

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-fifth’s 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.

4. He believed states had the power to make laws about slavery.
5. Since it supported the idea that there could be “property” in people, as opposed to supporting the human rights of enslaved individuals, the Supreme Court’s decision was inconsistent with the nation’s highest principles. It demonstrated that a political decision was unlikely, and set the stage for a Civil War.

Handout C: Slavery and American Ideals

Liberty: 1, 2, 3,

Federalism/Powers of States: 2, 3, 4, 6

Property Rights: 2, 3

Equality: 1, 2, 3

Limited Government: 4, 6

LINCOLN AND EMANCIPATION

Handout A: Abraham Lincoln and the Emancipation Proclamation

1. The primary object of the war was to save the Union.
2. Because the Union Army had so many losses by July 1862, this forced him to consider that freed slaves would fight for the Union if they could reach the North. Furthermore, the South would lose a significant work force, making it harder for them to continue the war.
3. Slavery was protected by the Constitution. Only by exercising his wartime authority as Commander in Chief could Lincoln free the slaves while remaining consistent with the Constitution.
4. Because it applied only behind enemy lines, no one was legally freed at the time the Proclamation was issued. Slaves in territory re-conquered by the Union were also not freed. But emancipation led almost 200,000 formerly enslaved people to leave the South and serve the Union side.

5. The Emancipation Proclamation was an important first step toward abolition. Lincoln changed the meaning of the war. He said that people were fighting to make the nation live up to its promise that “...all men are created equal...”
6. Accept reasoned responses.

ANDREW JOHNSON

Handout A: Andrew Johnson and the Civil War Amendments

1. Johnson wanted to “restore” the former Confederate states to the Union while preserving states’ powers. Republicans in Congress hoped to severely punish the treason of the Confederate leaders and guarantee full civil and political rights for freedmen.
2. The purpose of the war was to restore the Union and its republican form of government—not to protect the rights of blacks.
3. He supported the Thirteenth Amendment because he saw the end of slavery as necessary to restore the Union. He also believed that ending slavery would enable the middle and working classes to displace the rule of the South’s planter aristocracy that he hated. Johnson maintained that it was improper to amend the Constitution when Southern states were not represented in Congress. In addition, he believed that each state should be able to determine who had the right to vote.
4. Students may suggest that we still have disputes about the proper distribution of power between state and national government, the proper division of power between executive and legislative, and the difficulties of race relations in America.