

### Edward Ayers

So by the time of 1860, Americans really have been arguing about slavery for 30 years in this form. And you've had everything from Nat Turner's rebellion in 1831 to John Brown's raid. On that hand, you've had the rise of abolitionism, the appearance of someone like Frederick Douglass, who is such a powerful figure, an entire press that's deeply polarized. You find what's interesting is that the North is very divided between the Democrats and the Republicans. And so you need to find somebody who can mobilize this kind of hodgepodge party of the Republicans, which are kind of assembled from nativist and from Free Soil advocates and from sort of marginal abolitionists and from people who used to be Whigs, and that party disappeared. So as we picture the Republicans, you need to imagine it's as if it just emerged four years before a presidential election today, think how strange that would be to have that, and how do you hold that together?

Nativists who really are anti-Catholic and who see conspiracies of the papacy everywhere, with people who are trying to extend America's bounty to all Americans. And so the centrifugal forces are great. So that's why Lincoln doesn't say anything for over a year after his election. And that's again hard for us to imagine. We're used to someone not saying anything for an hour, it seems to be news, right? But for a whole year, to basically let his lieutenants represent him, to let the image of "Honest Abe." I think about why that is. Why is he called "Honest Abe"? Partly because the man he's replacing, James Buchanan, was seen as dishonest. And it's also what Americans are looking for. Who's going to help steer us through this? Who's going to be able to find a way to speak about something that we've all been talking about for over a generation now?

### THE FUGITIVE SLAVE ACT OF 1850

#### Chris Bonner

One of the things that happens in the 1850s is that there is this sort of series of controversies surrounding fugitive slaves, or alleged fugitive slaves. There are incidents where enslaved people were found or apprehended in the Northern states and there was violent resistance on the part of abolitionists, Black and white, to the recapture of these fugitive slaves. And one of the most notable examples of this is the case of Anthony Burns in Boston in 1854. So Burns is apprehended and brought to trial. And in the midst of the trial, there is a group of Black and white abolitionists who try to violently liberate Burns

from the slave catchers – the kidnapers as they would have understood them. In the process of this, the struggle that ensues, one of the kidnapers – one of the slave catchers – is killed. And so it becomes a sort of national crisis that a Southern representative is being killed by a Northerner in a fight over slavery in Boston. This is really troubling for a lot of people in the United States.

But part of what's really interesting about Anthony Burns' case is that, in the end, Burns is ruled to be a fugitive slave and sent back to the South. But in the sending him back, there are thousands of troops brought out to essentially escort him from the North to the South. And as the troops are marching out of Boston, there are people lining the streets in a sort of, like, quiet protest or like a show of their opposition to what's happening. And so you can see some of the intensification of conflict over slavery as early as the mid 1840s, in a place like Boston that is very distant from, you know, the centers of slavery, but is, in a way, really close to the history of revolutionary politics in the U.S.

One of the things that's really interesting is that, you know, the Fugitive Slave Act of 1850 intensifies anxieties in Northern communities and it leads to tensions and events like those surrounding Anthony Burns in Boston. But Black folks didn't need the Fugitive Slave Act to know that their freedom was precarious and that they needed to defend their freedom, sometimes with violence. There's a story of a man named Adam Crosswhite and his family, who were fugitive slaves, who had settled in Michigan and were eventually sort of tracked down in their community by their owners and by slave catchers. And in the moment that these slave catchers try to apprehend the Crosswhite family, there is this sort of gathering of Black and white abolitionists from their neighborhood who come together and surround the slave catchers and threaten them. They are wielding clubs, and they basically say, "You will not take the Crosswhites without a fight." And in the process, in the sort of chaos that ensues, Adam Crosswhite and his family are able to escape and they're led into freedom in Canada. And so there's this moment where you can see, like a real direct confrontation and a show of strength on the part of Black Northerners and a recognition that violence, or at least the threat of violence, might be necessary.

And there's also, I think, there's a moment that happens after the Crosswhites make it to Detroit, where one of the white abolitionists who was involved in the mob confronts one of the slave catchers in jail. And he says, the court record suggests that this white abolitionist essentially says, "Your Negroes are gone." And he's sort of like gloating, like mocking this slave owner in this moment

that the people that you're trying to get are out of your reach. And so you can kind of see in this case that Black folks knew that their freedom was tenuous and that they had been cultivating, before the Fugitive Slave Act, they'd been cultivating networks of support, networks of self-defense that would enable them to ensure their freedom. And so those kinds of networks are – I don't even want to say being revived – they're being redeployed in the 1850s in the aftermath of the Fugitive Slave Act. But these are practices that were years, if not decades old, by the time of things like the Anthony Burns incident.

## MISSOURI COMPROMISE AND KANSAS-NEBRASKA ACT

### Jelani Cobb

The first time we see him really taking a visible stand around the issue is after 1854, when the Kansas-Nebraska Act is being debated. And it really polarizes people. And the people who had been able to coexist with the institution of slavery even if they disagreed with it, the prospect of slavery being open, and the spread of the institution to more states where it didn't exist already, just really was something that people couldn't reconcile themselves with. And Lincoln making the decision to re-enter politics and challenge Stephen Douglas for the 1858 election to the United States Senate. And so that's where we see him come into this question. Also, not entirely unrelated, it's where the Republican Party gets its start. You know, the 1854 Kansas-Nebraska Act really obliterates the Whigs as a political party and the Republicans arise as a consequence of it.

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And so there's Lincoln there, the Lincoln-Douglas debates. You know, they famously go around the state seven times ... Excuse me, not around the state seven times. But they famously go around the state and hold seven debates. And really at issue is the expansion of slavery, the possibility of expansion of slavery, but, really more fundamentally, the possibility of Black citizenship. And so, Lincoln is arguing to the counter of Stephen Douglas, who is the author of that 1854 Kansas-Nebraska bill.

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And so we kind of see him being cast as the foil to Stephen Douglas and therefore the foil to the expansion of slavery in 1858.

### Edna Greene Medford

Lincoln was one of those anti-slavery men. He was not an abolitionist before the war. He was an anti-slavery man who believed that slavery was morally wrong, but that nothing could be done about it where it already existed in the States because of the Constitution. The

Constitution protected property and enslaved people were property, human property, but they were still property. And so Lincoln felt that there was nothing that could be done about it, except that it could be contained. The Constitution did, he believed, permit Congress to intervene in terms of the territories, and so they could keep slavery out of the territories. They couldn't take slavery out of the States, but they could contain it. And so that's what Lincoln was attempting to do. And along comes Kansas-Nebraska in 1854. It's occurring because Stephen A. Douglas, one of the most prominent Democrats of that era wanted a transcontinental railroad with the terminus in Chicago.

So he wanted to have it run from Chicago northwards as opposed to a southern route. And in order to do that, they had to actually organize the territory, the western territories, Kansas and Nebraska area. But in 1850, because of land that had been ceded after the Mexican War, there was a compromise – called the Compromise of 1850, it was a series of measures, it wasn't just one – but they talked extensively about what to do with that territory. And so they never came to a real conclusion except to say that when those areas were organized, then the local people should be able to decide through a concept of popular sovereignty, exactly what they wanted to do. Did they want to be a place where slavery existed or did they want to be an area where there was freedom.

And so, what happens however, though, that territory that Douglas is talking about organizing had already been settled by the Missouri Compromise. And what the Missouri Compromise said was any territory north of 36 degrees, 30 minutes, with the exception of Missouri would come into the Union as free states. And those below 36 degrees, 30 minutes, would come in as States where there would be slavery with the exception of Missouri, which would be allowed to come in as a slave state. And so it had already been settled.

So what happens though, Stephen A. Douglas pushes for this idea of popular sovereignty, and so you have a mini civil war in Kansas. That's when John Brown goes in and does his thing, and we're still trying to judge him on exactly whether or not he was right or wrong to actually kill, you know, five people in the middle of the night. But that's another story. So Lincoln is enraged at the idea that the Missouri Compromise is being overturned. You know, law that had been settled, you know, is now overturned. And so you got this possibility of the expansion of slavery. So he understands that slavery is not going to die a natural death. It's just going to expand and expand. So that brings him back into politics.

I think the concern was that if you allowed slavery to expand into the territories, where would the South stop? You know, would they go for Cuba? And they did have designs on Cuba. Where else would they expand the institution? There were some people though who believed that it was a moot point because slavery would never take hold in that area. That wasn't the kind of

environment where slavery would thrive. But I think that what we forget is that enslaved people did so much more than agriculture, you know. They were involved in mining, you know. They were involved in railroad building. They were involved in tobacco factories, for goodness' sake. And so the people who argued it's a moot point, I think were absolutely wrong. If it had been allowed to expand without a war, who knows what would have happened.

Lincoln had always believed that the Founding Fathers had expected slavery to be contained and had expected it to die naturally. He believed that the only reason why slavery was allowed in the first place was because there never would have been an United States without it, because the Southern states would have never been a part of the Union if the rest of the nation had not approved of them continuing with slavery. But he felt that the Founding Fathers believed that at some point slavery would end. And so they don't even mention the word slavery in the Constitution. They talk about others held to labor. That's enslaved people, but they never mentioned that. And so he believed that the Founding Fathers thought that slavery was a cancer on the nation, but you couldn't just get rid of it because you might destroy the national body if you did that.

And so the fact that Kansas-Nebraska occurs, he just doesn't see any way out anymore. It has taken away his argument that, "Oh, eventually it'll die out." Because Lincoln and others were more than happy to wait until it died a natural death. I think that's what we forget, sometimes Lincoln was not an abolitionist, initially. He was more than happy, he would have been willing to wait into the 20th century, you know, for slavery to have died or some other distant period.

But the Kansas-Nebraska Act was extremely important. It destroyed a party. It destroyed the Whig Party. It destroyed Lincoln's party, but it also gave birth to the Republican Party. And the Republican Party was very successful in a very short period of time. Let me remind however that the Republican Party of then was not the Republican Party of today and the Democratic Party then was not the Democratic Party of today. They have switched.

## **Manisha Sinha**

So the emergence of anti-slavery politics is often studied as something apart from abolition. And I would argue that in fact, the emergence of anti-slavery politics owes a lot to the abolitionists who first break the national political silence and Northern complicity on the issue of slavery. So the early abolitionists' petitions that are gagged, for instance, in Congress get them a lot of sympathies amongst Northern whites who are more concerned about civil liberties and attacks on the American democratic system than the plight of Black people. So very early, the fate of the slave as the great scholar and activist W.E.B. Du Bois put it, was interlinked with the fate of American democracy.

And you can see this coming to a head in the 1840s when you have the annexation of Texas as a slave state and the Mexican War, which nearly doubles the size of the Union. And what would be the fate of these new territories? Would they come in as slave states or free states? Became a matter that really concerned a lot of Northerners, including Lincoln. And so it's really during the Mexican War that you have the rise of a distinct political anti-slavery, and that is called Free Soilism. Meaning these people were not abolitionists, the way abolition societies were or their political party that came before the Free Soil parties the Liberty Party stood for, it was for the abolition of slavery and for Black rights. Instead what they're arguing for is the non-extension of slavery. No new slave states. They also adopt a very important part of political abolitionism, and that is that the federal government should act against slavery wherever it can, right? It should act against slavery in the District of Columbia in abolishing the domestic slave trade. The interstate slave trade, because it could legitimately do that. And in fact, abolitionists had been petitioning Congress to do that since the 1830s. Those are the petitions that were gagged in the 1830s and 1840s.

So what the Free Soilers do, is they adopt that program of non-extension. And they say, "We are not abolitionists. We're not going against the constitution, because we know we can't interfere with slavery in a state." Because most states like the Northern states that had abolished slavery, had done it at the state level. There was no federal law that had abolished slavery. And so everyone thought it was up to the states to decide whether they have slavery or not. And this Free Soil position is adopted by the Free Soil Party, it collapses as a viable third party. In 1848, they make a fairly decent run for the presidency. But within two years with the compromise of 1850, the Free Soil Party has collapsed. What you have in the 1850s then, after the compromise, is a severely weakened party system. It's the Second Party System, most Americans don't know about this.

The Second Party System consisted of the Democrats versus the Whigs, which is what Lincoln was. He was a Whig who had opposed the Mexican War as a land grab for slavery, he specifically says that. And he had also proposed plans to abolish slavery in the District of Columbia, with the ascent of its residents, its white residents – which would have been very difficult to get because many of them were slaveholders, but still he had proposed that plan. So, he was very much part of that emerging anti-slavery consensus against slavery in the North.

And in the 1850s, you have another political event, like the Mexican War, that causes this anti-slavery feeling to rise up once again. And that is the rescinding of the Missouri Compromise line in order to admit Kansas as a state into the Union. Basically the Missouri Compromise line had been put into place when Missouri was admitted into the Union in 1820. And it was just the latitude. That

line was just a latitude. It was the southern border of Missouri, which basically said, you would have slavery below that line and free soil – freedom – above that line. So continuing that half slave, half free as the nation expanded into the West, as it displaces indigenous nations, Native Americans, as they acquire new lands from Mexico. That was the compromise. With the Kansas-Nebraska Act, Southerners insist that they would support the admission of Kansas only if this line is rescinded. Which meant that slavery could expand north of that line. And this is when you have the rise of the Republican Party. Because the Whig Party has disintegrated. There's really one major party around, that is the Democratic Party, which is increasingly leaning towards the South that is dominated by slaveholders. And you have a succession of Democratic administrations who are willing to even destroy democratic norms in order to make sure that slavery does expand into the West.

So the Kansas-Nebraska Act, which is put forward by Stephen A. Douglas, Northern Democrat, whom Lincoln would of course run against for the Senate elections in 1858 in Illinois, rescinds the Missouri Compromise line. Allows for the expansion of slavery North of that line. And it gives rise to a massive reaction in the North. And what you have in Congress in 1854, when this act is passed, is you have a group of senators and representatives in Congress, many of them actually are abolitionists in sympathy, like Charles Sumner of Massachusetts or Garrett Smith, who indeed was an abolitionist from Upstate New York who put out an appeal of the independent Democrats, which becomes a rallying cry for the rise of a new anti-slavery party on the basis of free soil. No new slave states, no expansion of slavery into the West. And this is the party that Lincoln allies with in the 1850s, and many Northerners do.

And it's really remarkable. It hasn't happened since in American history, where you have a new party that is formed in 1854, puts up a candidate in 1856 and virtually wins the entire North. Not all of it, but nearly the entire North and by 1860 they win the presidency with Lincoln. So it is a very remarkable and sudden rise of a new party that takes over. And that's the party system we have today, the Third Party System. Republicans versus Democrats, except of course for our times, we need to completely switch their ideological roles from the 19th century. In the 19th century, the Democratic Party was the party of slavery, of states' rights. The Republican Party was seen as the more progressive party of anti-slavery. And that is the party of course, that Lincoln comes to represent and he becomes the winning candidate in 1860.

### **Kellie Carter Jackson**

I think the Kansas-Nebraska Act is so significant because for the first time it's forcing United States citizens to choose what kind of country they want to have, or what do they want to be the driver politically and economically

within the United States. And that – when we think about the introduction of new territory with Kansas, with Nebraska – this really is a stalemate, a political stalemate in a lot of ways in determining “are we going to be a country of slaves or are we going to be a slave country,” right? That's a country that is, you know, the foundation is slavery. And so I think for a lot of Northerners and Lincoln being included, he's intensely uncomfortable with this idea that the United States will now be driven by this slavery economy and driven, not just financially, but driven politically in terms of what the United States looks like for the next 50, 100 years.

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And so this becomes a really big deal for Republicans. This radicalizes a lot of people who may not have thought that politics should have played a role in slavery. Now they are politically incentivized to look at Kansas and Nebraska as this is a pivotal moment, this is a political moment. Where this territory goes, is going to determine the fate of the nation. And so becomes... Kansas-Nebraska becomes really bloody after that, really bloody.

## **DRED SCOTT DECISION**

### **Kate Masur**

So Dred Scott and Harriet Scott and their two daughters sued for their freedom, filed a freedom suit in St. Louis. And there's a lot of legal complexity to what they were claiming, but it's basically the principle that they had lived in the free territory of Illinois, Minnesota territory, and I think Wisconsin. And the principle that many courts had already upheld was, if you're enslaved, once you have set foot in free territory, you become free, and your owner no longer has a claim on you. So both Dred and Harriet Scott had spent time in free territory and they had ended up back in St. Louis, where their owner still was claiming them as slaves.

And so they went to court like so many people did and said, We are being illegally held in bondage. We are entitled to be free because we've spent time in free territory. And this should have been a no-brainer for the St. Louis court and the Missouri Supreme Court, because repeatedly, over and over again in Missouri, courts had decided that, yes indeed, if you had that story of having been brought to free territory then back to Missouri, you had a claim to freedom.

But what was happening in the 1850s was growing polarization around questions of slavery. And the Missouri Supreme Court ended up reversing itself and saying, “You know what, no, after all, they are legitimately still enslaved. It doesn't matter that they ever set foot in Illinois or Minnesota territory. Their owners still can claim them as slaves.” And then it goes up to the [U.S.] Supreme Court and the Supreme Court affirms the lower

court, that Missouri State Supreme Court. So the fact that the Missouri court decided against them is a symptom of the larger doubling down on slavery that's going on and reactionary politics that's going on in some places in the 1850s.

The ins and outs of those freedom suits wouldn't have necessarily been affected by the Dred Scott decision, because those suits always would originate in county courts. And so just because the Supreme Court said Dred and Harriet Scott are still enslaved, doesn't mean that if you're in D.C., it has any applicability to you. So any kind of local County court – D.C. is not a good example – but let's just say some county in Maryland or what have you, they're not necessarily going to be impacted by the Dred Scott decision.

The Dred Scott decision is also really famous for Justice Taney, the Chief Justice of the Supreme Court having said basically, "African Americans are not citizens of the United States. They cannot be considered citizens and they have no rights which white people are bound to respect." Right? That's the kind of what's become the most famous line from the decision, basically where you have the Chief Justice of the Supreme Court saying, "There's no hope for Black citizenship. You will never be treated as equals. You will never be citizens. You never can be under this Constitution." And that was a very devastating statement for the Chief Justice of the Supreme Court to make.

But one of the things that's interesting about the Dred Scott decision is first of all, a lot of people thought it was wrongly decided, including Abraham Lincoln. So a lot of Republicans generally speaking, just said, "This is really stupid, politicized decision. It's the Supreme Court acting in favor of the slaveholders and the Democrats. And it's really a bad decision according to law. It actually is a bad legal decision and it's a really partisan decision." So if you think about current-day conversations about the Supreme Court: to what extent are they neutral arbiters of the law, to what extent are they very political? The Dred Scott decision, when Republicans in particular looked at it, they said, "This is just political. They're just trying to help President Buchanan here. This isn't good law." Meanwhile, the Democrats mostly embraced it, right? They said, "Oh, great, I'm glad you solved our problems about that and about the question of the extension of slavery into federal territories."

So the other thing is that people didn't necessarily agree the way they do now that the Supreme Court has the final word on American law. And so, a lot of... some lower courts made decisions after the Dred Scott decision that contradicted the Dred Scott decision or tried to find their way around it. State legislatures in New England passed resolutions rejecting the decision and saying it was wrongly decided and they had no obligation to abide by it. It comes up in Lincoln's debates with Douglas at the end of the 1850s, with Stephen Douglas, where Lincoln's position has been, "This case is wrongly decided." And

Stephen Douglas, of course, is saying, "This is a great decision. Go, Supreme Court." So it's a very, very political decision. It's a polarizing decision that comes in 1857.

### **Kellie Carter Jackson**

Dred Scott is an enslaved person living in Missouri and his master takes him to the North, to free territory, to I believe Illinois and I think also to Minnesota. And in this moment, he says, "Well, listen, because you brought me to free territory. I am now effectively free." His master was like "No, you're not." And you know, he winds up suing for his freedom in court saying "No, I was taken, you know, to free territory, and by Northern law or Illinois law, I am considered free." He takes his case all the way up to the Supreme Court. And the Supreme Court says "No, you are not free. Furthermore, you are not a citizen of the United States. Black people are not citizens. They have no rights, which a white man is bound to respect." And this Supreme Court case is a death blow to Black people because it means that they have effectively no legal recourse, not just as an enslaved person, but also as a free Black person.

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So, you know, Harriet Tubman is living in Canada at the time of the Supreme Court case. And it's this case that she says, "I have to come back. I have to come back to America. This is not right. We need to do everything that we can to make sure that the slave finds, you know, freedom." And so this case is probably one of the greatest, I would say top five greatest Supreme Court cases in the history of the United States next to maybe Plessy v. Ferguson and Brown v. Board of Education. Dred Scott does a lot of damage. And what it reveals is that white people cannot imagine a world in which Black people are free. One of the dissenting justices says "Can you imagine Black people walking around with guns? Can you imagine Black people being able to own arms? Absolutely not." And so it gets struck down because it is trying to solidify the idea of white supremacy and also solidify the fact that slavery will be with us for years to come, if not forever.