

AP United States History
Unit 4- The New Republic
Topic: The Causes of the Civil War

The Fugitive Slave Act

The most explosive element in the Compromise of 1850 was the Fugitive Slave Law, which required the return of runaway slaves. Any black--even free blacks--could be sent south solely on the affidavit of anyone claiming to be his or her owner. The law stripped runaway slaves of such basic legal rights as the right to a jury trial and the right to testify in one's own defense.

Under the Fugitive Slave Law, an accused runaway was to stand trial in front of a special commissioner, not a judge or a jury, and that the commissioner was to be paid \$10 if a fugitive was returned to slavery but only \$5 if the fugitive was freed. Many Northerners regarded this provision as a bribe to ensure that any black accused of being a runaway would be found guilty. Finally, the law required all U.S. citizens and U.S. marshals to assist in the capture of escapees. Anyone who refused to aid in the capture of a fugitive, interfered with the arrest of a slave, or tried to free a slave already in custody was subject to a heavy fine and imprisonment.

The Fugitive Slave Law produced widespread outrage in the North and convinced thousands of Northerners that slavery should be barred from the western territories.

Attempts to enforce the Fugitive Slave Law provoked wholesale opposition. Eight northern states enacted "personal liberty" laws that prohibited state officials from assisting in the return of runaways and extended the right of jury trial to fugitives. Southerners regarded these attempts to obstruct the return of runaways as a violation of the Constitution and federal law.

The free black communities of the North responded defiantly to the 1850 law. They provided fugitive slaves with sanctuary and established vigilance committees to protect blacks from hired kidnappers who were searching the North for runaways. Some 15,000 free blacks emigrated to Canada, Haiti, the British Caribbean, and Africa after the adoption of the 1850 federal law.

The South's demand for an effective fugitive slave law was a major source of sectional tension. In Christiana, Pennsylvania, in 1851, a gun battle broke out between abolitionists and slave catchers, and in Wisconsin, abolitionists freed a fugitive named Joshua Glover from a local jail. In Boston, federal marshals and 22 companies of state troops were needed to prevent a crowd from storming a courthouse to free a fugitive named Anthony Burns.

The Breakdown of the Two-Party System

As late as 1850, the two-party system seemed healthy. Democrats and Whigs drew strength in all parts of the country. Then, in the early 1850s, the two-party system began to disintegrate in response to massive foreign immigration. By 1856 the Whig Party had collapsed and been replaced by a new sectional party, the Republicans.

Between 1846 and 1855, more than three million foreigners arrived in America. In cities such as Chicago, Milwaukee, New York, and St. Louis immigrants actually outnumbered native-born citizens. Opponents of immigration capitalized on working-class fear of economic competition from cheaper immigrant labor, and resentment against the growing political power of foreigners.

In 1849 a New Yorker named Charles Allen responded to this anti-Catholic hostility by forming a secret fraternal society made up of native-born Protestant working men. Allen called this secret society "The Order of the Star Spangled Banner," and it soon formed the nucleus of a new political party known as the Know-Nothing or the American Party. The party received its name from the fact that when members were asked about the workings of the party, they were supposed to reply, "I know nothing."

By 1855 the Know-Nothings had captured control of the legislatures in parts of New England and were the dominant opposition party to the Democrats in New York, Pennsylvania, Maryland, Virginia, Tennessee, Georgia, Alabama, Mississippi, and Louisiana. In the presidential election of 1856, the party supported Millard Fillmore and won more than 21 percent of the popular vote and 8 Electoral votes. In Congress, the party had 5 senators and 43 representatives. Between 1853 and 1855, the Know Nothings replaced the Whigs as the nation's second largest party.

In 1855 Abraham Lincoln denounced the Know-Nothings in eloquent terms:

I am not a Know-Nothing. How could I be? How can anyone who abhors the oppression of Negroes be in favor of degrading classes of white people? Our progress in degeneracy appears to me pretty rapid, as a nation we began by declaring "all men are created equal." We now practically read it, "all men are created equal, except Negroes." When the Know-Nothings get control, it will read "all men are created equal, except Negroes, and foreigners, and Catholics." When it comes to this I should prefer emigrating to some country where they make no pretense of loving liberty—to Russia, for example, where despotism can be taken pure and without the base alloy of hypocrisy.

By 1856, the Know-Nothing Party was in decline. Many Know-Nothing officeholders were relatively unknown men with little political experience. In the states where they gained control, the Know Nothings proved unable to enact their legislative program, which called for:

- a 21-year residency period before immigrants could become citizens and vote;
- a limitation on political office holding to native-born Americans, and
- restrictions on liquor sales.

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The Kansas-Nebraska Act

In 1854, a piece of legislation was introduced in Congress that shattered all illusions of sectional peace. The Kansas-Nebraska Act destroyed the Whig Party, divided the Democratic Party, and created the Republican Party. Ironically, the author of this legislation was Senator Stephen A. Douglas, who had pushed the Compromise of 1850 through Congress and who had sworn after its passage that he would never make a speech on the slavery question again.

As chairman of the Senate Committee on Territories, Douglas proposed that the area west of Iowa and Missouri--which had been set aside as a permanent Indian reservation--be opened to white settlement. Southern members of Congress demanded that Douglas add a clause specifically repealing the Missouri Compromise, which would have barred slavery from the region. Instead, the status of slavery in the region would be decided by a vote of the region's settlers. In its final form, Douglas's bill created two territories, Kansas and Nebraska, and declared that the Missouri Compromise was "inoperative and void." With solid support from Southern Whigs and Southern Democrats and the votes of half of the Northern Democratic members of Congress, the measure passed.

Why did Douglas risk reviving the slavery question? His critics charged that the Illinois Senator's chief interest was to win the Democratic presidential nomination in 1860 and secure a right of way for a transcontinental railroad that would make Chicago the country's transportation hub.

Douglas's supporters pictured him as a proponent of western development and a sincere believer in popular sovereignty as a solution to the problem of slavery in the western territories. Douglas had long insisted that the democratic solution to the slavery issue was to allow the people who actually settled a territory to decide whether slavery would be permitted or forbidden. Popular sovereignty, he believed, would allow the nation to "avoid the slavery agitation for all time to come."

In fact, by 1854 the political and economic pressure to organize Kansas and Nebraska had become overwhelming. Midwestern farmers agitated for new land. A southern transcontinental rail route had been completed through the Gadsden Purchase in December 1853, and promoters of a northern railroad route for a territorial organization as essential. Missouri slaveholders, already bordered on two sides by free states, believed that slavery in their state was doomed if they were surrounded by a free territory.

The Revival of the Slavery Issue

No single piece of legislation ever passed by Congress had more far-reaching political consequences. The Kansas-Nebraska Act led Northern Democrats with free soil sentiments to repudiate their own elected representatives. In the elections of 1854, 44 of the 51 Northern Democratic representatives who voted for the act were defeated.

The chief beneficiary of these defections was a new political organization, the Republican Party. A combination of antislavery radicals, old-line Whigs, former Jacksonian Democrats, and antislavery immigrants, the Republican Party was committed to barring slavery from the western territories. It included a number of people, like William H. Seward of New York, who believed that blacks should receive civil rights including the right to vote. But the new party also attracted many individuals, like Salmon P. Chase and Abraham Lincoln, who

avored colonization as the only workable solution to slavery. Despite their differences, however, all of these groups shared a conviction that the western territories should be saved for free labor. "Free labor, free soil, free men," was the Republican slogan.

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Bleeding Kansas and Bleeding Sumner

Because the Kansas-Nebraska Act stated that the future status of slavery in the territories was to be decided by popular vote, both antislavery Northerners and proslavery Southerners competed to win the region for their section. Since Nebraska was too far north to attract slave owners, Kansas became the arena of sectional conflict. For six years, proslavery and antislavery factions fought in Kansas as popular sovereignty degenerated into violence.

Even before the 1854 act had been passed, Eli Thayer, a businessman and educator from Worcester, Massachusetts, had organized the New England Emigrant Aid Company to promote the emigration of antislavery New Englanders to Kansas to "vote to make it free." By the summer of 1855, more than 9,000 pioneers had settled in Kansas.

Slaveholders from Missouri feared that the New England Emigrant Aid Company wanted to convert Kansas into a haven for runaway slaves. One Missouri lawyer told a cheering crowd that he would hang any "free soil" emigrant who came into Kansas.

Competition between proslavery and antislavery factions reached a climax on May 30, 1855, when Kansas held territorial elections. Although only 1,500 men were registered to vote, 6,000 ballots were cast, many of them by pro slavery "border ruffians" from Missouri. As a result, a pro slavery legislature was elected, which passed laws stipulating that only proslavery men could hold office or serve on juries. One statute imposed five years imprisonment for anyone questioning the legality of slavery in Kansas.

Free Soilers held their own "Free State" convention in Topeka in the fall of 1855, and drew up a constitution that prohibited slavery in Kansas, and also barred free blacks from the territory. Like the Free Soilers who settled California and Oregon, most Northerners in Kansas wanted the territory to be free and white. They submitted the Topeka Constitution to the territory's voters, who approved it by an overwhelming majority. The Topeka government then asked Congress to admit Kansas as a free state.

Kansas now had two legislatures--one pro-slavery, the other against. President Franklin Pierce threw his support behind the pro slavery legislature and asked Congress to admit Kansas to the Union as a slave state.

Popular sovereignty degenerated into violence. On May 21, 1856, 800 proslavery men, many from Missouri, marched into Lawrence, Kansas, to arrest the leaders of the antislavery government. The posse burned the local hotel, looted a number of houses, destroyed two antislavery printing presses, and killed one man. One member of the posse declared: "Gentlemen, this is the happiest day of my life. I am determined to make the fanatics bow before me in the dust and kiss the territorial laws. I have done it, by God."

Two days before the "sack of Lawrence," Senator Charles Sumner of Massachusetts began a two-day speech in which he denounced "The Crime Against Kansas." "It is the rape of a virgin territory," he declared, "compelling it to the hateful embrace of slavery."

The Massachusetts senator proceeded to denounce a number of Southern senators, including Senator Andrew Butler of South Carolina. Sumner accused Senator Butler of taking "the harlot, Slavery," for his "mistress" and

proceeded to make fun of a medical disorder from which Senator Butler suffered. At the rear of the Senate chamber, Stephen Douglas muttered: "That damn fool will get himself killed by some other damned fool."

Two days later, Senator Butler's nephew, Congressman Preston Brooks of South Carolina, entered a nearly empty Senate chamber. Sighting Sumner at his desk, Brooks charged at him and began striking the Massachusetts senator over the head with a cane. He swung so hard that the cane broke into pieces. Brooks caned Sumner, rather than challenging him to a duel, because he regarded the Senator as his social inferior. Thus, he wanted to use the same method slaveholders used to chastise slaves.

Brooks then quietly left the Senate chamber, leaving Sumner "as senseless as a corpse for several minutes, his head bleeding copiously from the frightful wounds, and the blood saturating his clothes." It took Sumner three years to recover from his injuries and return to his Senate seat.

Brooks became a hero in the South. Merchants in Charleston, South Carolina, bought Brooks a new cane, inscribed, "Hit him again." A vote to expel Brooks from the House of Representatives failed because every Southern representative but one voted against expulsion. Instead, Brooks was censured. He promptly resigned his seat and was immediately reelected to Congress.

In the North, Sumner became a martyr to the cause of freedom. A million copies of Sumner's "Crime Against Kansas" speech were distributed. A young Massachusetts woman summed up popular feelings in the North, condemning Brooks' assault with these words: "If I had been there I would have torn his eyes out and so I would now if I could."

In strife-torn Kansas, John Brown, a devoted Bible-quoting Calvinist who believed he had a personal duty to overthrow slavery, announced that the time had come "to fight fire with fire" and "strike terror in the hearts of proslavery men. The next day, in reprisal for the "sack of Lawrence" and the assault on Sumner, Brown and six companions dragged five proslavery men and boys from their beds at Pottawatomie Creek, split open their skulls with a sword and cut off their hands.

A war of revenge erupted in Kansas. Columns of proslavery Southerners ransacked free farms and took "horses and cattle and everything else they can lay hold of" while they searched for Brown and the other "Pottawatomie killers." Armed bands looted enemy stores and farms. At Osawatomie, proslavery forces attacked John Brown's headquarters, leaving a dozen men dead. John Brown's men killed four Missourians, and proslavery forces retaliated by blockading the free towns of Topeka and Lawrence. Before it was over, guerilla warfare in eastern Kansas left 200 dead.

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The Election of 1856

The presidential election of 1856 took place in the midst of Kansas's civil war. President Pierce hoped for renomination to a second term in office, but the Democrats wanted a less controversial candidate, and selected James Buchanan, a 65-year-old Pennsylvania bachelor, who had been minister to Great Britain during the struggle over the Kansas-Nebraska bill.

The Republican Party held its first national convention in Philadelphia and adopted a platform denying the authority of Congress and of territorial legislatures "to give legal existence to slavery" in the territories. The convention nominated the dashing young explorer and soldier John C. Fremont for president as young Republicans chanted, "Free Speech, Free Soil and Fremont." Fremont was a romantic figure who had led more than a dozen major explorations of the Rocky Mountains and Far West.

The election was one of the most bitter in American history and the first in which voting divided along rigid sectional lines. The Democratic strategy was to picture the Republican Party as a hotbed of radicalism. Democrats called the Republicans the party of disunion and described Fremont as a Catholic, a drunkard, a fool, and a black abolitionist who would destroy the union.

A Republican representative from Ohio responded by calling for slave insurrection: I look forward to the day when there shall be a servile insurrection in the South; "when the black man ... shall assert his freedom and wage a war of extermination against his master."

Buchanan won 174 Electoral College votes to 114 for Fremont. Fremont did not receive a single vote south of the Mason-Dixon Line, but he carried eleven free states. If only two more states had voted in his favor, the Republicans would have won the election.

The Dred-Scott Decision

On March 6, 1857, in a small room in the Capitol basement, the Supreme Court ruled that Congress had no power to prohibit slavery in the territories.

In 1846, a Missouri slave, Dred Scott, sued for his freedom. Scott argued that while he had been the slave of an army surgeon, he had lived for four years in Illinois, a free state, and Wisconsin, a free territory, and that his residence on free soil had erased his slave status. In 1850 a Missouri court gave Scott his freedom, but two years later, the Missouri Supreme Court reversed this decision and returned Scott to slavery. Scott then appealed to the federal courts.

For five years, the case proceeded through the federal courts. For more than a year, the Court withheld its decision. Many thought that the Court delayed its ruling to ensure a Democratic victory in the 1856 elections. Then, in March 1857, Chief Justice Roger B. Taney announced the Court's decision. By a 7-2 margin, the Court ruled that Dred Scott had no right to sue in federal court, that the Missouri Compromise was unconstitutional, and that Congress had no right to exclude slavery from the territories.

All nine justices rendered separate opinions, but Chief Justice Taney delivered the opinion that expressed the position of the Court's majority. His opinion represented a judicial defense of the most extreme pro slavery position.

The chief justice made two sweeping rulings. The first was that Dred Scott had no right to sue in federal court because neither slaves nor free blacks were citizens of the United States. At the time the Constitution was adopted, the chief justice wrote, blacks had been "regarded as beings of an inferior order" with "no rights which the white man was bound to respect."

Second, Taney declared that Congress had no right to exclude slavery from the federal territories since any law excluding slavery property from the territories was a violation of the Fifth Amendment prohibition against the seizure of property without due process of law. For the first time since Marbury v. Madison in 1803, the Court declared an act of Congress unconstitutional.

Newspaper headlines summarized the Court's rulings:

SLAVERY ALONE NATIONAL--THE MISSOURI COMPROMISE
UNCONSTITUTIONAL--NEGROES CANNOT BE CITIZENS--THE TRIUMPH OF SLAVERY
COMPLETE.

In a single decision, the Court sought to resolve all the major constitutional questions raised by slavery. It declared that the Declaration of Independence and the Bill of Rights were not intended to apply to black Americans. It stated that the Republican Party platform--barring slavery from the western territories--was unconstitutional. And it ruled that Stephen Douglas's doctrine of "popular sovereignty"--which stated that territorial governments had the power to prohibit slavery--was also unconstitutional.

Republicans reacted with scorn. The decision, said the New York Tribune, carried as much moral weight as "the judgment of a majority of those congregated in any Washington barroom." Many Republicans--including an Illinois politician named Abraham Lincoln--regarded the decision as part of a slave power conspiracy to legalize slavery throughout the United States.

The Dred Scott decision was a major political miscalculation. In its ruling, the Supreme Court sought to solve the slavery controversy once and for all. Instead the Court intensified sectional strife, undercut possible compromise solutions to the divisive issue of the expansion of slavery, and weakened the moral authority of the judiciary.

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The Gathering Storm

In 1858, Senator William H. Seward of New York examined the sources of the conflicts between the North and the South. Some people, said Seward, thought the sectional conflict was "accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral." But Seward believed that these people were wrong. The roots of the conflict went far deeper. "It is an irrepressible conflict," Seward said, "between opposing and enduring forces."

By 1858, a growing number of Northerners were convinced that two fundamentally antagonistic societies had evolved in the nation, one dedicated to freedom, the other opposed. They had come to believe that their society was locked in a life and death struggle with a Southern society dominated by an aggressive slave power, which had seized control of the federal government and imperiled the liberties of free people. Declared the *New York Tribune*:

We are not one people. We are two peoples. We are a people for Freedom and a people for Slavery. Between the two, conflict is inevitable.

The Lincoln-Douglas Debates

The critical issues dividing the nation--slavery versus free labor, popular sovereignty, and the legal and political status of black Americans --were brought into sharp focus in a series of dramatic debates during the 1858 election campaign for U.S. senator from Illinois. The campaign pitted a little-known lawyer from Springfield named Abraham Lincoln against Senator Stephen A. Douglas, the front runner for the Democratic presidential nomination in 1860.

The public knew little about the man the Republicans selected to run against Douglas. Lincoln had been born on February 12, 1809, in a log cabin near Hodgenville, Kentucky, and he grew up on the wild Kentucky and Indiana frontier. At the age of 21, he moved to Illinois, where he worked as a clerk in a country store, volunteered to fight Indians in the Black Hawk War, became a local postmaster and a lawyer, and served four terms in the lower house of the Illinois General Assembly. A Whig in politics, Lincoln was elected in 1846 to the U.S. House of Representatives, but his stand against the Mexican War had made him too unpopular to win reelection. After the passage of the Kansas-Nebraska Act in 1854, Lincoln reentered politics, and in 1858 the Republican Party nominated him to run against Douglas for the Senate.

Lincoln accepted the Republican nomination with the famous words: "A house divided against itself cannot stand.' I believe this Government cannot endure permanently half-slave and half-free." He did not believe the Union would fall, but he did predict that it would cease to be divided. Lincoln proceeded to argue that Stephen Douglas's Kansas-Nebraska Act and the Supreme Court's Dred Scott decision were part of a conspiracy to make slavery lawful "in all the States, old as well as new--North as well as South." For four months Lincoln and Douglas crisscrossed Illinois, traveling nearly 10,000 miles and participating in seven face-to-face debates before crowds of up to 15,000. Douglas's strategy in the debates was to picture Lincoln as a fanatical "Black Republican" whose goal was to incite civil war, emancipate the slaves, and make blacks the social and political equals of whites. Lincoln denied that he was a radical. He said that he supported the Fugitive Slave Law and opposed any interference with slavery in the states where it already existed.

During the course of the debates, Lincoln and Douglas presented two sharply contrasting views of the problem of slavery. Douglas argued that slavery was a dying institution that had reached its natural limits and could not thrive where climate and soil were inhospitable. He asserted that the problem of slavery could best be resolved if it were treated as essentially a local problem. Lincoln, on the other hand, regarded slavery as a dynamic, expansionist institution, hungry for new territory. He argued that if Northerners allowed slavery to spread unchecked, slave owners would make slavery a national institution and would reduce all laborers, white as well as black, to a state of virtual slavery. The sharpest difference between the two candidates involved the issue of black Americans' legal rights. Douglas was unable to conceive of blacks as anything but inferior to whites, and he was unalterably opposed to Negro citizenship. "I want citizenship for whites only," he declared. Lincoln said that he, too, was opposed to "bringing about in any way the social and political equality of the white and black races." But he insisted that black Americans were equal to Douglas and "every living man" in their right to life, liberty, and the fruits of their own labor.

The debates reached a climax on a damp, chilly August 27. At Freeport, Illinois, Lincoln asked Douglas to reconcile the Supreme Court's Dred Scott decision, which denied Congress the power to exclude slavery from a territory, with popular sovereignty. Could the residents of a territory "in any lawful way" exclude slavery prior to statehood? Douglas replied by stating that the residents of a territory could exclude slavery by refusing to pass laws protecting slaveholders' property rights. "Slavery cannot exist a day or an hour anywhere," he declared, "unless it is supported by local police regulations." Lincoln had maneuvered Douglas into a trap. Any way he answered, Douglas was certain to alienate Northern Free Soilers or proslavery Southerners. The Dred Scott decision had given slave owners the right to take their slavery into any western territories. Now Douglas said that territorial settlers could exclude slavery, despite what the Court had ruled. Douglas won reelection, but his cautious statements antagonized Southerners and Northern Free Soilers alike.

In the fall election of 1858, the general public in Illinois did not have an opportunity to vote for either Lincoln or Douglas because the state legislature, and not individual voters, actually elected the Illinois senator. In the final balloting, the Republicans outpolled the Democrats. But the Democrats had gerrymandered the voting districts so skillfully that they kept control of the state legislature. Although Lincoln failed to win a Senate seat, his battle with Stephen Douglas had catapulted him into the national spotlight and made him a serious presidential possibility in 1860. As Lincoln himself noted, his defeat was "a slip and not a fall."