

Chapter 11

Civil War in Kansas

Impulsive, energetic, intelligent, and ambitious: Such were the words used to describe Stephen Douglas of Illinois. Douglas had inherited Henry Clay's mantle of leadership in the West. In 1850, Douglas played a major role in guiding the California Compromise through Congress and saving the Union. He had been especially effective in arguing for the doctrine of popular sovereignty, rule by (free, white) people, in deciding the issue of slavery in the territories. In 1850, this principle had helped preserve the country by taking the discussion of slavery out of the halls of Congress. Championing this same principle, Douglas brought his country to the verge of war by reopening the question of slavery in the territories. This chapter tells that story.

The Kansas-Nebraska Act

In 1852, Douglas made a bid for the Democratic presidential nomination. He and his admirers were disappointed when this prize went to the pleasant but weak Franklin Pierce. Pierce was elected, and a saddened Douglas, who was also mourning the death of his wife, traveled to Europe. He returned in November, 1852 and threw himself into a round of social obligations, entertaining lavishly and constantly. In the bustle of activity, it is possible that he did not have time to take the pulse of his nation.

As Chairman of the Senate Committee on Territories, Douglas with his accustomed vigor proposed legislation to open the Kansas and Nebraska territories for settlers. At the close of its 1853 session, Congress came close to passing this measure. A bill had cleared the House of Representatives. In the Senate, however, it met the determined opposition of the South. Led by its President, David Atchison of Missouri, the Senate rejected the Nebraska Bill. The sticking point for Atchison and the South was the Missouri Compromise, which prohibited slavery north of 36°30' (see Chapter 3). Atchison had told a pro-slavery audience that he would rather see Kansas "sink in Hell" than have it admitted into the Union as a free state.

When Douglas introduced his Kansas-Nebraska Bill in 1854, it contained an important modification. Rather than continue the restrictions on slavery that were embodied in the Missouri Compromise, the Kansas-Nebraska Act repealed this prohibition on slavery. It stated:

That all questions pertaining to slavery in the Territories, and in the new states to be formed therefrom, are to be left to the people residing therein, through their appropriate representatives.⁵¹

An Issue of Motives

The Kansas-Nebraska Bill now headed into the eye of a storm, and Douglas as its main sponsor was to reap the whirlwind. Douglas sensed the coming struggle, but underestimated its force. He confided in a friend that he would be attacked by abolitionists, free soilers, demagogues, and fanatics for repealing the Missouri Compromise. Why then did he not avoid that battle? Historians generally subscribe one of three motives to Douglas's actions:

51 Quoted in Allan Nevins, *The Ordeal of the Union*, Charles Scribner's Sons, New York, 1947, p. 95.

1. Douglas was convinced that the principles of popular sovereignty, the people in the territories deciding on slavery, was a fair and just principle, in keeping with the American tradition of democracy and local rule. He believed that it was the best and most efficient way of settling the question of slavery.
2. Douglas retained his ambition to become President. By giving the South an opportunity to gain another state, he would win the support of the southern Democrats in 1856.
3. Douglas was interested in obtaining Southern support for a transcontinental railroad that would connect Chicago to California. Douglas owned 6,000 acres in Chicago and would profit if the railroad were built.

Opponents of slavery assigned a more vicious and uncomplimentary motive to Douglas and the South. In an appeal against the Kansas Bill that would soon set the tone for debate, Salmon P. Chase of Ohio charged:

We oppose this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region immigrants from the old world and free laborers from our own States, and convert it into a dreary region of despotism,

Whatever his motives, Douglas relished a fight and did not shrink from the battle. Chase and his allies were labeled “pure unadulterated representatives of Abolitionism, Free Soilism and Niggerism in the Congress of the United States.”⁵² And Douglas denied that slavery would spread to Kansas:

*In that climate, with its products, it is worse than folly to think of its being a slave holding country. I do not believe there is a man in Congress who thinks it could permanently be a slave holding country.*⁵³

The Republican Party is Formed and Fugitive Slaves Become an Issue

The issue of repealing the Missouri Compromise split this nation as no other political issue since the California controversy. Neither the Senate nor the House had witnessed such vehement debate, such personal animosity, such name calling and slander. Congressmen actually drew weapons and only the arrest of one member and a quick adjournment prevented bloodshed. When the dust settled in the House of Representatives, and the final ballots had been counted, the Kansas-Nebraska Act passed. Significantly, of the 97 votes against the Bill, only 9 were cast by Southerners.

Despite extreme pressure from the Pierce administration, the northern Democrats were evenly split on the Kansas-Nebraska Act, with almost half voting against their leadership. The anti-Nebraska Democrats now joined with disaffected elements of the Whigs, the other major party. Quite spontaneously in many different localities, they adopted a new name, Republicans, and a single principle – opposition to the spread of slavery. A prominent Whig leader in Illinois Abraham Lincoln, joined this new party and so did Henry Seward of ‘higher law’ fame. In 1856, this purely Northern party offered a

⁵² Quoted in *ibid.*, p. 114.

⁵³ Quoted in *ibid.*, p. 115.

presidential candidate, John C. Fremont. Running on a platform of 'free land, free men, and Fremont,' the Republicans almost elected a President in 1856. Four years later they were more successful.

As the ties that had once bound the major parties came undone, so too did the willingness of men to obey distasteful laws. During the height of the Kansas controversy, a slave named Anthony Burns escaped and fled to Boston. His owner chased Burns and came North to claim his property. The Fugitive Slave law had made it a crime to assist a runaway. But Boston, now thoroughly incensed against the South, came out in mass to free Anthony Burns. Believing that the South had reneged on the Missouri Compromise, many felt no compulsion to support the law that was a product of the California Compromise. A mob stormed the Federal Court House where Burns was imprisoned. President Pierce sent U.S. marines to Boston to restore order, and the government spent over \$40,000 to return Burns to his owner. Similar scenes were repeated in other northern cities.

Slave and Free Legislatures

If popular sovereignty was to work, both sections would have to allow the settlers of Kansas to resolve the slavery issue in an orderly and peaceful manner. But excitement over the slavery question coupled with the normal lawlessness of frontier life turned Kansas into a bloody battlefield with an estimated 200 casualties. This skirmish was but prelude to a much larger battle which cost the nation over 600,000 lives. It raises the question of who was responsible for the violence in Kansas.

Stephen Douglas blamed the North for starting the conflict. New Englanders, he claimed, tried to artificially stimulate emigration into Kansas in order to assure its entrance as a free state:

*In retaliation, Missouri formed aid societies too; and she, following your example, sent men into Kansas, and they occurred the conflict. I condemn both, but I condemn a thousand fold more those that set the first example and struck the first blow.*⁵⁴

Actually, the first threat of violence was made by Senator Atchison of Missouri, in 1853. "If the Northern vermin," he told a pro-slave audience, "come to take up those fertile prairies, run off your Negroes, and depreciate the value of your slaves, your rifles will free you from such neighbors."⁵⁵

In April, 1854, a Massachusetts educator and politician named Eli Thayer organized the Massachusetts Emigrant Aid Society. He quickly raised \$100,000 of a proposed \$5,000,000 and financed the settlement in Kansas of some 1,200 emigrants before he was forced to declare bankruptcy. While Thayer canvassed the North for funds and migrants, Missouri residents began to stake claims in the nearby lands they considered rightfully theirs. The Platte County Self-Defense Association was formed to assist in removing all immigrants that were financed by the Emigrant Aid Society.

Late that summer, President Pierce appointed an obscure Pennsylvania lawyer named Andrew Reeder as first territorial governor. Reeder tried his best to be impartial, but was unable to prevent 1,700 Missouri residents from crossing the border that fall to vote illegally in the election for a territorial representative to Congress.

⁵⁴ Quoted in *ibid.*, p. 306.

⁵⁵ Quoted in *loc. cit.*

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According to the 1855 census, some 8,500 people including 242 slaves had settled in Kansas. In the election that year for the all important territorial legislature, nearly 5,000 Missouri residents crossed the border and cast 4,908 illegal voters to 1,410 legitimate ballots. Under some duress from the newly elected and fully armed legislators, Governor Reeder certified all but the most fraudulent returns. The legislature's first act was to draw up a slave code, borrowed from Missouri, making it a crime to advocate the abolition of slavery, and a capital offense to stir up a slave rebellion.



Representative Brooks Beating Senator

Thoroughly disgusted, Governor Reeder now tried to convince President Pierce to investigate the fraudulent voting that brought this pro-slave legislature into existence. But Pierce did nothing. Upon returning to Kansas, Reeder was met with a demand that he be removed. Pierce replaced him with a governor who would cooperate with the pro-slave legislature. Despairing of any legal redress, the anti-slave men in Kansas took action. They drew up their own Constitution which was submitted to a referendum and passed by a vote of 1,731 to 6. A copy was sent to Washington, D.C. The anti-

slavery men then elected a governor, Charles Robinson, and a free territorial legislature. Kansas then had two governors, two legislatures and two governments. Each side collected guns and ammunition for the showdown that they thought inevitable.

Lawrence Sacked and Sumner Beaten

A temporary lull during the bitter winter of 1855-56 was broken the following spring. A Federal Marshall deputized over 500 pro-slave men in order to enforce the laws of the legal (pro-slave) legislature. Grand jury indictments were served against two abolitionist papers in the free town of Lawrence, and a few days later a pro-slave paper gleefully headlined:

**Lawrence Taken:
Glorious Triumph of the Law and Order Party
Over Fanaticism in Kansas.⁵⁶**

The deputized anti-slave forces smashed the abolitionists' presses, blew up the main hotel in Lawrence, set fire to Governor Robinson's house, and burned and looted a number of homes in Lawrence. To all this provocation, the anti-slave population had offered no resistance. But a few days later, John Brown and several of his sons murdered and mutilated five pro-slave settlers at Pottawatomie Creek. Later, retaliation came, and before Federal troops restored order, some 200 Kansas residents and invaders from Missouri were dead.

In the U.S. Senate, Charles Sumner did not need the provocative news of the attack on Lawrence. With uncanny timing he delivered a well-rehearsed speech, perhaps the most vicious ever launched from the floor of the Senate. It came on the very day of the sack of Lawrence. His topic was *The Crime of Kansas* and the chief object of his personal invective, Senator Butler of South Carolina, was not in Washington to defend himself. Butler's nephew, Representative Brooks, took it upon himself to avenge his uncle by

⁵⁶ Quoted in *ibid.*, p. 435.

catching Sumner unaware on the Senate floor two days later, and smashing him over the head with a cane. It was a full 3 1/2 years before Sumner could resume his senatorial duties. A vote of censor from the House, where the North had a majority, forced Brooks to resign; he was quickly re-elected by jubilant supporters who provided him with golden canes to take back to Washington when he returned several weeks later.

The Solution in Kansas

The Kansas fiasco forced Pierce into early retirement, and the Democrats found another candidate to represent them, James Buchanan. As an ambassador to England, Buchanan had been out of the country and had avoided antagonizing the North while holding to the South's position on Kansas. To his credit, Stephen Douglas broke with the administration when he learned that the pro-slave Constitution was fraudulently ratified and did not have the support of the Kansas voters. In 1858 the Constitution was re-submitted in a fair election and turned down by a margin of ten to one. Kansas was admitted to the Union as a free state three years later, after the South had seceded.

Suggested Student Exercises:

1. Which side do you think was responsible for the violence in Kansas, the North or the South? Take a position on this question by stating a general principle of fair treatment and show how one side violated this principle. Be prepared to defend this principle and to show how it was violated.