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# THE MARCH OF THE UNION ARMIES: JAMES HENRY LANE, THE UNION, AND THE DEVELOPMENT OF TOTAL WAR ON THE KANSAS-MISSOURI BORDER

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THE MARCH OF THE UNION ARMIES: JAMES HENRY LANE, THE UNION, AND  
THE DEVELOPMENT OF TOTAL WAR ON THE KANSAS-MISSOURI BORDER

A Thesis Submitted to the Graduate School  
In Partial Fulfillment of the Requirements  
For the Degree of  
Master of Arts

Alex Wilson Lahasky

Pittsburg State University

Pittsburg, Kansas

December, 2017

THE MARCH OF THE UNION ARMIES: JAMES HENRY LANE, THE UNION, AND  
THE DEVELOPMENT OF TOTAL WAR ON THE KANSAS-MISSOURI BORDER

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# THE MARCH OF THE UNION ARMIES: JAMES HENRY LANE, THE UNION, AND THE DEVELOPMENT OF TOTAL WAR ON THE KANSAS-MISSOURI BORDER

An Abstract of the Thesis by  
Alex Wilson Lahasky

James Henry Lane was a giant of Kansas politics during the mid-nineteenth century. His leadership during the territorial crisis of 1855—commonly known as the “Bleeding Kansas” era—contributed mightily to Kansas’s entry as a free state in 1861. During the early stages of the ensuing Civil War, Lane’s political and military presence on the plains was ubiquitous; he served simultaneously as a United States Senator and a brigadier general of the Union Army. Lane’s activities during the first year of the war provide the focal point of the present study.

With Kansas under threat from secessionist elements in neighboring Missouri, Lane commanded a three-regiment brigade of volunteers in the fall of 1861. His tactics, though unconventional for the time, served to temporarily flush the region of its pro-Confederate operations. The present study evaluates the enigmatic memory of this 1861 campaign. Although the historiographical record depicts Lane as a radical jayhawker in the same category as Charles Jennison and James Montgomery, evidence suggests that his ideological motivation was far from radical.

Despite the charges of his critics, Lane exhibited consistent political principles throughout his career. At the core of his beliefs were a Jacksonian brand of Unionism and a politically based opposition to slavery. As the 1850s waned, Lane’s opposition to the “peculiar institution” intensified; Bleeding Kansas revealed to him that the Southern Slave Power and the Union had grown incompatible with one another. When the war

began, this recognition inspired Lane to wage total war on the rebel citizenry and on the institution of slavery itself. Lane's controversial tactics, however, were not the product of a moral crusade against the institution, but rather the realization that unrestricted coercion of the South was a strategic necessity. Lane was among the first Union generals to make war in this way, demonstrating an understanding of the conflict that was years ahead of his time.

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## CHAPTER I

### INTRODUCTION

In terms of its drama, Kansas's path to statehood is unrivaled. Her story, which features fraud, shadow governments, failed constitutions, and violence, reads like a prequel to the American Civil War. Although sectionalism had long been a defining feature of the United States, the first real manifestation of the "irrepressible conflict" occurred on Kansas soil. There, Free State and proslavery interests jockeyed to secure the territory for their respective section. Kansas's entrance to the Union as the thirty-seventh state represented a small victory for democracy, but it came amid an apparent collapse of the American democratic experiment. No sooner did Kansas join the Union than did that Union plunge into the bloodiest conflict in its history. Kansas's part in the Civil War contained all the drama that had become familiar to her frontier settlers—with the added stakes of the very survival of the nation.

Perhaps no single person was more influential during Kansas's formative years than James Henry Lane. The Indiana migrant and son of a United States congressman became the public face of the Free State movement. When the territorial crisis turned violent, Lane became Kansas's chief protector. During the first year of the Civil War, he became Kansas's foremost champion of the Union. Lane was the state's first senator and the first sitting senator in American history to lead troops in battle. By all accounts, he

was a clever politician and a master orator. Though not without enemies, Lane was a true representative of the American frontier: hardy, self-made, and resilient.

Yet, in the historiographical record of Kansas history, Lane remains enigmatic. The prevailing body of literature on Lane reduces the Kansas politician to a caricature—defined more by his eccentric personality than his ideology or accomplishments. As a result, many who have endeavored to tell his story have misinterpreted the nature of that ideology and the weight of those accomplishments. To some extent, the present study intends to redeem Lane’s memory as a legitimate and preeminent frontier politician of the Civil War era. To a greater extent, however, the study endeavors to fill a gap that exists both in Kansas historiography, and in that of the American Civil War.

Jim Lane saw his first military action in the Mexican American War and got his first taste of national politics as a congressman from Indiana. His real notoriety, however, began after he became a Kansan in 1855. Following his relocation from Indiana, Lane underwent a change in party affiliation and became a political figurehead of the Free State movement in Kansas. During the Bleeding Kansas era, Lane also exercised military control as the commander of the Free State Militia, a ragtag collection of volunteers assembled to defend Lawrence against the region’s pro-slavery forces. After Kansas finally achieved her statehood, Lane took up arms again—this time on the pretense of Civil War.

During the war's first year, Lane exercised controversial military authority as the commander of a three-regiment formation known as the Kansas Brigade. The “Lane Brigade,” as it later became known, participated in a series of raids against pro-Confederate towns along the Kansas-Missouri border. Lane’s Civil War campaign

provides the focal point of the present study. Many historians suggest that Lane used the Civil War as an excuse to settle scores from the Bleeding Kansas days that statehood had not resolved. The present study offers, however, that Lane was not motivated by revenge, but a principled belief in the Union—one that had already characterized his political career up to that point.

The Lane Brigade took shape in the summer of 1861. It consisted of the Third and Fourth Kansas Volunteer Regiments, and the Fifth Kansas Cavalry. Most historians remember Lane's command as radical and reckless. Of the brigade itself, they charge that it was erratic and abolitionist. Authors have long explained the exploits of the Lane Brigade in terms of passion and revenge—not strategy. They have similarly dismissed Lane's service as its commander as a self-motivated power-grab—a chess move in Lane's ongoing political struggle with Governor Charles Robinson. While fragments of these narratives are no doubt accurate, the dynamics of the Lane Brigade—especially the strategic motivation of its leadership—is more complex than historians have shown to this point. The action along the Kansas-Missouri border in the first year of the war in fact represents the earliest manifestation of the "total war" strategy that made William T. Sherman both famous and infamous three years later. This thesis offers evidence of a calculated deployment of total warfare along the Kansas-Missouri border in 1861—one designed to secure territory for the Union and starve the rebellion where it existed in Missouri.

The present research explores the influence of Jim Lane's political principles on the strategic decisions he made as commander of the Lane Brigade. In order to determine the nature and degree of that influence, an in-depth examination of Lane's political career

and principles is necessary. To this end, the groundwork laid by historian Ian Michael Spurgeon has proven pivotal. His study of Lane's political career provides the paradigm for the present interpretation of Lane's Civil War campaign. It also provided the inspiration for this renewed look at one of the Civil War's most peculiar generals.

Though it traces nearly the entirety of Jim Lane's life, the present study is not an attempt at biography. Several important subplots escape the narrative. Among them are Lane's vacillating marriage to Mary Baldrige, his 1858 indictment for the murder of Gaius Jenkins, and Lane's 1866 suicide. Indeed, the social and emotional nuances of Lane's life are in dire need of further research. Instead, this study offers a focused, longitudinal examination of Lane's interaction with the prevailing political issues of his day: democracy, slavery, and the Union.

## CHAPTER II

### HISTORIOGRAPHY

When James Henry Lane first set foot on Kansas soil in April 1855, few could have predicted the twisted path his career would take in that territory. Frankly, few at the time would have cared to try. Lane had held offices as lieutenant governor and U.S. Representative from Indiana, but his political notoriety had nothing to do with the western frontier. The decade that followed his arrival in Kansas, however, would prove to be the defining period of Jim Lane's life. His controversial role in Kansas's formative years—the “Bleeding Kansas” era and her first years of statehood—remain his most important legacy. The exact nature of that legacy, however, has proven more difficult to define.

While David Potter, James Rawley, Nicole Etcheson, Alice Nichols and others have cemented the narratives of “Bleeding Kansas” firmly in American historical lore, the memory of Jim Lane himself has presented the contemporary Kansas historian with a moving target. In many ways, Lane has eluded scholars, despite the stature and reputation he garnered in the late 1850s. Between the “bogus” territorial elections of 1855 and Kansas's entrance to the Union in 1861, Lane seldom wandered from the spotlight. His stint as that state's first senator, which coincided with his short-lived and controversial Civil War career, rendered him a formidable political force in Washington

and in the West. By all accounts, he was an outspoken and eccentric—if not long-winded and bizarre—politician who seldom shied away from expressing his opinions. And yet, until recent years, historians have largely failed to nail down the ideological basis of those opinions. Not that the fault is entirely theirs; while some sources corroborate and adequately document Lane’s official contributions to Kansas politics, the Free State Party leader left precious little in his own hand. This lack of first-hand material has made Lane’s motivation and political ideology correspondingly elusive.

The challenges associated with the study of Jim Lane have produced great diversity in the existing pool of Lane historiography. The first major study of Lane’s life was published in 1897, and the most recent in 2012. During those hundred and fifteen years, the discipline of writing history has undergone drastic methodological evolution—evolution that has contributed mightily to the current diversity of Lane historiography. When sorted by method, purpose, and tone, there are at least five categories into which nearly all Jim Lane authors fall: critic-contemporaries, defender-contemporaries, progressive moderates, postmodern critics, and political defenders.

The first two categories of Lane authors, the critic-contemporaries and defender-contemporaries, were originally outlined by Ian Michael Spurgeon in his 2008 book *Man of Douglas, Man of Lincoln: The Political Odyssey of James Henry Lane*. The critic-contemporaries and defender-contemporaries, writing as they did in the late nineteenth and early twentieth centuries, were Lane’s first biographers. Accordingly, they were the first to evaluate Lane’s character and contributions in Kansas. According to Spurgeon, the contemporary authors “had personally known Lane or relied upon information of

those who had.”<sup>1</sup> With a style that synthesized the Turnerian school with Carlyle’s “Great Man” theory of history, these authors emphasized the roles of heroes and villains on the American frontier. Lane’s reputation as a polarizing figure allowed him to fit either mold.

The critic-contemporaries painted Lane as a villainous political hypocrite and consummate opportunist, void of principle or moral compass. Foremost among the critic-contemporaries was Dr. Charles L. Robinson, a New Englander who had migrated to Kansas in order to advance the free soil cause. During the territorial years, Robinson worked very closely with Lane, and the two became the leaders of the Free State Party. Robinson had little patience for Lane’s brashness, however, and a heated political rivalry developed between the two, fracturing the free soil interest into bitter factions. After Kansas entered the Union in 1861, Robinson became the state’s first governor and Lane won appointment to the Senate. The intense rivalry continued as the two jockeyed for political power in Kansas; a bout that Lane eventually won in 1862 when Robinson lost his bid for reelection. Robinson would serve Kansas in various other capacities before his death in 1894, but his most pertinent contribution to Lane historiography was his 1892 publication *The Kansas Conflict*, which provides the most detailed first-hand account of the Bleeding Kansas era. Doubtless, Robinson was primarily concerned with preserving his own legacy, so it is of little surprise that his portrayal of Lane is that of a menace and agitator. Robinson most succinctly reveals his attitude towards Lane in his fifteenth chapter, in which the former governor describes his Free State colleague as “destitute of principles or convictions of any kind, and of moral or physical courage . . .

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<sup>1</sup> Ian Michael Spurgeon, *Man of Douglas, Man of Lincoln: The Political Odyssey of James Henry Lane* (Columbia: University of Missouri Press, 2008), 7.

being consumed by inordinate ambition, he was an unsatisfactory and untrustworthy leader of his faction.”<sup>2</sup> Robinson made little effort to veil the malice he felt towards Lane, even in the decades following their interaction.

Leverett Spring provides a more academic voice to the critic-contemporary class of Lane authors. A professor of American literature at the University of Kansas in the late nineteenth century, Spring did not participate directly in the Kansas conflicts of the Civil War era, but his analysis of Lane parallels the overarching sentiments of Charles Robinson. In his 1885 book, *Kansas: The Prelude to the War for the Union*, Spring introduces Lane as a man of wandering party loyalties; one who came to Kansas a firm pro-slaver and who converted to Republicanism only after “the Democratic venture . . . touched no responsive chord among the people.”<sup>3</sup> Spring took a closer look at Lane’s career in an article published in 1898, in which he weighs Lane’s “enormous energy” and “impulsive patriotism” against “qualities of rashness, demagoguery and moral obliquity.”<sup>4</sup> Spring concludes that Lane was, “in spite of all that belongs to his credit . . . a dangerous man.”<sup>5</sup>

Critic-contemporary literature also exists in the many Kansas newspapers that popped up during the tumultuous territorial years. Among the most prominent writers in this subgenre was George W. Brown, whose Free State newspaper, the *Herald of Freedom*, was at times little more than “an anti-Lane organ.”<sup>6</sup> Brown, a Massachusetts

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<sup>2</sup> Charles L. Robinson, *The Kansas Conflict* (New York: Harper & Brothers, Franklin Square, 1892), 377.

<sup>3</sup> Leverett Spring, *Kansas: The Prelude to the War for the Union* (Boston: Houghton, Mifflin and Company, 1885), 63.

<sup>4</sup> Leverett Spring, “The Career of a Kansas Politician,” *The American Historical Review* 4, no. 1 (October 1898): 104.

<sup>5</sup> *Ibid.*

<sup>6</sup> Spurgeon, 6.

emigrant like Robinson, brushed shoulders with Lane during the Bleeding Kansas era, and despite his own quarrels with Robinson, took the side of the New Englander when the Free State factions emerged.

But not all journalists criticized Lane. John Speer, a Kansas journalist and newspaper operator, led the second class of Lane historians: the defender-contemporaries. Speer earned his reputation as the founder of the *Kansas Tribune*, an anti-slavery paper published in Topeka. A self-proclaimed associate and friend of Jim Lane, he wrote the first book-length study of Lane's life in 1897. Speer and the defender-contemporaries rejected the early charges of the critic-contemporaries and credited Lane with the lion's share of Free State Party achievements. Generally, these authors traced western roots and identified more with Lane's frontiersman persona than did their northeastern counterparts. Speer's sketch of Lane contains many of the Turnerian and Carlylean themes of the critic-contemporaries, but also presents a romantic view of history and emphasizes Lane's triumphant struggle over pro-slavery forces. Speer downplays Jim Lane's shift in party loyalty, focusing instead on Lane's "effort to resist this tyranny [the slave power]," which, by Speer's estimation, rendered him "indomitable and unconquerable."<sup>7</sup>

William Elsey Connelley next bore the torch for the defender-contemporary class. Connelley's biography of Lane, first published in 1899, was highly derivative of Speer's and further aimed to hoist Lane's accomplishments above those of any other Kansas contemporary. Connelley reveals his position in his prefatory: "Senator Lane did service so valiant, so vital in the noble cause of freedom that he should be accorded the gratitude

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<sup>7</sup> John Speer, *Life of Gen. James H. Lane: "The Liberator of Kansas"* (Garden City, KS: John Speer, Printer, 1897), 16.

and love not only of this but of all the coming generations in Kansas and the nation.”<sup>8</sup>

Then, in one alliterative sentence at the head of his first chapter, Connelley summarizes the collective attitude of the defender-contemporaries: “The genius and indomitable will of Lane liberated a land.”<sup>9</sup> To the defender-contemporaries, Lane personified the American frontiersman’s ideals of ruggedness and liberty.

Both the critic-contemporaries and defender-contemporaries bring value to the study of Jim Lane in that their closeness to the historical agents render their narratives among the most detailed and reliable in existence. However, this same closeness also gives the responsible historian pause, especially when considering the analyses these authors provide. Jim Lane was a highly polarizing figure. As evidenced by the divisive nature of the early histories, most of his contemporaries held firm, and sometimes extreme, convictions about his place in Kansas history. Furthermore, the dominant methodology of the era encouraged those authors to dramatize history and exaggerate the agency of its heroes and villains, yielding accounts that succeeding generations of historians would likely consider slanted. Following the turn of the twentieth century, changes to the discipline and a renewed emphasis on objectivity indeed produced a shift in Jim Lane historiography. The progressive era of American historiography began in the early 1900s and endured until the 1930s. Progressive histories witnessed a departure from the dramatized narratives of the previous era and instead focused on the motives and forces beneath the rhetorical surface. The result was a more scientific approach to writing history that emphasized objectivity and more often shied away from sweeping

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<sup>8</sup> William Elsey Connelley, *James Henry Lane: The “Grim Chieftain” of Kansas* (Topeka, KS: Crane & Company, 1899), 9.

<sup>9</sup> *Ibid*, 11.

value judgments. It is from this subgenre of history that the third category of Lane historian, the moderate-progressive, arose.

Although there exists only one full-length moderate-progressive history of Jim Lane, it is perhaps the most important secondary source available on the subject. Wendell Holmes Stephenson's monograph, *The Political Career of General James Henry Lane*, written as part of his graduate research at the University of Michigan, is the first truly academic study of Lane's life. Although Stephenson states in his introduction that his intention was not to write a biography, the 1930 publication represents the most complete and well-researched biographical record of Lane's career in Kansas.

With regard to Stephenson's *intended* purpose, the scholar leaves room for criticism. In Stephenson's own words, "The study seeks to explain Lane's transition from Indiana conservatism to Kansas radicalism . . . and to explain his motives for reverting to conservatism."<sup>10</sup> In this venture, Stephenson falls short of his mark by offering little analysis or explanation for Lane's actions. And while Stephenson avoids the pitfalls of his predecessors by refusing to evaluate Lane's contributions against those of his peers, the author's more moderate approach is not totally balanced. Ian Michael Spurgeon correctly notes that Stephenson's narrative leans more towards the position of the defender-contemporaries than the critic-contemporaries. Evidence of this is twofold: First, Stephenson avoids the portrayal of Lane as callous and cold—a favorite tactic of the critic-contemporaries. Second, the book received high praise from Stephenson's mentor—and notable defender-contemporary—William Elsey Connelley. Connelley's

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<sup>10</sup> Wendell Holmes Stephenson, *The Political Career of General James Henry Lane* (Topeka, KS: Kansas State Historical Society, 1930), 7.

preface proudly acclaims Stephenson for “ignor[ing] the bitter malice with which [Lane] was constantly attacked in life and in death.”<sup>11</sup>

While Stephenson’s book generally promotes a favorable memory of Jim Lane, the influence of his study on future histories of Lane actually exerted the reverse effect, helping to usher in the fourth category of Lane historian: the postmodern critic. Stephenson’s premise that Lane’s political ideology transformed from conservatism to radicalism and then back to conservatism laid the groundwork for charges of political chameleonism. The hallmark claim among the postmodern critics is that Lane was, at his core, an unprincipled pragmatist who adjusted his political beliefs to best suit his environment. This group of authors embraced the trademark skepticism of postmodern thought and revitalized Lane’s image as a callous manipulator. They also harbored a view of politicians that was characteristic of the latter half of the twentieth century—a view that branded figures like Jim Lane as power-hungry and untrustworthy.

The 1950s and 60s produced two notable works that fall into the postmodern critic category. The first is Albert Castel’s *A Frontier State at War: Kansas, 1861-1865*. First published in 1955, Castel’s book traces Kansas’s Civil War experience. Although the volume referenced in this study is Castel’s 1997 reprint, it is important to note that Castel’s ideas originated in the early years of the postmodern era.<sup>12</sup> While his depiction of Lane is not nearly as critical as those of his successors, his premise secures his place among the postmodern critics.

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<sup>11</sup> Ibid, 6.

<sup>12</sup> Albert Castel, *Civil War Kansas: Reaping the Whirlwind* (Lawrence, KS: University Press of Kansas, 1997).

Castel maintains that the sole motivator of Jim Lane's actions was the want of power. He contends that the rivalry between Lane and Robinson was not an ideological struggle between men, but a mere quarrel for political control of Kansas. To this end, Castel suggests that Lane adhered to no specific set of political beliefs, but instead mastered the game of politics: "In 1860 . . . he redoubled his efforts . . . speaking wherever there was a gathering, denouncing his enemies, defending his own character, and promising anything that would conceivably win supporters."<sup>13</sup> Though not a direct indictment of Lane's character, Castel clearly implies that Jim Lane's political principles were a function of his environment; that he was, in essence, a political chameleon. Echoes of this charge ring true throughout the postmodern critic class of Lane historiography.

In 1962, the next book-length study on Lane appeared: a short but effective work by Kendall E. Bailes entitled *Rider on the Wind: Jim Lane and Kansas*. Bailes's history is unmistakably sympathetic to Lane's place in history, but it relies on the same assumptions used by Castel and the rest of the postmodern critics. While Bailes gives Lane credit for his oratory, his leadership, and even his ability to temper his own brashness when necessary, the one consistent theme in Bailes's narrative is Lane's desire for power. The author perceives Lane's move to Kansas and subsequent defection from the Democratic Party as a path of least resistance to the United States Senate, and eventually the presidency. To this end, Bailes suggests that Lane showed a great willingness to adjust his beliefs to match those around him.

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<sup>13</sup> Albert Castel, *Civil War Kansas: Reaping the Whirlwind* (Lawrence, KS: University Press of Kansas, 1997), 23.

After the centennial of the Civil War passed, scholarly attention to the Kansas conflict waned. There exists a significant gap—nearly forty years—between Bailes’s study and the significant re-emergence of Bleeding Kansas and Kansas Civil War histories near the turn of the twenty-first century. A reprint of Albert Castel’s *Frontier State at War* under a new title, *Civil War Kansas: Reaping the Whirlwind* appeared in 1997. The reprint maintained the same postmodern critic attitudes of the original volume, and these themes endured through dozens of bleeding Kansas histories published in the first fifteen years of the twenty-first century including several studies that focused on Lane himself.

In 1997, Thomas Goodrich completed *War to the Knife: Bleeding Kansas, 1854-1861*, becoming the next torchbearer of the postmodern critic class. While scholars rightly criticized Goodrich for his apologetic view of slavery and its supporters, his perpetuation of Lane’s image as a political chameleon is worth noting. Goodrich’s study is not Lane-centric, but the author promotes the idea that Jim Lane’s life was characterized by “glaring contradictions,” and ultimately describes the “agile politician” as “tireless, ambitious, and utterly unscrupulous.”<sup>14</sup> The last of these adjectives could well emblazon the banner of the postmodern critics. Goodrich advances his charges against Lane’s character by emphasizing his personal rivalry with Robinson and Lane’s own ambition for the Senate: “Lane [was] the ever-present powder keg, ready, willing, and able to blast Robinson’s methodical plan for peace and freedom in Kansas to bits; Robinson [was] the only force capable of frustrating Lane’s quest for complete control of

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<sup>14</sup> Thomas Goodrich, *War to the Knife: Bleeding Kansas, 1854-1856* (Mechanicsburg, PA: Stackpole Books, 1998), 50.

the free-state movement and certain high office.”<sup>15</sup> By reducing Lane’s intentions to the political defeat of Robinson, Goodrich denies the possibility of ideological consistency on the part of Jim Lane; indeed, his portrayal of Lane as a menace to peace and enemy of the free soil cause shares much with the critic contemporaries.

Most scathing among the postmodern critic historians is Donald L. Gilmore. Gilmore’s *Civil War on the Missouri-Kansas Border* (2006) proposes a revisionist interpretation of the Kansas Conflict. Gilmore’s stated intention is to provide a more balanced narrative of the struggle between pro and anti-slavery forces on the border, but he mostly uses his platform to attack the legacy of Jim Lane and other free soilers. In true postmodern critic fashion, he contends that Lane was “amoral, totally pragmatic, and shifted his political sails to suit the time, place, and his need for money and political support.”<sup>16</sup>

Another book-length contribution to the postmodern critic landscape came in 2007 when Robert Collins completed his study, *Jim Lane: Scoundrel, Statesman, Kansan*. Collins gives fairer treatment to Lane than Gilmore and is more willing to consider that complex forces motivated Lane’s political decisions, but Collins undoubtedly belongs in the postmodern critic category, thanks in large part to his analysis of Lane’s backing of Andrew Johnson’s reconstruction plans. Collins writes of Lane’s decision to back the more conservative post-war path: “With the Civil War over and slavery dead as a political issue, it would have been hard for Lane to ascertain popular will. Perhaps because initial public support was behind the new president, Lane chose to

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<sup>15</sup> Ibid., 51.

<sup>16</sup> Donald L. Gilmore, *War on the Missouri-Kansas Border* (Gretna, LA: Pelican Publishing, 2006), 65.

ally himself with Johnson.”<sup>17</sup> The implication here is subtle but clear: Collins suggests that, rather than side with his radical colleagues in Congress, Jim Lane chose to back the conservative Johnson, not for any operant political ideology, but because he mistook public opinion. From Castel to Collins, the 1930 assertion of Wendell Holmes Stephenson that Jim Lane’s political ideology was fluid and malleable endured for nearly eighty years.

A small collection of scholars compose the fifth and final category of Jim Lane historian: the political defenders. So named because of their willingness to consider Lane’s political ideology in context, the authors that make up this group reject the notion that Lane “shifted his political sails” to suit his environment.<sup>18</sup> Instead, they emphasize the continuity in Lane’s political behavior throughout his transition from Democrat to Free Stater to Republican. They are hesitant to categorize Lane as a radical and instead point out the core Democratic principles that guided Lane’s career. The political defenders of Jim Lane also reject the postmodern skepticism intrinsic to the critics’ sweeping view of politicians and their agendas. Instead, they endorse Eric Foner’s argument that the 1850s was a period of great “ideological focus” and that political *ideology* over all other things governed political behavior.<sup>19</sup>

Providing a sturdy bridge to the political defender subgenre of Lane historiography is Nicole Etcheson. Etcheson, a scholar and professor of history at Ball State University, has written extensively on Kansas in the Civil War era. In an essay

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<sup>17</sup> Robert Collins, *Jim Lane: Scoundrel, Statesman, Kansan* (Gretna, LA: Pelican Publishing, 2007), 269.

<sup>18</sup> Gilmore, 65.

<sup>19</sup> Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1970), 8.

appearing in Virgil W. Dean's 2006 collection, *John Brown to Bob Dole: Movers and Shakers in Kansas History*, Etcheson argues that Lane often supported radical policies for conservative reasons. She notes that his "chameleonlike blending into shifting political backgrounds" poses problems for biographers and historians.<sup>20</sup> While at first glance this language looks like a nod to the familiar postmodern critic school, Etcheson makes important distinctions between Lane's conservative motivation for pursuing radical policies and radical ideology itself.

Etcheson takes another step toward the political defender class with her masterful 2004 monograph, *Bleeding Kansas: Contested Liberty in the Civil War Era*. Etcheson's telling of the Kansas Conflict, which encompasses the territorial years as well as the Civil War itself, provides a degree of political historical context unseen in many of the studies that preceded it. While her narrative is not Lane-centric, her treatment of the "Grim Chieftain" demonstrates a deeper understanding of the political forces at play in Jim Lane's career. Etcheson, like the political defenders that followed her, is not an apologist, nor does she shy away from the uncomfortable realities of Jim Lane's politics, but she does refuse to reduce his motivations to any singular force.<sup>21</sup>

The flagship study of the political defender subgenre came in 2008. Ian Michael Spurgeon's *Man of Douglas, Man of Lincoln: The Political Odyssey of James Henry Lane* turned more than one hundred years of Lane historiography on its head. In this groundbreaking study, Spurgeon dissects Lane's political career and argues that each

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<sup>20</sup> Nicole Etcheson, "James H. Lane: Radical Conservative, Conservative Radical," In *John Brown to Bob Dole: Movers and Shakers in Kansas History*, edited by Virgil W. Dean (Lawrence, KS: University Press of Kansas, 2006), 33.

<sup>21</sup> Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era* (Lawrence, KS: University Press of Kansas, 2004), 230.

major decision was consistent with the Democratic principles that Lane brought with him to Kansas. Of the Lane historians that came before him, Spurgeon writes: “Those who played [Jim Lane] off as an amoral opportunist and consummate politician did not explain his stubborn defense of democratic principles and his habit of going against popular will or authority. Those who championed him as a radical convert to Republican ideas of freedom and liberty failed to acknowledge his consistent and conservative dedication to the same old-line Democratic principles, including popular sovereignty.”<sup>22</sup> Spurgeon admits that his book takes a “defensive” tone, but like Etcheson, he is no apologist. Instead, he takes issue with Lane’s brashness and his positions on race—among other things.<sup>23</sup> But it is Spurgeon’s ability to see consistency where others only saw change that sets him apart as a historian of Jim Lane, and one who has laid important groundwork for further study.

Four years after Spurgeon founded the political defender school, Jim R. Bird, then a doctoral candidate at the University of Arkansas, pioneered an important advancement of Spurgeon’s work. Bird’s dissertation, “A Family Affair: The Pre-Kansas Saga of James Henry Lane,” carries Spurgeon’s thesis into previously uncharted waters and lends further weight to his argument. By focusing mostly on Jim Lane’s seldom-discussed formative years, Bird traces the origins of the Democratic principles to which Spurgeon contends Lane so consistently adhered. Bird’s focus on Lane’s pre-Kansas career, as well as the parallel conclusions he drew, inspired the author to liken his dissertation to a

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<sup>22</sup> Ian Michael Spurgeon, *Man of Douglas, Man of Lincoln: The Political Odyssey of James Henry Lane* (Columbia, MO: University of Missouri Press, 2008), 17.

<sup>23</sup> *Ibid.*, 15.

functional “prequel” of Spurgeon’s book.<sup>24</sup> When considered together, Spurgeon and Bird have established a new paradigm and point of departure for Jim Lane research and discussion, one that does a great deal more justice to a “fascinating and tragic man.”<sup>25</sup>

The thesis of the political defenders, also referred to in this study as the Spurgeon-Bird paradigm, represents important and groundbreaking work on the topic of Jim Lane. The historians of this category do, however, leave some gaps in their revised understanding of the Kansas politician. Many of these gaps concern Lane’s short but controversial tenure as commanding officer of the so-called Lane Brigade during the Civil War. Only one book-length examination of Lane’s Civil War career exists, and its author unmistakably belongs to the postmodern critic class of Lane historian. Bryce Benedict’s *Jayhawkers: The Civil War Brigade of James Henry Lane* (2009) contains the most detailed narrative of Lane’s military career. However, Benedict operates from the familiar paradigm of Jim Lane as a political chameleon and unscrupulous power-seeker. The first chapter stresses Lane’s transformation “from conservative Democrat to radical Free State man;” and while Benedict attempts to create some distance between Lane and the radical abolitionists under his command, he makes little effort to distinguish between the various political motivations at play.<sup>26</sup> The result is a narrative that implicates Lane as the military *and* ideological leader of the militant radicals.

Benedict’s interpretation of the Trans-Mississippi Theater of the war accords with those in other, less-detailed accounts. Most authors have reduced the fighting along the

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<sup>24</sup> Jim R. Bird, “A Family Affair: The Pre-Kansas Saga of James Henry Lane,” (PhD diss., University of Arkansas, 2012), 5.

<sup>25</sup> Spurgeon, 17.

<sup>26</sup> Bryce Benedict, *Jayhawkers: The Civil War Brigade of James Henry Lane* (Norman, OK: Oklahoma University Press, 2009), 17.

Kansas-Missouri border to an ideological struggle between pro and anti-slavers; bloody, but peripheral to the larger national conflict. The truth is surely more complex. After all, Lane, the undisputed leader of Free State military forces between 1856 and 1861, famously said upon his arrival to Kansas that he would “as soon buy a negro as a mule.”<sup>27</sup> If indeed the man who uttered such a remark never fully abandoned the principles that inspired it, we must revisit the ideological basis of his military campaigns.

Under the Spurgeon-Bird paradigm, the reduction of Lane’s motivation to revenge, retaliation, or radicalism is invalid. Historians on the leading edge of this new interpretation must instead consider that Lane found motivation in the Democratic principles and Jacksonian Unionism that characterized his entire political career. These considerations ought to shed light on an idea that is yet unexplored: that Jim Lane’s 1861 Civil War campaign was not a reckless Jayhawking venture based on radical ideology, but rather an early manifestation of modern total war; a small scale precedent for the campaigns of 1864-65.

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<sup>27</sup> Stephenson, 42.

## CHAPTER III

### MAN OF JACKSON: JIM LANE'S POLITICAL PEDIGREE

Prior to 2008 and the emergence of the political defenders, historians of Jim Lane shared a distinct failing: their consistently inadequate coverage of Lane's pre-Kansas career. Although Lane's notoriety and legacy were products of his ten years in Kansas, the examination of those ten years in a vacuum renders any sketch of Jim Lane distorted and incomplete. Doubtless, the charges of the postmodern critics—political chameleonism and ruthless pragmatism—are byproducts of a fragmented view of Lane's life and history. Indeed, the ideological consistencies in Lane's political and military actions are visible only when positioned in broader context.

When Jim Lane moved to Kansas in 1856, he was forty years of age. In his mother's own words, "what a man is at forty, he will continue to be through the remainder of his life."<sup>1</sup> Mary Foote Lane, revered in the historical record for her thoughtful wisdom, sheds prophetic light on the shortcomings of many of Jim Lane's later biographers. While Lane's actions in Kansas may have defined his legacy, his character was cemented before he ever set foot on Kansas soil. In order to demonstrate

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<sup>1</sup> Mary Lane to James H. Lane, 25 November 1853, James H. Lane Papers, Kansas Collection, MS Collection 28, Folder 5, Spencer Research Library, University of Kansas, Lawrence.

that steady ideological principles guided Lane's 1861 Civil War campaign, the pre-Kansas segment of Jim Lane's career must receive proper attention.

The seeds of Jim Lane's political ideology were in fact sown long before his birth. Jim's father, Amos Lane, a farmhand turned lawyer turned politician, would serve as his son's principal role model, both in life and in politics. Jim's tireless ambition, staunch unionism, and steadfast adherence to Democratic principles all derive from the Lane family patriarch. Between 1807 and 1828, Amos Lane—in step with a large segment of the American populace—underwent a political transformation that began with an aristocratic Jeffersonian brand of democracy, and concluded with the Jacksonian style: markedly more rugged and western. The conclusion of this transformation and Amos Lane's commitment thereafter to Jacksonianism coincided with James Henry Lane's coming of age and poured the foundation for his political worldview.

A little more than twelve hundred miles from Kansas, Ogdensburg, New York represents ground zero of the Lane family's political odyssey. It was in this small border town in St. Lawrence County where Amos Lane met and married Mary Foote Howse in 1806. Lane had traveled to Ogdensburg seeking employment in a local law office, while Mary had moved upstate in the wake of her first husband's death several years prior.<sup>2</sup> Their marriage and the birth of their first daughter in 1807 coincided with rising tensions between the United States and Great Britain, the latter of which had turned in desperation to a policy of sailor impressment to keep the Royal Navy staffed during its wars against Napoleon. The crisis between the United States and Britain provides the backdrop for our first real insight into the Lanes' political philosophy.

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<sup>2</sup> Jim R. Bird, "A Family Affair: The Pre-Kansas Saga of James Henry Lane," (PhD diss., University of Arkansas, 2012), 35

In an attempt to distance his country from the Napoleonic wars and European belligerents, President Thomas Jefferson signed a controversial Embargo Act in 1807, halting U.S. trade with Great Britain. Ogdensburg, situated as it was on the southern bank of the St. Lawrence River, had developed a trade-centric economy—one in which goods and competition from British Canada played a central role. As the domestic economy stalled and rumors of war swirled, the citizens of New England increasingly voiced their opposition to Jefferson’s policy. Although no document indicating the extent of the Lane family’s accord with the principles of the embargo has survived, the Lanes, as Jim Bird writes, “voted with their feet.”<sup>3</sup> Less than a year following the law’s passage, the discouraging prospects of Ogdensburg under embargo prompted the Lane family to leave New York for the west.<sup>4</sup>

The Lanes’ first stop in the west was Cincinnati, Ohio. Cincinnati, positioned as it was on a northern reach of the Ohio River, was in the early 1800s quickly growing into a hub for westward settlers. After a week in Cincinnati—just long enough to “establish some initial contacts with a few members of the antebellum Ohio River social elite”—the Lane family rented a plantation owned by the father in-law of Zebulon Pike.<sup>5</sup> Captain John Brown’s plantation, located on the southern banks of the Ohio in the town of North Bend, rendered the Lanes settlers of Kentucky—an initially trivial detail that would later pay dividends when the embattled James Henry Lane invoked a shared southern heritage with his proslavery opponents.

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<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid, 40.

Thirteen months after the Lanes' initial arrival in Kentucky, the family moved downriver to the Boone County settlement of Tousey Town, directly across the Ohio from Lawrenceburg, Indiana. They remained in Boone County until 1814—the birth year of James Henry. In all, the six years the Lane family spent in Kentucky exposed Amos for the first time to a number of political issues that would play a role in his own political career, and later his son's. Among these, though it had not yet taken center stage, was the budding controversy over slavery.

There is little evidence that the Lanes held any firm attitudes about slavery at this point. The circumstances suggest ambivalence at best and complicit tolerance at worst. The 1810 federal census ascribes 10 slaves to Captain John Brown, the owner of the North Bend plantation rented by the Lanes in 1809. It is nearly certain that bondsmen maintained the property over the course of the Lanes' stay. Even so, this close proximity to the peculiar institution did not affect the Lanes' opinions in a meaningful way. The diary of Mrs. Lane, which serves as a detailed record of her thoughts and conscience, bears little mention of slavery during this period. Nor did slavery appear to motivate the Lanes' decision to move downriver the following year; their Tousey Town landlords, the Piatt family, were also listed as slaveholders in the federal census.<sup>6</sup> The disposition of the Lane family towards slavery upon their arrival to Kentucky was characteristic of Ohio River settlements of the time. Although the river separated legally free soil from that open to slavery, inhabitants of both banks tolerated the institution and carried out their business with a degree of cordiality that reflected their shared cultural and political

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<sup>6</sup> Ibid, 44.

systems. At the time, the Lanes apparently did not see slavery as a threat to their own moral fiber—nor to the fabric of the nation.

The political climate of Kentucky during the early 1810s orbited around the favorite son and rising star of the Bluegrass State: Henry Clay. Clay's proposed Bluegrass System promised to unlock the economic potential of Kentucky's fertile soil and insulate her from the economic aftershocks of Jefferson's embargo. Boone County was well within the radius of Lexington's influence, and the Lane family patriarch became a vocal supporter of the Democratic Republican Party.

Though a centerpiece of his early political endeavors, Amos Lane's support of Clay and the party of Jefferson nearly stalled his blossoming legal career. Lawrenceburg, Indiana—just across the Ohio from the Lanes' Boone County home—was in the early 1810s a favorable location for lawyers; the territory was approaching statehood, and there was no shortage of work. However, when Lane first attempted to secure employment in Indiana, a pair of entrenched Federalist attorneys in Lawrenceburg stood in the way of Lane's admittance to the bar. By the account of Omar F. Roberts, an acquaintance of the Lane family and member of the Indiana bar, the probate judge and county clerk in Lawrenceburg “were not inclined to show favor to anyone who was not of their household of faith; and consequently they rejected Lane's application for a license to practice law.”<sup>7</sup> Despite the setback, Amos Lane's career trajectory was righted only a few years later, when the Federalist establishment became a casualty of the War of 1812.

Boone County's location near the center of the expansive American west rendered it fairly insulated from the War of 1812. The Ohio River provided an effective barrier

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<sup>7</sup> O.F. Roberts, “The Lane Family,” *Kansas Historical Collections* XVI (1923-1925): 29.

against “universally feared Indian depredations,” and Henry Clay had catalyzed Kentucky’s agricultural economy, protecting the Bluegrass State from the economic destitution felt elsewhere.<sup>8</sup> The immediate Lane family took no active part in the war, but doubtless benefited from its outcome. As a practicing lawyer in rural Kentucky, Amos Lane built his reputation as a man of character during the war’s early years. When he returned to Lawrenceburg in 1814 to re-apply for admittance to the bar, the Federalist opposition, which earlier proved unmovable, had lost its footing.<sup>9</sup> Amos Lane then moved his family across the Ohio River to Indiana, where for the next several decades his surname would be a staple in local politics.

The family’s move to the north bank of the river coincided with the birth of the Lanes’ fifth child and third son, James Henry. James H. Lane entered the world on 22 June 1814. Due to some uncertainty surrounding the date of the Lanes’ move to Lawrenceburg, we do not know whether he was born on Kentucky or Indiana soil. Later in his life, Jim Lane would skillfully propagate a legend that, when he was “first discovered, he was standing astride the Ohio River, claiming both states”—allowing him to appeal both to free-soilers and Southerners in Kansas.<sup>10</sup>

The birth of James Henry came at the outset of his father’s career in politics. Between 1815 and 1823, Amos Lane served as the Dearborn County prosecutor. In November 1816, in the immediate wake of Indiana’s admittance to the union, Lane won election to the state legislature.<sup>11</sup> As Jim Bird writes, “By no means were practicing law

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<sup>8</sup> Bird, 56.

<sup>9</sup> Wendell Holmes Stephenson, “Amos Lane, Advocate of Western Democracy,” *Indiana Magazine of History* 26, no. 3, (September 1930), 180.

<sup>10</sup> John Speer, *Life of Gen. James H. Lane: “The Liberator of Kansas”* (Garden City, KS: John Speer, Printer, 1897), 137.

<sup>11</sup> Stephenson, “Amos Lane,” 183.

and dabbling in local politics mutually exclusive vocations. Not only could they be pursued concurrently, but in Lane's case they complemented each other."<sup>12</sup> Lane played a significant role in defining Indiana's brand of federalism, famously introducing more legislation than any other representative in the legislature's first session. His hustle in the legislative chamber earned him consecutive re-elections to the general assembly. Despite his newness to politics, the legislature named Lane Speaker of the House in 1817.<sup>13</sup> All the while serving with distinction in the legislature, Lane kept an impressive caseload in his growing legal practice. The Indiana Supreme Court documents forty-six cases argued by Amos Lane between 1817 and 1845; and in more than half of these, he was his client's sole counsel.<sup>14</sup> Jim Bird notes that Amos Lane was a "super-achiever" of his time, and that "Jim Lane . . . [was] born into a family wherein ambition and political discourse pervaded the domestic environment."<sup>15</sup>

Between 1816 and the early 1823, the so-called "Era of Good Feelings," national politics played a negligible role in Amos Lane's political career. His attention and the attention of his constituents instead focused on local issues. Chief among these issues was internal improvement. Amos Lane aggressively advocated the government-funded construction of highways and canals in Indiana. Lane and his constituents widely believed that the construction of such infrastructure would catalyze settlement and economic growth in Indiana, and push the frontier westward.<sup>16</sup> Lane's focused attention on local issues, however, did not endure forever. The hotly contested and controversial

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<sup>12</sup> Bird, 67.

<sup>13</sup> Stephenson, "Amos Lane," 184.

<sup>14</sup> William Wesley Woollen, *Biographical and Historical Sketches of Early Indiana* (Indianapolis: Hammond & Co., 1883), 179.

<sup>15</sup> Bird, 69.

<sup>16</sup> Bird, 83.

presidential election of 1824 revealed deep fractures in the Democratic Party and forced Amos Lane to take part in a national conversation. When the dust of political reorganization settled in 1828, Amos Lane found himself a committed Jacksonian Democrat. Lane's migration to the Jacksonian camp occurred just as James Henry's interest and understanding of politics was beginning to blossom. Young Jim would come to know his father as a dedicated Jackson man.

The slate of presidential candidates in 1824 included General Andrew Jackson of Tennessee; Secretary of State John Quincy Adams of Massachusetts; Kentucky's favorite son and Speaker of the U.S. House of Representatives Henry Clay; Secretary of the Treasury William Crawford of Georgia; Secretary of War John C. Calhoun of South Carolina; and DeWitt Clinton, former governor of New York. None of the candidates appeared terribly willing to continue the policies of the Monroe administration; and the party split accordingly along geographic, religious, and intellectual lines.

Amos Lane did not run for political office in 1824, but his reputation and position in the Lawrenceburg community rendered him a valuable steward of votes in his district. Each of the candidates, with the possible exception of Crawford, uniquely appealed to Lane. DeWitt Clinton was likely Amos Lane's early favorite; the two shared a connection to New York, and Clinton's Erie Canal project had rendered him a symbol of the internal improvements platform. Clinton's early exit from the campaign, however, forced Amos Lane to consider other things. Before his own departure from the contest, Calhoun may have appealed to Lane on a more personal level. Bird has submitted, with no shortage of circumstantial evidence, that Calhoun recognized Amos Lane's influence in Indiana and may have used his power as Secretary of War to see that Lane's eldest son,

John Foote, received an appointment to West Point early in 1824.<sup>17</sup> The favor would not have been lost on Amos and likely bolstered Calhoun's later bid for vice president. The appeals of Henry Clay and Andrew Jackson were less personal but more obvious. Amos Lane's identity as a Kentucky settler tied him to Henry Clay, a link strengthened by Clay's vocal support of public works and internal improvements. On the other hand, Andrew Jackson's appeal to the common man in the west would have energized Lane's community. Jackson's military background would have also appealed to Amos Lane's growing interest in a bolstered U.S. Army. Lane's familial connections to West Point, which then included his son and nephew, no doubt nurtured these interests. Despite the appeals of Jackson, however, Amos Lane found the general unqualified for the position of president in 1824. Ultimately, John Quincy Adams won the support of Amos Lane. Very little separated the policy positions of Adams and Henry Clay, but Lane found the secretary more equipped for the presidency. Following the election, Lane told the *Hardinsburgh (Kentucky) Compiler*: "I considered Mr. Adams the more solid, Mr. Clay the more visionary man. I therefore espoused the cause of Mr. Adams with great zeal and voted for him."<sup>18</sup> Although Lane's man won the contest, Andrew Jackson's post-election surge in popularity—especially in western circles—signaled shifting political sands. Amos Lane's support of the entrenched political establishment would wane in the coming years, and several issues would bring him into the Jacksonian fold.

During the late 1810s and early 1820s, American democracy underwent a significant expansion, especially in the west. This expansion of democracy, which characterizes the era now known as the Jacksonian period, manifested in Indiana in a

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<sup>17</sup> Bird, 82.

<sup>18</sup> *Hardinsburgh (Kentucky) Compiler*, quoted in Stephenson, 188.

variety of ways. Chief among them in 1825 was the emerging discourse regarding the “right of instruction,” which challenged the traditional relationship of representatives to their constituents. Proponents of the right of instruction held that “representatives either in Congress or the General Assembly should vote as his [sic] constituents wished him to, and not as he thought individually. If unable to carry out the will of his supporters, the representatives should resign.”<sup>19</sup> Supporters of the doctrine thus believed in transferring governing authority from the politicians to the people. In a larger sense, the doctrine represented a backlash against the perceived elitism of the political class—feelings that were characteristic of the Jacksonian movement. As the rhetoric over the right of instruction took center stage, Amos Lane became one of its most vocal supporters.<sup>20</sup>

Besides the philosophical changes in Hoosiers’ concept of democracy, Indigenous policy also connected Amos Lane to the Jacksonians. Many Indiana voters viewed tribal lands between the Ohio River and Lake Erie as a hindrance to their infrastructural ambitions. Amos Lane, too, favored Indian removal and supported Governor James Brown Ray’s efforts to negotiate a treaty with the resident Potawatomi and Miami tribes.<sup>21</sup> Although charges of corruption over the course of those negotiations proved costly for both Governor Ray and Amos Lane, the pursuit of Indian removal in the interest of domestic growth would later become a central issue of Jackson’s presidency.

While the political tides in Indiana buoyed a brand of Democratic ideology that drew Amos Lane and many of his fellow Hoosiers towards Andrew Jackson, the experience of Lane’s eldest son at West Point encouraged him to adopt a worldview that

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<sup>19</sup> Logan Esarey, *A History of Indiana: From Its Exploration to 1850* (Indianapolis: W. K. Stewart Co., 1915), 297.

<sup>20</sup> Bird, 89.

<sup>21</sup> Bird, 102.

was much more compatible with Jackson's experience and reputation. This was especially true after Amos visited John Foote Lane at West Point as an honored guest in June 1826.<sup>22</sup> The Lane family's indoctrination into military culture between 1824 and 1828 indeed paralleled Amos Lane's adoption of a rugged and more militant outlook over the same period. The young and impressionable James Lane, too, inherited this worldview and applied it liberally during his later exploits in Kansas.

Other than attending a decidedly pro-Adams gathering in 1827, Amos Lane kept his distance from the heated discourse surrounding the presidential election of 1828. Indeed, he found himself amid a rapidly changing political climate like the one that his son, James Henry, would later find in Kansas. Furthermore, Amos Lane's own worldview had evolved significantly since he had "zealously" supported John Quincy Adams in 1824. In the wake of Jackson's convincing victory, the political evolution of Amos Lane became complete. His support for the political establishment had transformed into "a fierce Jacksonian loyalty," one that would guide the remainder of his own political career.<sup>23</sup>

Lane's personal political ambition led him next to declare a run for Congress in 1831. Predictably, he was pressed on his abandonment of John Quincy Adams in favor of Jackson. In March of 1831, Lane told the Lawrenceburg *Indiana Palladium*:

My acquaintance with certain individuals in 1826, removed much of my former prejudice against Gen. Jackson. In the latter part of the year 1827 I became fully persuaded, that all my former opinions, my prejudices had been founded upon misrepresentations. In the spring of 1828, I . . . saw and became acquainted with gentlemen upon whose judgment I could rely, and whose integrity I could not suspect. They removed all my doubts; since which I have been satisfied, that Andrew Jackson's qualifications for the presidency, were as eminent, as his military career had been successful and brilliant . . . From the moment I became

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<sup>22</sup> Ibid., 98.

<sup>23</sup> Ibid., 93.

the advocate of Andrew Jackson and sustained his pretensions and claims for the presidency with an untiring zeal, and voted for him at the polls.<sup>24</sup>

Wendell Holmes Stephenson reduces Lane's "labored explanation" to "a politician's justification of his course" which "must be discounted."<sup>25</sup> While it is true that Amos Lane's rhetoric contains no small degree of political posturing and gamesmanship, Stephenson downplays the very legitimate ideological transformation undergone not only by Lane, but a large swath of Indiana's electorate during the 1820s. Given the changing political landscape and Amos Lane's professed belief in the right of instruction, Lane's shift in loyalty can hardly be attributed to political self-preservation alone. Further evidence of Lane's bona fide dedication to the Jacksonians came when he found out that another Jackson man, Jonathan McCarty, had already declared for the same seat in Congress. Lane backed out of the race "in the interest of party harmony," putting his own aspirations on hold for the sake of his new political faction.<sup>26</sup> Such a move further reduces the likelihood that he acted simply as a self-interested "weathervane in politics," as Stephenson suggests.<sup>27</sup>

After two additional years on the sideline, Amos Lane joined the ranks of the Jacksonians in Congress, winning election to that body in 1833. Inside the chamber, Lane continued to profess a hardened loyalty to Andrew Jackson and his policies. During the first session of the 23<sup>rd</sup> Congress, Lane implored his colleagues to "unite . . . in rewarding the claims of the meritorious . . . by taking course with their venerable Chief Magistrate, in whom they could safely trust."<sup>28</sup> Lane's loyalty to Jackson and Jacksonian

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<sup>24</sup> Lawrenceburg, *Indiana Palladium*, March 12, 1831.

<sup>25</sup> Stephenson, "Amos Lane," 189.

<sup>26</sup> *Ibid.*, 190.

<sup>27</sup> *Ibid.*, 177.

<sup>28</sup> *Cong. Globe*, 23 Cong., 1 Sess., 128.

ideals earned him re-election in 1835. The following year, he campaigned hard for Jackson's chosen successor, Martin Van Buren. Soon after Van Buren took office, however, the Panic of 1837 exacted a toll on politicians still espousing familiar Jacksonian ideals. The declining economic situation in Indiana further spurred the organization of the Whig Party in that state, and later in 1837, Amos Lane's dedication to Jacksonian principles rendered his seat in the House a casualty of the panic; Lawrenceburg Whig George H. Dunn defeated Lane by more than a thousand votes.<sup>29</sup>

When Amos Lane first took his seat in Congress, James Henry was still an impressionable young man of nineteen years. Evidence suggests that James H. Lane was attentive to the political landscape of his youth, as well as the work in which his father took part. Later chapters will demonstrate that the fundamental principles of Jim Lane's political ideology derive largely from his two boyhood idols: his father and Andrew Jackson. To this end, it is worthwhile to detail his heroes' positions on the issues that would later define Jim Lane's political career: the union of the states and slavery.

Jackson's resolute belief in the Union underwent a major test following his reelection in 1832. In late November of that year, South Carolina infamously nullified federal tariff legislation that its legislature deemed an encroachment on state liberties. The act of defiance put the southern state on a collision course with Old Hickory, very nearly resulting in armed conflict. Although Henry Clay negotiated a compromise in 1833, Jackson's rhetoric during the nullification crisis made clear the president's

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<sup>29</sup> Stephenson, "Amos Lane," 208.

willingness to preserve the Union at any cost.<sup>30</sup> Towards the end of his second term, Jackson would again deal with an issue that posed a possible danger to the union: slavery.

Andrew Jackson's southern upbringing made him a proponent of the states' right to regulate the peculiar institution without federal interference. He won the presidential election in part because of that states' rights platform. On a more personal level, Jackson had himself garnered a substantial fortune via the exploitation of unfree labor in Tennessee. For these reasons and others, Jackson is typically remembered as a pro-slavery president. While he certainly tolerated and benefited personally from the institution, Jackson was markedly different from the pro-slavery Southern puppets that occupied the White House in the 1850s. Never did Jackson consider slavery in an ideological vacuum. Whatever his personal feelings on the institution, Andrew Jackson assigned highest priority to the security of the Union. He recognized the threat slavery was beginning to exert in the 1830s and accordingly tried in earnest to keep the issue out of national conversations. A prime example of this effort is Jackson's handling of the Texas question, which he inherited near the conclusion of his second term. When Texas won its independence from Mexico in 1836, its new government called for union with the United States. The measure found support in much of the South, annexation being an opportunity to expand slavery westward and enhance pro-slave representation in the Senate. Jackson, however, recognized the disharmony such a move would undoubtedly create. The president was hesitant to formally recognize the Republic of Texas, and

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<sup>30</sup> Eric Foner, *Give Me Liberty! An American History* (New York: W.W. Norton & Company, 2011), 397.

ignored altogether the Texans' appeal for annexation, thus tabling the issue for future administrations.<sup>31</sup>

Echoes of Jackson's policies on Union and slavery are evident in the historical record of Amos Lane. Although Lane never personally owned human chattel, his experience as a Kentucky settler suggests that he, like Jackson, had little moral objection to the institution. Despite this, Lane, like Jackson, perceived the slavery debate as a danger to the Union, and took measures to expel the conversation from national politics. In 1835, Lane voted to table all petitions calling for abolition in the District of Columbia.<sup>32</sup> In subsequent years, his voting record consistently demonstrated his belief that the federal government had no authority to interfere with states on the issue of slavery. It was Lane and his fellow Jacksonian Congressmen who passed the famous "gag" resolution, which tabled all antislavery petitions without debate.<sup>33</sup>

As Amos Lane's political career ended, the political career of his son, James Henry, was only beginning. Jim Lane's twenties saw his entrance to politics and he became a war hero in his thirties. Throughout his rise, and indeed his entire political career, Lane bore the torches of his father and of Andrew Jackson. However tumultuous the political landscape became, Lane's fundamental Jacksonian principles—especially his resolute belief in western democracy and the Union—never left him. Although Jim Lane's alignment with free-soil interests in Kansas has signaled to the postmodern critics a departure from his father's Jacksonian ideology, evidence in the coming chapters will demonstrate the contrary. Jim Lane, like his father, tolerated the institution of slavery

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<sup>31</sup> Justin H. Smith, *The Annexation of Texas* (New York: The Baker and Taylor Co., 1911), 56.

<sup>32</sup> *Cong. Globe*, 24 Cong., 1 Sess., 24-25.

<sup>33</sup> Stephenson, "Amos Lane," 197.

along with much of the Jacksonian faithful, but when the Union came under direct threat because of the slavery debate, Lane put national security and national unity ahead of all other concerns. Jackson's signing of the Force Bill in 1832 in essence secured the foundation of Jim Lane's lifelong commitment to the Federal Union.

Lane's actions in Kansas, when juxtaposed to those of his formative years, indeed reveal a great ideological continuity in Lane's political career. This continuity, however, has been all but lost on a generation of historians who have neglected Lane's storied family history and the pre-Kansas chapter of his life. Furthermore, the context provided by this period will shed light on the conservative, Democratic principles that inspired Jim Lane's apparently radical Civil War expedition in 1861.

## CHAPTER IV

### MAN OF DOUGLAS: JIM LANE IN INDIANA

Whether a byproduct of his political pedigree, or simply innate ambition, James Henry Lane appears to have been destined for a career in politics. Lane's early ventures in the private sector, which included "packing pork . . . selling goods . . . speculating . . . and forwarding goods down the Mississippi River," failed to keep the young man's interest.<sup>1</sup> Jim Lane found little motivation in money. Never during his career did his income exceed modest levels, and he remained largely unfazed by his periodic brushes with bankruptcy. Politics, on the other hand, peaked Lane's curiosity. Nurtured by conversations around the Lane family dinner table, James Henry took an early interest in public policy. James Lane came of age during the corrupt bargain, the rise of western democracy, and the nullification crisis. The national political landscape was fast evolving, and the voice of the American westerner was growing ever louder. Politics was a vocational arena that seemed a perfect fit for the ambitious son of Amos Lane.

Before his move to Kansas in 1855, Jim Lane established significant political and ideological patterns as a representative from Indiana. He also cut his military teeth as a colonel in the Mexican American War. While most Lane historians give an obligatory

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<sup>1</sup> Ian Michael Spurgeon, *Man of Douglas, Man of Lincoln: The Political Odyssey of James Henry Lane* (Columbia, MO: University of Missouri Press, 2008), 19.

nod to these political and military beginnings, seldom do the topics receive their due ink. Mary Foote Lane’s prophetic warning about a man’s character at forty rings especially true of James Henry Lane’s political and military career. Proper examination of Lane’s Indiana career renders his later actions in Kansas consistent with the principles and professions of his formative years.

Jim Lane delivered his first public speech at the age of eighteen in support of Andrew Jackson’s 1832 re-election bid. Four years later, he stumped for Jackson’s Democratic successor, Martin Van Buren. These early experiences contributed to Lane’s fast-growing reputation as “one of the most effective and popular speakers in the West.”<sup>2</sup> In 1832, Lane won his first political election. At eighteen years of age, he was the youngest member of the Lawrenceburg City Council—an office to which he rose on the shoulders of his father’s reputation. Jim’s own “zealous efforts in behalf of . . . the prosperity of [Lawrenceburg],” however, earned him repeated re-elections to the council. In 1835, Lane took a new position as postmaster of Lawrenceburg—a federal appointment acknowledging the loyalty of the Lane family to the Jacksonian Democrats.<sup>3</sup> In the proceeding decade, Lane the younger proved himself “one of the most prominent politicians of Dearborn County.”<sup>4</sup> Late in 1845, however, national developments moved Lane to put his political career on hold—though in doing so he greatly amplified its trajectory.

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<sup>2</sup> *Cong. Globe*, 39 Cong., 1 Sess., 128.

<sup>3</sup> Jim R. Bird, “A Family Affair: The Pre-Kansas Saga of James Henry Lane,” (PhD diss., University of Arkansas, 2012), 238.

<sup>4</sup> Wendell Holmes Stephenson, *The Political Career of General James H. Lane* (Topeka, KS: Kansas State Historical Society, 1930), 28.

Demonstrating a loyalty to the Democratic Party that was unshaken by Whig success in 1840, Jim Lane stumped hard for James K. Polk in 1844. The Texas question, which had ripened since Andrew Jackson first ignored it nearly a decade prior, united Southern Democrats with their compatriots in the West, many of whom had long been proponents of American expansion. Polk's coalition of southern and western Democrats elevated him by a narrow margin over Whig challenger—and opponent of Texas annexation—Henry Clay. Polk's campaign promises, however, put the United States on a collision course with Mexico, and the ensuing war between those countries had ripple effects that directly shaped the course of Jim Lane's career.<sup>5</sup>

Days after Congress declared war on Mexico, Polk requisitioned the state of Indiana for three regiments of volunteers. Because the Indiana militia system had deteriorated in the thirty years since the War of 1812, the state was forced to organize volunteer regiments entirely from scratch. Many assumed that only a draft would suffice to fill the ranks requested by the president. However, James Henry Lane was among many in southern Indiana who answered the call to arms, eliminating the need for such a conscription. Lane personally organized a substantial assembly of volunteers, and was the first to report a full company to the governor for official organization.<sup>6</sup> Wendell Holmes Stephenson supposes that a number of factors drove Lane's decision to enlist. Among them were Lane's youthful ambition, his loyalty to the Democratic Party and its campaign promises, his personal stake in downriver commerce, and perhaps most

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<sup>5</sup> Ibid.

<sup>6</sup> *History of Dearborn and Ohio Counties, Indiana from their Earliest Settlement* (Chicago: F.E. Weakley & Co., 1885), 202.

importantly, the prospect of attaining the laurels that adorned individuals of military success.<sup>7</sup>

Despite his lack of formal military training, Jim Lane's fellow Dearborn County volunteers elected him colonel in the summer of 1846.<sup>8</sup> Lane and the two other colonels-elect—having received their commissions on the same date—determined the numbers of their regiments and personal rank “by lot, drawn in the presence of the governor and adjutant general.”<sup>9</sup> James H. Lane consequently became commanding officer of the Third Indiana Volunteer Infantry Regiment, which was mustered along with the First and Second on 19 June 1846.<sup>10</sup>

After two weeks of rudimentary training, The Indiana Brigade traveled down the Mississippi River to New Orleans, from which point they were forwarded to Monterrey to join General Zachary Taylor's army in Mexico.<sup>11</sup> As the weeks in Mexico turned to months, Colonel Lane proved himself a charismatic—if not temperamental—leader of his regiment. In February of 1847, only days before the pivotal Battle of Buena Vista, violence nearly erupted out of a personal feud between Colonel Lane and his immediate superior. While the incident had little bearing on the ultimate fate of the Third Indiana or Taylor's army, its telling falls within the scope of the present study, as it establishes patterns that characterized Lane's later military exploits. Before detailing the dispute, however, some context is in order.

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<sup>7</sup> Stephenson, *Political Career*, 20.

<sup>8</sup> Bird, 104.

<sup>9</sup> Stephenson, *Political Career*, 21.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

Unbeknownst to James Lane and Zachary Taylor, the army of Mexican General Antonio López de Santa Anna was on the move in mid-February 1847. Santa Anna had received intelligence suggesting Taylor's troop strength in the North was much less than originally believed. The former Mexican president thus decided to launch an offensive. General Taylor, who had divided his army between Monterrey and Saltillo, underestimated the ability of the Mexicans to traverse the 200 miles of desert that separated the Americans from Santa Anna's encampment. Taylor's was a false sense of security, and in the week leading up to the Battle of Buena Vista, the most pressing issue in the minds of the general and his officers was not the impending assault, but rather the impending expiration of the rank and file's initial service terms.<sup>12</sup>

Expired enlistments threatened Colonel Lane's command, so he and his officers worked a plan to form a new regiment of veterans while still in Mexico. Following regimental drill on 20 February, Lane formed his men into a hollow square.<sup>13</sup> He and his officers addressed the regiment and shared "thoughts with their men about leading and staffing the proposed unit, and how individual personalities could be best matched with available positions."<sup>14</sup> The seemingly routine Saturday soon yielded to a tense and heated exchange between two officers. An eyewitness account holds that, at the close of Lane's remarks, Brigadier General Joseph Lane—the commander of the Indiana Brigade—approached the regiment, entered the square, and contradicted some aspect of Jim Lane's address.<sup>15</sup> Colonel Lane took apparent offense to being challenged in front of

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<sup>12</sup> Bird, 262.

<sup>13</sup> Edward T. Dickey, "Bad Blood Between Two Good Men," In *Indiana in the Mexican War*, edited by Oran Perry (Indianapolis: WM. B. Burford, 1908), 134.

<sup>14</sup> Bird, 264.

<sup>15</sup> Joseph Lane was Jim Lane's immediate superior, and of no relation to the colonel.

his command, and retorted, questioning the validity of the general's statement. The general asked if Colonel Lane doubted his word, to which the colonel replied, "I do, by God, Sir."<sup>16</sup> The altercation between the two Lanes then became physical. Jim Lane landed at least one punch on the general's face before other officers intervened and separated the two.<sup>17</sup>

After the dust settled, the brigadier briefly left the parade grounds. As Colonel Lane turned to address his men, however, the regiment spotted the general returning to the scene of the dust-up—this time armed with a standard issue musket. Private Edward T. Dickey recorded the proceeding events, which he witnessed from the ranks of the Third Indiana:

Colonel Lane's back was to the camp and he did not see the General until he was within perhaps thirty yards. At about that distance the General stopped, and calling to the Colonel asked, "Are you ready, Colonel Lane?" The Colonel looked around and seeing the General, ordered a man in the ranks to load his musket, and replied, "I [damn] soon can be." That man and many others loaded their muskets without delay. Just as the Colonel reached to take the musket the guard surrounded the General and led him away, saving the lives of both officers, for had they exchanged shots I have no doubt the General would have killed the Colonel, and as little doubt that fifty musket charges would have found lodgment in the General's body.<sup>18</sup>

Dickey's recollection highlights two distinct features of Jim Lane's military leadership. First, the colonel held no reservations against challenging authority when he believed himself to be in the right. Lane's hostile tone towards the brigadier general demonstrates this defiant confidence. After his move to Kansas, Lane held a variety of official and unofficial military positions. In those posts, Lane consistently displayed an independence of thought and action that flirted with insubordination. Second, Dickey's

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<sup>16</sup> Dickey, 134.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

account provides a first-hand look at Lane's uncanny ability to win the loyalty of those under his command. Although Lane ordered a single infantryman to load his musket in preparation for the duel, Dickey suggests that upwards of fifty were willing to fire upon the brigadier general in order to defend the honor of their beloved colonel. This loyalty—which may better be characterized as reckless zeal—would manifest again in Lane's Kansas troops. Lane's unique style of straddling the fine line between unconventional and rash, earned him the adoration of his men before they ever laid eyes on the enemy.

Only days after the altercation, General Taylor's scouts revealed to him, in what must have been a sobering moment, the extent to which he had underestimated Santa Anna's forces. With an enemy army of nearly twenty thousand poised to attack from the South, Taylor scrambled his army into a defensive posture.<sup>19</sup> The decisive battle that ensued gave James H. Lane bona fide military laurels to accompany his growing reputation as a controversial leader.

As a function of chance, Lane's Third Indiana Volunteers were thrust into a pivotal position on the battlefield at Buena Vista on 23 February 1847. On the Americans' western flank, the Third Indiana occupied a fortified defensive position near Captain John M. Washington's battery of artillery. Their position served three distinct purposes: first, their presence denied Santa Anna access to key terrain on Taylor's right flank. Second, they protected Washington's artillery battery, which would prove a critical feature of Taylor's battle line. Finally, Lane's men offered Taylor a reserve of regimental strength if needed elsewhere on the field.<sup>20</sup>

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<sup>19</sup> Bird, 266.

<sup>20</sup> Ibid., 267.

Amid the chaos that engulfed the battlefield on 23 February, Lane's regiment provided key support for Jefferson Davis's Mississippi Rifles, which had rallied with portions of the dissolved Second Indiana Volunteer regiment. Together with the rifles, Lane's volunteers repulsed a massive cavalry charge early in the afternoon. Later in the day, Lane was ordered to a forward position where his Indiana Volunteers again engaged the enemy—this time against a desperate attempt on the center of Taylor's line. Again, the Hoosiers succeeded in repulsing their attackers.

Santa Anna's retreat after the hard fighting at Buena Vista cemented the legacy of Zachary Taylor. The general rode his Buena Vista fame all the way to the White House in 1848. Similarly, the performance of Lane's Third Indiana Volunteers rightly earned the regiment the nickname, the "Steadfast Third"—as well as the undying adoration of the Hoosier State. The battle also had far-reaching consequences for Jim Lane's own career. Lane returned to Indiana a war hero, which bolstered his political résumé. He brought back a working understanding of defensive warfare, which he would later put to use in defense of Lawrence in the 1855 Wakarusa War. Furthermore, and perhaps most important to the present study, the war exposed Jim Lane to the delicate interaction between political and military interests during wartime. Lane bore witness to President Polk's politically motivated application of Taylor's army.<sup>21</sup> On a more personal level, Lane tasted the reality of political appointments to high military posts: his personal foe during the war, Brigadier General Joseph Lane, was one such appointee. Political commissions like that of General Lane would become a much broader reality at the outset of the Civil War, as would the interplay of political and military realities. Indeed, Jim

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<sup>21</sup> *Ibid.*, 262.

Lane's Mexican American War experience proved more transformative than even the young Hoosier could have imagined.

When Lane returned to Indiana following the war's end, he made certain to keep his name before the public. Indiana counties across the state held celebrations for their veterans, and Lane appeared as the featured speaker at many such events.<sup>22</sup> An apt orator, Lane's name soon emerged as a potential gubernatorial candidate for the 1849 election. At the Democratic state convention in January of that year, however, it became clear that Lane would not win the nomination. Undeterred, the friends of Lane struck a deal with another Democratic candidate, Joseph A. Wright, so that Lane would appear on Wright's ticket as lieutenant governor. The strategy proved beneficial for both men. To the chagrin of his Whig challenger, Joseph Wright boasted a war hero running mate during his spring and summer campaign of 1849.

Wright and Lane canvassed the state. For his part, Lane spoke in at least thirty-four cities and towns in Indiana.<sup>23</sup> During these speeches, Lane offered his position on a number of issues, lending insight to his western Democratic roots and his commitment to the party's principles. Foremost among these principles was the right of instruction, which he affirmed in a speech in Vincennes on June 18. Lane also asserted western democratic principles by promising popular referendums upon all taxes for internal improvements—thus protecting the people against “legislative encroachment.”<sup>24</sup> Lane highlighted the accomplishments of the Democratic Party in the six years since it had reclaimed Indiana's general assembly from “Whig misrule.”<sup>25</sup> He boasted that the party

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<sup>22</sup> Stephenson, *Political Career*, 29.

<sup>23</sup> *Ibid.*, 30.

<sup>24</sup> Vincennes, *Western Sun and General Advertiser*, June 23, 1849.

<sup>25</sup> *Ibid.*

had nearly extinguished the state debt incurred by the Whigs, and reduced the operating expense of the government by forty percent. On matters of the tariff, the bank, and the independent treasury, Jim Lane walked in step with the Democratic Party platform.<sup>26</sup> One growing point of contention, however, evaded his rhetoric altogether: slavery.

Although it commanded significant national attention in 1849, Lane and Wright did not address the issue of slavery during their campaign. The debate had returned to the national conversation in the wake of the Mexican cession, and the issue threatened to fracture the Democratic Party as the 1840s waned. At the state level in Indiana, however, the fate of slavery was a moot point. Furthermore, the divisive issue posed an equally ominous threat to Whig unity. Thus, the opposition never pressed Wright and Lane to take a position on the future of the institution. Unlike later elections that would divide voters along pro and anti-slavery lines, the politics of slavery did not factor into Indianans' decision when they went to the polls in 1849. Hoosiers punched the Wright-Lane ticket at a fifty-two percent clip, elevating Jim Lane to his first state-level office.<sup>27</sup>

Although he recognized the value of his office as a political stepping-stone, Jim Lane found his duties as lieutenant governor less than exciting. After just one term, Lane set his sights on more active political arenas, specifically, the U.S. House of Representatives. In 1852, the Democratic Party in Indiana acknowledged Lane's commitment to the organization by appointing Lane as a presidential elector. He spent the summer of that year on the campaign trail, stumping for presidential candidate Franklin Pierce, and for his own election to Congress. He found success in both

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<sup>26</sup> Ibid.

<sup>27</sup> Linda C. Gugin and James E. St. Clair, *The Governors of Indiana* (Indianapolis: Indiana Historical Society Press, 2006), 116.

endeavors. Pierce reclaimed the White House for the Democracy in convincing fashion while Lane garnered a 944-vote majority in his district—paling by comparison the 68-vote victory of his predecessor two years earlier.<sup>28</sup>

Like most freshman members of the House of Representatives, Lane did not take too central a role in that body's proceedings. Rarely did he speak on the House floor, and his appearances in the *Congressional Globe* are largely technical and procedural in nature. Lane did, however, enter into debate over a bill in 1854 that aimed to subsidize railroad construction in Minnesota. Lane opposed the bill on grounds that it reallocated land previously committed to western homesteaders—giving it instead to wealthy railroad owners. He seized the opportunity to espouse Democratic Party principles before his colleagues: “My first lesson in Democracy was, that we should legislate for the whole people and not exclusively for the rich and well born. The doctrine of legislating for the rich, and trusting them to take care of the poor, has always been opposed by me, and by the party to which I belong.”<sup>29</sup> Lane's principled opposition to the bill provides evidence of his steady and unwavering commitment to the ideology of his father's party. Much less certain, however, was the overall strength of Amos Lane's Democracy, which, by the mid-1850s, was beginning to sag beneath the weight of North-South sectionalism.

Although briefly tempered by the multi-faceted Compromise of 1850, the middle years of the decade witnessed yet another resurgence in rhetoric over slavery. By 1854, Henry Clay's compromise of four years prior had grown increasingly controversial: the consequences of the new fugitive slave law were more far-reaching than anticipated, and the establishment of popular sovereignty in the southwest provided the precedent for the

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<sup>28</sup> Spurgeon, 22.

<sup>29</sup> *Cong. Globe*, 33 Cong., 1 Sess., 574.

Kansas-Nebraska Bill. The latter legislation would soon tumble the fledgling territory into chaos, but even before the fateful bill appeared on the floor, tensions in Congress were rising. In 1854, Lane took part in a congressional exchange that exhibits these rising tensions. The quarrel also sheds first light on Lane’s position on slavery, race, and the union—the very issues that would later define his Kansas career.

The spat, which grew tangentially out of a House Committee discussion on 10 March 1854, began when Lane interrupted Maryland representative Augustus Sollers for clarification. Sollers took apparent offense to the disruption, and charged that Lane sought only to have “his name in print connection with my own.”<sup>30</sup> Sollers continued by offering a piece of “wisdom” to the freshman representative; he advised Lane that he “had better undertake to control the sentiments of his constituents, than to be controlled by them.”<sup>31</sup>

Lane, embarrassed by Sollers’ charge, responded promptly. He rebutted that any scheme for personal notoriety “exists wholly in [Sollers’] imagination, and that there is not the slightest foundation for it in truth.”<sup>32</sup> And although the personal attack forced Lane on the defensive, Sollers’ follow-up comments, which touched on the nature of constituent representation, offered Lane the opportunity to turn the tables on the Marylander. Asserting western Democratic principles and the right of instruction, Lane retorted, “I understand the gentleman from Maryland to say that he moulded [*sic*] the opinions of his constituents.”<sup>33</sup> Sollers recognized Lane’s trap and quickly denied the charge, but Lane smelled blood: “Mould the opinions of his constituents! I suppose he

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<sup>30</sup> *Cong. Globe*, 33 Cong., 1 Sess., 603.

<sup>31</sup> *Ibid.*, 604.

<sup>32</sup> *Ibid.*, 605.

<sup>33</sup> *Ibid.*

means he can mould the opinions of that portion of his constituents, five of whom, under the provisions of the Constitution, can only count as three.”<sup>34</sup> Lane’s allusion to the three-fifths compromise and Maryland’s status as a slaveholding state instantly turned a personal feud into a sectional one. Sollers again denied Lane’s charge, but neither the denial nor repeated warnings from the committee chairman deterred the Indiana representative from achieving full froth: “I do not doubt that the gentleman from Maryland has the ability to mould the opinions of that portion of his constituency that requires five men to count as three. I am thankful that I represent no such constituency. I am here representing an independent constituency whose opinions cannot be moulded by any influence.”<sup>35</sup>

Lane’s oratory offers much to unpack. First, we should note that the Jacksonian roots of Jim Lane’s brand of Democracy are here on full display. Lane took intense and immediate offense to Sollers’ suggestion that a politician should endeavor to control the opinions and sentiments of his constituents. This very notion reeked of political elitism, the sworn enemy of the Jacksonian Democrats. Such a suggestion also violated the aforementioned right of instruction—a doctrine for which Lane had long been a proponent. So jarring were Sollers’ remarks that Lane felt compelled to bring sectional issues into the debate—a can of worms most members of Congress were yet unwilling to open. Lane’s allusion to “that portion of [Sollers’] constituency that requires five men to count as three” is an unmistakable indictment of the democracy—or the lack thereof—in the slaveholding South. The bold charge, coupled with Lane’s professed thankfulness

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<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

that he “represent[s] no such constituency,” sent a clear message to Lane’s Southern colleagues about his thoughts on their political and economic system.

Although Lane jabbed at the institution of slavery, the racist undertones of Lane’s remarks are also worth noting. In his attempts to belittle Sollers, Lane asserted the intellectual inferiority of the entire enslaved race, suggesting that their opinions were the only ones Sollers possessed the capacity to sway. However opposed to slavery Jim Lane may have been, he was clearly no moral abolitionist nor egalitarian. Although he hailed from a state that had outlawed slavery in its initial constitution, Lane’s position on the racial superiority of whites was typical of westerners at the time. In southern Indiana, there was no contradiction in opposing the political and economic merits of slavery while also affirming the inherent inequality of the races. Lane would later take this attitude to Kansas by supporting a provision in an early Free-State constitution that barred the entrance of all blacks to the territory.

Three days after the dust had settled on Lane and Sollers’ exchange, Louisiana Representative Theodore Hunt returned attention to the topic. On the day of the initial incident, Hunt had risen to the defense of Sollers, questioning if Lane intended to put himself at odds with all “gentlemen representing a slaveholding constituency.”<sup>36</sup> On 13 March, Hunt sought further clarification. Lane took the opportunity to dial back his anti-Southern rhetoric and place the issue of slavery in broader context, especially as it related to national unity:

I am no advocate of slavery. I am no slavery propagandist; and yet my history will prove that I have gone as far, and will go as far, judging from that history, to maintain the constitutional rights of gentlemen representing slave States upon this floor, and maintaining the constitutional rights of their constituents. I will go as far in doing them justice in sustaining their constitutional rights as any man. I hail

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<sup>36</sup> Ibid.

from a State that occupies the summit of the conservative position—the State of Indiana . . . [Indiana] has said again and again that it knows no East, no West, no North, no South—that [it] knows nothing but the Union, and the rights of the people in each and every State under the Constitution. . . I know no difference between northern and southern States . . . Brethren all—all interested in perpetuating the harmony and integrity of this Union. I shall go as far as any of you in trampling out agitation in the North, and as far as any of you in trampling out agitation in the South, which is calculated to disturb the harmony of the Union.<sup>37</sup>

Although he affirms that he does not advocate the institution of slavery, Lane clearly opines here that Southern slaveholders were entitled to the constitutional protection of property—a protection commonly invoked by slavery’s proponents. This acknowledgment represents a calculated de-escalation from Lane’s emotionally driven remarks of three days prior. The scale-back in rhetoric reveals Lane’s thoughts on the relationship between slavery and national unity. Lane viewed the slavery *debate*—not the institution itself—as the greatest threat to national cohesion. As such, Lane occupied a position shared by many northern and western Democrats: that the status quo should be preserved only because its alternative posed a greater danger to the union.

Evidence in later chapters will demonstrate that, even after joining the ranks of the Republican Party and being cast as one of its radicals, Lane never abandoned these classically Democratic views on race, slavery, and the union. Indeed, Lane’s Jacksonian instinct to preserve the union at any cost guided his actions amid a changing political climate. Upon reaching Kansas, Lane simply recognized that slavery itself—not just its mention—posed the utmost threat to the union and the democratic principles for which it stood.

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<sup>37</sup> Ibid., 611.

Jim Lane's Indiana political career came to a head when Stephen Arnold Douglas of Illinois formally submitted the Kansas-Nebraska Act for consideration in Congress. Americans' westward ambitions and increasing calls for a trans-continental railroad had rendered the territory ripe for organization in the mid-1850s. Organizing that territory, however, necessitated addressing the status of slavery therein. Southerners, according to historian James M. McPherson, "were in no hurry to organize this territory, for it lay north of 36° 30' where slavery was excluded by the Missouri Compromise."<sup>38</sup> For this very reason, the Senate defeated two bills in 1853 that would have opened the Great Plains for settlement. In order for Stephen Douglas to get his coveted organization bill through the Senate, he would have to strike a deal with an entrenched syndicate of pro-slave senators that had proven itself an effective legislative roadblock.<sup>39</sup>

With the first iteration of the Kansas-Nebraska act, Douglas attempted to appease the slave power by proposing to divide the territory in two. Popular sovereignty would then become the law of the land, and each territory could come into the union "with or without slavery, as their constitutions may prescribe."<sup>40</sup> Douglas reasoned that free-soilers were likely to settle Nebraska by way of Iowa, while Kansas would be a likely destination of pro-slavers via Missouri. Democrats in the South, however, took issue with the first version of the bill, as it did not expressly repeal the 36° 30' provision of the Missouri Compromise. Such an explicit repeal, argued the South, was necessary in order to legally open the territory to slavery and give the institution a chance to take root in

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<sup>38</sup> James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 121.

<sup>39</sup> *Ibid.*, 122.

<sup>40</sup> *Cong. Globe*, 33 Cong., 2 Sess., 115.

Kansas. Faced with an ultimatum, Douglas added the repeal.<sup>41</sup> The senator, whose star had been on a steady rise, hoped the bill would unite Northern and Southern Democrats and avert party catastrophe. Unfortunately, the legislation had the opposite effect, and it sent explosive shockwaves through Northern Democratic circles.

The Kansas-Nebraska bill thrust Northern Democrats—James H. Lane among them—into an impossible predicament. On one hand, popular sovereignty was an inherently Democratic institution; it was consistent with principles of self-rule and states' rights that dated back to the Jacksonian era. On the other hand, many Democratic congressmen represented constituencies north of the Ohio River that were, by the mid-1850s, decidedly opposed to the expansion of slavery. For many such Democrats, an affirmative vote for the bill would preclude their re-election. The paradox thus forced Democrats to decide between party loyalty, ideological principle, and political self-preservation—any two of which were mutually exclusive with the third.

In one publication at the outset of congressional debates, Jim Lane's name appeared among five Indiana congressmen who opposed the bill.<sup>42</sup> When the House voted, however, Lane was among all but two Hoosiers who voted in the affirmative.<sup>43</sup> The apparent reversal has been a point of contention among Jim Lane historians, and three main theories have emerged to explain it. The earliest explanation surfaced in 1879. In that year, James Rodgers recollected that, despite Lane's initial opposition, "The friends of the bill procured strong petitions from Lane's constituents in Indiana, asking him to favor the bill."<sup>44</sup> These correspondences, according to Rodgers, were

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<sup>41</sup> McPherson, *Battle Cry of Freedom*, 123.

<sup>42</sup> Indianapolis, *Indianapolis Morning Journal*, March 15, 1854.

<sup>43</sup> Spurgeon, 29.

<sup>44</sup> James Rodgers to F.G. Adams, quoted in Spurgeon, 30.

responsible for Lane's shifting position. While there undoubtedly existed supporters of the bill among Lane's constituency, Rodgers's explanation oversimplifies the issue. Despite Lane's belief in the right of instruction, it is unlikely that public appeals from a vocal minority would have transformed Lane from an opponent of the bill into the aspirational "leader of the [pro-Nebraska] movement" which he became.<sup>45</sup>

Charles Zimmerman, who wrote extensively on Indiana's 1850s political scene, suggests instead that Democratic heavyweights in the Senate pressured the Indiana congressional delegation to support the bill. One such senator, Jesse D. Bright, was the owner of a Kentucky plantation and thus harbored obvious sympathies for the pro-slave camp.<sup>46</sup> Bright, as well as his counterpart, John Pettit, needed not to worry about answering to the electorate for their support of the bill, as their re-election depended only on their state's legislature. Their six-year terms also afforded them a much longer timeframe in which to ask forgiveness for an unpopular decision. The senators were thus in a much better position to advocate for party unity in the face of the public's wishes. Although it is probable that the Senators prodded their counterparts in the lower house, neither does this theory suffice to explain a full reversal by Jim Lane. Lane, although a relative newcomer to the House of Representatives, already boasted a long history of defying men of higher rank with whom he disagreed—an attribute that dated back to his days as a colonel in the Mexican American War. It is unlikely that a single politician—or even a pair of Indiana Senators—alone re-shaped Lane's view on the issue.

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<sup>45</sup> Ibid.

<sup>46</sup> Charles Zimmerman, "The Origin and Rise of the Republican Party in Indiana from 1854 to 1860," *Indiana Magazine of History* 13, no. 3 (September 1917), 221.

A triad of historians have propagated a third theory regarding Lane's alleged change of heart on the Kansas-Nebraska bill. The first iteration of this theory appeared in William Elsey Connelley's 1899 biography of Lane. Connelley suggests that Lane's affirmative vote was the result of direct negotiations between Lane and Stephen Douglas himself.<sup>47</sup> The details of the negotiations, however, are absent from Connelley's narrative. In 1962, Kendall E. Bailes also reported that Douglas was personally involved with Lane on the matter. Bailes proposes that Lane's vote for the Kansas Nebraska Act in 1854 was a calculated precursor to his 1855 relocation to Kansas Territory. He suggests that Douglas offered Lane the opportunity to organize the Democratic Party in the new territory—effectively putting Lane on a fast track to become one of Kansas's first senators.<sup>48</sup> Kenneth F. Davis echoed this narrative in his 1976 survey of Kansas history.<sup>49</sup> With the promised support of Douglas and the administration, such a proposition would have certainly caught Lane's attention. Plausible though the theory seems, there exists an egregious lack of evidence to support it. No document has yet been found that suggests that Douglas and Lane had an arrangement that included Lane's relocation to Kansas Territory. Accordingly, Davis and Bailes both acknowledge that the account cannot be treated as more than rumor. For his part, Connelley fails to report his source altogether. Most likely, the clever narrative originated out of hindsight in order to detail a segment of Jim Lane's life about which he left little explanation.

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<sup>47</sup> William Elsey Connelley, *James Henry Lane: The "Grim Chieftain" of Kansas* (Topeka, KS: Crane & Company, 1899), 43.

<sup>48</sup> Kendall E. Bailes, *Rider on the Wind: Jim Lane and Kansas* (Shawnee Mission, KS: The Wagon Wheel Press, 1962), 42.

<sup>49</sup> Kenneth F. Davis, *Kansas: A Bicentennial History* (New York: W. W. Norton & Co., 1976), 49.

While each of the three main explanations for Lane's alleged reversal have their individual shortfalls, they also share a critical assumption that is itself faulty. In order to paint Jim Lane as a shrewd opportunist, historians have overstated the degree to which Lane initially opposed Douglas's legislation. At the bill's introduction, Lane made no public comment in its opposition. In fact, the only instance in which Lane's name appears among "opponents" of the bill is a predictive article in the March 15 issue of the *Indianapolis Morning Journal*. Aside from being speculative in nature, this particular prediction was a bad one; sixty percent of the Indiana representatives alleged by the *Morning Journal* to be in opposition to the bill ultimately voted for it.<sup>50</sup> A separate article, appearing two days earlier in the *Weekly Indiana State Sentinel*, further detracts the validity of the *Morning Journal*. On March 13, the *State Sentinel* reported that Lane was among the bill's supporters.<sup>51</sup> This earlier report is consistent with Lane's public comments *and* the vote he ultimately cast.

In seemingly complex matters, the simplest explanation is often the most valid. In this case, the simplest explanation is that Jim Lane did not undergo a drastic reversal of position on the Kansas Nebraska Act. The allegation that he did likely stems instead from the flawed practice of writing history backwards: historians saw Lane's Kansas legacy as a study in political chameleonism, so they projected the qualities of a political chameleon onto Lane's career in Indiana. When seen in chronology, however, nothing in Jim Lane's career prior to 1854 suggests he was prone to waiver on any issue. Furthermore, nothing in Jim Lane's career prior to 1854 suggests he would abandon the overarching principles of the Democratic Party. Faced with a difficult decision that

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<sup>50</sup> Indianapolis, *Indianapolis Morning Journal*, March 15, 1854.

<sup>51</sup> Indianapolis, *Weekly Indiana State Sentinel*, March 13, 1854.

ultimately put him at odds with his electorate, Lane chose to vote in accordance with the principles of Jackson's Democracy. He voted to protect the people's constitutional right to govern themselves, even though that vote clashed with his own instincts on slavery. Lane chose to vote in such a way that—he hoped—would promote party unity *and* national unity—both of which he felt slipping through his fingers.

The Kansas-Nebraska Act proved catastrophic to the second party system. A number of Northern Democrats, unable to stomach the prospect of slavery's expansion at the hands of their party, abandoned the establishment altogether. Others, like Jim Lane, tried to hold on to the party, but soon found the sectional damage too severe. Sensing he would not be forgiven for his Kansas Nebraska vote, Lane did not run for re-election in 1854.<sup>52</sup> The fate of the Whig Party was even more calamitous. Connecticut's Truman Smith, who resigned his Senate seat in disgust following the bill's passage, summed up the sectional divide: "We Whigs of the North are unalterably determined never to have even the slightest political correspondence or connexion [sic]" with Southern Whigs.<sup>53</sup> Smith's Southern counterparts echoed the sentiment.

The massive political re-organization that followed the passage of the Kansas Nebraska Act provides the backdrop for Lane's move to Kansas. Although Lane would soon change his political affiliation, the move did not necessitate a change in his long-professed ideology. Indeed, on the issues of democracy, slavery, race, and the union, the principles of Lane's upbringing would remain fully intact.

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<sup>52</sup> Spurgeon, 36.

<sup>53</sup> Truman Smith, quoted in McPherson, *Battle Cry of Freedom*, 125.

## CHAPTER V

### MAN OF SEWARD: LANE'S PATH TO REPUBLICANISM

Thirteen months after the Kansas Nebraska Act crossed the desk of President Franklin Pierce, James Henry Lane crossed Missouri's western border for the first time. Before him was a fledgling Kansas Territory: still newly opened for settlement but already experiencing side effects brought on by Douglas's bill. Lane's unenviable task was to navigate the political minefield that lay ahead—one concealed by the seemingly unmolested prairie grass that blanketed the landscape. In the five preceding years, Lane would become a leading figure in the "Bleeding Kansas" saga that played out before the attention of the nation. He would steer the territory towards statehood amid increasing political instability at the national level. In doing so, he would secure his place among Kansas's founding fathers.

Though Kansas Territory's frontier feel would have been familiar to the seasoned Indiana politician, its political arena stood in stark contrast to that of the Hoosier State. By the middle of 1855, the Kansas Nebraska Act and the doctrine of popular sovereignty had effectively turned Kansas into an ideological battleground; and the wagers of ideological war were arriving en masse. In the eyes of many, Kansas was a referendum on slavery's expansion and events in that territory promised to prophesy the fate of the institution itself. Meanwhile, party politics was fast evolving on a national scale. The

Democratic Party was weathering a mass exodus from its Northern base, as slavery had finally proven too divisive an issue for Northern partisans to reconcile with their Southern counterparts. The political reorganization of the North gave eventual rise to the Republican Party, sowing the seeds for the political crisis that later plunged the country into civil war.

Upon his own arrival to the territory, Jim Lane tried in earnest to help repair the ailing Democracy. Lane had long been a loyal Democrat and had even sacrificed his Indiana career in the name of his party's unity. Initially, he saw in Kansas the opportunity to organize a base of voters who shared his zeal for the party and its traditional principles. Upon reaching Kansas and bearing witness to the transgressions of the pro-slavery Democrats, however, Lane began to realize his ideological incompatibility with the apparent direction of Stephen Douglas's Popular Sovereignty. His consequent abandonment of the Democratic Party during Kansas's territorial crisis has proven to be the most critical determinant of his legacy. Lane's shift in party affiliation from Democrat to Free Stater, and later to Republican, is the basis for his chameleonesque popular image. However, the argument that he changed his ideological colors to match those of his environment, a favorite among postmodern critics, remains problematic as it wrongly equates his 1855 change in party affiliation with a change in political ideology. Though it more often stands to reason in twentieth and twenty-first century contexts, this premise holds little water when considered in a mid-nineteenth century setting.

Eric Foner has written extensively on the political landscape of the 1850s. During this period, thousands of Americans changed their party affiliations. The Compromise of

1850 irreversibly fractured the Whig Party along sectional lines, and the Kansas Nebraska Act exerted a similar effect on the Democrats four years later. In each case, party defections skyrocketed as voters sought organizations that aligned better with their interests. Despite this trend, Foner maintains that the decade was “the period of American history with the most pronounced ideological focus.”<sup>1</sup> He explains that, rather than *changing* Americans’ ideological frameworks, the increase in discourse on slavery in the mid-nineteenth century simply intensified *pre-existing* ideological differences between Northerners and Southerners. The major organizations of the second party system had long endeavored to stave off these differences by keeping slavery out of the conversation, but the 1850s witnessed the parties’ failure to “contain . . . two irreconcilable ideologies.”<sup>2</sup> In essence, the political reorganization of the 1850s did not occur because of changing ideologies on the part of its partisans, but rather because the Democratic and Whig parties failed to adapt to intensifying—but stable—beliefs about slavery. A reconsideration of the postmodern image of Jim Lane as an ideological wanderer in this context reveals that Lane’s actions during the Bleeding Kansas era, including his change in party affiliation, remained consistent with the western democratic and unionist principles that had characterized his previous career. Furthermore, they foreshadowed the action Lane took in 1861 when the regional conflict escalated into a national civil war.

By the time Jim Lane arrived in Kansas in June 1855, political activities in the territory were well underway. While Americans in both sections accepted the

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<sup>1</sup> Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1970), 8.

<sup>2</sup> *Ibid.*

inevitability of a free Nebraska, there remained a great uncertainty as to the fate of Kansas. For their part, Missourians saw Kansas as their birthright. As one historian has explained, “the Missouri farmer . . . [viewed Kansas as] his particular domain; it belonged to him as new lands had traditionally belonged to settlers nearest their borders.”<sup>3</sup> This line of thinking resonated in Southerners’ support of the Kansas-Nebraska Act, for, “what belonged to Missouri belonged to the South.”<sup>4</sup>

Missourians feared far-reaching consequences should they lose Kansas to free-soil interests. For one, a Northern victory in Kansas would nearly encircle Missouri with free territory, making an increase in Northern political pressure on pro-slave organizations in Missouri more likely. Slave owners in Missouri also recognized that the close proximity of additional free territory to their west would lure potential runaways. Meanwhile, the entrance of two free states to the union with no pro-slave counterbalance would further limit the South’s waning legislative influence in the Senate. North of the Mason-Dixon Line, antislavery political camps also fixated on Kansas. In the eyes of many Northerners, the Missouri Compromise was the single most important mechanism for the containment of slavery to the South and its repeal indicated a Slave Power conspiracy to undermine the Northern free labor economy. Fearful of slavery’s incursion into more northern regions, ardent opponents of slavery saw the admission of Kansas as a free state as an unqualified necessity. Accordingly, they began to jockey for the political high ground there.

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<sup>3</sup> Patrick Brophy, quoted in Thomas Goodrich, *War to the Knife: Bleeding Kansas 1854-1861* (Mechanicsburg, PA: Stackpole Books, 1998), 12.

<sup>4</sup> Goodrich, 12.

Eli Thayer, an antislavery crusader from Massachusetts, organized the New England Emigrant Aid Company in 1854 with two main goals. First, Thayer endeavored to facilitate the passage of antislavery settlers to Kansas in order that they vote to make Kansas a free state. Second, he aimed to demonstrate the profitability of free labor systems by establishing successful free soil towns in the territory.<sup>5</sup> By July 1854, Thayer's first convoy of settlers departed Massachusetts for the plains of Kansas. In September, they founded Lawrence, Kansas's first Free State settlement, named for the Emigrant Aid Company's financial benefactor. Lawrence became the base of operations for all major Free State activities in the territory. Thayer's chosen lieutenant, Dr. Charles Robinson, journeyed to Lawrence as part of the second wave of Aid Company settlers, and took an immediate leadership role in Free State activities.<sup>6</sup> As the months passed, more and more free-soilers flocked to Kansas from Massachusetts, New York, Pennsylvania, and Ohio, arousing discomfort and resentment in many Missouri residents and settlers.

Missouri Senator David Atchison, the leader of the proslavery bloc in Congress, took particular offense to the activities of the New England Emigrant Aid Company. Viewing Thayer's company as an abolitionist plot to usurp majority rule in Kansas, Atchison delivered a series of provocative speeches encouraging Missourians to move into Kansas ahead of territorial elections. Atchison, who commented that he would sooner see Kansas "sunk in the bottom of Hell than come in a free state," argued that the Aid Society was sending "hordes of hired paupers" to vote in territorial elections that

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<sup>5</sup> Horace Andrews, Jr., "Kansas Crusade: Eli Thayer and the New England Emigrant Aid Company," *The New England Quarterly* 35, no. 4 (December 1962), 498.

<sup>6</sup> Charles L. Robinson, *The Kansas Conflict* (New York: Harper & Brothers, Franklin Square, 1892), 74.

may well determine Kansas's fate.<sup>7</sup> The senator, who judged the New Englanders as illegitimate settlers, had no qualms about encouraging Missouri residents to cross the border on election day to ensure the selection of a pro-slavery territorial legislature. Indeed, the coming legislative election loomed large in the minds of Atchison and many of his constituents. In one speech at St. Joseph, Dr. John Stringfellow, a supporter of Atchison and later editor of the senator's Kansas newspaper, exclaimed, "To those having qualms of conscience, as to the violating of laws, state or national, the time has come when such impositions must be disregarded, as your lives and property are in danger, and I advise you one and all to enter every election district in Kansas . . . and vote at the point of Bowie knife or revolver!"<sup>8</sup>

The radical appeals of Atchison and Stringfellow nurtured swirling rumors about the New England Emigrant Aid Company. Ahead of the free-soilers' arrival to the plains of Kansas, Missourians propagated stories of massive emigration campaigns from the northeast. In actuality, the first Massachusetts convoy numbered only twenty-nine settlers, but Missourians feared that upwards of twenty thousand abolitionists were en route to undermine their political and economic system.<sup>9</sup> The resulting hysteria created a receptive audience for inflammatory rhetoric, and the Missourians' subsequent invasion of Kansas on election day soon spun the territory into chaos. On 30 March 1855, pro-slave candidates carried the vast majority of seats in elections for territorial legislators but controversy immediately erupted. A census, ordered weeks earlier by Kansas's first territorial governor, Andrew Reeder, confirmed the legal residence of 2,905 eligible

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<sup>7</sup> David Atchison, quoted in Goodrich, 28.

<sup>8</sup> John Stringfellow, quoted in Andrews, Jr., 501.

<sup>9</sup> Andrews, Jr., 501.

voters in the territory. The final tally, however, revealed that 6,307 ballots had been cast.<sup>10</sup> In protest of the clearly fraudulent election, the eleven free-soil candidates who had managed to survive the Missouri incursion resigned their seats. The Pierce Administration certified the election and recognized the results anyway, thus endorsing the infamous “Bogus Legislature” of Kansas Territory.<sup>11</sup>

Jim Lane settled in Kansas about one month after the tainted territorial election. He kept a low profile during his first weeks in the new territory, surveying the political landscape before starting his own work. Although the newcomer made few public comments during this time, the postmodern critics have held that Lane leaned toward the pro-slavery camp during his early territorial days, only to switch sides in the name of political opportunism. This charge derives from a series of anecdotal accounts suggesting that Lane intended to back pro-slavery interests in the territory. However, careful examination of these accounts paints a different picture.

In May 1858, the Lawrence *Herald of Freedom* published two anecdotes that have endured as "evidence" of Lane's early desire for a slaveholding Kansas. The first contains dialogue in which Lane allegedly affirmed his desire for Kansas to become a slave state to the extent that the “climate and adaptation of the soil” was conducive to growing hemp.<sup>12</sup> The second story claims that, while en route to Kansas, Lane attempted to purchase a slave girl in Missouri.<sup>13</sup> Although existing evidence cannot definitively disprove these accounts, both are problematic. Neither is verified by a named source in

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<sup>10</sup> Pearl T. Ponce, *To Govern the Devil in Hell: The Political Crisis in Territorial Kansas* (DeKalb, Illinois: Illinois University Press, 2014), 46.

<sup>11</sup> Alice Nichols, *Bleeding Kansas* (New York: Oxford University Press, 1954), 29.

<sup>12</sup> Lawrence, *Herald of Freedom*, May 8, 1858.

<sup>13</sup> *Ibid.*

the paper, rendering them difficult to confirm with additional documents. In addition, curious circumstances attend both their timing and publication. George W. Brown, the operator of the *Herald of Freedom*, was a vocal opponent of Jim Lane by 1858, and he frequently used his paper as a platform for this opposition. In context, Brown uses these anecdotes to cheapen Lane's support of the proposed Leavenworth Constitution—a progressive state charter that Brown opposed. That these unverified accounts went unpublished for over three years only to appear when the *Herald's* agenda needed support casts a shadow on their validity.

Another widely referenced remark serves as the cornerstone of the argument that Lane favored a pro-slavery Kansas in his first days as a settler. Writing in 1886, John Brown Jr. recalled a conversation with Lane from years prior. Brown alludes to a speech in which Lane commented, “so far as the rights of property are concerned, I know of no difference between a negro and a mule.”<sup>14</sup> Lane critics have trumpeted this and other iterations of the same comparison in order to demonstrate inconsistency in Lane's position on slavery. While the comparison of blacks to mules is a jarring one by twenty-first century standards, Lane's reported position does not conflict with either his previous position as an antislavery Northern Democrat or his later one as a leader of the Free State Party. To the contrary, the mule comparison coincides perfectly with his remarks during the 1854 congressional spat with Augustus Sollers. At that time, Lane explicitly established his position as antislavery, anti-black, and pro-property rights. It is critical to note that in the mid and late 1850s, there was no apparent contradiction in opposing

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<sup>14</sup> John Brown Jr., quoted in Ian Michael Spurgeon, *Man of Douglas, Man of Lincoln: The Political Odyssey of James Henry Lane* (Columbia, MO: University of Missouri Press, 2008), 41.

slavery on political and economic grounds, while also believing unapologetically in the superiority of the white race. Lane maintained this disposition even after joining the ranks of the Free State Party: in 1855, he introduced and supported a provision in the Topeka Constitution that would forever outlaw the entrance of free blacks to Kansas. This fundamentally racist measure passed by a three to one margin among Free State partisans, illustrating the endurance of conservative social values even in the staunchest of antislavery circles.<sup>15</sup>

Ultimately, the suggestion that Jim Lane supported slavery in Kansas at any time is wildly inconsistent with what we know about his entire career. Additionally, as Spurgeon notes, “Every source describing Lane as favorable to slavery during this short period of time is secondhand, often penned by his political opponents, and written months or years after the fact.”<sup>16</sup> A much more reliable indication of Lane’s early position exists in the record of a meeting over which Lane presided on 27 June 1855. The purpose of the meeting, which took place in Lawrence, was to establish and organize the national Democratic Party in Kansas. The resolutions passed by Lane and his fellow partisans—who still believed in the viability of an antislavery Democracy in Kansas—echoed the positions Lane had taken in Indiana, as well as those he would later take as a Free Stater. Among the most important of these resolutions were the third, in which the attendees affirmed the principles of the Kansas Nebraska Act, and the sixth, which addressed the issue of interference in Kansas affairs by other states:

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<sup>15</sup> Wendell Holmes Stephenson, *The Political Career of General James Henry Lane* (Topeka, KS: Kansas State Historical Society, 1930), 54.

<sup>16</sup> Spurgeon, 43.

Resolved, That while we observe the rights of the citizens of the different states—we will expect them to reciprocate. That we feel we are fully capable of managing our own affairs, and kindly request the citizens of northern, southern, distant and adjoining States to let us alone.<sup>17</sup>

The resolutions of the Democratic Party meeting reveal a great deal about Lane's actual position upon entering Kansas. First, their very existence demonstrates that Lane remained committed to a national Democratic Party at least for the time being. Second, the resolution affirming the principles of the Kansas Nebraska Act shows that, even though it cost him his congressional seat in Indiana, Lane remained a proponent of the western democratic principles for which he had voted in Congress. Third, and most importantly, the sixth resolution demonstrates a clear, principled objection to Missouri's incursion of the territorial elections three months prior.<sup>18</sup> Indeed, the document as a whole summarizes James Lane's assessment of the situation in Kansas in the spring of 1855. Although he spent his first weeks working quietly among members of the Bogus Legislature, the extent of that body's fraudulent election deeply offended Lane's democratic sensibilities.

Lane's attempt to organize the Democrats in Kansas was sincere, but by mid-1855 efforts to re-establish a truly national Democratic Party were least likely to succeed in such a political hotbed. The polarization of Kansas's settlers and the disdain already felt by either side towards the other prevented Lane's moderate efforts from gaining any

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<sup>17</sup> Lawrence, *Herald of Freedom*, June 30, 1855.

<sup>18</sup> Although the text of the resolution discourages interference from both adjoining *and* distant states, this should not be interpreted as an indictment of the New England Emigrant Aid Company. The second resolution of the same document welcomes settlers from all states to move to Kansas and participate in political processes. The Aid Company, as permanent settlers of Kansas, were therefore rightly entitled to engage in Kansas politics in the eyes of the Democratic attendees. Missouri residents who crossed the border only to cast a ballot or intimidate free-soil voters, on the other hand, represented external interference.

momentum. Recognizing that his hope of reorganizing Kansas Democracy was stuck in purgatory, Lane's most logical course of action was to join the existing political camp that best suited his belief system. Considering the ideological implications of the question before him, Lane's decision must have been easy. On one side, he saw a sectional party that had recently hijacked the democratic process in the name of personal property rights; on the other, an unorganized antislavery party appealing for fair elections and the prescribed implementation of popular sovereignty. Unsurprisingly, he chose democracy. In September 1855, Lane became an elected leader of the new Free State Party, but not because he saw greater opportunity in the Free State cause and not because he had undergone any ideological conversion. Put simply, Lane joined the Free State Party because both the political reality of his situation and his sturdy ideological foundation had required it.

Lane's first documented activity in Free State circles came in late summer of 1855. On 14 August, he attended a gathering in Lawrence that served as a precursor to the Free State Party's first official convention at Big Springs. Lane was the subject of some suspicion in Free State conversations thanks to his recent attempts to organize the Democratic Party—the party to which most of the Bogus Legislature claimed allegiance. Despite this, he addressed the convention, affirming his desire that Kansas enter the union a free state, outlining his objection to the territorial legislature's obstruction of democracy, and carrying the banner of conservatism into the Free State organization:

If I believed a prayer from me, for you, would do any good, it would be that you might be imbued with the wisdom of Solomon, the caution of Washington, and the justice of Franklin. . . . I say as a citizen of Kansas, I wish we had wisdom today. There is the existence of a nation hanging upon the action of the citizens of Kansas. Moderation, moderation, moderation, gentlemen! I believe it is the duty of each of us to define our position. I am here as anxious as any of you to secure

a free constitution to Kansas. . . . It is represented that I came to Kansas to retrieve my political fortunes; but gentlemen should know that I was urgently solicited to be a candidate for another term to congress, but I positively declined. I would vote for the Kansas-Nebraska bill again. I desire Kansas to be a free state. I desire to act with my brethren, but not in a manner to arouse the passions of the people of other states. I would not repudiate the legislature, but the acts of that legislature which contravene the right of popular sovereignty.<sup>19</sup>

Lane's conservative remarks were characteristic of the Free State Party's early direction; many of his new colleagues were former Northern Democrats acclimating themselves to the free soil climate in Kansas, so the prevailing mood that day was hardly revolutionary. The resolutions put forth by the attendees of the Free State meeting at Lawrence echoed the prior sentiments of Jim Lane. The delegation resolved to denounce "the invasion of our territory, on the 30<sup>th</sup> of March last, as one of the greatest outrages upon the laws of the land, and the rights of free citizens, ever attempted in this country. . . . A living insult to the judgment and feelings of the American people."<sup>20</sup> This indictment of the Bogus Legislature and affirmation of popular sovereignty, though more strongly worded, is similar in spirit to the resolutions Lane and his colleagues drafted during their earlier effort to organize Kansas Democrats along national lines. Although he had given up that attempt, he clearly had found a political niche compatible with his ideology. The August meeting concluded with a call for a formal party convention at Big Springs, to take place the following month. Lane stood for and won election to the Lawrence delegation for that convention, where he would continue to carry the banner for Northern Democratic principles under the umbrella of Free State politics.

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<sup>19</sup> Lawrence, *Herald of Freedom*, August 18, 1855.

<sup>20</sup> *Ibid.*

Historians recognize Big Springs as the official birthplace of the Free State Party. A frontier town in its infancy, Big Springs consisted only of a few cabins and a crudely built hotel when one hundred delegates and three hundred spectators arrived for the September 5 convention. Many who came to witness the proceedings made camp on the prairie, as the sole hotel was filled beyond capacity.<sup>21</sup> The delegates to the convention came from the settled parts of Kansas territory and even included the recently terminated territorial governor, Andrew Reeder. President Pierce had dismissed Reeder from his post in August under pressure from Senator Atchison. Reeder had previously announced that he “found proslavery activity in Kansas incompatible with fair democratic process.”<sup>22</sup> The presence of the former governor added a measure of legitimacy to the Big Springs Convention and represented an important Free State voice moving forward.

Jim Lane jockeyed for a leadership role at Big Springs, earning the chair position on the Committee on a Platform. A look between the lines of the Free State Party platform reveals the extent of Lane’s influence. The delegation affirmed the party as antislavery, but not abolitionist, and denounced the “stale and ridiculous” charges by opponents to characterize it as such.<sup>23</sup> The committee also included a provision that advocated “stringent laws excluding all Negroes bond or free from the Territory.”<sup>24</sup> Finally, although it denounced the institution of slavery as “a curse to the master, if not the slave,” the platform proclaimed no intent to interfere with the property rights of fair and legal slaveholders in Missouri, Kansas, or any other state.<sup>25</sup> Abolitionism remained

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<sup>21</sup> Stephenson, *Political Career*, 46.

<sup>22</sup> Spurgeon, 47.

<sup>23</sup> Lawrence, *Herald of Freedom*, September 8, 1855.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

a fringe faction in 1855, and any association with the radical policy threatened Free State unity. As a result, the platform adhered to the antislavery, anti-black, and pro-property rights principles that Lane had long espoused.

The overall sentiments of the Big Springs Convention indeed reflected many of its delegates' conservative and moderate political ideology, James Lane's among them. However, the convention also began to steer the party down a more extreme path. To address the problem of the Bogus Legislature, the delegation settled on an independent state movement. It scheduled a Free State convention to be held in Topeka that October. At that time, delegates were to draft an extra-legal state constitution for submission to Washington. The plan, which Kendall Bailes aptly describes as "a blueprint for insurrection," placed the Free State Party at aggressive odds with the territorial legislature.<sup>26</sup> At Big Springs, Lane opposed this course, maintaining that his only objection to the territorial legislature was the fraudulent manner in which its members achieved their positions. By the time of the Topeka Convention, however, Lane had become a leader of the independent state movement. For this reason, his postmodern critics often point to the Big Springs convention as a turning point in Lane's "metamorphosis from devoted Democrat to Radical Republican."<sup>27</sup> Nicole Etcheson even notes a "chameleon-like change of political principle" following Big Springs.<sup>28</sup> However, careful examination of the period between the Big Springs and Topeka conventions reveals no significant ideological shift. Instead, Lane's recognition that the

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<sup>26</sup> Kendall E. Bailes, *Rider on the Wind: Jim Lane and Kansas* (Shawnee Mission: The Wagon Wheel Press, 1962), 47.

<sup>27</sup> Ponce, 53.

<sup>28</sup> Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era* (Lawrence, KS: University Press of Kansas, 2004), 71.

republic was in danger reinforced his long-held commitment to Jacksonian principles. This commitment, in turn, inspired the shift in political tactics.

In the immediate wake of the Big Springs Convention, Jim Lane held out hope that legal means and existing institutions might still remedy the quagmire of the Bogus Legislature. He recognized that insurrectionary activity like the kind proposed by the delegation posed considerable risk to the Free State movement and it was for this reason that he hesitated to adopt the independent state movement at Big Springs. Then, in September 1855, two events gave Lane a greater sense of urgency and ultimately persuaded him to back the Topeka movement. The first of these events was the arrival of Andrew Reeder's replacement, Ohio Democrat Wilson Shannon. As Shannon was a western man and Democrat from north of the Ohio River, Lane hoped he would bring a measure of moderation to Kansas and remedy the assault on democracy perpetuated by Southern interests. Unfortunately for Lane and the Free State movement, Shannon gave the impression of “an extreme Southern man in politics, of the border ruffian type.”<sup>29</sup> When the new governor passed through Lawrence on 15 September, Lane urged him to “meet the people of Lawrence to address some concerns” stemming from Shannon's recent speech to a proslavery crowd in Westport, Missouri.<sup>30</sup> Shannon declined, prompting the *Herald of Freedom* to report that he had “grossly insulted” the citizens of Kansas territory by “accepting a public demonstration from an adjoining State, and refusing it at the hands of those he was sent to govern.”<sup>31</sup> Lane left no written record of his personal thoughts on the incident, but Shannon’s refusal to address and hear the

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<sup>29</sup> Thomas H. Gladstone, *The Englishman in Kansas: or, Squatter Life and Border Warfare* (New York: Miller & Company, 1857), 15.

<sup>30</sup> Spurgeon, 49.

<sup>31</sup> Lawrence, *Herald of Freedom*, September 22, 1855.

people of Lawrence must have offended Lane's western democratic sensibilities and long-held belief in the right of instruction. Although the new governor had only just arrived in the territory, Lane's first impression undermined his confidence in the executive's ability and willingness to uphold democracy in Kansas.

The second event that pushed Lane into the arms of the independent state movement occurred shortly thereafter. Although Shannon did not show promise as a redeemer of democracy, Lane apparently retained some faith in the judiciary. He and a fellow Free State attorney, J. S. Emery, applied on 17 September for admission into the District Court of the United States for Kansas Territory. Having practiced law successfully in Indiana and sworn an oath to support the constitution and the laws of the nation, Lane met nearly all requirements for admission. However, because he and Emery declined to swear an oath to uphold the laws of the Bogus Legislature, the proslavery chief justice of the territorial Supreme Court, Samuel Lecompte, denied both of them the licenses they sought. Lane then requested permission "to appear in court as a regular practice attorney in the Supreme Court of Indiana, and also in the Supreme Court of the United States."<sup>32</sup> Lecompte declined and banned Lane from all Kansas courts. Thus powerless to pursue legal recourse for the Free State cause in Kansas and blocked from continuing his legal career as a means of personal income, Lane reasoned that the local judiciary was as suspect as the new governor.

So it was that Jim Lane saw each of the territorial government's three branches fail as agents of democracy, and in only a few days. There is no written explanation connecting the events to Lane's change of mind, but we do know that they happened

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<sup>32</sup> Spurgeon, 50.

immediately before Lane decided to back the independent state movement and its Topeka Constitution, and no other more verifiable motive has ever surfaced. Nor would his subsequent support for increasingly radical actions indicate any marked change in ideology. In the end, the chameleon-like character ascribed to Jim Lane by so many historians has no basis in fact. The political turbulence of territorial Kansas notwithstanding, his principles continued to stay their earlier course.

Most Jim Lane historians have also held that his association with the Free State Party ended his relationship with the party of his father, but this view also merits reassessment. While Lane eventually did cut ties with the Democratic Party, it is worthwhile to note that when he first joined the Free State cause he intended no such thing. Overlooked by so many of Lane's postmodern critics, the very first resolution of the Free State platform reads: "That setting aside all the minor issues of a partisan politics, it is incumbent upon us to proffer an organization calculated to recover our dearest rights, and into which Democrats and Whigs, Native and Naturalized citizens may freely enter without any sacrifice of their respective political creeds."<sup>33</sup> The language of this resolution makes clear two things. First, Lane's committee did not intend the Free State Party to be a permanent institution; its expressed mission was simply to "recover" the democratic rights that had been taken from the residents of Kansas Territory. Second, the platform indicates that having a place among Free State ranks did not disqualify one from membership to a national political party. It is likely, therefore, that Lane identified simultaneously as a Free Stater *and* a National Democrat throughout the latter half of

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<sup>33</sup> Lawrence, *Herald of Freedom*, September 8, 1855.

1855. Lane's actions at the Topeka Convention and his delivery of the Kansas Memorial to Washington further support this interpretation.

The Topeka Constitutional Convention convened on 23 October 1855. Lane, now a full-fledged supporter of the independent state movement, jockeyed for a leadership role among the delegation. A Free State man and a Democrat, Lane was hardly alone; thirty-six delegates attended the convention, twenty of whom were listed as having current or former affiliations with the Democratic Party.<sup>34</sup> The Democratic majority doubtless aided James Lane's appeal for leadership. Affirming the desire of many Northern Democrats for Kansas to enter free, Lane professed to the delegation that "[Stephen] Douglas would make any sacrifice to secure the immediate admission of Kansas to the Union as a free state."<sup>35</sup> Lane's history in Washington lent credibility to his claims to know the hearts of Douglas and Pierce, and he convinced the delegation that federal acceptance of Kansas's new constitution depended on the support of the national party. He added that he was in the best position to procure that acceptance, and the Democratic majority elected him president of the Topeka Convention. Drafting of the first Free State constitution could now begin.<sup>36</sup>

The problem was that the Topeka Convention was far from politically homogenous. In addition to the Democratic majority of twenty, it comprised "nine Whigs, four Republicans, two independents, and one Free Soil Democrat."<sup>37</sup> Many of the latter sixteen delegates were weary of the Democratic presence, and factions soon emerged. Among the major points of contention were a resolution affirming popular

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<sup>34</sup> Spurgeon, 52.

<sup>35</sup> Washington, *National Era*, October 5, 1855.

<sup>36</sup> Spurgeon, 52.

<sup>37</sup> *Ibid.*

sovereignty and an even more controversial “black law” which forbade persons of color from living in the future state of Kansas. The liberal, or radical, faction of the delegation objected to both resolutions on moral grounds but Lane, the de facto leader of the conservative faction, argued that both were necessary to ensure support of the constitution in Washington. Consequently, the resolution on popular sovereignty passed at Lane’s behest. Debate over the black law was more contentious, but the delegation reached a compromise and decided to put the measure before a vote of the people. The delegation hashed out remaining details during the following three weeks, and on 11 November 1855, it produced the final draft. The delegation set 15 December as the date for voter ratification.

The fervor that had been building throughout the summer and fall of 1855 drove Free State voters to the polls in December. Although the recognized territorial government did not sanction the vote, Kansans submitted nearly eighteen hundred ballots of which only forty-six opposed the Topeka Constitution. The black law, with a tally not quite as lopsided, also passed decisively, 1,287 to 453. As Ian Michael Spurgeon writes, “Free-state voters had chosen a state not only without black slavery but also without any blacks at all.”<sup>38</sup> It appeared that Lane’s vision for Kansas was beginning to come into focus, but much work remained ahead.

The Free Staters moved quickly. Only a week after ratification, a caucus nominated state officers. A month after ratification, Free Staters held another election to choose a legislature, governor, and territorial representative. Charles Robinson, of New England Emigrant Aid Company fame, won the governorship. Republican attorney Mark

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<sup>38</sup> Ibid., 54.

Delahey became the representative, and the legislature named Andrew Reeder and Jim Lane senators-elect—to take their seats when Kansas entered the Union.<sup>39</sup> Kansas’s entrance as a state, however, was still a distant prize. Although Free State candidates under the Topeka Constitution overwhelmingly carried the January elections, most if not all proslavery Kansans had understandably stayed home. In their view, and in the view of local governance, Free State activities were a useless exercise, as the territory had already established its legislature. The Free Staters, who had been calling incessantly for fair elections for nearly a year, would be hard-pressed to convince Washington that *their* election was any more democratic than the one held ten months prior. Despite this, the new legislature moved forward, drafting a memorial to Congress that petitioned for Kansas’s statehood under the Topeka Constitution and elected government.<sup>40</sup> Jim Lane was among the four men selected to bring the memorial before Congress in Washington so that Kansas Territory might be admitted as a State. His actions in Washington demonstrate that he yet believed Douglas Democrats elsewhere shared his long-held principles and would support Free State objectives. The unexpected outcome there proved otherwise.

Jim Lane arrived in Washington near the end of March 1856 demonstrating his signature confidence even though the chances for success were slim. President Franklin Pierce had already foreshadowed the fate of the Kansas Memorial two months earlier in his January message to Congress. Avoiding any specific mention of the Free State Party in his address, Pierce referred to “illegal and reprehensible counter-movements” afoot in

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<sup>39</sup> Ponce, 75.

<sup>40</sup> Ibid.

Kansas.<sup>41</sup> Undeterred by the president's tone and his clear support of the sanctioned territorial government in Kansas, Lane had little choice but to press on; his rise to power in the Free State Party stemmed from his self-proclaimed ability to procure the support of Congress and the administration. Lane chose Michigan Senator Lewis Cass as the vehicle for the Memorial's introduction to the Senate. One of popular sovereignty's original architects, Cass's senior status made him look like a potential ally who might lend legitimacy to the Memorial. If the document was to be accepted, Lane would need the support of Cass and other Northern Democrats.<sup>42</sup>

Predictably, Southern senators unleashed a barrage of attacks on the Memorial when Cass brought it to the floor on 9 April. South Carolina's Andrew Butler led the way. Butler denounced the Topeka movement as illegitimate, declaring, "I do not know that I have ever felt . . . more sensibly an insult offered to the Senate of the United States—a Senate composed of regular authorized representatives of the States—than now; when this impudent petition comes here, and claims something like equality."<sup>43</sup> Reducing Lane's attempt to bring the Memorial to Congress as the work of "creeping intruders" into the U.S. Senate, Butler held that the document should not even be printed for further discussion.<sup>44</sup>

Despite the South's objections, Lane's cause found a friend in New York Republican William Seward. Seward sympathized with the antislavery movement in Kansas and made a lengthy speech in which he criticized the administration for its handling of the territorial crisis, likening antislavery Kansans to the oppressed patriots of

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<sup>41</sup> *Cong. Globe*, 34 Cong., 1 Sess., 297.

<sup>42</sup> Spurgeon, 65.

<sup>43</sup> *Cong. Globe*, 34 Cong., 1 Sess., 826.

<sup>44</sup> *Ibid.*

1776.<sup>45</sup> He did not address the legitimacy of the Kansas Memorial itself, but took a clear position that the voices of the Free State Party deserved hearing. Even with hesitant support from a few Republicans, Lane knew that the Memorial's success hinged on Stephen Douglas's support, which Lane had promised to the Topeka delegation. But when the Illinois senator rose to address the matter on 10 April, the currier of the Free State Party could only look on in horror:

Here we are now asked by this vote to recognize the fact, that this revolutionary proceeding in Kansas makes it a State. I am not willing to recognize that fact. We are asked to recognize the fact that these petitioners are Senators and Representatives. I am not willing to recognize that fact, because it is not true. We are asked to give countenance to these proceedings as having been legal instead of revolutionary—as having been loyal to the Constitution, instead of an act of defiance to the constituted authorities. I am not willing to give any countenance to it. . . . I am in favor of denying the printing; I am in favor of reconsidering the vote which referred the memorial, and raising the question of its reception, and keeping it out.<sup>46</sup>

The extent to which Lane had misread Douglas's position must have come as a complete shock. Though the debate continued briefly, the Little Giant had driven the final nail into the Kansas Memorial's coffin and the Free Staters' hopes for speedy admittance to the union. Even Lewis Cass backed off the issue in the wake of Douglas's remarks. When Virginia Senator James Mason motioned a vote to remove the memorial from senatorial considerations, only three senators—all Republican—voted in opposition.<sup>47</sup>

Although the Memorial was dead, Republican newspaper editor Horace Greeley approached Lane and encouraged him to seek the assistance of Iowa Republican James

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<sup>45</sup> Spurgeon, 68.

<sup>46</sup> *Cong. Globe*, 34 Cong., 1 Sess., 851.

<sup>47</sup> *Ibid.*, 864.

Harlan in returning the memorial to the Senate floor. Greeley “was furious with the failure of more Republican senators to support the petition and the free-state cause,” and believed Harlan could give Republicans a chance to reconsider their own position.<sup>48</sup> Despite his knowledge that the Memorial required far more than unilateral Republican support, Lane obliged, as did Harlan, and the Memorial again served as a topic of discussion on 14 April. As Greeley had predicted, more Republicans came to the aid of the Free State cause during its second appearance before the Senate. As Lane had predicted, however, the Memorial was again voted down.<sup>49</sup>

The second debate over the Kansas Memorial, though it failed to produce results favorable to the Free State cause, lends insight into the intensity of political turmoil in Washington. As Harlan introduced the memorial, the character and loyalty of James Lane took center stage. Harlan opened his speech by criticizing the Democrats for abandoning Lane.<sup>50</sup> After all, Lane had come to Washington, not in search of Republican support, but Democratic support, and at no point in Lane’s life had he known affiliation with any other party. He was not a Democrat by conversion, persuasion, or political expediency, but by birth. He had voted for the Kansas Nebraska Act and maintained—even as the doctrine showed signs of failure in Kansas—his belief in popular sovereignty. Harlan’s argument, though clearly devised as a political jab at the opposition party as a whole, must have injured Stephen Douglas's pride, for a verbal onslaught ensued.

Douglas declared:

Colonel Lane now is as essentially identified with the Black Republican party as Mr. Blair himself is, or as Mr. Donelson is with the Know Nothing Party. . . . [Is]

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<sup>48</sup> Spurgeon, 72.

<sup>49</sup> *Ibid.*, 76.

<sup>50</sup> *Ibid.*, 74.

the mere fact that they once belonged to the Democratic party conclusive evidence that they could not have done anything wrong since their apostasy? . . . I deny that they have a right to claim, as a saving grace, sufficient to exculpate them for subsequent sins, that they were once Democrats and apostacized from the true faith. That, sir, is all I have to say of the Democracy of Colonel Lane, and all that class of modern politicians whose chief claim to popular favor consists in the fact that they were once Democrats, and have betrayed those who reposed confidence in them, and heaped honors on them.<sup>51</sup>

In fact, Lane did not leave the Democratic Party until the Senator from Illinois had uttered these incendiary words. And contrary to Douglas's assessment, Lane had never ceased to espouse that party's principles. Douglas's egregious misrepresentation of Lane's loyalty reveals to the historian, as it did to Jim Lane in 1856, the disarray of national politics: The most prominent Northern Democrat in the Senate only backed the conservative Southern position as a desperate attempt to prevent the sectional collapse of his party. South Carolina Senator John C. Calhoun had warned in 1850 that the slavery controversy had weakened the cords that bound the Union together; now Douglas was realizing the extent of the damage. That Douglas himself had brought on this particular sectional strain when he navigated the Kansas Nebraska Act through Congress two years prior remains one of American history's cruelest ironies. Even more ironically, Douglas stood on the floor of the Senate on 14 April and tore down a man who had come to espouse the doctrinal centerpiece of that very bill. If this was the Democratic Party, James Henry Lane did not recognize it.

Jim Lane's trip to Washington was transformative in many ways. He had undergone no marked change in principle, yet his lifelong relationship with the Democratic Party came to an abrupt end. Meanwhile, the Free State movement had

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<sup>51</sup> *Cong. Globe*, 34 Cong., 1 Sess., 851.

found a new national champion in the Republican Party, which now embraced Northern conservatives like James Lane. Although the Free State Party did not formally become Republican until 1858, it nevertheless became a quasi-Republican institution after the Kansas Memorial. Additionally, and most importantly for the present study, James Lane returned to Kansas with a hardened heart and shaken faith in the government's ability to deliver on the very principles for which his nation stood. Lane, like Douglas, saw that slavery threatened the very survival of the Union. Unlike Douglas, however, he now realized that the Slave Power had a dangerous grip on government, both in Washington and in Kansas. Moreover, he knew that the grip must be broken if the Kansas Conflict was to be resolved and the Union saved. Although Lane never recorded this recognition, his actions during the bloodiest days of Bleeding Kansas clearly reflect it.

## CHAPTER VI

### MAN OF ROBINSON: JIM LANE AND BLEEDING KANSAS

The first episode of “Bleeding” Kansas took place just months before the Kansas Memorial, near the end of 1855. The Topeka Constitution was approaching ratification, and things seemed to be moving along nicely—and peacefully—for the Free State movement. Then, on 21 November, a land dispute near Hickory Point escalated to gunfire, leaving Kansas settler Charles Dow dead at the hands of Frank Coleman. As one historian has written, “On any other frontier the incident might have ended with the funeral. In politically charged Kansas, such an event could lead to civil war.”<sup>1</sup> Dow was a known Free State man and Coleman, a slaver. Although no evidence exists to suggest that the dispute had anything to do with ideology, Dow’s death touched off a powder keg that had been looming for some time between Free State and proslavery interests in Kansas.

In apparent retaliation for the murder, a group of Free Staters set ablaze a string of proslavers' cabins in the area. Responding to the disturbance, Douglas County Sheriff Samuel Jones and a small posse headed for Hickory Point, but impartial law enforcement might not have been Jones's only motive. Previously the postmaster at Westport, the

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<sup>1</sup> Thomas Goodrich, *War to the Knife: Bleeding Kansas 1854-1861* (Mechanicsburg, PA: Stackpole Books, 1998), 73.

sheriff was a proslavery Missourian appointed sheriff by the Bogus territorial government. Free Staters did not recognize Jones as a legitimate officer of the law when he came to serve an arrest warrant for Jacob Branson, a ringleader of the Free State retaliation brigade.<sup>2</sup> Jones and his well-armed men collared Branson for disturbing the peace and left for the proslavery stronghold of Lecompton.<sup>3</sup> Members of the newly formed Free State Militia, some of whom were mounted and armed with Sharps rifles, set off to intercept the sheriff. A confrontation and standoff ensued, resulting in Jones's hesitant release of Branson. No further blood was spilled, but Jones vowed to deal with the matter "in a way not very pleasant to Abolitionists."<sup>4</sup> The following day, the sheriff wrote to Governor Shannon requesting "three thousand men to carry out the laws" in the face of "an open rebellion . . . already commenced."<sup>5</sup>

Free State and proslavery interests prepared for a major showdown. Free State leaders sent Lawrence couriers to all friendly corners of the territory, recruiting Free State men and women willing to defend the town and the cause. Opposite the border, Jones began rallying the invading force. As many as twelve hundred Missourians poured into Kansas to join the sheriff at the Wakarusa River—augmenting the three hundred or so proslavery Kansans to whom Governor Shannon had successfully appealed.<sup>6</sup> Both sides prepared for war and the ensuing weeks brought a nineteenth century brand of brinkmanship with grave national implications. It was then that James Lane took on a

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<sup>2</sup> Ibid., 74.

<sup>3</sup> The territorial capital was named for the judge who refused Jim Lane the license to practice law in Kansas.

<sup>4</sup> J.R. Kennedy, Quoted in Goodrich, 75.

<sup>5</sup> Samuel J. Jones to Wilson Shannon, in Goodrich, 76.

<sup>6</sup> Ian Michael Spurgeon, *Man of Douglas, Man of Lincoln: The Political Odyssey of James Henry Lane* (Columbia, MO: University of Missouri Press, 2008), 56.

new, militant role in the Free State Party; one he would embrace for the remainder of the territorial crisis.

When the Big Springs delegation created the Free State Militia, it had appointed Dr. Charles Robinson commander-in-chief and James Lane his second in command. Whether the delegation anticipated an actual war on the plains of Kansas is unclear, but Lane took no chances. Free State forces were able to procure a Mexican War cannon that, in addition to their Sharps rifles, became the pride of their arsenal. Given his Mexican War background, Lane oversaw militia training and the construction of defenses around Lawrence. Although Lane's own handle on military doctrine was crude at best, he gained, as he had in the Mexican War, the fervent loyalty of those under his command. Several accounts recall Lane's impassioned speeches, each of which brought his troops to full froth—rendering them eager to tussle with the proslavery militia nearby.<sup>7</sup> At moments like these, the tempered presence of Dr. Robinson prevented an unorganized and all-out assault on the proslavery camp at the Wakarusa. Robinson was the very antithesis of Lane, and although the two later became bitter political rivals, they counterbalanced one another during the standoff. Lane kept Free State forces at the ready while Robinson ensured that the militia did not unnecessarily escalate the conflict.

Meanwhile, offensive preparations continued in the proslavery camp. Samuel Jones demanded the disarmament of Lawrence and threatened an attack if Lawrence did not capitulate. As tensions rose each side sent scouts to reconnoiter the preparations of the other. Periodic “spattering[s] of picket fire” resulted from these missions when opposing scouts made contact between the river and Lawrence. Free State forces

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<sup>7</sup> Ibid.,

reported one casualty as a result of these skirmishes; the proslavery side claimed two. The deaths further escalated tensions between the two camps and many soldiers and citizens alike believed an assault and civil war was imminent.<sup>8</sup>

The “Wakarusa War,” by virtue of clever politicking, poor executive leadership, and some luck, never did escalate into a full-scale battle. Desperate to maintain peace, Governor Wilson Shannon brokered a treaty with Lane and Robinson on 7 December 1855; an important victory for the Free State movement. In exchange for the Free State Party’s agreement to obey territorial law, the document permitted Lawrence to keep its arms. Shannon also legitimized the Free State Militia as a legal organization and authorized its leaders to act “in such manner for the preservation of the peace and the protection of the persons and property in Lawrence and vicinity as in your [Robinson and Lane’s] judgment shall best secure that end.”<sup>9</sup> The governor’s signature on the document represented a small but meaningful acknowledgment from the sanctioned government that the Free State organization was not merely a shadow movement. Although the proslavery community chastised Shannon for the treaty’s lax terms, the governor had managed to avert disaster. But in doing so, he unintentionally sent an important message to Jim Lane about politics in Kansas: where traditional and legal methods fail, the threat of violence succeeds. As the conflict between Free State and proslavery forces intensified, Lane took this knowledge to heart.

After Jim Lane’s unfortunate episode with the Kansas Memorial, the beleaguered but undeterred Free Stater embarked on a speaking tour of the Old Northwest. Although

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<sup>8</sup> Goodrich, 80.

<sup>9</sup> Kendall E. Bailes, *Rider on the Wind: Jim Lane and Kansas* (Shawnee Mission, KS: The Wagon Wheel Press, 1962), 33.

he still considered himself a true Democrat, betrayed by leaders who had abandoned the party's principles, he began to stump for Republican candidates sympathetic to the plight of the Free State cause in Kansas. Even so, he remained true to his conservative principles, explaining whenever possible that the majority of Free State settlers were seeking democracy—not abolition.<sup>10</sup> Lane also raised money and organized emigrants to bolster the Free State presence in the territory.<sup>11</sup> He drew large crowds and lived up to his reputation as a masterful orator, “moving his audience from anger to laughter and back again through the whole spectrum of human emotion.”<sup>12</sup>

Meanwhile, order crumbled in Kansas. Charles Robinson, the rump governor under the Topeka Constitution, managed Free State affairs on the plains. Doubling back on the terms of the treaty that ended the Wakarusa War, Robinson encouraged Free Staters to withhold taxes, disrupt courts, and resist any territorial official attempting to enforce the laws of the Bogus Legislature.<sup>13</sup> The defiance only added to Sheriff Jones's ire. Determined to deny Robinson from making a mockery of his authority, Jones set his sights on Samuel M. Wood, a Free State Militia captain who had led Jacob Branson's rescue expedition in November. Wood evaded the sheriff for much of March and April, but word that the captain had arrived in Lawrence on the twenty-third of that month prompted Jones to act boldly. The sheriff entered Lawrence to make the arrest, but was roughed-up by a Free State mob when he attempted to take Wood prisoner.<sup>14</sup> Jones left empty-handed but did not return to Missouri. While in his tent outside of town later that

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<sup>10</sup> Spurgeon, 88.

<sup>11</sup> *Ibid.*, 84.

<sup>12</sup> Bailes, 57.

<sup>13</sup> Goodrich, 107.

<sup>14</sup> *Ibid.*, 110.

evening, and with Free State agitators nearby, a “stray” bullet found lodgment in the sheriff’s back. Though he survived the gunshot wound, rumors of assassination swirled in proslavery communities; the proslavery *Squatter Sovereign* raved, “The Abolitionists in open Rebellion—Sheriff Jones Murdered by the Traitors!!! . . . HIS MURDER SHALL BE AVENGED, if at the sacrifice of every abolitionist in the territory.”<sup>15</sup>

Lawrence, the geographic hub and symbolic birthplace of the Free State movement, suddenly became the bane of the proslavers’ very existence. John Stringfellow, operator of the *Sovereign*, threatened the town openly: “We are now in favor of levelling Lawrence, and chastising the Traitors there congregated, should it result in the total destruction of the Union.”<sup>16</sup> If there remained any doubt that the fire-eaters of the Kansas Conflict were willing to sacrifice the Union for their slaveholding rights, Stringfellow removed it. For the second time proslavery forces, most of whom were Missouri residents, prepared to march on Lawrence. This time, however, Jim Lane, Charles Robinson, Andrew Reeder, and George W. Brown were not there to organize a defense. Under indictment for treason since 5 May and fearing for their freedom and lives, the Free State leadership had fled Lawrence. As the charge had been made by a territorial grand jury under the direction of Judge Samuel Lecompte, no impartiality was expected. Brown was captured near Westport and Robinson was discovered on a boat headed west on the Missouri River near Lexington. Lane still promoted the cause from afar as best he could, but the Free State movement was in jeopardy; its leaders were in prison or out of the territory, and its base of operations was vulnerable.<sup>17</sup>

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<sup>15</sup> Atchison, *Squatter Sovereign*, April 29, 1856.

<sup>16</sup> *Ibid.*

<sup>17</sup> Spurgeon, 86.

Sensing an imminent attack, the remaining citizens of Lawrence appealed to U.S. Marshal Israel Donelson for federal troops to protect the town's citizens and property, but they received only a sarcastic response.<sup>18</sup> On 21 May 1856, the assembled posse led by the recovering Jones and Senator Atchison, sacked the town of Lawrence, destroying Free State presses, homes of prominent Free State leaders, and the newly completed Free State Hotel. After dismantling and burning all strategic Free State locations, the invaders looted the town until dark.<sup>19</sup> Atchison aptly summarized the mood of the victorious attackers:

“Boys, this day I am a Kickapoo Ranger, by God! This day we have entered Lawrence with Southern Rights inscribed upon our banner, and not one damned abolitionist dared to fire a gun. Now, boys, this is the happiest day of my life. We have entered that damned town, and taught the damned abolitionists a Southern lesson that they will remember until the day they die.”<sup>20</sup>

Violence did not end with the assault on Lawrence, as order deteriorated in both Kansas and Washington. Only a day after Lawrence's sacking, Congressman Preston Brooks of South Carolina used a gold-headed cane to attack Massachusetts Senator Charles Sumner on the floor of the Senate. The assault came in response to a speech in which Sumner chastised the South for its crimes against Kansas, and personally insulted Brooks' uncle, South Carolina Senator Andrew Butler. Thirty-six hours later, John Brown and four of his sons killed five proslavery settlers in cold blood near Potawatomic Creek. The incident, which Kendall Bailes aptly characterizes as a “brutal stroke of Old Testament vengeance,” was in part a retaliation for the destruction of Lawrence, and in

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<sup>18</sup> Charles L. Robinson, *The Kansas Conflict* (New York: Harper & Brothers, Franklin Square, 1892), 247.

<sup>19</sup> Goodrich, 117.

<sup>20</sup> Sara Robinson, quoted in Goodrich, 114-115.

part a message to Free State settlers whom the radical Brown found spineless in their response to it.<sup>21</sup>

With Lawrence in shambles, the months that followed witnessed a general decline in Free State morale. Bands of “Southern adventurers”—proslavers from Missouri, Georgia, Arkansas, and other Southern states—established a series of strongholds in eastern Kansas from which they harassed Free State communities. Meanwhile, James Lane had amassed a sizeable following of Kansas emigrants in the Old Northwest, but had yet to return to the territory. In August, prominent Republicans requested that Lane not re-enter the territory until after the presidential election in November. Things had quieted some on the plains since April, and Republicans feared with good reason that Lane’s presence might disrupt the fragile peace. Any clash between Free State forces and federal troops could have spelled disaster for Republican presidential candidate John C. Fremont, who had defended the Free State cause during his campaign.

Jim Lane, understandably more allegiant to the settlers of Kansas than the Republican Party, ignored the request to stay away. With the aid of fifteen Free Staters, he slipped back into the territory under the alias “Joe Cook” on 7 August. The warrant for his arrest remained active, so Lane went into hiding above the store of Lawrence Free Stater William Hutchinson until local operatives could assemble the Free State Militia.<sup>22</sup> Lane wrote to Charles Robinson and disclosed his intention to rescue the governor from his Lecompton jail cell. Robinson advised against a rescue, however, as he anticipated federal dismissal of his treason charge. Instead, Robinson encouraged Lane to focus on

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<sup>21</sup> Bailes, 56.

<sup>22</sup> Bailes, 61.

the proslavery strongholds near Lawrence. From his holding cell, he wrote, “Guerilla operations are rife now, and they should be attended to.”<sup>23</sup>

In the ensuing weeks, Lane methodically recaptured momentum for the Free State movement. It was of little secret that by August 1856, proslavery interests along the Kansas-Missouri border would accept no other outcome than a slaveholding Kansas and would gladly sacrifice the Union should the conflict be drawn out for long. Lane’s unionist sensibilities thus required that he expunge those interests from the territory at any cost. After five days of hiding, General Lane retook command of the Free State Militia. Despite his crude disguise, the militiamen instantly recognized their beloved commander.<sup>24</sup> After besieging a scantily guarded hotel that housed a small cannon near Franklin, Lane turned his attention to Fort Saunders, a proslavery stronghold on Washington Creek. Recalling the lesson of the Wakarusa War, Lane whipped his men into a frenzy, but did not authorize an attack. The proslavery forces inside the fort heeded the threat of Lane’s men and abandoned the fort without firing a shot. Inside, the Free Staters found an array of weapons and supplies, as well as items looted from Lawrence in April. The militia claimed a similar victory the following day at Fort Titus, near Lawrence.<sup>25</sup>

In his August victories, Lane was wise not to engage his troops in a major battle. Such an engagement, even if successful, could well have spelled disaster for the Free State cause. The Republicans’ concerns were not unfounded; federal troops had taken a much more active role in Kansas affairs during the summer of 1856, and any tangling

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<sup>23</sup> Charles Robinson to James Lane, quoted in Spurgeon, 98.

<sup>24</sup> Bailes, 62.

<sup>25</sup> *Ibid.*, 63.

with the U.S. Army by Free State forces would only serve to validate the South's claim that the Free State movement was an attempt at rebellion. Even so, Lane's legend was growing by the close of August and rumors served as powerful deterrents against continued proslavery harassment.

After Fort Titus's capture and a failed attempt at diplomacy, Governor Shannon tendered his resignation, unaware that President Pierce had already appointed John W. Geary of Pennsylvania to replace him. Until Geary's arrival, Kansas Secretary of State Daniel Woodson would serve as acting governor.<sup>26</sup> Woodson, who favored the proslavery side even more than Shannon, declared the territory to be in a state of insurrection only four days after taking power. Of Lane's recent forays against proslavery strongholds, Woodson wrote that the Free State Militia "commenced, in pursuance of threats previously made, the bloody work of exterminating or driving from the territory such of our citizens as had sought to enforce the Territorial laws, by attacking at midnight the law-abiding citizens of the town of Franklin with an overwhelming force of armed men."<sup>27</sup> Woodson's apparent attempt to inspire retaliation against Lane with this ominous description yielded the opposite effect. Regional and national newspapers soon began publishing similarly exaggerated accounts detailing the prowess of Lane's new Kansas "army." The *Weekly Mississippian* reported that "Lane is already in the territory with his marauders and 2000 more are on the northern boundary waiting to enter."<sup>28</sup>

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<sup>26</sup> Spurgeon, 99.

<sup>27</sup> Daniel Woodson to William Hutchinson and H. Miles Moore, quoted in Spurgeon, 99.

<sup>28</sup> *The Weekly Mississippian*, quoted in Spurgeon, 99.

When three hundred Missourians crossed the border and made camp near Bull Creek in late August, Lane's calculated demonstrations continued. Sending skirmishers to harass the proslavers while marching his men in a circle through a small clearing, he gave the impression that his force was much larger than it actually was. The proslavery agitators, convinced they were vastly outnumbered, retreated to Missouri as the rumors continued.<sup>29</sup> William Elsey Connelley recorded one such rumor, passed to him by a Missouri farmer:

They have a general who was a colonel in the Mexican War. He is over eight feet high and well built in proportion, and when he was commanding in Mexico, his voice could be heard all over the battlefield above the roaring of the cannon. Stranger, this is God's truth I'm telling you. He has his men armed with Yankee guns, called Sharps' rifles, that will shoot sixty times a minute and kill a man a mile away. Our people thought they could drive them out with cannons, but they have now got cannons over there, some Yankee invention, I suppose, that they load by putting the balls in a hopper to grind—I can't describe it to you or tell you how it works. I do not think the abolitionists can be got out, and the South must lose Kansas.<sup>30</sup>

The more people in proslavery communities talked, the more Lane's legend grew. One report maintains that a rumor of Lane's approach to the small town of Weston, Missouri caused a "pandemonium" that sent people running "for cover in nearby gullies and creek beds."<sup>31</sup> Yet another, published in the *Kansas Weekly Herald*, held that Lane had sacked Tecumseh and looted every store "even down to the brooms."<sup>32</sup> As one historian has noted, "Lane was winning battles in the minds of his enemies even when he was many miles from the scene of conflict. Bullets were often not half so effective as the

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<sup>29</sup> Bailes, 65.

<sup>30</sup> William Elsey Connelley, *James Henry Lane, The "Grim Chieftain" of Kansas* (Topeka, KS: Crane & Co., 1899), 104.

<sup>31</sup> Bailes, 64.

<sup>32</sup> Leavenworth, *Kansas Weekly Herald*, September 13, 1856.

terror of his name.”<sup>33</sup> As the Free State movement gained imaginary tactical momentum it also received a numerical boost as hundreds of immigrants poured into Kansas from all corners of the Old Northwest. Eighteen fifty-six had been a troublesome year for the Free State Party, but popular opinion in late August suggests that the tide was beginning to turn.

Lane endeavored to capitalize on the momentum and planned a demonstration at Lecompton to secure the release of Free State men still held there, Charles Robinson among them. His force of about 450 men took position outside of the territorial capital, prompting Acting Governor Woodson to ask for federal reinforcements. The request granted, U.S. dragoons arrived at Lecompton on 5 September, under the command of Colonel Philip St. George Cooke.<sup>34</sup> The standoff presented a quagmire for both commanders. Lane recognized that engaging with the dragoons would jeopardize national support of the Free State movement, while Cooke was rightly weary of using federal troops against U.S. civilians. Cooke ultimately blinked first, and persuaded Lane’s men to disperse in exchange for the release of the prisoners. Yet again, Lane had pursued radical tactics, and yet again, his show of force yielded tangible results for the Free State movement.

The following week, Governor Geary arrived. John W. Geary was a Pennsylvania man who had occupied various federally appointed posts in California. Members of Lane’s militia were skirmishing with proslavery forces near Hickory Point when the general received word of a gubernatorial proclamation ordering all armed bodies to disperse. Lane obliged and sent his men home, his deference to the new

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<sup>33</sup> Bailes, 65.

<sup>34</sup> Spurgeon, 100.

governor a show of good faith.<sup>35</sup> He hoped that the change in executive leadership could bring fair elections, which were necessary if the Kansas conflict was to be settled without major bloodshed. Lane returned for a time to Nebraska and the Old Northwest, again to aid immigrants and evade arrest. His military-style campaigns, though effective, were not sustainable, and the time was right to allow certain political processes to take place.

Eighteen fifty-seven was a pivotal year for the Free State Party. John C. Fremont's defeat in the 1856 presidential election was a blow to the movement, and the new president, James Buchanan of Pennsylvania, pursued South-friendly policies that presented yet another obstacle for statehood. The territorial elections scheduled for October presented the most heated point of contention among Free Staters. One faction favored boycotting the elections and continuing to stand behind the Topeka constitution. Its members doubted that the elections would be fair, and they feared that another fraudulent legislature and pro-South president would bury the Free State cause if the party abandoned the Topeka movement. Another faction held that the Topeka movement, though important, had run its course, and the only way to settle the conflict was to seize control of the federally recognized legislature in the elections. Lane, who had returned to the territory in March, initially favored the boycott but changed course when he realized that Free Staters had achieved an overwhelming majority in the territory.<sup>36</sup> Meanwhile, the revolving door of the territorial governorship continued to turn. Geary resigned his post in May after proslavers attacked his personal secretary, and Pierce appointed Robert J. Walker, another Pennsylvania man, to replace him. In a speech at Topeka, the new governor promised to bring fair elections to Kansas,

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<sup>35</sup> Ibid.

<sup>36</sup> Bailes, 95.

proclaiming that, “the majority of the people of Kansas must govern; that the majority of the people of Kansas must adopt their own constitution or reject it; that the majority of the people of Kansas at the polls must decide whether they shall have a free or a slave state.”<sup>37</sup> Behind this promise, the Free Staters resolved to vote in the October elections. Lane hoped that the governor would deliver on his promise to bring fair elections to Kansas, he would not stand idle and count on it.

Lane embarked on a local speaking tour in the summer of 1857, aiming to “intimidate the enemy into honesty.”<sup>38</sup> Though he did not travel with the Free State militia at his back, he used the same threat of violence that he had so successfully employed the previous summer. Lane spoke at border towns and used incendiary language to describe proslavery interests. At Grasshopper Falls, he declared, “The Territorial legislature belongs to us, and we are going to have it—by the ballot if we can, by the rifle if we must!”<sup>39</sup> With the full weight of his marauding reputation behind every word, Lane spun his audiences into frenzies as the October elections neared. He also made military preparations, assembling a volunteer force for guarding the polling places against another incursion from Missouri. In response, Governor Walker requested the services of federal troops on election day, further discouraging potential ballot-stuffers from crossing the border.<sup>40</sup>

About three hundred Free State men under Lane’s command, augmented by the federal troops requested by the governor, patrolled border precincts on election day, 5

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<sup>37</sup> “Address of Governor Walker at Topeka,” June 6, 1857, in *Transactions of the Kansas State Historical Society: Vol. V* (Topeka: Press of the Kansas State Printing Company, 1896), 292.

<sup>38</sup> Bailes, 95.

<sup>39</sup> James H. Lane, quoted in Bailes, 95.

<sup>40</sup> Spurgeon, 121.

October 1857. Free State voters turned out en masse, and although the election was not entirely without fraud, Free State candidates won a convincing majority in the recognized territorial legislature.<sup>41</sup> For the moment, a solution seemed at hand, but proslavery interests still sought to secure Kansas's entry into the Union as a slaveholding state.

In September, a full month before the territorial elections, the proslavery territorial government had called a constitutional convention in Lecompton to frame a proslavery charter for Kansas's admittance to the Union. The election had slapped a December expiration date on proslave control of the territorial government, so work on the Lecompton Constitution hastened during the abbreviated lame duck period. The last hope for the Slave Power was to jam a proslavery constitution through the operant political machinery and receive the approval of Washington before the incoming Free State majority could convene and dismantle the effort.

In order to get the Lecompton Constitution past an electorate that was sure to oppose it, the Bogus Legislature had planned only a "partial submission" of the constitution to the people. Whether Kansas's settlers chose the constitution "with slavery" or the constitution "without slavery," they would affirm the inviolability of slave property already in Kansas. Settlers would have no opportunity to reject the constitution or the institution as a whole.<sup>42</sup> The ploy was an obvious pro-slave conspiracy, and Lane and his fellow Free Staters would stand for no such ruse. Lane hit the stumps again and turned up the rhetorical volume, traveling tirelessly and speaking in any Kansas town that would have him. Biographer John Speer reports that on one day Lane traveled over

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<sup>41</sup> Walker dismissed suspicious returns in two proslavery districts, securing Free State victory. Ponce, 164.

<sup>42</sup> David M. Potter, *The Impending Crisis: America Before the Civil War: 1848-1861* (New York: Harper Perennial, 1976), 316.

ninety miles and delivered five speeches.<sup>43</sup> Lane intended to arouse so much unrest and discontent among Kansas's settlers that Governor Walker would have to call a special session of the new legislature before the Lecompton charter could pass. Viewing the Lecompton effort as an absolute affront to popular sovereignty and democracy, he called openly for blood. Of the proslavery delegation, Lane exclaimed:

I would let [them] live always if it was not necessary to put them to death, but if it is for the peace and prosperity of Kansas, to kill them, I say cut their throats now, and I will not ask to stay away but will gladly join in the act. . . . The time has come for action, and I have always believed that we should never have peace in Kansas until these hell-hounds were driven from our midst.<sup>44</sup>

Although a number of postmodern critics have applied this rhetoric as a demonstration of Lane's alleged radicalization, it represents no major ideological departure from his first days in Kansas nor the day he joined Free State ranks. He did not deem the proslavers "hell-hounds" because he was an abolitionist, but such because they embodied the greatest threat to democracy and the Union. Back in Washington, even Stephen Douglas could not justify the Lecompton Constitution as an exercise in popular sovereignty, declaring that "if this [Lecompton] constitution is to be forced down our throats, in violation of the fundamental principle of free government, under a mode of submission that is a mockery and insult, I will resist it to the last."<sup>45</sup> As for Lane, his behavior and rhetoric in late 1857 was consistent with every lesson he had learned since the Wakarusa War and Kansas Memorial. In the political whirlwind of Kansas, violence and the threat thereof was a universal language and, as in the past, his speaking of it

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<sup>43</sup> John Speer, *Life of Gen. James H. Lane "The Liberator of Kansas" with Corroborative Incidents of Pioneer History* (Garden City, KS: John Speer, Printer, 1897), 143.

<sup>44</sup> Leavenworth, *Kansas Weekly Herald*, November 21, 1857.

<sup>45</sup> *Cong. Globe*, 35 Cong., 1 Sess., 14-18.

proved powerful. Walker called the new legislature into extra session, allowing for the defeat of the Lecompton Constitution, both at local and federal levels. The new legislature passed a law to submit the entire constitution to the people for approval or rejection. Kansas's settlers rejected the Lecompton Constitution outright. Then, when a desperate attempt by the Buchanan administration revived it for another vote in the territory, they rejected it again.<sup>46</sup> Statehood did not become official until the Secession Winter of 1860-61, but Lane and the Free State Party had guaranteed it by August 1858.

The popular postmodern assertion that Jim Lane became a “radical” Free State leader is not entirely misplaced. However, such charges focus on Lane’s tactics and personality rather than his ideology. In the wake of the Kansas Memorial, Lane took a much more militant role in the Free State movement. As conflict with proslavery “Border Ruffians” escalated, Lane’s methods indeed became radical. The postmodern critics err, however, by equating his willingness to use military force with an opportunistic ideological transformation that never happened. Kendall Bailes’s comparison of Lane and Charles Robinson provides the clearest example of this error. That Lane’s military leadership was “hot-headed, rash, regardless of consequences, but not wanting in bravery” as Bailes wrote, is true enough, but battlefield tendencies bear no relationship to political beliefs.<sup>47</sup> Conversely, Bailes observed Dr. Robinson as the conservative leader of the party: “Robinson looks ahead, counts the cost of everything, weighs every consideration, no matter how trifling, and comes to an unchangeable conclusion”—again, an assessment of personality rather than politics.<sup>48</sup> In a proper

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<sup>46</sup> Potter, 325.

<sup>47</sup> Bailes, 19.

<sup>48</sup> Ibid.

discussion of political ideology, the roles of Robinson and Lane reverse. Robinson was “the personification of New England,” an unapologetic abolitionist who placed himself on the radical, left end of the political spectrum.<sup>49</sup> Lane, on the other hand, was a product of the Jacksonian west, who, in truth, cared little about the welfare of persons of color, and whose actions in opposition to slavery grew only from Democratic and Unionist sentiments.

Although his choice of tactics sometimes put him in the company of radical ideologues like the members of the infamous Brown clan, Lane’s own ideology in Kansas seldom wavered from that of his moderate-conservative upbringing in Indiana. When a much larger conflict over democracy and Union followed in early 1861, Lane continued to use radical means toward the same conservative ends that had motivated him during the territorial crisis in Kansas.

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<sup>49</sup> Ibid., 48.

## CHAPTER VII

### MAN OF LINCOLN: JIM LANE AND THE OUTBREAK OF WAR

Kansas finally achieved statehood on 29 January 1861. Its residents had ratified the slavery-free Wyandotte Constitution—Kansas’s fourth attempt at a state charter—nearly two years earlier, but Southern members of Congress were in no hurry to admit Kansas and add to the Northern majority in the Senate. The final door for statehood finally opened, however, as Southern legislators evacuated the capital during the secession winter of 1860-1861. The news of Kansas’s admittance, while celebrated on the plains, was overshadowed in Washington by the exodus of the lower South from the Union. Only days after Kansas became the thirty-fourth state to join, Texas became the seventh state to withdraw. A sectional crisis decades in the making had finally reached critical mass, and a great uncertainty loomed over the American democratic experiment. As Northern newspapers speculated about “revolutionary activities” in the remaining slave states, Americans pondered the prospect of civil war.<sup>1</sup>

Meanwhile in Kansas, where the drama of sectional strife was no novelty, political wrangling proceeded with little interruption. The Free State Party, having achieved its prescribed purpose, formally merged with the Republican establishment, with former leaders of the Free State movement predictably occupying high positions in

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<sup>1</sup> Washington, *Evening Star*, February 2, 1861.

the first state government. Charles Robinson handily won election to the office of governor, while James Henry Lane, now officially a Republican, achieved his long-held goal of nomination to the United States Senate. In April 1861, Lane made his long-awaited return to Washington, where he met new president, a fellow westerner also acclimating to his new office amid a national crisis. In Abraham Lincoln, James Henry Lane found a strategic ally and an ideological comrade. In his first letter to Lincoln, Lane wrote, "I have never met you and yet I feel that you are an old acquaintance and may I add friend."<sup>2</sup> Postmodernists often trumpet Lane's association with Lincoln as evidence of his ideological transformation. However, on the two most prevalent issues of the day, slavery and the Union, both men's' views aligned with the classically Northern Democratic positions to which Lane had always adhered.

When Abraham Lincoln won the Republican nomination for president in 1860, his name was, by Ralph Waldo Emerson's recollection, "comparatively unknown."<sup>3</sup> The Illinois lawyer had served but one unmemorable term in Congress and had lost his only major campaign when he challenged for Stephen Douglas's Senate seat in 1858. In the presidential election of 1860, however, Abraham Lincoln triumphed over Douglas as well as two other challengers: John C. Breckenridge of Kentucky and John Bell of Tennessee. When he took the oath of office in March 1861, Lincoln inherited a crisis the likes of which no previous United States president had seen. The Republican election strategy of the previous fall got Lincoln elected president without a single Southern electoral vote, but gave fuel to secession in the winter of 1860-1861. South Carolina was the first to

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<sup>2</sup> James H. Lane to Abraham Lincoln, January 1, 1861, quoted in Bryce Benedict, *Jayhawkers: The Civil War Brigade of James Henry Lane* (Norman, OK: University of Oklahoma Press, 2009), 27.

<sup>3</sup> New York, *The New York Times*, May 4, 1865.

leave the Union, seceding on 20 December in protest of the election results. Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas followed suit in the succeeding weeks.

In his inaugural address, Lincoln avowed “no purpose, directly or indirectly, to interfere with the institution of slavery,” but Southern apprehension was deeply rooted.<sup>4</sup> Although the Republican platform had shifted slightly to the right since the 1856 election, the antislavery principles that had given rise to the party threatened the very fabric of Southern life. Furthermore, the “Illinois Rail-splitter” had previously made clear his moral objection to slavery during his well-publicized debates with Stephen Douglas.<sup>5</sup> Adding to Southern suspicions, abolitionist circles celebrated Lincoln’s victory as if it were their own. Only days after Lincoln’s election, William Lloyd Garrison wrote in his weekly abolitionist newspaper, *The Liberator*, that “a marvellous [*sic*] change for the better has taken place in public sentiment in relation to the anti-slavery movement.”<sup>6</sup> Garrison further suggested that Lincoln’s election represented “a general enlightenment . . . upon the subject of slavery.”<sup>7</sup> Sensing in the post-election fervor a grave threat to their states’ economies and their constituents’ property, politicians in the South viewed the new Republican-controlled government as a vehicle for tyranny.

But Lincoln was no abolitionist. Despite his moral objection to the institution, Lincoln frequently professed in 1860 and 1861 that he had “no lawful right . . . [nor the] inclination” to end slavery in the South.<sup>8</sup> Indeed, the former lawyer toiled over the legal

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<sup>4</sup> Abraham Lincoln, “First Inaugural Address” (March 4, 1861), in *Abraham Lincoln: Speeches and Letters*, ed. Peter Parish (London: Everyman’s Library, 1993), 161.

<sup>5</sup> James K. Hogue and James M. McPherson, *Ordeal by Fire: The Civil War and Reconstruction* (New York: McGraw-Hill, 2010), 131.

<sup>6</sup> Boston, MA, *The Liberator*, November 9, 1860.

<sup>7</sup> *Ibid.*

<sup>8</sup> Lincoln, “First Inaugural Address,” in Parish, 161.

obstacles to emancipation for much of his presidency. By Lincoln's estimation, freedom *and* property were both rights guaranteed by the Constitution, and any law or proclamation giving freedom to those in bondage meant violating the property rights of their owners. The only true solution to this constitutional quagmire—compensated emancipation—was, by 1861, a political impossibility. Only via the war powers clause in the Constitution would Lincoln later find legal justification to act on the slavery issue.

Aside from the legal snares of anti-slavery policymaking, Lincoln's speaking record on race relations had already separated him from Northern abolitionists and radical Republicans. The most famous of Lincoln's conservative remarks on the topic came in his opening speech in the fourth debate with Stephen Douglas during their 1858 senatorial race:

I will say that I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races – that I am not nor ever have been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race.<sup>9</sup>

Indeed, Lincoln shared many of the very same anti-slavery and anti-black views espoused by James Henry Lane during his Indiana and Kansas careers. Although Lincoln was never so blunt as to liken a black man to a mule, his public position on race reflected the popular sentiments of many Republicans and Northern Democrats alike.

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<sup>9</sup> Abraham Lincoln, "From Lincoln's Opening Speech in the Fourth Joint Debate" (September 18, 1858), in *Abraham Lincoln: Speeches and Letters*, ed. Peter Parish (London: Everyman's Library, 1993), 115.

Abraham Lincoln also shared in Lane's long-held belief in the indestructability of the Union. This belief surfaces in a myriad of Lincoln's speeches and letters, but nowhere more clearly than in his first inaugural:

I hold, that in contemplation of universal law, and of the Constitution, the Union of these states is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments. It is safe to assert that no government proper, ever had a provision in its organic law for its own termination. Continue to execute all the express provisions of our national Constitution, and the Union will endure forever – it being impossible to destroy it, except by some action not provided for in the instrument itself.<sup>10</sup>

The Jacksonian origin of this jointly held definition of Unionism is here very apparent, and after the outbreak of the Civil War, both Lincoln and Lane proved themselves willing to employ whatever means were necessary in order to preserve their Union. For Lincoln, this meant a series of controversial proclamations that gradually made the eradication of slavery an equally important objective. For Lane, it meant spearheading a military campaign with controversial exploits and radical tactics -- exploits and tactics ironically rooted in long-held conservative Democratic principles and amended only slightly by his Bleeding Kansas experience.

Lane's arrival in Washington coincided with the shelling of Fort Sumter and the start of the Civil War. On 15 April, Abraham Lincoln's call for 75,000 volunteers catalyzed secession movements in the upper South. In the capital city, Lane sensed both danger and opportunity. With Virginia on the verge of secession and a significant Southern element in Baltimore, Washington was in a precarious and unguarded position. Channeling his experience during the Mexican War and Bleeding Kansas, Lane organized a crude volunteer force of about sixty Kansans—mostly office-seekers who

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<sup>10</sup> Lincoln, "First Inaugural Address," in Parish, 163.

had followed the senator to Washington in hopes of receiving Lane's patronage. Major David Hunter accepted the ragtag "Frontier Guard" and ordered that they make camp in the East Room of the Executive Mansion to protect the structure and the president.<sup>11</sup>

While the Frontier Guard saw little actual action, it was one of the few military units in Washington during the month of April.<sup>12</sup> With the arrival of reinforcements and the establishment of a more secure perimeter, Hunter reassigned Lane's volunteers to the U.S. Navy Yard on 24 April, and honorably discharged them soon after.<sup>13</sup> Having made first contact with the president and other Washington elites, Lane returned to Kansas to await the July congressional session, but with a renewed wish for the thrill of military command. His actions for the duration of the summer were with that end in mind.

During the Civil War's early days, chatter back in Kansas focused on the status of Missouri. The territorial conflict had illuminated the significant Southern elements in Missouri, and rumors of secessionist activities in that state flowed freely. Lane proved vocal on the matter, reporting to the *Lawrence Republican* that, "our only safety [is] in eternal vigilance, being not only ready to repel attacks, but to march into the enemy's country at a moment's warning."<sup>14</sup> Lane went about recruiting troops in Kansas, which put him at further odds with Governor Robinson, whose office was traditionally responsible for recruitment, and whose office had already raised two volunteer regiments.

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<sup>11</sup> Ian Michael Spurgeon, *Man of Douglas, Man of Lincoln: The Political Odyssey of James Henry Lane* (Columbia, MO: University of Missouri Press, 2008), 178.

<sup>12</sup> The Frontier Guard's tangible achievement list is short, but they do earn credit for the capture of the first rebel flag of the war, which was taken from a private residence on the Southern bank of the Potomac River. *Ibid.*, 179.

<sup>13</sup> *Ibid.*, 179.

<sup>14</sup> Lawrence, *Lawrence Republican*, May 16, 1861.

Lane's dealings in Kansas military affairs have garnered criticism from the postmodernists. The foremost author on Kansas's role in the Civil War, Albert Castel, reduces Lane's motivation to a personal power struggle between Lane and Robinson. Castel argues that Lane's intention in recruiting Kansas volunteers was to "curtail Robinson's authority over military matters. By doing so, not only would he diminish his rival's political influence, but at the same time he would increase his own."<sup>15</sup> To be sure, Lane's personal ambition played a role in his actions—he was, after all, a career politician—but Castel's interpretation oversimplifies Lane's attachment to martial affairs in Kansas. During the territorial conflict, Lane was the face of the Free State Militia. His reputation provided a badly-needed boost in morale, and his unique leadership methods had been at least partially responsible for the eventual Free State triumph. In May 1861, as Missouri posed a very real threat to the people of Kansas, it would have been grossly out of character for Lane to remain on the sidelines. While true that Lane overstepped legal bounds in his recruitment pursuits, this behavior is consistent with the lessons he had learned during Bleeding Kansas, when observing every letter of the law had rarely produced success. On the other hand, Lane's actions align perfectly with his well-established priorities: the preservation of the Union and the protection of Kansas.

Lane returned to Washington in June to lobby for a personal command in the West, and his correspondence with President Lincoln and Secretary of War Simon Cameron became frequent. On 20 June, Lane asked the president to accept two

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<sup>15</sup> Albert Castel, *Civil War Kansas: Reaping the Whirlwind* (Lawrence, KS: University Press of Kansas, 1997), 46.

additional regiments from Kansas, in addition to the three already raised.<sup>16</sup> Lane's eagerness caught the attention of the president, and in a letter dated the same, Lincoln wrote to Cameron:

Since you spoke to me yesterday about General J. H. Lane, of Kansas, I have been reflecting upon the subject, and have concluded that we need the services of such a man out there at once; that we better appoint him a brigadier-general of volunteers to-day, and send him off with such authority to raise a force (I think two regiments better than three, but as to this I am not particular) as you think will get him into actual work quickest.<sup>17</sup>

News of Lane's commission traveled quickly. The president's blessing had legitimized Lane's military involvement, and Lane wasted no time in communicating that to the people of Kansas. Lane declared, via the *Lawrence Republican*, "An insurrectionary war, commenced by rebels, in defiance of patriotism and duty, has now approached our border . . . [The President] has been pleased to place in my hands the honor of leading the gallant sons of the youngest State of the Union, to victory in defense of the Union of which it has so lately become a part."<sup>18</sup> But rather than return immediately to Kansas, Lane remained in Washington for the congressional session. Quietly, he failed to accept in writing his brigadier-general's commission, which would have required him to forfeit his seat in the Senate. As Congress resumed, Lane assigned William Weer the task of raising the newly authorized Kansas Brigade on his behalf. As Weer organized volunteers in Kansas, Lane produced a record during the July session that lends valuable insight to his later exploits as commander of the Kansas Brigade.

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<sup>16</sup> United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, ser. 3, vol. 1 (Washington: Government Printing Office, 1899), 282.

<sup>17</sup> *Ibid.*, 280-281.

<sup>18</sup> Lawrence, *Lawrence Republican*, June 27, 1861.

The return of Congress for an extra session on 4 July coincided with mounting tensions between North and South. Congress approved the raising of troops and money for military action against the Southern rebels, but the exact nature of the young war was still in question. Furthermore, the border states of Maryland, Kentucky, and Missouri hung delicately in the balance between loyalty to the Union and secession. To counter secessionist momentum and clarify the North's intentions, Congress offered the Crittenden-Johnson Resolution in late July. The resolution held that the war's purpose was to fight for the Constitution and preserve the Union. Its framers were careful to exclude mention of slavery, so as to affirm that Northern military action was not intended as a direct assault on the institution. The resolution perfectly articulated the core priority of James Lane, and he thus voted for the resolution. Lane's affirmative vote confirms that he yet was not a radical Republican, as the postmodern critics have charged. If indeed Lane had undergone such an ideological transformation, he likely would have joined the three radical senators who voted the resolution down—or the more than twenty who abstained.<sup>19</sup>

Without question, some of Lane's rhetoric during the session suggests radical tendencies. However, thoughtful examination demonstrates that these remarks simply show the effect of his experiences in Kansas on his policy objectives. On 18 July, when Senator Lazarus Powell of Kentucky proposed an amendment to the army organization bill that would bar Union forces from interfering with slavery, Lane rose to introduce the clause "unless it shall be necessary in enforcing the laws, or maintaining the Constitution

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<sup>19</sup> James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 312.

of the Union.”<sup>20</sup> As a lively debate ensued over the role of slavery in the broader conflict at hand, Lane offered the following impassioned analysis:

I represent a constituency whose rights were trampled under foot by the slave oligarchy of this country. Fraud, cruelty, barbarism, were inflicted on them by that power. Although thus afflicted by the slave power of this country, in an attempt to force upon us, against our will, that institution, yet, after the struggle was over, we were willing to stand by the compromises of the Constitution, and permit slavery to remain undisturbed in the States where it existed. An attempt is now being made by that power to overthrow the Government—to destroy the Union. They have brought upon us the conflict. If, in that conflict, the institution of slavery perish, we will thank God that he has brought upon us this war. . . They have forced upon us this struggle, and I, for one, am willing that it shall be followed to its logical conclusion . . . The institution of slavery will not survive, in any State of this Union, the march of the Union armies.”<sup>21</sup>

While such rhetoric appears to position Lane among the radical Republicans who sought to use the Union Army as an instrument of emancipation, his remarks serve only to confirm his long-held attitudes. Although his opposition to slavery is clear, Lane maintains that, even in the wake of the territorial conflict, the existence of the institution itself would have been acceptable to him. On the other hand, his toleration for slavery would endure only if the Union could survive it. By Lane’s estimation, the slave power brought war to the Union, thus eliminating his inclination to compromise. Lane’s rhetoric was not, therefore, a product of radical or abolitionist ideology. Instead, it reflects the lessons yet unlearned by those members of Congress who had not witnessed Bleeding Kansas firsthand: that the slave power and the Union had grown incompatible with one another. In order to eliminate disunion, Lane recognized early on that slavery had to become a collateral target; yet his affirmative vote on the Crittenden Resolution

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<sup>20</sup> *Cong. Globe*, 37 Cong., 1 Sess., 186.

<sup>21</sup> *Ibid.*, 187.

demonstrates that his overarching priority remained the preservation of the Union and nothing more.

Lincoln's famous 1862 letter to Horace Greeley evinces the same understanding of his nation's predicament and the truly paradoxical nature of the American Civil War:

My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery. If I could save the Union without freeing any slave I would do it, and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone I would also do that. What I do about slavery, and the colored race, I do because I believe it helps to save the Union; and what I forbear, I forbear because I do not believe it would help to save the Union. I shall do less whenever I shall believe what I am doing hurts the cause, and I shall do more whenever I shall believe doing more will help the cause. I shall try to correct errors when shown to be errors; and I shall adopt new views so fast as they shall appear to be true views. I have here stated my purpose according to my view of official duty; and I intend no modification of my oft-expressed personal wish that all men every where could be free.<sup>22</sup>

Few other unionists realized what Lane and Lincoln had realized at such an early stage: slavery had become the principal obstruction to the restoration of the Union. Lane's tactics notwithstanding, he and Lincoln both saw the Union's preservation as the first priority.

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<sup>22</sup> Abraham Lincoln to Horace Greeley, August 22, 1862, in Parish, 214-215.

## CHAPTER VIII

### MAN OF SHERMAN: THE LANE BRIGADE IN WESTERN MISSOURI

The first three years of war brought the Union Army very few gains at a tremendous cost. Tactics had not always kept pace with advances in rifled musketry and artillery. So, too, did mass prisoner exchanges, paroles, and compensation for confiscated property add to the stalemate east of the Mississippi. While Union forces had defeated Lee's Army of Northern Virginia at Gettysburg and secured the Mississippi River in July 1863, Confederate field armies remained largely intact. A better strategist than most of his generals, Abraham Lincoln knew that those armies would have to be destroyed in detail, but before Ulysses S. Grant took command of all Union forces in March 1864, the president lacked a commanding general with the necessary killer instinct. On the home front, President Lincoln faced mounting political opposition. The 1862 elections, held in the wake of several bloody, indecisive battles had emboldened the opposition in key areas, and the Emancipation Proclamation led to draft riots and recruitment problems in the North without freeing any slaves. What radical Republicans considered a half measure would convince thousands of U.S. troops to go home in 1864 rather than re-enlist. The Union defeat at Chickamauga in September 1863 only made matters worse; the largely loyal opposition of 1862 was now joined by Copperheads, the Northwestern Confederacy, and others increasingly willing to risk and accept disunion as

the price of peace. Even in staunchly Unionist districts, the population had grown weary of the war and impatient at the slow rate of Union progress. By November 1864, even mainstream Democrats seriously considered a negotiated peace.<sup>1</sup>

But Lincoln's steadfast belief in the Union did not permit him to negotiate, much less acknowledge the validity of outright secession. Total military victory was his only option, and in General Grant he had at last found a kindred spirit. But Grant inherited an emergency: the presidential election of 1864 was fast turning into a referendum on the Civil War and by summer Lincoln's chances of re-election looked bleak.<sup>2</sup>

Grant's promotion took him out of the Western theater, leaving the Department of the Mississippi without a commander until Grant elevated Major General William Tecumseh Sherman, then commander of the Army of the Tennessee. Sherman had served under Grant since the battles of Forts Henry and Donelson in 1862, but had also taken part in early engagements in the Eastern Theater, including First Bull Run. Thoroughly acquainted with the war's brutality by the time he succeeded Grant, Sherman took Atlanta in early September, depriving the Confederates of a major industrial complex and transportation hub. The timing of Sherman's victory at Atlanta proved the saving grace for Lincoln's presidential bid just as certainly as earlier casualties at the Wilderness, Spotsylvania, and Cold Harbor had threatened it.

But Sherman's contribution to Lincoln's re-election not only saved the Union; it redefined war. No longer a contest of armies, it had become a contest of resources and

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<sup>1</sup> James K. Hogue and James M. McPherson, *Ordeal by Fire: The Civil War and Reconstruction* (New York: McGraw-Hill, 2010), 470.

<sup>2</sup> John R. Scales, *Sherman Invades Georgia: Planning the North Georgia Campaign Using a Modern Perspective* (Annapolis, MD: Naval Institute Press, 2006), 58.

people. After Atlanta's capture, Sherman wrote to James M. Calhoun, the mayor of that city, and outlined this new characterization of war:

You cannot qualify war in harsher terms than I will. War is cruelty, and you cannot refine it; and those who brought war into our Country deserve all the curses and maledictions a people can pour out . . . You might as well appeal against the thunder-storm as against these terrible hardships of war. They are inevitable, and the only way the people of Atlanta can hope once more to live in peace and quiet at home, is to stop the war, which can only be done by admitting that it began in error and is perpetuated in pride. We don't want your negroes, or your horses, or your houses, or your hands, or any thing that you have, but we do want and will have a just obedience to the laws of the United States. That we will have, and, if it involves the destruction of your improvements, we cannot help it.<sup>3</sup>

Sherman's warning represents one of the earliest written descriptions of modern total war—a doctrine that the general applied to great effect during the occupation of Atlanta and his subsequent march to the sea. Foreshadowing the Savannah campaign, Sherman telegraphed Grant and outlined his intention to make war on the whole South: “Until we can repopulate Georgia it is useless to occupy it, but utter destruction of its roads, houses, and people will cripple their military resources . . . I can make the march and make Georgia howl.”<sup>4</sup> The doctrine of total war proved the answer the North was looking for; Sherman's march through Georgia and the Carolinas brought the rebel war machine to its knees, and forced the surrender of Confederate General Joseph E. Johnston and his armies in April of 1865.

In the postwar North, the citizenry received Sherman as a hero for his Atlanta campaign and subsequent march to the sea. Additionally, military historians have largely praised him for his extreme policies. Writing near the close of the nineteenth century,

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<sup>3</sup> William T. Sherman to James M. Calhoun, E.E. Rawson, and S.C. Wells, September 12, 1864, in *Sherman's Civil War: Selected Correspondence of William T. Sherman, 1860-1865*, eds. Jean V. Berlin and Brooks D. Simpson (Chapel Hill, NC: North Carolina University Press, 1999), 707-709.

<sup>4</sup> William T. Sherman to Ulysses S. Grant, October 9, 1864, in *ibid.*, 731.

James P. Boyd noted that Sherman's campaign of 1864 "thrilled the entire country . . . It gave to Sherman a permanent rank among the world's greatest generals, and fixed his name forever in the memory of a grateful people."<sup>5</sup> More recently, James M. McPherson and James K. Hogue have acknowledged the significance of Sherman's punishing tactics, which included the forced evacuation of civilians, wholesale destruction of Southern property, and confiscation of slaves.<sup>6</sup> The dominant interpretation ever since B.H. Liddell Hart's 1929 biography has been that Sherman's employment of total war reflected a realization that the war would continue until all Southern resources were exhausted or destroyed.<sup>7</sup> Indeed, nearly four years of hard fighting had revealed to William T. Sherman the extent of the South's determination to cling to its institutions. This fact, in combination with Sherman's resolute unionism, led directly to the ingenious yet merciless campaigns for which he is remembered.

While Sherman's employment of a scorched earth policy earned him both fame and infamy, he was not the first Civil War commander to make war in this way. In the fall of 1861—three years before Sherman sliced Georgia in half and the Confederacy into thirds—James Henry Lane waged total war on the pro-secession counties of western Missouri. His campaign was small by comparison, but the similarities between his and Sherman's are nevertheless striking. Sherman and Lane shared a conservative, Union-first ideology, and each had independently arrived at the realization that only by crippling the whole South could the North force its capitulation. Their targets, therefore, included

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<sup>5</sup> James P. Boyd, *The Life of General William T. Sherman* (Philadelphia, PA: Publisher's Union, 1891), 9.

<sup>6</sup> Hogue and McPherson, *Ordeal by Fire*, 499.

<sup>7</sup> B.H. Liddell Hart, *Sherman: Soldier, Realist, American* (New York: Da Capo Press, 1993).

the property of non-combatant Southern-sympathizers and their operations liberated many slaves along the way. While historians have partially acknowledged these similarities, their true depth has evaded the historical record to this point.

More than any other single person, Abraham Lincoln had William T. Sherman to thank for Republican victory in the presidential election of 1864, but Sherman himself was no doctrinaire Republican. His brand of conservatism defied the antislavery notions of Northern Democrats, instead aligning him with many Southerners of his time. Writing from his post in Louisiana in 1860, Sherman affirmed in a letter to his brother, “I think it would be folly to liberate or materially modify the condition of the Slaves. Their labor & its fruits are necessary to the civilized world, and American slavery is the most modified form of compulsory labor.”<sup>8</sup> On this issue, Sherman would have disagreed sharply with James H. Lane and Abraham Lincoln, but on the question of secession versus Union the three men were much more closely aligned. Equally to the point, their respective views became more alike as the war progressed. Sherman saw great trouble in secession: “[I]f States secede on this pretext, it will be of course only the beginning of the end. Slavery is common to all Southern States—Let secession once take place on that point, and let these States attempt to combine they will discover that there are other interests not so easily reconciled—and then their troubles will begin.”<sup>9</sup> In another letter, Sherman extended this practical opposition and reasoned that secession would beget anarchy: “The extreme South will look on Kentucky & Tennessee as the North, and in a few years the same confusion and disorder will arise, and a new dissolution, till each state, and maybe each

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<sup>8</sup> William T. Sherman to John Sherman, December 9, 1860, in Berlin and Simpson, 16.

<sup>9</sup> Ibid.

county will claim separate independence.”<sup>10</sup> At his first inauguration, Abraham Lincoln echoed Sherman’s logic:

From questions of this class spring all our constitutional controversies, and we divide upon them into majorities and minorities. . . . If a minority, in such case, will secede rather than acquiesce, they make a precedent which, in turn, will divide and ruin them; for a minority of their own will secede from them, whenever a majority refuses to be controlled by such minority.<sup>11</sup>

At the core of Sherman’s ideology was an abiding belief in the interminability of the Union. Anticipating Louisiana’s secession late in 1860, Sherman disclosed to his family that he would “not stay South” in the event of secession, but instead “quietly settle up here, and proceed by steamboat to St. Louis.”<sup>12</sup> Before leaving Louisiana, Sherman wrote that a Northern attempt to coerce the whole South back to the Union would be “folly,” but by 1862, Sherman had taken on a more Lincolnian outlook on the war and its role in restoring Union.<sup>13</sup> His position on slavery evolved as well.

As the head of the Union Army’s District of Memphis in 1862, Sherman issued General Orders No. 67, the text of which demonstrates his prioritization of the Union over the institution of slavery: “It is understood that all masters who are in open hostility to the constitution of their country will lose their slaves, the title to which only exists by force of that very Constitution they seek to destroy.”<sup>14</sup> Sherman concludes the orders with a statement regarding the employment of fugitive or liberated slaves in the Union army: “Their employment by the Government is in pursuance of law, is clearly within

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<sup>10</sup> William T. Sherman to Ellen Sherman, November 23, 1860, *Ibid.*, 8.

<sup>11</sup> Abraham Lincoln, “First Inaugural Address” (March 4, 1861), in *Abraham Lincoln: Speeches and Letters*, ed. Peter Parish (London: Everyman’s Library, 1993), 165-166.

<sup>12</sup> William T. Sherman to John Sherman, December 9, 1860, in Berlin and Simpson, 16.

<sup>13</sup> *Ibid.*

<sup>14</sup> United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, ser. 1, vol. 17, part II (Washington: Government Printing Office, 1899), 159.

the rules of war, and will increase our effective force by the number of negroes so employed.”<sup>15</sup> Although he had once defended slavery and cautioned against its destruction, the war was revealing to Sherman that targeting the institution could become an important strategic objective for the Union. Later, he would see it as a necessity.

Sherman’s dutiful execution of Union war aims intensified after the Siege of Vicksburg, during which the stubbornness of Confederate resistance was on full display. His subsequent march to Meridian proved a trial run for later operations in Georgia. Operating against guerrillas in central Mississippi, Sherman amplified his focus on the destruction of property belonging to non-combatant civilians: “Barns and houses were invaded and sometimes damaged or destroyed; farm produce and animals were taken and consumed; slaves were freed; anything with war-making potential burned.”<sup>16</sup> Historian John F. Marszalek notes that Sherman’s army liberated between five and eight thousand slaves during the Meridian campaign alone.<sup>17</sup> Clearly, by early 1864, Sherman’s premonitions on slavery had taken a backseat to his commitment to restore the Union. Sherman further articulated the extent of this commitment in a letter to Major R. M. Sawyer on 31 January 1864, in which he addressed his intention to continue waging war on the whole South:

If they want eternal war, well and good; we accept the issue, and will dispossess them and put our friends in their place. I know thousands and millions of good people who at simple notice would come to North Alabama and accept the elegant houses and plantations there. If the people of Huntsville think different, let them persist in war three years longer, and then they will not be consulted. Three years ago by a little reflection and patience they could have had a hundred years of peace and prosperity, but they preferred war; very well. Last year they could have saved their slaves, but now it is too late. All the powers of the earth cannot

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<sup>15</sup> Ibid., 160.

<sup>16</sup> John F. Marszalek, *Sherman: A Soldier’s Passion for Order* (Carbondale, IL: Southern Illinois University Press, 1993), 254.

<sup>17</sup> Ibid.

restore to them their slaves, any more than their dead grandfathers. Next year their lands will be taken, for in war we can take them, and rightfully, too, and in another year they may beg in vain for their lives. A people who persevere in war beyond a certain limit ought to know the consequences.<sup>18</sup>

This oft-quoted letter indeed reveals the hardened view of war for which Sherman is now famous and infamous, but more importantly to the present study, it suggests a gradual realization on the general's part that total war was the only remedy for the ongoing Southern rebellion. Sherman held that the emergence of the war did not alone warrant war-making on the Southern citizenry. Rather, Southerners' own *perseverance* in war had brought it upon them. By Sherman's estimation, the South had persevered beyond the "certain limit" that justified civilian protection. More specifically, the general implies that the South's defiant grip on its antiquated labor system had rendered the institution of slavery a necessary target and inevitable casualty of the Civil War.

When James Henry Lane returned to Kansas following the July 1861 congressional session, he had already arrived at the same conclusion that would later motivate Sherman's Georgia campaign. He predicted on the floor of the Senate that summer that slavery would not survive the march of the Union armies. He proposed to bring the war to all who favored disunion, be they active combatants or not; and when he took command of his brigade in the fall, he endeavored to carry out this proposal. Just as it took William T. Sherman three years to recognize fully the disposition of the South and the nature of the war, Jim Lane's radicalization did not happen overnight. For Lane, however, the war had begun in 1856 when proslavery Democrats seized control of democratic processes in Kansas Territory. The ensuing battles for Kansas had effectively given Lane a head start, and the national conflict unfolding in 1861 was, for him, only an

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<sup>18</sup> *Official Records*, ser. 1, vol. 32, part II, 280-281.

amplification of sectional strife already manifest on the frontier. Accordingly, his actions in the Fall of 1861 reflect an understanding of the war that would evade eastern officials and officers for three more years.

The regiments that would fall under Jim Lane's command took shape in June and July of 1861. Notorious Jayhawker James Montgomery, who spent most of 1858 and 1859 raiding pro-slavery towns near the southeastern Kansas border, had received a commission from Governor Robinson and organized the Third Kansas Volunteer Infantry Regiment near Mound City. Montgomery was a religious antislavery fanatic in the same category as Old John Brown. He held daily religious worships and considered himself "an agent of God's will."<sup>19</sup> He would serve under Lane as the colonel of the Third. Meanwhile, William Weer, Lane's Kansas liaison, set up recruiting stations in Leavenworth and Lawrence. His regiment, mustered as the Fourth Kansas Volunteer Infantry Regiment, consisted mostly of settlers from along the Kansas River. A local Free State man, Hamilton P. Johnson, raised most of what became the Fifth Kansas Volunteer Cavalry Regiment.<sup>20</sup> The Third, Fourth, and Fifth made up the so-called "Kansas Brigade," of which Lane took command.<sup>21</sup> Like many trans-Mississippi forces on the both sides of the war, the Kansas Brigade was poorly organized, underequipped,

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<sup>19</sup> Bryce D. Benedict, *Jayhawkers: The Civil War Brigade of James Henry Lane* (Norman, OK: University of Oklahoma Press, 2009), 21.

<sup>20</sup> *Ibid.*, 39.

<sup>21</sup> In name, the Kansas Brigade contained two regiments of infantry and one of cavalry. However, disarray surrounding their organization resulted in mixed regiments. The Fourth Kansas Volunteer Infantry Regiment contained seven companies of infantry, one of cavalry, and one of artillery, while the Fifth Kansas Cavalry contained two companies of infantry. *Ibid.*, 52.

and inexperienced. The ragtag bunch reflected the overall state of affairs in Kansas, which had deteriorated over the summer with the threat of a renewed border conflict.<sup>22</sup>

Meanwhile, Missouri's split population had become the object of a chaotic tug-of-war between Unionist and secessionist elements, and the resulting instability posed a tangible threat to Kansas's security by early August. The Kansas to which Jim Lane returned was consequently abuzz with rumors of invasion from the east. Although evidence now suggests that such an invasion was unlikely, at least some of the panic was warranted. On 5 July, secessionist forces under General Sterling Price skirmished with Federal troops at Carthage, Missouri, only an afternoon's ride from the Kansas border.<sup>23</sup> Matters worsened on 10 August, when a Union army under the command of Nathaniel Lyon engaged with Price's Missouri State Guard and Confederate forces at Wilson's Creek. Lyon was killed and the federals fell back to the northeast, leaving Missouri in rebel hands from Springfield west to the Kansas border and north to the Missouri River.<sup>24</sup>

Lane reached Leavenworth on 15 August. Although he carried written authorization from the War Department to recruit additional regiments in Kansas, his own legitimacy as their prospective commander was ambiguous at best. When Lane had announced his brigadier general's commission to the *Lawrence Republican* in June, Governor Robinson appointed Frederick Stanton to replace Lane in the Senate. The Senate Judiciary Committee investigated Stanton's claim, forcing Lane to declare on the Senate floor that he had never accepted the commission. The declaration proved

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<sup>22</sup> Ian Michael Spurgeon, *Man of Douglas, Man of Lincoln: The Political Odyssey of James Henry Lane* (Columbia, MO: University of Missouri Press, 2008), 182.

<sup>23</sup> Benedict, 41.

<sup>24</sup> *Ibid.*, 60.

satisfactory to the inquiring parties, and the Senate voted in Lane's favor.<sup>25</sup> Technically, this ruling squashed Lane's legal claim to a command. Upon his return to Kansas, however, Lane ignored that technicality with his usual bravado. He took charge of the Kansas Brigade and headed to Fort Scott unmolested.

The general acceptance of Lane's command by War Department officials was indeed unusual, but not entirely surprising given the circumstances in Kansas at the time. As historian Bryce Benedict points out, "no one else had been designated to command the troops in Kansas, and the highest-ranking Federal officer in Kansas was Captain Prince at Fort Leavenworth; Lane had found a niche not occupied by anyone else. Southeast Kansas was a remote theater of the war, connected with the rest of the Union by neither railroad nor telegraph."<sup>26</sup> Furthermore, early Union losses at Bull Run in the east and Wilson's Creek in the trans-Mississippi had put Federal forces back on their heels. Having realized the enormity of the task at hand, Lincoln's administration had more to worry about than the legal nuances of Lane's commission.

Lane rendezvoused with his brigade in Fort Scott on the last of August. After receiving a report that Sterling Price's main army was in the area of Dry Wood Creek, Lane ordered pickets posted on all roads leading into Fort Scott to protect against a surprise attack.<sup>27</sup> He also sent for Colonel Charles R. "Doc" Jennison's Seventh Kansas Volunteer Cavalry regiment to join him at the fort. Jennison, like Montgomery, had already garnered a reputation in border towns for his jayhawking campaigns of the late

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<sup>25</sup> Spurgeon, 181.

<sup>26</sup> Benedict, 61.

<sup>27</sup> Wiley Britton, *The Civil War on the Border: A Narrative of Operations in Missouri, Kansas, Arkansas and the Indian Territory During the years, 1861-1862* (New York: The Knickerbocker Press, 1899), 128.

1850s. While Montgomery's forays were driven by a deeply seeded brand of religious abolitionism, Jennison's was an abolitionism of personal ambition. Jennison detested slavery, but a desire for plunder drove him as well.<sup>28</sup> That the War Department legitimized Jennison's regiment by mustering it into Federal service demonstrates the extent of Union disarray in the Trans-Mississippi Theater.

Jennison's men arrived at Fort Scott early the following morning. On 2 September, Lane ordered the mounted segments of Jennison and Johnson's command to move towards Dry Wood. The Federal mounts made contact with a detachment of Price's army around two o'clock that afternoon. They skirmished at long range with Missouri State Guard troops under the command of General James S. Rains. When Sterling Price moved to support Rains with his main army, however, the Guard's numerical superiority forced the Kansans to retreat.<sup>29</sup> Lane's force sustained eleven casualties including five killed in action. Also among the losses were some eighty of Colonel William Weer's government mules, which Price's men apprehended during the engagement.<sup>30</sup> The "Lane Brigade" had seen its first action of the Civil War.

Convinced that Price's army would follow up its victory at Dry Wood with an invasion of Kansas and assault on Fort Scott, Lane ordered his men to evacuate the fort and move west to Fort Lincoln. Lane left 450 cavalry troops and approximately 350 irregular militiamen at Fort Scott, but ordered the defenders to burn the town if Price's

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<sup>28</sup>Albert Castel, *Civil War Kansas: Reaping the Whirlwind* (Lawrence, KS: University Press of Kansas, 1997), 43.

<sup>29</sup> Britton., 129.

<sup>30</sup> Benedict, 76.

army advanced. When Lane's abandonment of Fort Scott made any Kansas campaign unnecessary, Price instead turned his State Guard north toward Lexington.<sup>31</sup>

For the moment, Lane's focus remained on the threat that Sterling Price posed to Kansas. The Missouri State Guard's defeat could well secure the region and allow for Union resources to be diverted elsewhere. Lane remained skeptical of reports that Price had moved on, and kept his brigade at the ready in case of attack. Writing to Captain Prince at Leavenworth on 4 September, Lane requested artillery and reinforcements with which to strike first at Price's force, whose strength he estimated at about six thousand. Lane promised Prince that, "in twelve hours after being re-enforced [*sic*] I can be upon them, give peace to Kansas, confuse the enemy, and advance the cause of the Union."<sup>32</sup> But Lane's zeal did not matter; Prince had no reinforcements to send, and Lane had to make do with only the two thousand or so men already at his disposal. When Lane finally confirmed Price's movement northward, he prepared his men for a march across the border into Missouri.

In light of his numerical disadvantage and the realization that Price's army would not be easily destroyed, Lane's strategic objectives shifted. All the while staying at Price's rear, Lane wrote to Prince on 10 September that he endeavored to "march east as far as Papinsville, if possible, clearing out the valley of the Osage." From there, Lane planned to "turn north, clearing out the valley of the Marais-des-Cygnés, Butler, Harrisonville, Osceola, and Clinton."<sup>33</sup> He again requested reinforcements, but was making plans to conduct his operations without them. Indeed, from that point on, Lane

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<sup>31</sup> *Ibid.*, 78.

<sup>32</sup> *Official Records*, ser. 1, vol. 3, 163-164.

<sup>33</sup> *Official Records*, ser. 1, vol. 3, 485.

did not intend to make war directly on Price's army, but rather on the whole of secessionist Missouri. He knew from his experiences during the territorial conflict that Price's army was in friendly territory in the western counties of Missouri. Lane also recognized that Price would have little trouble adding to the Missouri State Guard's numerical strength in those counties. If the secessionists were to be stopped and the threat to Kansas and the Union averted, Lane would have to bring the war to people who might otherwise house, supply, join, or otherwise aid his enemy.

On 10 September, Lane made way for Trading Post—north and east of his makeshift garrison at Fort Lincoln. A small detachment carried out a raid of Butler, Missouri the following day, providing the brigade with additional supplies including a wagon, several horses, and harnesses. The rest of the Lane Brigade broke camp shortly after midnight on 13 September. Just before dawn, they reached West Point, Missouri, but could proceed no further on account of heavy rain. Lane's men quietly occupied the town and used West Point as a base of operations for the next several days. When day broke and rain vacated the area, scouting parties scoured the surrounding country, rounding up "three hundred horses and mules, 'any amount' of cattle, and about fifty former slaves."<sup>34</sup>

While Lane had issued strict orders that his men were to uphold the property rights of loyal Missourians, he had no reservations about taking property that belonged to Confederate-sympathizing non-combatants—including their human chattel. And his actions reflected the prediction he had made in Congress back in July 1861: that Union armies marching into the South would cause the slaves to march out. He had further

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<sup>34</sup> Benedict, 87.

remarked on the Senate floor during the July session, “I do not propose to make myself a slave catcher for traitors and return them to their masters.”<sup>35</sup> Indeed, Lane’s position on slavery and his actions in the field proved to be years ahead of most other Union generals, the War Department, and even Lincoln. Only weeks before Lane’s campaign, when the Western Department's commander, John C. Frémont, had issued an emancipation edict for all slaves owned by Southern sympathizers in Missouri, Lincoln publicly ordered him to rescind the order.<sup>36</sup> Meanwhile, in the eastern theater, George B. McClellan’s Army of the Potomac operated under standing orders to return fugitive slaves to their Southern masters for the duration of 1861 and into 1862.<sup>37</sup> Isolated on the trans-Mississippi frontier, Lane was more free than either Fremont or McClellan to conduct his campaign without high level interference, and, as his brigade pressed further into the heart of secessionist Missouri, his tactics escalated accordingly. But his attitude toward slavery remained the same. He favored emancipation only as a war measure, which he affirmed in a November 1861 speech near Kansas City in the wake of the Missouri campaign. In the same speech, Lane demonstrated that his feelings towards blacks had not softened. He remarked that he preferred colonization of Liberia and South America to racial integration, which, in his estimation would inevitably result in intermarriage.<sup>38</sup> Ever the conservative ideologue, Lane's actions against slavery only confirmed his previous understanding of the sectional conflict and undying commitment to the Union.

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<sup>35</sup> *Cong. Globe*, 37 Cong., 1 Sess., 190.

<sup>36</sup> Hogue and McPherson, 172.

<sup>37</sup> Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln* (New York: Simon & Schuster Paperbacks, 2005), 380.

<sup>38</sup> New York, *New York Tribune*, December 3, 1861.

On 17 September, Lane ordered another raid and sent a detachment of several hundred cavalry under Colonels Montgomery and Johnson to the settlement of Morristown. Among the 200 or so townspeople were Colonel William Ervin of the Missouri State Guard and approximately 125 of its newest recruits, who repelled Johnson's ill-advised charge from behind a stone wall on the southern edge of town. Colonel Johnson was mortally wounded and his poorly coordinated assault allowed most of Ervin's outnumbered command escaping east to Harrisonville.<sup>39</sup> Morristown, however, fell into the hands of Lane's men, who looted and destroyed most energetically. First Sergeant Chauncey L. Terrill recorded the material spoils of the raid: "We took about 100 head of horses . . . one dozen tents, a great quantity of camp equipage [*sic*], saddles, bridles, drugs, merchandise, two or three stores, wagons . . . [and] ten prisoners."<sup>40</sup> The prisoners received a crude court martial, and five of them were summarily executed. More than just a penalty for crimes alleged, the executions served as a stern warning to those citizens of western Missouri who felt inclined to aid and abet secessionist forces operating in the region. To further ensure the receipt of that message, Lane's raiders set the town ablaze before returning to West Point.<sup>41</sup>

In the wake of the Morristown raid, Lane issued a proclamation "to the People of Western Missouri, Now Occupied by the Kansas Brigade."<sup>42</sup> The edict asserted the purpose of Lane's occupation: "We are *soldiers*, not thieves or plunderers, or jay hawkers. We have entered the army to fight for a peace, to put down a rebellion, to cause the stars and stripes—your flag as well as ours, once more to float over every foot of

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<sup>39</sup> Benedict, 89.

<sup>40</sup> Chauncey L. Terrill, quoted in Benedict, 89.

<sup>41</sup> Benedict, 89.

<sup>42</sup> *Ibid.*, 94.

American soil.”<sup>43</sup> These words suggest a steadfast commitment to the interminable Union, however carefully chosen and self-justifying they might have been at the time. If taken at face value, they also separate Lane’s motives from those of many radical jayhawkers serving under his command. Even allowing for the Border War’s brutalizing effect on participants, it is far more likely that Lane was making war on the enemy and his property than expressing a more radical social or political ideology. The proclamation continued with an assurance for loyal Unionists and a stern threat against secessionists:

Let every man now in arms return to his home and resume his business. Let your scattered and terrified [*sic*] population return. Reopen your courts, your schools, your churches. Restore the arts of peace. In short act the part of good, loyal, peace-loving American citizens; and the better to prove your claims as such, run up the American Flag before your doors. Let this be done by a concerted movement of each neighborhood, and here in the face of the world and before High Heaven I promise you that the flag which has protected American citizens on every sea, shall be your protection. . . . Should you, however, disregard my advice, the stern visitations of war will be meted out to the rebels and their allies. I shall then be convinced that your arming for protection is a sham; and rest assured that the traitor, when caught, shall receive a traitor’s doom. The cup of mercy has been exhausted. Treason, hereafter, will be treated as treason. . . . A traitor will perpetrate crimes which devils would shudder to commit; they shall be blotted from existence, and sent to that hell which yawns for their reception.<sup>44</sup>

Lane’s tone in the latter half of his proclamation coincides perfectly with William T. Sherman’s 1864 letter to Major Sawyer, in which the general outlined his plans to wage war on the whole of the South. The parallels between the generals’ mindsets, objectives, and tactics are indeed striking. Over the course of several years, each commander had arrived at the realization that total war was the only solution to rebellion. For his part, Sherman turned to scorched earth tactics after enduring four years of civil

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<sup>43</sup> Liberty, *Liberty Tribune*, October 4, 1861.

<sup>44</sup> *Ibid.*

war in the Western Theater. Similarly, in 1861, Lane was in his fifth year of conflict along the Kansas-Missouri border. Sherman's intolerance for the South grew out of its stubborn resolve and incessant employment of guerrilla tactics; Lane had long dealt with the same in Kansas. Both generals also proved themselves willing to back up their threats with the weight of the forces at their command; Sherman made good on his promise to unleash the full cruelty of war in Georgia, as did Lane in Missouri.

Lane's brigade broke camp on 19 September to cut deeper into Missouri. His next objective was the town of Osceola, a settlement of about 260 near the head of the Osage River. Lane chose Osceola for its commercial importance. As Wendell Holmes Stephenson points out, "merchants of southwestern Missouri and Indian Territory had their goods shipped from the East by boat and Osceola was the distributing center."<sup>45</sup> Osceola also served as a collection point for the lead mines in the region; mines that provided both Union *and* secessionist forces with the raw material for bullets.<sup>46</sup> As the brigade crossed the Osage River late on 21 September, Lane's men skirmished with rebel pickets. The Federals took five prisoners during the exchange and continued towards the town's outskirts. Two companies of Missouri home guards under the command of Captain John M. Weidemeyer provided Osceola's only protection against Lane's invasion. Weidemeyer made a hasty attempt to assemble his men when he learned of Lane's approach, but the Union advance had come too suddenly. The Lane Brigade drove off the rebel defenders with only a few volleys, thanks in large part to Thomas Moonlight's artillery battery, which set several log houses ablaze. After the guns fell

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<sup>45</sup> Wendell Holmes Stephenson, *The Political Career of General James H. Lane* (Topeka, KS: Kansas State Historical Society, 1930), 111.

<sup>46</sup> *Ibid.*

silent, Lane made camp for the night at the town's outskirts, delaying the invasion until daybreak.<sup>47</sup>

On the twenty-second, Lane's men entered Osceola. Most of the town's male residents had evacuated before sunrise. Although there would be no fight for control of the town, the battle raged on. "Everything that might benefit the enemy and could not be transported by the troops was destroyed, 'including about two thousand barrels of liquors, thousands of bushels of salt, fifty hogsheads of sugar and molasses, large quantities of bacon, clothing, &c.'"<sup>48</sup> The brigade's search of Osceola also revealed that a musket cartridge factory was operating covertly within the town's suburbs. A townspeople reported that the operation was under the management of Colonel John F. Snyder, the chief of ordinance under General James Rains's eighth division of the Missouri State Guard. That the depot had served as an ammunition source for Sterling Price's command prompted Lane's men to burn what remained of Osceola, as they adjudged the town "traitorous to the core."<sup>49</sup>

Postmodern critics charged James Lane and his men with a slew of depredations at Osceola. Among the most oft-repeated is a tale that claims Lane personally looted the town, making away with, among other things, a valuable piano. Historian Bryce Benedict notes, however, that no reliable primary source exists to corroborate this rumor. Furthermore, Benedict points out that "Lane had been outspoken in charging his men that no thieving take place; had he an inclination toward larceny, his takings would have been small enough to conceal from his men, thus at least maintaining the outward appearance

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<sup>47</sup> Benedict, 99.

<sup>48</sup> Ibid.

<sup>49</sup> Lawrence, *Lawrence Republican*, October 3, 1861.

of honesty.”<sup>50</sup> Recent scholarship has debunked other postmodernist exaggerations of the raid including charges that Lane’s men were so drunk that they could not march out of Osceola, and that Lane personally “snatched” \$13,000 “from the hands of a widow.”<sup>51</sup>

To be sure, the Lane Brigade was not a perfectly saintly and honorable force. Lane's men were not always able or willing to distinguish loyalist from secessionist property in Missouri, and undoubtedly victimized a number of patriotic Missourians. Throughout the Missouri campaign, Lane warned his troops against the looting of Unionist property during raids, often to little effect. Though he never condoned their actions, Lane indeed deserves some degree of criticism for the behavior of those under his command. From a broader perspective, however, the tactics employed by the Lane Brigade were not dissimilar to those that later garnered William T. Sherman adoration in the North. James K. Hogue and James M. McPherson explain:

The devastation wrought by Sherman’s army has become legendary. The legend has much basis in fact. Although Sherman’s orders empowered only official foraging parties to gather food and forbade the destruction of civilian property, these orders lost their authority as they filtered down through the ranks. The men were in a devil-may-care mood; they knew about Sherman’s philosophy of hard war; and officers from the lowliest lieutenant up to Sherman himself were confessedly lax in enforcing discipline.<sup>52</sup>

Lane’s men, too, were aware of their commander’s view of the war. Aside from Lane's record in Congress, his promises to bring the full scope of war to secessionists in Missouri had dotted the pages of newspapers on both sides of the border. His ominous proclamation to the citizens of western Missouri would also have been fresh in the minds of Lane’s men. Despite his official position against the ransacking of civilian property,

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<sup>50</sup> Benedict, 101-102.

<sup>51</sup> Ibid.

<sup>52</sup> Hogue and McPherson, 498.

the general did little to enforce the policy. He believed at his core that the slave power would understand no other language than total war—a belief that percolated down the chain of command to the rank and file. Wrote one hospital steward among the brigade, “It seems barbarous and cruel to sack and burn towns, but I cannot tell how the rebels can be subdued by any other process.”<sup>53</sup> This quote encapsulates Lane’s overall attitude in 1861, and provides further evidence of his commitment to ending the rebellion and restoring the Union at any cost.

The Kansas Brigade’s return from Osceola led them through Butler for a second time. Butler suffered a fate similar to that of the other towns in Lane’s path. The brigade spared most private residences in Butler, but the Kansans again destroyed anything that could prove useful to the Missouri State Guard or guerrillas operating in the area. Having successfully “cleared out” the region, the Lane Brigade returned to their camps at West Point with twenty wagonloads of valuables, fifty horses, and a column of liberated slaves. Behind it, the brigade left a trail of cinders, barren pastures, and empty stores.

Once back in West Point, Lane received instructions to proceed to Kansas City and rendezvous with Brigadier General Samuel Sturgis, then commanding the Twenty-seventh and Thirty-ninth Ohio Volunteer Infantry Regiments. The Kansans arrived on 30 September. Telegraph lines connected Kansas City to the east and the rest of the Union war machine, so the brigade’s arrival effectively ended Lane’s independent command. Recognizing that he would be subject to the orders of officers holding legitimate commissions, Lane transitioned back into the political sphere. His Missouri campaign had severed important Missouri State Guard supply lines, limiting that command’s

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<sup>53</sup> Daniel Chandler to Rev. J. S. Brown, September 25, 1861, in Benedict, 105-106.

capacity to operate near the border even though guerrilla operations remained a problem. Lane's brand of total war had been neither broad enough nor sustained enough to eradicate it. When the counties of western Missouri recovered from the initial shock of his campaign, they used the memory of the destruction as motivation for retaliatory actions, most noteworthy among them William Clarke Quantrill's 1863 Lawrence Raid.

Although the ultimate outcomes of their campaigns differed, mostly thanks to a significant discrepancy in size and scope, the similarities between Lane and Sherman's campaigns should not be ignored. The postmodern critics, however, have ignored them. Both men waged war using unconventional methods, and both let their subordinates get out of control. Yet few historians charge Sherman—Liddell Hart's "first modern general"—with reckless marauding, as they do Lane. Both men attacked the institution of slavery in order to force enemy capitulation, but mainstream Sherman historiography records no self-promoting, chameleon-like conservative-to-radical transformation, as do Lane biographers. Furthermore, both men openly disagreed with the political leadership at the time of their most famous campaigns, yet few historians charge Sherman with political gamesmanship, as they do Lane.

This postmodernist failure has two main causes. The first is a tendency to view the Lane campaign as a natural extension of the Jayhawking raids of the late 1850s. Donald L. Gilmore's *Civil War on the Missouri-Kansas Border* (2006) provides the most complete example of this interpretation.<sup>54</sup> Gilmore reasons that abolitionist raids and especially the proslavery reprisals between 1858 and 1860 motivated Jim Lane's 1861 campaign. He thus categorizes the campaign as a form of retaliation against Missouri.

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<sup>54</sup> Donald L. Gilmore, *Civil War on the Missouri-Kansas Border* (Gretna, LA: Pelican Publishing, 2006).

Although Lane's tactics did not depart much from those employed by the Jayhawkers, several problems exist with this line of thought. First, Lane demonstrated throughout his entire career that he was no abolitionist, and he went out of his way to avoid characterization as a "Jayhawker." His motives clearly differed from those of John Brown, James Montgomery, and Charles "Doc" Jennison. Second, Lane was physically absent from the region at the height of the earlier Kansas Jayhawker - Missouri Bushwhacker conflict. In fact, he had stepped out of the public sphere altogether. After helping to secure the territorial legislature for Free State interests in 1858, Lane returned to private life and tended to personal matters for most of the next two years. The restoration of democratic principles and popular sovereignty allowed him such a hiatus. Only after the Union came under threat did Lane return to politics and public life. Finally, characterizing the Lane campaign as an extension of 1850s Jayhawking expeditions oversimplifies the narrative by ignoring context. The secession winter of 1860-1861 and the beginning of the Civil War drastically changed the relationships between Kansas and the Union, Missouri and the Union, and, by extension, Missouri and Kansas. By reducing the events of 1861 to "the next chapter" in the "old" Kansas-Missouri rivalry, Gilmore and the other postmodern critics downplay the new role played by national politics in both states during 1861. That, in turn, has blinded us to Lane's unchanging Unionist motivations.

Although Lane's Unionist intentions are beyond question, the same cannot be said of all men under his command, and this, too, has precluded accurate analysis of Lane's campaign. His two most well-known regimental commanders and immediate subordinates were James Montgomery and Charles Jennison, notorious jayhawkers who

advertised their more radical motives loudly and often, ultimately determining the Lane Brigade's popular image. Indeed, the actions of Montgomery and Jennison before *and* after the campaign have affected the legacy of the brigade to which they belonged. The negative attention these men rightly receive for their transgressions has rendered their brigade commander, James H. Lane, guilty by association in the historiographical record. While criticism of Lane's association with radicals is understandable, his working in concert with extremists in time of war hardly proves that he shared all of their motives. It is more accurate to conclude that the Civil War brought Unionists and abolitionists closer in terms of their immediate goals; that, even though the two groups sometimes subscribed to mutually exclusive ideologies, the slave power was a common enemy.

James Henry Lane's lone Civil War campaign did not have a transformative effect on the larger war. What happened in the trans-Mississippi usually stayed there and it remains the least important of the war's three major theaters of operation. However, Lane's personal place in the war is worth reconsidering. Abraham Lincoln is celebrated for his recognition that true Union victory could come only with the death of slavery; his Emancipation Proclamation expanded the war's purpose and accelerated slavery's demise. Executing a major part of that new Union strategy, William T. Sherman brought war into the modern era with a comprehensive campaign against Southern infrastructure, industry, and institutions as well as Southern armies. James Henry Lane's actions in 1861 run in parallel with Lincoln's understanding of the broader conflict and Sherman's strategic genius. That Lane's actions predated both Lincoln's and Sherman's speaks to the value of Lane's experiences during the territorial conflict. To him, they revealed the true nature of the sectional crisis. Though often overlooked, Lane's commitment to the

Northern cause and his innovative application of military force render him a noteworthy, if usually forgotten, champion of the Union.

## CHAPTER IX

### CONCLUSION: JIM LANE'S RETURN TO POLITICS

Jim Lane's return to Kansas City in the wake of the Missouri campaign effectively ended his Civil War command. Two main factors drove Lane back into the political sphere: First, his military authority lacked legitimacy, and this became a pressing issue as the war department gained organizational control of the trans-Mississippi Theater. Second, the departure of Sterling Price from the Kansas-Missouri border alleviated the immediate military threat to Kansas. This temporary calm on the plains allowed Charles Robinson to renew his long-standing political rivalry with Lane. The most recent chapter of that rivalry had begun with Lane's attempt to wrestle control of Kansas military affairs from Robinson the previous summer. After Lane's return to Kansas City, Robinson sought resolution by expelling the senator from such matters. But Lane would acquiesce neither to the governor nor to the rebels still threatening the Union. In the opening weeks of 1862, Lane lobbied for the opportunity to personally take his Missouri tactics deep into the South, a further confirmation of his Union-driven wish to bring total war to the Confederacy.

Facing intense pressure from Robinson's faction to depart military matters altogether, Lane solicited Abraham Lincoln's support in hopes of maintaining a foothold. In a letter dated 9 October, he updated the president on the Kansas Brigade's recent

successes. Lane proclaimed that he had “succeeded in raising and marching against the enemy as gallant and effective an army, in proportion to its numbers, as ever entered the field.”<sup>1</sup> Although Lane’s account exaggerates the tangible successes of the campaign, the arrival of good news in Washington during the Fall of 1861 was rare. Lincoln would have welcomed any reports that Union forces were active in the field and making gains against the rebels. Lane’s letter continued, however, with a chastisement of Robinson:

While the Kansas Brigade was being organized, Governor Charles Robinson exerted his utmost endeavor to prevent the enlistment of men. Since its organization he has constantly, in season and out of season, vilified myself and abused the men under my command as marauders and thieves. For the purpose of gratifying his malice against me, he has conspired with Captain Prince, the commandant at Fort Leavenworth, to dissolve the brigade, and Captain Prince has apparently heartily espoused the cause in that direction.<sup>2</sup>

Lane’s answer to Robinson’s attempted sabotage was the creation of a separate Department of Kansas, which Lane would command. If so appointed, Lane offered to “cheerfully accept it, resign my seat in the Senate, and devote all my thoughts and energies to the prosecution of the war.”<sup>3</sup> Lincoln took up Lane’s suggestion and created the department; but, cognizant of political ramifications, the president appointed General David Hunter to command it. Hunter was a West Point graduate and Mexican War veteran. He had been stationed at Fort Leavenworth when the war began but traveled to Washington to serve under General Irvin McDowell at the first Battle of Bull Run. Versed in conventional military doctrine, familiar with the region, and relatively apolitical, Hunter was a safe choice to head the new department.

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<sup>1</sup> United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, ser. 1, vol. 3 (Washington: Government Printing Office, 1899), 529.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., 530

For Lane, the selection of Hunter was a setback, but the senator was undeterred. He returned to Washington for his second congressional session and prepared to lobby for a new appointment. On the floor of the Senate, Lane was outspoken about the lack of Union military progress in the east. He decried the claims of General George B. McClellan and others that Army of the Potomac lacked sufficient discipline for battle. Commenting on the inherent differences between volunteers and regular soldiers, he remarked, “[The Army of the Potomac] is an army of volunteers, who must not be judged by the rules applied to regulars . . . prolonged inactivity will finally discourage his zeal . . . Inaction is the bane of the volunteer.”<sup>4</sup> Lane believed that the eagerness and zeal of volunteer soldiers gave McClellan’s army an advantage in the field that outweighed shortfalls in discipline. While Lane overstates the extent of this advantage, the senator was indeed qualified to comment on the dynamics of volunteer armies, and he cited his personal experiences in the Mexican War and recent Missouri campaign to bolster his argument. He continued his speech with a stern call to action:

The occupation of the rebel States by our Army is a military necessity. I laugh to scorn the policy of wooing back the traitors to their allegiance by seizing and holding unimportant points in those states. Every invitation extended to them in kindness, is an encouragement to stronger resistance. The exhausting policy is a failure; so long as they have four million slaves to feed them, so long will this rebellion be sustained. My word for it, sir, long before they reach the point of exhaustion, the people of this country will lose confidence in their rulers.<sup>5</sup>

Lane’s comments on the Senate floor were pointed. They were also prophetic. The senator correctly predicted the onset of an extensive war fatigue that nearly overcame the Northern citizenry in 1864. In the summer of that year, General Sherman salvaged Union morale with his decisive blow to the South, but two years earlier Jim

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<sup>4</sup> *Cong. Globe*, 37 Cong., 2 Sess., pt. 1, 111.

<sup>5</sup> *Ibid.*

Lane aggressively positioned himself to try to deliver a similar blow. In a January 1862 meeting with President Lincoln, General George B. McClellan, and Secretary of War Edwin Stanton, Lane lobbied for a Major General's commission and a command of thirty thousand men, whom he proposed to march deep into Missouri, Arkansas, Indian Territory, and Texas. Lane promised:

I will take good care to leave no rebel sentiment behind me. If Missouri, Arkansas and the Indian country will not come peaceably under the laws of the government, my plan is to make them a wilderness. I will give the traitors twenty-four hours to choose between exile and death . . . if I can't do better I will kill off the white traitors and give their lands to the loyal black men.<sup>6</sup>

Jim Lane had declared on the Senate floor that the occupation of the South was a military necessity—and he now intended to personally fulfill the directive. Lane believed he could replicate his Missouri successes on a much grander scale. The senator's pledge to bring his proven brand of total war to the Trans-Mississippi Confederacy again demonstrates that Lane was, from a tactical and strategic standpoint, ahead of his time. His rhetorical commitment to total war in the company of the president and top military authorities also confirms that his recent campaign was no reckless crusade against Missouri or the institution of slavery, but a carefully considered advancement of his long-held commitment to unionism. His experiences during the long territorial conflict and later Civil War had gradually led him to conclude that the South could be brought to its knees via a massive and destructive invasion. He intended to target slavery, as he had in Missouri, to leverage the South back to the Union; not to advance the ideological agenda of radical Republicans. His commitment to Jacksonian Democratic principles, above all other things, endured.

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<sup>6</sup> James H. Lane, quoted in Wendell Holmes Stephenson, *The Political Career of General James H. Lane* (Topeka, KS: Kansas State Historical Society, 1930), 119.

Lane had a number of allies in his campaign for the command of this “Southern Expedition.” Senator John S. Carlile, a Unionist Senator from Virginia representing that state’s restored government, gave Lane an unqualified endorsement on the floor of the Senate:

I imagine that the Senate is convinced, and the country will be when the speech of the Senator from Kansas goes before it, that the President of the United States has committed one grand mistake. By the Constitution of the United States he is made the Commander-in-Chief of our armies, and he selects the individual who is to conduct their movements in the field. The mistake he has committed has been in not selecting the Senator from Kansas as that commander.<sup>7</sup>

Carlile was a conservative, strict-constructionist, slave-owning member of the Unionist Party, which itself speaks to the perception of Lane’s ideology by the members of the Senate. If Carlile had believed that Lane was an abolitionist or radical crusader, such a ringing endorsement of Lane he surely would not have given. Elsewhere in the Senate, Lane received support from Zachariah Chandler of Michigan and Benjamin Wade of Ohio, both of whom wrote to Lincoln requesting that he appoint Lane to a new command.<sup>8</sup>

Ultimately, however, Lincoln decided against making Jim Lane a major general. Instead, he recommended that Lane receive a brigadier’s commission and gave the senator the option to return to Kansas and cooperate with Hunter on the proposed expedition. In late January, Lane traveled to Kansas to ready the invasion. As he had the previous summer, Lane quietly neglected to accept the brigadier’s commission—but proceeded to Kansas as if he had. This time, however, Hunter blocked Lane from taking an extra-legal command. Hunter announced on 27 January his intention to personally

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<sup>7</sup> *Cong. Globe*, 37 Cong., 2 Sess., pt. 1, 111.

<sup>8</sup> Bryce D. Benedict, *Jayhawkers: The Civil War Brigade of James Henry Lane* (Norman, OK: University of Oklahoma Press, 2009), 222.

lead the Southern expedition. Lane fired up his political machinery to generate local support, but Major Hunter outflanked the senator. Hunter posed a query to Lane and the War Department, asking directly if Lane was operating in Kansas as a senator or an officer of the United States Army.<sup>9</sup> The move effectively backed Lane into a corner: If he accepted the commission, Hunter would out-rank him and prevent him from leading the expedition, and Lane would also forfeit his Senate seat. If, instead, Lane affirmed his status as a senator, he would by that act relinquish his own military authority. Bested, Lane returned to Washington, reporting to President Lincoln, “All efforts to harmonize with Major General Hunter have failed. I am compelled to decline the brigadiership.”<sup>10</sup> His remaining involvement in the American Civil War was strictly limited to political matters.

Historians will never know the impact of a James Lane-led expedition into the South. In 1862, David Hunter was among many Union generals still married to eighteenth century military doctrine. While a campaign of total war into Arkansas, Texas, and Indian Territory may have limited the Confederacy’s capacity to prosecute the war, such a campaign was not within Hunter’s parameters for war making—nor was it the preference of the Lincoln administration at the time. Absent Lane’s presence, the grand expedition failed to materialize.<sup>11</sup>

Given that Lane’s views on the prosecution of the war proved the recipe for success in 1864, it would be easy for the casual historian to criticize the Lincoln

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<sup>9</sup> Ian Michael Spurgeon, *Man of Douglas, Man of Lincoln: The Political Odyssey of James Henry Lane* (Columbia, MO: University of Missouri Press, 2008), 192-193.

<sup>10</sup> James H. Lane to Abraham Lincoln, February 16, 1862, quoted in Stephenson, 122.

<sup>11</sup> Kendall E. Bailes, *Rider on the Wind: Jim Lane and Kansas* (Shawnee Mission, KS: Wagon Wheel Press, 1962), 168.

administration for denying Lane the opportunity to employ his brand of warfare in 1862. Then again, a solid grasp of 1861's exceedingly complex political considerations is beyond casual historians. Torn between political considerations and military ones, President Lincoln put the political ones first, as one might expect of the commander-in-chief in a republican democracy. While Lane had his share of loyal advocates, he had accrued at least as many enemies. Missouri's Unionist governor, Hamilton Gamble, was vocal in his objection to a Lane-led expedition. Tales of Lane's "depredations" in Missouri had trickled in to the state capital and tarnished his reputation throughout that state.<sup>12</sup> Recognizing Missouri as a key border state that he could ill-afford to lose, Lincoln backed Gamble. He had no other intelligent choice.

High-ranking members of the war department also took issue with Lane. When Hunter inherited the Kansas Brigade, Henry W. Halleck, the commander of the Department of the Missouri, reported that "Nothing could exceed the demoralized condition in which General Hunter found the Third and Fourth Kansas Infantry and Fifth and Sixth Kansas Cavalry, formerly known as 'Lane's Brigade,' on his arrival in this department."<sup>13</sup> While this report is likely exaggerated, the appointment of Lane to a significant command would clearly have upset Halleck and Hunter—two key officers in the western reaches of the war. Though he was a self-proclaimed novice in the art of warfare during the early stages of the rebellion, Lincoln was unsurpassed as a judge of character and personality; the prospects of adding a polarizing figure like Lane to a major

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<sup>12</sup> Benedict, 222.

<sup>13</sup> *Official Records*, ser. 1, vol. 8, 615.

command in the west would certainly have violated Lincoln's instincts on leadership and command structure.

In addition to Lane's enemies, other factors made Lincoln apprehensive about Lane's grand plan. Foremost among these was Lincoln's store of political capital with the people, particularly given their prevailing sentiment on slavery. Early in 1862, Lincoln correctly recognized, with the help of his cabinet, that the citizenry was unlikely to tolerate a major campaign that included the destruction of slavery as one of its objectives. This recognition is evident in the president's decision to keep the Preliminary Emancipation Proclamation in his desk drawer until the Union could claim a significant military victory. This would not happen until Lee's retreat following Antietam in September 1862. While the eradication of slavery was not the purpose of Jim Lane's Southern expedition, he had been outspoken on the close relationship between it and the success or failure of the rebel cause. He had also gone further than many moderates in his party in casting the U.S. Army as an emancipator. Although Lane's instincts on the war and slavery would prove correct, the Northern public was not yet ready for the type of campaign Lane proposed, and Lincoln could not afford the political backlash occasioned by its authorization. Only as the war dragged on and more Americans died did his reluctance wane; during 1863 and 1864, a citizenry more desperate for military progress and a president more desperate for political support made William T. Sherman's campaigns in Mississippi and Georgia more tolerable. In this sense, Lane was as close to the center of a national tragedy as one can get, held back by the slow progress of a large democracy fighting a war for which it was unprepared.

Whatever the reasons, Lane knew that his bid for a personal command was dead after January 1862, but he nevertheless tried to exercise some degree of control over Kansas military affairs for the remainder of the war. Despite his disappointment, Lane remained a steadfast supporter of Abraham Lincoln, and stumped hard for the president throughout 1863 and during his reelection campaign of 1864.<sup>14</sup> The Kansan's unwavering support for Lincoln speaks further to his tempered conservatism among Republican ranks. His commitment to the Union would permit neither his support of the Democratic platform—and a negotiated peace with the South—nor his alliance with radical Republicans who made political capital by chastising the Commander-in-Chief for the slow rate of Union progress.

Lane did become associated with radicals during wartime reconstruction proceedings, but this association was more a product of his voting record than his public comments. Lane voted for the radical Wade-Davis bill in 1864, but his remarks on the Senate floor suggest he favored a more moderate course. Then, when Lincoln exercised his pocket veto and allowed the bill to “die a silent death,” he praised the president.<sup>15</sup> The inconsistencies between Lane's actions and his words reflect an inner conflict: as the war neared its end and reconstruction talks intensified, it became increasingly difficult for Lane to reconcile the differences between the moderate Republican in the White House, with whom he shared a basic belief, and his radical colleagues in the Senate, with whom he had forged a political alliance. Lincoln's assassination further complicated the matter. Whereas Lincoln had usually worked with the radicals in Congress, his successor, Andrew Johnson, fought with them constantly. As the executive and legislative branches

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<sup>14</sup> *Ibid.*, 242.

<sup>15</sup> *Ibid.*, 253.

staked out their positions, Lane could no longer be on both sides of the political fence, but would have to choose between his new president and his radical colleagues in Congress.

It should come as little surprise that, in his last major political act, Lane chose to back the conservative. Johnson preferred a quick restoration of the Union to the radicals' retaliatory military reconstruction plans, and his Union-first priorities closely mirrored those of Lane.<sup>16</sup> Furthermore, the radical Republicans' civil rights legislation hardly resonated with Lane, whose interest in slavery and racial issues was limited by its pertinence to the preservation of the Union. When the South surrendered and the Union was saved, Lane lost interest, a further indication to the postmodern school that he was a political chameleon.<sup>17</sup> This interpretation fails for two reasons. First, if Lane acted as a political weathervane, thoughtlessly shifting with the winds of popular opinion as some postmodern critics charge, those winds would not have blown him towards the camp of the wildly unpopular president. Second, if Lane's decisions were the simple product of self-promoting political opportunism, his backing of Johnson would have made even less sense. There existed far greater personal opportunity through alignment with a powerful, well-established political faction than with a non-elected president who had a notoriously hard time making allies.

If not a product of political chameleonism, how then can we best explain Lane's post-war actions? The answer lies in his long-held beliefs. In the study of history, as in all things, the simplest explanation is often the truest, and this is so in the case of James Henry Lane. His career was no series of ideological re-inventions; no joyride of a

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<sup>16</sup> Ibid., 256.

<sup>17</sup> Stephenson, 7.

scheming political shapeshifter. He was neither a spineless pragmatist nor an unscrupulous opportunist. He did live during a period of great “ideological focus.” and political volatility.<sup>18</sup> Maintaining a single ideology throughout his career, he expressed it in a variety of ways in order to keep up with the tumultuous nature of the American political scene of his day. In Indiana, Lane was a casual opponent of slavery and tireless defender of Jacksonian democracy. Once in Kansas, his opposition to slavery intensified as he acted in defense of those same Democratic principles. On the field of battle during the American Civil War, his commitment to Jacksonian Unionism brought a new urgency to his struggle against the slave power. And after the war, he proved himself the same conservative-minded ideologue as before. Through it all, James Henry Lane remained a Jackson man, a Western man, and a Union man.

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<sup>18</sup> Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1970), 8.

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