

Chapter 205 - The “Toomb’s Bill” Offers A Southern Compromise On Kansas But It Fails to Pass In The House

Time: June 23, 1856

Southerners Offer A Kansas Compromise Bill

With the major party conventions out of the way, Congress returns to the turmoil in Kansas.

A month has passed since news of the Pottawatomie Massacre captures the attention of the public, and all sides now vie to offer up ideas on what to do next. The Democrats are intent on trying to calm the waters prior to the upcoming election, while the Republicans seek to keep the issue of slavery in Kansas front and center in the minds of the voters.

Meanwhile two ex-Whigs from Georgia offer up their own proposal. It is christened the “Toombs Bill,” after Senator Robert Toombs, now a Democrat, who authors it along with his long-term ally, Alexander Stephens, now officially a “Unionist.” Both of course are also Southerners, which signals a belief that, if passed, it will benefit the pro-slavery cause in the end.

The Toombs Bill calls for:

1. Completion of a new census in Kansas to identify actual residents entitled to vote;
2. A five-person commission, backed by a military presence, to oversee the voting process;
3. The election of delegates to attend yet another Constitutional Convention;
4. A vote by the attendees on whether to declare Kansas as a Free or Slave State; and
5. Then immediate admission of the territory to the Union based on whatever label is chosen.

In putting together the bill, both Toombs and Stephens believe that the majority of authentic residents of Kansas are pro-slavery, and that passage will simultaneously take the issue away from the Republicans and favor the Southern position. Toombs casts the bill as a concession, given that it puts at risk the Pro-Slavery legislature currently in place. He does this, he say, in the interest of peace:

I determined to give peace to the country if this would do it.

Some are surprised by the Southerners offer, John Hale among them, who calls it:

A much fairer bill than I expected from that latitude.

Horace Greeley’s response is different. He views it as a political trap, intended to artificially deflate the threat from the Slave Power which is at the heart of Fremont’s campaign strategies. He asks his Republican colleagues:

Do you want some nasty fix-up or compromise on Kansas – one that will be hailed by the whole Buchanan and Fillmore press and parties as a settlement of the Kansas question?

Others point out that the bill fails to undo the pro-slavery legislation already passed by the “Bogus Legislature” at the Shawnee Mission -- and Henry Seward attacks it for failing to include a statewide pop sov” vote on the Constitution.

An angered Toombs responds, asserting that Seward’s radical Republicans are in the minority, and are sacrificing the good of their countrymen for their own political ends.

No minority ever received such insurances of the integrity and fair dealing of any measure in the history of this Government. ...You will abuse your own countrymen as long as they stand out against your treasonable and wicked schemes for overturning the liberties of the country.

After further debate, the Senate prepares to vote on the measure.

Time: July 1-3, 1856

The “Kansas Commission” Reports But The Congressional Stalemate Continues

Before the voting begins, however, new information is brought to bear on conditions in the Territory.

It comes in the form of final reports from the special “Committee To Investigate The Troubles In Kansas,” created by Congress back on March 19, 1856, and involving three Whig members of the House: John Sherman of Ohio, Mordecai Oliver of Missouri, and the chairman, William Howard of Michigan.

All three have traveled in person to Kansas to take depositions from locals who have lived through the conflict. These take place from April 18 to June 18, and are captured verbatim in a document that runs 1206 pages long. It includes a majority report written by Howard and Sherman, and a dissenting report from Oliver.

The former concludes that the March 30, 1855, election was fraudulent, as is the Pro-Slavery Legislature which resulted from it.

A legislature thus imposed upon a people cannot affect their political rights. Such an attempt...reduces the people of the territory to the condition of vassals to a neighboring state.

It also says that the December 15, 1855 vote on the Topeka Constitution was a proper reflection of the political will of the residents, and proof that Kansas should be admitted as a Free State.

Oliver's minority report disagrees with these findings, but is widely dismissed owing to his earlier statement that he "knew of no one who came from Missouri to vote in the territory," along with his reported wish to "wipe out the damned Abolitionists."

The response to the Committee reports differs sharply in the Senate, controlled 2:1 by Democrats, versus the House, tilting 2:1 toward the Opposition parties.

The Senate treats them as affirmation of the need to re-start the territorial admission process over from scratch, with the Toombs Bill as the proper roadmap. On July 3 the members pass the legislation by a 33-12 margin and send it along to the House.

The House rejects the Senate measure and, in a close vote, passes a bill calling for the immediate admission of Kansas as a Free State under the Topeka Constitution.

Stephen Douglas quashes the House version, passes the Toombs Bill a second time, and works alongside President Pierce to lobby the lower chamber for support. But Republicans again point out that it ignores a statewide vote on a Constitution (ironically the essence of Douglas's "popular sovereignty") and express little confidence in the five member oversight commission likely to be chosen.

This back and forth will now drag on for another six weeks until the session ends on August 18, without closure.