Aspects of the Nebraska Question, 1852-1854

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In a previous article on the motives of Stephen A. Douglas, emphasis was placed upon the fact that the issue of slavery was raised already, prior to the provision relating to the repeal of the Missouri Compromise incorporated into the Douglas bill of January, 1854. The problem is too complex to be handled within the scope of a magazine article, but an important aspect of it is presented here as related to the Nebraska delegate convention held at St. Joseph, Mo., January 9 and 10, 1854.

The interest of northwestern Missouri in the organization of the Indian country to the westward, which Douglas called Nebraska, was of long standing. It came to the point of crisis between 1852 and 1854.

The bill for the organization of Nebraska introduced into the short session of congress of 1852-1853, by Willard P. Hall, of St. Joseph, proposed to organize the territory without mention of the question of slavery. That bill passed the house of representatives but failed in the senate, apparently by a small majority.

But there is more to the question than met the eye. The Compromise of 1850 had been accepted by the majority of the congress and of the federal union as the final settlement of the slavery question, which would remove that "vexed question" from the floor of congress forever. The formula applied to the Mexican session, and to Texas, was the one that came to be called popular sovereignty, which meant, that local institutions were to be decided by the population occupying the territory, and congress would accept that decision without argument. Both political parties, in their platforms of 1852, had made acceptance of the Compromise Measures of 1850...
a test of party loyalty, and candidates had generally been nominated and elected upon that pledge, or "loyalty oath." Northwestern Missouri, where Hall's bill originated, was so pledged, and proceeded to act upon that new proposition following the campaign. Hall's bill itself becomes intelligible only in that background.

The principles, as just explained, were not restricted to northwestern Missouri. The New York Express published an editorial on the subject, reprinted in the St. Joseph (Mo.) Gazette, March 9, 1853: "The day has gone by when Congress will look into the proposed institutions of any new State, further than to see if they are incompatible with the Federal Constitution."

This doctrine became the rallying cry for Nebraska during the summer of 1853—to ignore the Missouri Compromise and act upon the new dispensation of the Compromise Measures of 1850. Sen. David R. Atchison, of Missouri, challenged the procedure, not the objective, and insisted that the Missouri Compromise must be repealed outright as a condition of organizing Nebraska.

Northwestern Missouri, Whigs and Democrats, except the strictly Atchison following, rallied largely to the support of the Hall formula. Hall addressed a St. Joseph mass meeting, August 27, 1853, in which he reviewed the Nebraska question in a broad perspective. Resolutions were adopted. The discussion following this event crystallized into a plan for a delegate convention to meet at St. Joseph, on the Battle of New Orleans Day, January 8, 1854. As that date fell on Sunday, the day following was celebrated, with Nebraska participating. Delegates had been selected at mass meetings held in southwestern Iowa counties, and in Nebraska territory, as well as in the northwestern Missouri counties. Among the resolutions adopted by that convention, which apply specifically to this issue, are the following:

6. Resolved, That it is the duty of Congress as early as possible at its present session, to organize Nebraska into a territory, and thus give to her residents, travelers, traders and citizens, the protection of law, and the rights and privileges of a free peoples.

7. Resolved, That, we are utterly opposed to any re-agitation of that 'vexed question,' now happily at rest—and we 'will resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempts may be made. [']

8. Resolved, That, we consider the agitation of the slavery question, in connection with the organization of Nebraska territory, dangerous to the peace of the country, fatal to the best interests of Nebraska itself, and even threatening the harmony, if not the perpetuity of the whole Union.

9. Resolved, That in organizing Nebraska Territory, all who are now or
who may hereafter settle there should be protected in all their rights, leaving questions of local policy to be settled by the citizens of the Territory, when they form a State Government.

12. Resolved, That all the settlers in Nebraska are entitled, of right, and should receive from the general government, equal protection, and equal preemption, graduation, or homestead gratuities as any have received, who have settled or shall hereafter settle, on any other portions belonging to the United States.1

The Nebraska Convention instructed a committee to arrange for the immediate publication of the proceedings, the resolutions, the letters of distinguished men addressed to the convention, an address to the public, and a memorial to congress. This was to have been done in pamphlet form to be broadcast to the whole Union. For a number of reasons, particularly financial, the plan was not carried out. Except the address to the public, all of the material was printed in the St. Joseph Gazette during the early months of 1854, but not soon enough to produce any effective impact upon the public mind. How much influence the proceedings wielded behind the scenes cannot be discussed here.

The first version of the Douglas Nebraska bill, reported January 4, 1854, was virtually the doctrine of the northwestern Missouri agitation, regardless of the influences which may have decided Douglas upon the particular language and theory involved. It was also the view of the New York Express already quoted in part. The revision made by Douglas under pressure of Dixon and Atchison, and represented in his revised bill of January 23, was a more explicit announcement that the Compromise Measures of 1850 had superseded the Missouri Compromise. The changes introduced on February 6, 7, 15, repealed the Missouri Compromise explicitly as of 1854 by using the words “inconsistent with” thus cutting through all the previous quibbling about language and procedure, but making no change in the basic assumptions that reach back to the Hall bill of 1852-1853. That many people had not so understood the purpose of the Hall bill, is quite another question.

The episode of the Jeremiah Clemens letter may help to explain other aspects of opinion. Formerly a senator from Alabama, Clemens was not then active politically, but answered on February 4, 1854, a letter from John Van Buren, of New York:

\[\ldots\] I agree with you in most of its suggestions. The less that is said upon the subject of slavery the better it will be for all parties, and such I am sure is the general sentiment of the South. We want nothing but to be left alone. \[\ldots\]

1. St. Joseph (Mo.) Gazette, January 18, 1854.
All that I consider necessary in the Nebraska bill, was that it should be an exact copy of the New Mexico bill, except, of course, the name and description of boundaries.

Clemens then condemned the Douglas bill which announced that the Missouri Compromise was superseded:

. . . I think I can foresee the consequences. . . . A floodgate will be opened, and a torrent turned loose upon the country which will sweep away in its devastating course every vestige of the Compromise of 1850. I do not speak of its immediate effects—I look beyond. For the present it may be looked upon at the South as a boon, and by a portion of the North as a triumph over fanaticism. The word peace will be upon the lips of its advocates everywhere. . . . —but I greatly fear that they will soon find they have raised a spirit which will wing its way through storm and tempest to the funeral pyre of the Republic.  

Lucian J. Eastin, editor of the St. Joseph Gazette, endorsed the Clemens argument. He understood clearly what was being said because it was the standard argument of his area. Eastin had criticized the revised Douglas bill adversely also, but finally accepted it on the basis of the doctrine of the original proposition. In earlier discussions, the point was made repeatedly in northwestern Missouri that the decision of 1820 had been made on the basis of facts as of that year. Although disagreeing with that decision in principle, the Missouri Compromise was accepted in good faith, and no move should be made to repeal it. Nevertheless, if called upon to decide the question of slavery in Nebraska as an original proposition, as of the 1850’s, Eastin would vote against the Missouri Compromise. It was on that basis that he had joined the fight against Atchison during 1853, at the same time that he insisted upon the right of the settlers in Nebraska to vote it a slave state and be admitted into the Union as a slave state, regardless of the Missouri Compromise restriction.

The doctrine of the original proposition justified by a new situation was the means of removing the dead hand of the past from decisions of the present, merely by ignoring that past. Now that repeal was actually being agitated, introduced into the scene by others, he regarded the matter of repeal itself as an original proposition to be settled on the basis of a new situation, facts existing in 1854, not facts existing in 1820.

It seems all but impossible for people captive to a century of antislavery-abolition propaganda to distinguish the separate issues as seen by these people of 1853 and 1854. The Missouri Compro-

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2. Reprinted in the St. Joseph Gazette, March 1, 1854, and reprinted also widely in the Eastern newspapers.
mise of 1820 was itself one entity, decided as an original proposition, to meet a specific situation. It had served its purpose. The incident was closed. The generation of 1853 and 1854 had its own problems, and claimed the right to solve them in its own way, upon the basis of existing facts, and untrammeled by the decisions of a past generation in which it had not participated. The claim of the right of settlers to decide their own institutions under the doctrine of the Compromise Measures of 1850 was much more than a controversy over slavery, or over state rights versus centralization; it involved the basic issue of human culture—freedom of men to be let alone and to manage their own affairs, even freedom from the past, from decisions of the past in which they had not participated. The theoretical aspects appear clear and unanswerable. The conflict came in their application. Extreme abolitionists might have argued that humanity is the basic unit of application, and thus have justified interference with slavery in distant states and territories. However that might be, the Nebraska argument was grounded in geographical localism as the unit of decisions in applying the concept of the “consent of the governed,” inherited from the Declaration of Independence.

An unidentified writer, “H,” contributed an article to the St. Joseph Gazette, of February 22, 1854, in which he discussed the probabilities involved in the repeal of the Missouri Compromise:

Once it took half an age to settle and bring in a State. Now, a few months or a year or two at most, is the required time. Once, the man of business could give himself a year or two to close his business, select his ‘choice site’ and his new home. But how is it now? The few months delay, the necessary year or two, to wind up business, not only insures the loss of choice locations, but it gives him no voice in the constitutional fabric which is to regulate the future Institutions of the State. It is not necessary to show that Northern men, with small farms, or men engaged in business, which can be closed up in a few days have a decided advantage over a slave holding population. . . . Northern men like the ancient Hordes which overrun Europe, are emphatically the emigrating men of this age.

This writer argued further that the issue was not one of slave-holding men entering Nebraska north of the compromise line of 36° 30': “North of the compromise line there is but a strip of country that a slave holding population would have. It must and will be settled by northern men.” What “H” was worrying about was that the repeal of the Missouri Compromise would be the signal for a rush of Northern men into Texas and the Southwest: . . . is it good policy for southern men to . . . unbar the last door and invite the eager land hunter of the north to plant his light foot there first?
South of 36 and 30 minutes is the territory through which some of our great national highways are to pass to the Pacific. Who are to construct these great thoroughfares? Who are to develop the vast mineral wealth of this region? Foreigners and northern men mainly. And will they not pour in one constant stream along these Rail-ways to find homes and fortunes. If so, it will not be difficult to tell whether the country will be a Pro or Anti-slavery one. What then is to be gained? Some think Kansas. But can we hope to gain Kansas? Where are the facts? If we take those Emigrants who are now lingering (and their name is legion) all along the Missouri River, ready, at a moment to step across, as a basis for calculation, we shall find that more than two out of three will vote for a free State. If we get the real sentiments of these Emigrants who will soon crowd our Rivers to find homes in Kansas, the same result will be seen. Or if we wait till the Pacific Railroad is located and the ten thousand voices speak from the extended line, no question but they will declare her a free State. What then I ask is to be gained? Absolutely nothing. While we lose much. When Missouri came in our wise men made the compromise, not to keep slaveholders from having equal rights with others, but to point out a necessary terminus of Congressional Interference, on a vexed question.

One of the Whig candidates for congress from northwestern Missouri, John E. Pitt, was even more blunt. As late as May 17, 1854, he opposed, in a public address at St. Joseph, the organization of the Indian country. The newspaper paraphrase credited him with saying: “... So soon as that country is opened for settlement, it will be settled mostly by Yankees who will outstrip us in enterprise, and build railroads while we are talking about them.” Referring to the Hannibal and St. Joseph railroad, he declared “if Nebraska is now organized we would lose that road, it would go north of us to Council Bluffs.”

Admittedly these are only selected illustrations, but they are of fundamental importance and must serve only as a preview of a re-examination of the problem studied as a whole situation. If there was any reality in the aspirations of northwestern Missouri to make Nebraska a slave state under the Hall bill of 1852-1853, or a similar bill in 1853-1854 under the formula that it was being organized without mention of slavery; then certainly, the Douglas bill, in any of its several successive forms put the free states on notice about what was being undertaken. No clearer case can be found to illustrate how a genuine historical document, when interpreted literally and removed from its context, has been made to say just the opposite of its true intent and purpose. Instead of damned Douglas on the charge of betraying freedom, the free states should have honored him as a hero for putting them on notice about what

was to be attempted under subterfuge, after which congress was expected to admit Nebraska, the whole of it (prior to the division into Kansas and Nebraska) as a slave state. Of course, there is question whether there was any real possibility of either Nebraska prior to the division, or Kansas, being made a slave state in any case—railroads and “light-footed” men must be reckoned with—mechanical-power versus muscle-power had already tipped the scales in favor of freedom from chattel slavery. But there were other forms of freedom, the shapes of which were not so clear, that were yet to be won.