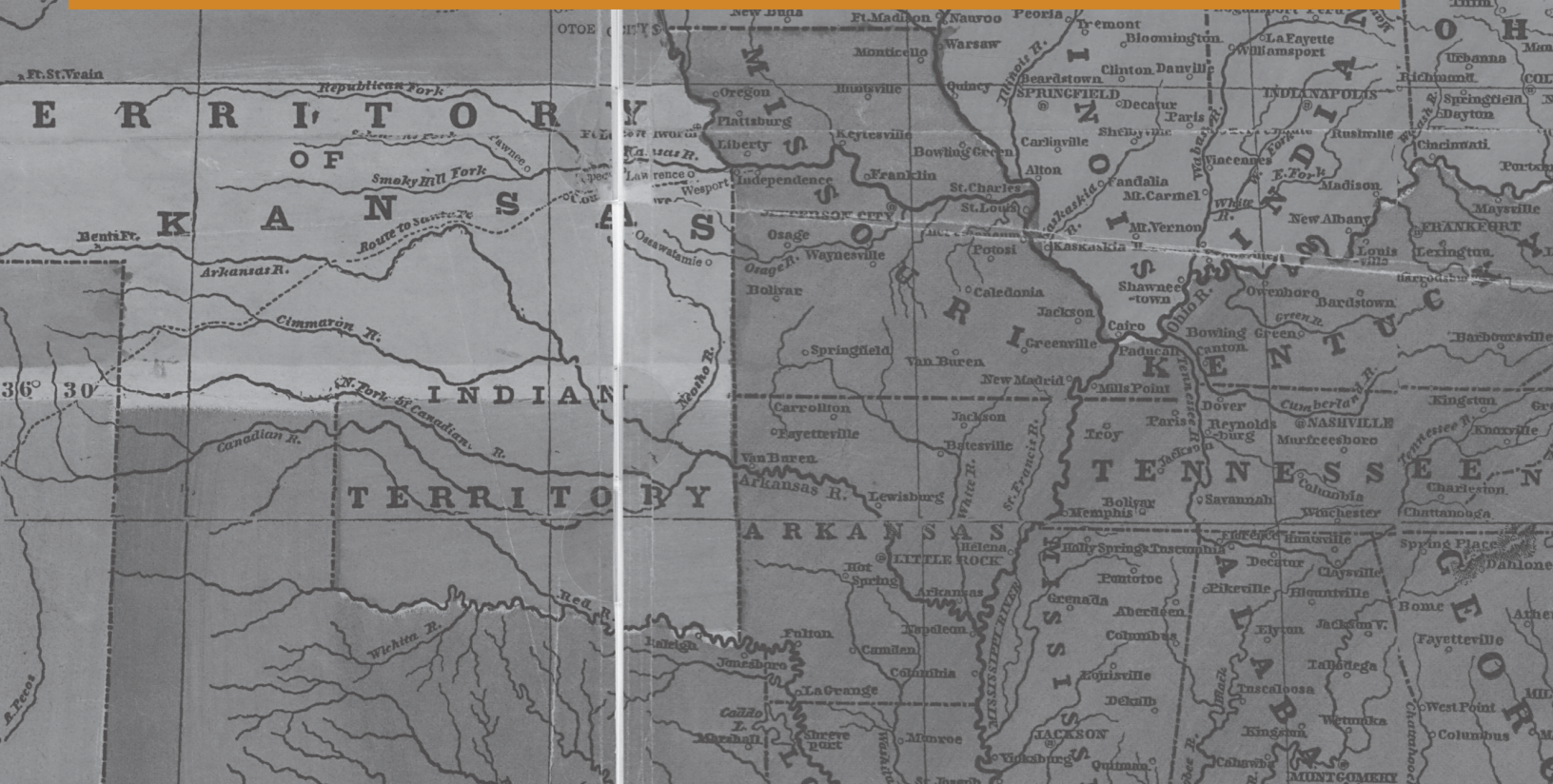


# BLEEDING KANSAS

## HOW DO WE GROW OUR FRACTURED NATION?



### HISTORIC DECISIONS





# An Expanding Nation

It is December of 1857. The Kansas Territory will soon become a state; that much is clear. The growing population is rapidly approaching the threshold necessary for statehood. There is ample precedent for this; originally a nation of thirteen states, the United States now comprises thirty-one states.

Most of these new states followed a similar process as that currently under way in Kansas: The federal government opened western lands for settlement; settlers elected temporary territorial representatives to govern and to write a state constitution; and, ultimately, the federal Congress voted to accept the new state.

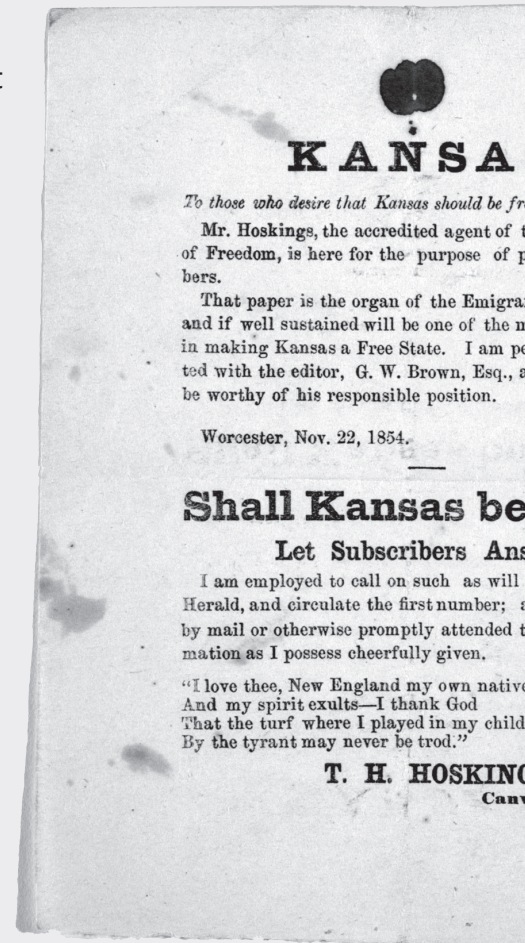
The situation in Kansas, however, is complicated and contested. Each of two competing territorial governments, one antislavery and one proslavery, claim to represent the will of Kansas citizens. And the issue is not only of local concern. Kansas will be the first state admitted under new rules for western territories, which allow local voters to decide whether to allow or prohibit slavery. Americans across the nation are closely attending to events unfolding in Kansas, which they see as an indicator of the future for western expansion and slavery.

The unresolved questions about slavery in Kansas reflect the larger problems of division in our country. Eighty years ago, our nation was united in purpose as we rebelled against Britain. But now we are divided. African American slavery is the basis of the economy and social order in more than a dozen Southern states, while many northern states have taken steps to end the practice. Each section of the country views the other with suspicion, and jealously covets western territories.

Most Americans agree that we must strengthen and grow our nation in a way that brings us together rather than driving us apart, but we don't all agree about how to accomplish this. Massachusetts statesman George Bancroft has advised President James Buchanan to accept Kansas as a free state as a "great healing measure," but Louisiana Representative Thomas Davidson has pointed out that different politicians have conflicting opinions about what would be a "healing measure."

As a nation, we agree that we must heal our divisions and welcome Kansas into the union, but figuring out the path forward will require us to make some difficult decisions together.

The nation's divisions over slavery have played out in particularly bloody and dramatic fashion in the Kansas



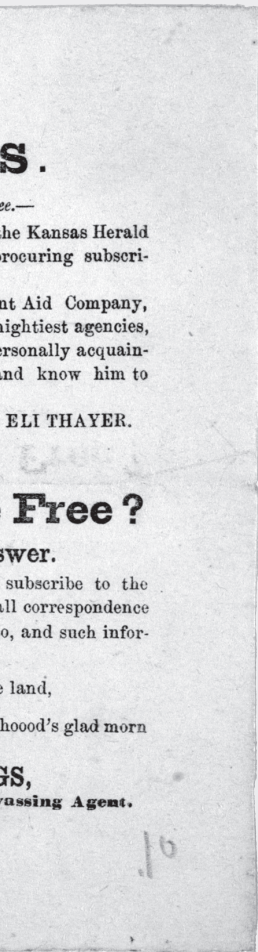
# A Divided Nation

Territory. The question that remains unanswered is whether the Kansas Territory will become a “free state,” which prohibits African American slavery, or a “slave state,” which protects the practice. There are passionate supporters on both sides, and the conflict between them has turned violent. Dozens of residents have been murdered by militias and vigilante groups, seeking to punish or intimidate opponents.

Across the country, the battle over slavery in the Kansas Territory has become symbolic of the question of slavery in the western territories. Proslavery Southerners fear that the North seeks to block slavery’s expansion into the West. This would limit slave states’ voting power in Congress, and might eventually lead to a political movement for national abolition.

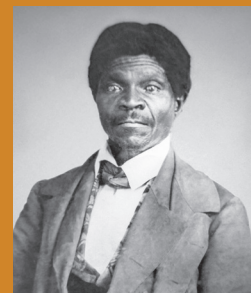
Antislavery Northerners fear that an expansive southern “slave power” seeks to impose slavery on the West regardless of what local citizens want, or perhaps even eventually to make slavery a national institution. Slavery is not a primary concern for all Americans but, throughout the nation, citizens are attending to news from Kansas as a test of whether the United States can overcome its divisions and continue to expand into western territories.

The unresolved questions about Kansas are more complex than a choice between slavery and freedom. The territory—and the nation as a whole—must determine how to work through what seem to be irreconcilable differences as they seek to construct new democratic institutions on the western frontier, decide who has the right to speak for the territories, and end the chaos and violence currently consuming the region.



## DRED SCOTT

Two days after James Buchanan’s inauguration as president of the United States, the Supreme Court announced its verdict in the case of Dred Scott. Scott was a slave who had sued for his freedom after his owner had taken him to live for several years in free territories. The Supreme Court not only refused to grant Scott his freedom, but also declared that African Americans could never be citizens of the United States (denying Scott and all African Americans standing to sue in court), and that the federal government had no constitutional power to regulate slavery in the western territories (essentially requiring all western territories to accept slavery). This decision provided evidence for many Northerners that the Southern “slave power”



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conspired to force slavery into the territories.

**1831** Nat Turner led a slave rebellion, killing approximately 60 white people in Southampton County, Virginia. Approximately 175 African Americans, many of them who had not been involved in the uprising, were murdered by white militias or executed by the state in retaliation.

# Settlement of Kansas

In previous cases, the federal Congress had declared in advance whether slavery would be permitted or prohibited in a given territory. Since 1820, Congress followed the rule established by the Missouri Compromise, under which



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**1833** The American Anti-Slavery Society was founded. Abolitionists sought an immediate end to slavery nationwide.



slavery was prohibited in any territories north of a stated latitude. The Kansas Territory, however, was opened for settlement by American citizens under the auspices of the more recently enacted Kansas-Nebraska Act of 1854, which repealed the Missouri Compromise and relies on “popular sovereignty,” rather than location, for the regulation of slavery.



That means that the local voters—in this case, the residents of the Kansas Territory—will choose whether to permit or prohibit slavery.

Settlers have rushed to stake claims on Kansas’s rich farmland—some of them for political as well as personal reasons. Proslavery forces gained control of the territorial government in 1855 elections, which many believe were corrupt because residents of Missouri, a neighboring slave state, illegally crossed the border to cast ballots in support of proslavery candidates. Protesting against what they considered to be a “bogus legislature,” anti-slavery residents held their own elections for a constitutional convention and established a free-state territorial government in Topeka. Both of these competing governments now claim to represent the true democratic will of the people of Kansas.

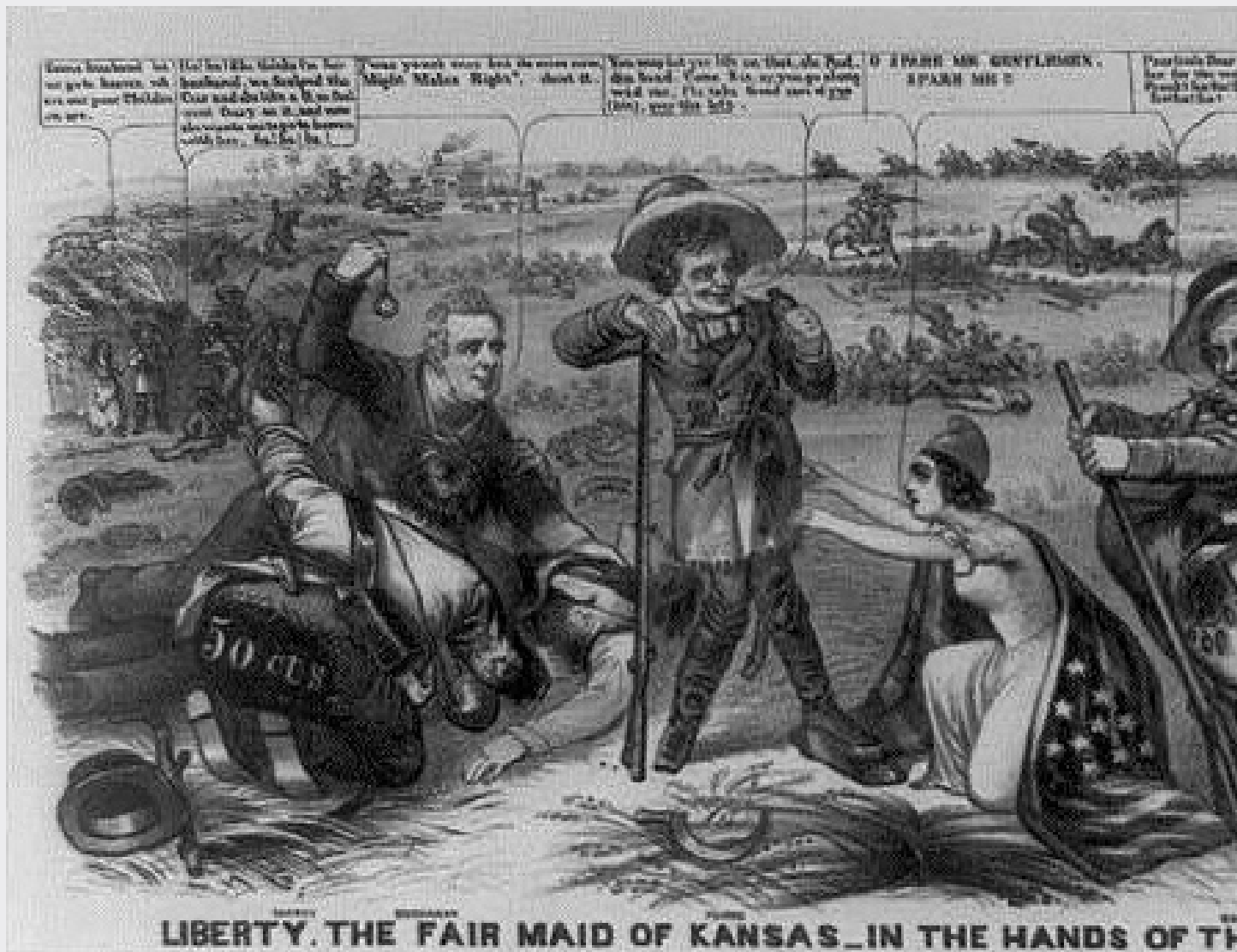
While some in the federal Congress supported the free-state legislature, President Franklin Pierce recognized only the proslavery victors of the original election. On July 1, 1856, a congressional committee investigating fraud in Kansas elections delivered a report, concluding that the proslavery legislature “was an illegally-constituted body, and had no power to pass valid laws, and their enactments are, therefore, null and void.” However, three days later, on July 4, federal troops, acting under the orders of officials appointed by President Pierce, forcibly disbanded the free-state legislature, which he viewed as illegitimate.

**1850** The Compromise of 1850: California was admitted as a free state, voters in Utah and New Mexico territories were empowered to choose to allow or prohibit slavery, and the fugitive slave law was strengthened, making it more difficult for escaped slaves to find refuge in Northern states.

# Bleeding Kansas

The territory earned its nickname, “bleeding Kansas,” as clashes between proslavery and antislavery forces left dozens dead. Militias of “border ruffians” from Missouri have attacked Kansas towns associated with the free-state movement, but there have been wrongs committed on both sides. The Pottawatomie massacre in May, 1856, in which five proslavery settlers were brutally murdered, was one of the worst atrocities. The perpetrators of that crime remain at large.

Violent conflict over Kansas has not been limited to the territory’s borders. Just days before Pottawatomie, Massachusetts Senator Charles Sumner was viciously attacked and beaten on the Senate floor by South Carolina Representative Preston Brooks, in retaliation for a fierce antislavery speech Sumner had given about Kansas. Tempers in and about Kansas have become so explosive they threaten to overwhelm our nation’s traditional institutions of democratic decision-making.





# The Lecompton Constitution

When the new president, James Buchanan, was inaugurated in March, 1857, Kansas's proslavery territorial government had already begun planning a constitutional convention in Lecompton, Kansas. Creating a state constitution is a necessary step for attaining statehood. Since antislavery critics believed the census to determine representation at the convention had not been conducted fairly, they largely boycotted elections to select convention delegates.

During the last two decades, every territory applying to join the union as a state has allowed local voters to approve or reject its proposed constitution. Kansans voting on the Lecompton Constitution, however, will be allowed to vote on one issue only: the "Constitution with Slavery" or the "Constitution with no Slavery." The second option would delete the constitution's slavery clause and prohibit the continued importation of slaves into the territory. But no matter the result, the constitution will guarantee that the few slave owners already in Kansas will be permitted to hold human property forever. Voters will be given no option to vote against having any slaves in Kansas.

This vote has not yet been held.



**1854** The Kansas-Nebraska Act repealed the Compromise of 1850, allowing territorial residents on both sides of the 36°30' latitude to decide whether to admit slavery.

# Making a Historic Decision

Now, in December 1857, these disputes remain unresolved. Antislavery residents are threatening to boycott the upcoming vote and the federal Congress will soon have to decide whether to accept or reject Kansas statehood under that constitution. Some in Kansas have turned to violence and corruption to achieve their goals, but if our democracy is to endure, we must find a way to make decisions together about our shared future.

Citizens in Kansas and across the United States hold contested visions of the territory's future statehood, and fear that violent clashes over slavery in Kansas might foreshadow civil war between the nation's free and slave states. Western expansion is popular and seems inevitable, but it also highlights our country's deepening regional and political divisions. How can we shape our growing nation to heal, rather than exacerbate, the divisions among our citizens? How can we address the needs of the thousands of Americans trying to create democratic government in Kansas? How can we do this without inflaming the anxieties of millions of Americans across the country who fear that violence in Kansas could spread across the nation?

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## ANTI-SLAVERY MASS MEETING!

Agreeably to a call, signed by about 50 persons, and published in the Lawrence Republican, a Mass Meeting of the friends of Freedom will be held at Miller's Hall, at 2 o'clock P. M., on Friday, Dec. 2d the day on which

### CAPT. JOHN BROWN IS TO BE EXECUTED,

To testify against the iniquitous SLAVE POWER that rules this Nation, and take steps to

## Organize the Anti-Slavery Sentiment

of the community. Arrangements have been made with prominent speakers to be present and address the meeting.  
PER ORDER OF COMMITTEE OF ARRANGEMENTS.  
Lawrence, Nov. 26, 1859.

W. W. Blackman



# Option 1: Stabilize the Nation

## SLAVERY AND DEMOCRACY

The easiest way to resolve the outstanding conflict in Kansas is also the fastest; the federal Congress should admit Kansas to the union under the Lecompton Constitution.

Northerners may protest that the Lecompton Constitution is too friendly to slavery and that free-state supporters in Kansas were excluded from its creation. But as former president John Tyler has argued, free-staters bear some responsibility for their own exclusion. They boycotted elections for both creating the Lecompton Constitution and for ratifying it. "If they did not vote their acquiescence is fairly to be inferred," he wrote. "There is no criterion to which we can refer, but the result of the ballot box."

And as for the objection that Lecompton does not represent the wishes of Kansas's antislavery majority, our current president, James Buchanan, offers a simple rejoinder: "If her constitution on the subject of slavery, or on any other subject, be displeasing to a majority of the people, no human power can prevent them from changing it within a brief period." Refusing to admit Kansas as swiftly as possible under the Lecompton Constitution will only prolong the bloody conflict in the state, which has already claimed too many lives.

Our nation has always been divided over regional differences, including slavery. For generations, slavery has been central to the economy and culture of most Southern states. Slavery was never as prevalent in the North, where states have either banned the practice or passed gradual emancipation measures to bring it to an end within their own borders. If our union is to be preserved and these two very different sections of the country are to live in harmony, we must find a balance between regional interests, and reassure both North and South that they will not be forced to submit to domination by the other.

## SLAVERY IN THE UNITED STATES

American settlements had relied on the labor of enslaved people of color for a century and a half before the United States declared independence in 1776. Every American state had some history of slavery, but during the late 18<sup>th</sup> and early 19<sup>th</sup> centuries, Northern states passed laws either gradually or immediately abolishing the practice, while Southern states became dependent on slave labor to support agricultural economies. By 1850, over three million African Americans were enslaved in the American South, usually in brutal conditions of deprivation, sexual violence, and family disruption. More than 400,000 free African Americans also live in the United States, though many states restrict their rights, or even prohibit free black residents altogether.

**March 30, 1855** In the first election for territorial representatives in Kansas, illegally voting "border ruffians" from Missouri helped to elect a proslavery majority.



# A HISTORY OF DEAL-MAKING

The political history of this nation's grand experiment in democracy is a chronicle of deals cut between these two sections of the country. Even the defining document of our national government, the Constitution, contained hard-fought bargains over slavery, guaranteeing the South the right to continue the transatlantic slave trade for a period of years (this was banned at the first legal opportunity in 1808) and counting slave populations at three-fifths the rate of free white citizens for purposes of



JOHN C. FREMONT.

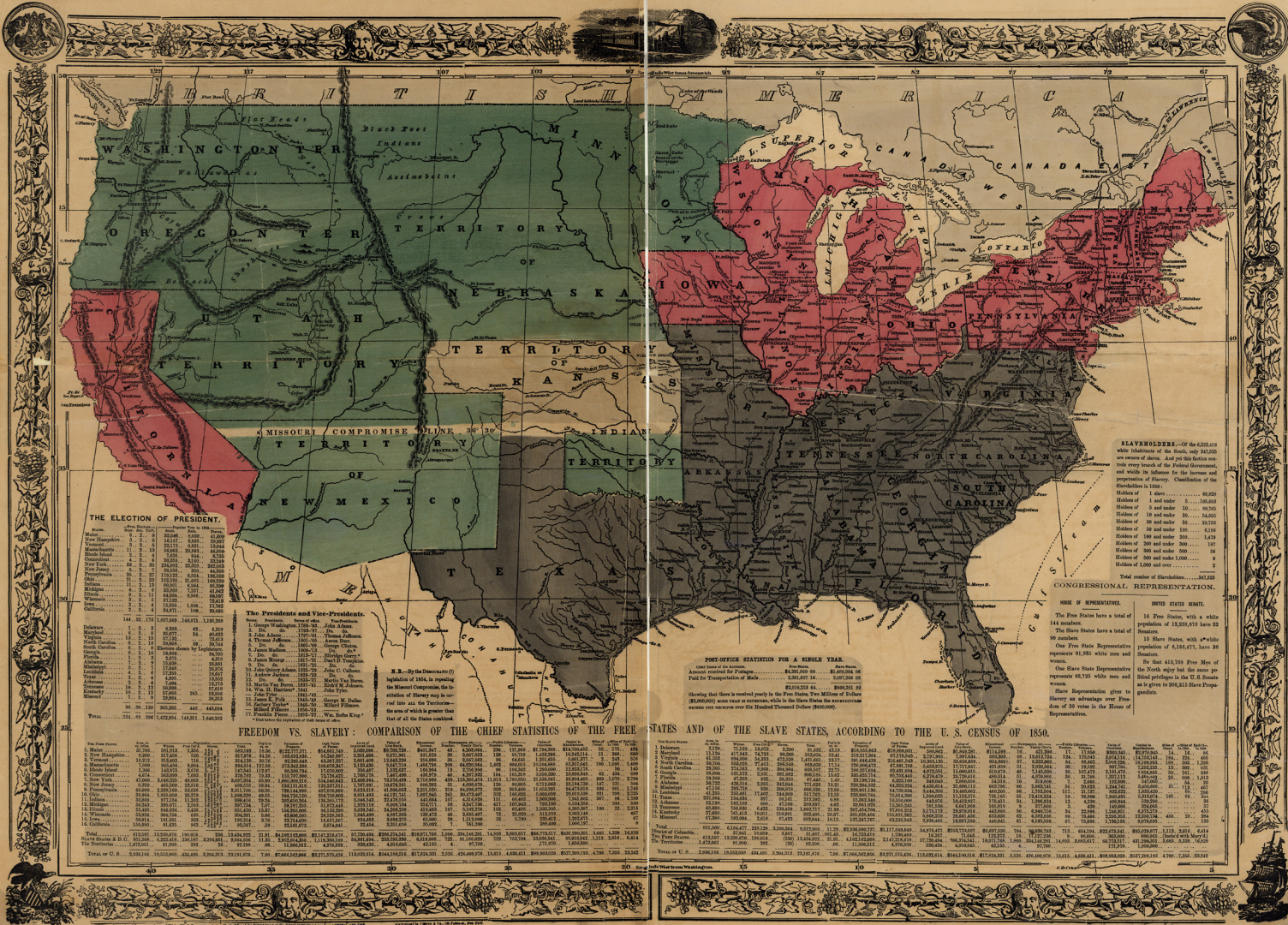
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*reprinted in State Geo. S. South, Vol. 1, p. 9, 1856*

## REYNOLDS'S POLITICAL MAP OF THE UNITED STATES, DESIGNED TO EXHIBIT THE COMPARATIVE AREA OF THE FREE AND SLAVE STATES, AND THE TERRITORY OPEN TO SLAVERY OR FREEDOM BY THE REPEAL OF THE MISSOURI COMPROMISE. WITH A COMPARISON OF THE PRINCIPAL STATISTICS OF THE FREE AND SLAVE STATES, FROM THE CENSUS OF 1850.

NEW YORK: Published by WM. C. REYNOLDS, No. 195 Broadway, and J. C. JONES, No. 1 Spruce Street. CHICAGO: RUFUS BLANCHARD, No. 52 La Salle Street.



WM. L. DAYTON.



Jan. 15, 1856 Antislavery "free-state" settlers in Kansas approved the Topeka Constitution, and elected a free-state legislature which began meeting in Topeka. Proslavery Kansans boycotted these elections, and continued to support the official proslavery legislature.



determining legislative representation (attempting to strike a balance between the voting power of the Northern and Southern states).

In addition to banning slavery in western territories north of the 36°30' latitude, the 1820 Missouri Compromise paired the new slave state of Missouri with a new free state of Maine, maintaining a balance of power in the federal Senate. For the next three decades, Congress welcomed new free and slave states in approximate pairs, thus maintaining equal representation in the Senate for both sections of the country. The Republican Party was organized in 1854, primarily in opposition to slavery's expansion into the territories. In 1856 elections, Republican candidates captured substantial minorities in the Congress, and John Fremont, the Republican presidential candidate, carried 11 states. But as a sectional party which competes only in Northern states, the Republican party is dangerous. While the long-lived Democratic Party and the now-defunct Whig Party contested elections in almost every state, Republican politicians and newspapers consider only the interests of the North rather than of the nation as a whole. We cannot maintain a functioning democracy if citizens of North and South are not exposed to one another's views, and cannot participate in a shared, national conversation.

**TRADEOFF: WITH NORTHERN POPULATIONS GROWING FASTER THAN THOSE IN THE SOUTH, MAINTAINING REGIONAL BALANCE IN THE SENATE IS UNDEMOCRATIC. PRIORITIZING BALANCE ON A NATIONAL SCALE MAY ALSO REQUIRE IMPOSING SLAVERY ON UNWILLING MAJORITIES IN KANSAS AND IN OTHER TERRITORIES.**

## THE ELECTION OF 1856 AND THE THIRD PARTY SYSTEM

From the late 1820s until the early 1850s, two major political parties contended in national elections: the Democrats (who supported states rights and universal white male enfranchisement) and the Whigs (who supported a stronger national government and industrial modernization). But with Northern and Southern Whigs unable to agree on policies about slavery, that party splintered and declined. The 1856 presidential election saw Democrat candidate James Buchanan competing against two relatively new political parties: the American, or Known-Nothing Party and the Republican Party. Former Whig President Millard Fillmore headed the American ticket, with a platform that emphasized opposition to immigration, especially by Catholics. The Republican Party nominated California senator John C. Fremont, and the campaign slogan, "Free Soil, Free Men, and Fremont" reflected the party's focus on preventing slavery from expanding into the western territories. Though the Republicans' second-place finish established them as the pre-eminent rival to the victorious Democrats, they are essentially only a Northern party, and do not compete in Southern elections.

**May 21, 1856** A proslavery militia attacked the town of Lawrence, Kansas, a hub of antislavery settlers, destroying two printing presses and a large hotel.

## OPTION 1: WHAT WE COULD DO

*Balance the interests of North and South; both slave and free states are welcome in our union.*

This option says that our nation has survived through a long history of cutting deals between North and South, and that our first priority must be to maintain national stability. We must reassure both the regions that permit slavery and those that prohibit it that they are welcome in our country, and that they will not be dominated by the other.

**But . . .** With Northern populations growing faster than those in the South, maintaining regional balance in the Senate is undemocratic. Prioritizing balance on a national scale may also require imposing slavery on unwilling majorities in Kansas and in other territories.

EXAMPLES OF WHAT MIGHT BE DONE	TRADE-OFFS TO CONSIDER
Congress should accept Kansas as a slave state under the Lecompton Constitution.	This constitution doesn't represent the democratic wishes of the people of Kansas, and the Lecompton Constitution contains a clause prohibiting amendments for seven years.
Congress should ensure that free and slave states are alternatively admitted to the Union in order to maintain sectional balance in the Senate.	This may require delaying the admission of some states that have met all other requirements, or even forcing territories to accept or reject slavery contrary to local wishes.
Northern citizens should respect Southern traditions of slavery, cease abolitionist propagandizing, and assist slave owners in recovering their runaway slaves in accordance with the Fugitive Slave Act.	Free speech is one of our nation's most important traditions, and the Fugitive Slave Act forces antislavery Northern communities to participate in the enforcement of Southern slavery.
Western territories should be open to settlement by Southern whites and their slaves; territories should only be able to prohibit slavery when writing their state constitutions.	This forces all territories to accept slavery, even when this might be contrary to the majority of territorial citizens' wishes.
Political parties, newspapers, and other political institutions should attempt to address the concerns of the entire nation, rather than appealing to the interests of only one region.	Regional institutions can speak to the concerns of local people, and are carrying on in our traditions of free speech and free political process.

**May 22, 1856** South Carolina Representative Preston Brooks attacked Massachusetts slavery speech on the subject of Kansas which Brooks believed insulted



# KANSAS.

*To those who desire that Kansas should be free.—*

Mr. Hoskings, the accredited agent of the Kansas Herald of Freedom, is here for the purpose of procuring subscribers.

That paper is the organ of the Emigrant Aid Company, and if well sustained will be one of the mightiest agencies, in making Kansas a Free State. I am personally acquainted with the editor, G. W. Brown, Esq., and know him to be worthy of his responsible position.

ELI THAYER.

Worcester, Nov. 22, 1854.

## Shall Kansas be Free ?

### Let Subscribers Answer.

I am employed to call on such as will subscribe to the Herald, and circulate the first number; all correspondence by mail or otherwise promptly attended to, and such information as I possess cheerfully given.

"I love thee, New England my own native land,  
And my spirit exults—I thank God  
That the turf where I played in my childhood's glad morn  
By the tyrant may never be trod."

**T. H. HOSKINGS,**

Canvassing Agent.

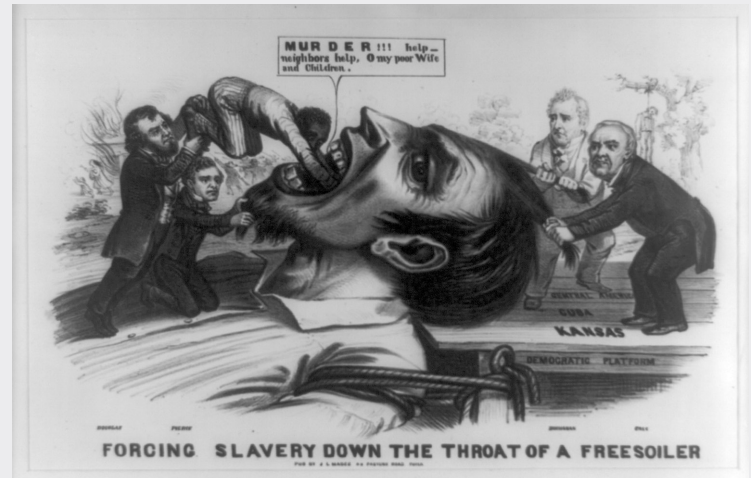
# Option 2: Treat Everyone Fairly

## THE CASE AGAINST SLAVERY

Slavery is morally wrong, and it is also unfair competition for Northern workers and industries. Allowing its taint to expand to our western territories will only prolong the damage this institution does to our nation. Every compromise opponents of slavery make with Southern slaveholders only damages our country. We should not force slavery onto unwilling populations in Kansas and in other territories.

Not only is slavery morally wrong, but the economic superiority of free labor is demonstrated by the fact that Northern populations and economies have grown rapidly, while the South stagnates. With more than twice as many white residents as the slave states, it is only fair that the free states should have greater representation in Washington. Northern free states also have more surplus population than southern slave states to contribute to western emigration. Our nation should focus less on appeasing its small minority of slave owners, and more on living up to our nation's founding principle, as enshrined in the Declaration of Independence, that "all men are created equal."

Antislavery activists have eloquently articulated moral critiques of slavery and of the political compromises which have reinforced it. Abolitionist activist (and former slave) Frederick Douglass, for example, protested the Kansas-Nebraska Act by proclaiming the eternal truth of "man's right to freedom. . . [T]his mighty government of ours will never be at peace with God until it shall, practically and universally, embrace this great truth as the foundation of all its institutions, and the rule of its entire administration."



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Very few of the millions of African Americans still enslaved in our Southern states will ever have Douglass's opportunities to speak in public, but most would endorse this sentiment, and support Douglass's goal of immediately ending slavery and incorporating former slaves into the American citizenry. However, among white citizens, North and South, these ideas remain fairly radical; only a small minority support immediate abolition.

**May 24, 1856** An abolitionist posse led by John Brown attacked proslavery settlers in the Pottawatomie massacre, killing five.

# ANTISLAVERY AND RACE PREJUDICE IN THE WEST

Few whites are eager to welcome African Americans as full citizens. For some residents of Kansas and other western states, excluding slavery is no more important than excluding free African Americans. In September 1855, the first convention of free-state advocates in Kansas, for example, agreed that “the best interests of Kansas require a population of free white men, and . . . we are in favor of stringent laws excluding all negroes, bond or free, from the Territory.” Similar laws banning African American settlement have been passed by many other western states and territories, including Ohio, Illinois, Indiana, and Oregon. Most white Americans struggle to imagine a permanent place for blacks in American society, and these western states have sought to solve the “negro problem” by prohibiting African American settlement altogether.

Reasons for opposing slavery’s expansion into the west may vary but this only means that there are many arguments for banning slavery in Kansas and all other territories. This is a central plank in the platform of the Republican Party, which declared in 1856 that “it is both the right and the imperative duty of Congress to prohibit in the Territories . . . [that] relic . . . of barbarism— . . . Slavery.” The Republican Party’s popularity in the North owes much to its embrace of this simple truth.

Corruption and boycotts in Kansas elections make it difficult to precisely determine what local voters want. But the available evidence seems to indicate that most Kansans reject slavery. When most antislavery voters boycotted the June, 1857 election of delegates to the Lecompton constitutional convention, less than 2,000 proslavery voters showed up at the polls. But when both proslavery and antislavery voters participated in an election for territorial representatives in October, antislavery candidates polled nearly 8,000 votes, far more than the proslavery candidates. Kansans do not want slavery. The Topeka Constitution, which was created by antislavery residents in 1855, best represents the views of the majority of Kansas voters. It is time for Congress to admit Kansas as a free state under the Topeka Constitution.

## EMIGRATION SOCIETIES

Among the migrants who settled in Kansas are thousands who have been sponsored by ideologically motivated emigration societies. The largest and most famous of these is the New England Emigrant Aid Company (NEEAC), whose investors and emigrants hope to both support the free-state movement and reap financial returns. NEEAC migrants sang antislavery propaganda songs: “We go to rear a wall of men / On Freedom’s Southern line, / And plant beside the cotton tree, / The rugged Northern pine!” Proslavery organizations also organized emigration societies. The Lafayette Emigration Society, for example, published an appeal in a Southern magazine: “There are hundreds of thousands of broad acres of rich land, worth from \$5 to \$20 per acre, open to settlement . . . at \$1.25 per acre. Let, then, the farmer come and bring his slaves with him. . . Shall we allow these rich lands and this beautiful country to be overrun by our abolition enemies?”

**July 1, 1856** A congressional committee, which had been appointed to investigate “the troubles in Kansas,” delivered its report discrediting the proslavery territorial legislature.



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# \$200 Reward!

**Ranaway from the subscriber, living in Saline county, on the 4th inst., two Negromen, named Jim and Jack--each aged about 25 years.**

## Jim

is dish-faced; has sore eyes and bad teeth; is of a light black or brown color; speaks quick, is about 5 feet 7 inches high; had on when last seen, blue cotton pants, white shirt, white fulled coat and new custom-made boots.



## Jack

had on the same kind of clothing with shoes, has a very small foot, wears perhaps a No. 6 shoe, and has heavy tacks in the heels; is about the same height and color of Jim. They are doubtless aiming for K. T.

**A reward of \$100 each will be given if taken outside of the State, or \$50 each if taken in the State, outside of Saline county.**

**C. D. WILLIAMS,**

Spring Garden, P. O., Pettis county, Missouri.  
Harrisonville, Mo., June 7th, 1860.

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## AND JUSTICE FOR ALL

Of course, the injustice and violence of slavery primarily affects the millions of enslaved African Americans currently in our country. There is something that slaves can do to fight against this brutal system: run away. Escaping slavery—often with the help of the informal, illegal network of the Underground Railroad, which provides some shelter and assistance for escaped slaves—is an act of individual defiance as well as an expression of political protest.

The prevalence of escape has undermined the institution of slavery in the border states of Delaware and Maryland, where slave populations are on the decline. It is to avoid this fate that proslavery Missourians have fought so strenuously against Kansas becoming a free state. And escaped slaves' accounts of the brutality they experienced in bondage have proved to be powerful recruitment tools for the abolitionist movement, informing Northerners of the brutality of a system of which they may have little direct knowledge. However, the risks of running away can be severe for slaves, who, if recaptured, can be punished by torture, mutilation, or even death.

**July 4, 1856** Federal troops disbanded the free-state Topeka legislature by force.

As a nation, we owe fair treatment not only to African Americans who have been enslaved and forced to provide labor, but also to Native Americans who have been pushed aside to provide land for white settlers. Like every other territory of the United States, Kansas was not an empty landscape before settlers arrived. Several Native American tribes had historically called the region home, and the United States government had also negotiated with other eastern tribes to remove them to Kansas. These treaties had supposedly guaranteed these tribes permanent domain over reservation lands in Kansas, but white settlers—both proslavery and antislavery—have often ignored their borders.

George Manypenny, the Director of the federal Bureau of Indian Affairs, has protested the mistreatment of native tribes in Kansas: “Trespasses and depredations of every conceivable kind have been committed on the Indians. . . . In the din and strife between the anti-slavery and pro-slavery parties . . . the rights and interests of the red man have been completely overlooked and disregarded.” It is a matter of justice and fairness that the United States live up to its promises. As the western territories are possessions of the United States and of its citizens, these resources should be distributed to benefit the largest number of Americans. We have long been a nation of independent farmers, and the rich farmlands of Kansas promise to support a new generation of citizens. At present, Kansas settlers can purchase from the federal government lands which they have already “improved” through clearing, tilling, and fence-building. But this system is only open to those with the cash to purchase land, and speculators have sometimes been able to abuse the system to amass large landholdings.



“Homestead bills” which provide land at no charge for citizens who commit to long-term residency were used to encourage settlement in Florida and Oregon, and several bills to introduce similar systems in Kansas and other western territories have been considered (but never approved) by Congress. A national homestead act would help to ensure that western territories are used for the benefit of common farmers rather than wealthy speculators.

**TRADEOFF: SOUTHERN STATES HAVE CLEARLY STATED THEIR INTENTION TO SECEDE FROM THE UNION IF THE FEDERAL GOVERNMENT MAKES ANY ATTEMPT TO RESTRICT SLAVERY. AMERICANS WOULD THEN BE FORCED TO EITHER ACCEPT THE DIVISION OF THE COUNTRY (WITH SOUTHERN SLAVERY CONTINUING UNDER A NEW FLAG) OR FIGHT A BLOODY CIVIL WAR TO PRESERVE THE UNION.**

**March 4, 1857** Democrat James Buchanan was inaugurated as President of the United States.



## OPTION 2: WHAT WE COULD DO

*Make Western states a haven of freedom and fairness, free of slavery.*

This option says that our national principles require us to treat all Americans fairly and, when possible, equally. Western expansion should provide an opportunity to create new communities where these values can flourish. The West represents our nation's future, and slavery has no place there.

**But . . .** Southern states have clearly stated their intention to secede from the union if the federal government makes any attempt to restrict slavery. Americans would then be forced to either accept the division of the country (with Southern slavery continuing under a new flag) or fight a bloody civil war to preserve the union.

EXAMPLES OF WHAT MIGHT BE DONE	TRADE-OFFS TO CONSIDER
Congress should prevent the expansion of slavery by prohibiting slavery from all western territories.	This contradicts the recent Dred Scott decision, and Southern states have threatened to secede if this law is enacted, as they believe it unfairly restricts slave owners' property rights.
Congress should grant Kansas statehood under the antislavery Topeka Constitution, which is supported by the majority of Kansas residents.	The Topeka Constitution was not created through a legal process, and our nation should be governed by rule of law.
Slaves should seek every opportunity to escape bondage, and should testify about their experiences to Northern audiences unfamiliar with the horrors of slavery.	Captured escapees will be subject to brutal physical punishment, and even in Northern states, former slaves who become public figures in the abolitionist movement risk former masters' attempts to recapture them.
Territorial and federal officials should strictly enforce prohibitions against squatting on Native American lands, and harshly prosecute white settlers' crimes against Native Americans or their property.	The borders of territory granted by treaty to Native American tribes are not always clear to local settlers, and precisely surveying property boundaries may prove expensive.
Congress should pass a homestead bill, allowing free citizens to claim small farms in western territories at no cost.	This may deprive Eastern communities of their workforce, does not maximize the value the government will receive for these lands, and discriminates against buyers who would purchase large estates (such as slave owners seeking to create new plantations).

**March 6, 1857** The Supreme Court issued its decision in the case *Dred Scott v. Sandford*. The already-repealed Missouri Compromise had been an unconstitutional



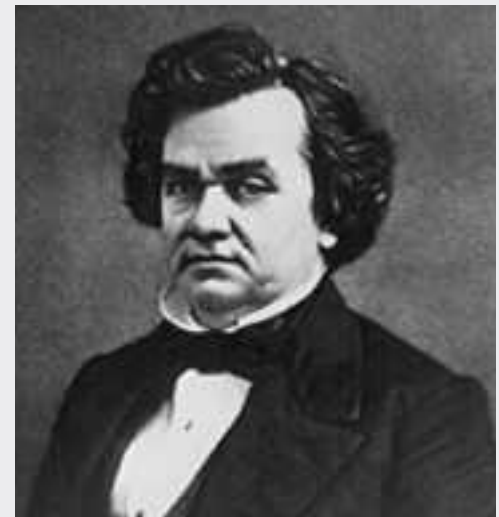


# Option 3: Let States and Territories Make Their Own Decisions.

## POPULAR SOVEREIGNTY

It is strange that the “popular sovereignty” clause of the Kansas-Nebraska Act should have proven so controversial. After all, the basic principle that citizens should be able to make their own laws is the foundation of our democracy. The citizens of the Kansas Territory must be permitted to make their own decisions about what kind of state they wish to become, and whether or not they want to continue slavery. As long as Kansans’ government and laws do not violate our shared national Constitution, they can make their own choices, regardless of whether citizens of other states approve or disapprove.

Stephen Douglas, the author of the Kansas-Nebraska Act, has pointed out the hypocrisy of the federal government being “willing, to trust the Territorial legislature, under the limitations of the Constitution, to legislate upon the rights of inheritance, to legislate in regard to religion, education, and morals, to legislate in regard to the relations of husband and wife, of parent and child, of guardian and ward, upon everything pertaining to the dearest rights and interests of white men, but . . . not . . . to trust them to legislate in regard to [slavery].” Both slaveholding states and free states are welcome in our union, and the question should be up to local voters, not the federal government.



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## UNFAIR ELECTIONS

It is essential that the voters of Kansas be able to make their own decisions through free and fair elections. Territorial elections in Kansas have often fallen short of this standard. So-called “border ruffians” from Missouri have not only illegitimately participated in Kansas elections, but they and their proslavery allies have also in some cases used threats of violence to intimidate rival voters, or stuffed ballot boxes with false votes.

In an election just two months ago, two counties reported numbers of votes for proslavery candidates greatly exceeding local population totals. On further investigation, voter records in both counties were found to include thousands of false names, including over 1500 which had been copied wholesale out of a city directory for Cincinnati. This demonstrates the need for continued vigilance in protecting the integrity of the democratic process. As former

territorial governor Walker argued, resolving the slavery issue in Kansas requires only the application of basic democratic principles: “It is reduced to the simple issue, of slave or free state, and must be decided by a *full* and *fair* vote of a *majority* of the people of Kansas.”

Never has the need for a complete referendum on a state constitution been more obvious than in Kansas. Delegates to the Lecompton convention were chosen in an election marred by fraud, and almost entirely boycotted by free-state supporters. The only way to demonstrate that the Lecompton Constitution genuinely represents the desires of Kansas citizens is to submit the *entire* constitution for a territorywide ratification vote. Delegates to the Lecompton convention have engineered an election limited to a single constitutional article that would prohibit the continued importation of slaves into the territory.

Territorial Governor Robert Walker has resigned in protest at this decision, registering Kansas voters’ objections that “the elective franchise is not free, as they cannot vote against the constitution, but only on the single issue, whether any more slaves may be imported, and then only upon that issue by voting for the constitution to which they are opposed. They regard this as but a mockery of the elective franchise, and a perilous sporting with the sacred rights of the people.” The Lecompton Constitution should only be accepted if approved in its entirety by the people of Kansas in a free and fair election, and the same standard should be applied to any other constitution drawn up in Kansas or in any other western territories.

## LOCAL CONTROL

Some have derided the idea of popular sovereignty in the territories by calling it “squatter sovereignty.” But this phrase implies that citizens of the territories are for some reason less capable of governing themselves than citizens of the established states. Citizens have the power to make their own laws; this is the foundation of our democracy. However the nature of citizenship in territories, states and the nation is complex. The chaos in Kansas only demonstrates that it is untenable to force territories to wait until statehood before being permitted to make their own decisions on slavery.

The recent Supreme Court decision in *Dred Scott v. Sandford* now forces all territories into this position, arguing that neither the federal Congress nor the territorial legislatures can legally bar slave property from the territories. This unnecessarily prolongs conflict, even in territories with clear majorities opposed to slavery. We should trust our territorial citizens to make their own decisions, and grant territorial legislatures the same powers to regulate slavery that we grant to state legislatures.



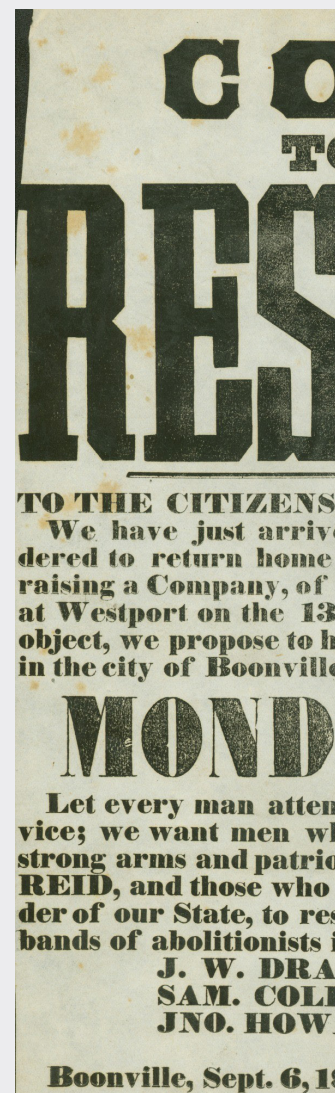
Unfolding events in Kansas have been extensively reported in newspapers all over the country, and many Americans have strong opinions. However, decisions about Kansas should be made by Kansans, in accordance with our national principles of local self-rule. If citizens of other states wish to have a voice in Kansas, there is one thing they can do: move there. In fact, there have been several organized emigration societies from both North and South which have aimed, at least in part, to influence Kansas elections. Those who are concerned with the fate of Kansas should move there, or lend financial support to the emigration societies of their choice.

## FAIR ELECTIONS

In order for democracy to function, local elections must be conducted fairly, without fraud or intimidation. Unfortunately, this has not been the case in the Kansas Territory, where free-state supporters have felt so disenfranchised in official elections that they have formed their own, separate legislature. Participating in corrupt elections risks legitimizing them. Charles Robinson, the man elected governor by the unrecognized free-state government in Topeka, has stated the case for boycotting elections organized by the proslavery “bogus legislature”: “We are solicited . . . to confide everything we hold dear as American citizens to the keeping of our worst enemies, and go away trusting to their honor. . . The Free-State men of Kansas are not such idiots.”

Given the history of fraud and corruption in Kansas elections, voters should only participate in elections which they expect will be conducted fairly. The partial referendum on the Lecompton Constitution gives voters no option to reject the constitution as a whole. Kansans should boycott this election—and any other election that does not promise voters a fair opportunity to make their voices heard.

In order to provide for fair elections, local governments must be able to decide not only when and where people should vote, but also *who* is granted access to the franchise. In 1855, one proslavery newspaper in the territory even went so far as to claim that “everyman in the Territory on the day of the election is a legal voter, if he have not fixed a day for his return to some other home.” Heeding such calls, thousands of Missourians crossed the border to cast ballots in Kansas elections.



In more recent elections, territorial officials have conducted censuses to create lists of legal voters. This might have helped to curb these problems, except that these voter rolls have often been corrupt, listing false residents in some counties and failing to include legal voters in others. For democracy to succeed, territorial and state governments must create a fair system to register legal voters and exclude nonresidents.

**TRADEOFF: ALLOWING EACH STATE AND TERRITORY TO MAKE ITS OWN DECISIONS WILL CAUSE THE NATION TO BECOME EVER MORE DIVIDED RATHER THAN UNITED BEHIND A COMMON NATIONAL IDENTITY.**

**COME TO THE RESCUE!!**

**OF COOPER:**  
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by Col. Reid, for the purpose of  
at least **SIXTY** men, to join him  
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**AY NEXT.**

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sist the aggressions of the lawless  
in Kansas.

**FFIN, H. H. BRAND,  
E, BOB. McCULLOCH,  
ARD, JNO. SHANKLIN,  
AND MANY OTHERS.**

**856.**

**PUBLIC MEETING!**

**AT**

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**JOHN M. WALDEN**

Late Editor of the "Quindaro Chindowan," will speak on  
the subject of the Lecompton Constitution at

on  
July 1858, at o'clock M.

**Let the Voters Rally!**



## OPTION 3: WHAT WE COULD DO

*Reinforce local democracy; let Kansans decide the future of Kansas.*

This option says that the basic principles of democracy require that local voters—in Kansas as in every other territory and state—must make their own decisions. Our nation is too diverse for a single rule to apply in every region, which is why local voters should be able to make their own decisions about slavery and every other important question.

**But . . .** Allowing each state and territory to make its own decisions will cause the nation to become ever more divided rather than united in a common national identity.

EXAMPLES OF WHAT MIGHT BE DONE	TRADE-OFFS TO CONSIDER
Congress should reject any proposed state constitutions from Kansas or other western territories which have not been submitted in their entirety for a ratification vote by citizens of that territory.	This will only prolong the conflict in Kansas, and will allow small numbers of local territorial voters to make decisions that broadly affect the political structure of the nation as a whole.
Territorial legislatures should be permitted to allow or prohibit slavery in a territory, even before applying for statehood.	This empowers early settlers in a territory to make decisions with potentially permanent consequences for those who will arrive later.
Americans in Eastern states who are concerned about slavery in Kansas and other western territories should move there in order to participate in local elections.	Politically motivated settlement in Kansas will only increase conflict, and settlers who travel west for political reasons may not be committed to frontier communities in the long term.
Kansas voters should boycott any election that is conducted unfairly.	Democracy will fail if our citizens cannot all agree to participate in the same elections.
Territories and states should be able to decide who is eligible to vote in elections.	This allows local governments to discriminate, and could lead to conflict between states with differing voter eligibility requirements.

**STOP!**

**DO NOT READ UNTIL AFTER FORUM.**

# DEMOCRACY AND DELIBERATION

In 1857, just as today, the United States was a democracy. Citizens were supposed to make decisions at every level of government and about every issue of concern to the country. By modern standards, American democracy at the time was severely flawed. Many Americans

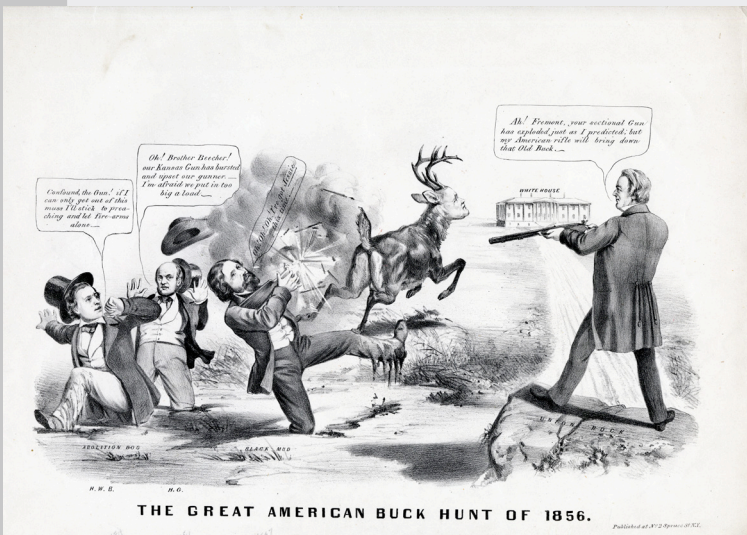
including African Americans, Native Americans, and women, who today are part of public political conversations were, in 1857, unable to vote and discouraged from having a public voice. Even at that time, many of those individuals held and expressed political opinions, and advocated for their interests in a variety of ways. But for the most part, only white men were empowered to vote in Kansas and across the country. Slavery was an even more serious blot on American democracy. African American slaves were not only excluded from formal political structures, but also subjected to lives of violence, deprivation, and coerced labor.

Exclusion was not the only flaw in American democracy in 1857. Although telegraph and rail lines knit the country closer together than ever before, news traveled slowly by today's standards, and lines of communication frayed on the western frontier. The expense and inconvenience of traveling or communicating across large distances only worsened the growing divides between sections of the country with very different cultures and economies. When citizens from the North and South emigrated to Kansas, they brought with them very different visions for the

future of the west and of the country as a whole.

Violent clashes in Kansas reflected failures of democracy and of collective decision-making. In a democracy, disagreements over government policy, community standards, and individual behavior are supposed to be resolved in the marketplace of ideas, through reasoned argument and fair elections. When Kansans turned to corrupt elections, were denied the validity of elected governments, and

even took up arms to kill or intimidate opponents, they were also attacking the core of deliberative democracy – the ideal that citizens can talk together to discover common ground.





# THE LECOMPTON CONSTITUTION

President James Buchanan argued that the best solution for chaos in Kansas was for the federal Congress to accept statehood under the proslavery Lecompton Constitution despite evidence that most Kansas voters did not approve this document, and did not want the new state to permit slavery. Buchanan claimed that submitting the constitution's slavery cause to a partial ratification vote satisfied the requirements of the Kansas-Nebraska Act (and argued that Kansas voters could always amend the state constitution at a later date). He was opposed by fellow Democrat and primary author of the Kansas-Nebraska

Act, Stephen Douglas. Douglas argued that the act's promise "to leave the people [of the territories] perfectly free to form and regulate their domestic institutions in their own way" required a ratification vote for the full constitution, and that Congress should therefore reject Lecompton.

Douglas's side of the argument was bolstered by the returns from ratification votes. The first vote, in December, 1857, had been scheduled by the Lecompton convention itself, and allowed voters to decide only on the constitution's slavery clause. Free-state supporters mostly boycotted the election, and, even with reports of widespread voter fraud, proslavery Kansans could muster only a little more than six thousand votes for slavery under Lecompton. A second election was scheduled for



## KANSAS AND THE CIVIL WAR

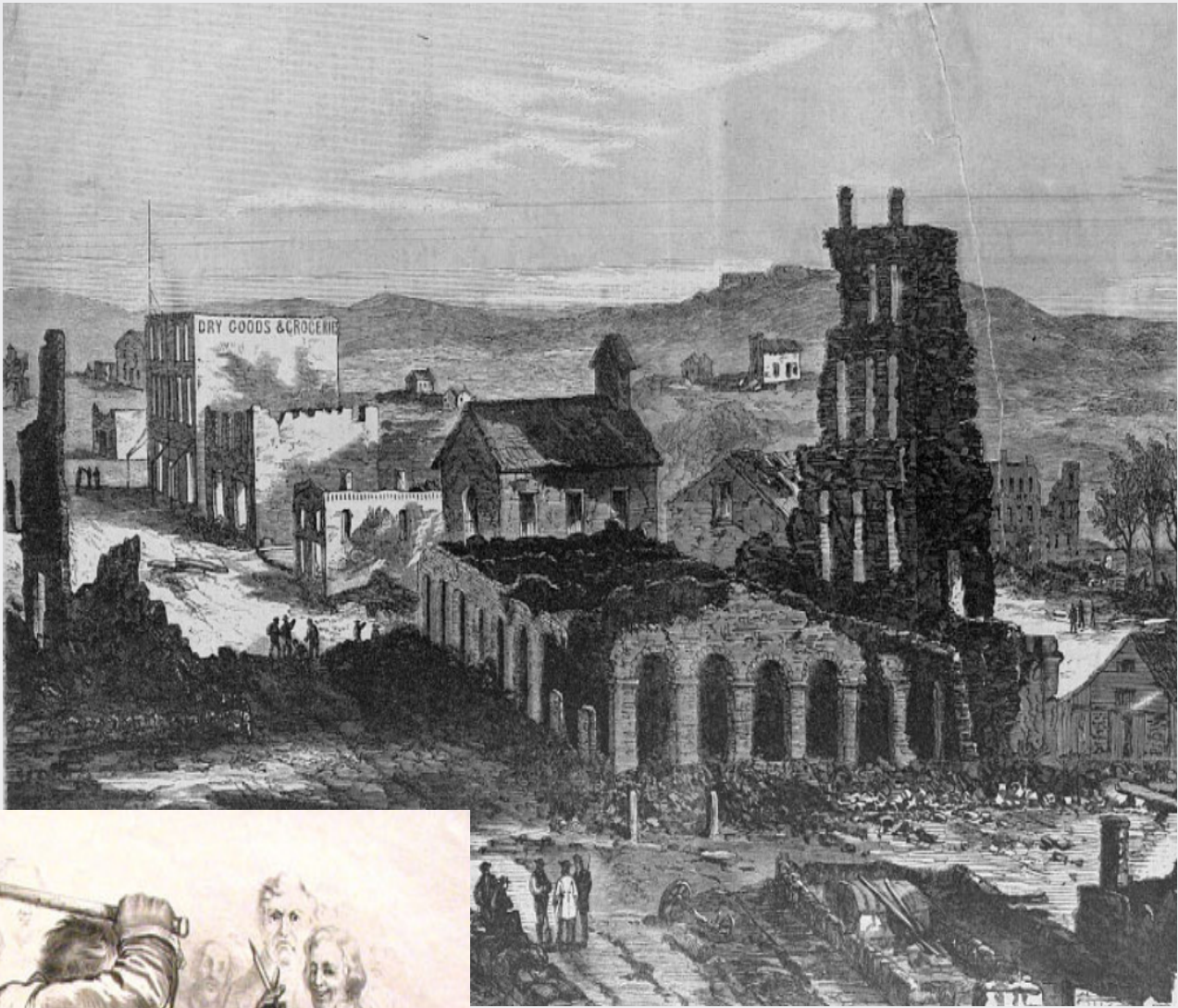
Throughout the controversy over Kansas statehood, many Americans feared that the debate might be the spark which ignited the sharply divided nation into civil war. And in fact, Kansas violence did spill over into other regions. For example, white abolitionist John Brown, who had commanded the murder of five proslavery Kansas settlers in 1856, went on to lead a failed slave revolt in Harpers Ferry, Virginia (now West Virginia) in 1859. Twenty-four people were killed in this raid, or executed afterwards, and Brown was viewed as a martyr by many abolitionists.

But in the end, the event that triggered the Civil War was not directly related to Kansas. In November, 1860, Republican Abraham Lincoln was elected President of the United States. For political leaders in the South, the national victory of the Republican Party—a party that campaigned solely in the North, largely on a platform of restricting slavery—was too much to bear. Eleven Southern states seceded from the Union. As Southern states began to secede in the first steps of the coming national civil war and Southern representatives departed from Congress, the balance of power shifted in the Senate. Kansas was finally admitted to the union as a free state on January 29, 1861. Three months later, at Fort Sumter, the first shots in the Civil War were fired.

The Civil War would be the bloodiest war in American history. By 1865, when the remaining Southern Confederate forces surrendered to the Northern Union, between 600,000 and 750,000 soldiers had died in the conflict. Northern Republicans had initially planned only to limit the western expansion of slavery. However, at the end of the war, a desire to punish the South, the practical difficulty of reinstating slavery after the chaos of war, and a desire for justice combined to abolish slavery nationwide.

There would be no slavery in Kansas, or anywhere in the reunified nation. But the divisions exposed in Kansas—over race, expansion, and federalism—would continue to shape American history. Despite the rift of the Civil War, the American experiment in democratic government endured. Along with it, the challenge of deliberative democracy remained—of talking with fellow citizens and seeking common ground, even when we disagree.





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# GLOSSARY OF HISTORICAL TERMS

**Abolitionist:** Someone who wanted to abolish, or end, slavery in the United States, usually for moral reasons.

**Democratic Party:** Oldest national party in the United States, generally opposed to federal power; receives support from all sections of the country, but has especially strong voter bases in Southern states.

**Filibuster:** American citizen who engages in military expeditions in Central and South America, often with the intention of creating new slaveholding states which might join the United States (in another context, this term is used to describe a legislative delay tactic).

**Fugitive slave laws:** Laws which require state officials (including in free Northern states) to assist slaveowners in capturing runaway slaves, or which fine citizens who assist runaway slaves (these laws are strengthened in 1850).

**Homestead bill:** Proposal, popular within the Republican Party, to distribute western land to settler applicants for free.

**Personal liberty laws:** Laws passed in opposition to fugitive slave laws by many free Northern states, requiring jury trials for African Americans claimed by slaveowners as runaway slaves, and/or prohibiting state officials from assisting with capturing runaway slaves.

**Polygamy:** Marriage between one man and multiple women, practiced in 19th century by some Mormon settlers in Utah.

**Popular sovereignty:** Principle that residents of each territory can choose for themselves to permit or prohibit slavery (debate remains about whether this decision can be made during territorial phase, or only at time of statehood).

**Ratification:** Submission of proposed constitution to popular vote of citizens, who can choose to accept or reject it.

**Republican Party:** Founded in 1854, generally in favor of stronger federal government and opposed to western extension of slavery; has political support only in Northern states.

**Specie:** Money in the form of coins made of valuable metal, as opposed to paper notes issued by banks.

**Squatter:** Someone who settles on land they do not own; under 1840s-1850s law, squatters have first chance to purchase land they have settled.

**Territory:** Frontier region of the United States formally organized for settlement, but not yet granted statehood status; territories must create a state constitution and apply to the federal congress for admission.

# PHOTO CREDITS IN ORDER OF APPEARANCE

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