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Unrequited Toil

A History of United States Slavery

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Geopolitics

Slavery caused disunion and civil war, but it did so at a slant. The future of slavery was the fulcrum of national political divisions in the United States from the 1810s to the Civil War. Rather than dividing over slavery in the South, where most bondspersons lived, that political crisis deepened over slavery in North America west of the Mississippi River, where comparatively few African Americans resided. Rather than what slavery did to African-descended people, the most divisive national political issue was what slavery did to or for white citizens. Enslavers argued that banning slavery in western territory threatened their property in people in the South, and that prohibiting slavery's expansion threatened their rights. Non-enslavers disagreed, contending that the American West should be free of both slavery and African-descended people. As migration from Britain, Ireland, and Europe brought millions of citizens to states that prohibited slavery, non-enslavers held supermajorities in the House of Representatives. And increasingly, Northerners suspected that enslavers trampled on the rights and democratic entitlements of free people to protect a regional and undemocratic interest in slavery. As the republic added more territory, the two visions of the future clashed. But a series of compromises allowed enslavers to exercise outsized political power while granting small concessions to non-enslavers. Congress arrested political disunion by placing limits on slavery's expansion while the national political parties channeled sectional disagreements over slavery into policy disagreements and ideological divisions over banks, tariffs, and the role of the federal government in such things as internal improvement projects. That national political party system directed disagreement away from armed conflict until the late 1850s.

Americans avoided disunion for two generations between the Missouri crisis of 1820 and the winter of 1860–61 through a series of political compromises. Some were statesmanlike concessions balancing interests, and others were partisan gambits averting short-term crises yet exacerbating tensions in the long run. But all endorsed the perpetuation of slavery in some way. The republic's first major crisis of union developed over the movement to the west of enslaved people and the cotton interest enslavers planted there. When Missouri residents petitioned for statehood in 1819, the territory was 16 percent enslaved. Northerners worried about the political ramifications of Missouri entering the Union as a state that permitted slavery. Opponents of Missouri statehood contended that enslavers were breaking up families for profit and – more importantly – they were grabbing political power unfairly. At the time, the republic's twenty-two states were evenly divided between those permitting slavery and those restricting it. Missouri was a middle ground between the plantation complex of the lower South and the northern plains where free farmers flourished. Since Missouri was also a western gateway, it seemed to point to the future of westward expansion.

Defenders of slavery argued that Missouri slavery was no one's business but Missouri citizens', who deserved the same rights in slaves as their Kentucky neighbors. The major problem of slavery extension in the 1810s and 1820s, then, was the harm done to white democracy and American republicanism. The Constitution's Three-Fifths Clause gave slave owners disproportional representation, antislavery voices shouted, and slavery therefore undermined the republican idea of civic equality among whites. In Congress, a New York representative introduced an amendment to the Missouri statehood measure that provided for gradual abolition in that state. It failed in the House but passed in the Senate, the members voting along sectional lines. From his retirement in Virginia, former president Thomas Jefferson wrote that the Missouri crisis was "like a fire bell in the night, [which] awakened and filled me with terror. I considered it at once as the knell of the Union."¹ He saw the issue as an existential threat to the republic.

And then Congress compromised and avoided disunion in 1820. There would be no gradual abolition in Missouri, but Congress banned slavery from the rest of the Louisiana Purchase north of Missouri's southern

¹ Jefferson to John Holmes, April 22, 1820, in *The Life and Writings of Thomas Jefferson*, ed. Adrienne Koch and William Peden (New York, NY: Modern Library, 1998), 637.

border of 36° 30' latitude, just as the Confederation Congress had banned slavery in the Northwest Territory in 1787. The Missouri Compromise included the admission of Maine (carved out of Massachusetts) as a state in which slavery was not permitted. Since each state sent two US senators to Washington, DC, both enslavers and their opponents could rely on a balance of sectional interests in the Senate, which would be the legislative check on any measure to encroach on enslavers' property rights in people.

Still, Jefferson feared that divisions would grow on either side of the Missouri Compromise line as a deepening slavery interest in the South confronted a rising population of free Americans in the North. "A geographical line," he wrote, "coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper." Slavery seemed to be an indissoluble problem. "But as it is, we have the wolf by the ears," Jefferson shrugged, "and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other."²

Jefferson noted the problem but failed to acknowledge the irony that his administration had acquired Missouri as part of the Louisiana Purchase. And the Missouri Compromise signaled a profound political transformation along a new axis. From the time of the Constitution in the 1780s to the 1810s, the most pronounced political divisions had been between East and West, between Federalists in coastal cities and Democratic-Republicans whose constituents increasingly populated the trans-Appalachian West. Federalists favored an active federal government including a central bank, protections to grow manufacturing, and a broad reading of the Constitution. Democratic-Republican support came from agriculturalists, including cotton planters, and they backed rapid westward migration. Partial to free trade and suspicious of bankers, they lacked enthusiasm for an active central government, except when it came to promoting their party's interests. But Federalist declines after the War of 1812 and the expansion of slavery in the Southwest reoriented American political fault lines along a North–South divide. As Jefferson predicted, the Missouri Compromise did not appease Northerners wary of the growth of a slaving interest. And it did not placate white Southerners

² Jefferson to Holmes, April 22, 1820, in Koch and Peden, *The Life and Writings of Thomas Jefferson*, 637.

who suspected their Northern countrymen of harboring schemes to erode or even terminate slavery.³

Fifteen years passed between Missouri's admission and that of the next state, Arkansas, which joined the Union in 1836, and in the meantime uprisings and abolitionist activism accentuated divisions over slavery. Denmark Vesey's plot and the Nat Turner Rebellion sent white Southerners into panics over security. Ex-slave autobiographies and urgent political manifestos like David Walker's 1830 *Appeal* provoked defensiveness and legislation imposing severe restrictions on African-descended people. Abolitionists forced Americans to confront their beliefs about slavery through strategies and tactics that put African American bodies in white spaces and abolitionist speech in public places, stirring up social reactions. One of the most provocative was the Great Post Office Campaign of 1835. The New York Anti-Slavery Society organized the distribution of 175,000 pieces of antislavery literature all over the country. A portion of that direct mail campaign went to recipients in the South. The campaign provoked hostility from the Andrew Jackson administration and horror from enslavers in places like Charleston, South Carolina, where bags of mail containing abolitionist materials were stolen from the post office and burned by an angry proslavery mob. Abolitionists also inundated Congress with petitions to ban or restrict slavery. So many petitions flooded Congress in 1836 that the republic's great deliberative body moved to censor itself by passing the Gag Rule. Southerners in Congress insisted that any petition touching slavery be tabled without consideration. Silencing a vocal minority became the issue. Southerners' burning bags of mail, Jackson's support of it, and Congress's Gag Rule convinced many Northerners that enslavers were threatening democracy and undermining republican government – everywhere, not just in the South. Enslavers started to appear like an organized threat to the rights of free white people.

And Congress took no steps to regulate slavery as interstate commerce. As the domestic slave trade from the upper South to the lower South crested in the late 1830s, abolitionists pointed out that Congress was abetting an undemocratic force by failing to ban transporting enslaved people across state lines for sale. If Congress could ban the transatlantic slave trade to America's shore, as it did in 1808, it could certainly exercise its commerce power to end an immoral traffic among states. In 1838,

³ William W. Freehling, *Road to Disunion, Vol. 1: Secessionists at Bay, 1776–1854* (New York, NY: Oxford University Press, 1990), 121–43.

abolitionist Henry Stanton argued, “the internal slave trade is the great jugular vein of slavery; and if Congress will take the same weapon with which they cut off the foreign trade, and cut this vein, slavery would die of starvation in the southern, and of apoplexy in the northern slave states.”⁴ Congress would do no such thing, and the Gag Rule prevented discussion of the matter. And many Northerners began to see an arrogant Slave Power at work against American liberty. Meanwhile another powerful force was gathering on the side of free labor and antislavery expansion.

Immigrants tended to settle in places free from chattel slavery, and they came in unexpectedly high numbers. States were dropping property requirements for voting, and men recently arrived from countries like Ireland and the German states could vote upon establishing residency. Most did not approve of slavery. Architects of the Missouri Compromise could not have foreseen the massive immigration that gave states with slavery exclusions an overwhelming superiority in the House of Representatives. Nearly 600,000 foreign immigrants arrived in the United States in the 1830s, followed by 1.7 million in the 1840s, and nearly 2.6 million more would arrive in the 1850s. By 1860, the 4.1 million foreign-born Americans made up 13.2 percent of the population.⁵ Most entered through big eastern cities and traveled as far west as their means would take them. Northern and mid-western regions of the country were populated by Germans and Scandinavians who had little interest in slavery's perpetuation, settling among transplanted Yankees. The South attracted fewer foreign immigrants even though pockets of German and Irish immigrants were scattered from North Carolina to Texas. It was not that immigrants were abolitionists. Many arrivals were refugees from famine or political upheavals who competed with African Americans for menial jobs in cities like New York.

But because of immigration patterns, Southern congressional representation declined even though the South's slave population grew. For slavery's supporters to keep their political power, they believed, they needed to add new slave states in order to send US senators to Washington, DC. Problem was, only two states joined the Union between 1821 and 1840,

⁴ Stanton cited in David L. Lightner, *Slavery and the Commerce Power: How the Struggle against the Interstate Slave Trade Led to the Civil War* (New Haven, CT: Yale University Press, 2006), 102 (quotation).

⁵ US Census Bureau, “The Foreign-Born Population in the United States,” online: www.census.gov/newsroom/pdf/cspan_fb_slides.pdf, accessed: July 21, 2016; US Immigration Commission, *Statistical Review of Migration, 1820–1910: Distribution of Immigrants, 1850–1900*, 5.

Arkansas – permitting slavery – in 1836, and Michigan – prohibiting slavery – in 1837. The United States still claimed vast non-state territories, including what was left of the Louisiana Purchase and the Northwest Territory, and including the Florida territory, which Spain had ceded under the 1819 Adams–Onís Treaty. But proslavery expansionists set their eyes on a breakaway republic populated by American expatriates, Mexicans, Native Americans, and African-descended Americans, many forced across the US border after the 1837 financial panic.

Texas became the flashpoint of political arguments over slavery extension by the 1840s. It had won independence from Mexico in 1836, though Mexico contested that fact. It was also an enslavers' republic. President Andrew Jackson wanted to annex it but failed. In 1842, the John Tyler administration tried to annex Texas, hoping to build a constituency, but Congress prevented the deal going through before the 1844 presidential election. In 1844, Democrats nominated James K. Polk of Tennessee, an ardent proslavery expansionist. President Polk invited Texas to join the federal Union on favorable terms, including extending the border to the Rio Grande rather than the Nueces River. Antislavery members of the rival Whig Party in the North and even proslavery Whigs in the South moved to stop Texas annexation.

In 1845, political opposition to slavery expansion came from members of opposing parties, not opposing sections. Whether they were from Northern or Southern states, Whigs overwhelmingly argued that annexing Texas would bring war with Mexico, roil markets, and inflame sectional tension. Northern Whigs did not want more slave territory. Southern Whigs did not want competitors in Texas. Not only that, Whigs argued, Texas was populated by would-be Democrats who were against banks and internal improvements – which Whigs supported. Polk's Democrats favored Texas annexation, regardless of whether they were from New York or Mississippi. Proslavery Democrats wanted increased political representation and an extension of the cotton frontier. Northern Democrats considered territorial growth a measure of American robustness and an extension of a national "Manifest Destiny" to extend the republic over a continental empire.⁶ It was an issue of prestige, cultural superiority, and expanding democracy.

Polk and fellow Democrats in Congress annexed Texas over strong Whig objection in 1845. One historian terms Texas a "Pandora's box" of

⁶ Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815–1848* (New York, NY: Oxford University Press, 2007), chaps. 15, 17.

political disunion because it disrupted sectional parity and moved the United States and Mexico into direct confrontation.⁷ The Texas economy was built on cotton and cattle, staffed with slave labor. One annexation scheme would have divided Texas into five states, which might have sent ten proslavery US senators to Washington, DC. That plan was dropped, but all understood that Texas statehood would extend the cotton kingdom and the domestic slave trade. And then President Polk sent US forces into a disputed area between the Nueces and Rio Grande, provoking armed conflict.

As Whigs warned, annexing Texas led to war with Mexico. There were not many Texans or Mexicans in between the rivers, an area that was home to peoples of the Lipan Apache confederacy. When US troops under the command of General Zachary Taylor confronted Mexican troops along the Rio Grande in April 1846, they were fired on. After the report reached Washington, DC, President Polk addressed Congress: "Mexico has passed the boundary of the United States, has invaded our territory and shed American blood upon the American soil. She has proclaimed that hostilities have commenced, and that the two nations are now at war." While such rhetoric whipped the country into a war frenzy, and Congress declared war on Mexico, abolitionists and many antislavery Northerners argued it was a war for Manifest Destiny and slavery extension.

In August 1846, a Pennsylvania Democrat dropped a political explosive into that debate. Congressman David Wilmot introduced a rider called a proviso on a war funding measure, which stipulated "[t]hat, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them . . . neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted." Borrowing language from the 1787 Northwest Ordinance, the Wilmot Proviso forced Congress to confront the issue of slavery in any territory conquered from Mexico in war.⁸

In the space of a year, political divisions shifted from partisan to sectional. In 1845, nearly all the congressional votes for or against

⁷ Michael F. Holt, *The Fate of Their Country: Politicians, Slavery Extension, and the Coming of the Civil War* (New York, NY: Hill and Wang, 2004), chap. 1.

⁸ Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (New York, NY: Oxford University Press, 2001), 267.

Texas annexation were partisan. Whigs, whether Northern or Southern, antislavery or proslavery, had opposed Texas annexation. Democrats almost universally supported it, regardless of section. But in 1846, sectional sympathies overwhelmed party loyalties in the furor over the Wilmot Proviso. Nearly all Northern congressmen, regardless of party, supported the Wilmot Proviso. All Southern congressmen opposed the Wilmot Proviso. It was killed in the Senate, but each time it came up in the subsequent decade, it hammered a wedge between sections of the country. The political party system was failing to contain sectional disagreements over slavery extension.

The geopolitics of slavery seemed to push the country to the brink of disunion. When the US–Mexican War ended in 1848, Mexico ceded 529,189 square miles of land to the United States, including the territory that became California, Nevada, and Utah, as well as parts of Arizona, New Mexico, Colorado, and Wyoming. Debt peonage and Indian captivity were long-standing slaveries of the desert Southwest, though the political blinders of race would prevent many officials from seeing them until after the Civil War.⁹ After the Mexican Cession, however, disagreement over the future of African American slavery reached a crisis point. President Polk stepped aside in the 1848 election. He had promised to serve a single term as president and honored that commitment. Having acquired more territory than any president since Jefferson, Polk left it to his successors to sort out the political crisis it caused.

The two national political parties, the Whigs and Democrats, were dividing North from South over the issue of whether slavery would be permitted in the territory won from Mexico in the recent war. In the 1848 presidential election, the Whigs ran a disingenuous Janus-faced campaign, persuading Southern voters that General Zachary Taylor, a Louisiana enslaver, represented their interests. Northern voters were told that Taylor was a nationalist, an opponent of slavery expansion who would defuse sectional tensions, and a unifier who opposed the Mexican War he helped win. The forty-year army veteran won the presidency having never held public office or even voted.¹⁰ In New England, Conscience Whigs left the party, some joining the Free Soil Party. Democrats witnessed defections too. In New York State, Barnburners left the Democratic Party for

⁹ William J. Kiser, *Borderlands of Slavery: The Struggle over Captivity and Peonage in the American Southwest* (Philadelphia, PA: University of Pennsylvania Press, 2017).

¹⁰ Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War* (New York, NY: Oxford University Press, 1999), chap. 19.

the Free Soil Party, joining others disaffected by the two-party system. Whigs won the 1848 presidential contest but lost their House majority, the Democrats taking over leadership of Congress. And the crisis deepened as proslavery Southerners practiced political brinksmanship, threatening to secede if their demands for slavery in the territories were not met. While the future of slavery in the West was plunging the republic into crisis, the politics of fugitive slaves was becoming a divisive regional issue in the East.

Rebecca and George Latimer did not set out to start a sanctuary state movement when they escaped slavery in Virginia in early October 1842. She was nineteen and pregnant, posing as his servant. He was twenty-three, had light skin, and booked passage on a Philadelphia-bound ship, fleeing abuse and the auction block in Norfolk. They had been married just nine months, and now expecting a family, George Latimer could no longer take an owner's abuse. He had been subject to a dozen masters. But owner James B. Gray had a flair for cruelty, beating him with cowhide, fists, and sticks.¹¹

But there was no safe harbor from slavery, even in a free state. The Latimers fled from Philadelphia to Boston and the help of abolitionists. Even on free soil, they were still on the run. Earlier that year, the US Supreme Court affirmed federal supremacy in fugitive slave cases in *Prigg v. Pennsylvania*. The case overturned states' personal liberty laws forbidding bounty hunters and slave catchers from kidnapping African Americans claimed as fugitive slaves.¹² *Prigg* was also a stern rebuke to state decisions like Massachusetts's *Commonwealth v. Aves* (1836). That case, decided by Judge Lemuel Shaw of the Massachusetts Supreme Judicial Court, held that a fugitive from slavery could sojourn in Massachusetts because the state had no law of slavery to restrain her or him. In other words, slavery was a local condition and freedom was a general one, even though the legal status of an enslaved person who reached Massachusetts did not change. *Prigg* asserted that the bonds of slavery followed the fugitive out of a slave state in the person of a fugitive hunter or slave catcher. It affirmed federal supremacy in the recapture of enslaved people fleeing across state lines. Latimer's case was a test of the extent to which such federal protections for slave property went.

¹¹ Stephen Kantrowitz, *More than Freedom: Fighting for Black Citizenship in a White Republic, 1829–1889* (New York, NY: Penguin, 2013), 70–76.

¹² John Coughlin, "Prigg v. Pennsylvania and the Rising Sectional Tension of the 1840s" (MA thesis, Arizona State University, 2010).

Three weeks after George Latimer left Virginia, he was discovered in Boston and arrested. Authorities charged him with stealing from his Virginia owner back in Norfolk. A group of African American abolitionists tried rescuing Latimer before trial but failed. Judge Lemuel Shaw issued a writ of habeas corpus requiring James Gray to prove Latimer was his fugitive property. Shaw had presided over *Commonwealth v. Aves* and was not unsympathetic to fugitives from slavery. But Gray petitioned US Supreme Court Justice Joseph Story, a Massachusetts native who authored the *Prigg* majority decision. Story was in Boston at the time and ruled that Latimer must remain in jail until his owner could present evidence. The presumption of innocence did not apply to African Americans accused of being fugitives.

While George Latimer waited for his trial, Rebecca entered a Boston safe house run by abolitionists. From there she embarked on the Underground Railroad, giving birth to a son, George Jr., in Lynn, Massachusetts. And as word of the Latimers' ordeals circulated through an antislavery network, Latimer committees sprung up in protest. They were citizens' groups that raised awareness and gathered the resources to protect the fugitives from a return to slavery. And they used the Latimer case to contest the laws of slavery.

Massachusetts antislavery activists argued it was wrong to uphold slavery in a free state. Abolitionist Liberty Party leader Samuel Sewell took Latimer's case. Sewell had argued the *Aves* case and many like it. And while he prepared Latimer's defense, activists like William Lloyd Garrison spread the word. African American abolitionists including Charles Lenox Remond and Frederick Douglass took Latimer's case to the public. "Men, husbands, and fathers of Massachusetts," Douglass pleaded, "put yourselves in the place of George Latimer; feel his pain and anxiety of mind. . . . Now make up your minds what your duty is to George Latimer, and when you have made your minds up, prepare to do it and take the consequences."¹³

Despite public outcry, the law seemed clear on Latimer's status as a slave. Gray won back his human property in court. Judge Story ruled that Latimer was held lawfully under the Fugitive Slave Act of 1793 and the Fugitive Slave Clause of the Constitution. Story also held that federal law trumped an 1837 Massachusetts personal liberty law requiring a jury trial in fugitive slave cases. Latimer's case seemed closed.

¹³ *The [Boston] Liberator*, November 18, 1842, 182.

If the law was against Latimer, Boston's abolitionists argued, then the laws needed to change. They began agitating for a new state law to free Latimer and other refugees from slavery. In support, they published the *Latimer Journal and North Star* accusing authorities of abetting kidnapping. It went viral, gaining 20,000 subscribers in a month. Outrage spread, and volunteers raised money, collecting 64,527 signatures – starting with Latimer's – petitioning the state legislature. And to make sure Latimer was not returned to Virginia, abolitionists paid James Gray \$400 for Latimer and freed him.

The freedom campaign was a success. In March 1843, Massachusetts passed a tough new sanctuary state act. The Personal Liberty Act, nicknamed the Latimer law, forbade state cooperation in the capture and detention of accused fugitive slaves. With few federal detention centers or marshals, it undercut federal enforcement. And it sent a clear message to enslavers that federal law was on their side, but Massachusetts was not.

The Latimer law was a bold assertion of states' rights against federal slavery protections. Sensing history was on their side, abolitionists protested against President John Tyler when he came to Boston that spring to dedicate the Bunker Hill Memorial. Tyler was a Virginia slave owner. And abolitionist William Lloyd Garrison howled that "descendants of those, who, in 1776, threw off the British yoke, and for seven years waged war against a despotic power," were now shown to be "hypocrites and liars" for supporting slavery.¹⁴

Antislavery sanctuary state laws spread across the North as citizens refused to aid slave catchers. Vermont and Ohio passed Latimer laws in 1843. Connecticut passed one in 1844, New Hampshire in 1846, Pennsylvania in 1847, and Rhode Island in 1848. To supporters, it was a victory of democracy against distant federal coercion. Some state courts agreed. In 1847, a Missouri court ruled that Dred Scott, who lived for many years in free states and territories, could no longer be held in slavery. His owner appealed to the Supreme Court. Yet freedom seemed to be on the march.

And Southern slave owners were outraged. Virginia legislators protested antislavery states' rights, calling it clear contrary to founding principles. One fumed that Massachusetts, Rhode Island, and Vermont's sanctuary laws were a "disgusting and revolting exhibition of faithless

¹⁴ William Lloyd Garrison, "The Address to the Slaves of the United States, May, 1843," in *The Rise of Aggressive Abolitionism: Addresses to the Slaves*, ed. Stanley Harrold (Lexington, KY: University of Kentucky Press, 2004), 172–73.

and unconstitutional legislation.”¹⁵ “Our slave property is utterly insecure,” screamed a Virginia state representative to South Carolina senator John C. Calhoun in 1847, adding that Pennsylvania’s law was “a deliberate insult to the whole Southern people.” If unchecked it was “a just cause of war.”¹⁶

To placate enslaver interests, Congress passed the Fugitive Slave Act of 1850 as part of a congressional compromise over slavery extension in territories ceded by Mexico after the US–Mexican War. The Fugitive Slave Act chilled state resistance to slavery. It gutted sanctuary state laws by requiring any citizen of any state to help recapture accused fugitive slaves under penalty of law. The Act treated anyone accused of being a fugitive from slavery as guilty unless proved innocent, while forbidding African Americans from giving evidence. Black parents could not testify on behalf of children snatched away and libeled as fugitives. Obstructing enforcement was punishable with six months in jail and a \$1,000 fine. (The price equivalent of that fine in 2017 was \$31,700.) Attorneys found to defend guilty subjects were sanctioned. Officials were incentivized to enforce it. Deputies received \$5 if an accused fugitive was indeed free but \$10 if an accused fugitive was convicted and returned. Under the Act, African American suspects were arrested in Detroit, Michigan and jailed in Milwaukee, Wisconsin, and Boston. Reverend Charles Beecher spoke for outraged abolitionists and antislavery citizens when he preached that the Act “is an unexampled climax of sin. It is the monster iniquity of the present age, and it will stand forever on the page of history, as the vilest monument of infamy of the nineteenth century.”¹⁷

The power of the federal government was turning sharply against state and local efforts to provide safe haven to fugitives. In *Strader v. Graham* (1851), the US Supreme Court again ruled against state sanctuaries. The case arose when three professional – yet enslaved – musicians, George, Henry, and Reuben, fled their owner in Harrodsburg, Kentucky, aboard an Ohio River steamboat, escaping to Canada in

¹⁵ “Extracts from [a] Report of Virginia on the Rendition of Fugitive Slaves, February 7, 1849,” in *State Documents on Federal Relations: The States and the United States*, ed. Herman V. Ames (Philadelphia, PA: University of Pennsylvania History Department, 1911), 252.

¹⁶ Charles J. Faulkner to John C. Calhoun, July 15, 1847, in *Correspondence Addressed to John C. Calhoun, 1837–1849*, ed. Chauncey C. Boucher and Robert P. Brooks (Washington, DC: US Government Printing Office, 1930), 385–87.

¹⁷ Beecher quoted in Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law, 1850–1860* (Chapel Hill, NC: University of North Carolina Press, 1968), 50.

1841. The owner, Christopher Graham, sued the steamboat owners and captain claiming they were responsible for his loss of property. The defendants argued that the laws of Ohio set them free once across the river. The Supreme Court disagreed. Writing for the majority, Chief Justice Roger B. Taney held that “it was exclusively in the power of Kentucky to determine for itself whether their employment in another state should or should not make them free on their return.”¹⁸ Taney also held that the Northwest Ordinance excluding slavery from Ohio under the Articles of Confederation was superseded by the laws of slavery under the federal Constitution. Opposed by the Fugitive Slave Act and federal courts, abolitionists had few legal options.

So they practiced civil disobedience. The Anthony Burns case in 1854 was the most theatrical resistance to the new Fugitive Slave Act. Like Latimer, Burns was enslaved in Virginia. Early in 1854, the nineteen-year-old preacher stowed away on a ship, arriving in Boston, where he took a job in a clothing store. Burns could read and write and posted a letter to his brother telling of his whereabouts – a letter that fell into the hands of his owner. The owner traveled from Virginia to recapture him in Boston, where a court ruled he was in fact a fugitive. While Burns was held in jail awaiting transport, abolitionists organized and marched to the courthouse to release the prisoner, gathering a crowd of about 2,000. They led a short siege on the jail in which a Boston deputy was shot and killed. The Franklin Pierce administration intervened, sending an armed guard and a federal warship, and Burns’s return to Virginia cost taxpayers \$40,000 (\$1.18 million in 2017 dollars).¹⁹ It was a pyrrhic victory. Some states tried passing sanctuary laws after the Fugitive Slave Act, but they were ineffective. Massachusetts reaffirmed its personal liberty law in 1855. Wisconsin and Ohio followed suit with sanctuary laws in 1857. But those fleeing slavery now had to make it all the way to Canada for safety.

The politics of slavery reached a crisis in the 1850s. The Fugitive Slave Act of 1850 was part of a broader federal effort to preserve and extend slavery, or at least placate proslavery interests. The Compromise of 1850 provided that states organized out of the Mexican Cession (land ceded by Mexico in 1848) would decide themselves whether to permit or prohibit slavery. The Compromise admitted California as a free state, according to

¹⁸ *Strader v. Graham*, 51 U.S. (10 How.) 82 (1851), online: <https://supreme.justia.com/cases/federal/us/51/82/case.html>, accessed: November 15, 2017.

¹⁹ Charles Emery Stevens, *Anthony Burns: A History* (Boston, MA: John P. Jewett, 1856).

its 1850 constitution. Texas's boundaries were set at their current limits, and slave trading (though not slavery) was banned in the District of Columbia. Whig President Zachary Taylor rejected the Compromise, arguing that it conceded too much to proslavery interests. Southern Democrats were not satisfied either, screeching that the Compromise did not go far enough to protect slavery. Northern Whigs generally agreed with their president and opposed the Compromise. But President Zachary Taylor died suddenly on July 9, 1850, and the new president, Millard Fillmore of New York, sided with Northern Democrats and Southern Whigs in pushing the measures through Congress that September. He argued that this "armistice," as one historian called it, was preferable to risking slave-state secession.²⁰ The cornerstone of the Compromise of 1850 in the East was the Fugitive Slave Act, while in the West it was popular sovereignty. Both exacerbated political divisions.

Popular sovereignty pushed out to the far ends of the American empire the decision whether to permit slavery. Few expected cotton plantations in far-off New Mexico. African American slavery was seen as an "improbable" institution there, but there was no assurance of its "physical impossibility."²¹ The push to open western territories to African American slavery was not so that cotton and sugar would flourish there, but so that proslavery representatives would propagate and proslavery US senators would be sent back to Washington, DC. The 1850 Compromise left that work unfinished. After California entered the Union as a free state, none of the territories organized permitting slavery. The 1820 Missouri Compromise seemed to take the possibility of a Northern slavery state off the table.

But the Kansas-Nebraska Act of 1854 deepened the political crisis over slavery extension by getting rid of the Missouri Compromise line in favor of popular sovereignty. Kansas sat north of the line, which was Missouri's southern border. To curry favor with Southern Democrats and help build a transcontinental railroad line through his own state, Illinois Democrat Stephen Douglas sponsored the legislation providing that Kansas citizens would decide whether slavery would be permitted when the territory became a state. Douglas straddled slavery's fence, giving assurances to Southerners that slavery could spread to the Kansas prairie while arguing

²⁰ David M. Potter, *The Impending Crisis: America before the Civil War, 1848-1861* (New York, NY: Harper & Row, 1976), 90, passim.

²¹ Horace Mann's *Letters on the Extension of Slavery into California and New Mexico* (1850), 27.

to his own Northern constituents that geography would keep Kansas clear of enslaved people. Only a handful of actual bondspersons resided in Kansas. But there was furious reaction from many antislavery Northerners who considered the Missouri Compromise sacred.

And opposition to Douglas's proslavery compromise caused political realignment along sectional lines. Eight years after the Wilmot Proviso, the Republican Party formed in response to the Kansas-Nebraska Act and the political controversy it inflamed over slavery's expansion. Emerging leaders like Abraham Lincoln sought to protect freedom in the North, including the northwestern frontier. Republicans favored free soil and free labor, but they did not welcome African Americans. Republican Party organizations sprang up in states like Ohio and Illinois, which required black residents to post a bond, promise to keep the peace, and carry a residency permit. Such anti-black sentiment was pervasive. Outside of New England, no state permitted African Americans to vote by 1855.²² But at least in principle, Republicans were antislavery.

In the South, the political middle ground was collapsing as sectional divisions became more pronounced. After losing the 1852 presidential election, the national Whig Party disintegrated. Democrats held a supermajority in the South as Southern Whigs melted into a loose opposition party with no Northern wing. Cotton planters like James Henry Hammond of South Carolina and Jefferson Davis of Mississippi set the Southern Democratic Party agenda. Without a viable opposition, proslavery expansionists ruled the South.

Vigorous political debate was declining in the Slave South. Large portions had become increasingly unequal, undiversified, and undemocratic. Whereas a third of white families in the South owned bondsperson in 1830, that proportion was reduced to a quarter by 1850. In plantation regions, little wealth trickled down to poorer whites. There were many jobs for patrollers and slave catchers, but like the path to ownership, the road to a diversified economy was blocked by King Cotton.²³ Subregions like Appalachia did not develop the extreme stratification of wealth that took hold in cotton country, but neither did the kind of economic vitality that was transforming Chicago and Cincinnati into major urban

²² Holt, *Rise and Fall of the American Whig Party*, chap. 22; Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States*, rev. edn. (New York, NY: Basic Books, 2009), chap. 3.

²³ Keri Leigh Merritt, *Masterless Men: Poor Whites and Slavery in the Antebellum South* (New York, NY: Cambridge University Press, 2017).

manufacturing hubs, developing their hinterlands along the way.²⁴ Enslavers tended to own larger assemblages of enslaved people working in larger fields. Slave prices rose dramatically after 1855, becoming unmoored from cotton prices. That put slave ownership out of reach of most white Southerners and also made slave property a speculative investment. Prices became so high, in fact, that there was a push to reopen the transatlantic slave trade to ease labor costs in cotton and sugar fields. While some Southern editors and extreme proslavery politicians favored doing so, leaders slammed the door on any such policy. President James Buchanan warned Congress that “the introduction of wild, heathen, and ignorant barbarians among the sober, orderly, and quiet slaves, whose ancestors have been on the soil for several generations . . . might tend to barbarize, demoralize, and exasperate the whole mass, and produce the most deplorable circumstances.”²⁵ If more slaves could not be brought into the country, proslavery expansionists argued, the United States could annex more slave territory.

As enslavers considered seceding from the federal Union, they imagined a proslavery empire stretching from the Chesapeake to tropical Latin America.²⁶ One scheme to realize that vision involved capturing Cuba from Spain and annexing it as a slave territory. Cuban sugar masters were still importing African captives of the transatlantic slave trade. Democratic expansionists had eyed Cuba since the 1840s, arguing that if the United States did not capture it, the British would swoop in and abolish slavery there, leading to another Haitian Revolution. By the early 1850s, Americans were supporting Narciso López in his attempts to incite a revolution in Cuba. López, a Venezuelan revolutionary, was caught and executed in Cuba in 1851. Early in his term, President Franklin Pierce directed James Buchanan, then US ambassador to Great Britain, and Pierre Soulé, ambassador to Spain, to come up with a scheme to annex Cuba, buying it if necessary, for up to \$130 million. Spain refused to negotiate, and instead Soulé coauthored the 1854 Ostend Manifesto

²⁴ Wilma A. Dunaway, *Slavery in the American Mountain South* (New York, NY: Cambridge University Press, 2003); Damian Alan Pargas, *The Quarters and the Fields: Slave Families in the Non-Cotton South* (Gainesville, FL: University Press of Florida, 2010).

²⁵ James Buchanan, message to Congress, December 27, 1857, cited in *A Compilation of the Messages and Papers of the Presidents, 1789–1897*, Vol. 5, ed. James D. Richardson (Washington, DC, 1897), 557.

²⁶ Matthew J. Karp, *This Vast Southern Empire: Slaveholders at the Helm of American Foreign Policy* (Cambridge, MA: Harvard University Press, 2016).

declaring that the United States must annex Cuba by any means necessary.²⁷ There were other schemes to take Nicaragua and parts of Mexico not ceded in 1848, but events in Kansas arrested the nation’s attention.

The Kansas territory erupted in what were known as the Border Wars or “Bleeding Kansas” in disputes over whether slavery would be permitted there. Proslavery Missourians and other Southern whites crossed into Kansas during political canvases and conventions, gathered in squatter encampments, and menaced or attacked free-soil citizens. And incursions were not confined to proslavery partisans. New England abolitionist societies sent arms and cash, and sponsored emigrants moving to Kansas in order to tilt the territory toward a free-state constitution.

And while partisans skirmished on the distant prairie, political violence broke out in Washington, DC. In May 1856, Massachusetts senator Charles Sumner gave a speech in Congress called “The Crime against Kansas.” An outspoken abolitionist, Sumner argued that proslavery agitation in Kansas amounted to “the rape of a virgin Territory, compelling it to the hateful embrace of slavery; and it may be clearly traced to a depraved desire for a new Slave State, hideous offspring of such a crime, in the hope of adding to the power of slavery in the National Government.” He singled out Illinois senator Stephen Douglas, whom he called “Sancho Panza,” an insulting allusion to the abject enabler in Miguel de Cervantes’s *Don Quixote*. Sumner called South Carolina senator Andrew Butler “Don Quixote,” and accused him of “[having] chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him . . . I mean the harlot, Slavery.”²⁸ To avenge the insult, Butler’s nephew Preston Brooks, a congressman from South Carolina, attacked Sumner while Sumner was seated at his desk on the Senate floor. Brooks beat Sumner senseless with a gutta-percha cane until it broke. Sumner suffered severe head injuries and would not return to the Senate for years. Southern Democrats raised a howl of approval. Fans sent Brooks new canes. The *Richmond Enquirer* cheered the attack, arguing that abolitionists “must be lashed into submission.” Its editor insisted,

²⁷ Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge, MA: Harvard University Press, 2013), chap. 12.

²⁸ Charles Sumner, *The Works of Charles Sumner*, Vol. 4 (Boston, MA: Lea and Shepard, 1871), 140–49.

“Sumner, in particular, ought to have nine-and-thirty [whippings] early every morning.”²⁹

And violence begat violence. When word reached Kansas of Brooks’s assault on Sumner, Connecticut abolitionist John Brown and several of his sons avenged Bleeding Sumner and a proslavery attack on Lawrence, Kansas, earlier in the week. Brown and his men attacked a settlement of proslavery men at Pottawatomie Creek south of Lawrence, dragging several from their cabins, cutting them down with broadswords, and shooting the bodies. The Pottawatomie Massacre and Bleeding Sumner showed the nation the dark side of popular sovereignty. Instead of arguing about slavery’s extension, Americans were fighting over it.³⁰

By 1856, political realignment along sectional lines was nearly complete, thanks to popular sovereignty and the rise of the Republicans. The national Democratic Party was dividing along sectional lines, and a third party, the American or Know-Nothing Party, formed in opposition to Catholicism and immigrants. Republicans thundered against an arrogant Slave Power. Know-Nothings feared an insurgency of Catholic foreigners. And as immigration surged to the North and West, Southern Democrats became frenzied about Republicans’ antislavery stances. In the presidential election of 1856, Republicans – who had not existed until two years before – won a third of the popular vote and eleven states, including all of New England plus New York, Ohio, Michigan, Wisconsin, and Iowa. The party had just a handful of members south of the Ohio River, and the Democrats won a narrow victory.³¹ The new president, James Buchanan, vowed unity, but instead meddled in a court decision, further exacerbating tensions over slavery.

The political system was failing to contain sectional differences, and so the Supreme Court stepped in to settle a source of political disagreement. *Dred Scott v. Sandford*, decided just two days after Buchanan was inaugurated president, was superficially about the freedom of one man, Dred Scott. Born in Virginia in 1795, Scott had traveled with his owner to the

²⁹ Richmond *Enquirer*, June 3, 1856, 2 (quotations); William James Hull Hoffer, *The Caning of Charles Sumner: Honor, Idealism, and the Origins of the Civil War* (Baltimore, MD: Johns Hopkins University Press, 2010).

³⁰ Manish Sinha, *The Slave’s Cause: A History of Abolition* (New Haven, CT: Yale University Press, 2016), chap. 16.

³¹ Patrick Rael, *Black Identity and Black Protest in the Antebellum North* (Chapel Hill, NC: University of North Carolina Press, 2002); William W. Freehling, *Road to Disunion, Vol. 2: Secessionists Triumphant, 1854–1861* (New York, NY: Oxford University Press, 2007), chap. 9; Jay P. Dolan, *The Irish Americans: A History* (New York, NY: Bloomsbury Press, 2008), chap. 4.

free state of Illinois and the free Wisconsin territory (in what is now Minnesota). There the Northwest Ordinance and Missouri Compromise had banned slavery. With the help of abolitionists, Dred Scott and his wife, Harriet, filed suit for their freedom in 1846. The cases were part of a flood of freedom suits brought in Saint Louis as part of a grassroots legal struggle against slavery.³² A Missouri court freed Scott in 1850, ruling that his time in free states and territories changed his status (a year before the Supreme Court ruled the opposite in *Strader v. Graham*). But the owner appealed, and in 1852, the Missouri Supreme Court reversed the lower court’s ruling. Scott sued again, this time against his new owner, John Sanford (misspelled Sandford in court documents). Sanford lived in New York, so Scott filed suit in federal court. The federal court held that Scott was still enslaved and had no standing to sue.

Scott appealed to the US Supreme Court, asking the narrow question of whether he had standing to sue. Implicit in the question was whether he was owed his freedom. Chief Justice Roger Taney heard the case, and before the decision was handed down, President-elect James Buchanan contacted justices John Catron of Tennessee and Robert Grier of Pennsylvania, fellow Democrats, building consensus for a proslavery ruling. Buchanan announced an upcoming Supreme Court decision in his inaugural address on Wednesday, March 4, 1857. And on that Friday, the Supreme Court handed down a 7–2 ruling, all Democrats on the court voting together, to deny Scott’s freedom. But the ruling went much farther.

Instead of applying law and precedent, Chief Justice Taney’s decision read more like a proslavery political stump speech. He ruled that that the nation’s founders considered African-descended people “beings of an inferior order, and 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 respect, and that the negro might justly and lawfully be reduced to slavery for his benefit.”³³ It was an originalist argument that purported to peer into the minds of the framers of the Declaration of Independence and infer that they intended no black people to be citizens of the United States. Taney admitted that the ruling did not

³² Kelly M. Kennington, *In the Shadow of Dred Scott: St. Louis Freedom Suits and the Legal Culture of Slavery in Antebellum America* (Athens, GA: University of Georgia Press, 2017).

³³ *A Report of the Decision of the Supreme Court of the United States . . . Dred Scott versus John F. A. Sandford* (New York, NY: D. Appleton, 1857), 407.

overturn state citizenship for African Americans but ruled that Scott had no standing to sue in federal court. In fact, Taney argued, Scott was never free, and in reaching the 1820 Missouri Compromise, Congress had exceeded its constitutional authority. The Missouri Compromise had been repealed by the Kansas-Nebraska Act, but the *Dred Scott* decision nailed its coffin. A slave in any state was a slave in every state or territory of the United States.

The *Dred Scott* decision provoked outrage in much of the country. Two associate justices, John McLean of Ohio and Benjamin R. Curtis of Massachusetts, wrote scathing dissents, arguing that Taney's history was wrong and his originalism was a fig leaf over proslavery politics. McLean argued that the exclusion of African Americans from national citizenship "is more a matter of taste than of law," pointing out that "several of the States have admitted persons of color to the right of suffrage, and in this view have recognized them as citizens; and this has been done in the slave as well as the free States." In fact, Justice McLean pointed out, "[u]nder the late treaty with Mexico, we have made citizens of all grades, combinations, and colors. . . . They have exercised all the rights of citizens, without being naturalized under the acts of Congress." As for slavery, he argued, "the principle laid down will enable the people of a slave State to introduce slavery into a free State, for a longer or shorter time, as may suit their convenience; and by returning the slave to the State whence he was brought, by force or otherwise, the status of slavery attaches, and protects the rights of the master, and defies the sovereignty of the free State."³⁴ A Vermont editor put it more bluntly. Under the *Dred Scott* ruling, "slave labor is legalized and protected in every state of the Union."³⁵ State court rulings like *Mitchell v. Wells* (1859) extended the *Dred Scott* decision. *Mitchell v. Wells* involved Nancy Wells, born enslaved in Mississippi to a white father and an enslaved mother. The father – her owner – sent her to Ohio and freed her. He died, leaving her property. But in her attempt to inherit her father's property the Mississippi court held that she had never been manumitted because Mississippi's law of slavery superseded Ohio's law of manumission.³⁶ Besides affirming slavery, such court decisions were attacks on white democracy in the North and majority rule.

³⁴ *Dred Scott v. Sandford* (1857), 553, 559.

³⁵ *St. Albans [Vermont] Messenger*, March 19, 1857, 2.

³⁶ Paul D. Finkelman, *An Imperfect Union: Slavery, Federalism, and Comity* (Chapel Hill, NC: University of North Carolina Press, 1981), 285–93.

The Republican Party rallied around the cause of protecting free labor and free soil. Abraham Lincoln hammered that message in his bid for a US Senate seat from Illinois in 1858. He ran against Democratic Kansas-Nebraska Act author Stephen Douglas. In a series of debates, Lincoln articulated a core contention of the Republican Party. "A house divided against itself cannot stand," Lincoln told a 1,000-member audience in Springfield. "I believe this government cannot endure, permanently half slave and half free. I do not expect the Union to be dissolved," he explained, "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." Lincoln framed the political crisis in biblical terms, paraphrasing the Gospel of Mark 3:25.³⁷ Either Republicans would protect freedom or Democrats would transform the entire republic into slave country. He was not alone in framing the political crisis. US senator William H. Seward of New York also warned of an "irrepressible conflict" in 1858.³⁸ Lincoln lost narrowly to the more well-known Democrat, but had gained national attention as an eloquent spokesman for Republican principles.

And then an abolitionist raid on Harper's Ferry provoked a frenzy. On the night of October 16, John Brown led twenty-one men to the Virginia town at the confluence of the Shenandoah and Potomac Rivers with the aim of capturing the federal arsenal there. His strategy was to free enslaved people, arm them, and lead a spontaneous uprising into the heart of slave country. The plan had been years in the making, and Brown had abolitionist sponsorship and a wide network from which to recruit. His paramilitary organization planned to seize Harper's Ferry, take hostages, and free bondspersons, who would form the heart of an army that would spread throughout Virginia and then the South. Recruits included veterans of the Kansas Border Wars, his youngest sons Oliver and Watson, and former bondsmen and fugitives from Virginia and South Carolina, among many white recruits from Connecticut, Indiana, New York, and Virginia. Brown had tried to recruit Frederick Douglass, a longtime acquaintance and ally. Douglass refused. But Shields Green, a former bondsman, signed on.³⁹

³⁷ Abraham Lincoln, "House Divided Speech," Springfield, Illinois, June 16, 1858, Abraham Lincoln Online, www.abrahamlincolnonline.org/lincoln/speeches/house.htm, accessed: July 21, 2016.

³⁸ Holt, *The Fate of Their Country*, 124.

³⁹ Tony Horwitz, *Midnight Rising: John Brown and the Raid That Sparked the Civil War* (New York, NY: Henry Holt, 2011); Edward L. Ayers, *In the Presence of Mine Enemies*:

John Brown's raid unraveled soon after it began. Alarmed citizens banded together to fight off Brown's men. Dangerfield Newby, a formerly enslaved man, was the first killed. Brown's force took hostages and fought off locals as it fell back and barricaded itself in a fire engine house. Some raiders tried to escape but were killed, their bodies mutilated, including Shields Green. After the alarm reached Washington, DC, President Buchanan ordered marines led by Colonel Robert E. Lee to Harper's Ferry to secure the town and halt the insurrection. Lee ordered Lieutenant J. E. B. Stuart to negotiate surrender. Stuart recognized one of Brown's sons from Kansas, but Brown refused to give up. Stuart then gave the order to batter down the engine house doors. In the siege, John Brown was stabbed. But he was captured alive along with several others. His staging area outside town was raided, and authorities uncovered his network including sponsors in New England. Several allies – including Frederick Douglass – fled to Canada.

Virginia tried John Brown for murder, treason, and inciting a slave uprising, all three crimes punishable by death. Southern whites blamed abolitionists, Republicans, and even Northerners in general, insisting that in the shadow of each stood an abolitionist. Many Northerners were outraged at what they considered a terrorist attack. And white Southerners were frenzied that other abolitionists would try to arm bondsmen and ignite a rebellion. Brown used his trial to plead his cause, writing letters arguing for the justice of emancipation. The jury found him guilty. And as the mastermind of the Harper's Ferry raid was led to the gallows to be hanged, he handed off a note reading, "I John Brown am now quite certain that the crimes of this guilty land: will never be purged away; but with Blood."⁴⁰ He was hanged on December 2, 1859, and many abolitionists celebrated him as a martyr.

By the spring of 1860, the political ties keeping the republic together were unraveling. The national Whig Party had dissolved, and the Republicans were an antislavery party with few Southern members. And the last national party was coming apart too. The 1860 Democratic Party Convention met in Charleston, South Carolina, but delegates could not agree on a presidential candidate. The likely nominee – and Kansas-Nebraska Act author – Senator Stephen Douglas of Illinois did not seem

⁴⁰ *The Civil War in the Heart of America, 1859–1863* (New York, NY: W. W. Norton, 2003), 5–36.

⁴⁰ Franny Nudelman, *John Brown's Body: Slavery, Violence, and the Culture of War* (Chapel Hill, NC: University of North Carolina Press, 2004), 35.

proslavery enough for Southern Democrats. The Charleston convention closed without a party nomination. Northern Democrats nominated Douglas six weeks later at their convention in Baltimore. Proslavery Democrats stayed home in protest, nominating instead the sitting vice president, John C. Breckinridge of Kentucky, for president. Breckinridge would appear on Democratic ballots in much of the South while Douglas would appear on Democratic ballots in much of the North. The party split ensured each a loss in the November election.⁴¹

In the face of Democratic disunity, the Republicans rallied around a dark horse candidate whom few knew. At their national convention in Chicago, Republicans nominated Abraham Lincoln of Illinois. Unlike party leaders William H. Seward of New York and Salmon P. Chase of Ohio, Lincoln had a thin political record and became instead a candidate voters could pin hopes – or fears – on. He had been a lawyer in private practice since losing reelection to the US House of Representatives in 1848 but had attracted attention for his unsuccessful 1858 campaign against Stephen Douglas. Lincoln was a moderate. He pledged to stop slavery's expansion in the West but promised not to interfere with slavery in the South.⁴² And there was a third party candidate running against both Democrats and the Republican nominee. The Constitutional Union Party formed on a platform of preserving the Union but set forth no policy specifics.

Slavery expansion and the question of fugitive slaves divided the country in 1860. Sectional political realignment was complete by November. Lincoln won the presidency with just under 40 percent of the popular vote in a four-way race. The Democratic vote split along sectional lines with Douglas capturing just one state – Missouri – and the southern Breckenridge ticket winning all of the Deep South states plus Arkansas and North Carolina. One of those Deep South states did not even wait for the Electoral College to meet before holding a secession convention. Just weeks after Lincoln became the first Republican president-elect, South Carolina exited the Union, beckoning others to follow. Yet even then it was far from clear there would be a civil war, let alone a war against slavery.⁴³

⁴¹ Eric H. Walther, *The Fire-Eaters* (Baton Rouge, LA: Louisiana State University Press, 1992), 3, passim.

⁴² Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery* (New York, NY: W. W. Norton, 2010), chap. 5.

⁴³ William J. Cooper, *We Have the War upon Us: The Onset of the Civil War, November 1860–April 1861* (New York, NY: Knopf, 2012).

The US republic withstood forty years of slavery's divisive geopolitics before disuniting in the winter of 1860–61, and during that time a proslavery minority managed to win nearly every one of its political demands. Most Northerners tolerated slavery so long as it did not conflict with their democratic entitlements. The Missouri Crisis over slavery's extension was resolved in 1820 by compromise legislation that did not seem to fatally disadvantage either enslavers or those suspicious of slavery's expansion. But it predicated compromise on the possibility of slavery's expansion. In the 1830s, national political parties – Whig and Democrat – developed contrasting principles and policies yet neither was antislavery. Both the Democratic and Whig Parties had proslavery and antislavery wings. In 1845, disagreement over whether to annex Texas was partisan rather than sectional. Whigs opposed it and Democrats supported it. But in 1846, the US–Mexican War disrupted the parties' abilities to diffuse sectional tensions over slavery extension. The question of whether to permit chattel slavery in the Mexican Cession was sectional, Whigs and Democrats being themselves divided North from South. The solution seemed to be to leave the question of slavery extension to new state governments.

In the East, fugitives from slavery inspired a states' rights reaction against slavery. States like Massachusetts pushed back thanks to organizing by and on behalf of fugitives like George and Rebecca Latimer. But the Compromise of 1850 incubated a political crisis greater than the one it solved. The sweeping Fugitive Slave Act roiled Northerners as it curtailed local and state efforts to combat slavery.

And the political Compromise of 1850 pushed the question of slavery's expansion into the future, based on the principle of popular sovereignty. The timing of secession was caused by a political realignment on sectional lines featuring the rise of the Republican Party. The geopolitics of slavery extension created divisions that political organizations worked against until the national Democratic Party disunited in 1860 and the Republicans gained enough support to win the presidency. Rather than wait for the election of 1864, South Carolina exited the federal republic. The other cotton states soon followed. All expected war.