AN OUTLINE OF THE 1850s, THE BREAKDOWN OF COMPROMISE, AND THE COMING OF THE WAR

The Fugitive Slave Act
- The Fugitive Slave Clause
  - Found in Article IV, Section 2 of the Constitution
  - Stated that “No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.”
  - Prior to 1850, northern states could interfere in the return of fugitive slaves by requiring jury trials for alleged fugitive slaves and other safeguards, as specified in northern states’ “personal liberty laws”
- The 1850 Fugitive Slave Act, passed as part of the Compromise of 1850, allowed slaveowners and their agents (slavecatchers) to claim fugitives in proceedings before federal commissioners
  - federal marshals must arrest alleged slaves on ex parte claim of master
  - alleged fugitive could not testify on his own behalf
  - alleged fugitive had no right to jury trial
  - commissioners were awarded $10 for finding that the alleged fugitive was a slave and returning him to his owner
  - commissioners were awarded only $5 for finding that the alleged fugitive was a free black and setting him free
  - state interference in this process was rendered more difficult
- The 1850 Fugitive Slave Act resulted in an Northern outcry against it and greatly aided the abolitionist cause

1852: Uncle Tom’s Cabin
- A novel published in 1852 by abolitionist Harriet Beecher Stowe
  - Sensationalized the plight of runaway slaves under the Fugitive Slave Act of 1852 as well as other slaves
  - Villified slavery more than southerners (Simon Legree, an abusive Louisiana slaveowner who is one of the novel’s biggest villians, is originally from the North).
  - Also established black stereotypes (mammies, pickaninnies, etc.)
  - Sold hundreds of thousands of copies (rivalled only by the sale of Bibles) and greatly influenced northern public opinion against slavery
The Collapse of National Institutions
- Religious splits
  - Protestantism
    - 1845, northern and southern Methodists split over the issue of slavery into separate denominations
    - 1845, northern and southern Baptists split over the issue of slavery into separate denominations
  - Catholicism
    - 1839, Pope Pope Gregory XVI denounces slavery and the slave trade in the papal bull In Supremo Apostolatus
    - Southern Catholics (principally in Maryland) downplay or ignore the denunciation
    - Northern Catholics tended to be antislavery or even abolitionist
- The Collapse of the Whig Party, 1852-1856
  - Greatly weakened by an internal split on the slavery issue
  - Had dispensed little patronage (i.e., spoils system) due to having elected only a few presidents
  - Major leaders (Webster and Clay) were dead by early 1850s
  - Lost by a huge margin to the Democratic candidate (Franklin Pierce) in the election of 1852
  - Effectively gone by 1856
  - The death of the Whig party leaves the Democratic Party as the only national political institution in the United States

1854: The Kansas-Nebraska Act
- Sponsored by Democrat Stephen A. Douglas of Illinois
- Designed to help bring about the construction of a transcontinental railroad from the Atlantic to California
- Repeals the Missouri Compromise Line of 36°30′
- Organizes two new territories: Kansas and Nebraska
- Applies principle of popular sovereignty to the new territories
- Results:
  - Denounced by antislave forces as a capitulation to slavery since it allowed slavery into an area north of 36°30′
  - Led to a stampede of proslavery forces into Kansas
  - Brought about a bloody war between free soil and proslavery factions in Kansas (“Bleeding Kansas”) that would continue until Appomattox, ten years later
The Brooks-Sumner Affair, 1856
- Senator Charles Sumner, an abolitionist from Massachusetts, defies senatorial courtesy and grossly insults the absent Senator Andrew Pickens Butler of South Carolina
  - Sumner states that Butler “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.”
  - This statement is an insinuation that Butler rapes his slaves
  - Sumner also makes fun of the elderly Butler’s speech infirmity/drooling
  - Butler’s nephew, South Carolina Representative Preston Brooks, responds by beating Sumner unconscious with a cane in the Senate chamber while another South Carolina representative covers him with a pistol to prevent interference from other senators
  - Brooks later stated that a duel wouldn’t have been fitting since Sumner was no gentleman
  - The Brooks-Sumner affair shows the dangerous increase of hostility over the slavery issue and the decreasing likelihood of compromise; afterwards many congressmen regularly arm themselves

John Brown
- A violent abolitionist
- Possibly mentally unstable; certainly a zealot
- Pottawatomie Massacre, 1856
  - Brown and his party kill five proslavery men in Kansas with broadswords as part of a terrorist campaign

1854-56: The Rise of the Republican Party
- Begins forming by 1854
- The direct ancestor of today’s Republican Party
- Formed by antislavery former Whigs and free soil Democrats in response to the Kansas-Nebraska Act
- Major unifying idea is opposition to slavery, ranging from antislave to all-out abolitionist
- Also tends to have whiggish/Hamiltonian ideas, but, this is secondary to its position on slavery
- Is greatly strengthened by events relating to Bleeding Kansas
- Unlike the Democratic Party, it is NOT a national party: is purely sectional, being limited to the north and northwest; it has no support in the slaveholding South
Nevertheless, does very respectably in the 1856 elections, barely two years after its formation
• Seen as a major threat by the South because of its antislavery position

1857: The Dred Scott Case (Scott v. Sandford, (1857))
• One of the most notorious Supreme Court decisions in history
• Dred Scott, a slave, was taken by his master north of 36°30′ prior to the repeal of the Missouri Compromise
• Scott later files lawsuit, claiming that going to a place where Congress had outlawed slavery had made him free
• The Supreme Court retroactively sides with Scott’s master
  • The Court retroactively declares the Missouri Compromise to have been unconstitutional because it illegally denied slaveowner’s property rights
  • The Court states that blacks have “no rights which the white man [is] bound to respect”
  • The Court thus indicates that Congress can never ban slavery in the territories—apparently a massive victory for the South

1858: The Lincoln-Douglas Debates
• A series of debates that take place during a race in Illinois for the U.S. Senate, 1858
• Candidates are:
  • Democrat Stephen A. Douglas, the country’s best-known politician, and
  • Abraham Lincoln, a Republican who isn’t very well-known
• The Dred Scott ruling becomes a centerpiece of the debates
• Douglas, hoping to be elected president in 1860, has to find a position on slavery in the territories that both northern and southern Democrats will accept
  • Waffles by arguing that just because Dred Scott prevents Congress from outlawing slavery in the territories doesn’t mean that local communities in the territories must pass pro-slavery laws (the Freeport Doctrine)
• Lincoln, on the other hand, states clearly and simply that the Supreme Court wrongly decided the Dred Scott case and that slavery itself is wrong
• Lincoln loses the race, but the debates turn him into a major national figure and leading antislavery/Republican spokesman

1859: John Brown’s Raid on Harpers Ferry
• Backed in secret by several prominent and respectable abolitionists, Brown and a small band of followers attacks a federal government arsenal in Harpers Ferry, Virginia (today West Virginia)
Brown believes that when word of the raid spreads, blacks will flock to Harpers Ferry, arm themselves, and begin a slave revolt/war of black liberation
- The slave uprising doesn’t occur
- Closest U.S. military forces, based in Washington, U.S. marines, commanded by U.S. army officers Robert E. Lee and J.E.B. Stuart, go to Harpers Ferry and capture Brown’s party
- About 20 deaths and 10 injuries
- Brown tried, convicted, and hanged by Virginia for treason
  - During his trial, Brown appears sane and reasonable, scaring white southerners into believing that the entire north is made up of Browns
  - Some abolitionists praise Brown
    - E.g., Ralph Waldo Emerson calls Brown “the new saint awaiting his martyrdom, and who, if he shall suffer, will make the gallows glorious like the cross.”
    - This reaction further scares the South into believing that huge numbers of northern whites support forcible abolition and even race war
  - In response to the raid, southern militia units begin drilling much more seriously: this is the beginning of the Confederate army

The presidential election of 1860
- The most important election in American history
- Will see the breakdown of compromise and the splitting of the Democratic Party, the last remaining national political institution
- Democratic National Convention, Charleston, South Carolina, summer 1860
  - Douglas seeks the nomination
  - Southern Democrats:
    - See Douglas’s Freeport Doctrine as waffling on Dred Scott
    - Demand a proslavery platform plank explicitly endorsing Dred Scott
  - Northern Democrats:
    - Refuse to accept a proslavery platform plank
    - Result: Southern Democrats walk out of the convention
  - Northern Democrats adjourn and later reconvene in Baltimore, where they nominate Douglas
  - Southern Democrats nominate their own candidate, Kentucky Senator John C. Beckinridge, with an explicit proslavery platform
  - Republicans nominate Lincoln with an explicit antislave platform
    - Lincoln remains silent during campaign, leading southern whites to imagine/fear the worst about him (i.e. that he will prove to be another John Brown)
  - A “third party,” the Constitutional Union Party, nominates John Bell of Tennessee with a plea for compromise to save the Union
• Results:
  • Lincoln wins
  • Republican victory is due to Democratic split and decreased Democratic turnout
  • Lincoln doesn’t get a single vote in the southern states; is not even on the ballot in most of them
  • The election signals to the southern states that antislavery forces have achieved dominance in the federal government and that secession is now the only way to protect slavery
  • South Carolina passes ordinance of secession in December 1860; other states of the Deep South secede in the following weeks