

LETTER

(11)

OF

HON. STEPHEN A. DOUGLAS.

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IN EXPLANATION OF THE

NEBRASKA AND KANSAS

TERRITORIAL BILL.

WASHINGTON:

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M. T.

LETTER.

WASHINGTON, *February 16, 1854.*

SIR: I am under obligation to you for your paper which has come to hand regularly from the commencement of the session. I saw with pleasure that you took a bold stand in favor of the Nebraska bill, and spoke in favorable terms of my speech in its support. In this you did no more than what might have been reasonably expected from a sound democratic paper. The bill rests upon, and proposes to carry into effect, the great fundamental principle of self-government upon which our republican institutions are predicated. It does not propose to legislate slavery into the Territories, nor out of the Territories. It does not propose to establish institutions for the people, nor to deprive them of the right of determining for themselves what kind of domestic institutions they may have. It presupposes that the people of the Territories are as intelligent, as wise, as patriotic, as conscientious as their brethren and kindred whom they left behind them in the States, and as they were before they emigrated to the Territories. By creating a territorial government we acknowledge that the people of the Territory ought to be erected into a distinct political organization. By giving them a territorial legislation, we acknowledge their capacity to legislate for themselves. Now, let it be borne in mind that every abolitionist and freesoiler, who opposes the Nebraska bill, avows his willingness to support it, provided that slavery shall be forever prohibited therein. The objection, therefore, does not consist in a denial of the necessity for a territorial government, nor of the capacity of the people to govern themselves, so far as white men are concerned. They are willing to allow the people to legislate for themselves in relation to husband and wife, parent and child, master and servant, and guardian and ward, so far as white persons are to be affected; but seem to think that it requires a higher degree of civilization and refinement to legislate for the negro race, than can reasonably be expected the people of a Territory to possess. Is this position well founded? Does it require any greater capacity or keener sense of moral rectitude to legislate for the black man than for the white man? Not being able to appreciate the force of this theory on the part of the abolitionists, I propose, by the express terms of the Nebraska bill, to leave the people of the Territories "perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."

While I have understood you to support these principles, and to defend the Nebraska bill upon these grounds in former numbers of your paper, I have observed with regret and amazement a leading article in your paper of the 14th instant, this moment received, in which the whole object, meaning, principles, provisions, and legal effect of the bill are so grossly and wickedly perverted and misrepresented, as to leave no doubt that the article was prepared by a deadly enemy, under

the hypocritical guise of friendship, for the purpose of furnishing "aid and comfort" to the northern whigs and abolitionists in their warfare upon this great measure of pacification and the Democratic party in New Hampshire and throughout the Union, and especially upon that great fundamental principle which declares that every people capable of self-government ought to be permitted to regulate their domestic concerns in their own way. It is but justice to you to remark, that the article in question, although appearing under the editorial head, has the sign at the end of it which would indicate that it was not written by the editor, but was furnished as a communication. Trusting that such may be the case, and that you will promptly vindicate yourself by exposing the fraud and its author, I will quote a single paragraph as a specimen of the whole article, which contains incontestable proof that the writer is an enemy to the bill, and to the great principle involved in it, and to its friends, and that he has assumed the garb of friendship in order to destroy, by fatal admissions, perversions, and misrepresentations, what he could not accomplish by direct opposition over his own signature :

"The Nebraska bill, if it shall pass both houses of Congress and become a law, repeals the Missouri Compromise. And what will be the effect of such repeal? *Unquestionably to revive and re-establish slavery over that whole region.* When Louisiana was ceded to the United States the law of slavery existed over that whole vast territory. It required no law to establish the institution—it then existed in fact and by law. And out of that territory already three slave States have been carved, and admitted into the Union, viz., Louisiana, Arkansas, and Missouri. When they came into the possession of the Union as Territories, slavery had been planted and was flourishing upon their soil; and the whole territory of Louisiana was under the dominion of the law which established and legalized the institution. Therefore, when those States came into the Union, the people did not have to establish and ordain slavery. The Missouri Compromise *repealed and excluded* the institution above the line of 36° 30'. *The repeal of that Compromise revives and re-establishes slavery in all the remaining territory of the Louisiana purchase.* Therefore, the law which permits slavery will be revived, and slavery will exist in Nebraska and Kansas the very moment the Nebraska bill receives the sanction of the President. This is the only deduction which can be logically drawn from the premises.

"The proposition, therefore, which northern men are to look fully in the face, and to meet without the possibility of evasion, is this: *Shall slavery be revived and re-established in Nebraska and Kansas?* And, as a necessary consequence, shall the slave States regain that political preponderance in the Senate of the United States which they have lost by the more rapid multiplication, of late, of free States? These are the propositions which northern men must meet, and which they cannot now elude or evade."

Now, Mr. Editor, you must bear in mind that the italics are yours and not mine. When a newspaper writer italicises particular passages in an article, he has an object in doing so. We all know that the

object is to invite the attention of the reader especially to passages thus designated. What are the passages thus italicised? The first is, that the effect of the Nebraska bill will be "UNQUESTIONABLY TO REVIVE AND RE-ESTABLISH SLAVERY OVER THAT WHOLE REGION!" The second is, that "THE REPEAL OF THE MISSOURI COMPROMISE REVIVES AND RE-ESTABLISHES SLAVERY IN ALL THE REMAINING TERRITORY OF THE LOUISIANA PURCHASE."

The third is, that the whole question involved in the passage of the Nebraska bill is: "SHALL SLAVERY BE REVIVED AND RE-ESTABLISHED IN NEBRASKA AND KANSAS?"

Now, Mr. Editor, did you not know, when you read the "proof" of this article, that each of these passages, thus italicised, contains a wicked and unpardonable slander against every friend and supporter of the bill, whether he be a northern or a southern man? Do you not know that the southern men deny the constitutional power of Congress to "establish slavery in the Territories?" Yet in the teeth of this undeniable fact, which is well known to every man, woman, and child who has ever read a newspaper, your paper represents these gentlemen as proposing to violate not only the constitution, but their own oaths, by voting to "establish" slavery in Nebraska and Kansas? After attempting to fix this brand of infamy on the brow of more than two-thirds of the members of the United States Senate, the writer of the article in question proceeds to show the kindness of his heart and the purity of his motives, by assuring your readers that he is no better than those whom he assails, and therefore he approves the act and advises its consummation.

Three times in the short paragraph I have quoted has the writer of that article repeated the statement that it was not only the legal effect, but the object of the Nebraska bill, to "revive and establish" slavery in those Territories.

Now, sir, if you be a true friend of the bill, as your paper professes, you will correct these misrepresentations, and vindicate the measure, and the motives and conduct of its supporters, by publishing the bill itself, and especially that portion which relates to the act of 1820, and which your paper represents as being designed to establish slavery in the Territories. For fear that you may not have a copy of the bill, I will transcribe so much as bears upon this point, with the request that during the pendency of this discussion you will keep it standing in your paper under the editorial head, in as conspicuous a place and italicised in the same manner in which the misrepresentation was published. I quote from the 14th section of the bill:

"That the constitution and laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which being inconsistent with the principle of NON-INTERVENTION BY CONGRESS with slavery in the States and Territories as recognised by the legislation of 1850, (commonly called the Compromise measure) is hereby declared inoperative and void, IT BEING THE TRUE INTENT AND MEANING of this act, NOT to legislate slavery into any Territory or State, NOR to exclude it

therefrom, but to leave the people thereof perfectly FREE TO FORM AND REGULATE THEIR DOMESTIC INSTITUTIONS IN THEIR OWN WAY, SUBJECT ONLY to the constitution of the United States." Now, sir, inasmuch as you are the editor of a democratic paper, and claim to be the friend of the bill, you will excuse me for repeating the suggestion that you keep this clause standing under the editorial head as a notice to your readers, that whoever shall hereafter say that the object of the bill is to "revive or establish slavery" in the Territories may be branded as he deserves, as a falsifier of the record, and a calumniator of those whom he professes to cherish as friends.

The bill provides, in words as specific and unequivocal as our language affords, that the *true intent and meaning* of the act is NOT to legislate slavery into any Territory or State. The bill, therefore, does not introduce slavery; does not revive it; does not establish it; does not contain any clause designed to produce that result, or which by any possible construction can have that legal effect.

"Non-intervention by Congress with slavery in the States and Territories" is expressly declared to be the principle upon which the bill is constructed. The great fundamental principle of self-government, which authorizes the people to regulate their own domestic concerns, as recognised in the Compromise measure of 1850, and affirmed by the Democratic national convention, and reaffirmed by the Whig convention at Baltimore, is declared in this bill to be the rule of action in the formation of territorial governments. The two great political parties of the country are solemnly pledged to a strict adherence to this principle as a final settlement of the slavery agitation. How can that settlement be final, unless the principle be preserved and carried out in all new territorial organizations?

But the professed friend of the measure in the article referred to follows the lead of his abolition confederates in this city, and declares that this bill opens that whole country to slavery! Why do they not state the matter truly, and say that it opens the country to *freedom* by leaving the people *perfectly free* to do as they please? Is it true, as these professed advocates of freedom would wish to make the world believe, that the people of northern latitudes are so adverse to free institutions, and so much in love with slavery, that it is necessary to have Congress appointed their guardian in order to preserve that freedom of which they boast so much? Were not the people of New Hampshire left free to decide this question for themselves? Did not all the New England States become free States under the operation of the principle upon which the Nebraska bill is predicated? If this be so—and every child knows that it is true—by what authority are we told that a country, lying between the same parallels of latitude which embrace all of the New England States, is to be doomed to slavery if we intrust them with the same rights, privileges, and immunities which the constitution guarantees to the people of New England? Are the sons of New England any less capable of judging for themselves when they emigrate to Minnesota, Nebraska, or Kansas, than they were before they ever passed beyond that circle which circumscribed their vision with their native valleys? Is it wise to violate the great principle of self-government, which lies at the foundation of all free institu-

tions, by constituting ourselves the officious guardians of a people we do not know, and of a country we never saw? May we not safely leave them to form and regulate their domestic institutions in the same manner, and by virtue of the same principle, which enabled New York, New Jersey, and Pennsylvania, to exclude slavery from their limits and establish free institutions for themselves?

But, sir, I fear I have already made this letter too long. If so, my apology therefor is to be found in the great importance of the subject, and my earnest desire that no honest mind be misled with regard to the provisions of the bill or the principles involved in it. Every intelligent man knows that it is a matter of no practical importance, so far as the question of slavery is concerned. The cry of the extension of slavery has been raised for mere party purposes by the abolition confederates and disappointed office-seekers. All candid men who understand the subject admit that the laws of climate, and production, and of physical geography, (to use the language of one of New England's greatest statesmen,) have excluded slavery from that country. This was admitted by Mr. Everett in his speech against the bill, and because slavery could not go there, he appealed to southern Senators not to insist upon applying the provisions of the Utah bill to Nebraska, when they would derive no advantages from it. The same admission and appeal were made by Mr. Smith, of Connecticut, in his speech against the bill. To-day Mr. Badger, of North Carolina, replied to these appeals by the distinct declaration that he and his southern friends did not expect that slavery would go there; that the climate and productions were not adapted to slave labor; but they insisted upon it as a matter of principle, and of principle alone. In short, all candid and intelligent men make the same admission, and present the naked question as a matter of principle, whether the people shall be allowed to regulate their domestic concerns in their own way or not. In conclusion, I may be permitted to add, that the Democratic party, as well as the country, have a deep interest in this matter. Is our party to be again divided and rent asunder upon this vexed question of slavery?

Everything in the past history of the democracy of New Hampshire gives confidence and assurance to their patriotic brethren throughout the Union in a crisis like the present. I believe I know enough of the intelligence, consistency, and firmness of her people, to warrant the belief that while her favorite and honored son stands, as he has stood and now stands, firmly at the helm of the ship of state, calmly facing the threatening danger, regardless of all personal consequences, her noble people at home will sustain themselves and him against the attacks of open foes and the insidious assaults of pretended friends.

You will do me the justice to publish this in your next number.

I have the honor to be, very respectfully, your obedient servant,

S. A. DOUGLAS.

To the EDITOR OF THE STATE CAPITOL REPORTER,

Concord, N. H.