10

Chief Justice Roger B. Taney Rules against Dred Scott (1857)

Andrew Jackson appointed Roger B. Taney to be chief justice of the Supreme Court in 1835. A citizen of Maryland, Taney had emancipated his slaves some years before, yet he remained extremely sensitive to the security of slavery, bitterly resented the antislavery movement in the North, and was anxious to erect additional constitutional safeguards for the institution. Although every justice issued an opinion in the Dred Scott case, Taney's was considered the most important majority opinion. Certainly his opinion attracted the most attention and stirred up the greatest controversy, particularly his assertion that blacks could not be citizens of the United States and his pronouncement that Congress had no power to prohibit slavery from a territory. In his opinion, Taney did not adopt Calhoun's argument that in governing the territories Congress acted as the agent of all the states. Instead, he relied on the constitutional protection of property and the due process clause of the Fifth Amendment.

When a plantiff sues in a court of the United States, it is necessary that he should show, in his pleading, that the suit he brings is within the jurisdiction of the court, and that he is entitled to sue there. . . . And if the plaintiff claims a right to sue in a Circuit Court of the United States, under that provision of the Constitution which gives jurisdiction in controversies between citizens of different States, he must distinctly aver in his pleading that they are citizens of different States; and he cannot maintain his suit without showing that fact in the pleadings. . . .

It becomes necessary, therefore, to determine who were citizens of the several States when the Constitution was adopted. And in order to do this, we must recur to the Governments and institutions of the thirteen colonies, when they separated from Great Britain and formed new sovereignties, and took their places in the family of independent nations. We must inquire who, at that time, were recognised as the people or citizens of a State, whose rights and liberties had been outraged by the English Government; and who declared their independence, and assumed the powers of Government to defend their rights by force of arms.

In the opinion of the court, the 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 be-

tom *Dred Scott v. John F. A. Sanford,* 19 Howard (1857), p. 393–454.

come 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.

It is difficult at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted. But the public history of every European nation displays it in a manner too plain to be mistaken.

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. . . . This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute. . . .

This state of public opinion had undergone no change when the Constitution was adopted, as is equally evident from its provisions and language.

. . . There are two clauses in the Constitution which point directly and specifically to the negro race as a separate class of persons, and show clearly that they were not regarded as a portion of the people or citizens of the Government then formed.

One of these clauses reserves to each of the thirteen States the right to import slaves until the year 1808, if it thinks proper. . . . And by the other provision the States pledge themselves to each other to maintain the right of property of the master, by delivering up to him any slave who may have escaped from his service, and be found within their respective territories. . . .

And upon a full and careful consideration of the subject, the court is of opinion, that . . . Dred Scott was not a citizen of Missouri within the meaning of the Constitution of the United States, and not entitled as such to sue in its courts; and, consequently, that the Circuit Court had no jurisdiction of the case, and that the judgment on the plea in abatement is erroneous. . . .

We proceed, therefore, to inquire whether the facts relied on by the plaintiff entitled him to his freedom. . . .

In considering this part of the controversy, two questions arise: 1. Was he, together with his family, free in Missouri by reason of the stay in the territory of the United States hereinbefore mentioned? And 2. If they were not, is Scott himself free by reason of his removal to Rock Island, in the State of Illinois, as stated in the above admissions?

We proceed to examine the first question.

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. . . .

The counsel for the plaintiff has laid much stress upon that article in the Constitution which confers on Congress the power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States;" but, in the judgment of the court, that provision has no bearing on the present controversy, and the power there given, whatever it may be, is confined, and was intended to be confined, to the territory which at that time belonged to, or was claimed by, the United States, and was within their boundaries as settled by the treaty with Great Britain, and can have no influence upon a territory afterwards acquired from a foreign Government. . . .

. . . The Territory being a part of the United States, the Government and the citizen both enter it under the authority of the Constitution, with their respective right defined and marked out; and the Federal Government can exercise no power over his person or property, beyond what that

instrument confers, nor lawfully deny any right which it has reserved. . . .

. . . The rights of private property have been guarded with equal 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.

. . . If the Constitution recognises the right of property of the master in a slave, and makes no distinction between that description of property and other property owned by a citizen, no tribunal, acting under the authority of the United States, whether it be legislative, executive, or judicial, has a right to draw such a distinction, or deny to it the benefit of the provisions and guarantees which have been provided for the protection of private property against the encroachments of the Government.

. . . The right of property in a slave is distinctly and expressly affirmed in the Constitution. The right to traffic in it, like an ordinary article of merchandise and property, was guarantied to the citizens of the United States, in every State that might desire it, for twenty years. And the Government in express terms is pledged to protect it in all future time, if the slave escapes from his owner. This is done in plain words—too plain to be misunderstood. And no word can be found in the Constitution which gives Congress a greater power over slave property, or which entitles property of that kind to less protection than property of any other description. The only power conferred is the power coupled with the duty of guarding and protecting the owner in his rights.

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.

11

Associate Justice Benjamin R. Curtis Dissents in the Dred Scott Case (1857)

The most important dissent in the Dred Scott case was filed by Justice Benjamin R. Curtis of Massachusetts. Curtis's opinion, which was carefully researched and precisely argued, effectively challenged Taney's arguments by invoking both historical fact and judicial precedent. Stung by Curtis's rigorous argument, Taney, in an unusual move, inserted additional material in his original opinion as delivered from the bench before publishing it. He also personally assailed his judicial colleague, which led a disgusted Curtis to resign from the Supreme Court. Curtis insisted that African Americans could be citizens of the United States and affirmed the long-accepted power of Congress to prohibit slavery from the territories.

Under the allegations contained in this plea, and admitted by the demurrer, the question is, whether any person of African descent, whose ancestors were sold as slaves in the United States, can be a citizen of the United States. . . .

To determine whether any free persons, descended from Africans held in slavery, were citizens of the United States under the Confederation, and consequently at the time of the adoption of the Constitution of the United States, it is only necessary to know whether any such persons were citizens of either of the States under the Confederation, at the time of the adoption of the Constitution.

Of this there can be no doubt. At the time of the ratification of the Articles of Confederation, all free native-born inhabitants of the States of New Hampshire, Massachusetts, New York, New Jersey, and North Carolina, though descended from African slaves, were not only citizens of those States, but such of them as had the other necessary qualifications possessed the franchise of electors, on equal terms with other citizens. . . .

I can find nothing in the Constitution which . . . deprives of their citizenship any class of persons who were citizens of the United States at the time of its adoption, or who should be native-born citizens of any State after its adoption. . . . And my opinion is, that, under the Constitution of the United States, every free person born on the soil of a State, who is a citizen of that State by force of its Constitution or laws, is also a citizen of the United States. . . .

I dissent, therefore, from that part of the opinion of the majority of the court, in which it is held that a person of African descent cannot be a citizen of the United States; and I regret I must go further, and dissent both from what I deem their assumption of authority to examine the constitutionality of the act of Congress commonly called the Missouri compromise act, and the grounds and conclusions announced in their opinion. . . .

FROM *Dred Scott v. John F. A. Sanford*, 19 Howard (1857), pp. 571–633.

The residence of the plaintiff in the State of Illinois, and the residence of himself and his wife in the territory acquired from France lying north of latitude thirty-six degrees thirty minutes, and north of the State of Missouri, are each relied on by the plaintiff in error. As the residence in the territory affects the plaintiff's wife and children as well as himself, I must inquire what was its effect.

The general question may be stated to be, whether the plaintiff's *status*, as a slave, was so changed by his residence within that territory, that he was not a slave in the State of Missouri, at the time this action was brought. . . .

But if the acts of Congress on this subject are valid, the law of the Territory of Wisconsin, within whose limits the residence of the plaintiff and his wife, and their marriage and the birth of one or both of their children, took place, falls under the first category, and is a law operating directly on the *status* of the slave. By the eighth section of the act of March 6, 1820, (3 Stat. at Large, 548,) it was enacted that, within this Territory, "slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided, always*, that any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid."

By the act of April 20, 1836, (4 Stat. at Large, 10,) passed in the same month and year of the removal of the plaintiff to Fort Snelling, this part of the territory ceded by France, where Fort Snelling is, together with so much of the territory of the United States east of the Mississippi as now constitutes the State of Wisconsin, was brought under a Territorial Government, under the name of the Territory of Wisconsin. By the eighteenth section of this act, it was enacted, "That the inhabitants of this Territory shall be entitled to and enjoy all and singular the rights, privileges, and advantages, granted and secured to the people of the Territory of the United States northwest of the river Ohio, by the articles of compact contained in the ordinance

for the government of said Territory, passed on the 13th day of July, 1787; and shall be subject to all the restrictions and prohibitions in said articles of compact imposed upon the people of the said Territory." The sixth article of that compact is, "there shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted." . . .

It would not be easy for the Legislature to employ more explicit language to signify its will that the *status* of slavery should not exist within the Territory, than the words found in the act of 1820, and in the ordinance of 1787. . . .

I have thus far assumed, merely for the purpose of the argument, that the laws of the United States, respecting slavery in this Territory, were constitutionally enacted by Congress. It remains to inquire whether they are constitutional and binding laws.

. . . It is insisted, that whatever other powers Congress may have respecting the territory of the United States, the subject of negro slavery forms an exception.

The Constitution declares that Congress shall have power to make "*all* needful rules and regulations" respecting the territory belonging to the United States.

The assertion is, though the Constitution says all, it does not mean all—though it says all, without [*sic*] qualification, it means all except such as allow or prohibit slavery. It cannot be doubted that it is incumbent on those who would thus introduce an exception not found in the language of the instrument, to exhibit some solid and satisfactory reason, drawn from the subject-matter or the purposes and objects of the clause, the context, or from other provisions of the Constitution, showing that the words employed in this clause are not to be understood according to their clear, plain, and natural signification. . . .

. . . [In] eight distinct instances, beginning with the first Congress, and coming down to the year 1848, . . . Congress has excluded slavery from the territory of the United States; and six distinct instances in which Congress organized Governments of Territories by which slavery was recognised and continued, beginning also with the first Congress, and coming down to the year 1822. These acts were severally signed by seven Presidents of the United States, beginning with General Washington, and coming regularly down as far as Mr. John Quincy Adams, thus including all who were in public life when the Constitution was adopted.

If the practical construction of the Constitution contemporaneously with its going into effect, by men intimately acquainted with its history from their personal participation in framing and adopting it, and continued by them through a long series of acts of the gravest importance, be entitled to weight in the judicial mind on a question of construction, it would seem to be difficult to resist the force of the acts above adverted to. . . .

Looking at the power of Congress over the Territories as of the extent just described, what positive prohibition exists in the Constitution, which restrained Congress from enacting a law in 1820 to prohibit slavery north of thirty-six degrees thirty minutes north latitude?

The only one suggested is that clause in the fifth article of the amendments of the Constitution which declares that no person shall be deprived of his life, liberty, or property, without due process of law. . . .

Slavery, being contrary to natural right, is created only by municipal law. This is not only plain in itself, and agreed by all writers on the subject, but is inferable from the Constitution, and has been explicitly declared by this court. . . .

Is it conceivable that the Constitution has conferred the right on every citizen to become a resident on the territory of the United States with his slaves, and there to hold them as such, but has neither made nor provided for any municipal regulations which are essential to the existence of slavery?

Is it not more rational to conclude that they who framed and adopted the Constitution were aware that persons held to service under the laws of a State are property only to the extent and under the conditions fixed by those laws; that they must cease to be available as property, when their owners voluntarily place them permanently within another jurisdiction, where no municipal laws on the subject of slavery exist; and that, being aware of

these principles, and having said nothing to interfere with or displace them, . . . and having empowered Congress to make all needful rules and regulations respecting the territory of the United States, it was their intention to leave to the discretion of Congress what regulations, if any, should be made concerning slavery therein?

. . . I am of opinion that so much of the several acts of Congress as prohibited slavery and involuntary servitude within that part of the Territory of Wisconsin lying north of thirty-six degrees thirty minutes north latitude, and west of the river Mississippi, were constitutional and valid laws.

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FROM Roy P.
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sity Press, 19
312–15, 322,

“Mud Sill” Speech

James Henry Hammond

March 4, 1858

> *[I had earlier distributed South Carolina Senator James Hammond’s “Cotton is King” speech, delivered on the floor of the Senate in response to an antislavery speech by NY Senator William Seward. This is the second half of the same speech, in which Hammond contrasts the slave labor system of the South with the so-called “free-labor system” of the North. He argues for the superiority of the slave-labor system, asserting that the northern system is largely a fraud, and insisting that through slavery a higher level of civilization can be attained.]*

. . . . [S]ir, the greatest strength of the South arises from the harmony of her political and social institutions. This harmony gives her a frame of society, the best in the world, and an extent of political freedom, combined with entire security, such as no other people ever enjoyed upon the face of the earth.

In all social systems there must be a class to do the menial duties, to perform the drudgery of life. That is, a class requiring but a low order of intellect and but little skill. Its requisites are vigor, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, civilization, and refinement. It constitutes the very mud-sill of society and of political government; and you might as well attempt to build a house in the air, as to build either the one or the other, except on this mud-sill. Fortunately for the South, she found a race adapted to that purpose to her hand. A race inferior to her own, but eminently qualified in temper, in vigor, in docility, in capacity to stand the climate, to answer all her purposes. We use them for our purpose, and call them slaves. We found them slaves by the common “consent of mankind,” which, according to Cicero, “lex naturae est.” The highest proof of what is nature’s law. We are old-fashioned at the South yet; slave is a word discarded now by “ears polite;” I will not

characterize that class at the North by that term; but you have it; it is there; it is everywhere; it is eternal.

The senator from New York said yesterday that the whole world had abolished slavery. Aye, the name, but not the thing; all the powers of the earth cannot abolish that. God only can do it when he repeals the fiat, "the poor ye always have with you;" for the man who lives by daily labor, and scarcely lives at that, and who has to put out his labor in the market, and take the best he can get for it; in short, your whole hireling class of manual laborers and "operatives," as you call them, are essentially slaves. The difference between us is, that our slaves are hired for life and well compensated; there is no starvation, no begging, no want of employment among our people, and not too much employment either. Yours are hired by the day, not cared for, and scantily compensated, which may be proved in the most painful manner, at any hour in any street of your large towns. Why, you meet more beggars in one day, in any single street of the city of New York, than you would meet in a lifetime in the whole South. We do not think that whites should be slaves either by law or necessity. Our slaves are black, of another and inferior race. The status in which we have placed them is an elevation. They are elevated from the condition in which God first created them, by being made our slaves. None of that race on the whole face of the globe can be compared with the slaves of the South. They are happy, content, unaspiring, and utterly incapable, from intellectual weakness, ever to give us any trouble by their aspirations. Yours are white, of your own race; you are brothers of one blood. They are your equals in natural endowment of intellect, and they feel galled by their degradation. Our slaves do not vote. We give them no political power. Yours do vote, and, being the majority, they are the depositories of all your political power. If they knew the tremendous secret, that the ballot-box is stronger than "an army with banners," and could combine, where would you be? Your society would be reconstructed, your government overthrown, your property divided, not as they have mistakenly attempted to initiate such proceedings by

meeting in parks, with arms in their hands, but by the quiet process of the ballot-box. You have been making war upon us to our very hearthstones. How would you like for us to send lecturers and agitators North, to teach these people this, to aid in combining, and to lead them? . . .

Transient and temporary causes have thus far been your preservation. The great West has been open to your surplus population, and your hordes of semi-barbarian immigrants, who are crowding in year by year. They make a great movement, and you call it progress. Whither? It is progress; but it is progress toward vigilance committees. The South have sustained you in great measure. You are our factors. You fetch and carry for us. One hundred and fifty million dollars of our money passes annually through your hands. Much of it sticks; all of it assists to keep your machinery together and in motion. Suppose we were to discharge you; suppose we were to take our business out of your hands; – we should consign you to anarchy and poverty. You complain of the rule of the South; that has been another cause that has preserved you. We have kept the government conservative to the great purposes of the Constitution. We have placed it, and kept it, upon the Constitution; and that has been the cause of your peace and prosperity. The senator from New York says that that is about to be at an end; that you intend to take the government from us; that it will pass from our hands into yours. Perhaps what he says is true; it may be; but do not forget—it can never be forgotten— it is written on the brightest page of human history— that we, the slaveholders of the South, took our country in her infancy, and, after ruling her for sixty out of the seventy years of her existence, we surrendered her to you without a stain upon her honor, boundless in prosperity, incalculable in her strength, the wonder and admiration of the world. Time will show what you will make of her; but no time can diminish our glory or your responsibility.

7

HINTON ROWAN HELPER

Slavery Impedes the Progress and Prosperity of the South (1857)

Hinton Rowan Helper's was a unique voice before the Civil War. The son of a North Carolina farmer, he published a book in 1857, The Impending Crisis of the South, *analyzing the South's economic and social condition. Helper's book was unusual in that it was an attack on slavery by a non-slaveholding southern white. In his book, Helper marshaled a number of statistics from the U.S. Census in order to demonstrate to his satisfaction that slavery retarded the South's economic development and economically harmed the non-slaveholding white majority. An inveterate foe of the slaveholding aristocracy, he urged non-slaveholders to take political control of the South and abolish slavery. Despite urging the end of slavery, Helper was a strong racist with no sympathy for blacks, whom he wanted removed from the South. He later explained that his book "was* not *written in behalf of the negroes . . . but in behalf of the* whites." *While roundly condemned in the South as insurrectionary and banned by some southern states, Helper's book attracted little notice until the Republican party decided to issue it as a campaign tract for the 1860 presidential election. In the following selection, he discusses slavery and the South's economic condition.*

It is a fact well known to every intelligent Southerner that we are compelled to go to the North for almost every article of utility and adornment, from matches, shoepegs and paintings up to cotton-mills, steamships and statuary; that we have no foreign trade, no princely merchants, nor respectable artists; that, in comparison with the free states, we contribute nothing to the literature, polite arts and inventions of the age; that, for want of profitable employment at home, large numbers of our native population find themselves necessitated to emigrate to the West, whilst the free states retain not only the larger proportion of those born within their own limits, but induce, annually, hundreds of thousands of foreigners to settle and remain amongst them; . . . that, owing to the absence of a proper system of business amongst us, the North becomes, in one way or another, the proprietor and dispenser of all our floating wealth, and that we are dependent on Northern capitalists for the means necessary to build our railroads, canals and other public improvements; . . . and that nearly all the profits arising from the exchange of commodities, from insurance and shipping offices, and from the thousand and one industrial pursuits of the country, accrue to the North, and are there invested in the erection of those magnificent cities and stupendous works of art which dazzle the eyes of the South, and attest the superiority of free institutions!

. . . All the world sees . . . that, in comparison with the Free States, our agricultural resources have been greatly exaggerated, misunderstood and mismanaged; and that, instead of cultivating

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FROM Hinton R. Helper, *The Impending Crisis of the South*, ed. George Frederickson (orig. 1857; Cambridge: Harvard University Press, 1968), pp. 21–33, 40–41.

among ourselves a wise policy of mutual assistance and co-operation with respect to individuals, and of self-reliance with respect to the South at large, instead of giving countenance and encouragement to the industrial enterprises projected in our midst, and instead of building up, aggrandizing and beautifying our own States, cities and towns, we have been spending our substance at the North, and are daily augmenting and strengthening the very power which now has us so completely under its thumb.

. . . The causes which have impeded the progress and prosperity of the South, which have dwindled our commerce, and other similar pursuits, into the most contemptible insignificance; sunk a large majority of our people in galling poverty and ignorance, rendered a small minority conceited and tyrannical, and driven the rest away from their homes; entailed upon us a humiliating dependence on the Free States; disgraced us in the recesses of our own souls, and brought us under reproach in the eyes of all civilized and enlightened nations—may all be traced to one common source . . . *Slavery!*

Reared amidst the institution of slavery, believing it to be wrong both in principle and in practice, and having seen and felt its evil influences upon individuals, communities and states, we deem it a duty, no less than a privilege, to enter our protest against it, and to use our most strenuous efforts to overturn and abolish it! . . . We are not only in favor of keeping slavery out of the territories, but, carrying our opposition to the institution a step further, we here unhesitatingly declare ourself in favor of its immediate and unconditional abolition, in every state in this confederacy, where it now exists! Patriotism makes us a freesoiler; state pride makes us an emancipationist; a profound sense of duty to the South makes us an abolitionist; a reasonable degree of fellow feeling for the negro, makes us a colonizationist.

. . . Nothing short of the complete abolition of slavery can save the South from falling into the vortex of utter ruin. Too long have we yielded a submissive obedience to the tyrannical domination of an inflated oligarchy; too long have we tolerated their arrogance and self-conceit; too long have we submitted to their unjust and savage exactions. Let us now wrest from them the sceptre of power, establish liberty and equal rights throughout the land, and henceforth and forever guard our legislative halls from the pollutions and usurpations of pro-slavery demagogues.

. . . It is not so much in its moral and religious aspects that we propose to discuss the question of slavery, as in its social and political character and influences. To say nothing of the sin and the shame of slavery, we believe it is a most expensive and unprofitable institution; and if our brethren of the South will but throw aside their unfounded prejudices and preconceived opinions, and give us a fair and patient hearing, we feel confident that we can bring them to the same conclusion. Indeed, we believe we shall be enabled—not alone by our own contributions, but with the aid of incontestable facts and arguments which we shall introduce from other sources—to convince all true-hearted, candid and intelligent Southerners . . . that slavery, and nothing but slavery, has retarded the progress and prosperity of our portion of the Union; depopulated and impoverished our cities by forcing the more industrious and enterprising natives of the soil to emigrate to the free states; brought our domain under a sparse and inert population by preventing foreign immigration; made us tributary to the North, and reduced us to the humiliating condition of mere provincial subjects in fact, though not in name.

. . . Agriculture, it is well known, is the sole boast of the South; and, strange to say, many pro-slavery Southerners, who, in our latitude, pass for intelligent men, are so puffed up with the idea of our importance in this respect, that they speak of the North as a sterile region, unfit for cultivation, and quite dependent on the South for the necessaries of life! Such rampant ignorance ought to be knocked in the head! We can prove that the North produces greater qualities of bread-stuffs than the South! Figures shall show the facts. Properly, the South has nothing left to boast of; the North has surpassed her in everything, and is going farther and farther ahead of her every day.

. . . We have two objects in view; the first is to open the eyes of the non-slaveholders of the South, to the system of deception, that has so long been practiced upon them, and the second is to show slaveholders themselves—we have reference only to those who are not too perverse, or ignorant, to perceive naked truths—that free labor is far more respectable, profitable, and productive, than slave labor. In the South, unfortunately, no kind of labor is either free or respectable. Every white man who is under the necessity of earning his bread, by the sweat of his brow, or by manual labor, in any capacity, no matter how unassuming in deportment, or exemplary in morals, is treated as if he was a loathsome beast, and shunned with the utmost disdain. His soul may be the very seat of honor and integrity, yet without slaves—himself a slave—he is accounted as nobody, and would be deemed intolerably presumptuous, if he dared to open his mouth, even so wide as to give faint utterance to a three-lettered monosyllable, like yea or nay, in the presence of an august knight of the whip and the lash.

House Divided Speech

Abraham Lincoln

June 16, 1858

> *[The "House Divided" speech was Lincoln's acceptance speech following the Illinois State Convention in Springfield nominating him as the Republican candidate for the United States Senate. It also turned out to be one of Lincoln's most controversial speeches: his opponent in the race, Stephen Douglas, attacked it during their debates as an abolitionist declaration. Lincoln gave the speech out of concern that various Eastern Republicans had spoken of Douglas as a viable antislavery candidate following Douglas' disavowal of the proposed Lecompton Constitution. Lincoln therefore wanted to destroy Douglas' credibility on the slavery issue and to argue why a more committed moral opposition to slavery ought to be demanded.]*

Mr. President and Gentlemen of the Convention:

. . . . We are now far into the fifth year, since a policy was initiated with the avowed object, and confident promise, of putting an end to slavery agitation. Under the operation of that policy, that agitation has not only not ceased, but has constantly augmented. In my opinion, it will not cease, until a crisis shall have been reached and passed. "A house divided against itself cannot stand." I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved–I do not expect the house to fall–but I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or

its advocates will push it forward, till it shall become alike lawful in all the States, old as well as new–North as well as South.

Have we no tendency to the latter condition?

Let anyone who doubts, carefully contemplate that now almost complete legal combination–piece of machinery, so to speak–compounded of the Nebraska doctrine, and the Dred Scott decision. Let him consider not only what work the machinery is adapted to do, and how well adapted; but also, let him study the history of its construction, and trace, if he can, or rather fail, if he can, to trace the evidence of design, and concert of action, among its chief architects, from the beginning.

The new year of 1854 found slavery excluded from more than half the States by State Constitutions, and from most of the national territory by Congressional prohibition. Four days later, commenced the struggle which ended in repealing that Congressional prohibition. This opened all the national territory to slavery, and was the first point gained.

But, so far, Congress only had acted; and an indorsement by the people, real or apparent, was indispensable, to save the point already gained, and give chance for more.

This necessity had not been overlooked; but had been provided for, as well as might be, in the notable argument of “squatter sovereignty,” otherwise called “sacred right of self-government,” which latter phrase, though expressive of the only rightful basis of any government, was so perverted in this attempted use of it as to amount to just this: That if any one man choose to enslave another, no third man shall be allowed to object. That argument was incorporated into the Nebraska bill itself, in the language which follows: “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." Then opened the roar of loose declamation in favor of "Squatter Sovereignty," and "sacred right of self-government." "But," said opposition members, "let us amend the bill so as to expressly declare that the people of the Territory may exclude slavery." "Not we," said the friends of the measure; and down they voted the amendment.

While the Nebraska bill was passing through Congress, a law case involving the question of a Negro's freedom, by reason of his owner having voluntarily taken him first into a free State and then into a Territory covered by the Congressional prohibition, and held him as a slave for a long time in each, was passing through the U. S. Circuit Court for the District of Missouri; and both Nebraska bill and lawsuit were brought to a decision in the same month of May 1854. The Negro's name was "Dred Scott," which name now designates the decision finally made in the case. Before the then next Presidential election, the law case came to, and was argued in, the Supreme Court of the United States; but the decision of it was deferred until after the election. Still, before the election, Senator Trumbull, on the floor of the Senate, requested the leading advocate of the Nebraska bill to state his opinion whether the people of a Territory can constitutionally exclude slavery from their limits; and the latter answers: "That is a question for the Supreme Court."

The election came. Mr. Buchanan was elected, and the indorsement, such as it was, secured. That was the second point gained. The indorsement, however, fell short of a clear popular majority by nearly four hundred thousand votes, and so, perhaps, was not overwhelmingly reliable and satisfactory. The outgoing President, in his last annual message, as impressively as possible echoed back upon the people the weight and authority of the indorsement. The Supreme Court met again; did not announce their decision, but ordered a re-argument. The Presidential inauguration came, and still no decision of the court; but the

incoming President in his inaugural address, fervently exhorted the people to abide by the forthcoming decision, whatever it might be. Then, in a few days, came the decision.

The reputed author of the Nebraska bill finds an early occasion to make a speech at this capital indorsing the Dred Scott decision, and vehemently denouncing all opposition to it. The new President, too, seizes the early occasion . . . to indorse and strongly construe that decision, and to express his astonishment that any different view had ever been entertained!

At length a squabble springs up between the President and the author of the Nebraska bill, on the mere question of fact, whether the Lecompton Constitution was or was not, in any just sense, made by the people of Kansas; and in that quarrel the latter declares that all he wants is a fair vote for the people, and that he cares not whether slavery be voted down or voted up. I do not understand his declaration that he cares not whether slavery be voted down or voted up, to be intended by him other than as an apt definition of the policy he would impress upon the public mind–the principle for which he declares he has suffered so much, and is ready to suffer to the end. And well may he cling to that principle. If he has any parental feeling, well may he cling to it.

That principle is the only shred left of his original Nebraska doctrine. Under the Dred Scott decision "squatter sovereignty" squatted out of existence, tumbled down like temporary scaffolding–like the mould at the foundry served through one blast and fell back into loose sand–helped to carry an election, and then was kicked to the winds. His late joint struggle with the Republicans, against the Lecompton Constitution, involves nothing of the original Nebraska doctrine. That struggle was made on a point–the right of a people to make their own constitution–upon which he and the Republicans have never differed.

The several points of the Dred Scott decision, in connection with Senator Douglas's "care not" policy, constitute the piece of machinery, in its present state of advancement. This was the third point gained. The working points of that machinery are:

First, That no negro slave, imported as such from Africa, and no descendant of such slave, can ever be a citizen of any State, in the sense of that term as used in the Constitution of the United States. This point is made in order to deprive the negro, in every possible event, of the benefit of that provision of the United States Constitution, which declares that "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

Secondly, That "subject to the Constitution of the United States," neither Congress nor a Territorial Legislature can exclude slavery from any United States territory. This point is made in order that individual men may fill up the Territories with slaves, without danger of losing them as property, and thus to enhance the chances of permanency to the institution through all the future.

Thirdly, That whether the holding a Negro in actual slavery in a free State, makes him free, as against the holder, the United States courts will not decide, but will leave to be decided by the courts of any slave State the Negro may be forced into by the master.

This point is made, not to be pressed immediately; but, if acquiesced in for a while, and apparently indorsed by the people at an election, then to sustain the logical conclusion that what Dred Scott's master might lawfully do with Dred Scott, in the free State of Illinois, every other master may lawfully do with any other one, or one thousand slaves, in Illinois, or in any other free State.

Auxiliary to all this, and working hand in hand with it, the Nebraska doctrine, or what is left of it, is to educate and mould public opinion, at least Northern public

opinion, not to care whether slavery is voted down or voted up. This shows exactly where we now are; and partially, also, whither we are tending.

It will throw additional light on the latter, to go back, and run the mind over the string of historical facts already stated. Several things will now appear less dark and mysterious than they did when they were transpiring. The people were to be left "perfectly free," "subject only to the Constitution." What the Constitution had to do with it, outsiders could not then see. Plainly enough now, it was an exactly fitted niche, for the Dred Scott decision to afterward come in, and declare the perfect freedom of the people to be just no freedom at all.

Why was the amendment, expressly declaring the right of the people, voted down? Plainly enough now: the adoption of it would have spoiled the niche for the Dred Scott decision. Why was the court decision held up? Why even a Senator's individual opinion withheld, till after the Presidential election? Plainly enough now: the speaking out then would have damaged the perfectly free argument upon which the election was to be carried.

Why the outgoing President's felicitation on the indorsement? Why the delay of a re-argument? Why the incoming President's advance exhortation in favor of the decision? These things look like the cautious patting and petting of a spirited horse, preparatory to mounting him, when it is dreaded that he may give the rider a fall. And why the hasty after indorsement of the decision by the President and others?

We cannot absolutely know that all these exact adaptations are the result of preconcert. But when we see a lot of framed timbers, different portions of which we know have been gotten out at different times and places and by different workmen–Stephen, Franklin, Roger and James, for instance–and when we see these timbers joined together, and see they exactly make the frame of a house or a mill, all the tenons and mortices exactly fitting, and all the lengths and

proportions of the different pieces exactly adapted to their respective places, and not a piece too many or too few–not omitting even scaffolding–or, if a single piece be lacking, we see the place in the frame exactly fitted and prepared yet to bring such a piece in–in such a case, we find it impossible not to believe that Stephen and Franklin and Roger and James all understood one another from the beginning, and all worked upon a common plan or draft drawn up before the first blow was struck.

It should not be overlooked that, by the Nebraska bill, the people of a State as well as Territory, were to be left "perfectly free," "subject only to the Constitution." Why mention a State? They were legislating for Territories, and not for or about States. Certainly the people of a State are and ought to be subject to the Constitution of the United States; but why is mention of this lugged into this merely Territorial law? Why are the people of a Territory and the people of a State therein lumped together, and their relation to the Constitution therein treated as being precisely the same?

While the opinion of the court, by Chief Justice Taney, in the Dred Scott case, and the separate opinions of all the concurring Judges, expressly declare that the Constitution of the United States neither permits Congress nor a Territorial Legislature to exclude slavery from any United States Territory, they all omit to declare whether or not the same Constitution permits a State, or the people of a State, to exclude it. Possibly, this is a mere omission; but who can be quite sure, if McLean or Curtis had sought to get into the opinion a declaration of unlimited power in the people of a State to exclude slavery from their limits, just as Chase and Mace sought to get such declaration, in behalf of the people of a Territory, into the Nebraska bill; –I ask, who can be quite sure that it would not have been voted down in the one case as it had been in the other? The nearest approach to the point of declaring the power of a State over slavery, is made by Judge Nelson. He approaches it more than once, using the precise idea, and almost the language, too, of the Nebraska act. On one occasion, his exact language is, "except in cases

where the power is restrained by the Constitution of the United States, the law of the State is supreme over the subject of slavery within its jurisdiction."

In what cases the power of the States is so restrained by the United States Constitution, is left an open question, precisely as the same question, as to the restraint on the power of the Territories, was left open in the Nebraska act. Put this and that together, and we have another nice little niche, which we may, ere long, see filled with another Supreme Court decision, declaring that the Constitution of the United States does not permit a State to exclude slavery from its limits. And this may especially be expected if the doctrine of "care not whether slavery be voted down or voted up," shall gain upon the public mind sufficiently to give promise that such a decision can be maintained when made.

Such a decision is all that slavery now lacks of being alike lawful in all the States. Welcome, or unwelcome, such decision is probably coming, and will soon be upon us, unless the power of the present political dynasty shall be met and overthrown. We shall lie down pleasantly dreaming that the people of Missouri are on the verge of making their State free, and we shall awake to the reality instead, that the Supreme Court has made Illinois a slave State. To meet and overthrow the power of that dynasty, is the work now before all those who would prevent that consummation. That is what we have to do. How can we best do it?

There are those who denounce us openly to their own friends, and yet whisper us softly, that Senator Douglas is the aptest instrument there is with which to effect that object. They do not tell us, nor has he told us, that he wishes any such object to be effected. They wish us to infer all, from the fact that he now has a little quarrel with the present head of the dynasty; and that he has regularly voted with us on a single point, upon which he and we have never differed.

They remind us that he is a great man, and that the largest of us are very small ones. Let this be granted. But "a living dog is better than a dead lion." Judge

Douglas, if not a dead lion, for this work, is at least a caged and toothless one. How can he oppose the advances of slavery? He don't care anything about it. His avowed mission is impressing the "public heart" to care nothing about it.

A leading Douglas democratic newspaper thinks Douglas's superior talent will be needed to resist the revival of the African slave trade. Does Douglas believe an effort to revive that trade is approaching? He has not said so. Does he really think so? But if it is, how can he resist it? For years he has labored to prove it a sacred right of white men to take negro slaves into the new Territories. Can he possibly show that it is less a sacred right to buy them where they can be bought cheapest? And unquestionably they can be bought cheaper in Africa than in Virginia. He has done all in his power to reduce the whole question of slavery to one of a mere right of property; and as such, how can he oppose the foreign slave trade–how can he refuse that trade in that "property" shall be "perfectly free"–unless he does it as a protection to the home production? And as the home producers will probably not ask the protection, he will be wholly without a ground of opposition.

Senator Douglas holds, we know, that a man may rightfully be wiser to-day than he was yesterday–that he may rightfully change when he finds himself wrong. But can we, for that reason, run ahead, and infer that he will make any particular change, of which he, himself, has given no intimation? Can we safely base our action upon any such vague inference? Now, as ever, I wish not to misrepresent Judge Douglas's position, question his motives, or do aught that can be personally offensive to him. Whenever, if ever, he and we can come together on principle so that our cause may have assistance from his great ability, I hope to have interposed no adventitious obstacle. But clearly, he is not now with us–he does not pretend to be–he does not promise ever to be.

Our cause, then, must be entrusted to, and conducted by, its own undoubted friends–those whose hands are free, whose hearts are in the work–who do care for the result. Two years ago the Republicans of the nation mustered over thirteen

hundred thousand strong. We did this under the single impulse of resistance to a common danger, with every external circumstance against us. Of strange, discordant, and even hostile elements, we gathered from the four winds, and formed and fought the battle through, under the constant hot fire of a disciplined, proud and pampered enemy. Did we brave all then, to falter now? –now, when that same enemy is wavering, dissevered and belligerent? The result is not doubtful. We shall not fail–if we stand firm, we shall not fail. Wise counsels may accelerate, or mistakes delay it, but, sooner or later, the victory is sure to come.

Lincoln Speech on the Dred Scott Decision

Abraham Lincoln

Springfield, Illinois
June 27, 1857

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FELLOW CITIZENS: I am here to-night, partly by the invitation of some of you, and partly by my own inclination. Two weeks ago Judge Douglas spoke here on the several subjects [including] the Dred Scott decision . . .. I listened to the speech at the time, and have read the report of it since. It was intended to controvert opinions which I think just, and to assail (politically, not personally,) those men who, in common with me, entertain those opinions. For this reason I wished then, and still wish, to make some answer to it, which I now take the opportunity of doing.

. . . . [A]s to the Dred Scott decision. That decision declares two propositions-first, that a negro cannot sue in the U.S. Courts; and secondly, that Congress cannot prohibit slavery in the Territories. It was made by a divided court-dividing differently on the different points. Judge Douglas does not discuss the merits of the decision; and, in that respect, I shall follow his example, believing I could no more improve on McLean and Curtis, than he could on Taney.

He denounces all who question the correctness of that decision, as offering violent resistance to it. But who resists it? Who has, in spite of the decision, declared Dred Scott free, and resisted the authority of his master over him?

Judicial decisions have two uses-first, to absolutely determine the case decided, and secondly, to indicate to the public how other similar cases will be decided when they arise. For the latter use, they are called “precedents” and “authorities.”

We believe, as much as Judge Douglas, (perhaps more) in obedience to, and respect for the judicial department of government. We think its decisions on Constitutional questions, when fully settled, should control, not only the particular cases decided, but the general policy of the country, subject to be disturbed only by amendments of the Constitution as provided in that instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the court that made it, has often over-ruled its own decisions, and we shall do what we can to have it to over-rule this. We offer no resistance to it.

Judicial decisions are of greater or less authority as precedents, according to circumstances. That this should be so, accords both with common sense, and the customary understanding of the legal profession.

If this important decision had been made by the unanimous concurrence of the judges, and without any apparent partisan bias, and in accordance with legal public expectation, and with the steady practice of the departments throughout our history, and had been in no part, based on assumed historical facts which are not really true; or, if wanting in some of these, it had been before the court more than once, and had there been affirmed and re-affirmed through a course of years, it then might be, perhaps would be, factious, nay, even revolutionary, to not acquiesce in it as a precedent.

But when, as it is true we find it wanting in all these claims to the public confidence, it is not resistance, it is not factious, it is not even disrespectful, to treat it as not having yet quite established a settled doctrine for the country. . ..

I have said, in substance, that the Dred Scott decision was, in part, based on assumed historical facts which were not really true; and I ought not to leave the subject without giving some reasons for saying this; I therefore give an instance or two, which I think fully sustain me. Chief Justice Taney, in delivering the opinion of the majority of the Court, insists at great length that negroes were no part of the people who made, or for whom was made, the Declaration of Independence, or the Constitution of the United States.

On the contrary, Judge Curtis, in his dissenting opinion, shows that in five of the then thirteen states, to wit, New Hampshire, Massachusetts, New York, New Jersey and North Carolina, free negroes were voters, and, in proportion to their numbers, had the same part in making the Constitution that the white people had. He shows this with so much particularity as to leave no doubt of its truth; and, as a sort of conclusion on that point, holds the following language:

“The Constitution was ordained and established by the people of the United States, through the action, in each State, of those persons who were qualified by its laws to act thereon in behalf of themselves and all other citizens of the State. In some of the States, as we have seen, colored persons were among those qualified by law to act on the subject. These colored persons were not only included in the body of `the people of the United States, - by whom the Constitution was ordained and established; but in at least five of the States they had the power to act, and, doubtless, did act, by their suffrages, upon the question of its adoption.”

Again, Chief Justice Taney says: “It is difficult, at this day to realize the state of public opinion in relation to that unfortunate race, which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution of the United States was framed and adopted.” And again, after quoting from the Declaration, he says: “The general

words above quoted would seem to include the whole human family, and if they were used in a similar instrument at this day, would be so understood."

In these the Chief Justice does not directly assert, but plainly assumes, as a fact, that the public estimate of the black man is more favorable now than it was in the days of the Revolution. This assumption is a mistake. In some trifling particulars, the condition of that race has been ameliorated; but, as a whole, in this country, the change between then and now is decidedly the other way; and their ultimate destiny has never appeared so hopeless as in the last three or four years.

In two of the five States-New Jersey and North Carolina-that then gave the free negro the right of voting, the right has since been taken away; and in a third-New York-it has been greatly abridged; while it has not been extended, so far as I know, to a single additional State, though the number of the States has more than doubled. In those days, as I understand, masters could, at their own pleasure, emancipate their slaves; but since then, such legal restraints have been made upon emancipation, as to amount almost to prohibition. In those days, Legislatures held the unquestioned power to abolish slavery in their respective States; but now it is becoming quite fashionable for State Constitutions to withhold that power from the Legislatures. In those days, by common consent, the spread of the black man's bondage to new countries was prohibited; but now, Congress decides that it will not continue the prohibition, and the Supreme Court decides that it could not if it would. In those days, our Declaration of Independence was held sacred by all, and thought to include all; but now, to aid in making the bondage of the negro universal and eternal, it is assailed, and sneered at, and construed, and hawked at, and torn, till, if its framers could rise from their graves, they could not at all recognize it.

All the powers of earth seem rapidly combining against him. Mammon is after him; ambition follows, and philosophy follows, and the Theology of the day is fast joining the cry. They have him in his prison house; they have searched his

person, and left no prying instrument with him. One after another they have closed the heavy iron doors upon him, and now they have him, as it were, bolted in with a lock of a hundred keys, which can never be unlocked without the concurrence of every key; the keys in the hands of a hundred different men, and they scattered to a hundred different and distant places; and they stand musing as to what invention, in all the dominions of mind and matter, can be produced to make the impossibility of his escape more complete than it is.

It is grossly incorrect to say or assume, that the public estimate of the negro is more favorable now than it was at the origin of the government.

. . . . There is a natural disgust in the minds of nearly all white people, to the idea of an indiscriminate amalgamation of the white and black races; and Judge Douglas evidently is basing his chief hope, upon the chances of being able to appropriate the benefit of this disgust to himself. If he can, by much drumming and repeating, fasten the odium of that idea upon his adversaries, he thinks he can struggle through the storm. He therefore clings to this hope, as a drowning man to the last plank. He makes an occasion for lugging it in from the opposition to the Dred Scott decision. He finds the Republicans insisting that the Declaration of Independence includes ALL men, black as well as white; and forth-with he boldly denies that it includes negroes at all, and proceeds to argue gravely that all who contend it does, do so only because they want to vote, and eat, and sleep, and marry with negroes! He will have it that they cannot be consistent else. Now I protest against that counterfeit logic which concludes that, because I do not want a black woman for a slave I must necessarily want her for a wife. I need not have her for either, I can just leave her alone. In some respects she certainly is not my equal; but in her natural right to eat the bread she earns with her own hands without asking leave of anyone else, she is my equal, and the equal of all others.

Chief Justice Taney, in his opinion in the Dred Scott case, admits that the language of the Declaration is broad enough to include the whole human family,

but he and Judge Douglas argue that the authors of that instrument did not intend to include negroes, by the fact that they did not at once, actually place them on an equality with the whites. Now this grave argument comes to just nothing at all, by the other fact, that they did not at once, or ever afterwards, actually place all white people on an equality with one or another. And this is the staple argument of both the Chief Justice and the Senator, for doing this obvious violence to the plain unmistakable language of the Declaration. I think the authors of that notable instrument intended to include all men, but they did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness, in what respects they did consider all men created equal-equal in "certain inalienable rights, among which are life, liberty, and the pursuit of happiness." This they said, and this they meant. They did not mean to assert the obvious untruth, that all were then actually enjoying that equality, nor yet, that they were about to confer it immediately upon them. In fact they had no power to confer such a boon. They meant simply to declare the right, so that the enforcement of it might follow as fast as circumstances should permit. They meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere.

The assertion that "all men are created equal" was of no practical use in effecting our separation from Great Britain; and it was placed in the Declaration, not for that, but for future use. Its authors meant it to be, thank God, it is now proving itself, a stumbling block to those who in after times might seek to turn a free people back into the hateful paths of despotism. They knew the proneness of prosperity to breed tyrants, and they meant when such should re-appear in this

fair land and commence their vocation they should find left for them at least one hard nut to crack.

I have now briefly expressed my view of the meaning and objects of that part of the Declaration of Independence which declares that “all men are created equal.”

Now let us hear Judge Douglas’ view of the same subject, as I find it in the printed report of his late speech. Here it is:

“No man can vindicate the character, motives and conduct of the signers of the Declaration of Independence except upon the hypothesis that they referred to the white race alone, and not to the African, when they declared all men to have been created equal-that they were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain-that they were entitled to the same inalienable rights, and among them were enumerated life, liberty and the pursuit of happiness. The Declaration was adopted for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country.”

My good friends, read that carefully over some leisure hour, and ponder well upon it--see what a mere wreck-mangled ruin--it makes of our once glorious Declaration.

“They were speaking of British subjects on this continent being equal to British subjects born and residing in Great Britain!” Why, according to this, not only negroes but white people outside of Great Britain and America are not spoken of in that instrument. The English, Irish and Scotch, along with white Americans, were included to be sure, but the French, Germans and other white people of the world are all gone to pot along with the Judge’s inferior races. I had thought the Declaration promised something better than the condition of British subjects; but

no, it only meant that we should be equal to them in their own oppressed and unequal condition. According to that, it gave no promise that having kicked off the King and Lords of Great Britain, we should not at once be saddled with a King and Lords of our own.

I had thought the Declaration contemplated the progressive improvement in the condition of all men everywhere; but no, it merely "was adopted for the purpose of justifying the colonists in the eyes of the civilized world in withdrawing their allegiance from the British crown, and dissolving their connection with the mother country." Why, that object having been effected some eighty years ago, the Declaration is of no practical use now--mere rubbish--old wadding left to rot on the battle-field after the victory is won.

I understand you are preparing to celebrate the "Fourth," tomorrow week. What for? The doings of that day had no reference to the present; and quite half of you are not even descendants of those who were referred to at that day. But I suppose you will celebrate; and will even go so far as to read the Declaration. Suppose after you read it once in the old fashioned way, you read it once more with Judge Douglas' version. It will then run thus: "We hold these truths to be self-evident that all British subjects who were on this continent eighty-one years ago, were created equal to all British subjects born and then residing in Great Britain."

And now I appeal to all-to Democrats as well as others, -are you really willing that the Declaration shall be thus frittered away? -thus left no more at most, than an interesting memorial of the dead past? thus shorn of its vitality, and practical value; and left without the germ or even the suggestion of the individual rights of man in it?

. . . .

13

The Lincoln-Douglas Debates (1858)

In 1858 the Illinois Republican party took the unusual step of designating Abraham Lincoln the party's candidate for the U.S. Senate seat currently held by Stephen A. Douglas, who was up for re-election. As the underdog in the senatorial race, Lincoln challenged Douglas to a series of debates on the issues confronting the nation. Douglas was reluctant to provide a forum for his less well-known adversary, but he finally agreed to participate in seven joint debates in the state's remaining congressional districts (the two candidates had already spoken on successive days in Chicago and Springfield). The resulting Lincoln-Douglas debates have entered the folklore of American politics. For the modern reader, Lincoln's subsequent importance overshadows this confrontation on the Illinois prairie, but at the time it was Douglas who was the more famous leader and received the bulk of the coverage in the press; indeed, the debates attracted considerable attention outside of the state precisely because of Douglas's national importance and his well-known presidential aspirations. Yet as Douglas had predicted, Lincoln was a formidable opponent as a debater. In the following selections from their famous debates, the two candidates outline their positions on slavery and the sectional conflict.

Popular Sovereignty

[Lincoln at Ottawa, Illinois, August 21, 1858]

What is Popular Sovereignty? Is it the right of the people to have Slavery or not have it, as they see fit, in the territories? I will state . . . my understanding is that Popular Sovereignty, as now applied to the question of Slavery, does allow the people of a Territory to have Slavery if they want to, but does not allow them *not* to have it if they *do not* want it. I do not mean that if this vast concourse of people were in a Territory of the United States, any one of them would be obliged to have a slave if he did not want one; but I do say that, as I understand the Dred Scott decision, if any one man wants slaves, all the rest have no way of keeping that one man from holding them.

FROM Roy P. Basler, et al., eds., *The Collected Works of Abraham Lincoln*, vol. 3 (New Brunswick, N.J.: Rutgers University Press, 1953), pp. 9–10, 18–19, 145–46, 220, 286, 296–97, 312–15, 322, 325.

[Douglas at Alton, Illinois, October 15, 1858].

This government was made upon the great basis of the sovereignty of the States, the right of each State to regulate its own domestic institutions to suit itself, and that right was conferred with understanding and expectation that inasmuch as each locality had separate interests, each locality must have different and distinct local and domestic institutions, corresponding to its wants and interests. Our fathers knew when they made the government, that the laws and institutions which were well adapted to the green mountains of Vermont, were unsuited to the rice plantations of South Carolina. They knew then, as well as we know now, that the laws and institutions which would be well adapted to the beautiful prairies of Illinois would not be suited to the mining regions of California. They knew that in a Republic as broad as this, having such a variety of soil, climate and interest, there must necessarily be a corresponding variety of local laws—the policy and institutions of each State adapted to its condition and wants. For this reason this Union was established on the right of each State to do as it pleased on the question of slavery, and every other question; and the various States were not allowed to complain of, much less interfere, with the policy of their neighbors.

. . . If the people of all the States will act on that great principle, and each State mind its own business, attend to its own affairs, take care of its own negroes and not meddle with its neighbors, then there will be peace between the North and the South, the East and the West, throughout the whole Union.

Slavery

[Lincoln at Alton, Illinois, October 15, 1858]

The real issue in this controversy—the one pressing upon every mind—is the sentiment on the part of one class that looks upon the institution of slavery *as a wrong*, and of another class that *does not* look upon it as a wrong. The sentiment that contemplates the institution of slavery in this country as a wrong is the sentiment of the Republican party. It is the sentiment around which all their actions—all their arguments circle—from which all their propositions radiate. They look upon it as being a moral, social and political wrong; and while they contemplate it as such, they nevertheless have due regard for its actual existence among us, and the difficulties of getting rid of it in any satisfactory way and to all the constitutional obligations thrown about it. Yet having a due regard for these, they desire a policy in regard to it that looks to its not creating any more danger. They insist that it should as far as may be, *be treated* as a wrong, and one of the methods of treating it as a wrong is to *make provision that it shall grow no larger.* They also desire a policy that looks to a peaceful end of slavery at sometime, as being wrong. These are the views they entertain in regard to it as I understand them; and all their sentiments—all their arguments and propositions are brought within this range. I have said and I repeat it here, that if there be a man amongst us who does not think that the institution of slavery is wrong in any one of the aspects of which I have spoken, he is misplaced and ought not to be with us. And if there be a man amongst us who is so impatient of it as a wrong as to disregard its actual presence among us and the difficulty of getting rid of it suddenly in a satisfactory way, and to disregard the constitutional obligations thrown about it, that man is misplaced if he is on our platform. We disclaim sympathy with him in practical action. He is not placed properly with us. . . .

On the other hand, I have said there is a sentiment which treats it as *not* being wrong. That is the Democratic sentiment of this day. I do not mean to say that every man who stands within that range positively asserts that it is right. That class will include all who positively assert that it is right, and all who like Judge Douglas treat it as indifferent and do not say it is either right or wrong. . . .

That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world. . . . The one is the common right of humanity and the

other the divine right of kings. . . . No matter in what shape it comes, whether from the mouth of a king who seeks to bestride the people of his own nation and live by the fruit of their labor, or from one race of men as an apology for enslaving another race, it is the same tyrannical principle.

[Douglas at Alton, Illinois, October 15, 1858]

Mr. Lincoln . . . says that he looks forward to a time when slavery shall be abolished everywhere. I look forward to a time when each State shall be allowed to do as it pleases. If it chooses to keep slavery forever, it is not my business, but its own; if it chooses to abolish slavery, it is its own business—not mine. I care more for the great principle of self-government, the right of the people to rule, than I do for all the negroes in Christendom. I would not endanger the perpetuity of this Union. I would not blot out the great inalienable rights of the white men for all the negroes that ever existed. Hence, I say, let us maintain this government on the principles that our fathers made it, recognizing the right of each State to keep slavery as long as its people determine, or to abolish it when they please. . . .

My friends, if, as I have said before, we will only live up to this great fundamental principle there will be peace between the North and the South. Mr. Lincoln admits that under the constitution on all domestic questions, except slavery, we ought not to interfere with the people of each State. What right have we to interfere with slavery any more than we have to interfere with any other question. He says that this slavery question is now the bone of contention. Why? Simply because agitators have combined in all the free States to make war upon it.

The Declaration of Independence

[Lincoln at Galesburg, Illinois, October 7, 1858]

The Judge has alluded to the Declaration of Independence, and insisted that negroes are not included in that Declaration; and that it is a slander upon the framers of that instrument, to suppose that negroes were meant therein; and he asks you: Is it possible to believe that Mr. Jefferson, who penned the immortal paper, could have supposed himself applying the language of that instrument to the negro race, and yet held a portion of that race in slavery? Would he not at once have freed them? I only have to remark upon this part of the Judge's speech . . . that I believe the entire records of the world, from the date of the Declaration of Independence up to within three years ago, may be searched in vain for one single affirmation, from one single man, that the negro was not included in the Declaration of Independence. I think I may defy Judge Douglas to show that he ever said so, that Washington ever said so, that any President ever said so, that any member of Congress ever said so, or that any living man upon the whole earth ever said so, until the necessities of the present policy of the Democratic party, in regard to slavery, had to invent that affirmation.

[Douglas at Alton, Illinois, October 15, 1858]

But the Abolition party really think that under the Declaration of Independence the negro is equal to the white man, and that negro equality is an inalienable right conferred by the Almighty, and hence, that all human laws in violation of it are null and void. . . . I hold that the signers of the Declaration of Independence had no reference to negroes at all when they declared all men to be created equal. They did not mean negro, nor the savage Indians, nor the Fejee Islanders, nor any other barbarous race. They were speaking of white men. They alluded to men of European birth and European descent—to white men, and to none others, when they declared that doctrine. I hold that this government was established on the white basis. It was established by white men for the benefit of white men and their posterity forever, and should be administered by white men, and none others.

Race

[Douglas at Ottawa, Illinois, August 21, 1858]

We are told by Lincoln that he is utterly opposed to the Dred Scott decision, and will not submit to it, for the reason that he says it deprives the negro of the rights and privileges of citizenship. . . . I ask you, are you in favor of conferring upon the negro the rights and privileges of citizenship? Do you desire to strike out of our State Constitution that clause which keeps slaves and free negroes out of the State, and allow the free negroes to flow in, and cover your prairies with black settlements? Do you desire to turn this beautiful State into a free negro colony, in order that when Missouri abolishes slavery she can send one hundred thousand emancipated slaves into Illinois, to become citizens and voters, on an equality with yourselves? If you desire negro citizenship, if you desire to allow them to come into the State and settle with the white man, if you desire them to vote on an equality with yourselves, and to make them eligible to office, to serve on juries, and to adjudge your rights, then support Mr. Lincoln and the Black Republican party, who are in favor of the citizenship of the negro. For one, I am opposed to negro citizenship in any and every form. . . . I am in favor of confining citizenship to white men, men of European birth and descent, instead of conferring it upon negroes, Indians and other inferior races.

. . . I do not question Mr. Lincoln's conscientious belief that the negro was made his equal, and hence is his brother, but for my own part, I do not regard the negro as my equal, and positively deny that he is my brother or any kin to me whatever.

[Lincoln at Charleston, Illinois, September 8, 1858]

While I was at the hotel to-day an elderly gentleman called upon me to know whether I was really in favor of producing a perfect equality between the negroes and white people. While I had not proposed to myself on this occasion to say much on that subject, yet as the question was asked me I thought I would occupy perhaps five minutes in saying something in regard to it. I will say then that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races, that I am not nor ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will for ever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race. I say upon this occasion I do not perceive that because the white man is to have the superior position the negro should be denied everything. I do not understand that because I do not want a negro woman for a slave I must necessarily want her for a wife. My understanding is that I can just let her alone.

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The Freeport Doctrine (1858)

In their debate at Freeport on August 27, 1858, Abraham Lincoln asked Stephen A. Douglas a series of questions. The second interrogatory read, "Can the people of a United States Territory, in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits prior to the formation of a State Constitution?" In effect, the Republican candidate challenged Douglas to reconcile his doctrine of popular sovereignty with the Supreme Court's Dred Scott decision, which declared Congress could not prohibit slavery from a territory. In earlier speeches, Douglas had already indicated what his answer would be, but by forcing Douglas to address this issue directly, Lincoln sought to deepen the existing division in the Democratic party between Douglas and his opponents. Douglas's answer became known as the Freeport Doctrine. Lincoln criticized this position at their subsequent debate in Jonesboro, Illinois.

[Douglas at Freeport, Illinois, August 27, 1858]

I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a territory can, by lawful means, exclude slavery from their limits prior to the formation of a State Constitution. . . . It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a territory under the constitution, the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations. Those police regulations can only be established by the local legislature, and if the people are opposed to slavery they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be on that abstract question, still the right of the people to make a slave territory or a free territory is perfect and complete under the Nebraska bill.

[Lincoln at Jonesboro, Illinois, September 15, 1858]

I hold that the proposition that slavery cannot enter a new country without police regulations is historically false. It is not true at all. I hold that the history of this country shows that the institution of slavery was originally planted upon this continent *without* these "police regulations" which the Judge now thinks necessary for the actual establishment of it. Not only so, but is there not another fact—how came this Dred Scott decision to be made. It was made upon the case of a negro being taken and actually held in slavery in Minnesota Territory, claiming his freedom because the act of Congress prohibited his being so held there. *Will the Judge pretend that Dred Scott was not held there without police regulations?* There is at least one matter of record as to his having been held in slavery in the Territory, not only without police reg-

FROM Roy P. Basler, et al., eds., *The Collected Works of Abraham Lincoln*, vol. 3 (New Brunswick, N.J.: Rutgers University Press, 1953), pp. 51–52, 130.

ulations, but in the teeth of Congressional legislation supposed to be valid at the time. This shows that there is vigor enough in Slavery to plant itself in a new country even against unfriendly legislation. It takes not only law but the *enforcement* of law to keep it out.

Address before the Wisconsin State Agricultural Society

Abraham Lincoln

September 30, 1859

. . . The world is agreed that labor is the source from which human wants are mainly supplied. There is no dispute upon this point. From this point, however, men immediately diverge. Much disputation is maintained as to the best way of applying and controlling the labor element. By some it is assumed that labor is available only in connection with capital—that nobody labors, unless somebody else, owning capital, somehow, by the use of that capital, induces him to do it. Having assumed this, they proceed to consider whether it is best that capital shall hire laborers, and thus induce them to work by their own consent; or buy them, and drive them to it without their consent. Having proceeded so far they naturally conclude that all laborers are necessarily either hired laborers, or slaves. They further assume that whoever is once a hired laborer, is fatally fixed in that condition for life; and thence again that his condition is as bad as, or worse than that of a slave. This is the "mud sill" theory.

But another class of reasoners hold the opinion that there is no such relation between capital and labor, as assumed; and that there is no such thing as a freeman being fatally fixed for life, in the condition of a hired laborer, that both these assumptions are false, and all inferences from them groundless. They hold that labor is prior to, and independent of, capital; that, in fact, capital is the fruit of labor, and could never have existed if labor had not first existed—that labor can exist without capital, but that capital could never have existed without labor. Hence they hold that labor is the superior—greatly the superior—of capital.

They do not deny that there is, and probably always will be, a relation between labor and capital. The error, as they hold, is in assuming that the whole labor of the world exists within that relation. A few men own capital; and that few avoid labor themselves, and with their capital, hire, or buy, another few to labor for them. A large majority belong to neither class—neither work for others, nor have others working for them. Even in all our slave states, except South Carolina, a majority of the whole people of all colors, are neither slaves nor masters. In these free states, a large majority are neither hirers nor hired. Men, with their families—wives, sons and daughters—work for themselves, on their farms, in their houses and in their shops, taking the whole product to themselves, and asking no favors of capital on the one hand, nor of hirelings or slaves on the other. It is not forgotten that a considerable number of persons mingle their own labor with capital; that is, labor with their own hands, and also buy slaves or hire freemen to labor for them; but this is only a mixed, and not a distinct class. No principle stated is disturbed by the existence of this mixed class. Again, as has already been said, the opponents of the "mud sill" theory insist that there is not, of necessity, any such thing as the free hired laborer being fixed to that condition for life. There is demonstration for saying this. Many independent men, in this assembly, doubtless a few years ago were hired laborers. And their case is almost if not quite the general rule.

The prudent, penniless beginner in the world, labors for wages awhile, saves a surplus with which to buy tools or land, for himself; then labors on his own account another while, and at length hires another new beginner to help him. This, say its advocates, is free labor—the just and generous, and prosperous system, which opens the way for all—gives hope to all, and energy, and progress, and improvement of condition to all. If any continue through life in the condition of the hired laborer, it is not the fault of the system, but because of either a dependent nature which prefers it, or improvidence, folly, or singular misfortune. I have said this much about the elements of labor generally, as introductory to the

consideration of a new phase which that element is in process of assuming. The old general rule was that educated people did not perform manual labor. They managed to eat their bread, leaving the toil of producing it to the uneducated. This was not an insupportable evil to the working bees, so long as the class of drones remained very small. But now, especially in these free states, nearly all are educated—quite too nearly all, to leave the labor of the uneducated, in any wise adequate to the support of the whole. It follows from this that henceforth educated people must labor. Otherwise, education itself would become a positive and intolerable evil. No country can sustain, in idleness, more than a small percentage of its numbers. The great majority must labor at something productive. From these premises the problem springs, "How can labor and education be the most satisfactory combined?"

By the "mud sill" theory it is assumed that labor and education are incompatible; and any practical combination of them impossible. According to that theory, a blind horse upon a tread-mill, is a perfect illustration of what a laborer should be—all the better for being blind, that he could not tread out of place, or kick understandingly. According to that theory, the education of laborers is not only useless, but pernicious, and dangerous. In fact, it is, in some sort, deemed a misfortune that laborers should have heads at all. Those same heads are regarded as explosive materials, only to be safely kept in damp places, as far as possible from that peculiar sort of fire which ignites them. A Yankee who could invent a strong-handed man without a head would receive the everlasting gratitude of the "mud sill" advocates.

But free labor says "no!" Free labor argues that, as the Author of man makes every individual with one head and one pair of hands, it was probably intended that heads and hands should cooperate as friends; and that that particular head, should direct and control that particular pair of hands. As each man has one mouth to be fed, and one pair of hands to furnish food, it was probably intended that that particular pair of hands should feed that particular mouth—that each

head is the natural guardian, director, and protector of the hands and mouth inseparably connected with it; and that being so, every head should be cultivated, and improved, by whatever will add to its capacity for performing its charge. In one word free labor insists on universal education. . ..

This leads to the further reflection, that no other human occupation opens so wide a field for the profitable and agreeable combination of labor with cultivated thought, as agriculture. I know of nothing so pleasant to the mind, as the discovery of anything which is at once new and valuable—nothing which so lightens and sweetens toil, as the hopeful pursuit of such discovery. And how vast, and how varied a field is agriculture, for such discovery. The mind, already trained to thought, in the country school, or higher school, cannot fail to find there an exhaustless source of profitable enjoyment. Every blade of grass is a study; and to produce two, where there was but one, is both a profit and a pleasure. And not grass alone; but soils, seeds, and seasons—hedges, ditches, and fences, draining, droughts, and irrigation—plowing, hoeing, and harrowing—reaping, mowing, and threshing—saving crops, pests of crops, diseases of crops, and what will prevent or cure them—implements, utensils, and machines, their relative merits, and [how] to improve them—hogs, horses, and cattle—sheep, goats, and poultry—trees, shrubs, fruits, plants, and flowers—the thousand things of which these are specimens—each a world of study within itself.

In all this, book-learning is available. A capacity, and taste, for reading, gives access to whatever has already been discovered by others. It is the key, or one of the keys, to the already solved problems. And not only so. It gives a relish, and facility, for successfully pursuing the [yet] unsolved ones. The rudiments of science are available, and highly valuable. Some knowledge of botany assists in dealing with the vegetable world—with all growing crops. Chemistry assists in the analysis of soils, selection, and application of manures, and in numerous other ways. The mechanical branches of natural philosophy are ready help in almost everything; but especially in reference to implements and machinery.

The thought recurs that education—cultivated thought—can best be combined with agricultural labor, or any labor, on the principle of thorough work—that careless, half performed, slovenly work, makes no place for such combination. And thorough work, again, renders sufficient, the smallest quantity of ground to each man. And this again, conforms to what must occur in a world less inclined to wars, and more devoted to the arts of peace, than heretofore. Population must increase rapidly—more rapidly than in former times—and ere long the most valuable of all arts, will be the art of deriving a comfortable subsistence from the smallest area of soil. No community whose every member possesses this art, can ever be the victim of oppression of any of its forms. Such community will be alike independent of crowned kings, money kings, and land kings.

The Irrepressible Conflict

William Seward

October 25, 1858

[William Henry Seward (1801–1872) served as governor of New York and U.S. senator. After losing the Republican presidential nomination to Abraham Lincoln in 1860, he would become Lincoln's Secretary of State. During the 1858 midterm elections, Seward spoke to a crowd in Rochester, New York, delivering what was arguably his most impressive, yet politically disastrous, speech. Seward's fiery rhetoric in this speech regarding the "irreconcilable conflict" between the North's system of "free labor" and South's system of "slave labor" earned him the reputation throughout the South, and even in parts of the North, as a radical, weakening his appeal among many Republicans and severely damaging his chances of securing the 1860 nomination.]

. . . . The Democratic Party, or, to speak more accurately, the party which wears that attractive name—is in possession of the federal government. The Republicans propose to dislodge that party, and dismiss it from its high trust.

The main subject, then, is whether the Democratic Party deserves to retain the confidence of the American people. In attempting to prove it unworthy, I think that I am not actuated by prejudices against that party, or by prepossessions in favor of its adversary; for I have learned, by some experience, that virtue and patriotism, vice and selfishness, are found in all parties, and that they differ less in their motives than in the policies they pursue.

Our country is a theatre, which exhibits, in full operation, two radically different political systems; the one resting on the basis of servile or slave labor, the other on voluntary labor of freemen.

The laborers who are enslaved are all Negroes, or persons more or less purely of African derivation. But this is only accidental. The principle of the system is, that labor in every society, by whomsoever performed, is necessarily unintellectual, groveling and base; and that the laborer, equally for his own good and for the welfare of the state, ought to be enslaved. The white laboring man, whether native or foreigner, is not enslaved, only because he cannot, as yet, be reduced to bondage.

You need not be told now that the slave system is the older of the two, and that once it was universal.

The emancipation of our own ancestors, Caucasians and Europeans as they were, hardly dates beyond a period of five hundred years. The great melioration of human society which modern times exhibits is mainly due to the incomplete substitution of the system of voluntary labor for the one of servile labor, which has already taken place. This African slave system is one which, in its origin and in its growth, has been altogether foreign from the habits of the races which colonized these states, and established civilization here. It was introduced on this continent as an engine of conquest, and for the establishment of monarchical power, by the Portuguese and the Spaniards, and was rapidly extended by them all over South America, Central America, Louisiana, and Mexico. Its legitimate fruits are seen in the poverty, imbecility, and anarchy which now pervade all Portuguese and Spanish America. The free-labor system is of German extraction, and it was established in our country by emigrants from Sweden, Holland, Germany, Great Britain, and Ireland.

We justly ascribe to its influences the strength, wealth, greatness, intelligence, and freedom, which the whole American people now enjoy. One of the chief elements of the value of human life is freedom in the pursuit of happiness. The slave system is not only intolerable, unjust, and inhuman, toward the laborer, whom, only because he is a laborer, it loads down with chains and converts into merchandise, but is scarcely less severe upon the freeman, to whom, only because he is a laborer from necessity, it denies facilities for employment, and whom it expels from the community because it cannot enslave and convert into merchandise also. It is necessarily improvident and ruinous, because, as a general truth, communities prosper and flourish, or droop and decline, in just the degree that they practice or neglect to practice the primary duties of justice and humanity. The free-labor system conforms to the divine law of equality, which is written in the hearts and consciences of man, and therefore is always and everywhere beneficent.

The slave system is one of constant danger, distrust, suspicion, and watchfulness. It debases those whose toil alone can produce wealth and resources for defense, to the lowest degree of which human nature is capable, to guard against mutiny and insurrection, and thus wastes energies which otherwise might be employed in national development and aggrandizement.

The free-labor system educates all alike, and by opening all the fields of industrial employment and all the departments of authority, to the unchecked and equal rivalry of all classes of men, at once secures universal contentment, and brings into the highest possible activity all the physical, moral, and social energies of the whole state. In states where the slave system prevails, the masters, directly or indirectly, secure all political power, and constitute a ruling aristocracy. In states where the free-labor system prevails, universal suffrage necessarily obtains, and the state inevitably becomes, sooner or later, a republic or democracy. . ..

. . . The two systems are at once perceived to be incongruous. But they are more than incongruous—they are incompatible. They never have permanently existed together in one country, and they never can. It would be easy to demonstrate this impossibility, from the irreconcilable contrast between their great principles and characteristics. But the experience of mankind has conclusively established it. Slavery, as I have intimated, existed in every state in Europe. Free labor has supplanted it everywhere except in Russia and Turkey. State necessities developed in modern times are now obliging even those two nations to encourage and employ free labor; and already, despotic as they are, we find them engaged in abolishing slavery. In the United States, slavery came into collision with free labor at the close of the last century, and fell before it in New England, New York, New Jersey, and Pennsylvania, but triumphed over it effectually, and excluded it for a period yet undetermined, from Virginia, the Carolinas, and Georgia. Indeed, so incompatible are the two systems, that every new state which is organized within our ever-extending domain makes its first political act a choice of the one and the exclusion of the other, even at the cost of civil war, if necessary. The slave states, without law, at the last national election, successfully forbade, within their own limits, even the casting of votes for a candidate for president of the United States supposed to be favorable to the establishment of the free-labor system in new states.

Hitherto, the two systems have existed in different states, but side by side within the American Union. This has happened because the Union is a confederation of states. But in another aspect the United States constitute only one nation. Increase of population, which is filling the states out to their very borders, together with a new and extended network of railroads and other avenues, and an internal commerce which daily becomes more intimate, is rapidly bringing the states into a higher and more perfect social unity or consolidation. Thus, these antagonistic systems are continually coming into closer contact, and collision results.

Shall I tell you what this collision means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators, and therefor ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation, or entirely a free-labor nation. Either the cotton and rice fields of South Carolina and the sugar plantations of Louisiana will ultimately be tilled by free labor, and Charleston and New Orleans become markets of legitimate merchandise alone, or else the rye fields and wheat fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York become once more markets for trade in the bodies and souls of men. It is the failure to apprehend this great truth that induces so many unsuccessful attempts at final compromises between the slave and free states, and it is the existence of this great fact that renders all such pretended compromises, when made, vain and ephemeral. Startling as this saying may appear to you, fellow-citizens, it is by no means an original or even a modern one. Our forefathers knew it to be true, and unanimously acted upon it when they framed the Constitution of the United States. They regarded the existence of the servile system in so many of the states with sorrow and shame, which they openly confessed, and they looked upon the collision between them, which was then just revealing itself, and which we are now accustomed to deplore, with favor and hope. They knew that one or the other system must exclusively prevail.

Unlike too many of those who in modem time invoke their authority, they had a choice between the two. They preferred the system of free labor, and they determined to organize the government, and so direct its activity, that that system should surely and certainly prevail. For this purpose, and no other, they based the whole structure of the government broadly on the principle that all men are created equal, and therefore free—little dreaming that, within the short period of one hundred years, their descendants would bear to be told by any orator,

however popular, that the utterance of that principle was merely a rhetorical rhapsody; or by any judge, however venerated, that it was attended by mental reservation, which rendered it hypocritical and false. By the ordinance of 1787, they dedicated all of the national domain not yet polluted by slavery to free labor immediately, thenceforth and forever; while by the new Constitution and laws they invited foreign free labor from all lands under the sun, and interdicted the importation of African slave labor, at all times, in all places, and under all circumstances whatsoever. It is true that they necessarily and wisely modified this policy of freedom by leaving it to the several states, affected as they were by different circumstances, to abolish slavery in their own way and at their own pleasure, instead of confiding that duty to Congress; and that they secured to the slave states, while yet retaining the system of slavery, a three-fifths representation of slaves in the federal government, until they should find themselves able to relinquish it with safety. But the very nature of these modifications fortifies my position, that the fathers knew that the two systems could not endure within the Union, and expected within a short period slavery would disappear forever. Moreover, in order that these modifications might not altogether defeat their grand design of a republic maintaining universal equality, they provided that two thirds of the states might amend the Constitution. . ..

. . . How, then, and in what way, shall the necessary resistance [to slavery] be made? There is only one way. The Democratic Party must be permanently dislodged from the government. The reason is, that the Democratic Party is inextricably committed to the designs of the slaveholders, which I have described.

Such is the Democratic Party. It has no policy, state or federal, for finance, or trade, or manufacture, or commerce, or education, or internal improvements, or for the protection or even the security of civil or religious liberty. It is positive and uncompromising in the interest of slavery—negative, compromising, and vacillating, in regard to everything else. It boasts its love of equality, and wastes

its strength, and even its life, in fortifying the only aristocracy known in the land. It professes fraternity, and, so often as slavery requires, allies itself with proscription. It magnifies itself for conquests in foreign lands, but it sends the national eagle forth always with chains, and not the olive branch, in his fangs.

This dark record shows you, fellow-citizens, what I was unwilling to announce at an earlier stage of this argument, that of the whole nefarious schedule of slaveholding designs which I have submitted to you, the Democratic Party has left only one yet to be consummated-the abrogation of the law which forbids the African slave trade.

. . . . The Democratic Party derived its strength, originally, from its adoption of the principles of equal and exact justice to all men. So long as it practiced this principle faithfully it was invulnerable. It became vulnerable when it renounced the principle, and since that time it has maintained itself, not by virtue of its own strength, or even of its traditional merits, but because there as yet had appeared in the political field no other party that had the conscience and the courage to take up, and avow, and practice the life-inspiring principle which the Democratic Party had surrendered. At last, the Republican Party has appeared. It avows, now, as the Republican Party of 1800 did, in one word, its faith and its works, "Equal and exact justice to all men." Even when it first entered the field, only half organized, it struck a blow which only just failed to secure complete and triumphant victory. In this, its second campaign, it has already won advantages which render that triumph now both easy and certain.

The secret of its assured success lies in that very characteristic which, in the mouth of scoffers, constitutes its great and lasting imbecility and reproach. It lies in the fact that it is a party of one idea; but that is a noble one—an idea that fills and expands all generous souls; the idea of equality—the equality of all men before human tribunals and human laws, as they all are equal before the divine tribunal and divine laws.

I know, and you know, that a revolution has begun. I know, and all the world knows, that revolutions never go backward. Twenty senators and a hundred representatives proclaim boldly in Congress today sentiments and opinions and principles of freedom which hardly so many men, even in this free state, dared to utter in their own homes twenty years ago. While the government of the United States, under the conduct of the Democratic Party, has been all that time surrendering one plain and castle after another to slavery, the people of the United States have been no less steadily and perseveringly gathering together the forces with which to recover back again all the fields and all the castles which have been lost, and to confound and overthrow, by one decisive blow, the betrayers of the Constitution and freedom forever.

The Writings of George Fitzhugh

[Fitzhugh, a prominent Virginia lawyer and social theorist, wrote extensive justifications for slavery and condemnations of the northern "free-labor" system. His writings were widely read by the southern elite during the 1850s. In his later writings, Fitzhugh wrote favorably about the possibility of extending slavery to white labor, a move which placed him outside the mainstream of southern elite thought.]

1. Sociology for the South, or The Failure of Free Society (1854):

. . . But the chief and far most important enquiry is, how does slavery affect the condition of the slave? One of the wildest sects of Communists in France proposes not only to hold all property in common, but to divide the profits, not according to each man's in-put and labor, but according to each man's wants. Now this is precisely the system of domestic slavery with us. We provide for each slave, in old age and in infancy, in sickness and in health, not according to his labor, but according to his wants. The master's wants are more costly and refined, and he therefore gets a larger share of the profits. A Southern farm is the beau ideal of Communism; it is a joint concern, in which the slave consumes more than the master, of the coarse products, and is far happier, because although the concern may fail, he is always sure of a support; he is only transferred to another master to participate in the profits of another concern; he marries when he pleases, because he knows he will have to work no more with a family than without one, and whether he live or die, that family will be taken care of; he exhibits all the pride of ownership, despises a partner in a smaller concern, "a poor man's negro," boasts of "our crops, horses, fields and cattle;" and is as happy as a human being can be. And why should he not? – he enjoys as much of the fruits of the farm as he is capable of doing, and the wealthiest can do no more. Great wealth brings many additional cares, but few additional enjoyments. Our stomachs do not increase in capacity with our fortunes. We want no more clothing to keep us warm. We may create new wants, but we cannot create new

pleasures. The intellectual enjoyments which wealth affords are probably balanced by the new cares it brings along with it.

There is no rivalry, no competition to get employment among slaves, as among free laborers. Nor is there a war between master and slave. The master's interest prevents his reducing the slave's allowance or wages in infancy or sickness, for he might lose the slave by so doing. His feeling for his slave never permits him to stint him in old age. The slaves are all well fed, well clad, have plenty of fuel, and are happy. They have no dread of the future – no fear of want. A state of dependence is the only condition in which reciprocal affection can exist among human beings – the only situation in which the war of competition ceases, and peace, amity and good will arise. A state of independence always begets more or less of jealous rivalry and hostility. A man loves his children because they are weak, helpless and dependent; he loves his wife for similar reasons. When his children grow up and assert their independence, he is apt to transfer his affection to his grand-children. He ceases to love his wife when she becomes masculine or rebellious; but slaves are always dependent, never the rivals of their master. Hence, though men are often found at variance with wife or children, we never saw one who did not like his slaves, and rarely a slave who was not devoted to his master. "I am thy servant!" disarms me of the power of master. Every man feels the beauty, force and truth of this sentiment . . .. But he who acknowledges its truth, tacitly admits that dependence is a tie of affection, that the relation of master and slave is one of mutual good will. Volumes written on the subject would not prove as much as this single sentiment. It has found its way to the heart of every reader, and carried conviction along with it. The slave-holder is like other men; he will not tread on the worm nor break the bruised reed. The ready submission of the slave, nine times out of ten, disarms his wrath even when the slave has offended. The habit of command may make him imperious and fit him for rule; but he is only imperious when thwarted or ordered by his equals; he would scorn to put on airs of command among blacks, whether slaves or free; he

always speaks to them in a kind and subdued tone. We go farther, and say the slave-holder is better than others – because he has greater occasion for the exercise of the affection. His whole life is spent in providing for the minutest wants of others, in taking care of them in sickness and in health. Hence he is the least selfish of men. Is not the old bachelor who retires to seclusion, always selfish? Is not the head of a large family almost always kind and benevolent? And is not the slave-holder the head of the largest family? Nature compels master and slave to be friends; nature makes employers and free laborers enemies.

The institution of slavery gives full development and full play to the affections. Free society chills, stints and eradicates them. In a homely way the farm will support all, and we are not in a hurry to send our children into the world, to push their way and make their fortunes, with a capital of knavish maxims. We are better husbands, better fathers, better friends, and better neighbors than our Northern brethren. The tie of kindred to the fifth degree is often a tie of affection with us. First cousins are scarcely acknowledged at the North, and even children are prematurely pushed off into the world. Love for others is the organic law of our society, as self-love is of theirs. . ..

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2. Cannibals All!, or Slaves Without Masters (1857).

We are, all, North and South, engaged in the White Slave Trade, and he who succeeds best, is esteemed most respectable. It is far more cruel than the Black Slave Trade, because it exacts more of its slaves, and neither protects nor governs them. We boast that it exacts more, when we say, "that the *profits* made from employing free labor are greater than those from slave labor." … But we not only boast that the White Slave Trade is more exacting and fraudulent (in fact, though not in intention,) than Black Slavery; but we also boast, that it is more cruel, in leaving the laborer to take care of himself and family out of the pittance which

skill or capital have allowed him to retain. When the day's labor is ended, he is free, but is overburdened with the cares of family and household, which make his freedom an empty and delusive mockery. But his employer is really free, and may enjoy the profits made by others' labor, without a care, or a trouble, as to their well-being. The negro slave is free, too, when the labors of the day are over, and free in mind as well as body; for the master provides food, raiment, house, fuel, and everything else necessary to the physical well-being of himself and family. The master's labors commence just when the slave's end. No wonder men should prefer white slavery to capital, to negro slavery, since it is more profitable, and is free from all the cares and labors of black slave-holding.

Now, reader, it you wish to know yourself—to "descant on your own deformity"—read on. But if you would cherish self-conceit, self-esteem, or self-appreciation, throw down our book; for we will dispel illusions which have promoted your happiness, and shew you that what you have considered and practiced as virtue, is little better than moral Cannibalism. But you will find yourself in numerous and respectable company; for all good and respectable people are "Cannibals all," who do not labor, or who are successfully trying to live without labor, on the unrequited labor of other people. …

Probably, you are a lawyer, or a merchant, or a doctor, who have made by your business fifty thousand dollars, and retired to live on your capital. But, mark! not to spend your capital. That would be vulgar, disreputable, criminal. That would be, to live by your own labor; for your capital is your amassed labor. That would be, to do as common working men do; for they take the pittance which their employees leave them, to live on. … The respectable way of living is, to make other people work for you, and to pay them nothing for so doing—and to have no concern about them after their work is done. … You, with the command over labor which your capital gives you, are a slave owner—a master, without the obligations of a master. They who work for you, who create your income, are slaves, without the rights of slaves. Slaves without a master! Whilst you were

engaged in amassing your capital, in seeking to become independent, you were in the White Slave Trade. To become independent, is to be able to make other people support you, without being obliged to labor for *them*. … The men without property, in free society, are theoretically in a worse condition than slaves. Practically, their condition corresponds with this theory, as history and statistics everywhere demonstrate. The capitalists, in free society, live in ten times the luxury and show that Southern masters do, because the slaves to capital work harder and cost less, than negro slaves.

The negro slaves of the South are the happiest, and, in some sense, the freest people in the world. The children and the aged and infirm work not at all, and yet have all the comforts and necessaries of life provided for them. They enjoy liberty, because they are oppressed neither by care nor labor. The women do little hard work, and are protected from the despotism of their husbands by their masters. The negro men and stout boys work, on the average, in good weather, not more than nine hours a day. The balance of their time is spent in perfect abandon. Besides, they have their Sabbaths and holidays. White men, with so much of license and liberty, would die of ennui; but negroes luxuriate in corporeal and mental repose. With their faces upturned to the sun, they can sleep at any hour; and quiet sleep is the greatest of human enjoyments. “Blessed be the man who invented sleep.” ‘Tis happiness in itself—and results from contentment with the present, and confident assurance of the future. We do not know whether free laborers ever sleep. They are fools to do so; for, whilst they sleep, the wily and watchful capitalist is devising means to ensnare and exploit them. The free laborer must work or starve. He is more of a slave than the negro, because he works longer and harder for less allowance than the slave, and has no holiday, because the cares of life with him begin when its labors end. He has no liberty, and not a single right…

We agree with Mr. Jefferson, that all men have natural and inalienable rights. To violate or disregard such rights, is to oppose the designs and plans of Providence,

and cannot “come to good.” The order and subordination observable in the physical, animal and human world, show that some are formed for higher, others for lower stations—the few to command, the many to obey. We conclude that about nineteen out of every twenty individuals have “a natural and inalienable right” to be taken care of and protected; to have guardians, trustees, husbands, or masters; in other words, they have a natural and inalienable right to be slaves. The one in twenty are as clearly born or educated, or some way fitted for command and liberty. Not to make them rulers or masters, is as great a violation of natural right, as not to make slaves of the mass. A very little individuality is useful and necessary to society, —much of it begets discord, chaos and anarchy…

Set your miscalled free laborers actually free, by giving them enough property or capital to live on, and then call on us at the South to free our negroes. At present, you Abolitionists know our negro slaves are much the freer of the two; and it would be a great advance towards freeing your laborers, to give them guardians, bound, like our masters, to take care of them, and entitled, in consideration thereof, to the proceeds of their labor…

We do not agree with the authors of the Declaration of Independence, that governments “derive their just powers from the consent of the governed.” The women, the children, the negroes, and but few of the non-property holders were consulted, or consented to the Revolution, or the governments that ensued from its success. As to these, the new governments were self-elected despotisms, and the governing class self-elected despots. Those governments originated in force, and have been continued by force. All governments must originate in force, and be continued by force. The very term, government, implies that it is carried on against the consent of the governed. Fathers do not derive their authority, as heads of families, from the consent of wife and children, nor do they govern their families by their consent. They never take the vote of the family as to the labors to be performed, the moneys to be expended, or as to anything else. Masters dare

not take the vote of slaves, as to their government. If they did, constant holiday, dissipation and extravagance would be the result…

They are all governments of force, not of consent. Even in our North, the women, children, and free negroes, constitute four-fifths of the population; and they are all governed without their consent. … The widows and free negroes begin to vote in some of those States, and they will have to let all colors and sexes and ages vote soon, or give up the glorious principles of human equality and universal emancipation.

The experiment which they will make, we fear, is absurd in theory, and the symptoms of approaching anarchy and agrarianism among them, leave no doubt that its practical operation will be no better than its theory. Anti-rentism, "vote-myself-a-farm" ism, and all the other isms, are but the spattering drops that precede a social deluge…