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James Buchanan on Slavery and Secession

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After two hundred years of the American political experiment, few events stand out more clearly than the Lincoln-Douglas debates. While no serious student of American government questions their impact on American history, it is interesting that American historians and political scientists place so much emphasis on the confrontation of a legislator from Illinois (Douglas) by a private citizen (Lincoln), to the total disregard of the position presented by the President of the United States (Buchanan). If we assume that attention was directed to Lincoln and Douglas because they were presidential candidates we might also infer that their best known speeches were (or are) those given during the 1860 canvass; this is hardly the case. In his *Crisis of the House Divided*, Harry V. Jaffa observes that "the Lincoln-Douglas debates are quite naturally identified, above all, with the seven joint debates of the summer and fall of 1858."

The attention paid to the policies and principles expressed by Lincoln and Douglas is due primarily—if not entirely—to Lincoln's status as President in 1861 when the Civil War began and to the North's victory and the consequent preservation of the Union. But during the debates, Lincoln held no public office; he had been a private citizen since leaving Congress in 1849. And Douglas, even with the attention he received during the Lecompton issue, was still only one of sixty-six Senators in Washington. So, if one views the debates in their broadest sense, as differing interpretations of the fundamental principles of the American regime, and how such interpretations should influence the actions of the government during turbulent times, one might—and, I think, should—consider at least one other position: the position of the President of the United States.

The President at the time of these debates was James Buchanan, and few people realize that he was waging as bitter a battle against Stephen A. Douglas as was Lincoln. Buchanan and Douglas had never been aligned politically, and, despite Douglas' withdrawal from the Democratic presidential nomination in 1856, the events of the next four years further embittered their antagonism. As President, Buchanan could ill-afford to lower himself to attacking Douglas publicly, but neither could he afford to let Douglas go unchallenged in his attempt to formulate party policy. So the task of Administration spokesman and chief architect of Administration policy fell to Attorney General Jeremiah S. Black.

The period of American history with which Buchanan is most clearly associated is the period dominated by the Lincoln-Douglas debates and other harbingers of the

Civil War. This period, distinguished by Lincoln's "new birth of freedom," saw Buchanan in the twilight of his political life. Buchanan – born four years after the Constitution was ratified—was the product of a previous era, one marked by Madison and Jefferson and, to a significant extent, "Compromise." When we consider Buchanan's role during the slavery controversy, we must remember that he is the last statesman whose actions were guided by the original Founders. Throughout his involvement in the slavery issue, Buchanan defended the Founders, as well as their regime, from the attacks of Lincoln and Douglas. As Jaffa points out, after 1854, Lincoln and Douglas were no longer followers of any previous policy or statesman, but leaders in their own right.² It is for this reason that Buchanan (and Jeremiah Black) felt compelled to oppose them at all costs. Buchanan was convinced that the policies of the original Founders were the only policies that could safely see the Union through this controversy. He saw in the policies of both Lincoln and Douglas the seeds of destruction.

Later, we will see that the policies of Lincoln and Buchanan were not that dissimilar. With the exception of Lincoln's actions during the Civil War, the greatest cause of the apparent differences between Lincoln and Buchanan was party affiliation. When either Buchanan or Lincoln referred to the other, each tried to obscure the differences between the politician and the more radical elements of his political party. The attacks made by Buchanan and Black upon the Republican party were directed more toward Seward than toward Lincoln.

Only two books about Buchanan have been written in the past fifty years. One, a biography, adds little to our understanding of the political controversy that surrounded Buchanan's last years of public service; the second work deals exclusively with the Buchanan presidency and provides an extreme and, I believe, misleading interpretation of Buchanan's role in the events leading to the outbreak of war.³ Prior to the publication of these two works, only two other historians had taken more than a passing interest in Buchanan. After Buchanan's death, his family gave George Ticknor Curtis, noted historian and colleague of Buchanan, the entire collection of Buchanan's papers in the hope that he would prepare a biographical and historical work on Buchanan's public and private life. Curtis agreed to this task provided that there be "an explicit understanding that /he/ was to treat the subject in an entirely independent and impartial spirit."4 This independence enabled Curtis to produce an impartial work showing the weaknesses as well as the strengths of James Buchanan. In 1926, Philip G. Auchampaugh's James Buchanan and His Cabinet: On the Eve of Secession was published. In the introduction to this book, Auchampaugh states that his work is "intended to supplement the able work of George Ticknor Curtis written some forty years ago /in 1883/."5 The main value of both Auchampaugh's and Curtis' books is that they direct the reader back to the original works of Buchanan.

After reading Buchanan's own statements, one begins to question the accuracy of most historians' attribution to Buchanan of pro-slavery sympathies. Granted, there were times when Buchanan's position on some issues (especially the Lecompton question) could not be disassociated from that of the pro-slavery advocates, but it does not necessarily follow that Buchanan had pro-slavery sympathies. These historians would be wise to consider what Black repeatedly admonished Buchanan to heed: that is, the distinction between legal and political questions. Buchanan, like any true statesman, felt compelled to work within the limits of the law. By doing so, there were times when he was legally bound to perform duties that he opposed politically. Because he believed in a "strict construction of the powers of the government," he was put in this position more often than those who held a more liberal construction of these powers.

Buchanan believed the national government had no legal authority over the slavery question in the States where it already existed. Yet he never hid his belief that slavery was "a Great Political and a great moral evil." As early as 1826, Buchanan is on record stating:

I thank God, my lot has been cast in a State where it (slavery) does not exist. But, while I entertain these options, I know it is an evil at present without remedy . . . It is, however, one of those moral evils, from which it is impossible for us to escape, without the introduction of evils infinitely greater.8

Ten years later, in 1836, when there was a petition before Congress to abolish slavery in Washington, D. C., Buchanan demonstrated his perception of the difficulties involved in such a request. He pointed out that it would be hard, if not impossible, to enforce such a law when the States surrounding the Territory were still slaves states. One problem would be the temptation for slaves to flee from these states to seek refuge in the Territory. Not only would there be the potential for an enormous influx of fugitive slaves into the Territory, but also Maryland and Virginia "would never have ceded this territory of ten miles square to the United States upon any other condition, if it had entered into their conception that Congress would make any attempt sooner to convert it into a free district." Later, in this same speech, Buchanan presents an argument as to why, in spite of his belief that slavery is both a political and moral evil, he is willing to defend slavery against attacks from the abolitionists. According to Buchanan:

This question of domestic slavery is the weak point in our institutions. Tariffs may be raised almost to prohibition, and then may be reduced so as to yield no adequate protection to the manufacturer; our Union is sufficiently strong to endure the shock. . . . Touch the question of slavery seriously—let it once be made manifest to the people of the South that they cannot live with us, except in a state of continual apprehension and alarm for their wives and their children, for all that is near and dear to them upon the earth-and the Union is from that moment dissolved.10

Seldom does Buchanan defend the states' right to determine their domestic institutions without expressing his opposition to slavery as well. He concludes this particular speech:

Although in Pennsylvania we are opposed to slavery in the abstract, yet we will never violate the Constitutional compact which we have made with our sister States. Their rights will be held sacred by us. Under the Constitution, it is their own question.11

For Buchanan, the slavery issue—like all others—had to be viewed in light of the two most fundamental principles of our regime. The first of these was the necessity for preserving the Union; the second was state supremacy over domestic issues. Further, it was Buchanan's conviction that the slavery issue demonstrated the dependence of each of these principles upon the other. Few Americans since Jefferson had understood the explosive nature of the slavery issue as clearly as did Buchanan. Had Douglas understood this better, he probably would not have forced the South's hand during the Charleston Convention.

It was this understanding that led Buchanan to the statement regarding the eighth section of the Missouri Compromise, found in his address to the annual meeting of the religious "Society of Friends," in 1836, when he asked his audience to "consider the existing and alarming circumstances under which it was made, and the danger to the existence of the Union which it had removed, to be almost as sacred as a constitutional provision."12

This also explains why, in 1847, Buchanan argued for the extension of the Missouri Line "to any New Territory which we may acquire." 13 He felt that such a move would keep the slavery issue from again disrupting the Union. Aside from his belief that slavery was a domestic question to be decided by the States, he felt that further consideration in Congress would not only "bring great injury to the slaves themselves," but could "produce no effect but to alienate the people of different portions of the Union from each other; to excite sectional divisions and jealousies; and to detract and possibly destroy the Democratic party, on the ascendancy of those whose principles and measures depends . . . the success of our grand experiment of Self-Government."14

In this belief, Buchanan is the heir apparent to "the two most distinguished spokesmen of the Revolutionary tradition": Madison and Jefferson. According to Marvin Meyers, during the Missouri controversy these elder statesmen thought:

The real issue in the Missouri debates was not the spread of slavery across the Mississippi but rather the creation of the sectional party by disguised federalists who appealed to Northern antislavery sentiments in order to divide and conquer the Republicans. The ultimate price of injecting slavery into national politics, they warned, would be the disruption of the Union.¹⁵

It should be noted that Buchanan entered national politics as a member of the House of Representatives one year after the establishment of the Missouri Compromise. The slavery question was settled before he entered Congress, and it was in defense of the Madisonian-Jeffersonian tradition that he defended the Missouri Compromise in the 1850s. Buchanan realized that once the Missouri issue was settled, its repeal would require "injecting slavery into national politics" again. He opposed the repeal of the Missouri Compromise for the same reason that his political fathers opposed its creation. Buchanan's fears were well-founded, for it was the repeal of the Missouri Compromise that spawned the Republican party, and hence, quashed Democratic control of the government for many years to follow.

Buchanan's letter to John Slidell discussing the repeal demonstrates his acceptance of and ability to work within the law:

The Missouri Compromise is gone, and gone forever; but no assault should be made upon those Democrats who maintained it, provided they are now willing in good faith to maintain the settlement as it exists. Such an understanding is wise and just in itself, and is necessary to reunite and strengthen the Democratic Party in the Northern States and to bring into the Party the honest and independent Anti-Free Soil Whigs. . . . It is well known how I labored in company with Southern men to have this [Missouri] line extended to the Pacific Ocean. But it has departed—the time for it has passed away, and I verily believe that the best, nav the only mode now left of putting down the fanatical and reckless spirit of Abolition at the North is to adhere to the existing settlement.¹⁶

Buchanan's willingness to accept the legislature's decision on the repeal of the Compromise should not be considered a passive acceptance of the principles held by those who fought for and secured the repeal. Stephen A. Douglas was both the author of and the power behind the Kansas-Nebraska Act, which ended the Missouri Act of 1820. No one, not even Lincoln, had exerted more time and energy in opposition to Douglas and his policies than James Buchanan.

In general, Lincoln was forced to attack Douglas for the same reasons as Buchanan. The one obvious exception was Lincoln's need for national recognition — a recognition Buchanan had long enjoyed. Douglas proved to be, at one time in the careers of both Buchanan and Lincoln, the main obstacle to their bids for control both of their parties and the presidency. There was a four-year interval between the time Douglas threatened Buchanan's presidential aspiration and the time he threatened Lincoln's, but he proved equal to the task of appealing to both their parties at almost the same time.

During the debates over the Kansas issue, Douglas was able to present himself not only as a major national figure, but also as a personality capable of leading either of the two major political parties in America. While this might seem a formidable accomplishment at any period in American history, that it was achieved in the midnineteenth century renders it extraordinary. It is high testimony to Douglas and his abilities; even more, to the only two men able to defeat him at the polls once he had matured politically.

Factionalism, both external and internal to the Democratic party, was one of the major problems of this period, and, although seldom considered in this vein, an understanding of this phenomenon is crucial to our grasp of Buchanan's political position. In The Unbounded Frame, Michael Fellman argues that this problem, while not created by, was aggravated considerably by Jackson and the Jacksonian politicians. Fellman speaks of the changes that took place in the nineteenth century:

With a particular suddenness, all tradition seemed to be evaporating and every question about the nature of man and society reopening in the intensely mobile America of the 1830s and 1840s. . . . The removal of an ominous Europe threw Americans into a truly independent search for a democratic identity. Jacksonian politics, the usual explanation for this liberation, was merely one symptom of the sweeping social and intellectual reorientation of Americans at that time. Jacksonian politicians destroyed some of the few national political institutions, thus attacking what were for them some of the central symbols of an archaic, hierarchical social structure 17

Jackson's battle against the bank was perceived as part of the war against the old elite. Because the Jacksonians were fighting political centralization, they could not replace the old authority with a new one; therefore, they veered toward a fragmented or decentralized system. Fellman contends that a large component of the Jacksonian movement consisted of "other Americans, committed to social change, if not to Jackson, . . . out to destroy false authorities and to create new communities conceived in freedom and dedicated to democratic life, to the primacy of the individual, and to voluntary associations."18

It is not exactly clear to what extent one can, or should, try to separate these "utopian communitarians" from the extreme abolitionists of the same period. Both were concerned with a "cleansing internal morality" and "shared this vision of the imminent perfectibility of man and his society."19 Although these reformists comprised a definite minority of American citizens at that time, it is easy to imagine why a segment of the country felt threatened by abolitionist reformists who obscured the differences between the rhetoric used by these radical utopianists and that used by men like Seward who appealed to a "higher law." This is even more apparent when we recall the domestic problems experienced in many southern States aroused by the slanted publications and vulgar pictorial representations circulated by abolitionists.

Prior to the abolitionist movement, the general condition of the slaves was ameliorating throughout the South. In the late 1820s and early 1830s, a number of the legislatures of the southern States, including those of Maryland, Virginia, Kentucky, and Missouri, were considering the gradual emancipation of slaves.²⁰ Many different plans were under consideration for the accomplishment of this emancipation.

One such plan was proposed by James Madison, who presented what he believed to be three necessary requirements to any successful emancipation program. In a letter to Robert J. Evans, an antislavery advocate from Philadelphia, Madison writes: "A general emancipation of slaves ought to be 1. gradual; 2. equitable and satisfactory to the individuals immediately concerned; 3. consistent with the existing and durable prejudices of the Nation."²¹ Determination of "the existing and durable prejudices of the Nation" posed the most formidable obstacle. The nation's prejudices were so disparate, and there was such passionate adherence to these different prejudices, that Madison's third point would seem in direct contradiction to his second. Even more difficult than determining the existing prejudices would have been determining the durable ones. This became more obvious over the next thirty years, but for now we will concern ourselves only with a general idea of the kind of plan that was being considered.

Madison believed that all slaves should be purchased from their masters by the general government. The funds for this would be raised by the sale of western lands. It was Madison's contention that there would always be enough money in this fund because the land would sell sooner and more regularly than the slaves.²² This would be caused, in part, by the need for the consent of both slave and master before any transaction could legally take place. The consent requirement would also insure that the emancipation was "gradual." Another facet of Madison's program designed to facilitate gradual emancipation was the requirement that all slaves purchased by the general government were to be shipped back to Africa. This deportation clause was as important for Northern acceptance of an emancipation plan as it was for Southern acceptance, if not more so.

Madison believed that such a program would assuage the slave controversy. It would satisfy the North by providing for an eventual end to slavery and by making as firm a statement on the evils of slavery as had the Missouri Compromise. Southerners would accept such a program because it would leave in their own hands determination of their domestic institutions. Slaves would benefit as well, because Madison's plan would ease the tensions created by the abolitionist movement, eliminate slaveholders' fears of "servile insurrection," and thus reinstate the liberties and indulgences granted to slaves before the abolitionist agitation began. More important, such a program could be established within the proper limits of both the Constitution and the Declaration of Independence.

Although there were no public statements by Buchanan supporting this program. it is hard to imagine that he would not have considered such a device to be the optimum solution to the slavery issue. After all, Buchanan agreed with Madison on every other aspect of the issue, and Jeremiah Black advocated a similar program to Fremont 24

Buchanan's stature combined with his continuation of the policies of Madison and Jefferson make it almost inconceivable that his position during the years leading up to and including 1860 was not the most reasonable course in those stormy years. His approach to the slavery issue was exactly the same as that adopted by those in office at the time of the founding and, as we have demonstrated, it was the approach advocated by such great statesmen as Madison, Jefferson, and Jackson. How wrong could it be to continue the policies that were adopted by the most eminent statesmen of this country, the policies that had brought the country through other turbulent times? While both Douglas and Lincoln were claiming that their policies would put slavery back where the founding fathers had left it, Buchanan was the only one who demonstrated unswerving fidelity to that course; the others were merely issuing "a stock formula of words."25

Another familiar criticism of Buchanan and his administration is that of "feeble pliancy" which caused him to capitulate to the South on essential points.²⁶ Yet one must consider the differences between the "feeble" Buchanan and the strong Lincoln at that time. The dangers that Lincoln saw in Douglas' policies in 1858 and 1860 were not visible in Buchanan's policies. In fact, Buchanan's policy on slavery met all of Lincoln's requirements for dealing with the issue. The divergences of Buchanan's last official White Houses statements from Lincoln's first appear only in light of Lincoln's later political actions. Until April 12, 1861, Lincoln's actions as President were a continuation of the policies established by Buchanan. There is no reason to believe that Buchanan would have acted in a different manner than did Lincoln, had he been President on the critical day. Buchanan never wavered in his support of Lincoln's policy during the war.

In the last volume of The Works of James Buchanan, editor John Bassett Moore points out that the North was no more prepared for war under Lincoln that it had been under Buchanan:

[The Northerners were] far from being prepared for civil war. On the contrary, they were intent on a peaceful solution of our difficulties, and would have censured any act of administration which might have defeated this purpose and precipitated them into hostilities. The true policy was that expressed by President Lincoln to the seceded cotton States in his inaugural . . . in which he informed them, "You can have no conflict without being yourselves the aggressors."27

No clearer statement could have been made by Lincoln as to his unwillingness to force the country into civil war.

On the other hand, Buchanan, in his Fourth Annual Message of December 3, 1860, makes as strong an argument in opposition to secession as any made by Lincoln prior to the outbreak at Fort Sumter. To obtain a broader understanding of Buchanan's thoughts, we will quote at length from his message. Here, he contends that in the last few years the argument has been made

that as each /of the States/ became parties to the Union by the vote of its own people assembled in Convention, so any one of them [can] retire from the Union in a similar manner by the vote of such a convention.

In order to justify secession as a constitutional remedy it must be on the principle that the federal government is a mere voluntary association of States, to be dissolved at pleasure by any one of the contracting parties. If this be so, the Confederacy is a rope of sand, to be penetrated and dissolved by the first adverse wave of public opinion in any of the States. In this manner our thirty-three States may resolve themselves into as many petty, jarring, and hostile republics, each one retiring from the Union without the responsibility whenever any sudden excitement might impel them to such a course. By this process a Union might be entirely broken into fragments in a few weeks which cost our forefathers many years of toil, privation, and blood to establish.

Such a principle is wholly inconsistent with the history as well as the character of the federal Constitution.28

After citing both Jackson and Madison in support of his position, Buchanan asserts:

The old articles of confederation were entitled "Articles of Confederation and perpetual union between the States"; and by the thirteenth article it is expressly declared that "the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetuated." The preamble to the Constitution of the United States, having expressed reference to the Articles of Confederation, recites that it was established "in order to form a more perfect union." And yet it is contended that this "more perfect union" does not include the essential attribute of perpetuity.29

Buchanan admits that there may be some cases in which perpetuity of the Union

might be subordinated to something more fundamental. He cites self-preservation as an example, calling it "the first law of nature," which he claims has been planted in the heart of man by his Creator. For Buchanan, "no political union, however fraught with blessings and benefits in all other respects, can long continue, if the necessary consequence be to render the homes and firesides of nearly half the parties to it habitually and hopelessly insecure." Such a threat would obviously be grounds for disunion and would surely justify "a resort to revolutionary resistance." But, he argues, "in order to justify a resort to revolutionary resistance the federal government must be guilty of a 'deliberate, palpable, and dangerous exercise' of powers not granted by the Constitution."³⁰ The election of Lincoln to the presidency, an election in strict conformity to the Constitution, cannot possibly be construed as grounds for secession.³¹

These statements can leave little doubt that Buchanan held strong convictions about the rightness and wrongness of secession, and there can be little question that he felt it wrong in the present situation - not only wrong, but an immediate threat to the preservation of the Union as well. For Buchanan, there was no greater transgression. With this in mind, one wonders why Buchanan-whom Douglas dubbed "Old Obliquity"—is depicted by historians as weak and unprincipled, while Stephen A. Douglas, who himself professed indifference to whether slavery was voted up or voted down, is commonly portrayed as strong and principled.

One of the major turning points in the events of that time was the Charleston Convention, to which both sides of the party came wearied with compromise. There is always danger when a party or country that has been built on compromise refuses to compromise any longer. The Douglasites of the Northwest, as well as the Southern radicals, had decided: this time, the convention would go their way or not at all. The position held by Buchanan, which had kept the party together in 1856, and had the potential to do so again in 1860, was as unacceptable to the Northwestern Democrats as it was to the Southerners. Once the Democratic party divided over the slavery issue there was little doubt that the Union would follow suit.32

Buchanan's position was the only one that provided common ground for the two extreme factions within the Democratic party. He represented the principles upon which the Democratic party was founded; by turning its back on Buchanan, the party turned against the principles of its chief architects, Jefferson and Madison. Destruction seemed inevitable.

It was Buchanan's ability to distinguish between political and legal matters that endowed him with his main strength. While he considered slavery to be a great moral and political evil, he realized that the national government had no constitutional basis to touch slavery in the States where it already existed. There was little, if any, disagreement on this issue. The divisive question was what should be the proper role of the national government in dealing with the slavery question in the Territories. This was the question that originally placed Buchanan and Douglas at odds, and once they were divided the territorial question kept them that way.

Notes

- 1. Harry V. Jaffa, Crisis of the House Divided (New York: Doubleday & Co., 1959), p. 431 (hereafter cited as Iaffa, Crisis).
- 2. Harry V. Jaffa, Equality and Liberty: Theory and Practice in American Politics (New York: Oxford University Press, 1965), p. 93.
- 3. Philip Klein, President James Buchanan, A Biography (University Park: The Pennsylvania State University Press, 1962); Elbert Smith, The Presidency of James Buchanan (Lawrence: University Press of Kansas, 1975). I find Smith's interpretation of Buchanan's position on slavery misleading and hope that this article explains, at least in part, why it is misleading. I do not include Roy F. Nichols. The Description of American Democracy, because its primary focus is the Democratic party, not James Buchanan. Since it focuses on the years from 1856 to 1861, it is easy to see that Buchanan does figure in this work; nevertheless, the book deals primarily with the Democratic Party.
- 4. Philip G. Auchampaugh, James Buchanan and His Cabinet: On the Eve of Secession (Lancaster: By the Author, 1926).
- 5. George Ticknor Curtis, The Life of James Buchanan, 2 vols. (New York: Harper & Bros., 1883). Preface.
- 6. William Norwood Brigance, Jeremiah Sullivan Black, A Defender of the Constitution and The Ten Commandments (Philadelphia: University of Pennsylvania Press, 1934), p. 86.
- 7. The Works of James Buchanan, ed. John Bassett Moore, 12 vols. (Philadelphia and London: J.B. Lippincott Co., 1908), 1:202 (hereafter cited as Works of Buchanan).
- 8. Ibid.
- 9. Ibid., 2:22
- 10. Ibid., 3:26-27
- 11. Ibid., p. 27.
- 12. Ibid., p. 55.
- 13. Ibid., 7:387.
- 14. Ibid., pp. 386-87
- 15. Marvin Meyers, ed., The Mind of the Founder: Sources of the Political Thought of James Madison (Indianapolis: Bobbs-Merrill, 1973), p. 406 (hereafter cited as Meyers, Mind of the Founder).
- 16. Works of Buchanan, 4:486-87
- 17. Michael Fellman, The Unbounded Frame: Freedom and Community in Nineteenth Century American Utopianism (Westport, Conn.: Greenwood Press, 1973), pp. xii-xiii.
- 18. Ibid., p. xiii.
- 19. Ibid., p. xiv.
- 20. Works of Buchanan, 4:25.
- 21. Meyers, Mind of the Founder, p. 399.
- 22. Even if this did not occur, Madison felt the government could afford to fund the program.
- 23. Meyers, Mind of the Founders, pp. 399-402. Even the program advocated by Francis Wright, which would have used communes to facilitate emancipation, called for the deportation or relocation of slaves to a distant territory, such as "Texas."
- 24. Allan Nevins, Fremont: Pathfinder of the West (New York, and London: D. Appleton-Century Co., 1929), p. 458 (hereafter cited as Nevins, Fremont).
- 25. Jaffa, Crisis p. 396.
- 26. Nevins, Fremont, p. 458.
- 27. Works of Buchanan, 7:144.
- 28. Ibid., 6:12-13
- 29. Ibid., 6:14.
- 30. Ibid., 6:9.
- 32. Robert Johannsen, Stephen A. Douglas (New York: Oxford University Press, 1973), p. 760.