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KENNETH M. STAMPP'S AMERICA IN 1857: A NATION ON THE BRINK

by Matthew Noah Vosmeier

Although 1857 was a turbulent year in national affairs, Abraham Lincoln, like most Americans, spent much of his time and energy on private and professional affairs. In February, for example, the Lincolns were "busy socially almost every evening," and even gave "a large and pleasant party" which some three hundred people attended. Later the same month, Lincoln wrote a letter to John Rosette, a local attorney and editor of a new newspaper, the *Republican*, explaining what must have been an embarrassing situation. Although Lincoln "thought the establishment of the paper unfortunate," he wished to patronize the paper "to the extent of taking and paying for one copy." Upon its delivery, however, Lincoln was confronted by Mary who complained, "Now are you going to take another worthless little paper?" Lincoln wrote to Rosette that he "said to her *evasively*, 'I have not directed the paper to be left,' " whereupon Mary "sent the message [rejecting the newspaper] to the carrier," apparently inspiring an unpleasant printed reply from the newspaper in a subsequent issue. In his active law practice that year, Lincoln defended the owners of the Rock Island Bridge against the owners of the steamer *Effie Aston* in a celebrated case that yielded a victory for railroad interests. After his own successful suit against the Illinois Central Railroad, which had failed to pay him for legal services rendered, Lincoln apparently celebrated his victory with Mary in July by traveling east to visit "Niagara, Canada, and other points of interest."¹

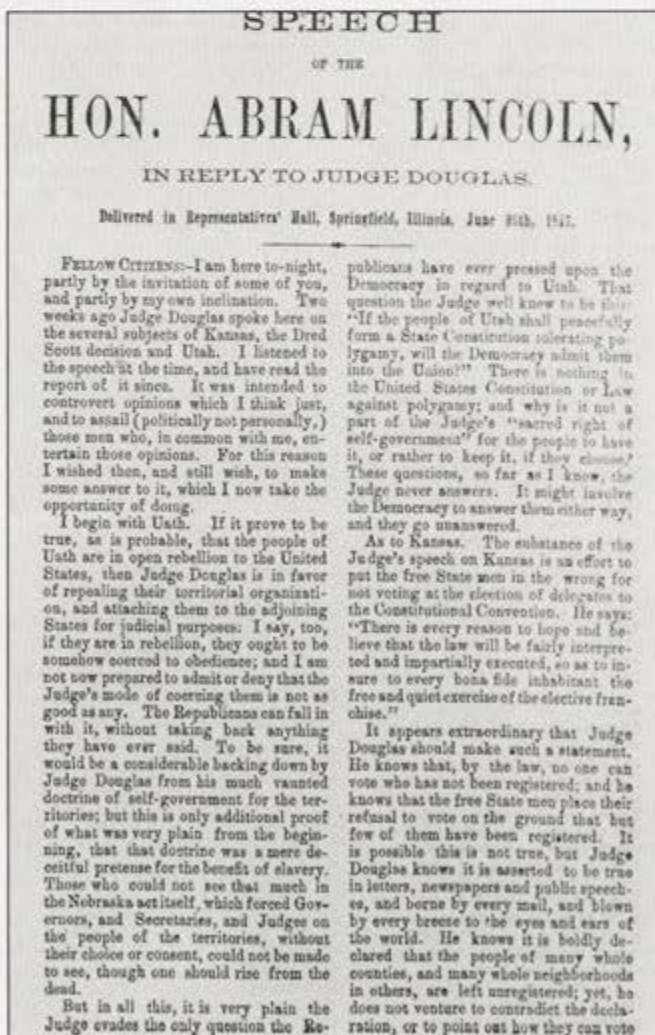
Lincoln was watching the political controversies building that year, and he began to prepare for the senatorial race against Stephen A. Douglas set for 1858. Addressing the citizens of Springfield on June 26, 1857, Lincoln drew on an ample supply of current national political issues to attack his Democratic opponent. On June 12, Douglas had spoken in Springfield, where he described the basis for what would become his "Freeport Doctrine" a year later in the Lincoln-Douglas Debates: that while a territory could not expressly prohibit it,

slavery could not exist when there were no "appropriate police regulations and local legislation" to protect and maintain it (p. 103). Lincoln now responded to Douglas' opinions about "the several subjects of Kansas, the Dred Scott decision, and Utah," three issues that were among the most divisive problems facing the nation that year. These were to test the political prowess of the Buchanan administration, increase sectional tension, and focus national attention on the question of the government's proper role in territorial affairs.²

Lincoln began by commenting on the Utah Territory. Although far removed from the lives of most Americans, the situation there was becoming dangerous as tension mounted between the territory and the federal government. The region had been organized as the State of Deseret by the Latter-day Saints in 1849, and incorporated into the new territory of Utah in 1850, under the governorship of Brigham Young. Relations were now strained as anti-Mormon sentiment combined with President James Buchanan's desire to curb Governor Young's authority. An infuriated Douglas called for federal military rule and the repeal of the act creating the territory (pp. 197-203). Such a position left him open to Lincoln's judgment that this was inconsistent with "Popular Sovereignty," Douglas' "much vaunted doctrine of self-government for the territories."

Meanwhile, in the Territory of Kansas, where a proslavery government represented a minority of Kansans, proslavery and free-state citizens still struggled over control of the territorial government, and Lincoln considered the recent territorial election for delegates to the constitutional convention, in which free-state Kansans had refused to participate, "to have been altogether the most exquisite farce."

Lincoln, however, directed most of his attack at the Supreme Court's Dred Scott decision of the previous March, which had determined that Scott, a slave who claimed his freedom, was not a citizen and therefore could not sue in the U.S. Courts. The Court had



From the Lincoln Museum
FIGURE 1. An uncut quarto sheet of the speech delivered by Abraham Lincoln in Springfield, Illinois, on June 26, 1857.

also used this opportunity to determine that Congress could not prohibit slavery in the territories (pp. 93-96). Attacking the decision point-by-point, and Douglas' support of it, Lincoln appealed to his listeners by referring to the Declaration of Independence. Contrary to Chief Justice Taney's interpretation, by declaring that "all men are created equal," the founders had

meant to set up a standard maxim for free society, which should be familiar to all, and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere.³

Despite such agitated political questions, there were no elections in Illinois in 1857, and this was the only public speech Lincoln gave that year. Yet, Lincoln received public recognition for it when the local newspaper reprinted and sold copies of it, and both the *Chicago Tribune* and *New York Tribune* printed it.⁴ Lincoln had drawn from a range of controversial issues facing the nation in 1857, developing an effective argument against the Dred Scott decision, and the popular sovereignty principles of the Buchanan administration and Stephen A. Douglas.

Observing this increased political tension and its relation to the coming of the Civil War four years later, Kenneth M. Stampp has chronicled the events of that year in *America in 1857: A Nation on the Brink*, published by Oxford University Press in 1990. Historians are often concerned with questions of causation, and ever since the Civil War, they have discussed whether the conflict was, in fact, "irrepressible," to use William H. Seward's term, and if so, at what time the nation could no longer stop its movement to war. Although the years after the Mexican War, and particularly from 1850 to 1861, were filled with sectional crises — the debate over the Compromise of 1850, the Kansas-Nebraska Act with its "repeal" of the Missouri Compromise, Bleeding Kansas, the Dred Scott decision, John Brown's raid, and secession — Professor Stampp argues that a turning point was reached in 1857.

In determining the sectional crises' "point of no return," Stampp argues that the events of that year, particularly the implementation of "popular sovereignty" in Kansas, substantially disrupted the way the country's institutions had dealt with sectional difficulties, and as a result, prompted Americans, already fatigued and frustrated with these issues, to view any proposed resolution with pessimism:

The year 1857 dawned with widespread expectations of a diminution of sectional tensions By December the mood had changed and the year ended with a political disaster that brought the nation a step closer to disunion and civil war. Kansas had become the source of a new and far more disruptive sectional conflict; Buchanan had lost the confidence of most of the Northerners who had voted for him; and the national Democratic party had suffered a wound so deep that, in spite of all healing efforts, it did not recover until after the Civil War. As a result, 1857 was probably the year when the North and South reached the political point of no return — when it became well nigh impossible to head off a violent resolution of the differences between them. (pp. vii-viii).

In *America in 1857*, Professor Stampp emphasizes the political activities of the Buchanan administration, Stephen A. Douglas, and Kansas' opposing political factions, for it is in the interplay of these forces that irreparable sectional division was effected. But Stampp is also interested in tracking shifts in the nation's mood. Using numerous secondary works and contemporary literary sources, manuscripts, and newspapers, he follows the effects that political crises, economic panic, and social issues had on public opinion. Thus, most of *America in 1857* is devoted to the Kansas controversy, a chapter to *Dred Scott v. Sandford*, and the remainder to the social context in which these occurred. The other events were perhaps "irrelevant" to the sectional crisis, but "were significant simply because they occupied the public mind at a time when the nation was moving ever closer to a political catastrophe" (p. viii). The following is a summary of the two complex and divisive issues of 1857 that split the Democratic party and effected the end of negotiation and sectional compromise.

Early hope for a peaceful settlement of sectional differences in 1857 sprang from the promise of James Buchanan's inauguration in March, and prospects for fair elections in Kansas Territory.

Franklin Pierce, the lame-duck President, had lost both popular support and the 1856 Democratic nomination. In addition to being weak and vacillating, he had supported the passage of Stephen A. Douglas' Kansas-Nebraska Act in 1854. This Act had made the Missouri Compromise's slavery restriction "inoperative and void," and thereby opened both territories to slavery until each had organized under the principle of popular sovereignty. As a result, the following year, proslavery Missourians crossed into Kansas, fraudulently voting for a proslavery territorial legislature, which Pierce proceeded to recognize as legitimate. In 1856, Kansas endured a period of armed conflict involving proslavery Kansans, their Missouri "border ruffian" allies, and free-soilers. Only with its new governor, John Geary, did Kansas regain peace (pp. 4-5).

Thus, in the early months of 1857, lame-duck members of the thirty-fourth Congress looked to a peaceful conclusion of the session, avoiding discord only by gingerly avoiding controversial issues. Professor Stampp points out, for instance, that the Walker Tariff of 1857 passed "because it did not represent a victory of one section over another; nor did it produce a clear division between parties" (p. 19). Occasionally, however,

Republicans amused themselves by inviting northern and southern Democrats to reconcile their different interpretations of the party's great principle, popular sovereignty. Could a territorial legislature prohibit slavery if it chose, they asked, or must the decision be postponed until the territory was ready for statehood? Most northern Democrats took the former position; most Southerners took the latter; but many party leaders tended to equivocate, suggesting that it was a constitutional question perhaps best left to the United States Supreme Court. However, with Kansas awaiting the policy of a new President . . . the issue lacked focus and was, at least temporarily, in abeyance (p. 16).

Ending on a "tranquil note," the session adjourned on March 3, and with Inauguration Day following, "the country's political fate passed into the hands of a new Democratic administration and a strongly Democratic Congress" (p. 25).

In *America in 1857*, Professor Stampp focuses on the two leading figures of the Democratic Party, James Buchanan and Stephen A. Douglas. Buchanan, "a shrewd and experienced politician," entered the White House "superbly trained for his responsibilities," but would soon divide the Democratic party North and South with his Kansas policy, a "political disaster" (pp. 46, 283). With Buchanan's decision to support the Lecompton constitution, Stephen Douglas, representing the interests of the northern Democracy, rejected the fraudulent and unpopular actions of the proslavery government in Kansas, and was compelled to break with his President.

Long before this momentous decision, Douglas had withdrawn his candidacy in favor of Buchanan in the election of 1856, and proceeded to campaign for him, but afterward, Buchanan snubbed Douglas by ignoring his cabinet recommendations, and generally heeded few of the demands and advice of the northern Democracy (p. 60). Buchanan favored southern Democrats with cabinet positions, with the result that his cabinet lacked a "young articulate representative of the northern Democracy — someone who could express its views on Kansas policy and the meaning of popular sovereignty, and prevent the administration from appearing to be wholly a body of Southerners and doughfaces" (p. 62). But Buchanan "felt most comfortable with the southern wing of his party":

He sympathized with the expansionists who coveted Cuba and other regions in Latin America suitable for slavery He shared the southern view of popular sovereignty He despised both abolitionists and free-soil Republicans, and the rather considerable difference between them seemed too subtle for him to grasp In short, in the northern anti-slavery idiom of his day, Buchanan was the consummate "doughface," a northern man with southern principles" (p. 48).

In his inauguration address, Buchanan expressed his hope that sectional differences would be reconciled. Although he accepted the southern definition of popular sovereignty, he explained that it was the Supreme Court's prerogative to determine when a territory could prohibit slavery, and noting that a relevant case was soon coming before the Supreme Court, he hoped that this divisive issue would be settled. (pp. 64-65).

That case concerned Dred Scott, his wife Harriet, and their two daughters, who had been pursuing their freedom since 1846. Dred Scott had been owned by the family of Peter Blow, but



From the Indiana University Library
Bloomington

FIGURE 2. Stephen A. Douglas, sporting a beard, from a woodcut appearing on the front page of the December 26, 1857 issue of *Harper's Weekly*.

had been sold to a Dr. John Emerson of St. Louis in the early 1830s. In the course of Dr. Emerson's career as a military doctor, Dred Scott had lived in Illinois, and at Fort Snelling in Wisconsin Territory (now Minnesota), an area declared free by the Missouri Compromise, and there he married Harriet Robinson. Upon Emerson's death in 1843, the Scotts, along with Emerson's estate, were left to his wife, Eliza Sanford Emerson, then living in St. Louis (pp. 82-83).

Three years later, the Scotts filed charges against Mrs. Emerson for having treated them as slaves, after they had long resided in free territory. Missouri courts had previously granted slaves their liberty when they had lived in free regions, but in this case, the Scotts endured court delays and a retrial, winning their case in 1850, but subsequently losing on appeal to the state supreme court. When John A. Sanford, a resident of New York City, acquired responsibility for the Scotts, an antislavery St. Louis attorney named Roswell Field decided to take the Scotts' case to the federal courts, which could hear disputes between citizens of different states. Again unsuccessful, and having to appeal the decision of the U.S. District Court of Missouri, Field then asked attorney Montgomery Blair, later Lincoln's Postmaster General, to argue the case of *Dred Scott v. John F. A. Sandford* before the United States Supreme Court (pp. 83-86).

The Supreme Court was dominated by southern proslavery Democrats, including Chief Justice Roger B. Taney, and Blair decided simply to press for Scott's freedom as a citizen of Missouri. During the trial, however, the defense argued that Scott could not be free by having lived in Wisconsin Territory, because they claimed, the Missouri Compromise's restriction against slavery in a territory was unconstitutional. Ultimately, the majority opinion of the court, read by Taney on March 6, 1857, determined that Scott could not sue in court, because, according to Taney, black Americans, whether enslaved or free, were not citizens. Nor could he be free by having resided in Illinois, a free state, for upon moving back to Missouri, he was again subject to its laws. Taney, too, argued that the Constitution did not allow Congress to prohibit slavery in the territories, as it had in 1820 with the Missouri Compromise. Though not part of the Court's official decision, Taney explained that if Congress could not prohibit slavery, neither could it grant that authority to the territorial legislature. During the trial, the Scotts' case had been overwhelmed by larger sectional questions; after the trial, however, a member of the Blow family, acquiring title to the Scotts, eman-

ipated them, thereby enabling Dred to die in 1858 in freedom. (pp. 86-96, 100).

Although the Dred Scott decision was controversial, it was the crisis in Kansas, says Professor Stamp, that was the "crucial political event of 1857" (p. 109). Democratic leaders understood that "the continued success — perhaps the survival — of the Democratic party as a national organization required a prompt settlement of that territory's political future — one arrived at in a manner whose fairness no reasonable person could dispute" (p. 158). That summer, Governor Robert Walker wanted to ensure a fair and representative election of delegates to the constitutional convention, but the free-state party was convinced "that the election had been rigged" by inaccurate census enumerations that favored proslavery areas. On June 15, free-state citizens protested the election by refusing to vote, and as a result, proslavery delegates dominated a constitutional convention chosen by less than ten percent of the population (pp. 167-168).

Although the free-state citizens continued to support the Topeka constitution and legislature, their party resolved to participate in the election of new territorial legislators to the Lecompton government on October 5 and 6. With Governor Walker posting troops at potentially troublesome precincts, the election "passed off very quietly," with the free-state party winning the legislature. The election had not passed off without fraud, however. In the lightly populated Oxford precinct of Johnson County, for example, 1628 proslavery votes were cast, more than the total number of voters in the county. When Walker investigated, the voting lists contained 1601 names copied in alphabetical order from *William's Cincinnati Directory* (pp. 258-261). Wisely rejecting such fraud, Walker saved the elections, and according to Professor Stamp, "denied the Republicans any political advantage from the frauds in the Oxford and McGee precincts [and] . . . provided the northern Democrats with one of the indispensable requirements for their survival as a strong political party — that is, an honest vote in Kansas and a legislature that represented the majority of the people" (p. 265).

The constitutional convention that met in Lecompton in October and November, however, did not represent the majority. After legalizing slavery, the convention debated whether to honor the administration's pledge that the constitution be ratified by a majority of the population. Clearly, Kansans would not approve a proslavery document, and so the delegates formulated a compromise in which only the slavery clause would be put before the people. The catch to this, however, was that ratification without slavery would not disturb slaveowners already living in the territory. Startled by this development and fearing the loss of northern voters to the Republicans, the northern Democracy urged Buchanan to affirm his pledge for popular ratification, and Congress to reject the constitution (pp. 270-274, 278).

Considering the reasons why Buchanan would commit such a blunder as supporting the Lecompton constitution, Professor Stamp explains that

there was no significant difference between his own outlook and that of the Southerners in his Cabinet. . . . Ultimately they gravitated easily toward the position of the Lecompton moderates and concluded that the choice offered the Kansas voters was sufficient to redeem their pledge. Congressional approval of the Lecompton constitution was, after all, the quickest way to dispose of the divisive Kansas issue. After admission, Kansans could deal with their problems as they saw fit without creating a national crisis (p. 285).

Too, since the presidential election was still three years away, northern and southern Democrats would have enough time to work out their differences (p. 285).

That is not what happened, for Douglas refused to have Lecompton make a mockery of popular sovereignty, and in his attacks on the administration's stand, gained considerable support from northern Democrats (pp. 302, 312). The debate in Congress over Lecompton continued into April of 1858, when a compromise proposal, the English Bill, passed both houses. Intended to allow Buchanan to save face, it emphasized the question of a federal land grant size rather than the issue of slavery. If Kansas passed the Lecompton constitution with a smaller land grant, it could become a state immediately; if it rejected it, it would remain a territory indefinitely. In a ratification election, Kansas overwhelmingly chose to remain a territory (328-329).

According to Stamp, it should not be surprising that the "wretched dispute" over Lecompton caused the national Democratic



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FIGURE 3. The eastern portion of Kansas Territory, from a map in British traveler Thomas Gladstone's *Kansas; or Squatter Life and Border Warfare in the Far West*, published in 1857. The map is torn a little to the west of the current Kansas state border, but in 1857 Kansas Territory extended to the Continental Divide and included most of the current state of Colorado.

party to crumble, for "in many historic crises which culminated in violent conflict, some incident, often small in itself, marked the point where discussion and negotiation gave way to accusations and inflexible demands, and where concession was equated with humiliating defeat. When that point was reached, events no longer seemed controllable" (p. 322). Recognizing that "no historian can answer" questions concerning what did not happen, Professor Stampf suggests that, had Buchanan stood firm on his pledge for full ratification of the constitution, the South probably would not have resorted to so drastic a measure as secession, nor would the Democratic party have become "divided and demoralized," in which case, Republican victory in 1860 would have been "a good deal more problematic." Even so, the basis for sectional conflict would not have been removed, and "sooner or later," another issue may have led ultimately to southern secession (pp. 330-331).

Kenneth Stampf's *America in 1857* is a well-written, detailed, and clear recounting of an eventful year in a decade of sectional crises. Sensitive to the fact that citizens do not operate in a national political vacuum, Professor Stampf recreates America's social context in 1857 by describing other issues such as nativism, the economic panic, urbanization, and crime. (Particularly interesting is the story of the irrepressible Emma Augusta Cunningham, whose criminal trials were widely publicized that year). As Professor Stampf points out, however, many issues "that occupied the public mind" were not necessarily relevant, or were only indirectly relevant, to larger national crises, and because of this, do not always blend easily into his argument that 1857 was the crucial "point of no return," though they do bring the reader closer to appreciating antebellum life. Too, in explaining how the sectional crises of that year propelled the

United States closer, perhaps inevitably, to civil war four years later, *America in 1857* focuses on Douglas and Buchanan, the leading figures of an internally divided Democratic party, and on the role Kansas played in effecting this political crisis, and thus does not offer a particularly new interpretive perspective.

Even so, Kenneth Stampf's investigation of how the contested political events of 1857 led Americans across the Rubicon raises interesting questions about causation in history, inviting historians to continue to discuss how the war came. For instance, historians may disagree about what constitutes a "turning point," in which the course of events simply changed, or a "point of no return," in which "events no longer seemed controllable" (p. 322).

In addition, *America in 1857* provides an interesting window into the antebellum world. In particular, the examination of America's changed political outlook is effective in emphasizing increased national frustration and division, and the Dred Scott case and the conflict over Kansas are complex stories clearly told.

FOOTNOTES

1. Earl Schenck Miers, ed., *Lincoln Day by Day: A Chronology* (Washington: Lincoln Sesquicentennial Commission, 1960), II, 189, 198, 200; Benjamin P. Thomas, *Abraham Lincoln: A Biography* (New York: Modern Library, 1968), pp. 156-157; Roy P. Basler, ed., *Collected Works of Abraham Lincoln* (New Brunswick, New Jersey: Rutgers University Press, 1953), II, 388, 389-390, 392, 415.
2. Thomas, *Abraham Lincoln*, p. 175; *Collected Works*, II, 398.
3. *Collected Works*, II, 399-410.
4. Mario M. Cuomo and Harold Holzer, eds., *Lincoln on Democracy*, (New York: Harper Collins, 1990). p. 88.