

The constitution and its extent to unity

[War](#), [Civil War](#)



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The Dispute Regarding Slavery and the Missouri Compromise

With the vast amount of issues that arose after the ratification of the Articles of Confederation in 1781, the need to create a new Constitution—one that served to preserve the Union and revised problematic aspects of the old government—became Congress’s number one priority. In the midst of creating a new Constitution, a heated dispute began between Northern and Southern delegates regarding slavery and determining a state’s representation in the House of Representatives. These complications between Northerners and Southerners continued on as the United States began to expand out into the West. Missouri, for example, had petitioned to enter in as a slave state in 1820, but Northerners adamantly opposed its admission because it would throw off the balance in Congress between free and slave states. Fearing that the Union was at stake, the Missouri Compromise was passed to resolve this dispute. It proclaimed that Missouri

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would enter as a slave state, Maine would break away from Massachusetts and enter as a free state, and a 36°30' line was established which determined whether a state entering the Union would be free or slave. However, as more Americans in the 1840s pursued their manifest destiny, the belief that they were God's chosen people destined to exploit the continent, and as more territory was gained after Mexico ceded New Mexico and Upper-California in the Treaty of Guadalupe-Hidalgo in 1848, sectional tensions continued to increase. Due to the Constitution's amendments and their inability to set down successful solutions to sectional disputes, it ultimately contributed to widening the gap between the North and South, and the Union as a whole.

The Compromise of 1850

After the Mexican Cession, the United States was able to relish in their prosperity, but were unable to reach a state of harmony as expansion, once again, brought the nation to face the divisive question of slavery.

Northerners and Southerners alike were compelled to address the issue at hand and pushed Congress to make the newly gained territory either free or slave. As a solution to this territorial problem, two compromises were offered. One, backed by President Polk, extended the Missouri Compromise line to the Pacific and the other, presented by senator Lewis Cass, called for organizing the territory without mention of slavery. This proposal was based on popular sovereignty and allowed Congress to escape the responsibility of deciding the question of slavery themselves, until, gold was discovered in California in 1848. Thousands of people motivated by the possibility of striking it rich, flooded into this area and eventually, made California eligible

to set up a territorial government. President Taylor then proposed to admit California as a free state which was favored by many Northern gold seekers, but it was opposed by Southerners as it would destroy the balance between slave and free states in the Senate. To settle the dispute, Henry Clay proposed the Compromise of 1850, which stated that California was to be inducted as a free state into the Union and the rest of the Mexican Cession would be open to slavery under the principle of popular sovereignty. For a short time, this arrangement satisfied Northern and Southern interests but soon, underlying tensions about slavery arose. The Compromise of 1850, which was ratified under the Constitution, was an unsuccessful attempt at settling sectional disputes in the long run. As long as Southern slaveholders could legally migrate westward and bring slaves along with them, Northern resentment smoldered and the United States was on its way to a split in the Union.

The Fugitive Slave Act

Under the Compromise of 1850, a reinforced Fugitive Slave Act, originally passed in 1793, was amended and served to increase tensions between the North and the South. It compelled all citizens in the North and especially in the South, to assist in the capture of fugitive slaves. However, many Northerners were disgusted at the sight of harmless human beings hustled off into a life of slavery and frequently refused to obey the law when slaves were being dragged off into chains. Thousands of blacks, approaching a state of panic after the law passed, fled to Canada with the aid of abolitionists and the general black community. Warnings about the Fugitive Slave Act advised colored people to be wary of kidnapers in an attempt to protect the liberty

of slaves. In addition to this, abolitionists further interfered with the enforcement of the law by violently hounding slave catchers and mobbing the houses where captured slaves were held. With fugitive slave Anthony Burns, for example, his arrest in Boston, Massachusetts was thought to be unlawful among abolitionists and they attacked the courthouse where Burns was held. President Pierce was adamant about enforcing the law and sent soldiers to carry him back to Virginia. However, a few months later, Northern sympathizers bought back Burns's freedom for a few hundred dollars. Such incidents exacerbated sectional feelings where Southerners accused the North for not complying with one of the main agreements under the Compromise of 1850 and Northerners were disturbed by the South's cruel recapture of slaves. This distaste in the North was emanated by Ralph Waldo Emerson, who stated that the immoral law permitted the crime of kidnapping and violated a free man's liberty. Rather than solving the slave controversy between the North and South, this Fugitive Slave Act amended under the Constitution increased resentment on both sides and eventually led the country into a state of disunion.

The Kansas-Nabraska Act

As aforementioned, the Compromise of 1850 only settled the territorial dispute between the North and South for a short term because another amendment in organizing the Western territory sparked even more sectional tensions. Stephen A. Douglas, a senator whose politics were based on the idea of popular sovereignty and expansion, had personally insisted on pursuing the development of the United States in order to accomplish the goal of building a transcontinental railroad. He deemed it necessary to

organize the territory West of Iowa and Missouri to successfully achieve his goal and proposed the Nebraska Act. However, it was met with opposition from powerful Southern factions because, presumably, Nebraska would become a free state as it was above the 36°30' line. Douglas continually faced pressure from the South and he was pushed to split the Nebraska territory into two territories in what is known as the Kansas-Nebraska Act. The most controversial part of this territorial amendment was that it repealed part of the Missouri Compromise and the territory would be under the principle of popular sovereignty. The fact that the area was now open to slavery caused an indignant outcry in the North and increased resentment towards the government. This outrage is depicted in the political cartoon "Forcing Slavery Down The Throat Of A Freesoiler." Within this image, a large man (representing a freesoiler) is shown with its mouth held open by Pierce, Buchanan, and Cass as a black man (representing slavery) is shoved into his throat by Douglas. They are also standing on a platform labeled Kansas, Cuba, and Central America, which signifies the free soiler's belief that Democrats were engaging in plots to gain more territory for slavery. The Kansas-Nebraska act also led to the split in the Democratic party and the formation of two new political parties. One party, the Know Nothings, were full of nativists who showed hostility towards new immigrants and the other party, Republicans, were purely sectional and wanted to keep slavery out of the territories. It also led to violence among the North and South as they now wanted control over the Kansas-Nebraska territory to make it either slave or free. This territorial amendment passed under the Constitution in 1850 was

intended to expand and preserve the Union, but it only further divided the North and South and brought the country closer to civil war.

Dred Scott

Before addressing the problem regarding the Kansas Nebraska territory, the United States faced another sectionally dividing problem because the Constitution failed to definitively come up with a solution that satisfied both Northerners and Southerners. After James Buchanan's inauguration, the Supreme Court ruled in a case known as Dred Scott vs. Sanford, which determined the extent of slavery within the territories. Dred Scott, who was originally the slave to John Emerson, claimed that he and his wife Harriet Scott were free because they moved to the free state of Illinois. The case went to the Supreme Court where Chief Justice Roger Taney concluded that blacks were not citizens (but property) and thus, Scott could not sue in the federal court. Another ruling stated that Illinois being a "free state" did not matter because the Missouri Compromise was unconstitutional and Congress could not bar slavery in any territory. The decision overall posed a threat to popular sovereignty and hinted that slavery may be legal in the free states of the North. In no way did President Buchanan work to settle any Northern concerns because he stated that settlers had the right as masters to reclaim their property and have it protected under the basis of the Constitution. The decision reached in the Dred Scott case shows how the Constitution failed to properly address the subject of slavery. It instead opened up new conspiracies regarding slavery and increased sectional hostilities.

The Vagueness of Constitution

Aside from all the laws and compromises that would soon lead the Union's split, the Constitution's vagueness and conflicting interpretations furthered sectional tensions between the North and the South. When Abraham Lincoln of the Republican Party became President, the South Carolina legislature ordered an election of delegates to a convention and unanimously decided to secede. President Buchanan, who had not yet left office, deemed succession to be illegal but was ultimately powerless as the federal government had no legal way to prevent it. The Southern Confederacy thus continued with their plans to secede and chose Jefferson Davis to be a provisional president. Davis's message to the Confederate Congress in 1861 defended the South's secession and took the position that the Constitution was in reality a compact between independent states. He, and the majority of Southerners, believed that Southern states were in fact independent and had the right to break away from the Union. Secession was not mentioned in this compact known as the Constitution and Southerners concluded it was not illegal. Abraham Lincoln later gave his stance on this secession crisis stating that the states were never truly independent, never contracted as separate states, and therefore, the South could not legally secede. These conflicting interpretations shows how vaguely the Constitution highlighted state's rights. Its failure to set definitive clauses regarding Northern and Southern states caused the United States to erupt in a conflict that would lead to a civil war.

Conclusion

The Constitution was originally created with the intention of preserving the Union. However, the ongoing sectional disputes between the North and the South proved that it really contributed to the failure of the Union it had strove to create. This break was mainly caused by the unsuccessful amendments made to the Constitution, which attempted to solve sectional problems between the North and South. The Compromise of 1850, for one, did not last long and only increased Northern resentment because slave owners could legally bring in slaves into new territories. The Fugitive Slave Act as part of the Compromise also served to increase resentments between the North and South. With the Kansas-Nebraska act and the decision of the Dred Scott case, questions regarding the slave controversy increased and would later threaten national unity. South Carolina would secede from the Union and soon the bloodiest war in American history would begin.