CHAPTER THIRTEEN

The Crisis of the Union
1844–1860

Manifest Destiny: South and North

For a quarter century after the annexation of Florida in 1819, the boundaries of the United States remained the same. Although the extension of slavery into new territories had become a bone of contention between North and South in the Missouri Controversy of 1819–1821, the settlement of that crisis by the Missouri Compromise had been accepted by all. Moreover, with the rise of mass party politics, both major parties courted support from both sections and were therefore eager to keep slavery out of public debate.

But the land hunger of white North Americans continued unabated. To the southwest, American settlers had pressed beyond national borders into the newly independent nation of Mexico, where they came to dominate the northeastern province of Texas. When the Mexican central government attempted to bring the Americans under closer central rule, they rebelled and successfully established their independence. Their request for annexation to the United States, however, was initially rebuffed; Texas was a slave-holding republic, and Martin Van Buren was fearful that his party would split over the issue.

Texas was not the only territory attracting the attention of Americans, however. In the early 1840s large numbers of settlers began traveling overland to the Oregon Territory; to its south, California, with its fertile valleys and great harbors, attracted both settlers and strategic interest. Back East, the heady optimism resulting from explosive economic growth and American pride in the creation of a new society fed an expansionist ideology that took the label "Manifest Destiny" (Documents 13-1 and 13-2).

With sentiment for territorial expansion rising in both North and South, southern Democrats, fearing that an independent Texas might abandon slavery and pose a threat to the security of the institution, began a new push for annexation. Whigs and many northern Democrats were virulently opposed, but the Democratic Party's 1844 convention united the party behind an expansionist candidate, James K. Polk, and a promise to pursue expansion in both Texas and Oregon. Although the antislavery Liberty Party complicated the election, Democrats took their victory as an endorsement of vigorous pursuit of what they deemed America's Manifest Destiny.

13-1 Texas, California, and Manifest Destiny (1845)

John L. O'Sullivan

John L. O'Sullivan (1813–1895) came from a line of Irish-American adventurers, and he carried his family's love of grand gestures into journalism, politics, and diplomacy. In 1837, at the age of twenty-three, O'Sullivan, a lawyer and Democratic Party activist, founded *The United States Magazine and Democratic Review*, which he made into a mouthpiece for Democratic Party propaganda; a vehicle for his own expansive, romantic views on the future of American democracy; and an outlet for such emerging American writers as Emerson, Hawthorne, Thoreau, and Whitman. O'Sullivan was especially obsessed with the notion that the mission of the United States was to spread the gospel of democracy across the continent; it was he who coined the term *Manifest Destiny* (used for the first time in the following article) to justify American expansion (see text p. 396).

O'Sullivan later sought to practice what he preached; he became involved in efforts by private adventurers to seize Cuba and annex it to the United States, a project that ruined him financially and nearly threw him into prison. He later moved back to Europe, where he promoted the Confederate cause during the Civil War. He returned to the United States in the 1870s, broken by years spent promoting grand schemes; but his bumptious, continental vision of his country's promise fundamentally shaped the ways in which Americans understood their relationship to their neighbor countries and, later, the world.

Source: John L. O'Sullivan, "Annexation," *The United States Magazine and Democratic Review* 17 (July and August 1845): 5–10.

Why, were other reasoning wanting, in favor of now elevating this question of the reception of Texas into the Union, out of the lower region of our past party dissensions, up to its proper level of a high and broad nationality, it surely is to be found, found abundantly, in the manner in which other nations have undertaken to intrude themselves into it, between us and the proper parties to the case, in a spirit of hostile interference against us, for the avowed object of thwarting our policy and hampering our power, limiting our greatness and checking the fulfilment of our manifest destiny to overspread the continent allotted by Providence for the free development of our yearly multiplying millions. This we have seen done by England, our old rival and enemy. . . .

It is wholly untrue, and unjust to ourselves, the pretence that the Annexation has been a measure of spoliation, unrightful and unrighteous—of military conquest under forms of peace and law—of territorial aggrandizement at the expense of justice, and justice due by a double sanctity to the weak. . . . If Texas became peopled with an American population, it was by no contrivance of our government, but on the express invitation of that of Mexico herself; accompanied with such guaranties of State independence, and the maintenance of a federal system analogous to our own, as constituted a compact fully justifying the strongest measures of redress on the part of those afterwards deceived in this guaranty, and sought to be enslaved under the yoke imposed by its violation. She was released, rightfully and absolutely released, from all Mexican allegiance, or duty of cohesion to the Mexican political body, by the acts and fault of Mexico herself, and Mexico alone. There never was a clearer case. It was not revolution; it was resistance to revolution; and resistance under such circumstances as left independence the necessary resulting state, caused by the abandonment of those with whom her former federal association had existed. What then can be more preposterous than all this clamor by Mexico and the Mexican interest, against Annexation, as a violation of any rights of hers, any duties of ours? . . .

California will, probably, next fall away from the loose adhesion which, in such a country as Mexico, holds a remote province in a slight equivocal kind of dependence on the metropolis. Imbecile and distracted, Mexico never can exert any real governmental authority over such a country. The impotence of the one and the distance of the other, must make the relation one of virtual independence; unless, by stunting the province of all natural growth, and forbidding that immigration which can alone develope its capabilities and fulfil the purposes of its creation, tyranny may retain a military dominion which is no government in the legitimate sense of the term. In the case of California this is now impossible. The Anglo-Saxon foot is already on its borders. Already the advance guard of the irresistible army of Anglo-Saxon emigration has begun to pour down upon it, armed with the plough and the rifle, and marking its trail with schools and colleges, courts and representative halls, mills and meeting-houses. A population will soon be in actual occupation of California, over which it will be idle for Mexico to dream of dominion. They will necessarily be-

come independent. All this without agency of our government, without responsibility of our people — in the natural flow of events, the spontaneous working of principles, and the adaptation of the tendencies and wants of the human race to the elemental circumstances in the midst of which they find themselves placed. And they will have a right to independence — to self-government — to the possession of the homes conquered from the wilderness by their own labors and dangers, sufferings and sacrifices — a better and a truer right than the artificial title of sovereignty in Mexico a thousand miles distant, inheriting from Spain a title good only against those who have none better. Their right to independence will be the natural right of self-government belonging to any community strong enough to maintain it — distinct in position, origin and character, and free from any mutual obligations of membership of a common political body, binding it to others by the duty of loyalty and compact of public faith. This will be their title to independence; and by this title, there can be no doubt that the population now fast streaming down upon California will both assert and maintain that independence. . . .

Away, then, with all idle French talk of *balances of power* on the American Continent. There is no growth in Spanish America! Whatever progress of population there may be in the British Canadas, is only for their own early severance of their present colonial relation to the little island three thousand miles across the Atlantic; soon to be followed by Annexation, and destined to swell the still accumulating momentum of our progress. And whosoever may hold the balance, though they should cast into the opposite scale all the bayonets and cannon, not only of France and England, but of Europe entire, how would it kick the beam against the simple solid weight of the two hundred and fifty, or three hundred millions — and American millions — destined to gather beneath the flutter of the stripes and stars, in the fast hastening year of the Lord 1945!

Questions

1. Explain what John L. O'Sullivan meant by the phrase "Manifest Destiny." By what right did O'Sullivan believe that the United States must annex Texas? Do you agree with his argument?
2. According to O'Sullivan, who was responsible for Texas's declaration of independence?
3. Why did O'Sullivan believe that California would "fall" next? For what reasons did he argue that California would inevitably declare its independence from Mexico? Why did O'Sullivan consider Mexico's title of sovereignty over California to be "artificial"?

13-2 The Importance of California (1845)

Thomas Oliver Larkin

Born in 1802, Thomas O. Larkin grew up in Lynn, Massachusetts, where his stepfather was a wealthy leather merchant. After failing at several enterprises in the East, Larkin in 1832 followed a relative to Monterey, California, where he became the leading merchant of that town, the capital of Mexico's northwestern state. Remote from central authority, its "Californio" inhabitants restive and sometimes rebellious, the region's natural wealth and strategic importance made it a center of intrigue among major powers as well as an attractive destination for American immigrants. In 1843 Larkin, who had never taken Mexican citizenship, became American consul. Eager to see California shake off Mexican rule, and fearful that it might become prey to British or French ambitions, he became an advocate of peaceful annexation, and in 1845 became a confidential agent of the U.S. government seeking to effect it. In the meantime, Larkin became the leading source of news about California to readers of the eastern press. If John L. O'Sullivan spoke romantically of "destiny," Larkin, the man in the field, spoke roughly and practically, as the following sample shows.

Source: From Thomas Oliver Larkin to *Journal of Commerce*, July 1845, in *The Larkin Papers: Personal, Business, and Official Correspondence of Thomas Oliver Larkin, Merchant and United States Consul in California*, ed. George P. Hammond (Berkeley and Los Angeles: University of California Press, 1952), 3:292–296. (*Note:* Spelling original to the document.) Reprinted with permission of Copyright Clearance Center.

California July 1845

By almost evry newspaper from the united States and many from England we find extracts and surmises respectng the sale of this country. One month England is the purchaser the next month the U. States. In the meantime the prorgress of California is onward, and would still be more so if Mexico would not send eviry few years a band of theivng soldiers and rapacous officers.

Should the supreme Governmet alow the Californias to rule there own Country they would have peace and prosperity. . . . We have now news that Mexico is fitting out an expedition of troops in Acapulco for Californa the expences to be paid by two or three English houses in Mexico who it is said are responsible for the pay for Eighteen months. . . .

The British Govermt have apponted one of her subjects (he formerly resided in N York where he owns property) Vice Consul of Californa with a salarey of 1000$ pr anum. This salay is small but as he can live on his own Rancho he has no expence in entertaining company Etc. nor does he attend to any distresed Eng seamen who may apply to him. In fact as he is much at his Country house they can not visit him unless under a heavy personal expence for horse hire.

The French Consul lives in Mont. with a Salery of over 4000$. There is not one E or French vessel dng business on this Coast nor has been for years. Ther Consul therefore have nothig to do *apparenty*. Why they are in Service there Govt best know and Uncle Sam will know to his cost.

The whole forign trade of C. in the hands of Amricans. There is now Sevn Boston Ships & Barks hire. The Am Consul has a jurisdictin of 1000 miles of Sea Coast, while the nature of the trade is such that he has barely any fees. Governmt allows no salary. The fees of this Consular is under 200$ a year, the Stationry bill about the same which is not allowed by the Dept of State.

There are many owners of large tracts of land in C. who hold them under the idea of the Country chang owners, having no preset use for thm, as the Indians tame & wild steal several thousand head of Horses yearly from the Rancho. Most of these horses are stole for food. The Indins cut up the meat in strips and dry it in the sun. While this continue Grazng of Cattle can not be profitible conducted. There is no expectiation that this Govt. will find a prevntive — nothng but the fear of the Indian for the American Settlers will prevent it. They steal but a few horse from Foreigner as there is to much danger of bng followed. Mexico may fret and treatent as much as she pleases but all her Cal Gov & Gen. give Cal land to all who apply for thm and from the nature of thigs will continue to do so. Foreignrs arring here expect to live & die in the Country, Mexican officers to remain 2 or 3 years & be shipt off by force unless they choose to marry a Native and becone a Californian, Body & Soul. This Ports in C. with the exceptin of Mazalan are the only Mexican Pacific Ports that are flourishng. All othrs are fallig & fallig fast. Here there is much advance in every thng and the Country present each year a bolder front to the world. It must change owners. Its of no use to Mexico. To hir its but a eye sore a shame and bone of Contentin. Here are many fine Ports, the land produces wheat over 100 fold. Cotten & hemp will grow here and every kind of fruit there is in New Eng — granes in abundance of the furst qualuty. Wine of many kinds are made, yet there is no faciluty of makng. Much of it will pass for Port. The Bays are full of fish, the Woods of game. Bears, and Whales can be seen from one view. The latter are offen in the way of the Boats near the Beach. Finaly there is San Francisco with its rivers. This Bay will hold all the ship in the U. S. The entranc is verry narrow between two mountains easly defended and prehaps the most magnuficnt Harbour in the World and at present of as much use to the civilized world as if it did not exist. Some day or other this will belong to som Naval power. This every Native is prepared for. . . . Letters nor words can not express the advantag and importance of San F. to a Naval power. There is 500 to 1000 Am Whaelers with 20000 Amn Seamn in the Pacific. Half of them will be withen 20 day sail of San F. While the port belogs to Mex. its a safe place for whale ship in a war with England fran or Russian. Should one of these Native own the port and at some future day declare war aganst the U.S. what the results. It require not the discruptin from the writer nor from anyone. If Congres wishes the exention[?] of the Navy, our Naval power or our commerce St F. must be obtaind, or the Origon & Cali must becone a Nation withn themsefs. Time is continualy brngng this into notice, and one of the two must soon be consumated or if the Origon dispute continues let E. take 8 degres N of the Colunbia and purchase 8 Degres S. of 42 of Mex. and exchange.

The Origon will never be a benefit to the U. S. if England owns St. F. Vessels sometimes lay withen the bar of the Columbia 30 to 40 days waiting an opportunitey to go out. When once out they can reach St. F. in 4 days, a Steam Boat in less than two days. The time will soon arrive when by steam a person will go from the Columbia to Mont. & back in less in 4 days. For Navagation of the Columbia is of little use. A few English Vessel could prevent any vessels gong in — even if the wind allowed them. Whalers now from the N. W. pass the place for C.

The Settlers of the Origon anticipate the supplyng of California. Under present curcumstances they may. A California will not work if he can avoid it. The time will come, must come, when this Country is peopled by another race. This is as fully expected here as any other natual course of events. Many children have been sent to the Oahu English School to learn the Eng language to prepare them for the coming events, be the visit from John Bull or Uncle Sam. One of the two will have the Country. When once this is accomplished, the place will team with a busy race. As I before observed all fruits will grow here. Hemp, Cotten every Variuty of grain, timber from the tender Willow to Trees 17 feet in diamater. The Natives now expecting Troops from Acupulco to reconquer the Country are drillng many young

men in preparation intended to surround the first port the Mexicans arrive at, drive away the Cattle, prevent all intercours with the Ranchos, and by this mean drive them out of C. If they can not succeed in this manner take to the mountans and worry them out.

There is no doubt but these soldiers are sent by Mexico under the instigatin of the English under the pretext that the Am are settlng in the C too fast and will one day obtain possessin. In the time the C do not believe this story but give land to all that come, be they from what nation they may be.

These letter contans many facts well known to the writer and should be know to his Countrymen. Each paragraph contans matter sufficent for much thought & reflectin and are sent to you because from your paper the writer has read many subjects respectng C. and give you his information in return.

Questions

1. Why did Larkin believe that the British and French were positioning themselves to seize California? What evidence did Larkin give to support his suspicion?
2. How did Larkin view the Indians in California? According to Larkin, what challenges did the Indians pose to the settlement and development of California, and what did he view as their inevitable fate?
3. How did Larkin's assessment of California compare with John L. O'Sullivan's? What economic and political potential did Larkin believe California possessed? Why was San Francisco so important?

13-3 The Great Prize Fight (1844)

In the 1840s, expansionists, emboldened by the idea that American possession of the entire continent had been providentially ordained, "our manifest destiny," were determined to add Texas and California to the Union (see Documents 13-1 and 13-2). Texas had already declared its independence from Mexico and its desire to be annexed into the United States; however, neither Andrew Jackson nor Martin Van Buren chose to act on the matter for fear of inflaming northern opposition to the enlargement of the slave south. In the meantime, southern suspicions that British antislavery advocates were conspiring to keep Texas independent in order to check the growth of the United States only added to the urgency with which annexationists approached the issue. The "Great Prize Fight" depicted the American eagle defending its "natural" offspring, including unhatched Texas and California, against competing challengers: Spain, represented by Don Quixote betting Cuba, and Britain with John Bull risking Canada. The ghost of George Washington encourages America: "Go it, my Boy, you will beat them all!"

Source: Print, *The Great Prize Fight* (1844). New York Historical Society.

Questions

1. What was the significance of Cuba and Canada to the Americans? Had expansionists expressed any interest in these territories?
2. Why was the slave (in the foreground) depicted as essentially uninterested in the outcome of the "prize fight"?
3. The inclusion of Washington's ghost was an attempt to link the expansionists of the 1840s to the Revolutionary generation. Was there some basis for this beyond a simple appeal to authority? Were the Revolutionaries also expansionists? Explain.

Questions for Further Thought

1. Is it fair to say that Manifest Destiny was a fancy way for Americans to rationalize the conquest of the West? Or, do you think that many Americans really believed they had a God-given mission to "civilize" the West? What features of American culture might have contributed to this sense of mission?
2. In your opinion, was it inevitable that the United States would expand its control westward to the Pacific Ocean? Was Manifest Destiny a foregone conclusion? Based on your knowledge of the text, what rights and territories did the British, French, Russians, and Mexicans claim in the West, and why did the United States eventually get its way?
3. From your reading of Documents 13-1 and 13-2 as well as your reading of the text, what was Mexico's internal political situation in the 1830s and 1840s? How did the Americans exploit Mexico's weaknesses to their own advantage? What place did westward expansion have in domestic politics in the United States—specifically, the party rivalry between the Democrats and the Whigs?

War, Expansion, and Slavery, 1846–1850

Following his victory in the election of 1844, President James K. Polk pursued an aggressively expansionist policy. To the northwest, he ended joint American-British control of the Oregon Territory, though he agreed to dividing control along the forty-ninth parallel rather than insisting on seizing the entire territory south of the "Fifty-Four Forty or Fight" line. Polk proved far more aggressive in the southwest against a weaker opponent, Mexico (Document 13-4). Goading the Mexicans into providing him a pretext, Polk got Congress to declare war in May 1846. The war proved both popular (despite significant opposition from "Conscience" Whigs) and successful, resulting not only in the annexation of an enlarged Texas but in the seizure of California and New Mexico.

However, Polk's very success in pursuing the United States' Manifest Destiny immediately sharpened intersectional conflict over slavery. Mexico had abolished slavery, and many northerners were averse to seeing American power used to extend the "peculiar institution" to regions where freedom had been established. Many other white northerners, feeling that western lands should be reserved for white small farmers, not great planters (and blacks), were beginning to adhere to a new form of antislavery, the free-soil movement. If it was morally inferior to humanitarian antislavery, free soil was politically much more potent; one of its leaders, Representative David Wilmot, proposed a popular measure to bar slavery from the Mexican territories.

The 1846 Wilmot Proviso quickly became a flash point for North-South conflict, but it was soon joined by other issues, including a free-state movement in California and increasing northern resistance to enforcement of the constitutional requirement that fugitive slaves be returned to their masters. Antislavery spokesmen warned that to give in to what they saw as southern bullying would extend the sway in federal affairs of what they called the "Slave Power"—a southern interest hostile not simply to abolitionists but to the rights of white northerners as well (Document 13-5). The Southern response was that, short of secession, which remained a right of last resort (Document 13-7), the only remedy for the increasingly polarized situation was constitutional reform (Document 13-6).

13-4 The American Invasion of Mexico (1847)

Carlos Maria de Bustamante

The legendary Battle of the Alamo was effectively used to whip up overwhelming support for war with Mexico (see text pp. 393–394), making it easy for Americans to recast their aggression against the Mexicans as a fight for freedom and liberty. Carlos María de Bustamante (1774–1848) reminds us that there was another side to the story. A journalist and prolific writer, Bustamante initially admired the United States, which he viewed as a model republic. However, with the events of the 1830s and 1840s, he became disenchanted with American policy toward Mexico. The following excerpt, which details U.S. transgressions, is taken from Bustamante's last book, *The New Bernal Díaz del Castillo or History of the Anglo-American Invasion of Mexico* (1847). Note that Bernal Díaz del Castillo chronicled the Spanish conquest of Mexico led by Hernán Cortés in the sixteenth century (Document 1-2).

Source: Excerpted from "The New Bernal Diaz del Castillo" in *The View from Chapultepec*, trans. and ed. Cecil Robinson. Copyright © 1989 by The Arizona Board of Regents. Reprinted by permission of the University of Arizona Press.

The complaints of Mexico against the United States before the annexation of Texas are the following:

The introduction of troops from the United States army in the course of Mexico's campaign in Texas. A considerable number of cavalry under General Gaines crossed the Sabine. This was protested by our minister in Washington. The public enlistment and military equipping of troops, which has been done on various occasions in the port city of New Orleans, in order to invade Mexico through Texas and other points, despite the fact that the United States maintained diplomatic relations with Mexico and the guarantees of treaties of peace and commerce remained in force. This also has been the subject of altercations between the two governments. Mexico has never had the forthrightness to ask of the United States that it lend its assistance against Texas, but Mexico certainly has had the right to demand of the United States that it maintain absolute neutrality. The above mentioned palpable actions demonstrate that the United States has not done so.

As for the recognition of the independence of Texas by other nations, there is nothing unusual in that. The various powers recognize de facto governments, but that in no way takes away from Mexico the right to recover, if it were possible, the territory which it had lost. The independence of Mexico was equally recognized by the European powers and by the United States itself, but nevertheless Spain did not recognize Mexico until a great deal of time had passed, and it made an attempt in the year 1829 to invade Mexico without opposition from any nation.

Now, if Texas were to be considered strong and capable of backing up its declaration of independence, why did it attach itself to the United States? Why did it seek this method to get the United States to come to its support in Mexico? This is just one more proof that Texas cannot be compared to other nations, including the United States, that have declared their independence and by deed have been able to sustain it and triumph.

As for the annexation, the person who is writing this piece was in the United States when these events were happening and was a witness to the fact that the greater part of the press in the northern states clamored strongly against this step, calling those who belonged to the annexation party thieves and usurpers, and setting forth strong and well-founded reasons, which at this point I will not repeat in order to prevent this exposition from becoming too lengthy. If the wise and honorable Henry Clay had attained the seat of the presidency, would the annexation of Texas have come to pass? Certainly not. . . .

Thus matters have arrived at the state in which they are now, because evil parties and evil men, of which there are as many in this country as in the United States, have operated according to their partisan tendencies and have not attended to the well-being and justice of both republics. Can you deny this, American citizens, if you are not blind? Will you not confess that Mexico has suffered more than any other nation? The act of annexation was the equivalent of taking away from Mexico a considerable part of its territory, which had, rightly or wrongly, carried on a dispute with Mexico, but in no way can a nation be construed as friendly which has mixed itself in this affair to the point that Mexico has been deprived of its rights. Did not our minister in Washington protest against the annexation? Did he not declare that it would be a hostile act which would merit a declaration of war? Who, then, provoked the war—Mexico which only defended itself and protested, or the United States which became aggressors and scorned Mexico, taking advantage of its weakness and of its internecine agitations.

. . . Thus, from the point of view of the Mexican government, the occupying of Corpus Christi by troops of the United States amounted to the same thing as if they had occupied the port of Tampico. In every way it was a violation of all treaties, of friendly relations, and of good faith. I wish now that you would judge these events with a Mexican heart and would ask yourself: Which has been the aggressor country? What would your government have done in the controversy with England over the Maine border if that nation had brought in troops, large or small in number? Without any doubt your government would have declared war and would not have entertained any propositions put forth until the armed force had evacuated the territory.

The war began because there was no other course, and Mexico will always be able to present a serene front before the world and maintain its innocence despite whatever misfortunes might befall it. . . .

It is necessary that in these matters the truth be spoken, because these events which have just happened now belong to history.

Questions

1. Why did Bustamante use Bernal Díaz del Castillo's name in the title of his book? What does this say about how he perceived the United States' war with Mexico?
2. How did Bustamante convey his sense of outrage over American actions? Is his style of writing as important as the substance of his arguments in getting his message across to his readers?
3. Was Bustamante simply an apologist for Mexico? How accurate were his descriptions of the actions of the United States?

13-5 Defining the Constitutional Limits of Slavery (1850)

Salmon P. Chase

Born in New Hampshire and educated at Dartmouth College, Salmon P. Chase (1808–1873) studied law with President John Quincy Adams's attorney general, William Wirt, before moving west to establish himself as a successful young lawyer in Cincinnati, Ohio. Chase voted for William Henry Harrison in 1840 but soon afterward joined the fledgling abolitionist Liberty Party. Chase volunteered to be the defense attorney in a celebrated 1836 fugitive slave case involving a woman named Matilda and James G. Birney (the Liberty Party presidential candidate in 1840 and 1844), who employed her in his home. Chase lost the case, but the state supreme court ordered his argument printed, securing for Chase the title "attorney general of the fugitive slave" in antislavery circles. Chase took a leading role in the formation of the Free-Soil Party in 1848 and forged a Free Soil–Democratic coalition in Ohio that elected him to the U.S. Senate (see text p. 402). In the Senate Chase opposed the compromise measures crafted by Henry Clay, Daniel Webster, and Stephen Douglas. The argument he developed became the central tenet of the Republican Party.

Source: Salmon P. Chase, *Union and Freedom, without Compromise. Speech of Mr. Chase of Ohio, On Mr. Clay's Compromise Resolutions* (Washington, DC: Buell and Blanchard, 1850).

I think, Mr. President, that two facts may now be regarded as established: First that in 1787 the national policy in respect to slavery was one of restriction, limitation, and discouragement. Second that it was generally expected that under the action of the State Governments slavery would gradually disappear from the States.

Such was the state of the country when the Convention met to frame the Constitution of the United States. . . . The framers of the Constitution acted under the influence of the general sentiment of the country. Some of them had contributed in no small measure to form that sentiment. Let us examine the instrument [the Constitution] in its light, and ascertain the original import of its language.

What, then, shall we find in it? The guaranties so much talked of? Recognition of property in men? Stipulated protection for that property in national territories and by national law? No, sir: nothing like it.

We find, on the contrary, extreme care to exclude these ideas from the Constitution. Neither the word "slave" nor "slavery" is to be found in any provision. There is not a single expression which charges the National Government with any responsibility in regard to slavery. No power is conferred on Congress either to establish or sustain it. The framers of the Constitution left it where they found it, exclusively within and under the jurisdiction of the States. Wherever slaves are referred to at all in the Constitution, whether in the clause providing for the apportionment of representation and direct taxation [Article I, section 2], or in that stipulating for the extradition of fugitive from service [the "fugitive slave" clause, Article IV, section 2], or in that restricting Congress as to the prohibition of importation or migration [Article I, section 9], they are spoken of, not as persons held as property, but as persons held to service, or having their condition determined, under State laws. We learn, indeed from the debates in the Constitutional Convention that the idea of property in men was excluded with special solicitude. . . .

Unhappily . . . the original policy of the Government and the original principles of the Government in respect to slavery did not permanently control its action. A change occurred—almost imperceptible at first but becoming more and more marked and decided until nearly total. . . . It was natural, though it does [not] seem to have been anticipated, that the unity of the slave interest strengthened by this accession of political power, should gradually weaken the public sentiment and modify the national policy against slavery. . . . Mr. President, I have spoken freely of slave State ascendency in the affairs of this Government, but I desire not to be misunderstood. I take no sectional position. The supporters of slavery are the sectionalists. . . . Freedom is national; slavery only is local and sectional. . . .

What have been the results . . . of the subversion of the original policy of slavery restriction and discouragement . . . instead of slavery being regarded as a curse, a reproach, a blight, an evil, a wrong, a sin, we are now told that it is the most stable foundation of our institutions; the happiest relation that labor can sustain to capital; a blessing to both races . . . this is a great change, and a sad change. If it goes on, the spirit of liberty must at length become extinct, and a despotism will be established under the forms of free institutions. . . . There can be no foundation whatever for the doctrine advanced . . . that an equilibrium between the slaveholding and non-slaveholding sections of our country has been, is, and ought to be, an approved feature of our political system. . . . I shall feel myself supported by the precepts of the sages of the Revolutionary era, by the example of the founders of the Republic, by the original policy of the Government, and by the principles of the Constitution.

Questions

1. Why was Chase concerned with the history of the slavery issue? What difference did it make?
2. Locate in the Constitution (see text p. D-3) the passages cited by Chase as referring to slaves. Do you agree with Chase that these passages were part of an original policy of "slavery restriction and discouragement"? Explain why.
3. What are the implications of Chase's conclusion that "Freedom is national; slavery . . . is local"?

13-6 *A Discourse on the Constitution* (1850)

John C. Calhoun

John C. Calhoun (1782–1850) of South Carolina, perhaps the best-known defender of states' rights, began his career as a nationalist. Elected to the U.S. House of Representatives in 1810 as a so-called war hawk, he was stunned by the setbacks the nation suffered in the War of 1812 and became a determined advocate of extending federal power for the sake of bolstering national defense. As such, Calhoun advanced a program that included support for internal improvements and the Second Bank of the United States. Meanwhile, his political fortunes rose as he moved from Congress to the executive branch, first as James Monroe's secretary of war, then as vice president under John Quincy Adams, and finally as vice president under Andrew Jackson. But the events of the 1820s changed all of this. Successive protective tariffs enacted by Congress and the Denmark Vesey slave conspiracy in 1822 convinced most South Carolinians that actions taken by the federal government might jeopardize their lives as well as their livelihoods. By the early 1830s Calhoun had publicly abandoned his earlier nationalist impulses. With little hope of advancing further on the national stage, he resigned the vice presidency during the nullification crisis (Document 10-8) and was elected to the U.S. Senate as an unyielding advocate of South Carolina's interests and southern sectionalism. *A Discourse on the Constitution and Government of the United States* (1850), written in the last few years of his life, was Calhoun's valedictory address on the nature of the "federal" system established by the American Revolutionaries, the "disease" to which it had succumbed, and the "remedy" that might save it.

Source: From Ross M. Lence, ed., *Union and Liberty: The Political Philosophy of John C. Calhoun.* Copyright © 1992 by the Liberty Fund. Used with permission.

What has been done cannot be undone. The equilibrium between the two sections has been permanently destroyed. . . . The northern section, in consequence, will ever concentrate within itself the two majorities of which the government is composed; and should the southern be excluded from all territories, now acquired, or to be hereafter acquired, it will soon have so decided a preponderance in the government and the Union, as to be able to mould the constitution to its pleasure. . . .

The nature of the disease is such, that nothing can reach it, short of some organic change—a change which shall so modify the constitution, as to give to the weaker section, in some form or another, a negative on the action of the government. Nothing short of this can protect the weaker, and restore harmony and tranquillity to the Union, by arresting, effectually, the tendency of the dominant and stronger section to oppress the weaker. When the constitution was formed, the impression was strong, that the tendency to conflict would be between the larger and smaller States; and effectual provisions were, accordingly, made to guard against it. But experience has proved this to have been a mistake; and that, instead of being, as was then supposed, the conflict is between the two great sections, which are so strongly distinguished by their institutions, geographical character, productions and pursuits. . . . It is for us, who see and feel it, to do, what the framers of the constitution would have done, had they pos-

sessed the knowledge, in this respect, which experience has given to us—that is—provide against the dangers which the system has practically developed; and which, had they been foreseen at the time, and left without guard, would undoubtedly have prevented the States, forming the southern section of the confederacy, from ever agreeing to the constitution; and which, under like circumstances, were they now out of, would forever prevent them from entering into, the Union.

How the constitution could best be modified, so as to effect the object, can only be authoritatively determined by the amending power. It may be done in various ways. Among others, it might be effected through a reorganization of the executive department; so that its powers, instead of being vested, as they now are, in a single officer, should be vested in two—to be so elected, as that the two should be constituted the special organs and representatives of the respective sections, in the executive department of the government; and requiring each to approve all the acts of Congress before they shall become laws....

Indeed, it may be doubted, whether the framers of the constitution did not commit a great mistake, in constituting a single, instead of a plural executive. Nay, it may even be doubted whether a single chief magistrate—invested with all the powers properly appertaining to the executive department of the government, as is the President—is compatible with the permanence of a popular government; especially in a wealthy and populous community, with a large revenue and a numerous body of officers and employees. Certain it is, that there is no instance of a popular government so constituted, which has long endured. Even ours, thus far, furnishes no evidence in its favor, and not a little against it; for, to it, the present disturbed and dangerous state of things, which threatens the country with monarchy, or disunion, may be justly attributed....

But it is objected that a plural executive necessarily leads to intrigue and discord among its members; and that it is inconsistent with prompt and efficient action. This may be true, when they are all elected by the same constituency; and may be a good reason, where this is the case, for preferring a single executive, with all its objections, to a plural executive. But the case is very different where they are elected by different constituencies—having conflicting and hostile interests; as would be the fact in the case under consideration. Here the two would have to act, concurringly, in approving the acts of Congress—and, separately, in the sphere of their respective departments. The effect, in the latter case, would be, to retain all the advantages of a single executive, as far as the administration of the laws were concerned; and, in the former, to insure harmony and concord between the two sections, and, through them, in the government. For as no act of Congress could become a law without the assent of the chief magistrates representing both sections, each, in the elections, would choose the candidate, who, in addition to being faithful to its interests, would best command the esteem and confidence of the other section. And thus, the presidential election, instead of dividing the Union into hostile geographical parties, the stronger struggling to enlarge its powers, and the weaker to defend its rights—as is now the case—would become the means of restoring harmony and concord to the country and the government. It would make the Union a union in truth—a bond of mutual affection and brotherhood—and not a mere connection used by the stronger as the instrument of dominion and aggrandizement—and submitted to by the weaker only from the lingering remains of former attachment, and the fading hope of being able to restore the government to what it was originally intended to be, a blessing to all.

Such is the disease—and such the character of the only remedy which can reach it. In conclusion, there remains to be considered, the practical question—Shall it be applied? Shall the only power which can apply it be invoked for the purpose?

Questions

1. Compare Calhoun's description of "equilibrium" with Madison's discussion of factions in an extended republic (Document 6-21). What had changed? What major assumption had Madison made that Calhoun explicitly rejected?
2. Why would Calhoun single out the executive department for constitutional reform?
3. Were Calhoun's proposed changes practical? Could they have been implemented? Why or why not? What do they reveal about the state of sectional relations?

13-7 The Right of Secession (1856)

Frederick Grimké

Frederick Grimké (1791–1863) was one of fourteen children born into a prominent South Carolina family, and an older brother of abolitionists Sarah and Angelina Grimké (see text, pp. 352–353 and Document 11-9). Unlike his more famous sisters, however, Frederick

never rejected the institution of slavery; indeed, he defended it as a necessary form of "guardianship" over a race of people whose "period of infancy and youth is . . . protracted through the whole of life." But Grimké himself did not remain a slave owner. After the death of his father in 1819, he moved to Ohio, where his Yale education, prior legal practice in Charleston, and reputation as a "man of fine talents" gained him an appointment as presiding judge in the Court of Common Pleas. In 1836 Grimké was elevated to the Supreme Court of Ohio. He wrote *The Nature and Tendency of Free Institutions*, a lengthy meditation on the perils of self-government and a celebration of the constituent power of middle-class Americans, after resigning from state supreme court in 1842.

Source: Excerpt from Frederick Grimké, *The Nature and Tendency of Free Institutions*, ed. John William Ward (Cambridge, MA: The Belknap Press of Harvard University Press, 1968), 510–513, 516. Copyright © 1968 by the President and Fellows of Harvard College. Reprinted with permission of the publisher.

Secession is not the exercise of an act of sovereignty, but the reverse. Between it and the veto of a state there is a clear and broad distinction. Secession is an unequivocal admission that the sovereignty does not reside in the state seceding. An act of sovereignty removes officers, abolishes offices, alters constitutions, extinguishes the powers exercised by the government. In the case of secession, instead of the constitution and laws being removed out of the way of the discontented state, the state itself removes out of the way. This is a plain recognition that it is not vested with sovereignty over the federal government, has no right to assume it, and that it is obliged to succumb to it. It is precisely like the emigration of individuals from a country whose government is a consolidated one, who become discontented with the condition in which they are placed or with the institutions under which they live, and remove to another country. They are aware that as individual members of society they have no right to control the government. Instead of assuming to do so, they quietly withdraw from it. A confederate government being the result of a joint compact between the members and not the act of any one singly, the veto would be the usurpation of a power which cannot belong to a single member. It would transform a joint into a single government. Secession admits the incompetency of the seceding state to do so, and instead of bending the government to its will, it is compelled to bend to the will of the government. Great mistakes have been committed from confounding secession with the veto. They are entirely different from each other, as the preceding observations sufficiently show. . . .

When the federal government depends upon the states for the execution of the laws and they are not executed, the delinquent member may be coerced into obedience by the whole force of the confederacy. But the coercion of a state implies the coercion of the individuals composing it, and thus we are led to the same conclusion, that every form of confederacy is a constitution and government, that the laws are equally obligatory upon the citizens, and that the distinction between them consists in the more or less perfect machinery which is employed to enforce them. In all there is a division of the sovereignty, one portion being retained by the states separately and the residue alienated, not to the central government, but to the states jointly. The distinction, then, so far as it affects the right of secession, is not between the more or less perfect form of federal government, but between a federal and consolidated government. This is the only test in our power in order to determine when the right of secession exists. . . .

A great principle can never depend for proof of its validity upon examples, since these may contradict some other principle of equally high authority. But where the example has been deduced from the principle, and could not have existed without it, it is of wonderful use in testing its value. It is then a direct corollary from the principle and not merely a happy illustration of it. The confederation of 1778 was broken up by secession. The articles on which it was founded provided that no alteration should ever be made unless with the unanimous consent of the states who were parties to it. The states were not unanimous in the change which substituted another ordinance and converted the government into the present confederation. Rhode Island and North Carolina rejected the scheme and may have remained out of the Union to the present day. Eleven states thus seceded from the old confederation. If it should be said that these states did not secede because the new government erected in place of the old was itself a federal union, the answer is that any change of the articles, much more the radical change which led to the formation of a new government, was absolutely prohibited unless the consent of each state was obtained. Indeed the futility of the objection will be manifest on a very little reflection. If two or more states were now to assemble in convention, or if all the states were so to assemble, and by a majority of votes should form a different federal government, it would be absurd to say they had not seceded because the form of polity which they had established had one or more features in common with the former. But if in order to test the bearing of the objection, we should admit it to be well-founded, the difficulty still exists. The states of North Carolina and Rhode Island then seceded. Their right to remain out of the new union was never disputed; it was openly and unequivocally admitted. The Congress under the new

government never dreamed of coercing them into an adherence to it, but dealt with them as independent nations; and as I have before observed, they may have continued to this day separate and independent states.

The great risk which will be incurred by the seceding member, the disadvantageous position in which it will be placed, standing alone in the midst of a firm and compact league, will operate as a powerful check upon its conduct and will prevent recourse to such an extreme measure unless it can be justified before the bar of public opinion. At the same time, the open recognition of the right to secede will render it disgraceful to embark in any scheme of concerted resistance to the laws while the state continues a member of the Union. The explicit recognition of the right will also operate as a salutary restraint upon the central government. If one or two states seceded, they would inevitably be the losers; it would be staking everything upon the cast of a die. But if several threatened to do the same, the confederacy would be in danger of being deprived of so much strength and importance that every measure which prudence and calm judgment could suggest would be adopted to avert so great a calamity. The public councils would be marked by more reflection when a moral agency was substituted in the place of brute force. Rhode Island and North Carolina were resolute in their opposition to the present constitution, and for a time refused to enter into the Union. Congress pursued towards them the same course which it did towards the European states: it treated them as independent nations, and applied to them the laws relative to discriminating duties. This contributed greatly to change their resolution. They entered the confederacy, one of them two years after it was formed, and motives still more powerful will deter either from now seceding. The right of secession, then, is a weapon of defense of great efficacy in the hands of the states, but it supposes one still more efficacious in the hands of the federal government. The advantages of union are so manifold, the position of a member when isolated is so insignificant and when united with others so commanding, that nothing but the greatest injustice or the most irreconcilable diversity of interests will occasion the exercise of the right. Instances of secession are accordingly very rare.

Questions

1. Compare Grimké's view of the constitutional union with that of John Calhoun (see Document 13-6). In what ways are they similar and dissimilar?
2. Grimké was an opponent of the idea that a single state had the power to nullify a federal law, and therefore a critic of the position assumed by South Carolina in 1832 (see Document 10-8). What was the basis of his distinction between a state's veto power and a state's right to withdraw from the Union, that is, between nullification and secession?
3. How accurate is Grimké's version of the creation and ratification of the Constitution in 1787–1788? Was the union under the Confederation "broken up by secession"? Explain.

Questions for Further Thought

1. Compare Chase's and Grimké's discussions of the framers' intent (Documents 13-5 and 13-7) with that of Madison (Document 8-8). Do these accounts correspond? Why or why not?
2. How does the emerging Republican Party's position on slavery as articulated by Chase (Document 13-5) differ from the abolitionist position as expressed by William Lloyd Garrison (Document 11-6) and Frederick Douglass (Document 11-7)? Do you think the southerners could see these differences?
3. What assumptions did Chase, Calhoun, and Grimké (Documents 13-5, 13-6, and 13-7) share with regard to the Constitution? What assumptions did they share with regard to the evolution of the political system?

The End of the Second Party System, 1850–1858

While many Americans celebrated the Compromise of 1850 as a "final settlement" of all outstanding sectional issues, its central provisions served only to keep those issues visible. The Fugitive Slave Act of 1850, for instance, made it federal policy not simply to allow slavery in the states where it existed, but to extend the reach of the institution into the heart of the North itself (Document 13-8). In response, antislavery militants increasingly turned to direct action both to free slaves and to protect fugitives from slave catchers and federal marshals (Document 13-10). Northerners saw the Fugitive Slave Act as demonstrating the lengths to which the "Slave Power" would go in attacking the liberties even of Americans in the "free states"; white southerners saw northern resistance as evidence that free-state residents refused to accept their constitutional obligations.

Meanwhile, in 1854 the issue of whether to allow the expansion of slavery in the western territories reasserted itself with the passage of the Kansas-Nebraska Act, which repealed the Missouri Compromise and allowed settlers in the newly organized territories of Kansas and Nebraska to determine the future of slavery there. Alarmed at what they viewed as a fresh triumph of the "Slave Power," a resurgent antislavery movement launched a new political party, the Republican Party, of unprecedentedly broad appeal. As Kansas degenerated into civil war between proslavery and antislavery factions, atrocity stories provided grist for sectional propagandists on both sides, while violence spread to the floor of the U.S. Senate itself (Document 13-11). The Supreme Court finally sought to resolve the issues in its 1857 *Dred Scott* decision (Document 13-12). However, its declaration that Congress had no constitutional right to bar slavery from the territories outraged Republicans and raised northern fears that the Court would ultimately declare slavery a *national* institution. To many northerners, it was becoming increasingly evident that the federal government had to be purged of all "Slave Power" influences—and the vehicle for doing so would be the Republican Party.

13-8 The Fugitive Slave Act of 1850

Under the Constitution (Article 4, Section 2), states were obligated to surrender escaped slaves back to their owners. Growing antislavery sentiment in the North had led most states to ignore that provision, and as tensions rose, the South insisted that the northern states live up to their constitutional obligation. As part of the Compromise of 1850, Congress enacted a tougher fugitive slave statute to satisfy southern demands (see text pp. 404–406).

Source: *U.S. Statutes at Large*, 9:462ff.

Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled, . . .

SEC. 6. *And be it further enacted,* That when a person held to service or labor in any State or Territory of the United States, has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized, by power of attorney, in writing, acknowledged and certified under the seal of some legal officer or court of the State or Territory in which the same may be executed, may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking, or causing such person to be taken, forthwith before such court, judge, or commissioner, whose duty it shall be to

hear and determine the case of such claimant in a summary manner. . . . In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first [fourth] section be mentioned, shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

SEC. 7. *And be it further enacted*, That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such a fugitive from service or labor, either with or without process as aforesaid, or shall rescue, or attempt to rescue, such fugitive from service or labor, from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting as aforesaid, when so arrested, pursuant to the authority herein given and declared; or shall aid, abet, or assist such person so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, his agent or attorney, or other person or persons legally authorized as aforesaid; or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months . . . and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars, for each fugitive so lost as aforesaid. . . .

SEC. 9. *And be it further enacted*, That, upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent, or attorney. And to this end, the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses, as are now allowed by law for transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States.

Questions

1. How did the act discourage people from helping fugitive slaves?
2. The Constitution called for the states to surrender runaways. Which people were specifically charged in the act with the enforcement of this law?
3. According to the act, whose responsibility was it to pay the expenses of slave catchers? Why was this provision included?

13-9 Fulfilling a Constitutional Duty with Alacrity (1850)

The Compromise of 1850 included a new Fugitive Slave Act that could conceivably have forced free-state citizens to assist slave catchers in the apprehension and return of runaway slaves to their masters. Not surprisingly, abolitionists were alarmed by the measure and determined to prevent its enforcement. That Daniel Webster had spoken in favor of the Compromise in his famous "Seventh of March" speech before the Senate, indeed going so far as to lambaste northern "fanatics and abolitionists" for their part in the crisis of union, ruined his reputation among his one-time avid admirers. The antislavery poet John Greenleaf Whittier lamented:

So fallen! so lost! the light withdrawn
  Which once he wore!
The glory from his gray hairs gone
  For evermore!

'CONQUERING PREJUDICE,'
or
"Fulfilling a Constitutional duty with alacrity."

"My God!— My Child!— Will no one help!— Is there no mercy!"

"Any man can perform an agreeable duty— it is not every one that can perform a disagreeable duty."

"By Heaven! he exceeds my most sanguine expectation—he marks his way so clearly & treads so loyally on the track of the Constitution— It is more than great— it is sublime— I feel a great sense of relief."

Political cartoonists were less given to lamentation as they assailed the once formidable reputation of the "Godlike Daniel."

Source: Lithograph, *Conquering Prejudice: Fulfilling a Constitutional Duty with Alacrity* (1850). Worcester Art Museum, Worcester, MA. The Charles A. Goodspeed Collection, Museum purchase.

Questions

1. Webster was opposed to slavery. Why did he support the Compromise of 1850? What did his defense of the Compromise, including the Fugitive Slave Act, reveal about his priorities in 1850?
2. What was the significance of the cartoonist's emphasis on "Constitutional duty"? Were competing constitutional rights at issue in the Fugitive Slave Act? What was the basis of Webster's reputation as a lawyer; that is, what were some of his most famous cases?

3. "He exceeds my most sanguine expectation," exclaims the slave catcher, as he and Webster pursue a runaway slave and her child. How might southerners have reacted to this depiction of the consequences of the Fugitive Slave Act?

13-10 Opposing Accounts of the Rescue of a Fugitive (1851)

Although personal liberty laws helped impede the enforcement of the Fugitive Slave Act, their effect was slight at best; the new federal machinery ground on and moreover was supported by large segments of the public, who regarded the law as the price to be paid for sectional peace and continued to see abolitionists as disruptive and potentially treasonous. Feeling increasingly beleaguered, abolitionists and free blacks living in the North sought to protect alleged fugitive slaves through direct action. One of the more famous early examples of such action was the "Jerry Rescue" of October 1851 in Syracuse, New York. The following account, from a sympathetic reporter for the *New York Tribune*, was reprinted in William Lloyd Garrison's newspaper *The Liberator*. Following the account is a hostile editorial from a New York City Whig newspaper. (Note: Earlier that year, Daniel Webster, in a speech in Syracuse, had predicted that the law would be enforced there.)

Sources: *The Liberator* (Boston), 10 October 1851; *National Intelligencer* (Washington, DC), 7 October 1851.

(a) From the *New York Tribune*: Slave Catching in Syracuse—Intense Excitement.

I.

SYRACUSE, Wednesday, Oct. 1, 1851—9 P.M.

Our city is perfectly wild with excitement. A negro man named Jerry was arrested here to-day, claimed by a man named McHenry of Missouri, as a fugitive slave. The United States Marshal, with aids from the neighboring cities congregated here, arrested Jerry and brought him before United States Commissioner Sabine. The news spread over the city,—the bells in the various churches were tolled,—and the people assembled in knots at the corners of the streets,—one general feeling pervaded every breast, that of disgust and abhorrence at the Fugitive Slave Law, and this its first foul offspring in Syracuse. Our County Fair was being held in the city, and the farmers from the surrounding country were all here. In addition, a Liberty Party Convention was called for to-day, and I notice, prominent in our streets, some of the leaders of that party.—The Court of appeals is also in session here, and have had a good opportunity to witness the feeling here to-day.

The examination of Jerry, who is a fine athletic man, commenced at the Commissioner's office about 2 o'clock, P.M. The Court room and every avenue leading to it was densely crowded. The prosecution was conducted by three lawyers, named Anderson, Loomis and Lawrence. The defence was by Hillis, Morgan and Sheldon. The Commissioner adjourned the Court for half an hour, at about half-past 2 o'clock, P.M. The adjournment had no sooner been made, than a band of negroes and others seized the alleged fugitive, rescued him from the custody of the officers, and rushed down Water and Genessee streets, through Market Square, and down Water street to Lock street, over Lock street bridge, where he was caught by the officers and taken back to the police office of Justice House. Jerry was heavily handcuffed, which prevented his successful escape this time.

In the meantime, the crowd and excitement became intense; and the feeling gained upon the people, that the Fugitive Slave Law must not be executed in Syracuse. The military companies were ordered out by the Sheriff of the county, and got under arms, and prepared for action. Only one company, however, would leave their armory, and finally they went back, and the whole military of the city refused to aid and abet in carrying Jerry back into slavery. The Commissioner resumed the examination at 5 P.M., at the police office of Justice House. The crowd outside, unable to gain admittance, became more and more excited, and the noise and confusion frequently prevented the prosecution of the examination on the inside. Stones were thrown through the windows of the room, and the crowd exhibited certain other unmistakable signs that they were decidedly hostile to the Fugitive Slave Law. About 7 P.M., the crowd outside became more and more clamorous, and

stones, &c., becoming more and more frequent, the Commissioner decided, to adjourn the examination until tomorrow morning, at 8 o'clock.

This was announced to the crowd by Mr. Hillis, counsel for the prisoner, but the excitement could not be allayed. The officers in charge of the fugitive soon found it necessary to board up the windows, and in so doing, they got pretty well pelted. They next tried the effect of a few shots fired over the heads of the people, but it only increased the excitement. About 9 P.M., a desperate onslaught was made, and the doors and windows of the office were broken in, the lights extinguished, and the fugitive taken from the custody of the officers, and carried away to breathe freedom and liberty in the rural districts of our delightful country. So Mr. Webster's prophecy proves false, and the Fugitive Slave Law cannot be executed in Syracuse. The agent of the claimant at the final rescue jumped from the window of the police office, on the heel path of the canal, (or into the canal, I don't know which,) where he was caught by the crowd, but he claimed to be a line-boat passenger, and the crowd believed the story, and let him go. A barrel of tar and feathers had been provided for his accommodation, and were within a convenient distance, but he escaped them by his dexterous subterfuge. I understand the Marshal from Rochester had his arm broken in the melee at the last escape, and rumor is busy reporting other injuries, none, however, of a serious nature, and I have no faith in any of the reports. Some two or three persons fell from an awning into a cellar-way, and were somewhat injured. The appearance of the police office is rather dejected, and looks some as if it had stood pretty hard fire. The general sentiment was and is against the law and its execution; and one general congratulation is passing around the streets, and from mouth to mouth, at this final issue of the attempt to kidnap a human being in the 'Central City' of the Empire State.

G.B.

[October 2, 1851]

The chief movers in the crowd appeared to be negroes, although no one could be recognized in the darkness of the night, and amid the excitement and whirl of the occasion. No one was foremost in the rescue, no one did it, and I have seen no one of our citizens this morning so unfortunate in his opinions as to condemn the act. Indeed, congratulatory remarks and smiles prevail on every countenance. No sooner do two persons meet, than one begins to grin, and the other to say, 'Where's Jerry?' The one strong sentiment in the heart of the whole city is, that the Slave Law is wrong.

(b) from the *New York Express*: Lawlessness in Syracuse

Syracuse, in this State, is a city of salt; and if there be a city in this broad Union which especially lives, thrives, or *exists* on the Federal Government of the thirty-one United States, and upon the laws, it is this Syracuse, this city of salt, salt works, and salt boilers, and that surrounding country of farmers that feed these Syracusans.

In the first place, this Federal Republic—this Government of thirty-one States, fifteen of which are slaveholding—gives this Syracuse a protective duty of twenty per cent. *ad volorem* on every bushel of salt it makes. In 1850 the imports of salt into the United States were 11,224,185 bushels; and on every bushel of that salt, mainly to aid, strengthen, and support Syracuse and such like manufacturing places, the people of these United States, and slaveholding people among them, paid a duty of twenty per cent. *ad valorem.*

In the second place, the more to protect, build up, and make rich Syracuse and her salt-boilers, the State of New York levies a discriminating duty by tolls on her canals against all foreign salt, so that nearly a MONOPOLY of the sale of salt in the western and central parts of this State, and in the Lake States, is thus secured by protective LAW to Syracuse.

Nevertheless, now for some years this Syracuse has been the hot-bed of abolitionism, but especially so since the passage of the compromise bills of 1850; and one leading (so misnamed) Whig paper there, but more especially one (so called) clergyman, a Rev. Mr. May, have deliberately preached what inevitably led to the nullification of law by force. Hence, under such teachings, we have such scenes as are reported at Syracuse.

To rescue a *negro* man *against law*, a *white* man, acting *under the imperative obligations of law*, is maimed, having his right arm broken in two places!

Further comment is unnecessary. Every fact set forth above speaks trumpet-tongued for itself. All we have to add is, that beyond all question there is a very large majority of law-loving, law-abiding people in Syracuse who abhor all such enormous outrages as these. We know, of our own knowledge, at least thirty leading men there who abhor such things, if possible, more heartily than we do. Their only fault is, that they have not met the very beginnings of treason, when it was counselled in theory, with hearty fearless opposition, or that they have taken into their dwellings papers that preach treason, or endured in their pulpits preachers that represented it as of God, and godly.

Questions

1. Judging from the above accounts, who took the lead in rescuing Jerry?
2. Could this rescue have been successfully carried off *anywhere* in the North or was Syracuse special?

3. What accounts for the hostility of the *New York Express* editor toward the rescue? Which do you think was more reflective of public opinion in the North—the rescue itself, or this reaction to it?

13-11 The Crime Against Kansas (1856)

Charles Sumner

Born in Boston and educated at Harvard, Charles Sumner (1811–1874) entered the world of New England social reform in the 1840s and moved quickly into antislavery political activity after the organization of the Free-Soil Party in 1848. A political coalition of Free-Soilers and Democrats in Massachusetts sent Sumner to the U.S. Senate in 1851, replacing Daniel Webster, whose authorship of and support for the Compromise of 1850 and the Fugitive Slave Act outraged the growing antislavery sentiment in Massachusetts. Sumner's purpose in the Senate was first and foremost to fight the Slave Power, which he blamed for the outbreak of violence in Kansas (see text pp. 409–410). Sumner took the floor of the Senate over two days (May 19 and 20, 1856) to defend the free-soil settlers and denounce as barbarians the proslavery forces that were attempting to seize control of the territory. In the course of that speech, "The Crime against Kansas," Sumner made derogatory personal references to South Carolina's elderly senator Andrew Butler, who had recently suffered a stroke. Two days later Senator Butler's nephew, Representative Preston S. Brooks of South Carolina, severely beat Sumner with a cane. Brooks became a hero in South Carolina (see text p. 391). Sumner, revered as a martyr to the cause of freedom, won reelection to the Senate until he died.

Source: Charles Sumner: His Complete Works (Lee and Shepard, 1900; reprint, New York: Negro Universities Press edition, 1969), 5:125–126.

Mr. President,—You are now called to redress a great wrong. Seldom in the history of nations is such a question presented. Tariffs, army bills, navy bills, land bills, are important, and justly occupy your care; but these all belong to the course of ordinary legislation.... Far otherwise is it with the eminent question now before you, involving, as it does, Liberty in a broad Territory, and also involving the peace of the whole country, with our good name in history forevermore....

The wickedness which I now begin to expose is immeasurably aggravated by the motive which prompted it. Not in any common lust for power did this uncommon tragedy have its origin. It is the rape of a virgin Territory, compelling it to the hateful embrace of Slavery; and it may be clearly traced to a depraved desire for a new Slave State, hideous offspring of such a crime, in the hope of adding to the power of Slavery in the National Government. Yes, Sir, when the whole world alike ... is rising up to condemn this wrong ... here in our Republic, *force*—ay, Sir, FORCE—is openly employed in compelling Kansas to this pollution, and all for the sake of political power....

Before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from Senators who have raised themselves to eminence on this floor in championship of human wrong: I mean the Senator from South Carolina [Mr. Butler].... The Senator from South Carolina had read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him,—though polluted in the sight of the world, is chaste in his sight: I mean the harlot Slavery. For her his tongue is always profuse with words. Let her be impeached in character, or any proposition be made to shut her out from the extension of her wantonness, and no extravagance of manner or hardihood of assertion is then too great for this Senator....

I undertake, in the first place, to expose the CRIME AGAINST KANSAS, in origin and extent.... The debate [over the Kansas-Nebraska bill], which convulsed Congress, stirred the whole country. From all sides attention was directed upon Kansas, which at once became the favorite goal of emigration. The bill loudly declares that its object is "to leave the people perfectly free to form and regulate their domestic institutions in their own way"; and its supporters everywhere challenge the determination of the question between Freedom and Slavery by a competition of emigration.... The populous North, stung by sense of outrage, and inspired by a noble cause, are pouring into the debatable land, and promise soon to establish a supremacy of Freedom.

Then was conceived the consummation of the Crime against Kansas. What could not be accomplished peaceably was to be accomplished forcibly.... The violence, for some time threatened, broke forth on the 29th of November, 1854,

at the first election of a Delegate to Congress, when companies from Missouri, amounting to upwards of one thousand, crossed into Kansas, and with force and arms proceeded to vote for . . . the candidate of Slavery. . . . Five . . . times and more have these invaders entered Kansas in armed array, and thus five . . . times and more have they trampled upon the organic law of the Territory. These extraordinary expeditions are simply the extraordinary witnesses to successive, uninterrupted violence. . . . Border incursions, which in barbarous ages or barbarous lands fretted and harried an exposed people, are here renewed, with this peculiarity, that our border robbers do not simply levy blackmail and drive off a few cattle . . . they commit a succession of deeds in which . . . the whole Territory is enslaved.

Private griefs mingle their poignancy with public wrongs. I do not dwell on the anxieties of families exposed to sudden assault, and lying down to rest with the alarms of war ringing in the ears, not knowing that another day may be spared to them. . . . Our souls are wrung by individual instances. . . .

Thus was the Crime consummated. Slavery stands erect, clanking its chains on the Territory of Kansas, surrounded by a code of death, and trampling upon all cherished liberties. . . . Emerging from all the blackness of this Crime . . . I come now to the APOLOGIES which the Crime has found. . . .

With regret I come again upon the Senator from South Carolina [Butler. His speech slurred by a stroke, Butler had interjected critical comments on more than thirty occasions while Sumner spoke] who, omnipresent in this debate, overflows with rage at the simple suggestion that Kansas has applied for admission as a State, and, with incoherent phrase, discharges the loose expectoration of his speech, now upon her representative, and then upon her people. . . . [I]t is against the [free-soil majority in] . . . Kansas that sensibilities of the Senator are particularly aroused. . . .

The contest, which, beginning in Kansas, reaches us will be transferred soon from Congress to that broader stage, where every citizen is not only spectator, but actor; and to their judgment I confidently turn. To the people, about to exercise the electoral franchise, in choosing a Chief Magistrate of the Republic, I appeal, to vindicate the electoral franchise in Kansas. Let the ballot-box of the Union . . . protect the ballot-box in that Territory.

Questions

1. According to Sumner, why did the Slave Power no longer support the "popular sovereignty" solution to the question of the extension of slavery?
2. Read Sumner's comments about Senator Butler from the perspective of Representative Preston Brooks. How had Sumner challenged the honor of his uncle?
3. What was the political intent of Sumner's speech? Whom did he expect to agitate with his heated remarks? To what purpose?

13-12 The *Dred Scott* Decision (1857)

In his inaugural address on March 4, 1857, President James Buchanan announced that the constitutional issues associated with the struggle between proslavery and antislavery forces in Kansas would soon be "speedily and finally settled" by the judicial branch of the federal government. Two days later the Supreme Court announced its decision in the case of *Dred Scott v. Sandford*, which the Court had accepted for review in 1854. Scott had been the slave of Dr. John Emerson, a surgeon in the U.S. Army. While on active duty, Emerson had taken Scott to Illinois in 1834 and to the upper Louisiana Purchase territory in 1836 and then had returned to Missouri. Slavery had been excluded in Illinois by the Northwest Ordinance of 1787 and from the upper Louisiana Purchase territory by the Missouri Compromise of 1820. In his suit Scott claimed to have been freed by reason of his residence in free territory (see text p. 414). The Supreme Court's decision came in nine separate decisions, two in dissent. But it was the wide-ranging opinion of Chief Justice Roger B. Taney that was popularly considered the decision of the Court. Taney had been in correspondence with Buchanan before the president's inaugural address. In his decision Taney endeavored to provide a final settlement to the question of slavery.

Source: Dred Scott v. Sandford, 19 How. 393 (1857).

Chief Justice Taney delivered the opinion of the Court.

The question is simply this: Can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guarantied by that instrument to the citizen? One of which rights is the privilege of suing in a court of the United States in the cases specified in the constitution. . . .

The words "people of the United States" and "citizens" are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. They are what we familiarly call the "sovereign people," and every citizen is one of this people, and a constituent member of this sovereignty. The question before us is, whether the class of persons described in the plea in abatement compose a portion of this people, and are constituent members of this sovereignty? We think they are not, and that they are not included, and were not intended to be included, under the word "citizens" in the constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States. On the contrary, they were at that time considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them. . . .

In discussing this question, we must not confound the rights of citizenship which a State may confer within its own limits, and the rights of citizenship as a member of the Union. It does not by any means follow, because he [Scott] has all the rights and privileges of a citizen of a State, that he must be a citizen of the United States. He may have all of the rights and privileges of the citizen of a State, and yet not be entitled to the rights and privileges of a citizen in any other State. For, previous to the adoption of the constitution of the United States, every State had the undoubted right to confer on whomsoever it pleased the character of citizen, and to endow him with all its rights. But this character of course was confined to the boundaries of the State, and gave him no rights or privileges in other States beyond those secured to him by the laws of nations and the comity of States. Nor have the several States surrendered the power of conferring these rights and privileges by adopting the constitution of the United States. . . .

It is very clear, therefore, that no State can, by any act or law of its own, passed since the adoption of the constitution, introduce a new member into the political community created by the constitution of the United States. It cannot make him a member of this community by making him a member of its own. And for the same reason it cannot introduce any person, or description of persons, who were not intended to be embraced in this new political family, which the constitution brought into existence, but were intended to be excluded from it.

The question then arises, whether the provisions of the constitution, in relation to the personal rights and privileges to which the citizen of a State should be entitled, embraced the negro African race, at that time in this country, or who might afterwards be imported, who had then or should afterwards be made free in any State; and to put it in the power of a single State to make him a citizen of the United States, and endue him with the full rights of citizenship in every other State without their consent? Does the constitution of the United States act upon him whenever he shall be made free under the laws of a State, and raised there to the rank of a citizen, and immediately clothe him with all the privileges of a citizen in every other State, and in its own courts?

In the opinion of the court, the legislation and histories of the times, and the language used in the declaration of independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument. . . .

It is too clear for dispute, that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration; for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the declaration of independence would have been utterly and flagrantly inconsistent with the principles they asserted; and instead of the sympathy of mankind, to which they so confidently appealed, they would have deserved and received universal rebuke and reprobation.

We proceed . . . to inquire whether the facts relied on by the plaintiff entitled him to his freedom. . . .

The act of Congress, upon which the plaintiff relies, declares that slavery and involuntary servitude, except as a punishment for crime, shall be forever prohibited in all that part of the territory ceded by France, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude and not included within the limits of Missouri. And the difficulty which meets us at the threshold of this part of the inquiry is whether Congress was authorized to pass this law under any of the powers granted to it by the Constitution; for, if the authority is not given by that instrument, it is the duty of this Court to declare it void and inoperative and incapable of conferring freedom upon anyone who is held as a slave under the laws of any one of the states.

The counsel for the plaintiff has laid much stress upon that article in the Constitution which confers on Congress the power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States"; but, in the judgment of the Court, that provision has no bearing on the present controversy, and the power there given, whatever it may be, is confined, and was intended to be confined, to the territory which at that time

belonged to, or was claimed by, the United States and was within their boundaries as settled by the [1783] treaty with Great Britain and can have no influence upon a territory afterward acquired from a foreign government. It was a special provision for a known and particular territory, and to meet a present emergency, and nothing more. . . .

. . . It may be safely assumed that citizens of the United States who migrate to a territory belonging to the people of the United States cannot be ruled as mere colonists, dependent upon the will of the general government, and to be governed by any laws it may think proper to impose. The principle upon which our governments rest, and upon which alone they continue to exist, is the union of states, sovereign and independent within their own limits in their internal and domestic concerns, and bound together as one people by a general government, possessing certain enumerated and restricted powers, delegated to it by the people of the several states, and exercising supreme authority within the scope of the powers granted to it, throughout the dominion of the United States. A power, therefore, in the general government to obtain and hold colonies and dependent territories, over which they might legislate without restriction, would be inconsistent with its own existence in its present form. Whatever it acquires, it acquires for the benefit of the people of the several states who created it. It is their trustee acting for them and charged with the duty of promoting the interests of the whole people of the Union in the exercise of the powers specifically granted. . . .

But the power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of government. The powers of the government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself. And, when the territory becomes a part of the United States, the federal government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereignty. . . .

Upon these considerations it is the opinion of the Court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned is not warranted by the Constitution and is therefore void; and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory; even if they had been carried there by the owner with the intention of becoming a permanent resident.

Questions

1. What did the Court decide about whether a slave had standing to sue in a federal court?
2. If the Court lacked jurisdiction, why do you think Chief Justice Taney went ahead and dealt with the merits? Why did he not just say: "This Court lacks jurisdiction; case dismissed"?
3. What status did Taney say slaves enjoyed at the time the Constitution was adopted?

Questions for Further Thought

1. The passage of the Fugitive Slave Act in 1850 (Document 13-8) and the Supreme Court's 1857 *Dred Scott* decision (Document 13-12) had disturbing implications for Salmon Chase's argument (Document 13-5) about the relationship of the federal government to slavery. In what ways did antislavery forces respond to these reverses?
2. In the debate over the status of slavery in the territories, all sides appealed to the Constitution as legitimizing the validity of their position. From your reading of Documents 13-8 through 13-12 as well as Documents 13-5 and 13-6, what were the specific constitutional issues in question, and how did the different participants in the debate argue their case?
3. Do you think that by the 1850s, northerners like Chase (Document 13-5) and Sumner (Document 13-11) and southerners like Calhoun (Document 13-6) and Taney (Document 13-12) were able to understand one another's positions concerning slavery? Had the political debate in the United States become so polarized that rational discussion on the topic of slavery was impossible?

Abraham Lincoln and the Republican Triumph, 1858–1860

By 1858 the Republican Party had effectively become the major vehicle of opposition to the still-dominant Democrats, supplanting the Whigs and the short-lived, anti-immigrant American ("Know-Nothing") Party. The Republicans, though, were an exclusively northern party; indeed, by building its appeal around opposition to the Slave Power, the Republican Party was as much antisouthern as antislavery. The Democratic Party, on the other hand, spanned the two sections; while southerners dominated its councils and the administration of President James Buchanan, the party retained considerable northern support. Its foremost figure was Senator Stephen A. Douglas of Illinois, the champion of popular sovereignty in Kansas and Nebraska.

In 1858, though, Douglas was challenged for reelection by a prominent Republican lawyer, Abraham Lincoln. Though born poor and largely self-educated, Lincoln was a brilliant debater, and in his celebrated joint appearances with Douglas demonstrated that popular sovereignty was unworkable (Document 13-13). While he won reelection, Douglas's efforts to straddle the sections only excited suspicion of him in both North and South. Southerners were further inflamed the following year when a notorious antislavery bushwhacker from "Bleeding Kansas," John Brown, hoping to foment a slave revolt, launched a private invasion of Virginia (Document 13-14). Brown's character and even his sanity soon became matters of dispute; however, the action he took was almost universally celebrated among abolitionists (Document 13-15).

Southern disaffection with Douglas, and Douglas's increasing resistance to southern demands, led to a split in the Democratic Party in 1860. In the meantime, the Republican Party built a strong coalition tying its crusade against the Slave Power to a number of positive programs that it argued would benefit ordinary white northerners. Behind Lincoln, their standard-bearer, the Republicans received less than 40 percent of the vote in the 1860 elections. But with the Democrats in disarray, and with strong Republican majorities in the populous free states, they gained a majority of electoral votes. For the first time in the history of the Republic, a presidential election had been won solely with the votes of one section, by a party whose core principle was hostility to the other section. The final conflict was now at hand.

13-13 The Lincoln–Douglas Debates (1858)

Stephen Douglas had tried to finesse the issue of slavery in the territories with his theory of popular sovereignty, by which the people could decide. But the *Dred Scott* decision seemed to cut the ground from under his argument. When Lincoln and Douglas ran for the Senate in 1858, they engaged in a series of debates (see text p. 416). At Freeport, Lincoln put the issue to him squarely, and Douglas attempted to resolve the seeming inconsistencies between the Court's ruling and his own political views.

Source: From Alonzo T. Jones, ed., *Political Speeches and Debates of Abraham Lincoln and Stephen A. Douglas, 1854–1861* (Battle Creek, MI, 1895).

LINCOLN'S OPENING SPEECH

As to the first one, in regard to the fugitive slave law, I have never hesitated to say, and I do not now hesitate to say, that I think, under the Constitution of the United States, the people of the southern states are entitled to a congressional fugitive slave law. Having said that, I have had nothing to say in regard to the existing fugitive slave law further than that I think it should have been framed so as to be free from some of the objections that pertain to it, without lessening its efficiency. And inasmuch as we are not now in an agitation in

regard to an alteration or modification of that law, I would not be the man to introduce it as a new subject of agitation upon the general question of slavery.

In regard to the other question of whether I am pledged to the admission of any more slave states into the Union, I state to you very frankly that I would be exceedingly sorry ever to be put in a position of having to pass upon that question. I should be exceedingly glad to know that there would never be another slave state admitted into the Union; . . . but I must add, that if slavery shall be kept out of the territories during the territorial existence of any one given territory, and then the people shall, having a fair chance and a clear field, when they come to adopt the constitution, do such an extraordinary thing as to adopt a slave constitution, uninfluenced by the actual presence of the institution among them, I see no alternative, if we own the country, but to admit them into the Union. . . .

The fourth one is in regard to the abolition of slavery in the District of Columbia. In relation to that, I have my mind very distinctly made up. I should be exceedingly glad to see slavery abolished in the District of Columbia. . . . I believe that Congress possesses the constitutional power to abolish it. Yet as a member of Congress, I should not with my present views, be in favor of *endeavoring* to abolish slavery in the District of Columbia, unless it would be upon these conditions. *First*, that the abolition should be gradual. *Second*, that it should be on a vote of the majority of qualified voters in the District, and *third*, that compensation should be made to unwilling owners. With these three conditions, I confess I would be exceedingly glad to see Congress abolish slavery in the District of Columbia, and, in the language of Henry Clay, "sweep from our Capital that foul blot upon our nation." . . .

My answer as to whether I desire that slavery should be prohibited in all the territories of the United States is full and explicit within itself, and cannot be made clearer by any comments of mine. So I suppose in regard to the question of whether I am opposed to the acquisition of any more territory unless slavery is first prohibited therein, my answer is such that I could add nothing by way of illustration, or making myself better understood, than the answer which I have placed in writing. . . .

I now proceed to propound to the Judge the interrogatories, as far as I have framed them. . . . The first one is—

Question 1. If the people of Kansas shall, by means entirely unobjectionable in all other respects, adopt a state constitution, and ask admission into the Union under it, *before* they have the requisite number of inhabitants according to the English Bill—some ninety-three thousand—will you vote to admit them? . . .

Q. 2. Can the people of a United States territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a state constitution? . . .

Q. 3. If the Supreme Court of the United States shall decide that states can not exclude slavery from their limits, are you in favor of acquiescing in, adopting and following such decision as a rule of political action? . . .

Q. 4. Are you in favor of acquiring additional territory, in disregard of how such acquisition may affect the nation on the slavery question? . . .

DOUGLAS'S REPLY

In a few moments I will proceed to review the answers which he has given to these interrogatories; but in order to relieve his anxiety I will first respond to those which he has presented to me. . . .

First, he desires to know if the people of Kansas shall form a constitution by means entirely proper and unobjectionable and ask admission into the Union as a state, before they have the requisite population for a member of Congress, whether I will vote for that admission. . . . In reference to Kansas; it is my opinion, that as she has population enough to constitute a slave state, she has people enough for a free state. . . . I will not make Kansas an exceptional case to the other states of the Union. ("Sound," and "hear, hear.") I hold it to be a sound rule of universal application to require a territory to contain the requisite population for a member of Congress, before it is admitted as a state into the Union. I made that proposition in the Senate in 1856, and I renewed it during the last session, in a bill providing that no territory of the United States should form a constitution and apply for admission until it had the requisite population. . . .

The next question propounded to me by Mr. Lincoln is, can the people of a territory in any lawful way against the wishes of any citizen of the United States; [*sic*] exclude slavery from their limits prior to the formation of a state constitution? I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a territory can, by lawful means, exclude slavery from their limits prior to the formation of a state constitution. . . . Mr. Lincoln knew that I had answered that question over and over again. He heard me argue the Nebraska Bill on that principle all over the state in 1854, in 1855 and in 1856, and he has no excuse for pretending to be in doubt as to my position on that question. It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a territory under the Constitution, the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations. . . . Those police regulations can only be established by the local legislature, and if the people are opposed to slavery they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be

on that abstract question, still the right of the people to make a slave territory or a free territory is perfect and complete under the Nebraska Bill. I hope Mr. Lincoln deems my answer satisfactory on that point. . . .

The third question which Mr. Lincoln presented is, if the Supreme Court of the United States shall decide that a state of this Union cannot exclude slavery from its own limits will I submit to it? I am amazed that Lincoln should ask such a question. . . . Yes, a school boy does know better. Mr. Lincoln's object is to cast an imputation upon the Supreme Court. He knows that there never was but one man in America, claiming any degree of intelligence or decency, who ever for a moment pretended such a thing. It is true that the Washington *Union*, in an article published on the 17th of last December, did put forth that doctrine, and I denounced the article on the floor of the Senate. . . .

The fourth question of Mr. Lincoln is, are you in favor of acquiring additional territory in disregard as to how such acquisition may affect the Union on the slavery question. This question is very ingeniously and cunningly put. . . .

The Black Republican creed lays it down expressly, that under no circumstances shall we acquire any more territory unless slavery is first prohibited in the country. I ask Mr. Lincoln whether he is in favor of that proposition. Are you (addressing Mr. Lincoln) opposed to the acquisition of any more territory, under any circumstances, unless slavery is prohibited in it? That he does not like to answer. When I ask him whether he stands up to that article in the platform of his party, he turns, Yankee-fashion, and without answering it, asks me whether I am in favor of acquiring territory without regard to how it may affect the Union on the slavery question. . . . I answer that whenever it becomes necessary, in our growth and progress to acquire more territory, that I am in favor of it, without reference to the question of slavery, and when we have acquired it, I will leave the people free to do as they please, either to make it slave or free territory, as they prefer. . . . It is idle to tell me or you that we have territory enough. Our fathers supposed that we had enough when our territory extended to the Mississippi River, but a few years' growth and expansion satisfied them that we needed more, and the Louisiana territory, from the west branch of the Mississippi, to the British possessions, was acquired. Then we acquired Oregon, then California and New Mexico. We have enough now for the present, but this is a young and a growing nation. It swarms as often as a hive of bees, and as new swarms are turned out each year, there must be hives in which they can gather and make their honey.

Questions

1. Which speaker in this exchange do you think was more consistent in his arguments? Why?
2. Does it seem that Lincoln was speaking primarily to one part of the country, and Douglas to the other? Explain.
3. Did Lincoln oppose slavery completely? If not, what was his position?

13-14 The Trial of John Brown (1859)

Lincoln and the Republicans tried to reassure the South that they did not want to disturb slavery where it existed but only to halt its spread. Then came John Brown's attempt to raid the government arsenal at Harpers Ferry and trigger a massive slave rebellion (see text p. 416). Although Republican leaders disavowed his action, private letters showed that he had had support from prominent abolitionists. Brown was tried and convicted of treason, and his statement before sentencing has become a classic. He was hanged on December 2, 1859, and abolitionists, as Emerson said, now had a "new saint." Slaveholders blamed Republican ideas for the raid and more than ever feared a Republican presidential victory.

Source: The Life, Trial and Execution of Captain John Brown . . . (New York: R. M. DeWitt, 1859), 94–95.

The clerk then asked Mr. Brown whether he had anything to say why sentence should not be pronounced upon him.

Mr. Brown immediately rose, and in a clear, distinct voice, said:

> I have, may it please the Court, a few words to say. In the first place, I deny everything but what I have all along admitted, of a design on my part to free slaves. I intended certainly to have made a clean thing of that matter, as I did last winter when I went into Missouri, and there took slaves without the snapping of a gun on either side, moving them through the country, and finally leaving them in Canada. I designed to have done the same thing again on a larger scale. That was all I intended to do. I never did intend murder or treason, or the destruction of property, or to excite or incite the slaves to rebellion, or to make insurrection. I have another objection, and that is that it is unjust that I should suffer such a penalty. Had I interfered in the manner which I admit, and which I admit has been fairly proved—for I admire the truthfulness and candor of the greater portion of the witnesses who have testified in this case—had I so interfered in behalf of the rich, the powerful, the intelligent, the so-called great, or in behalf of any of their friends, either father, mother, brother, sister, wife, or children, or any of that class, and suffered and sacrificed what I have in this interference, it would have been all right, and every man in this Court would have deemed it an act worthy of reward rather than punishment. This Court acknowledges, too, as I suppose, the validity of the law of God. I see a book kissed, which I suppose to be the Bible, or at least the New Testament, which teaches me that all things whatsoever I would that men should do to me, I should do even so to them. It teaches me further to remember them that are in bonds as bound with them. I endeavored to act up to that instruction. I say I am yet too young to understand that God is any respecter of persons. I believe that to have interfered as I have done, as I have always freely admitted I have done in behalf of His despised poor, is no wrong, but right. Now, if it is deemed necessary that I should forfeit my life for the furtherance of the ends of justice, and mingle my blood further with the blood of my children and with the blood of millions in this slave country whose rights are disregarded by wicked, cruel, and unjust enactments, I say let it be done. Let me say one word further. I feel entirely satisfied with the treatment I have received on my trial. Considering all the circumstances, it has been more generous than I expected. But I feel no consciousness of guilt. I have stated from the first what was my intention, and what was not. I never had any design against the liberty of any person, nor any disposition to commit treason or excite slaves to rebel or make any general insurrection. I never encouraged any man to do so, but always discouraged any idea of that kind. Let me say also in regard to statements made by some of those who were connected with me, I fear it has been stated by some of them that I have induced them to join me, but the contrary is true. I do not say this to injure them, but as regretting their weakness. Not one but joined me of his own accord, and the greater part at their own expense. A number of them I never saw, and never had a word of conversation with till the day they came to me, and that was for the purpose I have stated. Now, I am done.

While Mr. Brown was speaking, perfect quiet prevailed, and when he had finished the Judge proceeded to pronounce sentence upon him. After a few primary remarks, he said, that no reasonable doubt could exist of the guilt of the prisoner, and sentenced him to be hung in public, on Friday, the 2d of December next.

Mr. Brown received his sentence with composure.

Questions

1. Do you think Brown really meant to free so many slaves without firing a shot? If so, why did he seize the arsenal?
2. Was Brown making a legal argument, or was he appealing to a "higher authority"?
3. Does it appear to you that Brown was seeking martyrdom? Why or why not?

13-15 Letter to His Parents (1859)

John A. Copeland Jr.

Five black men were with John Brown at Harpers Ferry in October 1859 (see text p. 416). One of the two taken captive, and nearly lynched before he could be tried for murder, conspiracy, and treason, was John A. Copeland Jr. a twenty-three-year-old Oberlin

College student who had once been jailed in Ohio for violating the fugitive slave law when he assisted in liberating a runaway from two slave catchers. There was little doubt about the outcome of Copeland's trial in Charlestown, Virginia. After Brown's conviction in a separate trial, the jury quickly found Copeland guilty of murder and conspiracy—the charge of treason having earlier been dropped by the prosecution—and the judge sentenced him to be hanged. Among the last letters written by Copeland prior to his execution on December 16 was the following to his parents.

Source: Excerpt from *The Black Abolitionist Papers*, ed. C. Peter Ripley, et al. (Chapel Hill: University of North Carolina Press, 1992), 5:43, 45. Used by permission of the publisher.

Charlesto[w]n, V[irgini]a
Nov[ember] 26, [18]59

Dear father & mother:

I now take my pen to address you for the first time since I have been in the situation that I am now in. My silence has not been occasioned by my want of love for you but because I wished to wait & find what my doom would be. I am well at this time & as happy as it is possible to be under the circumstances. I received your kind and affectionate letter, which brought much consolation to me, & the advice that you have therein given me. I thank God I can say I have accepted, & I have found that consolation which can only be found by accepting & obeying such advice.

Dear father & mother, happy am I that I can now truthfully say that I have sought the Holy Bible & have found that everlasting Life in its holy advice, which man can from no other source obtain. Yes, I have now in the eleventh hour sought for & obtained that forgiveness from my God, whose kindness I have outraged nearly all my life.

Dear Parents, my fate so far as man can seal it, is sealed, but let not this fact occasion you any misery; for remember the cause in which I was engaged; remember it was a holy cause, one in which men in every way better than I am, have suffered & died. Remember that if I must die, I die in trying to liberate a few of my poor & oppressed people from a condition of servitude against which God in his word has hurled his most bitter denunciations, a cause in which men, who though removed from its direct injurious effects by the color of their faces have already lost their lives, & more yet must meet the fate which man has decided I must meet. If die I must, I shall try to meet my fate as a man who can suffer in the glorious cause in which I have been engaged, without a groan, & meet my Maker in heaven as a christian man who through the saving grace of God has made his peace with Him.

Dear Parents, dear bros & sisters; miserable indeed would I be if I were confined in this jail awaiting the execution of the law for committing a foul crime; but this not being the case, I must say (though I know you all will feel deeply the fate I am to meet), that I feel more deeply on ac-c't of the necessity of myself or any other man having to suffer by the existence of slavery, than from the mere fact of having to die. It is true I should like to see you all once more on the earth, but God wills otherwise. Therefore I am content, for most certainly do I believe that God wills everything for the best good, not only of those who have to suffer directly, but of all, & this being the case I beg of you not to grieve about me. Now dear Parents I beg your forgiveness for every wrong I have done you, for I know that I have not at all times treated you as I ought to have done. Remember me while I shall live & forget me not when I am no longer in this world. Give my love to all friends. There are some little matters that I would give most anything to have settled & made right. There have been misrepresentations of things which I have said; & if I can I shall correct them.

Oh brothers, I pray you may never have to suffer as I shall have to do: stay at home contentedly, make your home happy not only to yourselves but to all with whom you may be connected.

Dear Brothers & sisters, love one another, make each other happy, love, serve & obey your God, & meet me in heaven. Now, dear father & mother, I will close this last—or at present I think last letter—I shall have the pleasure of writing to you.

Good-bye Mother & Father, Goodbye brothers & sisters, & by the assistance of God, meet me in heaven. I remain your most affectionate son,

John A. Copeland

Questions

1. Southerners and Northerners reacted differently to John Brown's raid and execution (see text pp. 416–417). How might they have responded to Copeland's participation and fate? Would their feelings have been more or less intense?
2. Compare Copeland's justification of his actions with the antislavery sentiments of Frederick Douglass (see text p. 403). In what ways were they similar? Dissimilar?

3. Compare Copeland's views with those of the leaders of the American Anti-Slavery Society (see text pp. 351–354). Would they have approved of his condemnation of slavery? Would they have approved of the actions he took against the institution?

Questions for Further Thought

1. From a political standpoint, why was Lincoln's election to the presidency in 1860 so threatening to southerners? If Calhoun (Document 13-6) had lived to witness the election, do you think that he would have seen the Republican victory as confirming his fear of the permanent inferiority of southerners within the Union? If so, why?
2. A school of historical thought has held that the slave plantation system was approaching its natural geographic limits by the 1850s, and it would not have become important in the western territories even if it had had free rein there. If so, what was the fuss about?
3. Whether in Thomas Jefferson's drafting of the Declaration of Independence, the debates at the Constitutional Convention, the Missouri Compromise (1820), or the Compromise of 1850, Americans in the North, South, and West had continually compromised on the issue of slavery to save the Union. Why, by 1860, had compromise for the Union become impossible?