

AMERICAN CONSTITUTIONALISM  
VOLUME II: RIGHTS AND LIBERTIES  
Howard Gillman • Mark A. Graber • Keith E. Whittington

Supplementary Material

Chapter 5: The Jacksonian Era — Foundations/Principles

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**Democrats v. Republicans: National Party Platforms (1856)**

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*During the 1850s, party competition between Democrats and Republicans replaced party competition between Democrats and Whigs. Most Republicans, including Abraham Lincoln, were former Whigs. Nevertheless, the political realignment of the 1850s was based on a change in the basis of partisan competition, not a change in party labels. Democrats and Republicans fought over slavery. Republicans insisted that slavery be prohibited in all American territories, blamed slaveholders for civil rights violations in the Kansas territory, and demanded that Kansas enter the Union as a free state. Democrats maintained that the Constitution gave slaveholders the right to bring their slaves into American territories and blamed abolitionists for the violence that took place in Kansas during the 1850s. Most Democrats, not all, believed that Kansas should enter the Union as a slave state.*

*Consider the following questions when reading the excerpts below. Why did Republicans couple slavery and polygamy (which refers to Mormons in Utah)? Was this a sign of their Whig heritage? Did Republicans object to slavery as inconsistent with the rights of persons of color or the rights of white persons? Did Democratic principles provide better foundations for slavery than Whig principles? Was the northern Democratic tendency to protect slavery mere political convenience (combined with racial insensitivity)? Notice the strong assertion of immigrant rights in the Democratic Party Platform. The Republican Party Platform said nothing about controversies over religion and alien rights. Why was the Republican Party more sensitive to the rights of persons of color (and women) and less sensitive to the rights of the foreign-born?*

*Republican Party Platform of 1856*

This Convention of Delegates, . . . without regard to past political differences or divisions, who are opposed to the repeal of the Missouri Compromise; to the policy of the present Administration; to the extension of Slavery into Free Territory; in favor of the admission of Kansas as a Free State; of restoring the action of the Federal Government to the principles of Washington and Jefferson; and for the purpose of presenting candidates for the offices of President and Vice-President, do

Resolved: That the maintenance of the principles promulgated in the Declaration of Independence, and embodied in the Federal Constitution are essential to the preservation of our Republican institutions, and that the Federal Constitution, the rights of the States, and the union of the States, must and shall be preserved.

Resolved: That, with our Republican fathers, we hold it to be a self-evident truth, that all men are endowed with the inalienable right to life, liberty, and the pursuit of happiness, and that the primary object and ulterior design of our Federal Government were to secure these rights to all persons under its exclusive jurisdiction; that, as our Republican fathers, when they had abolished Slavery in all our National Territory, ordained that no person shall be deprived of life, liberty, or property, without due process of law, it becomes our duty to maintain this provision of the Constitution against all attempts to violate it for the purpose of establishing Slavery in the Territories of the United States by positive legislation, prohibiting its existence or extension therein. That we deny the authority of Congress, of a Territorial Legislation, of any individual, or association of individuals, to give legal existence to Slavery in any Territory of the United States, while the present Constitution shall be maintained.

Resolved: That the Constitution confers upon Congress sovereign powers over the Territories of the United States for their government; and that in the exercise of this power, it is both the right and the imperative duty of Congress to prohibit in the Territories those twin relics of barbarism—Polygamy, and Slavery.

...  
Resolved, That Kansas should be immediately admitted as a state of this Union, with her present Free Constitution, as at once the most effectual way of securing to her citizens the enjoyment of the rights and privileges to which they are entitled, and of ending the civil strife now raging in her territory.

...  
Resolved, That we invite the affiliation and cooperation of the men of all parties, however differing from us in other respects, in support of the principles herein declared; and believing that the spirit of our institutions as well as the Constitution of our country, guarantees liberty of conscience and equality of rights among citizens, we oppose all legislation impairing their security.

#### *Democratic Party Platform of 1856*

Resolved . . . That the Federal Government is one of limited power, derived solely from the Constitution; and the grants of power made therein ought to be strictly construed by all the departments and agents of the government; and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

...  
That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned by the Constitution, which makes ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith, and every attempt to abridge the privilege of becoming citizens and the owners of soil among us, ought to be resisted with the same spirit which swept the alien and sedition laws from our statute-books.

And Whereas, Since the foregoing declaration was uniformly adopted by our predecessors in National Conventions, an adverse political and religious test has been secretly organized by a party [the Know-Nothings] claiming to be exclusively American, it is proper that the American Democracy should clearly define its relation thereto, and declare its determined opposition to all secret political societies, by whatever name they may be called

Resolved, That the foundation of this union of States having been laid in, and its prosperity, expansion, and pre-eminent example in free government, built upon entire freedom in matters of religious concernment, and no respect of person in regard to rank or place of birth; no party can justly be deemed national, constitutional, or in accordance with American principles, which bases its exclusive organization upon religious opinions and accidental birth-place. And hence a political crusade in the nineteenth century, and in the United States of America, against Catholic and foreign-born is neither justified by the past history or the future prospects of the country, nor in unison with the spirit of toleration and enlarged freedom which peculiarly distinguishes the American system of popular government.

Resolved, That we reiterate with renewed energy of purpose the well considered declarations of former Conventions upon the sectional issue of Domestic slavery, and concerning the reserved rights of the States.

1. That Congress has no power under the Constitution, to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution; that all efforts of the abolitionists, or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

...

Resolved, That claiming fellowship with, and desiring the co-operation of all who regard the preservation of the Union under the Constitution as the paramount issue—and repudiating all sectional parties and platforms concerning domestic slavery, which seek to embroil the States and incite to treason and armed resistance to law in the Territories; and whose avowed purposes, if consummated, must end in civil war and disunion, the American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Kansas and Nebraska as embodying the only sound and safe solution of the “slavery question” upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union—NON-INTERFERENCE BY CONGRESS WITH SLAVERY IN STATE AND TERRITORY, OR IN THE DISTRICT OF COLUMBIA.

Resolved, That we recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of actual residents, and whenever the number of their inhabitants justifies it, to form a Constitution, with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with the other States.

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