyed by all other property under the Constitution, the agitation of the question would come to an end on the instant.”

(I write for the Enquirer in Richmond, Virginia.)

D

“Slavery is guaranteed by the constitutional compact!”

(I write for the Mercury newspaper in Charleston, South Carolina.)

E

“We shall acquire, by the decision of the Supreme Court, not one right more than they granted to us before—not one foot of slave territory more than we would have acquired without it.”

(I also write for the Mercury newspaper in Charleston, South Carolina.)

Editorial Analysis of the Dred Scott Decision

B

Note to teacher: Cut out the slips and give one each to eight students.

F

“The late decision of the Supreme Court of the United States, in the Dred Scott case, will bring the enemies of the South face to face with the Constitution of their country.”

(I write for the Federal Union newspaper in Milledgeville, Georgia.)

G

“Our liberties may be subverted, our rights trampled upon; the spirit of our institutions utterly disregarded.”

(I write for the Tribune newspaper in New York, New York.)

H

“It strikes at the very vitals of our free institutions.”

(I write for the Republican Journal newspaper in Columbus, Wisconsin.)

Slavery and American Ideals

B

DIRECTIONS: Read each quotation and decide which constitutional principle(s) it reflects, if any. Draw an arrow from the quotation’s number to the principle(s). Then, on your own paper, explain your reasoning.

Property Rights	1
Federalism/Powers of States	3
Liberty	2
Equality	6
Limited Government	5

1. “It is much to be wished that slavery may be abolished. The honor 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.”
—*John Jay, 1786*
2. “[The Constitutional Convention] thought it wrong to admit in the Constitution the idea that there could be property in men.”
—*James Madison, 1787*
3. “Slavery, or an absolute and unlimited power in the master over the life and fortune of the slave, is unauthorized by the common law.... In the enjoyment of their persons and of their property, the common law protects all.”
—*James Wilson, 1804*
4. “I believe [slavery] to be a great political and a great moral evil. ... It is, however, one of those moral evils, from which it is impossible for us to escape, without the introduction of evils infinitely greater.”
—*James Buchanan, 1826*
5. “(T)he great truth (is) that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and normal condition.”
—*Alexander H. Stephens, Vice President of the Confederate States of America, 1861*
6. “I am naturally anti-slavery. If slavery is not wrong, nothing is wrong. I can not remember when I did not so think, and feel. And yet I have never understood that the Presidency conferred upon me an unrestricted right to act officially upon this judgment and feeling.”
—*Abraham Lincoln, 1864*

