

Territorial Rules and the Courts

November 6 | Name: _____ | Section: _____

Read the two selections together. In pairs, annotate what each changes about federal power and who can claim rights.

Undoing the earlier territorial restriction

[...] except the eighth section of the act preparatory to the admission of Missouri into the Union approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slaves in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; [...]

[Kansas-Nebraska Act \(1854\), §14 \(excerpt\)](#)

The Supreme Court's racial exclusion and territorial ruling

A free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a "citizen" within the meaning of the Constitution of the United States.

The Constitution of the United States recognises slaves as property, and pledges the Federal Government to protect it. And Congress cannot exercise any more authority over property of that description than it may constitutionally exercise over property of any other kind.

[Dred Scott v. Sandford \(1857\), report syllabus, I.4 and IV.4; National Archives transcript. These are separate summary provisions, not a continuous passage of Taney's opinion.](#)

Teacher context and discussion

The 1854 act reopened the question of slavery in Kansas and Nebraska. Rival settlement, contested elections, and violence followed; opposition helped build the Republican Party. The 1857 decision then challenged Congress's power to prohibit territorial slavery.

1. Explain how repealing a restriction could increase conflict over elections.
2. Separate the Scott citizenship ruling from the territorial-property ruling.
3. Compare the Scotts' use of litigation with the Wrights. Why does a lost case still show purposeful action?

The racist language is part of the historical record. The syllabus summarizes the decision; it is not the plaintiffs' voice or a continuous quotation from the majority opinion.

Family Goals and Political Crisis

November 16 · Part 1 | Name: _____ | Section: _____

Read the appeal together. Then read the platform and declaration excerpts. Identify each speaker's purpose before comparing claims.

Harriet Newby's appeal

Dear Husband, Master is in want of money ... he may sell me ... come this fall money or no money.

[Harriet Newby to Dangerfield Newby \(1859\), excerpt reproduced by the National Park Service; ellipses are in the NPS excerpt.](#)

Context: Dangerfield Newby joined John Brown's 1859 raid at Harpers Ferry and was killed. Harriet's short appeal records urgency and threatened sale; it does not establish her full opinion of Brown's plan.

Republican platform: states and territories

4. That the maintenance inviolate of the rights of the states, and especially the right of each state to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depends; [...]

[...] we deny the authority of Congress, of a territorial legislature, or of any individuals, to give legal existence to slavery in any territory of the United States.

[Republican Party platform \(1860\), §§4 and 8 \(excerpts\); American Presidency Project](#)

Secessionists' stated defense of slavery

Those States have assume the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the States and recognized by the Constitution; they have denounced as sinful the institution of slavery; [...]

[South Carolina, Declaration of the Immediate Causes \(December 24, 1860\), paragraph beginning "Those States"; Yale Avalon transcription retains "have assume."](#)

1860 electoral votes: Lincoln 180; Breckinridge 72; Bell 39; Douglas 12. Total 303; majority 152. [National Archives results](#). Lincoln's election did not itself emancipate enslaved people. South Carolina seceded December 20 and issued its declaration December 24.

Explain the Road to Civil War

November 16 · Part 2 | Name: _____ | Section: _____

Work in small groups. Number the event cards in order (do not cut unless directed). Draw two arrows between events and explain the mechanism, not just “this happened next.” Then discuss whether “unavoidable” is justified.

Event cards in mixed order

[] **1857 • Dred Scott:** the majority denied citizenship to the category of people of African descent it described and rejected the territorial restriction.

[] **1820 • Missouri settlement:** state admissions and a territorial restriction managed a dispute over slavery’s expansion.

[] **1859 • Harpers Ferry:** Brown’s raid and its defeat intensified fears and disputes over antislavery action.

[] **1854 • Kansas-Nebraska:** repeal and popular sovereignty reopened a territorial contest.

[] **1860 • Election and secession:** an anti-expansion party won; secessionists chose withdrawal to defend slavery’s future.

[] **1850 • Compromise:** territorial arrangements came with stronger fugitive enforcement.

[] **1856 • Violence:** Bleeding Kansas and the caning of Senator Sumner deepened sectional hostility.

[] **1858 • Lincoln-Douglas debates:** disagreements exposed the tension between popular sovereignty and the Dred Scott decision.

Discussion and exit response

1. What difference does the Republican platform make between existing states and territories?
2. What did secessionists claim to be defending? Treat the declaration as advocacy, not a neutral legal judgment.
3. Write 4–5 sentences: identify a consequential turning point, link it to two other events, and use one supplied primary-source detail. Acknowledge one limit to a claim of inevitability.

Sources: National Archives document pages for Missouri, the 1850 compromise, Kansas-Nebraska, and Dred Scott; NPS [Lincoln-Douglas debates](#) and [Harpers Ferry](#). Source links for quoted documents are on the preceding pages.