

## Chapter 241 – James Buchanan Is Elected As America’s Fifteenth President



**Dates:**  
November 4,  
1856

- Sections:**
- The Candidates Remain Aloof As The Presidential Campaigns Play Out
  - The South Hands Buchanan The Victory Long Sought
  - The Democrats Hang On To The Majority In Congress

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Date: Fall 1856

### The Candidates Remain Aloof As The Presidential Campaigns Play Out

The events in Kansas provide a backdrop to the election campaign of 1856.

Ever since the raucous race of 1840 -- with both Harrison and Van Buren “stumping” in person to the electorate -- candidates have assumed the traditional posture of staying above the chase. Thereby the “dignity” of the highest office in the land is preserved by having the presidency seek the candidate and not vice versa.

Buchanan, Fremont and Fillmore all stay home and leave their fate in the hands of strategists using the available marketing tactics of the day. Some of these are straight-forward attempts to showcase key elements in the party platform, using billboards (“broadsides”) posted around towns, and lengthy editorials appearing in “party-backed” newspapers. Thus a piece in Horace Greeley’s *New York Tribune* will be unabashedly pro-Fremont, while John Forney’s *Pennsylvanian* is sure to tout James Buchanan.

By 1856, advances in printing also facilitate the creation of elaborate woodcut political cartoons which appear in papers and weekly magazines. These typically include recognizable caricatures of the candidates along with “voice bubbles” supposedly animating their thoughts and positions on the key issues. Here, for example, is a Republican cartoon, contrasting the two leading candidates. On the left is the “manly” Fremont, youthful, bearded, standing tall in the presence of his ex-army rifle, his pathfinder maps, and his stunning wife, “Our Jesse,” daughter of a southern senator, belle of the ball. On the right is “Old Buck,” weary and slumped over in a chair, whiskerless, crutch on the floor, the aging bachelor in an effeminate dressing gown, anti-hero whose time is past.



Top Script: The Candidates: Young America And Old Fogyism  
 Bottom: Fremont And Our Jesse And Old Buck  
 Scrolls: F (California Free State/South Pass Route) B (Ostend Manifesto/Platte Ruffians)

Further efforts to gin up enthusiasm come in the way of campaign rallies, where cider is consumed, the crowd is encouraged to physically push around a ten foot in diameter sphere made of cloth, string and tape, plastered with campaign slogans (“keep the ball rolling”), all the while chanting a range of campaign slogans and songs. For “Old Buck,” there is *The White House Chair*:

*Come all ye men of every state  
 Our creed is broad and fair  
 Buchanan is our candidate  
 We'll put him in the White House Chair*

For Fremont, a different doggerel:

*A cheer for the brave Fremont  
 A song for the true and tried  
 His name is a household word  
 And a sound of joy and pride.*

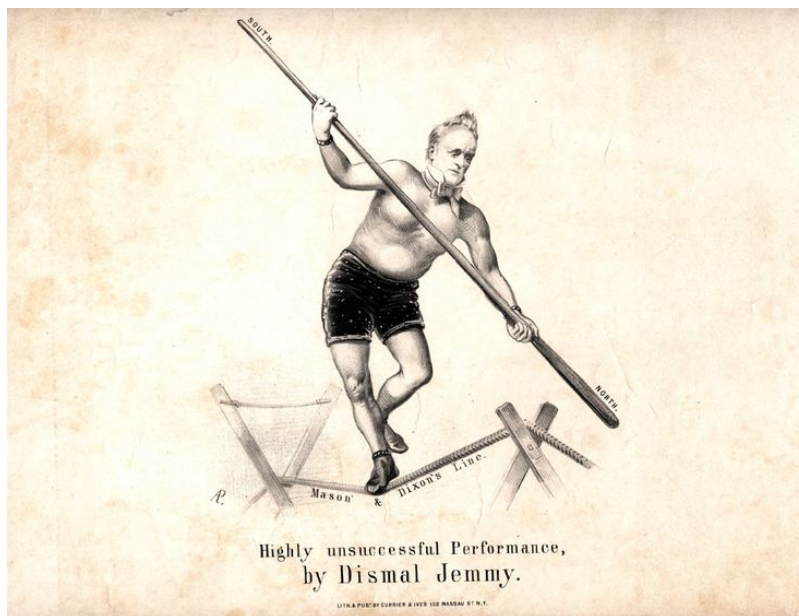
Meanwhile, behind the faldral, strategists within the three parties are deciding how best to highlight the strengths of their own tickets and tear down the competition. All sides eagerly employ scare tactics in this quest.

The Buchanan forces, known as “Buchaneers,” are particularly effective in painting Fremont as an untrustworthy option. They coin the term “Black Republican” to imply that his new party’s true agenda lies in abolition. They accuse Fremont of not only being illegitimate by birth, but also hiding his Catholicism, citing his education and that of his daughter, in Catholic schools, along with the presence of a Catholic priest at his marriage to Jesse. While Fremont is actually a committed Episcopalian, his campaign managers decide that a public denial would only extend the controversy – a decision that backfires and costs him sizable support among the nativist voters.

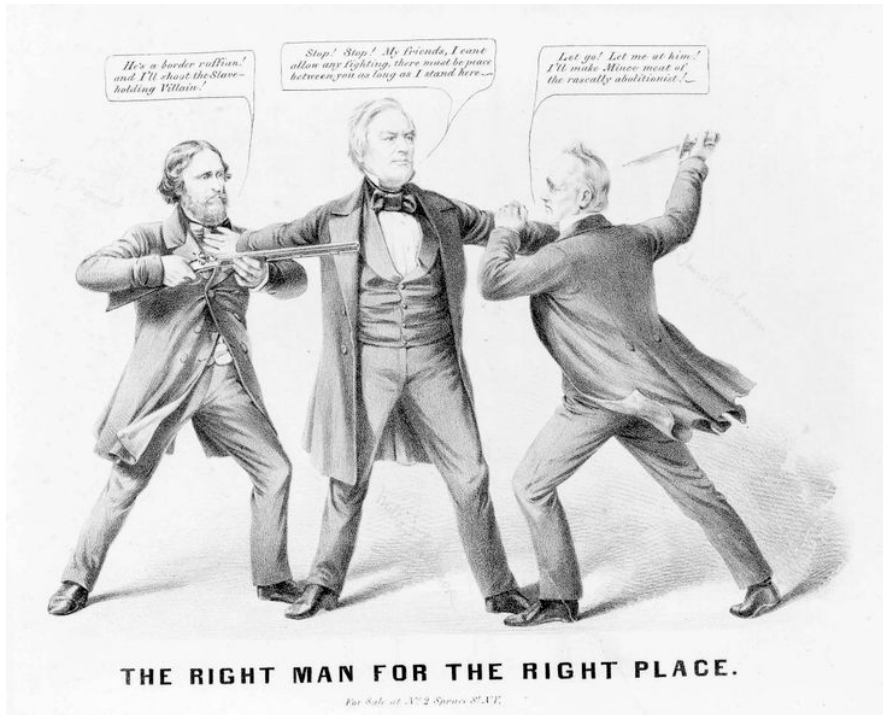
But perhaps their most compelling argument lies in warning that a Republican victory will cause the South to secede and put an end to the sacred Union.

The response from Fremont's side is that continued appeasement of the South is undermining the most precious values that formed the Union in the first place – support for the common man over the aristocracy, free labor over slave labor, majority rule over nullification, good over evil. The chaos in Kansas and the caning of Sumner reflect the price being paid for capitulating to the Slave Power. For the benefit of the entire nation this must end, with the South being brought into line by a forceful president and a new Republican Party.

Instead of reigning in the South, Buchanan will continue to tilt the country toward its selfish minority demands in order to achieve his personal political goals. So they say.



A separate and nagging problem for the Republicans is the third party presence of the Hold-out Whigs – with Fillmore positioning himself as the one candidate who can avoid warfare between “the abolitionist” Fremont and the “border ruffian” Fillmore. To fend off Fillmore, the Republicans remind northerners of his support for highly unpopular 1850 Fugitive Slave Act.



Fremont on the left: "He's a border ruffian and I'll shoot the villain."  
 Fillmore on the right: "Let me at him. I'll make mincemeat of the rascally abolitionist."  
 Buchanan in between: "Stop! My friends I can't allow any fighting. There must be peace between you as long as I stand here."

As Fall plays out, the race between Buchanan and Fremont is close, and public interest remains high, especially in toss-up states like Pennsylvania, with its 27 electoral votes. From the beginning, Edwin Morgan, Thurlow Weed and other Republican leaders worry about Fremont's chances there. Not only is it Buchanan's home state, but the local party leaders – David Wilmot, Thad Stevens and Simon Cameron – are all outspoken and seldom well aligned.

In the end, the Republicans will suffer from the lack of time and resources they have to create state and local party organizations that match the well-entrenched Democrats. As one campaigner aptly puts it:

*In 1856 we were sort of a mob, unorganized and contending with a well-drilled and bold enemy.*

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Date: November 4, 1856

### **The South Hands Buchanan The Victory Long Sought**

When time comes for the states to print official election ballots in 1856, the South is so dead set against Fremont and the Republicans that their names do not even appear – an outcome that will also be repeated in the 1860 race.

Despite this, voter turnout jumps up to 79% in 1856, in response to intensified public interest in the shocking events in Kansas, and the emergence of a Republican Party flatly opposed to allowing Southern slavery to expand in the western territories.

**Percent Of Eligibles Voting For President**

	<b>1840</b>	<b>1844</b>	<b>1848</b>	<b>1852</b>	<b>1856</b>
Turn-out	80%	79	73	70	79

The outcome, however, is almost exactly as predicted in advance by the political insider Thurlow Weed, who had persuaded Henry Seward to stay out of the race this time around. He argues that a Republican cannot win in 1856, given the electoral college math associated with a three man race and the Democrat’s dominance in the South. Their analysis holds up on November 4, 1856, as Buchanan captures a total of 174 electoral votes, enough to become the nation’s fifteen president.

**Results Of The 1856 Presidential Election**

<b>1856</b>	<b>Party</b>	<b>Pop Vote</b>	<b>Electoral</b>	<b>South</b>	<b>Border</b>	<b>North</b>	<b>West</b>
Buchanan	Democrat	1,836,072	174	88	24	34	28
Fremont	Republican	1,342,345	114	0	0	76	38
Fillmore	KN/Whig	873,053	8	0	8	0	0
		4,051,420	296	88	32	110	66

While Buchanan wins, his victory is anything but a mandate to govern. Unlike his predecessor, Franklin Pierce, who takes the popular vote 51%-49%, Buchanan is able to capture only 45% of all ballots cast.

**Popular Votes: 1852 vs. 1856**

<b>Election of 1852</b>	<b>Democrat</b>	<b>Opponents</b>	<b>Margin</b>
Total Votes	1,607,510	1,554,320	53,190
% of Total	51%	49%	+2 pts
<b>Election of 1856</b>			
Total Votes	1,836,072	2,215,348	(379,276)
% of Total	45%	55%	-10 pts

Likewise, his lead in the Electoral College pales relative to the sweep enjoyed by the Democrats in 1852.

**Electoral Votes Won: 1852 vs. 1856**

<b>Election of:</b>	<b>Democrat</b>	<b>Opponents</b>	<b>Margin</b>
1852	254	42	+212
1856	174	122	+ 52

State by state and sectional outcomes show that the “doughface” Buchanan is indeed the darling of the pro-slavery South, where he amasses 112 of his total 174 Electoral Votes.

He surpasses the 149 needed to win by adding another 27 in his home state of Pennsylvania and 13 from Indiana, both by under 1% margins. He carries three other states by pluralities –New Jersey, Illinois and California – when Fremont and Fillmore split the opposition ballots.

What disappears between 1852 and 1856 for the Democrats is their standing in the North and the West. Pierce previously carried 92 of 110 Electoral votes in the North and all 66 votes in the West. Buchanan is able to win only 34 in the North and 28 in the West.

The Republican Fremont takes 33% of the popular votes, capturing eight Northern states by a majority and three more by plurality. Although Fillmore wins only one state, Maryland, he makes a credible showing nationwide, with just under 22% of all ballots cast.

Two messages from the election are crystal clear. For the Democrats, their Kansas-Nebraska Bill, which opens the potential for the spread of slavery, has proven very unpopular across the North and the West. For the Republicans, they must find ways to attract Fillmore's voters – conservative Whigs and Nativists – if they are to win in 1860.

### State By State Results In The Presidential Election Of 1856

<b>Buchanan By Majority</b>	<b>Electoral</b>	<b>Buchanan</b>	<b>Fremont</b>	<b>Fillmore</b>
South Carolina	8	100%	0%	0%
Arkansas	4	67	0	33
Texas	4	67	0	33
Alabama	9	63	0	37
Virginia	15	60	0	40
Mississippi	7	59	0	41
Florida	3	57	0	43
Georgia	10	57	0	43
North Carolina	10	57	0	43
Delaware	3	55	2	43
Missouri	9	54	0	46
Kentucky	12	52	0	48
Louisiana	6	52	0	48
Tennessee	12	52	0	48
Indiana	13	50	40	10
Pennsylvania	27	50	32	18
Total	152			
<b>Buchanan By Plurality</b>				
California	4	48	19	33
New Jersey	7	47	29	24
Illinois	11	44	40	16
Total	22			
<b>Fremont By Plurality</b>				
Iowa	4	41	49	10
Ohio	23	44	49	7
New York	35	33	46	21
Total	62			
<b>Fremont By Majority</b>				
Vermont	5	21	78	1
Massachusetts	13	23	64	13
Maine	8	36	61	3
Rhode Island	4	34	58	8
Michigan	6	42	57	1
Wisconsin	5	44	56	0
New Hampshire	5	46	54	0
Connecticut	6	44	53	3
Total	52			
<b>Fillmore By Majority</b>				

Maryland	8	45	0	55
Total	8			
Grand Total	296	174	114	8
Needed To Win	149			

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### The Democrats Hang On To The Majority In Congress

The 1856 congressional elections are basically good news for the Democrats. In the Senate they maintain a large majority, albeit with a loss to three seats.

#### Results Of 1856 Elections: The Senate

Party	# Seats	Gain/Loss
Democrats	34	--3
Republicans	15	+7
Whigs	3	--5
Know Nothings	2	+1
Total	54	

In the House, they restore the sizable margin that shrunk so sharply in 1854, with the momentary rise of the Know Nothing movement. With the Whigs also vanishing, their main opponents are the new Republican Party, which garners 87 seats, up from its 37 total in the prior race.

#### Results Of 1856 Elections: The House

Party	# Seats	Gain/Loss
Democrats	133	+49
Republicans	90	+53
Whigs	0	--54
Know Nothings	14	--38
Other	0	--9
Total	237	

Despite the Democrat's win, the state by state results in the House tell the same cautionary tale evident in Buchanan's victory – namely their growing electoral dependence on dominating the slave states. Thus they win 75 of the 89 seats in the South, but only 57 of the 144 in the North.

In turn, this means that the Republicans appear now to be the favored party in the North, outpacing the Democrats there by a margin of by 87 to 57.

Both realities will have significant bearing on political decisions lying ahead relative to events in "Bloody Kansas."

### House Seats Won In The 1856 Election

Southeast	Tot Seats	Democrats	Republicans	Know Nothing
Virginia		13 (+1)		0 (-1)
North Carolina		7 (+2)		1 (-2)
Georgia		6		2
South Carolina		6		
Total		32		3
Border				
Kentucky		8 (+4)		2 (-4)
Maryland		3 (+1)		3 (-1)
Missouri		5 (+4)	0 (-6)	2 (+2)
Delaware		1 (+1)		0 (-1)
Total		17		7
Southwest				
Tennessee		7 (+2)		3 (-2)
Alabama		7 (+2)		0 (-2)
Mississippi		5 (+1)		0 (-1)
Louisiana		3		1
Arkansas		2		
Texas		2 (+1)		0 (-1)
Florida		1		
Total		27		4
Total South		76		14
Northeast				
New York		12 (+7)	21 (-4)	0 (-3)
Pennsylvania		15 (+9)	10 (-8)	0 (-1)
Massachusetts			11 (+11)	0 (-11)
Maine		0 (-1)	6 (+1)	
New Jersey		3 (+2)	2 (-2)	
Connecticut		2 (+2)	2 (+2)	0 (-4)
New Hampshire			3 (+3)	0 (-3)
Rhode Island			2 (+2)	0 (-2)
Vermont			3	
Total		32	60	
Northwest				
Ohio		9 (+9)	12 (-9)	
Indiana		6 (+4)	5 (-4)	
Illinois		5	4	
Michigan		0 (-1)	4 (+1)	
Total		20	25	
Far West				



Wisconsin		0 (-1)	3 (+1)	
California		2		
Iowa		0 (-1)	2 (+1)	
Minnesota		2 (+2)		
Oregon		1 (+1)		
Total		5	5	
Total North		57	90	
Total U.S.	237	133	90	14

The choice for Speaker of the House for this 35<sup>th</sup> Congress is James Orr of South Carolina, an advocate for slavery and states' rights, but also a Union-first man.

The minority leader in the lower chamber is Galusha Grow, Republican from Pennsylvania.

## Chapter 242– John Brown Advances His Insurrectionist Plan



**Dates:**  
Winter 1857

**Sections:**

- Brown Flees Kansas After The Battle At Osawatomie
- Brown Travels East To Seek Funds For His Virginia Plan

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Date: Winter 1857

### **Brown Flees Kansas After The Battle At Osawatomie**

While James Buchanan begins to plan for his presidency and a peaceful resolution to slavery, “Captain” John Brown is plotting his violent raid into Virginia at Harpers Ferry.

Since “consecrating his life to the destruction of slavery” in 1837 after the murder of Elijah Lovejoy, the notion of such a strike has been on Brown’s mind. He is convinced that the South will never free its slaves without a violent confrontations occurring on its own soil. He intends to spark this outcome by recruiting, arming, training, and leading a small band of fellow whites and blacks in a series of guerrilla raids on Virginia plantations. After each attack, he will retreat into the sanctuary afforded by the Allegheny and Appalachian Mountains, where he expects to welcome an ever growing army of run-away slaves to the cause.

Brown sees precedents for his plan in Nat Turner’s five week long rebellion in 1831, and in the successful black uprising led by Toussaint L’Overture in Haiti at the turn of the century. As he formulates his strategy, he begins to share it with potential supporters. One of the first outside his family is Frederick Douglass, whom he meets after a lecture at the Free Church in Springfield, Massachusetts in November 1847. Upon hearing Brown’s plan, Douglas is impressed by his commitment, albeit dubious about the likely outcome.

While Brown is eager to act, a series of external events will delay him off and on over the next twelve years.

In 1849 he is slowed by a financial crisis, as his wool trading partnership in Springfield, Massachusetts with Isaac Perkins collapses, and he ends up moving his wife and seven children to North Elba, New York, to join an “experimental community” founded by the philanthropist and abolitionist, Gerritt Smith. It is another of Smith’s many reform schemes, in this case intended to teach slaves and freedmen to become successful farmers. Brown purchases a 244 acre plot and joins the community.

This North Elba land will become home base for Brown and his extended family over the decades to follow. Brown himself will divide his time between farming the land, alongside his black neighbors, and trying to restore his other business interests in Springfield, some 220 miles to the south.

His energy for the crusade is rekindled by passage of the Fugitive Slave Act of 1850. In response he organizes his League of Gileadites, a mixed band of 45 black freedmen and whites dedicated to protecting run-aways around Springfield and nearby Boston. The League stands as a precursor to the strike force he hopes to recruit in Virginia.

The actual call to arms for Brown comes in the conflict in Kansas between the pro-slavery Border Ruffians in Missouri and the Free State emigres from New England, backed by Amos Lawrence and the eastern anti-slavery establishment. He quickly moves west to joins up with five of his sons in the state and to march into battle.

Within a year he emerges as “Osawatomie Brown,” both famous -- and notorious -- nationwide for his savage Pottawatomie Massacre, his defense of the Free State forces throughout Kansas, and his victory at the Battle of Black Jack. Along with “General” James Lane, “Captain” John Brown is now the symbol of all who oppose the expansion of slavery in the territories.

His personal losses in this crusade are punishing. On August 30, 1856, Brown loses his son Fred during the futile effort to defend the town of Osawatomie. He becomes the first of three sons who will eventually die alongside their father.

By the Fall of 1856, Brown is a hunted man in Kansas, both among the pro-slavery forces and the local U.S. Marshal who is intent on jailing him and trying him for murders committed. He flees for his life in early October, smuggled in a wagon to Tabor, Iowa, an Underground Railroad stop, where he recuperates before heading back east to advance his Virginia plan.

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Date: January 1857

### **Brown Travels East To Seek Funds For His Virginia Plan**



Gerritt Smith's Mansion In New York

After the defeat at Osawatomie, Brown makes another of his eerily prophetic dedications – this time promising “to die fighting” on behalf of his invasion into the heart of “Africa,” the state of Virginia.

*I have only a short time to live – only one death to die, and I will die fighting for this cause. There will be no more peace in this land until slavery is done for. I will give them something else to do than to extend slave territory. I will carry the war into Africa (i.e. the South).*

To do so, however, will require assembling, arming and training his army of black and white warriors, and this becomes his next challenge. Resources are now the priority, and he goes back east to find them.

Good fortune strikes in the form of Franklin Sanborn, the 27 year old secretary of the Massachusetts State Kansas Committee, whom he meets in early January 1857 in Boston. Despite his relatively roughshod history, Sanborn is immediately impressed by Brown's bearing – “a soldier and a deacon” – and by his

single-minded dedication to abolishing slavery. He responds by introducing him to others in the so-called “Secret Six,” the men who will help fund and support Brown’s attack at Harpers Ferry.

On January 5, 1857 Brown appears before the Massachusetts State Kansas Committee which agrees to send 200 Sharps rifles to his supply post in Tabor, Iowa, along with \$500 for expenses. Two days later he meets with Amos Lawrence, scion of the cotton textile industry in New England and philanthropist backer of many anti-slavery emigres currently residing in his namesake town of Lawrence, Kansas. He donates \$1,000 to the cause.

On January 9 he is with Reverend Thomas Higginson, who becomes his most ardent and faithful supporter. Despite his role as a Unitarian minister, Higginson believes that violence will be needed to end slavery. In 1854 he suffers a saber cut to the face while storming the Boston jailhouse in a futile attempt to free the run-away, Anthony Burns. During the Civil War, he will join the Union army, be wounded in combat, and eventually serve as Colonel of a regiment of black troops.

Next into the fold is Dr. Samuel Gridley Howe, a Byronic figure who fights in the 1824 Greek war with Turkey and the second French Revolution before coming home to open a clinic for the blind. Like Higginson, Howe opposes the 1850 Fugitive Slave Act, and goes on to join the Kansas Committee. He will support John Brown while remaining skeptical of his Harpers Ferry raid.

Brown reaches another source of real financial wealth in George Stearns, a factory owner, who helps fund the New England Emigrant Society’s efforts to send anti-slavery settlers to Kansas. He also serves as President of the Massachusetts State Kansas Committee, and will purchase both the Sharp’s rifles and pikes that Brown uses in Virginia. His wife, Mary, also donates to Brown, with “his erect military bearing and fine courtesy of demeanor.”

Others are also drawn to Brown’s magnetic persona. When the Unitarian minister and ardent abolitionist, Theodore Parker, holds a reception for Brown, he is introduced to many of Parker’s friends in the Transcendentalists Club, including Emerson, Thoreau and Bronson Alcott. In him they seem to see the self-reliant man of action they write about, the “Puritan Warrior” as Lawrence calls him, another Cromwell ready to fulfill the “righteous judgment of God.”

The Transcendentalists will not be drawn into the Harpers Ferry plot, but they will do more than that by immortalizing Brown in their poetry and prose after he is martyred in 1859. And, throughout the Civil War, Union soldiers will march to the tune they are said to have composed – “John Brown’s body lies a moldering in his grave” – which prompts Samuel Howe’s wife, Julia, to write her stirring “Battle Hymn of the Republic.”

While in Boston, Brown meets William Lloyd Garrison, whose pacifist beliefs lead Brown to avoid mentioning his Virginia plan. Also Wendell Phillips, one of the few men who will match Brown in his conviction that blacks could and should be assimilated into white society. Finally there is Charles Sumner, still recuperating after 18 months from being caned on the senate floor, but eager to show Brown the bloodstained jacket he was wearing at the time.

On January 24, 1857, Brown is off to New York City where he makes his plea for support to the National Kansas Committee. He tells them that his focus will be on the conflict in Kansas, but several members are cautious, given his reputation for violence. They promise him \$5,000 “for defensive measures only,” but deliver only \$150 in the end.

Another priority in the city involves his search for a military man capable of training the recruits he will take to Harpers Ferry and those run-away slaves he expects to attract once there. His choice is Hugh

Forbes, a forty-nine year old ex-British soldier, engineer and linguist, who has fought with Giuseppe Garibaldi in the 1848-49 revolution in Italy. His wanderlust brings him to New York, where he teaches fencing and horsemanship and authors a book on guerrilla warfare titled, *The Patriotic Volunteer*. Brown reads the book, locates Forbes, and offers him \$600 for six months to shape up his anticipated troops. As events unfold, this hire will result in a costly backfire that almost ends Brown's quest.

With high hopes, he next heads to Peterboro to see Gerritt Smith. But the ever vacillating Smith too is having second thoughts about the need for violent reform and, while wishing him well, fails to ante up additional funding.

His final formal stop, again courtesy of Sanborn, is before the Massachusetts State Legislature for a speech on February 18, 1857, updating conditions in Kansas and requesting aid to the settlers there.

After two weeks with his family in North Elba, Brown hears that a U.S. marshal is closing in on him, and he decides in mid-April to head back toward Tabor, Iowa to begin recruiting the "army" he hopes to assemble. His trip east has been a bit disappointing in regard to fundraising, but it has put his crusade on the national map, and has given him a core of valuable support among the "Secret Six."

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### **Sidebar: The “Secret Six” Who Aid John Brown**

When correspondence between Brown and his supporters is uncovered after Harpers Ferry, calls go out in Washington to arrest and try “his co-conspirators.” High on the list are Frederick Douglas and members of the Secret Six.

Douglass has known of Brown’s plot to lead a slave uprising into Virginia since 1849; the others since January 1857. All fear reprisals and most scramble to cover up their involvement.

Fred Douglass flees to Canada on November 19 before heading to England. Three others will escape across the northern border, first Frank Sanborn and then George Stearns and Samuel Howe. Despite proof to the contrary, Howe sends a letter to the *New York Tribune* denying all prior knowledge of the raid.

The most extreme response belongs to Gerritt Smith. At first he is consumed by guilt and talks of going to Richmond to join Brown in jail. Then when he learns of the guilty verdict he enters the New York State Asylum for the Insane, where he remains from November 5 to December 29, 1859. After that he will spend the rest of his life denying that he was ever close to John Brown. He burns a host of incriminating letters and files various libel suits against those who publicly challenge his subterfuge.

Theodore Parker defends the raid, but has no such need to conceal his role, since he is in Italy at the time on his way to dying of tuberculosis in May 1860.

That leaves the last of the Secret Six, and Brown’s most ardent ally, the Reverend Thomas Higginson. He is fully aware of the invasion plan and encourages greater speed rather than restraint. He contemplates an attempt to rescue Brown from jail -- but the old man is committed by then to martyrdom. He is also appalled by the response of those who try to conceal their involvement, writing Sanborn:

*Is there no such thing as honor among confederates?*

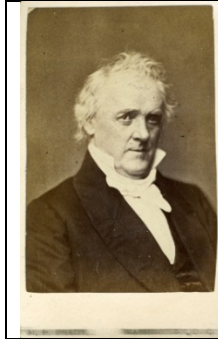
Higginson remains in the States and stands his ground throughout the post-raid inquiries. Along with Sanborn and Stearns, he will continue to honor Brown’s memory and make ongoing visits to his grave site in North Elba.

The official inquiries do materialize, but they are relatively tame and inconclusive, amidst the growing turmoil over disunion. A congressional committee led by Virginia Senator James Mason is convened among claims from the South that Sumner and Seward were somehow involved. But only Sanborn and Stearns are interrogated and none of the Secret Six are ever indicted or tried.

**Profiles Of The “Secret Six”**

<b>The Ever Loyal Four</b>	<b>Dates</b>	<b>Profile</b>
Thomas Higginson	1823-1911	Brown’s fiercest supporter, Harvard, Unitarian minister, wounded when storms jail to free run-away Burns, joins Mass State Kansas Committee, time in Kansas tells him violence needed, supports disunion, plots rescue plan after Brown captured, never flees after Secret Six revealed, serves as Col of 1 <sup>st</sup> SC Vols, regiment of black soldier, wounded in action in the Civil War, life- long activist for slaves, women, other causes.
Theodore Parker	1810-1860	Harvard Divinity grad, Unitarian minister but seen as too unorthodox, Transcendentalist Club with Emerson, Alcott and Thoreau, his church members include Garrison, Stanton, Howe and other reformers, Boston Vigilance Committee, helps the Crafts escape, supports Brown to end and writes that blacks are justified in killing their masters.
Franklin Sanborn	1831-1917	Introduces Brown to his Boston inner circle, Harvard, fiery temper, anti-slavery as youth, Free Soil politics, secretary of Mass State Kansas Committee, saved by villagers after federal marshals try to arrest him for Secret Six activities, later a journalist and historian.
George Stearns	1809-1867	Self-made businessman who makes his fortune manufacturing pipe lead, free soiler by 1848, President of the Mass State Kansas Committee, helps finance the NE Emigrant Society sending anti-slavery settlers to Kansas, purchases the rifles and pikes Brown uses at Harpers Ferry and provides other funds, flees briefly to Canada after the event, then returns.
<b>The Wavering Two</b>		
Gerritt Smith	1797-1874	Vast fortune inherited from his father, Peter, a partner of John Jacob Astor, philanthropist who supports a broad range of social reforms, founds Liberty Party and runs for president in 1848, US House in 1852, abolitionist who sponsors North Elba integrated community, various donations estimated to total over \$8 million during his lifetime.
Samuel Howe	1801-1876	Harvard Medical School, Lord Byron fan, surgeon and warrior in the Greek army during 1824 war against Turkey, joins second French Revolution of 1830, back home to head the NE Asylum for the Blind, fails in US House bid as Conscience Whig, joins Higginson in attempting to rescue Anthony Burns and as member in Mass State Kansas Committee, Founds anti-slavery newspaper, backs Brown but perhaps not his Harpers Ferry plan, flees to Canada after fearing arrest as part of the Secret Six.

## Chapter 243 – Buchanan’s Term Gets Under Way



**Dates:**  
1851-1855

**Sections:**

- James Buchanan: Personal Profile
- The President’s Pro-Southern Bias Is Also Clear All Along
- Buchanan’s Cabinet Is Chosen For Internal Harmony
- The Inaugural Address Touts The End Of Agitation Over Slavery
- Overview Of Buchanan’s Term In Office

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### James Buchanan: Personal Profile



James Buchanan is born in a log cabin in Pine Grove, Pennsylvania, located just north of the border with Maryland. He is the eldest son and namesake of an Irish immigrant father who becomes a wealthy merchant in the area. At sixteen he is off to study at Dickinson College in Carlisle. After two disciplinary run-ins, he graduates with a law degree in 1809. He then moves to Lancaster and begins to build a law practice before becoming prosecutor for Lebanon County in 1813.

On August 25, 1814 – one day after the British have burned Washington, DC, Buchanan makes his first public speech, urging citizens to defend their country. True to his word, he joins the Lancaster County Dragoons and marches off to defend Baltimore, albeit arriving too late to engage in combat.

James Buchanan, Jr. 1791-1868

He comes home in October, 1814, just before the War of 1812 ends, and decides to run for public office. Like his father, his politics at age twenty-three are pro-Federalist, favoring infrastructure projects, a U.S. Bank and high tariffs – all decidedly antithetical to southern wishes. After parlaying his new government contacts into an expanded and profitable law practice by 1819, he courts a young woman named Ann Coleman, daughter of a well-to-do iron broker. This ends in tragedy when her parents disapprove of the match and she then dies suddenly, leading Buchanan to vow that he will never marry.

By 1821 with a net worth estimated at \$250,000, he enters the U.S. House for the first of five consecutive terms. He abandons his Federalist views and campaigns for Andrew Jackson and the Democrat Party. As a reward, Jackson names him Ambassador to Russia in 1832. His journey to St. Petersburg is a brutal seven week affair, but once there he masters French, the language of diplomacy, wins favor with Tsar Nicholas I, and is able to conclude a valuable trade agreement.

He returns home in 1834 and decides to run for the Senate. As his campaign gets under way, he recognizes a possible threat in the fact that his sister, Harriet, and her husband, who live in Virginia, own two slaves. His response is to “hire” twenty-two year old Daphne Cook and her five year old daughter, Ann, as his “indentured servants,” to support his household in Lebanon for terms running upwards of seven years apiece.



Buchanan wins the Senate seat in 1834 and is re-elected in 1836 and 1842. He supports Jackson's war on the Second U.S. Bank and the entire Manifest Destiny movement, including the annexation of Texas. His views on slavery smack of familiar equivocations – yes, it is morally wrong, but the Africans are an inferior lot and emancipating them will lead on to “evils infinitely greater,” namely “the massacre of the high-minded and chivalrous race of men in the South.” Included in this “chivalrous race” is Alabama Senator William Rufus King, with whom Buchanan has an intimate, perhaps homosexual, liaison between 1840 and King's death in 1853.

In 1845 his presidential ambitions receive another boost when he joins James Polk's cabinet as Secretary of State. In that role he earns his reputation as a Northerner with Southern sympathies. He backs the Mexican War, opposes the Wilmot Proviso, which would outlaw the spread of slavery into lands seized in the conflict, and embraces the 1850 Compromise aimed at maintaining an equal division of Senate seats between the Slave and Free States. Buchanan does, however, manage to irritate Polk by vacillating on treaty terms relative to the Oregon Territory and the Mexican Cession, both apparently to serve his own political purposes at the time.

In 1848 he considers a run for the Democratic nomination, but the prize goes to Lewis Cass, who promptly loses the election to the Whig, Zachary Taylor. This sends Buchanan back home to Lancaster, where he buys his *Wheatland* mansion, and awaits a reentry into national politics. The opportunity arrives at the 1852 Democratic convention in Baltimore where he and Stephen Douglas vie for the nomination through twenty-nine ballots, only to see dark horse Franklin Pierce slip by them and get the nod on the forty-ninth.

Given Buchanan's seniority, Pierce finds a place for him as Minister to Britain, where he serves from 1853 to 1856. His pro-Southern sympathies are again revealed here in his “Ostend Manifesto,” which calls for the acquisition of Cuba, by force if necessary, and the expansion of slavery into the Caribbean. When this document becomes public it proves embarrassing to himself and to Pierce.

However, as luck would have it, Buchanan's absence abroad insulates him from the 1854 Kansas-Nebraska Act controversies and the resulting chaos in Kansas, and sets him apart and above both Douglas and Pierce when the Democrat's 1856 nomination is decided.

His victory in the November election finally brings him to the office he has regarded as rightfully his for decades.

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Date: 1791-1857

### **The President's Pro-Southern Bias Is Also Clear All Along**

Despite his roots in Pennsylvania, Buchanan exhibits an almost blind favoritism toward the values and people of the South, a trait that will irreparably harm his term in office.

Southerners comprise his closest friends and advisors all along.

For thirteen years, from 1840 to 1853, he shares his residence in Washington with William R. King of Alabama. The intimacy of this relationship is noted frequently, even by an aging Andrew Jackson, who refers to the pair as “Aunt Nancy” and “Aunt Fancy.”

Of the seven men in Buchanan's cabinet, three will end up serving the Confederacy, with two (Howell Cobb and John Floyd) later becoming Generals in the army and one (Jacob Thompson) serving as its Inspector General. Another member (Aaron Brown) is a slave-holder from Tennessee, while his Attorney General, Jeremiah Black, is an outspoken opponent of the Free-Staters in Kansas. .

Buchanan's social and legal views also align with the South. He is a staunch cultural conservative, forever alarmed by what he sees as the "radical reformists" of New England. He claims to see slavery a moral evil, but says that abolishing it would be far too risky.

*Is there any man in this Union who could for a moment indulge the horrible idea of abolishing slavery by the massacre of the high-minded and chivalrous race of men of the South?*

Likewise, he is a strict constructionist when it comes to the U.S. Constitution. Along with Chief Justice Taney, he is absolutely convinced that slaves are "property," with no standing in the legal system, and that owners have every right to transport them wherever they desire – including the Kansas Territory. Just as the Lecompton Constitution says.

Finally, above all else, he recognizes that his ambition to win the White House was realized by carrying 14 of the 15 Slave States in the 1856 election. These are the people who put him in office and now is the time to support their legitimate rights to slavery.

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Date: Winter 1856-57

### **Buchanan's Cabinet Is Chosen For Internal Harmony**

When the new President comes to naming his cabinet, he has a choice between reaching out to the diverse factions within his party in search of open debate and compromise, or surrounding himself with those who share and reinforce his beliefs. He settles on the latter course, and it seldom serves him well.

Like other presidents, he decides to run foreign policy on his own, and thus selects a figurehead Secretary of State in Lewis Cass. Like Buchanan, Cass has superb credentials for the job, having served in Jackson's cabinet, as Minister to France, Territorial Governor in the west, and years in Washington politics, including his 1848 run for the White House. But he is now seventy-four years old and no longer fit for the rigors of office. Cass's most notable act will be to resign in December 1860 when convinced that Buchanan is failing to handle the military threats from the South.

Southerners fill four of the remaining six cabinet slots, and together they will exert pressure on most all of his policy decisions going forward. The leading figure here is Howell Cobb, who serves as Treasury Secretary and as the senior "voice" for southern interests. Cobb has also had a remarkable career. Speaker of the US House at age thirty-four; Governor of Georgia; and author, along with Alexander Stephens and Robert Toombs, of the "Georgia Platform" which supports the 1850 Compromise and lays out the South's demands to preserve the Union.

His pick for Secretary of War is John Floyd of Virginia, who first bungles preparations for the "Mormon War" and later, with perhaps treasonous intent, assists the southern rebels by scattering northern troops and transferring armaments to vulnerable forts just prior to the start of the war. Like Cobb, Floyd will later resign from the cabinet and subsequently become a General in the Confederate army in 1861.

Jacob Thompson of Mississippi is named Secretary of the Interior, after completing five terms in the House, where he concentrates on Indian Affairs. He too will resign before enlisting in the CSA army, serving as Inspector General.

The final southerner is Postmaster General, Aaron Brown, ex-law partner of James Polk, with three terms in the House before his election as Governor of Tennessee. Brown becomes famous during the Mexican War, after his plea for troops leads to a flood of “Tennessee Volunteers.”

Buchanan names the Connecticut native, Isaac Toucey, as his Navy Secretary, largely as a sop to the Pierce faction of the party. Toucey is a strong states right advocate who has served as Attorney General under Polk. He has also been Governor of his home state, in addition to completing two terms in the House and one in the Senate. He will remain loyal to Buchanan to the end.

Lastly there is Attorney General Jeremiah Black, a self-taught lawyer who advances to the post of Chief Justice of the Pennsylvania Supreme Court before Buchanan calls him to Washington. After Cass resigns, Black takes over as Secretary of State and becomes the key advisor during the secession crisis. He tells Buchanan that abandoning the Union is unconstitutional and advises him to defend the Charleston forts. But he also wavers about initiating the use of force against the rebels.

Ironically these cabinet choices overlook the one man perhaps most responsible for the president’s victory. That is John Weiss Forney, a friend from Lancaster, publisher of the *Pennsylvanian*, and champion of Buchanan’s close wins in his home state. Forney is promised one post after another only to be shut out in the end. Eventually he will abandon the President over his Kansas policies, and help the Republicans and Lincoln in 1860 and beyond.

**James Buchanan’s Cabinet In March 1857**

<b>Position</b>	<b>Name</b>	<b>Home State</b>	<b>In War</b>
<b>Secretary of State</b>	Lewis Cass	Michigan	USA
<b>Secretary of Treasury</b>	Howell Cobb	Georgia	CSA
<b>Secretary of War</b>	John Floyd	Virginia	CSA
<b>Attorney General</b>	Jeremiah Black	Pennsylvania	USA
<b>Secretary of Navy</b>	Isaac Toucey	Connecticut	USA
<b>Postmaster General</b>	Aaron Brown	Tennessee	Died 1859
<b>Secretary of the Interior</b>	Jacob Thompson	Mississippi	CSA

By all accounts, Buchanan’s cabinet works according to his wishes – backing his policies and avoiding dissension right up to his last three months in office, when his administration and the Union collapse.

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Date: March 4, 1857

## The Inaugural Address Touts The End Of Agitation Over Slavery



Copy Of A Photo Showing Buchanan's Swearing In Ceremony

The circumstances surrounding James Buchanan's inaugural address are anything but sanguine. In Kansas, the Free State Party has reconvened its legislature in defiance of Governor John Geary's orders, and the controversial pro-slavery candidate for Douglas County Sheriff has just been shot dead by a state official. In Washington, the weather has turned bitterly cold and Buchanan is so sick from a case of dysentery that he considers foregoing his speech.

But on March 4, 1857, he and Pierce enter an open carriage and are cheered down Pennsylvania Avenue to the capitol, arriving at 1pm under cloudy skies. His speech begins by citing the words in the oath of office and...

*Humbly invoc(ing) the God of our fathers for wisdom and firmness...to restore harmony and ancient friendship among the people of the several States.*

Unlike Pierce who dodges around the issue of "involuntary servitude," Buchanan forthrightly acknowledges that slavery *is* the root cause of the disharmony. But he then goes on to blindly assert that the "tempest" has been resolved by his election and the undeniable wisdom of "popular sovereignty."

*We have recently passed through a Presidential contest in which the passions of our fellow-citizens were excited... but when the people proclaimed their will the tempest at once subsided and all was calm...What a happy conception...that Congress is neither "to legislate slavery into any Territory or State nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."*

With that much settled, the only question left to resolve in Kansas is whether the Free vs. Slave State designation should be resolved early on when the Territory is first organized or later when it applies for statehood. Incredibly he brushes this contentious issue aside:

*This (timing) is, happily, a matter of but little practical importance.*

After declaring that “timing” is a judicial matter soon to be addressed by the Supreme Court, Buchanan comes down on the Southern side of the issue, which would allow slavery to take hold during the entire “Territorial phase,” and the final designation delayed until the “admission phase.”

*It has ever been my individual opinion that under the Nebraska-Kansas act the appropriate period will be when the number of actual residents in the Territory shall justify the formation of a constitution with a view to its admission as a State...*

Having said that “all was calm,” he now backtracks, warning of the dire risks of any further agitation.

*But this question of domestic slavery is of far graver importance than any mere political question, because should the agitation continue it may eventually endanger the personal safety of a large portion of our countrymen where the institution exists. In that event no form of government... can compensate for the loss of peace and domestic security around the family altar. Let every Union-loving man, therefore, exert his best influence to suppress this agitation, which since the recent legislation of Congress is without any legitimate object.*

Buchanan is indeed a “Union-loving man” himself, and he goes on to criticize any who would try to simply base its value on economic terms alone, rather than on its capacity to insure good government and personal freedom.

*It is an evil omen of the times that men have undertaken to calculate the mere material value of the Union... Such considerations, important as they are in themselves, sink into insignificance when we reflect on the terrific evils which would result from disunion to every portion of the Confederacy--to the North, not more than to the South, to the East not more than to the West. These I shall not attempt to portray, because I feel an humble confidence that the kind Providence which inspired our fathers with wisdom to frame the most perfect form of government and union ever devised by man will not suffer it to perish.*

The new President is roughly half-way through his entire address when he finally shifts away from the slavery issue. He says that the nation’s finance have never been better, while warning against “extravagant legislation” and the dangers of speculation and corruption.

*Our present financial condition is without a parallel in history... This almost necessarily gives birth to extravagant legislation (and) produces wild schemes of expenditure and begets a race of speculators and jobbers, whose ingenuity is exerted in contriving and promoting expedients to obtain public money. The purity of official agents, whether rightfully or wrongfully, is suspected, and the character of the government suffers in the estimation of the people. This is in itself a very great evil.*

He wants to spend surplus money on “the extinguishment of the public debt and a reasonable increase of the Navy.” He promises to not squander public lands and instead to use them to support settlers, including immigrants who “have done much to promote the growth and prosperity of the country.” His infrastructure focus will be on a military road to the west coast to secure the safety of the new territories.

Nearing the end, the speech segues briefly into foreign policy starting with the usual call to avoid foreign entanglements and seeking peaceful relations with all. But then comes a rather extraordinary set of assertions about America’s Manifest Destiny history and the potential for future territorial acquisitions –

this being consistent with his long-term interest in expanding further into Mexico, the Caribbean and Central America.

*It is our glory that whilst other nations have extended their dominions by the sword we have never acquired any territory except by fair purchase... Even our acquisitions from Mexico form no exception... Our past history forbids that we shall in the future acquire territory unless this be sanctioned by the laws of justice and honor. Acting on this principle, no nation will have a right to interfere or to complain if in the progress of events we shall still further extend our possessions.*

He then closes, invoking Divine Providence, and preparing to take the oath of office from Chief Justice Roger Taney, a fellow Dickinson College grad, who swears him in.

*I shall now proceed to take the oath prescribed by the Constitution, whilst humbly invoking the blessing of Divine Providence on this great people.*

For the first time in history, a photograph is taken of a crowd of largely top-hatted men gathered around the East Portico either awaiting, or listening to, Buchanan's speech.

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Date: March 4, 1857 to March 3, 1861

### **Overview Of Buchanan's Term In Office**

It is often said that no president in American history ever entered office with finer governmental credentials than James Buchanan.

Despite this, his term will prove a disaster for the nation, for his party, and for himself.

Once in office, he misreads the impact of the Dred Scott decision on resolving the future of slavery.

His proposals to deal with the financial "Panic of 1857" add to its severity.

He doggedly backs the fraudulent pro-slavery Lecompton Constitution for Kansas in order to preserve his approval in the South, a move which backfires in the end and makes a mockery of the entire "popular sovereignty" principle.

He properly sends troops to Utah to put down the Mormon rebellion, then abandons his tough stance and abruptly grants them all a pardon for their "treasonous" activities.

He then watches helplessly as the Republicans win the mid-term elections and take control of the House.

His animosity toward Stephen Douglas at the 1860 Democratic convention contributes to the initial southern walk-out, the eventual Democratic Party schism, and the fateful election of Abraham Lincoln. As the nation looks to the President to solve the crisis over slavery, Buchanan first blames the North for causing the entire conflict, and then retreats behind a lawyerly response -- saying that the Constitution neither permits a state from exiting the Union nor provides for action to restrain such an outcome. His "way out" is to hand the problem over to the Congress while hoping that the Union will not collapse until after he has left office.

But he is not that fortunate. Despite efforts by “special committees” in both chambers, no satisfactory compromises emerge, and, on December 20, 1860, South Carolina becomes the first of what will be seven states to secede on his watch. Buchanan is now overwhelmed by the looming conflict. As he vacillates over how to respond to the seizure of U.S. forts in Charleston harbor, his Cabinet disintegrates around him. At long last he agrees to defend Ft. Sumter, the last remaining garrison in South Carolina, which leads on to open warfare, albeit not until April 12, 1861, after Lincoln has been inaugurated.

Thus James Buchanan, deemed to be most qualified man to ever enter the White House since JQ Adams, exits according to most, as America’s worst president ever.

### Key Events: Buchanan’s Term

<b>1857</b>	
Mar 4	Buchanan is inaugurated
Mar 6	<i>Dred Scott</i> decision says that slaves have no legal standing & that slavery is constitutional
March 12	New governor Robert Walker and federal troops are sent to Kansas
May 1	William Walker’s filibuster in Nicaragua comes to an end
June 6	Governor Walker urges Free-Staters at Topeka, Kansas to abandon their cause
June 18	Japan-US treaty to open the port of Nagasaki
June 29	Buchanan declares Utah in rebellion and replaces Governor Brigham Young
July 15	Kansas Governor Walker declares Free-Staters in rebellion for re-opening their legislature
Aug 24	Ohio Life Insurance payments suspended setting off financial “Panic of 1857”
Sept 7	A Constitutional Convention opens in Lecompton, Kansas
Sept 8	Small contingent of US troops arrive in Salt Lake City
Sept 11	Mormons disguised as tribesmen kill 133 travelers in the Meadow Mountain Massacre
Oct 5	Free-Staters win official Kansas legislature election after Walker voids fraudulent votes
Nov 7	The pro-slavery convention in Kansas completes the Lecompton Constitution
Dec 8	Buchanan announces his support for Lecompton
Dec 9	Douglas immediately opposes Lecompton, splitting the Democratic Party on regional lines
Dec 15	Kansas Governor Robert Walker resigns and is replaced by James Denver
Dec 21	The Lecompton Constitution approved in a public vote, but boycotted by free-staters
<b>1858</b>	
Jan 4	A second vote on Lecompton, including Free-Staters, soundly rejects the Constitution
Feb 2-3	Buchanan again tries to ram the pro-slavery Lecompton Constitution & Douglas objects
Mar 23	The Senate approves Lecompton, but the House rejects it and stalemate continues
Apr 6	Buchanan pardons “treasonous” Mormons in Utah
April 12	Alfred Cummings succeeds Brigham Young as governor in Utah
April 30	The “English Bill” is added to Lecompton; both chambers approve; Buchanan signs
May 11	Minnesota is admitted as the 32 <sup>nd</sup> state (17 Free/15 Slave)
June 16	Republicans nominate Lincoln for Senate/he accepts in “House Divided” speech
June 18	China and US sign a treaty of friendship
July 29	Another Japan-US treaty opens more ports to foreign trade
Aug 2	Kansas voters reject the English Bill/Lecompton by a 6:1 margin embarrassing Buchanan
Aug 16	Buchanan & Queen Victoria communicate over Morse’s transatlantic cable
Aug 21	1 <sup>st</sup> Lincoln-Douglas Debate
Sept 1	James Denver resigns as Kansas Governor
Oct 9	First Overland Mail arrives in St. Louis from SF after 23 days

Oct 15	Final Lincoln-Douglas debate, in Alton.
Fall	Republicans on way to winning majority of seats in House (116-98)
<b>1859</b>	
Feb 14	Oregon is admitted as 33 <sup>rd</sup> state with a “black exclusion” clause (18 Free/15 Slave)
Mar 7	Supreme Court reverses WI decision in <i>Ableman v Booth</i> which freed Booth as slave
May 12	Vicksburg convention seeks federal endorsement of slave trading
June	Comstock Lode discovery of silver in Virginia City, Nevada
July 29	Kansas convention passes free-state Wyandotte Constitution
Oct 4	Kansans approve the Wyandotte Constitution banning slavery and free blacks
Oct 16-18	The white abolitionist, John Brown, seizes the Harper’s Ferry, Va. arsenal
Dec 2	Brown is hanged six weeks after his surrender
Dec 5	After a two month conflict Republican William Pennington elected Speaker of the House
Dec 14	New Georgia law prohibits freeing slaves in wills
<b>1860</b>	
Feb 2	Jeff Davis seeks senate agreement that federal government cannot ban slavery in territories
Feb 22	Labor strike in Lynn, Massachusetts’ shoe factory
Apr 23	Southern Democrats bolt from nominating convention in Charleston over slavery platform
May 9	Constitutional Union Party of ex-Whigs and Know Nothings nominates John Bell
May 16-18	Republicans nominate Lincoln on 3 <sup>rd</sup> ballot
June 18-23	Northern Democrats meet in Baltimore and nominate Stephen Douglas
June 22	Buchanan vetoes Homestead Bill after Congress passes it
June 28	Southern Democrats nominate John Breckinridge
Sept 12	Filibusterer William Walker executed in Honduras
Nov 6	Lincoln elected president with 39% of the popular vote
Dec 3	Buchanan message to Congress blames the North for starting the conflict, says the Constitution prohibits states from seceding and the government from acting to stop them, and hands the problem back to congress
Dec 6	House appoints Committee of 33 to address problem of sectionalism
Dec 8	Treasury Secretary Howell Cobb resigns from Buchanan cabinet
Dec 14	Secretary of State Lewis Cass resigns
Dec 20	South Carolina secedes
Dec 26	Major Robert Anderson moves troops into Ft Sumter
Dec 27	South Carolina militia seizes Ft. Moultrie and Castle Pinckney
Dec 29	Buchanan sacks Secretary of War Floyd
Dec 31	Buchanan declares that Ft Sumter will be defended
<b>1861</b>	
Jan 3	Georgia militia takes over Ft. Pulaski
Jan 9-26	Five more states secede: Mississippi, Florida, Alabama, Georgia, Louisiana
Jan 29	Kansas admitted as 35 <sup>th</sup> state with a “black exclusion” clause (19 <sup>th</sup> Free State)
Feb 4	Montgomery convention organizes the Confederate States of America
Feb 4	Washington Peace Conference convenes, with John Tyler and 131 politicians
Feb 9	Jefferson Davis elected CSA president
Feb 21	Texas secedes
Mar 4	Lincoln is inaugurated
Mar 11	CSA adopts its constitution
April 12	Ft Sumter attacked and Civil War begins



## Chapter 244 – The *Dred Scott* Decision Further Divides The Nation



**Dates:**  
February 1856-  
March 7, 1856

**Sections:**

- The Dred Scott Case Arrives At The U.S. Supreme Court
- Oral Arguments In The Case Are Presented Twice
- The Supreme Court Rules Against Dred Scott And Overturns Prior Case Law On Slavery
- Justice Benjamin Curtis Resigns Over The Ruling
- The *Dred Scott* Ruling Drives The Country Closer To Sectional Warfare
- The Decision Also Calls “Popular Sovereignty” Into Question

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Date: February 1856

### The Dred Scott Case Arrives At The U.S. Supreme Court



Dred Scott is thought to be 61 years old when the story of his enslavement and quest for freedom reaches the United States Supreme Court and the front page headlines of newspapers across the nation.

Born into slavery in Virginia in 1799, Scott eventually moves with his master, Peter Blow, to St. Louis. In 1832, he learns that he is being sold to Dr. John Emerson, an army surgeon, and tries unsuccessfully to run away. Emerson subsequently takes Scott along with him on two transfers of duty, both times into Free States: first, in 1834-35 to Rock Island, Illinois; then in 1836 to Ft. Snelling in the Wisconsin Territory, above the 36°30’ freedom line.

Emerson clearly befriends Scott, “allows” him to marry another of his slaves, Harriett, and then to stay behind at Ft. Snelling on his own after the doctor is transferred back to St. Louis and then to Ft. Jessup, Louisiana. But in 1838 the Scotts rejoin Dr. Emerson voluntarily at Ft. Jessup, to act as household servants.

An Unidentified Black Man

When Emerson dies in St. Louis in 1843, his widow, Irene, inherits the Scotts, and hires them out for wages to various acquaintances, one being Henry Blow (son of Peter), a friend of Scott during his childhood, and an anti-slavery activist. Blow learns that Scott and his wife, now with two children, have tried to purchase their freedom for \$300, but Irene refuses to go along. Blow steps in to help Scott, filing a suit in the St. Louis Circuit Court against Irene Emerson on August 6, 1846. It asserts that the Scotts were no longer enslaved the minute they took up residence with Dr. Emerson in Illinois and Wisconsin – under the *Commonwealth v Aves* precedent of “once free, forever free.”

What follows on is an eleven year legal odyssey, marked by technical delays, lower court judgments, appeals and reversals, refilings and retrials. Scott’s support throughout comes from a string of abolitionist lawyers who regard the effort as a cause celebre, to sustain the *Aves* case law principle.

In January 1850, the Scotts are finally declared free by the St. Louis District Court, only to find the decision reversed in 1852 by the Missouri Supreme Court. In 1853, Irene Emerson transfers their ownership to her brother, John Sanford, who the Scott’s take to court in 1854 on a federal charge of “wrongful imprisonment,” seeking freedom and \$16,500 in damages.

This latest charge is a tactic designed to transfer authority away from the Missouri state courts and, eventually, to the U.S. Supreme Court. This works, and the highest court agrees to hear the case in 1856.

#### **Key Events: The Dred Scott Case**

<b>April 6, 1846</b>	<b>St. Louis Circuit agrees to hear Scott’s case brought by Henry Blow lawyers</b>
<b>June 1847</b>	Case dismissed on technicality (no witnesses affirming Scott owned by Mrs. Emerson)
<b>December 1847</b>	Scott appeals and given permission to bring suit and Mrs. Emerson protests
<b>June 1848</b>	MO Supreme Court allows Scott to proceed with his suit in Circuit Court
<b>January 1850</b>	St. Louis Circuit Court says Scott was free due to his residency in a free state
<b>1852</b>	MO Supreme Court overrules the Circuit Court decision to free Scott
<b>1853</b>	Ownership of Scott transferred to Mrs. Emerson’s brother, John Sanford
<b>1854</b>	Scott sues Sanford in US Circuit Court for wrongful imprisonment, a federal offense
<b>May 1854</b>	Federal District Court rules against Scott
<b>December 1854</b>	Scott appeals to US Supreme Court
<b>February 1856</b>	Oral arguments presented, but the Court orders a re-hearing after the 1856 election
<b>December 1856</b>	The second hearings take place December 15-18
<b>March 7, 1857</b>	Final U.S. Supreme Court ruling delivered

Chief Justice Roger B. Taney and his eight associates hear the first oral arguments on February 11-14, 1856, roughly ten years after the first filing in April 1846.

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**Sidebar: The Taney Court During The Dred Scott Decision**

The nine men who will judge Dred Scott are 64 years of age on average, the oldest being Chief Justice Taney at 80, the youngest, John Campbell at forty-six. Their mean tenure on the court is 16 years.

Two have “read law” on their own, while the remaining seven attended formal universities. Both Taney and Robert Grier have graduated from Dickinson College, Buchanan’s alma mater.

Three have military experience -- James Wayne and John Catron having fought in the War of 1812, and John Campbell, a graduate of West Point, battling the Creek Indians in 1836.

Peter Daniel is the lone duelist, mortally wounding one John Seddon over a political dispute in 1808.

Taney and McLean are not only judicial giants, but also deeply involved in mainstream politics. Taney has served in Andrew Jackson’s cabinet, as Attorney General and as Secretary of War and of the Treasury. McLean has not held public office, although in 1856 he becomes a Republican, and receives 37 votes for president on the opening ballot at the party convention.

Four of the justices are nominated by Andrew Jackson, and, with the exception of Benjamin Curtis and McLean, all are lifelong Democrats. Six have entered the court by acclamation of the Senate, with only Taney and John Catron encountering significant opposition.

Of great significance in the Dred Scott case is the fact that five judges are from the South, and all of them are slave owners! John Catron of Tennessee is even known to have fathered a child by one of his charges.

This Southern pro-slavery tilt on the court is thought to have influenced Buchanan to inappropriately approach Robert Grier – a fellow Pennsylvania and Dickinson man – in search of a Northerner to support the majority opinion in the case.

By the time the Civil War breaks out, seven of the nine “Dred Scott justices” are still on the court, after Benjamin Curtis resigns in 1857 to protest the decision and Peter Daniels dies in 1860. Interestingly all who are left in 1861 oppose secession, and only one, Joseph Campbell, moves back south, eventually serving the Confederate cause as Assistant Secretary of War.

**Supreme Court In 1857**

	<b>Born</b>	<b>Home</b>	<b>Nom. By</b>	<b>Vote</b>	<b>Party</b>	<b>Serve</b>	<b>Education</b>
<b>John McLean*</b>	1785	Ohio	Jackson	All	Dem/Rep	1829-61	Read law
<b>James Wayne</b>	1790	Georgia	Jackson	All	Democrat	1835-67	Princeton
<b>Roger Taney</b>	1777	Maryland	Jackson	29-15	Democrat	1836-64	Dickinson
<b>John Catron</b>	1786	Tenn	Jackson	28-15	Democrat	1837-65	Read law
<b>Peter Daniel</b>	1784	Virginia	Van	25-5	Democrat	1841-	Princeton

			Buren			60	
<b>Samuel Nelson</b>	1792	NY	Tyler	All	Democrat	1845-72	Middlebury
<b>Robert Grier</b>	1794	Penn.	Polk	All	Democrat	1846-70	Dickinson
<b>Benjamin Curtis*</b>	1809	Mass	Fillmore	All	Whig	1851-57	Harvard
<b>John Campbell</b>	1811	Alabama	Pierce	All	Democrat	1853-61	West Point

\* Those dissenting from the majority opinion in the Scott verdict

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Date: February to December 1856

**Oral Arguments In The Case Are Presented Twice**



Montgomery Blair (1813-83) Reverdy Johnson (1796-1876)

*Dred Scott v Sanford* (often misspelled as Sandford) will be argued twice before the Taney Supreme Court, first in February 1856, and then a second time in December 1856.

The oral arguments are made by two outstanding advocates, well known for their legal prowess.

The plaintiff Scott is represented by Montgomery Blair, forty-two years old, a graduate of West Point, who opens his law practice in St. Louis before moving to Maryland. He is the eldest son of Frances Preston Blair, formerly a member of Andrew Jackson’s “kitchen cabinet,” who abandons the Democrats over the Kansas-Nebraska Act and, in 1855, becomes a founder of the Republican Party. Like his father, Montgomery wants to see slavery wither away in America, even though he feels that blacks are an inferior race, and that the abolitionist’s call for immediate freedom is illegal and radical.

Blair is opposed by another famous Maryland attorney, fifty-nine year old, Reverdy Johnson, whose personal friendship with now Chief Justice Roger Taney goes back to 1815, when Johnson was just beginning his law career. That career has also taken him into politics, where he has served in the U.S. Senate as a Whig from 1845-49 before becoming Zachary Taylor’s Attorney General. Like Blair, Johnson personally opposes slavery and is also a strong pro-Union man.

After both advocates present their cases on February 11-14, 1856, the nine justices confer and appear ready to decide that the Missouri Supreme Court should have the last word on Scott's status, and therefore he should be returned to slavery. However, the announcement is delayed when a conflict arises over the basis for the judgment.

- Some favor “jurisdictional” reasons – the case should never have gone into the Federal court system in the first place. The reason, according to majority opinion, is that Scott is a slave, and slaves are not U.S. citizens.
- Thus he had no right to appear in, or appeal to, a federal court. But since the Sanford defense never made this argument, could it be legally cited as the reason to remand the case to the Missouri Supreme Court?
- Other justices oppose sending the case back on a technicality, rather than using it to once and for all take a stand on all of the Constitutional issues around slavery that have been tearing the union apart.

There is also a political component to the delay. Chief Justice Taney fears that with the 1856 presidential election coming in less than a year, a decision to deny Scott his freedom will look to the public like another “Slave Power” outcome, with the five southern justices ramming it through. Thus the justices agree to re-hear the case after a new President has been chosen.

This second hearing occurs December 15-18, 1856, and within chambers it again appears that the court will defer for jurisdictional reasons to the Missouri ruling against Scott, thus dodging the more profound “substantive” issues.

But then two of the northern justices rock the boat. They are the venerable, and politically well-connected, John McLean of Ohio, and the only Whig on the court, Ben Curtis of Massachusetts. Both say they intend to draft strong “dissents” on the basis of the case law precedent, “once free, forever free.” They are particularly convinced here by the fact that Dr. Emerson actually left the Scotts in a free state at Ft. Snelling when he went back to St. Louis.

At this point an extraordinary, and highly controversial intervention occurs. It involves none other than President-elect James Buchanan who sends a note to his friend, Justice John Catron of Tennessee, asking about the status of the case. Catron replies that a decision was possible soon, but that a third northern judge, Robert Grier, might join McLean and Curtis in dissenting. Catron asks Buchanan to “drop Grier a line,” to see what he is thinking.

The President follows through with Grier, a fellow Pennsylvanian and graduate of Dickinson College. Grier tells him that he wants a “broad decision,” not simply based on technicalities, and is working toward this with the other justices. And so the critical Constitutional issues around slavery are finally confronted in the justice's chambers:

- Can a negro, slave or free, become a citizen of the United States?
- Does a negro have any “standing” or “rights” within the judicial system?
- Can a slave be set free by anyone other than his owner?
- Can a state refuse to allow an owner to bring a slave into their territory?
- If an owner takes a slave into a “free state,” is the slave automatically freed?
- Is the Missouri principle – “once free, always free” – constitutional?
- Is the Missouri Compromise, banning slavery where Scott lived, constitutional?
- Is the notion of “popular sovereignty” even legal?
- In the end, is a negro anything more than a piece of property under the law?

Since 1787, the American political system has darted and dodged its way around direct answers to these questions.

Now the Supreme Court, led by Taney, decides to plunge all the way into them, with the President and the nation anxiously awaiting their rulings.

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Date: March 7, 1856

### **The Supreme Court Rules Against Dred Scott And Overturns Prior Case Law On Slavery**



Roger B. Taney (1777-1864)

While Chief Justice Roger Taney will be remembered and maligned for his *Dred Scott* decision, he is still regarded by most legal scholars as one of the preeminent jurists in American history.

He is a complex man. His roots are firmly in tidewater Maryland, but he is not wealthy, and he shares in the common man tradition of his friend, Andrew Jackson, who names him to succeed John Marshall on the bench in 1836, starting his 28 year career there.

Taney struggles all his life with the slavery issue. He frees his own slaves upon inheriting them. In 1819 he defends a Methodist preacher, who is an abolitionist, with these words:

*Slavery is a blot on our national character, and every real lover of freedom confidently hopes that it will effectually, though it must be gradually, be wiped away; and earnestly looks for the means, which this necessary object may best be obtained.*

Like Jackson, he is also a loyal Unionist, who will condemn secession, swear in Abraham Lincoln, and serve under him until his death in 1864. But first and foremost, Taney is a letter-of-the-law Constitutional lawyer. The founders, like Taney, may have wished for slavery to gradually wither away, but what rules did they actually write down in 1787 to govern it?

On March 6, 1857, the Supreme Court hands down its ruling in the *Dred Scott* case, deciding by a 7-2 margin in favor of Sanford and returning the Scotts to slave status.

It is a “broad decision,” as sought by Grier, and Taney relies upon himself to render the majority opinion. He begins by reflecting on how the negro race was viewed in 1787 by the founding fathers:

*It is difficult at this day to realize the state of public opinion in regard to that unfortunate race which prevailed in the civilized world at the time when the Constitution of the United States was adopted; but the public history of every European nation displays in a manner too plain to be mistaken. (Negroes) had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations, and so far unfit that they had no rights which the white man was bound to respect.*

Thus, for Taney, the words in the Constitution are “too plain to be mistaken.” They say that negroes are “property,” nothing more and nothing less. From there he announces four main conclusions:

First off, the Supreme Court has no jurisdiction over Scott’s case.

- As a negro, Scott is not, and cannot become, a citizen of the United States.
- Therefore he had no right to appeal the Missouri state decision in Federal court.

Second, the only way that Scott could be freed is if his owner declares him free.

- In 1787 slaves were bought and sold, and became the “property” of their owners.
- “Property rights” are protected under the Fifth Amendment “due process” clause.
- Owners do not forfeit their property simply by moving it to a “free state.”
- Hence the Missouri “once free, always free” principle lacks merit.

Third, the entire 1820 Missouri Compromise Act is unconstitutional.

- It argued that slaves could be banned in new territory north of the 30’36” line.
- But slaves are “property” and transport of property across state lines is protected.
- Congress over-stepped its powers in trying to limit the free movement of property.

Fourth, granting Scott freedom and the right to sue would lead on to a slippery slope.

- Taney foresees future petitions around freedoms of speech, travel, protest, arms.
- None of these “rights” were envisioned for negroes by the founding fathers.
- Even debating them now will exacerbate sectional tensions and threaten the union.

Despite the 7-2 overall majority, all nine justices feel compelled to write concurring or dissenting opinions, covering 250 pages and taking up two full days to be read aloud in court. Those who quarrel with Taney’s summary are troubled by three things: voiding the case law associated with “once free, forever free;” the fact that negroes have already been declared citizens in five free states; and the anticipated public chaos that is sure to follow rejection of the 1820 Missouri Compromise.

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Date: September 30, 1857

### **Justice Benjamin Curtis Resigns Over The Ruling**

Two of the four Northern justices – John McLean and Benjamin Curtis – disagree with the verdict, with Curtis writing a very lengthy and detailed rebuttal.

He begins by attacking the one conclusion of the court that is most devastating to the hopes of all free blacks – Taney’s assertion that negroes cannot become citizens of the United States. That’s in error, according to Curtis, and he dismisses it on simple logic:

*First, that free citizens of each State are citizens of the United States. Second, that free colored persons born within some States are citizens of those States. (Therefore) such colored persons are also citizens of the United States.*

By way of support, Curtis cites the Constitutions of Massachusetts, New Hampshire and New York.

*Persons of color, descended from African slaves, were by their Constitution made citizens of the State and such of them as have had the necessary qualifications have (even) exercised the elective franchise, as citizens, from that time to the present.*

For the Supreme Court to now declare that these free blacks were not actually citizens of their State or of the United States would be “received with surprise by the people who know their own political history!”

*I dissent, therefore, from that part of the opinion of the majority of the court, in which it is held that a person of African descent cannot be a citizen of the United States.*

He then broadens his dissent, arguing that once the court decided that Scott had no standing as a slave, other findings including those on the 1820 Missouri Act should be regarded as *obiter dictum*, mere opinion not matters of law.

*I regret I must go further, and dissent both from what I deem their assumption of authority to examine the constitutionality of the act of Congress commonly called the Missouri Compromise act, and the grounds and conclusions in their opinion.*

Finally, according to Curtis, the facts show that Scott was a free man from the moment Emerson took him to reside in Illinois, then allowed him to marry and remain behind at Ft. Snelling when the doctor was transferred to St. Louis.

*In my judgment, there can be no more effectual abandonment of the legal rights of a master over his slave, than by the consent of the master that the slave should enter into a contract of marriage, in a Free State, attended by all the civil rights and obligations which belong to that condition. This consent...is an effectual act of emancipation.*

Justice Benjamin Curtis then closes.

*In my opinion, the judgment of the Circuit Court should be reversed, and the cause remanded for a new trial.*

Six months later, on September 30, 1857, Curtis resigns from the Supreme Court over the ill will surrounding the Scott decision. In so doing he becomes the only court member in history to resign over a matter of principle.

He is 47 years old at the time, and in his six years on the court has established a reputation as one of the brilliant legal minds in the U.S. In later years, he will argue many cases in front of his old court and will defend Andrew Johnson as chief defense counsel in his 1868 impeachment trial.

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Date: March 1857

### **The Dred Scott Ruling Drives The Country Closer To Sectional Warfare**

While the South regards the court’s decision as a total vindication of its positions on the black race and on slavery, the ultimate result will be a hardening of antagonism toward their section across the North and the West.

The response among Republicans will prove most decisive in this regard.



They argue in a nutshell that the Southern-dominated court has just “nationalized slavery” – forcing it upon those in the North and West who want it to wither away, not expand.

With the stroke of a pen, the minority wishes of the Slave Power have washed away the will of the majority, including the protections afforded by the 1820 Missouri Compromise, and even the right of western settlers to forbid the invasion of blacks from the moment a new territory is formed.

The Republicans argue that, as with prior attempts at “nullification,” the *Dred Scott* ruling must be ignored in practice and is doomed to fail in the end.

Different factions within the party have very distinct reasons for their opposition. A large segment simply wants to exclude all black expansion on behalf of prerogatives belonging properly to white men. Then there are those who oppose slavery on moral grounds, while remaining skeptical about assimilation and granting of citizenship. Lastly come the much smaller core of radical abolitionists calling for immediate emancipation of all slaves and genuine equality.

#### **Representative Republicans Opposing The *Dred Scott* Ruling**

<b>Segments</b>	<b>Some Leaders</b>
White supremacists	Wilmot, Banks, Fremont, Lane
Conservative anti-slavery	Seward, Lincoln, King, McLean, Cameron, Blair
Abolitionists	Giddings, Hale, Stevens, Chase, Sumner, Wilson

Public outrage across the North and West is fanned by newspaper editorials attacking the ruling, along with Chief Justice Taney and his Slave Power cronies on the court. On March 12, 1857, the *Chicago Tribune* writes of the “judicial revolution:”

*We must confess we are shocked at the violence and servility of the Judicial Revolution caused by the decision of the Supreme Court of the United States. We scarcely know how to express our detestation of its inhuman dicta or fathom the wicked consequences which may flow from it . . . . To say or suppose, that a Free People can respect or will obey a decision so fraught with disastrous consequences to the People and their Liberties, is to dream of impossibilities.*

The leading abolitionists add fuel to the notion of resisting the decision entirely. In typical fashion, Lloyd Garrison splashes a large type headline across the front page of the *Liberator*:

#### **THE DECISION OF THE SUPREME COURT IS THE MORAL ASSASSINATION OF A RACE AND CANNOT BE OBEYED**

Frederick Douglass joins in with a speech condemning the court on May 14, 1857:

*Have no fear that the National Conscience will be put to sleep by such an open, glaring, and scandalous tissue of lies as that decision is, and has been, over and over, shown to be...By all the laws of nature, civilization, and of progress, slavery is a doomed system. Not all the skill of politicians, North and South, not all the sophistries of Judges, not all the fulminations of a corrupt press, not all the hypocritical prayers, or the hypocritical refusals to pray of a hollow-hearted priesthood, not all the devices of sin and Satan, can save the vile thing from extermination*

Legal scholars offer another recourse, arguing that once Taney found that Scott had no right to even appear in a federal court, all of his subsequent dictates became *obiter dictum* – an incidental expression of opinion, not essential to the decision and not establishing precedent. This opens the door to calls across the North to simply ignore the more sweeping aspects of the ruling.

Lincoln will face into these calls during his famous upcoming debates with Stephen Douglas. He will point out that the decision was made by a “divided court dividing differently on the different points.” Also that, while he disagrees with it and intends to pursue it as a “political matter,” disobedience must not be condoned.

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Date: March 1857

### **The Decision Also Calls “Popular Sovereignty” Into Question**

The high court’s ruling clearly says that blacks cannot sue in federal courts and that Congress cannot forbid slave owners from taking their “property” wherever they want. In effect this overturns the “once free, forever free” case law precedents. Owners need no longer fear that their slaves will be appropriated anytime they take them into the historically Free States.

The question then becomes what *Dred Scott* means in regard to expanding slavery into the new western territories. Declaring the 1820 Missouri Compromise “unconstitutional” changes little, since the Kansas-Nebraska Bill already wiped away the 36’30” demarcation principle. So was the high court actually saying that slavery *must be declared legal* and supported from Kansas to the west coast?

The South, of course, wants to read the ruling that way – as a total victory, ending all opposition to their “right” to open new plantations wherever they desire, starting in “bloody Kansas.”

But for the Democratic Party, this interpretation would appear to negate their call for “popular sovereignty” to settle the slavery issue. “Let the people decide” has been their political battle cry since 1848, when Lewis Cass and Stephen Douglas first arrived at it. And, as of 1858, the popsov plank is the major public policy difference between them and their Republican rivals – who would ban all slavery in the west based on what they regard as the original intent of the founding fathers (“let it wither away”).

No two Democrats have been more visibly associated with popsov than President Buchanan and Stephen Douglas.

True to his reputation as a “doughface,” Buchanan is delighted by the court’s ruling. He also believes, naively, that it will finally end the controversy over slavery that has plagued his entire time in office.

On the other hand, Douglas views the outcome as threatening to make his popsov campaign look irrelevant and, in turn, to cause a major sectional schism among the Democrats. From this point forward, his relationship with Buchanan deteriorates from political rivalry to outright distrust and

animosity. The public split will come to a head nine months hence, over the pro-slavery Lecompton Constitution in Kansas.

Unlike Buchanan, Douglas is also facing an election campaign in the Fall for his senate seat from Illinois. This has raised his awareness of Northern resistance to the Kansas-Nebraska Bill, and he anticipates an even sharper outcry against *Dred Scott*. Have the Democrats simply become the instrument of the Slave Power to spread more unwanted negroes at the expense of white men? Douglas also senses the rise of his old Springfield foe, Abraham Lincoln, and tells friends that he will be a formidable opponent.

All of this forces Douglas to try to square the *Dred Scott* ruling with his own popsov convictions. He eventually does so arguing that, while the law says that slavery cannot be banned in the new territories, in practice it cannot survive without local police enforcement, which rests on the will of the people. QED, a final vote by the people is as critical as it ever was.

This will be his justification for popsov when time comes to debate Lincoln

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### **Sidebar: The Fate Of Dred Scott**

By 1857, Dred Scott has been transformed into a symbol of the debate over the future of slavery in America that will soon lead to the Civil War.

But behind the symbol are a flesh and blood man, his wife, and two children who have lived in limbo between slavery and freedom for two full decades, spurred by Dr. Emerson's transfer to the state of Illinois.

When the Supreme Court rules that the Scotts are nothing more than 'property,' Dred is an aging man of sixty-one still needing to make his way in the world that has little sympathy for his race.

But fortunately, some are on his side, most notably descendants within the Blow family, his original owners. After the trial they convince Mrs. Emerson to finally hand them over, and when this happens, the Blows set them all free, at last.

But Dred's time as a free black is brief. After returning to St. Louis, where he becomes a porter in a hotel, tuberculosis takes him on September 17, 1858. He is buried in the Calvary Cemetery in St. Louis, with a tombstone reading: "In memory of a simple man who wanted to be free." To the present day, visitors are wont to place Lincoln pennies, heads-up, at the plot.

## Chapter 245 – Governor Geary’s Resignation Is Another Set-Back In Kansas



**Dates:**  
March 1857

**Sections:**  
• Kansas Governor John Geary Resigns His Position

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Date: March 12, 1857

### Kansas Governor John Geary Resigns His Position



On March 12, 1857, five days after the *Dred Scott* decree is announced, President Buchanan’s attention is back on Kansas, when John Geary resigns as Territorial Governor of Kansas.

In hindsight he cites two reasons for withdrawing after only six months of service: first, unreliable support from the Pierce administration; second, the demoralizing effects of watching the “depravity” exhibited by both sides in the fight.

*I have learned more of the depravity of my fellow man than I ever before knew...I have thought my California experience was strong, but I believe my Kansas experience cannot be beaten.*

But Geary will be judged the most capable of the six Governors in the history of “bloody Kansas.”

A Typical Kansas Militiaman

When he arrives on the scene two sizable and well-armed militias are on the verge of waging open warfare. His response is immediate and unequivocal. As in Mexico, he mounts up and rides to the action, confronting and ending the threat to Lawrence on September 15, only six days after taking office.

Unlike his wavering predecessors, no one doubts his pledge to lead U.S. troops against either side should the need arise. While this does not totally stamp out further vicious individual acts of vengeance, it does put a one year hold on prospects for any large-scale battles and casualties.

Unfortunately Governor Geary is less successful at converting reduced violence into a lasting political solution.

While the Free-Staters never fully trust him because of his reputation as a Democrat and a Buchanan backer, he remains true to his pledge to be “politically impartial.”

This includes irritating the Pro-Slavery side by vetoing legislation he finds improper, and also refusing to confirm William Sherrard, a particularly volatile native of Virginia, to succeed Samuel Jones as Sheriff of Douglas County, which includes the town of Lawrence. Sherrard is outraged, threatens to assassinate Geary, and fires his revolver at a hearing on February 18, 1857 to review his case. In the resulting melee, he is shot and killed in the room by one of Geary’s representatives at the meeting.

As he departs, Territorial Kansas is left with two legislatures, two Governors and magistrates, two sets of laws on the books – a recipe for ongoing civil disorder.

On March 12, 1857 Geary hands the temporary reins back to acting Governor Daniel Woodson, for his fifth and final stint as interim stand-in.

#### **Key Events In Kansas Around John Geary’s Term As Governor**

<b>1856</b>	<b>Milestone</b>
<b>July 4</b>	Col. Edwin Sumner disbands Topeka (Free-State) legislature
<b>September 9</b>	John Geary begins his term as Governor
<b>September 13-14</b>	Battle of Hickory Point
<b>September 15</b>	Geary and U.S. troops stop pro-slavery militia threat at Lawrence
<b>October 6</b>	Annual election of Kansas legislators is boycotted by Free-Staters Pro-Slavery representatives remain in power at Lecompton
<b>1857</b>	
<b>January 7</b>	Topeka legislature reconvenes in defiance of prior shutdown
<b>January 11</b>	Law and Order Party now called the National Democrats
<b>January 12</b>	New legislators meet at Lecompton
<b>January 19</b>	Geary denies appointment of Sherrard as Sheriff
<b>February 18</b>	Sherrard killed after firing his gun during a hearing
<b>March 4</b>	James Buchanan becomes President
<b>March 20</b>	Governor Geary resigns
<b>May 24</b>	New Governor Robert J. Walker arrives in Kansas

John Geary’s story does not, however, end with Kansas. When the Civil War breaks out he rejoins the army, rises to the rank of Major General and performs admirably in numerous battles in the eastern theater. He then becomes Governor of Pennsylvania, serving from 1867 to 1873, before dying suddenly of a heart attack three weeks after leaving that office, at 53 years of age.

**Sidebar: The Baffling Array Of Territorial Governors In Kansas**

The Kansas Territory will have six official Governors and four Acting back-ups between its original organization in 1854 and its admission as a State. President Franklin Pierce names the first three: Reeder, Shannon and Geary; James Buchanan the final three: Walker, Denver and Medary.


Acting Governor Daniel Woodson also plays a sizable role during the early, most violent period, as a supporter of the Pro-Slavery side.

Ironically the Free-Stater’s designated Governor, Dr. Charles Robinson MD, imprisoned for treason in 1856, becomes the state’s chief officer after its admission to the Union in 1861 as the 34<sup>th</sup> member.

**Governors Of The Kansas Territory: 1854-1861**

<b>Appointed</b>	<b>From:</b>	<b>To:</b>
Andrew Reeder	July 7, 1854 June 23, 1855	April 17, 1855 August 16, 1855
Wilson Shannon	September 7, 1855 July 7, 1856	June 24, 1856 August 18, 1856
John Geary	September 9, 1856	March 12, 1857
Robert Walker	May 27, 1857	December 15, 1857
James Denver	December 21, 1857 July 30, 1858	July 3, 1858 October 10, 1858
Samuel Medary	December 18, 1858 September 15, 1859 June 16, 1860 November 26, 1860	August 1, 1859 April 15, 1860 September 11, 1860 December 17, 1860
<b>Acting</b>		
Daniel Woodson	April 17, 1855 August 16, 1855 June 24, 1856 August 18, 1856 March 12, 1857	June 23, 1855 September 7, 1855 July 7, 1856 September 9, 1856 April 16, 1857
Frederick Stanton	April 16, 1857 November 16, 1857	May 27, 1856 December 21, 1857
Hugh Walsh	July 3, 1858 October 10, 1858 August 1, 1859 April 15, 1860	July 30, 1858 December 18, 1858 September 15, 1859 June 16, 1860
George Beebe	September 11, 1860 December 17, 1860	November 26, 1860 February 9, 1861
<b>As A State</b>		
Charles Robinson	February 9, 1861	January 12, 1863

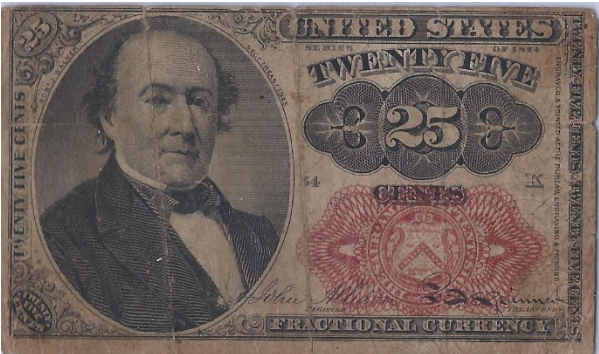
**Chapter 246 – Governor Robert Walker Sent To Solve The Problems In Kansas**

	<p><b>Dates:</b> March – May, 1857</p>	<p><b>Sections:</b></p> <ul style="list-style-type: none"> <li>• Robert J. Walker Becomes The Fourth Territorial Governor In Kansas</li> <li>• Walker Gets Off To A Shaky Start In Kansas</li> </ul>
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Date: March 1857

**Robert J. Walker Becomes The Fourth Territorial Governor In Kansas**



Robert J. Walker (1801-1869)

In response to Geary’s departure, Buchanan will turn to 55 year old Robert J. Walker, a trusted Democrat, former U.S. Senator, and a successful Secretary of the Treasury under James Polk. His pro-Southern credentials are also well established. After practicing law in Pittsburgh, he moves to Natchez, Mississippi, becomes a slave owner and trader, and supports nullification in 1832 along with aggressive policies toward territorial expansion.

On the face of it, the diminutive Walker (five feet tall and one hundred pounds) looks up to the task, despite inheriting two diametrically opposed political parties, each with its own legislature, and each claiming to represent the will of the Kansas people:

- One group, the Pro-Slavery forces, now operating as members of his Democratic Party, have been chosen in an annual election on October 6, 1856, boycotted by their opponents. They are scheduled to meet in September 1857 at the town of Lecompton to write an official state constitution.



- They are opposed by the Free State Party, whose “renegade” legislature has reconvened at Topeka on January 7, 1857, after being disbanded by Colonel Sumner and his U.S. troops back on July 4, 1856.

Buchanan’s instructions to Walker are quite clear: first, shut down the Topeka operation for good; second, get the Lecompton body to write a Constitution that has Kansas admitted to the Union as a Slave State, both to restore order there and to cater to his Southern base.

There are, however, genuine risks associated with the President’s plan.

One is that the Lecompton document might prove so controversial that it alienates his support among the northern wing of his Democratic Party. This concern is particularly relevant in the U.S. House, where he will need solid northern support to pass a bill to admit Kansas.

Another risk is even more troublesome. It involves the long-standing Democratic Party promise to rely on “popular sovereignty” to resolve all conflicts related to slavery in the new territories. If there is a dispute, “let the people decide” in a fair vote, with majority rule. This pledge has been a central party plank since Lewis Cass and Stephen Douglas fashioned it in the campaign of 1848 – and Buchanan himself supports it outright in the 1856 race.

Thus Americans have been led to expect that the Lecompton Constitution will be voted on by the people of Kansas before it applies for admission as either a Free State or a Slave State.

But now this poses a problem for Buchanan and his Southern backers. It is a growing fear that the majority of those actually residing in Kansas oppose the presence within their borders of not only slaves, but *all* blacks, and will thus vote in favor of a Free State designation.

The prospect of an election loss sets the wheels in motion within Buchanan’s cabinet and among his Southern supporters to find a plausible alternative to a popsov vote.

While this thinking is in process, Robert Walker heads off to Kansas.

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Date: May 1857

### **Walker Gets Off To A Shaky Start In Kansas**

Walker arrives in Kansas on May 27, 1857, taking over from Acting Governor Daniel Woodson. His welcoming address manages to upset both sides in the disputes.

He slams the Free Staters as a mix of fanatical abolitionists – “who would threaten not only Kansas but the Union” – and utter hypocrites eager to ban all Negroes from ever residing in their state.

He then dismisses their opponents for engaging in dangerous warfare over land whose climate is unfit for slavery and cotton.

He also calls upon Topeka to cease its operations and try to win “official seats” in the October election of a new legislature -- and then promises that any Constitution written by the Lecompton delegates will be voted on by all Kansans before submission to Washington for statehood.

Both of these declaration will soon come back to frustrate Buchanan’s wishes.

## Chapter 247 – William Walker’s Filibuster Of Nicaragua Collapses



**Dates:**

July 1856 –  
May 1857

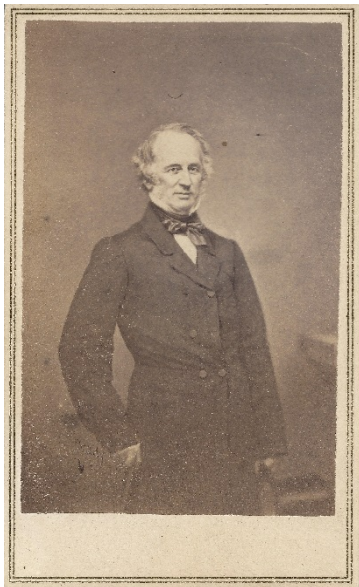
**Sections:**

- Walker’s Grip Over Nicaragua Slips After He Crosses Cornelius Vanderbilt
- The Filibuster Collapses After Eighteen Months In Power

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Date: October 22, 1855 – July 12, 1856

### Walker’s Grip Over Nicaragua Slips After He Crosses Cornelius Vanderbilt



Cornelius Vanderbilt (1794-1877)

While Buchanan shifts his attention to Kansas, the 18 month reign of filibusterer William Walker to expand slavery into Nicaragua comes to an end.

The latest Walker affair takes shape back on October 22, 1855, when he executes the top *Legitimista* government official in Grenada and gains absolute control over the nation, behind a new puppet president. To the dismay of the Nicaraguans, however, his goal is not to reform the country, but to “Americanize” it. He declares English the official language, introduces a new currency, reinstates the practice of slavery, and aggressively seeks US immigrants. Gringos patrol the streets:

*Taller men, of fairer hue and heavily bearded, wearing wide-brimmed wool hats, blue flannel shirts, and corduroy or jean trousers tucked into heavy boots, with a brace of pistols and a bowie knife in each belt and a trusty rifle on each right shoulder, were now the masters of Granada. It seemed that a new civilization was about to be engrafted upon the older and decadent one.*

Needless to say, this American take-over of their country is anathema to the Nicaraguans, and resistance groups form up, especially under the *Legitimista* party leader, Colonel Jose Dolores Estrada.

Walker temporarily fends off Estrada, but then makes a fatal mistake by rescinding an 1849 agreement with the “American Transit Company” in a corrupt deal with the firm’s San Francisco agent, C.K. Garrison, and his banker friend, Charles McDonald. In exchange for cash to run his government and help with U.S. recruiting, Walker gives the two men free reign over the transit line’s property and operations – which happen to be owned by the sixty-six year old New York tycoon, Cornelius Vanderbilt. When he hears of the sell-out, the “Commodore” tells Walker:

*I won’t sue you, for the law is too slow. I will ruin you.*

Vanderbilt's agents immediately go to work on convincing the leaders of countries bordering Nicaragua that Walker intends to invade and take them over, The strongly conservative government in Costa Rica is first to respond, readying an invasion force of its own. In typical fashion, Walker plunges ahead to meet them, sending his French and German mercenary units across the southern border and into Costa Rica. They are, however, routed there on March 20, 1856, at the battle of Santa Rosa, with 59 men killed in action.

Walker next learns that coalition troops from Honduras, Salvador and Guatemala are also gathering along his northern border, and, when he sends men there to meet them, the Costa Ricans cross into Nicaragua from the south and score another victory on April 11, 1856 at the Second Battle of Rivas.

Despite these setbacks, Walker holds a fraudulent election and declares himself President of Nicaragua on July 12, 1856. Among his first moves is the creation of a new flag with a five-pointed red star acknowledging his intent to eventually unite Costa Rica, Honduras, Salvador and Guatemala with his own Nicaragua.

But the noose around his neck continues to tighten.

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Date: July 1856 -- May 1, 1857

### The Filibuster Collapses After Eighteen Months In Power



Map Of Nicaragua And Honduras Where Walker Dies

On July 18, the neighboring nations agree to join forces to oppose Walker and return Patricio Rivas to office. Vanderbilt also continues to send cash into Costa Rico to undermine the filibuster by reclaiming his Transit Company property. A raid at Hipp's Point, near San Juan del Norte, recaptures several of the Commodore's Lake Nicaragua steamships, and cripples Walker's major conduit for securing new U.S. fighters.

Foreign troops also continue to pour into the *Legitimista* base at Leon. On September 14, 1856 his Lieutenant, Byron Cole, suffers a major loss to a coalition army under Colonel Estrada at the Battle of San Jacinto, near Managua. Another crushing loss follows three months later, on December 14, 1856, when Henningsen flees the important city of Grenada after losing 60% of his 270 man force to capture, wounds and disease during a prolonged siege. As a final symbolic gesture, he burns the city to the ground before his escape.

With Grenada lost, the town of Rivas becomes the last bastion for Walker's remaining forces, and he attempts to hold it against a determined siege by his many foes. He does so through January and February of 1857 despite dwindling supplies and growing hardship.

On March 23, the coalition army attacks Rivas and Walker's remaining force of 322 "fit-for-duty" troops. By March 27, the defenders are eating mule meat to keep from starvation. The final skirmish occurs on April 11, after which the grinding siege resumes.

The end comes through intervention by the U.S. Navy. The sloop *St. Mary's* arrives offshore off St. Juan del Sur, under the command of Charles Henry Davis, with orders to evacuate any American citizens caught up in the conflict. On April 24, women and children are removed from Rivas under a flag of truce.

Walker balks at his own departure, until Davis informs him that the reinforcements he expects have turned back to America. The two sides then meet with Davis as mediator, and a truce is signed. At 5:00pm on May 1, Walker offers a farewell address to his remaining soldiers in the plaza, before turning his garrison over to Davis for a formal surrender. In a final gesture of defiance, however, he manages to spike all of his cannon and blow up his remaining munitions.

A total of 463 Walker supporters are taken into custody at Rivas – down from the peak contingent of 1,026 he has in March. They are eventually returned to California on a separate vessel, well after Walker and his officers have departed.

The filibuster is now over. Once again Walker has succeeded in gaining military victories that place him in a position of power in a foreign nation – and once again he has failed to command a large enough body of fighters and administrators to sustain his rule.

Based on records kept by Henningsen, his army never exceeds 1200 men at any time during the occupation.

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### Sidebar: The End Of William Walker And American Filibustering



Hiram Paulding (1797-1878)

Upon his return to America, the ever brash Walker goes on a lecture tour, recounting his Nicaraguan tales to cheering audiences. He blames his defeat on a lack of U.S. support, and begins recruiting another invasion force.

In November 1857, he sails out of Mobile Bay with 270 followers, headed back to Nicaragua. When he lands at San Juan del Norte, however, he is arrested by U.S. Marines under Commodore Hiram Paulding, and returned home.

While President Buchanan chastises Walker, he also sends a message to the Senate on January 7, 1858 that is critical of Paulding's intervention.

*I herewith transmit to the Senate a report from the Secretary of the Navy...containing the information called for by the resolution of the Senate of the 4th instant, requesting me "to communicate to the Senate the correspondence, instructions, and orders to the United States naval forces on the coast of Central America connected with the arrest of William Walker and his associates," etc ..In submitting to the Senate the papers for*

*which they have called I deem it proper to make a few observations.*

*In capturing General Walker and his command after they had landed on the soil of Nicaragua Commodore Paulding has, in my opinion, committed a grave error.. The error of this gallant officer consists in exceeding his instructions and landing his sailors and marines in Nicaragua, whether with or without her consent, for the purpose of making war upon any military force whatever which he might find in the country, no matter from whence they came.*

*It is quite evident, however, from the communications herewith transmitted that this was done from pure and patriotic motives and in the sincere conviction that he was promoting the interest and vindicating the honor of his country.*

Despite his conciliatory remarks toward the “gallant” Paulding, Buchanan relieves him of command and forces him to retire at fifty-eight. (He will, however, be restored to duty in 1861 by Lincoln.)

Meanwhile Walker is once again tried for violating the 1818 Neutrality Act, and once again acquitted.

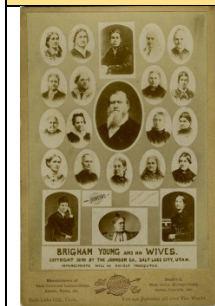
This allows him to pursue what has now become an “obsession” for the 34 year old adventurer - - “Americanizing the Five Nations” of Central America.

He is back at sea in the Fall of 1860 with a shipload of raiders, intent on storming into Honduras. This move is thwarted by a British Royal Navy ship which, instead of returning Walker to the United States, turns him over to the Hondurans.

His protest – “I am the President of Nicaragua” – is ignored, and on September 12, 1860, William Walker is marched into the plaza at the city of Truxillo, tied to a chair, and shot dead by a firing squad of barefoot soldiers.

Thus ends the amazing 36 year adventure of “Colonel Walker, the grey-eyed man of destiny.”

## Chapter 248 – Buchanan Moves To “Clean Up Utah”



**Dates:**  
1823-August  
1857

**Sections:**

- Political Pressure Mounts On Buchanan Around Utah
- The Mormons Have Faced Decades Of Local Resistance Over Their Practices
- Brigham Young’s Theocratic Rule Over Utah Provokes Buchanan To Intervene
- A New Governor Heads Toward Salt Lake City

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Date: March 1857

### Political Pressure Mounts On Buchanan Around Utah

With the *Dred Scott* victory in hand and Robert Walker headed off to resolve Bloody Kansas, Buchanan turns his attention to another domestic problem that has gained public visibility during the 1856 election campaign.

Stated simply, it involves finding a solution to what is broadly seen as renegade behavior among members of The Church of Jesus Christ of Latter Day Saints and their leader, Brigham Young.

For a full decade the Mormons have been settled in the Utah Territory, developing their community and practicing their religious beliefs.

But this becomes awkward for Buchanan and Washington on two dimensions. First because the Mormons seem to operate almost as a separate nation, independent of federal controls; and second because rumors persist that they are continuing their historical practice of polygamy on territorial land.

While there is no law against polygamy until 1862, it is almost universally condemned by American public as a violation of biblical scripture.

The topic also surfaces during the national presidential campaign of 1856 when Buchanan’s Republican opponents pass a platform plank calling for ridding Utah of “the twin relics of barbarism, slavery and polygamy.”



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Date: 1823-1847

### The Mormons Have Faced Decades Of Local Resistance Over Their Practices



Followers of the Church have suffered through a long history of public antagonism by the time they finally reach their “New Jerusalem” home in Salt Lake City in 1847.

Some hostility traces to the fact that many of their beliefs fall outside of the standard Protestant traditions. Thus while affirming themselves as Christians, they supplement Biblical scripture with their own Book of Mormon and other sacred texts, and reject many New Testament creeds and liturgy. But by far the most intense criticism they encounter relates to the practice of what they call “plural marriages” or “spiritual wifery,” and what Americans in general see as “blasphemous polygamy.”

Map Showing Key Battles In The First Mormon War (1838)

According to church elders, polygamy facilitates the propagation of the faith, insures all women of the protections that accompany marriage, and fosters a sense of cohesion among the membership. It is not mandatory, but both of the Mormons most famous spiritual leaders – Joseph Smith, who founds the church in 1823 in upstate New York, and his successor, Brigham Young – have upwards of thirty wives during their lifetimes.

Despite various attempts to conceal the practice, word invariably leaks out, prompting immediate condemnation of all Mormons by local communities, and attempts to force them to move elsewhere.

Their first displacement comes after they abandon their home in Kirtland, Ohio and move west in response to Smith’s prediction of the Second Coming of Christ. This 800 mile trek takes them in 1831 to Jackson County, Missouri, where they settle in for two years before local mobs, learning of polygamy, drive them from their homes. In response, Smith negotiates with the Missouri state legislature, which cedes him control over nearby Caldwell County on the condition that his followers remain within its borders. But that agreement breaks down when new Mormons enter Davies County and are attacked.

Violence begets violence, and on Independence Day 1838, Smith’s off and on second-in-command, Sidney Rigdon, announces that the Mormons will give no quarter if resistance continues.

*That mob that comes on us to disturb us, it shall be between us and them a war of extermination; for we will follow them until the last drop of their blood is spilled; or else they will have to exterminate us, for we will carry the seat of war to their own houses and their own families, and one party or the other shall be utterly destroyed*



This call to action sparks the First Mormon War in Missouri, with a series of battles and raids that mirror the events in Kansas for their savagery. After ten weeks and roughly twenty-five murders, the state militia steps in to capture and jail both Smith and Rigdon on November 1, 1838 at the town of Far West. Their release follows quickly, after they promise to abandon Missouri and move to Illinois.

To accomplish this move, the Mormons literally buy the town of Commerce, Illinois and rename it Nauvoo, a Hebrew word for “beautiful place.” Between 1839 and 1844 they proceed to turn Nauvoo into a boom town, albeit one that favors church members and leads to resentment among the non-Mormon community. Open hostility flares after a break-away Mormon group, intent on ending Joseph Smith’s control of the church, publishes an expose about his multiple wives – what they label “whoredom in disguise” -- in the *Nauvoo Expositor*.

When Smith’s backers destroy the paper’s printing press, the nearby towns of Warsaw and Carthage Illinois both mount attacks against the Mormons. The *Warsaw Signal* declares:

*We hold ourselves at all times in readiness to co-operate with our fellow citizens . . . to exterminate, utterly exterminate, the wicked and abominable Mormon leaders...Strike them! For the time has fully come.*

Arrest warrants are issued for Smith and his brother Hyrum, and they agree to go to jail in Carthage after Illinois Governor Tom Ford guarantees their safety. But the protection proves inadequate as a mob some one hundred strong crashes the jail on June 27, 1844 and murder both men after a firefight. Joseph Smith is thirty-eight and Hyrum is forty-four when they are killed. Charges are subsequently brought against five assailants, but all are acquitted for lack of evidence that they fired the fatal shots.

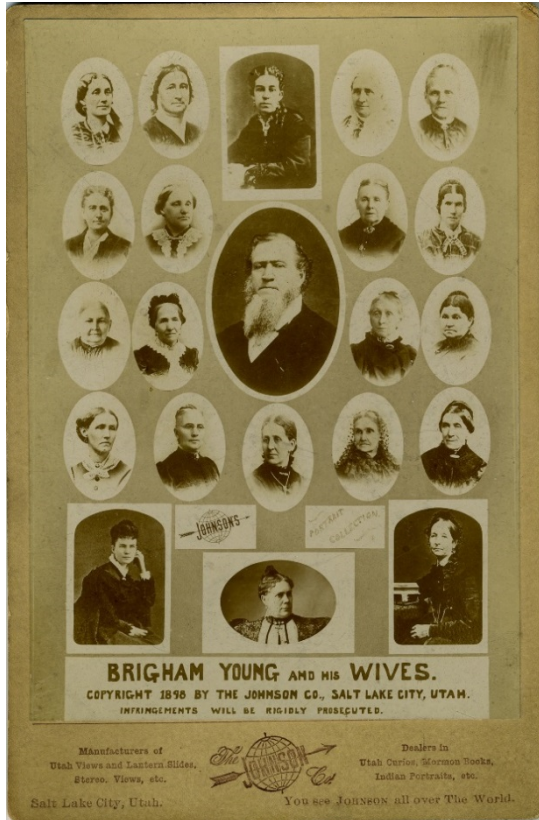
With Smith gone, a succession debate finds two of his closest associates, Sidney Rigdon and Brigham Young, at odds. The result is the creation of a ruling Quorum of Twelve Apostles, with Young as president.

It is Young who concludes that the faith will thrive only if it escapes to a home of its own beyond the reach of the “gentiles.” In February 1846, the Mormons, some 20,000 strong, begin to leave Nauvoo and head west. Those left in the city are attacked by anti-Mormon bands in the Fall of the year, when the roughly 2,000 remaining stragglers finally surrender the town.

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Date: July 24, 1847 – March 1858

### Brigham Young's Theocratic Rule Over Utah Provokes Buchanan To Intervene



Young's contingent crosses the frozen Mississippi and sets up winter camp at Council Bluffs, Iowa, before resuming west along the Oregon Trail in the spring of 1847. The lead group comprises 143 men, three women and two boys, traveling in 72 wagons -- accompanied by some 93 horses, 66 oxen, 52 mules, 19 cows, 17 dogs and a batch of chickens. After a three month journey covering some 940 miles, they arrive on July 24, 1847 at the shores of the Great Salt Lake, with Young declaring this their final destination.

While the land he chooses is still officially owned by Mexico, it will be "ceded" on February 2, 1848 to the U.S. in the war-ending Treaty of Hidalgo, and renamed the federal Territory of Utah.

Just four days after settling, Young begins the task of creating his "New Jerusalem" by selecting a site for the Mormon Temple, a massive structure of over 250,000 square feet, which will take five years to build. From there he lays out his grand plan for the "State of Deseret," a word meaning "honeybee" to the Mormons, and symbolizing their highly valued virtue of "industry." Young is confident that the industry of his followers will transform his isolated land into the dominion he envisions, if only they are left alone to thrive. As he says:

Brigham Young (1801-1877) And 21 Of His 55 Wives

*If the people of the United States will let us alone for ten years... we will ask no odds of them.*

Here again Young distinguishes the Mormons from the "people of the United States," and in so doing signals his intent to govern Deseret as a "theocracy" dominated by religious, not civil, dictates.

As in Missouri and Illinois, the Mormon community quickly blossoms. The population grows to 35,000, supported by infrastructure that includes farms, schools, roads, storefronts, industry and, importantly, access to fresh water since the Great Salt Lake is undrinkable.



The Mormon Tabernacle

The federal government is also cooperative early on. Young's recruitment of a 500 man "Mormon Brigade" to support the Mexican War wins approval from Washington, and he tries in 1848-49 to have the State of Deseret admitted to the Union. Congress rejects this plea, given the lack of survey data and border boundaries for the territory, which initially sprawls across nine eventual states. However, the 1850 Compromise finally clarifies the geography and on February 3, 1851, President Millard Fillmore names Brigham Young the first official Governor of the Utah Territory. This marks the high water mark in relations between Washington and the Mormons.

Subsequent strains materialize from three factors. The first is the already familiar resistance to polygamy, which intensifies after an August 29, 1852 speech by Orson Pratt, a Quorum of Twelve member, publicly acknowledging the practice of "plural marriage" within the state. This is followed later on by more negative publicity in the form of an expose titled *The Horrors of Mormonism* written by F.G.T. Margetson, an angry religious turncoat.

A second source of tension is the "Act in Relation to Service" legislation passed by the Mormons on February 4, 1852. It legalizes slavery and extends it beyond blacks to local tribespeople. Young aggressively encourages the practice based on the same logic offered by the South – namely that it would support inculcating the virtues of leading a "useful life" and open a path to religious faith and salvation.

It is, however, a third rift – Young's determination to govern Utah as a theocracy – that finally forces the federal government back into the affairs of the Mormons.

Throughout Franklin Pierce's term, Young rules his state with an iron hand, his intent being to insure that the population and industry are dominated by Mormons, and that civil affairs are conducted in line with religious guidelines. This leads on to clashes with various federal officials, such as land surveyors, whom he tries to bar, and judges, whose decisions he is wont to overrule. Two judges in particular – George Stiles and W. W. Drummond – become outspoken critics of Young after returning to Washington.

Once in the White House in March 1857, the new President publicly vows to "clean up" the territory.

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Date: May 28 – August 2, 1857

### **A New Governor Heads Toward Salt Lake City**



Approach To Ft. Bridger

The President's first move against the Mormons occurs on May 28, 1857 when he order Secretary of War, John Floyd, and General Winfield Scott to form the Military Department of Utah, headquartered at Ft. Leavenworth. This is intended to provide any future troops that might be needed in the territory.

He follows this on June 29, by announcing that Utah is in a state of rebellion, and on July 13, by naming a new Governor to replace Young -- Alfred Cummings, a non-Mormon ex-mayor of Augusta, Georgia, currently serving as an Indian Affairs agent.

Five days later, Cummings sets out for Salt Lake City to assume his new duties, accompanied by a small military contingent led by Captain Stuart Van Vliet.

What's missing, however, are the additional 1,500 U.S. troops assigned by Buchanan to force Young to step aside in favor of the new governor. The delay here traces to Secretary of War, John Floyd, who officially assigns Colonel Albert Sydney Johnston to lead the company, only for find that he is occupied with other duties in Kansas.

By the time Johnston joins his command and begins marching west, it's clear that the winter weather will require him into an extended encampment before reaching Salt Lake.

When the cagey Young learns of Johnston's delay, he decides to signal his intent to resist any U.S. invasion.

On August 2, 1857, he talks openly about a Mormon secession, then calls up of the "Nauvoo Legion" militia and destroys Ft. Bridger, a venerable outpost 100 miles northeast of the capital.

This establishes the pattern of brash but limited bluffs by Young aimed at keeping control of the Utah Territory in Mormon hands.

## Chapter 249– Panic Of 1857 Rocks The Economy



**Dates:**  
August 1857 --  
1858

- Sections:**
- A Previously Strong Economy Suffers A Set Back
  - Failed Speculative Gambles On Railroads And Grain Exports Fuel The Meltdown
  - The Effects Of The Panic Linger For Two Years

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Date: 1836-1858

### A Previously Strong Economy Suffers A Set Back

While Buchanan is preparing to face off against the Mormons in Utah, the U.S. economy is suddenly struck by another financial panic.

This arrives after roughly two decades of healthy growth and relative stability, following Jackson’s July 1836 Specie Circular order which sets off a “run on the banks” and public distrust of soft money. The result in that case was a true and lasting depression, with GDP standing at \$1.568 Billion in 1843, down from \$1.598 Billion in 1838.

The only sizable downturn since then occurs a decade later, in 1848-49 as overheated production output associated with “Polk’s War” in Mexico is met by a sudden peacetime slowdown in demand.

**GDP Trends During And Just After Polk’s Term**

	1845	1846	1847	1848	1849
<b>Total (000)</b>	\$1859	2065	2410	2427	2419
<b>% Change</b>	9%	11%	17%	1%	NC

However, a rebound soon follows, largely fueled by growth of the railroad industry -- and GDP gains average a very robust +9% per year up through 1855.

**GDP Trends During The Fillmore/Pierce Administrations**

	1850	1851	1852	1853	1854	1855
<b>Total (000)</b>	\$2581	2724	3066	3311	3713	3975
<b>% Change</b>	7%	6%	13%	8%	12%	7%

Suspicious about the sustainability of these rates begin to appear in 1856, and continue into 1857. In June of that year an article published in the *New York Herald* proves particularly prophetic as to what lies ahead and why:

*What can be the end of all this but another general collapse like that of 1837, only upon a much grander scale? The same premonitory symptoms that prevailed in 1835-36 prevail in 1857 in a tenfold degree. Paper bubbles of all descriptions, a general scramble for western lands. . . . The worst of all these evils is the moral pestilence of luxurious exemption from honest labor which is infecting all classes of society.*



The actual slowdown kicks in during 1856, as growth falls to a paltry 2%. It continues through the next two years, culminating with a loss of (2%) in 1858.

**GDP Slowdown Early In Buchanan’s Term**

<b>GDP</b>	<b>1856</b>	<b>1857</b>	<b>1858</b>
<b>Total (\$000)</b>	4047	4180	4093
<b>% Change</b>	2%	3%	(2%)

The effect of this “Panic of 1857” weighs heavily on the first two years of Buchanan’s presidency, compounding the troubles he already faces from the other domestic turmoil playing out in Kansas and Utah.

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Date: August 24, 1857

**Failed Speculative Gambles On Railroads And Grain Exports Fuel The Meltdown**



Bank Building In San Francisco

As usual, a key contributing factor in the “Panic of 1837” is rampant financial speculation by banks and other institutions.

In this instance, most of the betting centers on continued expansion of railroad lines across America. Total track mileage more than doubles between 1850 and 1857, which leads to investors eager to make a killing by buying up land they hope will fall along future routes. along future routes.

These purchases take money, and during the height of the railroad build-up, the number of chartered banks in America doubles, along with the amount of their outstanding loans. Jumps in both statistics are particularly pronounced between 1854 and 1857.

**Banking Development From 1847 To 1857**

<b>Year</b>	<b># of Banks</b>	<b>Loans (\$MM)</b>	<b>% Ch</b>
<b>1847</b>	715	\$310.3	(1%)
<b>1848</b>	751	344.5	11
<b>1849</b>	782	332.3	(4%)
<b>1850</b>	824	364.2	10
<b>1851</b>	879	413.8	14
<b>1852</b>	913	429.8	4
<b>1853</b>	750	408.9	(5)
<b>1854</b>	1208	557.4	36
<b>1855</b>	1307	576.1	3
<b>1856</b>	1398	634.2	10
<b>1857</b>	1416	684.5	8

Fenstermacher (1965)

The problem, however, is that the railroad industry is already overbuilt relative to the actual demand that exists for commercial and passenger traffic at the moment. This becomes apparent during the crash, as many lines are forced to shut down, including the *Michigan Central*, *Erie and Pittsburg*, and the *Ft. Wayne & Chicago*.

Other speculative interest lies in acquiring public domain lands gained in the Mexican Cession of 1848. For some, the allure lies in mineral rights associated with various gold and silver finds in the west. For others it is simply the agricultural farmland that is already making America a leading exporter of corn, wheat and other grains to feed world markets. Unfortunately the 36% jump in bank loans in 1854 corresponds with the British-French victory in the 28 month long Crimean War, which lessens European dependence on U.S. foodstuffs.

As demand for more railroads and grain exports slow, bankers, who have made loans to fuel the speculation, face more and more creditors unable to make their repayments. This pressures the bank's reserves and their capacity to compensate depositors seeking money owed on their principal and interest.

The proximate cause of the panic takes place on August 24, 1857, when a branch bank in New York City, owned by the Ohio Life Insurance and Trust Company of Cincinnati, tells depositors that it is unable to cash out their accounts.

News of this financial default spreads like wildfire across America, thanks to Samuel Morse's telegraph, patented in 1847, and by 1857 connecting cities from coast to coast. What follows is the predictable cycle from 1836, with the public trying desperately to secure their life savings, often in minted coins, and the banks scurrying to secure the needed cash on hand, as well as replenishing their required reserves of "hard specie" in gold.

One hoped-for rescue on the supply of gold lies with the *SS Central America*, a 280 foot-long sidewheel steamer on its way from the California mines to New York City after a stop in Havana. Along with some 420 passengers and crew, the ship also carries nearly 500,000 oz. of gold bullion valued at \$2,000,000, when it is hit by a hurricane and sinks off the Carolina coast. The loss further exacerbates the crisis underway.

(Note: in 1988 the ship is found by treasure hunters and, after legal battles, the gold is being sold off in 2018.)

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Date: 1857-58

## The Effects Of The Panic Linger For Two Years



Fernando Wood (1812-1881)

Quickly enough many financial firms, including the Bank of Pennsylvania, suspend payouts in gold, which further undermines public confidence. To salvage their balance sheets, bankers also “call in” outstanding loans and tighten all forms of lending. Both moves further stifle economic activity.

In turn, unemployment levels spike, especially among the one-third of the labor force no longer making their livings on farms. Wage earners in the North will bear most of the brunt here, only adding to their general displeasure with the Buchanan administration.

Repeated protest marches materialize, most notably in New York City, where demands are made that government take actions to create jobs and protect citizens from the ravages of poverty and homelessness. Tammany Hall Mayor Fernando Wood responds first by calling out additional police and state and federal troops to quell the demonstrations, and then by hiring day laborers to work on city infrastructure projects, including the creation of New York’s Central Park.



New York’s Central Park

The President reacts in his December 1857 message to Congress by fighting long-term inflation rather than attempting to address the need for liquid cash to support failing businesses in the short-run.

*(I) require that the banks shall at all times keep on hand at least one dollar of gold and silver for every three dollars of their circulation and deposits, and if they will provide by a self-executing enactment, which nothing can arrest, that the moment they suspend they shall go into liquidation. I believe that such provisions, with a weekly publication by each bank of a statement of its condition, would go far to secure us against future suspensions of specie payments... Congress, in my opinion, possesses the power to pass a uniform bankrupt law applicable to all banking institutions throughout the United States, and I strongly recommend its exercise. This would make it the irreversible organic law of each bank's existence that a suspension of specie payments shall produce its civil death. The instinct of self-preservation would then compel it to perform its duties in such a manner as to escape the penalty and preserve its life.*

Despite this threat, many banks appear this time to restrain the ruinous strategy of requiring that outstanding loans be repaid immediately, and in gold rather than greenbacks. Instead they grant some amount of latitude to their debtors, thus allowing for a less severe downturn and a faster recovery than in Jackson’s recession.

GDP growth returns to the +8% level by 1859, before another slide in 1860 as impending civil war looms.



**Economic Trends: Buchanan's Term**

	<b>1857</b>	<b>1858</b>	<b>1859</b>	<b>1860</b>
<b>GDP (\$000)</b>	4180	4093	4425	4387
<b>% Change</b>	3%	(2%)	8%	(1%)

## Chapter 250– John Brown Advances His Planned Raid On Harpers Ferry



**Sections**  
Summer 1857

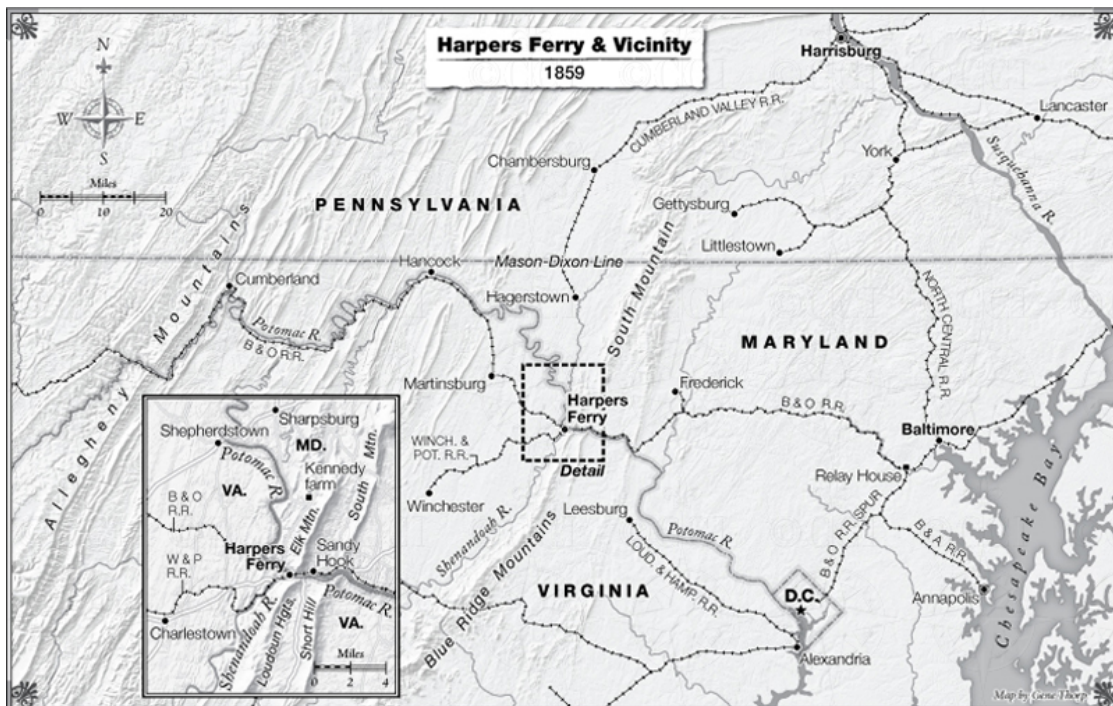
**Sections:**

- John Brown Returns To His Base In Iowa After Gaining Financing From His “Secret Six”

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Date: Summer 1857

### John Brown Returns To His Base In Iowa After Gaining Financing From His “Secret Six”



Map Showing Harpers Ferry, Virginia, 60 Miles Northwest Of Washington D.C.

Just as the turmoil in Kansas seems to be subsiding at the end of 1856, “Captain” John Brown is moving ahead with his shocking plan to capture the armory at Harpers Ferry and lead a slave rebellion in Virginia.

His trip east in January 1857 to gain financial and moral support has yielded valuable connections to members of the Massachusetts State Kansas Committee, the Boston Transcendentalists and to his most consistent supporters, the cabal known as the Secret Six: the

Unitarian ministers, Thomas Higginson and Francis Parker, Franklin Sanborn, Dr. Samuel Howe, and the two moneymen, George Stearns and Gerritt Smith.

In addition, he has signed up an ex-British soldier of fortune, Hugh Forbes, to train up his prospective marauders in guerrilla warfare. He promises to pay Forbes \$600 over the next six months for his efforts, a sum he will be unable to deliver as events plays out.

In April 1857, Brown heads back west, through Cleveland in May, Chicago in June and on August 7 to his home base in the southwest town of Tabor, Iowa, an abolitionist stronghold and station on the Underground Railroad.

His first priority in Tabor is a meeting with Hugh Forbes, who arrives on August 9, and is appalled to find that the “army” he was hired to train consists of exactly two recruits, Brown and his son, Owen. On top of that, the two men have different visions about the military strategy that lies ahead.

Brown favors a mixed white and black band of 25-50 men who will swoop down on the arsenal at Harpers Ferry, and hold the site until the arms can be transported back to his Allegheny Mountain retreat. At which time, he expects some 250 or so run-away slaves to materialize, take up the guns and pikes, and then carry out a series of Nat Turner-like attacks on the local plantations.

Forbes believes that the arsenal can be stormed, but is highly skeptical about what happens next. He doubts that slaves will bolt their plantations and, even if they do, whether they will be sufficiently inclined and prepared to use the weapons and successfully attack their masters, who will fight to defend their homes.

After further discussions, Forbes heads back east to the proposed training camp in Ashtubula, Ohio, while Brown departs for Kansas on November 5, 1857 to search for volunteers.

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Date: November – December 1857

### **Brown Finds His First Ten Troops In Kansas**



The Mayhew Cabin Where John Kagi Lived

The recruiting trip to his prior haunts in Kansas proves moderately successful, yielding nine new volunteers in a four week period.

One is John Henry Kagi, who becomes second-in-command in Brown's "Provisional Army." Kagi is of Swiss descent and has been a school teacher in Ohio before moving to Nebraska City, passing the bar, and setting up a site on the Underground Railroad. He is soon in the thick of the warfare in Kansas, joining a militia unit and fighting at Ft. Titus. He is captured and jailed in Lecompton, then wounded in a daring escape. He is twenty-two years old when he meets John Brown and signs up for the raid on Harpers Ferry.

The captain of Kagi's militia unit is twenty-six year old Aaron Stevens, whose formal military training began at age sixteen when he fought in the Mexican War. He too joins Brown and will serve as his tactical advisor.

Three other Kansas volunteers will stay with Brown all the way to the raid. They are William Leeman, John Cook, and Charles Tidd.

Among this group, Kagi and Leeman will be killed at the arsenal, Stevens and Cook will be captured and hanged, while Tidd will fight and escape along with Owen Brown.

Four others sign on but drop out over time: Richard Realf, Luke Parsons, Charles Moffett, and the lone black man at the start, Richard Richardson, a run-away slave from Missouri.

None of these men – not even Brown's son Owen – share his Puritan religious zeal and determinism, but they are all dedicated to ending slavery, which is what bonds them going forward.

On December 4, 1857, they pack up their supply wagons and head out east, hoping to reach Ashtabula, Ohio, for training under Hugh Forbes. But, after a 280 mile trek, the winter weather bogs them down, and they are forced to settle into winter quarters at the town of Springdale, Iowa.

## Chapter 251– Mountain Meadow Massacre Further Inflames Anti-Mormon Sentiment



**Dates:**  
September 7-11, 1857

**Sections:**

- California Bound Emigrants Pass Into Mormon Utah Amidst Fear Of A Federal Invasion
- Mormons Commit Cold Blooded Murders Of Men, Women And Children

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Date: Late Summer 1857

### California Bound Emigrants Pass Into Mormon Utah Amidst Fear Of A Federal Invasion



Map Showing Baker-Fancher Party Route From Arkansas to Mountain Meadow, Utah

The tension surrounding the impending arrival of a new Governor backed by U.S. troops contributes to one of the low points in the history of the Mormon Church -- a massacre of innocent civilians, perpetrated by religious zealots who attempt, unsuccessfully, to cover up their crime.

The civilians come from northwestern Arkansas and are on their way to resettling in California. They include several groups of travelers who form one wagon train for ease and safety. It is cast as the “Baker-Fancher Party,” and includes 137 men, women, children, cattle and supplies. Together they head west along the old Cherokee Trail, which takes them through the South Pass and into the Utah Territory by late summer.

They stop at Salt Lake City at the height of fear over a full-scale invasion by the federal army. This fear is further inflamed by Brigham Young, whose sermons at the time remind them of their special status as God’s chosen people, distinct from the “Gentiles” (those living without the Gospel) who continue to threaten their faith. To protect the Church, Young declares martial law across the territory.

Thus when the Fancher party appears, they are viewed as hostile intruders, and their requests for shelter and supplies are denied in peremptory fashion at Salt Lake. The dismayed travelers are sent on their way, heading south along the Spanish Trail.

After a two week journey covering some 250 miles, the party stops very briefly at the Mormon town of Cedar City, Utah. Once there, some momentary hostilities occur between the residents and the emigrants that provoke the tragedy that follows. The true nature of these conflicts will never be known, but accusations involve slurs directed at the Mormon founder, Joseph Smith, and accusations that local wells had been poisoned.

Whatever the cause, a band of Cedar City locals are so incensed that they seek permission from Mayor Isaac Haight to call out the militia to pursue and arrest the emigrants. Despite Mayor Haight's initial veto, those most outraged decide to proceed on their own.

Their leader is 46 year old John D. Lee, an Illinois native, friend of Joseph Smith, adopted son of Brigham Young, and father of some sixty-seven children by his nineteen wives. Lee is also an Indian agent, a member of the Council of 50 church elders, and a Mormon militia captain, headquartered at Fort Harmony.

His plan for revenge lies in convincing his contacts among the Paiute Tribe to attack the wagon train, inflict some casualties and register that as a warning to any future "outsiders" passing through Utah. The typically peaceful Paiutes balk at the idea before Lee promises them plunder and ongoing support from the Mormon community. He also says that several Mormons will dress up as natives and join in the skirmishing.

After the Paiutes agree, Lee brings the plan back to Mayor Haight and the Mormon council in Cedar City. They are apparently alarmed by the idea, ask if Brigham Young has been engaged, and want Lee to stand down until further directions are received. A messenger is dispatched on September 6 to Salt Lake City to hear from Young.

But one day later a premature attack takes place that will leave the entire situation spinning out of control.

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Date: September 7-11, 1857

### **Mormons Commit Cold Blooded Murders Of Men, Women And Children**



Since leaving Cedar City, the "Baker-Fancher Train" rolls another fifty miles south, coming to a halt at Mountain Meadows, Utah, a well-known stop-over point which offers them ample water and grazing land.

On September 7, 1858, their respite is suddenly interrupted in an attack launched by Paiute tribesmen and some of Lee's militiamen dressed up as Indians. Several party members die and others are wounded in this assault.

By sundown, the travelers literally circle their wagons to defend themselves from what becomes a five day siege.

Map Showing Massacre Site At Mountain Meadow, Utah

While this plays out, two emigrants who have ventured outside the lines are also attacked, this time by Mormons not disguised in tribal gear. One dies on the spot, but the other escapes back to the wagon train and reports on the Mormon involvement. The effect of this knowledge will be to put all of the emigrants at risk.

Commander Lee is now in a bind. The fight is under way without approval from his superiors. Emigrants have been killed, and those remaining alive are aware of the Mormon involvement. He returns to the Cedar City council, fills in both his superior in the militia, William Dame, and Mayor Haight on the latest events, and learns that no word is back yet from Young. Here the story gets murkier, but Lee exits with a belief that he has tacit approval from Haight and Dame to finish the job and cover it all up.

He returns to Mountain Meadow, recruits twenty-five or so militiamen, and designs a plot to penetrate the defense perimeter around the emigrant's camp. On September 11, 1857 Lee appears under a flag of truce, offering to escort the Arkansans to safety. Conditions inside the siege are evidently desperate enough that the offer is accepted.

Lee herds the smallest children into a wagon and the wounded into another. They exit first, followed on foot by women, and then men and boys, each of them closely guard by militiamen. They march about a mile to a pre-planned killing ground. Once there the Mormons begin their slaughter, aided to some extent by a few Paiutes.

Most of the men are shot in the head, while the women, older children and wounded are either stabbed or clubbed to death. A total of 120 die on the spot, and are buried in shallow graves. The only survivors are 17 children under seven year's old, deemed too small to ever testify about the murders. They are placed in Mormon homes, and will remain there until repatriated later to Arkansas by US army troops. The substantial possessions of the dead are divided between John Lee, his militia men and some of the Paiutes, with the remainder auctioned off to the public.

From there, attempts to cover up the crime continue. A purported letter from Salt Lake City dated one day before the massacre quotes Brigham Young as ordering the Mormons to "not interfere...to let them go in peace...ever remembering that God rules." Relatives of the Baker-Fancher party in Arkansas and California are informed that the train is "lost" – and this story stands until May 1859 when a US Army contingent under Major James Carleton finds human remains at Mountain Meadow, reburies what is left, and opens an investigation.

Accusations follow that Young was involved from the beginning, but he says that the Paiutes acted entirely alone.

Carleton disagrees, and in March 1859, John Lee, Isaac Haight and one other man are indicted by a Utah judge, but all elude arrest.

The national press pick up on the story, and *Harper's Weekly* recaps the details in its August 13, 1859 edition, which includes a woodcut rendition of the massacre site and adds to the public ill will directed at the Mormons.

That, however, ends the inquiry into the massacre for over a decade, until well after the end of the Civil War.

In 1870, renewed calls for justice force Young to banish Lee and Haight from the church. Lee is arrested and tried first in 1875, where he is acquitted, and again 1876, where found guilty and sentenced to death.



On March 23, 1877, John Lee is executed by a Mormon firing squad at the site of the Meadow Mountain Massacre. This represents the only punishment ever meted out in the incident.



## Chapter 252 – The Free Party Wins Control Over The “Official” Kansas Legislature



**Dates:**  
March-October 1857

**Sections:**

- Troubling Issues Continue To Mount For Buchanan
- Governor Walker Voids A Fraudulent Vote In Kansas

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Date: Fall 1857

### Troubling Issues Continue To Mount For Buchanan

By the Summer of 1857, James Buchanan is already finding that his first year in office is more difficult than he expected.

His confidence that the March 1857 *Dred Scott* ruling would end the turmoil over slavery soon erodes in the face of criticism that rages across the North and West. At the end of June he declares that the Mormons who control Utah Territory are operating in rebellion against the federal government. Then, only two months later, on August 24, the default by the Ohio Life Insurance Company triggers a nationwide financial panic.

Finally there is the ongoing struggle over slavery in what the public and the newspapers are already referring to as “Bloody Kansas.”

One week after he is inaugurated, the President loses the stabilizing influence of Kansas Governor John Geary, who resigns on March 12, 1857.

This prompts the renegade Free State legislature at Topeka to convene again, after being shut down eight months ago by Colonel Edwin Sumner.

Buchanan now pins his hopes on his new Governor, Robert Walker, to insure that the pro-slavery forces come out on top in the territory.

Two tests of this are on the horizon.

The first involves selection of delegates to write a state constitution.

The second, when Kansans go to the polls to elect members of their official Territorial legislature.

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Date: March 27 – October 5, 1857

### **Governor Walker Voids A Fraudulent Vote In Kansas**



A Kansas Couple, From Manhattanville

Robert Walker wants to do Buchanan’s bidding, but the longer he is in Kansas, the more uncomfortable he becomes with the tactics used by the pro-slavery forces in tampering with elections. Although he is an ex-Senator from Mississippi and a slave owner himself, he is also a former U.S. District Court judge and one dedicated to the rule of law. (He will even stay with the Union when the war comes.)

From the beginning, Walker promises to hold fair elections, both for the “official” legislature and for the state constitution. He asks the Free-Staters to shut down their rump government in Topeka and stop boycotting all future elections, for their own good and for Kansas and the nation as a whole.

At first the Free State Party ignores Walker. It boycotts mid-June elections to select delegates to the Constitutional Convention to be held at Lecompton in September – thus guaranteeing a pro-slavery document. It also continues to hold its own legislative sessions, which leads Walker to declare the city of Lawrence “in rebellion” on July 15, 1857.

But then, suddenly, the Free-Staters adjust their strategy!

Instead of focusing on their separate government in Topeka, they decide to compete for seats in the election for the “official” Kansas Legislature. This catches the Pro-Slavery by surprise, and when the polls open on October 5, 1857 they are left without their strong-arm bands in place to control the outcome. All that’s left to them is a last second and obvious attempt to steal the election by stuffing the ballot boxes in several districts they control.

The blatancy of their actions pushes Walker over the edge.

When he reviews the initial vote counts it is obvious that in two Districts the number of ballots reportedly cast for the Democratic Party bears no resemblance to the number of actual residents. Walker’s reaction is courageous: in Johnson County he throws out some 1400 Democratic votes and in McGhee County he invalidates 1200 more.

The result is a solid 2:1 vote victory for the Free-State Party – which will put them in control of the next “official” Kansas Legislature and greatly diminish the power of the Pro-Slavery Democrats.

**Kansas Legislature Voting Before & After Walker's Revisions (October 5, 1857)**

<b>Territorial Districts</b>	<b>Democrats - Original</b>	<b>Democrats – Adjusted</b>	<b>Free State – Original</b>	<b>Free State – Adjusted</b>
<b>Johnson County</b>	1,604	212	33	96
<b>McGhee City</b>	1,202	----	24	----
<b>Leavenworth</b>	1,370	1,297	1,038	1,046
<b>Douglas</b>	187	187	1,638	1,638
<b>Shawnee</b>	61	61	749	749
<b>Doniphan</b>	497	497	574	574
<b>Lykins</b>	59	59	348	348
<b>Franklin</b>	10	10	345	345
<b>Anderson</b>	2	2	261	261
<b>All Others</b>	1,474	1,465	2,871	2,831
<b>Total (30)</b>	6,466	3,790	7,887	7,888

## Chapter 253 –The Pro-Slavery Lecompton Constitution Is Completed



**Dates:**  
November 7,  
1857

**Sections:**

- The Constitution Includes Two Especially Controversial Provisions

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Date: November 7, 1857

### The Constitution Includes Two Especially Controversial Provisions



The victory by the Free State Party in the official election of a new legislature appears to spur on the pro-slavery delegates charged with writing the Lecompton Constitution. They end their September 11 recess, reconvening on October 19 and finishing up their work over the next twenty days, on November 7, 1857.

A Typical Sod House On The Kansas Frontier

For the most part, the document they prepare mimics the framework and content adopted by prior western states seeking admission. It calls for the usual three branches of government, establishes apportionment and voting procedures, names a capital, and discusses laws related to land grants, banking and infrastructure.

Then come two assertions that stir lasting controversy – one on slavery, the other on “submission steps.”

Article VII is titled “Slavery” and Section 1 is unequivocal in declaring that slaves are “property,” and that the right to property cannot be legally challenged or qualified in any fashion.

*The right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatever.*

Section 2 says that the Legislature has no power to either force owners to emancipate their slaves or to prevent those entering Kansas from bringing their slaves with them. On the other hand, it can require that owners “treat their slaves with humanity” and, if they fail to do so, to require their sale.

*The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of the owners, or without paying the owners previous to their emancipation a full equivalent in money for the slaves so emancipated. They shall have no power to prevent immigrants to the State from bringing with them such persons as are deemed slaves by the laws of any one of the United States or Territories, so long as any person of the same age or description shall be continued in slavery by the laws of this State: Provided, That such person or slave be the bona fide property of such immigrants: And provided, also, That laws may be passed to prohibit the introduction into this State of slaves who have committed high crimes in other States or Territories. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have power to pass laws to permit the owners of slaves to treat them with humanity, to provide for them necessary food and clothing, to abstain from all injuries to them extending to life or limb; and, in case of their neglect or refusal to comply with the direction of such laws, to have such slave sold for the benefit of the owner or owners.*

Surprisingly, Sections 3 and 4 also add “protections” for those enslaved in the form of a trial by jury and the prospect of severe punishment for any who would take their life.

*Section 3. In the prosecution of slaves for crimes of higher grade than petit larceny, the Legislature shall have no power to deprive them of an impartial trial by petit jury.*

*Section 4. Any person who shall maliciously dismember, or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offense had been committed on a free white person, and on the like proof, except in case of insurrection of such slave.*

In effect the Lecompton Constitution guarantees that slavery will be allowed to take hold in Kansas, regardless of whether it is eventually declared a Free or a Slave State – thus making the labels themselves irrelevant to the reality.

But to placate critics of their work, and to feign compliance with the Democratic Party promise of popular sovereignty, the delegates agree to hold a public election scheduled six weeks hence on December 21.

At that time Kansans will be given a vote on the label -- “With Slavery” and “With No Slavery” – rather than on the Constitution itself. As such it is a charade, affecting only the future importation of more slaves after admission, while sanctioning the presence of those already in place.

## Chapter 254 – Buchanan Sacks Kansas Governor Robert Walker



**Dates:**  
December 15, 1857

**Sections:**  
• Walker Exits But Not Quietly

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Date: December 1857

### Walker Exits But Not Quietly



The Capitol In Washington, DC

Soon after the Lecompton delegates conclude their work, Governor Walker decides to travel to Washington to meet with Buchanan. His purpose is to explain, and defend, his decision to exclude the fraudulent votes cast on October 5 which has resulted in the election of an “official” legislature controlled by Free Staters.

His arguments, however, will fall upon the deaf ears of a President more than ever intent on discrediting the Free-State movement and supporting the legitimacy of the Lecompton Constitution and process.

Buchanan feels that Walker has let him down, and asks for his resignation, effective December 15, 1857.

But given a very distinguished reputation in the capital, Walker is not so easily brushed aside.

His exit is accompanied by a tirade against the President for betraying the popular sovereignty principles that were central to Walker’s acceptance of the post in the first place.

Worse yet, both he and ex-Governor Stanton will go on to appear at northern rallies against Lecompton, accusing Buchanan of “tyranny” for denying Kansans their right to a fair election.

<b>Key Events In Kansas During Robert Walker’s Term As Governor</b>	
<b>1857</b>	<b>Milestone</b>
January 7	Topeka legislature reconvenes in defiance of prior shutdown
March 4	James Buchanan is inaugurated
March 10	Topeka members reinstate Charles Robinson as Governor
March 20	Governor Geary resigns
May 27	New Governor Robert J. Walker arrives in Kansas
June 6	Walker urges Free-Staters to abandon Topeka movement
Mid-June	Election of delegates for Lecompton Constitutional convention Free-Staters boycott and Pro-Slavery left in charge
July 15	Walker declares Lawrence in rebellion for re-opening legislature
August 20	Charles Robinson finally acquitted of treason charges
September 7	Constitutional Convention opens at Lecompton packed with Pro-Slavers
September 11	Lecompton Convention adjourns
October 5	Annual election of Kansas legislators, with Free-Staters participating. Walker throws out fraudulent Pro-Slavery ballots Free- Staters win majority of seats and now control the legislature
October 19	Lecompton Convention reconvenes to write a Constitution
November 7	Lecompton adopts a pro-slavery document & sets Dec 21 vote date Vote on “with slavery vs. without slavery,” not on full Constitution
November 16	Walker goes to DC to explain the October 5 election results to Buchanan. Acting Governor Frederick Stanton fills in for him in Kansas
December 7	Free State Party calls for 3 <sup>rd</sup> option – on full Constitution Set January 4, 1858 as date to vote on Lecompton Constitution
December 8	Buchanan supports Lecompton in message to Congress
December 9	Stephen Douglas announces his opposition to Lecompton
December 15	Walker resigns; blames B-tyranny; Lecompton was not real popsov submission; violates right of self-government



## Chapter 255 – Douglas Thwarts Buchanan Attempt To Push Lecompton Through Congress



**Dates:**  
December 1857

**Sections:**

- The President’s Pro-Southern Bias Leads To A Crucial Blunder In Kansas
- The President Tries To Force The Lecompton Constitution Through Congress
- Senator Stephen Douglas Risks His Political Future By Firing Back At Buchanan

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Date: December 1857

### The President’s Pro-Southern Bias Leads To A Crucial Blunder In Kansas

Buchanan is shaken by the election upset in Kansas, and by Governor Walker’s role in the outcome.

This does not, however, dampen his commitment to supporting the pro-slavery wishes of his long-time Southern friends and supporters in Washington.

His bias in this regard is well known.

For thirteen years, from 1840 to 1853, he shares his residence in Washington with William R. King of Alabama, a relationship that prompts an aging Andrew Jackson to refer to them as “Aunt Nancy” and “Aunt Fancy.” Of his seven man cabinet, three will end up serving the Confederacy, with two (Howell Cobb and John Floyd) later becoming Generals in the army and one (Jacob Thompson) serving as its Inspector General. Another member (Aaron Brown) is a slave-holder from Tennessee, while his Attorney General, Jeremiah Black, is an outspoken opponent of the Free-Staters in Kansas. .

Buchanan’s social and legal views also align with the South. He is a staunch cultural conservative, forever alarmed by what he sees as the “radical reformists” of New England. He claims to view slavery as a moral evil, but abolishing it would be far too risky for the “the chivalrous men of the South.”

*Is there any man in this Union who could for a moment indulge the horrible idea of abolishing slavery by the massacre of the high-minded and chivalrous race of men of the South?*

Likewise, he is a strict constructionist when it comes to the U.S. Constitution. Along with Chief Justice Taney, he is absolutely convinced that slaves are “property,” with no standing in the legal system, and that owners have every right to transport them wherever they desire – including the Kansas Territory. Just as the Lecompton Constitution says.

Finally, above all else, he recognizes that his ambition to win the White House was realized by carrying 14 of the 15 Slave States in the 1856 election. These are the people who put him in office and now is the time to support their legitimate rights to slavery.



His next step will lie in making the case for Lecompton in his first annual address to Congress, scheduled for December 8, 1857.

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Date: December 8, 1857

### **The President Tries To Force The Lecompton Constitution Through Congress**

By the time Buchanan prepares his address, Southerners are already threatening secession unless Kansas is admitted as a slave state. Among them is James Henry Hammond, the newly elected Senator from South Carolina, who writes:

*Save the Union if you can. But rather than have Kansas refused admission under the Lecompton Constitution, let it perish in blood and fire.*

On December 8, 1857 the President begins his state of the union message with a lengthy discussion of the current banking crisis, and of a treaty recently negotiated with Great Britain over Honduras. At long last he turns to Kansas, reminding listeners that the territory was in “alarming condition” on the edge of “civil war” when he took over from Pierce:

*It is unnecessary to state in detail the alarming condition of the Territory of Kansas at the time of my inauguration. The opposing parties then stood in hostile array against each other, and any accident might have relighted the flames of civil war. Besides, at this critical moment Kansas was left without a governor by the resignation of Governor Geary.*

He then offers a reprise of the events leading up to the Lecompton Constitution, arguing that all legal requirements were met along the way. Delegates to the convention were chosen by an open election – albeit boycotted by “an extensive organization” whose intent has been to “put down the lawful government by force.”

*On the 19th of February previous the Territorial legislature had passed a law providing for the election of delegates...for the purpose of framing a constitution preparatory to admission into the Union. At the time of the election...an extensive organization existed in the Territory whose avowed object it was...to put down the lawful government by force and to establish a government of their own under the so-called Topeka constitution. The persons attached to this revolutionary organization abstained from taking any part in the election.*

Unfortunately the document drafted by the delegates failed to call for a public vote prior to submission to the U.S. Congress, which led to “apprehension” that slavery would be unfairly imposed on Kansans “against their will.”

*The act of the Territorial legislature had omitted to provide for submitting to the people the constitution which might be framed by the convention, and...an apprehension extensively prevailed that a design existed to force upon them a constitution in relation to slavery against their will.*

Buchanan claims that the “omission” was not of his doing, that the oversight must be corrected, and that he has “carefully abstained” from taking a position “for or against slavery.”

*...On this subject I confess I had never entertained a serious doubt, and therefore in my instructions to Governor Walker of the 28th March last I merely said that when "a constitution shall be submitted to the people of the Territory they must be protected in the exercise of their right of voting for or against that instrument, and the fair expression of the popular will must not be interrupted by fraud or violence. "In expressing this opinion it was far from my intention to interfere with the decision of the people of Kansas, either for or against slavery. From this I have always carefully abstained.*

In response, the convention “publicly and cheerfully” pledged that such a vote would be taken.

*...Everywhere throughout the Union they publicly pledged their faith and their honor that they would cheerfully submit the question of slavery to the decision of the bona fide people of Kansas, without any restriction or qualification whatever. All were cordially united upon the great doctrine of popular sovereignty, which is the vital principle of our free institutions.*

Then begins a legal sleight of hand by the President designed to shut down critics of the Lecompton process. It commences with a reference to the 1854 Kansas-Nebraska Bill which, he says, does not require that the “whole constitution” be voted on -- only that part which relates to “the domestic institution of slavery.”

*In the Kansas-Nebraska act, however, this requirement, as applicable to the whole constitution, had not been inserted, and the convention were not bound by its terms to submit any other portion of the instrument to an election except that which relates to the "domestic institution" of slavery.*

Thus it is perfectly proper that the popsov ballots be narrowly phrased:

*The ballots cast at said election shall be indorsed 'constitution with slavery' and 'constitution with no slavery.'*

The implication of this phrasing comes next. If the “with slavery” declaration wins, the constitution will be sent to Congress as it stands. But, if it loses, the submission will read: “*no slavery shall exist in Kansas except that the right of property in slaves now in the territory shall in no manner be interfered with.*”

*If there be a majority in favor of the "constitution with slavery," then it is to be transmitted to Congress by the president of the convention in its original form; if, on the contrary, there shall be a majority in favor of the "constitution with no slavery," "then the article providing for slavery shall be stricken from the constitution... and it is expressly declared that "no slavery shall exist in the State of Kansas, except that the right of property in slaves now in the Territory shall in no manner be interfered with...*

In other words, regardless of the voting, slaves already in Kansas at the time of admission will be allowed to remain there in perpetuity – an outcome backed according to Buchanan by the “highest judicial tribunal of the country” in the recent Dred Scott decision. It would be a “gross injustice,” he says, if those acting under the U.S. Constitution when they settled in Kansas were subsequently deprived of “their property in slaves” by a subsequently published state constitution.

*Should the constitution without slavery be adopted by the votes of the majority, the rights of property in slaves now in the Territory are reserved. The number of these is very small, but if it were greater the provision would be equally just and reasonable. The slaves were brought into the Territory under the Constitution of the United States and are now the property of their*

*masters. This point has at length been finally decided by the highest judicial tribunal of the country, and this upon the plain principle that when a confederacy of sovereign States acquire a new territory at their joint expense both equality and justice demand that the citizens of one and all of them shall have the right to take into it whatsoever is recognized as property by the common Constitution. To have summarily confiscated the property in slaves already in the Territory would have been an act of gross injustice and contrary to the practice of the older States of the Union which have not abolished slavery.*

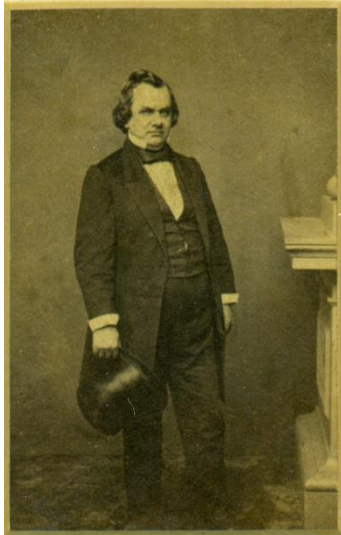
Buchanan's rationale for Lecompton is not perfect for his Southern audience, who want him to interpret Dred Scott as the end of all limitations on slavery anywhere in the country. But it is as close as they can hope to get at the moment, and it establishes the principle that some level of slavery will exist in all western territories, as long as it materializes in advance of formal admission to the Union.

Now the question becomes whether or not the President can convince his critics, especially those Northern Democrats who regard the Lecompton Constitution as a fraudulent version of popular sovereignty.

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Date: December 9 - 18, 1857

### **Senator Stephen Douglas Risks His Political Future By Firing Back At Buchanan**



Stephen Douglas (1813-1861)

Aside from Republicans in the House, the key threat to Buchanan's wish to bully the Lecompton Constitution through Congress is Senator Stephen A. Douglas of Illinois, author of the Kansas-Nebraska Act, chief spokesman for the principle of popular sovereignty, and his long-term rival for leadership of the Democratic Party.

For weeks Douglas has been calling for the President to walk away from the Lecompton fiasco and start the entire process over in Kansas. But Buchanan will have none of that, accusing Douglas of disloyalty and threatening him with political reprisals should he fail to get in line.

Douglas is outraged by Buchanan's tactics and decides to fight back, even though the personal stakes for him are very high. His ambition to become President has long rested on sustaining his support in the South and holding his party together against a split over slavery. If he challenges the Lecompton Constitution both outcomes will be in jeopardy. He decides to plunge forward anyway.

His first moves come on December 9, 1857, the day after Buchanan's annual address, in a speech to the Senate. His words at first appear conciliatory, claiming he "concurred with the general views of (Buchanan's) message."

From there, however, he starts picking away one by one at the details. The President's interpretation of the Kansas-Nebraska Act was a "fundamental error... at the foundation of his whole argument" – followed by the gratuitous explanation that he was "not in the country" for the debate.

*Sir, permit me to say, with profound respect for the President of the United States, that I conceive that on this point he has committed a fundamental error, an error which lies at the foundation of his whole argument on this matter. I can well understand how that distinguished statesman came to fall into this error. He was not in the country at the time.*

The rest continues in this same vein, ending with a broadside attack on the notion that the proposed vote on the Constitution “with or without slavery” was a fair example of popular sovereignty. This includes a mocking analogy to Napoleon’s elections, which provokes raucous laughter at Buchanan’s expense.


*That would be as fair an election as some of the enemies of Napoleon attributed to him when he was elected First Consul. He is said to have called out his troops, and had them reviewed by his officers with a speech, patriotic and fair in its professions, in which he said to them: "Now, my soldiers, you are to go to the election and vote freely just as you please. If you vote for Napoleon, all is well; vote against him, and you are to be instantly shot." That was a fair election. (Laughter.) This election is to be equally fair. All men in favor of the constitution may vote for it — all men against it shall not vote at all.*

Finally the coup de gras, the reason why the administration will not support a fair vote on the entire Lecompton Constitution – because it knows that it “would have been voted down by an overwhelming majority.”

*Why not let them vote against it? I presume you have asked many a man this question. I have asked a very large number of the gentlemen who framed the constitution, quite a number of delegates, and a still larger number of persons who are their friends, and I have received the same answer from every one of them. I never received any other answer, and I presume we never shall get any other answer. What is that? They say if they allowed a negative vote the constitution would have been voted down by an overwhelming majority, and hence the fellows shall not be allowed to vote at all. (Laughter.)*

On December 18, 1857 Douglas – already labeled a “traitor” among several party colleagues – launches his second salvo at Buchanan in a new bill to rerun the entire popular sovereignty process in Kansas from scratch.

## Chapter 256 – Kansas Voters Reject The Lecompton Constitution

	<b>Dates:</b> December 21, 1857 – January 4, 1858	<b>Sections:</b> <ul style="list-style-type: none"> <li>• The Voting Doooms The Pro-Slavery Cause</li> </ul>
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Date: December 21, 1857 – January 4, 1858

### The Voting Doooms The Pro-Slavery Cause



James Denver (1817-1892)

The time has now arrived for the people of Kansas to vote on the Lecompton Constitution.

Three such votes will be taken on the measure, the first on December 21, 1857, the other two on January 4, 1858.

On the day of the first vote, Robert Walker’s replacement takes over as Governor. He is James Denver, a Virginian by birth, who moves to Ohio, graduates from the University of Cincinnati law school and opens a practice in Platt City, Missouri. After serving under Winfield Scott in Mexico, he settles in California, kills a man in a duel, and enters politics. He serves one term in the U.S. House before Buchanan appoints him Commissioner of Indian Affairs on April 17, 1857.

Denver knows the territory well from his prior residence in Missouri. Upon his arrival, he encourages all Kansans to turn out on December 21 to vote on the Pro-Slavery carefully contrived proposition – “to support the Constitution with Slavery or without it.”

When the Free Staters refuse to take this bait, the Pro-Slavery forces prevail again by stuffing the ballot boxes.

#### 1<sup>st</sup> Vote On Kansas Constitution: December 21, 1857\*

	With Slavery	Without Slavery
Lecompton Constitution	6,134	569

\* Fraudulent Counts

But their victory is short-lived.

Two weeks later, on January 4, 1858, a second election is held to choose the top state officers who would serve under the Lecompton Constitution.

This time the Free Staters show up at the polls in overwhelming numbers, catching the Pro-Slavers off guard and leading to the president of the Lecompton Convention, John Calhoun, fleeing the state with the ballots in hand. An official election count is never issued, but Governor Denver informs Buchanan sometime in February 1858 that the Free State candidates certainly won by a large margin.

The other vote on January 4, 1858 is even more fatal to the Pro-Slavery forces and to the President.

For the first time it follows the letter of the law on popular sovereignty by placing the full Lecompton Constitution in front of the legal residents of the state. The result is an overwhelming rejection of the document and of slavery.

**2<sup>nd</sup> Vote On Kansas Constitution: January 4, 1858**

	<b>Reject</b>	<b>Accept</b>
Lecompton Constitution In Full	10,266	162

Frequent “acting governor” Frederick Stanton, dismissed along with Robert Walker, expresses his satisfaction with the outcomes.

*My head will not have fallen in vain and your quondam friend, Old Buck, is welcome to all the glory he may have acquired by sacrificing me to appease the Southern nullifiers.*

Meanwhile Governor Denver’s comments already mirror the frustrations of his predecessors when it comes to peacefully resolving the conflicts.

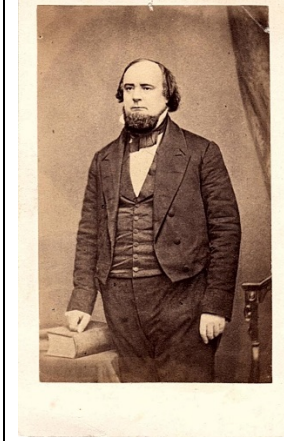
*Confound the place, it seems to have been cursed of God and man. Providence gave them no crops last year, scarcely, and now it requires all the powers conferred on me by the President to prevent them from cutting each others throats.*

The Free State Party has now solidified its position in Kansas. Its victory back on October 5, 1857 has given it control over the “official” legislature in the state. On January 4, 1858 it elects its own “official” ticket of state officers, and also demonstrates that the majority of Kansans reject the proposed Lecompton Constitution when a fair vote is held.

These successes convince the leaders to abandon their “separate legislative operation” in Topeka, thus depriving Buchanan of his charge that they are trying to impose a “revolutionary and illegitimate” government on the state.

In effect this sounds the death knell for the President’s pro-slavery agenda in Kansas, even though he will doggedly pursue it in Washington over the next year.

## Chapter 257 – Buchanan Still Tries To Save The Lecompton Constitution



**Dates:**  
February – March 1858

- Sections:**
- A Stubborn Buchanan Demands Approval Of The Lecompton Constitution
  - A Brawl Breaks Out On The Floor Of The House
  - A Stacked Sub-Committee Backs Lecompton As Is

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Date: February 1858

### A Stubborn Buchanan Demands Approval Of The Lecompton Constitution



James L. Orr (1822-1873)

As the evidence from the Kansas elections becomes clear in Washington, Northern Democrats – even in his home state of Pennsylvania -- turn up the heat on Buchanan to abandon his commitment to the Lecompton Constitution.

Still the President is undeterred, and, on February 2, he asks Congress to admit Kansas under the Lecompton constitution.

The Speaker of the house, James Orr of South Carolina is handed the task of setting up a select committee to deliver on Buchanan's wish. This leads to debates about which members will serve, and the extent to which they will delve into the events in Kansas that resulted in the final document.

In the evening of February 4, opponents of Lecompton attempt to sneak through a proposal to arm the committee with broad investigative powers, likely to re-visit the fraudulent elections in the Territory.

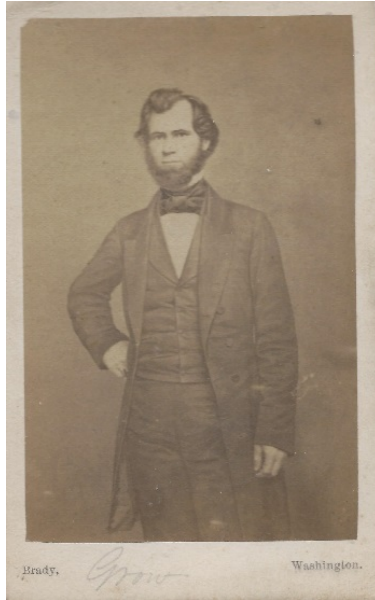
When Buchanan's floor manager, Alexander Stephens, spots the move, he responds by scurrying around the capitol to round up enough southerners to block it.



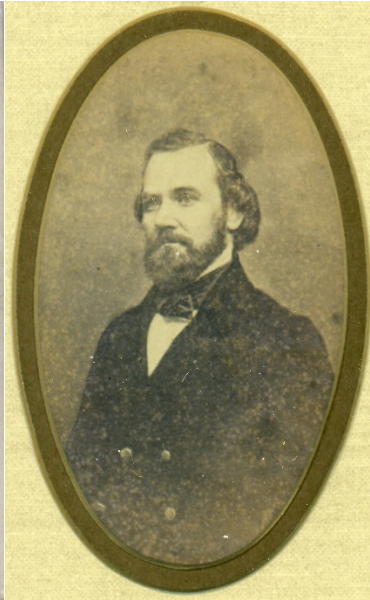
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Date: February 5, 1858

### A Brawl Breaks Out On The Floor Of The House



Galusha Grow (1823-1907)



Lawrence Keitt (1824-1864)

The maneuvering over the shape of the committee continues past midnight with tempers fraying. At roughly 3 am on February 5, 1858, congressman Galusha Grow, the leader of those opposing Lecompton, crosses over from the Republican's right side of the aisle to the left side to consult with fellow Pennsylvanian, John Hickman, a Democrat.

As he does so, the fire-eater Mississippian, John Quitman, asks to be recognized to join the debate. But Grow refuses to give up the floor.

This prompts a shout from Lawrence Keitt, a participant in the earlier caning of Charles Sumner, demanding that Grow return to his side of the chamber. When Grow brushes him off declaring "it's a free hall," Keitt rushes to the front of the chamber and grabs him by the throat. Their verbal exchange is recalled as follows:

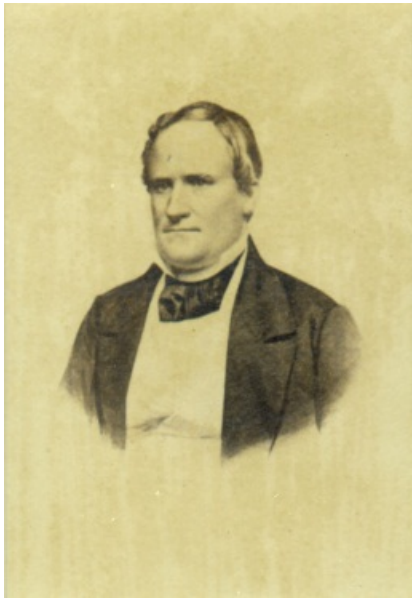
*Keitt to Grow: "you are a damned, black Republican puppy."*

*Grow to Keitt: "no negro-driver shall crack his whip over me."*

Keitt's assault sets off an outright brawl, while Sergeant-At-Arms, Adam Glossbrenner, waves the House Mace in a futile attempt to restore order.

Some thirty members join the melee, including Wisconsin's John "Bowie Knife" Potter, who will earn the nickname for his weapon of choice in a threatened duel with Roger Pryor of Virginia. Potter enters the fray by landing a punch on Indiana's John Davis with one hand, and on William Barksdale, with the other. When Barksdale responds by grabbing hold of Cadwallader Washburn, the latter's brother, Elihu, rushes to his defense. In the process of landing a blow, he knocks the Mississippi man's wig to the floor.





William Barksdale (1821-1863)



Elihu Washburn (1816-1887)

The fisticuffs continue until Barksdale put his wig back on sideways -- the sight sufficiently disarming to produce a truce among the exhausted combatants.

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Date: March 1858

### **A Stacked Sub-Committee Backs Lecompton As Is**

Despite the brawl, Speaker Orr goes on to stack the committee with pro-slavery sympathizers and to constrain their scope of inquiry.

This produces the outcome he wants -- a recommendation that Congress adopt the Lecompton Constitution as is, and admit Kansas as a Slave State.


The final report, delivered the first week in March, totally ignores the interference of the Border Ruffians in the process. It claims that the delegates who wrote the document were representative Kansans selected in legal fashion. It also says that the election of December 21, 1857 was legitimate and signaled support for the "Constitution With Slavery." Beyond that, it says the Free State forces have no one but themselves to blame for the results, given their "unfortunate decisions" to boycott various events.

Then comes an attempt to deflect criticism from Northern Democrats like Douglas who say that the public was denied its right to vote on the full Lecompton Constitution --the rationale being that the full U.S. Constitution was never submitted to a popsov-like referendum.

The leading Southern politicians quickly line up behind this narrative, including Alexander Stephens, James Mason, Robert Toombs, John Slidell and Sam Houston.

Like clockwork, Governor Joseph Brown proclaims that rejection will lead him to call a convention to "determine the status of Georgia with respect to the Union." Altogether the message is that a "no to Lecompton is a no to the entire South."

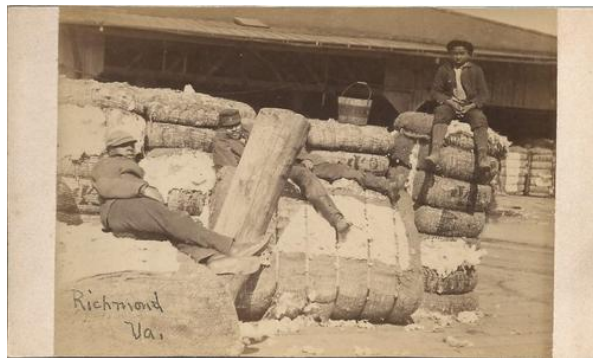
## Chapter 258 – James Henry Hammond Asserts That “Cotton Is King”

	<p><b>Dates:</b> March 4, 1858</p>	<p><b>Sections:</b> Senator Hammond Hails Southern Superiority</p>
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Date: March 4, 1858

### Senator Hammond Hails Southern Superiority



Bales of Cotton at Market in Richmond

On March 4, 1858 controversial Senator James Henry Hammond responds to attacks levelled at Lecompton by Henry Seward of New York, in what becomes known as his “Cotton Is King” address. He begins by asserting that the Kansas convention authors acted legally, and Congress has no right to question its sovereignty, as expressed in its Constitution. It oversteps its boundaries in doing so.

*Congress does not hold the sovereignty of Kansas....(It has) power to admit a State— "admit," not create...And when a State knocks at the door for admission, Congress can with propriety do little more than inquire if her constitution is republican. That it embodies the will of her people must necessarily be taken for granted, if it is their lawful act.*

If the Lecompton Convention decided to adopt positions held by minority factions, so be it. Proper constitutions protect the rights of minorities.

*If this was a minority constitution I do not know that that would be an objection to it. Constitutions are made for minorities... (as) the Constitution of this Government was made by a minority. (Besides) the convention was, or might have been, elected by a majority of the people of Kansas.*

He then shifts his aim toward the Republicans, singling out Seward for charging that frauds were committed solely by the pro-slavery party, not the Northern emigrants who arrived with Sharp's rifles and Bowie knives.

*I hear, on the other side of the Chamber, a great deal said about "gigantic and stupendous frauds;" and the Senator from New York, yesterday, in portraying the character of his party and the opposite one, laid the whole of those frauds upon the pro-slavery party... To listen to him, you would have supposed that the regiments of immigrants recruited in the purlieus of the great cities of the North, and sent out, armed and equipped with Sharpe's rifles and bowie knives and revolvers, to conquer freedom for Kansas, stood by, meek saints, innocent as doves, and harmless as lambs brought up to the sacrifice. General Lane's lambs!*

He asks why, if the Free-Staters were in the majority all along, they didn't legally pass their own constitution? He answers that by asserting that their intent all along was to destroy the Democratic Party through agitation over slavery.

*The most reliable sources of information (say) that they have a majority, and have had a majority for some time. Why has not this majority come forward and taken possession of the government, and made a free-State constitution and brought it here?...There can be but one reason... their purpose of destroying the Democratic party at the North, and now their chief object here is, to agitate slavery.*

He again targets Seward, claiming that he wants to conquer the South, abolish slavery, and remake the Supreme Court.

*The North intends to rule...to conquer the South. He said that it was their intention "to take this Government from unjust and unfaithful hands, and place it in just and faithful hands;" that it was their intention to consecrate all the Territories of the Union to free labor; and that, to effect their purposes, they intended to reconstruct the Supreme Court*

The effect will be to destroy the South, the aim all along of the Whigs and now the Republicans.

*You will...plunder us with tariffs...bankrupt us with internal improvements and bounties on your export...cramp us with navigation laws, and other laws impeding the facilities of transportation to southern produce...create a new bank, and concentrate all the finances of this country at the North, where already, for the want of direct trade and a proper system of banking in the South, they are ruinously concentrated? Nay, what guarantee have we that you will not emancipate our slaves, or, at least, make the attempt? We cannot rely on your faith when you have the power.*

At this point, Hammond boldly asserts that the South is fully prepared to resist any threat from the North, given its vast resources. These begin with control over the Mississippi Valley.

*The great valley of the Mississippi, now the real, and soon to be the acknowledged seat of the empire of the world. The sway of that valley will be as great as ever the Nile knew in the earlier ages of mankind. We own the most of it... On this fine territory we have a*

*population four times as large as that with which these colonies separated from the mother country, and a hundred, I might say a thousand fold stronger.*

The population has grown rapidly and is capable of mustering one million men if needed.

*Our population is now sixty per cent. greater than that of the whole United States when we entered into the second war of independence... Upon our muster - rolls we have a million of men. In a defensive war, upon an emergency, every one of them would be available. At any time, the South can raise, equip, and maintain in the field, a larger army than any Power of the earth can send against her, and an army of soldiers-men brought up on horseback, with guns in their hands.*

The wealth of the South is unequalled in the North.

*But the strength of a nation depends in a great measure upon its wealth, and the wealth of a nation, like that of a man, is to be estimated by its surplus production... It appears, by going to the reports of the Secretary of the Treasury, which are authentic, that last year the United States exported in round numbers \$279,000,000 worth of domestic produce, excluding gold and foreign merchandise re-exported. Of this amount \$158,000,000 worth is the clear produce of the South; articles that are not and cannot be made at the North....*

*But the **recorded** exports of the South now are greater than the whole exports of the United States in any year before 1856. With an export of \$220,000,000 under the present tariff, the South organized separately would have \$40,000,000 of revenue. With one-fourth the present tariff she would have revenue adequate to all her wants, for the South would never go to war... and we never shall dream of a war. Why the South has never yet had a just cause of war. Every time she has drawn her sword it has been on the point of honor, and that point of honor has been mainly loyalty to her sister colonies and sister States, who have ever since plundered and calumniated her.*

Hence the North will never make war on the South – because “Cotton Is King!”

*But if there were no other reason why we should never have war, would any sane nation make war on cotton?*

*What would happen if no cotton was furnished for three years? I will not stop to depict what every one can imagine, but this is certain: England would topple headlong and carry the whole civilized world with her, save the South.*

*No, you dare not make war on cotton. No power on earth dares to make war upon it. Cotton is king.*

It is also cotton alone that's saved the nation from the financial panic of 1857.

*When the abuse of credit had destroyed credit and annihilated confidence, when thousands of the strongest commercial houses in the world were coining down and*

*hundreds of millions of dollars of supposed property evaporating in thin air, when you came to a dead lock, and revolutions were threatened, what brought you up? Fortunately for you it was the commencement of the cotton season, and we have poured in upon you one million six hundred thousand bales of cotton just at the crisis to save you from destruction.*

But, according to Hammond, the South's greatest strength lies in the harmony of her political and social institutions.

*But sir, the greatest strength of the South arises from the harmony of her political and social institutions. This harmony gives her a frame of society, the best in the world, and an extent of political freedom, combined with entire security, such as no other people ever enjoyed upon the face of the earth. Society precedes government; creates it, and ought to control it; but...government is no sooner created than it becomes too strong for society and shapes...all the uneasiness and trouble and terror that we see abroad. It was this that brought on the American Revolution. We threw off a Government not adapted to our social system, and made one for ourselves. The question is how far have we succeeded? The South so far as that is concerned, is satisfied, harmonious, and prosperous.*

The basis for this harmony rests, according to Hammond, on slavery – a historically accepted practice that assigns the drudgery tasks in life to a class of inferior “mudsills” thereby freeing up their superiors to advance the causes of civilization.

*In all social systems there must be a class to do the menial duties, to perform the drudgery of life. That is, a class requiring but a low order of intellect and but little skill. Its requisites are vigor, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, civilization, and refinement. It constitutes the very mud-sill of society and of political government; and you might as well attempt to build a house in the air, as to build either the one or the other, except on this mud-sill. Fortunately for the South, she found a race adapted to that purpose to her hand. A race inferior to her own, but eminently qualified in temper, in vigor, in docility, in capacity to stand the climate, to answer all her purposes. We use them for our purpose, and call them slaves.*

The Southern system of slavery is also much more humane than what manual laborers in the North are forced to endure. The former are cared for from birth to death; the latter reduced to daily beggary and then discarded at will when their capacity to work expires.

*The Senator from New York said yesterday that the whole world had abolished slavery. Aye, the name, but not the thing; all the powers of the earth cannot abolish that. God only can do it when he repeals the fiat, "the poor ye always have with you;" for the man who lives by daily labor, and scarcely lives at that, and who has to put out his labor in the market, and take the best he can get for it; in short, your whole hireling class of manual laborers and "operatives," as you call them, are essentially slaves. The difference between us is, that our slaves are hired for life and well compensated; there is no starvation, no begging, no want of employment among our people, and not too much employment either. Yours are hired by the day, not cared for, and scantily compensated, which may be proved in the most painful manner, at any hour in any street in any*

*of your large towns. Why, you meet more beggars in one day, in any single street of the city of New York, than you would meet in a lifetime in the whole South.*

Unlike the North with its white slaves living in despair, all Southern slaves are properly black, and they are “happy and content.”

*We do not think that whites should be slave s either by law or necessity. Our slaves are black, of another and inferior race. The status in which we have placed them is an elevation. They are elevated from the condition in which God first created them, by being made our slaves. None of that race on the whole face of the globe can be compared with the slaves of the South. They are happy, content, uninspiring, and utterly incapable, from intellectual weakness, ever to give us any trouble by their aspirations. Yours are white, of your own race; you are brothers of one blood. They are your equals in natural endowment of intellect, and they feel galled by their degradation.*

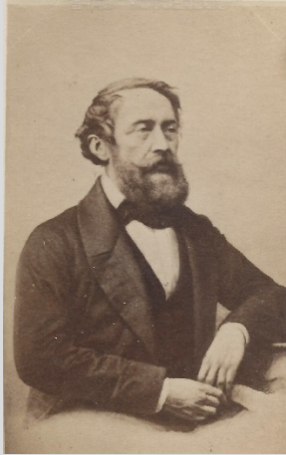
By not allowing its slaves to vote, the South avoids the class rebellion that awaits the North once its white slaves figure out how to organize and achieve their ends through the ballot box.

*Our slaves do not vote. We give them no political power. Yours do vote, and being the majority, they are the depositaries of all your political power. If they knew the tremendous secret, that the ballot-box is stronger than "an army with banners," and could combine, were would you be? Your society would be reconstructed, your government overthrown, your property divided, not as they have mistakenly attempted to initiate such proceedings by meeting in parks, with arms in their hands, but by the quiet process of the ballot-box.*

Hammond sustains his arrogant and invincible tonality to the end. Even if the North achieves a lock on control of the federal government, that will never diminish the glory that the South has bestowed on the United States.

*The South have sustained you in a great measure. You are our factors. You bring and carry for us. One hundred and fifty million dollars of our money passes annually through your bands. Much of it sticks; all of it assists to keep your machinery together and in motion. Suppose we were to discharge you; suppose we were to take our business out of your hands; we should consign you to anarchy and poverty. You complain of the rule of the South: that has been another cause that has preserved you. We have kept the Government conservative to the great purposes of Government. We have placed her, and kept her, upon the Constitution; and that has been the cause of your peace and prosperity. The Senator from New York says that that is about to be at an end; that you intend to take the Government from us; that it will pass from our hands. Perhaps what he says is true; it may be; but do not forget—it can never be forgotten—it is written on the brightest page of human history— that we, the slaveholders of the South, took our country in her infancy, and, after ruling her for sixty out of the seventy years of her existence, we shall surrender her to you without a stain upon her honor, boundless in prosperity, incalculable in her strength, the wonder and the admiration of the world. Time will show what you will make of her; but no time can ever diminish our glory or your responsibility.*

### Sidebar: Charles Dickens Dramatizes The Plight Of Factory Workers



Charles Dickens (1812-1870)

Attempts by Southerners like James Henry Hammond to label Northern factory workers as “wage slaves” becomes a familiar rhetorical ploy throughout the 1850’s.

The imagery associated with the label springs easily to mind among Americans familiar with the novels of the English author, Charles Dickens. In 1842, he completes a celebrity tour of the states, three years after publication of his popular novel, *Oliver Twist*, which captures the living conditions among London’s inner city poor. The imagery here is of men, women and children, living in rat-infested tenements and working twelve hour days to eke out enough wages to barely feed themselves.

Meanwhile the underlying determinants of such grinding poverty are being explored by heirs to economists like Adam Smith (1723-90), Jeremy Bentham (1748-1832), Thomas Malthus (1766-1834), David Ricardo (1772-1823) and others, attempting to understand how the fate of common men was being impacted by the demands of wealth creation and industrialization. As Dickens is dramatizing life for those struggling to get by, Karl Marx (1818-1883) and Friedrich Engels (1820-1895) are calling for a revolution among workers to throw off the chains of their capitalist masters.

Plantation masters of course have no interest in a Marxist overthrow, but they are fully prepared to paint the Northern business owners as immoral exploiters of their laborers.

What’s even worse, according to Hammond, is that their victims are white men, not blacks.

So, he says, better to be “cared for” from birth to death on a Southern plantation than to be cast aside when your capacity to work runs out as a Northern wage slave.

This entire argument is not only self-serving, but also based on a false equivalency between those actually enslaved in the South and those who are impoverished but free in the North.

Unlike the Africans, white laborers do not suffer the daily humiliations of being labeled a different and inferior species, of losing control over their own lives, of facing threats of physical punishment, of seeing wives abused and families sold off on the auction block.

For the vast majority of free white men in 1860 a path to upward mobility in America remains wide open. For those enslaved, the future is both immutable and filled with despair.



## Chapter 258a -- A Ban On Western Slavery Poses An Existential Threat To The South



**Dates:**  
1858-1860

**Sections:**

- Cotton Plays A Crucial Role In The South's Agrarian Economy
- Ownership Of Slaves Determines Individual Wealth
- Leveraging The Value Of Slaves Depends On Opening New Plantations
- The Wilmot Proviso Threatens To Halt A Booming Southern Economy
- The South Is Left With No Way To Overcome A Western Slavery Ban

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### Cotton Plays A Crucial Role In The South's Agrarian Economy

James Hammond's famous speech makes the South's dependence on cotton crystal clear.

This outcome traces all the way back to Jefferson and his fellow planters who, by 1800, reject Hamilton's call for industrialization and commit the South to an agricultural economy.

Their original reasoning says that America, unlike Europe, possesses a super abundance of fertile land and those who farm it will not only be assured of feeding their own families, but also able to sell any excess yields for a profit, both domestically and through exports abroad.

The result is a focus on the South's four great crops-- tobacco, rice, sugar and cotton – all staples experiencing sales growth as America develops as a nation and as a world power.

Soon enough, however, it becomes apparent that these four do not come with equal risks and rewards. Tobacco farmers learn that the plants quickly deplete needed soil nutrients and that annoying crop rotations are required to sustain decent output. Rice growers are limited by the scarcity of fresh water swampland, the need to carefully manage irrigation, and by the constant threat of ruinous salt water intrusion from coastline flooding. Sugar meanwhile requires a climate that is almost "frost free" in the winter and involves difficult operational challenges associated with boiling and refining the cane. (See Chapter 122 for more detail.)

This leaves cotton as the one crop most likely to thrive across the entire South from the Carolinas to the California coast. As Hammond says, it is the clear cut "king" of the agrarian economy – a fact demonstrated by its staggering growth between 1840 and 1860.

Value Of Cotton

Year	Cotton Lbs	Price/Lb	Value	Index
1840	586.7	\$ 9.00	\$ 526MM	100
1845	731.9	7.95	569	108
1850	933.5	10.49	957	168
1855	1173.7	10.27	1,205	229
1860	1712.0	7.30	1,218	232

Robert Ransom p.78



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### Ownership Of Slaves Determines Individual Wealth

Given the early planters wishes to expand production of the four main crops -- and the back-breaking labor required to do so -- it is easy to see how African slavery takes hold in the South just as it is fading in the North.

By 1860 there are 3.9 million slaves living in the South alongside some 8.5 million whites.

Actual ownership of these slaves is limited to only 30% of all households, and 4 out of 5 of these hold fewer than ten.

#### Ownership of Slaves in 1860

	# HH	% Total
South in Total	1,100,000	100%
Do not own slaves	770,000	70
Do own	330,000	30
Own 10 or fewer	273,000	83

But the rewards of their ownership are readily apparent. On average slaveholders have farms that are 3.5 times larger and 7.5 times more valuable than non-owners. Their Personal Estates are also 16.7 times greater.

#### Average Wealth of Farmers In 1860

	Ave # Acres	Value of Farm	Personal Estate
North in total	145	\$2,909	\$834
South in total	482	8,186	13,277
South with slaves	637	11,817	19,828
South w/o slaves	181	1,568	1,188
Ratio	3.5x	7.5x	16.7x

Robert Ransom, p.66

What lies behind these remarkable differences in wealth is the value of the slaves themselves when sold on the open market! Thus while the cotton they produce in 1860 is worth some \$1.2 Billion, their value at auction is estimated at just over \$3 Billion. (This compares with total U.S. GDP of \$4.4 Billion that same year.)

#### Value Of Slaves

Year	# Slaves	\$/ Slave	Total \$
1840	2,487M	\$377	\$ 938MM
1845	2,823	342	965
1850	3,204	377	1,208
1855	3,559	600	2,135
1860	3,954	778	3,076

Robert Ransom p.75

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### Leveraging The Value Of Slaves Depends On Opening New Plantations

Plantation owners recognize early on that selling slaves as a “second crop” offers a huge source of added income – as Jefferson points out in his *Farm Book*:

*I consider a woman who brings a child every two years as more profitable than the best man of the farm...What she produces is an addition to the capital, while his labors disappear in mere consumption.*

Two things are needed, however, to take advantage of this opportunity:

- First, an excess supply of slaves must be created through systematic breeding; and
- Second, demand for these slaves must be fueled by the start-up of new plantations.

The practice of often forced breeding is well documented (see Chapter 122) and under the control of owners and their overseers.

Demand is also growing rapidly between 1840 and 1860 as new plantations open in the inland Southern states west of the Appalachian range. This is evident in the ongoing shift in the slave population from the Coastal South to the Inland South.

**The Migration Of Slaves To New Plantations In The West**

Coastal South	Admitted	1840	1850	1860	1860/1840
Delaware	1787	2,605	2,290	1,798	(31%)
Maryland	1788	89,737	90,368	87,189	(3)
Virginia	1788	448,087	472,528	490,865	10
South Carolina	1788	327,038	384,984	402,406	23
Georgia	1788	280,944	381,682	462,198	66
North Carolina	1789	245,817	288,548	331,059	35
Florida	1845	25,717	39,310	61,745	140
Total		1,419,945	1,659,710	1,837,260	29
Inland South					
Kentucky	1792	182,258	210,981	225,483	24%
Tennessee	1796	183,059	239,459	275,719	51
Louisiana	1812	168,452	244,809	331,726	97
Mississippi	1817	195,211	309,878	436,631	124
Alabama	1819	253,532	342,844	435,080	72
Missouri	1821	58,240	87,422	114,931	97
Arkansas	1836	19,935	47,100	111,115	457
Texas	1845	---	58,161	182,566	++
Total		1,060,687	1,540,654	2,113,251	111
Grand Total					
		2,480,632	3,200,364	3,950,511	
% Coastal		57%	52%	46%	
% Inland		43	48	54	

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## **The Wilmot Proviso Threatens To Halt A Booming Southern Economy**

The future for the Southern economy thus looks bright up to the moment, in August 1848, when Pennsylvania Congressman David Wilmot offers his “Proviso” to ban slavery in all lands acquired by the Mexican War – in order, as he says, to preserve it for the benefit of white men.

Were this to become law, it would signal a sudden end to the Southern growth strategy.

Without slavery, new plantations could not open in the west. Without these plantations, the production of cotton would slow and the demand for buying excess slaves from the east would cease altogether.

Wilmot’s proposed ban prompts violent pro and con debates in the halls of Congress before spilling over into open warfare on the plains of “Bloody Kansas” in 1856. The result, as Lincoln says, is a “house divided:”

- The South demanding the “right” to take its property in slaves into the new territories, for which it has shed the blood of its sons in the war with Mexico; and
- Northerners resisting the expansion of slavery, some doing so on the basis of morality, the majority holding racist views of all blacks and hoping to cleanse the west of them and of all plantation competitors.

When the Democratic Party commits to “popular sovereignty” as a last ditch opportunity for the South to avoid a ban, the Republican Party is founded to block expansion once and for all.

The response from men like James Henry Hammond and his fellow “fire-eaters” is outrage.

Together they cite the 1787 Constitution along with the March 1857 *Dred Scott* ruling that slaves are property and owners may transport them anywhere they so choose. Calhoun’s 1828 argument is resurrected, in favor of “states right” whereby a minority may “nullify” a harmful law passed by a majority. And the ultimate threat – the call for secession and civil war – gains momentum.

The common men of the South gradually join this chorus, even though two-thirds own no slaves. If Northern radicals can prohibit slavery in the West, what’s to stop them from abolishing it in the South? Such a move would unravel the way of life they have grown up with and wreak havoc on their historical chances to prosper through owning slaves.

More and more feel honor-bound to fight back.

The problem, however, is that, despite all of James Hammond’s bravado, the South has already fallen far behind the North on almost all measures needed to prevail.

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### **The South Is Left With No Way To Overcome A Western Slavery Ban**

The underlying vulnerability of the South’s strategic commitment to a slave-based agrarian economy is becoming readily apparent by 1858.

While this model has created great wealth for all slave-holders, it has also left the region wide open to the Northern backlash against expanding slavery – be it based on moral concerns, sheer anti-black racism or the demand for white supremacy.

When this backlash arrives, the South is left ill-equipped to defend against it.

The capacity to do so through the political arena in Washington has almost vanished.

Despite its favorable climate, the South remains rural in nature, with few large cities and only 29% of the nation’s total population in 1860. This negates all hopes of gaining a majority in the U.S. House or even having enough voting bloc power to elect a future President like the two “doughfaces” sympathizers, Pierce and Buchanan.

Likewise the balance of power in the Senate has disappeared by the time Hammond speaks, with the Free States enjoying a 16-15 margin and with two more of the same – Minnesota and Oregon – about to be admitted.

The South will no longer find a way to avoid a western slave ban by politicking in D.C.

Beyond that, it’s also forfeited its chances of coping with such a ban by adjusting its economic model. For decades it has refused to adopt the infrastructural requirements for industrialization. One result is that in 1860 only 15% of America’s factories are located in the South, and they produces a mere 8% of the nation’s iron and steel. The percentage of workers engaged in the manufacturing sector has also fallen steadily over time.

**Location Of Manufacturing Workers**

	<b>1820</b>	<b>1840</b>	<b>1860</b>
Northeast	62%	63%	69%
Northwest	7	14	17
Border	12	8	5
Southeast	16	11	5
Southwest	3	4	4
	100%	100%	100%

The quality of the South’s roads is behind the times, and its share of all railroad tracks in 1860 is only 28%. Even if it wanted to, the South is in no position to respond to the slave ban by any quick attempt to diversify and modernize its economy.

Nor is it prepared -- as its secessionist leaders will soon discover -- to defy the North by force of arms, Thus it may produces 99.9% of America’s cotton but its share of firearms manufacturing is a paltry 3%.

### Regional Comparisons As Of 1860

Dimensions	South	North
Population	29%	71%
Large farms	84	16
Cotton production	99.9	0.1
Factories	15	85
Industrial workers	8	92
Iron/Steel mfr	8	92
RR miles	28	72
Firearms production	3	97

Simply stated, the proposed Republican Party ban on expanding slavery into the west is an existential threat to the Southern economy, and one for which it has no viable response.

Furthermore, one outspoken critic – a North Carolina man named Hinton Rowan Helper –argues that the blame for this predicament rests with elite planters and politicians who have benefited from slavery at the expense of their “poor white trash” followers.

## Chapter 259 – A Southerner Attacks Slavery On Behalf Of “Plain White Folks”



**Dates:**  
1857

**Sections:**

- Hinton Helper Publishes *The Impending Crisis Of The South*
- Statistics Reveal The Failures Of The South’s Slave-Based Economy
- He Calls For The Abolition Of Slavery To Help The Poor Whites
- He Calls For The Abolition Of Slavery To Help The Poor Whites
- Helper Becomes A Footnote In History

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Date: 1857

### **Hinton Helper Publishes *The Impending Crisis Of The South***

While Southern planters like John Hammond are touting the glories of slavery, a North Carolina man named Hinton R. Helper announces a very different assessment.

Helper’s 1857 book, *The Impending Crisis Of The South*, rocks the region by insisting that the institution of slavery be abolished since it has benefited only a narrow band of planter oligarchs at the expense of the vast majority of “plain white folks.”

To prove his point, he relies on published government data comparing the relative development and well-being of the South, operating under its slavery-based agricultural system, vis a vis the North, with its diversified economy based on the labor of free white men.

The stark contrasts he shows for the two approaches make him an overnight pariah among the Southern elite and a hero with critics of slavery in the North.

Helper is only twenty-eight when his explosive book is published. He has graduated from a local academy and, following a failed trip to California during the gold rush, has written a book, *The Land of Gold*, chronicling his experiences there. In 1855 he is back home determined to advance his career as an author.

The result is *The Impending Crisis*, which begins with a series of assurances to readers, the first being that he is a dedicated “Southron” at heart:

*The son of a venerated parent...whose home has been in the valley of the Yadkin for nearly a century and a half, a Southerner by instinct and by all the influences of thought, habits, and*

*kindred, and with the desire and fixed purpose to reside permanently within the limits of the South, and with the expectation of dying there also.*

He insists that his cause in the text is high-minded:

*I desire to do something to elevate the South to an honorable and powerful position among the enlightened quarters of the globe.*

He also makes it clear that the book's intent is not to "display any special friendliness or sympathy for the blacks." Despite feeling that human bondage is unjust, Helper fully shares the racial prejudices dominant in white society at the time, both South and North.

Thus, while he demands an end to slavery, his rationale lies in advancing *his people*, poor whites, rather than the "heathenish blacks," whom he would "re-colonize" in Africa.

According to Helper, these poor whites of the South comprise well over two-thirds of the entire population, and their current existence is worse off than "the serfs of Russia."

*Poverty, ignorance, and superstition, are the three leading characteristics of the non-slaveholding whites of the South. Many of them grow up to the age of maturity, and pass through life without ever owning as much as five dollars at any one time. Thousands of them die at an advanced age, as ignorant of the common alphabet as if it had never been invented. All are more or less impressed with a belief in witches, ghosts, and supernatural signs. Few are exempt from habits of sensuality and intemperance. None have anything like adequate ideas of the duties which they owe either to their God, to themselves, or to their fellow-men. Piteable, indeed, in the fullest sense of the term, is their condition.*

*The serfs of Russia have reason to congratulate themselves that they are neither the negroes nor the non-slaveholding whites of the South.*

The source of their misery lies not with oppressors from the North.

Rather, he says, the fault rests squarely on the shoulders of a small core of aristocratic Southern planters – men who have dominated the region since the colonial period, and who sustain the economic institution of slavery only to maximize their personal wealth.

This populist argument effectively pits the majority class of "poor whites" against the elites, and, as such, it alarms those currently bent on vilifying the North and calling for secession.

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### **Statistics Reveal The Failures Of The South's Slave-Based Economy**

Helper announces early on in the book that he intends to rely on government statistics to prove his case.

*The cultivation of statistics must be the source of all future improvement in the science of political economy This science is yet in its infancy, but has already produced the most beneficial effects.*

The outline for Chapter I sets the tone for all that follows.

**CHAPTER I. COMPARISON BETWEEN THE FREE AND THE SLAVE STATES**

*Progress and Prosperity of the North--Inertness and Imbecility of the South--The True Cause and the Remedy--Quantity and Value of the Agricultural Products of the two Sections--Important Statistics--Wealth, Revenue, and Expenditures of the several States--Sterling Extracts and General Remarks on Free and Slave Labor*

By looking at the data he says he will prove...

*That the South, at one time the superior of the North in almost all the ennobling pursuits and conditions of life, has now fallen far behind her competitor.*

He begins with a few illustrative comparisons on growth in population and economic wealth from colonial times up to the 1850 Census in pairs of states: North Carolina vs. Massachusetts; South Carolina vs. Pennsylvania; Virginia vs. New York. The latter, for example, shows how the crowning jewel of the old South, Virginia, has fallen far behind its Northern rival on all key measures of prosperity.

**Hinton Helper's Comparative Data**

<b>Population</b>	<b>Virginia</b>	<b>New York</b>
<b>1790</b>	748,308	340,120
<b>1850</b>	1,421,661	3,097,394
<b>Exports</b>		
<b>1791</b>	\$ 3,130,865	\$ 2,505,465
<b>1852</b>	2,724,657	87,484,456
<b>Total Wealth</b>		
<b>1850</b>	\$ 391,646,438	\$1,080,309,216

But he is only getting started here.

The remainder of the 450 page book lays out side by side comparisons on the full range of economic and cultural outcomes as of the 1850's in the sixteen Free States of the North vs. the fifteen Slave States of the South. (See below for a simplified summary.)

The differences are profound, with the Slave-based system trailing far behind on measures such as total trade, manufacturing, city development, banking, commercial infrastructure such canals and railroads, patents issued, public education, libraries, newspapers, literacy, even enlistments in the militia.

The result of the slave-based economy is a South which has become "dependent " on the North for almost all the daily necessities of life from "shoes to steamships."

*The North becomes, in one way or another, the proprietor and dispenser of all our floating wealth, and that we are dependent on Northern capitalists for the means necessary to build our railroads, canals and other public improvements*

*All the world sees, or ought to see, that in a commercial, mechanical, manufactural, financial, and literary point of view, we are as helpless as babes... It is a fact well known to every intelligent Southerner that we are compelled to go to the North for almost every article of utility and adornment from matches, shoepegs and paintings up to cotton-mills, steamships and statuary.*



This was not the case in colonial times, according to Helper. In fact, the South, with its temperate climate and fertile land, was “at one time the superior of the North.”

*It thus appears, in view of the preceding statistical facts and arguments, that the South, at one time the superior of the North in almost all the ennobling pursuits and conditions of life, has fallen far behind her competitor, and now ranks more as the dependency of a mother country than as the equal confederate of free and independent States*

But those advantages have all gone by the wayside. The reason why, he says, is Slavery.

*Why the North has surpassed the South? It may all be traced to one common source --Slavery!*

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<b>Sidebar: Hinton Rowan Helper's Comparative Data</b>				
<b>Economic And Cultural Outcomes By Region</b>				
<b>Year</b>	<b>Trade</b>	<b>Free States</b>	<b>Slave States</b>	<b>Ratio F/S</b>
<b>1855</b>	Total Tonnage (000)	4,252	855	4.97x
	Export Value (MM)	\$167.5	\$107.4	1.56
	Import Value (MM)	236.8	24.6	9.62
<b>1850</b>	Manufacturing			
	Product Value (MM)	\$842.6	\$165.4	5.09
	Capital Invested (MM)	430.2	95.0	2,66
	# Workers (000)	780.6	161.7	4.83
<b>1850</b>	Agriculture/Outdoor Labor			
	# Free Whites >15 (000)	NA	1,019.0	
	Nine Largest Cities			
	# Total Population (000)	2,083.0	787.0	2.65
	Total Wealth (MM)	\$1,572.1	\$375.9	4.18
	Per Capita Wealth	\$754	\$477	1.58
	Transportation			
<b>1854</b>	Total Canal Miles	3,682	1,116	3.30
<b>1857</b>	Railroad Miles	17,855	6,859	2.60
<b>1857</b>	Cost of Railroads (MM)	\$538.3	\$95.3	5.65
<b>1855</b>	Bank Capital (MM)	\$230.1	\$102.1	2.25
<b>1852</b>	Militia Forces (000)	1,381.8	792.9	1.74
<b>1850</b>	Public Schools	62,433	18,507	3.37
	# Teachers	72,621	19,307	3.76
	# Pupils (000)	2,769.9	581.9	4.76

<b>1850</b>	# Libraries	14,911	695	21.45
<b>1850</b>	#Newspapers/Magazines	1,790	704	2.54
<b>1850</b>	Illiterate White Adults			
	# Native (000)	248.7	493.0	0.50
	# Foreign (000)	173.8	19.9	8.73
<b>1856</b>	# Patents Issued	1,929	268	7.20
<b>1857</b>	Political Power			
<b>1857</b>	# US Presidents from:	6	9	0.67
	# Years in office	24	48	0.50
	# Speakers of the House	12	15	0.80
	# Years in office	25	43	0.58
	# Secretaries of State	8	14	0.57
	# Tears in office	27	40	0.68
	# Treasury Secretaries	14	7	2.00
	# War Secretaries	15	15	1.00
	# Foreign Ministers	54	80	0.68
	Current Supreme Court	4	5	0.80
<b>1857</b>	White pop in states (MM)	13.2	6.2	2.13
	# Senators	32	30	1.07
	# White pop/Senator (000)	412.5	206.7	
	# Congressmen	144	90	1.60
	# White pop/Congressmen	91.6m	68.9m	1.33
	# Electoral Votes	176	120	1.47

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## He Calls For The Abolition Of Slavery To Help The Poor Whites



A Common Man Of The South

In imposing a slave-based economy on the South, Helper says, the planter oligarchs have chosen a system that “in the very nature of things” is inferior to the North’s reliance on free white labor.

*In the very nature of things, the freeman must produce more than the slave... The slave toils for another, and not for himself What a difference, plain and heaven-wide, between the outward and interior life of a slave and of a free community.*

To further prove this point, Helper focuses on the value of agricultural output in 1850 across fourteen different crops, including wheat, hay, oats, flax, potatoes, beans, maple sugar, butter, cheese, honey, wool, in addition to cotton, rice, and tobacco. His conclusion: “even agricultural output favors the North!”

*Even agricultural output favors the North! So much for the boasted agricultural superiority of the South! Until we examined into the matter, we thought and hoped the South was really ahead of the North in one particular, that of agriculture; but our thoughts have been changed, and our hopes frustrated.*

### Agricultural Output By Region In 1850

Year	14 Agricultural Products	Free States	Slave States	Ratio F/S
1850	Bushels (000)	499,190.0	481,766.9	1.04
	Value (000)	\$351,709.7	\$306,927.1	1.15

Worse yet, slavery has not only failed to optimize production from the land, but the greed exhibited by the planter in their crop management programs has damaged the value of the land itself.

### Value Of An Acre Of Land In 1850

	Northeast	Northwest	Southeast	Southwest
\$ per acre	\$28.07	\$11.39	\$ 5.34	\$6.26

Helper next turns to extensive quotes from the iconic founding fathers of the South to argue that the negative effects of a slave-based system were apparent to them from the beginning – and that the hope and expectation was to end the practice not expand it. He cites Washington:

*I never mean, unless some particular circumstances should compel me to it, to possess another slave by purchase, it being among my first wishes to see some plan adopted by which slavery, in this country, may be abolished by law.*

Then Jefferson, among others:

*There must doubtless be an unhappy influence on the manners of our people, produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions--the most unremitting despotism on the one part, and*

*degrading submissions on the other... The man must be a prodigy who can retain his manners and morals undepraved by such circumstances... With the morals of the people, their industry also is destroyed; for, in a warm climate, no man will labor for himself who can make another labor for him. This is so true, that of the proprietors of slaves a very small proportion, indeed, are ever seen to labor.... I tremble for my country when I reflect that God is just; The Almighty has no attribute which can take side with us in such a contest.*

The reason this obviously failed system remains in place, says Helper, is the ability of the few powerful oligarchs to keep the majority of Southerners – “the poor white trash” – in the dark about its failures.

*How little the "poor white trash," the great majority of the Southern people, know of the real condition of the country is, indeed, sadly astonishing. The truth is, they know nothing of public measures, and little of private affairs, except what their imperious masters, the slave-drivers, condescend to tell, and that is but precious little.*

Helper's solution to the negative outcomes lies in having the common people rise up, abolish slavery and embrace the virtues he sees in the Free Soil movement.

*I am a Free-Soiler and I don't deny it. I am for the greatest good of the greatest number, and against the system which monopolizes the free and fertile territory of our country for a few slaveholders, to the exclusion of thousands upon thousands of the sinewy sons of toil. The time will come, and perhaps very soon, when the people will rule for their own benefit and not for that of a class which, numerically speaking, is insignificant. I shall take my stand in favor of the white man.*

He calls for a general convention of non-slaveholders to devise a plan that will finally address their interests.

*Let there be a general convention of non-slaveholders from every slave State in the Union, to deliberate on the momentous issues now pending. let them devise ways and means for the complete annihilation of slavery ...inviting the active sympathy and co-operation of the millions of down-trodden non-slaveholders throughout the Southern and Southwestern States.*

He further argues that those in the planter oligarchy must pay the price for the damage they have done to their region. Thus, instead of being compensated for releasing their slaves, the owners should be forced to pay taxes on their holdings, some to recompense their neighbors, others to resettle the blacks, ideally abroad.

*Less than three-quarters of a century ago... the South... began an even race with the North... and now, in the brief space of scarce three score years and ten, we find her completely distanced, enervated, dejected and dishonored. Slave-drivers are the sole authors of her disgrace; as they have sown so let them reap.*

*A Tax of Sixty Dollars on every Slaveholder for each and every Negro in his Possession at the present time, or at any intermediate time between now and the 4th of July, 1863--said Money to be Applied to the transportation of the Blacks to Liberia, to their Colonization in Central or South America, or to their Comfortable Settlement within the Boundaries of the United States.*

Having made his case, Helper ends by repeating his devotion to the South, and his hope that in ending the slavery-based systems imposed by the few, the needs of the majority of free white men will be realized.

*Let it be understood, then, once for all, that we do not hate the South, war on the South, nor seek to ruin the South, in resisting the extension of slavery.... The time will come, and perhaps very soon, when the people will rule for their own benefit and not for that of a class which, numerically speaking, is insignificant. I shall take my stand in favor of the white man.*

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### **Helper Becomes A Footnote In History**

The call for poor whites of the South to recognize the failures of their slavery-based economy and end the oligarchical reign of the aristocratic planters never materializes.

*The Impending Crisis* is widely ignored for almost two years until Northerners begin to cite it to attack the “slavocracy” during the run-up to the election of 1860. In response to that, Southern authorities ban its distribution and burn whatever copies they find. In the U.S. House, Democrats deny John Sherman the Speakership, ostensibly because he endorses the book.

In the process, Hinton Helper momentarily becomes a well-known public figure, applauded up North but vilified back in his home land.

But by 1861 he is living in poverty when President Lincoln – whose election he has arguably aided -- names him a consul to Argentina, where he serves for five years. He returns in 1867 to North Carolina where he is shunned, then moves around America, living in New York, St. Louis and Washington, DC.

He writes two subsequent books which display his underlying anti-black racism, in spite of his opposition to the principle of slavery. He also spends several decades trying to promote an international railroad from Canada through the United States to Argentina.

In 1890, at age seventy-seven, he commits suicide, broken both financially and mentally.

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**Sidebar: Helper's Data On Political Power**

Hinton Helper's statistics also encompass the distribution of political power in America from 1789 through 1857. The comparisons reveal the disproportionate power enjoyed by the South over that period.

**Historical Political Influence By Region**

As Of	Trade	Free States	Slave States	Ratio F/S
1857	# US Presidents from:	6	9	0.67
	# Years in office	24	48	0.50
	# Speakers of the House	12	15	0.80
	# Years in office	25	43	0.58
	# Secretaries of State	8	14	0.57
	# Tears in office	27	40	0.68
	# Treasury Secretaries	14	7	2.00
	# War Secretaries	15	15	1.00
	# Foreign Ministers	54	80	0.68
	Current Supreme Court	4	5	0.80
	White pop in states (MM)	13.2	6.2	2.13
	# Senators	32	30	1.07
	# White pop/Senator (000)	412.5	206.7	
	# Congressmen	144	90	1.60
	# White pop/Congressmen	91.6m	68.9m	1.33
	# Electoral Votes	176	120	1.47

## Chapter 260– Buchanan’s Pardon Of “Treasonous” Mormons Seen As Capitulation

 <p>Brigham Young Engraving to Act of Congress, 1864, by Savage &amp; Otis in the Clerk's Office of the U.S. District of Utah</p>	<p><b>Dates:</b> February-April 1858</p>	<p><b>Sections:</b></p> <ul style="list-style-type: none"> <li>• U.S. Troops Arriving In Salt Lake City Are Greeted Peacefully By Brigham Young</li> <li>• Buchanan Shocks The Nation By Pardoning The Mormon’s “Treason”</li> </ul>
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Date: November 1857 – April 12, 1858

### U.S. Troops Arriving In Salt Lake City Are Greeted Peacefully By Brigham Young



Albert Sidney Johnston (1803-1862)

Colonel Johnston and his 1,500 U.S. troopers finally meet up with Governor Cummings and Captain Van Vliet in November near the site of Ft. Bridger, where they set up winter quarters and begin to plot their strategy to overcome whatever resistance the Mormons appear to have in store for them.

While there, however, a new figure enters the picture, who will alter the course of events. He is 46 year old Thomas L. Kane, the lawyer son of a U.S District judge, who becomes an outspoken abolitionist, and proponent of the Mormon cause.

While never a member of the church, Kane embraces the Mormon’s quest to secure a safe home to practice their religion, as early as 1846. He then uses his father’s Washington connections on their behalf, first to organize the “Mormon Brigade” as a show of their loyalty and support for the Mexican War, and later to help persuade President Millard Fillmore to select Brigham Young as Utah’s Territorial Governor in 1851.

When Kane learns of Buchanan’s planned invasion, he embarks on a 3,000 mile trip from the east coast to Utah to seek a peaceful end to the conflict.

In February 1858 he arrives in Salt Lake City to meet with Young, and then shuttles back to see Cummings at Ft. Bridger. His efforts pay off when the amiable Cummings agrees to meet in the capital -- unaccompanied by the federal troops.

In advance of this potential confrontation, Young phoned up fortifications in the city to appear ready for combat.

However, he quickly takes the measure of Cummings, and decides it is better to deal with a new governor he can easily maneuver than face the wrath of Colonel Johnston's army. With this calculation in mind, Young hands Cummings the reins of government on April 12, without a fight and with a feigned promise of future cooperation.

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Date: April 6, 1858

### **Buchanan Shocks The Nation By Pardoning The Mormon's "Treason"**

As the peaceful hand-over of power is taking place in Utah, Washington is preparing to read early reports from Buchanan's war with the Mormons. Instead on April 6, the public is shocked to hear the President's proclamation titled "Rebellion in the Utah Territory."

It begins boldly by indicting the Mormons for "insubordination" against the United States.

*The Territory of Utah was settled by certain emigrants...who have for several years past manifested a spirit of insubordination to the Constitution and laws of the United States. The great mass of those settlers, acting under the influence of leaders to whom they seem to have surrendered their judgment, refuse to be controlled by any other authority. They have been often advised to obedience, and these friendly counsels have been answered with defiance.*

Given these violation, the President says that his duty demanded the use of military force against the rebels.

*After carefully considering this state of affairs and maturely weighing the obligation I was under to see the laws faithfully executed, it seemed to me right and proper that I should make such use of the military force at my disposal as might be necessary to protect the Federal officers in going into the Territory of Utah and in performing their duties after arriving there. I accordingly ordered a detachment of the Army to march for the city of Salt Lake,*

In response he says the Mormons organized their own forces and attacked a US wagon train.

*But in the meantime the hatred of that misguided people for the just and legal authority of the Government had become so intense that they resolved to measure their military strength with that of the Union. They have organized an armed force far from contemptible in point of numbers and trained it... While the troops of the United States were on their march a train of baggage wagons, which happened to be unprotected, was attacked and destroyed by a portion of the Mormon forces and the provisions and stores with which the train was laden were wantonly burnt*

These acts of "treason" must and will be met by harsh punishment.

*Fellow-citizens of Utah, this is rebellion against the Government to which you owe allegiance; it is levying war against the United States, and involves you in the guilt of treason. Persistence in it will bring you to condign punishment,.. If you have calculated upon the forbearance of the United States...you have fallen into a grave mistake... Utah is bounded on every side by States and*



*Territories whose people are true to the Union. It is absurd to believe that they will or can permit you to erect in their very midst a government of your own, not only independent of the authority which they all acknowledge, but hostile to them and their interests.*

At this point logic tells his audience that he is about to call for a declaration of war against the Mormons. But instead Buchanan amazes his audience by issuing a blanket pardon to all for crimes committed!

*But being anxious to save the effusion of blood and to avoid the indiscriminate punishment of a whole people for crimes of which it is not probable that all are equally guilty, I offer now a free and full pardon to all who will submit themselves to the just authority of the Federal Government. If you refuse to accept it, let the consequences fall upon your own heads. But I conjure you to pause deliberately and reflect well before you reject this tender of peace and good will.*

The effect of this proclamation is two-fold.

Instead of a military thrashing and likely imprisonment, Brigham Young, with help from Thomas Kane, is left surrendering his Governor's title, but not his power over the future of Utah.

In turn, Buchanan adds to the growing perception that he is inept and unbalanced as a leader -- between his overly aggressive attempts to solve the Kansas crisis by ramming the Lecompton Constitution through Congress and his now feckless retreat from justified military action in Utah.

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### Sidebar: Subsequent Events In Mormon Utah



Brigham Young (1801-1877)

Having sidestepped the threat of a military take-over of Salt Lake City, Brigham Young picks up right where he left off as the de facto dictator of the Utah Territory. His initial actions are calculated to show Governor Cummings who is really in charge.

He addresses his followers after learning that Buchanan is sending “peace commissioners” to the capital to formalize the transfer of power and sign the pardon -- saying that the Mormons “have done nothing to be pardoned for,” and then informing Cummings that while U.S. troops will be allowed in “our country,” they must not quarter near his city.

*Now let us say to you peace commissioners, we are willing those troops should come into our country, but not to stay in our city. They may pass through, if needs be, but they must not quarter less than forty miles from us.*

To punctuate this message, Young orders all Mormons to abandon the capital and shut it down prior to the appearance of the Washington delegation. Upon arriving on June 26, 1858, it encounters a “dead city,” the bulk of the population having relocated to Lake Utah. The message to Buchanan and to Cummings is clear: they may have won the so-called Mormon War, but Young has won the peace.

This pattern continues to play out over time until Young’s death in 1877, after a thirty year tenure as Second President of the church. Unlike Joseph Smith his role is much less clerical in nature, and much more that of the community organizer, business leader and politician.

In his final two decades, he watches his dominion flourish. Its population expands rapidly, reflecting the Mormon’s high rates of marriage and child bearing. Its intense work ethic pays off in a vibrant economy, consistent with the eventual state motto (“Industry”) and the iconic symbol, the “Mormon beehive.” The Civil War finds Utah adopting a “neutral status” and using the depletion of nearby U.S. troops to expand Mormon control over the territory.

Commercial opportunities are amplified after May 1869, when the east and west lines of the Union Pacific’s trans-continental railway are joined at Promontory Point, Utah. In 1875, Brigham Young University is founded, joining the University of Utah (1850) in support of higher education.

Still admission to the Union is withheld, given off and on controversies related to polygamy and the “influence” of the church in government affairs. It finally arrives on January 4, 1896, when Utah becomes the 45<sup>th</sup> star in the Union.

Young himself manages to maneuver through several personal controversies, including arrests on October 3, 1871 for “lascivious cohabitation” (i.e. polygamy) and on January 3, 1872 in connection with the Mountain Meadows Massacre. He is quickly freed, however, in both instances.

Brigham Young dies at seventy-six years of age on August 29, 1877 in Salt Lake City, presumably of peritonitis associated with a burst appendix.