LINCOLN'S DILEMMA

LESSON ONE: BECOMING AN ANTI-SLAVERY POLITICIAN

ESSENTIAL QUESTIONS

- **Why is it important to revisit and recast our understanding of our nation's history?**
- **What individuals and events shaped Abraham Lincoln's position as an anti-slavery politician?**

In this lesson, students will watch excerpts from the first episode of ***Lincoln's Dilemma*** and the Interview Archive to reflect on the importance of revisiting historical narratives and perspectives. Students will learn about the events and early influences in Abraham Lincoln's life that shaped his initial public stance as an anti-slavery politician, learn about the distinctions between anti-slavery and abolition in antebellum America, and explore the federal policies and legal decisions that led up to the outbreak of the Civil War.

LESSON OBJECTIVES

Students will:

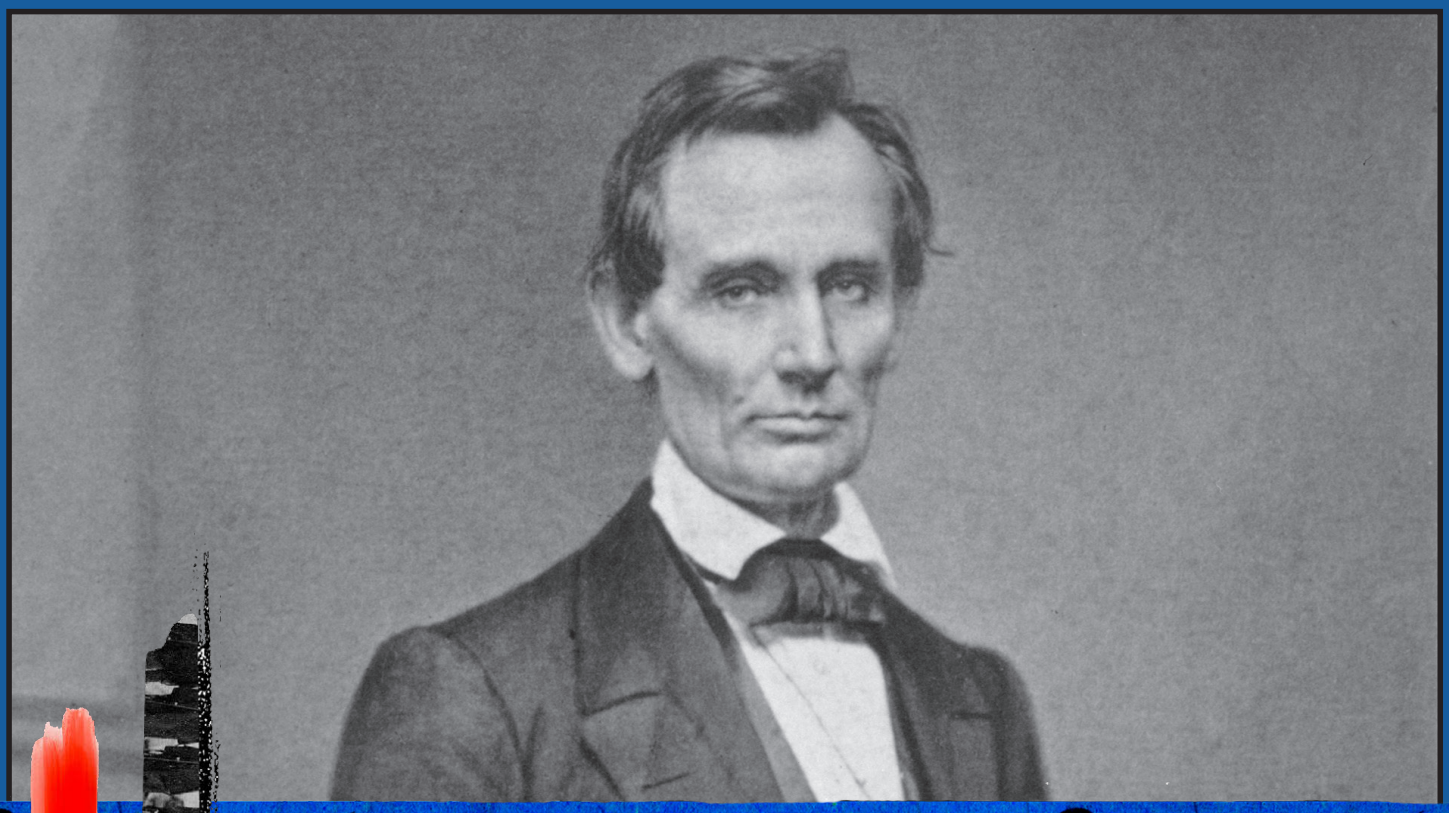
- **Learn** about the origins of Abraham Lincoln's early political life
- **Explore** the historical context of Lincoln's stance on slavery
- **Define** the differences between the position of "anti-slavery" and "abolition"
- **Identify** political policy and legal decisions that contributed to the outbreak of the Civil War

Two 55-minute class periods

American Studies, African American History, US History (Honors/AP), Government (Honors/AP)

- Equipment to screen film clips and interview threads
- Copies of Handouts:
  - **Handout One**: *Lincoln's Dilemma* Learning Log
  - **Handout Two**: Film Clip Transcript
  - **Handouts Three, Four, and Five**: Interview Thread Transcripts

ACTIVITIES



> I acknowledge your rights and my obligations under the Constitution in regard to your slaves. I confess I hate to see the poor creatures hunted down and caught and carried back to their stripes and unrewarded toils, but I bite my lips and keep quiet.

ABRAHAM LINCOLN'S 1855 LETTER TO FRIEND AND ENSLAVER JOSHUA SPEED[1]

[1] https://quod.lib.umich.edu/l/lincoln/lincoln2/1:339?rgn=div1;view=fulltext

DAY ONE

OPENING

Teacher Note: *Read the Introduction, including the Unit Overview, prior to beginning. these lessons.*

Introduce the lesson by discussing these questions as a class:

DISCUSS

> What is the definition of a dilemma?

> What do you think the title of the docu-series *Lincoln's Dilemma* may be about?

> Have you ever changed your mind about an event in history? How?

> Do you think studying Abraham Lincoln, the Civil War, and the emancipation of enslaved people remains relevant today? Why or why not?

Teacher Note: *Explain to students that they will be watching a series of documentary film excerpts and interviews from the docu-series* ***Lincoln's Dilemma*** *and analyzing a range of source materials to gain insight on Abraham Lincoln's presidency, The Civil War, and the emancipation of enslaved people from multiple points of view.*

Watch Film Clip One: Introduction (3:51)

DISCUSS

> What interpretations of Lincoln did you see or hear in this clip?

> How is it possible for historians to have differing interpretations about the past?

> What did you see or hear in the clip that changed or deepened your previous answer about the relevance of studying these historical topics today?

Distribute Handout One: *Lincoln's Dilemma* Learning Log

Have students review the handout and explain that they will be receiving three Learning Logs for each lesson to chart their ideas, reflections, and questions. These logs will serve as their personal resource for completing the final project — designing their own memorial that is in response to this prompt:

After reflecting and analyzing all of Lincoln's dilemmas during his presidency, how would you want to represent this era in the struggle for freedom and equality in our nation?

ANALYZING FILM AS TEXT

Teacher Note: *The following film clip moves students from the introduction and overview of the film to a specific focus on Abraham Lincoln's rise to the presidency and the Civil War.*

Distribute Handout Two, Lesson One: Film Clip Transcript

Have students follow along with the transcript as they watch, underlining words, events, or place names that stand out. Let them know they will learn more about the Fugitive Slave Act and the Kansas-Nebraska Act, both of which galvanized popular opinion in the North against slavery in the 1850s.

Watch Film Clip Two: Lincoln Emerges as an Anti-Slavery Politician (2:59)

DISCUSS

> What did you see or hear in this clip that was new or surprising to you?

> At what moments did you hear different perspectives on Abraham Lincoln's views and opinions about slavery?

GROUP DISCUSSION

Teacher Note: *Let students know that in order to understand what was happening in the North at the time, it is important to draw a distinction between those who were "anti-slavery" and those who were for "abolition" of slavery.*

Project or read aloud this quote from historian Kellie Carter Jackson:

> ***"The North was certainly not a bunch of abolitionists. There's a big difference between being anti-slavery and an abolitionist. Being anti-slavery meant that you were against the institution of slavery, that you believed in free labor and that you abhorred the institution of slavery because it undercut free labor. So if you're someone in the North who was working for $5 an hour, no one's going to pay you that wage if they can get an enslaved person to do it for free. And so there's a lot of economic and political resentment around slavery because of the way it undercuts free labor in the North. But that did not mean that you are an abolitionist. A lot of Northerners were anti-slavery, but they also still hated Black people. They also still saw them as less than human beings. The abolitionists had a unique agenda to abolish the institution of slavery, wholesale, and Black abolitionists in particular were not just engaged in the abolition of slavery but also full equality for Black people. Those things had to go hand in hand, emancipation and equality, because they understood that being anti-slavery was not sufficient. It was not enough to say that slavery was wrong. You had to actually overturn the system and then go about creating institutional enfranchisement for Black people. And that's something that a lot of Northerners were not willing to do".***

DISCUSS

> Based on Carter Jackson's quote, how would you define the differences between anti-slavery and abolition?

Teacher Note: *It may also be helpful to share these definitions, drawn from the Library of Congress:*

- ***Anti-slavery:*** *A belief system focused on the moral wrongs of the practices of slavery, including bondage, family separation, unpaid labor, and other practices of the system of slavery that violated human rights*
- ***Abolition:*** *A movement focused on ending the institution of slavery and demanding full equality and equal rights for formerly enslaved people and all African Americans*

Pair Work

- Have students organize themselves into pairs and instruct them to go back to the film clip transcript, identify and then talk through moments where they saw or heard different perspectives on Lincoln. Discuss whether he was acting in a way that was pro-slavery, anti-slavery, or abolitionist.
- Ask students whether they think of Lincoln as pro-slavery, anti-slavery, or abolitionist, using a show of hands.
- Record the numbers on a whiteboard or in a shared online space to come back to as the students move through the lessons.

DAY TWO

OPENING

Ask students to reiterate what they understand about the differences between anti-slavery and abolition.

A CLOSE VIEW: INTERVIEW THREADS

Teacher Note: *The filmmakers conducted over 30 interviews to produce* ***Lincoln's Dilemma****. The full interviews are available in the Interview Archive on the Kunhardt Film Foundation website. A selection of these interviews, edited together here to create Interview Threads and aligned to the specific lesson topic, are available for your students' learning.*

Explain to students that they are going to continue learning about the influences on Lincoln's early thinking on slavery through completing a jigsaw model using three interview threads as the "text" to study.

Step One

Using a Jigsaw Model split students into groups of three. (Remember, Jigsaw works best when you have the same number of students in each team.)

- **Thread One: Lincoln's Upbringing** Historians describe aspects of Lincoln's youth that may have influenced his thinking about slavery.
- **Thread Two: Lincoln as a Lawyer and Congressman** Historians describe Lincoln's experience and actions as a young lawyer and congressman from Illinois to shine a light on his beliefs about slavery and abolition.
- **Thread Three: Slavery and its Threat to the Union** Historians discuss how The Fugitive Slate Act, Dred Scott, and the Kansas-Nebraska Act led Lincoln and other Northerners to see slavery as increasingly important and problematic.

Step Two

Assign each student to individual Interview Threads and distribute the relevant **Interview Thread Transcript.**

Step Three

Have students watch their Interview Thread, underlining details that catch their attention and jotting down questions and insights that come to mind.

Step Four

Have the students who watched the same Threads come together in "Expert" groups to share what they learned from their historians. In Expert groups, all students will prepare a short presentation to share in their original jigsaw group, using these prompts:

- What was the main idea of your Interview Thread?
- What did you learn about events and influences that shaped Lincoln's views on slavery?
- From what you learned, how would you characterize Lincoln's stance on slavery: Was he pro-slavery, anti-slavery, abolitionist, or something in between?

**It is crucial that the Expert groups prepare themselves well so that all groups learn this important material.*

Step Five

Students return to their original Jigsaw group to share their presentation.

CLOSING

Have students individually complete their own **Learning Log for Lesson One**.

End class by having students share their answers to the final question of this log:
What important ideas do you want to remember about the struggle for freedom and equality in our nation for your final project?

HOMEWORK OR EXTENDED LEARNING

Students will use one of the following primary resources, or one they identify through their notes and questions from the film clips and/or Interview Threads, to corroborate or correct something they learned about Lincoln's stance on slavery before his rise to the presidency. Students will use evidence from the resources to write a few paragraphs summarizing what they learned and why they think it is important.

- Abraham Lincoln papers, A Bill to Abolish Slavery in the District of Columbia, January 1849.[2]
- Abraham Lincoln's Letter to Joshua Fry Speed, August 24, 1855.[3]
- "A House Divided" Speech, delivered at the Illinois Republican State Convention, Springfield, Illinois June 16, 1858.[4].

[2] https://www.loc.gov/resource/mal.0042500/?sp=1&st=text&pdfPage=1&r=-0.199,-0.071,1.398,1.398,0
[3] https://www.masshist.org/database/viewer.php?item_id=456&img_step=1&mode=dual#page1
[4] https://www.nps.gov/liho/learn/historyculture/housedivided.htm#:~:text=%22A%20house%20divided%20against%20itself,thing%2C%20or%20all%20the%20other

Lincoln's Dilemma Learning Log

What did you see or hear about Abraham Lincoln in the introductory clip that was new to you?

What questions would you like to further explore about Abraham Lincoln and his role in Emancipation and the Civil War?

Film Clips and Interview Threads

What people influenced Abraham Lincoln's ideas about slavery?

What concepts or events influenced his ideas about slavery?

What are some of the differing or conflicting interpretations of Lincoln's views on slavery that you heard or saw in the Film Clips or Interview Threads?

Questions and Notes for Final Project

What important ideas do you take away from this lesson about the struggle for freedom *and* equality in the U.S.?

If you were to represent these ideas as a memorial, monument, or other site of public memorial, what would you create?

Film Clip Transcript

Clip Two: Lincoln Emerges as an Anti-Slavery Politician

Kerri Greenidge

The abolitionist movement ended up forcing many white Americans who didn't really think about slavery because they didn't live in a slave society. It pushed many of those people to reimagine what the country would look like, which I think is a good lesson that activists can have now.

Steven Hahn

The great changes that take place in almost every society are generated by people who are out of positions of power, but who are placing demands that are increasingly formidable on those who are in positions of power.

Sean Wilentz

Lincoln's reaction was "This is a terrible thing. I don't like the Fugitive Slave Act, but it's constitutional. It's not unconstitutional," and it disappointed a lot of anti-slavery people. That's one of the reasons why Wendell Philips, the great abolitionist, later on was to refer to Abraham Lincoln as the "Slave Hound of Illinois."

Narration

Lincoln explained his feelings about the Fugitive Slave Law in a letter to his close friend, an enslaver named Joshua Speed.

Lincoln, v/o, letter to Joshua Speed

I acknowledge your rights and my obligations under the Constitution in regard to your slaves. I confess I hate to see the poor creatures hunted down and caught and carried back to their stripes and unrewarded toils, but I bite my lips and keep quiet.

Narration

By the early 1850s, it was clear that inner turmoil alone wasn't going to end slavery. In 1854, Illinois Senator Stephen A. Douglas drafted the Kansas-Nebraska Act, which ended the restriction on slavery's northward spread and let voters decide whether it should exist in new federal territories.

Sean Wilentz

It means now that all bets are off. It means now that the Slave Power [the influence of Southern slaveholders] is on the offensive. It means now that the last protections we had about possibly stopping slavery's expansion, that has been undone..

Kellie Carter Jackson

This is a pivotal moment. Where this territory goes is going to determine the fate of the nation.

Lincoln, v/o

It is wrong – wrong in its direct effect, letting slavery into Kansas and Nebraska – and wrong in its prospective principle, allowing it to spread to every other part of the wide world where men can be found inclined to take it.

James Oakes

And it was really the enactment of the Kansas-Nebraska bill that provoked Lincoln's re-entry into politics. But it's not just a re-entry into politics, it's a transformed Lincoln that enters politics because he is now, for the first time in his life, an anti-slavery politician.

Lincoln's Upbringing Interview Thread Transcript

David Reynolds

Lincoln was born in a one-room log cabin in Kentucky on property that his father had bought. And later on, Lincoln said that we had to leave Kentucky when Lincoln was quite young because of two reasons, because of real estate and slavery. Now, the real estate situation had to do with this. Kentucky had once been an extension of Virginia. And what happened is a lot of Eastern buyers bought up a lot of land out in what later became Kentucky. And they claimed ownership. They would buy 10,000 acres at a time, that kind of thing. And so, but then later explorers and settlers moved to Kentucky and purchased this land and it began a process of what was called shingling. So that technically the original owner owned the land and yet these people bought the property. It became, and sometimes properties were shingled several times where other buyers would come in and buy it. But the initial purchaser was completely left out and it became a kind of quicksand situation of real estate. And finally, Thomas Lincoln – even though he had accumulated a couple of hundred acres of land by the end, because they moved a couple of times within Kentucky – ended up indebted, technically indebted, to the original owner of the land. And he had a lien on the land and he literally had to sort of escape.

The same thing happened to Daniel Boone, who was a frontiersman. He moved there and he was living on this so-called shingled land. And he eventually had to move out of state, too. So, that was one.

Even though Thomas Lincoln never went on record as far as we know on the slavery issue, we do know that he was part of a Baptist sort of sect that broke off from the regular Baptist church because this small sect was anti-slavery. The preachers were emancipationists.

And so young Abraham Lincoln was raised in a basically emancipationist, abolitionist household. And his father who has gotten frankly kind of a bad rap from historians and biographers. And in part, because he was fundamentally illiterate or only basically literate, he was not a book reader and so forth. And people say that he sort of enslaved the young Abe by making him work for the family and everything. But the fact is, is that frontier families – that's what you did, particularly the male children, worked for the family until they were 21. And school was not that important at that point. And the father was actually known, to people who actually knew him, as an upstanding moral person. A good person who kind of took life easy, was not materialistic.

I do believe that he was fundamentally anti-slavery. And when Lincoln, who said, "I can never recall a moment in my entire life when I did not hate slavery," was not opposed to slavery. And when he looked back on childhood, he said, "I had a joyous, happy childhood in spite of our pinched circumstances." No, they never became wealthy. They kind of had a subsistence lifestyle, but if you were living on the frontier back then even during the Depression of 1819, even if the economy was sinking, you could live fairly well. If you were living off the land.

If you had a subsistence lifestyle, you could survive. You could live off the land. You grew your own vegetables and made your own food and stored it and everything. And through barter, you didn't even always need money through barter. You could trade some corn for the cloth and that kind of thing. So we think of Lincoln from being this kind of squalid poverty-stricken background, but Lincoln didn't really feel it that way. He basically looked back with happiness on his childhood.

There was kind of a difference between finances and class because what was happening in the East Coast, where they did not live, there was increasing capitalism. And yes, America was increasingly defined by success, by material accumulation. But if you lived on the frontier or on the farm, you weren't quite as conscious of that as you were if you were engaged in the whole kind of capitalist rat race. You were much more self-sufficient.

And it's kind of funny that Henry David Thoreau, he was raised in kind of a middle-class, he went to Harvard, raised in a middle-class village. And he felt he had to move to a single room log cabin to confront to engage in what he called the wild, contact with the wild and everything. Lincoln had contact with the wild from during most of his childhood. He had done his Thoreau bit already. He had lived in the single room log cabin and he was very accustomed to that. And he was naturally anti-materialistic. Lincoln was never, he was very ambitious, but he was never into things, accumulating things or status symbols or something material status symbols, or something like that.

He had kind of a natural connection, I think, with the earth. He was almost like Henry David Thoreau without having to train for it, so to speak.

James Oakes

We sometimes think of the argument against slavery as a kind of economistic abstract argument, right? That free labor is economically superior to slave labor, right? It's as opposed to a moral argument. But if you listen to the way Lincoln made that economic argument, he phrased it in biblical terms, right? And the right to the fruits of his

labor, the slave is my equal, and the equal of any living man, right?

He says it about women and the right to the fruits of her labor. The Black woman is my equal and the equal of any living man, right? It applied to men and women. It applied to Blacks and whites. The right to the fruits of your labor is not simply an economic argument for the superiority of free labor. It's a moral conviction, right? And it derives, again, from the principles expounded in the Declaration of Independence, right? The third of the three rights. It's the right to life, the right to liberty, and to the pursuit of happiness. Which included the right to the fruits of your labor.

It's very hard to say whether Lincoln felt a personal stake in that. I should tell you that it's controversial among scholars whether Lincoln actually ever said, "I was a slave," because it came as a recollection many years after, right? And, in certain ways, it's incompatible with his notion of what free labor is all about. That is, he grew up, he knew he was going to be freed when he was 21 years of age. He knew that that's the way that the free labor system worked. So I'm not entirely sure what the personal experience was.

His real personal experience was the experience of upward mobility. Which he believed slave systems thwarted, right? So he said, famously, that, "The normal expectation in a free labor system is that you start your life as a farm laborer, you grow up on a farm, you grow up on a farm, you go to work for someone else, you save enough to buy a farmer of your own, and eventually you will be sufficiently prosperous if you're hardworking and industrious and do what you're supposed to do, you will eventually end up hiring farm laborers of your own." And his experience was that, as a young man, still in his father's household, he was sent to work for others. And the fruits of his labor became his father's.

And he remembered the first time someone paid him for his own labor and that it wasn't his own money. It's very interesting. There's a very similar story that Frederick Douglass tells about having escaped from slavery, arriving in New England, arriving and getting his first job. And the first time he gets paid and realizing this was the fruits of his own labor, finally being paid, right?

So the experience of a slave coming into freedom and being paid and the experience of a young man in his father's household being paid and having to give it to his father, is in that sense, they're parallel kinds of stories, except that the son knows that when he reaches the age of 21, he's on his own and the fruits of his labor will be his own.

Sean Wilentz

Lincoln comes out of a part of Kentucky where the Baptist Church was actually very strong, and it was an anti-slavery Baptist Church. People forget, it was probably more anti-slavery, organized anti-slavery, in the border states at the time that Lincoln was a young man, 1810, 1820, than there was in the North. And the Methodists, the Baptists in particular had a very strong anti-slavery animus. That was all going to go. That was all going to disappear by the time he got to the 1840s and 50s. But earlier on in the 19th century, it was pretty strong.

Indeed, many of the migrants who start off in the border states like Kentucky, who end up in Illinois, Indiana, Illinois, were relatively, I don't want to say poor, but they were not rich, middle-class? That's not the right word. They were farmers who wanted to get away from slavery as much as anything else. Now, they just thought that it was a disgusting institution and they didn't want to be living amidst it. They also didn't like the fact that there were slaveholders who were running the show. They just wanted to get away from all of that. And Lincoln's family was like that. So they ended up in Indiana and then in Illinois.

Does it take? Abraham Lincoln is not a Baptist. Abraham Lincoln is sort of something of a free-thinker, actually, and this is part of his growth, his evolution. As a young man, he's reading Thomas Paine and people like that. And he never becomes a conventional Christian actually, despite the fact that many have tried to make him into such a thing, despite the fact that he mobilizes religious speech and particularly King James Bible, as effectively as anybody in American history has. Despite all of that, and he went to church, but he was never a particularly believing Christian. So he didn't buy the Baptist part of all of that. But I think that when he said that he was naturally anti-slavery, I think that that's part of it and it goes all the way back to his youth in Kentucky, amidst the anti-slavery Baptists.

There are many stories of Lincoln seeing coffles of slaves on his trips down the Mississippi as a river boatman and so forth, and they're true, but I don't think there was a moment where the scales suddenly fell from Abraham Lincoln's eyes, where he was one thing and then all of a sudden he discovered that slavery was a terrible thing. And that's what I think he meant by all of that. I don't think he ever had an idea that slavery was an institution or a human relation or a form of oppression that he could abide, let alone something that he could support. So that's what I think happened. He didn't go through a pro-slavery or indifference to slavery then suddenly become anti-slavery. I think it was there from the beginning.

John Stauffer

So, Lincoln's rough and tumble background was important because it helped him, in essence, become a leader. He grew up in backwoods. He had less than a year of formal education. He learned to read and write by reading the same five, six books. He was an obsessive reader and he was also blessed with being very tall, big and strong at a time in which fighting was a pastime and a kind of art

form. And he needed to know how to defend himself. So, he was very big, very strong. In fact, both Douglass and Lincoln, in essence, defined a fight as a turning point in their careers, in which they defeated an enemy in physical combat. For Douglass it was the sadistic slave owner Edward Covey. For Lincoln it was Jack Armstrong.

Lincoln grew up in these backwoods communities in which fighting was an art form. It was one of the few forms of entertainment, and it could be brutal. Lincoln's strength, his height benefited him greatly as it did Douglass. Lincoln was 6'4" in his bare feet, as he would later say. And the average height of men at that time was about 5'6". So, that gives you a sense of how much Lincoln towered over the average man. Douglass was roughly 6'1" or so. So, both were very big, strong men and that benefited them. So, to be a leader, one needed to be able, especially in the communities in which they lived, and Douglass as an African American, you had to be able to defend yourself, not just with the words, but, when it came down to it, with your muscles.

Lincoln was immensely curious. He fell in love with reading, and it was the age before common schools, and he essentially recognized the power that literacy provided. He read continually, in fact his father at times beat him when he was supposed to be farming and he wanted to read. It was one of the ways in which one could rise up. And we don't know whether it was this natural or innate inclination for reading and for literacy, but the fact is that in my view, Lincoln was, as a nonfiction writer, one of the best nonfiction writers in the United States by the time he was a politician and adult. He had the capacity to, as a political writer, to write some immensely powerful prose. He had a sense of humor, which is important, was very good. He's the kind of writer who still surprises people, and that's hard to do. And, let's face it, Lincoln grew up, it was the golden age of elocution, in which speaking and writing were one of the few forms of entertainment, especially public speaking. And so Lincoln cut his teeth on becoming an orator. It was that era before the rise of formal sports and other activities in which you could become a public person. So, if you were ambitious, if you wanted to become a leader, it was crucially important to master language and to be a good public speaker and writer.

How is it that Lincoln does not become coarsened, given the brutal rough environment and distant father that he had? I think one reason is, it's one of the virtues of reading, of literacy. Part of the power of reading a book, or listening to a story, is the capacity to empathize. To empathize with the plight of other people. Even someone whom you might perceive to be an enemy, to be able to put yourself in the position, to imagine yourself in the position of someone else. To imagine why someone else might think that they feel threatened by you actually helps to disarm the desire for revenge or the desire for not wanting to build friends and a community.

So, I could go on. I think that's one reason. Another reason was both his mother and stepmother really recognized Lincoln's passion for reading and they encouraged it, even though, at this time, his father was the leader, so to speak, of the household. But they cultivated Lincoln's passion for books.

I think the melancholy that he suffered and that plagued him on and off did serve as an important generative source to be able to imagine a better different world, to be able to reconcile differences with people who had been his enemy. And you see that both then and now there are numerous instances of melancholy being a catalyst for generation or regeneration. And that's actually now recognized in medical literature. So, it's not just a wild fantasy. That's now been documented and researched.

Lawyer and Congressman Interview Thread Transcript

Edward Ayers

For Lincoln, his political poles are defined by the Declaration of Independence – "all men are created equal" – which is a radical document, and the Constitution, which is in some ways a conservative document – it's built to conserve the United States, right? So he believes in both of those all along, right? And he doesn't believe the Constitution should be amended, it should be changed very much. But he also believes the Constitution was anti-slavery from the beginning. He points out, "It never says the word slavery. Our eloquent forefathers – you're telling me that they didn't use the words that they meant to use? No, they expected it to fade away. So that's his story. He basically has a narrative about how we came to this. And the narrative was that there was every reason to expect at the founding that slavery would fade away. The one act that they took about slavery was to stop the international slave trade 20 years later.

So he believes that he does not change the Constitution in order to combat slavery. He's tapping its intrinsic latent, meaning to do all of that. And that he believes, with things like the Dred Scott decision, that the Constitution has become corroded, distorted by actions since the founding. So he wants to get back to the purpose that drove the United States at the beginning, which was to find a comity among the states, right, to create the Union. So what he thinks now is that people who are the enemies of the United States have taken control of this. He doesn't acknowledge the legitimacy of the Confederacy. He still believes that the Slave Power conspiracy that he and other Republicans had seen with reason running everything in the 1850s are still kind of running the Confederacy. So he believes that actions against slavery are actions against an illegitimate power. It's not against the worthy purposes of Americans to do this.

Well, Lincoln, of course, was a lawyer, a Constitutionalist. And he – the general consensus of people, North and South, almost all – was that the Constitution did not give the federal government the power to directly interfere with slavery in the states where it existed. Before the Civil War, the political issue about slavery had to do with the territories, not the states. Areas that were being brought into the United States, those were under the control of Congress. Slavery was also under the control of Congress in Washington, D.C., and Lincoln felt that Congress had the power, the federal government had the power to abolish slavery in Washington, which it did in the spring of 1862. And Lincoln signed that bill.

But when it comes to direct intervention in the Southern states against slavery, Lincoln felt that was not allowed by the Constitution. Now, the whole question of the Constitution and slavery is very complicated and very murky, because the Founding Fathers did not envision a situation in which 11 states were waging war against the rest of the nation. There is nothing in the Constitution that tells you what to do in a situation like that. So people had to be making up ideas as they went along. Yes, Lincoln believes in the Constitution, and yet when the war begins, Lincoln raises troops without authorization of Congress. He raises money without authorization of Congress. He suspends the writ of habeas corpus in some places, which seems to go against the Constitution, although there's debate about that. And then when Congress meets in July 1861, Lincoln says, "I've done this, this, and this. I've gone beyond the Constitution." He doesn't say, "I violated the Constitution," but he doesn't claim that he actually adhered to the Constitution either. "I've gone beyond it," which is a very interesting way of putting it. And then he says, "I want Congress to retroactively approve everything I did," which they do.

01:19:05:02

So I don't think the Constitution is the only barrier to direct action against slavery. Partly it's the border states where Lincoln feels that if he takes direct action against slavery in the states, it'll alienate those four slave states that remained in the Union. There's a lot of pressure in the North early on to take direct action against slavery. And by saying, "Well, the Constitution doesn't allow it," that's a kind of a good argument for not doing something you don't really want to do anyway, right at the beginning. But by 1862, Lincoln does become convinced that there is what he calls this "war power." That in a situation of warfare, the Constitutional protections of slavery are stripped away. Now, this was not a new idea. John Quincy Adams had said this in Congress 20 years earlier. He says, "If there is a war, the federal government on military grounds can take action against slavery. Slavery will be a source of weakness." He's talking about a war against another country, but it would be possible for the federal government to arm Blacks as soldiers. It would be possible to free them if their presence is interfering with the war effort.

The war power. Now, the President has the war power. The President is the commander in chief of the armed forces, according to the Constitution. That's why Lincoln keeps saying eventually, the President can act, as he does in the Emancipation Proclamation. Congress cannot. Congress cannot free slaves in a state, although by the very end of the war, Lincoln has changed his mind to considerable extent about that also. So the Constitution is important,

no question about that, but Lincoln is willing to violate the Constitution when it seems absolutely necessary. And as he says somewhere, you know, "We can't let the whole government fall apart, fall to pieces because we are unwilling to violate one law, or one part of the Constitution." You have to look at the whole structure; if the fate of the nation is at stake, your Constitutional interpretation may become a lot broader than in normal times.

Kerri Greenidge

So by the 1850s, there's this battle going on, both in the streets of the United States, and also politically. Part of that had to do with in 1850, there was a law passed called the Compromise of 1850, which admitted California and Western states into the Union. But outlawed the slave trade in D.C., enacted a very strict federal Fugitive Slave Law, but also sort of had popular sovereignty for states that were coming into the United States. And so this piece of legislation was meant to be a compromise between North and the South. However, what it did was it entrenched these differences, political, cultural, and racial between the North and the South. Between those who wanted to see slavery spread into the West, and those who wanted to see industry and free labor spread into the West.

And so by the early 1850s, you had a slogan that was being chanted by many Whigs who were conscious Whigs, one of them being Charles Sumner, who... Their argument was free soil, free labor, free men. And basically what they meant by that was that the United States had to have a economic system in which people, and in most incarnations of this they meant white men, could work and they would be justly compensated for their labor, that it wouldn't be labor that they had to be coerced into doing. And so this became an entire ideology, particularly in the North that attracted people to what became the Free Soil Party, and then eventually morphed into what was called the Republican Party. And so people like Charles Sumner argued that you had free soil, free labor, free men.

But they also had this whole ideology surrounding what it meant to be a citizen. And one of the things they thought that meant was this idea of consent of the governed. The fact that as a person, you had to consent to the systems under which you lived, and that this was going to basically bring into practice what had been declared in the 1780s and 1790s in terms of republican, again, a little r, form of government.

By 1854, this had a specific urgency, this idea because of the Kansas-Nebraska Act, which basically argued or went against precedent that had existed in the country for a little over 30 years. And that precedent was that for every slave state that was admitted to the Union, you had to admit a free state. And so it set up that you would have an equal number of slave holding senators and non-slave holding senators. And with the Kansas-Nebraska Act, this actually got rid of that proclamation. It said that now, slavery could exist wherever the popular sovereignty, or the popular vote, believed that slavery should exist. So this was terrifying, particularly for people who were from the North, because it basically set up that Southern states could theoretically send people into states as they did into Kansas, had those people vote and they could create slave states out of this territory. And so the Republican Party emerged out of that maelstrom that occurs in 1854. During this time period, though, there were many or most members of this new Republican Party who were not necessarily abolitionists. In other words, they didn't necessarily think slavery should end immediately.

They did believe that free labor should exist in the West, but they often had no designs on ending slavery where it existed in the South. Abraham Lincoln emerged as a member of this Free Soil Party and then as a member of the Republican Party.

James Oakes

It is in the 1858 debates, especially at the opening of the Charleston debate where Lincoln gives his most notorious defense of certain forms of racial inequality. So if you think about equality as racial equality as operating on different levels, at the level of natural rights to life, liberty, and the pursuit of happiness. Lincoln believes in racial equality. Blacks and whites are equally entitled to freedom, equally entitled to the fruits of their labor.

If you think of equality at a different level, as the rights, the privileges and immunities of citizenship, Lincoln isn't always there, but in the 1850s he begins to suggest that Blacks and whites are equally entitled certainly to the rights of due process. And he becomes more and more explicit about that over the course of the decade. He's quite explicit about it in his inaugural address.

But there's another level of racial equality, at the level of various forms of state based discrimination, state, local discrimination of Blacks could not vote. Blacks couldn't serve on juries. Blacks couldn't testify in courts. Blacks and whites couldn't marry. And at that level, Lincoln never commits himself to that kind of racial equality. And in fact, explicitly in the debates with Douglas, explicitly disclaims any commitment to the equality of Blacks and whites at that level, at the various forms of state-based discrimination. And it is his most, should I say, this is the most offensive defense of racial inequality that we see.

Lincoln could say those things because he personally believed it. And he could say those things because he believed strategically in the state of Illinois in the 1850s, if he said anything differently, that would be the end of his political career. So it's very difficult to say there are some indications that he had earlier, in earlier speeches that he did recognize that this might not be something, these forms of discrimination might not accord with justice. But

it hardly matters in a democracy, whether it does or does not accord with justice, because we will know that the vast majority of whites will not accept the living with Blacks on a condition of complete equality.

So he's in a state that has a reputation as being one of the most racist states in the North. He knows that, and he is struggling to separate out the issue of racial equality from the issue of slavery. And in order to do that in the course of doing that, he occasionally, maybe even often descends into something like racial demagoguery. That tossing racist nuggets to the peanut gallery to make it clear to people that in his opposition to slavery, he is not advocating all the forms of racial equality that Stephen Douglas and the Democrats are jumping up and down about.

So although Lincoln always hated slavery as much as any abolitionist, he was not always as committed to racial equality. He was not committed to racial equality at the beginning of his political career, the way he was at the end of his political career. In his earliest days as a politician in the state legislature of Illinois, he was perfectly willing to use grotesque racial demagoguery in his speeches, in his attacks on his opponents. He once drafted a law that gratuitously excluded Black men from voting, things like that.

And although that kind of racial demagoguery diminishes over the course of his career, it doesn't completely disappear until the latter half of the 1850s. The way I think about this is, you could say that Lincoln's opposition to slavery, you could say was inhibited by his racial prejudices. But you could also say, and I would say, that his racial prejudices were dampened by his increasing commitment to anti-slavery. And the more committed he became to the destruction of slavery, which he does over the course of his career, and particularly over the course of the war, the more committed he became to racial equality.

David Reynolds

After his term in Congress, he was a little disillusioned by politics because he had tried to strike a moderate tone on the slavery issue although he had been behind a measure to try to abolish slavery in Washington D.C. that didn't go anywhere, but other than that, he had been a little more reticent on the slavery issue while he was in Congress. In the early 1850s, he was trying to resume his law practice and also he had a growing family in Illinois at that time. He was gone for about half of the year on the law circuit because back in those days, the individual town generally didn't have lawyers, so a whole bunch of lawyers would have to travel from town to town to town and he went around the whole... was equivalent to the area of Connecticut, his circuit around Illinois. These were years, but he was really growing at the same time. Why? His law partner William Herndon was a radical abolitionist and someone who was a big fan, not only of people like Garrison, but also very close by correspondence with the Underground Railroad figure Theodore Parker, who lived in New England. They corresponded a lot.

Also, Herndon had subscribed to many anti-slavery newspapers as well, so when Lincoln went to the office, he often had dialogues about slavery with Herndon. At the same time he was growing culturally, he was expanding his mind. Not so much on the slavery issue, but on the law circuit he was getting exposed to culture on many levels; quite often popular culture. He spent many evenings telling popular jokes and so forth with his fellow lawyers. He would go and hear popular songs and music and theater and everything. In the law office, he would be reading poetry and also reading anti-slavery newspapers and this was also the period when in the early 1850s when that American ant-slavery renaissance peaking with Uncle Tom's Cabin, this massive best seller appeared and really created a sea change in popular opinion in the North. There was the Compromise of 1850, which changed a lot of minds on slavery in the North because that has one of its bills, the Fugitive Slave Act, which plays to new harsh penalties on Northerners who assisted the flight of enslaved people who were trying to come to the North. This outraged many, many people.

Lincoln hated it. He accepted it because there is a clause in the Constitution that talks about the obligation to return fugitives from labor. He said, "I hate the law, hate it, detest it, but we have to enforce it because it's there in the Constitution." He was a little more conservative on that issue than a lot of people were because a lot of people were, at that point, they just flip-flopped and became complete anti-slavery people. As much as he hated it, he wanted to remain within the Constitution and he disagreed with William Seward's notion of higher law because Seward was a politician who later served as Secretary of State under Lincoln, but at the time, he was a senator who said, "There is a higher law than the Constitution, the law of justice to African Americans and we can't observe this horrible fugitive slave act." Lincoln wrote a little marginal thing that said, "I agree with Seward on slavery completely, but I disagree with the concept of the higher law."

John Stauffer

Lincoln was... a central part of his identity was a politician. He was a Whig politician. He loved Henry Clay and Clay's vision for ending slavery was to, first of all, modernize the country. Clay was a slave owner. And so, yeah, one could and should be very critical of Lincoln. But in my view, the reason why Lincoln was as conservative as he was in his anti-slavery views is that essentially he, what was more important to him, was his identity as a politician, than his identity as an activist.

And he felt that ultimately change, social change, political change could happen more effectively through political action than through activism. But, in order to embrace

that one had to ignore the horrors, the inhumanity that was happening with slavery, and in Illinois, just not very far away. And that was something that Lincoln, in his writings, never really grapples at length with that. There are a few instances. When he goes down to New Orleans, where he sees, he witnesses slaves firsthand. In some cases he refers, he writes about slaves as being comparatively well treated. In other instances, he recognizes the horrors, but he doesn't dwell on it. It's not something that he dwells on.

So I mean, Joshua Speed is Lincoln's closest friend. He spends time at Speed's plantation and sees slaves on the plantation, comes back, on his way back he sees these slaves. And so that's another reason why Lincoln does nothing. He essentially says it's in God's hands, that God is in part responsible for the existence of the slavery, and it will, in God's own time, there will be a solution.

And that was a very common, liberal, Northern anti-slavery perspective. Yeah, "Hey, it's not my problem. And God will take care of it at some future date, but it's just not something that I'm able to do." And that makes you feel good. On the one hand, you recognize the inhumanity, the horror, the sadism that is part of slavery. On the other hand, you can say, "Well, I'm a person of faith. I believe in a God." And the vast majority of Americans did, in my view Lincoln did, although there's a debate on this. And so it's easy to say "We'll let God take care of it."

Slavery and Its Threat to the Union Interview Thread Transcript

Edward Ayers

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

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

THE FUGITIVE SLAVE ACT OF 1850

Chris Bonner

One of the things that happens in the 1850s is that there is this sort of series of controversies surrounding fugitive slaves, or alleged fugitive slaves. There are incidents where enslaved people were found or apprehended in the Northern states and there was violent resistance on the part of abolitionists, Black and white, to the recapture of these fugitive slaves. And one of the most notable examples of this is the case of Anthony Burns in Boston in 1854. So Burns is apprehended and brought to trial. And in the midst of the trial, there is a group of Black and white abolitionists who try to violently liberate Burns from the slave catchers – the kidnappers as they would have understood them. In the process of this, the struggle that ensues, one of the kidnappers – one of the slave catchers – is killed. And so it becomes a sort of national crisis that a Southern representative is being killed by a Northerner in a fight over slavery in Boston. This is really troubling for a lot of people in the United States.

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

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

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

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

MISSOURI COMPROMISE AND KANSAS-NEBRASKA ACT

Jelani Cobb

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

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

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

Edna Greene Medford

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

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

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

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

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

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

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

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

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

Manisha Sinha

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

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

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

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

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

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

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

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

Kellie Carter Jackson

I think the Kansas-Nebraska Act is so significant because for the first time it's forcing United States citizens to choose what kind of country they want to have, or what do they want to be the driver politically and economically within the United States. And that – when we think about the introduction of new territory with Kansas, with Nebraska – this really is a stalemate, a political stalemate in a lot of ways in determining "are we going to be a country of slaves or are we going to be a slave country," right? That's a country that is, you know, the foundation is slavery. And so I think for a lot of Northerners and Lincoln being included, he's intensely uncomfortable with this idea that the United States will now be driven by this slavery economy and driven, not just financially, but driven politically in terms of what the United States looks like for the next 50, 100 years.

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

DRED SCOTT DECISION

Kate Masur

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

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

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

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

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

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

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

So the other thing is that people didn't necessarily agree the way they do now that the Supreme Court has the final word on American law. And so, a lot of... some lower courts made decisions after the Dred Scott decision that contradicted the Dred Scott decision or tried to find their way around it. State legislatures in New England passed resolutions rejecting the decision and saying it was wrongly decided and they had no obligation to abide by it. It comes up in Lincoln's debates with Douglas at the end of the 1850s, with Stephen Douglas, where Lincoln's position has been, "This case is wrongly decided." And Stephen Douglas, of course, is saying, "This is a great decision. Go, Supreme Court." So it's a very, very political decision. It's a polarizing decision that comes in 1857.

Kellie Carter Jackson

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

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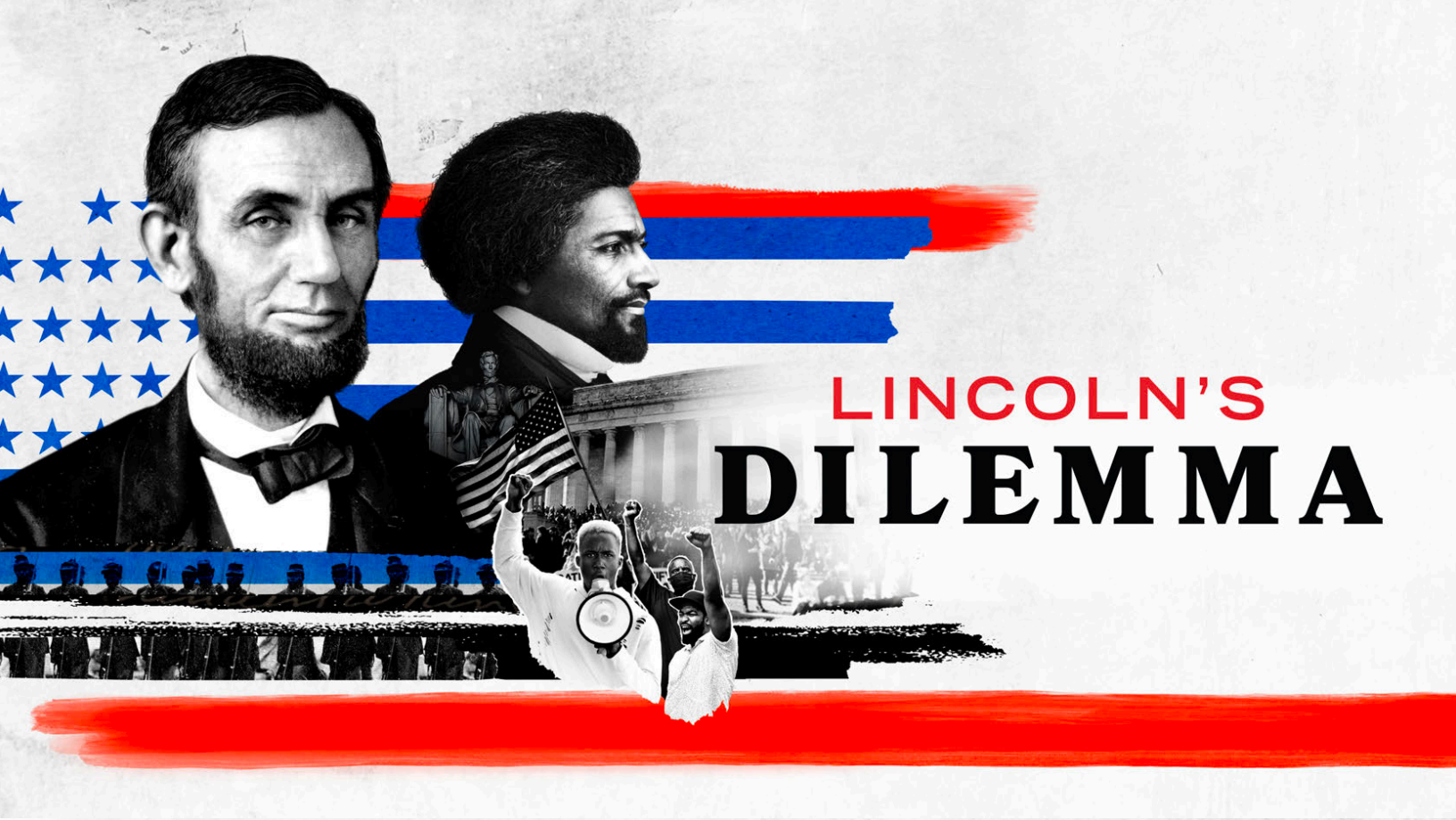
So, you know, Harriet Tubman is living in Canada at the time of the Supreme Court case. And it's this case that she says, "I have to come back. I have to come back to America. This is not right. We need to do everything that we can to make sure that the slave finds, you know, freedom." And so this case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



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