

UNIT 5 CIVIL WAR

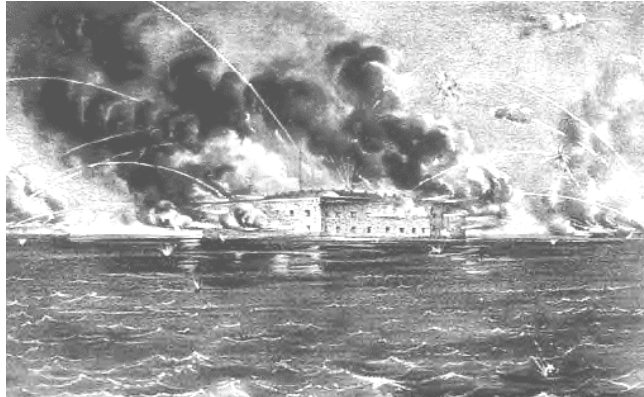
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Chapter 1

The Sections

Guns from Charleston, S.C. spewed out smoke and hurled shells into the harbor fortress flying the United States flag as townspeople climbed to rooftops to cheer their heroes. Commanding the fort, Union Major Anderson, short of ammunition, waited till dawn to return fire. The time was 4:30 in the morning; the day was April 12, 1861. With this firing on Fort Sumter, the Civil War began. When at last it was over some four years later, the Union had been saved and slavery had ended at the cost of 600,000 American lives and more than four billion dollars in property damage.



What had caused the Union to split? Who was to blame for the tragedy? Was the war inevitable, or could it have been prevented by more enlightened leadership? These are some of the questions which will be raised in this unit. However, to understand anything about America's most costly war, you must first learn something about the nation which had blundered into it.

Even under British rule, Americans were not one people. Vast differences existed between the industrious merchants of Massachusetts, the proud planters of Virginia, and the independent farmers along the frontiers. They had united against a common enemy in 1776, cooperated in a war for their independence, and buried their differences while writing a constitution. These differences, papered over in compromises, were never forgotten. In the years after 1787, the sections grew further and further apart. This chapter will tell something of the distinct sections, North, South, and West which evolved and of the conflicting interests that led to the Civil War.

The North and Abbot Lawrence

By 1840, the North included Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine which had separated from Massachusetts in 1821.



Industry was rapidly developing in the North, which was by far the most industrialized part of the country. Well over half the nation's factories, far in excess of its total industrial investment, and over two-thirds of the nation's industrial products were in the North. New York City, Boston, and Philadelphia became industrial and cultural centers. Cotton, harvested in the South, was processed in the North to be made into clothes, blankets, and other such goods. Iron, mined in Pennsylvania, was formed into tools and utensils that were sold by Yankee peddlers throughout the land. Even the newspapers in the South were printed on paper made in the North. New England farms were

increasingly unproductive, and many Yankees either migrated to more fertile lands in the West or found work in the factories of the North. Merchant shipping, once the North's chief industry, increasingly gave way to manufacturing. Factory owners came to displace ship owners as the North's leading citizens.

With the completion of the Erie Canal in 1825, New York City was connected to Buffalo on Lake Erie via the Hudson and Mohawk Rivers. Thus, a great western outlet was provided for the products of Northern factories, and an easily reached Northern market was created for Western wheat, pork, and cattle. Philadelphia and other northern cities soon began building canals to the West in order to compete with New York City. By 1830 there were 1,277 miles of canals in the nation. At the end of the 1820's, however, attention was paid to a new method of transportation: the railroad. Beginning with the Baltimore and Ohio in 1820, some 2,800 miles of track had been laid in the twelve years that followed. Northern bankers extended credit to Western farmers and Southern planters. The North was the only section of the country which had the money to make these investments. Politics in the North were primarily controlled by the bankers, shippers, and wealthy manufacturers. Their economic interests, after all, corresponded to the political interests of the North; furthermore, bankers and manufacturers had the resources, time, and respect to mount and support political campaigns.

Typical of the emerging manufacturer in the North was Abbott Lawrence of Massachusetts. Born in Groton, Mass in 1792, Abbott came to Boston as a young lad with a bundle of clothes under his arm and a fortune of three dollars in his pocket. He apprenticed himself in his older brother, Amos's commercial house. By the age of 22, he had worked himself into a full partnership with Amos in A&A Lawrence & Co., and was soon recognized as one of Boston's great importers. Turning its attention more and more to production, Abbott's firm became instrumental in the manufacture of cotton goods. Abbott began by investing in the Waltham factory of Francis Lowell, and in 1830 he built a factory of his own in Lowell, Massachusetts. In 1845, he founded the textile manufacturing city that still bears the family name.

In order to protect his investments, Abbott Lawrence became involved in politics. During the mid and late 1830's he served in Congress, where he consistently supported protective tariffs on the grounds that the U.S. could otherwise not compete with cheaper foreign imports. He became a leader of the Whig Party and a friend and chief supporter of the great Congressman from Massachusetts, Daniel Webster. At one point, he was even considered as a possible Vice-Presidential candidate.

Aside from his varied economic and political interests, Abbott Lawrence concerned himself with education and reform. These interests were not unique to Abbott alone; they ran in the Lawrence family. His brother William gave generously to Groton Academy, and his nephew Amos helped establish colleges in Wisconsin and Kansas. This nephew was also known for giving money to John Brown for the raid at Harper's Ferry and for his defense afterwards. Abbott Lawrence gave \$100,000 to found the Lawrence Scientific School at Harvard, supported building model housing for Boston workers, and was an officer in the American Colonization Society which bought slaves from their owners and sent them to Africa. Abbott Lawrence died in 1855 a wealthy and well-respected manufacturer who had done much to mold the sectional identity of the North.

The South and Jimmy Hamilton

The South extended from Delaware to the Carolinas and Georgia, and included parts of Missouri, Tennessee and Kentucky. By the mid-1840's, Southerners had settled Arkansas and Mississippi, as well as Florida and Alabama, and had established themselves in Texas where they were clamoring to join the Union.



If the factory symbolized the North, the plantation represented the Old South. Though wealthy planters were few in number (only one out of one hundred southerners owned 50 slaves or more), they were widely admired and imitated. Furthermore, because the plantation owners had the wealth, social connections, and education as well as the time to devote to politics, they dominated the political life of the South. From the stately Mt. Vernon estate of Washington's descendants to the hillbilly country of Tennessee, from the rich rice plantations of South Carolina to the snowy-white cotton fields of Alabama, the South was a section of white over black. The white men who controlled the South owned the black slaves who harvested cotton, tobacco, rice, and sugar. White men also bought those crops from planters, stored them, and sold them to northern or English merchants. The few merchants, manufacturers, and lawyers who worked in the South tended to be related to planters. Primogeniture, or the passing of one's entire estate to the eldest son, was still widely practiced. The younger sons therefore entered law, business, the clergy or the military.

The majority of Southerners were small farmers who did not own slaves. However, because they were too isolated, uninformed, or busy, they stayed out of politics, deferring in these matters to the wealthy planters.

Cotton and tobacco cultivation tended to wear out the soil to such an extent, that once proud Virginia actually lost population and influence. By 1840, the greatest plantations were to be found in South Carolina, Alabama, Louisiana, and Mississippi. Because of their crops' depletion of the soil, planters constantly needed virgin lands in large tracts to begin new plantations.

The rivers of the South provided the means of transporting the plantations' cotton and tobacco to market. Where the North was drawn to steam-powered railroads, the South was attracted to steam-powered boats. These riverboats, with engines mounted on their decks and propelled by giant paddle wheels, were designed to navigate shallow waters. New Orleans quickly became the largest city in the South because of the goods brought down the Mississippi River by the paddle wheel steamers. Baltimore, with its Chesapeake Bay location provided a port to the world, and Charleston, South Carolina, as well as Savannah, Georgia, which boasted a high society and rich social life, were the only other Southern cities

Typical of the southern planter aristocracy was James Hamilton of South Carolina. The son of a wealthy South Carolina planter, Jimmy Hamilton, was born in Charleston in 1786. With the benefits of riches, he was well educated and practiced law in his native city. Adding to a substantial inheritance, Jimmy became the wealthiest man in South Carolina while still in his 30's. He owned fourteen cotton plantations, worked by more than 2,000 slaves. As a slave owner he was said to be a kind and caring master, but who can rightly say how the slaves were treated day to day in the absence of their owner. It is known that Hamilton had a very hot temper and frequently engaged in the gentlemanly manner of settling disputes. He was said to have fought fourteen duels.

During the hot summer season, and during much of the rest of the year as well, Jimmy lived in Charleston. There he was a social leader, throwing lavish parties, racing horses, and leading the city's militia. He served in the War of 1812, rose to the rank of major, and then entered politics. By 1820, he had been elected mayor of Charleston and had served in the state legislature. He counted the great political spokesman of South Carolina, John C. Calhoun, as a very close friend. Between 1820 and 1830, Jimmy was

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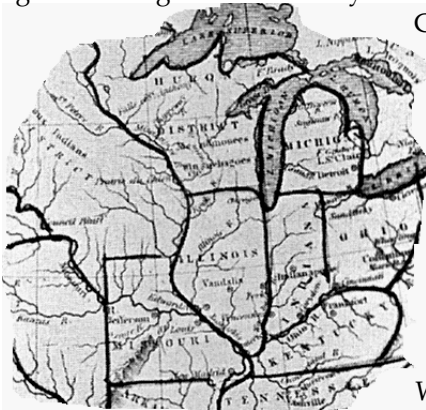
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elected to Congress repeatedly as a States Rights Free Trader. He was particularly critical of protective tariffs. In 1832-3, James Hamilton served as governor of South Carolina. During that time, he was so supportive of the states Nullification Act that he was put in command of 27,000 state troops to resist the Federal government's attempts to collect its tariff.

In the late 1830's Hamilton moved to Texas where he became a political leader. In 1841 he represented the Republic of Texas in Europe and succeeded in getting England and France to grant Texas diplomatic recognition. In 1857, four years before the guns of his native city thundered the opening of the Civil War, James Hamilton died. There is little doubt about which side he would have supported.

The West and Tom Lincoln

By 1840, the West included parts of Missouri, Tennessee, and Kentucky, as well as all of Michigan, Wisconsin, Illinois, Indiana, and Ohio. Settlers were eyeing Iowa, which became a state in 1846, and began looking beyond the Mississippi River to Minnesota, Oregon, Texas, and of course, California.



The West

Along the furthestmost fringes of the West, beyond the Mississippi River, lay the frontier. But even the more settled and developed areas were raw and wild. The West had no large cities and no major highways. Its main arteries of transportation were the mighty rivers, the Mississippi and the Ohio, and it was on those great rivers that the West's newly rising cities: Cincinnati, Louisville, St. Louis, and Memphis, would appear. Westerners desperately needed roads to connect themselves to the East, but they had no money with which to finance them. The North was the West's natural outlet for its corn, wheat, pork, and beef, and the primary source for needed manufactured goods. The East was also the old home of most of the new settlers, and as civilization spread westward, the new residents tended to re-establish Northern

society. Westerners generally opposed slavery and its extension into their domain. For one thing, the use of slaves was unprofitable in growing wheat, corn, and barely. Though agriculture was the main occupation of westerners, they also eagerly sought to become more industrialized.

Most Westerners felt a closer sense of kinship with the North, from where they had originated, than they did with the South. They read the books and admired the artists popular in the North, and they corresponded with the relatives they had left behind. The West thereby became tied to the North by bonds of sentiment, tradition, and economics. As the section became more civilized, its economic ties to the North grew in importance and drew the two sections closer together. In its more raw and less cultivated areas, however, the West resembled the rural and undeveloped parts of the South.

Finally, unhindered by an entrenched ruling class, western politicians frequently spoke the language of democracy. They opposed special privilege, favored such reforms as universal manhood suffrage, and often expressed distrust for the southern planter and the northern manufacturer.

Characteristic of the small farmers who inhabited the West was Thomas Lincoln. Born in 1778 in Rockingham County, Virginia, Tom's father moved his family to Kentucky where he joined his friend Daniel Boone in 1782. Having little time, inclination, or opportunity for book learning, Tom became a carpenter and cabinet-maker and hired out his labor as well. Around the turn of the century, he took to farming on a 238 acre tract of land in Hardin County, Kentucky. There in 1805 he got his first hard look at

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slavery when he was selected as one of four patrollers to seize slaves roving without permits. The following year, young Tom took himself a bride, Nancy Hanks. In 1807 came a child, a little girl, and soon thereafter Tom bought a second farm of 348 acres. On the new land, Tom found time to build a cabin of logs from the timber he cut. The floor was packed down dirt. One door and one window provided entry and light. In 1809 another child came, this time a boy. Three years later another baby boy was born but died within a few days.

Tom worked hard and had a reputation for paying his debts. One year he was appointed a road surveyor, a serious job for transportation conscious westerners. Meanwhile, slavery was on the rise in Kentucky and Tom Lincoln was not in favor of the institution. Thus in 1816, he decided to move to Indiana partly on account of slavery. Hacking a path through the wild raw country, the Lincoln family slowly made its way to Little Pigeon Creek where they erected a pole-shed and began clearing the land they had squatted on. It would be years before Tom could afford to buy his 160 acre plot from the Federal government for 320 hard-earned dollars. In the meantime, Tom and his son had to chop down trees, clear the underbrush, and plow the virgin land. Their food was mostly game, shot in the nearby woods, as well as nuts and wild fruits.

In 1818, the milk sick came to the clearing. Soon Nancy Lincoln was stricken and died. Along with a friend, a grieving husband and his son made a rough-hewn coffin in which to bury this hard-working wife and mother. A year later, Tom headed back to Kentucky alone, and there, within a few weeks, he found and married the widow Sarah Johnson. The need for a helpmate, as well as a mother for a growing family, was overwhelming on the frontier farm. With three children of her own, Sarah was affectionate to Tom's children as well, and they warmed to her easily. She taught them to read and write, and they grew up well-prepared for their own futures.

Tom's daughter, Sarah, married a neighborhood boy in Illinois after yet another move, but she died in childbirth within a year. Tom's boy grew in knowledge; became a storekeeper, a lawyer, a frontier politician, and eventually became the sixteenth president of the United States. That momentous event came nine years after Tom Lincoln was laid to rest in the ground of his Coles County, Illinois, farm.

Suggested Student Exercises:

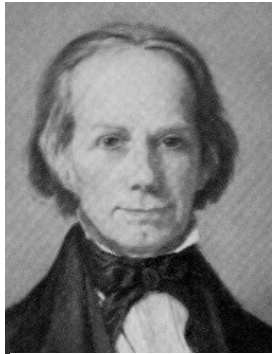
1. Which of the sections, North, South, or West, would have the greatest need or for each of the following, and why:
 - a. Roads and canals built at the expense of the national government?
 - b. A tariff (tax) to protect its industries from competition with cheap foreign articles?
 - c. Uniform currency (money of equal value) in all the states, controlled by wealthy bankers?
 - d. Free land for all who want it?
2. Give arguments for or against each of the above, based on the interest of the dominant personality of the section you have been assigned to represent..
3. Be prepared to give arguments for or against each of the following, based upon what you think is morally right, except when you are defending the interest of your section's dominant character.
 - a. A strong law prohibiting the spread of slavery. (support by West)
 - b. A law guaranteeing Native Americans the right to remain on the lands occupied by their tribes.(support by North)
 - c. A law for a nine hour day in the factories (support by South)

3. Suggested class activity:

Meet in groups by section. Elect a leader for your group. Prepare arguments to protect your section's economic interests (a.-d.). Present these arguments orally in class, and argue against the groups that disagree with you. Meet with other groups (your leader may assign two or three students to go to each of the other groups) to exchange views and make deals. Then vote for moral issues (3 a.-c.) The section that succeeds in passing most of its proposals is the winner!

Epilogue: The American System

Was it possible for the sections to compromise their conflicting interest and work together to benefit the entire nation? Henry Clay of Kentucky believed it was. First elected to Congress in 1810 as a staunch nationalist, Clay's vision for over forty years in public service put national interest ahead of local. While other great Congressmen, like John Calhoun and Daniel Webster, generally championed the interests of their section, Clay championed the cause of the Union.



Henry Clay

As early as 1816, Clay proposed to unite the Union with a program that essentially resurrected Alexander Hamilton's proposals. Dressing them in new clothes, Clay called them the American System.

Henry Clay's American system contained four basic elements: western lands, roads, and canals, a protective tariff, and the Bank of the United States. This is how it would work:

The money the Federal government received from a revenue tariff, sales of western lands, and the profits from the be used to build roads and canals to unite the sections.

As Clay saw it, the tariff would protect American industry, allowing America to become strong and self sufficient, while the roads and canals would ensure the South and West an outlet to the markets in the North. The South and West, meanwhile, would be able to use the roads to transport goods manufactured in the North. Meanwhile, the Bank would provide a stable and uniform currency, thereby making it easier to do business in all parts of the country.

In the afterglow of victory against England in the War of 1812, parts of the American system were enacted into law. In 1816, Congress passed a protective tariff, re-established the Bank of the United States, and earmarked money for a national road from the Potomac River to Ohio. Thereafter, the American system faced difficult times. Holding to a strict interpretation of the elastic clause, President Madison vetoed other ambitious road building projects in 1817. In 1830, President Andrew Jackson vetoed the building of the Mayesville Road, through Henry Clay's Kentucky for essentially the same reasons given by Madison. As a result, states took to building their own roads and canals. The most notable of these projects was the Erie Canal linking the Hudson River to the Great Lakes and establishing New York City as the most important port in the Nation.

Other parts of the American system were defeated at various times. After 1816, the South, realizing it would never benefit from tariffs, began to oppose protection. By 1828, South Carolina threatened to declare all protective tariffs null, void and unenforceable within its borders. In 1832, President Jackson

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vetoed a bill to re-charter the Bank of the United States. In the meantime, fearing their section would lose population, Connecticut's Henry Foote, unsuccessfully offered a resolution that would stop the sale of western land. Years later, Abraham Lincoln was elected President on a platform essentially similar to the American System with the single addition of a promise to prevent the extension of slavery. In response, South Carolina led ten other states out of the Union.

Suggested Student Exercises:

1. Do you think that the North, South and West had an obligation to support the American system even if elements conflicted with the interests of their section. Why or why not?

Chapter 2

McCulloch v. Maryland

When Thomas Jefferson voiced opposition to the Bank of the United States in 1791, the heart of his argument was that establishing banks was an unconstitutional extension of the federal government's powers. Secretary of the Treasury, Alexander Hamilton, quickly countered Jefferson's arguments by demonstrating both the need for and the constitutionality of the Bank. After careful study of both opinions, George Washington signed the bill that created the first Bank of the United States.

Hamilton's creation thrived for twenty years. It realized its founders' objectives by serving the United States government as an instrument for collecting taxes and a depository for government funds. Simultaneously, it provided the young nation with a sufficient and uniform currency. By requiring payment in hard money, the Bank helped restrain state banks that tended to issue too much paper currency.

Despite its proved usefulness, the Bank failed to be re-chartered in 1811 by two votes, one in the House and one in the Senate. Its misfortune may be attributed to the opposition of die-hard Jeffersonians who controlled the legislative branch of government. Many never completely overcame their distrust for National Banks. Thus, on the eve of the War of 1812, the United States was without a central bank to direct and stabilize its system of money and credit. The war quickly revealed the glaring need for some kind of central banking. Money printed by state banks seldom circulated outside of the states that issued it. These bank notes were seldom accepted at full face value. With no restraining hand, state banks circulated more money than they could redeem with gold or silver coin. Consequently, by 1814, all but the New England banks had stopped converting their bank notes to hard currency. Meanwhile, the National government, deprived of a reliable source for loans, was unable to pay the interest on its debts.

The Second Bank of the United States

Believing that the nation needed a national bank, Congress chartered the Second Bank of the United States (B.U.S.) in 1816. Like its predecessor, the Second Bank was a corporation subscribed to by both individuals and the government. Eighty percent of its stock was bought by private American citizens and twenty percent was owned by the federal government. The B.U.S. like its predecessor, was controlled by a Board of Directors elected by the stockholders. It too could establish branches throughout the country. It was empowered to issue money and could thus expand or contract the nation's money supply. It could lend money to the U.S. government, serve as a depository for government funds, and demand that state banks repay paper money with gold. The main difference between the first and the second bank was that the latter issued \$35,000,000 in stock as compared to the \$10,000,000 issued by the former.

Unfortunately, the second B.U.S. did not enjoy as productive and successful a career as the first. When its door first opened in 1817, America was in the midst of an orgy of speculation. Rather than restrain the state banks in their reckless lending of money to irresponsible businessmen engaged in questionable projects, the Second Bank also made unwise and speculative loans. Furthermore, the B.U.S.'s Baltimore branch, the busiest in the nation, was controlled by unprincipled men who lent the Bank's money to themselves. One cashier alone borrowed \$500,000 dollars. When the Bank's directors finally

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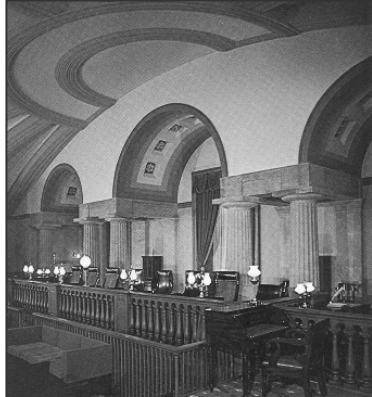
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began to control this situation by recalling many of the least justifiable loans, the resulting reduction of credit caused a number of men to go bankrupt. The contraction that followed both caused and fueled a general financial panic leading to business and bank failures throughout the land. The Panic of 1819 was the most severe depression young America had experienced. Westerners were especially hard hit by the panic, and one, General Andrew Jackson of Tennessee, would not soon forget the losses he suffered at the hands of the 'Monster Bank.'

While the Bank was on the verge of a collapse, caused in part by its own recklessness, it came under attack from another source. Bankers in many states deeply resented the awesome powers granted the B.U.S. They found allies among old time Jeffersonians who could not accept the idea of the Federal government establishing any kind of a bank. These groups were supported by state legislators who had witnessed the monumental monetary mismanagement by the B.U.S. and now sought to find a way of destroying it. Their method was to place a tax on the money issued by the branches of the bank located in several states. Maryland passed a tax of \$15,000 on the Baltimore branch; North Carolina, Tennessee, Kentucky and Ohio passed similar bills. These laws threatened to destroy the B.U.S. by crippling its ability to issue money. The Bank would now have to fight for its existence in the courts.

McCulloch V. Maryland

The Maryland case was the first to reach the Supreme Court. When James McCulloch, cashier of the B.U.S. Baltimore branch, refused to pay Maryland's bank tax, he was brought to court. The municipal and the state's appeals courts upheld the law and their decision was quickly appealed to the Supreme Court of the United States.



Inside the Supreme Court

Arguments were held before the Supreme Court in February and March, 1819. The Bank's principle attorney was none other than Daniel Webster, destined to become for over 30 years the most ardent and eloquent defender of the powers of the Federal government and the rights of businessmen. Among the distinguished lawyers arguing Maryland's case was Luther Martin, an opponent of Federal power since the Constitutional Convention. Chief Justice John Marshall presided over this crucial case which was to resolve the question of the Federal government's power to establish corporations.

Although a native of Thomas Jefferson's Virginia, Marshall had become and remained an ardent Federalist. After distinguishing himself in Virginia's constitutional convention and in the XYZ Affair, Marshall was elevated to the Supreme Court by President Adams in 1801. Because of the force of his personality, the qualities of his astute legal mind, and the peculiar nature of Washington, D.C.'s society (which led justices to live in a single rooming house during their six week annual stay in Washington) Marshall exercised a dominant influence over the Supreme Court. For 34 years he successfully imposed a Federalist interpretation on the Constitution in a series of precedent-making decisions that, to this day, have not been overturned. In *McCulloch v. Maryland*, Marshall wrote what was considered to be his most important decision.

The Issues of the Case

Among the crucial Constitutional questions raised in this case were the following:

1. Had the states, and not the people, written the Constitution, and, if so, did they remain the sole judges of what powers the states delegated to the Federal Government?
2. Did the powers granted Congress by the Constitution include the power to establish a National Bank?
3. Did the states have the right to tax the Bank or any other Federal creation?

The answers to these questions are presented here in the able words of the lawyers on both sides:

1. Did the States or the People Write the Constitution?

It springs from the people, precisely as the State Constitutions

The Constitution acts directly on the people, by means of powers communicated directly from the people. No State, in its corporate capacity, ratified it; but it was proposed for adoption to popular conventions. It springs from the people, precisely as the State Constitutions spring from the people, and acts on them in a similar manner. It was adopted by them in the geographic sections into which the country is divided. The federal powers are just as sovereign as those of the States.¹

The Constitution was formed by the people of the respective States.

The Constitution was formed and adopted, not by the people of the United States at large, but by the people of the respective States. To suppose that the mere proposition of this fundamental law threw the American people into one aggregated mass, would be to assume what the instrument [Constitution] itself does not profess to establish. It is, therefore, a compact between the States, and all the powers that are not expressly relinquished by it, are reserved to the States.²

¹ *McCulloch v. Maryland* (1819), 4 Wheaton, 377.

² *ibid.*, p. 363.

2. Was Congress Given Power to Establish the Bank?

A bank is a proper and suitable instrument

Congress is authorized to pass all laws necessary and proper to carry into execution the powers conferred on it. These words, necessary and proper, in such an instrument, are probably to be considered synonymous. Necessary powers must here intend such powers as are suitable and fitted to the object; such as are best and most useful in relation to the end proposed. If this be the not so, and if Congress could use no means but such as were absolutely indispensable to the existence of the granted power, the government could hardly exist; at least it would be wholly inadequate to the purposes of its formation. A bank is a proper and suitable instrument to assist the operations of the government in the collection and disbursement of the revenue; and in the regulation of the actual currency, as being a part of the trade and

exchange between States. It is not for the Court to decide whether a bank or such a bank as this be the best possible means to aid the government. Such topics must be left to the two houses of Congress. Here, the only question is whether a bank, in its known and ordinary operations, is capable of being so connected with the finances and revenues of the government, as to be fairly within the discretion of Congress when selecting means and instruments to execute its powers and perform its duties.³

Many means may be proper which are not necessary

It is contended that the powers expressly granted to the national government in the Constitution are enlarged to an indefinite extent, by the sweeping clause, authorizing Congress to make all laws which shall be necessary and proper for carrying into execution the powers expressly delegated to the national government, or any of its departments or officers. Now, we insist, that this clause shows that the intention of the Convention was, to define the powers of the government with the utmost precision and accuracy. The creation of a sovereign legislature implies an authority to pass laws to execute its given powers. This clause is nothing more than a declaration of the authority of Congress to make laws, to execute the powers expressly granted to it, and

the other departments of government. But the laws which they are authorized to make are to be such as are necessary and proper for this purpose. No terms could be found in the language more absolutely excluding a general unlimited discretion than these. It is *not necessary or proper but necessary and proper*. The means used must have both these qualities. It must be, not merely convenient fit-adapted-proper, to the accomplishment of the end in view; it must likewise be necessary for the accomplishment of that end. Many means may be proper which are not necessary, because the end may be attained without them.⁴

³ *ibid.*, p. 323-25.

⁴ *ibid.*, p.365-7

3. Could the States Tax the Bank?

If the States may tax, they have no limit but their discretion

An unlimited power to tax involves, necessarily, a power to destroy because there is a limit beyond which no institution and no property can bear taxation. A question of Constitutional power can hardly be made to depend on a question of more or less. If the States may tax, they have no limit but their discretion; and the bank, therefore, must depend on the discretion of the State governments for its existence.⁵

[The] right of taxing property [is the] right to exist

The right now assailed by the bank is the right of taxing property within the territory of the State. This is the highest attribute of sovereignty, the right to raise revenue; in fact, the right to exist; without which no other right can be held or enjoyed. The general power to tax is not denied by the States, but the bank claims to be exempted from the operation of this power. ... Such a right must not be defeated by doubtful pretensions of power, or arguments of convenience. or policy to the government; much less to a private corporation.⁶

Suggested Student Exercises:

1. As your teacher directs, divide into groups of three, with one person in each group arguing the side of the bank, one taking the role of the state of Maryland, and the third acting as a judge. After hearing arguments on both sides, the judge should determine who was right, and the group then proceeds to the next issue.

Epilogue

Arguments before the Supreme Court began on February 22, 1819, and lasted until March 3rd. It is commonly acknowledged that they reached a pitch of eloquence and intensity seldom matched before in the Supreme Court. Nevertheless, the arguments may have had little bearing on the outcome of the case. John Marshall delivered the unanimous decision of the Court but three days after arguments ended. His was considered to be one of the most tightly reasoned and influential verdicts in the entire history of the Court. Most of it was probably written during the previous summer or fall.

The excerpts below present the conclusions reached by the Court:

1. Did the States write the Constitution?

The Convention which framed the Constitution was indeed elected by the State legislatures. But the instrument, when it came from their hands, was a mere proposal, without obligation, or pretension to it. It was reported to the then existing Congress of the United States with a request that it might be submitted to a Convention of Delegates, chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification. This mode of procedure was adopted; and by the Convention, by Congress, and by the State Legislature, the instrument was submitted to the

⁵ *ibid*, p. 327

⁶ *ibid.*, 338-9

people. They acted upon it in the only manner in which they can act safely, effectively, and wisely, on such a subject, by assembling in convention

From these Conventions the Constitution derives its whole authority. The government proceeds directly from the people; is ordained and established in the name of the people; and is declared to be ordained, in order to form a more perfect union, establish justice, ensure domestic tranquillity, and secure the blessings of liberty to themselves and to their posterity.⁷

The government of the Union, then, (whatever may be the influence of this fact on the case), is, emphatically, and truly, a government of the people. In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit.

2. Was Congress given power to establish the Bank?

We think the sound construction of the Constitution must allow the national legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are Constitutional.⁸

3. Could the state governments tax the Bank?

If the states may tax an instrument, employed by the government in the execution of its powers, they may tax any and every other instrument. They may tax the mail; they may tax the mint; they may tax patent rights; they may tax judicial process; they may tax all the means employed by the government, to an excess which would defeat all the ends of government. This was not intended by the American people. They did not design to make their government dependent on the States.⁹

Suggested Student Exercises:

1. Compare your decisions with Marshall's.

⁷ loc. cit.

⁸ *ibid.*, p. 421.

⁹ *ibid.*, p.432

Chapter 3

The Tallmadge Amendment

*In dark Missouri now, with hideous yell, Fierce SLAVERY talks and slips the dogs of hell
Hear ye SENATES! Hear this truth sublime, HE WHO ALLOWS OPPRESSION SHARES
THE CRIMES*¹⁰

Boston Columbian Centennial, August 26, 1820

*A prohibition of the importation of slaves would prevent the immigration of the Southern people to the State of Missouri. Would it be just to adopt such a regulation as would open a tract of the most fertile land to the Northern part of the United States, and, in effect, shut out the whole Southern people?*¹¹

Representative P.P. Barbour of Virginia

When Missouri applied for admission to the Union as a state whose Constitution favored slavery, Representative James Tallmadge of New York proposed an amendment to the bill. The Tallmadge Amendment prevented any further importation of slaves into Missouri and provided for the emancipation of the children of slaves already in Missouri.

This attempt to limit the extension of slavery caused protests such as that expressed by Representative Barbour above. A Georgia senator warned:

*I perceive a brother's sword crimsoned with a brother's blood if Congress persist
in the determination to impose the restriction contemplated.*¹²

In the North the issue was moral as well as political:

*On the whole I feel much concern for the issue, which, if decided against us, settles forever the
Dominion of the Union. Not only the Presidency, but the Supreme Judiciary will forever hereafter*

¹⁰Quoted in Glover Moore, *The Missouri Conroversy*, (Glover, MA, Peter Smith), p. 288.

¹¹ Quoted in Richard H. Brown, *The Missouri Compromise* (Boston: D.C. Heath and Co., 1964), p. 19.

¹² Quoted in *ibid.*, p. 26.

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*come from the slave regions and the decision of Missouri, will also determine whether the Citizens of the free States are to hold even their actual political Rights, or to be hereafter debarred of some of the most important of them.*¹³

Background to the Missouri Issue

The question of which section, North or South, would control the Union was older than the Constitution itself. As early as 1754, the New England states opposed the Albany Plan of Union because they feared it would lead to domination by Southerners. During the Constitutional Convention delegates from the North and South argued heatedly over counting slaves for the purpose of apportioning representatives and taxes. Slavery was banned from the Northwest territory (between the Ohio and Mississippi Rivers) in 1787. Later, by general agreement, slave and free states were admitted into the Union in pairs to preserve the balance between free and slave states. Thus, Vermont and Kentucky, Tennessee and Ohio, Louisiana and Indiana, Mississippi and Illinois entered in that manner. With the admission of Alabama in 1819 there were eleven free and eleven slave states. During those years, Congress heatedly debated the tariff and internal improvement issue which had become clearly sectional questions. Meanwhile the Supreme Court, in the famous *McCulloch v. Maryland* decision had declared the Second U.S. Bank constitutional. All the while the population of the North was growing faster than the population of the South. Reflecting this uneven growth, the House of Representatives contained 105 representatives from free states and only 81 from slave states by 1819. It had become apparent to Southerners that they must have as many slave states as there were free states in order to control the Senate and block legislation unfavorable to their section.

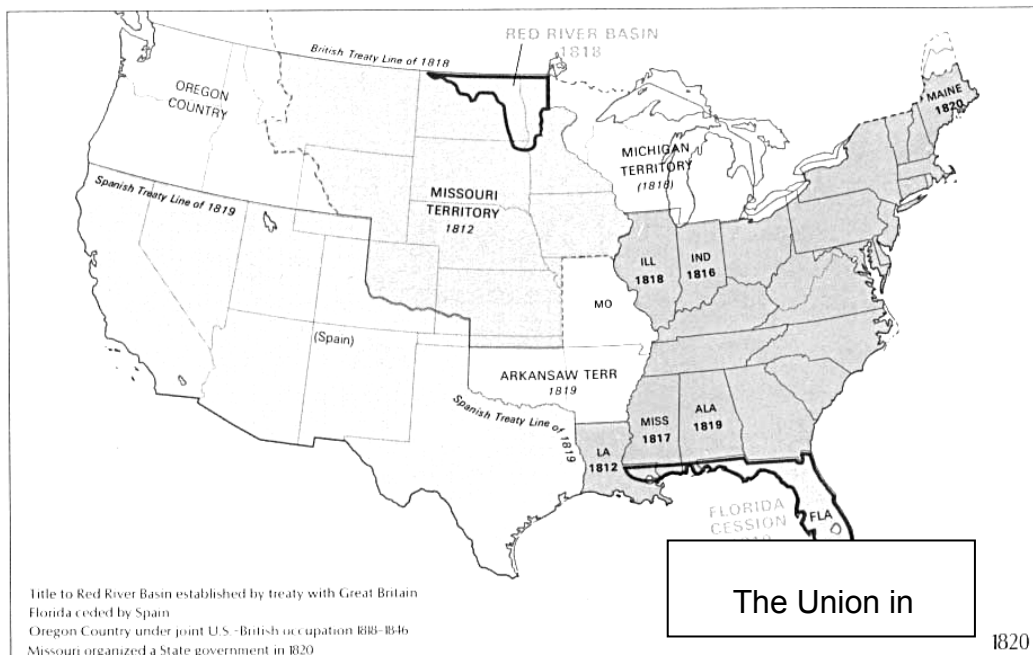
When Missouri applied for admission, approximately one-third of its 66,000 inhabitants were slaves. It seemed for a brief moment that there would be no problems with her request for statehood. The enabling act to make Missouri a state, was reviewed in 14 routine fashion by the Congressional Committee on Territories. But when the bill was before the House itself, in February 1819, Representative Tallmadge proposed his famous amendment, that:

*the further introduction of slavery be prohibited...and that all children born within the said State, after the admission thereof into the Union, shall be free at the age of twenty-five years.*¹⁵

¹³Quoted in *ibid.*, p. 35.

¹⁴ ©2003 General Libraries The University of Texas at Austin

¹⁵ *Annals of Congress*, 15th Congress, 2nd Session, I p. 1170



The Tallmadge Amendment, of course, would not interfere with slavery in the states where it already existed; it would not deprive any master of his property. It even permitted masters in Missouri to own slave children born after passage of the amendment for twenty-five years, and those born before its passage for their entire lives. The amendment, however, would lead to the eventual end of slavery in Missouri and discourage slave owners from taking their slaves to that state. If similar amendments were adopted, slavery could not spread outside of its existing limits. This was unacceptable to most Southerners who now raised such a storm of protest that Thomas Jefferson, himself an opponent of the amendment, later wrote:

*At this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the death knell of the Union.*¹⁶

Over a two year span, Representatives and Senators surpassed themselves in eloquence by arguing for and against the Tallmadge Amendment. Excerpts from two of the hundreds of speeches are reprinted below. As so many of the others, they deal with the morality of holding slaves, how slaves were treated, and the right of Congress to restrict the spread of slavery.

¹⁶ Quoted in Moore, *op. cit.*, p. 69.

Livermore: For Amendment Morality and Treatment

Slavery in the United States is the condition of man subjected to the will of a master, who can make any disposition of him short of taking away his life. In those States where it is tolerated, laws are enacted, making it a penalty to instruct slaves in the art of reading, and they are not permitted to attend public worship, or to hear the Gospel preached. Thus the light of science and of religion utterly excluded from the mind, that the body may be more easily bowed down to servitude. The bodies of slaves may, with impunity, be prostituted to any purpose, and deformed in any manner by their owners. The sympathies of nature in slaves are disregarded; mothers and children are sold and separated; the children wring their little hands and expire agonies of grief, while the bereft mothers commit suicide in despair. How long will the desire of wealth render us blind to the sin of holding both the bodies and souls of our fellow men in chains!

Congressional Power (Livermore)

Slavery, sir! is not established by our Constitution; but a part of the States are indulged in the commission of a sin from which they could not at once be restrained, and which they would not consent to abandon. But, sir, if we could, by any process of reasoning, be brought to believe it justifiable to hold others to involuntary servitude, policy forbids that we should increase it! Sir! until the ceded territory shall have been made into States, and the new States admitted into the Union, we can do what we will with it. We can govern it as a province, or sell it to any other nation

An opportunity is now presented, if not to diminish, at least to prevent, the growth of a sin which sits heavy on the soul of every one of us. By embracing this opportunity, we may retrieve the national character, and, in some degree, our own.¹⁷

Pinckney: Against Amendment Morality and Treatment

Certainly the present mild treatment of our slaves is most honorable to that part of our country where slavery exists. Every slave has a comfortable house, is well fed, clothed, and taken care of. He has his family about him, and in sickness has the same medical aid as his master, and has a sure and comfortable retreat in old age, to protect him against its infirmities and weakness. During the whole of his life he is free from care, that cancer of the human heart which destroys at least one-half of the thinking part of mankind, and from which a favored few, very few, can be said to be free. Being without education, and born to obey, moderate labor and discipline are essential. In this state they are happier than they can possibly be if free. The manor of men who would attempt to give them freedom, would be the greatest of their enemies.

Congressional Power (Pinckney)

A territory possesses all the legislative, executive and judiciary powers necessary to the protection of the lives, liberties, characters, and properties of their citizens. One of the most important among these is that of deciding for themselves what kind of persons shall inhabit their country. As the other States possess completely this power, Missouri has the same right. Since all the inhabitants of Missouri are against the prohibition of slavery, to insist on it is to entirely put it out of her power to enter the Union, and to keep her in a state of colonial tyranny. If you can exercise this right, where will you be when you stop? If you say there shall be no more slavery, may you not say there shall be no marriage? Sir, if you are determined to break the Constitution in this important point, you may even proceed to do so in the essences of the very form you are bound to guarantee to them.¹⁸

¹⁷ *Annals of Congress*, 15 Congress, 2nd Session, I pp. 1191-93.

¹⁸ *Annals of Congress*, 15 Congress, 2nd Session, II pp. 1318-19, 1323-24, and 1325

Suggested Student Exercises:

1. Prepare an argument representing the North's point of view on the Tallmadge Amendment
2. Prepare an argument representing the South's point of view on the Tallmadge Amendment
3. A bill to admit Missouri with the Tallmadge Amendment passed the House of Representatives in 1819 but was defeated in the Senate. A bill to admit Missouri without the amendment passed the Senate but was defeated in the House. The next year Maine broke away from Massachusetts and applied for admission as a free state. Seizing on this opportunity for a compromise, Henry Clay proposed that Missouri be admitted without restrictions on slavery, Maine be admitted as a free state, and slavery be forever prohibited north of the line 36°30" (see map). Prepare an argument favoring or opposing this compromise proposal.

Chapter 4

Democracy and President Jackson

Americans have always prided themselves on their democratic heritage and ideals. Historians often speculate on the source of these democratic characteristics. The most popular and challenging thesis explaining the origins of these tradition in America, was articulated by Frederick Jackson Turner. In a paper presented shortly after the American frontier was officially declared closed in 1890, Turner argued that the West had fostered the growth of American democracy. "Democracy," Turner had written:

was based on the good fellowship and genuine social feeling of the frontier, in which classes and inequalities of fortune played little part. But it did not demand equality of condition, for there was abundance of national resources and the belief that the self-made man had a right to his success in the free competition which western life afforded [and which] was as prominent in their thought as was the love of democracy.¹⁹

If democracy originated in the American West along the frontier, then the first President to be born and raised in the West should be a man who represented such ideals. The first western President was Andrew Jackson. And, indeed, Jackson's two terms in office have been called the era of Jacksonian Democracy. The noted historian, Arthur M. Schlesinger, Jr., suggested this was a movement to control the power Eastern capitalists for the benefit of farmers and laboring men, East, West, and South. Other historians, however, have presented Jackson as an "opportunist" for whom "Democracy was good talk with which to win the favor of the people" and thus win elections without providing democratic reforms.²⁰ It will be the readers task at the end of this and succeeding chapters on Andrew Jackson to decide just what Jackson represented and whether he really favored democratic ideals or merely used democratic rhetoric to win and hold office.

Andrew Jackson: Frontiersman, Hero, Politician

A man of inconsistencies, Andrew Jackson was a fascinating personality whose presidency remains difficult to analyze or characterize. If, however, there was a single pattern of behavior in Jackson's life, it was an uncanny mixture of boldness with caution. Throughout his career, Jackson made bold, audacious moves, but only after thoughtfully considering all his alternatives and the probable results of his actions.

Andrew Jackson's father died in 1767, only two years after immigrating to America from his native Ireland. A month later, in a small frontier settlement straddling North and South Carolina, his wife gave birth to her third son, Andrew. When Jackson was fourteen, his mother died while attending to American prisoners during the Revolutionary War. The war also was responsible for the death of his two brothers; and Andrew himself bore two ugly scars for the rest of his life for refusing to clean the boots of a British officer. Upon the death of his mother, Andrew was apprenticed to a saddle maker and moved to

¹⁹ Frederick Jackson Turner, "The West and American ideals" in J.F. Turner, *Frontier and Section* (Specprum Books: Englewood Cliffs, N.J., 1961), p. 108.

²⁰ Quoted in Charles G. Sellars, Jr. "Andrew Jackson versus the Historians", *Mississippi Valley Historical Review*, XLIV (March, 1953), pp. 515-33.

Salisbury, North Carolina three years later. There he read law and sowed his wild oats. He soon earned a reputation as the most "roaring, rollicking, game-cocking, horse-racing, card-playing, mischievous fellow, there ever lived in Salisbury".²¹ Between his studies and his wild good fellowship, Jackson learned the necessary social graces. By the age of twenty, he was a practicing lawyer and an appointed public prosecutor. He moved to Nashville, Tennessee where he represented creditors who wanted him to collect their bad debts. Within his first month in Nashville, Jackson enforced seventy writs for debts, and set a pattern he was to follow the next ten years. He generally represented propertied interests, accepted payments in land instead of money, and rapidly rose to become one of the wealthiest landowners in the entire state.

Jackson quickly invested the money he made from his practice in property. His Hermitage plantation, a great, sprawling, luxurious estate, became his home, but was only one of the many he owned. Some 150 slaves tended Jackson's fields, cotton gins, distilleries, and horse-breeding farms. Following the pattern of other self-made men in the southwest frontier, Jackson also raised and raced horses, bought and sold slaves, and speculated in western lands. While much of this lifestyle was typical for the times, Jackson was far more successful than other self-made men.

Jackson's marriage, too, added to his success, but it also cost him much in personal pain and animosity. Rachel Donelson Robards was the beautiful and fun-loving daughter of Jackson's landlady, a member of Tennessee's first and largest family, and the wife of the neurotically jealous Lewis Robards. Here husband objected to Rachel's flirtations with Andrew, and eventually sued for divorce. Rachel and Andrew were married without realizing the divorce had not become final. Upon discovering their mistake two years later, they promptly remarried. Nevertheless, Jackson was criticized throughout his career for living in sin with his wife, and eventually fought two duels to protect her honor. Jackson survived his duel with Charles Dickinson only because the large, billowy coat he wore confused his opponent and spoiled his aim. Jackson fired his return shot with a bullet lodged in his chest, but his grim, steady hand and face never let Dickinson know he had been hit.

Jackson's success in law was paralleled by his success in politics. In 1791, he was appointed attorney-general for the western districts of North Carolina, now Tennessee. As a delegate to its convention, Jackson helped write the Tennessee constitution in 1796, and then was elected to represent the new state in Congress. Here he voted against Congress's tribute to the outgoing President Washington because he considered him both too pro British and too pro Indian.

The next year Jackson was appointed to represent his adopted state in the Senate, but soon resigned to take care of his business affairs. He had been caught short in land speculation and by a bank failure that made the paper money he had used to buy property worthless. As a man of honor, Andrew Jackson accepted the responsibility for making good the bad money he had unwittingly passed, even though it was twenty years before he could pay the entire debt. As a result of this experience, Jackson developed a strong distaste for paper currency and came to regard gold and silver coins as the only honest money.

Despite his lack of military training, Jackson was elected major-general of the Tennessee militia. When the War of 1812 broke out, ten years later, General Jackson offered his service to the National government. His first active campaign was not against the British, but against the Creek Native Americans. Within a single year, Jackson systematically and ruthlessly destroyed this enemy and imposed harsh surrender terms. The Native Americans were required to cede 23,000,000 acres of land, about half the combined size of Georgia and Alabama. With the execution of six soldiers charged with

²¹Robert V. Remini, *Andrew Jackson* Harper and Row, New York, 1966, p. 22.

desertion, Jackson enforced discipline among his raw troops, but also earned himself the reputation of a merciless leader.



Jackson in New Orleans

In November 1814, General Jackson was ordered to defend New Orleans against an attack by an invading British army fresh from its victories over France's Napoleon. Jackson chose his defensive positions well. His rough collection of frontiersmen, pirates, Louisiana Frenchmen, and free blacks from New Orleans met and routed a far larger British army. The English forces were destroyed with the loss of 2,057 killed compared to American losses of only thirteen. This victory, coming at the end of a war that had brought few American successes, made Jackson an immensely popular national hero.

Between 1815 and 1819, Jackson took time off from fighting Native Americans to secure political support in many parts of the nation. As an Indian fighter during this period, General Jackson brashly invaded Florida, which was then under Spanish ownership, and defeated the Seminoles, who had attacked American settlements across the border. Jackson also caught and hastily executed two British traders who had supported the Native Americans. This incident drew strong protests from Britain and furthered Jackson's reputation as a military executioner. Despite these criticisms, General Jackson's popularity as an Indian fighter and national hero increased to the point that he was considered Presidential material. After the purchase of Florida in 1819, Jackson was made this territory's first governor.

Two years of service as territorial governor whet Andrew Jackson's appetite for a more responsible executive position. He consequently resigned his post to initiate an active campaign for the presidency. Supporters in Tennessee immediately made preparations; the state legislature elected him again to serve in the U.S. Senate and placed his name in nomination for the presidency. The presidential race in 1824 became a four man contest between Tennessee's Andrew Jackson, Georgia's William Crawford, Kentucky's Henry Clay, and Massachusetts's John Quincy Adams. With years of experience as Congressman, Ambassador, and Secretary of State, Adams was clearly the most qualified man. Although basically uneducated and with only limited government experience, Jackson was the most popular candidate. In a campaign which revolved more around personalities than political issues, Jackson won 152,000 votes to Adams's 114,000. The other candidates lagged far behind with approximately 47,000 votes apiece. Since no candidate had a majority of the electoral vote, the contest was thrown into the House of Representatives. Henry Clay, the advocate of the American System, was able to use his considerable influence to throw the election to the Nationalist, John Quincy Adams. When Adams then named Clay as his Secretary of State, a position that Jefferson, Madison, Monroe, and later Adams were able to use as a stepping stone to the presidency, Jackson called foul play. Despite the absence of any specific evidence that an understanding actually existed, the Jackson forces reminded the public for the next four years that Adams had obtained his position through a corrupt bargain.

The Election of 1828

Determined not to be denied again, Jackson's supporters organized their campaign for the next presidential election. It became one of the hardest fought and most vicious political campaigns in

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American history. Jackson was portrayed as an illiterate, backwoods brawler, an adulterer, slave trader and military dictator. Adams was called an aristocratic, intellectual snob who wasted the people's money on rare wines and gaming equipment (he had put a pool table in the White House) and, of course, the author of the corrupt bargain that brought him the Presidency and fellow conspirator, Henry Clay, the office of Secretary of State.

The key to Jackson's strategy, however, was organization. Mindful of the lessons from the election of 1824, Jackson dedicated himself to the careful applications of the art of politics. He resigned his Senate seat two years before the election and returned home to set up and direct a Central Committee in Nashville. This Committee corresponded with similar Jackson committees throughout the nation. Jacksonian newspapers were established in many Northern states to spread the message that JACKSON'S COMING, JACKSON'S COMING. Among the most notable messengers were Duff Green's *Washington United States Telegraph*, Isaac Hills Concord, N.H. *Patriot*, and Amos Kendall's, Kentucky *Arus of the West*. In the nation's capitol, Congressional supporters of 'Old Hickory' (as Jackson was then known) began holding regular caucus sessions to devise strategy to defeat the Adams-Clay coalition. Soon, a steady exchange of letters flowed between the Hero in Nashville and such Washington based Congressmen as Sam Houston of Tennessee (and later of Texas), Thomas Hart Benton of Missouri, and John Calhoun of South Carolina. Martin Van Buren of New York (and later President of the United States) saw Jackson as the man of the future and allied himself and his well disciplined and effective political organization behind Jackson.

The Jackson-Calhoun-Van Buren alliance created a large umbrella under which diverse interests, sections, and philosophies joined. In order not to scare off these supporters, Jackson displayed extreme caution in his public statements on the critical issues of the day. He carefully avoided discussing the bank of the United States, despite his aversion for paper money, and only briefly dwelt on the tariff, saying he favored a middle and just course. On three points, however, Andrew Jackson spoke out boldly. He would remove all men from the Federal government who had taken part in the corrupt bargain; he was opposed to nationally financed internal improvements, and he favored a policy of Indian removal. His cabinet, Jackson promised, would be composed of plain businessmen who would aid in restoring fiscal and ethical soundness to government.

As the election of 1828 drew nearer, the Democrats, as Jackson's emerging party came to be called, stirred great voter appeal through new and exciting electioneering techniques. They raised to a fine art the use of rallies, parades, barbecues, and dinners. They distributed campaign buttons and special hats, sporting hickory leaves. Barely disguising his own activities behind the anniversary celebration of his victory at New Orleans, Jackson accepted that city's invitation to attend and only there campaigned openly for the presidency. Otherwise, Jackson allowed others to campaign for him.

President Jackson

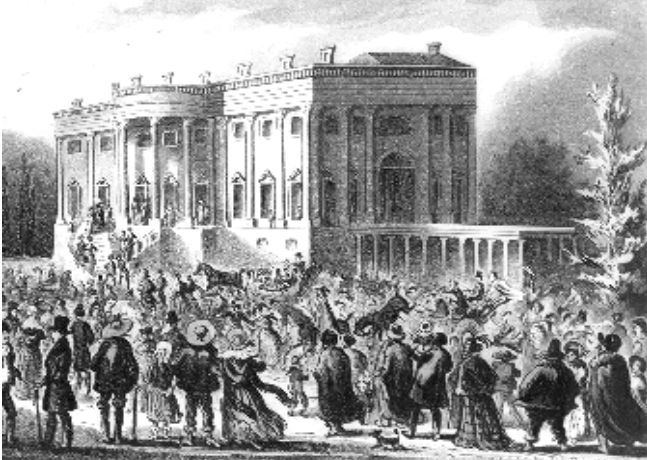
The excitement generated by this election and the new techniques engineered by Jackson supporters brought far more voters to the polls than ever before. Jackson won with an astonishing 647,000 votes (four times more than his 1824 total) to Adams's 508,000.

Before the advent of Andrew Jackson, the presidential inauguration had been a genteel ritual, performed before a gracious gathering of well mannered ladies and gentlemen. But Jackson's inaugural and victory banquet at the White House attracted people from all walks of life, including common backwoodsmen from Kentucky and Tennessee, free blacks from New Orleans, working men from Philadelphia, Boston and New York, and plain farmers from Connecticut and Ohio.

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Unfortunately, the people flooded into the White House, breaking several thousand dollars worth of furniture and china, and bloodying each others' noses in an effort to reach the punch, lemonade, and ice cream set out for them. The refreshments were quickly carted out to the lawn with the huge crowd in hot pursuit. All the while, the refined John Quincy Adams was hurrying North to his beloved Massachusetts, bewailing the arrival of the king mob allegedly in control of America's destiny.



One target of the 1828 Presidential campaign was the rich patronage represented in jobs held by Federal officials. Here democratic theory blended conveniently with political purpose. Claiming that the common man had the good sense and decency to hold public offices, Jackson argued that he would and should replace government officials who had long served in Washington with loyal supporters. Determined that their workers should be rewarded with government jobs, Jackson's

party organizers pressed for political appointments. Ultimately, many were disappointed, for Jackson replaced fewer than ten percent of all Federal office holders during his first term. Nevertheless, he extended the sorry principle that public office was not a public trust bestowed on capable men, but a reward to faithful political followers. This principle had long been the cement that glued state party organizations together, and Jackson now extended it to the National level.

Conclusion and Forward

The tale of Jackson's presidency can not be told in a single chapter. His term of office encompassed eight turbulent years which ultimately saw the first serious threat of secession, divided the country on the Bank issue, and removed the last tribes of Native Americans from Georgia. Today, historians generally agree that Andrew Jackson was one of the great or near great presidents. The reader, however, is left to decide whether Jackson's election and tenure in office represented democratic principles or whether he only used democratic rhetoric for self-interest and partisan purposes.

Suggested Student Exercises:

1. Did Jackson's career up to and including his inauguration, indicate that he was truly democratic? Consider at least three of the following:

- a. Did Jackson's early life exemplify the kind of background that prepares someone to be the president of a truly democratic country?
- b. Did Jackson's career in law, public office, and the military indicate a democratic bent?
- c. Was Jackson's failure to win the election in 1824 the result of a 'corrupt bargain'?
- d. Was Jackson too focused on the bargain that led to his defeat in 1824 rather than the programs that would help the people?
- e. Did Jackson's inauguration show his election was a victory for the American people?

Chapter 5

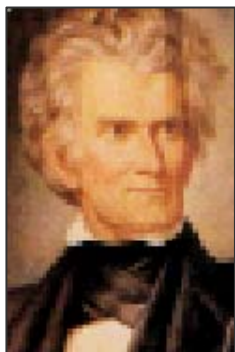
The Crisis of 1833: Tariffs and Nullification

"Our Federal Union – it must be preserved!" (Andrew Jackson)

"The Union – – next to our liberty, most dear." (John C. Calhoun)

Behind this exchange of toasts between President Andrew Jackson and his Vice-President, John C. Calhoun in 1830, lay a division in the U.S. as wide as this nation and as disruptive as a civil war. Although a Southerner and a slave owner, Andrew Jackson's statement reflected a commitment to keeping the country whole. John Calhoun, born and raised in South Carolina, had come to Congress in 1811 as an ardent nationalist. He supported the B.U.S., internal improvements, and the tariff of 1816. But Calhoun's state had moved away from its earlier commitment to nationalism, and the South Carolinian had to choose between allegiance to his state or to his country. While serving as Vice-President in 1828, Calhoun had secretly written a document entitled *The South Carolina Exposition and Protest* which argued that states could nullify laws which they judged to be unconstitutional. Now, in 1830, Calhoun made a public declaration of his sentiments, "the Union – next to our liberty, most dear. May we always remember that it can only be preserved by respecting the rights of the states."²²

In 1830, the feelings for both the nation and for the states were casting long shadows across the land. On the floor of the Senate, champions of these sharply conflicting sentiments, Robert Hayne of South Carolina and Daniel Webster of Massachusetts squared off in a debate of classic proportions.



John Calhoun

Webster, the aggressor, had challenged Hayne to commit himself to the doctrine of nullification. Hayne took the bait, quoted Jefferson's Kentucky resolution and held as sacred a resistance to unauthorized taxation. In a reply that took two days to deliver, Webster attempted to shred the elaborate nullification argument.

The debate over the nature of the Union occupied the Senate for four whole months, though little remained to be said after Webster and Hayne had completed their speeches. The debates were far more than an exercise in oratory. They helped shape public opinion on the crucial issues of nationalism or sectionalism, union or states, national laws or state nullification. Young boys like Abraham Lincoln, reading Webster's Second Reply to Hayne, grew up with a passion to defend the Union. In the South, Hayne's speeches helped plant the seeds which would blossom into secession in 1861. The speeches prepared the minds of the nation for the events to come. But for the immediate future another issue was far more pressing – the tariff.

The Tariff of Abominations

²² Quoted in Lewis Todd and merle Curti, *Rise of the American Nation* (New York: Harcourt Brace and World, 1968), Vol I., p.358.

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In order to frustrate and thus defeat the middle and New England states in their desire to gain more protection for their industries, Southerners deliberately voted higher tariff rates in 1828. They hoped to make the tariff so high that even its supporters would object to it. This high-risk strategy backfired. "Its enemies," Webster commented, "spiced it with whatever they thought would render it distasteful; its friends took it drugged as it was."²³ The result was a tariff with duties averaging forty-five cents for every dollar of imports.

Champions of the tariff were pleased with the protection it offered industries of the North. American manufacturers, it was reasoned, needed protection for less expensive foreign goods produced by cheap labor. Infant American industries, like babies in the cradle, needed protection until big enough to fend for themselves. Those industries and products most in need of protection included cotton textiles, wool, hemp, and flax.

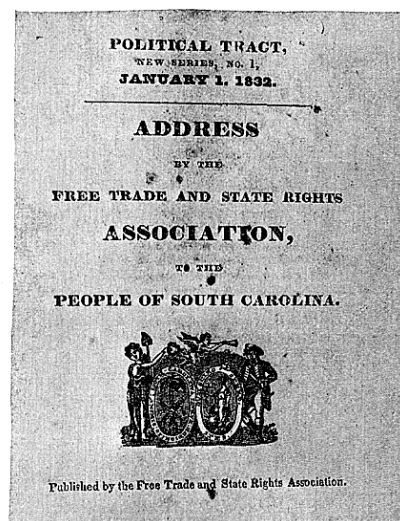
Southerners saw two distinct disadvantages to protection. First, protection would increase the cost of imports. Since the South exported its great crops, such as cotton, rice, and tobacco, it had no need of protection. The tariff, in fact, operated as a tax on the goods bought but not produced by Southerners. Secondly, the tariff hurt the South by making it more difficult for foreigners to buy American products. Without the dollars earned by selling their products in America, Englishmen would be less able to purchase goods produced in the South. Thus the tariff hurt the South by increasing the prices of goods bought while reducing sales to foreign countries.

The protectionist argued that the South was not really harmed by the tariff. They pointed out that the tariff was merely a means of getting Americans to buy and sell to other Americans. Southerners would be able to buy the North's manufactured goods, and similarly develop a market for their agricultural products in the North. Certainly, there was some truth to this argument. But the tariff also forced Southerners to pay more for manufactured goods from the North while depriving them of more lucrative markets abroad. Whatever benefits the tariff might provide for the nation would fall primarily to the Northern and the middle states; whatever burden the tariff produced was felt most heavily in the South.

Southern leaders increasingly viewed the tariff as a tax imposed on the South to support industry in the North. What made things worse, of course, was that the proceeds of this tax were often invested in internal improvements; improvements which did not benefit the South. In an anti-tariff meeting in South Carolina, Thomas Cooper reviewed these arguments and challengingly asked his audience:

Is it worth our while to continue this Union of States, where the North demands to be our masters and we are required to be their tributaries? ²⁴

In South Carolina, after passage of the Tariff of Abominations, the answer to this question was ever more inclined to be a resounding, No!



²³ Quoted in Samuel Eliot Morrison and Henry Steele Commager, *The Growth of the American Republic*, Oxford University Press, New York, 1956, Vol I., p.476

²⁴ *loc. cit.*

The South Carolina Exposition and Protest

To fully understand why South Carolina began to question the value of remaining in the Union, one must look beyond the tariff issue. After 1819, when the Tallmadge Amendment first challenged the continued expansion of slave territory, South Carolina became increasingly sensitive about its 'peculiar institution.' A well-organized slave conspiracy, masterminded by a free Negro named Denmark Vesey, was uncovered in 1822, shortly before the insurrection was about to start. The plan had been five years in the making and involved the coordinated attack of six separate battle units. Free African-Americans and black sailors on shore leave had been enlisted in the plot and were used legislature demanded that Negro seamen be imprisoned for as long as their ships remained in South Carolina ports. This law conflicted with a treaty providing for the free and equal treatment of sailors from both England and America while on the other's shores. Ruling on this case, courts held that the treaty was supreme. While this was being resolved, the Ohio legislature called for the gradual emancipation and exportation of all slaves willing to live in Africa. Eight Northern states eventually supported this suggestion.

Assaulted by what they considered to be hostile forces, South Carolinians began to search for a formula that would protect them from unfriendly national laws. The answer was the nullification doctrine embodied in the South Carolina Exposition and Protest. Secretly authored by John Calhoun in 1828, the Exposition was a direct response to the Tariff of Abominations. But it could be used to nullify any law Southerners judged contrary to their interests.

According to Calhoun the tariff of 1828 was illegal because it was a protective and not a revenue tariff. The Constitution gives Congress the right to impose duties and imposts (tax on imported goods), but does not specifically state that the purpose of the tariff could be to protect industry. Since this purpose was not directly stated in the Constitution, Calhoun claimed it was beyond the powers given by South Carolina to the government of the United States, and therefore the Tariff of 1828 could be declared null and void.

Using arguments that Thomas Jefferson had employed in the Kentucky Resolution thirty years before, Calhoun claimed that the states had written the U.S. Constitution. As the authors of that document, and therefore parties to a mutual compact, the states remained the sole determiners of how much power they had actually surrendered to the National government. If the National government, the agent of the states, overstepped the powers granted it, the state could call a Constitutional Convention. If the convention found that the Federal actions were indeed illegal, they could declare them null and void and without force in that state. Thus an individual state, by its own action, could rule a Federal law unconstitutional. The only recourse for the Federal government would be to have three-fourths of the states amend the Constitution to give it the power declared illegal.* If the state still objected to the law, it would have to succeed from the Union or comply with the unpalatable statute.

In writing the Exposition, Calhoun had created a formula which he felt would protect South Carolina from unwarranted exercises of Federal power. He had sought and found answers to balance majority rule with the protection of minority rights. It remained to be seen, however, whether this formula would be accepted by other states.

President Jackson's Dilemma

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

President Jackson

After passing the Exposition and Protest, the nullifiers in South Carolina waited to see President Jackson's reaction. Jackson had been elected in 1828 and had not yet committed himself on the tariff. The President made no reference to tariff reform in his inaugural address in 1829. South Carolina worked hard to obtain the repeal of the hated tariff, but made no progress in either 1830 or 1831. Finally, in 1832, the tariff was lowered slightly, but not enough to suit South Carolina. Convinced that she would always be saddled with this burdensome tax, South Carolina took action. In the hotly contested 1832 state elections, the South Carolina nullifiers won an overwhelming victory and immediately called for a Constitutional Convention. By large majorities, the convention passed the Ordinance of Nullification, declaring the Tariffs of 1828 and 1832 null, void, and of no effect in South Carolina as of February 1, 1833. In doing so, the state presented the National government with the strongest threat to its authority to date. During a similar crisis in 1794, George Washington had marched 15,000 Federal troops into Pennsylvania. But the Whiskey Rebellion was only an uprising by a discontented minority within one state. The Nullification Ordinance questioned the Federal Government's authority to enforce any law opposed by the majority of citizens in a state.

President Jackson had several courses of action open to him. He could compromise on the tariff issue, hoping that a reduction of tariff schedule would be followed by South Carolina's repeal of her nullification proclamation. A second alternative was to follow George Washington's example in the Whiskey Rebellion and demonstrate his willingness to use Federal troops to enforce the law in the hopes that the threat of force would compel South Carolina to submit. Finally, Jackson could ignore the challenge to Federal supremacy and permit South Carolina to nullify the tariff, thus assuring all states that the Federal government would not force them to obey all laws they considered unconstitutional. The decision would be one of the most difficult that Jackson would have to make.

Suggested Student Exercises:

1. Act as an advisor to President Jackson and advocate a course of action that would be the wisest for him to take. Your advice should take the following into account:

- a. Was the tariff fair to the South?
- b. Should the states have the power to nullify laws?
- c. What effect would the President's actions have on the Union?

or

2. As your teacher directs, divide into three groups, pro-tariff and anti-nullification North; anti-tariff and pro nullification South; and undecided West. North and South should spend 10 minutes preparing its position, and 5 presenting it to the class, and attempt to get the support of the West.

Epilogue: Resolution of the Tariff Issue

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Andrew Jackson's strategy in dealing with the nullification crisis contained three elements. First, he avoided a direct clash with South Carolina officials by moving the Customs House out of Charleston to Federal property on a harbor island. Second, Jackson affirmed the principle of Federal supremacy. Adopting Webster's view of the Union, Jackson gave a strong speech denouncing nullification "as incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, inconsistent with every principle on which it was founded, and destructive to the great object for which it was formed."²⁵ Jackson followed his speech with a recommendation that Congress pass the Force Bill, authorizing the President to call out the United States Army and the state militia in this emergency. Finally, Jackson offered an olive branch. He asked Congress to reduce the tariff because "protection tended to beget in the minds of a large proportion of our countrymen a spirit of discontent and jealousy dangerous to the stability of the Union."²⁶

After much posturing and debate and with the help of Henry Clay of Kentucky a final agreement was crafted based on Jackson's proposals. The offending tariff was lowered to an average rate of 20% over the next ten years, with most of the reduction scheduled for the years 1840-42. A Force Act, authorizing the Chief Executive to use the US Army to enforce the law was passed and remained on the books long enough for President Lincoln to use it in 1861 when he faced a crisis even more serious than the one of 1828-33. Finally, South Carolina repealed its Ordinance of Nullification, but ever defiant, nullified the Force Act.

²⁵ Quoted in Henry Steele Commager, ed., *Documents of American History*, Prentice-Hall, Inc. Englewood Cliffs: 1973, p. 264

²⁶ Quoted in William Freeling, *Prelude to the Civil War, The Nullification Controversy in South Carolina, 1816-36*, Harper and Row Publishers, New York, 1966, p. 266-67.

Chapter 6

Andrew Jackson's War with the Bank of the United States

The bank, Mr. Van Buren, is trying to kill me, but I will kill it! ²⁷

-Andrew Jackson

This worthy President [Andrew Jackson] thinks that because he has scalped Indians and imprisoned judges, he is to have his way with the Bank. He is mistaken. ²⁸
Nicholas Biddle

The Jackson-Biddle test of strength and will pitted the President of the United States against the head of the nation's largest corporation. Jackson, the ex-frontier brawler turned national hero, claimed to speak for Americans who hated monopoly and privilege. Biddle, the sophisticated man of letters turned banker, was said to be championing the vested interests of America's privileged few. More than the future of the government chartered Bank of the United States was at stake in this contest. At issue was the growth of the American economy, the future of money and credit, and the meaning of democratic principles.

The Second Bank of the United States

The Andrew Jackson-Nicholas Biddle clash was the last chapter in the turbulent history of the Bank originally proposed by Alexander Hamilton. It will be recalled that the Second Bank was chartered five years after the First was allowed to die. The first three years of the second B.U.S.'s existence were a near disaster. Guided by the expansionist policies of William Jones, the Bank issued too many loans of flimsy credit. When these errors were discovered under a new leadership, the Bank hastily called in its loans. This sudden contraction of credit helped trigger the Panic of 1819. Among the many victims of this credit contraction was none other than Andrew Jackson. It has been said that his distaste for banks stemmed from this experience as well as an earlier incident in which he had been held liable for notes on which a business partner had defaulted.

When Nicholas Biddle became president of the Bank in 1822, he began a policy of cautious credit expansion. In the next nine years, the Bank increased its loans from 28 to 44 million dollars. During this period, the Bank once again assumed the central role in the economy which Hamilton had envisioned. It established a total of 9 branches, served as a depository for government money (on which it paid no interest) and smoothly and efficiently handled government accounts. The notes it issued against its deposits served the nation as a valuable and universally accepted form of money. About one-third of all



Contemporary cartoon of greedy banker lusting after gold coin

²⁷ Quoted in Arthur Schlesinger, Jr., *The Age of Jackson*, Little, Brown and Company, Boston, 1959), p. 89.

²⁸ Quoted in John Blum, et. al., *The National Experience*, Harcourt, Brace, and World, Inc., New York, 1963 p. 229.

the nation's bank deposits were held in its vaults. Its gross revenue were twelve times that of the state of Massachusetts, and its loans far exceeded Federal expenditures.

The Power of the Bank of the United States

The very size of the B.U.S enabled it to fill an important role that no other institution could accomplish. The Bank could buy up notes issued by the less powerful state banks. By demanding that banks meet their obligations by paying off the notes with gold or silver currency, the bank was able to prevent state banks from issuing more bank notes than was prudent. The National bank's ability to restrict credit expansion by other banks actually served to regulate the amount of currency in circulation. This, in turn, prevented an unwarranted expansion of credit and gave the notes issued by state banks more credibility and wider acceptance. This power, however, generated jealousy and fear on the part of other banks. Biddle did not help his cause when he foolishly admitted under questioning that he could crush any of the state banks:

Q: Has the bank at any time oppressed any of the State Banks?

A: Never. There are very few banks which might not have been destroyed

by an exertion of the powers of the bank. None have ever been injured. ²⁹

In exercising the Bank's power, Biddle would tolerate for no interference by any officer of the Government, from the President downwards:

[T]he officers of the bank should regard only the rights of the bank and the instructions of those who govern it, and should be at all times prepared to execute the orders of the board, in direct opposition, if need be, to the personal interests and wishes of the President and every officer of the Government. ³⁰

By means of proxy, or stand-in votes of absentee stockholders, Biddle controlled the selection of 20 of the 25 Bank Directors. Although he did not possess the legal power, Biddle wouldn't allow the federally appointed directors to inspect the Bank's books. Thus, the tremendous influence that the Bank had on the economy was in effect wielded by one man, Nicholas Biddle. As to mere power, he boasted to a confidant in 1837, "I have been for years in the daily exercise of more personal authority than any President habitually enjoys." ³¹

As so often happens, economic power can also become political power. Under Biddle's direction in 1831 and 1832, the Bank spent tens of thousands of dollars to distribute information favorable to the Bank. It paid authors to write articles praising it, distributed copies of speeches on the Bank, and paid newspapers to publish favorable stories. In addition, the Bank also lent large sums to politicians and to newspapers. at least one newspaper, the New York Courier and Inquirer, changed its editorial policies in favor of its creditor after receiving loans totaling \$52,000. Furthermore, fifty-nine Congressmen borrowed various amounts from the Bank, often to finance their political campaigns, and regularly received their

²⁹ Quoted in Arthur M. Schlesinger, *op. cit.*, p. 75.

³⁰ *ibid.*, p. 76.

³¹ Quoted in Richard Hofstadter, *The American Political Tradition*, Vintage Books, New York, 1948, p. 60.

checks before payday. It must be noted, however, that many of the Congressmen who owed the Bank money voted against re-chartering.

Andrew Jackson's Veto

To Andrew Jackson, the Bank (which he referred to as "that monster of Chestnut Street") represented a dangerous corrupting influence to America's democratic heritage. Claiming he did not dislike the Bank any more than he disliked all banks, Jackson believed their influence was corrupting and thought of them as artificial engines that transferred wealth from the laboring to the leisure classes. For Jackson, the only honest money was either gold or silver currency. The Bank, as a symbol of the corrupting influence of wealth, had to be destroyed.

The B.U.S. became a political issue in the election of 1832 partially because Henry Clay wanted it to be. Nominated by the Whigs to oppose Jackson in 1832, Clay prevailed upon Biddle to apply for a new charter. The old bank charter would not run out for four years, but Clay hoped he could make an election issue out of the Bank and it would carry him into the White House.

The bill to re-charter the Bank sailed through both Houses of Congress. It arrived on the Presidents desk on July 4, 1832. Jackson wasted no time. Under relentless supervision, Jackson's most trusted advisors spent three solid days furiously preparing a veto message. Jackson's thundering indictment of the Bank was delivered to Congress on July 10th. It served as the opening salvo for the presidential campaign, and still stands as one of the most stirring vetoes in American history. Below, sections from this message are quoted along with the able rebuttal Daniel Webster delivered the next day.

President Jackson

Is there no danger to our liberty and independence in a bank that in its nature has so little to bind it to our country? The president of the bank has told us that most of the State banks exist by its forbearance. Should its influence become concentrated, as it may under the operation of such an act as this, in the hands of a self-elected directory whose interests are identified with those of the foreign stockholders, will there not be cause to tremble for the purity of our elections in peace and for the independence of our country in war?

...

It is to be regretted that the rich and powerful too often bend the acts of government to their selfish purposes. Distinctions in society will always exist under every just government. Equality of talents, of education, or of wealth, can not be produced by human institutions. In the full enjoyment of the gifts of heaven and the fruits of superior industry

Senator Webster

A great majority of the people are satisfied with the bank as it is, and desirous that it should be continued. They will heed no change. The strength of this public sentiment has carried the bill through Congress, against all the influence of the administration, and all the power of organized party.

Mr. President, it is not the local interest of the West, nor the particular interest of Pennsylvania, or any other State, which has influenced Congress in passing this bill. It has been governed by a wise foresight, and by a desire to avoid embarrassment in the pecuniary concerns of the country, to secure the safe collection and convenient transmission of public moneys, to maintain the circulation of the country, sound and safe as now it happily is, against the possible effects of a wild spirit of speculation. Finding the bank highly useful, Congress has thought fit to provide for its continuance.

President Jackson

economy, and virtue, every man is equally entitled to protection by law; but when the laws undertake to add to these natural and just advantages artificial distinction, to grant titles, gratuities, and exclusive privileges, to make the rich richer and the potent more powerful, the humble member of society—the farmers, mechanics, and laborers—who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their Government. . . . In the act before me there seems to be a wide and unnecessary departure from these just principles. . . .

If we can not at once, in justice to interests vested under improvident legislation, make our Government what it ought to be, we can at least take a stand against all new grants of monopolies and exclusive privileges, against any prostitution of our Government to the advancement of the few at the expense of many, and in favor of compromise and gradual reform in our code of laws and system of political economy. . . .³²

Senator Webster

Mr. President, we have arrived at a new epoch. We are entering on experiments, with the government and the Constitution of the country, hitherto untried, and of fearful and appalling aspect. This message calls us to the contemplation of a future which little resembles the past. Its principles are at war with all that public opinion has sustained, and all which the experience of the government has sanctioned. It appeals to every prejudice which may betray men into a mistaken view of their own interests and to every passion which may lead them to disobey the impulses of their understanding. . . . It sows, in an unsparing manner, the seeds of jealousy and ill-will against that government of which its author (Jackson) is the official head. It raises a cry, that liberty is in danger, at the very moment when it puts forth claims to powers heretofore unknown and unheard of. . . . It . . . seeks to inflame the poor against the rich; it wantonly attacks whole classes of the people, for the purpose of turning them against the prejudices and resentments of other classes. It is a state paper which finds no topic too exciting for its use, no passion too inflammable . . .

.³³

Suggested Student Exercises:

1. Based upon your understanding of the Bank issue, prepare a speech advocating that fellow Congressmen either support or override President Jackson's veto. Your speech should cover the following issues:
 - a. Did the U.S. need a National bank?
 - b. Did the Bank, as operated by Biddle, have too much political and economic power?
2. Come to class thoroughly prepared to discuss the issues raised in this chapter.

Epilogue: Conclusion of the Bank War

As Henry Clay had anticipated, the B.U.S. became an election issue but with an outcome that was quite different from his expectations. Jackson overwhelmed Clay in the electoral vote column, 219 to 49. Interpreting his victory as vindication of his anti-bank position, Jackson began to deprive the Bank of government deposits. He ordered the government's money to be deposited in vaults of state banks (called 'pet banks' by people noting their directors had generally supported Jackson.) Jackson had to fire two Secretaries of the Treasury before he found one, Roger Taney, who was willing to comply with his wishes. Originally seven state banks were selected. Since they feared reprisals by the B.U.S., Taney gave

³² Quoted in George R. Taylor, ed., *Jackson vs. Biddle*, D.C. Heath and Company, Boston, 1949), pp. 11 and 19-20.

³³ Quoted in *op. cit.*, pp. 24 and 29-30.

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these pet banks secret drafts drawn on government funds at the B.U.S. If Biddle tried to buy up their notes for redemption in gold and silver, these banks were to use these drafts. Much to the administration's embarrassment, the drafts were used even though there was no need. As government withdrawals from the B.U.S. depleted reserves, Biddle began to recall loans. Biddle hoped that this policy could demonstrate the need for his bank and cause Jackson to re-charter it. Biddle's bold gamble backfired as businessmen realized that they were being forced into bankruptcy to help Biddle accomplish purely political objectives. The resulting pressure fell on the Bank's president, compelled Biddle, after 13 months, to reverse his policy and extend the Bank's loans.

Meanwhile, government funds were deposited in an ever larger number of pet banks, eventually totaling 89. With the B.U.S. unable to act as a restraining influence on them, the state banks began to sharply expand their lending and recklessly printed paper money. They paid scant attention to maintaining sufficient reserves or obtaining adequate collateral. High cotton prices as well as numerous foreign loans to American businessmen caused a wave of speculation, focusing upon the purchase of government lands. Speculators bought them up so quickly that land sales increased five-fold.

Jackson and his advisors observed this spectacle with increasing anguish. They had not curtailed operations of the National bank in order to allow hundreds of state banks to indulge in reckless banking practices. To halt this speculation, Jackson issued an executive order called the Specie Circular that required that all purchases of government land be paid for in dollars made of gold or silver.

The circular worked much too effectively: it sharply curtailed the sale of government lands. Speculators who had bought Federal land at highly inflated prices now could find no buyers and were unable to pay their debts. Banks, dependent on these borrowers, had to recall loans and ultimately were forced to suspend specie (gold and silver) payments. In 1837 banks and businesses folded like so much wheat before the wind, and the country suffered a depression more severe than the Panic of 1819. Jackson was fortunate to leave the White House before the full effects of his policies were felt. His Vice-President and hand picked successor, Martin Van Buren, was left with the unenviable task of trying to restore prosperity. It was eight years before the country fully recovered.

In 1840 the U.S. government established the Independent Treasury System whereby government funds were deposited in government vaults where they could not be lent out to federal, state, or local banks. Not until the Federal Reserve Banks were created some seventy two years later did the U.S. have anything like the Banking system which Hamilton had envisioned and Biddle had administered.

Meanwhile, Nicholas Biddle secured a bank charter from Pennsylvania two weeks before the B.U.S.'s federal charter expired. Thus the Bank continued for several years under Biddle's increasingly irresponsible leadership. Biddle, too, was caught up in the depression. He over committed his bank to buying cotton futures in a misguided attempt at holding up their sagging market price. He tied up large amounts of his working capital in the purchase of bank stocks. Shortly after other banks began resuming specie payments and six months after Biddle gave up his directorship, the B.U.S. of Pennsylvania was forced to suspend payments. The Bank never recovered. Declaring bankruptcy in 1841, Biddle spent many of his last years in court answering various charges of fraud and mismanagement. He died in 1844 with charges still pending against him.

Suggested Student Exercises:

Does the remainder of this story support Jackson's, Webster's or both positions on the Bank?

Chapter 7

Georgia and the Cherokees

When Europeans began settling North America, they faced the perplexing dilemma of how to treat the land's original inhabitants. With varying degrees of success, four different methods were used in the territories that became the United States. Being anxious not to antagonize the Native Americans, the first settlers tended to trade and interact with them as equals. Hostilities commenced when Native Americans began to realize that the settlers threatened to destroy their game and take their lands. Therefore, some settlers adopted a policy that led to the extermination of many of the original inhabitants was adopted. In order to assimilate them into their society, other colonists tried to teach the native Americans to accept the white man's culture and religion. More frequently, through persuasion and force, Native Americans were contemptuously removed from the areas desired by whites. When the seemingly unlimited supply of land was nearly exhausted, Native Americans were forced to live on ever less productive lands. Thus our policy regarding America's original inhabitants over 350 years of contact can be summarized as cooperation, annihilation, assimilation, and relocation.

Opposition to the official Indian policy under the U.S. Constitution was stated by George Washington's Secretary of War, Henry Knox. Knox opposed a policy of purchasing western lands and moving the natives further west. "To dispossess them," he wrote Washington, "would be a gross violation of the fundamental laws of nature ... and the equivalent of genocide: if they are removed from their usual hunting ground, they must necessarily encroach in the hunting grounds of another tribe, who will not permit the encroachment without resistance. Hence they will destroy each other."³⁴ Others suggested that the government civilize and attempt to assimilate America's original inhabitants, and that "instead of exterminating a part of the human race . . . we impart our knowledge of cultivation and the arts to the aborigines of the country, thus preserving and extending the source of future happiness."³⁵

Thomas Jefferson at least paid lip service to the idea of assimilation. By leading Native Americans to agriculture, manufacture, and civilization, he hoped to prepare them ultimately to participate in the benefits of our government. During his administration, Indian agents were told to either convert them to farming or to remove them to lands west of the Mississippi. Under the guidance of future president William Henry Harrison, the Native Americans in the Northwest were forced to give up millions of acres of their ancestral lands and move further West. In the South, however, the policy of converting the natives was actively pursued by Indian agent Benjamin Hawkins. Aided by devoted missionaries and several talented Native Americans, Jefferson's policy succeeded beyond any reasonable expectations. The major tribes in the Southeastern part of the country, the Creeks, Choctaws, Chickasaws, Seminoles, and Cherokees became known as the five civilized tribes. This chapter follows the story of the Cherokee nation and the attempts to move them west of the Mississippi.

The Cherokees

At the time of the American Revolution, the Cherokee claimed the greater part of what is now Georgia, Alabama, Tennessee, and South Carolina as their hunting grounds. It was their misfortune to

³⁴Quoted in Charles G. Sellers, et. al., *As It Happened: A History of the United States* (New York: The McGraw Hill Book Company, 1975), p. 120.

³⁵ Quoted in *loc. cit.*

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ally themselves with the British during the Revolution. Defeated in 1777, the Cherokees were forced to surrender their claims to South Carolina. By a series of treaties, between 1785 and 1793 they gave up yet more land, accepting the protection of the U.S. government in exchange. Thereafter, some Cherokees, who preferred the nomadic life of hunters, moved west of the Mississippi, while the rest settled down to farm their remaining lands. In 1817, and again in 1819, the Cherokees ceded large tracts of land to Georgia. The United States government had promised Georgia that it eventually could control the Indian lands within its borders. After the 1819 treaty, thoughtful Cherokees realized that continued cession of land would soon end their tribal existence. Consequently, they determined never again to cede one more foot of our land, and promptly sent a delegation to tell President Monroe that:

*The Cherokees are not foreigners, but the original inhabitants of America, and they now stand on the soil of their own territory, and they cannot recognize the sovereignty of any state within the limits of their territory.*³⁶

Meanwhile, under the enlightened leadership of Chief John Ross, the Cherokees evolved a new government structure. They formed a national council to act as a legislature and later added another legislative body. The legislature could make laws for the Cherokees and an elected president was given the power to enforce them. The Cherokee territory was then divided into eight districts, each with a regional council. Judges were given jurisdiction to settle disputes according to Cherokee law. In 1825, this legislature ruled that all tribal lands, including private farms within Cherokee boundaries, belonged to the Cherokee nation as a whole and not to the individuals living on them. No Indian was permitted to sell, lease, or mortgage his property, and no lands could be ceded to either Georgia or the United States without prior approval of the legislature. Two years later, duly elected representatives drew up a written Constitution. Modeled after the United States Constitution, the Cherokee version provided for a president with a four year term, two houses of Congress, and a Supreme as well as inferior courts. The Cherokee constitution recognized the principle of the separation of powers, provided a definition of citizenship, and included a Bill of Rights.

The Cherokees also succeeded in adopting other aspects of American civilization. Well-to-do Cherokees lived in fine, two story houses and lacked none of the comforts available in those days. Some owned extensive fields, cultivated by Negro slave labor. Others raised cattle, pigs, or sheep, and many bred horses. The Cherokee farms were generally neat and well cared for. The nation of some 14,000 people could boast 18 schools, generally supported by missionaries, 31 gristmills for grinding corn and wheat, 8 cotton gins, numerous roads, and a capital with public buildings supported by taxes raised within the nation. It even had a newspaper, *The Cherokee Phoenix*. The paper was edited by a full blooded Cherokee and was written in an alphabet invented by a Cherokee named Sequoia.

Georgia Responds

The Cherokees had adopted American customs in the hope that they would be permitted to live on the lands guaranteed them by the U.S. government. They were fully aware that, in 1812, this same government had a conflicting obligation with the state of Georgia, an obligation to extinguish Indian titles in that state. Georgians wanted the lands occupied by the Cherokees and were eager to assert their state's

³⁶ Quoted in Louis Fillere and Allen Gutman, *The Removal of the Cherokee: National Manifest Destiny or National Dishonor*, D.C. Heath and Company, Lexington, Massachusetts, 1962, p. 3.

authority over the Native Americans. With Georgia hostile to them, the Cherokees depended on the U.S. government to extend the protection it had promised in previous treaties.

In late 1828 and early 1829, the Georgia legislature passed a series of laws designed to assert its authority over the Native Americans living inside the state. Each of these sharply infringed upon the Cherokees's rights. The laws annexed large tracts of Cherokee territory to various Georgia counties; outlawed meetings of the Cherokee legislature, declaring all of its acts null and void; required the Cherokee to obey the laws of Georgia; prohibited Native Americans from testifying against whites in court; provided severe punishment to all who advised Native Americans not to sell their land or not to leave the state; and required all whites living on Cherokee territory to obtain an official permit. Meanwhile, the Georgia legislature made preparations for a state-wide lottery of Cherokee land, with choice parcels going to the lucky winners.

Native Americans caught violating these laws were captured, severely beaten, and left to languish in jail. Eleven whites working with the Cherokees were arrested and given a choice between leaving the state or four years at hard labor. All but two left. Of the remaining, Samuel Worcester appealed his case to the Supreme Court. In a ringing decision, Chief Justice John Marshall ruled that the accused had been prosecuted under a statute repugnant to the Constitution as well as the laws and treaties of the United States, which ought to be annulled. Assuming the decision meant government protection, the Cherokees rejoiced. But Georgia waited for nearly a year before freeing Worcester and defiantly threatened to use force if in the last resort it needed defenders. There was, however, little cause for assuming a civil war would be fought to protect the Native Americans' claims. President Jackson's attitude toward protecting the Indians' rights might be summed up in a statement widely attributed to him, "John Marshall has rendered his decision; now let him enforce it."³⁷

The Indian Removal Bill

Before the Georgia law took effect, an even more important drama was being played out in the Nation's capital. Jackson had urged Congress to pass a law setting part of an ample district West of the Mississippi to be guaranteed to the Indian tribes. The proposed emigration, the President promised, should be voluntary, but the Native Americans should be distinctly informed that if they remain within the limits of the state, they would be subject to its laws. Native Americans who stay would be protected only in the enjoyment of those possessions which they have improved by their industry. But claims to land on which they have neither dwelt nor made improvements, will not be recognized merely because they have seen them from the mountain or passed them in the chase.

Jackson's proposal aroused a storm of criticism and excited heated debate. Few spoke as convincingly on either side of the argument as President Jackson and the Native Americans themselves. Excerpts from their statements are reprinted below:

³⁷ Quoted in Louis Fillere and Allen Gutman, op. cit. p. 77.

Jackson

The consequences of a speedy removal will be important to the United States, to individual states, and to the Indians themselves. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters.

[I]t will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasion. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions.

Humanity has often wept over the fate of the aborigines of this country [but] philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forest and ranged by a few thousand savages to our extensive republic, studded with cities, towns, and prosperous farms, embellished with all the improvements which art can devise or industry execute, occupied by more than 12 million happy people happy people and filled with all the blessings of liberty, civilization, and religion

Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing? To better their condition in an unknown land our forefathers left all that was dear in earthly objects?

Cherokees

We wish to remain on the land of our fathers. We have a perfect and original right to remain without interruption or molestation. The treaties with us, and laws of the United States, made in pursuance of treaties, guaranty our residence and our privileges, and secure us against intruders. Our only request is, that these treaties may be fulfilled, and these laws executed.

But if we are compelled to leave our country, we see nothing but ruin before us. This country west of the Arkansas territory is unknown to us. All the inviting parts of it, as we believe, are preoccupied by various Indian nations, to which it has been assigned. They would regard us as intruders, and look upon us with an evil eye. The greater part of that region is badly supplied with wood and water; and no Indian tribe can live as agriculturists without these articles. The original possessors of that region are now wandering savages lurking for prey in the neighborhood. They have always been at war, and would be easily tempted to turn their arms against peaceful emigrants. . . . Were this country to which we are urged much better than it is represented to be . . . still it is not the land of our birth, nor of our affections. It contains neither the scenes of our childhood, nor the graves of our fathers.

Shall we be compelled by a civilized and Christian people, with whom we have lived in perfect peace for the last forty years, and for whom we have willingly bled in war, to bid a final adieu to our homes, our farms, our streams and our beautiful forests?

Jackson

Can it be cruel in this government, when by events which it cannot control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year.

Is it supposed that the wandering savage has a stronger attachment to his home than the settled and civilized Christian? Is it more afflicting for him to leave the graves of his fathers than it is to our brothers and children?

It is a duty which this Government owes to the new States to extinguish as soon as possible the Indian title to all lands which Congress themselves have included within their limits. The Indians may leave the State or not, as they choose.³⁸

Cherokees

No. We are still firm. We intend still to cling, with our wanted affection, to the land which gave us birth . . . We appeal to the judge of all the earth, who will finally award us justice, and to the good sense of the American people whether we are intruders upon the land of others. Our consciences bear us witness that we are the invaders of no man's rights — we have robbed no man of his territory — we have usurped no man's authority, nor have we deprived any one of his inalienable privileges. How then shall we indirectly confess the rights of another people to our land by leaving it forever?

On the soil which contains the ashes of our beloved men we wish to live — on this soil we wish to die.³⁹

Suggested Student Exercises:

1. Summarize the achievements of the Cherokees.
2. Analyze the conflicting claims to the land on which the Cherokees lived and Georgians wanted.
3. Select two or three passages from the statements by Jackson or the Cherokees, and explain why you do or do not agree with them. (Teacher may assign some students to agree with Jackson or the Cherokees).

³⁸ Quoted in Louis Fillere and Allen Gutman, op. cit., p.

³⁹ Quoted in Louis Fillere and Allen Gutman, op. cit., p.

Epilogue: The Trail of Tears

The Indian removal bill passed Congress by narrow margins in both houses, and signaled an increase in the pressure on the Native Americans to sell their property and leave the state. Meanwhile, the Georgia lottery was held as planned. Chief Ross and many of his followers were forced to surrender their homes to the lucky winners. The lands of one group of Native Americans, headed by the Phoenix editor, Elias Boudinot, were not put into the lottery and the government chose to deal with this group. Even when Chief Ross later realized that his people had to move and offered to sell the Cherokee land for \$20,000,000, government agents refused to deal with him. Instead, they bought the property from Boudinot's followers, representing only a fraction of the Cherokee people.

The treaty was signed in 1835, and despite opposition by friends of the Native Americans in the North, it was ratified by the Senate. It paid the Native Americans \$5,000,000 for their land and gave them three years in which to leave. Some willingly left early; the majority, however, were rounded up like cattle, forced into stockades, and then marched during a bitterly cold winter to their new lands in Oklahoma. An army private, who observed the heart-rendering scene, left the following description:

*I saw the helpless Cherokees
arrested and dragged from their homes,
and driven by bayonet into the
stockades. And in the chill of a
drizzling rain on an October morning
I saw them loaded like cattle or sheep
into wagons and started toward the
west.*

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

*Chief Ross led in prayer and
when the bugle sounded and the
wagons started rolling many of the
children waved their little hands good-
bye to their mountain homes.⁴⁰*

The Trail of Tears

According to the best available information, on the Trail of Tears, 4,000 of the 15,000 Native Americans who made the journey to Oklahoma, died en route. Some fifty years later, when Oklahoma was opened to settlement, the scene was once again played out. The Cherokees were once more forced to relocate, perpetual exiles in the land of their fathers.

Suggested Student Exercises:

What conclusion can you reach based on the resolution of the conflict between the people of Georgia and the Cherokees.

⁴⁰ Quoted in Angie Debo, *A History of the Indians of the United State*, University of Oklahoma Press, Norman, Oklahoma 1970. p.

⁴¹ <http://www.nativeamericans.com/TrailofTears2.htm>

Chapter 8

America's Manifest Destiny

After the purchase of the Louisiana territory in 1803 and Florida in 1819, America seemed to have enough land to meet its needs of its expanding population for many generations. Indeed, to this day there are still vast stretches of uninhabited land both east of the Mississippi. However, by 1847 Americans had already settled in Texas and were in the process of occupying Utah and California, which belonged to Mexico, and Oregon, which was owned jointly with England. The justification for this rapid expansion was seen in the working of God's will. In the words of one Congressman, intent on acquiring Canada:

The waters of the St. Lawrence and the Mississippi interlock in a number of places, and the great Disposer of Human Events intended these two rivers should belong to the same people.⁴²

Some thirty years later another Congressman, with his eyes on Texas and Oregon, prophesied:

Land enough – land enough! Make way, I say, for the young American Buffalo – he has not yet got land enough; he wants more land as his cool shelter in summer – he wants more land for his beautiful pasture grounds. I tell, you, we will give him Oregon for his summer shade, and the region of Texas as his winter pasture. Like all of his race, he wants salt, too. Well, he shall have the use of two oceans – the mighty Pacific and the turbulent Atlantic shall be his He shall not stop his career until he slake his thirst in the frozen ocean.⁴³

The acquisition of more territory, until the entire continent as far south as Panama belonged to the United States, seemed to be America's Manifest Destiny. The term meant expansion, ordained by God, over an area not clearly defined. Behind this view of manifest destiny one may see five different assumptions Americans were making about themselves to justify this expansion:

We have a special mission to spread American democracy and freedom over the entire continent.

America is closer to these relatively uninhabited lands than any other major country.

Americans made a far more productive use of the land than the people who originally lived on it.

Americans need these lands to feed a population that doubles every twenty-five years.

Americans have an obligation to civilize and uplift the primitive peoples who were on these lands.

Today, these arguments may seem illogical or merely self-serving. In the 1830's and 1840's they were widely accepted and served to fuel America's drive over the continent. Furthermore, these were no

⁴²Quoted in Albert K. Weinberg, *Manifest Destiny* Quadrangle Books, Chicago 1963, p.53.

⁴³ Quoted in *ibid.* p. 119.

mere abstractions. They were backed by the willingness of brave pioneers to risk their lives by traveling thousands of miles to establish themselves in Oregon, California, Utah, and Texas.

America Moves West

Explorers and trappers seeking to profit from the fur trade first carved trails through the steep Western mountain passes to California and Utah. Later, these hardy men were followed by missionaries who sought to convert the Native Americans. Mrs. Marcus Whitman (wife of Reverend Marcus Whitman) was the first woman to travel the 2,000 mile Oregon trail from Independence, Missouri, to Oregon Country. On the heels of the missionaries came adventurous settlers. Seven years, after the Whitmans, in 1843, a party of 1,000 men, women, and children, in a caravan of one hundred and twenty covered wagons, made this dangerous trek. Their letters home, widely published in local newspapers and brought on the Oregon fever that inspired further settlement in this remote territory. In the 1840's some pioneers branched off the Oregon trail and migrated south to California.

In 1847, Brigham Young blazed a new route for his devout band of Mormon followers. Fleeing religious persecution in Missouri and Illinois, Young organized his Mormon bands into groups – some sent ahead to plant wheat along the trail; others followed to harvest it. Unable to afford covered wagons, some Mormons pushed wheelbarrows all the way to Utah. Overcoming incredible odds, these sturdy pioneers established their kingdom of Zion by irrigating the uninviting Utah desert by the Great Salt Lake.

Even as the first pioneers were settling in Utah, California, and Oregon, the independent Republic of Texas had already been established. This chapter tells the story of how Texas came to be settled, and why Americans who chose to make it their home, rebelled against the government of Mexico.

Manifest Destiny in Mexico

Imagine opening a newspaper some time in the mid 1820s and seeing an advertisement reading:

**177 ACRES OF RICH FARM LAND - 4,428 ACRES OF PRAIRIE PASTURE LAND. FREE!
COME SETTLE IN TEXAS-COAHUILA IN THE REPUBLIC OF MEXICO.**

This incredible offer of bountiful land was part of a venturesome policy of the Mexican government. In order to attract settlers to its vacant northern province, Mexico made numerous contracts with enterprising Americans. The Americans were authorized to distribute 4,500 acres of land to each family they could induce to settle in Texas-Coahuila. Emigrants were expected to be Roman Catholics (or at least to practice no other religion), to become citizens of Mexico, and to conduct all official business in Spanish.

Acting on a contract his father had negotiated with the Mexican government, Stephen Austin brought almost 300 families to Texas in 1823. Eventually, Austin attracted almost 1,100 families to his carefully planned and efficiently run colony. Other contractors were also successful in attracting Americans, and still other settlers simply wandered into Texas on their own to begin cultivating her fertile soil. By 1830 there were about 20,000 white Americans with 1,000 African slaves living in Texas-Coahuila.

Rebellion Against Mexico

It was not long before Mexico regretted her generous immigration policy. When President Jackson offered to buy parts of Texas, Mexico feared the United States was intent on obtaining all of Texas for herself. Meanwhile, settlers, long used to governing themselves, were becoming increasingly restless under the domination of a legislature controlled by Mexicans and asked that Texas become a separate state. This request was interpreted as the first sign that the unassimilated Americans wished to break away from Mexico. In 1830, Mexico responded by prohibiting further immigration from the United States, banning the importation of more slaves, and placing a high tariff on American imports. To enforce these laws, Mexico sent troops to Texas-Coahuila.

These measures only served to heighten tensions. They prompted several minor rebellions which failed to gain much support and were quickly suppressed. At the same time, internal political changes in Mexico created repercussions in the Texas colony. Santa Anna came to power in 1834 and immediately attempted to put Mexico under the control of a strong central government. To this end, he repudiated earlier promises and abolished the state legislatures, in effect placing Texas-Coahuila, and the other Mexican states, under the direct control of Mexico City. Texans petitioned for the restoration of their right to self-government and for repeal of the laws banning immigration and trade. Stephen Austin personally took these appeals to Mexico City. There he was arrested and charged with advising the Texans to form a state government without Mexican approval.

Texans then started to collect arms and ammunition to defend themselves from the Mexican government. In October, 1835, Mexican authorities in Gonzales, a small town in Texas, ordered the Americans to remove a cannon from the town square. Claiming that the weapon was needed for defense against Indians, Texans refused to surrender the gun. A skirmish began when the Mexicans attempted to remove the weapon by force.

This minor incident served as the Lexington of the Texas Revolution. It strengthened Santa Anna's resolve to crush the Texans and enforce Mexico's laws. In the spring of 1836, Santa Anna crossed the Rio Grande River with 4,000 soldiers. Organized resistance was offered at the Alamo, an old Spanish mission. Behind its thick walls, 187 Americans, including Jim Bowie and Davey Crockett, resolved to sell their lives dearly. The stronghold finally fell on March 6th, following a murderous thirteen day siege. It cost the lives of 1,544 Mexican soldiers. Their enraged comrades stormed the walls and savagely killed every person within the garrison.

Three weeks later, Santa Anna's soldiers butchered 400 Texans who had laid down their arms and surrendered at Goliad, another Spanish mission. News of the Alamo and Goliad inspired Texans to declare their independence from Mexico and to fight for it. A constitution was quickly drawn up and Sam Houston was elected governor. More importantly, he was appointed commander-in-chief of the Texan army.

The Battle and Treaty of San Jacinto

For six weeks, Houston's army retreated before Santa Anna's superior forces. The Texans in retreat were gathering new recruits, many from the United States, and welding them into an effective fighting unit. When Houston's army was finally ready, it fell upon Santa Anna's forces by the banks of the San Jacinto River, near the present day city of Houston. The Mexicans were caught unawares while pausing for their traditional noon day siesta. Not only did the Texans smash the entire Mexican army, but they captured its leader. Legend has it that Santa Anna, in slippers and robe, was not recognized by his captors until saluted by one of his soldiers. The unfortunate President was then quickly ushered before Houston,

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who used the opportunity to draft two treaties. One treaty called for Mexico to recognize Texan independence. The second made the Rio Grande River, not the Nueces as had previously been the case, the southern boundary of Texas. See map at the bottom of the page.

Santa Anna was released after signing both of these treaties. No sooner was he free, than he denounced them as illegal because they had been signed under duress. The Mexican Congress failed to ratify either treaty and refused to recognize the independence of Texas. However, Mexico made no serious attempts to recover the rebellious province; and in 1845 offered it diplomatic recognition as an independent country in exchange for a promise not to join the United States.

Texas, with a Rio Grande boundary and a constitution favoring slavery, quickly applied for admission into the Union. Knowing that admitting Texas would touch off a divisive debate over slavery, Presidents Jackson and Van Buren avoided the question of annexing Texas. Consequently, Texas remained an independent country for the next nine years, and still prides itself for having been the Lone Star Republic. When Texas was finally admitted in 1845, a war with Mexico followed. This story is told in the next chapter.

Suggested Student Exercises:

1. Did any of the assumptions Americans made about themselves (see page 38) justify expansion into territory claimed by Mexico, England, or the Native Americans? Why or why not?
2. Were Americans or Mexicans primarily responsible for events that that led to the Alamo?
3. Do you think that the Treaty of San Jacinto should be considered legally valid under international law? Why or why not?

Chapter 9

War with Mexico

Sixty-two mounted soldiers accompanied Captain Thornton on a scouting expedition on the evening of April 25, 1846. The men were just north of the Rio Grande River deep inside of territory claimed by both Mexico and the United States. Their orders were to investigate a report that Mexican forces had crossed the river. Thornton rode to within three miles of the enemy's camp when his Mexican guide refused to go any further claiming that there were too many Mexican troops in the area. Proceeding another two miles, Thornton approached a ranch house surrounded on two sides by a thicket and on a third by the Rio Grande itself. This was a perfect spot for an ambush. Suddenly shots rang out and several soldiers dropped from their saddles. Thornton's party had blundered into a force of 1,600 Mexican soldiers and were quickly surrounded. With eleven dead and no hope of escape, Thornton surrendered to the superior Mexican force. Learning of these events on the next day, Thornton's commander, General Zachary Taylor, reported to Washington that hostilities had commenced.

On May 6th, President James Polk received a batch of dispatches from General Taylor containing news only to April 15th. That night the President confided to his diary that no actual collision between Mexican and American forces had taken place, though the probabilities were that hostilities might take place soon. On the 7th of May, unbeknownst to the President, General Taylor attacked the Mexican troops north of the Rio Grande, inflicting heavy losses on the enemy. Taylor resumed battle two days later at Palo Alto, and again forced the Mexicans to retreat. That night the General reported to his commander-in-chief, the enemy had re-crossed the river, and would not molest U.S. troops again.

President Polk Consults With His Cabinet

On the same day, Saturday, May 9th, 1846, President Polk met with his cabinet. The main item on the agenda: should Congress be asked to declare war against Mexico? Polk had pondered this issue for some time, and, in spite of the absence of news from Texas, was prepared to request a declaration of war for the following reasons:

1. Immediately after the United States annexed Texas in March 1845, Mexico recalled her ambassador and broke off relations.
2. Mexican officials made warlike and threatening statements against the United States
3. Mexico owed American citizens over 3 million dollars for property damaged during several revolutions and uprisings. Pleading bankruptcy, Mexico stopped payments on these debts.
4. Mexican officials refused to receive the American envoy, John Slidell, after word of his instructions leaked out. Slidell had been sent to Mexico in order to settle the boundary dispute, and to purchase New Mexico and California. He had been authorized to offer 25 million dollars for California, 5 million dollars for New Mexico, and U.S. assumption of Mexico's debts to America in exchange for recognition of the Rio Grande boundary.

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With one exception, members of Polk's cabinet agreed that the above were ample reasons for a declaration of war. Only Secretary of the Navy, George Bancroft, wanted evidence of a specific act of aggression before waging war. Not deterred by this single objection, Polk adjourned the cabinet meeting to prepare a war message for Congress.

At six o'clock that evening, news of the April 25th ambush, but not the subsequent battles, arrived in Washington. Armed with this information, Polk retired for the evening. The next day was Sunday, May 10th. Except for two hours in church, the President spent the entire day drafting a message constructed around the attack upon Thornton's men.

Polk's War Message

. . . Texas, by the final action of our Congress, had become an integral part of our Union. The Congress of Texas, by its act of December 19, 1836, had declared the Rio [Grande]de Norte to be the boundary of that Republic. Its jurisdiction had been extended and exercised beyond the Nueces. The country between that river and the Del Norte had been represented in the Congress and in the convention of Texas, had thus taken part in the act of annexation itself, and is now included within one of our Congressional districts. Our own Congress had, moreover, with great unanimity, by the act approved December 31, 1845, recognized the country beyond the Nueces as a part of our territory by including it within our own revenue system, and a revenue officer to reside within that district has been appointed by and with the advice of the Senate. It became, therefore, of urgent necessity to provide for the defense of that portion of our country. Accordingly, on the 13th of January last instructions were issued to the general in command of these troops to occupy the left bank of the Del Norte. This river, which is the southwestern boundary of the state of Texas, is an exposed frontier. . .

The movement of the troops to the Del Norte was made by the commanding general under positive instructions to abstain from all aggressive Acts toward Mexico or Mexican citizens and to regard the relations between that Republic and the United States as peaceful.

. . . .

Response by Congressman Davis

Sir, if the bill contained any recitation upon that point in truth and justice it should be that this war was begun by the President. The river Nueces is the true western boundary of Texas. The country between that stream and the Del Norte [Rio Grande] is part of Mexico; and that Power had people and establishments in it. Months ago the President, of his own will, orders General Taylor and his army to take post at Corpus Christi, on the west bank of the Nueces, where they remained until a considerable time after the beginning of this session of Congress. In March last, under the positive orders of the President, he moves through the disputed country upon the Del Norte. The Mexican authorities meet him at several points with the declaration that he has invaded their country, and with protests against the aggression. They warn him that unless he retires east of the Nueces, he will be deemed to be making war upon Mexico, and they will resort to force. He refers to the positive orders of the Executive, and the execution of them he presses on to Matamoras; strongly fortifies a position overlooking the city; and mounts a battery of canon within 300 yards of it, bearing upon its public square, and from whence he could, in a few hours, batter it down. He then blockades the port of Matamoras, orders off English and American vessels, and directs the capture of a Spanish schooner. The Mexican

. . . On [the 24th of April] General Arista . . . communicated to General Taylor that “he considered hostilities commenced and should prosecute them.” A party of dragoons of 63 men and officers were on the same day dispatched from the American camp up the Rio Del Norte, on its left bank, to ascertain whether the Mexican troops had crossed or were preparing to cross the river, “became engaged with a large body of the troops, and after a short affair, in which some 16 were killed and wounded, appear to have been surrounded and compelled to surrender. . . .

The cup of forbearance had been exhausted even before the recent information from the frontier of the Del Norte. But now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory and shed American blood on American soil.

As war exists, and not withstanding all our efforts to avoid it, exists by the act of Mexico herself. we are called upon by every consideration of duty and patriotism.to vindicate . . . the honor, the rights and the interests of our country. . . .

commander treats all these as acts of war; and on the 25th of April, General Taylor is informed, by a messenger from the Mexican camp, that hostilities exist, that the Mexicans will prosecute them according to the usages of civilized nations. That night a detachment of the Mexican army crosses the Rio Grande, Grande, General Taylor sends out a scouting party to reconnoiter, which attacks the Mexicans and is defeated and captured by the Mexicans, and thus war is raging in bloody earnestness. It is our own President who began this war.⁴⁴

45

The Treaty of Guadeloupe Hidalgo

The war with Mexico lasted for nearly three years. In several bloody battles, Taylor beat back Mexico's attempts to recapture her northern provinces. In the meantime, Colonel Stephen Kearney captured Sante Fe and then proceeded overland to California. He arrived to find that American settlers had already overthrown their Mexican rulers. Thus by January 1847, the United States had gained control of New Mexico and California. It took an invasion of Mexico itself by General Winfred Scott, however, to impress the hopelessness of its cause upon the Mexican government. General Scott fought his way from Vera Cruz to Mexico City, and the enemy capital fell on September 14th. Four months later, Nicholas B. Trist completed a peace agreement. The treaty of Guadeloupe Hidalgo granted the United States almost the same terms rejected by Mexico three years before. For recognition of the Rio Grande boundary and for all of New Mexico and California, the United States agreed to assume Mexico's debts to American citizens

⁴⁴ *Congressional Globe*, 29th Cong. 1st Session, p. 794.

⁴⁵ Quoted in Henry Steele Commager ed., *Documents of American History*, Appleton-Century Crofts, New York, 1963pp. 310-11.

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and to pay Mexico 15 million dollars rather than the 25 million that James Polk had authorized Slidell to offer.

Suggested Student Exercises:

1. Was the United States or was Mexico the aggressor in the Mexican-American war. Consider:
 - a. Whether the soil on which blood was shed really belonged to the US
 - b. Were there other legitimate reasons the US had for going to war against Mexico.
 - c. Should the US rather than Mexico own the land acquired in the war?



Fighting during the Mexican War

Chapter 10

The Crisis of 1850

In 1846 with the Mexican War still raging, and Congress was about to adjourn for its summer recess, President Polk urged its members to pass one more bill. The President wanted an appropriation of two million dollars to pay Mexico for any land won in the war. But Representative David Wilmot of Pennsylvania was looking beyond the question of ending the war and acquiring new territories. He addressed the issue of who would live in these territories. Adopting the language of the Northwest Ordinance of 1787, Wilmot proposed that:

*There shall be neither slavery nor involuntary servitude in the said territory otherwise for punishment of crimes . . .*⁴⁶

Wilmot's proviso caught the Polk administration off guard. They had looked forward to a speedy passage of the Two Million Dollar bill and hoped to avoid a divisive argument on the issue of slavery. The Wilmot Proviso sparked a heated and wrenching debate that exposed deep sectional divisions on slavery. Eventually, four distinctly different positions were articulated; each argued with vehemence and conviction, was to become the fixed rallying cry of one political faction or another over the next 14 years.

- 1. Congress should prohibit the extension of slavery** — slavery was wrong and must be stopped from spreading.
- 2. The Missouri Compromise line of 36' 30" should be extended to California** — this compromise had separated free from slave territories for 30 years and was fair to both sections.
- 3. Each territory should decide for itself whether it would become a free or slave state** — decisions in a democracy should be made by the people most directly involved.
- 4. Congress had no power to prohibit slavery in the territories, only a duty to protect slavery there** — slaves were property and their owners rights had to be protected.

As President Polk vacillated between advocating an extension of the Missouri Compromise line through the newly acquired territories and allowing the people there to make the decision on slavery, another session of Congress ended with the issue yet unresolved. In 1848, two years after Wilmot had introduced his proviso, Zachary Taylor, the military hero of the year, was elected President, and Polk retired to private life. That same year gold was discovered in California and the rush of miners out to the golden stream beds instantly qualified California for statehood.

Without going through the intermediate step of territorial status, California drew up a Constitution prohibiting slavery, elected a governor and a legislature, and applied for admission as a free state. With the number of free and slave states delicately balanced at 15 each and no more territory in the South, the admission of California would permanently upset the long established equilibrium. The decision on the

46 Quoted in David M. Potter, *The Impending Crisis*, Harper and Row, New York 1976, p. 19.

status of slavery in the remaining territory obtained from Mexico could no longer be postponed. This chapter presents the debate over admitting California to the Union.

The Issues

The 31st Congress of the United States met on December 3, 1849 in an atmosphere of tense expectancy. The House of Representatives was so divided on the issue of slavery that it took three weeks and 63 attempts to select a Speaker. Even the doorkeeper could not be appointed without first considering his views on this issue. Debates raged on the floor of Congress, in the cloakrooms, in taverns, and in private homes. Angry voices were raised; Southerners openly talked of secession and at that very moment a convention in Nashville, Tennessee was formally discussing this possibility. Extreme Northern sentiment was expressed by John Hale of New Hampshire:

*If this Union, with all its advantages, has no other cement than the blood of human slavery, let it perish.*⁴⁷

President Zachary Taylor wanted to resolve the crisis of 1850 by merely admitting California and later New Mexico as free states. Unruffled by secession threats, Taylor would have forced the South to swallow this bitter pill. It is possible that had Taylor been a better politician, he could have obtained the votes for his single-minded proposal. But there were other issues before Congress that needed to be resolved. Southerners were infuriated by deliberate violations of the 1793 fugitive Slave Act, and they demanded a stronger and more enforceable law. At the same time, Northern abolitionists were demanding that slavery be ended in Washington, D.C. and were attempting to stop the interstate slave trade, if not slavery itself. Opponents of slavery were strong enough in the House of Representatives to pass bills ending slavery in the District of Columbia, but these failed in the Senate. Meanwhile, the South wanted some concrete and effective guarantee that it would not become a minority section, continually outvoted and overpowered by anti-slave majorities. Without such assurances, many Southerners were ready to dissolve the Union.

The table below summarizes the major issues of 1850 and alternative positions advocated by various groups in Congress:

⁴⁷ Quoted in *ibid.*, p. 45

ISSUES	Northern Extremists	Southern Extremists	Moderates
Admission of California as 31st state	California should be admitted as a free state	Divide California into 2 states along Missouri Comp. line	Admit California with Constitution barring slavery
Amending the Constitution	Amend Constitution to abolish slavery	Amend it to allow 2 Presidents, from both North & South	Don't change the Constitution
Slavery in New Mexico & Utah Territories	Prohibit slavery in New Mexico & Utah	Protect right to keep slaves there	Allow settlers to decide
Fugitive Slave law	Repeal Fugitive Slave Act of 1793	jail those helping slaves escape: require chasing escaped slaves: & suspend jury trials	Keep Fugitive Slave Act of 1793
Slavery in Washington D.C.	Abolish slavery in Washington D.C.	Don't change status of slavery in Washington, DC	Stop sale of slaves but not slavery in Washington, DC

Spokesmen for the Sections

Daniel Webster Argues for a Moderate Position (West and Northern Moderates)

Back in the Senate after a seven-year absence, Henry Clay of Kentucky was determined to find a compromise that would prevent secession and Civil War. With the assistance of Daniel Webster of Massachusetts, Clay prepared a series of proposals that he hoped to steer through both the House, where the North had a majority, and the Senate, where the sections were of equal strength. When Clay's health failed him, Stephen Douglas of Illinois assumed the role of leader. Clay's and Douglas's efforts were assisted by Daniel Webster whose dramatic 7th of March speech helped tip the balance in favor of a compromise proposal. Excerpts from that speech are printed below:

I speak today for the preservation of the Union. Hear me for my cause. I speak today out of an anxious heart, for the restoration to the country of that harmony that makes the blessings of this Union so rich and so dear to us all.

Now as to New Mexico and Utah. I hold that slavery be excluded from those territories by a law even superior to that which admits and sanctions it in Texas — I mean the law of nature — the law of the formation of the earth. What is there in New Mexico that could by any possibility induce anybody to go there with slaves? There are some narrow strips of tillable land on the border of the rivers; but the rivers themselves dry up before mid-summer is gone. All that the people can do is raise some little articles and that by irrigation. And who expects to see a hundred black men cultivating tobacco, corn, rice, or anything else, on lands in New Mexico.

There is ground of complaint against the North, well founded, which ought to be removed, which calls for the enactment of proper laws authorizing this Government to do all that is necessary for the recapture of fugitive slaves, and for the restoration of them to those who claim them. I say that the South has been injured in this respect and has a right to complain; and the North has been too careless of what I think the Constitution emphatically enjoins upon them as a duty.

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I hear with pain and anguish and distress, the word secession. Secession!! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion. Who is so foolish as to expect to see such a thing. There can be no such thing as peaceable secession. Sir, I see it plainly as I can see the sun in heaven – see that disruption must produce such a war as I will not describe.⁴⁸

William Seward Speaks for a Law Higher than the Constitution (Northern Extremists)

William Seward, one of the leading spokesmen for the North, opposed the compromise drawn up by Clay and Webster. He spoke for those who would rather risk secession and war than give in to demands from the South which they could not accept in good conscience.

I am opposed to any such compromise in any and all forms in which it has been proposed, because I think all legislative compromises radically wrong and essentially vicious.

What am I to receive in this compromise? Freedom in California. It is well; it is a noble acquisition it is worth a sacrifice. But what am I to give as an equivalent? A recognition of a claim to perpetuate slavery in the District of Columbia; forbearance to more strict laws concerning the arrest of persons suspected of being slaves found in the free states; forbearance from the provision of freedom in the charters of new territories. California brings gold and commerce as well as freedom. I am then to surrender some portion of human freedom in the District of Columbia and New Mexico, for the mixed consideration of liberty, gold and power on the Pacific Coast?

There is a higher law than the Constitution which regulates our authority over the domain, and devotes it to some noble purpose. The territory is no inconsiderable part of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are his stewards, and must so discharge our trust as to secure, in the highest attainable degree, their happiness.

And now the simple, bold and even awful question which presents itself to us, is this: Shall we, who are founding institutions, social and political, for countless millions – shall we, who know by experience the wise and the just, and are free to choose them, and to reject the erroneous and unjust – shall we establish human bondage, or permit it by our sufferance, to be established?⁴⁹

John Calhoun Speaks for the South (Southern Extremists)

John Calhoun, for twenty years the South's most forceful spokesman, was close to the end of his long career in 1850. On March 4th, he dragged himself from his deathbed and appeared in the Senate. Too weakened by disease to deliver his speech, he listened grimly while Senator James Mason of Virginia read his final plea for concessions to the South.

I have, Senators, believed from the first, that the agitation on the subject of slavery would, if not prevented, end in disunion. The agitation has been permitted to proceed, with almost no attempt to

⁴⁸ Quoted in Edwin C. Rozwenc, ed., *The Compromise of 1850*, D.C. Heath & Co., Boston, 1957 pp. 35-39.

⁴⁹ Quoted in *ibid.* pp. 41-46.

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resist it, until it has reached a period that the Union is in danger. I refer to the relationship between the two races in the Southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. Those most oppressed and hostile regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. The Southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness; accordingly they feel bound by every consideration of interest and safety to defend it.

How can the Union be saved? There is but one way by which it can with any certainty; and that is, by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the Constitution, and no concession or surrender to make. She has already surrendered so much that she has little left to surrender.

The North has only to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the laws relative to fugitive slaves to be faithfully fulfilled – to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South in substance the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government. There will be no difficulty in devising such a provision [to amend the Constitution] that will protect the South, and which at the same time will improve and strengthen the Government, instead of impairing and weakening it.⁵⁰

Suggested Student Exercises:

1. As your teacher directs, divide into three groups - Northern extremists, Southern extremists, and moderates. Each group prepare arguments on at least three issues that interest them. Each group will debate these arguments in class. Then they will try to find some points of reasonable compromise that will not violate their section's interest. The South must be willing to agree to whatever compromise is reached.

Epilogue: The Actual Compromise

After Henry Clay's health broke while he was attempting to push a bill thorough Congress embracing the moderates proposals, Stephen Douglas assumed leadership of the forces seeking accommodation. Soon afterwards, President Taylor, who opposed a comprehensive compromise, suddenly died. His successor, Millard Fillmore, aligned himself with moderate Congressional leadership. After a long struggle, both the House and the Senate passed separate bills including the compromise proposals and President Fillmore promptly signed them into law. The most significant of these admitted California as a free state, organized the Utah and New Mexico territories on the basis of popular sovereignty, imposed a strict fugitive slave law (embodying the provisions proposed by the South), and

⁵⁰ Quoted in *ibid.*, pp. 26-33

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prohibited the slave trade but not slavery in Washington, D.C. Proposals to abolish slavery nation wide or add a second president were rejected.

These bills were passed in September, 1850. A grateful nation, which had stood at the brink of seces-



Clay Presenting the Compromise

sion and war, breathed a collective sigh of relief. Mass meetings throughout the country celebrated the Compromise, and the crisis of 1850 passed. But in the North, Daniel Webster was criticized for supporting the Fugitive Slave law, and Ralph Waldo Emerson publicly declared that he would never obey it. In South Carolina the compromise was denounced as a hopeless defeat for the South, and secessionists in that state were dissuaded from their purpose only because other Southern states did not seem ready to join them. The Compromise had covered over, but not resolved, the deep sectional division that threatened to split the nation and drive it into bloody and tragic civil conflict.

Suggested Student Exercises:

Do you think Congress reached a 'reasonable' compromise? Support your answer.

Chapter 11

Civil War in Kansas

Impulsive, energetic, intelligent, and ambitious: Such were the words used to describe Stephen Douglas of Illinois. Douglas had inherited Henry Clay's mantle of leadership in the West. In 1850, Douglas played a major role in guiding the California Compromise through Congress and saving the Union. He had been especially effective in arguing for the doctrine of popular sovereignty, rule by (free, white) people, in deciding the issue of slavery in the territories. In 1850, this principle had helped preserve the country by taking the discussion of slavery out of the halls of Congress. Championing this same principle, Douglas brought his country to the verge of war by reopening the question of slavery in the territories. This chapter tells that story.

The Kansas-Nebraska Act

In 1852, Douglas made a bid for the Democratic presidential nomination. He and his admirers were disappointed when this prize went to the pleasant but weak Franklin Pierce. Pierce was elected, and a saddened Douglas, who was also mourning the death of his wife, traveled to Europe. He returned in November, 1852 and threw himself into a round of social obligations, entertaining lavishly and constantly. In the bustle of activity, it is possible that he did not have time to take the pulse of his nation.

As Chairman of the Senate Committee on Territories, Douglas with his accustomed vigor proposed legislation to open the Kansas and Nebraska territories for settlers. At the close of its 1853 session, Congress came close to passing this measure. A bill had cleared the House of Representatives. In the Senate, however, it met the determined opposition of the South. Led by its President, David Atchison of Missouri, the Senate rejected the Nebraska Bill. The sticking point for Atchison and the South was the Missouri Compromise, which prohibited slavery north of 36°30' (see Chapter 3). Atchison had told a pro-slavery audience that he would rather see Kansas "sink in Hell" than have it admitted into the Union as a free state.

When Douglas introduced his Kansas-Nebraska Bill in 1854, it contained an important modification. Rather than continue the restrictions on slavery that were embodied in the Missouri Compromise, the Kansas-Nebraska Act repealed this prohibition on slavery. It stated:

*That all questions pertaining to slavery in the Territories, and in the new states to be formed therefrom, are to be left to the people residing therein, through their appropriate representatives.*⁵¹

An Issue of Motives

The Kansas-Nebraska Bill now headed into the eye of a storm, and Douglas as its main sponsor was to reap the whirlwind. Douglas sensed the coming struggle, but underestimated its force. He confided in a friend that he would be attacked by abolitionists, free soilers, demagogues, and fanatics for repealing the Missouri Compromise. Why then did he not avoid that battle? Historians generally subscribe one of three motives to Douglas's actions:

51 Quoted in Allan Nevins, *The Ordeal of the Union*, Charles Scribner's Sons, New York, 1947, p. 95.

1. Douglas was convinced that the principles of popular sovereignty, the people in the territories deciding on slavery, was a fair and just principle, in keeping with the American tradition of democracy and local rule. He believed that it was the best and most efficient way of settling the question of slavery.
2. Douglas retained his ambition to become President. By giving the South an opportunity to gain another state, he would win the support of the southern Democrats in 1856.
3. Douglas was interested in obtaining Southern support for a transcontinental railroad that would connect Chicago to California. Douglas owned 6,000 acres in Chicago and would profit if the railroad were built.

Opponents of slavery assigned a more vicious and uncomplimentary motive to Douglas and the South. In an appeal against the Kansas Bill that would soon set the tone for debate, Salmon P. Chase of Ohio charged:

We oppose this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region immigrants from the old world and free laborers from our own States, and convert it into a dreary region of despotism,

Whatever his motives, Douglas relished a fight and did not shrink from the battle. Chase and his allies were labeled “pure unadulterated representatives of Abolitionism, Free Soilism and Niggerism in the Congress of the United States.”⁵² And Douglas denied that slavery would spread to Kansas:

*In that climate, with its products, it is worse than folly to think of its being a slave holding country. I do not believe there is a man in Congress who thinks it could permanently be a slave holding country.*⁵³

The Republican Party is Formed and Fugitive Slaves Become an Issue

The issue of repealing the Missouri Compromise split this nation as no other political issue since the California controversy. Neither the Senate nor the House had witnessed such vehement debate, such personal animosity, such name calling and slander. Congressmen actually drew weapons and only the arrest of one member and a quick adjournment prevented bloodshed. When the dust settled in the House of Representatives, and the final ballots had been counted, the Kansas-Nebraska Act passed. Significantly, of the 97 votes against the Bill, only 9 were cast by Southerners.

Despite extreme pressure from the Pierce administration, the northern Democrats were evenly split on the Kansas-Nebraska Act, with almost half voting against their leadership. The anti-Nebraska Democrats now joined with disaffected elements of the Whigs, the other major party. Quite spontaneously in many different localities, they adopted a new name, Republicans, and a single principle – opposition to the spread of slavery. A prominent Whig leader in Illinois Abraham Lincoln, joined this new party and so did Henry Seward of ‘higher law’ fame. In 1856, this purely Northern party offered a

⁵² Quoted in *ibid.*, p. 114.

⁵³ Quoted in *ibid.*, p. 115.

presidential candidate, John C. Fremont. Running on a platform of 'free land, free men, and Fremont,' the Republicans almost elected a President in 1856. Four years later they were more successful.

As the ties that had once bound the major parties came undone, so too did the willingness of men to obey distasteful laws. During the height of the Kansas controversy, a slave named Anthony Burns escaped and fled to Boston. His owner chased Burns and came North to claim his property. The Fugitive Slave law had made it a crime to assist a runaway. But Boston, now thoroughly incensed against the South, came out in mass to free Anthony Burns. Believing that the South had reneged on the Missouri Compromise, many felt no compulsion to support the law that was a product of the California Compromise. A mob stormed the Federal Court House where Burns was imprisoned. President Pierce sent U.S. marines to Boston to restore order, and the government spent over \$40,000 to return Burns to his owner. Similar scenes were repeated in other northern cities.

Slave and Free Legislatures

If popular sovereignty was to work, both sections would have to allow the settlers of Kansas to resolve the slavery issue in an orderly and peaceful manner. But excitement over the slavery question coupled with the normal lawlessness of frontier life turned Kansas into a bloody battlefield with an estimated 200 casualties. This skirmish was but prelude to a much larger battle which cost the nation over 600,000 lives. It raises the question of who was responsible for the violence in Kansas.

Stephen Douglas blamed the North for starting the conflict. New Englanders, he claimed, tried to artificially stimulate emigration into Kansas in order to assure its entrance as a free state:

In retaliation, Missouri formed aid societies too; and she, following your example, sent men into Kansas, and they occurred the conflict. I condemn both, but I condemn a thousand fold more those that set the first example and struck the first blow. ⁵⁴

Actually, the first threat of violence was made by Senator Atchison of Missouri, in 1853. "If the Northern vermin," he told a pro-slave audience, "come to take up those fertile prairies, run off your Negroes, and depreciate the value of your slaves, your rifles will free you from such neighbors." ⁵⁵

In April, 1854, a Massachusetts educator and politician named Eli Thayer organized the Massachusetts Emigrant Aid Society. He quickly raised \$100,000 of a proposed \$5,000,000 and financed the settlement in Kansas of some 1,200 emigrants before he was forced to declare bankruptcy. While Thayer canvassed the North for funds and migrants, Missouri residents began to stake claims in the nearby lands they considered rightfully theirs. The Platte County Self-Defense Association was formed to assist in removing all immigrants that were financed by the Emigrant Aid Society.

Late that summer, President Pierce appointed an obscure Pennsylvania lawyer named Andrew Reeder as first territorial governor. Reeder tried his best to be impartial, but was unable to prevent 1,700 Missouri residents from crossing the border that fall to vote illegally in the election for a territorial representative to Congress.

⁵⁴ Quoted in *ibid.*, p. 306.

⁵⁵ Quoted in *loc. cit.*

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According to the 1855 census, some 8,500 people including 242 slaves had settled in Kansas. In the election that year for the all important territorial legislature, nearly 5,000 Missouri residents crossed the border and cast 4,908 illegal voters to 1,410 legitimate ballots. Under some duress from the newly elected and fully armed legislators, Governor Reeder certified all but the most fraudulent returns. The legislature's first act was to draw up a slave code, borrowed from Missouri, making it a crime to advocate the abolition of slavery, and a capital offense to stir up a slave rebellion.



Representative Brooks Beating Senator

Thoroughly disgusted, Governor Reeder now tried to convince President Pierce to investigate the fraudulent voting that brought this pro-slave legislature into existence. But Pierce did nothing. Upon returning to Kansas, Reeder was met with a demand that he be removed. Pierce replaced him with a governor who would cooperate with the pro-slave legislature. Despairing of any legal redress, the anti-slave men in Kansas took action. They drew up their own Constitution which was submitted to a referendum and passed by a vote of 1,731 to 6. A copy was sent to Washington, D.C. The anti-

slavery men then elected a governor, Charles Robinson, and a free territorial legislature. Kansas then had two governors, two legislatures and two governments. Each side collected guns and ammunition for the showdown that they thought inevitable.

Lawrence Sacked and Sumner Beaten

A temporary lull during the bitter winter of 1855-56 was broken the following spring. A Federal Marshall deputized over 500 pro-slave men in order to enforce the laws of the legal (pro-slave) legislature. Grand jury indictments were served against two abolitionist papers in the free town of Lawrence, and a few days later a pro-slave paper gleefully headlined:

**Lawrence Taken:
Glorious Triumph of the Law and Order Party
Over Fanaticism in Kansas.⁵⁶**

The deputized anti-slave forces smashed the abolitionists' presses, blew up the main hotel in Lawrence, set fire to Governor Robinson's house, and burned and looted a number of homes in Lawrence. To all this provocation, the anti-slave population had offered no resistance. But a few days later, John Brown and several of his sons murdered and mutilated five pro-slave settlers at Pottawatomie Creek. Later, retaliation came, and before Federal troops restored order, some 200 Kansas residents and invaders from Missouri were dead.

In the U.S. Senate, Charles Sumner did not need the provocative news of the attack on Lawrence. With uncanny timing he delivered a well-rehearsed speech, perhaps the most vicious ever launched from the floor of the Senate. It came on the very day of the sack of Lawrence. His topic was *The Crime of Kansas* and the chief object of his personal invective, Senator Butler of South Carolina, was not in Washington to defend himself. Butler's nephew, Representative Brooks, took it upon himself to avenge his uncle by

⁵⁶ Quoted in *ibid.*, p. 435.

catching Sumner unaware on the Senate floor two days later, and smashing him over the head with a cane. It was a full 3 1/2 years before Sumner could resume his senatorial duties. A vote of censure from the House, where the North had a majority, forced Brooks to resign; he was quickly re-elected by jubilant supporters who provided him with golden canes to take back to Washington when he returned several weeks later.

The Solution in Kansas

The Kansas fiasco forced Pierce into early retirement, and the Democrats found another candidate to represent them, James Buchanan. As an ambassador to England, Buchanan had been out of the country and had avoided antagonizing the North while holding to the South's position on Kansas. To his credit, Stephen Douglas broke with the administration when he learned that the pro-slave Constitution was fraudulently ratified and did not have the support of the Kansas voters. In 1858 the Constitution was re-submitted in a fair election and turned down by a margin of ten to one. Kansas was admitted to the Union as a free state three years later, after the South had seceded.

Suggested Student Exercises:

1. Which side do you think was responsible for the violence in Kansas, the North or the South? Take a position on this question by stating a general principle of fair treatment and show how one side violated this principle. Be prepared to defend this principle and to show how it was violated.

Chapter 12

The Controversial Dred Scott Decision

The central question before the nation during the 1850's was the issue of slavery in the territories. It was discussed in every town and village, debated on the floor of Congress, and fought out on the soil of Kansas.

By 1857, positions on slavery in the territories had hardened. A man's beliefs on this subject were often influenced by the section of the country in which he lived. Northerners generally believed that Congress can make a regulation prohibiting slavery in a Territory [but] they can not make a regulation allowing it." Westerners held to Stephen Douglas's belief "that slavery can neither be established nor prohibited by Congress," but he believed that people living in territories could make those decisions. Southerners argued that the Constitution "allows every slave owner the right to take his property anywhere in the country."⁵⁷

Under the American system of government, the Supreme Court was supposed to be the final arbitrator of any judicial dispute. Perhaps it was for this reason that the President-elect James Buchanan was prepared to allow the courts to settle the slavery issue. A case, ready made to resolve this issue, was before the Court while Buchanan was writing his inaugural address. In the most important part of this speech, Buchanan asked his countrymen to suspend their own opinions, and follow the ruling of the Supreme Court:

It is a judicial question, which legitimately belongs to the Supreme Court of the United States, before whom it is now pending, and will, it is understood, be speedily and finally settled. To their decision, in common with all good citizens, I shall cheerfully submit, whatever this may be. ⁵⁸



The Dred Scott Case

Buchanan may have been less likely to advise his countrymen accept the Court's decision if he did not already know what the Court was about to pronounce. He had corresponded with at least two members of the Supreme Court. He had urged Robert Grier, a fellow Pennsylvanian, to join the Court's majority in the Dred Scott case. Justice Grier's sympathies, as those of the President-elect, were with the South on the slavery issue. Four of the remaining justices, including Chief Justice Roger Taney, were from the South. Only two, John McLean and Benjamin Curtis, were not Democrats.

The facts of the Dred Scott case were complex, but well understood by most Americans who had followed it with great interest. Dred Scott had been a slave owned by a resident of Missouri, Dr. Emerson. Between 1834 and 1838, Scott lived with his master in the state of Illinois and in what today is Minnesota. At that time, slavery was banned in Minnesota by the Missouri Compromise. Upon returning to Missouri, Scott sued his new master, John Sanford, who had bought him for the purpose of bringing a test case to

⁵⁷ 19 Howard, 620

⁵⁸ Allan Nevins, *The Emergence of Lincoln*, Charles Scribner's Sons, New York, 1950, p. 88.

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the Supreme Court. Through his lawyers, Scott claimed his freedom on the grounds that he was no longer legally a slave because of his residence in a free territory where slavery had been prohibited by Congress. Scott's claim was upheld by one court in Missouri but overturned by a higher court and then appealed to the Supreme Court.

The Dred Scott case presented three major issues to the Supreme Court. First, whether Scott, or any Negro, was a citizen and had the right to sue in Court. Second, whether Scott's status as a slave was affected by his residence in a free territory. And, third, whether Congress had the power to ban slavery in the territories. Should the Court rule negatively on the first issue, it would not have to pass judgment on the others.

Only the first and third issues need concern us here, for the real question in the Dred Scott case was not the fate of Scott himself, but the rights of Negroes under the Constitution and the power of Congress to legislate on the status of slavery in the territories. On March 6, 1857, the eighty-year old Chief Justice Roger Taney read his decision in which five members of the Court concurred. Taney ruled that Scott, as a Negro, had no rights that the white man was bound to respect, and that the only power Congress had over slavery in the territories was the power coupled with the duty of guarding and protecting the owner in his property. Excerpts from the decision follow:

Suggested Student Exercises:

After reading the excerpts from the majority and minority opinions, on the next page:

1. Briefly summarize the facts of the Dred Scott case and the conclusion reached by the Court.
2. If your teacher directs, break into groups of three student each; in each of the groups, one person will present Taney's and the other one Curtis' argument. The third person will decide which is stronger. After about 15-20 minutes the teacher will call the class together for a full class discussion on these issues.
3. Read what the Court decided and comment on the decision.

Can Negroes be Citizens and Have Rights Under the Constitution

Taney: Yes

It is difficult at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, when the Constitution of the United States was framed and adopted. They had for more than a century before been regarded as beings of an inferior order, altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to

Taney

respect; and that the Negro might justly and lawfully be reduced to slavery for his benefit. There are two clauses in the Constitution which to the Negro race as a separate class of persons and show clearly that they are not regarded as a portion of the people or citizens of the Government then formed.

One of these clauses reserves to each of the thirteen States the right to import slaves until 1808, if it thinks proper. And the importation which it thus sanctions was unquestionably of persons of the race of which we are speaking as the traffic in slaves in the United States had always been confined to them. And by the other provision the States pledge themselves to each other to maintain the right of property of the master, by delivering up to him any slave who may have escaped from his service, and be found within their respective territories. And these two provisions show, conclusively, that neither the description of persons therein referred to, nor their descendants, were embraced in any of the other provisions of the Constitution

Can Congress Prohibit Slavery

Curtis : No

I can find nothing in the Constitution which deprives of their citizenship any class of persons who were citizens of the United States at the time of its adoption, or who should be native-born citizens of any State after its adoption; nor any power enabling Congress to disenfranchise persons born on the soil of any State, and entitled to citizenship, of such State by its Constitution and laws. And my opinion is, that, under the Constitution of the United States, every free person born on the soil of a State, is a citizen of the United States.

Curtis

It has been often asserted that the Constitution was made exclusively by and for the white race. It has already been shown that in five of the thirteen original States, colored persons then possessed the elective franchise, and were among those by whom the Constitution was ordained and established. If so, it is not true, in point of fact, that the Constitution was made exclusively for the white race. And that it was made exclusively for the white race is, in my opinion, not only an assumption not warranted by anything in the Constitution, but contradicted by its opening declaration, that it was ordained and established by the people of the United States, for themselves and their posterity. And as free colored persons were then citizens of at least five States, and so the United States they were among those for whom and whose posterity the Constitution was ordained and established.

in the Territories?

Taney

The territory being part of the United States, the Government and the citizen both enter it under the authority of the Constitution, with their respective rights defined and marked out; and the Federal Government can exercise no power over [] person or property, beyond what [the Constitution] confers, nor lawfully deny any right which it has reserved.

For example, no one, we presume, will contend that Congress can make any law in a Territory respecting the establishment of religion, or the free exercise thereof, or abridging the freedom of speech or of the press, or the rights of the people of the Territory peaceably to assemble, and to petition the Government for the redress of grievances. These powers, and others, in relation to rights of person, are, in express and positive terms denied to the General Government; and the rights of private property have been guarded with equal care. Thus the rights of property are untied with the rights of person, and placed on the same ground by the fifth amendment to

the Constitution, which provides that no person shall be deprived of life, liberty, and property, without due process of law.* And an act of Congress which deprives a citizen of the United States, who had committed no offense against the laws, could hardly be dignified with the name of the due process of law.

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 [the Missouri Compromise], is not warranted by the Constitution, and is therefore void . . . *

Curtis

The Constitution declares that Congress shall have power to make all needful rules and regulations respecting the territory belonging to the United States.

It will not be questioned that when the Constitution of the United States was framed and adopted, the allowance and prohibition of Negro slavery were recognized subjects of municipal legislation; every State had in some measure acted thereon; and the only legislative action concerning the territory contained a prohibition of slavery. The purpose and object of the clause being to enable Congress to provide a body of municipal law for the government of the settlers, the allowance or the prohibition of slavery comes within the known and recognized scope of that purpose and subject. An Act was passed on the 7th day of August, 1789, . . . which recites: Whereas in order that the ordinance of the United States in Congress assembled, for the government of the territory northwest of the river Ohio, may

continue to have full effect, it is required that certain provisions should be made, so as to adapt the same to the present Constitution of the United States.

Here is an explicit declaration of the will of the first Congress, of which fourteen members, including Mr. Madison, had been members of the Convention which framed the Constitution, that the ordinances, one article of which prohibited slavery, should continue to have full effect. General Washington, who signed this bill, as President, was the President of that Convention.

59

59 19 Howard, 407-617

* In a case upholding the Embargo before the War of 1812, the Supreme Court did not rule it violated property rights

Epilogue

Chief Justice Taney spoke for a divided Supreme Court, but his decision had the same force of law as if it had been unanimous. The main points of the decision, which produced howls of protest in the North, were as follows.

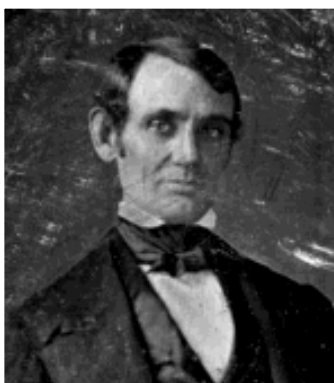
1. Scott, as a Negro, had no rights that the white man was bound to respect.
2. The only power Congress had over slavery in the territories was the power coupled with the duty of guarding and protecting the owner in his property.

The implications of the decision were clear. Congress did not have the right to prohibit slavery in the territories. The Missouri Compromise's as well as the Northwest Ordinances's prohibitions on slavery were illegal. The Republican Party's main platform, to prevent the extension of slavery in the territories, was illegal. The South had won a legal victory of historic proportions. The question now remained whether, in Buchanan's words, "all good citizens" would "cheerfully submit" to it.

Chapter 13

Lincoln vs. Douglas

Imagine standing in a hot, dusty town in central Illinois during the summer of 1858 as excursion trains bring thousands of visitors from all over the state. A hastily-prepared speakers' platform has just been constructed, and partisans on both sides are cheering for their champions in a hotly contested race for a seat in the U.S. Senate between Abraham Lincoln and Stephen Douglas.



**Abraham Lincoln
before the beard**

This campaign for the United States Senate began in Springfield, Illinois on June 16th when Lincoln was nominated by the Republican convention. That evening, the Republican nominee delivered his famous 'House Divided' speech, that set the tone for the Senate race. "I believe," he told a packed house, "this government cannot endure permanently half slave and half free." It would, he added, become all one or all the other. In Chicago three weeks later, Stephen Douglas attacked Lincoln for advocating boldly and clearly a war of sections, a war of the North against the South. And he asserted that the fundamental principle underlying our Constitution contemplated diversity and dissimilarity in the domestic affairs of each and every state. That evening, Lincoln responded by addressing an audience about 3/4th as large and four times as enthusiastic as Douglas's. The issues

were thus joined, and Lincoln's managers scheduled their candidate's speaking engagements to follow Douglas's announced appearances. On July 24th, Lincoln challenged his opponent to a series of debates. Douglas accepted this challenge on the same day. Altogether, seven debates of about three hours apiece were held in seven different towns.

The Debaters and the Issue

As the debates progressed, Lincoln defined the fundamental differences between himself and Douglas as the sentiment on the part of one class that looks upon the institution of slavery as a wrong, and of another that doesn't. Douglas too, claimed to be supporting a fundamental principle: that of self-government, the right of the people to rule. Indeed ideals basic to our system of government — the right of men to be free as well as the right of men to make their own laws — were at issue in the debates. This clash over cherished and conflicting values, articulated by their most powerful spokesmen, gave these debates an importance far greater than the election that inspired them. As Lincoln and Douglas wearily criss-crossed Illinois, every word and gesture of theirs was followed by newspapermen and reported to an entire nation. The debaters argued over the rights of blacks under the Constitution, the Dred Scott decision, and the charge that slavery could become national. Their arguments helped formulate and crystallize opinions on both sides. The winner in Illinois was Stephen Douglas. Though Lincoln lost this race for the Senate he defeated Douglas two years later in his bid for the presidency, a victory made possible by these debates.

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

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Imagine a long, lanky, clean-shaven man in his late 40s wearing a suit just a little too short and a stove-pipe hat accentuating his height. Look into his homely face, but observe the light emanating from his features as he rises to his subject and, above all, listen to the humor and logic peppering his remarks. Evaluate this man and his ideas as he faces the little giant, Stephen Douglas, veteran of a thousand speeches, whose imposing chest and deep tones thundered forth his positions in a rich baritone voice. Judge for yourself between Abraham Lincoln and Stephen Douglas on each of the following issues:

Can the Union Remain Half Free and Half Slave?

Lincoln

"A House divided against itself cannot stand."

I believe this government cannot endure permanently half slave and half free. I do not doubt the Union to be dissolved — I do not expect the house to fall — but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward, shall it be alike lawful in all the states, old as well as new — North as well as South.

Have we no tendency to the latter condition?

Douglas

Now, my friends, I must say to you frankly, that I take bold, unqualified issue with him upon that principle. I assert that it is neither desirable nor possible that there should be uniformity in the local institutions and domestic regulations of the different states of this Union. The framers of our government never contemplated uniformity in its internal concerns. The fathers of the Revolution, and the sages who made the Constitution well understood that the laws and domestic institutions which would suite the granite hills of New Hampshire would be totally unfit for the rice fields of South Carolina or suit the agricultural districts of Pennsylvania . . . or the lumber regions of Maine. They well understood that the great varieties of soil, of production and of interests, in a republic as large as this, required different local and domestic regulations in each locality, adapted to the wants and interests of each separate state.

The Fundamental Difference Between Lincoln and Douglas

Lincoln

The real issue in this controversy — the one pressing upon every mind — is the sentiment on the part of one class that looks upon the institution of slavery as a wrong. The sentiment that contemplates the institution of slavery in this country as a wrong is the sentiment of the Republican party. . . . They look upon it as being a moral, social and political wrong; and while they contemplate it as such, they nevertheless have due regard for its actual existence among us, and the difficulties of getting rid of it in any satisfactory way and to all the constitutional obligations thrown about it. Yet have a due regard for these, they desire a policy in regard to it that looks to its not creating any more danger. They insist that it should as far as may be, be treated as a wrong, and one of the methods

Douglas

He says that he looks forward to a time when slavery shall be abolished everywhere. I look forward to a time when each state shall be allowed to do as it pleases. If it chooses to keep slavery forever, it is not my business—not mine. I care more for the great principle of self-government, the right of the people to rule, than I do for all the Negroes in Christendom. (Cheers) I would not endanger the perpetuity of this Union. I would not blot out the great inalienable rights of the white men for all the Negroes that every existed. (Renewed applause.) Hence, I say, let us maintain this government on the principles that our fathers made it, recognizing the right of each state to keep slavery as long as its people determine, or to abolish it when they please. Our fathers, I say, made this government on the

Lincoln

of treating it as a wrong is to make provisions that it shall grow no larger. They also desire a policy that looks to a peaceful end of slavery at sometime.

Douglas

principle of the right of each state to do as it pleases in its own domestic affairs, subject to the Constitution, and allowed the people of each to apply to every new change of circumstance such remedy as they may see fit to improve their condition. This right they have for all time to come.

On the Dred Scott Decision

Judge Douglas said last night, that before the decision he might advance his opinion, and it might be contrary to the decision when it was made; but after it was made he would abide by it until it was reversed. Just so! We let this property abide by the decision, but we will try to reverse that decision (Loud applause-cries of good.) We will try to put it where Judge Douglas would not object, for he says he will obey it until it is reversed. Somebody has to reverse that decision, since it is made, and we mean to reverse it, and we mean to do it peaceably.

If the decision of the Supreme Court, to decide the question, is final and binding, is he [Lincoln] not bound by it. Is every man in this land allowed to resist decisions he does not like, and only support those that meet his approval? What are important courts worth unless their decisions are binding on all good citizens? It is the fundamental principle of the judiciary that its decisions are final. It is created for that purpose so that when you cannot agree among yourselves on a disputed point you appeal to the judicial tribunal which steps in and decides for you, and that decision is then binding on every good citizen. . . .

On Negro Rights

I have no purpose directly or indirectly to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so, I have no inclination to do so. I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which in my judgment will probably forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I as well as Judge Douglas, am in favor of the race to which I belong, having the superior position. I have never said anything to the contrary, but I hold that notwithstanding all this, there is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence the right to life, liberty, and the pursuit of happiness (loud cheers). I hold that he is as much entitled to these as the white Man. I agree with Judge Douglas that he is not my equal in many respects— certainly not in color, perhaps not in

intellectual and moral endowment, but in the right to eat the bread, without leave of anyone else, which his own hand earns, he is my equal, and the equal of Judge Douglas, and the equal of every living man. (Great applause)

Judge Douglas, and whoever like him teaches that the Negro has no share, humble as it may be, in the Declaration of Independence . . . is blowing out the moral lights around us, when he contends that whoever wants slaves has the right to hold them; he is . . . eradicating the light of reason and the love of liberty. . . .

I hold that the signers of the Declaration of Independence had no reference to negroes at all when they declared all men to be created equal. They did not mean negro, nor the savage Indians, nor the Fejee Islanders nor any other barbarous race. They were speaking of white men. (It's so, it's so, and cheers.) They alluded to men of European birth and European descent — to white men, and to none others, when they declared that doctrine. (That's the truth.) I hold that this government was established on the white basis. It was established by white men for the benefit of white men and their posterity forever, and should be administered by white men, and none others. But it does not follow that merely because the Negro is not our equal he should be our slave. We ought to extend to the Negro race and to all other dependent races all the rights, privileges, and all the immunities which they can exercise Humanity requires that we should give them all these privileges; Christianity commends that we should extend those consistently with the safety of society. what is But it does not follow, by any means, that merely follow, that we ought to extend to the Negro because the Negro is not a citizen, and merely

the nature and extent of them. My answer is that is a question which each state must answer for itself. We in Illinois have decided it for ourselves. We tried slavery, kept it up for twelve years, and finding that it was not profitable we abolished it for that reason, and became a free state. We adopted in its stead the policy that a Negro in this state, shall not be a slave and shall not be a citizen. We have a right to adopt that policy. For my part I think it is a wise and sound policy for us.⁶⁰

⁶⁰ Quoted in Paul M. Angle, *Created Equal? The Complete Lincoln-Douglas Debate of 1858*, The University of Chicago Press, Chicago, 195, pp. 1-2, 18-19, 390, 400, 374-75, 311, 230-31.

Suggested Student Exercises:

1. As your teacher directs, prepare to present and defend either Lincoln's or Douglas's position on each of the issues to the class:

- Whether the Union can remain half free and half slave
- The Fundamental Difference Between Lincoln and Douglas
- On the Dred Scott Decision
- On Negro Rights

or

2. Prepare to question either 'Lincoln' or 'Douglas' on his/her presentation in class.

Chapter 14

John Brown at Harper's Ferry

Owen Brown was taught to believe that we are "all sinners in the hands of an angry God."⁶¹ When his father died, a neighbor sent a slave to help the family with the farming. Young Owen loved that slave but he too, died, and the young boy was again plunged into grief.



John Brown

John Brown, son of Owen, was also taught "to fear God and to keep his commandments;" to be kind to Negroes, and to "oppose their enslavement as a sin against God."⁶² While a young boy, he witnessed the beating of a Negro and became a determined foe of slavery.

Brown's life was a series of failures and disappointments. His first wife became mentally ill. She and nine of his children died. Though driven by a fierce desire to succeed, Brown faced a series of business failures. His tannery lost money, and he was finally forced to close it. He made some speculative land investments, owed thousands of dollars, and ended up bankrupt. Later he lost \$40,000 in an unsuccessful venture in the wool business. Continually hounded by creditors, he never repaid the money he owed as he fled from his native Connecticut to Ohio, Pennsylvania, Massachusetts, and finally to New York.

As Brown continued to fail in the practical world, he became increasingly drawn toward the issue of slavery and Negro rights. He tried to start a school for African-Americans in 1833, but was unable to raise the money. When the Fugitive Slave Law was passed in 1850, Brown attempted to arouse Northern Negroes to use force to resist slave catchers. His words of advice, delivered in 1851, are especially interesting for they reveal a direction that his own career was to take in later years:

*The trial for life of one bold and somewhat successful man, for defending his rights in good earnest, would arouse more sympathy throughout the nation than the suffering of all the slaves.*⁶³

John Brown in Kansas

The opening of Kansas to popular sovereignty aroused John Brown to direct action against slavery. In 1855, he joined his sons and hundreds of other abolitionists who settled in Kansas, determined to make it a free state and to do battle against despotism. The fraudulent election that fall, in which hundreds of Missouri residents voted for a pro slave government in the Kansas territory, infuriated Brown. One night in May 1856, Brown, several of his sons, and a small band of followers, dragged five pro-slave settlers from their cabins, and brutally murdered them. Although Brown himself did not have a hand in the actual executions he had exhorted his followers to murder, saying it was better that a score of bad men should die than that one man who came there to make Kansas a Free State should be driven out. These killings, known as the Pottawatomie Creek Massacre, were intended to avenge the deaths of six free state people. Incidents like this as well as the sack of Lawrence, led both sides of the dispute in Kansas to arm

⁶¹Quoted in Stephen B. Oaks, *To Purge this Land with Blood*, Harper and Row Publishers, New York. p. 4.

⁶² Quoted in *ibid.*, pp. 4 & 8.

⁶³ Quoted in *ibid.*, p. 75

themselves and wage bloody war against each other. In subsequent months, Brown and his band rode through Kansas, combating pro-slave settlers and legal authorities.

As order was gradually restored to Kansas, Brown traveled east to Boston where he met with prominent abolitionists. Here in the living rooms of genteel opponents of slavery, Brown gave his version of events in Kansas and won their admiration and support for opposing slavery. Rather than a word of either the Bible or the Declaration of Independence be violated, Brown told Ralph Waldo Emerson in one such meeting, "a whole generation of men, women and children should pass away by a violent death."⁶⁴ Thinking that his friend was speaking metaphorically, the great philosopher nodded in approval.

Plans for the Raid

While Captain John Brown presented himself in Boston as the great Kansas freedom fighter, he was developing a plan of future action. He believed that slavery would not die a natural death. Some dramatic blow was needed to strike down this terrible institution. In 1858, Brown invaded Missouri and stole eleven slaves whom he eventually escorted to Canada. The fear this raid inspired in the South led Brown to believe that this section was ripe for revolution and could be toppled with a single blow. His conversations with abolitionists, and such famous escaped slaves as Frederick Douglass, further convinced him that the South was seething with unrest. One need only raise the banner of revolt in the South, and slaves would rally to it. Brown was determined raise that banner.

Supported by six prominent abolitionists, Brown began to plan his raid on Harper's Ferry. His patrons deliberately asked to be kept in the dark about the details of the plot, but they sent him money, weapons, and occasional recruits. Brown himself chose Harper's Ferry, Virginia, as the place to strike. That small town of 2,500 contained a Federal arsenal where 10,000 weapons were manufactured each year by expert gunsmiths. Brown thought he could hold Harper's Ferry while slaves in the area rushed to join the revolt. Then the band would move further South, arm the slaves, and spread the revolution. Eventually Virginia with her 491,000 slaves would fall; other states would soon follow.

Brown made careful preparations for his revolution. He drew up a provisional constitution for a new government, modeled after the U.S. Constitution. He had a military manual prepared especially for his purpose. He sent his son, John Jr., looking for more recruits while he trained his own army on a farm not far from Harper's Ferry. He spent hours pouring over maps, discussing strategy, and reading books on slave revolts in ancient and recent times.

The Raid on Harper's Ferry

In a party which included five free Negroes, John Brown and a total of eighteen followers descended on Harper's Ferry on Sunday, October 16, 1859. They cut telegraph lines outside the town and captured the watchmen at the bridge. Several men quickly seized the armory containing several million dollars worth of Federal arms; one contingent was sent to take hostages; another to await the slave uprising at a school house across the river. All went well until the 1am train arrived in town. It was stopped by gunfire, and the first person killed, ironically, was a free Negro porter. The shots attracted attention, and before day fully broke, the town was thoroughly aroused. Within hours, reinforcements of excited militia and angry recruits began to arrive. President Buchanan sent nearly 100 Marines under the leadership of Robert E. Lee and Jeb Stuart.

⁶⁴ Quoted in *ibid*, p. 197

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Brown missed his opportunity to escape from the town. Instead, he took a position inside the railroad engine house with eleven hostages. Two attempts to bargain the hostages for safe passage were rejected as infuriated troops gunned down the men whom Brown sent out under a flag of truce. Finally, the Marines demanded unconditional surrender. When Brown refused, they stormed into the 30 X 35 foot enclosure. One leatherneck was shot in the face, another through the body, but all of Brown's men inside the engine house were either captured or killed. John Brown himself escaped death only when a sword aimed at his stomach caught on his belt buckle and doubled over.

Altogether, ten of Brown's men were killed; five were captured; and three escaped. Four civilians, including the Negro porter, were killed, and one U.S. Marine lost his life.

John Brown Speaks in His Own Defense

The effects of Brown's raid cannot be counted alone in lives lost on either side. The raid stirred controversy not matched in many years. Southerners feared that the North was teeming with abolitionists seeking to incite slaves to assault their owners' wives and children. Despite the nearly hysterical fear of a slave insurrection in the South, not a single slave was freed, voluntarily joined the revolt, or raised a hand on behalf of Brown's army. Public opinion in the North generally condemned the raid, but Brown's conduct at his trial caused many to admire him.

In the six weeks between his capture and his execution, John Brown proved to be the best advocate of his cause. Using his jail cell and later his courtroom as a platform, Brown gave hundreds of interviews, received visitors, and wrote letters, always addressing the conscience of the North. He conducted himself with such dignity and courage that even the Governor of Virginia was impressed. His letters to friends and well-wishers brought tears to the eyes of the jailer who read them. Well aware of the martyr's role he was about to play, Brown refused to plead insanity and advised friends against attempting to rescue him from prison. On November 2nd, the Virginia court pronounced the inevitable death sentence for treason, intent to incite revolt, and conspiracy to commit murder. On the day of his sentencing, Brown rose to the occasion with one of the most moving courtroom orations ever given by a condemned man:

*This court acknowledges, as I suppose, the validity of the law of God. I see a book kissed here which I suppose to be the Bible. That 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 endeavor 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, was not 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 submit; so let it be done!*⁶⁵

Evaluation and Aftermath

After Brown was hanged by the neck on December 2nd, 1859, Ralph Waldo Emerson said that Brown made the gallows glorious like the cross. Others throughout the North also expressed their

⁶⁵ Quoted in Marvin Myers, Alexander Kern, John G. Caweltri, *Sources of the American Republic*, Scott Foresman and Company, Chicago, 1960, Vol I. p. 403.

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admiration for the man who gave his life to end slavery. In the following passage African-American women of Brooklyn express their gratitude to John Brown for his sacrifice:

We truly appreciate your most noble and humane effort, and recognize in you a savior commissioned to redeem us, the American people, from the great National Sin of Slavery; and though you have apparently failed in the object of your desires, yet the influence that we believe it will eventually exert will accomplish all your intentions. We consider you a model of true patriotism, and one whom our country will yet regard as the greatest it has produced, because you have sacrificed all for its sake.

The historian Avery O. Craven, looking back on Brown's work, judged his actions far more harshly:

Stripped of all sentimental associations, the John Brown raid was nothing more or less than the efforts of a band of irresponsible armed outlaws. In open violation of all law and order, they had seized public property, kidnapped individuals, and committed murder. They had, moreover, attempted to incite a slave insurrection, and according to the laws of Virginia, had committed treason against the state.

Seventeen months after John Brown was hanged, the Civil War started with Southerners firing on Fort Sumter. Before the war ended, 600,000 Americans had died and 4 million slaves had been freed. Perhaps John Brown himself had pronounced the final judgment on his actions:

I, John Brown, am now quite certain that the crimes of this guilty land will never be purged away but with blood. ⁶⁶

Suggested Student Exercises:

1. What were the influential factors in John Brown's life and the social milieu at the time that influenced his decision to attack Harper's Ferry?
2. Describe Brown's plans, what actually happened at Harper's Ferry, and Brown's behavior after his capture that inspired so much support.
3. Was John Brown's raid on Harper's Ferry justified? Base your answer on the following criteria:
 - a. Purpose or ends — were the ends just
 - b. Methods or means of protest — did the ends justify the means
 - c. The alternatives to the action — could other, less violent means have been used
 - d. The effect of the action — did the means help achieve the ends?

⁶⁶ Barrie Stavis, John Brown, *The Sword and the Word*, A.S. Barnes and Company, New York, 170), p. 174.

Chapter 15

Abraham Lincoln: Great or Reluctant Emancipator

Abraham Lincoln is known as the “Great Emancipator.” He has been portrayed as a man who, from early childhood, had but one goal, and that was to free the slaves. He is known among historians as a superb politician and master consensus builder. In analyzing Lincoln's speeches and actions, it is difficult to pinpoint where the politician stops and the Emancipator begins. This chapter provides the materials to help the reader make that judgment and to understand the social and political climate which shaped the man.

Lincoln as Candidate for Office

Lincoln's Speeches	Social and Political Background
<p>1. 1854: First Public anti-slavery speech</p> <p>Slavery is unquestionably a wrong. The great mass of mankind consider slavery a great moral wrong. [This feeling] lies at the very foundation of their sense of justice, and cannot be trifled with. No statesman can safely disregard it.⁶⁷</p> <p>2. 1856: On Slavery</p> <p>Let us draw a cordon so to speak, around the slave states and the hateful institution, like a reptile poisoning itself, will perish by its own infamy.⁶⁸</p> <p>3. 1858: House Divided Speech</p> <p>A house divide against itself cannot stand. I believe this government cannot endure permanently half-slave and half-free. I do not expect the house to fall, but I do expect it will cease to be divide. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it where the public mind shall rest in the belief that it is in the course of ultimate extinction or its advocates will push it forward, till it shall become alike in all the states, old as well as new, North as well as South.⁶⁹</p> <p>Have we no tendency to the latter condition?</p>	<p>During Lincoln's boyhood, slaves were unknown. But people in the Northwest held hostile attitudes toward Negroes.</p> <p>-----</p> <p>Lincoln's wife, born and raised in Kentucky, came from a prominent slave-holding family.</p> <p>-----</p> <p>In Illinois, runaway slaves were often caught and returned to slavery.</p> <p>Free blacks did not have the right to vote, were required to pay high taxes, and were thus forced to move out of the state</p> <p>-----.</p>

⁶⁷ Quoted in Richard Hofstadter, *The American Political Tradition*, Random House, New York, 1948, p. 111.

Lincoln as Candidate for Office (continued)

Lincoln's Speeches	Social and Political Background
<p>4. 1858: On the Territories</p> <p>The whole nation is interested that the best use shall be made of these territories. We want them for homes of free white people. This they cannot be, to any considerable extent, if slavery be planted within them. Slave states are places for poor white people to move from, not to move to. New free states are the places for poor people to go to, to better their condition.</p> <p>5. 1858: On racial equality in Chicago</p> <p>Let us discard all this quibbling about this man and the other man, this race and that race and the other race being inferior, and therefore they must be placed in an inferior position. Let us discard all these things, and unite as one people throughout this land, until we shall once more stand up declaring that all men are created equal.</p> <p>6. On racial equality in Charleston, Illinois</p> <p>I will say then, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races; that I am not, nor ever have been, in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race.</p> <p>7. 1858: The Difference with Douglas</p> <p>The real issue in this controversy is the sentiment on the part of one class that looks upon the institution of slavery as a wrong and another class that does not look upon the institution of slavery as a wrong. The sentiment that contemplates the institution of slavery as a wrong is the sentiment of the Republican party. They insist that it should as far as possible be treated as a wrong; and one of those methods of treating it as a wrong is to make provision that it should grow no larger. They also look to a peaceful end of slavery at sometime, as being wrong.</p>	<p>Workers were worried that slaves could compete with whites for jobs. Settlers feared slavery would hurt their chances in the territories.</p> <p>-----</p> <p>Chicago was a hotbed of abolitionist sentiment.</p> <p>-----</p> <p>Most Americans who opposed slavery did not believe in Negro equality, or thought of African-Americans as their social, moral or intellectual equals. . Many who opposed slavery merely did not want black people, either free or slave, living amongst them in the North or in the territories.</p> <p>-----</p> <p>In his senatorial contest with Stephen Douglas, Lincoln was involved in a series of debates (see chapter 13) and had to make a distinction between his and Douglas' position on the dispute over slavery in the territories.</p>

⁶⁸ Quoted in Dwight Dumond, *Anti-Slavery Origins of the Civil War in the United States*, University of Michigan Press, Ann Arbor, 1959, p. 108

⁶⁹ Quoted in Paul Angle, *op. cit.*, p. 2.

Lincoln as President

Lincoln's Speeches and Actions	Social Political Background
<p>1. 1861: Repeats previous promises not to interfere with slavery where it already exists. Refuses to compromise on issue of extension of slavery. Would not accept Crittenden proposal of extending Missouri Compromise line to California.</p>	<p>Confederacy formed from 7 states out of the Union. 8 more states considered secession. 4 slaves states remain in the Union after the war started.</p>
<p>2. 1861: Although Confederate states are out of the Union, Congress organizes Colorado and other territories on the basis of popular sovereignty.</p>	<p>Many in North would support a war to save the Union, but would not support a war to free the slaves.</p>
<p>3. 1861: Reverses General Fremont's order to free the slaves of men who are fighting against the Union in Missouri.</p>	<p>Pressure from abolitionists to do something about slavery increased. Many in North were unhappy with Lincoln's policies on slavery.</p>
<p>4. 1862: Proposes compensated emancipation for slaves in loyal states and in Washington, D.C. Lincoln proposes deporting all slaves thus freed to Africa.</p> <p>5. 1862: Issues following explanation for his wartime policies regarding slavery:</p> <p style="padding-left: 40px;">My paramount object in this struggle is to save the Union, and it is not either to save or to destroy slavery. If I could save the Union without freeing any slave, I would do it, and if I could save it by freeing all of the slaves, I would do it; and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race I do because I believe it helps to save the Union.⁷⁰</p>	<p>Criticism against Lincoln's slave policy increased. England was about to recognize the Confederacy as a separate nation. The British would not recognize it if the Civil War became an anti-slave crusade.</p>
<p>6. January 1, 1863: Lincoln signs the Emancipation Proclamation. It frees all slaves South of the Union armies. Emancipation is now an official war aim of the North. But no slaves are immediately free. Slaves in Union territory or in the border states are not covered by the Proclamation.</p>	<p>War still raged. Some states, were conquered and could be readmitted into the Union.</p>
<p>7. 1863: Lincoln offers to re-admit to the Union all Southern states that abolish slavery. He does not require that slaves be guaranteed Constitutional rights such as speech, trial by jury, vote, etc. Lincoln still considers deportation of freed slaves to Africa or South America.</p>	<p>Lee surrendered at Appomattox April 9, 1865. Lincoln assassinated April 14th.</p>
<p>8. 1864: Lincoln uses his influence to convince reluctant Congressmen to pass Amendment 13 (abolishing slavery) and sends it to be ratified by the states. Still has no plan to help freed slaves except for deportation</p>	<p>War is over, and Lincoln must decide on reuniting the country.</p>

⁷⁰Quoted in Charles G. Sellars, et. al., *op. cit.*, p. 399.

Suggested Student Exercises:

1. Contrast the two speeches Lincoln gives, while still a candidate — the first in Chicago, and the second in Charleston, Illinois. Which do you think represented Lincoln's ideas on slavery? Base your argument on what he said in his other speeches, and/or what he did about slavery. Always consider the social-political background at the time of his speeches.
2. Can you support the argument that Lincoln carried out what he said he would do in his 1862 speech (Number 5).
3. How, if at all, has your attitude about Lincoln been changed as a result of this exercise?

Chapter 16

The Civil War Begins

The bitter feelings Southerners harbored against the Union and the Republican party were expressed in this November, 1860 editorial raging against the results of the election which the South had just lost:

They have robbed us of our property, they have murdered our citizens, they have set at naught the decrees of the Supreme Court, they have invaded our States and killed our citizens, they have declared their determination to exclude us altogether from the Territories, and they have capped this mighty pyramid of insults by electing Abraham Lincoln to the Presidency, on a platform and by a system which indicates nothing but the subjugation of the South and the complete ruin of her social, political, and industrial institutions. ⁷¹

The sentiments expressed here go a long way to explaining why South Carolina and six sister states left the union shortly after Lincoln's election. But they do not explain whether actions by the North actually deserved such a fierce condemnation. This chapter tells of the events leading to secession and allows readers to form their own opinions.

The Democratic Party Splits

John Brown's raid increased the determination of many Southerners and their sympathizers to guarantee Southerners' rights to take their slaves into the territories. In 1859, President James Buchanan urged that Congress pass such legislation. This demand was echoed on the Senate floor by Jefferson Davis of Mississippi. Meanwhile, the Alabama legislature, looking ahead to the Democratic convention, ordered its delegates to fight for the following plank in its platform:

Resolved that it is the duty of the General Government to secure an entry into those territories to all citizens of the United States, together with their property of every description, and that the same should be protected by the United States while the Territories are under its authority. ⁷²

Stephen Douglas, the Democrats' leading candidate for the presidential nomination, would and could not endorse this platform. He would not because it violated the principle of popular sovereignty to which he had been committed since 1850; and he could not because it would cause him to lose the support of the Northern states necessary to be elected. Nevertheless, Southern strategists decided to oppose Douglas unless he endorsed their doctrine of Federal protection for slavery, which he refused to do.

That was all the Southern delegates needed to hear. Amidst cheering from the galleries, William Yancy of Alabama walked out of the Convention. He had done the same thing in 1848 over the same issue. But in 1848 he had walked out alone. This time he was followed by delegates from Mississippi,

⁷¹ New Orleans *Daily Crescent*, (November 13, 1860), quoted in Kenneth M. Stampp, ed. *The Causes of the Civil War*, Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 1965, p. 35.

⁷² Roy Franklin Nichols, *The Disruption of American Democracy*, The Free Press, New York, 1967, p. 280.

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Louisiana, South Carolina, Florida, and Texas. The delegates from the deep South were determined to nominate their own candidate at their own convention, a man who believed in Southern principles.

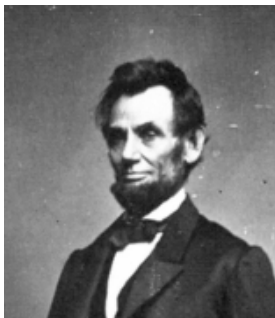
Six weeks later, the Northern Democrats met again and nominated Stephen Douglas on a platform of popular sovereignty. The Southern Democrats nominated Vice-President John Breckinridge of Kentucky on a platform of Federal protection for slavery in the territories.

The Republican Party: Man and Platform

Nothing could have delighted the Republicans more than the split among the Democrats. They had come within 35 electoral votes of winning in 1856 and could smell victory. They needed only to hold the states they had won before, pick up Pennsylvania with its 27 electoral votes, and add either Indiana, Illinois, or New Jersey to their 1856 totals.

As the Republicans convened in Chicago, they were wise enough to seek a candidate who could carry the doubtful states. They therefore deserted William Seward, the leading candidate for the nomination, because he had antagonized too many people with his Higher Law speech in 1850 that reflected his strong condemnations of slavery. Better to select a candidate not as unwavering in his anti-slavery views. With strong support in Illinois, a nationwide fame stemming from his debates with Douglas in 1858, Abraham Lincoln fit this formula. He was nominated on the third ballot.

On slavery, the Republican Party platform appealed both to abolitionists and to those who merely wanted to exclude slavery from their state or the territories. On economic issues, the platform closely resembled Henry Clay's American system. Its major planks are summarized below.



Abraham Lincoln

1. Opposition to the spread of slavery.
2. The right of each state to order and control its own institutions.
3. Immediate and efficient aid in building a Pacific railroad.
4. Internal improvements financed by the Federal government.
5. A tariff to promote the development of the industrial interests of the whole country.
6. Passage of a homestead act, giving free land to settlers.

The Election of 1860

As if to add to the general confusion, another political party made its appearance in 1860. Calling itself the Constitutional Union Party, it claimed to stand firmly behind the Constitution and the Union. The party simply ignored the whole question of slavery. The Constitutional Unionists had little effect on the outcome of the election, but their candidate, John Bell of Tennessee, drew enough votes away from Breckinridge in the South to show that many Southerners did not support the extreme position taken by the Southern Democrats.

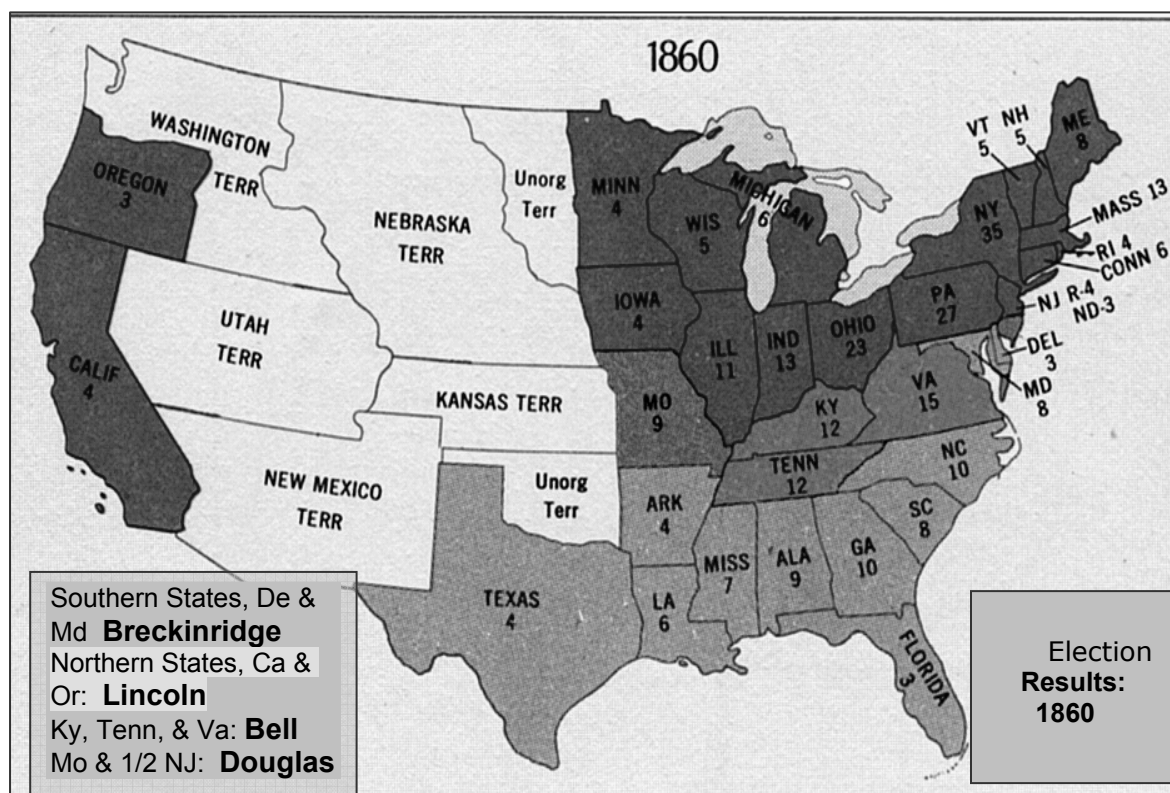
The election of 1860 could be characterized as three different contests: in the North between Lincoln and Douglas; in the border states, between Douglas and Bell; and in the South, between Bell and Breckinridge. Because Lincoln's name did not appear on the ballot in any of the ten Southern most states, not one vote was cast for him in the South. Stephen Douglas was the only candidate who campaigned in all parts of the country. In the South, he denounced secessionism and cautioned against Civil War. In the North, he warned his countrymen that the South would secede if Lincoln were elected. Audiences in neither part of the country took him seriously enough. Lincoln's managers in the meantime followed a long standing political tradition and kept their candidate at home. Lincoln gave no speeches during the

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entire campaign. Republican orators played down the threat of secession and the party faithful were entertained, serenaded, and exhorted, but seldom informed. The election was held on November 6, 1860, and shortly afterwards the entire nation knew the results:

Candidates	Electoral Votes	Popular Votes	% Popular vote
Abraham Lincoln (Republican)	180	1,866,000	40
Stephen Douglas (Democrat)	12	1,383,000	29
John Breckinridge (S.Democrat)	72	848,000	18*
John Bell (Const. Union)	39	593,000	100



The Confederacy is Formed

South Carolina soon gave concrete proof that the South's threats were deadly serious. Four days after the election, the South Carolina legislature called for a special state convention. The Convention met six weeks later, and on December 20th, 1860, South Carolina took the fateful step of declaring itself out of the Union. This dramatic and decisive action inspired other states. By the first of February, six had followed South Carolina's example. These seven states from the deep South - South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana and Texas then drew up a Constitution and proclaimed themselves the Confederate States of America. On February 18th this self-proclaimed nation inaugurated Jefferson

Davis as its first chief executive and Alexander Stephens as his Vice-President. Two weeks later Abraham Lincoln took his oath of office as President of the remaining states.

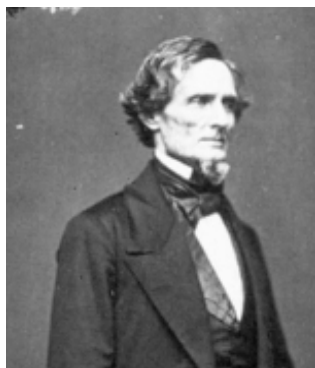
Abraham Lincoln's Dilemma

Whether the Southern states legally seceded from the Union is still a matter of debate. In 1861, of course, the South claimed that right and the North never recognized it. While not recognizing the South's right to secede, President James Buchanan nevertheless did not believe he had the right to force the Confederate states back into the Union. During four months, from November to February, the indecisive President seemed incapable of taking action to stop the spreading crisis for fear of driving the remaining eight slave states out of the Union.

With the advantage of hindsight, historians generally agree that Abraham Lincoln had three major alternatives open to him when he became President. He could try finding a compromise with the South that would entice it back into the Union. Or he could concede in theory, the right to secession and allow it in fact. Finally, he could attack the Confederate states to force them back. Lincoln's Secretary of State, William Seward, thought of a fourth alternative which was to pick a quarrel with either Spain, France, or England. With the first sign of an attack on the Union by a foreign country, Seward reasoned, "all the hills of South Carolina would pour forth their population for the rescue."⁷³

The nation waited with great expectations on inauguration day, March 4, 1861, for a sign of Lincoln's policy. Lincoln told the Confederates:

*In your hands and not mine, is the momentous issue of civil war. The Government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the Government, while I shall have the most solemn one to preserve, protect, and defend it.*⁷⁴



**Confederate President
Jefferson Davis**

President Lincoln Acts

When the Southern states seceded, they naturally had taken over Federal property remaining within their borders. Two Federal forts, however, Pickens in Florida and Sumter in South Carolina, remained under control of the National government. After his inauguration, Lincoln turned his attention to Fort Sumter. Built on an island in Charleston, South Carolina, Sumter had been intended to defend that city from foreign enemies. Now the small Union garrison under Major Robert Anderson was considered the enemy, and shore batteries in Charleston were trained on the Fort.

When Lincoln learned that he could only hold out for a few more weeks, the President resolved to resupply the Fort. To emphasize that his intentions were peaceful, President Lincoln telegraphed the Governor of South Carolina that he would attempt to send ships to Sumter "with provisions only," and would make "no effort to reinforce the Fort with men, arms, or ammunition."⁷⁵

⁷³ *ibid.*, p. 563

⁷⁴ Richard B. Morris, *Great Presidential Decisions*, Fawcett Publications, Inc., New York, 1960, p. 244.

⁷⁵ David M. Potter, *op. cit.*, p. 579.

Lincoln's message was quickly relayed to the Confederate capital in Montgomery, Alabama. At a cabinet meeting on April 9th, the Southern leaders made a fateful decision. They would prevent Union supplies from reaching Fort Sumter. General Pierre Beauregard, Commander of the Charleston district, was ordered to fire on Sumter if necessary to prevent arrival of reinforcements.

On the morning of April 12th, at precisely 4:30, the first Confederate shell arched its way toward the Union Fort in Charleston Harbor. Short on ammunition, Anderson's small band waited for daylight before returning fire. Over the next 33 hours, 5,000 shells were hurled across the harbor. With the Fort in ruins, his men tired and hungry and all but out of ammunition, Anderson surrendered on the 14th. Residents who had watched the action from rooftops of their houses, cheered the victory. The next day, President Lincoln called for 75,000 volunteers to serve for three months and put down the rebellion in South Carolina. One hundred and fifty thousand men volunteered their services. Virginia, North Carolina, Tennessee, and Arkansas joined the Confederacy, while Maryland, Kentucky, Delaware, Missouri and newly formed West Virginia, joined the North. The bloody war would drag on for four bitter years, and over 600,000 Americans would die before the Union was restored.

Suggested Student Exercises:

1. Summarize the main events of this chapter leading to the secession and war. Pay special attention to the Republican Party platform, the reason for the split in the Democratic party, Lincoln's choices upon assuming the Presidency, and the events preceding the attack on Ft. Sumter.

2. After the first seven states seceded, a New York journalist denounced Confederate leaders as follows:

There never was such a set of arrogant and imperious rulers as the slave-driving captains of this Republic, since the world began. Of all men, they most need the discipline of reverses and the humiliation of defeat. It is their foolish temper that forbids them to submit to being fairly beaten in a Presidential election. They will not take the position of a defeated party. They will rule or they will ruin. They will govern the country or they will destroy it, if they can. They will remain in control of the Government, or they will drag it down about our ears, and bury all in a common destruction.⁷⁶

Do you agree either with the New Orleans paper (see first page of this chapter) that the South was driven out of the Union or with the New York paper that the South would destroy the government if they could not control it? Support your opinion by showing what actions on either side, North or South, were irresponsible and provocative.

⁷⁶ James Pike, *New York Tribune*, January 17, 1861, quoted in Kenneth Stampp, *op. cit.*, p. 19.

Chapter 17

Why do People Fight? The Causes of the Civil War

Abraham Lincoln's election, South Carolina's secession, the firing on Fort Sumter — these events rapidly bursting, one on top of another, were products of a century of conflict which led to the Civil War. The underlying causes of this tragic conflict can be found in the raw nerves of American history, submerged under a century of expansion and growth, but exposed in the bitter fights over tariffs, western lands, constitutional rights, and slavery.

This chapter addresses the problem of sifting out the underlying forces which brought Americans to the battlefield, caused over 600,000 deaths, and ended slavery.

Seven Decades of Conflict

In searching for the Civil War's causes, it may be necessary to look anew at the Constitutional Convention and examine the bitter controversy surrounding the slave trade, the fugitive slave law, and the issue of counting slaves for the purpose of representation and taxation. During the Federalist Era, another set of issues rose to divide the sections. Alexander Hamilton, spokesman for the Northern manufacturers, advocated a strong central government capable of regulating trade, protecting industry from foreign competition, funding the national debt, creating a national bank, and suppressing challenges to Federal authority. Thomas Jefferson became the champion of a Southern party which insisted on curbing the power of the national government and resisting programs designed to enrich the industrial North at the expense of the agricultural South. After a brief period of national unity in the wake of the War of 1812, the fundamental conflict between sections surfaced again. Henry Clay resurrected Hamilton's program, using a carefully devised American System to appeal to the interests of the West as well as the North. In 1819, the struggle to admit Missouri produced what Thomas Jefferson called a firebell in the night, and inflamed sectional passion almost beyond the point of endurance. The conflict persisted over the Bank issue, protective tariffs, and federally-financed internal improvements. Andrew Jackson killed the Bank of the United States with his veto message, and temporarily quieted the spirit of secession with an olive branch compromise tariff and a sword-like Force Act. In the late 1840s, the conflict focused upon the issue of extending slavery, first with the Wilmot Proviso, then with the admission of California, and finally with the Kansas-Nebraska Act. The Dred Scott decision in 1857 raised the specter in the North of an all slave Union, as Lincoln argued, unless the nation embraced Republican Party principles. When Lincoln's party was elected in 1860, it advocated a halt to the spread of slavery, free land in the West, a protective tariff, and Federally financed internal improvements. The South was then convinced that it had become and would remain a permanent minority. Rather than be governed by this 'black Republican', South Carolina and six other states left the Union. After Confederate soldiers fired on Fort Sumter, four other slave states joined their southern sisters in secession.

This short history of seven decades of surging conflict barely marks the contours of the history which produced the Civil War. In searching for the underlying causes, the reader should seek a *single explanation* that answers several distinctive but interrelated questions:

1. Why did the North and South struggle to control the territories?

Why was it so important to both sides that new territories come into the Union as free or as slave states? Why couldn't either side simply allow the people living in the new territories to make that decision?

2. Why did the North and South develop distinctly different interpretations of the Constitution?

Why did the North believe the elastic clause gave the central government vast new powers while the South continued to hold, except in the case of protecting the rights of slave owners in the territories, to a state's rights interpretation that would limit Federal powers?

3. Why did the South secede after Lincoln's election?

What was it about Lincoln and the Republican Party and platform that made millions of Southerners feel they could not stay in the Union any longer?

Fourteen Decades of Interpretation

It is possible here to give no more than a brief summary of how different historians have interpreted the causes of the Civil War over the past one-hundred and thirty plus years. Suffice it to say that during and immediately after the war, each side sought explanations that would tend to glorify themselves and discredit the opposition. Thus, Southerners, and Southern historians saw the war as a fight for Southern independence and a defense of the principles of liberty against the consolidation of government power. The North, beginning with Lincoln, saw the war mainly as a crusade to free slaves; a war waged against the ruthless slave power in the name of freedom.

After the turn of the century, historical interpretations tended to reflect a general disillusionment with business influence in American life. Similarly, the Civil War was stripped of its idealistic coloration and was seen more and more as a contest between Northern businessmen and Southern planters for control of the central government. Louis Hacker reflected the full blossoming of this interpretation in an article written for Harper's Magazine in the 1930's. Slavery and states rights, Hacker argued, were less important than such economic issues as the tariff, the bank, land distribution, and internal improvements. The South seceded after Lincoln's election because it had lost the contest to control the central government.

This economic interpretation was seriously challenged in the 1930's by a group of historians who concluded that a clash between industrial and agrarian interests was not inevitable. Influenced by anti-war sentiment prior to World War II and by studies indicating that slavery was ready to die a natural

death, these historians concluded that the Civil War was a 'needless,' 'repressible,' or 'avoidable' conflict. Its cause, according to historian James Randall, was the fanatic leadership of a 'blundering generation' — die-hard abolitionists on one hand, and irreconcilable secessionists on the other, who were unable and unwilling to compromise their differences.

Other interpretations of the Civil War have also been put forth, and older interpretations have recently won new advocates. One school of historians has stressed the distinctive nature of the two societies which developed in the North and the South, each with its own economic, social, and political-ideological system. The causes of the war were consequently seen as rooted in these deep-seated cultural differences. With the blossoming of the Civil Rights movement in the 1950's and 60's, historians once again turned their attention to moral issues and found that slavery was responsible for the Civil War. Finally, historians more familiar with psychological theory, have shown how the actions of both North and South tended to confirm the worst suspicions each had of the other. This provoked ever more aggressive behavior, and eventually escalated into full-fledged conflict. Each of these three interpretations, the cultural, the moral, and the mutual suspicions, have made important contributions to an understanding of the causes of the Civil War.

One way to understand the causes of the Civil War is to reduce them to very human dimensions and to ask: why do people fight? Hence, the title of this chapter and the headings for each selection from the writings of notable historians who have thought long and hard about the causes of the Civil War.

People Fight Because They Differ Over Deeply Held Ideas

a. Slavery as a Cause of the Civil War

By the late 1850's, it had become a standard part of Republican rhetoric to accuse the slave power of a long series of transgressions against northern rights and liberties and to predict that, unless halted by effective political action, the ultimate aim of the conspiracy — the complete subordination of the national government to slavery and the suppression of northern liberties — would be accomplished. . . . At the same time, the notion of a black Republican conspiracy to overthrow slavery and southern society had taken hold in the South. These competing conspiratorial outlooks were reflections, not merely of sectional "paranoia," but of the fact that the nation was, every day, growing apart and into two societies whose ultimate interests were diametrically opposed. The South's fear of black Republicans, despite its exaggerated rhetoric, was based on the realistic assessment that at the heart of Republican aspirations for the nation's future was the restriction and eventual eradication of slavery. And the slave power expressed northerners' conviction, not only that slavery was incompatible with basic democratic values, but that to protect slavery, southerners were determined to control the federal government and use it to foster the expansion of slavery. . . .⁷⁷

b. States Rights as a Cause of the Civil War

The conflict in principle arose from different and opposing ideas as to the nature of what is known as the General Government. The contest was between those who held it to be strictly federal in its character, and those who maintained that it was thoroughly National. It was a strife between the principles of Federation, on the one side, and Centralism, or Consolidation, on the other. . . .

⁷⁷ Carl M. Degler, *Out of the Past: The Forces that Shaped Modern America*, Harper and Row Publishers, New York, 1959, pp. 182-83

It is the fashion of many writers of the day to class all who opposed the consolidationists in this, their first step, as well as all who opposed them in all their subsequent steps, on this question, with what they style the Pro-Slavery Party. No greater injustice could be done any public men, and no greater violence be done to the truth of History than such a classification. Their opposition to that measure, or kindred subsequent ones, sprung from no attachment to Slavery; but from their strong convictions that the Federal Government had no rightful or Constitutional control or jurisdiction over such questions; and that no such action, as that proposed upon them could be taken by Congress without destroying the elementary and vital principles upon which the Government was founded.⁷⁸

People Fight Over Pocketbook Issues: Economics as a Cause of the Civil War

The Civil War was nothing less than a conflict between two different systems of economic production; and with the victory at the Presidential polls in 1860 of the highest order, the young industrial capitalism of the North and Middle West, a counter-revolutionary movement was launched by the defenders of the lower order, the slave lords of the South.

The contest was being waged on a number of fronts: the South, of course, was hostile to the extension of free farming into the territories because free farming could be more profitably operated, economically speaking, than slave — hence its bitter opposition to a homestead law; it sold its cotton in a world market and wanted to buy its necessities — hence its refusal to permit the inauguration of a protective tariff system; it was a debtor class and constantly in need of cheap money — hence its willingness to continue State banks having the right of issue; it was local and sectional in its interests — hence it could see no need for the underwriting of a great governmental program of support for internal improvements and railroad building, a program whose financial burden would have to be borne by the whole country and which would succeed only by binding West to North by firmer economic ties. With its control over the instrumentalities of government in the decades before the war, the South was able to frustrate every hope of the industrial capitalists of the North and block their every possible avenue of expansion.

The Republican platform of 1860 and the activities of the Civil War Congresses plainly reveal the true character of the cleavage between the sections that every passing year had only tended to widen. The Republican platform spoke in timid and faltering accents about slavery, but on economic questions its voice rang out loud and clear; it was for a protective tariff, a homestead act, a liberal immigration policy, government subsidies for internal improvements, and a transcontinental railway.⁷⁹

People Fight Because of Deep Seated Differences: Conflicting Cultures as a Cause of the Civil War

It was not simply that slavery, which had been universal, had proved economically unprofitable among the Puritans and to a considerable extent in the Middle Colonies, and thus became chiefly confident to the South. It was that, because of differences in soil and climate, a wholly different sort of life developed in the agrarian South of large plantations from that which developed in the industrial North. The South was not all made up of the Southern gentlemen of legend and of fact any more than the North was all made

⁷⁸ Quoted in Edwin C. Rozwenc, *The Causes of the American Civil War*, D.C. Heath and Co., Boston, 1961, pp. 68-69.

⁷⁹

up of Concord sages. There were many sorts of people in both sections, but in the South they had all pretty much developed a love for a more or less easy-going country life with habits and values of its own, and disliked even when they did not despise, the hustling, shrewd, business type of men in the North. There, on the other hand, the people looked down on the Southern type, which they could not and did not try to understand.

The slave was the working capital of the southerner, it is true, just as cash and credit were the working capital of the Northerner, and the attack of the Abolitionists on the morality of holding slaves as property aroused as much anger in the South as a similar widespread propaganda in the South for the confiscation of Northern bank accounts would have raised in the North. But beyond that the Southerner grew increasingly resentful at having his whole way of life attacked by another section.

By 1859, owing to the admission of new States, there had come to be eighteen free against only fifteen slave States, so that the South had become a minority party in both houses of Congress. . . . If ever there was a case for self-determination, it might seem as though that section had a perfect one. After a generation and more of constant attack and of decreasing spiritual unity in the nation, the election of 1860 left the South in the absolute political power of a party which was solely Northern. It is not difficult to see why a large part of the Southern people could see nothing left but peaceable secession.⁸⁰

People Fight Because they are Irrational: Extremism as a Cause of the Civil War

Stripped of false assumptions, the tragedy of the nation in bloody strife from 1861 to 1865 must, in large part, be charged to a generation of well-meaning Americans, who, busy with the task of getting ahead, permitted their shortsighted politicians, their overzealous editors, and their pious reformers to emotionalize real and potential differences of the nation. For more than two decades, these molders of public opinion steadily created the fiction of two distinct peoples contending for the right to preserve and expand their sacred cultures. They awakened new fears and led men to hate. In time a people came to believe that social security, constitutional government, and the freedom of all men were at stake in their sectional differences; that the issues were between right and wrong, good and evil. Opponents became devils in human form. Good men had no choice but to kill and be killed.

Patience is not a characteristic of the extremist. Innocence and virtue excuse him from obedience to objectionable laws, and endow him with the privileges of righteous indignation. So when the democratic process ceased to function, and moderate men stood helpless before the mounting fears and hatred and anger of both sides, Out in Kansas, on the floors of the Senate, at the party conventions, at Harper's Ferry, they translated the threats and challenges of a generation into action.⁸¹

In Conclusion

In their search for the underlying cause of any war, students should not be to the essential similarities underlying the historical process. At bottom, there must be some differences between the two sides that wage war – either economic, ideological, or cultural. These difference lead to conflicts that cause both sides to label the other as evil, morally inferior, or merely wrong. War results when these differences cannot be resolved through peaceful discussion and compromise. Each historian in the above selections placed an emphasis on different underlying factors. None would completely deny that the other factors

⁸⁰ James Truslow Adams, *The Epic of America*, Little Brown and Company, Boston, 1932, pp. 250-52.

⁸¹ Avery O. Craven, *The Civil War in the Making, 1815-1860*, Louisiana State University Press, Baton Rouge, La 1959, pp. 113-15.

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are also important. In selecting an interpretation, the student must decide which of these factors deserve the greatest emphasis. It is a difficult task, but it will heighten your understanding, not only of the causes of the Civil War, but of the historical process.

Suggested Student Exercises:

Note: the following summarizes each of the major interpretations of the causes of the Civil War covered in this chapter

a. Slavery — *as a moral issue; Northerners believing it was wrong and must be stopped; Southerners convinced it was good for the slave as well as for his owner.*

b. States' rights — *basic differences over the role of the Central Government in the lives of people; Southerners believing in the supremacy of State governments and Northerners granting numerous powers to the National government.*

c. Economics — *difference in economic interests of the section; one based on industrial development and dependant on free labor, while the other remained agrarian and dependant on slave labor.*

d. Culture — *similar to economics, but more dependant on people's values and ideas than their direct economic interests.*

f. Fanaticism — *the war was caused by fanatics on both sides who refused to compromise issues that could have been resolved through discussion, reasoning, and listening, rather than shouting, posturing, and taking a moral position on every issue.*

1. Outline an argument (using the interpretation with which you agree) that best explains at *least three* of the following:

- a. Why the North and South struggled to control the territories.*
- b. Why the North and South developed distinctly different interpretations of the Constitution (either concerning slavery or the rights of states).*
- c. Why the South seceded after Lincoln's election.*
- d. Why you reject one of the other interpretations.*

2. Prepare to write a major essay on what caused the Civil War by writing an introduction stating the problem, developing a thesis statement on what caused the war, and indicating the major arguments you intend to use. Cover at least three of the four points (a-d above).

3. Develop and expand your introduction into an essay of no less than 2000 words. Your essay needs to have:

- a. An introduction that states the problem
- b. A thesis statement
- c. Foreshadowing of your major arguments
- d. A main body of facts and logic which supports the thesis
- e. A conclusion that summarizes the essay's main points.