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The Border War and American Liberty

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THE TRAGIC PRELUDE
John Steuart Curry
Kansas State Historical Society

The Border War and American Liberty

Hanging in a corner of the Kansas state Capitol building in Topeka is John Steuart Curry's mural "The Tragic Prelude." A wild-eyed, bearded John Brown, arms out-stretched, clutches a Sharps rifle in one hand and the Bible in another. On either side of him, armed men advance toward each other. One side carries the Union flag, and the other, the Confederate flag.

A dead soldier from each army lies at Brown's feet. On Brown's left, a slave mother and child crouch in the shadows while a black man grapples with a southern soldier. In the background, a tornado touches ground and a prairie fire sweeps across the plains as if the fury of nature itself has been set loose by Brown's frenzy.

Curry's painting makes several statements about the war on the Kansas-Missouri border in the 1850s. First, with his over-sized figure that dominates the



picture, John Brown is central to the conflict. Secondly, the repeated Union/Confederate imagery drives home that the Kansas-Missouri border war instigated the national Civil War. Finally, African-Americans are peripheral figures in the story--almost hidden from view behind both Brown and the white Southerners.

The abolitionist John Brown certainly played a role in the Border War. The murders of five proslavery settlers in 1856 by Brown's men helped set off the

fighting in Kansas Territory that summer. But Brown was an anomaly among Free-state Kansans. First, he was a genuine abolitionist and known for equality in his treatment of African-Americans.

In contrast, while the Free-state movement certainly contained anti-slavery men, it included many racists who objected to slavery as competitive labor and who preferred segregation. To appeal to these settlers, many of whom were Midwesterners, the Free-state movement adopted the prohibitions against black migration into Kansas contained in the laws and constitutions of several Midwestern states. Rather than argue for universal human rights, the Free-staters mobilized support on the grounds that the political rights of white men had been denied by proslavery men.

During an 1856 fight, James H. Lane, one of the Free-state militia leaders, returned a slave to his master saying, "We are not fighting to free black men but to free white men." Nonetheless, the Free-staters understood that ensuring liberty

for whites might require a greater measure of liberty for African-Americans.

Illinois Senator Stephen A. Douglas intended to widen the scope of American liberty when he authored the Kansas-Nebraska Act in 1854. To gain support of southern Congressmen, Douglas replaced the prohibition against slavery in the proposed territories of Kansas and Nebraska with a provision called "popular sovereignty." The concept meant that the settlers, not Congress, would decide whether to have slavery in the territory. Douglas expounded this as "the great principle of self-government, upon which our institutions were originally based."

Douglas's simple formula that popular sovereignty was merely American democracy proved difficult in execution. In fact, loose residency requirements and rampant fraud were problems in nineteenth-century elections. They became particularly egregious in Kansas Territory. Although the territorial census found only about 3,000 voters in the territory, proslavery candidates at the territorial election a month later

won by majorities of 5,000-6,000. Because the elections were in the spring, many Missourians who expected to move into the territory later in the season felt justified in voting even though they were not yet residents. They crossed the border and voted on Election Day because they felt that Kansas Territory was a natural extension of Missouri and resented what they saw as interference in their affairs by outsiders from other regions. One such voter asserted "they had as good a right to vote as men

from other States." Immigrants from the Midwest and New England, however, complained their rights had been violated. Confronted by armed and often drunken "border ruffians" (as the Missourians were known), northern settlers often refrained from voting or were harassed at the polls. Those settlers who were outraged by the irregularity of the elections organized to oppose the proslavery territorial government that had been elected, and instead formed an extra-legal Free-state movement.



RUINS OF THE FREE-STATE HOTEL, LAWRENCE
Kansas State Historical Society

Throughout the territorial period, Free-staters would argue that the proslavery party had thwarted popular sovereignty. They would demand fair elections.

Others, however, disagreed with the very premise of popular sovereignty. The Kansas-Nebraska Act resuscitated the dormant political career of Abraham Lincoln, a Whig lawyer and old rival of Douglas. Lincoln viewed popular sovereignty as a disastrous public policy.

It normalized slavery by removing the prohibition against it. It dehumanized African-Americans and denied them the inalienable rights granted in the Declaration of Independence. Further, Lincoln asserted that popular sovereignty's "pretended indifference" about whether settlers voted for or against slavery disguised a "covert real zeal for the spread of slavery." Lincoln insisted that the spirit of American liberty as articulated



MISSOURI BORDER RUFFIANS ENTERING KANSAS
TO VOTE FOR SLAVERY IN THE TERRITORY

Kansas State Historical Society

in the Declaration and embodied in the American Revolution were at odds with the Kansas-Nebraska Act.

While Lincoln captured the concerns of many white Northerners, white Southerners insisted that their rights were under attack. The latter pointed out that the results of the territorial elections were certified by the proper authorities. Although some Southerners were repelled by the extent of fraud in territorial elections, others defended the Missourians. Since the proslavery party controlled the territorial government, it portrayed itself as the party of law and order in contrast to the extra-legal, possibly treasonous, Free-state party. Territorial surveyor general John Calhoun told a meeting of the Law and Order Party, "If the laws are unconstitutional, they must be repealed at the proper tribunal. Until they are repealed, they are the law of the land and should be enforced."

But white Southerners abandoned popular sovereignty altogether when a more favorable alternative appeared. In

John Steuart Curry may have been wrong in making John Brown the central figure of Bleeding Kansas, but he was not wrong to capture the importance of the territory in bringing on the Civil War.

1857, the U.S. Supreme Court ruled in the case of a Missouri slave, Dred Scott, that slavery could not be excluded from the territories. This invalidated both the policy of congressional exclusion and Douglas' popular sovereignty. *The Richmond Enquirer* explained that the decision meant the territories were the "common domain of all the United States, and, as such, the people of each and every State have an irrefutable right to transfer themselves and their property into it." For white Southerners, liberty now meant the constitutional right to enslave African-Americans in the territories.

Douglas based popular sovereignty in the democratic traditions of the United States. Lincoln took his text from the Declaration of Independence. White Southerners relied on the Constitution. John Brown, however, cited the Bible.

Curry's mural captured Brown's ultimate source with his stance evoking images of a crucifix. Unlike the other parties quarreling, Brown cared nothing about the legal and constitutional arguments. The Bible, Brown avowed, teaches one to "remember them that are in bonds, as bound with them." Northern and southern whites spoke of the rights of white men. Brown spoke of the rights of the enslaved. Condemned to hang for attempting to lead a Virginia slave rebellion, Brown was willing to "mingle my blood –with the blood of millions in this slave country whose rights are disregarded by wicked, cruel, and unjust enactments."

Few members of the Free-state party or their northern supporters were abolitionists. But African-Americans certainly seized the opportunity presented

by the Border War to strike for freedom.

The very fact that Free-state leader Jim Lane returned a slave to his master following escape indicates that slaves were not content under slavery. This slave miscalculated whether Lane's band would help him, but he was not alone in seeking to "self-emancipate." The disorder of Bleeding Kansas and the national Civil War presented many slaves with the opportunity to run away successfully. The town of Lawrence became a notorious refuge for runaway slaves.

The Free-state party gradually came to see their freedom intertwined with slave freedom. Charles Robinson, an important Free-state politician and the first governor of Kansas, pondered during the secession crisis whether "it is time to ask if the existence of the Union does not require the destruction of slavery." Jim Lane, who became a Kansas U.S. senator, changed positions. Lane now recruited African-Americans into the Union army—before the War Department allowed for black troops—and promoted their rights. He did



COLONEL SUMNER AND TROOPS DISPERSING THE
FREE-STATE LEGISLATURE IN TOPEKA, JULY 4, 1856

Kansas State Historical Society



THE UNDERGROUND RAILROAD
Charles T. Webber
Cincinnati Art Museum

so in part to punish slave-owners for the war couching his appeals in racist terms. He stated that during Bleeding Kansas, Free-staters “learned the colored possessed the qualities of the soldier.”

Better known than Robinson and Lane, John Brown used his reputation as a guerrilla leader in Bleeding Kansas to raise eastern support for a proposed slave insurrection in Virginia. Brown rose to national attention when this attack on the federal arsenal at Harpers Ferry failed.

Brown exploited his capture to become a martyr for abolition. The controversy over his actions was an immediate contributor to secession and national civil war. But his very abolitionism and concern for black rights made him an anomaly in the Free-state movement. As the Free-staters became more sympathetic to slaves’ rights, however, Brown’s early career in Kansas helped obscure the movement’s initial ambivalence about race. Brown had once denounced Robinson as an old woman, too afraid

to act. Robinson, in turn, viewed Brown as too eager to start a conflict with the superior proslavery forces who had backing by the federal government. Although many Free-staters resented the leading role that historians and the public gave to Brown in the history of Kansas Territory, Brown’s fame overshadowed that of other figures in the territory’s history. “A Centennial Portrait” of Kansas written in 1961 began a list of famous Kansans with “Kansas is John Brown, Charles Robinson, James H. Lane. . . .” With good reason, everyone on the list might feel slighted at Brown being named first.

John Steuart Curry may have been wrong in making John Brown the central figure of Bleeding Kansas, but he was not wrong to capture the importance of the territory in bringing on the Civil War. Curry was wrong to depict African-Americans as helpless and cowering. He was not wrong, however, in depicting African-Americans on the periphery, where they were relegated by the indifference of white Americans to slavery and racial injustice.

John Brown, although an imperfect representation of the Border War, at least captured the transformation that occurred as more Free-staters adopted the cause of racial justice, if not for moral reasons, then for pragmatic ones. Kansas’s last territorial governor, Samuel Medary, feared that Kansas would “go forth as a Black Old John Brown state.” In the 1870s, African-Americans fled the violent collapse of Reconstruction and made Kansas their destination precisely because they saw it as John Brown’s home. While Curry saw African-Americans in the background of the Border War, these Exodusters understood John Brown and Kansas Territory to be central to their story of American liberty.

Nicole Etcheson is Alexander M. Bracken Professor of History at Ball State University in Muncie, Indiana. She is the author of Bleeding Kansas: Contested Liberty in the Civil War Era (Lawrence, 2004) and The Emerging Midwest: Upland Southerners and the Political Culture of the Old Northwest, 1787-1861 (Bloomington, 1996). Her book A Generation at War: The Civil War Era in a Northern Community will be published by University Press of Kansas in 2011.