MAN OF DOUGLAS, MAN OF LINCOLN: THE POLITICAL ODYSSEY OF JAMES HENRY LANE

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The University of Southern Mississippi

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by

Ian Michael Spurgeon

A Dissertation
Submitted to the Graduate Studies Office
of The University of Southern Mississippi
in Partial Fulfillment of the Requirements
for the Degree of Doctor of Philosophy

Approved:

August 2007
The University of Southern Mississippi

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ABSTRACT

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In 1855, former Indiana congressman James Henry Lane entered Kansas territory determined to take a leading political role during the controversial quest for statehood. Over the next twelve years, his career seemed to follow an irregular, inconsistent path of ideologies and actions. He had supported Stephen Douglas and the Kansas-Nebraska Act, but later fell out with the Democratic party. During the Kansas territorial period, he became a leading political and military figure in the extralegal Free State movement, joined the Republican party, championed Abraham Lincoln, and became one of the new state's first senators. When civil war erupted across the nation, Lane led destructive raids into Missouri, advocated abolition, and joined radicals in promoting black military service. Yet, after the war, Lane backed Andrew Johnson's opposition to the Radicals in Congress and their Civil Rights bill. Historians have largely portrayed Lane as either an unprincipled opportunist, demagogue, and radical, who acted only in ways to promote his own career, or a hero and noble (though tragic) convert to the Republican and antislavery folds. However, both approaches are only two-dimensional. This study endeavors to look at Lane three-dimensionally. As a result, he is seen as a man who cannot be labeled so easily. This dissertation argues that Lane did have guiding principles, that he was surprisingly consistent to those principles, and that apparent contradictions during his
political career were primarily understandable responses to external events. James Lane maintained a strong devotion to democratic principles, and a great concern for the integrity of the Union and of his political party. Overall, while James Lane was certainly an ambitious politician, he labored to protect his guiding principles during the nation’s most trying periods.
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INTRODUCTION

"Senators, we hear, must be politicians—and politicians must be concerned only with winning votes, not with statesmanship or courage," wrote John F. Kennedy in the introduction to his Pulitzer Prize winning work *Profiles in Courage*.¹ No better example of this popular belief can be found than in the case of James Henry Lane of Kansas (1814-1866). Indeed, this tragic figure of territorial and Civil War Kansas has become known as one of America’s notorious nineteenth-century politicians. His fiery stump speeches and radical ideas carried him to the United States Senate, yet created a veritable army of critics. Furthermore, his transition from a pro-Douglas Democrat and supporter of the Kansas-Nebraska Act of 1854 to a prominent Free State leader in Kansas and associate of rabid abolitionist John Brown by 1856 to a "radical" Republican and friend of Abraham Lincoln in 1861 to a "conservative" Republican and supporter of Andrew Johnson in 1866 seems to suggest a concern for votes typical among professional politicians. Yet, assumptions can be wrong. Kennedy did not defend the negative stereotypes of politicians, but challenged them. It is time someone challenged what "we hear" about James Lane.

What we read about Lane today has been heavily influenced by his unforgettable appearance and dynamic personality. Lane’s mastery of western stump speaking became legendary in Kansas and across much of the nation in the years leading to the Civil War. His long, slender frame—reaching at least six feet in length—carried a sharply defined, and most often beardless, face punctuated by deep, piercing eyes. A receding hairline

exposed a smooth and prominent forehead crowned by wild shocks of hair pointing to the sky in various directions. If Lane’s words electrified a crowd, they certainly seemed to electrify him as well. He could sway an audience like an orchestra director, exciting their senses and emotions. He ranged from low, guttural growls to high shrieks as he lectured fellow Americans on the most pressing matters of the day, pointing a long boney finger towards the crowd for effect, and gazing at them with those powerful eyes. As his speech warmed up, Lane was known to partially undress himself, like a man preparing for a street fight. Off came his jacket, then tie; then he would roll up his shirt sleeves, always focusing on the audience. A speech from Lane was part political lecture, part evangelical sermon, and part theatrical production.

The forty-year old former Mexican War colonel and politician from Indiana entered Kansas territory in the spring of 1855, in the heart of the struggle over Kansas’s admission into the Union as a slave or free state. Within this environment he thrived. Quickly, Lane became a leading figure in the free-state ranks, acting as both a political mover and shaker, and military commander. He experienced extreme highs and pathetic lows, as enemies within both pro-slavery forces and the Free State ranks made his rise difficult. Nonetheless, by the time of the Civil War, James Lane nearly dominated Kansas politics. Loved by many, but hated by an equal number, no one could deny that Lane was a force to be reckoned with.

This dissertation is not a narrative biography of Lane. Instead, it specifically looks at the twelve year period encompassing his political journey, from 1854 when he served as a freshman congressman from Indiana to 1866 when he died while serving as a senator from Kansas. At the heart of the matter stands the issue of consistency. Virtually
no historian sees uniformity or regularity in Lane. Some historians have concluded that
Lane had few or no principles, that he was a political opportunist at best or a madman at
worst. Others rationalize Lane’s apparent inconsistencies by emphasizing his strengths
and contributions or simply acknowledging them with no explanation. Ultimately, this
dissertation argues that Lane indeed embraced democratic principles, that his larger
actions were more consistent to those principles than generally believed, and that his
political career consisted of a series of pragmatic responses to prevailing events.

Identifying Lane’s actions, beliefs, and principles during the last twelve years of
his life is complicated by the man’s personality, his controversial actions and words, and
the chaotic events that surrounded him. As a result, historians and writers have largely
failed to delve deeply enough to truly understand him. For instance, Lane’s 1855 move
into the Free State Party in Kansas is generally interpreted as an abandonment of the
Democratic Party. On the contrary, Lane and other Free State members unmistakably
maintained their traditional party affiliations even within the new organization. For
months, even years, the Free State Party was intended to be a temporary interest group
for people of all parties to unite with the single goal of establishing Kansas as a non-
slaveholding, or free, state. Historians who have portrayed Lane’s move into the Free
State Party and even his eventual rejection of the Democratic Party as opportunist or a
change of principle have only looked at the surface, doing a disservice to the man and to
Kansas history. Only by investigating his interests and principles before, during and after
his transition into various political alliances can historians understand his actions. Only
after careful analysis of Lane within his environment does method emerge from what so
many have ascribed to madness. Lane was a man of his time, responding to events of his
time. Through a more thorough analysis of Lane in his setting, historians will not only better understand his particular history, but Kansas and ultimately the nation during one of the most dramatic political eras in the country’s history.

Undertaking this study of Lane proved difficult for a variety of reasons. For one, Lane left little organized record of his views and work. He was a master stump speaker, who often spoke spontaneously. His personality, chaotic life, and untimely death in 1866 prevented the preservation of much of his correspondence. He moved repeatedly and also lost a great deal of personal property during William Quantrill’s 1863 guerrilla raid on Lawrence, Kansas. Thus, there is no complete collection of Lane papers. His material is scattered, with partial collections located at the University of Kansas and the Kansas State Historical Society. Some sources may be found at the University of Oklahoma and at the Indiana State Library. Finally, individual letters turn up in various collections around the United States, including the Abraham Lincoln collection at the Library of Congress.

Yet, the scavenger hunt for Lane primary sources was not the greatest obstacle this researcher faced—nor the hours spent trying to decipher Lane’s atrocious handwriting. Instead, interpreting the wide variety of written material about Lane proved to be the biggest task. Simply put, authors either loved James Lane or hated him. There is no consensus on what kind of a man he was. Much of the historical work on Lane was written in the years following the Civil War by people who knew him. These writers published memoirs or accounts of the struggle for Kansas to provide what they believed was the “truth,” but what was often an attempt to establish their own place in history. Lane fit into these publications as a hero or as a villain, depending upon the personal
feelings of the author; and Lane had a lot of opponents. Pro-slavery forces vilified him as a radical who raised the “black flag” on the prairie and whose mental instability posed a threat to the nation as a whole. Some Free State men—mostly New Englanders—also aligned themselves against Lane for various reasons. Furthermore, Lane was often his own worst enemy, providing ammunition for critics.

The battle over Lane’s place in history extends back to his own lifetime, but became particularly heated following the 1860s. Friends and opponents wrestled over his image in Kansas history, setting off a writing war that has heavily influenced modern interpretations of the man today. Although historian Craig Miner provided a brief but excellent synopsis of the historiography of Lane in his article “Lane and Lincoln: A Mysterious Connection,” there is as yet no established historiographical model of James Lane history. Therefore, for this study, I have created a historiographical model to identify the major attitudes and perceptions of Lane and the most influential authors who espoused them. It is hoped this model may offer historians a basic review of Lane history and identify the common assumptions and beliefs within the field. Four basic historiographical groups can be found in the historical writing on James Lane: Critic-Contemporaries, Defender-Contemporaries, Moderates, and Critic-Consensus.

Following Lane’s death in 1866, his reputation, like John Brown’s, rose. Both figures were often celebrated as heroes in the late struggle to end slavery and preserve the Union. But as men and women who had lived during Kansas’s territorial and wartime days began publishing memories and reminiscences, a battle over the saints and villains

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2 The term “black flag” was a popular symbol (at least rhetorically) of total war. In the context of the Kansas-Missouri conflict, particularly during the Civil War, guerilla units were said to carry the “black flag” to show they took no prisoners.
of Kansas history erupted. The Critic-Contemporaries and Defender-Contemporaries emerged from this literary battle.

The Critic-Contemporaries surfaced around the 1880s, but really developed in the 1890s. As the name implies, this school took a critical view of Lane. The group saw Lane as an opportunist, generally unstable, and brash to the point of being dangerous. Critic-Contemporary authors had either known Lane personally or knew his colleagues, some of whom were personal and political rivals of Lane. Two of the most important men in this school were Charles Robinson and George W. Brown. Both men worked closely with Lane as leading figures in the Free State movement in Kansas. Yet, both came to oppose Lane (and each other) around the beginning of the Civil War. Robinson, a New Englander, served as Kansas's first state governor. Brown (no relation to John Brown) was also from New England and edited the *Herald of Freedom*—a Free State newspaper published in Lawrence that was notorious for its outspoken denunciation of proslavery interests. Although Robinson and Brown had been personal adversaries during the late 1850s, they came to an understanding in the last decades of the nineteenth century in the interest of writing Kansas history. Sharing mutual disdain for Lane, the two men promoted each other's positive influence in Kansas history while denouncing their common enemy. Historian Craig Miner credits Robinson's book, *The Kansas*

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4 William Elsey Connelley identified this cooperation in his rebuttal to Brown and Robinson, stating that in 1879 the two men had attended a meeting in Kansas that celebrated the contributions of John Brown to the Free State cause. Both men, Connelley explains, left the meeting "deeply chagrined" and "conspired to begin a systematic course of blackening the characters of those from whom Robinson had dissented in his erratic career in Kansas." Connelley further described a published letter from Robinson to Brown calling on him to write a history of Kansas; Connelley, *An Appeal to the Record*, (Topeka: William E. Connelley, 1903), 4-7. Brown described some communication with Robinson in a 1900 letter, explaining that Robinson had "invited me to write of Lane." In the same letter, Brown compliments Robinson's own publication as among the best treatises of Kansas history; George W. Brown to M. L. Fields, October 27, 1900, George W. Brown Collection, Kansas State Historical Society, Topeka.
Conflict, as the genesis of the critical historical view of Lane. Robinson portrayed Lane as "destitute of principles or convictions of any kind, and of moral and physical courage." Throughout the former governor's work, Lane is condemned as selfish and reckless.

Robinson's treatment of Lane seems almost favorable when compared to the writings of Brown. At times during Lane's life, Brown had turned the pages of his Herald of Freedom into an anti-Lane organ, and his distaste for Lane never waned. Apart from his newspaper articles, Brown never wrote in much depth about Lane—his proposed book on the subject was never finished. Nonetheless, the editor's late published works include some very direct criticisms of Lane. George Brown attempted to break down the celebration of John Brown in Kansas history and memory, a figure who was often associated with Lane in both deed and memorial, in his not so-subtly titled work False Claims of Kansas Historians Truthfully Corrected. He decried the attempt of some Kansans to celebrate John Brown and Lane at the expense of other significant individuals—including himself. "Is it not wonderful that a person reared from early youth in free Kansas," Brown wrote, "and enjoying all the bounties of institutions secured to the State by its first pioneers, sees proper to make Eli Thayer, Andrew H. Reeder, Charles Robinson, and G. W. Brown subjects for his severest criticisms, and exalts into heroes, yea, almost gods, John Brown and James H. Lane, the authors and projectors of disorder and violence on the Free State side?" In 1902, during the finalization of False Claims, Brown described his plans to write a similar treatise on

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5 Miner, "Lane and Lincoln," 189.
6 Robinson, Kansas Conflict, 377.
Lane, explaining, "It is very probable as soon as my present book in press is completed I shall take up Jim Lane, and tell what I know about him." He saw little difference between Lane and the fanatical John Brown. "Both were detriments to the Free State cause," he declared, and predicted that "so the future historian will write."  

The chief academic voice of the Critic-Contemporary school was Leverett Spring. Unlike Brown and Robinson, Spring had not personally taken part in the struggle over Kansas. His book *Kansas: The Prelude to the War for the Union*, published in 1885, was among the first comprehensive historical studies of the fight for Kansas statehood. His coverage of Lane was brief, but included direct references to undocumented rumors used by Lane's political opponents. In 1898, Spring's article "The Career of a Kansas Politician" expounded upon many of the rumors and assumptions that had circulated in Kansas for decades. He dismissed a few negative rumors as unreliable or exaggerated, yet his work not only accepted but helped legitimize for the historical field the image of James Lane as the absolute opportunist, void of principle and driven only by personal ambition. Spring did not paint Lane simply as a con artist, for the author, like many others of the time recognized Lane's value to the Free State cause and the Union during the Civil War. Nonetheless, for Spring, Lane's faults outweighed all else. "The personal magnetism of Lane, his enormous energy, his remarkable gifts of stump-oratory, and his impulsive patriotism," Spring wrote, "were accompanied by qualities of rashness,

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8 George W. Brown to Maria, October 23, 1902, George W. Brown Collection, Kansas State Historical Society, Topeka.  
9 Spring wrote of the popular rumor that Lane had joined the Free State ranks in Kansas because the proslavery territorial government denied him a divorce, but explained that "It must be considered merely as an incident—unexpected, significant, possibly prophetic of evil—not as a capital event." Spring, "The Career of a Kansas Politician," *The American Historical Review* 4 (Oct. 1898-July 1899): 82.
demagogism and moral obliquity, which made him, in spite of all that belongs to his credit, and the sum of it is not inconsiderable, a dangerous man."\textsuperscript{10}

Opposing the Critic-Contemporary school of thought stood the Defender-Contemporaries. This group also consisted of individuals who had personally known Lane or relied upon information of those who had, but portrayed Lane in a favorable light. Lane's eccentricities and his faults were not ignored or covered up. Instead his sincerity good works and dedication to antislavery principles and the Union served as the primary focus for authors within the Defender-Contemporary camp. John Speer stood out among this group. Running his own newspaper in Lawrence, Kansas, during Lane's political career, Speer became one of Lane's closest friends and associates. In 1897 he published a massive biography of Lane, which mainly provided personal sketches, reminiscences, and stories, and offered comparatively little analysis. Speer recognized the growing critical view toward Lane, and provided a response to arguments that Lane was contradictory on the slavery question and a mere political opportunist. He described a man sincerely reacting to dangerous political and social events, rather than lustily taking advantage of the chaos. Speer identified not only with Lane's antislavery cause, for Brown and Robinson had been instrumental figures for the Free State cause as well, but celebrated Lane as the great leader against proslavery forces: "It was in the initiatory effort to resist this tyranny that he literally broke loose in all his power, fury and energy. Thence onward he was indomitable and unconquerable."\textsuperscript{11}

Speer's work, like all of the Defender-Contemporary camp, was heavily steeped in the Bancroft nationalist school of thought, which interpreted American history with

\textsuperscript{10}Spring, "Career of a Kansas Politician," 104.
\textsuperscript{11}John Speer, \textit{Life of Gen. James H. Lane} (Garden City: John Speer Printer, 1897), 12.
romantic ideals. A strong tone of celebration wafts from the work, and Lane jumps from the pages not merely as a successful leader during a difficult period of American history, but as an honorable man, a hero, fighting for right against evil forces—whether it was black slavery, slaveocratic oppression, or intemperance. Speer writes glowingly that "this man, the child of the frontier of civilization, the advance herald of two wars, the leader in the Kansas Conflict against Slavery, was one of the most abstemious men I ever saw."12

William Elsey Connelley carried the Defender-Contemporary school well into the twentieth century. Serving as the Kansas Historical Society’s secretary at the turn of the century, Connelley became one of the most prominent writers on Kansas history. His interest in Kansas helped build not only an enormous personal library of material, but contributed to the Kansas Historical Society’s impressive collection. Connelley was a firm adherent of the nationalist-style approach to Kansas history. He championed Lane and many other Kansas figures as heroes of American history. His book *James Henry Lane: The “Grim Chieftain” of Kansas*, published in 1899, outlined his personal, romantic views on the subject:

Great men leave the impress of their genius upon the institutions they help to found. To rightly understand the institutions of our State, it is necessary that we should have some knowledge of the men who built [sic] it. In this view the study of the life of the late Senator James Henry Lane becomes to us a duty. That Senator Lane did service so valiant, so vital in the noble cause of freedom that he should be accorded the gratitude and love not only of this but of all the coming generations in Kansas and the nation, has long been the almost unanimous opinion of the people of this State.13

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12 Ibid., 9.
Connelley emerged as George W. Brown’s chief opponent in the battle over writing Kansas history. Brown’s *False Claims of Kansas Historians Truthfully Corrected* specifically challenged Connelley’s *John Brown*—Connelley being the primary “Kansas Historian” referred to in the title. Not to be outdone, Connelley responded with his own publication, entitled *An Appeal to the Record*. The competing interpretations of these two writers shows a split along the lines of Frederick Jackson Turner’s thesis of frontier advancement. Brown championed the contributions of the refined East, especially the New England Emigrant Aid Company with its figures. The rough western characters, among whom James Lane was an extreme example, appalled many New England emigrants during Kansas’s territorial days—a distaste carried into later years by Brown. Connelley, on the other hand, celebrated western and frontier imagery. He downplayed the role of New England in making Kansas a free state, much to the chagrin of Brown. “To make any appreciable impression in Kansas, the New Englanders were too far from pioneer conditions,” Connelley wrote in 1929. “They had lost the pioneer instinct. And the political structure of Kansas bore scant portions of New England thought and tendencies. It was Western to the core and in some features radical, new and revolutionary.” Summing up his position, in true Turnarian-style, Connelley stated, “But your true Westerner carried with him the genius of the American people and the destiny of the republic.” The figure of James Lane became caught in the middle of this ideological battle, as a hero to one side and villain to the other.

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14 The full title listed on the cover page of the book is *An Appeal to the Record Being Quotations from Historical Documents and the Kansas Territorial Press, Refuting “False Claims” and other things written for and at the instance of Charles Robinson by G. W. Brown. And Some portions of the Public Records of Charles Robinson and G. W. Brown, taken from the Archives of the State Historical Society. Also Many Authorities and Documents relating to the New England Emigrant Aid Company, and its Transactions in Kansas.*

The last remnants of the Defender-Contemporary school may be found in the words of Lloyd Lewis’s address to the Kansas State Historical Society in 1939. Lewis, a playwright and journalist, called Lane “The Man the HistoriansForgot,” and lamented the passing of Lane’s image from Kansas, and national, memory. Like Connelley, Lewis saw the battle over Kansas history as a struggle between New England and the West. “New England never liked Kansas’ most influential citizen of the 1850’s and 1860’s,” he told his audience. “That is one of the reasons—there are others—why the schoolbooks of America either have no mention at all of Jim Lane, or merely dismiss him with a few sneering phrases.” Lane was a westerner, and as such “was not to be understood by the elegant authors of New England—the Brahmins who in that day decreed what was good taste in literature.” Like other Defender-Contemporaries, Lewis painted a romantic image of James Lane, that of a tragic figure whose charisma helped lead Kansas to freedom. Even Lane’s death by suicide in 1866—usually seen as the culmination of his decline in political standing and his recurring bouts of depression—was described in quixotic terms: “He was the pioneer, the adventurer, the restless hunter for new horizons, and the glories of that time had vanished. He was a revolutionist, and the revolution had been won... He was a fighter, and the war was over.” His suicide, explained Lewis, was a journey into “a place often mentioned in the religious litanies of his Calvinistic boyhood, a strange dreaded region in which the fuel was promised to be everlasting. This might be the place for him now.” Lewis concluded: “He would go and see.”

Lane (Topeka: B. P. Walker, 1930), 5.


17 Ibid., 102-103.
Lewis's address to the Kansas State Historical Society entertained and inspired members dedicated to preserving Kansas' historical significance. But its romantic idealism was giving way. First, since many of the authors were contemporaries of Lane, their historical writing careers began very late in life. Robinson, Brown, and Speer wrote of Kansas events they had experienced decades earlier. The personal crusades to influence the historical record ended as the generation passed away. Second, the historical field as a whole changed as the new scientific approach to history took shape in the latter party of the nineteenth century. The relationship between amateur and professional historians began to crumble. The romantic and celebratory tone of the nationalist school no longer found as welcome a reception within the increasingly methodical field of history. Within this general trend, a new study of Lane emerged. It served as the foundation of what will be referred to as the Moderate school of Lane historiography. Wendell H. Stephenson produced the most comprehensive study of Lane to date with *The Political Career of General James H. Lane*. Written during his masters and then doctoral work at Indiana University and the University of Michigan respectively, Stephenson provided the first truly academic book-length study of Lane. The author stands at the heart of the Moderate school for what may be called a comparatively literal approach to history. Relying upon meticulous research, the author generally shied away from the rumors, stories, and personal opinions so important to the previous historiographical groups.

There is another reason why Stephenson's work may be classified as "moderate": it is largely non-controversial. While he states in his preface that his study "seeks to

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explain Lane’s transition from Indiana conservatism to Kansas radicalism, to reveal him as a leader of the ‘intense radical loyalty’ of the United States during the Civil War, and to explain his motives for reverting to conservatism,” the explanation Stephenson gives is largely simple narrative. 19 The text provides relatively little analysis or interpretation—a fact recognized and even complimented by William Connelley, who wrote the introduction for the book:

So it is fine of Doctor Stephenson that he has given us here this balanced biography of Lane. He has avoided the controversies of Lane’s day and has even ignored the bitter malice with which he was constantly attacked in life and in death. He found these themes unnecessary to his purpose. A plain statement of fact was all that the establishment of Lane’s position and power required. This statement he has made in a masterful way.20

Stephenson’s “plain statement of fact” offers readers a good narrative description of Lane’s life and actions, but little guidance on how to interpret it. The author’s most significant attempt at analysis is left to the last chapter, entitled “Character and Leadership,” which focuses mostly on the power of Lane’s reputation and image among his contemporaries.

Completely departing from the conflict between the Critic-Contemporaries and Defender-Contemporaries, Stephenson made no value judgments about leading Kansas figures. Of the rivalry between Lane and Robinson (both during their lives and in later imagery) he wrote that “it would be useless to speculate upon the relative contributions of the two men. Indeed it was fortunate for the free-state cause that the party contained diversity of leadership.”21 However, not even Stephenson’s moderate approach to Lane’s life left his work completely objective. Stephenson leaned toward the “Defender” side—

20 Ibid., 6.
21 Ibid., 160.
an association strengthened by chief historical “Defender” Connelley’s praise of the work. Within Stephenson’s pages, Lane does not appear callous, unprincipled, or cold. He is a tragic figure, whose extreme energy and ambition brought him fame and success, but in turn limited any rise to greatness and became a weapon for his enemies.

Stephenson’s book remains the most balanced and thoroughly researched publication on Lane to date. The author moreover refused to step far into the minefield of interpreting Lane’s actions. Some authors have followed Stephenson’s work with a more moderate, non-controversial assessment of Lane in their larger studies of Kansas historical topics. William Zornow, in his *Kansas: A History of the Jayhawk State*, is one example. The author related one of the most contentious parts of Lane’s life, his entry into the Free State ranks in Kansas, in a matter-of-fact way: “Lane, a former Democratic congressman from Indiana, joined the free-staters, but many antislavery Democrats did not follow him.” While such generic description may seem hardly suited to a historiographical categorization, when compared to the final school of thought, the degree of difference becomes apparent. The Critic-Consensus provides the dominant perception—a consensus among many historians—of Lane in modern Kansas historiography. Heavily influenced by the Critic-Contemporaries, this school largely portrays Lane according to his popular faults. The authors within this class range from mildly critical of Lane to unapologetically condemnatory. W. G. Clugston was among

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22 Historian Craig Miner credits Lloyd Lewis’s “The Man Historians Forgot” as doing “more to establish a balanced view of Lane in a style to the public” than any other historian and that it did “more to interpret the real Lane than anything written before or since.” Lewis’s work is well-balanced, but the author’s professed admiration of Lane and the heavy denunciation of Lane’s critics edges him away from standing as a true balance between the two early historiographical schools. Miner, “Lane and Lincoln,” 191.

the first historians of this school. His description of Lane in *Rascals in Democracy* (1940) stands at the extreme critical end of the school:

The truth of the matter is that Lane had no honest convictions about anything—religion, politics, personal honor, or public trust. Apparently he considered life just a gigantic fraud, and that there was no purpose in living except to satisfy appetites and vanities of the flesh by whatever hook or crook he could do so. There can be no question about his turning to Kansas with no purpose in mind other than to get on the winning side and promote himself to a position of power and prestige.  

The image of Lane as a man with no principles and no interests beyond self-promotion has taken firm hold among many, if not most, historians of Kansas. Allan Nevins, in his award-winning series *Ordeal of the Union* (1947), described Lane as “unprincipled and often unscrupulous, a selfish opportunist and a political turncoat.” Nevins believed that “the chief objects of this histrionic manipulator, full of stock tricks, but of unresting industry in building up his political following, were simply prestige, power, and money.” Albert Castel, one of the most influential historians of Civil War Kansas, followed suit:

In an era of opportunism, Jim Lane was a supreme opportunist. Among the demagogues of his time—and few periods had more—he was preeminent in energy, persistence, and sheer gall. Moreover, until the very end, and despite occasional setbacks, few were more successful. To describe his stormy career is to offer a study in demagoguery, American Civil War style.

And for Kenneth Davis, author of a comprehensive work on Kansas history published in 1976, Lane was “aided, too, in his pursuit of power by his freedom from scruple and principled commitment.”

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The Critic-Consensus school continues to grow, as some of the most recent publications on Kansas territorial history echo the description of Lane as shallow and unprincipled. Historian Nicole Etcheson, in her 2004 publication *Bleeding Kansas: Contested Liberty in the Civil War Era*, interpreted Lane’s early actions in Kansas as a “chameleonic-like change of political principle,” while Donald Gilmore, author of a recent, self-proclaimed revision of the Missouri guerrilla image, provided one of the most condemning descriptions of the Kansas figure, even questioning the character of men who supported Lane:

He had extraordinary, albeit eccentric, oratorical skills when his audience was naive, politically polarized, and easily moved by emotional appeals and demagoguery. His speeches were often harangues delivered in a bizarre, rasping, affected voice, punctuated throughout by audible gasps for air and resembling nothing so much as a crazed, backwoods preacher gone mad. But even men of his own party full under his charismatic sway, and their sanction of him must be considered an indictment against their own characters. . . . Lane was amoral, totally pragmatic, and shifted his political sails to suit the time, place, and his need for money and political support. He was pugnacious, ruthless—both politically and personally—sometimes crooked, and indifferent to human life and suffering.29

The Critic-Consensus school of thought does not simply include historians who blatantly call Lane amoral or unprincipled. The strength of this historiographical camp has been enlarged by the prevalence of its more subtle interpretations of Lane’s actions. The portrayal of Lane as unprincipled, easily swayed by popular opinion, and contradictory has led many historians to misread his real stance on important issues. The range of these misperceptions and the information behind them are too complex to elaborate here, but throughout this study, arguments by historians within the Critic-

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Consensus school will be challenged in light of Lane’s words, his actions, and the environment in which he worked.

This study sets out to challenge the writers of the Critic-Consensus school in particular, but more generally all previous studies of James Lane. Readers will find a “defensive” tint to this work, and this author admittedly identifies more with the Defender-Contemporary and Moderate schools of thought than with the critics. Because Lane led free-state forces in Kansas, more emphasis is placed on antislavery and free-state ideas than their proslavery counterparts. Yet, I have avoided the celebratory, traditionalist approach. The free-state and antislavery settlers in Kansas are not seen as fighters for the side of right, but simply men and women who struggled for what they believed was right. Consequently, Lane should not be seen as a champion of good or right, but a man who labored for a free state of Kansas and the stability of the Union, and a man who promoted his own political career. This dissertation is not intended to be an apology or justification of James Lane. In fact, Lane’s words and actions often appear shocking. Rather, this study attempts to explain why he acted as he did and to trace his political transition—his political odyssey—and show that consistency. Lane is presented as a three-dimensional character: talented and flawed, radical and conservative, compassionate and ruthless. This dissertation shows how these contradictions came together in a unique blend, each element emerging in response to certain events and each promoting his cause.

Challenging everything written about a man or a subject is a daunting task. I admit, when I began this dissertation I did not expect to take such a bold stance. I expected to find great change in Lane’s life and career. It seemed obvious that a man
who left Indiana in 1854 a pro-Pierce, pro-Douglas, pro-Kansas-Nebraska Act Democrat and became a pro-Lincoln, self-proclaimed radical Republican by 1861 must have undergone a monumental transformation, or at the least changed sides and affiliations to suit fleeting interests. I originally hoped to provide a new and better account of how and why Lane went through this transformation. After collecting most of my primary material, I created a chronological list of his words and actions. Details and stories from contemporary newspapers made up the biggest part of this list. I believed that if there was any rhyme or reason to Lane’s transformation, only following it as it happened could bring it to light. If the man was as contradictory and opportunistic as his critics have alleged, I expected to find a jumble of thoughts and actions, with little consistency except that which would advance his personal career.

The chronological list proved to be a useful tool, and immediately brought important details into perspective. For instance, I paid special attention to Lane’s political affiliations, listing by date when he first openly attended a Free State meeting in Kansas, when he called himself (or was referred to by others) a Democrat, and when he officially joined the Republicans. Through this I came to find his consistent association with the Democrats (and his defense of Franklin Pierce and Stephen Douglas) after his entrance into the Free State Party blatantly obvious. This meshed perfectly with the Free State resolution that all traditional party affiliations were to be maintained and only sidelined temporarily for the sake of free Kansas statehood. His Democratic identity can be easily followed in the primary sources until the spring of 1856 when he and Douglas had a falling out.
As my studies continued, I became increasingly convinced that previous discussions of Lane failed to understand his words and actions. Those who played him off as an amoral opportunist did not explain his stubborn defense of democratic principles and his habit of going against popular will or authority. Gradually, I questioned the whole idea of a change or transformation as a whole. By looking beyond his wild appearance, his personal rivalries, and even his quest for political advancement, I found underlying consistency and reason. This study does not deny that Lane was opportunistic to a degree. Lane loved politics and thrived in backroom wheeling and dealing. He kept his finger on the pulse of his constituency. Nonetheless, he endeavored to lead Kansans rather than simply follow their whims—and he often proved to be a very strong, enterprising, and even prophetic leader.

The idea and argument that Lane maintained a dedication to democratic principles, a dedication to political party, and a constant interest in protecting the Union, may seem too far-fetched to some. It is my hope that this study will challenge others to reconsider Lane, to look past the wild rhetoric and disheveled appearance, to look past the old and tired laments of his critics, and find more about this fascinating and tragic man.
CHAPTER I
LANE IN INDIANA, 1854-1855

"I am no advocate of slavery."

Historians of territorial and Civil War Kansas have largely ignored James Lane’s work and words in his native Indiana, before his more public career in Kansas began. He is generally characterized simply as an ambitious politician who, after falling out of favor with voters in his native state, moved to Kansas with hopes of attaining power in any way—and with whatever group—he could.¹ This simplistic approach fails to appreciate his embrace of the Democratic Party and the Union, as well as his distaste for the institution of slavery. Without an understanding of his early career in Indiana, historians cannot accurately interpret his actions in Kansas.

First, Lane was a dedicated Democrat, loyal to the party structure as well as its ideologies. His father, Amos Lane, had been a notable Democratic official in Indiana, and helped James develop a deep love and devotion to the party and principles of Andrew Jackson. Second, he was anti-slavery. Lane was no abolitionist, but, like most people in the northwestern states of the time, opposed the institution as detrimental to white (if not black) interests. As a northern Democrat interested in party unity and preservation of the Union, Lane recognized the importance and protection of slavery where it existed, yet did not identify with slaveholding interests. Finally, Lane faced a changing political climate. His beloved party began to fracture in the mid-1850s under sectional tension and Lane, like all Democrats, labored to juggle personal principles and party interest.

¹ For instance, see Albert Castel, Civil War Kansas: Reaping the Whirlwind (Lawrence: University Press of Kansas, 1997), 20.

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Lane held various state offices in his native Indiana, including a term as the lieutenant governor and as an Indiana presidential elector in 1852. Little information of his views toward national political matters can be found from time spent in local politics. In 1852, at the age of thirty-eight, he was elected to the United States House of Representatives for Indiana’s 4th District. Like many freshman congressmen, he rarely spoke on the House floor and when his name does appear in the *Congressional Globe*, the discussions often focused on technical or procedural matters unrelated to the great issues of the day. Thus, historians have precious few of his speeches or letters during this pivotal period to analyze. However, a small spat between Lane and a few of his colleagues in Congress in early 1854 provides a valuable look—a small gold mine of information—at his opinions and perceptions of slavery and the Union.

The disagreement began simply enough when Lane interrupted Maryland representative Augustus Sollers’ speech on the paying of personal claims during a House committee discussion on March 10, 1854. Lane’s request for a clarification irritated the Marylander, who sarcastically retorted that young Lane spoke out only to have “his name in print in connection with my own.”\(^2\) The remark drew laughter from the floor. Sollers turned to give Lane “a lesson of wisdom,” suggesting that the Indianan “had better undertake to control the sentiments of his constituents, than to be controlled by them.”\(^3\)

Lane, humiliated at the personal slight, explained that if Sollers believed that the interruption was designed to gain notoriety, “it exists wholly in his own imagination, and that there is not the slightest foundation for it in truth.”\(^4\) As for the matter of constituent representation, Lane turned the tables and challenged Sollers: “I understand the

\(^2\) *Congressional Globe*, 33rd Cong., 1st sess., 603.
\(^3\) *Ibid.*, 604.
gentleman from Maryland to say that he moulded [sic] the opinions of his constituents.”

Sollers immediately denied the characterization.⁵ Undeterred, Lane then made a surprising jab at Southern slaveholding interests, suggesting that Sollers meant to “mould the opinions of that portion of his constituents, five of whom, under the provisions of the Constitution, can only count as three.”⁶ Lane referred to the Three-Fifths Compromise—the Constitutional provision that determined that slaves would count as three-fifths of a person for representational or statistical purposes. When Sollers again demurred, Lane repeated his charge, stating that he had no doubt “that the gentleman from Maryland has the ability to mould the opinions of that portion of his constituency that requires five men to count as three.” In comparison, Lane continued, “I am thankful that I represent no such constituency. I am here representing an independent constituency whose opinions cannot be moulded by any influences.”⁷

While Sollers appeared to read no greater insult in Lane’s comments, Theodore Hunt of Louisiana certainly did. Hunt asked the presiding member if Lane was out of order “in reflecting upon gentlemen representing a slaveholding constituency?” Lane, perhaps sensing an escalation of sectional tension, quickly denied any broad meaning to his statements. But the spark had been lit. Grumbling rippled across the floor as Hunt and Sollers rose to respond to Lane. The Southerners were somewhat stymied by Representative Alfred Edgerton of Ohio who struggled to silence the matter by calling on

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⁵ Ibid., 605; Sollers’ denial is a bit surprising, for during his original response to Lane he stated: “I would not assume the privilege of controlling my constituents, and not be controlled by them. I would mould public opinion, that public opinion might not mould me.” Ibid., 604-605.
⁶ Ibid., 605.
⁷ Ibid.; there is evidence that Lane’s actual remark was: “The gentleman may mould the sentiments of his curly-heads; but thank God I represent a constituency that does not require five men to count as three.” This version was quoted by Rep. Hunt on the House floor three days later, saying that the Congressional Globe account had incorrectly reported Lane’s words in a way which softened the insult; Ibid., 610.
⁸ Ibid., 605.
the question of order. When the chairman attempted to end the brewing conflict, the members engaged in a brief debate on the point of order. A vote was taken upon whether “the decision of the Chair [shall] stand as the judgment of the committee?” The chairman’s decision was overturned by five votes and Hunt claimed it a symbolic victory, somehow equating the technical rules vote as a successful response to Lane. “I consider the Constitution vindicated,” Hunt announced, “and that this action is a rebuke of the gentleman who has used expressions in the way of disparagement of members upon this floor representing slaveholding territory.”

Over the cries of “Order,” Lane rose and delivered a final retort for the day, stating that if Hunt “intends to apply the term rebuked to me for any sentiment I have uttered, I laugh it to scorn!” He concluded with a final assurance that he had “uttered no expression intended to disparage members upon this floor representing bond or free territory.”

What had begun as a mere interruption by Lane to clarify a minor matter had degraded into personal jabs and quickly spiraled into a small sectional spat. When challenged, Lane insisted that his thinly veiled criticism of the Three-Fifths Compromise was not meant to disparage slaveholding states and their representatives. Such efforts to soothe the ruffled feathers of Southern representatives failed to appease anyone. Three days later, Louisiana representative Hunt again brought the matter up on the House floor as part of a “personal explanation.” He felt compelled to correct the Congressional Globe’s coverage of the previous discussion, stating that the reporter had softened Lane’s language. In reality, Hunt argued, Lane had spoken in a manner and with words

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9 Ibid., 606.
10 Ibid.
"offensive to me, and to every Representative on this floor of a slaveholding constituency." The Louisianan then called upon Lane to clarify "whether he used the language of scorn and defiance personally and to me."\footnote{Ibid., 610.}

Lane’s response to Hunt provides historians with invaluable insight to his views on slavery and the Union. "I am no advocate of slavery," Lane explained. "I am no slavery propagandist; and yet my history will prove that I have gone as far, and will go as far...to maintain the constitutional rights of gentlemen representing slave States upon this floor and maintaining the rights of their constituents." He called upon others to check his personal history to find a defense of Southern rights "and the rights of every State of this Union." Looking at his colleagues there in Congress, Lane boomed that he knew "no difference between northern and southern States. I shall know no difference. Brethren all—all interested in perpetuating the harmony and integrity of this Union."

Finally, the loyal Democrat who favored Union over partisanship announced "I shall go as far as any of you in trampling out agitation in the North, and as far as any of you in trampling out agitation in the South, which is calculated to disturb the harmony of the Union."

\footnote{Ibid., 611.}

Following this short declaration, Lane attempted to justify his comments to Sollers on March 10 as "playful" in nature, and not meant to insult any member. He had taken Sollers's comments as good-natured, and, Lane now argued, simply returned the lighthearted sarcasm. Hunt stood dumbfounded. "Sir, upon my word, I never was more astounded since I was born," the Louisianan confessed. "It was considered in quite a contrary light by every gentleman around me. The offense was general, and there was a
general indignation." Lane, according to Hunt, had acted in a scornful and biting manner, with a "sardonic play of his features." Hunt lectured Lane on behavior and ideas of honor, and the matter was finally dropped.\footnote{Ibid.}

Lane’s row with Sollers and Hunt illuminates his effort to balance personal views with the need to preserve party and national unity during an increasingly tense period. The text in the \textit{Congressional Globe} can provide a transcription of a speech, but it cannot relate the tone or mannerism of the speaker. We know that Hunt took personal offense to Lane’s comments, in both substance and in tone. Perhaps Lane truly intended to be playful as he threw the barb at slaveholding representatives. If so, he severely underestimated the sensitivity surrounding sectional differences—a mistake that would suggest that Lane was extremely naïve about significant national issues. Instead, Lane likely referred to the Three-Fifths Compromise out of frustration. Sollers first charged Lane with trying to get his name in print, and then offered some “wisdom” in dealing with constituents. These sarcastic comments inflamed Lane’s well-known sensibilities,\footnote{Lane was involved in a number of personal disputes throughout his life, including a near duel in 1845 with Col. E. Dumont, and a fistfight with another officer during the Mexican War. His interest in preserving his image and reputation was noted by many in Kansas, including a notable event in October 1855 when Lane accused a Mr. Lowrie with spreading a rumor of his infidelity. A duel was narrowly avoided by intermediaries. See Thomas Gibson letter to \textit{Daily Commercial}, March 2, 1845, James H. Lane Papers, Spencer Research Library, University of Kansas, Lawrence, KS; David Lavender, \textit{Climax at Buena Vista: The American Campaigns in the Northeastern Mexico, 1846-47} (Philadelphia: J. B. Lippincott Company, 1966), 168-169; Charles Robinson, \textit{The Kansas Conflict} (Lawrence: Journal Publishing Co., 1898), 178-179.} and he returned with an intentional “low-blows” to the Maryland representative. When challenged by Hunt to explain his remarks, Lane stepped back and attempted to soothe the congressman. He had embraced the Democratic interest of minimizing sectional conflict, and when faced with an increasingly irate Southern member, he cooled down. Lane may not have wished his comments to stir up a sectional fight in Congress—hence,
his repeated attempt to disclaim any insult to the South—but he had identified an important ideological difference between representatives of slaveholding and free states, and he used it against a Southern opponent.

Overall, the argument of whether Lane was playful or spiteful is unimportant. Lane clearly separated himself from the institution of slavery and slaveholding interests. His declaration that he was “no advocate of slavery” was a strong, defiant expression of his personal sentiments even in the midst of minimizing his sectional loyalties. He did not identify himself as pro-slavery. In fact, he did not leave the matter ambiguous—Lane opposed slavery. But Lane cherished the Union, its integrity, and its laws and wished to protect it from radical forces. Protecting and preserving the Union meant recognizing Southern rights and interests.

Lane’s dedication to the Democratic Party and peace within the Union would be tested further when one of the most important and explosive pieces of legislation in American history made its way through Congress. In early 1854, Illinois senator Stephen Douglas introduced his plan to organize the territories of Kansas and Nebraska in a manner he expected both northern and southern representatives would ultimately approve. Instead, the bill agitated sectional tension and placed northern Democrats, such as Lane, in a delicate balancing act between personal principle and party loyalty.

Known as the “Little Giant,” Douglas was becoming a powerhouse in United States politics during the 1850s. Voicing a personal dislike of slavery, Douglas nonetheless labored to soothe Southern politicians within the Democratic Party in order to promote his own rise to power as well as his desire to construct a transcontinental railroad through the western territories. The railroad project met opposition from
Southerners on both principled and practical grounds. Western railroad development required territorial organization, which in turn opened the door to the creation of new states. Americans had attempted to balance the power between slave and free states in the Union since the early national period. Various legislative arrangements, most notably the Missouri Compromise of 1820, had provided temporary solutions as new territories organized. Yet, by the 1850s, some Southerners saw the Missouri Compromise, which restricted slavery in territory of the Louisiana Purchase above the geographical line of 36 degrees 30 minutes, and other federal laws that restricted slaveholding property rights, as unconstitutional. As a practical matter, slaveholding Missourians were particularly wary of a new free state opening up along their border.15

In 1853, Douglas and his fellow Illinois representative William A. Richardson chaired the Senate and House committees on the territories. In the spring of that year, their efforts to organize the territories north of 36° 30’ had succeeded in the House, but failed in the Senate because of Southern opposition. Missouri Senator David Atchison was a particularly vociferous defender of slaveholding interests and shared the fears of his constituents being surrounded by free states. Atchison’s status as president pro tem placed him in line for the vice presidency, a position he assumed when Franklin Pierce’s vice president died during his second month in office. Douglas received word from Atchison and other leading Southern senators that passage of his Nebraska bill in the Senate required the elimination of the slavery ban from the territories; it would require a repeal of the thirty-year old Missouri Compromise.16

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16 Michael F. Holt, Political Parties and American Political Development from the Age of Jackson to the Age of Lincoln (Baton Rouge: Louisiana State University Press, 1992), 74.
After a couple of failed attempts to weave his legislation around the Missouri Compromise, Douglas at last drew up his Kansas-Nebraska Bill. It contained a direct repeal of the 36°30' ban on slavery. The legislation further divided the contested area into two potential states: Kansas and Nebraska. Nebraska territory stood directly west of Iowa, while Kansas territory neighbored Missouri. This division appeared to offer a state for each section, with Kansas intended for Missouri emigrants and other Southern slaveholders. Still, the slaveholding status of the territories under this bill, even Kansas, remained officially undecided. Instead, Douglas built his legislation upon the principle of popular sovereignty, which stated that the slaveholding status of the territories and future states would be decided by the settlers themselves, rather than by Congress.

The bill drew an explosion of protest from northern Whigs and Free Soilers who opposed the repeal of the Missouri Compromise. Douglas could expect such a response from opposing political interests. But the shock and dismay emanating from Northern Democratic ranks sent tremors through the party as a whole. Douglas defended his bill on the grounds that the Compromise of 1850 had already overturned portions of the Missouri Compromise by instilling popular sovereignty in territory gained as a result of the Mexican War. His greatest weapon was the very principle of popular sovereignty. Ignoring the moral arguments about slavery (Douglas declared that it was “no part of my purpose to discuss the merits of slavery as a domestic or political institution”), the “Little

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18 Ideas about “popular sovereignty” can be traced to various officials in the 1840s and 1850s, but the doctrine formally emerged in an 1847 letter from Michigan Senator Lewis Cass to A. O. P. Nicholson of Tennessee. Cass argued against Congressional authority over slavery in the territories, writing that only Territorial governments could introduce or exclude the institution within their borders. Allan Nevins, *Ordeal of the Union. Vol. 1: Fruits of Manifest Destiny, 1847-1852* (New York: Charles Scribner’s Sons, 1947), 29-30.
Giant” championed the power of the people in deciding their own institutions. Nonetheless, his defense found little sympathy in the northern states, and only one state legislature in session in the spring of 1854 endorsed the bill, Douglas’s own state of Illinois. Four other Democratic state legislatures refused to approve the measure, while five Whig-controlled states officially denounced it.

Determined to push the measure through despite growing resistance, Douglas enlisted the help of Secretary of War Jefferson Davis of Mississippi to coerce President Franklin Pierce’s endorsement of popular sovereignty and the repeal of the Missouri Compromise. If the president refused, the two men warned Pierce, he would lose the South. Pierce gave in to the pressure, and further moved to make the Kansas-Nebraska Bill “a test of party orthodoxy.”

Douglas had placed Lane and his fellow Indiana Democrats in an agonizing position. Personal opposition to slavery and its expansion now competed with the democratic principle of popular sovereignty and national party unity. When Douglas first proposed to repeal the Missouri Compromise, only one of ten Indiana Democratic congressmen favored the plan—Smith Miller of the 1st district. Mixed public response to Douglas’s legislation further complicated consideration of the bill. Numerous Democratic papers in Indiana immediately denounced the Kansas-Nebraska Bill, while the party’s most powerful publication in the state, the Indianapolis Sentinel, stood behind

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20 McPherson, Battle Cry of Freedom, 124.
21 Ibid., 123. For a good, brief discussion of Pierce’s concern about northern interests see Larry Gara, The Presidency of Franklin Pierce (Lawrence: University Press of Kansas, 1991), 88-96.
Much of Indiana's Democratic electorate also opposed the bill, but those who answered the call for Democratic unity and met Douglas's party test pressed their congressmen to support the measure. As a result, the Indiana delegation divided on the matter. A Washington correspondent to the Indianapolis *Morning Journal* wrote during the congressional debates that four legislators supported the Kansas-Nebraska Bill, five opposed it, while two more were "Doubtful, but rather inclined to vote for the bill."

Lane's name was among those against the bill.24 Despite early predictions and accounts, the Indiana Democratic delegation, including Lane, overwhelming stood behind the Kansas-Nebraska Bill. At the bill's final House vote, only two Indiana Democratic representatives opposed it.25 Lane's reason for shifting his stance remains mysterious. According to an 1879 account by James Rodgers, public pressure drove Lane's vote. Rodgers recalled being in Washington D.C. and on intimate terms with a number of Democratic congressmen during the Kansas-Nebraska debate. He explained that Lane had at first stood against the legislation, but "the friends of the bill procured strong petitions from Lane's constituents in Indiana, asking him to favor the bill." As a result, Rodgers explained, Lane changed his stance and backed Douglas. Rodgers described Lane as uncomfortable with the change and that he "worried about the matter of his inconsistency and the probable effect of his changing his

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24 *Indianapolis Morning Journal*, March 15, 1854; apparently there were conflicting reports of Lane's position, as he was said to support the bill in the March 13 issue of the *Weekly Indiana State Sentinel*.
25 Thornbrough, *Indiana in the Civil War Era*, 56. Charles Zimmerman states that three Democrats in the state opposed the bill at its passage. Yet, the official vote shows that two Democrats and one Whig voted against the bill. He includes Democratic Representative E. M. Chamberlain among those opposed, although Chamberlain was not present to vote due to family sickness. Zimmerman, "The Origin and Rise of the Republican Party in Indiana from 1854 to 1860," 224.
position." Despite this concern, Rodgers stated, Lane "pushed on strongly for the bill and seemed to aspire to become the leader of the movement."26

Rodgers’ late account of Lane’s position is telling. Almost the entire Indiana congressional delegation appeared to change positions in regard to Douglas’s bill, strongly suggesting that some kind of pressure had been brought to bear against the Indiana representatives. While no correspondence pressing Lane to support the bill has been found, evidence of public pressure on Lane’s colleagues to stand behind Douglas’s legislation is plentiful. One Indianan wrote to Congressman William English of the 2nd District that “[t]he masses of all parties (abolitionist excepted) are in favor of the principles of self government, — They believe that the bill should pass and that under the Constitution of the U.S. the people should be permitted to govern themselves. There can be no wrong in this.” He continued, “For myself I will say to you, and to the Indiana delegation, pass the bill, and trust the result to the sound intelligence of the people.”27 It is likely that Lane received similar messages of support for the bill from his constituents and peers.

Still, public correspondence in support of the bill alone probably did not secure Lane’s support for Douglas’ legislation or change the minds of his fellow Indiana representatives. Even letters in support of the bill show evidence of party tension, and many correspondents tried to reassure nervous representatives—particularly those up for reelection in the fall. A letter to Congressman John Davis of the 7th District highlighted the matter perfectly. “You say some think your favoring the Nebraska bill will be your

26 James Rodgers to F. G. Adams, December 20, 1879, Rodgers Collection, Kansas State Historical Society, Topeka.
political grave,” the constituent wrote. “I think gentle-men that talk that way are not well posted and know very little about the sentiments of the people upon that subject. I know there was some opposition to it at first. I do not know that there is any at this time.”

But some powerful people disagreed. The editor of the *Morning Journal*, John Defrees, prophesied the political future of those politicians who supported the Kansas-Nebraska Bill in Congress: “It will never get out of the committee and the conspirators who advocated it will retire from political life just as fast as the people can reach them.”

Indiana historian Charles Zimmerman suggests that the political weight of Indiana’s Democratic party leader Senator Jesse Bright may have been responsible for Indiana’s congressional support of the bill. Bright had direct ties to Southern slaveholding interests; he owned a plantation in Kentucky. Indiana’s other senator, John Pettit, also came out in favor of the bill early on. The influence of these two men undoubtedly weighed upon the minds of the Democratic representatives. This must have been especially true for Lane, who as a freshman congressman stood in a particularly vulnerable position. Some historians have reported that Lane’s vote was due to specific political pressure—particularly from Douglas. William Connelley wrote that Lane “afterwards reported that he voted for the bill because he had been instructed to do so.”

Unfortunately, Connelley provides no source for this information. But the idea that Douglas essentially bought Lane’s vote with the promise of patronage has become quite pervasive. Kenneth Davis’s 1984 general history of Kansas promoted a more

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28 B. H. Commill to John G. Davis, April 14, 1854, John G. Davis Collection, Indiana Historical Society, Indianapolis.
conspiratorial theory. Though “representing a district with a large antislavery majority,” Davis explained, “[Lane] had made speeches in Congress attacking the slave power in the strongest terms, yet voted for the Kansas-Nebraska Bill, thereby destroying his chance for re-election. Why? Because, according to rumor, he and Douglas made a secret bargain: Lane’s vote for Kansas-Nebraska and his emigration to Kansas, there to do battle for popular sovereignty doctrine, was to be paid for by Douglas’s support, and the administration’s support, of his bid to become U.S. senator from Kansas when the new state was admitted.”32

As Davis admits, the idea that Lane voted for the bill as part of an agreement with Douglas was a rumor. No evidence has ever been found of a Douglas-Lane agreement. While possible, the rumor circulated among Lane’s political rivals during his rise in the antislavery ranks in Kansas. It was no doubt strengthened by Lane’s early references to his personal connections with Douglas and Pierce—something probably exaggerated, although not completely untrue, in order to gain some legitimacy in Kansas circles. However, historians who have relied upon a conspiratorial explanation of Lane’s vote demonstrate three important faults. First, many historians and writers have assumed that Lane was a complete opportunist, devoid of any larger principles. Second, largely a result of this assumption, these writers have failed to analyze Lane’s recorded words while in Indiana. And finally, Lane’s actions have not been compared to similar actions of others, or within his political environment as a whole. Ironically, these historians project greater power and authority onto Lane than he actually had. Lane has been seen as a man pulling the strings, rather than a man struggling to survive politically in a shifting political environment.

Stephen Douglas, Franklin Pierce, and Indiana senator Jesse Bright—all major Democrat figures directly above Lane—threw their political weight behind the bill. Lane had been a dedicated Democrat for his entire adult life. With national Democratic leaders making support for the bill a test of party loyalty, and with state party leaders pressing their juniors, Lane began to stand behind the Kansas-Nebraska effort. Still, even during his shift to support the bill, Lane held reservations about the legislation—evidence that he had not become a convert overnight, as rumors of his bargain with Douglas suggest. In a letter to the Weekly Indiana State Sentinel on March 30, Lane attempted to clarify his concern with the Senate’s version of the bill. He announced his objection to an amendment to the Kansas-Nebraska Bill offered by Delaware senator John Clayton. Clayton’s amendment excluded recent foreign immigrants from voting or holding office in the territories. Clayton intended to limit the antislavery voice of many German and British settlers. Lane vehemently opposed the measure, stating that it stood against the right of suffrage approved by the Indiana constitution. With the amendment, the bill stood “in direct conflict with my former course of action and the course of policy adopted by the Democratic party of the State” he represented.

While Lane’s letter to the Sentinel did not show strong support for the Kansas-Nebraska Bill as a whole, it does suggest that Lane had at least resigned himself to its success. “If Clayton’s amendment can be voted down in the House, the original provision in Douglas’s bill restored,” he wrote, “the Senate concurring therein, and if this body will pass the Homestead bill sent to them some weeks since by our House, giving to every white person male or female, over 21 years of age 160 acres of land, my fears of slavery

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33 Nevins, Ordeal of the Union, 2:128.
34 Weekly Indiana State Sentinel, March 30, 1854.
being extended into the territories of Nebraska and Kansas, would, to a considerable extent, be removed. These words are not from a man determined to fight for the bill. But Lane did not stand in opposition to it as a whole. More importantly, he specifically identified his fear of slavery extending into the territories. His list of qualifications seems to imply a justification for the Kansas-Nebraska Bill, including the Homestead Bill, which Lane believed would promote free northern white settlement in the territories and guarantee antislavery success with popular sovereignty. In short, Lane accepted the Kansas-Nebraska Bill and its doctrine of popular sovereignty as long as it appeared that northern white settlers would constitute a majority in the territories.

Before closing his letter, Lane provided one last cryptic quip regarding the Kansas-Nebraska matter. He wrote: “The question then will resolve itself into this, how far shall we go to humor our Southern friends, and what effect will the repeal of the Missouri compromise restriction have upon the slavery agitation?” The remark shows an abandonment, if only temporarily, of his previous dismissal of sectional identity. While he emphasized Democratic and national unity during his debate with Congressman Sollers, here Lane clearly identified a sectional rift—in which Southerners appear as the antagonists. There is a simple explanation for the discrepancy. The repeal of the Missouri Compromise marked an important change in Lane’s approach to the sectional conflict. While he had always identified with northern interests, his dedication to party unity had previously led him to downplay the conflict over slavery—even after his emotions had gotten the better of him with Sollers. With the passage of the Kansas-Nebraska Act, sectional differences could not be ignored so easily. James Lane began showing signs of frustration in balancing party unity with his own anti-Southern bias.

35 Ibid.
The effect of the repeal of the Missouri Compromise upon Lane cannot be overemphasized. Like his colleagues, he had to decide between opposition to slavery—more specifically its extension—and a new party line that potentially opened the territories to slavery through popular sovereignty. The Democratic Party’s embrace of the Kansas-Nebraska Act did create a new party line, as Indiana State Democratic resolutions in 1849 had declared that “the institution of slavery ought not to be introduced into any territory where it does not now exist.” Lane took a middle ground. He voted with his party leaders for the bill, but qualified his support along the line that true popular sovereignty in the Kansas and Nebraska territories, through the protection of free white northern immigration and suffrage, would result in free states. His position was founded on the Democratic Party’s concentration on democratic principle, rather than morality.

The *State Sentinel* outlined the principle as such: “We do not believe that there is a Democrat within the State, who, if he were a citizen of Nebraska, or Kansas, would vote to incorporate slavery among its elements. But we view the question as one involving the constitutional right of a people to make their own laws and regulate their own domestic institutions.”

Democrats could embrace the democratic process, and a call to democratic principles struck the heart of a man like James Lane, who had championed the voice of the people during his brief time in Congress. During his debate with Congressman Sollers over the representation of constituents, Lane announced, “I represent a constituency that have opinions of their own. I came here to represent their opinions as

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their servant; and I do not envy any man who comes here to dictate to his constituents, or to mould, or endeavor to mould their opinions."\(^{38}\) With such standards, Lane could understand Douglas’s claim that popular sovereignty would simply allow the people to decide the status of their own territory and state.

Lane did not see himself as a puppet of the people or the party. In the same response to Sollers mentioned above, Lane charged that “by the close of this session [Mr. Sollers] will admit that I adhere as strictly and strongly to my own opinions as the gentleman himself, or any other gentleman upon this floor; and I not only will adhere to them, but I will press them upon this House with as much energy as any other member upon this floor.”\(^{39}\) And with this point he was consistent. He was not comfortable with leaving the territories open for whatever result. His acceptance of popular sovereignty hinged on the protection of northern antislavery influence in the territories.

Following the party leadership in backing the bill, Lane jeopardized his own reelection. The Democratic Party in Indiana literally split and a fusion ticket formed. The Kansas-Nebraska problem was not solely responsible for the Democratic split, as some party members adopted a controversial opposition to alcohol. The combined force of these two issues, as well as political rivalry among leaders (particularly Indiana governor Joseph Wright and Senator Jesse Bright), came to a head in 1854 and fractured the party.

Whether the Kansas-Nebraska Act and the party split would have actually thwarted Lane’s reelection is unclear. He represented the 4th District, in the southern part of the state. During the fall 1854 elections, only counties in the most southern portion of

\(^{38}\) *Congressional Globe*, 33\(^{rd}\) Congress, 1\(^{st}\) sess., 605.

\(^{39}\) *Ibid.*
the state remained in Democratic hands—the state’s two Democratic incumbents reelected in 1854 were from southern districts. Yet, Lane declined to run again, a decision that suggests that he foresaw defeat at the polls, though he later denied the idea. In any case, Lane set out for Kansas with hopes of new political opportunities in that territory soon after the end of his term.

Coverage of Lane during his time in Congress often ranges from woefully inadequate to misleading. In 1879, Kansan James Legate told a gathering of fellow “Old Settlers of Kansas” that Lane “came here as near a pro-slavery man as a man could come from a northern State,” and that he believed “all that portion of the country in which rice, cotton, tobacco and hemp could be raised, and which he regarded as only products of slave labor...rightfully belonged to slavery.” Yet the most influential characterization of Lane as proslavery was first made by historian Leverett Spring in 1885. Spring wrote that Lane “betook himself to the fresh fields of Kansas, pro-slavery in sentiment,” and stated in 1899 that “Lane was a pro-slavery Democrat when he came to Kansas in 1855.” Exactly how Spring came to this conclusion is unclear, although a reliance upon characterizations made by Lane’s critics is no doubt partly responsible. Further, Spring spent virtually no time discussing Lane’s background in Indiana, and completely ignored Lane’s speeches and writings on slavery while in Congress. However Spring developed

40 Thornbrough, Indiana in the Civil War Era, 1850-1880, 67.
41 In August 1854, Lane spoke before a Free State meeting in Kansas, explaining: “It is represented that I came to Kansas to retrieve my political fortunes; but gentlemen should know that I was urgently solicited to be a candidate for another term to Congress, but I positively declined.” Herald of Freedom, August 18, 1854.
his position, his influence has been significant as numerous historians have continued to portray Lane as a friend to slavery.

Even historians who have not labeled Lane pro-slavery have firmly denied or ignored Lane’s principled objections to the institution. Eric Corder argued that “Slavery in Kansas Territory was not a question of ethics to Jim Lane but merely a matter of climate. If the weather was suitable for slaves, then he had no objections to slavery in the territory.”44 Thomas Goodrich echoed these sentiments: “A Democrat who had voted for the Kansas-Nebraska Bill, Lane was initially indifferent to slavery.”45 These statements were, like those of Spring, largely based on rumors that circulated in Kansas, chiefly among Lane’s opponents. Further, they appear to be part of a larger trend by historians who have summed up Lane’s two years as an Indiana Congressman into one event – his vote for the Kansas-Nebraska Bill. His overall support for the bill was, undoubtedly, the most significant part of his term in the House. However, his specific perceptions of the bill and popular sovereignty, and his position on the slavery and its extension, have been largely ignored or, more commonly, have been assumed given the simple fact that he voted for the bill.

Early Kansas historian William Connelley wrote admirably about Lane in the late nineteenth century and championed him as a great leader for the cause of freedom. But Connelley also portrayed Lane as originally indifferent to the institution, saying “Lane afterwards admitted that when he came to Kansas he cared nothing about the great

45 Thomas Goodrich, War to the Knife: Bleeding Kansas, 1854-1861 (Lincoln: University of Nebraska Press, 2004), 50.
question of slavery.\textsuperscript{46} Unfortunately, Connelley gives no citation for Lane’s “afterwards” comments. Further, his portrayal of Lane’s apathy toward slavery is consistent with a common perception of the Kansas-Nebraska Act. Connelley, although an excellent historian, was steeped in the Traditionalist school of thought, and apparently highly influenced by the thoughts of men like Frederick Jackson Turner. His writings on Kansas history are often celebratory in tone, portraying the struggle for Kansas statehood as a battle between good and evil. Antislavery settlers and leaders were seen as the forces of good struggling against the pro-slavery minions. The approach found its roots among the partisan ideologies of the sectional conflict and the Civil War. Within this period, most anti-slavery settlers in Kansas viewed the Kansas-Nebraska Act as a pro-slavery maneuver.\textsuperscript{47} Thus, Connelley and many others perceived a vote for the bill in Congress to be a vote of confidence or support for the institution. Connelley’s portrayal of Lane as disinterested in slavery appears to be, at least partially, a means of actually defending the man from the general criticism he received from opponents of the bill during Lane’s life and afterwards; it was an effort to separate Lane from the pro-slavery image the Kansas-Nebraska Bill had generated.

Connelley’s assessment of Lane was not baseless. Lane’s position on slavery did include a professed apathy toward the institution in the same vein as Stephen Douglas.\textsuperscript{48} The supposed unconcern was not a true moral or ideological indifference to the

\textsuperscript{46} William E. Connelley, James Henry Lane: The “Grim Chieftain” of Kansas (Topeka: Crane & Company, 1899), 37-48.

\textsuperscript{47} The Kansas-Nebraska bill intensified sectional hostility, particularly within the national parties: Whigs in Congress were directly split according to the slaveholding status of their respective states, while northern Democrats struggled to maintain party integrity in the face of sectional interests; further, many northern Democrats who did vote for the bill were denied reelection or, like Lane, chose not to run again due to the unpopular nature of the bill. For more information see McPherson, Battle Cry of Freedom, 125, and Nevins, Ordeal of the Union, 2:316-323.

\textsuperscript{48} See pages 46-47 for discussion of Lane’s remarks about blacks and mules.
institution (although Lane initially cared little about black people). Instead, it was a personal opposition to slavery tempered by a pragmatic concern for the Union and, thus, a respect for Southern interests. Lane did in fact “care” about slavery before he came to Kansas. But the fact that he voted for the Kansas-Nebraska Act and was said to have publicly stated an indifference toward slavery has led many historians to unfairly deny him any element of antislavery ideology.

Reviewing Lane’s political career in Indiana, and particularly his single congressional term, some important details emerge about the man, his views on national issues, and his principles. Lane was, by all contemporary accounts, a dedicated Democrat. He adhered to party ideology as well as party identity. As a representative from a free state, Lane separated himself from proslavery ideology in the few instances he became involved in the sectional controversy. But as a Democrat interested in party and sectional unity, Lane sidelined his personal prejudices for the larger cause. His debate with Sollers offers a fascinating glimpse into this struggle, as he provided a quick jab against slaveholding identity and pride, only to back down and deny any ill-will to agitated Southerners. When Sollers challenged Lane’s personal dignity, Lane reacted emotionally. When faced with the political problem of sectional tension, Lane drew upon the calm, reasoned approach of Democratic principle, proclaiming no sectional loyalty.

Stephen Douglas’s Kansas-Nebraska Bill and its repeal of the Missouri Compromise placed the freshman congressman in an extremely difficult political position. Torn between his personal opposition to the extension of slavery into previously protected territories and a Democratic leadership pushing a new party line under the blanket of traditional principles—not to mention a fiercely divided electorate—
Lane stuck with his party. But his dedication showed signs of wear. His letter on the bill qualified his support, and illustrated his frustration with sectionalism. Lane was still a party man, but he was not entirely happy with the direction in which the national organization was headed.
CHAPTER II
LANE GOES TO KANSAS, 1855

"Moderation, moderation, moderation, gentlemen!"

James Lane arrived in the Kansas territory in late April 1855. His decision to leave his native state was in no doubt prompted by the nasty stir of the Kansas-Nebraska Act and the Democratic split in Indiana. Still, he looked forward to political advancement in a new territory through the establishment of his beloved Democratic Party. Instead, Lane quickly found Kansas territorial politics far different than anywhere else in the nation. There, the traditional two-party balance gave way to a proslavery versus free-state tug-of-war. During his first year in the territory, Lane quickly adjusted to this new political environment—as did many other emigrants—all the while holding on to basic tenets of the Democratic Party and popular sovereignty.

Lane immediately settled in the antislavery town of Lawrence.¹ His arrival was fairly modest, the only public mention being in the Lawrence newspaper the Kansas Free State, which reported:

Col. James H. Lane, late member of congress from Indiana, arrived in our place on the 22d inst., with his family all in good health and spirits. He is comfortably ensconced in a log cabin, and will in all probability remain permanently with us. His design is to live in the territory.²

For his first few weeks in Kansas, Lane kept a fairly low profile, likely investigating the political atmosphere. James McClure, a military and political friend of Lane's from Indiana who migrated to Kansas in 1854, wrote of conversing with Lane during the

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¹ Lawrence was established by abolitionist and antislavery immigrants from New England. The town was named after Amos Lawrence, wealthy financier of the New England Emigrant Aid Company. Nicole Etcheson, Bleeding Kansas: Contested Liberty in the Civil War Era (Lawrence: University Press of Kansas, 2004), 37.
² Kansas Free State, April 30, 1855.
latter's move to the territory. McClure stated that the turmoil in Kansas had attracted
Lane as a means "to gratify his irrepressible desire of notoriety and leadership." He
further explained that "Lane had always been a Democrat, and I think intended at that
time to support the side of slavery, but was willing to espouse either cause that he found
was most likely to advance his political interests." McClure's account is powerful, but,
like virtually all commentary on Lane during his emigration to Kansas, was reflective,
written months, years, even decades after the fact. Why McClure thought Lane intended
to support slavery in the territory remains a mystery, particularly since Lane had been on
record stating his opposition to slavery and his desire for a free state only months before.

Most information on Lane's trip to Kansas comes from sources unfavorable to the
man. For instance, one rumor circulated that, upon arrival, Lane had mentioned to
friends that his "action in regard to the institutions of the territory depended upon the
adaptation of the soil and climate to the growing of hemp. If it was a good hemp-
growing country, he was in favor of making Kansas a slave state; if it was not adapted to
the growing of hemp, he was in favor of making it a free state." One of the earliest
published versions of this account appeared in an 1858 issue of the *Herald of Freedom*,
three years after Lane's arrival in Kansas. George W. Brown, the editor of the *Herald*,
was an increasingly vocal opponent of Lane, and by 1858 regularly criticized him.
Further, no reference to Lane taking a pro-slavery stand appears within the pages of the
*Herald of Freedom* in the three years before the story. In fact, Brown's commentary on

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3 James R. McClure, "Taking the Census and Other Incidents in 1855," *Transactions of the
4 It is unclear when McClure wrote this account of Lane. It was part of a manuscript, written as a
memoir, found among his papers, presumably after his death in 1903.
5 *Herald of Freedom*, May 8, 1858.
Lane in 1855 and much of 1856 was rather positive, and only questioned him on account of his stance as a Democrat and pro-Nebraska man, as Brown was a Republican.

One rumor claimed that Lane attempted to buy a slave girl in Missouri, but was denied the purchase due to poor credit. The Herald of Freedom relayed the rumor as well in 1858, and editor Brown attempted to validate the claim by crediting the information to “one of our citizens, whose affidavit to that effect can be procured, if desired.” Another rumor credited Lane with stating that “he knew no difference between a negro and a mule.” Historian William Connelley explained that this comparison was quite popular in some circles, and had been attributed to many different people at different times. Yet, in 1886, John Brown, Jr. wrote of directly confronting Lane in the 1850s about his comparison of blacks to mules. When Lane approached Brown for political support, the latter voiced his opposition to Lane’s comment that “so far as the rights of property are concerned, I know of no difference between a negro and a mule.” Lane, according to Brown, replied, “Well, Brown, I’ve felt like kicking myself ever since.” Brown, unlike most sources of this period, was a friend of Lane. His account concludes that he did indeed support Lane’s political aspirations.

Historians should use Lane’s reported comparison of blacks to mules with care. It is quite possible that Lane made the comment during an impromptu speech. Nonetheless,

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7 Herald of Freedom, May 8, 1858.
9 William Connelley reports that Lane was rumored to have said “he would as soon buy a negro as a mule,” Connelley, James Henry Lane: The “Grim Chieftain” of Kansas (Topeka: Crane & Company, 1899), 46.
like many rumors and claims, it is a second-hand account related well after the event. In any case, the statement itself is not inconsistent with a northern Democratic acknowledgment of slaveholding rights. Furthermore, like most white Americans in the Midwest before the Civil War, Lane was not only antislavery but anti-black. White supremacist ideology dominated Midwestern culture, leading to laws in midwestern states banning the immigration of free blacks—a measure endorsed by Lane and many other antislavery settlers in Kansas territory. Some contemporary New Englanders and later observers failed to recognize this discrepancy, equating his anti-black position and recognition of slave property rights to a support of slavery.

The most prevalent claim regarding Lane’s initial support of slavery described him as eagerly meeting with pro-slavery legislators in Kansas shortly after arriving in the territory. He supposedly petitioned the legislature for divorce, but was rebuffed. Outraged, Lane vowed to oppose the pro-slavery government and immediately joined the free-state side. In 1929, *Tyler’s Quarterly Historical and Genealogical Magazine*, an avowedly anti-Republican (and anti-Lincoln) journal, printed the “Reminiscence of Col. Joseph C. Anderson.” Anderson, described in the publication as the Speaker of the Lower House of the First Legislature of Kansas, recounted that Lane approached him about granting a divorce. When Anderson refused to support Lane’s request, Lane then attempted to bribe the official. Anderson again refused. “Well, said he,” Anderson

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11 Lane presided over a Democratic meeting in Lawrence on June 27, 1855, which resolved that “we can appreciate the rights of the citizens of the different States of this Union, both of the North and the South, and that by no act of ours will we trample upon those rights, or interfere in anywise with their domestic Institutions.” *Kansas Free State*, July 2, 1855. This meeting is covered in more detail later in the chapter.

remember later, “if my life is to be wrecked, it matters to me but little what becomes of me. I will make you another proposition, grant me the divorce, and I will aid you in the execution of your laws.” Lane then supposedly offered a remarkably radical (and prophetic) proclamation: “If you do not, I will go North, work upon the fanaticism that exists, raise an army and overturn the country, and set at defiance the laws and the constituted authorities. I will make Kansas a free state.” Anderson claimed to call Lane on his boast. “I replied, Colonel, crack your whip,” the old legislator recalled, “and he did crack it.”\(^{13}\)

The accuracy of the account is questionable, particularly Lane’s alleged vow to “work upon the fanaticism” and “overturn the country.” Lane’s entrance into the free-state ranks was punctuated by his conservative stance and calls for moderation. Further, no evidence of a divorce petition has been found. Biographer Wendell Stephenson noted: “The writer has searched both the House Journal and the Council Journal for 1855, but found no mention of Lane’s petition for a divorce in either. This cannot be construed to mean, however, that Lane did not attempt to petition for a divorce. A concurrent resolution was passed declaring that the legislature would not entertain petitions for, nor grant divorces, in any case.”\(^ {14}\) Lane and his wife did divorce. However, it was Mary Lane who filed for divorce—in Indiana rather than Kansas.\(^ {15}\)

While the divorce issue retained prominence among Lane’s early critics, few historians have argued that Lane’s opposition to the pro-slavery legislature stemmed from

\(^{13}\) *Tyler’s Quarterly Historical and Genealogical Magazine* 11, no. 2 (October 1929): 110-111.


\(^ {15}\) *Lecompton Union*, August 30, 1856.
his encounter with Anderson. Historian Leverett Spring, who recounted this rumor and others in his work, brushed aside the divorce issue “merely as an incident—unexpected, significant, possibly prophetic of evil—not as a capital event.” Instead, the recent historical consensus is that Lane’s embrace of the free-state cause was opportunistic.

Overall, historians are left with apparent contradictions. In Indiana, Lane went on record, repeatedly, against slavery. Within months of entering Kansas, Lane actively sided with antislavery settlers and labored for a free state. Yet, various accounts of the time in between, basically spring 1855, portray Lane on the fence, even leaning toward the proslavery side. Critics have concluded that Lane was an absolute opportunist, void of any real principle in relation to slavery. His defenders grudgingly acknowledged apparent contradictions, but emphasized his later work. While it is possible that Lane was contradictory on the slave issue upon arrival in Kansas, as of yet, no primary source from Lane showing support of slavery or its extension into the territory has surfaced. Every source describing Lane as favorable to slavery during this short period of time is secondhand, often penned by his political opponents, and written months or years after the fact. Historians should not ignore the possibility that the above claims are true, but the weight of these claims in the historiography of Lane far outreaches their proven merit.

Lane’s first documented political activity in Kansas came on June 27, 1855, when he presided over a meeting to organize the Democratic Party in Kansas. The small gathering in Lawrence passed a series of resolutions which echoed principles Lane had voiced in Indiana. First, the Democratic Party was to be established “upon truly National

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16 For one example of a contemporary historian who accepts the divorce refusal as a reason for Lane’s entrance into the Free State ranks, see Albert Castel, Civil War Kansas: Reaping the Whirlwind (Lawrence: University Press of Kansas, 1997), 20.

17 Spring, “The Career of a Kansas Politician,” 82.
grounds.” Second, the group endorsed the Kansas-Nebraska Act and its principle of popular sovereignty. Citizens from all parts of the country were welcome to settle in Kansas. The party resolved that “we can appreciate the rights of the citizens of the different States of this Union, both of the North and the South, and that by no act of ours will we trample upon those rights, or interfere in anywise with their domestic Institutions.” More importantly, the group emphasized territorial autonomy in popular sovereignty, stating that “we feel we are fully capable of managing our own affairs—and kindly request the citizens of Northern and Southern districts and adjoining States, to let us alone.” Following that resolution came a very specific warning, aimed at the center of controversy in Kansas, fair voting practices:

Resolved, That while making this request, we wish it distinctly understood, that we appreciate the rights of suffrage as the most important privilege guaranteed to us by the framers of our Institutions—and, that we regard the ballot box as the palladium of our liberty and will not if in our power to prevent—permit the privilege to be rested from us or permit the ballot box to be polluted by outsiders or illegal voting from any quarter.¹⁸

Outside interference in Kansas voting had been a problem from the beginning. During the territory’s congressional election in November 1854, numerous settlers reported Missourians flooding into Kansas to vote and to chase free-state voters away from the polls. The proslavery candidate, J. W. Whitfield, received over two thousand votes, while the next two men on the ballot combined for less than 600. Andrew Reeder, the appointed territorial governor, did not challenge the results—though a congressional investigation later concluded that as many as 1,700 votes were fraudulent.¹⁹ The territorial legislature election in March 1855 proved equally problematic, as only one

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¹⁹ Nicole Etcheson, Bleeding Kansas: Contested Liberty in the Civil War Era (Lawrence: University Press of Kansas, 2004), 54.
free-state man won a seat throughout the territory. Again Missourians had entered Kansas, encouraged by the fiercely proslavery Missouri Senator David Atchison, and by Dr. J. H. Stringfellow, editor of the proslavery newspaper *Squatter Sovereign*. Many people in the South lauded the Missouri “invasion,” including Alabama’s *Jacksonville Republican*, which announced that “Missourians have nobly defended our rights.” Yet, even some people sympathetic to slaveholding interests were put off by the blatant interference, including Kansas governor Andrew Reeder who appealed to the president for help. But the presidential administration was friendly to Southern interests and Franklin Pierce had no desire to become personally involved in Kansas affairs. Reeder faced threats from proslavery forces within Kansas to accept all ballot returns, and attempted a compromise by ordering a new round of elections in districts with the most suspicious returns. Although free-state candidates nearly swept the new election, the proslavery legislature refused to recognize them. Instead, the original proslavery victors were welcomed into the territorial government.

While some Missourians argued that their participation in the Kansas elections merely equaled the influx of New England voters, the proslavery landslide in the elections proved anything but a balance. Further, while some New England settlers returned east after voting, most attempted to live in the territory. Thousands of

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24 Many proslavery advocates reported Eastern voters leaving after the election; however, upon cross-examination, many of these proslavery sources admitted that the Easterners had voiced their frustration with the settlement and employment opportunities in the territory; Samuel A. Johnson, *The
Missourians, on the other hand, entered Kansas simply for the election, with no intention of settling.

Lane and fellow Democrats met in Lawrence in the midst of the conflict over elections in Kansas and the legitimacy of the territorial legislature. The Lawrence Democratic resolution generally denounced outside interference in Kansas elections, and certainly condemned the actions of Missourians. The Democratic meeting also illustrates another important point concerning Lane’s perceptions of the proslavery territorial government. That body had the support of Southern Democrats and President Franklin Pierce. Lane labored to build a separate National Democratic Party in Kansas. The Democrats meeting in Lawrence did not embrace the Southern Democratic Party and activity in the territory.

The resolutions passed at the meeting did not specifically favor one section or one interest over the other. And because of this, Lane’s hopes of establishing a National Democratic presence failed. The Lawrence meeting generated little support. Kansas territory was too polarized by June 1855 to accept a peaceful, fair handling of popular sovereignty. Antislavery and proslavery newspapers ridiculed the traditional party interests. The *Kansas Free State* argued that antislavery settlers were “sick of all political organizations and rallies around standards that float over no great and eternal principles of right and justice. The Whig and Democratic parties have arrived at that point where the popular will no longer entertains their obsolete and unnecessary [sic] ideas."

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26 *Kansas Free State*, July 2, 1855; see also *The Kansas Weekly Herald* (proslavery), September
While the National Democratic Party did not materialize in Kansas, Lane did not abandon its banner. Finding the political party system in the territory far different than that in Washington and the Midwest, Lane began scouting out the developing Free State Party. On July 17, Lane quietly attended a small free-state meeting in Lawrence which discussed holding a general convention in September for antislavery interests. On August 14, free-state advocates in Lawrence met again. Lane attended, this time openly, even taking the floor to speak. Far from working upon northern fanaticism, as Anderson’s account had claimed, Lane’s words to the free-state men echoed moderation:

I say it as a citizen of Kansas, I wish we had wisdom to-day. There is the existence of a nation hanging upon the action of the citizens of Kansas. Moderation, moderation, moderation, gentlemen! I believe it is the duty of each of us to define our position. I am here as anxious as any of you to secure a free constitution to Kansas.  

His participation in the free-state convention did not mark any change in principle or philosophy. Embracing his Democratic identity, Lane explained that he was not a man without a party, struggling for power. "It is represented that I came to Kansas to retrieve my political fortunes," he acknowledged; "but gentlemen should know that I was urgently solicited to be a candidate for another term to Congress, but I positively declined. I would vote for the Kansas-Nebraska bill again." His endorsement of the Kansas-Nebraska Act did not mean he supported slavery. "I desire Kansas to be a free State," Lane said. "I desire to act with my brethren, but not in a manner to arouse the passions of the people of other States. I would not repudiate the Legislature, but the acts of that Legislature which contravene the right of popular sovereignty."

29, 1855 for commentary on proslavery repudiation of efforts to establish the National Democratic Party in Kansas.

27 Lane’s speech was quoted in the Herald of Freedom, August 18, 1855.

28 Herald of Freedom, August 18, 1855.
Many people within the free-state ranks denounced the Kansas-Nebraska Act with its repeal of the Missouri Compromise, and looked upon Lane suspiciously. Rather than downplay or ignore his role in supporting the controversial legislation, Lane defended it. He stood before a group of politically motivated opponents of slavery in Lawrence—the heart of antislavery activism in Kansas—and reiterated his support for an unpopular bill that potentially paved the way for a new slave state. He did not abandon his principles, nor did he see, or use, this as an opportunity to tell the audience what it wanted to hear for personal gain. James Lane believed in the principle of popular sovereignty.

A rumor circulated that Lane personally worked under the watchful eyes of Stephen Douglas. It was believed that Lane had opposed the Kansas-Nebraska Bill as a congressman from Indiana until Douglas persuaded him of the long-term political benefits of its success. With the passage of the Kansas-Nebraska Act, Douglas expected success in his bid for the presidency. Lane, the rumor continued, would then enjoy federal patronage as he helped set up a Democratic presence in the territory and future state of Kansas. Such support would then lead to Lane's own election as senator.\(^{29}\) While no evidence has been found to validate these rumors, Lane did claim to know the interests of Douglas and Pierce. He used these claims to help boost his own role in the growing free-state movement. During the August 14 meeting, Lane announced that "Frank Pierce would give his right arm to-day, to insure freedom to this Territory."\(^{30}\) Lane believed that the president, like himself, wanted Kansas to be free, and saw the

\(^{29}\) Connelley, *James Henry Lane*, 43.

\(^{30}\) *Herald of Freedom*, August 18, 1855.
means of achieving that goal peacefully through the democratic process—if only both sides would work fairly.\textsuperscript{31}

Following the August 14 meeting, an election took place for representatives to attend the territorial convention at Big Springs. Lane ran for and won a seat as part of the Lawrence delegation. The Big Springs convention opened on September 5 and delegates from across the territory attended, including former governor Andrew Reeder. Having found proslavery activity in Kansas incompatible with a fair democratic process, and losing his office when President Pierce succumbed to pressure from Senator Atchison, Reeder became an important voice and representative for the new Free State Party.\textsuperscript{32} The main agenda for the delegates was to create a solid, competent free-state political force. Lane took an active part in the proceedings and reported the platform resolutions at the convention. The Committee on a Platform announced the organization of the party for the protection of constitutional rights that were threatened "by superior force." It declared the future of Kansas as the great question of the day, and that a concerted effort from all proponents of free labor was necessary to secure a free state. It further resolved,

\begin{quote}
That setting aside all the minor issues of partisan politics, it is incumbent upon us to proffer an organization calculated to recover our dearest rights, and into which Democrats and Whigs, Native and Naturalized citizens may freely enter without any sacrifice of their respective political creeds, but without forcing them as a test upon others.\textsuperscript{33}
\end{quote}

In very clear language, the new Free State Party described itself as inclusive of all other parties. Traditional party membership for Free State Kansans remained intact and unaffected.

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\textsuperscript{31} Kansas Free State, August 20, 1855.
\textsuperscript{33} Herald of Freedom, September 8, 1855.
\end{flushright}
The Free State platform was also fairly conservative. It specifically denounced attempts by opponents to label its members as abolitionists. The party denounced “any attempt to encroach upon the Constitutional rights of the people of any State, or to interfere with their slaves, conceding to their citizens the right to regulate their own institutions and to hold and recover their slaves, without any molestation or obstruction from the people of Kansas.”

Like the Democratic resolutions Lane had presided over in June, the Free State platform contained a resolution opposing all outside interference in Kansas elections, “whether from Missouri or elsewhere.” The Free State Party platform Lane helped create did not depart from the Democratic Party to which he still maintained allegiance.

Certain resolutions presented at the convention were more harsh toward the territorial government and the presidential administration. Lane went on record objecting to, or distancing himself from, these more radical positions on at least two occasions. When the Committee on the Legislature provided a list of resolutions condemning the acts of the proslavery territorial government, Lane objected to a part that impeached the action of the Territorial Supreme Court. Opposition to the acts of a fraudulently elected legislature was one thing, but Lane did not wish to condemn all portions of the established territorial authority. Later, when the Committee on Miscellaneous Business introduced resolutions condemning President Pierce for his dismissal of Governor Reeder, Lane stated that he was unwilling to take sides in the matter. Again, Lane’s

34 Ibid.
entrance into the blossoming Free State did not mean an abandonment of his old party or his old affiliates.36

The Free State organization, however, rolled in a radical direction. While Lane hesitated to repudiate in toto the territorial government, the Big Springs convention paved the way for an independent state movement. The body scheduled another Free State convention in Topeka to draw up a free-state constitution in opposition to the proslavery government. By the following month, Lane had joined the movement, and even took a leadership position during the constitutional proceedings. Historian Nicole Etcheson described Lane's adoption of the Free State constitutional effort as a "chameleon-like change of political principle."37 Her interpretation is typical of Kansas historians who see Lane's increasingly active role in Free State politics as opportunistic, rather than practical or principled. In fact, two simple but important events preceded the Topeka convention, which may have influenced his opposition to the territorial government and helped push him into the independent state movement. Around September 15, shortly after the Big Springs convention, the new territorial governor, Wilson Shannon, passed through Lawrence. Lane served as head of a delegation that met the governor and asked him to meet the people of Lawrence and address some concerns. Shannon's recent speeches to a proslavery crowd in Westport, Missouri, solidly backing the territorial legislature, had worried free-state settlers. Shannon declined to make a public appearance in Lawrence, despite the assurances by Lane that the entire matter would take only a few minutes. When the governor stated that he was anxious to travel with his companions to the town

36 Historian Wendell Stephenson wrote that "Lane, Marcus J. Parrott, and other moderate men sought to modify the resolutions, but without success." Stephenson, "The Transitional Period in the Career of General James H. Lane," Indiana Magazine of History 25 (June 1929): 84.
37 Etcheson, Bleeding Kansas, 71.
of Franklin, a few miles away, Lane apparently offered to personally provide a carriage for Shannon’s use following the meeting. Shannon rejected the offer. A crowd gathered to see Shannon hop into his carriage and ride out of town, some voicing their frustration by “groaning rather loudly.” The Herald of Freedom reported the incident, stating that “Our citizens felt that Gov. Shannon had grossly insulted them, as well as the people of the Territory at large, in accepting a public demonstration from an adjoining State, and refusing it at the hands of those he was sent to govern.”\textsuperscript{38}

The incident, although seemingly minor, splashed across antislavery and proslavery newspapers. The proslavery Leavenworth Herald described the governor as “assailed with a torrent of hisses, yells, and groans, from a motley crowd of polluted fanatics who were gathered together listening to a flaming dissertation on ABOLITIONISM and HIGHER LAWISM from an itinerant Abolition lecturer named Lane.”\textsuperscript{39} The antislavery Kansas Tribune responded that citizens had “assembled to see the Governor, and they thought he did not show them proper respect, and they ‘groaned him.’”\textsuperscript{40} During a time of increased tension and distrust between proslavery territorial officials and the growing majority of free-state settlers, the governor’s dismissal of the Lawrence population generated a strong reaction.

The second event leading to Lane’s falling out with the territorial government struck much more personally. On September 17, Lane and fellow attorney J. S. Emery applied for admission into the District Court of the United States for Kansas Territory. Though meeting all of the requirements to practice law in the territory, including an oath to support the United States Constitution and laws of the nation, the two refused to pledge

\textsuperscript{38} Herald of Freedom, September 22, 1855.
\textsuperscript{39} Quoted in Kansas Tribune, October 17, 1855.
\textsuperscript{40} Kansas Tribune, October 17, 1855.
to sustain the laws of the proslavery legislature. As a result, Samuel Lecompte, the presiding judge and proslavery advocate, rejected both applicants. Lecompte promptly banned Lane from the Kansas courts, according to the *Herald of Freedom*, “in violation of all precedent, and in a manner unheard of by the legal profession.”

Twice within a week Lane saw firsthand the territorial government’s rejection of free-state people and interests. These two events coincide with the period in which Lane joined the call for an independent statehood movement. While no primary sources detailing Lane’s thoughts on the events have surfaced, antislavery journals recorded general outrage over these slights. The new governor’s casual disregard for the Lawrence population sent a clear signal to Lane and the town’s citizens that the territorial authorities were not sympathetic, and most likely hostile, to antislavery interests. Lane’s deference to the territorial courts, as demonstrated at the Big Springs convention, was likely tarnished by his ostracism by the territory’s leading proslavery judicial figure.

The move toward an independent state movement was also a matter of political expediency. Abolitionist and Free State leader Charles Robinson later wrote, “When it became evident that the Legislature would be endorsed by the territorial judiciary and the President, and that there would be no escape by election for at least two years, it was equally evident that some means must be devised to keep the settlers from abandoning the fight.” The Free State Party relied not only upon settlers with true antislavery convictions, but upon those people—like ex-governor Reeder—who had come to oppose

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41 The proslavery capital of Kansas territory, Lecompton, was named after Samuel Lecompte.
the actions of the proslavery territorial government. "Such a movement," Robinson explained, "would serve to occupy the minds of the people, attract the attention of ambitious politicians, become a rallying point for all opposed to the usurpation, and, in case of necessity, when all other means of self-preservation should fail, be used as a de facto government, even though not recognized by Congress." While Lane fits the description of "ambitious politician," the interests and activities of the growing Free State movement did not clash with his Democratic principles, nor with his allegiance to the National Democratic Party.

By October 1855, James Lane had not only heard about proslavery oppression of free-state interests, but had personally experienced it. His willingness to bypass the territorial legislature and to appeal directly to national authorities for Kansas statehood is not surprising, nor was it very radical. James Lane's work in the Free State movement was reactive to the Kansas political environment and the established state authorities. Antislavery settlers and those disgusted with proslavery control of territorial power drew together in the Free State Party and the new statehood movement.

A convention of Free State men gathered in Topeka on October 23 to draw up a new constitution. Lane attended as a Democrat as well as a Free State man. In fact, Democrats provided more delegates than all other party affiliations combined. The convention roster lists Lane among twenty "former" Democratic delegates. The rest of the delegation included nine Whigs, four Republicans, two independents and one Freesoil

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44 For some unknown reason Lane recorded his birth state as Kentucky and age as 33. In October 1855, James Lane was 41 years old. "The Topeka Movement," *Collections of the Kansas State Historical Society* (Topeka: W. R. Smith, 1915), 13:164.
Democrat.\(^4^5\) Lane actively labored to secure a leading role. A savvy politician, he reportedly used promises, flattery, and threats to have himself elected president, despite the fact, one newspaper correspondent believed, that few delegates favored his election.\(^4^6\) His supposed relationship with President Pierce also played an important role in his rise to power. As he had done in previous meetings, Lane claimed to know the sentiments of Douglas and Pierce. He told Free State men that "Douglas would make any sacrifice to secure the immediate admission of Kansas to the Union as a free state," and, a newspaper reported, "occasionally drops precious morsels, such as that he knows that the application of Kansas, if in this shape, will receive favor at Washington."\(^4^7\)

Lane’s reference to the interests of Douglas and Pierce worried some free-state people. The *Kansas Free State* warned of the "conquest" of the Free State Party by the administration through a mass entrance of pro-slavery Democrats into party ranks.\(^4^8\) Lane, at least, was not a pro-slavery Democrat, but cautious Whigs and Free-Soilers failed to appreciate that fact given his support of the Kansas-Nebraska Act. However, the realization that national support would be necessary to obtain a free Kansas helped bring Lane into power.

Upon his election to president of the convention, Lane gave an inspirational speech, painting a glorious picture of Kansas’ future. The men assembled there, he explained, had a great task. "Your first business will be to guard the ballot box in such a manner as to prevent a repetition of the greatest crime that can be perpetrated in a

\(^{4^5}\) *Ibid.*, 165; Historian Wendell Stephenson states that there were fifty-one delegates sent to the convention. However, only thirty-six are accounted for in the Kansas Historical Collection roster; Stephenson, "The Transitional Period in the Career of General James H. Lane," 85.


\(^{4^8}\) *Kansas Free State*, October 29, 1855.
representative Government like ours.” He again defended the Kansas-Nebraska Act, stating that when the bill was before Congress, “no one of its supporters claimed that Kansas could ever become a Slave State; all, from the highest to the lowest, discarded the idea that Slavery could ever be extended within her borders. Our Southern friends were among the most prominent impressing this position before the country.” The present effort forcing slavery upon the territory was “an afterthought for sinister purposes.”

Lane’s political progression was careful and measured. He had not abandoned his principles, even with his new leadership role in the Free State Party. Popular sovereignty could work, and it would work, he believed, as long as the true, honest settlers in Kansas were free to voice their interests and vote in their territorial government. As before, Lane urged moderation.

The people you represent, although excited beyond measure by the fraudulent and violent course pursued by those citizens of an adjoining State, who were, by falsehood and misrepresentation, induced to join in the crusade to force Slavery upon them contrary to their wishes, and destructive of their best interests, nevertheless expect you in the final settlement of that question to pursue a fair and liberal course toward the holders of that species of property within and without our borders.

In other words, Lane argued that despite the great conflict and hatred between antislavery and proslavery forces in and around Kansas, the Free State movement must legislate fairly and recognize the interests of slaveholders and not unjustly harm their rights or interests.

Because the convention included a variety of free-state and antislavery representatives, factionalism became a problem. Two specific elements emerged, one conservative, the other radical. Lane, along with other Democrats, formed the

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50 Ibid.
conservative or administration group, which stood opposed to the “radical” men who held stronger antislavery, even abolitionist, views. The conservatives backed the Kansas-Nebraska Act. A resolution that endorsed popular sovereignty passed through the convention, aided by “much persuasion on the part of Col. Lane and others, and the assurance that its passage would secure the friendly cooperation of Douglas.”

The “black law,” which excluded any black person from entering Kansas, became another contentious issue during the convention. While some delegates opposed the measure, particularly those from New England holding sincere abolitionist ideologies, the large western element led by Lane favored the bill and kept it on the table. As a compromise, the convention decided to place the “black law” before Kansas voters, separate from the constitution.

On November 11, the Topeka convention concluded with a free-state constitution, scheduled for voter ratification on December 15. On that date, free-state voters turned out in force, and recorded 1,731 votes in its favor. Officials counted only 46 votes in opposition. The referendum on the “black law” also passed, 1,287 to 453. Not only had free-state voters chosen a state without black slavery, they had chosen a state without blacks at all.

The Free State movement and its Topeka Constitution seemed to move along smoothly. An independent statehood effort was underway, boldly (but peacefully) challenging the established territorial government for national approval. The conflict between free-state and proslavery forces may have remained solely political in nature had not a proslavery settler killed a free-state man on November 21, 1855, sparking a “war”

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51 Vermont Phoenix, December 1, 1855, in Webb Scrapbook, 7:71.
52 Etcheson, Bleeding Kansas, 75.
53 Rawley, Race and Politics, 95; Etcheson, Bleeding Kansas, 75.
around Lawrence. The homicide was the culmination of a land dispute between Franklin Coleman and Jacob Branson near Hickory Point, a small settlement outside of Lawrence. Coleman, a proslavery settler, shot and killed Charles Dow, a free-state settler who had settled on the controversial claim by Branson. Afraid of retaliation from free-state settlers, Coleman fled to Missouri. On November 26, Branson and the local free-state militia responded violently, burning numerous proslavery households, including Coleman's abandoned home. In response, Douglas County Sheriff Samuel Jones arrested Branson that same night for disturbing the peace. As Jones and his posse escorted their prisoner on a dark road toward the proslavery capital Lecompton, a band of fifteen free-state men confronted the group and demanded the release of Branson. After a tense standoff, Jones watched his prisoner flee with the free-state men toward Lawrence.54

The sheriff immediately sent word to Governor Shannon that a group of men around Lawrence had defied territorial law and forcibly released his prisoner. The governor called out the territorial militia and requested assistance from nearby federal forces.55 The local military commander refused to get involved until ordered by the president.56 But President Pierce's response to the governor seemed promising, reassuring Shannon that all efforts to maintain peace would be utilized. Rumors that antislavery men were congregating in Lawrence preparing for war circulated among

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55 Copies of the correspondence between Jones, Shannon and Major-General William P. Richardson of the territorial militia can be found in Personal Recollections of Pardee Butler (Cincinnati: Standard Publishing Company, 1889), 85.
proslavery communities. Shannon called upon “all well-disposed citizens of this territory to rally to the support of the laws of their country” and for civil and military officers and citizens “to be aiding and assisting, by all means in their power, in quelling this armed organization. . . .” Shannon’s words and Sheriff Jones’ correspondence to supporters in Westport, Missouri, drew a great response from the neighboring slaveholding state. As many as 1,200 Missourians flooded into Kansas to help Jones confront the free-state force at Lawrence. The Missouri contingent dwarfed the approximately 300 Kansas settlers who responded to the governor’s request. The hodgepodge military force gathered on the Wakarusa River, outside of Lawrence.

While Lawrence residents officially denounced the Branson rescue party and sent them out of town shortly after the incident, free-state men quickly prepared military defenses for the expected proslavery retaliation. Groups of armed free-state settlers arrived in town, some from as far away as Topeka, to help combat the Missouri presence. The town’s defenders elected Charles Robinson as Commander-in-Chief, while Lane was placed named in command. As one of the few men in Lawrence with military leadership experience, Lane set about organizing the town’s physical defenses as well as drilling the citizen soldiers. Author Donald Gilmore argues that Lane’s secondary role behind Robinson was due to his radical nature. “The belief was that if the more experienced Lane were placed in command at this ‘critical juncture,’ it might offer an

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57 For example, the proslavery publication *Kansas Weekly Herald* reported that “Letters and papers were found on E. C. K. Garvey of Topeka, and a Mr. Dunn, going to show the organization of the secret order called the Kansas Legion, and a preparation for war, and the resisting the laws by force.” *Kansas Weekly Herald*, December 15, 1855.
60 *Herald of Freedom*, December 18, 1855.
‘unballasted leadership,’” Gilmore wrote. “Lane, despite his elevation in Free State ranks, was justly considered intemperate, to say the least.”61 There is little evidence to support this claim. Although Lane’s enthusiastic stump speaking drew attention, he had largely made a name for himself within free-state ranks as a conservative, calling for moderation in the previous Free State conventions. Regardless of the division of power, free-state minister Pardee Butler credited Lane as “the principal figure in the enterprise. He alone had military experience, and he alone had the daring, the genius and personal magnetism of a real leader.”62

With the tension between proslavery and free-state forces growing to a new and potentially explosive level, Lane thrived. He had commanded two different Indiana regiments during the Mexican War.63 Now, in Lawrence, he commanded around 600 citizen soldiers, training them in basic military drill. The men erected rough fortifications in key defensive locations. Lane’s energy was boundless, shouting out orders and occasionally giving inspirational speeches. Under a direct proslavery threat, Lane took a more aggressive tone, giving speeches to prepare the citizens for a fight. Robinson, on the other hand, appeared restrained, laboring to keep the citizens calm.64

C. H. Dickson later recalled Lane’s excited behavior, and explained at least one reason for it. Numerous free-state men in Lawrence grew frustrated that the standoff kept them away from their families, many of whom waited in isolated cabins across the

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63 Lane commanded the Third Indiana Volunteer Infantry, which played a particularly important role in the battle at Buena Vista. See David Lavender, Climax at Buena Vista: The American Campaigns in Northeastern Mexico, 1846-47 (Philadelphia: J. B. Lippincott Company, 1966), 168, 201-203. He later helped raise and led the Fifth Indiana Volunteer Infantry. Stephenson, The Political Career of General James H. Lane, 20-21, 26.
64 Stephenson, The Political Career of General James H. Lane, 56.
prairie. Dickson watched as one group of men complained to Lane that they “all had better be at home fixing up for winter, than fooling our time away here.” Lane, Dickson remembered, “made some good-natured and smiling reply.” Nonetheless, discontent quickly spread and many voiced their desire to leave Lawrence. Dickson described Lane’s quick reaction:

With the instinct of a born leader, Lane took in the situation and recognized its gravity. Instead of remaining on a level with the men and wrangling or arguing with them, where he would most certainly have been out-talked, he sprang upon the embankment and commenced making a speech. By this shrewd move he obtained “the floor,” and silenced his opponents.65

According to Dickson, Lane spoke smoothly, careful not to instigate further discontent. More people soon gathered, thinking Lane shared some valuable bit of news. As the audience grew, Lane’s speech intensified. “He comprehended the magnitude of the occasion,” Dickson explained. “The army must be held together; the words he must now utter must accomplish that end. Here Lane’s oratorical mastery emerged. “He became afire with eloquence. Off went his large, circular military cloak, next his hat, soon his coat, as he saw his appeal telling; then his vest followed.” The audience loved it. As Lane finished his speech, cheers erupted from the crowd and, according to Dickson, “General Lane knew, as he came down from his perch and put on his discarded clothing, that he had won an important, although bloodless victory.”66

Governor Shannon arrived in Lawrence on December 7 and met with Robinson and Lane to end the “Wakarusa War,” as it became known, before fighting commenced. Free-state forces agreed to obey territorial laws but refused to surrender their arms. The

66 Ibid., 84.
governor traveled back to proslavery lines to find the Missourians riled up, ready to invade Lawrence. Worried about the impending action, Shannon finally arranged a treaty with Lane and Robinson. In the treaty the free-state leaders explained that the rescue of Branson was "made without our knowledge or consent, but that if any of our citizens in the Town of Lawrence were engaged in said rescue, we pledge ourselves to aid in the execution of any legal process against them."67 In turn, Shannon declared that he would aid in the compensation of damages caused by Sheriff Jones' posse, and that he had not called upon residents of any other state to help enforce Kansas laws. As a final statement, however, Lane and Robinson clarified that "we wish it understood that we do not herein express any opinion as to the validity of the enactments of the Territorial Legislature."68 While not specifically denouncing the proslavery legislature, the free-state leaders wanted to leave no doubt that the treaty did not justify or recognize the body.

With the carefully worded treaty in hand, which ignored larger political matters, Lane, Robinson, and Shannon met with a group of proslavery leaders in Franklin.69 After three hours of discussion, the Wakarusa War came to an end. Decades later, Charles Robinson described the meeting, taking nearly sole credit for convincing the Missourians to go home. Lane, Robinson explained, nearly sabotaged the conference by offending proslavery leaders who threatened to leave. Robinson quickly focused their attention and stated that no authority had come to Lawrence to demand the surrender of Branson. Thus, the people of Lawrence were unwitting victims of circumstance. When the

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67 Kansas Free State, January 7, 1856, Kansas Weekly Herald, January 12, 1856; Robinson, The Kansas Conflict, 202-203.
68 Ibid.
69 Thomas Goodrich, War to the Knife: Bleeding Kansas, 1854-1861 (Lincoln: University of Nebraska Press, 2004), 85.
Missourians questioned Sheriff Jones and found this to be true, one called out, “We have been damnably deceived.” And so the meeting ended.

Lawrence residents generally welcomed the end of the standoff, except for at least one soon-to-be famous figure, John Brown. Brown stood before a crowd and warned of some hidden concession. Before he could finish, free-state leaders assured the residents that the town and the cause were safe. Lane and Robinson gave their own speeches in Lawrence, congratulating the residents and praising each other. “You have won a glorious victory by your industry, skill, courage and forebearance,” Lane stated. “In these fortifications, wrought if by magic, you took your position, there determined never to surrender while a man was left alive to pull a trigger; with a desperate foe almost in your very midst, you restrained your fire—determined to continue them in the wrong and compel them to commence hostilities—to take all the responsibility of a battle which you believed would shake the Union to its very basis.” Turning toward Robinson, Lane announced, “From Major General Robinson I received that council and advice which characterizes him as a clear-headed, cool and trust-worthy commander. He is entitled to your confidence and esteem.”

Robinson in turn credited Lane with “the thorough discipline of our forces, and the complete and extensive preparations for defense. His services cannot be overrated, and long may he live to wear the laurels so bravely won.” Whatever differences these men may have had before or in the midst of the standoff on the Wakarusa, they publicly praised each other during the celebration.

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70 Robinson, The Kansas Conflict, 204-205.
71 Stephenson, The Political Career of General James H. Lane, 57.
72 Herald of Freedom, December 15, 1855.
73 Ibid.
Descriptions of Lane during the Wakarusa War generally paint a radical picture. C. H. Dickson recalled that Lane "paced, like some wild animal, rapidly back and forth on the embankment, with the perspiration standing in great beads upon his face," as he rallied frustrated Lawrence defenders. For men like Dickson, this radical action was not negative, but necessary for the free-state cause, and demonstrated Lane's "rare tact and marvelous magnetic power." Lane's motivational oration renewed the town's spirit and as he stepped down from the embankment, men around him "were in a perfect frenzy; yelling and cheering, jumping about, shaking hands, slapping one another on the back, and acting in a ridiculous manner generally." Dickson recalled that Lane had "poured forth a stream of eloquence, the like of which have never heard, although I am now an old man and have listened to many of America's most-noted orators."  

Lane's excited behavior unnerved others. When free-state man Thomas Barber was shot and killed by a proslavery man on his way home from Lawrence before the Wakarusa War had ended, his body was brought back to the Free State Hotel in Lawrence on December 7, inciting a great deal of anger among town residents. New England settler Hannah Ropes overheard Lane speaking in the hotel, and wrote a scathing report of the man:

Col. Lane's voice could be heard in different rooms, detailing to eager listeners the most painful circumstances of poor Barbour's death, and, with wonderful ingeniousness, keeping up the wicked spirit of vengeance among those over whom he exercised any power. What on earth he was driving at by such a course, it seemed to my stupid self quite impossible to understand; while, at the same time, I knew very well that he aimed at something he could not otherwise attain so well. Any reader of human faces can never study his without a sensation very much like that with which one stands at the edge of a slimy, sedgy [sic], uncertain morass. If there is any good in him, I never, with all my industry in culling

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74 Dickson, "The 'Boy's' Story: Reminiscences of 1855," 83, 84.
75 For an account of Barber's death, see Goodrich, War to the Knife, 80-82.
something pleasant from the most unpropitious characters, have been able to make the discovery. And he has not, in lieu of anything better, that agreeable fascination of manner which so often gives currency in society to men as hollow-hearted as he.\textsuperscript{76}

While Hannah Ropes portrayed a man bent on vengeance and extremism, decades later Charles Robinson questioned Lane’s sincerity to the free-state cause as a whole, again suggesting that Lane was deep-down, proslavery:

There has always been a question as to the motive that actuated Lane. It was well known to the leading Free-State men that at heart he preferred a slave State. . . . He was always on intimate terms with some of the proslavery leaders, and during the “war” had General Richardson and staff dine with him by invitation, when their forces were laying siege to the town and killed Barber. Whether he designed to change the position from one of defense to one of offense, and thus bring ruin upon the Free-State cause, or whether he wanted to court favor with inconsiderate and exasperated men to secure a little political prestige, may never be known. Fortunately for the Free-State cause he was so well understood, and his loyalty so questioned, that he was never implicitly trusted, and hence could not betray the cause if he should attempt it.\textsuperscript{77}

Ironically, while Robinson’s account portrays Lane as an absolute opportunist, it also suggests that he was not radical at all. Still, Robinson and Ropes described Lane as a dangerous man, whose handling of the Wakarusa War could have been disastrous if not for the level-headed leadership of a New Engander.

Even biographer Wendell Stephenson accepted the view that Lane proactively took an aggressive stance during the standoff and “wanted to take the offensive.”\textsuperscript{78} But one account suggests that Lane resisted free-state aggression. James Redpath, abolitionist reporter and early biographer of John Brown, credits Lane with stopping an offensive move against the Missourians. When John Brown set out to skirmish with the

\textsuperscript{76}Hannah Ropes, \textit{Six Months in Kansas: By a Lady} (Boston: John P. Jewett and Co, 1856), 144-145.

\textsuperscript{77}Robinson, \textit{The Kansas Conflict}, 217.

\textsuperscript{78}Stephenson, \textit{The Political Career of General James H. Lane}, 56.
proslavery besiegers, Lane convinced him otherwise. “Lane sent for [Brown] to attend a council of war,” Redpath wrote. Disgusted at talk taking the place of action, Brown supposedly replied, “Tell the General, that when he wants me to fight, to say so; but that is the only order I will ever obey.” According to Redpath, Brown saw both Lane and Robinson as he did most politicians, mostly talk with little action. But the account is important for it offers a description of Lane from the opposite spectrum of the free-state side. While Robinson and Ropes were among the New England contingent, which came to despise Lane and the rough western characters that made up such a large proportion of the free-state group, Brown represented the ultra-radical faction. Brown and Ropes saw Lane as dangerous; Brown felt Lane was not aggressive enough. Thus, Lane seems to fall somewhat in the middle.

Biographer Wendell Stephenson described the Wakarusa War as a “turning point” in Lane’s career in Kansas. “He was essentially a conservative until that crisis presented a proper background for radical leadership,” the author wrote. “For in battle array the belligerent Lane was in his element, and the hysteria of exciting events intensified his fiery and impulsive nature.” Stephenson rightly saw the Wakarusa conflict ignite Lane’s fiery nature. But calling the event a “turning point” in Lane’s career may be too much. Such a term conjures up imagery of Lane changing direction. In fact, Lane’s aggressive behavior in the defense of Lawrence was not atypical of the man who helped raise and then commanded men in the Mexican War. Nor was his behavior at this point a radical departure from his work or interests in Kansas territory. His time and behavior in Kansas was a progression. As he studied the political environment, Lane adjusted,

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associating himself with people and organizations that while not affiliated with his
traditional party, nonetheless shared the same basic interest of establishing a free state.

When confronted with blatant prejudice or oppression from proslavery officials, as in the
case of his failed law application and then the Wakarusa War, Lane increasingly adopted
more aggressive tactics in achieving a free state. His basic principles, however, remained
the same.

Following the Wakarusa War treaty, the Topeka movement continued smoothly.
Voters adopted the Topeka Constitution days afterwards, and at the end of December
Lane participated in a meeting to schedule a January election of “state” officials. In
January, Free State men held a convention in Lawrence which passed a resolution
pledging noninterference with slavery where it existed, but general opposition to its
extension. This development prompted some in Kansas to celebrate the spread of
“Republicanism” in the territory. George W. Brown of the Herald of Freedom stood
proud among them. In a story titled “Republicanism in Kansas,” Brown described the
convention as the origin of the Republican Party in the territory, and rejoiced in the fact
that Lane and a number of other National Democrats endorsed a resolution recognizing
the right of Congress to interfere with slavery in the territories. The Herald of Freedom
explained that Lane was moving along in his views by admitting “what he has hitherto
denied—that he was deceived in imagining that squatterophobia is a symptom of good
health.”

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81 Herald of Freedom, March 1, 1856; Stephenson, The Political Career of General James H.
Lane, p. 58.
82 Popular sovereignty was often called “squatter sovereignty” by its critics. Herald of Freedom,
January 19, 1856.

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While some celebrated Lane’s apparent change, others criticized his inconsistency in party principle. However, the trend toward Republicanism did not signal a party switch among Lane or other National Democrats within Free State ranks. Historian Wendell Stephenson states that the free-state convention should not be understood as the formation of the Republican Party in Kansas. Not until 1859 did the Republicans formally replace the Free State Party. While the resolutions passed by the convention may have been similar to some of the Republican platform, the delegates did not all adopt a Republican identity. A copy of the resolutions printed over a month later includes Lane’s endorsement and labels him a pro-Kansas-Nebraska Act Democrat. Even Brown of the Herald admitted that Lane had not yet adopted the Republican creed. But the fiery editor warned that the ambitious Free State leader had better adopt the Republican platform “if he wishes to preserve a character of consistency.”

Lane’s continued place within Democratic ranks during this period is well documented. The Kansas Free State reported that Lane had been selected as a delegate to the National Democratic convention in Cincinnati by the Democratic element of the Free State Party. While no evidence that Lane attended the convention has surfaced, his active role and recognized leadership among Democrats within Kansas and the Free State Party during the first few months of 1856 cannot be denied. James Lane, while learning a hard lesson about the failure of popular sovereignty in the territory, was still a Democrat.

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83 Kansas Freeman, February 2, 1856.
85 Herald of Freedom, March 1, 1856.
86 Ibid., January 19, 1856.
87 Kansas Free State, March 24, 1856.
Throughout January and February, Lane helped lead the Topeka movement toward statehood. Agents were sent by the committee across the country to draw support for the free-state cause. Fears of another Missouri invasion surfaced. As chairman of the executive committee, Lane wrote to President Pierce warning of "an overwhelming force of the citizens of Missouri" on the verge of marching into Kansas territory. Taking a very firm stance, Lane "respectfully demand[ed]" military assistance in preventing such aggression. Free State officials appointed Lane "2nd Major General" and authorized him to organize free-state defenses, under the Commander in Chief Charles Robinson. While the feared invasion never took place, the energy and drive for protecting free-state rights continued.

In March, the Free State legislature elected Lane and former governor Reeder senators of Kansas upon admission into the Union. Lane had already been selected to travel to Washington with three others to help secure statehood; now he held the expectation of shortly taking a seat in the upper house of Congress. Within days of the legislature's votes, Lane traveled east with a memorial from the free-state leadership to Congress. He carried the hopes of free-state Kansans as he rushed to meet with Northern Democrats, particularly Douglas. He had gone to Kansas territory to set up the Democratic Party and with the interest of it becoming a free state. While a formal National Democracy presence had not materialized, he had worked diligently to defend Democratic principles in the face of Republican and Whig opposition. More brutal had been the Missouri resistance, which had, in his eyes, made a mockery of popular sovereignty. His support of the Kansas-Nebraska Act's chief principle had wavered—he realized popular sovereignty did not work under the current territorial government and

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89 "The Topeka Movement," Kansas Historical Collection 13, 153.
with Missouri interference. But, he remained confident that the free-state movement, with support from a majority of settlers, would succeed under the democratic principle of popular sovereignty if he could personally see their cause presented in Congress.
CHAPTER III
LANE AND THE KANSAS MEMORIAL, 1856

"Senator Douglas cajoled me into an undeserved trust of his sincerity."

As James Henry Lane arrived in Washington, D.C. around the end of March 1856, he carried the hopes and expectations of many in Kansas and across the northern states. In his hands rested the Kansas Memorial—a petition by free-state Kansans to Congress for the acceptance of the Topeka Constitution. If accepted by Congress, Kansas would enter the Union as a free state and Lane would take his seat as a United States senator. He entered Washington confident that the Democratic leadership would support free-state Kansans, for, he rightly believed, a majority of settlers there wanted a free state. In the event, the Senate’s reception of the Kansas Memorial shocked Lane and destroyed his confidence in the National Democratic Party. Personally insulted and appalled at what he saw as a Democratic abandonment of Kansas to slavery, it was then, in the spring of 1856, that Lane truly broke from the Democratic ranks. From Lane’s perspective, he did not change or discard his Democratic principles—rather the party leadership had become corrupt and untrue to its former self.

When Lane left Kansas for Washington in March, the free-state effort for statehood was a gamble. Lane’s rise within free-state ranks had been aided by his repeated assurances that President Franklin Pierce and Senator Stephen Douglas wanted Kansas admitted as a free state, and that his influence among these men would help the success of their cause.¹ Unfortunately, the president’s message to Congress in January 1856 did not bode well for the Topeka Constitution. Pierce described the free-state

movement as "merely a party of the inhabitants" of the territory who "without law, have undertaken to summon a convention for the purpose of transforming the Territory into a State." He called these acts illegal and revolutionary.⁵

Free-state Kansans responded defiantly to Pierce's proclamation. A number of free-state leaders, including Lane, spoke on the subject at a public meeting in Topeka in early March. According to the Herald of Freedom, Lane "replied" to Pierce's portrayal of the free-state cause as "merely a party" within the territory. All inhabitants had been invited to participate in the Topeka constitutional movement. He further explained that the real minority group in the territory was the proslavery contingent, who depended upon support from outsiders.³ He was right. Proslavery settler George Clarke wrote to Jon A. Quitman in Washington that free-state men "rely upon us submitting to a majority-rule" and he was not compelled "to submit to the rule of a majority in an unconstitutional measure."⁴ Though Lane disagreed with Pierce's proclamation, there is no evidence that the matter led to any great rift between Lane and the administration. The senator-elect traveled to Washington confident that the presentation of the free-state case would still find a sympathetic audience among the National Democratic leaders.

In Washington, Lane placed the hopes of the free-state cause in the hands of one of the Democratic Party's most powerful icons, Senator Lewis Cass of Michigan. The Topeka Convention chose Cass to introduce the memorial for statehood due to his seniority in the Senate.⁵ Cass had also been chiefly responsible for constructing the

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² Journal of the Senate of the United States of America, 1789-1873, Thursday, January 24, 1856, 67-68; Pierce's message may also be found in "Administration of Governor Shannon," Transaction of the Kansas State Historical Society (Topeka: J. K. Hudson), 5:250-257.
³ Herald of Freedom, March 29, 1856.
⁴ George W. Clarke to Jon A. Quitman, January 29, 1856, Misc. Clarke, G. W. Collection, Kansas State Historical Society, Topeka.
⁵ See Kansas Free State, March 24, 1856.
doctrine of popular sovereignty, a fact noted by Charles Robinson to the Free State legislature. With a figure such as Cass presenting the memorial, the unauthorized free-state movement intended to gain an element of legitimacy.

On April 7, with an anxious Lane observing the proceedings, Cass introduced the memorial to the Senate, describing its authors as "composing the self-styled Legislature of Kansas." Senator William H. Seward from New York asked for clarification from which of the two legislatures in Kansas the petition originated. Cass brushed aside Seward's remarks, inferring that Seward, as well as every senator in the chamber, understood which body in Kansas stood as the "self-styled" legislature. For months Congress had followed developments in Kansas and knew of the resistance to the territory's officially sanctioned pro-slavery government. Cass did not bother to rehash the interests and motives of the petition he introduced.

At the same time, opponents of the free-state movement were also familiar with the independent legislature in Kansas and ready to resist the petition. The Senate quickly agreed to Cass's motion to send the petition to the Committee on Territories, but Stephen Adams, Democrat from Mississippi, and Andrew Butler, Democrat of South Carolina, objected to its printing upon technical grounds, including the dubious nature of the Free State Party. Butler, a champion of pro-slavery interests in Congress, denounced the memorial, stating that he could not "recognize the source from which this comes, as one of the States of this Confederacy, or as a member of the body-politic." Lane should not

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7 *Congressional Globe,* 34th Congress, 1st sess., 826.

8 Ibid.
have been surprised at the South Carolinian’s objection, as he had come to Washington specifically to resist Southern slaveholding opposition.

Cass defended the petition on principle. He did not tie himself to the free-state cause or the Topeka movement itself. Instead, he championed the right of petition and argued his wish “to see the representation which these people make of their own condition,” and further warned the other senators not to draw the constitutionally guaranteed right of petition into the matter.\(^9\) Butler remained unconvinced, and continued to lash out at the memorial. He invoked his personal sense of honor, stating, “I do not know that I have ever felt on any occasion more sensibly an insult offered to the Senate of the United States—a Senate composed of regular authorized representatives of the States—than now, when this impudent petition comes here, and claims something like equality.”\(^10\)

While Butler’s animated dismissal of the memorial no doubt served as a serious obstacle to the free-state cause, Lane had placed his hopes on support from Northern Democrats to weather the storm. Chief among those figures was Illinois senator Stephen Douglas, the ultimate champion of popular sovereignty and the author of the Kansas-Nebraska Act. While the rumor that Lane worked specifically under Douglas’ eye has never been confirmed, Lane’s repeated assurances of Douglas’ support of a free state under popular sovereignty demonstrated the amount of faith the new Kansan had placed upon the “Little Giant.”

How Lane perceived Douglas’s first reaction to the memorial on the Senate floor is unknown. He could not have been pleased as Douglas took a relatively noncommittal

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\(^9\) Ibid.\(^10\) Ibid.
position. Immediately after Butler concluded his denunciation of the Topeka movement as a whole, Douglas rose. He immediately focused on potential problems within the document. “I find that the signatures are all in one handwriting,” he explained, “showing that it is not an original paper.” He further pointed out that portions of the document had been erased or otherwise altered. “All of these things are calculated to throw doubt on the genuineness of the document, unless there be good evidence that it is genuine.”

Still, the Illinois senator did not abandon the petition. Despite the discrepancies, Douglas stated that he did not have any objection to the reception of the memorial and its printing. Such actions would allow the Senate to better consider the document and the free-state movement, and hopefully explain the apparent alterations to the memorial. Upon completion of Douglas’s statements, the Senate moved on to other matters without voting on whether to print the petition.

The initial introduction of the Kansas Memorial was not a success, but it had not failed. In fact, it had probably achieved all that could have been realistically expected given the controversial nature of the Kansas question by the spring of 1856. In short, it survived the first round. No person had yet stepped up to defend the free-state cause, but the moderate voices of Cass and Douglas had stalled the inevitable attack by the pro-slavery forces in the Senate.

Round two for the memorial began two days later, on April 9, as the Senate resumed consideration of Cass’s motion to print the document. Seward immediately called for a vote, but South Carolina’s Butler again voiced his opposition to the printing of the petition on the grounds that the free-state organization was illegitimate. This time he focused on the signatures. Cass rose and explained that he had spoken with Lane, and

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11 Ibid., 827.
that Lane told him "that it had been signed by the persons whose names are attached to it, and that it is a genuine document." Beyond that basic explanation, Cass would not commit. Butler was not impressed. He challenged the right of Lane to vouch for any document in the Senate. For one, Butler stated, "I do not know who he is." After a spirited lecture on the rules of printing petitions, the South Carolinian concluded by denouncing the efforts of "creeping intruders" into the United States Senate.

The Senate’s April 9th discussion on the memorial did produce one strong defense of the free-state cause. Republican senator William Seward of New York took the floor soon after Butler’s comments and gave a lengthy summary of the Kansas struggle from an anti-slavery point of view. Seward particularly criticized the Pierce administration, which he accused of oppressing the people of Kansas in a way similar to that of the king of England before and during the American Revolution. While Lane and others sympathetic to anti-slavery interests in Kansas likely embraced Seward’s remarks, he spoke more generally about the Kansas situation rather than the specific nature of the Kansas Memorial. The New York senator’s speech did not bring Lane or the Topeka Constitution any closer to success.

The Senate debate of April 10 decided the fate of the petition. Rather than revolving around the heart of the memorial—Kansas statehood—the Senate became locked in a lengthy series of speeches, arguments, and statements concerning the right of petition and the dubious nature of the Kansas Memorial. With Butler again leading the critics, it appeared as if the petition would die on a technicality. And while the debate

\[12\] Ibid., 839.
\[13\] Ibid.
\[14\] For Seward’s full speech, Appendix to the Congressional Globe, 34th Congress, 1st sess., 390-405

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centered on the principle of petition and constitutional rights, traditional sectional loyalties and ideologies shaped the debate—at least for the South. Senators from slaveholding states resisted even the printing of the petition. Vocal anti-slavery senators, such as Seward, helped provide a glimmer of hope for the free-state cause. But it would require the strong support of Northern Democrats for the memorial even to be printed, let alone have its contents considered.

Lane needed Northern Democrat support. He had expected it. It did not come. In fact, shortly after the debate on April 10 began, James Lane’s world came crashing down. The short, stocky and fiery Stephen Douglas took the floor. Explaining that he had previously advocated printing the petition out of courtesy to Senator Cass, Douglas now declared that the stakes had changed. Charging that “gentlemen on the other side of the Chamber” had made the petition’s printing a test of principle, he had no choice but to defy them. The Topeka Convention was not a legitimate political entity possessing the rights or privileges of states or authorized governments. This being the case, he argued, the memorial had no ground on principle.15

While Douglas’s new position was bad enough for Lane and the Topeka movement, his next comments shattered any hope of Northern Democratic leadership support:

Here we are now asked by this vote to recognize the fact, that this revolutionary proceeding in Kansas makes it a State. I am not willing to recognize that fact. We are asked to recognize the fact that these petitioners are Senators and Representatives. I am not willing to recognize that fact, because it is not true. We are asked to give countenance to these proceedings as having been legal instead of revolutionary—as having been loyal to the Constitution, instead of an act of defiance to the constituted authorities. I am not willing to give any countenance to it; and when it is presented as a question of right, I am for meeting it at the threshold. I am

15 Congressional Globe, 34th Congress, 1st sess., 851.
in favor of denying the printing; I am in favor of reconsidering the vote which referred the memorial, and raising the question of its reception, and keeping it out.\textsuperscript{16}

Douglas not only stood against the printing of the petition, but announced his support for throwing the entire memorial out of the Senate.

For Lane, the situation only grew worse. Senator Cass stood up shortly after Douglas's comments and qualified his previous actions in regard to the petition. Explaining that he had always supported the right of petition, Cass excused his involvement as simply passing on a memorial that had been presented to him. He then clarified that "I do not believe these persons are members of the Legislature of Kansas. I believe the legal Legislature of Kansas is the Territorial Legislature, acting under the authority of the United States."\textsuperscript{17} Still, Cass threw in a word of encouragement for the Topeka movement. He believed it was worth hearing their concerns; he believed they did have a right to present their case.

Cass's carefully couched support probably brought little comfort to Lane, who watched helplessly as the very men he hoped would champion his cause began to distance themselves or turn hostile. Even senators who challenged the pro-slavery arguments of men like Butler and Senator James Asheton Bayard of Delaware often picked on specific points not related to the Topeka Constitution. Senator Lyman Trumbull of Illinois attacked the inconsistency of those senators who on one hand denied that the Kansas territory could be considered a state in any sense of the word, yet on the other hand vehemently supported the enforcement of the Fugitive Slave Law, whose

\textsuperscript{16} Ibid.
\textsuperscript{17} Ibid., 853.
language specifically indicated laws and commerce between two states. Unfortunatel

for Lane, Trumbull’s logic did not advance the free-state petition.

Trumbull, however, did provide an extremely illuminating condemnation of

another inconsistency among the Kansas Memorial’s critics. Many of these men had

championed the Kansas-Nebraska Act and popular sovereignty. “It has been said by

Senators here,” Trumbull said, “that those who opposed the Kansas-Nebraska act

opposed the great principle of self-government or popular sovereignty—the principle for

which our fathers fought—the principle lying at the foundation of the Declaration of

Independence.” He asked why the Kansas-Nebraska Act is “held up before the people of

the country as conferring on the inhabitants of a Territory the right to govern themselves”

if the people do not have that right. “If you only mean that the people of the Territory

may do what you permit them to do, say so. That is not self-government. It is

government derived from you.”

Trumbull identified a crucial weakness in opposition to the free-state cause. The

essence of the Kansas-Nebraska Act was the right of its people to decide the status of an

incoming state. The principle of popular sovereignty had been accepted by a vote in the

Senate only two years previously, and supported by many of the Kansas Memorial’s

critics. Yet Senate critics denounced the Topeka movement as illegal, unauthorized, and

illegitimate because it was not part of the officially sanctioned territorial government.

Trumbull continued his chastisement:

It comes with a bad grace indeed from those who have instilled into the

minds of the people who have gone to Kansas the idea that they would

have the right to govern themselves when they got there, now to turn


\[18\] Ibid., 854-855.

\[19\] Ibid., 857.
round and denounce the settlers as traitors for attempting to assert the very right which they themselves told them they possessed.\textsuperscript{20}

If Trumbull’s words had an effect on any person in the gallery, it was probably on Lane. He had defended the Kansas-Nebraska Act and popular sovereignty against the criticisms of many free-state settlers.\textsuperscript{21} The Free State movement in Kansas had assumed authority according to ideas and principles of self-representation. During the January 14 meeting in Lawrence, the Free State Party had passed a resolution stating that the “unoffending settlers of Kansas have endeavored by every means within their power, to cultivate relations of friendship and amity with their pro-slavery brethren in Missouri,” and that these efforts “have been met by outrages the most brutal and degrading.” As a result, the committee resolved that “it is our duty to unfurl our banner to the breeze, and adopt as our motto—A Free State Government without delay, emanating from the people, and responsible to them.” The first signature under this resolution read “J. H. Lane,” followed by the words “Nebraska Dem,” an indication of his political status.\textsuperscript{22}

Despite Trumbull’s efforts, and an equally energetic attempt by Seward to defend free-state Kansans, Lane could only watch as the Kansas Memorial and its authors were picked apart on the Senate floor. Senator Judah P. Benjamin of Louisiana jumped on the matter of the memorial’s discrepancies, but emphasized the free-state disregard for law. While many critics of the petition questioned the overall validity of the Topeka Convention, Benjamin pointed out that the signers had fled from justice in the territory.\textsuperscript{23}

\textsuperscript{20} Ibid., 857.
\textsuperscript{22} Account of meeting and resolutions printed in The Herald of Freedom, March 1, 1856.
\textsuperscript{23} Benjamin stated: “Mr. President, are we not aware that the men whose signatures purport to be attached to this paper are fugitives from justice? Has it not been stated in the public journals of the land that the judges and marshals of the United States have gone into the neighborhood of the place where they were practicing their treasonable maneuvers, and that they have fled before the indignant justice of the
Thus, the senator from Louisiana not only undermined the authenticity of the signatures, but charged that even the accuracy of the document could not overcome the illegal nature of the movement.24

The final blow to the Kansas Memorial in the Senate came during discourse between Butler and Cass toward the end of the debate on April 10. Butler took the opportunity to separate Cass from the questionable nature of the memorial. The South Carolinian complimented Cass as a well-meaning and honorable senator, who no doubt presented the petition in the interest of constitutional rights. But, Butler continued, when the petition was "branded with fraud and forgery," he was shocked that it still had supporters. Thus, Butler had politely cracked one of the memorial's strengths in the Senate—its link to Cass. Whether this effort was simply an expression of respect to Cass, or a means of trying to undermine Cass's original support for the petition, it appears to have caused the Michigan senator to reconsider his role in the matter.

Thanking Butler for the kind words, Cass explained that concern for the petition's authenticity had led him to have "an interview with the gentleman who presented me with the petition," James Lane.25 While there is no record of that conversation, we know Cass's feelings about it. As a result of the conversation, Cass explained, "I am bound to say to the Senate, that I am not satisfied that this paper is one which ought to be acted on by the Senate. This is all that is necessary for me to say."26 And with that, the last pillar of Democratic support in the United States Senate for the Kansas Memorial crumbled.

Congressional Globe, 34th Congress, 1st sess., 859. Benjamin may have been referring to the Wakarusa War and other complications between Sheriff Jones and the population in Lawrence. Shortly after this debate, free-state leaders in Kansas (including Lane) were literally charged with treason and dozens were arrested.
24 Ibid.
25 Ibid., 862.
26 Ibid.
More debate took place, but the matter was essentially settled. The formality of a vote only served to seal the coffin. A motion by Virginia senator James Mason to rescind the order referring the memorial to the Committee on Territories and that the petition be removed from consideration for printing came to a vote. Of thirty-five votes taken, only three Republicans supported the memorial.

The day's events were a nightmare for Lane. The Kansas Memorial had been crushed in the Senate, and its only support had not come from his own party. Horace Greeley, an influential newspaper man and Republican, observed the Senate's handling of the memorial and was furious with the failure of more Republican senators to support the petition and the free-state cause. Conferring with Lane shortly after the debate, Greeley advised Lane to get Iowa senator James Harlan "to move a reconsideration of the question, so that the Republican senators could put themselves right on the record." Harlan had been the first to vote against Mason's motion to rescind the petition. His vote gave courage, he later learned, to Massachusetts senator Charles Sumner to support the Kansas Memorial also.

Lane followed Greeley's advice and met with Harlan on April 11. The Kansan stated that "he was mortified beyond the power of words to express over the debate of the preceding day." Harlan also expressed his frustration with the handling of the memorial and, like Greeley, with the "complete demoralization" of the Republican senators on the Kansas matter. Yet, Harlan explained, he could not move to reconsider the issue as it

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27 Ibid., 854.
28 Senators James Harlan of Iowa, William H. Seward of New York, and Charles Sumner of Massachusetts voted against Mason's resolution; Congressional Globe, 34th Congress, 1st sess., 864.
29 Johnson Brigham, James Harlan (Iowa City: The State Historical Society of Iowa, 1913), 99.
30 Ibid., 98.
31 Ibid., 99.
stood. Instead, he suggested that Lane give him a personal petition with the memorial included in it.\textsuperscript{32}

Lane, never the sort of man to back down from a challenge, set to work creating this personal statement. Despite the beating the Kansas Memorial had taken in the Senate, Lane stood strong to his position, claiming, in the very first line of his petition, “to be entitled to a seat in your honorable body as a Senator from the State of Kansas, when her present application for admission into the Union shall be granted.” He went on to write that in March the Topeka legislature had authorized a committee, chaired by John Hutchinson, to draft a memorial to Congress. Upon its completion, the Free State legislature approved it. Lane admitted that the memorial was “hastily prepared by Mr. Hutchinson; and although entirely correct in its relation of fact, was deemed by some crude and prolix in its phraseology.” The memorial was then referred to a committee to revise and refine the text and to prepare three copies. Lane was invited to be part of the revision committee, and said that the group’s examination had “determined that so much of it as was superfluous and inconsiderate in its form of expression should be omitted in the revised copies which your memorialist [Lane], who was on his way to this city as one of the United States Senators elect, was instructed to prepare and submit.” Upon arriving in Washington, Lane “proceeded to discharge immediately” this duty. In short, Lane’s personal petition explained that he had been authorized by the legitimate figures in the Kansas assembly to edit the text before the memorial’s submission to Congress.\textsuperscript{33}

As for the matter of the signatures, Lane stated that he had been given three separate sets of signatures by the Kansas assembly to be attached to the revised copies

\textsuperscript{32} Ibid.  
\textsuperscript{33} Appendix to the Congressional Globe, 34\textsuperscript{th} Congress, 1\textsuperscript{st} sess., 382.
when completed, but "these, unfortunately, have been mislaid." As a result, Lane had copied the names of the original signers from "autographs now in possession of your memorialist." 34

While Lane's petition concluded that he trusted this explanation of the Kansas Memorial would be "satisfactory" to the Senate, he arranged another, more formal, means of validating its authenticity. Lane appeared before Supreme Court Justice John McLean on April 14 and swore under oath that "the twenty four half sheets of paper hereto annexed contain the original draft of the memorial from the members of the General Assembly of Kansas." 35

With Lane's personal statement and affidavit, Harlan entered the Senate chamber ready to fight the issue one more time. 36 Harlan first set out to defend Lane's character as a means of legitimizing the Kansas Memorial. He immediately emphasized Lane's connection to the Democratic Party, one "not by conversion, but by conception and birth." The Iowa senator questioned the lack of support the Kansan had received from Democrats in the initial debate over the Kansas Memorial, and, with a subtle Biblical reference, stated that he "desire[d] to remind the Democracy of the country—so ably represented on this floor—who had conferred on him so many distinguished honors, that when he came to his own his own knew him not." 37 These words surely echoed in the ears of Lane, who had remained loyal to Democratic leadership and principles. He had wagered not only his personal career in Kansas, and within the Free State ranks, upon

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34 Ibid.
35 Ibid., 379.
36 For a short contemporary editorial on Harlan's efforts, see Berkshire County Eagle, April 13, 1856, Webb Scrapbook, 11:116.
37 Appendix to the Congressional Globe, 34th Congress, 1st sess., 381; John 1:11 of the King James Bible reads: "He came unto his own, and his own received him not."
northern Democratic support, but the success of the Topeka Constitution. Now Lane found himself standing beside a Republican, upon whom his hopes and dreams rested.

Harlan continued his comments on the Democrats’ abandonment of Lane by drawing up a remarkably accurate appraisal of the Kansan’s feelings. “Had I been the bearer of a petition,” Harlan stated, “had these grave charges been preferred against me, and a voucher demanded, and had no one responded, I would have concluded that my friends had forgotten me, or that they were willing to contribute to my ruin.” Harlan’s finger wagging at the Democratic leadership only incited further denunciation of the memorial. Douglas ridiculed both Harlan and Lane on the matter. Taking the floor, Douglas dismissed Lane’s new petition as a petty attempt to defend a fraud. Lane’s oath, the Illinois senator argued, was “drawn in language so equivocal and evasive, as to raise a doubt in regard to the fairness of the explanation.” Further, Douglas stated that he would prove that the Kansas Memorial presented to the Senate was “not a true or even substantial copy of the one which he alleges was adopted in Kansas.” His analysis focused on significant differences between the original memorial and the one included in the recent petition. Douglas particularly pounced on omissions. He explained that the “first three pages of the original are not to be found at all in the paper presented by the Senator from Michigan.” These three pages included a paragraph that, Douglas announced, “declared their right to form a State constitution because the Nebraska bill was unconstitutional; because, being unconstitutional, it was a nullity; because there were no constituted authorities in the Territory; because Congress had no power over them; and hence they would not submit to the power of Congress. That is the ground on which this memorial adopted by the Kansas Legislature puts their case.” Douglas then accused

38 Appendix to the Congressional Globe, 34th Congress, 1st sess., 382.
Lane of excising this and other portions of the document when he found that it would not be supported by "his friends."  

While Douglas's attack against the memorial and its messenger was enough to incense Lane, the commentary on party loyalty must have particularly enraged him. First, Douglas acknowledged some merit in emphasizing Lane's history as a Democrat, and that his vote for the Kansas-Nebraska Bill "ought to have its full weight in his favor, and may raise the presumption that he is an honest man, and incapable of perpetrating a fraud upon the Senate." But, he asked, "are these satisfactory proofs on the point in dispute?" Douglas pointed out that "Colonel Lane now is as essentially identified with the Black Republican party as Mr. Blair himself is, or as Mr. Donelson is with the Know Nothing Party," and asked whether "the mere fact that they once belonged to the Democratic party conclusive evidence that they could not have done anything wrong since their apostacy?" Lane witnessed his personal and professional mentor compare him to political traitors. Douglas continued:

I admit the virtue, so long as they are faithful to Democratic principles; but I deny that they have a right to claim, as a saving grace, sufficient to exculpate them for subsequent sins, that they were once Democrats and apostacized from the true faith. That, sir, is all I have to say of the Democracy of Colonel Lane, and all that class of modern politicians whose chief claim to popular favor consists in the fact that they were once Democrats, and have betrayed those who reposed confidence in them, and heaped honors on them.  

These comments by Stephen Douglas, more than any other single event, mark the end of Lane's career as a Democrat. Lane had supported the Kansas-Nebraska Bill despite reservations, and had defended popular sovereignty and Douglas before free-state Kansans. He had come to Washington fully expecting to find support from Douglas in

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39 Ibid., 383.
40 Ibid.
making Kansas free. Instead, the Little Giant rejected the Kansas Memorial as a forgery, rejected the Topeka movement as illegal, and rejected Lane as an apostate.

Douglas’s identification of Lane as a Black Republican was either an exaggeration or, more likely, a mistake based on the inaccurate stereotyping of people and groups during the heated Kansas struggle. While pro-slavery forces had tagged the free-state settlers as abolitionists and Black Republicans, Lane’s actual ties to the Republican Party at this point were circumstantial. Republican Party members were associated with the Free State Party in Kansas, but the two were not identical during this period. Regardless of the accuracy of Douglas’s comments, the effect they had upon Lane were enormous. To Lane, he had not abandoned the party; the party had abandoned him.

While Douglas’s rejection of Lane stands as the moment when Lane truly separated from the Democratic Party, it also marks the emergence of Lane’s new friends. Subsequently, Republican senators such as Benjamin Wade of Ohio and Henry Wilson of Massachusetts defended the Kansan and the free-state cause. When the Senate finally voted on Lane’s petition, after several hours of debate, every Republican senator stood behind the Kansas Memorial and James Lane. The eleven Republican senators were not enough to save the petition. In fact, it is unknown whether Lane really believed that this second attempt to push the Kansas Memorial through the Senate stood a chance. The Senate debates of April 7, 9, and 10 had been unpromising for the petition, and the vote on the memorial on April 10 had been an embarrassing defeat. He certainly wished to defend his image and that of the free-state cause, and hoped that his affidavit and personal petition would provide a response to the overwhelming criticism leveled by both

\[41 \text{ Ibid., 395.}\]
Northern and Southern Democrats on April 10. However, one cannot assume that Lane’s last-ditch effort to save the memorial in the Senate was simply a matter of saving face. Unlike the Senate, the House of Representatives had approved the Kansas Memorial. That important step not only meant that Kansas statehood under the free state constitution was past one major hurdle, but it served as a congressional vote of confidence for the petition that could potentially sway moderate senators.

The debate of April 14 did, however, unify Senate Republicans. The Kansas Memorial had not, as Lane hoped, drawn support from Northern Democrats on principle, or validated his assumption of their support for a free state. It had instead generated a clean division between the two major parties. The lifelong Democrat learned very bluntly during the first half of April 1856 that the Democratic Party in Washington would not stand behind him.

Still, it was the personal nature of Douglas’s criticism on the Senate floor that infuriated Lane most of all. In an April 18 letter to Douglas, Lane outlined his frustration with the Illinois senator’s treatment of his character, at both a professional and personal level. He stated that “I came here your friend, confidently expecting to find you on the Kansas application where you stood in ’44 on the Texas question, and in ’50 on the California question, in favor of recognizing the people’s Government, and extending over American citizens the protecting arm of the General Government,” and that he hoped and expected Douglas to give an explanation for his actions on the Senate floor. While the letter to Douglas was fairly short, Lane had taken a somewhat aggressive attitude in its

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42 Jay Monaghan, *Civil War on the Western Border, 1854-1865* (Boston: Little Brown, 1955), 48. Monaghan also gives an excellent account of the House of Representatives investigation of the Kansas conflict following the failure of the Kansas Memorial.


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wording. Lane’s demand for an explanation from Douglas became public, as newspapers across the nation printed the letter. Quickly after its delivery to Douglas by intermediary C. R. Watson, rumors circulated that Lane intended to challenge the Illinoisan to a duel.44

Douglas carefully examined the contents and asked for some time in responding. Unsure of the tone of the letter, he met with a few colleagues, including Jesse Bright, Joseph Lane, James Orr, John Weller, and Robert Toombs to formulate a proper reply. These men cautioned him not to interpret the letter as hostile.45 Douglas’s formal response came in the form of a lengthy “note” to Watson describing his perception of the event. Douglas found Lane’s letter “so equivocal in terms, and portions of it so irreconcilable with other portions, that it is impossible to determine, with any certainty, whether it is intended as a hostile message or a friendly note.” He admitted that “the city is full of rumors that your friend, Col. Lane, intended to challenge me, and the letter-writers for those newspapers in the eastern cities most friendly to the revolutionary movements in Kansas; and most hostile to myself, not only announced the facts, some three or four days ago, but actually fixed the time when your friend intended to send the hostile message.”46

As for the Kansas Memorial, Douglas reviewed the events in the Senate and defended his actions and findings. He explained that he had not questioned Lane’s integrity on April 10, although Lane had accused him of such. It was not until the memorial had proven to be a fraud on April 14, Douglas explained, and when Senator

44 Herald of Freedom, May 3, 1856.
Cass, the original presenter, had himself stepped away from it that he had joined the majority and voted to rescind it from consideration. He concluded by saying that "there are no facts within my knowledge which can 'remove all imputations upon the integrity of his action or motives in connexion [sic] with that memorial.'" With a final dismissal, Douglas explained that because of Lane's actions and accusations, "I can have no correspondence with Col. Lane, and [I] therefore address this note to you." 47

Upon learning of Douglas's response from Watson, Lane took his case to the public even further, publishing a "card." Lane copied his original letter to Douglas and then provided a scathing condemnation of the Little Giant for his actions and subsequent reply. "Mr. Douglas and myself had long been personal and political friends," Lane wrote. "If, because in conscience I had felt moved to advocate the cause of Kansas, with every civil right trodden under foot by foreign invaders," he further explained, "while he, with fatherly love, and perhaps equal conscience, was cherishing Kansas as she is—as a child of his own begetting—a doubt had arisen in my mind respecting our future relations, it was banished on my coming to Washington." Douglas had met Lane upon the latter's arrival Washington with great kindness. "I became his invited guest, and communicated with him in honest friendship. He thus annihilated distance between us, and baptised [sic] me his friend and equal, beneath his own roof, and before his very household gods." But this friendship was torn apart, Lane declared, by Douglas's words in the Senate. "Senator Douglas cajoled me into an undeserved trust of his sincerity," he complained. The Illinois senator had "struck his blow through me...with a vulgar

47 Ibid., 360.
atrocity of manner which characterized the insincerity of his friendship.” This sin was amplified when, Lane continued, Douglas refused to admit his fault.48

Making sure that the tone of this public letter was not so ambiguous this time, Lane leveled direct insults upon Douglas, describing him as “a heroic dog, grown insolent upon fat diet, with his head out of the kennel, he growls with swollen courage, with a constitutional privilege at his back, behind which to retreat.”49 Lane wished to generate public sympathy with repeated references to “public justice.” He also likely wanted to draw another, more aggressive response from Douglas. If Lane intended to challenge Douglas to a duel, or to wrangle him into some sort of confrontation, it did not work. Beyond publishing his original response to Watson, Douglas let the matter sit.50

The spat between the two men did fire up a great deal of conversation across the nation. Lane’s actions were mostly defended by free-staters in Kansas. James Redpath, journalist and later publisher of the Crusader of Freedom, sent Lane a supportive letter, proclaiming, “Hurrah for J. H. L!! Hit him again!” As for the talk about the duel, Redpath announced, “D—n the Topeka Constitution!—if you had had to fight, we would have got up another, without the disqualifying ‘Dueling clause’ for your special benefit!”51 George W. Brown, the outspoken editor of the Herald of Freedom in Lawrence, voiced his support for the colonel in the encounter. “Whatever may have been

48 The Herald of Freedom, May 10, 1856; Kansas Free State, May 19, 1856.
49 Ibid.
50 According to biographer and personal friend of Lane, John Speer, Douglas was challenged to a duel, but declined “on the ground that Lane was not his peer as a Senator.” John Speer, Life of Gen. James H. Lane (Garden City: John Speer Printer, 1897), 44.
51 James Redpath to James H. Lane, April 29, 1856, in James H. Lane Papers, Spencer Library Collection, University of Kansas.
said heretofore of the Colonel in other matters,” Brown wrote, “in this it is evident that he was ‘A man more sinned against than sinning.’”

Still, not everyone in the free-state ranks approved of Lane’s behavior. The Kansas Free State, another Lawrence publication, criticized his aggressive nature: “We do not understand that the Colonel was sent to Washington with revolver in hand to demand our admission into the Union, and we do not desire that he should imperil our cause, in trying to obtain revenge for a personal insult, whether merited or unmerited.”

The Springfield Daily Republican bemoaned Lane’s poor handling of the original draft of the Kansas Memorial, which “gave its enemies opportunity to attack it and misrepresent it, and cover up the real issue in dust about a merely incidental matter.”

Lane’s attempt to gather up Democratic support in Washington and push the Topeka Constitution through the Senate failed miserably. His hopes—his expectations—of Kansas shortly becoming a free state and himself finding a seat on the Senate floor had been smashed, not by vehemently pro-slavery senators like Butler and Benjamin whose opposition to the free-state cause could be expected, but by the original author of the Kansas-Nebraska Act. Yet, it was the political isolation Lane experienced on April 14 that was the most significant element of his trip to Washington. The dismissal of the Kansas Memorial and the Topeka Constitution by the Senate at this point was not an end to the free-state cause. Lane’s chance to obtain a chair in the Senate would come again. But the relationship between James Lane and the Democratic Party had been broken forever. Throughout his adult life, Lane had been a devoted party man, whose Democratic allegiance and identity was vouched for by all who knew him. His

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52 The Herald of Freedom, May 10, 1856.
53 The Kansas Free State, May 5, 1856.
emigration to Kansas and subsequent entrance into Free State ranks had puzzled many and been mistakenly identified as a party switch. During the free-state activities in Kansas leading up to the memorial's introduction, Lane had begun to question certain planks of the Democratic platform, and had already found opposition from President Pierce. The Democratic Party in Kansas, Lane believed, had been corrupted by extreme pro-slavery views. Yet, he had not given up on Douglas and other northern Democrats. He still believed in the National Democratic Party as a whole.

That all changed on April 14, 1856. When Stephen Douglas branded the free-state Kansas legislature as revolutionary, the Kansas Memorial as a forgery, and James Lane as a traitor, all of Lane's perceptions and relations with his beloved party shattered.

Surprisingly, few historians of territorial Kansas have analyzed these exciting two weeks in April 1856. The event is portrayed as a side note, or simply another occurrence in the long line of political and physical battles between pro-slavery and anti-slavery forces in Kansas. The importance of this first attempt by a unified free-state movement in Kansas to achieve statehood is often overlooked. And the treatment of Lane within this event is surprisingly insufficient. Jay Monaghan's 1955 publication *Civil War on the Western Border, 1854-1865* devotes only about a page's worth of description to the Senate's consideration of the Kansas Memorial and the following war of words between Douglas and Lane. Nothing in Monaghan's book suggests that the event affected any political party alliance among Lane or other Kansans, nor does the author explain why Lane took special offense to Douglas's criticism.55 Kenneth Davis' *Kansas: A History* talks off and on about the Topeka Constitution, but gives no description of the Kansas Memorial or Lane's trip to Washington.

Recent publications on territorial Kansas have not taken up the slack. Nicole Etcheson, in her 2003 book *Bleeding Kansas: Contested Liberty in the Civil War Era*, spends less than a full page on the Kansas Memorial, and describes Lane’s actions as more show than substance—stating that Lane’s affidavit before Justice McLean in defense of the memorial was part of “his taste for the dramatic.” This description illustrates one of the most persistent problems in the historiography of James Lane: an overemphasis on his personality and a lack of attention to the context of his actions.

When Douglas first addressed the Kansas Memorial, he noted that it appeared suspicious unless “there be good evidence that it is genuine.” The personal oath Lane took before Justice McLean was not a matter of show, but a fervent attempt to provide evidence that the original memorial was genuine. His sworn affidavit and petition were fairly conservative in their language. They were designed to provide a carefully constructed explanation to the questions and problems brought up in the Senate. Etcheson’s description of Lane and the event is in line with most modern perceptions of Lane. His powerful and controversial personality has in many ways drawn attention away from the influence of other figures and events of his time.

Donald Gilmore’s more recent *Civil War on the Missouri-Kansas Border* takes an even more critical approach to Lane and the memorial. After incorrectly listing the date of the lengthy April 14 Senate debate, Gilmore quotes three lines from Douglas’s criticism of the petition, and concludes: “All of which was true, and Lane ignominiously

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57 *Congressional Globe*, 34th Congress, 1st sess, 827.
withdrew the document.” The author’s simplistic summary of the Kansas Memorial may be attributed to his use of only one source for the Kansas petition episode and a personal dislike of Lane. Gilmore’s work is a self-styled revision of the Kansas-Missouri struggle in defense of Missouri guerrillas. While proclaiming to offer a new look at the conflict, in hopes of balancing the public’s perception of Kansas “Jayhawkers” and Missouri “Bushwackers,” Gilmore persistently portrays notable Kansas figures—and particularly Lane—as tyrants and criminals. Little effort is taken to analyze Lane’s actions in Kansas, and thus the author sees the struggle for the Kansas Memorial in the Senate as an untruthful effort to obtain statehood.

The full effect of Douglas’s criticism on Lane has not been recognized even by Lane’s early biographers. The first book-length biography of Lane, entitled *Life of Gen. James H. Lane*, by his friend and colleague John Speer only briefly discusses the proposed duel between Douglas and Lane, and states that Lane made great use of Douglas’s insult as a campaign tool for his own senate election. There is no indication of any effect upon Lane’s political or party position. William E. Connelley, fails to note Lane’s efforts to push the Kansas Memorial through the Senate in his *James Henry Lane: The “Grim Chieftain” of Kansas*. Lane’s trip east in the spring of 1856 is portrayed simply as a “tour of principal cities of the Free States in the interest of the Free-State settlers.”

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58 Gilmore states: “Later, on April 17, 1856, when Lane presented the memorial of the Topeka legislature to Congress requesting that the state of Kansas be admitted to the Union, Senator Douglas responded. . . .” Donald Gilmore, *Civil War on the Missouri-Kansas Border* (Gretna, Louisiana: Pelican Publishing Company, 2006), 66.

59 Gilmore’s sole source is Leverett Spring, *Kansas: The Prelude to the War for the Union* (Cambridge, Mass.: Riverside Press, 1885).


Wendell H. Stephenson, author of the most important and comprehensive book on Lane, does devote a chapter to the Kansas Memorial. The author’s description of the Senate’s rejection of the petition and Lane’s standoff with Douglas is thorough, but contains virtually no analysis. Stephenson does argue that the failure of the Kansas Memorial largely rested upon Lane’s shoulders. The presentation of a petition so crudely drawn up undermined an already weak free-state movement. Still, Stephenson fails to appreciate the significance of Douglas’s rejection of the Kansas Memorial upon Lane, namely how it affected Lane’s political party standing or his interpretation of the Kansas struggle.62

The Senate’s debate and dismissal of the Kansas Memorial serves as the single most important event in James Lane’s political transition. It was then, in Washington, D.C. in April 1856, that the real switch in party allegiance took place. And Lane’s exit from the Democratic ranks had not been opportunistic, nor was it quiet or subversive. Lane did not abandon the Democratic Party. In his eyes, Democrats had abandoned Kansas, the principles they had championed, and, perhaps most painful of all, him. The party leadership’s betrayal would not go unanswered. From Washington, Lane set out on an explosive speaking tour across the North. His blood was up, his old friends were the target, and the Republican Party was the new force for Kansas.

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62 Stephenson, The Political Career of James H. Lane, 60-67. Historian James Rawley also blames Lane, at least partially, for the memorial’s failure, writing that Lane “with his crude methods had exposed the Topeka movement to ridicule, and had turned his cause into a personal controversy.” James A. Rawley, Race and Politics: “Bleeding Kansas” and the Coming of the Civil War (Lincoln: University of Nebraska Press, 1969), 125.
CHAPTER IV
LANE'S ARMY OF THE NORTH, 1856

"I went to Kansas to enjoy the privileges I supposed were guaranteed by the Kansas-Nebraska bill, and for which I voted . . . but I was denied my rights."

The rejection of the Kansas Memorial severed James Lane's bond with the Democratic leadership. For a time he continued to consider himself a true Democrat, believing that men like Stephen Douglas had forsaken the party's principles. Although he did not join the Republican ranks at this time, Lane began to promote Republican candidates. During the late spring and summer of 1856, he embarked on a northern speaking tour, led hundreds of free-state migrants toward Kansas, and by August battled proslavery forces in the territory. It was during this period, the summer of 1856, that Lane's reputation as a dangerous radical crystallized. No longer calling for moderation, Lane had come to see the struggle for Kansas statehood as a literal battle for democratic principles against political injustice and armed oppression.

Lane left Washington in late April 1856 for a highly publicized tour across the Old Northwest, denouncing proslavery actions in Kansas and condemning Democratic leaders.1 In Franklin, Indiana, Lane was reported to be "in fine health and spirits, and entered into the subject of the rights and wrongs of Kansas with a zeal and energy truly commendable." He spoke of the promises the Kansas-Nebraska Act had given the people in the territory, and how they had been denied the right to "form their own institutions in their own way." The reporter who covered the speech for the New York Tribune concluded that "If Lane could traverse the whole State and have access to the people, I

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give it as my candid opinion that the State would be carried, as he carried this county for Lieut. Governor, by the largest majority ever given for Free Kansas and the Republican candidate for President.²

During his campaign across the North, events in Washington and in Kansas shocked northern audiences and gave Lane's speeches valuable ammunition. In late April and throughout May, Sheriff Samuel Jones attempted to arrest S. N. Wood, a man involved in the rescue of Jacob Branson months before.³ Lawrence residents resisted Jones' efforts to capture Wood. After the sheriff detained six men for failing to aid in the arrest, an unknown assailant fired a pistol at the sheriff while he camped in Lawrence.⁴ Jones received a wound in the back, but survived the assault. Nonetheless, proslavery newspapers in Kansas exploded with reports of the assault, claiming that the sheriff had been killed. Even after the newspapers admitted that Jones had survived, indeed had quickly recovered, the event proved to proslavery minds that free-state Kansans opposed territorial law with violence. Lawrence leaders denounced the attack, but the damage had been done.

On May 5, Judge Samuel LeCompte ordered a grand jury to indict free-state leaders on charges of treason. Lawrence's free-state newspapers and its Free State Hotel were also condemned as nuisances to peace in Kansas.⁵ Learning of the indictments, some free-state leaders fled. Former governor Andrew Reeder gruffly shrugged off one attempt by an official to arrest him, and then quickly escaped to Kansas City. Charles

³ See pages 61-62.
⁵ Etcheson, Bleeding Kansas, 102.
Robinson also headed east, but was detained in Lexington, Missouri, from which he was then sent to Lecompton for confinement. Lane, still touring the northern states, was also indicted.

With free-state leaders either imprisoned or in exile, proslavery officials turned to deal with Lawrence. On May 21, Sheriff Jones, Senator David Atchison, and local proslavery militia leader Colonel H. T. Titus led a force of 700 men (again, mostly Missourians) against the town. Residents did not resist, and stood back as the proslavery army, carrying banners reading “Southern Rights” and “The Supremacy of the White Race,” marched into town.\(^6\) The proprietor of the Free State Hotel was ordered to remove his belongings in preparation for the destruction of the building. Proslavery forces believed the hotel was a fortress, with thick walls and firing ports—made ready by pushing out loose stones from the wall.\(^7\) Once the building had been abandoned, proslavery militia cannons fired artillery rounds into it. When that failed to destroy the structure, gunpowder was placed inside and lit. The explosion shattered windows. But, incredibly, the building remained standing. Finally the hotel was set on fire. Widespread looting ensued. Houses were raided and proslavery men unceremoniously dumped the *Herald of Freedom*’s press into the river.\(^8\)

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\(^7\) Historian James C. Malin quotes two free-state accounts describing the hotel as a fortress. He explains that “these two independent statements by Free-State writers do not prove that the hotel was a fortress; but they do, in an absolute sense, prove that that assertion was not a Proslavery lie.” Malin, “Judge Lecompte and the ‘Sack of Lawrence,’ May 21, 1856,” pt. 1, 479.

Reports of the “Sack of Lawrence” inflamed northern audiences. Senator Atchison received blame as the chief instigator. In fact, the Missouri senator may have attempted to prevent proslavery forces from causing damage beyond the legal orders. Still, the image of Missourians led by a notable pro-slavery figure raiding a free-state community played well for Lane and others interested in recruiting support for the free-state cause.

The proslavery assault upon free-state people in Kansas, however, was not the only or the most sensationalized news item of the month. In Washington, the political debate over Kansas turned bloody. On May 19, Massachusetts Senator Charles Sumner began a two-day speech, blasting proslavery efforts to create a slave state from Kansas territory. His speech, entitled “The Crime Against Kansas,” in particular condemned two notable Senate Democrats, South Carolina Senator Andrew Butler and Illinoisan Stephen Douglas. “As the Senator from South Carolina is the Don Quixote,” Sumner declared, “so the Senator from Illinois is the squire of Slavery, its very Sancho Panza, ready to do its humiliating offices.” The speech drew criticism from many Democrats. But Sumner’s treatment of Butler and his home state of South Carolina especially incensed Congressman Preston Brooks. Two days after Sumner’s speech, Brooks entered the Senate chamber, strode up to the Massachusetts senator’s desk and began striking the surprised man about the head and shoulders with a gold-headed cane. Sumner vainly

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attempted to defend himself from the blows, eventually pulled his desk from its floor anchors, and collapsed with serious injuries.

The divided public response to Sumner’s “caning” illustrated the radical nature of sectionalism in 1856. Northern newspapers expressed shock and dismay at the event. Many conservative northerners re-examined the growing sectional conflict and sympathized with the Republican Party. The South, on the other hand, celebrated Brooks’ self-styled justice. When the South Carolina congressman resigned his seat after being censured by the House, voters in his home state re-elected him. Brooks even received new canes in the mail from admirers.

As Lane traveled across the Midwest, reports of these events circulated through local newspapers. Public support of the Kansas free-state cause grew. Lane spoke at the Ohio Republican Convention in Columbus and at a large gathering in Cincinnati. In Cincinnati, he directly blamed the Pierce administration for the violence in Kansas. Justifying his criticism, Lane explained that he “had a right to talk as he pleased, having made more than one hundred speeches advocating his election, and having also, as one of the electors of Indiana, cast the vote of that state for him.” This qualification was not an excuse to lambaste the president. Lane had supported Pierce and the Democratic Party in Kansas. His new virulence against the administration was not mere convenience, but a response to Pierce’s disregard for the Free State movement and himself.

During his Cincinnati speech, Lane emphasized conservative elements of the free-state cause. He explained to the Midwest crowd that a majority of free-state settlers in

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14 *Kansas Tribune*, June 16, 1856.
Kansas were not New England abolitionists. Most were hard-working westerners—like those in his audience—interested in a good life and a peaceful country, and opposed to interference and oppression by slaveholding Southerners. With the sack of Lawrence and caning of Sumner on their minds, Lane found a receptive audience.

In a dramatic demonstration of cross-party unification, Caleb Smith, a former Whig congressman and senator from Indiana, took the stage after Lane, and echoed the exiled Democrat's sentiments. A newspaper recounted:

[Smith] had been a Whig. Lane had been a Democrat, And they had warred over the old issues before the people of Indiana. But that was past. The old issues were buried. A new question of startling, awful importance had loomed up before the nation. On it he and Lane agreed, and they shook hands on the platform amid tremendous applause. Henceforth they were brethren in arms, to resist those who marched under the black banner of slavery and shed blood to extend that curse.\(^{15}\)

Traditional party lines were not only being broken by the Kansas affair within the territory itself, but throughout the northern states.

Lane's Chicago speech of May 31 may have been the greatest of his tour. No transcription of the speech has been found, but numerous journals reported the event. The *Chicago Daily Tribune*’s announced "ILLINOIS ALIVE AND AWAKE!!" and "10,000 Freemen in Council!!" Lane's words in Chicago echoed those from Cincinnati. He explained that Kansas settlers were "really more than nine-tenths from the northwestern States," and that those "who styled them Abolitionists lied willfully and basely." Describing the free-state settlers as the true victims of oppression, Lane held up a copy of the territorial statutes passed by the proslavery legislature and explained that portions of the United States Constitution and the Kansas-Nebraska Act protecting free-state rights

\(^{15}\) *Ibid.*
had been repealed.\textsuperscript{16} He further explained in detail the invasion of Kansas territory by Missourians, and lamented the free-state men who had been killed over the previous year. But one of his more memorable points came as he denounced attempts by proslavery propagandists to label free-state settlers in Kansas "nigger worshippers." The \textit{Chicago Daily Tribune} reported:

He would show that these Pro-Slavery men were the most abject of nigger worshippers. According to the Kansas code (Col. Lane read from the book, gave page and section,) if a person kidnapped a white child, the utmost penalty was six months in jail—if he stole a nigger baby, the penalty was Death. Who worshipped niggers, and slave nigger babies at that? To kidnap a white child into slavery—six months in jail,—kidnap a nigger into Freedom—Death!\textsuperscript{17}

Lane emphasized how far proslavery efforts in Kansas had turned against northern and Democratic interests. While punishment for aiding in the escape of slave was death, Lane read a statute from the territorial laws that made even speaking or writing against slavery illegal, punishable by two years hard labor. According to this law, Lane lectured his audience, the Democratic platforms across the North would be "incendiary documents," and those who circulated them would find themselves part of a chain gang. Further, with his knack for touching an audience's deepest sentiments, Lane questioned whether the proslavery law would prevent circulation of the \textit{Holy Bible} in Kansas. Lane reminded listeners that he was wanted for treason by the territorial government. "But were the rope about his neck," the \textit{Chicago Daily Tribune} recorded, "he would say that as to the Kansas code, it should not be enforced—never—never."

At one point in the Chicago speech, Lane spoke of suffrage for foreign immigrants. While contemplating his vote for the Kansas-Nebraska Bill in 1854, Lane

\textsuperscript{17} Ibid., 8.
\textsuperscript{18} Ibid.
had published a letter outlining his concern for the protection of immigrant voting rights.\(^{19}\) Now, two years later, Lane announced that the proslavery Kansas officials had limited immigrant suffrage, in violation of the Kansas-Nebraska Act. His fears had been realized. Foreign immigrants, who were primarily anti-slavery, were denied voting rights until they had lived in the state for five years. At the same time, Lane announced, proslavery officials recognized Indian citizenship and voting rights—as long as these Indians adopted a single habit of white men: drinking whiskey. While this part of the speech worked upon the audience’s prejudices, it also illustrates the clear link between Lane’s free-state activity in Kansas and his stated principles while in Indiana.

Another, seemingly small, element of Lane’s Chicago speech takes on additional significance when considering his 1854 letter to the *Weekly Indiana State Sentinel*. Lane had closed the letter with the comment, “The question then will resolve itself into this, how far shall we go to humor our Southern friends, and what effect will the repeal of the Missouri compromise restriction have upon the slavery agitation?”\(^{20}\) On May 31, 1856, Lane announced that Kansas must be brought into the Union as a free state, for the sake of the territory’s majority population and for the country’s struggle against the slave power. The *Chicago Daily Tribune* reported that Lane “argued elaborately and conclusively, the right of Kansas to come into the Union as a free State now” and that it “was the only way to stop Slavery agitation.” If Kansas became a slave state, “he warned the fragment of the Democratic party which clung to Pierce” would firmly establish itself in American society.\(^{21}\)

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\(^{19}\) See discussion of letter in Chapter 2; *Weekly Indiana State Sentinel*, March 30, 1854.  
\(^{20}\) *Weekly Indiana State Sentinel*, March 30, 1854.  
Throughout his speech, Lane made a powerful case for the free-state cause in Kansas. He portrayed free-state settlers as complete victims. His speech was not meant to be an objective history or analysis of the Kansas conflict, but to generate support. And this he did very well. Other reports from Kansas territory helped his cause. A letter to the Chicago Daily Tribune, published only days after Lane’s speech, reinforced his leading role in the free-state effort by stating, “Every Northern man in Kansas is impatient for his arrival. He is the only man now at liberty who can command the confidence and reinstate the spirit of our harassed and worn-out squatters.” The correspondent further called out for public support: “Send on men, armed and equipped for the fields of peace and war, too, as speedily as possible.”22 Lane’s efforts in Chicago certainly helped those interests. Chicagoans donated $15,000, as well as a plethora of rifles, pistols, and ammunition. Further, some 500 Illinoisans volunteered to settle in Kansas, all for the sake of a free state.23

Lane followed up his Chicago performance with other speaking engagements, including a notable appearance in Cleveland, Ohio. That event also generated a great deal of support for the free-state cause. Lane’s words in Cleveland echoed those in Chicago and other places. But, the account of his speech here offers very important insights to Lane’s political views during this dramatic period. First, Lane clearly described the collapse of the Democratic Party and his reason for now stepping away from it. The Cleveland Evening Herald reported:

He had been reared in the belief that two things were essential—to attend the “stated preaching” of the Gospel, and to vote an unscratched Democratic Ticket; he was yet a Democrat, but could not longer sanction

23 Stephenson, The Political Career of General James H. Lane, 70.
the action of the party that now acted under its name,—its leaders and supporters were traitors, and not Democrats.\textsuperscript{24}

He did not deny his support of popular sovereignty. "I went to Kansas to enjoy the privile[g]es I supposed were guaranteed by the Kansas-Nebraska bill, and for which I voted—great God! forgive me for that political sin!!" he explained, "but I was denied my rights."\textsuperscript{25} Though historians have portrayed Lane as a man lacking principles, even here as he officially turned against the Democratic Party and its policies, he never denied his own role in its rise to power.

Lane’s repeated reference to his Democratic roots did serve a tactical purpose. By linking himself to the administration, the Kansas-Nebraska Act, and the Democratic Party, his criticism was more credible. He had not been a political opponent, but a friend of the party he now blamed for the present problems in Kansas. The failure of popular sovereignty, and, even more important in Lane’s mind, the abandonment of the free-state cause by Pierce and Douglas, had led to his political transition. Reports of his speeches in Cleveland and elsewhere generate the image of an evangelical revival, where Lane’s political conversion seems to mimic a religious one; of a sinner admitting his faults and preaching his path to redemption. But one must not take this conversion imagery too far. After all, Lane did not denounce traditional Democratic principles—he claimed to be a true Democrat still—but blasted the current Democratic leadership. To him, they were the sinners, they had strayed and consequently pulled Kansas territory—and the nation—down with them. Lane’s experience in the Democratic Party from 1854 to 1856 had been traumatic. He, along with most northern Democrats, had been placed in a difficult situation with Douglas’ bill. He had supported the party, and tried to boost its presence in

\textsuperscript{24} \textit{Evening Herald} (Cleveland), June 23, 1856, in \textit{Webb Scrapbook}, 13:172.
\textsuperscript{25} Ibid.
Kansas territory. His last attempt to get Northern Democratic backing had led to humiliation in the United States Capitol—and in the very chamber he wanted to serve. Lane’s description of Democratic faults was not simply a speaking tool; it was also sincere.

Though Lane generally appeared before friendly audiences, in Cleveland he did have at least one critic. During his speech an unidentified man yelled out that Lane’s account of voting restrictions in Kansas territory was a lie. Without missing a beat, the proud Kansan “drew himself up in manly attitude [sic] and with the true feeling of Western chivalry” called on the man to step forward. The man did not appear. Lane announced that “the man that says that what I say is not true, is a liar! I have a copy of the laws at the Hotel—meet me at 9 o’clock to-morrow, and I will prove that what I say is true.”

The crowd excitedly looked for the heckler, as Lane continued to challenge his manhood, but with no success. The incident illustrated Lane’s mastery of western stump speaking as well as his understanding of western perceptions of honor. With such skill Lane turned even hostile crowds into excited fans.

Lane concluded his speech in Cleveland with an official endorsement of the Republican ticket. He based his hopes for success in Kansas upon the election of John C. Fremont in the 1856 presidential election. Republican support of a free Kansas just when Democratic leaders had turned against it made a substantial impression on Lane. And the Republican platform that year echoed many Free State complaints, including condemnation of slaveholding aggression and a demand for the admission of Kansas

\[26 \textit{Ibid.}\]
under the Free State constitution. Lane’s support for Fremont in the summer of 1856 served as an important step in his political transition. He had not yet officially become a Republican—the party would not organize in Kansas until 1859. But he had found this political vehicle vital to the success of the Free State cause. His entry into the Republican fold had begun.

As Lane wrapped up his northern speaking tour, supporters made plans for a safe migration route into Kansas. Residents of Indiana, Illinois, and Iowa showed great interest in aiding, and settling in, the territory, inspired by Lane’s speeches and by published letters from Kansans describing pro-slavery depredations in the territory. Vigilant proslavery men often stopped northern migrants passing through Missouri or along traditional waterways into Kansas. In some instances, emigrants from the North were forcibly blocked and sent back east. So, on July 4, 1856, the Iowa State Central Committee in Iowa City announced the creation of an overland route through Iowa to Kansas. News of what came to be called the “Lane Trail” then spread from Chicago across the North. While Lane generated support and settlers from the Midwest, a new organization to aid the free-state cause met in Buffalo, New York. This National Kansas Committee combined numerous local organizations into a single movement,

28 The Republican convention in Osawatomie on May 18, 1859 is recognized as the official organization of the party in the territory; Daniel Wilder, Annals of Kansas (Topeka: Geo. W. Martin, Kansas Publishing House, 1875), 201-204.
30 Peter Page to Thaddeus Hyatt, July 6, 1856, Thaddeus Hyatt Collection, Kansas State Historical Society, Topeka.
31 Etcheson, Bleeding Kansas, 118-119.
32 A copy of the announcement can be found in William Elsey Connelley, “The Lane Trail,” Collections of the Kansas State Historical Society (Topeka: W. R. Smith, 1915), 13:268-269.
33 Connelley, “The Lane Trail,” 269.
34 Stephenson, The Political Career of General James H. Lane, 73.
helped raise $200,000 and established Chicago as its staging area for emigration to Kansas. Supporters in Massachusetts did not join the national organization, but relied upon their own existing association. Overall, the large-scale efforts by communities and organizations across the North helped revitalize the free-state cause in Kansas.

The first large body of northern migrants, numbering around four hundred, did not arrive in Kansas until August. Though the settlers came from across the northern states, and had joined the cause through various organizations, Lane’s high profile and commanding role for a portion of the journey led to the group being dubbed “Lane’s Army of the North.” While in Iowa, Lane continued to speak out for the Kansas cause. He later wrote that while “passing through Iowa I addressed the citizens upon the subject of politics at every prominent point—often speaking three, and sometimes four times a day—making during the march seventy-two speeches.”

Shortly before the group reached the territory, doubts about Lane’s leadership prompted officials of the National Kansas Committee to send investigators into Kansas to report the state of affairs. The investigators described the expedition as in poor condition, lacking supplies and money. Further, they believed that Lane’s presence potentially endangered the group by placing it in “a false position before the North, where men were not prepared for armed and organized emigrations, and gave to its

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35 Albany Evening Journal, July 22, 1856, in Webb Scrapbook, 15:72; Monaghan, Civil War on the Western Border, 71.
36 Stephenson, The Political Career of General James H. Lane, 73.
37 The number varies according to different reports. William Connelley states that as many as 600 settlers were in the group. Wendell Stephenson gives a more conservative count of between 300 and 400. Various newspaper reports and personal accounts during the summer of 1856 list the number of settlers between 250 and 400. See Stephenson, The Political Career of General James H. Lane, 74.
40 Monaghan, Civil War on the Western Border, 71.
enemies a pretext for calling it a military or filibustering expedition.\textsuperscript{41} Many in Kansas shared this fear when reports circulated that federal troops waited to intercept the group at the border. Proslavery newspapers carried reports of Lane's actions in the North and warned of a large army coming through Iowa to help defy territorial law.\textsuperscript{42} Overall, tension mounted within Kansas during the summer of 1856. Lane's friend Samuel Walker carried a letter from concerned Kansans asking Lane to leave the group so as to avoid confrontation with the U.S. Army. Finding Lane and the expedition at Civil Bend, on the opposite side of the Missouri River, Walker delivered the note and later remembered the response. With tears streaming down his face, Lane revealed a fatalistic attitude. "Walker," Lane told his friend, "if you say the people of Kansas don't want me, it's all right; and I'll blow my brains out. I can never go back to the states and look the people in the face and tell them that as soon as I had got these Kansas friends of mine fairly into danger I had to abandon them." Walker replied, "General . . . the people of Kansas had rather have you than all the party at Nebraska City," and arranged for a group of fifteen men to secretly escort him back into Kansas.\textsuperscript{43} Lane then snuck into Kansas in disguise as "Joe Cook," and after a fast-paced journey, he was back in Lawrence on August 7.\textsuperscript{44}

In Lawrence, Lane found the free-state cause in terrible shape. The town still showed damage from the proslavery raid in May. On July 4, free-state representatives

\textsuperscript{41} Unidentified clipping in \textit{Webb Scrapbook}, 16:3.
\textsuperscript{42} For instance, see July 5, 1856 and July 26, 1856 editions of \textit{Kansas Weekly Herald}.
\textsuperscript{44} William Elsey Connelley, \textit{James Henry Lane: The "Grim Chieftain of Kansas"} (Topeka: Crane & Company, 1899), 84; a contemporary account of Lane's undercover arrival in Kansas can be found in a letter from A. D. Searl to Mr. [Thaddeus] Hyatt, August 21, 1856, Thaddeus Hyatt Collection, Kansas State Historical Society, Topeka.
had met in Topeka to conduct legislative matters, but were dispersed by federal troops under Colonel Edwin V. Sumner. While U.S. forces had regularly observed actions in Kansas, the growing crisis during the summer of 1856 led to the Army’s more active role. Sumner, hesitant to get involved in local affairs, nonetheless was ordered to shut down the illegal free-state legislature. As the body opened its session, the reluctant colonel strode to the front and announced that “[u]nder the authority of the President’s proclamation I am here to disperse this Legislature and therefore inform you that you cannot meet.” When one free-state man asked whether “the Legislature is dispersed at the point of the bayonet,” the officer replied, “I shall use the whole force under my command to carry out my orders.” The group disbanded. Further, territorial officials had imprisoned numerous free-state leaders, including free-state governor Charles Robinson, and Herald of Freedom editor George W. Brown, in Lecompton on charges of treason. Finally, proslavery strongholds had been erected around Lawrence, intimidating the town’s residents.

Peaceful resistance seemed impossible, and already groups of militant free-state men attacked and skirmished with proslavery rivals. John Brown was among the most notable of these militants. A fanatical abolitionist, Brown had cried out for action during the Wakarusa War. Following the sack of Lawrence, he carried out his own style of vengeance, executing five proslavery settlers on the night of May 24. The proslavery

45 An account of the incident was recorded in the Free State legislative minutes, published in “The Topeka Movement,” Collections of the Kansas State Historical Society (Topeka: W. R. Smith, 1915), 13:235.

response was fierce, and armed men set out on the hunt for Brown. H. C. Pate, leading a
group of proslavery militia men, captured two of Browns' sons, and destroyed some of
the family's property. Brown and a group of free-state men caught up with Pate and his
men near Black Jack, south of Lawrence. The proslavery force, surprised in camp, held
off the attack for nearly three hours. Finally, believing they were surrounded, Pate and
his men surrendered, ending the Battle of Black Jack, the first military-style engagement
of "Bleeding Kansas."48

Lane arrived in Lawrence after open hostilities had erupted. Without any
hesitation, he joined the fight. His first interest was the liberation of free-state prisoners
in Lecompton. Lane wrote to Charles Robinson on August 10, "I am here at last, with a
sufficient force and ready to rescue you." Lane suggested that the men escape and meet
the rescuing party nearby. "If you cannot escape," he wrote, "I can and will attack your
guard, although it were best policy, if blood is to flow, that it be shed in your defense
rather than in your rescue—Decide and that quickly. Time is everything."49

Robinson immediately demurred, stating that the prisoners expected
congressional aid from Washington. He wrote to Lane that pre-empting federal support
by a forcible rescue could hurt their cause. Instead, he urged Lane to a turn his attention
toward the warfare in the territory: "Guerrilla operations are rife now, and they should be
attended to." Whether Robinson meant to endorse Lane's military actions against
proslavery militias or to encourage Lane to bring order to the area is unclear. Robinson
warned of an impending attack by Missourians, yet with another ambiguous comment

47 Etcheson, Bleeding Kansas, 114.
48 Ibid.; Monaghan, Civil War on the Western Border, 63.
49 Lane to Charles Robinson, August 10, 1856, Charles and Sara Robinson Collection, Kansas
State Historical Society, Topeka. It is also quoted in Robinson, The Kansas Conflict, 300.
explained “but we can sweeten them now.” One part of Robinson’s letter does appear to support some kind of military resistance. Speaking of the possible Missouri invasion, he wrote that “officers here are willing that our people should put an end to these invaders without troubling them.”

With a rescue operation put aside, Lane quickly assembled a free-state force to attack a proslavery stronghold outside of Lawrence. On the evening of August 12, a group of fewer than one hundred free-state men besieged a party of proslavery men in a blockhouse near Franklin. After nearly four hours of shooting, with a few men sustaining wounds, Lane’s men set fire to a hay-filled wagon and pushed it up against the building. As the flames rose, the proslavery men fled before the celebrating free-state band. Lane’s men gathered up a number of firearms, a large amount of provisions, and even a cannon from the abandoned outpost.

Lane and the free-state forces followed up this victory with attacks against two other proslavery positions over the next few days. On August 15 he successfully captured Fort Saunders without firing a shot. On August 16, a detachment of free-state men, under the command of Lane’s friend Samuel Walker, assaulted Fort Titus—a reinforced building named after the owner, Colonel H. Titus, a prominent proslavery militia leader. The ensuing skirmish took the lives of a few men, with a number of others sustaining wounds—including both Walker and Titus. After free-state men fired their

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50 Charles Robinson to James Lane, August 11, 1856, quoted in Stephenson, The Political Career of General James H. Lane, 76, footnote 56.
51 Stephenson, The Political Career of General James H. Lane, 76.
52 Monaghan, Civil War on the Western Border, 76. The defenders fled before Lane’s men arrived.
newly acquired cannon at the "fort," and used the tried-and-true method of setting fire to a hay-filled wagon, the proslavery defenders surrendered.\(^5^3\)

As hostilities around Lawrence peaked, Governor Wilson Shannon traveled to the town on August 18 to work out a treaty. Various captives were released, including Titus, and property was returned. Shortly after this last diplomatic act, the Pierce administration notified Shannon of his removal as governor of Kansas Territory.\(^5^4\)

Shannon's peace treaty did not end the conflict. Daniel Woodson temporarily stepped in as acting governor until the newly appointed official, John W. Geary, arrived.\(^5^5\) Woodson strongly sided with proslavery interests, and four days after taking control issued a proclamation declaring the territory to be in a state of insurrection. He called upon patriotic men to uphold the law and punish the traitors.\(^5^6\) The move was largely fueled by reports of free-state depredations within proslavery communities. On September 3, Woodson wrote of Lane leading "a large body of armed men, obtained chiefly in the Northwestern states, after canvassing those States for some time for them, avowedly for the purpose of setting at defiance our Territorial laws, and of subverting by force and violence the regularly established government of the Territory." This group, he explained, "commenced, in pursuance of threats previously made, the bloody work of exterminating or driving from the Territory such of our citizens as had sought to enforce the Territorial laws, by attacking at midnight the law-abiding citizens of the town of

\(^{5^3}\) St. Louis Intelligencer, August 21, 1856, in Webb Scrapbook, vol. 16, 95; Missouri Republican, August 21, 1856; John Speer, Life of Gen. James H. Lane: "The Liberator of Kansas" (Garden City: John Speer, Printer, 1897), 115.


\(^{5^5}\) Larry Gara, The Presidency of Franklin Pierce (Lawrence: University Press of Kansas, 1991), 124.

\(^{5^6}\) Stephenson, The Political Career of General James H. Lane, 79.
Franklin with an overwhelming force of armed men...” He described similar attacks by Lane in other portions of the territory.\textsuperscript{57} A number of publications nationwide ran similar stories of Lane and his “army.” \textit{The Weekly Mississippian} reported that “Lane is already in the territory with his marauders and 2000 more are on the northern boundary waiting to enter.”\textsuperscript{58} Many of these reports with apocalyptic headlines were aimed at Missouri audiences. The \textit{Kansas Herald Extra} ran the headline: “War and Desolation!—Lecompton taken by Lane’s Men!—Col. Titus’s Company Held as Prisoners!—Sheriff Jones’s House Threatened by the Outlaws!—Murder and Butchery!”\textsuperscript{59} The \textit{Missouri Republican} printed a letter announcing that the “outrageous conflict of Lane’s, Brown’s and Walker’s parties in Kansas has at length aroused the border counties, so that it will be impossible to keep assistance from being sent to the proper authorities in Kansas to aid in maintaining the peace of the country.”\textsuperscript{60} As a result—like Governor Shannon’s proclamation in November 1855 that led to the Wakarusa War—Woodson’s words struck a responsive chord among Missourians. By August 29, hundreds of men from that state marched into Kansas under the leadership, once again, of David Atchison.\textsuperscript{61} Lane, after spending two weeks in Nebraska territory, rounded up a band of nearly 300 men and skirmished with the Missouri group at Bull Creek. No serious engagement took place, and the Missourians returned to Kansas City while Lane’s men fell back to Lawrence.\textsuperscript{62}

\textsuperscript{58} \textit{The Weekly Mississippian}, quoted in Monaghan, \textit{Civil War on the Western Border}, 78.
\textsuperscript{59} \textit{Kansas Herald Extra} quoted in Connelley, \textit{James Henry Lane}, 88.
\textsuperscript{60} \textit{Missouri Republican}, August 23, 1856.
\textsuperscript{61} Monaghan, \textit{Civil War on the Western Border}, 80.
\textsuperscript{62} Robinson, \textit{The Kansas Conflict}, 318-319; Stephenson, \textit{The Political Career of General James H. Lane}, 79; Monaghan, \textit{Civil War on the Western Border}, 82.
Still, reports of free-state depredations continued. The proslavery *Kansas Weekly Herald* ran an account of “Lane’s men” sacking the town of Tecumseh. Every store was ransacked and goods of all kinds were stolen, the paper explained, “even down to the brooms!”

Lane’s reputation as a threat to proslavery interests and settlers climbed even higher. On September 5 Lane led 450 men into position outside the town of Lecompton, the proslavery capital of Kansas, to force the release of free-state men still imprisoned there. The size and strength of this force prompted Governor Woodson to ask for federal reinforcements. Colonel Philip St. George Cooke, commanding officer of the United States dragoons, arrived on the scene and met with free-state officers. He strongly suggested that the men return home, as the proslavery militia was disbanding and the prisoners being released.

Lane and his men agreed to disperse without incident. Governor Woodson and Sheriff Jones learned of Lane’s presence and were in the act of writing up a warrant for his arrest when Colonel Cooke persuaded them to drop the matter.

The standoff outside of Lecompton was not the final clash of the year. On September 13, Lane led an attack upon proslavery forces at Hickory Point. After a day of skirmishing, Lane received word that newly-arrived territorial governor John Geary had issued a proclamation ordering all armed bodies to disperse.

Lane immediately commanded his men to stand down. Colonel J. A. Harvey, leading a smaller group of free-state men toward Hickory Point to reinforce Lane, failed to receive word of the cessation of hostilities. On September 14, Harvey’s men attacked the proslavery forces.

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63 *Kansas Weekly Herald*, September 13, 1856.
garrison. The attack failed, and he and his group of nearly one hundred free-state men were captured by United States soldiers.\footnote{A good personal account of the battle can be found in Samuel James Reader, “The First Day’s Battle of Hickory Point,” The Kansas Historical Quarterly 1, no. 1 (November 1931): 28-49. This article is taken from the Diary and Reminiscenses [sic] of Samuel James Reader at the Kansas State Historical Society, Topeka; Wilder, The Annals of Kansas, 108.}

Following Geary’s proclamation, Lane left Kansas territory to help migrants travel through Iowa and Nebraska. Hostilities in Kansas ceased for a time; however tension over the future of Kansas and the Union continued to simmer. The Kansas Weekly Herald looked forward to a (most likely violent) settlement of the great divide over slavery:

We call upon the South to come to our assistance. Shall the people of the South, they whose homes and honor are at stake, look calmly on when Abolitionism, unabated in violence, and unyielding in spirit, bids us to yield to its demands or be destroyed, though, disunion and civil war stare it in the face. . . .

If Kansas is ever rescued from Abolitionism, we are persuaded it will be, not by any aid from the Union or the Administration, but by the stout hearts and arms of her own sons. . . . We have never been of those who could see any good to be gained by postponing the struggle which every reflecting man believes to be inevitable between the North and the South. Our motto is that of PATRICK HENRY: “Let it come.”\footnote{Kansas Weekly Herald, September 20, 1856.}

A national clash between North and South was still some years away. More pressing for many in Kansas and across the nation was the upcoming presidential election. Historian William Connelley suggests that Lane’s military actions in Kansas in August and September were intended to garner a great public response in the northern states.\footnote{William Elsey Connelley, The Life of Preston B. Plumb (Chicago: Browne & Howell Company, 1913), 38.} In fact, following Geary’s entrance into the territory, Lane headed east to speak on Kansas matters, making stops in Indiana and Ohio, and stumping for Republican
presidential candidate Fremont. Though the Democratic Party carried the election, Lane continued to travel across the northern states in support of the free-state cause, not returning to the territory until March 1857.

The year 1856 stands as the most significant period in Lane’s political transition. Previous events, such as the Kansas-Nebraska debates of 1854, the failure of his Democratic Party movement in Kansas territory, and the Wakarusa War, challenged his party loyalty and views of how to achieve a free Kansas. But his humiliation at the hands of his Democratic colleagues and the proslavery aggression against free-state Kansans convinced him that more radical measures were needed. Lane maintained the same principles and objectives he had always publicly espoused, but merely adapted to the political realities of Kansas Territory in 1855 and 1856. Numerous Kansans made similar adaptations. Oscar Leamard wrote to his father in Vermont in the summer of 1856 chastising him and others there for supporting the administration’s policies in Kansas. Was this support “because they belong to the so called Democratic party?” he asked. “So does Andrew H Reeder, J. H. Lane, Wm Y Roberts and a large majority of the leading men of Kansas, but they have learned to graduate their political sympathies by a different standard than that of the bodies and souls of men.” The situation in Kansas, Learnard, Lane, Reeder, and others had learned, required a different approach than what they had previously assumed.

70 An account of Lane’s activities in Ohio was published in the National Eagle, later printed in the Lecompton Union, November 27, 1856; also see Franklin B. Sanborn, “Some Notes on the Territorial History of Kansas,” Collections of the Kansas State Historical Society (Topeka: W. R. Smith, 1915), 13:249-250.

71 O. E. Learnard to Dear Father [S. T. Learnard], July 23, 1856, Oscar E. Learnard Collection, Kansas State Historical Society, Topeka.
Events in Kansas had turned numerous conservative or moderate men against the proslavery party in Kansas, including at least two Kansas territorial governors. Andrew Reeder, the first governor, who had entered the territory as a northern, pro-popular sovereignty Democrat, became a leading Free State figure after the Pierce administration turned against him.\textsuperscript{72} John Geary, the Pierce appointee who had labored successfully to end the bloodshed of 1856, resisted another Missouri advance upon Lawrence, struggled against the proslavery legislature in Lecompton, and eventually warned President-elect James Buchanan that proslavery Democrats in Kansas did not have national party interests in mind.\textsuperscript{73}

Countless people within the United States made a similar adjustment as the American political system underwent a fundamental reorganization, with the Whig Party crumbling and the emergence of the Republican Party. The growing tension within the country and within Democratic ranks led to the party's abandonment of Franklin Pierce. Like the three Kansas territorial governors appointed by Pierce, Democrats desperately looked for a figure who could appease Northerners and Southerners \textit{and} be an effective administrator. In reality, such a combination was virtually impossible. Effective administration required a leader that could stand up to one or both sections when necessary. This, in turn, required an individual who truly understood each side and the problem at hand. The man the Democrats chose, James Buchanan, bridged the gap on paper, but—like so many American political leaders in the 1850s—did not understand the depth of the conflict, or the interests of all of the players.\textsuperscript{74}

\textsuperscript{72} Etcheson, \textit{Bleeding Kansas}, 53; Gara, \textit{The Presidency of Franklin Pierce}, 112.
\textsuperscript{73} Etcheson, \textit{Bleeding Kansas}, 133, 140-141.
\textsuperscript{74} Elbert B. Smith, \textit{The Presidency of James Buchanan} (Lawrence: University Press of Kansas, 1975), 5-9, 22.
Historian Eric Foner estimates that ex-Democrats made up twenty-five percent of the Republican vote in the 1856 presidential election. Among politicians, during the 1850s eight Republican governors and seven Republican senators, as well as a number of Republican representatives, left the Democratic fold. The comments of one Iowan perfectly mirrored Lane’s sentiments:

I was educated a Democrat from my boyhood. Faithfully did I adhere to that party until I could no longer act with it. Many things did I condemn ere I left that party, for my love of party was strong. And when I did, at last, feel compelled to separate from my old Democratic friends, it was like tearing myself away from old home associations.

Lane’s separation had been more traumatic: he had been embarrassed by his old friends and associates. And the cause of that separation would burn inside of him for years.

Nonetheless, Lane’s transition has been labeled as opportunistic and unprincipled. Beyond the rumors of his divorce petitions and proslavery statements, part of the answer lies in his rapid rise to power within free-state ranks and his notoriety as a militant, and radical, free-state leader. The man who had voted for the Southern-backed Kansas-Nebraska Bill in 1854 led free-state men in arms against proslavery communities only two years later. The former congressman who failed to establish a National Democratic presence in Kansas worked his way into a leadership position within a local party that included Republicans, former Whigs, and Know-Nothings. The man who had preached moderation in free-state meetings became famous for his firebrand speeches calling the president a murderer and advocating violence against territorial officials. All of these developments appear to show a man of extremes—a man of little consistency.

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76 Ibid., 149.
77 Quoted in Ibid., 150.
But such appearance is only skin deep. The man who voted for the Kansas-Nebraska Bill did so after expressing antislavery concerns. The former congressman who failed to establish a National Democratic presence in Kansas maintained his Democratic identity until its leaders ridiculed him and his cause. The man who had preached moderation in Kansas found armed Missourians standing outside his town. Lane's political transition was reactive, not proactive.
CHAPTER V
LANE AND LECOMPTON, 1857

"The time has come for action, and I have always believed that we should never have peace in Kansas until these hell-hounds were driven from our midst."

Kansas in 1857 was spared a recurrence of the bloodshed it had seen the previous summer. Nonetheless, the political battle over statehood illustrated an ideological divide as extreme as ever. Free-state voting power that year overwhelmed the proslavery government and seemed to place Kansas in the Free State Party’s hands. A last-ditch effort by proslavery forces in Lecompton to ratify a constitution enraged free-state residents and sent James Lane into a political and oratorical frenzy. Lane believed the gloves had come off in the fight for Kansas, and he was willing to declare total war in support of his cause. His calls for violent action against proslavery officials shocked some Kansans, and have understandably contributed to his reputation as a demagogue. Still, his rhetoric was a progressive reaction—albeit extreme—to proslavery events. His speeches retained the same dedication to democratic principles and a free state of Kansas.

By the time Lane returned to Kansas in March 1857, the territory had settled into a remarkable peace, considering the level of violence present only six months earlier. Word of Lane’s arrival stirred up concern among settlers on both sides of the slavery question. Rumors of his arrest and even death circulated within the territory.\(^1\) Despite the initial excitement, no problems arose and Lane, for the time being, took up a less political interest—namely, land speculation. Purchasing property in the proslavery town of Doniphan, Lane was reported to be “over head and ears in business.”\(^2\)

\(^1\) Herald of Freedom, April 18, 1856.
\(^2\) Missouri Republican, May 19 1857.
shocking were reports of Lane and fellow free-state figure Samuel Pomeroy associating with Dr. J. H. Stringfellow, editor of the proslavery *Squatter Sovereign* and a participant in the Sack of Lawrence.3 The relationship between these men during this period was cordial and business-related. Still, Lane and Pomeroy received criticism, including from correspondents to the *New York Times*, who, according to the *Herald of Freedom*, behaved “as if there was something criminal in their late transactions with the pro-slavery party.” The *Herald of Freedom* admitted “that we are not an admirer of [Lane’s],” but argued that his “purchase of Doniphan has conferred a lasting benefit to the Free State cause; and those who would rather see Kansas a Free State than to see a particular party in power will thank Gen. L. for his labors at Doniphan.”4 Whether Lane’s business transactions were politically motivated is unknown, but they were perceived as damaging to proslavery interests in Kansas by commentators on both sides.5

While business may have been good, the struggle over Kansas statehood resurfaced. The proslavery legislature in Lecompton planned a constitutional convention, and scheduled a June election for delegates. Robert J. Walker, the territory’s newest governor, backed the election, but announced his intention to protect the integrity of the process. He proclaimed that “the majority of the people of Kansas must govern; that the majority of the people of Kansas must adopt their own constitution or reject it; that the majority of the people of Kansas at the polls must decide whether they shall have a free

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3 *Ibid.* For mention of Stringfellow at attack on Lawrence, see Jay Monaghan, *Civil War on Western Border, 1854-1865* (Boston: Little, Brown, 1955), 57.


5 The *Herald of Freedom*, July 18, 1857, ran another defense of Lane’s and Pomeroy’s actions, stating: “Our own opinion has been that Lane and Pomeroy did more in those two business transactions to close the opposition to the Free State movement from the pro-slavery party, than any other movement inaugurated for many months.” The proslavery newspaper *The Constitutionalist* from Doniphan was quoted in the same article criticizing the sale of the *Squatter Sovereign* to Pomeroy, “It is to be regretted by the whole pro-slavery party. The sale of that paper has injured the cause more than the sale of every pro-slavery town in Kansas.”
or a slave state." Lane, like many others in the Free State ranks, opposed the proceedings by the so-called “bogus legislature” in Lecompton, and spoke out against free-state participation in the election. While free-state settlers largely outnumbered their proslavery rivals, the minority power had retained official territorial authority—with or without gubernatorial support. And free-staters were unsure about the most recent executive appointee. Walker was born in Pennsylvania, but had migrated to Mississippi where he had become a slaveholder and politician. Like Buchanan, he seemed to offer the Democratic Party a suitable public official, capable of appeasing both factions. He had written an essay arguing that Kansas, due to environmental and population factors, would not become a slave state. Buchanan embraced Walker as a potential savior for the Kansas situation. Northern Democrats heartily agreed, while the South seemed split on the issue.⁷

Free-state delegates met in Topeka on June 9 to consider participation in the Lecompton-based election. Lane, serving as president of the convention, provided listeners with his “usual style of theatrical eloquence” in denouncing “every pro slavery man.” Turning to the Topeka Constitution he reportedly asked, “Have we not made our Constitution? And do not the people of Freedom like it? Is there any one of the Free State party opposed to it? Can’t we submit this to the people, and who wants another?”⁸ Though rejected by the U.S. Congress in early 1856, the Free State Party continued to embrace the Topeka Constitution. Twice in 1857—once in January, and then again in

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⁸ Herald of Freedom, June 13, 1857.
March—Free State delegates in Kansas accepted the Topeka Constitution and urged Congress to accept it.\(^9\)

The *Herald of Freedom*’s correspondent explained that Lane’s speech “was one which a certain portion of the Convention delighted in, while the other portion was much displeased with the position he occupied.”\(^10\) Despite his critics, Lane’s opposition to the Lecompton election carried the day as the convention first denounced the authority of the proslavery legislature as invalid, and then passed a resolution recommending “that the election for delegates, in pursuance of the law enacted by the Lecompton bogus Legislature, be disregarded and permitted to pass without any participation therein by the Free State party of Kansas.”\(^11\) The Free State convention again endorsed the Topeka Constitution.

The convention’s official opposition to the Lecompton convention sparked another round of tense political fighting in the territory. Governor Walker continued to back the June elections, and at a gathering in Big Springs on June 10, called the Topeka movement “against the authority of the United States.”\(^12\) “What pretext is there for putting into operation a set of laws thus violating the supreme authority of the land?” Walker asked his audience. “And who is it formed this so called Topeka Constitution, and intend to impose it by force upon the people of Kansas? [W]ho but 1731 men—a mere handful?”\(^13\)

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\(^10\) *Herald of Freedom*, June 13, 1857.

\(^11\) The resolution read: “Resolved, 1. That the people of Kansas now as ever, disown as invalid and of no force or effect the authority of the Territorial government as embodied in the enactments of the so-called Legislature of Kansas.” Printed in the *Herald of Freedom*, June 13, 1857, and the *Kansas Weekly Herald*, June 20, 1857.

\(^12\) A general account of the meeting can be found in the *Lawrence Republican*, June 18, 1857.

\(^13\) *Kansas Weekly Herald*, July 4, 1857.
Following Walker, Lane took to the stump. As one of the 1,731 free-state men “denounced here to-day,” Lane explained that Congress had not entirely rejected the Topeka Constitution. The House of Representatives had passed the measure in the spring of 1856, though the Senate had thrown it out. He reminded the audience that “we have the right to make a revolution,” but clarified that Free State members “did not revolt, but sought a peaceful solution of our difficulties, and took a perfectly legal mode of adjusting it—that of forming a State Constitution.”\(^{14}\) As for the laws of the territory, Lane rejected them as oppressive rules forced upon Kansans “by a body of usurpers, who were elected by armed men, with all the munitions of war, who invaded our Territory and took possession of the polls.”\(^{15}\) Lane further criticized the proslavery government and Walker’s support of it, and closed by celebrating the democratic efforts and interests of his fellow free-state settlers, who “stand without sin before the people, and will maintain their integrity.” He defiantly announced, “We will not obey these laws, and will not stultify our past history by voting under your Territorial enactments.”\(^{16}\)

On July 15 free-state delegates met in Topeka to plan an election for state offices and to schedule an official convention in August. Lane again played a central role in the proceedings. At one point, he addressed accusations of improprieties with funds sent from northern organizations to help the free-state cause. He read an extract from the Indiana Jeffersonian Extra, a Democratic publication from his former district, which charged that Lane “has FRATERNIZED with ‘bloody Atchison and with the monster Stringfellow,’ and that he (Lane) is investing the proceeds of his freedom-shrieking speeches in joint speculations with these pro-slavery worthies.” Lane responded that he

\(^{14}\) Ibid.

\(^{15}\) Ibid.

\(^{16}\) Ibid.
had not accepted a single dollar sent to help Kansas. His only compensation had been $600 scrip, paid to him to cover his expenses to Washington, D.C. A Mr. Whitman then rose and defended Lane, saying that "no man received pay last fall or summer for services excepting the attendants of the hospital."\textsuperscript{17}

The controversy surrounding Lane’s business dealings with notable proslavery figures in the spring of 1857 haunted him for months, and continued to spring up in the following years from his political opponents. As late as December 5, Kansas newspapers printed a "Card" from Lane defending his handling of northern funds and denying any financial impropriety.\textsuperscript{18} The matter is indicative of the political environment in territorial Kansas, and helps explain the charges of opportunism critics and historians have heaped upon the man over the past century and a half. Though many free-state men in Kansas defended Lane’s land speculation as beneficial to the free-state cause, and despite the fact that no evidence has been found that Lane’s actions were politically motivated (certainly not in support of proslavery interests), his political opponents latched onto the image of Lane working side by side with proslavery leaders in a business deal as evidence of his lack of principle.

His comments later in the meeting are extremely significant for understanding his political transition. Free-state Kansas settlers created the Free State Party as a special interest organization, separate from traditional political affiliations. Republicans, Democrats, Know-Nothings, Free Soilers, and others joined the party solely according to their interest in creating a free state, and without abandoning their national parties. For many in Kansas, including Lane, the Free State association was maturing. He announced

\textsuperscript{17} \textit{Herald of Freedom}, July 25, 1857.  
\textsuperscript{18} \textit{Ibid.}, December 5, 1857.
that "I have had frequent occasions to be proud of the Free State party, but never so proud as now. To-day we are a unit." While this statement referred to the history of various factions within the party, it also illustrated Lane's new approach to the Free State party since his fallout with Democratic leadership. He explained:

Our present State organization was sanctioned by such men as Pierce and Douglas, before I came to Kansas. I came directly from Washington here, and attempted in good faith to organize the Democratic party—hoping through that party to make Kansas free, and that the question might be settled and out of the way, before the Presidential election of 1856. You know that it was in a Democratic caucus that the Topeka movement was brought forward—that the adherents of Pierce and Douglas scouted that organization, and it failed. Then, and not till then, did I attach myself to the Free State party of Kansas. Pierce and his party played false; they treated you ill; they basely deserted the Democracy of Kansas.19

Lane's experience in Kansas and transition into the Republican fold led to his adoption of an important policy change. Convinced that the slaveholding interests had taken over the Democratic party and threatened democratic principles and the integrity of the nation, he declared his hope "to see two things accomplished":

First, the tide of Slavery turned back, and this institution surrounded by a cordon of free States; second, the scattering to the four winds, to utter dissolution, that corrupt, old line, pro-slavery, Democratic party, which is now cursing the nation. For the accomplishment of these two objects, I enroll myself a crusader.20

While this statement resembles Lane's free-state speeches from the summer of 1856, the two objectives in this case were not simply local issues. Here Lane endorsed national changes: slavery should not simply be kept out of Kansas, but should be "turned back" and "surrounded" by free states on a broad scale; the National Democratic Party was not simply led by traitors, but should be destroyed.

19 Ibid., July 25, 1857.
20 Ibid.
Though Lane adopted a change of policy, it is very important to note that he did not abandon or even change his personal principles. Before the Kansas Memorial’s failure, Lane believed that the Democratic party would ultimately protect democratic principles and that respect for slaveholding rights and interests would best serve the Union. His experiences in 1856 shattered that belief, and Lane concluded that only by restricting slavery expansion could slaveholding aggression be halted and the integrity of the Union preserved. The Democratic party, he believed, had not only failed to prevent agitation, but was firmly in the pocket of pro-slavery interests.

Before closing, the July Topeka assembly addressed the matter of the October territorial election. Walker defended this upcoming round of elections as one “not under the act of the late Territorial Legislature, but under the laws of Congress.” The convention recommended an assembly at Grasshopper Falls in late August to debate the issue. The assembly received information that Missourians planned to enter the state and interfere with the upcoming elections. The convention assigned Lane the duty of organizing a military defense of the ballot-boxes in the many districts. Lane quickly issued orders calling for the organization of volunteer units across the territory. Governor Walker objected to this new militarization of free-state men, fearing that conservative voters would be kept away from the polls. To prevent violence the governor requested federal reinforcements.

On August 26, the Grasshopper Falls Convention opened. The Business Committee, chaired by Lane, presented a set of resolutions concerning the territorial

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21 “Address of Governor Walker at Topeka,” “Governor Walker’s Administration,” 293.
23 See Lane’s “General Order No. 1,” and “General Order No. 2,” in “Governor Walker’s Administration,” 364-367.
24 R. J. Walker to Lewis Cass, July 25, 1857, found in “Governor Walker’s Administration,” 361.
elections in October. Arguing that the “Territorial government should be controlled by the *bona fide* citizens” of Kansas, and acknowledging that Governor Walker “has repeatedly pledged himself that the people of Kansas shall have a full and fair vote before impartial judges,” the committee recommended that the people of Kansas participate in the October elections. The committee men placed their trust in Walker, resolving that “we rely upon the faithful fulfillment of the pledge of Gov. Walker, and that we, as heretofore, protest against the enactments forced upon us by the voters of Missouri.”

After the resolutions had been introduced, various speakers rose to recommend or discourage participation in the October elections. Martin Conway rejected the resolutions, and argued that the Free State party “will be tarnished by engaging in this election.” Participation would “recognize the legality of the body prescribing the rules for that election,” and would be inconsistent with the Free State position. “The man who is opposed to the Topeka Constitution can consistently go into the election, but those who sustain that Constitution cannot.”

As Conway concluded his remarks, Lane stood to address the crowd. He reaffirmed his stance in favor of the Topeka Constitution. He admitted that participation would be humiliating. Nonetheless, Lane urged his fellow delegates to pass the resolutions. His reason—the will of the people:

> There are prudent men in this Territory—men with wives, and children, and property, and here are their homes and their all. They are confident they can regain their lost liberties by another effort at the ballot box. They wish to try their hand at this peaceful remedy, and we must concede to them the right to do so.

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But, his support of election participation included two important conditions. First, if fraud once again robbed the free-state population of its rightful political authority, the people “will join us in sustaining the Topeka Constitution and Government.” Second, if the convention decided to participate, it must carry out the plan completely:

I do believe if we fail in carrying the October election, Kansas is a slave State. You must resolve to carry this election before determining to engage in it. A thousand disorganized men are said to be no stronger than a score of thoroughly organized men. If you have made up your minds to go into the election and win, you should at once join some organized company that you ay be prepared with others in standing up with them, and maintaining the right. With a determined heart, and united effort the result is certain, and the victory will be complete. Then, with the aid of that Legislature we can place the Topeka Constitution in a condition that Congress will cheerfully let us into the Union.28

Thus, Lane took a moderate, or compromising position: try to take control of the territorial government legally; if unjustly denied, then once again set out on an independent statehood movement.

Charles Robinson gave further support to the argument for participation. He too voiced his dedication to the Topeka Constitution, but saw the election as an opportunity to “get the battery and spike it, so it cannot be used against us.”29 With two of the Free State party’s leading members encouraging participation, the convention passed the resolutions. Free-state Kansans looked forward to October’s election as an opportunity to kill the proslavery legislature from within.

In early September a committee appointed at the Grasshopper Falls Convention and led by Lane wrote an “Address to the American People on the Affairs of Kansas.” The text was carefully crafted and moderate in tone, prompting biographer Wendell

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28 Ibid.
29 Ibid.
Stephenson to suggest that "it did not emanate from Lane's pen." Though Stephenson is to date Lane's greatest biographer, the assumption that a "well written and conservative" address could not have come from Lane fails to recognize the man's ability to read his audience and construct an appropriate message; Lane's speech before the Grasshopper Falls Convention urging participation is one example. Stephenson was part of the Moderate school of thought, and his work leans toward a defense of Lane in many instances, but he does fall too heavily, in this instance, for the image of a man radical in nature and in behavior. The original author of the address is unknown, and any of the other thirteen committee members could have written the text. However, Lane's signature is listed first—as chairman of the committee—proving his endorsement of the message.

In any case, the address briefly detailed the free-state version of the struggle for Kansas statehood and defended the Topeka movement and constitution. The decision to participate in the October election was a carefully considered act, intended to take control peacefully of the territorial legislature and to show Congress the true wants and power of the free-state population. However, the signers doubted the likelihood of success, declaring that although Governor Walker promised to uphold the sanctity of the election, "with our past experience, we find it difficult to indulge in any hope of justice from the agents of the Federal Administration."31

Overall, the address was designed not only to explain previous free-state actions and their present course, but to justify the re-emergence of the independent statehood movement should the election be fraudulent. The committee called upon the people,

31 Herald of Freedom, September 12, 1857.
asking that if the free-state cause were again denied justice at the polls, "will not all good men sustain us in giving effect to our State Government at all hazards?"\textsuperscript{32}

The committee further clarified relations with Missouri. Carefully explaining that "the people of Kansas do not charge the outrages to which they have been subjected upon the people of Missouri as a body," the free-state officials complimented the democratic principles of most Missourians. The two states were linked, sharing "identical" interests—farm production, railroad connections, and town building in Kansas necessarily benefits Missouri.

But the committee clarified that any attempt by Missourians to interfere in Kansas politics would be resisted. And though their address separated the "invaders" from the general Missouri population, the committee's discussion of Kansas resistance turned toward the neighboring state as a whole:

If you persist against your best interests, against all considerations of patriotism, against all manly and Christian duty, in the mad course you have marked out, a war must ensue, protracted and bloody, between Missouri and Kansas; and it may be extended all along the line to the Atlantic coast. A dissolved Union and a broken government may be the result.—For the highest welfare of Kansas and Missouri; in the name of our common country and the living God; we appeal to you to refrain. Remain at home; the Kansas question will then be peacefully settled; the agitation of slavery will cease; and Kansas and Missouri will go on prospering and to prosper.\textsuperscript{33}

To protect the ballot-boxes during the October election, Lane busily engaged in military matters. He corresponded with John Brown, who had left the territory to collect supplies, including weapons, for the Kansas cause. Lane wrote to Brown that the arms

\textsuperscript{32} Ibid.
\textsuperscript{33} Ibid.
were needed as quickly as possible, but due to health problems the abolitionist did not return to Kansas until after the elections.34

The excitement of the election, scheduled for October 5, stirred Lane’s famous energy. The pro-slavery Kansas Weekly Herald reported that “Lane said with a braggart swing of the arm, that since the Grasshopper Falls Convention he had been going night and day, and had not changed his clothes.” By the look of his shirt, the Weekly Herald continued, that claim seemed true. Further, Lane “declared that since that time he had not slept, and did not intend to sleep till after the October election. That by next morning he would be in Lawrence, and by the next at Topeka, &c. This was said to make it appear what a mighty man Jim Lane is, and what invaluable services he is rendering the party.”35

While there is little doubt that Lane thrived on the attention he received during his various speaking engagements, and played up his personal sacrifices for the free-state cause as the Weekly Herald suggested, his tireless efforts to promote and protect a free-state election victory were invaluable.

With official Free State party endorsement of the October 5 election, free-state voters turned out in force. Despite heightened tensions throughout the territory, no notable episodes of violence occurred, and no large-scale Missouri invasion took place. The election was not, however, free from fraud. At the small town of Oxford, near the Missouri border, 1,600 proslavery votes—in a district of fewer than one hundred resident voters—were recorded. A careful investigation proved that someone had copied part of

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34 J. H. Lane to Sir [John Brown], September 7, 1857; J. H. Lane to Genl John Brown, September 29, 1857; John Brown to James Lane, September 30, 1857, John Brown Collection, Kansas State Historical Society, Topeka.
35 Kansas Weekly Herald, September 26, 1857.
the Cincinnati directory onto the polling record. Governor Walker, standing firm on his promise to protect the integrity of the polls, rejected the Oxford returns, thus firmly placing the legislature in Free State hands.

Although the Free State party had won the election, proslavery officials were not willing to let power shift so easily. On September 7, a month before the election, the proslavery constitutional convention (made up of delegates from the June election free-state settlers had boycotted) organized in Lecompton. The initial meeting was brief. John Calhoun was elected president and the convention adjourned until after the October election. Still, the activity grabbed free-state attention. Lane spoke out against the Lecompton movement, reportedly warning that if that assembly, “called into existence by fraud, should frame a Constitution and submit it to the Missouri registry, or admission should be had without ratification by the bona fide citizens, resistance to the bitter end would inevitably be the result.”

With proslavery interests threatened by the majority of incoming legislators, the Lecompton convention reassembled on October 19 to draw up a constitution. Free-state men exploded in protest. On the same day the convention opened, Lane led nearly 300 men to Lecompton and aired a fiery denunciation of proslavery officials. The group


38 John Calhoun was originally from New England, had served in the Illinois state legislature, and was a friend of both Abraham Lincoln and Stephen Douglas before finding an appointment in Kansas as surveyor-general. Despite his Northern background, Calhoun was a notable pro-slavery advocate in the territory. Robert Johannsen, “The Lecompton Constitutional Convention: An Analysis of Its Membership,” *The Kansas Historical Quarterly* 23, no. 3 (Autumn 1957): 237; Nevins, *The Emergence of Lincoln*, 1:173.


40 On October 15 Lane requested free-state military leader J. B. Abbott to bring his “Brigade” to Lecompton on the 19th “with all their arms (not in sight) & with four days provisions.” Lane apparently
held a semi-official meeting in the town, with resolutions and informal debate between proslavery and free-state men. The gathering illustrated the bad blood between the opposing political sides, but no actual violence took place. Reports of the affair vary according to sentiments. A correspondent for the proslavery Kansas Weekly Herald wrote that Lane told the crowd “that every man engaged in the Oxford fraud should meet with summary punishment, Sheriff Jones not excepted.” Sheriff Jones stood up and challenged Lane, “and dared him to attempt to put his threat then in execution, called him a liar and coward, and dared him to resent it.” But, the Weekly Herald recorded, Lane backed down. “Lane can gas, charge and threaten, but when danger approaches, he can take the lie from such men as Sheriff Jones, with a very good grace.” According to the Weekly Herald, Lane and the free-state men intended to disrupt forcibly the convention, but “wisely concluded it best to leave.”

The National Democrat, Lecompton’s newspaper at the time, gave a slightly more moderate assessment of the event. “Gen. J. H. Lane was the orator of the occasion,” the paper reported, “and delivered a lengthy harangue in his usual style of inflammatory [sic] rhetoric, though he was by no means so belligerant [sic] or infuriated as some of the ninies [sic] who preceded him.” The Democrat also reported that free-state men in Lawrence had planned to disrupt the convention violently, “but the effort signally failed, and this result was known to our citizens as early as Sunday.”

Perhaps ironically, the free-state gathering’s peaceful dispersal from Lecompton drew a great deal of attention. Given the reputation of political bloodshed in the territory, prepared for a skirmish but did not intend to instigate open hostilities. J. H. Lane to J. B. Abbott, October 15, 1857, James Abbott Collection, Kansas State Historical Society, Topeka.

41 Kansas Weekly Herald, October 31, 1857.
42 National Democrat, October 22, 1857.
43 Ibid.
newspapers took special care to comment on the lack of confrontation. Like the *Weekly Herald* and *National Democrat*, the *Lexington Express* ridiculed what it perceived as the anticlimactic retreat of Lane and his followers:

[Lane] went to Lecompton, he did! And in obedience to what he had promised, gave the assembled Conventionists the opportunity of quietly disbanding before he—left the place! He asked the members to quit, and his job was finished; having “marched up the hill” “he marched down again.” The music for the occasion should have been the “rogue’s march.” *Vive la humbug!* 

The anti-slavery *Lawrence Republican*, on the other hand, celebrated the free-state assembly outside of the Lecompton constitutional convention as a great success. “For thrilling pathos, for withering invective, for crushing argument, for sublime earnestness of purpose, [Lane’s] speech of yesterday stands without a parallel in his history.” He had, the *Republican* reported, humbled proslavery critics. “Jim Lane the fighter is enough to scatter a panic through a legion of ruffians, but Jim Lane the orator is more an object of dread than was Cromwell to the infamous Long Parliament.”

The *Republican* accused Sheriff Samuel Jones and other proslavery figures of trying to instigate a fight with free-state men. But, the article continued, “the Free-State party, true to the noble impulses which have held them in all their struggle, forgave both the bullies and their insults, and ‘in the midst of judgment remembered mercy.’”

Proslavery papers perceived the peaceful free-state dispersal as anticlimactic and cowardly, while the *Republican* portrayed it as noble.

Despite the free-state gathering and general criticism of the convention, the Lecompton constitutional effort continued through late October and into early November.

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45 *Lawrence Republican*, October 22, 1857.
When it closed on November 3, it had constructed a constitution that protected the institution of slavery in the territory.\textsuperscript{47} Ratification by Kansas voters was scheduled for December 21. Yet, even the ratification vote was rigged, as Kansans had two choices: vote for the constitution with slavery or without slavery.\textsuperscript{48} A vote for the document without slavery did not affect the legality of the institution within Kansas territory before statehood.\textsuperscript{49} Either way the Lecompton convention planned to push their constitution through. Word of the Lecompton "swindle," as it came to be known, set off a firestorm of criticism across the nation. Enraged by the proslavery officials in Lecompton and by President James Buchanan's support of the constitution following Southern pressure, Governor Walker, the dedicated Democrat and Mississippi slaveowner, resigned. Even Stephen Douglas, who had not been friendly to the Free State party in Kansas, denounced the Lecompton actions as a mockery of popular sovereignty and a fatal blow to Northern Democratic support of the administration.\textsuperscript{50}

Lane demanded that the governor call the recently elected territorial legislature into an extra session to vote on the Lecompton Constitution. He continued his marathon speaking tour across the territory, addressing crowds as often as three times a day. One account described him traveling a total of ninety miles in one day to deliver five speeches.\textsuperscript{51} His energy seemed boundless and his arguments were focused. In Leavenworth, on November 14, Lane gave one of his more aggressive speeches denouncing the Lecompton convention. Standing before the crowd, the master orator

\textsuperscript{47} Text of the Lecompton constitution can be found in Wilder, \textit{The Annals of Kansas}, 134-148.
\textsuperscript{49} The Lecompton Constitution stated, "The right of property in slaves now in the Territory shall in no manner be interfered with," and "No alteration shall be made to affect the right of property in the ownership of slaves." Quoted in Robinson, \textit{The Kansas Conflict}, 374.
\textsuperscript{51} John Speer, \textit{Life of Gen. James H. Lane} (Garden City: John Speer, 1897), 143, footnote.
called out that Kansans were not deciding whether their state should be admitted as a free state, because the Lecompton Constitution had already established it as a slaveholding one. "It is a slave State now," he cried out. "It is a slave State by the body of their Constitution." Slavery in the territory was protected as it existed—the December vote merely decided whether more slaves could be admitted into Kansas after statehood. He announced that "Kansas is a slave State to day, and forever, unless you contrive some means to defeat this Constitution made by these bloodhounds at Lecompton." Lane took on the type of threatening tone that has led historians to brand him a radical and a fanatic. "I am not going to advise war or bloodshed here to-night, for perhaps there is no need of that," he explained. But, he continued, "[w]e have now got the goats so separated from the sheep that we can easily kill them without committing crime. For I truly believe if God should show his special Providence to-night, we should see in these starry heavens his hand commanding us to exterminate these damned villains." Some in the crowd did not share Lane’s extreme position. Leavenworth had been a proslavery stronghold, although it gradually shifted into a free-state community. Lane pre-empted his critics, challenging calls for moderation.

You may say, “Lane you are excited.” I say; ought we not to be excited? Have we not suffered enough to excite every nerve in our body? Have we not labored for three years to build up Kansas a free and glorious State for ourselves and children? [A]nd after we have it within our reach to have these usurpers by fraud and violence to institute a villainous project ruining our best interests? Should we not feel like taking these villains by the throats and choke their very life from them.

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52 Kansas Weekly Herald, November 21, 1857.  
53 Ibid.  
54 Ibid.
"His utterances may have been wild," Lane's friend and associate John Speer later wrote, "but nobody denied that they were convincing."\(^5\)\(^5\)

Though Lane did not plan to incite his audience to immediate violence, he made it clear that he believed that proslavery aggression had to be resisted forcefully. "Take these men and give them a fair trial," he suggested, "but if you find them guilty of performing this fraud, they should suffer death." Further, he reflected upon the attitude proslavery men had toward free-state settlers and their leaders (particularly himself).

"Jack Henderson and Eastin grumble because I would put them to death. Why there is not a moment for the past 2 years but what they would gladly have heralded in their papers, 'Jim Lane is dead.'" He did not wish to kill them for revenge or out of vengeance, but, he argued, to protect the future of Kansas.

I would let Jack Henderson and Eastin live alway[s] if it was not necessary to put them to death, but if it is for the peace and prosperity of Kansas, to kill them, I say cut their throats now, and I will not ask to stay away but will gladly join in the act. The time has come for action, and I have always believed that we should never have peace in Kansas until these hell-hounds were driven from our midst.\(^5\)\(^6\)

Lane's words were radical. Yet he wished to fire up political and public opposition to the Lecompton Constitution rather than incite any actual violence. In fact, Jack Henderson, whom Lane repeatedly criticized in his speech, was in the audience at Leavenworth and at one point called out: "'Dry up Jim,' 'Dry up Jim,' 'stop that you know you are lying Lane.'" Lane reportedly turned to Henderson and "in a very sarcastic manner" replied "oh, Jack, you have gone far enough, you have trampled on us too much already, and now we have got you fast, and mean to hold you, and your lives are in danger every moment you remain in this city. You are outlaws and villains every one of


\(^{56}\) *Kansas Weekly Herald*, November 21, 1857.
you.\textsuperscript{57} Though Lane’s concern for Kansas was deadly serious, his speech was primarily political.

Further, while Lane could work himself up into a verbal frenzy, he never lost sight or control of his surroundings. After laying out his condemnation of the Lecompton convention and its members, and advocating violence against them, he looked to his audience and explained, “Others will now speak to you and will differ in my views. I thank you and hope you will listen to them as to me.”\textsuperscript{58} Though James Lane loved to excite the emotions of his audience, he always maintained a respect for the political process.

Lane continued to urge community officials to press the governor to call the territorial legislature into session. He promised to back the Topeka movement if the governor failed in the matter.\textsuperscript{59} On November 28, a majority of the free-state legislators met in Lawrence and sent a petition to acting-governor Frederick Stanton—who had been a proslavery politician in Tennessee\textsuperscript{60}—asking for a special session in order to prevent violence in the territory. Appended to the petition was the endorsement of George Brown, Charles Robinson, James Lane, and “upwards of one hundred other leading citizens of Kansas,” who wished, with respect, to join their elected representatives in requesting a legislative session.\textsuperscript{61}

Around the first of December, Lane attended a large gathering at Stockton Hall in Leavenworth. After one conservative free-state man denounced Lane’s actions and

\textsuperscript{57} Ibid.
\textsuperscript{58} Ibid.
\textsuperscript{59} Stephenson, The Political Career of General James H. Lane, 90-91.
\textsuperscript{60} Kenneth Stampp, American in 1857: A Nation on the Brink (New York: Oxford University Press, 1990), 161.
\textsuperscript{61} Herald of Freedom, December 5, 1857.
radical speeches as dangerous to the cause, Lane rose before the crowd to respond when John Speer pushed his way through the audience and grabbed his arm. Leaning over to his friend, Lane was told that Stanton had indeed ordered the legislature into special session. With this information, Lane turned on the audience with even greater energy. “Great God!” he cried out. “I am amazed at the cowardice around me; but I have the honor to announce to the weak-kneed, timid Free-State men, trembling in fear of their lives and property, and to the hell-hounds of slavery, chuckling over their timidity, that STANTON HAS CALLED THE LEGISLATURE!” “There is no devil too vigilant,” he declared, “and no hell too hot for the tyrants and oppressors of Kansas!”

On December 2, Lane took part in a delegate convention in Lawrence. He served as chairman of the committee on resolutions and reported a motion which denounced the Lecompton “swindle” and declared—apparently inspired by the American Revolution—that:

we utterly repudiate said Constitution, framed at Lecompton, that it is an instrument hostile to the popular will, and appealing to the God of Justice and humanity for the rectitude of our intentions, we do solemnly enter into a league and convenant with each other, that we shall NEVER, under any circumstances, permit the said Constitution, so passed, and NOT SUBMITTED, to be the organic law for the State of Kansas, but do pledge our lives, fortunes and sacred honor in ceaseless hostility to the same.

Numerous voices called for Lane, and he addressed the crowd with his usual flare and passion. He described the free-state force in Kansas as fielding “18,000 stern and brave men, tried and true, who are ready to face any danger, and suffer any consequences, so

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62 A copy of Stanton’s proclamation can be found in the Herald of Freedom, December 5, 1857 and Speer, Life of Gen. James H. Lane, 145-146.
64 Herald of Freedom, December 5, 1857.
they secure the great boon of freedom for which they have been so long contending."\textsuperscript{65} Lane also demonstrated a consistency in belief and principle that his critics have ignored. As he spoke in support of the resolutions, Lane defended the principle behind the Kansas-Nebraska Act. "By the programme contained in the resolutions, just adopted," he stated, "we propose to vindicate that distinctive principle incarnated in the Kansas-Nebraska Bill, which allows the people to govern themselves."\textsuperscript{66} Even as Lane had officially broke from the Democratic party, had moved toward the Republican fold, and had come to urge a greater resistance to the expansion of slavery as a whole, he maintained the respect for democracy that he had held from the beginning. He had given up on the Democratic party's protection of popular sovereignty, but he had never abandoned the principle.

The legislature met on December 7 and the new free-state members quickly took control. With the governor behind them, the body rejected the December 21 ratification election and scheduled a new one for January 4, 1858—the same day representatives under the Lecompton Constitution were to be elected. This second vote would not merely decide whether the Lecompton Constitution would be accepted "with" or "without" slavery, but would also decide the fate of the document as a whole.\textsuperscript{67} Stanton wrote to the Buchanan administration explaining his decision to call the legislature into session. However, unhappy with the governor's role in scheduling a second ratification vote, the administration promptly fired him.\textsuperscript{68} Stanton was the fifth governor in three years to fall victim to Kansas political turmoil.

\textsuperscript{65} Ibid.
\textsuperscript{66} Ibid.
\textsuperscript{67} Etcheson, \textit{Bleeding Kansas}, 157.
\textsuperscript{68} Elbert B. Smith, \textit{The Presidency of James Buchanan} (Lawrence: The University Press of Kansas, 1975), 41; Etcheson, \textit{Bleeding Kansas}, 157-158.
On December 21, proslavery Kansans went to the polls to vote on the Lecompton Constitution. The overwhelming majority of free-state men stayed home. A total of 6,266 votes were recorded in favor of the constitution with slavery, while 569 votes accepted the constitution without slavery. Later accounts estimated that as many as 2,720 of the votes “with slavery” were fraudulent.

Following the first Lecompton referendum, free-state delegates met in Lawrence to debate participation in the January 4 election of representatives under the Lecompton Constitution. The rescheduled vote on the constitution as a whole was the same day, and some free-state men believed that electing men under a constitution one simultaneously rejected was hypocritical and counterproductive. Lane became the leader of this faction. During the two-day assembly, word spread that Missourians again threatened the safety of Kansas. On December 16, the free-state led legislature had passed a bill organizing the territory’s militia. Lane was elected major general. Taking the field, Lane led around 200 men into a fortified position in expectation of attack. Although no attack materialized, Lane’s supporters apparently utilized the excitement and fear of proslavery aggression in Lawrence to turn the convention against the January referendum.

Conservative free-state men George Brown and Charles Robinson later accused Lane of

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70 Samuel Tappan complained to a friend that “Our political affairs have changed very much since you were here. Then it was a firm and manly adherence to the Topeka organization. Now it is a game of chance, a dependence upon the honesty of John Calhoun for success.... Having gained the control of the Functional Legislature, it is now considered necessary to take possession of the organization which is an offshoot from that [Lecompton Constitution], and which is threatening to take its place. So our free state party run the risk of getting it, by voting under the Lecompton voting swindle.” Tappan criticized Lane and Charles Robinson for advocating this path. Lane, though supporting the referendum on the constitution, came to oppose participating in the election of Lecompton officials. Samuel F. Tappan to Gen. Thomas W. Higginson, December 14, 1857, Thomas W. Higginson Collection, Kansas State Historical Society, Topeka.
71 Stephenson, The Political Career of General James H. Lane, 93.
72 Herald of Freedom, December 26, 1857; also see J. H. Lane to Genl. A. W. Philips, December 17, 1857, James Abbott Collection, Kansas State Historical Society, Topeka.
carrying out a "characteristic trick" and "artful ruse" by intensifying free-state fears in order to oppose the January legislator election.\footnote{Robinson, The Kansas Conflict, 375-376.} Following their failure to convince the assembly to vote for candidates under the Lecompton Constitution, the conservatives broke away and held their own meeting in the \textit{Herald of Freedom} building. This faction urged participation in the January 4 election as well and endorsed a platform of candidates. Decades later Robinson described Lane returning to Lawrence "after his ruse" very content "thinking he had obtained a great victory." But when he learned that a majority in Lawrence endorsed the conservative ticket, Lane acquiesced and backed the January 4 balloting.\footnote{\textit{Ibid.}, 377. The \textit{Herald of Freedom}, January 2, 1858, states: "Gen. Lane is giving the State ticket a reluctant support. He regrets the action of the Delegate Convention; thinks it was ill-advised, and would have preferred to have 'pitched in,' and is determined to do so for himself."} It is unclear whether Lane and his men intentionally spread rumors of a Missouri invasion to disrupt the Lawrence meeting. Although decades after the fact both Brown and Robinson were convinced Lane had masterminded the scare, contemporary editions of Brown's \textit{Herald of Freedom} did not question the authenticity of the threat or accuse Lane of trickery. Two days after the Lawrence meeting, Brown's newspaper reported news of military action from across the territory, explaining, "Persons are marching forward from all parts of the Territory to the scene of excitement, and the danger is imminent that the contest will become general."\footnote{\textit{Herald of Freedom}, December 26, 1857.} A week later, the \textit{Herald} reported that "[o]ur original statement two weeks ago as to the origin of the difficulties seems to be nearly correct," and that tensions surrounding claim disputes and the "\textit{war element, on both sides}" threatened "to involve the country in a civil war."\footnote{\textit{Ibid.}, January 2, 1857.} In
short, at the time George Brown and others believed that Missourians had indeed threatened Kansas.

In February 1858 the Herald of Freedom did copy a story from the Providence Post, describing Lane’s warning of an imminent attack as a “trick” to turn the Lawrence convention against the January 4 election: “He didn’t want any reinforcements. He hadn’t rode down four horses. He hadn’t hurried and wasn’t jaded. He had not seen any fighting, or any dragoons, although, before leaving Fort Scott, and as an excuse for leaving, he had heard that they were coming. . . . So the trick was exposed.” Rather than give credence to the story, however, Brown’s newspaper ridiculed it. The Herald called the Post “an ultra Democratic journal,” which was “disposed at all times to color the facts in regards to Kansas affairs.” “We only publish it to let our friends at home see what Democratic journalists in the East publish at our expense,” Brown wrote. “Of course the story is a gross exaggeration, but it will do at this distance from the event to laugh over.” George Brown may have become one of Lane’s greatest critics, but many of his accusations did not appear until well after events they purport to describe.

Lane reluctantly supported participation in the January 4 election, though he had attended a meeting in Topeka on December 28 that passed resolutions opposing participation. However, only two days later he urged his friends to go forward in voting, realizing that if free-state men were to go to the polls, the effort should be unanimous.

We have concluded to go into the Election on Monday — It is confidently expected that you will have good and true men as candidates for the legislature and elect them — Men that will never qualify under the Lecompton Swindle—

77 Ibid., February 27, 1858.
78 Stephenson, The Political Career of General James H. Lane, 92.
By pursuing this course we can strangle the infernal thing— if a corrupt Congress should accept it—

It is hoped that not a single vote will be lost against the Constitution.\footnote{Lane to O. C. Brown, Charles A. Foster, Col. Williams, and other citizens of Osawatomie, December 30, 1857, Charles A. Foster Collection, Kansas State Historical Society, Topeka.}

On January 4 Kansas voters overwhelmingly rejected the Lecompton Constitution; proslavery settlers for the most part boycotted the election.\footnote{McPherson, Battle Cry of Freedom, 166.} The final tally recorded 138 votes for the constitution with slavery, 24 for the constitution without slavery, while 10,226 votes were cast against the constitution as a whole.\footnote{Ibid.; David Zarefsky, Lincoln, Douglas and Slavery: In the Crucible of Public Debate (Chicago: The University of Chicago Press, 1990), 12. John Speer gave the total of votes for the constitution “without slavery” as 23; Speer, Life of Gen. James H. Lane, 147.} The controversial election of officers under the Lecompton Constitution also took place. The entire free-state ticket was elected, placing them firmly in charge of the territorial government.\footnote{Stephenson, The Political Career of General James H. Lane, 92.} The

After this second referendum, no one could legitimately deny that an overwhelming majority in Kansas opposed the Lecompton Constitution. Former governors Walker and Stanton had rejected the Lecompton effort and new governor James W. Denver, who stepped into office on December 21, quickly urged President Buchanan against submitting the constitution to Congress.\footnote{Nevins, The Emergence of Lincoln, 1:269; Stephenson, The Political Career of General James H Lane, 93.} At this point even Dr. J. H. Stringfellow, the notorious pro-slavery editor of the \textit{Squatter Sovereign}, was willing to throw in the towel. In a letter to the \textit{Washington Union}, he opposed the passage of the Lecompton Constitution, saying that the future of Kansas “is settled against the South by immigration.”\footnote{Quoted in Davis, Kansas, 70.} But Buchanan felt heavy pressure from Southern Democrats in
Congress, who wanted a proslavery constitution for Kansas. South Carolina senator James Hammond asked, “If Kansas is driven out of the Union for being a Slave State, can any Slave State remain in it with honor?” On February 2, Buchanan sent the constitution to Congress. He stated that Kansas “is at this moment as much a slave state as Georgia or South Carolina.”

James Lane’s actions in 1857 directly corresponded to events in Kansas. Upon his return to the territory in the spring, he had peacefully associated with notable proslavery figures in business ventures. Only when he feared that proslavery actions threatened democratic rights did he call for blood. New factions within the Free State ranks took shape, and though Lane often stood on the more radical side of the party, he repeatedly acquiesced to the will of the majority. Still, his words during this year have greatly contributed to his reputation as a fanatic. His recommendation that Lecompton officials should be chased away or killed certainly presents an ignoble image. Yet, his behavior is not surprising, as Lane perceived the Lecompton delegates as criminals.

Lane’s democratic principles never wavered. But that fact has been obscured by his calls for violence. What has been overlooked is that his extreme rhetoric represented not a change in values, or a selfish grab for power, but rather an escalation of tactics. Drastic measures were needed, he believed, to overcome proslavery obstruction of the democratic process.

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85 Hammond quoted in McPherson, Battle Cry of Freedom, 166.
87 Smith, The Presidency of James Buchanan, 42.
CHAPTER VI
LANE AND THE LEAVENWORTH CONSTITUTION, 1858

“I doubt not some plan will be adopted by which the Lecompton Constitution and Government can be laid aside, and the Leavenworth Constitution and Government substituted, without in the slightest degree disturbing the peace of the country.”

In the spring of 1858, the battle over the Lecompton Constitution was for the most part transferred to the halls of the United States Congress. Free-state Kansans feared the possibility that the proslavery plan would be forced upon them. James Lane, though still animated against local proslavery officials, gained confidence in Free State control of the territory and foresaw a peaceful conclusion. His tactics to prevent a fracture of the Free State party and to construct a new free-state constitution led to renewed accusations of inconsistency and opportunism. Still, as before, Lane had only crafted his words and actions in response to threats to his efforts to bring Kansas into the Union as a free state.

After the January elections, Lane returned to military affairs. The legislature in its 1858 session renewed its effort to organize the militia. Governor James W. Denver, who within days of entering Kansas expressed his disgust with the territory, quickly stood in opposition to what he termed the “Abolition” legislature.1 He immediately vetoed the militia bill, but the free-state dominated legislature overrode him.2 On January 15, Lane sent a report to the legislature about problems in the southern part of the territory. It

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1 Denver was sworn in as governor on December 21, 1857. On January 4, 1858, he wrote to his wife: “The Legislature was to meet here today but there was not a quorum and did not organize. In a day or two I suppose they will be fairly under way, and then you will see how I will get along with an Abolition Legislature. I am greatly in hopes that the whole thing will be closed up in this month and let me off. If they will only let me turn over the government to some of them in four or five weeks, I will give them a pledge never to put my foot inside of their Territory again. Confound the place it seems to have been cursed of God and man.” James W. Denver to My Dear Wife [Louisa Denver], January 4, 1858, James W. Denver Collection, Kansas State Historical Society, Topeka.

recorded his maneuvers in the field during the previous two months, including the events surrounding the scare of another Missouri invasion in December. He closed with the explanation that "the object of the organization provided for in the law of Dec. 17th was the protection of the people of Kansas, and as the action had was indispensable in that direction, it is hoped it will meet your hearty approval." Governor Denver did not accept Lane's actions with "hearty approval." When Lane ordered the organization of the Kansas militia in February, Denver issued a proclamation calling the act "illegal, without authority of law, and on the part of 'J. H. Lane' a usurpation of power." The governor warned of the trouble that would ensue "if one turbulent man is thus allowed to set up a military dictatorship over the civil authority and squander the public money at pleasure."-

Denver's criticism struck a nerve in Lane. Predictably, Lane published a "Card," dated March 16, 1858, reviewing the denunciation he had received from two presidents: "By President Pierce and his myrmidons, I was denounced as a traitor and indicted for high treason. . . . By Mr. Buchanan I have been charged as a rebel and a 'military leader of most turbulent and dangerous character.'" Accusations by both presidents, Lane announced, had been refuted. He then responded to Denver's criticism of recklessness, stating that his actions had been overseen by the territorial legislature. As for the idea of a military dictatorship, Lane explained that "upon four different occasions I have been

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4 Quoted in Stephenson, The Political Career, 94.
5 Lane's "Card" published in Lawrence Republican, March 18, 1858
6 Though Lane repeatedly highlighted his conflict with federal and territorial authorities during the Kansas struggle, he never resisted federal military forces. Lane separated his disdain of specific officials from the United States government as a whole. Col. Daniel H. Horne recalled in 1879, "Some claim that Lane was opposed to Government troops, at the time the pro-slavery government employed them against Kansas. . . . That is not true. Lane always respected the Government troops. . . . I know there was not a disloyal hair in Lane's head, even when loyalty to the Government was almost a crime against Kansas." "Address by Col. Daniel H. Horne," in The Kansas Memorial: A Report of the Old Settlers' Meeting Held at Bismarck Grove, Kansas, September 15th and 16th, 1879, ed. Charles Gleed (Kansas City: Press of Ramsey, Millett & Hudson, 1880), 175.
invested with the chief command of the military forces of the people of Kansas, and that immediately after the emergency ceased which called them into the field, that command was voluntarily surrendered into their hands.”

Turning the tables on the governor, Lane wrote that Denver had “arrogantly usurped and ruthlessly trampled under foot the Legislative department of the government of a free people, and in violation of his official oath and duty seeks to unite in his own person, and thus control, the power of the sword and purse of the people to crush out their liberties.” To make sure his point was clear, Lane scoffed at all of Denver’s charges and arraigned “J. W. DENVER BEFORE THIS COUNTRY, AND DO DENOUNCE AND BRAND HIM AS A CALUMNIATOR, PERJURER AND TYRANT.”

Lane referred to Denver’s reputation as a duelist, remarking that “his hands reek[ed] with the untimely shed blood of his fellow man—having won from his friends the soubriquet of ‘butcher,’—a fit appointee of the oligarchical Administration, which disgraces the nation by its criminal efforts to enslave a Free People!” Implying that Denver wished to draw him into mortal combat, Lane added that he “respectfully demand[ed] that there may be no interference on the part of my friends.”

Nothing came from the war of words, but Lane does appear to have led a short-lived secret society dedicated to protecting free-state interests through violence. The group, known as the “Danites,” had a mysterious origin—one that many of its members could not explain. Lane’s political rival, Charles Robinson, later wrote of being

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7 Lawrence Republican, March 18, 1858.
8 Ibid.
9 Ibid.
10 A recent publication on the Danites credits their origins to the Wakarusa War in 1855. Lane seems to have become involved in the fall of 1857. Todd Mildfelt, The Secret Danites: Kansas’ First Jayhawkers (Richmond, KS: Todd Mildfelt Publishing, 2003), 1-12.
initiated into a group that he later assumed was the Danites. He accused Lane of attempting to use the group to unjustly attack proslavery settlements, and called him a monomaniac who was, “like all timid men with arbitrary power, cruel and bloodthirsty.”

James Redpath, an abolitionist newspaper editor and one-time supporter of Lane, turned against him after his experience with the Danites. In the spring of 1858 Redpath wrote:

Lane organized a club of Danites in Doniphan County. I became a member of it. Although he could have attended it, and was expected to attend it, he attempted, on the second night of its meeting, to make me the agent to induce the club to kill Bob Kelly... I never hated Lane till he asked me to do this deed. I did indeed despise him from the bottom of my soul, but did not believe him capable of a scheme as diabolical as to involve a young man, without any cause, in a criminal act of private revenge. It was so cowardly, contemptible, and hellish that I left him without say a word.

Further, Redpath accused Lane of threatening to use the Danites to assassinate Denver if the personal quarrel came to the brink of violence.

Though these statements are troubling, and support the view that Lane was dangerous and amoral, there does not appear to be evidence that these threats were carried out or that he was involved in any violent acts. Surviving Danite correspondence from Lane mimicked logistic military orders he issued as a commanding officer under legislative authority. Still, secondary accounts of Lane’s supposed violent intentions do

12 James Redpath quoted in Kansas Weekly Herald, May 29, 1858, and Robinson, The Kansas Conflict, 380-381. Redpath’s sudden hatred towards Lane is a bit surprising. Apparently it was not the supposed radical or violent nature of Lane that repulsed Redpath, for the young editor wrote glowingly of John Brown and his violent attacks against proslavery interests and people in later years. Instead, it may have been the perception that Lane was advocating violence for personal means rather than on principle or for loftier goals.
13 Kansas Weekly Herald, May 29, 1858; Herald of Freedom, June 5, 1858.
14 A copy of a Danite order dated March 27, 1858 and signed by Lane reads: “Sir: There is business of the greatest importance now transpiring here and I would like it much if you would come with the utmost dispatch and bring fifty men with you. You will go to the president of the association treasury
exist. Charles Robinson recalled that at his initiation into the Danites Lane rose and stated that “he had ordered General _____ to strike at Leavenworth, General _____ to strike at Atchison, General _____ to strike at Kickapoo, and other places were to be struck by other generals.”15 Lane supposedly closed his order with the words, “It now remains for Lawrence to say what shall be done with Lecompton.” Robinson claimed to challenge Lane’s plans by demanding to know “by whose authority this general massacre was to be made.” Lane referred to the Military Board. Robinson remembered refuting Lane’s explanation and giving notice “that whoever attempted to execute any such orders would have [Robinson] to fight.”16 As evidence, Robinson provided a copy of an order signed by Lane, which detailed certain plans upon proslavery communities:

General: The bearers of this, Colonel Leinhart and his friend Dickinson, have some idea of colonizing Kickapoo. If you could furnish them forty or fifty hardy pioneers who could bear the exposure of such a settlement, I am clear that it would be attended with good results to Kansas and the cause of freedom. Leinhart and Dickinson are the men to put through without flinching anything they may undertake. I trust you will give this matter your earnest and immediate attention, as Kickapoo should be colonized at an early day.17

The order makes no mention of attacking or killing anyone. Conspiracy theorists (perhaps including Robinson) may assume that the letter was written in a simple code, with “pioneers” and “settlement” meaning “soldiers” and “attack.” Yet, there is little to take from such assumption—Lane had openly advocated, indeed had led, attacks against proslavery forces in the past. Not only would such a code be unnecessary, if Lane

\[\text{and draw as much money as you think will pay the expense, but that will not be much, as you will be traveling through thickly settled places. Bring two pieces of artillery and the ammunition and baggage wagons.} \]

\[\text{Found in Mildfelt, } \textit{The Secret Danites}, \text{ pp. 65-66.} \]

\[\text{15 Robinson omits the generals' names.} \]

\[\text{16 Robinson, } \textit{The Kansas Conflict}, 379. \]

\[\text{17 } \textit{Ibid.} \]
intended to use force against proslavery settlements, he would not have hesitated to say so.

Like much of Lane’s time in Kansas, his involvement within the Danites is a complex and bitterly contested issue. His critics have pointed to it as evidence of his radical and dangerous nature. His defenders explain that it was simply another avenue of fighting for free-state interests. What seems clear is that little came about from the Danites. Free-state settler and former Danite James Legate later wrote that the society “had not much more than a year’s duration, because Lane was continually calling meetings, and would invariably have a long paper of ‘whereas’ Bill Smith, a ‘proslavery hell hound,’ had been guilty of stealing free-state men’s horses, or burning some one’s house, or some crime of less grade, and then, ‘Therefore, resolved,’ that Bill Smith shall be brought before this body of men, his case investigated and adjudicated, and the decree shall be executed by one or more men appointed by the commander of this council, or of some subcouncil.” Legate complained, “Lane’s ‘whereases’ killed the society.”

During the period in which Lane may have associated with the “secret” society, more pressing political interests came to a head. Free State men briefly re-endorsed the Topeka Constitution, but ultimately it receded into the background as leading free-state officials abandoned its fold for the recognized territorial government they now controlled. The future of the Lecompton Constitution before Congress became the most pressing matter. Lane made headlines by doing an apparent about-face upon Lecompton’s potential success. In Elwood the notable opponent of the Lecompton document was heard to say that “passage of the Lecompton Constitution. . .would not

19 Stephenson, The Political Career of General James H. Lane, 94-95.
even create a ripple on the surface of Kansas affairs.”20 He further spoke in positive terms about Kansas and Missouri relations. One account reported him saying:

To the people of Missouri he desired to say one word. For years they had declared that Jim Lane was an abolitionist. He denied it. It was his desire to cultivate friendly intercourse with them, and claimed them as his brethren. . . .

It was now time that unfriendly feelings between the two States should cease. They had common interests at stake and should let bygones be bygones. Missouri should take Kansas by the hand and bid her God speed; the time had passed by when there should be any difficulty between them; it was to their interest to have peace. He tendered to Missouri the olive branch of peace, and thanked her citizens for their attendance.21

People on both sides of the Kansas debate were shocked. The proslavery Kansas Weekly Herald called it Lane’s “New Dodge.”22 The Herald of Freedom predicted that eastern newspapers would complain that Lane had “apostacised” and “turned traitor.”23 Yet Lane’s approach was understandable, and many agreed with him. Robert Elliott, founder of the Kansas Free State, wrote to his sister that free-state men “regard the Lecompton Constitution as verbally defeated, and even if it does pass Congress, it won’t give us much trouble.” Like Lane, Elliott believed that “in one month after it is attempted to be put in operation by its framers it will be scuttled and set adrift without captain, pilot, engineer or fireman.”24 George Brown, of the Herald of Freedom, also defended Lane’s stance as his own, writing, “We are conscious that a class of newspapers in Kansas and out of it, will give us ‘fits’ because we are of opinion that the passage of

20 Quoted in the Herald of Freedom, March 20, 1858.
21 Ibid.
22 Kansas Weekly Herald, March 27, 1858.
23 Herald of Freedom, March 20, 1858.
the Lecompton Constitution through Congress will not produce civil war. When their fury is spent on us they will annihilate Gen. Lane.”

The Lecompton Constitution continued to generate controversy in the United States Congress. Lane’s comments did not provide support for the document, but were meant to reassure his audience that passage of that constitution would not destroy free-state hopes or interests. Further, Lane’s speech in Elwood focused on the future of railroads into the territory. Months before, the “Address to the American People on the Affairs of Kansas” written by the Grasshopper Falls committee, chaired by Lane, had taken a similar message, linking the interests of Kansas and Missouri and promising peace should Missourians leave Kansas political matters alone. The success of a railroad into Kansas benefited and depended upon Missouri. Political conflict between the two states would interfere with economic development. Within this context, Lane’s “olive branch” toward Missouri was not remarkable—on the contrary, it was pragmatic.

Lane’s confidence in the face of Lecompton’s passage stood upon free-state power within the territorial legislature. In an April 29 letter to various free-state men concerning the future of Kansas statehood, Lane specifically explained this confidence. He acknowledged his steadfast opposition to the Lecompton movement, relating that “I favored the plan of breaking up the Lecompton Constitutional Convention by hanging its members, and therefore under no circumstances could I favor any movement originating from or growing out of the action of that body.” But the constitution’s passage through Congress would not be a problem. He advised:

26 The Kansas Weekly Herald explained: “The editor of the St. Joseph Journal recently went to hear Lane make a Railroad speech at Elwood.” Kansas Weekly Herald, March 27, 1858.
Immediately after the passage of the Lecompton Constitution have the people of Kansas assemble in Convention, and I doubt not some plan will be adopted by which the Lecompton Constitution and Government can be laid aside, and the Leavenworth Constitution and Government substituted, without in the slightest degree disturbing the peace of the country; and in view of this contingency, I respectfully suggest that when this Delegate convention adjourns, it do so subject to the call of the President thereof.27

In short, Kansas free-state legislators should simply, and quietly, replace the Lecompton Constitution after statehood. The Leavenworth Constitution Lane referred to was the new effort in the territory to provide Congress with a document that was hoped to overcome both the Lecompton Constitution's and the Topeka Constitution's shortcomings.28 As he had in past conventions, Lane played an instrumental part in the Leavenworth movement. His first notable role was preventing the convention from falling apart. At the first meeting in Minneola, a dispute over the convention's location threatened to break up the effort entirely. Land speculation around Minneola—with the expectation of it becoming the capital—caused a great deal of excitement and consternation among the representatives. Considering the problem of fraud and corruption among previous territorial officials, a majority of delegates favored relocating the convention to a more neutral town.29 Lane, serving as convention president, favored relocation. When those representatives with land interests objected, even suggesting they might bolt from the Free State party, Lane delivered a masterful speech to maintain party unity.30 Standing before the convention, he boomed that if "in the momentous and supreme hour of the party's struggle they were bound to leave it on account of a few

27 Correspondence printed in the Lawrence Republican, May 13, 1858.
28 Most Kansans rejected the Lecompton convention as illegitimate while many in Congress rejected the Topeka movement as illegitimate.
29 For a contemporary description of the "Minneola Swindle," see Isaac T. Goodnow to Friend Sherman, April 1 & 3, 1858, Isaac Goodnow Collection, Kansas State Historical Society, Topeka.
paltry shares in Minneola, then let them go—and go to hell!”\textsuperscript{31} With that, the assembly agreed to move to Leavenworth. But disagreement within the convention hardly subsided.

Upon meeting in Leavenworth, Lane retained his presidency and committees were quickly assigned. However, he shortly thereafter resigned his position due to “prejudice existing against him,” he explained, “even among some good free-state men.”\textsuperscript{32} Lane still served as a delegate in the convention, voting on certain controversial matters. No issue was more controversial within the convention than black suffrage. As with the Topeka Constitution, slavery was outlawed. Unlike with the previous free-state movement, free black exclusion from the state—known as the “black law”—was not an issue. Isaac Goodnow wrote to a friend that the “Black Law of the Topeka Constitution, made as an offering to the Slave power, has no place in this.”\textsuperscript{33} Though Goodnow mistakenly labeled the “black law” as part of the Topeka Constitution, the law was nonetheless a significant part of the Topeka movement.\textsuperscript{34} The Leavenworth movement had a decidedly more progressive tone. With a free black presence accepted in Kansas, some delegates voiced their concern over black rights and citizenship. During the final review of the constitution on April 1, a delegate from Leavenworth “moved to insert the

\textsuperscript{31} Quoted in Nicole Etcheson, \textit{Bleeding Kansas: Contested Liberty in the Civil War Era} (Lawrence: The University Press of Kansas, 2004), 178
\textsuperscript{32} \textit{National Era}, April 15, 1858, quoted in Stephenson, \textit{The Political Career of General James H. Lane}, 95; \textit{Kansas Weekly Herald}, April 3, 1858.
\textsuperscript{33} Isaac T. Goodnow to Friend Sherman, April 1 & 3, 1858, Isaac Goodnow Collection, Kansas State Historical Society, Topeka.
\textsuperscript{34} Lane and most other Midwestern settlers had supported black exclusion laws. Due to sufficient opposition within the convention, the Topeka constitution did not include the “black law.” However, a referendum on the “black law” was attached to the Topeka constitution. “The Topeka Movement,” \textit{Collections of the Kansas State Historical Society} (Topeka: W. R. Smith, 1915), 13:145.
word ‘white’ before the word ‘male’” in the section on “Elective Franchise.”

Lane made a motion to send the matter to a select committee. His motion was defeated. Another delegate moved to table the whole subject. Lane and thirty-four other delegates supported the motion to table the effort, but were defeated.

Lane had been a vocal proponent of the “black law” during the Topeka movement. His apparent shift now to oppose stringent language limiting black rights in Kansas seemed out of character. Yet, some evidence of Lane’s thoughts during the convention illustrates his purpose behind what appeared to be a surprising reversal. A newspaper reported that “Gen. Lane said he belonged to the Abolition wing of the Free State party, and he appealed to them not to agitate this question, which might seriously distract the party.” Fearing that the convention may again divide, he suggested that “[w]hen the question came up, and any negro asked to vote, then would be time enough to agitate the suffrage question.”

Lane’s claim to be part of the “Abolition wing” triggered a round of criticism and ridicule across Kansas. The White Cloud Kansas Chief announced that Lane “must consider the Free State people of Kansas an arrant set of fools, whom he can wheedle about at his pleasure.” “But it does appear to us that he would secure a more substantial popularity, (for popularity and honors is all he is after,)” the story continued, “if he would pursue a straight forward course, and not profess a different set of principles for every different locality—a Pro-Slavery man on the border, a moderate man, in a moderate

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35 Journal, Leavenworth Constitutional Convention, April 1, 1858, Kansas State Historical Society, Topeka.
36 Ibid.
37 Quoted in the White Cloud Kansas Chief, reprinted in the Herald of Freedom, May 1, 1858.
community; and a radical Abolitionist in a Convention of that sentiment." 38 The Herald of Freedom ran a satirical story on Lane, tracking his recent speeches and showing what appeared to be inconsistent views, and stating that "it will be a source of pleasure to learn that so distinguished a person as Gen. Lane has at last come up to the Abolition standard," and all of its more radical viewpoints. 39

Lane's reason for claiming to be part of the "Abolition wing" of the party was practical—although it made him appear hypocritical. He had not adopted abolitionist viewpoints. Instead, fearful of the convention splitting along conservative and progressive lines, Lane attempted to identify with and thus appeal to the important abolitionist contingent. His use of the word "Abolition" was his chief mistake, for his advice following this identification was quite conservative. He asked the radicals—those with abolitionist interests—"not to agitate the question" of black suffrage. His primary objective was to maintain party and convention integrity by trying to delay the suffrage issue until after the constitution passed.

Lane regularly used the oratorical tactic of identifying with his audience. In Chicago in the spring of 1856, as he labored to draw in support for Kansas, Lane appealed to the Illinois audience's pride, recalling how he fought alongside Illinoisan Colonel W. H. Bissell, a Republican gubernatorial candidate:

I was side by side with your gallant and noble Bissell at Buena Vista and in Congress. I wish that I could describe to you the scene on the morning preceeding [sic] that glorious battle. On a ridge stood Clay, Bissell, McKee, Hardin, and myself. Before us were twenty thousand armed enemies. It was a beautiful morning and the sun shone bright upon the polished lances and muskets in the breeze. . . . Around us stood five ragged regiments of volunteers, two from Illinois, two from Indiana, and

38 White Cloud Kansas Chief, reprinted in the Herald of Freedom, May 1, 1858 and Kansas Weekly Herald, May 8, 1858.
39 Herald of Freedom, May 8, 1858.
one from Kentucky, they were bone of your bone, blood of your blood, and it was only when you were near enough to look into their eyes that you could see the d---l was in them.  

Occasionally he made a stretch, or took some liberty, in linking himself to his audience. Perhaps the most notable example regarded his birthplace. Kansas historian William Connelley explained that Lane “often claimed Kentucky as his native State.” In fact, Lane mysteriously listed Kentucky as his birthplace at the Topeka constitutional convention. Connelley further states, “In the sketch of his life written by himself, he says he was born on the bank of the Ohio river, but does not say upon which bank.”

The ambiguity, though frustrating to historians and some of Lane’s contemporaries, served Lane well as he stood before crowds—some of which were southern or sympathetic to the South.

Overall, this tactic, like many others, demonstrated Lane’s mastery of public speaking. Though gaining a reputation for wild, radical oratory in Kansas, Lane’s speeches in Washington, D.C. and in eastern states were often marked by careful logic, a calm demeanor and appealing wit. After attending one of Lane’s speeches in Connecticut during the Civil War, one reporter noted:

Great was the surprise of some present to find before them a man of fair proportions, of genteel appearance, of unobtrusive manners, instead of the rough and savage animal which the antiwar papers have seen fit to represent him…. The speech had no leading towards radicalism, was well received throughout, and elicited hearty applause.

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40 Chicago Daily Tribune, June 2, 1856, in Webb Scrapbook, 13:8; also see John Speer, Life of Gen. James H. Lane: “The Liberator of Kansas” (Garden City: John Speer, 1897), 103-104.
41 William Elsey Connelley, James Henry Lane: The “Grim Chieftain” of Kansas (Topeka: Crane & Company, 1899), 38.
42 A copy of the list of members can be found in “The Topeka Movement,” 163-164.
43 Connelley, James Henry Lane, 38.
Lane did mold his appearance and behavior to conform to various audiences. But far from being a fault or vice, this trait helped Lane’s career and his cause. Most importantly, though Lane’s manner—and occasional details—may have shifted to better influence his audience, the interests and principles behind his speeches did not. It is this consistency of interest in a free state of Kansas and adherence to democratic principles that his critics have ignored.

Lane’s claim of being part of the “Abolitionist wing” helps fuel the image of inconsistency, of contradiction, of a man shifting his “political sails to suit the time, place, and his need for money and political support.” However, the incident demonstrates Lane’s interest in maintaining party unity. Lane was not a blind follower of the popular tide. In Leavenworth, as in virtually all of the free-state activities he had been involved in, Lane stepped forward as a leader. He labored to unite the Leavenworth convention. His means of accomplishing this task appear contradictory, and do make Lane appear hypocritical. But the message and purpose behind his claim were practical. And, even more importantly, they worked. The convention did not fracture. During the convention’s final days, free-state delegate Isaac Goodnow wrote to a friend that “Gen. James H. Lane was the ruling spirit which directed & inspired the energies of the mass to the speedy formation of The People’s Constitution, of Kansas.” Rather than see Lane as a demagogue or opportunist, Goodnow explained that it was “with the greatest interest that I have carefully watched the labors, & the influence of this Wonderful Man!” He continued:

Sometimes, conflicting measures would throw into confusion the Convention & threaten dissolution. Then was the time for Lane to throw

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himself into the arena! A general appeal to the whole, with direct appeals to factious leaders rebuking one, & coaxing and this, the effect is astonishing! Explanations acknowledgements, &c, till the repulsive elements are fused & assimilated into a homogenous Mass, and all things soon found again with order & rapidity. He is the man for the boots, & fills a place in our history that no other man can. He can command any office is the gift of the People & will no doubt be sent to the U. S. Senate.46

The White Cloud Kansas Chief argued that Lane would gain more popularity by maintaining a more consistent path. The paper was both right and wrong. Lane’s adaptation to audiences did leave him vulnerable to charges of hypocrisy. Yet, his adaptation served an important purpose, whether it was preventing free-state factionalism, or converting a hostile audience into supporters. This should not be construed to mean that Lane said what his audiences wanted to hear. Instead, he carefully crafted his messages to best influence listeners. In short, Lane’s adaptation to audiences was a tactic designed to achieve his consistent objectives. And such adaptation was necessary, as the political minefield of Kansas territory chewed up and destroyed a number of capable and previously successful men. By the time of the Leavenworth Constitution—less than four years after the creation of the territory—Kansas was under its fifth appointed governor.47 Men who were unwilling or incapable of dealing with the competing interests in Kansas, through some measure of association or intimidation, had no future in the territory’s political environment. Thus, as a creature both shaped by and designed for the controversy in Kansas, Lane thrived.

46 Isaac Goodnow to Friend Sherman, April 1 & 3, 1858, Issac Goodnow Collection, Kansas State Historical Society, Topeka.

47 The five appointed governors were, in order, Andrew Reeder, Wilson Shannon, John Geary, Robert Walker and James Denver. Two other men served as acting governors in between the appointments: Daniel Woodson and Frederick Stanton. Thus, between July 1854 and April 1858 seven men had served as governor in the territory. Three more (one appointed and two acting) governors would serve before Kansas became a state in 1861. For more information, see Daniel Wilder, The Annals of Kansas (Topeka: Geo. W. Martin, 1875).
Though the convention did not crumble on the matter of black suffrage and the issue remained divisive, no change was made to the constitution’s Election Franchise article. In fact, the Leavenworth Constitution remained silent on many racial issues. During the convention’s final session on April 3, some delegates, frustrated with the document’s ambiguity on certain matters, qualified their support of the constitution. Caleb May stated that he signed the constitution “believing that it does not extend the right of suffrage to negroes.” Four other delegates presented a signed statement, which read:

We sign this Constitution under protest for the reason that we believe a majority of our constituents are opposed to negro suffrage and the Emigration of free negroes to the State of Kansas – Believing this we feel entirely justified in our course.\(^{48}\)

Far from solving the constitutional dilemma of Kansas, the Leavenworth Constitution created more problems. First, it proved to be a failure in Congress. Many powerful men in Washington, D.C., including the president, continued to support the Lecompton Constitution. Second, the Leavenworth Constitution’s ambiguity on racial matters left few satisfied. George Brown of the free-state Herald of Freedom predicted widespread opposition to the document because “it is neither ‘fish, flesh nor fowl,’ but it is all things to all men.”\(^{49}\) The apparent pro-black elements of the constitution drew opposition from voters. The proslavery Kansas Weekly Herald ridiculed any protection of black suffrage within the Leavenworth Constitution. “Let the Convention pass this clause, and attempt to enforce their Constitution upon the people,” the Herald read, “and

\(^{48}\) Journal, Leavenworth Constitutional Convention, April 3, 1858, Kansas State Historical Society, Topeka.
\(^{49}\) Herald of Freedom, May 1, 1858.
they will find the mass of the people are not prepared to allow a buck negro to walk up to
the polls with a white man and vote.”

Lane struggled to defend the ambiguous nature of the constitution, and stem the
negative reaction it received from various Kansans. He took a moderate position to
maintain support for the constitution within the convention and in front of the public. He
abandoned the strong support of the “black law” he had advocated during the Topeka
movement. But he did not embrace black rights in Kansas. In Leavenworth, Lane,
speaking in defense of the newly drafted constitution, reportedly used the Supreme
Court’s decision concerning the slave Dred Scott to prove that blacks were not citizens
and thus could not vote. Further, Lane referred to a letter by Secretary of State Lewis
Cass as further proof that blacks were not citizens, and as such could not vote. Cass
wrote to Senator Henry Wilson that “[a] passport, being a certificate of citizenship, has
never, since the formation of the Government, been granted to persons of color.”

Lane’s arguments had little effect. Irish immigrants in Leavenworth heckled Lane
and other speakers out of opposition to seeming pro-black elements of the document.
The pro-slavery Kansas Weekly Herald criticized the defense of the constitution as “a
signal failure,” and many strong anti-slavery and abolitionist free-state settlers were
similarly unimpressed. Though the Leavenworth Constitution was presented to

50 Kansas Weekly Herald, April 3, 1858.
51 Ibid., April 24, 1858. Chief Justice Robert Taney delivered the Supreme Court’s majority
opinion on Dred Scott v. John F. A. Sandford in early 1857, setting off a national sensation. The plaintiff,
Scott, sued for his freedom on the grounds that his master had taken him into state designated as free by the
Northwest Ordinance. Taney’s decision was monumental in its handling of Congressional authority over
slavery in the territories. For more information, see Don E. Fehrenbacher, The Dred Scott Case: Its
52 Letter quoted in Herald of Freedom, May 8, 1858.
53 Etcheson, Bleeding Kansas, 182.
54 Kansas Weekly Herald, April 24, 1858. See also Herald of Freedom, May 8, 1858.
Congress, it died quickly.\textsuperscript{55} Meanwhile, the Lecompton controversy continued to boil in the Senate until a compromise proposed by William English placed the Lecompton Constitution before Kansas voters in the summer. Kansans soundly rejected the measure, and the Lecompton Constitution finally passed away.\textsuperscript{56}

Though the last months of 1857 and early months of 1858 had been some of James Lane's busiest, his political career almost came to an abrupt end in the early summer. In late May, Lane seemed to move away from politics, opening up a law office with James Christian in Lawrence. An advertisement for the business stated:

The Kansas struggle being over, Mr. Lane will devote exclusively to the practice, and trusts by strict attention to business to receive a portion of the business of the people of Kansas.\textsuperscript{57}

Perhaps to regroup at home and enjoy time with his family until statehood and state elections approached, Lane settled back into life in Lawrence. But his personal life took a tragic detour on June 3, 1858, when Gaius Jenkins—another prominent Free State man—and three men approached Lane's home in Lawrence. A dispute over the land on which Lane lived had become increasingly bitter. Jenkins, swinging an axe, chopped down Lane's front gate and walked on to the property. Lane, shouldering a shotgun, called out for Jenkins to stop. Within seconds gun blasts shattered the peaceful Lawrence community. Jenkins lay dead in the front yard while Lane hobbled inside with a bullet in his knee. The story of James Lane had just taken an unfortunate twist.

\textsuperscript{55} Etcheson, \textit{Bleeding Kansas}, 179.
\textsuperscript{56} Wilder, \textit{The Annals of Kansas}, 186-188. The English Bill offered Kansas voters an incentive for voting for the Lecompton Constitution as well as providing a slight punishment for rejecting it. Kansas acceptance of the measure promised a substantial land grant as well as a percentage of government profits from an upcoming land sale. Kansas rejection of the measure meant a delay in statehood based upon a new population requirement. Critics of the bill argued that it was blackmail. Still, Kansas voters rejected the Lecompton constitution and remained a territory for over two more years. Allan Nevins, \textit{The Emergence of Lincoln. Vol. 1: Douglas, Buchanan, and Party Chaos, 1857-1859} (New York: Charles Scribner's Sons, 1950), 297-301.
\textsuperscript{57} Lawrence Republican, May 27, June 3, 1858.
The first few months of 1858 for James Lane began with continued excitement against leading proslavery figures, and especially the new territorial governor. However, Lane quickly refocused his energies toward the construction of a new state constitution, to replace the Lecompton plan pending before Congress. Battling factionalism within Free State ranks, Lane utilized his oratorical and political gifts to preserve the Leavenworth convention and put forth what he hoped was an acceptable plan for the people of Kansas. It failed, and his actions during the convention brought further criticism of inconsistency and hypocrisy. Still some, like Isaac Goodnow, recognized Lane’s interests and value to the free-state cause. In the chaotic political environment of Kansas, Lane adjusted and adapted to new threats and new difficulties to achieve free statehood.
CHAPTER VII
LANE’S POLITICAL COMEBACK, 1858-1861

"The writer seeks no leadership—asks no office, but simply desires to enjoy the right of free speech, and permission to labor as a private in the ranks of the great Jefferson Republican party of freedom."

The deadly confrontation between James Lane and Gaius Jenkins brought Lane’s political career to a halt. Facing public censure, he spent most of 1858 out of the public eye. Yet, the final push in Kansas for statehood and the establishment of the Republican party in the territory drew Lane. His embrace of the Republican party was consistent with his previously espoused interests and principle, and clearly resulted from his experiences in Kansas. Emerging from what appeared a political grave, James Lane sprang back into the political arena in time to stump for Abraham Lincoln’s presidential election and push for his own election to the United States Senate.

Details of James Lane’s shooting of Gaius Jenkins and the court case that followed are beyond the scope of this study. Jenkins was a free-state man, but from the New England faction that generally opposed Lane. The event was tragic, but separate from the larger political and social issues. Nonetheless, it seemed to mark an inglorious end to Lane’s political career—his acquittal meant little to his political opponents. Numerous free-state newspapers ridiculed him. The New Albany Tribune in Indiana explained that Lane “might have maintained his position as the leader of the Free State party of Kansas for a long time, if he could have controlled his passions, but this he never could do. His life has been one of bitterness, hatred and personal difficulties.”1 The White Cloud Chief took an even more critical tone, reporting:

1 New Albany (Ind.) Tribune printed in Herald of Freedom, July 3, 1858.

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It is a noteworthy fact that, with all Gen. Lane’s bluster, skirmishes, marches, parade and fuss generally, in Kansas, the only blood he is known to have shed, and the only life he has taken, is Free State. . . . He has been abused, blackguarded and dared to his face, by pro-slavery men, and sneaked off like a whipped dog; but because a Free State man attempts to get water—one of the necessaries of life—from a well on a disputed claim, Lane shoots him down like a beast!

Such is General Lane. That was a fatal shot for him.2

While his friends were pleased with his acquittal, his future in politics seemed hopeless. Nursing his own bullet wound (fired by one of Jenkins’ colleagues during the episode), Lane stepped out of the public eye for months.

It was during this period that George Brown and his Herald of Freedom turned against Lane with force. In the weeks preceding the Jenkins killing, the Herald of Freedom had run what was reportedly a sarcastic string of endorsements for Lane as a presidential candidate.3 On June 12, the Herald printed a story entitled “Dropped” in which Brown explained the parody of Lane he had carried out until that time:

It is but justice to our readers to state, that it has been understood for months that Gen. Lane was an aspirant for the Presidency, and we are informed that he has been laboring with considerable energy to get his name brought forward as a candidate for that post. . . .

It occurred to us that the best way to meet such a crazy proposition was with ridicule, hence our burlesque candidate for the Presidency; and hence the sarcastic articles which followed.

While, personally, we have no controversy with Gen. Lane, yet, politically, we conceive him the most impractical politician we ever knew, and his counsels the most unsafe of any to follow. The tragical affair, which he has introduced into the politics of Kansas, is more fatal to his prospects than all else. . . . The name of Gen. Lane, like that of Aaron Burr, will fill a mournful page in the history of his country. We drop it in silence and in grief.4

James Redpath, the editor of the anti-slavery Crusader of Freedom, provided another account of Lane seeking the presidency. According to Redpath, Lane labored to push

2 White Cloud Chief quoted in Herald of Freedom, July 17, 1858.
3 See Herald of Freedom, May 29, June 5, 1858.
4 Herald of Freedom, June 12, 1858.
Charles Robinson out of key leadership positions in Kansas, in order to set himself up for a presidential bid. Finally, historian Leverett Spring explained that the “belief had long haunted [Lane] that some day the people of the country would call him to the highest office within their gift.” Though Spring provides supposed quotes from Lane on the matter, he lists no sources.

Little mention of Lane can be found in the territory’s newspapers throughout the rest of 1858—except for the Jenkins episode. Occasional reports arose concerning Lane’s activities and future, including word that he was a candidate for a local territorial office. In December a committee in Lawrence formally requested Lane to give a lecture on the “History of Kansas.” He uncharacteristically declined the invitation to speak, citing a lack of sufficient time to prepare. This was atypical of the man whose impromptu stump speaking abilities were legendary. It appeared that the wind had been taken out of Lane’s sails, and he preferred—for the time being—to keep a low profile.

In early 1859 things changed. Events in Kansas stirred Lane back into action. In late January, a New York free-state man, Dr. John Doy, and his son were captured by a pro-slave posse outside Lawrence while attempting to help thirteen slaves escape from Missouri. The Doys were taken back to Missouri and detained for trial. Days later citizens in Lawrence held an “Anti-Kidnapping Meeting” to denounce the proslavery capture of the Doy party. The Lawrence Republican reported that after J. C. Vaughan of Leavenworth made a rousing speech to the crowd, “Gen. Lane being loudly called for, made as eloquent address.” After resolutions were introduced, Lane gave a second

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5 Doniphan Crusader reprinted in Kansas Weekly Herald, May 29, 1858.
7 Herald of Freedom, July 24, 1858.
8 Lawrence Republican, December 30, 1858.
speech with his legendary energy, calling for the “hanging of the traitors.”9 Not everyone was impressed with Lane’s showing. A letter-writer under the moniker “A WHITE REPUBLICAN” complained that Lane had turned the assembly into a “political meeting, and denounced all as Democrats, or Pro-Slavery men, who were not in favor of hanging the whole crew.” Although a regular Republican voter, the writer explained that if the interests and actions of Lane and his friends constituted the new Republican party in Kansas “you can count me out.”10 The Herald of Freedom characterized Lane’s participation as an attempt to “recover, by speechmaking and other means of notoriety, the position and influence that he held before the Jenkins affair, [and he] works day and night to accomplish this objective.”11

The Doy affair rekindled images of previous border problems. Though it brought Lane back into the spotlight, he began to look toward more substantial political matters. Lane reportedly traveled to Leavenworth to help establish the Republican party there.12 Four weeks later Lane added his name to a long list of residents recommending a territorial Republican convention in May.13 He was making his political return, and now he officially committed his future to the Republicans.

But this reemergence was complicated. Territorial officials denied him the use of a facility to “lecture to the working men of Lawrence,” because his conduct “for sometime past, was not such as to justify the Representatives, fresh from the people, extending this courtesy.”14 Further, rumors regarding his return to public life circulated.

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9 Lawrence Republican, February 3, 1859.
10 Printed in the Herald of Freedom, February 19, 1859.
11 Herald of Freedom, February 5, 1859.
12 Ibid., January 29, 1859.
13 Lawrence Republican, March 3, 1859.
14 Ibid., February 5, 1859.

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In a letter to George Brown of the *Herald of Freedom*, a writer in Mt. Hope, Ohio, listed a number of popular old and new claims:

It is asserted here that Gen. James H. Lane, the Kansas Hero, went to Kansas a Pro-Slavery man; that he tried to buy slaves; that he sided with the Pro-Slavery men; that he recognized the first bogus Legislature, by trying to get a divorce from his wife; that the Legislature refused; Lane got mad and turned Free State man; stumped the Territory, and went for a Free State because it was not a hemp growing country. It is also said that he seduced a woman, got drunk, joined the Temperance Society, the Church, and was elected United States Senator under the Topeka Constitution, all in one week.

It is also said, that he has recently (since the killing of Jenkins,) again joined the Temperance Society and the Methodist Church (on probation,) that he is now the most popular man in Kansas, and will probably be the Republican nominee for President in 1860, with Wm. H. Seward for Vice President, and “belongs to the Abolition wing of the Free State party.”

Lane’s appearances among religious services and social clubs, such as the Good Templars, drew notice. His critics believed he designed to “get his name before the public in every possible shape, with the view of making himself appear to be a temperance man, a moral man, a religious man, and a patriot. . . .” But, George Brown continued, “[d]id we not know the man and his claquers it is possible we, too, might be deceived into his support.” Lane’s sincerity regarding religious matters has been a contentious issue. As with nearly everything about the man, his friends and critics sharply disagreed. Typical is the story of Lane attending a Methodist revival in Kansas, emotionally joining in the congregation in prayer and devotion. When the minister began denouncing the vices of humanity, including tobacco, Lane bowed his head, removed a large piece of chewing tobacco from his vest, and handed it to the preacher. The energy among the assembly increased as the minister and the congregation saw a humbled Lane

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15 Ibid., February 19, 1859.
16 Ibid., January 22, 1859.
give in to faith. Rejoicing, the minister flung the tobacco into some nearby bushes. After the revival, two young men searched the area for the discarded package, but to no avail. The next day, Lane addressed a large crowd on political matters, chewing what appeared to be the previous night’s plug of tobacco. Still, others maintained confidence in Lane’s moral genuineness. John Speer stated that with “all his oddities, [Lane] had a firm faith in the Christian religion.” The Reverend Hugh Fisher later recalled, “I knew him intimately and long and well, and never knew a man who, when with good men and in refined surroundings, was so wholly and powerfully under the influence of mother’s teachings.”

Even before the Jenkins affair, a correspondent to the New York Times explained that “the General has never been even a frequent partaker of spirituous liquors, since his residence in Kansas, and is now a teetotaler and member of the order of Good Templars.”

Overall, it is likely that Lane was sincere in many religious convictions. Nonetheless, his adherence to western ideas of imagery and honor—related to perceptions of masculinity in the Old South—often put him at odds with conservative New England settlers. Sara Robinson, wife of Lane’s political opponent Charles Robinson, described the puritanical view of masculinity in 1856. In her book on the Kansas struggle, she explained that the territory needed “such men, with unwearying

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18 Ibid., 89.
confidence in God, and the humanity of men, with whom the love for a distressed brother is more than one’s faith in creeds, and whose faith is strong.”21 Historian Kristen Tegtmeier Oertel further described this conservative attitude, stating that, “In accordance with certain Christian teachings, the ideal Northern man valued nonviolence and held pacifism in high regard, especially when backed by principles of justice and liberty.”22

While most New England free-state settlers were not complete pacifists, the level and type of aggression demonstrated by western settlers often perplexed easterners. Charles Robinson illustrated this divergence when discussing Lane’s obsession with honor and image, including the fact that Lane had nearly engaged in a duel in 1856. “No one seemed to care about such matters except himself,” Robinson believed, “but he evidently thought much ado about his honor and courage was necessary to secure the confidence of the people.”23 In fact, Lane’s sense of honor and imagery closely followed attitudes in his native Indiana, particularly in the southern part of that state (including Lane’s hometown of Lawrenceburg) which had seen a strong influx of southerners throughout the nineteenth century.24 Historian Nicole Etcheson explains that “Upland South migrants brought with them as well the aggressive masculinity of their native region and injected it into the political culture of their new home.” This injection

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24 Historian Nicole Etcheson writes, “The migration of southerners began after the Revolution, as upland southerners from such states as Kentucky, Tennessee, Virginia, and North Carolina moved down and across the Ohio River and settled communities in southern and central Illinois and Indiana and portions of southeastern and south-central Ohio. Cultural geographers still recognize these areas as southern cultural regions, extensions of the Upland South distinguishable from other areas of the same states by housing types, crops and livestock, food, religion, and dialect.” Nicole Etcheson, “Manliness and the Political Culture of the Old Northwest, 1790-1860,” *Journal of the Early Republic* 15, no. 1 (Spring 1995), 59-60.
included elements of "southern honor," "which condemned effeminacy and expected men to be ferocious and aggressive."\(^{25}\)

Bertram Wyatt-Brown, a leading historian of Southern perceptions of honor, argued that dueling "no less than hospitality and gaming, was inseparable from community evaluation of the individual, although dueling, the most antagonistic of the three strategies for self-enhancement, was alleged to be a defense of personal honor." In the South and much of the lower midwest, "honor was little more than the reflection of what the community judged a man to be."\(^{26}\)

Wyatt-Brown depicts two very different forms of honor in nineteenth-century America: "primal honor" and "gentility."\(^{27}\) "Primal honor," which placed significance on public perceptions of the individual, found a firm footing in Southern culture: "The opinion of others not only determined rank in society but also affected the way men and women thought."\(^{28}\) "Gentility" was a "more specialized, refined form of honor, in which moral uprightness was coupled with high social position," and it was embraced more by religious and intellectual circles.\(^{29}\) "Gentility" did play a role in Southern honor, but in a far different manner than that found in northern areas. Wyatt-Brown explains: "Northern gentlemen also assumed these graces, but the order of their priority was quite different, and therefore to them Southern gentility appeared in a curious refraction."\(^{30}\)

Charles Robinson and George W. Brown, two of Lane's most powerful critics, both came from northeastern communities which placed greater emphasis on northern assumptions of

\(^{25}\) Ibid., 61, 62.
\(^{26}\) Bertram Wyatt-Brown, Honor and Violence in the Old South (New York: Oxford University Press, 1986), 142.
\(^{27}\) Ibid., 25-61.
\(^{28}\) Ibid., 31.
\(^{29}\) Ibid., 40.
\(^{30}\) Ibid., 41.
"gentility." They not only rejected but failed to understand the "primal honor" of the South and Old Northwest. So, when Lane aggressively defended his public image with talk of dueling and violence in accordance with southern and western perceptions of honor, these critics saw fault in the man.

Lane’s upbringing in Indiana under the tutelage of a New England-born mother helps explain his apparently contradictory handling of religion and honor. His rearing in southern Indiana, with its cultural emphasis on “primal honor,” instilled an aggressive defense of his public image. Yet, his attachment to “gentility” through his mother established a reverence for conservative faith, even if often overshadowed by his rough, western code of conduct. Thus, Lane’s religious and moral code was a product of his environment. Critics during his lifetime, and historians who have characterized the man’s apparent contradictions as simple opportunism, have all failed to appreciate these environmental factors. In a nation and society fractured by political and cultural differences, Lane has been demonized for blurring sectional and ideological lines.

Lane’s return to the public stage in Kansas in 1859 could not happen without some handling of the still-lingering Jenkins affair and his bruised reputation. Not only did his sense of honor demand it, but his political future depended upon standing up to his critics. On February 21 residents of Bourbon County passed a resolution introduced by a Captain Charles Hamilton that vehemently denounced Lane:

Resolved, That Jim Lane, the murderer of Jenkins, was a fit leader for the mob in Lawrence, and the act of his firing upon me and robbing my command was a more ridiculous act of cowardice, and but adds one more infamous passage to a life of ‘treason, stratagem and spoils’.31

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31 Quoted in Lane’s address “To The People of Kansas,” Lawrence Republican, March 17, 1859.
Irate, Lane wrote a lengthy personal explanation, his first public discussion of the Jenkins killing since the previous summer. Prefacing his address by stating that he usually avoided responding to personal attacks, he nonetheless felt compelled to call attention to this particular resolution. He blamed “Democratic wire-pullers” for initiating the meeting and suggested that the Democratic party, “and those under pay of that party, entertain the opinion that its very existence in Kansas is dependent on crushing out the writer.”

As for the killing of Jenkins, Lane expressed remorse, stating that “no one has more deeply felt or more grievously mourned that misfortune, than myself.” But such mourning did not demonstrate guilt. He justified the act, arguing that “the fatal trigger was not drawn until the preservation of my own life and that of my family seemed to me to imperiously demand it.” Finally, Lane again denied receiving or taking money from northern donors to the Kansas cause. This accusation, nearly two years old, still haunted Lane.

After carefully refuting the various charges, Lane turned his attention to the negative press he received. He was “at a loss to understand why it is that I am the subject of so much denunciation.” Generally Lane thrived on controversy. But the Jenkins episode had affected him personally and politically. Lane’s explanation for the denunciation: Democratic party opposition. He believed that Democrats viewed him as a threat to their success in Kansas. Lane denied that he was seeking political office, but portrayed himself as a regular member of the growing Republican party. “The writer seeks no leadership—asks no office,” he declared, “but simply desires to enjoy the right

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of free speech, and permission to labor as a private in the ranks of the great Jefferson Republican party of freedom.”34

Lane closed his address with a modest, yet disingenuous, explanation of his intentions:

I would not be understood as complaining of these assaults. So long as it affords those indulging in them either pleasure or profit, let them howl, until their very throats crack. My history is before the people of Kansas, and to their judgment will I cheerfully submit.35

Of course he was complaining about the criticism; throughout the address he portrayed himself as a victim. Thus, his closing words were simply gratuitous. And his stated intention to “labor as a private” in the Republican party was untrue. Lane was actively working to help establish and eventually lead the new political movement.

Still, Lane had to tread lightly. Kansas Republicans scheduled a convention in Osawatomie in May. Following Lane’s increased public appearances and association among Republicans, rumors circulated that he would dominate the upcoming assembly. The Lawrence Republican, which was friendly toward Lane, tried to dispel this fear by reiterating his stated intention to retire to private life. In fact, the editors agreed that the killing of Jenkins, whether justified or not, was an act that “inevitably drives a man from the ‘political scene’ to private life.” The Republican went even further, stating that, “Having announced his intention to retire from public life, Gen. Lane cannot consistently appear at that Convention, in any character whatever.”36 Though some assumed Lane was a prime mover in planning the Osawatomie Republican convention, and would thus

34 Ibid.
35 Ibid.
36 Ibid.
be a leading figure there, he apparently did not attend—if he did, there is no record of it. His name is not listed among the numerous delegates who served in the various leadership positions or committees.

While Lane may not have been an active leader in Republican or political activities in the territory, he continued to exert his influence. In June, he wrote a letter to Republicans in Leavenworth discussing their struggle against a strong Democratic presence. He advocated organization, urging them to "treat kindly those who have strayed from the great army of freedom. Win them back to the ranks." He closed by advising them to "[i]gnore personal considerations—heal your dissensions—stand by your guns, and all will yet be well." This call for party unity echoed his attempts to unify the Leavenworth convention a year before. Yet, critics ignored Lane's message. George Brown blasted Lane for the hypocrisy of claiming retirement from public life while actively engaging in political affairs. For men who had come to loathe Lane, any activity by the man was intolerable.

In July, delegates from the territory met in Wyandotte to draw up a constitution once again. Lane did not attend. The convention was nonetheless marked by some controversy, as delegates from some districts were denied admittance. Still, the Wyandotte effort marked the first time that distinct political party rivalry—Republicans

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37 Herald of Freedom, May 21, 1859. Editor George Brown repeatedly associated Lane with the convention, but admitted that "This article is written while that body is probably in session, hence we are wholly ignorant of its action, other than as indicated by county conventions."


39 Quoted in Herald of Freedom, July 9, 1859.
40 Ibid.
versus Democrats—punctuated a constitutional convention in the territory. The bipartisan efforts within the Free State party were no more. The only debate over slavery focused on whether the institution would be outlawed upon admission into the Union, or if slaveowners would have a set time by which they had to remove their property from the new state. Despite efforts by some Democrats to provide a temporary protection of slavery, the Wyandotte Constitution, completed on July 29, contained no recognition of slaveholding rights.

Kansas voters ratified the document in October with 10,421 votes, while 5,530 ballots rejected it. Historian Gary Cheatham credited pro-Southern sympathies and a conservative resistance to the radical features of the Wyandotte Constitution for much of the opposition. Further, the referendum tally failed to include a number of communities. Regardless of the dissension and complications surrounding this new constitutional effort, the Wyandotte Constitution moved forward and the upcoming elections stirred an anxious Lane back to action. By the fall, Lane abandoned his professed intention to remain a private citizen. In October, he attended a Republican convention in Topeka. His attempts to fight the nomination of Charles Robinson for governor failed and, the Kansas Press reported, Lane left "terribly defeated." Nonetheless, his supporters shortly thereafter held an assembly in Lawrence and passed a series of resolutions praising Lane and endorsing his bid for the United States Senate. It further resolved that "any attempt by political intriguers to defeat the well-understood wish of the people on

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42 Gary Cheatham, "'Slavery All the Time or Not At All': The Wyandotte Constitution Debate, 1859-1861," Kansas History 21, no. 3 (Autumn 1998): 172.
43 Ibid., 172-173.
45 Cheatham, "'Slavery All the Time or Not At All,'" 180.
46 Kansas Press, November 7, 1859.
this subject, will inevitably react upon them, and may result most disastrously to the integrity and success of the Republican party itself."47

With an effective end to the slavery debate in Kansas, divisions within the Free State party grew in the new Republican movement. Democrats in Kansas identified the opposing factions as "White" and "Black" Republicans. "White" Republicans were said to be conservative, largely comprising those free-state men who had urged participation in the elections under the Lecompton Constitution. "Black" Republicans, on the other hand, "opposed the voting policy, and under the management of Col. Jim Lane as Commander-in-Chief, they organized armed bodies of men, commissioned and put them into the field, to prevent the so-called Free-State men from voting."48 This simplistic characterization may have described the basic division with Free State ranks in late 1857, but the Republican in-fighting in 1860 became more substantial. Economic issues, race issues and leading personalities now led to various cliques within party ranks. And these factions were somewhat fluid as new conventions met and opportunities arose.

Further, Kansas Republicans had no problem uniting in their opposition to slavery. In early 1860 the territorial legislature considered a bill to abolish slavery. A Democratic minority in the body sternly resisted the legislation. G. M. Beebe declared that "between one-fourth and one-half a million of dollars' worth of property in slaves" could be found in Kansas and argued that "the immediate prohibition of an existing right of property in any given article is beyond either the legislative power of the States or Territories." He recommended immediate postponement of the legislation.49 His words went unheeded; the Republican-dominated legislature easily passed the bill. In response

47 Resolutions printed in the Herald of Freedom, November 5, 1859.  
48 National Democrat, March 8, 1860.  
the governor, Samuel Medary, vetoed the bill on February 20. The legislature promptly overrode the veto. Democrats in Kansas denounced the action as dangerous to the future of the Union and passed resolutions at their March convention in Atchison declaring that “the law prohibiting Slavery in this Territory, recently passed by the Republican party in the Territorial Legislature, is in disregard of the Supreme Court of the United States, in contravention of the Constitutional rights of fifteen of the States of this Union, and calculated to weaken the bonds of the Union.” The convention further celebrated Medary’s attempted veto and the Democratic legislators who voted to sustain it.\(^5\)

Lane’s comeback was due in large measure to his legendary speaking abilities. But his ability to influence conventions involved expert political instincts. His friend John Speer recalled an incident in which, at an assembly, Lane approached an outspoken critic. After engaging the man in some pleasant conversation, Lane rose before the meeting and said: “Mr. President—I move you, if I can meet with a second, [at least a dozen men seconded the motion before they heard it,] that our distinguished fellow-citizen, Mr. J. O., be made chairman of this meeting.” The motion easily carried, and his “enemy” took the chair. Before leaving, Lane handed the new convention president a list of men he recommended to prepare resolutions. Further he provided the committee chairman his recommended resolutions. Thus, the convention unanimously supported his nomination for the Senate.\(^5\)

Lane also used the power of patronage to gain support. In November, he wrote to Charles Foster about his anticipated selection for the Senate. He stated, “I trust the labor will be cheerfully performed as you know that the time is not far distant when Senator

\(^{50}\) Ibid., 242.  
\(^{51}\) Speer, Life of Gen. James H. Lane, 223.
Lane will be able to serve all and will his true friends." A writer to the *Kansas Press* lambasted Lane’s political promises, stating that “with his usual recklessness he had promised the same office to a dozen different aspirants.” While political opponents generally leveled this criticism, in fact evidence exists of Lane failing to fulfill some promises during his political career. In 1864, D. B. Emmert wrote to Lane listing a series of promised positions he had failed to receive. “First, I was to have an appointment at Washington; then the Land Office at Humboldt, and finally pretty positive assurances of the position of U. S. Assessor for this State,” Emmert complained. “These were voluntary promises; and yet, they were not only all broken; but when I have written to you, I have been passed by without even an answer to my letters.” Part of this problem may have stemmed from Lane’s interest in appeasing powerful critics. In 1863, a Kansan wrote to Lane’s associate Sidney Clarke complaining that “I know several who done all they could to defeat him, when he needed friends, [and] are reaping a rich harvest at his hands, while those who made the sacrifice to save him, and done it are treated with contempt.”

Finally, his effort to secure a senate seat included the purchasing of a newspaper to serve as his official political organ. John Speer had purchased the *Lawrence Republican*. When the printing was in danger of shutting down due to a lack of funds, Lane traveled through a snow storm to Mark Delahay’s home in Leavenworth on Christmas night to raise money. Soon after, the necessary funds were acquired and the

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52 Lane to Charles Foster, November 18, 1859, Charles A. Foster Collection, Kansas State Historical Society, Topeka.
53 *Kansas Press*, November 7, 1859.
54 D. B. Emmert to Hon. James H. Lane, February 9, 1864, Sidney Clarke Collection, Carl Albert Congressional Research and Studies Center, University of Oklahoma, Norman.
55 A. Ellis to Hon. Sidney Clark, August 16, 1863, Sidney Clarke Collection, Carl Albert Congressional Research and Studies Center, University of Oklahoma, Norman.
pro-Lane newspaper began operations. His political interests enjoyed another boost with the purchase of the *Leavenworth Daily Conservative* by two pro-Lane men.\(^5\)\(^6\)

During this period Lane also became involved in the national Republican ticket. His candidate of choice was Abraham Lincoln. How the Kansan chose the Illinoisan remains a mystery, particularly since New York Senator William H. Seward not only enjoyed a great deal of Kansas support, but held the highest expectations for the Republican nomination. Lane probably came to support Lincoln through his friendship with Mark Delahay, a former Democrat who, like himself, had joined the free-state cause in Kansas. Delahay had known Lincoln in Illinois, and the two maintained their friendship after the former moved to the territory. Like Lane, Delahay has been described as a political opportunist who switched parties to achieve personal advancement.\(^5\)\(^7\) In any case, Delahay and Lane worked closely in 1859 and 1860 to push the Republican cause and Lincoln nomination in Kansas.

When Lane first met Lincoln is equally puzzling. On October 17, 1859, Lincoln wrote to his friend Mark W. Delahay in Kansas about communicating with Lane. Apparently worried that Lane's reputation might harm both Delahay's and his own interests, Lincoln explained that “I have thought it over, and concluded it is not the best way. . . . I never saw him, or corresponded with him; so that a letter directly from me to him would run a great hazard of doing harm to both you and me.” However, not intending to slight Lane's attention or support, Lincoln stated that “if the object merely be


to assure General Lane of my friendship for you, show him the letter herewith inclosed." 58

Two months later, Lincoln traveled to Kansas, according to one historian, to practice some ideas in front of an audience without critique from the eastern press. 59 He spoke at Elwood, Troy, Doniphan, Atchison and Leavenworth. 60 According to Mary E. Delahay, Lane was among guests invited by Mark Delahay to meet Lincoln during this trip. 61 Yet, on February 17, 1860, Lane attached a note to a letter from Delahay to Lincoln concerning political matters, and wrote, "I have never met you and yet I feel that you are an old acquaintance and I may add friend." 62 In any case, there is no doubt that Lane firmly backed Lincoln for president before the national Republican nomination.

Delahay’s letter to Lincoln in February 1860 described the obstacles he and Lane faced in preparation for the upcoming Kansas Republican convention. Friends of Seward were working hard to secure the Kansas delegation in his favor. Delahay asked Lincoln, "cant you get of your friends a small loan of money and loan it to me or Genl Lane, and let us do as we please with it; We both have property and are responsible [sic] & for it will give a joint note with interest for its return next fall; see Hatch, Bissell, or such friends as can afford to spear us a small sum of money to be used by us between now and the day our Delegates are appointed." 63 Delahay and Lane failed to secure a pro-Lincoln delegation.

59 Fred Brinkerhoff, "The Kansas Tour of Lincoln the Candidate," Kansas Historical Quarterly 13, no. 1 (February 1944): 296.
60 Wilder, Annals of Kansas, 231.
62 Note from James H. Lane, appended to Mark Delahay to Abraham Lincoln, February 17, 1860, Abraham Lincoln Papers at the Library of Congress.
63 Mark Delahay to Abraham Lincoln, February 17, 1860, Abraham Lincoln Papers at the Library of Congress.
from Kansas for the Republican National Convention in Chicago, because support for
Seward proved too strong.\textsuperscript{64} Still, Lincoln won the party nomination there in May 1860
and Delahay and Lincoln broadened the campaign.

Lane’s endorsement of the Republican platform in 1860 cannot be seen as a
monumental abandonment of the Democratic principles he had always championed. The
first plank of the platform described Lane’s political transition perfectly:

That the history of the nation, during the last four years, has fully
established the propriety and necessity of the organization and
perpetuation of the Republican party, and that the causes which called it
into existence are permanent in their nature, and now, more than ever
before, demand its peaceful and constitutional triumph.\textsuperscript{65}

Lane’s migration into the Republican party had been a journey of necessity. Not only
had Stephen Douglas unceremoniously denied Lane’s Democratic loyalty, but the party’s
abandonment of free-state settlers had led Lane, and many other Democrats, to find a new
political home. Other parts of the Republican platform echoed Lane’s position further.
The fifth plank condemned the Democratic administration with “measureless
subserviency to the exactions of a sectional interest,” particularly in regard to Lecompton,
and for “its general and unvarying abuse of the power intrusted to it by a confiding
people.” The tenth and eleventh planks criticized the denial of Kansas residents, by
administrative appointees, the right of self-government and called for the immediate
admission of Kansas under its free Wyandotte Constitution. The fourteenth plank was
consistent with Lane’s interest in protecting naturalization and immigrant rights.\textsuperscript{66}

\textsuperscript{64} Brinkerhoff, “The Kansas Tour of Lincoln the Candidate,” 307.
\textsuperscript{65} Republican National Platform, 1860, printed in James A. Rawley, \textit{Secession: The Disruption of
\textsuperscript{66} Ibid., 230.
Lane’s previous positions on three other important sections of the Republican platform are a little less clear. Planks seven, eight, and nine criticized the expansion of slavery throughout the territories as protected by the Constitution according to the Dred Scott decision, endorsed belief that the “normal condition off all the territory of the United States is that of freedom,” and condemned the re-opening of the African slave-trade, respectively. While Lane claimed, as an Indiana congressman, that he was “no friend of slavery,” there is little information regarding his view about its status in the territories as a whole. His reluctant support of the Kansas-Nebraska Bill demonstrated that he cared about protecting free soil interests, but did not absolutely object to the possible introduction of slavery into any of the territories. Yet, the Republican position of 1860 was a response to the problems brought about by the Kansas-Nebraska Act. The Missouri Compromise had, for thirty years, only outlawed slavery in some of the territories. Initial opposition to the Kansas-Nebraska Bill among northern Whigs and some northern Democrats focused on the repeal of that compromise—many opponents did not demand that all territory be off-limits, but that the boundary between free and slave territory be protected. Thus, Lane and the Republican party as a whole had adopted a tougher line against slavery extension in response to Southern-endorsed, pro-slavery policy changes.

Lane paid particularly close attention to the figure that had become his greatest political enemy—Stephen Douglas. Delahay wrote to Lincoln in June about the Democratic party’s choice for president, stating that “Genl Lane is here waiting to learn

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the result at Balto [Baltimore], he says he wants to spend the remainder of his life on the Stump if Douglas is a candidate he will be a thorn in his side, he will brand him with cowardise and tell of his challenge which he now carries in his Pocket." Still bitter from his treatment at the hands of Douglas during the Kansas Memorial debate four years earlier, Lane chomped at the bit to defeat the “Little Giant” and, according to one Kansan, “howl frightfully against Democracy in favor of ‘Old Abe.’” After Douglas secured the Democratic presidential nomination that summer, Delahay and Lane traveled to hotly contested districts in Illinois and Indiana to stump for a Lincoln victory.70

Though Douglas secured the Democratic nomination, sectionalism within that party had effectively destroyed its power. A large number of Southern Democrats, determined to protect slaveholding interests beyond what was acceptable to their northern counterparts, held a separate convention and put John C. Breckinridge on the ballot. A fourth presidential candidate emerged when a group of moderates nominated John Bell of Tennessee under the new Constitutional Unionist party.71 Thus, the presidential election of 1860 saw one of the greatest divisions in American political history. Competing interests over slavery, which had torn Kansas territory apart—sealing the political fate of

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69 George W. Deitzler to Samuel N. Wood, August 18, 1860, Samuel N. Wood Collection, Kansas State Historical Society, Topeka. Deitzler did not support Lane’s or Delahay’s efforts, and felt that they were counterproductive to Lincoln’s success.

70 Clark, “Mark Delahay: Peripatetic Politician,” 311.

numerous public officials and ending the lives of dozens of settlers—had finally become a serious threat to the future of the nation as a whole.

Talk of disunion circulated throughout the South in anticipation of the November presidential election. Many Southerners saw Lincoln as a purely sectional candidate, openly hostile to slaveholding interests. Despite his attempts to reassure Southerners that he posed no threat to slavery where it existed in the states, the sectional conflict had escalated to a fever pitch. His election, purely through northern votes, sent shock waves through the South. Secessionist Thomas Cobb warned Georgians that the election of Lincoln was simply the culmination of decades of agitation and friction between slaveholding and free states.

Mark me, my friends! The only tie which binds together this party at the North is the Slavery issue. Bank and anti-Bank, Protection and Free Trade, Old Whig and Old Democrat, have all come together. The old issues are ignored, forgotten. Abolitionism and Agrarianism are the only specialties in their platform.72

While Cobb’s description exaggerated northern sentiments—the strong anti-slavery interests in the northern states were largely not abolitionist in nature—he did fairly accurately describe the growing trend in northern politics. The Free State party in Kansas in 1855 had been created by anti-slavery settlers putting aside their old issues to unite, temporarily, under the cause of free statehood. The Kansas struggle was a microcosm of the impending Civil War. And people on both sides of this great national conflict began adjusting their political and military attitudes to the radical developments, just as Lane and countless Kansas settlers had adjusted during the previous five years.

On December 20, South Carolina took the radical step of secession. Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas followed over the next month and a half. Senators and representatives from these states formally walked out of the capitol—the national crisis had begun. In the meantime, Kansas finally achieved statehood. On January 29, 1861, President James Buchanan signed the bill admitting Kansas into the Union as a free state under the Wyandotte Constitution. Charles Robinson, Lane’s chief political rival in Kansas, who had been elected governor under this constitution, was sworn into office on February 9. Robinson requested the state legislature—which elected the state’s senators—to convene on March 26. Lane had become a front-runner in the Kansas Senate race. Yet, he feared that his political opponents in the young state would sabotage his selection. Lane wrote to Lincoln accusing the new governor of postponing the date in order to weaken Lane’s success in the senatorial race. Though geographical sectionalism within Kansas had not played a significant role in territorial politics to this time, legislators arranged to choose one candidate from north of the Kansas River and one from south of the river. Rumors began circulating that Lane had arranged a secret campaign partnership with Marcus Parrot—that their respective supporters would help Lane would secure the “southern”

74 *White Cloud Kansas Chief*, January 24, 1861.
75 James H. Lane to Abrahan Lincoln, February 21, 1861, Abraham Lincoln Papers at the Library of Congress. Lane may have been justified in fearing a delay in the Senate selection, as some Kansans acknowledged that his popularity was beginning to wane. Peter Bryant wrote to his brother: “There is considerable excitement just now in regard to who will be our U. S. Senators. There are a good many applicants, and it is very hard telling how is ahead. Jim Lane stock was very high, but it seems to be falling.” Peter Bryant to his brother, March 10, 1861, in “The Letters of Peter Bryant, Jackson County Pioneer,” eds. Donald M. Murry and Robert M. Rodney, *The Kansas Historical Quarterly* 27, no. 3 (Autumn 1961): 344.
seat while Parrot took the “northern” seat. The *Leavenworth Daily Conservative* ridiculed the rumor, citing Parrot’s published criticisms of Lane: “That must be a queer partnership wherein the partners are vilifying one another!” “The truth is simply this,” the *Conservative* stated, “The majority of the Republicans in the Kansas Legislature were elected with the understanding that Messrs. Lane and Parrott were the choice of the people for U. S. Senators.” In fact, an agreement of some kind may have been made. John Speer, Lane’s friend, later spoke of an “understanding” between Land and Parrott. Yet, as the election approached the candidates jockeyed for position and a number of different factions appear to have developed.

On April 4, Lane secured one senate seat while Samuel Pomeroy won the other. Though a number of men objected to the voting procedure, the election stood. Five days later, Lane supporters held a meeting in Leavenworth. The assembly passed resolutions declaring that the citizens of Kansas “owe a debt of gratitude to Gen. James H. Lane for his unceasing efforts in behalf of Freedom and Republicanism, in Kansas and elsewhere, during the last six years.” Lane had fulfilled a goal he had labored to achieve for half a decade. However, he would be greeted in Washington by a national emergency. The seven states of the Deep South had seceded, while secessionists labored

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77 *Leavenworth Daily Conservative*, March 26, 1861.  
78 Ibid.  
79 Ibid.  
80 Speer, *Life of Gen. James H. Lane*, 228-229. Historian Wendell Stephenson describes a meeting between Lane and Samuel Pomeroy to defeat Lane’s chief opponent in the southern Kansas senate seat, Frederick Stanton. The agreement between the men helped both secure the senate seats. Stephenson, *The Political Career of General James H. Lane*, 102.  
81 After the election of senators, Kansas settler Peter Bryant wrote to his brother that “It is said there was any amount of wireworking and ‘skulduggery’ performed. Pomeroy moved to Topeka and fitted up an elegant mansion and boarded free gratis all the representatives that voted for him. Whether he fed them ‘Aid’ [funds sent to the Kansas Territorial Relief Committee for the Kansas cause] or not, deponent knoweth not.” Peter Bryant to his brother, April 7, 1861, in “The Letters of Peter Bryant, Jackson County Pioneer,” 346.  
83 *Leavenworth Daily Conservative*, April 10, 1861.
to draw the Upper South into the Confederacy. A standoff in the harbor outside Charleston, South Carolina, threatened to escalate the political standoff into war. Washington, D.C. was rife with tension—a perfect environment for the energy of the fiery James Lane.

Few people in Kansas could imagine that Lane could reemerge politically from the ashes of the Jenkins shooting. Yet, in less than three years Lane had not only returned to the public stage, but secured a seat in the United States Senate. Critics have seen Lane’s return as little more than evidence of an insatiable ambition. Lane certainly was an extremely ambitious man, who, like most politicians, thrived in the political world of wheeling and dealing. However, Lane’s endorsement of the Republican party was a natural progression. The Republican 1860 national platform overwhelmingly echoed principles he had held as a Democrat and reflected his experiences in Kansas which had turned him away from that party. Lane was ambitious, but his ambition contained specific personal and principled goals.
CHAPTER VIII

LANE AND THE BEGINNING OF THE CIVIL WAR, 1861-62

“Our motto is the union & nothing less than the union.”

Southern secession threatened James Lane’s beloved Union and drove him to a new extreme. Enraged at what he saw as the destructive extension of proslavery aggression, the new senator advocated immediate military action with himself in the lead. His boldness inspired northerners who wanted to punish secessionists and the South, yet alarmed those who urged a cautious, conservative approach to war. Lane’s embrace of total war foreshadowed the bloody 1864 campaigns in Virginia and Georgia, and earn him enmity in Missouri.

South Carolina’s secession in December 1860 set off celebrations in Southern towns. Militias drilled, bands played, and fireworks exploded as conventions across the Deep South voted for secession.1 Shortly before the New Year, Major Robert Anderson, commanding officer of federal forces in Charleston Harbor, moved his men from the vulnerable military positions near the city into Fort Sumter—a sturdy fortress constructed on a man-made island in the center of the harbor. Southerners erupted in anger at the defensive move, pushing the political conflict ever closer to war. South Carolinian Mary Chesnut wrote in her diary after Anderson’s relocation, “The row is fast and furious now. State after State is taking its forts and fortresses.” She credited the military maneuver with giving new life to South Carolina’s secession movement:

They say if we had been left out in the cold alone, we might have sulked a while, but back we would have had to go, and would merely have fretted and fumed and quarreled among ourselves. We needed a little wholesome

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neglect. Anderson has blocked that game, but now our sister States have joined us, and we are strong.²

Northerners did not remain idle during talk of Southern secession. Irritated by Southern threats of disunion, many northerners expressed an eagerness to settle the matter. William Seward told an audience in Auburn, New York, that is was “high time, that we know whether this is a constitutional government under which we live. It is high time that we know, since the Union is threatened, who are its friends and who are its enemies.” Lane certainly saw himself as a friend, and in the midst of the secession wave, wrote to president-elect Lincoln on January 2, 1861 to offer Kansas’ support. “Our motto is the union & nothing less than the union—To accomplish this you can command every true heart in Kansas.” For Lane, the men of Kansas had resisted slaveholding aggression for six years, and they were willing to keep up the fight. In fact, Lane offered Lincoln a personal bodyguard: “You are to judge of the necessity & policy of having 1000 true Kansans armed & organized to protect your inauguration [sic].” Lincoln did not accept the offer, but at the behest of security advisors snuck into Washington—an action that ignited ridicule across the nation for the incoming leader.⁵

The standoff at Fort Sumter finally exploded on April 12 as Confederate artillery batteries lining the Charleston shore fired upon the federal garrison. For nearly two days the bombardment raged, sending thousands of cannon shot and shell into the fort. Federal guns fired a thousand rounds in reply. The fort received extensive damage, yet no man on either side of the fight was killed. Nevertheless, with an exhausted garrison

² Mary Chesnut, A Diary from Dixie, eds. Isabella D. Martin and Myrta Lockett Avary (New York: Gramercy Books, 1997), 5.
⁴ James H. Lane to Abraham Lincoln, January 2, 1861, Abraham Lincoln Papers at the Library of Congress.
and fire threatening the installation, Anderson surrendered. Southerners, ecstatic with their success, rang church bells and fired cannons in celebration. The forcible capture of a federal fort shocked the North. Lincoln immediately issued a call for 75,000 soldiers—for an optimistic ninety-day term—to put down the rebellion. Northern communities eagerly answered the call. In short order, four states in the Upper South passed ordinances of secession and joined the Confederacy. The American Civil War had begun.

As Lane prepared to travel to Washington to take his Senate seat, his supporters championed his cause in Kansas and for the Union. The Lawrence Republican praised the man, stating that he “goes into the Senate, as a radical Republican, a lover of the Union, with the... energy and courage to utter his views with truthful eloquence in behalf of the great principles of Republican Freedom.” Lane wasted no time embracing the emergency and the possible threat to the capital. With Virginia’s secession, and Maryland’s strong secessionist element, Washington DC stood in a precarious position. On April 14, Lane organized and took command of the “Frontier Guard.” The group consisted of nearly sixty westerners—primarily Kansans—including fellow Kansas

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6 McPherson, Battle Cry of Freedom, 273-274.
8 McPherson, Battle Cry of Freedom, 274.
9 The four states that seceded after Lincoln’s call for troops were: Virginia (April 17), Arkansas (May 6), North Carolina (May 20), and Tennessee (June 8). The Upper South states of Missouri, Kentucky and Maryland were split on the issue of secession, but did not formally secede. These states became known as the Border States, and fielded men for both sides of the conflict. Margaret E. Wagner, Gary W. Gallagher, and Paul Finkelman, eds., The Library of Congress Civil War Desk Reference (New York: Simon & Schuster, 2002), 6, 8-9.
10 Lawrence Republican, April 11, 1861.
senator Samuel Pomeroy as a private. Senator Cassius Clay of Kentucky raised a similar force, and Major David Hunter took command of the two volunteer companies. Clay’s volunteers camped at the Willard Hotel, while Lane, named second in command by Hunter, and his men were assigned to guard the Executive Mansion and given the East Room as their impromptu barracks. John Nicolay and John Hay gave a dramatic account of the rough group of volunteers at their post:

At dusk they filed into the famous East Room, clad in citizens’ dress, but carrying very new, un tarnished muskets, and following Lane, brandishing a sword of irreproachable rightness. Here ammunition boxes were opened and cartridges dealt out; and after spending the evening in an exceedingly rudimentary squad drill, under the light of the gorgeous gas chandeliers, they disposed themselves in picturesque bivouac on the brilliant-patterned velvet carpet—perhaps the most luxurious cantonment which American soldiers have ever enjoyed. Their motley composition, their anomalous surroundings, the extraordinary emergency, their mingled awkwardness and earnestness, rendered the scene a medley of bizarre contradictions.

The Frontier Guard’s bivouac in the East Room lasted only a short time, but the moral influence these men brought to the president and other officials in Washington was extremely valuable. In April, the small Frontier Guard stood as nearly the only military force protecting the capital as secessionist units amassed on the western side of the Potomac River only a few miles away. Nonetheless, Lane wanted action, and he wanted to lead it. On April 20, he wrote to President Lincoln, “Now, in my opinion is the time for a Coup de etats—Could ever one as humble as myself have authority I believe I could precipitate upon this city from the North through Maryland such a force as would

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12 For a partial roster of the Frontier Guard, see Lawrence Republican, May 2, 1861.
15 Davis, Lincoln’s Men, 28.
secure Washington & the Country.”

Nothing came from this offer, but Lane reportedly “made several scouting expeditions into Virginia, during one of which he captured a secession flag.” As Union reinforcements entered the capital, the Frontier Guard was reassigned to the U. S. Navy Yard on April 24. Shortly thereafter the unit was honorably discharged and Lane returned to Kansas to engage in state affairs before the congressional session in July.

Lane continued to involve himself in military matters. He spoke in Lawrence urging the raising of troops to resist possible aggression from Missouri. The Lawrence Republican reported that Lane “gave as his opinion, that whenever the State of Missouri shall attempt to blockade the Missouri river or stop the Hannibal and St. Joe Railroad, troops would be thrown into Missouri.” Further, Lane “ridiculed the idea that we were bound to wait for Missouri to secede—saying that if we took that position, all Missouri had to do was refuse to secede herself while she sent men and money and provisions and munitions of war constantly to the enemy.” The senator wanted action: “His position was, that our only safety was in eternal vigilance, being not only ready to repel attacks, but to march into the enemy’s country at a moment’s warning.”

Lane’s focus on Missouri may have been motivated by memories of the territorial struggle, but was not only a grudge from the past. Secessionists in Missouri were, in fact, a threat to Union interests. They seized a small arsenal in Liberty, Missouri, and distributed its weapons among pro-Southern men. The state’s governor, Claiborne Jackson, opposed Lincoln’s

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16 James H. Lane to Abraham Lincoln, April 20, 1861, Abraham Lincoln Papers at the Library of Congress.
18 Official Records of the War of the Rebellion, ser. 1, vol. 51 (Washington: Government Printing Office, 1880), 335. This will hereafter be referred to as O. R.
20 Lawrence Republican, May 16, 1861.
call for troops and, after support from secessionist legislators, took control of the St.
Louis police force and the local militia.\textsuperscript{21}

Rumors circulated that Lane would personally lead forces into Indian Territory,
Arkansas, and even Missouri. But his mingling in state military affairs irritated political
opponents. Governor Charles Robinson had already organized two regiments in Kansas
when Lane set about recruiting more. Part of this rivalry focused on patronage, as
Robinson overlooked Lane's friends while commissioning officers.\textsuperscript{22} The \textit{Kansas State
Journal} charged Lane with disrupting the state's military structure in order to steal a
regiment.\textsuperscript{23} Nonetheless, some earlier critics acknowledged his military value. The
\textit{White Cloud Kansas Chief} professed that the Kansas people had great faith in his
soldiering ability.\textsuperscript{24}

Lane traveled to Washington in June and corresponded with the president and
Secretary of War Simon Cameron about military affairs. His determination and devotion
to the Union caught Lincoln's eye. The Frontier Guard's protection of the Executive
Mansion and Lane's eagerness to take action out west was not lost upon the president or
his cabinet. On June 20, Lincoln wrote to Cameron saying that "we need the services of
such a man out there at once; that we better appoint him a brigadier-general of volunteers
to-day, and send him off with such authority to raise a force. . .as you think will get him
into actual work quickest." Lincoln closed with instructions unnecessary for a man like

\textsuperscript{21} Allan Nevins, \textit{The War for the Union. Vol. I: The Improvised War, 1861-1862} (New York:
Charles Scribner's Sons, 1959), 120-122.

\textsuperscript{22} Stephenson, \textit{The Political Career of General James H. Lane}, 106.

\textsuperscript{23} \textit{Kansas State Journal}, June 6, 1861.

\textsuperscript{24} \textit{White Cloud Kansas Chief}, May 16, 1861.
Lane: "Tell him when he starts to put it through. Not be writing or telegraphing back here, but put it through."\(^{25}\)

The very same day, Lane asked Lincoln to accept two additional regiments from Kansas.\(^{26}\) The administration quickly agreed, and Lane eagerly jumped into Kansas military affairs with his new assignment. He was not interested in simply raising regiments for combat—he wanted service in the field. With Lincoln’s appointment in hand, Lane’s role in Kansas military affairs gained legitimacy, and within a week Lane announced to Kansas residents that he had been given authority not only to recruit five new regiments, but to lead them into battle. "An insurrectionary war, commenced by rebels, in defiance of patriotism and duty, has now approached our border," he explained. "[The President] has been pleased to place in my hands the honor of leading the gallant sons of the youngest State of the Union, to victory in defense of the Union of which it has so lately become a part."\(^{27}\) Lane remained in Washington for the congressional session, and therefore appointed William Weer the task of organizing the brigade.\(^{28}\)

He returned to Kansas in August, anxious to carry out a military campaign against secessionists. He faced resistance from political opponents. Some believed that his military actions disqualified him from a senate seat. Governor Robinson sent Frederick Stanton to Washington in July in an effort to replace Lane. Lane’s supporters in Kansas saw this as an underhanded attempt to depose him. The Lawrence Republican assured readers that "Gen. Lane will be in the field of battle in good time, and understands himself well enough to know when to get out of his seat in Congress without any man

\(^{26}\) Ibid., 282.  
\(^{27}\) Lawrence Republican, June 27, 1861.  
\(^{28}\) See Weer’s call for troops under Lane’s authority in Lawrence Republican, June 27, 1861.
being sent to contest it." Still, Lane found his seat in real jeopardy as the Judiciary committee favored Stanton’s claim. The matter was not settled until January 1862, when the Senate finally voted in favor of Lane. In the meantime, Lane also battled criticism at home. Lane’s friends, hoping to silence talk of duplicity in Kansas affairs, reported that the senator had accepted a commission from the governor of Indiana. Despite continued criticism, Lane took control of three new regiments—the Third and Fourth Kansas Volunteers and the Fifth Kansas Cavalry—which made up the “Kansas Brigade,” and prepared for action. His first order of business was to prepare military fortifications and defenses in Kansas. Believing that Fort Scott, a military installation near the Missouri border, was vulnerable, Lane pulled his men and equipment out of that installation and constructed Fort Lincoln, near the Little Osage River. He also struggled to arm and outfit his new brigade, whose soldiers, he complained to Major General John C. Fremont, lacked uniforms, blankets, and shoes promised by the government.

Lane’s military preparations worried some in Kansas. Governor Robinson forewarned Fremont that the Kansas Brigade would “get up a war by going over the line, committing depredations, and then returning into our State.” Only this action, the governor explained, would generate a threat from Missouri. He boldly stated, “If you

29 Lawrence Republican, July 18, 1861.
32 Lawrence Republican, August 22, 1861. Biographer Wendell Stephenson questioned the accuracy of the Indiana commission, writing: “The Indiana archives have been searched in vain for a record of such an appointment.” Stephenson, The Political Career of General James H. Lane, 134.
35 O. R., ser. 1, vol. 3, 446.
36 Ibid., 469.
remove the supplies at Fort Scott to the interior, and relieve us of the Lane brigade, I will
guarantee Kansas from invasion from Missouri until Jackson shall drive you out of Saint
Louis.\textsuperscript{37} Yet, Confederate success in Missouri in August, particularly the Battle of
Wilson's Creek, seemed to justify Lane's excited actions.\textsuperscript{38} Confederate General Sterling
Price moved north through Missouri with over 6000 soldiers. Lane went into action.\textsuperscript{39} A
detachment of his men skirmished with Price's soldiers but fell back. Lane's battle report
commended the behavior of his men, but carried an apocalyptic warning. "I am
compelled to make a stand here," he wrote, "or give up Kansas to disgrace and
destruction."\textsuperscript{40}

In fact, Price had no intention of invading Kansas at the time. Instead, Lane
received word from a deserter that Price had targeted Lexington, Missouri, and the
federal garrison there. Lane still saw the threat to Kansas soil as legitimate and awaited
the Confederate advance. Nonetheless, he kept an eye on Price. If the Confederates
made any move towards Lexington, he planned to "annoy them as far as my forces and
the protection of Kansas will admit of."\textsuperscript{41} When Price's army did break camp and
marched north in early September, Lane started out in pursuit. A small Confederate raid
on the town of Humboldt prompted him to leave a defensive force in the area.\textsuperscript{42} With the
rest of his men, numbering about 1,500, Lane swept through Butler and Parkville in

\textsuperscript{37} Ibid.
\textsuperscript{38} The Battle of Wilson's Creek was the first large engagement of the Civil War west of the
Mississippi River. Union forces under General Nathaniel Lyon met General Sterling Price and his
Confederates ten miles southwest of Springfield, Missouri on August 10, 1861. Lyon was killed during the
battle. Though a tactical victory for the Confederates, Price was not able to pursue the federal soldiers.
Hatcher, III, \textit{Wilson's Creek: The Second Battle of the Civil War and the Men Who Fought It} (Chapel Hill:
\textsuperscript{39} \textit{O.R.} ser. 1, vol. 3, 465.
\textsuperscript{40} Ibid., 163.
\textsuperscript{41} Ibid., 164.
\textsuperscript{42} Ibid., 490.
Missouri. The senator failed to interfere with Price's general maneuver against Lexington, but his small force skirmished with Confederates on September 16 at Morristown and captured a load of supplies in Papinsville on September 21.43

Reports of depredations tarnished Lane's military success in Missouri during the month of September. Though he had issued his "General Order No. 4" on September 1, declaring that private property of Kansans and other loyal citizens was to be protected, theft became a problem.44 On September 9, Captain William Prince wrote to Lane asking him to "adopt early and active measures to crush out this marauding which is enacted in Captain [Charles] Jennison's name, as also yours, by a band of men representing themselves as belonging to your command."45 Wasting no time, on September 19 Lane stood before his brigade and exploded with rage over a recent incident:

You sneaking thieves, what did you think of yourselves when you were invading the premises of that widow in the north part of town, and stealing her nightdress, her skillets, and her chickens? Were you acting the part of soldiers then? Did you think we were at war with widows? Did you think we were at war with chickens and skillets? That widow had a safeguard from me, which should have been an ample protection against all intruders. . . . The injury you have done the widow has been repaired as far as possible, but not even your blood could wash out the stain you have brought upon the army.46

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43 Ibid., 196; Stephenson, The Political Career General James H. Lane, 111.
44 Lane's General Order No. 4 included these protections of property:
   "1st. The rights, persons and property of the people of Kansas must be sacredly observed—not an article of property however trifling must be taken without payment in ready money for the same, or a receipt given by an authorized officer.
   2nd. The rights, persons, and property of the loyal citizens of other States must be sacredly observed, and every assistance and protection extended to them.
   3rd. Such property of those in arms against the Government as can be made useful in the army, may be seized, but when so seized, must at the very earliest moment be turned over to the quartermaster or Commissary's Departments, the Heads of such Departments giving receipts therefore. He who fails in this, and appropriates or attempts to appropriate any portion of the enemy's property so seized to his own use, is a base robber and shall be punished as such."

Printed in Leavenworth Daily Conservative, September 21, 1861.
45 O.R., ser. 1, vol. 3, 482.
46 Leavenworth Daily Conservative, October 5, 1861.
Author Donald Gilmore scorned this speech, stating: “All of this, of course, was just shoptalk from a fellow who had just stolen a nice piano, carriage, and silk dresses in Osceola, and the men likely chuckled and sneered at Lane’s insincere, fatuous ranting behind his back.” Gilmore stands as one of the most recent and ardent critics of Lane. His book is also filled with numerous historical errors—including the fact that Lane’s raid on Osceola referred above was conducted after the September 19 speech. Further, he gives no source for the claim that Lane stole a piano and other personal goods during his campaign in Missouri. Nonetheless, Gilmore’s work demonstrates the popular negative perception of Lane.

In fact, Lane had drawn up rules for his men two days earlier, which were read to the brigade. And many of his men seem to have taken these orders to heart. A man in the Kansas Brigade described the behavior of the soldiers while passing by secessionist farms in Missouri:

She was a secessionist, and had one son in the rebel army; but, as Gen. Lane told his men, his army was not at war with widows. This sort of discipline was observed all along the march. Not an apple or peach, or anything else, was touched only by the permission of the owner or the officer in command.

Lane further responded to the matter of theft with a proclamation, issued the same day, to the citizens of Missouri. He explained that he had learned “with deep regret that unwarranted excesses have been committed upon your property, by persons professing to belong to the United States army.” Responsibility for those actions, he wrote, must be laid upon others. “We are soldiers, not thieves, or plunderers, or jay hawkers. We have

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48 Leavenworth Daily Conservative, October 5, 1861.
49 Lawrence Republican, October 3, 1861.
entered the army to fight for a peace, to put down a rebellion, to cause the stars and
stripes—your flag as well as ours, once more to float over every foot of American soil.
This is our sole purpose, and when this has been accomplished in your section, we will
take up our departure for fresh scenes, when the vigor of our arms may be seen and felt;
until then we remain."\(^50\) But Lane wanted to prevent accounts of federal pillaging from
spurring otherwise loyal Missourians into Confederate ranks.

\begin{quote}
Let every man now in arms return to his home and resume his business.
Let your scattered and terrified \([\text{sic}]\) population return. Reopen your
courts, your schools, your churches. Restore the arts of peace. In short act
the part of good, loyal, peace-loving American citizens; and the better to
prove your claims as such, run up the American Flag before your doors.
Let this be done by a concerted movement of each neighborhood, and here
in the face of the world and before High Heaven I promise you that the
flag which has protected American citizens on every sea, shall be your
protection; that this patriotic army of mine, which you so much fear, shall
be to you what the strong hearted man is to the delicate woman by his
side, a shield and a support. I will protect you against lawless plunderers
and marauders from your own State, from Kansas, from anywhere.— We
will take you to our bosoms as we do our brethren everywhere, who are
loyal as we.\(^51\)
\end{quote}

The alternative was destruction:

\begin{quote}
Should you, however, disregard my advice, the stern visitations of war
will be meted out to the rebels and their allies. I shall then be convinced
that your arming for protection is a sham; and rest assured that the traitor,
when caught, shall receive a traitor's doom. The cup of mercy has been
exhausted. Treason, hereafter, will be treated as treason. The massacre of
innocent women and children, by black-hearted traitors lately burning a
bridge on the Hannibal & St. Joseph Railroad, has satisfied us that a traitor
will perpetrate crimes which devils would shudder to commit; they shall
be blotted from existence, and sent to that hell which yawns for their
reception.\(^52\)

Lane was serious with his threats of destruction. On September 22, upon reaching
the Missouri town of Osceola, Lane’s men were fired upon by a company of

\(^{50}\) Lawrence Republican, September 26, 1861; Liberty Weekly Tribune, October 4, 1861.
\(^{51}\) Ibid.
\(^{52}\) Ibid.
Confederates. The Kansas Brigade shelled the town and chased the defenders away. Much of Osceola was burned. Initial reports credited the artillery barrage with the fire, but Lane admitted that a significant amount of military supplies had been destroyed—suggesting that some of the destruction was intentional. Joseph Trego of the Third Kansas Regiment wrote to his wife that after chasing off the rebels and rounding up the horses, mules, wagons and local slaves, Lane’s men “loaded the wagons with values [sic] from the numerous well supplied stores, and then set fire to the infernal town.” A correspondent to the *Lawrence Republican* in Lane’s ranks corroborated Trego’s account, explaining that after loading up supplies, the Kansas Brigade’s officers decided to burn the town. Osceola stood as an important distribution center for goods in Missouri, and was thought to be a hotbed of secessionist sentiment. The brigade’s officers concluded that the town should be destroyed, rather than allowed to serve as a winter military post for Confederates. Lane’s supporters celebrated its destruction as a blow to the Confederate cause. His critics in Kansas, however, bemoaned the action. On October 9, Governor Robinson wrote to the *Leavenworth Times* with a series of complaints in the ongoing feud with Lane. He specifically criticized Lane’s boast of destroying secessionist property in Osceola. “What kind of property was this?” Robinson

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55 See B. Rush Plumly’s reports in O.R. ser. 1, vol. 3, 516, 517; also see Lane’s report to John C. Fremont, O.R. ser. 1, vol. 3, 505-506. During a speech in Leavenworth two weeks later, Lane briefly described the action (with some embellishment on the size of the opposing force): “…go to Osceola, one of the strongest natural points in southern Missouri, where after eighty miles march through the enemy’s country we met a greatly superior force, beat it and took and destroyed more than a million dollars worth of property,” *Liberty Weekly Tribune*, October 11, 1861.
57 *Lawrence Republican*, October 3, 1861.
58 Herklotz, “Jayhawkers in Missouri, 1858-1863,” 68.
demanded. "Was it contraband of war—arms, ammunition, shot, shell, or cannon? No, it was the clothing, bedding, food and shelter of women and children, every dollar of which will have to be paid back by the General Government as soon as peace is restored."59

Historians have disagreed on the merit of Lane’s actions in Osceola. Albert Castel rejected contemporary accounts that defended actions against Osceola as “specious and beside the point,” arguing that reasons given “could have applied just as well to nearly every town in that section of Missouri.”60 However, former Union soldier Wiley Britton outlined the town’s logistic and political importance in his postwar historical work, including its role as county seat and as shipping point for goods on the Osage River.61 Osceola was not a typical Missouri town. Nonetheless, for Castel, the “truth of the matter is that Lane’s Brigade was an irresponsible mob which looted and burned Osceola out of a wanton lust for plunder and a self-righteous desire to injure the Missourians.”62 In many ways, Castel’s assessment is right. Lane’s Brigade was more disorganized that most military units during the Civil War and did carry out shocking acts of destruction. However, Lane and his men foreshadowed William Tecumseh Sherman’s later march through the South and his systematic devastation of Southern property. Both examples served as a form of revenge, but both leaders believed their campaigns served important psychological and logistical purposes in defeating secession.

The conflicting reports of Lane’s actions in Missouri are difficult to decipher. No doubt some plundering took place. However, as during the territorial struggle, Lane’s reputation for excess probably outran his actions. Biographer Wendell Stephenson

59 Letter reprinted in Liberty Weekly Tribune, October 18, 1861.
60 Albert Castel, Civil War Kansas: Reaping the Whirlwind (Lawrence: University Press of Kansas, 1997), 54-55.
61 Britton, Civil War on the Border, 1:147-148.
62 Castel, Civil War Kansas, 55.
explains that although Lane and his men “actually committed many depredations in western Missouri, he accepted the responsibility for others to intimidate the enemy.”

He understood the psychological effect of his actions in Missouri. But he possibly underestimated the opposition from many Kansans and Unionists in Missouri. The Liberty (Missouri) Weekly Tribune declared that Lane’s campaigns “are no better than the raids of lawless bands, who spread themselves over a defenseless country to pillage and harry it.” Such threat, real or perceived, drove a number of Missouri guerrillas into the saddle against the Union. This prompted some military officers outside of Kansas to denounce Lane, including Major General Henry Halleck, commander of the military department over Missouri. In December, Halleck complained to General George B. McClellan that the “conduct of the forces under Lane and Jennison has done more for the enemy in this State than could be accomplished by 20,000 of his own army.” He mentioned rumors of Lane’s appointment as brigadier general, announcing, “I cannot conceive a more injudicious appointment. It will take 20,000 men to counteract its effect in this State, and moreover, is offering a premium for rascality and robbing generally.”

Price and his Confederates moved south through Missouri and the threat to Kansas appeared to recede. As military operations on the Kansas-Missouri border eased, Lane more actively engaged in the political battle with Robinson. In Leavenworth, he

63 Stephenson, The Political Career of General James H. Lane, 162.
64 Wiley Britton wrote, “General Lane destroyed and appropriated [Unionist] property with the same recklessness that he did the property of the secessionists. He was incapable of seeing that the loyal people of Missouri were entitled to the protection of the Federal Government, even if they were fighting its battles.” Britton, Civil War on the Border, 1:148.
65 Liberty Weekly Tribune, October 25, 1861.
complained that the governor and his friends had "publicly declared their intention to
destroy" the Army of Kansas and its efforts to crush out treason.68 "I have commanded
seven armies," he boomed, "and have found that officers succeed best when they treat
their men as if they had souls and were human. Be kind to them, and they will obey and
fight for you to the last. I would like to see that creature down among the Kansas boys!
Let him go among them and inquire about Jim Lane, and he would find they loved him as
they do their mother. They would go where he commanded, even if it was to storm the
gates of hell. And if he wanted to capture the Old Fellow [the devil] himself, though
aided by Robinson and Prince, he could rely upon the Kansas Brigade."69

Lane was not satisfied with verbally denouncing Robinson's handling of military
affairs in Kansas. He set about circumventing the governor. On October 9, the day after
his Leavenworth speech, Lane wrote to Lincoln accusing Robinson of exerting "his
utmost endeavor to prevent the enlistment of men," and having constantly "vilified
myself, and abused the men under my command as marauders and thieves."70 The
senator requested the creation of a new military department, consisting of Kansas, much
of Arkansas, Indiana Territory (modern-day Oklahoma), and other parts of the territories
deemed suitable. He volunteered to command the department, and explained that he
would resign his Senate seat and "devote all my thoughts and energies to the prosecution
of the war."71

Lincoln accepted Lane's advice and created the new department. But he placed
David Hunter in command. The new provisional governor of Missouri, Hamilton

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68 Lawrence Republican, October 17, 1861.
69 Ibid.
71 Ibid., 530.
Gamble, had asked Lincoln that Lane not be put in command.\textsuperscript{72} Lane’s reputation as an undiscriminating raider cost him the job. His supporters were disappointed, but some did try to find a positive spin to it. The \textit{Leavenworth Daily Conservative} pointed out the friendship between Lane and Hunter and their combined efforts to defend the capital in April.\textsuperscript{73} However, Wendell Stephenson explains, “It is clear that all of this was to save Lane’s face.”\textsuperscript{74}

When Hunter took command of the new department, he found military matters in Kansas, and the Kansas Brigade in particular, in poor shape. Though a lieutenant under Lane wrote that the senator “is having his whole Brigade rigged out in as good style as any soldiers that I have seen since this war was begun, the Regulars at Fort Leavenworth not excepted,” Hunter disagreed.\textsuperscript{75} A report of his findings explained, “Nothing could exceed the demoralized condition in which General Hunter found the Third and Fourth Kansas Infantry and Fifth and Sixth Kansas Cavalry, formerly known as ‘Lane’s brigade,’ on his arrival in this department.” The men were described as “a mere ragged, half-armed, diseased, and mutinous rabble, taking votes as to whether any troublesome or distasteful order should be obeyed or defied.” Further, Lane’s men reportedly stole federal property: “Vast of amounts of public property had been taken from the depots at Fort Scott and Fort Lincoln without requisition or any form of responsibility, and horses in great quantities and at extravagant prices had been purchased under irregular orders and paid for by the United States; these horses being turned over to men and officers who

\begin{footnotes}
\item[73] Hunter had given Lane a sword for his role in commanding the Frontier Guard, Miller, \textit{Lincoln’s Abolitionist General}, 56; \textit{Leavenworth Daily Conservative}, November 13, 1861.
\item[74] Stephenson, \textit{The Political Career of General James H. Lane}, 113.
\end{footnotes}
were then drawing 40 cents per day for them as private property.”

Hunter brought soldiers from other states to stabilize the Kansas department, and sent seasoned officers to help reorganize the Kansas regiments.

Still, Lane and his men had supporters. The rag-tag and mob-like personality of the Kansas Brigade appalled some military officers, but resembled the free-state militias during the territorial struggle. To some in Kansas, and other parts of the Union, the Kansas Brigade’s appearance was less important than its ability to fight—and punish—secessionists. A correspondent to the Lawrence Republican discussed the burning of Osceola and admitted, “Until this visit, I was not fully satisfied that the deed was righteous and a necessity. In this as in many other things, I see evidence of the far-seeing sagacity of Lane and Montgomery.”

The St. Louis Democrat reported Lane’s actions in Pleasant Hill, Missouri, during his military maneuvers in October, describing the posting of a large Union flag in the town. Lane called the residents to look upon it, reportedly saying, “That flag has been your protection, and shall be still. So long as it remains here you are safe, but if it is cut down, by the Eternal I will return and burn your town!” The newspaper explained that the episode “occurred two weeks ago, and although the denizens of Pleasant Hill are said to be about all secessionists, that flag is still waving over the town!”

The Cincinnati Gazette also approved, stating: “There is no mistake about it, Lane has done more, and is doing more, to put down this rebellion, in a way that

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77 Lawrence Republican, November 7, 1861.
78 St. Louis Democrat, in Lawrence Republican, November 14, 1861. The Leavenworth Conservator ran a similar account of Lane’s actions in Pleasant Hill: “The brigade met with no enemy on the march to Osceola. General Lane plants Union flags in nearly every town he passes, and his object in doing so is clearly revealed in a speech recently made at Pleasant Hill. He said:

“I am here once more and this time I raise the Stars and Stripes. So long as that flag waves here your citizens shall receive protection. But let it be torn down by secession hands, and Pleasant Hill comes down as sure as hell.” Leavenworth Conservator, in Liberty Weekly Tribune, November 8, 1861.
it will stay down, than all the other armies together in this state [Missouri]. He conquers as he goes."\textsuperscript{79}

Lane’s plans for suppressing the rebellion went far beyond small raids into Missouri. He had advocated an aggressive campaign through Maryland shortly before Lincoln’s inauguration. As the year 1861 closed, he bemoaned the cautious nature of many Union generals. On the Senate floor, Lane asked “Why is our army inactive?” He could find no legitimate answer:

Will it be answered that it is still deficient in discipline? That reply would be as unjust as it is illogical. Ours is an army of volunteers, who must not be judged by the rules applied to regulars. You cannot drill it into that mere machine which martinets consider the perfection of efficiency. The citizen-soldier is an individual; no amount of discipline can destroy his individuality. Four months of industrious drill is ample time to prepare such troops for effective service. Prolonged inactivity will finally discourage his zeal. The prospect of action must be ever present as an incentive. Inaction is the bane of the volunteer.\textsuperscript{80}

As in Kansas, Lane embraced the differences between volunteers and professional soldiers, relying upon the enthusiasm of the former rather than the professionalism of the latter. Further, he questioned the cautious strategy of some of the Union’s top commanders. He believed the time for compromise had long passed—his years in Kansas had made that brutally clear. Lane wanted action:

The occupation of the rebel States by our army is a military necessity. I laugh to scorn the policy of wooing back the traitors to their allegiance by seizing and holding unimportant points in those States. Every invitation extended to them in kindness is an encouragement to stronger resistance. The exhausting policy is a failure. So long as they have four million of slaves to feed them, so long will this rebellion be sustained. My word for it, sir, long before they reach the point of exhaustion the people of this country will lose confidence in their rulers. And it is unreasonable to expect the loyal citizens of the rebel States to manifest their desire to their

\textsuperscript{79} Cincinnati Gazette, quoted in Stephenson, The Political Career of General James H. Lane, 117.
\textsuperscript{80} “Speech of General Lane, delivered in the Senate of the United States, December 17, 1861,” Kansas Collected Speeches, 13.
allegiance, while their homes and families are in the power of their oppressors. . . . So with the people of the disloyal States: march your armies there; engage and scatter the forces of the enemy; whip somebody; evidence your ability to protect the loyal citizens, their homes, and families; and then, and not till then, will they rally to your standard by thousands and tens of thousands.81

While he advocated action across the military front, Lane planned his own grand campaign. In early 1862, he spoke with War Secretary Simon Cameron about his plan, with the support of General Hunter, to lead 30,000 men south from Kansas, possibly through Indian Territory, and into Arkansas.82 A couple of weeks later, he reportedly discussed the matter with Lincoln, General George B. McClellan, and Edwin M. Stanton (who replaced Cameron in January). The leadership supported his ideas, though McClellan questioned Unionist sentiments in the South. Lane supposedly replied, “I will take good care to leave no rebel sentiment behind me. If Missouri, Arkansas and the Indian country will not come peaceably under the laws of the government, my plan is to make them a wilderness. I will give the traitors twenty-four hours to choose between exile and death.” He closed with the ominous warning that “if I can’t do better I will kill off the white traitors and give their lands to the loyal black men.”83 News of his plan circulated across the North, and drew a great deal of support. The Lawrence Republican excitedly anticipated Lane’s return to Kansas to lead twenty thousand men.84 The National Republican announced that Lane enjoyed full support from the Lincoln administration for his aggressive plans. “No announcement could be more gratifying to

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81 “Speech of General Lane, delivered in the Senate of the United States, December 17, 1861,” Kansas Collected Speeches, 15.
83 An account of this meeting was published in the New York Daily Tribune, January 18, 1862; quoted in Stephenson, The Political Career of General James H. Lane, 119.
84 Lawrence Republican, January 9, 1862.
the country," the editors exclaimed. "It is the *beginning of the end of this war.*" And the *Kansas State Journal,* generally unfriendly to Lane, agreed that "General Lane acting vigorously, earnestly and consistently...is entitled to and will, no doubt, receive the aid, influence and best wishes of the people of the whole country. The honor and the character of the people of Kansas are peculiarly involved in its success."

Lane returned to Kansas in late January, ready to take command. Unfortunately, he found competition from General Hunter. On January 27, Hunter declared his intention to lead the expedition, "unless otherwise expressly ordered by the Government." Lane immediately telegraphed his friend Congressman John Covode with the news and requested that he confer with "the President, Secretary of war, and General McClellan, and answer what I shall do." Lane was largely to blame for the confusion, exaggerating Hunter's support for his role in the campaign. In December the senator told Secretary Cameron that he [Lane] was "to go to Kansas to act entirely under [Hunter's] direction." Yet, Hunter—who supported an aggressive move into the Confederacy—had been unaware of Lane's specific plans to lead the campaign. After Lane returned to Kansas and set about preparing for the expedition, Hunter wrote to the new Secretary of War Edwin Stanton in February to clarify the senator's position. "Previous to his arrival here, the fact of his appointment [as brigadier general] and the belief that he had accepted it, were so widely current and credited, that many regard him as if in the service; and I am held responsible (in the belief that he has reported to me for duty and is under my

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85 *National Republican,* in *Lawrence Republican,* January 9, 1862.
87 *O.R.,* ser. 1, vol. 8, 529.
88 *Ibid./*, 529, 530.
89 Miller, *Lincoln's Abolitionist General,* 80-81.
control,) for much that I cannot endorse or approve in his line of conduct,” he complained. “[W]hile the fact that he has not accepted, but is here as a Senator and member of the Military Committee places him beyond any supervision of mine, and his acts are independent of my judgment.” Hunter wanted to know whether Lane was acting as senator or as a commissioned officer in the upcoming campaign.

The dispute over the expedition’s command generated excitement in Kansas and within military circles. William P. Dole, U.S. Commissioner of Indian Affairs, wrote to Lincoln on February 3 in support of Lane. He explained that “I could not have been mistaken, in the fact, that it was contemplated at Washington, that Genl Lane, should command the expedition, fitting out here, for a southern campaign. I am at the same time aware that it was expected, that Genl Hunter, would willingly acquiesce, in this arrangement, he retaining the superior command, and superintending, the entire organization, of the expedition, and controlling all its movements, untill [sic] it entered the field.” He described the relationship between the two men as friendly, but told the president “the public are very much excited on the subject, and will be more than disappointed [sic], if Genl Lane, is not suffered in some way to command the expedition.”

Although many believed Hunter would allow Lane to command the campaign, the department commander did not agree. He expressed surprise and dismay at Lane’s behavior. In a letter to Lincoln, Hunter wrote, “It is clear that he either is, or assumes to be, bitterly disappointed at not receiving practical control of the department, with liberty

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91 David Hunter to Edwin M. Stanton, February 1, 1862, Abraham Lincoln Papers at the Library of Congress.
to place members of his own staff and personal retinue in charge of the Quartermaster and Commissary departments at this Post.” Further, Hunter attributed Lane’s motives to financial interests: “His disappointment in these respects may possibly be accounted for by the swarm of Contractors who have accompanied his return to Kansas and the great number of schemes involving large expenditures which are said to have received his sanction.”

Hunter became increasingly agitated with Lane’s actions, and continued to defend himself before administration and federal officials. On February 8, in a letter to Major General Henry Halleck, the general accused Lane of using his reputation to gain influence and power: “It seems, from all the evidence before me, that Senator J. H. Lane has been trading at Washington on a capital partly made up of his own Senatorial position and partly of such scraps of influence as I may have possessed in the confidence or esteem of the President, said scraps having been ‘jayhawked’ by the Kansas Senator without due consent of the proper owner.” Though Lane had portrayed the campaign as a joint effort between the two men, Hunter declared that “so little was I personally consulted, that to this hour I am in ignorance what were the terms or striking points of Senator Lane’s programme.” Lane had not consulted with Hunter, directly or indirectly, about the campaign.

It is not clear that Lane’s plans were entirely mischievous—that he intended to ignore or disregard Hunter’s authority. Lane understood that Hunter would ultimately have to approve his command. Instead, the senator likely assumed that Hunter would not object to him leading the campaign, and worked accordingly. But Lane was not willing

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93 David Hunter to Abraham Lincoln, February 4, 1862, Abraham Lincoln Papers at the Library of Congress.
to bet his Senate career on this assumption. While publicly touting his appointment as brigadier general, Lane never actually accepted it. He waited to secure his chosen military command before cutting his legislative ties.\textsuperscript{95} Hunter found evidence of this in a telegram to Lane from Congressman Covode in Washington, which warned the senator that “Hunter will not get the money or men he requires. His command cannot go forward. Hold on. Don’t resign your seat.”\textsuperscript{96} Hunter thus requested Lincoln and Stanton to force Lane to accept the commission or give up the matter.\textsuperscript{97}

Lane did not give up the command opportunity yet. He obtained support from the Kansas legislature; both houses sent Lincoln resolutions endorsing his promotion to Major General and his command of the Southern expedition.\textsuperscript{98} He even elicited support from leaders of two Indian nations. Ho-po-eith-le-yo-ho-la, “Head Chief of the Creek Nation,” and A-luk-tus-te-nu-ke, “Head Chief of the Seminole Nation” endorsed a petition to Lincoln requesting that Lane lead the Southern expedition.\textsuperscript{99} Lincoln

\textsuperscript{95} In a February 13 letter to Hunter, Lane admitted that he retained his senate seat until his chosen military assignment was confirmed: “But it is all-important before I resign my seat in the United States Senate to accept the office of Brigadier General, so kindly tendered to me by the President and so cordially confirmed by the Senate, that our understanding should be full thorough.” Lane to Hunter, February 13, 1862, Abraham Lincoln Papers at the Library of Congress.

\textsuperscript{96} John Covode to General Lane, quoted in letter from David Hunter to Henry Halleck, February 8, 1862, \textit{O.R.}, ser. 1, vol. 8, 831.

\textsuperscript{97} David Hunter to Abraham Lincoln, February 4, 1862, Abraham Lincoln Papers at the Library of Congress; David Hunter to Edwin M. Stanton, February 1, 1862, Abraham Lincoln Papers at the Library of Congress.

\textsuperscript{98} Stephenson, \textit{The Political Career of General James H. Lane}, 121.

\textsuperscript{99} The statement, addressed “To our Great Father, the President of the United States,” read: “Father: We are told by our friends that there is some doubt as to whether the great war chief, General Lane, will command the expedition to our country. “Our object in having this letter sent to you is to beg that General lane be placed in command of that expedition, as we believe no warrior can place us in possession of our country again as effectually as he can. Our people have heard of General Lane many seasons ago. They have heard how with but a handful of warriors he beat back the enemy when they were as numerous as the leaves of the forest and restored peace and quiet to Kansas. “Our people have been told that he would come with an army to restore them to their homes and to avenge the great wrongs they have suffered. “It has made their hearts glad to hear it.
remained consistent. He had always understood that Lane was under Hunter’s
command. On February 10, the president officially settled the dispute. He wished to
retain the services of both men, but in this matter, “General Hunter is the senior officer
and must command when they serve together. . . . If they cannot come to an amicable
understanding, General Lane must report to General Hunter for duty, according to the
rules, or decline the service.”

Hunter believed that Lane would sabotage the expedition, or at least his own role
in it, if he could not control it. “He is bestirring himself in a thousand little irritating
processes,” Hunter told Halleck on February 8, “trying to make a quarrel or
‘disagreement’ with me his pretext for backing out of an employment which he never
intended to accept.” A letter from Lane to Hunter on February 13 indicated that he
intended to challenge Hunter’s decision, and perhaps justify his own actions, but did not
appear quarrelsome. Lane wrote, “I shall consider neither personally offensive, nor shall
anything that shall arise, beget a misunderstanding between us. I have said to you several
times, and I repeat the remark here that I would accept no military command in your

“Our people have suffered a great deal. They have been driven from their homes in the dead of
winter when the earth was clothed with white. Many of them have frozen to death. All of them have lost
all they possessed.

“There are now 6,000 women and children in Southern Kansas without tents, but scantily clothed,
and exposed to all the horrors of a severe winter.

“Our agents have done and are now doing all they can to relieve us, but we leave comfortable
homes in our own country and we wish to be restored to them.

“General Lane is our friend. His heart is big for the Indian. He will do more for us than any one
else. The hearts of our people will be sad if he does not come. They will follow him wherever he directs.
They will sweep the rebels before them like a terrible fire on the dry prairie.

“We beg our Great Father and our great war chief, General McClellan, that they will listen to the

Lincoln wrote to the Secretary of War on January 31 clarifying his support of the expedition.
He stated: “General Lane has been told by me many times that he is under the command of General Hunter,
and asent to it as often as told. It was the distinct agreement between him and me when I appointed him
that he was to be under Hunter.” O.R., ser. 1, vol. 8, 538.

O.R., ser. 1, vol. 8, 551.
Ibid., 830, 831.
department unless such command was satisfactory to you or unless we could work harmoniously together.” But, Lane wanted to know why Hunter did not agree to what the government had come to believe and support, that he [Lane] should lead the expedition. He bluntly asked in a letter to Lincoln, “Is it consistent with the public service, and your own honour,—and to oblige the President of the United States to give me the command of that expedition with you alone as my senior officer, and commander when serving together?”

Hunter would not be swayed. He wrote to Lincoln the following day complaining of Lane’s behavior. “Had he reported for duty I would gladly have assigned him to a command not merely commensurate with his rank, in the strict military sense.” But, Hunter argued, Lane had not returned to Kansas as a man under his command, for “never once did he talk or even hint of reporting for duty, but on all occasions used the phrase that he wished to ‘cooperate’ with me in conducting the Expedition,—his idea of ‘cooperation’ clearly being that he was to command the column while I remained in Fort Leavenworth approving of his requisitions on the Quartermaster, Commissariat, and Ordnance Departments.” And the irate general was not through with his condemnation of Lane:

I know no man in Kansas to-night, Mr. Lincoln,—not even those very adherents of his who are gazing hungrily on the Quartermaster & Commissariat patronage they expect him to bestow,—who feels, or in ordinary conversation would even profess to feel the least confidence in the veracity of Senator James H. Lane. By friend as enemy he is regarded as an unscrupulous trickster,—a demagogue in all the worst senses of that word,—whose promises are to be relied upon just as it may suit his convenience to keep or break them. This, in so far as I have had any, has been my own experience of his character; and it was in view of his gross misstatements of former conversations,—misstatements of which I have

103 Lane to Hunter, February 13, 1862, Abraham Lincoln Papers at the Library of Congress.
documentary evidence,—that I was obliged to insist upon having our official intercourse reduced to writing on both sides.¹⁰⁴

Hunter closed his letter by apologizing for such blunt talk, and agreed to whatever punishment due if he had overstepped his authority. But, he announced, “I am not willing that the cause of the Union should be imperiled and its flag disgraced by the appointment to supreme command of one whose only claim to consideration must be based on a total misapprehension of his true character.”¹⁰⁵ Hunter leveled serious charges against Lane, and his characterization of Lane echoed sentiments voiced by Lane critics during previous years. Yet, Lane was not deemed a demagogue by all, as shown by the steadfast support for his leadership during the Southern Expedition controversy.

Lane realized that his plan to command the Southern Expedition had failed. He wrote to Lincoln on February 16, reporting that his efforts to “harmonize” with Hunter were unsuccessful and that he would decline the brigadier general commission.¹⁰⁶ Though he no longer labored to gain a battlefield command, Lane’s interests in Kansas military affairs continued throughout the war.

Lane’s actions during the first year of the war highlight the energy and enthusiasm that won support from many in Kansas—and even the president—as well as the condemnation of his political opponents and other military officers. His marches into Missouri have been portrayed as valuable strikes against secession as well as lawless raids bent on revenge and plunder. Yet, Lane worked for the same interest he had always embraced: the stability of the Union. Lane championed an aggressive war that would punish those who had dared threaten the future of the Union, and, he believed, enforce

¹⁰⁴ Hunter to Lincoln, February 14, 1862, Abraham Lincoln Papers at the Library of Congress.
¹⁰⁵ Ibid.
the law under the present circumstances. Southerners brought on the war, he maintained, and must be ready to feel its consequences. His attempts at compromise in the sectional conflict had been destroyed during his tenure in Kansas, and thus he rejected talk of moderation. His raids into Missouri were not careless, nor were they random acts of plunder, though they may have been shocking. And they foreshadowed Sherman’s total warfare in Georgia and South Carolina. Historian Charles Royster described Sherman’s view of war as such: “In war the power of some people over others was no longer confined by precedent, compromises, and documents. Instead, it consisted of direct violence in many forms, ranging from killing thousands of men to taking some food—violence cumulatively demonstrating the subjugation of the weaker to the stronger.” In 1861, few people believed that the growing conflict would, or could, see widespread destruction of towns, homes and property. Not only did Lane believe that such actions were necessary, he was ready to lead the charge. A military veteran of the Mexican War and militia leader in Kansas, Lane’s passion for action drove him into military affairs in 1861. As a motivated leader, Lane wanted to be in command. He wanted to be at the center. His anticipation to get into the fight led him to blur the lines of political and military authority. He certainly tried to secure his chosen command in the army before relinquishing his legislative seat. However, he did not lustfully grab for power solely for his own sake. Lane’s efforts, at least in his own mind, were sincere. He wanted to lead troops into the South because he truly believed it would help win the war.

Lane was his own worst enemy. His poor relations with Hunter denied him his coveted command, and drew accusations of demagoguery and corruption. Hunter

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portrayed the Kansan as a megalomaniac. Though confident to the point of arrogance, Lane always recognized Lincoln’s authority, and understood the system in which he worked. His failed attempt to command the Southern Expedition does demonstrate an element of opportunism, but one that arguably compares to the push for military and political advancement many Americans engaged in during the war.

Ultimately, Lane’s actions and words during the first part of the Civil War must be compared to his past. Since his days as an Indiana congressman, Lane had announced his love of the Union and dedication in protecting it from dangers outside and within. As the sectional conflict turned bloody, and as the traditional party system crumbled, he adapted his tactics to protect those interests. He met radical threats to the Union, as he saw it, with an extreme response.
CHAPTER IX
LANE AND SLAVERY, 1861-1865

"We march to crush out Treason, and if Slavery does not take care of itself, the fault is not mine."

James Lane’s total war against secession soon struck at the heart of the conflict—slavery. His words and actions in 1861 not only stand as some of the first and most vehement attacks against the institution by a prominent government official, but provide a remarkable look into his mind. As before, his actions seemed to reveal a wild, unpredictable personality. It was no surprise that Lane at this time was called, and sometimes called himself, a radical. Yet, as before, a close examination of his actions against slavery uncovers a consistency of principle and goals. It may be difficult to find a natural progression between the support of the Kansas-Nebraska Act and the forcible freeing slaves. But the uniformity is there. Lane adapted to overcome the obstacles he believed his beloved nation faced.

Lane, like other Republicans in 1860, embraced a hard line on the expansion of slavery into the territories. However, few embraced emancipation as an immediate war goal in 1861. Lincoln’s message to Congress on July 4, 1861, repeated his steady claim that he had “no purpose, directly or indirectly, to interfere with slavery in the States where it exists.” The Union war effort specifically focused on crushing secession. Still, loyal representatives and senators from slaveholding areas feared for the safety of the institution during the conflict. On July 18, Senator Lazarus Powell of Kentucky proposed

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1 See Lawrence Republican, April 11, 1861.
an amendment, to the army organization bill, to prevent Union forces from interfering with slavery. Lane immediately rose and introduced the clause, “except to crush out rebellion and hang traitors.” During the ensuing debate of the institution’s role in the brewing conflict, Lane stated that he represented “a constituency whose rights have been trampled on by the slave oligarchy of this country. Fraud, cruelty, barbarism were inflicted upon them by that power.” Yet, he declared, Kansans had been willing to leave the past behind and accept slavery where it existed, had not slavery been forced upon them and led to disunion:

An attempt is now made, and by that power, to overthrow the Government—to destroy the Union. They have brought upon us this conflict. If, in that conflict, the institution of slavery perish, we will thank God that he has brought upon us this war. We wish not be misunderstood. We would have stood by the compromises of the Constitution, and permitted slavery to exist in the States where it was planted; would not, by word or act, have disturbed it; but they have forced upon us this struggle, and I, for one am willing that it shall be followed to its logical conclusion.

Lane’s “logical conclusion” was an end to slavery in the United States. As with his migration into the Republican party, Lane’s position on slavery in 1861 was reactive to larger events.

Lane’s statements appeared radical. Yet, he was not yet an abolitionist. While he maintained that “the institution of slavery will not survive, in any State of this Union, the march of the Union Armies,” he did not embrace the destruction of the slavery as a specific war aim. He clarified that his interests regarding slave property specifically related to an owner’s loyalty to the Union. When senators talked of protecting the right of property, Lane stated: “While I think that policy might be a correct one, so far as

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3 Congressional Globe, 37th Congress, 1st sess., 186.
4 Ibid., 187.
5 Ibid.
returning slaves to the Union men is concerned, I should think it highly impolitic, and in
a military sense highly improper, so far as the traitors are concerned."6 Still, Powell
believed Lane was "for emancipating slavery now." Lane made his position clear: "I
disavow any intent upon the part of the Government or its army to war against the
institution of slavery. I said that the effect of marching an army on the soil of any slave
State will be to instill into the slaves a determined purpose to free themselves; and, in my
opinion, they will crush out everything that stands in the way of acquiring that freedom."
He took a middle ground between those who wished to forcefully end slavery and those
who wished to protect it. He as yet refused to officially fight to end slavery, but he would
not labor to protect the institution. "So far as I am concerned," he told his colleagues, "I
do not propose to make myself a slave catcher for traitors and return them to their
masters."7

He proposed a colonization effort, like those advocated by some abolitionists and
antislavery northerners over the previous five decades.8 He wanted to "digest a plan to
colonize the slaves thus liberated by their own act at some point outside of the Union
convenient thereto. Sir, I want to see, so soon as it can be done constitutionally, these
two races separated, an ocean between; that—South America—the elysium of the colored

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6 Ibid., 189.
7 Ibid., 190.
8 Colonization—the sending of former slaves to colonies outside of the United States—took root
in the 1810s and 1820s. In 1817 the American Colonization Society was founded. Though between 1817
and 1867 the society helped send around six thousand black individuals to Liberia, colonization never
became as successful as it supporters hoped. Many white and black Americans opposed colonization.
Peter Kolchin, American Slavery, 1619-1877 (New York: Hill and Wang, 1993), 185. For more
information on support and opposition to black colonization, see Henry Mayer, All on Fire: William Lloyd
Garrison and the Abolition of Slavery (New York: St. Martin's Press, 1998), 61-63, 72-73, 77-78; Eric
25-26, 189-190.
man; this the elysium of the white."\textsuperscript{9} This was hardly surprising from a man who had supported the exclusion of blacks in Kansas territory.

Only one week after his comments on the floor, the Senate voted on a resolution from Representative John J. Crittenden of Kentucky and Senator Andrew Johnson of Tennessee that outlined the object of the war. It resolved that the current military effort to suppress the rebellion "is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of those States."\textsuperscript{10} Three radicals voted against the resolution and over twenty senators withheld their vote.\textsuperscript{11} Yet Lane voted in favor, and the resolution passed.\textsuperscript{12} His goal was to preserve the Union, not to end slavery. Its disruption, or even destruction, he believed, was inevitable during the upcoming conflict and he welcomed its end. But the formality of fighting against it was not necessary. First and foremost, Lane wanted to save the Union, let slavery stand or fall as it might.

Not everyone in the Union took such a casual approach to slavery. On August 30, General John C. Fremont, the Republican's 1856 presidential candidate, who now served as Union commander of forces in Missouri, declared martial law in that state and authorized the confiscation of secessionist property and slaves. The general's next step was even more controversial. Without consulting superiors, Fremont issued a local military emancipation proclamation. Slaves confiscated from rebels were to be freed. While abolitionists and radical Republicans celebrated the move, moderates and

\textsuperscript{9} Congressional Globe, 37\textsuperscript{th} Congress, 1\textsuperscript{st} sess., 190.
\textsuperscript{10} Ibid., 257.
\textsuperscript{11} McPherson, Battle Cry of Freedom, 312.
\textsuperscript{12} Congressional Globe, 37\textsuperscript{th} Congress, 1\textsuperscript{st} sess., 265.
conservatives in the northern states, including Lincoln, were shocked. The move threatened to send the tenuous border states of Kentucky, Maryland, and Missouri into the Confederacy.\textsuperscript{13} Lincoln privately asked Fremont to adjust his order to match the more conservative Confiscation Act. When the general refused to do so, Lincoln publicly rescinded Fremont's order.\textsuperscript{14} Lincoln did not want to interfere officially with the nation's domestic institutions because such a move had not yet, in his mind, become "an indispensable necessity."\textsuperscript{15}

Lane was in Kansas during the excitement over Fremont's actions, and he initially maintained his proclaimed neutral position. During his October 8 speech in Leavenworth, he answered complaints that his Kansas Brigade threatened slavery in Missouri by explaining that slaves freed themselves. Property, including slaves, of loyal Missourians could be recovered. But he would do nothing to protect the slave property of those who were for disunion. "We march to crush out Treason, and if Slavery does not take care of itself, the fault is not mine," he announced. "It can never be made my duty to defend it for the benefit of Traitors." He directly linked the institution to the interests and well-being of those in rebellion, clarifying, "If they do not want to lose their slaves, let the Traitors lay down their arms, and our troops will be glad to leave their borders. . . . A rebellious province or State must be visited by the severe chastisement of war; Traitors

\textsuperscript{13} William K. Klingaman, \textit{Abraham Lincoln and the Road to Emancipation, 1861-1865} (New York: Viking, 2001), 72-74.
\textsuperscript{15} Abraham Lincoln to A. G. Hodges, April 4, 1864, in \textit{The Living Lincoln}, Paul M. Angle and Earl Schenck Miers, eds. (New Jersey; Marboro Books Corp., 1992), 601.
must suffer the loss of property, and desolation must overwhelm them before they will acknowledge the Government against which they have revolted.”

Nonetheless, Lane’s understanding of slavery began to change with experience in the field. A month after his Leavenworth speech, Lane repeated his view before a group of Indiana and Kansas soldiers in Springfield, Missouri, but elaborated on the nature of slavery and its role in bringing war to the Union. “An oligarchy, more cruel and proscriptive than ever scourged and cursed a nation, ancient or modern, has brought on this war for slavery,” he asserted, “and if we are required to protect, defend, or in any way help slavery, then we are required to cooperate with the enemy to help him, to defend him, and to work for the same end.” He questioned the idea Union men could “place ourselves thus in alliance with our deadly and barbarous foes, and at the same time conquer them, subdue them, crush them!” Lane foreshadowed the Union’s changing war effort and described his own progress in opposing slavery. He understood that it was at the heart of the conflict; the Kansas Brigade’s march into Missouri had revealed to him the value of disrupting the institution in the war against secession:

Astonishing as it may seem to you, gentlemen of Indiana, yet the fact we have repeatedly demonstrated that a heavier blow is dealt out of the realm of Secession in the abduction or freedom of a slave, than in the killing of a soldier in arms. I may put this truth in a stronger light still: abduct from the same family a slave and kill in arms a son, and the loss of the slave will be regarded as the greater misfortune—the calamity for which there is no healing balm. I could bring forward more than one thousand witnesses whose observation and experience qualify them to speak of the truthful candor of these remarks. If, then, by allowing the slave to fall into the wake of the army, and find the priceless boon of freedom, we void

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16 Lawrence Republican, October 17, 1861. The Liberty Weekly Tribune, October 11, 1861, carried a slightly different version of the speech. It records Lane’s words as: “We march to crush out treason and let slavery take care of itself. If they don’t want slavery to perish let them lay down their arms—or do the other thing—keep Lane’s Brigade out of Missouri. . . . When you march through a State you must destroy the property of the men in arms against the Government—destroy, devastate, desolate. This is a war.”

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bloodshed, save property from destruction, and strike death dealing blows upon the head and front of this rebellion, does not every consideration that is just and good, require that this policy by adopted. This war is for slavery—let us make it the mighty engine for slavery’s destruction, and the rebels will soon cry, enough. . . . Every guarantee that is given to slavery by the Government strengthens the rebels in their course.17

Lane held a unique position. Other Union military officers had been politicians. But because Lane managed to hold both roles simultaneously, he influenced policy and practice in the field. His willingness to engage in the aggressive campaigns he advocated provided a remarkable opportunity to test his ideas. And, because of his experience in the field, he could adapt his policy ideas accordingly. “The policy, inaugurated by the Kansas Brigade which I have the honor to command, was not adopted in a moment, but it is the result of experience,” he told the crowd.18 He saw firsthand the effect of disrupting slavery in Missouri with his Kansas Brigade, and it thrilled him. It weakened secessionist morale and strength by depriving rebelling areas of their property, their investments, and their labor force. Though this disruption would burden Southern Unionists, Lane considered this to be an acceptable cost. He supported compensating loyal slaveowners for property lost.19 Compensation was easier to handle than protecting the institution.

“Preserving slavery will cost the Government ten times as much as crushing the rebellion,” he announced.

Lane’s speech in Springfield differed from his previous discussions of slavery.

Though he had declared earlier in the speech that his creed was “Let slavery take care of

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17 Lawrence Republican, November 21, 1861.
18 Ibid.
19 In Springfield, Lane stated: “I would cheerfully give my consent to have them paid out of the national treasury for any loss they might sustain.” Lawrence Republican, November 21, 1861. In July 1862, Lane proposed the following provision to a military bill: “Provided, That in all cases where such man, boy, mother, child, or children shall owe service or labor to any loyal citizen by any law, usage, or custom, such loyal citizen shall be entitled to receive just compensation for the loss of the same.” Congressional Globe, 37th Congress, 2nd sess., pt. 4, 3337.
itself," he acknowledged that the institution could not be ignored or pushed aside.

Secessionists had waged war to preserve slavery, and thus Union men must take a stand:

Since the rebels have failed to nationalize slavery, their battle cry is, "Down with the Union—let slavery lift up its crest in the air," and here I solemnly vow, that if Jim Lane is compelled to add a note to such an infernal chorus, he breaks his sword and quits the field. (Tremendous applause.) Let us be bold—inscribe "Freedom to all" on our banners—and appear that we are the opponents of slavery. It is certain as if written in the book of fate, that this point must be reached before the war is over. Take this stand and enthusiasm will be inspired in the ranks. In steadiness of purpose and courage, each soldier will be a Spartan hero. The spirit of the Crusader will be united with the iron will of the Roman, and an army of such soldiers is invincible.

He directly credited his position to the Kansas territorial struggle. Turning to the Indianans, Lane admitted that his stance likely seemed strange to those not baptized by the territorial struggle. He assured them, "when your military education has received that peculiar cast which experience is sure to give it, and which now characterises the Kansas soldier, then will we march shoulder to shoulder, and victoriously, too, against the enslavers of men, and against the traitors to the best Government on earth."²⁰

Lane's Springfield speech showed his progression in opposing slavery. Only months earlier he had supported a resolution that separated the institution from the war effort. Now, after spending time in the field, Lane adopted a broader vision for the Union cause. He advocated pressing Lincoln for an emancipation proclamation:

It should be the business of Congress at its coming session to pass a law directing the President of the United States by proclamation to order the rebel States, within thirty or sixty days, to lay down their arms and return to their allegiance, or in default thereof, declare all men free throughout their domains, and so far as I am concerned, I hope the Almighty will so direct the hearts of the rebels, that like Pharaoh they will persist in their crime and then will we invade them and strike the shackles from every limb.²¹

²⁰ Lawrence Republican, November 21, 1861.
²¹ Ibid.
Freedom, Lane believed, should be the new watchword of the Union.

Lane’s Springfield speech shows a man in transition. He began the speech with a professed desire to leave slavery alone, yet closed with a call for its forcible end. This apparent contradiction may have been an oratorical plan, as Lane soothed his audience with more moderate language at first, so as to not turn them off immediately to his more radical idea of emancipation. As the crowd responded to his magnetism, and his heroic imagery, Lane made his case against slavery more forceful.

Lane’s call for an emancipation proclamation was a radical tactic for a conservative principle. He had found what Lincoln had not accepted at the time of Fremont’s proclamation, and would not embrace for another year: that an official move against slavery was “an indispensable necessity” for preserving the Union. Emancipation would, Lane believed, end the biggest threat to national unity overall. In Boston, three weeks after his Springfield speech, Lane called for a permanent peace by crushing out the “disease” of slavery. Should the war end with slavery intact, another sectional war would remain inevitable. And Lane chastised the coward “who wants a peace patched up with the knowledge that our children will have this battle to fight over again.”

Lane continued his campaign by speaking in cities across the nation. Before a crowd in Washington, D.C., he reviewed his former Democratic embrace of institution, announcing that he “was taught to reverence slavery beyond the bible or any of the ordinances of God.” He claimed that it was “a crime to discuss the question” and that “Northern reverence compelled two great political parties to engrain on their platforms that the righteousness of slavery, being above even the government of God, should be no

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22 “Extracts from Speech of General Lane, at Tremont Temple, Boston, November 31, 1861,” Kansas Collected Speeches, 6.
more discussed, 'either in or out of Congress.'” Lane may have exaggerated his previous feelings towards slavery for effect, but his description of Democratic tip-toeing around slavery was sincere. He told his audience how his experiences in Kansas and in the ongoing war had opened his eyes. “I saw it stuff the ballot-boxes of my own State,” he roared; “I saw it raise the black flag, and inscribe on it 'no quarter;' I saw the most exalted officers of the government, debauched by it, prostitute the Government itself to its own destruction!” The slaveholding power, Lane argued, caused a national war and raised an army “within six miles of here, and hence along two thousand miles of border, seeking the destruction of the mildest and best Government on earth.” Forced black labor, he continued, strengthened the rebel cause. Slaves raised crops, made clothes, and generally provided vital resources for the Confederate war effort. Striking against slavery as a whole meant victory in arms.

By late December 1861, Lane advocated his new policy in the Senate. The secessionists fought to keep their slaves, he reasoned, so take away those slaves and you deprive them of their ability and motivation to fight. “In my opinion, obtaining possession of these slaves by the Government would be more effective in crushing out rebellion, than the seizure, if it could be made, of every ounce of ammunition they possess. As the fear of losing their slaves is now the incentive to war, so would then the

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23 See also Lane’s Leavenworth speech in *Freedom’s Champion*, February 1, 1862. He said: “Even in 1852 I was still a Democrat, when our party at Baltimore declared that all other subjects might be agitated, but Slavery was sacred. We might ‘agitae’ the Word of God, ‘agitate’ His law, ‘agitate’ the golden streets of the golden city—but before Slavery we must bow our faces in silence—it was too sacred to be talked about. I have lost that reverence, and so much progress have I made that I would not give one drop of the blood of the humblest soldier within the sound of my voice to save Slavery from eternal perdition.”

desire for their recovery be the inducement for peace." Lane explained how easily such a move could be undertaken, since slaves flocked to Union armies. He had seen it in Missouri. So many slaves fled their homes to follow the Kansas Brigade in Missouri that newspapers called the band Lane's "Black Brigade." The \textit{Leavenworth Conservative} reported that the group numbering 256 contrabands followed Maj. Gen. H. D. Fisher, Chaplain of the Kansas Fifth and Brig.-Gen. H. H. Moore, Chaplain of the Kansas Third into Kansas.\footnote{Escaped or freed slaves in Union lines came to be called "contraband," largely due to Union General Benjamin Butler's handling of escaped slaves in Virginia. After three slaves fled to Union lines in May 1861, a Confederate officer arrived and demanded their return. Butler refused on the grounds that the slaves had been property used against federal forces, and were thus legitimate contraband for confiscation. Noah Trudeau, \textit{Like Men of War: Black Troops in the Civil War, 1862-1865} (Boston: Little, Brown and Company, 1998), 10. See also Fred A. Shannon, "The Federal Government and the Negro Soldier, 1861-1865," \textit{The Journal of Negro History} 11, no. 4 (October 1926): 567; \textit{Leavenworth Conservative}, printed in \textit{Lawrence Republican}, November 21, 1861.}

Emancipation meant four million freed slaves. Lane continued to champion colonization of freed blacks.\footnote{The \textit{Lawrence Republican}, November 21, 1861, reported that "Gen. Lane proposes to establish a colony in some Southern clime. Hayti has enlisted attention, and has demonstrated the fact that the negro race is capable of self-government. It will become a question whether the government should not provide some place of refuge for this oppressed people, not to coerce them to any particular locality, but hold out inducements which can be found no place else."} “The good of both races require their separation,” he stated during his Springfield speech. “Ages of oppression, ignorance and wrong, have made the African a being inferior in intellect, and social attainments to the Caucassian [sic], and whilst together, we shall always have low, cringing servility on the one hand, and lordly domination on the other, it is better for both parties that each enjoy the honors and responsibilities of a nationality of his own.”\footnote{\textit{Lawrence Republican}, November 21, 1861.} Personal prejudices against blacks would interfere with harmony among the races. Lane admitted his own prejudice, voicing his opposition to complete social integration. “Now, for the good of us both,” he
told a crowd in Washington, "let us give them the discipline that attends freedom and free labor, then let us kindly separate them from us, and all will be well." Africa was an obvious choice, but Lane recognized the impossibility of transporting four million people across the ocean. He saw Central or South America as possibilities, and he joked with one audience that South Carolina would be a suitable place as well. But such plans were for the future, and during his campaign in Missouri, Lane had faced the real problem of finding a place for the slaves coming into his lines. Chaplain Fisher, of the Fifth Kansas, later described Lane's predicament and the solution.

The second day out Lane sent for me on the march, and explaining our imminent danger of attack and the helpless condition of the great multitude of blacks, said: 'What shall I do with them?' I replied that all the men were in the army, and the women and children in Kansas needed help to save the crop and provide fuel for winter, and I advised to send the negroes to Kansas to help the women and children. His laconic reply was, 'I'll do it.'

Lane ordered Fisher and two other chaplains to lead the refugees to Kansas, and there distribute the property and find them homes. Fisher described the trek as harrowing, the group always wary of attack, moving day and night to reach Kansas and freedom. Upon making the border, Fisher stopped the procession, raised himself up on his horse and, he

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30 In Springfield, Lane said, "But it is too many thousand miles away for us to transport our 4,000,000 of slaves." *Lawrence Republican*, November 21, 1861.
31 A report of Lane's impromptu speech before a Washington audience on December 2, 1861, recorded Lane discussing the matter: "Then, suppose we take another policy: obtain a country contiguous to this—a portion of South America, for instance—[Voice—"South Carolina."] Well, now, that idea of South Carolina strikes me very favorably. [Laughter.] I desire, first, to see the shackles stricken off in a legitimate manner, so that our stars and stripes may, in truth, wave over a country of freemen." "Speech of Gen. Lane, in Washington, on the evening of Dec. 2d, 1861, on the occasion of a serenade in his honor," *Kansas Collected Speeches*, 12. This speech was also printed in *Lawrence Republican*, January 2, 1862. The *Lawrence Republican*, November 21, 1861, also suggested reserving some southern states for black colonization: "If the Government shall be compelled to subdue the South, and colonization is necessary, why not give them a few of the States of the South for a heritage, rather than the traitor masters? The guilty should suffer rather than the innocent. Let the oppressor seek a new home rather than the oppressed."
later recalled, "there under the open heavens, on the sacred soil of freedom, in the name of the Constitution of the United States, the Declaration of Independence, and by authority of General James H. Lane, I proclaimed that they were 'forever free.'" The slaves adopted new names to help prevent identification and a return to slavery, and many of them took up laboring jobs or farming in Kansas.

Many more blacks fled from Missouri into Kansas without military aid. In May 1862 Lane claimed that Kansas supported 4,000 Arkansas and Missouri fugitive slaves, and by mid-July reported that the number had increased to 6,400. White Kansans had to adjust to this large influx of blacks. Like Lane, some in the new state accepted black migration for its effect on the war. Sol Miller, editor of the *White Cloud Kansas Chief*, explained that Kansans "never fancied the idea of having free Negroes colonized among us; but wherever our armies march, we trust they will leave the traitors niggerless."

As the war progressed into 1862, Lane's anger with secessionists only increased. He told a crowd in Leavenworth in January, "When I think who caused this war, I feel like a fiend. When I think that the men who have been the Cabinet officers, the Senators, the Congressmen, the Generals, the Colonels; when I think that the very men who, for twenty years, have fattened on this Government, are now raising their hands to strike it down—I feel like taking them all by the throat—like throttling and strangling them all." To end this war, Lane repeated, drastic measures would be needed. Though critics often

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33 Fisher, *The Gun and the Gospel*, 156. Also see contemporary account of this event by H. H. Moore in *Lawrence Republican*, November 21, 1861.
38 *Freedom's Champion*, February 1, 1862.
lambasted Lane for irrational ranting in his speeches, his logic was sound. Slavery must be disrupted in order to win the war, he told the crowd. To keep a slave in bondage would require a bloodless war, "[f]or if you kill a master the slaves will escape." Lane proposed to kill those masters serving in the Confederate army. And he now embraced a more radical means of warfare—arming blacks. To the audience, Lane prefaced this plan with a vivid story from his service in the Mexican War. During a scouting expedition he had come across the bodies of Mexican men, women, and children, killed and mutilated by Comanches. Upon hearing the news, General Zachary Taylor stated, "The Comanches seem to be fighting on the same side we are. We won't interfere with them." Lane looked at his audience, let the story sink in and announced, "I don't say I would call the Comanches but I do say that it would not pain me to see the negro handling a gun, and I believe the negro may, just as well become food for powder as my son."  

Though he preferred white men to fight the war, and freed slaves to serve as laborers for the Union cause, Lane remarked he didn't "propose to punish the negro if he kills a traitor." The idea of former slaves brandishing weapons against whites struck a long-standing fear in American, and particularly Southern, minds. The South did experience a few legitimate slave revolts, such as that led by Nat Turner in Virginia in 1831. However, white fears of slave revolt often led to massive retaliation against suspected threats. Bertram Wyatt-Brown explains that white Southerners were not obsessed with fear of revolt on a daily basis. Instead, there were short bursts of panic and anger as threats or perceived threats arose. See Bertram Wyatt-Brown, Honor and Violence in the Old South (New York: Oxford University Press, 1986), 154-186. John Brown's raid on Harper's Ferry in 1859 and Lincoln's Emancipation Proclamation issued in 1863, were both denounced as evidence of northern attempts to incite slave insurrection. For more information on Southern attitudes toward slave insurrection as related to the war, see J. L. M. Curry "The Perils and Duty of the South,...Speech Delivered in Talladega, Alabama, November 26, 1860," in Southern Pamphlets on Secession, November 1860-April 1861, ed. John L. Wakelyn (Chapel Hill: The University of North Carolina Press, 1996), 40; Mark M. Krug, "The Republican Party and the Emancipation Proclamation," The Journal of Negro History 48, no. 2 (April 1963): 109; William J. Cooper, Jr., Jefferson Davis, American (New York: Alfred A. Knopf, 2000), 408-409; Peter Kolchin, American Slavery, 1619-1877 (New York: Hill and Wang, 1993), 155-160.
in the Church, but I tell you I take stock in every negro insurrection, and I don’t care how many there are.” It all came down to winning the war: “If [rebels] don’t want to be killed by negroes let them lay down their arms.”

Lane’s proposal was not an idle threat. At this early date in the war (a full year before black regiments were formally mustered into federal service), he seriously considered the active role former slaves could play in defeating the Confederacy. The use of black soldiers would require support, or at least acceptance, by not only Union officials, but by a large section of the public. Before the crowd in Leavenworth he defended the integrity and abilities of black men and women he had seen in Missouri, admitting his own change of heart:

The negroes are much more intelligent than I had ever supposed; I have seen them come into camp (occasionally) looking down as though slaves. By and by they begin to straighten themselves, throw back their shoulders, stand erect, and soon look God straight in the face. They are the most affectionate, impulsive, domestic beings in the world. No one loves mother, wife, children, more than the negro, and they are an altogether smarter people than we give them credit for—I mean, we Democrats!

And, he continued, black men would make fine soldiers.

After a long day’s march, after getting supper for the men, after feeding and cleaning the horses, I have seen them out, just back of the tents drilling. And they take to drill as a child takes to its mother’s milk. They soon learn the step, soon learn the position of the soldier and the manual of arms. You even see that in the innermost recesses of their souls the “devil is in them.” Gen. Washington did not lie when he said his negroes fought as well as white men. Gen. Jackson did not lie when he paid that noble compliment to his black soldiers at New Orleans. Give them a fair chance, put arms in their hands and they will do the balance of the fighting in this war.

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41 Freedom’s Champion, February 1, 1862.
42 Ibid.
43 Ibid.
Throughout 1862 Lane proclaimed the abilities of freed slaves. He began to sound very much like an abolitionist, particularly in his denunciation of slavery. In New York, speaking before an audience at the Cooper Institute, Lane asked, “Did you ever notice a darkey baby? Why, they favorably compare with white babies when infants—why then do they sink below when grown? Because they are stupified by the master’s lash.” Blacks were not natural savages, as leading Southern figures had proclaimed. Instead, the violence and oppression from slavery broke them down. But, Lane argued, they could be redeemed and made into a valuable Union asset. In New York, he admitted that he had already taken the step of arming former slaves. “In drill, after marching an entire day, when the whites sought repose, the slaves in whose hands I had placed arms to slay traitors to their country with—went to work learning the drill of the soldier—and I say they learned the drill as rapidly as we—they have the capability.” Again, his actions had purpose. The Kansas warrior recognized the difficulty in squashing resistance to the government. He warned his audience that as the Confederate armies lost on the battlefield, guerrilla warfare would commence and rebels would seek refuge in the hills and swamps of the south. “I propose to meet it by setting the slaves of those men free, and setting them to hunt them out,” Lane proposed. “Let [the rebels] seek shelter in the swamps of Florida; send your regiments of emancipated slaves after them, and they’ll outlive them two to one.” This strategy would not only effectively end the rebellion, he believed, but save countless white Union soldiers.

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44 Lawrence Republican, June 26, 1862.
45 For instance, Confederate President Jefferson Davis defended slavery as beneficial to blacks in a message to the Confederate Congress on April 29, 1861: “In moral and social condition [African slaves] had been elevated from brutal savages into docile, intelligent, and civilized agricultural laborers, and supplied not only with bodily comforts but with careful religious instruction.” Quoted in Kenneth Stampp, The Causes of the Civil War (New Jersey: Prentice-Hall Inc., 1974), 118.
46 Lawrence Republican, June 26, 1862.
Not surprisingly, Lane's plan found criticism from conservatives, who labeled him a radical and abolitionist. In July 1862, on the Senate floor, he defended his stance. "We radicals, abolitionists if you please, have asked that the white soldier shall be kept for battle, and that the loyal black men of the Confederate States may be permitted to do necessary work, and be armed for the perpetuating of this Union." Historian Albert Castel writes that Lane was motivated by presidential ambition, that he advocated and worked for black military service "to become the hero of the Northern radicals and so ride the abolitionist horse into the White House." This seems unlikely, for Lane remained a consistent supporter of Lincoln as president. Further, as Lane's friend John Speer (Castel calls him one of Lane's "henchmen") later wrote, prejudice against blacks at this time limited the success and popularity of black military units, a fact Lane admitted before the next presidential election. Castel even admits this fact. The "abolitionist horse" was quite small in the Union, and would not provide any strong base for a presidential bid, even if Lane did have that intention—a fact that the politically adept Lane could not have missed.

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47 *Washington Republican*, printed in *Lawrence Republican*, July 24, 1862.
49 John Speer, *Life of Gen. James H. Lane: 'The Liberator of Kansas'* (Garden City: John Speer, Printer, 1897), 261. On the Senate floor in February 1864, Lane praised Lincoln's cautious approach to emancipation and black military service, stating: "In my opinion, when the history of this Administration comes to be written, the proudest page therein will be the record of the fact that Mr. Lincoln had the self-possession, the wisdom, the sagacity to restrain himself and friends from issuing the emancipation proclamation and arming the blacks until public sentiment was well-nigh ripe to sustain him. To have acted thus before the 22d of September would have been to have acted too soon. It would have imperiled the political power of the Government, a matter we could not afford to lose then any more than now." *Congressional Globe*, 38th Congress, 1st sess., pt. 1, 672.
51 Historian William D. Mallam described the resistance to abolitionism throughout the North: "Fort Sumter and Lincoln's call to arms aroused a people to defend the Union, but it did not make abolitionists of a generation that had grown up hating abolitionists perhaps as much as it loathed the institution of slavery. And it was not just Democrats or the neutralists of the Border States who felt a deep distaste for the possibility of the war's developing into an antislavery crusade. There were many
In truth, Lane was only an abolitionist in the fact that ending the institution and freeing slaves would save the Union. To his critics, Lane compared his actions to that of England and its colonies in Asia. "The native troops were called to the field, armed, and employed to put down the insurrection against English authority." Without that native help, he continued, Britain would have lost India. As for how that reflected radicalism, Lane declared:

If to oppose the using of American volunteers for the protection of rebel property; if to favor the confiscation of rebel property constitutes radicalism, then, Mr. President, I am a radical. If opposing the use of American soldiers for the return of fugitive slaves to rebel masters; if opposition to the policy of driving from our lines the loyal men of the rebellious States because of their color renders me an abolitionist, then, Mr. President, I am one. Radical and abolitionist, Mr. President, I say crush out this rebellion, even if human slavery should perish in the land.\(^2\)

Lane may have been labeled a radical and may have even embraced that label, he did so to contrast the conservative element of the Republican party. He certainly did not see his ideas or actions as extreme—only as necessary.

Ever a man of action, Lane put his plan to arm blacks into operation. In July 1862 the Missouri Democrat received word of Lane's authority to recruit more soldiers for Kansas units and the expectation that black regiments would be formed—"the first to be fully equipped [sic] and in the field."\(^3\) The reports proved true, as Lane wrote to Secretary of War Edwin Stanton on August 5 announcing that he expected two regiments

\(^2\) Washington Republican, printed in Lawrence Republican, July 24, 1862.

\(^3\) Missouri Democrat, printed in Lawrence Republican, July 31, 1862.

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of black soldiers. The very next day, perhaps realizing the need for administrative approval, he telegraphed Stanton that he was "receiving negroes under the late act of Congress," and asked, "Is there any objection?" Stanton did not immediately reply, and Lane continued his work fielding a black infantry unit.

Word of black soldiers in Kansas excited many in the region, particularly after August 6 when Lane publicly issued General Orders Number 2 outlining black Union service. The orders rewarded any former slave of a rebel master with freedom. Lane based his authority upon two pieces of Congressional legislation passed in July 1862: an amendment to the Militia Act which authorized the president to accept black men into "any war service they may be found competent" and the Second Confiscation Act which deemed those slaves captured from rebel masters as forever free. Many in Kansas came to accept the necessity of arming blacks to defeat secession, and defended Lane's policy. The Lawrence Republican acknowledged that critics charged Lane with "being ambitious," but pronounced that "it is a just ambition; an ambition that attains to higher and nobler ends than that of mere wanton destruction for the purpose of gaining fame for himself." The Republican correctly recognized Lane's actions as something beyond self-promotion. Historian Dudley Taylor Cornish explained that the recruitment of black soldiers in Kansas had a legitimate strategic motive. Military activities in the region

54 Official Records of the War of the Rebellion, ser. 3, vol. 2, 294. (This will be referred to as O.R. hereafter)
55 Ibid., 311.
56 No reply from Stanton has been found, and Lincoln's secretaries John Hay and John Nicolay surmise that the war secretary intentionally allowed Lane to proceed raising black troops uninterrupted.
59 Lawrence Republican, August 14, 1862.
placed an extensive burden on available white regiments. Cornish states, “The demands were so great that practicality ruled out prejudice, slowly at first, and then with gathering speed.”\textsuperscript{60} Lane had simply recognized this practicality earlier than most others. While the senator surely reveled in his role as recruiter, his push for black soldiers was initially quite controversial. He did not follow public opinion on this issue, rather he led public opinion to a necessary political and military policy.

Well after Lane had commenced building the black unit, administration officials began to voice concern. On August 23, three weeks after Lane had first telegraphed Stanton about raising a black regiment, the secretary of war finally offered a slight “objection.” While he was pleased that Kansas recruiting progressed so well, Stanton reminded Lane that black regiments could only be raised with special authority from the president. “He has not given authority to raise such troops in Kansas, and it is not comprehended in the authority issued to you.” Stanton closed his message with the assertion that Lane’s black regiments “cannot be accepted into the service.”\textsuperscript{61} The secretary did not order Lane to stop the enlistment of blacks or disband those in the ranks, only reminded him that such action was unauthorized. Undaunted, Lane continued his recruitment of blacks, perhaps from a combination of personal stubbornness and a confidence in Lincoln’s support. John Speer later wrote of Lane’s assurances from Lincoln on the matter. The senator described to Speer a verbal promise from the president that Kansas black regiments would be “clothed and subsisted until such time as they could be brought into line armed and equipped for battle.”\textsuperscript{62} Whether Lane actually

\textsuperscript{60} Dudley Taylor Cornish, “Kansas Negro Regiments During the Civil War,” The Kansas Historical Quarterly 20 (May 1953): 419.
received this promise from Lincoln may never be known. In any case, the senator pushed ahead with the project full blast.

Various Kansas officers fought for leadership of the First Kansas Colored Volunteer Infantry—the first black regiment from a northern state. James Montgomery, who had gained a violent reputation during his military excursions against pro-slavery settlers and Missourians during the territorial struggle, wrote to Governor Charles Robinson requesting command of the black regiment over equally notorious Charles Jennison. The feud between the two men became so great that Jennison tried to break up the regiment rather than let it succeed without him. Lane wisely ignored both men and gave the command to Captain James Williams from the Fifth Kansas Cavalry, who had recruited soldiers for the regiment along with Captain Henry Seaman. Although historian Albert Castel charged Lane with selecting Williams because he was “a man the Senator could easily control,” Williams proved to be an extremely capable and independent military leader who strongly advocated for the rights and abilities of his men.

Recruiting men and finding officers for the rest of the regiment proved difficult as well. The New York Times in late August reported that Lane enjoyed immense popularity among blacks in the Kansas area, and that black men were “enthusiastic to enlist and fight. Already about a hundred stalwart fellows are enrolled in Lawrence in two companies, both expected to be filled.” Yet, Benjamin Van Horn, the white captain of

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63 James Montgomery to Charles Robinson, August 3, 1862, Charles Robinson Collection, Kansas State Historical Society, Topeka.
64 Castel, “Civil War Kansas and the Negro,” 133.
65 Leavenworth Daily Conservative, August 6, 1862.
66 Castel, “Civil War Kansas and the Negro,” 133.
Company I, First Kansas Colored Regiment, later described problems Lane experienced in filling the ranks. Lane and Williams “had great difficulty in getting the niggers to enlist, the secessionists had run all of the loyal Indians out of the Indian Territory and the Government had located them at the Sac and Fox Agency and was feeding them there,” Van Horn wrote in 1909. When asked by Lane to go to the agency to entice the black men to join the service, Van Horn “made all the excuses I could, [but] finally I told them I would try it.” Other sources suggest that some of the men serving in the Kansas black regiment may not have been volunteers at all. Lane told a Leavenworth audience that “the negroes are mistaken if they think white men can fight for them while they stay at home.” To the delight of the white crowd, he told blacks “we have been saying that you would fight, and if you won’t fight we will make you.” Reports of Kansans raiding Missouri counties for black “recruits” filtered back to Lincoln. Edward M. Samuel, a Union man in Clay County, Missouri, wrote to the president in September that fifteen Kansans had forcibly taken around twenty-five black men from neighboring communities for “General Lane’s negro brigade.” Members of the Missouri State Militia caught up with the group on its way back to Kansas and captured eight of the “jayhawkers” and recovered all of the blacks, and a number of stolen horses.

By October 1862 portions of the First Kansas Colored Volunteer Infantry were in the field. Five companies, under the command of Captain Seaman, marched into Bates County, Missouri, on October 26. Three days later, part of the unit engaged a Confederate force in a brief firefight. Eventually the confederates fell back and the black

68 Benjamin Van Horn Autobiographical Letter, January 4, 1909, Benjamin Van Horn Collection, Kansas State Historical Society, Topeka.
69 *Leavenworth Daily Conservative*, August 6, 1862.
soldiers counted eight dead and eleven wounded. The skirmish between a few dozen men—which by October 1862 barely warranted attention in comparison to the massive campaigns in the war—has become known as the Battle of Island Mound. It might have been forgotten, except that it was the first engagement of an organized black unit during the Civil War.71

Lane championed black military service for the remainder of the war. In December 1862 he proposed a bill to “call into the field two hundred regiments of infantry composed of persons of African descent” to help end the war.72 His reasons still focused on necessity, and white interests, rather than advancing human rights and equality. In 1864 he told a colleague on the Senate floor that he would prefer to send all white Union soldiers home to their families, while black soldiers took the burden of combat. “I am not so devoted to, so much the lover of the negro race that I would permit them to remain at home enjoying its luxuries while white men are called upon to defend them.” He supported putting one million black men in uniform so “that white troops may be relieved from the dangers and fatigues of the Army.”73 Yet Lane genuinely recognized the abilities and interests of black soldiers. When Senator Anthony Kennedy questioned the potential of black men in combat, Lane referred to the battle at Island Mound as a glorious example of a small unit fighting off a much larger band of “black-hearted traitors.” He declared that “they showed as much pluck, as much steadiness, as much skill in the use of their weapons as any troops that ever fought.”74 And he

73 *Congressional Globe*, 38th Congress, 1st sess., pt. 4, 3487.
criticized the prejudice leveled towards these men by the federal government, arguing that “we have lost a great deal by discriminating against the colored soldier.” By classifying them differently than whites in uniform, he maintained, the Confederate government was invited to treat them as less than legitimate federal soldiers. “When we put the uniform of the United States upon a person,” he told the Senate, “he should be the peer of any one who wears the same uniform, without reference to complexion.” In 1864 Lane supported legislation that would retroactively pay men of the First Kansas Colored Infantry for service rendered before the unit’s federal muster. He also critiqued legislation that threatened to discriminate against black soldiers who had previously been slaves.

Lane continued to offer suggestions for the future of former slaves. Colonization remained his favorite option through the end of the war, and a popular idea with the president and other officials. In February 1864 Lane eloquently argued that a section of Texas be set aside for the black population. He still harbored prejudice against blacks, though it was now based more on the belief that they were only unprepared for, not incapable of, self-government. But, he argued, blacks faced nearly insurmountable

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77 The unit first organized in August 1862 but was not officially mustered into federal service until January 1863. *Congressional Globe*, 38th Congress, 1st sess., pt. 1, 481-483, 640.

78 Lane questioned the word “free” in a bill to pay black soldiers. *Congressional Globe*, 38th Congress, 1st sess., pt. 1, 869-873. For a good description of Lane’s part in raising black soldiers in Kansas, see his comments on pages 872 and 873.


80 Lane stated, “Uneducated, dependent, they look to us as helpless infancy, requiring direction, protection, and to a great extent subsistence, and at this time instructions how to obtain it.” *Congressional Globe*, 38th Congress, 1st sess., pt. 1, 673.
hardships if they remained in the southern states, where the white population remained
hostile to black advancement. "Extend to them that substantial freedom to which they are
so justly entitled," he said, "grant them power; the privilege of selecting their own rulers;
of framing their own laws, and I venture the opinion that the day will soon come when
we will be proud of our protégés."

Lane’s colonization proposal did not come to fruition, for it did not offer a
practical solution for America’s race problem. Nonetheless, the senator continued to
defend the basic interests of former slaves. He did not embrace universal suffrage, but in
May 1864 objected to the denial of suffrage to black men who had served the Union. "I
am unwilling to say by any vote of mine," Lane proclaimed, "that a man defending his
country and this city shall be excluded from the ballotbox of the city, while copperheads,
traitors . . . have the right of suffrage." Though Kansans had recently voted against black
suffrage, Lane voiced his hope that "the time may come, and soon come, when we can
safely extend to the colored men of our country all the political rights that we enjoy
ourselves."

Lane’s early and energetic assault against slavery during the war is noteworthy,
but cannot be seen as any extraordinary change of principle on his part. His approach to
slavery during this period was practical—a tactical approach to help his nation. Even his
eventual embrace of abolition as a moral and principled boost for the Union was not
incompatible with his earlier opposition to slavery. Admittedly, his opposition to human
bondage progressed, but Lane had never backed the institution. As long as national and
party peace required recognition of slaveholding interests, Lane acquiesced. But when

81 Congressional Globe, 38th Congress, 1st sess., pt. 1, 675.
82 Congressional Globe, 38th Congress, 1st sess., pt. 3, 2244.
slavery and its advocates defied the democratic process and then made war against the Union, he no longer tolerated the institution. Though radical in appearance, Lane’s main campaign against slavery, like his actions in Kansas, were consistent to his principle of preserving the Union.

Lane arguably underwent an actual transformation with his attitude towards race. The man who had reportedly compared blacks to mules, who had labored to incorporate the exclusionary laws against blacks in Kansas, and who had argued against black citizenship in the wake of the Wyandotte Constitution, came to be a chief proponent for black military service and a notable defender of black abilities. While he saw a war against the institution of slavery as a blow to the Confederacy, he saw armed black men as a great tool for the Union. To put black soldiers successfully into federal service, he had to convince others that the step was necessary, as well as feasible. He came to believe in and preach the humanity, intelligence and bravery of former slaves. And his denunciation of racial prejudice within the military, in regard to pay and classification, was a particularly enlightened measure. Though Lane championed black rights and interests far beyond that of many Americans in the 1860s, his motivation was pragmatic, rather than truly humanitarian or opportunistic.

Still, historians should not assume too much about Lane’s racial attitudes. He was not among the most radical of Republicans on the issue of race relations. To the end of the war, Lane admitted that he and other white Americans harbored certain prejudices against blacks that would complicate integration. He repeatedly advocated plans for colonization. As will be seen in the following chapter, the Radical Republican contingent in Congress adopted the mantra of universal suffrage, an idea that Lane never endorsed.
He came to believe that blacks were capable of self-government, but deemed them unprepared. Thus, his discussions of race by the end of the Civil War provide a snapshot of old and new perceptions. For instance when Lane participated in a debate on race relations in February 1864, particularly the right of blacks to testify in court, he proudly proclaimed that Kansans had “long since eradicated this much of their prejudices toward the oppressed African.” Yet, when integration was discussed, Lane stated that “I was then and am now opposed to the amalgamation of the two races, believing, as I do, that the product is inferior to either race.” Blacks were no longer comparable to mules—but they were not equal to whites.

This transformation of attitude toward blacks was an important and positive step in Lane’s social and personal views. But it was somewhat separate and even secondary to his primary goals and interests. What mattered to James Lane was the integrity of his party and the preservation of the Union.

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CHAPTER X
LANE AND THE END OF THE CIVIL WAR, 1863-1866

"I propose to-day and hereafter to take my position alongside the President of the Republican party and stand there unflinchingly so long as he remains faithful to the principles of that party."

During the last two years of the Civil War, James Lane struggled against political attacks in Kansas and narrowly escaped the wrath of Missouri guerrillas during William Quantrill’s raid on Lawrence, Kansas, in August 1863.¹ But his role in Abraham Lincoln’s reelection and his handling of Reconstruction politics provide more important clues to his political and personal principles. Because he was labeled a radical during the first half of the war, Lane’s moderate approach to Reconstruction brought further accusations of inconsistency. Yet, as before, his consistent goals were the stability of the Union and his political party. His attempts to protect both (as he saw them) ultimately led to his political downfall and contributed to his death.

Lane had been a steadfast supporter of Lincoln since the 1860 election. During the uncertain presidential election of 1864, the Kansas senator maintained his loyalty. Lincoln’s two secretaries, John Nicolay and John Hay, later described Lane’s support of the president as opportunistic, arguing that the senator had turned against the administration until he found supporting the president advantageous for his own political career. Then, the two men believed, Lane “instantly trimmed his sails to catch the

favoring breeze.”

As Lane biographer Wendell Stephenson explains, though, the secretaries must have “had access to information not now extant, for although Lane differed with the President, his numerous speeches reveal a consistent support of the administration.” Instead, available evidence shows that Lane defended the president vehemently against critics throughout the war. William Stoddard, another Lincoln aid, claimed—also years later—that at the Grand Council of the Union League in the summer of 1863, Lane “had been a severe critic of Mr. Lincoln at the beginning of the evening’s oratory,” but had been persuaded to support Lincoln after one delegate made a particularly emotional defense. In any case, by late 1863, there was no doubt that Lane fully endorsed Lincoln’s reelection. “I declare the administration to be a success,” Lane announced in December 1863. “I supported Honest Old Abe for the position he now holds, and still stand by him. He is a radical and as such I am with him.”

As early as December 1863 Lane stumped for Lincoln’s reelection, and labored to protect the integrity of the party under the president’s leadership. He and Lincoln faced particularly stubborn opposition from his Kansas colleague in the Senate, Samuel Pomeroy. Pomeroy preferred Secretary of the Treasury Salmon Chase for the presidency. Some believed that Pomeroy may have been jealous of Lane’s relationship with Lincoln. Whatever his motivation, Pomeroy took part in a secret campaign to boost Chase’s chances of election while limiting Lincoln’s. In February 1864, after a pamphlet entitled

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3 Stephenson, The Political Career of General James H. Lane, 141.
“The Next Presidential Election” circulated through the northern states declaring Lincoln’s reelection to be unwise, Pomeroy signed a second pamphlet naming Chase as the proper replacement. Though marked private, public journals published the document, which became known as the “Pomeroy Circular.” Far from hurting Lincoln’s image, the two documents backfired. Northerners denounced the arguments and the men whose names were attached.8 In March 1864, Lane challenged Pomeroy’s loyalty to the party and called himself a “member of the original radical Union party of this country.” He declared that “when I see an effort made to divide the loyal party of the country against him who, in my opinion, is the consistent, stern, and proper leader of that party, Abraham Lincoln, President of the United States, I will here or elsewhere endeavor to expose the effort, let it come from whom it may.”9

Though Lane called himself a radical, his positions differed from the “Radical Republicans.” This group included figures such as Benjamin Wade, Charles Sumner, and Thaddeus Stevens. These Radical Republicans opposed Lincoln’s cautious and moderate approach to emancipation and Reconstruction. While Lane had earlier called for an emancipation proclamation and the arming of black soldiers, he came to champion the president’s tactful handling of the war. Lane may have taken a much more aggressive approach in the prosecution of the war than Lincoln, but he realized that the president shared exactly the same priority—the defense of the Union. Lane’s embrace of the radical image focused on his early opposition to conservatives, including those in the Republican party, who supported a limited war. His bulldog tactics and total war mentality generated criticism as an extremist and radical. Yet, when political leaders

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who held more progressive social and racial ideas came to construct a "Radical" clique in Congress, Lane did not follow.

In 1864, Lane became an instrumental part of the Lincoln reelection campaign. Leverett Spring wrote that Lincoln personally chose the master stump speaker to open the campaign in New York at the end of March. At the Cooper Institute, Lane praised the president's leadership and abilities, and bemoaned the calamities that would fall upon the nation if another candidate was selected.\textsuperscript{10} He pushed his friends in Kansas to place Lincoln's reelection as the priority in the upcoming election cycle. "So important do I consider the Presidential fight," Lane wrote to Kansan Sidney Clarke, "that I think I have the right to ask every friend of mine to forego his own promotion in the selection of delegates to the national convention and in the nomination of candidates for state offices. In both cases I deem it absolutely necessary to regard only the success of Mr. Lincoln."\textsuperscript{11}

In Kansas, John Speer worked under Lincoln's personal request to secure support for the president's Republican nomination. The newspaperman helped elect Lane as a delegate to the Republican (or Union party) national convention scheduled in Baltimore on June 7, 1864.\textsuperscript{12} Kansas also elected Lane a delegate to the Grand Council of the Union League set to be held in Baltimore the day before.


\textsuperscript{11} Lane to Sidney Clarke, March 6, 1864, Sidney Clarke Collection, Carl Albert Congressional Research and Studies Center, University of Oklahoma.

The Grand Council was particularly important as a preview to the Republican meeting, around two-thirds of the Union League members present were delegates to the convention. The Union League comprised of leading Republicans and war Democrats who strongly supported the war against secession. It also included a number of men hostile to the president who planned to use the Grand Council as a platform to slam the administration. Yet, Lincoln supporters hoped that the meeting would serve as a harmless venting session—or as Stoddard explained, “the place where all the anti-Lincoln steam [would] . . . be let off”—thus allowing the actual convention to proceed constructively and with a more moderate tone. Still, some radicals believed that even if Lincoln’s nomination was unavoidable, the Union League could push a more radical platform for the Republican party.

A few days before the Grand Council and the convention, Lane visited Lincoln at the White House for a private meeting. Though no record of the discussion exists, Stoddard believed the two men discussed the strong anti-Lincoln force within the Union League and the impending Republican nomination. As a delegate to both events, Lane prepared to support the president against all opponents.

On Monday, June 6, 1864, the Grand Council of the Union League met in Baltimore, closing its doors to all those but legitimate delegates. As expected, the large assembly swiftly turned into an anti-Lincoln rally. As soon as Samuel Miller of Pennsylvania made a motion to recommend the renomination of Lincoln, the radicals

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14 Waugh, Reelecting Lincoln, 185.
16 Waugh, Reelecting Lincoln, 184.
unleashed their fury.\textsuperscript{18} Across the hall delegates rose in succession to denounce Lincoln with charges so appalling, Stoddard claimed, that had they been uttered at the party convention, "that body could afterward have reached no peaceful agreement by ballot, nor could it have adopted any platform of resolutions upon which it could have placed Abraham Lincoln before the people as a candidate for presidency."\textsuperscript{19} While Lincoln supporters had expected the president's opponents to vent their frustration, the voracity of the assault caught them off-guard. Charges of tyranny, corruption, favoritism, and a host of other abominable deeds were leveled against Lincoln. No person stood to defend the president. One observer believed that the grand president of the council, a purportedly pro-Lincoln man, only recognized those delegates who opposed the administration.\textsuperscript{20} Supporters of Lincoln sat in silence, some wondering "Has Lincoln no friends left?"\textsuperscript{21}

Finally, as the radicals had expended most of their fury, Lane's slender frame rose. The chairman promptly recognized him. The Kansan drew upon all of his mastery of western stump speaking, using his eyes and his body to take command of the crowd. Silently he stood, turning to stare over the room and the delegates for a long moment. "For a man to produce pain in another man by pressing upon a wounded spot requires no great degree of strength," he boomed, "and he who presses is not entitled to any emotion of triumph at the agony expressed by the sufferer." The delegates who had joined in the assault upon Lincoln had won no great victory, Lane believed, nor had demonstrated any amount of skill. "For a man to take such a crowd as this now is, so sore and sick at heart and now so stung and aroused to passionate folly . . . for a man to address himself to such

\textsuperscript{18} Zornow, "The Kansas Senators and the Re-Election of Lincoln," 143.
\textsuperscript{19} Stoddard, "The Story of a Nomination," 271.
\textsuperscript{20} Ibid. 271-272.
\textsuperscript{21} Waugh, \textit{Reelecting Lincoln}, 185.
an assembly and turn the tide of its passion and its excitement in the opposite direction; that were a task worthy of the highest, greatest effort of human oratory.” Though he disingenuously claimed to be “no orator at all,” Lane had absolute confidence in his ability to take over the session. “All that is needful is that the truth should be set forth plainly, now that the false has done its worst.”

Lane picked apart the radical accusations against Lincoln. Turning to the vast throng of men assembled, he demanded to know “one man whom you could or would trust, before God, that he would have done better in this matter than Abraham Lincoln has done, and to whom you would be more willing to intrust the unforeseen emergency or peril which is next to come?” If someone had an alternate, Lane called out, “Name your other man!” He concluded:

We shall come together to be watched, in breathless listening, by all this country,—by all the civilized world,—and if we shall seem to waver as to our set purpose, we destroy hope; and if we permit private feeling, as tonight, to break forth into discussion, we discuss defeat; and if we nominate any other man than Abraham Lincoln we nominate ruin.

The audience sat captivated by Lane’s defense of Lincoln. Stoddard described the scene of delegates leaning forward “while they more or less rapidly are swept into the tide of conviction and are made to believe, with him, that any other nomination than that of Lincoln to-morrow is equivalent to the nomination of [Democratic candidate George B.] McClellan by the Republican Convention and his election by the Republican party; that it would sunder the Union, make permanent the Confederacy, reshackle the slaves, dishonor the dead and disgrace the living.” Lane took his seat. No one stood to reply.

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23 Ibid., 272-273.
The assembly then voted on a resolution approving the Lincoln Administration. Few dissented, though many did not vote. Then the council endorsed Lincoln’s bid for reelection. The critics’ steam had been let out and the notorious Kansan had cooled its effect.

The following day the Union national convention met at the Front Street Theatre, a large but inadequate site for a political rally. Filled to capacity as the convention opened, the theater echoed with cheers as various speakers championed the war against the Confederacy. The resolutions provided by the platform committee won unanimous approval. With that finished, former war secretary Simon Cameron moved that Lincoln and his vice president Hannibal Hamlin be renominated by acclamation. The move was designed by Cameron to throw the convention into an uproar, and it worked. Delegates shouted their disapproval, the noise almost deafening. Some tried to bring order, including Thaddeus Stevens who demanded a roll call and vote by the states. The chaos drowned his words. Governor William Stone of Iowa rose and called for Cameron’s motion to be tabled. Lane’s powerful voice pierced through the assembly, “Stand your ground, Stone! Stand your ground! Great God, Stone, Kansas will stand by you!” Both Lane and Stone strongly supported Lincoln. Yet, by tabling Cameron’s motion, the convention could proceed with order and secure Lincoln’s nomination through a dignified vote of the states. Further, while Lincoln’s nomination seemed likely, a change of vice presidential candidates was in the works.

As the roll call commenced, each state’s delegation cast unanimous votes for the president, until Missouri was called. John Hume, chairman of Missouri’s new radical

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26 Waugh, *Reelecting Lincoln*, 188.
27 Ibid., 194.
delegation, announced that his colleagues could not vote for Lincoln on the first ballot. After a pause of disbelief, the convention erupted into chaos once again. Lane's voice for a second time rose above the din, calling on the convention to hear the Missouri delegation. Hume explained that while the Missouri Republicans would stand behind whoever the convention nominated, they had been instructed to cast their first ballot for Ulysses S. Grant, the Union general and hero currently slugging it out against Robert E. Lee in Virginia. The Missouri delegation faced a hostile crowd, as others shouted for them to change their vote. One Missourian feared that he and his colleagues would be literally picked up and thrown out of the convention by their fellow Republicans. Yet Lane, the tireless champion of Lincoln and the man whose name struck fear and hatred in the state of Missouri, backed Hume and the Missouri delegation. The men were his neighbors and had come as Republicans and legitimate delegates to the convention, Lane argued. To deny them their voice and right to vote as they pleased countered the principles in which the party embraced. Stone joined Lane, and eventually the assembly quieted enough to continue with the roll call. Finally, as the last delegation, Nevada, endorsed Lincoln, Hume rose and switched Missouri's votes to Lincoln. The theater erupted in chaos once again, although this time in popular celebration.

With Lincoln's nomination secured, the convention turned to the vice presidential question. Hannibal Hamlin from Maine had held the position for the last four years, and some expected him to retain the title. Yet, Lincoln and other Republicans considered the value of someone who could draw in Democrats and southerners as the task of Reconstruction loomed. Andrew Johnson, the appointed military governor of Tennessee

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who had stood alone as a senator of that state in Washington, D.C. when his Southern colleagues followed their states into secession, was offered as a possibility. Some historians have given Lane credit for playing a pivotal role in Johnson’s nomination as well. Leverett Spring quoted Lane as claiming to have “originally selected [Johnson]” and to have “urged him on the convention at Baltimore.”30 Lane’s friend John Speer confirmed that the senator endorsed Johnson and wrote of a conversation early in 1864 among some Kansas leaders on the upcoming election. Hamlin, most there concluded, would be the party’s choice. “No—Andrew Johnson,” Lane announced. “Mr. Lincoln does not want to interfere; but he feels that we must recognize the South in kindness. The nominee will be Andy Johnson.”31 Whether or not Lane was instrumental in the initial selection of Johnson for the role, the senator did back the Tennessean and helped make Kansas one of the first state delegations to endorse him at the convention.32

Overall, Lane’s role in Lincoln’s renomination has been emphasized by some. According to Lincoln’s secretary William Stoddard, Lane helped silence the president’s critics leading up to the convention and believed that as a result of Lane’s impressive Union League speech, “the greatest political peril then threatening the United States had disappeared.”33 While historians Spring and William Zornow also emphasized Lane’s magic in securing the Grand Convention for Lincoln, they did not particularly question the president’s overall chances of nomination. Two more recent works on Lincoln give entirely different descriptions of the president’s nomination. John Waugh in his book *Reelecting Lincoln* stressed the power of the radical opposition to the president, and

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discussed Lane’s defense of Lincoln. When the convention unanimously endorsed the incumbent, the author portrays Lincoln as surprised upon hearing news from Baltimore, exclaiming “What! Am I renominated?” According to Waugh, Lincoln expressed relief when assured the news was correct and requested that a message be sent to him at the White House as soon as the vice presidential candidate had been selected. Doris Kearns Goodwin, in her popular study of Lincoln, *Team of Rivals*, provides an almost completely opposite account of Lincoln’s attitude. She quotes Noah Brooks’ description of meeting with Lincoln the night before the Baltimore convention. When Brooks told the president that his nomination was certain, Lincoln “cheerfully conceded that point without any false modesty.” Goodwin gives no detailed description of the Grand Council or national convention, and Lane is not mentioned. Further, in a complete contradiction to Waugh, Goodwin explains that the president learned of the convention’s selection of Andrew Johnson as vice president before receiving word of his own nomination.

As with the selection of Johnson, Lane’s actual role in securing Lincoln’s nomination may be questionable. What is not open for debate, though, was the senator’s notable stand against the president’s critics during the 1864 election cycle. At the Baltimore convention, Lane proposed an advisory group headquartered in St. Louis to take charge of the Republican campaign in the west. Party leaders enthusiastically endorsed the plan and placed Lane as chairman and treasurer of the committee. With typical enthusiasm, Lane championed the Republican cause in Indiana, Missouri, and

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Kansas.\textsuperscript{37} His work not only benefited Lincoln, but his own reelection. Finding a strong opposition movement—largely opposed to him personally—in his home state, Lane labored to retain his seat. Some Kansas Republicans complained of Lane’s power and conduct in state politics. He had become a political-powerhouse, much to the dismay of his political opponents. Edward Russell, chairman of the state’s Republican executive committee, wrote to Lincoln in September of the senator’s “faction” abusing federal patronage and ignoring the honest interests of Kansas “at the expense of principles, party and Country.”\textsuperscript{38} Lane did in fact look to Lincoln for political help, including asking the president to replace certain Kansas officials hostile to his Senate reelection.\textsuperscript{39} Lane’s Senate campaign found an unlikely ally in Confederate General Sterling Price. When the Confederate force moved through Missouri, eventually turning toward Westport near the northeastern Kansas border, Lane rushed home to bang the war drum. He and his Senate colleague Pomeroy temporarily shelved their political rivalry to serve as aides-de-camp to Union General S. R. Curtis in the field. Pro-Lane newspapers covered the senator’s actions, boosting his popularity, and ensuring his reelection.\textsuperscript{40}

Though Lane’s tie with Lincoln helped to boost his political future, any portrayal of his support of the president as simply opportunistic or expedient ignores the senator’s tireless endorsement of the administration’s policies. While Lane called himself a radical, he fully stood behind Lincoln in the face of radical opponents and endorsed the moderate policies and interests of the executive, including the softer approach to Reconstruction. At the Baltimore national convention, Lane not only backed the

\textsuperscript{37} Zomow, “The Kansas Senators and the Re-election of Lincoln,” 144.
\textsuperscript{38} Edward Russell to Lincoln, September 22, 1864, Abraham Lincoln Papers, Library of Congress.
\textsuperscript{39} Lane to Lincoln, December 20, 1864, Abraham Lincoln Papers, Library of Congress.
\textsuperscript{40} John Speer gives an elaborate account of Lane’s reactions to the Price raid, including reports from the field. Speer, \textit{The Life of Gen. James H. Lane}, 285-301.
Missouri delegation's balloting, but advocated the representation of Unionist delegates from other seceded states. The *Washington Chronicle* specifically noted Lane’s determination “in demanding the recognition by the convention of the gallant Unionists of such States as Louisiana, Tennessee and Arkansas,” and other western territories.41 Even before the Baltimore convention, Lane had defended Southern Unionist representation in Congress. On May 21, Lane presented the credentials of William Fishback as a legally elected senator from the Unionist population of Arkansas, and days later defended the right of Arkansas’ representation according to Lincoln’s Proclamation of Amnesty and Reconstruction issued in December 1863.42 Lincoln advocated a lenient policy toward the southern states. When ten percent of a state’s voting population supported the Union, that minority could establish a new state government. Lincoln’s plan, historian Eric Foner argues, was not “a hard and fast policy from which Lincoln was determined never to deviate.” Instead, it was designed to shorten the war and establish white support for emancipation.43 Lane endorsed this policy and continued to support Arkansas Unionist recognition in Congress. Radicals in Congress opposed Lincoln’s plans for Reconstruction, disputing even executive authority to handle it. In June, after Lane introduced a joint resolution “for the recognition of the free State government of the State of Arkansas,” Senator Charles Sumner of Massachusetts argued that the time had not yet arrived to recognize Arkansas officials since that state did not retain its regular place in the Union.44 “The power to admit States into this Union,” he

argued, "and, by consequence, the power to readmit them, are vested in Congress, to be exerted by joint resolution or bill, to which the concurrence of both Chambers and the approval of the President are necessary." 45

Lane labored over the course of the following year to induce the Senate to consider and decide upon the status of the Unionist Arkansas government and its elected officials. The assembly repeatedly dismissed the matter, prompting Lane repeatedly to call on the Senate to respond. Lane remembered the frustrations he and his fellow free-state Kansans with the federal response to their statehood movement, and stood at the plate for Arkansas. "Here is a State government that has been recognized by the executive department of this Government," he told the Senate, "and although I have not determined for myself whether to vote for the admission of these two gentleman or not, I am exceedingly desirous that the question shall not be settled at this session against the loyal people of Arkansas." 46 The loyal people of that state had created an organized government, he argued, had held a legal election according to federal law, and asked for recognition in Congress—in many ways similar to the Free State movement in Kansas territory. In March 1865, when Senator John Conness of California complained of Lane's persistence in pushing the Arkansas senators' admission, the Kansan directly compared his own experience to that of the Southern Unionist officials.

I was an applicant here as a Senator-elect nine years ago under just such circumstances as Mr. Snow, Mr. Fishback, and Mr. Baxter present themselves. I came here as the representative of a State organization of the free-State men of Kansas against the slave oligarchy of the Union backed by the Administration. I heard on that occasion from the lips of Bayard and Hunter and Mason, and that class of men, now traitors, just such speeches against that organization as are now made against the loyal people of Arkansas; and just such denunciations against me fell from the

45 Ibid., 2897. 46 Ibid., 3362.
lips of those men as have fallen from the lips of the Senator from California against Mr. Fishback.47

He saw the Radical resistance to the Arkansas loyalists as a betrayal of the Republican party’s earlier support of Kansas, and chastised Charles Sumner of Massachusetts and Benjamin Wade of Ohio for their resistance.

I take this opportunity to say to the Senator from Massachusetts and to the Senator from Ohio that those speeches in denunciation of that [Kansas] State organization were answered by those two Senators who are now here repeating the very speeches that they then answered. I invite those Senators to look into the Congressional Globe of 1856. . . . that Congressional Globe shows that the Senator from Ohio and the Senator from Massachusetts are trampling upon their own record, and repeating the speeches that they had then answered.48

Finally, turning to Conness, Lane defiantly announced, that he “must remember that I have traveled the same road that these men [from Arkansas] traveled; that the people I represent have traveled the same road that their constituents are traveling.”49

Overall, Lane’s efforts to secure seats for the Arkansas Unionists during the war failed. Nonetheless, he continued to press the Senate to recognize the Unionist Southern governments of Arkansas, Louisiana and Tennessee. He told his colleagues that the state organizations were “indispensable to the protection of the Union men in those States.” Lane wanted to help the Unionist men in the fight against the Confederacy. Further, as with the abolition of slavery, Lane believed that federal support of Unionist Southerners hurt the Confederacy. “I am one of those who believe that the bringing back of any of the seceded States into the Union does more to demoralize our opponents and to close out

48 Ibid.
49 Ibid.
this rebellion than any other act that we can accomplish," he confidently stated. "It is worth more than all the victories which can be gained in the field."\(^{50}\)

Radical Republicans attempted to enforce a Reconstruction policy more stringent than the president’s in July 1864. This alternative, in the form of a bill sponsored by Senator Benjamin Wade of Ohio and Congressman Henry Winter Davis of Maryland, proposed a delay in Reconstruction until a majority of a southern state’s white male population backed the federal Constitution. Only those men who could take the Ironclad Oath—a pledge that one had never voluntarily supported the Confederacy—would be granted voting rights. It also protected freed black rights to a larger extent than Lincoln’s plan.\(^{51}\) The Wade-Davis Bill passed the Senate by a slim margin, with Lane voting in support.\(^{52}\) His handling of the bill is a bit confusing.

The Senate spent relatively little time in debate, and Lane’s remarks on the Senate floor were brief and generally focused on proposed amendments. Though he voted with Radicals who did and would continue to push for more aggressive policies for Reconstruction, possible reasons for Lane’s affirmative vote are apparent. While defending the bill, Wade made two important points that echoed Lane’s persistent concerns. First, Congress would soon adjourn, and if this bill was not passed, without providing any plan for reconstructing the South and the nation. The public would demand to know upon what principles and grounds southerners would be readmitted, Wade argued, “and we must be prepared to give an answer to it.” Lane had been frustrated, and would continue to be frustrated, by the Senate’s resistance to recognize

\(^{50}\) Congressional Globe, 38th Congress, 2nd sess., pt. 1, 594.


\(^{52}\) Eighteen senators voted in the affirmative, fourteen opposed. Seventeen members were absent. Congressional Globe, 38th Congress, 1st sess., pt. 4, 3491.
Southern Unionists. Not only did the Senate not seat Arkansas’ senators-elect, but it declined to decide the status of the loyal southern governments. This led to Wade’s second point, an answer to the American public of why Southern Unionist officials had not been recognized. Wade predicted that his fellow senators would face criticism of tyranny and despotism. “That would be wrong,” Wade announced. “We ought to be able to answer authoritatively everybody that demands to know upon what principle they shall be admitted.” Perhaps the idea of providing some type of Congressional plan appealed to Lane, even if some details stood in opposition to his interests. In any case, Lane found himself in a tug-of-war between the power and plans of the Republican executive and the Republican Congress.

The president exercised a little-known executive power with the Wade-Davis plan, the pocket veto. By not signing the bill, Lincoln allowed the plan to die a silent death. Lane later bragged of advising “Mr. Lincoln to withhold his signature to that bill because it disfranchised the loyal men in those States.” Further evidence that he did not adopt the principles of the Wade-Davis Bill may be found in his persistent endorsements of the loyalist Arkansas government on grounds completely rejected by the Radicals. Though Lane’s exact reasons for voting for the Wade-Davis Bill may never be known, there is no doubt that his actions were driven by a concern for party unity. The bill serves as one of the first major divides between what would become the Radical Republicans in Congress and the presidency, and Lane may have been motivated to make a public display of support for the Republican Congress.

Biographer Wendell Stephenson believed Lane’s late-war conservative approach to Reconstruction and support of Southern Unionists was inconsistent with his early
wartime thoughts. Stephenson points to remarks made on the Senate floor in June 1862, in which Lane arrogantly boasted “I laugh to scorn the idea of extending constitutional rights over a State and people who trample under foot that Constitution...The idea of those states being in the Union is, to me, ridiculous.”53 True, Lane had taken a more nonchalant approach towards Unionists before, particularly with his apparent apathy toward Missouri Unionists who suffered from his military campaigns in 1861. Early in the war, public officials spent little time actively pursuing Reconstruction policies, as the Union’s military efforts still foundered. In short, Lane focused more energy on foiling secession than trying to construct loyal governments in the seceded states. But even in 1861 and 1862 Lane did not completely ignore Southern Unionists. Stephenson fails to acknowledge Lane’s comments regarding loyalists during that same June 1862 Senate debate. When Senator Orville Browning of Illinois asked the Kansan how he perceived the strong Unionist population in Tennessee, Lane replied that he would say “a portion of the people of Tennessee deny that they are out of the Union; and I am willing to say . . . that Tennessee is in the Union. The question of going out of the Union is with the people. The people of Tennessee deny that they are out of the Union; and I would be as far as the Senator from Illinois from disturbing the institutions of the State of Tennessee.”54

Lane made it clear that he opposed only secessionists. As before, Lane’s excited rhetoric and actions caused observers and historians to miss the logic and principles behind them. Far from demonstrating a “remarkable change in attitude toward the status

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54 *Congressional Globe*, 37th Congress, 2nd sess., pt. 4, 3236.
of the seceded states,” as Stephenson argues, Lane’s priorities remained constant.\textsuperscript{55} Secession had to be defeated. The loyal people of the South who repudiated the Confederacy and supported the Union, and, after 1862, agreed to emancipation, would be welcomed with open arms.

Still, Lane had to find a balance between his and Lincoln’s wish to recognize loyalist Southern governments and Radical Republican efforts to enforce a stricter policy upon the whole South. Lincoln’s assassination in April 1865 only complicated the matter. Radicals initially celebrated their likely future under the apparently more aggressive Johnson. The Southerner repeatedly voiced his hatred of secessionists, stating, “Treason must be made infamous and traitors punished.”\textsuperscript{56} Radical Republicans welcomed this message, including Benjamin Wade who wrote, “By the gods, there will be no trouble now in running the government.”\textsuperscript{57} Yet, Eric Foner explains that “neither vindictiveness toward the South nor a carefully worked-out plan of Reconstruction distinguished Radicalism in the spring of 1865.” Instead, black suffrage stood as the single most identifiable feature among this group.\textsuperscript{58} Lane supported limited black suffrage, but, like many moderate Republicans, never embraced the measure as a defining feature of Reconstruction. And while he certainly had voiced calls for punishing secessionists, Lane’s support of pro-Union Southern governments clashed with Radical interests. Nonetheless, Johnson’s first few weeks in power gave little indication of the complications between Radicals and more conservative Republicans that would come.

\textsuperscript{55} Stephenson, The Political Career of General James H. Lane, 152.
\textsuperscript{56} Johnson quoted in Howard Means, The Avenger Takes his Place: Andrew Johnson and the 45 Days That Changed the Nation (New York: Harcourt Inc., 2006), 117.
\textsuperscript{57} Benjamin Wade quoted in Brooks D. Simpson, The Reconstruction Presidents (Lawrence: University Press of Kansas, 1998), 68.
\textsuperscript{58} Foner, Reconstruction, 178; also see David Warren Bowen, Andrew Johnson and the Negro (Knoxville: The University of Tennessee Press, 1989), 149-150.
In late May 1865, Johnson initiated his own plans for Reconstruction. While he claimed to follow in Lincoln’s footsteps, the new president’s plan set in motion policies far outside the previous executive’s interests. First, while Lincoln had approached Reconstruction moderately and intended to readmit the states as quickly and smoothly as possible, Johnson incorporated an amnesty policy for Confederates far more sweeping than anything proposed by Lincoln. Further, Johnson gave himself massive authority in the amnesty plan, requiring wealthy Southerners to personally petition him for a pardon. His initial goal had been to dethrone the established Southern elite, who he blamed for dragging the South into the war. Though initially used cautiously, by September 1865 the president issued dozens, even hundreds, of pardons a day. Though a supporter of Johnson, Lane complained of the president’s liberal handling of ex-Confederate pardons. For Radicals, Johnson’s actions were even more disturbing, as the reestablishment of traditional white authority in the South began to undermine the interests and freedoms of former slaves. Far from controlling Reconstruction, Johnson was overwhelmed. By Fall 1865, the elections in the South had proven that Johnson’s plan for a new South had fallen quite short. Benjamin Humphreys, a former planter and Confederate general, campaigned for the Mississippi governorship in October 1865, proudly wearing his old field jacket which sported three holes from Yankee bullets. Humphreys won the election easily, and three days afterward was pardoned by Johnson. Humphreys and the Mississippi state government quickly began to implement stringent

59 Simpson, The Reconstruction Presidents, 72,
60 Foner, Reconstruction, 183.
61 Jonathan Dorris, Pardon and Amnesty Under Lincoln and Johnson (Chapel Hill: University of North Carolina, 1953), 140.
laws against freed slaves. Known as the “Black Codes,” these laws limited the political and social rights of blacks. Other southern states quickly followed with similar codes.

Many Republicans exploded with rage at this flagrant violation of black rights. Radicals organized their opposition to Johnson, and campaigned across the northern states for black suffrage. Though very vocal, Radicals did not make up a majority of the Republican party, and referendums on black voting rights went against the Radicals in many northern states, including Kansas. Lane again found himself in a trying situation. His two priorities, the Union and his party, were again on unsteady grounds. As Radical Republican pressure mounted against the president, Lane labored to protect party unity. In February 1866, while urging the Senate to recognize the Unionist Arkansas government, Lane warned of “dark clouds in the horizon of the great Union party of this country and of the country itself.” He admitted to the Radicals that the Arkansas government did not recognize black suffrage, but defended their qualifications on every other ground. He demanded that the Arkansas senators be received, and he threatened to resist every Senate motion, bill or action that postponed their admission. Lane very clearly stood against the Radicals.

In the growing contest between Radical Republicans and Johnson, Lane further established his place in the president’s camp in Kansas in January 1866. There he championed Lincoln’s moderate Reconstruction policies, and provided an able defense of Johnson’s efforts to promote “reconciliation and harmony” among the sections after the

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64 Foner, Reconstruction, 222-223.
bitter war.\textsuperscript{66} Sol Miller of the \textit{White Cloud Kansas Chief} called Lane’s effort “most moderate” and “devoid of the blood and thunder” typical of his speeches.\textsuperscript{67} But Lane’s defense of Reconstruction policies endorsed legislation that would soon fracture the Republican party. Illinois senator Lyman Trumbull, himself a moderate, crafted a bill extending the life of the Freedmen’s Bureau, a federal organization dating back to 1863 which handled concerns for freed slaves in the South. The bill did not make the Bureau permanent, but did boost its authority, including over the judiciary in the South.\textsuperscript{68} Lane supported this bill in Kansas, and encouraged his audiences in the state to pass resolutions endorsing it. Despite Lane’s and Trumbull’s expectations of executive support, Johnson vetoed the bill. Lane was placed in an embarrassing situation.

On February 19 the Senate received Johnson’s veto message. Recognizing the volatility of the veto, Lane moved to have the Senate adjourn and handle the matter at a later time. Finding some resistance, Lane explained his concern, announcing that he was “very anxious . . . to preserve the unanimity, the union of the loyal party of the United States, the Republican Union party.” When others pressed the matter, Lane began a filibuster and forced a postponement of the veto issue until the following day.\textsuperscript{69} On the 20\textsuperscript{th} the Senate took up the veto and, though drawing a majority, failed to enlist the necessary two-thirds votes (by only two) to override the president.\textsuperscript{70} Lane voted with

\begin{itemize}
\item \textsuperscript{66} \textit{Topeka Weekly Leader}, January 18, 1866 quoted in Stephenson, \textit{The Political Career of General James H. Lane}, 155.
\item \textsuperscript{67} \textit{White Cloud Kansas Chief}, January 25, 1866.
\item \textsuperscript{68} Rembert W. Patrick, \textit{The Reconstruction of the Nation} (London: Oxford University Press, 1967), 67.
\item \textsuperscript{69} \textit{Congressional Globe, 39\textsuperscript{th} Congress, 1\textsuperscript{st} sess.}, pt. 1, 917, 918.
\item \textsuperscript{70} \textit{Ibid.}, 943.
\end{itemize}

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most of his Republican colleagues in support of the bill, although some Kansas papers reported that he would have sustained the veto had his vote been necessary.\footnote{Atchison Champion, quoted in the \textit{White Cloud Kansas Chief}, March 18, 1866; Stephenson, \textit{The Political Career of General James H. Lane}, 156.}

Trumbull’s Civil Rights Bill, however, created an even more serious rift among Republicans, and would prove to be the most significant problem of Lane’s Senate career. This legislation adopted a course far more radical than the Freedmen’s Bureau Bill. It better protected black rights across the nation and gave weight to the Thirteenth Amendment. According to historian Eric Foner, Radicals and moderates held slightly different interpretations of the bill. For Radicals, the bill was expansive, protecting equality in virtually every aspect of public life. Moderates took a more narrow view, primarily by protecting black labor and contract rights. Both sides agreed in equalizing black access to courts and punishment of crime.\footnote{Foner, \textit{Reconstruction}, 244.} Lane voted for the bill.\footnote{Congressional Globe, 39th Congress, 1st sess., pt. 1, 606-607.} His only comments during discussion of the legislation focused on the status of Indians.\footnote{See Congressional Globe, 39th Congress, 1st sess., pt. 1, 498, 499, 504, 506, 522, 523.}

Johnson vetoed the Civil Rights Bill, sending much of the Republican party—not only Radicals—into a frenzy. As a supporter of the president, Lane faced the toughest political decision of his life, not excepting the Kansas-Nebraska issue. As a young congressman from Indiana, Lane had struggled to balance party and personal issues with Stephen Douglas’ legislation. Yet, while controversial, that measure had enjoyed the support of the administration and the Democratic party’s leaders. Here, in 1866, Lane stood at the edge of a frightening gorge between the president and Republican congress. Other senators recognized Lane’s precarious position in the upcoming veto debate and worked to garner his support against the president. A correspondent to the \textit{Atchison}
*Daily Free Press* wrote of watching various Radical senators conversing with Lane on the Senate floor. The writer explained that according to Senator Henry Wilson of Massachusetts, "General Lane promised to vote for the bill."\(^{75}\)

On April 6, Lane introduced a compromise Reconstruction resolution. With this plan, Congress would admit senators and representatives of former Confederate states after governments there had annulled their ordinances of secession, ratified the Thirteenth Amendment, and repudiated rebel debts and recognized debts of the United States. Further, southern states were required to grant suffrage to black men over twenty-one, who could read the Constitution in English, sign their names, and who owned property of $250 or more.\(^{76}\) When Senator Benjamin Brown of Missouri demanded to know if Johnson approved of this plan, Lane admitted that he had not received any promises from the president, but laid out his reasoning for the resolution:

> I have no assurance from the President of the United States on that or any other subject; but this I do know; that the Republican party of which I am a member is crumbling to pieces, and that every day we postpone the reception of these States tends to insure the destruction of that party. I know further, that if both branches of the Congress of the United States pass this joint resolution and the President signs it, it will bring the Republican party together in harmony, and continue the political power of this country in the hands of that party.\(^{77}\)

Lane declared his shock at the treatment of the president by members of the Senate, specifically Benjamin Wade. Johnson had been called a despot and dictator, Lane explained, for continuing the reconstruction policies marked out by Lincoln. Turning to the Radical endorsement of universal black suffrage, Lane told his colleagues, "You cannot carry before the people of this country suffrage to the unqualified black

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\(^{75}\) *Atchison Daily Free Press*, April 17, 1866.


\(^{77}\) *Ibid.*
man.” Only by granting limited suffrage, as he had endorsed, and as laid out by Johnson, would the Republican party find unanimity across the North. More significantly, though, Lane defiantly defended the president and his constitutional right of the veto. Johnson’s rejection of the bill amounted “merely to a vote to reconsider, with the lights given in his reasons for the veto.” Rather than accept this presidential “vote” to rework the legislation, the president’s critics had denounced him as a despot. This reaction, Lane believed, threatened the party and the Union far more than the veto itself. Thus, Lane declared his course as consistent with his service to Lincoln:

Mr. President, so far as I am concerned, I propose to-day and hereafter to take my position alongside the President of the Republican party and stand there unflinchingly so long as he remains faithful to the principles of that party, defending him against the Senator from Ohio as I defended his predecessor against the same Senator.

For the next two hours Lane and Wade argued on the Senate floor, debating Johnson’s policies and the Congressional response. Though Lane at first offered no assurance of Johnson’s endorsement of his resolution, he steadfastly argued that the plan was entirely consistent with—in fact, that it was—Johnson’s Reconstruction policy. The Kansan read an August 15, 1865, letter from Johnson to Mississippi governor William Sharkey, which in detail listed the expectations of that state’s new government. Indeed, Lane’s resolution copied much of Johnson’s letter. Senator Trumbull was not impressed, and asked for further evidence that Johnson would back the resolution. Lane ignored the question, stating that the president had been compelled to veto the Civil Rights Bill.

Trumbull found an apparent inconsistency in Lane’s logic, pointing out that the Kansan had voted for the Civil Rights Bill. How could he now argue that the president

78 Ibid.
79 Ibid.
80 Ibid., 1803.
was bound to veto it? Lane’s explanation illustrated his conflicting position as a supporter of the president in an increasingly radical Senate, and in the face of Reconstruction woes. He claimed to “feel the absorbing and overwhelming danger that is upon our country, and was willing to waive my objections to the bill, and permit it to pass.” The Southern state governments were forming, and Lane desperately wanted Congress to act, even if the legislation was imperfect. Thus, as with the Wade-Davis Bill, Lane voted with Congress but accepted a veto. In his drive to protect party integrity, maintain moderate Reconstruction policies Lane, bring order to the Union, and support his party’s executive leader, Lane struggled to defend himself against apparent contradictions.

When the Senate voted on whether to pass the Civil Rights Bill over the president’s veto, Lane backed the president. After the roll call, he reportedly received a telegram from friends pleading with him to support the bill, and warning him that a failure to do so would be the end of his political career. Upon reading the telegram, Lane purportedly said, “The mistake has been made. I would give all I possess if it were undone.” The accuracy of this account may be questioned. Shortly after Lane’s death in the summer of 1866, his wife Mary responded to a report that her husband regretted his vote against the Civil Rights Bill. “This statement I know to be without a shadow of foundation,” she wrote; “as the Senator on all occasions in speaking of that vote said time would vindicate the correctness of that vote, and that he fully appreciated the importance of the good opinion of his party and friends, but that he regarded the Civil Rights Bill

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81 Ibid.
objectionable on Constitutional grounds.\textsuperscript{83} Further evidence of his belief in his vote may be found in a letter to John Speer. On April 11 Lane wrote to Speer concerning the criticism he received. "It seems to me that I am entitled to be heard before condemnation." He continued, "I think I can show that the civil rights bill is mischievous and injurious to the best interests of the black man, but if I cannot the legislature shall fill my place."\textsuperscript{84}

Despite any confidence Lane had in supporting the president, public condemnation of his vote against the bill came down hard. Newspapers across the state criticized him for abandoning his "radical" position. According to the \textit{Leavenworth Daily Conservative}, nineteen prominent Kansas papers supported Congress, while only nine backed Lane and Johnson.\textsuperscript{85} In Lawrence, residents passed a resolution that declared "we feel humiliated by the recent vote in the United States senate, of our senator, James H. Lane, in opposition to the civil rights bill, and in indorsement of pernicious doctrines with which the President returned and endeavored to defeat that eminently just and proper measure."\textsuperscript{86} Many of Lane's friends tried to support him, but warned him to regain the radical reputation he had previously established. In fact, for the rest of the spring Lane voted with the majority in the Senate. Still, his reputation in Kansas sank so low that Republicans there decided to keep him out of the public eye during the upcoming elections.\textsuperscript{87} For the first time in his life, Lane succumbed to defeat. John Speer later recorded that Lane talked of his efforts to unite the president and

\textsuperscript{83} Mary Lane to unknown, July 25, 1866, James H. Lane Papers, Spencer Research Library, University of Kansas. The letter is unsigned, but references "my deceased husband" in the first line.  
\textsuperscript{84} J. H. Lane to J. Speer, April 11, 1866, quoted in Stephenson, \textit{The Political Career of General James H. Lane}, 158.  
\textsuperscript{85} \textit{Leavenworth Daily Conservative}, April 20, 1866.  
\textsuperscript{86} Ibid., April 17, 1866.  
\textsuperscript{87} Stephenson, \textit{The Political Career of General James H. Lane}, 159.
Republican Congress. The senator had remarked, "with a very sad expression of
countenance, that he had exhausted every resource of his nature, and could not move
[Johnson]." Compounding his unpopularity in the Senate and at home, Lane faced
charges of financial improprieties. A Congressional investigation backed Lane's claims
of innocence, but the blow to his already damaged reputation and mental state could not
be overcome so easily.

In June Lane returned to Lawrence, but to no fanfare. The *Emporia News*
reported that while at home, "[n]o demonstration was made over him, and he made no
speech. Many of his old friends did not even call upon him." Broken in spirit and in
health, Lane set out for Washington later that month. By the time he reached St. Louis,
his health had declined rapidly. Mary immediately traveled to St. Louis and escorted her
husband back to Kansas to recover. In Leavenworth they stopped at a relative's house.
John Speer visited Lane at the home and after joking with the senator that he seemed in
better health than reports had claimed, heard Lane reply, "The pitcher is broken at the
fountain. My life is ended; I want you to do my memory justice; I ask nothing more." Despite attempts to cheer Lane up, Speer resolved that nothing else could be done.

The following day, July 1, Lane and two other gentlemen were riding in a carriage
on the farm. As they stopped to open a gate, Lane hopped out, walked a little way from
the vehicle, placed a revolver into his mouth and pulled the trigger. The bullet passed

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90 *Emporia News*, June 30, 1866.
through the roof of his mouth and out the top of his head. Amazingly he did not die instantly, but lingered another ten days, finally succumbing to his wound on July 11.

Why Lane broke down after the Civil Rights vote and committed suicide remains a bit of a mystery. He had faced adverse conditions repeatedly during his political career, and had always thundered back. For instance, critics believed that the shooting of Gaius Jenkins in 1858 would certainly bring an inglorious end to his public life. Yet, after less than a year, Lane reemerged on the political scene, and within two years had become senator and even more powerful in Kansas politics than ever before. Overall, Lane was a man who thrived during a conflict and under controversy.

The reason for his death, like his actions during life, has been portrayed in various ways. His political opponent, Charles Robinson, believed that Lane had failed to cover up evidence of improprieties which threatened his Senate seat, and, after heading back to Kansas after learning of new scandals in Washington, killed himself. “Thus ended the career of a man without principles or convictions of any kind,” Robinson wrote, “who was comparatively weak and harmless when alone, but with the support of the Administration at Washington, with unlimited patronage and irresponsible power, was an instrument of untold evil.”

Defender—Contemporary writer Lloyd Lewis interpreted Lane’s suicide in a radically different way. Lewis refuted Robinson’s belief that Lane fell to the criticism and threat of public censure: “He had always thrived on accusations against himself, and had climbed by turning them to his own account.” Even the political fallout following the Civil Rights vote, Lewis believed, would not discourage the man who “had met

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political midnight many times before, and with a whirlwind campaign had turned it once more into dawn."\textsuperscript{94} Instead, Lewis saw Lane's death as the romantic end of a tragic play. Consistent with the idealism of other Defender-Contemporaries, Lewis declared:

as I read the record of his life, Jim Lane shot himself because with the end of the Civil War, he saw his whole world gone, his era dead, his age vanished. He was the pioneer, the adventurer, the restless hunter for new horizons, and the glories of that time had vanished. He was a revolutionist, and the revolution had been won and was thenceforth to be in the hands of the corporation lawyers. He was a fighter, and the war was over.\textsuperscript{95}

Both extreme interpretations of Lane's death leave much unexplained. Lane likely did succumb to the stress of his political fallout in Kansas and of the charges of corruption. Why he broke down and chose suicide instead of going on the political offense, or even taking time off to rebound as he had before, might be explained by his poor health. Although no medical diagnosis has been given, Lane was reported to have been physically ill at the time of his suicide. Furthermore, we have evidence that Lane considered suicide before. While leading northern emigrants into Kansas through Iowa in the summer of 1856, a reportedly despondent Lane threatened to shoot himself when Samuel Walker delivered a message asking him to abandon the group.\textsuperscript{96}

Finally, there is a strong likelihood that Lane may have suffered from depression or some other psychological condition. Although this dissertation shies away from making any substantial psychological or physiological analysis of Lane, historians should consider the possibility that Lane suffered from some sort of mental condition. Such

\textsuperscript{94} Lloyd Lewis, "The Man the Historians Forgot," \textit{The Kansas Historical Quarterly} 8, no. 1 (Feb., 1939): 101.

\textsuperscript{95} Ibid., 102.

explanation may not only help answer the reason for his occasional (yet rare) despondency and his suicide, but also shed light on his legendary focus and energy.

Lane’s final years in the Senate appear to show a man who embodied Radical Republicanism, yet who abandoned the mantra for a conservative—even “Democratic”—position. Really, there was no contradiction. Lane appeared radical, and in a sense was radical in how he sought to prosecute the war. Yet, beyond his relatively early turn against slavery, and his progressive approach to blacks, Lane never became a true Radical Republican. In short, he did not change or abandon any positions that he had held. All of his actions—before, during and after the Civil War—must be viewed as reactions to events and his environment. He had faced similar complaints in Kansas in 1857 when, for a short time, he had worked with notorious proslavery advocate Dr. J. H. Stringfellow in land speculation. Antislavery settlers at that time wondered how the fiery free-state leader could so easily and quickly settle down with the “enemy.” They accused him of abandoning the cause. In reality, in early 1857 the struggle in Kansas had temporarily subsided. Free State worries, while still present, took a back seat to normal affairs. Thus, facing no direct threat from Stringfellow or many other proslavery Kansans, Lane had no problem focusing on peaceful concerns.

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97 E. A. Smith of the National Bank in Kansas wrote to Congressman Sidney Clarke in January 1866: “Lane came back this time a full fledged Johnson Democrat as he terms it and tells his constituents that he discovered when he went on to Washington that it would not be politic for him to fight a Democratic Administration for four years to come and he accordingly set about trimming his sails and made his accustomed general visit to the Legislature with a view to get that August body to indorse this ‘Democratic-Anti-Suffrage-policy’ in which he succeeded so far as to get a resolution introduced and referred to that effect.” It is highly doubtful that Lane called himself a Democrat or voiced in support for the Democratic Party, given his die-hard defense and celebration of the Republican Party throughout the war. Instead, Smith may have been adding his own view of Lane’s position. E. A. Smith to Sidney Clarke, January 18, 1866, Sidney Clarke Collection, Carl Albert Congressional Research and Studies Center, University of Oklahoma.

98 See Chapter 6.
The ability to stir up popular emotion was Lane's greatest gift as well as his greatest weakness. While he believed what he said, his rhetoric was designed to inspire and generate support. But his audiences, and many authors and historians since, have had a hard time seeing his real objective. Some saw a demagogue, barking to a crowd what they wanted to hear. And even those who supported Lane often failed to see the logic beneath. Like a football coach stirring up his team at half-time, Lane cheered on free-state Kansans in the 1850s and Unionists in the 1860s. Like a coach, his talk and tactics were all designed to win the "game." And as the game progressed, he adjusted to meet the new challenges. Unfortunately, those he spoke to often failed to understand the limitations of his vision. Excited by the "pep talk" they kept the momentum going and as the war came to a successful end, they carried their expectations further than Lane had ever intended. When he saw fervor threaten to split the party, he called for moderation. In the end, he had a front row seat as the party—his team—crumbled.
CONCLUSION

During a public address on territorial Kansas in 2007, a prominent Kansas historian referred to James Lane’s political transition from a pro-Douglas Democrat into a pro-Lincoln Republican as either an intense conversion or a hypocritical façade, depending upon one’s own views. Neither explanation truly reflects Lane’s political odyssey. The last twelve years in Lane’s life may best be called an odyssey, for his transition from Democrat to Republican was a dramatic, and often chaotic, journey. Lane struggled to weather the political storms of the Kansas-Nebraska Act, the Wakarusa War, the Kansas Memorial, “Bleeding Kansas,” Southern secession and Reconstruction, always keeping his eye on the Union and its democratic principles. Lane saw the political party as a vessel to reach those goals. When the vessel steered off course, Lane strove to set it back in line. Only when he saw the Democratic party as hopelessly lost, did he truly “abandon ship” and board another, keeping the same objectives in mind.

Following his vote for the Kansas-Nebraska Act and his move to Kansas, Lane learned that popular sovereignty in practice did not resemble what had been promoted in theory. He always embraced the democratic principle of self-government, convinced that popular sovereignty could work if proslavery abuses were resisted. His leadership within the Free State ranks was based on the belief that the Union was made up of principles beyond local laws. Thus, he and his Free State colleagues saw their resistance to territorial officials, and even federal officials, as true to the Constitution, true to the nation, and true to democracy. The failure of the Kansas Memorial in the Senate proved to Lane that his beloved Democratic party had been corrupted by proslavery interests. It proved to him that the Democratic party now threatened Kansas and democracy as well.
Lane adjusted his affiliations and tactics to respond to the perceived threat. He lambasted Democrats, condemned territorial and federal officials, and led military attacks against proslavery opponents. Critics have accused him of having no principles and being a political turncoat. His wild appearance and extreme rhetoric fueled the image of a dangerous demagogue. On one hand, Lane relished the image. He thrived under political and military controversy, and wanted to strike fear in the heart of his political and military opponents. In time his reputation outgrew reality. But, on the other hand, Lane suffered in the face of criticism. His political success was limited by a growing army of enemies.

Lane was a master politician. He was full of ambition and used subtle tactics and tricks to promote himself and his cause. Yet, even self-promotion does not exclude principle. Lane linked his political party with the future of the nation. He linked himself with that future too, believing that he knew what to do and how it should be done. Such arrogance understandably generated disdain among contemporaries, and some later observers. But that disdain has unfairly led to a disregard for Lane’s consistent objectives.

Lane’s ability to make political alliances and stir up support with his legendary oratory could take him only so far. His mastery of political theater excited passions, but often failed to transmit the weight and logic of his mind. Many did not appreciate his rough western demeanor; others looked upon him suspiciously, as a dangerous rabble-rouser. Yet, perhaps the greatest irony of Lane’s life was that his odyssey did not take him as far as others. He proved capable of cooling down as quickly as he heated up—far more capable in this manner than many of his constituents and colleagues. Because his
intensity burned so quickly and because he could carry a crowd with him, Lane helped generate a radicalism in Kansas that actually outran his own sentiments. He advocated, and even led, violent attacks against proslavery forces in Kansas in 1856 . . . yet did business with notable proslavery leaders during the quiet months of 1857. He carried out total war in Missouri and declared that Southern secessionists should be wiped out in 1861 . . . yet fervently backed Southern representation in Congress as early as 1863. He armed black men and supported their interests in 1862 . . . yet backed Andrew Johnson’s veto of the Civil Rights Bill. All of these actions, and others, were condemned by contemporaries and historians alike as inconsistent, unprincipled and unpredictable. Standing alone, with no background or context, these examples do indeed appear contradictory.

John F. Kennedy wrote, “Perhaps if the American people more fully comprehended the terrible pressures which discourage acts of political courage, which drive a Senator to abandon or subdue his conscience, then they might be less critical of those who take [an] easier road—and more appreciative of those still able to follow the path of courage.”¹ Historians who carefully research Lane’s background and rely upon contextual analysis will find that Lane did have principles, that he maintained those principles more than previously believed, and that his larger actions can be explained, if not fully excused. Lane did not always take the easier road.

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