

# LINCOLN LORE

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## THE FREEPORT DILEMMA QUESTION

Three very ambitious statesmen speaking in the Senate chamber on March 3, 1854, ninety years ago this month, engaged in a controversy which indirectly brought to the front their presidential aspirations. Stephen A. Douglas was addressing the Senate on the Nebraska and Kansas question, with Seward and Chase speaking in rebuttal. When the inevitable "personalities" entered into the discussion, Douglas accused Seward of calling a certain class of the New York senator's constituents, "dough-faces," and further implied that Chase gained his seat in the Senate through a bargain. In the light of subsequent developments, a comment, by Chase, with respect to Douglas, is of more general interest as he alleged that the measure which the Illinois Senator was then advocating was offered "as a bid for presidential votes." Thus as early as 1854, and probably much earlier, "The Little Giant" was looked upon widely as a potential candidate for the presidency.

The attitude of Douglas toward the Missouri Compromise with his Popular Sovereignty appeal and his Lecompton Constitution stand, had brought him into the senatorial canvas of 1858, with an immense, popular following throughout the nation, regardless of his brush with the Democratic administration, headed by Buchanan.

One by one his opponents in the Senate had been silenced by his eloquent and logical arguments, but it remained for one of his contemporaries, from his own state of Illinois, to blast forever his hopes of gaining the presidency. It will always be a mystery why Douglas, the outstanding spokesman for his party, consented to enter into a series of formal debates during the senatorial contest of 1848, with Abraham Lincoln, who had served but one term in Washington as a Representative.

Not only did Douglas blunder in agreeing to debate with Lincoln, but also very unwisely at Ottawa in the first contest in the series, he asked Lincoln a series of formal questions. He should have anticipated that Lincoln in turn might ask some questions which would not be easily answered, and this very reaction occurred at Freeport in the second debate of the series.

According to Henry C. Whitney, who was present at a conference at the Brewster House just before the debate, Lincoln read the questions he had prepared to several of his friends, including, Washburn, Hitt, Turner and Judd. Washburn, the spokesman, advised against the "Dilemma" question, fearing it would backfire and injure Lincoln; nevertheless, Lincoln put the

question to his opponent in these words:

"Can the people of a United States territory in any lawful way, against the wish of any citizen of the United States, exclude slavery from its limits, prior to the forming of a State constitution?"

Douglas not only replied to this question in the affirmative, but elaborated upon it much to Lincoln's delight, and his reply was to furnish the basis of many comments which Lincoln made in subsequent debates. This was the answer Douglas made.

"In my opinion the people of a territory can, by lawful means, exclude slavery from their limits prior to the formation of a State constitution. It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a territory under the Constitution, the people have the lawful means to introduce or exclude it as they please, for the reason that slavery can not exist a day or an hour anywhere unless it is supported by local police regulations. Those police regulations can only be established by the local legislature, and if the people are opposed to slavery they will elect representatives to that body who will, by unfriendly legislation, effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension."

After taking his seat in Congress, Douglas still further elaborated on the answer he made to Lincoln at Freeport, by contributing to *Harpers' Magazine*, for September 1859, a lengthy discussion on "Popular Sovereignty in the Territories—The Dividing line between Federal and Local Authority." After quoting from "the distinguished Republican Standard Bearer," (Abraham Lincoln) Douglas then identified the three separate groups in the Democratic Party, which apparently Lincoln observed were in existence when he put the "Dilemma" question to Douglas. They follow:

"First. Those who believe that the Constitution of the United States neither establishes nor prohibits slavery in the States or Territories beyond the power of the people legally to control it, but leaves 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."

"Second. Those who believe that the Constitution establishes slavery in the Territories, and withholds from Congress and the Territorial Legislature

the power to control it, and who insist that, in the event the Territorial Legislature fails to enact the requisite laws for its protection, it becomes the imperative duty of Congress to interpose its authority and furnish such protection.

"Third. Those who, while professing to believe that the Constitution establishes slavery in the Territories beyond the power of Congress or the Territorial Legislature to control it, at the same time protest against the duty of Congress to interfere for its protection; but insist that it is the duty of the judiciary to protect and maintain slavery in the Territories without any law upon the subject."

Jeremiah S. Black, Attorney General in Buchanan's cabinet, chose to answer the magazine article, but his name does not appear on his sixteen page pamphlet, entitled, "Observations on Senator Douglas' Views of Popular Sovereignty, expressed in *Harpers' Magazine* for September 1859." The Attorney General felt that Senator Douglas had not stated correctly the difference of opinions between the classes, two and three and did not propose to elaborate upon it. He recognized that Douglas belonged in class one, and then drew the fatal line between, "Douglas had his followers on one hand and the rest of the Democratic Party (classes two and three) on the other." This was the very situation which Lincoln must have visualized at Freeport.

After discussing some minor differences between the groups, the Attorney General stated, "Here we come to the point where opinions diverge. Some insist that no citizens can be deprived of his property in slaves, or in anything else, except by the provision of a State Constitution, or by the act of a State Legislature; while others contend that an unlimited control over private rights may be exercised by a Territorial Legislature as soon as the earliest settlements are made. So strong are the sentiments of Mr. Douglas in favor of the latter doctrine, that if it be not established he threatens us with Mr. Seward's 'irrepressible conflict.'"

When Douglas answered Lincoln's "Dilemma" question by affirming that slavery could be excluded from a territory by the inhabitants, previous to the formation of a state constitution, he broke forever with the southern constituency without whom the Presidency could not be attained. The Charleston Convention confirmed the views of Attorney General Black, and Senator Stephan A. Douglas was on his way out as a spokesman for the South.