



SECTION  
1

# The Divisive Politics of Slavery

## MAIN IDEA

Disagreements over slavery heightened regional tensions and led to the breakup of the Union.

## WHY IT MATTERS NOW

The modern Democratic and Republican parties emerged from the political tensions of the mid-19th century.

## Terms & Names

- secession
- popular sovereignty
- Underground Railroad
- Harriet Tubman
- Harriet Beecher Stowe
- Franklin Pierce
- Dred Scott
- Stephen Douglas
- Abraham Lincoln
- Confederacy
- Jefferson Davis

## One American's Story

Senator John C. Calhoun was a sick man, too sick to deliver his speech to the Senate. On March 4, 1850, Calhoun asked Senator James M. Mason of Virginia to read his speech for him.

### A PERSONAL VOICE JOHN C. CALHOUN

**“I have, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. . . . The agitation has been permitted to proceed . . . until it has reached a period when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that can ever come under your consideration: How can the Union be preserved?”**

—quoted in *The Compromise of 1850*

As Senator Calhoun and other Southern legislators demanded the expansion of slavery, Northerners just as vehemently called for its abolition. Once again, the issue of slavery was deepening the gulf between the North and the South.



John C. Calhoun

## Differences Between North and South

Over the centuries, the Northern and Southern sections of the United States had developed into two very different cultural and economic regions. The distinction between North and South had its roots in the early 17th century, when British colonists began settling Virginia in the South and Massachusetts in the North. Along with differences in geography and climate, the two regions were noticeably dissimilar in their religious and cultural traditions. However, it was the Southern dependence on the “peculiar institution” of slavery that increased tensions between the regions and that eventually brought them into conflict.

## MAIN IDEA

### Developing Historical Perspective

**A** Why did Southerners want to increase the number of slave states?

The South, with its plantation economy, had come to rely on an enslaved labor force. The North, with its diversified industries, was less dependent on slavery. As the North industrialized, Northern opposition to slavery grew more intense. The controversy over slavery only worsened as new territories and states were admitted to the union. Supporters of slavery saw an opportunity to create more slave states, while opponents remained equally determined that slavery should not spread. **A**

## Slavery in the Territories

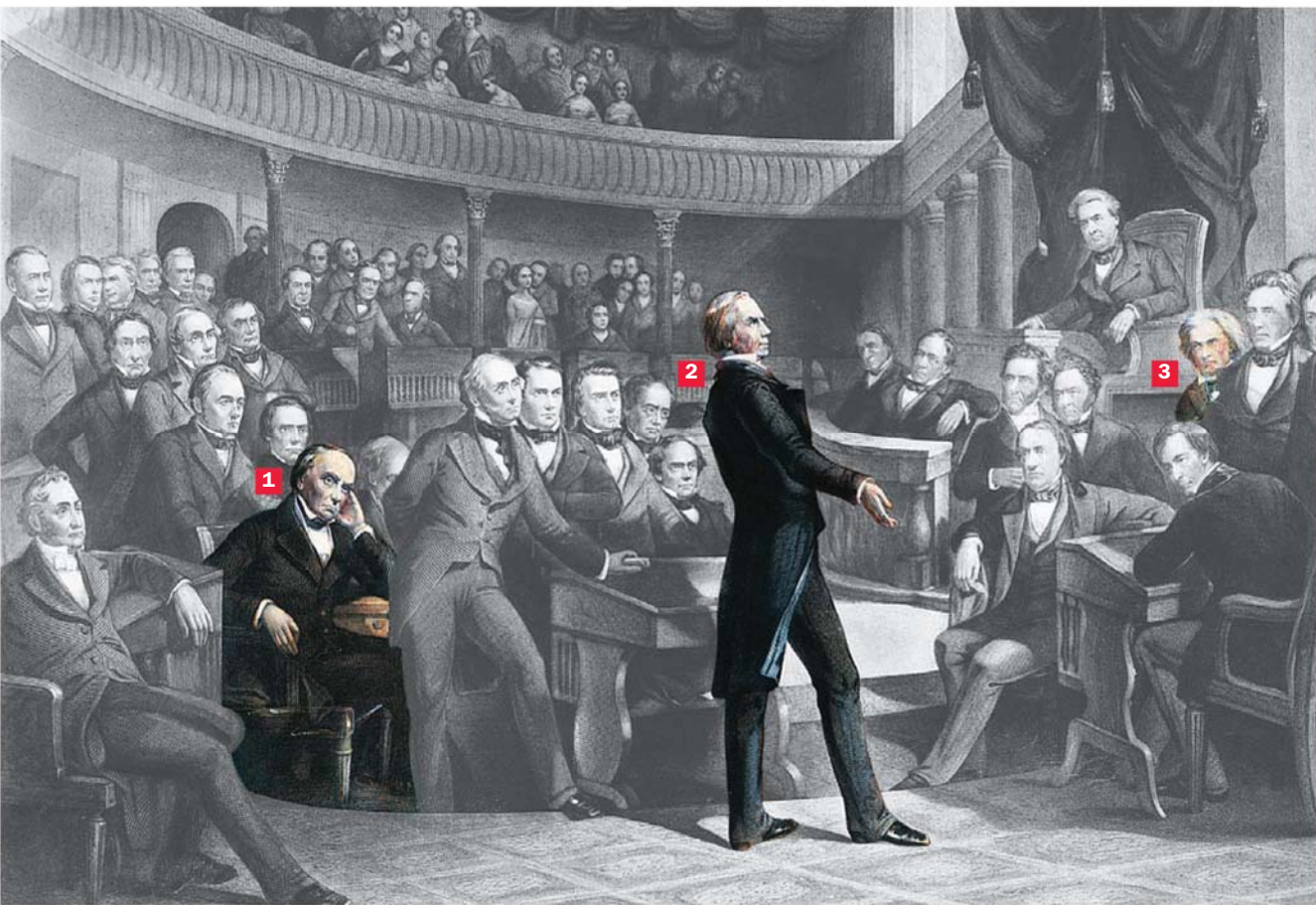
The issue of slavery in California and in the western territories led to heated debates in the halls of Congress, and eventually to a fragile compromise.

**STATEHOOD FOR CALIFORNIA** Due in large part to the gold rush, California had grown quickly and applied for statehood in December 1850. California's new constitution forbade slavery, a fact that alarmed and angered many Southerners. They had assumed that because most of California lay south of the Missouri Compromise line of 36°30', the state would be open to slavery. Southerners wanted the 1820 compromise to apply to territories west of the Louisiana Purchase, thus ensuring that California would become a slave state.

**THE COMPROMISE OF 1850** As the 31st Congress opened in December 1849, the question of statehood for California topped the agenda. Of equal concern was the border dispute in which the slave state of Texas claimed the eastern half of the New Mexico Territory, where the issue of slavery had not yet been settled. As passions mounted, threats of Southern **secession**, the formal withdrawal of a state from the Union, became more frequent.

Once again, Henry Clay worked to shape a compromise that both the North and the South could accept. After obtaining support of the powerful Massachusetts senator Daniel Webster, Clay presented to the Senate a series of resolutions later called the Compromise of 1850.

Clay's compromise contained provisions to appease Northerners as well as Southerners. To please the North, the compromise provided that California be



**1** Daniel Webster strongly supported Clay's compromise. He left the Senate before Stephen Douglas could engineer passage of all the bill's provisions.

**2** Henry Clay offered his compromise to the Senate in January 1850. In his efforts to save the Union, Clay earned for himself the name "the Great Compromiser."

**3** John C. Calhoun opposed the compromise. He died two months after Clay proposed it.

admitted to the Union as a free state. To please the South, the compromise proposed a new and more effective fugitive slave law. To placate both sides, a provision allowed **popular sovereignty**, the right to vote for or against slavery, for residents of the New Mexico and Utah territories.

Despite the efforts of Clay and Webster, the Senate rejected the proposed compromise in July. Tired, ill, and discouraged, Clay withdrew from the fight and left Washington. Senator Stephen A. Douglas of Illinois picked up the pro-compromise reins. Douglas unbundled the package of resolutions and reintroduced them one at a time, hoping to obtain a majority vote for each measure individually. The death of President Taylor aided Douglas's efforts. Taylor's successor, Millard Fillmore, quickly made it clear that he supported the compromise.

At last, in September, after eight months of effort, the Compromise of 1850 became law. For the moment, the crisis over slavery in the territories had passed. However, relief was short-lived. Another crisis loomed on the horizon—enforcement of the new fugitive slave law. **B**

**Vocabulary**  
**fugitive:** running away or fleeing

**MAIN IDEA**

**Summarizing**

**B** What was the compromise that allowed California to be admitted to the Union?

Harriet Tubman was called “Moses” by those she helped escape on the Underground Railroad. In her later years, Tubman opened a home for elderly, orphaned, and needy African Americans. ▼

## Protest, Resistance, and Violence

The harsh terms of the Fugitive Slave Act surprised many people. Under the law, alleged fugitive slaves were not entitled to a trial by jury. In addition, anyone convicted of helping a fugitive was liable for a fine of \$1,000 and imprisonment for up to six months. Infuriated by the Fugitive Slave Act, some Northerners resisted it by organizing “vigilance committees” to send endangered African Americans to safety in Canada. Others resorted to violence to rescue fugitive slaves. Still others worked to help slaves escape from slavery.

**THE UNDERGROUND RAILROAD** Attempting to escape from slavery was a dangerous process. It meant traveling on foot at night without any sense of distance or direction, except for the North Star and other natural signs. It meant avoiding patrols of armed men on horseback and struggling through forests and across rivers. Often it meant going without food for days at a time.

As time went on, free African Americans and white abolitionists developed a secret network of people who would, at great risk to themselves, hide fugitive slaves. The system of escape routes they used became known as the **Underground Railroad**. “Conductors” on the routes hid fugitives in secret tunnels and false cupboards, provided them with food and clothing, and escorted or directed them to the next “station.” Once fugitives reached the North, many chose to remain there. Others journeyed to Canada to be completely out of reach of their “owners.” **C**

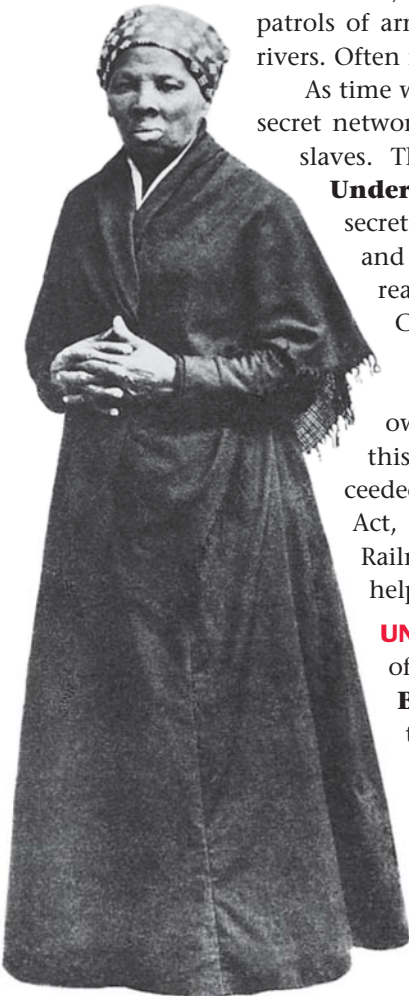
One of the most famous conductors was **Harriet Tubman**, born a slave in Maryland in 1820 or 1821. In 1849, after Tubman's owner died, she heard rumors that she was about to be sold. Fearing this possibility, Tubman decided to make a break for freedom and succeeded in reaching Philadelphia. Shortly after passage of the Fugitive Slave Act, Tubman resolved to become a conductor on the Underground Railroad. In all, she made 19 trips back to the South and is said to have helped 300 slaves—including her own parents—flee to freedom.

**UNCLE TOM'S CABIN** Meanwhile, another woman brought the horrors of slavery into the homes of a great many Americans. In 1852, **Harriet Beecher Stowe** published her novel *Uncle Tom's Cabin*, which stressed that slavery was not just a political contest, but also a great moral struggle. As a young girl, Stowe had watched boats filled with people on their way to be sold at slave markets. *Uncle Tom's Cabin* expressed her lifetime hatred of slavery. The book stirred Northern abolitionists to increase their protests against the Fugitive Slave Act, while

**MAIN IDEA**

**Summarizing**

**C** How did the Underground Railroad operate?



# The Underground Railroad, 1850–1860



Runaway slaves arriving at Levi Coffin's farm in Indiana, along the Underground Railroad.

## GEOGRAPHY SKILLBUILDER

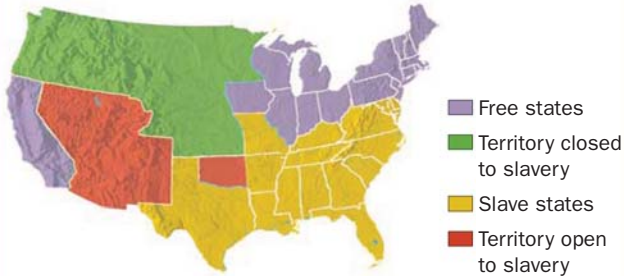
- 1. Movement** What does this map tell you about the routes of the Underground Railroad?
- 2. Place** Name three cities that were destinations on the Underground Railroad.
- 3. Location** Why do you think these cities were destinations?

## Free and Slave States and Territories, 1820–1854

### The Missouri Compromise, 1820–1821



### The Compromise of 1850



### The Kansas-Nebraska Act of 1854



### GEOGRAPHY SKILLBUILDER

- 1. Place** How did the number of slave states change between 1821 and 1854?
- 2. Region** How did the Kansas-Nebraska Act affect the amount of land that was open to slavery?

Southerners criticized the book as an attack on the South. The furor over *Uncle Tom's Cabin* had barely begun to settle when the issue of slavery in the territories surfaced once again.

### TENSION IN KANSAS AND NEBRASKA

The Compromise of 1850 had provided for popular sovereignty in New Mexico and Utah. To Senator Stephen Douglas, popular sovereignty seemed like an excellent way to decide whether slavery would be allowed in the Nebraska Territory.

### A PERSONAL VOICE

STEPHEN A. DOUGLAS

**“If the people of Kansas want a slaveholding state, let them have it, and if they want a free state they have a right to it, and it is not for the people of Illinois, or Missouri, or New York, or Kentucky, to complain, whatever the decision of Kansas may be.”**

—quoted in *The Civil War* by Geoffrey C. Ward

The only difficulty was that, unlike New Mexico and Utah, the Kansas and Nebraska territory lay north of the Missouri Compromise line of 36°30' and therefore was legally closed to slavery. Douglas introduced a bill in Congress on January 23, 1854, that would divide the area into two territories: Nebraska in the north and Kansas in the south. If passed, the bill would repeal the Missouri Compromise and establish popular sovereignty for both territories. Congressional debate was bitter. Some Northern congress-

men saw the bill as part of a plot to turn the territories into slave states. Southerners strongly defended the proposed legislation. After months of struggle, the Kansas-Nebraska Act became law in 1854. **D**

**“BLEEDING KANSAS”** The race for Kansas was on. Both supporters and opponents of slavery attempted to populate Kansas in order to win the vote on slavery in the territory. By March 1855 Kansas had enough settlers to hold an election for a territorial legislature. However, thousands of “border ruffians” from the slave state of Missouri crossed into Kansas, voted illegally, and won a fraudulent majority for the proslavery candidates. A government was set up at Leecompton and promptly issued a series of proslavery acts. Furious over these events, abolitionists organized a rival government in Topeka in the fall of 1855. It wasn't long before bloody violence surfaced in the struggle for Kansas, earning the territory the name “Bleeding Kansas.”

**VIOLENCE IN THE SENATE** Violence was not restricted to Kansas. In May, Senator Charles Sumner of Massachusetts delivered an impassioned speech in the Senate, entitled “The Crime Against Kansas.” For two days he verbally attacked

### MAIN IDEA

#### Analyzing Events

**D** Why was the debate over the Kansas-Nebraska Act so bitter?



▲ This 1856 cartoon, with its ironic caption, gives the Northern view of Preston Brooks's beating of Charles Sumner.

the South and slavery, singling out Senator Andrew P. Butler of South Carolina for his proslavery beliefs.

Soon after, Butler's nephew, Congressman Preston S. Brooks, walked into the Senate chamber and struck Sumner on the head repeatedly with a cane until the cane broke. Sumner suffered brain damage and did not return to his Senate seat for more than three years.

The widening gulf between the North and the South had far-reaching implications for party politics as well. As the two regions grew further apart, the old national parties ruptured, and new political parties emerged, including a party for antislavery Northerners.

## New Political Parties Emerge

By the end of 1856, the nation's political landscape had a very different appearance than it had exhibited in 1848. The Whig Party had split over the issue of slavery and had lost support in both the North and the South. The Democratic Party, which had survived numerous crises in its history, was still alive, though scarred. A new Republican Party had formed and was moving within striking distance of the presidency. **E**

**SLAVERY DIVIDES WHIGS** In 1852 the Whig vote in the South fell dramatically, which helped produce a victory for the Democratic candidate, **Franklin Pierce**. In 1854 the Kansas-Nebraska Act completed the demise of the Whigs. Unable to agree on a national platform, the Southern faction splintered as its members looked for a proslavery, pro-Union party to join. At the same time, Whigs in the North sought a political alternative of their own.

One alternative that appeared was the American Party, which soon became known as the Know-Nothing Party, because members were instructed to answer questions about their activities by saying, "I know nothing." The Know-Nothings supported nativism, the favoring of native-born people over immigrants. However, like the Whigs, the Know-Nothings split over the issue of slavery in the territories. Southern Know-Nothings looked for another alternative to the Democrats. Meanwhile, Northern Know-Nothings began to edge toward the Republican Party.

### MAIN IDEA

#### Analyzing Effects

**E** What impact did the slavery issue have on the Democratic and Whig parties?

“Free soil,  
Free speech,  
Free labor,  
and Free men”

FREE-SOILERS' CAMPAIGN  
SLOGAN, 1848

Two antislavery parties had also emerged during the 1840s. The Liberty Party was formed for the purpose of pursuing the cause of abolition by passing new laws, but received only a small percentage of votes in the 1848 presidential election. In that same election, the Free-Soil Party, which opposed the extension of slavery into the territories, received ten percent of the popular vote in the presidential election. From this strong showing, it was clear that many Northerners opposed the extension of slavery in the territories.

**THE FREE-SOILERS' VOICE** Northern opposition to slavery in the territories was not necessarily based on positive feelings toward African Americans. It was not unusual for Northerners to be Free-Soilers without being abolitionists. Unlike abolitionists, a number of Northern Free-Soilers supported racist laws prohibiting settlement by blacks in their communities and denying them the right to vote.

What Free-Soilers primarily objected to was slavery's competition with free white workers, or a wage-based labor force, upon which the North depended. They feared that such competition would drive down wages. Free-Soilers detected a dangerous pattern in such events as the passage of the Fugitive Slave Act and the repeal of the Missouri Compromise. They were convinced that a conspiracy existed on the part of the “diabolical slave power” to spread slavery throughout the United States. **F**

**THE NEW REPUBLICAN PARTY** In 1854 opponents of slavery in the territories formed a new political party, the Republican Party. The Republicans were united in opposing the Kansas-Nebraska Act and in keeping slavery out of the territories. Apart from these issues, however, the Republican party embraced a wide range of opinions. As the party grew, it took in Free-Soilers, antislavery Whigs and Democrats, and nativists, mostly from the North. The conservative faction hoped to resurrect the Missouri Compromise. At the opposite extreme were some radical abolitionists.

During the election of 1856 the Republicans chose as their candidate John C. Frémont. The Democrats nominated James Buchanan of Pennsylvania. If Frémont had won, the South might have seceded then and there. However, Buchanan won, and the threat of secession was temporarily averted.

**MAIN IDEA**

**Contrasting**

**F** How did Free-Soilers differ from abolitionists?

Dred Scott's lawsuit set off even more controversy over slavery. ▼

## Conflicts Lead to Secession

Political conflicts only intensified after the election of President Buchanan. The first slavery-related controversy arose on March 6, 1857, just two days after he took office.

**THE DRED SCOTT DECISION** A major Supreme Court decision was brought about by **Dred Scott**, a slave whose owner took him from the slave state of Missouri to free territory in Illinois and Wisconsin and back to Missouri. Scott appealed to the Supreme Court for his freedom on the grounds that living in a free state—Illinois—and a free territory—Wisconsin—had made him a free man.

The case was in court for years. Finally, on March 6, 1857, the Supreme Court ruled against Dred Scott. According to the ruling, Scott lacked any legal standing to sue in federal court because he was not, and never could be, a citizen. Moreover, the Court ruled that being in free territory did not make a slave free. The Fifth Amendment protected property, including slaves. For territories to exclude slavery would be to deprive slaveholders of their property.

**Background**

The *Dred Scott* case was only the second one in American history in which the Supreme Court reversed a federal legislative act.





Sectional passions exploded immediately. Many Northerners showered a torrent of abuse upon the Supreme Court, in part because a majority of its justices were Southerners. Warnings about the slave states' influence on the national government spread. Southern slaveholders, on the other hand, were jubilant. In their interpretation, the *Dred Scott* decision not only permitted the extension of slavery but actually guaranteed it. (See *Dred Scott v. Sandford* on page 166.)

**LINCOLN-DOUGLAS DEBATES** Several months after the *Dred Scott* decision, one of Illinois's greatest political contests got underway: the 1858 race for the U.S. Senate between Democratic incumbent **Stephen Douglas** and Republican challenger Congressman **Abraham Lincoln**. To many outsiders it must have seemed like an uneven match. Douglas was a well-known two-term senator with an outstanding record and a large campaign chest, while Lincoln was a self-educated man who had been elected to one term in Congress in 1846. To counteract Douglas, Lincoln challenged the man known as the "Little Giant" to a series of debates on the issue of slavery in the territories. Douglas accepted the challenge, and the stage was set for some of the most celebrated debates in U.S. history.

The two men's positions were simple and consistent. Neither wanted slavery in the territories, but they disagreed on how to keep it out. Douglas believed deeply in popular sovereignty. Lincoln, on the other hand, believed that slavery was immoral. However, he did not expect individuals to give up slavery unless Congress abolished slavery with an amendment.

In their second debate, Lincoln asked his opponent a crucial question: Could the settlers of a territory vote to exclude slavery before the territory became a state? Everyone knew that the *Dred Scott* decision said no—that territories could not exclude slavery. Popular sovereignty, Lincoln implied, was thus an empty phrase.

Douglas replied that, if the people of a territory were Free-Soilers, then all they had to do was elect representatives who would not enforce slave property laws in that territory. In other words, people could get around *Dred Scott*.

Douglas won the Senate seat, but his response had widened the split in the Democratic Party. As for Lincoln, his attacks on the "vast moral evil" of slavery drew national attention, and some Republicans began thinking of him as an excellent candidate for the presidency in 1860. **G**

**HARPERS FERRY** While politicians debated the slavery issue, the abolitionist John Brown was studying the slave uprisings that had occurred in ancient Rome and, more recently, on the French island of Haiti. He believed that the time was ripe for similar uprisings in the United States. Brown secretly obtained financial backing from several prominent Northern abolitionists. On the night of October 16, 1859, he led a band of 21 men, black and white, into Harpers Ferry, Virginia (now West Virginia). His aim was to seize the federal arsenal there and start a general slave uprising.

(left) A Mathew Brady Studio photo of Stephen Douglas from 1860.

(below) A photograph of Abraham Lincoln, also from 1860.



#### MAIN IDEA

#### Comparing

**G** Compare and contrast Lincoln's and Douglas's views on slavery.



## JOHN BROWN GOING TO HIS HANGING

This painting by the African-American artist Horace Pippin shows John Brown being transported by wagon to his execution. The artist has focused our attention on the cruelty of Brown's fate. The abolitionist is shown tied with the rope that will be used to hang him, sitting on the coffin that will receive his body after death. Brown's dark shape is silhouetted by the large white building behind him, a structure that combines the features of both courthouse and prison.

### SKILLBUILDER Interpreting Visual Sources

1. Why do you think the African-American woman in the right-hand corner is looking away from the scene? How would you describe her expression?
2. How has the artist expressed the hopelessness of the situation?



SEE SKILLBUILDER HANDBOOK, PAGE R23.



*John Brown Going to His Hanging* (1942), Horace Pippin. Oil on canvas, 24 1/8" x 30 1/4". Courtesy of the Museum of American Art of the Pennsylvania Academy of the Fine Arts, Philadelphia, Pennsylvania. John Lambert Fund [1943.11]

No such uprising occurred, however. Instead, troops put down the rebellion. Later, authorities tried Brown and put him to death. Public reaction to Brown's execution was immediate and intense in both sections of the country. In the North, bells tolled, guns fired salutes, and huge crowds gathered to hear fiery speakers denounce the South. The response was equally extreme in the South, where mobs assaulted whites who were suspected of holding antislavery views.

**LINCOLN IS ELECTED PRESIDENT** As the 1860 presidential election approached, the Republicans nominated Abraham Lincoln. Lincoln appeared to be moderate in his views. Although he pledged to halt the further spread of slavery, he also tried to reassure Southerners that a Republican administration would not "interfere with their slaves, or with them, about their slaves." Nonetheless, many Southerners viewed him as an enemy.

As the campaign developed, three major candidates besides Lincoln vied for office. The Democratic Party finally split over slavery. Northern Democrats rallied behind Douglas and his doctrine of popular sovereignty. Southern Democrats, who supported the *Dred Scott* decision, lined up behind Vice-President John C. Breckinridge of Kentucky. Former Know-Nothings and Whigs from the South organized the Constitutional Union Party and nominated John Bell of Tennessee as their candidate. Lincoln emerged as the winner with less than half the popular vote and with no electoral votes from the South. He did not even appear on the ballot in most of the slave states because of Southern hostility toward him. The outlook for the Union was grim. **H**

**SOUTHERN SECESSION** Lincoln's victory convinced Southerners—who had viewed the struggle over slavery partly as a conflict between the states' right of self-determination and federal government control—that they had lost their political voice in the national government. Some Southern states decided to act. South Carolina led the way, seceding from the Union on December 20, 1860. When the news reached Northern-born William Tecumseh Sherman, superintendent of the Louisiana State Seminary of Learning and Military Academy

### MAIN IDEA

#### Summarizing

**H** What happened to the Democratic Party as the 1860 presidential election approached?

(now Louisiana State University), he poured out his fears for the South.

**A PERSONAL VOICE** WILLIAM TECUMSEH SHERMAN

“This country will be drenched in blood. . . . [T]he people of the North . . . are not going to let this country be destroyed without a mighty effort to save it. . . . Besides, where are your men and appliances of war to contend against them? . . . You are rushing into war with one of the most powerful, ingeniously mechanical and determined people on earth—right at your doors. . . . Only in spirit and determination are you prepared for war. In all else you are totally unprepared.”

—quoted in *None Died in Vain*

Mississippi soon followed South Carolina’s lead, as did Florida, Alabama, Georgia, Louisiana, and Texas. In February 1861, delegates from the secessionist states met in Montgomery, Alabama, where they formed the Confederate States of America, or **Confederacy**. They also drew up a constitution that closely resembled that of the United States, but with a few notable differences. The most important difference was that it “protected and recognized” slavery in new territories.

The Confederates then unanimously elected former senator **Jefferson Davis** of Mississippi as president. The North had heard threats of secession before. When it finally happened, no one was shocked. But one key question remained in everyone’s mind: Would the North allow the South to leave the Union without a fight?

**HISTORICAL SPOTLIGHT**

**SECESSION AND THE BORDER STATES**

Four slave states—Maryland, Kentucky, Missouri, and Delaware—were undecided about secession. Lincoln believed that these states would be essential to the success of the Union if war broke out. They had large populations, numerous factories, and strategic access to the Ohio River. Moreover, Maryland nearly surrounded Washington, D.C., the seat of government.

Lincoln faced a choice: free the slaves and make abolitionists happy, or ignore slavery for the moment to keep from alienating the border states. He chose the latter, but that did not prevent violent conflicts between secessionists and Unionists in Maryland, Kentucky, and Missouri. With the intervention of the militia, and some political maneuvering in those states’ legislatures, Lincoln kept the four border states in the Union.

**SECTION 1**

**ASSESSMENT**

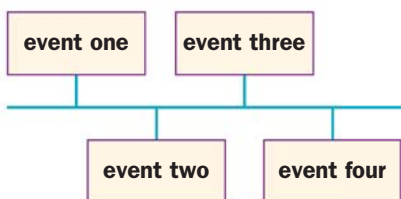
**1. TERMS & NAMES** For each term or name, write a sentence explaining its significance.

- secession
- Harriet Tubman
- Dred Scott
- Confederacy
- popular sovereignty
- Harriet Beecher Stowe
- Stephen Douglas
- Jefferson Davis
- Underground Railroad
- Franklin Pierce
- Abraham Lincoln

**MAIN IDEA**

**2. TAKING NOTES**

Create a time line like the one below, showing the events that heightened the tensions between the North and the South.



Select one event and explain its significance.

**CRITICAL THINKING**

**3. HYPOTHESIZING**

Review issues and events in this section that reflect the growing conflict between the North and the South. Do you think there were any points at which civil war might have been averted? **Think About:**

- the Compromise of 1850, the Fugitive Slave Act, and the Kansas-Nebraska Act
- the new political parties
- the Supreme Court’s ruling in the *Dred Scott* decision
- the election of Abraham Lincoln as president in 1860

**4. EVALUATING LEADERSHIP**

John Brown, Harriet Tubman, Harriet Beecher Stowe, and Stephen Douglas all opposed slavery. Who do you think had the greatest impact on American history and why?

**5. DEVELOPING HISTORICAL PERSPECTIVE**

How did the tension between states’ rights and national government authority manifest itself in the events leading up to the Civil War?



## DRED SCOTT v. SANDFORD (1857)

**ORIGINS OF THE CASE** Dred Scott's slave master had brought him from the slave state of Missouri to live for a time in free territory and in the free state of Illinois. Eventually they returned to Missouri. Scott believed that because he had lived in free territory, he should be free. In 1854 he sued in federal court for his freedom. The court ruled against him, and he appealed to the Supreme Court.

**THE RULING** The Supreme Court ruled that African Americans were not and could never be citizens. Thus, Dred Scott had no right even to file a lawsuit and remained enslaved.

### LEGAL REASONING

The Court's decision, conceived and written by Chief Justice Roger Taney, made two key findings. First, it held that because Scott was a slave, he was not a citizen and had no right to sue in a United States court.

**"We think they [slaves] . . . 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."**

This could have been the end of the matter, but Taney went further. He said that by banning slavery, Congress was, in effect, taking away property. Such an action, he wrote, violated the Fifth Amendment, which guarantees the right not to be deprived of property without due process of law (such as a hearing). Thus, all congressional efforts to ban slavery in the territories were prohibited.

Justices John McLean and Benjamin Curtis strongly dissented on both points. They showed that the U.S. Constitution, state constitutions, and other laws had recognized African Americans as citizens. They also pointed to the clause in the Constitution giving Congress the power to "make all needful Rules and Regulations" to govern U.S. territories. In their view, this clause gave Congress the power to prohibit slavery in the territories.

◀ Chief Justice Roger Taney

### LEGAL SOURCES

#### U.S. CONSTITUTION

##### U.S. CONSTITUTION, ARTICLE 4, SECTION 2 (1788)

"No person held to service or labor in one state, . . . escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor. . . ."

##### U.S. CONSTITUTION, ARTICLE 4, SECTION 3 (1788)

"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. . . ."

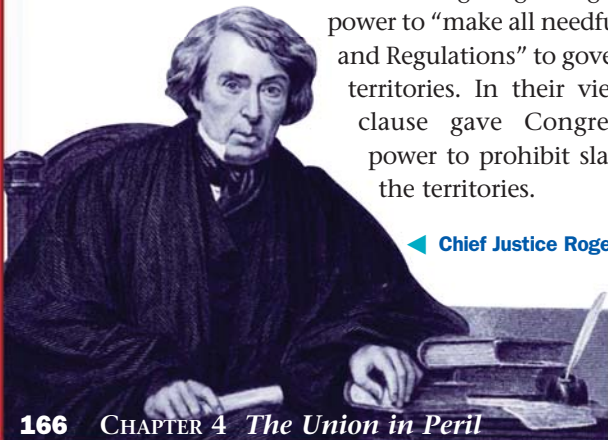
##### U.S. CONSTITUTION, FIFTH AMENDMENT (1791)

"No person shall be . . . deprived of life, liberty, or property, without due process of law. . . ."

#### RELATED CASES

##### ABLEMAN v. BOOTH (1858)

The Court decided that the Fugitive Slave Act was constitutional and that laws passed in Northern states that prohibited the return of fugitive slaves were unconstitutional.



## WHY IT MATTERED

Taney's opinion in *Dred Scott* had far-reaching consequences. Legally, the opinion greatly expanded the reach of slavery. Politically, it heightened the sectional tensions that would lead to the Civil War.

Before the Court decided *Dred Scott*, Americans widely accepted the idea that Congress and the states could limit slavery. As the dissenters argued, many previous acts of Congress had limited slavery—for example, the Northwest Ordinance had banned slavery in the Northwest Territory—and no one had claimed that those acts violated property rights.

Taney's opinion in *Dred Scott*, however, was a major change. This expansion of slaveholders' rights cast doubt on whether free states could prevent slave owners from bringing or even selling slaves into free areas.

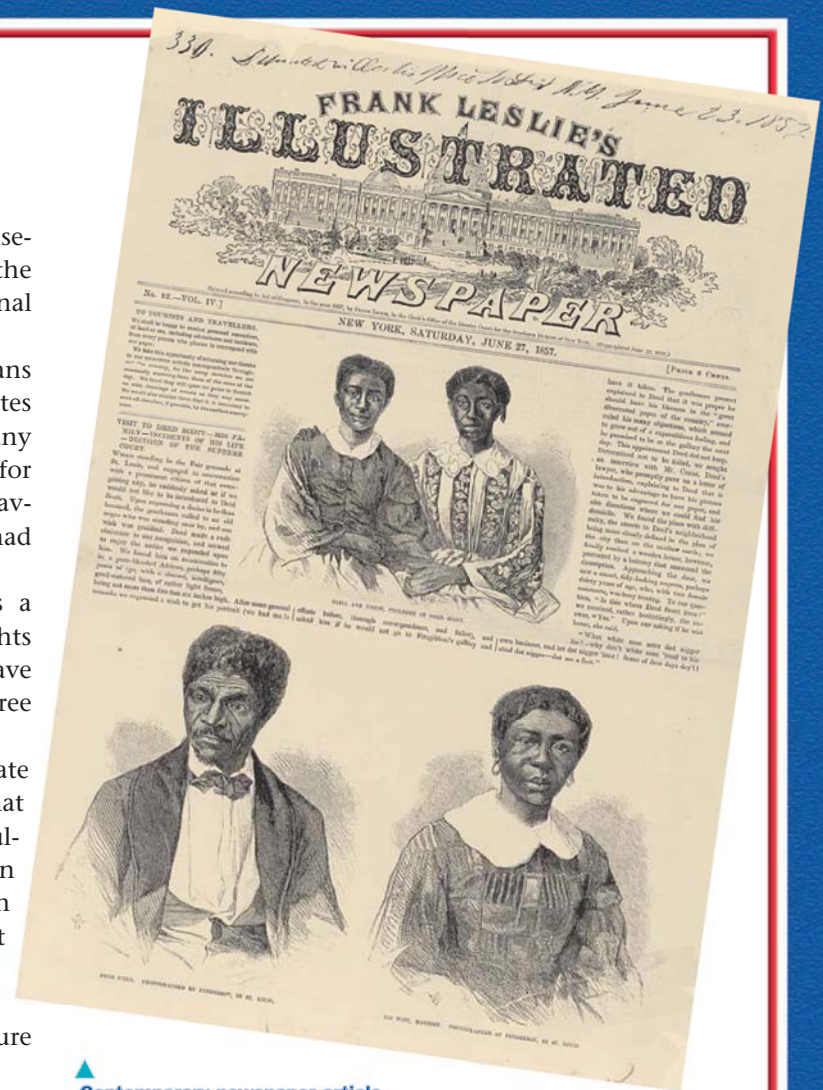
As a result, *Dred Scott* intensified the slavery debate as no single event had before. In going beyond what was needed to settle the case before him, Taney's ruling became a political act, and threw into question the legitimacy of the Court. Further, Taney's opinion took the extreme proslavery position and installed it as the national law. It not only negated all the compromises made to date by pro- and anti-slavery forces, but it seemed to preclude any possible future compromises.

## HISTORICAL IMPACT

It took five years of bitter civil war to find out if Taney's opinion would stand as the law of the land. It would not. Immediately after the Civil War, the federal government moved to abolish slavery with the Thirteenth Amendment (1865) and then to extend state and national citizenship with the Fourteenth Amendment (1868) to "[a]ll persons born or naturalized in the United States." The wording of these amend-

ments was expressly intended to nullify *Dred Scott*.

These amendments meant that *Dred Scott* would no longer be used as a precedent—an earlier ruling that can be used to justify a current one. Instead, it is now pointed to as an important lesson on the limits of the Supreme Court's power, as a key step on the road to the Civil War, and as one of the worst decisions ever made by the Supreme Court.



Contemporary newspaper article describing the *Dred Scott* case.

## THINKING CRITICALLY

### CONNECT TO HISTORY

- 1. Developing Historical Perspective** Use the library to find commentaries on *Dred Scott* written at the time the decision was made. Read two of these commentaries and identify which section—North or South—the writer or speaker came from. Explain how each person's region shaped his or her views.

 SEE SKILLBUILDER HANDBOOK, PAGE R11.

### CONNECT TO TODAY

- 2. INTERNET ACTIVITY** [CLASSZONE.COM](https://www.classzone.com)

Visit the links for Historic Decisions of the Supreme Court to research what it means to be a citizen of the United States and what rights that citizenship extends. Research which constitutional amendments, U.S. laws, and Supreme Court decisions guarantee the rights of citizens. Prepare an oral presentation or annotated display to summarize your findings.