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details of the Pottawatomie massacre. John Brown was identified explicitly by Howe as the responsible leader in that episode. Probably this was the first candid presentation of the Pottawatomie massacre to the reading public in book form, other than the public document upon which it was based. That fact has thus far escaped notice in the writing about the John Brown theme.

During the same year, however, Howe issued a new edition, the second of the two editions of 1857, with a new title, *The Great West . . . Enlarged Edition* (576 pages). The preface reported that 80,000 copies of the successive printings of the basic 1851 edition had been issued, and "As in the interval many important changes have taken place in the West, the book has been remodeled and the current of events brought down to the present time." Nebraska now had a separate chapter (pp. 501-512), and Kansas another (pp. 512-554), and a new area, the Lake Superior had been added. For present purposes, however, the most significant change in the Kansas chapter was the elimination of most of the *Oliver Minority Report*, and all of the John Brown documents. The realistic description of the Pottawatomie massacre gave way to a version that falsified the affair and dealt with it in one sentence: "On the 26th [25] of May, a skirmish occurred at the settlement of Osawattamie, in which three Free State and five pro-Slavery men were killed." Thus far no clue has been found to the pressures that brought about this concession to antislavery-abolition propaganda, but the record of the change itself is damning. In 1873 came still another major rewriting of *The Great West*, but the legend about John Brown stood unchanged from the form given it in the late 1857 edition.² Another book in the same class, but purely perfunctory in its handling of Kansas material, is Jacob Ferris, *The States and Territories of the Great West . . .* (New York, and Buffalo, 1856).

A different type of general treatment of a historical subject is represented in a book on the history of slavery. In this class, prior to the Civil War, the book of W. O. Blake, *History of Slavery and the Slave Trade . . .* (Columbus, Ohio, 1860), is of some importance. It was an extreme antislavery production and devoted the final five chapters to the Kansas question, opening the polemic

2. The present author has located 11 printings of the several versions of *The Great West* (1851, 1852, 1853, 1854, two in 1855, 1856, two in 1857, 1859, 1873). There were three substantially different versions of the book as a whole; the basic original text of 1851; and the rewritings of late 1857 and 1873. There were three major additions, apparently, to the basic text of 1851, prior to the rewriting of 1857. The present author has examined only the printings of 1852, 1853, two of 1857, and 1873. The other data are taken from Sabin, Roorbach, and the Library of Congress *Catalog of Printed Cards*. Information now at hand indicates that there were two variant title pages of the earlier edition of 1857, but a fuller description must be deferred.



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discussion with the Compromise measures of 1850 (pp. 563-825). It was more to the liking of the antislavery north than Howe's book, which was unsympathetic to John Brown, and therefore had a greater survival odds in Kansas after the Civil War, until the 1873 edition of Howe appeared.

ORGANIZATION AND ISSUES OF KANSAS HISTORY

In studying the manner in which Kansas history has been written, two widely contrasting views are in evidence; the slavery interpretation, the tradition growing out of the territorial controversy; and a cultural approach, a larger conception which deals with the occupancy of the area by European culture as it had been modified in America. This latter view requires a description of the world and continental setting of the area that came to be called Kansas at the mid-point in the 19th century. The men who were engaged in establishing occupancy in the North American grassland were men whose outlook had been shaped largely by a forest experience. Their most difficult task was to reshape their outlook and to accept the grassland environment on its own terms. Instead of bemoaning the differences between forest and grassland environment as evidence of deficiencies of the latter, they had to learn to deal with them as normal characteristics and to capitalize upon them as advantages.

Only one book, during the territorial period, approached the area in a manner that suggested anything of a sound and comprehensive approach to its history, and one that would relegate the slavery issue to something like its proper proportions. It was the work of William Gilpin, a Pennsylvania-born Missourian, of Independence, and was miscalled *The Central Gold Region* . . . (Philadelphia, 1860). The content of the book was primarily a series of papers he had prepared prior to the gold discovery, and dealt with his geographical interpretation of history, and with the relation of the interior of North America west of Independence to this larger context of human history. In doing this, Gilpin gave the Trans-Mississippi West a meaningful setting in World history. His thinking was not altogether sound, but nevertheless was provocative and significant. Of much lesser import, yet important, was the work of another Missourian by adoption, C. C. Spaulding, *Annals of the City of Kansas: Embracing . . . the Trade and Commerce of the Great Western Plains* . . . (Kansas City, 1858; Reprint: Kansas City, Mo., Frank Glenn, 1950). Kansans

of 1858 were too much dominated by their prejudices to appreciate that this book explained quite accurately the enduring position of Kansas in relation to what was then called officially, the City of Kansas, Missouri, as a "Metropolitan center."³

The structure of Kansas history, as it was being shaped in the myopia of the dominant antislavery present of the 1850's, was quite different from the larger view of these Missouri neighbors, Gilpin and Spaulding, or of that remarkable newspaper editor of the City of Kansas, R. T. Van Horn of the *Enterprise*, renamed the *Journal of Commerce*, whose ideas are in the files of his paper instead of in a formal book.

The traditional view of Kansas territorial history makes slavery the single issue. The fragmented aspect of Kansas territorial history embraced in that narrow frame of reference falls naturally into three periods: (1) the single issue of Free-State versus Proslavery control, 1854-1859; (2) the single issue of Republican party control, 1859 and later; (3) the battle for honors and credits in Kansas history—who and what policy made Kansas free?—1870's and later.

Within this single issue frame of reference, a limited list of topics is compiled for somewhat systematic comparative treatment as they appeared in the histories under review. The criterion for selection is primarily the importance they were assigned because of the battle for honors and credits. Who was responsible for the Kansas-Nebraska act: Sen. Stephen A. Douglas of Illinois, the slaveryocracy, or the Missourians? Who was the aggressor, Proslavery or Free-State forces? Did leadership in the Free-State resistance movement center in Leavenworth or in Lawrence? What was the role of the New England Emigrant Aid Company? The Robinson-Lane rivalry? The Wood-Abbott rivalry? Of Jones and Lecompte in the "Sack of Lawrence?" Of John Brown in the Wakarusa War, the Pottawatomie Massacre, and the southeastern Kansas war? Was the issue of prairie environment recognized?

PHILLIPS, *Conquest of Kansas by Missouri*

A discussion of the historical aspects of all of these books about Kansas is not practicable in this article, but William A. Phillips' *The Conquest of Kansas, by Missouri and Her Allies. A History of the Troubles in Kansas, From the Passage of the Organic Act Until the*

3. James C. Malin, *The Grassland of North America: Prolegomena to Its History* (Lawrence, 1947), especially pp. 177-192; *Grassland Historical Studies*, v. 1, *Geology and Geography*, (Lawrence, 1950), especially pt. 2, "Early History of the Town of Kansas. . . ."



Close of July, 1856 is of such importance to the problem that it must be considered in some detail. William Addison Phillips (1824-1893), a Scot by birth, arrived in the United States at the age of 12. In 1855, at the age of 31, he was sent to Kansas by the New York *Tribune* as "Our Special Correspondent in Kansas." His persistence in gathering facts, even though they were highly colored by his radical position on the slavery question, soon resulted in securing recognition for him as the ablest letter writer in the Kansas field. The year 1856, a presidential campaign year, saw Phillips committed to the newly organized Republican party, and in the late summer his letters to the *Tribune* afforded the basis for this partisan campaign book which was announced in *The Daily Tribune*, October 11, 1856. The title claimed that the book was a history, but if so, it was "current history," or more properly "current events." The book was important, however, in providing a formula or mold for those which were to follow, both in polemic literature and in history. Because of his far-reaching influence, the structure of his thought and the organization of material must be analyzed.

His preface poses a question that is critical to any historian: Are truth and impartiality attainable and compatible? His answer was in the negative, that they were not necessarily the same thing or even compatible. He confessed that he made no "elaborate assertion of impartiality," yet he offered his book "as the simple truth." In this case, he did not consider impartiality "as very creditable"—in fact he insisted that he could not conscientiously "purchase a doubtful reputation for impartiality at the sacrifice of a truthful record." Having made this abstract commitment, as governing his concept of the historian's function, it is important to relate it to his view of the nature of the Kansas question.

Phillips' discussion of the theory and practice of territorial government (pp. 65-69) was fundamental to his book as history. This fact has never been recognized in the use made of the book in the writing either of the general history of the United States or of Kansas. It provided the theoretical framework for his interpretation of Republican party political philosophy, as he understood it, as well as for his attack upon the Douglas theory of popular or squatter sovereignty. Thus, in stating in positive terms the working theory of territorial status Phillips asserted that: "Our general government is one of *conceded* rights; our state governments rest on *reserved* rights. . . . A territory has conceded nothing and reserved nothing. It has no right to the advantage of a compact, for it is a party to no compact." He postulated: (1) that a territory cannot



set itself up independently of the Union; (2) that it cannot thrust itself upon the Union as a state; (3) that congress has the right to fix the terms of its admission. Without naming them as background, these propositions referred back to the Northwest ordinance of 1787 and the constitution, drafted in the same year, but they may be viewed as corollaries drawn from his premise, that the authority over the territories was acquired by the sword, and would be maintained in the same manner. Relinquishment of authority, by the same token, could come only by consent or by conquest. The Kansas-Nebraska act did not relinquish authority: "As a nation we claim to have authority over the national domain, and we suppose we mean to exercise it."

This was a grim view of the problem, but Phillips thought of himself as a realist: "Governments are not theories, but facts." He had admitted earlier in his exposition, that:

A territorial government is something contradictory in our history. It is unknown to our constitution, and foreign to the spirit of our institutions. The system has grown up and been tolerated by necessity. The theory of our government is simply that it shall be formed by the people among whom it obtains; shall be dependent upon them, and thus express the popular sentiment. A territorial government is something very different from this, and it is so of necessity. The blunder, if there was any, lay in the acquirement of the territory at first. This has been done, however; and, judging from the popular feeling, it will be done again.

In Phillips' exposition the recurrence of the word "necessity" is significant; also the fact that he did not attempt to show how it was necessary. In his whole discussion of theory, he used the word "constitution" only once, and that was in the context just quoted. In view of the legalistic character of most of the argument of the 1850's over the issues at stake, Phillips' form of argument is worthy of note—a parade of the theoretical, tailored to the requirements of practical politics—as he put it: "Governments are not theories, but facts." The body of philosophical and ethical ideas known as pragmatism supposedly had not been formulated until the 20th century, but Phillips' insistence that he was facing facts, in reality a rationalized opportunism in political and ethical theory and practice, with its parade, nevertheless, of moral idealism, bears many resemblances. He called it eclecticism. Certainly, his thought was not characterized by the absolutes that the 20th century subjective relativists attributed to the 19th century. As in the case of most *ad hoc* justifications of any age, emotional commitments supplied the absolutes.

In the territories, Phillips asserted, civil rights, but not political



rights were guaranteed; the rights "of preservation of life and property" assured to all citizens of the United States anywhere "throughout the world." Of course, Phillips evaded the fact that no constitutional definition of citizenship existed prior to the 14th amendment, and differences over this very matter were at the heart of the whole issue of slavery and the status of the Negro as a race.

Again, in describing the power of congress over the territories, Phillips asserted that "as a nation *we own* them," and the authority might be expressed in the term "national sovereignty" or any other equivalent. On this basis, the territories had "no political power but such as Congress concedes to them."

So much for the power. Phillips appealed to the people not to abuse that power: "Having introduced a feature foreign to our republican institutions, it is our duty, as the next best thing we can do, to make it conform to republicanism as much as possible." By this he did not mean republicanism as a political party faith, but as a form of popular government. In the 1850's the word democracy was little used for that purpose.

Again and again, in this dissertation upon the nature of government in the United States, Phillips used the terms nation and national and not the terms federation and federal. Even in differentiating "conceded" and "reserved" rights, he coupled it in the next sentence with a reference to "the national compact," meaning the constitution. But after using such terminology, Phillips denied the right of a majority of the nation to determine the territorial institutions, because the people of the states were no more residents of the territories than the reverse.

How could republicanism be best preserved in the territories? Phillips insisted that: "The moment that Congress is satisfied that a majority of these people have decided in favor of such an unobjectionable form of state government, it will be conceded, by every honorable and correct mind, that it is their duty to restore them to their rights as American citizens"—that is, admit them into the Union as states.

The Phillips formula contained several jokers, particularly the words "majority" and "unobjectionable." He admitted that the decision upon the word "majority" must be arbitrary; not "three or four irresponsible buccaneers," federal appointees under squatter sovereignty, but: "We cannot escape the dilemma by fixing any *number* of settlers as a point where principle interferes in favor of their rights. At what point of aggregation do men become capable



of, and entitled to, self-government? We can neither escape the point nor its responsibility." Phillips himself, however, did evade the responsibility, and provided no solution. The answer to the question raised by the second word appeared to have been given in the denial of the right of a territory to "thrust itself into the Union with all the evils and impolicy of slavery, or polygamy, or cannibalism, . . . [or] Russian autocracy. . . ." The logic of the argument on this point would seem to be a denial of the right of congress to admit any slave state, or any state cursed with any of the evils enumerated, regardless of the will of a "majority" of its people.

Phillips denied the right of national majorities to determine the institutions of a territory, but accepted the claim of right of congressional majorities to determine whether the territory, in offering itself as a state, be accepted or rejected on the ground of objectionability of its constitution as voted by its own people. But the Missouri Compromise was a congressional determination of the institutions of territories and of the states to be formed from them. Republican denunciation of the repeal of this restriction was a reassertion of that alleged right, and was the cornerstone of the new Republican party in behalf of which his book was written. How could these contradictions be reconciled legislatively, theoretically, or practically? Phillips did not attempt to reconcile them, unless his dictum be accepted in that light, when he wrote:

Governments are not theories, but facts. We *have* territories. . . . We assume their governments; having it, it is our duty to take care of them. Having introduced a feature foreign to our republican institutions, it is our duty, as the next best thing we can do, to make it conform to republicanism as much as possible.

Phillips' argument has been analyzed at some length because he was the ablest journalist present on the scene in Kansas, wielding great influence and unlike the other letter-writers, remained in Kansas not only through the whole territorial period, but made it his permanent home. He was particularly clever at the art of propaganda, and therefore the form of presentation of his argument must be broken down and restated. Only by breaking the mold and re-assembling the parts in a different sequence can the implications, logical inconsistencies, and omissions of his rationalizations be exposed. He was a master in the practice of using language as a device to conceal thought, yet to influence people, effectively, through their emotions.



Having described the Republican party view of territorial government as Phillips interpreted it, the next task is to restate his version of the Douglas or National Democratic theory of popular sovereignty. Phillips referred to squatter sovereignty as merely a "dodge": Douglas pretended this [squatter sovereignty] was the design of the bill; but Douglas knew better. Had he been sincere, he would not have dared to frame a bill by which the executive of the territory and the judiciary were simply the appointees of the President, and, it might be, the tools of a faction. Taking the position he pretended to take, he would have known that this was a gross imposition on men's rights.

Phillips charged specifically that the provisions "allowing the President to appoint corrupt officers [to enforce the laws], have prevented the people from having any means of remedy against the abuse of power on them, except in revolution." His conclusion was that: "It should require no logic to show that there was not much sovereignty of the people in this."

Phillips' argument was a curious mixture of facts and falsehood. The form of the Kansas territorial government was traditional in all respects. The same provisions for redress of grievances prevailed as in other territories, together with a procedure expressly prescribed under the squatter sovereignty principles, for judicial determination of constitutional questions that might arise out of the issue of slave property. Phillips' charge that there was no remedy for abuse of power, "except in revolution," was false. One of the most peculiar aspects of the whole Kansas controversy, and one that has never received direct attention from historians, is the fact that appeal to judicial determination of any of the controversies arising out of the Kansas question was never resorted to by the Free-State forces. For reasons best known to themselves, the Free-State men in Kansas, and the Republican party on the federal level, chose to pretend that they had no remedy but the right of revolution. In defending Judge Samuel D. Lecompte, James A. Stewart, in congress, challenged them point blank to bring a test case in the courts, but they ignored him. They merely continued their campaign of villification. Stewart and Lecompte reminded them also of another unused remedy which was available—impeachment proceedings.⁴

It was the fashion of the day to accuse Douglas of insincerity, duplicity, and worse. Constant repetition had conditioned the anti-slavery public to accept such charges at face value without proof.

4. James C. Malin, "Judge Lecompte and the 'Sack of Lawrence,' May 21, 1856," *Kansas Historical Quarterly*, v. 20 (August, November, 1953), pp. 465-494, 553-597, at 488, 491.



That the Republicans were hostile to the Douglas version of popular sovereignty, Phillips made amply clear, but he was sufficiently skillful as a controversialist to divert attention successfully from the fact that the Republican position was even more hostile to territorial self-government in principle as well as practice. The emotional force of the moral issue of slavery, associated with the Missouri Compromise restriction and opposition to its repeal, was used effectively to make that opposition appear to be a virtue. Or, to word the dilemma differently, in order to sharpen its point, Phillips' task was to denounce the Douglas doctrine as an intolerable abuse of self-government without revealing the fact that the Republican doctrine permitted much less freedom for self-government. And in accomplishing this objective the more effectively he was obliged to make this restriction upon self-government appear as a moral asset. The issue of national power to which the Republican party was dedicated—centralized national power—meant that it could not make a commitment to self-government in the territories in any form, popular sovereignty or otherwise. The party's antecedents were antislaveryism, abolitionism, and nativism. Each of these isms, for its effective realization in action, meant centralized national power—a denial of the freedom of local self-government. The logic of nationalism, in contrast with federated power, meant power wielded on the basis of national majorities. The general principle was little understood, if at all, in its full implications when implemented for action, but its character was fundamental to the whole situation developing during the 1850's. The peculiar sectional character of slavery, together with the emotional impact of the moral issue, paralyzed intellectual processes and reasoning from facts. Abhorrence of one form of slavery delivered the whole federation to another form of slavery. The issue was made to appear to be one in which freedom from chattel slavery could be achieved only through the sacrifice of freedom or local self-government. That was a phoney issue. The mere assertion that this was the only alternative to freedom from chattel slavery did not make it true.

That any appearance of any subjective rationalization in this matter, by the present author, may be removed, attention is directed to the transitional paragraph which Phillips employed (p. 69) in passing from the several pages of theoretical discussion to the more strictly historical narrative of the action taken by Governor Reeder early in 1855: "We have been thus particular in placing the matter in what we deem its true light, in order that what follows may be more clearly understood."



In his introductory chapter Phillips set the stage for proving the validity of his book title: "In the fall of 1853 the plot for the conquest of Kansas matured." He then identified the plotters as western Missouri men and cited Dr. J. H. Stringfellow. According to Phillips, Stringfellow admitted that the "Eastern Emigrant Aid Societies" threw the first doubt upon the success of the scheme. Following this pattern, Douglas was not given the title role; the Missourians were the first invaders, and the objects of their concern were the "Yankee settlements" in the valley of the Kaw. Thus, he argued, slavery was established in Kansas by Missourians organized through secret societies and by federally appointed judges. After the March, 1855, election, Kansas was to be "kept conquered." The result, a reign of terror.

The initiation of the Free-State movement was treated with remarkable brevity. The Big Springs convention of September 5, 1855, which launched the Free-State party and the delegate elections received five pages, the most of which was absorbed in printing the resolutions. The Topeka state government movement was assigned a chapter. Possibly the most remarkable fact about these narratives was that the story was told without any reference to personal leadership in the proceedings. At the end were a group of character sketches, and an introduction to James H. Lane, president of the convention, and Charles Robinson—"they have been the two most prominent men in the territory." Phillips assigned Lane the role of Democratic, and Robinson of Republican leadership in the constitutional convention, and described them as sharply contrasting personalities: "Robinson is cool-headed, cautious, and calculating; just the man to plan and direct. Lane is hot-headed, rash, regardless of consequences, but not wanting in bravery; just the man to carry out the plans and directions." There was much more to the word pictures, but nothing to suggest that the men were bitter rivals for dominance in Free-State affairs. The word pictures seemed designed to convey the impression that the differences in talent served to compensate and render their combined efforts the more effective.

The rescue of Branson was an episode preliminary to the Wakarusa war. Phillips handed out the honors with an even hand among S. F. Tappan, J. B. Abbott, and S. N. Wood. There was no intimation of the quarrel over honors which was to develop later. The Wakarusa war itself was treated as the second invasion of Kansas by Missouri, the first, according to his formula had been the challenge issued to the first Emigrant Aid Party at Lawrence, August 10, 1854. Of course, this formula made Lawrence, rather than Leavenworth,

the heart and center of Free-State resistance. Furthermore it was planting in Kansas history the basis of the myth that Kansas was the child of New England.

In describing the "Sack of Lawrence" May 21, 1856, he declared flatly that "Jones told them [his alleged posse] that he had orders, from the First District Court of the United States for Kansas (Judge Lecompte), to demolish the hotel and destroy the printing offices [p. 296]."⁵ This allegation was false, but it served as effective campaign propaganda.

John Brown appeared unheralded in the pages of Phillips' book at the time of the Wakarusa war. The role assigned to him was that of a questioner about the terms of the peace treaty and a protestant against any concession concerning the bogus laws. Without explaining the reason, Phillips indicated that "a desire was manifested to prevent his speaking."

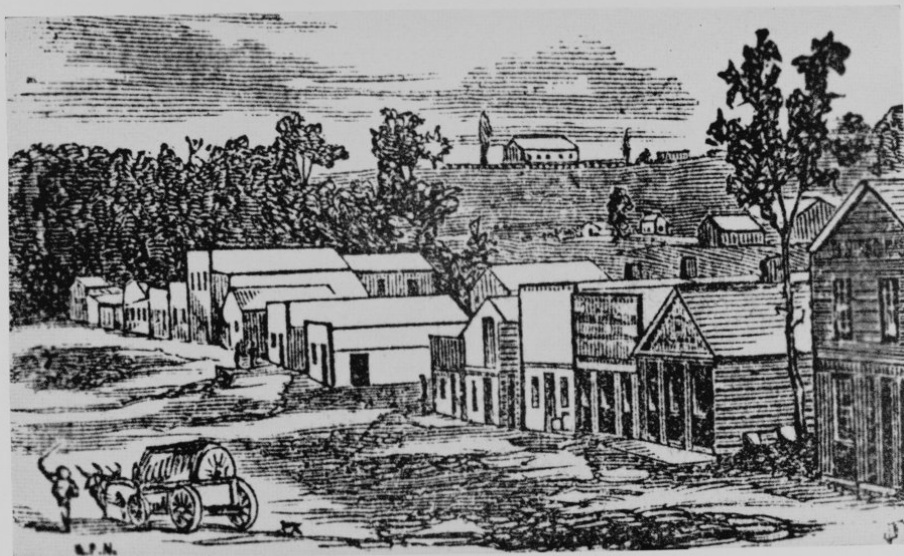
After the "Sack of Lawrence," John Brown again is found in Phillips' pages, the references to him being elliptic. The Pottawatomie massacre was described as "stern and remorseless," and as "wrapped in profound mystery," but the victims were "violent, bad men." Allegedly, Free-State men were ordered to leave the community, etc.: "Such was the provocation,—how the rest happened God in heaven only knows." John Brown was not mentioned in this connection, but 16 pages later he was described as

stern-looking, hard-featured and resolute, . . . not to be trifled with . . . practical . . . inexorably inflexible . . . fanatic . . . Christian . . . stern disciplinarian . . . a regular martinet. . . . He is a strange, resolute, repulsive, iron-willed, inexorable old man. He is like a solitary rock in a more mobile society, a fiery nature, and a cold temper, a cool head,—a volcano beneath a covering of snow, . . . but he was regarded as a participator, if not leader, in the Pottawatomie affair. . . . [p. 332].

Subsequent knowledge about the evidence concerning John Brown's guilt and that the proofs came from Free-State men and were fully known at the time to Free-State men, puts Phillips in a most embarrassing position. Knowing his diligence in collecting facts, any assumption that he was unaware of the facts is scarcely credible.⁶ Without laying himself open to the charge of deliberate falsehood, he was remarkably successful in conveying the conclusion, without saying so explicitly, that John Brown was innocent.

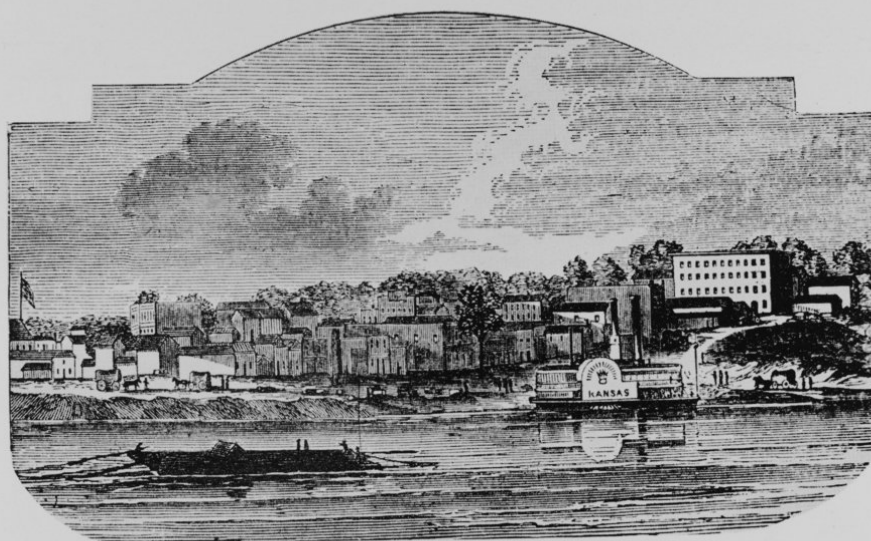
5. *Ibid.*, pp. 589-592.

6. James C. Malin, *John Brown and the Legend of Fifty-six* (Philadelphia, American Philosophical Society, 1942); "The Hoogland Examination: The United States v. John Brown, Jr.," *The Kansas Historical Quarterly*, v. 7 (May, 1938), pp. 133-153; "Identification of the Stranger at the Pottawatomie Massacre," *ibid.*, v. 9 (February, 1940), pp. 3-12.



FRONT STREET, LEAVENWORTH, IN MAY, 1856

From Henry Howe's *Historical Collections of the Great West* . . . (early 1857 edition).



LEAVENWORTH WHEN SIX YEARS OLD

From Henry Howe's *Historical Collections of the Great West* (1873 edition).

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As time passed, Phillips' sympathies were more clearly identified with the Lane and the Brown elements of the ultras who opposed each step proposed for abandonment of the Free-State "do-nothing" policy of refusing recognition to the "bogus" territorial government, and of refusing to vote. Robinson and G. W. Brown were among the promoters of the voting policy, taking this position in the spring of 1857. The territorial legislature was captured in October, 1857, and the office of the Leecompton state government on January 4, 1858. Under these circumstances, a G. W. Brown editorial in the *Herald of Freedom*, February 6, 1858, is particularly applicable. The name of the editorial, "An Unfortunate Title," referred to the name of Phillips' book *The Conquest of Kansas by Missouri*. . . . After writing this book, Brown charged, "all of Phillips' subsequent letters to the N. Y. *Tribune* seem to have been influenced by that position, and the critical reader readily discovers that he is laboring to make the title to his book truthful; to make it appear that Kansas is indeed a *conquered* province. . . ." In this title Phillips had acquired a precious grievance which he capitalized upon by "constant repetition that we were overcome by border ruffians, that all hopes of redress for our grievances were cut off. . . ." But Brown contended, "What nation ever regained lost rights by continually harping upon its defeat, and telling that it was a conquered province?" Instead, do something positive, "to ensure a speedy triumph of the right." Brown's contention was that Phillips had a vested interest in perpetuating the title to his book, to sacrifice his most precious grievance would deprive him of his principal stock-in-trade. He had spent two years trying "to make his title page a *reality*" by his "masterly inactivity" policy.

In conclusion of this commentary upon the Phillips book, the reader should recognize that Brown's indictment of Phillips and his book is appropriate also if applied to most of the writing of the first century about Kansas history. The abolition of this form of slavery is long overdue. Other themes are more important and meaningful to the general history of Kansas.

But even within the framework of the slavery emphasis in Kansas history, the "conquered province" formula was in reality only an unfortunate consequence of the presidential campaign of 1856. The spirit of the fifty-fiver had not permitted the defeatism attributed by Phillips to the fifty-sixer. In his *Herald of Freedom* of August 18, 1855, G. W. Brown had insisted that "We are an outraged, but not a subjugated people." And on the Fourth of July, 1855,

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S. N. Wood shouted his defiance: "We have been oppressed, but not conquered."⁷

AUGUSTUS WATTLES, "Complete History of Kansas"

Augustus Wattles' "A Complete History of Kansas" was never published in book form, but was printed as installments in the *Herald of Freedom* between January 17, and November 21, 1857. The "complete history" covered the period from the French explorations to May, 1856, when further writing was interrupted by the explosive effects of contemporary events during the winter of 1857-1858. The author was born in Connecticut, August 7, 1807, and had been at Lane Theological Seminary in Cincinnati where he was interested in Negro education. He did not move to Oberlin with the other seceders, the radicals who broke with the Lyman Beecher regime at Lane, but devoted himself to activities in behalf of the Negro. In 1855 Wattles came to Kansas, arriving at Lawrence, May 7, and settling in Douglas county. On May 22 he was "elected" to the legislature on the Free-State ticket at the special election called by Governor Reeder.

During the spring of 1857, he and other members of the Wattles family removed to the Moneka community.⁸ During the winter of 1856-1857, he was associated with G. W. Brown's revived *Herald of Freedom*. In January, 1857, when the printing of his history began, he was listed on the masthead as assistant editor, but August 22, Brown and Wattles were represented as coeditors. Near the end of November, Wattles went to Moneka, supposedly for a short stay, but did not return. This left the history unfinished. Sharp differences between the editors developed during the crisis of December, 1857, over the issue of voting in the Lecompton officers election of January 4, 1858, along with those associated with the early stages of the southeastern Kansas war. In the *Herald of Freedom*, January 16, 1858, an announcement was made that Wattles was no longer connected with the paper.

In retrospect, the teaming up of these two men appears unusual and predestined to failure, but too little is known for certain about the state of Wattles' mind at that time to warrant generalizations. During the year 1857 the Free-State party reversed itself on the

7. *Herald of Freedom*, Lawrence, July 7, 1855.

8. Mrs. O. E. Morse [Emma Wattles, a daughter], "Sketch of the Life and Work of Augustus Wattles," *Collections of the Kansas State Historical Society*, v. 17 (1926-1928), pp. 290-299. This sketch is particularly weak on the aspects of Wattles' career most critical to the present study of his "Complete History of Kansas." On the removal to Linn county, see the *Herald of Freedom*, April 11, 25, May 16, July 11, 1857. The town of Moneka was established in the spring of 1857. An advertisement announcing its merits appeared in the *Herald of Freedom*, April 11, 1857, among them, that it was on Little Sugar creek, near the center of Linn county.



voting policy, with Robinson and G. W. Brown in the vanguard. Brown's challenging editorial of July 4, 1857, was printed prior to the advancement of Wattles, August 22, to the status of coeditor. The inference to be drawn, reasonably, from those facts would be that whatever differences existed between them over this fundamental reversal of policy, they were not considered irreconcilable. The available facts do not prepare the reader for the violence of the break that occurred the following midwinter.⁹ The history was written and printed, however, prior to this disastrous controversy, and when the relations between the two men were apparently friendly. But on the other hand, the composition occurred during the first phase of the revolution in Free-State policy. Although not clearly apparent in all its implications in 1857, this reversal was to lead to the abandonment of both the Topeka state government, and the Free-State party as political organizations, and in that sequence. The quarrel between the two men came in part over the issue of abandoning the Topeka movement.

Wattles spent the first five of his 22 completed chapters on background, mostly on matter relating to the Indians of the region. This fact in itself is worth recording as a feature of the work even though he made no really significant contribution in either subject matter or interpretation. In chapter six, he arrived at the creation of the territory of Kansas by the Kansas-Nebraska act, along with the repeal of the Missouri Compromise, "that ancient land-mark of freedom. . . ." This was "the work of slaveholders," operating in congress, done "with the indecent haste of crime. . . ." According to this secret conspiracy theory, Missouri fitted into the plot merely as the tool. Wattles' allegation of "the indecent haste of crime" was repeated for emphasis in different language—"suddenly thrown open to settlement by the slave-holding party for their own aggrandisement. . . ." But "after the passage of the bill, the party of freedom immediately organized," and he sketched the beginnings of organization to promote emigration to Kansas, giving particular attention to the Emigrant Aid Company that founded Lawrence, the first party arriving August 1. Ignoring Leavenworth's or other claims to priority, he asserted that Lawrence "was the first town in Kansas." At Lawrence, on August 10, he related, the Missourians immediately challenged Free-State continuance in the territory—the first invasion of Kansas, according to the Phillips formula. For

9. The external record of the steps leading to the public break may be followed in the *Herald of Freedom*, November 21, 23, December 5, 26, 1857, January 9, 16, 1858. A Wattles letter, probably in the Lawrence *Republican*, January 14, 1858, missing from the file, gave his side.

the convenience of this theory, all activity in Kansas between April and August 1 in the way of settlement and town-site promotion was ignored.

The only reference Wattles made to peculiarities incident to prairie settlement was the allegation that as soon as it became known that a company of Eastern emigrants had arrived, the Missourians marked the timber claims along the streams, and then sold them to Easterners and later harassed them: "It was this violence to isolated persons which induced people to form companies and seek safety in numbers. . . ." This was the occasion for his introduction to the Emigrant Aid Company and its six parties sent out in 1854. That the chronology did not fit the sequence of his narrative, and was a violation of historical reality, seems to have escaped Wattles' attention.

In his criticism of squatter sovereignty, Wattles adopted a line of attack similar to that of Phillips, but used material from the congressional debates: ". . . the new doctrine of *Squatter Sovereignty* was promulgated as a popular catchword. By this, a few settlers who might first inhabit a territory, could establish its present and future domestic and political institutions." Thus, "leading men in Missouri passed over into the Territory early in June [1854], held squatter meetings, passed resolutions, and then returned home. . . . During the summer and fall, many Free State emigrants arrived, who supposed the vote of the squatters would determine the question of slavery at some future day."

Wattles used William E. Seward's senate speech, challenging the slave-holding South: "Is it a privilege, then, to establish slavery? If so, what a mockery are all our constitutions, which prevent the inhabitants from capriciously subverting free institutions. . . ." Wattles then summarized Salmon P. Chase's maneuver, who,

in order to test the sincerity of the majority in their new-born zeal for individual rights, and Squatter Sovereignty, introduced an amendment to the bill that the inhabitants of the Territory should be permitted to choose their own Governor and other officers. This was voted down. Every fair arrangement for a free government was rejected, and all was left in the hands of those who expected to make it a slave State.

Wattles then quoted from N. P. Banks' speech in congress in which the latter insisted that the "pretended doctrine of popular sovereignty" was not

really established there. . . . The American idea of popular sovereignty is, that a people should have, and has, the right to *institute* government, to alter it, and to abolish it. Have the people of Nebraska or Kansas this power under

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this act? Can they institute government? Can they alter it? Can they abolish it? Not at all.

Instead, the people have

no rights, no power, but that which Congress confers. . . .

I grant what is claimed, that there is an extension of political rights compared with earlier territorial governments. But have the people here power to govern? I deny it. My reading of the theory of politics is not extensive, but I have imagined that the American doctrine at least was, that a *majority* of the people should have the attributes of government.

I ask any gentleman upon this floor to point me to one single solitary power that is here conferred upon a *majority of the people*!

Can they elect a Governor, or an executive officer? Can they appoint their judges? Can they pass a legislative act, or obtain a judgment in the territorial courts, without the supervision and assent of the National Government, acting through its own appointees, who are forever irresponsible to the people there? Never! . . . And this is called "non-intervention"! . . . You admit theoretically a right, but practically you deny all power. And this is called "sovereignty"—not American, but "squatter sovereignty."

It would seem that if there was any logic in Wattles' procedure, he would have undertaken to show how the Republican party theory of territorial status was sincere in offering a larger measure of self-government than Democratic squatter sovereignty. But such a Republican substitute for squatter sovereignty was not and could not be forthcoming. His was the technique of making a sweeping charge against the opponent and then repeating it again and again.

Wattles gave special attention to Governor Reeder's arrival in the territory, the attempt of the Proslavery element from Missouri to take control of him and his defiance of them in refusing to call an early election of the legislature. The governor's letter was printed in full, and Wattles' evaluation of the episode is important: "Gov. Reeder's reply is worthy to be preserved as it is characteristic of the man, and the key to all his subsequent difficulties." Then Wattles condemned Reeder's next step, his failure to repudiate outright the delegate election of November 29, a fatal resort to expediency. Wattles made loyalty to principle the acid test of a man!!! But what principle?

The organization of the opposition to the legislature elected March 30, 1855, was traced in much more detail than by Phillips. Charles Robinson did not appear in this account of the first steps. Instead, the men named in connection with the Free-State convention at Lawrence, June 8, were John Speer, M. F. Conway, J. Hutchinson, S. N. Wood, E. D. Ladd, R. G. Elliott. Special attention was given to Conway, who came to Kansas a National Democrat, pledged to



squatter sovereignty, who after seeing it in action, repudiated it "as an outrage upon popular rights. . . ."

Other episodes given emphasis, which later historians passed over lightly or omitted altogether, were the altercation between Gen. B. F. Stringfellow and Reeder at Shawnee Mission, where Stringfellow was alleged to have knocked Reeder down with a chair; and the proposal in the legislature of 1855 by Dr. J. H. Stringfellow of a bill to authorize a state government and application for admission into the Union. This was the first Kansas move for statehood. The committee to which the bill was referred reported adversely on the grounds: (1) that it was premature without calling an election to test the desires of the people for statehood; (2) that it was premature because of the excitement that would be aroused, aggravated by the charge which would be made of insufficient population, "—a charge which cannot be statistically and officially refuted." The substitute proposed by the committee, that the sentiment of the people be tested on the matter of statehood, was passed.¹⁰

In telling the story of the Big Springs and the Topeka conventions of September 5 and 19 respectively, Wattles began by crediting the preparatory Lawrence convention of August 14, 15 to the initiative of the expelled members of the legislature. At this Lawrence convention, Charles Robinson was chairman of the business committee, and the report of that body came under sharp fire. It had rejected resolutions endorsing military companies and a state government which were then championed on the floor by C. K. Holliday and G. W. Smith respectively. Conway and Lane objected to the state government and Lane took a conservative position expressing confidence in the good intentions of President Pierce. Charles Foster reviewed Lane's allegedly shifting position over a period of ten days, charging that Lane had declared that "on certain conditions he was in favor of making Kansas a slave State." Lane objected, insisting that all that he had said was "that he would rather see Kansas a slave state, in preference to seeing it an abolition State." The language quoted here is Wattles' language as he summarized what each was supposed to have said. Space does not permit discussion of the implications of this summary except to point out that it was substantially different from the version that later became traditional. Wattles did contribute to the making of a myth, however, in assign-

10. *Journal of the House of Representatives of the Territory of Kansas, 1855*, pp. 213, 218, 238, 244, 262, 280, Appendix 26; *Atchison Squatter Sovereign*, August 28, 1855; *Statutes of the Territory of Kansas; passed at the First Session of the Legislative Assembly, One Thousand Eight Hundred and Fifty-five*. (Shawnee Manual Labor School, 1855), ch. 25, pp. 172, 173.

ing to the Lawrence convention the credit of calling the Big Springs convention for the purpose of declaring a Free-State platform.

Wattles emphasized the division over the race question, at Big Springs, because "on the great question of resistance to Missouri aggression, there was but one sentiment. . . ." His view of the geographical basis of the division over race equality was too sweeping in its generalization, yet is important in emphasizing that the outcome was not dictated by one man, or even by a few individuals: The people from New England, New York, Pennsylvania and Ohio, were in favor of recommending a State Constitution which should not discriminate in the application of the great principles of justice and equity, to the different classes and races of the human family. Those from the more Western and Southern States were in favor of a stringent "black law." The Convention finally adopted a platform, very unsatisfactory to those who had enlarged views of human rights . . . ; but to a large majority it was considered a grand platform, on which all could unite. . . .

In view of the actual wording of the Big Springs platform, this is a remarkable statement of the case, but so far as Wattles was concerned, he revealed clearly his personal position as an ultra on the Negro question. In fact, both the Big Springs platform, of September 5, 6, and the Topeka state government resolutions, of September 19, 20, were substantially anti-Negro as well as antislavery. This conflict between his personal position and his evaluation of the Big Springs platform indicates that Wattles was somewhat less than candid in his history.

The Wattles treatment of the Topeka statehood movement is of particular importance to several aspects of the writing of Kansas history. The business committee of the Big Springs convention reported unfavorably, but was overruled by the convention, thus committing the Free-State party to the statehood proposition. Wattles was explicit in saying that the majority of the settlers "preferred trying another election, before experimenting with a State Constitution." In private this was the position of Reeder, also. Once the commitment was made at Big Springs and at Topeka, however, Wattles emphasized the subordination of private views to the general decision, although there was little expectation of success in terms of admission into the Union.¹¹ In this Wattles was remarkably candid. Would that the same could be said about some other aspects of this part of his history.

In telling the story of the Topeka convention of September 19,

11. Wattles, "Complete History of Kansas," chs. 13, 14, *Herald of Freedom*, August 29, September 5, 1855. Wattles told substantially the same story on this point in both chs. 13 and 14.



20, 1855, Wattles did not make clear the fact that the statehood movement was being launched as a People's movement, without respect to party. To be sure, it had been endorsed by the Free-State party at Big Springs, which was a party convention. That battle over nonpartisan sponsorship of the statehood movement had been fought to a finish at the Lawrence conventions of August 14, 15. To make it a Free-State party measure would have damned it at its birth, and would have forfeited all possibility of favorable action of congress upon admission under a Topeka constitution. But whatever the inner motive in launching the movement might have been, the publicly announced procedure required a spontaneous outpouring of the people as a whole. In that frame of reference, the Topeka movement could not be represented to the public even as having the object of making Kansas a free state. In theory, the Topeka movement might result in Kansas being a slave state. The verdict must rest with the people.

But a further defect in the Wattles history was his suppression of all mention of the origins of the Topeka statehood plan. The original promoter of the statehood idea was Dr. John H. Stringfellow, Proslavery editor of the *Atchison Squatter Sovereign*, and speaker of the house of representatives of the bogus legislature of 1855. He had started writing about it in the first issue of his paper dated February 3, 1855, and his statehood bill, which Wattles had recorded, was enacted into law. In the referendum election, October 6, 1856, statehood was endorsed, and the LeCompton constitution movement of 1857 was the direct product of that mandate. Also, an attempt had been made by Proslavery men, under the principles of popular sovereignty, to elect a governor March 30, 1855, to replace Reeder, under the assumption that the President would accept the mandate and appoint him. The movement led to a canvass of the pros and cons of such proceedings in all their bearings of success or of failure.¹² In these two movements, the fact stands out clearly, that the Proslavery men had done the original thinking in both political theory and in practice as applied to the novel aspects of the situation presented by the territory of Kansas. The Free-State men who took over the statehood idea in the series of conventions from July 11 to September 19, 1855, were following paths already rather extensively explored.

This conclusion is reinforced quite explicitly by specifying the concrete origin of the Topeka statehood plan in June, 1855. It did

12. See especially *Kansas Free State*, May 7, 1855, Miller editorial on the Kickapoo *Pioneer* warning.

not originate at Lawrence or with the Lawrence group. The plan was written out by John Butler Chapman, at that time of Leavenworth county,¹³ and submitted to Josiah Miller, one of the editors of the *Kansas Free State* at Lawrence, in June, 1855. Chapman had been a candidate for delegate to congress in November, 1854, as a National Democrat, had cultivated both Proslavery and Free-State connections, and each accused him of belonging to the other party. Miller gave Chapman's plan to Charles Robinson. Both men, as well as others consulted, disapproved the plan. Robinson presented it in part to a convention in Lawrence, probably the one of June 25, and it was referred to the Free-State executive committee of which Robinson was chairman. It appeared next at the convention of July 11. Between July 11 and August 14, the idea took hold, with the results already related. On August 14, Stringfellow introduced his bill into the legislature.

In the meantime, on July 14, G. W. Brown, editor of the *Herald of Freedom*, published an article alleging a Proslavery plan to annex the Platte Purchase of Missouri to Kansas. The argument was that this would secure for Kansas a population adequate for statehood, and that it would guarantee a Proslavery majority. Whether or not this report had any validity is probably beside the point for present purposes, as well as Brown's motive in publishing the story at this particular time and in perpetuating the controversy about it over the next few months. In any case, the wrangle stimulated rivalry between Free-State and Proslavery proponents of statehood for priority of action.

As intermediaries, between Proslavery and Free-State men of the more extreme persuasion, as well as originators of ideas in their own right, a particular tribute is due Josiah Miller and his partner in the *Kansas Free State*, Robert G. Elliott, both men of 26 years of youth. They were among the originators of the idea of the Free-State party, and were the particular promoters of the Sand Bank convention of July 17, 1855, which called the Big Springs convention, as well as the channel through which Chapman's concrete plan for the Topeka statehood movement was introduced to the Lawrence-Topeka group of Free-State men.

In conclusion of this brief discussion, certain points must be made in explicit form. There is reason to believe that Wattles knew the main facts of the origin of both the Big Springs Free-State party convention, and of the Topeka statehood convention, but that he chose to suppress those facts. Also, he was depending too much,

13. Josiah Miller in the *Kansas Free State*, August 20, 1855, and February 18, 1856.

for refreshment of memory of the events of 1855, upon the biased record contained in the *Herald of Freedom*. Miller warned through the *Kansas Free State*, September 24, 1855, that the statehood movement was "Stringfellow's favorite bill," although he was under the erroneous impression that it had not passed the legislature. Wattles made the explicit admission twice in his history that the Topeka statehood movement was considered, not as an end, but only as a means to the end of making Kansas eventually a free state. These chapters of his history were written and printed in August and September, 1857, but by December, 1857, and January, 1858, when he discontinued his history after his quarrel with G. W. Brown over the Topeka and Lecompton statehood movements, and became involved deeply in the southeastern Kansas war of 1857-1859, apparently he had become captive to the idea that the Topeka constitution was the "Blood-stained Banner" that could not be lowered without dishonor—that it was not merely a means, but that it was itself the primary end of the whole Free-State movement.¹⁴ Thus the Lecompton movement and the southeastern Kansas war of 1857-1859 were of major importance in their contribution to the fastening upon Kansas historical tradition of an interpretation of the Topeka statehood movement that was historically false.

The intense heat generated over the Lecompton constitution in congress is impossible to explain except in terms of this confusion of means and ends as an introduction. Why could not the Free-State party of 1858, after capturing the Lecompton constitution movement in the election of January 15, 1858, accept it as a substitute for the Topeka state government? The Big Springs platform of September, 1855, upon which the Topeka plan was launched, agreed to protect masters against loss for slaves already in the territory, to exclude free Negroes, and to prohibit slavery in the territory. The Lecompton constitution with the promised amendment abolishing slavery was very nearly the equivalent. The major difference was in the origins of the two constitutions, not in their substance as bearing upon the issues of the Negro.

The murder of Charles W. Dow, by F. M. Coleman, in November, 1855, was represented by Wattles as a link in the execution of a preconceived secret Missouri plot, not as the result of a claim quarrel, nor as an act of passion. Allegedly other Free-State men would have been treated likewise upon some convenient pretext. The leaders in the rescue of Branson were given, in the order of

14. A more comprehensive study, by the present author, of these problems of the Free-State party and the Topeka statehood movement will be presented elsewhere.

their appearance, as S. F. Tappan, S. N. Wood, and J. B. Abbott. The deliverance scene at Abbott's house dramatized Wood and Abbott. At Lawrence, the following day, Wood was featured: "S. N. Wood was chosen chairman. He then gave a full account of the transaction, and declared his complicity in the rescue of Branson. The meeting was unanimous in approving of his course, as it was the position assumed by the Free State party at the Big Springs." Wood was reported by Wattles as saying that if arrested on a warrant of the United States court he would go into court and test the right of Missouri to make the laws for Kansas, and was anxious to have the issue carried to the supreme court. Wattles did not explain that Wood left the territory, thus evading the dramatic opportunity then, and that later, on April 19, 1856, when he returned, Jones did attempt to arrest him.

Wattles did not explain the source of his story, but it was a letter written to him by S. N. Wood himself for the history, and dated August 29, 1857. Charles Robinson printed the letter in full in his book *The Kansas Conflict* (New York, 1892, Reprint 1898), pp. 184-186. In the letter, Wood made himself appear as the leader in the rescue by relating that upon Wood's inquiry how they should proceed, Abbott replied "you are the leader; just what you say." In his own version in later years, Abbott, and others, gave a different account of the responsibility for leadership.¹⁵

The above story was told in chapter 15 of the "complete history," but the next week, in chapter 16, Wattles retold a part of the story, and with different effect:

The day after his rescue he [Branson] appeared at a public meeting in Lawrence, and spoke calmly, yet feelingly, of his friend Mr. Dow . . . he [Branson] knew he was singled out for destruction, for he had received threatening letters advising him to leave the country . . . if the safety of Lawrence demands it, I will go home and die in my own defense. . . .

If a process had issued from a Court which the people could recognize as having a legal existence they would have advised Mr. Branson to have delivered himself up, or to have given bail for his good behavior; but they felt that they could not consistently with their oft repeated resolves sanction any movement coming from that body, any more than the fathers of the revolution could consent to pay a trivial tax on tea. It was the principle involved, not the extent of personal injury, which would accrue.

15. The original of the Wood letter to Wattles is in the possession of the Kansas State Historical Society; Cf. Charles Howard Dickson, "The True History of the Branson Rescue," *Collections, K.S.H.S.*, v. 13 (1913-1914), pp. 280-298, at p. 288, footnote 5. J. R. Kennedy and S. F. Tappan gave statements in 1880 and 1890, referred to in footnotes 10 and 11 of Dickson, pp. 292 and 293. Wattles did not credit Tappan by name, but S. F. Tappan's and S. C. Smith's accounts are the sources for the identification of Tappan as the man who discovered the Jones party at Blanton's bridge on their mission to arrest Branson, and reported that fact to Abbott, Wood, Smith, and others assembled at Abbott's house.

However, Mr. Branson and his rescuers left Lawrence, so that no prejudice might be created, or excuse made for harassing that town.

Wattles then proceeded to denounce Sheriff Jones for not securing a warrant for the arrest of Wood, and thus following proper legal procedure, but instead, Jones appealed to Governor Shannon for militia aid in executing processes already procured. Wattles thus confused the issue. A warrant for Wood, secured by Jones, as sheriff of Douglas county, would have issued from a justice of the peace court, and would have occupied the same legal status as the justice warrant he already had for Branson, who had been rescued by force from his custody. A warrant from the U. S. District Court would have been served by the U. S. marshal, not by the sheriff of Douglas county. An appeal from the justice court, either by Branson or by Wood, would have gone to the U. S. District Court, Justice Lecompte presiding, and if decided adversely, would have gone eventually to the U. S. Supreme Court. A united Free-State effort could have forced the issue to the embarrassment of the Pierce administration and of the federal judicial system. For reasons best known to himself and Free-State leaders, Wattles confused the issue at this point and later.

The events of the Wakarusa war were related by Wattles in some detail; and casually, among the military companies that rallied to the aid of Lawrence, a mention was made that "old Capt. John Brown and his four sons came with arms and ammunition." In chapter 18, dealing with the peace treaty of Saturday, December 8, the public announcement was recounted, along with Shannon's and Lane's speeches, then:

Old Capt. Brown made a short address, hoping the people would listen to no concessions to the bogus laws.

General Robinson assured the people that no concessions had been made.—With his assurance the people retired, but were dissatisfied that they could not know the terms of the treaty, which for prudential reasons were for a time withheld.

During the night a rumor spread that the Missourians had broken the truce and were going to attack Lawrence. Governor Shannon was induced to authorize Robinson and Lane to take measures to defend themselves. Wattles told the story without any hint about the ugly charge made, that the whole threat of attack was a hoax perpetrated upon the governor to secure the military authorization. But Wattles related in some detail, and in another setting, the unexplained issue of a test case at court: "On Sunday [December 9], by agreement of the parties, Samuel C. Smith, and Samuel F. Tap-

pan, Jr., were arrested by 'Sheriff Jones,' and taken to Lecompton." These particular men were not rescuers of Branson, but joined the rescue party afterwards, which Wattles said made them of secondary importance. The purpose was "to carry the whole of the ruffian proceedings in Kansas before the United States [Supreme] Court. . . ." The prisoners were examined Monday before a justice of the peace, but did not give bail. Instead they insisted on an immediate trial. This was during the regular term of Court. Judge Lecompte being indisposed, did not make his appearance, and the Court was adjourned over. Hugh Hutchinson, Jones and two others of the rescuers were arrested and examined and admitted to bail. . . . Smith and Tappan were retained until 22d of Dec., when they were released on parole of honor for three months. At the expiration of that time, all the prisoners appeared before Lecompte, and their cases were postponed until the next term of Court, since which nothing has been done about it.

As the laws were not valid, according to Free-State theory, Wattles concluded that "Judge Lecompte by suffering the cases to go by, and hundreds of others like them, performed the most commendable deed of his life. In fact the only one in Kansas which can be looked upon with approbation."

Wattles' commentary is confusing. If the arrests were made by consent of the parties in order to provide test cases, then prompt prosecution of the cases would further that end, while indefinite postponement served to defeat that Free-State purpose. Was not Wattles' personal view of policy confusing his writing of history? The verdict just recorded appeared in chapter 19 of Wattles' history, and was printed October 17, 1857, after the Free-State men had voted for the territorial legislature and captured it. With this success to their credit, the debate was in progress over the next step. The course Wattles took in writing about December, 1855, has the appearance at least of reflecting his ultra Free-State position of non-co-operation, in other words, refusing to vote or otherwise recognize the territorial government October-December, 1857. It was upon this issue as applied to the Lecompton officer election of January 4, 1858, that Wattles and G. W. Brown quarreled, in December, 1857, and in consequence of which Wattles abandoned the completion of the history.

The chapter on the "Sack of Lawrence" was the last one printed, but in this Wattles continued his formula that its destruction was determined upon in secret Missouri conclave. In order to save themselves from harm, however, the method decided upon by the plotters, according to Wattles, was for the United States officers to institute



legal proceedings. "In harmony with this arrangement the Grand Jury of the U. S. Court at Leecompton found bills of indictment against the *Free-State Hotel*, the *Herald of Freedom*, and the *Kansas Free State*, published at Lawrence."¹⁶

The next chapter of the "complete history" should have told the story of the Pottawatomie massacre. The manner of telling of that crime would have revealed more fully Wattles' personal views on the policy conflicts within the Free-State party. But the Wattles answer was not given in that manner. He was committed to the ultra position and to making southeastern Kansas history of 1858, along with James Montgomery and John Brown, and writing it in blood, rather than writing in ink, the history of 1856.

FICTION

One of the books of 1856 was a novel by an unidentified author, *Western Border Life; or What Fanny Hunter Saw and Heard in Kansas and Missouri*. In 1859 the *Herald of Freedom* printed another work that pretended to be fiction, "The Jay-Hawker; a Tale of Southern Kansas," by P. P. Fowler. If the first book is called historical fiction, without much history, the latter may be labeled fictionized history with very little fiction. The leading characters, Gerrit Smith, of New York, John Brown, Jim Lane, James Montgomery, William A. Phillips, Richard J. Hinton, and others, were thinly disguised. These men were charged with plotting the southeastern Kansas border war, and with designs to involve the whole country. This was written and published prior to the Harpers Ferry affair. Although overdrawn, the main lines of the story were remarkably suggestive as a forewarning of events to come.¹⁷ A book edition of "The Jay-Hawker" was promised but was not forthcoming. Also, the author promised another tale, "The Forest Flower," to cover the first part of Kansas history. This also failed to materialize. Among other things, financial difficulties overtook G. W. Brown, and his *Herald of Freedom* expired at the end of the year 1859, and with it, any possibility of these publications appearing as books.

THE CONSPIRACY FORMULA

These early attempts at the history of Kansas had much in common. Both Phillips and Wattles used the formula of a secret conspiracy, but differed in emphasis upon the origin. Phillips preferred

16. For a critical discussion of this false charge, see James C. Malin, "Judge Leecompte and the 'Sack of Lawrence,' May 21, 1856," *The Kansas Historical Quarterly*, v. 20 (August, November, 1953), pp. 465-494, 553-597.

17. The present author has prepared an annotated edition of "The Jay-Hawker" for publication, along with essays related to the theme.



charges against Missouri, while Wattles assigned to the slave-holding states the first responsibility. Neither gave much attention to Douglas, except to charge insincerity. The secret-plot formula is a well-known stereotype of resistance movements and whether or not they had convinced themselves of its truth, it was an effective propaganda device. That it was completely out of character did not seem to concern these writers. The history of the slave states, including Missouri, is a vivid revelation of the inability of those states, or of their people, to unite upon any plan of action and execute it according to a schedule. The unanimity, the precision of planning and execution attributed by the antislavery writers just could not have happened, secret or otherwise. The undisciplined individualism of the people concerned had become almost proverbial. An intimate knowledge of western Missouri people amply documents the conflict of opinion and action, as well as inaction. The composition and cultural outlook of western Missouri people were little different from the rank and file of those who settled in Kansas from the Ohio valley both north and south of the Ohio river—antislavery and anti-Negro so long as the two could be linked together. If these two features were separated, then differences appeared; some would become Proslavery as the next best alternative, and only with reluctance would any but the more ultra antislavery men accept the free Negro among them.¹⁸

The Free-State writers made another tactical blunder of major proportions in picturing Missourians and Proslavery men generally as stupid, whisky-soaked ruffians and illiterates. In the first place the quantity of whisky allegedly drunk could not have been available to so many, nor transported under the conditions described. The people in question included a fair share of men of ability as well as of education. Secondly, in this caricature, the Free-State writers did antislavery men a disservice, because there was no honor or evidence of superiority in victory over such debauched and degraded opponents as they were represented to be. Excesses in the use of liquor were altogether too prevalent among Free-State men as well as among Proslavery men. A larger number of men on both sides than has been generally admitted were men of talents whose careers were blighted by the fact that they were alcoholics. That was a type of slavery that was not peculiar to one party alone. Neither would it be safe to generalize that the proportion was larger in one party than in the other.

18. James C. Malin, *John Brown and the Legend of Fifty-six* (Philadelphia, American Philosophical Society, 1942), ch. 25; *The Nebraska Question, 1852-1854* (Lawrence, 1954), chs. 14-16.

Irresponsible name calling was a conspicuous characteristic of the people of the 1850's, as well as of the 1950's, especially where controversial questions were concerned. Slavery aroused emotions more violently than any other aspect of the Kansas question. Any difference of opinion was likely to be expressed by classifying and labeling the opponent with the offensive names, Abolitionist or Proslavery, regardless of the truth of the matter. Not all Northerners were Abolitionists, nor all Southerners Proslavery Fire-eaters. In fact, the great majority occupied some one of a variety of positions between those extremes. Many were not concerned one way or the other about slavery, and were interested only in being left alone to pursue their own interests.

Another very large group, possibly if not probably the largest, occupied different shades of opinion best described as free white state—antislavery and anti-Negro. To extremists of the proslavery end of the spectrum all who were not Proslavery Fire-eaters were Abolitionists. Likewise, to extremists at the antislavery-abolitionist end of the spectrum, all who did not share their ultra antislavery and pro-Negro sentiments were convicted of guilt by association and name calling as Proslavery. Quantitatively the Northerners were more guilty than the Southerners because they wrote more books. These books about Kansas, and these early attempts at writing Kansas history, fixed the characteristic intemperate contemporary labels so firmly in the literature that they have not, even after a century, been replaced generally by more accurate and discriminating usage. In fact, there are no words available that describe accurately the several shades of opinion. The names Antislavery, Proslavery, and Free-State, must always be used with the reservations and qualifications in mind that have just been described.

Another aspect of the Kansas question associated with the conspiracy formula was the charge that the action of congress in organizing the Indian country was sudden, taking the people of the states by surprise. In this allegation, Phillips and Wattles were again doing their cause a disservice. This action upon organization of the territories was not taken suddenly, and to represent it in that light was to reflect adversely upon knowledge of contemporary affairs on the part of the public, if not also upon public intelligence. Possibly this inference that Eastern antislavery men in particular were ill-informed about Western matters was more truthful than was comfortable to admit, but neither author intended to make such a confession. Of course, there was nothing sudden about the organi-

zation of Nebraska, a proposal that had been agitated under that name for ten years. Even the question of division was not new—the creation of two or more territories had been suggested, and the eventual creation of two or more states out of the area had been taken for granted. Furthermore, the application of the principle of popular sovereignty had been discussed extensively for at least two years.¹⁹

THE POPULAR SOVEREIGNTY CONTROVERSY

Both Phillips and Wattles were representing popular sovereignty as a fraud. The method of argument was to use as the standard of measurement an extreme theoretical definition of sovereignty as an absolute. Except for purposes of systematic argument about pure theory, conducted by political scientists or philosophers, no one would have subscribed for a moment to such a concept of absolute sovereignty. In the evolution of international law, publicists had recognized the practical limitations upon sovereignty, that must subsist within the family of nations. These realistic principles of jurisprudence were accepted as commonplace. Furthermore, according to any theory of compact within the federal union, the several states were subject to limitations upon their sovereignty as the price of union. The Northwest Territory was claimed originally by the states and ceded to the general government as common property. The conditions under which the area was held made politically impossible the relinquishment by congress of all control. Additional land had been acquired by purchase or other means. The relations of congress to these new areas followed in general terms the same pattern. Congress could not grant, withhold, or relinquish power it did not have. These facts imposed practical limitations upon any discussion of sovereignty and government either in the states or territories. In this perspective, the theoretical discussions of sovereignty as an absolute were tactical and diversionary. Only by confusing the issues could the squatter sovereignty of the Compromise measures of 1850 and of the Kansas-Nebraska act be made to appear as something sinister. Neither Phillips nor Wattles were advocating the actual adoption of the principle of absolute sovereignty as applied to the territories. Quite the contrary.

Douglas was not a systematic or theoretical thinker. During the early 1850's no one else came forward with an effective exposition of squatter sovereignty. Possibly no one dared to undertake it because the Democratic party was too badly divided upon the basic

19. Malin, *The Nebraska Question, 1852-1854*.