

## Stephen A. Douglas and the Limits of Rhetorical Containment

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Stephen A. Douglas was one of the most prominent and powerful public men in the United States in the 1850s. He had spent over two decades in elected office and had long strode the national stage. His rise was meteoric. In 1834, barely 21 years old, Douglas had been elected an Illinois District Attorney; two years later, he was in the Illinois House of Representatives. By 1841, when he was about 27, he had been appointed to serve both as Illinois Secretary of State and on the Illinois State Supreme Court—which earned him forever after the sobriquet “Judge Douglas.” He was elected to the U.S. House of Representatives in 1843, where he served until he was elected to the U.S. Senate in 1847. Douglas chaired the House Committee on Territories when he was a Representative, and then he was chair of the Senate Committee on Territories for nearly twelve years, all during a time when the boundaries of the United States were rapidly expanding. He retained his Senate seat against Abraham Lincoln in 1858 and ran for president in 1860.

As Damon Wells points out, Douglas “was involved in almost every major piece of legislation and every important policy decision from the annexation of Texas [in 1845] onward.”<sup>1</sup> Douglas was “the moving force behind the organization of the territories of Oregon, Minnesota, Washington, Utah, New Mexico, Kansas, and Nebraska. He had supervised the admission of Texas, Iowa, Wisconsin, California, Minnesota, and Oregon into the Union as states. Largely through his efforts,” Wells notes, “the national domain had more than doubled.”<sup>2</sup> Douglas also developed the legislative strategy that enabled the passage of the series of measures that became known as the Compromise of 1850; he was a tireless supporter of the construction of a transcontinental railroad; and he was on the short list for the Democratic presidential nomination from 1848 on. He was known throughout his adult life as the

"Little Giant," and the contrast between the heights of his political achievements and his diminutive physical size is a common set-piece in histories of the time period.

Douglas's impressive political career was not without its missteps and downturns, particularly during the decade that preceded the Civil War. In 1854, for example, he had taken a leading role in guiding to passage the complex and rancorous Kansas-Nebraska Act, which he and his supporters had hoped would settle the slavery question with regards to the territories, but the legislation actually contributed to escalating sectional tensions. While Douglas's Democratic Party ostensibly emerged on the winning side of these debates, it soon became clear that Kansas-Nebraska had contributed to the erosion of Democratic power. And then, in the ensuing Lecompton controversy, Douglas alienated much of his party's established leadership when he opposed the sitting Democratic president, James Buchanan. By the eve of the Civil War, when Douglas was finally named Democratic nominee for the presidency, a prize he had sought for most of his public life, he would represent only the Northern wing of a badly splintered party.

Because of the enormity of Douglas's national stature and the significance of his legislative and political roles, the study of his public address provides an illustrative perspective into the tumultuous decade of the 1850s. Douglas either instigated or responded to most of the escalating crises that culminated in Southern secession and the outbreak of hostilities, and as a result, he addressed a wide range of audiences and issues. He possessed a national reputation as a spellbinding orator — though generally renowned for spirited political attack and often ingenious political maneuver, rather than for soaring eloquence — and as a result his speeches both on the Senate floor and on the campaign stump drew the attention of broad audiences of admirers, critics, and the curious.

This essay largely focuses on one specific tactic that emerges in Douglas's public address during this time period: his attempt to establish a rhetorical barrier intended to keep emotional discourse about slavery out of the public sphere. Most of the existing literature about Douglas addresses the notion of *popular sovereignty*, the precise meaning of which drifted somewhat as Douglas addressed different audiences and crises. Generally, it referred to a populist principle that the people residing in particular locales, and not the federal government, should decide, through the vote, the status of controversial issues, such as slavery. Among the effects of *popular sovereignty*, if it were to function in the way that Douglas seemed to imagine, would be to limit discourse about slavery to the local level. The role of the federal government, in that case, would be merely to enable and enforce whatever decisions were made by the territories and states, and thus to remain insulated from the rancor that the topic of slavery generally fomented.

Douglas left few clues in the historical record regarding his personal views about slavery. Allan Nevins notes that Douglas's "biographers have found in all his speeches and letters only one or two statements intimating a dislike of slavery."<sup>3</sup> David Potter observes that "there is evidence that Douglas was, in his private and personal thinking, an antislavery man" and that he thought slavery to be "a rather shabby, unattractive institution, unworthy of a society as progressive as that of the United States"<sup>4</sup> According to Wells, Douglas "confided his abhorrence of the institution" to his "close friends and family," but publicly he preferred to "ignore" the issue.<sup>5</sup> James L. Huston suggests that "Douglas believed slavery was an impotent and transitory institution," but acknowledges that to reach that conclusion one would have to "deduce that from his statements."<sup>6</sup> When Douglas married his first wife, Martha Martin, he refused a wedding gift from his new father-in-law that consisted of about 100 enslaved people on a cotton plantation in Mississippi. When Colonel Robert Martin died a year later and his wife inherited the plantation, Douglas administered the operation on her behalf and benefitted from its profits; but even then, he very rarely visited the plantation, and he never spoke about it at length in public.<sup>7</sup>

Mostly what Douglas did say, when he talked about slavery, was that everyone else should avoid the topic just as assiduously as he did. In other words, Douglas did not merely avoid talking about slavery in public, he also explicitly advocated against the use of any such discourse. While we may not have much reliable information about Douglas's personal feelings about slavery, we do have clear and repeated assertions regarding Douglas's thoughts about slavery as a topic for a national public. Potter thinks that the "key" to Douglas's political thought lay not only "in his belief in the inferiority of Negroes and Indians," but also in his conviction that "he did not think the choice between slavery and some other form of subordination for an inferior people was important enough to make an issue of it at the risk of disrupting the Union."<sup>8</sup> As Johannsen notes, Douglas believed that the slavery question:

had no practical value within the framework of American politics; indeed, it was a question fraught with danger to the very existence of the Union. 'I do not know of any tribunal on earth: he once told an audience (in 1859), 'that can decide the question of the morality of slavery or any other institution. I deal with slavery as a political question involving questions of public policy: Slavery, to Douglas, was an institution of local significance only and therefore one that must be decided on the local level.'<sup>9</sup>

Robert W. Johannsen suggests that Douglas's motivation for avoiding public talk of slavery was neither an effect of personal revulsion, if that is indeed what he felt, nor a mere personal reluctance to address the topic, but rather was that Douglas was wary of the topic's "explosive impact on American politics."<sup>10</sup> Public talk about slavery risked inciting "agitation" and therefore was "unwise, improvident, and a dangerous distraction from the nation's more pressing problems."<sup>11</sup> For Douglas, "the most important thing about [slavery] was to avoid a violent national quarrel about it, and that could be done best by treating it as a local question."<sup>12</sup> Douglas feared that "passion and emotion ran amok on the slavery issue" on all sides, including both "the passion of slaveholders to rule without interference, and the emotion of abolitionists who refused to obey civility and statute law."<sup>13</sup>

In particular, Douglas seemed to be convinced that insulating public dialogue from morally inflected discourse about slavery was the best way to save the Union, as though he might build a rhetorical moat around the national public sphere and thus isolate it on an island of detached rationality, protected from the disruptive forces that threatened its repose at every turn. Popular sovereignty provided a consistent if flexible rhetorical form for these efforts, its ambiguities permitting Douglas to flesh it out in different ways in response to different threats. Through the lens of history, we understand that there was an irony in Douglas's position: the strength of a democratic public culture is manifest not in its capacity to avoid engaging moral issues but instead in its capacity to engage with them. Huston observes that Douglas was not a philosopher, but a politician seeking to find "a practical solution to a pressing question," and that as such he "failed to recognize that a public investigation of some questions involving moral standards" was not only "an inevitable element of a democratic polity" but also essential for a healthy democracy.<sup>14</sup> Douglas was attempting to preserve the Union by isolating it from the very discourse that was essential for its continuation, and as this irony became more obvious, it steadily eroded the shores of Douglas's rhetorically isolated island until, in the end, there remained little ground upon which to stand.

Throughout the 1850s, Douglas turned to several strategies in his attempts to erect a rhetorical barrier against the spread of this emotional talk into the national public sphere, and this essay focuses on the articulation of these strategies in Douglas's public address. By treating significant examples of Douglas's discourse as what Michael Leff and Andrew Sachs termed "a field of action," as a "locally stable"

construct that melds form and content to invite its audiences to embrace its meaning, we can discern both the particular contours of the almost pastoral ideal of the national public sphere that Douglas invited his listeners to share and the particular rhetorical strategies that he deployed to defend it against what he understood as its threats.<sup>15</sup> This analytical strategy highlights the way that Douglas's discourse addresses exigencies and audiences, including the contradictions and inconsistencies that result from discourse crafted in response to rapidly shifting and increasingly ameliorable tensions. The specific centrifugal frictions that were tugging the Union apart during the 1850s will not precisely repeat, but some of the issues, attitudes, and oppositions 'to which Douglas was responding persist and are perhaps endemic to U.S. political culture. Both the potentials and limitations of Douglas's rhetorical project, therefore, are instructive.

Before turning to analyses of Douglas's discourse, this essay places Douglas and his substantial political power into historical context. The Democratic Party of the 1850s was a reflection of the country as a whole, as it was being pulled apart by internal frictions, and Douglas both contributed to those frictions and responded to them.<sup>16</sup> James L. Huston, echoing what may be a general consensus among historians, describes Douglas as "not an overly complex figure," being far more attracted to action and practicality rather than to the nuances of philosophy,<sup>17</sup> and his public address reflects his efforts to respond to and to shape the political culture of his time. The analytical portion of this essay is organized around Douglas's response to three significant crises. The first is the Kansas-Nebraska Act of 1854, perhaps the decade's most divisive piece of legislation, and one that was crafted and passed largely as a result of Douglas's political engineering. It is in Douglas's responses to his critics that he develops popular sovereignty as a mechanism through which rancorous public debate about slavery might be barred from the national forum. The second crisis is twofold, entailing the debate over the Lecompton Constitution and the *Dred Scott* decision, both of which tested the viability of popular sovereignty. Many of Douglas's critics felt that these crises spelled the end of popular sovereignty, and perhaps of Douglas's career as the leading Democrat. He found a way to revitalize the concept, however, but with an abbreviated scope and attenuated power. The third crisis is Douglas's response to the imminent threat of disunion, as it is manifest in his remarkable and almost unprecedented Southern speaking campaign of 1860. There was little opportunity for personal political gain from the effort, and it quickly became clear that Douglas was stumping for the preservation of the Union rather than for his own election to the presidency. In each of these examples, the analysis will focus on Douglas's attempts to construct what may be described as a rhetorical barrier to insulate the public sphere against emotionally laden moral discourse about slavery.

### **Douglas and the Democracy**

Douglas left his home in Brandon, Vermont, in 1833 at the age of 20, with \$300 in his pockets. On his way west, he spent time in Cleveland, Cincinnati, Louisville, and St. Louis before eventually finding his way to Jacksonville, Illinois. Perhaps Douglas felt a special affinity for the small city named after his favorite president, Andrew Jackson, and his ambitious nature seemed to thrive in the rough-and-ready climate of the frontier state. A few months after his arrival he had established himself as a lawyer, and though he may have been somewhat neglectful of his legal practice, he socialized enthusiastically, read widely, and further developed what would become a lifelong fierce loyalty to the Democratic Party.<sup>18</sup> He wrote to the folks back home that he had "become a *Western* man." In 1834, Douglas gave the first political speech

of his career, an hour-long rebuttal of some local leading lawyers who had criticized the town's namesake for his attack on the Second United States Bank.<sup>19</sup> Years later, when Douglas delivered his first significant Congressional speech, as a freshman Representative in 1844, it was in support of Jackson's "imposition of martial law during the Battle of New Orleans."<sup>20</sup> For Douglas's generation of Democrats, the influence of Andrew Jackson loomed large; indeed, it may be that Douglas actually became "more devoted to Jacksonian democracy as his own career developed."<sup>21</sup> "Like most Jacksonians," Johannsen explains, "Douglas believed that the people spoke through the majority, that the majority will was the expression of the popular will" — so that the germ of the principle that Douglas would later refer to as "popular sovereignty" was deeply ingrained in his political thinking.<sup>22</sup> Jacksonian populism entailed an embrace of the common person that was bound up with a distrust of excessive federal intervention. The two are naturally linked because if the republic depends for its health on the wisdom of the masses, then a federal perspective degrades or corrupts that wisdom and therefore endangers the nation. Later, among the "fearsome" things "that Democrats perceived in the rise of the Republicans" in the late 1850s was their apparent "commitment to political interference in matters of social behavior."<sup>23</sup> It might seem that a distrust of federal intervention would also encourage a dismissal of a strong Union, but for Douglas there was no contradiction. He venerated the independence of individuals and supported the rights of the states to establish laws, and he also believed that these commitments to the wisdom of the masses and the relative autonomy of the states was the best way to maintain the Union. In other words, Douglas and the Democrats did not treat these commitments as being in tension, but rather as complementary. They argued, not without reason, that "since Democrats were the single, truly national party, only action by the Democrats could ultimately resolve the [growing sectional] crisis."<sup>24</sup> "Considering themselves nationalists," Baker notes, "Democrats invariably portrayed their opponents as particularists, representing not the whole American people, but some special, usually privileged, part of them."<sup>25</sup> As Silbey puts it, Douglas and the Democrats in the 1850s and steadily to the brink of war, "repeatedly asserted their unionism against the twin threats from abolitionists and secessionists."<sup>26</sup>

The Union that the Democrats believed themselves to be so peculiarly well suited to protect, however, was a relatively static one. If it were true, as they often asserted, that "the founders had installed the world's best government,"<sup>27</sup> then it makes sense that a primary political motivation would be to minimize the extent to which that form of government may be changed. Democrats believed "that the Founding Fathers had created a government based on law rather than personal whim, and they held that ... tampering with the system could only disturb its fundamental harmony and lead to instability and disorder."<sup>28</sup> Democrats cast themselves as the special protectors of the Constitution, but they perceived the constitution as a "formal set of rules, not, as Republicans would have it, a living document that incorporated laws, customs, and practices."<sup>29</sup> And among the changes that Douglas and the Democrats could not countenance was the inclusion within the national polity of historically marginalized groups, most particularly Black people. Though, as Edward L. Gambill suggests, the Democrats were sometimes accused by their political opponents of being indifferent to the dangers of immigration and disparaged as "the party of ignorant and debased rabble,"<sup>30</sup> Black people were not among the populist rabble that the party might embrace. While the Democrats were sometimes seen as aligned with the ethnic whites who could be accommodated without modifying longstanding rules and procedures, they were not, as a rule, interested in accommodating people of color.

In the 1850s, Democratic leaders perpetuated what Jean Baker refers to as a "conservative naturalism-conservative because of its restrictions on racial change,

naturalistic because it identified the Negro's status as natural" -that governed much of the party's policies.<sup>31</sup> Black people were "unnatural citizens, by the law of nature and nature's God,"<sup>32</sup> and to allow them access to the public sphere would have endangered the natural order of the Union. Everything needed to be in its place, and to remain there, and "because the negro was inferior to the white man, the Northern Democrats ... argued, slavery was his fit condition."<sup>33</sup> "The doctrines permeated the party," Baker argues, "and thousands of Northern Democrats who knew nothing of natural law or Edmund Burke absorbed them in the slogan 'Keep the Negroes where they are.'<sup>34</sup> The static view of the Constitution, and consequently of the Union, that enabled the political cohesion of the party would not permit so radical a change as would have been necessary to allow people of African descent to participate, even marginally, as citizens in U.S. political culture. Douglas and the Democrats, like many and perhaps most white Americans in the 1850s, understood that opening the possibility of political participation to Black people would irretrievably alter the nation. Thus, when Douglas reminded his audiences, as he frequently did, that the Union "was made by our fathers on the white basis,"<sup>35</sup> he was voicing not only a mainstream position, but also one that was implicated in the Democratic Party's claim to be the one party able to preserve the Union. For the Democrats to portray themselves as the national party equipped to preserve the union, they must also portray themselves as protectors of white supremacy.

Douglas's prized doctrine of popular sovereignty was somewhat amorphous and served many political purposes, but predominant among these was as a strategy through which the public sphere could be insulated from talk about slavery. The idea of popular sovereignty had received its most famous early exposition in a letter, written on Christmas Eve in 1847, from Michigan's Democratic Senator Lewis Cass to a Tennessee supporter named Alfred O. Nicholson. It was widely published, and by the late 1840s it had become a rallying point for the party.<sup>36</sup> Cass, as Potter points out, was preparing for a presidential bid in 1848 and introduced "popular sovereignty" as a way to gain favor among the Northern Democrats who were in danger of splitting from the party over the question of the expansion of slavery. Cass hoped that "popular sovereignty was a doctrine ... upon which the disparate factions of Democrats could unite in an effort to maintain party harmony."<sup>37</sup> The political viability of popular sovereignty depended, to some extent, on its apparent moral agnosticism. It offered the possibility that potentially divisive quandaries might be resolved not through public debate but instead through electoral procedures. David F. Ericson has argued that Douglas held a theory of democracy that reduced public discourse to "a matter of constructing majorities through the addition and subtraction of autonomous preferences," rather than "a public dialogue between those who hold conflicting preferences on a given issue."<sup>38</sup> Such a view of public deliberation, argues Ericson, means that, for Douglas, "the citizens of one state can barely discuss the institutions of other states," and that "the best way to handle political controversy, wherever it occurs, is silence, or only speech of a certain, deflationary sort which allows the controversy to be quieted through noncontroversial processes of aggregating existing preferences on the issue(s) involved in the controversy."<sup>39</sup> Douglas seemed to believe that a system of "self-governing jurisdictions with equal rights to pursue their own ways, protected in and by their diversity," was a "safeguard to [the incipient] tyranny" represented by federalized uniformity.<sup>40</sup> Individual localized conflicts, in this view, no matter how emotionally charged they might be, no matter what dangers to local cohesion they might foster, are unlikely to endanger national unity while, at the same time, they foster national diversity. Lincoln and the Republicans would characterize this stance, as David Zarefsky points out, as "one of indifference to the morality of slavery."<sup>41</sup> Making such a characterization had political advantages, but it was not an accurate representation of Douglas's stance. Closer, perhaps, is James Ford Rhodes's assessment that "in the view of Douglas, moral ideas

had no place in politics," or Potter's statement that Douglas "believed that ... the slavery question could be taken out of national politics and could be resolved at the level of local self-government."<sup>42</sup> It is possible that, in very different circumstances, Douglas might not have been wrong about this — if, for example, it had been some other issue that was threatening to pull the Union apart. But discourse about slavery could not be contained to the local level because both the slave states and the free states had stakes in the issue; this was a discourse, in other words, that promised to breach any rhetorical barrier that Douglas might attempt to build.

### **Territorial Turmoil**

Nothing tested the limitations of Douglas's rhetorical strategies as strongly as the Kansas-Nebraska Act. Its path toward passage was byzantine, and only a partial recounting is possible here. Douglas's support for the act was rooted in his commitment to the West and to continued western expansion, which was strong and persistent throughout his public career.<sup>43</sup> Early in 1853, in his role as chair of the Senate Committee on Territories, he presented to his colleagues a bill that had originated in the House, for the organization of Nebraska Territory, which was located immediately to the west of Missouri and Iowa. The bill had passed the House without the support of most Southern Congressmen, but Douglas told his fellow senators that the bill was "very dear to my heart" and of "immense magnitude and of grave import to the country," and explained that its purpose was to establish "a line of territorial governments extending from the Mississippi valley to the Pacific ocean, so that we can have continuous settlements from one to the other."<sup>44</sup> He expressed mock dismay at the "zeal which burns in some gentlemen's bosoms in behalf of the poor Indian," which he believed was merely a ruse used by the Southern opponents of the bill: "it is necessary for them to avail themselves of some argument by which to resist this bill, and sympathy for the poor Indian is the argument that is resorted to."<sup>45</sup> Douglas's racially inflected sarcasm did not win the day, apparently, because the bill was tabled by a heavily sectional vote.<sup>46</sup>

On January 4, 1854, Douglas reported a new Nebraska Bill out of his Committee on Territories. The bill was "couched in the language of the Compromise of 1850," stating that the territory might be admitted to the Union as a state with or without slavery according to their constitution at the time of admission, just as was stipulated for New Mexico and Utah territories in 1850.<sup>47</sup> As Potter points out, Douglas must have understood that "the Missouri Compromise was a major obstacle" because it effectively precluded Southern support for the organization of Nebraska.<sup>48</sup> The Missouri Compromise, passed in 1820, brought Missouri into the Union as a slave state and Maine as a free state and established that any future states admitted to the Union from the area of the Louisiana Purchase north of latitude 36°30' would be free states. The bulk of unorganized Kansas-Nebraska territory lay north of the Missouri Compromise line. Douglas's initial version of the bill did not explicitly mention the Missouri Compromise, and it seemed, as a result, to suggest that territorial settlers north of 36° 30' could choose to write state constitutions that permitted slavery. On January 16, Kentucky Senator Archibald Dixon, a Whig, offered an amendment to Douglas's bill that explicitly negated the Missouri Compromise; he later took Douglas on a carriage ride to press his case, after which Douglas's Committee on Territories prepared a further revised bill that incorporated Dixon's amendment. Douglas would later argue that his revised bill did nothing particularly radical, but merely reiterated longstanding priorities and practices. However, as an indication that he may have been fully aware of just how explosive an explicit repeal of the Missouri Compromise might be, Douglas and several other senators visited President

Franklin Pierce and secured from him a handwritten signed statement declaring that the Compromise of 1850 had rendered the Missouri Compromise of 1820 "inoperative and void."<sup>49</sup> The bill that Douglas and his Committee then reported, on January 23, echoed this language in its declaration that the Missouri Compromise was "inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories" and therefore was "inoperative and void."<sup>50</sup>

Whatever possibilities may have existed for the eventual passage of this version of the bill were upended on January 24, the day after it had been reported out of committee, with the publication in the *National Era*, Washington's abolitionist newspaper, as well in as many of the nation's free-soil papers, of the "Appeal of the Independent Democrats." (See Chapter 4 of this volume.) This document was cowritten by longtime antislavery champion and Ohio Senator Salmon P. Chase together with what James L. Huston calls "a clique of antislavery congressmen"<sup>51</sup> including Joshua R. Giddings, Charles Sumner, Edward Wade, Gerrit Smith, and Alexander De Witt. The document immediately changed the tenor of the debate; as Roy F. Nichols argues, the "Appeal" "was designed to and did set off a chain reaction that gave northern leaders their desired opportunity to mobilize the anti-Southern voting strength of the more populous North." <sup>52</sup> Potter suggests that "the chorus of free-soil response to the Appeal of the Independent Democrats rose to a roar which stunned the supporters of Kansas-Nebraska and must have filled them with fear."<sup>53</sup> If it filled Douglas with fear, it was fear not of Black emancipation but of a public discourse aflame with the strong emotions stirred by the slavery question.

The "Appeal" presented two central arguments, both of which aimed to undercut the premises of Douglas's bill.<sup>54</sup> The first reasserted the Missouri Compromise as settled law. Chase and the other authors claimed that "the original settled policy of the United States ... was non-extension of slavery," that the Missouri Compromise was an integral part of that policy, and that the admission of Missouri as a slave state was merely an unfortunate political necessity. This section of the "Appeal" concluded with the statement that "nothing is more certain than that this prohibition has been regarded and accepted by the whole country as a solemn compact against the extension of slavery into any part of the territory acquired from France, lying north of 36° 30'." The second argument of the "Appeal" was that — again, contrary to Douglas's bill and to Pierce's note — the Compromise of 1850 should not be interpreted as impinging upon or altering the Missouri Compromise. The authors asserted that the bills that had established the borders of the new slave state of Texas, organized the territories of New Mexico and Utah, and brought California into the Union as a free state—the final great legislative success of Henry Clay, shepherded to passage by Douglas after Clay's health began to fail, and hailed by many at the time as instrumental in staving off disunion—had left the Missouri Compromise fully intact, preserving the 36° 30' line as it pertained to new territories carved out from the Louisiana Purchase. The Compromise acts of 1850 that organized Utah and New Mexico "were never supposed to abrogate or touch the existing exclusion of slavery from what is now called Nebraska. They applied to the territory acquired from Mexico, and to that only."

The emotional tone of the "Appeal" is also worth noting, in part because it seems to inspire much of Douglas's response. While it would be an exaggeration to describe the writing as florid, it did paint the consequences of the Kansas-Nebraska Act, which it called a "bold scheme against American liberty," in "the bleakest colors."<sup>55</sup> The Kansas-Nebraska Act is "a gross violation of a sacred pledge ... a criminal betrayal of precious rights ... part and parcel of an atrocious plot" to convert the territories "into a dreary region of despotism, inhabited by masters and slaves." The proposed repeal of the Missouri Compromise is a "strange and ominous fact, well calculated to awaken the worst apprehensions, and the most fearful forebodings of future calamities." The authors lament that "language fails to express the sentiments



of indignation and abhorrence" inspired by Kansas-Nebraska and that "no vision less penetrating and comprehensive than that of the All-Seeing, can reach its evil issues." It closes by asking "Christians and Christian ministers to interpose" by pleading that we "all" must "protest, earnestly and emphatically," and then with the authors' pledge that "we shall resist" the Kansas-Nebraska Act "by speech and vote, and with all the abilities which God has given us. Even if overcome in the impending struggle," they continue, "we shall not submit," for "the cause of human freedom is the cause of God."

### **Douglas's First Address on Kansas-Nebraska**

When Douglas first responded to the "Appeal," on January 30, 1854, the Senate chamber was filled to capacity. His remarks were characterized at the time as being "violent, abusive, and vulgar, with an 'overgorge of slang phrases.'"<sup>56</sup> Johannsen portrays Douglas pacing "nervously back and forth, alternately puffing and chewing a succession of cigars to shreds" as he "expressed his resentment at the vilification of his motives."<sup>57</sup> Douglas would edit out much of his more emotionally laden language for the published version of his speech.<sup>58</sup>

In the version of the address that is preserved in the *Congressional Globe*, Douglas begins by declaring that the revised bill has addressed concerns about "the rights of the Indians" so thoroughly as to "obviate all possible objection upon that score." Regarding "the question of slavery in the Territories," he continued, the bill is "equally explicit," having merely reiterated the "great principle of self-government" as it was articulated in the Compromise of 1850. If Douglas hoped, in this way, to remove these topics from public debate, he was markedly more successful in the first case than in the second. As for the amendment to the Kansas-Nebraska bill that explicitly revoked the Missouri Compromise, Douglas explained that the 1820 measures had already been superseded by those enacted in 1850. He observed that this was "all that I intended to say" when he was originally planning the address that he was now delivering.<sup>59</sup>

But that, Douglas continued, was before the "Appeal of the Independent Democrats" had "arraigned me as having been guilty of a criminal betrayal of my trust, as having been guilty of an act of bad faith, and been engaged in an atrocious plot against the cause of free government."<sup>60</sup> He felt obligated to respond in detail, and he did so, thus negating any possibility of avoiding the slavery question entirely. Referring to the authors of the "Appeal" as "Abolition confederates," Douglas declared that in the "Appeal" the Kansas-Nebraska Act is "grossly misrepresented ... the action of the members of the committee is grossly falsified ... our motives are arraigned ... our characters calumniated" and "course epithets applied to me by name." He went on to point out that the "Appeal" is dated January 22, which was a Sunday, which means that "while other Senators were engaged in attending divine worship" — and Douglas and his group of like-minded senators were visiting the president and obtaining that written statement regarding the Missouri Compromise — "these Abolition confederates were assembled in secret conclave, plotting by what means they should deceive the people of the United States, and prostrate the character of brother Senators."<sup>61</sup> Salmon Chase attempted to interrupt Douglas several times, but Douglas refused to yield the floor, and was called "out of order" by the president of the senate. He then promised to confine himself to proving that the statements in the "Appeal" are false—despite Chase breaking in to say "You cannot do it" —and for the most part Douglas does hew closely to that task. It should be noted, though, that he did periodically punctuate his analysis with invective, and that he paused to apologize for being forced to "indulge in language of this severity."<sup>62</sup>

Somewhat ironically, given the intense emotions that characterize Douglas's speech, he repeatedly cast himself and his position as so emotionally inert as to be

almost a natural feature of the landscape, in contrast to the authors of the "Appeal" who, like other abolitionists, threaten the pastoral calm with outlandish ideas. For example, Douglas asserted that "it was the policy of the fathers of the Republic to prescribe a line of demarkation [sic] between free territories and slave-holding territories by a natural or a geographical line" that corresponded closely to "the laws of climate, or production, and probably of all those other causes that would control the institution and make it either desirable or undesirable to the people inhabiting the respective territories."<sup>63</sup> This policy negated the need for "unnatural" political boundaries such as those invented by Congress and those advocated by the authors of the "Appeal." Douglas did not use the phrase "popular sovereignty" in this speech, but he did argue that the 1850 legislation relied upon the "great universal principle" of the popular vote, and that it was designed thus to "avoid the slavery agitation in all time to come."<sup>64</sup> Unnatural legal meddling, in contrast, had not succeeded "in excluding slavery by an act of Congress from one inch of the American soil."<sup>65</sup> Douglas presented his adopted home state as an example to illustrate that the existence or abolition of slavery depends on powers that exceed those of Congress, explaining that "so long as Congress said that the territory of Illinois should not have slavery, she actually had it; and on the very day when you withdrew your congressional prohibition, the people of Illinois, of their own free will and accord, provided for a system of emancipation."<sup>66</sup>

Indeed, Douglas continued, the only Territory where slavery currently exists is the Nebraska Territory, where slavery is currently illegal. Slavery occurs and desists according to natural laws and popular preference, in this view, and it should be the job of Congress to step aside and allow these natural processes to work themselves out. Douglas explained that he does not like, and "never did like, the system of legislation on our part, by which a geographical line, in violation of the laws of nature, and climate, and soil, and of the laws of God, should be run to establish institutions for a people."<sup>67</sup> While the Missouri Compromise was the law of the land, he respected it, and at one point he even suggested that the 36° 30' line be drawn all the way to the Pacific. But when it was superseded by the Compromise of 1850, he chose to "cling to that great principle" — popular will — that it articulated. Denouncing the "political tornado" that has been whipped up "by Abolitionists, and Abolitionists alone,"<sup>68</sup> he summed up the goal of the Kansas-Nebraska Act as being "neither to legislate slavery into these Territories nor out of them, but to leave the people to do as they please."<sup>69</sup>

### **Douglas's Second Speech on Kansas-Nebraska**

In the following weeks, deliberation, debate, and strategic maneuvering with regard to the Kansas-Nebraska bill continued, with a part of almost every day in the Senate devoted to it. The bill was repeatedly amended, sometimes by its supporters with an eye to improving its chances of passing, sometimes by its detractors with an eye to further delaying it. Critics sometimes echoed the apocalyptic imagery of the "Appeal," warning that passage of the bill would transform the heartland into a repulsive landscape dominated by masters and slaves and thus repugnant to free-labor emigrants, while supporters echoed Douglas's assertion that natural barriers would permit or repel slavery. Douglas participated in these debates but also spent a lot of time off the floor, caucusing with his fellow senators, both those who supported the bill and those who did not. Though the strenuous debate — in which Chase was often Douglas's principal adversary — did not change many minds, and "there was never any real doubt that the bill would pass the Senate,"<sup>70</sup> the stakes of the debate and Douglas's seeming commitment to building an overwhelming coalition would not allow him time to rest. He finally announced that he would make his closing argument on March 1, but the debate continued, and even escalated, into March 2.

Seward wrote of the final days of the Kansas-Nebraska debate that "It was a painful and disgraceful scene. Southern men were imperious, and Northern men abetted them. Personalities disgraced the advocates of the bill. There is no longer any dignity or honor in serving our country in the Senate of the United States."<sup>71</sup> When Douglas rose at about 11:30 p.m. on March 3, the galleries were again full to capacity.

This second speech began much like the first, with Douglas noting that all references to the "Indians" have been removed from the bill, with the expectation that the Committee on Indian Affairs will supply whatever regulations are appropriate, and he again assured his listeners that he has "obviated every possible objection which could reasonably be urged upon that score."<sup>72</sup> Here, however, Douglas provided details that situate his procedure as aligned with established norms. It "has been thought wise" to leave regulations regarding "Indians" to subsequent work by this other committee, rather than to his own Committee on Territories, so this deflection is actually a recognition of, and a return to, what has been "the custom in territorial bills."<sup>73</sup> He supported his point with historical examples—Minnesota, Wisconsin, Oregon, Washington—when in each case the "wild tribes" that resided in the territories were treated just as they are in his bill. This is, Douglas continued, the policy "which is now in force in every one of the Territories," so that any senator who objects to this bill should have objected to previous bills.<sup>74</sup> The insulation appears to work both ways: not only should discourse about "Indians" not be allowed to derail his bill, but he also would not allow his bill to "invade the rights of even one Indian." Furthermore, the Committee on Indian Affairs had stated that existing treaties apply only to about two hundred individuals living on the land marked out for the proposed territories, so "it appears that the whole argument of injustice to the red man, which, in the course of this debate, has called forth so much sympathy and indignation" had ultimately been much ado about nothing.<sup>75</sup> The issue is simply not worth getting stirred up about. And in any case, the land under discussion should not be "consigned to perpetual barbarism" and remain forever "a vast wilderness, filled by hostile savages," a barrier that separates the "immense and valuable possessions on the Pacific" from the rest of the Union.<sup>76</sup> The "Indians" will remain unmolested — or at least not directly disrupted by the provisions of his bill — but at the same time, they cannot be allowed to impair the natural westward progression of the United States.<sup>77</sup>

Douglas reiterated that concern about the "Indians" is a side issue when he announced his intention to "proceed to the consideration of the great principle involved in the bill," but he also promised that he would respond to "extraneous matters which have been brought into this discussion with the view of producing another anti-slavery agitation."<sup>78</sup> Where his first speech on Kansas-Nebraska was punctuated with defenses of his personal honor, here he interlarded a historical review of territorial legislation with repeated rebukes of what he saw as efforts to besmirch the debate with disruptive and emotion-laden talk about slavery. He began, for example, by answering his opponents' charge that it was Douglas and the Kansas-Nebraska bill that were disrupting a "profound quiet and repose" regarding the question of slavery, when they were actually projecting onto him "the responsibility of an agitation which they are striving to produce."<sup>79</sup> Douglas and his committee were attempting to eliminate the "incessant slavery agitation" that had wracked Congress in the period between the Compromise of 1820 and the Compromise of 1850, and they had no desire to return to the "old exploded doctrine of congressional interference" that had been established by the former legislation.<sup>80</sup> The Missouri Compromise was an interruption in the development of popular sovereignty, and as such had infected the citadel of public discourse—the Senate chamber itself—with irrationality and emotion. Douglas stated explicitly the means through which this purification is to be enacted:

The principle which we propose to carry into effect by the bill is this: That *Congress shall neither legislate slavery into any Territories or State, nor out of the same; but the people shall be left free to regulate their domestic concerns in their own way, subject only to the Constitution of the United States.*<sup>81</sup>

Douglas declared that at one time "the two great political parties of the country stood solemnly pledged before the world to adhere to the compromise measures of 1850," and support for the Kansas-Nebraska bill would be a reaffirmation of and return to that harmonious pledge. The Compromise of 1850, for example, "proposed to leave the people of Utah and New Mexico free to decide the slavery question for themselves, *in the precise language of the Nebraska bill now under discussion.*"<sup>82</sup> He called the assertion that his bill repealed the Missouri Compromise a "false charge," but he allowed that "if the eighth section of the Missouri act ... [the section that established the 36° 30' line] be inconsistent with the great principle of self-government and the Constitution of the United States, it ought to be abrogated." And be that as it may, the Compromise of 1850 had already "abrogated the Missouri compromise, so far as the country embraced within the limits of Utah and New Mexico was covered by the slavery restriction," if not in name then in fact.<sup>83</sup> Kansas-Nebraska, like the Compromise of 1850, is a continuation of the doctrine of "non-intervention by Congress with slavery in the States or Territories."<sup>84</sup> Because Kansas-Nebraska introduced nothing new into the public debate and represented instead a return to foundational American principles, there was no need for volatile discussion. Douglas's opponents, in contrast, were responsible for fomenting emotionally charged debate in an attempt to "keep the attention of the people as far-as possible from this principle of self-government and constitutional right."<sup>85</sup>

Among the most egregious affronts to Douglas's understanding of the power of dispassionate consistency to insulate public debate from the disruptive effects of talk about slavery was the elevation of the Missouri Compromise to the status of a solemn compact. From his point of view, the Compromise of 1820 was merely "an act of Congress, passed on the 6th of March, 1820, to authorize the people of Missouri to form a constitution and a State government, preparatory to the admission of such State into the Union."<sup>86</sup> The Missouri Compromise was cast as a tool employed by Congress, and nothing more. "There is nothing in the terms of the law that purports to be a compact," Douglas continued, "or indicates that it was anything more than an ordinary act of legislation."<sup>87</sup> Deflating the Missouri Compromise from a solemn compact to ordinary pragmatic legislation would eliminate the need for fervent protestations of faith and instead return the debate to the proper standard of hard evidence. As Douglas developed this argument, he was interrupted several times by Seward, one of the signers of the "Appeal." Douglas said that he would not yield the floor except for the presentation of dispassionate and documented fact of the sort that he was able to muster. The proper history of the Missouri Compromise had little to do with the impassioned views of his opponents, but instead is "entered upon the Journal, as an imperishable evidence of the fact." So irrefutable was the evidence, he continued, that "I should feel a flush of shame upon my cheek, as a northern man, if I were to say that it was a compact."<sup>88</sup>

Framing the Missouri Compromise as a "compact," as something with which it is appropriate to form an emotional and affective allegiance, introduced into public discourse a degree of destructive emotionality that Douglas vehemently denounced. Douglas charged his opponents with trying to "induce the people, under the impression that they have been injured, to get up a violent crusade," and of "arousing passions and prejudices" so ferocious that he is "now to be found in effigy, hanging by the neck, in all the towns where you have the influence to produce such a result." Echoing the Jacksonian faith in the wisdom of the masses, he did not blame the

people themselves or go as far as to suggest that they have been duped, but insists that they are, instead, "yielding to an honest impulse, under the impression that a grievous wrong has been perpetrated."<sup>89</sup>

This sustained critique of political emotion was mitigated somewhat when Douglas turned his attention again to defending himself against attacks on his character. After quoting many of the more offensive phrases from the "Appeal" and noting that it named himself specifically as "the author of all this iniquity," Douglas closed by directing his comments to Chase:

After having used such language, he says he meant no disrespect — he meant nothing unkind! He was amazed that I said in my opening speech that there was anything offensive in this Address [the "Appeal"]; and he could not suffer himself to use harsh epithets, or to impugn a gentleman's motives! No! not he! After having deliberately written all these insults, impugning motive and character, and calling upon our holy religion to sanctify the calumny, he could not think of losing his dignity by bandying epithets, or using harsh and disrespectful terms!<sup>90</sup>

The use of such language, for Douglas, is beyond redemption. It stirs people's emotions, clouds reason, and bogs down the legislative process in misdirection and petty attack. There is irony here because Douglas was advocating the use of a detached disinterest that does not consistently characterize his own discourse. But Douglas was passionate about being dispassionate, which is a seeming contradiction but also emphasizes the importance with which Douglas had imbued this localized containment of emotionality. It was, for him, the only way to preserve the Union.

Douglas marked his peroration by stating that he was "done with these personal matters." He had been forced to engage in this discourse because of the need to address these incursions, but now that he has done so he could return to the business at hand, which was restoring popular sovereignty to its rightful and natural place as the foundational principle upon which the nation was founded—Britain's violation of which was actually responsible for the birth of the nation. Popular sovereignty represents not only a return to the principle upon which America was separated from Europe, but also the principle that might secure the future of the Union. "The Missouri compromise was interference; the compromise of 1850 was non-interference," and the doctrine of interference must be abandoned or "the patriot may well tremble for the perpetuity of the Union."<sup>91</sup> In a rather remarkable demonstration of inaccurate foresight, Douglas professed that adherence to popular sovereignty in the Kansas-Nebraska Act would "destroy all sectional parties and sectional agitations." Echoing the words of Daniel Webster in his famous Seventh of March speech, Douglas says that he has "not brought this question forward as a northern man or as a southern man," but "as an American Senator."<sup>92</sup> Douglas believed that the measure "will be as popular at the North as at the South," and thus will serve to hold the nation together.<sup>93</sup>

### **Aftermath**

Soon after Douglas finished, a vote was taken and, as expected, the Kansas-Nebraska Act was passed by the Senate. Fissures may be seen in the vote, however. While Democrats provided 29 of the 37 votes in favor, five members of Douglas's party were among the 14 voting against; the Whigs, for their part, split their vote almost evenly, 8 in favor and 7 opposed, with all those in favor being from the South.<sup>94</sup> The struggle in the House was more complex, both because party divisions were more pronounced there and because when the bill arrived from the Senate it was buried under fifty others. Initially, William A. Richardson of Illinois, the sponsor

of the original bill in the House nearly a year before, could not garner support for the routine resolution to form the House into the Committee of the Whole, so that the bill could be referred to the House Committee on Territories. Eventually, Georgia Democrat Alexander Stephens orchestrated a series of moves that bypassed the Northern roadblock and enabled the bill to pass.

Johannsen reports that 113 guns were fired in Springfield, Illinois, to mark the glorious legislative victory of that state's then-favorite son.<sup>95</sup> George Fort Milton, one of Douglas's most sympathetic biographers, gives particularly high praise to his closing speech, noting that Douglas had "torn away the Abolitionists' foundations; ... forced them to admit that their contention that the Missouri Compromise was a compact was a historical lie; ... [and] taken the measure of each of his three chief critics."<sup>96</sup> In that moment, from Douglas's point of view, the Kansas-Nebraska Act seemed full of promise. As Zarefsky puts it: "the genius of the Kansas-Nebraska Act was that it removed a bitter, divisive issue from the halls of Congress and remanded it to those who would be most directly affected-with Douglas confident of what the outcome would be."<sup>97</sup> It seemed that Douglas had accomplished his goal, then, of insulating national public debate from disruptive and emotion-laden discourse about slavery. The act made it so that those conversations would happen at the local level, as territories organized themselves and eventually applied for statehood, setting Congress above the fray, and thus positioning the national Democratic Party as retaining the capacity to absorb or resolve sectional issues. But it was also a way to avoid addressing the problematics of slavery, and thus a way to deflect, without smoothing, the underlying frictions that were becoming increasingly discordant.

Douglas boasted that he had passed the Kansas-Nebraska Act by himself and that he "had the authority and power of a dictator throughout the whole controversy in both houses. The Speeches were nothing. It was the marshalling and directing of men, and guarding from attacks, and with a ceaseless vigilance preventing surprise."<sup>98</sup> But the speeches were far from nothing. While the political maneuvering may have played a direct role in passing the measure, the speeches articulated for the public the rationale for the Kansas-Nebraska Act, and the public response to the measure would play an important role in the nation's future. Almost immediately, "gloom overspread the minds of Northern men," and Horace Greeley warned that "Pierce and Douglas ... have made more abolitionists in three months than Garrison and Phillips could have made in half a century."<sup>99</sup> Upon hearing cannon being fired on the morning after the Senate passed Kansas-Nebraska, Chase commented to Sumner that "They celebrate a present victory, but the echoes they awake will never rest until slavery itself shall die."<sup>100</sup>

During the debate, Douglas noted that the abolitionists "are honoring me in Boston, and other places, by burning me in effigy." Lewis Cass assured him that "it will do you no harm," and Douglas agreed: "Well, sir, I know it will not."<sup>101</sup> Cass's jibe was accurate in the physical sense, but it's unclear that Douglas understood how much harm Kansas-Nebraska might do to him and to the Democrats in the political sense. Its effects were devastating. Nevins provides a litany of the negative consequences:

Douglas had asserted that he wished to mollify the sectional conflict and give direction and unity to his party. Instead, he had torn open all the wounds of 1848-1850 ... he had split the Democratic Party asunder; he had completed the destruction of the Whig party ... and he had set the scene for the entrance of a powerful new sectional party.<sup>102</sup>

Though the dazzling maneuvering, both on the floor of the Senate and beyond, that enabled its passage had reinforced Douglas's outsized influence within his own party, the party itself was feeling the strain. As Nichols puts it, "the overwhelming

Democratic majority ... had been shattered and made impotent."<sup>103</sup> This opened space for new political organizations to attract "both antislavery Whigs and nativist Whigs," the most important of which would prove to be the nascent Republican Party.<sup>104</sup> In the South, Douglas's strategies had not fared any better. As Nichols points out, "the Democrats had officially accepted squatter sovereignty, but Douglas himself had lost an essential portion of his northern support without improving his position in the South."<sup>105</sup> The antislavery opposition had precipitated a bipartisan Southern coalition that would become increasingly dissatisfied with anything less than positive protection for slavery in the new territories. The dissatisfaction showed at the polls. In the congressional elections of 1854 and 1855, the Democrats suffered heavy losses, retaining only 25 of the 91 free-state seats they had won in 1852.<sup>106</sup> In Illinois, five of the nine congressional seats went to men opposed to Kansas-Nebraska, and Lyman Trumbull, an anti-Nebraska Democrat, was sent to the Senate.<sup>107</sup> Potter observes that few events "have swung American history away from its charted course so suddenly or so sharply as the Kansas-Nebraska Act."<sup>108</sup>

Johannsen reminds us, however, that it would be a mistake to exaggerate the degree to which antipathy toward the Kansas-Nebraska Act was driven by moral outrage about slavery. Northerners and Westerners had long warily watched the growth of Southern power, and they saw Kansas-Nebraska and its animating principle of popular sovereignty as enabling further Southern leverage. But at the same time, it was also true that moral outrage over slavery was both palpable and increasing. If slavery were understood, as Douglas often framed it, as a matter merely of climate, soil, and the auguries of profit, then limiting talk about it to local venues might have been successful. But by the middle of the 1850s, there was almost no chance that public discourse about slavery could be recast permanently in this way. Increasing agitation among the clergy is one symptom of this rising antipathy. In March 1854, for example, a little more than a week after the passage of Kansas-Nebraska in the Senate, Senator Edward Everett presented a document signed, as he described it, by "three thousand and fifty clergymen of all denominations and sects in the different States of New England," which he estimates to be "a very large majority of the members of the clerical profession in those States." The memorial referred to the Kansas-Nebraska bill as "a great moral wrong," "a breach of faith eminently unjust to the moral principles of the community," "subversive of all confidence in national engagements," dangerous to the "peace and even existence of our beloved Union," and likely to invite the "righteous judgments of the Almighty." Douglas, never a particularly religious person, dismisses the critique as "following the lead" of Chase's "Appeal," the clergymen as "know[ing] not what they are talking about," and the document as another example of the "attempt to pile upon our table offensive document after offensive document, slander after slander, libel after libel, in order that the Abolition press may copy it as coming from the records of the Senate."<sup>109</sup> But the document was representative of a growing dissatisfaction. From Douglas's home state, a group of twenty-five Chicago clergy issued a similar rebuke, followed in May with another protest signed by over 500 clergy from the northwest.<sup>110</sup>

Besides a few responses to the protests of the clergy, Douglas mostly ignored the criticisms. When he returned to Chicago in late August, however, it was difficult to ignore the extent of the anger that Kansas-Nebraska had generated, or the extent to which Cass may have overlaid his earlier brushing off of this resentment. Of his train trip west, Douglas famously remarked that he "could travel from Boston to Chicago by the light of my own effigy."<sup>111</sup> In the apparent belief that the people of Chicago would approve of the Kansas-Nebraska Act if they understood it better, he attempted to deliver an address on September 1 at North Market Hall, only to be booed off the stage. In the fall of 1854, Douglas campaigned throughout Illinois in an attempt to repair the standing of Kansas-Nebraska among his home state party faithful, mostly reiterating the same arguments that he had used on the Senate floor.

(Late in this tour, Abraham Lincoln responded to Douglas in several venues, later in the evening or on the following day.) The strenuous schedule took a toll on Douglas's health — he was bedridden for much of December and was eventually subjected to oral surgery by a doctor in Cleveland — but his attempts to render support for Kansas-Nebraska as a test of party loyalty were mostly unsuccessful. Audiences often were "openly hostile."<sup>112</sup> The fracturing state of party politics was evident in the Illinois state elections of 1854, where anti-Nebraska candidates broke long-standing Democratic majorities, and these results were echoed in the returns from other states as well.<sup>113</sup>

Potter argues that one of the "most damaging" effects of Kansas-Nebraska was to "contaminate the doctrine of popular sovereignty" by making it appear to many "as a device for opening free territory to slavery."<sup>114</sup> To this extent, Kansas-Nebraska might be understood to have backfired as it not only did not quell emotional discourse about slavery but actually fomented and encouraged it. Though the ambiguity with which Cass had imbued the doctrine had not been entirely resolved, the principle was becoming less malleable. It is unfair to saddle Douglas with unmitigated culpability; both Potter and Nevins make persuasive arguments that his hand was forced, and that both the bill and his arguments in support of it were more extreme than he might have preferred, under ideal circumstances.<sup>115</sup> But circumstances were not ideal, and relying on popular sovereignty as a primary vehicle for resolving the slavery issue had rendered the issue more volatile. As Nichols notes, "The older device, admission in pairs [one slave, one free], had been a true safety valve. The more recent 'popular sovereignty' invention proved to be dynamite."<sup>116</sup> The most combustible implications of popular sovereignty, however, were mostly held in abeyance until 1857, when they flared spectacularly in response to two incendiary events: the Dred Scott decision and the Lecompton Constitution.

## **Incendiary Events of 1857**

### ***Dred Scott***

On March 6 of that year, the U.S. Supreme Court finally issued its decision in the Dred Scott case, which had been in litigation in one form or another for over a decade. Chief Justice Roger Taney's decision — which was joined by six separate concurrences and accompanied by two dissents — provided Douglas with an opportunity to clarify and reinforce his position. As Potter points out, the members of the Court "had committed themselves on a point around which the legislators had built an elaborate structure of evasion."<sup>117</sup> Because this was a Court decision, rather than congressional legislation, it offered an opportunity for Douglas to shift responsibility for resolving the issue out of the realm of public debate. The case concerned Dred Scott, who was an enslaved man owned by army doctor John Emerson, and who had been taken by Emerson to the free state of Illinois and into Minnesota (then part of the Wisconsin Territory) where slavery was not permitted under the Missouri Compromise of 1820. Scott, with his wife Harriet and their two daughters, were eventually returned to Missouri. In 1846, Scott and Harriet sued for their freedom, on the basis of a precedent that had established that enslaved people who had been brought into free states or free territories were granted freedom. Scott lost this lawsuit, however, and after several appeals and one reversal, the case eventually arrived at the Supreme Court.

In his decision, Justice Taney defined the central question this way: "Can a negro, whose ancestors were imported into this country, and sold as slaves, become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guaranteed by that instrument to the citizen?"<sup>118</sup> His answer, briefly



was "no." Reasoning historically, Taney showed that at the time that the Declaration of Independence was composed, persons of African descent "were not intended to be included" in its ringing phrases regarding "unalienable rights." They also "were not intended to be included, under the word 'citizens' in the Constitution," so they therefore cannot be included now. People of African descent had long "been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations," and as a result "they had no rights which the white man was bound to respect." Taney's decision further points out that two clauses in the Constitution that do mention Black people clearly indicate that they are not to be considered citizens, and it draws corroborating support from various state constitutions, from the Articles of Confederation, from the charter establishing Washington, DC, and from various legal precedents. Because Scott is not a citizen, Taney concluded, he does not possess the right to sue for his freedom in court. Furthermore, Taney also argued upon legal precedent that the status of Dred Scott and his family as enslaved persons was established and governed by the laws of the state of Missouri, not the laws of the state of Illinois, and as a result the Scott family was not made free by their residence in that free state.

Taney's decision resonated with the static view of the Constitution favored by Douglas's Democratic Party, to the extent that it affirmed that permitting Black people full participation in U.S. political culture would necessitate a radical redefinition of citizenship. But Taney went further, declaring the Missouri Compromise to have been unconstitutional and developing a parallel and equally detailed argument to show that the Constitution, does not give Congress the right to deprive citizens of the right to own property. Thus, he concluded: "it is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned [36°30'], is not warranted by the Constitution, and is therefore void; and that neither Dred Scott himself, nor any of his family, were made free by being carried into this territory; even if they had been carried there by the owner, with the intention of becoming a permanent resident."<sup>119</sup>

President-elect James Buchanan was confident that the Supreme Court decision would settle the slavery question once and for all; he gained this confidence, in part, because he had been in contact with some of the Court justices.<sup>120</sup> In his inaugural address, delivered on March 4, 1857, just days before the Supreme Court issued its decision, Buchanan declared that the slavery question had been decided, through the palliating processes of popular sovereignty, "a principle as ancient as free government itself." He expressed his "hope that the long agitation on this subject is approaching its end," and that continued agitation on the subject should be "suppress[ed]" because the passage of the Kansas-Nebraska Act and the pending decision in the Dred Scott case — "whatever this may be" — had rendered all such disruptive discourse "without any legitimate object" and thus effectively moot.<sup>121</sup> Buchanan's observations were aspirational. Like every other similar aspiration in the 1850s, Taney's decision not only fell well short of solving the slavery question but actually succeeded in amplifying outrage and sectional tensions.

The reactions of Republicans and abolitionists, and many Democrats, were swift and vociferous; copies of the decision were even circulated as Democratic campaign documents.<sup>122</sup> Douglas initially kept his own counsel, but there was a troubling corollary to Taney's reasoning: as Potter puts it, the Dred Scott decision "impaired Douglas's doctrine of popular sovereignty, for if Congress itself could not restrict slavery in the territories, a question arose at once as to whether it could authorize the territorial legislatures to do so."<sup>123</sup> Douglas had been arguing that the citizens of U.S. territories should retain the right to vote slavery up or down, but Taney's reasoning seemed to suggest that they actually could not vote slavery down. Not only that, but also, as Wells points out, the decision itself, "coming as it did from the highest court

in the federal judiciary, represented the kind of national interference in territorial affairs that was an anathema to popular sovereignty with its strong localistic bias.<sup>124</sup> These potential obstacles merely inspired Douglas toward new heights of inventive rhetorical maneuver. In Springfield, on June 12, 1857, to the Illinois State Legislature, Douglas delivered what Johannsen describes as "one of the major speeches of his career," and his clearest extended statement to date on the topic of slavery.<sup>125</sup> He delivered the speech extemporaneously, but he later edited and revised it for publication.<sup>126</sup>

### *Douglass's Response to the Dred Scott Decision*

Douglas began his commentary on the Dred Scott decision by launching into a forceful tirade against those who had "pour[ed] forth torrents of abuse" on Justice Taney and the other members of the Court, adding that it is the patriotic duty of "friends of order and constitutional government" to band together, regardless of party affiliation or political differences, to defend the Court against "the advocates of faction and the champions of violence."<sup>127</sup> The justices themselves, in contrast, were characterized by Douglas as "honest and conscientious," "faithfully" performing their duty, quietly and methodically addressing "each point as it arose," and deciding the case solely "upon its merits."<sup>128</sup> Douglas portrayed the Supreme Court as an island of calm isolation from political turmoil, a place where the slavery question might be contained, and thus kept quarantined from public discourse. He declared that "the slavery issue has already dwindled down into the narrow limits covered by the decision of the Supreme Court of the United States, in the Dred Scott case."<sup>129</sup> But the passionate argument against the elevation of passion suggests not only something of Douglas's continued commitment to shielding public argument from disruptive talk about slavery but also the contradictions that were entailed in Douglas's stance. As with the Kansas-Nebraska Act, Taney's decision had aroused passionate responses, rather than quelled them, and Douglas's responses themselves became increasingly passionate.

The core of Douglas's revitalization of popular sovereignty in response to the Dred Scott decision was to affirm that the right to own slaves "continues in full force under the guarantees of the constitution, and cannot be divested or alienated by an act of Congress," while also arguing that "it necessarily remains a barren and a worthless right, unless sustained, protected and enforced, by appropriate police regulations and local legislation."<sup>130</sup> In this way, Douglas effectively inverted the federal intervention represented by the Supreme Court decision, elevating local laws to a position of primacy as a necessary enabling mechanism. This maneuver resuscitated popular sovereignty by reasserting a Jacksonian respect for local authority and by further asserting that disruptive discourse about slavery should be contained to the local level. He was able to declare that "the great principle of popular sovereignty and self-government is sustained and firmly established by the authority of this decision,"<sup>131</sup> a statement that was followed, the transcript reports, by "Immense Applause." But supporting both the Supreme Court decision and popular sovereignty at the same time also narrowed the field, as it was now clear that popular sovereignty was not characterized by an absence of federal interference but actually worked in concert with federal authorities.

Perhaps sensing the tenuous nature of his argument, as Douglas continued his comments on the Dred Scott decision he latched onto the broader ground of popular agreement with Taney's claim that persons of African descent could not be citizens of the United States. This, according to Douglas, is "the main proposition decided by the court."<sup>132</sup> For the most part, Douglas hewed closely to Taney's line of reasoning, which he reviewed in detail as "incontrovertible facts" that no "sane man" would deny.<sup>133</sup> Slavery was common in the colonies; the soaring paeans to freedom that

are contained in the Declaration and the Constitution were never intended to refer to Black people; and the "history of the times clearly shows that the negroes were regarded as an inferior race."<sup>134</sup> He made these arguments his own when he assumed a stance of righteous outrage and listed the horrors that would ensue if the Republicans would have their way. Slavery would be abolished; states like Illinois, which were free but did not allow African Americans to take up residence, would be forced "to open the door for the three millions of emancipated slaves to enter and become citizens on an equality with ourselves"; Black people would be able to vote and run for public office; and ultimately men of African descent would be authorized "to marry white women on an equality with white men."<sup>135</sup> This apocalyptic litany, the transcript tells us, was met with "Immense cheering." The antislavery Republican Party was a minority party, and it is quite likely that not even the majority of abolitionists would have agreed, in 1857, that Black people should be considered the equals of whites in every way. Douglas was articulating a common set of beliefs and assumptions, particularly among Northern Democrats. As Rhodes puts it, while Taney's decision may have been "a great piece of specious reasoning," as "translated by Douglas into the language of the stump, it made the staple argument of Northern Democrats from this time to the war."<sup>136</sup> Douglas did stop short of saying that all Black people should necessarily be enslaved. Rather, he suggested, it is incumbent upon the white race to provide for the protection of people of African descent just as is done for "the insane, the lunatic, the idiotic, and all other unfortunates who are incompetent to take care of themselves."<sup>137</sup> Black people should be "allowed to exercise all the rights and privileges which they are capable of enjoying, consistent with the welfare of the community in which they reside," Douglas concluded, but each community — each state or territory — "must be allowed to determine for themselves the nature and extent of those privileges."<sup>138</sup> Douglas thus wedded popular sovereignty seamlessly to both the continued subjugation of Black people and the right of local communities to decide for themselves the specific parameters of that subjugation. He again found a way to attempt to partition off agitation about slavery from the national public sphere. But Douglas was overly optimistic. Rhodes suggests that Douglas's "attempted reconciliation of two irreconcilable principles must have provoked a smile from Southern Democrats and Republicans."<sup>139</sup> Johannsen offers a more detailed reading of the reactions, noting that "Republicans seethed with indignation," certain that Douglas's remarks indicated a desire to make Kansas a slave state. Among the respondents was Abraham Lincoln, who said that Douglas's (and, by extension, Taney's) interpretation of the Declaration of Independence left that sacred document a "mangled ruin." He also called out Douglas for playing upon the "natural disgust of nearly all white people to the idea of an indiscriminate amalgamation of the white and black races."<sup>140</sup> It seemed that emotional agitation associated with the question of slavery could not be contained within the solemn halls of the Supreme Court. The controversy over the Lecompton Constitution would illustrate that such agitation also could not be contained to the plains of Kansas.

### *Lecompton*

Though in Kansas there were almost no enslaved people, few permanent residents, and even fewer who felt passionately about the slavery issue, Kansas had become by the summer of 1857 "a symbol of the whole future of slavery in America."<sup>141</sup> The disruptive forces at work in Kansas inevitably had infected national public discourse because it was clear even to observers thousands of miles away that national interests were in play there; the sectional tensions that would eventually rend the Union were being deployed by proxy on the central plains. The events in Kansas in

the mid-1850s are as complex as they were rancorous, and in the last century and a half a great many pages have been filled with subsequent analysis. But a brief and incomplete summary may help provide context for Douglas's responses.

In 1855, soon after the passage of the Kansas-Nebraska Act, Andrew Reeder of Pennsylvania, who had been appointed as territorial governor, organized an election for a territorial legislature. The act stated that "residents" could vote, but it defined the term rather loosely. Motivated by the threat—largely exaggerated—that organizations such as the New England Emigrant Aid Society would soon be filling Kansas with antislavery Yankees imported from the East Coast, Missourians crossed the border and voted in large numbers, resulting in a proslavery majority. Though Reeder likely perceived the evidence of fraud, he allowed the results to stand. Free-soil residents retaliated by meeting at Topeka in the fall of 1855, ratifying a constitution, and, by March 1856, this group had even elected a governor, a legislature, and U.S. senators. Beginning in the fall of 1855, Kansas had been wracked by political uncertainty and armed unrest, which continued into the following spring; in May 1856, proslavery forces bombarded the "Free State Hotel" in Lawrence with cannon fire. The acrimony bled into the halls of Congress shortly after the siege in Lawrence, when South Carolina Representative Preston Brooks entered the Senate chamber and severely beat Massachusetts Senator Charles Sumner with a cane. And shortly after the caning of Sumner, John Brown led a small band of well-armed men in the Pottawatomie Massacre, in which five proslavery settlers were murdered, some of whom were hacked to death with broadswords. News of these events, and other unrest in Kansas, was circulated widely in the press.

The Kansas territorial legislature authorized an election in June 1857, to elect delegates who would then draft a constitution and set Kansas territory on the path toward statehood. By then, due to further immigration into the territory, Republicans and free-soil Democrats outnumbered the proslavery contingent, but they refused to participate in the election because they did not trust the process as administered by Buchanan's newly appointed governor, Robert J. Walker, who had represented Mississippi in the U.S. Senate and was Douglas's personal friend.<sup>142</sup> Unsurprisingly, the election produced a proslavery delegation that was duly elected but did not accurately represent the collective will of the people of the territory. This delegation met in September, in Lecompton, and drafted a constitution that guaranteed that the enslaved people who were already in Kansas would remain enslaved. After some earnest maneuvering by John Calhoun, who was facing long odds and perhaps trying his best to implement his understanding of what Douglas might have wanted,<sup>143</sup> it was decided that the residents of Kansas would have the opportunity to approve either a version of the state constitution that allowed additional enslaved people to be brought into the state or one that did not. This was known as "partial submission."<sup>144</sup>

Buchanan, anxious both to appease the South—the source of most of his political support—and to quell further disruptions in Kansas, favored the Lecompton Constitution. This meant that Douglas, in order to stand by his principle of popular sovereignty, had to oppose the leader of his own party.<sup>145</sup> The dilemma was especially significant because of Douglas's precarious position among the Democrats. Kansas-Nebraska had left Douglas "the outstanding Democrat in the country, but he was identified with a minority faction within his own party."<sup>146</sup> The degree to which he was marginalized in the Democracy is evident in the fact that, while visiting Chicago during the summer, Douglas met with several prominent Republicans, including William H. Seward, Thurlow Weed, and Horace Greeley. "Douglas was quite clearly trying to appeal to Republicans," Johannsen writes. "hoping to woo those with Democratic antecedents back into the party."<sup>147</sup> To retain his power, and to continue to nurse his presidential ambitions, Douglas needed to grow his constituency, and needed to do it in the North and among Republicans if need be. As a result, the ensuing feud between him and Buchanan was also a sectional battle; it placed Douglas

on the side of the North in general, and Northern Democrats in particular, against the South in general, and Southern Democrats in particular. Thus, this feud helped formalize the incipient party divisions revealed during the Kansas-Nebraska debates and exacerbate sectional divisions.

Douglas called on Buchanan on December 3, 1857 and learned that the president's support for the Lecompton Constitution had hardened. Douglas declared that he would oppose Lecompton in the Senate, and Buchanan reminded him of the fate of the Democrats of an earlier generation who had dared to defy President Andrew Jackson. Douglas, in turn, reminded Buchanan that "General Jackson is dead." When he left the president's office, Douglas crossed the Rubicon — or, as he put it, "I have taken a through ticket and checked all my baggage."<sup>148</sup> As Whan points out, "For 25 years, preceding 1858, Douglas was schooled in the philosophy of the Democrats. Party fidelity as outlined in the platform was the ruling principle of his political life."<sup>149</sup> Now, he had to fashion a new audience, and he began the work on December 9, again "before packed Senate galleries," in what Wells calls "one of the great speeches of his career."<sup>150</sup>

### **Douglas Addresses Lecompton**

Douglas characterized his address as a response to Buchanan's message to Congress on the Lecompton Constitution, read out by the clerk on December 8. Buchanan had declared that the system of election of delegates to the Lecompton convention "was in the main fair and just" and that the convention "had been recognized by Congress in different forms and by different enactments."<sup>151</sup> But the heart of his argument was that Lecompton was a legitimate offspring of Kansas-Nebraska. "Friends and supporters of the Nebraska and Kansas act," he said, had "publicly pledged their faith and their honor, that they would cheerfully submit the question of slavery to the decision of the bona fide people of Kansas, without any restriction or qualification whatever." The best course of action, Buchanan reiterated, was to decide "an important and exciting question like that of slavery in Kansas" through "a direct vote."<sup>152</sup> This much of Buchanan's statement fit comfortably within the Democratic faith in the wisdom of the masses, and with Douglas's position. But, Buchanan continued, the submission of the entire constitution to the people was not required by the Kansas-Nebraska Act; only those sections related to the "domestic institution" of slavery were required to be submitted. "Rising to new heights of sophistry," as Wells puts it,<sup>153</sup> Buchanan carefully argued that the phrase "domestic institutions," as it was used in Kansas-Nebraska, referred to the "relation between master and slave," for example, "and a few others are 'domestic institutions' and are entirely distinct from institutions of a political character." In a terrifically narrow reading of the Kansas-Nebraska Act, Buchanan argued that there is no need to submit those parts of the constitution that are "political," and that voting on just the part of the constitution that dealt with slavery would fulfill its declaration that the people of a territory have a right "to form a constitution, with or without slavery," according to the will of the majority. By thus framing Lecompton as a continuation of Kansas-Nebraska, Buchanan perhaps hoped to force Douglas into compliance. How could the champion of Kansas-Nebraska repudiate its offspring?

Douglas did so the next morning. His response divides into two parallel parts, and in each case his primary strategy was to reject the possibility of impassioned argument. In the first part of the speech, Douglas's arguments are framed as corrections to Buchanan's statement, but even the most direct disagreements are stated as revisions rather than refutations. The tone is cautious, almost complaisant, to the extent that it is sometimes difficult to tell if Douglas was intending to be diplomatic or ironic. But it is clear that he was avoiding terms and characterizations that would invite an impassioned response. He began, for example, by suggesting that he had

heard Buchanan's message "imperfectly" when it was read the previous day, but he had immediately denounced it because he "was of the impression" that Buchanan had endorsed Lecompton. Upon further study, however, he "rejoiced to find that the President of the United States has not recommended that Congress shall pass a law to receive Kansas into the Union under the constitution formed at Lecompton," and — perhaps rising to heights of sophistry intended to match Buchanan's — that actually "the President has made an argument ... against that constitution."<sup>154</sup> Douglas seemed to be replying in kind; just as Buchanan had made his argument by recreating Lecompton in the image of Kansas-Nebraska, so Douglas will recreate Buchanan's message.

Douglas declared his "profound respect for the President of the United States," but he suggested that Buchanan has made a "fundamental error" in his interpretation of Kansas-Nebraska. Perhaps this happened, Douglas suggested, because Buchanan was out of the country at the time of the Kansas-Nebraska debates and, being otherwise "deeply engrossed," "he may well have fallen into an error, radical and fundamental as it is, in regard to the object of the Nebraska bill and the principle asserted in it." The intention of the Kansas-Nebraska Act, Douglas explained, was that there should be no differentiation between slavery and any other matter—that it should all be submitted to the people of the territory. Douglas makes his point in a series of parallel clauses that both challenge Buchanan's distinction between the "political" and the "domestic" and demonstrate the dispassionate, reasoned approach that Douglas seems interested in modeling. Just as the people of a territory are allowed to "decide what kind of a school system they will establish," "what kind of a banking system they will have," "what shall be the rule of taxation," "the relations between husband and wife, parent and child, guardian and ward," they should then be allowed "to decide for themselves the relations between master and servant."<sup>155</sup> Douglas emphasized, while also diminishing the significance of the slavery question, that the purpose of the Kansas-Nebraska Act was not to reserve special treatment for "the mere paltry exception of the slavery question." In fact, Douglas continued, Buchanan himself made an argument on just this point "with more clearness and force than any language which I can command," to the extent that he has stated that a direct popular referendum is the best way to resolve "every other question as well as with regard to slavery."<sup>156</sup> If "the slavery question must be submitted to the people," then "it follows inevitably that every other clause of the constitution must also be submitted to the people."<sup>157</sup> Douglas was required, "out of respect to him [Buchanan] and the platform on which he was elected, to send this whole question back to the people of Kansas."<sup>158</sup> Thus, Douglas's disagreement with Buchanan was not on the fundamentals of the question, not on the morality of slavery, and not even rooted in sectional difference, but only with Buchanan's insistence that slavery is in some way a special institution that should be singled out for differential treatment, through the vote on the Lecompton Constitution with slavery or without. "I have spent too much strength and breath, and health, too," Douglas insisted, "to establish this great principle in the popular heart, now to see it frittered away by bringing it down to an exception that applies to the negro, and does not extend to the benefit of the white man."<sup>159</sup> For Douglas, slavery should be treated like every other issue, and thus presented to the residents of Kansas for a simple and complete up or down vote.

In the second part of the speech, Douglas addressed the substance of the Lecompton Constitution directly, asserting that it will be submitted in this form: "Constitution with slavery or constitution with no slavery." This is an oversimplification because it ignores the fact that the constitution "with no slavery" still would protect whatever slavery already existed within the new state. But it nicely distills Douglas's objection: "All men must vote for the constitution, whether they like it or

not, in order to be permitted to vote for or against slavery."<sup>160</sup> This is a clear violation of popular sovereignty, and more specifically it attenuates the capacity for popular sovereignty to compartmentalize slavery agitation. Voting on the constitution in this way limits the ability for the people to vote directly on the topic of slavery and thus limits the capacity for that localized popular vote to contain the scope of slavery agitation and thus insulate national public discourse from disruptive debate. Such a vote would not permit popular sovereignty to perform the action for which Douglas designed it.

To emphasize the point that popular sovereignty, when properly evoked, should serve as a bulwark against emotional attachment or moral investment, Douglas again deployed a series of parallel clauses in which he set himself as a model to be emulated. Neither Congress nor the general public beyond the borders of Kansas territory has any say in the matter: "Whether good or bad, whether obnoxious or not," the content of a constitution as legitimately approved or rejected by the people "is none of my business and none of yours."<sup>161</sup> "I care not what they have in their constitution," Douglas continues, "so that it suits them and does not violate the Constitution of the United States and the fundamental principles of liberty upon which our institutions rest." He did not care what sort of banking system they have in Kansas; though they say they want no monopolies and have allowed for only one bank, "it is none of my business." He did not care that the people of Kansas believe that one must have been a resident of the United States for twenty years before he can become governor; "if I lived there," he points out, "I should not be willing to have that provision in the constitution without being heard upon the subject," but he does not live there. "I have nothing to say about their system of taxation," he declared; it is entirely up to them if they wish to return "to the old exploded system that we tried in Illinois, but abandoned because we did not like it." The people of Kansas say they do not want free Black people to live in the state; "I suppose they have a right to say so if they choose, but if I lived there I should want to vote on that question." Each paragraph of the constitution could be analyzed this way, Douglas concludes, "they may be all right; they may be all wrong. That is a question on which my opinion is worth nothing."<sup>162</sup> Douglas's personal attitude is irrelevant, as should be the attitudes of all people who do not live in Kansas; the people of Kansas must be allowed to decide for themselves.

It is in this context that Douglas made the statement that would be used against him later to great effect, most notably by Abraham Lincoln: "It is none of my business which way the slavery clause is decided. I care not whether it is voted down or voted up."<sup>163</sup> The statement follows the parallelism that Douglas used throughout the address, merely elevating it to a general observation. He did not mean that he had no opinion about slavery; he meant that his opinions — whatever they are — should not impinge upon the right of the citizens of Kansas to express their opinions. He was not declaring a personal moral ambivalence, but rather the primacy of popular sovereignty as a principle of public action designed to remove from the national arena issues fraught with emotional attachment. He concluded by saying that he "will stand on the great principle of popular sovereignty," that he will "follow that principle wherever its logical consequences may take me. . . . No mortal man shall be responsible for my action but myself."<sup>164</sup>

### *Aftermath*

On March 22, 1858, Douglas delivered his closing attack on Lecompton, vowing, "If, standing firmly by my principles, I shall be driven into private life, it is a fate that has no terrors for me."<sup>165</sup> Douglas was not driven into private life. Instead, because of his stand against the administration, Douglas enjoyed renewed national prominence.

During this speech, the galleries were full of people who had come to see him embody "the spectacle of duty contending against wrong and defying power."<sup>166</sup> He had shaken off some of the Northern suspicion that had clung to him since the passage of the Kansas-Nebraska Act, and in his home state and throughout the Northwest, Douglas, not Buchanan, was seen as the true leader of the Democratic Party.<sup>167</sup> The fight broadened Douglas's appeal even beyond his own party, for it placed him in the position of voting in agreement with Republican senators such as Chase and Wade who, as Potter puts it, "had treated him in 1854 as if he were the Antichrist." Some Eastern Republicans even "took up the idea of supporting him and bringing him into the party."<sup>168</sup>

But the victory was not without its costs. Douglas's support in both houses of Congress was already slight, and now his once-powerful party was divided and rudderless. The suspicions of the South had been confirmed, making it more difficult for Douglas to command the bisectional support he believed he would need for a successful presidential campaign in 1860. As the Kansas turmoil faded from center stage, it became clear that his further alienation of the South had not been offset by a long-term gain in the North.<sup>169</sup> To make matters worse, Buchanan launched what Wells suggests was a campaign to end Douglas's career as a United States Senator. Wielding patronage and the long-entrenched political machinery built during decades of Democratic ascendancy, Buchanan worked toward Douglas's defeat in November.<sup>170</sup> As Albert J. Beveridge put it, Douglas was "on one hand ... assailed by the Administration forces and old line Democrats who could not forgive even Douglas for breaking with his party in Congress; on the other hand by the Republican party of Illinois, fresh, eager, bellicose, and led by their ablest man."<sup>171</sup>

### **Debates of 1858**

When Douglas returned to Chicago on July 9, 1858, to campaign for his Senate reelection, he was greeted by an enthusiastic crowd in complete contrast to the surly anti-Nebraska crowd that had not even allowed him to complete his remarks in September 1854.<sup>172</sup> During the ensuing debates with Lincoln throughout the summer and early fall, Douglas worked to capitalize on this positive reception by relying on arguments based in Northern Democratic orthodoxy, and he also continued to develop his argument for the containment of emotional, slavery-related discourse. Much has been written about the Lincoln-Douglas debates that took place during the summer and fall of 1858, and because for the most part Douglas hewed to themes he had already developed, for present purposes a relatively brief summary will suffice.<sup>173</sup>

One of Douglas's tactics was to continue to charge Republicans with expounding a doctrine that was a radical diversion from the intentions expressed in the founding documents. For example, in the opening speech of his first joint debate with Lincoln, in Ottawa, in August, Douglas argued that "Washington, Jefferson, Franklin, Madison, Hamilton, Jay, and the great men of that day, made this government divided into free states and slave states, and left each state perfectly free to do as it pleased on the subject of slavery." He followed with the rhetorical question: "Why can it not exist on the same principles on which our fathers made it?"<sup>174</sup> Douglas also argued that Lincoln called for strict uniformity among states, at odds with Democratic anti-federalism. Again in the opening debate, Douglas reiterated this theme, arguing "that uniformity in the local laws and institutions of the different states is neither possible nor desirable" because "the laws and regulations which would suit the granite hills of New Hampshire would be unsuited to the rice plantations of South Carolina."<sup>175</sup> This must have been the intent of the Founders, Douglas continues, in



contradistinction to the "House Divided" doctrine that Lincoln had espoused that June, because if they had believed that the Union must be either all slave or all free, then the slave states would have outvoted the free states and "established slavery everywhere throughout the American continent."<sup>116</sup>

Douglas also continued to attempt to insulate national public debate from disruptive discourse about slavery, and he declared that blame must be laid with Lincoln and the Republicans for the growing sectional tensions because of their insistence upon elevating into national discourse potentially divisive "moral" issues. In Springfield, in July, for example, Douglas argued that the only way that Lincoln could make the Union all free would be to "invest Congress with full and plenary power over all the local and domestic police regulations of the different states of this Union." Such a policy, Douglas explained, would have disastrous consequences, for Lincoln proposed, as Douglas described it, "to invite the people of Illinois and every other free state to band together as one sectional party, governed and divided by a geographical line, to make war upon the institution of slavery in the slaveholding states."<sup>177</sup> Again, Douglas was presenting popular sovereignty as a mechanism for containing emotionally charged discourse at the local level while maintaining national public discourse as rational and uninvested. In the Ottawa debate, he suggested that "if we will only act conscientiously and rigidly upon this great principle of popular sovereignty ... we will continue at peace one with another."<sup>178</sup> He concluded the debates on the same note, arguing in Alton, in October, that "if the people of all the states will act on that great principle, and each state mind its own business, attend to its own affairs, take care of its own negroes and not meddle with its neighbors, then there will be peace between the North and the South, the East and the West, throughout the whole Union."<sup>179</sup> Significantly, as Douglas was making his case in support of this doctrine at Ottawa, he asked his listeners to contain their enthusiasm. "My friends," he tells them, "silence will be more acceptable to me in the discussion of these questions than applause. I desire to address myself to your judgment, your understanding, and your consciences, and not to your passions or your enthusiasm."<sup>180</sup>

At the debate at Freeport, on August 27, Douglas articulated what came to be known as the Freeport Doctrine in response to a question from Lincoln: "Can the people of a Territory in any lawful way, against the wishes of any citizen of the United States, exclude slavery from their limits prior to the formation of a State constitution?" "Mr. Lincoln," Douglas answered, "has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a Territory can, by lawful means, exclude slavery from their limits prior to the formation of a State constitution." The people of a territory "have the lawful means to introduce it [slavery] or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations."<sup>181</sup> In one of the many parades that accompanied the debates, Wells reports, "a Republican delegation carried a banner showing Douglas as a circus rider attempting simultaneously to ride two horses labeled "Dred Scott" and "Popular Sovereignty."<sup>182</sup> But Douglas had been performing this metaphorical equestrian feat for at least a year, since the doctrine he articulated at Freeport was essentially the same thing that he had said to the Illinois State Legislature in June 1857 in response to the Dred Scott decision.

The results of Douglas's debating strategies were mixed. Douglas did retain his Senate seat over Lincoln and further bolstered his national reputation. But the Democrats lost most of the rest of the Illinois state ticket, and Douglas's power in the Senate continued to erode. Most significantly, the debates — and especially the so-called Freeport Doctrine — further alienated him from the South, where sentiments in favor of affirmative protections for slavery continued to grow. Despite continued rhetorical efforts during the spring and summer of 1859, it was becoming evident

that an audience prepared to bracket emotional commitment and assent to Douglas's logical chain of reasoning was rapidly evaporating.

### **Southern Campaign**

Despite Douglas's success in retaining his Senate seat in a well-publicized contest, the Democratic Party itself limped toward its presidential nominating convention in Charleston. Its sectional division was more pronounced than ever, and while the Southern radicals increasingly called for Douglas's head, the Northern wing of the party became weaker. The Pennsylvania and New York Democrats were badly split, exacerbating the decimation that the Northern Democrats had experienced in the wake of Kansas-Nebraska and Lecompton. Republicans had also made strong showings in Vermont, Maine, and Indiana in the September elections,<sup>183</sup> and the South could extract pounds of flesh almost at will because of its majority in Congress and because any hope of a Democratic victory in 1860 rested on Southern support. As Potter puts it:

insofar as there was a popularly based northern Democracy, with Stephen A. Douglas leading it, it operated under the twin handicaps of opposition within the northern states by the mercenaries of the administration and of domination in Congress by a southern wing which imposed proslavery policies that weakened the northern wing even further.<sup>184</sup>

Douglas had been using popular sovereignty as a mechanism through which agitation about slavery might be relegated to the margins of national public debate, but in the process he had succeeded in transforming his "practical, flexible device ... into a rigid and formal abstraction" that attenuated its potential to adapt to hardening sectional alignments as well as to the elevated sense of outrage that had begun to characterize public discourse.<sup>185</sup>

The strain on the Democratic Party was evident. Douglas, the only candidate with enough potential bisectonal support to win a national election, would not accept the nomination if the demands of Southern radicals for a federal slave code were incorporated into the party platform. At the same time, if the Southerners bolted, the Northern Democracy was not strong enough by itself to emerge victorious, even with Douglas at the top of the ticket. The editor of the *Charleston Mercury* pronounced the Democratic Party "dead" upon the arrival of its delegates in Charleston, and indeed the convention could not withstand the pressure.<sup>186</sup> Eight Southern states withdrew, Douglas could not muster the two-thirds majority necessary for the nomination, and the Democrats agreed to reconvene in six weeks. In the interim, John Bell was selected to represent the "Constitutional Union Party," Lincoln was nominated by the Republicans, and the Democracy became steadily more fragile — New York and Philadelphia staged mass meetings to declare that "Douglas could not be set aside without a betrayal of Democratic principles."<sup>187</sup> Perhaps Douglas could not have withdrawn his name even if he had wished to. Soon after the delegates reconvened in Baltimore, he wrote a letter advising that his name should be withdrawn if "some other non-Intervention and union loving Democrat" were more likely to achieve party unity, but William Richardson, his floor manager, pocketed the letter and denied its existence.<sup>188</sup> Most of the Charleston seceders were enticed back into the convention at Baltimore, but then the new convention soon similarly self-destructed, with over a third of the delegates walking out. Douglas easily won the nomination, but he could not claim to be the nominee of the entire Democratic Party. The seceders, at another hotel not far away, nominated John C. Breckinridge.<sup>189</sup>

That evening, Douglas insisted to the well-wishers gathered at his home in Washington that "secession from the Democratic party means secession from the federal Union."<sup>190</sup> Without bisectional strength, the Democrats would not be able to prevent a Republican victory in November, and the South had repeatedly promised to secede from the Union if a Republican were elected. Neither the Northern nor the Southern Democrats were willing to compromise, and there was little middle ground upon which such a compromise might be met. "It was the misfortune," Wells writes, "of Douglas and of the times in which he lived that many Americans, North as well as South, were no longer motivated by national considerations."<sup>191</sup> He means that for many Americans, rising sectional tensions overrode commitment to the Union: "North and South were simply moving in opposite directions," each defining itself against and alienating itself from the other.<sup>192</sup> Douglas's strength had always been in an ambiguity that encouraged compromise, but as the Civil War neared, the factions demanded clarity and the space left for Douglas to maneuver narrowed still further. He responded by campaigning for the Union.

Douglas's decision to campaign actively for the presidency is notable enough, being at the time almost without precedent, but his decision to campaign in the South is especially significant because he knew that he had little hope for support there.<sup>193</sup> As Johannsen notes, Douglas's "interpretation of the Dred Scott decision, his opposition to the Lecompton constitution, [and] his enunciation of the Freeport Doctrine ... had rendered him unacceptable to those who wielded political power in the South" because they had grown to demand more explicit safeguards for slavery.<sup>194</sup> The only rational explanation for his Southern political campaign, Wells suggests, is "that almost from the outset of the campaign he knew that he could not win the presidency .... He came [to the south] less in the role of campaigner and more as the defender of common sense and the Union."<sup>195</sup> The rhetoric of this Southern campaign does exhibit a shift of purpose — no longer was Douglas speaking as the leader of the Northern Democrats, hoping to recruit partisan support and rebuild that weakened wing of the Democracy. Rather, he was speaking as a Unionist attempting to locate, or to craft, a nonpartisan, unemotional middle ground somewhere in the increasingly parched political climate of prewar America. As Wells puts it, "Douglas the politician had yielded to Douglas the statesman."<sup>196</sup>

Two speeches that Douglas delivered during this campaign are particularly significant: the first speech of the tour, delivered in Norfolk, Virginia, on August 25, 1860, and one of the final speeches of the tour, delivered in Montgomery, Alabama, on November 2, 1860. In the first, Douglas seemed to cling desperately to the dream that he might find, or that he might call into being, a place in the public sphere where reasoned and dispassionate discourse might flourish. In the second, he returned to and elaborated the idea that the expansion of slavery will ultimately be governed by natural boundaries rather than legislative actions.

### *Norfolk*

In Norfolk, Douglas "set forth his political philosophy," which was "substantially repeated, with adaptation to local conditions, whenever he spoke in the South."<sup>197</sup> He arrived by steamer from Baltimore and spoke from the courthouse portico before a crowd of some 5,000 people from Norfolk and the immediate area.<sup>198</sup> He began as he often did, with a historical review intended to define his terms in agreement with the Founders. Lionel Crocker suggests that the Norfolk address represents "Douglas' answer to Lincoln's Cooper Institute address of February 27, 1860,"<sup>199</sup> and the similarities serve to emphasize the differences. Where Lincoln cited Jefferson to show that this representative Founder believed that slavery should be put on the road to extinction, Douglas cited Jefferson as one who argued that fundamental rights—such as self-government—do not derive from a monarch or, by analogy, from Congress.

Where Lincoln referred to Washington's "Farewell Address" as the property of the Republicans, who are upholding his principles, Douglas cited Washington's address as an injunction against disunionist tendencies. And while Lincoln stated his purpose to be discussing the differences between "Republicans and that wing of the Democracy headed by Senator Douglas,"<sup>200</sup> Douglas stated that he has come south "for the purpose of ascertaining whether Democratic principles are the same on the banks of the Chesapeake as they are in the valley of the Mississippi and on the hills of New England." Where Lincoln was attempting to define his party as opposed to the Democrats, Douglas was attempting to unite his party and the nation under an umbrella of common principles.

Douglas reviewed his construction of the historical antecedents of popular sovereignty, following closely his various previous similar arguments, particularly in a lengthy article that had appeared in Harper's in September 1859.<sup>201</sup> At Norfolk, Douglas explained that he was reviewing "these historical facts-in order to guide us in our investigation as to the true line of policy which ought now to be adopted in order to restore a fraternal feeling between the different sections of the Union." He declared that there cannot be peace as long as the major political parties are both convinced that Congress must intervene on their behalf, whether to "prohibit" or to "maintain" slavery "against the popular will." For Douglas, the threat to the Union is manifest in this clambering for Congressional interference: "the northern Republicans and the Southern Secessionists agree ... as to the duty of Congress to interfere." Instead, Douglas insists, the path to peace is through popular sovereignty, so that "if the people of New Mexico want slavery let them have it" and "if the people of Kansas want slavery, let them have it." These declarations were met, the transcript tells us, with "Great applause."

Notable here, in relation to Lincoln's "Cooper Union" address, is the complete lack of emotional or moral engagement. Where Lincoln strategically invited emotional response at specific moments in his speech, elevating slavery to a moral issue of almost biblical proportions, Douglas again sought to depreciate the significance of slavery, to bar it from entering national debate in any potentially divisive way. Emphasizing a line of reasoning that he would develop at length in later speeches, Douglas said that it is not a matter for the law at all: "It is a question of political economy, a question of self interest to be determined by climate, by the degree of latitude, the altitude above the sea and the interests of the people occupying the country." Personal misgivings about slavery would be analogous to personal misgivings about the weather-misplaced energies certainly not worth going to war over. Congress merely calls the territories into existence, "in the same way as the Queen of England calls colonies into her existence by granting them a charter," but then the territories/colonies are left alone to decide for themselves such questions as the regulation of liquor, horses, and slavery. "That is what I said," declared Douglas, "and all I said in the celebrated Freeport speech of which gentlemen talk so much." There is not, nor should there be, a universal principle regarding slavery or Black people; there is no abstract (moral) standard against which such decisions are to be judged. The laws regarding slavery should be no more complicated, inflammatory, or federal than laws "for the protection of horses, cattle, merchandise, [and] groceries."

Where Lincoln at Cooper Union was attempting to direct his audience's moral outrage toward partisan goals, Douglas asked his audience to detach themselves and the slavery question from any emotional involvement, and in so doing so look beyond partisan wrangling toward a "great principle" that can insulate national public discourse from divisive local issues. "I hold," he states early in the speech, "that there is no grievance in this country for which the constitution has not provided the remedy inside of the Union. I maintain that there is no grievance for which disunion can furnish a remedy." In Douglas's peroration, he attempted to disconnect the political

and the moral, relegating the latter to the local arena through his cherished amoral principle of popular sovereignty. "Now my friends," he says; marking his conclusion and establishing his closing theme:

if we can only agree to act upon the principle that the people of a State or Territory must regulate their own affairs to suit themselves and in obedience to the constitution of the United States, and then mind their own business and let their neighbors alone, we shall get along in entire peace.

Peace, for Douglas, depended not upon reuniting a divided house but rather upon finding a way to manage public debate so that no one ever explicitly says that the house is divided.

Had Douglas stopped here, the speech would have been important enough as a claim on the depoliticized middle ground that Lincoln — probably accurately — had dismissed as nonexistent. But as Douglas concluded his prepared remarks, he noted that he had been handed "a slip cut from a newspaper in this city (the *Southern Argus*), in which two inquiries are proposed to me and I am requested to answer."<sup>202</sup> These two questions provided Douglas with an opportunity to clarify and to solidify his positions.

The first question was: "If Abraham Lincoln be elected president of the United States, will the Southern States be justified in seceding from the Union?" Douglas replied, "To this I emphatically answer No." Just as he had insisted near the beginning of his speech, the preservation of the Union outweighed the results of any election, and under no circumstances should an emotional response, no matter how collective, be allowed to escalate toward endangering national unity. As Douglas elaborated, the conflation of Northern Democratic ideals and his own interests in insulating the national public sphere from personal outrage is evident: "The election of a man to the presidency by the American people in conformity with the constitution of the United States would not justify any attempt at dissolving this glorious confederacy." This captions an important central theme in this speech and throughout his Southern tour.

The second question that was handed to Douglas that summer afternoon was more pointed and led Douglas into a perhaps predictable contradiction. This question was: "If they [the Southern states] secede from the Union upon the inauguration of Abraham Lincoln ... will you advise or vindicate resistance by force to the decision?" While the Virginia crowd shouted "No!," Douglas said, "I answer emphatically that it is the duty of the president of the United States, and all others in authority under him to enforce the laws of the United States, passed by Congress, and as the courts expound them." "In other words," he continued, "I think the President of the United States ... should treat all attempts to break up (the) union ... as Old Hickory treated the Nullifiers in 1832," presumably through something akin to a renewed Force Bill. This part of his answer seems to endorse the capacity for the president, and the federal government, to override the will of the people in the states, if that will inclines toward secession. But then Douglas continued, emphasizing that he also endorsed the "inalienable right to revolution whenever a grievance [becomes too] burdensome to be borne," and the "right of every man to rebel and change the form of government under which he lives whenever it proves destructive to the ends for which it was established." This part of the answer seems to support a conception of popular sovereignty that is almost radical, or at least in keeping with his often-formulated analogy to the Revolutionary War. But then Douglas continued further, reiterating that "the mere inauguration of a president of the U.S., whose political opinions were, in my judgment, hostile to the constitution and safety of the Union" but "without an overt act on his part" does not rise to the level of such a grievance

In this way Douglas defanged the most radical reading of popular sovereignty, one that could rationalize disunion, by insulating it between twin declarations that the election of a president does not legitimate triggering that particular form of popular sovereignty.

By the late summer of 1860, however, such nuances rang hollow to Southern ears. While in the North Douglas was praised for being willing to "beard the lion of disunion in his own den," in the South he was "portrayed as the ally of Lincoln."<sup>203</sup> In Douglas's peroration, at Norfolk, he insisted that:

I did not come here to purchase your votes. I came here to compare notes, and to see if there is not some common principle, some line of policy around which all Union-loving men, North and South, may rally to preserve the glorious Union against Northern and Southern agitators .... I desire no man to vote for me, unless he hopes and desires to see the Union maintained and preserved intact.

But reactions to his answers to the questions, and particularly his answer to the second, effectively overwhelmed such protestations of moral detachment. As Wells puts it, Douglas was attempting to portray himself as the voice of moderation "in an age breaking in mad haste for the extremist fringes."<sup>204</sup>

### **Montgomery**

Douglas's unprecedented campaign required him to speak several times a day to large crowds mostly in the open air, in all kinds of weather, and it took a toll on his health.<sup>205</sup> Particularly toward the end of the tour, when he returned to the North, observers noted that his voice was raspy and that he looked disheveled.<sup>206</sup> Johannsen reports that Douglas frequently would squirt lemon juice down his throat to restore his voice while speaking,<sup>207</sup> and Wells notes that the photographs taken of him during this time reveal "a shocking change in his physical appearance."<sup>208</sup> Douglas's running mate, Herschel V. Johnson of Georgia, came north to join this portion of the campaign and was impressed by the size of Douglas's audiences, declaring that no one "has so deep a place in the hearts of the N. W. Dem[ocracy] as Douglas."<sup>209</sup> Wells observes, however, that the Northwest was leaning increasingly in a free-soil direction, and thus away from the Little Giant, and Johnson himself seems soon to have tempered his optimism.<sup>210</sup> In October, Republicans won decisive gubernatorial elections in Indiana and Pennsylvania, and Douglas knew that that Lincoln would win the election and that Southern secession was imminent. He made the decision to return to the South. To his secretary, he is reported to have said: "Mr. Lincoln is the next President. We must try to save the Union. I will go South."<sup>211</sup>

From Centralia, Illinois, Douglas traveled by train to address crowds in Memphis, Huntsville, Nashville, and Chattanooga. In Atlanta, he was introduced by Alexander Stephens, who promised the audience that Douglas was there to address not their passions, but their "intellects."<sup>212</sup> But passions were running high, and secessionist fever was rampant, when on November 2, four days before the election, Douglas delivered a speech on the courthouse steps in Montgomery, Alabama. On his way to his hotel, rotten eggs and overripe tomatoes were lobbed in his direction. Wells calls this speech, which may have taken Douglas as much as four hours to deliver, "the worst performance" of his southern tour; David R. Barbee and Milledge' L. Bonham, Jr., however, who edited the speech for publication in *The Journal of Southern History*, write that the text is "an excellent summary of the Douglas view of the slavery question as it related to the territories, particularly of the doctrine of nonintervention."<sup>213</sup> While much of the content of the speech is representative of what he said elsewhere, it is notable because it demotes popular sovereignty from the privileged place it held in Douglas's discourse throughout most of the 1850s.

Douglas began by taking note of the threats to the Union, describing the Republic as "now involved in darkness, and surrounded with those elements of discord which inspire the patriot[']s hearts with dread."<sup>214</sup> But the "only question which now disturbs our harmony and generates hostility, is that of African slavery."<sup>215</sup> And this disruption, in turn, stems from the abandonment of a recognition that institutions should be "adapted to the wants and interests of each locality" for the new doctrine, as espoused by Abraham Lincoln, that the country must be either all slave or all free.<sup>216</sup> Douglas then recounted the by-now-familiar historical analysis that supported his view that American history, from the founding through the Compromise of 1850 — except for the aberration that was the Missouri Compromise — was characterized by this tolerance for the existence of slavery. "So long as Congress acted on that principle of non-intervention on the subject of slavery," he declared, "there was peace between the North and the South, and harmony between the free and the slave States."<sup>217</sup>

The speech is a long and rather rambling affair, but at about the midpoint Douglas provided an unusual glimpse of self-reflection that reveals his acknowledgement that the once-productive ambiguity that allowed him to present popular sovereignty as potentially capacious enough to serve as a vessel within which sectional strife might be diluted, has become instead an opportunity for all sectional interests to define popular sovereignty as equally unfriendly to their goals and thus to narrow its scope and limit its usefulness. In the North, he explained, the abolitionists have determined that popular sovereignty will allow "the South to have it all their own way," while in the South, "the secessionists tell you that non-intervention and popular sovereignty is a short cut to Abolitionism."<sup>218</sup> His long-vaunted doctrine, though still "the great fundamental principle of free government the world over," is no longer up to the task of quelling disruptive public debate about slavery, but instead has become an incendiary to such debate.

As his argument develops, Douglas rehearsed ideas that had been familiar talking points in his speeches from at least 1857 onward. He noted his long experience in matters related to the governance of territories, for example, and declared that "no man of ordinary intelligence and brains has any excuse for pretending that Congress ever protected horses, cattle, or other property in a Territory, any more than it protected negro slaves."<sup>219</sup> The possession of "horses, negroes, merchandise, every kind of property, goes subject to the local law," and cannot be sustained in the absence of such laws, regardless of what the federal statutes may be.<sup>220</sup> The people of New Mexico, just like the people of Kansas, or any other territory, have the right to decide for themselves whether to have slavery or not: "It is their business — not ours."<sup>221</sup> His object was to remove the slavery question from the halls of Congress, while, he said, Breckinridge and Lincoln wished to keep it "in Congress forever."<sup>222</sup> Abolitionism has not succeeded in freeing even one Black person from slavery, and in fact the continuing agitation of the slavery question "has been a curse to the negro" as well as to the white man.<sup>223</sup> Demands for Congress to enact laws to protect slavery would result in disunion just as surely as abolitionism.

Interwoven with those arguments, however, is another that, while it did appear in previous speeches — it is present in the Kansas-Nebraska debates and in the speech at Norfolk, for example — is given much more extended treatment here: that the existence or absence of slavery is actually governed by climate rather than by human preference or political affiliations. His declaration that "You cannot compel slavery to exist in a cold, Northern latitude any more than by an act of Congress you can make cotton grow upon the tops of the Rocky Mountains," was met, the transcript informs us, with "Laughter and cheers." Furthermore, he continued, if the United States were to acquire the island of Cuba, and if that island then were "colonized by Sumner, Seward, Chase, Giddings, Lincoln and men of that class" they would not only fail to free the enslaved people there but within a week they would agree that

"that Island with slave labor to secure tropical productions, is the choicest country on the face of the earth."<sup>224</sup> Indeed, Douglas asked, "how long would they be in Cuba before they would open the African slave trade?"<sup>225</sup> This was not an unusual belief at the time, grounded as much in assumptions about the sorts of crops that would grow in particular places as in racist assumptions about a supposed adaptation among Black people that made them particularly well-suited for laboring in hot climates. If "a Yankee goes South," Douglas explained, "where the white man cannot work and the negro is in his element," then that Yankee will expect at least as much work out of enslaved Black persons as he could get out of white people in the North — and if he lowers his expectations, will think himself "the most humane man living."<sup>226</sup> "The fact is," he summed up, "take Southern men into a country where slavery is not profitable, and they will be opposed to it. Take Northern men into a country where slavery is necessary under the climate and profitable, and there they will protect it."<sup>227</sup> This line of reasoning depends as much as any of the others on the dehumanization of Black people, but it also makes humans, regardless of their race, status, or political attitudes, subject to natural forces that are well beyond their control. Both Congress and the president must dance to nature's tune. While this theme pulls together threads from Douglas's previous statements, within the context, it may be seen as a last desperate attempt to remove slavery agitation from the realm of public debate. Arguing about it would make as little sense as complaining about the weather.

### **Douglas's Return to Springfield**

Douglas's message remained consistent through the election of Lincoln, Southern secession, and to the brink of the Civil War. Douglas received the expected election results while in the offices of the Mobile Register, and then he traveled to New Orleans. On November 13, he responded in a widely published letter to a request signed by ninety-six of that city's prominent citizens. His response reiterates, almost verbatim, what he said at Norfolk:

No man in America regrets the election of Mr. Lincoln more than I do; none made more strenuous exertions to defeat him; none differ with him more radically and irreconcilably upon all the great issues involved in the contest. ... But, while I say this, I am bound, as a good citizen and law-abiding man, to declare my conscientious conviction that the mere election of any man to the Presidency of the American People ... does not of itself furnish any just cause or reasonable ground for dissolving the Federal Union.<sup>228</sup>

When Douglas returned to Washington on December 1, 1860, he continued in the Senate his struggle to preserve the Union, an effort that would last into the spring, at one point even proposing a return to the Missouri Compromise and privately drafting a plan for a purely economic partnership between the Union and the Confederacy.<sup>229</sup> None of these last-ditch efforts to ground the increasingly charged atmosphere by delegating the rancor to a procedural exercise were successful, and the war would come.

Douglas addressed a special session of the State Legislature in Springfield, Illinois, on April 25, two weeks after the Confederate bombardment of Fort Sumter, where he delineated his continuing commitment to the preservation of the Union through insulating public discourse from excessive sectional interest and moralistic debate.<sup>230</sup> This was Douglas's final major address intended explicitly to preserve the Union, and it vividly portrays the various unresolved tensions left hanging by Douglas's rhetorical campaign, as the nation finds itself on the threshold of Civil War.



Though Douglas spoke with "a heart filled with sadness and grief," he also asserted that there still is no evidence that "the institutions of the Southern States are not safe under the Federal Government."<sup>231</sup> In fact, Douglas continued, they should be considered "more secure" than ever, because for "the first time in the history of this Republic, there is no restriction by act of Congress upon the institution of slavery, anywhere within the limits of the United States."<sup>232</sup> The Fugitive Slave Law is assiduously enforced, and there have been no acts of Northern aggression. In other words, many of the ramparts that Douglas had been seeking to install to insulate national public discourse from the disruptive effects of slavery were in place — the rule of popular sovereignty, the primacy of local ordinance, the lack of Congressional interference — so, from his perspective, slavery agitation should be at a nadir rather than at an apex.

Through this rather aspirational veil, a suspension of partisanship and sectionalism might have seemed plausible. To cheers and applause, Douglas affirmed his Norfolk Doctrine by assuring the crowd that if the situation had been reversed, and the Republicans were threatening secession after the election of John C. Breckinridge, then "you would have found me tendering my best efforts and energies ... to put down the Republican rebels."<sup>233</sup> He declared that he has "been as thoroughly national in my political opinions and action as any man that has lived in my day," and he left little doubt that preserving the Union was his priority. He asked those assembled to "lay aside, for the time being, your party creeds and party platforms" and "to forget that you were ever divided, until you have rescued the government and the country from their assailants."<sup>234</sup> Interestingly, Douglas argued for the preservation of the Union as a venue where, in the future, political maneuvering may continue: "Give me a country first," he said, "that my children may live in peace; then we will have a theatre for our party organizations to operate upon."<sup>235</sup> As had been consistently clear throughout his career, Douglas was not opposed to partisan wrangling, but only to the disruptive discourse about slavery, which alone had the power to dissolve the Union.

But Douglas also recognized that despite what he strove to describe as an auspicious context, partisan and sectional strife were not quieted. In stark contrast to the aspirational image that he just set out, he offered an apocalyptic description of the present situation: "The government of our fathers is to be overthrown and destroyed," he warned; the capital "is to be bombarded, and leveled to the earth"; the flag is to be "blotted out"; and indeed "all the elements of the French Revolution" are present upon the grounds surrounding Washington, DC, and "the demon of destruction is to be let loose over the face of the land."<sup>236</sup> He pleaded with his listeners not to allow their "passions to get the better of [their] judgments" and instead to allow "the spirit of moderation and of justice prevail."<sup>237</sup> He recognized, in other words, the power of the disruptive discourse that was then in circulation, and he recognized as well the havoc that it could wreak. In particular, he asked that his "Democratic friends" not permit passion to "convert you from patriots into traitors to your native land."<sup>238</sup>

Yet Douglas was no pacifist. While he was "not prepared to take up arms ... upon the rights of the Southern States" to govern "their domestic institutions," he stated, to great applause, that he was willing to fight to preserve free and open access to "the ports of the Atlantic, the Pacific and the Gulf of Mexico."<sup>239</sup> He was willing to wage war as long as it was not spurred by the passions aroused by talk of slavery but instead by the uncontroversial economic necessities of national and global commerce. If a war must be fought, then it must be waged in defense of "our own just rights," of "the government which we have inherited as a priceless legacy from our patriotic fathers," and of "those great rights of freedom of trade, commerce, transit and intercourse from the center to the circumference or our great continent."<sup>240</sup>

The text offers no unified message. Douglas declared that there is no need to introduce discourse about slavery into the public sphere, but also that discourse about slavery both dominates the public sphere and threatens to destroy it. The election of Lincoln does not provide a rationale for armed conflict, but the secession that was a reaction to that election does. This text, perhaps more than any other, demonstrates the quixotic aspirations of Douglas's rhetorical campaign. An effort to shield public discourse from the disruption of impassioned moral debate, and the concomitant reluctance to address the most morally fraught issue in the antebellum era, rendered Douglas's rhetorical project too brittle to adapt to the increasingly powerful forces pulling the Union apart, and if it did not ultimately shatter into incoherence, certainly the cracks are evident in Douglas's normally well-ordered rhetoric.

## Conclusion

Stephen A. Douglas had never enjoyed particularly robust health, and his public career had been punctuated by several debilitating illnesses and periods of rest and recovery. In the late spring of 1861, he checked in for an extended stay at the Tremont House in Chicago. His arduous pro-Union speaking tour had taken a lot out of him, and he had been particularly unwell since the speech in Springfield. Douglas wrote a letter to Virgil Hickox, a prominent Springfield businessperson, that was published in the *Chicago Tribune* on May 10, in which he explains that he has been "deprived of the use of my arms ... by a severe attack of rheumatism," and thus is writing through an amanuensis, but he also reasserted that it is the "imperative duty ... of every friend of constitutional liberty, to rally to the support of our common country ... as the only means of checking the progress of revolution and of preserving the Union of the States."<sup>241</sup> Soon after, all of Douglas's planned speeches and appearances were cancelled. Doctors were unsure of the exact nature of his illness, but he never recovered. He died on the morning of June 3. He was 48 years old.

Throughout the 1850s, Douglas was attempting to craft a depoliticized rhetorical space that would be insulated from the divisive positions that were pulling the nation apart. Initially, and particularly in his defense of the Kansas-Nebraska Act, he presented the amoral principle of popular sovereignty as especially well-suited to this purpose. If each section of the country could agree that it didn't care how the other sections handled slavery, then the nation could return to peace. But peaceful relations were not to be the rule of the day, and by the time of the Lecompton controversy and the Dred Scott decision, it seemed evident that popular sovereignty was not a sufficiently robust procedural mechanism through which to isolate national public debate. Rather than abandoning his principle, however, he revamped it, and in so doing he found a way for it to survive in a markedly narrower and diminished form. It was becoming clear to many—Democrats and Republicans, abolitionists and fire-eaters, Northerners and Southerners—that slavery was a moral dilemma, but Douglas vehemently opposed allowing such dilemmas onto the national public stage. When secession seemed inevitable, and then war seemed imminent, Douglas took his considerable national profile and rhetorical prowess to the South in an effort to preserve the Union. Douglas continued to insist that the best way to do so was by insulating national public debate from the moral questions of slavery, and thus countered the moral vision presented by Lincoln at Cooper Union. But in the end, Douglas seemed bewildered. The formerly robust rhetorical edifice that Douglas had constructed crumbled into a ruin of alternate constructs and contradictory motives.

Douglas was less concerned about the spread of slavery than he was about the spread of talk about slavery. He seemed to believe that the country could remain intact with slavery allowed in some places and not allowed in other places, as long as public discourse about slavery was excluded from national public debate. The public conversations about slavery that did occur were best kept confined to local communities or, at their broadest, to the state level; in this way, the tensions and passions that such talk inevitably provokes could be kept from infecting national discourse. The various laws and regulations that Douglas believed were required to maintain slavery — regardless of existing national laws and the constitutionality of those laws — were also best debated and administered by individual states, territories, and local communities. It is perhaps possible to imagine that if Douglas could have succeeded in removing slavery and other divisive issues from the national stage, then he might have successfully limited national discourse to topics that permitted a cool, detached, and deliberative rationality, and sectional tempers might never have flared.

George Milton has speculated that if Douglas had been elected, the Civil War could have been avoided.<sup>242</sup> Milton may be right because if the U.S. political climate in 1860 were favorable for the election of Douglas, then it might also have been favorable to something like the amoral and depoliticized concept of popular sovereignty. It wasn't. Demands on the one side for more explicit limitations on slavery and on the other for more explicit protection of slavery had eroded the possibility for disinterested debate. In contrast, Rhodes argues that "Douglas hastened the struggle; he precipitated the civil war,"<sup>243</sup> and he rests his claim primarily on Douglas's abrogation of the Missouri Compromise. And Rhodes may also be right because if the sectional tensions that dominated public debate by the late 1850s had made a continuation of the then thirty-year-old Missouri Compromise possible, then a gifted politician like Douglas might have found a way to extend its reach. The preceding analysis suggests a different and complementary conclusion, one that lifts some of the responsibility for disunion from Douglas's shoulders while at the same time, affirming his central role. Instead of Douglas's rhetoric constraining disruptive discourse and relegating it to the margins, the insulated rhetorical space that Douglas was attempting to craft became progressively more constrained as sectional tensions, party politics, the Dred Scott decision, and territorial ambitions impinged upon the available degrees of freedom. He was one of the most powerful and influential political wizards on the national stage in the 1850s, but even his monumental efforts to build a rhetorical bulwark against moral outrage and impassioned discourse were not enough, and the margins eventually overwhelmed the center. While Douglas can fairly be faulted for his consistent conviction that disruptive discourses could have been relegated to the margins, the forces that ultimately overran the island of political detachment that he had been attempting to craft were far beyond his control — or anyone's.

At the same time, this analysis suggests that a stronger claim for Douglas's contribution to secession might lie upon his insistence on scouring emotional conflict from public discourse. In doing so, he was attempting to insulate the national public sphere from the very forms of discourse that may have been necessary to ward off disunion. Again, it is likely that slavery-fueled rancor eventually would have overwhelmed whatever bulwarks anyone might have attempted to construct. But by barricading the national public sphere against the encroachment of talk about slavery, Douglas disabled the nation's ability to address the central moral question that had always threatened to undo the Union. By attempting to cork the bottle, he instead helped increase the internal pressure. In the 1850s, the slavery question was the most important way that Americans talked about race. And as Danielle Allen has reminded us, race is at the center of the "congealed distrust" that constrained—and continues to constrain—our efforts to build and preserve a more perfect union.<sup>244</sup> Constraining such discourse to the individual, local, or state level is dangerous because it shifts the

burdens of responsibility to entities that are too limited in their resources and reach to address the issue. Additionally, it negates the necessary recognition that these are historically intransigent and deeply seated national issues that require the full attention and overwhelming power of the national government. There are strong temptations to craft colorblind rhetoric that avoids engaging with race because, as Douglas rightfully understood, race-centered discourse is potentially disruptive. It promises to reopen old wounds and inflict new ones; to draw the curtain aside to reveal harsh truths about the past, the present, and the future; and even to strain friendships and divide families. But at the same time, public address that skirts these challenges by rejecting the burdens of addressing race, such as Douglas's, cannot contribute to the formation of an ethical public sphere because it does not acknowledge the racial exclusions that have haunted the United States since its founding. Douglas's extended rhetorical project throughout the 1850s is, then, a case study in the limitations, and in the dangers, of insulating national public debate from conversations about race.

## Notes

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25. Baker, *Affairs of Party*, 319.

26. Silbey, *Respectable Minority*, 32.
27. Baker, *Affairs of Party*, 172.
28. Gambill, *Conservative Ordeal*, 8.
29. Baker, *Affairs of Party*, 153.
30. Silbey, *Respectable Minority*, 15; Gambill, *Conservative Ordeal*, 6.
31. Baker, *Affairs of Party*, 210.
32. Baker, *Affairs of Party*, 210.
33. James Ford Rhodes, *History of the United States from The Compromise of 1850 to the McKinley-Bryan Campaign of 1896* (London: Macmillan, 1920), 299.
34. "For decades the party's conservative naturalism—conservative because of its restrictions on racial change, naturalistic because it identified the Negro's status as natural—influenced reactions to public policy" (Baker, *Affairs of Party*, 210). "These two worlds—the one in which racial intentions were expressed in popular activities from minstrelsy to rioting, the other in which Democratic leaders like the Bayards and Stephen Douglas articulated public policies—were connected. At one level this occurred when party notables used the structure, language, and images of popular entertainment in their campaign literature" (Baker, *Affairs of Party*, 249).
35. Paul M. Angle (Ed.), *Created Equal? The Complete Lincoln-Douglas Debates of 1858* (Chicago: University of Chicago Press, 1958), 294.
36. The letter is reprinted in the *Washington Union* of December 30, 1847. Just prior to the publication of this letter, while it was still circulating among a private group of Northern Democrats, a Democratic senator from New York, Daniel S. Dickinson, "had introduced in the Senate a set of resolutions to give congressional approval to popular sovereignty" (Potter, *Impending Crisis*, 71).
37. Potter, *Impending Crisis*, 71.
38. David F. Ericson, *The Shaping of American Liberalism: The Debates over Ratification, Nullification, and Slavery* (Chicago: University of Chicago Press, 1993), 118.
39. Ericson, *Shaping of American Liberalism*, 126.
40. Baker, *Affairs of Party*, 186.
41. David Zarefsky, *Lincoln, Douglas, and Slavery: In the Crucible of Public Debate* (Chicago: University of Chicago Press, 1990), 173.
42. Rhodes, *History*, 99; Potter, *Impending Crisis*, 330.
43. Johannsen, *Douglas*, 1973, p. 391.
44. *Congressional Globe*, 33.2, 1116.
45. *Congressional Globe*, 33.2, 1116.
46. Potter, *Impending Crisis*, 152.
47. Johannsen, *Douglas*, 405.
48. Potter, *Impending Crisis*, 156.
49. Potter, *Impending Crisis*, 162.
50. Roy F. Nichols, *Blueprints for Leviathan: American Style* (New York: Atheneum, 1963), 100–101. Chase and others would accuse Douglas of pandering to Southerners in the hopes of securing support for an 1856 presidential bid. Douglas denied this, and Zarefsky has noted that, "Although successful leadership on the issue would enhance Douglas's presidential prospects in 1856, there is little evidence that he was motivated by the prospect of personal political gain." (Zarefsky, *Crucible*, 2; see also Potter, *Impending Crisis*, 169–71; Allan Nevins, *Ordeal of the Union* [New York: Scribner's Sons, 1947], 119).
51. Huston, *Douglas*, 102.
52. Nichols, *Blueprint*, 98.
53. Potter, *Impending Crisis*, 165.
54. The text of the "Appeal" is in the *Congressional Globe*, 33:1, 281–82. See also Johannsen, *Douglas*, 418.
55. Johannsen, *Douglas*, 418.
56. Johannsen, *Douglas*, 419.
57. Johannsen, *Douglas*, 419.
58. Johannsen, *Douglas*, 420.
59. *Congressional Globe*, 33.1, 275.
60. *Congressional Globe*, 33.1, 275.
61. *Congressional Globe*, 33.1, 276.
62. *Congressional Globe*, 33.1, 277.
63. *Congressional Globe*, 33.1, 276.
64. *Congressional Globe*, 33.1, 278.

65. *Congressional Globe*, 33.1, 278.
66. *Congressional Globe*, 33.1, 279.
67. *Congressional Globe*, 33.1, 279.
68. *Congressional Globe*, 33.1, 279, 280.
69. *Congressional Globe*, 33.1, 278.
70. Johannsen, *Douglas*, 424. Johannsen provides a detailed summary of some of the more significant amendments and maneuvering during these weeks of debate in February 1854.
71. Quoted in Johannsen, *Douglas*, 428.
72. *Congressional Globe*, 33.1, 325.
73. *Congressional Globe*, 33.1, 325.
74. *Congressional Globe*, 33.1, 325.
75. *Congressional Globe*, 33.1, 325.
76. *Congressional Globe*, 33.1, 325.
77. *Congressional Globe*, 33.1, 326.
78. *Congressional Globe*, 33.1, 326.
79. *Congressional Globe*, 33.1, 326.
80. *Congressional Globe*, 33.1, 326.
81. *Congressional Globe*, 33.1, 326. Emphasis in original.
82. *Congressional Globe*, 33:1, 326. Emphasis in original.
83. *Congressional Globe*, 33:1, 327.
84. *Congressional Globe*, 33:1, 328.
85. *Congressional Globe*, 33:1, 328.
86. *Congressional Globe*, 33:1, 328.
87. *Congressional Globe*, 33:1, 328.
88. *Congressional Globe*, 33:1, 329.
89. *Congressional Globe*, 33:1, 332.
90. *Congressional Globe*, 33:1, 332.
91. *Congressional Globe*, 33:1, 337–38.
92. *Congressional Globe*, 33:1, 338. Webster's speech is in the *Congressional Globe*, 33:1, 476–84. The relevant passage is quoted by Johannsen, *Douglas*, 277.
93. *Congressional Globe*, 33:1, 338.
94. Nichols, *Blueprint*, 103; Johannsen, *Douglas*, 432.
95. Johannsen, *Douglas*, 434.
96. George Fort Milton, *The Eve of Conflict: Stephen A. Douglas and the Needless War* (1934; rpt. New York: Octagon Books, 1969), 141.
97. Zarefsky, *Crucible*, 1990, 4.
98. Reported in Johannsen, *Douglas*, 452.
99. Rhodes, *History*, 139.
100. Rhodes, *History*, 123.
101. *Congressional Globe* 33: 1, app., 332.
102. Nevins, *Ordeal*, 121. For a similar, but longer, litany, see Rhodes, *History*, 135.
103. Nichols, *Blueprint*, 118. Writing specifically of the House during the Kansas-Nebraska debates, Nichols notes that: "Of the thirteen delegations controlled by the northern Democrats, only Pennsylvania, Illinois and California showed any real loyalty. New England, New York and New Jersey failed utterly. Even Michigan and Indiana, bailiwicks of Cass and Bright, fell away. Ohio and Wisconsin would have little of the measure" (Nichols, *Blueprint*, 108).
104. Potter, *Impending Crisis*, 247.
105. Nichols, *Blueprint*, 120.
106. In a note, Potter illustrates the extent of the anti-Democratic revolt: "only seven of the forty-four Northern Democrats who had voted for Kansas-Nebraska survived the election. But only fifteen of the forty-eight who voted against it or did not vote were reelected" (Potter, *Impending Crisis*, 175).
107. Rhodes, *History*, 163.
108. Potter, *Impending Crisis*, 167.
109. *Congressional Globe*, 33:1, 617–18.
110. Johannsen, *Douglas*, 443–44.
111. Johannsen, *Douglas*, 451.
112. Johannsen, *Douglas*, 456.
113. Johannsen, *Douglas*, 461.
114. Potter, *Impending Crisis*, 173.

115. "If the evidence proves anything, it proves that Douglas was not really in command of the situation" (Potter, *Impending Crisis*, 168); "It is clear that Douglas was crowded forward from an equivocal position to an extreme bill; Atchison pressed him, Phillips pressed him, Dixon pressed him—and above all the logic of his original stand pressed him" (Nevins, *Ordeal*, 99).
116. Nichols, *Blueprint*, 92.
117. Potter, *Impending Crisis*, 278.
118. *Dred Scott v. John F. A. Sandford*, 60 U.S. 393 (1856). Legal Information Institute. Cornell Law School. Accessed January 24, 2021.
119. *Scott v. Sandford*. This was the first time in history that the Court had declared unconstitutional a major act of Congress. But as Potter points out, this part of Taney's decision was largely dismissed as judicial dicta by politicians, historians, and legal scholars, both immediately and for over 50 years subsequently (Potter, *Impending Crisis*, 282–83).
120. Johannsen, *Douglas*, 546–47; Potter, *Impending Crisis*, 287.
121. Buchanan, James. "Inaugural Address." *The American Presidency Project*. University of California, Santa Barbara. <https://www.presidency.ucsb.edu/documents/inaugural-address-33>.
122. Rhodes, *History*, 264.
123. Potter, *Impending Crisis*, 291.
124. Wells, *Last Years*, 145.
125. Johannsen, *Douglas*, 567.
126. Johannsen, *Douglas*, 567.
127. Stephen A. Douglas, *Remarks of the Hon. Stephen A. Douglas on Kansas, Utah, and The Dred Scott Decision* (Chicago: The Daily Times Book and Job Office, 1857), 5.
128. Douglas, *Remarks*, 5–6.
129. Douglas, *Remarks*, 4.
130. Douglas, *Remarks*, 6. Johannsen notes that Douglas had used versions of this argument concerning the necessity for local laws to uphold federally granted rights before, for example, during the debates regarding the Compromise of 1850 (Johannsen, *Douglas*, 570).
131. Douglas, *Remarks*, 6.
132. Douglas, *Remarks*, 7.
133. Douglas, *Remarks*, 9.
134. Douglas, *Remarks*, 9–10.
135. Douglas, *Remarks*, 7–8.
136. Rhodes, *History*, 266.
137. Douglas, *Remarks*, 10.
138. Douglas, *Remarks*, 10.
139. Rhodes, *History*, 265.
140. Johannsen, *Douglas*, 574.
141. Wells, *Last Years*, 17; Potter, *Impending Crisis*, 202–3.
142. Johannsen, *Douglas*, 564.
143. Johannsen, *Douglas*, 580–82.
144. Johannsen, *Douglas*, 579.
145. For a concise discussion of the implications for Douglas of the *Dred Scott* decision, see Zarefsky, *Crucible*, 7–11.
146. Potter, *Impending Crisis*, 175.
147. Johannsen, *History*, 586.
148. Wells, *Last Years*, 34. Milton suggests that "that night . . . the Civil War took seed" (*Eve of Conflict*, 268).
149. Forest L. Whan, "Stephen A. Douglas," in *A History and Criticism of American Public Address*, ed. William N. Brigance (1943; rpt. New York: Russell & Russell, 1960), 797.
150. Wells, *Last Years*, 34–35.
151. Buchanan's message is in the *Congressional Globe*, 35:1, App., 4–5. It is a lengthy address, covering a great many issues, but for the purposes of this essay I concentrate only on the section that deals explicitly with Lecompton.
152. *Congressional Globe*, 35:1, App., 4.
153. Wells, *Last Years*, 25.
154. *Congressional Globe*, 35:1, 14.
155. *Congressional Globe*, 35:1, 15.
156. *Congressional Globe*, 35:1, 15.
157. *Congressional Globe*, 35:1, 15.



158. *Congressional Globe*, 35:1, 15.
159. *Congressional Globe*, 35:1, 15.
160. *Congressional Globe*, 35:1, 17.
161. *Congressional Globe*, 35:1, 17.
162. *Congressional Globe*, 35:1, 17.
163. *Congressional Globe*, 35:1, 18.
164. *Congressional Globe*, 35:1, 18.
165. *Congressional Globe*, 35:1, App., 200–201. The Senate passed the Lecompton bill and sent it to the House. A compromise bill, named for Representative William H. English of Indiana, would submit the entire Lecompton Constitution to the people of Kansas under the guise of accepting or rejecting an appended land grant. Eventually, the English bill narrowly passed both houses of Congress.
166. *New York Times*, March 24, 1858. Quoted in Wells, *Last Years*, 40–41.
167. Wells, *Last Years*, 48–49; Zarefsky, *Crucible*, 41.
168. Potter, *Impending Crisis*, 321. Potter reports that this Republican support for Douglas was strong enough to worry Abraham Lincoln, who wrote a letter to Republican Illinois Senator Lyman Trumbull asking if he should “surrender at once.”
169. Wells, *Last Years*, 51.
170. Wells gives a concise summary of these events (*Last Years*, 36–38; see also George Fort Milton, “Stephen A. Douglas’ Efforts for Peace,” *The Journal of Southern History* 1 [1935]: 268–69). David E. Meerse (“Buchanan, the Patronage, and the Lecompton Constitution: A Case Study,” *Civil War History* 41 [1995]: 291–312) gives a detailed account of the patronage war and argues that it was not as intense as historians have generally painted it.
171. Zarefsky, *Crucible*, 16.
172. Rhodes, *History*, 239. For a description of this attempted speech, see Johannsen, *Douglas*, 453–54; Nevins, *Ordeal*, 335–38.
173. Important studies of the Lincoln-Douglas debates would include: Lionel Crocker, *An Analysis of Lincoln and Douglas as Public Speakers and Debaters* (Springfield, IL: Charles C. Thomas, 1968); Harry V. Jaffa, *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates* (Garden City, NY: Doubleday, 1959). The most useful discussions from a rhetorical perspective are Zarefsky’s (see both *Crucible* and “The Lincoln-Douglas Debates Revisited: The Evolution of Public Argument,” *Quarterly Journal of Speech* 72 [1986]: 162–84).
174. Angle, *Complete Debates*, 110.
175. Angle, *Complete Debates*, 110.
176. Angle, *Complete Debates*, 297.
177. Angle, *Complete Debates*, 52. This quotation is from Douglas’s speech at Springfield, Illinois, on July 17, 1858. Like the Lincoln-Douglas exchange in Chicago on July 9, this was not properly a “debate,” though Lincoln did answer Douglas later that evening.
178. Angle, *Complete Debates*, 107.
179. Angle, *Complete Debates*, 375.
180. Angle, *Complete Debates*, 104.
181. Angle, *Complete Debates*, 152.
182. Wells, *Last Years*, 117.
183. Roy F. Nichols, *Disruption of American Democracy* (New York: Collier Books, 1962), 258–65; Johannsen, *Douglas*, 681; Potter, *Impending Crisis*, 393.
184. Potter, *Impending Crisis*, 393.
185. Wells, *Last Years*, 193. Wells is referring specifically to the article that Douglas wrote for *Harper’s* in 1859.
186. Johannsen, *Douglas*, 748. The editor of the Charleston *Mercury* was Robert Barnwell Rhett, Jr.
187. Johannsen, *Douglas*, 764.
188. Johannsen, *Douglas*, 770; the letter is in Johannsen, *Letters*, 492.
189. For a detailed account of the Charleston and Baltimore conventions, see Wells, *Last Years*, 201–40.
190. Johannsen, *Douglas*, 772.
191. Wells, *Last Years*, 160.
192. Potter, *Impending Crisis*, 391.
193. Douglas also campaigned in New England and the Northwest. For a discussion of his New England campaign, see Robert W. Johannsen, “Stephen A. Douglas’s New England Campaign, 1860,” in *The Frontier, the Union, and Stephen A. Douglas*, ed. Robert W. Johannsen (Urbana: University of Illinois Press, 1989), 165–85.

194. Johannsen, "Douglas and the South," 39.
195. Wells, *Last Years*, 244. Both Wells and Johannsen agree that by mid-August Douglas had conceded that Lincoln would most likely win the election (Wells, *Last Years*, 241; Johannsen, *Douglas*, 200).
196. Wells, *Last Years*, 244. See also Lionel Crocker, "The Campaign of Stephen A. Douglas in the South, 1860," in *Antislavery and Disunion, 1858-1861: Studies in the Rhetoric of Compromise and Conflict*, ed. J. Jeffery Auer (New York: Harper and Row, 1963), 262-78. Crocker offers a similar assessment: "The statesman in Douglas superseded the politician" (272).
197. Crocker, "Campaign," 263.
198. The text of Douglas's Norfolk speech is in the *Norfolk Southern Argus*, Monday morning, August 27, 1860. The editors of that paper state that Douglas's speech "was taken down by an experienced reporter, and has been revised by the Senator's secretary." It also promises at a later date "to show 'the poison under its wing'" specifically because "squatter sovereignty is the short cut to Black Republicanism." This speech has not been republished or anthologized. Wells (*Last Years*, 253n) suggests that Douglas's Norfolk remarks are contained in Crocker ("Campaign"), but Crocker supplies only a close paraphrase of an excerpt from the speech, in outline form. I am indebted to Annette Montgomery, Assistant Archivist at the Harrison B. Wilson Archives of Norfolk State University, for making the text of the speech available to me.
199. Crocker, "Campaign," 263. Both Johannsen ("Stephen A. Douglas and the South") and Wells suggest a significant difference between Douglas's speeches during the first and second Southern tours of 1860; Crocker argues for their consistency. If the differences that Johannsen and Wells notice do exist, they are very subtle and appear to be more a matter of emphasis rather than substance. I concur with Crocker's reading of them as essentially consistent.
200. Abraham Lincoln, "Cooper Union Address," in Ronald F. Reid, *Three Centuries of American Rhetorical Discourse: An Anthology and a Review* (Prospect Heights, IL: Waveland Press, 1988), 431. For a detailed and eloquent analysis of Lincoln's Cooper Union address, see: Michael C. Leff and Gerald P. Mohrmann, "Lincoln at Cooper Union: A Rhetorical Analysis of the Text," *Quarterly Journal of Speech* 60, no. 3 (1974): 459-67.
201. Stephen A. Douglas, "The Dividing Line between Federal and Local Authority: Popular Sovereignty in the Territories," *Harper's New Monthly Magazine* 19, no. 112 (September 1859): 519-37. See also: Robert W. Johannsen, "Stephen A. Douglas, 'Harper's Magazine,' and Popular Sovereignty," *The Mississippi Valley Historical Review* 45, no. 4 (1959): 606-31.
202. While the entire text of Douglas's speech at Norfolk is available only in the *Southern Argus*, the two questions and his answers have been reprinted (Crocker, "Campaign," 264; Johannsen, *Douglas*, 788).
203. Johannsen, "Douglas and the South," 45.
204. Wells, *Last Years*, 242.
205. Wells, *Last Years*, 241.
206. Huston, *Douglas*, 175. Johannsen, *Douglas*, 790.
207. Johannsen, *Douglas*, 795.
208. Wells, *Last Years*, 247.
209. Huston, *Douglas*, 175.
210. Wells, *Last Years*, 249.
211. Johannsen, *Douglas*, 797-98.
212. Johannsen, *Douglas*, 799.
213. Wells, *Last Years*, 254; Stephen A. Douglas, "The Montgomery Address of Stephen A. Douglas," edited by David R. Barbee and Milledge L. Bonham, Jr., *The Journal of Southern History* 5, no. 4 (1939): 528.
214. Douglas, "Montgomery Address," 529.
215. Douglas, "Montgomery Address," 529.
216. Douglas, "Montgomery Address," 530.
217. Douglas, "Montgomery Address," 532.
218. Douglas, "Montgomery Address," 542.
219. Douglas, "Montgomery Address," 545.
220. Douglas, "Montgomery Address," 546.
221. Douglas, "Montgomery Address," 547.
222. Douglas, "Montgomery Address," 548.
223. Douglas, "Montgomery Address," 548.
224. Douglas, "Montgomery Address," 544.

225. Douglas, "Montgomery Address," 551.
226. Douglas, "Montgomery Address," 550.
227. Douglas, "Montgomery Address," 544.
228. Johannsen, *Letters*, 499.
229. Milton, *Eve of Conflict*, 273-74; Wells, *Last Years*, 268-69.
230. Stephen A. Douglas, "Speech to Illinois State Legislature, Springfield, Delivered April 25, 1861," *Illinois State Journal*, 26 April 1861.
231. Douglas, "Speech to Illinois State Legislature," 1-2.
232. Douglas, "Speech to Illinois State Legislature," 2-3.
233. Douglas, "Speech to Illinois State Legislature," 3.
234. Douglas, "Speech to Illinois State Legislature," 4.
235. Douglas, "Speech to Illinois State Legislature," 4.
236. Douglas, "Speech to Illinois State Legislature," 5.
237. Douglas, "Speech to Illinois State Legislature," 5-6.
238. Douglas, "Speech to Illinois State Legislature," 6.
239. Douglas, "Speech to Illinois State Legislature," 8.
240. Douglas, "Speech to Illinois State Legislature," 8.
241. Douglas, "Letter from Senator Douglas," *Chicago Tribune*, May 22, 1861, page 2.
242. Milton, *Eve of Conflict*, 272.
243. Rhodes, *History*, 138.
244. Danielle Allen, *Talking to Strangers: Anxieties of Citizenship since Brown v. Board of Education*. (Chicago: University of Chicago Press, 2004), xxi.