

DBQ - Sectionalism and Civil War

TASK: Analyze the ways in which conflicting views of the Constitution and democracy itself contributed to causing the American Civil War. (Use at least six documents in your response; CAPP at least four. You may write your introduction and conclusion at home. The body will be written in class on Monday, January 8. No outline or notes can be used in class.)

Document A - Henry David Thoreau - Civil Disobedience, 1849

The government itself, which is only the mode which the people have chosen to execute their will, is equally liable to be abused and perverted before the people can act through it. Witness the present Mexican war, the work of comparatively a few individuals using the standing government as their tool; for, in the outset, the people would not have consented to this measure. . . .

How does it become a man to behave toward this American government today? I answer, that he cannot without disgrace be associated with it. I cannot for an instant recognize that political organization as my government which is the slave's government also.

All men recognize the right of revolution; that is, the right to refuse allegiance to, and to resist, the government, when its tyranny or its inefficiency are great and unendurable. . . . When a sixth of the population of a nation which has undertaken to be the refuge of liberty are slaves, and a whole country is unjustly overrun and conquered by a foreign army, and subjected to military law, I think that it is not too soon for honest men to rebel and revolutionize. What makes this duty the more urgent is the fact that the country so overrun is not our own, but ours is the invading army.

Document B - Sen. John C. Calhoun of South Carolina, Speech to U.S. Senate, 1850

What has caused the almost universal discontent within the Southern states? . . . It is to be found in the fact that the balance between free states and slave states, in the Government as it stood when the constitution was ratified, has been destroyed. At that time there was nearly a perfect equilibrium between the two, which gave ample means to each side to protect itself against the aggression of the other; but, as it now stands, one section (the North) has the exclusive power of controlling the government, which leaves the other (the South) without any adequate means of protecting itself.

Document C

Source: Ralph Waldo Emerson, address on The Fugitive Slave Law (May 3, 1851)

"An immoral law makes it a man's duty to break it, at every hazard. For virtue is the very self of every man. It is therefore a principle of law that an immoral contract is void, and that an immoral statute is void. . . . The [Fugitive Slave Law] is a statute which enacts the crime of kidnapping,—a crime on one footing with arson and murder. A man's right to liberty is as inalienable as his right to life. . . .

"By the law of Congress March 2, 1807, it is piracy and murder, punishable with death, to enslave a man on the coast of Africa. By law of Congress September, 1850, it is a high crime and misdemeanor, punishable with fine and imprisonment, to resist the reenslaving a man on the coast of America. . . . What kind of legislation is this? What kind of Constitution which covers it ? . . .

"I suppose the Union can be left to take care of itself. . . . But one thing appears certain to me, that, as soon as the Constitution ordains an immoral law, it ordains disunion. The law is suicidal, and cannot be obeyed. The Union is at an end as soon as an immoral law is enacted. And he who writes a crime into the statute-book digs under the foundations of the Capitol to plant there a powder-magazine, and lays a train."

Document D - New Orleans Newspaper Editorial – 1855

Under the Massachusetts "personal liberty law," no open action as yet has taken place. . . . If such laws are to be enforced, you can expect that Louisiana may do the following:

First. – Excluding your ships from our ports

Second. – Excluding your manufactures

How will such laws suit you? Of course not at all. They trample on the Constitution. . . . We know it! But we also know that this is precisely our objection to your "liberty law."

Our compact (the Constitution) is broken by you. There is little obligation on us to respect the rights of your citizens or their property, when you openly trample on ours.

Document E - Majority Opinion in the case Dred Scott v. Sanford, 1858

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 northward not included within the limits of Missouri. And the difficulty which meets us at the threshold of this part of the inquiry is, whether Congress was authorized to pass this law under any of the powers granted to it by the Constitution; for if the authority is not given by that instrument, it is the duty of this court to declare it void and inoperative, and incapable of conferring freedom upon any one who is held as a slave under the laws of any one of the States.

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

Document F - Abraham Lincoln Excerpts - Lincoln-Douglas Debates, 1858

August 21, 1858 - "There is no reason in the world why the Negro is not entitled to all the natural rights enumerated in the Declaration of Independence, the right of life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas that he is not my equal in many respects - certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglass, and the equal of every living man.

September 18, 1858 - "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 ... 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 forever forbid the two races from living together on terms of social and political equality."

Document G - South Carolina Declaration of Causes of Secession, December 24, 1860

Thus was established, by compact between the States, a Government with definite objects and powers, limited to the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the States or to the people, and rendered unnecessary any specification of reserved rights.

We hold that the Government thus established is subject to the two great principles asserted in the Declaration of Independence and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

In the present case, that fact is established with certainty. We assert that fourteen of the States have deliberately refused, for years past, to fulfill their constitutional obligations, and we refer to their own Statutes for the proof.

The Constitution of the United States, in its [fourth Article](#), provides as follows: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

Document I - Abraham Lincoln - First Message to Congress, July 4, 1861

This issue embraces more than the fate of these United States. It presents to the whole family of man, the question, whether a constitutional republic, or a democracy—a government of the people, by the same people—can, or cannot, maintain its territorial integrity, against its own domestic foes. It presents the question, whether discontented individuals, too few in numbers to control administration, according to organic law, in any case, can always, upon the pretences made in this case, or on any other pretences, or arbitrarily, without any pretence, break up their Government, and thus practically put an end to free government upon

the earth. It forces us to ask: "Is there, in all republics, this inherent, and fatal weakness?" "Must a government, of necessity, be too strong for the liberties of its own people, or too weak to maintain its own existence?"

So viewing the issue, no choice was left but to call out the war power of the Government; and so to resist force, employed for its destruction, by force, for its preservation.

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