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Brian Shannon
Dr. Monica Najjar
17 December 2018

Bleeding Kansas: Frontier Politics and Rhetoric

On May 19th 1856, Charles Sumner delivered a speech titled “The Crime Against Kansas”. In it, the Senator from Massachusetts charged proslavery Democrats with “ the rape of a Virgin territory, compelling it to the hateful embrace of Slavery.”¹ Sumner brutally defamed Senators James Mason, Stephen Douglas, and Andrew Butler in his two day tirade on the evils of proslavery forces in Kansas.² Sumner mocked South Carolina Senator Andrew Butler for his previous stoke and subsequent “incoherent phrases.”³ Furthermore, the Senator from Massachusetts hinted at adultery: he claimed Butler had “chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him...I mean the harlot Slavery.”⁴ The Southern delegation was consumed with fury. Three days after Sumner’s speech, Preston Brooks, a relative of Butler and Congressman from South Carolina, strode onto the Senate floor and physically beat Charles Sumner over the head with his cane.⁵ Southerners cheered Brooks for defending his family as well as the South. Northerners would point to this as the example of the slave powers encroachment on free speech. Brook’s assault would be fittingly dubbed by Republicans “Bleeding Sumner”. At the same time, an increasingly hostile and violent struggle was playing out in the newly established territory of Kansas. Bleeding Kansas, as it was called, tore the territory apart in an unprecedented sectional struggle. As Kansas

1 Charles Sumner, *The Crime Against Kansas...Speech of Honorable Charles Sumner in the Senate of the United States...* (1856),5.

2 William Freehling, *The Road to Disunion: Secessionists Triumphant 1854-1861.*, (Oxford: New York, 2001), 80.

3 Sumner, *The Crime Against Kansas.* (1856),9.

4 *Ibid.*,9

5 Freehling, *The Road to Disunion*, 82.

prepared to enter into the union, proslavery and free state partisans fought for control of its fate, in the state as ferociously as in Congress.

The statehood of Kansas was conceived in conflict, birthed by brutality, and baptized with blood. Buttressing the sectional violence and strife was a partisan propaganda war waged by two factions determined to control the fate of Kansas. Both proslavery and free state proponents vehemently argued their case to the people of Kansas, as well as the entire country. Studying the rhetoric of Bleeding Kansas, this thesis argues two things. First, it argues that both the proslavery and free state factions utilized similar language of legitimacy and sovereignty to support their agenda. Second, it will demonstrate that both groups had different notions of what defined their legitimate authority within the law. Proslavery sympathizers appealed to conservative sentiment of strict conformity to federal and territorial law. Free staters argued according to Revolutionary principals, that the law served the people and its authority was derived from the majority.

Proslavery and free state advocates used different examples to illustrate their claim and interpretation of sovereignty. The proslavery faction predicated their authority on a perceived federal mandate, that because United States' law officially recognized their legitimacy, they controlled the territory. Furthermore, anyone who defied the proslavery government and the conservative law they enacted, was branded an outlaw and subjected to proslavery justice. Free staters believed that the power of the government was derived from the majority, and by delegitimizing opposition votes, the proslavery government illegitimized itself. Therefore, free staters believed they were forced to disavow themselves of the proslavery controlled government and consequently were justified in doing so. Both factions appealed to notions of popular sovereignty, although differed on their interpretations of it.

Many historians focus on the narrative that Bleeding Kansas was an abolitionist struggle against Southern slavery. In 1969, James Rawley published *Race & Politics*. In it, Rawley argued “race as a premise for politics of the time and undertakes to show race’s crippling effects in coping with the crisis.”⁶ . Similarly, other historians believe the turmoil in Kansas was caused by the ideological differences over slavery. John McKivigan writes that the contemporary interpretation of Bleeding Kansas was “colored by ideological question of slavery.”⁷ However, this thesis will show that much of the rhetoric at the time did not rely on the language of slavery and race as much as the ideals of freedom and sovereignty. Michael Holt aptly claims, “The ostensible division of Kansas between Northerners and Southerners over the question of slavery extension, when the real division was over the legitimacy of the territorial legislature.”⁸ Holt briefly touches on Bleeding Kansas in his book *The Political Crisis of The 1850’s* but still captures an important perspective. Bleeding Kansas was a confrontation over who held legitimate authority in Kansas, rather than an existential debate over slavery.

Nicole Etcheson, in her book *Bleeding Kansas: Contested Liberty in the Civil War Era*, defines Bleeding Kansas as more about power among whites and who holds it than the debate about abolition. She argues that “Bleeding Kansas began as a struggle to secure the political liberties of whites and ended by broadening the definition of freedom to include blacks”⁹ Her work is an advancement in Bleeding Kansas scholarship, unearthing the true motives behind the conflict. While Etcheson describes the motives of both sides in the Kansas as changing over

6 James A Rawley, *Race and Politics* (New York: J.B Lippincott Co., 1969), xi.

7 John McKivigan, *Forgotten Firebrand: James Redpath and the Making of the Nineteenth-Century* (Ithaca: Cornell University Press, 2008),21.

8 Michael Holt, *The Political Crisis of the 1850’s* (New York: W.W. Norton & Co, 1978),194.

9 Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era* (Lawrence: University Press of Kansas, 2004), 8.

time, this thesis will instead show how from the beginning of the conflict, both sides desired one thing above all else, a legitimate claim to authority over the fate of Kansas. This is not to discredit the prevalence of race, national politics, economics, or the many other factors that historians argue contributed to Bleeding Kansas. Those factors certainly played a role in the events. However, they do not fully explain the motives behind the actors at the time. This thesis will examine rhetoric and show its importance in defining the conflict and providing justification for both sides as they fought for control of the territory in order to implement their position on slavery and free soil.

The seeds of Bleeding Kansas were sown some decades before the crisis. The Missouri compromise of 1820 set the precedent of congressional jurisdiction over the slave status of a newly admitted state. In 1819, Missouri petitioned Congress to be admitted to the union as a slave state. This sparked an outcry of Northern politicians who claimed it would upset the balance of power between North and South. After a fierce political battle in Washington, Henry Clay championed the Missouri Compromise that allowed Missouri to enter as a slave state while also admitting Maine as a free state. The bill also created an arbitrary line of 36°30', or the Southern border of Missouri, at which slavery could not expand beyond. Historian Robert Forbes explains that the compromise “came to be seen [as] such a fundamental, almost natural fact of American political and social life” but the line also “encouraged the perception of the geographical divisions as immutable and eternal”.¹⁰ This fragile status quo would not last, and its successor brought violence and civil war.

¹⁰ Robert Forbes, *The Missouri Compromise and its Aftermath* (Chapel Hill: University of North Carolina Press, 2007), 3.

In 1854 United States Senator Stephen Douglas championed the Kansas-Nebraska Act that essentially nullified the Missouri Compromise and ignited Bleeding Kansas. This bill repealed the line of demarcation between slave and free states and allowed the fate of new states entered into the Union to be decided by popular sovereignty. Popular sovereignty took the authority away from the federal government to determine the status of slavery in newly admitted states. Instead, it empowered the majority of a territory's citizens to answer the slave question at the ballot box. The Kansas-Nebraska act also opened the west to continued expansion. Most historians agree that Douglas "was influenced by his desire to make feasible a transcontinental railroad, to please Southern Democrats, to open the west to settlement, and to increase the value of his own real-estate."¹¹ Michael Holt theorized, "if popular sovereignty had worked as Stephen Douglas envisioned it, the course of America history might have been different."¹² Instead, a power vacuum emerged that was filled with partisanship, violence, and chaos. The Kansas-Nebraska Act received immense opposition before and after its passage. One Ohio Senator understood the terrible consequences of the bill. He prophesized "Tomorrow, I believe there will be an eclipse of the sun, and I think the sun in the heavens and the glory of this republic should both go into obscurity and darkness together. Let the bill then pass. It is a proper occasion for so dark and damning a deed."¹³ Indeed, the bill did pass and with its passage came sectional conflict that was only eclipsed by an even greater one, the American Civil War.

11 John Wunder and Joann Ross *The Nebraska-Kansas Act of 1864* (Lincoln: University of Nebraska Press, 2008),70.

12 Michael Holt, *The Political Crisis of the 1850's* (New York: W.W. Norton & Co, 1978),193.

13 John Wunder and Joann Ross *The Nebraska-Kansas Act of 1864* (Lincoln: University of Nebraska Press, 2008)2.

The first territorial election in November 1854 marked the end of popular sovereignty in Kansas. It took only six months for the promise of majority rule to be broken. Proslavery advocates dishonestly skewed the results of the election in favor of their party. One Northern emigrant noted, “some 1200 or 1400 Missourians armed with bowie knives & revolvers took to the polls.”¹⁴ He claimed proslavery sympathizers from Missouri, who were not Kansas citizens, traveled to polling stations in order to disenfranchise free staters. Another described the Missourians as “So bold and reckless...that they cared not to conceal their attack.” They came on us, not in the guise of voters, to steal away our franchise, but boldly and openly to snatch it with a strong hand.”¹⁵ In total, 1700 votes were cast by Missourians, and the proslavery candidate won nearly every district. Lawrence, a free state stronghold, was the only region to favor the free state candidate. This set a precedent for elections to come. Free staters, with their growing majority, would not gain power through a territorial or federally recognized election until 1857. The proslavery Missourians who illegally crossed the border to vote, secured the proslavery party’s initial authority in Kansas. They would use this foothold to protect their party’s agenda by disenfranchising the free state party and enacted legislation to protect slavery in the territory.

After explaining the background of the conflict, this thesis will now turn to the rhetoric of each party during Bleeding Kansas. First, it will examine the proslavery party’s predication of a federal mandate as the base of their authority. Then, it will describe the proslavery party’s doublespeak surrounding free state lawlessness in the territory. After, the thesis will describe the proslavery position on popular sovereignty and how it was used to support their agenda. The thesis will then turn to free state disenfranchisement by the proslavery party and how that forced

¹⁴Frederick Starr to—, Dec. 1 1854 Papers The State Historical Society of Missouri
<http://digital.shsmo.org/cdm/compoundobject/collection/frontier/id/344>

¹⁵ Charles Sumner, *The Crime Against Kansas*. (1856),24.

and justified the creation of a free state government. Finally, the thesis will examine the Revolutionary rhetoric of free staters.

The base of the proslavery party's claim to power was its recognition by the federal government, specifically the President.¹⁶ President Buchanan, following the example of his predecessor and fellow Democrat President Franklin Pierce, supported the proslavery party in Kansas. Buchanan wrote "when we speak of the affairs of Kansas, we are apt to refer merely to the existence of two violent political parties in the Territory." He then continues, "The dividing line there is not between two political parties, both acknowledging the lawful existence of the Government, but between those who are loyal to the Government and those have endeavored to destroy its existence by force and by usurpation."¹⁷ Buchanan's support for the proslavery party and condemnation of the free state party enabled slave sympathizers. With support from the President, the proslavery party claimed federal recognition of their authority.

The proslavery party not only received support from Washington; federal agents within Kansas used their authority to support the proslavery agenda. Support from federal judges, marshals, and the military, allowed the proslavery party to suppress their opposition while strengthening their claim to authority. For example, U.S District Court Chief Justice Samuel D. Lecompte, ordered the arrest of free state leaders and the destruction of two free state newspapers for "seditious character" and violating the law drafted by the territorial legislature the year prior.¹⁸ This would be labeled by the free state press, "The Sack of Lawrence."

16 For the sake of this essay, those who desire Kansas to be a slave state will be referred to as the proslavery party and those who desire Kansas a free state will be referred to as the free state party. This is not to claim they were an organized and nationally recognized political party.

17 Congressional Globe, "Letter From President Buchanan," 1858, 533.

18 Richard B Kielbowicz, "The Law and Mob Law in Attacks on Antislavery Newspapers 1833-1860," *Law and History Review* 24, no. 3 (2006): 582. <http://www.jstor.org/stable/27641403>.

Notorious proslavery sheriff Jones and U.S. Marshal Donaldson were dispatched to execute this order. It was believed that the residents of Lawrence vowed to “resist unto death” and “shoot down everyone who might assist the sheriff”.¹⁹ President Pierce wrote to the territorial governor advocating he use the U.S. military to execute these orders. The President explained, “with the force of Colonel Sumner at hand, I perceive no occasion for the posse, armed or unarmed, which the Marshal is said to have assembled at Lecompte.”²⁰ He then added “Sufficient power was committed to you and you must use it.”²¹ The proslavery party had the authority, vested in the territorial Governor by the President, to use the military to disband free state assemblies. On July 4th, 1856 Colonel Sumner led 50 men to the Topeka Legislature “by order of the President and the proclamation of the Governor to disperse all armed bodies assembled without authority.”²² Support from the military, President, and other federal agents strengthened the proslavery party’s claim to authority through federal recognition. It also provided legal justification to suppress their opponents.

The proslavery press often printed unsubstantiated accounts of free state attacks on state and federal authorities in order affirm the need for proslavery law and order. A prominent proslavery newspaper published a headline that read “The Abolitionist in open rebellion-Sheriff Jones Murdered by Traitors!!!”.²³ The article goes on to state: “His murder shall be avenged, if

19 “The Fate of Lawrence,” *The Squatter Sovereign* (Atchison: Kansas) May. 27, 1856.

Newspapers (Accessed Oct 21 2018)

<https://www.newspapers.com/image/77902861/?terms=Kansas%2BFree%2BState%2BLawrence>

20 Letter from President Pierce to Gov. Shannon, May 23 1856 Collections of The Kansas State Historical Society Vol. 4 (1890), 414.

21 Ibid.

22 Letter from Col. Sumner to—, June 8, 1856. Collections of The Kansas State Historical Society Vol. 4 (1890), 439.

23 “Hostilities Again Commenced in Kansas,” *The Squatter Sovereign* (Atchison: Kansas) April. 29, 1856 Newspapers (Accessed Oct 21 2018) <https://www.newspapers.com/image/77902832>

at the sacrifice of every abolitionist in the territory.”²⁴ Furthermore, the newspaper argued that the citizens of Kansas, not federal troops should administer justice for Jones. The proslavery paper wanted to avoid “a virtual admission that the law and order party of Kansas are not strong enough to within themselves, to enforce the law.”²⁵ Similarly, Interim Governor Frederick Stanton told Charles Robinson that “No Legislature, no sheriff, will undertake to call out the militia while I hold office.” A proslavery leader in the room exclaimed “But they will when the occasion comes. It was found necessary on the part of the Legislature to reserve this right.” He then added, we “intend to exercise it whenever we find it necessary”.²⁶ The proslavery party used law and order doublespeak to support their legitimacy and suppress free state opposition. If the military was responsible for administering justice in Kansas, there would be no pretext for aggressive proslavery partisanship. Additionally, if the legislature was deprived authority over the militia, it would weaken the proslavery party’s ability to enforce their divisive laws Another proslavery headline read “U.S. Soldiers Shot Down”.²⁷ The article claimed that agents of the New England Emigrant Aid Society attacked two U.S. soldiers, mortally wounding one of them.²⁸ The same article proclaimed “The outlaws must and will be put down.”²⁹ However Jones was not killed and the soldier did not die.³⁰ Proslavery newspapers used fearmongering in order to create a perceived need for their version of law and order.

24 Ibid.

25 Ibid.

26 Charles Robinson, *The Kansas Conflict*, (1892), 350.

27 “U.S. Soldiers Shot Down and Two Horses, Belonging to the Soldiers Killed, By a Band of Outlaws,” *The Kansas Weekly Herald* (Leavenworth: Kansas) Jun. 7 1856 Newspapers (Accessed Oct 30 2018) <https://www.newspapers.com/image/382099519/?terms=Lawrence>

28 Ibid.

29 Ibid.

30 Gov. Shannon to President Pierce, May 31, 1856. Collections of The Kansas State Historical Society Vol. 4 (1890), 416.

Fear mongering made possible the enactment of laws in accordance with the proslavery party's interpretation of justice. These laws aimed to secure the enslavement of African Americans and to suppress those who supported a free state of Kansas. Many newspapers circulated accounts of abolitionist stealing slaves. *The Kansas Weekly Herald* repeatedly called the New England Emigrant Aid Society "negro stealers" and charged the citizens of Lawrence with stealing property, specifically slaves.³¹ Slave owners and their allies called for increased protection of their human property. One slave owner wrote:

"It is clearly the duty of the assembly to pass stringent laws for the peace, as well as the safety of our slave property. To do this meddling abolitionist must be silenced. They howl about free speech, and a free press, but their ravings must not be headed. Men have no right to talk slanderously of their neighbors, the law forbids it, and will make a money damage the consequence. So with us our legislature should make publishing, or uttering of Abolitionism, an offence of a high grade"³²

The proslavery interpretation of law and order prioritized white southern property rights over northern white free speech (the rights of African Americans did not figure into the equation). Because rhetoric like this, the territorial legislature was able to justify the implication of a slave code and other laws that oppressed free staters. One of the laws "prohibit[ed] all persons who are conscientiously opposed to holding slaves, or who do not admit the right to hold slaves in the territory, from sitting as jurors."³³ Another outlawed the publication of abolitionist literature, one of the two pretexts for the Sack of Lawrence.³⁴ Proslavery advocates in Kansas and across the

31 "Abolitionists in Kansas" *The Kansas Herald of Freedom* (Wakarusa: Kansas) Apr. 14 1855 Newspapers (Accessed Oct 31 2018)

<https://www.newspapers.com/image/79732381/?terms=New%2BEngland%2BEmigrant%2BAid%2BSociety%2BSteal>

32 "Messers. Editors," *Squatter Sovereign* (Atchison: Kansas) Jun. 12 1856 Newspapers (Accessed Dec 1 2018)

<https://www.newspapers.com/image/64303001/?terms=Election%2BLegislature>

33 Ibid.

34 Michael Holt, *The Political Crisis of the 1850's* (New York: Norton & Co, 1978), 193

country praised the codes. The *Missouri Democrat* hailed the slave codes as an “example of justice and good faith to her neighbors.”³⁵ Benjamin Stringfellow, a major contributor to the legislation, claimed “These laws... have already silenced the Abolitionists”, a claim he would later regret.³⁶ The proslavery party argued these laws were necessary in their interpretation of authority in the face of a growing and more militant free state party. More importantly for this thesis, they argued they were appropriate and within the law.

The free state party rejected the legitimacy of the Kansas Legislature, a position the proslavery party would exploit to reinforce their authority. The proslavery party claimed that under the direction of the New England Emigrant Aid Society, the free state party advocated for rebellion and “nothing less than dissolution of the Union” through the extra-legal Topeka government.³⁷ Newspapers published accounts of “companies...parading daily, armed with Sharp’s rifles, with the sworn object of resisting the execution of the law”, all while the “bogus Topeka Legislature” was in season.³⁸ The proslavery party called for a “Law and Order Convention” in response to “A party [that] has arisen in the territory, who profess to repudiate the laws enacted by the Kansas Legislature.”³⁹ At the convention, the proslavery party officially

35 Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era*, 64.

36 Ibid.

37 “The Treason in Kansas, and how it work ----Insolence Punished in the Right Way,” *Kansas Weekly Herald* (Leavenworth: Kansas) Dec. 1 1855 Newspapers (Accessed November 28, 2018) <https://www.newspapers.com/image/382096905/?terms=Topeka%2Bconvention>

38 “Treason in Kansas,” *Squatter Sovereign* (Atchison: Kansas) Apr. 1, 1856. Newspapers (Accessed November 28, 2018)

<https://www.newspapers.com/image/77902800/?terms=Topeka%2BLegislature%2BLecompte%2Btreason>

39 “Gen. John Calhoun’s Remarks at the Law and Order Convention” *The Kansas Weekly Herald* (Leavenworth: Kansas) Newspapers (Accessed October 31 2018)

<https://www.newspapers.com/image/382096850/?terms=Law%2Band%2BOrder%2BConvention>

labeled themselves the “Law and Order Party.”⁴⁰ John Calhoun, a member of the territorial legislature, gave a speech in which he called the free state government “revolutionary and treasonable in its character.”⁴¹ The proslavery party not only attempted to discrete the democratic authority of the free state Legislature but also sought to instill fear of militant anarchy.

The proslavery party positioned themselves as champions of popular sovereignty, although, in accordance with their own partisan interpretation of it. The territorial legislature and proslavery Democrats argued that proslavery candidates won the majority of votes in the recognized territorial elections. John Whitfield, who served in the territorial legislature, described popular sovereignty as “an act of simple justice to the people, who otherwise would have been placed under unfair and anti-American restrictions.”⁴² In truth, the proslavery party could not legitimately claim a mandate of the majority in Kansas. Congressional reports were widely circulated detailing the extent of the fraudulent voting practices in Kansas.⁴³ Even James Buchanan admitted that the referendum on the Lecompton Constitution was not passed by a majority.⁴⁴ The proslavery party lost the population battle in Kansas; however the Democratic majority in the Congress as well as the free state election boycott, allowed popular sovereignty to be a pretext for a Kansas slave state.

40 Ibid.

41 Ibid.

42 “Gen. Whitfield’s Reply to Hon. Harry Hibbard,” *Weekly Leavenworth Herald* (Leavenworth: Kansas) Aug. 11 1855 Newspapers (Accessed Oct 28 2018) <https://www.newspapers.com/image/489712080/?terms=Election%2BFraud%2BDemocracy>

43 Howard Report, 1856, 8.

<https://babel.hathitrust.org/cgi/pt?id=hvd.32044105355069;view=1up;seq=6>

44, “Letter From President Buchanan,” Congressional Globe, American Memory, Library of Congress 1858, 533. <http://www.memory.loc.gov:8081/cgi-bin/ampage?collId=llcg&fileName=045/llcg045.db&recNum=597>

The proslavery party interpreted popular sovereignty as any participation in state sanctioned elections, therefore they believed the party acted in accordance with its principals. President Buchanan wrote, “The enemies of the territorial government determined still to resist the authority of Congress... refused to vote for delegates to the [constitutional] convention.”⁴⁵ He added, “The election was, therefore, suffered to pass by default; but of this result the qualified electors, who refused to vote, can never justly complain.”⁴⁶ John Calhoun, a prominent leader of the proslavery party in Kansas, vilified the entire Topeka movement as antagonistic to popular sovereignty. He explained that “the people of the territory are not asked to participate in the Convention or in electing delegates—no States Rights man is asked—but free State [sic] men alone.”⁴⁷ By branding free staters as “anti-republican, anti-democratic, and revolutionary”, Calhoun used popular sovereignty to position the party as the only hope for democracy in Kansas.⁴⁸ The proslavery party argued that free staters opted not to participate in recognized elections and therefore were excluded from popular sovereignty.

Agents of the proslavery party in Kansas openly advocated for free state disenfranchisement. B.F Stringfellow addressed citizens of Missouri before the 1855 election in which he was a candidate. Stringfellow said “To those of you who have qualms of conscience as to voting laws, state or national, I say the time has come when such impositions must be disregarded” and added “I advise you, one and all, to enter every election district in Kansas in

45 Ibid.

46 Ibid.

47 “Gen. John Calhoun’s Remarks at the Law and Order Convention” *The Kansas Weekly Herald* (Leavenworth: Kansas) Newspapers (Accessed October 31 2018)
<https://www.newspapers.com/image/382096850/?terms=Law%2Band%2BOrder%2BConvention>

48 Ibid.

defiance of [Governor] Reader... and vote at the point of the bowie-knife and revolver.”⁴⁹ In a similar speech, U.S. Senator David Atchison said to Missourians “send 500 of your young men who will vote in favor of your institution [slavery]. Should every county in the state of Missouri do its duty, the question will be decided peacefully at the ballot box.”⁵⁰ Both government representatives advocated Missourians to illegally vote in the territorial elections. Stringfellow essentially asked Missourians to help him forcibly rig an election that he himself was a candidate in. Because of rhetoric like this, moderates began to hold the proslavery party responsible for the chaos in Kansas. Proslavery sympathizer George Smith explained that although he believed in a Kansas slave state, he “would not violate the laws of my country to make it so, nor would... [he] advise others to do so.”⁵¹ One Maine democrat noted “the ‘Kansas outrages’ had penetrated the popular heart of the people” and “made a deeper impression than anyone anticipated. The people were enraged and ready to believe any representation no matter how absurd.”⁵² Although the more radical factions of the proslavery party advocated for voter fraud, other proslavery advocates responded with careful propaganda.

Even as many Democrats encouraged voter fraud, the Democratic Party made popular sovereignty a part of its national platform, in an exceptional display of political punditry. Through doublespeak, the proslavery position on defending democracy in Kansas was echoed across the country by prominent politicians and the Democratic Party. At the Democratic Convention in June 1856, the party affirmed its commitment for Kansas to form a constitution and be admitted into the Union “with or without slavery”, in accordance with “the will of the

49 B.F. Stringfellow at Atchison, 1855. Collections of The Kansas State Historical Society Vol. 4 (1890), 439.

50 Ibid.

51 Samuel Harding, *Life of George R. Smith* (Indianapolis: Hollenbeck Press, 1904), 21.

52 Ibid.

majority of the actual residents”.⁵³ At the convention, soon to be President Buchanan predicted the conflict in Kansas would soon come to an end with “the recent legislation of Congress respecting domestic slavery.”⁵⁴ Buchanan affirmed the party’s pledge that the people of the territory “shall decide for themselves whether slavery shall or shall not exist within their limits.”⁵⁵ Proslavery sympathizers conveyed their support for popular sovereignty, while omitting their divisive interpretation of it.

The free state party believed they were wrongfully excluded from popular sovereignty, forced to repudiate territorial authority, and as such justified to form their own government. They interpreted the March and May 1855 elections, not as an electoral defeat but an attack by “armed invaders”⁵⁶ One free state newspaper wrote “Before the Missouri invasion of March 1855, the question was simply Free State or Slave State. Now it is usurpation or no usurpation.”⁵⁷ Martin Conway, one of the few free state candidates elected to the legislature, resigned his office after the May special election. In his formal resignation, Conway explained “Instead of recognizing this as the Legislature of Kansas and participating in its preceding as such, I utterly repudiate and reprobate it, as derogatory to the responsibilities of popular government.”⁵⁸ He then added “I shall therefore yield no submission to the alien Legislature. On the contrary, I am ready to set its

53 Border Ruffian Code In Kansas, YA Pamphlet Collection (1856),11.

<https://babel.hathitrust.org/cgi/pt?id=loc.ark:/13960/t84j0tt0f;view=1up;seq=13>

54 John More, *The Works of James Buchanan* (New York: Antiquarian Press, 1960), 82

55 Ibid.

56 “The Kansas Election,” *The Kansas Herald of Freedom* (Wakarusa: Kansas) June. 16 1855 Newspapers (Accessed Nov 1 2018)

<https://www.newspapers.com/image/79733585/?terms=Legislature%2B%2Belection>

57“Position of the Free State Party of Kansas,” *The Weekly News Democrat* (Emporia: Kansas) June. 20 1857 Newspapers (Accessed Dec 1 2018)

<https://www.newspapers.com/image/64248354/?terms=topeka>

58 “To His Excellency A.H. Reeder, Governor of Kansas, ” *The Kansas Herald of Freedom* (Lawrence: Kansas) Jul. 14 1855 Newspapers (Accessed Nov 1 2018)

<https://www.newspapers.com/image/79734056>

assumed authority at defiance and; shall be prompt to spurn and trample under my feet its insolent enactments.”⁵⁹ On the senate floor, Lyman Trumbull of Illinois argued the March 1855 election violently “install[ed] in authority a set of usurpers”. He then added “There was no way for the people of Kansas to escape from the despotism, except by setting up a government for themselves in opposition to it.”⁶⁰ The free state party firmly believed in their notion of popular sovereignty. Included in that notion was the belief that by illegitimizing the votes of the majority, the government itself was illegitimate.

The free state party portrayed the territorial legislature in opposition to the will of the majority and used their oppression as justification to repudiate the legislatures authority. In the House of Representatives, the Republican party published a report that found the territorial legislature passed laws “for unlawful purposes.”⁶¹ According to Michael Holt, the territorial legislature “passed a series of laws that stripped antislavery men of basic constitutional rights.”⁶² The legislation passed fueled free state rhetoric and swelled the ranks of the party. The territorial government passed laws that barred men from public office who did not vow to defend slavery and outlawed the circulation of abolitionist writing, among others legislation. One Kansas newspaper described these laws “in violation of every principal of republican government.”⁶³ Sarah Robinson wrote, “we are struggling for our own freedom against tyranny more unjust than

59 Ibid.

60 “Speech of Trumbull,” Congressional Globe, American Memory, Library of Congress 1858, 533.[http://www.memory.loc.gov:8081/cgi-](http://www.memory.loc.gov:8081/cgi-bin/ampage?collId=llcg&fileName=045/llcg045.db&recNum=597)

[bin/ampage?collId=llcg&fileName=045/llcg045.db&recNum=597](http://www.memory.loc.gov:8081/cgi-bin/ampage?collId=llcg&fileName=045/llcg045.db&recNum=597)

February 2, 1857, 522. [http://www.memory.loc.gov:8081/cgi-](http://www.memory.loc.gov:8081/cgi-bin/ampage?collId=llcg&fileName=045/llcg045.db&recNum=585)

[bin/ampage?collId=llcg&fileName=045/llcg045.db&recNum=585](http://www.memory.loc.gov:8081/cgi-bin/ampage?collId=llcg&fileName=045/llcg045.db&recNum=585)

61 Charles Robinson, *The Kansas Conflict* 228

62 Michael Holt, *The Political Crisis of the 1850's* (New York: Norton & Co, 1978), 193.

63 “The True Issue in Kansas,” *Kansas Free State*(Lawrence: Kansas) Oct. 3 1857 Newspapers (Accessed Nov 28 2018) <https://www.newspapers.com/image/61541984/?terms=Laws>

that which King George exercised over the colonies.”⁶⁴ The free state people of Kansas likened these laws and their reaction to that of the American Revolution. As such, the free state party argued “the people in their mass are the source of all power” and “the right of people to change their Government at will in an infallible right”.⁶⁵ In their response to the legislature’s oppressive legislation, the free state party rationalized their repudiation of the federally recognized government.

The free state party effectively dramatized their disenfranchisement and the oppression that accompanied it to further the narrative of their victimization. Where the proslavery party saw an opportunity to assert proslavery law and order, free staters capitalized on their perceived oppression to further their party’s agenda. Nicole Etcheson explains: “The Sack of Lawrence was a moral victory for the free-state side; it shifted public opinion from distaste for free-state defiance of territorial law to admiration for restraint in not responding to the violence.”⁶⁶ After the Sack of Lawrence, *The New York Daily Herald’s* headline read, “The Town of Lawrence Bombarded and Reduced to Ashes.”⁶⁷ *The New York Times* wrote, “Lawrence has been attacked; its citizens slaughtered or driven from their homes and the town has been destroyed.”⁶⁸ In reality, no one was killed, and little property damage was sustained. The free state party also circulated an incendiary speech from David Atchison to the proslavery forces amassed outside Lawrence.

64 Sara T. Robinson. *Kansas, Its Interior and Exterior Life* (1856), 84.

65 “Argument of Hon A.H. Reeder,” *The New York Times* (New York: New York) Aug. 6 1856 Newspapers (Accessed Nov 28) <https://www.newspapers.com/image/20379093>

66 Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era* (Lawrence: University Press of Kansas, 2004), 105.

67 “News From Kansas,” *The New York Daily Herald* (New York: New York) May. 27 1856 Newspapers (Accessed Oct 30 2018)

<https://www.newspapers.com/image/329328276/?terms=Lawrence%2BKansas%2BViolence>

68 “Startling News From Kansas,” *The New York Times* (New York: New York) May. 26 1856 Newspapers (Accessed Oct 30 2018)

<https://www.newspapers.com/image/20304105>

In it, Atchison exclaimed “Spring like your blood hounds at home upon that d---d accursed abolitionist hole; break through everything that may oppose your never flinching courage”, and “I know you will never fail, but burn sack & destroy.”⁶⁹ This speech never actually occurred. However, its fabrication and wide spread circulation highlighted the aspects of the Sack of Lawrence that the free state party desired to portray. Included in the speech are affirmations that Jones and his militia acted with authority of the federal government. For example “Mr. Jones is not only Sheriff, but deputy Marshall, so that whatever he commands will be right, and under the authority of the administration of the U.S.! - and for it you will be amply paid as U.S. troops, besides having an opportunity of benefitting your wardrobes from the private dwellings of those infernal nigger-stealers.”⁷⁰ The objective of the free state party was to show that the proslavery government may pledge to uphold law and order, but in reality used their authority and asymmetric strength to perpetrate partisan violence in order to subjugate opposition and that they were crazed racists.

Some proslavery leaders often advocated restraint among their party, however many other did not. Many moderates in Kansas and across the country were disillusioned by the free states disregard for law, a notion circulated by the proslavery propaganda machine. The free state party wrestled with how to respond to those accusations. *The Kansas Herald of Freedom* attempted to find the line between protecting the free state agenda while not condoning lawlessness. One article read “to legal authority we submit no matter how oppressive, to an authority which was erected by fraud and violence and usurpation, if peaceable and lawful means of resistance fail, we will die in our tracks before yielding an inch. We have [been] branded as a

69 Speech, David R Atchison to Pro Slavery Soldiers, May 21 1856 *Kansas Historical Society*
70 Ibid.

set of outlaws and traitors” the article added “we have hurled back these charges and given to the world another proof, if another were needed, of our law-abidingness.”⁷¹ Unfortunately, John Brown, a leader to many of the more militant free starters, did not share the sentiment as the *Herald of Freedom*. John Brown led a number of violent campaigns in the name of abolition, however his most notorious act in Kansas was the Pottawatomie Massacre. On May 24th, Brown led a militia that broke into the home of a proslavery family. There they killed the father James Doyle and his two oldest sons, Dury and Willam. The party then broke into other homes and killed two more Kansas citizens.⁷² The corpses were mutilated, many of the victimized were killed with repeated stabbings to the body and head.⁷³ Journalist James Redpath, a free state sympathizer, claimed John Brown was not directly involved in the killings but still justified them. Redpath claimed, “The killings of the ruffians of Potawatomie was one of those stern acts of summary justice in which the history of the West and every civil war abounds.”⁷⁴ He later added “every Free-State man, when he came to know the cause, privately endorsed it as a righteous act, although many of them. ‘to save the party’ publicly repudiated and condemned it.”⁷⁵ The *Herald of Freedom* did not endorse the murder but when some of the murders were arrests, the newspaper wrote “we are disgusted with this one-sided business, Is it possible that in all this excitement, no proslavery man has ever committed any crimes worth arrest?”⁷⁶ Free state

71 “To The Mayor of Lawrence,” *The Kansas Herald of Freedom* (Wakarusa: Kansas) Apr. 23, 1856. Newspapers (Accessed October 28 2018)

<https://www.newspapers.com/image/79733806/?terms=Robinson%2Bviolence%2Bpeaceful>

72 Charles Robinson, *The Kansas Conflict*, 267.

73 Ibid.

74 Charles Robinson, *The Kansas Conflict*, 270.

75 Ibid.,271

76 “Arrest of Free State Men,” *The Kansas Herald of Freedom* (Wakarusa: Kansas) Dec. 6, 1856. Newspapers (Accessed October 31 2018)

reaction to violence committed by one of their own varied. Some embraced it, others condemned it.

The free state party would use the proslavery methods of justice in order to capture Revolutionary principals. On July 4th, 1856, the Topeka Legislature held a meeting in defiance of proslavery law. In response, the U.S. Army was ordered to uphold territorial law and disband the meeting. Col. Sumner commanded the force and successfully dispersed the members.⁷⁷ Similarly, proslavery authorities captured prominent free state leaders under the authority of the President and with the aid of the military. Dr. Charles Robinson, Governor of the Topeka Government and future Governor of the State of Kansas was captured and charged with treason.⁷⁸ Accounts circulated of harsh and oppressive treatment of the prisoners. One headline read “Horrible Treatment of the Free State Prisoners.”⁷⁹ In it, the article describes the prisoners chained together “like a gang of slaves, they were thus driven on foot ...at a rate of twenty-five miles per day.” Pierce received immense scrutiny for this and as such the prisoners were eventually released.⁸⁰ The Topeka legislature submitted to the federal troops, however the free state press would not. Liberal Republican’s and free state newsmen alike, rallied against President Pierce’s enlistment of military troops to uphold unconstitutional laws in Kansas. One newspaper wrote “Today Franklin Pierce has done what has only been done thrice in the annals

77 Col. Sumner to—, Aug 11, 1856. Collections of The Kansas State Historical Society Vol. 4 (1890), 451.

78 “The News,” *New York Daily Herald* (New York: New York) May. 14, 1856 Newspapers (Accessed October 31 2018)

<https://www.newspapers.com/image/329325534/?terms=Robinson%2BCaptured>

79 “Horrible Treatment of the Free State Prisoners,” *New York Times* (New York: New York) Jul. 5, 1856, Newspapers (Accessed November 30 2018)

<https://www.newspapers.com/image/20308835>

80 Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era* (Lawrence: University Press of Kansas, 2004), 105.

of history. Oliver Cromwell forcibly dissolved the Long Parliament; Napoleon, with force of arm, dispersed the national assembly; and now, Franklin Pierce has employed the national troops to enter the hall of representatives of a free people, and drive them from it.”⁸¹ Senator Trumbull reflected on the use of the U.S. Army in Kansas and concluded that “The army has been employed there without authority of law” and “the people of Kansas justly and rightfully refused to submit to it.”⁸² Without directly mentioning it, although some do, free state writers and orators likened the struggle in Kansas to that of the British oppression that sparked the American Revolution.

In a desperate attempt to secure their interpretation of popular sovereignty, free state party officials advocated for participation in the October 1857 territorial election. Charles Robinson in a speech to the Topeka government explained “let us take the battery [legislature] and use it for our own benefit, without defining the use we shall put it to, and thus avoid side issues in every county in the Territory. If we get the battery [legislature] and spike it so it cannot be used against us, we shall have accomplished a purpose. I do not feel that there will be any backing down in doing so.”⁸³ Robinson added “from the census returns I am satisfied there is not a district in the Territory in which we do not have a large majority of voters.”⁸⁴ However, Robinson admitted that “I am more hopeful than some, and not as quite so hopeful as others” but “if we are defeated by voter fraud, we shall be in a position to show up the fraud.”⁸⁵ Robinson

81 “Dispersion of the Free State Legislative Convention by United States Troops,” *New York Tribune* (New York: New York) Newspapers (Accessed Oct 30 2018)

<https://www.newspapers.com/image/50666937/?terms=Sumner%2BTopeka>

82 “Speech of Trumbull,” *Congressional Globe* Feb. 2, 1856., 522.

[http://www.memory.loc.gov:8081/cgi-](http://www.memory.loc.gov:8081/cgi-bin/ampage?collId=llcg&fileName=045/llcg045.db&recNum=585)

[bin/ampage?collId=llcg&fileName=045/llcg045.db&recNum=585](http://www.memory.loc.gov:8081/cgi-bin/ampage?collId=llcg&fileName=045/llcg045.db&recNum=585)

83 Charles Robinson, *The Kansas Conflict*, 357

84 Ibid.

85 Ibid.

looked at the situation pragmatically, the free state party was so clearly in the majority that, if left to lawful voting practice, would be insured an electoral victory. If they failed, the illegal election practices by proslavery partisans could not be ignored. This was the first time the free state party advocated participation in a territorial election since 1855. The free state party was still not convinced there would be free and fair elections. Well before the official result, the free state *Weekly News Democrat* published an article that claimed “the proslavery men have carried everything before them, by the most outrageous frauds.”⁸⁶ To the surprise of many, the free state party won the territorial legislature. *The Kansas Herald of Freedom* wrote “That we have been successful in the late election there is no longer doubt, and nothing—not even the business of Calhoun on counting the returns can prevent us from having a majority in the State Legislature.”⁸⁷ In July 1858, the territorial legislature convened with the majority of the citizens represented. After all the violence of Bleeding Kansas, “the territorial legislature passed in to free-state hands not with a bang but a whimper.”⁸⁸ Despite the desire of many free starters to continue to the Topeka movement, the free state government voted to disband it “in view of the hostile attitude of the Government in Washington”⁸⁹

By 1858 the free state party controlled the territory and the proslavery rhetoric changed with it. Lamenting over their party’s struggle, the proslavery *Lexington Express* wrote “We said and did what we would say and do again... We labored honestly and zealously to make Kansas a

86 “The Election,” *The Weekly News Democrat* (Emporia: Kansas) Jan. 16, 1858. Newspapers (Accessed October 28 2018) <https://www.newspapers.com/image/61382810/?terms=election>

87 “How to Supersede the Lecompton Swindle,” *The Kansas Herald of Freedom* (Wakarusa: Kansas) Jan. 16, 1856. <https://www.newspapers.com/image/79730984/>

88 Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era*, 165.

89 Kansas State Historical Society, *Kansas Quarter-Centennial Celebration, 1861-1886.*, 440. https://www.kshs.org/publicat/khc/1883_1885_thacher_address.pdf

slave state...we could do no less. But the mask is torn off and all is lost—worse than lost.”⁹⁰

Benjamin Stringfellow, the same man who drafted laws that excluded free starters from government and advocated for voter fraud, said he would not “play the Dog in the Manger by neither occupying the country myself, or permitting others to do so by imposing a constitution on them against their will”.⁹¹ Stringfellow was referring to the Lecompton Constitution, that was supported by President Buchanan in a final attempt to make Kansas a slave state. The proslavery party lost authority over Kansas, their interpretation of legitimacy and popular sovereignty was not effective.

The free state and proslavery party used similar language of legitimacy and sovereignty when arguing their party’s authority to Kansas and the nation. Although they differed on its interpretation, both parties utilized their propaganda machines to support the lawfulness of their party while berating their opposition. Bleeding Kansas was as much an exercise in political punditry that shaped the sectional debate of the late 1850’s. Historian David Smith explains “it seemed that the rest of the decade would consist of Democrats throwing water on the Kansas fire and Republicans throwing oil.”⁹² The events that transpired in the Kansas territory consumed the nations politics. From the Sack of Lawrence to Bleeding Sumner, the nation watched as political factions fought over their interpretation of white man’s freedom. Bleeding Kansas is often a footnote found in Civil War History. However, it is an important window into the political psyche of the 1850’s and a formidable period of America’s development

90, Kansas State Historical, *Society Southern Interest =in Territorial Kansas*, (1919), 43.
https://archive.org/details/collectionsofkan15kans_0/page/432

91 Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era*, 158.

⁹² David Smith, *On the Edge of Freedom* (Fordham University: New York, 2013), 146.

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