

Slavery in the United States: Attempts at and Failure of Compromise



The Path to Civil War
Ms. Wallace • Sobrato High School

It all started at the Constitutional Convention

❖ The Three-Fifths Compromise

Allowed southern states to count 3/5 of their slave populations for purposes of determining how many representatives they would receive in Congress. Since the number of electors a state receives in the electoral college is based on the number of members of Congress it has, this also led to Thomas Jefferson's being referred to by disgruntled northerners as "The Negro President."

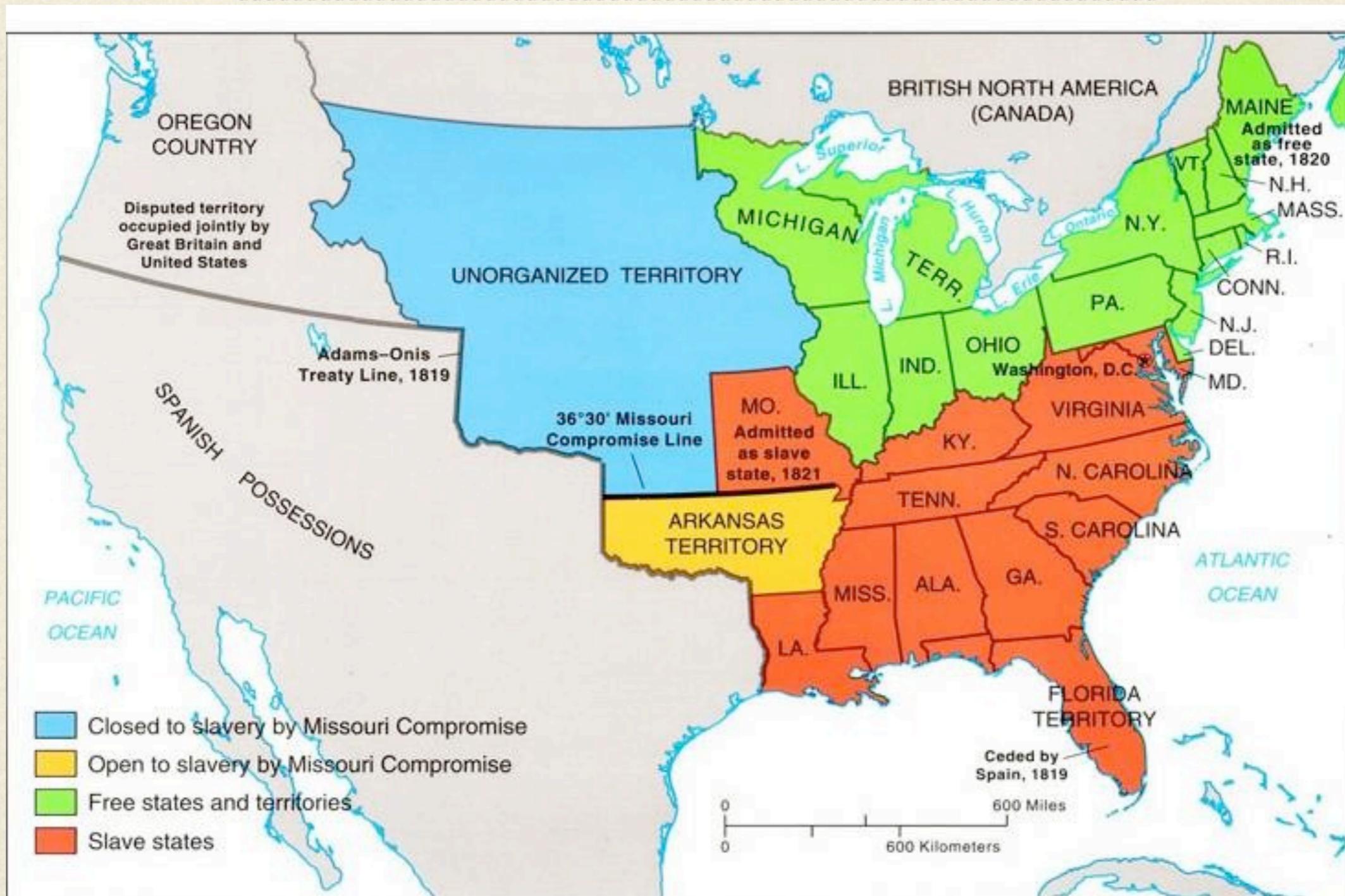
❖ The Commerce Compromise

Included the provision that Congress could not forbid the importation of any person (this means slave), nor tax the importation of any person by more than \$10, for a period of twenty years after the adoption of the *Constitution* (which was in 1788). In January of 1808, Congress did ban the importation of slaves.

The Missouri Compromise (1820)

- ❖ worked out to maintain the balance in the Senate between free and slave states
- ❖ proposed by Senator Henry Clay
- ❖ Maine admitted as a free state (#23)
- ❖ Missouri admitted as a slave state (#24)
- ❖ slavery prohibited in the remainder of the Louisiana Purchase north of $36^{\circ}30'$

The Missouri Compromise



The Nullification Crisis and the Compromise of 1833

- ❖ The “*Tariff of Abominations*” (1828) was passed to protect northern industries, which outraged southerners who had to pay higher prices for goods. Vice President John C. Calhoun secretly authors the *South Carolina Exposition*, arguing that states could and should nullify the tariff. (Remember the *Virginia & Kentucky Resolutions* in response to the *Alien & Sedition Acts*?)
- ❖ The *Tariff of 1832* passed, lowering the tariff of 1828, but it was still opposed by the South.
- ❖ South Carolina, led by Calhoun, voted to nullify the tariff, and President Andrew Jackson threatened to hang the “Nullies.” In December of 1832, Calhoun resigned the Vice Presidency in order to take a seat in the Senate.
- ❖ Senator Henry Clay, although a supporter of the tariff, proposed a compromise bill: the *Tariff of 1833*, which would gradually reduce the tariff over a period of eight years. (Clay was worried Jackson would win this battle.) The compromise tariff passed.
- ❖ South Carolina, facing a divide within the state, accepted the compromise tariff and repealed nullification.
- ❖ Congress passed the *Force Bill*, authorizing the President to use the army and navy to collect tariffs, if necessary, just to stick it to South Carolina.

The Compromise of 1850

- ❖ Gold is discovered in California, and the population booms. California applies for statehood as a free state, bypassing the territorial stage (and depriving southerners of the opportunity to extend slavery there).
- ❖ Southerners threaten to secede.
- ❖ Senator Henry Clay (who else?) proposes a compromise...

Compromise of 1850, continued

Gains by the North in the Compromise of 1850:

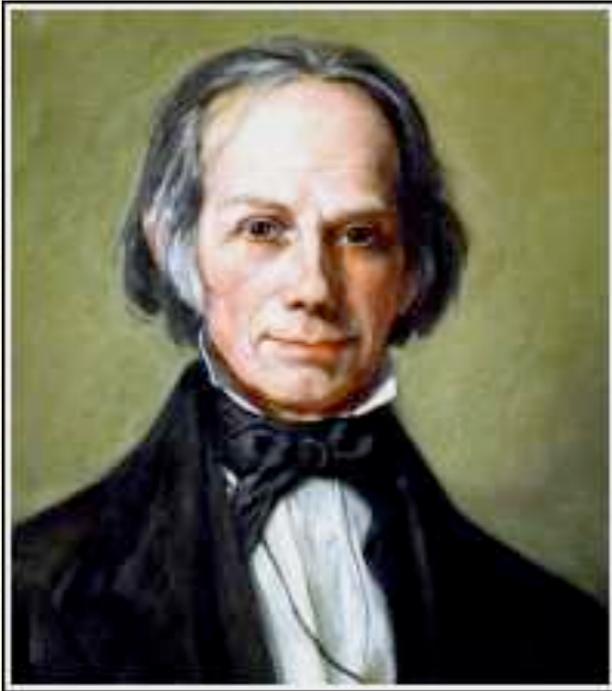
- ❖ California admitted as a free state (#31), tipping the Senate balance in favor of the North
- ❖ Territory disputed by Texas (slave) and New Mexico (undetermined) is assigned to New Mexico
- ❖ The slave trade (but not slavery itself) is abolished in Washington, DC

Compromise of 1850, continued

Gains by the South in the Compromise of 1850:

- ❖ The remainder of the Mexican Cession (after California is taken out) is formed into the New Mexico & Utah Territories, open to popular sovereignty
- ❖ Texas receives \$10 million compensation for territory given to NM
- ❖ The *Fugitive Slave Law of 1850* was much harsher than the old law, and had tough enforcement provisions:
 - Runaway slaves had to be returned to their masters.
 - Those accused could not testify in their own behalf.
 - Those accused would not receive a jury trial.
 - Federal officials' fees for handling runaway cases were \$5 if the accused was freed, and \$10 if not freed (which would encourage kidnappings of free blacks).
- ❖ Northerners helping escaped slaves could be fined and jailed, and even ordered to help the slave catchers.

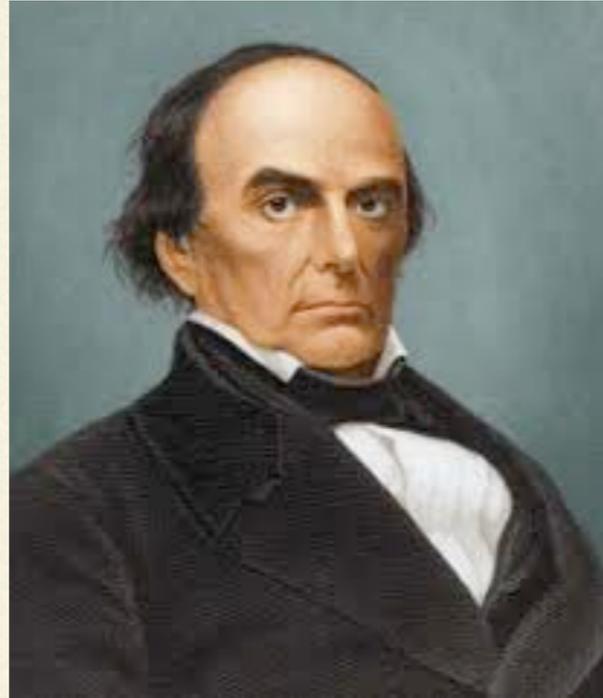
The Senate's Immortal Trio



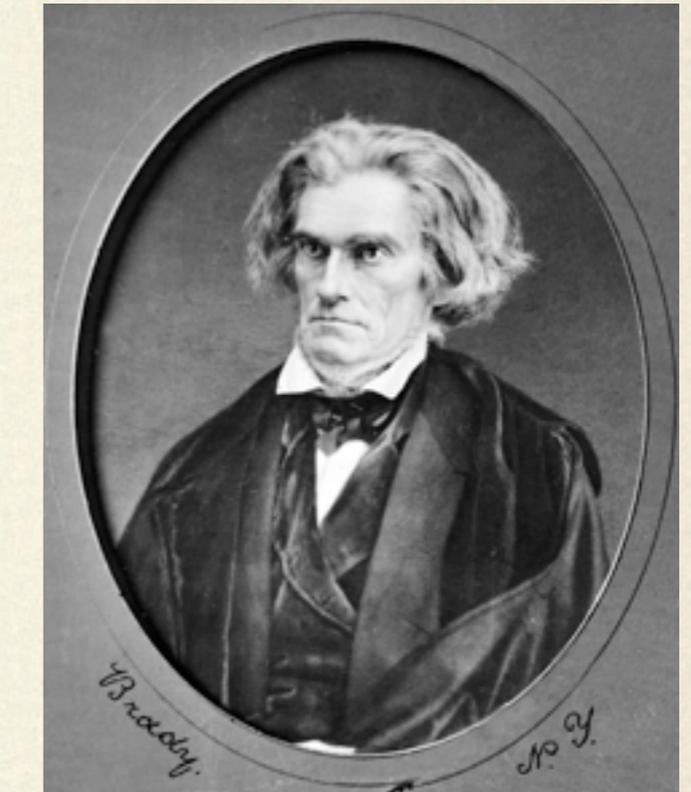
Henry Clay

The Great Compromiser,
The Great Pacificator

Proposed & Supported
the Compromise of 1850



Daniel Webster

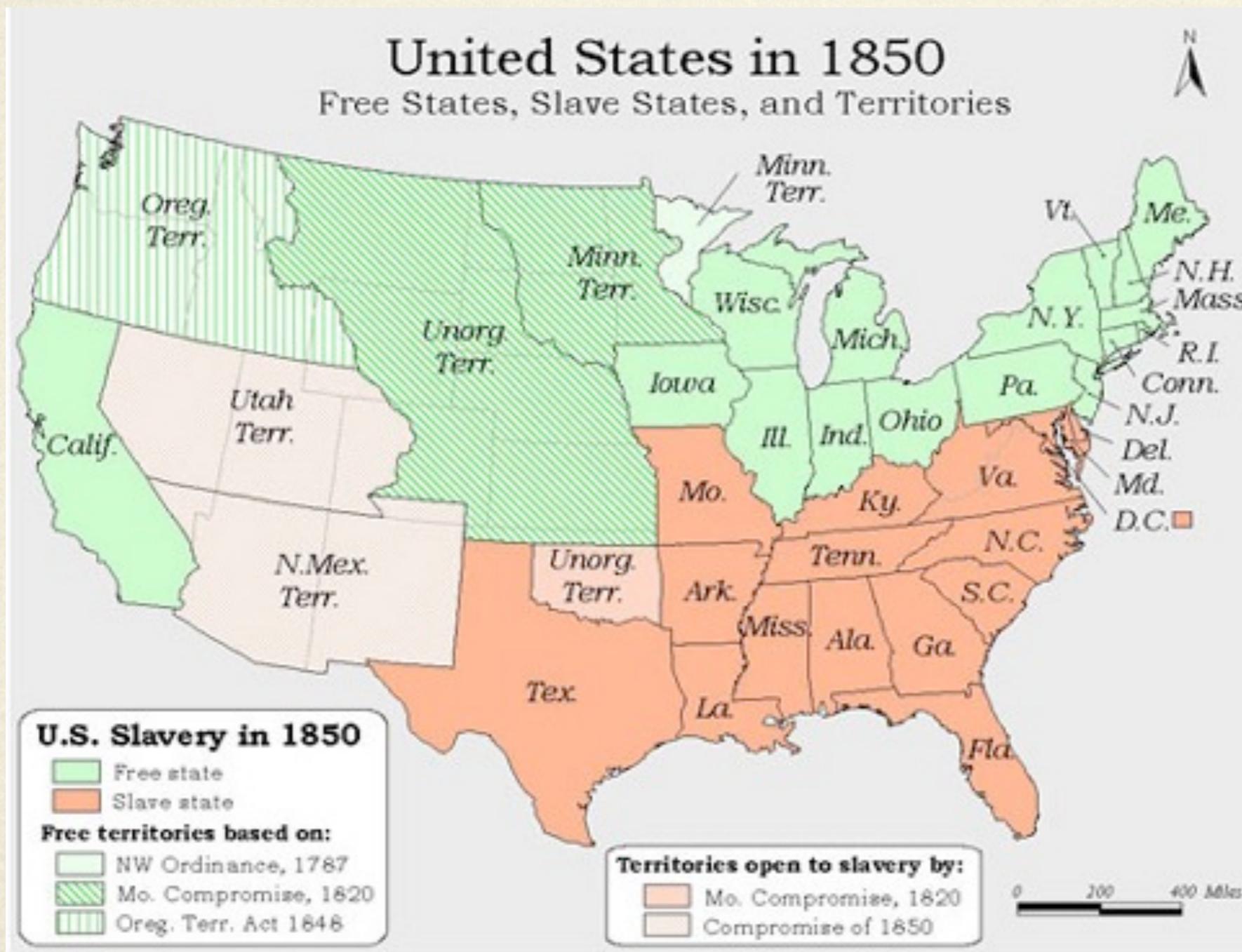


John C. Calhoun
The Great Nullifier

Opposed the
Compromise of 1850

(Stephen Douglas, "The Little Giant," seconded Clay's proposal and played a significant role in shepherding it through the Senate.)

The United States after the Compromise of 1850



16 free states
15 slave states

The Kansas-Nebraska Act (1854)

- ❖ Senator Stephen Douglas (“The Little Giant”) wanted the government to route a railroad line through Illinois (his state, where property values would skyrocket).
- ❖ To get the support of southern Congressmen, Douglas proposed the *Kansas-Nebraska Act*:
 - divide the Kansas Territory into two territories:
Kansas & Nebraska
 - both Kansas & Nebraska to be open to popular sovereignty, even though both were north of 36°30’
- ❖ The new Republican Party is born, out of protest against the *Kansas-Nebraska Act*. Southerners pronounce it “a nigger stealing, stinking, putrid, abolition party.” It is not allowed south of the Mason-Dixon line.

Bleeding Kansas (1856)

- ❖ According to the terms of the Kansas-Nebraska Act, the question of whether Kansas would be admitted as a free or slave state was to be determined by popular sovereignty. It was an unspoken expectation that Nebraska would become a free state and Kansas a slave state.
- ❖ The majority of farmers in Kansas were antislavery. In addition, New England abolitionists sent supporters to Kansas.
- ❖ Southerners felt betrayed. “Border ruffians” from neighboring Missouri crossed into Kansas to vote illegally for slavery.
- ❖ Violence erupted as proslavery men created a state government at Shawnee Mission, and antislavery forces established a rival government in Topeka. Proslavery forces massacred citizens in the antislavery town of Lawrence; John Brown led a retaliatory massacre of proslavery men in Pottawatomie Creek.
- ❖ The proslavery forces adopted the *Lecompton Constitution* establishing slavery in Kansas. President Pierce had not gotten involved. Now President Buchanan accepted the *Lecompton Constitution*.
- ❖ Stephen Douglas, a believer in true popular sovereignty, was offended. He and some other Democrats joined forces with Republicans to oppose the *Lecompton Constitution*. Ultimately, a new vote was held and the *Lecompton Constitution* was defeated.
- ❖ Kansas remained a territory until 1861, and was then admitted as a free state. (#34)

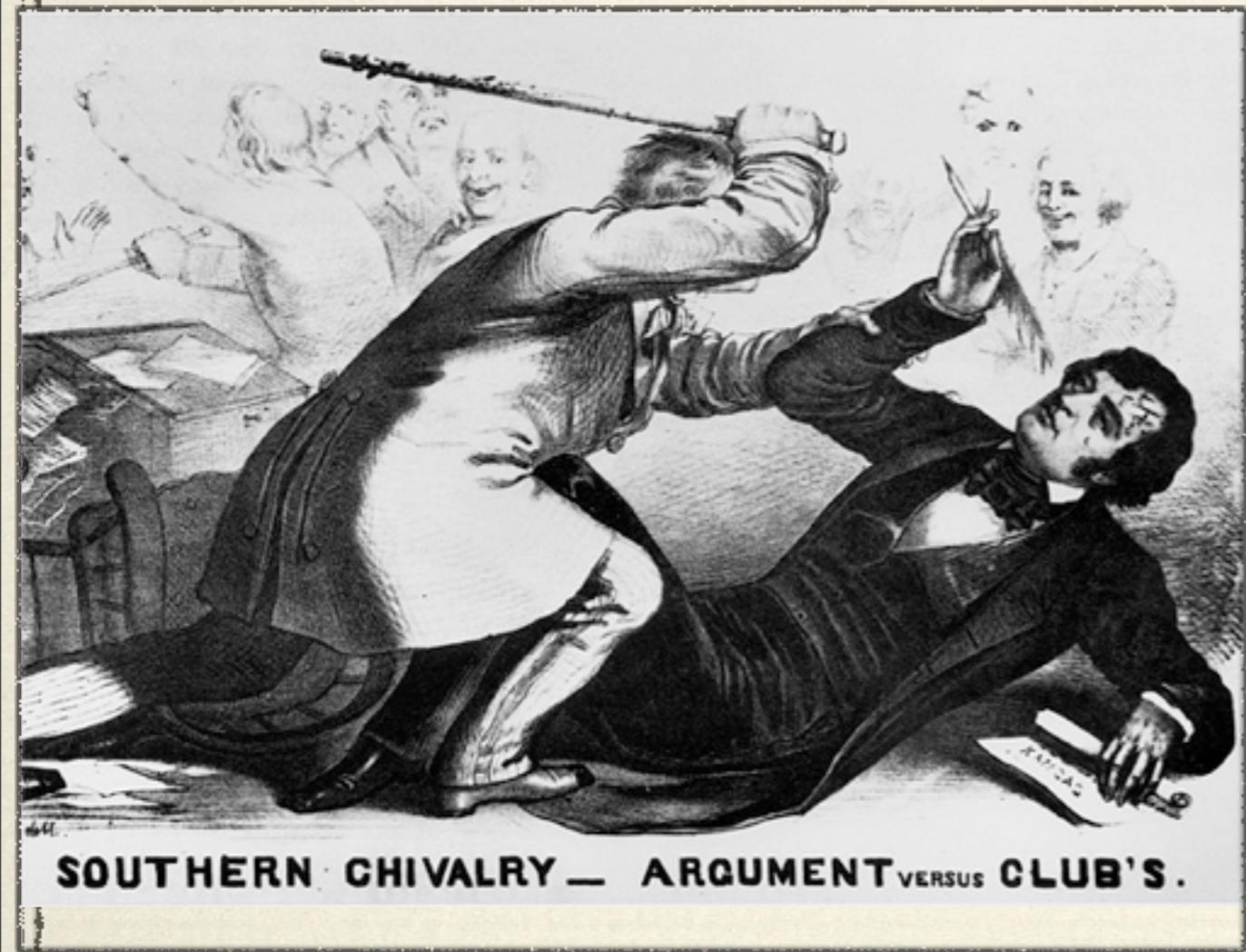
The Caning of Senator Sumner (1856)

Senator Charles Sumner of Massachusetts was an avowed Abolitionist and leader of the Republican Party. After the sack of Lawrence, on May 21, 1856, he gave a bitter speech in the Senate called "The Crime Against Kansas." He blasted the "murderous robbers from Missouri," calling them "hirelings, picked from the drunken spew and vomit of an uneasy civilization." Part of this oratory was a bitter, personal tirade against South Carolina's Senator Andrew Butler. Sumner declared Butler an imbecile and said, "Senator Butler has chosen a mistress. I mean the harlot, slavery." The speech went on for two days.

Representative Preston Brooks of South Carolina thought Sumner went too far. Brooks decided to teach Sumner a lesson he would not soon forget. Two days after the end of Sumner's speech, Brooks entered the Senate chamber where Sumner was sitting at his desk signing copies of his speech for mailing. Brooks proceeded to strike Sumner over the head repeatedly with a gold-tipped cane. The cane shattered as Brooks rained blow after blow on the hapless Sumner, but Brooks could not be stopped. Only after being physically restrained by others did Brooks end the pummeling and walk out of the chamber.

Charles Sumner spent years recovering from the attack. Northerners were incensed. The House voted to expel Brooks, but it could not amass the votes to do so. Brooks was levied a \$300 fine for the assault. He resigned and returned home to South Carolina. South Carolina held events in his honor and reelected him to his House seat. Replacement canes were sent to Brooks from all over the south. This response outraged northern moderates even more than the caning itself.

As for poor Charles Sumner, the physical and psychological injuries from the caning kept him away from the Senate for most of the next several years. The voters of Massachusetts also reelected him and let his seat sit vacant during his absence as a reminder of southern brutality. The violence from Kansas had spilled over into the national legislature.



SOUTHERN CHIVALRY — ARGUMENT VERSUS CLUB'S.

The *Dred Scott* Decision (1857)

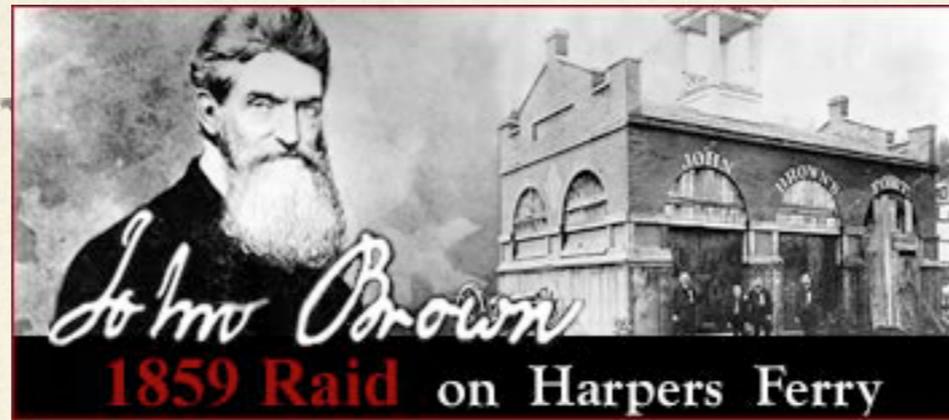


Dred Scott was a Missouri slave who had been taken by his master to Wisconsin for two years. Upon his return to Missouri, he sued in court, arguing that since he had lived on free soil in Wisconsin, he should be free.

The Chief Justice of the Supreme Court was Roger Taney, a proslavery southern Democrat. In a 7 - 2 vote, the court ruled that:

- ❖ Blacks are not citizens and therefore do not have access to the courts.
- ❖ Slaveowners can take their property (slaves) wherever they want, and according to the Fifth Amendment their property cannot be taken from them without due process of law.
- ❖ By the way, Congress does not have the power/authority to ban slavery from any territory, which would disallow slaveowners from taking their property where they want.
- ❖ **The *Missouri Compromise of 1820* was unconstitutional.** (This is the first time the Court uses the power of judicial review since seizing it in the case of *Marbury v. Madison* in 1803.)

John Brown's Raid on Harper's Ferry (1859)



- ❖ You know the story. John Brown and his men, with support from northern abolitionists, seized the Federal Arsenal at Harper's Ferry, Virginia, intending to arm local slaves and support them in demanding their freedom.
- ❖ The attempt was a failure, as Brown and his men were captured and there was no slave uprising.
- ❖ However, the raid did crystalize southern fear of northern abolitionists, and convince many in the South that the North could not be trusted.

The Election of Lincoln (1860) & the Crittenden Compromise

- ❖ Republican Abraham Lincoln was elected, on a platform of containment (not abolition) of slavery, without appearing on the ballot in most southern states, and without receiving a single southern electoral vote.
- ❖ The South considered that the federal government no longer represented it. South Carolina seceded first, followed closely by six other states, before Lincoln even took office.
- ❖ Kentucky Senator John Crittenden proposed one last compromise reminiscent of the Missouri Compromise: protect slavery in territories south of $36^{\circ}30'$, forbid it in territories north of $36^{\circ}30'$, and allow popular sovereignty to decide the issue when territories applied for statehood - regardless of their location.
- ❖ President-elect Lincoln rejected the Crittenden Compromise, believing he must honor his campaign platform.