

The Missouri Compromise – Refresher Questions

Worksheet for the Missouri Compromise Interactive Map

Directions: Use the map at <http://www.teachingamericanhistory.org/neh/interactives/sectionalism/lesson1/> to answer the following questions:

Question	Answer
How did the North and South react when Missouri wanted to become a state?	
What was the Missouri Compromise?	
How did the Missouri Compromise solve the problem of keeping the balance of power in the Senate between free and slave states?	
What territory was added to the slave side? What territory was to be kept free of slavery?	
Compare the land area of the territory closed to slavery by the Missouri Compromise to the land area in open to slavery by the Missouri Compromise. Which had the most land area?	
Why would the South look to the land to the west of the borders of the U.S., in what was then part of Spain?	
Do you think this was a long term or temporary solution? Why?	

Transcript of Kansas-Nebraska Act (1854)

<http://www.ourdocuments.gov/doc.php?flash=true&doc=28&page=transcript>

An Act to Organize the Territories of Nebraska and Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the following limits...is hereby, created into a temporary government by the name of the Territory Nebraska; and when admitted as a State or States, the said Territory or any portion of the same, shall be received into the Union with [or] without slavery, as their constitution may prescribe at the time of the admission...

SEC. 10. And Be it further enacted, That the provisions of an act entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," approved February twelve, seventeen hundred and ninety-three, and the provisions of the act entitled " An act to amend, and supplementary to, the aforesaid act," approved September eighteen, eighteen hundred and fifty, be, and the same are hereby, declared to extend to and be in full force within the limits of said Territory of Nebraska.

SEC. 14. And be it further enacted...That the Constitution, and all Laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slaves in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: Provided, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

People & Events

Bleeding Kansas 1853 – 1861

Source: Africans in America, PBS, <http://www.pbs.org/wgbh/aia/part4/4p2952.html>

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

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

Douglas had entered politics early and had advanced quickly; at 21 he was Illinois state's attorney, and by age 35 he was a U.S. Senator. He strongly endorsed the idea of popular sovereignty, which allowed the settlers in a territory to decide for themselves whether or not to have slavery. Douglas was also a fervent advocate of Manifest Destiny, the idea that the United States had the God-given right and obligation to take over as much land as possible and to spread its "civilizing" influence.

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

In order to get the votes he needed, Douglas had to please Southerners. He therefore bowed to Southern wishes and proposed a bill for organizing Nebraska-Kansas which stated that the slavery question would be decided by popular sovereignty. He assumed that settlers there would never choose slavery, but did not anticipate the vehemence of the Northern response. This bill, if made into law, would repeal the Missouri Compromise of 1820, which said that slavery could not extend above the 36' 30" line. It would open the North to slavery. Northerners were outraged; Southerners were overjoyed. Douglas was stubborn. Ignoring the anger of his own party, he got President Pierce's approval and pushed his bill through both houses of Congress. The bill became law on May 30, 1854.

Nebraska was so far north that its future as a free state was never in question. But Kansas was next to the slave state of Missouri. In an era that would come to be known as "Bleeding Kansas," the territory would become a battleground over the slavery question.

The reaction from the North was immediate. Eli Thayer organized the New England Emigrant Aid Company, which sent settlers to Kansas to secure it as a free territory. By the summer of 1855, approximately 1,200 New Englanders had made the journey to the new territory, armed to fight for freedom. The abolitionist minister Henry Ward Beecher furnished settlers with Sharps rifles, which came to be known as "Beecher's Bibles."

Rumors had spread through the South that 20,000 Northerners were descending on Kansas, and in November 1854, thousands of armed Southerners, mostly from Missouri, poured over the line to vote for a proslavery congressional delegate. Only half the ballots were cast by registered voters, and at one location, only 20 of over 600 voters were legal residents. The proslavery forces won the election.

On March 30, 1855, another election was held to choose members of the territorial legislature. The Missourians, or "Border Ruffians," as they were called, again poured over the line. This time, they swelled the numbers from 2,905 registered voters to 6,307 actual ballots cast. Only 791 voted against slavery.

The new state legislature enacted what Northerners called the "Bogus Laws," which incorporated the Missouri slave code. These laws leveled severe penalties against anyone who spoke or wrote against slaveholding; those who assisted fugitives would be put to death or sentenced to ten years hard labor. (Statutes of Kansas) The Northerners were outraged, and set up their own Free State legislature at Topeka. Now there were two governments established in Kansas, each outlawing the other. President Pierce only recognized the proslavery legislature.

Most settlers who had come to Kansas from the North and the South only wanted to homestead in peace. They were not interested in the conflict over slavery, but they found themselves in the midst of a battleground. Violence erupted throughout the territory. Southerners were driven by the rhetoric of leaders such as David Atchison, a Missouri senator. Atchison proclaimed the Northerners to be "negro thieves" and "abolitionist tyrants." He encouraged Missourians to defend their institution "with the bayonet and with blood" and, if necessary, "to kill every God-damned abolitionist in the district."

As the two factions struggled for control of the territory, tensions increased. In 1856 the proslavery territorial capital was moved to Lecompton, a town only 12 miles from Lawrence, a Free State stronghold. In April of that year a three-man congressional investigating committee arrived in Lecompton to look into the Kansas troubles. The majority report of the committee found the elections to be fraudulent, and said that the free state government represented the will of the majority. The federal government refused to follow its recommendations, however, and continued to recognize the proslavery legislature as the legitimate government of Kansas.

There had been several attacks during this time, primarily of proslavery against Free State men. People were tarred and feathered, kidnapped, killed. But now the violence escalated. On May 21, 1856, a group of proslavery men entered Lawrence, where they burned the Free State Hotel, destroyed two printing presses, and ransacked homes and stores. In retaliation, the fiery abolitionist John Brown led a group of men on an attack at Pottawatomie Creek. The group, which included four of Brown's sons, dragged five proslavery men from their homes and hacked them to death.

The violence had now escalated, and the confrontations continued. John Brown reappeared in Osawatomie to join the fighting there. Violence also erupted in Congress itself. The abolitionist senator Charles Sumner delivered a fiery speech called "The Crime Against Kansas," in which he accused proslavery senators, particularly Atchison and Andrew Butler of South Carolina, of [cavorting (associating) with the] "harlot (whore), Slavery." In retaliation, Butler's nephew, Congressman Preston Brooks, attacked Sumner at his Senate desk and beat him senseless with a cane.

In September of 1856, a new territorial governor, John W. Geary, arrived in Kansas and began to restore order. The last major outbreak of violence was the Marais des Cynges massacre, in which Border Ruffians killed five Free State men. In all, approximately 55 people died in "Bleeding Kansas."

Several attempts were made to draft a constitution which Kansas could use to apply for statehood. Some versions were proslavery, others free state. Finally, a fourth convention met at Wyandotte in July 1859, and adopted a free state constitution. Kansas applied for admittance to the Union. However, the proslavery forces in the Senate strongly opposed its free state status, and stalled its admission. Only in 1861, after the Confederate states seceded, did the constitution gain approval and Kansas become a state.

Name: _____ Period: _____ Date: _____

Conflict in Kansas Cause & Effect Chain of Events

1. Kansas Nebraska Act -



2. Reaction to Kansas Nebraska Act -



3. Bleeding Kansas -



4. Kansas – Final Status -

***Dred Scott v. Sandford* (1857) Background Summary & Questions**

<http://www.landmarkcases.org/dredscott/background3.html>

Had he filed his lawsuit a few years earlier, Dred Scott probably never would have become a giant figure in U.S. history. Many people in Scott's position had won their lawsuits in state trial courts. However, by the time Scott's case made it to trial, U.S. political sentiments had changed and it took 11 years for his case to reach the Supreme Court of the United States. The Court's decision in *Dred Scott v. Sandford* remains among its most controversial.

Slavery was at the root of Dred Scott's case. He sued his master to obtain freedom for himself and his family. The argument he used was that because he had lived in a territory where slavery was illegal, he could never again be enslaved. This was a doctrine that was recognized in common law for centuries in Europe. In the state where he filed his suit, Missouri, many people in his situation had sued their masters for their freedom and won.

Dred Scott was born a slave in Virginia around 1799. In 1834, Dr. John Emerson, a surgeon in the U.S. army, bought Scott in Missouri and moved him to Illinois. Illinois was a free state. In 1836, Scott and Emerson moved to Fort Snelling, in present-day Minnesota. In the Missouri Compromise of 1820, Congress had prohibited slavery in the area that included Fort Snelling. Emerson bought a slave named Harriet and Scott married her in 1836. In 1838, Emerson and the Scotts moved back to Missouri. The Scotts had two daughters, Eliza, born around 1843, and Lizzie, born around 1850.

Emerson died in 1843 and he left his possessions, including the Scotts, to his widow, Irene. They lived in St. Louis, Missouri. In 1846, Dred Scott asked Mrs. Emerson if he could work for money. If he could earn and save money, he could buy his freedom from Mrs. Emerson. According to Scott, she refused.

Scott sued Mrs. Emerson for "false imprisonment" and for battery. It was common for slaves who had been taken to free land to sue their masters and win their freedom. Scott sued Mrs. Emerson, claiming that Emerson held him illegally. Scott claimed that he had become a free man as soon as he lived in a free territory or state and then was taken against his will to a slave territory or state. In 1847, Emerson was able to win in Missouri Circuit court on a technicality; Scott's lawyers failed to prove to the jury that Emerson was holding Scott as a slave. Scott's lawyers successfully argued for a retrial with additional witnesses that could prove Emerson's ownership of Scott.

By the time the case went to trial in 1850, Mrs. Emerson had moved to Massachusetts and left John F.A. Sanford, her brother, in charge of her financial matters, including the Scott case. The jury agreed that Scott and his family should be free because of the doctrine "once free, always free." Sanford, acting for his sister, appealed to the Missouri Supreme Court. In 1852, two of the three judges found in favor of Mrs. Emerson and John Sanford. The decision consciously reversed earlier precedent. The newly elected proslavery justice, William Scott, wrote the decision, arguing that states like Missouri must have the power to refuse to enforce the laws of other states. Thus, regardless of wherever else Scott had been with his master, slavery was legal in Missouri.

Dred Scott's lawyers could have appealed the decision to the Supreme Court of the United States, but they feared that a majority of the justices would simply endorse the state court decision without considering its merits. By 1853, John Sanford was legally recognized as the owner of the Scotts. Sanford had moved to New York, leaving the Scotts in Missouri. Since federal courts settle the dispute between citizens of different states, Scott was able to sue Sanford in federal court in a new case. A clerk mistakenly added a letter to Sanford's name, so the case permanently became *Dred Scott v. John F. A. Sandford*.

In 1854, the U. S. Court for the District of Missouri heard the case. Judge Robert W. Wells rejected Sanford's assertion that Scott could not sue because he was not a citizen. However, the judge instructed the jury that, as the Missouri Supreme Court had said, Scott was subject only to the laws of Missouri. The jury found for Sanford. Scott then appealed to the Supreme Court of the United States.

Unfortunately for Scott, the political divisions over slavery worsened from the time that his case first came to trial in 1847 through 1857 when the Supreme Court of the United States finally announced its decision. Events of this period that increased conflicts included the passage of the Fugitive Slave Act (1850), publication of *Uncle Tom's Cabin* (1852), enactment of The Kansas-Nebraska Act (1854), violence in "bleeding Kansas" (1856), and Representative Brooks's beating of Senator Sumner in the U.S. Senate (1856). Like almost all people of their time, the justices had strong personal views about slavery. One justice, *Peter V. Daniel of Virginia*, supported slavery so much that he even refused to travel north of the Mason-Dixon line into a free state. Some historians believe that Chief Justice Taney hoped that his decision in the Dred Scott case would help prevent, not create future disputes over slavery.

Questions to Consider:

Dred Scott was the plaintiff (the person who sued the defendant) in this case. Why did he sue the Emersons and John Sanford? What was his goal?

Summarize the basic argument that Scott's lawyers used to support his case. Did Dred Scott have reason to believe that he would win his case?

Why was a new case brought to the federal court system? What circumstances made the case a federal question?

How do you think the bitter political climate of the day affected Dred Scott's chances of winning his case?

Dred Scott v. Sandford (1857)

Key Excerpts from the Majority Opinion

<http://www.landmarkcases.org/dredscott/majority.html>

The decision was 7 to 2.

Chief Justice Roger B. Taney delivered the opinion of the Court.

...Can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen? One of which rights is the privilege of suing in a court of the United States in the cases specified in the Constitution.

We think they [people of African ancestry] are not [citizens], and that they are not included, and were not intended to be included, under the word "citizens" in the Constitution, and can therefore claim none of the rights and privileges which that instrument provides for and secures to citizens of the United States.

...[T]he legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument.

The act of Congress, upon which the plaintiff relies, declares that slavery and involuntary servitude, except as a punishment for crime, shall be forever prohibited in all that part of the territory ceded by France, under the name of Louisiana, which lies north of thirty-six degrees thirty minutes north latitude, and not included within the limits of Missouri. And the difficulty which meets us at the threshold of this part of the inquiry is, whether Congress was authorized to pass this law under any of the powers granted to it by the Constitution; for if the authority is not given by that instrument, it is the duty of this court to declare it void and inoperative, and incapable of conferring freedom upon any one who is held as a slave under the laws of any one of the States.

...[T]he rights of private property have been guarded with . . . care. Thus the rights of property are united with the rights of person, and placed on the same ground by the fifth amendment to the Constitution, which provides that no person shall be deprived of life, liberty, and property, without due process of law. And an act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself or brought his property into a particular Territory of the United States, and who had committed no offence against the laws, could hardly be dignified with the name of due process of law.

Upon these considerations, it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned, is not warranted by the Constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident.

Upon the whole, therefore, it is the judgment of this court, that it appears by the record before us that the plaintiff in error is not a citizen of Missouri, in the sense in which that word is used in the Constitution; and that the Circuit Court of the United States, for that reason, had no jurisdiction in the case, and could give no judgment in it. Its judgment for the defendant must, consequently, be reversed, and a mandate issued, directing the suit to be dismissed for want of jurisdiction.

Questions to Consider:

Why does Chief Justice Taney believe that Dred Scott is not a citizen of the United States? Why is this issue important for the case?

What is Chief Justice Taney's reasoning for declaring that the Missouri Compromise is unconstitutional? Why is this issue important for the case?

Since Chief Justice Taney first determined that Dred Scott did not have standing to sue in federal court (and therefore that the federal court system had no jurisdiction in this case), do you think Chief Justice Taney had authority to comment on the constitutionality of the Missouri Compromise? Why or why not?

Why do you suppose Chief Justice Taney extended his opinion to address the constitutionality of the Missouri Compromise?

Name: _____ Period: _____ Date: _____

Part I: Collapse of Compromise and a Nation Document Analysis Sheet

Document Title: _____

Party Affiliation: (Circle One)

Republican

Northern Democrat

Southern Democrat

Constitutional Union

Topic: (Circle One):

Kansas-Nebraska Act

Scott v. Sandford

Speaker:

Occasion:

Audience:

Purpose:

Subject/summary:

Tone:

Part II: Party Group Collaboration

Directions: Share information with your party members to complete this sheet.

1. What is your party's position on the Kansas Nebraska Act? Why do they hold that position? Make sure to include evidence from the documents to support your answer.

2. What is your party's position on the Supreme Court ruling in *Scott v. Sandford*? Why do they hold that position? Make sure to include evidence from the documents to support your answer.

3. Write a draft of a "stump speech" that a member of your party will present to the class.
Make sure to describe your party's platform – position on the Kansas and Nebraska Act and the Dred Scott case, and why your party's election would be beneficial for the country.

Name: _____ Period: _____ Date: _____

The Election of 1860

Candidate	Party	View on Slavery, Kansas, & Dred Scott Case	% of Popular Vote	Electoral Vote
Abraham Lincoln				
Stephen Douglas				
John Breckinridge				
John Bell				

1. What was significant about Lincoln's election? What impact did the Republican victory in 1860 have?

