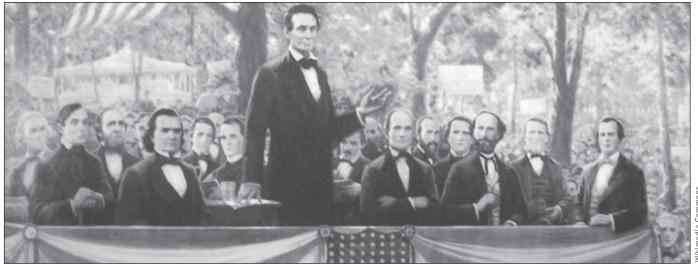
Bill of Rights in Action



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THE LINCOLN-DOUGLAS DEBATES - SPRINGBOARD TO THE WHITE HOUSE



Lincoln stands during one of the seven Lincoln-Douglas debates. Douglas is seated on Lincoln's right.

IN THE YEARS LEADING UP TO THE CIVIL WAR, THE ISSUE OF SLAVERY DIVIDED THE DEMOCRATIC PARTY AND NEWLY FORMED REPUBLICAN PARTY. ONE OF THE MOST PROMINENT DEMOCRATS WAS THE U.S. SENATOR FROM ILLINOIS STEPHEN DOUGLAS. WHEN HE RAN FOR RE-ELECTION IN 1858 AGAINST REPUBLICAN ABRAHAM LINCOLN, THE TWO MEN HELD A SERIES OF DEBATES. FOCUSED ON THE ISSUE OF SLAVERY, THE DEBATES

ATTRACTED INTENSE NATIONAL PRESS COVERAGE AND ULTIMATELY AFFECTED THE OUTCOME OF THE PRESIDENTIAL RACE IN 1860.

The issue of slavery divided the nation from its beginning. Although many of them opposed slavery, the framers of the U.S. Constitution largely ignored the issue. They recognized that the Southern states

would not join the new nation without it. They did not challenge the institution of slavery, believing it would remain limited to the South and would eventually die out.

As the nation expanded and new states entered the Union, however, the issue re-emerged. The Northern states wanted to keep slavery limited to the South. The South feared that if new states entered as free states, it would be outnumbered in Congress, and the institution of slavery could be threatened.

The Louisiana Purchase of 1803 more than doubled the territory of the United States. It also fueled a prolonged debate over the question of slavery in the new lands. Finally, in 1820, Congress passed the Missouri Compromise. Among other things, it banned slavery in what had been the Louisiana Territory north of latitude 36 degrees 30 minutes except for the new state of Missouri, which would enter as a slave state.

CONFLICTS

This edition of *Bill of Rights in Action* looks at historical and current conflicts. The first article focuses on the famous Lincoln-Douglas debates of 1858, which helped propel Abraham Lincoln into the White House two years later. The second article examines the battle over Sudan, fought in the late 19th century. The last article explores the ongoing issue of Bible readings in public schools.

U.S. History: The Lincoln-Douglas Debates

World History: Sudan, Imperialism, and the Mahdi's Holy War

Government: Are Bible Readings Ever Allowed in Public Schools?

Guest writer Lucy Eisenberg, Esq., contributed the article on the Lincoln-Douglas debates. Our longtime contributor Carlton Martz wrote the article on Sudan and the Mahdi. CRF staff writer Damon Huss wrote the piece on Bible readings.

Following the Mexican War (1846-48), the U.S. acquired vast new territory in the Southwest. After much turmoil, Congress passed the Compromise of 1850. Crafted by Senator Henry Clay, a Whig from Kentucky, and pushed through Congress by Senator Stephen Douglas, a Democrat from Illinois, the compromise allowed California to enter as a free state. But the compromise also left the decision over slavery to the residents of the large Utah and New Mexico territories. This political doctrine of leaving the decision to the people was known as popular sovereignty. Douglas believed popular sovereignty would help defuse the controversy over slavery.

Four years later, Douglas returned to popular sovereignty when addressing the question of the Nebraska Territory. He introduced a bill in the Senate to repeal the Missouri Compromise, split the Nebraska territory in two (the southern one to be called Kansas), and leave the decision on whether slavery would be allowed to the inhabitants of the territories. After long and acrimonious debates, the bill passed Congress in May 1854 and became known as the Kansas-Nebraska Act.

The new law polarized the nation along North-South lines. Once active in both the North and South, the Whig Party lay in ruins. Many Whigs in the North joined the new Republican Party, formed in opposition to the Kansas-Nebraska Act.

Douglas came under attack as having opened all unorganized territories to slavery and placing the country under the "yoke of slaveholding despotism." Douglas denied opponents' claims that he was opening up the whole country to slavery. Writing to a New Hampshire newspaper, he said, "Why do they not state the matter truly and say that it opens the country to *freedom* by leaving people *perfectly free* to do as they please."

While Douglas was championing the Kansas-Nebraska Act in Congress, lawyer Abraham Lincoln was out of the political arena. As a member of the Whig Party, he had previously served four terms in the Illinois state legislature (in 1834, '36, '38, and '40) and one term to the U.S. Congress (1847-1849). After his two years in Congress, Lincoln returned to the practice of law. But the political turmoil caused by the Kansas-Nebraska Act brought him back. In the summer of 1854, Lincoln decided to run again for the state legislature, this time as a Republican. Three times in his campaign speeches he directly responded to speeches by Douglas, and on one occasion Douglas answered with a long rebuttal. This exchange previewed what four years later became the famous Lincoln-Douglas debates.

'House Divided'

Two years after passage of the Kansas-Nebraska Act, the Republican Party in Philadelphia held its first national convention. It nominated as its 1856 presidential candidate California's John C. Fremont, who strongly opposed extending slavery outside the South. In Illinois, the Republican Party was just gathering strength. Lincoln attended the party's first convention in Bloomington and worked on Fremont's during his unsuccessful presidential campaign. Lincoln's tireless work and his fervent opposition to the spread of slavery attracted many Republican activists. They saw Lincoln as a worthy opponent of Douglas in Illinois' upcoming election for the Senate.

When the Illinois Republican Party met in June 1858 in Springfield, the delegates nominated Lincoln for the Senate. In his acceptance speech, Lincoln spoke for 35 minutes and closed by warning of the danger Douglas posed if he were re-elected to the

Thousands of people flocked to the debates to hear the 'Little Giant' and 'Honest Abe' speak.

Senate. The fight against slavery, Lincoln said, cannot be led by someone who has proclaimed indifference to that evil. "Our cause . . . must be entrusted to, and conducted by its own undoubted friends — those whose hands are free, whose hearts are in the work." The theme of his campaign would be, as he proclaimed, to end the crisis over slavery. In memorable words, Lincoln quoted from the Gospel of Mark: "A house divided against itself cannot stand." He then expressed his belief that someday slavery would either be extinguished or spread throughout the country:

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.

Many of Lincoln's supporters disapproved of the "House Divided" speech, fearing that it would be interpreted as a threat to make war on the Southern states and would alienate voters who might otherwise have voted for Lincoln. And indeed the "House Divided" speech became a key point in the campaign.

Unlike today, U.S. senators were not popularly elected. The state legislature selected the U.S. senators. Thus, in a campaign for Senate, each party tried to win a majority of seats in the state legislature.

Agreement to Debate

Lincoln faced a formidable opponent in Douglas. Standing 5 feet 4 inches tall and often called the "Little Giant," Douglas was one of the best-known politicians in the country. After serving in the Illinois legislature and in the U.S. House of Representatives, he was elected to the U.S. Senate in 1846 and was re-elected in 1852. As author of the Kansas-Nebraska Act and a supporter of limited government, Douglas drew strong support from Southern Democrats and their sympathizers, including many Democrats who lived in central and

southern Illinois. Many believed that Douglas was the sure winner of the Senate race — and a probable contender for president in 1860. But even his supporters recognized that defeating Lincoln would be hard work. One pro-Douglas correspondent described Lincoln as a good lawyer who "tells a story better than anyone else." He is not Douglas' equal "in dignity, intellect and majesty of mind," the correspondent wrote, but was "remarkably able" and would give Douglas "the fight of his life."

The campaign began early in July, with Douglas speaking from the balcony of a hotel in Chicago. In his speech, Douglas castigated Lincoln's "House Divided" speech and touted his own platform of popular sovereignty. Lincoln, he said, wanted to impose uniformity throughout the country, perhaps by war. He contrasted Lincoln's position to his belief in "the great principle of the Kansas-Nebraska Bill, the right of the people to decide for themselves."

Lincoln responded the next evening, speaking from the same balcony. Answering Douglas' criticism of his "House Divided" speech, Lincoln said that prior to the Kansas-Nebraska Act, the country had "endured" being half slave and half free because the public had believed that slavery ultimately would disappear. But the Kansas-Nebraska-Act had undermined this belief by permitting slavery to spread where it had previously been banned.

During July, the Douglas campaign seemed to be winning. Lincoln often followed Douglas from town to town and spoke after the senator's rallies. The pro-Douglas press said that following Douglas around was the only way Lincoln could attract a crowd. Worried that he was behind, Lincoln challenged Douglas to a series of debates. Douglas agreed to debate in towns in seven different districts. The candidates decided to speak on an alternating basis: one man would speak for 60 minutes; the other would reply for 90 minutes; and the first speaker would conclude

The Constitution and Slavery

The Constitution deals with slavery in three places, yet it avoids using the words "slave" or "slavery." Note the language it uses to:

Determine how to count slaves as part of a state's population. "Representatives and direct Taxes shall be apportioned among the several States . . . according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons . . . [and] three fifths of all other Persons." (Art. I, §2)

Allow Congress to end the slave trade with foreign countries in 1808. "The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight" (Art. I, §9)

Ensure that states will return escaped slaves. "No Person held to Service or Labour 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 Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due." (Art. IV, §1)

for 30 minutes. With the first debate scheduled for August 21 in Ottawa, the candidates went back on the road, and the press began to prepare.

On August 10, a leading newspaper in Richmond, Va., proclaimed, "The great battle of the next Presidential election is now being fought in Illinois." Even before the debates began, the press recognized that the contest between Douglas and Lincoln would interest people around the country. Reporters from as far away as New York and Oregon came to Illinois to cover the debates. Two papers took an unusual step and decided to publish verbatim transcripts of the debates. The Chicago Times (a pro-Democratic paper) and the Chicago Press and Tribune (a pro-Republican paper) both hired reporters (then called "phonographers") to record the entire debates in shorthand. The shorthand transcripts would be rushed by train back to Chicago, edited, and published, often the very next day.

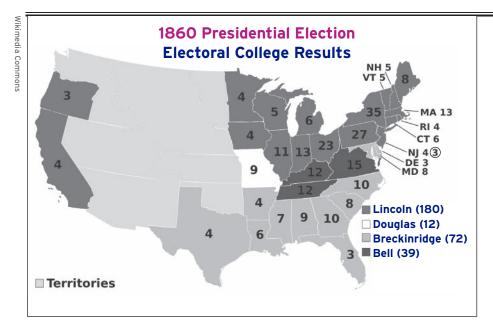
As the reporters were preparing, so too were the towns where the debates were scheduled to take place. One correspondent from New York wrote, "The prairies are on fire." On August 21 in Ottawa, the town overflowed with people from surrounding communities and counties. People came by foot, on horseback, in wagons, by railroad, and by boat. At eight o'clock in the morning, one reporter wrote, "The streets

and avenues leading from the country were so enveloped with dust that the town resembled a vast smoke house." Military bands with huge brass tubas surrounded the courthouse and the public square. Peddlers were hawking their wares, and huge amounts of food were served at long tables by a local committee. For many people going to political gatherings was a form of wonderful — and free — entertainment. Thousands of people flocked to the debates to hear the "Little Giant" and "Honest Abe" speak.

Is Slavery Morally Wrong?

Senator Douglas spoke first in the Ottawa debate. Not surprisingly, he went right to the slavery issue and accused Lincoln of being an abolitionist whose beliefs would result in separating the Union. Lincoln and his party, Douglas claimed, "are trying to array all the Northern states in one body against the South, to excite a sectional war between the free states and the slave states."

Douglas based his accusation on Lincoln's "House Divided" speech. Why, Douglas asked, should the Union not continue to exist, half slave and half free, as it had for 70 years, and as the founders had intended? Douglas repeated his own commitment to popular sovereignty, letting the people decide whether to allow slavery in their territory or state. Douglas claimed although he



believed blacks to be inferior, he did not believe they necessarily should be slaves. That decision, he said, was one for the people in each state or territory to decide.

Lincoln responded by denying that he had ever intended to cause a war between the North and the South. His main intent, he said, was to shine a light on those (like Douglas) who by passing the Kansas-Nebraska Act were trying to encourage the spread of slavery — "to make it perpetual and universal." My goal, he said, "is to arrest the further spread of [slavery] and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction."

Lincoln was more equivocal on the issue of black inferiority. Douglas had stated clearly that he believed that "the Negro is our inferior." Lincoln did not disagree. "There is a physical difference between the two [races], which in my judgment will probably forbid their living together upon the footing of perfect equality." And he added that, "I . . . am in favor of the race to which I belong, having the superior position." But, he continued, "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 to life, liberty and the pursuit of happiness. I hold that he is as much entitled to these as the white man." And he insisted, the black man, like the white man, has "the right to eat the bread, without leave of anybody else, which his own hand earns."

At all the debates, Douglas refused to take a position on whether slavery was wrong. If new territories were acquired, Douglas believed that should happen "without reference" to slavery. Lincoln responded by emphasizing his strong belief that slavery is morally wrong. In one of the later debates, Lincoln identified this as the primary difference between Republicans and Democrats and between Douglas and himself. Douglas, Lincoln said, won't acknowledge the conflict between slavery and liberty, and "every sentiment he utters discards the idea that there is any wrong in Slavery." The "Little Giant" and the Democrats, Lincoln said, "don't care whether Slavery is voted up or down," whereas he belongs "to that class in the country who contemplate slavery as a moral, social and political evil" For Lincoln, Douglas' belief in "popular sovereignty" proved that he did not believe slavery was morally wrong.

The Freeport Doctrine

At the second debate at Freeport, Lincoln forced Douglas to choose between his belief in popular sovereignty and a highly controversial, pro-slavery ruling by the U.S. Supreme Court in *Dred Scott v. Sanford*.

Among other things, the court in *Dred Scott* ruled that the federal government did not have the power to ban slavery in territories. Lincoln asked Douglas:

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?

According to the Supreme Court's decision in *Dred Scott*, the answer was no. But Douglas responded:

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.

In short, Douglas answered that popular sovereignty trumped the Supreme Court's decision. His answer became known as the Freeport Doctrine, and it cost him support among Southern Democrats. Many of them viewed it as a betrayal.

Who Won?

The last of the seven debates took place on October 15 in Alton, located on the Mississippi River. After the debate, a correspondent for the New York Tribune predicted Lincoln would be the next senator: "Mr. Lincoln is as sure to be successor of Mr. Douglas in the Senate of the United States as there is a sun in the Heavens " And indeed, when the votes were counted after Election Day on November 2, the Republican candidates supporting Lincoln won more votes in total than did the Democratic candidates supporting Douglas. But more Democratic candidates won their races, and the legislature selected Douglas as senator.

Lincoln wrote to a friend that he will now "sink out of view and shall be forgotten." That did not happen, because Lincoln's performance in the debates had gained him a national reputation. In December, a Pennsylvania newspaper declared,

"Mr. Lincoln has made for himself a reputation as a great statesmen and popular debater, as extensive as the country itself." Lincoln's reputation continued to rise as he accepted invitations to speak from Republican committees and candidates both in the Eastern states and in the West.

The Election of 1860

After Lincoln spoke in Ohio in the fall of 1859, the Republican Party committee helped publish a book containing newspaper accounts of all the debates. Printed before the national convention in May 1860, it became a best-seller, bringing Lincoln even further into the spotlight. Some historians believe it helped secure his nomination for president. In the words of historian Don E. Fehrenbacher, "The momentum gathered in their contest for a Senate seat carried both Lincoln and Douglas to the

threshold of the White House, but only one could enter."

Douglas ultimately got the nomination of the Democratic Party for president. But the party split when delegates to the convention refused to adopt a resolution allowing slavery in territories even if residents voted against it. Many delegates walked out, formed the Southern Democratic Party, and selected John C. Breckinridge of Kentucky as their nominee for president. Yet another party formed, the Constitutional Union Party, for those who could not support the Democrats or Republicans. It also nominated a candidate for president.

The Lincoln-Douglas debates had helped Lincoln garner the Republican presidential nomination. They had also helped splinter the Democratic Party.

In the election of 1860, Republican Abraham Lincoln carried 39 percent of the popular vote (more than any other candidate), and he won the electoral college vote. He was not on the ballot in many Southern states and won none of them. Before his inauguration, seven Southern states declared they were seceding from the Union.

DISCUSSION & WRITING

- Why did the admission of new states to the Union divide the North and South? Prior to the Civil War, what compromises did Congress make on admitting new states?
- 2. Who was Stephen Douglas? Why was he important? What did he believe about slavery? How did his view of slavery differ from Lincoln's?
- 3. What were the Lincoln-Douglas debates? In your opinion, who won the debates? Explain. Why were the debates important?

ACTIVITY

What Would Lincoln Say?

In this activity, students read statements made by Douglas in the debates, discuss how Lincoln would respond, and create responses to each statement.

Form pairs. Assign each pair Statement A or Statement B. Each group should:

- a. Read your assigned statement by Douglas.
- b. Consulting the article, discuss how Lincoln might have responded to the statement.
- c. Write a response that reflects Lincoln's thinking.
- d. Be prepared to present your response to the class and explain why you think Lincoln might have answered in this manner.

Statement A of Douglas:

Douglas: Mr. Lincoln . . . says that this Government cannot endure permanently in the same condition in which it was made by its framers — divided into free and slave States. He says that it has existed for about seventy years thus divided, and yet he tells you that it cannot endure permanently on the same principles and in the same relative condition in which our fathers made it. Why can it not exist divided into free and slave States? Washington, Jefferson, Franklin, Madison, Hamilton, Jay, and the great men of that day, made this Government divided into free States and slave States, and left each State perfectly free to do as it pleased on the subject of slavery. Why can it not exist on the same principles on which our fathers made it?

Statement B of Douglas:

Douglas: He [Lincoln] tells you that I will not argue the question whether slavery is right or wrong. I tell you why I will not do it. I hold that under the Constitution of the United States, each State of this Union has a right to do as it pleases on the subject of slavery. In Illinois we have exercised that sovereign right by prohibiting slavery within our own limits. I approve of that line of policy. We have performed our whole duty in Illinois. We have gone as far as we have a right to go under the Constitution of our common country. It is none of our business whether slavery exists in Missouri or not. Missouri is a sovereign State of this Union, and has the same right to decide the slavery question for herself that Illinois has to decide it for herself. Hence I do not choose to occupy the time allotted to me in discussing a question that we have no right to act upon.

Note: Lincoln and Douglas debated seven times and repeated themselves often in the debates. For examples of how Lincoln responded to these statements, see http://www.crf-usa.org/lincoln-douglas-debate.htm.

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Standards

Lincoln-Douglas Debates

National High School U.S. History Standard 11: Understands the extension, restriction, and reorganization of political democracy after 1800. (2) Understands the positions of northern antislavery advocates and southern proslavery spokesmen on a variety of issues (e.g., . . . Lincoln-Douglas debates).

California History-Social Science Standard 8.9: Students analyze the early and steady attempts to abolish slavery and to realize the ideals of the Declaration of Independence. (5) Analyze the significance of . . . the Missouri Compromise (1820), . . . the Compromise of 1850, . . . the Kansas-Nebraska Act (1854), the Dred Scott v. Sandford decision (1857), and the Lincoln-Douglas debates (1858).

Common Core Standard RH.11B12.6: Evaluate authors= differing points of view on the same historical event or issue by assessing the authors= claims, reasoning, and evidence.

Common Core Standard RH.11B12.8: Evaluate an author=s premises, claims, and evidence by corroborating or challenging them with other information.

Mahdi

National High School World History Standard 36: Understands patterns of global change in the era of Western military and economic dominance from 1800 to 1914. (3) Understands the influence of European imperial expansion on political and social facets of African and Indian society (e.g., . . . the major chain of events in Europe and Africa that led to the "scramble" for African territory, and the role of particular African governments or peoples in the partition of Africa by the Europeans (6) Understands economic, social and religious influences on African society (e.g., . . . how and why slavery and the slave trade flourished in both West and East Africa . . .). (7) Understands African resistance movements against the British during the period of European imperial expansion (e.g., the nature of the Sudanese resistance to the British, as well as the general success of Mahdi Muhammad Ahmed and the Mahdi uprising against British imperialism).

California History-Social Science Standard 10.4: Students analyze patterns of global change in the era of New Imperialism in a least two of the following regions or countries: Africa (2) Discuss the locations of the colonial rule of such nations as England (3) Explain imperialism from the perspective of the colonizers and the colonized and the varied immediate and long-term responses by the people under colonial rules. (4) Describe the independence struggles of the colonized regions of the world, including the role of leaders and the roles of ideology and religion.

Common Core Standard WHST.11B12.7: Conduct short as well as more sustained research projects to answer a question . . . synthesize multiple sources on the subject, demonstrating understanding of the subject under investigation.

Bible Readings

National High School Civics Standard 25: Understands issues regarding personal, political, and economic rights. (1) Understands the importance to individuals and to society of personal rights (5) Knows major documentary sources of personal, political, and economic rights such as . . . court decisions (6) Understands how personal, political, and economic rights are secured by constitutional government and by such means as the rule of law, checks and balances, an independent judiciary, and a vigilant citizenry

National High School U.S. History Standard 29: Understands the struggle for racial and gender equality and for the extension of civil liberties. (3) Understands how various Warren Court decisions influenced society (e.g., . . . the effectiveness of the judiciary in promoting civil liberties).

National High School U.S. History Standard 31: Understands economic, social, and cultural developments in the contemporary United States. (3) Understands how the rise of religious groups and movements influenced political issues in contemporary American society (e.g., . . . how Supreme Court decisions since 1968 have affected the meaning and practice of religious freedom)

Common Core Standard SL.11B12.4: Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

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