

Shared Stories of the Civil War Reader's Theater Project

Wyandotte Constitutional Convention, 1859

Much can and has been written about the political origins of Kansas Territory and the resulting violence that was Bleeding Kansas. In retrospect, we know that when the Missouri Compromise's prohibition on slavery in the northern portion of the Louisiana Purchase Territory was repealed by the Kansas-Nebraska Act of May 1854, and the principle of popular sovereignty put in its place, conflict was virtually guaranteed. Settlers themselves, not the U.S. Congress, were to decide the slave question—specifically, the enabling act providing that the territory of Kansas “shall be received into the union with or without slavery, as their constitution may prescribe at the time of their admission.” Proslavery and antislavery partisans fought it over the barrels of guns and at the ballot box, and the process of “constitution making” took up an inordinate amount of time during the era.

Please Note: Regional historians have reviewed the source materials used, the script, and the list of citations for accuracy.



Wyandotte Constitutional Convention, 1859 is part of the Shared Stories of the Civil War Reader's Theater project, a partnership between the **Freedom's Frontier National Heritage Area** and the **Kansas Humanities Council**.



FFNHA is a partnership of 41 counties in eastern Kansas and western Missouri dedicated to connecting the stories of settlement, the Border War and the Enduring Struggle for Freedom in this area. KHC is a non-profit organization promoting understanding of the history and ideas that shape our lives and strengthen our sense of community.

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Introduction

Instructions: The facilitator can either read the entire introduction out loud or summarize key points.

This introduction is intended to provide context to the reader's theater script, it is not a comprehensive look at the Wyandotte Constitutional Convention.

Much can and has been written about the political origins of Kansas Territory and the resulting violence that was Bleeding Kansas. In retrospect, we know that when the Missouri Compromise's prohibition on slavery in the northern portion of the Louisiana Purchase Territory was repealed by the Kansas-Nebraska Act of May 1854, and the principle of popular sovereignty put in its place, conflict was virtually guaranteed. Settlers themselves, not the U.S. Congress, were to decide the slave question—specifically, the enabling act providing that the territory of Kansas “shall be received into the union with or without slavery, as their constitution may prescribe at the time of their admission.” Proslavery and antislavery partisans fought it over the barrels of guns and at the ballot box, and the process of “constitution making” took up an inordinate amount of time during the era.

The first of four such efforts was initiated by free-state partisans who, by the summer of 1855, had labeled the legally recognized government of the territory “bogus.” The freestaters' belief that this Missouri dominated government was illegitimate, led to establishment of the so-called Topeka movement, a shadow government that adopted its own constitution and elected its own legislature. First, freestaters gathered in convention at Lawrence on August 14 and Big Spring on September 5, and delegates assembled at Topeka on October 23, 1855, to draft a constitution. The document was approved on December 15 by a vote of 1,731 to 46 (the proslavery--"Law and Order"--party did not participate; balloting occurred just a week after the end of the so-called “Wakarusa War”). The Topeka Constitution prohibited slavery, but the convention offered the voters a separate resolution to exclude “Negroes and Mulattoes”—this “exclusionary clause” carried 1,287 to 453. It also limited suffrage to white males and “every civilized male Indian who has adopted the habits of the white man.” Although Congress rejected this constitution and request for admission as a state, the “Topeka Movement” remained active for another three years, and the constitution was the focus of much heated congressional debate throughout the tumultuous year of 1856.¹

During the course of the Kansas troubles, the year 1857 proved pivotal for the territory and the nation. In addition to the U.S. Supreme Court's *Dred Scott Decision*, the controversy surrounding the Lecompton Constitution, Kansas's second attempt to draft a founding document, was dominant. The convention was authorized by the proslavery territorial legislature. It met at Lecompton in the fall of the year, and in December submitted a document to the voters. But the vote was to be on a special slavery article only: in other words, “for the constitution with slavery” or “for the constitution without slavery.” Because a vote “for the constitution without slavery” meant Kansans could keep the slaves they already owned, freestaters refused to participate, and the “constitution with slavery” won 6,226 to 569. Months of controversy followed, featuring a bitter debate that split the national Democratic Party.²

In the meantime, however, Kansans elected a new free-state legislature on October 5, 1857, ultimately defeated the Lecompton Constitution at the polls, and wrote and ratified a second, free-state constitution—the Leavenworth Constitution. Delegates for the territory's third constitutional convention were elected on March 9 and assembled in Leavenworth on March 25, 1858. Although similar to the Topeka Constitution, the Leavenworth document was more radical. The word "white" did not appear in this proposed constitution, and it would not have excluded free "Negroes and mulattoes" from the state. The Leavenworth Constitution was ratified on May 18, 1858. But serious efforts on its behalf ended with the defeat of the Lecompton document in August.³

The fourth convention, which is the focus of this Readers Theater, was drafted during the month of July 1859, ratified by a two to one vote of the Kansas electorate at the polls in October, and forwarded to Washington, D.C., for congressional approval. The House of Representatives acted first, easily passing a bill for Kansas admission in the spring of 1860. Southern interests dominated in the Senate, however, and the admission bill was referred to committee and finally carried over to the next session. Within the year, following the election of Abraham Lincoln, Southern states began to leave the Union and opposition to Kansas admission decreased. The senators from Mississippi, Alabama, and Florida left their seats on January 21, 1861. Later that same day, the Senate passed the Kansas bill. A week later the House passed the bill as amended and the president signed it into law on January 29, 1861. The battle for Kansas—political and martial—was finally over. But the conflict, which for the past six years had caused the shedding of Kansas blood, now engulfed an entire nation.

Group Discussion Questions

Instructions: The facilitator should pose one or more of these questions in advance of the reading of the script. At the conclusion of the reading, participants will return to the questions for consideration.

1. How do we explain and/or understand mid-nineteenth century attitudes that justified the existence of slavery?
2. In a representative democracy, what is the role of elected officials? Should they mirror the opinions of their constituents? Or, do elected officials make policy decisions that, in their best judgment, are best for the entire state or country?
3. Is it ever justifiable for an elected official to compromise on matters that are, at their core, issues that involve basic morality, like human rights, suffrage, etc?

Script

Instructions: Each part will be read out loud by an assigned reader. Readers should stand and speak into a microphone when it's their turn. The source of the quote should also be read out loud (this is the information bolded beneath each quote).

NARRATOR: *With the free-state faction firmly in control of Kansas, the territorial legislature of 1859 approved a fourth and final constitutional convention, and in early June delegates were elected to gather in the town of Wyandotte on July 5. Thirty-five Republicans and seventeen Democrats were chosen to attend the convention—the first time partisan delegates to a Kansas convention carried these now familiar party labels. The fifty-two delegates represented twenty-three districts, but a majority was from five counties (ten of the seventeen Democrats were from Leavenworth County). Their average age was thirty-five: the convention's oldest delegate was fifty-five; the youngest, Ohio-born Benjamin F. Simpson, was twenty-three years old. Simpson was one of eighteen lawyers among the convention delegates—there were also sixteen farmers, eight merchants, three manufacturers, three physicians, a mechanic, a land agent, a printer, and a surveyor. Four of the delegates were foreign born, with the rest hailing from the New England states and New York (sixteen), or Ohio (fourteen), Indiana, Pennsylvania, and Kentucky. Seven of the seventeen Democratic delegates—the “proslavery” men—were from Ohio; the rest were from Kentucky, Indiana, Pennsylvania, New York, Virginia, and Germany; and one, Leavenworth’s Samuel A. Stinson, from Maine.⁴*

These were the “founding fathers” of Kansas. With very few exceptions, however, the delegates were not among the territory’s most notable Republican or Democratic leaders, and only a handful managed to leave a lasting historical legacy, except for their contribution to the document —A founding document drafted in a large room on the top floor of an unfinished four-story brick building near the banks of the Missouri River on the infant city’s proposed levee.

READER 1: *Why should the Constitution-makers have met at Wyandotte? Who can tell? Topeka, that political tuber, was the Mecca of our early pilgrimages; but there could not be two Topeka Constitutions. Lecompton was dead. Leavenworth had tried its hand at Constitution-making. Lawrence, the historic city, was famous for breaking, not making, organic law. . . . Wyandotte was at that time a promising, a very promising, place. Many were interested in, and few were jealous of it. . . .*

On emerging at the head of the last stair [to the fourth floor], the whole glory of Constitutional law-making burst upon me. The apartment, of unplastered brick wall, was probably twenty-five by eighty or a hundred feet in size. . . . I need hardly remark that the place was hot. The Constitution may be said to have been cooked in it. Indeed, if our organic law was not ‘done brown,’ it was not for want of an oven. . . .

The Convention could not be called a convocation of Kansas celebrities. It contained a few men since distinguished in the State and esteemed out of it; a large number of men of respectable, but mediocre ability; and a few little heard of there, and who ought never to have been heard of anywhere. . . .

William A. Phillips, 1872. ⁵

READER 2:

The Delegates . . . were an earnest and thoughtful class of men, who believed that the National Republican party would soon control the Government, and admit Kansas into the Union, and to them had been committed the task of laying deep and broad the foundation of a new political fabric, rearing the superstructure, placing the columns In such a body as this . . . there was an earnest struggle for leadership It was soon easily discerned that the leading and controlling men were [S. O.] Thacher and [Samuel A.] Kingman, on the Republican side, and [Samuel A.] Stinson and [William C.] McDowell among the Democrats. . .

Benjamin F. Simpson, 1881. ⁶

READER 3:

The younger men of the Territory constituted the Convention at Wyandotte. They came upon the field fresh, enthusiastic, and with a place in the world of thought and action to conquer. . . . They were not martyrs or reformers, as were many of those at Topeka; not jealous politicians or factionists, as were most of those at Leavenworth. . . . They had no experience in Constitution-making, and hence did not look backward. . . . A few were dogmatic, but the many were anxious to discuss, and willing to be convinced. A few were loquacious, but the majority were thinkers and workers. Some were accomplished scholars, but the majority were men of ordinary education, whose faculties had been sharpened and trained by the hard experience of an active and earnest life. Many were vigorous, direct, intelligent speakers; several were really eloquent; and a few may justly be ranked with the most versatile and brilliant men Kansas has ever numbered among her citizens.

John A. Martin, 1882. ⁷

Convention Issues: People of Color

NARRATOR: *By the summer of 1859, almost everyone assumed that Kansas was to be a free state, and the Wyandotte delegates, Republican and Democrat, easily inserted a clause **prohibiting slavery** in the Bill of Rights—it passed without discussion: forty-eight yeas, and one nay.*

READER 4: There shall be no slavery in this State, and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.

Bill of Rights, Sec. 6

NARRATOR: *In the 1850s, opposition to slavery almost never meant acceptance of equal rights — political or social. Many delegates, Republican and Democrat, supported an “exclusionary clause,” and the Democratic press claimed two-thirds of Kansans wanted a “free white state.” McDowell of Leavenworth, among others, proposed that “No negro or mulatto shall come into or settle in this State after the adoption of this Constitution.”⁸ Exclusion ultimately failed, but the constitution as ratified contained various restrictions on civil rights, which oppressed people of color and women.*

READER 5: The Constitution of the United States was formed by great and good men. The Principle of the Declaration of Independence strikes throughout that instrument and vibrates in every line. The Constitution of the United States does not, as it is assumed, fasten slavery upon any one....[James] Madison, himself a slaveholder, said in the debates of that first Constitutional Convention, ‘I do not wish to see the Constitution recognize the right of property in man.’ Madison would have blushed with shame for the slavery legislation which is advocated here. It is proposed, sir, to amend the Declaration of Independence, by inserting exceptions....and so declaring the Declaration is not true — that those rights of man are not inalienable — as though these principles were not just as true now as when Jefferson and Madison drew them up and placed them in the Constitution of the United States.

Solon O. Thacher, Republican, Lawrence.⁹

READER 1: I shall vote against the proposition of the gentleman from Douglas [S. O. Thacher], not because I do not think the negroes and mulattoes are not free and equal, but because it does not follow, that because they are free and equal, therefore the white man shall hug them to his bosom, or that white people shall be thereby compelled to admit them to all the social and political privileges of civil government. Sir, while I am unwilling to say, that the negro or mulatto is an inferior being, in any particular, I am

equally unwilling to see the society to which I belong claiming the right of indiscriminate association between white people and negroes. I am bound to so represent my constituents in this Convention, as, if possible, to keep the two races distinct, not only in blood, but also in political and social privileges.

John P. Greer, Republican, Topeka.¹⁰

READER 2: We come from Leavenworth county representing a popular sovereignty constituency, whose will is in favor of excluding negroes from the common schools of Kansas, and we don't wish to let an opportunity go by without so expressing that sentiment...

Samuel A. Stinson, Democrat, Leavenworth.¹¹

READERS 3: I intend to face the music fairly before my [Brown County] constituents, and they are not particularly a negro-loving race of people — some of them are not very strong negro haters, and I am one of that class. I deny all prejudice against the race. If I could not rise above such a feeling— ...if I could not hold my position socially and politically without such constitutional restrictions, I would just leave Kansas now and go where majorities rule. I have no hesitancy in saying that if ever a negro family should come into my neighborhood, I should immediately object to their attending school with the children of my neighbors — and I believe the neighborhood could protect itself. The law....leaves it for the people from time to time to regulate. But more than all, and beyond all, and above all, it does not say that those who choose to go to school where negroes shall not do so.

Samuel A. Kingman, Republican, Brown County.¹²

READER 4: I regard this negro question as the only question of interest that was presented in the late canvass. That the future State of Kansas should be free, was conceded by all parties in this Territory; and whilst that was conceded, it was expected that this Convention would incorporate into the Constitution an article excluding the immigration of negroes into the State. . . . It is proper for us to have a clause preventing the negroes having the benefit of our common schools. . . . Now, I promise to make this not only a free State, but a free white State. We do not propose that this State shall be the receptacle of free negroes and runaway slaves. . . . We stand upon the record as believing that God Almighty, for some high purpose, has established this inferiority of the black race, and stamped an indelible mark upon them. Between the two races there is an unfathomable gulf that cannot be bridged. . . . I propose to prevent the agitation of the question, by excluding them entirely. The black race should not be allowed to live in this Territory, as we do not propose to have slavery in the new State of Kansas.

William McDowell, Democrat, Leavenworth.¹³

READER 5:

The scheme of making Kansas a slave State is abandoned by the Democracy. But, with the true blood-thirstiness of slave-hounds, that party seeks to wreak the chagrin and mortification of its signal defeat upon the poor, helpless and unprotected race it sought to chattelize and imbrute. . . . With impotent malignity they seek to visit upon the beings they were balked in enslaving horrible revenge, as satisfaction for their defeat. No longer able to bind fetters upon the limb of the slave—no longer able to scourge and flay his back, they now seek to subject him to cruel distinctions and abhorred impositions, and thereby gratify the malice and cruelty which the system of human bondage ever inspires....

What is the proposition gentlemen submit to us? It is to insert in our Constitution a dark and forbidding feature, utterly opposed and repugnant to true Republicanism. They tell us, by implication, that unless the Constitution of a free and glorious State mar its beauty with a provision protecting the children of these gentlemen, they will mingle with and become the companions of negro children. . . .

I utterly protest against any such-feature being made part and parcel of this Constitution...

What meaning would there be in our great struggle for liberty, what lesson would it teach to the world, were we to close the fearful conflict by an act as tyrannical and unnecessary as this?

Shall Kansas, which has just come out of such an alembic of persecution and suffering, with her garments yet crimsoned with the blood of her martyred sons, and her soil yet blackened with the embers of her burned homes, frame a Constitution that does not glow and radiate in every line and syllable with the glad light of liberty and freedom to all? For the sake of the Great Father of us all, who loves purity and hates oppression, let me hope that this fundamental law of our land will be true to humanity and true to God.

Solon O. Thacher, Republican, Lawrence.¹⁴

READER 4: I came here instructed to oppose negro suffrage and negro equality—to advocate the enactment of a clause in the Constitution prohibiting negroes from emigrating to the State of Kansas, and, by whatever legislation, to discourage the negroes that are here from remaining. Hence, I voted the other day to exclude from our charitable institutions all negroes. I gave that vote . . . in furtherance of what we conceived to be the mind of our constituents—my colleague has authorized me to state that much on his behalf. And I would be untrue to what I conceive to be a duty I owe to my constituents and my own feelings, if I did not endeavor to carry out that idea.¹⁵

William McDowell, Democrat, Leavenworth.¹⁶

Convention Issues: The Right to Vote

NARRATOR: *There was some support among the male delegates for granting equal voting rights to Kansas women. The majority, however, would not accept this "radical" idea. Thus, suffrage was granted only to...*

READER 1: Every white male person, of twenty-one years and upward, belonging to either of the following classes, who shall have resided in Kansas six months next preceding any election, and in the township or ward in which he offers to vote at least thirty days, next preceding such election, shall be deemed a qualified elector: First, Citizens of the United States. Second, Persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.

Article V. –Suffrage. Section 1

NARRATOR: *In large part because of the efforts of Clarina I. H. Nichols and a few other determined Kansas women, the Wyandotte Constitution did not totally ignore women's rights. Women were allowed to participate in school district elections. Their rights to own property were protected. And the first legislature was to "provide for their equal rights in the possession of their children." On the second day of the Convention, John Ritchie of Topeka proposed "that Mrs. Nichols be heard in behalf of the ladies."¹⁶*

READER 2: We have little [or no] hope of getting a Constitutional provision of enfranchisement— Our best friends would not vote for it for fear it might defeat or embarrass the adoption of our Constitution or its admission some way. What we aim at is to prepare for getting it, thro a provision for future submission of the question by itself... Our friends will stick to our rights & compel opponents to compromise in a provision of that kind. This will carry the whole question of extended suffrage to the people and we gain time to work for universal suffrage.

Clarina Nichols to Susan B. Anthony, June 18, 1859.

READER 3: We have accomplished something practical besides creating a public sentiment perfectly irresistible by politicians. When the Convention came together our friends in the Convention & out gave no hope of our getting any thing but larger legal securities for person property & children— . . .

I have spoken by invitation before the Convention—a crowded house tho' all the democracy [Democratic Party delegates] went in a body (some 16) to Kansas City to a Circus. I wrote out & got thro' a resolution instructing the Committee on Preamble & Bill of rights to report taxation & representation inseparable. . . .

I have labored with leading men and parties & pledge[d] all them to sustain us—contending for no Constitutional distinction [on account of Sect or Sex]. . . .

I wrote & got thru a resolution instructing the Legislative Committee to report that 'the women of the State shall have an equal voice in the organization & conduct of the Common Schools of the State.' . . .

Clarina Nichols to Susan B. Anthony, July 16, 1859.

READER 4: I am still here laboring with members and outsiders—directly and indirectly as seems most politic—to advance our cause. Defeated as we are bound to be on the suffrage question—we will get better terms on legal securities. Our right to hold, acquire and defend property independent of husbands & to equal control of children during their (entire) minority is passed in a provision adopted . . . without a single 'nay.' . . .

By urgent request from all directions (members & citizens) I speak here again tomorrow evening. They say I have accomplished a great change in public sentiment. . . .

The poor colored man & Indian have been cut off by 'white'—the Convention ruling that all are white in who the white-blood preponderates!

Clarina Nichols to Susan B. Anthony, July 21, 1859.

READER 5: I hope this motion [for white male suffrage only] will not prevail. My opposition to it is on account of its arbitrary bearing upon humanity. I have seen in the disposition of questions involving human liberty here, a disposition to ignore humanity. I am in belief that it is not on account of my color that I am entitled to be here to-day. . . . I believe there is rather a principle which is common to us all— that this right should be passed upon. I would hardly claim it for myself on account of superior intelligence, yet rather would I represent the elective franchise upon this principle than upon the word ‘white.’...

I am opposed to the measure on other considerations than this. Place it upon intelligence and purity, and I say my mother, and sister, and wife is made the servant of a trembling weak-kneed Democracy or Republicanism. Who has made a speech that was more compact, and that showed more of intelligence than a lady [Mrs. Nichols] in this hall a few evenings since, and yet this Constitutional Convention, on account of prejudice, on account of usage, is willing to pursue their time-honored course, and is not willing to listen to reason and facts of humanity. I am aware this is called radicalism, fanaticism; and some would not have any more sense than to call it abolitionism.

John Ritchie, Republican, Topeka.¹⁷

NARRATOR: *On July 29, 1859, a new, free-state constitution was adopted and signed. All seventeen Democrats refused to sign. W. A. Phillips called their decision not “to sign the joint work” surprising and unprecedented — coming as it did after the minority party had “entered the Convention and fiercely engaged in the debates.” And according to John A. Martin, “refusing to sign the Constitution they had labored diligently to perfect” was the minority party’s regrettable “blunder.” The Democratic caucus was actually divided on this question: Stinson and McDowell favored signing the document; but J. P. Slough, one of their Leavenworth colleagues, and several of his allies carried the caucus by four votes and the party acted in unison. Unfortunately, but not surprisingly, this sharp, bitter partisanship carried over into the subsequent campaign for ratification of the Wyandotte Constitution.*¹⁸

READER 1: The Convention adjourned on Friday afternoon [July 29], and the Delegates from this city and county returned to their homes yesterday morning. Our people greet them with a cordial and hearty welcome. Honestly and nobly have they performed their duty.

The Democratic members refused to sign the Constitution after it was finally prepared. ... Containing the provisions it does, no Democratic member could have signed it without stultifying himself, and endorsing to a certain extent, the numerous errors and abominations the instrument contains.

. . . The majority met with determination to hatch a monster—and a monster they present, hideous in all its proportions.”

Weekly Leavenworth Herald, August 6, 1859.

READER 2: Last week we published the Wyandott Constitution but had no room for comment. We now propose from time to time as space will allow, to submit to the public such objections to it as should induce all citizens to vote against it.

The first and greatest objection is that it does not make Kansas what two-thirds of her people have desired and struggled for [that is] a *FREE WHITE STATE*. We are confident that all the Democrats of the Territory and the conservative portion of the Republicans, have been, and are, in favor of protecting ourselves against these black paupers by their total exclusion. They so voted when they had the opportunity under the Topeka Constitution.

Fort Scott Democrat, August 18, 1859.

READER 3: The Constitution will undoubtedly be adopted though I am by no means sanguine about admission under it into the Union. The democrats oppose it as a party measure, but I Estimate the Republican majority in the territory at five thousand, which gives us a sure thing.

John J. Ingalls to his father, September 4, 1859.¹⁹

READER 4 Citizens of Kansas, you are now called on to ratify or reject a Constitutional law framed at Wyandott, July 29th, 1859. The advocates of negro-equality who framed it, knowing themselves to be greatly in the minority in the Territory, by way of inducing you to ratify the Constitution, assure you that its, negro-equality features, and the swindling apportionment it contains, can be and shall be changed by the first State Legislature. . . . They are promises that are made to be broken; they have not the slightest intention of prohibiting the emigration of negroes to Kansas; they have purposely conferred on them the right of suffrage in order to induce them to come here . . . they knew the mass of people of Kansas desired the exclusion of all negroes from the future State, but they not only disregarded your wishes in permitting them to emigrate to and reside in the State, but they have conferred on negro women as well as men the right to vote and participate in all matters appertaining to schools, and have empowered the legislature to declare mulattoes and negroes entitled to vote at our elections. . . .

. . . We have no doubt that the fraudulent apportionment, and the arrangement of the boundaries, so as to cut out a large Democratic population from any right to vote on the Constitution, who, but the Organic Act, have as much a right to vote on it as the citizens of Douglas or Riley, or any other county in the Territory, is grossly anti-Republican . . .

National Democrat, Lecompton, September 15, 1859.

READER 5:

Closing Appeal. Freeman of Kansas! Before another issue of our paper reaches you, you will be called upon to decide the great question which has agitated this Territory for the last five years—the question of making Kansas a *Free State*. . . . a Free State has been our watchword and rallying cry, from the beginning. It has been the pole star directing all of our efforts—the end of our most ardent desires. It is now within our very grasp. We stand within the very vestibule of the temple of Freedom; we have only to enter.

. . . This question will *not* be settled in favor of freedom, until we are admitted as a *Free State*.

Every vote cast at the coming election against the Wyandot Constitution is a vote against a Free State, and in favor of a Slave Territory. . . .

Let us then urge upon every true Free State man, and every man who has at heart the real prosperity and progress of Kansas, to devote his time from now until the election in securing a full and overwhelming vote for the Constitution. . . .

Lawrence Republican, September 29, 1859.

NARRATOR:

*John Ingalls was right. On October 4, 1859, supporters of the free-state Wyandotte Constitution won by nearly a two to one margin: 10,421 to 5,530; almost exactly 5,000 votes. The Republican Party dominated the election for state offices that followed on December 6, but admission was delayed at the national level. A bill for Kansas admission was introduced in the U.S. House of Representatives on February 12, 1860, and within two months, the congressmen voted 134 to 73 to admit Kansas under the Wyandotte Constitution; but the admission bill languished in the Senate for nearly a year. After the November 1860 election of Abraham Lincoln, Southern states began to leave the Union and opposition to Kansas admission decreased. The senators from South Carolina were the first to withdraw from Congress; those from Mississippi, Alabama, and Florida followed. These last six senators left their seats on January 21, 1861, and later **that same day** the Senate passed the Kansas bill. A week later the House passed the bill as amended and sent it to the president for his signature. President James Buchanan signed the bill making Kansas the 34th state on January 29, 1861.*

Footnotes

¹ Several fine essays of interest here can be found in Virgil W. Dean, ed., *Territorial Kansas Reader* (Topeka: Kansas State Historical Society, 2011); for the Topeka Constitution, see D.W. Wilder, *The Annals of Kansas* (Topeka: Kansas Publishing House, 1886): 81-86, available on line at <http://www.territorialkansasonline.org/>; many of the articles in the *Reader* are at <http://www.kshs.org/index.php?url=p/kansas-history-spring-summer-2004/12422>.

² A helpful summary of the Dred Scott case is found in Richard B. Morris, *Encyclopedia of America History* (New York: Harper & Brothers, 1953), 222; see also Kenneth M. Stampp, *America in 1857: A Nation on the Brink* (New York: Oxford University Press, 1990); Robert W. Johannsen, "The Lecompton Constitutional Convention: An Analysis of its Membership," *Kansas Historical Quarterly* 23 (Autumn 1957): 225-243; Robert Stone, "Kansas Laws and Their Origins," in William E. Connelley, *History of Kansas* (Chicago: American Historical Society, 1928), 2:993, for helpful comment on all four conventions and constitutions; T. Dwight Thacher, "The Rejected Constitutions," *Kansas Historical Collections, 1883-1885* 3 (1886): 436.

³ T. Dwight Thacher, "The Leavenworth Constitutional Convention," *Kansas Historical Collections, 1883-1885* 3 (1886): 5; G. Raymond Gaeddert, *The Birth of Kansas* (Lawrence: University of Kansas Publications, 1940).

⁴ **James Hanway**, a Franklin County Republican, was born in England, but moved first to Ohio; **William McCulloch**, Morris County, Republican, was born in Scotland but moved to Kansas from Iowa; **Frederick Brown**, Leavenworth County, Democrat, was born in Germany, immigrated to Massachusetts, but came to Kansas from Indiana; **Robert Graham**, an Atchison Republican, was born in Ireland, but he was in Pennsylvania before 1830. One of the delegates, John T. Barton, an Olathe Democrat, was born in Virginia but came to Kansas Territory from Missouri in 1856.

⁵ William A. Phillips, "The Convention Which Made Kansas a Free State," *Kansas Constitution, Clippings*, 1:10, KSHS.

⁶ Benjamin F. Simpson, "The Wyandotte Constitutional Convention," *Kansas Historical Collections, 1875-1881* 1-2 (1881): 236-247.

⁷ John A. Martin, "The Wyandotte Constitutional Convention," *Kansas Magazine* 5 (March/April 1911): 24-25. Martin, who served with distinction in the Civil War, was elected governor of Kansas in 1884; this essay was first delivered as an address to a reunion of survivors on July 29, 1882.

⁸ *Kansas Constitutional Convention...Proceedings* (Topeka: Kansas State Printing Plant, 1920), 324-325.

⁹ *Kansas Constitutional Convention . . . Proceedings*, 275, 271. Thacher's comments came during debate on Section 1 of the Bill of Rights, which ultimately read, "All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness." The debate focused on how these ideas/words impacted convicted criminals and the Fugitive Slave Act. As originally introduced, this first section read: "All men are by nature equally free and independent, and have certain inalienable rights, among which are those of enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and of seeking and obtaining happiness and safety, and the right of all men to the control of their persons, exists prior to law and is inalienable."

¹⁰ *Kansas Constitutional Convention . . . Proceedings*, 273.

¹¹ *Kansas Constitutional Convention . . . Proceedings*, 175, 284. William R. Griffith (who would be state's

first superintendent of public instruction) countered, pleading that delegates allow the state legislature “to pass laws upon this subject [schools] as they shall deem necessary. I hope gentlemen will not say that our Constitution shall discriminate upon the difference between persons.”

¹² Kingman delivered these remarks during the debate over the creation of common schools. *Kansas Constitutional Convention . . . Proceedings*, 176.

¹³ *Kansas Constitutional Convention . . . Proceedings*, 178.

¹⁴ *Kansas Constitutional Convention . . . Proceedings*, 179.

¹⁵ *Kansas Constitutional Convention . . . Proceedings*, 302.

¹⁶ Excerpts from Nichols letters in Joseph G. Gambone, ed., “The Forgotten Feminist of Kansas: The Papers of Clarina I. H. Nichols, 1854-1863. III. The Papers, 1857-1863,” *Kansas Historical Quarterly* 39 (Autumn 1973): 413-422; see also Marilyn S. Blackwell and Kristen T. Oertel, *Frontier Feminist: Clarina Howard Nichols and the Politics of Motherhood* (Lawrence: University Press of Kansas, 2010), 186-194; Kristen Tegtmeier Oertel, “Clarina Irene Howard Nicholas: ‘A Large-Hearted, Brave, Faithful Woman,’” in *John Brown to Bob Dole: Movers and Shakers in Kansas History*, ed. Virgil W. Dean (Lawrence: University Press of Kansas, 2006), 56-67; *Kansas Constitutional Convention . . . Proceedings*, 30.

¹⁷ *Kansas Constitutional Convention . . . Proceedings*, 298-299.

¹⁸ William A. Phillips, “The Wyandotte Convention,” *Kansas Magazine* 1 (January 1872): 4; John A. Martin, “The Wyandotte Constitutional Convention,” *Kansas Magazine* 5 (March/April 1911): 29. According to Martin, the Republican “blunder” was the refusal “to included the South Platte country within the boundaries of Kansas.”

¹⁹ Ingalls to Father, September 4, 1859, John J. Ingalls Family Correspondence, Collection # 177, Box 1, Library and Archives Division, Kansas Historical Society. October 18, 1859, Ingalls wrote to his father again, and among other things he mentioned passage of the constitution by a good majority, despite **low voter turnout**. “People are nearly sick of elections,” he observed. “I think it will average one a month the year round.” Ingalls had not received the nomination for probate judge he had been promised, but he expected nomination to the state senate (he was right). “It is not an extremely profitable place,” wrote Ingalls, “but it puts ‘Hon’ before a man’s name, and is a long stride toward Congress.”