

Chapter 198 - Pierce Delivers His Message On “The Disturbances In Kansas”

Time: 1855 Forward

The Kansas Crisis Continues To Play Out

As the 1856 year begins, Franklin Pierce sees that the chance to be re-nominated at the Democrat’s June convention is being threatened by his inability to solve the crisis in Kansas.

Like Stephen Douglas, Pierce has gambled his political future on the success of the May 1854 Kansas-Nebraska Act to avoid a North-South schism over slavery.

The result in Kansas, however, has been chaos, with the theory of orderly “popular sovereignty” elections collapsing in practice.

First there are the Pro-Slavery Missourians, led by ex-Democratic Senator David Atchison, crossing the Kansas border, casting fraudulent votes, and setting up a “bogus legislature” to pass their own laws. Then the response from the Free Staters, passing their Topeka Constitution and electing their own legislature and state officials. Both sides are now well armed for open conflict and the “Wakarusa War” signals the likely violence to come.

Pierce’s choices for Territorial Governor have only exacerbated the problems. Andrew Reeder arrives with pro-slavery leanings and a cloud over his head for land speculation in Kansas. When he refuses to accept the results of the two stolen elections, Pierce fires him, after which he switches sides to become a noted Free State political figure. His successor, Wilson Shannon, another pro-slavery proponent is overmatched and will also gone in less than a year.

Additional alarms for the President include the Democrat’s loss of 75 seats in the House, the selection of a Know-Nothing Speaker in Nathaniel Banks, and the early signs of a new Republican Party apparently dedicated to opposing “popular sovereignty” with an outright ban on the expansion of slavery.

These events finally force Pierce to take a public stand on Kansas. He does so on January 24, 1856 in a lengthy message to Congress.

The Tangled Events In The Kansas Territory: 1854-56

Months	1854	1855	1856
January			Another election leaves Kansas with two competing governments
February			
March		Pro-slavery “Bogus Legislature” chosen in 2 nd fraudulent election	
April			
May	Anti-slavery emigres arrive from New England	Free State settlers at Lawrence begin to consider resistance	
June			
July	Platte County Self-Defense Group founded by Atchison	“Bogus legislature” passes pro-Slavery laws; Reeder criticizes their bills	
August		Pierce sacks Reeder and Free State Party founded	
September		Governor Shannon takes office	
October	First Governor Andrew Reeder arrives	Free State Party drafts their “Topeka Constitution”	
November	Border Ruffians steal first state election for Congress	Ruffians and Free Staters clash in “Wakarusa War”	
December		Topeka Constitution and Black Exclusion approved at polls	

Time: January 24, 1856

President Pierce Assails The Topeka Constitution And Calls For A New Convention



The White House

Pierce's message comes only nine days after Kansans have elected a second set of state officials who would serve under the Topeka Constitution.

His response comes in the form of a lengthy message to Congress about what he calls the "Disturbances In Kansas." It begins by acknowledging that the current situation must change to avoid "grave exigencies:"

Circumstances have occurred to disturb the course of governmental organization in the Territory of Kansas and...urgently to recommend the adoption by you of such measures of legislation as the grave exigencies of the case appear to require.

Plans to organize the territory were agreed to way back on May 30, 1854, but progress was delayed by two factors: "maladministration" and "unjustifiable interference" in the process.

The organization of Kansas was long delayed, and has been attended with serious difficulties and embarrassments, partly the consequence of local maladministration and partly of the unjustifiable interference of the inhabitants of some of the States, foreign by residence, interests, and rights to the Territory.

Here he blames Governor Reeder for failure to "exercise constant vigilance" and for "violating the law" himself by his land speculation activities.

The governor, instead of exercising constant vigilance and putting forth all his energies to prevent or counteract the tendencies to illegality...allowed his attention to be diverted from official obligations by other objects, and himself set an example of the violation of law...which rendered it my duty in the sequel to remove him from the office of chief executive magistrate of the Territory.

The “interference,” he says, traced to “pernicious agitation” by “excited individuals” in the east attempting to impose their “social theories” related to slavery. This “awakened emotions” in Missouri which, he admits, led to “illegal and reprehensible counter movements.”

This interference...was one of ...pernicious agitation on the subject of the condition of the colored persons held to service in some of the States...(by) excited individuals...in the attempt to propagate their social theories... (and) to prevent the free and natural action of its inhabitants in (Kansas's) internal organization...Those designs and acts had the necessary consequence to awaken emotions of intense indignation in States near to the Territory of Kansas, and especially in the adjoining State of Missouri, whose domestic peace was thus the most directly endangered; but they are far from justifying the illegal and reprehensible counter movements which ensued.

But the elections went ahead anyway, and, while flawed, the Governor officially certified the results, making them “completely legal.”

Under these inauspicious circumstances the primary elections for members of the legislative assembly were held... But the governor, in the exercise of the power and the discharge of the duty conferred and imposed by law on him alone, officially received and considered the returns, declared a large majority of the members of the council and the house of representatives "duly elected"...and thus...complete legality was given to the first legislative assembly of the Territory...Whatever irregularities may have occurred in the elections, it seems too late now to raise that question.... For all present purposes the legislative body (at Pawnee) thus constituted...the legitimate legislative assembly of the Territory.

At this point, according to Pierce, it was “too late” for opponents to write their own Topeka Constitution, elect their government, and request admission to the Union. These were all “revolutionary acts” and have no legal legitimacy.

Persons confessedly not constituting...all the inhabitants...and without law, have undertaken to summon a convention for the purpose of transforming the Territory into a State, and have framed a constitution, adopted it, and under it elected a governor and other officers and a Representative to Congress... The inflammatory agitation, of which the present is but a part, has for twenty years produced nothing save unmitigated evil, North and South....Our system affords no justification of revolutionary acts...(and) it is the duty of the people of Kansas to discountenance every act or purpose of resistance to its laws.

The existence of a separate government in Kansas is an “embarrassment,” and Pierce vows to use whatever means are necessary to put it down, hopefully “without the effusion of blood.”

It will be my imperative duty to exert the whole power of the Federal Executive to support public order in the Territory; to vindicate its laws, whether Federal or local, against all attempts of organized resistance, and so to protect its people in the establishment of their own institutions, undisturbed by encroachment from without, and in the full enjoyment of

the rights of self-government assured to them by the Constitution and the organic act of Congress.

Current Governor Shannon has the authority to resolve the matter, using force if need be.

The Constitution requiring him to take care that the laws of the United States be faithfully executed, if they be opposed in the Territory of Kansas he may, and should, place at the disposal of the marshal any public force of the United States which happens to be within the jurisdiction, to be used as a portion of the posse comitatus ; and if that do not suffice to maintain order, then he may call forth the militia of one or more States for that object, or employ for the same object any part of the land or naval force of the United States.

Pierce ends his message trying to walk a fine line between the Southern and Northern wings of his party. Those who favor slavery in Kansas are heartened by his outright dismissal of the Topeka Constitution; those who oppose it, hear a call for a new convention to start over, rather than acceptance of the fraudulent Pawnee legislature.

This, it seems to me, can best be accomplished by providing that when the inhabitants of Kansas may desire it and shall be of sufficient number to constitute a State, a convention of delegates, duly elected by the qualified voters, shall assemble to frame a constitution, and thus to prepare through regular and lawful means for its admission into the Union as a State.

I respectfully recommend the enactment of a law to that effect.