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Photos taken in 1927 of Alcove Spring, Marshall County, and of nearby rocks with engraved names of travelers on the Oregon Trail. Probably the most famous travelers to stop at Alcove Spring were the ill-fated Donner party in 1846.



scribed the location as follows: "A concrete stock tank sits there, only a little larger and deeper than a coffin, and water wells up at its center and drains into a brook crammed with more watercress than I've ever seen before."¹⁷

About a day's trail travel to the west of Diamond Spring is Lost Spring, a few miles west of the present town of Lost Springs. Lost Spring flows from the banks of a tributary of Cress Creek at a rate substantially below that of Diamond Spring. Lost Spring received its name for obvious reasons: it sometimes disappeared or was difficult to find. An early report said, "Continuing by the Santa Fe route, sixteen miles beyond the Diamond rivulet is Lost Spring, which receives its name from the curious fact that it has several times disappeared, and broken out near by."¹⁸ This phenomenon is not unusual; many springs are seasonal and stop flowing during dry times.

About one hundred years later, the spring apparently continued that same behavior. A newspaper report concluded that

The famous old Lost Spring is dry. One day last week, water ceased to pour from the historic water hole on the old Santa Fe Trail, an occurrence that has gone practically unnoticed by those who know this prairie fountain has been carrying-on in this mysterious way since the dawn of recorded history . . . one day a gushing spring, the next a sunken dry hole. . . . George E. Merilatt of Lost Springs, Marion county farmer and stockman, explained the spring has been dry many times before and that old settlers say it is a periodical spring, flowing abundantly for years,

17. Heat-Moon, *PrairyErth*, 464.

18. Max Greene, *The Kansas Region: Forest, Prairie, Desert, Mountain, Vale, and River* (New York: Fowler and Wells, 1856): 117-18.



then drying up for a long period of time. The strange behavior of the spring, its failing to flow then bursting forth, is one of several reasons the place is called the Lost Spring.¹⁹

Today Lost Spring seems to flow fairly consistently and the water quality is good. Flow rates are difficult to estimate because several of the springs discharge at the water level of the stream. The spring is now fenced off and a sign erected to explain its historic importance.

Compared with springs in eastern Kansas, springs in far western Kansas are rare. Wagon Bed Spring, south of Ulysses in Grant County, was an important location simply because of the lack of water along the trail on the High Plains. Wagon Bed Spring also was known as Lower Spring, one of three springs in succession in western Kansas (Middle Spring, in Morton County, is discussed later in this article. Upper Spring is in the Oklahoma Panhandle). Wagon Bed Spring, in particular, was important because it was at one end of a relatively dry stretch of the trail. Headed to Santa Fe, some travelers followed the Arkansas River much of the way, a route that promised reliable water supplies. Other travelers cut southwest at the Cimarron Crossing, a route that is referred to as the Cimarron Cutoff, the Dry Route, or La Jornada (Spanish for "the journey"). About the first fifty miles of that cutoff are relatively dry, so Wagon Bed Spring was an important source of water. Wagon Bed Spring may have been the subject of this 1858 description of water at the end of the dry route:

two or three hours' travel the next morning brought us to some beautiful springs. The earth was frozen around them, but the springs were open, and never had water seemed to us so delicious or precious.²⁰

Wagon Bed Spring was near the banks of the Cimarron River, which, even in historic times, did not always run with water. However, at this location, digging produced water, and eventually a wagon bed was set here to keep the soil from collapsing in on the spring. It was the site of at least one historic event when Jedediah Smith became lost on the Plains near here in 1831 and was killed by Co-

manche Indians. Today the spring is dry; an approximate location is marked by a sign and fenced off. The spring was undoubtedly somewhat unreliable in historic times, but with lessening streamflows in the Cimarron River and the lowering of groundwater levels because of irrigation, the spring does not flow today.

Southwest of Wagon Bed Spring, Middle Spring continues to flow, although just barely. This spring is in the Cimarron National Grasslands of Morton County. Nearby are extensive wagon ruts from the trail and Point of Rocks, an outcrop of the Ogallala Formation that was a noted landmark on the trail. Middle Spring produces water, although at such rates that it should more properly be classified as a seep. The area is heavily vegetated with willows, cottonwoods, duckweed, and other plants, but a hiking trail makes the area accessible to visitors.

While the Santa Fe and Oregon trails are the best-known trails that cut across the state, a variety of lesser-known trails existed in Kansas. One of those, the California Trail, ran northwest from Fort Scott, through southeastern Franklin County, and included a stop at California Spring north of the small town of Lane, in Franklin County. Here the trail forded Pottawatomie Creek, a place known as Dutch Henry's crossing. California Spring continues to flow at a trickle from near the concrete base of the bridge over Pottawatomie Creek. California Spring probably was affected by construction related to the bridge.²¹

A generally forgotten chapter of Kansas history was written when mineral water springs and spas were popular forms of entertainment, recreation, and medical treatment. People regularly flocked to these locations to swim in, soak in, and drink the waters. Such cures were popular throughout the nation in the late 1800s; the phrase "down to the last resort" refers to people visiting a number of spas in a given location, searching in vain for one that would cure their particular ailment.²² These Kansas mineral-water springs are exhaustively documented in a classic 1902 publication by the Kansas Geological Survey (known at the time as the University Geological Survey). *Special Report on Mineral Waters* was written by E.

19. "Historic 'Lost Spring' is Lost Again," *Topeka State Journal*, August 25, 1956.

20. "Narrative by Hezekiah Brake, 1858," in *On the Santa Fe Trail*, ed. Marc Simmons (Lawrence: University Press of Kansas, 1986), 48.

21. "Area Loses Track of Historic Landmarks," *Oswatimie Graphic-News*, September 30, 1971.

22. Francis H. Chapelle, *The Hidden Sea: Ground Water, Springs, and Wells* (Tucson, Ariz.: Geoscience Press, 1997), 91.



H. S. Bailey, an early staff member of the Geological Survey who also served on the chemistry faculty at the University of Kansas and today is commemorated with Bailey Hall on the campus.²³ Bailey's book is a detailed discussion of the mineral-water springs and spas in the state, including chemical analyses for nearly all of the locations that Bailey visited and photographs of many of the springs. Given the difficult and time consuming nature of travel at the time, Bailey's work is even more impressive.

Many of the springs that Bailey visited no longer exist (or else conditions have changed so dramatically that the springs cannot be located). However, two of the best-known mineral water springs continue to produce water and continue to operate as resorts. These are Sycamore Springs and Sun Springs in Brown County in northeastern Kansas, both substantial resorts in their day. Sycamore Springs boasted a large hotel, and, like many of these springs, produced water that was bottled and shipped to customers. In a 1902 pamphlet, E.V. Kauffman, the proprietor of Sycamore Springs, wrote that the waters there had cured him of rheumatism, and in 1895 he took over operation of the hotel and baths. According to Kauffman, the spring water was the

greatest Blood Purifier and Stomach Renovator known. A sure remedy for Bladder and Kidney Diseases. It gives the skin a healthy appearance; cures Catarrh, Neuralgia, Stomach and Bowel Complaints, and is one of the best Natural Remedies known for Constipation, Indigestion and Rheumatism.

Directions

Always drink a glassful, hot, just before meals. For Constipation, drink from one to two pints just after getting up; then follow with a glassful, hot, just before eating. Never let the water boil. Keep in a cool place, tightly corked. At any time when thirsty drink plenty of it cold (about 54 its natural temperature), but not ice cold.

Remember, the way to derive the greatest benefit from the use of the water is to come and take a course of treatment at the Springs. Our rates are low, treatment safe, and to the sufferer brings relief. These wa-

ters are fast gaining prominence, and are highly recommended everywhere by physicians for the cure of Kidney Trouble and Rheumatism.²⁴

Sun Springs was developed in 1898 and included a hotel and bathhouse for giving hot and cold baths. Today water in both of these springs is fairly highly mineralized (and, as Bailey's 1902 analyses show, has been for some time), although not so significantly that it is unpleasant to drink. At Sun Springs the water is still used to, among other things, fill a swimming pool.

Evidence of resorts at some locations, however, is more rare. Chautauqua Springs is in the town of Chautauqua in Chautauqua County along the southern border of Kansas. A springhouse and a hotel were constructed in the town, neither of which are now standing. However, the spring still flows at about 2.5 gallons per minute from the remains of the bathhouse near the east edge of town.

Chingawassa Springs, originally known as Carter's Springs, is north of Marion in Marion County. This is a series of springs that drain from a stream bank directly into Clear Creek. In the 1880s a railroad spur was built from the town of Marion to the springs and a hotel was erected. In his publication, Bailey reported that the total flow of the springs was fifteen hundred gallons per minute and that at "several of these springs may be seen a white deposits of sulfur, and in others the odor of hydrogen sulfide is quite apparent."²⁵ The resort did not last long, however, and eventually the hotel and other building materials associated with the railroad were dismantled.²⁶ Measurements in 1983 showed that the springs at this location produced more than six hundred gallons of water per minute. Analysis also concluded that this water was fairly high in total dissolved solids, indicating that it is mineralized.²⁷

Springs still flow at some former resort locations, although they are no longer necessarily utilized. However, the waters at Geuda Springs in Cowley County no longer flow, and much of the evidence of the former resort here is

23. E. H. S. Bailey, *Special Report on Mineral Waters*, University Geological Survey of Kansas, vol. 7 (Topeka: State Printer, 1902). For a discussion of Bailey, see Carolyn Bailey Berneking, "Pure Food and Water for Kansas: E. H. S. Bailey, the State Food Laboratory, and the State Board of Health During the Progressive Era," *Kansas History: A Journal of the Central Plains* 20 (Spring 1997): 38-49.

24. *Sycamore Mineral Springs* (Sabetha, Kans.: 1902).

25. Bailey, *Special Report on Mineral Waters*, 177.

26. Sondra Van Meter, *Marion County, Kansas: Past and Present* (Hillsboro, Kans.: Marion County Historical Society, 1972): 9.

27. The source of the 1983 measurement was H. G. O'Connor and P. K. Chaffee, *Geohydrology Field Trip, Marion County, Kansas*, November 18-19, 1983, Kansas Geological Survey, Open-file Report 83-25.

gone. A series of at least seven springs flowed, and in 1886 the Geuda Springs Town and Water Company developed the property, building a bathhouse and hotel. A dam was built over one of the outlets and a lake was formed behind it. Mineralized water from the spring was bottled and sold. This resort also eventually failed, although in the 1940s attempts were made to clean out the springs and bring them back into production for bottling.²⁸

Some springs in our fourth category continue to be used for water supply. One of the most prolific springs in Kansas is Crystal Spring, north of the town of Florence in Marion County. Crystal Spring has been used for water supply for many years and continues to supply water for the town (the town's water tower advertises its product as 99.96 percent pure and is probably fairly accurate). The excess water runs into a creek and eventually into the Cottonwood River. Total production for the spring was measured in 1984 at about four thousand gallons per minute.²⁹

Rock Springs is well known because of its location at the 4-H camp of the same name in Dickinson County. The spring exits at the base of a bluff of a rock layer known as the Florence Limestone. Today the spring has been walled in with concrete and a rock face. Water pours down a concrete-lined chute and into a tributary of Lyon Creek. Schoewe reported that the spring produced about one thousand gallons of water per minute in 1953, and the spring was measured in 1998 at about the same rate.³⁰

Conway Springs is located in a town of the same name in Sumner County. The springs here originally were developed by Hiram Cranmer; a springhouse and pond were built around the springs. In the early 1900s a well was drilled nearby and the water was bottled and sold.³¹ Today a brick and concrete spring pavilion stand at the site of the springs in a park in Conway



Both are photos of Diamond Spring, west of Council Grove in Morris County, one of the most famous springs on the Santa Fe Trail. (Above) As the springs appeared in ca. 1920, and (below) as it is today with the water being captured and used for watering livestock.

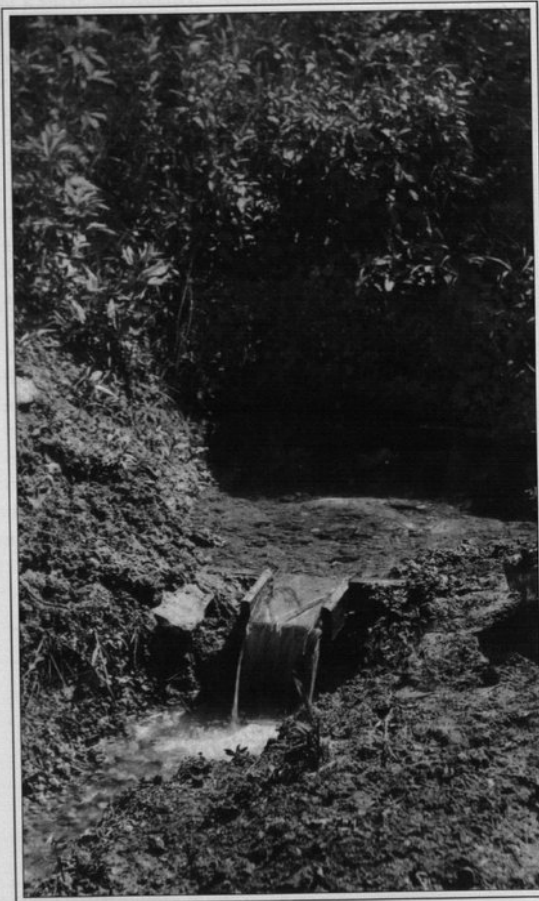


28. See "Geuda Springs May Again Attain Fame," *Wichita Morning Eagle*, December 14, 1947; "With Geuda Springs Dry, Town's Health Center Fame is Memory," *Oxford Register*, July 11, 1968; Forrest Hintz, "Healing Water Can't Revive Geuda Spring," *Wichita Eagle-Beacon*, June 15, 1981; Bailey, *Special Report on Mineral Waters*, 141-43.

29. O'Connor and Chaffee, *Geohydrology Field Trip*.

30. Schoewe, "The Geography of Kansas, Hydrogeography."

31. R. H. Cline, "Hiram Cranmer Finds Springs," *Conway Springs Star*, August 3, 1976.



Lost Spring, Marion County, received its name as it sometimes seems to disappear only to "reappear" at a later time.

Springs. The spring itself still produces small amounts of water.

Over time, all of Kansas's various types of springs have undergone profound change, in much the same way that the rest of the landscape has changed. The number of relatively unchanged, pristine springs is fairly small, but there are some, such as Alcove Spring and Lost Spring. In these cases (and at Scott Spring), the springs have been fenced off and signs erected describing their history and significance. But most springs have been changed. Some, such as Big John Spring, Big Springs, and California Spring, have been altered dramatically by construction. Many were developed in one fashion or another, some turned into mineral water spas (some of which remain as resorts, such as Sycamore Springs and Sun Springs; others have reverted to something that may approach their original state, such as Chingawassa Springs). Some, such as Wagon Bed Spring, have dried up, probably at least in part because of lowered water levels in western Kansas (a phenomenon that is not limited to historic springs, by the way, but probably affects a number of springs in the High Plains). Others, such as Rock Springs and Crystal Spring, have been developed for use as water supplies but still produce substantial amounts of water, probably in amounts as large as they ever have. And finally, at least one of the historic springs, Waconda Spring, was covered by the waters of Waconda Lake.

One generalization appears to hold true for nearly all of the springs in the state, not just those deemed to have historic importance. Springs in regions such as the Smoky Hills and the Flint Hills, places where much of the landscape remains in native prairie and has not been cultivated, have retained their hydrologic character to a greater extent than those in other parts of the state where human disturbances are more pronounced.³² Crystal Spring and Rock Springs in the Flint Hills, and springs from the Dakota Formation in the Smoky Hills, are relatively healthy, hydrologically speaking. In much of the rest of the state, however, springs have been changed by a variety of activities, including construction, mining, cultivation, or the lowering of the groundwater table. Clearly, then, springs reflect much about the health of the hydrologic system.

32. Robert S. Sawin, Rex C. Buchanan, and Wayne Lebsack, "Flint Hills Springs," in Kansas Academy of Science, *Transactions* 102 (December 1999): 1-31.

As William Least Heat-Moon has pointed out, how we treat springs also says much about Kansans as a people. Before European settlement, springs were used and even venerated by Native Americans, yet Native impact was slight and ephemeral, to the point that little evidence remains, except for a few faint carvings on the face of nearby rocks.³³ With European settlement, however, the alteration of springs became much more dramatic. New plant species, such as watercress, were introduced into spring runs. Springs were developed with pipes, bathhouses, hotels, and water tanks. Clearly these were places that were attractive but difficult to leave unchanged. By the late 1900s the number of unaltered historic springs was very small, and several were destroyed altogether.

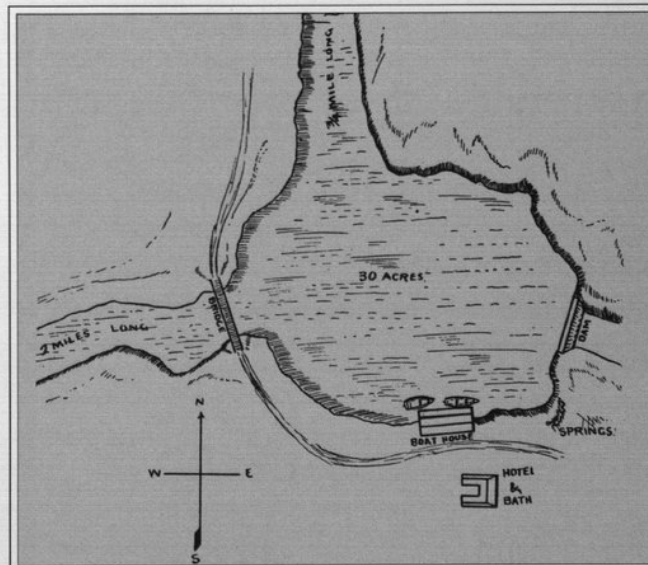
In modern times, Kansans have approached springs in much the same way that they have approached the rest of the landscape—as something to use, something to be altered to suit our purposes, even destroyed if a more important use, like a dam or a highway, comes along. Kansans are a deeply practical people. On the Great Plains it is difficult to behave otherwise and survive. Our treatment of springs reflects that practicality. But that practicality has come with a price. We have found it difficult not to destroy or drastically change what we use.

Yet, more recent preservation activities demonstrate a nascent recognition of the important role that springs have played in the state's history. Groups and individuals are working to preserve and explain springs. Perhaps even more important, they are making these locations publicly accessible, so that people can visit and gain a hands-on appreciation of these historic spots. Through their role in human history and natural history, springs are an element of the landscape that deserves our understanding and respect. Evidence indicates that this is beginning to happen. [KH]

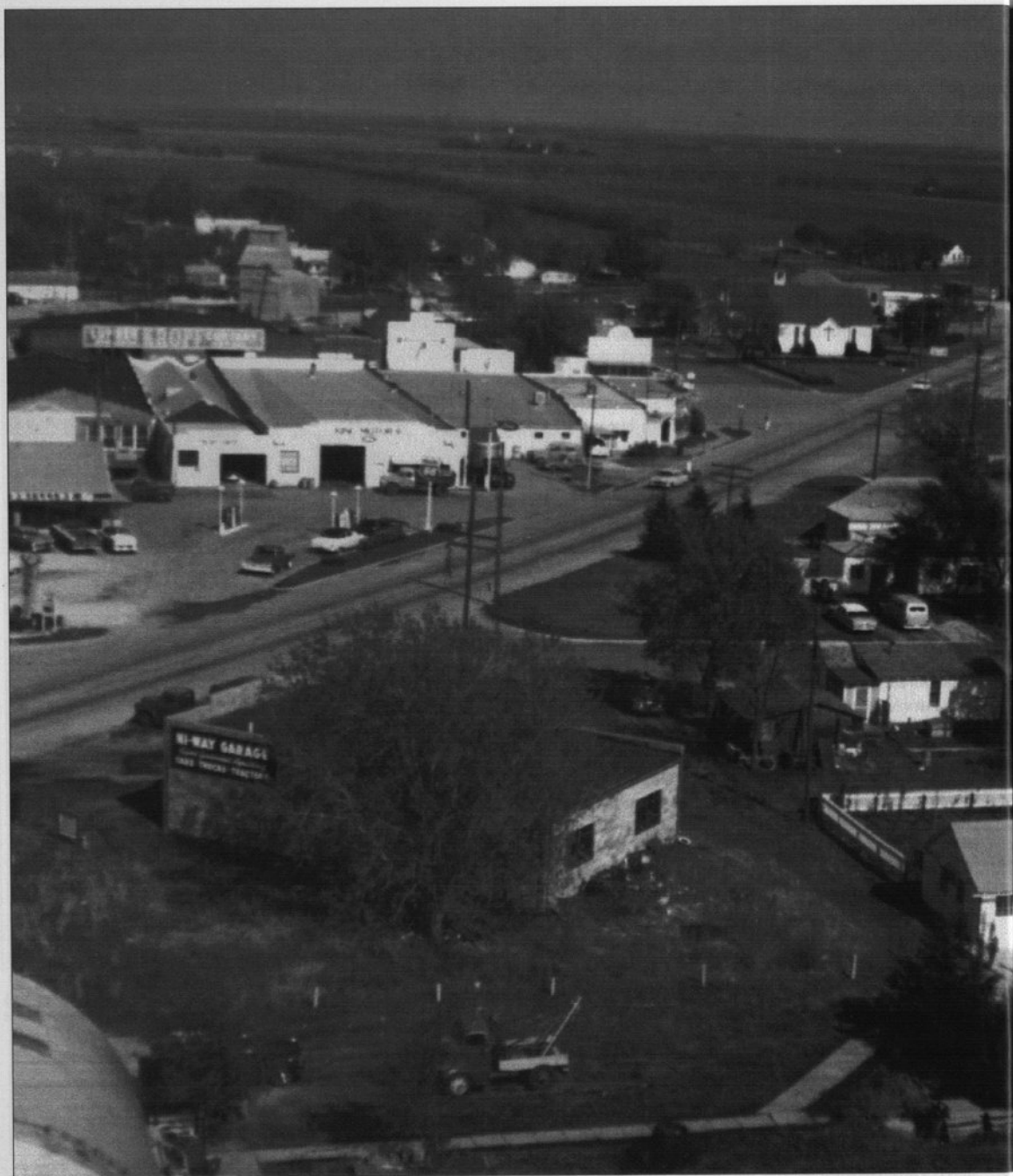
33. For a recent discussion of the interaction of Native Americans with the environment, see Shepard Krech III, *The Ecological Indian: Myth and History* (New York: Norton, 1999).



The hotel at Chautauqua Springs, Chautauqua County. The hotel is now gone, although the springs continue to flow.



Springs, bathhouse, and lake at Geuda Springs as seen on a map from Bailey's 1902 volume on mineral waters in Kansas. Little evidence of the springs or most of the structures remains today.



Hesston, Kansas, 1961

Clashing Symbols in a Quiet Town

Hesston in the Vietnam War Era

by James C. Juhnke

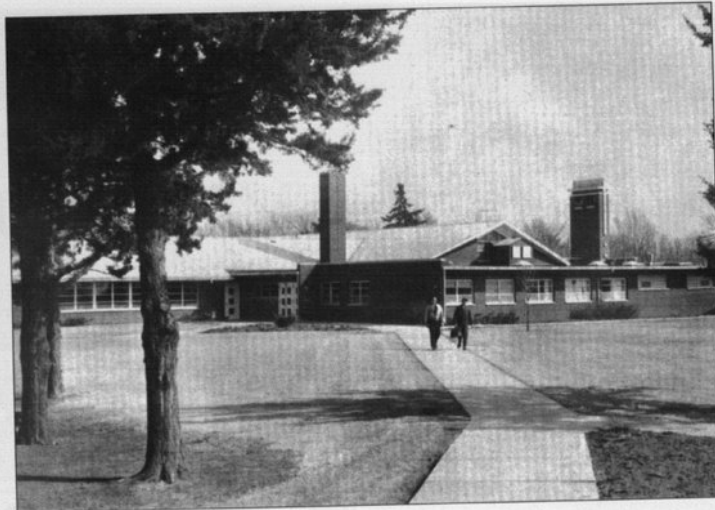
On May 7, 1970, six days after President Richard Nixon's "incursion" into Cambodia and three days after the National Guard killings at Kent State University, Henry Anatole Grunewald, managing editor of *Time* magazine, visited the small town of Hesston, in Harvey County, Kansas. Grunewald and other top brass from *Time* were putting their ears to the ground. They visited with ordinary people in the cities of Indianapolis, Des Moines, Denver, and Wichita, and in Hesston. Fourteen selected citizens from Hesston met with the distinguished visitors. At the end of the conversation, editor Grunewald concluded, "there is an even greater impatience with Vietnam than I had realized." The next issue of *Time* did not mention Hesston but reported more generally: "Even in the Midwest . . . the Silent Majority may prove thin. *Time* correspondents around the nation found little enthusiasm for the president's new policy."¹

Kansans in general had never been enthusiastic about the war in Vietnam. Robert Docking, a conservative Democrat who governed a Republican state, did not make sup-

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1. *Time* 95 (May 11, 1970): 10; *Wichita Eagle*, May 8, 1970.

Having a dominant Mennonite community, Hesston supported three Mennonite churches, including the Hesston Mennonite Church, depicted here, on the Hesston College campus.



port for America's war policy a major issue in his four successful gubernatorial campaigns from 1966 to 1972. In 1968 Docking supported Hubert Humphrey in the volatile Democrat Convention in Chicago. In 1972 Docking distanced himself from the McGovern-Shriver national ticket.² In April 1967 Calvin Trillin, a writer for the *New Yorker*, visited Kansas and found the people largely indifferent to the war. There were some economic benefits. The small town of Protection enjoyed a small economic boom as its Lane Myers Company received contracts to produce concertina barbed wire. The town of Parsons in southeast Kansas grew rapidly with the reopening of the Kansas Army Ammunition Plant. The head of Wichita's Chamber of Commerce worried what would happen to the economy in case of peace. "If the war stops tomorrow you're going to have some panic."³

But prominent Kansas voices also were raising questions. On January 18, 1967, Whitley Austin, editor of the *Salina Journal*, wrote an editorial that began, "Let's get out of Vietnam." When readers responded positively, Austin concluded that "an unexpressed opposition to the war may extend to a majority of the citizens."⁴ In December 1966 Kansas's senior statesman Alfred M. Landon inaugurated the lecture series named for him at Kansas State University criticizing the South Vietnamese government for its lack of democracy and the United States government for its lack of candor.⁵ Kansas never became a hotbed of antiwar protest, but uneasiness with the war escalated rapidly in the late 1960s as failures of American war policy became manifest.

The greatest trauma wrought by the Vietnam War was expressed in private grief rather than in public demonstra-

tions. A total of 677 military personnel from Kansas died in Southeast Asia during the war.⁶ Most of these were members of the First and Ninth Infantry divisions who trained at Fort Riley. A "Waiting Wives Club" in Junction City, led by Dorothy Lauri, provided support for young widows.⁷ The only man from Hesston to die in the war was John Michael Hiebert, killed in a helicopter crash December 2, 1971. Hiebert's family was of Mennonite background, but his funeral was in the Evangelical United Brethren Church of Hillsboro. One Hesston Vietnam veteran committed suicide after returning. Another man who had a difficult experience in Vietnam returned embittered, believing that the government had not allowed the American armed forces to win the war and his sacrifice was not appreciated.⁸

The town of Hesston, with about fifteen hundred people in 1970, makes an interesting case study in the tensions raised by the Vietnam War. Hesston had a longstanding reputation as a socially peaceable, economically progressive, and politically conservative community. In national elections the town invariably voted Republican. The Nixon-Agnew ticket in 1968 received 81 percent of Hesston's votes. It was a town of thriving churches, mostly Mennonite. According to one of the town's chroniclers, Hesston was "a Mennonite town in the same sense that Salt Lake City is a Mormon City."⁹ The town's newspaper edi-

2. Joel Paddock, "Democratic Politics in a Republican State: The Gubernatorial Campaigns of Robert Docking, 1966-1972," *Kansas History: A Journal of the Central Plains* 17 (Summer 1994): 108-23.

3. Calvin Trillin, "A Reporter at Large: The War in Kansas," *New Yorker* (April 22, 1967): 56, 57, 88.

4. Ibid., 96; "Killing Too Costly A Price For Pride," *Salina Journal*, January 18, 1967.

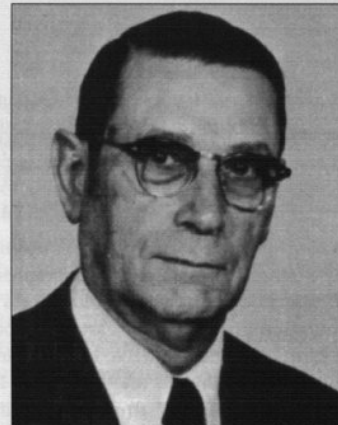
5. Trillin, "A Reporter at Large," 145; Diane Prentice Carlin and Meredith A. Moore, eds., *The Landon Lecture Series on Public Issues: The First Twenty Years, 1966-1986* (New York: University Press of America, 1990), 7-19.

6. [Southeast Asia] Combat Area Casualties Current File (CACCF), as of December 1998 (electronic record), Records of the Office of the Secretary of Defense, Record Group 330, National Archives, College Park, Md.

7. Trillin, "A Reporter at Large," 72, 75.

8. Murray C. Bandy, *Hesston, Kansas 1886-1986* (N.p.: 1988), 114.

9. Mary Hess, *Anatomy of a Town: Hesston, Kansas* (New York: Carlton Press, 1976), 160.



Major players in the Hesston community and political scene: Vernon Nikkel (right), mayor from 1967 to 1969; Harold Dyck (center), director of marketing for Hesston Corporation, a member of the Hesston Mennonite Church, and mayor from 1969 to 1970; and Harold Sommerfeld (left), editor of the Hesston Record and chairman of the board of elders of the Hesston College Mennonite congregation.

tor, the CEO of Hesston Manufacturing Company, and the president of Hesston College, were all members of the same congregation—Hesston Mennonite Church on the campus of Hesston College. It was a community where people were committed to the durable virtues of discipline, hard work, and responsibility.

Church life and community life were linked closely in Hesston. The town had three Mennonite congregations and a Mennonite retirement home, Schowalter Villa, founded in 1961. The Mennonites had operated a high school academy and junior college in Hesston. The presence of the academy helped delay the establishment of a public high school until 1964. Mennonites were actively involved in local politics. In 1969 four of Hesston's five city councilmen were Mennonites. Mennonite conservatism benefited local industries as Mennonite workers resisted union organization. Hesston Corporation, a manufacturer of farm equipment, did not have to pay union wages and therefore had a competitive edge in marketing. Mennonite clergymen helped promote understanding among workers, management, and religious leaders. Peter Wiebe, energetic pastor of the Hesston Mennonite Church, took initiative to invite the pastors of all the workers at Hesston Corporation—a list of some forty men of the cloth—to an all-day event at the manufacturing plant. The pastors observed the working conditions of their church members and discussed labor-management relations with corporation executives.¹⁰ Religion and ordinary life were not separate spheres in Hesston.

Because Mennonites were pacifists who refused military service, the coming of war accentuated the differences be-

tween them and the non-Mennonites in Hesston. Some members of Hesston's Methodist congregation were former Mennonites who had left their church because they disagreed with the pacifist position. Vernon Nikkel, mayor of Hesston from 1967 to 1969, was a former Mennonite turned Methodist. He took a "non-combatant" stance rather than one of strict conscientious objection. Alvin King, automobile dealer and major force in Hesston politics, was of Mennonite grandparentage. King was politically conservative and strongly patriotic. In 1967 he recruited Nikkel to run for mayor in Hesston's nonpartisan elections and wrote letters encouraging people to vote for him. Two years later Harold Dyck, director of marketing at Hesston Corporation and member of the Hesston College Mennonite Church, ran for mayor against Nikkel and was elected. Harold Sommerfeld, editor of the town's weekly newspaper, the *Hesston Record*, was a quiet and non-threatening person who was not inclined to write or report anything controversial. He was chairman of the board of elders of the Hesston College congregation.¹¹

From the 1950s Hesston had experienced steady industrial growth. Hesston Corporation led the way, initially producing a grain unloading auger and other combine implement parts. Eventually the corporation moved into an extensive line of hay-processing equipment. Sales of Hesston Corporation products leapt from a million dollars in 1955 to 16.5 million in 1965 and nearly 207 million in 1975. Hesston Corporation took advantage of a large pool of laborers from farm families in the region, many of them hard-

10. Peter B. Wiebe, interview by author, July 30, 1998.

11. Vernon Nikkel, interview by author, November 17, 1998; Harold Dyck, interview by author, March 18, 1999. Dyck was a Republican who later served in the Kansas legislature.

During the Vietnam era, political conflicts in Hesston first became visible on the campus of Hesston College. Students of the college are photographed here in ca. 1970.



working and conservative Mennonites, whose small farms lacked economies of scale for modern farm operations.¹² As the corporation grew, many Hesston Corporation employees had to drive long distances to work. According to one report, in 1973 the plant employed fourteen hundred workers who drove a total of 37,958 miles per day.¹³ Other thriving industrial and business enterprises contributed to Hesston's growth. Excel Industries built cabs for combines and tractors, as well as mowers. King Construction Company, run by two nephews of Alvin King, had major bridge construction contracts for interstate Highways I-70 and I-135 in Kansas.¹⁴

Thriving industrial growth made possible an array of new civic projects in the 1960s and 1970s, including a new high school and new middle school. In 1968 Hesston completed and dedicated a new municipal building. A new public swimming pool came in 1971 and a new eighteen-hole golf course in 1974. The thriving Hesston industries were taxed to pay for improvements. According to Lyle Yost, head of Hesston Corporation, "Around 1970 our taxes provided paying for city roads, new schools, a city building and city library. Well over half the city budget came from Hesston Corporation." For Hesston's civic officials, the times of growth were something to be remembered with pride. According to mayor Vernon Nikkel, "Hesston has always had smooth sailing in city politics."¹⁵

In 1969 and 1970 Hesston's smooth sailing boat hit some rough water. The conflicts first became visible, as in many communities in the Vietnam War era, on the college campus. Hesston College had been founded in 1909 as a conservative school, a more socially safe and theologically orthodox place for parents to send their children than state schools or the alternative Mennonite colleges in far away

Goshen, Indiana, or nearby Newton, Kansas. Both Hesston and Goshen were sponsored by the (Old) Mennonite denomination. Bethel College, affiliated with the General Conference Mennonite branch and just seven miles down U.S. Highway 81 from Hesston, was more liberal. Bethel College students began active public protests against the war in the fall of 1966. Some students from Hesston College participated in protest events at Bethel before the public demonstrations began at Hesston.¹⁶

Student enrollment at Hesston grew rapidly from 230 in 1960 to 462 in 1970. As the college grew, its leaders felt their traditional control of student life slipping away. One symbol of change in the late sixties was popular music. Students listened to protest songs by popular folk and rock musicians such as Bob Dylan, Simon and Garfunkel, and Country Joe and the Fish. In the fall of 1967 some students asked to play the songs in Hesston's chapel/convocation service and to explain the socially redeeming message of the lyrics. The music professor walked away from that event with a scowl and a complaint that such inappropriate music was allowed on stage at Hesston. In the spring of 1968 the students protested when President Tilman Smith disciplined a student couple he found in broad daylight on a blanket on the college lawn. The couple said they had been studying. That evening after supper a dozen or so student couples took blankets and textbooks for a public protest on President Smith's front lawn. They called it a "love in" after the 1960s fashion of sit-ins and teach-ins.

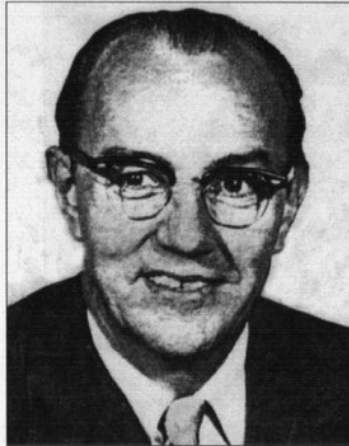
12. Billy M. Jones, *Factory on the Plains: Lyle Yost and the Hesston Corporation* (Wichita: Center of Entrepreneurship of Wichita State University, 1987), 215; Lyle and Erma Martin Yost, interview by author, October 10, 1998.

13. Hess, *Anatomy of a Town*, 257.

14. Bandy, *Hesston, Kansas 1886-1986*, 88, 98.

15. Yost interview; Nikkel interview.

16. Terence R. Goering, "A History of the Bethel College Peace Club," Social Science Seminar paper, Bethel College, May 1975, Mennonite Library and Archives, North Newton, Kans.



Peter Wiebe, pastor of the Hesston Mennonite Church, supported the peace movement on the Hesston College campus.

The potential fallout from the event in the college's conservative Mennonite constituency was alarming.

Two changes in student religious life in the late 1960s had special long-range implications. Most of the female students, all at once it seemed, stopped wearing the small white prayer coverings, which had been a traditional Mennonite sign of women's submission and of literal obedience to the biblical command to keep one's head covered for prayer.¹⁷ And the number of students attending Sunday morning worship fell off precipitously. Clayton Beyler, the Bible teacher, told Peter Wiebe, pastor of the Hesston Mennonite Church, "Peter, do you know you are losing the kids? They are not coming to church any more."¹⁸

To meet the demand for worship services more suitable to the students' liking, the congregation invited the young people to plan their own "contemporary worship" for the second service on Sunday mornings. The first service remained traditional. For the second service a student committee, chaired by campus minister John Lederach, organized informal and participatory worship. Student attendance rose again, at least for several years. The creative innovations brought inter-generational controversy, especially when students tested the boundaries with loud rock music in a "celebration of anger." "We had given them the right to do their own thing," reported Pastor Wiebe.¹⁹ Changes toward nontraditional worship also took place in other Hesston congregations. The Whitestone Mennonite congregation, which had relocated in 1964 from the country to the northern edge of Hesston, also introduced more informal and contemporary worship styles under the leadership of Jerry Weaver, the pastor there from 1967 to 1975.²⁰

The Vietnam War politicized the Hesston student body as never before. Antiwar sentiment and activity among Hesston faculty and students escalated to a peak in the fall of 1969. The international contacts of the school helped inform and stimulate the antiwar mood. Mennonite relief and service workers who had been in Vietnam visited the campus and told about the evils of the war. Earl Martin and Pat Hostetter Martin, Vietnam service workers, were at Hesston College in early September 1969, when Ho Chi Minh, North Vietnamese leader, died. The Martins put on black armbands, an expression of Jesus's teaching of love for the enemy, a theme emphasized in Earl's later book *Reaching the Other Side*.²¹ A group of students decided to commemorate Ho's death by creating a North Vietnamese flag—a yellow star sewn onto a red field of fabric from the Hesston dry goods store—and running the flag up the college flagpole. One student remembered, "The idea hatched in the dorm room of two bright, neat missionary kids from Japan." The flag flew over the campus at half staff from midnight until morning, and then again, briefly, at the time of the chapel service.²² College officials took the flag down but returned it to the students, under the condition that they not fly it again. Dan Clark, one of the student activists, gave the flag to some other students and told them to hide it so he could honestly say he did not know where it was.

The flag incident might soon have been forgotten except for the crusading patriotic zeal of Pastor Vern Bender, the leader of a small nondenominational congregation, the People's Church, in Newton. Bender went to Hesston College and demanded that college officials give him the flag to be destroyed. When they refused, the pastor outfitted his station wagon with loudspeakers, an American flag and a Christian flag, and an eight-foot sign that read, "PEACE (?) MARCHERS REFUSED TO SURRENDER VIET CONG FLAG." He drove his car down main streets of towns in Harvey, McPherson, and Marion Counties, playing patriotic music and loudly announcing that a communist flag had flown over Harvey County for eight hours. Bender held a series of three meetings in his church to expose what he called the "Hanoi-Kremlin pseudo peace endorsements of the Bethel and Hesston College peace clubs." In a sensationalist advertisement in the *Newton*

17. The key texts are I Corinthians 11:13 and 14:35.

18. Wiebe interview.

19. Ibid.

20. Joseph S. Miller, *Beyond the Mystic Border: A 100 Year History of the Whitestone Mennonite Church* (Hesston: Whitestone Mennonite Church, 1985), 145–6.

21. Earl S. Martin, *Reaching the Other Side: The Journal of an American who Stayed to Witness Vietnam's Postwar Transition* (New York: Crown Publishers, 1978).

22. Daniel G. Clark to Joseph S. Miller, March 3, 1998, private collection of James Juhnke, North Newton, Kans.; "North Vietnam Flag Flies Briefly," *Hesston College Journal*, September 23, 1969.

This sensational advertisement was placed in the Newton Kansan by Pastor Vern Bender in response to a North Vietnamese flag briefly being flown over the Hesston campus.

Kansan Bender announced "The Kremlin Plot for blood to flow on the Kansas Prairie."²³

In mid-October 1969 a national "Vietnam Moratorium Committee" coordinated antiwar protest demonstrations around the country. Some Hesston students joined events sponsored by the Bethel College peace club—public debates with the John Birch Society and, on October 18, a protest march in which some two hundred people walked eighteen miles along U.S. Highway 81 from Newton to Wichita.²⁴ In November, at the time of the national "New Mobilization," the Hesston College "Peace Concern" organized a march from the campus on Main Street, past the College Church and across the highway to the town post office to mail antiwar letters to public officials. The students were joined by some faculty and community folk, including Jerry Weaver, pastor of the Whitestone Mennonite Church. The event proceeded peaceably, despite some advance rumors that the marchers would be met with violence. Photos show the Hesston protesters to be clean cut and well organized.²⁵

In Hesston concerns arose about the controversy and protests at the college. Hesston College's November antiwar demonstration led to a patriotic counter-demonstration on February 23, 1970, downtown. City officials planned to dedicate the new flagpole that had been erected, with support from the Lion's Club and the Women's Civic Club, outside the new (1968) municipal building. They invited the Newton VFW color guard and the Hesston high school band to play the national anthem. Congressman Garner Shriver supplied a special flag that had flown over the national capitol in Washington. The Methodist pastor, Bob Baer, gave the invocation, and Sergeant Stanley Corkum from McConnell Air Force Base in Wichita made some opening remarks. "Can we fly the flag too much?" asked Corkum. "Can we read the Bible too much?"²⁶

Pastor Peter Wiebe gave the main dedicatory address. He assumed the organizers chose him because he had not participated in the college's protest demonstration in November. He had been out of town at the time. Solomon

23. Hutchinson News, February 24, 1970; Newton Kansan, February 20, 1970.

24. Goering, "A History of the Bethel College Peace Club," 42–43, 51.

25. For one account of the student march, see Joseph S. Miller, "The View from the President's Window," *Hesston College Today* (Winter 1998): 9.

26. James C. Juhnke, "Anabaptists at the Flagpole," *Mennonite* 86 (April 13, 1971): 243.

VIET CONG FLAG 7 HOURS OVER HARVEY COUNTY ON CAMPUS FLAG POLE!

In respect to "the George Washington of North Vietnam, Ho Chi Minh," boasts proud protest marcher.

HEAR—

- ★ CONFESSION OF THE ENEMY FLAG RAISER!
- ★ THE LIE THAT GEORGE WASHINGTON WAS AN ATHEIST!
- ★ How A Professor Cries Out In Agony, "The Peace Club Is On Trial!"
- ★ A blistering Washington's Day expose' of the peacenik march on his city!
- ★ Our present "civil disobedience" stage outlined in North Newton. The Kremlin plot for blood to flow on the Kansas prairie as another step.
- ★ NEVER BEFORE REVEALED! This winter's public argument—from 7:00 P.M. to a quarter past midnight—between The People's Church and The Bethel Peace Club. The next Sunday's historic dialogue against the Hesston Peace Concern marchers. The frenzy became The People's Church would not surrender the master tape recordings, and even hid them for safety.
- ★ WHAT CAN HAPPEN TO YOU if you daringly demonstrate your faith in the twin banners of the Cross and Crown, and the Stars and Stripes!
- ★ The whiskey-amer campaign that host Pastor Vern Bender is a murderer, etc. Separately, how The Bethel Collection aimed article and poetry at the pastor as "the phony imitation of what Jesus really stood for" (Nov. 21, 1969). In print how this same preacher was singled out as one of "the same super-patriots who crucified Jesus" (Dec. 15, 1969).

HEAR IT ALL!

7:00 P.M. Sunday, February 22, 1970, in

The People's Church

1 block west of U.S. 56, at the corner of E. 12th and Logan, in Newton, Kansas

Yoder, Hesston College history teacher, had urged Wiebe to withdraw from the event which, in Yoder's view, would be a display of idolatrous civil religion and an affirmation of the United States' war policy in Vietnam. Wiebe decided to accept the invitation but to use it as an opportunity to make a statement against the Vietnam War and to call for the proper use of the American flag as "a symbol of the best for which the American people stand." Wiebe wrote out the complete text of his speech, unlike his sermons which he always delivered extemporaneously. He spoke of his pride in America and the places he liked to see the flag flying. But, he said,

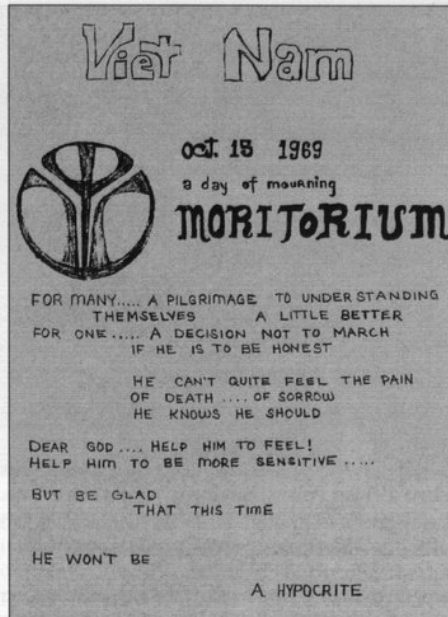
I don't like to see the flag fly on a military base in another country. I have a feeling that we do not belong there, and history in Vietnam and elsewhere is proving how badly mistaken we have been about our military efforts.

... Not a narrow patriotism or nationalism—but, a new and international spirit needs to emerge.

... The flag is not a whip for lining people up.²⁷

After his speech, while the crowd joined in the pledge of allegiance to the flag, Wiebe stood silently with his head bowed and his hands behind his back. Later he gave a copy of his speech to Harold Sommerfeld, editor of the *Hesston Record*, who published it without comment.

27. *Hesston Record*, March 5, 1970.



As part of the national Vietnam Moratorium in October 1969, students from Hesston participated in various events and a protest march. This illustration was produced by a Hesston College student at the time of the moratorium.

On February 24, 1970, the day after the Hesston flagpole dedication, Vern Bender's relentless campaign to claim the North Vietnamese flag came to a head. John Lederach, Hesston College chaplain, agreed to meet with Bender and some students at the Lederach home on Lancaster Street near the campus. The students brought the North Vietnamese flag. Bender came to the event with two friends who were veterans and demanded that he be given the flag for a public burning in Newton at the Harvey County courthouse. When Lederach refused, Bender stormed away with screeching tires, leaving his two friends behind. In his back yard, Lederach put the flag on a shovel, soaked it with lawn mower fuel, and the Air Force veteran, Buddy Gene Seeley, struck a match. "The flames lit up the evening sky," Lederach later recalled. After the fire died down, Lederach put the ashes and a few remaining fragments in a shopping bag which he gave to the veterans. Lederach drove the veterans back to their homes in Newton. While he was gone, the distraught Bender returned, entered the empty Lederach home, and searched the place. One of Lederach's sons came home from a high school activity and discovered Bender coming out the bedroom. The dog, Sugar, was "growling, showing his teeth, and cowering, something he never did."²⁸ Apparently the flag remains were given to Bender; he later

put them on display under glass in his church and brought them out for special occasions to bolster his moral authority in the community—for the next twenty-five years and more. In 1997 Bender displayed the liberated flag remnants at a Newton City Commission meeting in connection with his campaign for a city shelter for homeless vagrants.²⁹

Wiebe's speech at the flagpole dedication had addressed another hot issue before the Hesston community in 1970—low-cost housing. To help alleviate the severe housing shortage, the city government had created a "Housing Authority" and applied for funds under the Federal Housing Administration. Local opponents of the project worried that it would bring unwanted poor and black people into this all-white middle-class town. FHA projects had to meet the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964. Wiebe, a strong supporter of racial integration, used his speech to support low-cost housing for Hesston. He tied it to true patriotism and to the American flag:

We have, in Hesston, hopefully, agreed on low-cost housing; we have agreed to have a safe and free community. If this flag flies over Hesston and we do less than this for our underprivileged millions, then it is a sham, a farce, it ought to be torn down.

The March 5, 1970, issue of the *Hesston Record* announced official word, received from the office of Congressman Garner Shriver, that twenty units of low-rent housing had been approved for Hesston. That same issue included the text of Wiebe's speech at the flagpole dedication. On the following day, March 6, the Hesston City Council voted to abandon the low-rent housing project. The Citizen's Advisory Council reported the kinds of questions people were asking: "Do we actually need this type of housing? . . . Why don't the businesses pay a living wage? . . . Would this type of labor bring the wages down? . . . Would these homes be on the tax roll or will subsidy come

29. "Burn Flag at Hesston Confrontation," *Hutchinson News*, February 26, 1970; "Viet Cong Flag Burned at Hesston," *Newton Kansan*, February 26, 1970; "Burned Flag Remnants Open for Public Display" advertisement, *ibid.*, February 27, 1970.

30. *Hesston Record*, March 12, 1970.

28. John Lederach to Daniel Clark, March 5, 1998, Juhnke collection.

Pastor Vern Bender (far right), with flags and signs, campaigned against James Juhnke, a peace candidate from Hesston running for the fourth district congressional seat in 1970. Juhnke lost the race to longtime Republican congressman Garner Shriver.



from previous homeowners of the town?"³⁰ Questions about race could not be raised in public or acknowledged in the newspaper, but popular fears were not far below the surface. One racist story circulated in Hesston: A Negro man, it was said, had applied for work at Hesston Corporation. The personnel man asked him how many children he had. "Twelve," the Negro said. "Can you do anything else?" the personnel man asked.³¹

The superheated local political context, charged by polarization over war protest, flag dedication gone awry, and racial fears, must have contributed to the defeat of the low-rent housing proposal. According to Vernon Nikkel, member of the local Housing Authority, the federal program involved was not suitable for Hesston in the first place. It assumed a kind of metropolitan urban redevelopment that included clearing slums and building new structures. Hesston had no slums to tear down. The need for affordable housing was met in part in the early 1970s when mayor Harold Dyck and a group of investors developed "Paradise Park," a trailer park on the southeast side of town.³²

In the first week of May 1970 President Richard Nixon's announcement of the "incursion" into Cambodia, an apparent violation of his campaign promise not to widen the war, led to a new wave of protests on college campuses and communities around the country. National Guardsmen at Kent State University in Ohio shot and killed four students.³³ At Hesston College the entire campus community became engaged in a discussion about the meaning of the American flag. On May 1 the "Campus Community Congress" voted that the college should refuse to fly the United States flag in protest and mourn-

ing. On May 6 the flag was again raised, and the college published a "Flag Policy Statement" that disassociated the flag from American militarism. To fly the flag was "consistent with our Anabaptist heritage" because it

recognizes the separation of church and state in America. We fly the flag because the United States government tolerates dissent, and makes a serious attempt to respect personal convictions, and because the United States from early colonial times has welcomed religious dissenters of every type.³⁴

Some antiwar students were not happy with the new flag policy. Daniel Clark, a student leader, complained that the college administration was overly hasty in getting the flag up again.³⁵

Within a few weeks, however, Hesston College administrators took quiet action to remove the American flag and keep it down. President Laban Peachey in fact had personal reservations about flag veneration, stemming from his childhood experiences with more conservative Mennonites in the East. Growing up as the son of a minister of the Conservative Conference of Mennonites in Maryland, Peachey had refused to salute the flag in seventh grade in public school and had been reprimanded by his teacher. John Lederach, campus minister and member of the administrative cabinet, also did not want the flag on the college. He simply took matters into his own hands:

I noticed early one morning that the folded flag was on the bench outside my office. Someone from the maintenance staff, after taking it down the night be-

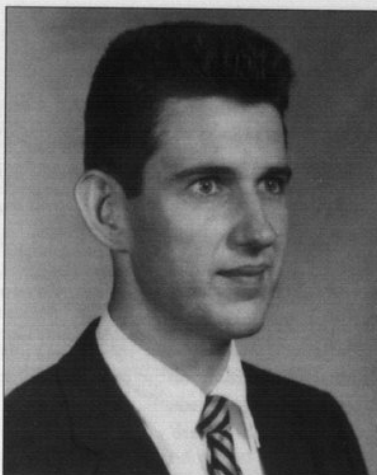
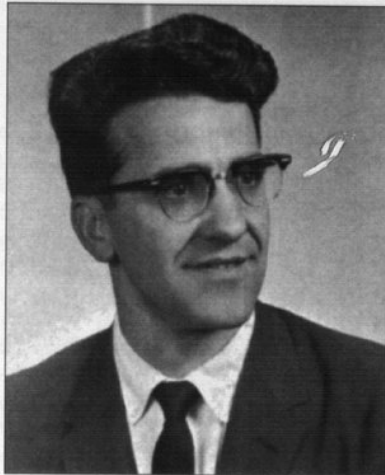
31. Wiebe interview.

32. Nikkel interview; Harold Dyck, interview by author, March 3, 1999.

33. Stephen E. Ambrose, *Nixon: The Triumph of a Politician, 1962-1972*, vol. 2 (New York: Simon and Schuster, 1989); George C. Herring, *America's Longest War: The United States and Vietnam, 1950-1975*, 3d ed. (New York: McGraw-Hill, 1996); Godfrey Hodgson, *America in Our Time* (Garden City, N.Y.: Doubleday, 1976); William E. Leuchtenburg, *A Troubled Feast: American Society Since 1945* (New York: Harper Collins, 1983).

34. "Flag Policy Statement," *Hesston College Journal*, May 19, 1970.

35. Daniel G. Clark to John M. Lederach, March 6, 1998, Juhnke collection.



Although a peace advocate, Laban Peachey (left), president of Hesston College, came into conflict with fellow Mennonite Sol Yoder (right), a young college instructor who radically challenged America's presence in Vietnam.

fore, had apparently left it there. . . . I saw it, picked it up and put the flag in the back of my bottom desk drawer. . . . That day the flag did not fly over the campus. As I remember, no one seemed to notice! Several times toward the end of that year the question was asked, "What happened to the flag?" No one seemed to know. I did not say anything. The reality was that it became a non-issue. The year ended and nothing was said. . . . To me, this little story illustrated how at times, making things into such a big issue could have divided the faculty and campus, but a quiet intervention kept the issue from becoming divisive and destructive.³⁶

In the immediate wake of the Kent State killings and the renewed flag controversy, rumors circulated in downtown Hesston that some angry patriots were planning to invade the college campus for a violent confrontation. Paul Friesen, a fine arts teacher at the college, was worried that people at the college who were concerned for peace in Vietnam were contributing to a collapse of peace in Hesston. Friesen initiated discussions that led to a Methodist-Mennonite rapprochement. On May 9 about seventy college students, teachers, and administrators took part in a "school-church work day" to help prepare the building and grounds of a newly constructed United Methodist Church building for its consecration service the following Sunday. Methodist church leaders published a letter of thanks in the college newspaper. Friesen said the event

marked a turning point toward better college-community relations.³⁷

During the 1970-1971 school year the American flag did not fly at Hesston College. Late that year the flag pole itself, including its large cement base, was removed from the campus. According to one account, some unidentified persons sawed off the flagpole near its base, after which the maintenance department removed the remaining stump and the large cement base.³⁸ Thus the American flag was not flown at Hesston College after May 1970—a few weeks after the college had published an official statement to justify flying the flag.

On Independence Day, July 4, 1970, an anonymous telephone caller threatened Peter Wiebe and his family. The caller was concerned not about flags, but about race mixing. The Wiebe family had recently adopted a mixed-race child, partly from the encouragement of the Wiebe's young daughters who had seen appeals for adoption on a Wichita television station. The caller said, "I want you to know that we are going to run you out of town. Two things we don't need in Hesston are long haired people and Blacks." The caller attempted to disguise his voice, but Wiebe was convinced that it was Alvin King, one of the most prominent leaders in town. Some time later, after the Wiebe family had adopted a second mixed-race child, the same man called again, this time identifying himself as "a brother in your church" and advising Wiebe to "start packing" because they were prepared to run him out of town. Although he again was certain who had made the call, Wiebe did not make it public.³⁹

36. John Lederach to James Juhnke, May 12, 1999, *ibid.*

37. Doris Weaver, "A Change of Direction: Positive, Creative, Practical," *Hesston College Journal*, May 19, 1970; Paul Friesen, interview by author, January 28, 2000.

38. Nelson Kilmer, interview by author, June 24, 1999.

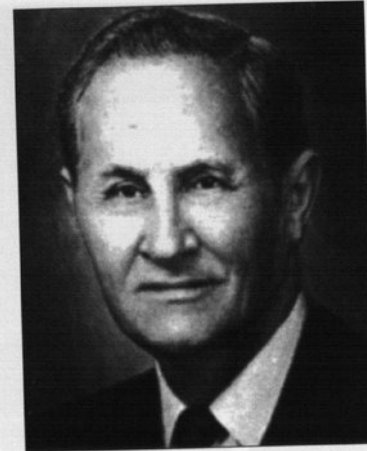
39. Wiebe interview. The identity of the caller is indirectly supported by Solomon Yoder, who also reported receiving an "anonymous" telephone call from Alvin King.

Whether or not King had anonymously threatened Peter Wiebe, the incident demonstrated the existence of racial prejudice in Hesston. Activist students at Hesston College complained that African students were victims of discrimination at a nearby truck stop. They reported an incident in which the black students were snubbed by a waitress and made to wait while white customers who came later were served first. Dan Clark reported in a column in the *Hesston College Journal*, "If you're black or have hair, you're a target for snickers, stares, catcalls, and even violence if you step off campus." Larry Bontrager, president of the student government, talked with Hesston's civic leaders about race issues. They reportedly told him that "there is no prejudice here."⁴⁰

The national elections of 1970 provided a referendum of sorts in Hesston on the Vietnam War. James Juhnke, a young Bethel College history teacher who had taught part-time at Hesston College (1967–1969) and was an active member of the Hesston Inter-Mennonite Fellowship, ran as a peace candidate in Kansas's fourth congressional district. Juhnke had been active in antiwar protests at Bethel College but had not been involved in the earlier conflicts in Hesston over the North Vietnamese flag, low-cost housing, or racial incidents. The fourth district congressional seat had been held by Republican Garner Shriver since 1960. Juhnke won the Democrat Party primary in June over Robert C. Martin, a war hawk, but he lost to Shriver in the general election with 36.5 percent of the votes in the district.⁴¹

Some Hesston students, faculty, and church leaders helped with Juhnke's campaign. Solomon Yoder, history teacher, and his wife, Naomi, lent their automobile to Juhnke for the duration of the campaign and helped in other ways. Gideon Yoder, pastor of the Inter-Mennonite Fellowship, said that Hesston folk frequently asked questions about Juhnke's "religious, moral, and patriotic commitment." Yoder wrote a strong letter of support in the *Hutchinson News* in response to rumors that Juhnke was unpatriotic or subversive.⁴² Pastor Vern Bender of Newton campaigned against Juhnke, driving around the district with his car, loudspeaker, and sign, attempting to link

Alvin B. King, an automobile dealer, was a major force in Hesston politics. He was a patriotic conservative who opposed the liberal sentiment and activism of individuals affiliated with the community's Mennonite Church and college.



Juhnke to the North Vietnamese flag. The intense polarization of public opinion in Hesston was reflected in local campaign problems. Persons distributing Juhnke leaflets door-to-door often were met with rudeness and hostility. Juhnke's campaign reported that more vandalism and defacement of their candidate's yard signs occurred in Hesston than in any other town in the district.⁴³

Hesston votes in 1970 showed an interesting pattern. Only 49 Democrat votes were cast in the June primary, with 40 (82 percent) for Juhnke and 9 (18 percent) for Martin. In the November general election, Juhnke received 240 votes in Hesston (40.3 percent) to Shriver's 352 votes (59 percent). Juhnke was disappointed that he was unable to win a majority in a town with such a strong Mennonite population. An analysis of Hesston votes for Republican congressional candidates over time, however, shows that the 1970 voting results were indeed exceptional compared with the previous five elections. Juhnke had cut deeply into Shriver's consistently strong majority of more than 80 percent.

PERCENT OF VOTE FOR THE REPUBLICAN CANDIDATE IN
FOURTH DISTRICT CONGRESSIONAL ELECTIONS, HESSTON,
1960–1972

| | |
|-----------------------|------|
| 1960 (Garner Shriver) | 85.0 |
| 1962 (Shriver) | 83.8 |
| 1964 (Shriver) | 81.6 |
| 1966 (Shriver) | 86.5 |
| 1968 (Shriver) | 83.4 |
| 1970 (Shriver) | 59.0 |
| 1972 (Shriver) | 80.3 |

40. Dan Clark, "Cutting Edge," *Hesston College Journal*, September 23, 1969.

41. "Abstract of votes 1952–1973, Harvey County," Records of the Harvey County Clerk, Newton; Elwill M. Shanahan, *State of Kansas Election Statistics, 1970* (Topeka: Secretary of State, 1970), 15, 72; "Harvey Countians Follow State Vote," *Newton Kansan*, November 4, 1970.

42. *Hutchinson News*, November 1, 1970.

43. The collected papers from Juhnke's 1970 campaign are in Mennonite Library and Archives, Bethel College. See James C. Juhnke, "A Mennonite Runs for Congress," *Mennonite Life* (January 1971): 8–11. Juhnke in fact had had nothing to do with the North Vietnamese flag incident.

During the 1970–1971 school year, the resentments of conservative Hesston town leaders against Vietnam War protesters came to focus upon Solomon Yoder, who taught history at Hesston College from 1960 to 1963 and again from January 1970 to 1973. Yoder's prophetic witness, grounded in a vision of radical sixteenth-century Anabaptism, challenged not only American foreign policy in Vietnam but also the modern Mennonite accommodation to American materialism, secularism, and civil religion. Dan Clark, a student inspired by Yoder's Anabaptist two-kingdom radicalism, critiqued Hesston College's dependence on federal funds and national defense loans and cooperation with the Selective Service System.⁴⁴ One of Clark's columns in the student paper implied that students thought Yoder's continued employment was at risk. Indeed, according to Yoder's later recollection, in April and May 1971 President Laban Peachey "tried to fire me under pressure of wealthy Hesston contributors who demanded my scalp."⁴⁵

According to Peachey, Yoder's job never was in jeopardy. A problem, as the administration viewed it, was that Yoder wanted college endorsement in advance for whatever the protesters would do. In response to Yoder's plan for a protest demonstration at the Internal Revenue Service office in Wichita on April 14, 1971, Peachey said, "Sol, I can't make you any promises." Yoder agonized over what he considered a threat to his employment but decided to participate in the protest.⁴⁶

On May 31, when academic dean Clayton Beyler gave Yoder his contract for the 1971–1972 school year, in Yoder's words, "he named five persons of the Hesston community-constituency who did not want me to teach at Hesston College: four of them were my Mennonite brothers, all of them were wealthy and heavy donors."⁴⁷ One of Yoder's critics had attended Yoder's Sunday School class at Hesston Inter-Mennonite Fellowship and shared his notes on Yoder's radicalism with the Hesston College administrators. Yoder stayed at Hesston until 1973 when he left to pursue advanced academic studies.⁴⁸

The conflicts in Hesston in 1969 and 1970 stand out as a relatively brief tension-filled parenthesis in the history of a generally placid and conventional small town. There were only fourteen months between the Hesston students' commemoration of Ho Chi Minh's death with the North Vietnamese flag and the 1970 Congressional election that returned the Republican incumbent to office. After the 1969–1970 school year, student life at Hesston College returned to more normal patterns. The politicized student leaders of those years moved on to other places. New students after 1970, in the short turnover span of junior colleges, were less oriented toward political activism. Peter Wiebe, who had spoken out more clearly against the Vietnam War than Hesston Mennonite pastors had spoken in World Wars I and II, resigned from his pastorate on January 1, 1972, and moved to pastor another Mennonite church later that year.⁴⁹ In 1971 James Juhnke left Kansas for a two-year church assignment in southern Africa. An anonymous phone caller to Solomon Yoder offered him a free one-way airline ticket to Africa if he would go along with Juhnke.⁵⁰ Yoder recognized the voice as that of Alvin King. Yoder's departure after 1973 removed a controversial prophetic voice from the community. Alvin King did not leave, but he sold his automobile business and concentrated on developing a local antique car museum. The war in Vietnam lost its force as an issue with the withdrawal of United States troops in 1973 and the final victory of North Vietnam in 1975.

Henry Grunewald and his colleagues from *Time* magazine could only scratch the surface of the Hesston community in their short visit of May 7, 1970. But they were in Hesston long enough to learn that this small Kansas town was not isolated from the social and political upheavals that afflicted the country at large. Hesston reflected tensions that could be found in towns and cities all across America, especially those blessed with the presence of a college or university. The Mennonite identity of the community had lent a special character to the conflicts there, but Hesston was hardly unique among American towns in experiencing the Vietnam War years as a time of troubles.

[KH]

44. Dan Clark, "Cutting Edge," *Hesston College Journal*, May 19, 1970.

45. *Ibid.*, April 21, 1970; Solomon Yoder, interview by author, April 17, 1999.

46. Laban Peachey, interview by author, May 10, 1999; Yoder interview.

47. Solomon Yoder to Keith Sprunger and James Juhnke, March 24, 1976, Juhnke Collection; Yoder said the college delayed offering his contract for the 1970–1971 school year. The contract in the Hesston College Archives is not dated.

48. Yoder interview.

49. Justus G. Holsinger, *Upon this Rock: Remembering Together the Seventy-Five Year Story of the Hesston Mennonite Church* (Hesston, Kans.: Hesston Mennonite Church, 1984), 66.

50. Yoder to Sprunger and Juhnke; Yoder interview.



"Kansas Shall Not Have the Right to Legislate Slavery Out"

Slavery and the 1860 Antislavery Law

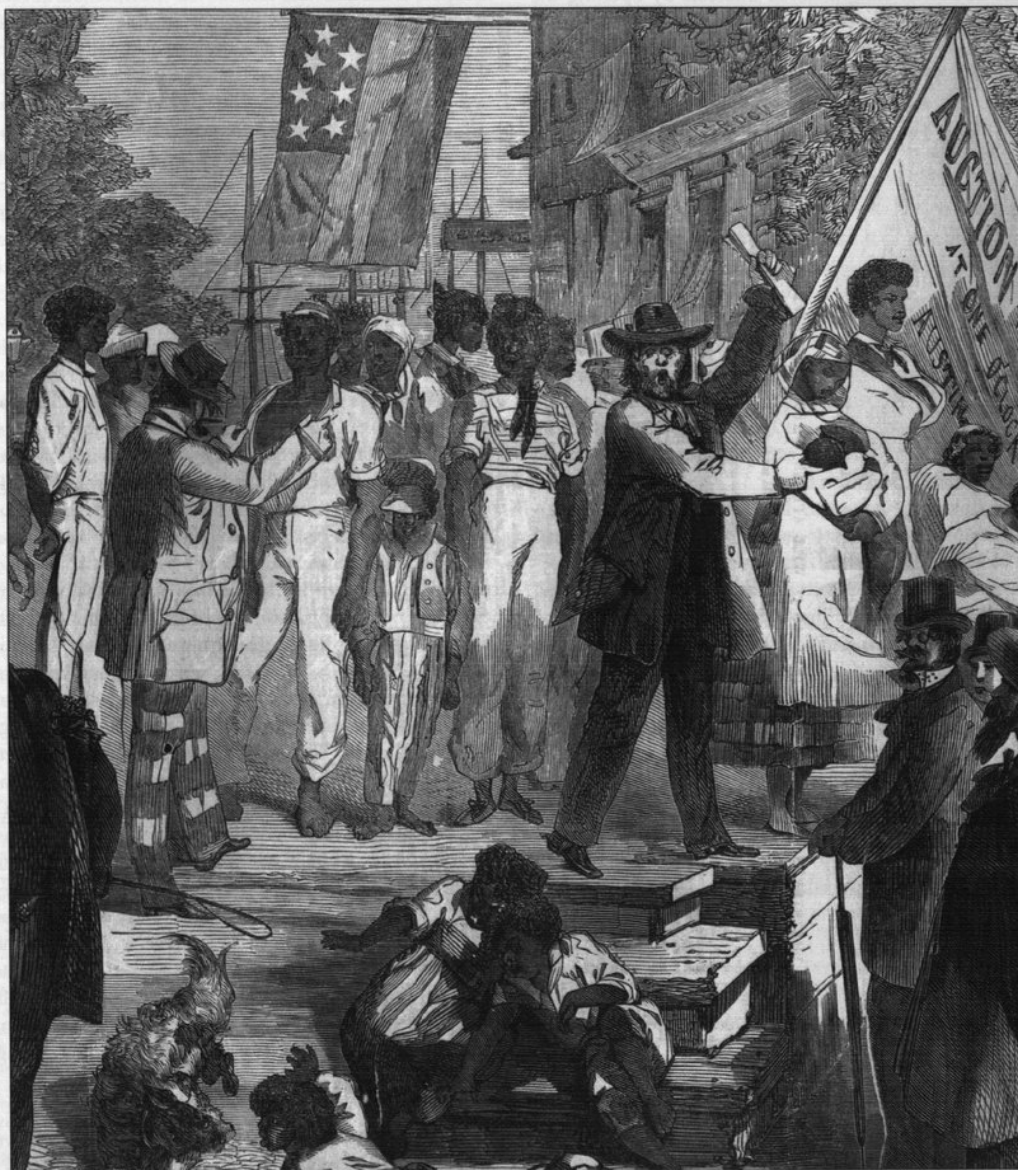
by Gary L. Cheatham

Carved out of the Central Plains following the passage of the Kansas-Nebraska bill of 1854, Kansas Territory became the focal point of a renewed national debate over whether slavery should be allowed to spread westward. The institution was not new to the region that would become Kansas, as pockets of slavery existed in the area approximately twenty years before territorial status was attained. However, these slaves, who were owned by Native Americans and whites, were not part of any wide-spread westward movement.¹

The Kansas-Nebraska Act created not only Kansas Territory, it repealed the venerated slavery expansion compromise of 1820 and upset the tenuous 1850 agreement. The Missouri Compromise of 1820 appeased North-

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1. Gary E. Moulton, ed., *The Papers of Chief John Ross*, vol. 2 (Norman: University of Oklahoma Press, 1985), 397; Wilson Hobbs, "The Friends' Establishment in Kansas Territory," *Kansas Historical Collections*, 1903-1904 8 (1904): 254; Zu Adams, "Slaves in Kansas," unpublished manuscript, September 28, 1895, Slavery Collection, Library and Archives Division, Kansas State Historical Society; Gunja SenGupta, *For God and Mammon: Evangelicals and Entrepreneurs, Masters and Slaves in Territorial Kansas, 1854-1860* (Athens: University of Georgia Press, 1996), 118.



Slave auction. This sketch by Theodore R. Davis appeared in Harper's Weekly, July 13, 1861.

"KANSAS SHALL NOT HAVE THE RIGHT TO LEGISLATE SLAVERY OUT"

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ern and Southern congressional interests by opening the door for the admission of Missouri as a slave state and prohibiting slavery west of Missouri above the 36°30' line. The disallowed region included the area that became Kansas. However, a lackluster interest in slavery among most southwestern settlers, coupled with a move to admit California as a free state, resulted in another national crisis over the institution. The Compromise of 1850 temporarily diffused the crisis by satisfying the North with the admission of California as a free state, and appeasing the South by allowing slavery into Mexican Cession Territory by the principle of popular sovereignty. Slaveholders also were accommodated by the Fugitive Slave Act of 1850, which provided for the recovery of fugitive slaves in the United States.² When the Kansas-Nebraska bill of 1854 passed, the principle of popular sovereignty, which allowed the slavery question to be decided locally, was applied to the settlement of Kansas and any other states created from the old Louisiana Purchase territory.

Unfortunately, however, the act's cornerstone principle—popular sovereignty—was interpreted differently in the North and the South. As summarized by the *Harrison Flag* of Marshall, Texas, many Southerners believed slavery could not be kept out of Kansas Territory because it was the "joint property" of all Americans, and most Southern Democrats added that slavery could not be outlawed by a territorial government. Northern "Douglas" Democrats, however, tended to adopt the more moderate interpretation presented by Democratic senator Stephen A. Douglas, which stated that a territory was a "distinct political Community" that could pass its own laws on slavery. And Republicans were largely uncompromising in their denunciation of popular sovereignty.³ Within this framework most Kansas territorial legislatures debated the slavery issue, culminating in the passage of an antislavery law

in 1860, which, as this article will show, failed to eradicate the institution and did little to quiet the slavery debate.

A brief discussion of the nature of Kansas territorial government is necessary to set the stage for the development of the antislavery legislation. First, one must note, the president of the United States appointed the governor and three federal judges, constituting a territorial supreme court, for Kansas Territory. This supreme court included one chief and two associate judges serving the three territorial U.S. District Courts in Kansas. Members of the Kansas territorial legislature, which included two chambers called the house and council (senate), were popularly elected by the voters of the territory. House members were called representatives and council members sometimes were referred to as senators. A bill passed by one chamber of the legislature was then sent to the other, and if passed by both the house and the council it was sent to the governor, who either signed the legislation into law or vetoed the measure. A bill vetoed by the governor was returned to the legislature, which had the option of accepting the governor's veto, in which case the bill failed, or attempting to override it. If a two-thirds majority in both branches of the legislature voted to override a veto, the bill became law despite the governor's objections.⁴

By 1855 Kansas slavery proponents realized that the principle of popular sovereignty might not be enough to protect the "peculiar institution" from the emerging free-state movement. The ensuing clash of sentiments between proslavery and antislavery settlers encouraged Kansas Territory lawmakers to attempt to settle the matter with legislation. The first law regarding slavery in Kansas was part of the proslavery statutes passed by the 1855 legislature, known among antislavery settlers as the "bogus" legislature. These laws, which went into effect on September 15, 1855, were designed both to protect slavery and menace the free-state movement. George M. Stroud reported in 1856, "Without entering into the question whether slavery can be sustained at all by *Kansas*," the law focused on punishing anyone convicted of engaging in "offences against

2. Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford University Press, 1978), 106–10, 157–77; Michael F. Holt, *Political Parties and American Political Development from the Age of Jackson to the Age of Lincoln* (Baton Rouge: Louisiana State University Press, 1992), 70–71.

3. Robert W. Johannsen, "The Kansas-Nebraska Act and Territorial Government in the United States," in *Territorial Kansas: Studies Commemorating the Centennial* (Lawrence: University of Kansas Publications, 1954), 17–18; *Harrison Flag* (Marshall, Tex.), October 14, 1859; Holt, *Political Parties and American Political Development*, 84; Stephen A. Douglas, *The Dividing Line Between Federal and Local Authority* (New York: Harper and Brothers, 1859), 40; Elbert B. Smith, *The Presidency of James Buchanan* (Lawrence: University Press of Kansas, 1975), 119.

4. Homer E. Socolofsky, *Kansas Governors* (Lawrence: University Press of Kansas, 1990), 1; James H. Lowell, "The Romantic Growth of a Law Court," *Kansas Historical Collections*, 1919–1922 15 (1923): 596; *Rules for the Government of the Legislative Assembly of the Territory of Kansas* (Lawrence: Public Printer, 1858); J. S. Black to Lewis Cass, January 31, 1860, vol. 2, Official Correspondence, June 30, 1858–April 30, 1861, State Department Territorial Papers, Kansas, 1854–61, M218, National Archives, Washington, D.C.

slave property." Based on the slavery statutes of Virginia and Louisiana, Kansas law even made it a crime to speak against slavery.⁵ This strongly worded statute, which was left untouched by the legislature until 1857, appeared to ensure that the estimated two to three hundred slaves found in Kansas in 1855 were legally enslaved.⁶

The unconstitutionality of the antifree speech element contained in the law, however, troubled many Kansans. In response, the 1857 legislature reconsidered the 1855 statute. Despite its proslavery bearing, the legislature worked with Governor John W. Geary to repeal section 12 of the proslavery law, effective February 5, 1857. Section 12, which made it a felony to speak or publish antislavery sentiments, was discarded because it offended the free speech sentiments of the legislators. This modification to the law had no apparent impact on the slave population, as evidenced by Governor Robert J. Walker's report that two to three hundred Kansas slaves were still held in 1857.⁷

The next legislature, which was elected in October 1857, was predominately a free-state assembly. Anxious to throw out the "bogus" statutes, this legislature used a few simple words to repeal the 1855 proslavery law, effective February 9, 1858. As a result, the only proslavery law to be passed in Kansas was gone, but repealing the proslavery statute did not outlaw slavery. Thus, several free-state legislators attempted to pass an antislavery bill. However, this effort failed largely because of a lack of council sup-

By 1855 Kansas slavery proponents realized that the principle of popular sovereignty might not be enough to protect the "peculiar institution."



port and Governor James W. Denver's interest in the proslavery Lecompton Constitution. This failure left many Kansans accepting the notion that "Slavery exists among us either with or without law."⁸ The estimated three hundred or more slaves held in Kansas in 1858 appears to have substantiated this conclusion.⁹

Ignoring the repeal of the proslavery law, slavery proponents focused on the Supreme Court's 1857 *Dred Scott*

5. "Slaves: An Act to Punish Offenses Against Slave Property," *Kansas Territory Statutes* (1855): 715–17; George M. Stroud, *A Sketch of the Laws Relating to Slavery in the Several States of the United States of America*, 2d ed. (Philadelphia: Henry Longstreth, 1856), 255. The 1855 legislature was referred to as "bogus" by free-state Kansans because of the questionable way in which the proslavery members gained control and due to the oppressive proslave statutes they enacted. Stroud considered the "act to punish offences against slave property" a clear violation of the U.S. Constitution: "the territorial government can pass no laws" abridging the fundamental rights of freedom of speech and of the press.

6. An 1855 territorial census enumerated 192 slaves in Kansas Territory, and Horace Greeley and John F. Cleveland reported finding 242 slaves. See *Report of the Special Committee Appointed to Investigate the Troubles in Kansas*, 34th Cong., 1st session, 1856, H. Rept. 200, 72; Horace Greeley and John F. Cleveland, *A Political Text-Book for 1860* (New York: Tribune Association, 1860), 95; William G. Cutler and Alfred T. Andreas, *History of the State of Kansas*, vol. 1 (Chicago: A. T. Andreas, 1883), 105; Abby Huntington Ware, "Dispersion of the Territorial Legislature of 1856," *Kansas Historical Collections*, 1905–1906 9 (1906): 540–42.

7. Leverett W. Spring, *Kansas: The Prelude to the War for the Union* (Boston: Houghton, Mifflin and Co., 1885), 205; Cutler and Andreas, *History of the State of Kansas*, 156; "An Act Repealing the Twelfth Section of 'An Act to Punish Offenses Against Slave Property,'" *Kansas Territory Laws* (1857), 77; Charles Estabrook Cory, "Slavery in Kansas," *Kansas Historical Collections*, 1901–1902 7 (1902): 236.

8. "An Act Repealing An Act to Punish Offenses Against Slave Property," *Kansas Territory Laws* (1858), ch. 62; Shalor Winchell Eldridge, *Recollections of Early Days in Kansas*, *Kansas State Historical Society, Publications 2* (Topeka: Kansas State Printing Plant, 1920), 156; *Herald of Freedom* (Lawrence), June 26, 1858; Socolofsky, *Kansas Governors*, 66–67; *Kansas National Democrat* (Lecompton), January 27, 1859.

9. Alexander Samuel Diven, a New York state senator, reported in January 1858, "It is a conceded fact that there are some 800 slaves" in Kansas Territory. See Alexander S. Diven, *No More Slave States: Congress has Full Power Over Slavery in the Territories; The Great Wrong of the Decision in the Dred Scott Case; The Duty the Government Owes to Kansas* (N.p., 1858), 4. The basis for Diven's report is unknown, but his statement supports the view that the Kansas slave population had not declined between 1855 and 1858 and actually may have increased. A slave count by John Speer and J.N.O.P. Wood in the late 1800s, in which they "compared notes" on their "personal knowledge of slaves in Kansas," identified "over 400" slaves. See John Speer, "Accuracy in History," *Kansas Historical Collections*, 1897–1900 6 (1900): 68. For general overviews of slavery in Kansas Territory during the 1850s, see Robert Russell, *North America: Its Agriculture and Climate* (Edinburgh: Adam and Charles Black, 1857), 146–48; SenGupta, *For God and Mammon*, 116–29; Lydia Alma Haag, "Slavery Agitation and Its Influence on the State of Kansas" (master's thesis, Kansas State College of Agriculture and Applied Science, Manhattan, 1934), 43–57; Cory, "Slavery in Kansas," 229–42.



Proslavery
Kansans eagerly
interpreted
Dred Scott as
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belief that slavery
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the territory.

decision. This complex decision was legally controversial and politically divisive. Concluding that Congress had no authority to interfere with slavery in the territories, *Dred Scott* empowered proponents of slavery's expansion. Proslavery Kansans eagerly interpreted *Dred Scott* as supporting their belief that slavery could not be outlawed in the territory.¹⁰ *Dred Scott* alone, however, did not shield slavery from the growing free-state movement. Following the third and final failure of the proslavery Lecompton Constitution at the polls in August 1858, the free-state majority clearly was entrenched. As a result, antislavery proponents saw an opportunity to challenge slavery with an antislavery law.

In December 1858 the *Chicago Daily Press and Tribune* predicted that since a "new [Kansas] Legislature, Free State in both branches, meets in January," an antislavery bill "will undoubtedly come before it." Free-state legislators fulfilled this prediction, and in January 1859 a total of five antislavery bills were introduced, including three in the

house and two in the council. Following a series of debates, on January 19, 1859, with a vote of twenty-two to nine, the house passed H.B. 77, entitled "An Act Abolishing All Laws Establishing or Recognizing Slavery in the Territory of Kansas, and Punishing Certain Offenses in Regard to Persons Held as Slaves." Preferring to debate its own antislavery bill, however, the council ignored H.B. 77, and on February 5, 1859, by a vote of eight to two, passed C.B. 75, entitled "An Act to Abolish and Prohibit Slavery in Kansas Territory." On February 8, 1859, with a vote of seventeen to eleven, the house also passed C.B. 75, and the measure was sent to Governor Samuel Medary for his signature. Believing the legislature had overstepped its authority, however, the governor took no action on the antislavery bill and allowed it to die a "natural death" with the end of the legislative session on February 11, 1859.¹¹

The next legislature assembled on January 2, 1860. The thirty-nine house members included twenty-three Republicans and sixteen Democrats. The council was composed of thirteen senators, initially including eight Republicans and five Democrats. Early in the session, however, the Republicans challenged the election of Atchison County Democrat William J. Marion to a council seat. Republicans accused election officials of accepting illegal ballots cast in favor of Marion and demanded that he be replaced with his election opponent, Republican Milton R. Benton. Following a heated council debate, the Republican majority carried a vote replacing Marion with Benton, changing the makeup of the council to nine Republicans and four Democrats (Table 1).¹² As will be seen, replacing Marion with Benton not only gave the antislavery Republicans a larger majority in the council, it ensured the passage

11. *Chicago Daily Press and Tribune*, December 24, 1858; *Kansas Territory House Journal*, 1859, 69–70, 74, 111, 114, 119–21, 303, 316; *Kansas Territory Council Journal*, 1859, 113, 121, 250–53; *Congressional Globe*, 35th Cong., 2d sess., 1859, 1247; D. W. Wilder, *The Annals of Kansas* (Topeka: Kansas Publishing House, 1886), 252; *Kansas National Democrat*, February 24, 1859.

12. *Daily Times* (Leavenworth), January 4, 1860; *Kansas State Record* (Topeka), January 7, 1860; *Weekly Leavenworth Herald*, January 8, 14, 1860; *Atchison Union*, January 7, 1860; *Kansas National Democrat*, January 12, 1860; *Freedom's Champion* (Atchison), January 7, 1860. Democrats were outraged. After Marion was expelled, speeches were made by Democratic members of the legislature in his support, followed by a demonstration of Democratic supporters in Lecompton. The speeches and demonstration, however, only succeeded in spotlighting the Republican control of the house. See *Atchison Union*, January 14, 1860.

10. Michael Kent Curtis, "The Crisis Over the Impending Crisis: Free Speech, Slavery, and the Fourteenth Amendment," in *Slavery & the Law*, ed. Paul Finkelman (Madison: Madison House, 1997), 169; Fehrenbacher, *The Dred Scott Case*, 324, 449; *The Rendition of Fugitive Slaves. The Acts of 1793 and 1850, and the Decisions of the Supreme Court Sustaining Them. The Dred Scott Case—What the Court Decided* (Washington, D.C.: National Democratic Campaign Committee, 1860), 13, 15.

TABLE 1

1860 KANSAS TERRITORY COUNCIL MEMBERS (SPECIAL SESSION)

| NAME | POLITICAL PARTY | RESIDENT COUNTY | OCCUPATION | WHERE BORN | MOVED TO KANSAS FROM |
|----------------------|-----------------|-----------------|------------|--------------|----------------------|
| George Monroe Beebe | Democrat | Doniphan | Attorney | New York | Illinois |
| Milton R. Benton | Republican | Atchison | Farmer | Kentucky | Kentucky |
| J. Marion Christison | Democrat | Jefferson | Farmer | Missouri | Missouri |
| Peter Percival Elder | Republican | Franklin | Attorney | Maine | Maine |
| James M. Hendry | Republican | Douglas | Attorney | Tennessee | Ohio |
| Charles G. Keeler | Democrat | Johnson | Merchant | New York | Ohio |
| John C. Lambdin | Republican | Butler | Farmer | Pennsylvania | Indiana |
| William G. Mathias | Democrat | Leavenworth | Attorney | Maryland | Maryland |
| Luther R. Palmer | Republican | Pottawatomie | Physician | New York | Michigan |
| Watson Stewart | Republican | Allen | Farmer | Ohio | Indiana |
| Chester Thomas | Republican | Shawnee | Farmer | Pennsylvania | Pennsylvania |
| William W. Updegraff | Republican | Lykins | Physician | Pennsylvania | Indiana |
| J.B. Woodward | Republican | Riley | Physician | Vermont | Vermont |

Sources: U.S. Bureau of the Census, *Eighth Census of the United States, 1860: Population* (Washington, D.C.: U.S. Census Office, 1860); *Kansas Territory Council Journal*, 1860; *Kansas Territory Council Journal*, Special Session, 1860; *Lawrence Republican*, February 23, 1860; *Freedom's Champion* (Atchison), January 14, 1860; *Weekly Leavenworth Herald*, November 5, 1859; *Kansas State Record* (Topeka), January 7, 1860; *Emporia News*, February 2, 1861; *Kansas National Democrat* (Leocompton), January 12, 1860; Homer E. Socolofsky, *Kansas Governors* (Lawrence: University Press of Kansas, 1990), 75; David E. Ballard, "The First State Legislature," *Kansas Historical Collections*, 1907-1908 10 (1908): 254; William G. Cutler and Alfred T. Andreas, *History of the State of Kansas*, 2 vols. (Chicago: A.T. Andreas, 1883), 405, 579-80, 610, 979, 1450, 1573.

of an antislavery law. Encouraged by the adoption of the antislavery Wyandotte Constitution in October 1859, antislavery Kansans called upon the Republicans in the legislature to pass a "bill abolishing Slavery at once." In so doing, it was believed, the free-state Democrats, "who howl about being . . . free-statesmen," would be brought "to the test," having little choice but to help abolish slavery.¹³

The expectation among antislavery Kansans that the Republican majority in the 1860 legislature would quickly outlaw slavery was soon replaced with frustration when only one antislavery bill was considered in the council. The bill, which was introduced by Republican Senator Chester Thomas on January 10, 1860, drew little attention, however, and quietly died when the legislature adjourned on January 18, 1860.¹⁴

13. "The Contest," *National Democratic Quarterly Review* (October 1860): 601; Stephen A. Douglas, *Remarks of Hon. Stephen A. Douglass [sic]: Kansas, Utah, and the Dred Scott Decision, Delivered in the State House at Springfield, Illinois, on 12th of June, 1857* (Chicago: Daily Times Book and Job Office, 1857), 6; *Freedom's Champion*, February 4, 1860.

14. *Kansas Territory Council Journal*, 1860, 60, 67.

Criticizing the legislature for failing to pass laws "of a general nature, which calls imperiously upon your immediate action," Governor Medary called a special session of the legislature, ordering the members to reassemble on January 19, 1860. The special session began with a slightly different membership makeup than found with the first session. A contested election influenced Republicans to challenge the seat of James S. Magill, the Democratic representative from Marshall County. Following a heated debate the Republican majority carried a vote to replace Magill with his election opponent, Republican George G. Pierce.¹⁵ As a result, the political party makeup of the house became twenty-four Republicans and fifteen Democrats.

The membership of the legislature comprised mainly farmers, business owners, attorneys, and physicians. Two representatives were born in Europe, but most of the legislators were born in the North. This included twenty-seven

15. *Kansas National Democrat*, January 26, 1860; *Manhattan Express*, January 21, 1860; *Daily Times*, January 20, 1860; Eldridge, *Recollections of Early Days in Kansas*, 162.

TABLE 2

1860 KANSAS TERRITORY HOUSE MEMBERS (SPECIAL SESSION)

| NAME | POLITICAL PARTY | RESIDENT COUNTY | OCCUPATION | WHERE BORN | MOVED TO KANSAS FROM |
|------------------------------|-----------------|-----------------|-----------------|----------------|-------------------------|
| Amasa Bartlett | Republican | Pottawatomie | Attorney | Vermont | Vermont |
| Thomas A. Blake | Democrat | Jefferson | Farmer | North Carolina | Indiana |
| Paul R. Brooks | Republican | Douglas | Merchant | Maine | Maine |
| Frederick Brown | Democrat | Leavenworth | Saw Mill Owner | Germany | Indiana |
| Samuel R. Canniff | Republican | Shawnee | Miller | New York | New York |
| Martin Cave | Republican | Nemaha | Farmer | Kentucky | Iowa |
| Daniel L. Chandler | Republican | Riley | Farmer | New Hampshire | Illinois |
| Gustavus A. Colton | Republican | Lykins | Attorney | Vermont | Illinois |
| L.S. Cornwell | Democrat | Johnson | Merchant | Kentucky | Missouri |
| Hartwin Rush Dutton | Republican | Brown | Farmer/Engineer | New York | Iowa |
| Stephen G. Elliott | Republican | Breckenridge | Farmer | Illinois | Iowa |
| William H. Fitzpatrick | Republican | Shawnee | Farmer | Kentucky | Indiana |
| Erastus Heath | Republican | Douglas | Farmer | New York | Delaware |
| James H. Jones | Republican | Linn | Farmer | Virginia | Iowa |
| Horatio Knowles | Republican | Bourbon | Merchant | Maine | Wisconsin |
| Thomas Lindsay | Republican | Anderson | Physician | Ohio | Iowa |
| Franklin Lombard | Democrat | Atchison | Farmer | Massachusetts | Ohio |
| Edward Lynde | Republican | Jefferson | Farmer | Connecticut | Ohio |
| William L. McMath | Democrat | Wyandotte | Attorney | Ohio | Ohio |
| Prince G.D. Morton | Republican | Butler | Attorney | Maine | Massachusetts |
| John C. Murphy | Democrat | Leavenworth | Plasterer | Ireland | Mississippi |
| George W. Nelson | Republican | Coffey | Physician | Ohio | Iowa |
| William Noel | Democrat | Atchison | Farmer | Kentucky | Missouri |
| Paschal S. Parks | Democrat | Leavenworth | Attorney | Indiana | Indiana |
| George G. Pierce | Republican | Marshall | Farmer | Connecticut | New York |
| William A. Rankin | Republican | Douglas | Farmer | Ohio | Illinois |
| Robert Reynolds | Democrat | Davis | Farmer | Illinois | Illinois |
| Hugh Robertson | Republican | Doniphan | Farmer | Indiana | Missouri |
| John Walter Scott | Republican | Allen | Physician | Pennsylvania | Indiana |
| O.H. Sheldon | Republican | Osage | Farmer | New York | New York |
| Henry Shively | Republican | Franklin | Farmer | Kentucky | Missouri |
| Charles Sims | Democrat | Johnson | Farmer | Virginia | Missouri |
| Richard Sopris | Democrat | Arapahoe | Miner | Pennsylvania | Indiana |
| Byron Steward | Republican | Jackson | Farmer | Ohio | Iowa |
| Thomas Jefferson Vanderslice | Democrat | Doniphan | Merchant | Kentucky | Kentucky |
| William R. Wagstaff | Democrat | Linn | Attorney | Pennsylvania | Ohio |
| Carey B. Whitehead | Democrat | Doniphan | Farmer | Virginia | Mississippi |
| Samuel Newitt Wood | Republican | Chase | Farmer | Ohio | Ohio |
| John Wright | Democrat | Leavenworth | Farmer | Indiana | Missouri |

Sources: U.S. Bureau of the Census, *Eighth Census of the United States, 1860: Population* (Washington, D.C.: U.S. Census Office, 1860); *Kansas Territory House Journal*, 1860; *Kansas Territory House Journal*, Special Session, 1860; *Lawrence Republican*, February 23, 1860; *Freedom's Champion* (Atchison), January 14, 1860; *Weekly Leavenworth Herald*, November 5, 1859; *Kansas State Record* (Topeka), January 7, 1860; *Manhattan Express*, February 18, 1860; John S. Dawson, "The Legislature of 1868," *Kansas Historical Collections*, 1907-1908 10 (1908): 278; Daniel W. Wilder, "The Story of Kansas," *Kansas Historical Collections*, 1897-1900 6 (1900): 337; David E. Ballard, "The First State Legislature," *Kansas Historical Collections*, 1907-1908 10 (1908): 239, 242, 245, 250-52; William G. Cutler and Alfred T. Andreas, *History of the State of Kansas*, 2 vols. (Chicago: A.T. Andreas, 1883), 333, 343, 583, 882-83, 885-86, 896. The *Lawrence Republican* reported that Charles Sims was a "Douglas" Democrat, and L.S. Cornwell was a Whig instead of a Democrat. See *Lawrence Republican*, February 23, 1860. Some sources list Morton's name as Prince D.G. Morton.

of the thirty-nine house members and nine of the thirteen council members. Their free-state backgrounds appear even more robust when considering that twenty-nine of the thirty-nine house members and ten of the thirteen council members had lived in free states before moving to Kansas (Tables 1 and 2). Although nativity or former residence did not necessarily determine how a legislator might vote, the backgrounds of the legislature were preponderantly free-state.

Republican representative Samuel Newitt Wood, who had met his wife, Margaret W. Lyon, while helping "run-away slaves" in Ohio, introduced the first antislavery bill of the special session. The bill, introduced on January 21, 1860, was numbered H.B. 6 and entitled "An Act to Prohibit Slavery and Involuntary Servitude in Kansas." Referring to Republican support and Democratic opposition, Leavenworth's *Daily Times* stated that as soon as the bill "was taken up . . . a very spicy discussion commenced." Topeka's *Kansas State Record* supported the effort to eradicate slavery, stating, "To rid the Territory, of this curse, we consider one of the first and most urgent duties of the Legislature." Pointing to the existence of "a number of slaves" held in Douglas County, despite its reputation among "pro slaveryites" [*sic*] as the "hot bed of Kansas abolitionism," the antislavery *Lawrence Republican* demanded the passage of an antislavery law.¹⁶

During the house debate over H.B. 6, Representative Prince G. D. Morton, a Maine native, rallied Republican support for the bill by stating there "was a necessity" for an antislavery law because "slavery did exist here." Morton added that he had "seen persons sell . . . their slaves." Republican representative Erastus Heath, a native New Yorker and immigrant from the slave state of Delaware, added that any debate over H.B. 6 was unnecessary since the slavery question already "had been discussed in Kansas for about five years." Heath's statement expressed the sentiments of antislavery representatives such as Republicans Wood, William A. Rankin, and Paul R. Brooks, who held a typical Northern view that slavery was a labor-degrading institution. The debate became particularly

The expectation
among anti-
slavery Kansans
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Republican
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heated when Morton accused "persons in this House" of owning slaves. In response, Democrat John C. Murphy, a native of Ireland and former resident of Mississippi, proudly proclaimed, "yes, I own four."¹⁷

At first, with the exception of Richard Sopris, most house Democrats opposed H.B. 6. Only three Democrats, Robert Reynolds, Carey B. Whitehead, and Murphy, opposed the bill primarily because of their proslavery sentiments. Reynolds, a native of Illinois, had been a proslavery probate judge in Kansas, and Whitehead and Murphy were slaveholders. Whitehead, who had lived in Mississippi, also announced that he was "a pro-slavery man." Most of the arguments against the bill, however, came from Democrats with less interest in protecting slavery than in defending their belief that Kansas could not outlaw slavery while still a territory. William L. McMath expressed this position by stating he opposed the bill because the legislature had "no jurisdiction" in the matter. Thomas A. Blake, a native North Carolinian and "the most prominent Democrat in the House," referred to the bill as a "farce." Blake added, "Slavery ar [*sic*] here; it ar [*sic*] here by the Constitution of the United States; it ar [*sic*] here by

16. *Kansas Territory House Journal*, Special Session, 1860, 50; David E. Ballard, "The First State Legislature," *Kansas Historical Collections*, 1907-1908 10 (1908): 242; *Daily Times*, February 2, 1860; *Kansas State Record*, January 21, 1860; *Lawrence Republican*, February 2, 1860.

17. Cutler and Andreas, *History of the State of Kansas*, 333, 343, 583; SenGupta, *For God and Mammon*, 11-12; *Freedom's Champion*, February 11, 1860; *Daily Times*, February 4, 1860.

TABLE 3

1860 KANSAS TERRITORY HOUSE MEMBERS (SPECIAL SESSION)

Vote on H.B. 6 (February 2, 1860)—Antislavery Bill; Vote on Whether to Indefinitely Postpone H.B. 46 (February 10, 1860)—“An Act to Prohibit Free Negroes from Coming Into the Territory”; Vote on Whether to Override the Governor’s Veto of H.B. 6 (February 21, 1860).

| NAME | POLITICAL PARTY | RESIDENT COUNTY | H.B. 6 | POSTPONE H.B. 46 | OVERRIDE |
|------------------------------|-----------------|-----------------|------------|------------------|------------|
| VETO | | | | | |
| Amasa Bartlett | Republican | Pottawatomie | Yes | No | Yes |
| Thomas A. Blake | Democrat | Jefferson | Yes | Not Voting | Not Voting |
| Paul R. Brooks | Republican | Douglas | Yes | Yes | Yes |
| Frederick Brown | Democrat | Leavenworth | Yes | No | Yes |
| Samuel R. Canniff | Republican | Shawnee | Yes | Yes | Yes |
| Martin Cave | Republican | Nemaha | Yes | No | Yes |
| Daniel L. Chandler | Republican | Riley | Yes | Yes | Yes |
| Gustavus A. Colton | Republican | Lykins | Not Voting | Not Voting | Yes |
| L.S. Cornwell | Democrat | Johnson | Yes | Yes | Yes |
| Hartwin Rush Dutton | Republican | Brown | Yes | No | Yes |
| Stephen G. Elliott | Republican | Breckenridge | Not Voting | Not Voting | Yes |
| William H. Fitzpatrick | Republican | Shawnee | Yes | Yes | Yes |
| Erastus Heath | Republican | Douglas | Yes | No | Yes |
| James H. Jones | Republican | Linn | Yes | No | Yes |
| Horatio Knowles | Republican | Bourbon | Yes | No | Yes |
| Thomas Lindsay | Republican | Anderson | Yes | Yes | Yes |
| Franklin Lombard | Democrat | Atchison | No | Yes | No |
| Edward Lynde | Republican | Jefferson | Yes | No | Yes |
| William L. McMath | Democrat | Wyandotte | No | No | No |
| Prince G.D. Morton | Republican | Butler | Yes | No | Yes |
| John C. Murphy | Democrat | Leavenworth | Yes | Not Voting | No |
| George W. Nelson | Republican | Coffey | Yes | Yes | Yes |
| William Noel | Democrat | Atchison | No | Not Voting | No |
| Paschal S. Parks | Democrat | Leavenworth | Yes | Not Voting | Yes |
| George G. Pierce | Republican | Marshall | Yes | Yes | Yes |
| William A. Rankin | Republican | Douglas | Yes | Yes | Yes |
| Robert Reynolds | Democrat | Davis | No | Not Voting | No |
| Hugh Robertson | Republican | Doniphan | Yes | Yes | Yes |
| John Walter Scott | Republican | Allen | Yes | Yes | Yes |
| O.H. Sheldon | Republican | Osage | Not Voting | Yes | Yes |
| Henry Shively | Republican | Franklin | Yes | Yes | Yes |
| Charles Sims | Democrat | Johnson | Yes | No | Yes |
| Richard Sopris | Democrat | Arapahoe | Yes | Yes | Yes |
| Byron Steward | Republican | Jackson | Yes | No | Yes |
| Thomas Jefferson Vanderslice | Democrat | Doniphan | No | No | No |
| William R. Wagstaff | Democrat | Linn | Yes | No | Yes |
| Carey B. Whitehead | Democrat | Doniphan | No | Yes | No |
| Samuel Newitt Wood | Republican | Chase | Yes | No | Yes |
| John Wright | Democrat | Leavenworth | Yes | Not Voting | Not Voting |

(cont'd.)

TABLE 3 CONT'D.

SUMMARY OF THE VOTE ON H.B. 6

| POLITICAL PARTY | FOR H.B. 6 | AGAINST H.B. 6 | NOT VOTING | TOTAL |
|-----------------|------------|----------------|------------|-------|
| Democrat | 9 | 6 | 0 | 15 |
| Republican | 21 | 0 | 3 | 24 |
| TOTALS | 30 | 6 | 3 | 39 |

SUMMARY OF THE VOTE ON WHETHER TO INDEFINITELY POSTPONE H.B. 46

| POLITICAL PARTY | FOR POSTPONING H.B. 46 | AGAINST POSTPONING H.B. 46 | NOT VOTING | TOTAL |
|-----------------|------------------------|----------------------------|------------|-------|
| Democrat | 4 | 5 | 6 | 15 |
| Republican | 12 | 10 | 2 | 24 |
| TOTALS | 16 | 15 | 8 | 39 |

SUMMARY OF THE VOTE ON WHETHER TO OVERRIDE THE GOVERNOR'S VETO OF H.B. 6

| POLITICAL PARTY | OVERRIDE VETO | UPHOLD VETO | NOT VOTING | TOTAL |
|-----------------|---------------|-------------|------------|-------|
| Democrat | 6 | 7 | 2 | 15 |
| Republican | 24 | 0 | 0 | 24 |
| TOTALS | 30 | 7 | 2 | 39 |

*Voting records based on *Kansas Territory House Journal*, Special Session, 1860.

the Supreme Court; it ar [sic] here by a power higher than us. I shall vote agin [sic] the Bill just for them reasons thar [sic]." The *Manhattan Express* reported that Blake's speech was met with "Applause in the lobby" of the house chambers, showing a measure of public support for his opposition to the bill. Several Democrats, including most notably William R. Wagstaff and Paschal S. Parks, also were hesitant to support H.B. 6 because it did not give slaveholders any time to remove their slaves from Kansas. In particular, Parks, formerly of Indiana, failed in an attempt to amend the bill to "give a little time to those who hold slaves here to get them away." Before the final vote was taken, several Democrats "made speeches against the Bill," but not wanting to appear proslavery most of them voted for the legislation. Even Murphy, a slaveholder, voted for the bill hoping that it would pass so the courts would rule it unconstitutional. On February 2, 1860, H.B. 6 passed in the house by a vote of thirty to six (Table 3).¹⁸

18. *Kansas Territory House Journal*, Special Session, 1860, 99, 148, 159-61, 190; William Elsey Connelley, "The Lane Trail," *Kansas Historical Collections*, 1913-1914 13 (1915): 279; Cory, "Slavery in Kansas," 241; *Kansas State Record*, February 4, 11, 1860; *Daily Times*, February 2, 3, 4, 1860; *Manhattan Express*, February 4, 18, 1860; *Freedom's Champion*, February 11, 1860; *Lawrence Republican*, February 9, 1860; *Elwood Free Press*, February 11, 1860; *Kansas National Democrat*, February 9, 1860.

While H.B. 6 was being debated the house also considered H.B. 46, which was introduced on January 23, 1860, by Democrat representative Blake and entitled "An Act to Prohibit Free Negroes from Coming into this Territory." At a glance, Blake's proposal resembled the actions of several Northern states that had passed legislation prohibiting free black settlement. However, H.B. 46 was primarily designed to prevent free black settlers from "getting on an equality with the whites." Dissatisfied that the bill did not also prohibit slaves from entering the territory, Representative Wood, an ardent antislavery Republican, offered a substitute that excluded all blacks, "bond or free." The substitute failed, however, and H.B. 46 was lost when a motion to "indefinitely postpone the whole subject," introduced by Representative Sopris, an antislavery Democrat, narrowly passed on February 10, 1860, by a vote of sixteen to fifteen (Table 3).¹⁹

When compared with the vote on the antislavery bill, the disparate voting record on H.B. 46 reflected the racial attitudes of many Democrats and Republicans in Kansas

19. *Kansas Territory House Journal*, Special Session, 1860, 70, 99, 275; *Atchison Union*, January 28, 1860; *Kansas Press* (Council Grove), February 20, 1860; Eric Foner, "Racial Attitudes of the New York Free Soilers," *New York History* 46 (October 1965): 311.



The slavery issue divided Northern and Southern Democrats, but both camps included some members opposed to racial equality.

and the nation. Although the slavery issue generally divided Northern and Southern Democrats, both camps included some members opposed to racial equality. Also, although typically antislavery, some Republicans opposed the full integration of blacks in society.²⁰ These heterogeneous racial attitudes were mirrored in the legislature. For example, Representative Whitehead, a proslavery Democrat, showed support both for slavery and free black immigration by opposing the antislavery bill and H.B. 46. On the other hand, some antislavery representatives supported H.B. 46. Displeased with the failure to pass H.B. 46, some antislavery house members even supported a resolution, introduced on February 15, 1860, by Republican representative Wood, calling slavery "evil" and stating that it was "against the interest of the people of Kansas, to encourage the settlement of free negroes in this Territory." By a vote of twenty-two to twelve, however, the resolution was tabled.²¹

While the house debated slavery, the council considered its own antislavery bill. On January 23, 1860, Senator Thomas, a Pennsylvania native, introduced C.B. 27, entitled "An Act to Prohibit Slavery and Involuntary Servitude in the Territory of Kansas." However, interest in the council bill faded following the passage of H.B. 6 in the house. On February 8, 1860, Republican senator Peter Percival Elder, a Maine native, convinced the council that C.B. 27 should be dropped in order to consider H.B. 6.²²

The initial mixed reception of H.B. 6 in the council, which included solid Democratic opposition and some Republican hesitation, suggested that the bill might not easily pass. Early in the debate Democrat senator George Monroe Beebe, a native New Yorker, "made every move in his power . . . to retard its passage." Beebe also introduced an amendment to the bill, stating "The right of property in slaves now legally exists in this Territory." Since, according to Beebe, there currently was no law protecting the "between one-fourth and one-half a million dollars of property in slaves" in Kansas, he hoped to convince the council of the importance of acknowledging the reality of slavery in Kansas before debating its demise. However, opposing this notion the Republican majority carried a vote of nine to four against the amendment. By the same majority, on February 11, 1860, the council passed H.B. 6 (Table 4). The four senators opposing the bill were all Democrats. Senators Beebe and J. Marion Christison, an immigrant from Missouri, opposed the bill on the grounds that Kansas Territory could not outlaw slavery. Senator Charles G. Keeler, a native New Yorker, opposed the bill on the grounds that it would cause "injury" to the Shawnee Indians who were the "largest slave owners in the Territory." Warning that "Their slaves will have to be paid for if set free," Keeler declared he would work toward the passage of a "bill providing that the Territory shall pay them for their slaves liberated by this law." Senator William G. Mathias, a "Southern gentleman" who had immigrated from Maryland with former proslavery chief justice Samuel D. Lecompte, voted against H.B. 6 because he still favored the proslavery law contained in the "old Bogus Statutes."²³

20. Kenneth M. Stampp, *America in 1857: A Nation on the Brink* (New York: Oxford University Press, 1990), 106, 133; Richard H. Sewell, *Ballots for Freedom: Antislavery Politics in the United States, 1837-1860* (New York: Oxford University Press, 1976), 321.

21. *Kansas Territory House Journal*, Special Session, 1860, 370-71.

22. *Kansas Territory Council Journal*, Special Session, 1860, 42, 58, 175, 199, 220-21, 223.

23. *Ibid.*, 226, 247-48, 253-55; *Kansas Chief* (White Cloud), March 1, 8, 1860; *Elwood Free Press*, March 10, 1860; *Daily Times*, February 13, 1860; *Lawrence Republican*, February 16, 1860; *Manhattan Express*, February 25, 1860; *Daily Leavenworth Herald*, January 27, 1861; Socolofsky, *Kansas Gov-*

TABLE 4

1860 Kansas Territory Council Members (Special Session); Vote on H.B. 6 - "Antislavery Bill" (February 11, 1860); Vote on Whether to Override the Governor's Veto of H.B. 6 (February 23, 1860).

| NAME | POLITICAL PARTY | RESIDENT COUNTY | H.B. 6 | OVERRIDE VETO |
|----------------------|-----------------|-----------------|--------|---------------|
| George Monroe Beebe | Democrat | Doniphan | No | No |
| Milton R. Benton | Republican | Atchison | Yes | Yes |
| J. Marion Christison | Democrat | Jefferson | No | No |
| Peter Percival Elder | Republican | Franklin | Yes | Yes |
| James M. Hendry | Republican | Douglas | Yes | Yes |
| Charles G. Keeler | Democrat | Johnson | No | No |
| John C. Lambdin | Republican | Butler | Yes | Yes |
| William G. Mathias | Democrat | Leavenworth | No | No |
| Luther R. Palmer | Republican | Pottawatomie | Yes | Yes |
| Watson Stewart | Republican | Allen | Yes | Yes |
| Chester Thomas | Republican | Shawnee | Yes | Yes |
| William W. Updegraff | Republican | Lykins | Yes | Yes |
| J.B. Woodward | Republican | Riley | Yes | Yes |

SUMMARY OF THE VOTE ON H.B. 6

| POLITICAL PARTY | FOR H.B. 6 | AGAINST H.B. 6 | TOTAL |
|-----------------|------------|----------------|-------|
| Democrat | 0 | 4 | 4 |
| Republican | 9 | 0 | 9 |
| TOTALS | 9 | 4 | 13 |

SUMMARY OF THE VOTE ON WHETHER TO OVERRIDE THE GOVERNOR'S VETO OF H.B. 6

| POLITICAL PARTY | OVERRIDE VETO | UPHOLD VETO | TOTAL |
|-----------------|---------------|-------------|-------|
| Democrat | 0 | 4 | 4 |
| Republican | 9 | 0 | 9 |
| TOTALS | 9 | 4 | 13 |

*Voting records based on *Kansas Territory Council Journal*, Special Session, 1860.

Two weeks before the passage of H.B. 6 in the council, on January 28, 1860, Senator Keeler introduced C.B. 59 entitled "An Act to Authorize the Owners of Slaves to Dispose of the Same." Briefly stated, C.B. 59 was designed to allow slaveholders time to remove their slaves before the institution was outlawed. However, the bill received support only from the Democrats and Republican senator Luther R. Palmer. The Republican majority successfully blocked efforts to call a final vote on C.B. 59, and the bill died with the end of the legislative session.²⁴

From the time H.B. 6 was introduced until it passed, its momentum dominated any other legislative discussion regarding the slavery issue. However, H.B. 6 would only be made law if Governor Medary supported it. Since Medary, a Northern Democrat, supported the view that Kansas could not outlaw slavery while a territory, the *Manhattan Express* predicted, "Gov. Medary will undoubtedly veto the Bill." Medary fulfilled this prediction, vetoing the bill on February 20, 1860. Rejecting the bill on constitutional grounds, Medary sent a sixteen-page message to the legislature outlining his reasons for the veto.²⁵

ernors, 75; Sen Gupta, *For God and Mammon*, 143-44; H. Miles Moore, *Early History of Leavenworth City and County* (Leavenworth: Sam'l Dodsworth Book Co., 1906), 258.

24. *Kansas Territory Council Journal*, Special Session, 1860, 106, 224; *Kansas State Record*, February 4, 1860; *Elwood Free Press*, February 11, 1860.

25. *Kansas Territory House Journal*, Special Session, 1860, 453-68; *Manhattan Express*, February 18, 1860.