

Westward Expansion, Slavery, & Secession

Introduction

*All hail, thou western world! by heaven design'd
Th' example bright, to renovate mankind.
Soon shall thy sons across the mainland roam;
And claim, on far Pacific shores, their home.*¹

Timothy Dwight wrote these words in 1794...when George Washington was still president. Americans were looking west, dreaming of the Pacific since the Nation's infancy. They believed they had a God-given right, or a manifest destiny, to the conquer and settle the West. As they did so, they believed they would spread civilization and the progress of mankind.

And the Nation did grow – the first generation of Americans born after Independence spilled over the Appalachian Mountains, turning territories into states. Then, Thomas Jefferson purchased the Louisiana Territory in 1803. It included the land from Louisiana to Minnesota to Montana. The purchase nearly doubled the size of the country...but it didn't reach the Pacific yet.

Then, in 1846, the United States went to war. The spoils of that war were plenty – the US gained all the lands of the Southwest from Texas to California. The Nation now stretched from sea to shining sea. But rather than becoming an “example bright” to mankind, a little over a decade later, the United States tore itself apart in a bloody Civil War.

There had long been tensions between Northern and Southern states, between free and slave states. The conflict over slavery eventually led to the American Civil War. But the North and South didn't simply clash over the existence of slavery, they clashed over the *expansion* of slavery into the western territories. Whose vision of the West would prevail? Would the West be free of slavery, or would the West be open to slavery?

The land acquired from the War with Mexico fueled the sectional flames until the political system broke down.

At the start of the war with Mexico, the writer Ralph Waldo Emerson made a foreboding prophecy. “The United States will conquer Mexico,” he said, “but it will be as the man swallows the arsenic, which will bring him down in turn. Mexico will poison us.”² He was right.

Let's dig in.

--Intro Music--

[Welcome to American History Remix, the podcast about the overlooked and underexplored parts of American history. We're glad you're here!]

¹ Henry Nash Smith, *Virgin Land: The American West as Symbol and Myth* (New York: Vintage Books, 1950), 11.

² James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 51.

Background

America's expansion westward was contentious and often overeager.

Thomas Jefferson purchased the Louisiana Territory in 1803, but Northerners and Southerners had very different visions of the West. In one, the land would be free; in the other, it would be open to the expansion of slavery. To resolve this issue, Congress passed the Missouri Compromise in 1820. They drew a line through the Louisiana Territory at the 36°30' parallel and prohibited slavery north of that line – with the exception of Missouri which was admitted into the Union as a slave state. Then, to keep the balance of power, Maine was admitted as a free state.³ It was quite the deal.

Meanwhile, the US, Great Britain, Spain, and Russia all claimed Oregon Territory in the Pacific Northwest. In 1819, the US and Great Britain agreed to jointly control Oregon, ignoring all the other imperial claims and ignoring the Native Americans who actually lived there.⁴ However, Oregon Territory wasn't settled by the Americans in large numbers until the 1840s.⁵

And that was the situation...until the Mexican American War.

Texas

Mexico at the time was twice as large as it is today. It claimed all of the current American Southwest.

But Texas, though a Mexican state, was largely settled by Americans seeking economic opportunity in the 1820s and 30s. Mexico initially welcomed immigrants from the US. But by the 1830s, Americans outnumbered Mexicans in Texas 4:1, and they largely refused to assimilate into Mexican culture.⁶

Mexico eventually grew concerned about America's interest in Texas. They actually outlawed American immigration to the state in 1830. But illegal immigration continued.⁷

Then, in 1834, Antonio Lopez de Santa Ana became President of Mexico. He created a centralist government with himself as the head. He revoked the Mexican Constitution and dissolved Congress. Americans in Texas had no special loyalty to the Mexican state, so, in response to these extreme measures, Texans rebelled.⁸

³ David M. Potter and Don E. Fehrenbacher, *The Impending Crisis: America Before the Civil War: 1848-1861* (New York: Harper Perennial, 2011), 55; Alan Taylor, *American Republics: A Continental History of the United States, 1783-1850* (New York: W.W. Norton & Company, 2021), 180-82.

⁴ Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 96-97.

⁵ Taylor, *American Republics*, 330.

⁶ Ernesto Chávez, *The U.S. War with Mexico: A Brief History with Documents* (Boston: Bedford/St. Martins, 2008), 5; McPherson, *Battle Cry of Freedom*, 9.

⁷ Chávez, *The U.S. War with Mexico*, 6-7.

⁸ Chávez, *The U.S. War with Mexico*, 8.

Texas began fighting for its independence in 1835 and established a provisional government in 1836. That year, Texan Revolutionaries fought the Battle of the Alamo, where Texan forces were defeated. But the revolutionaries were eventually able to capture Santa Ana and force a peace. He agreed to recognize Texan independence and to withdraw Mexican troops from the region.⁹ But here's the thing, since Santa Ana was a prisoner when he made the agreement, Mexico claimed that the treaty was not valid. Mexico *never* formally recognized Texas as a sovereign nation. Texans saw themselves as independent, but Mexico always regarded it as a state in rebellion.¹⁰ They didn't even agree on where the southern border of Texas was. That will be important in just a minute.

The Mexican-American War

That's where things stood for a decade. Americans were immediately interested in annexing Texas – it had been settled by Americans after all. But because Texas lay below the line of the Missouri Compromise. It would enter the Union as a slave state and end the balance of power in Congress between slave and free states. Oh...and taking it would probably cause a war with Mexico.¹¹

Then, in 1845, James K. Polk became president. Americans had long believed it was inevitable that they would one day spread west and conquer the continent. It was in the 1840s when they began to use the language of “manifest destiny.”¹²

President Polk *believed* in manifest destiny. He ran on an expansionist platform.

He wanted Texas and sole control of Oregon. And, in 1845, the US formally annexed the independent nation of Texas, making it a state within the Union. Polk then sent troops to the southern border of Texas. But remember, Texas and Mexico did not agree on the southern border of the state or nation or whatever it was. Mexico claimed the border was the Nueces River, Texans said its boundary was farther south at the Rio Grande.¹³

Polk sent American troops *south* of the Nueces River into the disputed territory. This resulted in a skirmish with Mexican troops, and Congress declared war on Mexico in May of 1846. The Polk Administration claimed that the war was provoked by Mexico. In reality, Polk initiated the war.¹⁴ A young Abraham Lincoln was serving in the House of Representatives at the time and was a vocal critic of the war. He called Polk's justifications “the half insane mumblings of a fever dream.”¹⁵

⁹ Chávez, *The U.S. War with Mexico*, 9.

¹⁰ Steven Hahn, *A Nation Without Borders: The United States and Its World in an Age of Civil Wars, 1830-1910*, vol. 3 of Penguin History of the United States, edited by Eric Foner (New York: Penguin Random House, 2016), 41-42; 122-23.

¹¹ Chávez, *The U.S. War with Mexico*, 11.

¹² John L O'Sullivan “Manifest Destiny,” in *Voices of Freedom: A Documentary History: Volume I*, ed. Eric Foner (New York: W.W. Norton & Company, 2017), 253-57.

¹³ Chávez, *The U.S. War with Mexico*, 13.

¹⁴ Chávez, *The U.S. War with Mexico*, 21.

¹⁵ Levine, *Half Slave and Half Free*, 175-76.

The war with Mexico was not bloodless, because no war ever is. But it was a decisive victory for the United States. Moving along multiple fronts, American forces seized control of California, invaded northern Mexico, and then captured Mexico City in the fall of 1847.¹⁶

Why did America win so decisively? In part, because at the time Mexico was experiencing political upheaval.

As the US Congress was voting in favor of annexing Texas, Mexican President Santa Ana was overthrown in a revolution. Jose Herrera replaced him as president. Then *he* was overthrown by one of his generals. Then, Santa Ana maneuvered his way back into power just in time to lose to the United States.¹⁷

One of the books we read for this episode was titled *A Glorious Defeat*. That title captures the situation well.

With the Mexican capital under occupation, the US forcibly negotiated the Treaty of Guadalupe Hidalgo. Rather than just Texas, the US took all the Southwest including California, Nevada, Arizona, New Mexico, Utah, and parts of Colorado and Wyoming. It was 1.2 million square miles. For this territory, the US agreed to pay \$15 million.¹⁸

Here is one of the saddest things in the story. While the two sides were negotiating the treaty in Mexico City in 1848, Californians at Sutter's Mill made a huge discovery – gold. News of the gold didn't reach officials in Mexico City until they had already agreed to sell California to the US.¹⁹ Poor Mexico!

Meanwhile, Polk negotiated with the British for sole control of Oregon Territory. During his campaign, Polk had promised to gain control of *all* of Oregon Territory. However, in 1845, his administration agreed to divide the territory with Canada at the 49th parallel. Canada got British Columbia, while the US gained sole control of what would become Oregon, Washington, Idaho, and western Wyoming and Montana.²⁰

Between Texas, the Southwest, and Oregon Territory, Polk oversaw the acquisition of more land than any other president in American history.²¹

But now there was a problem – how do you manage and incorporate all this land? More importantly, would the lands allow or prohibit slavery?

¹⁶ Chávez, *The U.S. War with Mexico*, 21; Timothy J. Henderson, *A Glorious Defeat: Mexico and Its War with the United States* (New York: Hill and Wang, 2007), 163-72.

¹⁷ Chávez, *The U.S. War with Mexico*, 13; *A Glorious Defeat*, 150-53; Henderson, *A Glorious Defeat*, 159-60.

¹⁸ Henderson, *A Glorious Defeat*, 172-78, Chávez, *The U.S. War with Mexico*, 24-25; Levine, *Half Slave and Half Free*, 175.

¹⁹ Hahn, *A Nation Without Borders*, 141-42.

²⁰ Taylor, *American Republics*, 331.

²¹ McPherson, *Battle Cry of Freedom*, 47.

Regional Philosophies

The Missouri Compromise line acted as a stabilizing force in the debate over slavery. But the land ceded from Mexico presented a problem. The 36°30' line didn't apply to the Mexican cession, only the Louisiana territory. And California, because of the Gold Rush, quickly gained a large population and applied for statehood in 1849. So, what do you do? Would California be a free state?

In order to truly grasp the clash between Northern and Southern states, we need to look at the situation and the dominant philosophies in each region.

Although the North had outlawed slavery by this time, Northerners had diverse views on the institution.

At the most extreme, you had card-carrying abolitionists who opposed slavery for moral reasons and advocated freeing slaves in the South. There were plenty of sincere and vocal abolitionists in the North, especially among African Americans, but they were the minority in the anti-slavery movement.²²

Others who opposed slavery operated out of what's called "Free Soil" ideology that championed the independent farmer and entrepreneur.²³ Free-Soilers believed in the dignity of labor, and they celebrated social mobility; a poor farmer, through hard work, could improve his social and economic position.²⁴ Free-Soilers, therefore, opposed slavery because they believed it was "economically backwards." Rather than allowing for social mobility, it created a permanent caste of slaves and an oligarchy of slave owners.²⁵

They opposed the spread of slavery but, because the Constitution sanctioned slavery, they did not believe they had the legal right to end it in the South.²⁶ Though, many believed that limiting slavery from spreading West would eventually erode it in the South, but they still did not directly oppose its existence there.²⁷

As one commentator wrote in Cincinnati's *Daily Unionist* newspaper, "We are no abolitionists in the popular sense of the term...but we would belie our convictions of democracy if we did not oppose slavery's expansion over new lands."²⁸

In fact, sometimes racism motivated Free Soil ideology. In a debate in Congress, one politician said he wanted a West reserved for men "of my own race and own color."²⁹ He wanted a West without African Americans, either enslaved or free. This was not the abolitionist vision of racial harmony and equality.

²² Potter, *The Impending Crisis*, 36; Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (Oxford: Oxford University Press, USA 1995), 308.

²³ Foner, *Free Soil, Free Labor, Free Men*, 17.

²⁴ Foner, *Free Soil, Free Labor, Free Men*, 40.

²⁵ McPherson, *Battle Cry of Freedom*, 54-55.

²⁶ Potter, *The Impending Crisis*, 36.

²⁷ Foner, *Free Soil, Free Labor, Free Men*, 116.

²⁸ Bruce Levine, *Half Slave and Half Free: The Roots of the Civil War* (New York: Hill and Wang, 2005), 177-78.

²⁹ Foner, *Free Soil, Free Labor, Free Men*, 267.

All this to say that people thought differently, even when they came to the same general conclusion about the expansion of slavery.

Americans in the Southern states came to a different conclusion.

In the revolutionary generation, many Southerners believed slavery was a necessary evil. But by the 1850s, Southerners almost universally believed it was a positive good. In their view, it civilized the “savage negro” and created a class of wealthy plantation-owning gentlemen who could cultivate learning and the arts. Two-time vice president John C. Calhoun of South Carolina called slavery, “the most safe and stable basis for free institutions in the world.”³⁰

Now, slaveowners had considerable power in America. The Constitution protected slavery, and the 3/5th clause of the Constitution counted 3/5th of a state’s enslaved population towards representation in Congress and the Electoral College. This gave slave states greater influence in politics.³¹ Five of the first seven presidents were slaveowners. Before the Civil War, 2/3rds of all American Supreme Court justices owned slaves.³²

And plantation owners made a lot of money off their slaves. In the 1850s, the value of all the enslaved persons in the Nation, cumulatively, was \$3.5 billion. Today, that number would be around \$90 billion dollars. Enslaved persons held as property were more valuable than all the Nation’s manufacturing and railroads combined. The only asset in the Nation worth more than slaves was the land itself.³³

Yet, Southern slave owners were alarmed. After the Revolution, Northern states began the process of gradual emancipation. On top of that, in the 1800s, the Northern economy grew faster than that of the South in several important industries. In 1850, for example, only 14% of the Nation’s canal mileage ran through slave states, and they had only 26% of the Nation’s railroad mileage.

The Northern population was growing as well. Between 1840 and 1850, the Northern population increased 20% faster than the South’s. Immigrants to the Nation usually settled in the North, and some Southerners even moved North for greater economic opportunity.³⁴

Southerners came to fear what we call the “Shrinking South.” Each new free state would decrease Southern control in Congress. If more states became less economically dependent on slavery, then the price of slaves would drop, ruining the Southern economy. And without new states to expand into, the slave population in the South would grow beyond white control.

³⁰ McPherson, *Battle Cry of Freedom*, 56-57.

³¹ Hahn, *A Nation Without Borders*, 64.

³² David Blight, HIST 119: The Civil War and Reconstruction Era, 1845-1877, “Lecture 6 – Expansion and Slavery: Legacies of the Mexican War and the Compromise of 1850,” Yale University: Open Yale Courses, <http://oyc.yale.edu/> (accessed July 16, 2022). License: Creative Commons BY-NC-SA.

³³ David Blight, HIST 119: The Civil War and Reconstruction Era, 1845-1877, “Lecture 2 – Southern Society: Slavery, King Cotton, and Antebellum America’s ‘Peculiar’ Region,” Yale University: Open Yale Courses, <http://oyc.yale.edu/> (accessed July 16, 2022). License: Creative Commons BY-NC-SA.

³⁴ McPherson, *Battle Cry of Freedom*, 91.

Southern leaders feared they would lose their political power, their economic power, their racial superiority, their entire way of life. To them, slavery had to be protected. And, for slavery to survive, it must expand into the western territories.³⁵

On top of that, Free Soil ideology pricked at Southern pride. Excluding their economic and social system from the western territories was an insult to Southern honor, especially since most of the men who served in the Mexican-American War were Southerners who intended to take their way of life with them into the new territories. Southerners felt that Northerners were saying something wrong with their society, and their honor wouldn't allow them to accept that. "Death is preferable to acknowledged inferiority," said one politician from Alabama.³⁶

The North and South were part of the same Nation. They were socially, economically, and politically connected. Yet even so, the regions developed two different forms of American society. Which one would win?

Wilmot Proviso

Even before the war with Mexico was over, the conflict over slavery reared its head in Congress.

In 1846, David Wilmot, a congressman from Pennsylvania, proposed legislation which would bar slavery from all territory acquired from Mexico. Known as the Wilmot Proviso, it attempted to settle the conflict before it got out of hand.

It passed in the House, but it failed in the Senate where slave states held control. But what is important is *how* it failed.

Northern members of the Whig Party voted for the Proviso. Northern Democrats, frustrated with Southern control of their party, also supported the Proviso. But Southern Democrats and Southern Whigs called the Wilmot Proviso an infringement on their freedom.

Prior to this, Congress voted along party lines. This was the first time it voted along sectional lines – North vs. South. So, the first vote that divided America – North and South – was a vote over slavery in the West, a sign of things to come.³⁷

Compromise of 1850

For the next two years, Congress continued to debate if and how slavery would expand into the western territories.

There were a number of competing principles. Some supported the Wilmot Proviso for a slave-free West. Or Congress could perhaps extend the Missouri Compromise line all the way to the

³⁵ Blight, "Lecture 6 – Expansion and Slavery"; Taylor, *American Republics*, 180.

³⁶ McPherson, *Battle Cry of Freedom*, 56-57; William J. Cooper, *The South and the Politics of Slavery: 1828-1856* (Baton Rouge: Louisiana State University Press, 1978, https://archive.org/details/southpoliticsofs0000coop_z5w1/mode/2up), 239.

³⁷ McPherson, *Battle Cry of Freedom*, 52-57; Chávez, *The U.S. War with Mexico*, 16.

Pacific. Or try Popular Sovereignty – let the people in the territories decide whether to allow slavery.³⁸

So, what did the two sides do? They compromised...again. They passed legislation aptly called the Compromise of 1850.

The deal had five major parts. First, it admitted California as a free state. Second, it outlawed the slave trade in Washington DC. Third, it created a new fugitive slave law. Fourth, the rest of the Southwest was opened to the expansion of slavery. Congress would not restrict the institution in the region. Finally, popular sovereignty would determine if the new states in the West would permit slavery or not. The states' citizens would vote and decide for themselves.³⁹

The most controversial element of the compromise was the Fugitive Slave Act. Although Southern States preferred a weaker federal government in all other respects, they supported a law which gave the federal government more power than any law had until that point in history. It gave federal marshals pursuing a runaway slave the power to compel *anyone* to join them in their hunt. It created a federal commission to verify the ownership of supposed fugitive slaves. But it gave African Americans no legal power to prove their freedom. AND! Commissioners were incentivized to rule *against* African Americans. Commissioners would receive \$5 if they ruled in favor of the defendant and \$10 if they ruled in favor of a slave catcher. Furthermore, if a US marshal refused to participate in this system, *they* were personally fined \$1000. All of this meant that slave catchers could easily capture free Blacks in the North, and, with little resistance, enslave them.⁴⁰

The obvious injustice of this slave law only fueled the anti-slavery movement in the North. They felt it forced free states to participate in slavery. An anti-slavery society in Boston said the law should be “denounced, resisted, disobeyed.” Harriet Beecher Stowe wrote her famous novel, *Uncle Tom's Cabin* in response to the Fugitive Slave Law. While some Northerners called for obedience and law and order, others began harassing slave catchers and aiding African Americans in their escape to Canada, where they would be safe.⁴¹

Still, many hoped that the Compromise of 1850 would be the final settlement on the issue of slavery. “The Union is Saved!” they cried.⁴² And the compromise did keep peace for a time. But, with hindsight, we can see that the conflict was only growing fiercer.

Kansas-Nebraska

The Compromise of 1850 admitted California into the Union, but the state was isolated. In between California and the rest of the states lay the land from the Mexican cession and the remaining land from the Louisiana Territory. The region had relatively few Anglo-Americans living there. This became especially relevant as people began to dream of a transcontinental

³⁸ Potter, *The Impending Crisis*, 54-61.

³⁹ McPherson, *Battle Cry of Freedom*, 75-76.

⁴⁰ McPherson, *Battle Cry of Freedom*, 78-79; Levine, *Half Slave and Half Free*, 186-87.

⁴¹ McPherson, *Battle Cry of Freedom*, 82-86; Levine, *Half Slave and Half Free*, 186-87.

⁴² McPherson, *Battle Cry of Freedom*, 75.

railroad connecting California with eastern states. These territories needed to be settled and incorporated.

Stephen Douglas, a Democratic senator from Illinois, proposed an act to organize and form territorial governments out of the land. This was the Kansas-Nebraska Act of 1854. It created, surprise, the territories of Kansas and Nebraska. Don't worry, it gets more interesting. Trust me.

Now, Douglas was a *Northern* Democrat. He was not a slaveowner, but he was not morally opposed to slavery either. To him, the answer to the political crisis was popular sovereignty. If a state wanted to allow slavery, so be it. If it wanted to outlaw slavery, so be it. But let the people in their own states, not the federal government, decide.

On top of this, to get this bill through Congress, Douglas had to appease the Southern members of his party who wanted the West open to the expansion of slavery, including the land where slavery had been outlawed since the Missouri Compromise of 1820.

In the end, his Southern colleagues convinced Douglas to add to the bill the explicit repeal of the Missouri Compromise. That 36°30' line would no longer bar the expansion of slavery. Douglas agreed, though he said he knew the bill would "raise a hell of a storm." It passed in May of 1854. And Douglas was right.⁴³

The Kansas-Nebraska Act caused nothing less than political upheaval. It essentially destroyed the Whig Party. Every Northern Whig voted against the bill; most Whigs in the South supported it. The sectional division first laid bare in the Wilmot Proviso finally ruptured. In the South, the Whigs mostly abandoned their party and joined the Democratic Party. In the North a new political coalition formed – the Republican Party.⁴⁴

The Republican Party was an odd mixture. It was made up of former Northern Whigs, like Lincoln, Free-Soilers, and even some full-on abolitionists. Then, you throw in some Northerners who left their party. And it even absorbed a small party called the Nativist or American Party, which was vehemently anti-immigrant, anti-Catholic, and anti-Black. These were strange bed fellows. But the coalition united in their opposition to the increasing influence of what they called the "slave power," and members, for their own diverse reasons, agreed that slavery was wrong.⁴⁵

This left the Democrats as the only true national party, but they weren't unscathed, either. Many Northern Democrats left the party. In 1852, there were 93 Democrats in the House of Representatives, but in 1854 there were 23.⁴⁶

⁴³ McPherson, *Battle Cry of Freedom*, 121-23; Potter, *The Impending Crisis*, 160-61.

⁴⁴ McPherson, *Battle Cry of Freedom*, 125-26.

⁴⁵ McPherson, *Battle Cry of Freedom*, 136-37; Hahn, *A Nation Without Borders*, 194.

⁴⁶ McPherson, *Battle Cry of Freedom*, 129.

Bleeding Kansas

But the political upheaval was just the beginning. The Kansas-Nebraska Act unleashed a fervor that could not be bottled up again.

Kansas, according to the old dividing line, would have been admitted as a free state. But now slavery was no longer barred from the West. Popular sovereignty would determine which territories and then states would allow slavery. This initiated a competition between pro- and anti-slavery advocates: who would settle Kansas first?⁴⁷ The result was a series of events which came to be known as Bleeding Kansas.

Missouri, being a slave state, didn't much like the idea of a free Kansas right across the border. In the 1854 election for a delegate to Congress, Senator David Atchison of Missouri led a group of what they called "border ruffians" into Kansas to cast 1700 false ballots for the pro-slavery candidate.⁴⁸

In March of 1855, there was another vote in Kansas for a territorial legislature, and Atchison returned. This time, he brought about 5000 men to swell the numbers for pro-slavery candidates. Atchison claimed he had enough men to "kill every God-damned abolitionist in the territory."⁴⁹

Unsurprisingly, the pro-slavery candidates won the most seats. When the legislature met, they kicked out the few anti-slavery members who had made it through. Then, they passed an act to criminalize any anti-slavery speech and barred free-staters from serving on juries.⁵⁰

Popular sovereignty wasn't working.

Kansan Free-Soilers claimed this legislature was illegitimate and formed their own government and applied for statehood.⁵¹ The situation was a powder keg. In total, about 200 people died in sporadic skirmishes between the two sides.⁵²

The most dramatic event came in the spring of 1856 with the attack on the city of Lawrence, Kansas. Renewed migration to the region brought more free-staters, which further enraged Missourians and pro-slavery settlers. In essence, an army of 800 Missourians surrounded Lawrence, a free-state stronghold and the home of the free-state governor. They laid siege to the city and even brought some cannons with them.

When the citizens of Lawrence surrendered, the army swarmed the town, sacked the houses, tore down two newspaper offices, burned down a hotel, and burned down the governor's home.⁵³

History is fun.

⁴⁷ McPherson, *Battle Cry of Freedom*, 123.

⁴⁸ McPherson, *Battle Cry of Freedom*, 146.

⁴⁹ McPherson, *Battle Cry of Freedom*, 147.

⁵⁰ Hahn, *A Nation Without Borders*, 181-82.

⁵¹ Hahn, *A Nation Without Borders*, 182.

⁵² Eric Foner, *Give Me Liberty!: An American History* (New York: W.W. Norton, 2011), 486.

⁵³ McPherson, *Battle Cry of Freedom*, 148-49.

In the conflict between North and South, blood was first spilled in the West.

Soon, the violence spread back to the East. In May of 1856, Charles Sumner, an abolitionist senator from Massachusetts, gave a two-day long address in Congress regarding the violence in Kansas. He called the actions of pro-slavery advocates “the rape of virgin territory.” He also said that slavery was a whore and Southerners had defiled themselves with her. Even Sumner’s fellow Republicans were concerned about his rhetoric. And he specifically singled out Senator Andrew Butler of South Carolina, who co-authored the Kansas-Nebraska Act with Stephen Douglas.

It gets crazier though, because Butler’s cousin was a man named Preston Brooks, a congressman from South Carolina. He believed Sumner’s speech as an attack on their family’s honor. So, two days later, after the congressional session had ended, Brooks walked up to Charles Sumner’s desk on the floor of the Senate and began to beat him over the head with a gold-headed walking cane. Because Sumner was seated at his desk, and his desk was bolted to the ground, he was trapped and unable to defend himself. Brooks struck him over the head over *thirty* times.⁵⁴

Sumner somehow survived the attack, but he was unable to take his seat in the Senate for several years as he recovered. Massachusetts reelected him anyway as a sign of their support.

The South, for their part, supported Brooks. The House held a vote to expel him from Congress, but Southerners blocked the 2/3 majority that was needed. Then, South Carolina reelected him. Brooks even received commemorative canes in the mail as a sign of the public’s support. The South’s response to the caning of Charles Sumner only pushed more Northerners into the Republican Party, to oppose the slave power.⁵⁵

Back out in Kansas, there was an abolitionist named John Brown. Brown and his sons had moved to Kansas to aid the free-state cause, and, on their way, they heard of the attack on the city of Lawrence. Brown was furious. He said they must “strike terror in the hearts of the pro-slavery people.” *Then*, word reached Brown about the caning of Charles Sumner. His contemporaries said something snapped inside him.

Brown was a severe man. He believed in an eye for an eye, blood for blood. So, in the middle of the night on May 24th, 1856, Brown led a group of men, including four of his sons, to abduct five men from their homes in Pottawatomie Creek, Kansas. These men supported slavery, but they had nothing to do with the violence in the region. That didn’t matter to John Brown. He hacked open their skulls with a broadsword.⁵⁶

I’d like to remind you that we are talking about *American* history. This isn’t some story from the Middle Ages.

⁵⁴ McPherson, *Battle Cry of Freedom*, 149-52.

⁵⁵ McPherson, *Battle Cry of Freedom*, 151-52.

⁵⁶ McPherson, *Battle Cry of Freedom*, 152-53; Potter, *The Impending Crisis*, 212.

To summarize, you had violence in the West inspiring conflicts and violence in the Senate and then inspiring more violence back in the West.

Dred Scott

In the midst of the chaos, upheaval, and bloodshed, the Supreme Court entered into the sectional crisis with the Dred Scott decision in 1857. This is widely considered one of, if not the, worst rulings in the Court's history.

Dred Scott was a slave who belonged to an Army surgeon named John Emerson. Emerson took Scott from Missouri, a slave state, on a two-year appointment in Illinois and then another two years at Fort Snelling in modern day Minnesota, which was then part of Wisconsin Territory. They then returned to Missouri, and, after Emerson died, his wife inherited Dred Scott. Then, in 1846, Scott sued for his freedom, claiming that his residence in a free state and then a free territory made him a free man.⁵⁷

The route of this small case to one of national importance was not a direct one. Scott lost the first case. Then he won on a retrial. On appeal, the Missouri Supreme Court overturned the decision in 1852, ruling that Scott was still a slave. Two years later, a federal circuit court affirmed that Scott was still a slave but recognized him as a citizen. Then, Scott's lawyers appealed to the United States Supreme Court.⁵⁸

The Court was asked to answer three things. First, was Scott as a Black man a citizen, and, therefore, could he even sue in a federal court? Second, was Scott free? Did two years in a free state and two years in a free territory give Scott his freedom? Third, was Fort Snelling actually in free territory? Did Congress even have the right to prohibit slavery north of the 36°30' line in the Missouri Compromise?⁵⁹

The resulting decision was complete bull\$#!t.

First, the Court ruled that Scott was not a citizen, and, therefore, had no right to sue in federal court at all. Chief Justice Roger Taney wrote that "Negros" were "beings of inferior order" and that they "had no rights which a white man was bound to respect."⁶⁰

Then, with very little explanation, only one page out of his 55-page decision, Taney wrote that Scott's presence in a free state and territory did not free him.

On top of that, the Court ruled that Fort Snelling was not in free territory. In fact, the Missouri Compromise had been unconstitutional – Congress, apparently, never had the right to ban slavery north of the 36°30' line.⁶¹

⁵⁷ McPherson, *Battle Cry of Freedom*, 170-71; Potter, *The Impending Crisis*, 266-67.

⁵⁸ McPherson, *Battle Cry of Freedom*, 170-71.

⁵⁹ McPherson, *Battle Cry of Freedom*, 171.

⁶⁰ McPherson, *Battle Cry of Freedom*, 174; Potter, *The Impending Crisis*, 275.

⁶¹ McPherson, *Battle Cry of Freedom*, 175-76.

The Constitution gives Congress jurisdiction over the territories, with the ability to pass "rules and regulations." However, Taney claimed that "rules and regulations" were somehow different from laws.

So, the Missouri Compromise, which had kept the peace for a generation, was completely destroyed. It was officially repealed by Congress with the Kansas-Nebraska Act. Now the Supreme Court said it was never legal in the first place.

The implications of this decision were *huge*.

What did this do to popular sovereignty? Could people in the territories vote to allow or not allow slavery as they saw fit? The Dred Scott decision seemed to imply that, not only could Congress not prohibit the expansion of slavery, but that slavery could not be prohibited at all. What did this mean for states which had already abolished slavery? Taney cited the 5th Amendment, which protects personal property. If the Constitution recognizes slaves as property, then could any state truly abolish slavery? Abraham Lincoln predicted that if the Dred Scott would stand, then there would be another court decision to follow, and slavery would become legal everywhere.⁶²

In fact, there were several cases in the judicial system concerning that very question. In all likelihood, those cases would have been brought before the Supreme Court. But, before they could, the Nation erupted into civil war.

Lincoln and the West

Before we get to the war, there is one more thing to cover, the election of 1860 and the rise of Abraham Lincoln.

Lincoln served only one term in the House of Representatives as a member of the Whig Party in the 1840s, before returning to his private law practice. The passage of the Kansas-Nebraska Act motivated Lincoln to return to politics, and he joined the newly formed Republican Party.⁶³

The Republican Party maintained that slavery was wrong and opposed its extension into the western territories. Except for its most radical members, the majority of the party tolerated slavery's existence in the South, acknowledging that slavery was protected in the Constitution.⁶⁴

Lincoln was a moderate Republican. He said there would be no compromise on slavery's expansion, but he wanted it to be "placed in the course of ultimate extinction."⁶⁵ Exactly how he meant to do this...is unclear.

Lincoln rose to prominence in his home state of Illinois when he ran for a senate seat in 1858. His opponent, the incumbent, was none other than Stephen Douglas, the author of the Kansas-

⁶² McPherson, *Battle Cry of Freedom*, 179-81.

⁶³ Hahn, *A Nation Without Borders*, 194-95.

⁶⁴ Potter, *The Impending Crisis*, 421-22; Hahn, *A Nation Without Borders*, 194-95.

⁶⁵ Potter, *The Impending Crisis*, quote from 445, 526.

Nebraska Act. Lincoln lost that election, but the public debates between Lincoln and Douglas earned him wider recognition.⁶⁶

The two men faced each other again in 1860, when they both ran for president. The election of 1860 was an odd one. It was a four-way race between Republicans, Northern Democrats, Southern Democrats, and the short-lived Constitutional Unionist Party.⁶⁷

Meanwhile, there was mass hysteria in the South in 1860. The South did not see a difference between moderates and abolitionists and believed the Republican Party's anti-slavery message would incite slave rebellions. Newspapers in the South printed stories of slave insurrections and violence against slave owners. These reports were usually exaggerated or, in some cases, completely false. But they reveal the fear and paranoia at the time.⁶⁸

To give the South credit, there was one very real incident. Our old friend John Brown, who we last saw leading the Pottawatomie Creek Massacre, decided to take action in the East in 1859. He led a group of eighteen men to capture a federal armory in Harper's Ferry, Virginia. His goal was to start and arm a slave rebellion in the South. But his invasion failed. Brown was captured, put on trial, and hanged.⁶⁹ Before his execution, Brown gave a dire warning. "The crimes of this guilty land," he said, "will never be purged away; but with blood."⁷⁰

Yet another warning that proved true.

Secession and War

Brown's raid at Harper's Ferry raised the stakes for the 1860 election. Southern States threatened that if Lincoln won, they would leave the Union.

And then he won, and they left. Before he even took office, South Carolina, Mississippi, Florida, Louisiana, Georgia, Alabama, and Texas all seceded from the Union.⁷¹ Lincoln inherited a broken America.

The seceded states joined together to form the Confederate States of America in February of 1861. The Constitution of the Confederacy explicitly protected slavery, allowing slave owners to take their human property anywhere they wished. And it stated that, should the Confederacy expand, slavery would be allowed in the new territories.⁷²

⁶⁶ Hahn, *A Nation Without Borders*, 195-96.

⁶⁷ Levine, *Half Slave and Half Free*, 223.

⁶⁸ Potter, *The Impending Crisis*, 454; McPherson, *Battle Cry of Freedom*, 228-29.

⁶⁹ McPherson, *Battle Cry of Freedom*, 201-6.

⁷⁰ Hahn, *A Nation Without Borders*, 210.

⁷¹ Hahn, *A Nation Without Borders*, 219-21.

⁷² Congress of the Provisional Government, *Constitution of the Provisional Government of the Confederate States of America* (Montgomery, AL: Shorter & Reid, 1861), Pdf. Library of Congress Online Catalog, Library of Congress, <https://www.loc.gov/item/44014587> (accessed August 16, 2022): Article One, Section Nine; Article Four, Section Two.

Soon afterwards, four more states from the Upper South joined the Confederacy.⁷³ And from 1861-1865, the Nation was caught in a long and bloody war.

It was the war itself that pushed Lincoln and his fellow Republicans to abolish slavery. Rather than merely halting the spread of slavery, Lincoln realized he needed to end it completely. Slavery had divided and destroyed the Union. To save the Union, slavery itself must be destroyed. “We must strike at the heart of the rebellion,” Lincoln said. The West was no longer the issue – the North, the West, and even the South, must all be free of slavery.⁷⁴

Lincoln issued the Emancipation Proclamation in January of 1863. By executive order, it freed all enslaved persons in the rebellious states.⁷⁵ From that moment on, the Union Army fought not just to preserve the Union, but to end the cause of the war – slavery.

The Proclamation, however, rested on Lincoln’s presidential war powers and could be undone by another president. To truly end slavery, stronger legal action was needed. The Thirteenth Amendment to the Constitution, which abolished slavery everywhere in the Nation, passed in the Senate in 1864. It passed the House in 1865, and that year was ratified by the necessary 3/4ths of the states. Slavery, finally, was no more.⁷⁶

Conclusion

When the country fulfilled its so-called manifest destiny, and stretched from sea to sea, Northerners and Southerners looked west and dreamed of very different versions of America – one free, one slave.

The historian James McPherson summarized the issue well when he said, “The slavery issue would probably have caused an eventual showdown between North and South in any circumstances. But it was the country’s sprawling growth that made the issue so explosive.”⁷⁷

The Northern and Southern dreams of the West were incompatible. And the crisis over whose vision would prevail escalated and grew until the Nation broke, the war came, and the problem of slavery was decided on the battlefield.

Thanks for listening.

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⁷³ McPherson, *Battle Cry of Freedom*, 280-83.

⁷⁴ McPherson, *Battle Cry of Freedom*, 504.

⁷⁵ Hahn, *A Nation Without Borders*, 254-56.

⁷⁶ McPherson, *Battle Cry of Freedom*, 706, 838-42.

⁷⁷ McPherson, *Battle Cry of Freedom*, 8.

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