

Answer Key

Unit 3—All Other Persons: Slavery, the Constitution, and the Presidency

CONSTITUTIONAL CONNECTION: SLAVERY AND THE CONSTITUTION

1. The Constitution's purpose to establish justice and ensure the blessings of liberty could be understood to have embedded within the Constitution the end of slavery. The Preamble uses the word "people," and in Article I, enslaved persons are referred to as "persons."
2. The 3/5ths clause, as it is known, acknowledged a continuing role for slavery in calculating population for the purpose of taxation and representation. This clause was the result of intense debate at the Constitutional Convention over representation in Congress—three-fifths of a state's slave population would be counted for the purpose of representation in Congress. The clause did not assert that slaves were "three-fifths of a person."
3. This clause protected the international slave trade for a limited time, which could be understood to protect slavery. Conversely, the limitation could be read as intended to limit slavery as soon as possible; indeed, Congress outlawed the importation of slaves as soon as it was able to in 1808. Slaves are referred to as "persons", which could be understood to mean they were born with an equality of natural rights.
4. This clause required the return of fugitive slaves, providing "property" protection for slave owners.
5. The provision excluding the "first and fourth clauses in the ninth section of the first article" from amendment before 1808 could be understood as protecting slavery for a limited time, since the first of those clauses protects the international slave trade until 1808.
6. This provision arguably provided protection for slavery, since slaves were considered property and slave-owners could not be deprived of them without due process. It arguably doomed slavery since no one could be deprived of life or liberty without due process.
7. Since Congress is not given the enumerated power to legislate on slavery, it was reserved to the states to make laws on slavery. This could be understood to support slavery.

JAMES BUCHANAN

Handout A: James Buchanan and the Dred Scott Decision

1. 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. Scott sued for his freedom on the grounds that he had once lived in a free territory. The Court ruled against him.
2. In secret consultation with Justice James Grier, Buchanan had learned that the Supreme Court would hand down a pro-Southern decision.
3. The violence of "Bleeding Kansas" showed that "popular sovereignty" was not going to work. Students may also suggest that allowing certain people (voting whites) to vote on the freedom of others (enslaved people) went against the American ideals of natural rights, equality, and liberty.