

Jefferson Davis and Kansas Territory

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A coalition of New England and Southern Democrats in the nominating convention of 1852 resulted in the nomination of Franklin Pierce as the Democratic presidential candidate. In the campaign that followed Jefferson Davis of Mississippi made numerous speeches in his home state, in Louisiana, and in Tennessee in the candidate's behalf. Pierce was elected and on December 7, probably on the recommendation of Caleb Cushing of Massachusetts, wrote Davis, "I wish to converse with you of the South and particularly of the formation of my cabinet. I am not permitted to know, that you would accept a place in it if desired."¹ The President-elect explained that he had not made up his mind on the cabinet posts but wanted to learn of Davis' ideas.

The Mississippian wrote Pierce that he was not interested in a cabinet position but after conference with party leaders and the President, Davis accepted the post of Secretary of War. He was qualified by his West Point training and military background and immediately began a series of reforms that shook the whole army organization.²

The western expansion of the population was pressing the issue of organization of the area known as Nebraska territory, which included present Kansas. The majority felt that the Compromise of 1850 would be used as the basis for the territorial organization while others felt that the Missouri Compromise of 1820 was applicable to the area. During the short session of congress of 1852-1853, Congressman Willard P. Hall of Missouri introduced a bill to organize the Nebraska territory but it failed to pass. In the upper legislative house, Senators Stephen A. Douglas, Archibald Dixon, D. R. Atchison, A. C. Dodge, and others were vitally interested in opening the area for settlement. Although Dodge, Dixon, and Douglas had prepared bills for the 1853-1854 congress for the territory's opening, none had approached the President on the proposed organization.

Douglas, knowing Davis personally and having knowledge of the

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1. Dunbar Rowland, *Jefferson Davis, Constitutionalist: His Letters, Papers and Speeches* (Jackson, Miss., 1923), v. 2, pp. 177, 178.

2. "Report of the Secretary of War," *House Ex. Doc.*, 33 Cong., 1 Sess.; "Report of the Secretary of War," *Sen. Ex. Doc.*, 33 Cong., 2 Sess.; "Report of the Secretary of War," *Sen. Ex. Doc.*, 34 Cong., 1 Sess.; W. A. Gannoe, *History of the United States Army* (New York, 1924).

secretary's influence with the President, approached the Mississippian and requested that a conference with Pierce be arranged. The meeting would give Douglas an opportunity to present his new territorial proposal to the President. Davis arranged for the conference on Sunday, January 22, 1854. Others at the meeting included Atchison, R. M. T. Hunter, James Mason, William O. Goode, John C. Breckenridge, Philip Phillips, and Davis. The war secretary stated that when the bill had been explained in intent and text, the President indicated he would support the proposal.

Washington correspondents noted that a conference of political leaders was held that day in the White House but of its purpose was not indicated. With a retrospective view, Historian William E. Dodd called the arrangement of the meeting of Douglas and Pierce as Davis' greatest cabinet act.³

The passage of the Kansas-Nebraska bill⁴ and the opening of the Kansas territory brought an influx of people to the area. Though most of the people who came were interested in seeking homes for themselves and their families, others came as a result of organized campaigns of antislavery and proslavery factions. A third group that made their way to Kansas may be called, in modern language, "rabble-rousers," or soldiers of fortune. In the succeeding months the differences of opinion became more pronounced, old antagonisms were renewed, and new ones arose, many based on personalities, using the slavery issue as the "whipping post."

As the agitation, aided by the antislavery press, rose in Kansas territory, sporadic outbreaks of violence occurred. Further disturbance, resulting in the destruction of property and loss of life, led to executive recognition of the disturbed conditions of the territory. The President issued orders to use military force, if necessary, to protect life and property.

In order to carry out the instructions of the President, Davis wrote Colonels Edwin V. Sumner and Philip St. George Cooke at Fort Leavenworth on February 15, 1856, as follows:

Sir: The President has by proclamation, warned all persons combined for insurrection or invasive aggression against the organized government of the Territory of Kansas, or associated to resist the due execution of laws therein, to abstain from such revolutionary and lawless proceedings, and has com-

3. Dr. Dodd in his *Jefferson Davis* (Philadelphia, 1907), and lectures entitled *Statesmen of the Old South* (New York, 1911), reveals an excellent portrait of Davis and his problems; Robert McElroy's *Jefferson Davis, the Real and Unreal* (New York, 1937), contains a good bibliography.

4. For an early study of the background of the Kansas-Nebraska Act, see F. H. Hodder's presidential address to the Mississippi Valley Historical Association, 1925, in *The Mississippi Valley Historical Review*, Cedar Rapids, Iowa, v. 12 (June, 1925), pp. 3-22. More recent studies are many publications by James C. Malin, including *The Nebraska Question* (Lawrence, 1954).

manded them to disperse and retire peaceably to their respective abodes, on the pain of being resisted by his whole constitutional power. If, therefore, the Governor of the Territory, finding the ordinary course of judicial proceedings and the powers vested in the United States Marshalls inadequate for the suppression of the insurrectionary combinations or armed resistance to the execution of them, should make requisition upon you to furnish a military force to aid him in the performance of that official duty, you are hereby directed to employ for that purpose such part of your command as may in your judgment consistently be detached from their ordinary duty. In executing this delicate function of the military power of the United States, you will exercise much caution to avoid, if possible, a collision with even insurgent citizens; and will endeavor to suppress resistance to the laws and the constituted authorities by that moral force, which happily in our country, is ordinarily sufficient to secure respect to the laws of the land and the regularly constituted authorities of the government. You will use a sound discretion as to the moment at which the further employment of the military force may be discontinued, and avail yourself of the first opportunity to return with your command to the more grateful and prouder service of the soldier—that of common defense.⁵

Conditions in the territory did not improve and toward the end of June, Davis wrote P. E. Smith, the commander of the Department of the West, reminding him of "the peculiar conditions of affairs in Kansas" and to carefully abstain from encroaching in any degree upon the proper sphere of the civil authorities, and to observe the greatest caution to avoid conflict between the civil and military power.⁶ For fear he did not have sufficient force, Smith wrote the war secretary of troop weakness. Davis answered that the President had authorized the use of the territorial militia but if necessary, the militia of Illinois and Kentucky might be called.

The position of the insurgents, . . . is that of open rebellion against the laws and constitutional authorities, . . . patriotism and humanity alike require that rebellion should be promptly crushed, and the perpetration of the crimes which now disturb the peace and security of the good people of the Territory of Kansas, should be effectively checked.⁷

Smith was ordered to energetically employ all the means within his reach to "restore the supremacy of law, always endeavoring to carry out your present purpose to prevent the unnecessary effusion of blood."

Davis justified the use of troops and pointed out that Territorial Gov. R. J. Walker had called for the troops to be placed near Lawrence, "the hot-bed of all abolition movements of the Territory,"⁸ to aid him in the due execution of laws and for the preservation of peace.

5. Rowland, *op. cit.*, v. 2, pp. 603, 604.

6. *Ibid.*, v. 3, pp. 48, 49.

7. *Ibid.*, v. 3, pp. 58, 59.

8. *Ibid.*, v. 3, pp. 154-161.

When Pierce and Davis were severely attacked for the use of the military forces Davis declared that he was against the quartering of troops in Kansas. He maintained that if the people were fit to form and maintain a state and take their place as equals in the union, they would not require troops in their midst. "We look to the time when the peace in Kansas will relieve the government of the necessity of keeping them there."⁹

After Davis had resigned the secretaryship and had returned to the senate, he wrote a Mississippi constituent that the Buchanan administration had been favorable to the Lecompton constitution and if the proposal had received congressional approval and had been accepted by the Kansas people the country would have been relieved of an issue that was threatening "our honor, our safety, our respect for our ancestors and our regard for our posterity."¹⁰

His position on the relationship of the territories to the federal government was best described in a speech in 1858. He declared the territories did not occupy the same position as states, that he never subscribed to the doctrine of squatter sovereignty, and that the federal government had power over territories. He maintained the territories were dependencies of the Union, that they were in a condition of pupillage, to be governed by the states, and that if men, either foreign or native, should congregate themselves upon a territory, and raise the standard of rebellion against the federal government and in defiance of law, "it is not only within the power, but it is the plain, palpable duty of the Government to put down such an insurrection, and to compel obedience."¹¹

As a seer he pointed to the collision in Kansas as a miniature of the division throughout the United States, declaring that the struggle was "melancholy evidence of the decadence of the political morals of our times that has been necessary to employ the troops of the United States to secure the execution of its laws. It gives melancholy forebodings as to the capacity of our people for self-government."

9. *Ibid.*, v. 3, pp. 204, 205.

10. *Ibid.*, v. 3, p. 230.

11. *Ibid.*, v. 3, p. 182.