

Chapter 2

Study Area History and Contributions

For nearly two centuries, the central Great Plains of North America has been a cross-roads of exploration, settlement, and nation-building. Beginning in 1854, the territory of Kansas west of the great eastward bend of the Missouri River became a center of conflict that defined the era of “Bleeding Kansas” in national history. Impassioned abolitionist, Free State, and proslavery settlers fought over the admission of a new state to the Union. Men and women, European, African, and Native American, New Englander, Westerner, and Southerner, abolitionist, free-state, and proslavery settler, all envisioned a different future for Kansas. Inspired by the experience of violent conflict in “Bleeding Kansas,” Free State settlers prevailed to make Kansas a free state. A lasting ideal of freedom and equality was articulated and forcefully defended in the making of a free state in Kansas Territory.

The conflict over whether Kansas Territory would be admitted to the Union as a slave or free state was the beginning of a conflict that culminated in the American Civil War. For more than six years, the fate of Kansas Territory and the nation hung in the balance. The Kansas conflict changed the history of the United States of America and led to a new understanding of freedom. This chapter is the story of “Bleeding Kansas” and the enduring struggle for freedom that followed.

KANSAS TERRITORY: GEOGRAPHY OF RIVERS, TRAILS, AND RAILROAD DEVELOPMENT

After being ignored by European Americans as part of the “Great American Desert” for

decades, Kansas became a strategic central place in the 1850s. The Mexican War of 1846-1848 resulted in territorial gains that increased the size of the United States by nearly fifty percent. Discovery of gold in California and the rapid admission of that new state to the Union dramatically changed the geo-political balance and focused new attention on the central plains between the eastern states and the west.

Because California was admitted as a free state, Southerners wanted more land for slavery. In 1820 the Missouri Compromise had determined that all land east of the Rockies and north of the line of 36 degrees, 30 minutes should become free territories. But later, the Compromise of 1850 stated that the land taken from Mexico would be admitted as a state or states with or without slavery as their constitutions provided. Early in 1854, the Kansas-Nebraska Act used the principle of popular sovereignty expressed in the 1850 Compromise to stipulate that the residents of these new territories would decide whether slavery would be permitted. In repealing the Missouri Compromise, the Act declared that the intent of Congress was “not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people perfectly free to form and regulate their domestic institutions in their own way.”¹ The question of excluding slavery erupted in the conflict of “Bleeding Kansas.”

Kansas Territory, the same land that some would later call “Bleeding Kansas” was part of the Louisiana Purchase in 1803. Within a few decades, much of this vast addition to

the United States was explored. The Lewis and Clark expedition first reached the confluence of the Kansas and Missouri rivers on June 26, 1804. Later, they celebrated the first Fourth of July in Kansas on Independence Creek. By July 12, Lewis and Clark moved northward up the Missouri beyond the present boundary of Kansas. They crossed the plains and the Rocky Mountains to the sea. Returning from the Pacific Ocean with an unprecedented knowledge of the West, Lewis and Clark reached the mouth of the Kansas River again on September 15, 1806. Their descriptions and maps first located Kansas in the national consciousness of the West.

Reports of the Lewis and Clark expedition encouraged even more government exploration. In 1806 Zebulon Pike led a small group of soldiers along the Osage to the source of the Arkansas River. Pike traveled north to visit the Pawnees, then south to the Arkansas, and west past the present border of Kansas. Later in 1817, Major Stephen Long went to the mouth of the Kansas River, met with the Kansa Indians, and then crossed Nebraska to the mountains, and returned to Fort Smith, Arkansas. Long became most famous for his map of the Plains which he named the "Great American Desert."²

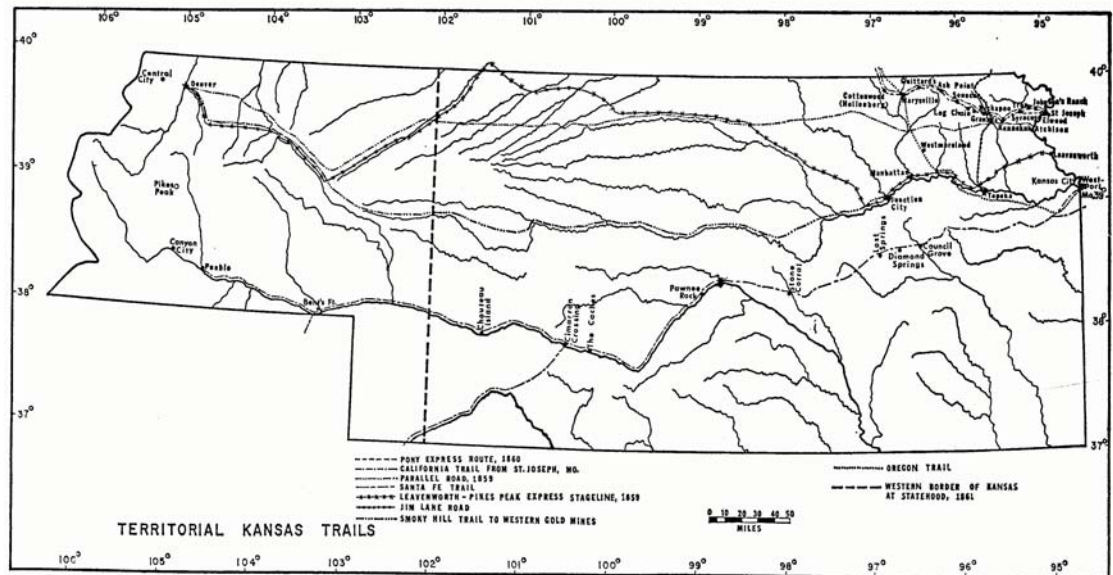
The opening of trade between Santa Fe and Missouri in 1821 made the Santa Fe Trail the principal commercial overland route to the southwest. Promoted by Missouri Senator Thomas Hart Benton, Congress in 1825 authorized the President to commission a survey of a road from Missouri to New Mexico and to negotiate with the Plains Indians for safe passage through the area. The Santa Fe Trail entered Kansas in what is now Johnson County and followed a route through Douglas, Osage, Wabaunsee, and

Lyon counties to Council Grove, and then southwest across the plains to northern New Mexico. In the Mexican War, the trail served as a road for military expeditions and the army later established forts near the trail to protect travelers and to maintain peace. This trail also was used by emigrants to the southwest, especially after the United States acquired the territory from Mexico in 1848.

For western emigrants, the most popular route was the Oregon and California Trail. This was not a single trail, but a series of alternate routes that began at Independence or Westport, Missouri, and extended for approximately 200 miles through Kansas. Extending to Oregon or California, it was the longest of the overland trails. In Kansas the major routes began with the Santa Fe Trail, diverged near Gardner, and went up the Kansas River valley past Lawrence turning northwest to pass through Uniontown, St. Marys Mission, Red Vermillion Crossing, Scott Springs, Alcove Springs, and Independence Crossing on the Blue River, and then on into Nebraska. Traversing the counties of Johnson, Douglas, Shawnee, Pottawatomie, Marshall, and Washington, the Oregon Trail passed through or near the present towns of Olathe, Gardner, Eudora, Lawrence, Big Springs, Topeka, Silver Lake, Rossville, St. Marys, and Westmoreland, Blue Rapids, and Marysville.

From the 1840s through the 1860s, more than 250,000 emigrants, prospectors, traders, and travelers used this trail to reach the Rocky Mountains, Utah, Oregon, and California. Fur traders established the route, Mormons followed the trail to Utah in the late 1840s, and the discovery of gold greatly increased travel on this route. Overland travel on the trails declined and ended as the railroads built across the West in the 1860s

Figure 2-1, Territorial Kansas Trails



and 1870s.³ (See Figure 2-1, Territorial Kansas Trails.)

Between 1845 and 1852, members of both houses of Congress attempted to enact legislation for the construction of a transcontinental railroad. Several routes were promoted. In 1853 Congress allocated \$150,000 for a government survey of the potential routes for a transcontinental railroad. Topographical engineers from the War Department, supervised by Secretary of War Jefferson Davis, carried out the surveys. The four major routes were: a northern route between St. Paul, Minnesota, and Puget Sound in Washington Territory, a central route along the 38th parallel linking St. Louis, Missouri, and San Francisco, and two southern routes—one along the 35th parallel between Fort Smith, Arkansas, and Los Angeles, California, and another from central Texas to San Diego. As a southerner, Secretary Davis strongly supported the selection of a route that would favor the South. In his 1855

report to Congress, he recommended the southernmost route.⁴

But the Secretary's position had already been undermined by the Kansas-Nebraska Act and the controversy over slavery in Kansas. With the organization of the territory in the Great Plains, that obstacle to a central route was removed. Allowing the extension of slavery and thereby increasing the political power of the South in Congress, however, threatened the North and Northern politicians refused to support the building of a transcontinental railroad that would link the riches of California and the West to the South. Congress did not resolve the debate over the transcontinental railroad route until after the southern states seceded in 1861. Without southern opposition, the central route easily won approval in 1862.

In Kansas itself, the internal transportation system used the transcontinental east-west trade and emigration routes. The United

3 This description of the trails is based on information from the "Kansas Preservation Plan: Study Unit on the Period of Exploration and Settlement," (Topeka, KS: Historic Preservation Department, Kansas State Historical Society, 1987), 8-13.

4 Alan Wexler, Atlas of Westward Expansion (New York: Facts on File, 1995), 137-142.

States military pioneered in the development of north-south routes. A north-south Military Road in Kansas led from Fort Leavenworth (established 1827 to protect the growing trade on the Santa Fe Trail) south to Fort Coffey in western Arkansas in 1837. The military road branched from Fort Scott (established 1842-48) to Fort Gibson in Indian Territory in 1843. Later a new military road was surveyed and marked just west of the original route in 1859. When Fort Riley was established to the west in 1853, Fort Scott was closed. A road from Fort Leavenworth to Fort Riley was marked in 1854. During the Civil War, Fort Scott was reopened but finally closed permanently at the war's end.⁵

In the late 1850s, the discovery of gold in the Rocky Mountains led to the development of two major routes across Kansas—the Smoky Hill Trail and the Leavenworth and Pike's Peak Express route. The Smoky Hill Trail was surveyed in 1858. Gold prospectors traveled from Leavenworth and Topeka along the Kansas River to the Smoky Hill River, a tributary, on the way to Denver. The Leavenworth and Pike's Peak Express used three alternatives through eastern Kansas before joining near Salina. One passed through Lawrence, another passed Oskaloosa and ran along the Fort Leavenworth-Fort Riley military road, a third passed through Ozawkie and then connected to the Fort Leavenworth road. Today Interstate Highway 70 roughly parallels the earlier Smoky Hill trail.⁶

Before the opening of European-American settlement in 1854, most of eastern Kansas was the homeland of the indigenous Kansa and Osage Indians. The Kansa occupied territory in the northeast corner from the Missouri River to the Big Blue River and from the Nebraska line south to the Kansas

River. They first lived along the Missouri River, then later moved west to the Big Blue River along the upper Kansas River near present-day Manhattan, and then moved to the lower Mission Creek and the middle reaches of the Kansas River. As a result of treaties initiated by the United States government, the Kansa accepted a much diminished reservation to allow land to be reserved for the so-called "Emigrant Indians." In their last years in Kansas, the Kansa lived around Council Grove. Although the Osage lived southeast of the Kansa during the early historical period, after 1825 they moved into what is now southeastern Kansas.⁷

To open more land to settlement after 1825, the United States government led by President Andrew Jackson implemented a policy of "Indian Removal" of Native American nations from the Great Lakes region, the Ohio River Valley and the South to lands west of the Missouri River and the Missouri and Arkansas borders. More than twenty tribes or remnants of tribes were given land in eastern Kansas. All the lands west of the state of Missouri were given the name "Indian Country" in 1834. The Emigrant Indians included members of the Ottawa, Peoria, Wea, Kaskaskia, Piankeshaw, Kickapoo, Quapaw, Cherokee, Chippewa, Iowa, Sac-Fox, Pottawatomie, Miami, Munsee, Wyandot, Delaware, and Shawnee.⁸ By the time James K. Polk became president in 1844, only about 30,000 Indians, out of a population of 125,000 in 1820, still lived east of the Mississippi.

Besides the white government agents who administered the reservations and distributed supplies to the Emigrant Indians, the Baptist, Methodist, Quaker, Moravian, Presbyterian, and Catholic churches established Christian missions in the Indian Country for the emigrant tribes and the indigenous Kansa and

5 Wexler, 14.

6 "Kansas Preservation Plan," 15-16.

7 Patricia J. O'Brien, *Archeology in Kansas* (Lawrence: University of Kansas, 1984), 67.

8 O'Brien, *Archeology in Kansas*, 80. While Pottawatomie is commonly used, the Prairie Band of Kansas prefers an alternate spelling, Potawatomi.

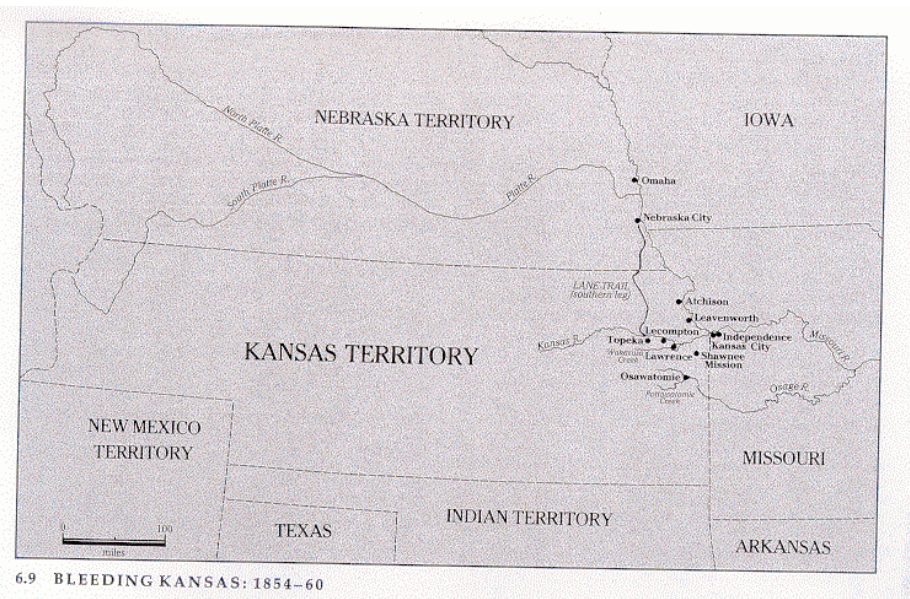
Osage. These missionaries competed for government funding and tribal allegiance. The Presbyterian Church established the first mission in Kansas in 1824, Mission Neosho, for the Osage. Later, the Methodists established eight missions, the Baptists had six, the Catholics and Presbyterians had four each, the Moravians had two, and the Quakers, one mission. Mission schools for Indian children were day or residential schools. Day schools taught reading, writing, English, arithmetic, and religion. Residential schools taught these subjects and manual training such as sewing and cooking, farming, and other skills. Although some of these missions continued for many years, many missionaries reported that few Indians were converted and most were unwilling to give up their native language, culture, and religion. Most of the Indian missions in Kansas were abandoned after Congress opened the territory to European American settlement in 1854.⁹

Beginning in 1853, the growing demand for railroad routes and agricultural land prompted Congress to authorize the abrogation of a series of treaties that had been made between 1825 and 1843 with the emigrant Indians from the East. President Franklin Pierce was directed to secure “the assent of said

tribes to the settlement of the citizens of the United States upon land claimed by said Indians.” Reserves for the emigrant Indians constituted an unbroken array in eastern Kansas along the Kansas-Missouri border which blocked the extension of white settlement. More than ten thousand Indians, who had been promised a permanent country of their own in Kansas, were forced to move to Indian Territory (Oklahoma) during and after the Civil War. The remainder suffered additional losses of land and in some cases dissolution of their tribal status. As historian Paul Gates concluded, “land, slavery, plunder, and patronage combined explain the intensity of the political fight in Kansas as compared with that in Minnesota and Nebraska.”¹⁰

Rivers, trails, and visions of railroads converged in the landscape of Kansas Territory. People of diverse backgrounds followed the rivers and trails into the eastern third of present-day Kansas, the study area for the Bleeding Kansas Heritage Area. This region was accessible and best supported European American settlement in this period. The var-

Figure 2-2, Kansas Territory, 1854-60



9 "Kansas Preservation Plan," 29-31.

10 William L. Barney, *Battleground for the Union: The Era of the Civil War and Reconstruction, 1848-1877* (Englewood Cliffs, NJ: Prentice Hall, 1990), 9; H. Craig Miner and William E. Unrau, *The End of Indian Kansas: A Study of Cultural Revolution, 1854-1871* (Lawrence: Regents Press of Kansas, 1978), 3-6; Paul W. Gates, *Fifty Million Acres: Conflicts Over Kansas Land Policy, 1854-1890* (New York: Atherton Press, 1966), 3.

ied landscape of this area is part of the Central Lowlands geographical region. Eastern Kansas, where the first European-American settlements were located, is relatively well-watered and has very good soils suitable for diversified agriculture based on the production of corn, small grains, and livestock.¹¹ In the struggle to adapt to the new territory, the character and determination of the new settlers was tested. As historian Walter Prescott Webb observed, when these settlers came to the Great Plains, an environment with which they had no experience, the result was “a complete though temporary breakdown of the machinery and ways of pioneering.”¹² In Kansas Territory, the settlers worked hard to adapt to the treeless environment and the harshly variable climate of the Great Plains. (See Figure 2-2, Kansas Territory, 1854-60.)

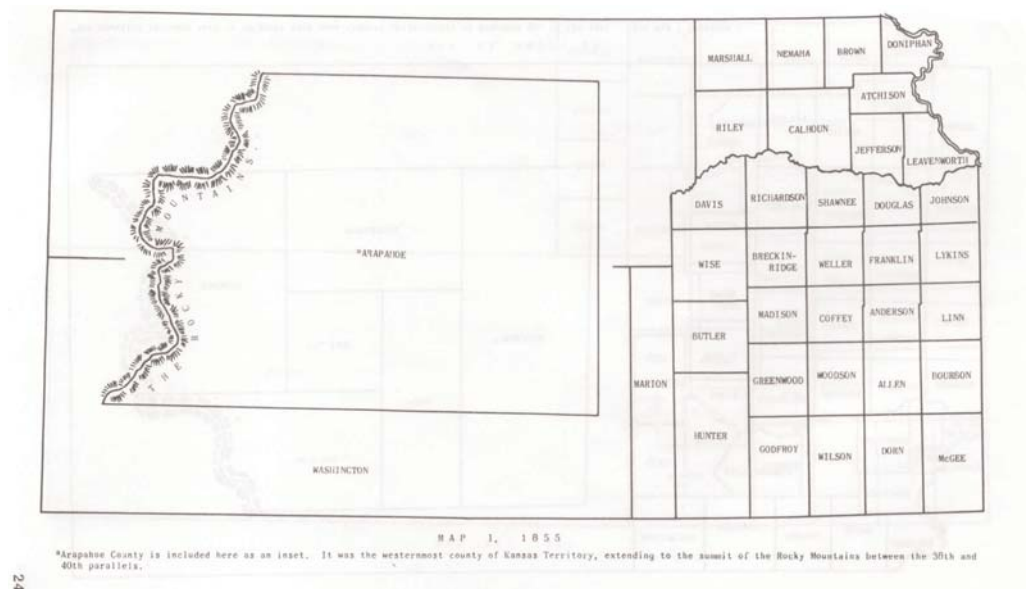
Even before the territory was opened to settlement, many of the residents of western Missouri migrated to Kansas. This migration was necessary to establish a territorial government favorable to slavery. The

Kansas-Nebraska Act seemed to favor Missourians. This legislation granted the right of popular sovereignty on the slavery issue and created two territories (Kansas and Nebraska). Many in Congress held the unstated but implicit expectation that Kansas would be slave and Nebraska free, thus maintaining the balance of political power in Congress. For the proslavery Missourians, it was imperative to enter quickly, claim the best sites for towns along the Missouri and lower Kansas Rivers and occupy the scarce timberlands. Over the years, the struggle for resources and land became a underlying tension in the politics of the Kansas Conflict. (See Figure 2-3, Kansas Territory, 1855, Organized Counties.)

The initial push by Missourians into Kansas Territory lasted from 1854 until 1857. White Southerners were numerous in every county along the Missouri border as well as in the Kansas River valley upstream to Topeka. They also clustered in the Neosho and Verdigris River valleys and maintained small communities at Council Grove on Santa Fe Trail and other places on the Oregon Trail. Many

white Southerners who stayed in Kansas Territory were not strong proslavery supporters and in time they shifted their loyalty to the Union. Later in the wave of migration to Kansas after the Civil War ended in 1865, white Southerners from Missouri, Arkansas, and Texas competed for the land

Figure 2-3, Kansas Territory 1855, Organized Counties



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11 Homer E. Socolofsky and Huber Self, "Landforms of Kansas," Historical Atlas of Kansas rev. Ed. (Norman, OK: University of Oklahoma Press, 1988), 3.

12 Webb, The Great Plains (Boston, MA: Ginn & Co., 1931), 8.

available in southeastern Kansas.¹³

Even before the Kansas Territory was organized in May 1854, the New England Emigrant Aid Company organized to challenge the westward extension of slavery. The promotion of emigration from the northeast was necessary because the most likely Free State immigrants to Kansas were not Yankees or Southern, but Westerners from Ohio, Indiana, and Illinois. These states were closer than New England, the people had a strong frontier agricultural culture, and these states were populated with young people eager for land and opportunity.¹⁴ Eventually, this majority joined the New Englanders who led the effort to ban slavery from the territory.

Of the twelve thousand Northern settlers present in Kansas in 1865, only some two thousand came in association with New England Emigrant Aid Company. However, Yankees concentrated their influence with the advantages of education and financial support. Most New England emigrants settled in concentrations on both sides of the major transportation route of the Kansas River.¹⁵ Later, New Englanders moved to Atchison and Leavenworth for business opportunities. Although many Americans thought that the new territory would allow slavery, the anti-slavery emigrants who came to Kansas won the state for freedom. The symbolism of the New England heritage and ideals became an aspect of the state's long-standing image.

More than one hundred thousand European Americans rushed into the territory between 1854 and 1860. Kansas attracted waves of settlers—first the Emigrant Indians, then Missourians and other Southerners, New Englanders, Westerners from the Ohio River

Valley. Although challenged by the land and the weather, they recreated a landscape of farms and towns like that of the eastern United States. The plains environment has three distinguishing characteristics: a comparatively level surface of great extent, unforested, treeless land, and sub-humid climate. The region was described as sub-humid because the average rainfall is insufficient for the ordinary intensive agriculture of a humid climate.¹⁶ The present-day landscape reflects this distinctive pattern of human activity in which agriculture, transportation, trade and business, social and cultural patterns have been affected by the geography of the eastern border of the Great Plains.

After a pause during the Civil War, the migration continued at a greater pace throughout the 1870s and 1880s. In 1865 twenty-eight counties in Kansas each contained a thousand or more people. White migrants from Illinois, Indiana, Ohio, and other upper Midwestern states could be found throughout the new territory. Missourians and others from the upper South secured choice town sites and land near the Missouri and lower Kansas Rivers. Yankees from New England also concentrated on sites with commercial potential. These tended to be upstream on the Kansas River. European immigrants tended to select either urban locations or isolated rural tracts which allowed these groups to maintain cultural cohesion.¹⁷

Most of the state's 12,641 black residents in 1865 were fugitives from Missouri. Almost nine percent of the citizens of the new state were black; this percentage has been never matched since 1865. Most African Americans were clustered near the Missouri border in sites with protection. The major populations were in Leavenworth (2,455),

13 James R. Shortridge, *Peopling the Plains: Who Settled Where in Frontier Kansas* (Lawrence, KS: University Press of Kansas, 1995), 19-21. In this study of the cultural beginnings of the state, Shortridge considered the 1865 census as the best source of information about permanent settlers.

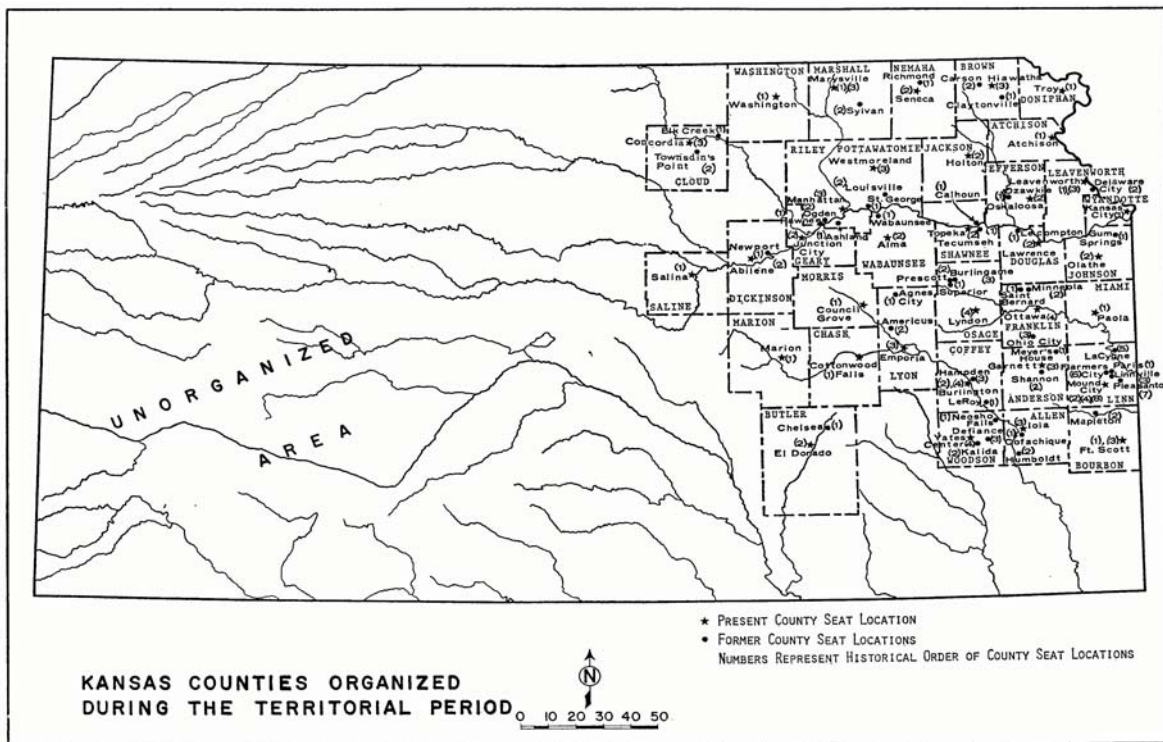
14 Shortridge, 18.

15 Shortridge, 23.

16 Webb, *Great Plains*, 3.

17 Shortridge, 3-4.

Figure 2-4, Kansas Counties organized during Territorial Period



Wyandotte County (1,504), Lawrence (1,464), Fort Scott (492), Atchison (432), Mound City (270), Osawatometie (192), and Topeka (170).¹⁸

About one third of the area of the state of Kansas was occupied by the time of the Civil War. The state census of 1865 tallied 142,456 residents, but the zone of moderate population density extended south only to Fort Scott and just beyond the first two tiers of counties west of the Missouri line.¹⁹ The original Kansas Territory organized in 1854 included land extending to the Continental Divide. When Kansas was admitted as a state, the area was reduced to the present rectangular boundaries—approximately 410 miles east to west and 210 miles from north to south. (See Figure 2-4, Kansas Counties Organized during Territorial Period.)

The Kansas Conflict: “Bleeding Kansas”

Even before the Kansas-Nebraska Act was approved, the settlement of Kansas became a symbolic conflict between freedom and slavery. Congressional leaders, the party press, and ideologues for or against slavery assumed that Kansas Territory would be a battleground over the question. Opponents of the Kansas-Nebraska Act met in Ripon, Wisconsin, on February 28, 1854 to discuss the formation of a new antislavery party. Similar meetings were held in other northern states.

There were several phases in the Kansas conflict. During early settlement from the spring of 1854 to the spring of 1855, proslavery Missourians exploited their geographical and numerical advantages. In the

18 Shortridge, 27.
19 Shortridge, 15.

first two territorial elections, Missourians crossed the border to cast fraudulent ballots and overwhelm the Free State settlers. The Free State settlers called the legislature chosen in the second election the “Bogus Legislature.” They repudiated the legislative election, the legislature, and the laws it passed because, in their opinion, the election was fraudulent and the proslavery law code was oppressive. The Free State settlers drafted their own Topeka Constitution which excluded slavery, and elected a Free State legislature. Eventually, there were four constitutional conventions in Kansas Territory (Topeka, 1855; Lecompton, 1857; Leavenworth, 1858; and Wyandotte, 1859).

The contest between the proslavery and Free State governments intensified the Kansas conflict from March, 1855 until September, 1856. During this phase, the growing destruction of settlements and cabins, physical violence, murders, and armed confrontations made the territory famous as “Bleeding Kansas.” After the peak of active violence in the fall of 1856, the debate over freedom or slavery continued, but settlers of all persuasions turned their hand to establishing a popular government and developing the territory’s economy. In the national presidential election of 1856, the issue of “Bleeding Kansas” won unexpected popular support for the Republican candidate, John C. Fremont. The Whig Party was torn apart in the national controversy. A surprisingly strong base of support in the campaign made the newly formed Republican Party the major opponent of Democrats in a new national political party system.

A third phase in the Kansas conflict began with massive emigration from free states in the spring of 1857. Migration shifted the political balance of power to the Free State settlers, but the Supreme Court’s Dred Scott

decision in 1857 seemed to deny Congressional authority to prevent slavery in the territories. Late in 1857, a national financial panic made the economy a major concern. At the end of this year, the proslavery Lecompton Constitution for Kansas was defeated in Congress despite an adamant lobbying effort by the Buchanan administration. During the next few years, more and more runaway slaves, traveling on the Underground Railroad, escaped the South into Kansas headed north to freedom. Although a severe drought from 1859 to 1860 drove many settlers out of the territory, residents moved toward political stability and eventually won the admission of Kansas to the Union as a free state under the Wyandotte Constitution.

Congress delayed the admission of Kansas as a state from 1860 until January 29, 1861. After seven southern states seceded from the Union, the Civil War broke out in April. Jayhawkers from Kansas raided into western Missouri and many runaway slaves fled to freedom in the new state. The outbreak of war also uprooted loyal Native Americans in the Indian Territory who sought refuge in Kansas bringing significant numbers of African Americans with them. The most destructive and deadly incident of the Civil War in Kansas was guerrilla William Quantrill’s raid on Lawrence August 21, 1863. The rebuilding of Lawrence after Quantrill destroyed the town center culminated in November 1864 when the Union Pacific Railroad reached the town.

After the Civil War ended early in 1865, European Americans quickly shifted their attention from politics to economic development. During the next three decades, the population and wealth of the state increased tremendously. Despite the important constitutional amendments introduced after the

Civil War to guarantee citizenship and voting rights for African Americans, political conservatism and institutionalized racism impeded the struggle for freedom. African Americans and Native Americans did not win their full civil rights for the next one hundred years.

The Kansas-Nebraska Act

Although the Kansas-Nebraska Act was hotly debated in terms of sectional politics, other underlying motivations were railroad-building and economic expansion. Proposals for a transcontinental railroad dated back to the mid-1840s. The territorial leap to the Pacific resulting from the Mexican War along with the discovery of gold in California made such a railroad imperative for both economic and strategic reasons. Congress debated many bills in the early 1850s that specified different routes and funding mechanisms, but rejected them all.

Senator Stephen Douglas, chairman of the Committee on Territories, considered a Pacific Railroad as the key to his program for strengthening the Union, elevating his position as a leader in the Democrat Party, and providing for the economic prosperity of the Mississippi Valley and the West. Douglas wanted an eastern terminus at Chicago for the Pacific Railroad. Public land could not be surveyed or granted until organized by Congress. Since the railroad would be funded by land grants, this required organization of the territory west of Iowa and Missouri through which any northern or central railroad route would run. Douglas had to act quickly because Southerners were about to complete the Gadsden Purchase which was necessary for a federally supported southern railroad from New Orleans to Los Angeles via El Paso, Texas.²⁰

The Kansas-Nebraska Act effectively ended the Missouri Compromise prohibition against slavery north of 36°30'." Senator Douglas substituted the popular sovereignty language from the Compromise of 1850. He intended to win more railroad support for the bill, but many Northerners interpreted his bill as a trick to deliver Kansas to the slave interests. The Kansas-Nebraska Act was branded as a plot of the "Slave Power" in the famous "Appeal of the Independent Democrats." Southern congressmen defended the bill and with support from President Franklin Pierce, Congress approved the act on May 26 and the President signed it into law on May 30, 1854. This created two new territories, Kansas and Nebraska, out of the remaining unorganized area of the Louisiana Purchase and opened both to slavery.²¹ Despite this apparent success, Douglas did not win any of his personal goals. The Pacific Railroad was held up in Congress for almost ten years.

In the summer of 1854, opponents of the Kansas-Nebraska Act, the "Slave Power," and the Democrats continued organizing the Republican Party in the North. The Republican Party became the most successful third party in the nation's political history. Eventually, the controversy over Kansas destroyed the Whig Party and divided the Democratic Party. In the 1854 elections, the Democrats lost 66 of 91 congressional seats in the free states. As historian William Barney concluded, "the Northern belief in the Slave Power and its gigantic plot in the Kansas-Nebraska Act to repeal the Missouri Compromise gave birth to the Republican party." Trying to neutralize the single most effective issue for the Republicans, the Democrats only deepened the sectional rivalry of American politics between 1854 and 1860.²²

20 Barney, 64.

21 Barney, 65-67.

22 Barney, 69-70, 73.

While Congress debated the Kansas-Nebraska Act, Eli Thayer of Massachusetts conceived the idea of forming a corporation to organize emigration from New England to Kansas. By investing in mills, hotels, and other enterprises for the accommodation of settlers, Thayer expected to attract migration from all parts of the North. Thayer did not define his cause as “abolitionist.” He intended to make money, to advance his own political ambitions (Thayer was elected to Congress in 1856), and to express a genuine desire to check the advance of slavery.²³

Amos A. Lawrence, Thayer’s key financial supporter, was a Whig who opposed the extremes of both slavery and abolitionism because he wanted to avoid a national division. Lawrence never expected the company to pay back his investment in Kansas Territory. His goal was not only to save Kansas for freedom, but also to block forever the further expansion of slavery. In the bill for incorporation signed April 26, 1854, the purpose of the company was stated as “to aid and protect emigrants from New England or from the Old World in settling the West, and to secure to them in their new homes the advantages of education and the rights and privileges of free labor.”²⁴ The company’s initial capitalization was not to exceed \$5,000,000.

This grandiose plan was not realized. Instead, the New England Aid Society was organized as a private association with a capital stock of only \$200,000. The Society’s goals were publicized by Horace Greeley, in a series of supportive editorials published in the New York Tribune beginning May 29, 1854. Renamed the Emigrant Aid Company of Massachusetts, the company functioned as an unincorporated stock company until it received a new charter as

the New England Emigrant Aid Company on March 5, 1855.²⁵

Widespread publicity about the Society aroused Southern fears of a Yankee conspiracy to steal Kansas Territory away from the slave South. This fear was incited by the inflammatory rhetoric of Missouri Senator David Atchison. Atchison led the Missourians who determined to establish the institution of slavery in Kansas and to prevent an abolitionist invasion on their western border. Most of the early settlers were non-slaveholders from Missouri and other Midwestern states. What brought them to Kansas Territory was the hunger for land. None was legally available, Indian titles had not been extinguished, and no public land had been surveyed and put on the market. This was the case until the end of 1854 when the first treaties in which the emigrant Indians gave up the largest part of their reserves were signed. For the next several years, federal land surveyors could not work fast enough to meet the demand for public land.

The Emigrant Aid Society did not send its first emigrant party until July 1854. Emigrant Aid Company agents Charles Robinson and Charles Branscomb reached Kansas City early in July, 1854. Robinson went to Fort Leavenworth and Branscomb traveled up the Kansas River to Fort Riley to observe the country, to investigate Indian land titles, and to note locations for suitable settlements. The first Emigrant Aid Company party reached the present site of Lawrence on August 1, 1854. They chose this site for a town, in part, because the location at a bend of the Kansas River was the first desirable location where emigrant Indians had ceded their land rights.²⁶

23 Samuel A. Johnson, *The Battle Cry of Freedom: The New England Emigrant Aid Company in the Kansas Crusade* (Lawrence, KS: University of Kansas Press, 1954), 7,10, 14.

24 Johnson, 16.

25 Johnson, 19, 25-26.

26 Johnson, 51-52.

Meanwhile, anti-slavery advocates held Kansas meetings throughout the Northern states to generate support and organize emigration parties. Supporters published a series of publications describing and promoting the opportunities in Kansas beginning in August 1854. The famous poet, John Greenleaf Whittier, wrote and published the “Song of the Kansas Emigrant.” The Emigrant Aid Company organized the important free-state towns. Lawrence was named October 1, 1854. Topeka was organized on December 5 and Osawatomie was established early in 1855. Further west, the town of Wabaunsee was established in November, 1854. Manhattan was established in the spring of 1855 at the point where the Big Blue River joined the Kansas River. The New England Aid Company assisted other settlements later during the boom of 1856-1857. These included Humboldt, Burlington, Emporia, and Wyandotte. Later, the Emigrant Aid Company developed extensive business interests in the Free State town of Quindaro and the former proslavery town of Atchison.²⁷

Unless slavery arrived with the first settlers, it probably would never be established. For this reason, control of the first territorial legislature was essential to advance the goals of proslavery ideologues and politicians. President Franklin Pierce appointed Andrew H. Reeder from Pennsylvania as the first territorial governor. Reeder arrived at Fort Leavenworth on October 7, 1854, where he established the governor’s office or capital. He moved the office to Shawnee Mission on November 24, 1854, and then to Pawnee (near Fort Riley). Reeder convened the first territorial legislature at Pawnee on July 1, but the legislature decided to return the capital to Shawnee Mission. The territorial capital finally was located in Lecompton (on the

Kansas River between the Free State towns of Lawrence and Topeka) on August 8, 1855. Lecompton remained the official capital until Kansas was admitted as a state in 1861.

The first territorial election was held in November 29, 1854, for a Congressional delegate from Kansas Territory. Many Missourians crossed the border to vote and elected proslavery sympathizer John Whitfield. He won with 2,238 votes, compared to 305 votes for Democrat Robert Flenniken, a friend of Gov. Reeder, and free-state candidate John A. Wakefield with 348 votes. Probably, 1,729 votes were fraudulent with only 1,114 legal ballots.²⁸

Governor Reeder was credited with coining the term, “border ruffian,” to describe the Missourians in his remarks during a visit to Pennsylvania and Washington, D.C. early in 1855. To carry out his duty to supervise a fair election, Reeder organized a census, finding 2,905 legal voters, before the residents elected a territorial legislature and adopted a law code. But Missourians again swamped the local elections in March 30, 1855, casting 6,801 votes for the first territorial legislature.²⁹ Reeder served as governor less than a year. Members of the proslavery territorial legislature signed a resolution to President Pierce asking for Reeder’s removal and he was removed July 28, 1855.³⁰

Why did Free State settlers rebel?

Outraged Free State settlers rebelled in 1855 because they believed that the fraudulently elected legislature was a “bogus” legislature without genuine authority. This belief was confirmed by the irresponsible actions of the proslavery legislature. When the proslavery representatives met at Pawnee on July 2, 1855, they promptly began to expel the out-

27 Johnson, 79-85.

28 Socolofsky, 35.

29 Zornow, 69-70.

30 Detailed information on the territorial governors and acting governors is based on Homer E. Socolofsky, *Kansas Governors* (Lawrence: University Press of Kansas, 1990), 31-78.

numbered Free State members. On July 4, 1855, John A. Wakefield was the last to be expelled. As he rose to leave, he warned, “gentlemen, this is a memorable day, and it may become even more so. Your acts will be the means of lighting the watch-fires of war in our land.” After moving the territorial capital to Shawnee Mission, the proslavery representatives approved legal codes for Kansas based on those of Missouri which protected slavery and forbid dissent. With an overwhelming majority, the proslavery measures were passed over Governor Reeder’s veto. Reeder then joined the free-state forces and his speech at the Big Springs convention September 5 referred to the possibility of bloodshed. Reeder insisted that if free-state supporters were not allowed to exercise their rights to speak and to vote against slavery, they would have to fight. This meeting formally organized a Free State party and adopted a platform.³¹

By January 1856, there were two opposing governments in Kansas Territory. This created the fundamental tension of “Bleeding Kansas,” described by Thomas H. Gladstone, an Englishman who visited Kansas as a correspondent for the *Times*, of London. He said, “the Free-State organization ... gave rise to the double governorship, double judiciary, double legislature, double militia, and in general, double claim to obedience, which has constituted so peculiar a feature in the politics of Kansas.”³²

Members of the Topeka convention drafted a constitution in late October and early November 1855 that prohibited slavery in the territory after July 4, 1857. Three successive territorial elections followed. On October 1, 1855, pro-slavery settlers reelected John Whitfield as territorial delegate to Congress. Separately, the free-state party

chose former appointed governor Reeder for their delegate. Proslavery men formed a “Law and Order party.”³³ In an election that was not contested in pro-slavery areas, Free State voters ratified the Topeka constitution on December 14, 1855. The Free State government held an election for state officers on January 15, 1856. Then the Free State legislature met in Topeka March 4, 1856 and petitioned Congress for admission as a free state.³⁴ Congress did not accept the Free State Topeka Constitution.

Early in 1856, the Pierce administration sided with the proslavery legislature. In a special message to Congress on January 24, the President denounced the Free State elected officials, the parties opposed to Kansas-Nebraska Act, and any support for colonization “to prevent the free and natural action of its inhabitants in its internal organization” regarding the question of slavery. New governor Wilson Shannon, who had been appointed by President Pierce on August 10, 1855, also had extreme Southern sympathies. Shannon served until his removal on August 18, 1856. Territorial secretary Daniel Woodson acted as governor five times including several weeks in 1856 and 1857 until he was removed April 16, 1857. Both Shannon and Woodson were staunch Democrats who were sympathetic to the plan to make Kansas a slave state.

***“Bleeding Kansas and Bleeding Summer”
(April-September, 1856)***

In a letter to the Emigrant Aid Company, dated April 2, 1855, the Company’s resident agent, Charles Robinson, asked for 200 Sharps rifles and two field guns. The executive committee ordered 100 rifles to be paid for from a separate fund in case it was necessary to deny that the Company had partici-

31 Johnson, 108.

32 The Englishman in Kansas, or Squatter Life and Border Warfare (Lincoln, NE: University of Nebraska Press, 1971 [1857]), 283-92, cited in Sheridan, Freedom's Crucible, xx.

33 Zornow, 70-71.

34 Zornow, 70-71; Johnson, 138, 143-144.

pated in any activity encouraging rebellion. The Emigrant Aid Company did not direct the Free State movement, but the executive committee members followed political developments in Kansas Territory and aided the Free State settlers. The Company recruited settlers, supported the Free State leaders, invested in mills to build settlements, and furnished arms and munitions to fight, if necessary.³⁵

Some of the violence leading up to “Bleeding Kansas” began in Douglas County. For example, proslavery settler Franklin Coleman murdered Free State settler Charles Dow on November 21, 1855, in a dispute over a land claim at Hickory Point. The so-called “Wakarusa War” began with the arrest by Sheriff Samuel Jones of Dow’s friend Jacob Branson and the rescue of Branson at Blanton’s Crossing of the Wakarusa (a tributary of the Kansas River). Sheriff Jones called the rescue by armed free-state settlers an act of rebellion and gathered a proslavery militia at Lecompton on November 29. Jones and the band of Missourians threatened the town of Lawrence, but after Governor Wilson Shannon negotiated a truce with the opposing sides on December 7, the pro-slavery militia withdrew.

To investigate the election fraud and violence, leaders of the House appointed a special committee headed by William A. Howard on March 19, 1856, to investigate the controversy in Kansas.³⁶ While the congressional Howard Committee held public hearings, the crisis erupted. When Sheriff Jones tried to arrest some Free State leaders in Lawrence in April, 1856, he was shot and wounded. In May, the District Court in Lecompton indicted the most prominent Free State leaders (Reeder, Robinson, Lane, and five others). Warrants for their arrest were

given to the U.S. Marshall who gathered a large pro-slavery force outside Lawrence and attacked. In the infamous “Sack of Lawrence” on May 21, 1856, pro-slavery forces burned the fortified Free State Hotel, which had been financed by the Emigrant Aid Company, destroyed the offices of the Herald of Freedom and the Kansas Free State, the most influential Free State newspapers, and burned the house of Charles Robinson.³⁷ One historian described this time as “the lowest ebb in the fortunes of the Free State movement . . . The whole force of the national administration was arrayed against the Free State party and its friends.”³⁸

Meanwhile in Washington, D.C., Senator Charles Sumner delivered a major speech, “The Crime Against Kansas.” He stood in support of the Free State constitution on May 19-20, 1856 and answered or denied every charge brought against the Emigrant Aid Company. Sumner argued that the charge of rebellion was only a pretext for a worse crime—the subjugation of Kansas. The lengthy debate over the proposed Free State constitution and the admission of Kansas as a Free State unified the antislavery legislators who consolidated as Republicans. Just two days after Sumner’s famous speech, the sectional debate led to violence in Congress. In denouncing the crime against Kansas, Senator Sumner offended Representative Preston Brooks of South Carolina by personally insulting his relative, Senator Andrew Butler. On May 22, Representative Brooks attacked Sumner on the floor of the Senate with his walking stick. Because Sumner was unable to get up, Brooks beat him unconscious at his desk. With the nation-wide protest against these events, several different groups came together to make the Republican Party a new force in national politics. As one historian insist-

35 Johnson, 124-126, 132.

36 Johnson, 147-149.

37 Zornow, 73.

38 Johnson, 159.

ed, “two shocking events in May—the ‘sack of Lawrence,’ an attack by proslavery Missourians on the most important free-soil settlement of Kansas, and the savage beating of an antislavery senator, Charles Sumner, by a Southern congressman—dramatically personalized the Slave Power for Northerners as a barbaric force that threatened all decent values of civilized behavior.”³⁹

In Kansas Territory, another incident intensified the violence. On May 24, John Brown, four of his sons and two other men went to Pottawatomie Creek and murdered five proslavery men. Although Brown never admitted or denied direct involvement in the massacre, he said that it was carried out to revenge the six free-state settlers murdered in the previous months and “to cause a restraining fear.”⁴⁰ Brown had arrived heavily armed in October, 1855. He was determined to stop the spread of slavery to the new territory and, ultimately, to end American slavery. A few days later, Captain Henry Pate, who set out to capture Brown, was himself taken prisoner by Brown in the “Battle of Black Jack” near present-day Baldwin City, Douglas County. This event on June 2 was the first open skirmish between Free State and proslavery forces in the Kansas conflict. Although the number of fighters involved and casualties were relatively small, the violence in “Bleeding Kansas,” judged by its impetus toward civil war, was more important than violent incidents on a larger scale in other parts of the country.⁴¹

The political tension was heightened with several major setbacks for the free-state opposition on the Missouri-Kansas border and at Lawrence and Topeka. Proslavery forces blockaded the Missouri River and vir-

tually cut off the main trade and travel route for Free State settlers. Missourians intercepted freight and tampered with the mail between Kansas City and Lawrence. From June through October 1856, all Emigrant Aid Society freight and practically all supplies sent by the various Eastern relief organizations were sent overland from Iowa City at the end of the railroad, across the Missouri River at Nebraska City, and then south to Kansas Territory. When the elected Free State legislature tried to convene at Constitution Hall in Topeka, acting Governor Woodson issued a proclamation forbidding the meeting and Colonel Edwin Sumner led five companies of dragoons into the streets to enforce his edict. On July 4, the Federal troops aimed their cannon and threatened to use bayonets to break up the meeting.⁴² The Free State legislators dispersed without bloodshed.

In August Free State settlers took the offensive by attacking four proslavery fortified positions in Douglas County—Franklin, Fort Saunders, the Georgia Fort, and Fort Titus. Meanwhile, Governor Shannon resigned and the acting governor Daniel Woodson proclaimed on August 25 that the territory was “in a state of open insurrection and rebellion,” and called upon all law-abiding and civil and military officers “to aid and assist by all means in their power in putting down the insurrectionists.”⁴³ The proslavery leader, Senator David Atchison assembled a large force of Missourians on August 30 and marched into Kansas. Some of the Missourians, led by John Reed and Reverend Martin White, attacked Osawatimie, killed John Brown’s son Frederick, drove off John Brown and a small band of defenders, and

39 Barney, 76.

40 Territorial Kansas Heritage Alliance Guide, compiled by Karl Gridley, "John Brown of Kansas, 1855-1859," (Lawrence, KS: Territorial Kansas Heritage Alliance, 2000), 5.

41 As historian Samuel Johnson concluded, "bleeding Kansas" drove a "wedge between the sections that could only be extricated on the greater and more sanguinary battlefields of the great Civil War," 181.

42 Johnson, 193; Daniel Wilder, *The Annals of Kansas* (Topeka, KS: T. Dwight Thatcher [sic], Kansas Publishing House, 1886), 127-128.

43 Johnson, 203.

burned all but a few houses in the free-state settlement.⁴⁴ Early in September, James Lane and a free-state band threatened Lecompton while Senator Atchison and his proslavery force threatened Lawrence.

After John W. Geary was appointed territorial governor in September 1856, he disbanded the militia, and with federal troops brought relative calm to the territory. Governor Geary issued two proclamations on September 13. He ordered all armed forces to disband and ordered all adult male citizens to enroll themselves for militia duty. These actions broke up the opposing guerrilla bands and restored civil order.⁴⁵ Geary tried to act with strict neutrality; he clashed with the proslavery legislature which met in January 1857. For example, Geary vetoed a bill providing for an election of delegates to the Lecompton constitutional convention. He believed that popular sovereignty required a referendum on any constitution before it was submitted to Congress. Incoming President James Buchanan dismissed Geary on March 20, 1857 because the new President insisted that Kansas must become a slave state.

After September 1856, Free State settlers were relatively secure in the northern part of Kansas Territory, but proslavery settlers still dominated the southern part particularly along the Missouri-Kansas border. They held on to the advantage gained by first settlement and control of the county seats. When the federal land office and federal court were located at Fort Scott in 1857, proslavery Democrats were appointed to these important positions. Beginning in the spring of 1857, there was a large Free State migration into this area. While the migration was peaceful at first, the Free State settlers began to expel proslavery men in disputes over land claims that had been abandoned

because of the previous fighting in 1856. By the summer of 1858, Free State settlers dominated in both Linn and Bourbon Counties.

Violence broke out again in the territory in 1858, mainly in the southern Kansas counties along the Missouri border where Free State settlers were dispersed among proslavery settlers. One of the proslavery leaders who had been driven out of Kansas in the fall of 1857, Charles Hamilton, returned seeking revenge. In the "Marais des Cygnes Massacre" May 19, 1858, Hamilton's band killed five free-state settlers. There were several other violent incidents in southeast Kansas that year along the Missouri border. Underlying the slavery controversy, violence was incited by the problem of questionable land titles because the existing Indian claims were not settled until after the Civil War.

James Montgomery was one of the abolitionists who led the Free State men who drove out many of the proslavery settlers in southeast Kansas Territory. His violence was not restrained by more conservative Free State settlers because of the feeling of retaliation for earlier violence in 1856. Earlier raids in Bourbon and Linn counties were led by George W. Clarke, who became the register of the Fort Scott land office and was accused of favoring proslavery claimants. Clarke finally was removed in August, 1858. At the same time, the federal troops did not enforce warrants against Free State men because many officers were sympathetic to the anti-slavery cause. John Brown also caused trouble during the period from June 16, 1858, to about February 1, 1859. Brown organized a military company and conducted a raid into Missouri to liberate slaves. According to Augustus Wattle, who questioned the raid into Missouri, Brown replied, "I have considered the matter well. You will have no more inroads from Mo. The poor people of

44 Zornow, 75; Wilder, 133.

45 Zornow, 74-75; Johnson, 203, 231.

Kansas have suffered enough. My heart bleeds for them. I now see it my duty to draw the scene of excitement to some other point of the country.”⁴⁶ With those words, John Brown left Kansas and went on to the Harpers Ferry raid and national notoriety.

Governors, Elections, and Constitutions

Although the violence in Kansas Territory subsided, the turbulent politics continued. A new territorial secretary, Frederick P. Stanton, who arrived on April 15, 1857, served as acting governor until May 27 when Governor Robert J. Walker arrived in Kansas Territory. After Stanton was dismissed by President Buchanan on December 21, 1857, he joined the Free State party and remained in Kansas for some years.

In the fall of 1857, a second constitutional convention held by proslavery supporters met at Lecompton. Free State settlers decided to participate in the next territorial election held October 5-6, 1857. The free-state candidate for Congress won. Governor Walker rejected fraudulent votes from two districts along the Missouri border which gave the Free State men a majority in the territorial legislature for the first time.

Even so, the Lecompton Constitutional Convention that concluded its session on October 28, 1857, was dominated by proslavery settlers. These representatives called for a referendum on December 21 to vote for a constitution with or without slavery, but not on the Lecompton Constitution itself. The Lecompton Constitution protected slavery by submitting it to a vote asking residents to vote for the “constitution with slavery” or for the “constitution with no slavery.” In his effort to be even-handed, Walker deviated from President Buchanan’s

single-minded support for the Lecompton Constitution and so he resigned in November 16, 1857. Since the referendum held December 21, 1857, protected slaves already in the territory, Free State settlers refused to participate.⁴⁷

In opposition, the Free State settlers called a special session of the new territorial legislature which set another referendum on January 4, 1858, to vote for the acceptance or rejection of the Lecompton Constitution. In the first referendum, there were 6,226 votes for the pro-slavery constitution; in the second election, there were 10,226 votes against it. Although the Free State settlers boycotted the first referendum and proslavery settlers avoided the second election, the actual majority opinion was evident. President Buchanan refused to accept the people’s decision, however, and sent the Lecompton Constitution to Congress on February 2, 1858, urging its approval.⁴⁸

The President asked James W. Denver, who was touring Kansas as Commissioner of Indian Affairs, to serve as acting governor on December 21, 1857, and he was appointed governor on May 12, 1858. Although Denver supported the Lecompton constitution and also vetoed several acts of the free-state legislature, he acted as an effective mediator between the two factions in the territory. Denver resigned on October 10, 1858, to return to his post as Indian Commissioner.

While the Lecompton Constitution was being debated in Congress, some Free State legislators called another constitutional convention at a new town called Minneola in Franklin County on March 23, 1858. But this convention quickly moved to Leavenworth and framed a constitution that

46 This summary is based on G. Murlin Welch, *Border Warfare in Southeastern Kansas, 1856-1859* (Pleasanton, KS: Linn County Publishing Company, Linn County Historical Society, 1977), 229-238. Wattles' testimony recalling Brown's remark is from the *Lawrence Republican* February 23, 1859. Cited in Welch, 237.

47 G. Raymond Gaeddert, *The Birth of Kansas* (Topeka: Kansas State Printing Plant, 1940), 27.

48 Zornow, 77-78.

could oppose the Lecompton version if Congress approved it. Although the Leavenworth constitution was ratified in a vote on May 18, 1858, proslavery men refused to participate in the election and Congress rejected it. Instead, Congress ordered that the Lecompton Constitution again be submitted to a vote of the people in Kansas Territory and, three months later, the proslavery constitution was finally defeated by six to one in the August 2, 1858 election.⁴⁹

When the fourth territorial legislature met at Lecompton on January 3, 1859, for the first time a majority of the delegates were free-state men and they voted to move the session to Lawrence. This group repealed the offensive laws passed by the earlier “bogus” legislature and passed an act calling for the Wyandotte Constitutional Convention. Although Governor Samuel Medary vetoed the call for a convention, the legislature overrode his veto and the convention was scheduled.⁵⁰

To prepare for the constitutional convention, Kansas Democrats held a party convention at Tecumseh (just east of Topeka) on May 11. They adopted a conciliatory platform accepting the future of Kansas as a free state. The Republican Party convention met in Osawatomie on May 18-19, 1859. The delegates denounced the Supreme Court Dred Scott decision, opposed the extension of slavery to free soil, and asked the Wyandotte Constitutional Convention to prohibit slavery. Once established in Kansas, the Republican Party soon included the members of the old Free State party.⁵¹

For the first time, Democrats, Republicans, and Free State delegates met together at the Wyandotte Constitutional Convention begin-

ning on July 5, 1859. In crafting a Free State constitution, the delegates borrowed from several sources, including the earlier Topeka and Leavenworth territorial constitutions along with the Ohio state constitution of 1850.⁵² The Wyandotte Constitution was approved by a vote of 10,421 to 5,530 on October 4, 1859. In the first election of state officials on December 1, the Republicans won an overwhelming majority in the new legislature and also elected the representative to Congress.⁵³ Kansas joined the Union as a free state on January 29, 1861.

Civil War Kansas

When outgoing President James Buchanan signed the statehood bill for Kansas on January 29, 1861, there were only ten towns with populations over 500 inhabitants. At this time, Leavenworth was the only point in direct telegraphic contact with the East. Because of the serious drought that lasted from autumn, 1859 to the spring of 1861, 30,000 settlers had returned to the East. Kansans had received more than \$1 million in relief aid by early 1861. Over time, the distinctive cultural landscape of Kansas was shaped by the continuing struggle to adapt to the harshly variable climate of the Great Plains. As one historian pointed out, “a more poverty-stricken state than Kansas

49 Gaeddert, 28.

50 After Governor James Denver resigned in 1858, Huger Walsh, territorial secretary, acted as governor for brief periods in 1858-1860. Walsh supported the proslavery policies of President Buchanan. He was dismissed as secretary June 16, 1860. Samuel Medary succeeded him as governor from December 18, 1858 to December 17, 1860; George Beebe followed from September 11, 1860 until February 9, 1861, when Charles Robinson became the state's first governor. For the Free State legislature's actions, see Gaeddert, 16-17.

51 Gaeddert, 13-16.

52 Gaeddert, 44.

53 Zornow, 86.

probably never entered the Union.”⁵⁴

Within a few months after the outbreak of war in April, 1861, radical abolitionists James Montgomery and Charles Jennison carried the violence characteristic of “Bleeding Kansas” to western Missouri. They raided farms and settlements across the border and returned with Negro “contrabands.” When the Union forces in Missouri were defeated at Wilson’s Creek in southwest Missouri on August 10, the setback left western Missouri vulnerable. Confederate troops advanced to Lexington and the overwhelmingly Unionist residents of Kansas feared an invasion.

In September 1861, Free State leader James Lane led a force of 1,500 men into Missouri. He sacked the town of Osceola on September 23, reportedly in retaliation for a raid on Humboldt, Kansas, September 8. Raiding continued back and forth across the Missouri-Kansas border. A Confederate cavalry force burned Humboldt on October 14 and later there were raids into Linn County. William Quantrill and his Confederate guerillas hit the hamlet of Aubrey in Johnson County, Kansas, on March 7, 1862. Meanwhile, Jennison’s “Jayhawkers” continued to raid western Missouri in late 1861 and early 1862. One of the main results of the raids of Lane and Jennison was “to turn many of the Unionists and neutralists in the border counties into Confederates.”⁵⁵

In the summer of 1862, Lane began recruiting two regiments of African American troops to help defend the state and carry the war into Missouri, Arkansas, and Indian Territory. By this time, there were thousands of Unionist Indian refugees from Indian Territory in the southern part of Kansas. Two regiments were recruited from among

these displaced people. In these units, men of three racial groups joined to defend the Union. By the fall of 1862, antislavery sentiment was so intense in Kansas that a correspondent of the *New York Times* declared that all Kansans were abolitionists. While the border warfare continued in Kansas and Missouri, the Union military leaders determined to limit offensive campaigns in the West and fight only a holding strategy. The generals believed that the Confederacy had to be defeated in the East and that only victory there would end the war.⁵⁶

In May 1863, the *Lawrence Journal* reported that all the border counties from the Kaw to Fort Scott were nearly depopulated. Governor Thomas Carney organized a new regiment, the 15th Kansas, to provide for defense of the border. Union General Thomas Ewing, who was trying to defend Missouri and Kansas with far too few troops, issued Order No. 10 which required families with Confederate sympathies to remove from his district in western Missouri.⁵⁷

Out of this conflict came the most dramatic and widely publicized disaster of the Civil War in Kansas—Quantrill’s raid and the Lawrence massacre. To avenge the Jayhawker raids in Missouri, the Confederate guerillas led by William Quantrill organized to attack the town of Lawrence which had long symbolized Kansas and abolitionism. Residents of Lawrence enjoyed a false sense of security because they believed that guerillas would not attack the “free state fortress.” The people of Lawrence depended on home guard companies for their defense, but Mayor George Collamore stored the weapons for the guards in a central armory which was not accessible.⁵⁸ Quantrill assembled a force of approximately 450 men, the largest guerrilla

54 Albert Castel, *Civil War Kansas: Reaping the Whirlwind* rev. ed. (Lawrence: University Press of Kansas, 1997), see 1-15, the quotation is from 13.

55 Castel, 59, 63, quotation from 61.

56 Castel, 91, 96-98.

57 Castel, 116, 120-122.

58 Castel, 125-127, 136-140. See also Richard Cordley, *The Lawrence Massacre by a Band of Missouri Ruffians Under Quantrell*, August 21, 1863. N.p., n.d.

force under one command during the border warfare. Early in the morning of August 21, these guerrillas raided the sleeping town of Lawrence, looted and burned the buildings in the center of town, and killed more than 200 men and boys.

Just days after the terrible “Lawrence Massacre” on August 25, General Ewing issued the infamous Order No. 11 which required “the people residing in Jackson, Cass, and Bates counties and that part of Vernon County within the District of the Border, except those living within one mile of Independence, Hickman Mills, Pleasant Hill, Harrisonville, and Kansas City” to leave their homes by September 9, 1863. As Order No. 11 was carried out, the loss of a supporting population forced the Confederate guerillas to scatter and retreat further into the interior of Missouri.⁵⁹

Many miles south of Lawrence in the southeast corner of Kansas, the Union army established an outpost at Baxter Springs, Kansas to protect the line of communications between Fort Scott and Fort Gibson in Indian Territory. Near this post on October 6, 1863, Quantrill’s band surprised and killed more than seventy of General James Blunt’s escort. Although Blunt survived, he was relieved of his command for allowing his men to be surprised.⁶⁰

While still capable of this vicious incident, Quantrill and the other Confederate guerillas were on the run from their refuge in the Missouri border counties. In September 1864, General Sterling Price invaded Missouri in one final push for the Confederate cause. This army was repulsed at the battle of Westport, Missouri, on October 23, and then General Pleasanton’s cavalry routed the retreating Confederates at

Mine Creek, Kansas, on October 25.⁶¹ With this final defeat, the threat to Kansas receded until the Confederate surrender at Appomattox finally ended the Civil War.

Despite the destruction and death caused by Quantrill’s raid on Lawrence and the many other incidents of border warfare, Kansas as a state prospered economically during the Civil War. The U.S. government maintained a strong demand for agricultural produce, cattle, mules, and horses from Kansas. Supplying the military in the West became the major business in wartime Kansas. Leavenworth boomed as the center of over-land trade.

Refugees, white, black, and Indian, flooded into the state. At the same time, the white settlers of Kansas continued the campaign to acquire land set aside as Indian reservations by means of treaties with particular tribes, purchase from individuals, legal suits, and outright fraud. This land hunger came from the agricultural boom, but even more from the land speculation prompted by the construction and proposed construction of railroads. Construction of the Union Pacific Railroad, Eastern Division, began near Wyandotte, Kansas, on September 7, 1863. This railroad finally reached Lawrence on November 26, 1864.⁶² The railroad connection made emigration to Kansas even easier and thousands of new settlers poured into the state after the war’s end.

59 Castel, 142, 152.

60 Castel, 158-161.

61 Castel, 184, 194-197.

62 Castel, 203-222.

Chronology—Kansas and the West

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| 1803 Louisiana Purchase | 1855 March 30, election for territorial legislature. |
| 1804-1806 Lewis and Clark exploration expedition. | July 1, proslavery “bogus” legislature met at Pawnee. |
| 1819-1820 Stephen Long’s exploring expedition. | July 6, “bogus” legislature moved capital to Shawnee Mission. |
| 1820 Missouri Compromise prohibited slavery north of 36 degrees, 30 minutes latitude. | August 8, Lecompton made territorial capital. |
| 1821 William Becknell established Santa Fe Trail. | December 15, Free State Topeka Constitution prohibiting slavery ratified in election. |
| 1825 June, first treaties with Kansa and Osage Indians to make land west of Missouri available for removal of eastern Indians | 1856 May 10, Free-state governor Charles Robinson arrested. |
| 1829 Delaware Indians given reservation north of Kansas River. | May 21, “Sack of Lawrence.” |
| 1830 Congress passed Indian Removal Act | May 22, Senator Charles Sumner from Massachusetts beaten. |
| 1834 Shawnee Indians from Ohio moved to land south of Kansas River. | May 24, John Brown led Pottawatomie Creek massacre. |
| 1842-1843 Colonel John C. Fremont led exploration expeditions through Kansas River valley. | June 2, Battle of Black Jack, Douglas County. |
| 1841-1869 Oregon Trail—California Road migration. | July 4, Free State Topeka Legislature dispersed by federal troops. |
| 1850 Compromise of 1850. Pacific Railroad surveys. | November 4, Democrat James Buchanan defeated John C. Fremont, the Republican Party’s first presidential candidate. |
| 1854 May 26, The Kansas-Nebraska Act first introduced by Senator Stephen Douglas finally passed. New England Emigrant Aid Company organized. | 1857 March 6, Supreme Court Dred Scott decision denies Congressional right to prohibit slavery in territories. |
| November 29, first election in Kansas Territory to elect delegate to Congress. ⁶³ | August 24, financial panic begins with failure of New York banks. |

63 For more detail on Territorial Kansas events, see <http://www.territorialkansasonline.org>

	October 19, proslavery constitutional convention drafts Lecompton Constitution. October 5-6, Free State settlers win majority in election for territorial legislature.		December 20, temporary State Capital in Topeka occupied.
	December 21, Proslavery Lecompton Constitution approved without Free State participation.	1864	November 27, Kansas Pacific Railroad reaches Lawrence.
1858	January 4, Lecompton Constitution defeated in second election.	1865	Construction began on the University of Kansas, Lawrence.
	May 18, Free State Leavenworth Constitution ratified.	1869	Transcontinental railroad completed
	May 19, Marais des Cygnes Massacre, Linn County, five killed and five wounded.	1870	Union Pacific Railroad spanned Kansas. East wing of present State Capital occupied.
	August 2, Lecompton Constitution rejected in a third election.		
1859	July 5 Wyandotte Convention convened, drafted constitution prohibiting slavery.		
	October 4, Wyandotte Constitution ratified by nearly 2 to 1 vote.		
	December 1, Abraham Lincoln visited Kansas.		
	December 2, John Brown hanged for treason at Charlestown, Virginia.		
1860	February 12, Kansas statehood bill introduced into U.S. House of Representatives.		
1861	January 29, Kansas becomes 34th state. March 26, first state legislature convened at Topeka.		
	April 12, Secessionist troops fire on Fort Sumter, South Carolina.		
1863	August 21, Quantrill's raid on Lawrence, about 200 men and boys killed.		

The Enduring Struggle for Freedom

A lasting ideal of freedom and equality was articulated and forcefully defended in the making of a free state in Kansas Territory. As early as 1855, the disputed Free State Topeka Constitution said, “there shall be no slavery in this state.” Enacted by and for white males, the ideal of freedom was not universal in 1856 and not without contradictions. Kansans are generally proud of their New England roots and the state’s founding ideals of freedom and equality. Yet many settlers came to Kansas from southern and Midwestern states with economic livelihood foremost on their minds. The tension created between the idealism of the state’s early history and the reality of underlying economic and political concerns made Kansas history exceptional—especially, when unfulfilled ideals of freedom and equality stimulated activism. This Free State heritage, which was born of conflict and violence in “Bleeding Kansas,” represents an unbroken theme of hope and achievement in Kansas history. During the “Bleeding Kansas” period, the struggle for freedom became an ideal grasped by women, African Americans, Native Americans, and immigrants to legitimize their own struggle.

Women and the Struggle for Freedom

Citizens of the new state showed plenty of interest in matters besides the territorial conflict over freedom and slavery. For example, debate continued about the political status of women. Nationwide, some observers hoped that the effort in Kansas would be an example to the rest of the nation. The ideal of freedom was expressed by the 1859 state constitution in laws which protected women’s property rights, equal guardianship of children, and women’s right to vote in school district elections. In 1861 the state

legislature passed laws for the relief and protection of widows.⁶⁴

In the spirit of equality which defined the state’s effort to remain free of slavery, members of the Kansas legislature chose to celebrate “opportunism over racism” and proposed constitutional amendments granting the vote to African Americans and women. But the final outcome paralleled the national choice made during Reconstruction. These innovative suffrage measures were defeated in a general election, perhaps because both measures were linked. The disruption of a joint African American and woman suffrage movement in 1867 created a woman suffrage movement in Kansas independent of the campaign for equal rights for African Americans.⁶⁵ But the ideal of civil rights was important in making Kansas a state and those who came to the state seeking these rights worked to secure them. By 1887 women won the right to vote in municipal elections and to hold offices. In that year, the *New York Times* called the state “the great experimental ground of the nation.” Kansas was an acknowledged leader with the first state coed university, the first state-wide woman suffrage campaign, the first constitutional prohibition amendment, and the first municipal woman suffrage law.⁶⁶

Others seeking freedom and tolerance in Kansas during the 1870s and 1880s included ethnic and religious groups such as Swedes, Volga Germans, French, Mennonites, Jews, and Mexicans. The influx exemplified the Kansas image as a setting for acceptance and tolerance; a place where ideals were translated into reality.⁶⁷ These new residents brought different cultural traditions and formed cohesive communities which have enriched Kansas history.

64 Craig Miner, *Kansas: The History of the Sunflower State, 1854-2000* (Lawrence, KS: University Press of Kansas, 2002), 125-126.

65 Miner, 165.

66 Michael Goldberg, "Non-Partisan and all-Partisan: Rethinking Woman Suffrage and Party Politics in Gilded Age Kansas," *Kansas and the West: New Perspectives*, edited by Rita Napier, (Lawrence, KS: University Press of Kansas, 2003), 202.

67 Miner, *Kansas*, 129.

African American Struggle for Freedom

For African Americans in particular, Kansas offered the hope of independence and equality. African Americans played an important role in the Civil War which ultimately led to the abolition of slavery. Two Negro regiments and one artillery battery were raised in Kansas and served along with white troops. Many of these recruits fled to Kansas from slavery in Missouri to serve in the Union Army. Some also came with the Indians in the "Great Escape" to Kansas of 1861-62 led by Opothleyahola, and were soldiers in the Indian Home Guard regiments that, together with the Kansas Colored regiments, helped to liberate Indian Territory. Later, African Americans served as Buffalo Soldiers and cow hands. African Americans worked to further their civil rights as early as 1863. At the first Kansas State Colored Convention, they demanded an end to racial discrimination.

Like other groups, African Americans established their own churches, social and political organizations, and took advantage of educational opportunities. Through the most difficult of segregated times, the African American families built their own communities and built churches, formed Masonic lodges, and women's clubs. African Americans established their own newspapers and engaged in politics.⁶⁸ For example, Freeman University, a school for African American children, was established at Quindaro, Wyandotte County, in 1862. Later known as Stanley Industrial Hall, this important educational institution became Western University in 1899.

A critical constitutional change associated with the enduring struggle for freedom came at the end of the Civil War. The passage of the 13th, 14th and 15th amendments to the

United States Constitution abolished slavery (1865), provided citizenship to all persons born or naturalized in the United States (1868), and gave African American men the right to vote (1869). However, the national intent to enforce voting rights and equality in accommodation failed to overcome Southern white resistance after Reconstruction ended in 1877. African Americans in the South lacked the numbers or power to win elections on their own.

As the South began to adjust to an economy without slave labor, most African Americans became sharecroppers instead of landowners. African Americans understood that land ownership provided the economic foundation for political and social independence, yet most were unable to secure acreage for their families. Some of them, called Exodusters, began to seek the "promised land" in Kansas in the 1870s. African Americans came to Kansas believing that the state had a connection to their emancipation. Many Kansas leaders acknowledged the oppressive situation in the South and welcomed these migrants in the Free State tradition.⁶⁹

There were two main Exoduster migrations, one associated with African American leaders such as Henry Adams and Benjamin "Pap" Singleton who helped found Nicodemus in 1876 in Graham County. Two other small African American colonies formed in other parts of the state. Another wave came in 1879 when about 7000 African Americans from the South reached the city of Topeka. They were encouraged by Governor John St. John, who held the ideological position that anyone was invited into the state as long as they obeyed the laws and joined in the efforts to make the state great. Those who remembered the Kansas ideals of freedom and equality could not deny their humanitarian needs, and under St.

68 William M. Tuttle, "Separate But Not Equal: African Americans and the 100-year Struggle for Equality," in *Embattled Lawrence: Conflict and Community*, Dennis Domer and Barbara Watkins, eds. (Lawrence, KS: University of Kansas Continuing Education, 2001), 142.

69 Tuttle, "Separate But Not Equal," 151.

John's leadership, the Kansas Freedman's Relief Association helped find employment for the migrants.⁷⁰

Men like Singleton, Adams and St. John, joined those like Charles Henry Langston who worked to improve the lives of African Americans in Kansas. Langston moved to Leavenworth, Kansas from Ohio where he had worked for suffrage causes. He organized schools for runaway slaves and became an agent for freedmen who came to Missouri and Kansas. Charles Langston moved to the Lawrence vicinity in 1868 and returned to Ohio in 1869 to marry Mary Patterson Leary, widow of Lewis Sheridan Leary who had been killed in John Brown's Harpers Ferry raid. Langston and his wife moved to Lawrence in 1878 and bought a part interest in a grocery store. Charles Langston worked to assist African Americans within the Republican party; he was one of four black electors to cast votes for President Ulysses S. Grant in 1872.

Early in the twentieth century, the child Langston Hughes, came to live in Lawrence, Kansas, in 1902.⁷¹ He lived in Lawrence until 1915. Hughes' literary talent was nurtured by his grandmother, Mary Leary Langston, who worked to insulate him from the Jim Crow atmosphere of the time. She taught her grandson her ideal that all people should have access to full human rights. As a notable African American writer and poet, Hughes integrated this theme into his writing.⁷²

African Americans who came to Kansas served their state. In 1882 E.P. McCabe was the first African American elected as state auditor, but most African American men and women remained hidden within a white world.⁷³ African Americans in Kansas had diverse backgrounds in education, profes-

sion, and skills as did other Kansans. Two of the wealthiest African Americans in the state in the 1890s were farmers who belonged to the Kaw Valley Potato Growers Association.⁷⁴ Some owned their own businesses, which served mainly other African Americans; others were skilled tradesmen, teachers, and lawyers.⁷⁵ Many who came to Kansas endured difficult working and living conditions, but others succeeded in creating a life only dreamed of in the South.

The Kansas ideal of freedom and equality reappeared in the egalitarian politics of the Populist movement during the last decade of the nineteenth century. As Kansans faced hard economic times, the fiery Populist orators argued that political reform of the government could improve society. When the populist movement faded, the ideals did not disappear, especially for women's rights. In 1912 the Kansas legislature granted women the right to vote—eight years before the 19th Amendment was passed. At the time, a Kansas City observer commented, "Kansas is again up to its old tricks upsetting precedents."⁷⁶

For African Americans, equality suffered when the US Supreme Court declared the Civil Rights Act of 1875 unconstitutional. It had guaranteed to all persons full and equal enjoyment of inns, public conveyances and public places of amusement. Segregation in housing differed little from segregation in schools. In 1879, the Kansas legislature enacted a law which shaped the course of permissible segregation for the next seventy-five years. It allowed first class cities with a population over 15,000 to provide separate schools based on race. The U. S. Supreme Court ruled in 1896 that states had the right to establish separate but equal facilities based on race in the *Plessy v. Ferguson* case. The gap between promise and fulfillment

70 Paul E. Wilson, *A Time to Lose: Representing Kansas in Brown v. Board of Education* (Lawrence, KS: University Press of Kansas, 1995), 46. The Nicodemus town site is now a National Historic Landmark operated by the National Park Service. See <http://www.nps.gov/nico>. See also Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (Lawrence, KS: University Press of Kansas, (1986).

71 Mark Scott, "Langston Hughes of Kansas," *Kansas History* 1 (Spring 1980), 3-25.

72 For Langston Hughes in Kansas, see Arnold Rampersad, *The Life of Langston Hughes Volume 1*. (New York: Oxford University Press, 1986).

73 Miner, *Kansas*, 254.

grew into a great divide and there were no more attempts to implement national civil rights legislation until 1957.

The Kansas Supreme Court upheld segregation in schools as constitutional in 1900. By 1909 the state provided the means to eliminate any remaining barriers to school segregation. For smaller second or third class cities, however, a vestige of equality in education existed because schools were prohibited from segregation even though there might be separate and equal facilities available.⁷⁷ By the 1920s, the practice of segregation in Kansas was similar to the rest of the United States. The historic ideal of equality and freedom was inhibited by the pervasive viewpoint that segregation was acceptable. The Kansas Supreme Court upheld school board authority to discriminate again in 1930 and this would not be challenged again until the *Brown v. Topeka Board of Education* in 1951.⁷⁸

With racism a fact of life, violence sometimes punctuated its presence and occasionally in lynching perpetrated by mob mentality. In Lawrence, Kansas, the center of the Free State movement prior to the Civil War, for example, three men were hanged in 1882 for reputedly killing a white man.⁷⁹ Racial violence in the nation escalated in 1919 and the early 1920s and spiked in extreme examples such as the Tulsa Race Riot of 1921. Violence resulted in the death of hundreds of African Americans, and raised concerns about issues of race, poverty, civil rights violations, and discrimination in hiring. Despite concerns about the causes of such violence, civil rights advocates were unable to change existing patterns.

For example, in 1937, the Kansas legislature passed a law against discrimination in employment which acknowledged the problem, but the law was widely ignored except for employment by or on behalf of the state itself.⁸⁰ The legislature tried again in 1941 to address employment discrimination in private industry, but again, the law was little used given the difficulty of enforcement.

For African Americans, progress seemed small, but the steps were important. The University of Kansas at Lawrence accepted its first African American woman in 1876 and continued an open admissions policy. For this reason, students came to Kansas from other states which had Jim Crow universities, such as Oklahoma, Missouri and Arkansas. In the late nineteenth century, the University of Kansas was somewhat integrated outside of classes. For example, all students had athletic privileges and all could eat at the student restaurant. From about 1910 to 1930, however, African American students at the University of Kansas generally were excluded from social activities for whites and at times were relegated to the back of classrooms.⁸¹

77 Mary L. Dudziak, "The Limits of Good Faith: Desegregation in Topeka, Kansas, 1950-1956, *Kansas and the West: New Perspectives*, edited by Rita Napier, (Lawrence, KS: University Press of Kansas, 2003), 348. Also see Miner, Kansas, 256.

78 Miner, Kansas, 257.

79 Tuttle, "Separate But Not Equal," 142. See also Clare V. McKanna, Jr.'s, "Black Enclaves of Violence: Race and Homicide in Great Plains Cities, 1890-1920, *Great Plains Quarterly*, 23 (Summer 2003), 147-160. McKanna noted that minority disputes, guns, and alcohol particularly contributed to the deaths of black men during this period.

80 Joseph P. Doherty, *Civil Rights in Kansas: Past, Present and Future* (Topeka, KS: State of Kansas Commission on Civil Rights, July 1972), 11.

81 Kristine M. McKusker, "The Forgotten Years" of America's Civil Rights Movement, *Wartime Protests at the University of Kansas, 1939-1945*, "Embattled Lawrence: Conflict and Community, Dennis Domer and Barbara Watkins eds. (Lawrence, KS: University of Kansas Continuing Education, 2001), 183-184.

This period in Kansas history was marked by raw and painful segregation. The town of Lawrence, a symbol for the struggle for freedom during the era of "Bleeding Kansas," hosted a statewide conference for the Ku Klux Klan in 1924. Yet Kansas was the first state to legally oust the Klan in 1925.⁸² Kansans were not sheltered from feeling the hypocrisy between its founding vision and its segregationist reality, however. The University of Kansas' policies were publicized when a KU student wrote about them in an NAACP periodical. W.E.B. DuBois wrote to Chancellor Ernest Lindley in protest, but Lindley responded that he could do nothing to change the University's racial policies. In 1938 the School of Medicine, University of Kansas, admitted an African American student, mainly through the efforts of Governor Walter A. Huxman.⁸³ Students began the process of change at the main Lawrence campus. In 1942 a branch of the NAACP was formed and by 1943, a racially inclusive All Student Council was established.

Nationally, the United States increased production in the defense industries prior to its entry into World War II. President Roosevelt established the Fair Employment Practices Committee in 1941 by executive order to implement a federal policy of nondiscrimination in the defense industries or in governmental positions.⁸⁴

Students at KU protested against the exclusion of African Americans from the Big Six track meets and by 1948, a Congress of Racial Equality chapter was in place and its members conducted sit-ins. After students began returning from World War II, young KU professors who were committed to racial equality and religious tolerance organized the Lawrence League for the Practice of

Democracy. Finally in 1950, a new chancellor, Franklin Murphy, used his position to help integrate the university and Lawrence business establishments such as movie theaters. When Wilt Chamberlain, a basketball super-star, attended KU, he helped to desegregate restaurants and barber shops.⁸⁵

The forces for change were stirring, however, and Kansas would be reminded again that its visionary past was relevant in the present. President Harry Truman issued Executive Order 9981 in 1948 declaring that there was to be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin. Also in 1948, the United Nations adopted a universal declaration of human rights.

During the late 1940s, the Kansas Clearing House on Civil Rights brought the issue of discrimination in employment before the legislature. In 1949 the governor directed the Kansas Commission Against Employment Discrimination to investigate and report its findings to the governor and Legislative Council in 1950. The Commission found that discrimination in hiring did exist based on race. By 1951, the first anti-discrimination law was introduced in the legislature but it did not pass. Although Kansas in 1953 became the twelfth state to enact fair employment legislation, eight years passed before the state had the authority to enforce it.⁸⁶

There may be no more important event for racial desegregation than the landmark case, *Brown. v. Topeka Board of Education*. The U. S. Supreme Court decision in 1954 was one of the most significant opinions ever rendered by that body and focused on Kansas. Although the case was a consolidation of cases from several states, the

82 Patrick G. O'Brien, "I Want Everyone to Know the Shame of the State": Henry J. Allen Confronts the Ku Klux Klan, 1921-1923," *Kansas History* 19 (Summer 1996), 111.

83 Nancy Hulston, "Our Schools Must be Open to all Classes of Citizens": The Desegregation of the University of Kansas School of Medicine, 1938, *Kansas History* 19 (Summer 1996), 89-97. According to historian Willard R. Johnson, at least two African American students were admitted even earlier, but they did not graduate from the University of Kansas.

84 Doherty, 12.

85 Miner, 346.

86 Doherty, 16.

NAACP concentrated on Kansas because of its unusual history. Kansas was different, as Paul Wilson, the lawyer who defended the state, has suggested. Kansas had antislavery origins; it was admitted as a free state; it had limited application of separate but equal facilities. Because of the substantial equality of school facilities, this free-state heritage restricted debate to issues that could be avoided in other cases.⁸⁷

This case was initiated by members of the local NAACP chapter in Topeka. Thirteen parents volunteered. In the summer of 1950, they took their children to schools in their neighborhoods and attempted to enroll them for the upcoming school year. All were refused admission. The children were forced to attend one of the four schools in the city for African Americans. For most this involved traveling some distance from their homes. These parents filed suit against the Topeka Board of Education on behalf of their twenty children. Oliver Brown, a black Topeka minister, was the first parent listed in the suit, so the case came to be named after him. Three local lawyers, Charles Bledsoe, Charles Scott and John Scott, were assisted by Robert Carter and Jack Greenberg of the NAACP Legal Defense and Educational Fund, Inc.⁸⁸

Ironically, the case heard in Kansas at the district court level was heard by former governor Walter Huxman. The court's decision, written by Huxman, was designed to put the United States Supreme Court on the spot over segregation. Judge Huxman later noted that "if it hadn't been for *Plessy v. Ferguson* (separate but equal) we surely would have found the law [for separate but equal] unconstitutional. But there was no way around it –

the Supreme Court had to overrule itself."⁸⁹ This landmark decision demonstrated the Supreme Court's role in affecting changes in national and social policy. Yet, the case only highlighted the changes needed, not just in schools but in the segregation that continued in other parts of daily life. Those neighborhood schools in Topeka, Sumner and Monroe, now are recognized as a National Historic Landmark managed by the National Park Service. The site will be dedicated in 2004.

Mexican American Struggle for Freedom

As people of color, Mexican Americans living in Kansas experienced discrimination similar to African Americans. Until the 1950s, in virtually every Kansas town and city, Mexicans and Mexican Americans were segregated in movie theaters and were often restricted from sections of city parks, churches, and other public facilities.⁹⁰

Civil Rights in Kansas

The decade of the 1960s was a period of unrest, as those who upheld the founding ideals of freedom and equality in Kansas worked toward the goal of integration. Social change was enacted at the local level. As one historian has pointed out, the sixties were a national phenomenon created locally, and communities in Kansas played their part. Following a period of parochial conservatism, activists in Lawrence called on the "John Brown legacy, which was born of violence in Bleeding Kansas." The civil rights movement of sit-ins, walk-outs, protests, and even violence shattered the complacency of small town Kansas and the movement attracted many, especially the young, to join the struggle for freedom and equality.⁹¹ For

87 Wilson, 25.

88 <http://www.nps.gov/brvb/pages/brown.htm>, referenced October 2, 2003.

89 Richard Kluger, *Simple Justice* (New York, NY: First Vintage Books Edition, 1977), 424.

90 Rita Napier, *Kansas and the West: New Perspectives* (Lawrence, KS: University Press of Kansas, 2003), 30.

91 Monhollon, Rusty L. "Lawrence, Kansas, and the Making of the Sixties," *Embattled Lawrence: Conflict and Community*, Dennis Domer and Barbara Watkins, eds. (Lawrence, KS: University of Kansas Continuing Education, 2001), 210.

example, civil rights and anti-segregation protests in Lawrence included picketing of the local swimming pool, open to whites, but not to African Americans. The city council created a Lawrence Human Relations Commission to look at fair housing issues in 1961, and the council eventually enacted a Fair Housing Ordinance in 1967.

The tension between ideal and reality made Kansas history unique. In a history of civil rights in Kansas, the author noted in 1972 that “race is a major problem in American today and a simplistic attempt to solve that problem by pretending to overlook it is no response to the difficulty at all.”⁹² He expressed an ideal which Kansans had not ignored; a call that would have been familiar to John Brown, Charles Henry Langston and thousands of others who took action to ensure that freedom and equality were not just words. Just as Free State settlers believed, as women suffragettes, the Populists, and civil rights activists believed, the civil rights activist of the 1960s believed that the reform of society could not only improve the lives of all people, but lead Kansas and the rest of the nation to racial justice and equality.

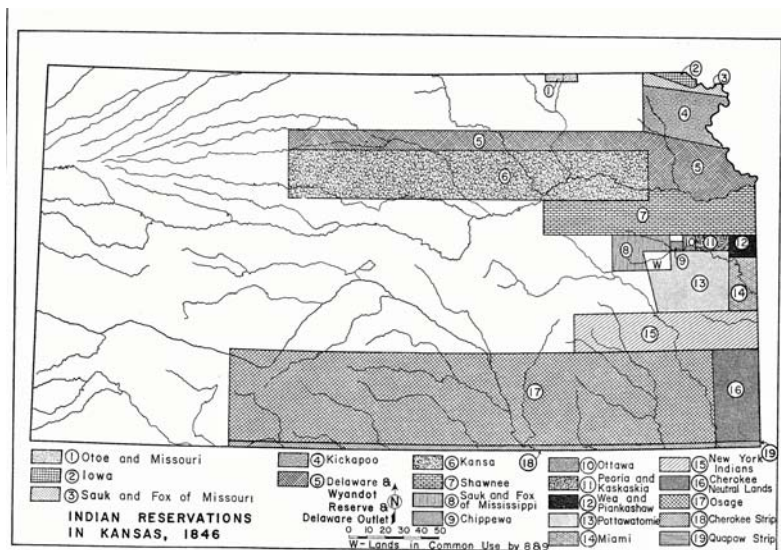
Native American Struggle for Freedom

Long before Kansas became a state, it was home to several Native American peoples, each with distinct cultural traditions. In 1803 President Thomas Jefferson first proposed the idea that land could be held in “reserve” for

Indian tribes. Later, President Andrew Jackson pushed for the Indian Removal Act which provided for the exchange of Indian lands in the East for land in present-day Kansas, Nebraska, and Oklahoma. Removal required that the indigenous Kansa and Osage tribes give up much of their land to make way for eastern tribes. Between 1825 and 1843, more than twenty-five tribes signed treaties accepting land in Kansas. Before European-American settlement then, Kansas became a “solution to the Indian problem” in the eastern states.⁹³ By 1854, Kansas was home to thousands of Indian emigrants.⁹⁴ (See Figure 2-5, Indian Reservations in Kansas, 1846.) The history of Native Americans in Kansas Territory demonstrated their enduring struggle for freedom.

The Civil War presented serious difficulties for Native Americans. In the southern part of Kansas and in Indian Territory, several tribes had strong ties to the South, and some tribal members owned slaves. Three tribes with land claims in Kansas—the Quapaw,

Figure 2-5, Indian Reservations in Kansas, 1846



92 Doherty, 19.

93 Miner, 33. See also Suzette McCord-Rogers, "To Have and Have Not: The Vanishing Lands of Native America," *Kansas Heritage* 4 (Summer 1996), 5; Doherty, 7.

94 Joseph B. Herring, *The Enduring Indians of Kansas* (Lawrence, KS: University Press of Kansas, 1990), 27.

Osage, and Cherokee—signed treaties with the Confederacy. The Quapaw occupied the Quapaw strip, a small area in present-day Cherokee County. The Confederacy failed to help the tribe as promised and most Quapaws deserted the reserve. They either joined the Union army or became refugees in present-day Coffey County.⁹⁵

The Osage had welcomed both antislavery and proslavery whites to live among them although slavery was rare among the Osage. In 1861 nearly all the Osages in southeastern Kansas lived in villages along the Neosho and Verdigris Rivers. An Osage mission established in 1846 served as the tribal social center. When approached by Confederate representatives, the Osage believed that they could get more support than they received from the U.S. government and they signed a treaty with the CSA in December 1861. To block the use of the Osage reserve, the Osage people were officially removed to Indian Territory in 1863, but part of the reserve remained in Osage hands until white settlers rushed in after the Civil War. The 1863 treaty negotiations in Kansas between the Creek Indian refugees and the U.S. agents provided for freedom and land to the former slaves and to “all others of the African race who shall be permitted to settle among them.”⁹⁶ These provisions and earlier promises made by Opothleyahola became a basis for the post-Civil War acquisition by freedmen of citizenship rights among the Creeks, Cherokee and other so-called Five Civilized Tribes in Indian Territory.⁹⁷

The Cherokee and Creek nations, especially, were divided on the issue of slavery. Full-bloods tended to be antislavery; those who had intermarried with whites tended to support slavery and many owned slaves. Most of the Cherokee reserve was located in

Indian Territory, but a northern portion was located in Bourbon, Crawford, and Cherokee Counties in Kansas. The principal tribal chief, John Ross, wished to avoid commitment to either side, but the Confederacy claimed their land and ordered a Confederate Cherokee regiment to take up positions in the Kansas “Neutral Lands.” Ross signed a treaty with the Confederacy in 1861, but in 1862 he revoked an agreement to sell the Neutral Lands to the Confederacy. The Cherokees remained divided in their loyalties.⁹⁸ Although the Confederacy claimed the southern part of Kansas, the rebels could not maintain military control, especially without political support from the tribes.

Native Americans tried to escape the violence of the Civil War in Indian Territory. Those who supported the Confederacy moved south and those who opposed it fled to Kansas. After John Ross signed the treaty with the Confederacy in the first week of October 1861, Opothleyahola, a long-time opponent of the pro-slavery tribal leaders, led his followers to Kansas. These refugees included Creek opponents of the proslavery faction, Seminoles who hoped to avoid the war, and hundreds of African Americans—many of whom were runaway slaves. Confederate forces pursued and attacked this band, estimated at between 3,500 and 7,000 refugees, at Round Mounds on November 19, Bird Creek on December 9, and Shoal Creek on December 26. In the last attack, the refugees were routed. The survivors fled without most of their possessions and suffered a bitter winter of exposure and starvation in Kansas. This episode in 1861-1862 has been called the “Trails of Blood on Ice.”

Many of the men who survived joined the Union’s First Indian Home Guard and the Second Kansas Colored Regiment. As shown in the 1865 state census, the subse-

95 Gary L. Cheatham, "Within the Limits of the Southern Confederacy: The C.S.A.'s Interest in the Quapaw, Osage, and Cherokee Tribal Lands of Kansas," *Kansas History* 26 (Autumn 2003), 175-176.

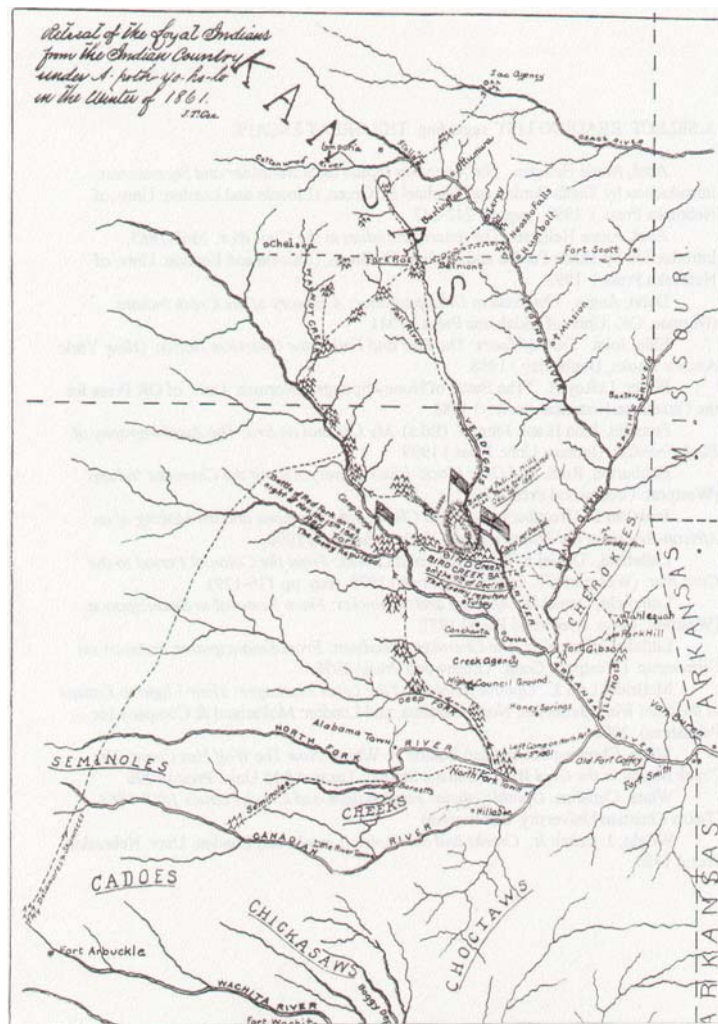
96 Daniel F. Littlefield, *Africans and Creeks* (New York, NY: Greenwood Publishing, 1980), 239.

97 The Osage Mission was located at what is now St. Paul, Kansas. Cheatham, 177-180.

98 Cheatham, 182.

quent experience of these Native and African Americans was largely shared—they lived, socialized, and worshiped together in several communities of the state. A number of pioneer Native American and African American families traced their ancestry to the survivors who made it to the area near Humboldt, Neosho Falls, and LeRoy, Kansas.⁹⁹ (See Figure 2-6, Opothelayahola's Escape, Trails of Blood on Ice.)

Figure 2-6, Opothelayahola's Escape, Trails of Blood on Ice



Kansas after the end of the Civil War in 1865 was a place of conflicting old and new social orders. Violence and abuse characterized the removal of Native Americans from Kansas. But even though European Americans wanted them removed from the path of commerce, most whites did not approve of unwarranted mistreatment. Except for small reservations that exist today in Jackson and Brown Counties, most of the Native Americans in Kansas were forced once again to move. Indian Kansas disappeared.

After 1865 the competition between settler organizations and railroad officials for control of tribal lands intensified. Indian rings, which were loose coalitions formed to acquire large land tracts included Washington bureaucrats, congressmen, businessmen, army officers, Indian agents, and even tribal “chiefs” who joined forces to dispossess Native Americans.¹⁰⁰ While most missionaries helped and protected Native Americans, some did not. Legitimate chiefs who tried to protect their tribes were replaced by leaders who were more amenable to white wishes. Cultural persistence was an important issue of freedom for Native Americans when faced with the forces of “civilization.” The adoption of the reservation system as national policy meant that one tribe after another left their Kansas homes.

Trouble for the Osage began when the government acquired four million acres from them in 1865. They sold their land in 1867 to railroad interests and their lands were settled by whites. By 1870, the Osage began to move to Indian Territory. In the case of the Kansa, lands were overrun by squatters, land speculators, and railroad promoters. By the time the Civil War was over, it was clear that the tribe would be forced to leave Kansas.

99 Willard R. Johnson, "Tracing Trails of Blood on Ice: Commemorating The Great Escape in 1861-62 of Indians and Blacks into Kansas," *Negro History Bulletin* (Jan.-Dec. 2001), 6. This article was found at <http://www.weyanoke.org/hc-trails.html>. Pagination is based on this source.

They made their final trek to Kay County, Oklahoma, in 1873.¹⁰¹ Other tribes began emigrating there after the Civil War – Delawares, Ottawas, and Sac and Foxes. Where there were over 10,000 Native Americans at the beginning of the Civil War, by 1875, fewer than one thousand remained – the Prairie Band of Potawatomis, Kickapoos and a band of Iowa and Missouri Sacs and Foxes.

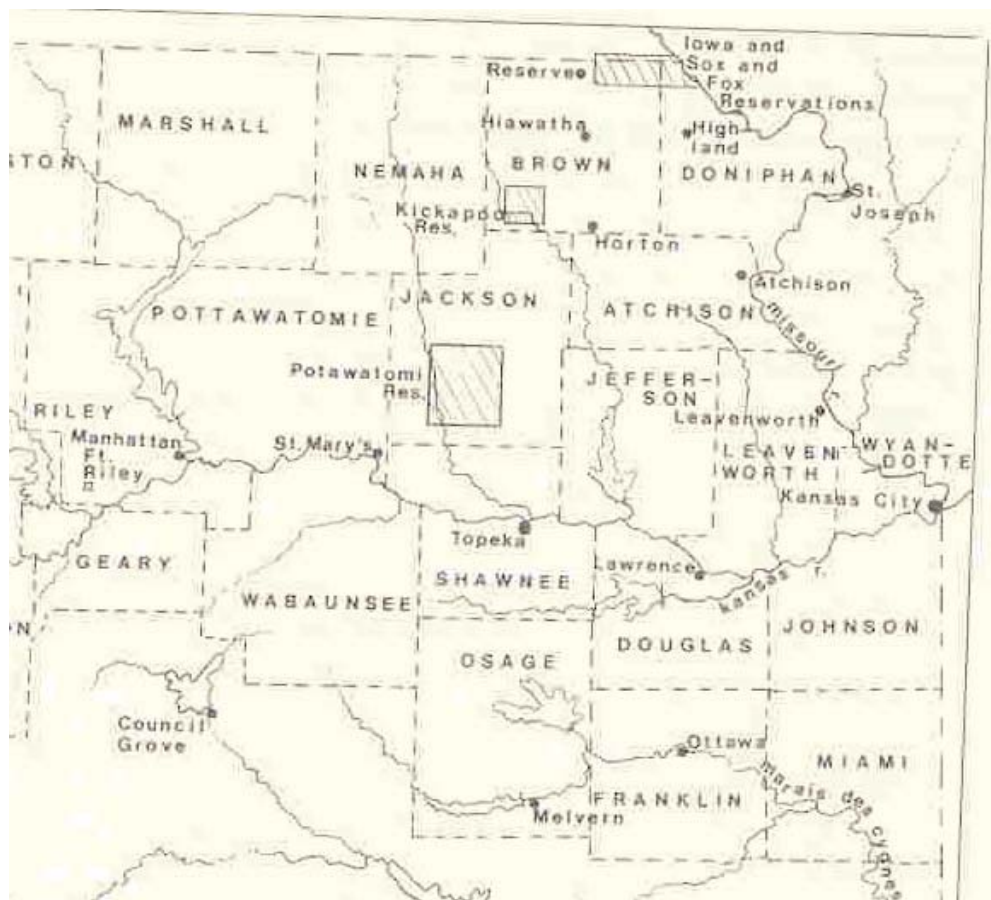
The resistance of the Pottawatomie, Kickapoo and Sac and Fox to removal was a struggle for cultural persistence despite white efforts to end their way of life. During the late nineteenth century,

Wahquahboshkuk, the Pottawatomie leader, helped the tribe resist formal education, Christianity, and the allotment of their reservation into individual family farms – the major provisions of the federal civilization program. Led by Wahquahboshkuk, the Prairie Pottawatomie held together as a cohesive group despite the efforts to undermine their solidarity.¹⁰² In the 1870s, Kenekuk, a prophet for the Kickapoo, helped the tribe resist allotment and remained unified. The Chippewas and Munsees retained their Kansas homes, but gave up their Indian identity in the process. The Iowas and the Missouri Sacs and Foxes followed a successful strategy of peaceful coexistence with

their often hostile white neighbors and were able to secure tribal lands in the northern corner of the state. Only those tribes whose identity was so important to them that they were not tempted by offers of money, railroads, power in the tribe, or other blandishments could resist white expansion.¹⁰³ (See Figure 2-7, Present-day Indian Reservations in Kansas.)

By 1871 Native Americans were deemed wards of the government, a colonized people. By the early 1880s, many in the United States were calling for an overhaul of Indian

Figure 2-7, Present-day Indian Reservations in Kansas



101 H. Craig Miner and William E. Unrau, *The End of Indian Kansas: A Study of Cultural Revolution, 1854-1871* (Lawrence, KS: The Regents Press of Kansas, 1978), 102.

102 Hering, 10. While Pottawatomie is commonly used, the Prairie Band of Kansas prefers an alternate spelling, Potawatomi.

103 Miner and Unrau, 139

policy. With most tribes already subjugated, the publicly exposed scandals exposed the entire Indian system as ineffectual and graft ridden bureaucracy. The press wrote stories about the plight of Indian starvation, removal from homelands, and the shaky moral principles that had caused such conditions. Policy change was necessary, but that brought the argument that Indians needed not only be saved from the white man, but they needed to be saved from themselves.¹⁰⁴

In 1887, the General Allotment, or Dawes Act, was passed. This provided that small parcels of land would be “allotted” to Native Americans which would break up the tribal connections, force Indians to work the land and end the dependency that had been created by the reservation system. Without communally held property, Native Americans would become, in theory, self-reliant individuals. Once every member of a tribe had received an allotment, any surplus lands could be sold which would reduce Native American’s holdings to almost nothing

With a common school education, Native Americans could be moved more quickly into the white world, and relieve the government of responsibility of feeding and clothing them, if they had the know-how to do so.¹⁰⁵ Schooling reinforced the allotment system. Schooling would take away the Native languages and teach children to respect private property and accumulate wealth. Schooling would also teach them Christianity, an ethical code which insisted that the individual was responsible for both his economic and spiritual self.¹⁰⁶ The model established by the U.S. government for Native American schooling was Carlisle Indian School, Pennsylvania, which opened in 1879 as a boarding school. Native American children, as a result, were taken

from their homes.

After the Carlisle plan was adopted, four more schools were opened including the Indian Industrial Training School in 1884 in Lawrence, Kansas. Within ten years, this school offered training beyond the standard eight-year program of most boarding schools and was regarded as one of the select schools in the Indian school system. Later known as Haskell Institute, Haskell was also one of the most intertribal, with children sent to Lawrence from reservations and communities in the Midwest, Southwest and from Oklahoma. In the 1920s, Federal officials forced Kickapoo, Pottawatomie, Iowa, and Sac children to attend Haskell Institute or Genoa School in Nebraska. By 1927 Haskell had an accredited secondary curriculum and began offering post secondary courses.¹⁰⁷

Regardless of its prestige, the purpose of Haskell and other schools was to carry out a concerted effort to turn Native American students into “Americans.” But students were not necessarily passive victims. Some did accommodate, some were selective about what they accepted, and others actively resisted.¹⁰⁸ Assimilation remained a federal goal and Native Americans were granted U.S. citizenship in 1927.¹⁰⁹ Throughout the twentieth century, the Indians of Kansas continued to fight for the right to worship freely and to secure an adequate living in Kansas.

During the Depression, most Native Americans faced severe hardship that forced them to leave homes to work in cities near their reservations such as Topeka, Kansas, St. Joseph or Kansas City, Missouri, although they remained on the tribal census rolls. In 1934 the Indian Reorganization Act eliminated allotments and overturned the Dawes Act. Although this legislation helped

104 David Wallace Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* (Lawrence, KS: University Press of Kansas, 1995), 7-8.

105 Adams, 19.

106 Adams, 23.

107 Brenda J. Child, *Boarding School Seasons* (Lincoln, NE: University of Nebraska Press, 2000), 7; Hering, 156.

108 One of the most visible Native Americans in the early twentieth century was Kansan Charles Curtis. In 1906 he was the first Native American elected to the Senate; he eventually became Vice President of the United States during President Herbert Hoover's administration from 1929 to 1933.

109 Hering, 157-8.

reorganize some of the Kansas Indians' tribal councils and provided some federal loans, conditions of poverty for most Native Americans had not improved by 1945.

The boarding school experience did not eradicate traditional cultures and even facilitated cultural persistence in a number of ways.¹¹⁰ The policy of assimilation instead created a pan-Indian identity that encouraged Native peoples to work together for political and cultural self-determination. Some boarding school graduates used their educations to become prominent tribal leaders who reinvigorated Indian political sovereignty and strengthened traditional cultures on both a local and national level.¹¹¹

From 1954 to 1960, a new government policy, termination, was implemented. Supporters argued that the long standing relationship between American Indians and the federal government must be severed because that dependent relationship had delayed the adjustment of Indians to American life. In Kansas, the Pottawatomie, Kickapoo, Sac and Iowa protested because they understood from long years of experience that they would lose more of their lands if required to pay taxes. The Pottawatomie hired attorneys in 1953 to defend their interests. Tribal members argued their point of view in Washington, D.C. Facing this opposition, termination was not implemented in Kansas.

States became worried about the loss of federal funds and Congress lost interest. Termination remained official policy, however, until the 1960s. In 1965, as the African American civil rights movement achieved national prominence, self-determination for Native Americans became federal policy. By 1968, the American Indian Civil Rights Act

and the Tribal Self-Determination Act were passed. Finally in 1975, the Indian Self-Determination and Education Act of 1975 provided for Indian participation in administering service programs, Indian control of reservation schools, and additional federal funds to promote the economic development of their reservations.¹¹²

Changes in national policy and in the Native American struggle for freedom were demonstrated in the example of Haskell Indian University. One significant success in the study area was transformation of this boarding school intended to strip Native American children of their culture to a university that celebrates Native American culture. In 1884, twenty-two American Indian children entered the doors of a new school in Lawrence, Kansas to begin an educational program that focused on agricultural education in grades one through five. The doors to Haskell officially opened under the name of the United States Indian Industrial Training School. Enrollment quickly increased from its original 22 to over 400 students within one semester's time. The early trades for boys included tailoring, wagon making, blacksmithing, harness making, painting, shoe making, and farming. Girls studied cooking, sewing and home-making. Most of the students' food was produced on the Haskell farm, and students were expected to participate in various production duties.

Ten years passed before the school expanded its academic training beyond the elementary grades. A "normal school" was added because teachers were needed in the students' home communities. In 1895 a commercial department (the predecessor of the business department) opened. By 1927, high school classes were accredited by the state of Kansas, and Haskell began offering post

110 Julie Davis, "American Indian Boarding School Experiences," OAH Historians Magazine of History 15 (Winter 2001), 5. This is a on-line web reprint of the article and is nine pages. The web address is

<http://www.oah.org/pubs/magazine/deseg/davis.html#Anchor-American>. Referenced 10/6/03.

111 Child, 99-100.

112 Hering 162-63.

high school courses in a variety of areas.

Part of Haskell's attraction was its success in athletics. Haskell football teams in the early 1900s to the 1930s are legendary. Athletics remain a high priority to Haskell students and alumni. Today, Haskell is the home of the American Indian Athletic Hall of Fame. Industrial training became an important part of the curriculum in the early 1930s, and the last high school class graduated in 1965. Haskell began offering a junior college curriculum in 1979 and became Haskell Indian Nations University in 1993. From a manual training school, the institution has become a university with a diverse student body representing many of the federally recognized tribes from all over the United States.

While setbacks and problems continue, Native Americans in Kansas are seeking their own freedom in a state that has idealized the concept, yet has struggled with reaching those ideals. Native Americans, like African Americans, have managed to survive by finding the political and cultural means to achieve those ideals through persistence and action.¹¹³

