

Kansas History
James Buchanan and the Lecompton Constitution



Who is the worst president in American history?

This question might elicit snickers and a flippant response – followed by silence. After all, the names at the bottom of the list of greatest presidents are not known as well as the names at the top of the list. Discussions about the presidents at the bottom of the list aren't as fun as discussions of presidents at the top of the list. History tends to shun those considered the worst presidents. These men often presided over periods of American history that were difficult – and they generally failed to make the situation better.

James Buchanan is NOT one of the names that generally appears on lists of greatest Presidents. In fact, his name typically appears on lists of WORST Presidents. Who was James Buchanan? What did he do?

Why do historians generally consider James Buchanan one of the worst Presidents of all time?

Background Information

James Buchanan was the 15th President, sandwiched in between Franklin Pierce and Abraham Lincoln. He was President from 1857-1861 – a period of time when the United States was becoming more sectional, and inching its way toward the Civil War.

Buchanan inherited a difficult situation. The country had tried to deal with slavery by passing a series of compromises: the Missouri Compromise, the Compromise of 1850, and the Kansas-Nebraska Act. These compromises were an attempt by Congress to decide the issue of slavery in the west. The Missouri Compromise and the Compromise of 1850 utilized a dividing line to decide the issue of slavery. The Missouri Compromise established the 36'30" line of latitude as the dividing line for slavery in 1820. The Compromise of 1850 kept this dividing line in place. With the Missouri Compromise and the Compromise of 1850, there was little to debate - slavery was outlawed north of this line, while slavery was legal south of it.

Franklin Pierce signed the Kansas-Nebraska Act into law on May 30, 1854. The Kansas- Nebraska Act introduced the idea of popular sovereignty to Kansas Territory. It allowed the citizens of the territory to vote on the issue of slavery. President Pierce presided over the first election in Kansas Territory. This election produced the "Bogus Legislature" – a group that was elected by illegal voters that had streamed across the border from Missouri. While Pierce was President, an era of violence and mayhem known as "Bleeding Kansas" pitted Free-State settlers against pro-slavery forces from Missouri. Instead of settling the issue of slavery with a peaceful vote, popular sovereignty ended in disaster. Instead of leading to consensus and peace, popular sovereignty led Kansas Territory into division and chaos.

By the time James Buchanan took office on March 4, 1857, there had been three governors in Kansas Territory, about forty people had been killed, and there were two competing constitutions – one pro-slavery and the other anti-slavery.

Buchanan's Predecessor - Franklin Pierce

Franklin Pierce was elected in 1852. He was from New Hampshire, but his most important action as president – signing the Kansas-Nebraska Act - greatly benefitted the South. The Kansas-Nebraska Act allowed settlers in a territory to decide the issue of slavery themselves. Rather than solving the problem of slavery in Kansas Territory, the Kansas-Nebraska Act only made things worse. Pierce's signing of the Kansas-Nebraska Act set in motion events that caused "Bleeding Kansas," and eventually led to the Civil War.

Pierce appointed Andrew Reeder as the first governor of Kansas Territory. Reeder used his position as governor to aid himself. He bought land west of Topeka – where Fort Riley is located today - then named that site the capital of Kansas Territory. While Reeder was corrupt, he also saw that the initial voting in Kansas Territory was fraudulent. Because of the unfair voting, he requested a new vote in Kansas Territory. However, instead listening to Governor Reeder and endorsing a new vote in Kansas Territory, President Pierce accepted the first vote. "Whatever irregularities may have occurred in the elections," Pierce stated, "it seems too late now to raise that question."

This fraudulent voting elected the Lecompton Legislature. The Lecompton Legislature became known as the "Bogus Legislature" because it was not fairly elected. The fraudulent nature of the initial voting in Kansas Territory - and the fact that the Lecompton Legislature was thought of as being "bogus" – created a difficult situation for James Buchanan.

Buchanan's Cabinet

A president's cabinet is very important, because they serve as chief advisors to the president. Buchanan's cabinet included seven positions: Secretary of State, Secretary of Treasury, Secretary of War, Attorney General, Postmaster General, Secretary of the Navy and Secretary of the Interior. These seven positions included four southerners, and three northerners who were friendly with the South. The four southerners were large slave owners. Howell Cobb – the Secretary of the Treasury – at one time owned over 1,000 slaves. Rather than surrounding himself with a diverse group with various opinions, Buchanan surrounded himself with a group with similar opinions to himself.

Dred Scott Decision

Dred Scott was a slave who filed a lawsuit in federal court in 1846. Scott argued that since his owner had taken him to a free territory in the 1830's, that made him a free man. The case wound its way through the court system for years. Finally, the Supreme Court was set to rule on the case in 1857 – right at the time James Buchanan was set to be inaugurated.

By a vote of 7-2, the Supreme Court ruled against Dred Scott. In this ruling, the Supreme Court stated the following:

- Dred Scot was not a free man
- African-Americans were not citizens of the United States
- The 36'30" line that was used in the Missouri Compromise was unconstitutional
- Slave owners could not be prohibited from taking slaves to territory

The Dred Scott ruling made the issue of voting on slavery irrelevant in Kansas Territory. However, the Dred Scott ruling did not guarantee a slave owner the right to own a slave in a free state. The citizens of Kansas Territory would still have to create a constitution, and decide the fate of slavery themselves.

Mormons in Utah Territory

After facing persecution Missouri and Illinois, many Mormons moved further west. They settled an area around the Great Salt Lake. At the time, this area was a part of Mexico. After the Mexican War ended in 1848, this area became a part of the United States. Under the leadership of Brigham Young, Mormons in Utah Territory defied the authority of the United States. In 1857, this defiance culminated in the Mountain Meadows Massacre, where over one hundred settlers from Arkansas were killed by Mormons in Utah Territory.

The "Insurrection Act of 1807" gives the president power to use the military "...to deal with unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States..." Buchanan responded to the events in Utah Territory by invoking powers given to him by the Insurrection Act of 1807, and sending 2,500 troops and a new governor to Utah Territory.

Four Constitutions

There were four constitutions written in Kansas Territory. Here is a quick overview of each:

- **Topeka Constitution:** This was the first constitution. It was written by an anti-slavery group that formed in retaliation to the “Bogus Legislature.” This group had not been elected. It outlawed slavery from Kansas Territory – but it did not grant voting rights to African-American males.
- **Lecompton Constitution:** This constitution was authorized by the “Bogus Legislature.” It was written in reaction to the Topeka Constitution. It legalized slavery in Kansas Territory. It was accepted by a vote in Kansas Territory – but it was a vote that was boycotted by a majority of anti-slavery settlers. President Buchanan accepted the Lecompton Constitution, and pushed Congress to approve it. However, there was disagreement in Congress about whether to accept it – including Buchanan’s own party. Stephen Douglas – a Democrat from Illinois who sponsored the Kansas-Nebraska Act – did not support the Lecompton Constitution because of the fraudulent nature of the initial election in Kansas Territory. In the end, Congress rejected the Lecompton Constitution.
- **Leavenworth Constitution:** Similar to the Topeka Constitution, but it was written by a body that was actually elected. One important difference from the Topeka Constitution is that the Leavenworth Constitution allowed African-Americans in the state. It was rejected amid the turmoil surrounding the Lecompton Constitution.
- **Wyandotte Constitution:** This was the final constitution that was written, and it was the one that was finally accepted by Congress when Kansas became a state on January 29, 1861.

Document 1

President James Buchanan – “Inaugural Address” – March 4, 1857

After being elected in November of 1856, Buchanan encouraged a Supreme Court justice from Pennsylvania to vote with the southern justices against Dred Scott. By a vote of 7-2, the Supreme Court would proceed to rule against Dred Scott two days after Buchanan’s inauguration. At the time of this address, Buchanan knew how the Supreme Court was about to rule.

“A difference of opinion has arisen in regard to the point of time when the people of a Territory shall decide this question for themselves. That is, happily, a matter of but little practical importance. Besides, it is a judicial question, which legitimately belongs to the Supreme Court of the United States, before whom it is now pending, and will, it is understood, be speedily and finally settled. To their decision, in common with all good citizens, I shall cheerfully submit, whatever this may be...

May we not, then hope that the long agitation on this subject is approaching its end, and that the geographical parties to which it has given birth, so much dreaded by the Father of this Country, will speedily become extinct? Most happy will it be for the country when the public mind shall be diverted from this question to others of more pressing and practical importance...”

Document 2

Jean H. Baker – James Buchanan – 2004

Jean Baker is a professor of history at Goucher College. Robert Walker was the fourth governor of Kansas Territory. Like the previous governors of Kansas Territory, Robert Walker was pro-slavery.

“In the summer of 1857 – his first as president – Buchanan paid close attention to political conventions in Georgia and Mississippi, which were threatening secession if Kansas was not accepted as a slave state. As one Georgian wrote Senator Alexander Stephens, the future vice-president of the Confederacy, ‘If Kansas comes in as a free state, Buchanan will richly deserve death and I hope some patriotic man will inflict it.’

Meanwhile, Walker, like two previous governors, had decided that Kansas was destined to become a free state, and the governor had described an ‘isothermal’ line above which, for reasons of climate, slavery was impractical and uneconomic. That line ran through southern Kansas.

Secretly, for this was a doctrine offensive to southerners, Buchanan had always believed that slavery would simply expire in environmentally hostile areas in the West. A problem that would solve itself, it did not merit the disturbance of the Union...But in the face of southern pressure, the president now supported the best chance slave supporters had, and that was the Lecompton constitution.”

Document 3

Lecompton Constitution – November 7, 1857

The Lecompton Constitution was written by a committee appointed by the Lecompton legislature – also known as the “Bogus Legislature.” The Lecompton Constitution barred all African-Americans from Kansas Territory. However, so did the competing Topeka Constitution.

“Section 2: The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of the owners, or without paying the owners previous to their emancipation a full equivalent in money for the slaves so emancipated.

They shall have no power to prevent immigrants to the State from bringing with them such persons as are deemed slaves by the laws of any one of the United States or Territories...”

Document 4

Ross Drake – “The Law That Ripped America in Two” - Smithsonian Magazine – May, 2004

Ross Drake was a writer for Smithsonian Magazine. “Free-Soilers” wanted the land of Kansas Territory – and the west in general – to be free. In other words, they wanted slavery to be illegal.

“Rather than being allowed to vote up or down on a proposed constitution, Kansans would be given a choice between a constitution with slavery and a constitution without it. But the constitution without it contained a clause allowing slaveholders already in the territory to retain not only their slaves, but the slaves’ offspring. Free-Soilers, naturally, saw their choice as being not between slavery and its absence, but between a little bit of slavery and a lot of it – or, as one Kansas put it, between taking arsenic with bread and butter and taking it straight. When the options were put to a vote, Free-Soilers once again declined to take part.

By this time, the battle had been joined in Washington. Over the objections of Governor Walker, Buchanan had decided to accept the verdict of the Lecompton convention and the inevitable approval of its slave-state constitution...”

Document 5

President James Buchanan – “First Annual Message” – December 8, 1857

Demonstrating the relative unimportance of the events in Kansas Territory, Buchanan only mentioned Kansas Territory at the very end of this lengthy speech. The “election” that Buchanan was referring to was the vote regarding the adoption of the Lecompton Constitution. Free-Staters would boycott that election.

“At this election every citizen will have an opportunity of expressing his opinion by his vote ‘whether Kansas shall be received into the Union with or without slavery,’ and thus this exciting question may be peacefully settled in the very mode required by the organic law. The election will be held under legitimate authority, and if any portion of the inhabitants shall refuse to vote, a fair opportunity to do so having been presented, this will be their own voluntary act and they alone will be responsible for the consequences.

Whether Kansas shall be a free or a slave State must eventually, under some authority, be decided by an election; and the question can never be more clearly or distinctly presented to the people than it is at the present moment. Should this opportunity be rejected she may be involved for years in domestic discord, and possibly in civil war, before she can again make up the issue now so fortunately tendered and again reach the point she has already attained.

Kansas for some years has occupied too much of the public attention. It is high time this should be directed to far more important objects...”

Document 6

James McPherson – Battle Cry of Freedom - 1988

James McPherson is a professor of history at Princeton University. His book about the Civil War - Battle Cry of Freedom – won the Pulitzer Prize for history. Robert Walker of the fourth governor of Kansas Territory, and Kansas Territory would go on to have six governors in a span of five years.

“Governor Walker denounced the outcome at Lecompton as ‘a vile fraud, a bare counterfeit.’ It was ‘impossible’ that Buchanan would accept it, said Walker, for as recently as October 22 the president had reiterated his support for a fair referendum.

But proslavery men who smiled and said that Buchanan had changed his mind were right. To one northern Democrat who bitterly protested the president’s reversal, Buchanan said he had no choice: if he did not accept the results of the Lecompton convention, southern states would either ‘secede from the Union, or take up arms against him.’ Walker left Kansas never to return – the fourth governor in three years to be ground between the millstones of slavery and free soil.”

Document 7

Jean H. Baker – James Buchanan – 2004

James Buchanan was a Democrat. Republicans disagreed with Buchanan's policies when it came to Kansas Territory. How did other Democrats – such as Stephen Douglas - feel about his policies? Did they all agree with him?

“In December 1857 Senator Stephen Douglas, who would face a reelection campaign against Abraham Lincoln in eleven months, met with Buchanan in the White House. Douglas was chairman of the powerful Committee on Territories, which would oversee the passage of any legislation moving Kansas from territory to state. The president had ignored the senator throughout the year. Now, in an interview that Douglas sought, Buchanan handed down his final judgement: he would support the Lecompton constitution.

In fact, as he informed Douglas, he had already telegraphed his decision to the acting governor. Advocacy of the Lecompton constitution had become an administrative measure, the kind of legislative litmus test that defined party loyalty and must be supported by all Democratic senators, congressmen, local officials, and patronage holders. Douglas bristled, alert to the growing sentiment against slavery in the territories in his home state of Illinois and throughout the Northwest as well as to the palpable violation of the Kansas-Nebraska Act, which he had authored.

Buchanan reminded Douglas of the fate of disloyal senators who, after disobeying President Jackson, had found themselves in political purgatory. Since Jackson's day, as Buchanan recalled, no senator had voted against an administration measure and survived. An angry Douglas responded in a retort that in different forms and with different subjects has resonated throughout history, ‘Mr. President, Andrew Jackson is dead.’”

Document 8

President James Buchanan – “Message to Congress Transmitting the Constitution of Kansas” – February 2, 1858

In this speech, Buchanan states his reasons why Congress should accept the Lecompton Constitution. After this speech, and third constitution – the Leavenworth Constitution – would be written in Kansas Territory. A year later, the Wyandotte Constitution would be fourth constitution written in Kansas Territory. The Wyandotte Constitution would eventually be adopted by the citizens of Kansas Territory and accepted by Congress in 1861.

“A great delusion seems to pervade the public mind in relation to the condition of parties in Kansas...

The dividing line there is not between two political parties, both acknowledging the lawful existence of the government, but between those who are loyal to this government and those who have endeavored to destroy its existence by force and by usurpation – between those who sustain and those who have done all in their power to overthrow the Territorial government established by Congress...”