

The Compromise of 1850

It is not uncommon for a decade to start before or after the calendar suggests it is appropriate to begin reckoning real time. For instance, a good argument could be made that the famous or infamous 1960's began on November 22, 1963 with the death of President Kennedy. So, too, can it be said that the 1850's, as dramatic a sequence of years that the United States has faced culminating in the horror of the Civil War, really began the evening of August 8, 1846 when a little known or appreciated Congress person from Pennsylvania placed an amendment on a Presidential request for an appropriation of monies to help the US negotiate a settlement with the Mexican government in the midst of the Mexican War. The request was for \$2 million, by our standards an inconsequential sum, but this appeal would set off political reverberations that would be felt throughout the 50's and bring on the Civil War. The Representative was David Wilmot, the amendment was that no money appropriated by Congress in the midst of this war should go to the purchase of territory that would be open to the introduction of slavery. It became known as the Wilmot Proviso. Immediately an amendment to the amendment was offered to extend the Missouri Compromise line of 36 30 to the Pacific Ocean. This amendment was voted down 89-54 in the House. Wilmot's legislation passed muster in the House by a strictly sectional vote of 80-64. The Senate talked over the bill for hours and finally adjourned without taking action.

But the die had been cast. Should we win the Mexican War what will we do about slavery in the areas we will take from Mexico? The irony in this discussion is that this is an area where few people live with a climate and topographical conditions that would be hostile to human habitation, never mind slavery for years to come. Only a small percentage of the body politic calling themselves "abolitionists" were making a case for the end of slavery in the states where it already existed. Those who supported Wilmot on the territorial issue were no friends of the African-American. They wanted no slaves in the new territories. Truth be known they wanted no free African Americans in the new territories either. What is the background of this struggle?

As we have discussed on more than one occasion the Constitution legitimized the ownership of human property in the United States. **No slavery, no Union.** Many of the Founders were themselves slave owners themselves were slave owners.

the 1793 Compromise, the Slave Trade Compromise legalizing the importation of slaves from Africa until 1808, and the Fugitive Slave provision calling for the return of all escaped slaves to their rightful masters should they be caught anywhere in the USA all signified the constitutionality of human slavery. Yet for many Americans in the early years of the Republic the unwillingness of the Founders to explicitly use the terms "slave" or "human property" suggested that the Founders were not really comfortable with the institution or their handiwork. This perceived discomfort seemed reinforced by the willingness of many Northern states to outlaw slavery in their midst in the years after the Revolution. Not only that, but the provisions of the Northwest Ordinance of 1787 making illegal the spread of slavery into the territory north of the Ohio River and east of the Mississippi where the present states of Ohio, Indiana, Illinois, Michigan, and Wisconsin are located clearly showed that the Founders believed that a central government speaking for the entire country could outlaw a certain form of property in territory owned in common by all. This is most important. To highlight this point it must be shown that this bill was passed in the same year as the Constitutional Convention was taking place in Philadelphia. Many of the same men who passed the Northwest Ordinance were at the Constitutional Convention. While they seemingly legitimized slavery where it already existed it could be argued they left it to future generations to use their legislative branches in the states and in Washington to decide where, how, and if slavery would spread. Since Thomas Jefferson was the author of the NW Ordinance of 1787, he the owner of 200 slaves in his own right, was it not right to assume that while he was unwilling any time soon to set free his own slaves that he believed that slavery would ultimately become an extinct institution if only we stopped its spread to new areas?

In 1820 it could be argued another generation of political leaders reaffirmed Congress's constitutional right to legislate about slavery in the territories with the passage of the Compromise of 1820 establishing a line of latitude (36 30) north of which there could be no slavery (except for the state of Missouri) and south of which was open to the institution within the recently acquired Louisiana Purchase of 1803. Article IV, Section 3, Paragraph 2 of the Constitution reads, "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other property belonging to the United States." That settled the issue, it would seem, until the evening of 1846 when Mr. Wilmot got the attention of the Speaker of the House and proffered his amendment.

Before one believes that this is an open and shut case take another look at the Constitution. You have already seen the three provisions that legalized slavery. Take a look at the 5th Amendment. Note the clause "(No person shall) be deprived of life, liberty, or property, without due process of law." Could we not combine this provision of the Constitution with Article IV above and make the legal claim that Congress can make all rules and regulations for the territories except those which touch upon Constitutionally protected property, namely slavery. In order to keep the Union together the South had been willing to forego making an issue of this in the past - the addition of one slave state for every free state had kept balance in the Congress, particularly the Senate. But with the addition of the Mexican Territory if Mr. Wilmot got his way those areas would eventually enter the Union as free states giving anti-slave sympathizers more clout in Congress, more votes in the electoral college so affecting future Southern candidates for the Presidency, and with control of both the legislative and executive branches of the government, primacy in the judicial branch with a monopoly of new appointees.

If all this were to come to pass would it be a surprise for a future Congress and President to propose a constitutional amendment ending slavery even in those areas where it already exists, namely the South?

Did not Jefferson, a Southern slave owner assert in the Declaration of Independence that when a government no longer represents the best interests of its people as expressed by the enthusiastic consent the governed "...it is their duty, to throw off such Government, and to provide new Guards for their future security?"

Perhaps it is time to consider leaving the Union, to go it alone. Did it not say in Article IV, Section 2: "The Citizens of each state shall be entitled to all privileges and Immunities of Citizens in the several States.?" If this is so and it is a fundamental right of a citizen of the USA to own constitutionally protected property and human property is clearly constitutionally protected property, how can the Federal Government even consider outlawing that type of property in areas owned and paid for by the taxes of all the citizens of the USA including slave owners?

Now push this a tad further - look at Article VI, paragraph 2: "This Constitution ... shall be the supreme law of the land." If the South wanted to push the issue, how is it constitutionally possible for even a "free" state to outlaw a constitutionally sanctioned form of property within its boundaries? From a Southern perspective they have patiently not pushed controversial issues to upset the Union. Now Northern anti-slave,

free-soil, abolitionists are trying to roil the waters. If they get their way the South will disappear. ~~That these ideas are not so farfetched is proven by the course of events in the 1850's and the onset of war in 1861.~~ How to forestall this if the goal is to maintain the Union? If the Union does not ~~have the~~ value it once did to a proportion of its citizenry should we take steps to allay their fears, let them go peacefully, or force them at the point of a bayonet to remain within its confines? But what does that say for the democratic experiment if the last option is all that can keep the Union together? On the other hand, if keeping the Union together must be done at the expense of the continuation of the immoral institution of slavery in the minds of another whole sector of the society where is justice in this noble experiment of representative democracy?

One hopes that it is clear that people are playing for keeps. These issues are fundamental to the continued existence of the United States of America. Everyone understands this. With that in mind let us look at the problem.

Congressional stalemate is the order of the day from 1846 to 1850. The USA defeated Mexico and received a sizable addition of land. Slave or free? The victorious President at the time, James K. Polk, took a commonly held position that the whole argument over the new territories was pure abstraction - no slave owner in his right mind would take slaves into an area so forbidding in its climate and topography. He stepped down in 1849 to be replaced by Zachary Taylor, a war hero from the recent struggle. He is an enigma - a President who had never voted before his own election, a Southern slave owner who relied upon William Seward of New York as his closest advisor though Seward was an ardent abolitionist.

On January 29, 1850 Henry Clay of the West, Prince Hal, stepped into the breach. Henry Clay came before the Senate and offered a series of propositions to break the logjam and **preserve the Union**. His proposals included:

- (1) California should be admitted to the Union as a free state;
- (2) in the rest of the territory gained from Mexico popular sovereignty would hold sway on the issue of slavery - Congress says nothing, let the people who move into the area decide whether slavery would be protected;
- (3) the western boundary of Texas (a slave state) should be drawn so as to exclude New Mexico;
- (4) in return, the USA should assume all of Texas's debts accumulated before it

became a part of the USA;

- (5) the slave trade in Washington, D. C. was ended;
- (6) slavery will never be ended in Washington, D.C. without the consent of the people of Maryland and the District, nor without just compensation to the owners;
- (7) a much more effective Fugitive Slave Act should be passed;
- (8) Congress admits that it has no power over the interstate slave trade.

Then ensuing debate is one of the most critical moments in our history up to this time. On the following pages you will find 4 options that were part of the debate in Congress. I have also given you the biographies and in most cases the pictures of leading figures in the debate.

Each of you will be assigned an option to defend. Read it over, what are its key arguments, what do its opponents argue, is there any wiggle room? Politics is the art of compromise and yet two of the four positions will brook no compromise.

Know your position, write a series of questions from your perspective of the other positions.

We will hold a Congressional session where you will ultimately have to accept the compromise or vote it down.

When we have completed that I will ask you to step out of your roles and decide what should have been the proper response to this crisis.

Option One - Wilmot Proviso should be passed

Congress possesses the power to regulate slavery in the territories and should use it for the total exclusion of the institution. There are two groups who come under this umbrella - free soilers and abolitionists. Free soilers believe in the ultimate extinction of slavery. Where it already exists they have no intention of challenging the institution. Stop its spread. They are not necessarily sympathetic to the cause of African-Americans. They hold that African-Americans are inferior to white Americans. They just believe that slavery is both evil and legal where it already exists, BUT SHOULD GO NO FURTHER. It is on the path to extinction if we can but stop its spread.

Abolitionists want to end slavery come hell or high water. It is an evil that should be eradicated from the USA. They, of course, do not want to see its spread. Some of them would accept the South leaving the Union - good riddance to bad rubbish. Others believe that slavery may have to be eliminated from the land through political means or even violence without the South leaving the Union. They are divided as well on the issue of political and social equality between whites and blacks. Constitutional arguments ultimately hold no water for them. The constitution itself when it legalizes slavery is an evil document. William Seward, Senator from New York, in a famous speech said:

But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part ... of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are his stewards and must so discharge our trust as to secure in the highest attainable degree their happiness.

Now God is part of the political discussion and God is on the side of the abolitionists. This does not go down well with Southerners.

Look at the reading - how will they use the Constitution to support their position?

How do you suppose they will feel about the other three positions?

How will they feel about a strong fugitive slave law?

How will they feel about California and Texas?

How about popular sovereignty? or stretching the Missouri Compromise Line?

Would a compromise here be a wise choice on their part?

Will the end of the slave trade in Washington be enough to support the Compromise?

Should they compromise on an issue they feel has a moral dimension that is higher than any political consideration?

If the South secedes what should be the position of the USA? just let them go? fight to keep them in?

Once you take yourself out of character, do you think their position had merit?

Wilmot Proviso is utterly wrong

Congress did not possess constitutional power to regulate slavery in the territories and, therefore, slavery could not be excluded from a territory prior to admission to statehood. If the territory were open to slavery after it became part of the country and the settlers who moved there did not want slavery when enough people lived in the territory to become a state, so be it. But while territory the Federal government not only could not prohibit slavery, they must protect it. After slavery was not a peculiar institution, it was a positive good for both the slave masters as well as the slaves. It was not on the road to ultimate extinction unless a specific government policy promoted this end result. Cotton was King as it was the single most important trade item for the USA around the world. The economies of Western Europe relied upon it so their sympathies would be with the South.

Therefore, the territories were the common property of ALL THE STATES, which held them as co-owners; that citizens of any given state had the same rights under the Constitution as the citizens of other states to take their property - meaning slaves - into the common territories, and that discrimination between the rights of the citizens of the states, free or slave, in this regard would violate the Constitution; therefore, any law by Congress (or by a local legislature acting under the authority from Congress) which limited the rights of citizens to hold their property (slaves) in the territories would be unconstitutional and void.

Follow the reasoning - the Wilmot Proviso was unconstitutional but so was popular sovereignty. But this theory also meant that the Missouri Compromise was unconstitutional, since it was an act of Congress that deprived citizens of the right to carry slaves into the territories north of 36 30. The author of this proposal was John C. Calhoun who wanted his ideas to become a rallying point for southern solidarity in the face of an increasing challenge from the North.

Look at the other issues in the Clay plan:

Can this position accept a free California?

Will this position accept a strong Fugitive Slave Law? would it be willing to compromise on the territorial issue to get this type of law or will they accept no compromise?

How will they feel about Texas and New Mexico?

Is the protection of the internal slave trade combined with a Fugitive Slave Law enough to make them want to compromise?

If their opponents garner enough votes to pass Clay's plan without their support would it be in their best interests at this moment to secede from the Union?

Now step out of your role - is their position correct constitutionally if not morally? what do you do with people who sincerely believe this?

Who is the troublemaker in the USA - those who want to eliminate slavery or those who want to see its legal status reaffirmed?

Do these people have a right to leave the Union peacefully if their government becomes increasingly hostile to their way of life? Should they be allowed to go peacefully?

Why not stretch the Missouri Compromise line to the Pacific?

What's the problem? When the USA faced a similar controversy in 1820 over the admission of Missouri as a slave or free state a group of legislators under the leadership of a much younger Henry Clay offered the 36 30 line as a compromise position. Was it constitutional? Did Congress have the right to regulate slavery in the territories? Of course it did. Did not Congress end slavery in the Northwest Ordinance of 1787? Was not the author of the Ordinance none other than Thomas Jefferson, the owner of 200 slaves? If it was good for 1820 why not 1850? What it had going for it is that it worked. Jefferson had called the Missouri crisis a "firebell in the night." The Compromise had created peace between the regions for thirty years. The Line had a certain aura of sanctity. Why let the abolitionists of the North or the fireeaters of the South disrupt the Union? Politics is the art of compromise.

This proposal was originally offered by President Polk. His Secretary of State and future President of the USA, James Buchanan supported it. Even though Southerners led by Calhoun would profess its unconstitutionality, they repeatedly voted to apply it as a basis of settlement. Even Stephen A. Douglas, a later proponent of popular sovereignty, initially called for this solution. Yet it clearly does not satisfy die hard Northerners or Southerners. It is clearly a compromise - both the North and South would have to give up something.

Should the North or South compromise on matters that increasingly upset them?

Should the American people still compromise on the issue of slavery, such an abominable institution?

On the other hand, slavery was constitutional - should the South be asked to swallow a compromise that assumes there is something wrong with an institution that they believe is appropriate? After all, the Compromise delineated areas where slavery cannot exist. Does that not suggest there is something heinous about it?

Is not democracy a way of life that says laws should reflect the will of the people, self-determination? And have not a clear-cut majority of the people of the South reaffirmed their commitment to slavery?

But what if the majority of the American people as a whole want to stop the spread of slavery? Is not it the duty of the South to accept this democratically made decision?

Or should they be allowed to leave if they feel they cannot live with this decision imposed on them by people living at a distance from them?

If they were to leave, in a democracy what is the proper response? War? a rueful farewell, but a peaceful one?

As a supporter of the Missouri Compromise think about arguments that will bring the pro-Wilmot and anti-Wilmot people into your camp. Are the other compromises enough to offer a few bones to each side? Make the case for this.

Popular Sovereignty

While the lame duck (he announced that for health reasons he would not run for the Presidency in 1848) President Polk called for an extension of the Missouri Compromise Line, the front runner for the Democratic nomination for the highest office in the land, Lewis Cass, offered another proposition which became an 1850's lightning rod, popular sovereignty. Whether Congress had the right to legalize or outlaw slavery in the territories was not the point in this option. This question caused too much political turmoil. Let's not get exercised over this - instead let the territorial government decide, not the Congress. The territorial government would decide according to the wishes of the people in the area. If a lot of people brought slaves into the new territories, then they would vote to have slavery legal in the territory. When the territory came into the Union we could expect that it would come in as a slave state. Yet if a majority of the people living in a territory did not care for slavery it would be a free area and eventually come into the Union as a free state. His doctrine was based upon the democratic premise that citizens of a territory had just as much capacity for self-government as citizens of the states. If it was consistent with democracy to permit the citizens of each state to settle the slavery question for themselves, it would be equally consistent with democracy to permit the citizens of a territory also to regulate their lives in their own way. This then ignores the Constitution, the precedent of the 182 Missouri Compromise, and the higher law.

The hidden flaw of the position, whether by chance or by design, was a determination as to when it would be decided that a territory was slave or free. Would this be done when the area had the requisite number of citizens to become a state or earlier on when the territory itself was in the process of being populated with newcomers? Would this competition break into violence between vying groups? Yet it was an enticing possibility to politicians, North and South. It allowed northern politicians to promise their constituents that popular sovereignty would enable pioneer legislatures to keep the territories free, while southern politicians could assure proslavery audiences that popular sovereignty would kill the Wilmot Proviso and would give slavery a chance to win a foothold before the question of outlawing slavery came up when the territory applies for statehood. It was not a perfect solution, but good enough for many politicians who sought a compromise to keep the Union

together. This is an attempt to forestall the Constitutional question of Congress's right to outlaw or legalize slavery thereby calming the waters and in the great American political tradition fudging the issue, buying time while tempers cooled. It does not address the moral issue that slavery had taken on for so many of the political animals of the day.

In a brilliant but controversial exposition of the need to compromise one has only to look at Webster's 7th of March speech. "Why reenact the will of God?" he asked Northern legislators. The area under discussion will most likely see no slaves. The terrain and the climate will forbid it. Why rub this in the faces of the South? To keep the Union concede the Fugitive Slave Law and the interstate trade in humans if it will preserve the Union. As for those Southerners calling for secession:

Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! ...Who is so foolish... as to expect to see any such thing? Sir, he who sees these States, now revolving in harmony round a common center, and expects to see them quit their places and fly off without convulsion, may look the next moment to see the heavenly bodies rush from their spheres and jostle against each other in the realms of space, without causing the wreck of the universe! There can be no such thing as a peaceable secession.

How prophetic! And yet Webster outraged both Northerners and Southerners. He was of a generation of leaders who believed the leader's first duty was the preservation of the Union. This was now apparently out of fashion.

Make the case for popular sovereignty. Should Congress continue to find compromises on the issue of slavery?

Webster supports Clay, Stephen A. Douglas supports both. Calhoun is against.

Key Figures in the Compromise of 1850 Debate

John Caldwell Calhoun - South Carolina

March 18, 1782 - March 31, 1850

From South Carolina, Calhoun at one time or another was Secretary of War, Vice-President, Senator, Secretary of State in a political career that spanned the years 1810 to 1850. He became the most eloquent and determined exponent of the "Southern position" on national issues so it should come as no surprise that he would be against the Compromise of 1850.

As Vice President to Andrew Jackson he authored the "nullification" theory claiming that the "tariff of abominations" passed in 1828 was unconstitutional and that an individual state within its own borders could stop the enforcement of a Congressional act thereby declaring it null and void for their state. His nullification issue is more complicated than this, as you know, but you can imagine his distress with the goals of the Wilmot Proviso.

Calhoun believed that slavery was "a positive good" both for the slave owner and slave. He believed that the Constitution protected the property rights of slave owners so slavery should morally and legally be allowed to spread to any new lands that became a part of the USA. He supported the military effort against Mexico. He did not support the Compromise of 1850, nor the extension of the Missouri Compromise line to the Pacific, and was outraged by abolitionist laments. Therefore, he presented his last thoughts on the subject to the Senate on March 4, 1850. So weakened by illness that he was unable to speak, Senator Mason delivered his address while Calhoun sat voiceless in his chair. Ultimately he thought it was "difficult to see how two peoples so different and hostile can exist together in one common Union." Succumbing to illness on March 31, 1850 his last words were reported to be "The South, the poor South." Though in his grave his words and ideas taken to their logical ends created the atmosphere for disunion.

Lewis Cass - Michigan - "muttonheaded, pot-bellied cucumber" - so named by a "political supporter" in the election of 1848 - imagine what his opponents called him!
October 9, 1782 - June 17, 1866

Lewis Cass was a US Senator in the late 1840's and 50's from the state of Michigan. A supporter of the Mexican War he was all in favor of annexing as much of Mexico as our armies were able to occupy. "We must continue our occupation of Mexico, and push the invasion still farther." He was the Democratic Party's candidate for President in the election of 1848 where he gained notoriety for suggesting the idea of "popular sovereignty" that became such a part of the acrimonious debate concerning what to do with the territories acquired from Mexico. He was opposed to the Wilmot Proviso, his position being "Leave to the people who will be affected by this question, to adjust it upon their own responsibility and in their own manner."

Nationalism was his dominating principal. All other issues, slavery included, were subordinate. He approved the Compromise measures of 1850, to the extent, even, of defending the Fugitive Slave Law.

Salmon P. Chase - Ohio

January 13, 1808 - May 7, 1873

Born in NH, Chase attended Dartmouth College where he graduated in 1826. In 1830 he moved to Ohio and was accepted and became a lawyer. He gained prominence with a series of cases dealing with runaway slaves. An avowed abolitionist he was active in the Free Soil movement in 1848 that drafted the platform "no more slave states and no more slave territory." The Free Soil Party in 1848 acted the role of spoilers winning just enough votes in key states to deny Lewis Cass's election to the Presidency. He was elected to be Ohio's Senator in 1849. He opposed the Compromise of 1850 as an example of the national government giving into the blackmail of the South and its claim that it would secede if it did not get its way. Later Chase became Lincoln's Secretary of Treasury and was a political thorn in his side believing he should be the Presidential candidate of the Republican Party in the Election of 1864. Had he been successful Lincoln would not have been elected to a second term and would not have been in Ford's Theater in April of 1865.

Henry Clay - Kentucky - The Great Compromiser", "Harry of the West"

April 12, 1777 - June 19, 1852

Henry Clay was a Kentuckian who rose from humble beginnings to become Speaker of the House of Representatives, US Senator, Secretary of State and four times a candidate for the President of the United States. After his last defeat he noted that he "would rather be right than President." No one to this day believed him. He was a part of the Great Triumvirate - Daniel Webster, John C. Calhoun, and Henry Clay - who were contemporaries and are still considered three of the greatest Senators to grace the halls of Congress. All three played a significant role in the Compromise struggle, Clay offering the initial plan to keep the Union together, Calhoun offering his deathbed plea to thwart the Compromise and Webster sacrificing Presidential ambitions and the regard of history by supporting Clay's efforts in his famous "7th of March Speech."

Clay entered the House on 1810 and in his first session he was elected Speaker of the House. A leader of the "War Hawks" he sought to bring the USA into a state of war with Britain which eventually led to the War of 1812. He was part of the negotiating team that brokered the Treaty of Ghent which brought the war to a close. In 1820 he was the author of the Missouri Compromise or Compromise of 1820 which created the 36 30' Compromise line that would be such an integral part of the debate in the Compromise of 1850 discussion. In 1833 it was Clay who suggested the Compromise of 1833 that quieted the nullification crisis of that year brought on by the "Tariff of Abominations." Against a war with Mexico he eventually supported it after the declaration of war was passed by Congress. His favorite son, Henry, was killed in the fighting was Daniel Webster's. Responding to the troubles brought on by the Wilmot Proviso he articulated a series of compromise measures which formed the basis for the eventual settlement.

Abraham Lincoln admired Henry Clay more than any other national figure.

Jefferson Davis - Mississippi

June 3, 1808 - December 6, 1889

In 1828 Jeff Davis graduated from West Point, went into the Army for seven years and then resigned to return home to Mississippi to become a planter. In 1845 he entered the House of Representatives. In June of the 1846 he resigned from the House to reenter the Army and serve in the Mexican War as an officer under the command of General Zachary Taylor. Taylor had been the father of Davis's first wife who died of malaria three months after marrying Davis back in 1835. He returned to civilian life in 1847 and became the US Senator from Mississippi. He supported Polk in his desire for land from Mexico. In the debate over the Compromise of 1850 and the issue of California coming into the Union as a free state he was willing to compromise on the extension of the line of the Missouri Compromise to the Pacific. He would continue to play a significant role in national politics all through the 1850's serving as Secretary of War to Franklin Pierce (1853-57) and then going back to the Senate in 1857. When the Mississippi left the Union in January of 1861 he went with it no doubt expecting to be the commander of all Southern forces given his career in the Army. As fate would have it he became the President of the Confederate States of America.

Stephen Douglas - Illinois - "The Little Steam Engine"

April 23, 1813 - June 3, 1861

Born in Vermont he migrated to Illinois and after trying his hand as a schoolteacher became a lawyer in 1834. By 1847 he was in the US Senate representing the state of Illinois as a Democrat. He was made Chairperson of the Committee on Territories, the single most difficult position in the Congress over the next decade. He was a great defender of the expansion of the USA and so supported US involvement in the Mexican War. He deplored all agitation against slavery which he regarded solely as an institution wholly within the control of the states. In the Compromise of 1850 Douglas was the driving force for compromise supporting a position of popular sovereignty for the organization of the new territories which the USA had acquired. It could be said that his role was even more significant than Clay's in getting the Compromise through Congress. He took a public stand in favor of the Fugitive Slave Law. He became the lightning rod for all abolitionist fervor from that time forward thwarting his Presidential ambitions in 1856 and again in 1860. He would later introduce the controversial Kansas-Nebraska Act (1854), would debate Lincoln in the famous Lincoln-Douglas Senate Debates (1858) and lose the Presidential election to Lincoln in the election of 1860. Though defeated he worked tirelessly for the Union as the South seceded in 1860-61. He died in late spring of 1861 while campaigning in the Mid west for support of Lincoln's policies against the Confederacy.

Millard Fillmore - New York

January 7, 1800 - March 8, 1874

With no real formal education Fillmore became a lawyer and entered politics as a member of the Whig Party by the age of 30. He was a Clay Whig who served a number of terms in the House of Representatives in the 1830's and 1840's. In 1844 he ran for the Governor of New York but lost. His comment afterwards was interesting. He blamed "abolitionists and foreign Catholics."

He was selected by the Whig Party to run with Zachary Taylor as his Vice Presidential candidate in 1848. His comment after that election is telling: "I regard this election as putting an end to all ideas of disunion. It raises up a national party, occupying a middle ground, and leaves the fanatics and disunionists, North and South, without the hope of destroying the fair fabric of our Constitution." How off target can one be as the fights began over the Mexican Territory. Fillmore as President of the Senate had the task of making sure the debate was handled in an even handed way. When Clay proposed his measures of compromise President Taylor, Louisiana slave owner though he was, opposed any yielding to the south and in that course had the support of William Seward and the more extreme anti-slavery Whigs, while Webster threw his support on the side of Clay and compromise. Initially Fillmore favored his President's plan but as the debate carried on his sympathies clearly were with Clay and compromise. On July 9, 1850 in a surprise move to gain sympathy for his position Taylor died. (only kidding) Fillmore let it be known that he was open to compromise and encouraged the passage of each of the component parts of Clay's "omnibus bill." He was even willing to sign the Fugitive Slave law to keep the South happy. From the abolitionists he received nothing but abuse similar to the response from the same quarter to Webster's "7th of March" speech. He did not receive the Whig nomination for the Presidency for all his troubles in 1852 but later emerged as the "Know Nothing" candidate in the election of 1856. He did not support Lincoln's behavior in the Civil War.

James K. Polk - Tennessee

November 2, 1795 - June 15, 1849

A graduate of the University of North Carolina he was admitted to the bar of the state of Tennessee in 1820. Polk entered Congress in 1825 as a supporter of the policies of Andrew Jackson, a personal friend. Polk was the first "dark horse" candidate for the Presidency coming from out of nowhere in the Democratic national convention of 1844 and wresting the nomination. The Whig campaign slogan that year was a derisive "Who is James K. Polk?" They found out soon enough as he won the general election to become the youngest President to that time. Among our most successful Presidents in that the goals he articulated at the beginning of his Administration were fulfilled by the end, he set his sights on acquiring California and to that end offered Mexico \$40 million which it refused. The Mexican War followed. With its completion the USA had New Mexico and California all for \$15 million.

In the midst of negotiations with Mexico Polk asked for \$2 million from Congress

for "diplomatic purposes." This precipitated the Wilmot Proviso that kicked off the debate that would eventually lead to the Compromise of 1850. He favored the middle course of extending to the Pacific the Missouri compromise line. He opposed extremists on both sides, for he believed that their agitation would destroy the Union. He was called a tool of the slave power, but he resolutely refused to cooperate with its leaders, and he considered Calhoun to be the "most mischievous man in the Senate." Siding with neither faction he was despised by both. A sickly man he chose not to run for reelection in 1848 and there is strong feeling that he would not have been victorious in any case - such are the rewards of success.

William H. Seward - New York
May 16, 1801 - October 10, 1872

A graduate of Union College in 1820 he soon took up the study of law and was admitted to the bar in 1822. A life of politics was his calling. If there were a more shrewd individual in the the 1800's I have not come across him. At the same time he was a humanitarian supporting education for new immigrants to the USA in the 1840's when anti-immigrant fervor was on the rise, encouraging abolitionist sentiments before their time. In 1848 he was elected to the US Senate from New York and embarked upon one of the most interesting, if not always rewarding careers of public service at the national level. In the debates around the Compromise of 1850 Seward took his stand firmly against all compromise, and in favor of the unconditional admission of California as a free state. He asserted that the fugitive slave law was impossible to enforce in the North raising the hackles of Southern politicians. He wished to abolish the slave trade and slavery itself in the Washington, D.C. He was against popular sovereignty - no slavery was to be allowed in the territories. If there were no soon end to slavery he predicted a civil war ending the the complete emancipation of the slaves. While not supporting unconstitutional means to effect all this he used the phrase that the Senate had the duty to obey "a higher law than the Constitution." Southerners wailed in anger.

Follow this man's career - he will be bested for the Republican nomination for the Presidency in 1860 by Lincoln and then become his Secretary of State. An unlikely friendship followed spurred on, some believe, by the two statesmen's enjoyment of dirty jokes. On the night of Lincoln's assassination an attempt will be made on Seward's life as well.

Zachary Taylor - Louisiana - "Old Rough and Ready"
November 24, 1784 - July 9, 1850

Taylor began his military career in 1808, a vocation that would last forty years until he ascended to the Presidency of the USA in 1849. He was a hero of the Mexican War and like Washington, Jackson and Harrison before and Grant, Roosevelt, and Eisenhower later heroism in battle is often rewarded with political success. No great admirer of the Wilmot Proviso he let it be known that he would sign it into law were it to pass both houses of Congress. His real goal was to admit both California and New Mexico into the Union as states. That way he hoped to avoid the

question of whether these territories would be slave or free - they would be states allowed to do as they pleased with slavery. Congress would not have the opportunity to declare the area slave or free. The Wilmot Proviso would never get the chance to go into effect. It was pure political sleight of hand. We'll never know how this would have resolved itself because during 4th of July ceremonies at the Washington Monument Taylor partook of too much cold, cherries and cold milk. Apparently this can kill you for what reason I do not know. But in 5 days he was dead and Millard Fillmore was in the saddle.

Daniel Webster - Massachusetts - "Black Dan"

January 18, 1782 - October 24, 1852

Along with Henry Clay, Webster is one of the two most prominent men in American life never to serve as President of the US. So dominating is his reputation in his times the short story writer Edward Vincent Benet published "The Devil and Daniel Webster" about a legal duel between the Devil and the Senator of Massachusetts and Daniel wins - thus the nickname "The Godlike Daniel." A graduate of Dartmouth he went on to have an illustrious career at the bar, both "bars" actually. In the 1800's he argued more cases before the Supreme Court than any other barrister of the age. A marvelous orator when it was announced that Webster was going to speak the peanut galleries of the House or Senate would be filled to overflowing. Having said all this let's narrow our focus to his behavior in the era leading up to the Compromise of 1850. Not an abolitionist, he still deplored American involvement in a war with Mexico and the acquisition of more potentially slave territory in the Southwest. His son as did Clay's perished in a war both their politician fathers opposed. Webster had been from the start a strong critic of the peculiar institution of the South but conceded they had a constitutional right to have slaves within the South. He voted consistently for the Wilmot Proviso. Harassed by abolitionists in his own state and in the North, frightened by the anger and frustration of Southern slavery diehards he tried to walk a fine line between the contending factions.

In his famous "7th of March" speech Webster declared himself for Clay's compromises. He spoke "not as a Massachusetts man, nor as a Northern man, but as an American." Slavery was an evil but not so great an evil as disunion. There could be no peaceful secession, he informed the South. On the other hand, he condemned the unnecessary severity of the anti-slavery forces and admitted that Northerners had not lived up to their obligations to return fugitive slaves. Congressional prohibition in the territories was useless since law of nature had settled "beyond all terms of human enactment, that slavery cannot exist in California or New Mexico." To the conservative element of the country Webster's performance seemed "Godlike." But the anti-slavery men, including those of his own state and party, could see him only as a fallen star. See the poem I have enclosed. Disappointment, "the good life" which brought on cirrhosis of the liver brought an end to his days on October 24, 1852 murmuring, "I still live."

David Wilmot - Pennsylvania
January 20, 1814 - March 16, 1868

Here's the tale of an individual who but for one event in his life would have absolutely no notoriety. Yet with his introduction of the Wilmot Proviso in 1846 he set off a sequence of events which eventually ended with the Civil War. How's that for having an impact. Wilmot became a lawyer in 1834 and immediately got involved in the politics of Pennsylvania. Elected to the Congress as a Democrat in 1845 he would serve until 1851. While not really an abolitionist he did fear the growth of the South's power in the USA. Therefore, he offered the legislation that if President Polk spent any money to acquire land from Mexico that territory must be free of slavery. It was adopted in the House but defeated in the Senate but the issue had been joined.

What should happen to slavery in the territories we got from Mexico?

Should they be free land, or should they be open to slavery as the Constitution did protect the right to own property and slaves were recognized by the Constitution as a legitimate form of property?

Or were they?

Had not the Founders of the country assumed that slavery would eventually peter out?

Had they not made slavery illegal in the Northwest Territory the same year they wrote the Constitution of the US?

Had they not passed the Missouri Compromise of 1820 and allowed slavery in one area of the Louisiana Territory but not in the other with the 36 30' parallel line?

If that's the case why not just continue the line?

Wasn't that President Polk's idea - just continue the line and be done with this contentious issue?

But even with this solution the assumption would be that Congress had the right to say what areas would be free of human property and what areas would allow the ownership of property.

Would that not suggest that there's something wrong with slavery if we are, by law passed by Congress, going to say where we will not allow it?

That philosophically and ethically says the abolitionists are correct when they get up on their high horse and suggest that slavery is immoral. Every red-blooded Southerner knows, in the words of John C. Calhoun, that slavery is not only not bad, it is a positive good for both the slave owner and the slave. Doggone Wilmot - now you have gone and done it!

Henry Clay Proposes Compromise

Henry Clay introduced proposals which he and Daniel Webster hoped would provide the basis for a compromise. His proposals, made on January 29, 1850, are given here.

It is desirable for the peace and harmony of the Union that all existing controversies between the states, arising out of the institution of slavery, be settled amicably upon a fair, equitable, and just basis. Therefore,

Resolved, That California ought to be admitted as a state without Congress placing any restriction on the exclusion or introduction of slavery within the boundaries of that state.

Resolved, That since slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico, Congress ought not to provide by law either for its introduction into or exclusion from any part of that territory. Appropriate territorial governments ought to be established by Congress in all of the territory, outside the boundaries of the proposed State of California, without the adoption of any restriction or condition on slavery.

Resolved, That it is unwise to abolish slavery in the District of Columbia, while slavery continues to exist in Maryland, without the consent of that State, without the consent of the people of the District, and without just payment to the owners of the slaves within the District.

But resolved, That it is wise to prohibit within the District the slave trade of slaves brought in from states or places outside the District. They should not be sold within the District nor sent to markets outside the District of Columbia.

Resolved, That a more effective law ought to be made, according to the requirement of the Constitution, for the return of slaves who may have escaped into any state or territory in the Union.

Resolved, That Congress has no power to promote or obstruct the slave trade between slaveholding states, but whether slaves may be admitted or excluded from a state to which they are brought depends entirely on that state's particular laws.

Calhoun Replies

John C. Calhoun prepared the answer of the extreme proslavery Southerners to the compromise that Clay had proposed. Because Calhoun's final illness had severely weakened him, the speech that he wrote was delivered to the Senate on March 4, 1850, by Senator James Mason of Virginia.

A single section, governed by the will of the numerical majority, now controls the government and its entire powers. The North has absolute control over the government. It is clear, therefore, that on all questions between it and the South, where there are different interests, the interests of the South will be sacrificed to the North, no matter how oppressive the effects may be. The South possesses no political means by which it can resist.

Northern hostility towards the social organization of the South lay dormant a long time. The first organized movement against it began in 1835. Then, for the first time, antislavery societies were organized, presses established, lecturers sent forth to excite the people of the North, and incendiary publications were scattered over the whole South, through the mail. The South was thoroughly

aroused. Meetings were held everywhere, and resolutions adopted, calling upon the North to arrest the threatened evil. But petitions poured into Congress from the North, calling upon it to abolish slavery in the District of Columbia, and to prohibit what they called the internal slave trade between the states, announcing at the same time that their ultimate object was to abolish slavery, not only in the District, but in the states and throughout the Union.

With the increase of their influence, the abolitionists extended the sphere of their action. In a short time, they had sufficient influence to get the legislatures of most of the northern states to pass acts which in effect repealed the provision of the Constitution that provides for the return of fugitive slaves. This was followed by petitions and resolutions of legislatures of the northern states and popular meetings, to exclude the southern states from all territories acquired or to be acquired, and to prevent the admission of any state into the Union which, by its constitution, does not prohibit slavery.

How can the Union be saved? There is but one way by which it can with any certainty; and that is, by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the Constitution, and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent, by satisfying the South, that she could remain honorably and safely in the Union. Nothing else can, with any certainty, finally and forever settle the question at issue, end agitation, and save the Union.

But can this be done? Yes, easily; not by the weaker party, for it can of itself do nothing—not even protect itself—but by the stronger. The North has only to do justice by conceding to the South an equal right in the acquired territory to do her duty by causing the constitutional provisions related to fugitive slaves to be faithfully fulfilled, to cease the agitation of the slave question, and to provide for an amendment to the Constitution. Such an amendment should restore to the South the power she possessed to protect herself, before the balance between the section was destroyed by this government.

But will the North agree to do this? It is for her to answer this question. But, I will say, she cannot refuse, if she has half the love of the Union which she professes to have, or without justly exposing herself to the charge that her love of power is far greater than her love of the Union. At all events, the responsibility of saving the Union rests on the North, and not the South.

rd Invokes the "Higher Law"

The honorable Senator from South Carolina, Mr. Calhoun, now says that nothing will satisfy the slave states except a compromise that will convince them that they can remain in the Union while maintaining their honor and their safety. And what are the concessions which will do that?

The terms amount to this: that the free states, which have already or may soon have a majority of the population and of the members of both houses of Congress, shall concede the unequal advantage of equality to the slave states, which have a minority in both population and representation. That is, we should change the Constitution so as to convert the government from a national democracy, based on majority rule, into a federal alliance, in which the minority could veto the wishes of the majority. This would be nothing less than a return to the original Articles of Confederation.

We must also examine this principle as it applies to the territories. They must either be held in common by the nation or be divided up by the citizens of the states. The national lands are ours. They were acquired by the valor and with the wealth of the whole nation. But we hold, nevertheless, no arbitrary power over them. We hold no arbitrary authority over anything, whether acquired lawfully or seized in war. The Constitution regulates our conduct, and the Constitution assigns the territories to the Union.

But there is a higher law than the Constitution, which regulates our authority over the public lands. The territory is a part of the common heritage of mankind, bestowed upon men by the Creator of the universe. We are His stewards, and must discharge our trust so as to secure the highest degree of happiness for mankind.

And now the simple, bold, and even awful question which presents itself to us is this: Shall we, who are founding social and political institutions for countless millions; shall we, who know by experience the wise and the just, and are free to choose them and to reject the erroneous and unjust; shall we establish human bondage, or permit it to be established? Sir, our forefathers would not have hesitated an hour. They found slavery existing here, and they left it only because they could not remove it. There is not only no free state which would now establish it, but there is no slave state, which, if it had had the free alternative we now have, would have founded slavery. Indeed, our revolutionary predecessors had precisely the same question before them in establishing a law under which the states of Ohio, Indiana, Michigan, Illinois, and Wisconsin, have since come into the Union. They solidly repudiated and excluded slavery from those states forever. I confess that the most alarming evidence of our degeneracy, which has yet been given, is that we even debate such a question.

Douglas Argues for "Popular Sovereignty"

Each state has the right to prohibit, abolish, or sustain slavery, just as it pleases. This government was made upon the great basis of the sovereignty of the states, with each state having the right to regulate its own domestic institutions to suit itself. That right was given with the understanding and expectation that, inasmuch as each locality had separate interests, each locality must have different and distinct local and domestic institutions, corresponding to its wants and interests. Our fathers knew when they made the government that the laws and institutions which were well adapted to the Green Mountains of Vermont were unsuited to the rice plantations of South Carolina. They knew then, as well as we know now, that the laws and institutions which would be well adapted to the beautiful prairies of Illinois would not be suited to the mining regions of California. They knew that in a republic as broad as this, having such a variety of soil, climate, and interest, there must necessarily be a corresponding variety of local laws—the policy and institutions of each state adapted to its condition and wants. For this reason this Union was established on the right of each state to do as it pleased on the question of slavery and every other question. The various states were not allowed to complain of, much less interfere with, the policy of their neighbors.

The whole South is rallying to the support of the doctrine that, if the people of a territory want slavery, they have a right to have it, and if they do not want it, that no power on earth can force it upon them. I hold that there is no principle on earth more sacred to all the friends of freedom than that which says that no institution, no law, no constitution, should be forced on an unwilling people contrary to their wishes.

139. "The Senator from South Carolina Is in His Seat"

Calhoun, Clay, and Webster all played their last great roles in the debates on compromise between South and North in 1850. To express his opinions on Clay's great Omnibus or Compromise Bill, Calhoun wrote his last formal speech, which Mason of Virginia read to the Senate on March 4th. Immediately afterward Calhoun went to hear Webster's great speech of March 7th in favor of compromise. Before the month closed he was dead. Clay died in June of the same year and Webster in October.

WHEN Mr. Webster was about to deliver his 7th of March speech [1850], he invited me to come on to Washington to hear it. He intended to make it a great effort, the crowning address of his later public life; and as he knew beforehand that his actions and motives would be misconstrued and that the speech would bring down upon him condemnation from many quarters, he was resolved that he would make use of all his powers to render it worthy of his really high motives and his fame. Early on the morning of the 7th I was sitting with him in his house when the sergeant-at-arms of the Senate came in. He told Mr. Webster that already not only the Senate chamber itself but all the approaches to it were crowded by an eager multitude. A great speech from Mr. Webster was a national event. Mr. Webster looked at me and in a sad voice spoke of this as being one of the last times that he should ever address listening masses on the floor of the Senate, and of the rapidly approaching close of his public life. . . .

On going to the Senate chamber at the proper time, I found an excellent seat reserved for me, near and a little in front of the spot where Mr. Webster would stand when he made his speech. While he was speaking an affecting incident occurred, which illustrated the

warmth of feeling between Mr. Calhoun and himself. It appeared that, several days before, Mr. Webster had paid a visit to Mr. Calhoun in his sickroom at the old Capitol building. The venerable South Carolina senator was very ill, and it was thought that he would never be able to appear in his seat again. The conversation turning upon the speech that Mr. Webster was about to make, the sick statesman expressed an earnest wish to hear it. Mr. Webster replied that he hoped he would be able to get to the Senate, as he himself was anxious that Mr. Calhoun should be present. Mr. Calhoun shook his head sadly and said that he feared he was on his deathbed, and Mr. Webster parted from him, fully impressed with the belief that the venerable invalid must soon pass away.

Mr. Webster had not been speaking long on this occasion when I saw a tall, gaunt figure, wrapped in a long black cloak, with deep, cavernous black eyes and a thick mass of snow-white hair brushed back from the large brow and falling to the shoulders, advance with slow and feeble steps through the lobby behind the Vice-President's chair, and then, aided by one of the senators, approach and sink into a chair on the opposite side of the chamber. I looked at Mr. Webster and observed that as he spoke his face was turned the other way, so that he had not seen the almost ghostly figure come in. He went on speaking in his deep and sonorous tones and at last came to a passage wherein he alluded to something Mr. Calhoun had once said in debate as "the utterance of the distinguished and venerable senator from South Carolina, who, I deeply regret, is prevented by serious illness from being in his seat today." At this I glanced toward the tall, gaunt figure across the chamber. He was moving restlessly in his chair; his head and body were bent eagerly forward, and he made an effort as if trying to rise and interrupt the orator. But the effort seemed to be too much for him, for he sank back in his chair, evidently exhausted. The noble current of Websterian eloquence flowed majestically on, all unconscious of the intended interruption. Presently the speaker once more had occasion to refer to some statement of Mr. Calhoun, and again he alluded to him as "the eminent senator from South Carolina, whom we all regret so much to miss, from such a cause, from his seat today."

The figure again grew restless; the hands nervously grasped both arms of his chair; the black eyes glared and shone in their eagerness;

and now, half rising from his seat and unable any longer to bear the thought that Mr. Webster should remain unconscious of his presence, he exclaimed, in a feeble and hollow voice, which yet was heard throughout the chamber:

"The senator from South Carolina is in his seat!"

Mr. Webster turned toward him with something like a start, and when he saw that his friend had actually risen from the bed of death and had indeed dared death itself to creep to the Capitol and hear his speech, he for a moment betrayed visible signs of deep emotion. Then, acknowledging this touching compliment by a bow and a smile of profound satisfaction, he went on with his speech.

A few days more, and Calhoun lay dead, in state, within those very walls.

PETER HARVEY, *Reminiscences and Anecdotes of Daniel Webster*

140. William Herndon Remembers Abraham Lincoln

In 1844 William Henry Herndon, who was nearly ten years younger than Lincoln and greatly admired him, accepted his invitation to become junior law partner. That partnership was broken only by Lincoln's death, for on leaving for Washington, Lincoln requested him to keep the old "shingle" standing. Herndon, who was a great reader and strongly opposed to slavery, influenced Lincoln's thinking on many questions, while he labored with unselfish devotion to promote Lincoln's political fortunes. No man knew Lincoln better.

I

SPRINGFIELD, Ill., November 13, 1885.—Friend Weik: There were three noted storytellers, jokers, jesters, in the central part of this state especially from 1840 to 1853: Lincoln of Sangamon County, William Engle of Menard, and James Murray of Logan. They were

all men of mark, each in his own way; they were alike in the line of joking, storytelling, josting. I knew the men for years. From 1840 to 1853 this section was not known for a very high standard of taste, the love for the beautiful or the good. We had not many newspapers; people in all of these counties would attend court at the respective county seats. Lincoln, Engle, and Murray would travel around from county to county with the court, and those who loved fun and sport, loved jokes, tales, stories, jests, would go with the court, too, from county to county. People had not much to do at the time, and the class of people that then lived here are gone, perished. It was a curious state of affairs indeed. As compared with now it was rough, semibarbarous. In the evening, after the court business of the day was over and book and pen had been laid [down] by the lawyers, judges, jurymen, witnesses, etc., the people generally would meet at some barroom, "gentlemen's parlor," and have a good time in storytelling, joking, josting, etc. The barroom windows, halls, and all passageways would be filled to suffocation by the people, eager to see the "big ones" and to hear their stories told by them. Lincoln would tell his story in his very best style. The people, all present, including Lincoln, would burst out in a loud laugh and a hurrah at the story. The listeners, so soon as the laugh and the hurrah had passed and silence had come in for its turn, would cry out, "Now, Uncle Billy (William Engle), you must beat that or go home." Engle would clear his throat and say, "Boys, the story just told by Lincoln puts me in mind of a story I heard when a boy." He would tell it and tell it well. The people would clap their hands, stamp their feet, hurrah, yell, shout, get up, hold their aching sides. Things would soon calm down. There was politeness and etiquette in it. Each must have his turn, by comity, in which to tell his story. The good people would, as soon as quiet reigned, cry out: "Now is your time; come, Murray, do your level best or never come here again to tell your stories." Murray would prepare himself with his best. At first he would be a little nervous, but he would soon gather confidence, rise up, walk about, telling his tale as he moved in harmony with his story; he would tell it well, grandly, and the people would sometimes before the story was ended catch the point and raise such a laugh and a yell that the village rang with the yells, laughs, and hurrahs, etc. Lincoln and Engle now were nervous and anxious for their

No. 106. Fugitive Slave Act

September 18, 1850

An Act to amend, and supplementary to, the Act entitled "An Act respecting Fugitives from Justice, and Persons escaping from the Service of their Masters," approved . . . [February 12, 1793].

[Sections 1-4 relate to the appointment of commissioners, having concurrent jurisdiction with the judges of the circuit and district courts of the United States, and the superior courts of the territories, to perform the duties specified in the act.]

SEC. 5. *And be it further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant, or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of such claimant, on the motion of such claimant, by the Circuit or District Court for the district of such marshal; and after arrest of such fugitive, by such marshal or his deputy, or whilst at any time in his custody under the provisions of this act, should such fugitive escape, whether with or without the assent of such marshal or his deputy, such marshal shall be liable, on his official bond, to be prosecuted for the benefit of such claimant, for the full value of the service or labor of said fugitive in the State, Territory, or District whence he escaped; and the better to enable the said commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity with the requirements of the Constitution of the United States and of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with authority to such commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders, or *posse comitatus* of the proper county, when

necessary to ensure a faithful observance of the clause of the Constitution referred to, in conformity with the provisions of this act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run, and be executed by said officers, any where in the State within which they are issued.

SEC. 6. *And be it further enacted*, That when a person held to service or labor in any State or Territory of the United States, has heretofore or shall hereafter escape into another State or Territory of the United States, the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized, by power of attorney, in writing, . . . may pursue and reclaim such fugitive person, either by procuring a warrant from some one of the courts, judges, or commissioners aforesaid, of the proper circuit, district, or county, for the apprehension of such fugitive from service or labor, or by seizing and arresting such fugitive, where the same can be done without process, and by taking, or causing such person to be taken, forthwith before such court, judge, or commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner; and upon satisfactory proof being made, by deposition or affidavit, in writing, to be taken and certified by such court, judge, or commissioner, or by other satisfactory testimony, duly taken and certified by some court, magistrate, justice of the peace, or other legal officer authorized to administer an oath and take depositions under the laws of the State or Territory from which such person owing service or labor may have escaped, with a certificate of such magistracy or other authority, as aforesaid, . . . and with proof, also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such fugitive may have escaped as aforesaid, and that said person escaped, to make out and deliver to such claimant, his or her agent or attorney, a certificate setting forth the substantial facts as to the service or labor due from such fugitive to the claimant, and of his or her escape from the State or Territory in which he or she was arrested, with authority to such claimant, or his or her

agent or attorney, to use such reasonable force and restraint as may be necessary, under the circumstances of the case, to take and remove such fugitive person back to the State or Territory whence he or she may have escaped as aforesaid. In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this and the first [fourth] section mentioned, shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped, and shall prevent all molestation of such person or persons by any process issued by any court, judge, magistrate, or other person whomsoever.

SEC. 7. *And be it further enacted*, That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his agent or attorney, or any person or persons lawfully assisting him, her, or them, from arresting such a fugitive from service or labor, either with or without process as aforesaid, or shall rescue, or attempt to rescue, such fugitive from service or labor, from the custody of such claimant, his or her agent or attorney, or other person or persons lawfully assisting as aforesaid, when so arrested, pursuant to the authority herein given and declared; or shall aid, abet, or assist such person so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, his agent or attorney, or other person or persons legally authorized as aforesaid; or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a fugitive from service or labor as aforesaid, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months . . . ; and shall moreover forfeit and pay, by way of civil damages to the party injured by such illegal conduct, the sum of one thousand dollars, for each fugitive so lost as aforesaid. . . .

* * * * *
SEC. 9. *And be it further enacted*, That, upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the

arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to such claimant, his agent, or attorney. And to this end, the officer is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. . . .

SEC. 10. *And be it further enacted*, That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape therefrom, the party to whom such service or labor shall be due, his, her, or their agent or attorney, may apply to any court of record therein, or judge thereof in vacation, and make satisfactory proof to such court, or judge in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record, authenticated by the attestation of the clerk and of the seal of the said court, being produced in any other State, Territory, or district in which the person so escaping may be found, and being exhibited to any judge, commissioner, or other officer authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence if necessary, either oral or by affidavit, in addition to what is contained in the said record of the identity of the person escaping, he or she shall be delivered up to the claimant. And the said court, commissioner, judge, or other person authorized by this act to grant certificates to claimants of fugitives, shall, upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labor as aforesaid, which certificate shall authorize such claimant to seize or arrest and transport such person to the State or Territory from which he escaped . . .

[U. S. Stat. at Large, IX., 462-465.]

tude to Him who has bestowed upon them such unnumbered blessings, by all the duties which they owe to mankind and all the duties they owe to themselves, by all these considerations I implore them to pause —

solemnly to pause — at the edge of the precipice before the fearful and disastrous leap is taken in the yawning abyss below which will inevitably lead to certain and irretrievable destruction.

2.

HORACE MANN: Slavery in the Territories

While the greatest debate in congressional history raged in the Senate over Henry Clay's compromise resolutions of January 29, 1850, the House of Representatives was also giving its attention to the problem of the expansion of slavery into the territories. Among those who spoke on the issue was Horace Mann, who had resigned his post as secretary to the Massachusetts Board of Education to take the seat of John Quincy Adams. Mann conceded his close relations with the Free-Soil Party, which had arisen in 1848 in opposition to the extension of slavery into any newly acquired territory, and he also admitted to being an Abolitionist. In his speech, given on February 15, he formulated many of the positions later developed by Lincoln in his debates with Stephen A. Douglas. Portions of the speech appear here.

Source: *Slavery Letters and Speeches*, Boston, 1851, pp 180-225.

EVER SINCE THE ORGANIZATION of this House, before its organization, and even in a preliminary caucus that preceded the commencement of the session. Southern gentlemen have pressed the cause, not only of human slavery but of slavery extension, upon us. From motives of forbearance, and not from any question as to our rights, we of the North have maintained an unbroken silence. The time has surely come when the voice of freedom should find an utterance. Would to God that on the present occasion it might find an abler defender than myself, although if my ability to defend it were equal to the love I bear it, it could ask no stronger champion.

I wish to premise a few words respecting the propriety and true significance of some of the epithets by which the parties to this discussion are characterized. The term "Free Soiler" is perpetually used upon this floor as a term of ignominy and reproach; yet I maintain that in its original and legitimate sense, as denoting an advocate of the doctrine that all our territorial possessions should be consecrated to freedom, there is no language that can supply a more honorable appellation.

For myself, I will engage in any honorable measure most likely to secure freedom to the new territories. I will resist any and every measure that proposes to abandon

them to slavery. The epithet "Free Soiler," therefore, when rightly understood and correctly applied, implies both political and moral worth; and I covet the honor of its application to myself. But what does its opposite mean? What does the term "Slave Soiler" signify? It signifies one who desires and designs that all soil should be made to bear slaves.

And again; those of us at the North who resist slavery extension, who mean to withstand its spread beyond the limits where it now exists, are denounced as Abolitionists. This epithet is applied to us as a term of reproach and obloquy; as a brand and stigma upon our characters and principles. No distinction is made between those few individuals among us who desire to abolish the Constitution of the United States and that great body of the people who, while their allegiance to this Constitution is unshaken, mean also to maintain their allegiance to truth and to duty in withstanding the hitherto onward march of slavery.

Among the latter class, Mr. Collamer, the postmaster general, is called an Abolitionist. Mr. John Quincy Adams was denounced as an arch-Abolitionist. Every man who advocates the Jefferson proviso against the spread of slavery is so called; and if an unspeakable abhorrence of this institution, and the belief that it is the second greatest enormity which the oppressor, in his power, ever committed against the oppressed, in his weakness — being inferior only to that ecclesiastical domination which has trampled upon the religious freedom of man — I say, if this abhorrence of slavery and this belief in its criminality entitle a man to be denominated an Abolitionist, then I rejoice in my unquestionable right to the name.

If we are Abolitionists, then, we are abolitionists of human bondage; while those who oppose us are abolitionists of human liberty. We would prevent the extension of one of the greatest wrongs that man ever suffered upon earth: they would carry hodi-

ly chains and mental chains — chains in a literal and chains in a figurative sense — into realms where even the half-civilized descendants of the Spaniard and the Indian have silenced their clanking. We would avert the impending night of ignorance and superstition; they would abolish the glorious liberty wherewith God makes His children free. In using this word, therefore, to calumniate us, they put darkness for light and light for darkness; good for evil and evil for good.

The constitutional right of Congress to legislate for the territories is still debated. Having presented my views on this subject before, I shall now treat it with brevity. In a speech by General Cass, which has lately been published, that distinguished senator, in order to prove that Congress has no power to legislate on the subject of slavery in the territories, has attempted to prove that it has no right to legislate for the territories at all. I refer to the senator from Michigan because he now stands before the country in the twofold character of being the head of the Democratic Party, which goes for the "largest liberty," and also of the extreme pro-slavery party, which goes for the *largest bondage*. He would sever all diplomatic relations between this country and Austria, because she has robbed the Hungarians of a part of their liberties, while he is drawing closer the political ties which bind him to the South, which has despoiled 3 million of the African race of all their liberties, and is now intent on propagating other millions for new despoliations.

General Cass, in a speech that fills more than nineteen columns in the *Washington Union*, has reviewed the decisions of all the judges of the Supreme Court who have ever expressed any opinion on the subject of congressional power over territorial legislation; he has commented upon the views of all the jurists who have written upon it and of most of the speakers in both houses of Congress who have discussed it; he has sur-

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Omitting the absurdity of the let me subject have acquired eral Cass votection. Measures formation of th this territory — [the Colorado Basin], and Ne marked out by lay each other of square miles right of self-go declares, and must settle this selves. They ma other, make all equip armies, b can do nothing land.

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veyed the course of administration of all the presidents we have ever had; and has come to the clear conclusion that all of them — judges, jurists, legislators, and presidents — have systematically violated the Constitution of the United States, or commended its violation, on every practicable occasion for the last sixty years.

Omitting the hundred ways in which the absurdity of this conclusion can be exposed, let me subject it to one practical test. We have acquired territory from Mexico. General Cass voted to ratify the treaty of cession. Measures have been instituted for the formation of three separate governments in this territory — those of California, Deseret [the Colorado River Basin and the Great Basin], and New Mexico. The boundaries marked out by California and Deseret overlap each other to the amount of thousands of square miles. If they have the exclusive right of self-government, as General Cass declares, and Congress none, then they must settle this question of boundary themselves. They may declare war against each other, make alliances with foreign powers, equip armies, build fleets; while Congress can do nothing within their limits but sell land.

But what renders the argument of General Cass still more extraordinary is the fact that, according to his own doctrine, he has spent the greater part of his political life in violating the Constitution, while constantly repeating his oath to support it. As marshal of Ohio, as governor of Michigan, as Indian agent, he has appointed officers and magistrates, and executed laws, when, according to his own showing, he was a mere interloper and usurper, he has met territorial legislatures which had no more right to assemble than a mob, he has doubtless imprisoned, if not executed, many alleged offenders who had as good a legal right to execute or to imprison him; and he has received salaries for more than twenty years, to which the khan of Tartary was as much

entitled as he. Now, if he will refund the salaries he has unconstitutionally received; make reparation for the penalties or forfeitures he has wrongfully extorted; show some signs of contrition for the men whom he has unlawfully imprisoned or hung, it will remove the suspicions of many minds in regard to the sincerity, if not the soundness, of his argument.

I mention these facts from no personal feelings in regard to the senator from Michigan; but only to show to what desperate extremities men are driven in order to defend the right of spreading slavery from the Atlantic to the Pacific Ocean; and because this is the last reading of the Constitution which has been invented for the purpose.

Since the last session of Congress, the condition of a part of this territory has greatly changed. The unexampled velocity with which a living stream of men has poured into it within the last twelve months has reversed its condition and decided its destiny. In other countries, individuals seek their fortunes by changing their residence. Under the vehement action of our enterprise, cities migrate. The new residents of California have framed a constitution, have applied for admission into this Union, and their application is now pending before us. Of their own accord, they have excluded slavery from their borders by their fundamental law. Until the discovery of gold in that country, and until all incredulity in regard to that remarkable fact had been overcome, it was confidently anticipated at the South, and intensely feared at the North, that the whole region would be overrun with slaveholders and with slaves.

As far back as 1842, Mr. Wise, of Virginia, the administration leader in the House of Representatives, boldly declared that "slavery should pour itself abroad without restraint, and find no limit but the Southern Ocean." The war with Mexico was waged for the twofold purpose of robbing that republic of its territory, and then robbing that

territory of its freedom. Congressional orators and the Southern press avowed that the object of acquiring territory was to extend the "divine institution." I could quote pages in proof of this assertion. The North had no hope, the South had no fear, if the territories were left without control, but that they would first be filled with slaveholders and would then incorporate slavery into their organic law.

While these prospects continued, the South insisted that the territories should be left untrammelled. Distinguished men in this House, Mr. Calhoun and other senators, the government organ, which was supposed to express the views of President Polk and his cabinet, all proclaimed that the territories should be left free to institute such government as they might choose. But since California has formed a *free* constitution, what a sudden change has taken place in the convictions of men! Within the present week we have had three most elaborate speeches in this House in which the admission of California, with her free constitution, is vehemently opposed on constitutional grounds. Yes, sir, did you know it? The Constitution of the United States has just been altered; or, what is intended to produce the same effect, without the trouble of an alteration in the manner prescribed by itself, its interpretation has been altered.

While California promised to be a slave state, all interference was unconstitutional. Now, as she desires to be a free state, it has become constitutional to interfere and repel her. Not only so, but, according to the gentleman from Alabama (Mr. Inge), in swearing to support the Constitution we have sworn to perpetuate, and not only to perpetuate but to extend slavery. "To those," he says, "who are disposed to resist my views, I commend a more attentive reading of that instrument. They will find that it not only guarantees slavery but provides for its extension." Or, as he says in another place, it makes provision "to extend the in-

stitution indefinitely." And, therefore, when a territory asks to be admitted as a free state, it is to be repulsed and virtually told, "If you will incorporate slavery into your constitution, you shall be admitted; if not, not." Had the man who first uttered the adage that "circumstances alter cases" foreseen our times, he would have said, "circumstances alter *principles*."

It is further objected to the admission of California that its dimensions are too large for a single state. The force of this objection is somewhat abated when we reflect that it comes from men who were most strenuous for the admission of Texas. However, I shall not object very earnestly to the reduction of its limits. I will say in frankness, that the southern portion of California is understood to be even more attached to freedom than the northern. The result may, therefore, be, if this objection is persisted in and a division made, that we shall soon have two free states instead of one. It was said in the last administration that Mexico was to be dismembered in order "to extend the area of freedom." The most just retribution for that diabolical irony is to carry out the declaration literally.

But I now come to a more substantial part of this great question. The South rests its claims to the new territory upon the great doctrine of equality. There are fifteen slave states, there are only fifteen free states. The South contributed men and money for the conquest, not less than the North; hence, equal ownership and equal rights of enjoyment. This is the argument. In a long and most elaborate speech delivered in the Senate this week by one of the most eminent jurists in the Southern states (Judge Berrien), he founds the whole claim of the South on this doctrine of equality.

Now, I admit this principle in its fullest extent, and without hesitation. That country is equally free to all the people of the United States. The government can sell the lands not already covered by valid titles;

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and any citizen who will comply with its terms can buy them. The people of each of the United States can go there and establish their domicile. The laws of Congress make no discrimination between them. The Constitution makes no such discrimination. The law of nature and of nations makes none. The North has no privilege over the South, and the South has none over the North. If the North has any greater right there than the South, the equality is destroyed. If the South has any greater right there than the North, the equality is equally destroyed.

And now, practically, what right has the North, or what right is claimed by the North, which the South has not to an equal extent? What article of property can a citizen of Massachusetts carry there which a citizen of Georgia *cannot* carry there? Can we carry any of our local laws there, even though all the inhabitants of the state should remove thither in a body? Certainly not. When we leave our state, we leave our local law behind us. A citizen of Boston has a right to educate his children at school, at the public expense. In the Boston public schools, he can prepare his son to enter any college in this country, even though he is too poor to pay a cent for taxes and never has paid a cent for taxes. Has he any such right on arriving at San Francisco? If the city of Boston debars him of this right of educating his son at the public charge, he can institute a suit against it and recover full damages. Can he do the same thing at San Francisco or San Jose? Certainly not. He has left the laws and institutions of Massachusetts behind him. But, it is said, we can carry our property there, and you cannot carry your property there. I think those who use this argument, like the old Roman augurs, must smile at each other askance for the credulity or simplicity of those they beguile by it. Will not every man, even of the feeblest discernment, see the fallacy which is here covered up under the word "property"?

What is meant by this deceptive term "property"? If you mean silver, or gold, or seeds, or grains, or sheep, or horses, cannot you carry these there as freely as we can? But you have special laws — local and peculiar laws — laws contrary to the great principles of the common law by which you call men and women property. And then, forsooth, because we can carry property there, when property means grain and cattle, you can carry property there when it means human beings, perhaps your own brothers, or sisters, or children. Because we can carry our property there, when property means inanimate substances, you have only to call a human being property; you have only to call a creature, formed in the image of God, property, and then he can be smuggled in under the new name.

Why, sir, there is not a respectable village in the country where, if a juggler or mountebank were to attempt to palm upon his audience so flimsy a trick as this, he would not be hissed from the stage. There are certain kinds of property and rights which we can carry with us to the territories, and other kinds which we cannot. We can carry movable property, but not immovable; a diamond or a library, but not a cotton factory nor a cotton field.

The reason is that the law of slavery is a *local* law. Like lotteries, or polygamy, or infanticide, it can legally exist in no land where the principles of the common law prevail, until it is legalized and sanctioned by a special law. Then it is permitted on the simple ground that so much of the common law as secures liberty and property, the right of habeas corpus and freedom of speech to each individual, has been cut out and cast away. The Constitution proceeds upon this doctrine when it provides for the recapture of fugitive slaves. Why did it not provide for the capture of a fugitive horse or ox? Why did it not provide that, if a horse or an ox should escape from a slave state into a free state, it should be delivered

up or be recoverable by legal process? Because horses and oxen are property by the common consent of mankind. It needed no law to make them property. They are property by the law of nations, by the English common law, by the law of every state in this Union, while men and women are not. An escaped slave could not be recovered before the adoption of the Constitution. The power to seize upon escaping slaves was one of the motives for adopting it.

These considerations demonstrate that slaves are not property, within the meaning of this word, when it is affirmed that if the North can carry its property into the territories, so can the South. As the Constitution, in terms, adopts the common law, it leaves slavery nothing to stand upon but the local laws of the states where it is established. Freedom is the rule, slavery is the exception. Judge Berrien's favorite doctrine of equality would, therefore, be destroyed if the exception should prevail over the rule. For, if slavery can be carried into any of our territories by force of the Constitution, it can into all of them; and if carried into all of them, the exception becomes the rule and the rule perishes. Ay, the rule ceases to be even so much as an exception to that which was its own exception. It is wholly swallowed up and lost.

I know it is said that the *fact* of slavery always precedes the *law* of slavery; that law does not go before the institution and create it, but comes afterward to sanction and regulate it. But this is no more true of slavery than of every other institution or practice among mankind, whether right or wrong. Homicide existed before law, the law came in subsequently and declared that he who took an innocent man's life without law should lose his own by law. The law came in to regulate homicide, to authorize the taking of human life for crime, just as we authorize involuntary servitude for crime; and it may just as well be argued that murder is a natural right because it ex-

isted before law as that slavery is a natural right because it existed before law. This argument appeals to the crime which the law was enacted to prevent, in order to establish the supremacy of the crime over the law that forbids it.

There is another fallacy in the arguments which Southern gentlemen use on this subject, which, though not as transparent as the preceding, is quite as unsound. They speak of the *rights* of the slaveholder in the new territories. They speak as though the collective ownership of the territories by the government were the ownership of the people in severalty; as though each citizen could go there and draw a line round a "placer," and say *this is mine*; and, then, because it is his, introduce his slaves upon it. But nothing is more clear than that there is no such individual right. The right of the government is first, a right of sovereignty and jurisdiction; and second, the right of ownership of all lands, navigable waters, etc., which have not been carried away by the preexisting government. Individuals retain their citizenship on going there, as they do on going to Great Britain or France; but a slave has just as much right to a portion of the public lands in California when he gets there as his master.

Again, if the master carries into California the legal right to hold slaves which he possessed at home, does not the slave also retain his legal rights when he is transferred there? The laws which govern slaves are as various as the states where they exist. In some states manumission is comparatively unobstructed. In Delaware, it is a penal offense even to sell a slave to a notorious slave dealer. In Georgia, the law forbids, or lately forbade, the importation of slaves for sale. Now, how can a Georgian import slaves into California from Georgia when the very laws of his own state, under which he claims to hold slaves and under which laws he claims to carry slaves with him, forbid their importation?

And, further, are the rights as any Carolina, the rules a project member of California, who na who own to the legis- Nay, this po na goes furth of ten slave own ten slaves shall be a n aspirant for limitation of as much as this to Calif is inevitable fifteen slave fornia by vir tive states, th incidents of tive codes. I separated fro therefore, hav families, fift, the same tim

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And, further, political franchises or privileges are just as much a part of a man's rights as any tangible commodity. In South Carolina, the ownership of ten slaves constitutes a property qualification for being a member of the legislature. On removing to California, will the citizen of South Carolina who owns ten slaves carry an eligibility to the legislature of California with him? Nay, this political privilege in South Carolina goes further. It is a right in every owner of ten slaves that no man who does not own ten slaves (or some legal equivalent) shall be a member of the legislature. The aspirant for office has a legal right in the limitation of the number of his competitors as much as in anything else. Can he carry this to California with him? The inference is inevitable that if the inhabitants of the fifteen slave states can carry slaves into California by virtue of the laws of their respective states, then they must also carry all the incidents of slavery known to their respective codes. For, how can the incident be separated from the principal? You might, therefore, have, in a neighborhood of fifteen families, fifteen slave codes in operation at the same time: a manifest absurdity.

The conclusion, then, is irresistible: that when you come to the boundary line between a slave state and a free state, you come to the boundary line of slavery itself. On one side of the line, down to the nadir and up to the zenith, the blackness of the slave code pervades all things, but, on the other side, as high above and as deep below, is the purity of freedom. Virginia cannot extend her laws one hairbreadth over the line into Pennsylvania or into Ohio, because their soil is beyond her jurisdiction. So neither Virginia, nor all the fifteen slave states combined, can extend their slave laws one hairbreadth into the new territories, and for the same reason: the territories are beyond their jurisdiction.

As to the argument that the Constitution of the United States recognizes slavery, and

that, upon the cession of new territories, the Constitution, by some magical and incomprehensible elasticity, extends itself over them and carries slavery into them, I think I speak with all due respect when I say it does not come up to the dignity of a sophism. Where do strict constructionists, or even latitudinarian constructionists, find any clause, or phrase, or word which shows that the Constitution is anything but a compact between states? Where do they find anything that shows it to be a compact between territories, or between territories and states conjoined? On its very face, the Constitution meets this pretension with a denial.

The Preamble declares, "We the people of the United States" — not the people of the territories, nor the people of the states and territories — "in order to form a more perfect Union . . . do ordain and establish this Constitution for the United States of America." If the Constitution is a compact between the United States and the territories, then the people of the territories have all the rights under it which the people of the states have: the right to choose electors for President and Vice-President, etc., and to be represented in Congress by a member who can vote as well as speak. The only way in which the Constitution ever was extended, or ever can be extended over any part of the earth's surface outside of the "original thirteen," is this: The Constitution in express terms authorizes the admission of new states, and, therefore, when a new state is admitted, it becomes one of these "United States of America." The Constitution does not extend over the territories, but Congress, being the creature of the Constitution, is, when legislating for the territories, not only invested with constitutional powers but is limited by constitutional restrictions.

But there is another consideration, one which appertains to the party supposed to be insulted rather than the party charged with the insult. In his *Theory of Moral Sen-*

timents, Adam Smith maintains that it is the judgment of men — the opinion of the bystanders — that gives us the pleasure of being approved, or the pain of being disapproved, on account of our conduct. Now, in this contest between the North and the South on the subject of extending slavery, who are the bystanders? They are the civilized nations of the earth. We, the North and the South, are contending in the arena. All civilized men stand around us. They are a ring of lookers-on. It is an august spectacle. It is a larger assemblage than ever witnessed any other struggle in the history of mankind; and their shouts of approbation or hisses of scorn are worthy of our heed.

And what do these spectators say, in the alternations of the combat? Do they urge on the South to mightier efforts, to the wider spread of slavery and the multiplication of its victims? Do they shout when she triumphs? When new chains are forged and riveted, when new realms are subdued by haughty taskmasters and overrun by imbruted slaves, do their plaudits greet your ears and rouse you to more vehement efforts? All the reverse: totally the reverse.

They are now looking on with disgust and abhorrence. They groan, they mock, they hiss. The brightest pages of their literature portray you as covered with badges of dishonor, their orators hold up your purposes as objects for the execration of mankind, their wits hurl the lightnings of satire at your leaders, their statute books abound in laws in which institutions like yours are branded as crimes, their moralists, from their high and serene seats of justice, arraign and condemn you, their theologians find your doom of retribution in the oracles of God.

England has abolished slavery. France, in one fervid moment of liberty, struck the chains from off all her slaves, as the bonds of Paul and Silas were loosed in the inner prison by the mighty power of God. Sweden has abolished it. More than twenty

years ago, impotent, half-civilized Mexico did the same. Tunis, a Barbary state, and, I might add, a barbarous state, has abolished slavery. Mohammedanism precedes Christianity, and sets it an example of virtue. Liberia, a republic of emancipated slaves, the very brothers and sisters of those whom you now hold in bondage, has been acknowledged as an independent sovereignty and welcomed into the family of nations by two of the most powerful governments on the globe.

By this act, freedom secures a new domain on the Eastern continent, while you are striving to give a new domain to bondage on the Western. A monarchy hails the advent of a free nation in Africa, where slavery existed before; a republic is seeking to create 10,000 absolute despotisms in America, where freedom existed before.

Now, these are the bystanders and lookers-on in this grand and awful contestation. They are all agreed, as one man, in their opinions about it. They are unitedly visiting your course with execration and anathema. There is not a nation on the globe that has a printing press and a people that can read from which you can extort one token of approval. I would agree to submit the question now at issue between the North and the South to the arbitrament of any people on the face of the earth not absolutely savage, and to abide its decision. Nay, the wild tribes of the Caucasus and of Upper India, who have defended themselves so nobly against aggression, would spurn your claim and deride its pretexts. And yet you say you are insulted, dishonored, disgraced in the eyes of mankind if you are not permitted to bring down upon our heads, also, the curses they are pouring upon yours. So far is this from truth that if you would promptly and cheerfully consecrate the new territories to freedom, every nation in the world would send their plaudits of your conduct to the skies.

But gentlemen of the South not only ar-

gue the question they go further, will proceed to their demands. Southern legislation solved" that if C the new territories "at any and at every say they do not desire to abstain acc, for threats of character of getting meaning of the taces"? Mr. Tro Georgia, speaking floor, and of other of slavery, calls c says that it is on will stay our ha tions; and then a present to him in "If," he says in tionists resolve to force dishonor up any act of Cong opinion that, wit here indicated, co teer instead of should march up solve the govern

The gentleman [Clingman] forew sures — and th tional measures taken in order to legislation in th shall be the "Le tion, and that " leave a quorum t occupy my hour in character from th Southern men. N — threats most sive — I know word. Perhaps tl ments are only language equal to

gue the question of right and of honor; they go further, and they tell us what they will proceed to do if we do not yield to their demands. A large majority of the Southern legislatures have solemnly "resolved" that if Congress prohibits slavery in the new territories, they will resist the law "at any and at every hazard." And yet they say they do not mean to threaten us. They desire to abstain from all language of menace, for threats and menaces are beneath the character of gentlemen. Sir, what is the meaning of the terms "threats" and "menaces"? Mr. Troup, formerly governor of Georgia, speaking of us who are upon this floor, and of others who resist the extension of slavery, calls each of us a "fanatic." He says that it is only the dread of death that will stay our hands or stop our machinations; and then adds, "That dread you must present to him in a visible, palpable form." "If," he says, "another place, "the Abolitionists resolve to force emancipation, or to force honor upon the Southern states by any act of Congress, then it is my decided opinion that, with the military preparation here indicated, conjoined to a good volunteer instead of a militia system, the state should march upon Washington and dissolve the government."

The gentleman from North Carolina [Mr. Clingman] forewarns us that if certain measures — and they are legal and constitutional measures which he indicates — are taken in order to carry on the business of legislation in this House, the House itself shall be the "Lexington" of a new revolution, and that "such a struggle would not leave a quorum to do business." I could occupy my hour in citing passages of a similar character from the Southern press and from Southern men. Now, if these are not threats — threats most gross, flagrant, and offensive — I know not the meaning of the word. Perhaps those who utter such sentiments are only practising an inversion of language equal to their inversion of ideas on

this subject and would call them "enticements"; like the sailor who said he was enticed to join a mutiny, and being asked what arts had been used to entice him, said that the ringleader sprang at him with a handspike and swore if he did not join it he would knock out his brains.

And do those gentlemen who make these threats soberly consider how deeply they are pledging themselves and their constituents by them? Threats of dissolution, if executed, become rebellion and treason. The machinery of this government is now moving onward in its majestic course. Custom-houses, post offices, land offices, Army, Navy are fulfilling their prescribed circle of duties. They will continue to fulfill them until arrested by violence. Should the hand of violence be laid upon them, then will come that exigency expressly provided for in the Constitution and in the President's inaugural oath, "to take care that the laws be faithfully executed." Mr. Chairman, such collision would be war. Such forcible opposition to the government would be treason. Its agents and abettors would be traitors. Wherever this rebellion rears its crest, martial law will be proclaimed, and those found with hostile arms in their hands must prepare for the felon's doom.

Sir, I cannot contemplate this spectacle without a thrill of horror. If the two sections of this country ever marshal themselves against each other and their squadrons rush to the conflict, it will be a war carried on by such powers of intellect, animated by such vehemence of passion, and sustained by such an abundance of resources as the world has never before witnessed. "Ten foreign wars," it has been well said, "are a luxury compared with one civil war." But I turn from this scene with a shudder. If, in the retributive Providence of God, the volcano of civil war should ever burst upon us, it will be amid thunderings above and earthquakes below and darkness around;

and when that darkness is lifted up, we shall see this once glorious Union — this oneness of government under which we have been prospered and blessed as Heaven never prospered and blessed any other people — rifted in twain from east to west, with a gulf between us wide and profound, save that this gulf will be filled and heaped high with the slaughtered bodies of our countrymen; and when we reawaken to consciousness, we shall behold the garments

and the hands of the survivors red with fratricidal blood. . . .

In conclusion, I have only to add that such is my solemn and abiding conviction of the character of slavery that under a full sense of my responsibility to my country and my God, I deliberately say, better disunion — better a civil or a servile war — better anything that God in His Providence shall send, than an extension of the bounds of slavery.

3.

JOHN C. CALHOUN: Either Slavery or Disunion

As the great debate continued in the Senate over Clay's compromise resolutions, it was inevitable that the senior senator from South Carolina, the "great old man of the South," should have his say. Calhoun worked for a month on his speech, but when the time came to deliver it he was too sick to stand — he died on March 31 — and it was read by a colleague, Senator James A. Mason of Virginia. For twenty years Calhoun had been the South's ablest spokesman and had fought to retain the delicate balance between slave and free states that was now threatened by the proposed admission of California. The speech enumerated the South's grievances and stated the demands that made the compromise resolutions unacceptable. It was read by Mason on March 4

Source: *Globe*, 31 Cong. 1 Sess. pp. 451-455

I HAVE, SENATORS, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of each of the two great parties which divide the country to adopt some measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it has reached a period when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that can ever come under your

consideration. How can the Union be preserved?

To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. Without such knowledge, it is impossible to pronounce, with any certainty, by what measure it can be saved. . . .

The first question, then . . . is: What is it that has endangered the Union? . . .

One of the causes is, undoubtedly, to be traced to the long continued agitation of the slave question on the part of the North and the many aggressions which they have

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eral conflagration. No doubt this had considerable influences in hastening a settlement on the basis of mutual concessions.

But there is a positive contribution of real significance which the Oregon pioneers made to the boundary settlement. It is that they led the Hudson's Bay Company to shift its main depot from the old and famous site on the Columbia River to a new location at the tip of Vancouver Island. This they did by arousing in the mind of George Simpson, governor of the Hudson's Bay Company, fears for the safety of the valuable stores concentrated at Fort Vancouver. Simpson profoundly distrusted the Willamette settlers. In his private correspondence he persistently classed all of them together as "desperate characters." He seems to have considered the provisional government of the same stripe, for when in 1845 he reported that the Clatsop Point settlers had hesitantly given in their adhesion to it he observed: "Well was it for them that they did so, as this infant Government appears to be very energetic, the Bowie knife, Revolving Pistol and Rifle taking the place of the Constable's baton in bringing refractory delinquents to justice." Emigrants en route to Oregon being of the same stamp as those already there, he was concerned for the safety of Fort Hall and warned its chief officer in the spring of 1846 to be on guard against pillaging. Fort Vancouver's best stores he proposed to put as far as possible out of reach of harm.

... There were, to be sure, other considerations, ordinary requirements of business, that demanded the creation of a new main depot away from the Columbia River. The decline of the fur trade in the upper of the Columbia, the perils of the bar at the entrance of the river, and uncertainties as to the boundary settlement were powerful factors dictating the change. Eventually they would have brought it about even without the intervention of the

Americans in the Willamette. Indeed, the Hudson's Bay Company had been contemplating the transfer for at least ten years. But it required the menace of the Willamette settlers to crystallize these factors into action, and action just when the boundary negotiations were at a stage to be influenced by it.

So quietly was this shift of base made that hardly any American understood at the time what was happening but it did not escape the notice of Lord Aberdeen. He knew of it in 1845 and welcomed it for the promise it offered of a peaceful solution of the Oregon controversy. Sincerely desirous of composing this critical issue he had reconciled himself by March, 1844, to substantially the terms of settlement later laid down in the treaty of 1846. But he had found it impossible to win over Peel, the prime minister, or the remainder of the Cabinet. They no doubt feared the clamor which an active opposition would raise over what was virtually a surrender to the demands of the United States. The Cabinet was still unpersuaded when the news came in 1845 of the shift of base of the Hudson's Bay Company. That event put a new political face on the situation. The Hudson's Bay Company had unwittingly revealed by its move that it no longer regarded the Columbia River as a vital trade route or an indispensable outlet for its western provinces to the sea; that a watercourse which looked imposing on the maps was of so little real promise for anything but a fur-trade commerce that it was being relegated by the British interest which best knew its potentialities to secondary status. To yield this river to the United States would not involve serious national loss, and under the circumstances lay the government open to partizan attack or national outcry. And surrender of the Columbia was the key to the peaceful settlement of the Oregon boundary.

3

THE WILMOT PROVISIO

Texas was annexed in 1845, despite protests by many northern White and antislavery men. Mexico threatened to challenge the move, a possibility

which undoubtedly helped President Polk decide on a compromise settlement in Oregon. A dispute over the Texas boundary did bring war, but it was

soon apparent that Americans wanted much more than the area in question. When Polk presented Congress with an appropriation bill for two million dollars to be used for negotiations with Mexico, Democrat David Wilmot, in an antiadministration move, introduced an amendment which prohibited slavery in any territory so acquired. The proviso would seem to have been unnecessary in view of the generally arid nature of the land under

On motion of Mr. McKay the committee proceeded under the resolution just adopted, limiting the time for debate of each member to ten minutes, to the consideration of the President's message, and of the following bill, introduced this morning by Mr. McKay:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a sum of \$2,000,000, in addition to the provision heretofore made, be, and the same is hereby appropriated, for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be.

... Mr. Wilmot regretted that the President had not disclosed his views. He disliked to act in the dark on this or any subject. If this had been done, and it had been inexpedient to have received and deliberated upon it publicly, they might have done so in secret session. He would vote for the appropriation in case the amendment he intended to offer was adopted. He disagreed with some of his friends that this was an unnecessary war; he believed it a necessary and proper war. He believed it not to be a war of conquest, and he was opposed to it now and hereafter. If this country was ever to be forced into such a war, he pronounced it against the spirit of the age, against the holy precepts of our religion; he was opposed to it in every form and shape. But he trusted it was not to be a war of conquest. He trusted that the President was sincerely ready to negotiate for an honorable peace.

consideration, but it raised a great furor and was kept alive as a matter of principle and sectional strategy. Every northern legislature but one passed resolutions in favor of such a limitation on any land obtained from Mexico; southern Democrats were almost as unanimous in opposition. The following extract from the *Congressional Globe* gives the proviso and some of the debate accompanying its original introduction.⁴

But the President asked for two millions of dollars for concessions which Mexico was to make. We claim the Rio Grande as our boundary—that was the main cause of the war. Are we now to purchase what we claim as a matter of right? Certainly she was not to be paid for the debt she owes our citizens.

Mr. W. took it, therefore, that the President looked to the acquisition of territory in that quarter. To this he had no objection, provided it were done on proper conditions. On the contrary, he was most earnestly desirous that a portion of territory on the Pacific, including the bay of San Francisco, should come into our possession by fair and honorable means, by purchase or negotiation—not by conquest.

But whatever territory might be acquired, he declared himself opposed, now and forever, to the extension of this "peculiar institution" that belongs to the South. He referred to the annexation of Texas, and to his affirmative vote on the proposition connected with it at this session; he was for taking it as it was; slavery had already been established there. But if free territory comes in, God forbid that he should be the means of planting this institution upon it.

He concluded by offering the amendment providing against the establishment of slavery, or involuntary servitude, in any territory which may be acquired.

Mr. Hunt of New York was opposed to the bill, but in favor of peace. He wished the Executive to throw over his actions and designs a false coloring. He referred to the President's action in the conduct of the war,

⁴ *Congressional Globe*, 29th Congress, 1st session, pp. 1213-1217. See also Frederick Merk, *Slavery and the Annexation of Texas* (New York, Alfred A. Knopf, 1972).

charging him with having intended war, and commenced action towards it, before he heard of the commencement of hostilities. This message confirmed the impression that the object of the Executive was the extension of our territory south by fair means or by foul. Was it supposed that Mexico intended to fight us, and that this \$2,000,000 was necessary to bring her to terms? If the President desired peace on honorable terms with reference to the difficulties that then existed, Mr. H. would support him; but he was opposed to the acquisition of California, unless upon the terms proposed by the gentleman from Pennsylvania; the attempt to bring it in as slave territory would tend to a dissolution of the Union.

... Mr. Wilmot moved an amendment, to add at the end of Mr. McKay's modified bill the following:

Provided, That, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted.

The first section of the bill was still under consideration, and, after some conversation, the

amendment of Mr. Wilmot was received as an amendment to this section.

Mr. Dobbin rose to a point of order. He contended that the amendment of the gentleman from Pennsylvania (Mr. Wilmot) was not in order, the subject of slavery having no connexion with the bill.

The Chairman overruled the point of order. The bill (he stated) appropriated a certain sum of money to be put at the disposal of the President. It was certainly competent on the part of the House to adopt a provision limiting the application of the money, and providing that it should be applied only on certain conditions.

Mr. Dobbin appealed from the decision.

The question on the appeal was taken by tellers, and the decision of the Chairman was sustained--ayes 92, noes 37.

Thus the amendment was decided in order.

Mr. Wick moved to amend the amendment by inserting therein after the word "territory," the words "north of 36°30' north latitude."

The amendment to the amendment was disagreed to--ayes 54, noes 89.

The question recurring on the original amendment of Mr. Wilmot, tellers were asked and ordered, and the question being taken, it was decided in the affirmative--ayes 83, noes 64.

4

The Wilmot Proviso, introduced by the Senate on Feb. 18, 1846, was a measure to prohibit the admission of slavery into any territory acquired by the United States from Mexico. It was a direct challenge to the policy of the Executive, and it was a direct challenge to the policy of the House. It was a direct challenge to the policy of the nation.

Clay Offers a Compromise

Henry Clay offered a compromise to the Wilmot Proviso. He proposed that the territory acquired from Mexico should be divided into two parts. The part north of 36°30' north latitude should be free territory, and the part south of 36°30' north latitude should be slave territory. This was a compromise between the two sides.

THE COMPROMISE OF 1850

On Sept. 18, 1850, Henry Clay introduced a compromise to the Wilmot Proviso. It was a compromise between the two sides. It was a compromise between the two sides. It was a compromise between the two sides.

Henry Clay's compromise was adopted by the House on Sept. 13, 1850.

The compromise was adopted by the House on Sept. 13, 1850. Appendix B of Congress, 1st session, pp. 11-12.

The Senate proceeded to the consideration of the following Resolutions, submitted by Mr. Clay on the 29th ultimo:

It being desirable, for the peace, concord, and harmony of the Union of these States, to settle and adjust amicably all existing questions of controversy between them, arising out of the institution of slavery, upon a fair, equitable, and just basis: Therefore,

1st. *Resolved*, That California, with suitable boundaries, ought upon her application to be admitted as one of the States of this Union, without the imposition by Congress of any restriction in respect to the exclusion or introduction of slavery within those boundaries.

2d. *Resolved*, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the Republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into or exclusion from any part of the said territory; and that appropriate territorial governments ought to be established by Congress in all of the said territory, not assigned as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery.

3d. *Resolved*, That the western boundary of the State of Texas ought to be fixed on the Rio del Norte, commencing one marine league from its mouth, and running up that river to the southern line of New Mexico; thence with that line eastwardly, and so continuing in the same direction to the line established between the United States and Spain, excluding any portion of New Mexico, whether lying on the east or west of that river.

4th. *Resolved*, That it be proposed to the State of Texas that the United States will provide for the payment of all that portion of the legitimate and *bona fide* public debt of that State contracted prior to its annexation to the United States, and for which the duties on foreign imports were pledged by the said State to its creditors, not exceeding the sum of \$— in consideration of the said duties so pledged having been no longer applicable to that object after the said annexation, but being thenceforward become payable to the

United States; and upon the condition also that the said State of Texas shall, by some solemn and authentic act of her Legislature, or of a convention, relinquish to the United States any claim which it has to any part of New Mexico.

5th. *Resolved*, That it is inexpedient to abolish slavery in the District of Columbia, whilst that institution continues to exist in the State of Maryland, without the consent of that State, without the consent of the people of the District, and without just compensation to the owners of slaves within the District.

6th. *But Resolved*, That it is expedient to prohibit within the District the slave-trade, in slaves brought into it from States or places beyond the limits of the District, either to be sold therein as merchandise, or to be transported to other markets without the District of Columbia.

7th. *Resolved*, That more effectual provision ought to be made by law, according to the requirement of the Constitution, for the restitution and delivery of persons bound to service or labor in any State, who may escape into any other State or Territory in the Union.

And 8th. *Resolved*, That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them, depends exclusively upon their own particular laws.

Mr. Clay addressed the Senate as follows:

Mr. President: never, on any former occasion, have I risen under feelings of such deep solicitude, I have witnessed many periods of great anxiety, peril, and of danger even to the country; but I have never before arisen to address any assembly so oppressed, so appalled, so agonized. And, sir, I hope it will not be out of place to do here what again and again I have done in my private chamber—to implore of Him who holds the destinies of nations and individuals in his hands—to bestow upon our country his blessings—to bestow upon our people all his blessing—to calm the violence and rage of party—to still passion

—to allow reason once more to resume its empire. . . .

Sir, I have said that I have witnessed other anxious periods in the history of our country; and if I were to mention—to trace to their original source—the cause of all our present dangers and difficulties. I should ascribe them to the violence and intemperance of party spirit. We have had testimony of this in the progress of this session, and Senators, however they may differ in other matters, concur in acknowledging the existence of that cause in originating the unhappy differences which prevail throughout the country upon this subject of the institution of slavery. Parties, in their endeavors to obtain the one the ascendancy over the other, catch at every passing and floating plan in order to add strength and power to themselves. We have been told by two honorable Senators, . . . that the parties at the North have each in turn, wooed and endeavored to obtain the assistance of a small party called Abolitionists, in order that the scale in its favor might preponderate over its adversaries. Let us look wherever we may, we see too many indications of the existence of the spirit and intemperance of party. I might go to other legislative bodies besides our own, I might draw from those Legislatures all the melancholy truth upon which I am dwelling; but sir, I need not pass out of this Capitol itself—I say it with all deference and respect to that portion of Congress assembled in the other wing of the Capitol. But what have we seen there during this year's session? One whole week I think it was an entire week exhausted in the vain endeavor to elect a Doorkeeper of the House!

Mr. President, what was the question in this struggle to elect a Doorkeeper? It was not as regarded the man, or the qualifications of the man, but as regarded the question, First, whether the Doorkeeper entertained opinions upon certain great national measures coincident with those of this or that side of the House! . . .

When I came to consider this subject, there were two or three general purposes which seemed to me most desirable, if possible, to

accomplish. The one was to settle all the controverted questions arising out of the subject of slavery; and it seemed to me to be doing very little if we settled one question and left other disturbing questions unadjusted. It seemed to me to be doing but little if we stopped one leak only in the ship of State, and left other leaks capable of producing danger, if not destruction, to the vessel. I therefore turned my attention to every subject connected with the institution of slavery, and out of which controverted questions have sprung, to see if it were possible or practicable to accommodate and adjust the whole of them.

Another principal object which attracted my attention was, to endeavor to frame such a scheme of accommodation as that neither of the two classes of States into which our country is unhappily divided should make a sacrifice of any real principle. I believe, sir, that the series of resolutions which I have had the honor of presenting to the Senate accomplishes that object.

Another purpose, sir, which I had in view was this: I was aware of the difference of opinion prevailing between these two classes of States, I was aware that while a portion of the Union was pushing matters, as it seemed to me, to a dangerous extremity, another portion of the Union was pushing them to an opposite, and perhaps to a no less dangerous extremity. It appeared to me, then, that if any arrangement, or satisfactory adjustment could be made of these controverted questions between the two classes of States, that adjustment, that arrangement, could only be successful and effectual by requiring from both parties some concession, not of principle, not of principle at all, but of feeling, of opinion, in relation to the matters in controversy between them. I believe that the resolutions which I have prepared fulfill in this respect, I believe that you will find upon that careful, careful, and attentive examination of them which I think they deserve, that by them, neither party makes any concession of principle at all, though the concessions of forbearance are ample.

In the next place, in respect to the slaveholding States, there are resolutions making

concessions to them by the class of opposite States, without any compensation whatever being rendered by them to the non-slaveholding States.

I think every one of these characteristics which I have assigned to the measures which I propose is susceptible of clear, satisfactory demonstration, by an attentive perusal and critical examination of the resolutions themselves. Let us take up the first, sir.

The first resolution, Mr. President, as you are aware, relates to California; and it declares that California, with suitable limits, ought to be admitted as a member of this Union, without the imposition of any restriction, either to interdict or to introduce slavery within her limits. Now, is there any concession in this resolution by either party to the other? I know that gentlemen who come from the slaveholding States say that the North gets all that it desires; but by whom does it get it? Does it get it by any action of Congress? If slavery be interdicted in California, is it done by Congress, by this Government? No, sir; the interdiction is imposed by California herself. And has it not been the doctrine of all parties, that when a State is about to be admitted into the Union, that State has a right to decide for itself whether it will or will not have within its limits slavery? The great principle which was in contest upon the memorable occasion of the introduction of Missouri into the Union was, whether it was competent or was not competent for Congress to impose any restriction which should exist after she became a member of the Union? We, who were in favor of the admission of Missouri, contended that, by the Constitution, no such restriction could be imposed. We contended that, whenever she was once admitted into the Union, she had all the rights and privileges of any pre-existing State of the Union, and that of these rights and privileges, one was to decide for herself whether slavery should or should not exist within her limits—that she had as much a right to decide upon the introduction of slavery, as upon its abolition, as New York had a right to decide upon the introduction or abolition of slavery; and that she stood among her peers

equal, and invested with all the privileges that any one of the original thirteen States, and those subsequently admitted, had a right to enjoy.

And so I thought that those who have been contending with so much earnestness and with so much perseverance for the Wilmot proviso ought to reflect that, even if they could carry their object and adopt the Wilmot proviso, it would cease the moment any State to whose territory it was applicable came to be admitted as a member of the Union. No one contends now—no one believes—that with regard to the northwestern States, to which the ordinance of 1787 was applied—Ohio, Indiana, Illinois, and Michigan—no one now believes that any one of those States, if they thought proper to do it, has not just as much a right to introduce slavery within her borders as Virginia has a right to maintain the existence of slavery within hers.

Then, if in this struggle of power and empire between the two classes of States a decision of California has taken place adverse to the wishes of the southern States, it is a decision respecting which they cannot complain to the General Government. It is a decision made by California herself, and which California had incontestibly a right to make under the Constitution of the United States. There is, then, in that first resolution, according to the observation which I made some time ago, a case where neither party concedes; where the question of slavery, either of its introduction or interdiction, is silent as respects the action of this Government; and if it has been decided, it has been decided by a different body—by a different power—by California herself, who had a right to make that decision.

Mr. President, the next resolution of the series which I have offered, I beg gentlemen candidly now to tell me if I was aware, perfectly aware, of the perseverance with which the Wilmot proviso was insisted upon, I knew that every one of the free States of this Union I believe without exception had, by its legislative bodies, passed resolutions instructing its Senators and requesting its Representatives to get that restriction incorporated into any terri-

torial bill that might be offered under the auspices of Congress. I knew how much—although I regretted how much—the free States had—if I may say so—put their hearts upon the adoption of this measure. In this second resolution I call upon them to waive persisting in it. I ask them, for the sake of peace, and in a spirit of mutual forbearance to other members of the Union, to give it up, and to no longer insist upon it—to see, as they must see, if their eyes are open, the dangers which lie under it, if they persevere in insisting upon it.

Well, when I called upon them in that resolution to do this, was I not bound to offer, for the surrender of that favorite measure of theirs, some compensation—not an equivalent by any means, but some compensation—as that spirit of mutual forbearance which animates the one side, ought at the same time to animate the other side? What is it that is offered them? It is a declaration of what I characterize and must style, with great deference to all those who entertain the opposite opinion—I will not say incontestible, but to me clear, and I think they ought to be regarded as indisputable truths. And what are they? The first is, that by law slavery no longer exists in any portion of the acquisition made by us from the Republic of Mexico; and the other is, that in our opinion, according to all the probabilities of the case, slavery never will be introduced into any portion of the territories so acquired from Mexico.

Now, I have heard it said that this declaration of what I call these two truths is equivalent to the enactment of the Wilmot proviso. I have heard this asserted, but is that the case? If the Wilmot proviso were passed, I suppose territorial governments could be held in these territories acquired from Mexico, but would there be a positive enactment—a prohibition—an interhibition—is the introduction of slavery within them. But with regard to these truths, I had hoped and still I do also hope, that the Congress that represent the free States will be inclined not to insist that we shall give—and indeed it would be extremely difficult to give to these declarations—the form of a positive enactment. I had hoped that they would be satisfied with the simple expression of the opinion of Congress, leaving it upon the basis of that opinion, with-

out asking for what seems to be almost impracticable, if not impossible—for any subsequent enactments to be introduced into the bill by which territorial governments shall be established. I can only say that the second resolution, even without the declaration of these two truths, would be more acceptable to me than with them. But I could not forget that I was proposing a scheme of arrangement and compromise, and I could not, therefore, depart from the duty, which the preparation of the scheme seemed to impose, while we ask upon the one side a surrender of their favorite measure, of offering upon the other side some compensation for that surrender or sacrifice. . . .

The other truth, as I respectfully and with great deference submit, this: I propose to admit and announce that slavery is not likely to be introduced into any of those territories. Well, is not that the fact? Is there a member of this body who doubts it? What has occurred within the last three months? In California, more than in any other portion of the ceded territories, was it most probable, if slavery was adapted to the industrial habits of the people, that slavery would be introduced; yet, within the last three months, slavery has been excluded by the vote—the unanimous vote—of the Convention against its introduction—a vote, as I observed on a former occasion, not confined to men from the non-slaveholding States. There were men from the slaveholding States as well who concurred in that declaration; and that declaration has been responded to by the people of California of all classes and from all parts of the United States, and from foreign countries. Well, if we come down to those mountainous valleys which abound in New Mexico, the nature of its soil, its barrenness, its unproductive character, everything that we know, everything that we hear of it, must necessarily lead to the conclusion which I have announced, that slavery is not likely to be introduced there.

What do you want? what do you want? You who reside in the free States. Do you want that there shall be no slavery introduced into the territories acquired by the war with Mexico? Have you not your desire in California? And in all human probability you will

have it in New Mexico also. What more do you want? You have got what is worth more than a thousand Wilmot provisos. You have nature on your side—facts upon your side—and this truth staring you in the face, that there is no slavery in those territories. If you are not infuriated, if you can elevate yourselves from the mud and mire of mere party contentions, to the purer regions of patriotism, what will you not do? Look at the fact as it exists. You will see that this fact was unknown to the great majority of the people; you will see that they acted upon one state of facts, while we have another and far different state of facts before us; and we will act as patriots—as responsible men, and as lovers of liberty, and lovers, above all, of this Union. We will act upon this altered state of facts which were unknown to our constituents, and appeal to their justice and magnanimity to concur with us in this action for peace, concord, and harmony.

... I pass from the second resolution to the third and fourth, which relate to the Texas question. ... The question of slavery, or the feeling connected with the institution of slavery, runs into the question of the boundary of Texas. The North are, perhaps, anxious to contract Texas within the narrowest possible limits, in order to exclude all beyond them, and to make it free territory. The South, on the contrary, are anxious to extend their limits to the source of the Rio Grande, for the purpose of obtaining an additional theatre for slavery. ... You will perceive that these difficulties of the boundary question meet us at every step we take, in which there is a third question also adding to the difficulty. By the resolution of annexation, all territory north of 36° 30' was interdicted from slavery. But in New Mexico, that which lies north of 36° 30' embraces about one-third of the whole of New Mexico east of the Rio Grande—its territory and slave territory, slavery, and non-slavery, are mixed together. All these liberties are to be met. What is proposed? To contract her Territory to the Nueces? No, sir. To extend it from the Sabine to the mouth of the Rio Grande, and thence up the Rio Grande to the southern limits of New Mexico, and thence, with that limit, to the boundary between the United States and Spain,

as marked out under the treaty of 1819. Why, sir, here is a vast country. I have made no estimate about it, but I believe it is equal in amount of acres—of square miles—to what Texas east of the Nueces and extending to the Sabine had before. But who is there that can say, with truth and justice, that there is no reciprocity, no concession, in these resolutions made to Texas, even with reference to the question of boundary line? They give her a vast country... a country sufficiently large, with her consent hereafter, to carve out of it some two or three additional States, when the condition and number of the population may render it expedient to make new States. ...

But, sir, that is not all we propose to give. The second resolution proposes to pay a certain amount of the debt of Texas. A blank is left because I have not hitherto been able to ascertain the amount. ... I shall not repeat the argument I offered upon a former occasion as to the obligation of the United States to pay the debt. ... The United States, having appropriated to themselves the duties arising from imports which have been pledged to the creditor by Texas, as an honorable and just Power, ought now to pay the debt for which these duties were solemnly pledged by a Power independent and competent to make the pledge. ...

... I pass to the next resolution. ... I have uniformly maintained... that the power to abolish slavery in the District of Columbia has been vested in Congress by language too clear and explicit to admit, in my judgment, of any rational question whatever.

What is the language of the Constitution? Congress shall have power "To exercise exclusive legislation in all cases whatsoever, over such District, not exceeding ten miles square, as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States."

... Mr. President, if it be conceded that Congress has the power of legislation—exclusive legislation in all cases whatsoever, how can it be doubted that Congress has the power to prohibit what is called the slave trade within the District of Columbia? ... Why should the slave traders who buy their slaves in Maryland or Virginia, come here with them, in order to

transport them to New Orleans or other southern markets? Why not transport them from the States in which they are purchased? Why should the feelings of those who were outraged by the scenes that are exhibited, by the *corteges* which pass along our avenues of manacled human beings—not collected in our own District, nor in our own neighborhood, why should the feelings of those who are outraged by such scenes—who are unable to contemplate such a spectacle without horror—why should they be thus outraged by the continuance of a trade so exceptionable, so repugnant, as this? . . . Sir, it is a concession . . . which one set of States as well as the other should rejoice to adopt, inasmuch as it lessens by one the causes of irritation and discontent which exist as connected with this subject.

Abolish the slave trade within the District of Columbia; re-assert the doctrine of the resolution of 1838, that by an implied obligation, on the part of Congress, slavery ought not to be abolished within the District of Columbia so long as it remains in the State of Maryland—re-assert the principle of that resolution, and adopt the other measures proposed in these resolutions, or some other similar measures . . . and I venture to predict . . . we shall have peace and quiet for thirty years hereafter, such as followed the disposition of the same exciting and unhappy subject after the Missouri Compromise.

The next resolution [fugitive slave law]. . . Mr. President, upon this subject, I go with him who goes furthest in the interpretation of that clause in the Constitution which relates to this subject. . . The clause is as follows:

That no person held to service or labor in one State under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

. . . I do not think we have just and serious cause of complaint against the free States. I think that they have failed in fulfilling a great obligation, and the failure is precisely upon one of those subjects which in its nature is most irritating and inflammatory to those who live in Slave States. Why, sir, I think it is a

mark of no good brotherhood, of no kindness, of no courtesy, that a man from a slave State cannot now, in any degree of safety, travel in a free State with his servant, although he has no purpose of stopping there any longer than a short time. Upon this subject, the Legislatures of the free States have altered for the worse in the course of the last twenty or thirty years. Most of these States, . . . had laws for the benefit of "sojourners," as they were called, passing through or abiding for a time in the free States with their servants.

. . . Now, Mr. President, I think that the existing laws for the recovery of fugitive slaves, and the restoration and delivering of them to their owners, being often inadequate and ineffective, it is incumbent upon Congress . . . to assist in allaying this subject, so irritating and disturbing to the peace of this Union. . . It is our duty to make the laws more effective; and I will go with the furthest Senator from the South in this body to make penal laws, to impose the heaviest sanctions upon the recovery of fugitive slaves and the restoration of them to their owners.

While upon this part of the subject, however, allow me to make one observation or two. I do not think that States, as States, are to be held responsible for all the misconduct of particular individuals within those States. I think States are to be held responsible only when they act in their sovereign capacity. If there are a few persons indiscreet—mad, if you choose—fanatics, if you choose to call them so—who are for dissolving the Union—(and we know there are some at the North who are for dissolving it, in consequence of the connection which exists between the free and slaveholding States.)—I do not think that any State ought to be held responsible for the doctrines which they propagate, unless the State itself adopts those doctrines. . .

The last resolution declares

"That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them depends exclusively upon their own particular laws."

This is a concession—not, I admit, of any real constitutional provision, but a concession

—of what is understood, I believe, by a great number at the North to be a constitutional provision—from the North to the South, if the resolution be adopted. Take away the decisions of the Supreme Court of the United States on that subject, and I know there is a great deal that might be said on both sides of the subject in relation to the right of Congress to regulate the trade between the States. But I believe the decision of the Supreme Court has been founded upon correct principles; and I hope it will forever put an end to the question whether Congress has or has not the power to regulate the slave trade between the different States.

Such, Mr. President, is the series of resolutions which, with an earnest and anxious desire to present the olive-branch to both parts of this distracted, and, at this moment, unhappy country, I thought it my duty to offer. . . .

Calhoun Answers for the South

All eyes were upon the South and its elder statesman, John C. Calhoun. Would the South accept the Compromise? On March 4 Calhoun answered in a speech read for him by Senator Mason of Virginia.

I have, Senators, believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all proper occasions, endeavored to call the attention of both the two great parties which divide the country to adopt some measure to prevent so great a disaster, but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, and it has reached a point when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and gravest question that can ever come under your consideration: How can the Union be preserved? . . .

To this question there can be but one answer: That the immediate cause is the cause of universal discontent that pervades all the States composing the southern section of the

of Calhoun's speech to the Congress of 1850.
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Union. This widely extended discontent is not of recent origin. It commenced with the agitation of the slavery question, and has been increasing ever since. The next question, going one step further back, is: What has caused this widely-diffused and almost universal discontent? . . .

One of the causes is, undoubtedly to be traced to the long-continued agitation of the slavery question on the part of the North, and the many aggressions which they have made on the rights of the South during the time. I will not enumerate them at present, as it will be done hereafter in its proper place.

There is another lying back of it—with which this is intimately connected—that may be regarded as the great and primary cause. That is to be found in the fact, that the equilibrium between the two sections, in the Government as it stood when the Constitution was ratified and the Government put in action, has been destroyed. At that time there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggressions of the other; but, as it now stands, one section has the exclusive power of controlling the Government, which leaves the other without an adequate means of protecting itself against its encroachment and oppression. . . .

. . . The census is to be taken this year, which must add greatly to the decided preponderance of the North in the House of Representatives and in the Electoral College. The prospect is, also, that a great increase will be added to its present preponderance in the Senate, during the period of the decade by the addition of new States. Two territories, Oregon and Minnesota, are already in progress, and strenuous efforts are making to form in three additional States from the territory recently conquered from Mexico, which, if successful will add three other States in a short time to the northern section, making nine States; and increasing the present number of the States from fifteen to twenty, and the Senators from thirty to forty. On the contrary, there is not a single territory in progress in the southern section, and no certainty that any additional State will be added to it during the decade. The prospect then is,

that the two sections in the senate, should the effort now made to exclude the South from the newly acquired territories succeed, will stand before the end of the decade, twenty Northern States to fourteen Southern (considering Delaware as neutral), and forty Northern senators to twenty-eight Southern. This great increase of senators added to the great increase of members of the House of Representatives and the Electoral College on the part of the North... will effectually and irretrievably destroy the equilibrium which existed when the Government commenced....

The first of the series of Acts by which the South was deprived of its due share of the territories, originated with the confederacy which preceded the existence of this Government. It is to be found in the provision of the ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi rivers, now embracing five States and one Territory. The next of the series is the Missouri compromise, which excluded the South from that large portion of Louisiana which lies north of 36°30', excepting what is included in the State of Missouri. The last of the series excluded the South from the whole of Oregon Territory. All these, in the slang of the day, were what are called slave territories, and not free soil: that is, territories belonging to slaveholding powers and open to the emigration of masters with their slaves. By these several Acts the South was excluded from one million two hundred and thirty-eight thousand and twenty-five square miles—an extent of country considerably exceeding the entire valley of the Mississippi. To the South was left the portion of the Territory of Louisiana lying south of 36°30'... These, with the Territory of Florida, now the State, make, in the whole, two hundred and eighty-three thousand five hundred and three square miles. To this must be added the territory acquired with Texas. If the whole should be added to the southern section it would make an increase of three hundred and twenty-five thousand five hundred and twenty, which would make the whole left to the South six hundred and nine thousand and twenty-three. But a large part of Texas is still in con-

test between the two sections, which leaves it uncertain what will be the real extent of the proportion of territory that may be left to the South....

... To sum up the whole, the United States, since they declared their independence, have acquired 2,373,046 square miles of territory, from which the North will have excluded the South, if she should succeed in monopolizing the newly acquired territories, about three fourths of the whole, leaving the South but about one fourth.

Such is the first and great cause that has destroyed the equilibrium between the two sections in the Government.

The next is the system of revenue and disbursements which has been adopted by the Government. It is well known that the Government has derived its revenue mainly from duties on imports. I shall not undertake to show that such duties must necessarily fall mainly on the exporting States, and that the South, as the great exporting portion of the Union, has in reality paid vastly more than her due proportion of the revenue: because I deem it unnecessary.... Nor shall I, for the same reason, undertake to show that a far greater portion of the revenue has been disbursed at the North, than its due share: and that the joint effect of these causes has been, to transfer a vast amount from South to North, which, under an equal system of revenue and disbursements, would not have been lost to her. If to this be added, that many of the duties were imposed, not for revenue, but for protection,—that is, intended to put money, not in the treasury, but directly into the pockets of manufacturers,—some conception may be formed of the immense amount which, in the long course of sixty years, has been transferred from South to North. It is safe to say that it amounts to hundred of millions of dollars. Under the most moderate estimate, it would be sufficient to add to the wealth of the North, and thus greatly increase her population by attracting emigration from all quarters to that section....

The result of the whole of these causes combined is, that the North has acquired a decided ascendancy over every department of this Gov-

ernment, and through it a control over all the powers of the system. . . .

As, then, the North has the absolute control over the Government, it is manifest that on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be; as the South possesses no means by which it can resist, through the action of the Government. . . . There is a question of vital importance to the southern section, in reference to which the views and feelings of the two sections are as opposite and hostile as they can possibly be.

I refer to the relation between the two races in the southern section, which constitutes a vital portion of her social organization. Every portion of the North entertains views and feelings more or less hostile to it. . . . On the contrary, the southern section regards the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness; and accordingly they feel bound, by every consideration of interest and safety, to defend it.

This hostile feeling on the part of the North toward the social organization of the South long lay dormant. . . . The first organized movement toward it commenced in 1835. Then, for the first time, societies were organized, presses established, lecturers sent forth to excite the people of the North, and incendiary publications scattered over the whole South, through the mail. . . . At the meeting of Congress, petitions poured in from the North, calling upon Congress to abolish slavery in the District of Columbia, and to prohibit what they called the internal slave trade between the States, announcing at the same time, their ultimate object was to abolish slavery throughout the Union. . . .

Having now Senators explained what it is that endangers the Union—the question again recurs, How can the Union be saved? To this answer, there is but one way by which it can be, and that is by adopting such measures as will satisfy the States belonging to the southern section, that they can remain in the Union consistently with their honor and their safety.

There is, again, only one way by which this can be effected, and that is by removing the causes by which this belief has been produced. Do this, and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union be removed. The question, then, is How can this be done?

. . . The plan proposed by the distinguished Senator from Kentucky, nor that of the administration, [cannot] save the Union. . . .

. . . How can the Union be saved? There is but one way by which it can with any certainty; and that is, by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer, but the Constitution; and no concession or surrender to make. She has already surrendered so much, that she has little left to surrender. . . .

But can this be done? Yes, easily; not by the weaker party, for it can, of itself do nothing,—not even protect itself—but by the stronger. The North has only to will it to accomplish it—to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled, to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government. There will be no difficulty in devising such a provision—one that will protect the South, and which, at the same time, will improve and strengthen the Government, instead of impairing and weakening it.

But will the North agree to this? It is for her to answer the question. . . . If you are unwilling we should part in peace. . . . If you remain silent, you will compel us to infer by your acts what you intend. In that case, California will become the test question. If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired ter-

ritories, with the intention of destroying, irrevocably, the equilibrium between the two sections. We would be blind not to perceive in that case, that your real objects are power and aggrandizement, and infatuated, not to act accordingly.

Daniel Webster's March 7 Speech

In one of his greatest speeches Daniel Webster of Massachusetts joined Clay in calling for adoption of the Compromise as the best way to save the Union. Undoubtedly it was his influence which made the North accept, although with misgivings, a new and stronger fugitive slave law.⁷

I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States. . . . It is not to be denied that we live in the midst of strong agitations and are surrounded by very considerable dangers to our institutions and government. The imprisoned winds are let loose. The East, the North, and the stormy South combine to throw the whole sea into commotion, to toss its billows to the skies, and disclose its profoundest depths. I do not affect myself, Mr. President, as holding, or fit to hold, the helm in this combat with the political elements; but I have a duty to perform, and I mean to perform it with fidelity, not without a sense of existing dangers, but not without hope. I have a part to act, not for my own security or safety, for I am looking out for no fragment upon which to float away from the wreck, if wreck there must be, but for the good of the whole, and the preservation at all; and there is that which will keep me to my duty during this struggle, whether the sun and the stars shall appear for many days. I speak to-day for the preservation of the Union. "Hear me for my cause!" I speak to-day, out of a zealous and anxious heart, for the restoration to the country of that quiet and that harmony, which make the blessings of this Union so rich, and so dear to us all. These are the topics that

I propose to myself to discuss; these are the motives, and the sole motives, that influenced me in the wish to communicate my opinions to the Senate and the country; and if I can do any thing, however little, for the promotion of these ends, I shall have accomplished all that I expect. . . .

Now, sir, upon the general nature and influence of slavery there exists a wide difference of opinion between the northern portion of this country and the southern. It is said on the one side, that, although not the subject of any injunction or direct prohibition in the New Testament, slavery is a wrong; that it is founded merely in the right of the strongest; and that it is an oppression, like unjust wars, like all those conflicts by which a powerful nation subjugates a weaker to its will; and that, in its nature, whatever may be said of it in the modifications which have taken place, it is not according to the meek spirit of the Gospel. It is not "kindly affectioned"; it does not "seek another's, and not its own"; it does not "let the oppressed go free." These are sentiments that are cherished, and of late with greatly augmented force, among the people of the Northern States. . . . The South upon the other side, having been accustomed to this relation between the two races all their lives; from their birth, having been taught, in general, to treat the subjects of this bondage with care and kindness, and I believe, in general, feeling great kindness for them, have not taken the view of the subject which I have mentioned. There are thousands of religious men, with consciences as tender as any of their brethren at the North, who do not see the unlawfulness of slavery. . . .

There are men who, with clear perceptions, as they think of their own duty, do not see how too eager a pursuit of one duty may involve them in the violation of others, or how too warm an attachment of one truth may lead to a disregard of other truths just as important. . . . There are men who, in reference to duties of this sort, are of opinion that human duties may be ascertained with the exactness of mathematics; and they think what is right may be distinguished from what is wrong with the precision of an algebra equation. They have, therefore, none too much charity toward

⁷ *Webster, Daniel*, *18th Congress*, 1824-25, 1:470-81.

others who differ from them. They are apt, too, to think that nothing is good but what is perfect, and that there are no compromises or modifications to be made in consideration of difference of opinion or in deference to other men's judgment. . . .

But we must view things as they are. Slavery does exist in the United States. It did exist in the States before the adoption of this Constitution, and at that time. Let us, therefore, consider for a moment what was the state of sentiment, North and South, in regard to slavery, — . . . at the time this Constitution was adopted. A remarkable change has taken place since; but what did the wise and great men of all parts of the country think of slavery then? . . . It will be found, sir, . . . that there was no diversity of opinion between the North and South upon the subject of slavery. It will be found that both parts of the country held it equally an evil, a moral and political evil. It will not be found that, either at the North or at the South, there was much, though there was some, invective against slavery as inhuman and cruel. The great ground of objection to it was political; that it weakened the social fabric; that, taking the place of free labor, society became less strong and labor less productive; and therefore we find from all the eminent men of the time the clearest expression of their opinion that slavery is an evil. . . .

. . . But soon a change began, at the North and the South, and a difference of opinion showed itself: the North growing much more warm and strong against slavery, and the South growing much more warm and strong in its support. Sir, there is no generation of mankind whose opinions are not subject to be influenced by what appear to be their emergent and exigent interests. I impute to the South no particularly selfish view in the change which has come over her. I impute to her certainly no dishonest view. All that has happened has been natural. — If slavery has now become an institution, a cherished institution in that quarter; no evil, no scourge, but a great religious, social, and moral blessing, as I think I have heard it latterly spoken of? I suppose this, sir, is owing to the rapid growth and sudden extension of the cotton plantations of the South. So

far as any motive consistent with honor, justice, and general judgment could act, it was the cotton interest that gave a new desire to promote slavery, to spread it, and to use its labor. . . .

Now, as to California and New Mexico, I hold slavery to be excluded from these territories by a law even superior to that which admits and sanctions it in Texas. I mean the law of nature, of physical geography, the law of the formation of the earth. . . . I will say further, that, if a resolution or a bill were now before us, to provide a territorial government for New Mexico, I would not vote to put any prohibition into it whatever. Such a prohibition would be idle, as it respects any effect it would have upon the territory and I would not take pains uselessly to reaffirm an ordinance of nature, nor to reenact the will of God. I would put in no Wilmot proviso for the mere purpose of a taunt or a reproach. I would put into it no evidence of the votes of superior power, exercised for no purpose but to wound the pride, whether a just and rational pride, or an irrational pride, of the citizens of the southern States. . . .

Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and South. There are lists of grievances produced by each. . . . I shall bestow a little attention, sir, upon these various grievances existing on the one side and on the other. I begin with the complaints of the South. I will not answer, further than I have, the general statements of the honorable Senator from South Carolina, that the North has prospered at the expense of the South in consequence of the manner of administering this Government, in the collection of its revenues, and so forth. These are disputed topics, and I have no inclination to enter into them. But I will allude to other complaints of the South, and especially to one which has in my opinion, just foundation; and that is, that there has been found at the North, among individuals and among legislators, a disinclination to perform fully their constitutional duties in regard to the return of persons bound to service who have escaped into the free States. In that respect, the South, in my judg-

ment, is right, and the North is wrong. . . . And I desire to call the attention of all sober-minded men at the North, of all conscientious men, of all men who are not carried away by some fanatical idea or some false impression, to their constitutional obligations. I put it to all the sober and sound minds at the North as a question of morals and a question of conscience. What right have they, in their legislative capacity, or any other capacity, to endeavor to get round this Constitution, or to embarrass the free exercise of the rights secured by the Constitution, to the person whose slaves escape from them? None at all; none at all. . . .

Then, sir, there are the Abolition societies, of which I am unwilling to speak, but in regard to which I have very clear notions and opinions. I do not think them useful. I think their operations for the last twenty years have produced nothing good or valuable. . . . We all know the fact, and we all know the cause; and every thing that these agitating people have done has been, not to enlarge, but to restrain, not to set free, but to bind faster, the slave population of the South. . . .

There are also complaints of the North against the South. I need not go over them particularly. The first and gravest is, that the North adopted the Constitution, recognizing the existence of slavery in the States, and recognizing the right, to a certain extent, of the representation of slaves in Congress, under a state of sentiment and expectation which does not now exist; and that by events, by circumstances, by the eagerness of the South to acquire territory, and extend her slave population, the North finds itself, in regard to the relative influence of the South and the North, of the free States and the slave States, where it never did expect to find itself when they agreed to the compact of the Constitution. They complain, therefore, that, instead of slavery being regarded as an evil, as it was then, an evil which all hoped would be extinguished gradually, it is now regarded by the South as an institution to be cherished, and preserved, and extended, an institution which the South has already extended to the utmost of her power by the acquisition of new territory. . . .

Mr. President, I should much prefer to have

heard from every member on this floor declarations of opinion that this Union could never be dissolved, than the declaration of opinion by anybody, that in any case, under the pressure of any circumstances, such a dissolution was possible. . . . Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. . . . I will not state what might produce the disruption of the Union; but, sir, I see as plainly as I can see the sun in heaven what that disruption itself must produce; I see that it must produce war. . . .

. . . Sir, I may express myself too strongly, perhaps, but there are impossibilities in the natural as well as the physical world, and I hold the idea of the separation of these States, those that are free to form one government, and those that are slave-holding to form another, as such an impossibility. We could not separate the States by any such line, if we were to draw it. We could not sit down here today and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break if we would, and which we should not if we could. . . .

And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in those caverns of darkness, instead of groaning with those ideas so full of all that is horrible and horrible, let us come out into the light of the day; let us enjoy the fresh air of Liberty and Union; let us cherish those hopes which are to us; let us devote ourselves to those great objects that are fit for our consideration and our action. . . . Never did there devolve on any generation of men higher trusts than now devolve upon us, for the preservation of the Constitution and the harmony and peace of the Union are destined to live under it. Let us make this generation one of the strongest and bravest links in that golden chain which is destined, I fondly believe, to grapple the people of all the States to this Constitution for ages to come. We have a great, popular, Constitutional Government, guarded by law and by judicature, and defended by the affections of the whole people. . . .

JOHN GREENLEAF WHITTIER: "Ichabod"

"Ichabod" appeared in the *National Era*, of which Whittier was an editor, on May 2, 1850. The title derived from I Samuel 4:21: "And she named the child Ichabod, saying, The glory is departed from Israel." Ichabod, of course, was Daniel Webster, whose speech in the Senate two months before had dismayed antislavery men in the North. Whittier described the poem's inception in a famous note. The birth of the poem, he said, was "the outcome of the surprise and grief and forecast of evil consequences which I felt on reading the seventh of March speech of Daniel Webster in support of the 'compromise' and the Fugitive Slave Bill. No partisan or personal enmity dictated it. On the contrary my admiration of the splendid personality and intellectual power of the great senator was never stronger than when I laid down his speech, and, in one of the saddest moments of my life, penned my protest in tones of stern and sorrowful rebuke."

Source: *Complete Poetical Works*, Cambridge Edition, Boston, 1894

 ICHABOD

<p>So fallen! so lost! the light withdrawn Which once he wore! The glory from his gray hairs gone Forevermore!</p> <p>Revile him not — the Tempter hath A snare for all, And pitying tears, not scorn and wrath, Befit his fall!</p> <p>O, dumb be passion's stormy rage, When he who might Have lighted up and led his age, Falls back in night</p> <p>Scorn! would the angels laugh, to mark A bright soul driven, Fiend-goaded, down the endless dark, From hope and heaven!</p> <p>Let not the land once proud of him Insult him now</p>	<p>Nor brand with deeper shame his dim, Dishonored brow.</p> <p>But let its humbled sons, instead, From sea to lake, A long lament, as for the dead, In sadness make.</p> <p>Of all we loved and honored, naught Save power remains — A fallen angel's pride of thought, Still strong in chains.</p> <p>All else is gone, from those great eyes The soul has fled: When faith is lost, when honor dies, The man is dead!</p> <p>Then pay the reverence of old days To his dead fame; Walk backward, with averted gaze, And hide the shame!</p>
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WILLIAM H. SEWARD: A Higher Law than the Constitution

Four days after Webster's seventh of March speech Senator William H. Seward, a staunch Abolitionist from New York, denounced the compromise proposed by Henry Clay. Invoking a "higher law than the Constitution," Seward urged his fellow senators to consider not only the constitutional but also the moral implications of slavery when they ruled on the status of the new territories. As an orator, Seward was not a Senate favorite and thus addressed a less than full chamber. However, his words were enthusiastically and sympathetically received by many in the North. Portions of Seward's speech, delivered on March 11, are reprinted here.

Source: *Globe*, App. 31 Cong., 1 Sess., pp. 260-269.

TODAY, CALIFORNIA IS A STATE, more populous than the least and richer than several of the greatest of our thirty states. This same California, thus rich and populous, is here asking admission into the Union, and finds us debating the dissolution of the Union itself.

Shall California be received? For myself, upon my individual judgment and conscience, I answer, yes. For myself, as an instructed representative of one of the states, of that one even of the states which is soonest and longest to be pressed in commercial and political rivalry by the new commonwealth, I answer, yes, let California come in. Every new state, whether she come from the East or from the West, every new state, coming from whatever part of the continent she may, is always welcome. But California, that comes from the clime where the West dies away into the rising East; California, which bounds at once the empire and the continent, California, the youthful queen of the Pacific, in her robes of freedom, gorgeously inlaid with gold, is doubly welcome.

But it is insisted that the admission of California shall be attended by a compro-

mise of questions which have arisen out of slavery. I AM OPPOSED TO ANY SUCH COMPROMISE, IN ANY AND ALL THE FORMS IN WHICH IT HAS BEEN PROPOSED, because, while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all legislative compromises radically wrong and essentially vicious. They involve the surrender of the exercise of judgment and conscience on distinct and separate questions, at distinct and separate times, with the indispensable advantages it affords for ascertaining truth. They involve a relinquishment of the right to reconsider in future the decisions of the present on questions prematurely anticipated, and they are a usurpation as to future questions of the province of future legislators.

Sir, it seems to me as if slavery had laid its paralyzing hand upon myself, and the blood were coursing less freely than it wont through my veins, when I endeavor to suppose that such a compromise has been effected; and my utterance forever is arrested upon all the great questions, social, moral, and political, arising out of a subject so important and as yet so incomprehensible. What am I to receive in this compro-

mise? Freedom in California. It is well; it is a noble acquisition; it is worth a sacrifice. But what am I to give as an equivalent? A recognition of a claim to perpetuate slavery in the District of Columbia; forbearance toward more stringent laws concerning the arrest of persons suspected of being slaves found in the free states; forbearance from the proviso of freedom in the charters of new territories. None of the plans of compromise offered demands less than two, and most of them insist on all of these conditions. The equivalent then is some portion of liberty, some portion of human rights in one region for liberty in another region. But California brings gold and commerce as well as freedom. I am, then, to surrender some portion of human freedom in the District of Columbia, and in East California, and New Mexico for the mixed consideration of liberty, gold, and power on the Pacific coast.

There is another aspect of the principle of compromise which deserves consideration. It assumes that slavery, if not the only institution in a slave state, is at least a ruling institution, and that this characteristic is recognized by the Constitution. But slavery is only one of many institutions there — freedom is equally an institution there. Slavery is only a temporary, accidental, partial, and incongruous one; freedom, on the contrary, is a perpetual, organic, universal one, in harmony with the Constitution of the United States. The slaveholder himself stands under the protection of the latter, in common with all the free citizens of the state, but it is, moreover, an indispensable institution. You may separate slavery from South Carolina, and the state will still remain, but if you subvert freedom there, the state will cease to exist.

But the principle of this compromise gives complete ascendancy in the slave state, and in the Constitution of the United States, to the subordinate, accidental, and

incongruous institution over its paramount antagonist. To reduce this claim for slavery to an absurdity, it is only necessary to add that there are only two states in which slaves are a majority, and not one in which the slaveholders are not a very disproportionate minority.

But there is yet another aspect in which this principle must be examined. It regards the domain only as a possession, to be enjoyed either in common or by partition by the citizens of the old states. It is true, indeed, that the national domain is ours; it is true, it was acquired by the valor and with the wealth of the whole nation; but we hold, nevertheless, no arbitrary power over it. We hold no arbitrary authority over anything, whether acquired lawfully or seized by usurpation. The Constitution regulates our stewardship, the Constitution devotes the domain to union, to justice, to defense, to welfare, and to liberty.

But there is a higher law than the Constitution which regulates our authority over the domain and devotes it to the same noble purposes. The territory is a part — no inconsiderable part — of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are His stewards and must so discharge our trust as to secure, in the highest attainable degree, their happiness.

This is a state, and we are deliberating for it, just as our fathers deliberated in establishing the institutions we enjoy. Whatever superiority there is in our condition and hopes over those of any other "kingdom" or "estate" is due to the fortunate circumstance that our ancestors did not leave things to "take their chance," but that they "added amplitude and greatness" to our commonwealth "by introducing such ordinances, constitutions, and customs as were wise." We, in our turn, have succeeded to the same responsibilities; and we cannot approach the duty before us wisely or

justly except we have the consideration of the "sow greatness to sows."

And now the great question which this: Shall we, in our relations, social and political — shall we, in our relations with the wise and the just — shall we, in our relations with them, and to reject them — shall we establish — shall we establish? Sir, our fathers hesitated an hour in deliberating here, and the result could not remove the free state which we have founded there is no slave state. The free alternative we have founded slavery. The question before us is organic law, under the Constitution of Michigan, Illinois, and Ohio have since come to a solemnly repudiated from those states. The most alarming evil which has yet befallen the fact that we even

Sir, there is no choice as we have slavery. I speak because Britain, France, and the states are preparing as they can. We are because there are security, welfare, which we all admit, recognize as essential security of natural knowledge, and Slavery is incongruous and just in proportion

justly except we raise ourselves to the great consideration of how we can most certainly "sow greatness to our posterity and successors."

And now the simple, bold, and even awful question which presents itself to us is this: Shall we, who are founding institutions, social and political, for countless millions — shall we, who know by experience the wise and the just, and are free to choose them, and to reject the erroneous and unjust — shall we establish human bondage, or permit it, by our sufferance, to be established? Sir, our forefathers would not have hesitated an hour. They found slavery existing here, and they left it only because they could not remove it. There is not only no free state which would now establish it but there is no slave state which, if it had had the free alternative as we now have, would have founded slavery. Indeed, our revolutionary predecessors had precisely the same question before them in establishing an organic law, under which the states of Ohio, Michigan, Illinois, Wisconsin, and Iowa have since come into the Union; and they solemnly repudiated and excluded slavery from those states forever. I confess that the most alarming evidence of our degeneracy which has yet been given is found in the fact that we even debate such a question.

Sir, there is no Christian nation, thus free to choose as we are, which would establish slavery. I speak on due consideration, because Britain, France, and Mexico have abolished slavery, and all other European states are preparing to abolish it as speedily as they can. We cannot establish slavery, because there are certain elements of the security, welfare, and greatness of nations, which we all admit, or ought to admit, and recognize as essential, and these are the security of natural rights, the diffusion of knowledge, and the freedom of industry. Slavery is incompatible with all of these, and just in proportion to the extent that it

prevails and controls in any republican state, just to that extent it subverts the principle of democracy and converts the state into an aristocracy or a despotism.

This brings me to the great and all-absorbing argument, that the Union is in danger of being dissolved, and that it can only be saved by compromise. I do not know what I would not do to save the Union; and therefore I shall bestow upon this subject a very deliberate consideration.

In any condition of society, there can be no revolution without a cause, an adequate cause. What cause exists here? We are admitting a new state; but there is nothing new in that we have already admitted seventeen before. But it is said that the slave states are in danger of losing political power by the admission of the new state. Well, sir, is there anything new in that? The slave states have always been losing political power, and they always will be, while they have any to lose. At first, twelve of the thirteen states were slave states, now only fifteen out of the thirty are slave states. Moreover, the change is constitutionally made, and the government was constructed so as to permit changes of the balance of power in obedience to changes of the forces of the body politic.

Those who would alarm us with the terrors of revolution have not well considered the structure of this government and the organization of its forces. It is a democracy of property and persons, with a fair approximation toward universal education and operating by means of universal suffrage. The constituent members of this democracy are the only persons who could subvert it, and they are not the citizens of a metropolis like Paris, or of a region subjected to the influences of a metropolis like France, but they are husbandmen, dispersed over this broad land, on the mountain and on the plain and on the prairie, from the ocean to the Rocky

Mountains, and from the Great Lakes to the Gulf. And this people are now, while we are discussing their imaginary danger, at peace and in their happy homes, and as unconcerned and uninformed of their peril as they are of events occurring in the moon. Nor have the alarmists made due allowance in their calculations for the influence of conservative reaction, strong in any government and irresistible in a rural republic, operating by universal suffrage. That principle of reaction is due to the force of the habits of acquiescence and loyalty among the people.

No man better understood this principle than Machiavelli, who has told us, in regard to factions, that "no safe reliance can be placed in the force of nature and the bravery of words, except it be corroborate by custom." Do the alarmists remember that this government has stood sixty years already without exacting one drop of blood? That this government has stood sixty years, and treason is an obsolete crime? That day, I trust, is far off when the fountains of popular contentment shall be broken up; but whenever it shall come, it will bring forth a higher illustration than has ever yet been given of the excellence of the democratic system, for then it will be seen how calmly, how firmly, how nobly a great people can act in preserving their Constitution — whom "love of country moveth, example teacheth, company comforteth, emulation quickeneth, and glory exalteth."

When the founders of the new Republic of the South come to draw over the face of this empire, along or between its parallels of latitude or longitude, their ominous lines of dismemberment, soon to be broadly and deeply shaded with fraternal blood, they may come to the discovery then, if not before, that the natural and even political connections of the region embraced forbid such a partition, that its possible divisions are not northern and southern at all, but eastern and western, Atlantic and Pacific, and that

nature and commerce have allied indissolubly, for weal and woe, the seceders and those from whom they are to be separated; that, while they would rush into a civil war to restore an imaginary equilibrium between the Northern states and the Southern states, a new equilibrium has taken its place, in which all those states are on the one side and the boundless West is on the other.

Sir, when the founders of the new Republic of the South come to draw these fearful lines, they will indicate what portions of the continent are to be broken off from their connection with the Atlantic, through the St. Lawrence, the Hudson, the Delaware, the Potomac, and the Mississippi; what portion of this people are to be denied the use of the lakes, the railroads, and the canals now constituting common and customary avenues of travel, trade, and social intercourse; what families and kindred are to be separated and converted into enemies; what states are to be the scenes of perpetual border warfare, aggravated by interminable horrors of servile insurrection. When those portentous lines shall be drawn, they will disclose what portion of this people is to retain the Army and the Navy and the flag of so many victories; and, on the other hand, what portion of the people is to be subjected to new and ominous imposts, direct taxes, and forced loans, and conscriptions to maintain an opposing army, an opposing navy, and the new and hateful banner of sedition. Then the projectors of the new Republic of the South will meet the question — and they may well prepare now to answer it — what is all this for? What intolerable wrong, what unfraternal injustice have rendered these calamities unavoidable? What gain will this unnatural revolution bring to us? The answer will be: All this is done to secure the institution of African slavery.

And, then, if not before, the question will be discussed: What is this institution of slavery that it should cause these unparal-

leled sacrifices? And the Spaniards the Western I America, they from its virgin the cupidity o Madrid. They fensive, and ce by thousands, that new and ecclesiastic adv cans, reduced wars; and a p ggestion, with of the church, prescriptive rig the heathen t colonists of their unconsci the slave traffi duing their to the African ra

A happy awakening of the injustice of the independ chusetts, Cor Hampshire, V sey, and Pen braced the sp Renouncing l and empire: misled by a elected to m. and thus, che and empire.

When this appear that Union is a v braces the fe shall stand, peaceful actio causes, be re effort, and w the Union st ensue, bringi

leled sacrifices and these disastrous afflictions? And this will be the answer: When the Spaniards, few in number, discovered the Western Indies and adjacent continental America, they needed labor to draw forth from its virgin stores some speedy return to the cupidity of the court and the bankers of Madrid. They enslaved the indolent, inoffensive, and confiding natives, who perished by thousands, and even by millions, under that new and unnatural bondage. A humane ecclesiastic advised the substitution of Africans, reduced to captivity in their native wars; and a pious princess adopted the suggestion, with a dispensation from the head of the church, granted on the ground of the prescriptive right of the Christian to enslave the heathen to effect his conversion. The colonists of North America, innocent in their unconsciousness of wrong, encouraged the slave traffic, and thus the labor of subduing their territories revolved chiefly upon the African race.

A happy conjuncture brought on an awakening of the conscience of mankind to the injustice of slavery, simultaneously with the independence of the colonies. Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, New York, New Jersey, and Pennsylvania welcomed and embraced the spirit of universal emancipation. Renouncing luxury, they secured influence and empire, but the states of the South, misled by a new and profitable culture, elected to maintain and perpetuate slavery, and thus, choosing luxury, they lost power and empire.

When this answer shall be given, it will appear that the question of dissolving the Union is a complex question, that it embraces the fearful issue whether the Union shall stand, and slavery, under the steady, peaceful action of moral, social, and political causes, be removed by gradual, voluntary effort, and with compensation, or whether the Union shall be dissolved and civil wars ensue, bringing on violent but complete and

immediate emancipation. We are now arrived at that stage of our national progress when that crisis can be foreseen — when we must foresee it. It is directly before us. Its shadow is upon us. It darkens the legislative halls, the temples of worship, and the home and the hearth. Every question, political, civil, or ecclesiastical — however foreign to the subject of slavery — brings up slavery as an incident; and the incident supplants the principal question. We hear of nothing but slavery, and we can talk of nothing but slavery.

And, now, it seems to me that all our difficulties, embarrassments, and dangers arise, not out of unlawful perversions of the question of slavery, as some suppose, but from the want of moral courage to meet this question of emancipation as we ought. Consequently, we hear on one side demands — absurd, indeed, but yet unceasing — for an immediate and unconditional abolition of slavery; as if any power except the people of the slave states could abolish it, and as if they could be moved to abolish it by merely sounding the trumpet violently and proclaiming emancipation, while the institution is interwoven with all their social and political interests, constitutions, and customs.

On the other hand, our statesmen say that "slavery has always existed, and, for aught they know or can do, it always must exist. God permitted it, and He alone can indicate the way to remove it." As if the Supreme Creator, after giving us the instructions of His Providence and revelation for the illumination of our minds and consciences, did not leave us, in all human transactions, with due invocations of His Holy Spirit, to seek out His will and execute it for ourselves.

Here, then, is the point of my separation from both of these parties. I feel assured that slavery must give way, and will give way, to the salutary instructions of economy and to the ripening influences of hu-

manity; that emancipation is inevitable and is near; that it may be hastened or hindered; and that whether it be peaceful or violent depends upon the question whether it be hastened or hindered; that all measures which fortify slavery or extend it tend to the consummation of violence — all that check its extension and abate its strength tend to its peaceful extirpation. But I will adopt none but lawful, constitutional, and peaceful means to secure even that end; and nonesuch can I or will I forego.

Nor do I know any important or responsible body that proposes to do more than this. No free state claims to extend its legislation into a slave state. None claims that Congress shall usurp power to abolish slavery in the slave states. None claims that any violent, unconstitutional, or unlawful measures shall be embraced. And, on the other hand, if we offer no scheme or plan for the adoption of the slave states, with the assent and cooperation of Congress, it is only because the slave states are unwilling, as yet, to receive such suggestions, or even to entertain the question of emancipation in any form.

But, sir, I will take this occasion to say that, while I cannot agree with the honorable senator from Massachusetts in proposing to devote \$80 million to remove the free colored population from the slave states, and thus, as it appears to me, fortify slavery, there is no reasonable limit to which I am not willing to go in applying the national treasures to effect the peaceful, voluntary removal of slavery itself.

I have thus endeavored to show that there is not now, and there is not likely to occur, any adequate cause for revolution in regard to slavery. But you reply that, nevertheless, you must have guaranties, and the first one is for the surrender of fugitives from labor. That guaranty you cannot have . . . because you cannot roll back the tide of social progress. You must be content with what you have. If you wage war

against us, you can, at most, only conquer us, and then all you can get will be a treaty, and that you have already.

But you insist on a guaranty against the abolition of slavery in the District of Columbia, or war. Well, when you shall have declared war against us, what shall hinder us from immediately decreeing that slavery shall cease within the national capital?

You say that you will not submit to the exclusion of slaves from the new territories. What will you gain by resistance? Liberty follows the sword, although her sway is one of peace and beneficence. Can you propagate slavery, then, by the sword?

You insist that you cannot submit to the freedom with which slavery is discussed in the free states. Will war — a war for slavery — arrest, or even moderate, that discussion? No, sir; that discussion will not cease; war would only inflame it to a greater height. It is part of the eternal conflict between truth and error — between mind and physical force — the conflict of man against the obstacles which oppose his way to an ultimate and glorious destiny. It will go on until you shall terminate it in the only way in which any state or nation has ever terminated it — by yielding to it — yielding in your own time and in your own manner, indeed, but nevertheless yielding to the progress of emancipation. You will do this sooner or later, whatever may be your opinion now, because nations which were prudent, and humane, and wise, as you are, have done so already.

Sir, the slave states have no reason to fear that this inevitable change will go too far or too fast for their safety or welfare. It cannot well go too fast, or too far, if the only alternative is a war of races.

The Union, then, is not because merely men choose that it shall be but because some government must exist here, and no other government than this can. If it could be dashed to atoms by the whirlwind, the lightning, or the earthquake, today, it

would rise again cent proportion globe still accu not a dissolving

I have heard most for the fir vided allegiance and to the Un severally and t thies with stat achievement co another sovereig a citizen of the ognize the claim birth and gratitu of Hamilton ar Clintons, and o with less than 2 tion connected own enterprise, merce of the c vancing to the of the world.

But for all th and one soverei America and t such as my alle every other citiz I speak, he will He knows no o sovereign. He h precious affectic and for his poste of the Union. I as strongly as I his own govern that it was estab maintained by h wise, just, free, has ever existed, could be so wise that it is safer an which time or c place.

You may tell this may be true

would rise again in all its just and magnificent proportions tomorrow. This nation is a globe still accumulating upon accumulation, not a dissolving sphere.

I have heard somewhat here — and almost for the first time in my life — of divided allegiance, of allegiance to the South and to the Union, of allegiance to states severally and to the Union. Sir, if sympathies with state emulation and pride of achievement could be allowed to raise up another sovereign to divide the allegiance of a citizen of the United States, I might recognize the claims of the state to which, by birth and gratitude, I belong — to the state of Hamilton and Jay, of Schuyler, of the Clintons, and of Fulton — the state which with less than 200 miles of natural navigation connected with the ocean has, by her own enterprise, secured to herself the commerce of the continent and is steadily advancing to the command of the commerce of the world.

But for all I know only one country and one sovereign — the United States of America and the American people. And such as my allegiance is, is the loyalty of every other citizen of the United States. As I speak, he will speak when his time arrives. He knows no other country and no other sovereign. He has life, liberty, property, and precious affections, and hopes for himself and for his posterity, treasured up in the ark of the Union. He knows as well and feels as strongly as I do that this government is his own government, that he is a part of it, that it was established for him and that it is maintained by him, that it is the only truly wise, just, free, and equal government that has ever existed, that no other government could be so wise, just, free, and equal, and that it is safer and more beneficent than any which time or change could bring into its place.

You may tell me, sir, that although all this may be true, yet the trial of faction has

not yet been made. Sir, if the trial of faction has not been made, it has not been because faction has not always existed and has not always menaced a trial but because faction could find no fulcrum on which to place the lever to subvert the Union, as it can find no fulcrum now, and in this is my confidence. I would not rashly provoke the trial, but I will not suffer a fear which I have not to make me compromise one sentiment — one principle of truth or justice — to avert a danger that all experience teaches me is purely chimerical.

Let, then, those who distrust the Union make compromises to save it. I shall not impeach their wisdom, as I certainly cannot their patriotism; but indulging no such apprehensions myself, I shall vote for the admission of California directly, without conditions, without qualifications, and without compromise.

For the vindication of that vote, I look not to the verdict of the passing hour, disturbed as the public mind now is by conflicting interests and passions, but to that period, happily not far distant, when the vast regions over which we are now legislating shall have received their destined inhabitants.

While looking forward to that day, its countless generations seem to me to be rising up, and passing in dim and shadowy review before us, and a voice comes forth from their serried ranks, saying

Waste your treasures and your armies, if you will; raze your fortifications to the ground; sink your navies into the sea; transmit to us even a dishonored name, if you must, but the soil you hold in trust for us, give it to us free. You found it free, and conquered it to extend a better and surer freedom over it. Whatever choice you have made for yourselves, let us have no partial freedom; let us all be free, let the reversion of your broad domain descend to us unencumbered and free from the calamities and the sorrows of human bondage.

1. Why did Calhoun think that the slave was better off than the "free" worker in Europe and the North?
2. How did Calhoun explain the fact that social and political conditions in the South were more stable than in the North? What Northerners do you think he was trying to reach?
3. Why did Brown believe that the non-slaveholder in the South would never be won over by the abolitionists? What do his reasons show about Southern whites' attitudes toward Negroes?
4. Make a list of the reasons Grayson gave for his belief that the slave was better off in America than the free Negro was in Africa? Why, according to Grayson, did the world profit by this change in the Negro's condition?
5. Do you think slavery can ever be justified?

Slavery—"A Positive Good"

Senator John C. Calhoun from South Carolina gave this speech in the United States Senate on February 6, 1837.

I believe when two races come together which have different skins, colors, and physical and intellectual characteristics, that slavery is, instead of an evil, a good—a positive good. I must speak freely upon the subject, for the honor and interests of those I represent are involved. I maintain then, that a wealthy and civilized society has never existed in which one part of the community did not, in fact, live on the labor of others. Broad and general as this assertion is, history supports it. It would be easy to trace the various ways by which the wealth of all civilized communities has been divided unequally. It would also be easy to show how a small share has been allotted to those by whose labor it was produced and a large share given to the non-producing classes. Innumerable methods have been used to distribute wealth unequally. In ancient times, brute force was used; in modern times, various financial contrivances [schemes] are used.

I will now compare the position of the African laborer in the South with that of the European worker. I may say with truth that in few countries has so much been left to the laborer's share, and so little expected from him, or where more kind attention is paid to him when he is sick or old. Compare the slaves' condition with that of the tenants of the poorhouses in the more civilized parts of Europe.

I will not dwell on this aspect of the question; rather I will turn to the political issue. Here I fearlessly assert that the existing relationship between the two races in the South, against which these

Richard K. D. ed., *Works of John C. Calhoun*. New York: D. Appleton and Company, 1856, vol. II, pp. 631-32. Language simplified and modernized.

blind fanatics [abolitionists] are waging war, forms the most solid and durable foundation on which to build free and stable political institutions. The fact cannot be disguised that there is and always has been, in an advanced stage of wealth and civilization, a conflict between labor and capital. Slavery exempts Southern society from the disorders and dangers resulting from this conflict. This explains why the political condition of the slaveholding States has been so much more stable and quiet than that of the North.

The Attitude of Non-Slaveholding Southerners Toward Slavery

Senator William H. Seward of New York argued in a Senate speech that the non-slaveholders in the South, who made up a majority of the white population, might be expected to oppose slavery. Senator Albert G. Brown of Mississippi answered Seward on December 22, 1856. Portions of his answer are given here.

Michael W. Cluskey, ed.,
Speeches, Messages, and
Other Writings of Hon. Albert
G. Brown. Philadelphia: Jas
B. Smith and Company, 1859.
pp. 484-85; language
compiled and modernized.

Text of the original text is from
Joshua S. and means
modernized text is from 1859

There are, according to the Senator [Seward] three hundred and fifty thousand slaveholding aristocrats in the South. He says that they are men at war with liberty and dangerous to the republic. Only one out of every one hundred of the entire population owns slaves. If you include the children, relatives, and dependents of the slaveholders, he says that the ratio is one in fifteen. Consequently, fourteen out of every fifteen white Southerners have no direct interest in slavery. The non-slaveholders, according to the Senator, are mere "hewers of wood and drawers of water" to the slaveholding aristocrats.

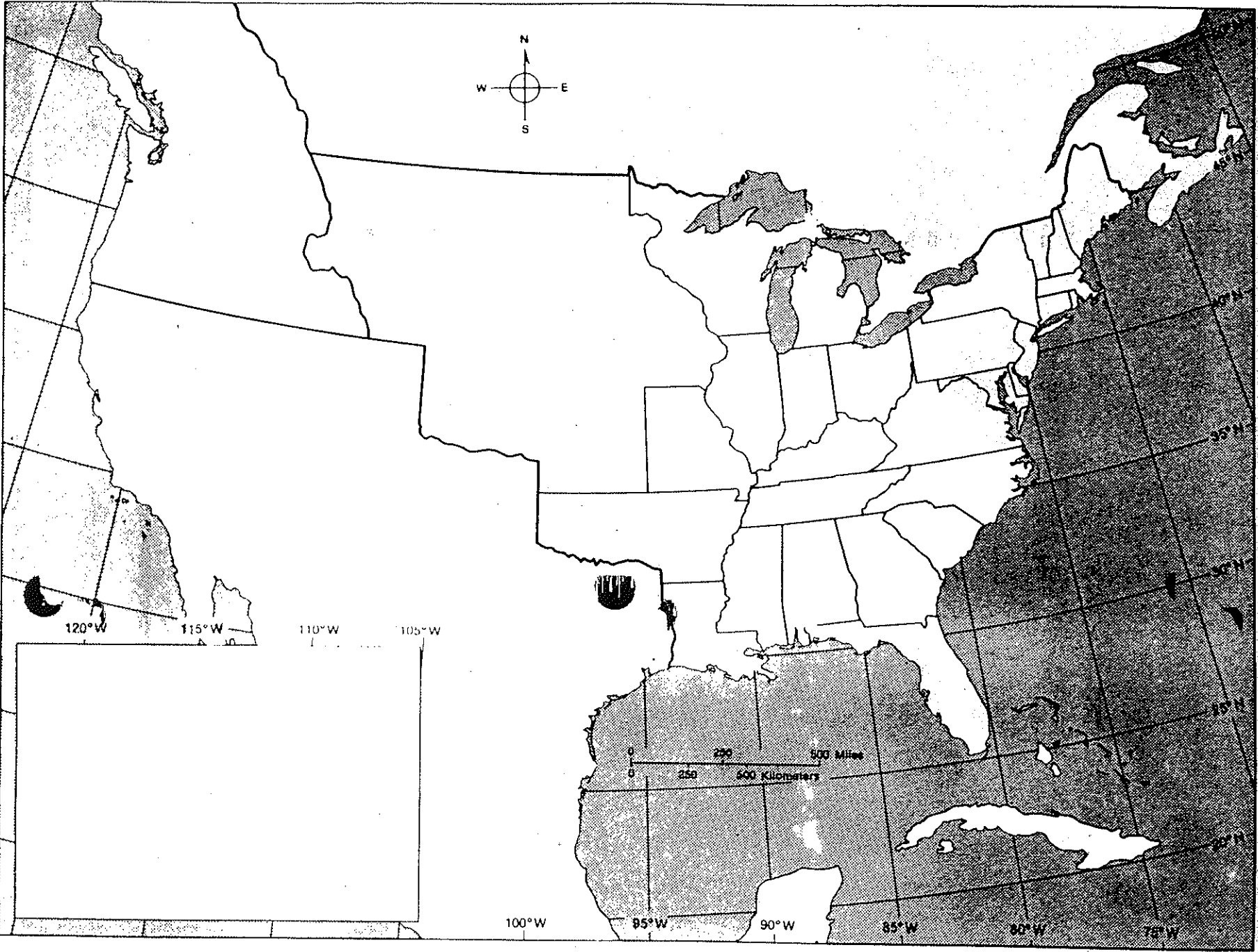
This opens a wide field for speculation. If the Senator expects by such appeals to turn the non-slaveholders against slavery, he will not be successful. They may have no financial interest in slavery, but they have a social interest at stake that is worth more to them than the wealth of all the Indies.

Suppose for the sake of argument that the Senator from New York should succeed in abolishing slavery. What would the social relationship between the two races then be in the South? Could they live together in peace? No one pretends to think that they could. Would the white man be allowed to maintain his superiority if the Negroes were free? Let us examine this question. In my state, there are about three hundred and fifty thousand whites and about an equal number of blacks. Suppose the Negroes were all set free. What would be the immediate and necessary consequence of that? A struggle for supremacy would follow immediately. No more white people would move into the state. The whites already there would

Name _____

Date _____

45 The Missouri Compromise, 1820



Name _____

Date _____

46 The Compromise of 1850

