

The Nebraska-Kansas Act of 1854

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Review

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The Kansas-Nebraska Act in Perspective

The debate over the Kansas-Nebraska Act in the spring of 1854 was one of the longest, most acrimonious, and most critical in American history. It was also complicated, turgid as often as it was vivid, silly as often as profound, and it has been relatively inaccessible to general readers except in outline in textbooks. Surely, there have been detailed accounts, such as James Malin's massive *Nebraska Question* (1953), but it has been rare to strike a balance between the "what" and the "so what?" of these things. This slim volume makes a sound contribution in that direction. It grew out of a conference celebrating the sesquicentennial of the Kansas-Nebraska Act, and includes contributions by some of the most sophisticated and at the same time clear and articulate historians writing in the field.

Some essays are quite specialized, but focused. For example, Mark Neely, a leading expert on the politics of the period, approaches the broad topic of the place of the Act in political culture by examining the narrow topic of the specific reception of a contemporary document called *Appeal of the Independent Democrats*. Brenden Rensink's essay is an examination of the legislation itself in American legal context, demonstrating that it was hardly in its terms revolutionary. Others take a broader swipe, as for example the introductory essay on "The Nebraska-Kansas Act in Historical Perspective." Two concern the reaction of African-Americans to the proceedings (one might wonder too what the Indians, whose future was so affected, thought about it). Another essay, by Nicole Etcheson, asks a question most teachers of Kansas history have been asked, but could not adequately answer: namely, why did Kansas bleed and not Nebraska? The explanation obviously does not lie solely in flaws in the organic legislation, which was exactly the same for both new territories. The book is

dedicated to James A. Rawley, a professor at the University of Nebraska, who wrote a well-respected book on territorial Kansas in 1969 entitled *Race and Politics: "Bleeding Kansas" and the Coming of the Civil War*. Rawley died unexpectedly just as this book was being prepared for publication, but finished his own contribution to it on the role of Stephen A. Douglas.

A legitimate criticism of some popular "historians" of facile pen is that they emphasize the personal quirks and social history to the neglect of foreign policy and the etiology of major domestic political shifts. There is a particular temptation in this direction with the many dramatic fusses, murders, and bold rhetorical flourishes of "Bleeding Kansas," which were, in and of themselves, of little significance. Even the 1856 attack on Lawrence (one man killed) or John Brown's Pottawatomie Massacre (six killed) pale in importance compared with the negotiation, arguments over, and political results of the Kansas-Nebraska Act. Rawley and Etcheson are among the contributors to this volume who in other works have tried to place the Kansas controversy into broader perspective, showing that in one way it was less important and in another more important than hitherto thought. It is refreshing to have the entire bill printed in an appendix. This volume is indeed part of a University of Nebraska series, not on military, or even on political battles, but on Law in the American West. And it was indeed the rule of law according to the U.S. Constitution that was fundamentally at stake here. The issues were broader even than the slavery question.

An overriding theme is popular sovereignty, that inspired phrase included among the bill's innovations, which, like clouds or the Rorschach test, could assume various shapes depending upon the beholder. The upshot of a good deal of modern scholarship is that the inherent flaws of democracy are not necessarily solved by more democracy. If you are speaking to someone who does not understand your language, it does not help to shout. A majority vote will not satisfy the losers in the case of moral issues like abortion or slavery. And then there was the question of whether the Kansas votes were even legitimate or remotely fair. Etcheson argues that popular sovereignty "worked" in Nebraska, not because the elections were more honest than in Kansas, but because their leaders did not push controversial issues like race so hard, and because there was no breakaway party, such as the Free-State group in Kansas, that declared the elected government "bogus" and wrote its own constitution. Certainly, also, bordering on Iowa was not quite the same as bordering on Missouri. The New England Emigrant Aid Company organization was unique to Kansas. But

presumably the reasons for the escalation in Kansas narrow to the actions and personalities of individuals. Somehow, it was Kansas that got James Lane, Charles Robinson, and John Brown.

The biographical theme appears strongly in separate, full essays on the reaction to Kansas-Nebraska of Stephen Douglas, Abraham Lincoln, and Frederick Douglas. Truer words were never written than Rawley's that the creation and political ushering through the Kansas-Nebraska Act by Stephen A. Douglas "unleashed a flurry of national verbiage—of brotherly love and excoriating hatred." But Douglas himself underestimated that, thinking of popular sovereignty as just another device for development of the West, like promoting a Homestead Act or a Pacific railway. He was overoptimistic about the fair workings of popular sovereignty in the territories, and, as Lincoln so often pointed out, seemed not to appreciate the moral dimension of what to him was a strict political issue.

The late Phillip Paludan makes a careful analysis of Lincoln's Peoria speech in October, 1854. He shows a conflicted Lincoln, torn between the lawyer and the moralist, and appalled by the evils inherent in slavery, whether it was legal or not. The future for Americans was in the West, and that future was threatened by Kansas-Nebraska. How could Douglas believe that popular sovereignty would automatically yield free territories? But the abolitionists threatened the Union also. Lincoln wanted to forge compromise, but was discouraged by events in Kansas.

Frederick Douglas, as the essay by Terkla Johnson, a professor at Johnson C Smith University, shows, had a sophisticated understanding of the underlying technicalities of the law, which would tend to establish slavery in the territories once the restraints of the Missouri Compromise were abrogated as they were by the Kansas-Nebraska Act. It moved Douglas, as it had Lincoln, into a more activist role—in the case of Douglas "from Reformer to Revolutionary."

This is a well-balanced book with innovative essays by outstanding scholars. It might seem specialized, but the essays, deeply researched as they are, are eminently readable. And there is no question about the enormous importance of the topic. Of all the candidates for the moment at which the United States began the steep slide toward Civil War, the Kansas-Nebraska debate of 1854 ranks high.

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