

Chapter 201 - Douglas And Seward Debate The “Crisis In Kansas”

Time: March 12, 1856

The Senate “Committee On Territories” Issues Two Opposing Reports On Kansas



Despite Pierce’s January 24 speech, the Kansas Free-Staters send James Lane to DC to submit their application for statehood. He does so on March 4, 1856 and sets off a flurry of speeches in Congress, most notably in the Senate between the Democrat, Stephen Douglas, and Henry Seward, the former Whig now turned Republican.

Douglas still chairs the powerful Senate Committee on Territories, which, among others, includes two Mississippi “Fire-Eaters” – John Quitman and Albert Brown – along with Jacob Collamer of Vermont, an anti-slavery Republican.

On March 12, 1856, the Committee findings on Kansas are read into the record, with Douglas offering the majority opinion and Collamer speaking in dissent.

In his report, Douglas lectures his colleagues on the proper procedures for governing new territories and applying for statehood. He says that the trouble in Kansas began when the New England Emigrant Society decided to send settlers in to

The Crisis In Kansas Continues Unabated

agitate for abolition. When resistance materialized, these same easterners shipped in

Sharps rifles and supported formation of a secret military arm, the “Kansas Legion.” Then came the illegal Topeka Constitution and Free State legislature leading to the present demands by James Lane for statehood. All of this because the rules for “popular sovereignty” were violated.

The solution Douglas offers is to leave the status quo Pro-Slavery governing body in place until such time as the population of Kansas hits a threshold level of 93,000 residents (to qualify for one seat in the House) and a new convention can be held to write a constitution and properly seek admission.

This “delay and start over” solution is music to Southern ears, since it would affirm Governor Shannon and the Pawnee legislature and allow slave owners to continue to establish themselves in the state. Abolitionist editor Horace Greeley sees the proposal as Douglas’s attempt to win the presidential nomination at the June Democratic convention:

No man could have made his Report who did not mean to earn the gratitude of the Slave Power.... I shall consider Mr. Douglas henceforth an aspirant for the Cincinnati nomination....

Collamer's minority report which follows calls for dissolving the "bogus legislature" and immediately admitting Kansas under the Topeka Constitution. Praise for this option comes immediately from the growing number of anti-slavery senators, including Seward, Lyman Trumbull, Charles Sumner, Ben Wade, John Hale and Henry Wilson.

Meanwhile, most members of Congress remains appropriately baffled by the entire situation. Their response is to create a "Kansas Investigation Committee" to gather more objective facts on the matter, and recommend a solution. Three former Whig members of the House are chosen: John Sherman of Ohio, William Howard of Michigan and Mordecai Oliver of Missouri. They leave Washington for Kansas, arriving there on April 11, 1856.

Time: March 20, 1856

Senator Douglas Tries To Bully His Opponents Into Submission

Criticism from the opposition is nothing new for Douglas, and on March 17 he announces that he will bring his own Kansas Bill, "following the proper procedures of popular sovereignty," to the floor in three days. In turn, Henry Seward says he will counter will his own proposal.

The Senate chamber is packed on March 20 to hear what becomes a two and a half hour diatribe by the "Little Giant," which spares none of his adversaries.

In placing blame for the "unfortunate difficulties" in Kansas, his wrath tilts toward the Free State zealots.

The Topeka Constitution itself is not only illegal and revolutionary, he intones, but also singular in its hypocrisy, in light of the "Black Exclusion" clause.

First these high-minded men outlaw slavery and then they forbid even free blacks from residing in the state. How he asks can one pose as "an especial friend of the negro" and simultaneously deny them the right to "enter, live, or breathe in the proposed State of Kansas?"

His views on "the negro" involve no such posturing:

We do not believe in the equality of the negro, socially or politically, with the white man... Our people (in Illinois) are a white people, our State is a white State, and we mean to preserve the race pure, without any mixture with the negro.

He charges Ex-Kansas Governor Reeder with multiple blunders, first in certifying two fraudulent elections, then in reversing course. He labels Lyman Trumbull, his fellow senator from Illinois, a “captive of the Black Republican camp” for supporting admission.

But, he also admits that the Border Ruffians from Missouri were at fault for manipulating the voting process and “trying to control the domestic institutions of the territory” to support slavery.

What must be done next according to Douglas is to “start over” in Kansas and execute the process of popular sovereignty under the actual Congressional guidelines. He ends his harangue by urging his colleagues to vote for his bill to that effect.

The burden now falls to those who support the Free State request for admission to reply.

Time: April 7, 1856

Questions About The Free State Submission Arise

The Democrats also attempt to derail the Free Stater’s bill for admission focuses on a technicality.

Before any bill can be voted on, Congressional procedures require that it be printed in the form of what is commonly known as a “memorial” on government presses.

On April 7, a motion to create the “memorial” is challenged by several Southern senators. They question the legitimacy of the document brought by the “Free State Senator,” James Henry Lane, on two grounds: the fact that all the signatures on the submission are clearly in one hand, and the presence of what appear to be after-the-fact insertions in his printed text.

At first Douglas supports the “printing,” but soon calls the document a forgery and accuses Lane of altering it after its passage to suit his own purposes.

Lane is infuriated by the implication and challenges Douglas “for an explanation of (his) language...(to) remove all imputation upon the integrity of my action or motives in connection with that memorial.”

A duel between the two is averted only after Douglas claims “senatorial privilege” and Lane brands him a coward for doing so.

Time: April 9, 1856

Henry Seward Likens Pierce To King George III For Opposing The Free Stater's Topeka Constitution

The spotlight now falls on Senator Henry Seward to make the case for the Free State Kansans.

Seward is fifty-five years old when he rises on April 9 to address his Senate colleagues about Kansas. He has been on the political scene since 1830, first entering the New York state legislature as an Anti-Mason. He is soon a Whig and serves two terms as Governor of New York, before moving on to the U.S. Senate in 1849.

Seward's career is managed all along by the journalist and strategist, Thurlow Weed, and both are currently drawn to the possibility that he might head the Republican Party ticket in 1856. While he rejects the nativist strain within the party, Seward is firmly opposed to slavery. His reputation here follows from the famous lines of his March 11, 1850 address in the upper chamber: "there is higher law than the Constitution" – handed down by "the Creator of the universe" – that "so great an evil" must not be allowed to take hold in the west.

Thus his present call for the acceptance of the Free State Topeka Constitution, and the immediate admission of Kansas, along with the attack he levels at Franklin Pierce and his Southern handlers.

Seward's speech opens with the claim that the true citizens of Kansas are living under a "foreign tyranny" imposed by pro-slavery forces in Missouri.

Armed bands of invaders established a complete and effective foreign tyranny over the people of the Territory...

He accuses Pierce of being an "accessory" to this "usurpation."

The President of the United States has been an accessory to these political transactions, with full complicity in regard to the purpose for which they were committed. He has adopted the usurpation, and made it his own, and he is now maintaining it with the military arm of the Republic. Thus Kansas ...now lies subjugated and prostrate at the foot of the President (who) is forcibly introducing and establishing Slavery there, in contempt and defiance of the organic law.

To support his illegal actions, the President has misconstrued the words of the Constitution to defend slavery, and has compounded the error by dismissing the 1820 Missouri Compromise -- and has now tried to silence the protest from the people of Kansas.

The President distorts the Constitution from its simple text, so as to make it expressly and directly defend, protect, and guaranty African Slavery...(and) to effect the abrogation of

the prohibition of Slavery in Kansas, contained in the act of Congress of 1820. It thus appears that the President of the United States holds the people of Kansas prostrate and enslaved at his feet.

In a dramatic flourish, Seward announces that his duty is to speak for the silenced people of Kansas in calling for the impeachment of Franklin Pierce, for behaviors akin to those of King George III.

Speechless here, as they yet are, I give utterance to their united voices, and, holding in my hand the arraignment of George III, by the Congress of 1776, I impeach— in the words of that immortal text — the President of the United States.

He then lists a lengthy bill of particulars on behalf of the people of Kansas. These include:

*Refusing to pass laws for the accommodation of the people...
Suspending our own Legislature, and declaring an usurping Legislature...
Keeping among us, in times of peace, standing armies, to compel our submission to a foreign Legislature...
Protecting invaders from punishment for any murders which they shall commit on the inhabitants...
Abolishing the free system of American law in this Territory...*

The refusal to admit Kansas traces to the South's efforts to try to impose its demands related to slavery on the rest of the nation. Despite its historical support from some compromised "Northern hands," the effort has failed for over fifty years, and the time has come to give it up.

The Congress of the United States can refuse admission to Kansas only on the ground that it will not relinquish the hope of carrying African Slavery into that new Territory. If you are prepared to assume that ground, why not do it manfully and consistently, and establish Slavery there by a direct and explicit act of Congress?

The slave States practically governed the Union directly for fifty years. They govern it now, only indirectly, through the agency of Northern hands, temporarily enlisted in their support You profess a desire to end this national debate about Slavery, which has become, for you, intolerable. Is it not time to relinquish that hope?

If the agitation over slavery persists, "the cloud of disunion" will follow, and it would be the Southern states that would prove disloyal.

The solemnity of the occasion draws over our heads that cloud of disunion, which always arises' whenever the subject of Slavery is agitated...The slave States...have been loyal hitherto, and I hope and trust they ever may remain so. But if disunion could ever come, it would come in the form of a secession of the slaveholding States.

The proper answer for Kansas lies in immediate admission under the Topeka Constitution, the only path consistent with the cause and values of the United States.

Let it never be forgotten, that the cause of the United States has always been (that) of Universal Freedom.

Seward's call for the impeachment of Pierce stuns the Senate and the nation.

Sidebar: Henry Seward And Stephen Douglas As Political Orators

Various observers of the exchanges between Seward and Douglas are struck by their very different oratorical styles.

Both men are short in stature, although Seward is characterized as diminutive, even frail, while Douglas is barrel-chested and brimming with physicality.

Seward's demeanor on the floor is seen as quiet and contemplative, as if in speaking he were holding an internal debate with himself on whatever subject is at hand. None of this will do for his harshest critics, one of whom watches his April 9, 1856 address and writes as follows:

Seward is not a born orator. His general appearance is that of a student. Nothing in his person or aspect give you the impression of mental or physical power. His is a passionless intellect...He may be great in his closet, but his name will never be a rallying cry for the masses.

On the other hand, there is Douglas. None other than the famous author Harriet Beecher Stowe happens to catch the "Little Giant" during one of the Kansas sessions, and records her thoughts on his oratorical powers.

Every inch of him has its own alertness and motion...(he has) the two requisites of a debater, a melodious voice and a clear, sharply defined enunciation...his forte is his power of mystifying the point....instead of being like an arrow sent at a mark, (his words) resemble rather a bomb which hits nothing in particular, but bursts and sends red-hot nails in every direction...(he is) a leader infinite in resources, artful, adroit, and wholly unscrupulous.