

## Chapter 10

### The Crisis of 1850

In 1846 with the Mexican War still raging, and Congress was about to adjourn for its summer recess, President Polk urged its members to pass one more bill. The President wanted an appropriation of two million dollars to pay Mexico for any land won in the war. But Representative David Wilmot of Pennsylvania was looking beyond the question of ending the war and acquiring new territories. He addressed the issue of who would live in these territories. Adopting the language of the Northwest Ordinance of 1787, Wilmot proposed that:

*There shall be neither slavery nor involuntary servitude in the said territory otherwise for punishment of crimes . . .*<sup>46</sup>

Wilmot's proviso caught the Polk administration off guard. They had looked forward to a speedy passage of the Two Million Dollar bill and hoped to avoid a divisive argument on the issue of slavery. The Wilmot Proviso sparked a heated and wrenching debate that exposed deep sectional divisions on slavery. Eventually, four distinctly different positions were articulated; each argued with vehemence and conviction, was to become the fixed rallying cry of one political faction or another over the next 14 years.

1. **Congress should prohibit the extension of slavery** – slavery was wrong and must be stopped from spreading.
2. **The Missouri Compromise line of 36' 30" should be extended to California** – this compromise had separated free from slave territories for 30 years and was fair to both sections.
3. **Each territory should decide for itself whether it would become a free or slave state** – decisions in a democracy should be made by the people most directly involved.
4. **Congress had no power to prohibit slavery in the territories, only a duty to protect slavery there** – slaves were property and their owners rights had to be protected.

As President Polk vacillated between advocating an extension of the Missouri Compromise line through the newly acquired territories and allowing the people there to make the decision on slavery, another session of Congress ended with the issue yet unresolved. In 1848, two years after Wilmot had introduced his proviso, Zachary Taylor, the military hero of the year, was elected President, and Polk retired to private life. That same year gold was discovered in California and the rush of miners out to the golden stream beds instantly qualified California for statehood.

Without going through the intermediate step of territorial status, California drew up a Constitution prohibiting slavery, elected a governor and a legislature, and applied for admission as a free state. With the number of free and slave states delicately balanced at 15 each and no more territory in the South, the admission of California would permanently upset the long established equilibrium. The decision on the

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46 Quoted in David M. Potter, *The Impending Crisis*, Harper and Row, New York 1976, p. 19.

status of slavery in the remaining territory obtained from Mexico could no longer be postponed. This chapter presents the debate over admitting California to the Union.

## The Issues

The 31st Congress of the United States met on December 3, 1849 in an atmosphere of tense expectancy. The House of Representatives was so divided on the issue of slavery that it took three weeks and 63 attempts to select a Speaker. Even the doorkeeper could not be appointed without first considering his views on this issue. Debates raged on the floor of Congress, in the cloakrooms, in taverns, and in private homes. Angry voices were raised; Southerners openly talked of secession and at that very moment a convention in Nashville, Tennessee was formally discussing this possibility. Extreme Northern sentiment was expressed by John Hale of New Hampshire:

*If this Union, with all its advantages, has no other cement than the blood of human slavery, let it perish.*<sup>47</sup>

President Zachary Taylor wanted to resolve the crisis of 1850 by merely admitting California and later New Mexico as free states. Unruffled by secession threats, Taylor would have forced the South to swallow this bitter pill. It is possible that had Taylor been a better politician, he could have obtained the votes for his single-minded proposal. But there were other issues before Congress that needed to be resolved. Southerners were infuriated by deliberate violations of the 1793 fugitive Slave Act, and they demanded a stronger and more enforceable law. At the same time, Northern abolitionists were demanding that slavery be ended in Washington, D.C. and were attempting to stop the interstate slave trade, if not slavery itself. Opponents of slavery were strong enough in the House of Representatives to pass bills ending slavery in the District of Columbia, but these failed in the Senate. Meanwhile, the South wanted some concrete and effective guarantee that it would not become a minority section, continually outvoted and overpowered by anti-slave majorities. Without such assurances, many Southerners were ready to dissolve the Union.

The table below summarizes the major issues of 1850 and alternative positions advocated by various groups in Congress:

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<sup>47</sup> Quoted in *ibid.*, p. 45

ISSUES	Northern Extremists	Southern Extremists	Moderates
Admission of California as 31st state	California should be admitted as a free state	Divide California into 2 states along Missouri Comp. line	Admit California with Constitution barring slavery
Amending the Constitution	Amend Constitution to abolish slavery	Amend it to allow 2 Presidents, from both North & South	Don't change the Constitution
Slavery in New Mexico & Utah Territories	Prohibit slavery in New Mexico & Utah	Protect right to keep slaves there	Allow settlers to decide
Fugitive Slave law	Repeal Fugitive Slave Act of 1793	jail those helping slaves escape: require chasing escaped slaves: & suspend jury trials	Keep Fugitive Slave Act of 1793
Slavery in Washington D.C.	Abolish slavery in Washington D.C.	Don't change status of slavery in Washington, DC	Stop sale of slaves but not slavery in Washington, DC

## Spokesmen for the Sections

### ***Daniel Webster Argues for a Moderate Position (West and Northern Moderates)***

Back in the Senate after a seven-year absence, Henry Clay of Kentucky was determined to find a compromise that would prevent secession and Civil War. With the assistance of Daniel Webster of Massachusetts, Clay prepared a series of proposals that he hoped to steer through both the House, where the North had a majority, and the Senate, where the sections were of equal strength. When Clay's health failed him, Stephen Douglas of Illinois assumed the role of leader. Clay's and Douglas's efforts were assisted by Daniel Webster whose dramatic 7th of March speech helped tip the balance in favor of a compromise proposal. Excerpts from that speech are printed below:

*I speak today for the preservation of the Union. Hear me for my cause. I speak today out of an anxious heart, for the restoration to the country of that harmony that makes the blessings of this Union so rich and so dear to us all.*

*Now as to New Mexico and Utah. I hold that slavery be excluded from those territories by a law even superior to that which admits and sanctions it in Texas – I mean the law of nature – the law of the formation of the earth. What is there in New Mexico that could by any possibility induce anybody to go there with slaves? There are some narrow strips of tillable land on the border of the rivers; but the rivers themselves dry up before mid-summer is gone. All that the people can do is raise some little articles and that by irrigation. And who expects to see a hundred black men cultivating tobacco, corn, rice, or anything else, on lands in New Mexico.*

*There is ground of complaint against the North, well founded, which ought to be removed, which calls for the enactment of proper laws authorizing this Government to do all that is necessary for the recapture of fugitive slaves, and for the restoration of them to those who claim them. I say that the South has been injured in this respect and has a right to complain; and the North has been too careless of what I think the Constitution emphatically enjoins upon them as a duty.*

*I hear with pain and anguish and distress, the word 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 such a thing. There can be no such thing as peaceable secession. Sir, I see it plainly as I can see the sun in heaven – see that disruption must produce such a war as I will not describe.<sup>48</sup>*

## **William Seward Speaks for a Law Higher than the Constitution (Northern Extremists)**

William Seward, one of the leading spokesmen for the North, opposed the compromise drawn up by Clay and Webster. He spoke for those who would rather risk secession and war than give in to demands from the South which they could not accept in good conscience.

*I am opposed to any such compromise in any and all forms in which it has been proposed, because I think all legislative compromises radically wrong and essentially vicious.*

*What am I to receive in this compromise? 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 to more strict laws concerning the arrest of persons suspected of being slaves found in the free states; forbearance from the provision of freedom in the charters of new territories. 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 New Mexico, for the mixed consideration of liberty, gold and power on the Pacific Coast?*

*There is a higher law than the Constitution which regulates our authority over the domain, and devotes it to some noble purpose. The territory is 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.*

*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?<sup>49</sup>*

## **John Calhoun Speaks for the South (Southern Extremists)**

John Calhoun, for twenty years the South's most forceful spokesman, was close to the end of his long career in 1850. On March 4th, he dragged himself from his deathbed and appeared in the Senate. Too weakened by disease to deliver his speech, he listened grimly while Senator James Mason of Virginia read his final plea for concessions to the South.

*I have, Senators, believed from the first, that the agitation on the subject of slavery would, if not prevented, end in disunion. The agitation has been permitted to proceed, with almost no attempt to*

<sup>48</sup> Quoted in Edwin C. Rozwenc, ed., *The Compromise of 1850*, D.C. Heath & Co., Boston, 1957 pp. 35-39.

<sup>49</sup> Quoted in *ibid.* pp. 41-46.

*resist it, until it has reached a period that the Union is in danger. I refer to the relationship 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. Those most oppressed and hostile regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. 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; accordingly they feel bound by every consideration of interest and safety to defend it.*

*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.*

*The North has only to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the laws 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 [to amend the Constitution] that will protect the South, and which at the same time will improve and strengthen the Government, instead of impairing and weakening it.<sup>50</sup>*

## **Suggested Student Exercises:**

1. As your teacher directs, divide into three groups - Northern extremists, Southern extremists, and moderates. Each group prepare arguments on at least three issues that interest them. Each group will debate these arguments in class. Then they will try to find some points of reasonable compromise that will not violate their section's interest. The South must be willing to agree to whatever compromise is reached.

## **Epilogue: The Actual Compromise**

After Henry Clay's health broke while he was attempting to push a bill thorough Congress embracing the moderates proposals, Stephen Douglas assumed leadership of the forces seeking accommodation. Soon afterwards, President Taylor, who opposed a comprehensive compromise, suddenly died. His successor, Millard Fillmore, aligned himself with moderate Congressional leadership. After a long struggle, both the House and the Senate passed separate bills including the compromise proposals and President Fillmore promptly signed them into law. The most significant of these admitted California as a free state, organized the Utah and New Mexico territories on the basis of popular sovereignty, imposed a strict fugitive slave law (embodying the provisions proposed by the South), and

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<sup>50</sup> Quoted in *ibid.*, pp. 26-33

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prohibited the slave trade but not slavery in Washington, D.C. Proposals to abolish slavery nation wide or add a second president were rejected.

These bills were passed in September, 1850. A grateful nation, which had stood at the brink of seces-



**Clay Presenting the Compromise**

sion and war, breathed a collective sigh of relief. Mass meetings throughout the country celebrated the Compromise, and the crisis of 1850 passed. But in the North, Daniel Webster was criticized for supporting the Fugitive Slave law, and Ralph Waldo Emerson publicly declared that he would never obey it. In South Carolina the compromise was denounced as a hopeless defeat for the South, and secessionists in that state were dissuaded from their purpose only because other Southern states did not seem ready to join them. The Compromise had covered over, but not resolved, the deep sectional division that threatened to split the nation and drive it into bloody and tragic civil conflict.

## **Suggested Student Exercises:**

Do you think Congress reached a 'reasonable' compromise? Support your answer.