

Statecraft on the Eve of the Civil War: Influences on New Territories and States in the 36th U.S. Congress

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ABSTRACT: Regional jurisdiction (states, provinces, counties, etc.) is a crucial part of the governance of a country, and thus one would assume that great care is given to developing an optimal set of jurisdictional boundaries. However, the geometric simplicity of the boundaries of the western United States seems to defy the logic of the region's human and physical geography, suggesting that other forces have played a role in the production of political space in the West at pivotal times in its history. In particular, the 36th Congress (1859-61) changed the map of the West considerably just before the beginning of the Civil War, when the politics of slavery were at their height. Congressional bills, debates, and votes show that slavery did have a strong influence on the creation of new states and territories, but western geography was also very important. In particular, bills were generally introduced to the 36th Congress at the request of settlers, with boundaries that were motivated by geographic or regional factors. Conversely, votes on those bills tended to fall along the sharp party and sectional divisions that were driving the country apart. This paper analyzes the process of boundary making by governments through a consideration of the complex combination of geopolitical and regional forces that result in a final decision. The study period of the 36th Congress included the creation of three new territories and a new state, as well as myriad intriguing but unsuccessful proposals.

Introduction

The boundaries of states are an important part of the governance of the United States. Border locations have influenced transportation infrastructure, the provision of services, economic wealth, and political power, both positively and negatively. It would seem that the geometric boundaries that are predominant in the western United States are less "rational" than those that follow natural divisions in human or physical geography, but things are not that simple. Perhaps there are situations where straight lines were the best solution. To understand the current political geography of the American West, we need to understand the process by which the states and territories were originally created in the 19th Century, because the boundaries have changed very rarely since they were first drawn. Multiple attempts to "fix" boundaries have failed, and the U.S. has not seen a significant state boundary change since the division of Dakota in 1889.

This paper focuses on the 36th Congress, from late 1859 to early 1861, which admitted Kansas as a state and created Nevada, Colorado, and Dakota Territories, thus making more jurisdictional changes than any other two-year period in Western American history, and introducing many boundary lines still in use today. In contrast, several significant proposals were not enacted, including territorial status for Arizona, a North-South division of California, the elimination of Utah Territory, and statehood for Utah, New Mexico, and Nebraska. This leads us to ask two questions: why did some proposals become law while others didn't; and why were the boundaries drawn where they were?

The nature of territory

These are not new questions. Governments have to grapple with similar issues whenever new boundaries are drawn, so any general theory of the process is desirable. Political scientists and political geographers have studied the nature of territory and boundaries throughout the 20th Century.¹ The vast majority of past work has focused on international boundaries,² but some of the same principles can be applied to how governments divide their land into smaller units, such as territories, states, provinces, and counties.

The literature has followed several related themes concerning how territory is seen by both the residents in territories and by those in the central government. Generally, these themes align with four broad conceptual principles:

- *Principle 1. Territory is an identity:*³ home is a part of who we are. A collective homeland helps bind a group of people (especially cultural and ethnic nationalities) together, even if they do not currently live there.⁴ The status of that homeland as a territory, state, independent country, or having no distinct government at all can influence how the group's inherent status is perceived by themselves and others.⁵
- *Principle 2. Territory is a resource:*⁶ the subordinate governments require capital to operate, and part of that capital can be derived from the land and its contents, whether from natural resources (e.g. minerals, water), economic development (e.g. agriculture, retail, industry), or tax-paying residents. The value of land based on potential revenue is not homogeneous, but in general, more is better.⁷
- *Principle 3. Territory is a service area:* a government is expected to provide services for the land and its inhabitants, including infrastructure, education, environmental management, regulation, and many more.⁸ If the cost (financial, political, etc.) to service an area is greater than its potential value, the state-to-be may wish to cede the area, as had recently happened with Oregon and Minnesota. Meanwhile, inhabitants of regions that are remote from the capital may feel that they can service themselves more effectively.
- *Principle 4. Territory is political capital:* the land contains voting citizens, who collectively can have great political power. When the territory functions as a unit of governmental representation, and the distribution of citizens with differing views is not even, as in the slave and free states in 1860, or the "red states" and "blue states" of today, then boundaries become very important in either empowering or marginalizing people.⁹

As we explore how the subdivision of the West proceeded between 1859 and 1861, we are in effect attempting to divine the thought processes of the members of the 36th Congress. What was each legislator trying to accomplish by his actions? In this situation, and many similar situations before and since, policy makers are tasked with building a political geography that accommodates the interests of the local community, the interests of the country at large, and of course their own personal interests.

Based on the principles of territory listed above, these interests are of two types that we designate "Political factors" and "Regional factors." *Political factors* (based on Principles 1, 2, and 4) promote the political aspirations of the territorial residents and/or those of members of Congress. These factors include such goals as: the desire for self-rule by a distinct population group, the clout that comes from the governmental status of a region (whether state, territory, periphery of a larger territory, or completely unorganized), trying to gain more representatives from one's own party or section of the country, and using boundaries to unify or divide distinct groups to control their influence in government (as is often an ulterior motive of congressional redistricting).¹⁰ *Regional*

factors (based on Principles 1 and 3) increase the effectiveness and efficiency of governance by creating territories that conform to preexisting physical, cultural, or functional regions. The latter factors include minimizing the cost of traveling to the capital, drawing boundaries along physical barriers like mountains or rivers, or keeping tight-knit cultural groups together within a territory, akin to the fundamental principle of the nation-state.¹¹ Therefore, our earlier research questions can be rephrased as, “to what degree did each of these types of factors influence the final outcome?”

Previous studies of the subdivision of the Western United States

We are not the first to seek to understand the historical political geography of this region and this time period. Historians and geographers have discussed the antebellum West at length. Meinig even goes so far as to develop a general model of settlement in the Western United States,¹² which asserts that regional factors were generally dominant; that is, regions became territories and states at about the time and in about the shape they needed. Although it provides a strong foundation, this model cannot fully explain the activities of 1860 and 1861. Further, in his seminal *Making of America* series, Meinig discusses congressional philosophies and actions concerning statecraft throughout the history of the United States, from Jefferson’s predilection for geometric boundaries in the Northwest Territory through the debate over Kansas statehood in 1858. However, the actions of the 36th Congress are only briefly mentioned as having occurred “with little controversy.”¹³ Other historical geographies of the West have generally followed suit.¹⁴

Regional historians, when describing the creation of their own states, have often relied on arguments related to local pride. These histories often portray the territorial desires of settlers as rational and justified in the sense of regional factors as defined here, while Congress knows and cares little about the area and makes decisions primarily on political grounds.¹⁵ A notable exception is Mark Stegmaier’s analysis of the New Mexico statehood proposal considered below, in which he thoroughly looks at the statements and actions of both Congress and the New Mexicans.¹⁶

Historians of the antebellum United States often discuss the debate over the extension of slavery into the territories,¹⁷ but the focus is often on events before 1859, such as the compromises of 1820 and 1850, the Kansas-Nebraska Act of 1854, and the Kansas statehood (under the Lecompton Constitution) debates of 1858, then skipping over the 36th Congress to the presidential election of 1860 and the secession crisis. Those that do mention the new state and territories do not attempt to explain the underlying rationale.¹⁸ Generally, the primary thesis is that political factors were dominant in the decisions to make new territories, in direct contrast to Meinig.

The setting in 1859

To better understand the actions of the 36th Congress, we need to consider the situation its members faced in Washington and in the West as they convened in December 1859. A variety of geographic and political issues framed the decision-making process that followed.

Settlement in the West

It is clear that boundary making would not have been an issue in Congress had not the expanding settlements of the western territories pressed the point. The Congress arrived in Washington to find a variety of proposals for territorial changes already before them. The growth of settlement in four western territories led citizens to request statehood. Newly emergent settlement cores were requesting their own territories. These requests, and the distribution of settlements (according to the 1860 Census), are shown in Figure 1 and Table 1. It should be noted that the 36th Congress did not know very much about this distribution; results of the Census were not available until late in the second session of the 36th Congress, and even then its accuracy is sometimes doubted.¹⁹ Still, the map gives a useful picture of where people lived in the West.

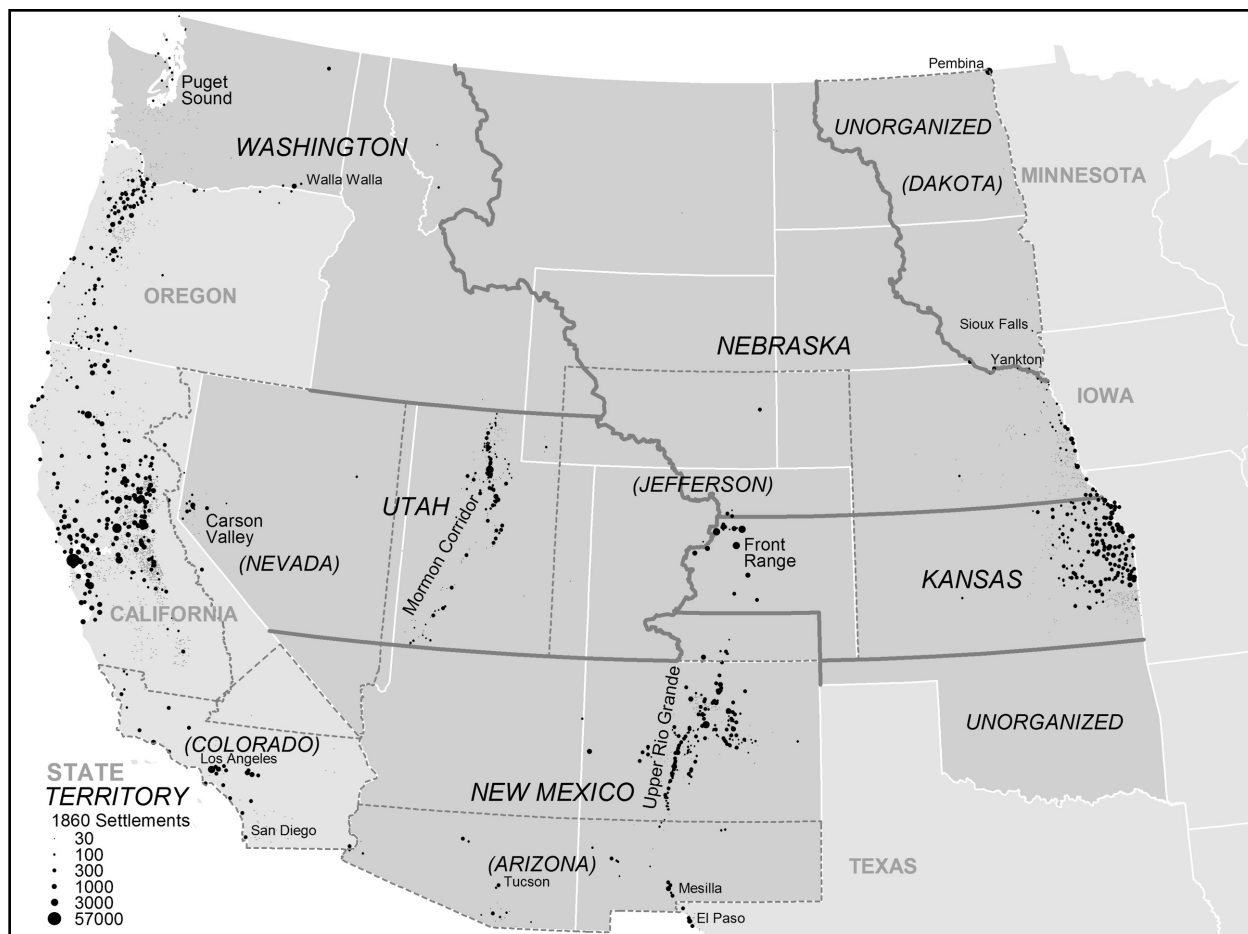


Figure 1. Status of territories at the beginning of the 36th Congress, distribution of settlement (Europeans and urbanized Native Americans) according to the 1860 Census, and boundaries requested by the provisional territories of Colorado, Nevada, Arizona, Jefferson, and Dakota.

The *de facto* standard for admission as a state was a population large enough to qualify for a seat in the House of Representatives, although Congress occasionally made exceptions in cases such as Oregon, Florida, and later Nevada. The 1850 Census had set that standard at seventy-six thousand, while the 1860 Census would soon increase it to ninety-three thousand, which Kansas and New Mexico met. In anticipation of this, the Kansans had drafted their fourth attempt at a state constitution at Wyandotte, this time as a free state,²⁰ while the New Mexicans waited for permission from Congress. Nebraska and Utah also requested admission as states, the latter still hoping for the name “Deseret,” but both were in fact far too thinly populated. Only the new Washington Territory made no request of the 36th Congress.

In addition to the established cores, several new population centers had appeared in the West in recent years. These included towns set up by land companies, such as Denver and several in southeastern Dakota; mining camps in the Front Range, the Carson Valley, and Tucson; the farming region of the Mesilla Valley in southern New Mexico; and the trading post of Pembina in northern Dakota. After years of attempting to participate in the distant governments of their respective territories, it was clear to them that they were too isolated to be governed effectively.²¹ In fact, Dakota had no official governance after the rest of Minnesota Territory was admitted in 1858.²²

Several of these nascent regions had asked for a new territory in 1858, but the 35th Congress took no action. Upon failure, each of the four major regions created an unofficial provisional

Region	Population	Government	Request
Arizona (Mesilla)	6,239	Provisional	Territory
Arizona (Tucson)	6,482		
California (North)	353,161*	State	none
California (South)	26,833	part of California	Territory
Front Range (Colorado)	35,682**	Provisional	Territory
Dakota (Pembina)	3,630	Provisional	Territory
Dakota (South)	1,047		
Kansas (w/o Colorado)	107,206*	Territory	Statehood
Nebraska (w/o Colorado)	27,076	Territory	Statehood
Carson Valley (Nevada)	6,857	Provisional	Territory
New Mexico without Arizona:	93,516* 80,795	Territory	Statehood
Oregon	52,465	State	none
Utah (without Nevada)	40,273***	Territory	Statehood
Washington:	10,598	Territory	none

* Sufficient for statehood (93,400 required for single house representative)

** Questionable: includes nonexistent towns

*** Questionable: 1856 territorial estimates (also questionable) claimed 76,335; Wahlquist (1978) estimated 47,000 using demographic statistics

Table 1. Status of western settlement regions in 1859, with 1860 Census population.

government, as had most other states and territories in the West,²³ a tradition dating all the way back to the unsuccessful state of Franklin that preceded Kentucky.²⁴ The residents of the Carson Valley chose the name Nevada, those on the Front Range called themselves Jefferson, the Mesilla and Tucson areas formed Arizona, and Dakota included the area removed from Minnesota. Figure 1 shows that each provisional government claimed an extensive area for its new territory, quite different from its eventual boundaries.²⁵

Another home-rule movement was occurring in sparsely settled Southern California, which felt neglected by the more populous North with its distant capital at Sacramento. In response, the state legislature passed an enabling act for a new territory to be called Colorado that was supported overwhelmingly by a referendum of the Southern voters.²⁶ However, ceding land from an existing state to a federal territory also required an act of Congress, so a memorial was sent to Washington for approval.

It is important to note that the proposed territories of Jefferson, Arizona, and Colorado all had the vocal support of the legislatures that then governed them (respectively, Kansas, New Mexico, and California). Each of these governments realized the difficulty of governing a region that was both different in its character and remote from the capital (one of our regional factors), and was willing to cede these areas. Only Utah maintained a firm claim on the Carson Valley.

Cultural attitudes

When politicians consider creating governments and drawing their boundaries, settlement geography cannot be the only factor considered. The actions must fit within a larger political and cultural context, since forces that have little to do with geography often have a profound impact on geographic actions. Among the territorial issues in 1859 was public opinion of the Mormons (and their practice of polygamy) in Utah, and the Mexican-Americans of New Mexico.

Mormon Sentiments: Brigham Young and the members of the Church of Jesus Christ of Latter-day Saints had sought security in isolation in Utah, but this also bred misunderstanding and distrust. Easterners speculated wildly on what was going on in Utah, focusing primarily on polygamy and supposed rebellion against federal officials (despite a peaceful end to the Utah War in 1857). Many members of Congress saw it as their duty to eliminate polygamy, if not the Church itself. In fact, Republicans had made the removal of “the twin relics of barbarism: slavery and polygamy” from the territories as a core part of their 1856 presidential platform.²⁷

Hispanic Sentiments: The Hispanic people of California and New Mexico, U.S. citizens since joining the United States in 1848, were rarely treated as peers by Anglos. In congressional speeches, they were still often called “Mexicans,” and were often stereotyped as uneducated, backward people who could not speak English, did not know how to run a proper government, and had mixed loyalties for their former and present country.²⁸

The 36th Congress and slavery

The fractious 1858 election had created a Congress that was polarized to a degree seldom matched,²⁹ especially on the question of the extension of slavery into the territories. Admitting a state is a consequential decision, the only congressional act that cannot be repealed, and is thus worthy of careful consideration.³⁰ A state theoretically had the sovereign right to choose whether to allow or prohibit slavery when it wrote its constitution, but the status of slaves in a territory was the prerogative of Congress. The eventual slave or free status of the future western states could easily tip the delicate sectional balance in Congress, so both sides wanted more states on their side. An unofficial *quid pro quo* pattern of admitting free-slave pairs of new states had existed since 1820, but after the acquisitions of 1846-1853, the United States had much more northern territory than southern in the West, pushing the slavery issue into the fore.

Four clear congressional factions had gradually formed during the 1850s, defined primarily by their stance toward territorial slavery (Table 2, Figures 2 and 3). The Republican Party, strongest in the Northeast and northern Midwest and led by Senator William H. Seward (New York), had been created in 1854, largely from the anti-slavery wing of the Whig Party, to fight against the extension of slavery into the territories.³¹ At the other extreme, Democrats from the slave states, led by senator and future confederate president Jefferson Davis (Mississippi), demanded that a slaveholding settler’s “rights and property” be protected in the territories. Neither group was monolithic, containing both hard-liners who would rather the Union break

	1860 House	1861 House	1860 Senate	1861 Senate
Republicans	113	115	26	26
Democrats (South)	66	38	27	15
Democrats (North)	34	33	10	10
Americans/ Opposition/ Unionists (South)	24	22	2	2

Table 2. Voting Blocs at the beginning and end of the 36th Congress.

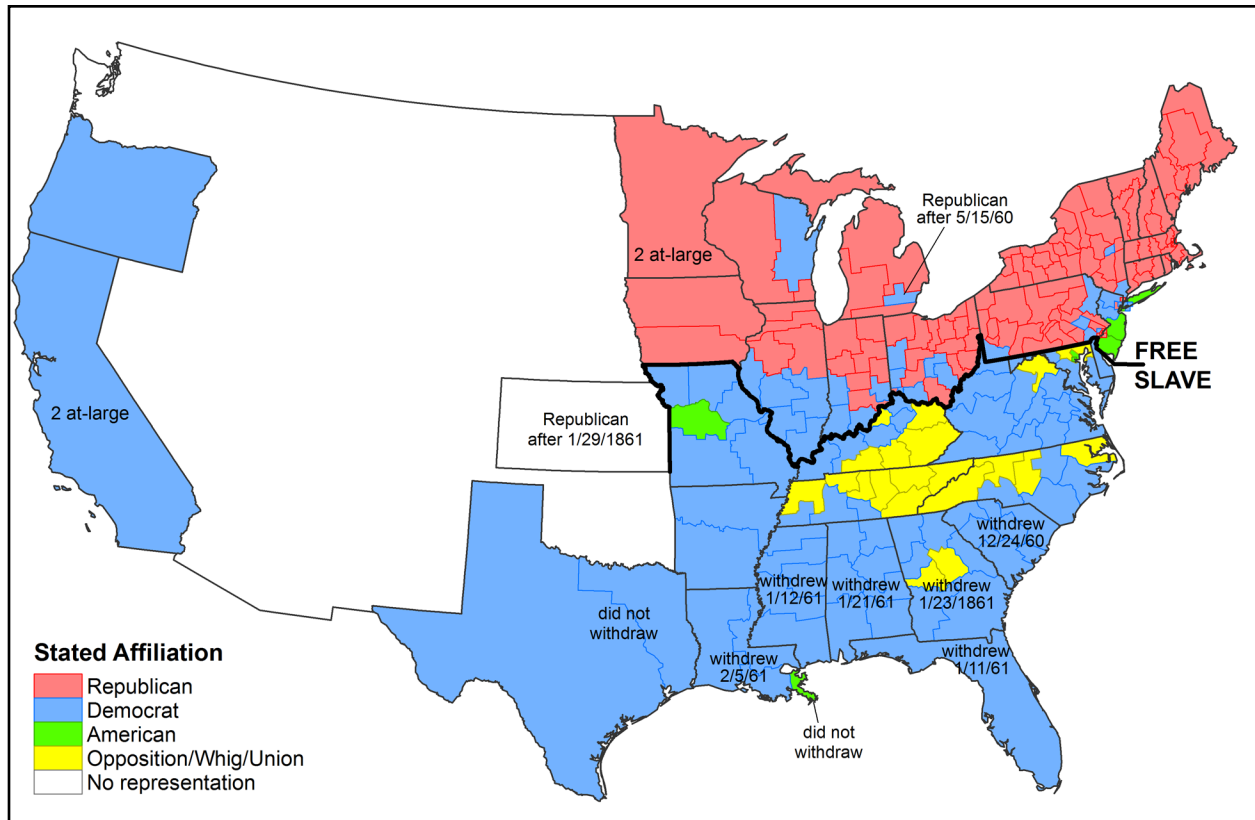


Figure 2. Political makeup of the 36th House of Representatives.

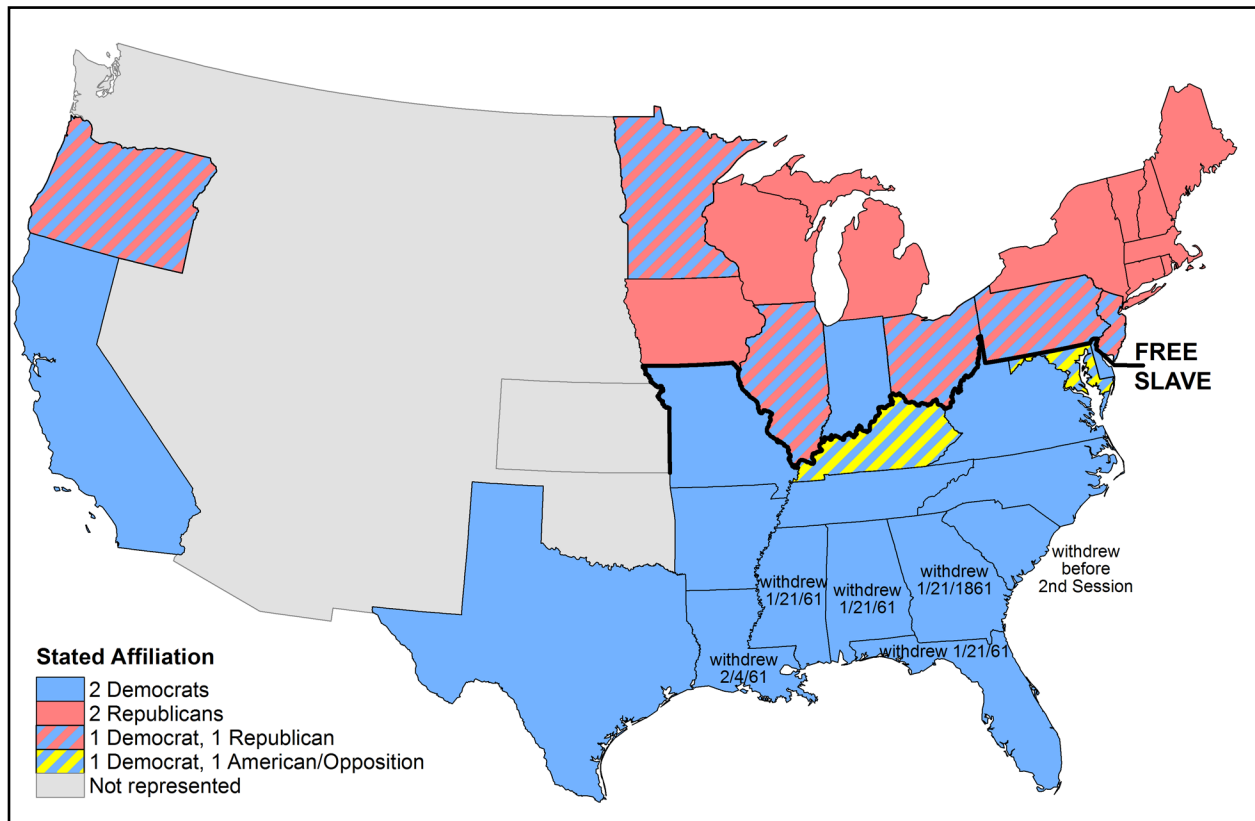


Figure 3. Political makeup of the 36th Senate.

up than consider compromise, and moderates who could be conciliatory as long as they did not have to sacrifice their core principles.

Between the Republicans and the Southern Democrats were two moderate camps that saw the others as too extreme, but differed over the proper form of compromise on the issue of territorial slavery. The Northern Democrats, strongest in the southern Midwest and the Mid-Atlantic cities, and led by Senator Stephen A. Douglas (Illinois), favored popular sovereignty, in which territories could choose their own stance on slavery, as expressed in the Compromise of 1850 and the Kansas-Nebraska Act.³² The final faction was not an organized party. The Southern Opposition, or Southern Unionists, primarily consisted of border-state remnants of the Whig and American (Know-Nothing) parties. Led by Senator John J. Crittenden (Kentucky), they considered themselves the ideological successors of the Kentucky Whig Henry Clay, and felt that Congress needed to take a firm, but moderate, stand similar to Clay's Missouri Compromise of 1820.³³

The four groups had become so entrenched by 1859 that they tended to vote as blocs on most votes, even those unrelated to slavery.³⁴ While the votes of the Republicans and Southern Democrats were generally predictable, the two moderate groups were important swing blocs that could change the outcome in both chambers. In the 1858 elections, the Republicans gained a plurality in the House, while the Democrats held a slim majority in the Senate. The secessions of 1861 eventually gave the Republicans a majority in the Senate and complete control of the House.

Actions of the 36th Congress

To really understand the causes of the acts of the 36th Congress, one would have to know the thoughts of each congressman. In lieu of this, we evaluated three secondary indicators of their motivations: their discussions and debates as reported in the *Congressional Globe*, their votes as recorded in the *House* and *Senate Journals*, and the geography of the boundaries sought in bills that were or were not enacted.³⁵

Initial bills

In response to these requests, a variety of bills were introduced in the House and Senate and referred to the territorial committees, chaired by Galusha Grow (R-PA) in the House and James Green (D-MO) in the Senate. In December 1859, Jefferson Davis introduced a Senate bill for Arizona Territory (S. 24) (calling it Arizuma) that was supported by President Buchanan in his State of the Union address.³⁶ A Nevada Territory bill (S. 44), a resolution to create Dakota, the Colorado cession memorial from California, and a Kansas statehood bill (S. 194) were also introduced in the Senate.³⁷ In the House, bills were introduced in February 1860 for Kansas statehood (H.R. 23), Arizona Territory (H.R. 192), Nevada Territory (H.R. 202), Nebraska statehood (H.R. 209), and Dakota Territory (H.R. 611).³⁸ In addition, alternative proposals were introduced to annex southern Dakota to Iowa (H.R. 157) or Nebraska; to annex El Paso, Texas to New Mexico (H.R. 196); and to annex Carson Valley to California (H.R. 419).³⁹

Of all the above bills, only H.R. 23 (Kansas) eventually emerged from committee.⁴⁰ It is not clear what happened to the rest, due to the lack of surviving committee documentation,⁴¹ but it appears that the annexation and Nebraska statehood proposals were dropped with little consideration, while the territorial bills were redrafted by the House and Senate committees.

Although the division of California may have been the most intriguing proposal of all (in terms of "what if" scenarios) and had significant support in California, it also died in committee. During debates on the other territories, Green twice mentioned that the Senate Committee refused to consider it because of constitutional questions regarding creating a federal territory from a sovereign state.⁴² Although this was a valid issue, the slave question almost certainly was a consideration. Colorado (whatever its eventual name) would be

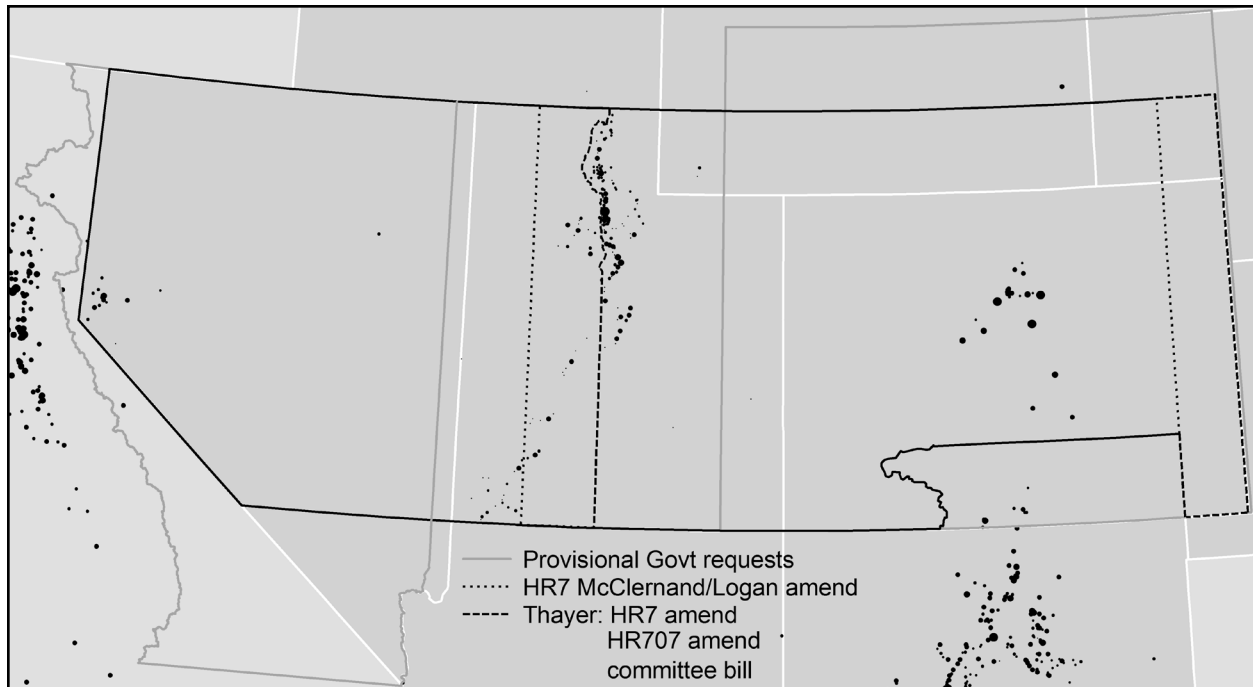


Figure 4. House proposals to eliminate Utah Territory by partitioning it between Jefferson (Colorado) and Nevada, made by John Logan (D-IL), John McClernand (D-IL), and Eli Thayer (R-MA), April 1860.

changing from a free state, to a *southern* territory. The last thing Congress wanted was an additional federal territory in which the slavery question would have to be dealt with again.

Mormons and the Utah question

While the territorial committees considered and redesigned these territorial bills during March and April 1860, the House debated H.R. 7, a proposal from Justin Morrill (R-VT) to eliminate polygamy in Utah. H.R. 7 would outlaw polygamy and punish the Church of Jesus Christ of Latter-day Saints and the Utah Legislature for allowing it, but more drastic measures were also considered. During his campaign against Abraham Lincoln in 1858, Stephen A. Douglas had suggested solving the “polygamy problem” by eliminating Utah Territory and partitioning the Mormons between the surrounding territories.⁴³ Representatives John Logan and John McClernand, fellow Illinois Democrats, offered just such an amendment to H.R. 7, proposing to partition Utah between new Nevada and Jefferson (Colorado) territories as shown in Figure 4; Eli Thayer (R-MA) unsuccessfully tried to introduce a similar division three times.⁴⁴ A third alternative punishment, creating a federally appointed territorial legislature, was also offered as an amendment.

The partitioning proposals aimed to divide the fifty thousand Mormons in half, so they would be the minority in each of the new mining-dominated territories. In defending his proposal, McClernand stated that once they had been stripped of political power, “they would probably pass out of our jurisdiction into Mexico or the British territories [Canada].”⁴⁵ During the debate, most speakers approved of disenfranchising the Mormons, but differed on whether the plan would work. Supporters assumed that the miner populations at the east and west ends of Utah were larger and growing faster than the Mormons, while the few opponents who mentioned it said that the Mormon population was large enough to easily dominate both new territories (which the 1860 Census would soon confirm), and that it was better to keep them all in one

territory. According to our model, this debate tried to reconcile the regional factor of settlement geography with the political factor of using boundaries to reduce the influence of a population group. On April 5, the Logan/McClernand amendment was defeated by a large margin, while H.R. 7 passed.⁴⁶

The vote on the Logan/McClernand amendment to H.R. 7 had a very unique pattern, as shown in Table 3 and Figure 5. Support came from the Northern Democrats, with both the Southerners and Republicans uniting against it. The strongest support came from Missouri and Illinois, states with a history of animosity toward the Mormons; in fact, a few in this region voted for all three alternatives. According to the debates, the votes against the amendment were heavily influenced by slavery. Republicans favored the original bill outlawing polygamy, possibly setting a precedent for future anti-slavery legislation. Southerners feared this precedent, favoring the alternative for an appointed legislature, especially with a southern-friendly White House.

Committee bills

Once the Utah partitioning schemes were put to rest, Congress was ready to deal with the territories in a more conventional manner. H.R. 23 (Kansas) was the first of the territorial bills to be reported from committee on March 29, 1860. It had the same boundaries as the Wyandotte constitution, which meant ceding its western third, the future Colorado, back to the federal government. The bill was hotly debated for two days. Most of the debate centered on regional factors, with very little attention to political factors such as the state's slavery status. Republican supporters focused on the simple qualifications: the residents had created and voted for their own constitution, and they met the population requirement, citing indirect measures such as

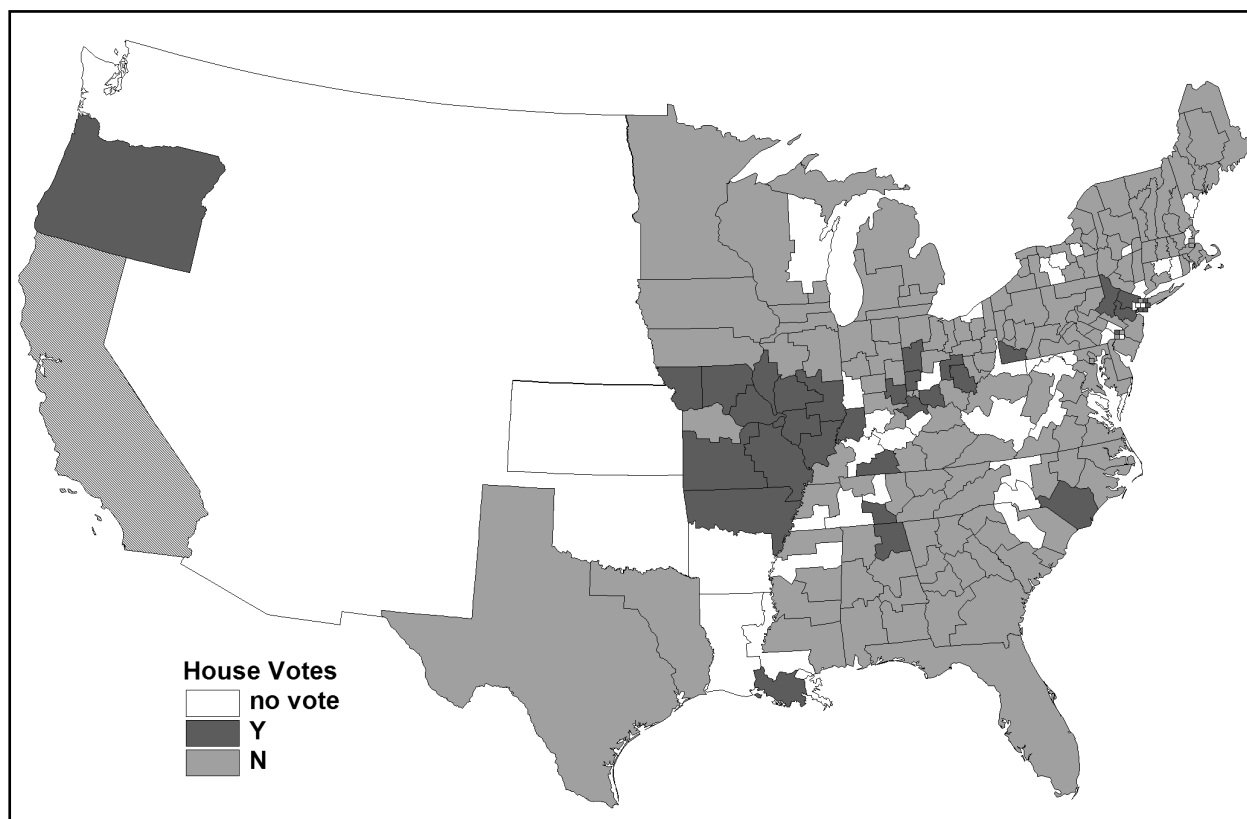


Figure 5. House Vote on Logan/McClernand amendment to H.R. 7 (to divide and eliminate Utah Territory).

voter turnout, since the 1860 Census had not yet been taken. Democratic opponents also made regional and legal arguments, as summarized by Daniel Gooch of Massachusetts:

- The first is, that the people of Kansas, in framing and adopting the Wyandotte constitution, acted in violation of law; [i.e., the English Bill of 1858, which required an official population count prior to Kansas admission]
- the second, that the population of Kansas is insufficient;
- the third, that the boundaries in the Wyandotte constitution violate certain treaties which this government has made with Indian tribes;
- and the fourth is . . . that this constitution permits foreigners . . . to vote. [an issue only for the few nativist American Party representatives]⁴⁷

Despite the fact that the spoken words of the debate focused on regional factors, every argument against statehood was made by a southerner, and every supporting argument by a northerner, with some mixing of views by those from the border states. This is clear evidence of the overriding influence of slavery politics. One piece of evidence of the insincerity of the regional-factor rhetoric was that both sides had made the exact opposite arguments when debating the pro-slavery Leecompton constitution for Kansas in 1858. Also, some congressmen suggested that the real reason for the concern over the Indian treaties was that they contained indirect protections of slavery rights.⁴⁸ The final hint of the congressmen's real motivations was on April 11, when the bill passed the house on a nearly perfect sectional vote, as shown in Table 4. The lack of explicit slavery discussion in the public debates was probably for two reasons: first, there was little point in restating one's views on slavery since the sectional lines had been drawn on Kansas in 1858. Second, southerners believed in state sovereignty, so they could not reject Kansas solely on its anti-slavery constitution. Several stated that they had obligingly voted for free-constitution Oregon and Minnesota in the previous congress, although they may have voted for Oregon simply because of the dominance of the Democratic Party there.⁴⁹

	Voters	NO	percent	YES	percent
Republican	102	101	99%	1	1%
So Dem	50	38	76%	12	24%
No Dem	24	2	8%	22	92%
Opposition	20	19	95%	1	5%

Table 3. House vote on H.R. 7 Logan/McClermand amend (partition Utah), Apr. 5, 1860.

	Voters	NO	percent	YES	percent
Republican	105	0	0%	105	100%
So Dem	51	50	98%	1	2%
No Dem	29	3	10%	26	90%
Opposition	22	20	91%	2	9%

Table 4. House vote on H.R. 23 (Kansas Statehood), Apr. 11, 1860.

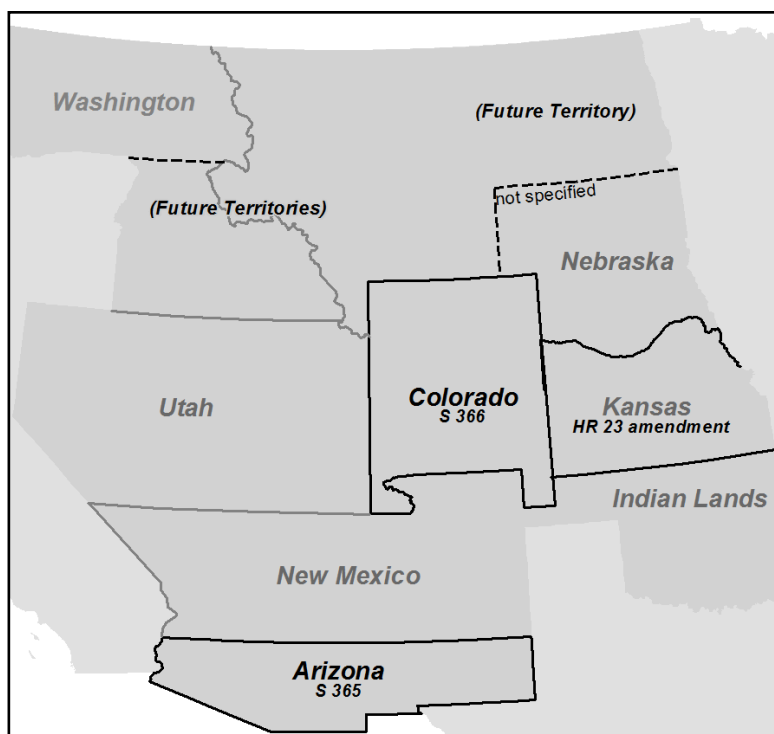


Figure 6. Territorial plan of James Green (D-MO) and the Senate Committee on Territories during the first session of the 36th Congress, as laid out in bills S. 365, S. 366, and a speech on June 5, 1860.

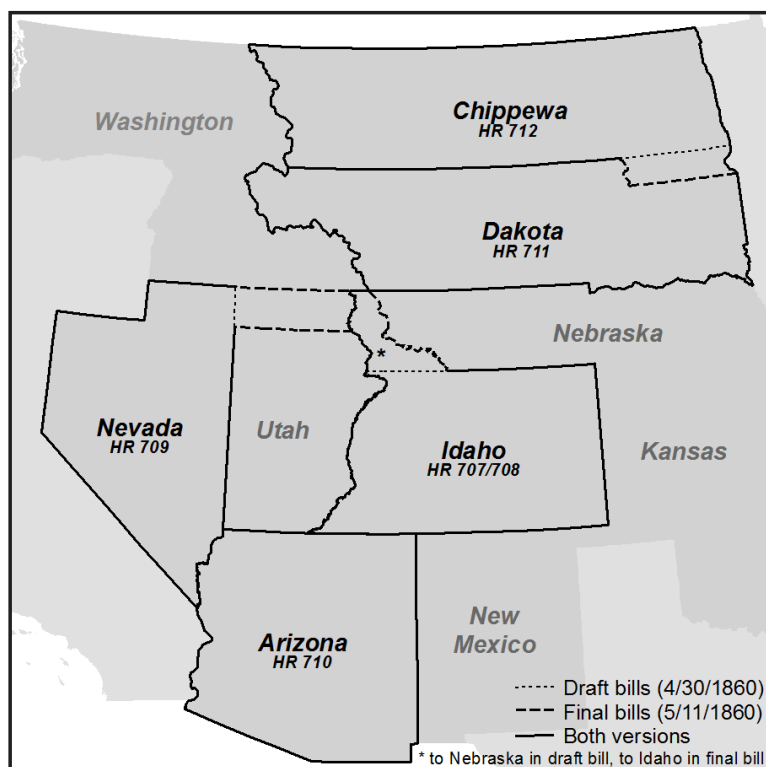


Figure 7. Initial proposal from the House Committee on Territories, May 1860 (H.R. 707-712).

On April 3, 1860, Green introduced new Senate bills for Arizona (S. 365) and Colorado (S. 366). As shown in Figure 6, the Arizona bill gave the citizens the boundaries they desired,⁵⁰ while the Colorado bill went further north than the current state (as requested by the provisional government), but cut off less of Utah and none of New Mexico. However, the Senate was busy with other matters, and the bills would have to wait several months for debate.

Grow and the House Committee on Territories had grander designs, drafting bills to create five new territories, adding “Chippewa” (North Dakota) to the four requests (H.R. 707-712), as shown in Figure 7. Comparing the boundaries of these bills with an earlier set of drafts found in the committee minutes⁵¹ show that Grow and the other committee members had put some time and effort into drawing the boundaries, which would have been drastically different from the 1861 acts; Nevada was actually more similar to its current shape than the final 1861 boundary, except for a northern panhandle that was never explained. Arizona was divided from New Mexico differently than other contemporary proposals, but close to what it would eventually look like in 1863. It is also the first mention of a massive Dakota, acquiring the unsettled (by whites) northern plains from Nebraska.

On May 10, Grow reported H.R. 707 to create “Idaho” (Colorado), which was postponed.⁵² On the next day, he re-reported the Idaho bill as H.R. 708, along with the others. In his report, Grow stated that the new settlement areas were too far from existing capitals to be governed effectively (especially the protection from Native Americans, and the rule of law), and needed immediate attention. However, all of the bills were tabled with little debate.⁵³ Only the Chippewa bill (H.R. 710) garnered much discussion, as congressmen on both sides were skeptical that anyone lived there. Although the Minnesotans and some others were aware of the settlement at Pembina, few realized that it was larger than all the southern Dakota towns combined. In addition, Eli Thayer spoke at length on his stand against all federal territories, preferring provisional self-government prior to statehood.

The votes to table H.R. 707-712 paint an interesting picture, passing with a unanimous bloc of Southern and Northern Democrats and the Southern Opposition (Table 5), and also several Republicans, for different reasons. First, the bills banned slavery, anathema both to the slave states and the non-interventionist Northern Democrats. The Republican defectors were primarily Thayer and his supporters.

Although all of the Senate and House bills failed, they are important to understanding the mindset of the members of Congress. The various drafted boundaries, the public debates, and the voting patterns are all evidence of the consideration of different political and regional factors.

The first session ended in June 1860, with no action concerning the territories, but it was very clear during the autumn election season that this issue was contributing to the crisis the country was facing. In one of the most fractious presidential campaigns in the country’s history, each of the factions nominated their own candidate: Lincoln for the Republicans, Douglas for the Northern Democrats, the sitting vice president John Breckinridge for the Southern Democrats, and former Tennessee senator John Bell for the Constitutional Union Party (an ephemeral

	Voters	All NO	Percent	Mixed	percent	All YES	Percent
Republican	95	83	87%	3	4%	9	9%
So Dem	55	0	0%	0	0%	55	100%
No Dem	28	0	0%	0	0%	28	100%
Opposition	20	0	0%	0	0%	20	100%

Table 5. House votes to table H.R. 707, 708, 709 (territories), May 11-12, 1860

organization of the whiggish Opposition in the Upper South, which found hope in a unionist platform). Each stated a strong position on the territorial question: Republicans for banning territorial slavery, Southern Democrats for protecting it, Northern Democrats for popular sovereignty, and the Unionists, who considered themselves the successors to Henry Clay, for a re-establishment of the Missouri Compromise of 1820 and its slave/free territorial division at 36°30' N.

Second session

When Congress returned for the second session in December after the election, it was clear that Lincoln's victory had accelerated the crisis. South Carolina did not officially secede until December 20, but its representatives never returned to Congress. Other Deep South congressmen returned, but even moderate Southern Democrats like Jefferson Davis, who wanted the Union to stay together, stated that it was probably too late for compromise, and would gladly depart with their states if the demands of the South were not met.⁵⁴ In contrast, the newly minted Unionists returned more unified and optimistic about the possibility of union-saving compromise, the Bell ticket having won three states, but were also the most fearful among the four factions of the disastrous consequences of not compromising.⁵⁵ Green and Grow intended to continue their agenda, but had little success.

Grow's House Committee on Territories created a new set of territorial bills (H.R. 887-890) for the second session. The proposed boundaries were changed somewhat from the earlier bills, as shown in Figure 8, especially the merger of Chippewa and Dakota, a shift in the New Mexico/Arizona Border and a significant enlargement of the Nebraska panhandle. The bills were printed, but were never introduced to the floor. Also, the 1856 Deseret (Utah) state constitution was re-introduced in the House December 31, and referred to committee, where it promptly died.⁵⁶

Meanwhile, the Senate opened the second session by returning to the consideration of Kansas statehood (H.R. 23), which it had debated for only a few days at the end of the previous session. It was the subject of constant and heated debate for the next two months, following the



Figure 8. Second proposal from the House Committee on Territories, printed in December 1860 (H.R. 887-890), but never officially introduced.

same script as in the House: legal and regional-factor arguments (e.g. population) divided along sectional lines. However, once the 1860 Census returns showed Kansas to have one hundred seven thousand residents, which was more than enough for a seat in the House, most of the South's arguments evaporated.⁵⁷

One additional proposal was an amendment offered by Green to change the Kansas boundaries, as shown in Figure 6. Although he justified the new western boundary proposed by the Kansas citizens as an even division of an uninhabitable desert, he wanted to move the southern boundary north of Indian lands and the northern boundary to the Platte River. Green justified the southern shift as a compromise to avoid the treaty infringement arguments, while also compensating for the lost farmland and population with the northern shift that was also a more visible boundary than where it then was (and now is).⁵⁸ This would have taken more than half of the Nebraska population, which Green proposed to compensate by annexing southern Dakota to Nebraska.⁵⁹ During the debates, opponents of the amendment generally agreed with the rationale, but did not feel it was serious enough to warrant opening a new boundary debate.

In January 1861, Green offered a second amendment—a rider to create Jefferson Territory. This was intended to avoid the situation in Dakota that resulted from the admission of Minnesota, in case a reduced Kansas was enacted, but not a separate Colorado Territory bill. Both amendments were defeated,⁶⁰ but the bill easily passed the Senate on January 21, and was signed on January 29, 1861.⁶¹

The Senate vote (Table 6) showed the same sectional vote as the House: 34-0 from the North, 2-16 from the South. The only two defections were Crittenden of Kentucky and future president Andrew Johnson of Tennessee, leaders of the Unionist faction who likely wanted to demonstrate that common sense should trump sectional politics.

Special committees

As South Carolina was seceding in December 1860, both the Senate and House created special committees to devise a solution to the slavery question in order to save the Union. The Senate committee considered many options, including the "Crittenden Compromise," a package introduced by the Kentucky Unionist that included extending the 1820 Missouri Compromise line (36°30' N) through New Mexico Territory (but without any mention of altering territorial boundaries), and a proposal by Henry M. Rice of Minnesota to create a state of "Washington" from all the remaining territory north of 36° 30' N, and "Jefferson" from the area to the south (Figure 9). His justification was that since states have the right to choose their slavery status, it would no longer be the concern of Congress. He acknowledged that the states would be unmanageably large, but he believed that they would divide themselves into several states as practical (although this had never happened before or since). It was offered and voted down on December 28, along with every other proposal of the committee.⁶² Rice later proposed another solution to the entire Senate, dividing the northern territories between the existing states (plus new states Kansas and New Mexico), as shown in Figure 9, but he tabled it himself until other options were exhausted.⁶³

The House special committee was more successful, creating five resolutions that it reported to the House, including Crittenden's extended Missouri Compromise line, and an enabling act

	Voters	NO	percent	YES	percent
Republican	26	0	0%	26	100%
So Dem	16	15	94%	1	6%
No Dem	8	0	0%	8	100%
Unionist	2	1	50%	1	50%

Table 6. Senate vote on H.R. 23 (Kansas Statehood), Jan. 21, 1861.



Figure 9. Compromise proposals of Senator H. M. Rice (D-MN), introduced during the second session.

for New Mexico statehood, allowing the residents to choose their slavery status.⁶⁴ During the committee debate, this was explicitly intended as a *quid pro quo* for a free Kansas, but once Kansas was recognized as a *fait accompli*, the direct connection was dropped.

The proposals were debated almost every afternoon and evening for the remainder of the session; an astounding eighty-seven congressmen (half the house) gave hour-long speeches, notably excepting New Mexico's own delegate, Miguel Otero. Although New Mexico statehood did not garner nearly as much discussion as the other committee proposals, it was frequently mentioned. Both sides often discussed regional factors, usually concerning the population (supporters usually giving an estimate of one hundred five thousand that turned out to be accurate, detractors usually estimating seventy-five thousand), and the potential economic viability of the desert landscape. Many on both sides stereotyped the residents (often referred to as "Mexicans," even though they were U.S. citizens) as potentially disloyal or too uneducated to govern themselves.⁶⁵

However, most comments (for and against) were related to the possibility of adding a slave (or possibly free) state. A group of conciliatory Republicans, including Seward and Charles Francis Adams of Massachusetts, had created the proposal to woo Southerners, saying that it would probably choose slavery due to its existing slave code. However, they also told other Republicans that it might reject slavery because there were very few slaves, and if not, it could easily be overtaken by Northern immigrants as Kansas had been. Extremists on both sides rejected this two-faced argument; unwilling to accept even the possibility of the other side gaining the state, they demanded guarantees. In fact, the backlash from Republican hardliners caused Adams, the sponsor of the proposal, to eventually turn against it.⁶⁶ Douglas Democrats and border-state Unionists voiced limited support for the idea, although most preferred the proposal to extend the 1820 Missouri Compromise line.

In February, after seven states had seceded, many Republican opponents added the arguments that the Crittenden Compromise was too late to save the Union, and that a sovereign

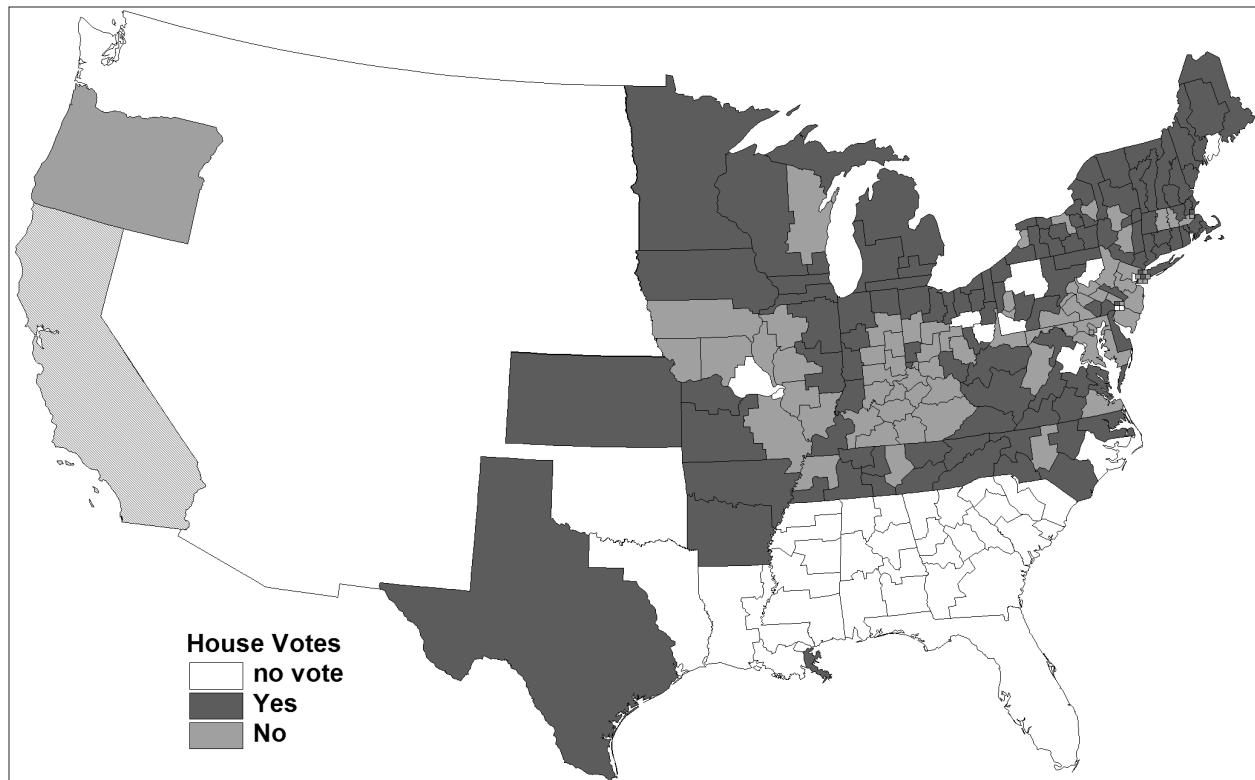


Figure 10. House vote to table H.R. 1008 (New Mexico statehood), March 2, 1861.

	Voters	NO	percent	YES	percent
Republican	105	27	26%	78	74%
So Dem	31	13	42%	18	58%
No Dem	29	20	69%	9	31%
Unionist	22	11	50%	11	50%

Table 7. House vote to table H.R. 1008 (New Mexico statehood), May 2, 1861.

New Mexico might secede, joining the Confederacy or even rejoining Mexico. Even the border-state moderates who had created the compromise proposals began to despair at their chances of success. James Wilson of Indiana summed up the situation very succinctly:

I have now considered all the plans of adjustment before Congress. No one of them can bring permanent and lasting peace to the country. I admit the Union is in peril. But . . . I do not believe that there is any possibility that this Congress can do anything to effect a settlement—we differ too widely and radically.⁶⁷

When the New Mexico bill (H.R. 1008) was brought up for a vote on the penultimate day of the Congress on May 2, 1861, it was quickly tabled, even as Otero begged for the floor, and William Hooper, the Utah delegate, attempted to add an amendment granting statehood to Deseret.⁶⁸ New Mexico would have to wait another fifty years for statehood. As shown in Table 7 and Figure 10, the vote to table H.R. 1008 clearly did not follow the common voting blocs, with all four factions dividing. For once, it appears that each congressman weighed the political and

regional factors involved, in the context of other compromise proposals, and voted his conscience rather than toeing the party line. Remnants of moderate, multi-partisan support for New Mexico on both sides of the slave-free border were overwhelmed by the extremists at both ends: Republicans who refused to make any concession to slavery when they were so close to dominating the entire government, and Southerners who recognized New Mexico as an immaterial gain.

Final acts

During the time the Senate was debating Kansas, the Arizona bill introduced the previous spring (S. 365) also resurfaced in December 1860. After two days of debate on whether slavery would be allowed, it was “postponed until tomorrow,” and never came up again.⁶⁹

On January 30, 1861, S. 366 returned to the floor of the Senate under the name of “Jefferson.”⁷⁰ Green immediately offered a replacement bill, with no mention of slavery status whatsoever, the name “Idaho” and a new boundary that trimmed the northern border but took much more of Utah (Figure 11), which was accepted. There was very little debate on the bill, since by this time enough Southern Senators had left due to their states seceding, that passage was guaranteed. Also, most lawmakers who did speak recognized the regional factors—especially that it was a significant cluster of population far removed from capitals in Salt Lake City and Topeka—and they saw little point in a drawn-out debate.

On February 4, S. 366 was again amended, changing the boundary to its current location and the name to “Colorado.” Green explained that the western boundary change was necessitated by new information on the extent of Mormon settlements; in his words, “they had better all remain together.” He also said that the southern boundary was being changed against his wishes and those of Otero, the delegate from New Mexico, as a compromise to garner Republican support for a territory without a ban on slavery.⁷¹ Although there were some objections to moving New

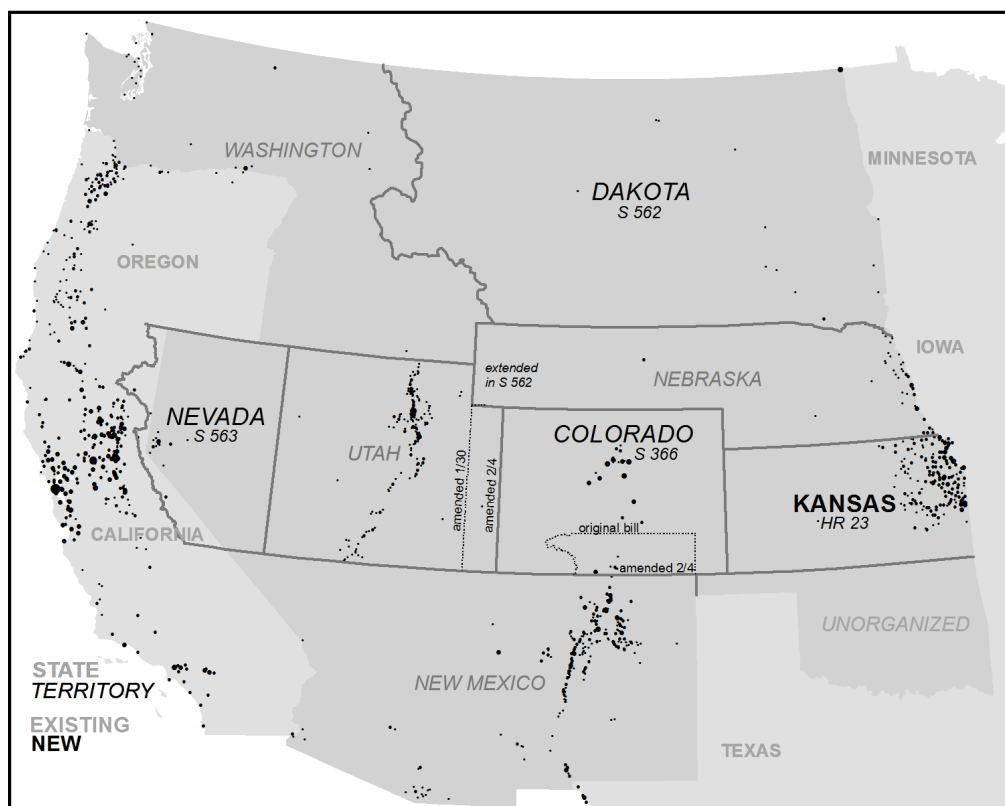


Figure 11. States and territories of the Western United States after passage of four acts in early 1861, including the final adjustments of Colorado Territory.

Mexicans who did not want to change governance, and transferring land out of a slave territory, the bill passed the Senate by a party line vote, taking advantage of the new Republican majority. When S. 366 was reported in the House on February 18, Otero attempted to amend the New Mexico border to its original location, with vocal support from southern Democrats, but Grow quashed debate, incorrectly claiming that nobody lived in the transferred portion of New Mexico. The bill was passed by another party-line vote (Table 8), and the President signed it on February 28, 1861.⁷²

Once the Colorado model was set, matching bills for the other territories, minus an Arizona bill that would have incurred a slavery debate, were rushed through Congress, as shown in Figure 11. Bills were introduced in the Senate on February 14, for a Dakota (S. 562) that took the northern plains and mountains from Nebraska (which retained southern Wyoming, and even annexed a portion of northeastern Utah in a rider on S. 562), and a Nevada (S. 563) that was smaller than earlier House proposals but adding the eastern slope of the Sierra Nevada, subsequent to approval by California (which never happened before Nevada relinquished the claim upon statehood in 1864). The bills passed the Senate with no debate, no amendments, and voice votes on February 25 and 26, rushed through the House on March 1 (with a party-line vote, as shown in Table 9), and signed by the President March 2, 1861.⁷³

It was a great irony that after months of refusal to compromise, and after the threat to secede without compromise had already been realized, the Republicans single-handedly created three territories without banning slavery. Moreover, they passed a constitutional amendment protecting slavery in the states, and decided not to repeal New Mexico's slave code. It is also a mystery why the Northern Democrats and southern Unionists, after begging for compromise on the territorial issue, almost unanimously voted against these bills. The lack of debate does not help, nor the fact that even the moderate Republicans did not promote the legislation as a compromise.⁷⁴ One possible reason is that other compromise legislation was then pending, as described above, including the extension of the Missouri Compromise line. Perhaps these acts were silent on slavery because the Republicans thought the rest of the compromise would take care of that, even though the possibility of passage was slim by late February. Southerners (including Unionists) likely voted against the bills because they created three more potential states that, even without an explicit slavery ban, were almost guaranteed to become free states. Yet another

	Voters	NO	percent	YES	percent
Republican	88	2	2%	86	98%
So Dem	20	20	100%	0	0%
No Dem	16	12	75%	4	25%
Unionist	11	11	100%	0	0%

Table 8. House vote on S. 366 (Colorado Territory), Feb. 18, 1861.

	Voters	NO	percent	YES	percent
Republican	81	0	0%	81	100%
So Dem	22	22	100%	0	0%
No Dem	21	13	62%	8	38%
Unionist	18	17	94%	1	6%

Table 9. House vote on S. 563 (Nevada Territory), Feb. 26, 1861.

possibility is that the Republican majority gave the Southern Moderates some political cover, so they could publicly take a pro-slavery stand while knowing that the bills would pass.

Conclusions

By the end of the 36th Congress in March 1861, the map of the West had changed significantly (compare Figure 11 to Figure 3), but not as much as it could have. Kansas was made a state with smaller boundaries than it previously had, and three new territories were created. Utah and Nebraska were reduced considerably, but neither had achieved the statehood they sought. California and New Mexico were left unchanged, despite their support for ceding territory. By analyzing the citizen requests, the debates, the votes, and the boundaries of failed and enacted bills, several observations can be made about the underlying processes.

A variety of regional factors played a role in the territorial changes. Bills were introduced (three times in some cases) subsequent to legitimate petitions from the new and established settlement regions asserting their rights of self-rule and the challenges of governance from distant capitals,⁷⁵ and in most cases, the outcome was in line with their regional-factor justification. Kansas had the requisite population to be admitted as a state, while Nebraska and Utah did not. Nevada and Colorado were clearly justified by their population and remoteness. The population of Dakota was very small but it was without any organized government at all. Utah was able to retain its status as a territory, despite attempts to destroy it. Of course, citizen requests were not entirely based on regional factors. Political desires for identity, clout, and economic potential⁷⁶ were also evident in the requests and their claimed boundaries. The debates in Congress over these proposals tended to focus on regional factors (such as settlement patterns and physical features) more than political factors, showing that congressmen were aware of the geographic situation in the West, even if they did not have complete information.

However, the evidence also shows that the final voting was most strongly influenced by slavery and the political goals it engendered. Most Republicans said that Kansas, Colorado, Nevada, and Dakota were obvious and immediate needs (using regional-factors rhetoric), but the equally justified proposals for changes to New Mexico, Arizona, and Southern California were ignored or rejected. They wanted to create as many northern territories as possible and to promote existing northern territories to states to build their power base, but keep southern New Mexico as a single territory to reduce southern power.⁷⁷ The Southern Democrats had the exact opposite view: Arizona and New Mexico were the most immediate needs. Even the proposals of the two moderate groups had more to do with solving the slavery problem than what was actually happening in the West. For example, extending the 36°30' N Missouri Compromise line had a strong political rationale, but contradicted regional factors because it would have divided the most densely populated part of New Mexico in half.

Almost every significant vote divided along either slavery or party lines, and the internal solidarity of the four voting blocs (Republicans, Southern Democrats, Northern Democrats, Southern Unionists) proved very strong. Although the Unionists generally sided with the Southern Democrats on these issues, the Northern Democrats were usually the group that decided the outcome, at least in the first session. In the second session, the successful bills were only enacted once the southern secessions had given the Republicans power to legislate at will.

In summary, most members seem to have followed a clear order of priorities from our model in their voting:

1. Take the action that will increase the long-term strength of your political interests (political factor)
2. Take the action that is desired by the residents, unless they are Mormons or Hispanic (regional factor).

In contrast to the voting on the creation of the political units themselves, regional factors appear to have been much stronger in the design of the boundaries. This is especially the case when one considers Congress' knowledge of western geography, as evidenced by contemporary maps.⁷⁸ The information on these maps about physical features and human settlement was very scarce, imprecise, and incorrect, especially at greater distances from the established settlement cores. The boundaries designed by Congress generally attempted to evenly divide the major settlement regions. Although the straight boundary lines may seem irrational today, in most cases, "better" boundary locations (e.g., mountains, rivers) were unknown, and the frontier regions between the cores were not considered important or contested enough to warrant more careful boundaries.

The major exceptions to this pattern were in cases in which western governments with greater political clout such as Kansas and Nebraska desired to gain high value land or to get rid of distant, unmanageable land by giving it to regions with less influence. For example, Nebraska ceded most of its distant territory to Dakota, except for the potentially lucrative railroad corridor, of which it even annexed some territory from Utah. Only the New Mexico-Colorado border appears to be an overt political boundary (a compromise for votes, as stated above).

Generally, boundary decisions tended to follow the following order of priorities from our model:

1. Give the territories you like what they want (political and regional)
2. Keep existing boundaries whenever possible (regional)
3. Minimize travel distance to the state/territory capital (regional)
4. Straight boundaries that are simple to describe are best, especially in unimportant lands (regional)
5. Use barrier features such as rivers and mountains if they are well known and consistent with other factors (regional)

In general, regional boundaries appeared when political issues did not come into play, which in this case was most of the time. This pattern was quite different from the Compromise of 1850, in which political factors played a much larger role in the drawing of the boundaries, especially the line between Utah and New Mexico.

In all of these cases of territorial change, our four basic principles apply in varying degrees. For example, the "identity" associated with the Mormons in Utah and the Hispanic population of New Mexico was certainly an important issue. Additionally, "resource" and "service area" arguments were important in the discussions related to Kansas, Nebraska, and the Dakotas. And finally, the perceived "political capital" associated with the creation of political units that might lean one way or the other in terms of the slavery questions loomed large during our study period.

In conclusion, the bills, debates, and votes of the 36th Congress exhibit a fairly clear pattern of legislators considering both regional and political factors. These factors could also explain the process of governmental subdivision in many different historical and current situations, and at different scales, although perhaps in different orders of priority. As our model is further refined, it would be valuable to test its application to other eras in U.S. History, and in other countries, especially comparing various forms of federal and unitary governments. We would also like to test how well the model applies to other scales, such as cities, counties, and congressional redistricting, which appear to be created based on similar factors.⁷⁹

Regardless of its general applicability, our analysis significantly aids in the understanding of the territorial actions of 1859-1861. As it created territories and states, and declined other proposals, the 36th Congress was not just about slavery, nor was it purely concerned with the geography and wishes of the western territories; its decisions exhibited a complex interaction of

geographical and political considerations. It was an interplay of general principles and unique events that has had a lasting effect on the geography of the western United States.

NOTES

- 1 Richard Hartshorne, "Suggestions on the Terminology of Political Boundaries," *Annals of the Association of American Geographers* 26 (1936): 56-57; Douglas W. Johnson, "The Role of Political Boundaries," *Geographical Review* 4 (1917): 2-10. Notable early examples include these references.
- 2 Stephen B. Jones, *Boundary-making, A Handbook for Statesmen, Treaty Editors, and Boundary Commissioners* (Washington, D.C.: Carnegie Endowment for International Peace, 1945); Eric J. Hobshawn, *Nations and Nationalism Since 1780: Programme, Myth, Reality* (Cambridge University Press, 1990); J.R.V. Prescott, *Political Frontiers and Boundaries* (Boston: Allen & Unwin, 1987).
- 3 David M. Smith, "The Sharing and Dividing of Geographical Space," in *Shared Space-Divided Space: Essays on Conflict and Territorial Organization*, eds. Michael Chisholm, David M. Smith (London: Unwin Hyman, 1980), 2-3; Robert D. Sack, *Human Territoriality: Its Theory and History* (Cambridge University Press, 1986), 21.
- 4 Ronan Paddison, *The Fragmented State: The Political Geography of Power* (Oxford, UK: Blackwell, 1983), 16.
- 5 Paddison, *The Fragmented State*, 12; John A. Agnew, "Regions on the Mind Does Not Equal Regions of the Mind," *Progress in Human Geography* 23 (1999): 91-96.
- 6 Smith, "Geographical Space," 1. Paddison, *The Fragmented State*, 123; Jean Gottmann, *The Significance of Territory* (Charlottesville, VA: Univ. of Virginia Press, 1973), 54.
- 7 Prescott, *Political Frontiers*, 102.
- 8 Sack, *Human Territoriality*, 151, 157; Paddison, *The Fragmented State*, 14, 147; Gottman, *Significance of Territory*, 101.
- 9 Paddison, *The Fragmented State*, 19, 253; Rosemarie Zagarri, *The Politics of Size: Representation in the United States, 1776-1850* (Ithaca, NY: Cornell University Press, 1987), 61-81.
- 10 Smith, "Geographical Space," 1, 11- 12; Paddison, *The Fragmented State*, 19, 123, 253; Gottman, *Significance of Territory*, 54; Zagarri, *The Politics of Size*, 37, 61-81, 122.
- 11 Sack, *Human Territoriality*, 157; Paddison, *The Fragmented State*, 14, 147; Gottmann, *Significance of Territory*, 101.
- 12 Donald W. Meinig, "American Wests: Preface to a Geographical Introduction," *Annals of the Association of American Geographers* 62 (1972): 159-184; Donald W. Meinig, *The Shaping of America: A Geographical Perspective on 500 Years of History, Volume 3: Transcontinental America, 1850-1915* (New Haven: Yale Univ Press, 1998). The model is further developed and contextualized in previous reference. Paddison, *The Fragmented State*, is a broader comparative work of subnational government.
- 13 Meinig, *The Shaping of America*, 432-479.
- 14 For examples, refer to Fred M. Shelley, J. C. Archer, F. M. Davidson, S. D. Brunn, *Political Geography of the United States*, (New York: Guilford Press, 1996); Glen M. Leonard, "Southwestern Boundaries and the Principles of Statemaking," *Western Historical Quarterly* 8 (1977): 39-53..
- 15 For examples, see B. Sacks, *Be It Enacted: The Creation of the Territory of Arizona* (Phoenix: Arizona Historical Foundation, 1964); Howard R. Lamar, *Dakota Territory: 1861-1889* (New Haven, CT: Yale University Press, 1956).
- 16 Mark J. Stegmaier, "An Imaginary Negro in an Impossible Place? The Issue of New Mexico Statehood in the Secession Crisis, 1860-1861," *New Mexico Historical Review* 84, no. 2: 263-290.

- 17 Michael A. Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War* (Chapel Hill: University of North Carolina Press, 1997); David M. Potter (completed and edited by Don E. Fehrenbacher) *The Impending Crisis: 1848-1861* (Harper & Row, 1976); Joel H. Silbey, *The Partisan Imperative: The Dynamics of American Politics Before the Civil War* (Oxford University Press, 1985).
- 18 William J. Cooper, *We Have the War Upon Us* (New York: Knopf, 2012), 207-208; Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill: University of North Carolina Press, 1989), 255.
- 19 Wayne L. Wahlquist, "Population Growth in the Mormon Core Area: 1847-90," in *The Mormon Role in the Settlement of the West*, ed. Richard H. Jackson (Provo, UT: Brigham Young University Press, 1978), 107-134.
- 20 United States House of Representatives, *Miscellaneous Documents*, 36th Congress (hereafter *H. MiscDoc.*), 1st Session #6.
- 21 Sacks, *Territory of Arizona*, 39; Kent D. Richards, *Growth and Development of Government in the Far West: The Oregon Provisional Government, Jefferson Territory, Provisional and Territorial Nevada* (PhD Dissertation, University of Wisconsin, 1976)
- 22 Brad Tennant, "Becoming Dakota Territory: The 1861 Organic Act and the Struggle for Territorial Status," *South Dakota History* 43, no. 2 (Summer 2013): 118-146.
- 23 Richards, *Growth and Development*, 163, 232; Sacks, *Territory of Arizona*, 40; Lamar, *Dakota Territory*, 41. A few, such as California, Oregon, and Utah (as the "State of Deseret"), had been fully functioning; however, Nevada, Arizona, Dakota, and "Jefferson" (Colorado), were more symbolic than substantial, with assemblies that existed only long enough to draft a constitution, elect a spokesman "governor" and send a lobbyist "delegate" to Washington with a memorial requesting recognition.
- 24 Kevin T. Barksdale, *The Lost State of Franklin: America's First Secession* (Lexington: University Press of Kentucky, 2008).
- 25 Myron Angel, *History of Nevada* (Thompson & West, 1881), 71; *H. MiscDoc.* 1st Session, 10; Sacks, *Territory of Arizona*, 40 and Stegmaier, "New Mexico Statehood," 265. First reference for Nevada. Second reference for Jefferson. Third reference for Arizona.
- 26 *S. MiscDoc.* 1st Session, 2; *CG*, 1st Session, 494.
- 27 Kirk H. Porter, *National Party Platforms* (1924), 48.
- 28 Stegmaier, "New Mexico Statehood," 274.
- 29 Daniel J. Elazar, *Building Toward Civil War: Generational Rhythms in American Politics* (Madison Books, 1992), 18.
- 30 Matthew Glassman, "Beyond the Balance Rule," in *Congress and the Crisis of the 1850s*, eds. Paul Finkelman and Donald R. Kennon, (Athens, OH: United States Capitol Historical Society), 84.
- 31 Porter, *National Party Platforms*, 48.
- 32 Morrison, *Slavery and the American West*, 195.
- 33 Potter, *The Impending Crisis*, 416; Crofts, *Reluctant Confederates*, 123-124. "Southern Opposition" was never an official name, nor was it an organized party. The congressional record lists these congressmen as the American Party, which was the official name of the 1850s nativist party that was commonly known as the Know-Nothing movement. However, by 1859, the American Party was basically defunct, and most of these congressmen had only loosely ever been tied to it. They generally still referred to themselves as Whigs, or as "the opposition" to the Democratic Party that dominated most of the South. During the 1860 Election and the subsequent Secession Crisis, the opposition in the Upper South became more unified in their defense against the secession of slave states, thus becoming known as Unionists. In fact, many border states organized a Union Party during the winter of 1861. In

the Deep South, former whigs such as Alexander Stephens reluctantly agreed to secession, and thus were often called "cooperationists."

- 34 Thomas B. Alexander, *Sectional Stress and Party Strength: A Study of Roll-Call Voting Patterns in the United States House of Representatives, 1836-1860* (Vanderbilt University Press, 1967), 104.
- 35 United States Congress, *Congressional Globe*, 36th Congress (Washington, D.C., John C. Rives, 1861), <http://memory.loc.gov/ammem/ankaw/lwgcg.html> (hereafter CG); U.S. House of Representatives, *House Journal*, 36th Congress, <http://memory.loc.gov/ammem/amlaw/lwhj.html> (hereafter HJ); U.S. Senate, *Senate Journal*, 36th Congress, <http://memory.loc.gov/ammem/amlaw/lwsj.html> (hereafter SJ); U.S. Congress, *Bills and Resolutions of the House and Senate*, 36th Congress, <http://memory.loc.gov/ammem/amlaw/lwhbsb.html> (cited as H.R. or S.).
- 36 HJ 1st Session, 210; SJ, 1st Session, 27.
- 37 SJ 1st Session, 66, 97; CG 1st Session, 494, 648. The Dakota resolution was tabled before it was referred to committee. The California memorial was referred to the Judiciary Committee, probably due to constitutional questions of the re-federalization of state land.
- 38 HJ, 1st Session, 232, 294, 326, 691; SJ, 1st Session, 177; CG, 1st Session, 756, 909. The Senate Kansas Bill (S. 194) was fiercely debated upon introduction, but never referred to committee.
- 39 CG, 1st Session, 648, 816; HJ, 1st Session, 320, 571.
- 40 In fact, since most bills were not printed prior to committee consideration, the text of these bills (including their boundaries) is unknown.
- 41 United States House of Representatives, *Minutes, House Committee on Territories*, 35th Congress, 1st Session (Feb 23, 1860) - 43rd Congress, 1st Session (Dec 17, 1873) (Hereafter HCT Minutes), U.S. National Archives, 8E3/15/20/2. Presumably, minutes, debate, and testimony were recorded, but only one incomplete minute book from the Committee on Territories could be found via reference.
- 42 CG, 1st Session, 2616.
- 43 Stephen A. Douglas, *Remarks of the Hon. Stephen A. Douglas on Kansas, Utah, and the Dred Scott Decision, Delivered at Springfield, Illinois, June 12th 1857* (Chicago: Daily Times).
- 44 CG, 1st Session, 1411, 1495, 2057; HJ, 1st Session, 1165. Thayer's proposals were unique in that they did not propose territories, merely land districts to sell federal lands to settlers. Thayer had been instrumental in settling Kansas with free-state emigrants, and preferred that settlers govern themselves through *ad hoc* provisional governments rather than federal territories. However, he had very little support for this theory in Congress, and almost every one of his proposals was refused from being officially introduced on the floor (let alone brought to a vote). It seems likely that Thayer's unorthodox views on this and other issues were among the reasons he lost his seat in the 1860 election.
- 45 CG, 1st Session, 1515.
- 46 HJ, 1st Session, 661. H.R. 7 later died in the Senate committee, but a virtually identical bill from Morrill was enacted by the 37th Congress.
- 47 CG, 1st Session, 1662.
- 48 CG, 1st Session, 1642.
- 49 Glassman, "Beyond the Balance Rule," 96.
- 50 The East-West dividing line would have passed through the middle of the future Phoenix.
- 51 HCT Minutes, 30 April 1860.
- 52 CG, 1st Session, 2047.
- 53 CG, 1st Session, 2066-2077.
- 54 Cooper, *We Have the War Upon Us*, 105.
- 55 Crofts, *Reluctant Confederates*, 195.

- 56 *HJ*, 2nd Session, 122; *H. MiscDoc.* 2nd Session, #10.
- 57 *CG*, 2nd Session, 189.
- 58 *CG*, 1st Session, 2616.
- 59 *CG*, 1st Session, 2618.
- 60 *SJ*, 2nd Session, 116, 121.
- 61 United States Congress, *Statutes at Large of the 36th Congress of the United States of America* (1861), 288; 17, <http://memory.loc.gov/ammem/amlaw/lwsl.html> (hereafter *U.S. Stat.*).
- 62 United States Senate, *Committee Reports, 36th Congress* (1861) (hereafter *S. Rep.*), 2nd Session, #288, 17.
- 63 *CG*, 2nd Session, 401.
- 64 United States House of Representatives, *Committee Reports, 36th Congress* (1861) (hereafter *H. Rep.*), 2nd Session, #31; *CG*, 2nd Session, 378.
- 65 Stegmaier, "New Mexico Statehood," 274.
- 66 Cooper, *We Have the War Upon Us*, 156.
- 67 *CG*, 2nd Session, Appendix, 133.
- 68 *CG*, 2nd Session, 1327.
- 69 *SJ*, 2nd Session, 68.
- 70 *CG*, 2nd Session, 639.
- 71 *CG*, 2nd Session, 728, 765; Lamar, *Dakota Territory*, 61.
- 72 *CG*, 2nd Session, p. 1003; *U.S. Stat.*, 59; 172.
- 73 *U.S. Stat.*, 83; 209; and 86; 239.
- 74 Cooper, *We Have the War Upon Us*, 105; Crofts, *Reluctant Confederates*, 255. Previous studies have also noted the inexplicable nature of this result, including references.
- 75 Sack, *Human Territoriality*, 86-90, 151, 157; Smith, "Geographical Space," 12; Zagarri, *Politics of Size*, 26, 37.
- 76 Paddison, *Fragmented State*, 12; Agnew, "Regions of the Mind"; Gottmann, *Significance of Territory*, 105.
- 77 Paddison, *Fragmented State*, 19, 253; Zagarri, *Politics of Size*, 61-81.
- 78 Gouverneur K. Warren, *Map of the Territory of the United States from the Mississippi River to the Pacific Ocean* (Washington, D.C.: Army Topographical Engineers, 1858). Although it is not known what maps were used in the drafting of bills, a likely candidate is this reference. It was produced for Congress, matches the geography as described in the debates, and the Library of Congress has a copy with the enacted 1861 boundaries hand-drawn (G4050 1858. W34, digital copy at <http://hdl.loc.gov/loc.gmd/g4050.ct001205>).
- 79 Fr coKarinne Rancie, Samuel M. Otterstrom, Jeffrey M. Sanders, and Fredric J. Donaldson, "Environmental and Social Influences on Historical County Creation in the United States," in *Planning and Socioeconomic Applications, Geotechnologies and the Environment* 1, eds. J. D. Gatrell and R. R. Jensen, (Berlin: Springer), 183-204. For counties, see reference.