

## 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.

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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.

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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.

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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.

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**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.*

## Chapter 202 - The Nation Is Shocked By A Brutal Assault In The Senate On Charles Sumner

Time: 1811-1856

### Charles Sumner: Personal Profile



Charles Sumner (1811-1874)

While most members of Congress are content to delay action until the report from the “Kansas Investigation Committee” becomes available in June 1856, one Senator is dead set on provoking his “Slave Power” colleagues, particularly Stephen Douglas and a housemates of his in D.C., Andrew Butler of South Carolina.

That Senator is Charles Sumner of Massachusetts, and he is fully primed in advance to lay into all who would allow slavery to spread to the west. In a note to his abolitionist colleague, Governor Salmon Chase of Ohio, he anticipates the upcoming moment:

*I have the floor for next Monday on Kansas and I shall make the most thorough & complete speech of my life. My soul is rung by this outrage & I shall pour it forth.*

“Pouring forth” in superior fashion on his moral certainties is a trait Sumner perfects early on in his life.

He is born in Boston on January 6, 1811, to parents who work their way from scarcity into the middle class. His father becomes a Harvard-educated lawyer, and a man well known in the city for his “causes.” These consistently push the everyday norms, calling for abolition, racial integration of schools and even inter-racial marriage.

Sumner is the oldest of nine children and, as such, is evidently expected to set the standard for moral rectitude for his siblings. Along with this comes an air of superiority that distances him from his schoolmates, and that persists throughout his life. He responds by retreating into scholarship, intent on winning admiration through the power of his mind, if not a winning personality.

He graduates from Harvard College in 1830 and from its law school in 1834. Two men appear to have a special impact on shaping Sumner’s future. One is Associate Justice of the U.S. Supreme Court, Joseph Story, who teaches Sumner in the law school. The other is William Ellery Channing, who reinforces the Unitarian values he has learned while attending King’s Chapel with his parents.

A three-year tour of Europe opens Sumner's eyes to the broader world around him, draws him into literature and the arts, and leaves lasting impressions about the apparently easy assimilation of blacks in France. When he returns to the states in 1840, he is eager to begin his own career. It consists early on of a shaky law practice, lecturing at Harvard, and various editing endeavors. But Sumner is also gaining notice among Boston's cultural elite, including fellow lecturer and budding author, Henry Wadsworth Longfellow, Emerson, Hawthorne, and the abolitionists, poet James Russell Lowell and Wendell Phillips.

His future trajectory changes on July 4, 1845 in a lecture he delivers in Boston titled "The True Grandeur of Nations," which calls upon his audience to fulfill duties to current society consistent with those of the Founders.

*Honor to the memory of our Fathers ! May the turf lie gently on their sacred graves ! Not in words only, but in deeds also, let us testify our reverence for their name. Let us imitate what in them was lofty, pure, and good ; let us from them learn to bear hardship and privation. Let us, who now reap in strength what they sowed in weakness, study to enhance the inheritance we have received. To do this, we must not fold our hands in slumber, nor abide content with the Past. To each generation is committed its peculiar task ; nor does the heart, which responds to the call of duty, find respite except in the world to come.*

In this same speech, Sumner, a confirmed supporter of Henry Clay and the Whigs, criticizes the March 1845 Texas Annexation and warns against war with Mexico. Henceforth he is a public figure, a sought-after lecturer, and an agitator for reforming the Boston Prison System, making change to public schools proposed by his friend, Horace Mann, and totally abolishing slavery.

In 1846 when the Massachusetts' Whigs divide along "Cotton vs. Conscience" lines, Sumner's name is put forward to challenge his Harvard classmate and friend, Robert Winthrop, for a seat in congress, but he declines. He fears that even the anti-slavery politicians will fail to fight hard enough for the principle of Truth:

*Loyalty to principle is higher than loyalty to party. The first is a heavenly sentiment, from God, the other is a device of this world. Far above any flickering battle-lantern of Party is the everlasting sun of Truth.*

In 1848, Sumner helps Chase and others in founding the new Free Soil Party, an awkward coalition of those who wish to stop the expansion of slavery on moral grounds with those whose aims are self-serving on behalf of white settlers and white labor.

Although he has never run for public office, Sumner is chosen in 1850 by the Free Soilers to run for U.S. Senator against the Whig, Robert Winthrop. The state Senate gives him a needed majority of 23-14 on the first ballot, but the House takes 93 days and 26 ballots to finally go along with the choice. The opposition includes the "doughface," Caleb Cushing, who characterizes Sumner as...

*A one-idea abolition agitator ...a death stab to the honor and welfare of the Commonwealth...and a disaster to the Union*

Once in office, Sumner's sanctimonious lecturing and arrogant style become well known in congress, and are off-putting to many members across party lines. Abraham Lincoln's later capsulation seems to fit well:

*I never had much to do with bishops where I live, but, do you know, Sumner is my idea of a bishop.*

When he rises to address no one doubts his intentions to lay into the Slave Power and its accomplices for what he titles "The Crime In Kansas."

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Time: May 19-20, 1856

### **Charles Sumner Delivers His "Crime Against Kansas" Speech**

Sumner's May 19-20 address becomes famous not for the arguments he makes about Kansas, but rather for the fury of his personal attacks on fellow senators, and the retribution which follows.

The speech begins by calling upon President Pierce to redress the "crimes" to date in the territory.

*MR. PRESIDENT:-- You are now called to redress a great transgression...the crimes against Kansas...where the very shrines of popular institutions, have been desecrated; where the ballot box, has been plundered; and where the cry "I am an American citizen" has been interposed in vain against outrage of every kind, even upon life itself.*

This general indictment is followed, however, by a sustained ad hominin attack on the character of two senators present in the chamber, whom he calls out by name. They are Senators Andrew Butler of South Carolina and Stephen Douglas of Illinois, co-authors of the Kansas-Nebraska Act. Sumner mocks the pair as Don Quixote and Sancho Panza, two characters dedicated to defending the virtue of their beloved Princess Dulcinea in Cervantes' 17<sup>th</sup> century novel. In this case, Butler is cast as the Don, whose beloved is "the harlot, slavery," and who is surrounded by the "fanatics...who sell little children at the auction block."

*But, before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from senators who have raised themselves to eminence on this floor in championship of human wrongs. I mean the senator from South Carolina, Mr. BUTLER, and the senator from Illinois, Mr. DOUGLAS, who, though unlike as Don Quixote and Sancho Panza...have chosen a mistress to whom each has made his vows, and who, though ugly to others, is always lovely to them; though polluted in the sight of the world, is chaste in their sight -- I mean the harlot, slavery.*

*And if the slave States cannot enjoy what in mockery of the great fathers of the Republic, he misnames equality under the Constitution -- in other words, the full power in the national Territories to compel fellow men to unpaid toil, to separate husband and wife, and to sell little children at the auction block -- then, sir, the chivalric senator will conduct the State of South Carolina out of the Union! Heroic knight! A Second Moses come for a second exodus!*

*But not content with this poor menace, which we have been twice told was "measured," the senator, in the unrestrained chivalry of his nature, has undertaken to apply opprobrious words to those who differ from him on this floor. He calls them "sectional and fanatical."*

*For myself, I care little for names; but since the question has been raised here, I affirm that the Republican party of the Union is in no just sense sectional, but, more than any other party, national; and that it now goes forth to dislodge from the high places of the government the tyrannical sectionalism of which the senator from South Carolina is one of the maddest zealots. If the senator wishes to see fanatics, let him look around among his own associates; let him look at himself.*

Then there is Douglas, "the squire of slavery," a "madman" setting fire to the "temple of constitutional liberty."

*As the senator from South Carolina is the Don Quixote, the senator from Illinois, Mr. DOUGLAS, is the squire of slavery, its very Sancho Panza, ready to do all its humiliating offices. Standing on this floor, the senator issued his rescript, requiring submission to the usurped power of Kansas. He may convulse this country with civil feud. Like the ancient madman, he may set fire to this temple of constitutional liberty, but he cannot enforce obedience to that tyrannical usurpation.*

*The senator dreams that he can subdue the North. He disclaims the open threat, but his conduct still implies it. How little that senator knows himself, or the strength of the cause which he persecutes! He is but a mortal man; against him is an immortal principle. With finite power he wrestles with the infinite, and he must fall. Against him are stronger battalions than any marshaled by mortal man -- the inborn, ineradicable, invincible sentiments of the human heart; against him is nature in all her subtle forces; against him is God. Let him try to subdue these.*

Sumner finally turns his guns on the root cause of the turmoil in Kansas -- the 1854 Kansas-Nebraska Act, a "swindle" perpetrated under the guise of the "popular sovereignty" doctrine.

*After thirty- three years, this (1820) compromise -- in violation of every obligation of honor, compact, and good neighborhood -- itself a landmark of Freedom, was overturned, and the vast region now known as Kansas and Nebraska was opened to slavery, under the guise of popular sovereignty. Sir, the Nebraska bill was in every respect a swindle.*

*Here were smooth words -- to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way -- such as belong to a cunning tongue enlisted in a bad cause. By their effect, the congressional prohibition of slavery, which had always been regarded as a seven-fold shield, covering the whole Louisiana Territory north of 36 deg. 30', was now removed, while a principle was declared, which would render the supplementary prohibition of slavery in Minnesota, Oregon, and Washington, "inoperative and void," and thus open to slavery all these vast regions, now the rude cradles of mighty states.*

Once the Kansas-Nebraska Act was in place, southern forces, joined by President Pierce, "by whose complicity the prohibition of slavery had been overthrown," focused on making Kansas into a Slave State.

*The bare-faced scheme was soon whispered that Kansas must be slave State. Secret societies were organized in Missouri ostensibly to protect her institutions; It was confidently anticipated, that, by the activity of these societies, and the interest of slaveholders everywhere, with the advantage derived from the neighborhood of Missouri, and the influence of the Territorial government, slavery might be introduced into Kansas, quietly but surely.*

*But the conspiracy was unexpectedly balked. The debate, which convulsed Congress, had stirred the whole country. The populous North, stung by a sharp sense of outrage, and inspired by a noble cause, poured into the debatable land, and promised soon to establish a supremacy of numbers there, involving, of course, a just supremacy of freedom.*

When anti-slavery northerners flocked in to turn the popular sovereignty tide, the southern cabal launched the "crime against Kansas," led by Senator David Atchison of Missouri.

*Then was conceived the consummation of the crime against Kansas. What could not be accomplished peaceably was to be accomplished forcibly. In the foreground all will recognise a familiar character, in himself a connecting link between the President and the border ruffian -- who sat in the seat where once sat John Adams and Thomas Jefferson, David R. Atchison.*

*The violence, for some time threatened, broke forth on the 29th November, 1854, at the first election of a delegate to Congress, when companies from Missouri, amounting to upwards of one thousand, crossed into Kansas, and, with force and arms, proceeded to vote for Mr. Whitfield, the candidate of slavery. The election of a member of Congress recurred on the 2d October, 1855, and the same foreigners came from Missouri, and once more forcibly exercised the electoral franchise in Kansas. Five times and more have these invaders entered Kansas in armed array, and thus five several times and more have they trampled upon the organic law of the Territory.*

*Here is complete admission of the Usurpation, by the Intelligencer, a leading paper of St. Louis, Missouri, made in the ensuing summer: "Atchison and Stringfellow, with their Missouri followers, overwhelmed the settlers in Kansas, browbeat and bullied them, and*

*took the Government from their hands.” Sir, all this was done in the name of Popular Sovereignty.*

Sumner’s rhetoric reaches a low point when his fury gets out of hand after being interrupted thirty-five times by Senator Butler -- who suffers from a recent stroke causing a slurring of his words. This prompts Sumner to mock him for his “incoherent phrases and loose expectoration of speech.”

*With regret, I come again upon Mr. Butler, who overflowed with rage at the simple suggestion that Kansas had applied for admission as a State; and, with incoherent phrases discharged the loose expectoration of his speech, now upon her representative, and then upon her people.*

*And yet another, with all the prejudices of the senator from South Carolina, but without his generous impulses, who on account of his character and rancor deserves to be named. I mean the senator from Virginia, Mr. Mason, who, as author of the fugitive slave bill, has associated himself with a special act of humanity and tyranny.*

After almost three hours, Sumner closes, again railing against The Slave Power and calling for the admission of Kansas as a free state.

*Among these hostile senators, Kansas bravely stands forth. In calmly meeting and adopting a frame of Government, her people have with intuitive promptitude performed the duties of freemen; and when I consider the difficulties by which she was beset, I find dignity in her attitude.*

*In offering herself for admission into the Union as a FREE STATE, she presents a single issue for the people to decide.*

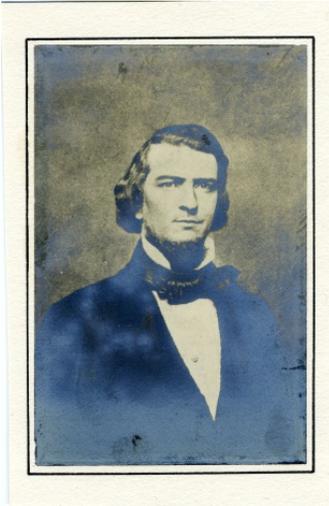
*And since the Slave Power now stakes on this issue all its ill-gotten supremacy, the People, while vindicating Kansas, will at the same time overthrow this Tyranny.*

Many in the audience are dismayed by the obvious breach of parliamentary courtesy displayed by Sumner. Among them is Stephen Douglas, who is reported to have said during the talk “this damn fool Sumner is going to get himself shot by some other damn fool.”

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Time: May 22, 1856:

### Congressman Preston Brooks Canes Sumner On The Senate Floor



Preston Brooks (1819-1857)

Two days after Sumner's speech, Douglas's comments prove prophetic.

Many southerners are outraged by the remarks, among them thirty-six year old Preston Brooks of South Carolina, currently serving a second term in the U.S. House.

Brooks' reputation as a hot-head is well established at the time. In November 1840 he engages in an ongoing quarrel with another Fire-Eater, Louis T. Wigfall. This begins with fisticuffs, extends to a gunfight which kills Thomas Bird, a friend of Brooks, and climaxes in a costly duel along the Savannah River. Wigfall takes a bullet in the thigh, while Brooks is shot in the hip, a wound which causes a life-long limp and a walking cane for support.

When Brooks learns of the attack on Andrew Butler, his second cousin, his immediate response is to challenge Charles Sumner to a duel -- but he is dissuaded by his South Carolina colleague, Congressman Laurence Keitt, who argues that only gentlemen fight duels, and Sumner is no gentleman.

So Preston settles on a public beating instead, to be administered with his walking stick, a stout gutta percha weapon crowned with a golden head.

On the afternoon of May 22, Brooks, Keitt and congressman Henry Edmundson enter a nearly empty Senate chamber and approach Sumner, who is sitting at his desk writing letters. Brooks informs him that his speech has libeled his kinsmen, Butler, and, as Sumner tries to rise, he begins to beat him violently with his cane.

*I...gave him about 30 first rate stripes. Toward the last he bellowed like a calf. I wore my cane out completely, but saved the head which is gold.*

At six foot four inches tall, the Senator finds his legs trapped under his desk, which is bolted to the floor. In a frenzy to escape, he rips the bolts out in rising, with his head bleeding profusely. With Brooks still flailing away, he finally reels convulsively up the aisle and into the arms of New York congressman Edward B. Morgan, who helps him to a chair, where he loses consciousness.

When the commotion draws others to the scene, Keitt brandishes a pistol to keep them from interfering.

Another New Yorker, Ambrose Murray, seizes Brooks's arm, and Senator John J. Crittenden shouts out "don't kill him." Robert Toombs appears and restrains Keitt from striking Crittenden. Douglas becomes aware of the turmoil, but decides to stay out of the middle.

As Brooks is led away, Sumner is slumped in another senate chair with his feet protruding into the center aisle. He gradually comes around, and a page brings him a glass of water, before he is helped to an anteroom, where a doctor is called to put stitches into his wounds. His shirt collar is soaked in blood, as is his suit jacket. When the work is completed, Senator Henry Wilson helps him to a carriage and takes him home to bed.

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Date: May – June 1856

### Reactions To Brooks' Assault Differ Sharply In The North Versus The South



William Cullen Bryant (1794-1878)

Word of Brooks' assault becomes national news overnight, and the coverage reflects the growing antagonism between the North and the South.

William Cullen Bryant, the editor of the *New York Evening Post*, characterizes Sumner as another martyr to the Slave Power:

*The South cannot tolerate free speech anywhere, and would stifle it in Washington with the bludgeon and the bowie-knife, as they are now trying to stifle it in Kansas by massacre, rapine, and murder. Are we too, slaves, slaves for life, a target for their brutal blows, when we do not comport ourselves to please them?*

Ralph Waldo Emerson writes:

*I do not see how a barbarous community and a civilized community can constitute one state. I think we must get rid of slavery, or we must get rid of freedom.*

Hundreds of letters are sent to Sumner, some expressing sympathy for his martyrdom, others expressing intense anger toward the South and vowing revenge. Public protest meetings take place across the North, including some 5,000 people who show up on May 24 for a rally at Faneuil Hall.

Brooks on the other hand is hailed as a hero across the South, for "lashing the Senate's vulgar abolitionists into submission." Scores of citizens respond by sending him "replacement canes" to continue his good work.

Nevertheless, he is arrested for assault, then quickly released on \$500 bail.

When it appears that no other action will be taken, Senator Seward asks that a committee be assembled to study the incident. Six days after the attack, on May 28, 1856, a brief report is issued. It reflects the lukewarm personal feelings toward Sumner among many of his fellow senators, and brushes off the incident saying it was:

*A breach of the privileges of the Senate...(but) can only be punished by the House of Representatives.*

In the House a separate group is formed, taking testimony from twenty-seven witnesses, including Sumner himself. It reports its findings on June 2, 1856, which include a call for Brooks to be expelled and both Keitt and Edmundson to be censured.

After bitter debate and threats of more duels, a vote will finally be taken on the recommendations on July 14, 1856. While members vote to expel Brooks by a margin of 121 to 95, this falls short of the two-thirds majority needed to act. The regional split is alarming, as every Southern representative votes against the measure. Meanwhile, Keitt is censured for his involvement and Edmundson is acquitted.

Brooks responds by resigning from the House after paying a \$300 fine. His constituents, however, refuse to accept his act, and immediately vote him back into office. He returns to the House, before dying suddenly in January 1857 after a bout of the croup.

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#### **Sidebar: Conflict Over The Extent Of Sumner's Injuries**

Subsequent to the caning attack, Charles Sumner will disappear from the Senate for well over three years, not returning to full-time duty until December, 1859.

The South pounces on his absence as a sign of his personal shame over the rhetoric in his speech, and of his moral cowardice for hiding from his critics. They claim that his wounds were exaggerated all along and that he intentionally blew them out of proportion to enhance his political standing in the North.

The truth seems to differ. Clearly Sumner is in terrible shape immediately after being assaulted. He has lost consciousness and the gashes to his head require stitches. He does appear to bounce back after the first few days, but then relapses, with his wounds emitting pus, a temperature over 100, a high pulse rate, and significant pain reported.

After two weeks his wounds are healing, but other symptoms appear. He has difficulty rising from a chair and needs a cane to steady his stride. Those who know him well say that his natural energy is depleted and that he is often prone for days on end. His secretary writes as follows:

*At times he feels as though the blows were raining upon his head again; then will feel a numbness in the scalp; then again acute pains; then a sense of exhaustion that presents any physical or mental effort.*

His doctor concludes:

*From the time of the assault to the present, Mr. Sumner has not been in a situation to expose himself to mental or bodily excitement without the risk of losing his life.*

After the passage of time, he is able to voyage to Europe in the Spring of 1857 and again in 1858, both trips drawing sneers from those who doubt the extent and duration of his injuries.

In the end, however, it seems apparent that the effects of the attack he suffered have had a lasting effect on his physical and psychic health. A modern prognosis would likely classify his long-term afflictions as post-traumatic stress syndrome.

## Chapter 203 - Open Warfare Breaks Out Across Kansas

Time: May 21, 1856

### Pro-Slavery Forces Sack The Town Of Lawrence

One day after Sumner delivers his “Crimes In Kansas” speech, another turning point occurs in the saga of the territory, this time in the Free State capital of Lawrence.

At the center of this incident is Samuel Jones, Sheriff of Douglas County. Jones is a Virginian by birth who emigrates to Westport, Missouri in 1854 at age thirty-five years to become postmaster. He favors opening up Kansas as a Slave State, and joins the Border Ruffians in stealing the congressional seat election on March 30, 1855. Along with Samuel Lecompte – President Pierce’s choice as Chief Justice of the territory’s Supreme Court -- Jones co-founds the town of Lecompton, and opens an initially prosperous lumber and saw milling operation there.

In September 1855, he is appointed Sheriff of Douglas County by the Pro-Slavery legislature. His domain includes Lawrence, where he is christened the “bogus Sheriff” by townspeople, who repeatedly threaten him, as in this message signed by the “Secret Twelve:”

*Sheriff Jones—You are notified that if you make one more arrest by the order of any magistrate appointed by the Kansas Bogus Legislature, that in so doing you will sign your own Death Warrant. Per order. SECRET TWELVE*

In turn a Free State posse abducts his prisoner on the way to jail, provoking the Wakarusa War incident in November 1855. In April 1856 he is twice pummeled by mobs and then suffers a gunshot wound in the back while trying to make arrests in Lawrence.

On May 15, 1856, tension rises when Free State Governor Charles Robinson is jailed in response to warrants issued by Judge Lecompte.

On May 21, Jones returns to Lawrence to make additional arrests, only this time he arrives on the scene with a force of 700 men, some Federal militia and others pro-slavery marauders itching for a battle. To signal their determination, they haul four cannon to the scene.

Confronted with this overwhelming firepower, the residents of Lawrence allow U.S. Deputy Marshal Fain to enter the town and carry out his duties peacefully. Having completed his assignment, the head of the Federal militia dismisses his men from duty – which leaves Sheriff Jones and the remaining pro-slavery gang in place.

This is their chance to wreak havoc on Lawrence and they take it. They sweep into town and turn their attention first to the offices of the two leading opposition newspapers, the *Herald of Freedom* and the *Kansas Free State*. Both are torn apart, with their presses and type dumped in the Kansas River.

The Free State Hotel, headquarters of the resistance movement, is next, with the four cannon lined up facing the building and ex-U.S. Senator David Atchison directing the fire. When the structure walls survive, kegs of powder are piled inside and the building is burned to the ground.

General looting follows along with the destruction of the home of Charles and Sarah Robinson. Robinson himself is already in jail, having been arrested on May 10 and charged with treason for his role as the Free Stater's chosen Governor of Kansas.

As the invaders depart, Sheriff Sam Jones is said to exclaim:

*This is the happiest day of my life, I assure you.*

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Time: May 24-25, 1856

### **John Brown Takes Revenge In His Potawatomie Massacre**



John Brown (1800-1859)

With the town of Lawrence still in a shambles from the Pro-Slavery assault, the Old Testament abolitionist, John Brown, responds with an eye for an eye.

Brown is fifty-six years old when he moves in October 1856 from his home in New Elba, New York to Potawatomie Creek, Kansas, to join several of his sons in the crusade against slavery. He regards this as his personal destiny, having “consecrated his life” to the cause back in 1837 in response to the murder of Elijah Lovejoy.

His business and family affairs are marked for years by grievous losses, but these only affirm his belief that the Lord has a great purpose still in store for him – namely to lead a black army crusade in the South to kill plantation owners and free the slaves. He will regard this as an act of “honorable violence.”

But first he is called upon to avenge the sack of Lawrence.

Along with four of his sons Brown sets out on the night of May 24, 1856 after two main targets – a member of the Pro-Slavery legislature named Allen Wilkinson, and another man, “Dutch Henry” Sherman.

In their search for Wilkinson, they arrive first at the home of one James Doyle, a pro-slavery man living in Potawatomie. His wife Mahala describes what happens next:

*About 11 o'clock at night, after we had all retired, my husband, James P. Doyle, myself, and our seven children (William 22, Drury 20, John 16, Polly Ann 13, James 10, Charles 8, Henry 5) when we heard some persons come into the yard*

*and rap at the door and call for Mr. Doyle, my husband. My husband got up and went to the door. Those outside inquired for Mr. Wilkson, and where he lived. My husband told them that he would tell them. (He) opened the door, and several came into the house, and said that they were from the army. My husband was a pro-slavery man. They told my husband that he and the boys must surrender, they were their prisoners. These men were armed with pistols and large knives. They first took my husband out of the house, then they took two of my sons-the two oldest ones, William and Drury-out, and then took my husband and these two boys, William and Drury, away. My son John was spared, because I asked them in tears to spare him. In a short time afterwards I heard the report of pistols. I heard two reports, after which I heard moaning, as if a person was dying; then I heard a wild whoop. They had asked before they went away for our horses. We told them that the horses-were out on the prairie. My husband and two boys, my sons, did not come back any more. I went out next morning in search of them, and found my husband and William, my son, lying dead in the road near together, about two hundred yards from the house. My other son I did not see any more until the day he was buried. I was so much overcome that I went to the house. They were buried the next day. On the day of the burying I saw the dead body of Drury.*

Mahala sixteen year old son, John, adds more gory details to the account:

*On Saturday night...a party of men came to our house; we had all retired; they roused us up, and told us that if we would surrender they would not hurt us. They said they were from the army; they were armed with pistols and knives; they took off my father and two of my brothers, William and Drury. We were all alarmed. They made inquiries about Mr. Wilkson, and about our horses. The next morning was Sunday, the 25th of May, 1856. I went in search of my father and two brothers. I found my father and one brother, William, lying dead in the road, about two hundred yards away. I saw my other brother lying dead on the ground, about one hundred and fifty yards from the house, in the grass, near a ravine; his fingers were cut off, and his arms were cut off; his head was cut open; there was a hole in his breast. William's head was cut open, and a hole was in his jaw, as though it was made by a knife, and a hole was also in his side. My father was shot in the forehead and stabbed in the breast. I have talked often with northern men and eastern men in the Territory, and these men talked exactly like (them)...An old man commanded the party; he was a dark complected, and his face was slim. We had lighted a candle, and about eight of them entered the house; there were some more outside. The complexion of most of those eight whom I saw in the house were of sandy complexion. My father and brothers were proslavery men, and belonged to the law and order party.*

James Doyle is shot to death and his two older sons, William and Drury have been hacked to death with broadswords by the time Brown and his men leave their farm. But that much bloodshed is not enough.

After killing the three Doyles, the search continues for Allen Wilkinson, a member of the pro-slavery "Bogus Legislature." Brown's band arrives at his home after midnight, and haul him out of bed. His wife, Louisa Jane, provides the rest of the story:

*I am the widow of the late Allen Wilkinson. We came to Kansas, from Tennessee, in October, 1854; went to our claim, on Pottowatomie creek, about the 12th day of November following. Said claim, where my husband lived at the time of his death, lies in Franklin county, Kansas Territory, about eight miles from Ossawatimie, and the same distance from the mouth of Pottowatomie creek.*

*On the 25th of May last, somewhere between the hours of midnight and daybreak, cannot say exactly at what hour, after all had retired to bed, we were disturbed by barking of the dog. I was sick with the measles, and woke up Mr. Wilkinson, and asked if he "heard the noise, and what it meant?" He said it was only some one passing about, and soon after was again asleep. It was not long before the dog raged and barked furiously, awakening me once more; pretty soon I heard footsteps as of men approaching; saw one pass by the window, and some one knocked at the door.*

*I asked, who is that? No one answered. I awoke my husband, who asked, who is that? Some one replied, I want you to tell me the way to Dutch Henry's. He commenced to tell them, and they said to him, "Come out and show us." He wanted to go, but I would not let him; he then told them it was difficult to find his clothes, and could tell them as well without going out of doors. The men out of doors, after that, stepped back, and I thought I could hear them whispering; but they immediately returned, and, as they approached, one of them asked of my husband, "Are you a northern armist?" He said, "I am." I understood the answer to mean that my husband was opposed to the northern or freesoil party. I cannot say that I understood the question.*

*My husband was a pro-slavery man, and was a member of the territorial legislature held at Shawnee Mission. When my husband said "I am," one of them said, "You are our prisoner. Do you surrender?" He said, "Gentlemen, I do." They said, open the door. Mr. Wilkinson told them to wait till he made a light; and they replied, if you don't open it, we will open it for you. He opened the door against my wishes, and four men came in, and my husband was told to put on his clothes, and they asked him if there were not more men about; they searched for arms, and took a gun and powder flask, all the weapon that was about the house.*

*I begged them to let Mr. Wilkinson stay with me, saying that I was sick and helpless, and could not stay by myself. My husband also asked them to let him stay with me until he could get some one to wait on me; told them that he would not run off, but would be there the next day, or whenever called for. The old man, who seemed to be in command, looked at me and then around at the children, and replied, "you have neighbors." I said, "so I have, but they are not here, and I cannot go for them" The old man replied, "it matters not," I told him to get ready. My husband wanted to put on his boots and get ready, so as to be protected from*

*the damp and night air, but they wouldn't let him. They then took my husband away.*

*One of them came back and took two saddles; I asked him what they were going to do with him, and he said, "take him a prisoner to the camp." I wanted one of them to stay with me. He said he would, but "they would not let him." After they were gone, I thought I heard my husband's voice, in complaint, but do not know; went to the door, and all was still.*

*Next morning Mr. Wilkinson was found about one hundred and fifty yards from the house, in some dead brush. A lady who saw my husband's body, said that there was a gash in his head and in his side; others said that he was cut in the throat twice. On the Wednesday following I left for fear of my life. I believe that they would have taken my life to prevent me from testifying against them for killing my husband. I believe that one of Captain Brown's sons was in the party, who murdered my husband; I heard a voice like his. I do not know Captain Brown himself. I have two small children, one about eight and the other about five years old. The body of my husband was laid in a new house; I did not see it. My friends would not let me see him for fear of making me worse. I was very ill.*

*The old man, who seemed to be commander, wore soiled clothes and a straw hat, pulled down over his face. He spoke quick, is a tall, narrow-faced, elderly man. I would recognize him if I could see him. My husband was a poor man. I am now on my way to Tennessee to see my father, William Ball, who lives in Haywood county. I am enabled to go by the kindness of friends in this part of Missouri. Some of the men who took my husband away that night were armed with pistols and knives. I do not recollect whether all I saw were armed. They asked Mr. W. if Mr. McMinn did not live near. My husband was a quiet man, and was not engaged in arresting or disturbing any body. He took no active part in the pro-slavery cause, so as to aggravate the abolitionists; but he was a pro-slavery man.*

Four are now dead, but the savagery continues into the morning of May 25.

Their attention now turns to "Dutch Henry" Sherman, and in searching for him, they arrive at the home of James Harris, who evidently lives nearby. Around 2AM on May 25, Harris is awakened by John Brown and his son, Owen, both of whom he recognizes. The Brown's ask Harris as to the whereabouts of "Dutch Henry" Sherman, and then interrogate three other men who are guests at the house. One of them happens to be William Sherman, Henry's brother, and that seals his fate.

James Harris provides the following testimony on the proceedings:

*I reside on Pottowatomie creek, near Henry Sherman's, in Kansas Territory. I went there to reside on the last day of March, 1856, and have resided there ever since. On last Sunday morning, about two o'clock, (the 25th of May last,) whilst my wife and child and myself were in bed in the house where we lived, we were aroused by a company of men who said they belonged to the northern army, and who were each armed with a sabre and*

*two revolvers, two of whom I recognized, namely, a Mr. Brown, whose given name I do not remember, commonly known by the appellation of "old man Brown," and his son, Owen Brown.*

*They came in the house and approached the bed side where we were lying, and ordered us, together with three other men who were in the same house with me, to surrender; that the northern army was upon us, and it would be no use for us to resist. The names of these other three men who were then in my house with me are, William Sherman, John S. Whiteman, the other man I did not know. They were stopping with me that night. They had bought a cow from Henry Sherman, and intended to go home the next morning.*

*When they came up to the bed, some had drawn sabres in their hands, and some revolvers. They then took into their possession two rifles and a Bowie knife, which I had there in the room-there was but one room in my house-and afterwards ransacked the whole establishment in search of ammunition. They then took one of these three men, who were staying in my house, out. (This was the man whose name I did not know.) He came back. They then took me out, and asked me if there were any more men about the place. I told them there were not. They searched the place but found none others but we four.*

*They asked me where Henry Sherman was. Henry Sherman was a brother to William Sherman. I told them that he was out on the plains in search of some cattle which he had lost. They asked if I had ever taken any hand in aiding pro-slavery men in coming to the Territory of Kansas, or had ever taken any hand in the last troubles at Lawrence, and asked me whether I had ever done the free State party any harm or ever intended to do that party any harm; they asked me what made me live at such a place. I then answered that I could get higher wages there than anywhere else. They asked me if there were any bridles or saddles about the premises. I told them there was one saddle, which they took, and they also took possession of Henry Sherman's horse, which I had at my place, and made me saddle him. They then said if I would answer no to all the questions which they had asked me, they would let loose.*

*Old Mr. Brown and his son then went into the house with me. The other three men, Mr. William Sherman, Mr. Whiteman, and the stranger were in the house all this time. After old man Brown and his son went into the house with me, old man Brown asked Mr. Sherman to go out with him, and Mr. Sherman then went out with old Mr. Brown, and another man came into the house in Brown's place. I heard nothing more for about fifteen minutes. Two of the northern army, as they styled themselves, stayed in with us until we heard a cap burst, and then these two men left.*

*That morning about ten o'clock I found William Sherman dead in the creek near my house. I was looking for Mr. Sherman, as he had not come back, I thought he had been murdered. I took Mr. William Sherman out of the creek and examined him. Mr. Whiteman was with me. Sherman's skull was split open in two places*

*and some of his brains was washed out by the water. A large hole was cut in his breast, and his left hand was cut off except a little piece of skin on one side. We buried him.*

As brutal as these attacks are, Brown is able to dismiss them as “righteous” in their intent. As he later says:

*It is better that a whole generation of men, women, and children should pass away by a violent death than that slavery should live on.*

Others are not so dismissive.

Up to the night of May 24-25, the actual death toll in Kansas has been minor. One man is killed during the Wakarusa War incident, and one dies in the raid on Lawrence, struck by a falling brick.

Thus the killing of Brown’s five victims, accompanied by the gruesome character of their wounds and a certain sense of randomness to their fate, seems different to those on both sides – almost a signal that prior restraints need no longer apply to future confrontations.

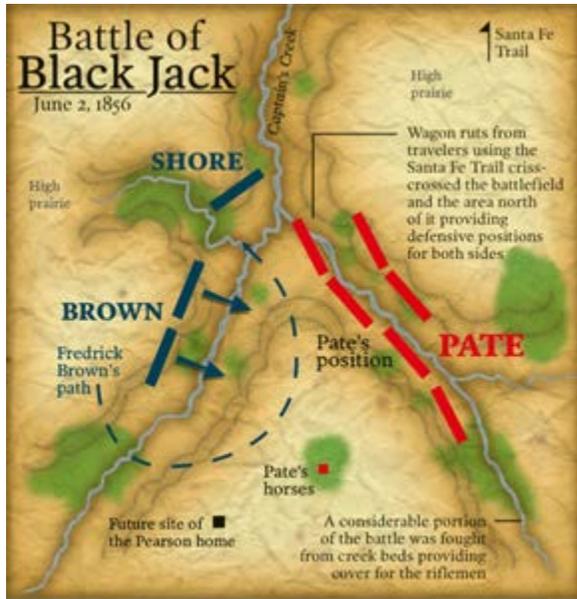
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**Time: June 2, 1856**

### **The Violence Continues At The Battle Of Black Jack**

The Potawatomie murders seem to reflect John Brown’s rage over the accumulated humiliations suffered by his anti-slavery camp. Lawrence is helpless against Sheriff Jones’ marauders on May 21; Sumner cannot defend himself against Brooks on May 22; Free State “Governor” Charles Robinson is arrested on May 24, while “Senator” Reeder flees for his own safety.

Brown calls Robinson “a perfect old woman” and the Topeka legislature “more talk than cider.” Potawatomie is his message that the weakness cannot go on:



Map of the Battle At Black Jack

*We must show by actual work that there are two sides to this thing and that they can not go on with this impunity,*

Robinson views the act differently, saying that the massacre will simply give Governor Shannon another excuse to call in more federal troops against the Free Staters – and indeed that is what he does.

But Brown is undeterred by the criticism, and organizes his Potawatomie Rifles Brigade to pursue the fight. His next target is U.S. Deputy Marshal H.C. Pate, who also serves in the territorial militia and who participated in the assault on Lawrence. In seeking to arrest Brown for his murders, Pate arrests two of his sons – John Jr. and Jason. Brown intends to free them.

On June 2, Pate and a band of some two dozen men are camped at Black Jack, twenty miles south of Lawrence, along Captain's Creek.

They are attacked there shortly before dawn by Brown and Captain Samuel Shore's brigade. A pitched battle ensues, lasting for upwards of three hours, It ends when Brown slips several men into Pate's rear, convincing him that reinforcements have appeared from Lawrence, and that he is surrounded. In response, he raises a white flag and surrenders along with twenty-three of his men. During the skirmish four of Brown's men are wounded in action.

Brown proceeds to draft a formal "Article of Agreement" which calls for an exchange of prisoners: Brown's two sons in return for Pate and his lieutenant, W. B. Brocket. Both sides sign and the battle is over.

Some historians will later refer to this engagement at Black Jack as the "opening battle in the Civil War."

For Governor Shannon it is one more signal that events are out of control in Kansas, and that he is out of answers on restoring order.

## Chapter 204 - The Political Parties Convene To Select Candidates For The 1856 Races

Time: February 22 – September 18, 1856

### Six Separate Political Conventions Are Held In 1856

Amidst the chaos in Kansas, a total of six political conventions are held to finalize platforms and select nominees for the upcoming 1856 presidential election.

Of the six, only the Democratic Party enjoys a sense of historical continuity. The other five involve parties that are either crumbling or in disarray or just beginning to form up.

#### National Political Conventions In 1856

Dates	Party	City
February 22-23	Republican “Pre-Meeting”	Pittsburg
February 22-25	American/Know Nothings	Philadelphia
June 2-6	Democrat	Cincinnati
June 12-15	“North American Seceders”	New York
June 17-19	Republican	Philadelphia
September 17-18	Whig	Baltimore

Three of the conventions occur between June 2 and June 19.

The June 2-6 meeting for the Democrats is their seventh quadrennial event in a row going back to 1832, when Andrew Jackson is nominated for a second term. Their only break with tradition is a move west to Cincinnati, after six prior events held in Baltimore.

Next come the so-called “North American Seceders” who gather in New York on June 12-15. The delegates here are the same ones who caused the fatal schism in the Know-Nothing Party by bolting its February convention.

On June 17-19, the fledgling Republican Party holds its first formal convention in Philadelphia, intent on finalizing its platform, opening its arms to as many new converts as possible, and settling on a credible standard bearer.

Finally, in September, a straggling band of Whigs who have yet to join either the Republicans or the Know Nothings, meet in Baltimore for what will be their last time.

What all six of these events share is an uncomfortable sense of flux and uncertainty that is also gripping the entire republic. Can the political parties hold together in the face of the Kansas-Nebraska Act; can the nation itself hold together? In their own ways, each of the political sessions is marked by divisiveness.

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Time: June 2-6, 1856

### **A Shaken Democratic Party Considers Three Presidential Contenders**

The mood of Democratic delegates on the opening day of their Cincinnati convention is a far cry from what was anticipated, given the collapse in 1852 of their longtime Whig rivals. Instead of unity and optimism, events during the Pierce presidency have bred disappointments and the specter of sectional division.

The turning point for the Democrats has been the negative response across the Northern states to the 1854 Kansas-Nebraska Act, which re-opens the possibility of extending slavery into all territories west of the Mississippi River.

While Stephen Douglas and a once reluctant Pierce regard the Act as a high-minded example of democracy in action – i.e. “let the people choose” – the majority of Northerners regard it as a betrayal of the 1820 Missouri Compromise and an outright surrender to the “Slave Power” in the South. This gives rise not only to the formation of a new opponent in the Republican Party, but also the defection of many previously stalwart Democrats, including men like Hannibal Hamlin, Ben Butler, and Montgomery Blair.

The political effects of the 1854 Act are already evident in the mid-term elections where Democrats surrender 75 seats in the House, and a Know-Nothing candidate, Nathaniel Banks, is chosen as its Speaker.

Even within the Southern wing of the party, there are reservations about Pierce’s record in office. Once again, all attempts to open new slave territories beyond America’s borders have failed. A filibustering initiative by William Walker in Lower California is rebuffed, and one more attempt to take over Cuba has ended in the humiliating rejection of the Ostend Manifesto.

On top of that, there is the alarming threat to the Union being played out in Kansas, with its fraudulent elections, two competing legislatures, inept governors and accelerating levels of violence – the Wakarusa incident, assaults on U.S. Marshals, the sack of Lawrence, John Brown’s reprisal murders at Potawatomie, and the Battle at Black Jack.

Despite this baggage, the fifty-two year old Franklin Pierce still hopes to be re-nominated, ignoring his prior pledge to depart after a single term. His reputation across the South remains largely positive, with one newspaper calling him “a lion in the pathway of fanatics” for his defense of slaveholder rights in Kansas. He enjoys pockets of strength in New England, including his home state of New Hampshire, along with Massachusetts, Rhode Island and Vermont. When he asks his cabinet in November 1855 if he should run again, all say yes. And so he runs again.

His two leading opponents have long shared an ambition to become president. One is the acknowledged leader of the Democratic caucus in Congress, Stephen Douglas, still relatively young at forty-three. The other is Pierce’s Minister to Great Britain, James Buchanan, age sixty-five, a public servant since 1821 and long “waiting his turn.” Both men have earned nomination votes at prior convention, in Buchanan’s case, as far back as 1844.

**Prior Votes For The Democratic Nomination**

	1844	1848	1852
Stephen Douglas	0	0	102
James Buchanan	26	55	92

Douglas, however, comes to the gathering with similar baggage as Pierce, having been lead author of the Kansas-Nebraska Act and it’s most visible and contentious defender in the face of criticism. Meanwhile, Buchanan has been in England for two years, sheltered from most of the controversy.

The convention itself opens on a note of conflict, when two competing delegations appear from New York, one if favor of Pierce, the other led by the ever obstinate Daniel Dickenson, backing Buchanan. Both groups are seated with each member awarded a half-vote, thus ending Pierce’s chances of winning the Empire state. Other strong figures also oppose his re-nomination, particularly Governor Henry Wise of Virginia and Senator Jesse Bright of Indiana.

No surprises materialize on the platform, which predictably reaffirms both the 1850 Compromise and the 1854 Kansas-Nebraska Act – the “only safe and sound solutions” on the issue of slavery.

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**Time: June 6, 1856**

**James Buchanan Emerges As The Democratic Nominee**



June 5 brings the first day of balloting for president. According to convention rules renewed in 1844, a nominee must receive two-thirds of all votes cast to secure a victory. In effect this rule insures that a Southern coalition, unified around shared aims on slavery, will be able to veto any candidate who opposes their wishes.

The initial vote shows a close race between Buchanan and Pierce, with neither man even able to muster a simple majority. At this point, Pierce leads “Buck” in the Slave States by 74-34, with Mississippi giving the remaining 9 Southern votes to Douglas, whose well concealed plantations are there.

James Buchanan (1791-1868)

Over half of Buchanan’s votes reside in just three states: Ohio, Indiana, and Pennsylvania. As expected, New York divides down the middle, with an 18-17 edge to Pierce.

Both men exhibit staying power until the sixth ballot, when Buchanan creeps up to the 155 level after Tennessee momentarily shifts his way from Pierce. The President’s slide continues on the seventh vote, as those opposed to Buchanan begin to test Douglas’s upside potential.

By the 16<sup>th</sup> round it’s clear that neither Douglas nor Pierce can overtake Buchanan.

After apparently receiving an assurance from “Buck” to endorse him in the 1860 contest, Douglas withdraws his name and the voting ends.

**Votes Cast For The Democratic Presidential Nomination In 1856**

Candidates	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	6 <sup>th</sup>	7 <sup>th</sup>	10 <sup>th</sup>	14 <sup>th</sup>	15 <sup>th</sup>	16 <sup>th</sup>	17 <sup>th</sup>
James Buchanan	135.5	139.0	139.5	155.0	143.5	147.5	152.5	168.5	168.0	296.0
Franklin Pierce	122.5	119.5	119.0	107.5	89.0	80.5	75.0	3.5	0	0
Stephen Douglas	33.0	31.5	32.0	28.0	58.0	62.5	63.0	118.5	122.0	0
Lewis Cass	5.0	6.0	5.5	5.5	5.5	5.5	5.5	4.5	6.0	0
Total	296.0	296.0	296.0	296.0	296.0	296.0	296.0	295.0	296.0	296.0
Needed To Win	197	197	197	197	197	197	197	197	197	197

The Vice-Presidential slot goes on the second ballot to 34 year old John C. Breckinridge, a Princeton graduate, veteran of the Mexican War, practicing attorney in his home state of Kentucky and a previous backer of Pierce for the presidency.

Pierce is disappointed by his rejection, but vows to support the ticket and predicts a Democrat win in the vote ahead. The *New York Times* pulls no punches in summing up his political journey as follows:

*He was taken up in the first place because he was unknown, and now he is spurned because he is known.*

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**Sidebar: Why The Democrats Nominate Northern “Doughfaces”**

James Buchanan follows Lewis Cass of Michigan and Franklin Pierce of New Hampshire as the third Democratic nominee in a row from the North who embraces political policies that tilt toward the South, thus the moniker, “Doughfaces.”

But why should the Democrats nominate these men for President in 1856 when only four of the nation's first fourteen elections have gone to Northerners (the two Adams, Van Buren and Harrison) – and two of the last three winners have come from the South (Polk and Taylor)?

And doubly so when several possible Southern Democrats look at least as credible as James Polk when he was nominated 1844 -- Democrats like Jefferson Davis, Lin Boyd, Wise, Houston, Johnson and Guthrie. (Other qualified Southerners also exist – Robert Toombs, John J. Crittenden, Alexander Stephens, John Bell and Howell Cobb -- but they are either Whigs or Democratic drop-outs.)

**Seemingly Qualified Southern Candidates For The Democratic Nomination: 1856**

Candidates	State	Age	Credentials
Jefferson Davis	Miss	48	Military, US House '45-46, Mexican War hero, US Senate '47-51, Secretary of War '53 to present
Lin Boyd	Ky	56	Farmer, US House '35-55, Speaker of House '51-55, key player in Compromise of 1850
Henry Wise	Va	50	Lawyer, US House '33-44 as Whig, Minister to Brazil '44-47, Democrat by '47, Virginia Gov '56
Sam Houston	Tex	63	War of 1812, lawyer, US House '23-27, Tenn Gov, Rep of Texas President, US Senator '46 to present
Herschel Johnson	Ga	54	Lawyer, US Senate '48-49, Governor of Georgia '53 to present
James Guthrie	Ky	64	Lawyer, state legislature, President U-Louisville, Secretary of Treasury '53 to present

Three factors explain the Democrat's "Northern Doughface" strategy.

The first is that nearly 60% of all the electoral votes continue to be concentrated in the Northern Free States.

**Distribution Of Total Electoral Votes For The Presidency**

	1832	1836	1840	1844	1848	1852	1856
Northern Free States	58%	57%	57%	58%	58%	59%	59%
Southern Slave States	42	43	43	42	42	41	41

Second is history, which shows that to win the election, a candidate must be able to secure over 55% of all the Northern electoral votes. Although both Polk and Taylor meet that threshold, Northerners like Harrison and Pierce enjoy much higher margins.

**Percent Of Electoral Votes By Region Enjoyed By Presidential Winners**

	1832	1836	1840	1844	1848	1852
Winner	Jackson	Van Buren	Harrison	Polk	Taylor	Pierce
Home State	Tenn	NY	Ohio	Tenn	La	NH

Party	Dem.	Dem.	Whig	Dem.	Whig	Dem.
All Electoral Votes	286	294	294	275	290	296
Northern Free States	165	168	168	161	169	176
Southern Slave States	121	126	126	114	121	120
Winner's Total E Votes	219	170	234	170	152	254
Northern Free States	132	99	156	103	97	158
Southern Slave States	87	71	78	67	55	96
% North E Votes Won	80%	59%	93%	62%	57%	90%
% South E Votes Won	72	56	62	59	45	80

Finally, and of the greatest importance to Democratic strategists in 1856, is the sense that Northern voters are turning against them on issues surrounding slavery – first the negative reactions to the 1850 Fugitive Slave Act, then to the 1854 Kansas-Nebraska Bill. The 75 seat loss in the House, overwhelmingly centered in the North, demonstrates this backlash.

Hence the Democrat's choice of a third consecutive Doughface in Buchanan.

Within the Cincinnati convention, Southern delegates, who retain veto power over the nominee by means of the 2/3rds rule, see him as sufficiently amenable on slavery-related issues. Beyond the convention, the hope is that his Pennsylvania background and his absence in Britain during the Kansas-Nebraska furor will prove acceptable to Northern voters in the Fall.

(The actual outcome will show that Buchanan goes on to win only because of his near total dominance in the South and the fact that the Northern vote gets split between his two opponents, Fremont and Fillmore. )

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**Time: June 12-15, 1856**

**Republican Party Maneuvers Begin Before They Open Their Convention**

As the Republicans prepare for their convention they attempt to influence the outcome of the convention held by the “Seceder delegates” who left the Know Nothing Party back in February.

They are Northerners, from New England across the Midwest, and are united in demanding a candidate who opposes not only Catholic immigrants but also the Kansas-Nebraska Act and the

possibility of slavery migrating to the west. This latter fact threatens to siphon off votes from whomever the Republicans choose.

To avoid this outcome, two men -- Thomas Spooner of Ohio and Ohio Governor, Salmon P. Chase – attempt to align the “Seceders” with the new Republican Party, as part of the “fusion strategy.”

But pulling this fusion off will be tricky since the Know Nothings are much more opposed to immigration and Catholics than are most Republicans.

To attract them without offending the other Republican factions, Chase explores a modified platform stance on immigration. Instead of the “Seceder’s” wish for a flat out ban on non-native born citizens holding political office, perhaps all immigrants should be required to renounce any foreign allegiances. Instead of requiring twenty-one years of residence before an immigrant can become a citizen, perhaps the prior five year delay might still suffice.

While Chase is formulating his strategies, so too are a wide range of other Republican operatives, most notably the New York kingmakers, Edward D. Morgan, first Party Chairman, Thurlow Weed, Isaac Sherman and Horace Greeley.

Their preferred candidate is John C. Fremont, the western “Pathfinder,” who they see as “less defined” or polarizing on slavery and immigration, and therefore most credible as a “fusion” alternative.

**Other Key Republican Party Strategists Hoping To Achieve Fusion With The “Seceders”**

	<b>State</b>	<b>Credentials</b>
Edwin D. Morgan	New York	First Chairman of the Republican National Committee, businessman, later NY Governor & Senator
Thurlow Weed	New York	Editor <i>Albany Evening Journal</i> , head of Whig machine in NY, Henry Seward’s sponsor, anti-slavery voice
Horace Greeley	New York	Editor, <i>New York Tribune</i> (highest US circulation), abolitionist, socialist, reform activist, influencer
Francis P Blair, Sr.	Washington DC	Jackson loyalist turned Republican, presides at early Pittsburg convention to form party, Fremont backer
Preston King	New York	Democrat turned Barnburner, Free Soiler and then Republican, strategist, later US Senator from NY
Isaac Sherman	New York	Lumber business, investor in Southern railroads, back-stage politician, Free Soiler, then Fremont supporter
Henry Wilson	Massachusetts	Humble shoemaker turned politician, US Senator as momentary Know-Nothing, abolitionist, party founder
Schuyler Colfax	Indiana	<i>South Bend Free Press</i> , Greeley friend, US House as Know Nothing, but anti-slavery & KN Act, founder

These men fear the “Seceders” will nominate Fremont, thus “branding” him as a Know Nothing among the Republican delegates at their convention.

To avoid this outcome, they go to work on several prominent “Seceders,” including the brash financier George Law, still angry over his loss of the party nomination to Millard Fillmore in February and influential Mayor Robert T. Conrad of Philadelphia.



Nathaniel Banks (1816-1894)

They also appeal to Nathaniel Banks himself to come on board as a Republican rather than a Know Nothing, and back Fremont.

It is Isaac Sherman who approaches Banks prior to the convention with a proposed “finesse” that would allow the “Seceders” to eventually back Fremont if they choose to, but without actually nominating him at their convention. In a letter, Sherman suggests an option whereby the popular Banks would win the nomination, but then decline it later on in favor of Fremont. With the implication that, in exchange, the Republican Vice-Presidential slot could go to a Know Nothing.

*Would it not be well to have the KN's nominate you on the 12<sup>th</sup> of June for President and some Whig like Gov. Johnson (sic) of Penn for Vice-President Johnston as VP. and then you decline the moment that the Republican Convention in Philadelphia has nominated Fremont. Could we not have an understanding of this kind which would virtually give the KN's the nomination of the Vice president?*

That manipulative scenario is what transpires in New York. Banks leads the balloting from start to finish, first surpassing Fremont, and then, later on, Judge John McLean, a conservative Whig from Ohio, currently serving on the U.S. Supreme Court.

#### Votes Cast At The Know Nothing Seceders' Convention In 1856

Candidates	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	5 <sup>th</sup>	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>
Nathaniel Banks	43	48	46	47	46	45	51	50	50	53
John C. Fremont	34	36	37	37	31	29	29	27	28	18
John McLean	19	10	2	29	33	40	41	40	34	24
Robert Stockton	14	20	18	0	0	0	0	0	0	0
William Johnston	6	1	15	0	0	0	0	0	0	0
Others	5	0	0	0	1	2	0	0	0	0
Total	121	115	118	113	111	116	121	117	112	95

Having won the votes, however, Banks, according to the plan, fails to accept the nomination on the spot.

Instead, he stalls until after the Republican Convention, and then throws his support behind Fremont, while encouraging the Know Nothing Seceders to follow suit.

Some will go along. Others will be offended by the backroom maneuvering and any loss of focus on the “America for Americans” theme.

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**Time: June 17, 1856**

**The Republicans Open Their First Formal Nominating Convention**

It is now the Republican’s turn to coalesce as a national party, and they do so at the Musical Fund Hall in Philadelphia June 17-19. Attendance tops two thousand with 567 official delegates and the rest there to observe and support their favorite candidates.

Since their February meeting in Pittsburgh, Republican headquarter operations have sprung up in states across the nation, headed by politicians of all stripes – ex-Whigs, transitional Know-Nothings and Free Soil Democrats.

**Some Statewide Leaders In The New Republican Party**

<b>States</b>	<b>Electoral</b>	<b>Early Converts</b>
New York	35 votes	George Morgan, Thurlow Weed, Henry Seward, Preston King, Greeley, etc.
Pennsylvania	27	Know Nothings Thad Stevens and Simon Cameron, Free Soiler David Wilmot
Ohio	23	Free Soilers Salmon Chase, Joshua Giddings, John McLean
Massachusetts	13	Know Nothings Nathaniel Banks and Henry Wilson
Indiana	13	KN Schuyler Colfax, anti-slavery Democrat Oliver Morton, Whig Henry Lane
Illinois	11	Anti-Douglas men: Lyman Trumbull, Orville Browning, Abraham Lincoln
Maine	8	Anti-slavery Democrat Hannibal Hamlin, Whig Israel Washburn
New Jersey	7	Ex-Whig William Dayton
Connecticut	6	Anti-slavery Democrat Gideon Welles
Michigan	6	Anti-slavery Whig Zachariah Chandler
New Hampshire	5	Oppositionist John Hale
Vermont	5	Ex-Whig Solomon Foot
California	4	John C. Fremont
Iowa	4	James Grimes

Among those who continue to pull the strings at the convention in search of “fusion” are six men in particular:

- Edwin D. Morgan, chair of the Republican national committee, who presides over the event;
- Thurlow Weed, the long-time leader of the New York Whigs, and political handler for Henry Seward;
- Nathaniel Banks, Speaker of the House and darling of the Know Nothing Party;
- Francis Blair Sr., symbol of the anti-slavery Free Soilers who have abandoned the Democrats; and
- Two prominent journalists, Horace Greeley (*The New York Tribune*) and John Bigelow (*New York Evening Post*.)

The first order of business lies in crafting a platform, and the result is one that is widely applauded by all opposed to the spread of slavery – either on moral grounds, racial antipathy toward blacks, or in defense of the “dignity of white labor” against the denigrating effects of more southern plantations.

The final document opens with praise for the Declaration of Independence, the US Constitution and the sacred Union, and trumpets Salmon Chase’s belief that the founding fathers intended for slavery to wither away rather than spread and prosper. It says that Congress retains “sovereign power” over the new territories and that it has:

*Both the right and the imperative duty...to prohibit in the territories those twin relics of barbarism – polygamy and slavery.*

Predictably it goes on to call for repeal of the Kansas-Nebraska Act, attacks the Pierce administration for a litany of failures that endanger the Union, and demands the immediate admission of Kansas as a Free State.

Beyond that, the platform goes out of its way to avoid divisive issues. No references are made to abolition, even in the District of Columbia. Gone too are traditional Whig vs. Democrat clashes over tariffs, the banking system and federal spending on infrastructure.

Also almost entirely glossed over are the Know Nothing’s issues around immigration and the “Catholic threat” -- with one exception – an oblique reference to protecting the “liberty of conscience,” thought to support the presence of the King James Bible in public school classrooms. While nativist concerns do draw some platform discussions, the feeling seems to be that if Know Nothing leaders like Banks, Wilson and Colfax support the Republican cause, their fellow lodge members will follow suit.

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Time: June 18, 1856

### **The Platform Crystallizes “The South” As The Threat To The Nation**

As the convention progresses it becomes clear that the Republicans no longer regard their opposition as the Democratic Party, but rather The South – and not simply its 330,000 or so slaveholders, but the section as a whole.

Thus the term “Slave Power,” previously the attack phrase of the abolitionist’s, is adopted by the convention as the nom de guerre of the true enemy – along with its Doughface lackeys like Pierce, Buchanan and Douglas.

This coalition, the Republicans argue, threatens the very foundational values which have made America great.

Instead of a culture where every white man enjoys a roughly equal shot at economic success and upward mobility, the South operates more like an aristocracy of planter princes living in luxury, surrounded by hardscrabble serfs struggling for economic survival.

Instead of rejecting human bondage as a violation of natural law, the South clings to its “peculiar institution” and the moral debasements which accompany it.

Instead of dignifying the value of free labor, Southern elites make a mockery of it in their reliance on slave labor.

So too with the democratic principle of “majority rules,” which the South tries to frustrate through the power of its monolithic voting block or through calls for “nullification.”

Then comes a resort to violence, as demonstrated recently in the Border Ruffians marauding in Kansas and the brutal caning of Charles Sumner on the floor of the Senate.

Finally, if it fails to get its way by other means, the South threatens to break its sacred contract with the other states and secede from the Union.

Nothing animates the convention delegates more than what they see as the Republican Party commitment to protect America’s core values against the threats posed by the Slave Power -- with their weapon of choice being a flat out denial of the South’s demand to take slavery into the west.

In one fell swoop the Republicans say this denial will signal the triumph of the common man over the Southern aristos, of free labor over slave labor, of majority rule over nullification, of good over evil. The cause is just; let right be done.

Once the moral case is established, the political question becomes how many other Northerners, especially Democrats, will step up in November 1856 to join the Republicans in resisting the Slave Power?

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**Time: June 19, 1856**

**The Republicans Choose John C. Fremont As Their Nominee**



John C. Fremont (1813-1890)

With the platform locked down and high levels of enthusiasm in the hall, the delegates turn their attention to selecting the party’s first nominee for president, a moment that will actually prove anti-climactic.

A total of five men have been under consideration by Republican leaders since the opening dinner at Francis Blair’s house back in December 1855.

**Five Potential Candidates For The Republican Nomination In 1855**

<b>Name</b>	<b>Age</b>	<b>State</b>	<b>Prior Party</b>	<b>Current Status</b>
Nathaniel Banks	40	Mass	Know Nothing	Speaker of the U.S. House of Representatives
Salmon Chase	48	Ohio	Free Soil	Governor of Ohio
John C. Fremont	43	Cal	Undeclared	Ex-Senator from California now living in NYC
John McLean	71	Ohio	Whig	Associate Justice of the U.S. Supreme Court
Henry Seward	55	NY	Whig	U.S. Senator from New York

Banks is considered too much of a Know Nothing and too little of a slavery opponent to qualify for the nomination. Besides, he has already declared in favor of Fremont.

Chase is associated with the hard core abolitionists, lacks personal magnetism, and arrives without the full support of his home state of Ohio, where many still back his Whig rival, John McLean.

Judge McLean retains some support at the convention among the conservative Whigs, but he is seventy-one and viewed by many as an “old fogie” rather than the fresh face needed by a brand new political party.

Then there is Henry Seward, regarded by many as the ideal choice, and reportedly receiving the loudest cheers of support within the hall. But he struggles mightily to decide whether or not to run after his long-term advisor, Thurlow Weed, assures him that the Republicans simply cannot win in 1856.

Weed’s math is compelling and will turn out to be correct. It begins with the assumption that the Anti-Slave Power party platform will cost the Republican all 120 electoral votes residing in the South – thus leaving only 176 in play, and a need to win 149 of them for victory.

Despite the troubling prospect of a third party of “hold-out Whigs,” Weed believes that the new party can carry New England, New York, Ohio and the Upper Midwest for a total of 114 electoral votes. But to achieve the 149 total needed to win, the Republicans must still get 35 of the 62 votes in the remaining “toss-up” states.

The biggest single barrier to this result is Pennsylvania, Buchanan’s home state and one where the Republican party infrastructure has been weak all along. Organizational problems also exist in New Jersey and California for sure, and to some extent in Illinois and Indiana. But even if the losses are confined to the 38 votes in Pennsylvania, New Jersey and California, Seward’s total would be 138, or 11 short of victory.

**Thurlow Weed’s Apparent Electoral Math**

	<b>Electoral Votes</b>
Grand Total	296
Needed To Win	149
Sure Losses – Slave States	120
Left In Play	176
Republican Strengths	114
New England	41
New York	35
Ohio	23
Upper Midwest	15
Toss Up States	62
Pennsylvania	27
Indiana	13
Illinois	11
New Jersey	7
California	4

Seward is not happy to hear the dire prognosis from Weed, but when it is also backed up by George Morgan, Horace Greeley and other political insiders, he decides to withdraw his name.

With Banks, Chase and Seward off the board, the spotlight shines on John C. Fremont. He grows up in South Carolina before joining the army and becoming famous for leading five trailblazing

expeditions out west, the most recent in 1854. His exploits make him a national hero, Colonel Fremont, the American “Pathfinder” and commander of the “Bear Flag Revolt,” followed later by a brief stint as U.S. Senator from California.

Fremont’s latest political convictions are largely unknown, even to his supporters. His wife Jesse is the daughter of the Democratic Senator from Missouri, Thomas Hart Benton, and it is the disillusioned Democrat Francis Blair Sr. who prompts him to run. His credentials on slavery are thin, although he will eventually claim that he left the Democrats over repeal of the Missouri Compromise, and will be endorsed by abolitionists like Benjamin Wade and John P. Hale. Also on board are Know Nothings, most notably Nathaniel Banks and Schuyler Colfax.

Thurlow Weed also arrives at Fremont, viewing him much as his former “national hero” picks who were elected during his Whig years, Generals Harrison and Taylor. Like others, Weed also thinks Fremont has the Republican’s best shot at carrying Pennsylvania.

When the call goes out for nominations, only two men are offered up to the delegates, Fremont and McLean – and just before the first ballots are cast, a false rumor is spread that the Ohio Judge is about to withdraw his name. This only makes the results even more overwhelming in favor of Fremont.

**First Ballot For President**

<b>Candidate</b>	<b>Total</b>
John C. Fremont	530
John McLean	37

A few are dismayed by the choice, among them Horace Greeley, who has been hot and cold toward Fremont all along. In the end he calls him:

*The merest baby in politics...not knowing the ABC's and attributing importance to the most ridiculously insignificant matters and regarding the most vital of no account.*

With Fremont chosen, what’s left for the convention is to pick a Vice-President. This sparks conflict between the Know Nothing contingent of “Seceders,” who feel they are “owed” the selection of Pennsylvania Governor William Johnston, and the Keystone state’s delegates, especially Wilmot and Stevens, who are violently opposed to him. When this split cannot be resolved, other options appear. One is Nathaniel Banks, but he is reluctant to resign as Speaker of the House to seek the office, and delegates are reluctant to have two ex-Democrats on their ticket.

Another possibility is Abraham Lincoln, who will be put forward for national office here for the first time.

Lincoln has officially declared himself a Republican in advance of the convention. Given his Whig history, he leans toward McLean for the top spot, while declaring that he will stump for whoever wins the nomination. He does not attend the convention, and it is the Illinois delegation that offers him up for Vice-President on behalf of the western states. Cleverly they persuade John

Allison of Pennsylvania to nominate him, as “the prince of good fellows and an Old-Line Whig.” Lyman Trumbull supports him as does an old state opponent, John C. Palmer, who says:

*We (in Illinois) can lick Buchanan any way, but I think we can do it a little easier if we had Lincoln on the ticket along with John C. Fremont.*

But the rally for Lincoln begins too late, as momentum builds behind William Dayton, ex-U.S. Senator from New Jersey, whose singular asset appears to be his potential to carry his home state. When the ballots are finally in, he joins Fremont on the ticket.

#### **Vice-Presidential Votes**

<b>Candidate</b>	<b>% Total</b>
William Dayton	65%
Abraham Lincoln	14
Nathaniel Banks	6
David Wilmot	5
Charles Sumner	4
All-Others	6

The next stop for the Republicans will be to begin campaigning versus the Slave Power, while waiting to see whether the “hold-out Whigs” will run a third candidate in the election.

Their alliterative campaign slogan becomes: “Free Soil, Free Men and Fremont.”

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Time: September 17-18, 1856

## The Pro-Union “Hold-Out Whigs” Back Millard Fillmore For President



Millard Fillmore (1800-1874)

Three months have passed since the Republican convention when the “Hold-Out Whig” delegates come to Baltimore on September 17-18, 1856 to select their presidential nominee. They are some 150 strong, and represent twenty-six of the nation’s thirty-one states, across the North and South.

The group includes many prominent national politicians who seek a stable, peaceful government capable of preserving the Union. On March 10 they have formally rejected an offer to merge into the Republican Party.

The delegates share a fear that the growing North-South divide over slavery will end with a break-up of the Union and possibly even a civil war. They also believe that the Republican’s open hostility toward the South as a whole (not just the 350,000 slave-holders) will exacerbate this threat.

Most of the “hold-outs” come from the conservative wing of the old Whig Party, and they often express Know Nothing Party concerns over the dangers of Catholic immigrants who may owe their primary allegiance to a foreign power.

Many are also Fillmore men, among them his Secretary of State, Edward Everett of Massachusetts, his Attorney General, John J. Crittenden of Kentucky, John Bell of Tennessee, who attends the event, and Sam Houston of Texas -- the latter two being the only two Southern senators voting against the 1854 Kansas-Nebraska Act.

The Party platform they settle on is one page long and consists of eight resolutions, focused on their concerns over preserving the Union.

*Resolved, That the Whigs of the United States are assembled here by reverence for the Constitution, and unalterable attachment to the National Union, and a fixed determination to do all in their power to preserve it for themselves and posterity*

*Resolved, That we regard with the deepest anxiety the present disordered condition of our national affairs. A portion of the country being ravaged by civil war and large sections of our population embittered by mutual recriminations, and we distinctly trace these calamities to the culpable neglect of duty by the present National Administration.*

*Resolved, That the Whigs of the United States have declared as a fundamental article of their political faith, the absolute necessity for avoiding geographical parties; that the danger so clearly discerned by the "Father of his Country," founded on geographical distinction, has now become fearfully apparent in the agitation convulsing the nation, which must be arrested at once if we would preserve our Constitutional Union from dismemberment,*

*Resolved, That the only remedy for an evil so appalling is to support the candidate pledged to neither geographical section nor arrayed in political antagonism, but holding both in just and equal regard; that we congratulate the friends of the Union that such a candidate exists in Millard Fillmore.*

*Resolved: That...we look to him... for his devotion to the Constitution in its true spirit, and his inflexibility in executing the laws; but, beyond all these attributes, of being representative of neither of the two sectional parties now struggling for political supremacy.*

*Resolved, That in the present exigency of political affairs, we...proclaim a conviction that the restoration of the Fillmore Presidency will furnish the best if not the only means of restoring peace.*

With the platform approved, it takes one ballot for the delegates to select ex-President Millard Fillmore to head their ticket, with Andrew Jackson Donelson in the second slot. Together they hope to present the nation with a middle way, a New Yorker and a Tennessee man, a Northerner and a Southern slave-holder, a synthesis of Whig, Democrat and Know Nothing.

Time will tell that the core sentiments expressed at this convention will live on right up to the opening salvos of war at Ft. Sumter in April 1861. They are the pleas of men who consider themselves patriots, sons of the founders, defenders of the Constitution, and heirs of Andrew Jackson's devotion to one nation indivisible:

*The Federal Union, It must be preserved.*

It is Sam Houston who best captures the essence of what these "Whig Holdouts" stands for vis a vis the other party options:

*The Whig party lives only in the memory of its great name...The Democracy has dwindled down to mere sectionalism...It has lost the principles of cohesion and boasts no longer a uniform policy...It too has shown a disposition to court an alien influence to sustain it, while it has declared and practiced relentless proscription against Native Born Americans citizens.*

*Of the Republicans I can only say that their platform and principles are sectional and I cannot conceive how any man loving this Union ...can support a ticket fraught with such disastrous consequences to the whole country.*

*A sense of duty... leads me to support... Fillmore and Donelson. They are good men, and I think the only men...who do most assuredly...claim the cordial support of...true hearted Americans, Democrats and Whigs. All faithful naturalized citizens, though of foreign birth, who cannot be controlled by any foreign influence, can come forward to their support as national men, capable and willing to support the Constitution and the Union.*

Thus Fillmore and Donelson run as native born “national men,” intent on rising above sectionalism and maintaining the Union.

## 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 says, 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.

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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.

## Chapter 206 - Pierce Sends Federal Troops To Disband The Topeka Legislature

Time: Summer 1856

### Colonel Edwin Sumner Commands The First U.S. Cavalry Regiment

One day after the Toombs Bill is stalled in Congress, the Pierce administration and Governor Wilson Shannon take another step toward trying to stamp out the Free State government in Topeka.



Edwin "Bull" Sumner (1797-1863)

A prior attempt to do so has led to the imprisonment on May 10, 1856, of Charles Robinson, the acting Free State Governor. He is currently in a jail in Leecompton, facing charges of treason, and fearing an imminent execution.

Since then, however, civil disorder has only accelerated with the sack of Lawrence on May 21 and John Brown's attacks at Pottawatomie on May 24 and at Black Jack on June 2.

The question of how best to restore order falls back on Shannon, along with President Pierce and his Secretary of War, Jefferson Davis. The Lawrence incident proves that the Kansas militia is more likely to exacerbate the conflict rather than resolve it. Hence Shannon pleads for more direct assistance from Federal troops under the command of Colonel Edwin "Bull" Sumner, whose headquarters are at Ft. Leavenworth.

Sumner is fifty-nine years old and a career army officer, having served in the Mexican War and several frontier campaigns against various tribes. Shannon requests his help with general policing activities, monitoring the roads and dispersing any suspect marauders. Sumner makes good progress on this, and before a scheduled reassignment, Shannon asks him on June 23 to tackle one final mission in the town of Topeka.

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Time: July 4, 1856

### Sumner Disbands The Topeka Legislature

The task involves a "Grand Mass Convention At Topeka" scheduled to coincide with the celebration of Independence Day and prepare for the next session of the Free State Legislature.

Shannon asks Sumner to "disperse" the attendees, "peacefully, if you can, forcibly if necessary" and cites for him the legal grounds for his request. In response Sumner assembles a force of five cavalry and two artillery units, and camps on the outskirts of Topeka on July 3 to confer with civilian authorities on a plan.

The celebrations are under way on the Fourth when Marshal Donelson and Judge Rush Elmore enter Constitution Hall to inform the assembled legislature that it is acting illegally and must disperse – either voluntarily or in response to Colonel Sumner’s federal troops. The stunned officials send Donelson on his way, and then agree not to resist the judge’s order.

When Sumner marches into Topeka, he deploys his forces and then handles the situation in a calm and reassuring fashion. He tells the crowd that his intent is neither to interfere with the Independence Day events nor to disarm the Topeka militia – rather to just prevent the legislature from convening. He is received into the hall itself and sits quietly until an attempt is made to call the meeting to order. At that point he rises and speaks out:

*Gentlemen, I am called upon this day to perform the most painful duty of my life. Under the authority of the President’s Proclamation I am here to disperse this Legislature and therefore inform you that you cannot meet. I therefore in accordance with my orders command you to disperse. God knows I have no party feeling and will hold none so long as I hold my present position in Kansas. I have just returned from the borders where I have been sending home companies of Missourians and now I am here to disperse you. Such are my orders that you must disperse. I now command you to disperse. I repeat that this is the most painful duty of my whole life. But you must disperse.*

He is asked by one of the thirty-five members present if “the bayonet” will be used should they resist, and when he answers in the affirmative, a call to adjourn empties the room.

Colonel Sumner has done his duty, and in a fashion that actually earns him “three cheers” as he leads his troops out of the town. The Free Staters are angered by the outcome, but their wrath is reserved for Shannon and Pierce, and not for Sumner.

## Chapter 207 - Pierce Fires Governor Shannon Amidst Further Battles In “Bloody Kansas”

Time: August 1856

### A Free State Offensive Targets Three Border Ruffian Forts

If anything, the move by Governor Shannon to shut down the Topeka legislature only intensifies the Free Stater’s commitment to using force to achieve their ends.



Map Showing Free State Towns Of Topeka And Lawrence And Pro-Slavery Centers at Lecompton And Shawnee Mission. Distance = 20 Miles From Topeka To Lecompton (For Perspective)

To do so, they must assemble enough firepower to confront the Border Ruffians militia, whose strength – 700 men on horseback, armed with rifles and several cannon -- is on display during the May 21 sack of Lawrence.

The task falls to two men: “General” James Henry Lane and “Captain” John Brown. Lane is well-trained in warfare, having fought under Zachary Taylor in the Mexican War, most notably at the Battle of Buena Vista. Brown is strictly an amateur, but one noted for his dogged determination and physical courage.

Like others who enlist, they will fight for very different reasons – Brown to abolish the sin of slavery, Lane to insure that the western lands will belong to white men, free from the threats posed by all blacks and southern planters.

By early August the Free State militia – known alternatively as “Jayhawkers” or “Lane’s Brigade” – is sufficiently organized to go on the offensive. Its focus will fall on three Ruffian strongholds, two south of Lawrence and one north, just below Lecompton.

#### Pro-Slavery Forts To Be Attacked

Targets	Location Relative To Lawrence
Ft. Franklin	4 miles south
Ft. Saunders	12 miles south
Ft. Titus	15 miles northwest

These “forts” are all modest affairs, no more than sizable storehouses, constructed of logs and guarded by sentries. Their purpose is to act as a meeting place for members of the Pro-Slavery Militia and an armory where weapons, currency and rations can be stored and accessed as needed.

The Jayhawkers hope to move swiftly against all three targets, with General Lane moving south from the Free State capital in Lawrence to capture Ft. Franklin and Ft. Saunders, and his second-in-command, “Captain” Samuel Walker, heading northwest against Ft. Titus, situated only one mile south of the Pro-Slavery town of Lecompton.

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Time: August 12, 1856

### General James Lane Wins A Victory At Ft. Franklin



James Henry Lane (1814-1866)

The town of Franklin dates to 1854, and becomes headquarters for Pro-Slavery Sheriff Samuel Jones, particularly hated for his role in the attack on Lawrence. A cannon stolen during that incursion – known as “Old Sacramento” – is stored in Franklins Fort, a blockhouse that serves as an armory.

One attempt by the Free Staters to retrieve the cannon is beaten back on June 4, but now General Lane, along with some 75 troops, returns for another try on August 12, 1856.

Ft. Franklin is defended by 20 men who are able to resist Lane’s assault for several hours, until darkness sets in.

But that ends when a wagon load of hay is set on fire at the fort’s entrance and sends the defenders scurrying for their lives. Lane is victorious and “Old Sacramento” is back in the Free-Stater’s hands, along with over 50 muskets and ammunition,

Casualties are modest, with each side losing one man killed and a handful wounded.

The few Ruffians able to escape make their way some eight miles further south to Ft. Saunders, with Lane giving chase.

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Time: August 15, 1856

### **Ft. Saunders Falls Without A Shot Fired**

Ft. Saunders is situated along Washington Creek and named after a villager who runs a corn crushing operation at the site.

Just prior to Lane's arrival, negotiations have been under way between a Pro-Slavery man, Colonel B.F. Treadwell, and a Free-Stater, Major D.S. Hoyt of Lawrence, regarding a possible cease fire.

But Treadwell is convinced that Hoyt is simply spying on the fort, and has him murdered on his way back to Lawrence. His body – reportedly mutilated – is found by Lane's men as they prepare to attack the fort.

The Pro-Slavery occupants of the fort are just about to enjoy a hot dinner when they learn of Lane's impending attack. Instead of trying to defend, they make their escape without firing a shot.

Lane responds by burning the fort to the ground.

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Time: August 16, 1856

### **The Free State Forces Also Prevail At Ft. Titus**

While Lane has been marauding south of Lawrence, his main force, purportedly 400 men strong, has traveled northwest from the capital toward Lecompton, a principal population center for the Missouri Ruffian settlers.

Leading this effort is Lane's second-in-command, Colonel Samuel Walker, a cabinet-maker by trade who joins the Free State militia after moving to Kansas in 1855.

Walker's objective is Ft. Titus, another of the log blockhouses used by the Ruffians to meet and to store weapons and supplies. Its proximity to Lecompton makes it much more important than either of the more southern forts, and its treasure includes over 400 muskets and \$10,000 in gold bullion.

The "fort" is the residence of the thirty-three year old "Colonel" Henry Titus, a colorful figure, formerly enrolled at West Point and then a member of Narciso Lopez's failed filibustering attempt to conquer Cuba in 1850. He becomes a sawmill operator in Florida, before moving to Kansas in April 1856, joining the Pro-Slavery militia, and participating in the sack of Lawrence.

On August 16, 1856, Titus encounters an advance unit of Walker's men heading toward the fort and engages them, losing one man killed in action. Clearly facing a much larger enemy force, Titus falls back to the fort for shelter, along with roughly twenty defenders.

A first uncoordinated attempt to rush the fort is repelled, with four Jayhawkers wounded and a Captain Shombre killed. Firing continues for about a half hour until Walker brings up the "Old Sacramento" cannon just recaptured at Ft. Franklin and aims it at the entrance to the fort. After seven cannon rounds are fired, a white flag is flown signaling surrender.

Colonel Titus suffers two wounds in the battle, while also losing two men killed and one other injured. The Free State losses include one death and six others who are wounded.

Walker's effort pays off with the treasure of weapons and gold, along with 17 prisoners. He then burns Ft. Titus and prepares to head north toward Lecompton.

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Time: August 21, 1856

### **Governor Shannon Is Removed After Yet Another Attempt At A Truce**



John Sedgwick (1813-1864 KIA)

With Lane's Brigade near the outskirts of Lecompton, Governor Shannon appears in Lawrence in a last ditch effort to forestall the threat to the Pro-Slavery populace.

As a powerful bargaining chip he brings with him Major John Sedgwick, twice breveted for heroic cavalry duty during the Mexican War and now a symbol of federal intervention in the Kansas conflicts.

The result is a flimsy truce agreement involving an exchange of prisoners captured by both sides in the recent battles, and an acknowledgment that the "Old Sacramento" cannon rightfully belongs to the Free Staters.

But Shannon's tenure in Kansas is up. His life is threatened by both sides, and President Pierce finally recognizes that he is the wrong man for the job. On August 21 notification arrives of his removal from office. His subsequent comments sum up his frustrations over the eleven months he has served:

*Govern Kansas in 1855 and '56! You might as well attempt to govern the devil in hell.*

With Shannon out of the picture, the role of Acting Governor returns to David Woodson for the fourth time. He is a Pro-Slavery man who has previously signed bills passed by the Bogus

Legislature, and now he sees another chance to help the cause. He does so on August 25 by declaring that Kansas is in a “state of insurrection” and calling out the militia to restore order.

The Pro-Slavery newspaper, *Squatter Sovereign*, characterizes Woodson’s proclamation as an invitation to the Border Ruffians to invade Kansas for the “third and last time:”

*A crisis has arrived in the affairs of Kansas, and another week will tell a tale that will have an important bearing on the future fate of Kansas. It behooves every citizen to shoulder arms without any further delay... We have been slow to believe that anything like serious fighting would occur; but we are now fully convinced that a deadly struggle must ensue, and one or more hard battles transpire, before the abolitionists can be subdued. . . . Already the smouldering ruins of numerous dwellings, and the reeking blood of many a victim, cries aloud for vengeance.*

*The cry is heard and will be answered with tenfold retaliation. If there is one breast still unpenetrated by this call, we urge that it instantly become alive to the importance of the emergency. The want of a few men may turn the fortunes of war against us. Then let every man who can bear arms "be off to the wars again." Let this be the "third and last time." Let the watchword be "extermination, total and complete."*

#### **Key Events In Kansas During Wilson Shannon’s Term As Governor**

<b>1855</b>	<b>Milestone</b>
August 14-15	Free State Party founded at Big Springs convention
August 17	Governor Reeder removed from office
September 7	Wilson Shannon becomes Governor
November 11	Free State Party completes work on Topeka Constitution
November 21-27	Wakarusa War signal threat of violence to come
December 15	Voting passes Topeka Constitution and Black Exclusion clause
1856	
January 15	Free-Staters elect their own Governor and Legislature
January 24	Pierce declares the Topeka government invalid and revolutionary
March 4	James Lane in DC to request admission under Topeka documents
March 12	Douglas attacks Topeka and calls for starting over on “popsov”
March 17	Douglas proposes bill outlining a proper process to admit Kansas
March 19	Cong sets up “Kansas Investigation Committee”
April 9	Seward attacks Pierce; offers Topeka; SD balks; Lane challenges
April 18	Three man ”Kansas Investigation Committee” arrives in Kans
April 19	Sheriff Samuel Jones shot in back in Lawrence, badly wounded
May 5	Judge Samuel Lecompte’s arrest warrants for Reeder & Robinson
May 18-19	Sumner speech: “The Crime Against Kansas”
May 21	Pro-Slavers sack town of Lawrence
May 22	Sumner caned in Senate by Preston Brooks
May 24	Charles Robinson captured in Missouri and jailed in Lecompton
May 24-25	John Brown’s massacre at Potawatomie
June 2-6	Democratic Convention chooses Buchanan

June 4	Battle of Black Jack
June 15	Northern Know-Nothings choose Banks, then Fremont
June 17-19	Republicans Choose Fremont
June 23	Toombs Bill is proposed in the Senate
June 30	House vote on statehood under Topeka Con – loses 106-105
July 1	Kansas Investigation Committee report read into the record
July 3	Senate passes Toombs Bill 33-12; House rejects it and votes 99-97 to admit Kansas; stalemate follows
July 4	Col. Edwin Sumner disbands Topeka (Free-State) legislature
August 15	Fort Saunders captured by Lane and Free-State men
August 16	Fort Titus burned by Lane and Free-State men
August 18	Congress recesses without any action on Kansas Gov. Shannon removed from office.
August 25	Acting Gov. Woodson declares Kansas Territory in open rebellion
August 30	Pro-Slavers defeat Brown at Battle of Osawatomie
September 9	John Geary begins his term as Governor

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Time: August 26, 1856

### **The Pro-Slavery Militia Destroy The Town Of Osawatomie**

The next blow in the cycle of violence is struck by the Pro-Slavery militia at the town of Osawatomie.

Osawatomie is settled in 1854 by members of the New England Emigrant Society. Among its residents are a couple living one mile to the west, the Reverend Samuel Adair and his wife, Florella, who is a half-sister of John Brown. Adair serves as pastor to the town's congregation, while Brown uses their house as a base for his paramilitary activities.

Along with Lawrence and Topeka, Osawatomie becomes a primary target for the Border Ruffians, who assemble a 1200 man force under the command of ex-Missouri Senator David Atchison and John Reid, a native of Virginia who served as a captain during the Mexican War.

A lead contingent, some 150 strong, approach Osawatomie around noon on August 26, where they are met by a Free State band numbering over one hundred. This results in a brief firefight, with the intruders fleeing and eleven prisoners captured in the skirmish.

But three days hence, the Ruffians are back, this time coming from the south with 300 men, and the knowledge that Brown's troops are up north conducting raids. On the morning of August 30, Brown's twenty-nine year old son, Frederick, has just left the Adair house when he encounters an enemy party led by an itinerant Baptist preacher, Reverend Martin Smith. Within seconds Smith shoots Frederick in the chest, killing him instantly. He will be the first of three Brown children to die as part of their father's crusade.

Samuel Adair hears the killshot, discovers the body some 200 yards from his front door, and sends a rider off east to warn the citizens of Osawatomie and to locate John Brown.

Brown and a small band of some thirty fighters race back toward town and set up a defense to the west along the south bank of the Marais des Cygnes (“Marsh of the Swans”) River. They hold this position until John Reid brings up a cannon and fires grapeshot into their midst. Panic ensues, and the Free-Staters are forced to cross the river to save their lives.

Jason Brown wades across to safety along with his father, seen holding revolvers in both hands above his head, while his linen duster floats along in the water. A George Partridge is killed while swimming and six other men are taken prisoner.

Instead of chasing Brown, the Pro-Slavery troops head east into Osawatomie and wreak havoc there. All but three structures, those containing women and children, are destroyed. A Theron Parker is beaten to death, and a Charles Keisler is tried for treason and executed on the spot. After the marauders leave, John Brown returns. Looking at the ruins, he tells son Jason:

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

The Battle at Osawatomie will prove to be the last pitched conflict of the Kansas War before secession, owing to the firm hand of the next Governor, Colonel John Geary.

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Time: Fall 1856

### **John Brown Flees Kansas To Pursue His Insurrectionist Plan**

After the defeat at Osawatomie, John 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).*

By the Fall of 1856, Brown is now famous and notorious nationwide for his exploits in Kansas.

He has become “Osawatomie Brown” and “Captain Brown,” ready to pursue all forms of violence to rid Kansas and the nation of slavery.

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

His acts have made him a hunted man 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 plan to invade Virginia.

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**Sidebar: Recorded Battles In Kansas During 1856**

Little reliable data exists on the casualties suffered in “Bloody Kansas” during the summer of 1856. A 1995 paper by Dale E. Watts identifies a total of 56 individuals by name who are killed, often in small raids. In most of the larger encounters, one side or the other has overwhelming strength of numbers, and the opponents flee or surrender. The chart below attempts to sum up what can be gleaned from various sources.

**Significant Engagements in Bloody Kansas During The Summer Of 1856**

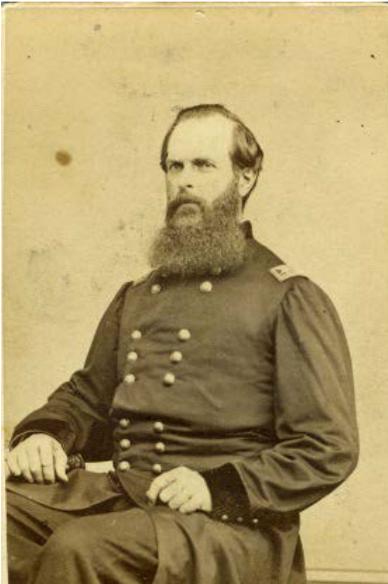
Battles	Date	Free Staters	Pro-Slavers	Outcome
Lawrence	May 21	Defenseless	Marshal Sam Jones (700) David Atchison	Sack of Lawrence 1 K
Potawatomie	May 24-5	Cpt. John Brown (7) 4 of his sons	Defenseless	5 P-S men massacred
Black Jack	June 4	Cpt. John Brown (30) Cpt. Samuel Shore	Marshal H.C. Pate (30)	Pate surrenders 28 men captured
Ft. Franklin	August 12	Genl. James Lane (75)	Captain Ruckles (20)	2 K, 14 PS capture
Ft. Saunders	August 15	Genl. James Lane (75)	Col. WB Treadwell	PS men flee
Ft. Titus	August 16	Col. Sam Walker (400) Cpt. Shombre	Col. Henry Titus (25) Cpt William Donalson	3 K, 6 W 17 PS capture
Osawatomie	August 26	Cpt. John Brown (40) Frederick Brown	Col. John W. Reid (300) Rev. Martin White	5-10 K

## Chapter 208 - Governor John Geary Quells The Open Warfare In Kansas

Time: September 9, 1856

### Pierce Selects Colonel John Geary As The Third Territorial Governor In Kansas

As word of the latest bloodshed in Kansas fills the press, a desperate Franklin Pierce turns to a proven combat veteran in Colonel John Geary as the third Territorial Governor in Kansas.



John White Geary (1819-1873)

Geary takes over from Acting Governor Woodson on September 9, 1856, making his first public appearance at LeCompton on the tenth.

By happenstance, his arrival corresponds with the release of Charles Robinson, the Free State Governor, from the city jail. Robinson has been imprisoned there since May 24 on charges of treason, but is freed in a deal worked out between congressional Republicans and President Pierce.

Geary himself is an imposing figure, standing six foot six, weighing 260 lbs. and exhibiting confidence in his own capacity to command, with good cause.

He is a Pennsylvanian by birth, a college graduate in civil engineering and law, and a member of the state militia in 1846 when the Mexican War breaks out. Commissioned a Lt. Colonel

in the 2<sup>nd</sup> Infantry regiment, he is with General Winfield Scott when U.S. troops attack Mexico City. On September 13, 1847 Geary achieves lasting fame by leading a successful assault on the Belen Gate at Chapultepec Castle, while suffering five wounds in action.

Geary moves west after the war and enters politics in California, becoming the first mayor of San Francisco during the turbulent gold rush frenzy. He turns down an offer as Governor of the Utah Territory, but agrees to go to Kansas in support of the Democratic Party and the election of his fellow Pennsylvanian, James Buchanan.

He is committed to the principle of “popular sovereignty” and to insuring that it is executed in a legal and even-handed fashion. He announces this is his first address to the welcoming crowd in LeCompton on September 10:

*Men of the North – men of the South – of the East and the West, in Kansas, you, and you alone, have the remedy in your own hands. Will you not suspend fratricidal strife? Will you not cease to regard each other as enemies, and look upon one another as the children of a common mother, and come and reason together?*

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Time: Fall 1856

## **Geary Cracks Down On Violators On Both Sides**

Behind Geary's conciliatory words lie an iron fist.

Unlike his political predecessors, he is a military man and, if needed, intends to use force to restore law and order in the territory. He disbands the overtly Pro-Slavery Kansas militia and gains support from General Persifor Smith, commander of federal troops at Ft. Leavenworth. He also contacts Mexican War General Sterling Price, sitting Governor of Missouri, who agrees to keep the Border Ruffians in check.

His first challenges come quickly.

On September 14, a six hour skirmish matches Lane's Brigade against a band of Atchison's Kickapoo Rangers. The following day Geary becomes personally engaged when he rides toward Lawrence accompanied by federal troops and encounters a Pro-Slavery force preparing to once again assault the town. Geary backs them down immediately, saying they would first have to fight his army.

The prospect of facing U.S. troops led by Colonel John Geary sends both sides back to seeking victories on the political front.

With the Topeka legislature disbanded by Colonel Sumner on July 4, 1856, the "official" state government resides at Lecompton in the hands of Pro-Slavery men, who will soon discard their "Law and Order" label and associate themselves with the national Democratic Party.

On October 6, 1856 they oversee another vote to elect state officers, which is boycotted by the Free Staters – who, in turn, reconstitute their Topeka legislature on January 7, 1857.

Consistent with his pledge to be "politically impartial," Geary irritates the Pro-Slavery side by vetoing legislation he finds improper. He also refuses 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 turn he is shot and killed in the room by a Geary representative who happens to be at the meeting.

On the other hand, Free-Staters are inclined to also distrust Geary, believing that his support for the Democrats and Doughface Buchanan signals his underlying pro-slavery intentions. This is likely a misperception, since he does befriend Charles Robinson and tends to criticize the Lecompton tactics in his reports to Pierce.

Geary is clearly the right man for the job in Kansas, if only he can tolerate the incompetence he finds with the politicians in Washington.

## Chapter 209 - James Buchanan Becomes America's Fifteenth President

Time: 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 falderal, 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.

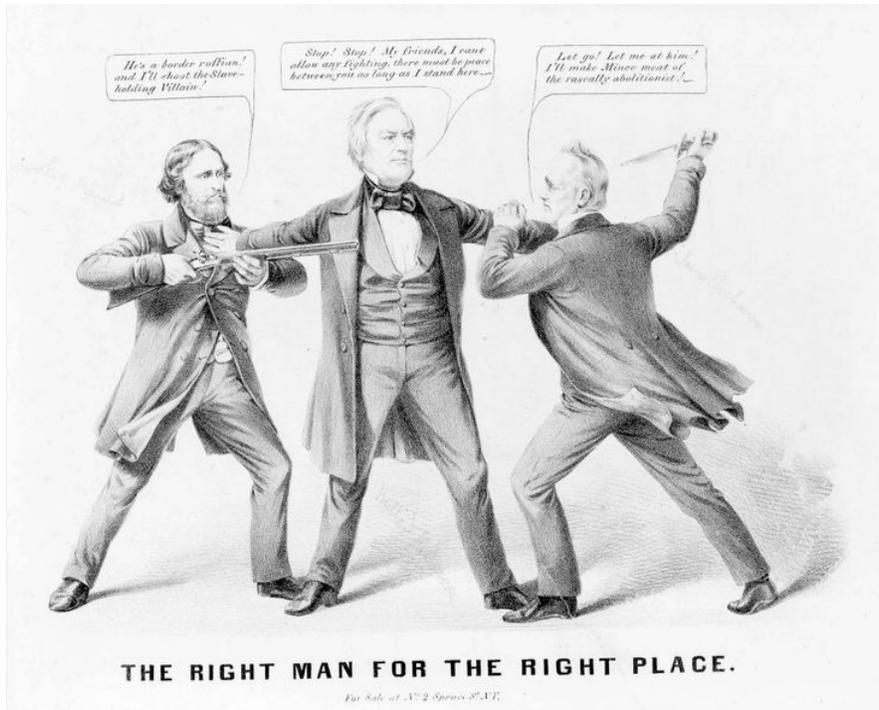
But perhaps the Democrat's most compelling argument lies in warning that a Republican victory will cause the South to secede and put an end to the sacred Union.

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 their own 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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Time: 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**

<b>Party</b>	<b># Seats</b>	<b>Gain/Loss</b>
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**

<b>Southeast</b>	<b>Tot Seats</b>	<b>Democrats</b>	<b>Republicans</b>	<b>Know Nothing</b>
Virginia		13 (+1)		0 (-1)
North Carolina		7 (+2)		1 (-2)
Georgia		6		2
South Carolina		6		
Total		32		3
<b>Border</b>				
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
<b>Southwest</b>				
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 210 - John Brown Advances His Plan To Lead A Slave Rebellion In Virginia

Time: October 1856

### Brown Heads East To Find His Supporters

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.

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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Time: January 1857

### He Connects With His “Secret Six” Sponsors



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 given his prior time spent in North Elba, New York and his connections with the abolitionist Gerrit Smith, 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.

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Time: January 1857

### **Brown Hires A Military Trainer Before Returning To Iowa**

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 Brow. 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 211 - James Buchanan's Term

Time: 1791-1868

### James Buchanan: Personal Profile



James Buchanan, Jr. 1791-1868

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.

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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Time: 1840’s Forward

### **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 man 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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**Time: March 1857**

### **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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Time: March 4, 1857

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



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.

Copy Of A Photo Showing Buchanan's Swearing In Ceremony

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 to explain his inaction -- saying that the Constitution neither permits a state from exiting the Union nor provides for moves 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

1857	
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 14	Japanese delegation arrive in DC to present Treaty of Peace and Amity to Buchanan
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 212 - The *Dred Scott* Decision Further Divides The Nation

Time: February 1856

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



An Unidentified Black Man

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.

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 Buren	25-5	Democrat	1841-60	Princeton
<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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Time: February to December 1856

### Oral Arguments In The Case Are Presented Twice



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

*Dred Scott v Sandford* (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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**Time: 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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Time: 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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Time:1857 Forward

### **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**

Segments	Some Leaders
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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Time: 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 213 - Governor Geary Resigns And Robert Walker Is Sent To Kansas

Time: March 12, 1857

### John Geary's Resignation Is A Blow To Stability In Kansas



A Typical Kansas Militiaman

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."

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**

1856	Milestone
<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.

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Time: 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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Time: 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.

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**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**

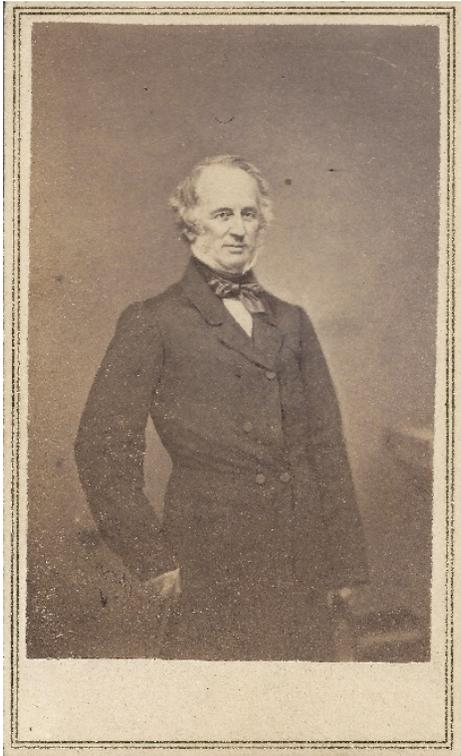
<b>Appointed</b>	<b>From:</b>	<b>To:</b>
Andrew Reeder	July 7, 1854 June 23, 1855	April 17, 1855 August 16, 1855
Wilson Shannon	September 7, 1855 July 7, 1856	June 24, 1856 August 18, 1856
John Geary	September 9, 1856	March 12, 1857
Robert Walker	May 27, 1857	December 15, 1857
James Denver	December 21, 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 214 - William Walker's Filibuster Of Nicaragua Collapses

Time: 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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Time: 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 Rica 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**

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*

Hiram Paulding (1797-1878)

*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 215 - Buchanan Moves To “Clean Up Utah”

Time: 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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Time: 1823 Forward

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



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

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.”

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 find 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 into the Fall of the year, when the roughly 2,000 remaining stragglers finally surrender the town.

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Time: July 24, 1847 – March 1857

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



Brigham Young (1801-1877)

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:

*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.



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 The 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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Time: 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 to 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 216 - The “Panic Of 1857” Rocks The Economy

Time: 1850-1855

### 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

GDP	1856	1857	1858
Total (\$000)	4047	4180	4093
% Change	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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Time: 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 1857" 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

Year	# of Banks	Loans (\$MM)	% Ch
1847	715	\$310.3	(1%)
1848	751	344.5	11
1849	782	332.3	(4%)
1850	824	364.2	10
1851	879	413.8	14
1852	913	429.8	4
1853	750	408.9	(5)
1854	1208	557.4	36
1855	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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Time: 1857-58

## The Effects Of The Panic Linger For Two Years



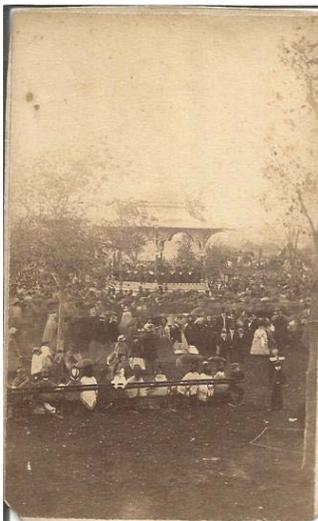
Fernando Wood (1812-1881)

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.

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.



New York’s Central Park

*(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.

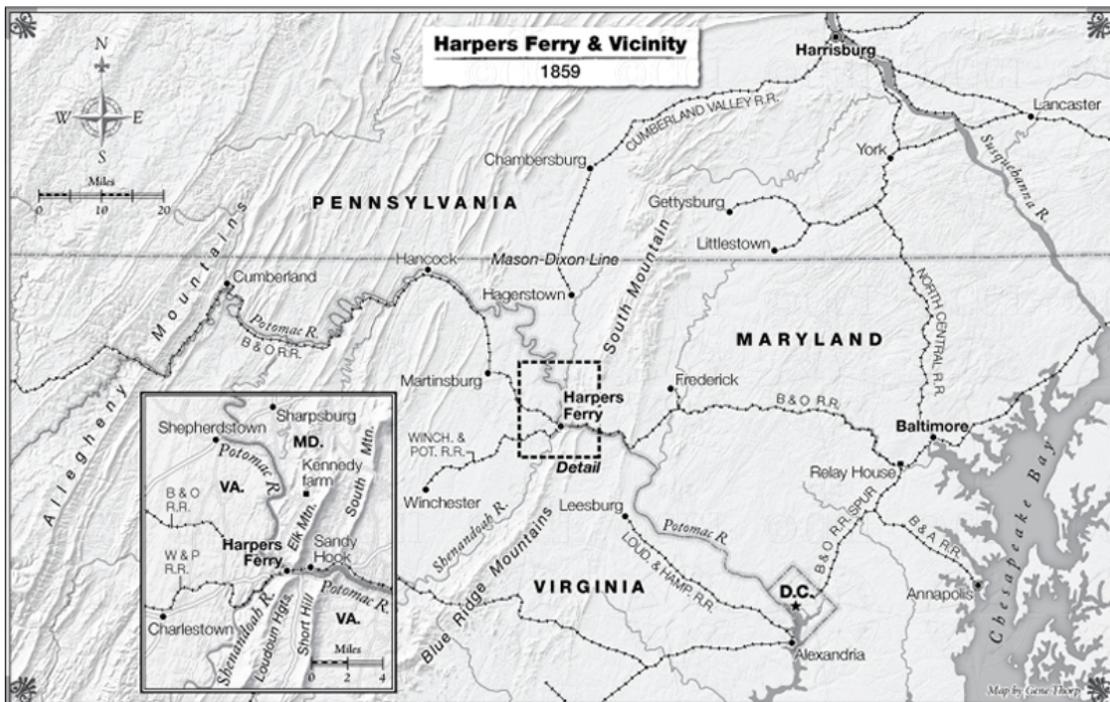
**Economic Trends: Buchanan's Term**

	<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 217 - John Brown Recruits His First Ten Troops For His Virginia Raid

Time: Summer 1857

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



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

Just as the bloodshed in Kansas is 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 Gerrit 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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Time: November – December 1857

### **Ten Volunteers Head Out To Ohio For Military Training**

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.



The Mayhew Cabin Where John Kagi Lived

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 218 - The “Mountain Meadow Massacre” Further Inflames Anti-Mormon Sentiment

Time: 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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Time: September 7, 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.

Map Showing Massacre Site At Mountain Meadow, Utah

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

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 219 - The Free State Party Wins Official Control Over The Kansas Legislature

Time: Fall 1857

### Another Legislature Election Approaches In Kansas

By the Summer of 1857, James Buchanan is already finding that his first year in office is not proceeding as 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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Time: October 5, 1857

## **Governor Walker Voids A Fraudulent Vote And Declares The Free Start Party The Winner**

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.

A Kansas Couple, From Manhattanville

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-Slavers 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 Party – Original</b>	<b>Free Party – 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 220 - The Pro-Slavery Lecompton Constitution Is Written And Governor Walker Is Sacked

Time: November 7, 1857

### The Constitution Sanctions Slavery Regardless Of Any Popsov Vote



A Typical Sod House On The Kansas Frontier

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.

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.

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Time: December 15, 1857

### **Pierce Fires Walker Who Does Not Go Quietly**

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, fall on deaf ears for a President more than ever committed to discrediting the Free-State movement and supporting the legitimacy of the Lecompton Constitution and process.

Buchanan tells Walker that his actions have “let him down,” and demands his resignation, effective December 15, 1857.

Walker, whose reputation in DC is impeccable, is shocked by the accusation and is not 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.

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Time: May 27 to December 15

<b>Sidebar: Events In Kansas During Governor Walker's Tenure</b>	
<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 221 - Douglas Thwarts Buchanan's Attempt To Push Lecompton Through Congress

Time: 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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Time: 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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Time: 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 becomes 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 222 - Kansas Voters Reject The Pro-Slavery Lecompton Constitution But Buchanan Still Tries To Save It

Time: December 21, 1857 – January 4, 1858

### A Fair Election Dooms 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.

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Time: February 1858

### **A Stubborn Buchanan Refuses To Accept The Kansas Vote Against Slavery**



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.

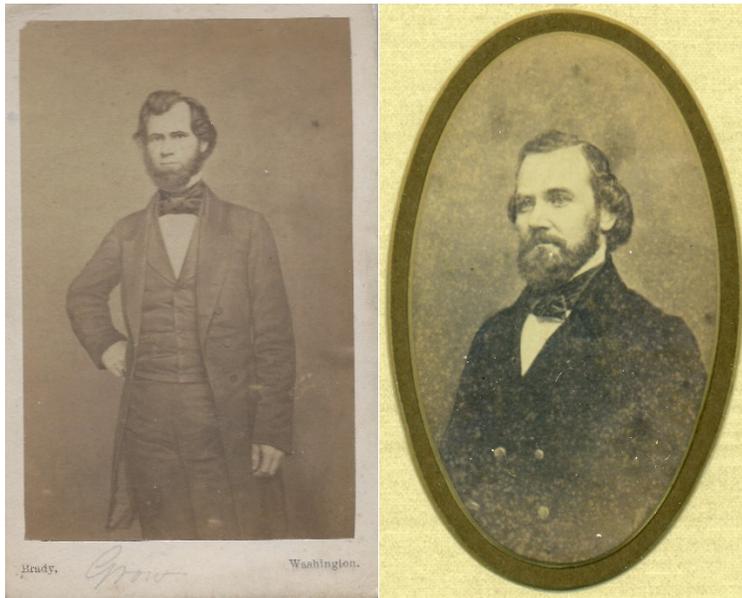
In the evening of February 4, opponents of Lecompton attempt to sneak through a proposal to arm the committee with broad investigative powers, likely to re-visit the fraudulent elections in the Territory.

But Buchanan's floor manager, Alexander Stephens, spots the move, and scurries around the capitol to round up enough Southerners to block it.

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Time: 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.

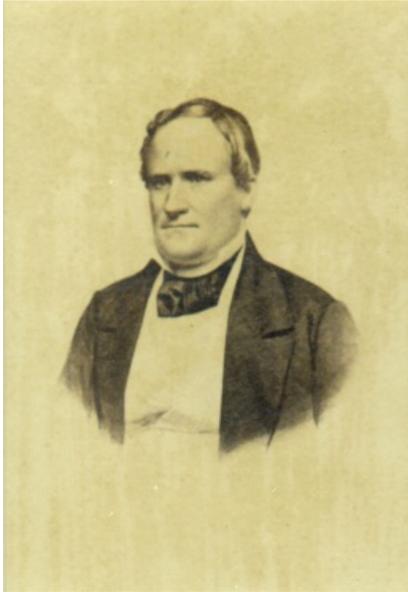
This prompts a shout from Lawrence Keitt, a participant in the earlier caning of Charles Sumner, demanding that Grow return to his side of the chamber. When Grow brushes him off declaring “it’s a free hall,” Keitt rushes to the front of the chamber and grabs him by the throat. Their verbal exchange is 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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Time: March 5, 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 say 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.

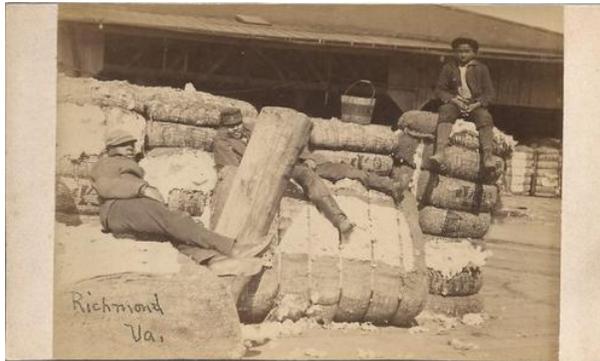
The leading Southern politicians quickly line up behind this narrative, including Alexander Stephens, James Mason, Robert Toombs, John Slidell and Sam Houston.

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 223 - James Henry Hammond Tells The North That “Cotton Is King”

Time: March 4, 1858

### Senator Hammond Hails Southern Superiority



Bales of Cotton at Market in Richmond

On March 4, 1858 Fire-eater Senator James Henry Hammond responds to attacks levelled by Henry Seward of New York, in what becomes known as his “Cotton Is King” address. He begins by asserting that the Pro-Slavery Kansas Constitution authors acted legally, and Congress has no right to question its sovereignty, as expressed in its final document. 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 South's 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 also 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 be foolish enough to make war on the South – because its “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 hiring 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 slaves 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.*

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Time: 1840-1850s

### 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 224 - The South's Economic Future Hinges On The Expansion Of Slavery

Time: 1810 Forward

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

In declaring that "Cotton Is King," James Hammond reveals both the towering strength and vulnerability of the South's economy.

The situation in 1858 traces all the way back to Thomas Jefferson and his fellow planters who rejected Hamilton's call for industrialization and committed the South to an agricultural destiny.

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.

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	Lbs (MM)	Cents/Lb	Value (MM)	% Growth
1830	306.8	9.68	\$29.7	(4%)
1835	420.4	15.91	66.6	124
1840	586.7	9.00	52.6	(21)
1845	731.9	7.95	56.9	8%
1850	933.5	10.49	95.7	61
1855	1173.7	10.27	120.5	26
1860	1712.0	7.30	121.8	1

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 \$122 million, 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 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 Stifle This 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 will soon say, 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, a minority doing so on the basis of morality, the rest holding racist views of all blacks and hoping to “cleanse” them from the west along with the competition from the aristocratic plantation owners.

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 across the entire 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 Southerners 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 and 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 insure the ongoing elections of presidents like the two "doughface" sympathizers, Pierce and Buchanan.

Likewise the balance of power in the Senate has disappeared by the time Hammond speaks, with California giving the Free States a 16-15 margin, and with two more of the same – Minnesota and Oregon – next on the horizon.

So 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%
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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**

<b>Dimensions</b>	<b>South</b>	<b>North</b>
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 a direct existential threat to the Southern economy, and one for which it has no viable response.

Furthermore, one outspoken critic – a young North Carolina man named Hinton Rowan Helper – fires back with an open attack on elite planters and politicians who have benefited from slavery at the expense of their “poor white trash” kinsmen.

## Chapter 225 - A Southerner Attacks Slavery On Behalf Of “Plain White Folks”

Time: 1857

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

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. Pitiable, 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
	# Years 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

14 Agricultural Products	Free States	Slave States	Ratio F/S
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.

Hinton Helper himself momentarily becomes a well-known public figure, applauded up North but vilified back in his homeland.

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 226 - The Public Views Buchanan's Pardon Of "The Treasonous" Mormons One More Feeble Capitulation

Time: February 1858

### A U.S. Emissary Is Greeted Peacefully By Brigham Young



Albert Sidney Johnston (1803-1862)

Amidst the turmoil in Kansas, Buchanan's March 1857 promise to "clean up Utah" limps along.

In November, Colonel Johnston and his 1,500 U.S. troopers finally meet up with Governor Cummings and Captain Van Vliet 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 phonies 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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Time: 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 violations, 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**

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.

## Chapter 227 - The “English Bill” Tries To Save The Lecompton Constitution

Time: April 21, 1858

### Congressman William English’s Offers His Kansas Ploy

The fireworks in Congress on admitting Kansas as a Slave State under the Lecompton Constitution continues through February and March 1859, and into April.

Southerners are unable to secure enough House votes to approve the measure; Republicans lack enough to block it for good.

Those caught in the middle are Northern Democrats seeking a way to honor their commitment to popular sovereignty to resolve the slavery issue without appearing to undermine Buchanan.



*William H. English.*  
Dem. Candidate for Vice President 1856.

William English (1822-1896)

A possible way out finally emerges from discussions between congressmen William English of Indiana and Alexander Stephens of Georgia. It becomes known as the “English Bill,” featuring a plausible reason to re-submit the Lecompton Constitution to the voters in Kansas, together with a threat tailored to gain its passage.

The “need to re-submit” relates to an “exorbitant land grant request” in the prior admission document – with Kansas seeking 24 million acres from the public domain versus the 4 million acres typically offered.

Rejecting the 24 million acre land grant provides a plausible reason to hold a popsov vote to see if Kansans are still willing to file for admission under the lesser grant of 4 million acres.

Then comes the threat which might just enable a positive outcome for the Lecompton Constitution: if they reject the document as submitted, Congress promises to delay a vote on their admission until after an official Census puts their population above the designated threshold of 93,000 people.

The English Bill reaches the floor on April 21, 1859.

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**Time: April 30, 1859**

### **Weary Congressmen Pass The English Bill**

While Republicans predictably oppose the English Bill, they are joined by Buchanan's Democratic foe, Stephen Douglas, who views the entire maneuver as corrupting the true spirit of a fair popular vote.

But other Northern Democrats like English line up behind the Southern members to support its passage.

On April 30, 1859 they succeed with wins in both chambers.

#### **Congressional Vote On The English Bill: April 30, 1859**

	<b>In The House</b>	<b>In The Senate</b>
<b>Voting Aye</b>	112	31
<b>Voting Nay</b>	103	22

Buchanan immediately celebrates the passage, declaring in his usual Pollyannaish fashion that it will bring peace to Kansas and to the country, while restoring unity within the Democrat Party.

Others are nowhere near as sanguine, including the more astute Southern politicians who recall that Kansans rejected Lecompton in a fair vote by an overwhelming margin back on January 4, 1858.

Buchanan's Secretary of the Treasury, Georgia's Howell Cobb writes:

*I regard the vote as very doubtful. (Governor) Denver when here so considered it.*

The date for the public vote on the English Bill version of Lecompton is set for August 2, 1858.

## Chapter 228 - The Marais des Cygnes Massacre Again Enflames Kansas

Time: April 1858

### Pro-Slavery Men Seek Revenge For A Free-Stater Attack



As the English Bill works its way through Congress, more blood is spilled in Kansas, again following the now familiar tit for tat pattern of aggression leading to revenge.

The sequence begins this time with Free State men lead by one James Montgomery, who moves to Kansas in 1856, only to have his farm burned down by raiders during his first summer there.

Within a year, Montgomery has formed his own “Self-Protective Company,” which engages in various acts of violence in the southern part of the state, while dodging patrols of U.S. troops seeking to achieve law and order.

The Massacre Occurs Where The Marias des Cygnes River Crosses the Missouri-Kansas Border

In April 1858, a skirmish known as the Battle of the Yellow Paint ends with one U.S. soldier dead and several other men wounded, including members of Montgomery’s band.

The response comes this time from Charles Hamilton, a Georgian by birth and also the victim of a raid on his Kansas property which drives him out of the state. By the spring of 1858 he is a prototypical Missouri ruffian, intent on insuring that Kansas becomes a Slave State.

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Time: May 19, 1858

### Free-Staters Executed In Cold Blood



An Armed Westerner On His Mule

On May 19, 1858, Hamilton gathers a posse of some 25 fighters to launch a “war of extermination” against all Free Staters he can find. They cross the border and arrive at the unincorporated town of Trading Post, Kansas, where they begin to accumulate prisoners, eventually ending with eleven in total.

The men are marched some five miles northeast of the town and ordered into a ravine alongside the Marais des Cygnes River.

Hamilton then orders his men to murder the defenseless prisoners.

When several balk, he reportedly “swears terribly” at them until they comply. Once all have fallen, several killers climb into the ravine to finish them off and to rob their pockets.

Surprisingly six of the victims survive to report on the massacre. Five of them have suffered wounds while a sixth has simply feigned being shot. One, a William Hairgrove, claims to overhearing Hamilton’s words to his men:

*We have got eleven of the damned Abolitionists biting the dust, and will return in a few days and seep the entire Valley.*

When the six report on the massacre, the embarrassed Pro-Slavers concoct a story, saying that after Hamilton released them, they found arms and opened fire on his troopers who merely shot back.

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Time: Summer 1858

### The Violence Continues Despite Governor Denver’s Efforts To End It

Now it is Montgomery’s turn to go on the offensive and the two clash again in southern Kansas with casualties on both sides before Hamilton flees across the border.

This fails to deter Montgomery, who follows him to West Point, Missouri, with some fifty soldiers and two cannons.

While a major battle is avoided, the threat level brings Governor Denver onto the scene, including a visit to the Marais des Cygnes site and meetings with leaders from both sides.

Denver does make some headway here, proposes stationing U.S. troops along the border, and gains at least tacit support for his plans from Charles Robinson, head of the Free State Party, and from Hamilton.

Time will also tell that the Montgomery-Hamilton battles mark the end of organized confrontations in Kansas prior to the Civil War.

But James Denver, only six months into his tenure by June 1857, is already feeling a sense of hopelessness about finding a lasting solution for Kansas.

On September 1, 1858 he submits his resignation as the fifth of six Governors of the Kansas Territory.

## Chapter 229 - John Brown's Plan To Attack Harper Ferry Hits A Roadblock

Time: March- April 1858

### Brown Has Trouble Finding Funding And Recruits



A Freedman

The Kansas battles are far from Captain John Brown's mind early in 1858. Instead he is focused on his plot to raid Harpers Ferry, which is proceeding much more slowly than anticipated.

The result being that Hugh Forbes, the ex-British soldier he has hired to mold his guerrilla force, remains stranded in Ashtabula, Ohio, with no recruits to train. In January 1858 Brown goes there by himself, only to find that Forbes has gone back east, and is sending notes to members of the Secret Six complaining about Brown and his failure to get paid the money he was promised.

Brown is spooked by the news and continues on east to control the damage. Along the way he stops for three weeks in February 1858 at Frederick Douglass' home in Rochester. By this time the black icon has broken with his mentor, Lloyd Garrison and other pacifists in the abolitionist movement, and is convinced that violence alone will free the slaves.

Brown takes this time with Douglass to draft a lengthy Constitution describing principles of the new "post-slavery" government he hopes to establish. He calls the document a "Provisional Constitution and Ordances for the People of the United States" which ends slavery and promises full citizenship and social and legal equality for...

*All persons of mature age, whether proscribed (censured), oppressed or enslaved.*

Given his view of himself as a patriot and a Union man, Brown rejects secession outright and simply calls for the country to live up to its stated belief that "all men are created equal." Unlike even the vast majority of his white abolitionist allies, he is actually convinced that blacks *are not inferior* to whites and that they can, and deserve to be, fully assimilated into the social fabric.

His attention now turns to reassuring his Secret Six supporters and gaining support for his Constitution.

He is in Boston in March 1858, seeking another \$1,000 in funding and endorsement of his framework for the Provisional Government. He receives a lukewarm response on both counts. All six agree to abolishing slavery, but full citizenship and assimilation are greeted with skepticism. He continues to outline his plans for the Virginia raids, without mentioning that the initial attack will be on U.S. property at the Harpers Ferry arsenal. The response is \$600 in additional money and a plea from all but Higginson to proceed cautiously.

On April 7, 1858 Brown is in St. Catherine's, Ontario, where he meets Harriet Tubman, is smitten by her courage and determination, and christens her a "General" in their shared crusade. He also encounters Douglass' friend, the black nationalist, Martin Delaney, who has moved his family to Chatham, Ontario in 1854. He is forty-six years old, and has led a remarkable life as a doctor, journalist, educator, fierce abolitionist, and proponent of a return to Africa. While skeptical of all white abolitionists, Delaney, like Douglass, readily embraces Captain John Brown.

While in Chatham, he also adds one recruit, Osborne Perry Anderson, a free black who attends Oberlin College before immigrating to Canada. Anderson will be one of the five blacks at Harpers Ferry and will write a first-hand account of the action after he escapes.

These positive contacts in Canada reenergize Brown, and heads back to Springdale, Iowa now to gather up his troops and move ahead with his Virginia action.

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Time: May 20, 1858

### **The "Secret Six" Are Alarmed By Brown's Angry Military Trainer**

Brown reaches his Iowa quarters only to turn around almost immediately after hearing that Hugh Forbes campaign against him has intensified.

Forbes begins by sending an attack letter to Charles Sumner, but the Senator has forgotten Brown by the time he receives it. He then goes after Seward, pulling no punches towards Brown:

*He is very bad man who would not keep his word...a reckless man, an unreliable man, a vicious man.*

From there he shifts to various members of the Secret Six. His note to Dr. Samuel Howe stings not only Brown, but also his New England backers:

*The humanitarians and Brown are guilty of perfidy and barbarity, to which may be added stupidity...I am the natural protector of my children, nothing but death shall prevent my defending them against the barbarity of the New England speculators.*

He tells the journalist Horace Greeley that he has been "deceived, misled, swindled, beggared, his family turned into the streets to starve."

Most recipients of Forbes' ire dismiss him as unhinged – but not the members of the Secret Six. They are alarmed by the publicity, especially in Washington, and fearful of personal repercussions. With the exception of Higginson, they decide to tell Brown to postpone any action for the time being.

On May 20, 1858, they meet with Brown in Boston and deliver the news.

This “pause” in the action will last for 22 months, until the actual raid on October 17-18, 1859.

Brown returns to Iowa and disperses his recruits, several of whom will drop out for good. By the end of June, 1858, he will be back in Kansas, now wearing a full white beard and sporting a new alias, Mr. Shubel Morgan.

## Chapter 230 - Lincoln Begins A Senate Campaign With His “House Divided” Speech

Time: June 16, 1858

### Republicans Nominate Lincoln To Run Against Douglas In Illinois



Abraham Lincoln (1809-1865)

The summer of 1858 also finds a relative newcomer to the national political scene entering the debate over the crisis in Kansas. He is a 49 year old Illinois lawyer named Abraham Lincoln.

Lincoln’s home base for two decades has been the town of Springfield, population 3,000, after he moves there in 1837. He fits the classical American mold of the “self-made man,” rising up from a log cabin childhood, educating himself with help from his step-mother, and earning his living in a variety of everyday jobs before deciding to read for the bar. He is soon recognized as a highly skilled advocate, “riding the circuit” on behalf of his clients, winning high profile cases, and becoming a popular figure throughout his home state. In 1842 he weds Mary Todd, a Kentucky belle, also courted by Stephen Douglas. Together they will have four sons between 1843 and 1853.

Lincoln is drawn off and on into politics, first serving three terms in the Illinois General Assembly and then in the U.S. House in 1847-49, where he is a Henry Clay-style Whig and a critic of the Mexican War. But he then backs away, returns home and concentrates on building his law firm and the wealth he seeks to support his family.

He remains on the sidelines until the 1854 Kansas-Nebraska Bill and the repeal of the 1820 Missouri Compromise violate his conviction that slavery is immoral, and that it is his ethical duty to resist its spread to the west. With the backlash against the bill spreading in the North, and his Whig Party disbanded, he joins the new Republican Party.

In the Fall of 1854 he sets his sights on winning a U.S. Senate held by James Shields, a man against whom he almost fought a duel in 1842. He leads on the first six ballots cast by the state legislators, but still falls short of the needed majority. He responds by releasing his delegates to the Anti-Nebraska Democrat, Lyman Trumbull, who is elected.

Despite this defeat, the sheer clarity and power of his arguments on the slavery issue lead Republicans to nominate him in 1858 to run against Senator Stephen Douglas, who is seeking a third term.

At 8pm on June 16, 1858, Lincoln delivers his acceptance speech in front of an audience of one thousand gathered in the Springfield Hall of Representatives.

The address is titled “A House Divided Against Itself Cannot Stand,” and its main message is both controversial and captivating.

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Time: June 16, 1858

### The “House Divided” Speech Begins His Campaign Against Douglas

Lincoln’s mastery as an orator is evident in the eight staccato sentences which open his acceptance address:

*Mr. President and Gentlemen of the Convention -- If we could first know where we are, and whither we are tending, we could then better judge what to do, and how to do it.*

*We are now far into the fifth year, since a policy was initiated, with the avowed object, and confident promise, of putting an end to slavery agitation.*

*Under the operation of that policy, that agitation has not only, not ceased, but has constantly augmented.*

*In my opinion, it will not cease, until a crisis shall have been reached, and passed.*

*"A house divided against itself cannot stand."*

*I believe this government cannot endure, permanently half slave and half free.*

*I do not expect the Union to be dissolved -- I do not expect the house to fall -- but I do expect it will cease to be divided.*

*It will become all one thing or all the other.*

In these lines Lincoln delivers a stark message to his audience -- the prolonged conflict in Kansas is symbolic of the fate that will befall America unless it can agree to either end slavery or to nationalize it.

He then argues that between the Kansas-Nebraska Bill, the *Dred Scott* decision and the Lecompton Constitution, the course has been set to legalize slavery in all states – even in Illinois. As he says, those who ignore this possibility...

*...Shall lie down pleasantly dreaming that the people of Missouri are on the verge of making their State free; and...shall awake to the reality, instead, that the Supreme Court has made Illinois a slave State.*

If indeed “that is whither we are tending,” what must be done to end this threat? The only answer, Lincoln says, is to prohibit the expansion of slavery into the territories by defeating

those politicians who would oppose this outcome – chief among them being his opponent, Stephen Douglas.

*... Clearly, he is not now with us -- he does not pretend to be -- he does not promise to ever be.*

He ends this relatively brief address saying that if his fellow Republicans will unite behind his proposals on “what to do and how to do it,” victory will be theirs.

*The result is not doubtful. We shall not fail -- if we stand firm, we shall not fail. Wise councils may accelerate or mistakes delay it, but, sooner or later the victory is sure to come.*

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Time: Summer 1858

### **Lincoln’s Speech Proves Controversial**

While preparing his remarks, Lincoln asks his trusted law partner, William Herndon, about the wisdom of offering the “house divided” prediction. Herndon, a staunch anti-slavery advocate, sees some danger in the allusion:

*It is true, but is it wise or politic to say so?*

For many in the audience and in the national press, the response is one of alarm. Instead of reinforcing his image as a conservative Whig, the “house divided” line seems to imply that he expects, even favors, a war between the North and South to resolve the slavery dispute.

When accused of “radicalism,” Lincoln tries to deflect the criticism:

*I did not say I was in favor of anything...I made a prediction only – it may have been a foolish one perhaps.*

Time will tell, however, that Lincoln, the lawyer and politician, is never so inclined to loose observations.

If he is to have any chance of beating the renowned Stephen Douglas, he must first awaken the people of Illinois to the threat posed by the Democrat’s deeply flawed principle of “popular sovereignty.”

Its outcome has been five years of bloody warfare in Kansas, accompanied by violent rhetoric and threats of secession in Congress.

This pattern must end, says Lincoln, who now sets out to bring this message to the electorate.

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Time: June 26, 1858

## Lincoln Begins To Shadow Douglas On The Stump

As the lesser known candidate, and a clear underdog, Lincoln decides that his only chance of winning will lie in corralling Douglas into debating him head on. To force this outcome, he begins by following Douglas to various venues around the state and offering immediate rebuttals to his speeches.

On June 26 he is in Springfield following an earlier appearance by Douglas. His remarks begin by picking away at popular sovereignty -- first asking if the policy justifies the practice of polygamy in Utah, and then reminding his audience of how easily it was violated on election days in Kansas by the pro-slavery forces

He segues to *Dred Scott*. Unlike Douglas who supports the decision, Lincoln calls it “erroneous,” the result of a stacked Southern court, divided on the details. He insists that it is not yet “settled law” and expresses his hope to see it over-ruled.

*That decision declares two propositions--first, that a negro cannot sue in the U.S. Courts; and secondly, that Congress cannot prohibit slavery in the Territories. It was made by a divided court-dividing differently on the different points... We believe, as much as Judge Douglas, (perhaps more) in obedience to, and respect for the judicial department of government But we think the Dred Scott decision is erroneous. We know the court that made it, has often over-ruled its own decisions, and we shall do what we can to have it to over-rule this.*

The notion that the founders intended to exclude negroes from having the “rights to life, liberty and the pursuit of happiness” is preposterous on the face of it.

*He finds the Republicans insisting that the Declaration of Independence includes ALL men, black as well as white; and forth-with he boldly denies that it includes negroes at all,*

Likewise Douglas’ foolish assertion that Republicans wish to “marry with negroes.”

*Now I protest against that counterfeit logic which concludes that, because I do not want a black woman for a slave I must necessarily want her for a wife.*

He closes here with what will become a familiar appeal to the basic good will and humanity of average Americans when it comes to standing against human bondage.

*The Republicans inculcate, with whatever of ability they can, that the negro is a man; that his bondage is cruelly wrong, and that the field of his oppression ought not to be enlarged. The Democrats deny his manhood; deny, or dwarf to insignificance, the wrong*

*of his bondage; so far as possible, crush all sympathy for him, and cultivate and excite hatred and disgust against him; compliment themselves as Union-savers for doing so; and call the indefinite outspreading of his bondage “a sacred right of self-government.”*

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Time: July 1858

### **A Series Of Seven Lincoln-Douglas Debates Are Scheduled**

Supporters of Douglas mock Lincoln’s follower strategy claiming that it shows his inability to attract audiences on his own. Still he persists, and persistence finally pays off.

The two camps agree to hold a total of seven head-to-head debates, one each in the legislative districts of Illinois outside of Chicago and Springfield, where they have already been heard together.

Ground-rules for the events are worked out, along with the target dates, beginning on August 21 and continuing to October 15, 1858, only 18 days before the November 2 election.

## Chapter 231 - A Slave State Designation For Kansas Ends When Voters Reject The “English Bill”

Time: August 2, 1858

### The End Arrives For The Pro-Slavery Lecompton Constitution



Among Those Hoping For Freedom

The Second of August 1858 marks a major turning point in the history of the Kansas Territory.

For almost four years the will of the territory’s residents on slavery has been dictated by a sequence of electoral frauds carried out by the Missouri Border Ruffians. These begin in November 1854 with polling to choose the first representative to Congress. They continue with the rigged election of the so-called “bogus legislature” in March 1855, which hands control over to its pro-slavery members to draft a state constitution.

The result of their work is the Lecompton document, written in December 1857 and sent to Congress for admission to the union. It designates Kansas as a Slave State.

Over the next five months, James Buchanan and his Southern supporters try every tactic they can think of to force members of the U.S. House to approve Lecompton. They do so even though

it has never been voted upon by the public, a clear violation of the Democratic Party’s commitment to popular sovereignty.

When not only the Republicans, but also their own Senator Stephen Douglas, refuse to cave in, the Democrats attach the threatening “English Bill” to the body of the Lecompton Constitution, hoping that Kansans will support it rather than face an indefinite delay in achieving statehood and securing public domain acreage.

On August 2, 1858, residents of Kansas go to the polls to approve or reject the Lecompton Constitution.

The result is an overwhelming defeat for Buchanan and for the South.

**Public Vote On Lecompton: August 2, 1858**

	Votes
<b>For The Constitution + English Bill</b>	1,788
<b>Against The Constitution</b>	11,300

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Time: Summer 1858

**The Kansas Defeat Devastates Buchanan, Douglas And The Democrat Party**

When Kansas Governor James Denver resigns his post on September 1, 1858, it only adds to the string of set-backs for James Buchanan which will permanently undermine his presidency.

Chief among these is his refusal to acknowledge the obvious election frauds in Kansas and then try over and over to convince Congress to admit the state under the phony pro-slavery Lecompton Constitution.

But then comes failure to stem the financial panic; his feckless pardon of the Mormon insurrectionists; his repeated failures to listen to, and retain, his hand-picked Governors in Kansas, or to stop the open warfare there.

**Some Key Set-Backs In Buchanan’s First 18 Months In office**

<b>1857</b>	
<b>March 4</b>	Inauguration Day
<b>March 6</b>	The <i>Dred Scott</i> ruling encounters resistance
<b>March 20</b>	Governor Geary resigns
<b>July 15</b>	Governor Walker declares Kansas in rebellion
<b>August 24</b>	Ohio Bank collapse begins financial panic
<b>October 5</b>	Free State Party wins official Kansas legislature
<b>December 15</b>	Governor Walker resigns
<b>December 18</b>	Douglas defies Buchanan support for Lecompton
<b>1858</b>	
<b>April 6</b>	Controversial pardon given to the Mormons
<b>May 19</b>	Massacre at Marais des Cygnes
<b>August 2</b>	Kansas voters reject the English Bill
<b>September 1</b>	Denver submits his resignation

Buchanan’s defeats are also shared by the Democratic Party writ large.

The manipulations to pass the Lecompton Constitution make a mockery of the party’s long-standing commitment to popular sovereignty as the only fair way to resolve the future of slavery.

In turn they force Stephen Douglas to speak out against a Democratic President, and in so doing to further the internal divide between the Southern and Northern factions in the party.

With the English Bill now dead and Kansas in the Free State column, the South turns its attention to trying to convert the *Dred Scott* decision into a Congress-approved law guaranteeing slave owners the right to bring their “property” into any of the new Territories and settle down in advance of admission to statehood.

Northerners meanwhile turn their eyes toward the Illinois senate race and the debates between Douglas and his Republican adversary, Abraham Lincoln, which are sure to turn on the slavery issues.

## Chapter 232- The Lincoln – Douglas Debates Frame The National Divide Over Slavery

Time: August-October 1858

### The Stage Is Set For The Debates



Map Showing The Order And Sites Of The Seven Lincoln-Douglas Debates

In an eight week period from August 21 to October 15, 1858, the spotlight on the national debate over slavery is focused on Illinois, where the upstart Republican, Abraham Lincoln, is running for the U.S. Senate seat against the incumbent Democrat, Stephen Douglas. Lincoln has tried once before, in 1855, and failed. Douglas has been elected twice and is seeking his third term.

After winning the nomination on June 16 and delivering his famous “house divided” acceptance speech, Lincoln begins chasing Douglas from one campaign stop to the next, following up his speeches with

rebuttals delivered to the same audiences. This irritates Douglas, and the two men finally agree to hold seven joint appearances across the state. Each will be divided into three segments: the first speaker to open for one hour; his opponent to respond for ninety minutes; then a closing half hour rebuttal for the initial speaker. The honor of going first will be rotated from one location to the next.

Given the nationwide interest in the debates, stenographers are present on stage to try to capture the words spoken so that newspapers can report on the news from each exchange. The actual live audiences vary by city and by weather conditions, ranging from a low around 2,000 in Alton to over 10,000 in several other venues.

The typical debate takes place in the town square, beginning in the early afternoon hours. The speakers appear on a raised platform, with the crowds gathered around them, standing

throughout the event, often straining to hear their messages. Those who record the experience remark on the marked contrasts between the speakers.

The difference in their heights and physical builds seems almost comical. Lincoln is 6'4" tall, rail thin, and gangly in his posture. Douglas is a foot shorter, hardly coming up to Lincoln's shoulder, with a thick frame and an oversized head held erect at all times. Lincoln is dressed in a plain black suit, while Douglas is decked out in a dark blue coat, light pants, a ruffled shirt, topped off by a broad-brimmed white felt hat.

When Lincoln opens his mouth to speak, the audience is greeted with a Kentucky twang, particularly high pitched until early nervous tension is overcome. He is also inclined to punctuate his main points with...

*One single gesture delivered with his right forefinger (that) seemed to be continuing to scratch away in front of (him).*

On the other hand, Douglas owns the deep baritone of a theater actor, booming out his message in rapid order and with unwavering self-assurance and clenched fist pointed skyward.

Both men are highly skilled and experienced lawyers, blessed with logical minds and the capacity to frame and deliver their arguments in cogent fashion. Lincoln is prone to injecting humor into his remarks, and to speaking in emotional terms about slavery. Douglas is all business, pounding home his points and refraining from even mentioning his feeling about those enslaved.

Each is backed by advisors, who help the candidates understand the challenges they face and plot their messages along the way. Lincoln envisions two audiences for his remarks: the live audience at each venue and the newspaper-reporters whose stories will broaden his reach. As such, he tends to vary his main points from one town to the next, building his case in cumulative fashion. On the other hand, Douglas seldom varies from his main script, relying on repetition and the power of his oratory alone to persuade the attendees in front of him.

Both men, however, are prone to wander into legal complexities and jargon that is lost upon their audiences.

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Time: August-October 1858

## The Opponents Settle On Their Strategies And Messages



A Typical Midwestern Town Square

The future of slavery is what draws the sizable turn-outs, and both candidates focus almost exclusively on this issue, choosing to ignore possible differences on the financial crisis, immigration policies or other matters.

Attitudes toward the institution itself vary across the 420 mile vertical axis where the debates are held, from Freeport, up north near Chicago, to Jonesboro, nestled south in “Little Egypt” between Kentucky and Missouri.

But one thing that doesn’t vary across Illinois is absolute opposition to allowing any more blacks – be they slaves or freedmen – to come into their communities. This conviction is based on long-entrenched negative stereotyping of all negroes. It is evident in state constitutions across the North, the most recent example being in Kansas, where the Topeka legislature adopts an “Exclusionary Clause” banning blacks from residence, cheek to jowl with their wish to be designated as a “Free State.”

While Lincoln exhibits much less racial prejudice than most Americans, his public policy pronouncements happen to fit well with this desire to “keep blacks out.”

If, as he says, the *Dred Scott* ruling opens the door to “nationalizing slavery,” including in Illinois, then at least his proposed federal ban is the best way to try to prevent that outcome.

Douglas is a crafty enough politician to see that his alternative to a ban – “let the people decide” – is nowhere near as definitive as Lincoln’s proposal. Thus his challenge in the debates will lie in attacking him from a different angle.

He does so by painting Lincoln, and all Black Republicans, as radical Abolitionists in disguise.

Thus while banning the spread of slavery, he implies that Lincoln will turn around and free all of the Southern slaves and allow them to settle anywhere they want, as freedmen. According to Douglas, Lincoln also regards negroes as equal to whites, intends to hand them the right to vote, even to encourage inter-marriage between the races. Worse yet, the result of all this will be the end of the Union and perhaps a civil war.

Lincoln vigorously denies the abolitionist tag and says that freeing Southern slaves is legally prohibited by the 1787 Northwest Ordinance. But he also argues that the nation's founders wanted slavery to wither away, regarding human bondage as a moral stain, and inconsistent with the values announced in the Declaration of Independence.

Douglas will fire back, insisting that America was founded by and for the white race, and that emotional pleas about the morality of slavery should carry no weight in the debates. The central question, he says, is whether the future of slavery should be decided by votes cast by people living in the territories or by federal mandates from Lincoln and his abolitionist Republican allies.

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Time: August 21, 1858

### **The First Debate In Ottawa Opens With Douglas As Aggressor**

Douglas brings several advantages to the contest, and intends to exploit them all. He has been an Illinois Senator for eight years and the state is rightly proud of his reputation as a powerhouse on the national stage. His Democratic Party enjoys a majority in the state legislature – where the final votes will be cast – going into the Fall. He also feels that his years in the political arena make him a better debater than Lincoln.

The opening debate unfolds on August 21, 1858 at the town of Ottawa, in upstate Illinois, some 85 miles southwest of Chicago. A sizable crowd over 10,000 strong shows up at Lafayette park to hear the exchange, which begins around 2:30pm, with Douglas leading off. The Little Giant immediately goes on the offensive.

His goal is to peg Lincoln as an Abolitionist who will free all slaves and let them loose to invade the North and the new territories to the west. To prove this, he holds up what he claims is a radical “party platform” that Lincoln supposedly signed in Springfield calling for:

- *A total repeal of the Fugitive Slave Act*
- *Abolition of slavery in the District of Columbia*
- *Prohibiting interstate sales of slaves*
- *Prohibiting the presence of slaves in all new territories*
- *Refusal to admit any more Slave States into the Union*
- *Refusal of any further acquisition of new territory*
- *Denying the right of new states to create a constitution of their own*

Within days this “Springfield platform” document will be debunked as the work of an obscure abolitionist meeting held in Aurora, Illinois, and nothing to do with Lincoln. This “error” by Douglas is evidently an honest one, but it is nevertheless an embarrassment for him.

For the moment in Ottawa, however, he demands that Lincoln respond by saying whether he agrees or disagrees with each of the assertions.

Lincoln is caught off guard by this tactic. He claims, properly but in awkward fashion, that he never heard of this “Springfield document” and refuses to answer the particulars. Instead he falls back on rehashing his 1854 Peoria speech, where he attacked Douglas for his Kansas-Nebraska Bill.

Once he regains his balance, Lincoln appeals to his mostly Northern audience to oppose the “monstrous injustice of slavery” which violates the “fundamental principles of civil liberty.”

*I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world – enables the enemies of free institutions, with plausibility, to taunt us as hypocrites --and especially because it forces so many really good men amongst ourselves into an open war with the very fundamental principles of civil liberty –criticizing the Declaration of Independence, and insisting that there is no right principle of action but self-interest.*

As usual throughout the debates, Douglas brushes the “morality appeal” aside as a red herring, an attempt by Lincoln to insert emotion into what should be decided by reason.

*I desire to address myself to your judgment...and not to your passions or your enthusiasm.*

Opinions vary as to who prevails at Ottawa, but Lincoln’s performance immediately advances his political stature both in Illinois – where until now he has been a little known “down-stater” – and at the national level. His advisors urge him to be even more aggressive going forward:

*Don’t act on the defensive at all...be bold, defiant and dogmatic...in other words, give him hell.*

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Time: August 27, 1858

### **Lincoln Corners Douglas On Popular Sovereignty In Freeport**

The two combatants meet again after a six-day hiatus, this time in upstate Freeport, a stronghold for Republicans in the 1856 presidential race. Most observers agree that Lincoln turns in a strong performance here.

He leaps directly into answering the seven questions Douglas posed in Ottawa.

- *I do not favor the unconditional repeal of the fugitive slave law.*
- *I do not stand pledged against territories which wanted slavery after they became states.*
- *I do not stand pledged against the admission of territories as slave states if it comes when they seek admission.*
- *I do not stand pledged today to abolishing slavery in the District of Columbia.*

- *I do not stand pledged to prohibit the interstate slave trade.*
- *I am not generally opposed to honest acquisition of new territories.*

But he says that, in accord with the wishes of the founders and of common humanity:

*I am pledged to a belief in the right and duty of Congress to prohibit slavery in all the United States Territories!*

He also takes the opportunity to chastise Douglas for using a mistaken document to frame his questions at Ottawa in the first place, saying it was...

*Most extraordinary (to) so far forget all the suggestions of justice to an adversary, or of prudence to himself, as to venture upon (his) assertion...which the slightest investigation would have shown him to be wholly false.*

With that out of the way, he turns the tables on Douglas with four interrogatories of his own.

- Would he favor acquiring more foreign land even if it included slaves?
- Would Douglas just admit Kansas before it has the 93,000 residents required by law?
- Could a territory exclude slavery by law before it becomes a state?
- Did he agree with the *Dred Scott* ruling that a state cannot exclude slavery?

The first question intends to show Douglas's personal commitment to slavery. Lincoln knows that Douglas owns slaves himself, and that he supports the acquisition of Cuba and more land in Mexico and Central America that would expand the reach of slavery – and he wants this on the record. The others are aimed at challenging the theory and practice of popular sovereignty, and driving a further wedge between Douglas and those Democrats who back the Buchanan administration.

The most telling question in this second debate, and probably across all seven, calls upon Douglas to square the Supreme Court dictates in *Dred Scott* with his policy of popular sovereignty. When the high court decrees that slave owners *must be allowed to take their property* to any state or territory they want, doesn't this overrule any votes cast expressing the wishes of local residents?

Douglas responds with what will become known as his "Freeport Doctrine:"

*It matters not what the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a territory under the Constitution, the people have to lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations. Those police regulations can only be established by the local legislature, and if the people are opposed to slavery, they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension."*

Here is the classical argument made by supporters of state's rights (or sovereignty) ever since the 1803 *Marbury v Madison* finding that federal laws trump local laws. John Calhoun tries to resist the 1828 Federal Tariff increase by having South Carolina "nullify" the law. Lincoln now accuses Douglas of employing this same tactic on slavery.

While Lincoln can claim a victory among constitutional scholars for this challenge, it seems likely that bringing up the conflicts between *Dred Scott* and popular sovereignty hurts him in the Senate race. For sure it allows Douglas to claim that his policy remains a viable alternative for Illinois voters who wish to "keep blacks out" absent a federal ban.

Ironically the "Freeport Doctrine," which ends Douglas' prospects for becoming president as a Democrat, spurs speculation that he might eventually run as a Republican!

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Time: September 15–18, 1858

### Douglas Forces Lincoln To Discuss His Racial Views At Jonesboro And Charleston



A Typical Attack On Miscegenation, In This Case Leveled At Abolitionist Horace Greeley

Douglas uses the third and fourth debates to pressure Lincoln on his beliefs about the "all men are created equal" tenet, and whether it applies to the negro race.

On September 15, 1858 the two meet at the small town of Jonesboro, the southernmost stop on their circuit, and the most inclined to be pro-slavery. The crowd numbers only 1,500, and the speeches are largely a rehash of points made earlier. Lincoln jabs again at the seeming irrelevance of popular sovereignty after the federal ruling in *Dred Scott*. Douglas asserts that...

*The signers of the Declaration of Independence had no reference to the negro whatsoever when they declared all men to be created equal.*

Three days later, an enthusiastic assembly of 12,000 spectators show up at Charleston, along the border with Indiana, for the fourth exchange. As part of the preliminary fanfare, Douglas supporters mount a large banner showing a white man, a black woman and a mulatto child, titled "Negro Equality."

Lincoln spots this display and recognizes its intent to label him as an abolitionist and a supporter of miscegenation. He decides to address these claims head on as the opening speaker. His comments are remarkably candid in revealing his lifelong struggle with what to do about slavery.

He says that he has always regarded it as immoral and a violation of American values, but continues to be perplexed about finding a practical solution. He cannot imagine that the differences between the races, and the negative stereotypes of blacks, will ever support assimilation.

*There is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together, there must be the position of superior and inferior, and I as much as any man am in favor of having the superior position assigned to the white race.*

He then dismisses Douglas' charges that he supports racial equality, and inter-marriage:

*I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the black and white races....I am not, nor ever have been, in favor of making voters or jurors of negroes, nor of qualifying them to hold office, nor to intermarry with white people...I do not understand that because I do not want a negro woman for a slave I must necessarily want her for a wife.*

Some of his supporters will later express shock at these remarks, which they regard as racial pandering.

*He forsook principle and planted himself on low prejudice...The Negro had no stauncher advocate than Lincoln...(but) now that same Lincoln declared that the Negro, created as a race inferior to White by the Lord Almighty, must remain in his condition.*

Lincoln is careful here, and elsewhere, to not blame the people of the South for the problem, to not refer to the entire region as the "Slave Power." As a follower of Clay, he says he would favor re-colonization of all blacks, while acknowledging that the economy could not support that path. What's left then is to follow the founder's wishes, and at least refuse to let the practice expand.

Moving along, he spends the remainder of his opening comments on a new and questionable charge, saying that Douglas plotted to avoid a public vote on the Lecompton Constitution in Kansas.

*Now, the charge is, that there was a plot entered into to have a Constitution formed for Kansas, and put in force, without giving the people an opportunity to vote upon it, and that Mr. Douglas was in the plot.*

This attack originates with Douglas' mortal enemy, Lyman Turnbull, the junior Senator from Illinois, recently converted from a Democrat to a Republican. The Little Giant dismisses the charge, saying that he has staked his entire political future on popular sovereignty. He also mocks Lincoln for bringing it up.

*Why, I ask, does not Mr. Lincoln make a speech of his own instead of taking up his time reading Trumbull's speech?*

Douglas goes back on the offensive, with his contention that Lincoln and the Republicans are all abolitionists.

*No sooner was the sod grown green over the grave of the immortal Clay, no sooner was the rose planted on the tomb of the Godlike Webster, than many of the leaders of the Whig party, such as Seward, of New York and his followers, led off and attempted to abolitionize the Whig party, and transfer all your old Whigs bound hand and foot into the abolition camp.*

He also calls Lincoln's patriotism into question over his reservations about the Mexican War.

*If Mr. Lincoln is a man of bad character, I leave you to find it out; if his votes in the past are not satisfactory, I leave others to ascertain the fact; if his course on the Mexican war was not in accordance with your notions of patriotism and fidelity to our own country as against a public enemy, I leave you to ascertain the fact.*

Finally, he accuses Lincoln of telling one audience that blacks are equal to whites, and then denying this for the next – depending on what he thinks they want to hear. Lincoln parries and the debate comes to an end.

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Time: September 18, 1858

#### **Sidebar: The Atmosphere At The Charleston Debate**

Saturday, September 18, 1858 would go down as the most exciting day in the history of Charleston, Illinois. It pitted "Honest Abe, the Tall Sucker" against "The Little Giant," and corn farmers from nearby Muddy Point, Dog Town, Muddy Point, Pinhook, and Greasy Creek poured into town by horseback, wagons and trains, loaded down with food and cider.

Many folks are decked out in colorful costumes marked by campaign buttons and ribbons. Bands play and parades feature floats, often with elaborate praise for their favorites.

*Westward the Star of Empire Takes its Way, Our Girls link-on to Lincoln, Their Mothers were for Clay.*

The Douglas procession includes sixteen young couples on horseback carrying American flags and offering huzzas:

*The Government Made for White Men-Douglas for Life*

Both men encounter negative banners, one showing Douglas being clubbed to the ground by Lincoln, the other a "Negro Equality" sign that Lincoln addresses as he opens.

The speakers address the crowd from a raised platform, 18 feet by 30 feet, large enough to seat some sixty special guests, among them Mrs. Douglas in an elaborate lavender dress, but not Mrs. Lincoln, who does not attend. With such a large crowd, Lincoln begins by encouraging silence along the way.

*It will be very difficult for an audience so large as this to hear distinctly what a speaker says, and consequently it is important that as profound silence be preserved as possible.*

Despite the admonition, supporters are inclined to cheer loudly for their favorites, while opponents interrupt occasionally with their own catcalls and challenges.

The event carries on from 2:45pm to the conclusion around 5:15pm. At that time, both candidates retreat to their own headquarters for supper, further rallies and evening serenading. It is midnight when the town finally shuts down after its memorable day in history.

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Time: October 7, 1858

### Douglas Again Asserts The Supremacy Of White Men At Galesburg



Everyday White Citizens Of The Time

Almost three weeks elapse before the fifth encounter takes place in the town of Galesburg, before another very large crowd of some 15,000 attendees. The venue chosen is on the campus of Knox College, founded in 1837 by Presbyterian minister George Washington Gale, mentor of Reverend Charles Finney, head of the Oneida Institute and early leader in the anti-slavery movement.

The weather is chilly and Douglas arrives suffering from a case of bronchitis. Between his ill health and a decidedly anti-slavery audience, he turns in a lackluster performance. His opening repeats familiar themes. The white race is supreme and it has the right to operate the country in its own interest.

*This Government was made by our fathers on the white basis...made by white men for the benefit of the white men and then their posterity forever.*

Lincoln and the Republicans are slandering the founding fathers with their phony interpretation of “all men created equal” and their devious efforts to abolish slavery.

The charges levelled by Turnbull and Lincoln that he favored passage of the Lecompton constitution without a fair public vote are totally contrived.

*I hold to that great principle of self-government which asserts the right of every people to decide for themselves the nature and character of the domestic institutions and fundamental law under which they are to live.*

Lincoln senses the anti-slavery feelings of the crowd and says that a basic sense of humanity demands that “life, liberty and the pursuit of happiness” be guaranteed for all men. If Douglas is successful in his goal to “nationalize slavery,” America will be made the lesser for it.

Lincoln also responds to the attack made on his patriotism at Charleston regarding his votes on the Mexican War. He confirms that he did oppose “the origin and justice of the war,” but goes on to say...

*I never voted against the supplies for the army, and...whenever a dollar was asked...for the benefits of the soldiers, I gave all the votes that...Douglas did, and perhaps more.*

For good measure, he says that Douglas is set on acquiring even more land to foster the spread of slavery:

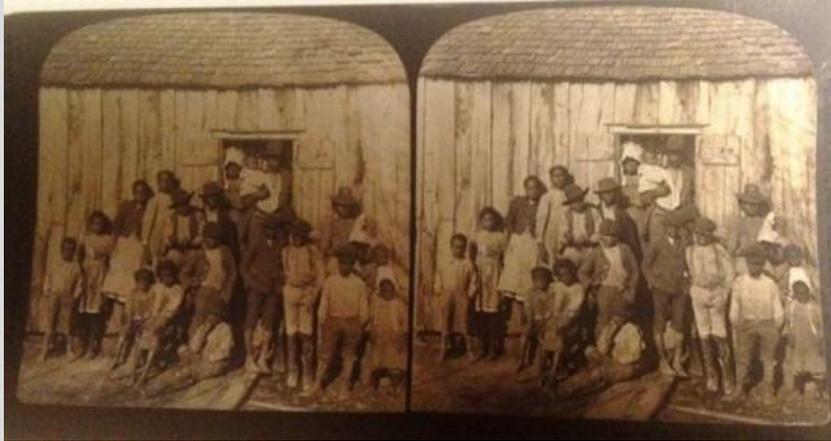
*A grab for the territory of poor Mexico, an invasion of the rich lands of South America, then the adjoining islands.*

Most observers feel that Galesburg has been a good day for Lincoln. He again more than holds his own against the Little Giant on a public stage; advances the notion that Douglas hopes to “nationalize slavery;” and questions his basic sense of morality on the issue.

*He is blowing out the moral lights around us.*

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### Sidebar: Stephen Douglas As Slaveholder



Enslaved People Huddled Together Outside A Typical Cabin

The body of evidence supporting Douglas' moral indifference to slavery is supported by his history as a plantation owner.

In March 1847 he nearly becomes an official slave holder when he marries Martha Martin, daughter of a North Carolina planter, who offers the couple a cotton plantation on the Pearl River in Mississippi, as a wedding present. At the time, he declines the offer, saying that, as a northerner, he lacked the knowledge to manage it properly. The rejection also seems influenced by fear of negative publicity, as he is about to make his first run for a seat in the U.S. Senate.

In 1848 his father-in-law dies and Douglas is named executor for the entire estate. In the will, Martha inherits the 2500 acre site along with some 140 slaves. The property is to remain in her name, while Douglas is to serve as manager and receive 20% of the annual income. This draws him into the operations for the first time, and he visits the land whenever political activities take him to the south. He also receives regular updates from the on-site overseer he hires, detailing crop results along with conditions of his slaves. One such excerpt goes as follows.

*The negroes are in fine helth, with children increasing very fast...and they are just as fat as you ever saw hogs...The negroes will steel hogs to sell to mean white folks...Nezer is yet in the woods (and) will always give us troughtable, he ran away almost for Nothing.*

When he becomes a serious candidate for the presidential nomination in 1852, the subject of his connections to the Mississippi plantations comes up, and he vows to liquidate his holding and reinvest the cash back in Illinois, but he never does so.

In 1853 Martha dies soon after giving birth, and ownership is transferred to Douglas' two sons. Crop losses to Pearl River flooding finally convince him to sell the first plantation and

buy another. He partners with a Baton Rouge man in 1857 and lands a 2,000 acre parcel near Greenville, Mississippi, to be worked by his 142 slaves.

The plantation continues to provide him needed revenue, especially when his personal finances become precarious in the 1850's, and he retains control over it until typhoid fever claims him at age forty-eight on June 3, 1861.

Despite efforts to distance himself from the Mississippi plantations, political opponents cast him repeatedly as a slave-holder. He is accused of promoting the Kansas-Nebraska Bill to pump up the sales value of his slaves. His speculative purchases of land for the intercontinental railroad are said to be funded by his cotton profits. And, on the eve of the 1858 senatorial race, reports surface about mistreatment of the slaves in his care.

Douglas brushes aside all such criticism as irrelevant to his role in government.

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Time: October 13, 1858

### **Lincoln Again Claims The Moral High Ground At Quincy**

The sixth debate in the series is held at the bustling town of Quincy, incorporated in 1840, named in honor of President John Quincy Adams, and home to many recent German immigrants. Situated on the Mississippi River, it is already a popular stopping off port for both commercial traffic and steamboat passengers.

By the time Douglas arrives at Quincy, he is near exhaustion. During the total 100 days of the campaign, records show that he makes some 130 speeches and travels 5,227 miles, by trains, boats and carriages. Lincoln too is running from one stop to the next, logging 4,350 miles and giving 60 formal addresses in this same timeframe.

While Douglas, at age forty-nine, is recognized for his pugilistic personality and is five years younger than Lincoln, he is often prone to illnesses and is far less physically fit than "Honest Abe," now portrayed in posters with ax in hand as the vigorous "rail-splitter."

Unlike his teetotaler rival, Douglas is also a very heavy drinker. In fact, on October 13 he shows up at the Quincy event with a visibly "puffy face" and other signs of a hang-over from the previous night's activities.

With the parades and other preliminaries over, Washington Square is jam packed with 12,000 attendees, many of whom have been loyal Whigs in the past and are wondering about Lincoln's affiliation with the Republican Party.

The lead-off spot at Quincy belongs to Lincoln, and he immediately lays into Douglas for trying to divert attention away from the central issue in the contest:

*The difference between the men who think slavery is a wrong and those who do not think it wrong.*

There it is, plain and simple, says Lincoln.

The entire Democratic Party, including Douglas, believes that slavery is not wrong and are eager to see it take root across the nation. On the other hand, the Republicans hope to...

*Prevent its growing any larger and so deal with it that there may be some promise of an end to it.*

This is what the founders wanted, what the Whigs under Henry Clay wanted, and what he wants. Not the abolitionist agenda to free all the slaves immediately and turn them loose in white society. Instead a simple prohibition to stop the spread of a moral stain and puts an “end to this slavery agitation” that threatens the Union.

A wobbly Douglas tries to respond. He begins by denying that he ever called slavery a “positive good” and agreeing that it is a misfortune for those in bondage. But, he says, the price of trying to dismantle the institution would be to tear the Union apart for good.

The rest is anti-climactic. Douglas stumbles through his usual litany, accusing Lincoln of favoring abolition and full racial equality, while continuing to assert that the morality of slavery should have no bearing when it comes to settling on the right public policy. He also says that, once free, the slaves would be unable to survive on their own.

*The humane and Christian remedy he proposes for the great crime of slavery (will) extinguish the negro race.*

Lincoln counters that...

*His policy in regard to the institution of slavery contemplates that it shall last forever.*

After an appropriate round of applause both men head down to the landing and board the *City of Louisiana* steamer for the 115 mile ride south to Alton, Illinois, for their final encounter.

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Time: October 15, 1858

### **The Debates Conclude At Alton**

The seventh and final debate follows three days later in Alton, Illinois.

Ironically it is the 1837 murder here of abolitionist editor Elijah Lovejoy that spurs Lincoln to offer his first public address, and John Brown to swear his fateful church oath to “consecrate his life to ending slavery.”

Like Quincy, Alton is another boom town, offering both a port on the Mississippi and a terminal for two railroad lines heading west and east. Like St. Louis, 22 miles due south, it intends to be a crucial commercial hub.

On an overcast day, the turn-out is disappointing, with an estimated crowd of only 5,000 people. Lincoln’s friend, the German ex-patriate, Gustave Koerner, notes that Douglas arrives again in bad shape.

*His face...was bloated, and his looks were haggard and his voice almost extinct...his words came like barks, and he frothed at the mouth when he became excited.*

Still he opens up with a frontal attack on Lincoln’s “house divided” speech. First, he says, because it demeans the founding fathers for lacking the wisdom to create a nation that “can no longer endure.” Second, because the predicted “all free or all slave” outcome would be accompanied by a civil war between the South and the North.

So, he wonders aloud, is Lincoln’s policy to end slavery worth the price of such a war?

He turns to Lincoln and asks if he would really deny statehood to Kansas if the people there voted in favor of slavery – and, if so, does that not signal his opposition to the sacred principle of self-government?

Next comes the false charge made by Lincoln and Senator Trumbull, who happens to be in the audience, about the Lecompton Constitution. Douglas says that he would never have allowed Kansas to be admitted as a slave state without a public vote. In fact, he says he has even had the courage to battle his own President on behalf of popular sovereignty.

He ends, as usual, by insinuating that Lincoln is an abolitionist, who believes that the “all men are created equal” line means that negroes are equivalent to white men. Instead...

*The signers of the Declaration of Independence ...did not mean negroes, nor the savage Indians, nor the Fejee Islanders nor any other barbarous race.*

Now it is Lincoln’s turn. He has been seated toward the rear of the state, taking it all in, not even bothering this time with rebuttal notes. When he rises, he begins by poking fun at Douglas for complaining further about his own president and party.

*He has now vastly improved upon the attack he made (in Quincy) upon the Administration.*

Raucous laughter accompanies this observation, reinforcing Lincoln’s ability to use humor to undercut Douglas’ lecturing style as a speaker.

By now he has also heard all of the accusations before: that he wants a civil war, intends to free all of the slaves, regards blacks as equal to whites, supports inter-marriage, opposes the rights of the people to self-government. His rejoinders come with ease. He asks how many men have fled to Illinois to escape competing with slave labor and appeals to this free soil faction saying that a slave free Kansas would be an...

*Outlet for free white people everywhere...in which Hans, Baptiste and Patrick and all other men from all the world, may find new homes and better their condition of life.*

But it remains the immorality of human bondage that animates his defense. He quotes his mentor, Henry Clay:

*If a state of nature existed and we were to lay the foundations of society, no man would be more strongly opposed than I should be to incorporating the institution of slavery among its elements.*

He asks how many in the audience feel that slavery is morally right, and repeats his usual framing:

*Those who deny freedom to others, deserve it not for themselves...and under a just God, cannot long retain it.*

*That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these principles that here stood face to face from the beginning of time and will ever continue to struggle. The one is the common right of humanity and the other the divine right of kings.*

Douglas closes with his familiar themes.

*I care more for the great principle of self-government, the right of the people to rule, than I do for all the negroes in Christendom.*

Then the specter of warfare should the voice of the people be drowned out by a tyrannical ban from Washington. If that happens...

*The result will be bloodshed of the unholy kind.*

With that, the final debate comes to an end – some two weeks before the election of the Illinois state legislators who will have the final say in the senatorial race.

## Chapter 233 - Douglas Is Re-elected While Lincoln Becomes Famous

Time: October 16 to November 1, 1858

### The Campaign Runs Right Up To The Final Day

Both candidates continue to stump right up to election day.

President Buchanan now views Douglas as his sworn enemy and he does everything he can to see that the Little Giant is defeated. He even organizes a slate of anti-Douglas Democrats, known as “Danites.”

Lincoln is most concerned about how members of his old Whig Party react to his switch to the Republicans.

Of special interest here is 71 year old Senator John J. Crittenden of Kentucky, like Lincoln a dedicated backer of Henry Clay. An endorsement from Crittenden would improve the odds of victory across the “old line Whig Belt” districts in central Illinois. But Crittenden is no fan of the Republican call to ban slavery in the territories, and he also views a Douglas victory as a slap in the face to Buchanan.

Instead of support for Lincoln, a Crittenden letter gets published which heaps praise on Douglas:

*The people of Illinois little know how much they owe Douglas (who) had the courage and patriotism to take an elevated, just and independent position on the Lecompton question...calling not only for approbation but applause.*

On October 29, 1858, Douglas makes his final stop in Rock Island, Illinois, where he is greeted by campaign banners that sum up his major themes:

- Popular Sovereignty Now And Forever
- Down With Negro Equality
- The Country Was Made For White Men
- Old Abe Has Got On The Wrong Spot

One day later, Lincoln ends his long march with a much quieter event at home in Springfield, where he tells friends and supporters that the entire effort, marked by many “odious epithets” hurled his way, will have been worth it if he could restore the Missouri Compromise and stop the further spread of slavery.

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Time: November 2, 1858

### The Illinois Legislature Chooses Douglas Over Lincoln



Stephen Douglas (1813-1861)

Up until the Seventeenth Amendment in 1913, all U.S. Senators are chosen by their elected state legislators, rather than by the popular vote. Thus for Lincoln to displace Douglas in 1858, the Republicans must win a majority of the 100 seats up for grabs on November 2 in the Illinois state assembly.

Lincoln tracks the district by district returns throughout the day, and realizes by nightfall that the Democrats have held on to the legislature and, in turn, that he will lose to Douglas.

The final tally favors the Democrats by a margin of 54 to 46.

#### Illinois Legislature Election Of November 2, 1858

Party	Senate	House	Total
<b>Democrats</b>	14	40	54
<b>Republicans</b>	11	35	46

Lincoln is deeply disappointed by the loss, albeit not surprised by it.

The “Crittenden letter” backing Douglas has cost support across the “Whig Belt” counties, which the Democrats carry fourteen to five.

On top of that, Illinois voters also seem concerned that the Republican call to ban slavery in the west may be too radical a position, and one that will cause the South to leave the Union.

## Chapter 234 - Henry Seward's "Irrepressible Conflict" Speech

Time: October 25, 1858

### The Mid-Term Elections Get Under Way

Throughout the Fall of 1858 another Republican, Henry Seward, is out stumping for his party's candidates in the mid-term elections – hoping they will support his candidacy for the presidential nomination in 1860.

Among many observers he is already considered a shoo-in for that honor.

The New Yorker has been a recognized force at the national level since being elected to the US Senate in 1850.

His time there begins with a remarkable maiden speech, delivered on May 11, 1850, amidst the contentious debates over the Compromise Bill put forward by Henry Clay and Stephen Douglas, and already commented on by the likes of John Calhoun and Daniel Webster.

In this speech he not only calls for an outright ban on slavery across all of the new western territories, but then justifies this on the basis of a "higher law" than the U.S. Constitution.

That "higher law," being the right to life, liberty and the pursuit of happiness granted to all men by their heavenly Father and held sacred by the founding fathers.

Seward's proposed ban immediately makes him the enemy of the South, while his rationale will forever strike many of his fellow Whigs as radical and dangerous.

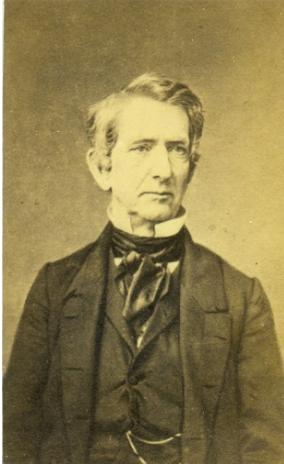
But his proposed ban does become the basis for the Republican Party in the years to follow – even though many converts will sign on not to end black slavery on moral grounds, but to insure the supremacy of white men and the "dignity" of their free labor.

On October 25, 1858, Henry Seward is in Rochester, New York, speaking to potential voters, when he delivers what becomes another famous speech, where he posits an "irrepressible conflict" to come.

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Time: October 25, 1858

## Seward Issues A Warning



Henry Seward (1801-1872)

William Henry Seward is by no means a natural orator. He speaks softly; appears almost introspective; avoids the flamboyant gestures common among his more animated peers. His power instead emanates from the sheer clarity and logic of his arguments.

His address in Rochester quickly posits America as a theater with “two radically different political systems” vying for control:

*Our country is a theatre, which exhibits...two radically different political systems; the one resting on the basis of servile or slave labor, the other on voluntary labor of freemen.*

He says that the servile system is rooted in a belief that physical labor is “groveling and base” and asserts that its proponents would enslave white men as well as blacks, if they could!

*The laborers who are enslaved are all negroes ...but this is only accidental. The principle of the system is, that labor in every society, by whomsoever performed, is necessarily unintellectual, grovelling and base; and that the laborer, equally for his own good and for the welfare of the State, ought to be enslaved. The white laboring man, whether native or foreigner, is not enslaved, only because he cannot, as yet, be reduced to bondage.*

The slave system came to the states via the Portuguese and Spain and it leads inevitably to poverty and imbecility; free labor is the norm in the UK, Germany, Holland and Scandinavia and yields wealth, intelligence, freedom.

*This African slave system is one which, in its origin and in its growth, has been altogether foreign from the habits of the races which colonized these States, and established civilization here. It was introduced on this continent as an engine of conquest...by the Portuguese and the Spaniards, and was rapidly extended by them all over South America, Central America, Louisiana, and Mexico. Its legitimate fruits are seen in the poverty, imbecility, and anarchy which now pervade all Portuguese and Spanish America. The free-labor system is of German extraction, and it was established in our country by emigrants from Sweden, Holland, Germany, Great Britain, and Ireland. We justly ascribe to its influences the strength, wealth, greatness, intelligence, and freedom, which the whole American people now enjoy.*

The presence of slavery punishes not only blacks, but whites as well, limiting their access to land and resources, and also eroding the moral fiber of their communities.

*The slave system is not only intolerable, unjust, and inhuman, toward the laborer...but is scarcely less severe upon the freeman, to whom...it denies facilities for employment, and..because, as a general truth, (their) communities prosper and flourish, or droop and decline, in just the degree that they practise or neglect to practise the primary duties of justice and humanity. The free-labor system conforms to the divine law of equality, which is written in the hearts and consciences of man, and therefore is always and everywhere beneficent.*

Slavery breeds the threat of insurrection and leaves the population living in constant fear.

*The slave system is one of constant danger, distrust, suspicion, and watchfulness. It debases those whose toil alone can produce wealth and resources for defence, to the lowest degree of which human nature is capable, to guard against mutiny and insurrection, and thus wastes energies which otherwise might be employed in national development and aggrandizement. The free-labor system educates all alike, and by opening all the fields of industrial employment and all the departments of authority, to the unchecked and equal rivalry of all classes of men, at once secures universal contentment, and brings into the highest possible activity all the physical, moral, and social energies of the whole state.*

It promotes an aristocratic form of government, with all power residing among the masters.

*In states where the slave system prevails, the masters, directly or indirectly, secure all political power, and constitute a ruling aristocracy. In states where the free-labor system prevails, universal suffrage necessarily obtains, and the state inevitably becomes, sooner or later, a republic or democracy.*

With the exception of Russia, most major nations have abandoned slavery in favor of free labor.

*Russia yet maintains slavery, and is a despotism. Most of the other European states have abolished slavery, and adopted the system of free labor. It was the antagonistic political tendencies of the two systems which the first Napoleon was contemplating when he predicted that Europe would ultimately be either all Cossack or all republican. Never did human sagacity utter a more pregnant truth.*

That trend, he says, is because the two systems are simply incompatible. In America this becomes evident when a new state declares itself either Free or Slave.

*The two systems are incompatible. They never have permanently existed together in one country, and they never can...Indeed, so incompatible are the two systems, that every new State which is organized within our ever-extending domain makes its first political act a choice of the one and the exclusion of the other, even at the cost of civil war, if necessary.*

To cement the outcome, the Slave states went so far in the 1856 election as to keep anti-slavery candidates from even appearing on their ballots.

*The slave States, without law, at the last national election, successfully forbade, within their own limits, even the casting of votes for a candidate for President of the United States supposed to be favorable to the establishment of the free-labor system in new States.*

As the country's infrastructure develops, the two labor systems come together more often and more intensely.

*Hitherto, the two systems have existed in different States, but side by side within the American Union. (But)... the States into a higher and more perfect social unity or consolidation. Thus, these antagonistic systems are continually coming into closer contact, and collision results.*

The result, says Seward, is an "irrepressible conflict," that must end with an America that is "entirely a slaveholding nation or a free-labor nation:"

*Shall I tell you what this collision means? They who think that it is accidental, unnecessary, the work of interested or fanatical agitators, and therefore ephemeral, mistake the case altogether. It is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation, or entirely a free-labor nation.*

*Either the cotton and rice fields of South Carolina and the sugar plantations of Louisiana will ultimately be tilled by free labor, and Charleston and New Orleans become marts of legitimate merchandise alone, or else the rye-fields and wheat-fields of Massachusetts and New York must again be surrendered by their farmers to slave culture and to the production of slaves, and Boston and New York becomes once more markets for trade in the bodies and souls of men.*

Importantly, the founding fathers understood the incompatibility of the two systems from the beginning, and, according to Seward, set up the amendment process to eventually abolish slavery in every state.

*The fathers knew that the two systems could not endure within the Union, and expected within a short period slavery would disappear forever. Moreover, in order that these modifications might not altogether defeat their grand design of a republic maintaining universal equality, they provided that two thirds of the States might amend the constitution.*

But the South will not surrender its slaves easily, and they are on the march to nationalize the institution.

*(It) has at length made a stand, not merely to retain its original defensive position, but to extend its sway throughout the whole Union. It is certain that the slaveholding class of American citizens indulge this high ambition, and that they derive encouragement for it from the rapid and effective political successes which they have already obtained.*

He then makes an extraordinary declaration, announcing that he would leave America were slavery to prevail.

*For one, I should not remain in the country to test the sad experiment. Having spent my manhood, though not my whole life, in a free State, no aristocracy of any kind, much less an aristocracy of slaveholders, shall ever make the laws of the land in which I shall be content to live. Having seen the society around me universally engaged in agriculture, manufactures, and trade, which were innocent and beneficent, I shall never be a denizen of a State where men and women are reared as cattle, and bought and sold as merchandise. When that evil day shall come, and all further effort at resistance shall be impossible, then, if there shall be no better hope for redemption than I can now foresee, I shall say with Franklin, while looking abroad over the whole earth for a new and more congenial home, "Where liberty dwells, there is my country."*

The Democrats have been co-opted by the South and has become the party of slavery. It must be defeated for America to prosper, and that is the challenge for the new Republican Party.

*At last, the Republican party has appeared. It avows, now, as the Republican party of 1800 did, in one word, its faith and its works, " Equal and exact justice to all men." Even when it first entered the field, only half organized, it struck a blow which only just failed to secure complete and triumphant victory.*

Seward closes with another charged line -- "a revolution has begun" – and the people are now ready to take back the nation from the Democrats, the "betrayers of the constitution."

*I know, and you know, that a revolution has begun. I know, and all the world knows, that revolutions never go backward. Twenty senators and a hundred representatives proclaim boldly in Congress to-day sentiments and opinions and principles of freedom which hardly so many men, even in this free State, dared to utter in their own homes twenty years ago. While the government of the United States, under the conduct of the Democratic party, has been all that time surrendering one plain and castle after another to slavery, the people of the United States have been no less steadily and perseveringly gathering together the forces with which to recover back again all the fields and all the castles which have been lost, and to confound and overthrow, by one decisive blow, the betrayers of the constitution and freedom forever.*

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Time: October 1858 Forward

### **The Address Alarms Many Of His Listeners**

As with Lincoln's "house divided" metaphor from his June 1858 speech, Seward's description of an "irreconcilable difference" between slave labor and free labor is intended to alarm his listeners.

These two men share the same intent: to warn Northerners that the Democrat's goal is to nationalize slavery; that the Kansas-Nebraska Act, the *Dred Scott* decision and the Lecompton Constitution facilitate this outcome; and that the only way to prevent it lies in electing Republicans to govern the nation.

Both also share a deeply held conviction that slavery is morally indefensible, that it violates America's core value of freedom, and that the founders had every intent of insuring that it withered away over time.

Both have concerns about their own warnings and predictions, two in particular: will a civil war be required to put an end to slavery, and what will happen to the millions of slaves once they are freed?

Neither wants a war and neither has a good answer regarding the fate of freed blacks in a white society that sees them as inferior and fears their revenge.

But in their minds, something must be done to prevent the sustained violence and governmental chaos witnessed in Kansas from repeating itself one territory at a time across the west. Thus their joint call for a flat out ban on any more expansion of slavery.

The exact rhetoric they employ to make these points does, however, differs in ways that will affect their chances of becoming president – with Lincoln coming across as more tempered and Seward viewed, especially in the press, as more of the “arch agitator.”

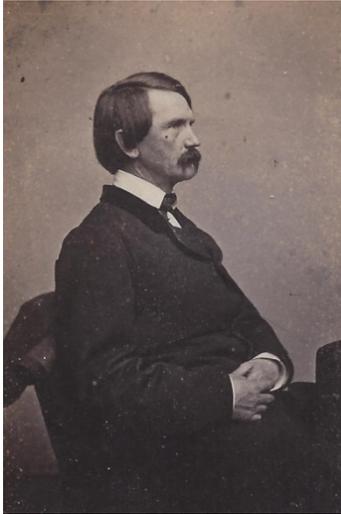
Some of Seward's reputation as a “radical” may trace to his tendency to express quite unconventional thoughts -- the notion of a “higher law” than the Constitution, of a “revolution” in progress, of slaves again for sale in New York and Boston, of his commitment to abandon his country should this happen.

While these images energize many to join the Republican cause and back his personal candidacy, they also seem to scare others away, to position him as one whose election would eliminate the possibility of compromise and restored unity.

## Chapter 235 - Republicans Win The Mid-Term House Elections

Time: August 2, 1858 to November 8, 1859

### The Democrats Lose Their Prior Majority



Francis Blair, Jr. (1821-1878)

The actual mid-term election voting is strung out between August 2, 1858 and November 8, 1859 – a pattern that will persist until an 1872 bill that concentrates all polling on the Tuesday after the first Monday in November.

When the returns are all in, the Democrats have lost their majority in the House, surrendering 35 seats in total, with 19 going to a splinter group christened the Southern Opposition Party. Meanwhile the Republicans are the big winners, capturing 116 seats for a plurality position.

#### Results Of 1858 Elections: The House

Party	# Seats	Gain/Loss
<b>Democrats</b>	98	--35
<b>Republicans</b>	116	+26
<b>Know Nothings</b>	5	--9
<b>So. Opposition</b>	19	+19
<b>Total</b>	238	

The largest statewide shift in popularity occurs in Buchanan's home state of Pennsylvania, where his Democrats lose ten races. Gains by the new Southern Opposition faction are concentrated in the mid-South, Tennessee, Kentucky and North Carolina.

#### Biggest Shifts From 1856 Results In The House

	Gainers	Losers
<b>Pennsylvania</b>	Republicans +10	Democrats --10
<b>Tennessee</b>	So. Opposition +7	Democrats - 4/ KN -3
<b>New York</b>	Republicans +5	Democrats -5
<b>Kentucky</b>	So. Opposition +5	Democrats -3/KN - 2
<b>North Carolina</b>	So. Opposition +4	Democrats -3/KN -1

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Time: Fall 1858

### The Differences By Region Are Foreboding

The results by region reinforce the threat of a Union on the brink of dissolution.

In the slave states of the South, the Republicans win exactly one seat, that in Missouri's 1<sup>st</sup> District, won by Francis Preston Blair, Jr.

Conversely in the North, they pile up 115 wins against only 33 going to the Democrats.

Should a portion of these Democratic victories give way in 1860, a new President, chosen entirely on electoral votes in the North, would be a possibility. In effect, a "Northern President."

**House Seats Won In The 1858 Election By State**

Southeast	Tot Seats	Republican	Democrats	So. Opposition	Know Nothing
Virginia	13	0	12 (-1)	1 (+1)	0
North Carolina	8	0	4 (-3)	4 (+4)	0 ((-1)
Georgia	8	0	6	2 (+2)	0 (-2)
South Carolina	6	0	6	0	0
Total	35	0 0	28	7	0
Border					
Kentucky	10	0	5 (-3)	5 (+5)	0 (-2)
Maryland	6	0	3	0	3
Missouri	7	1	5 (+1)	0	1 (-1)
Delaware	1	0	1	0	0
Total	24	1	14	5	4
Southwest					
Tennessee	10	0	3 (-4)	7 (+7)	0 (-3)
Alabama	7	0	7	0	0
Mississippi	5	0	5	0	0
Louisiana	4	0	3	0	1
Arkansas	2	0	2	0	0
Texas	2	0	2	0	0
Florida	1	0	1	0	0
Total	31	0	23	7	1
Total South	90	1	65	19	5

Northeast					
New York	33	26 (+5)	7 (-5)		
Pennsylvania	25	20 (+10)	5 (-10)		
Massachusetts	11	11	0		
Maine	6	6	0		
New Jersey	5	3 (+1)	2 (-1)		
Connecticut	4	4 (+2)	0 (-2)		
New Hampshire	3	3	0		
Rhode Island	2	2	0		
Vermont	3	3	0		
Total	92	78	14		
Northwest					
Ohio	21	15 (+2)	6 (-2)		
Indiana	11	7 (+2)	4 (-2)		
Illinois	9	4	5		
Michigan	4	4	0		
Total	45	30	15		
Far West					
Wisconsin	3	2 (-1)	1 (+1)		
California	2	0	2		
Iowa	2	2	0		
Minnesota	2	2 (+2)	0 (-2)		
Oregon	1	0	1		
Kansas	1	1 (+1)			
Total	11	7	4		
Total North	148	115	33	0	0
Total U.S.	238	116	98	19	5

In the Senate, with only one-third of the seats are in play, the trend is toward the Republicans, although the Democrats still maintain a fairly comfortable majority.

#### Results Of 1858 Elections: The Senate

Party	# Seats	Gain/Loss
Democrats	38	--4
Republicans	25	+5
Know Nothings	2	-2
<b>Total</b>	65	

## Chapter 236 - John Brown “Emancipates” More Slaves In Missouri

Time: December 20, 1858

### Brown Executes A Rescue Operation



Two Youngsters

With his Virginia raid on hold after Hugh Forbes’ public revelations, John Brown returns to Kansas in June 1858, roughly a month after the cold-blooded murder of eleven Free-Staters at the Marais des Cygnes River.

But his mind is now more on Virginia than Kansas, and besides that, he is also suffering from what he calls the “ague,” fits of shivering and chills commonly associated with malaria. Sickness fells him all the way into October 1858.

Still he finds enough stamina to organize a defensive unit he calls “Shubel Morgan’s Company,” which includes two recruits who will die with him at Harpers Ferry: Jerry Anderson and Albert Hazlett, both veterans of various battles in Kansas.

Then on December 20, 1858, he is back on the offense.

He leads a party of twenty men across the Missouri border and into Vernon County, on a mission to liberate slaves.

His prize is a total of eleven men, women and children, captured in raids on two farms -- and he is so moved that he decides to personally lead them all the way to safety and freedom.

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Time: January-March 1859

### The Escape Ends With Freedom In Canada

Immediately after the incursion, the Governor of Missouri places a \$3,000 bounty on Brown’s head, and President Buchanan adds another \$250 on his own.

But he is characteristically undeterred, and organizes an expedition to take the slaves North.

On February 20 the band has reached Grinnell, Iowa. They pass through Springdale on February 25 and West Liberty on March 9.

From there they head northeast through Illinois and Michigan, finally reaching Detroit, where Brown puts them on a ferry to Windsor, Ontario and a new life in Canada.

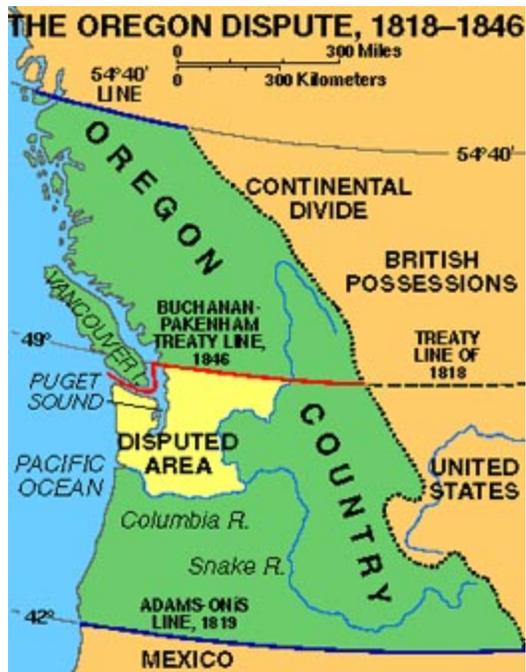
The journey has lasted eighty-two days and has covered over 11,000 miles.

It stands as one more chapter, in this case a less violent one, in Osawatomie Brown's crusade to end slavery.

## Chapter 237 - Oregon Enters The Union As A “Whites Only” State

Time: August 14, 1848

### Congress Establishes The Oregon Territory



Map Of The “Oregon Country” Circa 1846

While plans are being hatched throughout the 1850’s to blow up the Union, the residents of the Oregon Territory are finally eager to join it.

Their journey has been in the making for over a half century, ever since Merriweather Lewis and William Clark explore the area in their 1805-6 expedition, and John Jacob Astor opens the trading post for his Pacific Fur Trading Company in 1811.

While battles between Astor and Britain’s Hudson Bay Company for dominance of the fur trade continue into the 1830’s, settlers from the east begin to straggle into the area, attracted by the promise of abundant farmland.

On July 5, 1843 they gather together to establish their first provisional government, under a document known as the “Organic Laws of Oregon.”

Soon thereafter the “Oregon Country” becomes the center of national attention in a threatening boundary dispute with Great Britain. It is sparked by the 1844 presidential campaign, where those backing James Polk and “manifest destiny” rally behind the cry of “Fifty-four forty or fight.” Cooler heads prevail in the Oregon Treaty of 1846, negotiated by James Buchanan and establishing the 49<sup>th</sup> parallel as US-Canadian border.

This begins serious discussions about statehood, and on August 14, 1848, Congress creates the Oregon Territory, stretching all the way from the 42<sup>nd</sup> to the 49<sup>th</sup> parallel, and President Polk appoints Joseph Lane as the first Territorial Governor.

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Time: March 3, 1849

### Joseph Lane Is A Leading Force In The Territory



Joseph Lane (1801-1881)

Lane will dominate the political scene in Oregon for much of the next twelve years -- as another of the larger-than-life men of action who emerge during America's westward expansion.

Joseph Lane is born in North Carolina to a father who fought in the Revolutionary War. His youth is spent in Kentucky where he is self-taught. At fifteen he moves to Indiana, marries four year later, operates a successful flat-boat business on the Ohio River.

He reads the law on his own and enters politics at age twenty-two, before enlisting in the Mexican War. Like others his age, the war becomes his pathway to national recognition. He serves under Zachary Taylor, is wounded twice in combat and rises to the rank of Major General.

When Lane arrives in Oregon as the first Governor on March 3, 1849, the total population of the Territory is just under 9,000 people, and battles are frequent with the local Cayuse tribe. He resigns his office in 1850, but then becomes the delegate to the U.S. House from 1851 to 1857, when he is elected as the first of Oregon's two U.S. Senators.

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Time: August 17, 1857

### The Constitution Convention Opens



After the land north of the Columbia River becomes the Washington Territory in 1853, the Oregonian’s turn their attention toward statehood. Concerns over federal taxation and land prices have slowed the process, but on June 1, 1857, voters call for a Constitutional Convention by a margin of 7,209 yeas against 1,616 nays.

The convention opens on August 17, 1857 in the town of Salem.

Sixty delegates are chosen to attend. They range in age from 64 years to 25 years old, with a median around 40.

Map Of The Oregon Territory In 1857

#### Age Of Delegates

Years	#
60 or older	5
50-59	10
40-49	17
30-39	22
20-29	6

Half are farmers; another seventeen are lawyers; the rest have diverse occupations.

#### Occupation Of Delegates

	#
Farmers	30
Lawyers	17
Mechanics	3
Miners	3
Surveyors	2
Physicians	2
Editor	1
Printer	1

Their birthplaces are very diverse, and divided almost evenly between Free States and Slave States.

**Birth State Of Delegates**

<b>Free States</b>	
New York	7
Illinois	6
Massachusetts	4
Connecticut	4
Pennsylvania	4
Ohio	3
Others	4
Total	32
<b>Slave States</b>	
Missouri	7
Kentucky	6
Virginia	5
Tennessee	4
Others	4
Total	26
<b>Europe</b>	
	2

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Time: August- September 1857

**Asahel Bush And The “Salem Clique” Dominate The Proceedings**

The Democratic Party is dominant in Oregon in 1857, and its members account for just over 75% of the convention delegates. The rest are residual Whigs along with a one lone early Republican, a lawyer named John McBride.

**Political Party Of Delegates**

	<b>#</b>
<b>Democratic</b>	46
<b>Ex-Whigs</b>	13
<b>Republican</b>	1

The framework for political debate is largely set by two newspaper publishers, who lock horns throughout the 1850’s.

One is Thomas Dryer, a New Yorker by birth, who comes to California during the gold rush, then moves north in 1850 to found the *Oregonian*. It is centered in the town of Portland, and

dedicated to promoting the Whig agenda. Despite being a notorious alcoholic, Dryer is still able to wield a devastating pen against his political foes.

He is more than matched in this regard by Asahel Bush, originally from Massachusetts, who is recruited by Samuel Thurston -- Oregon's first provisional representative in 1849 to the U.S House -- to found a paper backing his political career and helping to organize the Democratic Party. Bush's paper is the *Oregon Statesman*, which starts up in Salem in 1851.

Bush himself quickly becomes a leading mover and shaker in Territorial politics, Oregon's version of publishers like Francis Preston Blair in D.C., Thurlow Weed in Albany, and Horace Greeley in New York City.

Bush parlays his political connections into landing lucrative contracts as the Territorial Printer, charged with publishing all official government notifications. The widespread circulation of his paper, and his personal political acumen, soon attract upcoming Douglas Democrats to his side. Thomas Dryer christens this group the "Salem Clique," comprising a dozen or so men, who play a central role in shaping the Oregon Constitution and running the government itself.

**A Profile Of Bush And Key Associates In The "Salem Clique"**

	<b>Born</b>	<b>Home</b>	<b>Attend</b>	<b>History</b>
<b>Asahel Bush</b>	1824	Mass	No	Apprentice printer, passes bar in MA, in '51 founds <i>Oregon Statesman</i> , builds Democrat Party, head of Salem Clique, backs Stephen Douglas, defends slavery but is pro-Union, later a very successful banker
<b>Matthew Deady</b>	1824	MD	Yes	Apprentice blacksmith in Ohio, Oregon in '49, reads law, elected to legislature '50, President Pierce puts him on state Supreme Court '53-59, a fierce supporter of slavery
<b>Benjamin Harding</b>	1823	Pa	No	Illinois lawyer, to Oregon and into legislature '50, supports Joseph Lane, US Senate '62-65
<b>James Nesmith N</b>	1820	Me	No	Oregon in '43, law, but never practiced; wealth from gold rush, military captain in several territorial wars vs. tribes, fights alongside Lane; US Marshal '53-55; Supt of Indian Affairs ('57-59), opposes slavery, US Senate '61-67
<b>Delazon Smith</b>	1816	NY	Yes	Oberlin College but critical of its anti-slavery views, lawyer and newspaper editor, from Iowa to Oregon '52, edits <i>Oregon Democrat</i> , Speaker of legislature '55-56, U.S. Senator for 3 weeks in '59, eventually linked to Joseph Lane and Southern Democrats, dies suddenly '60

<b>Lafayette Grover</b>	1823	Me	Yes	Lawyer, Oregon '51, county clerk and prosecutor, Indian wars, Speaker in legislature, later Governor twice and US Senator
<b>Orville Pratt</b>	1819	NY	No	West Point, law, practice in Galena, IL, appointed to Oregon Supreme Court by Polk '48-52, uses positions and influence to advance his considerable fortune, to SF in '56 as lawyer

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Time: September 18, 1857

### The Delegates Vote To Permanently Cleanse Oregon Of All Negroes

The influence of the Salem Clique is apparent right away as delegates choose Matthew Deady to preside over the convention. Two other clique members, Delazon Smith and Lafayette Grover, serve as delegates, as does Thomas Dryer for the opposition.

All told, the event will run for a total of thirty-two days, and produce a constitution modeled on Indiana's 1851 document, with nine of the final eighteen articles copied word for word and many of the others altered only slightly.

The one topic that draws extensive discussion is the fate of black people within state borders.

Unlike Kansas, the issue of whether or not to allow slavery is never in doubt in Oregon – even though members of the Salem Clique all condone the practice, as does the powerful Joseph Lane.

The public has already signaled its overwhelming wish to become a Free State in the 1843 “Organic Laws,” not because of any moral reservations, but rather to support free white labor. On top of that, all agree that the climate in Oregon is not fit anyway for plantation crops like cotton or sugar.

So there is upfront consensus that no slaves will be permitted in the new state.

But then the question shifts to the fate of “free blacks” already in residence. This is addressed on June 18, 1844, in another statute known as “Peter Burnett’s Lash Law.” According to this law, “free blacks” are ordered to leave the territory, and any who refuse will be subject to a public whipping every six months...

*On his or her bare back not less than twenty, nor more than thirty ‘stripes’ to be inflicted by the constable of the proper county.*

The prime mover behind this extraordinary act, one Peter Burnett, is a rural Missouri man who immigrates to Oregon in 1843 and enters politics before leaving for the California gold rush in

1848. Once there he makes a fortune selling real estate, before being elected as the state’s first Governor in 1849. While in office he attempts to repeat his “lash law,” but without success.

Having already excluded both slaves and free black residents, all that remains to insure that Oregon becomes a pure white state is to ban the future immigration of any new free blacks – and that’s what the delegates decide to do.

The exact language appears in Article I, Section 35 of the constitution:

*No free negro, or mulatto, not residing in this State at the time of the adoption of this Constitution, shall come, reside, or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws, for the removal, by public officers, of all such negroes, and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the state, or employ, or harbor them.*

Before it is passed, an effort is made to also include “Chinamen” in the ban. The sponsor here is William Watkins, a medical doctor from Josephine County, who argues that they pose the same threat to white labor as the slaves:

*Chinamen...(are) practically slaves, they are bought and sold to one another, and to white men, as much as negroes were in the south. If Chinese emigration continued to come into (my) county...in five years no white man would inhabit it. White men could not compete with them.*

After a lively debate, Watkins finally withdraws his motion, and on September 18, 1857, the delegates are asked to vote on their constitution.

#### **Delegate Votes On Constitution**

	#
<b>Voting to accept</b>	35
<b>Voting to reject</b>	10
<b>Absent</b>	15

While this endorsement seems a bit lackluster, in the end, 52 of the 60 delegates go on to sign the final document.

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Time: November 9, 1857

#### **Public Support For The Constitution And Black Exclusion Is Overwhelming**

Criticism of the Constitution comes predictably from Thomas Dryer and his *Oregonian*, with editorials attacking the outcome as the work of Bush and his henchmen:

*A half score of reckless office-hunting knaves in and about Salem, who have too long controlled the political rights of the people of Oregon.*

Oregonians seem to brush aside the attacks as more petty bickering between Dryer and Bush, the Portland crowd and the Salem crowd, the ex-Whigs and the Democrats.

Seven weeks after the convention they go to the polls and vote overwhelmingly to approve the Constitution.

Even more telling is the level of support they show for excluding free blacks from taking up residence in the state – a clause that gains 89% of the votes cast.

### **Oregon Public Voting On November 9, 1857**

	<b>Aye</b>	<b>Nay</b>	<b>Total</b>	<b>% Aye</b>
<b>Constitution Itself</b>	7,195	3,215	10,410	69%
<b>Prohibiting Slavery</b>	7,727	2,645	10,372	74
<b>Excluding Free Blacks</b>	8,640	1,081	9,721	89

Oregon is now set to enter the Union as a pure whites-only state.

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Time: As Of 1859

### **Oregon’s Anti-Black Racism Mirrors The Beliefs Of Most White Americans Over Time**



To Be “Excluded” In Oregon

Men like Abraham Lincoln recognize that this wish in Oregon to be “cleansed of all negroes” -- not just the slaves -- is a sentiment shared by the vast majority of whites in the North, and by many Southerners. It is why he believes that assimilation between the races is out of reach, and continues to favor re-colonization to Africa were it practical.

Expressions of this virulent anti-black racism in Oregon comes in a variety of ways. The Territorial Supreme Court Chief Justice, George Williams, puts it this way at the time of the convention:

*Negroes are naturally lazy.... [They] are an ignorant and degraded class of beings, and therefore they will vitiate to some extent those white men who are compelled to work or associate with them.*

A more crudely expressed opinion comes earlier from one N. V. Holmes in an 1855 letter to the *Oregonian*:

*Niggers...should never be allowed to mingle with the whites. They would amalgamate and raise a most miserable race of human beings. If niggers are allowed to come among us and mingle with whites, it will cause a perfect state of pollution. Niggers always retrograde, until they get back to the state of barbarity from whence they originated... The Almighty has put his mark on them, and they are a different race of human beings. Let any gentleman read the history of a physician that has dissected a nigger and see what you will find: their very brain is tintured with black.*

Nothing in these beliefs is particularly new – and for six decades they have been converted into countless statutes and policing policies aimed at discouraging black from taking up residency within state boundaries.

These so-called “black codes” are passed by legislatures from Ohio to Oregon.

**Statutes Discouraging Black Residency**

<b>Northern States</b>	<b>Years Approved</b>
<b>Ohio</b>	1804, 1807
<b>Illinois</b>	1819, 1829, 1853
<b>Michigan</b>	1827
<b>Indiana</b>	1831, 1852
<b>Iowa</b>	1839
<b>Oregon</b>	1849, 1859
<b>Kansas</b>	1855

But Oregon is the first to actually write a ban on all blacks into their constitution.

And the ban there will prove to be very effective.

Results of the 1860 Census show that only 126 negroes or mulattoes appear on the state rolls, out of a total population of 52,456. One hundred year later, in 1960, less than 1% of all Oregonians are black.

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Time: February 14, 1859

**Congress Admits Its First “Whites-Only” State Into The Union**

Oregon assumes that its admission to the Union will follow rapidly after the constitution is approved in November 1857 – and they proceed to elect their first slate of government officials.

Two familiar faces are picked for the U.S. Senate. One is Joe Lane, whose national credentials are already well established. The other is Delazon Smith, who soon falls under Lane’s spell and

turns on his former colleagues in the “Salem Clique” to wrest control from Asahel Bush over the Democratic Party machine.

The choice for Governor is John Whitacre, another pro-slavery sympathizer, who moves from Indiana during the gold rush, and serves as a probate court judge before entering the Oregon legislature.

Together with congressman Lafayette Grover, these men lobby Congress for a speedy admission process.

But this is not to be.

In the Senate, southerners led by Jefferson Davis, object to any further disruptions to the balance of power, given that Oregon would become the 18th Free State against only 15 Slave States. This delay lasts until March, 1858, when proponents win by a 35-17 margin.

The bill to admit lingers in the House, including a six month long recess running from June 16 to December 6, 1858. By the time the second session opens, the Republicans are already on their way to winning a plurality in the chamber. A few raise concerns about the black exclusion clause, but most of the controversy is focused on the fact that Oregon’s current population, pegged at 42,862, falls well below the established 93,000 minimum threshold, debated in April during the “English Bill” controversy.

Finally, after a fifteen month delay, enough Republican hold-outs join the Democrats in passing the bill on a 114 to 103 vote.

**Votes To Admit Oregon**

	<b>Aye</b>	<b>Nay</b>
<b>US Senate</b>	35	17
<b>US House</b>	114	103

When James Buchanan adds his signature on February 14, 1859, America welcomes its first “whites-only” state into the Union.

## Chapter 238 - Wisconsin Tries To Defy The U.S. Supreme Court On A Run-away Slave Case

Time: March 10, 1854

### A Mob Frees A Fugitive Slave Held In Wisconsin And The Instigator Is Arrested

In 1859, after several years of stonewalling, the Supreme Court of Wisconsin finally turns over documents requested by the U.S. Supreme Court to rule on a contentious run-away slave case.

At issue is the fate of Sherman Booth, who plays a leading role on March 10, 1854, in the unlawful escape from custody of a fugitive slave named Joshua Glover.

Booth is a native of New York who, while studying at Yale University, is hired to teach English to slaves from the Spanish ship *Armistead* as they await a trial in Connecticut that will free them. He is so moved by this experience that he founds an abolitionist newspaper and helps to organize the state's Liberty Party before graduating in 1841. In 1848 he moves west to Racine, Wisconsin, and starts up the *Wisconsin Freedman* paper in nearby Milwaukee.

His editorial fight against slavery turns to action on March 10, 1854, when Joshua Glover, a run-away from Missouri, is arrested in a Racine barn by a U.S. Marshal and his master, one Bennami Garland. When Glover is jailed, Booth organizes a protest rally which eventually turns into a mob that frees him and begins his escape to freedom in Canada.

While Booth does not participate in the assault, he encourages it and then boldly announces in his paper that the "Fugitive Slave Act has been repealed in Wisconsin."

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Time: June 7, 1854

### The Wisconsin Supreme Court Frees Booth And Declares The Fugitive Slave Act Unconstitutional

Booth is arrested and brazenly admits to his involvement.

When bail of \$2,000 is set by U.S. Commissioner Winfield Smith, his supporters raise the funds and, once free, he fires back at the government in a series of editorials and a call for a statewide anti-slavery convention to be held in the capital of Madison on July 21, 1854.

His lawyers then file a writ of habeas corpus with the Wisconsin Supreme Court to force a trial of his case. The result in *Abelman v Booth* is an acquittal and an opinion written by Associate Justice Abram D. Smith which labels the Fugitive Slave Law a "wicked and cruel Enactment" and declares it unconstitutional.

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Time: February 3, 1855

### **A U.S. Supreme Court Injunction Is Defied**

With that, the Booth case assumes national visibility, and a federal court issues an order to re-arrest him.

On July 19, 1854 the Wisconsin Supreme Court reaffirms his freedom, only to see him taken into custody two days later by federal marshals.

A trial follows in a U.S. District Court, where the judge orders the jury to ignore all pleas about the “morality of the law” itself. He is convicted and jailed.

Booth again appeals to the Wisconsin Supreme Court, and on February 3, 1855, it again finds that the Fugitive Slave Act is unconstitutional and, in turn, releases him from jail

As soon as the U.S. Supreme Court hears that Wisconsin is ignoring a federal law passed by Congress, it demands to hear the case.

But the Wisconsin Supreme Court frustrates this demand by refusing to send the required case documents to Washington.

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Time: March 7, 1860

### **The U.S. Supreme Court Prevails But Booth Eventually Gains His Freedom**



Hans Christian Heg (1829-1863)

The open resistance in Wisconsin continues over four years, into 1859.

In the interim, a separate court case in July 1855 results in Booth being required to pay \$1,000 to Joshua Glover’s master for the loss of his slave.

The rest of the story involves many twists and turns.

After finally receiving the needed documentation, and hearing the case against Booth, the U.S. Supreme Court reverses the prior ruling. The opinion, written by Chief Justice Roger Taney on March 7, 1860, says that a state court has no right to file for habeas corpus on behalf of a federal prisoner. Moreover, it has no authority to declare a law passed by Congress unconstitutional.

Booth is soon back in custody – this time in a federal custom house jail in Milwaukee. To add to his woes, he is also accused of raping a fourteen year old girl, a charge that goes unproven but damages his reputation among some prior supporters.

But Sherman Booth remains undaunted. He addresses a “freedom rally” from his cell on July 4, 1860, and less than a month later, on August 1, a ninth attempt to free him by force succeeds. He flees to Waupun, Wisconsin, where he is welcomed ironically by the warden of the state penitentiary there, one Hans Christian Heg, who will later become a war hero, dying in action at the Battle of Chickamauga.

While Booth is re-captured on October 8, 1860, the federal will to punish him has dampened, and Buchanan finally agrees to free him for good. He returns to a career in journalism and lecturing against slavery. His final brush with the law happens in 1865 when he encourages a black man named Ezekiel Gillespie to vote – an act which prompts the Wisconsin Supreme Court to approve negro suffrage in the state.

## Chapter 239 - John Brown Gets Ready For His Attack In Virginia

Time: April-May 1859

### The Virginia Attack Plan Is Revived After A Year-long Delay

After delivering the Missouri slaves he has liberated to the ferryboat to Canada in Detroit, John Brown swings east to revive his Virginia plan. It is now April 1859 and nearly a year has passed since the public disclosures by Hugh Forbes have spooked his Secret Six backers and forced him to send his original band of nine recruits on their ways.

He vows to pick up the pieces and travels east from Detroit, stopping off at Oberlin College before arriving in Cleveland on March 15, 1859 for a rally that turns out some 10,000 anti-slavery enthusiasts. He shares his latest exploits with the crowd, and leaves with two new black recruits – Lewis Leary, who will be killed in action, and his nephew, John Copeland, who will be tried and hanged.

He meets with abolitionist Governor Joshua Giddings and then arrives in Peterboro, New York, where he spends April 11-14 with Gerritt Smith, who is delighted by his rescue of the Missouri slaves. Smith donates another \$400 to the cause and heaps praise on Brown.

*If I were asked to point out the man in all this world I think most truly a Christian, I would point to John Brown.*

For the first time in two years he is also able to visit with his family in North Elba, lingering there for two weeks.

He swings down to Boston, receiving kudos from the Transcendentalists who continue to regard him as the self-reliant man of nature, willing to spring into action on behalf of a “higher law.” Bronson Alcott labels him:

*The manliest man I have ever seen.*

On May 9, 1859 he is back with the Secret Six, updating his progress and receiving more financial support. Dr. Samuel Howe is the only insider who criticizes his action in Missouri and is hesitant about the Virginia attacks.

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Time: July 3, 1859

## John Brown Occupies His Base At The Kennedy Farm



A Typical 19<sup>th</sup> Century American Farm Setting

The summer of 1859 finds a buoyant John Brown eager to seize the day in Virginia.

He turns his attention to assembling the arms he will need for the initial assault. On June 3, 1859 he is in Collinsville, Connecticut with one Charles Blair who is manufacturing what will be known as “John Brown’s Pikes.” These are fearsome weapons, featuring a stainless steel Bowie knife mounted at the tip of a six

foot long spear. Brown has designed them for the slaves he expects to free, whom he feels will lack the proper training to use conventional guns. He gives Blair \$450 to finish up 950 pikes and ship them to his secret depot in Chambersburg, Pennsylvania, 55 miles north of Harpers Ferry.

On June 11 John Brown makes his last visit to his home in North Elba. It lasts only five days, much of it devoted to discussions about the upcoming attack and Brown’s wish to have his sons accompany him to Virginia.

Three agree to go: Oliver at twenty and Watson at twenty-one will both suffer gut-shots in the battle and die slow and agonizing deaths, while Owen at thirty-four will fight and escape to safety, living for thirty more years. Thirty-eight year old John Jr. will oversee the shipment of some 198 Sharps rifles and 200 revolvers, but will be absent when the battle takes place.

Tough-minded Salmon at twenty-two, is convinced that the attack will fail, says that to his father, and refuses to sign on. Jason, a gentle soul at twenty-six, also bows out.

With their fates decided, the Browns head to the Kennedy Farm to meet up with the rest of the volunteers and begin training for their assault. The farm is on two acres of land roughly five miles north of Harpers Ferry. Brown has rented the property from heirs of the deceased Dr. Robert Kennedy under the alias of Isaac Smith. He pay \$35 on a lease running until March 1860, signaling his intent to be a long-term settler.

On July 3, 1859, Brown, his son, Oliver and Osborn Anderson move to the farm, along with Oliver’s pregnant wife, Martha and Brown’s daughter, Anne. Both women are sixteen years old, and their duty will be to handle the housekeeping chores and act as look-outs on the property, until just before the raid.

Some 105 days now remain until the bloodshed begins.

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Time: Mid- August 1859

### **Frederick Douglass Hears The Plan And Fears For The Outcome**

While Brown is elated that the day of reckoning is near, there are still many details left to prepare for the attack.

To celebrate the Fourth of July he drafts his own version of the Declaration of Independence which will later be found at the farm. It reaffirms his intentions for the new Provisional Government.

*To secure equal rights, privileges and justice for all... We will obtain these rights or die in the struggle to obtain them. We make war upon oppression.*

By the end of August, twenty of the twenty-one men who will fight at Harpers Ferry are present on the farm.

They will be crammed into tight quarters, as the farmhouse consists of only two rooms, and much of the barn space is given over to the eventual storage of weapons. But most are accustomed to living rough in the outdoors, and they settle in nicely.

Their daily routine consists of reading Hugh Forbes manual on guerrilla tactics, training with their weapons, debating religion and politics, singing songs and keeping up with the news via the *Baltimore Sun*, brought to them by John Cook, who has been living in town for over a year to scope out the operation.

On Sundays, John Brown attends the local Dunker Church. During the week, he is called upon by neighbors to act as veterinarian for their sick farm animals. Efforts to conceal their purpose are wanting all along, with the men sending details to their families back home and engaging in loose talk. Secretary of War John Floyd even receives an anonymous letter in August citing Brown's presence and intentions in Virginia, but discards it as implausible.

The one moment of real tension among the men occurs when, for the first time, many of them learn that the initial attack will be made on the U.S. Arsenal. Like many other Brown supporters – even including members of the Secret Six – the assumption is that the plantations in and around Harpers Ferry are the target, not federal property. Upon hearing to the contrary, “Captain” Charles Tidd and several other predict failure, but Brown eventually brings them around.

He hears a similar forecast from Frederick Douglass who visits the farm in mid-August. Brown tries very hard to persuade Douglass to join him:

*Come with me Douglass. I want you for a special purpose. When I strike, the bees (i.e. slaves) will begin to swarm, and I shall want you to help hive them.*

Brown is convinced that the slaves will spontaneously rise up to join his crusade, but fails to devise a system for getting the word out to the plantations, a critical oversight.

After listening to Brown's plan, Douglas declines the invitation to join in, and tells his old friend, "I believe you will die there."

While disappointed, the meeting does result in Brown's final recruit, twenty-three year old, Shields Green, a fugitive slave from Charleston, S.C., who has accompanied Douglass to the farm.

The presence of a white man ready to die for black men astonishes Green, who will go to Harpers Ferry, fight, be captured and subsequently hanged.

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Time; September 29, 1859

### **The Raiders Reflect On Their Mission And Fate**

In early September the weapons supplied by the Massachusetts State Kansas Committee and the Secret Six arrive at the Kennedy farm. Included are 198 Sharps rifles and 200 Maynard revolvers, although the latter lack priming devices needed to make them functional.

They are followed at the end of the month by the supply of "John Brown's Pikes," which he intends to distribute to the men he frees. As he says with great assurance:

*Give a slave a pike and you make him a man.*

Fall is harvesting season across the South, when slaves are particularly over-worked and most prone to flight. Brown's feels it is the perfect time for his attacks to begin.

On September 29, 1859 he takes another step forward, ordering the two women to leave the farm and return home for safety. He gives a note to his daughter Anne, telling her to "save this letter to remember your father by."

Oliver Brown's pregnant wife Martha also says good-bye to her husband for the last time. Both will be dead within the next six weeks, he from a mortal wound in battle, she following an illness after also losing her newborn baby.

Thoughts of impending death also mark the correspondence of the other would-be soldiers. While Charles Tidd escapes in the end, his fears about the assault on the armory persist, and he writes his parents:

*This is perhaps the last letter you will ever receive from your son.*

Two men who will die during the battle assume the worst while trying to rationalize it in their own minds. Jerry Anderson writes...

*If my life is sacrificed, it can't be lost in a better cause.*

John Kagi says that if he dies, "the result will be worth the sacrifice."

As September ends, the men are just sixteen days away from discovering their individual fates.

## Chapter 240 - The Free State Wyandotte Constitution Is Approved In Kansas

Time: October 4, 1859

### The Final Constitution Passes By A 2:1 Margin



The Voters Cast Their Ballots

Captain John Brown prepares to attack Harpers Ferry, the people of the Kansas Territory are about to vote on the Wyandotte Constitution, the fourth and final document written to support their admission to the Union.

The document is crafted by the Free State forces and follows their failure to get their Leavenworth Constitution through the U.S. Senate in May 1858.

After that defeat, a proposal to try again is signed by Samuel Medary, the sixth Territorial Governor, in February 1859 and green-lighted by voters on March 29, 1859 by a margin of 5,306 to 1,425. The small town of Wyandotte, soon to be absorbed into Kansas City, is chosen as the venue, and on July 5, 1859 some 52 elected delegates – 17 Democrats and 35 Republicans -- begin their work.

With the Pro-Slavery “English Bill” Constitution already defeated, the debates at the convention are not around slavery, rather on other potential “black rights” cited in the prior Leavenworth Constitution that many now consider “too radical.”

One such issue is whether or not “free blacks” will be allowed to reside in Kansas.

The original Topeka document excluded them, but the ban is dropped in Leavenworth, and again here at Wyandotte.

The Leavenworth Constitution not only welcomed blacks in Kansas, but also called for a popular referendum on allowing them vote and on integrating them into the public schools. But both of these possibilities are dismissed by the more conservative delegates at Wyandotte.

Another issue relates to “women’s rights,” first debated at Leavenworth. The Wyandotte Constitution includes two important departures from the traditional law of “coverture,” one allowing women to own property, the other giving them equal rights to guardianship over their children.

The final Constitution also defines the exact western boundary line for Kansas and calls for a popular vote to select a permanent capital (which turns out to be Topeka).

The convention comes to a close after twenty-four days, on July 29, 1859. Delegates approve the final document 32-17, although true to its entire territorial history, the vote is split along political lines.

**Delegate Votes On Wyandotte**

<b>By Party</b>	<b>Aye</b>	<b>Nay</b>
<b>Republicans</b>	32	0
<b>Democrats</b>	0	17
<b>Total</b>	32	17

A statewide public poll on the constitution follows ten weeks later on October 4, 1859, and is passes by a 2:1 margin.

**Popular Vote On Wyandotte**

	<b># Kansans</b>
<b>Approve</b>	10,421
<b>Reject</b>	5,530

After four bitter years of violence over the slavery issue, Kansas again applies to the U.S. Congress for admission as the 34<sup>th</sup> state in the Union.

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Time: 1855-1859

**Sidebar: The Four Kansas Constitutions And Its Final Admission As A State**

Over roughly a four year period from December 15, 1855 to October 4, 1859, the opposing forces in Kansas will write four different constitutions.

Three are drafted by those intent on having Kansas declared a Free State: the Topeka, Leavenworth and Wyandotte documents. Their content varies significantly regarding the treatment of blacks and women, but all agree on banning slavery in the state.

The fourth, and by far the most historically impactful, is the Lecompton Constitution, drafted by Pro-Slavery forces who slip into Kansas from Missouri and conduct fraudulent votes to have it submitted to Congress. After it is repeatedly rejected by Northern members of the U.S. House, and then by the people of Kansas in two fair votes, it is finally discarded. But not before it has deepened the national divide between people in the North and South, further splintered the Democratic Party coalition, and cost James Buchanan control over his presidency.

#### **History Of The Four Constitutions In Kansas**

<b>Constitution Name</b>	<b>Authors</b>	<b>Public Voting</b>	<b>Date</b>	<b>Outcome In Congress</b>
Topeka	Free-Staters	1,731 -- 46	Dec 15, 1855	Senate blocks 7/56
Lecompton	Pro-Slavers	6,134 – 569 163 – 10,266	Dec 21, 1857 Jan 4, 1858	House blocks
Leavenworth	Free-Staters		May 18, 1858	Senate blocks
Lecompton/English Bill	Pro-Slavers	1,788 – 11,300	Aug 2, 1859	Efforts to pass end
Wyandotte	Free-Staters	10,421 – 5,530	Oct 4, 1859	Approved 1/28/61

Ironically the request to admit Kansas as a Free State under the Wyandotte document arrives in Congress in February 1860, just as the Union itself is breaking apart.

In April 1860, the Republican controlled House favors admission by a 134-73 vote, only to have final passage stalled again in the Senate, where the Democrats still enjoy an eleven seat majority.

This stalemate continues until the November 1860 election of Abraham Lincoln prompts eleven Southern states to secede. The first five of them – South Carolina, Mississippi, Florida, Alabama and Georgia – are already gone by mid-January 1861, when the Kansas admission bill again comes to Congress.

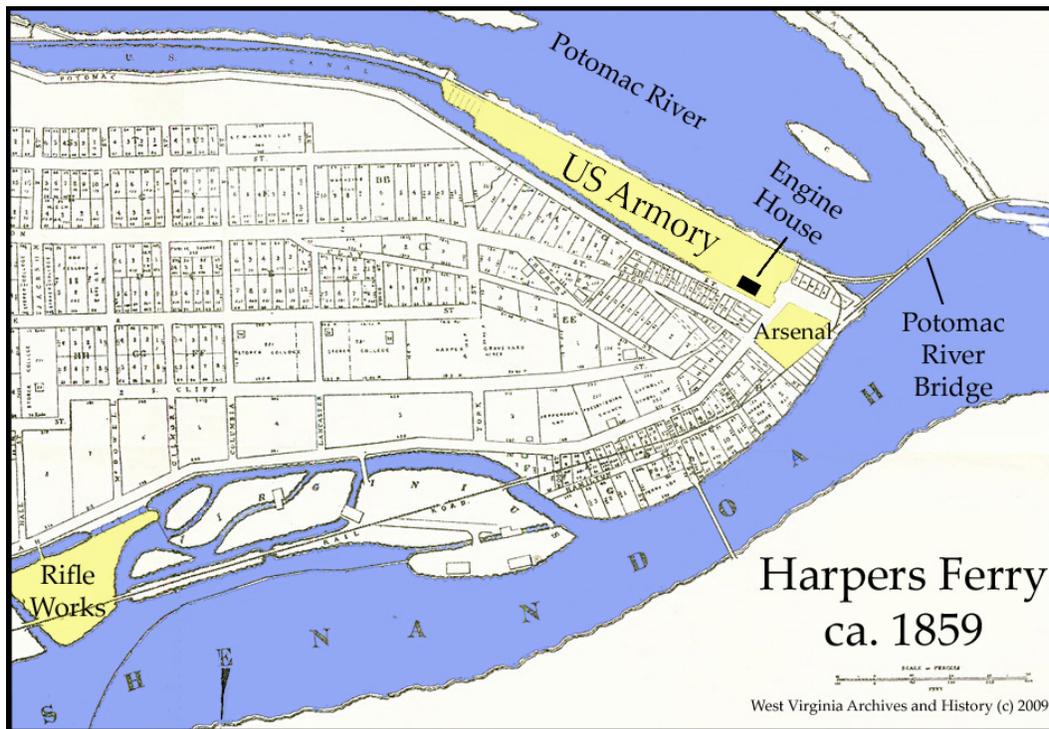
The withdrawal of members from the Southern states radically alters the make-up of both the US House and Senate and removes the historical barriers for Kansas. On January 21, 1861, the remaining senators vote 36-16 for admission. The House follows suit by a 119-42 margin on January 28.

On January 29, 1861, fate has it that President James Buchanan, who has risked and lost his presidency opposing the entry of Kansas as a Free State, signs the final bill of admittance.

## Chapter 241 - John Brown's "Army" Attacks Harper's Ferry

Time: Saturday, October 15, 1859

### Final Assignments For The Raid Are Laid Out



The Town Of Harpers Ferry, The Railroad Bridge Crossing The Potomac From MD, & The Shenandoah Bridge

The town of Harpers Ferry predates the American Revolution.

In 1761 the Virginia General Assembly gives Robert Harper the rights to run a ferry across the Potomac River from the Maryland Heights to the east, into the town which will ultimately bear his name. Thirty years later the federal government acquires land at the point to construct a second U.S. Arsenal to supplement its first at Springfield, Massachusetts. In 1824 a wooden bridge is constructed to span the river, and in 1839, a single-track railroad line is added by the B&O, making Harpers Ferry one of its central hubs. By 1859 the town is flourishing, with a population of some 2,500 citizens.

John Brown means to violate its serenity and security beginning Sunday evening, October 16.

In early October he has made one final departure from the Kennedy Farm, meeting with John Jr. and John Kagi in Philadelphia to put the finishing touches on his raid. While there, he picks up his final recruit, a fifth black man, Francis Merriam, who will successfully escape after the fight. Merriam will arrive at the last minute, bringing with him rifle primers and caps, along with a

\$600 donation from Lewis Hayden, a run-away slave who has prospered as a merchant in Boston and played an instrumental role in the 1848 escape of Ellen and William Craft.

With Merriam on board, Brown has a total of twenty-two men in his Provisional Army, well short of the fifty he had hoped for, but enough, he believes, to achieve victory.

On October 15, 1859, he gathers the men together to announce that the Revolution would get under way the next day, Sunday, October 16.

It is the Sabbath, and the day begins with Brown reading from the scriptures and asking for God's support for their righteous endeavor.

He turns symbolically to Osborne Perry Anderson, born a free black, to walk through the final assignments.

Three men – Owen Brown, Francis Merriam and Barclay Coppoc, will stay at the Kennedy Farm to begin.

The other nineteen will march in strung-out pairs to assemble near the Potomac River Bridge. Once there, each pair will have an assigned task:

#### **Brown's Detailed Plan To Assault Harpers Ferry**

<b>Assigned Tasks</b>	<b>Who</b>
Cut the telegraph wires to the outside world	John Cook & Charles Tidd
Capture the guard at the railroad bridge over the Potomac	John Kagi & Aaron Stevens
Guard the railroad bridge as the action plays out	Watson Brown & Stewart Taylor
Capture the 2 <sup>nd</sup> bridge to town over the Shenandoah River	Oliver Brown & Will Thompson
Seize the Engine House where trains are stored	Jerry Anderson, Dauphin Thompson, Wm Leeman
Seize the U.S. Arsenal where 2,000 rifles are stored	Albert Hazlett & Edwin Coppoc
Seize Hall's Rifle Works, largest gun mfr. In the South	John Copeland & John Kagi
Move to the countryside and begin freeing slaves	Aaron Stevens, Charles Tidd, John Cook, Shields Green, Perry Anderson, Lewis Leary
Stay back and guard the Kennedy Farm	Owen Brown, Francis Merriam, Barclay Coppoc

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Time: October 16 Evening To October 17 Mid-day

### **After A Smooth Start Brown Apparently Changes His Plan**

The operation begins like clockwork. By midnight Sunday, Brown is in control of both bridges into town, plus the key structures he is after, the Armory, U.S. Arsenal, the Fire Engine House, Hall's Rifle Works. His six outriders have captured Colonel Lewis Washington, the great grand-nephew of the former president, along with another planter and six slaves, and have brought them to the Armory building fronting the Potomac. All this without any casualties.

A simple retreat from there, back across the railroad bridge to the Kennedy Farm with his captured bounty, will mark the assault a success.

But then John Brown, the man of action, pauses, apparently shaken by the responses from the now liberated slaves in his presence. When he passes out his pikes and asks them to guard their four white prisoners, their response is fear not empowerment. One slave refuses to handle the pike, telling Brown "I don't know nuffin' bout handlin' dem tings." The others exhibit comparable alarm and puzzlement. Who is this white man in charge? Have they been taken to be sold down south? What form of savage retaliation will they face if their masters recapture them?

This unexpected response from the freed slaves evidently shocks Brown, and causes him to alter his entire plan. Instead of escaping into the hills, he will now make his stand against slavery at Harpers Ferry.

Soon enough his party begins to lose the advantages of surprise. At 1:30am an eastbound train is halted at the railroad bridge and an alarmed baggage porter named Shephard Hayward is mortally wounded by shots from Oliver Brown and Stewart Taylor. He is a free black man, and the first to die at the site.

As Monday, October 17, dawns, John Brown allows the train across the bridge, despite having earlier cut down the telegraph lines to conceal his presence. It arrives at Monocacy, Maryland and wires news to Baltimore that "150 abolitionists have taken Harpers Ferry, killed the porter Hayward and are freeing slaves." This report is ignored until 10:30am when the B&O line president wires the news to President Buchanan and Governor Henry Wise of Virginia. Wise orders two militia units, the Jefferson Guards and the Botts Greys to move east from Charles Town to the Ferry, seven miles away.

In the interim, the townspeople and local militias swarm toward the Armory where Brown is now holding some 30 hostages he has rounded up on the farms and in town. From beginning to end, he promises not to harm them, and he keeps his word.

But further violence is now inevitable, and the next death belongs to an Irish grocer in town named Thomas Boerly, shot by Dangerfield Newby, the freed slaves who comes with Brown in hopes of freeing his wife and family held on a nearby plantation. But this rescue is not to be, as

Newby is gunned down while running along the bridge to the shelter of the Armory. Newby will be the first of the eight raiders who will lose their lives in action of October 17. After his death, the angry crowd cuts off his ears and genitals, jabs sticks into his wounds, and feeds his remains to feral hogs. Variations on this level of savagery will also accompany the treatment of several other members of Brown's band who are captured or killed.

By mid-afternoon on Monday, the window of opportunity for Brown to flee from Harpers Ferry closes for good.

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Time: Early Afternoon October 17, 1859

### **A Harried Commander Decides To Make His Stand In The Fire Engine House**



"John Brown's Fort" In The Fire Engine House At Harpers Ferry

In town at the Hall's Rifle Works factory, Brown's second-in-command, John Kagi finds himself trapped along with Lewis Leary and John Copeland. All three run for their lives out the back and down to the Shenandoah River, attempting to swim to safety. Kagi is quickly shot dead, while Copeland is dragged to the shore and jailed along with Leary, who is mortally wounded and will die on October 20.

As the afternoon wears on, more local militias and armed citizens surround Brown's survivors inside the Armory. His options now are to surrender, fight, or negotiate his way out. He tries the

latter, sending Will Thompson out under a white flag of truce. It is ignored and Thompson is taken into custody.

With desperation setting in, “Old Osawatomie” decides to consolidate most of his remaining forces at the best structure in sight, the town’s Fire Engine House, later famous as “John Brown’s Fort.” It is a one-story brick structure comprising some 36 x 24 feet in space. Brown selects eleven of his highest profile hostages and moves them there, along with seven of his troopers: his sons, Owen and Watson; his son-in-law, Dauphin Thompson, his long-time Kansas sidekicks, Aaron Stevens and Jerry Anderson; the mild-mannered Quaker, Edwin Coppoc; and his final recruit, Fred Douglass’ friend and fugitive slave, Shields Green.

Jerry Anderson and Albert Hazlett will remain hiding in the Armory, which is unguarded when they find it and largely overlooked throughout the action.

Despite his first failed attempt at negotiating, Brown tries again, this time sending Aaron Stevens and his son, Watson, out under a truce flag. Both are immediately shot. Watson is struck in the bowels and crawls back inside the Fire Engine House, groaning in agony. Stevens is badly wounded and transported to the Armory as a prisoner. Seeing this, Will Leeman panics, and dashes out of the building and down to the Potomac River. He dives in and is wounded before trying to surrender. With his hands up, he is shot in the face. His body remains on a rock in the river, where it is used as target practice for the irate attackers.

About this same time, John Cook, reaches the east side of the Ferry bridge and climbs a tree to reconnoiter the status of conditions in the town. His day has been spent as an out-rider, rounding up the liberated slaves, and waiting back at the Kennedy Farm, along with Charles Tidd and three others, each with limited physical capacities, Owen Brown with a crippled arm from childhood, Barclay Coppoc, suffering from consumption, and the frail and easily rattled, Francis Merriam.

Cook sees the overwhelming militia and civilian forces gathered around the main buildings, then hears by word of mouth that Brown and seven other raiders have all been killed. With that, he turns back to the Kennedy Farm and tells the others that it would be “sheer madness” to try to cross the bridge. Together the five men pack their gear and escape into the mountains.

Four of the five will succeed, but not John Cook. After hiking 100 miles, the five men are near Chambersburg, Pennsylvania, when Cook ventures out for supplies on October 26, He is recognized, captured for the \$1,000 bounty on his head, and returned to Richmond where he is hanged on December 16, 1859.

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Time: Afternoon To Evening On October 17, 1859

### **The Violence Accelerates And Federal Troops Arrive On The Scene**

Around 3pm, the locals are further enraged when the popular Mayor of Harpers Ferry, Fontaine Beckham, is killed by a bullet fired by Edwin Coppoc from inside the Engine House. This loss, along with that of another prominent citizen, George Turner, prompts the mob to haul Will Thompson, captured earlier under a flag of truce, out of his cell at the Waters Hotel and march him to the railroad station. Once there he is tied to a post and shot to death, and his corpse is throw into the Potomac.

The next casualty is Brown's youngest son, Oliver. He is firing out from the Engine House, when a shot catches him in his intestines. He is laid out next to his brother, Watson, suffering from the same excruciating wound. Oliver will die during the night of October 17-18; Watson will linger, succumbing on the 19<sup>th</sup>, after telling his captors: "I did my duty as I saw fit." Stewart Taylor is also shot and dies after three hours inside the Engine House.

As darkness falls, the two raiders hidden in the overlooked Arsenal, manage to sneak down to the Potomac and cross over in a skiff. After trying, unsuccessfully, to connect with the other escapees from the Kennedy Farm, they head to Chambersburg, Pennsylvania, where Hazlett, like John Cook, is spotted, captured, returned to Virginia and hanged. Perry Anderson is more fortunate, eventually making it all the way to Canada. Of the five blacks in Brown's party, Perry Anderson is the only one who manages to escape.

Meanwhile, in town, Captain Thomas Simms of the Frederick Militia enters the Engine House under a white flag and talks about possible surrender terms. But Brown insists on free passage for his men back across the river, in exchange for his eleven hostages, and Simms demurs.

It is 11PM on October 17 when 52 year old Brevet Colonel Robert E. Lee arrives on the scene accompanied by ninety U.S. Marines. Lee is a career military officer, having served in the Mexican War and as Superintendent of West Point from 1852-55. Given Brown's isolation and the mob scene he encounters, Lee decides to delay a move against the Engine House until the morning of the 18<sup>th</sup>.

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Time: October 18, 1859

## Lee Storms The Fire Engine House And John Brown Is Captured Alive



James Ewell Brown (Jeb) Stuart  
(1833-1864 kia)

Dawn on Tuesday, October 18, finds 1<sup>st</sup> Lieutenant Jeb Stuart under a white flag peering into the Engine House and, for the first time, recognizing that the assumed “Mr. Smith” who rented the Kennedy Farm is none other than the Kansas renegade “Osawatimie Brown.” Their meeting is brief, Stuart demanding unconditional surrender, Brown still countering with safe passage in exchange for his captives.

When Stuart exits, he crouches behind the heavy door and raises his hat, signaling a twelve man unit under the command of 2<sup>nd</sup> Lt. Israel Green to rush the building, with battering rams and fixed bayonets at the ready.

Brown waits inside with his eleven hostages, including Lewis Washington, his dead son Owen and his dying son, Watson, the corpse of Stewart Taylor, along with four able bodied defenders: Edwin Coppoc, Jerry Anderson, Dauphin Thompson and Shields Green.

The assault is brief but bloody. The one marine casualty is Private Luke Quinn, born in Ireland and joining the corps in 1855. His death merely adds to the lust for revenge in the congested room.

Jerry Anderson and Dauphin Thompson are killed by bayonet thrusts, while Edwin Coppoc and Shields Green are taken alive.

It is Lt. Green who attacks John Brown, stabbing and slashing him repeated, but with an officer’s sword rather than a more lethal cavalry saber. Thus instead of dying on the scene, Brown survives. He is bleeding badly when carried to the Armory and laid next to Aaron Stevens, captured earlier at the Rifle Works.

The fact that Brown lives on for an additional 45 days through his nationally covered questioning and trial, and his eventual execution on December 2, 1859 will alter the entire narrative that follows from his Harpers Ferry raid.

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### Sidebar: Fates Of The Twenty-Two Men At Harpers Ferry

Of the twenty-two men who participate in the raid, ten are killed in action:

- Five die outright: Newby, Kagi, Leeman, Jerry Anderson, Dauphin Thompson
- One is summarily executed: Will Thompson
- Four succumb to mortal wounds: Oliver and Watson Brown, Taylor and Leary

Five are captured at the scene:

- Three are unhurt in the fighting: Quaker Edwin Coppoc, John Copeland and Shields Green
- Two others, Brown and Aaron Stevens, surrender after being severely wounded

Two flee, but are caught near Chambersburg, Pennsylvania by bounty hunters:

- John Cook, who has lived in, and scouted, Harpers Ferry for a year before the raid
- Albert Hazlett who is able to slip out of the Arsenal

All seven of those taken into custody are tried, convicted and hanged.

Brown goes first and is convicted on October 31 and dies on December 2.

Four more follow shortly, with Edwin Coppoc found guilty on November 3; the two black men, Copeland and Green, on November 4; then Cook, despised for betraying his neighbors in town who call for him to be lynched. All will be hanged on December 16, Copeland and Green in the morning, Coppoc and Cook in the afternoon.

Trials for the other two, Aaron Stevens and Albert Hazlett, are delayed when the term of the current court expires. They will be convicted in February 1860 and executed on March 16.

That leaves the five men who successfully escape. Three share similar fates, enlisting in the Union army and dying soon thereafter. Barclay Coppoc dies in a troop train accident in 1861 at age 22; Charles Tidd of disease in 1862 at 28; and Francis Merriam, also at 28, of disease in 1865.

Two live on. One is Osborn Perry Anderson, the only black who survives, and writes his own account of the incident before dying at 42 in 1872. The other is John Brown's third son, Owen, who has been at his side since the Pottawatomie massacre and will reach age 65 before his death in 1889.

<b>Killed Outright</b>	<b>Age</b>	<b>Race</b>	<b>Profile</b>	<b>Dates</b>
Dangerfield Newby	24	B	Slave in Va, freed, at HF to free his family	KIA 10/17

John Kagi	24	W	Ohio, Kansas militia, 2 <sup>nd</sup> in command to JB	KIA 10/17
William Leeman	20	W	Maine, settles in Kansas	KIA 10/17
Will Thompson	25	W	NH, son-in-law to JB, brother of Dauphin	Executed 10/17
Jerry Anderson	26	W	Indiana, Kansas, Missouri raid with JB	KIA 10/18
Dauphin Thompson	21	W	NH, North Elba neighbor, in-law Watson B	KIA 10/18
Mortally Wounded				
Stewart Taylor	22	W	Canada, wagon maker	10/17, dies 10/17
Lewis Leary	24	B	NC, born a free black, Oberlin	10/17, dies 10/20
Oliver Brown	20	W		10/17, dies 10/18
Watson Brown	24	W		10/17, dies 10/19
Hanged Later				
John Brown	59	W		Hangs 12/2/59
John Cook	29	W	Conn, law, Kansas, lives in HF for year	Esc, hangs 12/16
John Copeland	25	B	NC, Oberlin, nephew of Lewis Leary	Jail, hangs 12/16
Edwin Coppoc	24	W	Ohio, Quaker, Kansas but not fighting	Jail, hangs 12/16
Shields Green	23	B	SC, run-away, friend of Fred Douglas	Jail, hangs 12/16
Albert Hazlett	22	W	Pa, with Montgomery in Kansas	Esc, hangs 3/16/60
Aaron Stevens	28	W	Conn, Mexican War, Kansas militia	W, hangs 3/16/60
Successful Escape				
Perry Anderson	29	B	Born a free black in Pa, attends Oberlin	From Armory
Owen Brown	24	W	JB's stalwart 3 <sup>rd</sup> son, longest survivor at 66	From Farm
Barclay Coppoc	20	W	Ohio, Quaker, meets JB Springdale, Ia	From Farm
Francis Merriam	21	W	Mass, in Kansas but not fighting	From Farm

Charles Tidd	25	W	Maine, Missouri raid with JB, fears failure	From Farm
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## Chapter 242 - Respect For John Brown Grows From His Capture To His Execution

Time: October 18, 1859

### The Captive's Bearing Surprises The Southerners



Clement Vallandigham (1820-1871)

John Brown's behavior and words between the time he is captured on October 18, 1859 and the time he is hanged on December 2 have much to do with changes in the way he is perceived by the public at large in the North.

Newspaper reporters pour into Harpers Ferry from along the east coast by the time he is taken. So too do various politicians, eager to pepper him with questions about the raid. A three hour grilling is completed while he is still prone in the Armory. Virginia congressman Alexander Botelier asks if Brown if he "expected to get assistance here from whites as well as blacks?"

*I did, and yes, I have been disappointed.*

Two other Virginians, Senator James Mason and Governor Henry Wise, are joined by the pro-Southern Ohio Governor Clement Vallandigham in a series of questions:

*Q: Who funded you?*

*A: I cannot implicate others.*

*Q. Mr. Brown, who sent you here?*

*A. It was my own prompting and that of my Maker.*

*Q. What about the loss of innocent lives?*

*A. If there was any killing of innocent people, it was without my knowledge.*

*Q. Did you consider this a religious service?*

*A. It was the greatest service man can render to God.*

*Q. Do you consider yourself an instrument in the hands of God?*

*A. I do.*

Brown ends this initial interrogation with the first of many words that will appear in newspaper and other written accounts over time:

*I wish to say, furthermore, that you had better – all you people of the South –prepare yourselves for a settlement of this question. You may dispose of me very easily...but not the negro question. The end of that is not yet.*

Those expecting to hear the rantings of a lunatic abolitionist are thrown by Brown’s demeanor and responses. When asked to characterize his prisoner, Governor Wise replies:

*They are themselves mistaken who take him to be a mad man. He is a man of clear head, of courage, fortitude and simple ingenuousness. He was humane to his prisoners...(also) vain and garrulous, but firm, truthful and intelligent.*

Vallandigham is also surprised by Brown:

*Captain John Brown is as brave and resolute a man as ever headed an insurrection....He is the farthest possible remove from an ordinary ruffian, fanatic or mad man. Certainly his was one of the best planned and best executed conspiracies that ever failed.*

While both men will soon regret these initial remarks, they do reflect a certain grudging admiration for Brown’s code of conduct, which seems in many ways to mirror the Southern ideal. He commits himself to fighting for his cause. His plan of attack is bold and meticulous and well executed, albeit to the chagrin of his opponents. He exhibits great personal courage during the battle, surrendering only after being severely wounded. He protects his hostages from harm. His responses when captured are forthright and his manner is that of a gentleman. He shuns excuses and awaits his fate with dignity.

He may be Osawatimie Brown of Kansas fame, but Governor Wise and other who now encounter him find that his bearing and words resonate with many of the courtly traditions of the South.

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Time: November 2, 1859

### **Brown Is Tried And Sentenced To Death**

Brown’s demeanor, however, does nothing to delay the cry for swift retribution in the South. Together with the four others in custody, he is transferred to Charles Town, the seat of government for Jefferson County, located seven miles to the west of Harpers Ferry.

The intent of his captors is try Brown first, and then move on later to his associates. With that in mind, the wounded warrior is formally indicted on October 25, 1859, one week after the raid. The charges include treason against Virginia, inciting slaves to violence, and murder. In the interim, arrangements are made for a trial and lawyers are chosen to defend him. He responds with dismissiveness:

*If I am to have nothing but a mockery of a trial...I do not care anything about counsel. It is unnecessary to trouble any gentlemen with that duty.*

His wishes are ignored and the trial begins the following day in a courtroom packed with some 500 spectators, many smoking cigars, consuming roasted peanuts and contributing shouted curses as they deem appropriate.

Judge Richard Parker, a former US congressman, presides, and Brown is initially defended by two southern lawyers who encourage him to plead “hereditary insanity” to escape a death sentence. Brown brushes away this idea before two northern lawyers arrive for his defense. Judge Parker rejects their plea for a delay, and they plunge forward arguing that his mission was humanitarian in nature, the slaves did not riot, all hostages were treated with respect and were unharmed, and that the deaths were not premeditated but the result of combat.

Furthermore, since their client was not a citizen of Virginia, he could not be guilty of treason against the state.

Closing statements from both sides occur on October 31 and the jury is dismissed to deliberate. They do so for forty-five minutes before returning a verdict of guilty on all counts.

Sentencing occurs on November 2, before which Judge Parker offers Brown the chance to address the court, and he does so with words and demeanor that, once publicized, cause observers on both sides to re-think their beliefs about his sanity and his actions..

*I have, may it please the court, a few words to say...*

*I deny everything but what I have admitted all along...a design on my part to free the slaves...I never did intend murder, or treason, or the destruction of property, or to incite slaves to rebellion, or to make insurrection.*

*I believe that to have interfered as I have done...in behalf of His despised poor, I have done no wrong, but right.*

*Now if it is deemed necessary that I should forfeit my life for the furtherance of the ends of justice, and mingle my blood further with the millions in this slave country whose rights are disregarded by wicked, cruel and unjust enactments, I say, let it be done.*

Like Governor Wise, some Southerners who are present are moved by the dignity and eloquence of this address.

But words alone are hardly enough to dismiss the profound sense of community and sectional terror created by the raid – and Parker sentences Brown to death by hanging, one month hence.

Hearing the news, Lloyd Garrison’s *Liberator* tells its readers to...

*Let the day of his execution...be the occasion of such a public moral demonstration against the bloody and merciless slave system as the land has never witnessed.*

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Time: November 3 To December 1, 1859

## **America Learns About Captain Brown While He Is In Prison**

During the twenty-nine days which follows his sentencing, John Brown does nothing but enhance the impression he makes on his captors, and on the outside world.

A reporter who interviews him remarks on his Calvinist convictions:

*Captain Brown appears perfectly fearless in all respects. Says that he has no feeling about death on a scaffold and believes that every act, even all follies that lead to disaster, were decreed to happen ages before the world was made.*

His own correspondence reinforces his belief that freeing the slaves was his God-given destiny, and that goodness will come from his actions.

*I feel quite cheerful in the assurance that God reigns & will overrule all for His glory & the best possible good.*

He also reflects on the past, especially to his time in Kansas, and his role in the Pottawatomie Massacre. On this count, he seems to give himself the benefit of the doubt:

*I never shed blood of my fellow man except in self-defense or in promotion of a righteous cause.*

As the end draws near, he recognizes that his final contribution to his cause will come on the scaffold. He writes as much to his half-brother, Jeremiah:

*I am worth inconceivable more to hang that for any other purpose. ...I have fought the good fight and have finished my course.*

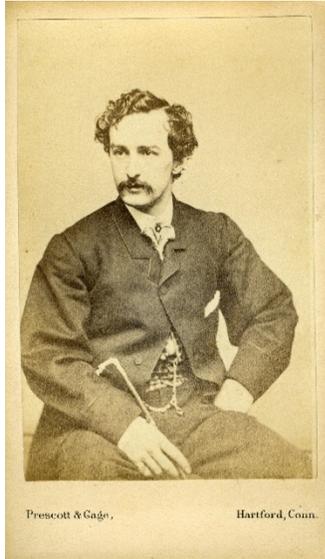
His concerns are for the future well-being of his family. He admonishes them to study the Bible and to abhor slavery. He pleads with his wife to stay home to avoid the emotional turmoil of his execution and to conserve their money. He asks that a handful of slaves accompany him to the gallows and that his body be burned along with his two dead sons, Watson and Oliver.

Mary Ann Brown, his wife of 26 years and mother of 13 of his 20 children, ignores his pleas and arrives on the day before he is executed. She spends four hours with him, but is convinced to not witness his death. His request that she be allowed to stay with him through the night is denied.

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Time: December 2, 1859

## The Execution Is Carried Out



John Wilkes Booth (1838-1865)

*I, John Brown, am now quite certain that the crimes of this guilty land will never be purged away, but with Blood. I had...vainly flattered myself that without very much bloodshed it might be done.*

Crowds gather to get a final glimpse of the prisoner, but few succeed, since a hyper cautious Governor Wise floods the town and the surrounding roads with troops to prevent any possibility of a last second rescue. Some 3,000 armed guards are present, comprising local militias and 264 federal troops, again under Robert E. Lee.

The execution site is also cordoned off from the public, except for a few who manage to slip through. Among them are John Wilkes Booth posing as a militia member, and the prominent fire-eater, Edmund Ruffin, who already intends to build his case for Southern secession around the Harpers Ferry incident.

The scaffold is freshly built for the occasion. The platform is 12' by 16' and six feet high, reached by twelve stairs. At the front is a crossbeam with a short noose hovering over a trap door. Brown arrives along with his coffin and an undertaker named Sadler who tells him:

*You're the gamest man I ever saw, Captain Brown.*

Brown replies:

*I was so trained up; it was one of the lessons of my mother; but it is hard to part from friends.*

He has refused the offer of a clergyman, so climbs the stairs and moves to the trapdoor on his own. Observers comment on his dignified manner and unwavering courage. His hat is removed, and a white linen hood is fitted over his face. His only request is that the sentence be carried out without ceremony and quickly. But he is forced to stand still for almost ten minutes as mounted troops are brought into place.

When the trap-door is sprung, his drop is only two feet, but fortunately it is enough to snap the spinal cord in his neck, and he dies quickly. After another thirty-five minutes his body is cut down and placed in his coffin.

Colonel Preston issues the final official word at the scene:

*So perish all such enemies of Virginia and of the Union and of the human race.*

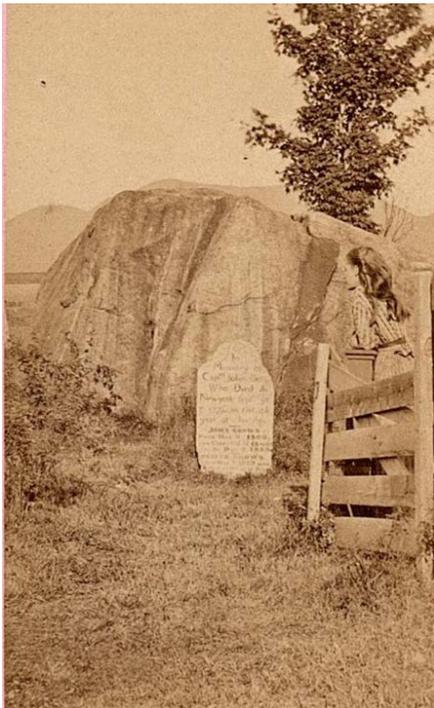
Wilkes Booth records a different coda in his diary:

*He was a brave Old Man.*

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Time: December 3-7, 1859

### **John Brown's Body Lies A Mouldering In His Grave**



An Early Visitor To John Brown's Grave

On December 3, Mary Ann Brown begins a five day journey with her husband's corpse, by train to Philadelphia and boat to New York, followed by a 25 mile trek overland to the farm in North Elba, NY.

She wishes to take her two dead sons along, but Brown's request has been denied. Watson's body is handed over to the Winchester Medical School for anatomical research, while Oliver's remains, along seven others are thrown into two crude pine boxes and buried alongside the Shenandoah River. (By 1899 the remains of the two sons, along with nine other raiders will be acquired and reburied next to Brown.)

A small and simple memorial service follow on December 7. His body is transferred to a new casket by his family, and it is left open while his neighbors and other friends file past.

He is then lowered into a nearby grave next to a huge bolder where he has carved his name in case he should die at Harpers Ferry. His headstone – moved years before

from Connecticut to the farm -- is that of his grandfather, Captain John Brown, who lost his life fighting in the American Revolution. Brown's name, along with those of Oliver and Watson, are added below the original inscription.

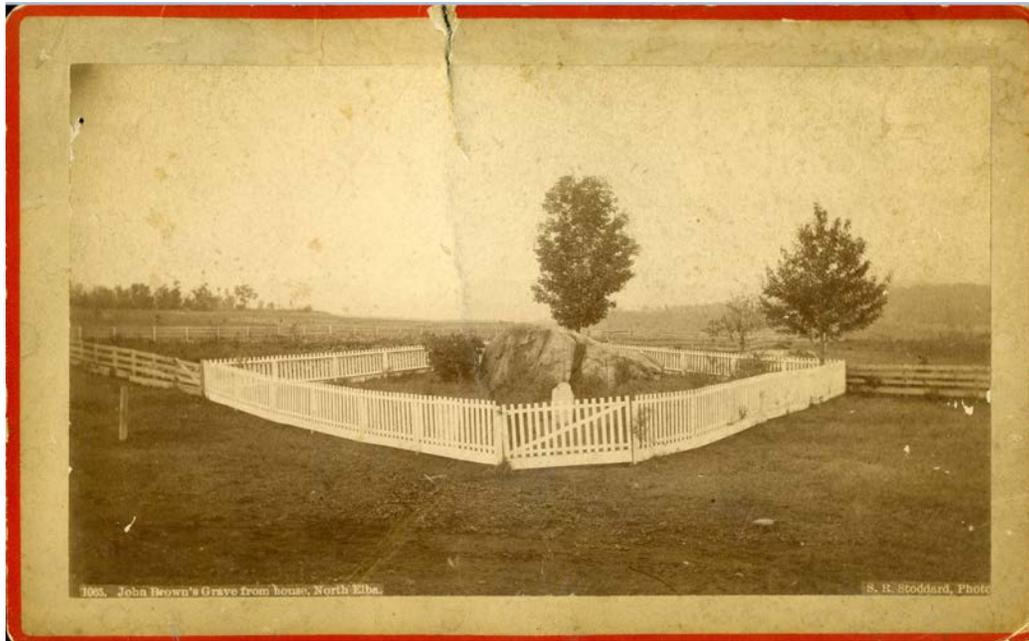
The ceremony itself is simple and brief. It is marked by the singing of his favorite inspirational hymn:

*Blow ye the trumpet, blow,  
The gladly solemn sound;  
Let all the nations know,  
To earth's remotest bound,  
The year of Jubilee has come.*

Final tributes are spoken by several attendees, including Wendell Phillips:

*Marvelous old man! He has abolished slavery in Virginia...History will date Virginia Emancipation from Harpers Ferry. His words, they are even stronger than his rifles. They crushed a State. They have changed the thoughts of millions, and will yet crush slavery.*

John Brown's story would seem to be over – but it is hardly over.



John Brown's Gravesite In North Elba (Circa 1897)

## Chapter 243 – The South Responds To The Harpers Ferry Raid

Time: October 1859 Forward

### Reprisals Take Place Across The South

Shock waves reverberate across the South even after John Brown is in his grave.

The event itself is *sui generis*. It goes well beyond the 1831 rebellion by Nat Turner, in that the leader here is a white man, not a black, and a Northerner to boot. As such it feels like a betrayal of the basic trust between the states and sections that allowed the Union to form in the first place.

In the South, Brown symbolizes that worst nightmare for a civilized society, a homegrown terrorist – and they respond to the fear he has triggered in predictable fashion. First they try to search out and punish the perpetrators, and then to tighten their local security to prevent future attacks.

As usual, the easiest target for punishment are the blacks in their presence -- and any whose prior behavior suggests a threat are subject to beatings, lynchings and even burning at the stake. The extent of the retributions here is unknown, but it likely matches or exceeds those following the Nat Turner uprising.

But this time the spotlight even extends to the 353,000 free blacks living across the South alongside its 3.9 million slaves. The state of Maryland asks whether it is time to put an end to “free negroism.” North Carolina follows up by passing legislation whereby all free blacks are given a choice between becoming “re-enslaved” or leaving the state. Mississippi and Arkansas eventually do the same.

Attention also falls on suspected “white collaborators.”

These include anyone thought to be harboring anti-slavery sentiments. As rumors spread, “Black Lists” materialize from town to town, along with local boycotts of any businesses run by “negro sympathizers.”

Attempts are also made to interdict publications and other materials from the North that are deemed to be critical of slavery. Horace Greeley’s *New York Tribune* becomes a leading example, along with the *Springfield Republican* and *Harpers Weekly Magazine*.

The intent of these moves is well articulated by an editorial in the *Atlanta Confederacy*:

*We regard every man in our midst an enemy to the institutions of the South who does not boldly declare that he believes African slavery to be a social, moral, and political blessing. If not he should be requested to leave the country!*

Along with the above, efforts are made to strengthen the response time and effectiveness of local militias to deal with any future crises. The scenario that has played out at Harpers Ferry is an embarrassment for the South. The strategic targets – the bridge, the Arsenal and Armory, and the Rifle Works – fall without resistance. The local response to the raid is poorly led and uncoordinated, more of a mob scene than anything else. President Buchanan is slow to call out federal support, and more than a full day passes before Robert E. Lee and his marines show up.

All of this becomes a wake-up call for both the local, state and federal militia in the South. The result are growing enlistments and greater preparation in case force is required again in the future.

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Time: October 1859 Forward

### Edmund Ruffin Exploits Harpers Ferry To Sell Secession



Edmund Ruffin (1794-1865)

While retribution and defensive measures are on the minds of most Southerners, a smaller contingent is eager to exploit Harpers Ferry to promote their own agenda – that being secession.

This notion of exiting the Union has a long history in America, especially in the state of South Carolina, where John Calhoun tries for decades to alert the region to the threats it faces from the North – especially as the balance of power in Congress slips away.

When Calhoun dies in 1850, leadership passes on to the next generation of proponents labeled the Fire-eaters. Included here are men like James Henry Hammond of South Carolina, William Yancey of Alabama, and Louis Wigfall of Texas.

But one man who stands out after Harpers Ferry is sixty-five year old Edmund Ruffin, born into the Virginia planter aristocracy and initially famous for his pioneering scientific work on preventing soil erosion through rotating crops and spreading “marlstone” (lime-rich mud) on his tobacco fields. He is also a member of the Southern intellectual class, along with William Simms, Beverly Tucker and James Hammond.

Like the others, Ruffin believes that “slavery as a positive good,” and carries this so far as to suggest that the US might colonize Africa to provide the natives with a path to Christian salvation.

Instead of a tragedy, he regards Harpers Ferry as a fortuitous alarm regarding abolitionist threats:

*Finally proof arrived out of the blue...Such a practical exercise of abolitionist principles is needed to stir the sluggish blood of the South.*

The *Enquirer* of Richmond shares his read on the importance of the event:

*The Harpers Ferry invasion has advanced the cause of disunion more than any other event that has happened since the formation of the nation.*

The villains, Ruffin claims, are not simply the twenty-two raiders, but the entire Northern population.

*Southerners at last has an identifiable, common foe, the great majority of the Northern people.*

The result of the raid will finally force the South to choose secession over submission.

*I wish for the Southern states to be forced to choose between secession and submission to abolitionist domination.*

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Time: October 1859 Forward

### **Southerners Expect Northern Condemnation Of The Terrorist Attack**

To dramatize his message, Ruffin is able to lay his hands on fifteen of “John Brown’s Pikes,” in addition to the one that he carries around personally in public. These pike are savage looking weapons, eight foot long spears, topped by a Bowie knife, to be wielded by the liberated slaves as pay-back to their masters.

Ruffin intends to make them as memorable as the cane Preston Brooks has used to thrash Charles Sumner into submission in the Senate in 1856. He does so by packaging each pike up in a special display case with an enclosed message:

*A sample of the favors designed for us by our Northern brethren.*

He then sends one to each of the sitting Governors in the slave states, with the exception of Delaware, where he sees no hope of provoking the response he wants. Instead the fifteenth pike goes to the state capitol in Charleston, where he is certain of a favorable reception.

This effort by Ruffin becomes one aspect of the Fire-eater’s secession campaign leading into the fast approaching presidential campaign of 1860.

Its goal is to convince Southerners that the raid was not the isolated work of a madman, but rather to connect the dots between John Brown and the Black Republican Party, with its abolitionist inspired intent to do away with the institution of slavery.

Ruffin even declares that he hopes for a Republican victory in 1860 since that will...

*Agitate and exasperate the already highly excited indignation of the South.*

To further drive home his call for immediate secession, he challenges his fellow Southerners to watch the reactions to the Harpers Ferry raid among their fellow citizens in the North.

Will they condemn it outright or somehow find ways to justify it? For many Southerners this question seems to become a litmus test related to the possibility of leaving the Union.

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Time: June 7, 1865

### **Sidebar: Edmund Ruffin**

#### **Ruffin Chooses Suicide Over Capitulation**

On April 12, 1861 he is at Cummings Point on the tip of Morris Island, just two miles southeast of Ft. Sumter, serving as a member of the Palmetto Guards. According to myth he is given the honor there of firing the first cannon shot of the war, and then becoming the first man to enter the fallen fort. Two of his sons serve in the CSA army, but, owing to his advanced age, his service during the conflict is limited to visiting and rallying troops in the field.

The final surrender at Appomattox finds Ruffin in despair. His wife is long gone and only two of his ten children remain alive. His plantations have been overrun and looted by Union troops, who also burn his precious books and collection of fossil shells.

On June 17, 1865, at his son's *Redmoor* home, Ruffin goes to his room and writes a final entry in his diary, before wrapping a Confederate flag around his shoulders and killing himself with a shotgun. This act mirrors that of his godfather, Thomas Cocke, in 1840. His last recorded words signal his undying hatred for the Yankees:

*And now with my latest writing and utterance, and with what will [be] near to my latest breath, I here repeat, & would willingly proclaim, my unmitigated hatred to Yankee rule—to all political, social and business connections with Yankees, & to the perfidious, malignant, & vile Yankee race.*

## Chapter 244 - Many Northerners Come To Regard Brown As A Martyr

Time: October 1859

### Initial Northern Opinions Of Brown Are Uniformly Critical

Contrary to Ruffin's wishes, the immediate response to John Brown and Harpers Ferry in the North is much like that in the South.

Press coverage is almost uniformly opposed to the raid.

The *New York Evening Post* says that Brown was "driven to madness" by his actions in Kansas, and Harpers Ferry was the tragic result. The *Chicago Press and Tribune* writes that no one could "approve the (raider's) means or justify their ends." Even the abolitionist editor, Horace Greeley, initially calls it "the work of a mad man."

The Northern politicians follow suit in condemning the act.

Even the abolitionists concur. John Hale "deeply regrets" the raid; Salmon Chase sees it as "an insane attempt;" Ben Wade says "it is absurd to implicate the Republican Party in the acts of John Brown."

Lincoln says that the raid is "wrong for two reasons...a violation of law and...futile as far as any effect it might have on the extinction of a great evil."

Fingers are pointed at those suspected of supporting the raid.

New York Senator Henry Seward legitimately denies any role in the plot. Ohio Governor Joshua Giddings, who has had frequent contact with Brown, responds deceptively, that "Brown never consulted me."

Even Brown's closest backers, members of the Secret Six, distance themselves after a large cache of their incriminating correspondence with him is uncovered at the Kennedy Farm. Gerrit Smith suffers a nervous breakdown and enters an insane asylum, while Parker remains in Italy and Stearns, Sanborn, and Howe flee to Canada, soon to be followed by Frederick Douglas.

Only the Unitarian Minister, Thomas Higginson, Brown's staunchest loyalist among the Secret Six, stands alone in Boston to defend his attack on slavery.

But, soon enough other voices join in.

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Time: November 8, 1859

## The Transcendentalists Mount A Defense Of Brown

The critical group coming to Brown's defense are the New England Transcendentalists, who have been introduced to him by Theodore Parker during his January 1857 visit to the "Secret Six."

At that time, he strikes them as an example of their "ideal American," the morally upright and self-reliant man, living amidst nature's bounty, making his way as a farmer. His purpose in opposing slavery is just and his determination admirable.

The pro-Brown campaign is led by Ralph Waldo Emerson, America's leading intellectual, whose mastery of the spoken and written word have defined the public's notion of heroism for over two decades.

On November 8, 1859, twenty-four days before Brown is hanged in Virginia, Emerson delivers a lecture at the Music Hall in Boston that causes many Northerners to begin to imagine him in a different light.

Emerson's topic is a familiar one, articulating the "qualities which conspicuously attract the wonder and reverence of mankind." He explores three in particular: "selflessness, practicality and courage." The third quality, "courage," takes him to a prior conversation he has had with Brown.

*Captain John Brown, the hero of Kansas, said to me that "for a settler in a new country, one good, believing, strong-minded man is worth a hundred, nay, a thousand men without character, and that the right men will give a permanent direction to the fortunes of a state."*

He goes on, referencing the reported exchanges between Virginia Governor Henry Wise and his captive:

*The true temper has genial influences. It makes a bond of union between enemies. Governor Wise of Virginia, in the record of his first interviews with his prisoner...distinguishes John Brown. As they confer, they understand each other swiftly; each respects the other. If opportunity allowed, they would prefer each other's society and desert their former companions*

John Brown is no madman, according to Emerson. Instead a successor to "the best of those who stood at our bridge on Lexington Common" – ready to sacrifice himself in service to a higher law.

From there comes another Emerson line that will register alongside “the shot heard round the world.” It refers to Brown as...

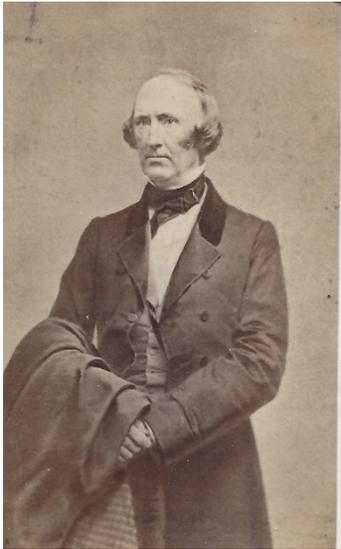
*That new saint than whom none purer or more brave was ever led by love of men into conflict and death,—the new saint awaiting his martyrdom, and who, if he shall suffer, will make the gallows glorious like the cross.*

This comparison of Brown on the gallows to Christ on the cross will shower Emerson with opprobrium from his critics – but also cause others to find justification for his actions.

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Time: December 2, 1859

### His Execution Is Mourned In Many Northern Cities



Wendell Phillips (1811-1884)

As John Brown’s execution date approaches, supporters frame a variety of plots for a last minute rescue -- but in addition to being impractical, he signals his intent to die a martyr to his cause.

What’s left then are various forms of protests, small and large.

At 11am on December 2, as he stands on the gallows, church bells are rung in towns and cities across the North and West in support of his suffering. Memorial events follow.

A large gathering at Tremont Hall in Boston listens to praise for him from Wendell Phillips and from William Lloyd Garrison, who finally acknowledges that insurrections may be needed to abolish slavery.

*I am prepared to say: success to every slave insurrection at the South and in every slave country.*

Cleveland’s Melodeon Hall is decked out in black crepe for over a thousand mourners, under a banner claiming: JOHN BROWN, The HERO of 1859.

A speaker at an assembly in Rhode Island proclaims that...

*In his strong love for freedom, in his heroic spirit, in his fidelity to his convictions (we see) a noble spirit.*

Nowhere is reverence for John Brown greater than in the free black communities of the North.

Special praise for him comes from Charles Henry Langston, born in Virginia to a white planter and his black common law wife, educated at Oberlin College, and a founder of the Ohio Anti-Slavery Society. Langston asks his audience “why should I honor the memory or mourn the death of any of the white people of this land?” He answers his own question, in praise of John Brown:

*A lover of mankind – not of any particular class or color, but of all men...He fully, really and actively believed in the equality and brotherhood of man...He alone has lived up to the Declaration of Independence...He admired Nat Turner as well as George Washington.*

Other Northern remembrances of John Brown and Harpers Ferry are tinged with animosity toward the South.

In Connecticut, Virginia Governor John Wise is hanged in effigy.

Then in Boston, there is the English born journalist, James Redpath, who uses Harpers Ferry to continue his vitriolic attacks on the South. Redpath’s reporting on Brown goes back to Kansas, where he interviews him soon after the Pottawatomie Massacre, and he will go on to publish a favorable biography of him in 1860. But for the moment he is happy to sing his praises as the warrior whose actions reveal the cowardice of the South.

*Never before, among modern nations, did seventeen men produce so terribly and universally a panic as Old Brown at Harpers Ferry...Everyone believed the South to be full of fighting pluck until Brown demonstrated that she was only a cowardly braggart after all.*

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Time: December 1859

### **The Praise For Brown Draws Heated Opposition**

Southerners of course are angered by the show of Yankee sympathy for Brown, but they are not alone in this regard.

They are joined by Northern conservatives who are fiercely dedicated to saving the Union and regard both Harpers Ferry and the Republican Party as threats to this outcome.

Notable among this group are two Massachusetts men, the Whig, Edward Everett, an ex-Senator, Governor and Secretary of State, and the Democrat, Caleb Cushing, Attorney general under Franklin Pierce.

Everett lashes out against Emerson, his former student at Harvard, for blasphemy, and likens Brown’s plan as akin to the devastation caused by the 1791 black revolution in Santo Domingo.

Cushing reminds listeners of the “merciless heart” exhibited by Brown at the Pottawatomie Massacre, and adds a dire prediction:

*This is the commencement of Civil War in the United States.*



Edward Everett (1794-1865)

A so-called “Anti-Brown Rally” draws almost 6,000 people to the Academy of Music Hall in New York City on December 19, 1859. It praises negro slavery as “decreed by nature” and labels those who support Brown as...

*Disgraces to a Christian age and country.*

Letters to this effect are read out to the crowd from Presidents Martin Van Buren, Millard Fillmore and Franklin Pierce, along with former candidate, General Winfield Scott.

A comparable event is held in Philadelphia, marked by large banners declaring:

*Down with all Traitors, Factionists and Disunionists!*

Soon enough these sentiments will translate into another political entity known as the Constitutional Unionist Party.

It will comprise a diverse combination of Northerners and Border State Southerners, with roots in the Whig and Democrat parties, united around one paramount end – to save the Union.

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Time: December 1859 Forward

### **Northern Public Opinion Gradually Tips In Favor Of Brown**

While few Northerners accept the notion of sainthood for John Brown, a sizable number conclude that his actions were in many ways understandable, even heroic and long overdue.

This group is largely made up of those angered by the South’s efforts to “nationalize slavery” and force them into sharing a strictly sectional problem.

Their antagonism toward the South has been building for decades.

It is heightened by the 1850 Fugitive Slave Act, the presence of bounty hunters in local towns, and the intrusive demands that citizens help capture run-aways. Then comes the 1854 Kansas-Nebraska Bill, reneging on the 36’30” line of demarcation and opening up the Louisiana acreage

to the wealthy Southern planters. Followed by the bullying tactics by the Missouri Ruffians in the 1856 Kansas elections, the caning of Charles Sumner, and the shameful attempts by Buchanan to ram the pro-slavery Lecompton Constitution through congress, negating the will of the voters.

This ends with a sense of “enough is enough.”

If the South insists on continuing to have slaves, that is their problem – but they have no right to force it on the rest of the nation. To do so reflects a form of arrogance that needs to be slapped down once and for all.

For them, Harpers Ferry is the kind of bloody nose the South deserves – with John Brown as the necessary messenger. While never the Christ-like figure conjured up by Emerson, he becomes:

*The right-minded vigilante, exercising frontier justice on his own,  
to strike out against the wrong-doers in the name of essential justice.*

## Chapter 245 - President Buchanan Deliver His State Of The Union Address

Time: December 19, 1859

### The President Sings His Own Praises

On the day of the “Anti-Brown Rally” in NYC, James Buchanan offers up his third annual message to Congress – at a time when his presidency is collapsing around him even if he is not yet fully aware of the fact.

The speech is exceedingly long and rambling, with two- thirds of it are devoted to a litany of accomplishments he wants on the record, especially in regard to foreign policy and the nation’s finances:

- The favorable relations achieved with China, Russia, France and most other nations
- Ongoing strains with Spain, especially over the ongoing attempt to purchase Cuba;
- Yet to be fully resolved treaties with Britain regarding Central America.
- Threats from Mexico against US citizens and a proposal for military outposts in Sonora and Chihuahua.
- Support for a military force to enter Mexico should that prove necessary.
- The possible need for a show of naval force to insure safe passage in Panama and Nicaragua.
- Support for a transcontinental railroad, especially to facilitate the military defense of the west coast.
- Concern over a budget deficit of roughly \$6million for fiscal year 1859-60.
- A recommendation to raise tariffs to avoid future deficits.

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Time: December 19, 1859

### His Overall Views Are Delusional

One month after Harpers Ferry, Buchanan tries to tell his audience that the sectional issues have now been resolved and that the threat of a civil war is over. His words simply come across as hollow.

*Due to that Almighty Power...the general health of the country has been excellent...*

*We have been exposed to many threatening and alarming difficulties in our progress, but...the danger to our institutions has passed away.*

*I shall not refer in detail to the recent sad and bloody occurrences at Harpers Ferry. Still, it is proper to observe that these events...may break out in still more dangerous*

*outrages and terminate at last in an open war by the North to abolish slavery in the South....*

*For myself I entertain no such apprehension...*

*Questions which in their day assumed a most threatening aspect have now nearly gone from the memory of men... Such, in my opinion, will prove to be the fate of the present sectional excitement should those who wisely seek to apply the remedy continue always to confine their efforts within the pale of the Constitution.*

True to his Southern tilt, he says that the remedies must be accomplished...

*... Without serious danger to the personal safety of the people of fifteen members of the Confederacy.*

Having just dismissed the threat, he returns to it, again referencing Harpers Ferry.

*I firmly believe that the events at Harpers Ferry, by causing the people to pause and reflect upon the possible peril to their cherished institutions, will be the means under Providence of allaying the existing excitement and preventing further outbreaks of a similar character*

He is then on to continued praise for the *Dred Scott* decision, ending the legal debate on slavery.

*I cordially congratulate you upon the final settlement by the Supreme Court of the United States of the question of slavery in the Territories... protected there under the Federal Constitution.*

He does so while leaving room for those Democrats still attached to the role of popular sovereignty in the process of achieving statehood.

*When in the progress of events the inhabitants of any Territory shall have reached the number required to form a State, they will then proceed in a regular manner and in the exercise of the rights of popular sovereignty to form a constitution preparatory to admission into the Union.*

His discussion of slavery ends with a long monologue on the history of the institution in America and a paean to the blessings it has bestowed on the Africans.

*For a period of more than half a century (their) advancement in civilization has far surpassed that of any other portion of the African race. The light and the blessings of Christianity have been extended to them, and both their moral and physical condition has been greatly improved.*

*At present (the slave) is treated with kindness and humanity. He is well fed, well clothed, and not overworked. His condition is incomparably better than that of the coolies which*

*modern nations of high civilization have employed as a substitute for African slaves. Both the philanthropy and the self-interest of the master have combined to produce this humane result.*

Buchanan's words here are those of men like Thomas Dew and the Reverend James Thornwell in 1832, John C. Calhoun in 1837, James Hammond in 1845, George Simms in 1852 and a host of others proclaiming that "slavery as a positive good."

They reflect a President dedicated to one thing above all else -- appeasing his Southern base in order to retain his high office.

In so doing Buchanan slays his own reputation along with his presidency.

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Time: May 1860

#### **Sidebar: One Brief Shining Moment For Buchanan**

While little goes right for James Buchanan throughout his presidency, he does get to relive his glory days as a diplomat in May 1860 when a 74 man delegation from Japan arrives at the White House to present him with the "Treaty of Peace and Amity" which has been eight years in the making.



Its origin lies with President Millard Fillmore's commitment in 1852 to build a U.S. presence in Asia by opening up Japanese ports to facilitate coal refueling for the navy and to explore commercial opportunities.



The nation of Japan has been strictly isolated from the outside “barbarian” world since 1635 soon after the reign of the first Shogunate ruler, Tokagawa Ieyasu. This policy, administered by Samurai overseers, produces internal stability and a booming economy based on the nation’s rice, tea and silk and trade with China, Korea and the Netherlands.

Fillmore selects 58 year old Commodore William Perry, a hero of the Mexican War, to carry out the mission, using force if necessary.



Perry forms his East India Squadron and departs from Norfolk on November 24, 1852. After several stops he reaches Naha (Okinawa) on May 17, 1853 and then sails into Edo (Tokyo) Bay on July 8 over local protests.

While hoisting a white flag of peace and bringing gifts for the Emperor, Perry also points his 73 cannon toward the city and fires off blank shells, supposedly to celebrate America’s recent Independence Day. Upon landing, he presents a letter of introduction and a promise to return in 1854.

On March 8, 1854 he fulfills the promise, landing near Yokohama with ten ships and 1600 guns, and signing the “Convention of Kanagawa” which opens two ports to U.S. ships along with a consulate to advance commercial ties.



The first in-country U.S. diplomat, Townsend Harris, negotiates the final treaty and a crowd of some 5,000 people is on hand when it arrives at the Washington Navy Yard on May 14, 1860.

An elaborate gala follows three days later in the East Room of the White House, with President Buchanan as the center of attention.



Also on hand are three Navy Commanders who paved the way for the treaty – “Smith” Lee (older brother of Robert E. Lee), Francis DuPont, and David Porter.

The actual “Harris Treaty” turns out to be a one-sided affair favoring America and eventually resented in Japan. The major commodity affected is tea, and by 1880 Japan supplies nearly half of the total U.S. consumption.

## Chapter 246 - The 36<sup>th</sup> Congress Opens Amidst The Harpers Ferry Turmoil

Time: December 5, 1859

### The Opening Tenor Is Set By Members Carrying Firearms

The 36<sup>th</sup> Congress convenes on December 5, 1859, three days after John Brown is executed in Virginia.



The U.S. Capitol Seen From Pennsylvania Avenue

The North-South tension is palpable from the start and threatens to again shift at any minute from violent rhetoric to bodily harm.

One of the most likely perpetrators, James Hammond, the fire-eater Senator from South Carolina, notes in his diary that:

*The only persons who do not have a revolver and a knife are those who carry two revolvers.*

As usual, the first opportunity for discord lies in the selection of a new House Speaker, this time to succeed James L. Orr of South Carolina, who has retired.

The choice will be made by a total of 237 members across a wide range of party affiliations.

### Division Of House Seats In The 36<sup>th</sup> Congress

Party	# of Seats
Republicans	113
Mainstream Democrats	84
Secessionist Democrats	15
Unionists	19
Know Nothings	6
	237

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Time: February 1, 1860

## Democrat Party Divisions Evident In Selection Of A Speaker

The ensuing election will require forty-four ballots cast over an eight week period, and will reveal the deep divisions within the Democratic Party.

The Republican are unified, and, after the first ballot, they line up behind a 36 year old third term congressman, John Sherman of Ohio, an anti-slavery man who has served in 1856 as a Whig on the “Kansas Investigation Committee.” They will stick with him through 39 ballots, when it becomes evident that he cannot win the majority needed.

The Mainstream Democrats throw their initial support behind Thomas Bocock of Virginia, who, ironically, will become Speaker of the Confederate House in 1863. Bocock is already in his sixth term, but proves too polarizing, having earlier praised the caning of Charles Sumner. He reaches 85 votes, but then fades after the eleventh round.

From there the search is on for a compromise candidate at least minimally acceptable to the divisive factions within the party:

- Northerners who have backed Pierce and Buchanan, the *Dred Scott* decision, and the Pro-Slavery Lecompton Constitution.
- The Stephen Douglas loyalists, committed to popular sovereignty, and a re-vote in Kansas.
- The Secessionist Democrats of the South, demanding federal guarantees on slavery, and touting disunion.
- The Unionist Democrats who, like the Know Nothing stragglers, focus on finding a compromise..

Another Virginian, John Milson, peaks at 95 votes on the 17<sup>th</sup> ballot. More names spring up from there, albeit falling short of Milson’s total. Opposition Party candidate Horace Maynard of Tennessee hits 65 votes on the 23<sup>rd</sup> round, and the Doughface Ohioan, Clement Vallandigham, garners 69 votes on the 26<sup>th</sup>. Next up with 88 ballots is Independent Party Texan, Andrew Jackson Hamilton, a Southerner who will eventually side with the Union.

Still, nothing appears promising for the Democrats until the 39<sup>th</sup> ballot when William N.H. Smith of North Carolina reaches the 112 vote mark on ballot #39. Smith is a conservative Presbyterian, Yale-educated, previously a Whig, both pro-slavery and fiercely pro-Union, although later serving in the Confederate Congress.

Once the Republicans see the tide shifting to Smith, they drop Sherman in favor of William Pennington, the 63 year old ex-Governor of New Jersey who is just beginning his only term in the House.

While opposing the Lecompton Constitution, Pennington is less outspoken on slavery than Sherman and favors compromises to save the Union. On the 44<sup>th</sup> ballot Pennington achieves the majority 117 votes needed to win, after a futile attempt by the Douglas Democrats to back John McClernand of Illinois.

**Round By Round Voting For Speaker Of The House in 1859-60**

	1 <sup>st</sup>	7 <sup>th</sup>	11 <sup>th</sup>	17 <sup>th</sup>	23 <sup>rd</sup>	26 <sup>th</sup>	28 <sup>th</sup>	31 <sup>st</sup>	35 <sup>th</sup>	39 <sup>th</sup>	40 <sup>th</sup>	44 <sup>th</sup>
Thomas Bocock (D) – Va	86	86	85		14	2	32		51	1	1	
John Sherman (R) – Ohio	66	96	112	106	101	104	102	105	105	106		
Galusha Grow (R) – Pa	43					2						
Alex Boteler (D) – Va	14	1	21									
John Milson (D) – Va	0			95			4					
John Gilmer (O) – NC	3	26	1	6	2	17		19	3			16
Charles Scott (D) – Ca					3							
Clem Vallandigham (D) – OH					2	69						
Horace Maynard (O) – TN					65							
Andrew Hamilton (ID) – Tex					1			88	4			
William N.H. Smith (ID) – NC									26	112	113	4
John McClernand (D) – IL				1	5	2	37					85
William Pennington (R) – NJ										1	115	117
All Others	18	8	11	17	22	16	41	7	26	8	5	11
Total Cast	230	217	230	225	215	212	216	219	215	229	234	233
Needed to win	116	109	116	113	108	107	109	110	108	115	118	117

**Chapter 247 - A Congressional Investigation Of Harpers Ferry Solves Nothing**

Time: January 4, 1860

**A Senate Committee Is Set Up To Investigate**

As the House is arguing over electing a Speaker, the Democrat-controlled Senate turns immediately to investigating the events surrounding the Harpers Ferry raid.

A five-person panel is assigned the task, with James Mason as Chair:

**Harpers Ferry Investigation Committee**

Senators	State	Party
Jacob Collamer	Vermont	Republican
Jefferson Davis	Mississippi	Democrat
James Doolittle	Wisconsin	Republican
Graham Fitch	Indiana	Democrat
James Mason	Virginia	Democrat



James Mason (1787-1871)

Four questions are front and center as the effort begins:

1. The facts in relation to the invasion and seizure of the armory and arsenal at Harper's Ferry.
2. Whether it was in pursuance of an organization, and the nature and purpose thereof.
3. The arms and munitions there possessed by the insurgents, and where and how obtained.
4. Were any citizens, not present, implicated in, or accessory thereto, by contributions of arms, money, ammunition, or otherwise.

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Time: June 15, 1860

**The Findings Have Little Impact In Congress**

The effort runs all the way to June 15, 1860 and includes testimony from 32 witnesses – albeit missing key figures like Hugh Forbes, four of the Secret Six, John Brown Jr., and Frederick Douglass.

Two final documents are issued: a majority report written by Mason and a minority version from Collamer, with both fairly anodyne in nature.

The facts and timeline surrounding the raid are covered in detail – as to are Brown’s efforts to establish a Provisional Government at the Chatham, Ontario convention, and the origin and shipment of the weapons used.

When it comes to co-conspirators, George Stearns and Samuel Howe admit to dealing with Brown, but insist they thought their support was directed at Kansas and not Virginia.

As to proposed to follow up actions by Congress, Mason concludes that:

*The committee, after much consideration, is not prepared to suggest any legislation, which, in their opinion, would be adequate to prevent like occurrences in the future....(but) would earnestly recommend that provision should be made by the executive, or, if necessary, by law, to keep under adequate military guard the public armories and arsenals of the United States, in some way after the manner now practiced at the navy-yards and forts.*

The minority report written by Jacob Collamer rejects any conjecture that Free State abolitionists provoked Brown’s attack, while announcing that as long as Southerners insist that slavery is a divinely inspired and humanizing institution, they need to be prepared for further debate in Congress from those who disagree.

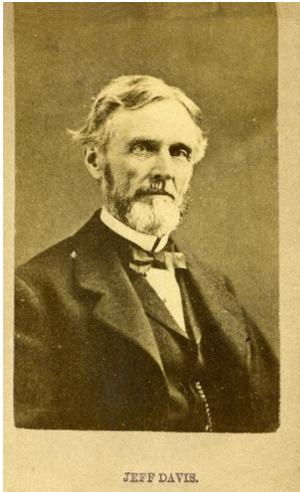
*So long as Congress, in the exercise of its power over the Territories, is invoked to exert it to extend, perpetuate, or protect the institution of slavery therein...so long must its moral, political, and social character and effects be unavoidably involved in congressional discussion... So long as slavery is claimed before the world as a highly benignant, elevating, and humanizing institution, and as having Divine approbation, it will receive at the hands of the moralist, civilian, and theologian the most free and unflinching discussion; nor should its vindicators wince in the combat which their claims invite.*

In the end, the Mason Committee proves anti-climactic, adding little to what was already known about the Harpers Ferry raid, and certainly not healing the sectional wounds it has caused.

## Chapter 248 - The South Demands A Congressional Act Sanctioning Slavery

Time: January 1860

### Southerners Stall All Legislative Progress



Jefferson Davis (1808-1889)

Legislative activity in the 36<sup>th</sup> Congress proves every bit as contentious as the election of a Speaker, with the Republicans lacking enough power to accomplish their agenda, and the Democrats continuing to splinter along sectional lines.

A new Homestead Act, granting 160 acres of federal land in the territories free of charge to settlers, passes both chambers, but is vetoed by Buchanan. The acreage is far too small to accommodate plantations and the South fears that it will only attract more small farmers who oppose competition from slaves.

The Republicans drive a protective tariff through the House, but it is blocked in the Senate. Infrastructure projects on the intercontinental railroad and Great Lakes navigation meet the same fate.

Taken together Northerners conclude that the South intends to impede all forms of progress until it gets its way on the expansion of slavery.

A bill is even introduced to re-open the international slave trade, banned as of 1808 by the 1787 Constitution. This is strictly a cynical move by Southern fire-eaters to force more contentious debate on their assertion that “slavery is a positive good.” It goes nowhere, and even irritates Upper South states like Virginia and North Carolina, who want to profit by selling their own “excess slaves,” not increase the supply and lower the prices through imports.

Further threats of Southern secession only add to the animus. Congressman Lawrence Keitt says he is ready to “shatter this Republic from turret to foundation stone.” Governor William Gist, also of South Carolina, adds his voice:

*I am prepared to wade in blood rather than submit to inequality and degradation.*

(Keitt will subsequently be killed in action at the Battle of Cold Harbor on June 2, 1864.)

But instead of buckling to these threats, they only serve to stiffen the backbone of the Republicans.

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Time: February 2, 1860

### **Jefferson Davis Announces The South's Demand**

Finally, on February 2, 1860, the Southern demands on slavery are put forth by Jefferson Davis of Mississippi.

He is 51 years old, a West Point graduate, son-in-law of Zachary Taylor and valorous Colonel, wounded during the US victory at the Battle of Buena Vista. He leaves the military for good in 1847 when Mississippi Governor Albert Brown selects him to fill a vacant Senate seat. He then serves as Secretary of War under Pierce, before returning to the upper chamber in 1857. He believes in a slave society, but also fears that the North will not allow the South to secede peacefully, and that his region lacks the military might to prevail in a war.

What he wants instead is an unequivocal federal guarantee, backed by Congress, to protect the practice of slavery in territories before they apply for statehood, and after, if that becomes the will of the residents. As he says:

*It is the duty of the Federal Government there to afford the needful protection (of slavery), and if experience should prove that the judiciary does not possess power to insure adequate protection, it will then become the duty of Congress to supply such deficiency.*

Davis' intent here is to force his fellow Democrats to visibly reject the so-called Freeport Doctrine that Stephen Douglas announced in his second debate with Lincoln – the notion that even if Kansas became a Slave State under the Lecompton Constitution, the people could still avoid the outcome by refusing to pass local policing measures needed to achieve compliance.

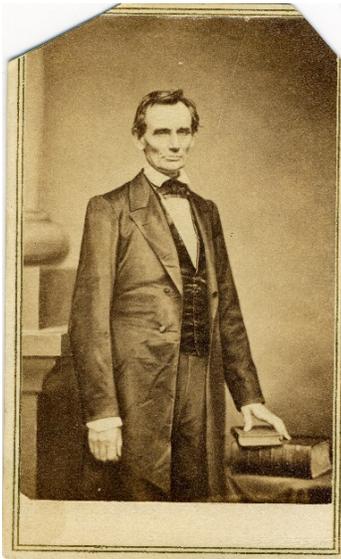
But the South's demand is rejected – mainly owing to resistance from Northern Democrats who remain committed to Douglas for President and to the historical plank of “popular sovereignty” as the proper solution on the expansion of slavery.

With this stalemate in Congress, all eyes turn to the 1860 nominating conventions.

## Chapter 249 - Abraham Lincoln Delivers His Famous Cooper Union Address In New York

Time: February 27, 1860

### Lincoln Seeks A Forum In The East



Abraham Lincoln (1809-1865)

Eleven weeks before the Republican convention opens, Abraham Lincoln walks on stage in New York City to speak for the first time to an audience of curious, but skeptical easterners.

The event is originally scheduled to take place at the Plymouth Church in Brooklyn, home to abolitionist preacher Henry Ward Beecher. But this changes when the Young Men's Central Republican Union – a “Stop Seward” group including Horace Greeley and W. C. Bryant – invite Lincoln to appear before a much larger audience in lower Manhattan.

The new venue is the Cooper Union and it will lend its name to a pivotal moment in Lincoln's ascent to becoming a credible candidate for president – the “Cooper Union speech.”

The site is the brainchild of the inventor, businessman and philanthropist, Peter Cooper, whose intent is to provide a free college-level education for “serious students” seeking practical jobs in the modern economy.

In the basement of the Union building is the Great Hall, the largest public auditorium in the city, seating upwards of 1500 people, and home to a lecture circuit connecting students with the world around them. Lincoln's appearance represents the third in a series on politics and it follows prior visits by Frank Blair of Missouri and Cassius Clay of Kentucky.

Lincoln purchases a new \$100 suit for his appearance, and adjusts his text to fit with his non-theological setting and audience. The result is a very lengthy speech for him, some 7,000 words, that is divided into three parts -- one addressing the Founding Father's views on slavery, one addressing criticisms leveled at him from the South and one aimed at rallying his Republican supporters.

As usual, audience twitters accompany his initial impression, the gangly 6'4" frame, all arms and legs, large hands and feet, accompanied by the rural Kentucky twang. But soon enough even the doubters are drawn into the sheer power and clarity of his arguments. By the time he is through, his jury of 1500 are on their feet cheering on behalf of “Honest Old Abe.”

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### **Sidebar: History Of The Cooper Union**

The site of Lincoln’s speech is the brainchild of Peter Cooper, one of the most prominent men of his generation, whose lifespan runs from 1791 to 1883.

Cooper’s humble origins in New York city include one year of formal education followed by a series of apprenticeships that tap into his God-given talents as an inventor and businessman. Early on he designs a crude washing machine and a chain cable to help move flatboats along difficult canal patches.

He becomes fascinated with the science of glue-making and buys a factory in 1821 which puts him on the road to wealth. Next comes the dawning age of railroads, and Cooper opens up an iron foundry to meet the demand for tracks.

In 1830 comes the invention for which he is most remembered – America’s first steam locomotive, christened the *Tom Thumb*, which he constructs mainly out of spare parts lying around his foundry. It helps put the *Baltimore & Ohio* line on the map.

The locomotive also spurs demand for more rails which in turn allows him to expand his iron rolling mill in Trenton, New Jersey that soon employs some 2,000 workers. As the money rolls in, Cooper follows the lead of other tycoons in purchasing and then profiting from real estate in New York city.

Communications get his attention, and in 1855 he co-founds the *American Telegraph Company* and participates in laying the first transatlantic cable in 1858. He continues to add patents to his name, one being for the popular desert known as Jell-O.

By 1859 he is one of the richest men in the nation, and is already invested in his “reform causes,” which include opposition to slavery, the rights of Native Americans, gender equality and fierce opposition to the “gold standard.” The latter prompts him to run for President in 1885 on his own Greenback Party.

But nearest to Cooper’s heart is his wish to provide people with the kind of education that he failed to experience in his own life. He decides that he wants this to be targeted at adults and he wants it to be free of charge, so everyone has their own shot at the American Dream.

This leads in 1854 to construction of The Cooper Union for the Advancement of Science and Art, also known at the time as the Cooper Institute. Its charter lies in educating adults of all ages, genders, races and religions in skills required to obtain “useful occupations in life.” It offers an open library, a broad range of courses, and free tuition “for all serious students.”

It also boasts the largest public auditorium of its day, the Great Hall, where visiting speakers will include Lincoln, the tribal chief Red Cloud, the suffragette Susan B. Anthony, and the writer Mark Twain, and many other dignitaries.

Peter Cooper's Institute continues to operate according to its original mission as of 2108.

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Date: February 27, 1860

## He Proves Founder Support For Federal Control Over Slavery In The Territories

Lincoln begins his address with a remarkable history lesson on the *original intent* of the “Founding Fathers” in regard to federal authority over controlling slavery in federal territories. He frames the question as follows:

Does the proper division of local from federal authority, or anything in the Constitution, forbid our *Federal Government* control as to slavery in *our Federal Territories*?

To answer it, he completes a meticulous examination of the votes cast over time by the “Founders” -- the thirty-nine men who signed the 1787 Constitution in Philadelphia – on legislation relevant to the issue. He finds that six such bills exist, dating from 1784, 1787, 1789, 1798, 1804 up to 1819-20, and that a total of 23 of the 39 Founders voted on at least one of them during their legislative careers.

The most telling bill by far is the 1789 Northwest Ordinance, with 17 of the 23 Founders casting a vote, and *all approving* a federal ban on slavery north of the Ohio River in the territory just won during the Revolutionary War. This bill is signed into law by George Washington himself.

*In 1789, by the first Congress which sat under the Constitution, an act was passed to enforce the Ordinance of '87, including the prohibition of slavery in the Northwestern Territory... George Washington, another of the "thirty-nine," was then President of the United States, and, as such approved and signed the bill; thus completing its validity as a law, and thus showing that, in his understanding, no line dividing local from federal authority, nor anything in the Constitution, forbade the Federal Government, to control as to slavery in federal territory.*

A handful of the original thirty-nine Founders also voted on subsequent bills.

When the Mississippi Territory is organized in 1798, the federal government and Congress prohibited importation of slaves from abroad. Three Founders supported this bill.

*In 1798, Congress organized the Territory of Mississippi. In the act of organization, they prohibited the bringing of slaves into the Territory, from any place without the United States, by fine, and giving freedom to slaves so bought. This act passed both branches of Congress without yeas and nays.*

Two Founders supported similar federal controls on slavery in 1804 in the Louisiana territory around New Orleans, including one which said:

*That no slave should be carried into it, except by the owner, and for his own use as a settler; the penalty in all the cases being a fine upon the violator of the law, and freedom to the slave.*

As with the 1789 Northwest Ordinance, the 1820 Missouri Compromise again finds the federal government, by act of Congress, banning slavery north of the 36°30' latitude across all Louisiana Territories. One surviving Founder, Rufus King, favors it, while another, Charles Pinckney, is opposed.

#### **How “Founders” Voted On Bills Involving Federal Controls Over Slavery In Territories**

<b>Year</b>	<b>Bills</b>	<b>Aye</b>	<b>Nay</b>
1784	1 <sup>st</sup> Ban on slavery in NW Territory (Articles of Confederation)	3	1
1787	2 <sup>nd</sup> Ban on slavery in NW Territory (Articles of Confederation)	2	0
1789	Final ban on slavery in the NW Territory (post Union)	17	0
1798	Banning “foreign” slaves in the Mississippi Territory	3	0
1804	Regulations on slavery in and around New Orleans	2	0
1820	Missouri Compromise banning slavery above 36°30’	1	1

Having laid out the facts, Lincoln concludes that the overwhelming majority of the Founders said the federal government has every right to control slavery in the territories.

*The sum of the whole is, that of our thirty-nine fathers who framed the original Constitution, twenty-one - a clear majority of the whole - certainly understood that no proper division of local from federal authority, nor any part of the Constitution, forbade the Federal Government to control slavery in the federal territories; while all the rest probably had the same understanding. Such, unquestionably, was the understanding of our fathers who framed the original Constitution; and the text affirms that they understood the question "better than we."*

He then turns to those who wish to forbid federal control over slavery based on the first ten amendments – specifically the 5<sup>th</sup> which guarantees the right to “life, liberty and property” and the 10<sup>th</sup> which grants the states authority over all powers not explicitly handed to the federal body in the Constitution.

He dismisses these pleas saying that the Founders who supported these amendments were the same men who simultaneously passed the 1789 Northwest Ordinance placing federal constrictions on slavery in the territories along the Ohio River.

*Now, it so happens that these amendments were framed by the first Congress which sat under the Constitution - the identical Congress which passed the act already mentioned, enforcing the prohibition of slavery in the Northwestern Territory. Not only was it the same Congress, but they were the identical, same individual men who, at the same session, and at the same time within the session, had under consideration, and in*

*progress toward maturity, these Constitutional amendments, and this act prohibiting slavery in all the territory the nation then owned. The Constitutional amendments were introduced before, and passed after the act enforcing the Ordinance of '87; so that, during the whole pendency of the act to enforce the Ordinance, the Constitutional amendments were also pending.*

Given these facts, he asks if it isn't "a little presumptuous" to assume that the Founders really intended for the theory of the 5<sup>th</sup> and 10<sup>th</sup> amendments to overrule the direct actions they took with the Northwest Ordinance!

*Is it not a little presumptuous in any one at this day to affirm that the two things which that Congress deliberately framed, and carried to maturity at the same time, are absolutely inconsistent with each other? And does not such affirmation become impudently absurd when coupled with the other affirmation from the same mouth, that those who did the two things, alleged to be inconsistent, understood whether they really were inconsistent better than we - better than he who affirms that they are inconsistent?*

This does not, according to Lincoln, mean that Americans are forever bound to "follow implicitly in whatever our fathers did," but rather that no one should mislead people about the true intent of the Founders on the issue of federal authority.

*Now, and here, let me guard a little against being misunderstood. I do not mean to say we are bound to follow implicitly in whatever our fathers did...(and) if any man at this day sincerely believes that a proper division of local from federal authority, or any part of the Constitution, forbids the Federal Government to control as to slavery in the federal territories, he is right to say so.... But he has no right to mislead others, who have less access to history, and less leisure to study it, into the false belief that "our fathers who framed the Government under which we live" were of the same opinion - thus substituting falsehood and deception for truthful evidence and fair argument.*

On that note, he ends the opening phase of his address having demonstrated his main point: that the original intent of the Founders was to give the federal government authority over controlling slavery in the territories, and that those who consider this an "overreach" are simply wrong.

Additionally, since slavery is "evil" the Republicans not only have the right to ban it, but also a moral duty.

*This is all Republicans ask - all Republicans desire - in relation to slavery. As those fathers marked it, so let it be again marked, as an evil not to be extended, but to be tolerated and protected only because of and so far as its actual presence among us makes that toleration and protection a necessity.*

By this point in his talk, those in the audience who initially questioned his gangly appearance and Kentucky accent are being drawn in by the clarity and power of his intellect.

He precedes next to address the men of the South.

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## **He Counters The Southern Attacks On Republicans**

The remainder of the Cooper Union speech is political in nature. It begins with a plea to the South to stop the name-calling directed at all Republicans and engage in a debate over the principles at stake.

*And now, if they would listen - as I suppose they will not - I would address a few words to the Southern people.... You consider yourselves a reasonable and a just people... Still, when you speak of us Republicans, you do so only to denounce us as reptiles, or, at the best, as no better than outlaws.... If we do repel you by any wrong principle or practice... bring forward your charges and specifications, and then be patient long enough to hear us deny or justify... Meet us, then, on the question of whether our principle, put in practice, would wrong your section.... Do you accept the challenge?*

Given the facts Lincoln has already laid out, a failure to discuss the principles implies that the South is willing to ignore or condemn what the Founders intended on federal control of slavery.

*No! Then you really believe that the principle which "our fathers who framed the Government under which we live" thought so clearly right as to adopt it, and indorse it again and again, upon their official oaths, is in fact so clearly wrong as to demand your condemnation without a moment's consideration.*

He again returns to Washington's actions and commentary on the 1789 Northwest Ordinance as proof of the principles the Republicans espouse.

*Washington...as President of the United States, approved and signed an act of Congress, enforcing the prohibition of slavery in the Northwestern Territory, which act embodied the policy of the Government upon that subject up to and at the very moment he penned that warning; and about one year after he penned it, he wrote LaFayette that he considered that prohibition a wise measure, expressing in the same connection his hope that we should at some time have a confederacy of free States.... Could Washington himself speak, would he cast the blame of that sectionalism upon us, who sustain his policy, or upon you who repudiate it? We respect that warning of Washington, and we commend it to you, together with his example pointing to the right application of it.*

While the South seems ready to reject the Founder's and the Republican's proposals on slavery, they have been unable to arrive at a consensus plan of their own.

*Some of you are for reviving the foreign slave trade; some for a Congressional Slave-Code for the Territories; some for Congress forbidding the Territories to prohibit Slavery within their limits; some for maintaining Slavery in the Territories through the judiciary; some for the "gur-reat pur-rinciple" that "if one man would enslave another, no third man should object," fantastically called "Popular Sovereignty;" but never a man among*

*you is in favor of federal prohibition of slavery in federal territories, according to the practice of "our fathers who framed the Government under which we live." Not one of all your various plans can show a precedent or an advocate in the century within which our Government originated. Consider, then, whether your claim of conservatism for yourselves, and your charge or destructiveness against us, are based on the most clear and stable foundations.*

Lincoln proceeds to a series of Southern accusations made against the Republican Party, beginning with the contention that it supported John Brown's raid at Harpers Ferry.

*We deny it; and what is your proof? Harper's Ferry! John Brown!! John Brown was no Republican; and you have failed to implicate a single Republican in his Harper's Ferry enterprise. If any member of our party is guilty in that matter, you know it or you do not know it. If you do know it, you are inexcusable for not designating the man and proving the fact. If you do not know it, you are inexcusable for asserting it, and especially for persisting in the assertion after you have tried and failed to make the proof. You need to be told that persisting in a charge which one does not know to be true, is simply malicious slander.*

He knocks down the charge that Republicans have caused the slave uprisings.

*Slave insurrections are no more common now than they were before the Republican party was organized. What induced the Southampton insurrection, twenty-eight years ago, in which, at least three times as many lives were lost as at Harper's Ferry? You can scarcely stretch your very elastic fancy to the conclusion that Southampton was "got up by Black Republicanism." In the present state of things in the United States, I do not think a general, or even a very extensive slave insurrection is possible. The indispensable concert of action cannot be attained.*

He quotes Thomas Jefferson's comments on slavery and his wish to see Virginia rid itself of "the evil" over time.

*In the language of Mr. Jefferson, uttered many years ago, "It is still in our power to direct the process of emancipation, and deportation, peaceably, and in such slow degrees, as that the evil will wear off insensibly; and their places be, pari passu, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up."*

*Mr. Jefferson did not mean to say, nor do I, that the power of emancipation is in the Federal Government. He spoke of Virginia; and, as to the power of emancipation, I speak of the slaveholding States only. The Federal Government, however, as we insist, has the power of restraining the extension of the institution - the power to insure that a slave insurrection shall never occur on any American soil which is now free from slavery.*

In seeking to destroy the Republican Party, the South will not be able to end "the feeling against slavery in the nation" expressed by over a million and a half voters.

*There is a judgment and a feeling against slavery in this nation, which cast at least a million and a half of votes. You cannot destroy that judgment and feeling - that sentiment - by breaking up the political organization which rallies around it. You can scarcely scatter and disperse an army which has been formed into order in the face of your heaviest fire; but if you could, how much would you gain by forcing the sentiment which created it out of the peaceful channel of the ballot-box, into some other channel? What would that other channel probably be? Would the number of John Browns be lessened or enlarged by the operation?*

In threatening to “rule or ruin” the Union,” Lincoln says the South continues to claim “rights” regarding slavery that are simply not contained in the Constitution.

*But you will break up the Union rather than submit to a denial of your Constitutional rights. That has a somewhat reckless sound; but it would be palliated, if not fully justified, were we proposing, by the mere force of numbers, to deprive you of some right, plainly written down in the Constitution. But we are proposing no such thing.*

*When you make these declarations, you have a specific and well-understood allusion to an assumed Constitutional right of yours, to take slaves into the federal territories, and to hold them there as property. But no such right is specifically written in the Constitution. That instrument is literally silent about any such right. We, on the contrary, deny that such a right has any existence in the Constitution, even by implication. Your purpose, then, plainly stated, is that you will destroy the Government, unless you be allowed to construe and enforce the Constitution as you please, on all points in dispute between you and us. You will rule or ruin in all events.*

He next goes head-on against the notion that the *Dred Scott* decision is definitively in favor of the South’s position. His argument here mirrors his prior views, namely that the justice’s opinions were divided and contradictory, and that neither the words “slavery nor property” even appear in the Constitution. Furthermore, the absence of the word “slavery” shows that the majority of Founders were embarrassed to acknowledge the thought of “property in men” in their defining document.

*Perhaps you will say the Supreme Court has decided the disputed Constitutional question in your favor. Not quite so. ,,The Court have decided the question for you in a sort of way...I mean it was made in a divided Court, by a bare majority of the Judges, and they not quite agreeing with one another in the reasons for making it; that it is so made as that its avowed supporters disagree with one another about its meaning, and that it was mainly based upon a mistaken statement of fact - the statement in the opinion that "the right of property in a slave is distinctly and expressly affirmed in the Constitution."*

*An inspection of the Constitution will show that the right of property in a slave is not "distinctly and expressly affirmed" in it....Neither the word "slave" nor "slavery" is to be found in the Constitution, nor the word "property" even... Also, it would be open to show, by contemporaneous history, that this mode of alluding to slaves and slavery, instead of*

*speaking of them, was employed on purpose to exclude from the Constitution the idea that there could be property in man.*

Lincoln ends his “words to the South” by dismissing the idea that the Republicans will be responsible for destroying the Union if he is elected President. He compares this to blaming a victim of a robbery for his own death for failing to turn over his money upon demand.

*But you will not abide the election of a Republican president! In that supposed event, you say, you will destroy the Union; and then, you say, the great crime of having destroyed it will be upon us! That is cool. A highwayman holds a pistol to my ear, and mutters through his teeth, "Stand and deliver, or I shall kill you, and then you will be a murderer!"*

*To be sure, what the robber demanded of me - my money - was my own; and I had a clear right to keep it; but it was no more my own than my vote is my own; and the threat of death to me, to extort my money, and the threat of destruction to the Union, to extort my vote, can scarcely be distinguished in principle.*

With that said, Lincoln turns to closing remarks for the Republicans in the audience.

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### **He Calls On Republicans To Stand Firm Against The Expansion Of Slavery**

Lincoln begins the third and closing part of his speech with a plea to Republicans to do everything within reason to accommodate Southern concerns in order to hold the union together.

*A few words now to Republicans. It is exceedingly desirable that all parts of this great Confederacy shall be at peace, and in harmony, one with another. Let us Republicans do our part to have it so. Even though much provoked, let us do nothing through passion and ill temper. Even though the southern people will not so much as listen to us, let us calmly consider their demands, and yield to them if, in our deliberate view of our duty, we possibly can. Judging by all they say and do, and by the subject and nature of their controversy with us, let us determine, if we can, what will satisfy them.*

But that has not been an easy task so far.

*The question recurs, what will satisfy them? Simply this: We must not only let them alone, but we must somehow, convince them that we do let them alone. (This) is no easy task. We have been so trying to convince them from the very beginning of our organization, but with no success. In all our platforms and speeches we have constantly protested our purpose to let them alone; but this has had no tendency to convince them.*

The only answer seems to be for the Republicans to affirm out loud that slavery is “right,” in fact “a social blessing” that deserves “full national recognition.”

*This, and this only: cease to call slavery wrong, and join them in calling it right. And this must be done thoroughly - done in acts as well as in words. Silence will not be tolerated - we must place ourselves avowedly with them. Senator Douglas' new sedition law must be enacted and enforced, suppressing all declarations that slavery is wrong, whether made in politics, in presses, in pulpits, or in private. We must arrest and return their fugitive slaves with greedy pleasure. We must pull down our Free State constitutions. The whole atmosphere must be disinfected from all taint of opposition to slavery, before they will cease to believe that all their troubles proceed from us.*

*Holding, as they do, that slavery is morally right, and socially elevating, they cannot cease to demand a full national recognition of it, as a legal right, and a social blessing.... If slavery is right, all words, acts, laws, and constitutions against it, are themselves wrong, and should be silenced, and swept away.*

Lincoln asks his audience if they are willing to surrender their belief that slavery is wrong to satisfy the South.

*Can we cast our votes with their view, and against our own? In view of our moral, social, and political responsibilities, can we do this? Wrong as we think slavery is, we can yet afford to let it alone where it is, because that much is due to the necessity arising from its actual presence in the nation; but can we, while our votes will prevent it, allow it to spread into the National Territories, and to overrun us here in these Free States?*

His answer is a ringing call to action for all Republicans to have faith in the rightness of their convictions, to “stand by our duty,” and to reaffirm the clear intent of the Founders to stop the spread of slavery.

*If our sense of duty forbids this, then let us stand by our duty, fearlessly and effectively. Let us be diverted by none of those sophistical contrivances wherewith we are so industriously plied and belabored - contrivances such as groping for some middle ground between the right and the wrong, vain as the search for a man who should be neither a living man nor a dead man - such as a policy of "don't care" on a question about which all true men do care - such as Union appeals beseeching true Union men to yield to Disunionists, reversing the divine rule, and calling, not the sinners, but the righteous to repentance - such as invocations to Washington, imploring men to unsay what Washington said, and undo what Washington did.*

*Neither let us be slandered from our duty by false accusations against us, nor frightened from it by menaces of destruction to the Government nor of dungeons to ourselves. LET US HAVE FAITH THAT RIGHT MAKES MIGHT, AND IN THAT FAITH, LET US, TO THE END, DARE TO DO OUR DUTY AS WE UNDERSTAND IT.*

By the end of the speech, Lincoln has transformed himself in the east from an unknown Midwestern oddity into a credible candidate for the presidency.

The political editor Horace Greeley sums up this transformation in his *New York Tribune* coverage:

*No man ever made such an impression on his first appeal to a New York audience.*

## Chapter 250 - The Democrat Party Fractures At Its Charleston Convention

Time: April 23, 1860

### Stephen Douglas Arrives With High Hopes And A Few Worries

The 1860 Democratic National Convention opens on April 23, 1860 at the Institute Hall, a 3,000 seat venue in Charleston which, a year later, will be memorialized as the site of South Carolina's secession from the Union.

The opening day of the Charleston Convention coincides with Stephen Douglas' 47<sup>th</sup> birthday, and the Little Giant arrives with high hopes of winning the presidential nomination. He has twice before been a serious contender, peaking at 102 votes in 1852, before losing to Pierce, and at 122 votes in 1856, before Buchanan wins. Now Douglas feels it is his turn. He has long been the point person in Congress for his beloved Democratic Party; his "popular sovereignty" solution remains its official position on slavery in the west; and, just eighteen months ago, he has been able to defeat the Republican, Abraham Lincoln, for his third term in the Senate.

As an astute politician, however, Douglas knows that some within the party are out to deny him the nomination. The main roots of this resistance are three-fold. First, his refusal to support Buchanan's effort to pass the pro-slavery Lecompton Constitution in December 1857 has been an embarrassment to the president and to the party as a whole. This antagonism is then compounded for Southerners by Douglas' "Freeport Doctrine" (with popsov trumping *Dred Scott*) and then by his refusal to support Davis' proposed Congressional law positively sanctioning slavery in the territories.

The extent of his opposition in the South becomes evident three days before the convention opens, when seven states -- Georgia, Arkansas, Louisiana, Mississippi, Alabama, Florida and Texas -- meet and agree to walk out along with South Carolina, if he is nominated. With the number of convention votes based on each state's Electoral College allocation, the loss of these seven states would potentially cost Douglas 43 of the 303 to be cast in total.

But the Douglas camp still takes comfort in the fact that the Free States comprise 74% of that total, more than the 2/3<sup>rd</sup> needed for the nomination -- even if all 80 of the Slave State votes go against him.

#### Distribution Of Convention Votes

	#	%
<b>Slave States</b>	80	26%
<b>Free States</b>	223	74
<b>Total</b>	303	100%

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Time: April 29, 1860

## Several Southern States Bolt After A Platform Vote Goes Against Them



William Yancey (1814-1863)

The convention proceeds at a crawl as various factions line up behind candidates and planks in the platform. On Day 5, the final document is almost completed as two animated speakers make their final appeals.

One is the fire-eater, William Yancey, of Alabama, who, like Edmund Ruffin, wants to see the South leave the Union unless the North buckles on its demands. The “Orator of Secession” is in rare form as he tells the audience that the argument against slavery – that it is morally evil – is all wrong, and that the practice has always been a “positive good” for the souls of the Africans and for the economy of the entire nation.

Yancey is met head-on by the equally emphatic George Pugh, Senator from Ohio. Pugh is a veteran of the Mexican War and a staunch supporter of Douglas. He has previously spoken out against the *Dred Scott* decision and any attempts by the

South to “nationalize slavery.” Now he rises against Yancey’s efforts to force another “doughface” candidate on the delegates, like Pierce or Buchanan, who will surrender to Southern demands on behalf of party unity. As Pugh says...

*Gentlemen of the South, you mistake us – you mistake us. We will not do it.*

Others weigh in, including Missouri Governor Austin King who warns that the Southern plank would permanently divide the party and hand the election to Seward and the Black Republicans.

This session closes at 11:30 PM with a call for a vote the following day.

On April 28, the sixth day of the enclave, delegates are asked to choose between two alternative platform planks:

- A Southern version calling upon Congress to pass a law protecting the rights of slave-owners and their “property” in the territories; and
- A Douglas-backed version throwing any decisions made by territorial governments back into the laps of the Supreme Court.

When the ballots are cast, the Douglas option wins by a fairly narrow margin of 165 to 138.

The response is a full or partial walk-out by the nine states which had sworn in advance to oppose Douglas. They leave the hall over a two day period, and simply gather in town waiting to see what happens next with the nomination of president.

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Time: May 2, 1860

### **The Voting Continues But Douglas Fails To Get The Required Majority**

The remaining delegates decide to proceed with trying to pick the presidential nominee.

Of the 303 total votes allocated among the various states, a total of 50 have disappeared from the hall as the first ballot is about to be recorded. According to traditional rules, aimed at indulging the South, a candidate is required to win 2/3rds of the votes to be nominated. But now the question becomes whether that should be 2/3rds of the original 303 votes, or of the remaining 253 votes after the walk-out.

#### **Optional Voting Requirements To Win**

<b>Base Count</b>	<b>Total</b>	<b>2/3<sup>rd</sup> Needed</b>
Before Walk-out	303	202
After Walk-out	253	169

The ruling here is delivered by the Convention Chairman, Caleb Cushing, a renowned Doughface, former Attorney General under Pierce, supporter of Buchanan, and no friend of Stephen Douglas. He demands that the threshold be unchanged from the original plan, meaning that 202 votes (2/3rds of 303) are required to win.

While Cushing’s ruling dramatically lengthens the odds for Douglas, the fact is that the slavery plank he favors only receives 165 of the 303 votes cast. Clearly there is more Northern resistance to him than anticipated, most likely from those embarrassed by his refusal to support the Lecompton Constitution..

The competition for Douglas comes primarily from two candidates from slave states that have remained in the hall.

Virginia puts forward Senator Robert M.T. Hunter, a 51 year old planter with a very distinguished career in government service, including a stint as Speaker of the House (1839-41), three terms in the Senate, and an offer from Millard Fillmore to become Secretary of State, which he declined. He is pro-slavery, but not a fire-eater, instead committed to searching for compromises to preserve the Union.

The other contender is 67 year old James Guthrie, from Kentucky, best known as an astute businessman for his prominent role in developing the city of Louisville. Franklin Pierce recognizes his financial talents and names him Secretary of the Treasury in 1853. He is the leading force in the Cabinet, a “hard money” man, who uses the windfall revenue from

California gold to pay down the federal debt. After leaving office in 1857 he eventually becomes president of the Louisville and Nashville Railroad. Like Hunter, Guthrie is a slave holder, but also a staunch opponent of secession.

The first nominating ballot, cast on April 30, sets the tone for all that follows. Douglas collects 146 votes, well short of the 202 mark required, while Hunter and Guthrie split about 80 of the remainder. From there another 56 ballots are taken through May 1, with Douglas never exceeding 152 and Guthrie pulling ahead of Hunter, but peaking at only 66 votes.

**Voting For Democratic Party Presidential Nomination:**

	1 <sup>st</sup>	2 <sup>nd</sup>	13 <sup>th</sup>	25 <sup>th</sup>	30 <sup>th</sup>	37 <sup>th</sup>	47 <sup>th</sup>	57 <sup>th</sup>
Stephen Douglas - Illinois	146	147	150	152	152	152	152	152
Robert M.T. Hunter - Virginia	42	42	28	35	25	16	16	16
James Guthrie - Kentucky	36	36	40	42	45	64	66	66
Andrew Johnson - Tennessee	12	12	12	12	11	1	0	0
Joseph Lane - Oregon	6	6	20	10	6	12	13	14
Daniel Dickinson - NY	7	6	1	2	13	6	5	4
Jefferson Davis - Miss.	2	1	2	1	1	2	1	0
Others	2	3	0	0	0	0	0	0
2/3rds needed to win	202							

What Douglas now sees is the extent of the opposition he faces not only in the South, but also the North. Then another piece of bad news materializes. It comes from his long-term ally in the House, and convention manager, William Richardson of Illinois, who reports that the New York delegation will abandon him on the 60<sup>th</sup> ballot, if he hasn't won by then.

The only option for Douglas at this point is retreat, and the stalemated convention declares a recess on May 2, after ten days of turmoil. The new plan calls for the convention to resume in Baltimore on June 18, roughly a month after the Republicans are scheduled to meet, on May 16 in Chicago.

Meanwhile, the Southern walk-outs decide to hold their own convention on June 11 in Richmond.