

Dred Scott first went to trial to sue for his freedom in 1847. Ten years later, after a decade of appeals and court reversals, his case was finally brought before the United States Supreme Court. In what is perhaps the most infamous case in its history, the court decided that all people of African ancestry -- slaves as well as those who were free -- could never become citizens of the United States and therefore could not sue in federal court. The court also ruled that the federal government did not have the power to prohibit slavery in its territories. Scott, needless to say, remained a slave.

Born around 1800, Scott migrated westward with his master, Peter Blow. They travelled from Scott's home state of Virginia to Alabama and then, in 1830, to St. Louis, Missouri. Two years later Peter Blow died; Scott was subsequently bought by army surgeon Dr. John Emerson, who later took Scott to the free state of Illinois. In the spring of 1836, after a stay of two and a half years, Emerson moved to a fort in the Wisconsin Territory, taking Scott along. While there, Scott met and married Harriet Robinson, a slave owned by a local justice of the peace. Ownership of Harriet was transferred to Emerson.

Scott's extended stay in Illinois, a free state, gave him the legal standing to make a claim for freedom, as did his extended stay in Wisconsin, where slavery was also prohibited. But Scott never made the claim while living in the free lands -- perhaps because he was unaware of his rights at the time, or perhaps because he was content with his master. After two years, the army transferred Emerson to the south: first to St Louis, then to Louisiana. A little over a year later, a recently-married Emerson summoned his slave couple. Instead of staying in the free territory of Wisconsin, or going to the free state of Illinois, the two travelled over a thousand miles, apparently unaccompanied, down the Mississippi River to meet their master. Only after Emerson's death in 1843, after Emerson's widow hired Scott out to an army captain, did Scott seek freedom for himself and his wife. First he offered to buy his freedom from Mrs. Emerson -- then living in St. Louis -- for \$300. The offer was refused. Scott then sought freedom through the courts.

Scott went to trial in June of 1847, but lost on a technicality -- he couldn't prove that he and Harriet were owned by Emerson's widow. The following year the Missouri Supreme Court decided that case should be retried. In an 1850 retrial, the the St Louis circuit court ruled that Scott and his family were free. Two years later the Missouri Supreme Court stepped in again, reversing the decision of the lower court. Scott and his lawyers then brought his case to a federal court, the United States Circuit Court in Missouri. In 1854, the Circuit Court upheld the decision of the Missouri Supreme Court. There was now only one other place to go. Scott appealed his case to the United States Supreme Court.

The nine justices of the Supreme Court of 1856 certainly had biases regarding slavery. Seven had been appointed by pro-slavery presidents from the South, and of these, five were from slave-holding families. Still, if the case had gone directly from the state supreme court to the federal supreme court, the federal court probably would have upheld the state's ruling, citing a previously established decision that gave states the authority to determine the status of its inhabitants. But, in his attempt to bring his case to the federal courts, Scott had claimed that he and the case's defendant (Mrs. Emerson's brother, John Sanford, who lived in New York) were citizens from different states. The main issues for the Supreme Court, therefore, were whether it had jurisdiction to try the case and whether Scott was indeed a citizen.

The decision of the court was read in March of 1857. Chief Justice Roger B. Taney -- a staunch supporter of slavery -- wrote the 'majority opinion' for the court. It stated that because Scott was black, he was not a citizen and therefore had no right to sue. The decision also declared the Missouri Compromise of 1820, legislation which restricted slavery in certain territories, unconstitutional.

While the decision was well-received by slaveholders in the South, many northerners were outraged. The decision greatly influenced the nomination of Abraham Lincoln to the Republican Party and his subsequent election, which in turn led to the South's secession from the Union.

Peter Blow's sons, childhood friends of Scott, had helped pay Scott's legal fees through the years. After the Supreme Court's decision, the former master's sons purchased Scott and his wife and set them free.

Dred Scott died nine months later.

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Compromise of 1850

Henry Clay, U.S. senator from Kentucky, was determined to find a solution. In 1820 he had resolved a fiery debate over the spread of slavery with his Missouri Compromise. Now, thirty years later, the matter surfaced again within the walls of the Capitol. But this time the stakes were higher -- nothing less than keeping the Union together.

There were several points at issue:

¥ The United States had recently acquired a vast territory -- the result of its war with Mexico. Should the territory allow slavery, or should it be declared free? Or maybe the inhabitants should be allowed to choose for themselves?

¥ California -- a territory that had grown tremendously with the gold rush of 1849, had recently petitioned Congress to enter the Union as a free state. Should this be allowed? Ever since the Missouri Compromise, the balance between slave states and free states had been maintained; any proposal that threatened this balance would almost certainly not win approval.

¥ There was a dispute over land: Texas claimed that its territory extended all the way to Santa Fe.

¥ Finally, there was Washington, D.C. Not only did the nation's capital allow slavery, it was home to the largest slave market in North America.

On January 29, 1850, the 70-year-old Clay presented a compromise. For eight months members of Congress, led by Clay, Daniel Webster, Senator from Massachusetts, and John C. Calhoun, senator from South Carolina, debated the compromise. With the help of Stephen Douglas, a young Democrat from Illinois, a series of bills that would make up the compromise were ushered through Congress.

According to the compromise, Texas would relinquish the land in dispute but, in compensation, be given 10 million dollars -- money it would use to pay off its debt to Mexico. Also, the territories of New Mexico, Nevada, Arizona, and Utah would be organized without mention of slavery. (The decision would be made by the territories' inhabitants later, when they applied for statehood.) Regarding Washington, the slave trade would be abolished in the District of Columbia, although slavery would still be permitted. Finally, California would be admitted as a free state. To pacify slave-state politicians, who would have objected to the imbalance created by adding another free state, the Fugitive Slave Act was passed.

Of all the bills that made up the Compromise of 1850, the Fugitive Slave Act was the most controversial. It required citizens to assist in the recovery of fugitive slaves. It denied a fugitive's right to a jury trial. (Cases would instead be handled by special commissioners -- commissioners who would be paid \$5 if an alleged fugitive were released and \$10 if he or she were sent away with the claimant.) The act called for changes in filing for a claim, making the process easier for slaveowners. Also, according to the act, there would be more federal officials responsible for enforcing the law.

For slaves attempting to build lives in the North, the new law was disaster. Many left their homes and fled to Canada. During the next ten years, an estimated 20,000 blacks moved to the neighboring country. For Harriet Jacobs, a fugitive living in New York, passage of the law was "the beginning of a reign of terror to the colored population." She stayed put, even after learning that slave catchers were hired to track her down. Passage of the Fugitive Slave Act made abolitionists all the more resolved to put an end to slavery. The Underground Railroad became more active, reaching its peak between 1850 and 1860. The act also brought the subject of slavery before the nation. Many who had previously been ambivalent about slavery now took a definitive stance against the institution.

The Compromise of 1850 accomplished what it set out to do -- it kept the nation united -- but the solution was only temporary. Over the following decade the country's citizens became further divided over the issue of slavery. The rift would continue to grow until the nation itself divided.

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Kansas-Nebraska Act

The Compromise of 1850 brought relative calm to the nation. Though most blacks and abolitionists strongly opposed the Compromise, the majority of Americans embraced it, believing that it offered a final, workable solution to the slavery question. Most importantly, it saved the Union from the terrible split that many had feared. People were all too ready to leave the slavery controversy behind them and move on. But the feeling of relief that spread throughout the country would prove to be the calm before the storm.

On December 14, 1853, Augustus C. Dodge of Iowa introduced a bill in the Senate. The bill proposed organizing the Nebraska territory, which also included an area that would become the state of Kansas. His bill was referred to the Committee of the Territories, which was chaired by Stephen A. Douglas of Illinois.

Douglas had entered politics early and had advanced quickly; at 21 he was Illinois state's attorney, and by age 35 he was a U.S. Senator. He strongly endorsed the idea of popular sovereignty, which allowed the settlers in a territory to decide for themselves whether or not to have slavery. Douglas was also a fervent advocate of Manifest Destiny, the idea that the United States had the God-given right and obligation to take over as much land as possible and to spread its 'civilizing' influence. And he was not alone. A Philadelphia newspaper expounded Manifest Destiny when it proclaimed the United States to be a nation rightfully bound on the 'East by sunrise, West by sunset, North by the Arctic Expedition, and South as far as we darn please.'

To fulfill its Manifest Destiny, especially following the discovery of gold in California, America was making plans to build a transcontinental railroad from east to west. The big question was where to locate the eastern terminal -- to the north, in Chicago, or to the south, in St. Louis. Douglas was firmly committed to ensuring that the terminal would be in Chicago, but he knew that it could not be unless the Nebraska territory was organized.

Organization of Nebraska would require the removal of the territory's Native Americans, for Douglas regarded the Indians as savages, and saw their reservations as 'barriers of barbarism.' In his view, Manifest Destiny required the removal of those who stood in the way of American, Christian progress, and the Native American presence was a minor obstacle to his plans. But there was another, larger problem.

In order to get the votes he needed, Douglas had to please Southerners. He therefore bowed to Southern wishes and proposed a bill for organizing Nebraska-Kansas which stated that the slavery question would be decided by popular sovereignty. He assumed that settlers there would never choose slavery, but did not anticipate the vehemence of the Northern response. This bill, if made into law, would repeal the Missouri Compromise of 1820, which said that slavery could not extend above the 36° 30' line. It would open the North to slavery. Northerners were outraged; Southerners were overjoyed.

Douglas was stubborn. Ignoring the anger of his own party, he got President Pierce's approval and pushed his bill through both houses of Congress. The bill became law on May 30, 1854.

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The Missouri Compromise

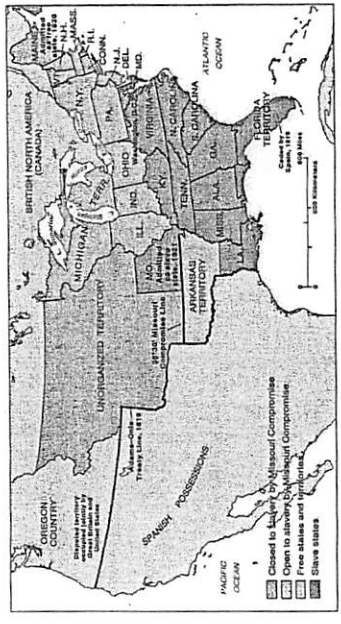
Slavery had come to America in 1619. It existed through the American Revolution, even after Thomas Jefferson penned his famous lines in the Declaration of Independence, "All men are created equal. They are endowed by their creator with certain unalienable rights. That among these are life, liberty, and the pursuit of happiness." Obviously, slaves were not part of this equation.

When it came time to write the Constitution, the word "slavery" was never used. Instead, the framers chose to use the term "other people." These other people were counted as 3/5 of a person for the purposes of representation in Congress according to the 3/5 Compromise. This compromise kept slavery in the United States intact. The founders also decided not to do anything about the issue of slavery for twenty years. Someone else would have to deal with it.

In 1820, the territory of Missouri wants to enter the Union. This stirs up the issue of slavery once again. There was already a great deal of tension between the North and the South. The South was highly agricultural. It wanted to keep slavery as a way of life on their plantations. The North, which was far more industrial, saw this "peculiar institution" as unnecessary and increasingly morally wrong. One way the government tried to limit the tension was by keeping the number of slave and free states equal. So, in 1820, when Missouri met the requirements for statehood and applied for admission to the Union as a slave state, there was a problem. The balance of free and slave states would be destroyed.

The Missouri Compromise seemed to solve the problem by admitting Missouri as a slave state and Maine as a free state, keeping the number of free and slave states equal. It also divided the rest of the Louisiana Purchase into slave and free territory. With the exception of Missouri, slavery would NOT be allowed NORTH of the 36 30' parallel.

1. What was the name of the compromise that dealt with slavery that was written into the Constitution?
2. What did the compromise do?
3. How did the Missouri Compromise solve the problem of the balance of free and slave states?



Look at the map above for the next two questions.

4. What year was Maine admitted to the Union? Was it a free or slave state?
5. What year was Missouri admitted to the Union? Was it a free or slave state?

Excerpt from the Missouri Compromise, 1820

SEC. 8. And be it further enacted, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state, contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: Provided always, That any person escaping from slavery...may be lawfully reclaimed and conveyed back to the person (slave owner)...

6. According to the text, what is prohibited north of thirty-six degrees and thirty minutes north latitude?
7. According to the text, what happened to runaway slaves?

The Missouri Compromise

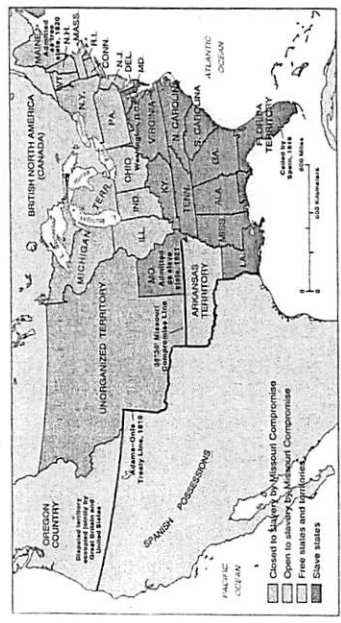
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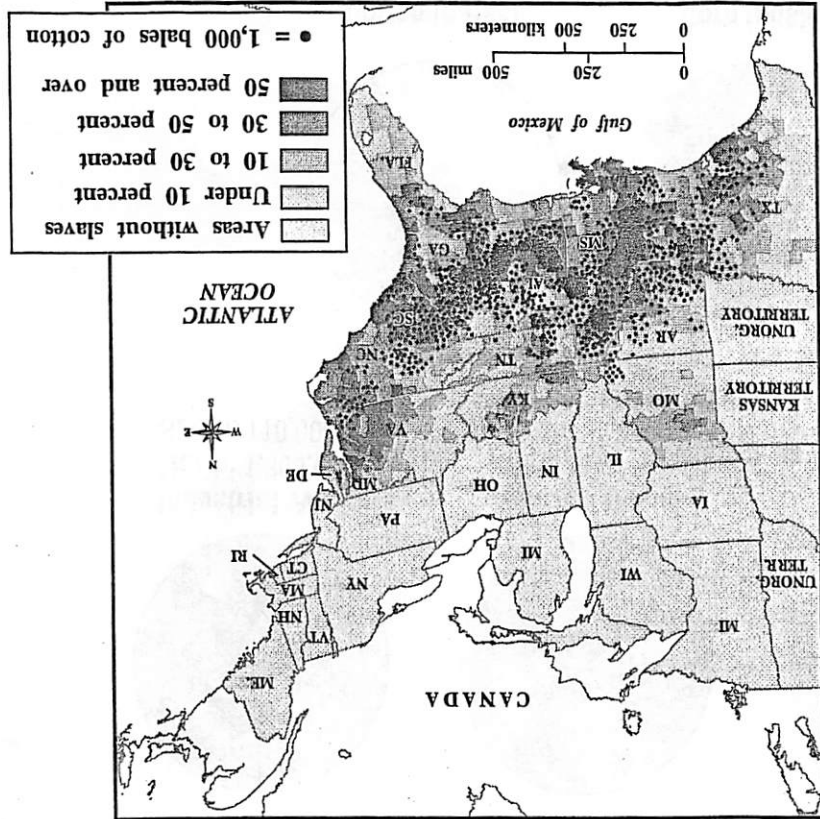
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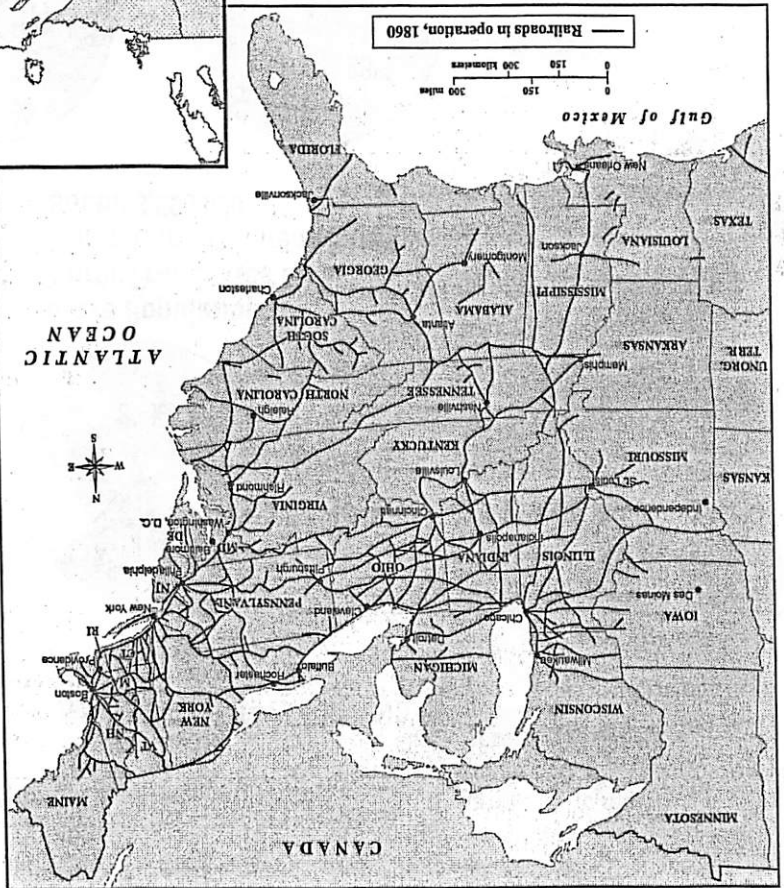
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Slave Density and Cotton Production, 1860



Railroads in 1860

Source: Maps created from various sources.

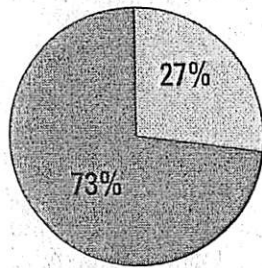
Document 2

Source: Allen Weinstein and R. Jackson Wilson, *Freedom and Crisis: An American History*, New York: Random House, 1974, and Philip Roden et. al., *Life and Liberty*, Vol. 2, Scott, Foresman and Company, Glenview, Illinois, 1980.

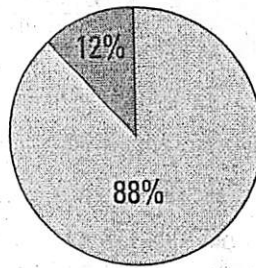
Resources of the Union and the Confederacy, 1861

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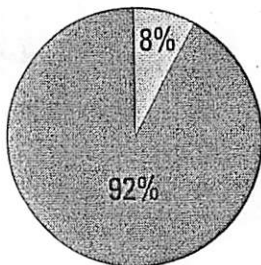
● Union (North) ● Confederacy (South)



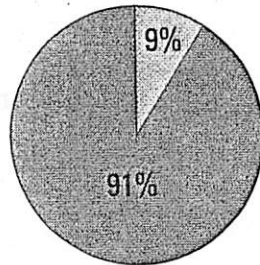
Total Population
North: 23,000,000
South: 8,700,000



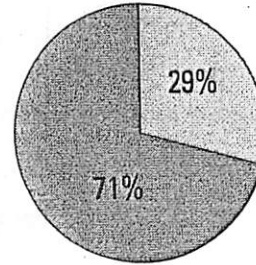
Slave Population
North: Free States 0
North: Border States 430,000
South: 3,500,000



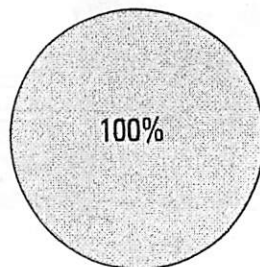
Industrial Workers
North: 1,300,000
South: 110,000



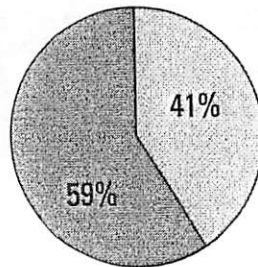
Yearly Value of Manufactured Goods
North: \$1,500,000,000
South: \$155,000,000



Railroad Mileage
North: 22,000
South: 9,000



Cotton (bales)
North: 0
South: 5,000,000



Corn (bushels)
North: 396,000,000
South: 280,000,000

The election of Lincoln shows that the North intends to free Negroes and force amalgamation between them and the children of the poor men of the South.

Do you love your mother, your wife, your sister, your daughter? If Georgia remained in a Union ruled by Lincoln and his crew...in ten years or less our children will be the slaves of Negroes.

The admission of Kansas into the Union as a slave state is a point of honor. The fate of the South is to be decided with the Kansas issue. If Kansas becomes a free state, slave property will decline to half its present value in Missouri. Abolitionism will become the prevailing sentiment. So with Arkansas; so with upper Texas.

A house divided against itself cannot stand...this government cannot endure, permanently half slave and half free. The advocates of slavery-including those conspiring carpenters (referring to the Supreme Court Justices)-are trying to push it forward til it shall become lawful in all states-North and South. How can they do this? Simply by the next Dred Scott decision...it is merely for the Supreme Court to decide that no State under the Constitution can exclude it, just as they have already decided that neither Congress nor a territorial legislature can do it

If the U.S. Constitution, the Supreme Law of the Land, protected the right of property in a slave...then nothing in the Constitution or laws of any state can destroy that right...

Perhaps we shall lie down peacefully to sleep dreaming that the people of Missouri are on the verge of making themselves free and we shall awake, instead, to the reality that the Supreme Court has made Illinois a slave state.

The only way to stop them (proslavery factions) is to elect Republicans whose hearts are in the work-who do care for the result, who consider slavery a moral, social, and political wrong...who will oppose the modern Democratic idea that slavery is as good as freedom and ought to have room to expand all over the continent.

God says to the parent, "train up your child." But slavery says to the enslaved child, "go where the master or his debts shall choose." The Word commands that we treat others as we wish to be treated. But masters, who never wish to be sold from kin, sell humans away from loved ones.

Undernourishment and unemployment characterize free labor society...if you want to protect impoverished laborers, make them like our slaves...the patriarch graciously feeds and protects his purchased people...in the free labor north, ignorant and poor laborers conspire to steal the owner's property...because the slaves, the poorest and most ignorant cannot vote, peace and prosperity prevails in the South.

-James Henry Hammond, South Carolina

Slavery undermines intelligence, vigor, and energy...it has produced in the South an exhausted soil, old and decaying towns, wretchedly neglected roads...and an absence of enterprise and improvement...slavery is incompatible with all the elements of security, welfare, and greatness of nations.

-William Henry Seward, New York

In the South, the distinction is between races and not classes...here, the superior race rules an inferior race of noncitizens content with its position and destiny."

-Lawrence Keitt, South Carolina

In the South, the white man cannot stand the climate, but the negro can!

-William Yancey, Alabama

If slavery goes into the new territories, the free labor of all the states will not. If slavery is kept out, the free labor population will go there and in a few years the country will teem with an energetic and active population.

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