



The Kansas-Nebraska Act of 1854

Student Name _____ Date _____

Excerpts from the Kansas-Nebraska Act, May 30, 1854:

<http://www.ourdocuments.gov/doc.php?doc=28&page=transcript>

An Act to Organize the Territories of Nebraska and Kansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that part of the territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit: beginning at a point in the Missouri River where the fortieth parallel of north latitude crosses the same; then west on said parallel to the east boundary of the Territory of Utah, the summit of the Rocky Mountains; thence on said summit northwest to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of the territory of Minnesota; thence southward on said boundary to the Missouri River; thence down the main channel of said river to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory Nebraska; and when admitted as a State or States, the said Territory or any portion of the same, shall be received into the Union with without slavery, as their constitution may prescribe at the time of the admission: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such tin as Congress shall deem convenient and proper, or from attaching a portion of said Territory to any other State or Territory of the United States: *Provided further*, That nothing in this act contained shall construed to impair the rights of person or property now pertaining the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial line or jurisdiction of any State or Territory; but all such territory shall excepted out of the boundaries, and constitute no part of the Territory of Nebraska, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Nebraska. or to affect the authority of the government of the United States make any regulations respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the government to make if this act had never passed.

...

SEC. 10. *And be it further enacted*, That the provisions of an act entitled “An act respecting fugitives from justice, and persons escaping from the service of their masters,” approved February twelve, seventeen hundred and ninety-three, and the provisions of the act entitled “An act to amend, and supplementary to, the aforesaid act,” approved September eighteen, eighteen hundred and fifty, be, and the same are hereby, declared to extend to and be in full force within the limits of said Territory of Nebraska.

...

SEC. 14. *And be it further enacted*, That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives, but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections the times, places, and manner of holding the elections, shall be prescribed by law. The person having the greatest number of votes shall be declared by the Governor to be duly elected; and a certificate thereof shall be given

accordingly. That the Constitution, and all Laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slaves in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

...
SEC. 19. *And be it further enacted*, That all that part of the Territory of the United States included within the following limits, except such portions thereof as are hereinafter expressly exempted from the operations of this act, to wit, beginning at a point on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence west on said parallel to the eastern boundary of New Mexico; thence north on said boundary to latitude thirty-eight; thence following said boundary westward to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence northward on said summit to the fortieth parallel of latitude, thence east on said parallel to the western boundary of the State of Missouri; thence south with the western boundary of said State to the place of beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Kansas; and when admitted as a State or States, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their Constitution may prescribe at the time of their admission: *Provided*, That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States: *Provided* further, That nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Kansas, until said tribe shall signify their assent to the President of the United States to be included within the said Territory of Kansas, or to affect the authority of the government of the United States to make any regulation respecting such Indians, their lands, property, or other rights, by treaty, law, or otherwise, which it would have been competent to the government to make if this act had never passed.

...
SEC. 28. *And be it further enacted*, That the provisions of the act entitled “An act respecting fugitives from justice, and persons escaping from, the service of their masters,” approved February twelfth, seventeen hundred and ninety-three, and the provisions of the act entitled “An act to amend, and supplementary to, the aforesaid act,” approved September eighteenth, eighteen hundred and fifty, be, and the same are hereby, declared to extend to and be in full force within the limits of the said Territory of Kansas.

...
SEC. 32. *And be it further enacted*, That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States, may be elected by the voters qualified to elect members of the Legislative Assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives, but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at such time and places, and be conducted in such manner, as the Governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest

number of votes shall be declared by the Governor to be duly elected, and a certificate thereof shall be given accordingly. That the Constitution, and all laws of the United States which are not locally inapplicable, shall have the same force and effect within the said Territory of Kansas as elsewhere within the United States, except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of eighteen hundred and fifty, commonly called the Compromise Measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of sixth of March, eighteen hundred and twenty, either protecting, establishing, prohibiting, or abolishing slavery.

Question	Answer
What federal territories are organized by Sections 1 and 19 of the 1854 Act? and how were they originally acquired by the United States?	
Do Sections 1 and 19 introduce or ban slavery from the new territories?	
How do Sections 14 and 32 repeal the Missouri Compromise of 1820?	
What reason do Sections 14 and 32 give for repealing the Missouri Compromise of 1820?	
What federal laws do Sections 10 and 28 apply to the two territories?	



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Stephen Douglas, “Nebraska Territory,” January 30, 1854: <http://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=033/llcg033.db&recNum=276>

[Page 275] Upon the other point--that pertaining to the question of slavery in the Territories--it was the intention of the committee to be equally explicit. We took the principles established by the compromise act of 1850 as our guide, and intended to make each and every provision of the bill accord with those principles. Those measures established and rest upon the great principle of self-government--that the people should be allowed to decide the questions of their domestic institutions for themselves, subject only to such limitations and restrictions as are imposed by the Constitution of the United States, instead of having them determined by an arbitrary or geographical line.

...

[Page 277] The leading feature of the compromise of 1850 was congressional non-intervention as to slavery in the Territories; that the people of the Territories, and of all the States, were to be allowed to do as they pleased upon the subject of slavery, subject only to the provisions of the Constitution of the United States.

That, sir, was the leading feature of the compromise measures of 1850. Those measures therefore, abandoned the idea of a geographical line as the boundary between free States and slave States; abandoned it because compelled to do it from an inability to maintain it; and in lieu of that substituted a great principle of self-government, which would allow the people to do as they thought proper. Now, the question is, when that new compromise, resting upon that great fundamental principle of freedom, was established, was it not an abandonment of the old one--the geographical line? Was it not a supersedure of the old one within the very language of the substitute for the bill which is now under consideration?

...

[Page 278] Mr. President, I repeat, that so far as the question of slavery is concerned, there is nothing in the bill under consideration which does not carry out the principle of the compromise measures of 1850, by leaving the people to do as they please, subject only to the provisions of the Constitution of the United States. If that principle is wrong, the bill is wrong. If that principle is right, the bill is right. It is unnecessary to quibble about phraseology or words; it is not the mere words, the mere phraseology that our constituents wish to judge by. They wish to know the legal effect of our legislation.

The legal effect of this bill, if it be passed as reported by the Committee on Territories, is neither to legislate slavery into these Territories nor out of them, but to leave the people do as they please, under the provisions and subject to the limitations of the Constitution of the United States. Why should not this principle prevail? Why should any man, North or South, object to it? I will especially address the argument to my own section of country, and ask why should any northern man object to this principle? If you will review the history of the slavery question in the United States, you will see that all the great

results in behalf of free institutions which have been worked out, have been accomplished by the operation of this principle, and by it alone.

When these States were colonies of Great Britain, every one of them was a slave-holding province. When the Constitution of the United States was formed, twelve out of the thirteen were slave-holding States. Since that time six of those States have become free. How has this been effected? Was it by virtue of abolition agitation in Congress? Was it in obedience to the dictates of the Federal Government? Not at all; but they have become free States under the silent but sure and irresistible working of that great principle of self-government which teaches every people to do that which the interests of themselves and their posterity morally and pecuniarily may require.

Under the operation of this principle New Hampshire became free, while South Carolina continued to hold slaves; Connecticut abolished slavery, while Georgia held on to it; Rhode Island abandoned the institution, while Maryland preserved it; New York, New Jersey, and Pennsylvania abolished slavery, while Virginia, North Carolina, and Kentucky retained it. Did they do it at your bidding? Did they do it at the dictation of the Federal Government? Did they do it in obedience to any of your Wilmot provisoes or ordinances of '87? Not at all; they did it by virtue of their right as freemen under the Constitution of the United States, to establish and abolish such institutions as they thought their own good required.

Let me ask you where have you succeeded in excluding slavery by an act of Congress from one inch of the American soil? You may tell me that you did it in the northwest territory, by the ordinance of 1787. I will show you by the history of the country that you did not accomplish any such thing. You prohibited slavery there by law, but you did not exclude it in fact. Illinois was a part of the northwest territory. With the exception of a few French and white settlements, it was a vast wilderness, filled with hostile savages, when the ordinance of 1787 was adopted. Yet, sir, when Illinois was organized into a territorial government it established and protected slavery, and maintained it in spite of your ordinance, and in defiance of its express prohibition.

...

[Page 279] I do not like, I never did like, the system of legislation on our part, by which a geographical line, in violation of the laws of nature, and climate, and soil, and the laws of God, should be run to establish institutions for a people; yet, out of a regard for the peace and quiet of the country, out of respect for past pledges, and out of a desire to adhere faithfully to all compromises, I sustained the Missouri compromise so long as it was in force, and advocated its extension to the Pacific. Now, when that has been abandoned, when it has been superseded, when a great principle of self-government has been substituted for it, I choose to cling to that principle, and abide in good faith, not only by the letter, but by the spirit of the last compromise.

Question	Answer
What principle should regulate the "domestic institutions" of a people and what policy should not govern these "domestic institutions"?	

What does Douglas call the “leading feature” of the 1850 Compromise?	
What did the 1850 Compromise do to the Missouri Compromise line of 36°30’?	
Regarding congressional action towards slavery in federal territories, what does Douglas say the 1854 Kansas-Nebraska Act has in common with the 1850 Compromise measures?	
What caused the spread of freedom in the U.S., and what did not promote the spread of freedom?	
What does Douglas argue about the status of slavery in his home state of Illinois, and what does he conclude about the role of Congress in regulating slavery in the federal territories?	
Why did Douglas change his mind regarding the usefulness of the Missouri Compromise?	



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Abraham Lincoln, “Speech at Peoria in Reply to Senator Douglas,” October 16, 1854:
http://lincoln.lib.niu.edu/cgi-bin/getobject_?c.1872:1./lib35/artfl1/databases/sources/IMAGE/

[Page 205] This is the *repeal* of the Missouri Compromise. The foregoing history may not be precisely accurate in every particular, but I am sure it is sufficiently so for all the use I shall attempt to make of it, and in it we have before us the chief material enabling us to judge correctly whether the repeal of the Missouri Compromise is right or wrong.

I think, and shall try to show, that it is wrong--wrong in its direct effect, letting slavery into Kansas and Nebraska, and wrong in its prospective principle, allowing it to spread to every other part of the wide world where men can be found inclined to take it.

This *declared* indifference, but, as I must think, covert *real zeal*, for the spread of slavery, I cannot but hate. I hate it because of the monstrous injustice of slavery itself. I hate it because it deprives our republican example of its just influence in the world; enables the enemies of free institutions with plausibility to taunt us as hypocrites; causes the real friends of freedom to doubt our sincerity; and especially because it forces so many good men among ourselves into an open war with the very fundamental principles of civil liberty, criticizing the Declaration of Independence, and insisting that there is no right principle of action but *self-interest*.

...
[Page 227] My faith in the proposition that each man should do precisely as he pleases with all which is exclusively his own lies at the foundation of the sense of justice there is in me. I extend the principle to communities of men as well as to individuals. I so extend it because it is politically wise, as well as naturally just: politically wise in saving us from broils about matters which do not concern us. Here, or at Washington, I would not trouble myself with the oyster laws of Virginia, or the cranberry laws of Indiana.

The doctrine of self-government is right, --absolutely and eternally right,-- but it has no just application as here attempted. Or perhaps I should rather say that whether it has such application depends upon whether a negro is *not* or *is* a man. If he is *not* a man, in that case he who is a man may as a matter of self-government do just what he pleases with him. But if the negro *is* a man, is it not to that extent a total destruction of self-government to say that he too shall not govern *himself*? When the white man governs himself, that is self-government; but when he governs himself and also governs *another* man, that is *more* than self-government--that is despotism. If the negro is a *man*, why then my ancient faith teaches me that “all men are created equal,” and that there

[Page 228] can be no moral right in connection with one man’s making a slave of another.

Judge Douglas frequently, with bitter irony and sarcasm, paraphrases our argument by saying: “The white people of Nebraska are good enough to govern themselves, *but they are not good enough to govern a few miserable negroes!*”

Well! I doubt not that the people of Nebraska are and will continue to be as good as the average of people elsewhere. I do not say the contrary. What I do say is that no man is good enough to govern another man *without that other's consent*. I say this is the leading principle, the sheet-anchor of American republicanism. Our Declaration of Independence says:

“We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, DERIVING THEIR JUST POWERS FROM THE CONSENT OF THE GOVERNED.”

I have quoted so much at this time merely to show that, according to our ancient faith, the just powers of governments are derived from the consent of the governed. Now the relation of master and slave is *PRO TANTO* [to that extent] a total violation of this principle.

...

[Page 244] I particularly object to the NEW position which the avowed principle of this Nebraska law gives to slavery in the body politic. I object to it because it assumes that there can be MORAL RIGHT in the enslaving of one man by another. I object to it as a dangerous dalliance for a free people--a sad evidence that, feeling prosperity, we forget right; that liberty, as a principle, we have ceased to revere. I object to it because the fathers of the republic eschewed and rejected it. The argument of “necessity” was the only argument they ever admitted in favor of slavery; and so far, and so far only, as it carried them did they ever go. They found the institution existing among us, which they could not help, and they cast blame upon the British king for having permitted its introduction. BEFORE the Constitution they prohibited its introduction into the Northwestern Territory, the only country we owned then free from it. At the framing and adoption of the Constitution, they forbore to so much as mention the word “slave” or “slavery” in the whole instrument. In the provision for the recovery of fugitives, the slave is spoken of as a “PERSON HELD TO SERVICE OR LABOR.” In that prohibiting the abolition of the African slave-trade for twenty years, that trade is spoken of as “the migration or importation of such persons as any of the States NOW EXISTING shall think proper to admit,” etc.

...

Fellow-countrymen, Americans South, as well as North, shall we make no effort to arrest this? Already the liberal party throughout the world express the apprehension “that the one retrograde institution in America is undermining

[Page 248] the principles of progress, and fatally violating the noblest political system the world ever saw.” This is not the taunt of enemies, but the warning of friends. Is it quite safe to disregard it--to despise it? Is there no danger to liberty itself in discarding the earliest practice and first precept of our ancient faith? In our greedy chase to make profit of the negro, let us beware lest we “cancel and tear in pieces” even the white man’s charter of freedom.

Our republican robe is soiled and trailed in the dust. Let us repurify it. Let us turn and wash it white in the spirit, if not the blood, of the Revolution. Let us turn slavery from its claims of “moral right” back upon its existing legal rights and its arguments of “necessity.” Let us return it to the position our fathers gave it, and there let it rest in peace. Let us readopt the Declaration of Independence, and with it the practices and policy which harmonize with it. Let North and South--let all Americans-- let all lovers of liberty everywhere join in the great and good work. If we do this, we shall not only have saved the Union, but we shall have so saved it as to make and to keep it forever worthy of the saving. We shall

have so saved it that the succeeding millions of free, happy people, the world over, shall rise up and call us blessed to the latest generations.

Question	Answer
What reasons does Lincoln give for hating the principle of popular sovereignty, which permits slavery wherever “men can be found inclined to take it”?	
How does Lincoln’s belief in the Declaration of Independence lead him to reject “self-interest” as the sole principle of political action?	
Why does “declared indifference” equal “covert real zeal” for the spread of slavery? In other words, why does Lincoln believe that congressional neutrality towards slavery actually furthers the spread of slavery?	
How does Lincoln define “despotism”?	
Why does Lincoln believe it is wrong to enslave black people? (Hint: What does he mean by “my ancient faith” and why does it prohibit slavery?)	
What political principle is the “sheet anchor of American republicanism”?	
What is the difference between slavery <i>tolerated</i> because of “necessity” and slavery <i>affirmed</i> as a “moral right”?	



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Main Points of the Douglas and Lincoln Speeches

Douglas's Speech	Lincoln's Speech