

Autopsy of a Failure: The Frustrated Career of the Union Party Movement, 1848-1860

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Introduction

The thesis of this dissertation searches for elements of continuity in the continued appeals for a national “Union Party” from roughly 1849 to 1861. Historians have explored various parts of this movement in a discrete fashion, but never has anyone attempted to examine the history of the effort to create a Union Party across the decade of the 1850s. What I find is that all incarnations of the Union Party stressed a common devotion to the rule of law, which they saw as under threat by sectional agitators who stirred up the passions of the public. Whether in debates over the right of the federal government to coerce a state, the legality of the Fugitive Slave Act, and presence of filibustering overseas, or the violence which attended partisan elections, Americans’ respect for the rule of law seemed at issue throughout that turbulent decade. What historians have branded the hallow pronouncement of “the Union, the Constitution, and the Enforcement of the Laws,” I assert, was in actuality a statement against the seeming lawlessness which pervaded the democratic republic of the United States at mid-century. Another point of continuity which this dissertation develops further is the belief among politicians that a partisan realignment was always just around the corner. This was especially true when Democrats and Whigs fought ferocious battles during the period not with each other, but through factions upset at either being deprived of valuable patronage or policies on contentious issues like slavery. In particular, the rage for offices by aspiring politicians and the fraud that this office-seeking encouraged contributed to a decline in popular enthusiasm for the major parties, something advocates of a new Union Party wished to restore to its past heights. Through these two insights, this dissertation invites historians to consider those continuities that underlay even a period of wrenching change like the Civil War Era.

My work engages with the copious literature on the Civil War Era in at least three ways. First and most importantly, this study offers the first book-length treatment of the movement to create a Constitutional Union Party throughout the decade of the 1850s. This allows a consideration of certain continuities and discontinuities inherent in the history of the Constitutional Union Party. Most historians, including the author of the only study devoted to the party, emphasized its newness during the 1860

election.¹ This, however, was not the case and this dissertation aims to show how politicians throughout the 1850s became attracted to a Constitutional Union Party as a counter to the sectionalization of the American political system. In turn, this sectionalization, advocates of a new party insisted, eroded the confidence of Americans in their government to enforce laws regardless of any sectional or partisan bias. Far from representing a flash in the pan in American political history, the creation of a Constitutional Union Party reflected the deep unease for the future that pervaded American political discourse at the mid-century mark. This case study of the Constitutional Union Party adds to the larger historical debate surrounding the efficacy of American political parties. A generation of political historians, such as David M. Potter, William E. Gienapp, Michael F. Holt, and Joel H. Silbey have at various times contended that antebellum *national* political parties operated to restrain the growth of sectionalism in keeping with the dictum of Martin Van Buren in his 1827 letter to Virginian and committed Jeffersonian Republican Thomas Ritchie.² More recently, critics have challenged this view by marshaling evidence of an antebellum electorate by turns either disinterested or alarmed at the scale of corruption present within the major political parties.³ What is sometimes lost in this debate is a proper recognition of the fear antebellum Americans inherited from the Founding Generation that political parties could easily degenerate into sectionalism that would threaten the very fabric of the Union. The fact that various politicians both North and South encouraged this belief in their public and private utterances during the 1850s further testifies to its importance as a key component of the political culture of the era. Advocates of a new Constitutional Union Party, therefore, consciously appealed to those Americans anxious about the destructiveness to the American Union likely to come about through an excess of partisanship.

¹ John B. Stabler, *A History of the Constitutional Union: A Tragic Failure*, (PhD Dissertation: Columbia University, 1954), 2.

² David M. Potter, *The Impending Crisis: 1848-1861*, ed. Don Fehrenbacher, (New York: Harper and Row, 1977); William E. Gienapp, "The Crisis of American Democracy: The Political System and the Coming of the War," in *Why the War Came*, ed. Gabor Boritt, (New York: Oxford University Press, 1996), 79-124; Michael F. Holt, *The Political Crisis of the 1850s*, (New York: W. W. Norton, 1978); Joel H. Silbey, *Party over Section: The Rough and Ready Presidential Election of 1848*, (Lawrence: University Press of Kansas, 2009).

³ A prominent example of one such critique is Glen Altschuler and Stuart Blumin, *Rude Republic: Americans and the Politics in the Nineteenth Century*, (Ithaca, NY: Cornell University Press, 2000).

A second element of continuity is the importance that Constitutional Unionists attached to the rule of law, especially as it represented the crucial bond that held the Union together. Partisanship exacerbated this problem since it allowed politicians sometimes to support open defiance of written law in courting voters within their districts. Moreover, federalism made this situation possible, as Americans possessed divided loyalties to the sovereigns at the national, state, and local levels. When these loyalties came into conflict, as they did in the 1850s, voters demonstrated an affinity for their local and state rather than national loyalties. According to Philip S. Paludan, people residing in the free or non-slave states before the American Civil War identified primarily with their townships and rural communities. Local experience, he further maintained, brought with it a respect for basic institutions, including a system of laws administered by judicial officials.⁴ Yet while this analysis of Paludan's might explain the resistance to southern secession on the part of ordinary northerners, his insistence on the power of the principle of law and order in the antebellum North raises an important question: What if local laws conflicted with the dictates of national laws? The debate over the enactment and later enforcement of the Fugitive Slave Act and the complicity of local Democratic and Whig politicians in resisting that law deeply troubled self-described conservative politicians in both the North and the South. If partisanship drove politicians and voters to nullify laws, then constitutional government would become a farce. Unwilling to entrust enforcement of the laws like the Fugitive Slave Act to those hypocritical politicians in both major parties who professed to uphold the law even while they countenanced local opposition to it, conservative politicians in the North and South regarded the old parties as hopelessly corrupt and sectional and instead pressed for the establishment of a national Constitutional Union Party. Though historians like Stanley W. Campbell have properly cautioned students of the Civil War Era from assuming that northern outrage against the Fugitive Slave Act led to a sharp decline in its enforcement, the significance of the William and Ellen Craft case

⁴ Philip S. Paludan, "The Civil War Considered as a Crisis of Law and Order," *The American Historical Review* 77 (October 1972): 1013-1034.

and the Christiana Riot to contemporaries should not be minimized.⁵ In an age where filibustering, nullification, secession, partisan-influenced violence, and accusations of widespread fraud filled the newspapers and speeches of the leading orators of the day, the threat to the rule of law seemed everywhere in the decade leading up to the American Civil War.

Finally, a significant discontinuity appears between the identity of the Constitutional Unionists early in the 1850s and those who carried the mantle in the presidential election of 1860. What began as a political insurgency against the Democratic and Whig parties within the Deep South in 1850 ended ten years later as a haven for disaffected Know Nothings and Whigs in the Border States. This shift has gone largely unnoticed by historians, but it reveals a notable feature concerning the development of the Constitutional Union Party and the corresponding demise of two-party competition within the Deep South. The presence of the Constitutional Union Party forced politicians within both major parties to take actions that hastened the decline of their national parties and accelerated the trend toward sectionalism. Indeed, throughout this dissertation, I note how the efforts of politicians to weaken or prevent the creation of a national Constitutional Union Party explains the apparent consensus between the Democratic and Whig parties on slavery after the passage of the Compromise of 1850 as well as why the Whigs and not the Democrats disintegrated in the wake of the passage of the Kansas-Nebraska Act in May 1854. By 1860, the country was divided politically not exactly between slavery and freedom, but rather among Republican New England and Midwest, Constitutional Unionists in the Border States, and Democrats in the Deep South. The appearance of a split in the Democracy during that election did not alter this pattern which developed gradually over the course of the 1850s. Constitutional Unionists tried in vain to use their remaining political strength along the Border to prevent the triumph of an exclusively northern antislavery party; something that southerners from the time of George Washington had predicted would result in disunion. Despite their failure, the Constitutional Unionists of the 1850s did inspire a later attempt to rebrand the Republican Party as a Union Party during the American Civil War.

⁵ Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law*, (Chapel Hill: The University of North Carolina Press, 1970).

Chapter 1 examines how Zachary Taylor's campaign as a "No Party" candidate prompted interest from southerners who thought that they could break up the old Democratic and Whig parties. The early boom for Taylor, with its grassroots enthusiasm for the military hero and southern slaveholder, coincided nicely with South Carolina Senator John C. Calhoun's intent to create a new "Southern Rights Party" that could unite southerners across party lines and repel the growing Free Soil threat in the North. Most galling to him was how the operation of political parties in the North abetted sectionalism rather than hindered it. In northern states where either of the two major parties were in the minority, Calhoun correctly argued to his fellow southerners, these Democrats or Whigs entered into coalitions with Free Soil politicians to help defeat their major party rival. Unless southerners abandoned their partisan divisions and united firmly in defense of southern slavery, he thought, Free Soil politicians would strengthen themselves through their coalitions with the major parties and eventually compel the end of slavery in the United States. Calhoun and his associates in South Carolina entertained hope that a candidate like the non-partisan Taylor might get southerners to desert their old parties. The decision of Taylor to accept a Whig nomination, however, prompted Calhoun to withdraw from using Taylor for his wished-for "Southern Rights Party." When Taylor won the presidency in November 1848, Calhoun decided to draw southerners away from their old parties. His ill-fated "Southern Address" prompted opponents to accuse him of wishing to form the very geographical parties that George Washington had warned about in his Farewell Address. Calhoun and his allies thereupon warred against these dissident southern Democrats and Whigs in their home states, and thereby, I maintain, set up a potential realignment of parties within the South. Calhoun and his allies who opposed the popular sovereignty doctrines of 1848 Democratic presidential nominee would occupy one side of this divide and advocates of popular sovereignty in the South like U.S. Representative Howell Cobb on the other.

Chapter 2 continues the theme of disorganization within the major parties both North and South during the bitter struggle to create what would become the Compromise of 1850. Both Henry Clay and Daniel Webster had been associated earlier in 1850 with a movement to create a new "Union Party" of those who desired a congressional compromise. This desire of Webster's, I contend, helps to explain the

timing and content of his famed “Seventh of March Address.” Both Whigs hankered to become President over the sitting incumbent Taylor. Moreover, this strategy flourished in the presence of a durable anti-Compromise bloc, consisting primarily of northern Whigs and southern Democrats who vigorously opposed any territorial settlement which included popular sovereignty or a federal purchase of a land claim by the state of Texas over the territory of New Mexico. By the end of 1850, political observers predicted that the old parties would soon come to an end in the South and with it would come a new national realignment involving a pro-Compromise “Union Party” against northern and southern sectionalists.

Chapter 3, then, explores how this attempt to create a national Union Party encountered limited success and much resistance from politicians desperate to hold together their old parties. Within the Deep South states of Alabama, Georgia, and Mississippi, the debates over the Compromise and secession led to great popular excitement over the political process and the repudiation of secession in 1851 as a constitutional alternative to obedience to the Compromise. Historians have previously attributed the demise of the Union Party in 1852 either to its confinement to the Deep South or the contrasting positions taken on economic issues between pro-Compromise Democrats and Whigs. I argue, however, that it was the actions taken by those Democrats and Whigs who actively opposed its creation that best explains its failure to grow. In the process, this failure to attract adherents outside the Deep South shows how difficult it could be in a federal system of politics to forge a new national party.

Chapter 4 offers a new interpretation of the origins of the Kansas-Nebraska Act, one that focuses on continued fears of a revived interest in a new Union Party to displace both the Democrats and Whigs. Though the Union Party disintegrated during the 1852 presidential campaign, the election of Franklin Pierce and his desire to conciliate all factions of the Democratic Party (including opponents of the Compromise) through his patronage triggered further talk of a new Union Party. Seemingly unable to get the support of pro-Compromise Democrats either in the North or the South, the policies of Pierce looked destined to lead the Democratic Party into destruction. That is until Stephen A. Douglas devised a plan to reassure those southern Union Democrats who were angered at Pierce’s apparent betrayal of his pledge to honor the Compromise of 1850. Douglas fashioned a bill for the territory of Nebraska (later split into the

twin territories of Kansas and Nebraska) which explicitly affirmed the Compromise of 1850. Historians have tended to emphasize Douglas' later decision to repeal the Missouri Compromise for its role in creating an antislavery "Republican" Party. Douglas, however, embraced the Compromise of 1850 throughout the debates on his legislation to prevent a party split between pro- and anti-Compromise wings of the Democratic Party. Thus, I argue that Douglas' focus on the danger of an impending Democratic split, and not a railroad scheme, or even a desire to become President in 1856 underlay his motivations for proposing what ultimately became the Kansas-Nebraska Act.

Chapter 5 looks at one of the new parties that arose to challenge the Whigs for the title of opposition to the Democrats, the Know Nothing or American Party. The Kansas-Nebraska Act had allowed foreigners to vote in the newly organized territories and this along with deep popular dissatisfaction with the major parties helped in its meteoric rise during 1854. Know Nothings collected smashing victories in the North that year, earning the interest of ex-President Millard Fillmore and other conservative Whigs who desired to build another national or "Union Party" to replace the moribund Whigs. Democrats circled the wagons in the South to defeat the southern Know Nothings before they could become a fully national party. The secret practices of the Know Nothings and their penchant for violence in the South, I contend, prevented them from gaining the much needed support of southern Whigs. An electoral reverse in Virginia signaled the decline of the Know Nothings, while their inability to unite over slavery nationally ultimately destroyed them. Though Fillmore and his allies succeeded in gaining control of the Know Nothing (now branded "American") Party apparatus, Democrats and Republicans effectively squeezed them out of contention in the presidential election of 1856 through professions of pro-Union sentiment or conservatism.

Chapter 6 shows the fixation of conservative Whigs and Americans that the Buchanan Administration was destined to repeat the same blunders in the allocation of patronage as its predecessor. The Democratic Party stood once again in peril of falling apart. Though opposed to the sectional appeal of the Republicans, men like ex-Whig John J. Crittenden argued against the admission of Kansas under the Lecompton Constitution and sought to unite all elements of this opposition to the Buchanan

Administration into a “Union Party.” Along the way, Crittenden grew closer to a faction of Democrats headed by Stephen A. Douglas, who opposed the decision of the Buchanan Administration to not submit the entire Lecompton Constitution to the voters of Kansas for their approval. As he formed an alliance with Douglas, Crittenden chose to endorse him over his rival in the 1858 campaign for the U.S. Senate in Illinois, Abraham Lincoln. His decision, I maintain, turned Lincoln into an implacable foe of anything Crittenden or his friends championed, including the formation of a national “Union Party” at the expense of a separate Republican Party.

The final chapter of this dissertation discusses the birth of a Constitutional Union Party in 1860. The party did not succeed in its aims, I argue, not because of a generational divide between its leaders and voters or a proslavery consensus that it shared with Democrats in the South. Instead, the party floundered in trying to present itself as an anti-party party. Unionists attempted to capitalize on widespread disgust with the political system by running as independent of the dictates of party. Though their criticisms of the excesses of party had merit, this approach failed to win over northerners who desired to punish the Democrats for both their corruption and their subservience to the slaveholders. The Republicans and not the Constitutional Unionists, through their strident denunciation of the slaveholding and “rotten” Democracy better reflected the state of northern sentiment in 1860. As for their critique of partisanship, the words of the Constitutional Unionists did not always align with their actions. Expecting Democrats to pour into their ranks after the split at Charleston in early-May, supporters of John Bell were strangely passive in recruiting Democrats into their ranks. In this way, they underestimated the residual pull of party even within the divided Democracy. Fusion further highlighted this problem, as Constitutional Unionists in the South opposed any *national* efforts to join together the Bell and Douglas forces together. In the end, I contend, dedicated secessionists like William L. Yancey better understood how to achieve their aims than the Constitutional Unionists. Aware of the lingering attachment that southerners held for the Democratic Party, secessionists infiltrated and transformed that party into a vehicle for Southern Rights. In the process, they abandoned the notion of an independent third party, something the Constitutional Unionists

in all their various incarnations never did. The ultimate price for this failure to learn the lesson which secessionists had learned in 1851 was civil war.

Chapter 1: Loosening Bonds of Party, Loosening Bonds of Union, 1848-1849

Just one week after the election of Zachary Taylor to the Presidency, Lucretia Mott wrote to Indiana Free Soil politician George W. Julian concerning how the present moment seemed propitious for the breaking down of old social conventions regarding the legal status of both women and slaves. “In the political world, too,” she optimistically argued, “There seems to be a tendency strong toward the breaking up of old parties” in favor of new parties committed to “universal freedom.” As events would show, Mott was not alone in her sense that the two major parties of the Whigs and Democrats would undergo a thorough reorganization after the presidential election.⁶

The election of 1848 and its aftermath revealed the stresses third-party challenges like Mott and Van Buren’s Free Soil Party placed on the normal operation of the two major parties. Confronted with this challenge in the North and the desire of many southern Democrats to push for a more extreme reaction to northern antislavery politics, this strain left precious little ground for those who wished to keep up cross-sectional coalitions. As events progressed throughout 1849, the growing political pressure inside and outside Congress to stand by one’s section portended the complete breakdown of the old political system. For northern and southerners searching desperately for some kind of middle ground, if the old national parties were to be swept away, new national parties must form. Since the time of Martin Van Buren’s famous letter to Thomas Ritchie, politicians assuaged popular fears of the rise of sectional or geographical parties through their insistence in maintaining national parties.⁷ This chapter argues that a major catalyst for this gradual movement away from the national parties appeared in the presidential candidacy of General Zachary Taylor. The initial decision to run the slaveholder Taylor under a “No Party” banner greatly intrigued southern politicians like John C. Calhoun, who began to search for some way to pull southerners away from their old parties and into a new “Southern Rights” Party. This chapter therefore concludes with the observation that the operation of political parties within a system of American

⁶ Lucretia Mott to George Julian, November 14, 1848, Joshua R. Giddings-George Washington Julian Papers, Box 6, Manuscript Division, Library of Congress.

⁷ Richard H. Brown, “The Missouri Crisis, Slavery, and the Politics of Jacksonianism,” *South Atlantic Quarterly* 65 (Winter 1966): 55-72.

federalism and not “outside” social and economic pressures contributed to the rise of sectional third parties and the eventual demise of the so-called Second American Party System.⁸

In order to evaluate the effect of Taylor’s candidacy, it is necessary to retrace the circumstances which helped to catapult him into the White House. The first signs of major controversy began with Texas. After declaring their independence in 1836, Texans had forced the captured Mexican commander Santa Anna to sign under duress a treaty that would recognize the boundaries of Mexico at the Rio Grande and not the Nueces River that Mexicans had claimed for Texas. Efforts to adjust the dispute diplomatically were unavailing prior to 1844, but when the United States government under President John Tyler signaled that it would consent to annexation of Texas with its claim of the Rio Grande boundary, both Mexican officials and ordinary citizens bitterly condemned both the logic and the heavy-handedness of the people they called the “North Americans” or Anglos. Efforts to negotiate proved even less fruitful under Tyler’s successor, James K. Polk. Attributing his victory over Whig Henry Clay to his advocacy of expansionism, Polk pressured the Mexicans diplomatically to recognize the United States claim of the Rio Grande and not Nueces as the international boundary. He also attempted to purchase the port of San Francisco, but in both these initiatives he found that the outraged Mexicans refused their consent. At the same time diplomatic agent John Slidell was in Mexico to be received by the Mexican government, Polk ordered General Zachary Taylor to cross into the disputed area in December 1845 and establish a post named Fort Texas or Fort Brown. When Slidell was rebuffed in the spring of the following year, efforts at peaceful settlement of the difficulties appeared to have ended. A Mexican party attacked the American troops under Taylor on April 25, 1846 and by the next month, war between the two countries formally existed.

Even as Taylor spent much of his life wearing an Army uniform, the popular interest in the war greatly lifted his profile as its commander in northern Mexico. When he won an important military victory at Buena Vista against a more numerous army of Mexicans on February 22, 1847, news of the battle’s

⁸ For an influential example of the reverse argument, see, for instance, Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War*, (New York: Oxford University Press, 1970, rpr. 1995), 9.

outcome instantly elevated him to a front-runner position among potential presidential aspirants in the upcoming presidential election. Coyly dismissing such talk of the presidency, Taylor preferred to cultivate an image of himself as a military man first and foremost, not as an opportunistic office-seeker relying upon party leaders for political advancement. Taylor's plain dress and demeanor only encouraged this association between Taylor and the very republican simplicity of the men who had won and maintained American independence. The need to connect with these men during a time of war allowed many to overlook evidence to the contrary. Taylor's plebian dress belied his considerable personal wealth, which included thousands of acres of Louisiana cotton fields and over a hundred slaves. Shouting huzzas for the victorious soldier, the Taylor boom in 1847 exploded across the country. Men from towns all over the country raised victory log polls in honor of Taylor. Even congressmen soon got into the act, as a pro-Taylor group in the U.S. Congress, which numbered Illinois Whig congressman Abraham Lincoln among its members, formed the Young Indian Club.⁹

Among those politicians who viewed the Taylor movement with increased interest was the senior U.S. Senator from South Carolina, John C. Calhoun. For years, Calhoun had unsuccessfully tried to foment an alliance between the western and southern sections against the northeast on the issue of the tariff and sponsorship of internal improvements, partly for his presidential aspirations and partly as a means of checking the growing power of the latter region. In tandem with that aim, he also strove to present himself as apart from the ordinary operation of wire-pullers and political hacks. For example, he informed one sympathetic audience back in 1843 that "it has been a rule with me, which I have followed without hesitation or cessation during my long political life, whenever party and principle come into conflict, to take the side of principle against party."¹⁰ As late as 1845, the supposedly strict-constructionist Calhoun

⁹ K. Jack Bauer, *Zachary Taylor: Soldier, Planter, Statesman of the Old Southwest*, (Baton Rouge: Louisiana State University Press, 1985), 215-238; Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Coming of the Civil War*, (New York: Oxford University Press, 1999), 269-273

¹⁰ "The Address of Mr. Calhoun to his political friends and supporters," [c. 1843], Robert Barnwell Rhett Papers, Southern Historical Collection, Wilson Library, University of North Carolina. See also, William W. Freehling, "Spoilsmen and Interests in the Political Thought of John C. Calhoun," *The Journal of American History*, 52 (June 1965), 27-42.

actually endorsed in the Senate a series of resolutions calling for federal construction of levees and dams along the Mississippi River as well as federal grants of land for the construction of railroad lines. In sponsoring these resolutions, Calhoun aimed to drive a wedge between western Democrats in Congress and the Polk Administration. He later accompanied southern and western advocates of internal improvements to a convention in Memphis, reporting back to Congress a number of resolutions similar in scope to his remarks in the Senate, which promptly died there.¹¹

The introduction of the Wilmot Proviso to a war appropriations bill during the evening session of August 9, 1846 forced Calhoun to abandon the idea of an alliance between the South and western Democrats. Banning the extension of slavery within any lands acquired during the war with Mexico, the idea for the Proviso arose partly out of western Democrats anger at the Polk Administration for its about-face during negotiations concerning the Pacific northwestern boundary with Great Britain and the recent presidential veto of a Rivers and Harbors Bill. Dismayed at this turn of events, Calhoun faced little choice but to unite southerners across party lines in a desperate effort to maintain political parity with both the North and West. This need became all the more evident when Democrat Preston King of New York reintroduced the Proviso into another bill in the House of Representatives during the following congressional session. Unlike the original measure proposed by Wilmot, the action of King received a far more hostile reception in Congress.¹² In response, Calhoun submitted to the Senate on 14 February 1847 six resolutions, which together constituted an “absolutist” position against any territorial or congressional legislation on slavery.

As an election year soon approached, Calhoun began to take a hard look at the southern-born Taylor. The prospects of South Carolina and other southern states abandoning their attachment to the

¹¹ John McCardell, *The Idea of a Southern Nation*, (New York: W. W. Norton & Co., 1979), 116-17. Additionally, McCardell notes how the Calhoun proposal originally received “the surprise – and dismay – of some of his listeners” in the Senate, but does not speculate on his motives.

¹² Autobiographical letter of David Wilmot to [?], [1860], David Wilmot Papers, Manuscript Division, Library of Congress.

Democratic Party of Jackson and Polk in favor of the popular, if politically inexperienced soldier greatly recommended Taylor to Calhoun and his political associates. When Calhoun did discuss the upcoming presidential campaign, he tended to focus on his goal of southern unity. For instance, longtime Calhoun foe Benjamin F. Perry previously noted in his diary that Calhoun considered the old economic issues which had once separated the major parties to be settled. From this point onward, he confidently predicted to Perry, political contests in the South would revolve around how best to combat the growing political power of northern abolitionism.¹³ South Carolina Whig James Hamilton Jr. sought to enlist Calhoun to the side of Taylor. Hamilton tried to convince Calhoun of Taylor's non-partisanship through references to conversations Hamilton had with the General's closest friends and relatives. One relative of Taylor apparently told Hamilton "that Genl Taylor would not accept he believed a *party* nomination or even the nomination of a national convention. If elected by the spontaneous Will of the people he might serve." Hamilton seized upon this posture of political independence from Taylor and posed the tantalizing idea of forming a new party around General Taylor in a letter to Calhoun. The Whigs, in particular, showed much interest in capturing the White House with Taylor after running and losing with standard-bearer Clay in 1844. Essentially, he urged Calhoun to consider whether "we stand off & permit the General to pass into the hands of the Whigs or by a timely tender of our adhesion...organize a new national Republican Party" in favor of downward revision of the tariff, internal improvements, a central bank beneficial to the South, and opposition to the Proviso. Such a stance might "admit of Crittenden & yourself taking part in the Govt. of the Country" as two of Taylor's most trusted advisors.¹⁴

Kentucky Whig Senator John J. Crittenden managed the Taylor campaign throughout much of the South in the months after the Battle of Buena Vista. Writing to South Carolina Whig Waddy Thompson during the first week of May 1847, he proclaimed, "The enthusiasm for General Taylor in all this part of

¹³ Entry for August 1, 1847, Diary of Benjamin Franklin Perry, Benjamin F. Perry Papers, Southern Historical Collection, Wilson Library, University of North Carolina, also cited in Lilian Kibler, *Benjamin F. Perry: South Carolina Unionist*, (Chapel Hill: University of North Carolina Press, 1946), 221.

¹⁴ James Hamilton Jr. to John C. Calhoun, April 28, 1847, printed in *The Papers of John C. Calhoun*, ed. Clyde N. Wilson, 28 vols., (Columbia: University of South Carolina Press, 1959-2003), 24:336-37.

our country is ardent and almost universal.” At one time as a protégé of Henry Clay, Crittenden saw little hope in another presidential bid by his mentor. Given Clay’s most recent defeat in the presidential contest of 1844, now was the time for “Harry of the West” to step aside in favor of the “Hero of Buena Vista.” Crittenden ended his letter to Thompson with a postscript asking whether “It is true that Mr. Calhoun is for Taylor for the Presidency?”¹⁵ The argument surely made sense to Calhoun, who for all his hesitancy to embrace political candidates, believed Taylor furnished the best means to defeat the Polk Administration and its prosecution of an increasingly unpopular and expensive war. Reflecting on this particular irony, Calhoun thought, the politically available military hero might be “the only way, in which the South can be united, and thereafter avert the calamity, impending over it.”¹⁶

Around the same time he began to display more interest in Taylor, Calhoun also took the first steps to create a newspaper independent of the party presses. Calhoun encouraged a petition spearheaded by Charleston merchant and congressional candidate Isaac Hayne. The Hayne circular solicited contributions for the establishment of a “Southern Rights” newspaper in Washington D.C. to assist in the organization of a new sectional party. The editors, it argued, “shall represent Southern views on the subject of SLAVERY—Southern views of Southern Rights and Interests, growing out of, and connected with this institution.” For this project to succeed, however, “we must render the press free from party influences, and unite in its support others besides politicians.”¹⁷ The United States Senate, the petition insisted, only through its current parity of northern and southern members had managed to reject bills with the Proviso that passed the House of Representatives. But how long could that last? Southerners must cease squabbling with themselves and join together against an insolent northern majority in Congress.¹⁸

¹⁵ John J. Crittenden to Waddy Thompson, May 6, 1847, Waddy Thompson Papers, 1799-1869, South Caroliniana Library, University of South Carolina.

¹⁶ John C. Calhoun to Joseph W. Lesesne, July 19, 1847, printed in *The Papers of John C. Calhoun*, ed. Clyde N. Wilson, 28 vols., (Columbia: University of South Carolina Press, 1959-2003), 24:463-64

¹⁷ Circular Letter, “Dear Sir,” August 2, 1847; Circular Letter, “Sir,” October, 22, 1847, both in Isaac Hayne Papers, South Caroliniana Library, University of South Carolina.

¹⁸ For more on the development of the Southern Press movement, see Isaac Hayne to Mitchell King, July 13, 1848, Mitchell King Papers, 1801-1862, Southern Historical Collection, University of North Carolina and the *Charleston Mercury*, July 1, 1850.

The amorphous nature of Taylor's political principles attracted not only the interest of southerners like Calhoun, but also certain prominent northern Democrats as well. A possible Taylor candidacy certainly entered into the mind of John Van Buren, an acknowledged leader of the so-called "Barnburner" faction of New York Democrats. The son of Martin Van Buren desperately wanted to claim Taylor for the Democrats and thereby secure a nomination for him at the upcoming Baltimore Convention in May. To longtime family friend Francis P. Blair, Van Buren asked whether Taylor might consent to become the standard-bearer at the behest of his former son-in-law, Jefferson Davis.¹⁹ He even contacted the "Old Zac" clandestinely to learn whether Taylor would embrace the principle of the Wilmot Proviso.²⁰ Still, for all these unsuccessful efforts Van Buren remained "a Taylor man against the world," in the words of one Missouri Democrat.²¹ Democrats preferred to look elsewhere than to a military hero suspected of Whig loyalties.

Taylor's closest advisors wanted to engineer the nomination of Taylor through the Whig Party, but not in such a way that might jeopardize his appeal with independent or Democratic-leaning voters, especially in the South. The solution came in the form of an artfully phrased letter from the candidate to his brother-in-law Captain John S. Allison. He began by proclaiming that he was "a Whig but not an ultra Whig" in sentiments. In the same message, though, Taylor promised "not be the mere president of a party—I would endeavor to act independent of party domination, & should feel bound to administer the Government untrammelled by party schemes." In respect to the veto, Taylor promised to forebear using it "except in cases of clear violation of the Constitution, or manifest haste and want of due consideration of the Constitution." The deliberate vagueness of this statement left it open to question whether Taylor would veto the Wilmot Proviso should it come before him in a bill. Less susceptible to differing

¹⁹ John Van Buren to Francis P. Blair, February 4, 1848, Blair Family Collection [Addition], Manuscript Division, Library of Congress.

²⁰ Joseph G. Rayback, *Free Soil: The Election of 1848*, (Lexington: University Press of Kentucky, 1970), 208.

²¹ Stephen A. Douglas to Samuel Treat, "Private," February 19, 1848, printed in *The Letters of Stephen A. Douglas*, ed. Robert W. Johansen, (Urbana: University of Illinois Press, 1961), 157.

interpretations were his positions on the tariff, paper currency, and internal improvement schemes. For these, Taylor simply deferred to “the will of the people as expressed through their Representatives in Congress.” Finally, in a stinging rebuke of the foreign policy of the Polk Administration, “the Hero of Buena Vista” declared that “the principles of our Government as well as its true policy are opposed to the subjugation of other nations & the dismemberment of other Countries by Conquest.” With each of his positions, Taylor sought to mollify those Whig regulars who criticized “Old Zack” for his lack of defined Whig principles.²²

The so-called Allison Letter did not fully satisfy Taylor’s Whig critics. Part of the reason lay in the fact that a significant segment of the Whig Party adamantly refused to yield their support for Henry Clay, a perennial “standard-bearer.” Moreover, his advisors counseled the General to accept independent nominations for President from local and state conventions all across the country. Some Whigs wondered whether Taylor would still take a partisan nomination, given a statement he made earlier in February: “Should I be nominated by a Whig or Democratic convention...exclusively on party grounds, I would...decline.” Sensitive to this concern, Taylor repeatedly assured various Whig supporters that he would accept a nomination if he was not tied to any particular platform or series of public pledges.²³

As Taylor moved closer to the Whigs, Democrats essentially chose between three main aspirants for their presidential nomination: Secretary of State James Buchanan, Buchanan’s main rival, Vice President George M. Dallas, and another Democratic Party stalwart, Lewis Cass. Of the three, Cass possessed the advantage of his relative distance from the Polk Administration, although he had loudly approved of the decision to wage war with Mexico. While Buchanan championed the extension of the Missouri Compromise line as a solution to the problem of slavery in the western territories, both Cass and Dallas pressed for a version of a doctrine with roots stretching back to the foundation of the United

²² Holman Hamilton, *Zachary Taylor: Soldier in the White House*, (New York: The Bobbs-Merill Company, 1951), 76-79.

²³ *Ibid*

States.²⁴ The idea of squatter or popular sovereignty provided the means for circumventing the application of the Proviso to the territories; the doctrine also recognized the power of territorial inhabitants to pass laws regulating slavery and other local institutions. Though Dallas beat Cass to the punch in first embracing the idea, the latter effectively made it his own through his famous Nicholson letter in late-December 1847.²⁵ In preparing the ground for public reception of the letter, Cass received crucial aid from New York Senator Daniel S. Dickinson who sponsored twin congressional resolutions in favor of territorial self-government nearly two weeks before its publication.²⁶

Dickinson's close identification with Cass set the stage for a dramatic confrontation at the Democratic National Convention between the strongly antislavery New York Barnburners and the New York Senator's own Hunker faction. The divided New York Democrats showed up at Baltimore with two delegations demanding to be seated, one composed of Barnburners and the other of Hunkers. These two delegations promptly contested the right to represent the Empire State. Eventually, the convention allowed equal representation for both New York factions and required them to vote as a unit. Frustratingly for the Barnburners, Cass obtained the necessary two-thirds vote of the delegates needed for the nomination. Bitterly denouncing the work of the convention, the Barnburners retreated back to New York and in June met at Utica to nominate their leader Martin Van Buren for President. The schism was now complete.²⁷

The Barnburner faction did not walk out of the Baltimore convention alone. Though he found only one other Alabama Democrat would join him in his march out of the hall, Alabama delegate William L. Yancey assailed southern Democrats at the convention for the selection of a candidate who championed

²⁴ For a trenchant commentary on this point, see Christopher Childers, *The Failure of Popular Sovereignty: Slavery, Manifest Destiny, and the Radicalization of Southern Politics*, (Lawrence: The University Press of Kansas, 2012), passim.

²⁵ Willard C. Klunder, *Lewis Cass and the Politics of Moderation*, (Kent, OH: Kent State University Press, 1996), 177.

²⁶ *Congressional Globe*, 30th Congress, 1st Session, 21 (December 14, 1847).

²⁷ Daniel S. Dickinson to Thomas A. Osborne [?], October 21, 1860, Miscellaneous Manuscripts: Dickinson, D.S., New-York Historical Society; David M. Potter, *The Impending Crisis: 1848-1861*, ed. Don Fehrenbacher, (New York: Harper and Row, 1977), 77-78.

an ambiguous solution to the slavery controversy. What rankled him even more was that Alabama Democrats at their state convention had voted in February 1848 for a series of resolutions, the so-called “Alabama Platform,” which repudiated the ideas of the Nicholson Letter that territorial legislatures might prohibit slavery prior to the formation of a state constitution. Now, Democrats in Alabama and the rest of the Deep South apparently accepted a candidate entirely at odds with their preferred solution for the Mexican Cession. For Yancey, principles trumped party and so he searched for a way to purify the Democratic Party. In the coming months, he tried to rouse southerners of the need for an exclusively southern party.²⁸

Arriving in early-June at the city of Philadelphia, Whig delegates prepared for a struggle between the supporters of Taylor and Clay, the two front-runners for the Whig nomination. Almost immediately, pro-Taylor men seized control of the major committees regarding convention rules and certifying the credentials of delegates. From the onset of balloting, Taylor pulled the majority of delegations from many Democratic-leaning Southern states as well as Clay’s home state of Kentucky, thanks largely to the efforts of John J. Crittenden. After four contentious ballots and the switch of 50 northern state delegates from Clay to Taylor, Clay’s chance to win another Whig nomination ended and Taylor became the nominee. Not all Whigs rejoiced at the outcome, though. New York Tribune editor Horace Greeley famously referred to the convention as “the slaughterhouse of Whig principles.” Indeed, Taylor delegates succeeded in securing the nomination of the war hero without a platform, in deference to the candidate’s wishes not to have to make party pledges. Nevertheless, party regulars still sought to balance the ticket with a northern-born Vice President of strong Whig principles. Though some looked toward New York’s ex-governor William H. Seward to fill that role, eventually it fell to the chief political rival of Seward in New York: the current state comptroller Millard Fillmore.²⁹

²⁸ Eric H. Walther, *William Lowndes Yancey and the Coming of the American Civil War*, (Chapel Hill: University of North Carolina Press, 2006), 102-116.

²⁹ Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*, (New York: Oxford University Press, 1999), 320-330.

In accepting the Whig nomination, Taylor lost the backing of an important segment of southern Democrats who despised their nominee Cass and thus looked to the General as an instrument to destroy both major parties. From Montgomery, Alabama, Yancey excitedly notified Calhoun of the commencement of an exclusively southern third party. The decision of Taylor and his advisors to seek the Whig nomination, Yancey admitted, “has thrown into our arms all those Democrats who were for him heretofore.” News of southern defections from the Taylor campaign coupled with the weakness of Cass and his brand of squatter sovereignty in the South encouraged Yancey's hopes for a new party. To head such a ticket, Yancey and the Alabamians chose Littleton W. Tazewell, a seventy- four year old “Old Republican” from Virginia and staunch defender of State Rights. A committee of seven men, Yancey included, drafted an appeal to Tazewell to accept an independent nomination for President. “Republicans” in Alabama, they explained, regarded the nomination of Cass as an anathema to everything sacred to the South, especially the demand for “Equal Rights of the people of the several States in the enjoyment and occupancy of the Territories of the United States.” Therefore, those Alabamians seeking the purity of the original Jeffersonian party must prepare “to war against his election, as being the worse evil that could befall our beloved country.” Tazewell was just the man to lead the struggle against “so many of our public men for party preferment.”³⁰

Nine days later, the Virginian politely declined the offer of these Alabama political dissidents. His advancing age rendered him “utterly unfit” for the duties of the office of President. Tazewell did agree with the committee that the current generation of politicians, with few exceptions, championed sectional and partisan aims “at the expense of the general welfare” of all citizens of the Union. Full of foreboding, this Virginia stalwart confessed “that I am no longer able to take an active part in the stirring scenes which

³⁰ William L. Yancey to John C. Calhoun, June 21, 1848, printed in *The Correspondence of John C. Calhoun*, ed. J. Franklin Jameson, 2 vols., (Washington D.C.: American Historical Association, 1899-1900), 1177; Henry C. Semple et al., to Littleton W. Tazewell, June 20, 1848, Henry C. Semple Papers, Box LPR5, Folder 1, Alabama Department of Archives and History. The originals for this and the reply of Tazewell are in the Letters to Littleton and Henry Tazewell, 1790-1848, part of the Albert and Shirley Small Special Collections at the University of Virginia.

I believe to be near at hand.”³¹ Unable to gain the acceptance of Tazewell, Yancey and his followers temporarily abandoned the goal of launching a new party.

Under the backdrop of the presidential campaign, the United States Senate engaged during that summer in “an effort to fix upon some plan, which will allay the alarming excitement which has been gotten up, on the subject of Slavery in the Territories.” Senator William R. King of Alabama told former Whig Congressman James Dellet of his prescient “fear [that] we shall not succeed, and that we are destined to see geographical parties built up on that question, which will shake the Union to its very foundations.”³² Delaware Whig John M. Clayton had introduced a bill to provide territorial governments to Oregon, California, and New Mexico, thereby extending the laws and Constitution of the United States in place of Mexican law. Theoretically, this difference allowed Clayton to permit slavery in lands previously protected from its presence due to the antislavery character of Mexican law. Of equal importance was the fact that the bill expressly denied the power of territorial governors, legislatures, or courts in the two territories of California and New Mexico from making law for or against slavery. In disputes over slavery in either territory, Clayton allowed the possibility of appeal to the United States Supreme Court.³³ Though not completely satisfied with the bill, John C. Calhoun and southern Democrats in the Senate could still find much to recommend it.

Dubbed “the Clayton Compromise,” the proposal managed to pass the Senate comfortably on 27 July before it immediately ran into trouble in the House of Representatives. Georgia Whig and original Taylor supporter Alexander H. Stephens moved to table the bill the day after it cleared the Senate.³⁴ While six southern Whigs collaborated with Stephens, the tabling motion prevailed when 112 mostly northern

³¹ Littleton W. Tazewell to Henry C. Semple et al., June 29, 1848, *Ibid.*

³² William R. King to James Dellet, July 22, 1848, Dellet Family Papers, LPR47 Box 9, Alabama Department of Archives and History.

³³ Susan Bulitt [Mrs. Archibald] Dixon, *The True History of the Missouri Compromise and Its Repeal*, (Cincinnati: The Robert Clarke Company, 1899), 181-82.

³⁴ Alexander H. Stephens to the Editor of the [Milledgeville] *Federal Union*, August 30, 1848, printed in *The Correspondence of Robert A. Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 120.

Whig congressmen sustained Stephens. A proposal from Senator Stephen A. Douglas of Illinois to extend the Missouri Compromise to the Pacific, firmly establishing slavery south of that line also met the same fate in the House.³⁵ After approving the creation of an Oregon Territory without slavery, Congress thus adjourned to leave any settlement of slavery in the federal territories to the successor of President Polk.³⁶

As if to fulfill the prophecy made by Senator King about geographical parties, a northern-based Free Soil Party actually arose to contest the presidential election. On 9 August, a large gathering of 20,000 antislavery activists converged on the city of Buffalo, New York to take part in the first Free Soil National Convention. Though attendees came from as far south as Virginia, Maryland, and Kentucky, the core leadership of the nascent party came from above the Mason-Dixon Line. Through a rule adopted by the convention, voting delegates were apportioned equally from among the Whig, Democratic, and Liberty parties. Meanwhile, Ohio activist Salmon P. Chase operated behind the scenes to secure the nomination for ex-President Martin Van Buren in exchange for control over the resulting platform. From the first ballot Van Buren commanded a majority of the total votes at the convention and quickly won in the next ballot. As a compromise to the Whigs within the Free Soil Party, however, Charles Francis Adams of Massachusetts, scion of the famous political family, got the Vice-Presidential nod.³⁷ In accepting his nomination, Van Buren told Chase: “When men like those you have visited can divest themselves of prejudices as strong, & as long cherished as those they have labored under, for the accomplishment of a great public object, we may feel assured that Party Spirit is not fraught with as much danger to our

³⁵ David M. Potter, *The Impending Crisis, 1848-1861*, ed. Don E. Fehrenbacher, (New York: Harper & Row, 1977), 73-75. The vote was 33 to 22, with 23 slave-state and 10 free-state senators voting in favor of the bill; 3 slave-state and 19 free-state senators voting against it.

³⁶ President Polk had personally dictated an amendment for the use of Senators Jesse D. Bright of Indiana and Henry S. Foote of Mississippi to alter the Oregon bill by extending the principles of the Missouri Compromise to the Pacific. Like so many other proposals during that session, it passed in the Senate and failed in the House. Entry for June 27, 1848, *The Diary of James K. Polk: During His Presidency, 1845 to 1849*, ed. Milo M. Quaife, ed., 4 vols., (Chicago: A. C. Clurg and Co., 1910), 3:504.

³⁷ Frederick J. Blue, *The Free Soilers: Third Party Politics, 1848-1854*, (Urbana: University of Illinois Press, 1973), 70-80.

institutions as some have feared.”³⁸ After two decades of urging the creation and maintenance of a strong national Democratic Party to combat the tendency toward sectionalism, Van Buren now advocated for a sectional party to displace it. His change of mind went right to the heart of southern fears about the danger to *their* institutions.³⁹

Despite his receiving the Whig nomination, Taylor strove to prove his independent, “no pledges” stance toward parties. In a 25 June letter addressed to Charleston railroad executive and pro-Taylor James Gadsden, “Old Rough and Ready” promised to “pursue the ‘win tenor of my way’ without noticing scurrilous attacks from any quarter.”⁴⁰ By early August, he had picked up the nomination of a group of pro-Taylor Democrats in Charleston. Since the nomination arrived “without pledges or conditions it is thankfully accepted.”⁴¹ Still, Taylor’s careful balancing act of appearing politically independent while serving as the nominee of a major party continued to displease prominent Whig leaders.⁴² It also failed to secure an endorsement from Calhoun. In lobbying the South Carolina Senator, James Gadsden rehearsed

³⁸ Martin Van Buren to Salmon P. Chase, August 29, 1848, printed in *The Salmon P. Chase Papers, Correspondence, Volume 2, 1823-1857*, ed. John Niven, (Kent, OH: The Kent State University Press, 1994), 190.

³⁹ For a reconsideration of the argument that Van Buren joined the Free Soil Party to avenge his failure to gain the nomination of the Democratic Party in 1844, see Joseph G. Rayback, “Martin Van Buren’s Desire for Revenge in the Campaign of 1848,” *The Mississippi Valley Historical Review* 40 (March 1954): 707-716.

⁴⁰ Zachary Taylor to James Gadsden (fragment), June 25, 1848, Zachary Taylor Papers, [microfilm], Manuscript Division, Library of Congress.

⁴¹ Holman Hamilton, *Zachary Taylor: Soldier in the White House*, (New York: The Bobbs-Merill Company, 1951), 114; Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*, (New York: Oxford University Press, 1999), 352-356. In his biography of Zachary Taylor, K. Jack Bauer claims the Taylor movement in the South had “weakened the attachment of many Democrats to their party and eased their concern at following the Whig banner. This type of thinking had made possible the nomination of the Taylor and Butler ticket by the South Carolina dissidents.” K. Jack Bauer, *Zachary Taylor: Soldier, Planter, Statesman of the Old Southwest*, (Baton Rouge: Louisiana State University Press, 1985), 245. Most southern Democrats never displayed much enthusiasm for Cass. It was the independent “no-party” posturing of Taylor, not their willingness to follow the Whigs, which made it possible for him to win Democratic votes in the South. Finally, Bauer’s argument fails to account for the lack of success the Taylor Democrats had in South Carolina outside Charleston. South Carolina Democrats managed to hold their state for Cass and traditional Democratic measures, despite the distinct lack of enthusiasm for the ticket there. See also, Jon L. Wakelyn, “Party Issues and Political Strategy of the Charleston Taylor Democrats of 1848,” *The South Carolina Historical Magazine* 73 (April 1972): 72-86.

⁴² For Taylor’s response to the criticisms of Whigs regarding his endorsement of independent nominations through the “Second Allison Letter,” see Holman Hamilton, *Zachary Taylor: Soldier in the White House*, (New York: The Bobbs-Merill Company, 1951), 121-124.

the by-now familiar argument of Taylor's "position, that if the W[h]igs did take him they must take him without pledges of any kind." Calhoun must contrast that position of Taylor with the position of those in favor of Cass. The latter "are influenced altogether by party ties," Gadsden wrote, the very ties that through the emergence of the Free Soil Party "have been repudiated by the North, & which we have ourselves repudiated."⁴³

Despite the words of Gadsden, Calhoun gave a 19 August address to a large gathering at a Charleston theater which publicly revealed his neutral feelings towards both candidates. Though Calhoun noted the presence of a "heated political contest," he felt the state should cast its votes in the Electoral College "without heat, without excitement, and in the direction which the safety and dignity of the State requires that it should be cast." Turning to the candidates themselves, Calhoun recognized that "many gave the preference to Gen. Taylor because he was a Planter and a Southern man; others again preferred Gen. Cass because he was a member of the party with which they usually act." Calhoun tried not to cast odium on either group of supporters, simply remarking, "All are equally sincere, and all, in his opinion, were equally Republicans." He wished, however, that all factions might "conduct the canvass with moderation and with kindly feelings toward each other."⁴⁴ Throughout the speech, Calhoun pleaded with his fellow South Carolinians not to allow the bitter partisan fights between Democrats and Whigs elsewhere to disturb the fragile political consensus that Calhoun had arranged in South Carolina.

The final election results appeared to confirm the wisdom of the emphasis on Taylor's political independence or "No Party" strategy employed by the Taylor campaign. Throughout the states of the Deep South, the "Hero of Buena Vista" energized considerable numbers of Democrats to break with their party, thus dramatically shrinking the margin of victory for Cass in what were Democratic strongholds. Taylor's gained a victory not only from the strength his reputation carried in the South, but also from the crucial defection of Democratic voters in states like New York and Pennsylvania. Though not yet three

⁴³ James Gadsden to John C. Calhoun, August 19, 1848, printed in *The Papers of John C. Calhoun*, ed. Clyde N. Wilson, 28 vols., (Columbia: University of South Carolina Press, 1959-2003), 26:14.

⁴⁴ "Remarks at a Public Meeting in Charleston," August 19, 1848, printed in *Ibid*, 15-16.

months into its formal existence, the Free Soil Party polled nearly 300,000 votes nationwide (about a sixth of the total vote) and elected two U.S. Senators and twelve U.S. Representatives to serve in Washington.⁴⁵

Given the newness of their organization, members of the Free Soil Party faced considerable pressure to return to their old parties. Whigs and Democrats had watched while Free Soil men played spoilers and thereby added to the confusion of state and local races. As one Ohio Democrat observed to Senator William Allen just days after the election, “Ohio, [had gone] Democratic because Abolitionism [i.e. Free Soil] withdraws from Federalism [i.e. Whig Party], and Pa. N.Y. &c Federal [Whig] because the Abolitionists [i.e. Free Soil] leave Dem. Party.”⁴⁶ Free Soil men eager to perpetuate their party counseled vigilance, lest some in their ranks began to drift back into their old parties after the presidential election. One Massachusetts Free Soil activist, D. S. Jones stressed his concern for “faltering in the ranks” in a circular sent to the leaders of his county organization.⁴⁷ New York Free Soil leader John Van Buren, the son of Free Soil presidential candidate Martin Van Buren, saw the work of the nascent party had not finished with the election, but had just begun. “I see a great disposition in the incipient party to abandon it now that they have got into power by running a candidate not committed against freedom,” he confided to Ohio Congressman Joshua R. Giddings in December 1848.⁴⁸

John C. Calhoun did not wish to see southerners resume their familiar attachments to the two-party system and thus began to initiate a movement for southern unity, especially given the level of Whig infighting in the months after the election. Daily newspaper reports and private letters told of

⁴⁵ For an analysis of electoral returns and associated voter demographics, see Joseph G. Rayback, *Free Soil: The Election of 1848*, (Lexington: University of Kentucky Press, 1971): 281-287. The list of members elected to Congress either as Free Soilers or with Free Soil support can be found in Frederick J. Blue, *The Free Soilers: Third Party Politics, 1848-1854*, (Urbana: University of Illinois Press, 1973), 302.

⁴⁶ James Ferguson to William Allen, November 12, 1848, William Allen Papers, Box 16, Manuscript Division, Library of Congress.

⁴⁷ Circular letter, [D. S. Jones to Greenfield County Free Soil Party], November 8, 1848, Joshua Leavitt Papers, Manuscript Division, Library of Congress.

⁴⁸ John Van Buren to Joshua R. Giddings, December 11, 1848, Joshua R. Giddings-George Washington Julian Papers, Box 6, Manuscript Division, Library of Congress. For a good discussion of the Barnburners and their course after the presidential election, see Jonathan H. Earle, *Jacksonian Antislavery and the Politics of Free Soil, 1824-1854*, (Chapel Hill: University of North Carolina Press, 2004), 181-199.

disagreements among Whigs over the selection of a Cabinet and the allocation of local patronage. Meanwhile, Democrats considered the whole affair merely poetic justice for Whigs “having pledged themselves to both N[orth] and South” during the election. Many Whigs looked to the expected inauguration of a Whig President and the promise of jobs as the reward for spending nearly seven years in opposition. Unfortunately for these Whigs, they had not counted upon Taylor honoring his pledge to be above mere partisanship when administering the country. Viewing his triumph not as a Whig, but as a Taylor victory, the President-elect and his advisors began to dole out patronage seemingly with little concern for its effect upon the Whig Party. Furthermore, the new President preferred to assemble his Cabinet with his closest campaign advisors, leaving Henry Clay and other Whig regulars with little influence. Soon, Whigs angered at the appointment policies of Taylor began to argue that the incoming President sought to build an entirely new party around himself rather than to strengthen the existing Whig Party.⁴⁹

Adding to the discord, some Whigs grew increasingly concerned that their most hated rivals within the party, and not they, would receive the fruits of victory. For instance, Senator John Bell of Tennessee confessed to East Tennessee Whig newspaperman William G. Brownlow that Taylor stood poised to hand both valuable printing contracts as well as a possible Cabinet position to his arch rival within the Tennessee Whig Party, U.S. Senator James C. Jones.⁵⁰ A North Carolina Whig congressman lamented the extent to which Whigs became obsessed with the promise of spoils that these hungry hordes deluged the President daily looking for appointments.⁵¹ In Philadelphia, a battle over the lucrative customs house appointment threatened to estrange further the supporters of the President from his vanquished rival, Henry

⁴⁹ Thomas J. Henley to Norvin Green, January 12, 1849, Norvin Green Papers, Filson Historical Society.

⁵⁰ John Bell to William G. Brownlow, December 18, 1848, January 8, 1849, William G. Brownlow Papers, Box 1, Folder 2, John C. Hodges Library Special Collections, University of Tennessee.

⁵¹ David Outlaw to Mrs. Emily Outlaw, January 3, 1849, David Outlaw Papers, Southern Historical Collection, Wilson Library, University of North Carolina.

Clay.⁵² As one of Taylor's closest confidants, John J. Crittenden often had to mollify angry Whigs who did not receive patronage offers for their respective states due to the "press for office."⁵³

Seeing his chance, Calhoun organized a five-man committee in December 1848 to invite all southern members of Congress to meet in early-January for the first of several closed door sessions. Eighteen senators and 51 congressmen attended the general meeting. The first speaker, Democrat Thomas H. Bayly of Virginia, shared a report containing a series of resolutions designed to prohibit the exercise of congressional authority against slavery anywhere the United States. Georgia Whig Representative Alexander H. Stephens then followed Bayly with a recommendation that each slave state appoint exactly one member to a committee assigned to sift through and recommend a concerted action for southerners, perhaps the Bayly resolutions. Calhoun agreed to Stephens' recommendation principally out of a desire for "harmonious and united action, both on our part and on the part of the southern community." Calhoun failed to get the members of the southern congressional delegation to meet five days prior to the originally proposed date of 18 January. He specifically wanted to time the public release of the Southern Address from southern members of Congress to coincide with and thereby influence the legislative calendar in a number of southern states. By the end of the first meeting, the attendees had organized themselves into a "General Committee" representing one member from each southern state formed to organize the meeting. This group then broke into a special sub-committee of five members, with Calhoun taking primary responsibility as chairman to prepare a draft of the address.

Allies of the South Carolina Senator worried about the prospects for success, though. For one, Calhoun needed to consult and receive the approval of known Whig opponents of the South Carolina Senator. John E. Carew, editor of the *Charleston Mercury*, expressed exactly this concern for the future of

⁵² Marshall Sprogell to John McLean, March 10, 1849, Robert Montgomery Bird Papers, Box 3, Van Pelt-Dietrich Library, University of Pennsylvania.

⁵³ John J. Crittenden to James A. Pearce, July 30, 1849, James Alfred Pearce Papers, Maryland Historical Society.

the Southern Caucus “when I see such a man as Stephens at the head of the Committee.”⁵⁴ Though distrustful of the motives of Calhoun and his largely southern Democratic co-agitators, southern Whigs like Stephens and David Outlaw participated with their Democratic rivals in Calhoun’s bid for southern unity. The North Carolinian Outlaw attended the Southern Caucus out of the worry for his reputation among members of Congress. Still, as he told his wife Emily, he did “not wish to appear singular” through opposition to the southern movement in Congress.⁵⁵

On 22 January, the southern caucus adopted the culmination of Calhoun’s efforts: a document entitled “The Address of the Southern Delegates in Congress, to Their Constituents.” This lengthy appeal sought to end a process of slavery agitation whereby “aggression has followed aggression, and encroachment encroachment, until they have reached a point when a regard for your peace and safety will not permit us to remain longer silent.” Though Calhoun covered a multitude of topics in his address, including emancipation in the West Indies and a history of the enactment of the Missouri Compromise, his real focus lay in “The want of union and concert in reference to it [slavery] has brought the South, the Union, and our system of Government to their present perilous condition.” Southerners have foolishly valued “the preservation of party ties” above that of slavery and the rights of the South. The people of the North profited from political divisions within the South and Calhoun urged southern congressmen to put an end to that through an endorsement of the address. Ultimately, roughly forty percent of the total southern delegation affixed their names to the document. More revealingly, the partisan balance of the signatories skewed heavily toward the Democrats, with some two-thirds of those who signed belonging to

⁵⁴ John E. Carew to John C. Calhoun, January 2, 1849, printed in *The Papers of John C. Calhoun*, ed. Clyde N. Wilson, 28 vols., (Columbia: University of South Carolina Press, 1959-2003), 26:192-193.

⁵⁵ David Outlaw to Mrs. Emily Outlaw, January 3, 15, 1849, David Outlaw Papers, Southern Historical Collection, Wilson Library, University of North Carolina.

the Democratic Party, and just two Whigs doing the same. Thus, a majority of southern Whigs and a minority of southern Democrats simply refused to unite with Calhoun and his supporters.⁵⁶

The publication of the “Southern Address,” therefore, did little to paper over the divisions within the southern congressional caucus. According to Senator James Mason of Virginia, the Calhoun proposal “had been adopted for presentation to the General Committee by a majority of *one* vote only.”⁵⁷ For no sooner had Calhoun prepared his handiwork and narrowly gotten it through the five-member committee, but had southern Democrats and Whigs in the caucus begun to heap criticism upon the whole proceedings. Texas Senators Thomas J. Rusk and Sam Houston shared the complaints of many southern Whigs that Calhoun sought to use the meeting to prepare southerners to abandon their old parties for a new southern party. Rusk showed his disapproval when he voted for a motion to declare the actions favored in the version of the Southern Address suggested by Calhoun to be simply inexpedient and requested the meeting adjourn. For all his South Carolina birth and generally good relations with Calhoun, Rusk “steadfastly adhered to the principle of non-intervention.”⁵⁸ Irritated at Rusk, Calhoun now insinuated that Rusk and the Texans greatly needed the support of Calhoun and the rest of the South. Rusk, Calhoun told the committee, “must be aware of the course pursued by the South towards Texas[;] he must be aware of her positions in regards to the subject of annexation and he should also remember that Texas has vitally important questions yet unsettled.”⁵⁹ In defending the actions of himself and Rusk to the folks back in Texas, Houston announced that both Texas Senators held “devotion to the just and constitutional rights of the southern states, but I doubt very much if they are to be benefited by the formation of a new party, by

⁵⁶ “The Address of the Southern Delegates in Congress, to Their Constituents,” [January 22, 1849], printed in *The Papers of John C. Calhoun*, ed. Clyde N. Wilson, 28 vols., (Columbia: University of South Carolina Press, 1959-2003), 26:226, 242-243.

⁵⁷ Entry for January 14, 1849, “The Library: The Mystery of the Dallas Papers” (Part II), ed. Roy F. Nichols, *Pennsylvania Magazine of History and Biography* 74 (October 1949): 492.

⁵⁸ Lois Foster Blount, “A Brief Study of Thomas J. Rusk Based on His Letters to His Brother, David, 1835-1856, II,” *The Southwestern Quarterly* 34 (April 1931), 201.

⁵⁹ “Remarks at the Committee of Fifteen,” [January 13, 1849], printed in *The Papers of John C. Calhoun*, ed. Clyde N. Wilson, 28 vols., (Columbia: University of South Carolina Press, 1959-2003), 26:213.

using threats which are not to be executed, by bringing into disrepute the bonds of our Union, or by an appeal to the fears of any section of the Union.”⁶⁰

Southern Democrats within the House also roundly criticized the Southern Address. Throughout the whole affair, Georgia Representative Howell Cobb never altered his opinion that the movement in Congress attempted to satisfy Calhoun’s “last hope of organizing a Southern party of which he shall be head and soul.”⁶¹ Concerned about its prospects for success, he and fellow Democratic Representatives John H. Lumpkin of Georgia and George S. Houston of Alabama paid a visit to President Polk and expressed their intention not to sign the any address produced by Calhoun and his followers. They then asked for the President’s own views on the subject. Polk advised them to pursue their opposition to the movement and alluded to the confidence many southern Whigs possessed in Polk’s successor, whose southern slaveholding credentials were all that southern Whigs needed. In later meetings, the President urged other members of Congress to attend the Calhoun-led movement and keep a close eye on its developments.⁶² Once the contents of the Southern Address became known both inside and outside of Congress, the two Georgians Cobb and Lumpkin decided to issue a rival address and collaborated with Kentucky congressmen Linn Boyd and Beverly H. Clarke. The outcome of their labors, addressed “To Our Constituents,” pointedly argued for the maintenance of a national connection between northern and southern Democrats. The four members of Congress further hoped that in “uniting in still closer bonds with those who have given us these evidences of sincerity of their friendship, and the honesty of their purposes,” southerners might strengthen their commitment to the Democratic Party.⁶³

⁶⁰ Sam Houston to Henderson Yoakum, January 31, 1849, *The Writings of Sam Houston*, eds. Amelia W. Williams and Eugene C. Barker, 8 vols., (Austin: University of Texas Press, 1938-43), 5:71. Rusk likely wrote a public letter of his participation in the southern caucus and published in the *Northern Standard* (Clarksville), March 3, 1849, under the initials “S.”

⁶¹ Howell Cobb to Mary Ann Cobb, February 8, 1849, printed in “Howell Cobb Papers,” ed. R. P. Brooks, *Georgia Historical Quarterly* 5 (June 1921): 38.

⁶² Entries for January 14-16, 20, 22-23, 25, 1849, *The Diary of James K. Polk: During His Presidency, 1845 to 1849*, ed. Milo M. Quaife, ed., 4 vols., (Chicago: A. C. Clurg and Co., 1910), 4:279-285, 298-299, 304-306, 308-309.

⁶³ “To Our Constituents,” February 26, 1849, printed in “Howell Cobb Papers,” ed. R. P. Brooks, *Georgia Historical Quarterly* 5 (June 1921): 44. For later northern Democratic praise of this manifesto, see Lewis Cass to Howell

Most surprisingly, Calhoun failed to unite Democrats in the Deep South around even a common platform of opposition to the Proviso, as the case of Florida indicates. Florida Senator James Wescott Jr. frankly admitted as much in a discussion with Vice President George Mifflin Dallas in mid-January 1849 whereupon Dallas recorded the substance of the remarks in his personal diary. The Florida Senator had participated in the meeting organized by Calhoun and reported back that “the South was much divided about the Wilmot Proviso” and would likely fail to come to any kind of agreement on how to oppose it. In his own state, Wescott told Dallas, “Florida was 2/3 ds for the Proviso, as it might induce planters to come with their slaves into her territory,” should the western territories be closed to the extension of the peculiar institution.⁶⁴ The following day, Senator James Mason of Virginia, in a state of “much exasperation and distress,” came by the Vice President’s room and vowed he and his state would separate from the Union even at the risk of civil war if Congress were to adopt the Proviso. Dallas listened to this patiently and then pointed out that North Carolina, Georgia, and Florida would not join such a cause, to which, according to Dallas’s account, Mason “conceded great defection” in the resolve of these states to join South Carolina and Virginia.⁶⁵ Florida’s own governor and an ally of Calhoun, William Moseley, came independently to the same conclusion as Wescott regarding the reception of the Proviso in Florida and throughout the South. For most ordinary southerners, he believed, “the Wilmot Proviso is looked upon as a mere abstraction, while there are others who consider it more favorably, as tending to promote the prospective welfare of the poor or non-slaveholding portion of the southern people.”⁶⁶

Cobb, June 19, 1849, printed in *The Correspondence of Robert A. Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 164.

⁶⁴ Entry for January 13, 1849, “The Library: The Mystery of the Dallas Papers” (Part II), ed. Roy F. Nichols, *Pennsylvania Magazine of History and Biography* 74 (October 1949): 492.

⁶⁵ Entry for January 14, 1849, *Ibid.*

⁶⁶ William Moseley to Whitmarsh Seabrook, May 18, 1849, Whitmarsh Seabrook Papers, Manuscript Division, Library of Congress. For the development of this negative perception of southern non-slaveholders in the years leading up to the outbreak of war in 1861, see Walter Kyle Planitzer, “*A Dangerous Class of Men, without Direct Interest in Slavery*”: *Proslavery Concern about Southern Nonslaveholders in the Late Antebellum Era*. (PhD Dissertation: The Johns Hopkins University, 2008).

Frustrated in his plans for southern political unity against a growing northern majority, Calhoun inspired one last attempt to guarantee slaveholder rights in the territories acquired from Mexico before the end of the Thirtieth Congress. Before the close of the session, members in both chambers still needed to pass a routine civil and diplomatic appropriations bill in order to continue to fund the government for the next fiscal year. The House of Representatives duly passed such a bill in mid-January 1849 and sent the legislation to the Senate in early February for its concurrence. Once there freshman Democratic Senator Isaac P. Walker from the newly admitted state of Wisconsin proposed on 19 February a deceptively innocuous amendment to the House bill. The Walker amendment allowed the President of the United States to extend the Constitution and the laws of the United States over the unorganized territories of California and New Mexico. He had decided to introduce his amendment, “after consultation with many friends, and particularly with” Mississippi Senator Henry S. Foote, as Foote had tried earlier to submit a similar amendment.⁶⁷ Walker’s own proposal came after previous attempts by Democrat Stephen A. Douglas and Whig William B. Preston to get the Senate and House, respectively, to admit the entire Mexican Cession as a state had failed.⁶⁸

Walker defended his decision to take such drastic action within a routine appropriations bill on the grounds that he wished “merely to extend certain laws, which related directly or indirectly to the revenue system of the United States, to the territories acquired by treaty with Mexico.” The territories desperately needed some form of law from “the exciting condition of things” in the two territories, Walker argued, and so he proposed to give it to them now. The lateness of the session and thus unlikelihood of getting any other proposed legislation for the territories passed and “all feel interested in establishing a government of some kind” to those settlers heading west.⁶⁹ In the course of two weeks, Senators and Representatives

⁶⁷ *Congressional Globe*, 30th Congress, 2nd Session, 561 (February 22, 1848).

⁶⁸ For a previous effort to resolve the problem of slavery in the Mexican Cession, see William J. Cooper, Jr., “The Only Door: The Territorial Issue, the Preston Bill, and the Southern Whigs,” in William J. Cooper, Jr., Michael F. Holt, and John McCardell, eds., *A Master’s Due: Essays in Honor of David Herbert Donald*, (Baton Rouge: Louisiana State University Press, 1985), 67-84.

⁶⁹ *Congressional Globe*, 30th Congress, 2nd Session, 561 (February 22, 1848).

found themselves locked in a battle over this mirror image of the Wilmot Proviso. The controversy prompted its participants to pose and answer the following question: Did the treaty-making power granted to the Senate extend the laws of the United States to newly conquered or acquired territories? If treaties did not automatically extend all American laws over the unorganized territory, then Congress must determine which laws of the United States were legally in force and which required further congressional action. The long-range implications for the debate over slavery would become clear. Antislavery Mexican laws would remain in effect unless Congress made some provision to invalidate them by substituting the American system of law in its place.⁷⁰

Antislavery men quickly pronounced the whole effort a sham, gotten up by Calhoun and other southerners and abetted by a suitable “doughface” in the form of Walker. They held their resolve not to give into the Senate. The yearly appropriation bill with the Walker amendment finally passed in the Senate 29 to 27 on 26 February, but northern members in the House defeated the measure four days later, 100 to 114.⁷¹ Writing in his diary, President Polk vowed to veto any legislation containing the Wilmot Proviso that came to his desk.⁷² When a conference committee reported no agreement between the two chambers on 3 March, the Senate finally relented. Mere hours before the end of the congressional session and needing to pass some kind of appropriations bill, the Senate finally receded from the Walker

⁷⁰ Don Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics*, (New York: Oxford University Press, 1978): 155-157. For more on Walker and his legislative career, see the treatment in Merle Curti, “Isaac Walker: Reformer in Mid-Century Politics,” *Wisconsin Magazine of History*, 34 (Autumn 1950): 3-6, 58-62. Exactly why the northern Democrat Walker offered this amendment to the bill has prompted debate among contemporaries and later historians. Don E. Fehrenbacher, in particular, disputes the contention of Thomas Hart Benton that Calhoun was “the real author” of the Walker Amendment. He places it, correctly in my opinion, at the hands of Mississippi Senator Henry S. Foote. He also accounts for Walker’s actions by emphasizing how the freshman Wisconsin Senator was “inexperienced” and thus prone to the blandishments of southern colleagues. Walker had come into the Senate as one of his state’s first two Senators in January 1849. For Benton’s perspective, see [Thomas Hart Benton], *Thirty Years View: A History of the Working of the American Government for Thirty Years, 1820-1850*, 2 vols., (New York: D. Appleton and Co., 1873), 2:730.

⁷¹ *Congressional Globe*, 30th Congress, 2nd Session, 595, 663, 665, (February 26, 1849 and March 2, 1849); Michael A. Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War*, (Chapel Hill: University of North Carolina Press, 1997), 37.

⁷² Entry for March 3, 1849, *The Diary of James K. Polk: During His Presidency, 1845 to 1849*, ed. Milo M. Quaife, ed., 4 vols., (Chicago: A. C. Clurg and Co., 1910), 4:369.

amendment. Relieved at this outcome, House members promptly adopted the new Senate bill without attaching the Wilmot Proviso.⁷³

For his actions, Walker received a censure from the Wisconsin legislature with instructions to resign his post, to which the embattled Senator promptly refused and defended his actions in print. Antislavery men in the North needed to make an example of “Walker and his course on his amendment,” Ohio Free Soil leader Salmon P. Chase explained to a friend. Without the fear of public retaliation, he anticipated that a number of northern Democrats in Congress would cut loose from the Proviso and vote with their southern colleagues.⁷⁴ Chase would know, as he more than anyone had held the Free Soil-Democratic alliance together in Ohio both to repeal the state laws against free blacks and install himself in the U.S. Senate. Furthermore, Chase spent a not inconsiderable amount of time soothing Democrats angry at the preference given to Free Soil men over good Democrats for legislative committee assignments.⁷⁵

The significance of the failure of the movement for southern unity in Congress became clear when southern Democrats and Whigs went back to their home districts. In 1848, southern Democrats had remained deeply divided on the territorial question despite the semblance of unity during the late presidential campaign. Those southern Democrats who came from districts with mostly non-slaveholding residents, such as congressmen Cobb of Georgia or Houston of Alabama, eagerly embraced Cass and his doctrine. Generally speaking, the same could not be said for those with larger slaveholding constituencies who doubted the soundness of both Cass and his ideas as to when the legal residents in a territory might

⁷³ *Congressional Globe*, 30th Congress, 2nd Session, 680, 689-690, (March 3, 1849).

⁷⁴ Salmon P. Chase to Joseph Brinkerhoff, April 7, 1849, printed in *The Salmon P. Chase Papers, Correspondence, Volume 2, 1823-1857*, ed. John Niven, (Kent, OH: The Kent State University Press, 1993), 241; *Trenton State Gazette*, March 5, 1849; *Milwaukee Sentinel and Gazette*, March 17, 1849; *Bangor Daily Whig and Courier*, March 29, 1849; *Wisconsin (Milwaukee) Democrat*, March 31, 1849; *Boston Daily Atlas*, April 2, 1849; (Burlington) *Vermont Patriot*, June 7, 1849. The text of the resolutions passed in both houses of the Wisconsin legislature against Walker on 31 March are printed in *Acts and Resolves Passed by the Legislature of Wisconsin in the Year 1849*, (Madison, WI: David T. Dickson, 1849), 175.

⁷⁵ Entries of January 2-5, 1849, Journal IV, *The Journals of Salmon P. Chase, Volume 1, 1829-1872*, ed. John Niven, (Kent, OH: The Kent State University Press, 1993), 199-201. For more on Chase’s successful bid to become a U.S. Senator in the summer of 1849, see Stephen E. Maizlish, *The Triumph of Sectionalism: The Transformation of Ohio Politics, 1844-1856*, (Kent, Ohio: Kent State University Press, 1983), 136-138.

legislate on slavery. This fragile truce in the service of party unity carried Democrats through the election, but the defeat of Cass to the slaveholder Taylor prompted a number of southern Democrats to call for the abandonment of the Michigan Senator and his ideas of territorial self-government. Instead, these southern Democrats argued, the party in the South should rally around Calhoun's own February 1847 resolutions. Only through a more militant stance on slavery in the territories could southern Democrats triumph over the southern Whigs.⁷⁶

In the Deep South, where abstentions among Democrats had been greatest during the recent presidential election, those who signed or approved the Southern Address initiated a campaign against those southern Democrats who refused to join Calhoun in a common cause against northern Democrats.⁷⁷ In this fight for political survival, Howell Cobb told James Buchanan he wished "to arm himself" against Calhoun's friends in Georgia.⁷⁸ When he accused a fellow Georgia Democrat of backing Calhoun's dream of a "sectional party," Cobb received a sharp denial from his friend. "You know Calhoun is no favorite with me," this Georgian maintained. "But extremes [i.e. antislavery Democrats and Whigs] are destined to act together on this question. We will not *follow* Calhoun, but must cooperate with him in resisting this encroachment."⁷⁹ But follow they did. Southern Democrats who had previously pledged support for Lewis Cass and the national party's embrace of popular sovereignty now made war on those southern Democrats who seemed willing to adhere to it.

⁷⁶ Michael F. Holt, *The Political Crisis of the 1850s*, (New York: W. W. Norton, 1978), 70; William J. Cooper, *The South and the Politics of Slavery, 1828-1856*, (Baton Rouge: Louisiana State University, 1978), 287. As Cooper has written, "From late 1848 to 1850 the influence and spirit of John C. Calhoun dominated the actions of the southern Democrats."

⁷⁷ For an analysis of the impact of the 1848 election on voter turnout in the Deep South, see Joel Silbey, *Party over Section: The Rough and Ready Presidential Election of 1848* (Lawrence: University Press of Kansas, 2009): 141

⁷⁸ Howell Cobb to James Buchanan, June 2, 1849, printed in *The Correspondence of Robert A. Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 159. A rival of Cobb's in the Georgia Democracy, U.S. Senator Herschel V. Johnson, remarked later that "Those who failed to sign are seeking to avoid censure by expressing great devotion to the union, and insinuating, in no concealed terms that we are looking to a disruption of the confederacy." Herschel V. Johnson to John C. Calhoun, June 28, 1849, printed in *The Papers of John C. Calhoun*, ed. Clyde N. Wilson, 28 vols., (Columbia: University of South Carolina Press, 1959-2003), 26:447.

⁷⁹ Hopkins Holsey to Howell Cobb, February 24, 1849, *Ibid*, 154. (Emphasis in original)

Calhounites in Alabama and Mississippi retaliated against those who dared to stand apart from the movement for southern unity. George S. Houston, an Alabama Congressman who, like the Georgian Cobb, represented a mostly non-slaveholding district in north Alabama watched as his goal of reaching the U.S. Senate was blocked by southern Alabama Democrats for his earlier anti-Calhoun stance.⁸⁰ According to historian Ralph B. Draughon Jr., Houston had built his senatorial dreams on the strategy of reaping the resentments of northern Alabamians against their southern counterparts. Outraged at the way in which south Alabama Democrats had claimed both U.S. Senate seats for themselves, Houston campaigned “Against South Alabama and state rights [and] Houston would sponsor North Alabama and nationalism, divide the state, and win the Senate.”⁸¹ Henry S. Hilliard, an Alabama Whig who refused to sign the Southern Address, faced stiff opposition in his congressional district. “Hilliard will be beaten in his District, by a Whig or Democrat who is sound, as may seem best calculated to accomplish this result,” an Alabama follower of Calhoun reported.⁸² At least one northern Alabama newspaper, the *Florence Gazette*, rose to the defense of Cobb, Houston, and Hilliard against the “violent and unscrupulous onslaught” of Calhoun. No man who refused to sign such a document, the paper charged, deserved the label of being “traitors to the rights of their constituents.”⁸³ In Mississippi, politicians allied with Calhoun, including Governor John A. Quitman, arranged a meeting in the city of Jackson of mostly southern Democrats in October to discuss ways for reinvigorating the southern unity movement. From that meeting came the call for a subsequent one of all southern states, Whigs and Democrats, in Nashville, Tennessee at the beginning of June 1850.⁸⁴ Calhoun personally applauded this action, especially since Mississippi and “her publick

⁸⁰George S. Houston to Howell Cobb, March 14, March 22, 1849, *Ibid*, 157-158

⁸¹ Ralph B. Draughon Jr., “George Smith Houston and Southern Unity, 1846-1849,” *Alabama Review* 19 (July 1966): 203.

⁸² Hilliard M. Judge to John C. Calhoun, April 9, 1849, printed in *The Correspondence of John C. Calhoun*, ed. J. Franklin Jameson, 2 vols., (Washington D.C.: American Historical Association, 1899-1900), 1197.

⁸³ *Florence Gazette*, September 1, 1849.

⁸⁴ John A. Quitman, *Life and Correspondence of John A. Quitman in Two Volumes*, ed. J. F. H. Claiborne, 2 vols., (New York: Harper and Row, 1860), 2:24-26; Thelma Jennings, *The Nashville Convention: Southern Movement for Unity, 1848-1851*, (Chapel Hill: University of North Carolina, 1980), 35-36.

[sic] men of both parties have take the true course, & in the right manner, and ought to receive the approbation & thanks of the whole South.”⁸⁵

Far more successful than the efforts in the South to unite men across party were the efforts of the major parties to maintain alliances with Free Soil men in the North. State and local leaders of both the Democrats and Whigs understood just how such alliances potentially endangered their relations with the southern wing of their respective parties. Nevertheless, their desire to win elections at the state or local levels more than justified the risk. One example of this very tendency was Whiting Griswold, a Massachusetts lawyer and Democrat who spearheaded the movement to fuse that state’s Democrats with those in the Free Soil Party. Griswold wrote a number of letters to prominent Democrats throughout the Bay State and got back mostly positive responses.⁸⁶ George Boutwell, a strongly antislavery Democrat, wanted to preserve the pure and separate identity of the old Democratic Party dating back to the time of Jefferson. In the same breath, however, he desired, “no more sectional feeling than is necessary to restore us [in the North] to our proper position” with the power base of the Democratic Party.⁸⁷ The first chairman of the newly created Democratic National Committee, Benjamin F. Hallett, was even more emphatic about the need for a coalition. If Democrats wished to lose to the Whigs at the state level by opposing a fusion with Free Soil men, Hallett sarcastically wrote, “then they are not the practical common sense men I took them for.” Instead, “I think it is the first duty of Democrats to beat the Whigs, where it can be done with no sacrifice as a National party.”⁸⁸

In Ohio and New York, splits emerged over whether to receive Free Soil politicians and voters back into the major parties. Democrats in New York especially divided over this question. Hunker leaders

⁸⁵ John C. Calhoun to James E. Calhoun, October 27, 1849, *The Papers of John C. Calhoun*, ed. Clyde N. Wilson, 28 vols., (Columbia: University of South Carolina Press, 1959-2003): 27:92-93.

⁸⁶ Bruce Laurie, *Beyond Garrison: Antislavery and Social Reform*, (New York: Cambridge University Press, 2005): 181-183.

⁸⁷ George S. Boutwell to Whiting Griswold, July 30, 1849, Whiting Griswold Papers, Manuscript Division, Library of Congress.

⁸⁸ Benjamin F. Hallett to Whiting Griswold, November 3, 1849, *Ibid.*

William L. Marcy and Daniel S. Dickinson formed two camps, with Marcy leading those who wished to win back the Van Buren followers and Dickinson adamantly opposed to such a move. An effort at reunion picked up steam during the summer of 1849, as the Barnburners and Hunkers appeared to settle on a common ticket, much to the dismay of Whigs.⁸⁹ For now New York possessed “a decided Democratic majority” less than a year after the state gave its electoral votes to Zachary Taylor.⁹⁰ In anticipation of the Democratic 15 September state convention, the Hunkers led by Marcy passed resolutions at a convention in Rome the month before which decried slavery as a moral evil and seemed to support the anti-extension movement of the Free Soilers. Exultant at the prospect of gaining admission back into the Democratic Party at such a low price regarding principles, John Van Buren addressed a gathering of Free Soil Democrats on 15 September 1849. As reported in the pro-Barnburner *New York Evening Post*, Van Buren supposedly told the crowd, “We expect to make the democratic party of this state the great anti-slavery party of this state, and through it to make the democratic party of the United States the great anti-slavery party of the United States. Those who do not contemplate this result will do well to get out of the way.”⁹¹ With this stern challenge to his colleagues, Van Buren had moved away from his earlier fears concerning the collapse of the Free Soil Party and formally embraced reunion with the Hunkers. Still, he and his Barnburners expected the Hunkers to take them back without any retreat from the antislavery position of the former.

The New York state election in November quickly showed to discerning Democrats how little paper commitments adopted during the summer bore on them. As William L. Marcy conceded tersely after the results came in, “Thousands of individuals who did not proclaim their dislike of the union movement, exerted no influence at the election & withheld their votes.” Worse yet, “A few of the *hunkers*,

⁸⁹ *New York Herald*, July 30, 1849.

⁹⁰ Millard Fillmore to J. S. Williams, August 15, 1849, Millard Fillmore Miscellaneous Manuscripts, New York State Library.

⁹¹ *New York Evening Post*, September 15, 1849, quoted in Jonathan H. Earle, *Jacksonian Antislavery and the Politics of Free Soil, 1824-1854*, (Chapel Hill: University of North Carolina Press, 2004), 188.

so vulgarly [sic] called, came out with a manifesto against the union the day before the election & justified their conduct by alleging bad faith on the part of the Barnburners.”⁹² One New York City Democrat who worked for such a defeat between Barnburners and Hunkers in his district explained the closely-divided result between the two major parties to John C. Calhoun: “The Democratic house can do nothing without the concurrence of the Whig Senate and vice versa.” The outcome could only benefit Hunker U.S. Senator Daniel S. Dickinson, this Democrat confidently asserted, for is it not logical to assume that “If the two houses act upon the basis of party antagonism one of them will oppose necessarily the action of Congress on Wilmot provisoism.”⁹³ The truth was that both Democrats and Whigs faced deep divisions in their own ranks over what to do about the presence of the Free Soil men. The divide became so severe among Democrats that the Hunkers split further into two groups. One side, led by Marcy, emerged as the “Soft Shells,” while the other side, led by Dickinson, the “Hard Shells,” with both labels inspired by those Baptists who debated over whether to accept new converts through the use of missionary work.⁹⁴

The coalitions between Free Soil men and Democrats at the state-level would continue through the end of 1849, but in the process reveal a striking weakness in the system of federalism. Coalitions tested the very elasticity of the federal framework, which the founders had created to diffuse the power of factional groupings across a geographical expanse. Unfortunately, Americans had placed great faith in the capacity of national parties to check extreme sectionalism, but now those institutions came under great strain not from those outside the political sphere, but from those politicians at lower levels of government.⁹⁵ This political activity at the lower levels is what prompted Calhoun to seek to unify

⁹² Entry of November 8, 1849, “Political Annotations,” William L. Marcy Papers, Box 18, Manuscript Division, Library of Congress.

⁹³ Fitz William Byrdsall to John C. Calhoun, *The Papers of John C. Calhoun*. ed. Clyde N. Wilson, 28 vols., (Columbia: University of South Carolina Press, 1959-2003), 27:103-111. See also, Edwin G. Croswell to Daniel S. Dickinson, December 26, 1849, Daniel S. Dickinson Papers, Newberry Library.

⁹⁴ Mamie Meredith, “‘Hards’ and ‘Softs’ in American Politics,” *American Speech* 5 (June 1930): 412.

⁹⁵ The debate over whether federalism aided or hindered the ability of political parties to resist sectionalism is evident in Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil*

southerners across party lines, beginning with the Southern Address and followed by the purge of those Democrats and Whigs who refused to endorse it. In time, those Democrats in the South who clung to squatter or popular sovereignty during and after the election of 1848 found they would need help from even some of their most bitter Whig rivals.

In the process, the sectional character of third parties during this period rekindled the fears of Americans that without a broad, national basis, political parties could exert a destructive influence on the Union. Democrats and Whigs clinging to their old national parties now found themselves asking whether they might have to join together against the rise of extremism within the Free and Slave States. During the long congressional session beginning in December 1849 and lasting until September of the following year, these thoughts turned to concrete actions. For the crisis that engulfed the nation during that next congressional session would test the very resilience of the old Democratic and Whig parties.

War, (New York: Oxford University Press, 1999), 343-344 and David M. Potter, *The Impending Crisis, 1848-1861*, ed. Don E. Fehrenbacher, (New York: Harper & Row, 1977), 229. To begin with, both men assume the primacy of state and not national concerns, while disagreeing over its significance. Holt takes the view the federal system had curbed the development of sectionalism by allowing parties to take different positions at the local, state, and national levels. Potter, in contrast, sees the overwhelming desire of politicians to win at the state level had obscured any concern for the difficulties their actions put upon the national parties.

Chapter 2: The “Partisan” Crisis of 1850

William Burwell must have breathed a heavy sigh of relief while composing the entry in his journal for September 8, 1850. The Virginia Whig, who was fast earning a reputation as the “recognized leader of the Internal Improvement party” while serving in that state’s House of Delegates, came to Washington to discuss federal land grants for railroads with members of Congress and the President. While there, he managed to catch the last bit of debate before the voting began on the Texas-New Mexico boundary bill, the first issue set for passage in the House of Representatives from among the measures making up the Compromise of 1850. Witnessing the pandemonium and frequent calls for order in the chamber, Burwell exhibited more than a little disgust at the scene the more he reflected upon it. This Congress had labored for nearly nine months, he noted in his private journal, almost exclusively preoccupied with how to organize the vast expanse of territory acquired from Mexico and whether African slavery could be transplanted there. All other important public business was put on hold while politicians of every stripe made interminably long speeches to their constituents defending their position. Consequently, Burwell wrote, “there has been thus great difficulty in persuading members to change [their minds] for many of them have been committed to positions of great absurdity.” This desire for “consistency” among politicians had brought matters to such a crisis that the President had very nearly called out federal troops to prevent a few thousand Texans from seizing Santa Fe, New Mexico. It was only when a few key members changed their votes, thus breaking the deadlock that the crisis finally subsided. The Virginian even thought that those who still voted “nay” privately “rejoiced at the settlement which relieved them of the obligation to go further.” To this picture of a Congress hampered by partisan wrangling and personal ambitions, Burwell concluded, “The whole affair reminds us of children who commence playing with fire and end by burning the premises.”⁹⁶

⁹⁶ Journal, entry for September 8, 1850, Burwell Family Papers, Box 1, University of Virginia; John Goode, *Recollections of a Lifetime*, (New York: Neale Publishing Co, 1906): 29. Burwell had sponsored an amendment in the House of Delegates designed to facilitate the distribution of the public lands to specific railroad companies, see William M. Burwell, “Substitute intended to be offered by Mr. Burwell to resolutions of Mr. Segar, appropriating part of the public lands to certain railroad companies,” (Richmond [?]: House of Delegates Doc. No. 27, 1850).

The critical attitude toward parties and politicians evident in Burwell's diary entry reflected a growing recognition among Americans that the normal operation of the political process had nearly destroyed the country. In particular, what historians have described as "the crisis of 1850" forced some northern Democrats and southern Whigs both inside and outside Washington to consider how partisanship, far from allaying sectional conflict, seemed to encourage it. The roots of this thinking went back to the original Federalist arguments for union in 1787.⁹⁷ Their success in securing ratification of the Constitution rested upon appeals to the fears of disunion and the likely consequences to follow from such a calamity. The related events of the Whiskey Rebellion and the emergence of a Jeffersonian opposition in the 1790s seemed to Federalists reflective of an incompatibility between democracy and union. Before leaving office, President George Washington had warned of this very problem in September 1796 as part of his "Farewell Address." In this and earlier pronouncements, the President deplored the tendency of parties to devolve from broadly national to becoming aligned with particular geographical interests. Though he conceded some good might come out of a party as a check against despotism, Washington worried "there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it." Without such "uniform vigilance" to restrain the passions of party, nothing would stop it from "bursting into a flame," where "it should consume" everything binding Americans to their nascent Union. Despite Washington's advice, partisanship grew, in large part because advocates of partisanship had presented partisanship and nationalism not as antagonists, but as natural allies in the battle against political extremism.⁹⁸ Partisan conflict, if done through the operation of national institutions comprising men of

⁹⁷ On the formation of the Constitution, see David C. Hendrickson, *Peace Pact: The Lost World of the American Founding*, (Lawrence: The University Press of Kansas, 2003) and Max Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State*, (New York: Oxford University Press, 2003).

⁹⁸ Among the works stressing the many ways in which Americans articulated the concept of "Union" and its opposite "disunion" before the Civil War include Paul C. Nagel, *One Nation Indivisible: The Union in American Thought, 1776-1861*, (New York: Oxford University Press, 1964); Kenneth M. Stampp, "The Concept of Perpetual Union," *Journal of American History* 65 (June 1978): 5-33; Peter C. Onuf and Nicholas G. Onuf, *Nations, Markets, and War: Modern History and the American Civil War*, (Charlottesville: University of Virginia Press, 2006); David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820*, (Williamsburg:

various sections and interests, men like New York's Martin Van Buren famously argued, could preserve the Revolutionary inheritance of the Union and simultaneously allow for the expansion of rights and opportunities to more and more Americans. After the war with Mexico, the political issue of slavery had driven the two major parties of Democrats and Whigs seemingly to the breaking point. The bitter struggle over what became the Compromise of 1850 ultimately paved the way for the emergence of an idea to create a wholly new party – a Union Party – dedicated to the welfare of the country above the personal aggrandizement of a kind of “politics as usual.”⁹⁹

Prior to the meeting of Congress in December 1849, The coalitions struck between Democrats and members of the Free Soil Party in Massachusetts and Ohio began to bear immediate results during the

Omohundro Institute of Early American History and Culture, 2007); Elizabeth Varon, *Disunion: The Coming of the Civil War Era, 1789-1859*, (Chapel Hill: University of North Carolina, 2008); David C. Hendrickson, *Union, Nation, or Empire: The American Debate over International Relations, 1789-1941*, (Lawrence: The University Press of Kansas, 2009).

⁹⁹ The literature investigating the nature of ordinary Americans' commitment to party and partisanship is vast and mirrors the debate among mid-nineteenth century Americans over the efficacy of parties. An important work which analyzes how Americans gradually shed their hostility to party in an age of increasing democratization is Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840*, (Berkeley: University of California Press, 1970): 212-272. For more sophisticated analyses of voting and popular identification with mass parties, see Michael F. Holt, *The Political Crisis of the 1850s*, (New York: W. W. Norton & Company, 1978); William E. Gienapp, “Politics Seems to Enter Into Everything: Political Culture in the North, 1840-1860,” and Thomas B. Alexander, “The Dimensions of Voter Partisan Constancy in the Presidential Elections from 1840 to 1860,” both in Stephen A. Maizlish and John J. Kushma, *Essays on American Antebellum Politics 1840-1860*, (College Station: Texas A & M University Press, 1982): 14-121; Joel Silbey, *The American Political Nation, 1838-1893*, (Palo Alto: Stanford University Press, 1994): 33-46. More recently, a number of historians have challenged the validity of the “party period” thesis for the pre-Civil War period, emphasizing the limits of Americans' engagement with party politics. For the argument that white southerners shared a much weaker commitment to the concept of party than their northern counterparts which enabled them to imagine a harmonious Confederacy without parties, see George Rable, *The Confederate Republic: A Revolution Against Politics*, (Chapel Hill: University of North Carolina Press, 1994), 4, 6-19. Though he confines his attention to the South through the rest of the book, Rable's argument for North-South difference regarding partisanship has been subjected to further scrutiny by scholars, revealing in the process how the two sections may have been more alike than different in this regard. For examinations of antipartisan attitudes in the pre-Civil War North and the civic associations which competed with the parties for the loyalty of ordinary northerners, see Glenn Altschuler and Stuart Blumin, *Rude Republic: Americans and Their Politics in Nineteenth Century America*, (Princeton: Princeton University Press, 2001): 47-87; Mark Voss-Hubbard, *Beyond Party: Cultures of Antipartisanship in Northern Politics Before the Civil War*, (Baltimore: Johns Hopkins University Press, 2002): 38-70; Albrecht Koschnik, “Let a Common Interest Bind Us Together”: *Associations, Partisanship, and Culture in Philadelphia, 1775-1840*, (Charlottesville: University of Virginia Press, 2007). Two important works which show the extent to which Americans connected fears of partisanship with the eventual destruction of the Union are Peter Knupfer, *The Union As It Is: Constitutional Unionism and Sectional Compromise, 1787-1861*, (Chapel Hill: University of North Carolina Press, 1991): 158-200 and Adam I. P. Smith, *No Party Now: Politics in the Civil War North*, (Oxford, Oxford University Press, 2006) 9-24.

spring and summer of 1849, as Ohio Democrats helped to elevate Free Soil leader Salmon P. Chase to a U.S. Senate seat. When southern Democrats allied with John C. Calhoun pointed to this development at the North and correspondingly urged southerners to unite across old partisan lines, they put some northern and southern Democrats and Whigs in a quandary. A number of observers predicted the old Democratic and Whig parties would not last beyond the congressional session starting in December 1849, as parties in the North and South would become sectionalized. If this occurred, moderates felt they would have to come together and form a “Union” coalition against the extremes. The dispute over the Texas boundary in the summer of 1850 helped harden this coalition into a group mainly containing mostly northern Democrats and southern Whigs. Besides these two groups, the pro-Compromise coalition included minority elements pulled from northern Whigs led by Daniel Webster and southern Democrats like Henry S. Foote and Howell Cobb who remained loyal to the concept of popular sovereignty. The actions in Congress contributed to a reshuffling of political alignments which would persist as the contest went from the national to state level.

This chapter engages with the large and voluminous historiography of the Compromise of 1850 by showing how interest in a Union Party helped to forge a durable coalition of northern Democrats and southern Whigs in the course of the debates. Northern and southern advocates of a Union Party sought to achieve two objectives. First, its existence would reassure ordinary Americans that partisanship and a broad sense of nationalism could indeed co-exist together, or to put it in analogous terms, mass democracy with Union. Intimately connected to the first, the other objective was to counteract the process by which strong sectional identities manifested in parties would bring Americans closer and closer to sharing the fate of a world embroiled in war and revolution.¹⁰⁰

¹⁰⁰ Michael Holt, for instance, argues that the alignment observed in 1850 was attributable to the process of interparty conflict, as Whigs and Democrats in both sections reflexively took positions opposed to each other. Thus, anti-Compromise southern Democrats squared off against pro-Compromise southern Whigs and pro-Compromise northern Democrats contrasted their position with anti-Compromise northern Whigs. In contrast, John Ashworth has maintained that ideological factors best explain the ultimate voting alignment observed in Congress. For him, the “functionally proslavery” northern Democracy protected southern slaveholding interests despite the absence of slavery in the North. Southern Whigs provide a tougher case for Ashworth, but he maintains that they differed from southern Democrats as the Whigs viewed slavery merely as interest rather than as the foundation for southern society.

The bitter factional struggle within both major parties practically guaranteed a prolonged fight over the selection of a House Speaker in December 1849. Quickly two candidates emerged, the Georgia Democrat Howell Cobb and the previous occupant of the chair, Massachusetts Whig Robert C. Winthrop. With the House evenly split between the major parties, the willingness of a small group of southern Whigs to bolt their party caucus over its refusal to declare against the Wilmot Proviso only added to the confusion. While sectional pressures from home played some role in the actions of Georgia Whigs Alexander H. Stephens and Robert A. Toombs, there were also personal considerations involved. Both Stephens and Toombs, according to a recollection of Winthrop himself, had expressed deep disappointment that the Speaker in the previous Congress had put other men in preferred committee assignments instead of them. Toombs, in particular, objected to Winthrop awarding the powerful Ways and Means committee to Ohio Whig Samuel Vinton. If Winthrop had his hands full with obdurate Whigs, Cobb could do little better with the bitterness of Calhoun men. The divisions within both parties ensured that the contest went on ballot after ballot. Only when the weary members of the House adopted a plurality rule, did the Democrat Cobb receive the prize. If Cobb seemed surprised by the unexpected show of support he received from southern Democrats, Calhoun could barely hide his dismay. The decision to support the Georgian, Calhoun admitted, was “a bitter dose to the Southern members.” Without any real trust in Cobb, only the intervention of the Virginia delegation “could induce our delegation to vote for him.” His candidacy represented a triumph for “what are called northern democrats, who with only one or two exceptions [are] nothing but free soilers.”¹⁰¹

Michael F. Holt, *The Political Crisis of the 1850s*, (New York: W. W. Norton & Company, 1978): 87-88; John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic, Volume I: Commerce and Compromise, 1820-1850*, (New York: Cambridge University Press, 1996): 476, 479, 487.

¹⁰¹ Robert C. Winthrop to Charles Deane, August 27, 1872, printed in Joseph Borome, “Two Letters of Robert Charles Winthrop,” 38 *The Mississippi Valley Historical Review* (September 1951), 292-293; David Outlaw to Emily Outlaw, December 2, 4, and [n.d.], 1849, David Outlaw Papers, Southern Historical Collection; Edwin Croswell to Daniel S. Dickinson, December 26, 1849, Daniel S. Dickinson Papers, Newberry Library; John C. Calhoun to John R. Mathewes, *The Papers of John C. Calhoun*. ed. Clyde N. Wilson, 28 vols., (Columbia: University of South Carolina Press, 1959-2003), 27:131-32.

Advocates of southern rights hoped the debate over California's admission to statehood might serve to produce the long-sought unity within their section. Alabama Senator William R. King personally admitted as much to secessionist George Gayle. He personally was in "hope of an adjustment, provided it is made apparent that the South, the whole South without division, stand together as one man."¹⁰² Inaction on the slavery extension issue at the national level would only serve to allow northern Democrats to abandon their southern brethren in pursuit of coalitions with Free Soil voters at the state level. Faced with the prospect of a politically united North, southern Democrats like King felt they had little choice but to bring southern Democrats and Whigs together against the preponderance of the North.

In order to achieve this unity with the national parties in such chaos, southern Democrats knew they had to move quickly. At the end of December 1849, Georgia Democrats had composed resolutions bitterly condemning Georgia Whig Thomas Butler King, and by implication, the Taylor Administration for prompting Californians to petition for immediate admission as a free state.¹⁰³ Not coincidentally, southern Democrats in Congress during this time pressed for a censure resolution against King as a rebuke to the President. The southern Democratic onslaught was not merely directed at Whigs, though. In the course of a 17 January debate, Alabama Democratic Senator Jeremiah Clemens questioned the political loyalty of their northern Democratic colleagues for opposing efforts to bring King and the Taylor Administration to account. Clemens then called out northern Democrats for supposedly acting as a "shield" for the President in order to facilitate the admission of California.¹⁰⁴

¹⁰² William R. King to George Gayle, January 15, 1850, William R. King Papers, Box 1, Alabama Department of Archives and History.

¹⁰³ L. J. Glenn to Howell Cobb, January 15, 1850, "Howell Cobb Papers," (ed. R. P. Brooks), Georgia Historical Quarterly 5 (September 1921): 36.

¹⁰⁴ *Congressional Globe*, 31st Congress, 1st Session 181 (January 17, 1850).

This accusation hurled at northern Democrats, in turn, prompted Daniel S. Dickinson of New York to reply to Clemens. In taking his stance, Dickinson also found himself in an ever-familiar adversarial position with the legislature of his home state, despite assurances from political allies that New York Democrats would endorse his position in favor of popular sovereignty. A powerful combination of Democrats, Whigs, and Free Soil men in the state Senate in Albany, citing the “determination indicated by Governors’ Messages . . . and the resolutions of the slaveholding states” for extending slavery, had just passed resolutions to instruct its U.S. Senators “to use their best efforts to insert such positive prohibition [against slavery] into any law they may pass for the government of the territories in question.” Unmoved by this action, Dickinson deprecated what he saw as “an evil spirit of sectionalism both in the North and in the South” and told the Senate that he “stood up, not for the South, but for the rights of all, as guaranteed by the Constitution.” When Clemens challenged him on this point and brought up the repeated instances where the New York legislature had voted to impose the Proviso on the territories, Dickinson remained unflustered. “The Democracy of the North are not, and cannot be made, a mere sectional party. Our government, in one sense, exists in the organization of national political parties; we have nothing separated from politics.” Any efforts to create “a sectional party in the North,” he argued, will by default “make a sectional party in the South.” The New York Democrat took it as axiomatic that any sectional division within one national party automatically splits the other. “A division of parties by a sectional line,” Dickinson continued, would lead ultimately to “the formation of provisional sectional governments, and then a dissolution of the Union.” Clemens did not dispute Dickinson on that point, but instead challenged him and other northern Democrats to deny the earlier contention of Free Soil Senator John P. Hale of New Hampshire that “both parties have been bragging for abolition votes . . . the question now is, which will go the furthest?”¹⁰⁵

¹⁰⁵ *Ibid*, 182-84, 496-97 (January 17, March 11, 1850); Edwin G. Croswell to Daniel S. Dickinson, December 26, 1849, Daniel S. Dickinson Papers, Newberry Library. The lower house of the New York General Assembly passed similar resolutions on 14 February, see John A. Dix to Francis Blair Sr., February 2, 1850, Blair Family Collection [Addition], Library of Congress.

Dickinson's stance against Union-threatening sectional parties earned him the praise of fellow northern Democrats. Connecticut Democrat Gideon Welles wrote the New York Senator to offer congratulations for his performance against those who "undertook to expel the whole of the democracy from the political church." The Connecticut Democrat still smarted from the way in which southern Democrats had treated their northern colleagues and blamed the recurring divisions in the party entirely upon the election of James K. Polk, or as he termed it, "the wrong of 1844." Welles saw the Clemens-Dickinson debate as the harbinger of a "change of parties and men" during the debates over slavery in Congress. The southern movement against northern Democrats, according to Welles, represented the culmination of some twenty years of effort on the part of Calhoun "to build up a sectional party, first on the tariff, and recently on another issue [i.e. opposition to the Wilmot Proviso]." ¹⁰⁶

In another letter to Dickinson, Major General John Ellis Wool, who knew both Dickinson and Michigan Senator Lewis Cass on intimate terms, brought his considerable military experience to bear in analyzing the likelihood of southern secession. The speeches of southern Democrats in Alabama and Georgia in favor of a program of military preparedness against supposed northern aggression impressed Wool as "indications of a war like appearance." Wool blamed the ineptitude of the Taylor Administration and the "disappointed ambition" of certain southern politicians for the current state of affairs. Even should a war come, he reasoned, northerners could little fear the prospects of southern success in war, as surely southerners realized that their section "is the least prepared for carrying on war of any description." To make matters worse, the presence of the slaves themselves represented "a volcano in each state ready to burst upon them" the minute southerners raised the flag of war. The eventual victory over the seceding states, however, would necessarily be a pyrrhic one, Wool predicted, for "the conquered will be compelled to submit to the will of the conquerer [sic]." In arguing against the consequences of military coercion of

¹⁰⁶ Gideon Welles to unknown New Yorker, January 20, 1848, Gideon Welles Papers [Addition], Manuscript Division, Library of Congress; Gideon Welles to Daniel S. Dickinson, January 28, 1850, John R. Dickinson, *The Speeches, Correspondence, Etc., of the Late Daniel S. Dickinson*, (New York: G. P. Putnam and Sons, 1867): 2:421-422

the South, Wool represented the opinion of northern Democrats eager for some kind of compromise between the sections.¹⁰⁷

All this talk in Congress of forming geographical parties and civil war greatly troubled Henry Clay. Despite the presence of a Whig in the White House, President Zachary Taylor had left many Whigs feeling estranged from the Administration. Taylor and his advisors had developed a policy for settling the slavery question and presented it in the President's 24 December address to Congress.¹⁰⁸ By encouraging the admission of both California and New Mexico, Taylor hoped to avoid territorial legislation with the Wilmot Proviso. Clay had acknowledged to his son James that the "sentiment of disunion is more extensive than I had hoped, but I do not regard it as yet alarming." After conversing with fellow Whig Daniel Webster at Webster's residence later on January 21, Clay formally introduced into the Senate eight days later a series of eight resolutions around which might form the basis of what he and others would term an "adjustment" of sectional difficulties. Of his eight resolutions, three involved the issue of territorial governments for the portion of the Mexican Cession outside the boundaries of California. Clay also proposed a settlement of the "just debt" Texas owed its bondholders during its existence as the independent Republic of Texas. The federal government would assume these debts and in turn, Texas would relinquish its claims to the territory both it and New Mexico claims.¹⁰⁹

Though Clay termed his set of resolutions a compromise, few initially entertained much confidence in that assertion. The more numerous part of his own party, the northern Whigs, had generally

¹⁰⁷ John Ellis Wool to Daniel S. Dickinson, January 30, 1850, Daniel S. Dickinson Papers, Newberry Library. Though Wool and other northerners displayed little concern about the relative military strength of the North compared to the South, some historians have argued otherwise. In his study of the Compromise of 1850, Robert V. Remini has argued that the passage of the Compromise "gave the North ten years to build its industrial strength and enable it to overpower the South when war finally broke out." Remini, *At the Edge of the Precipice: Henry Clay and the Compromise That Saved the Union*, (New York: Basic Books, 2010): xiii.

¹⁰⁸ Congress got around to reading the Presidential Message only after wrapping up the contest to elect a House Speaker.

¹⁰⁹ Henry Clay to James B. Clay, January 3, 1849 [1850], *The Papers of Henry Clay*, ed. Melba P. Hay, 10 vols., (Lexington: The University Press of Kentucky, 1959-1991), 10:642; George Ticknor Curtis, *Life of Daniel Webster*, 2 vols., (New York: D. Appleton & Co., 1870), 2:397-398.

rallied to Taylor's plan. Thus, Clay knew that he needed to offset this expected support for the President by winning over northern Democrats, particularly as they controlled the Senate. As he had lamented to his son, James, before the start of the session of Congress, "It seems to be the fate of the Whig party, if there is such a party to achieve only barren victories—for even should the President desire he can do nothing with Congress opposed to him." This concern was most apparent in Clay's explicit call for congressional non-intervention. Even if Clay had hoped to move more conservative northern Whigs away from their embrace of the President's plan to admit California and New Mexico immediately, he would find difficulties here.¹¹⁰ In a letter to Massachusetts Congressman Robert C. Winthrop, a strong proponent of the President's plan in Congress, Edward Everett scoffed at Clay's propositions in the Senate, for they "please nobody. . . [and if] adopted bind nobody." The pro-Democratic *New York Herald*, though more favorably disposed to Clay's resolutions than the Whig Everett, also expected they would prove ultimately unsatisfactory "to satisfy the ultras of either the North or the South."¹¹¹

Meanwhile, southern Senators, but especially those from the Democratic side, took turns in condemning Clay's plan for its acceptance of the validity of Mexican law in the lands acquired from the late war. Among those who particularly objected to Clay's pretensions of compromise was Texas Democrat Thomas J. Rusk. Indignant that the Kentuckian would present proposals which have "assumed ground against the South," Rusk took especial interest in Clay's opposition to the view of his state that Santa Fe be included as part of her northwestern boundary along the Rio Grande. Clay had purposely refused to recognize the validity of the Texan claim to the disputed lands, preferring instead to use the term "relinquish" instead of the word "cede," which even free-soil Missouri Senator Thomas Benton had used when urging a plan to partition Texas and compensate Texas for her Indian troubles. This phraseology of

¹¹⁰ See, for instance, Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*, (New York: Oxford University Press, 1999), 478.

¹¹¹ Henry Clay to James B. Clay, January 3, 1849 [1850], *The Papers of Henry Clay*, ed. Melba P. Hay, 10 vols., (Lexington: The University Press of Kentucky, 1959-1991), 10:642; Edward Everett to Robert C. Winthrop, February 1, 1850, Edward Everett Papers, Reel 29, Massachusetts Historical Society; *New York Herald*, January 31, 1850.

Clay's mattered greatly to Rusk and his fellow Texans, as it would necessarily throw into question whether the act of Texas annexation of 1845 and its provision for a subdivision of the state would continue to have effect. Eager to gain re-election by the state legislature to another Senate term, Rusk knew all too well the impatience among his fellow Democrats in Texas over the inaction of Washington on the boundary question.¹¹²

For instance, in his December 1849 annual message to the Texas legislature, Governor Peter H. Bell had insisted the time for legislative action on the disputed boundary was now. For nearly a year and a half, Texas had protested the actions of the United States government as prejudicial against its own claim to Santa Fe. Forestalling any agreement with Texas over the extent of her northwestern boundary, the President and Congress instead had allowed for the "continuance" of the military government in Santa Fe established during the Mexican War. This government, which employed a number of local New Mexican civilians in its administration, regarded the Texas claim as utter nonsense and urged authorities in Washington to disregard Texas bravado. Unless Texas had some means of asserting its jurisdiction over the territory, Bell argued, the United States government might eventually accept the desire of the inhabitants of Santa Fe to join New Mexico and thereupon become a separate state. During the first week of September 1849, the New Mexicans organized a convention in Santa Fe to ask Congress to give them civil instead of military government and appoint delegates to serve in Congress. "This state of things cannot be suffered longer to exist," Governor Bell thundered. In response, the Texas government had sent agent Stuart M. Baird to Santa Fe to commence with the organization of local government under the laws of Texas, but Baird managed to gain very limited success in winning over the inhabitants in the areas outside Santa Fe. Discouraged at this turn of events, Bell pushed the legislature to give him the proper authorization to call for the raising of troops as part of a military expedition to Santa Fe. Once there, the

¹¹² *Congressional Globe*, 31st Congress, 1st Session 165-66 (January 16, 1850); Charles M. Hoke, *Thomas J. Rusk and the Compromise of 1850: Settlement of the Boundary Dispute*, (Master's Thesis, University of Houston, 1997), 11-34..

Texans would assist those New Mexicans serving as “the civil authorities to execute the laws of the State [of Texas] in that part of the territory.”¹¹³

Though he deprecated the use of threats toward the authorities in Washington in the satisfaction of Texan rights, Bell nevertheless assured his audience of legislators that “if the necessary force to enable her to exercise that right over a refractory population, should produce a collision with the federal authorities, the fault will not be hers.” This belligerency did not suit Thomas Rusk at all, for all these “violent expressions” emanating from Austin were extremely counterproductive to those laboring on her behalf in Congress. Instead, Rusk sought to assure the governor there was “the fullest confidence that our rights are perfectly safe before the Senate, [as] nearly all the Southern Whigs and a considerable majority of the Northern Democrats will vote with us.” Clay may have taken ground entirely against Texas in his resolutions, Rusk admitted, but it was far better to place confidence in an eventual settlement than to leave it up to the force of arms.¹¹⁴

One influential newspaper in the North, the *New York Express*, however, greeted Clay’s resolutions with far more than mere praise or criticism. Under the editorship of Erastus Brooks and his brother, New York Whig congressman James Brooks, the *Express* had strong ties to both Vice President Millard Fillmore and prominent members of the New York mercantile community. Two days after Clay introduced his eight resolutions, the morning edition of the *New York Express* ran an article arguing for the “necessity of a great union party.” From the start, readers were told that “If things go on as they are going on, in Washington and elsewhere, it is evident that all parties will soon be dissolved into one great Union party and one small Disunion party; because higher questions are absorbing public attention than even Tariffs or Internal Improvements, or kindred themes.” As evidence for its claims, the *Express* directed its readers back to an extreme 21 January speech from North Carolina Whig Thomas L. Clingman in the

¹¹³ Texas House Journal, 3rd Legislature, 339, 341, 346-48; *Journal of New Mexico Convention of Delegates to Recommend a Plan of Civil Government, September 1849*, (Santa Fe: The New Mexican Printing Company, 1907), 20.

¹¹⁴ *Ibid*, Thomas J. Rusk to Governor Peter H. Bell, February 2, 1850, Governors’ Correspondence: Bell, 1849-1853, Box 301-19, Texas State Library and Archives.

House of Representatives. The North Carolina representative threatened on the floor of the House that unless southerners received “proper settlement . . . on the Territorial question,” they would not hesitate to use their “power . . . to defeat all the appropriation bills, and bring the Government to a dead halt.” Such intransigence on the part of a southern Whig like Clingman, the *Express* editorialized, was evidence “that if such a sectional one idea party is to be formed out of any portion of the Whig party South, the Whig party everywhere must form new alliances, and, finding men with whom they can co-operate, work with them, even if, *pro tempore*, there be silence by agreement respecting things whereon they differ.” No matter how much extremists like Clingman might plead their devotion to the Union, it seemed clear enough that these men deserved to be cast out and “all other parties . . . be purged in the great Union party of the country.”¹¹⁵

This talk of forming a new party quickly caught the attention of Democratic and Whig journals all over the country. The free-soil Whig *Boston Atlas* summarized the piece to its readers two days after its appearance in the New York journal without comment. Democratic journals in the North and South tended to view the call of the *Express* for a Union party as merely a symptom of Whig decline and urged their readers not to succumb to the siren song of the idea of a new Union Party. The *Ohio Statesman*, seeing the article circulated among “many of the leading Whig papers North and West,” blamed the Whigs in general for doing more to foster “the discordant feelings which now give rise to dissolution, than all other causes combined.” In the same breath, however, this Democratic journal viewed “the idea of a dissolution of this Union as preposterous and ridiculous – got up for political effect alone” and ultimately urged its readers to “stand by the right,” that is, the Democratic Party. The article in the *Express* eventually found its way to the *Charleston Mercury*, a paper not historically known for its moderation on slavery-related issues. That paper commended the position of the *Express* for its patriotism, but continued

¹¹⁵ *New York Express*, January 31, 1850; Congressional Globe, 31st Congress, 1st Session, 205 (January 22, 1850); Thomas E. Jeffrey, *Thomas Lanier Clingman*, (Chapel Hill: University of North Carolina, 1998), 77-78. Jeffrey observes that what made the remarks of Clingman so troubling to northerners was the dispassionate, methodical-sounding tone in which he gave them. Another North Carolina Whig believed Clingman was practically on his way to becoming a Democrat when he made this speech, see David Outlaw to Emily Outlaw, January 9, 1850, David Outlaw Papers, Southern Historical Collection, University of North Carolina.

to doubt whether enough northern conservatives existed to reverse the inroads anti-slavery men recently had made into partisan politics.¹¹⁶

Buoyed by the positive response he received in the New York press, Clay began to advise close allies in the city to organize mass meetings behind him and his resolutions. Clay had originally solicited the help of fellow Kentuckian Leslie Combs, entreating him to “get up a large, powerful meeting of both parties” in Lexington. When Clay did not see anything materialize from this request, he wrote Combs yet again in January and expressed his “anxiety for popular demonstrations” to check the growth of pro-secession sentiment in Kentucky. He now took his campaign to the North and contacted New York Whig Daniel Ullmann to arrange “public meetings . . . indorsing my plan substantially.” This gathering must create the appearance of a “spontaneous assemblage,” lest others see it as “being prompted by an exterior source.” He insisted, however, that the meeting go beyond mere partisanship to include Democrats. In this request, Clay likely remembered what had transpired in his home state during the summer of 1849. Then, a special constitutional convention engaged in debate over a proposal from Cassius Clay in favor of gradual, compensated emancipation of the slaves residing there. For all Henry Clay’s hope of seeing his own state freed of what he had denounced in his youth as an evil, the now septuagenarian believed that the goal of emancipation had fallen victim to Democrats and Whigs wishing to use the issue for partisan advantage. In order to avoid a similar fate for his compromise plan, he wanted the participation of “gentlemen from New York, the fresher from the masses the better.”¹¹⁷

With all the attention heaped upon Clay and his resolutions, another prominent Whig kept noticeably quiet during the first half of February. During the month of February, Daniel Webster rose to speak just once on slavery matters and then only briefly in response to a strongly-worded speech of

¹¹⁶ *Boston Atlas*, February 2, 1850; *Ohio Statesman*, February 5, 1850; *Charleston Mercury* quoted in *Macon Georgia Telegraph*, February 26, 1850.

¹¹⁷ Henry Clay to Daniel Ullmann, February 2, 1850, *The Papers of Henry Clay*, ed. Melba P. Hay, 10 vols., (Lexington: The University Press of Kentucky, 1959-1991), 10:660; William W. Freehling, *Road to Disunion, Volume I: Secessionists at Bay, 1776-1854*, (New York: Oxford University Press, 1991), 466-469; Henry Clay to Robert S. Hamilton, October 2, 1849, *The Papers of Henry Clay*, ed. Melba P. Hay, 10 vols., (Lexington: The University Press of Kentucky, 1959-1991), 10:621-622.

Michigan Democrat Lewis Cass. Debating on 12 February whether the Senate should receive a New Hampshire abolitionist petition to dissolve the Union, Cass indignantly exploded. “To talk of dissolution is to talk of war,” he proclaimed. “If jealousies and fancied rival interests, or real grievances, are to divide us into two confederacies,” Cass went on, “where is the division to stop?” Human nature being what it was, there could be no immediate end to it. Eventually, out of a glorious Union would come petty “State sovereignties, and we may read our fate in the fate of the Greek republics so vividly portrayed by the ancient historians.” Such words earned Cass Webster’s entire concurrence, but that was all.¹¹⁸

When he did have occasion to comment upon pressing political matters in letters to friends, Webster appeared to vacillate at times between seeming indifference and grave concern. Part of Webster’s reticence rested upon his well-known rivalry with the Kentuckian for the office of Presidency. As John J. Crittenden ruefully stated, “We all (i.e. the Clay Whigs) desired to see Clay and Webster elected to the Presidency, and we felt that to accomplish this object it was necessary that Mr. Clay should come first, but we were never able to make Mr. Webster and his personal friends see this, and therefore neither of them won the prize.” To his close ally Peter Harvey, for instance, Webster foresaw the admission of California with even the possibility of limited southern support, but “thought it advisable for me to hold my peace.” He even promised to go to see Georgia Whig Senator John M. Berrien so as to understand the true demands of the southern members. Three days later, however, he seemed to evince far greater optimism as to the immediate admission of California under its free constitution. Thus, he told James William Paige that “when California comes in . . . it [the Union] may be tipped, a little” in favor of the North, but the Union was not in any real danger. Others believed Webster had given them assurances of his agreement with President Taylor. Edward Everett wrote to ask Webster whether he had offered advice to Taylor. Massachusetts Whig Robert C. Winthrop similarly came away with the impression that Webster had aligned with President Taylor’s plan for the territories and not Clay’s. Webster even confided to his son on 24 February his indecision about what to do in the “present emergency.” Later biographers of Webster

¹¹⁸ *Congressional Globe*, 31st Congress, 1st Session, 331 (February 11, 1850).

have also puzzled over the course of the Massachusetts Senator. While some have argued that he simply grew more concerned over southern threats of disunion, others believe it nearly impossible to explain his seemingly erratic thinking. In the words of Robert F. Dalzell Jr., “Anyone attempting to form a coherent picture of Webster’s point of view on the basis of remarks prior to March 7 would have been hard put to do so.”¹¹⁹

Why was Webster, the staunch champion of “Liberty and Union,” so uncertain during this crisis? The answer may lie not in events in the South or even Congress, but in the reaction of northerners in the major cities. As mentioned earlier, Clay had tried to get his political allies to create mass rallies for the Union. This combined with such journals as the *Express* calling for a new party built around Clay could not fail to impress Webster. After all, he too relied on support from what he called his “N[ew] York friends,” both for money and organization. Without some kind of bold platform around which to rally conservatives, Webster could only sit and watch as Clay proceeded to get up excitement for his plan. Take, for instance, Whig Philip Hone. The patrician Hone was just one of thousands who responded to Clay’s call during February. The New Yorker had carefully followed debates in Congress over abolition petitions and watched with horror as southern congressmen used various dilatory tactics to prevent California’s admission as a free state. Taken together these two events had brought Hone to write in his diary that “the fanatics of the North and the disunionists of the South have made a gulf so deep that no friendly foot can pass it.” The diarist readily blamed the troubles of the country upon the intense “fever of party-spirit,” which now seemed “beyond the reach of palliatives.”¹²⁰

The large New York meeting Clay had so desperately wanted to see finally came to fruition on 28 February at a large concert hall in Castle Garden. The meeting conveyed an impressive display of support

¹¹⁹ Herbert D. Foster, “Webster’s Seventh of March Speech and the Secession Movement, 1850.” *American Historical Review* 27 (January 1922): 245-70; Irving H. Bartlett, *Daniel Webster*, (New York: W. W. Norton & Company, 1978), 246; Robert F. Dalzell Jr., *Daniel Webster and the Trial of American Nationalism, 1843-1852* (Boston: Houghton Mifflin Company, 1973), 177.

¹²⁰ Crittenden quoted in Henry Brewster Stanton, *Random Recollections*, (Johnstown, New York: Blunk & Leaning, 1886), 57; Daniel Webster to Peter Harvey, January 4, 1850, *The Papers of Daniel Webster – Microfilm Edition*, Reel 22; Entries for February 18, 26, 1850, *The Diary of Philip Hone, 1828-1851*, ed. Allan Nevins, 2 vols., (New York: Dodd, Meade and Company, 1927), 2:884-85.

across traditional party lines. The *New York Herald* estimated some 10,000 people attended the rally, where the common sentiment seemed to be “come weal or wo [sic], the Union of this great, glorious, and powerful confederacy must and shall be preserved, the efforts of disunionists and factionists of every color, shade, sect, and party not to the contrary notwithstanding.” After the gathering offered laudatory praise of attendee General Winfield Scott, it passed a series of resolutions without a dissenting vote. Most importantly, the first of three resolutions highlighted the popular perception that partisanship could become an obstacle to a peaceful settlement of the crisis and thus promised to stand by the Union “without distinction of sect or party,” whereas the remaining two specifically commended Clay’s resolutions as “a complete and final settlement” of the slavery question and “entreat our fellow-citizens of all parties to study these resolutions carefully, with a spirit of devotion to the Union and perpetuity of this noble confederacy.” While the meeting in New York furnished the most conspicuous evidence of support for Clay’s resolutions, similar meetings occurred in other cities, especially those near the border between slave and free states, such as Philadelphia and Baltimore. The call for a “Union meeting” in Baltimore, by his own admission, compelled Democrat Robert McLane to speak on the floor of the House in favor of popular sovereignty and to offer his opinion that it would not be politicians, but “the voice of the people” who would demand a settlement of the slavery controversy. Keeping his eye squarely on antislavery Whig Thaddeus Stevens of Pennsylvania, McLane chided those politicians who “were all too fully committed to act their just part in this crisis unless now moved by the patriotic sentiment of the masses whom they misrepresented.” Men like Stevens might deny the crisis could endanger the Union, but McLane felt Stevens and his colleagues “might raise a whirlwind but they would not be able to ride the storm.”¹²¹

By the end of the month, Daniel Webster seemed to know exactly what he was going to do. He was going to make “a Union speech” and thus “discharge a clear conscience.” Webster busied himself with preparing extensive notes for this major address. Holman Hamilton, in his study of the Compromise of 1850, once challenged scholars to show any evidence for the proposition that Webster wished to

¹²¹ *New York Herald*, February 29, quoted in *The Northern Standard* (Clarksville, Texas), April 20, 1850; *Congressional Globe* 31st Congress, 1st Session, 426-27 (February 27, 1850).

influence the votes of members of the Senate with this speech. While Hamilton may be correct that Webster did not expect to carry votes for the Clay Compromise, it seems far more likely that Webster actually intended the speech to inspire public interest in a new Union party with Webster and not Clay as its leader. Two factors suggest Webster was thinking precisely along these lines. First, as Norman D. Brown has persuasively shown, Webster and his political allies had considered the idea during the Nullification Crisis of 1832-33. Rallying around the “Constitution and Union,” the platform of this party would be Jackson’s Nullification Proclamation in 1832 and his endorsement of a Force Bill against South Carolina. With Webster and Jackson working together, his supporters went to great lengths to host President Jackson on a tour of New England during the winter of 1833-34 and heaped lavish praise upon the President for his stance against nullification. Though ultimately unsuccessful due to the opposition of northern Democrats, Webster saw signs of a second confrontation with Calhoun and the nullifiers almost twenty years later. It is notable that even before composing the speech, Webster had listened approvingly to Cass and other northern Democrats argue for the preservation of the Union.¹²²

The appearance of an article on 2 March in the pro-Whig *National Intelligencer* gave him further indications that a new party of the Union might be desirable to southerners as well. Written supposedly by a southerner, this piece entitled “Friends of the Union, To the Rescue,” pointed to the mass of moderate men in both sections who resided between the “two ultra parties.” This coalition was composed of “Northern men and Southern men . . . [and] of Democrats and Whigs,” and would, in time, constitute a “great Constitutional Union Party.”¹²³ While it is certainly possible Webster had a hand in the publication of this article, the style of language in the article points more toward the authorship of Georgia Whig Alexander H. Stephens. As he would demonstrate later in July, Stephens had no compunction writing for

¹²² For an in-depth discussion of attempts to form a “Constitution and Union Party” between Webster and Jackson, see Norman Brown, “Webster-Jackson Movement for a Constitution and Union Party in 1833,” *Mid-America* 46 (July 1964): 147-71. Holman Hamilton has cautioned historians “neither to exaggerate nor to underrate” the impact of the speech and further asserts there was “no proof” that the speech changed anyone’s mind. See Hamilton, *Prologue to Conflict: The Crisis of the Compromise of 1850*, (Lexington: University of Kentucky Press, 1964, rpr. 2005), 81.

¹²³ *National Intelligencer*, March 2, 1850.

Whig papers like the *Intelligencer*. As his biographer correctly notes, Stephens was feeling “partyless” as the congressional session wore on. As he continually complained to his brother, the Georgian felt “almost an outsider, and am beginning to feel but little interest in politics – I mean party politics.” He had certainly acted the part when he and fellow Georgia Whig Robert Toombs attended a meeting at the residence of Speaker Howell Cobb in mid-February. This gathering included the two Whigs, two northern Democrats allied with Stephen Douglas, Cobb, and Kentucky Democrat Linn Boyd. All of those who attended the meeting shared an important trait: they fervently upheld the principle of popular sovereignty against those southern Democrats demanding the extension of the Missouri Compromise line to the Pacific and those northern Democrats and Whigs who sought to apply the Wilmot Proviso to the federal territories. Furthermore, on the day the article in the *Intelligencer* appeared, Stephens privately expressed his opinion that Webster “will make I expect the most Southern speech he ever made before.” Given that few people outside of Webster’s private circle knew anything about the contents of Webster’s speech, this prediction of Stephens seems remarkable. It also suggests that he played a role in the final result of Webster’s speech.¹²⁴

Webster was slated to give his oration, “Constitution and Union,” on Wednesday, 7 March. Until that time, he and other Senators watched as an enfeebled John C. Calhoun, wrapped in a black cloak, entered the Senate chamber and assisted by Virginian James Mason, sat down slumped in his chair. Mason read the prepared remarks of Calhoun all of which seemed to issue an ultimatum to northerners against disturbing the equilibrium in the Senate with the admission of California. This would be the political “test” for northern men, the ailing South Carolinian believed; the destiny of the Union rested in their hands. Webster was the next Senate giant to speak. In front of crowded galleries of male and female

¹²⁴ Alexander H. Stephens to Linton Stephens, March 2, April 21, May 14, 1850, all in Alexander H. Stephens Papers, [microfilm], Reel 2, Manhattanville College; Alexander H. Stephens, *A Constitutional View of the Late War Between the States*, 2 vols., (Philadelphia: National Publishing Company, 1870), 2:203-204; Thomas E. Schott, *Alexander Stephens of Georgia: A Biography*, (Baton Rouge: Louisiana State University Press, 1988): 118-19.

spectators, Webster proceeded to offer the foundation upon which, according to one admirer, “all true, disinterested and unsophisticated lovers of the Union must rally.”¹²⁵

Four key passages in the speech demonstrate how Webster tried to build a new political movement to crush northern and southern “nullifiers” of the Constitution. The first two dealt more with matters of policy, and the other two aimed to establish Webster in the eyes of Americans as the supreme unionist. First, the speech promised “to support, with all its provisions, to the fullest extent,” the fugitive slave bill which had come out of South Carolina Senator Andrew Butler’s Judiciary Committee. Second, while Webster refrained from endorsing any plan to settle the boundary dispute between Texas and New Mexico, he flatly denied that any further recognition was necessary of the right to subdivide Texas into four additional states, as stated in the 1845 resolutions which admitted her into the Union. This point, incidentally, did little to allay the fears of the members of the Texas delegation when they originally heard it. Thirdly, Webster reached out to northern Democrats with the sort of denial of peaceable secession he had shared with President Andrew Jackson during nullification. Finally, Webster commented on the talk of the Nashville Convention, as delegates were being selected by southern states for the June meeting. Webster once again invoked the memory of Andrew Jackson when he mentioned how “singularly inappropriate” southern leaders were to pick Nashville, Tennessee for their meeting place.¹²⁶

¹²⁵ J. M. Washington to Daniel Webster, March 11, 1850, *The Papers of Daniel Webster – Microfilm Edition*, ed. Charles M. Wiltse, Reel 22.

¹²⁶ “Constitution and Union,” March 7, 1850, *The Papers of Daniel Webster: Speeches and Formal Writings*, 2:546-47, 549; Herbert D. Foster, “Webster’s Seventh of March Speech and the Secession Movement, 1850,” *American Historical Review* 27 (January 1922): 245-70. For evidence of the displeasure of the Texans, see, for instance, James Hamilton Jr. to John Bell (Private), May 1, 1850, John Bell Papers, [microfilm], Manuscript Division, Library of Congress and Texas Congressional Delegation to Henry Clay, [May 1850], Thomas J. Rusk Papers, Box 2G36, Center for American History, University of Texas. In his letter, Hamilton expressed concern that Webster thought it unnecessary to have legislation reaffirm the guarantee of Texas subdivision. Hamilton told Tennessee Whig John Bell, the man who introduced resolutions in late-February which explicitly guaranteed the right for Texas to divide, “I believe that without it [i.e. recognition of this right of subdivision] we shall never get another Slave State admitted into this Union.” Hamilton prevailed upon Bell to get such language into the final report of the Committee of Thirteen. Mark J. Stegmaier in his study of the Texas-New Mexico boundary dispute has claimed that Webster served as the true author of Bell’s resolutions, with its explicit affirmation of the right for Texas to subdivide, until he found himself severely criticized by fellow northern Whigs. Stegmaier goes on to elaborate how unpopular the whole scheme was in Texas, citing newspaper accounts condemning the action for its tendency to produce more free soil states as well as reports of the Brownsville Separatist affair in February-March 1850. I would only ask why the Texan delegation in Congress, not to mention Hamilton representing the holders of Texas bonds, felt the provision so

Though Webster studiously avoided endorsing any specific plan of compromise either of Clay's or Taylor's, the emphasis on Union in the Seventh of March Address reflected his desire to compete with Clay for the affections of both northern and southern moderates and redraw the political landscape. Webster particularly pleaded with his friend Everett to reconsider his earlier decision not to attend the mass meeting at Faneuil Hall, particularly if Everett could "conscientiously defend my speech." The conciliatory tone of his speech quickly won him admiration from a number of moderate southerners, as well as the grudging respect of Calhoun. One Democrat expressed his gratification to Webster for "Your speech has saved the Union, and whatever party objections may be raised against it, I would feel myself to be too little of an American, if I suffered my party bias to withhold [sic] the expression of my profound, sincere and lasting thanks from you." Equally important, Webster won the plaudits of northern Democrats, including New Hampshire Democrat Isaac Hill. Hill had bitterly attacked Webster in the past while editor of the *New Hampshire Patriot* newspaper. In this time of crisis, he could not hold back praise for the Massachusetts Senator. To hear an old political enemy put aside any past differences deeply gratified Webster. Yet, as he might have suspected, his endorsement of a new fugitive slave act had cost him considerable support among his longtime allies in New England. Bostonian Richard Henry Dana, epitomized those who both deplored those abolitionists "in favor of a dissolution of the Union," but could not bring himself to applaud the "course of Mr. Webster" as laid down in his recent speech.¹²⁷

While Webster continued to receive congratulations from all over the Union, Congress continued to delay acting upon any proposals for dealing with slavery question. This inaction, in turn, left ample

critical as to have it incorporated into the final legislation passed by the House in September. I suspect that the Texans feared Clay's original resolutions voided the 1845 Texas Treaty of Annexation legislation, especially since the Kentuckian wished to have the federal government assume the public debt of Texas, something specifically prohibited in the original 1845 joint resolution. Mark J. Stegmaier, *Texas, New Mexico, and the Compromise of 1850: Boundary Dispute and Sectional Crisis*, (Kent, OH: Kent State University Press, 1996), 105-8.

¹²⁷ R. B. Barker to Daniel Webster, April 15, 1850, *The Papers of Daniel Webster – Microfilm Edition*, ed. Charles M. Wiltse, Reel 22; John Overton Choules to Daniel Webster, March 18, 1850; Isaac Hill to Daniel Webster, April 17, 1850 and Daniel Webster to Isaac Hill, April 20, 1850, both in *The Papers of Daniel Webster*, ed. Charles M. Wiltse, 7 vols., (Hanover, NH: Dartmouth University Press, 1974-1989), 7:37, 69-73; Richard Henry Dana Jr. to Samuel Gridley Howe, Wendell Phillips, and William Jackson, March 22, 1850, Dana Family Papers, University of Virginia.

time for speculation on the part of newspaper correspondents. Writing as “Ion,” a correspondent for the *Baltimore Sun* expected a settlement of each of the issues presented in Clay’s original resolutions. But then he added the prediction that passage of a settlement would set in motion in the North and the South “a reorganization of parties” out of which would come “a great democratic, Union party, founded on broad and national principles.” The correspondent also suggested the likely desertion of Whig Senator William Seward from his party. Seward only “united with the whig party for the purpose of converting it to an abolition instrument” in favor of a new coalition with Van Buren and the Barnburners.

The basis for this belief came from comments made in a 13 March debate between Seward and Georgia Whig William Dawson. Sensing an opportunity to win northern Whigs disgusted with the “unlooked-for course of Mr. Webster,” Seward offered his notorious “higher law” speech on 11 March. Like Webster, he too promised civil war in the event of secession. Unlike the Seventh of March Address, however, he seemed to suggest limits to an individual’s obedience to laws not in conformance with a higher morality. Two days later, Seward once again gave southern Whigs reason to squirm. Portraying Cass and other northern Democrats as tools of southern slaveholders, even if they did so “from patriotic motives,” Seward then characterized the northern half of the Whig party as “more distinctly identified with the progress of the sentiment of freedom or emancipation, and therefore weaker in its alliances with the South.” No sooner had the New York Whig uttered his remark, than Dawson pointedly asked his northern counterpart whether he still regarded himself as a member of the Whig party. For if he does belong, Dawson ominously told the Senate, “it will be known to every true Whig that I do not belong to his party.” Instead, Dawson saw both the Democratic and Whig parties as fundamentally conservative and thus entirely at odds with the sort of revolutionary upheaval implied in Seward’s position. Seward then tried to reassure southern Whigs of his fidelity to party, politely threatening anyone who “shall put me under the ban [of party], I shall be the last to leave it.”¹²⁸

¹²⁸ “Correspondence of the *Baltimore Sun*...March 17, 1850,” *Baltimore Sun*, March 18, 1850; William Seward to [Thurlow Weed], March 11, 1850, printed in Frederick W. Seward, *Seward at Washington: As Senator and Secretary of State*, (New York: Derby and Miller, 1891), 124; *Congressional Globe*, 31st Congress, 1st Session, 518 (March 13, 1850).

Although northern and southern Whig journals generally took the lead in demanding a new Union Party, it was imperative in order for the effort to succeed that some Democrats also see the need for such a coalition. A combination of practical and ideological considerations inclined some northern Democrats toward this conclusion. In the Taylor Administration's first year, Secretary of the Treasury Thomas Ewing Sr. had fired a number of northern Democrats within the Census Bureau and replaced them with good Taylor men. The fear that Taylor appointees would conduct the mandated Census in a brazenly partisan fashion particularly alarmed Democrats. Former Vice President George M. Dallas pointedly brought up this very fact in a letter to Senate Finance Chairman Daniel S. Dickinson. Of even greater concern to Dallas, however, was "a strange *squinting* passage" in the 21 March edition of the *Washington Union*, the unofficial Democratic Party organ. This passage called for the Democratic Party to "rid itself of *all ultraisms* inconsistent with a national & catholic creed." To this statement Dallas asked Dickinson, "What does it mean? War to the hilt against Free Soil? Death to Secession? *or away with Territorial Self-Government?*" For his part, Dickinson could use allies among more conservative Whigs to assist him in his efforts to prevent Free Soil Democrats from migrating back into the Democratic Party. Thus, he allowed his supporters to attend the public meetings that Clay and his New York Whig allies had initiated. Dickinson's involvement in these meetings brought about sharp denunciations from Free Soil Democrats. As one of them explained, "There is to be a meeting tonight at Tammany Hall of democrats and whigs; the former, bolters, the latter, cooperating to disorganize the democratic party. It is of little consequence what they say or do. The real object is to help Cass & Dickinson - about as forlorn a hope as it is possible to entertain." Indeed, Dickinson's very reliability as a Democrat began to come under question in some quarters because of his willingness to participate in bi-partisan rallies against Free Soil Democrats and Whigs. Such suspicions, in turn, prompted him to write letters to fellow Democrats asserting his loyalty to

the party. Dickinson still made clear his refusal to sanction any kind of reunion between former Free Soil Party members and the rest of the New York Democratic Party.¹²⁹

Dickinson and northern Democrats also looked for those few men in the South who continued to stand by congressional non-intervention and popular sovereignty. One of those men was Democratic Senator Henry S. Foote of Mississippi. At the beginning of the year few would have expected Foote to be classed among the leaders for compromise. He had long attempted to balance his strong commitment to Calhoun and the more ardent advocates of Southern Rights alongside his own ideological affinity for popular sovereignty. In December 1848, he had arranged with Vice President Dallas to use the Senate chamber for Calhoun's movement, spending the balance of his time in the Senate assailing, courageously or foolishly, depending on one's perspective, practically everything that came out of the mouth of Missouri Senator Thomas Hart Benton. Foote commonly gave long, ponderous floor speeches or interrupted other Senators to ask questions. If some found, like Massachusetts Whig Robert C. Winthrop, all this as evidence of Foote as a kind of buffoon, they also recognized that "he had many attractive & amiable traits, & we all liked to conciliate his good will."¹³⁰

Over the course of 1849, Foote consistently adhered to the principle of the Walker Amendment, seeking to find ways to invalidate the Mexican laws barring slavery that continued in operation after the United States acquired the Mexican Cession. The October 1849 call for a convention to meet in Nashville to discuss how southerners might resist the admission of California had prompted Foote secretly to revive a version of the Walker Amendment in the form of a bill which would grant territorial status to California, New Mexico, as well as a territory for the Mormons. This effort failed because those northern men like

¹²⁹ George M. Dallas to Daniel S. Dickinson, March 22, 1850, Daniel S. Dickinson Papers, Newberry Library; John A. Dix to Francis Blair Sr., March 23, 1850, Blair Family Collection [Addition], Manuscript Division, Library of Congress; Daniel S. Dickinson to Henry S. Randall, March 27, 1850, printed in John R. Dickinson, *The Speeches, Correspondence, Etc., of the Late Daniel S. Dickinson*, 2 vols., (New York: G. P. Putnam and Sons, 1867), 2:425-426.

¹³⁰ Entry for December 22, 1848, "The Library: The Mystery of the Dallas Papers" (Part II), ed. Roy F. Nichols, *Pennsylvania Magazine of History and Biography* 74 (October 1949): 489; David Outlaw to Emily Outlaw, January 9, 1850, David Outlaw Papers, Southern Historical Collection, University of North Carolina; Robert C. Winthrop to Charles Deane, August 10, 1883, printed in Joseph Borome, "Two Letters of Robert Charles Winthrop," *The Mississippi Valley Historical Review* 38 (September 1951): 295.

Douglas and Cass whom Foote had counted upon to secure passage of his bill felt bound at that time to honor their legislative instructions and vote for no territorial legislation without the Wilmot Proviso. Frustrated, Foote joined with the other members of the Mississippi delegation in writing a letter to Governor Quitman and the Mississippi legislature on January 21, 1850, asking them to “clearly indicate the course which Mississippi shall deem it her duty to pursue in this new emergency” upon California’s likely admission as a free state. Realizing little chance of getting his own bill out of the heap of the Judiciary Committee, the Mississippian turned his attentions to Clay’s proposals, which he and other southern Democrats had originally attacked for their pro-northern tilt. Foote wanted all proposals for compromise to go before a special committee of thirteen, with members selected by the members of the Senate equally from the sections and the last member voted upon by the members of the committee. The purpose of this committee would be to fashion a single compromise bill and let “all the questions [be] settled together.”¹³¹

Michael Holt has seen Foote’s move as a bid on the part of extreme southern Democrats to tie Upper South desire for the passage of the fugitive slave law to the territorial questions which were of far more interest in the Deep South. Missing in his interpretation, however, is the recognition that Foote was growing increasingly estranged from Calhoun and the more extreme southern Democrats between January and March. For instance, Foote in a 16 January speech outlining his original proposal to organize California, New Mexico, and the Mormon-occupied Deseret as territories, praised Cass and other northern Democrats who “have stood firmly and fearlessly up in support of the non-intervention doctrines of the renowned Nicholson letter.” Even as Foote excoriated Clay’s resolutions in debate, two weeks before he proposed the idea of a special committee he also tried to get the Senate to allow Thomas Ritchie’s newspaper, the Democratic and anti-Calhoun *Washington Union*, to continue to serve as the public printer for Congress. Moreover, at nearly the same time as Foote’s action, one of the official Senate Reporters,

¹³¹ Henry S. Foote to Henry A. Wise, June 23, 1849, printed in *Macon Georgia Telegraph*, July 10, 1849; Henry S. Foote to Colonel William Hickey, “Confidential,” [c. October or November 1849], Yale University Collection of Western Americana, Beinecke Library, Yale University; John A. Quitman, *Life and Correspondence of John A. Quitman in Two Volumes*, (ed. J. F. H. Claiborne), (New York: Harper and Row, 1860), 2:34-35.

James W. Simonton, arranged with Ritchie to see his bitter rival Clay on 10 February and explain the opposition of Virginia Democrats to the imputation in Clay's resolutions that Mexican laws would remain in force throughout the Mexican Cession. In his memoirs, Foote claims that Ritchie contacted him and Virginia Democrat Thomas Bayly "a few weeks after Mr. Clay had reached Washington," for the purpose of getting Clay to accept the proposal of a special committee of thirteen. Besides Ritchie's hope of assistance from Clay and other Whigs for his printing contract, it is important to remember that strongly-Democratic Virginia had been one of the states which Calhoun and his supporters expected to lead the southern movement. Around the time of Calhoun's Southern Address, the Virginia General Assembly had overwhelmingly passed resolutions bitterly condemning the Proviso. One of the movers of those resolutions, James Mason, a strong advocate of Calhoun, moreover, had in January 1850 introduced the revised Fugitive Slave Bill in the Senate where it went to South Carolinian Andrew Butler's Judiciary Committee.¹³²

By the time of Calhoun's 4 March speech, Foote had decided to break with him and other southern Democrats, claiming the day after the South Carolinian's speech that he was "profoundly grieved" at Calhoun's call for a constitutional amendment to settle the difficulties over slavery as well as Calhoun's blanket denunciation of all northerners as complicit with antislavery. In support of his position, Foote cited the recent conduct of Cass and Dickinson in presenting letters before a recent meeting of New York Democrats. Foote could get little support for his idea for a special committee until mid-April, when Foote provoked Benton for what looked to be the last time. Carrying a small pistol, Foote brandished it in the Senate, before giving it up to Daniel S. Dickinson. Although the Senate investigated the incident with the possibility of issuing disciplinary action against individuals, nothing was done. Most Senators were unimpressed with Foote's sense of the theatrical and tried to resume order before the incident reflected

¹³² For the interpretation described above, see the introduction of Michael F. Holt in Holman Hamilton, *Prologue to Conflict: The Crisis of the Compromise of 1850*, (Lexington: University of Kentucky Press, 1964, rpr. 2005): xvii; *Congressional Globe* 31st Congress, 1st Session, 168, 367, 416-418, 461 (January 16, February 14, February 25, March 5, 1850); *Richmond Enquirer*, September 10, 1852, printed in "Thomas Ritchie's Letter, Containing Reminiscences of Henry Clay and the Compromise," 7-11; Henry S. Foote, *Casket of Reminiscences*, (Washington D. C.: Chronicle Publishing Co., 1874): 25.

poorly on a legislative body. Still, the Senate voted 30 to 22 in favor of Foote's proposed Committee of Thirteen. With Clay as its chairman, the Committee would now go behind closed doors and work on its report to the Senate.¹³³

As the Committee of Thirteen set about composing its report during much of April and early-May, events in far-off New Mexico grew increasingly out of control. Reports took usually just over a month to reach Washington from Santa Fe, but rumors swirled that Colonel George McCall, President Taylor's new agent in New Mexico, desired to organize the territory for immediate statehood on the basis of an antislavery constitution. This action, then, would substantially conform to Taylor's original plan to admit both California and New Mexico with free or antislavery constitutions. Although officially neutral, McCall quickly found himself aligning with the pro-statehood faction in New Mexico under the leadership of Judge Joab Houghton. The actions of the army officer succeeded in antagonizing not only local officials, but also the man he effectively replaced, Indian agent James S. Calhoun. A Georgian, Calhoun attempted to appeal to his Georgia Whig friends in Congress to halt the actions of Munroe, but it was seemingly to no avail.

As he and others in Santa Fe well knew through communication with former Indian agent and now Texas commissioner Robert S. Neighbors, the state of Texas expected to claim the area bounded by the Rio Grande to the south and west (and including Santa Fe) for itself. The indigenous population of Santa Fe, moreover, having formerly lived under a Mexican government that had abolished slavery since the late 1820's, had no desire to see it revived through the supposed claims of Texas. Upon his arrival in Santa Fe on 8 April, Texas commissioner Robert Neighbors immediately began to fulfill his official instructions to organize settlements on behalf of the state of Texas. He obtained an interview with Colonel John Munroe, the military governor of the Ninth Military District, particularly seeking to know whether Munroe would authorize military force against Neighbors' efforts. Munroe, according to Neighbors, promised not to hinder the Texas commissioner, but neither would he agree to end the military government "with the Mexican Laws now in force...until an act of Congress, shall establish some other." Worse yet from the

¹³³ *Congressional Globe*, 31st Congress, 1st Session, 747-780 (April 16-19, 1850).

vantage point of Neighbors and the Texans, those individuals in Santa Fe who had previously argued for a territorial government now championed a state government without the prior consent of Texas. Faced with such official opposition, Neighbors saw no possibility Texas could extend her jurisdiction over the disputed area without recourse to military force.¹³⁴

Sometime during the first week of May, Rusk presented to Clay and other members of the Committee of Thirteen copies of a memorandum that stated the minimum requirements that the Texas congressional delegation would accept regarding the boundary controversy. The Texans demanded “a consideration” for ceding territory above the northern latitude of 34 degrees before the establishment of any territorial government east of the Rio Grande (i.e. Santa Fe). Texas would obtain 12 million dollars as consideration for her relinquishment of any legal claim to the territory in dispute. Next, the memorandum emphatically stated that any financial settlement between the United States and Texas would in no way impair the Joint Resolution of Annexation in 1845, which guaranteed the possibility of future subdivision of Texas into four additional states (with or without slavery) up to the 36° 30’ line. Finally, under no circumstances could Congress allow the Wilmot Proviso or the continuing force of Mexican law to operate upon the territory Texas ceded to the United States government. In a postscript, the document explained that any attempt to incorporate the New Mexican settlements south of the 34th parallel separated by “natural obstructions” as a part of New Mexico never had any historical basis. Rusk promised to supply Clay and the others with evidence of his assertion from Spanish colonial documents in the War Department. Furthermore, the \$12 million amount for the consideration did not seem “either large or unreasonable” given that part of Texas’ debt owed to individuals stemmed from the wars with Mexico and “in defense of herself against the encroachment of Indians forced upon her by the policy of the United States and against treaty stipulations.” After presenting this document to the Committee, Rusk had a bill drawn up as a substitute to the Committee’s own California bill and was designed to incorporate the

¹³⁴ James S. Calhoun to William C. Dawson and Members of the Georgia Delegation, February 4, March 3, 16, 31 April 20, 24, 1850, Yale University Collection of Western Americana, [microfilm], Beinecke Library, Yale University; Robert S. Neighbors to Governor Peter H. Bell, April 14, 1850, Governors Correspondence: Bell, 1849-1853, Box 301-19, Texas State Library and Archives; Lt. Col. George A. McCall to Lt. Col. W. S. Bliss, April 15, May 21-24, June 11, 1850, New Mexico Miscellaneous Manuscripts, Manuscript Division, Library of Congress.

provisions of the memorandum of the Texas delegation into the Committee's report and handed them to fellow committee member John M. Berrien of Georgia.¹³⁵

Given the wrangling over the Texas boundary issue within the Committee of Thirteen, it was little surprise that it received pride of place in the report read by Clay on 13 May to the Senate. The Committee reaffirmed the subdivision provision of the original 1845 treaty of annexation, but stopped short of recommending congressional approval to carve additional slave states out of Texas. It also settled definitively the matter of Texas' western boundary at the point where "the 100th degree of west latitude crosses Red River" and maintained its southern boundary at the Rio Grande.¹³⁶ This decision engendered the most heated debate within the Committee of Thirteen of all the various parts of the so-called Omnibus. In return for losing roughly 80 million acres currently claimed by Texas, Clay and the Committee promised the Texans an unnamed sum to help extinguish the public debt of the state. The alternative of doing nothing on this question was simply too terrible to contemplate, according to Clay. "Why sir, at this very moment we learn through the public papers that Texas has sent her civil commissioners to Santa Fe, or New Mexico for the purpose, of bringing them under authority [of Texas]." Unless Congress acted soon, "we shall hear of some civil commotion, perhaps the shedding of blood, in the contest between New Mexico and Texas with respect to the boundary."¹³⁷

The rest of the report touched upon the need for prompt admission of California in accordance with the boundaries and prohibition of slavery claimed in the original draft constitution submitted to Congress. Like Taylor, the Committee of Thirteen simply urged the combination of the Utah and New Mexico territorial bills into one proposal that avoided the Wilmot Proviso ban on slavery. It also presented

¹³⁵ Texas Congressional Delegation to Henry Clay, [May 1850], Thomas J. Rusk Papers, Box 2G36, Center for American History, University of Texas. For contemporary evidence of the importance of Indian depredations and the need for the United States to honor Article 11 of the Treaty of Guadalupe Hidalgo, see "From Texas and Chihuahua," *Baltimore Sun*, May 30, 1850. See also, Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S. - Mexican War*, (New Haven: Yale University Press, 2008).

¹³⁶ *Congressional Globe*, 31st Congress, 1st Session 945 (May 8, 1850).

¹³⁷ *Congressional Globe*, Appendix, 31st Congress, 1st Session 569 (May 13, 1850); Mark J. Stegmaier, *Texas, New Mexico, and the Compromise of 1850: Boundary Dispute and Sectional Crisis*, (Kent, OH: Kent State University Press, 1996): 140.

a modified version of Virginia Senator James M. Mason's bill for returning fugitive slaves; a guarantee found in the Constitution that Clay considered a federal responsibility in conjunction with state governments. Finally, the Committee refrained from introducing any legislation to abolish slavery in the District of Columbia, but would abolish the slave trade there—what some considered a “national disgrace.”

After announcing the results of the Committee's deliberations, Clay yielded the floor. The advocates of a congressional compromise quickly divided over the merits of the Omnibus strategy. Illinois Senator Stephen A. Douglas, never a fan of the Omnibus strategy, moved to lay the entire Omnibus proposal on the table and go directly to admit California as a free state.¹³⁸ On that question, the vote went against Douglas, 24 to 28. Significantly, Webster voted for the motion along with nearly every other northern Senator. Clay joined nearly every southerner along with northern Democrats Dickinson, Sturgeon, and Bright in opposition. Webster privately explained his vote to Franklin Haven. He believed that a Senate majority existed “in favor of *every one of the propositions contained* in the [Omnibus] Bill perhaps with some amendments.” But the Massachusetts Whig entertained considerable doubt as to their combined passage. The primary reason for this Omnibus strategy came from “calculations respecting the best chances of votes in the H[ouse] of R[epresentatives].”¹³⁹ Upon passage in both chambers of Congress, President Taylor might find it hard to issue a veto, especially as the Omnibus offered what Taylor desired most: organization of the Mexican Cession without the Proviso.¹⁴⁰

¹³⁸ *Congressional Globe*, 31st Congress, 1st Session 1003 (May 15, 1850); William H. Seward to Thurlow Weed, May 22, 1850, printed in Frederick A. Seward, *Seward at Washington as Senator and Secretary of State: A Memoir of His Life with Selections from His Letters*, (New York: D. Appleton & Co., 1891): 1:134.

¹³⁹ Daniel Webster to Franklin Haven, May 18, 1850, printed in *The Papers of Daniel Webster*, ed. Charles M. Wiltse, (Hanover, NH: Dartmouth University Press, 1987), 7:100.

¹⁴⁰ Robert V. Remini, *At the Edge of the Precipice: Henry Clay and the Compromise That Saved the Union*, (New York: Basic Books, 2010): 152.

Clay announced his formal break with Taylor (and by extension, much of the northern half of the Whig Party) in a speech on 21 May.¹⁴¹ Up to this point, Clay avoided any talk of difference with a Whig administration. Indeed, his previous speech on behalf of the measures proposed by the Committee of Thirteen had said nothing about the merits of the Taylor plan. He may have hoped to see indications of a policy change when Alexander C. Bullitt lost his position on 14 May as editor of the major pro-Taylor newspaper, the *Washington Republic*. His successor, Tennessean Allan A. Hall, unceasingly continued to advocate for the policy of the President.¹⁴² In the words of Allan Nevins, “Pale with anger, Clay . . . accepted the declaration of war in a terrific exposure of the inadequacies of the President’s scheme.”¹⁴³ Though he claimed still “to be a friend of the Executive, feeling most anxious to cooperate with him,” Clay challenged northern Whig allies of Taylor in the Senate to “stand up here, and meet us face to face upon the question of superiority of the one measure [congressional Omnibus] to the other [Taylor plan]?”¹⁴⁴ The President, the Kentucky Senator continued, fixated upon solving only the territorial question involving the status of slavery in California and New Mexico, to say nothing about the Texas boundary or whether New Mexico should replace its military government with a civilian one. Clay ordered the congressional printer to juxtapose the Omnibus crafted by his Committee of Thirteen with the President’s proposal for all to see the differences between them.

Throughout this speech, Clay became as inflexibly committed to the Omnibus as Taylor had become in his own plan. In doing so, he sensed that the foreign mission of his son James to adjust claims of the United States against the nation of Portugal was rapidly coming to a close. To James the Kentucky Senator acknowledged that “I had to attack the plan of the Administration for comprising our Slavery

¹⁴¹ In their analysis of the speech, David S. and Jeanne T. Heidler have written, “Clay knew at last that trying to woo northern Whigs away from the president was a futile task, and he moved closer to a greater reliance on northern Democrats along with a smattering of procompromise Whigs to push through the Omnibus, if it were possible to enact it at all.” Heidler and Heidler, *Henry Clay: The Essential American*, (New York: Random House, 2010): 471.

¹⁴² Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*, (New York: Oxford University Press, 1999): 502.

¹⁴³ Allan Nevins, *Ordeal of the Union: Fruits of Manifest Destiny, 1847-1852*, (New York: Scribner, 1947): 319.

¹⁴⁴ *Congressional Globe*, Appendix, 31st Congress, 1st Session 614 (May 21, 1850).

difficulties. Its course left me no alternative.”¹⁴⁵ A close friend of Secretary of State John M. Clayton reacted harshly to news of the Clay speech. “He had previously flung down the gauntlet,” Robert W. Bird wrote, “he has now struck its right into Taylor’s teeth, with personal defiance and outrage. Nothing remains but an open fight & war to the knife.” The Whig Party could not survive any longer as an institution except through “the fall of *either* C[lay] or T[aylor].”¹⁴⁶ Similarly, Ohio Whig Congressman John L. Taylor (no direct relation to the President), bitterly assailed those “most eminent Whigs of our country . . . [who] propose a new and different plan from that recommended six months ago by the President.” The opposition Democrats, Taylor feared, now “almost revel in the hope, that what they esteem an important dissension amongst the Whigs, may lead to a total destruction of the Whig party.”¹⁴⁷

In the aftermath of his break with Taylor, Clay grew ever closer to northern Democrats in favor of the congressional Omnibus. On 1 June, the Kentuckian visited Annapolis, Maryland with Daniel S. Dickinson, Henry S. Foote, and William C. Dawson at the invitation of Whig Senator Thomas G. Pratt. At the behest of an adoring crowd, each man offered some remarks near the State House building where General George Washington relinquished his command of the Continental Army at the end of the American Revolution. Speaking extemporaneously, Clay acknowledged that “it affords me pleasure to say, that in the good work of adjustment, conciliation and compromise, I have been aided and sustained by patriotic men of all parties.” Both Democrats Foote and Dickinson expressed their deep regard for Clay, with Dickinson promising to advance the “measures of adjustment suggested and advocated by Mr. Clay.”¹⁴⁸ Recounting the event to his wife Lydia, Dickinson added that “We, of course, had a fine time.

¹⁴⁵ Henry Clay to James B. Clay, May 27, 1849, printed in *The Papers of Henry Clay*, ed. Melba P. Hay, (Lexington: University Press of Kentucky, 1991): 10:733. For a discussion of how Clay’s break with Taylor coincided with the failure of his son’s mission to Portugal, see Sara B. Bearss, “Henry Clay and the American Claims against Portugal, 1850,” *The Journal of the Early Republic* 7 (Summer 1987): 167-180.

¹⁴⁶ Robert M. Bird to John M. Clayton, May 25, 1850, Robert Montgomery Bird Papers, Box 1, Van Pelt-Dietrich Library, University of Pennsylvania.

¹⁴⁷ *Congressional Globe*, Appendix, 31st Congress, 1st Session 689 (June 4, 1850).

¹⁴⁸ *Baltimore Sun*, June 3, 1850.

Mr. Clay, I see, says that I beat them all [in speaking].”¹⁴⁹ To the minds of those in and outside of Congress, Clay would be identified closely with the congressional plan then under debate.¹⁵⁰

Southerners opposed to the work of Clay and the Committee of Thirteen met at Nashville from 3 to 11 June to produce the long hoped for southern unity. Georgian Charles J. McDonald attended the convention on account of his disgust that the proposed compromise bill did not extend the Missouri Compromise line to the Pacific and thus guarantees the South of her rightful share of the spoils obtained from Mexico. “Now a single State may secede & if she does, farewell to the glorious Union,” he wrote to Virginian Thomas Ritchie.¹⁵¹ Yet Tennessean Cave Johnson aptly summarized the dilemma for many at the convention: “I think there is no *fighting ground* between the Compromise Bill and 36° 30.”¹⁵² In the end, the gathering could only issue a statement condemning the proposed congressional compromise and favoring the extension of the Missouri Compromise and the claims of Texas in her boundary dispute with New Mexico.¹⁵³ The delegates resolved to meet again six weeks after the close of the current congressional session. Just before adjournment, a telegraphic dispatch from the convention reported Beverly Tucker of Virginia with having criticized Daniel Webster for believing “that the Union could not be dissolved without bloodshed.” Tucker utterly dismissed such attempts to frighten southerners for “the South could sustain itself” after disunion. As for the evidence of “a present union between Clay, Cass, and

¹⁴⁹ Daniel S. Dickinson to Mrs. [Lydia] Dickinson, June 2, 1850, printed in John R. Dickinson, *The Speeches, Correspondence, Etc., of the Late Daniel S. Dickinson*, (New York: G. P. Putnam and Sons, 1867): 2:444.

¹⁵⁰ For evidence of this very sentiment at a 1 June northern Alabama political meeting, see *Florence Gazette*, June 8, 1850. The Washington correspondent for the *Savannah Daily Morning News* wrote this about the Omnibus on 6 June: “The democratic union party, both of the north and the south, are evidently coming forward to its support, in almost undivided column. Mr. Clay’s name still excites enthusiasm among the people – and with the whig party it is a tower of strength.” *Savannah Daily Morning News*, June 10, 1850.

¹⁵¹ Charles J. McDonald to Thomas Ritchie, May 22, 1850, Charles James McDonald Letters, Manuscript Division, Library of Congress.

¹⁵² Cave Johnson to James Buchanan, June 6, 1850, James Buchanan Papers, Historical Society of Pennsylvania quoted in Allan Nevins, *Ordeal of the Union: Fruits of Manifest Destiny, 1847-1852*, (New York: Scribner, 1947): 318.

¹⁵³ For a good treatment of the aims of the convention, see Thelma Jennings, *The Nashville Convention: Southern Movement for Unity, 1848-1851*, (Memphis: Memphis State University Press, 1980).

Webster,” Tucker asserted something to the effect that “when such men unite, it was time for the people to beware; as there is mischief brewing.”¹⁵⁴ Southern opponents of the compromise crafted by the Committee of Thirteen acutely sensed a “union” movement forming against them which involved the leading statesmen of both major parties.

Slowly coalescing into a congressional voting bloc, the friends of the Omnibus in the House and Senate remained sanguine about the prospects of success. For all his concerns about the rising “intensity of feeling on the slavery question,” Kentucky Democratic congressman Linn Boyd professed some optimism “that, with some modifications Clay’s bill will be passed.”¹⁵⁵ Clay also saw glimmers of a eventual triumph despite the presence of “a powerful opposition, first from the Abolitionis[ts] & Free Soilers of the North—secondly from the ultra Southern men & last, though not least, from the Administration.” Opponents of the proposed congressional compromise may “charge the measure as containing elements of incongruity, but it is not half as incongruous as the elements of opposition to it.”¹⁵⁶ Keeping the “elements of incongruity” together presented no easy task. Indeed, Daniel Webster explained how “We are obliged to have frequent conferences and agreements, & then we have something to do in debate.”¹⁵⁷ The intemperate remarks of the opposition in the midst of the Washington heat did its part, too, for galvanizing proponents of compromise to band together. North Carolina Representative David Outlaw saw southern secessionists openly plotting in Congress. As he told his wife, “It could no longer be denied

¹⁵⁴ *Baltimore Sun*, June 15, 1850.

¹⁵⁵ Linn Boyd to Mrs. Anne Rhey Dixon Boyd, June 7, 1850, Boyd Family Papers, [microfilm], University of Kentucky. Two days before Boyd wrote this letter, Senator Stephen A. Douglas of Illinois tried unsuccessfully to amend the language of the territorial bills in the Omnibus to allow territorial legislatures to legislate on slavery prior to the formation of a state constitution. Robert R. Russel, “What Was the Compromise of 1850?” *The Journal of Southern History* 22 (August 1956): 297.

¹⁵⁶ Henry Clay to James O. Harrison, June 19, 1850, *The Papers of Henry Clay*, (ed. Melba Porter Hay), (Lexington: University Press of Kentucky, 1991): 10:754. One opponent of the Omnibus cynically thought that Clay was cozying up to northern Democrats like Lewis Cass for the purpose of “working the slavery question as Clay & V[an] Buren did the Texas question with a view to their running [for president] in 1852.” Edward Hubbard to Robert T. Hubbard, June 19, 1850, Letters to Robert Thruston Hubbard, Albert and Shirley Small Special Collections Library, University of Virginia.

¹⁵⁷ Daniel Webster to “My Dear Sir,” June 16, 1850, “Private,” *The Papers of Daniel Webster – Microfilm Edition*, ed. Charles M. Wiltse, Reel 22.

or concealed there is a Disunion party in the United States.” Such a coalition “are traitors at heart, and nothing is wanting but an overt act to make them traitors in fact.” Those desirous of preserving the Union must accept that “the soon we begin to war upon them, the sooner we shall put them down.”¹⁵⁸ Southern opponents of the proposed congressional compromise possessed an important trump card, however. After conversations with a number of southern members of Congress, former Virginia Representative Edwin Hubbard concluded “that unless the North will do the South justice in the Territories & the fugitive slave bill &c that they will refuse to pass the appropriation Bills.”¹⁵⁹ Effectively shutting down the national government, southern extremists foresaw economic panic throughout the North, as banks would have to limit their lending to compensate for the reduction of specie in circulation.

The belligerent tone of Outlaw and Hubbard reflected new developments concerning the Texas-New Mexico boundary dispute. By this time, Governor Peter H. Bell of Texas had called for the legislature of that state to assemble in a special session on 12 August and authorize the creation of an armed force to occupy the disputed territory, unless Congress promptly recognized Texan claims to Santa Fe and lands east of the Rio Grande. On 17 June, President Taylor responded to a Senate resolution demanding to know whether the President had issued orders to military officials within Santa Fe to oppose any action on the part of the Texans to occupy Santa Fe. Taylor answered in the negative and reminded Senators of his powerlessness to alter the boundary. This admission did not prevent the President from declaring that Santa Fe was once part of Mexico before it became part of the United States, thus implicitly siding with the claims of New Mexico over the Texas.¹⁶⁰ A little more than a week after the Taylor letter,

¹⁵⁸ David Outlaw to Mrs. Emily Outlaw, June 25, 1850, David Outlaw Papers, Southern Historical Collection, University of North Carolina.

¹⁵⁹ Edward Hubbard to Robert T. Hubbard, June 25, 1850, Letters of Robert Thruston Hubbard, Albert and Shirley Small Special Collections Library, University of Virginia. For a similar argument in favor of economic retaliation or “non-intercourse” against the North, see John M. Berrien to Iverson L. Harris, July 19, 1850, Georgia Miscellaneous Manuscripts, Manuscript Division, Library of Congress.

¹⁶⁰ James D. Richardson (ed.), *A Compilation of the Messages and Papers of the Presidents, 1789-1907*, 10 vols., (Washington, 1901), VI, 2586. The passage of the Senate resolution occurred three days before Governor Peter H. Bell of Texas sent a letter from Austin asking the same of President Taylor. See Peter H. Bell to Zachary Taylor, June 14, 1850, printed in Texas Senate Journal, 3rd Legislature (Extra Session), 49.

news reached Washington via St. Louis that the proposed New Mexican constitution which prohibited African slavery was already on its way to Washington and would reach that city likely in two weeks.¹⁶¹ By 2 July, according to one Washington observer, “The New Mexico news of their forming a state government is exciting great interest here.”¹⁶² The pace of events now raced toward a crisis.

Faced with the looming prospect of a shooting war between Texas and the United States government, southern Whig members of Congress made one last effort to convince the President to alter his policy for the sake of the country. Georgians Alexander H. Stephens and Robert A. Toombs represented a vocal faction of their party who deplored the composition of a Cabinet they deemed hopelessly corrupt and responsible for the worsening relations between Taylor and Congress. Stephens tried vainly to appeal to Whigs everywhere against a policy of armed confrontation over the Texas boundary issue. According to a report from the *New York Journal of Commerce*, Texas had 2,500 armed men on their way to Santa Fe, with at least 200 “Texan camp followers” among the local inhabitants there. A writer for the *National Intelligencer* appeared to scoff at this bit of news and then added, “Let us hope, however, that the worthy correspondent of the *Journal* is prematurely alarmed for the safety of Santa Fe and the detachment of the [U.S.] army whose duty it will be to defend it.” The use of force against armed Texans greatly irked Stephens. Upon what or whose authority did the 500 or so U.S. troops have the “duty” to shoot at the Texans, Stephens asked in a 5 July public letter to the editor of the *National Intelligencer*. There existed no “authority of law” which compelled federal authorities to attack their fellow citizens. Should force substitute for the limits of law, Stephens wrote, there could be no other result but “that the cause of Texas, in such a conflict, will be the cause of the entire South.” Even those southern Whigs who had tempered their criticism of President Taylor agreed with Stephens. George D. Prentice, editor of the *Louisville Journal*, acknowledged the power of the argument from Stephens. As he admitted to Kentucky Whig congressman Humphrey Marshall, “I think Texas outrageously wrong in refusing all

¹⁶¹ Allan Nevins, *Ordeal of the Union: Fruits of Manifest Destiny, 1847-1852*, (New York: Scribner, 1947): 324.

¹⁶² Edward Hubbard to Robert T. Hubbard, July 2, 1850, Letters of Robert Thruston Hubbard, Albert and Shirley Small Special Collections Library, University of Virginia.

arbitration in regard to the disputed boundary, but Stephens is probably right in saying that the question is not to be settled by the army, and that the first gun fired by the federal authorities would be the signal for a general rush from the whole South [in defense of Texas].”¹⁶³

President Taylor never had the chance to engage in the feared showdown with the fiery Texans. After consuming massive amounts of iced milk and cherries following a 4 July outdoor celebration, Taylor fell violently ill and died on the evening of 9 July. His death brought immediate attention to Vice President Millard Fillmore, who until now had spent much of his time presiding over the Senate. Few had any definite idea where Fillmore stood on the slavery measures currently before Congress or the deplorable situation in the Southwest. A little more than a month before the death of Taylor, Jerome Fuller counseled Fillmore about where the Vice President’s political friends stood in New York City. Though many New Yorkers favored the congressional plan, “if it fails, then we should go in with all our might for the President’s recommendation, and urge its adoption among others for the reason that the compromise has failed.” This wait-and-see strategy allowed the Fillmore Whigs not to antagonize either the supporters of Clay or the President within the city.¹⁶⁴ The Vice President tried to remain neutral as long as he possibly could, but in an 1852 letter claimed that he told the President before the latter’s illness of his intention to vote for the Omnibus if its passage could be made certain through his possible tie-breaking vote in the Senate.¹⁶⁵ One New York Whig expected that with Taylor’s death Fillmore would move toward an open embrace of the plan of Clay and the Committee of Thirteen. Daniel D. Barnard practically begged Webster to assume a position in a Fillmore Administration since “Mr. Fillmore, I believe, agrees with you in your opinions on this subject, fully—though he is probably not so clear about the state of

¹⁶³ George D. Prentice to Humphrey Marshall, July 10, 1850, Humphrey Marshall Papers, Box 1, Filson Historical Society.

¹⁶⁴ Jerome Fuller to Millard Fillmore, June 6, 1850, Millard Fillmore Papers, Buffalo Historical Society, quoted in Robert J. Rayback, *Millard Fillmore: Biography of a President*, (Buffalo: Henry Stewart, 1959): 230.

¹⁶⁵ Millard Fillmore to James Brooks, May 24, 1852, *The Papers of Millard Fillmore*, ed. Frank H. Severance, 2 vols., (Buffalo: Buffalo Historical Society, 1907): 2:321.

public opinion in this quarter [New York].”¹⁶⁶ Moreover, the new President had the opportunity to appoint his own set of advisors when the entire Cabinet under President Taylor resigned. One of those who left, Secretary of State John M. Clayton, expressed little doubt in the selection of a new Cabinet. “The man who goes *for* the Compromise will rule ides, & Mr. W[ebster]. . . . I am sure we shall have cause to mourn. If D[aniel] W[ebster] rules we are gone & may as well give up the political game. Whiggery is d[amne]d,” he hurriedly scribbled to a political associate.¹⁶⁷

From Congress, Clay and his Democratic and Whig allies attempted to impress Fillmore to throw his influence behind their proposal to settle the slavery question and not the late President’s original plan. Texas Senator Sam Houston personally wrote to the new President and urged him to temper his Whig partisanship during this time of political strife. To his mind, “The present agitations cannot be settled by either of the political parties of the country, but it must be done by both parties acting for the Union as a great Union party.” Houston vowed that “Party and party influences never enter into my estimate of the Union, or my country's happiness or prosperity.”¹⁶⁸ As if to prove the truth of this statement, Clay and Houston prominently led a bi-partisan group of legislators on 13 July in a so-called “Union Caucus.” The participants hoped to build a more cohesive voting bloc in favor of the congressional plan and its ultimate passage. Those attending these meetings did reach a firm agreement to affix the northern boundary of Texas at its present-day limits of 34° North latitude. This decision on the Texas boundary greatly pleased her delegation in Congress, but whether it could help stave off a conflict was less certain. While some

¹⁶⁶ Daniel D. Barnard to Daniel Webster, July 11, 1850, printed in *The Papers of Daniel Webster* (ed. Charles M. Wiltse), (Hanover, NH: Dartmouth University Press, 1987): 7:124-25. According to a note by the editors, Barnard had written Fillmore the day before to sound out his views on the Omnibus.

¹⁶⁷ John M. Clayton to Robert M. Bird, July 10, 1850, Robert Montgomery Bird Papers, Box 1, Van Pelt-Dietrich Library, University of Pennsylvania.

¹⁶⁸ Sam Houston to Millard Fillmore, July 11, 1850, Millard Fillmore Papers, Buffalo Historical Society, quoted in Llerena Friend, *Sam Houston: The Great Designer*, (Austin: University of Texas Press, 1954): 208.

newspapers came to doubt the existence of such a meeting, others saw in it the germ of a larger political movement that might alter the political landscape during the congressional session.¹⁶⁹

Unlike the favorable reports on the “Union caucus,” Fillmore did not look eagerly to the formation of a new bi-partisan “Union” Party to replace the Whigs. His chief concern was to consolidate the Whig Party, from factionalism during the tenure of his predecessor. He originally chose Robert C. Winthrop of Massachusetts for the all-important Secretary of State, a man who preferred the plan of President Taylor to the congressional Omnibus. As Michael F. Holt has argued, “That preference suggests that Fillmore’s litmus test for northern members of cabinet was not whether they favored Taylor’s plan or the omnibus, but whether they opposed imposition of the Wilmot Proviso on the Mexican Cession.”¹⁷⁰ Only the refusal of the position by Winthrop allowed Fillmore to offer it to Daniel Webster. At the meeting where he declined the appointment, Winthrop “did not consider it quite fair to ask him [Fillmore] point blank if he intended to adopt Taylor’s policy; but he left in my mind the impression that he approved it.”¹⁷¹ When Webster learned of Winthrop’s action, he thanked the Massachusetts congressman and indicated his own interest in the job. As late as 16 July, Webster wrote to friend Franklin Haven about the President and his selections for the Cabinet, “As yet, I believe he has not committed himself.” Only financial considerations caused Webster to hesitate in taking a position, but a committee of prominent Whig businessmen obviated concern there. On 22 July, Webster entered the Fillmore Administration as its Secretary of State.

Henry Clay decided to make a move in late-July to drive his favored plan past the combined Senate opposition of Taylor Whigs and extreme southern Democrats. In a speech of 22 July, the septuagenarian Senator from Kentucky made an impassioned address of “upwards of three hours” on

¹⁶⁹ *New York Express*, July 13, 1850; *Trenton State Gazette*, July 13, 16, 1850; “Correspondence of the Baltimore Sun . . . July 14, 1850,” *Baltimore Sun*, July 13, 15, 1850; Mark J. Stegmaier, *Texas, New Mexico, and the Compromise of 1850: Boundary Dispute and Sectional Crisis*, (Kent, OH: Kent State University Press, 1996): 171.

¹⁷⁰ Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*, (New York: Oxford University Press, 1999): 502. Fillmore’s original list of appointments can be found in an undated memorandum within Box 1, Folder 27 of the Millard Fillmore Papers at the University of Buffalo.

¹⁷¹ Robert C. Winthrop Jr., *A Memoir of Robert C. Winthrop*, (Boston: Little, Brown and Company, 1897): 132.

behalf of the Omnibus.¹⁷² Clay expected “that we should dispose of all the amendments either proposed or to be proposed to the bill” soon. He only occupied the time of the Senate to offer “a rapid review of some of the objections that have been made to the adoption of the measure under consideration, and then to submit it from those hands in which, by the Constitution of the country, the responsibility is placed.” The Kentuckian pointed to the unexampled “unanimity” in his home state – even among Democrats – for the Omnibus. Furthermore, all Senators knew that “it was the bounden duty of Congress to institute territorial governments for these Territories [of New Mexico and Utah].” Clay then proceeded to provide a kind of balance sheet for what each section could reasonably expect from this bill. The North would receive a free California and two territories whose climate Clay considered unsuitable for slavery; the South gained the defeat of an effort to apply the prohibition of the Wilmot Proviso and a not inconsiderable amount of land reserved to slavery within Texas for settling its boundary with New Mexico. Indeed, according to Clay, the Omnibus provided the only way to resolve peaceably the last issue of boundary.¹⁷³

Clay began to soar to great rhetorical heights when he spoke of the indivisible nature of the Union. “I believe from the bottom of my soul, that the measure is the reunion of the Union,” he told his audience. Clay emphatically “never” wished to see “that any foreign flag should float at the Belize or upon the turrets of the Crescent City” of New Orleans. Recalling the embrace of the term “Rebel” during the American Revolution, Robert Rhett of South Carolina attempted to challenge the Kentucky Senator on the grounds that this “epithet ‘disunionist’ is likely soon to have very little terror in it in the South.” Clay immediately shot back to great applause in the Senate gallery, “if he follows up that declaration by corresponding overt acts, he will be a traitor, and I hope he will meet the fate of a traitor.” If South

¹⁷² *Congressional Globe*, 31st Congress, 1st Session 1433 (July 22, 1850).

¹⁷³ *Congressional Globe*, Appendix, 31st Congress, 1st Session 1404, 1406, 1410 (July 22, 1850). For an example of a Kentucky Whig who embraced the Omnibus despite his preference for the Missouri Compromise Line, see Edward H. Field to Humphrey Marshall, July 28, 1850, Humphrey Marshall Papers, Box 1, Filson Historical Society.

Carolina seceded, “thousands, tens of thousands, of Kentuckians would flock to the standard of their country to dissipate and repress their rebellion.”¹⁷⁴

Significantly, the Clay speech and Webster’s joining the Fillmore Administration occurred when the Whig Party was arguably at its lowest ebb. “Our Party has reached so near extinction that it can bear no more; and this is the crisis of consummation of that final moment of its destiny,” a southern Whig wrote Webster.¹⁷⁵ According to Nathan Sargent, only those individuals who put aside personal ambition and “the degrading slough & quagmire of mere party politics” could earn the esteem of their countrymen.¹⁷⁶ Webster personally tried to lobby his fellow Massachusetts Whigs to go in for the proposed compromise, but to no avail. Threats from back home kept some northern Senators from voting their personal convictions. For instance, “an eminent Northern Senator” and six other members of Congress visited Webster late during one night and promised “*to do anything* [for the Omnibus] *but vote for it*.” These men still planned to go on record in favor of the Taylor plan. As an obviously dismayed Webster later put it, “All that holds them to it now is the notion of *consistency*.”¹⁷⁷ From her perspective in Mobile, Alabama, Olivia Walton Le Vert saw in this very consistency nothing but “forebodings for the future.” A personal friend of Whigs Henry Clay and Edward Everett, “Madame” Le Vert operated a Parisian-style salon in the southern city where she discussed matters of the day with local professionals and intellectuals. While composing her diary entry for 25 July, this cosmopolitan woman engaged in what Elizabeth Varon has recently termed “disunion . . . as a prophecy of national ruin.”¹⁷⁸ La Vert had only to look toward the “South American Powers” and the troubled state of those young republics formed out of the old Spanish Empire for a glimpse at what might befall the United States after disunion. Turning to the Bible for

¹⁷⁴ *Congressional Globe*, Appendix, 31st Congress, 1st Session 1413-14 (July 22, 1850).

¹⁷⁵ W. S. Archer to Daniel Webster, July 25, 1850, *The Papers of Daniel Webster – Microfilm Edition*, (ed. Charles M. Wiltse), Reel 22.

¹⁷⁶ Nathan Sargent to Daniel Webster, July 18, 1850, *Ibid.*

¹⁷⁷ Daniel Webster to Franklin Haven, July 25, 1850, *Ibid.*

¹⁷⁸ Elizabeth R. Varon, *Disunion!: The Coming of the American Civil War, 1789-1859*, (Chapel Hill: University of North Carolina Press, 2008): 5.

wisdom, she believed “A divided House must fall” victim to the whims of foreign leaders who would rush in after secession and play the fragments of the once glorious republic off one another. All this must come to pass, unless the people and the leaders began to have “sober second thoughts” respecting their suicidal actions.¹⁷⁹ Madame de Vert thus joined other Whigs who believed that the old parties of Democrats and Whigs had not served the country well during this crisis.

The sense of an impending breakup of the old parties, if not the Union itself, extended to Democrats as well. Senator Daniel S. Dickinson saw signs of “a full understanding between [William H.] Seward & [Thurlow] Weed & the Van Burens (& why under Heaven should there not be?).” This combination of Free Soil Democrats and Whigs, evident during the debates in Congress, was “already formed, but that rank abolition may well for the present hang upon the tail of their respective parties for the purpose of making more capital & doing more mischief – uniting their forces in the future, when an opportunity arises.”¹⁸⁰ A sectional party of the North was not long in the making and Dickinson vowed to resist it to the utmost. Likewise, in Georgia, a political associate of House Speaker Howell Cobb excoriated those Democrats who chose sectional extremism at the expense of their old political associations. Democrats in favor of a congressional settlement might “be committed by the ultras for an impractical mode of settlement, and when that mode fails or some other succeeds they may be induced to form a portion of a party now organizing for resistance and dissolution of the Union.” To counter this threat, “Union” Democrats needed to cooperate with sensible Whigs like Stephens and Toombs and pass the measures quickly. This old Democrat, however, assured Cobb that he did not waver in his commitment to the “Jackson and Union platform.” Though “if new parties are formed or reorganized at

¹⁷⁹ Journal entry for July 25, 1850, [typescript], Olivia La Vert Diary, Alabama Department of Archives and History. For a discussion of La Vert, her journal, as well as her relationship to prominent Whigs of the day, see “Madam Le Vert’s Diary,” *Alabama Historical Quarterly*, 3 (Spring 1941): 31, 35.

¹⁸⁰ Daniel S. Dickinson to Hon. J. A. Osborn, July 27, 1850, Miscellaneous Manuscripts: Dickinson, Daniel S., New York Public Library.

the South, one thing must be reincorporated into *our platform* as a fundamental principle –we take no new country after a given day.”¹⁸¹

Clay and his supporters allowed amendments to the Omnibus toward the end of July in a bid to secure additional votes in its favor and expand the ranks of pro-compromise Senators to the fullest extent possible. A quick succession of amendments ensued involving the New Mexico provisions of the bill. Democrat James W. Bradbury of Maine on 29 July proposed to allow the President to appoint commissioners to settle the boundary with the state of Texas. The next day, Georgia Whig William C. Dawson succeeded in amending the Bradbury amendment to delay the application of the principles of the New Mexico territorial bill for the lands east of the Rio Grande until the boundary commission should finish their task. Would Texas refrain from occupying the disputed region in the meanwhile? Clay professed to “have no doubt that the effect of the [Dawson] amendment will be that Texas will forbear,” though he offered to set a deadline for the report of the commission. The Dawson amendment narrowly passed 30 to 28 as did that of Bradbury’s to which it was attached.¹⁸² Yet this addition hardly satisfied Maryland Whig James A. Pearce, who successfully moved to remove it by deleting the entire New Mexico section of the bill first and then attempting to substitute the pre-amendment New Mexico language later. Clay tried to prevent this action, especially one he considered with “regret and surprise,” but it eventually passed 33 to 22 with the aid of northern Whig and southern Democratic opponents of the Omnibus. Enemies of the Omnibus rejoiced at this opportunity to destroy the proposed compromise piece-by-piece through a series of parliamentary maneuvers that gutted all but the Utah provisions of the original legislation. This mere fragment of the once mighty Omnibus then cleared the Senate.¹⁸³

¹⁸¹ John H. Lumpkin to Howell Cobb, July 21, 29, 1850, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 207, 209.

¹⁸² *Congressional Globe*, Appendix, 31st Congress, 1st Session 1456, 1459, 1463 (July 29-30, 1850).

¹⁸³ *Congressional Globe*, Appendix, 31st Congress, 1st Session 1473-85 (July 31, 1850); Holman Hamilton, *Prologue to Conflict: The Crisis of the Compromise of 1850*, (Lexington: University of Kentucky Press, 1964, rpr. 2005): 110-111. See also, Stephen Douglas to Charles H. Lanphier and George Walker, August 3, 1850, printed in *The Letters of Stephen A. Douglas*, ed. Robert Johannsen, (Urbana: University of Illinois, 1961): 192-93.

Unfortunately, Clay only made the situation worse when he publicly lashed out at Pearce for his parliamentary misstep before he left Washington for the better climate of Newport, Rhode Island. Pearce privately fumed at how “Mr. Clay had himself denounced Gen Taylor because his plan did not at once provide a regular Gov[ernment] to the territory of N[ew] Mexico and then quarrels with me because I hold onto his own argument.”¹⁸⁴ Others blamed the legislative strategy of the Kentucky Senator and the other leaders of the “Union men” in the Senate. Tennessee Democratic Representative Andrew Ewing originally thought that the House and Senate friends of the Omnibus had reached an accord to guide the bill through both chambers. But, he noted in a letter to his brother, “When the Senate commenced their amendments to the Bill in order to secure votes, and abandoned its original form I lost all hope, for it was wholly impossible to hold a majority to a compromise whose aspect was changing every day.” Clay’s utter failure to broaden the coalition for compromise now sent Georgia Whigs Alexander H. Stephens and Robert A. Toombs along with “about 20 Democrats from our side of the House” right into the arms of the extremists.¹⁸⁵ The pro-compromise coalition in Congress had vanished and with it, seemingly, any possibility of forming a new Union Party to combat growing sectional extremism.

The duty of reconstructing it fell upon certain individual Senators and the Fillmore Administration. Although most historians have given most of the credit to Senator Stephen A. Douglas of Illinois for orchestrating the final passage of what became the Compromise of 1850, this view unduly minimizes the pivotal role of President Fillmore and his Secretary of State.¹⁸⁶ In fact, after the demise of the Omnibus on

¹⁸⁴ James A. Pearce to “Dear Sir,” August 5, 1850, James Alfred Pearce Papers, Maryland Historical Society.

¹⁸⁵ Andrew Ewing to Edwin Ewing, August 2, 1850, Andrew Ewing Papers, David M. Rubenstein Rare Book and Manuscript Library, Duke University. Toombs, in particular, chaired and authored the report of a special Committee of Fifteen of a “Southern Caucus.” The Toombs resolutions, endorsed by 32 members of the caucus on 10 August, demanded the substitution of “the common law as it existed in the American colonies on the 4th of July, 1776, and the Constitution and laws of the United States” for antislavery Mexican law in the territories acquired from Mexico. Should that fail to pass Congress, however, the South would accept the extension of the Missouri Compromise Line to the Pacific. *Trenton State Gazette*, August 13, 1850; “Special Correspondence of the Picayune . . . August 12, 1850,” *New Orleans Picayune*, August 20, 1850.

¹⁸⁶ For an emphasis on the critical contribution of President Fillmore to the final passage of the Compromise of 1850, see Mark J. Stegmaier, *Texas, New Mexico, and the Compromise of 1850: Boundary Dispute and Sectional Crisis*, (Kent, OH: Kent State University Press, 1996), 318.

31 July, Douglas simply wished to introduce the California bill and gain its passage through the Senate.¹⁸⁷

The only problem with this approach is that while it promised to please staunchly antislavery Democrats and Whigs, southerners would likely attempt a filibuster to prevent the bill from clearing the Senate.

Meanwhile, the clock was ticking, so to speak, regarding the Texas-New Mexico boundary dispute. If the Senate did not act quickly, the Texas legislature planned to meet on 12 August to consider taking more aggressive action against the inhabitants of Santa Fe. Webster recognized this very problem and repeatedly tried to rouse President Fillmore to issue a forceful letter to the Texas Governor and convince the Senate to act on the boundary question.¹⁸⁸

Finally, on 6 August, the Clerk of the Senate read a proclamation from the President on the urgency for legislation to avert an armed clash between the United States government and Texas. After giving a brief history of recent events surrounding the dispute, the President reminded Congress of his constitutional duty to repel invasion and provide for the enforcement of the laws under the Militia Acts of 1795 and 1807. He went on to state how Texas had no power outside of her legally established limits to extend its sovereignty over a neighboring territory. To do so, Fillmore warned, invited the United States government to treat any Texan expedition to Santa Fe as “trespassers.” Nevertheless, the President clearly deprecated the use of such lawful authority on his part, since the “consequences might, nevertheless, follow of which no human sagacity can foresee either the evils or the end.” New Mexico possessed exactly the same limits as she did when the United States acquired the territory from Mexico through the Treaty of Guadalupe Hidalgo. Though he desired a “definite line of boundary” set down “by a competent authority,” Fillmore did note that this had to come with the acquiescence of Texas.¹⁸⁹ And so he turned the matter over to Congress. Reaction in the Senate followed along predictable lines. Southern extremists

¹⁸⁷ *Congressional Globe*, Appendix, 31st Congress, 1st Session 1485 (July 31, 1850).

¹⁸⁸ Daniel Webster to Millard Fillmore, July 30, 1850, printed in *The Papers of Daniel Webster* (ed. Charles M. Wiltse), (Hanover, NH: Dartmouth University Press, 1987), 7:132; Daniel Webster to Millard Fillmore, August 3, 1850, *The Papers of Daniel Webster – Microfilm Edition*, ed. Charles M. Wiltse, Reel 22.

¹⁸⁹ James D. Richardson (ed.), *A Compilation of the Messages and Papers of the Presidents, 1789-1907*, 10 vols., (Washington, 1901), VI, 2603-09. Fillmore enclosed copies in his message to the Senate of the 14 June letter sent by Governor Bell of Texas to President Taylor and Fillmore’s response of 5 August.

hated the message and especially its threat to use force against a sovereign state.¹⁹⁰ Webster told Fillmore that his impression was that the President's words "will give satisfaction to the North, & I believe, also, to all the Union men of the South General Foote commended it strongly in the Senate."¹⁹¹ The message came right on the heels of a revised boundary bill from James A. Pearce and it helped to carry the day for the compromisers against the furious exertions of a bloc of mostly northern Whigs and southern Democrats.¹⁹² In rapid succession, the Senate then voted in favor of bills to admit California as well as to organize New Mexico Territory. The bills to abolish the slave trade in the District of Columbia and to compel the return of fugitive slaves took a little longer, but the Senate process of the Compromise of 1850 was complete by 26 August.

The most vulnerable votes among those favoring a settlement in the Senate, however, came not from southern Whigs like Pearce, but from those Whigs of New England who braved threats from their fellow members in Congress and nervously kept track of the controversy in their home districts. Samuel Phelps recognized how perilous his course was to his Whig constituents in Vermont, yet he stood behind his vote in favor of the Pearce bill. Phelps had braved threats against him in his home region once before when he had supported the Clayton Compromise of 1848, which would have prohibited slavery in Oregon Territory, guaranteed congressional non-intervention for California and New Mexico Territories, and referred any controversy over the status of slavery within territorial courts to the United States Supreme Court.¹⁹³ Now he sought to correct the lies that certain malicious newspapermen had concocted about his position in 1850. The Vermont Senator took great pains to explain that "the consequence of leaving the [slavery] controversy open cannot be estimated." He did not endorse the boundary settlement with Texas out of any "fear of bowie knives or revolving pistols" being pointed at him in the Senate, but rather from

¹⁹⁰ See, for instance, the commentary on the "The President's Message" in the *Greenville Mountaineer* (South Carolina), August 16, 1850.

¹⁹¹ Daniel Webster to Millard Fillmore, August 7, 1850, *The Papers of Daniel Webster – Microfilm Edition*, ed. Charles M. Wiltse, Reel 22.

¹⁹² *Congressional Globe*, 31st Congress, 1st Session 1555 (August 9, 1850).

¹⁹³ "Samuel S. Phelps." *American Whig Review* 12 (July 1850): 93-98.

“the secret and silent workings of disease in the body politic which if not arrested might prove fatal.” He understood that he was taking a great risk for his refusal to oppose the bill and yet he stood proudly alongside his fellow northern Whigs Daniel Webster, Robert C. Winthrop, Truman Smith, and John H. Clarke in throwing their support behind the boundary bill. As a parting shot to his detractors back home, Phelps declared, “If the Whigs of New England shove to throw us all overboard I have only to say that they must navigate the ship without us.”¹⁹⁴

New York businessman Charles Augustus Davis knew exactly where Webster, Phelps and other beleaguered northern Whigs might go. What those Whigs who endorsed the compromise measures needed most, Davis explained, was “a new name for party.” Both Whig and Democratic parties “seemed possessed of this ‘potato rot’ of negroism,” which could only get worse if supporters of compromise tried to retain a coalition with anti-slavery Whigs. Rather than attempt to purge these elements from within the Whig organization, perhaps it was far better to create “a ‘union party’— [as] there is some meaning in this name.”¹⁹⁵ Some northern Democratic presses in New England also embraced the idea that a new party would emerge among Democratic and Whig friends of the Compromise. By the end of August, the Washington correspondent of the Democratic-leaning *New Hampshire Patriot and Statesmen* could see the outlines of a new political order regardless of the results of the congressional session. To those back home correspondent “Union” wrote that “a union and disunion party will be formed—one composed of all the substantial men of the country; the other of the fag ends of all parties, broken down politicians, nullifiers, abolitionists, free soilers and paltroons [sic].” Those seeking to tear down the fabric of the country may “try their best,” but they will soon find political retribution waiting for them at the hands of their own constituents.¹⁹⁶

¹⁹⁴ Samuel Phelps to “D[ea]r Sir,” August 22, 1850, Gilder-Lehrman Collection (GLC0367802), New York Historical Society.

¹⁹⁵ Charles Augustus Davis to Daniel Webster, August 9, 1850, printed in *The Papers of Daniel Webster* (ed. Charles M. Wiltse), (Hanover, NH: Dartmouth University Press, 1987): 7:134.

¹⁹⁶ “Washington Correspondence...August 31, 1850,” *New Hampshire Patriot and State Gazette*, September 5, 1850.

The real challenge to the passage of the Compromise of 1850, however, lay in a House of Representatives whose members responded more easily to the constituent pressure mentioned by newspaper correspondent “Union.” House managers prepared for the introduction of the first of the several Senate bills, Pearce’s Texas boundary bill, on 28 August. With some assistance behind-the-scenes from Senator Douglas of Illinois, Kentucky Democratic Representative Linn Boyd worked to pair the Texas boundary bill with the New Mexico territorial bill, creating in the process a “little Omnibus.”¹⁹⁷ The Fillmore Administration continued to lobby individual Whig congressmen hard and applied the levers of patronage. Still, as Senator Jesse D. Bright observed of the proceedings in the other chamber, “Extremes, unite in the House, as they did in the Senate, but my own opinion is that they [Senate bills] will pass.”¹⁹⁸ With some parliamentary sleight-of-hand from Speaker of the House Howell Cobb, Boyd and the bi-partisan congressional bloc in favor of compromise succeeded in getting the “Little Omnibus” to a third reading or engrossment on 6 September.¹⁹⁹ The last step was a vote for final passage.

Minutes after the bill received a favorable vote for engrossment, Virginian William M. Burwell watched from the House gallery in rapt attention as opponents of the “Little Omnibus” tried vainly to lay the bill on the table. Once this motion failed, the bill went straight to a direct vote and passed 108 to 97.²⁰⁰ On no other bill making up the Compromise of 1850 would the vote ever come so close to failure. In final analysis, the vote on the combined Texas boundary and New Mexico territorial bills revealed an important truth of this congressional session. Despite the different reasons for their opposition to this particular measure, northern Whigs and southern Democrats consistently voted together to defeat congressional

¹⁹⁷ Linn Boyd to Mrs. Anne Rhey Dixon Boyd, September 3, 1850, Boyd Family Papers, [microfilm], University of Kentucky. See also, Stephen A. Douglas to George Walker and Charles L. Lanphier, September 5, 1850, printed in *The Letters of Stephen A. Douglas*, ed. Robert Johannsen, (Urbana: University of Illinois, 1961): 194-95.

¹⁹⁸ Jesse D. Bright to William H. English, September 2, 1850, printed in “Some Letters of Jesse D. Bright to William H. English (1842-1863),” *Indiana Magazine of History* 30 (December 1934): 373.

¹⁹⁹ Congressional Globe, 31st Congress, 1st Session, 1764 (September 6, 1850); Mark J. Stegmaier, *Texas, New Mexico, and the Compromise of 1850: Boundary Dispute and Sectional Crisis*, (Kent, OH: Kent State University Press, 1996), 291; Holman Hamilton, *Prologue to Conflict: The Crisis of the Compromise of 1850*, (Lexington: University of Kentucky Press, 1964, rpr. 2005), 159.

²⁰⁰ *Ibid.*

attempts at compromise. Proponents of the legislation in Congress did not forget this fact and would not let the public forget, either.²⁰¹ Old party lines appeared in complete disarray and a pro-Compromise Whig like Richard Hines could say almost two weeks after passage of the “Little Omnibus” in the House, “I believe if it is properly managed our members of Congress who voted against the Texas boundary bill can be killed off.”²⁰² Americans had undergone not merely a sectional, but a partisan crisis in 1850, in which the competitiveness of the party system threatened to undermine any chance at a settlement of the explosive slavery issue. Thanks to federalism, extremists could resume the fight against the triumph of the congressional compromisers within their home states. Over the next few months, political leaders in parts of the Deep South dropped their old party labels of Democratic and Whig parts in favor of new “Union” and “Southern Rights.” And through this determination to reshape party politics, they dealt the Second American Party System a significant blow from which it would never fully recover.

²⁰¹ See the detailed breakdown of the vote for final passage of the Texas boundary and New Mexico territorial bill in *Macon Journal and Messenger*, quoted in *Athens Southern Banner*, August 28, 1851.

²⁰² Richard Hines to William A. Graham, September 16, 1850, *The Papers of William A. Graham*, ed. J. G. de Roulhac Hamilton, 6 vols., (Raleigh: North Carolina State Department of Archives and History, 1957-1992), 3:392.

Chapter 3: An Abortive Realignment, 1851-1852

Massachusetts congressman Samuel A. Eliot did not think it could work. John O. Sargent had solicited his opinion about a new Union Party during the fall of 1851. Eliot specifically pointed to the relative impotence of “Abolitionist & Secessionist parties” that urged resistance to the Compromise of 1850. Without a strong opposition to it, he wrote Sargent in response, a proposed Union Party simply could not survive. Basing a party exclusively upon its adherence to the Constitution was a non-starter, he added, since “all parties must be based on adherence to the Constitution or soon perish.” In short, “The formation of a Union party has been tried once, not to say twice, & found ‘no go.’ And so it must be, in my opinion, as often as it shall be tried.”²⁰³

These brutal but insightful words of Elliot revealed a major hurdle for those proponents of a new Union Party who sought to replace the supposedly defunct and sectionalized Democratic and Whig parties. Eliot took for granted that no party could place itself in opposition to the Constitution. Yet in the course of campaigns within the Deep South states of Georgia and Mississippi in 1851, Union and Southern Rights parties argued over what that foundational document said or did not say about secession and the ability of the national government to compel obedience to its law. This chapter argues that what actually doomed the effort to launch a new Union Party were the actions of politicians like Eliot within the two major parties. Desperate to hold onto a portion of their voting strength going into the presidential election of 1852, Democrats and Whigs frustrated those who looked forward to an independent Union Party. In an age before tougher registration laws arose to hinder the growth of third parties, politicians from the major parties had to come up with strategies to outmaneuver advocates for a third party. In the process, though, the demise of the Union parties within the Deep South in the spring of 1852 abetted by Democrats had critically weakened the Whig Party – paving the way for a dramatic political realignment after the failure of politicians to displace both major parties in favor of a Union Party.

²⁰³ Samuel A. Eliot to John O. Sargent, November 12, 1851, John O. Sargent Papers, [microfilm], Reel 1, Massachusetts Historical Society.

Threats of secession in the South gathered momentum in the weeks after final passage of the Compromise of 1850. The pro- and anti-Compromise positions of Democrats in Alabama, Georgia, and Mississippi in turn reflected an older Nullification-Era political alignment. In the earlier contest, Nullifiers and Unionists had argued heatedly over the decision of President Andrew Jackson to use force, if necessary, to maintain national supremacy. Eighteen years later, anti-Compromise leaders in these three states of the Deep South practically dared the federal government to coerce self-styled advocates of resistance to the Compromise. Meanwhile, Democrats and Whigs willing to accept the recent settlement readied themselves for the battle ahead. Carefully cultivating the alliance of “old Jackson Democrats,” Alabama Whig Joseph G. Kennedy reported to Interior Secretary Alexander H. H. Stuart that he somewhat opportunistically hoped to get Alabama’s opponents of the Compromise to agitate for secession and thus handily carry the state for the friends of the Compromise. Moreover, Kennedy averred, “we don’t *lose* more than one Whig in 30 & gain 5 democrats [for every Whig defection] at least, who won’t go back easily.”²⁰⁴ In rebuking those fellow Mississippi Democrats who opposed the Compromise, James Wylie explained his position to a friend. From what he read in the papers and discussed among his neighbors, Wylie firmly believed that “both parties conceded something—this plan did not satisfy the ultra southerners they must have it their way or not-at-all.”²⁰⁵ From Georgia, Alexander H. Stephens cynically viewed the opponents of the Compromise like that of the radicals “in the days of nullification” who taught “thousands . . . to believe that some sort of peaceful resistance can be devised” against the laws of the national government.²⁰⁶

Committed secessionists fretted over the speed at which opposition arose to their objective. South Carolina Governor Whitemarsh B. Seabrook inquired about Georgia’s willingness to join South Carolina

²⁰⁴ Joseph G. Baldwin to Alexander H. H. Stuart, September 27, 1850, Stuart-Baldwin Family Papers, Box 2, Albert and Shirley Small Special Collections Library, University of Virginia.

²⁰⁵ James Wylie to “Respected Friend,” September 23, 1850, Gaston, Strait, Wylie, and Baskin Families Papers, South Caroliniana Library, University of South Carolina.

²⁰⁶ Alexander H. Stephens to John J. Crittenden, October 24, 1850, Alexander H. Stephens Papers, Box 2, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

in a letter to Governor George W. Towns. In response, Towns lamented how “very unlike” his state was to the Palmetto State due to “influential party leaders” eager “to make [political] capital, regardless of principle & right.” Worse from his perspective, the vast majority of those Whigs in Georgia who had once sided with South Carolina in 1832 against President Jackson now were most “vehement and ungratified in their denunciation against all & any measure of resistance to the palpable aggressions of Congress on the rights of the Slave-holding states.” The reason, according to Towns, was not very hard to fathom. Whigs played upon the sensitivity of Union or pro-Jackson Democrats in Georgia to the revival of secession talk. All this showed “how easy the step [was] for this class by a senseless cry of Union, Union, to excite the fears & jealousies of many of the old Union party of that day & to rally them against the true friends of the South.”²⁰⁷ Even Mississippi Governor John A. Quitman, ready to aid South Carolina in whatever course of action she took, admitted disappointedly that while his “people are ready for resistance, regardless of consequence, our population however is not homogenous, being largely composed of immigrants from other states, and their determination upon the new issue which must be met, of submission or secession, may possibly disappoint us.”²⁰⁸

The voting alignments in Congress over the Compromise also spilled over into the Free States during the same period. One of the severest challenges to the settlement occurred in New York. There, many advocates of Compromise expected the Seward Whigs to abandon their old party and fuse with the Van Buren Barnburners in common opposition to the Fugitive Slave Bill. Southern Whigs exerted immense pressure on the Fillmore Administration to sustain only those Whigs in New York who pledged to uphold the Compromise as a permanent settlement.²⁰⁹ These Whigs had good reason to think that the President might heed their demands. While he was serving as Vice President, Fillmore privately agreed

²⁰⁷ George W. Towns to Whitmarsh Seabrook, September 25, (quote) October 8, 1850, Whitmarsh Seabrook Papers, Manuscript Division, Library of Congress.

²⁰⁸ John A. Quitman to Whitmarsh Seabrook, September 29, 1850, *Ibid.*

²⁰⁹ See, for instance, Richard Hines to William A. Graham, September 16, 1850, *The Papers of William Alexander Graham*, ed. J. G. de Roulhac Hamilton, 8 vols., (Raleigh: North Carolina State Department of Archives and History, 1957-2002), 3:392; Joseph G. Baldwin to Alexander H. H. Stuart, September 27, 1850, Stuart-Baldwin Family Papers, Box 2, Albert and Shirley Small Special Collections Library, University of Virginia.

with those Whigs who deplored the growing power of New York Senator William H. Seward over President Taylor. In August 1849 he even solicited lists of various New York Whigs prior to that fall's state Whig convention in the hopes of making the Whigs of that state more uniform in principle and thus "counteract the central dictation of Albany," a veiled reference to the Seward Whigs.²¹⁰ Moreover, his willingness to deploy the full resources of his administration behind securing passage of the Compromise deeply divided New York Whigs. Southern Whigs therefore keenly awaited the outcome of the state elections slated for that fall in New York and other northern states for solid evidence of a complete repudiation of Seward and the Free Soil Whigs by the public and the Fillmore Administration.

Assembling first on 13 September in Syracuse, New York Democrats achieved reasonable unity upon Horatio Seymour as their gubernatorial nominee, with the only tension in the convention coming from a resolution sponsored by a follower of Daniel S. Dickinson which sought to commend his pro-Compromise course in the Senate. The failure of this effort may have pained Dickinson, but it did little to disrupt the proceedings. Even the old Free Soil bolters, led by John Van Buren, came back and voted to sustain the resolutions tepidly endorsing the Compromise. Pointing to the resulting concord among Democrats, the *New York Herald* stated, "All this indicate the democracy are shrewd, and understand the real position of the public mind."²¹¹

The New York Whigs presented a very different scene. The Whig state convention assembled in Syracuse on 26 September and wasted little time in presenting Fillmore with such a choice. When a committee of eight, comprised of supporters of President Fillmore, offered resolutions commending his course and promising "acquiescence" in the territorial bills of the Compromise, the Seward Whigs bitterly denounced this course and tried to substitute their own instead. Conspicuous both in their praise of Seward who had led the Senate fight against the Compromise and demanding the application of the principles of

²¹⁰ Millard Fillmore to J. S. Williams, August 15, 1849, Millard Fillmore Miscellaneous Manuscripts, New York State Library; Millard Fillmore to W. S. Johnson, August 10, 1849, Millard Fillmore Papers, Manuscript Division, Library of Congress.

²¹¹ *New York Herald*, September 14, 1850.

the Wilmot Proviso over the territories, this action only served to infuriate the Fillmore Whigs who demanded these resolutions be sent back to their committee. Fillmore's allies eventually accepted a proposal to balance both Seward and Fillmore men in an enlarged committee, but they could not reach any agreement. This left the pro-Seward substitute resolution open to a vote, which carried overwhelmingly. Recognizing the hopelessness of their cause, the Fillmore Whigs bolted the convention; the convention's president, Francis Granger, gave up the gavel and pronounced the state Whigs "a divided party." Granger also gave those Whigs sympathetic to Fillmore a new nickname, the Silver Grays, in honor of the color of his long hair and conservative temperament. Thirty-nine "Silver Grays" re-assembled at a nearby hotel and proposed to draft a manifesto to Whigs across the nation in defense of their choice to leave the convention. In the meanwhile, the Seward men wrapped up business by selecting a State Whig Committee for the following year and departed for home.²¹²

The Fillmore Administration gravely received the news of the Silver-Gray bolt at Syracuse along with equally troubling reports emanating from Massachusetts. Daniel Webster had pushed prior to the August special election for the very conservative Whig Samuel A. Eliot to take over for Robert C. Winthrop in the House of Representatives upon Winthrop's elevation to the U.S. Senate. In the process, Webster provided a glimpse at what he planned in the future for Massachusetts Whigs. From his powerful position in Washington, the Secretary of State quickly moved to cement his power over them.. He bypassed the Whig Central Committee entirely and personally drafted his own resolutions endorsing the Compromise of 1850 for the upcoming Whig State Convention in Worcester. The members of the Whig Central Committee pretended to endorse the work of the late session of Congress, he informed Edward Everett in early-October, but "one half [of them are] inclined to abolitionism" leaving "very little of true, broad, just & liberal Whig principles left in them." Furthermore, the Secretary of State pointed to the pernicious course of the *Boston Atlas*, an organ that Webster regarded as little more than Free Soil in

²¹² *National Intelligencer*, September 30, 1850.

sentiment.²¹³ Its editor and part owner, William Schouler, had profited greatly from federal printing contracts under the Taylor Administration; Webster now resolved to end this practice of favoritism towards Free Soil Whigs. In seeking to “nationalize the Whig Party,” the Secretary of State wished to present strong antislavery men in Massachusetts with a choice. If men like U.S. Congressman Horace Mann and the rest of the Free Soil Whigs in Massachusetts continued to oppose the vigorous enforcement of the Compromise, then perhaps the Whig Party could no longer remain a national institution. As mentioned in the previous chapter, Webster and many political observers during the course of 1850 confidently had expected a general “remodeling of parties” to come about soon after the passage of the Compromise in Congress.²¹⁴ The schism among New York Whigs and the lingering hatred between Free Soil Whigs and Webster in Massachusetts only encouraged this belief. Exactly what political form the advocates of antislavery-based sectionalism must take still remained unclear to Webster. But of the likelihood of some sort of national “Union Party,” Webster never held any doubt.²¹⁵

As much as he loathed Seward and his followers, the President could not go that far. He was the leader of a *national* Whig party and if he worked to widen the breach, he must necessarily drive the Seward men to seek alliances with Van Buren and the Free Soil Democrats, effectively handing the state over to the President’s enemies. In order to maintain the Union, he would have to maintain the Whig party, despite the obvious pressure from the South as well as members of his Cabinet to abandon such an alliance. Thus, Fillmore while in Washington prodded Whig gubernatorial candidate Washington Hunt to intervene in the dispute. Indicating his willingness “to maintain the integrity of the Whig party of the state,” Granger appealed to Hunt for his opinion on the actions of the Silver Gray bolters. In response, Hunt wrote a conciliatory public letter on 11 October which acknowledged the real differences among

²¹³ Daniel Webster to Edward Everett, September 26, 1850, printed in *The Papers of Daniel Webster*, ed. Charles M. Wiltse, 15 vols., (Hanover, N.H.: University Press of New England, 1974-1989), 7:154.

²¹⁴ For a contemporary newspaper advocating this very position, see “Correspondence of the *Baltimore Sun*...October 1, 1850,” *Baltimore Sun*, October 2, 1850.

²¹⁵ Daniel Webster to Peter Harvey, October 2, 1850, printed in *The Papers of Daniel Webster*, ed. Charles M. Wiltse, 15 vols., (Hanover, N.H.: University Press of New England, 1974-1989), 7:135.

New York Whigs over the Compromise, but pleaded toleration and respect for those “national” principles which bound northern and southern Whigs against their common Democratic foe. The tactic worked. When the Whig State Committee convened again on 17 October in the town of Utica, it nominated the entire ticket created at the original Syracuse meeting and read an address prepared by a sixteen member committee of both Seward and Silver Gray Whigs that conveniently omitted any reference to Seward or his position on the Compromise.²¹⁶

For all his conciliation of New York Whigs to avert a party split, Fillmore wanted to put a stop to the traditional Whig latitudinarianism on the subject of slavery. His administration, he told the Secretary of State, henceforth would not “recognize one set of Whig Principles for the North, & another for the South.” Importantly, Fillmore worried that the very flexibility of American federalism, with its potential to permit state Whig parties to stand entirely at odds with his Administration, spelled imminent defeat for the national Whig party. After all, the late debates over the enactment of the Compromise of 1850 narrowly missed bringing the party to ruin. Instead, he stressed that northern and southern Whigs must learn to think alike on questions of policy, including slavery. Agitation of the Compromise for purely *local* political ends within either section could never receive the favor or even the acquiescence of the Fillmore Administration. Despite their differing attitudes toward a possible Union Party, Fillmore and Webster did agree that the secessionists in the South and the opponents of the Fugitive Slave Law in the North shared one important feature.²¹⁷ Both movements directly challenged the capacity for American self-government in their use of extralegal methods to protest laws passed through constitutional means. Without popular respect for the rule of law, the President and his Secretary of State believed, the American Union and the liberties it secured could no longer exist. Should Whigs in any part of the Union advocate

²¹⁶ *National Intelligencer*, October 19, 26, 1850; *New York Herald*, October 19, 1850; Thomas Maitland Marshall, “Diary and Memoranda of William L. Marcy, 1849-1851,” *American Historical Review*, 24 (April 1919): 448-449; Thurlow Weed, *Life of Thurlow Weed Including His Autobiography and a Memoir*, ed. Thurlow Weed Barnes, 2 vols., (New York: Houghton-Mifflin, 1883), 2:186-87; Frederick W. Seward, *Seward at Washington: As Senator and Secretary of State*, (New York: Derby and Miller, 1891), 156.

²¹⁷ Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*, (New York: Oxford University Press, 1999), 602.

resistance to the laws, Webster himself was willing to form a new “Union Party” distinct from the old Whig organization.

In coming to this conviction, Webster also noted upcoming popular demonstrations in the North in favor of the Compromise. Once political enemies, now pro-Compromise Democrats and Whigs prepared to stage a grand public rally on the site of a former harbor fortress named Castle Garden in New York City. If successful, according to a telegraphic dispatch sent to the *National Intelligencer*, the meeting promised to lay the cornerstone “for a grand Union party that will sweep the various fanatical organizations out of existence.”²¹⁸ Gathering on 30 October, three Whig and three Democratic speakers each exhorted “conservatives of all parties,” to advocate “a higher devotion” placed upon Union than upon any Party.” The meeting read letters from Webster and Dickinson praising its objectives. At the very mention of Webster’s name as “Champion of the Union,” a shout went up from the crowd. Taking direct aim at those northern and southern opponents of the Compromise who “for ten long months paralyzed legislation,” the attendees praised the Compromise, and especially the newly enacted Fugitive Slave Bill, as “*peace* measures” for the country. Condemning nullification in the North and secession in the South, these conservatives announced their willingness to break with their parties whenever extremists resumed their agitation over slavery. Before the meeting adjourned, Democrat James T. Brady proposed a series of resolutions for the creation of a permanent committee of fifty Whigs and Democrats, designated the “Union Safety Committee,” and entrusted it to prevent any cause for sectional alienation. This committee circulated copies of Washington’s Farewell Address to all its subscribers.²¹⁹

The success of the Whig efforts to unite on Hunt and the rest of their ticket broke the current partisan balance within the legislature in favor of the Whigs. Marcy credited Hunt with being the only candidate likely to produce the Whig unity necessary for victory. The apparent unity exhibited by Whigs

²¹⁸ *National Intelligencer*, November 1, 1850.

²¹⁹ *Ibid*; Union Safety Committee, “Proceedings of the Union Meeting Held at Castle Garden, October 30, 1850,” 3, 5, 10-11, 13, 15-16, 28-29, 32, 36-38; Thurlow Weed, *Life of Thurlow Weed Including His Autobiography and a Memoir*, ed. Thurlow Weed Barnes, 2 vols., (New York: Houghton-Mifflin, 1883), 2:187-88.

also rewarded them with a U.S. Senate seat, as Daniel S. Dickinson's term was set to expire and the Whigs now controlled both houses of the state legislature. Dickinson, whom Marcy privately commended for his service in the Senate, now found himself without any prospects for reelection. The reversal of Dickinson's fortunes was partly attributable to the revenge of Free Soil Democrats or "Barnburners" against the proscriptive policies of Dickinson and his allies. These "Barnburners" had wanted to put their acknowledged leader, John Van Buren, in place of Dickinson. Despite their less than stellar performance at the state level, Democrats' in 1850 did manage to gain a draw with Whigs over the number of congressional seats – seventeen each. The increased majorities of Whigs in the state legislature, however, required a careful balancing of the factions, something Marcy expected not to occur. Instead, he wrote in his diary, "It looks to me as if something like the reorgination [reorganization] of political parties was likely to take place in this state and indeed throughout the country."²²⁰

Marcy's expectation of a new partisan alignment throughout the country reflected the growing strength of popular Unionist demonstrations. Henry Clay saw firsthand evidence of the burying of old partisan hatred while on his journey home to Lexington, Kentucky. Upon his return in October, Clay noticed how his "Democratic fellow Citizens have met and welcomed me with a cordiality and warmth not surpassed by the Whigs, and both parties have united in gratifying demonstrations of their attachment and confidence." As he told a committee of Kentucky Whigs, he hoped this feeling might finally force "parties to lay aside their divisions and strifes, and heartily co-operate in the preservation of that glorious Union, without which we have no sure guarrantly [sic] for the enjoyment of Liberty, or any other political blessing." Clay repeated this concern with a dire warning to those who would agitate this question further. Unable to attend a public meeting in Jackson, Mississippi, Clay nevertheless addressed a public letter to the organizers which warned of those who wished to "cast ourselves rashly upon the perilous experiment of a dissolution of the Union." How could men, he asked, "draw a line of separation between the severed parts?" Without the bonds of nationhood forged out a common struggle, anarchy would inevitably ensue.

²²⁰ Thomas Maitland Marshall, "Diary and Memoranda of William L. Marcy, 1849-1851," *American Historical Review* 24 (April 1919): 448-49.

With “new confederacies . . . formed out of the bleeding fragments of the old one,” Clay asked, “how long before war would break out, the most vindictive, implacable and desolating?” This train of events resulting from secession had made it necessary for men of different political parties to come together and “rush to the support of the Union.” Clay recognized the immense power of party attachments, even in the Deep South, and asked citizens to consider whether they were more valuable than the Union itself. For the presence of “systems and measures of public policy,” which tended to separate the parties, “would cease to become objects of contention, if that greatest of all public calamities, a dissolution of the Union, were unhappily to occur.”²²¹

In light of his concern that sectional strife correlated directly with partisan strife, Clay addressed the Kentucky Legislature in November 1850. Like Webster, Clay foresaw that agitation over the fugitive slave bill might lead to “the formation of two new parties, one for the Union, and the other against the Union.” He conceded that in the past, political parties tended to differ upon questions of public policy, such as banks, internal improvements, or the tariff. Nevertheless, Clay bitterly resisted any attempt to fuse Free Soil Democrats and Whigs to form what he called “a contemptible Abolition party.” Should this effort succeed, Clay reasoned, men of good will would be driven to adopt the platform of “the union, the constitution, and enforcement of its laws – and if it should be necessary to form such a party, and it should be accordingly formed I announce myself in this place a member of that party whatever may be its component elements.”²²²

²²¹ Henry Clay to Benjamin Gratz *et al.*, October 14, 1850, printed in *The Papers of Henry Clay*, ed. Melba P. Hay, 10 vols., (Lexington: University Press of Kentucky, 1959-1991), 10:820; Henry Clay to “Messrs. Adams, Pickens, Jennings, and Harper,” October 31, 1850, published in *Jackson Flag of the Union*, November 22, 1850.

²²² Henry Clay to Kentucky Legislature, November 15, 1850, printed in *The Papers of Henry Clay*, ed. Melba P. Hay, 10 vols., (Lexington: University Press of Kentucky, 1959-1991), 10:828-830. In his biography of Clay, Glyndon Van Deusen speculates on Clay’s motives for this speech on the basis of a letter from Francis P. Blair which detailed a conversation Clay had with Blair. According to Blair, Clay purposely advocated a Union Party back home to challenge John J. Crittenden over the allocation of patronage to Kentucky. Crittenden served in the Fillmore Administration as Attorney General. Though an intriguing hypothesis, no additional evidence from Clay or Crittenden has turned up to confirm this story. Glyndon Van Deusen, *The Life of Henry Clay*, (Boston: Little, Brown, 1937), 298.

The *Herald*, a New York newspaper edited by James G. Bennett with ties to Daniel S. Dickinson and the Hunker Democrats, agreed with Clay and Webster in favor of a new party. Previous Union meetings after passage of the Compromise measures were all fine and well, according to the *Herald*, but they had failed to achieve “practical results.” What was needed was “the laying down, and the building up, of some substantial platform, looking to practical measures for the preservation of the Union.” During November, a Washington D.C. newspaper committed to the development of a new Union Party, the *Constitution*, sprang up and promised “faithfully to represent the sentiments of the Union Party.”²²³ The *Herald* demanded more, however. Besides endorsement of the Compromise, the only other measure which could possibly “give confidence to the South” lay in “the permanent organization of a great Union party upon a well-defined Union platform.”²²⁴

The *Herald* noted how the drive for a Union Party was helped along by the actions of southern secessionists. The Governor of Alabama, the cautious Henry W. Collier, was afraid of encouraging strong divisions within his state and so he purposely withheld any call for a convention of the people to decide upon secession or some other mode of resistance to the Compromise. Governor Quitman of Mississippi issued a proclamation which brought the Mississippi legislature into special session on 18 November 1850 to consider a formal response to the passage of the several compromise bills, that might include secession. The legislature, in turn, approved of a special convention to meet on the first November of 1851 with delegates elected exactly two months earlier. Georgia’s Governor Towns had called for an election of a special convention on 25 September with elections occurring in November. Georgia voters seemed to express their approval with the Compromise in November by giving its advocates a decided majority for the convention due to meet on 10 December. The document it approved four days later by the overwhelming vote of 237 to 19 pledged Georgia’s acquiescence to the congressional settlement of the slavery question and threatened to “break every tie that bound her” to the Union if it should be disturbed.

²²³ *National Intelligencer*, November 12, 1850.

²²⁴ *New York Herald*, November 23, 1850.

Termed popularly the “Georgia Platform,” this set of resolutions had given the Union men a reasonably clear platform upon which they could stand before the voters, but it had at the same time masked some important ideological concerns. Although sometimes interpreted by historians as a key development leading to Georgia’s secession in January 1861, the resolutions themselves said nothing about the purported right of secession, preferring to use the far more ambiguous “resistance.” Efforts on the part of Southern Rights men at the Milledgeville convention to offer more strident resolutions claiming such a right failed. Although Whigs tended to throw their allegiance behind the new Georgia Constitutional Union Party, most Whigs accepted the legality of secession as consistent with their background as States Rights Republicans during the Nullification Crisis.²²⁵ Union Democrats, a minority within their state party, tended to take a strong stance against such a position as inconsistent with the stern rebuke secession received at the hands of Andrew Jackson. Despite this source of tension, pro- and anti- Compromise Democrats and Whigs in Alabama, Georgia, and Mississippi coalesced into formal Union and Southern Rights parties and discarded their old Democratic and Whig identities around the time of the Georgia Platform.

The position of Bennett and Marcy entirely coincided with the aims of Daniel S. Dickinson and his faction of New York Democrats. The Whig triumph in the November 1850 state elections had erased a Democratic advantage and left Dickinson and other Hunker Democrats in a lurch. During a meeting of conservative Democrats, Horatio Seymour Jr. explicitly posed the question of whether to join conservative Democrats with Fillmore Whigs together against the extreme anti-slavery men of both parties. He reported to Dickinson, “*Our Folks* generally were for it.” Seymour thereupon discussed the matter with the Fillmore Whigs, only to find himself unexpectedly rebuffed. Though “professing to be entirely friendly to the objects conceding fully the utility of such meetings elsewhere,” Seymour noted, “they affected to think that it was now rather late for such a meeting & therefore unnecessary – that public sentiment at the North

²²⁵ For a discussion of the different factions involved in the struggle over nullification in Georgia, see Richard E. Ellis, *The Union at Risk: Jacksonian Democracy, States’ Rights and the Nullification Crisis*, (New York: Oxford University Press, 1987), 102-23.

had already settled down in favor of the ‘Compromise Measures’ &c &c.”²²⁶ There was little conservative Hunker Democrats could do in the meantime except to wait. These unhelpful Fillmore Whigs had most likely received their marching orders from the President in Washington, Seymour surmised. The New York Democrat proved ultimately correct, as evidenced in a letter to Fillmore from his former Buffalo law partner, Solomon G. Haven. Through an exchange of letters, the two men found that they shared precisely the same sentiment against the movement for a new Union Party. Thus emboldened, Haven “thought [it] best to lay still here, decline proffers [sic] for a Union meeting, and having the political organization of the country in our hands, I think it best to treat the Hunkers kindly, but wait until they come to us which I am sure they will not do.” Offered the plums of federal patronage from a like-minded national administration, local Fillmore Whigs saw little reason to disrupt their favored position through a formal alliance with conservative Democrats.²²⁷

The triumph of the Union men in the Deep South in November 1850 with the nearly unanimous adoption of the Georgia Platform had dealt a crippling blow to those counseling resistance to the Compromise. The presence of Union meetings throughout the country had done much to confirm this impression. Listening to Whig Rufus Choate at Faneuil Hall equally laud Democratic and Whig supporters of the Compromise, one might excuse the boldness of Connecticut Democrat Colin M. Ingersoll’s remark to Virginian William C. Rives in December, 1850. Ingersoll predicted that a new “Era of Good Feelings” would soon descend upon the country and that all the past agitation over the Compromise might finally cease. Congressmen, too, held the (temporary) silence over the question of secession after the adoption of the Georgia Platform as further proof that South Carolina could not win over the hearts and minds of her sister slave states. There were signs, however, that the good feeling which seemingly prevailed over the nation would not last. Most importantly, contemporaries wondered

²²⁶ Horatio Seymour to Daniel S. Dickinson, December 30, 1850, Daniel S. Dickinson Papers, Newberry Library. (Emphasis in original)

²²⁷ Solomon G. Haven to Millard Fillmore, January 1, 1851, Millard Fillmore Papers, Buffalo Historical Society, quoted in Robert J. Rayback, *Millard Fillmore: Biography of a President*, (New York: American Political Biography Press, 1959, rpr. 1992), 345 n39.

whether the Compromise had finally brought an end to the practice of major party politicians bidding for Free Soil votes in the North. While some states, such as Indiana, did overwhelmingly pass resolutions in favor of the Compromise, the Free Soil Party in Massachusetts scored a major coup in early 1851 by placing one of their own, Charles Sumner, in the U.S. Senate with aid of Democratic votes. If these attempts at collaboration were allowed to continue, some congressmen asked themselves, what would prevent the major parties from endorsing a foe of the Compromise in the upcoming Presidential election. As long as extremist third-parties, occupying a balance of power between the two major parties could command their support, the very longevity of the Compromise, and indeed the Union, seemed very much in question. Secessionists in South Carolina adopted a plan on 11 January 1851 for sending delegates to yet another Southern Congress as well as a general call for a convention in Columbia to discuss secession.²²⁸

The militancy of South Carolina prompted supporters of the Compromise in Congress during January 1851 to issue a strong statement allegedly written by Georgian Alexander H. Stephens. Forty-four congressmen and senators signed this document which announced they would never endorse any future candidate for the Presidency who did not accept the Compromise as a permanent settlement of the recent difficulties over slavery. This group primarily consisted of Whigs, including Henry Clay and Alexander H. Stephens, but it also included three Democrats who joined state Union parties, including Henry S. Foote, Howell Cobb, and Jeremiah Clemens. Besides these men, the group also secured the participation of Louisiana's Solomon Downs and Texans Thomas J. Rusk and Sam Houston. What was notable about this group, however, was the absence of prominent pro-Compromise northern Democrats, Daniel Dickinson and Lewis Cass. Cass, whom virtually everyone expected to seek the Democratic nomination in 1852, likely took notice of the strongly negative press this movement in Congress received at the hands of Democratic newspapers. Much as they had done in 1850, these papers decried any talk of a Union Party as being nothing more than a Whig trick. Also, as Cass and Dickinson well knew, the failure to get

²²⁸ "An Act To Provide for the Appointment of Deputies to a Southern Congress, and to Call a Convention of the People of this State," [January 11, 1851], Governors' Papers: Bell, 1849-1853, Texas State Library.

cooperation between Hunker Democrats and Fillmore Whigs in New York after the November elections presented a significant obstacle to the launch of any future Union Party in the North.²²⁹

Talk of a new Union Party reached beyond the Halls of Congress, as pro-Compromise men sought to gauge receptivity to the idea. Seeking to gauge sentiment for a Union Party in his own state of Tennessee, Senator John Bell posed the question to two fellow Whigs. Both responded negatively, with one admitting that while it might temporary benefit Whigs in such a coalition “it would benefit Democrats more.”²³⁰ An even more common argument, as given by the Democratic-leaning *Ohio Daily Statesman*, was that a permanent Union coalition would be unnecessary since “Thank God, the hour of temporary trial is past, and the great democracy of the Union will be as they always have been, the only Union party[.]”²³¹ Now that the country had produced a settlement acceptable to the vast majorities of both sections, the old parties were free to return to debating other pressing concerns, such as the traditional economic issues of the tariff and internal improvements. Still, the supporters of such a movement would not be so easily dissuaded. Upon hearing that pro-Compromise Thomas Ritchie professed his opposition to any new Union Party and wished to stand behind the old Democratic Party, the New York *Herald* remarked at the foolishness of such an idea when “the elements of disaffection to the Union are still active North, and South.”²³²

A political ally of Daniel Webster tried to enlist Georgian Howell Cobb and other Union Democrats in forming a new national party. Those who had endorsed the new party had taken preparatory

²²⁹ John S. Milson to John N. Tazewell, January 25, 1851, Tazewell Family Papers, Box 9, Library of Virginia; Carl Schurz, *Henry Clay*, 2 vols., (New York: Houghton-Mifflin, 1899), 2:378. See also, Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*, (New York: Oxford University Press, 1999): 620-622, 1072 n72, where Holt identifies Stephens as the author on the basis of a contemporary letter endorsed by Stephens foe and Georgia Whig Senator John M. Berrien as well as references in other letters.

²³⁰ Charles Ready to John Bell, January 3, 1851 and Thomas A. R. Nelson to John Bell, January 10, 1851, (quote), both in John Bell Papers, [microfilm], Manuscript Division, Library of Congress.

²³¹ (Columbus) *Daily Ohio Statesman*, January 8, 1851.

²³² *New York Herald*, January 11, 1851. For denunciations of the Union Party idea in the Deep South, see, for example, *Jackson Mississippian*, January 3, 1851; *Greenville Mountaineer*, January 10, 1851.

steps to call a “National Union convention” in 1851 to meet at a later designated site on George Washington’s birthday, 22 February, he said. Patriotic citizens throughout the Union deeply desired that this movement come to fruition, he claimed, regardless of “whether Mr. Clay, Mr. Webster or Mr. Cass have ‘privately’ expressed their ‘disapprobation’ of such a ‘Union Party’ or not.” The set of principles for the new party were “wide and high enough to for all parties to unite in peace and union.” Indulging in some of the staples of anti-party rhetoric during this period, the letter to Cobb highlighted the willingness to proceed with this movement “whether the Whig or Democratic party like them or not, and before which measures and issues all other measures of either party will be sunk deep in oblivion.” A postscript carried the “independent ticket and nomination” of incumbent Millard Fillmore for President and Howell Cobb for Vice President.²³³

The occasion of George Washington’s birthday provided an opportunity for politicians to assess the current state of politics in light of the words of the first president. President Fillmore himself honored the memory of George Washington in a public letter of 17 February in response to an invitation to attend the festivities on the 22 February. He could not participate himself, but he chose the opportunity to repeat the sage words of Washington. Quoting from a section of the famous Farewell Address of his illustrious predecessor, Fillmore reminded the Union Committee of New York that “it occurs as a matter of serious concern, that any ground should have been furnished for characterising [sic] parties by geographical discriminations—Northern and Southern—Atlantic and Western.” The wisdom of Washington, Fillmore told the gathering, represented a “fountain of patriotism” that would behoove Americans to reflect upon while celebrating his birthday.²³⁴ Georgia congressman Marshall J. Wellborn likewise told the people of his home state on 21 February that they now faced the dangerous realization of Washington’s warning against the formation of geographical parties. Though events of the past few months had deranged old

²³³ Benjamin Balche to Howell Cobb, January 10, 1851, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 220.

²³⁴ *Milledgeville Southern Recorder*, March 11, 1851.

party lines in Georgia and other parts of the South, he did not think it “apparent” that a new national party was necessary to combat secession. Within Georgia, he confidently noted, the voters simply would not tolerate the creation of a new exclusively southern party, “the first strictly and merely geographical or sectional party” either in the North or South.²³⁵

Howell Cobb echoed Wellborn in refusing to break completely from his old moorings in the Democratic Party and embrace a new national “Union Party.” Like Wellborn, Cobb received similar invitations to speak at Union meetings throughout Georgia, including one in Macon to which he respectfully declined. The events of the six months, he wrote in expressing his inability to visit Macon, “involving the most dangerous issue which can ever arise in our country was rapidly dividing the people of the Union into sectional organizations – thus driving the old ship of state with frightful velocity upon almost certain destruction.” Though some people might proclaim that the Compromise had settled the matter conclusively in favor of peace, “it would be a criminal blunder to suppose that they had been entirely overcome and destroyed.” The danger remained just so long as certain sectional agitators or disunionists continued “to poison the hearts of the people with a spirit of hatred to the Union of our fathers” and refused to view the Compromise as a “*final*” and irrevocable adjustment of the past sectional difficulties.²³⁶

In Georgia, the “Southern Rights party” represented the very “sectional organization” that Cobb and other Union men had deplored, men who saw in the North “no material for party organization sound and honest enough to command their respect and induce their alliance.” Still, Cobb dismissed out of hand the idea of participation in a Union Party as a kind of panacea for the evils of the sectional organizations championed by some prominent southern Democrats. “Your success, gentlemen, is not dependant, as some have idly supposed, upon the organization of a National Union Party.” After all, “many able and

²³⁵ *Macon Georgia Telegraph*, March 18, 1851.

²³⁶ Howell Cobb to Absalom H. Chappell and others, February 7, 1851, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 221.

distinguished men” had rebuffed earlier efforts to join such a cause.²³⁷ Adherence to the Compromise alone and not quibbles over mere party names must now occupy the attentions of all Union men in Georgia.

Cobb’s adamancy against joining a new party contrasted significantly with the eagerness of Robert Toombs. The Georgia Whig, while also declining his invitation to speak at Macon, saw that the “existing political organizations of the North, both Whig and Democrat, are wholly unequal to the present crisis.” Both major parties continued to engage in coalitions with the remnants of the Free Soil Party of 1848, with the effort in Massachusetts yielding the election of Free Soil candidate Charles Sumner to the U.S. Senate. The inability to prevent further attempts at coalition within the major parties thus led Toombs to embrace the need for “a thorough union with the sound men of both these parties, in a United National party.”²³⁸ Toombs did not require the threat of secession in Georgia to see the value of joining a new Union party against northern abolitionists whom had infiltrated both major parties.

After Cobb sent his letter to Chappell, other Union Democrats begged the Georgia congressman to keep an open mind about the proposed Union Party. Chief Justice Joseph H. Lumpkin worried that the loose coalition of Union men in Georgia had little direction and would inevitably cede the initiative to their opponents should the Constitutional Union Party in Georgia fail to get “cemented and consolidated regardless of any other organizations elsewhere.” Governor Towns and the Southern Rights men planned to hold a meeting of the legislature at Milledgeville as part of the necessary redistricting of congressional districts after completion of the new Census. If Towns and his ilk succeeded in accomplishing this before the scheduled Constitutional Union Party convention in June, Lumpkin feared, then “No stone will be left unturned to reorganize the old state parties” along the Democratic and Whig lines. While preventing Towns from destroying the Union movement in Georgia took precedence, the Chief Justice kept open

²³⁷ *Ibid.*

²³⁸ Robert Toombs to Absalom H. Chappell and others, February 15, 1851, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 227.

whether the Constitutional Union Party of Georgia might “form such national alliances hereafter as circumstances may dictate and justify.”²³⁹ Union Democrat John R. Stanford appeared not to have seen Cobb’s public letter before he sent off a letter to the Constitutional Union Party leader. Stanford had wished to hear that “you have formed a Union party in all the states out of the old Democratic & Whig parties.” Aware of the difficulties inherent in getting state parties to cooperate on a national scale, Stanford nevertheless expected that men outside the South “will have to come to it, & it is the only way to defeat the abolitionists.” Without a new party, “the abolitionists will always be bargaining with one or the other of the old parties & keep both parties in hot water for years to come.” Besides, party divisions had eroded over the years to the point that “there is not now a significant difference between the Whigs and Democrats to keep them apart.”²⁴⁰

Georgian John H. Lumpkin also expressed concern over the future of the state and national parties. Writing nine days after Cobb had composed his original negative response to the idea of a national Union Party, Lumpkin admitted that he “gave up the national Democratic party with reluctance, and never did so until the issue was forced upon me without my consent, but I am now satisfied that a national party organization upon the basis of the compromise measures of the last session is the only barrier against factions and fanatics at the two extremes of the Union.” Cobb should tell *Washington Union* editor Thomas Ritchie that Union Democrats in Georgia mean to form their own national organization, but if this is impractical, then “they will either act alone or as a separate independent party, or with that political party that is more hostile to abolitionists at the north or disunionists in the south.”²⁴¹

South Carolinians decided to give the Southern Rights and Union parties within Alabama, Georgia, and Mississippi a bit of a push. In Charleston, separate state secessionists met during the early

²³⁹ Joseph H. Lumpkin to Cobb, February 10, 1851, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 227.

²⁴⁰ John Stanford to Cobb, February 11, 1851, “Howell Cobb Papers,” (ed. R. P. Brooks), *Georgia Historical Quarterly* 5 (September 1921): 44-45.

²⁴¹ John H. Lumpkin to Cobb, February 16, 1851, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 229-230.

part of May and called for a state convention on the issue. Governor Whitmarsh B. Seabrook fervently counted upon some other Deep South state seizing the initiative in the cause of Southern Rights. As he related to U.S. Senator Andrew P. Butler, “The Southern States, nay Georgia alone, is entirely competent to the dictation of terms to the Federal Government. Let our neighbor say, grant what South Carolina demands, which is only what we require, or we will follow her example [and secede].”²⁴² The long-time Postmaster of Charleston, Alfred Huger in contrast regarded the course of the separate state secession meeting at Charleston with dread. American democracy enabled any “public meeting that assembles at the Court House or the Muster field with a Chairman & a Secretary” to claim they represented the sovereign voice of the people, he fumed. Huger could see only anarchy ahead. He hoped such a convention never assembled, but looked to the strength of all the southern states standing upon a common “Platform” in favor of the right of secession and thus pressure Congress into making concessions. Otherwise, he felt the precipitate actions of those leading the case for separate state secession, such as Langdon Cheves, Robert Barnwell, and Andrew Butler, “would at once force us to ‘Being’ a Union Party, too numerous to be subdued by denunciation at Home, when supported by the Sympathy of Every Southern State in the Confederacy.”²⁴³

While Huger worried about the relative ease in which popular demonstrations assumed the character of popular sovereignty within South Carolina, secessionists in Mississippi made a virtue out of civil disobedience. In fact, the Mississippi Southern Rights men ultimately tendered their 1851 gubernatorial nomination to a man under federal indictment for organizing a filibustering expedition to Cuba.²⁴⁴ If the Union men in Mississippi wished to make an issue of the rule of law against their

²⁴² Whitmarsh Seabrook to Andrew Butler, May 12, 1851, Whitmarsh Seabrook Papers, Manuscript Division, Library of Congress.

²⁴³ Alfred Huger to Cleland Huger, May 13, 1851, Cleland Huger Papers, South Caroliniana Library, University of South Carolina.

²⁴⁴ For a summary of the Mississippi Southern Rights convention, see John Francis Hamtramck Claiborne, *Life and Correspondence of John A. Quitman*, 2 vols., (New York: Harper & Brothers, 1860), 2:137-38. Robert E. May has shown the politicking behind-the-scenes that failed to enter into newspaper reports of the 17 June nomination in his biography of Quitman. Robert E. May, *John A. Quitman: Old South Crusader*, (Baton Rouge: Louisiana University Press, 1985), 258.

opponents, they had a prime exhibit in Governor John A. Quitman. When a grand jury in New Orleans formally charged Quitman in June 1850 with violation of the Neutrality Act of 1818, Quitman sought to present himself as a martyr to the cause of Southern Rights. As he explained later to Mississippi Congressman Jacob Thompson, “I may fall in the breach, but if so, I trust that my fate may be a useful lesson to the people.”²⁴⁵ Thompson offered his full devotion to Quitman and the battle against consolidation of power at the national level. “When the President of the United States commands me to do one act, and the executive of Mississippi commands me to do another thing inconsistent with the first order, I obey the governor of my state,” he assured Quitman.²⁴⁶ Quitman fought hard, but on February 3, 1851 the U.S. Marshal of the Southern District of Mississippi came to arrest the governor and transport him to New Orleans to stand trial. His political friends urged him to stand firm. Albert G. Brown opined that “The Fillmoreans fancied that you would resist” and turn the attention of white southerners from the lack of enforcement of the Fugitive Slave Act.²⁴⁷ Eventually released from federal custody, Quitman explained to the South Carolina governor his confident hope that a victorious Southern Rights Party in Mississippi would join a proposed Southern Confederacy. Indeed, that “popular feeling [in Mississippi has] always [been] warmly responsive to the sentiment, that should S Carolina secede, and the Federal Government attempt to coerce her, it would be the duty of Mississippi, regardless of consequences, to throw herself into the contest and aid her sister state.”²⁴⁸

Did statesmen outside the Deep South endorse federal coercion of a seceding state? Interestingly, Webster and Clay offered contrasting answers to this question in response to South Carolina’s determination to leave the Union. In his speech at Buffalo on 22 May, Webster asked his audience

²⁴⁵ John A. Quitman to Jacob Thompson, August 15, 1850, printed in John Francis Hamtramck Claiborne, *Life and Correspondence of John A. Quitman*, 2 vols., (New York: Harper & Brothers, 1860), 2:62.

²⁴⁶ Jacob Thompson to John A. Quitman, September 2, 1850, *Ibid*, 2:63.

²⁴⁷ *Ibid*, 2:73.

²⁴⁸ John A. Quitman to Whitmarsh B. Seabrook, June 26, 1851, both in Whitmarsh Seabrook Papers, Manuscript Division, Library of Congress.

whether Americans “could preserve the union of the states, not by coercion, not by military power, not by angry controversies . . . [but] by such administration of the powers of the Constitution as shall give content and satisfaction to all who live under it, and draw us together, not by military power, but by the silken cords of mutual, fraternal, patriotic affection?” Though he spoke before his fellow northerners, Webster really wanted his words to resonate down South. Even as he considered himself “a party man,” the Secretary of State still urged his listeners to suspend the passions of party for the sake of national unity. “If a house be divided against itself, it will fall, and crush everybody in it,” he warned. Webster also sullied the reputation of the late President Taylor as he recalled the Texas boundary controversy of the preceding summer. Though President Taylor could have put down the aggressive Texans by force within the span of a week; his military action would have inaugurated civil war. The President, a gallant soldier, used only his “military foresight” to consider the immediate consequences of “an appeal to arms.” Webster told his audience that Taylor and his advisors entirely ignored the “results of political disturbances, the violence of faction carried into military operations, and the horrors attendant on civil war.”²⁴⁹

Webster then proceeded to contrast this shortsightedness with that of “statesman like foresight,” of legislators like Webster who busily worked to craft a compromise suitable to both sections and avoid bloodshed.²⁵⁰ True statesmanship contemplated the likely political effects of military operations, particularly given the sensitivities of American public opinion concerning the use of military force. As Webster had previously told President Fillmore after the passage of the several Compromise bills, “our people are naturally jealous of the exercise of military power.”²⁵¹ The Secretary of State insisted that ordinary citizens of the North discharge their “constitutional duties” to enforce the Fugitive Slave Law. To

²⁴⁹ Speech at Buffalo, May 22, 1851, *The Papers of Daniel Webster: Speeches and Formal Writings*, ed. Charles M. Wiltse, 2 vols., (Hanover, New Hampshire: University Press of New England, 1988), 2:581-582

²⁵⁰ *Ibid*, 2:593.

²⁵¹ Daniel Webster to Millard Fillmore, November 5, 1850, printed in *The Papers of Daniel Webster: Correspondence*, ed. Charles M. Wiltse, 7 vols., (Hanover, NH: University Press of New England, 1974-1989), 7:177.

the audience in Buffalo, Webster stressed the reciprocal responsibilities that people in the Free States owed to southern slaveholders as fellow members of the Union. American citizens must freely consent to perform their duties toward their fellow citizens without the fear of governmental coercion. The use of force to compel obedience to law, Webster argued, would spell the end of this glorious experiment in republican self-government.²⁵²

Like Webster, Clay drew a direct equivalence between the actions of Free Soil men of the North and South Carolina secessionists. These sectional extremes together manifested “a spirit of opposition to the Constitution and Laws existing.” Both Clay and Webster, moreover, professed to fear the terrible consequences that might befall the country severed by civil war. The two men parted company as to whether the national government should use force against organized lawbreakers. Clay earlier expressed an affirmative answer to this question in a 17 February public letter to members of the New York Union Safety Committee. Despite his hatred for war, Clay stood ready to see “the standard of resistance to the Laws and of rebellion” most “promptly and energetically put down” by the resources available to the national government. The resulting “moral effect,” Clay noted, “would be to add greater strength & stability to our glorious Union.”²⁵³ The belligerent stance of the Kentuckian reflected his seeming disinterest in courting the southern Union Whigs. Some two weeks after writing his letter to New York’s Union Safety Committee, Clay offered advice to President Fillmore on the allocation of patronage. The group of Georgia Union Whigs “has been far from supporting your Administration.” Clay also tried to dash the hopes of a foreign appointment for Alabama Union Whig Henry W. Hilliard. That gentleman, he wrote, stood opposed to all good Whig measures, including “the Tariff, the Organization of the House, [and] the Rivers and Harbour bill.”²⁵⁴ Given his insensitivity to the position of these Deep South Whigs,

²⁵² Speech at Buffalo, May 22, 1851, *The Papers of Daniel Webster: Speeches and Formal Writings*, ed. Charles M. Wiltse, 2 vols., (Hanover, New Hampshire: University Press of New England, 1988), 2:596.

²⁵³ Henry Clay to Francis Lathrop et al., February 17, 1851, printed in *The Papers of Henry Clay*, ed. Melba P. Hay, 10 vols., (Lexington: University Press of Kentucky, 1959-1991), 10:861.

²⁵⁴ Henry Clay to Millard Fillmore, March 3, 1851, *Ibid*, 10:877.

perhaps it should come as little surprise that Clay showed so little compunction at the use of force against a state like South Carolina.

Five days before Webster spoke in Buffalo, Henry Clay answered a query from a fellow Kentucky Whig concerning the likely course of South Carolina. In his reply, Clay scoffed at such hopes that the Union can “be preserved and kept together, by an exclusive reliance upon love and reason.” Though he professed to have “some confidence in this instrumentality,” the Kentucky Senator disputed any notion that “human government can exist without the power of applying force, and the actual application of it in extreme cases.” Moreover, South Carolina “would be speedily reduced to obedience, and that the Union instead of being weakened would acquire additional strength.”²⁵⁵ Clay’s optimism about the use of force against South Carolina stemmed from his disinterest in courting southern opinion for a possible presidential bid under a bipartisan Union ticket. Aware that his health had taken a turn for the worse, Clay felt sufficiently unburdened to share his sentiments with northern supporters. To the New York City conservative Whig Daniel Ullmann, the Kentucky Senator dismissed the possibility of a third party challenge to the major parties in 1852. While acknowledging his favorable opinion of Democrat Lewis Cass regarding the Michigan Senator’s stance on the Compromise, Clay believed “it unwise to suppose that when the two parties shall have brought out their respective candidates, each will not rally around its own standard.” Given the deep divisions within both parties, he predicted that the next main issue would be the legality of secession.²⁵⁶ In proclaiming his belief in force, Clay and Webster switched places in the respective positions during the Nullification Crisis. In the winter of 1832-33, Webster prominently sided with Jackson on the use of the Force Bill against the recalcitrant South Carolinians, whereas Clay negotiated a reduction of the tariff with South Carolina Senator John C. Calhoun.

Despite their differences, both Clay and Webster concurred in their opposition to the idea of a voluntary Union – a concept enshrined in the official platform of the Southern Rights Party of Georgia. That organization met in convention on 28-29 May in the capital of Milledgeville at Representative Hall.

²⁵⁵ Henry Clay to Thomas B. Stevenson, May 17, 1851, *Ibid*, 10:881.

²⁵⁶ Henry Clay to Daniel Ullmann, June 14, 1851, *Ibid*, 10:896.

After some preliminary motions, the meeting appointed a committee of thirty-three delegates to report a platform to the entire convention for its approval. The Preamble of the report to the Convention took aim at the "high hand" manner in which northern and southern congressmen in 1850 "deprived" the southern minority "of all their interests in the Territories acquired from Mexico." The Compromise of 1850, it argued, furnished evidence of a "Government [which] is undergoing changes...tending directly to a corruption and consolidation of the Government, and utterly unknown to the Constitution, as understood by the makers, of that instrument, and as heretofore interpreted by all parties in the South." The Southern Rights Party came into being to arrest these changes and preserve the principle of state sovereignty, including the right to withdraw freely from the Union. The Federal Government could not compel States to remain in the Union, the third resolution of the committee report claimed, since states entered voluntarily into the Union and "therefore this is a Union of consent and not of force." Consistent with the position of Southern Rights leaders in 1850, the eighth resolution argued in favor of Congress dividing California along the 36-30 line with the consent of the people in that state. After considerable debate, a motion to strike out this resolution failed on a vote of 55 to 79. The final and twelfth resolution formally nominated Charles J. McDonald, a former Whig governor and a man who tellingly, in the words of South Carolina U.S. Senator Robert W. Barnwell, "sets out not knowing where he is going to & gets frightened at the rapidity of his progress & the company with whom he is traveling."²⁵⁷ In the end, despite the protests of two delegates from Burke County, the convention adopted the entire report and made arrangements to notify McDonald of his nomination.

Three days later, the Constitutional Unionists of Georgia had a chance to respond to the principles of the Southern Rights Party. General John W. A. Sanford of Baldwin County told the delegates that though "Opposed heretofore in many of our views of national policy, an occasion is upon us that commands us to forget our past differences." In this moment, "we are found rallying around the standard

²⁵⁷ *Milledgeville Federal Union*, June 3, 1851; Robert W. Barnwell to James H. Hammond, September 26, 1850, printed in John Barnwell ed., "'In the Hands of the Compromisers': Letters of Robert W. Barnwell to James H. Hammond," *Civil War History* 29 (June 1983): 168.

of the Union and the Constitution; clinging to the Union as it is, and to the Constitution without change, with all its compromises and with all its guarantees." Delegate Robert A. Toombs presented the report of resolutions for the action of the convention. Far briefer than the Southern Rights platform, the two proposed resolutions of the Constitutional Unionists embraced the Georgia Platform and a biting critique of how their opponents had instigated "such divisions and dissensions thus weakening us, to invite a renewal of aggressions upon Southern rights, which may end in the overthrow of our Union, in the destruction of our free and happy government, and entailing on ourselves and children the consequences of revolution." Given the reaffirmation of the Georgia Platform, Toombs and his committee likely did not see the need for further statement on the Compromise of 1850 or secession. Crucially, it left open the question as to whether the Constitutional Unionists actually disagreed with the Southern Rights position of a voluntary Union that prohibited federal coercion of a state. This omission would come back to haunt the Constitutional Unionists later in the campaign. For now, the Convention accepted the twin resolutions and proceeded to nominate Howell Cobb for governor.²⁵⁸

The support for the Union among the Unionists did not necessarily extend to recognition of the national government's power to coerce seceding states. Howell Cobb spoke out more than any other Unionist in Georgia against the right of secession, which occasioned friendly disputes with Union Whigs Toombs and Alexander H. Stephens who recognized the existence of such a right.²⁵⁹ Throughout his legislative career, Stephens deprecated the use of coercion to hold states within the Union. As he once expressed to John J. Crittenden, "The General Government I know is strong, but the different sections of this Republic cannot long be kept together by force."²⁶⁰ The public stance taken by Howell Cobb on this

²⁵⁸ *Macon Southern Recorder*, June 3, 1851.

²⁵⁹ Robert A. Toombs to Howell Cobb, June 9, 1851, "Howell Cobb Papers," (ed. R. P. Brooks), *Georgia Historical Quarterly* 5 (September 1921): 47; Alexander H. Stephens to Howell Cobb, June 23, 1851, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 237. For an example of a Union Democrat eager to prevent Cobb from giving further public statements against the right of secession, see S. T. Chapman to Howell Cobb, June 11, 1851, *Ibid*, 236.

²⁶⁰ Alexander H. Stephens to "Dear Sir" [John J. Crittenden], December 17, 1849, Alexander H. Stephens Papers, Box 2, David M. Rubenstein Rare Book & Manuscript Library, Duke University.

issue attracted considerable attention. For instance, the *Milledgeville Recorder* attributed to Cobb the belief that like “all candid men, and with South Carolina in particular, that when the fearful collision does come, if come it must, the issue will be decided only by arbitrament of the sword.”²⁶¹ Cobb possessed clear indications that any use of force against secession would rally southerners together far more easily than any party or public meetings in opposition to the Compromise. During the early part of August 1851, Cobb received a number of resolutions like the one adopted at a Sandersville, Georgia Constitutional Union meeting that asked him to clarify his stance on the use of military coercion against any seceded state.²⁶² The meeting had earlier unanimously denied “to the general government the right of making war upon or by force preventing any state from withdrawing from the Union who by a constitutional majority of her people determines to do so.” Regardless of whether men believed in such a right, “policy and wisdom alike demands its non exercise.”²⁶³

When Cobb finally chose to present his views, he began by denying the right of secession. He personally doubted that the framers of the Constitution could have ever allowed “a principle of such vast importance, involving the very existence of a republic . . . [to] have been left an open question to be decided by inferences and metaphysical deductions of the most complicated character.” Although he acknowledged differences among Union men on the merits of this question, he dismissed these concerns as “but slight shades of difference as to the policy and effect of our action.” This debate was largely an abstract one anyhow “and therefore constitutes no impediment in the way of our cordial cooperation.” Moving from such a tolerant stance to better show his Jacksonian roots, Cobb argued in his letter that “I feel that I owe my allegiance to a government possessed of more vitality and strength than that which is

²⁶¹ *Milledgeville Recorder* quoted in *Jackson Flag of the Union*, July 11, 1851. For a pro-Cobb perspective, see the *Athens Southern Banner*, May 1, 1851.

²⁶² R. W. Flournoy and Others, Committee, to Howell Cobb, August 6, 1851, “Howell Cobb Papers,” ed. R. P. Brooks, *Georgia Historical Quarterly* 5 (September 1921): 48.

²⁶³ Samuel W. Flournoy to Howell Cobb, July 18, 1851, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 245.

drawn from a voluntary obedience to its laws.” Still, there were obvious limits to what Cobb would sanction in response to the act of secession. “Whilst I deny the right of a State to secede and thus dissolve the Union,” he concluded, “I would not attempt by the strong arm of military power to bring her citizens back to their allegiance unless compelled to do so in defence of the rights and interests of the remaining States of the Union.” Though Cobb allowed for the need to not recognize either a seceding state’s “separate independence” or “alliance . . . with any foreign government,” he seemed to place complete faith that such efforts on the part of the seceders would quickly prove futile. If the United States adopted a “kind and indulgent” stance toward the seceding state, “I have no doubt that in a very short time such State would feel it both her duty and interest to retrace her wandering steps and return to the embrace of the sisterhood.”²⁶⁴

Outside observers in the South paid close attention to the unfolding campaigns in Alabama, Georgia, and Mississippi. The New Orleans *Picayune* pointed to the presence of both Democrats and Whigs in favor of Quitman’s nomination at Mississippi’s Southern Rights Convention. Though Mississippi had long been a Democratic state, the paper reported, the Union men campaigning “against disunion in all its forms of direct or prospective secessionism for any existing cause . . . are willing to let party question remain in abeyance as they were, and defer to another season the struggle for party victory.” The parties would reorganize back to their original state, but only if the Southern Rights party failed to triumph at the polls. The very formation of such a party advocating “the destruction of the Government,” claimed the *Picayune*, would immediately call into being “a counter organization, irrespective of any secondary issues, and thousands of the best citizens and strict party men, distinguished as well for their unstained honor as for their services as champions and teachers of opposite political faiths – which each prizes as the religion of patriotism – will be found acting together, harmoniously, for the cause of the

²⁶⁴ Howell Cobb to John Rutherford and Others, August 11, 1851, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 251. For a treatment of the Unionist arguments against the right of secession in 1850-51 that strangely ignores the related question of whether the federal government could coerce a seceding state, see James L. Huston, “Southerners Against Secession: The Arguments of the Constitutional Unionists in 1850-51,” *Civil War History* 46 (December 2000): 281-299.

Union as it is, and the constitution as it is.” In regular times, the “cohesive spirit of party” would prevent politicians in opposite parties from coming together in such a union. Try as they might to moderate their views to achieve unity on a platform of cooperative action, the Southern Rights men had only one real objective – “the dissolution of the Government, sooner or later, by single or cooperative secession,” which served as “the desirable, inevitable, and only effective form of ‘resistance’ to the compromise laws as they are.”²⁶⁵

At bottom, the debate over coercion exposed the problem of adherence to law in a democratic society. In the estimation of pro-Compromise papers like the *Picayune*, support or opposition to the original compromise measures did not accurately represent the differences between the parties. For the question animating the contest was not whether one accepted the compromise *in toto*, as a compromise by definition implies that “both parties would have desired and exacted, if they could, something different,” but whether one was willing to go to the point of actual secession in resistance to the law. If you preferred to stay within the bounds of law and permit the compromise to go on “faithfully observed,” then you were a Unionist, according to the *Picayune*, and “you ought to join in resisting the revolutionary plans of the anti-compromisers; and you will be compelled to do so, sooner or later, if they are permitted to proceed in establishing these tests” of party against pro-Compromise men. As to why Louisiana had not witnessed the formation of a Union Party, the newspaper explained that it was because “disunion has never yet organized itself, as it has done elsewhere.” Nevertheless, whenever “a demonstration is made” in the Pelican State, on the part of “agitators” seeking to establish a party on the basis of the issue Union or Disunion, these men “will be confronted, by a wheeling into the same line, of such a mass of both of the old parties . . . and we believe, moreover, that it is the full conviction of that fact, which has repressed and kept back all such movements.”²⁶⁶

²⁶⁵ *New Orleans Picayune*, July 1, 1851.

²⁶⁶ *Ibid.* For an analysis of why Southern Rights and Union parties failed to appear in Louisiana, see Jonathan M. Sacher, *A Perfect War of Parties: Parties, Politicians, and Democracy in Louisiana, 1824-1861*, (Baton Rouge: Louisiana State University, 2004), 163.

Unable to bring other states into the debate over the Compromise, Southern Rights men then sought to get a better sense of the reaction from Washington should single-state secession occur. In particular, some looking for cooperation among the southern states wondered whether the President would depart from his posture during the Texas boundary dispute the previous year. Would President Fillmore similarly seek a role for Congress in handling single-state secession or use his presidential powers to call up the U.S. Army to put down rebellion?

During a trip through the North in the summer of 1851 to visit certain prominent men of science, South Carolinian theologian and naturalist John Bachman who did “not go for the compromise or for submission under it” saw his position akin to “those of McDonald, Quitman, Butler Soule Davis.” While “opposed to separate state secession,” Bachman remained “in favour [sic] of agitation, uniting the South – biding our time & then if we do not receive justice in the Union, we can secure it out of it.” Possessed of these views, he made sure to visit with President Fillmore. In a one-hour conversation, the President and the minister discussed the nature of the southern acquiescence to the Compromise of 1850, something the President “appeared to be anxious to converse with me.” Fillmore asked whether the South would accept the Compromise, to which the South Carolinian replied that it would on the condition that the federal government respects the constitution. When Fillmore asked for clarification, the minister explained the threat of military force against Texas in 1850. Fillmore, according to the South Carolinian, apparently responded by defending the action as necessary to keep the peace between a state and a part of a territory, but that the immediate secession of an entire state “would present a different state of things & would be attended with immense difficulties.”²⁶⁷ Congress likely would have to be consulted regarding an acceptable policy.

While the President did not explicitly state his position on the possibility of South Carolina’s secession, other men in the North apparently did. “The Whigs I think would insist on collecting the duties at the Fort or if this could not be done to station a few armed vessel[s] at the harbour [sic] & send the vessels to pay duty at Wilmington or Savannah,” he noted to South Carolina legislator Henry Sumner. In

²⁶⁷ John Bachman to Henry Sumner, September 6, 1851, John Bachman Letter, South Carolinana Library.

contrast, “The Democrats said let Carolina have the forts & their commerce – the government can afford to have custom houses on the borders & slowly Carolina will be starved out.” Either way, Bachman discovered, the people of South Carolina will lose. If southern rights men throughout the Deep South would only adhere to a common platform based upon the ultimatum policies of Southern Rights gubernatorial candidates John A. Quitman of Mississippi or Charles J. McDonald of Georgia, “all Carolina will cheerfully come up.” Instead, he lamented, “Unionists in Georgia, Alabama & Mississippi bring to the people the violence of Carolina,” by which he meant *party* violence between secessionists or those advocating resistance to the Compromise and their opponents.²⁶⁸

Unionists did not need to resort to violence to trounce the Alabama Southern Rights men during the August state elections there. Unionist James S. Abercrombie defeated Southern Rights candidate by about 1,000 votes in the Second Congressional District presaging the outcome of the election. Southern Rights candidates for Congress in Alabama won just two out of the seven seats. The composition of the next state legislature in Montgomery would present a dour scene for advocates of Southern Rights. Nine Southern Rights men would encounter 24 Unionists in the state Senate; 36 Southern Rights state House members equaled slightly more than a third of the 63 total Unionists in the same chamber.²⁶⁹ For the first time in his political career, an excited Union Whig Henry W. Hilliard explained to Nathaniel Niles, “I am a majority in my State & now believe that I shall reach the [U.S.] Senate.” Like many Union Whigs in Alabama, Hilliard eagerly anticipated an electoral contest for the presidency not between Democrats and Whigs but among Unionists, Southern Rightists, and northern Free Soil men.²⁷⁰

²⁶⁸ *Ibid.* See also, John Bachman to Victor Audubon, September 11, 1851, John Bachman Letters, Charleston Museum Library. For more on Bachman’s political views and their relationship to his theology and science, see Lester D. Stephens, *Science, Race, and Religion in the American South: John Bachman and the Charleston Circle of Naturalists, 1815-1895*, (Chapel Hill: The University of North Carolina Press, 2000), 214-15.

²⁶⁹ Jacksonville *Republican*, August 12, September 2, 1851.

²⁷⁰ Henry W. Hilliard to Nathaniel Niles, August 13, 1851, Nathaniel Niles Papers, David Rubenstein Rare Book & Manuscript Library, Duke University.

The same singularity of purpose among the Southern Rights men would underlay the drive for Democratic reorganization in Mississippi. Some Southern Rights leaders, such as Jacob Thompson, privately fretted about the resounding defeat he and his party had taken at the hands of the voters. Governor Quitman too despaired of the result and promptly resigned on 6 September as the gubernatorial candidate of the Southern Rights Party. To the “great satisfaction” of Southern Rights men like Ethelbert Barksdale, Jefferson Davis reluctantly offered to vacate his U.S. Senate seat and run in Quitman’s place.²⁷¹ Momentarily without a candidate at the top of the Southern Rights ticket, Thompson quickly dispatched a note off to a political friend to reverse this ominous trend before it was too late. As he noted, “Unless we can do something to bring the issues before the public mind those democrats who leave us will become so embittered against their old friends, that they will finally become incorporated into the Whig ranks.” Furthermore, he urged his fellow Southern Rights leaders to “act to exert our due influence on the National Democratic party and [ascertain] how we can, if possible through our party organization, turn aside the tide of Northern aggression which is setting in upon us.”²⁷² The Jackson, Mississippi Unionist newspaper, the *Flag of the Union*, quickly caught on to this gradual abandonment of the Southern Rights men from their goal of a separate party. “*Union men, should give no faith to their political opponents,*” it commanded. Southern Rights men, it continued, “will declare the political contest ended, and will no doubt, be zealous and *patriotic*—very—in trying to *persuade you to rally on the old party lines!*”²⁷³ Unionists should pay them no heed. And, indeed, the Union candidate Henry Foote defeated Davis for the governorship.

Although aware of the success of Union parties in Georgia, Alabama, and Mississippi in 1851, Daniel Webster pinned his hopes for an independent Union nomination squarely upon the outcome of the first session of the Thirty-second Congress. Reports from the House Democratic caucus prior to the start

²⁷¹ John Francis Hamtramck Claiborne, *Life and Correspondence of John A. Quitman*, 2 vols., (New York: Harper & Brothers, 1860), 2:146-47; Ethelbert Barksdale to Jefferson Davis, September 19, 1851, printed in *The Papers of Jefferson Davis*, ed. Lynda L. Crist, 13 vols. to date, (Baton Rouge: Louisiana State University Press, 1971-), 4:222-24.

²⁷² Jacob Thompson to Alexander M. Jackson, September 9, 1851, Alexander M. Jackson Papers, Box 2, McCain Library, University of Southern Mississippi.

²⁷³ *Jackson Flag of the Union*, September 12, 1851. (Emphasis in original)

of the session cheered him.²⁷⁴ Only 89 of the 143 Democrats in the House (counting Union Democrats) bothered to participate in the 29 November caucus, with most absentees coming from the Free Soil and Southern Rights wings of the party. Those Free Soil and Southern Rights Democrats that did attend quickly found themselves engaged in debating a “finality” resolution on the Compromise of 1850, supposedly introduced at the behest of Howell Cobb. Free Soil Democrats Robert Rantoul of Massachusetts, Preston King of New York, and Chauncey Cleveland of Connecticut then threatened to withdraw from the caucus altogether if its members carried such a resolution. At this point, in the words of Free Soil Democrat Salmon P. Chase, “light suddenly shown into the understandings of the Hunkers and they became suddenly convinced that Resolutions endorsing the Compromises were *inexpedient*.” Apparently, “they feared the loss of the Progressive [Free Soil] Democrats more than they desired the gain of the Constitutional Union men.”²⁷⁵ Eventually, David K. Cartter of Ohio put forth a tabling motion, which carried 59-30 against the opposition of the Union Democrats in the caucus. Frustrated by the skillful parliamentary maneuvering of the Free Soil and Southern Rights Democrats, some of the Union Democrats left the Democratic caucus in disgust.²⁷⁶ Though House Democrats avoided a test of fidelity to the Compromise, the outcome of the caucus did nothing to end the hostility between the original pro- and anti-Compromise factions of the party.

The Union Democrats in the U.S. Senate sought to outmaneuver their Southern Rights adversaries. On 8 December, Mississippi Senator Henry S. Foote introduced a resolution which endorsed all parts of the Compromise of 1850. Foote recognized that time was of the essence, for in two weeks he would have to leave Washington on his way to Jackson, Mississippi to inaugurate his term as Governor. Notably, he altered the final line himself before formally presenting his resolution to the Senate. The final clause now

²⁷⁴ Daniel Webster to [Franklin Haven], November 30, 1851, in ed. Charles W. Wiltse, *Microfilm Edition of the Papers of Daniel Webster*, Reel 22.

²⁷⁵ Salmon P. Chase to Edward S. Hamblin, December 5, 1851, *The Salmon P. Chase Papers: Correspondence, 1823-1857*, ed. John Niven, (Kent, Ohio: Kent State University Press, 1995), 344. (Emphasis in original)

²⁷⁶ Roy F. Nichols, *The Democratic Machine, 1850-1854*, (New York: AMS Press, 1923, rpr. 1967): 37.

read “that said measures should be acquiesced in and faithfully observed by all good citizens,” replacing the word “respected” with the words “faithfully observed.”²⁷⁷ By this change, the Union Democrat endeavored to make the resolution even less palatable to Free Soil and Southern Rights politicians. The Mississippi Senator had not planned to detain his fellow Senators with a speech upon a resolution “neither mysterious nor equivocal.”²⁷⁸ Instead, he preferred a quick vote up or down on it. But sensitive to any imputation of motive, Foote decided to take the floor and explain why such a resolution was necessary.

Foote denied that any partisan motive had inspired the proposed resolution, even as he hinted at the need for a Union Party. According to him, “I will go further, Mr. President, and acknowledge that I do not recognize either of the great national parties of the country, in their present state or condition, as entirely reliable for the faithful maintenance of the compromise in all its parts.”²⁷⁹ In his remarks, Foote aligned himself with the great Henry Clay, “a very distinguished Whig (if he can now be called a Whig, who is in fact no party man at all, but simply a Union man.”²⁸⁰ Furthermore, the need to conciliate extremists had rendered the two major parties of Democrats and Whigs hopelessly corrupt. Indeed, both Free Soil and Southern Rights leaders “are yet undeniably exerting an influence more or less mischievous in both the old party organizations.” With those words, Foote consciously took aim at the efforts currently underway to reconstitute the old Democratic Party within the Deep South. For his part, he would have none of that. Foote promised personally “to hold no political fellowship with any association of men, by whatever name designated, whose opinions do not harmonize perfectly with the opinions of that noble body of lovers of the Union, whom I have the honor, for the present, alone to represent on this floor.”²⁸¹

Free Soil and Southern Rights leaders both outside and inside of Washington did not fail to understand the true import of Foote’s resolution. Ohio Free Soil Senator Salmon P. Chase viewed the

²⁷⁷ *Congressional Globe*, 32nd Congress, 1st Session 34 (December 8, 1851)

²⁷⁸ *Ibid*, 35.

²⁷⁹ *Ibid*.

²⁸⁰ *Congressional Globe*, 32nd Congress, 1st Session 94 (December 15, 1851)

²⁸¹ *Congressional Globe*, 32nd Congress, 1st Session 35 (December 8, 1851).

effort with undisguised contempt. “It was the anxious wish of Foote, Cobb, & Co., including the Whigs of the South,” Chase told an associate, to force the Democratic Party to adopt a pro-Compromise platform, excluding all antislavery men, and “thus open the door for the admission of the Constitutional Union men into the bosom of the democracy.”²⁸² Proving the maxim that “extremes meet,” Mississippi Southern Rights Democrat Ethelbert Barksdale came to precisely the same conclusion about affairs in Washington. The resolution of “Foote, Cobb & Co.,” he announced to Jefferson Davis, is a “cunningly devised scheme . . . to read” the Southern Rights Democrats “out of the party and to substitute Toombs & his crew in their places.”²⁸³

Andrew P. Butler of South Carolina quickly rose in the Senate to denounce the proposed Foote resolution. Sounding a common refrain among its opponents, Butler complained that Foote was following the ancient example of the Spartan Lycurgus “who, after making laws, imposed on those who were to obey them the injunction that they were never to be changed.”²⁸⁴ Butler painted Foote as little better than those political abolitionists who favored a “higher law” than the Constitution. In seeking to permanently enshrine the series of acts which constituted the late Compromise, Butler charged, the Mississippi Union Democrat “has maintained that this Government and the Constitution, in all the difficulties which may be involved may be overcome by compromises – the compromises of the majority; and if the gentlemen chooses always to act with the majority, he has no occasion for amendments.”²⁸⁵ On the Free Soil side, Foote incurred the wrath of John P. Hale of New Hampshire, especially when the Mississippian declared that “the only important question now before the Senate” involved northern enforcement of the fugitive slave law. Hale pointedly asked the southern members whether the denial of jury trial to fugitives also “takes away the right of trial by jury from everyone who may come in contact with the operation and

²⁸² Salmon P. Chase to Edward S. Hamblin, December 5, 1851, *The Salmon P. Chase Papers: Correspondence, 1823-1857*, (Kent, Ohio: Kent State University Press, 1995): 344.

²⁸³ Ethelbert Barksdale to Jefferson Davis, December 28, 1851, *The Papers of Jefferson Davis*, ed. Lynda L. Crist, 13 vols. to date, (Baton Rouge: Louisiana State University Press, 1971-), 4:255.

²⁸⁴ *Congressional Globe*, Appendix, 32nd Congress, 1st Session 36 (December 8, 1851).

²⁸⁵ *Congressional Globe*, Appendix, 32nd Congress, 1st Session 146 (December 23, 1851).

administration of this law?” These attacks on Foote’s resolution from the Southern Rights and Free Soil men played right into the hands of the Mississippi Union Democrat. As he explained to the Senate regarding his proposed resolution, “I expected that every Abolitionist would oppose it, of course; that every Free-Soiler and every disunionist would oppose it.” Far from offering an olive branch for sectional peace, Foote “wanted the fight to take place here” with Senators forced to stand for or against the Compromise.

Some original supporters of the Compromise came to the defense of Foote. Staunch Union Democrats Lewis Cass of Michigan and Jeremiah Clemens of Alabama gave their approval to the proposed resolution. Since the beginning of December, Webster and his associates had endeavored to recruit Cass into the Union party movement.²⁸⁶ In his remarks before the Senate, Cass admitted, “I should discharge my duty as faithfully to my constituents as to myself if I did not meet this proposition with frankness, and support it with firmness.”²⁸⁷ According to Roy F. Nichols, Henry Clay had offered to join the new party, but only upon the condition that Cass participated as well. Though initially receptive to the idea, Cass apparently declined after he discussed the matter with former U.S. Senate colleague Daniel S. Dickinson.²⁸⁸ Union Democrat Jeremiah Clemens appreciated the insistence upon finality of the Compromise contained in the Foote resolution against all attempts to revive agitation over slavery for political ends. Unless checked, the two extremes of Free Soil and Southern Rights shall “go on, each party playing into the hands of the other – each one furnishing the other with the means of rousing and keeping alive public distrust and enmity.”²⁸⁹

More telling were the responses of Stephen A. Douglas and Sam Houston, key actors in the drama of 1850. After a long defense of his record on slavery, Douglas expressed strong disapproval of the Foote

²⁸⁶ Daniel Webster to Franklin Haven, December 13, 1851, printed in *The Papers of Daniel Webster*, ed. Charles M. Wiltse, 15 vols., (Hanover, NH: University Press of New England, 1974-1989), 7:296.

²⁸⁷ *Congressional Globe*, Appendix, 32nd Congress, 1st Session 95 (December 24, 1851).

²⁸⁸ Roy F. Nichols, *The Democratic Machine, 1850-1854*, (New York: AMS Press, 1923, rpr. 1967), 28.

²⁸⁹ *Congressional Globe*, Appendix, 32nd Congress, 1st Session 68 (December 23, 1851).

resolution. He questioned how the friends of the Compromise could promise to quiet controversy over slavery by a resolution which revives memories of the heated struggles of the past two years. Worse yet, from his point of view, this resolution proposed a kind of political test upon those who originally opposed the Compromise. At bottom, Douglas believed, Foote and other Unionists of both parties sought to create a new Union Party out of the vote on this particular resolution. “I do not wish to have a new party organized on the basis of that measure. The Democratic party is as good a Union Party as I want, and I wish to preserve its principles and its organization, and to triumph upon its old issues,” he thundered.²⁹⁰ Similarly, the Texas Union Democrat Houston balked at the prospect of joining a new party. He opposed the measure currently under consideration “as a member, not only of this body, but of the Democratic party.” The Democratic Party had thrived historically, Houston reminded his fellow Senators, precisely because it refused to be “proscriptive; that they are not for applying the Procrustean rule to every member of the party.”²⁹¹ Significantly, both Douglas and Houston nursed presidential aspirations and did not wish to endanger the cause of Democratic harmony – a harmony necessary to beat its deeply divided Whigs.

Amidst of the debate over the Foote resolution in the U.S. Senate, the Southern Rights men of Alabama, Georgia, and Mississippi accelerated their push to reorganize the old Democratic Party. William R. King assumed a leading role in the reorganization in Alabama, beginning with his participation at the 1 December gathering of Democrats in Montgomery. Assembling at the city courthouse, the convention unanimously resolved to meet again on 19 January to appoint delegates for the national Democratic Convention in Baltimore scheduled for June. The January convention would then allow Alabama Democrats to instruct these delegates in whichever way its members saw fit. Dedicated Southern Rights advocate William L. Yancey refused to participate “in aiding a re-organization of the old Democratic party.” Yancey looked upon the upcoming presidential contest with a sense of foreboding, since it “would effectually kill off all that remains of Southern Rightism – if its friends were to go into it, under old party

²⁹⁰ *Congressional Globe*, 32nd Congress, 1st Session 133 (December 22, 1851)

²⁹¹ *Ibid.*

colors.”²⁹² For the main body of Southern Rights Democrats in Alabama, however, ideological purity did not necessarily carry with it victories and the promises of patronage. Though uncommitted to any particular Democrat, these Alabama Democrats expressly endorsed native-son King, Buchanan, Dallas, and Dickinson. Having previously warned against secession and separation from the Democratic Party, King felt a sense of vindication at those “ultra men of the Democratic Party” who now realized the errors of their ways. The returns of the late elections, he later told his brother Thomas, have “brought most of them to their senses, better late than never.”²⁹³

Not all Southern Rights and Union Democrats put aside their mutual enmity in favor of Democratic Party reunion. Wilcox County resident Thomas E. Irby noted the absence of “political excitement” in his area aside from the “dying struggle on the part of the Whigs (union men) to keep up the Union party” along with the countervailing process “of both wings of the Democracy to harmonize.” Irby did not get caught up in the enthusiasm for Democratic reunion, however. Instead, he preferred Southern Rights Democrats to achieve “recognition of the right of secession” within the state and national Democratic platforms. By thus affirming the power of a state to secede, the Southern Rights Democrat Irby looked to attract “a large majority of those whigs who denominated themselves *Southern Rights* men in the last canvass.”²⁹⁴ Moreover, Southern Rights Democrats had consented to place like-minded Whigs in the position of delegates to local and state Southern Rights conventions. Southern Rights Democrats may talk of burying their differences over the Compromise through party reunion; ideologically they remained as far apart from their Union counterparts as ever.

Meanwhile, the hunger for the fruits of victory in a presidential contest served to bind Democrats together in a way that mere principle could not. The legislative session proved fruitless to those Whigs

²⁹² William L. Yancey to Benjamin C. Yancey, November 7, 1851, Benjamin C. Yancey Papers, Southern Historical Collection, Wilson Library, University of North Carolina.

²⁹³ William L. King to Thomas D. King, December 5, 1851, William L. King Papers, Alabama Department of Archives and History.

²⁹⁴ Thomas E. Irby to John Bragg, December 10, 1851, John Bragg Papers, Southern Historical Collection, Wilson Library, University of North Carolina. (Emphasis in original)

eager to perpetuate their alliance with the Union Democrats. One correspondent to Alabama congressman John Bragg saw encouraging signs that “The Union Whig excitement is rather subsiding . . . I think by the next Election they will be hardly able to raise a Corporals Guard in this district.”²⁹⁵ With such feebleness in Whig strength, Southern Rights Democrats proudly marched into Representative Hall in Montgomery to finish the business of Democratic reorganization. “Composed almost entirely of Southern Rights Democrats who controlled & gone to the meeting,” according to one participant, this body of Democrats determined not to accept any opposition. One Union Democrat attendee made the mistake of trying to introduce a resolution which praised both the moderate Southern Rights Democrat William R. King and Union Democrat Jeremiah Clemens for their votes and subsequent support of the Compromise. Such a seemingly innocuous action released a firestorm of protest and then a flurry of motions designed to lay the proposed resolution on the table. Evidently frightened by the hostile reaction he had provoked, the author of the pro-Compromise resolution attempted to flee the meeting only to get “intercepted” by some Southern Rights men. The hapless member promptly consented to withdraw his original resolution.²⁹⁶ In the end, the convention eventually accepted a resolution on the Compromise drafted by Southern Rights Democrat Phillip Phillips. The Phillips resolution offered to acquiesce in all parts of the Compromise on the condition that together they constitute a permanent settlement to the slavery controversy for both sections of the country. Phillips would join three other Southern Rights men to become part of the official Alabama delegation to the Baltimore Convention. Finally, the convention did not instruct its appointed delegates beyond indicating a preference for its favorite son: Southern Rights Democrat William R. King.²⁹⁷

In Mississippi the major Southern Rights newspaper, the *Jackson Mississippian*, pointed the way toward Democratic reunion. Under the editorship of brothers Ethelbert and William Barksdale, columns

²⁹⁵ Herndon L. Henderson to John Bragg, January 15, 1852, *Ibid.*

²⁹⁶ Charles P. Robinson to John Bragg, January 21, 1852, *Ibid.*

²⁹⁷ Phillip Phillips to John Bragg, February 8, 1852, *Ibid.*; Jacksonville *Republican*, December 2, 1851, January 27, 1852.

advocating Democratic reunion filled the pages of the newspaper as soon as the results of the election for delegates to the November 1851 convention became known. In one issue, the *Mississippian* called upon all good Democrats to remember that a host of issues including “Protective tariffs, internal improvements, executive power and patronage, no doubt, retrenchment of expenses, are all existing questions, fearfully aggravated in importance in consequence of the reorganized doctrines of the unlimited power of the Federal Government.” Only through “the democratic party alone,” the editors counseled, “can we expect aid and comfort on all these questions.”²⁹⁸ Historian Michael Morrison has properly acknowledged the potency of the charge of consolidation against Whigs, but he erroneously credits it to the “moderates.”²⁹⁹ In point of fact, Southern Rights Democrats in the Deep South actually originated this argument to provoke the old almost-reflexive partisanship once held by Union Democrats against their Union Whig allies. Eager to bury the still-divisive Compromise issue, leaders of the Southern Rights movement in Mississippi decided instead to pick a fight with Whigs on traditional economic grounds.

By the time of the gubernatorial election in November, opponents to the Unionists had dispensed with the name “Southern Rights” altogether. Much to the chagrin of the pro-Southern Rights William McWillie, gubernatorial candidate Jefferson Davis and his party temporarily adopted the moniker “Democratic State Rights Party, having dropped [sic] Southern Rights and resistance to the glorious compromise.”³⁰⁰ The defeat of Davis by Foote in the gubernatorial contest by just 1,000 votes and the pro-Union composition of the November convention forced Southern Rights or State Rights men to choose either time in the political wilderness or reassertion of control over a reorganized Democracy.³⁰¹ Still, as a fellow Southern Rights Democrat reassured Jefferson Davis, “Foote is forever dead with the democracy;

²⁹⁸ *Jackson Mississippian*, November 28, 1851.

²⁹⁹ Michael A. Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War*, (Chapel Hill: University of North Carolina Press, 1997), 137.

³⁰⁰ William McWillie to William E. Johnson, November 12, 1851, William E. Johnson Papers, South Caroliniana Library, University of South Carolina.

³⁰¹ Cleo Hearon, “Mississippi and the Compromise of 1850,” *Publications of the Mississippi Historical Society*, XIV, (University, Mississippi: 1914): 215.

and the whigs will have in him the least reliance, and will not trust him.”³⁰² By late-December the movement to reestablish the Mississippi Democracy had reached full steam. According to Ethelbert Barksdale, local political leaders conducted “a primary meeting . . . in nearly every county” across the state to select delegates for an “8th of January Convention” [1852] in Jackson to select delegates to attend the Democratic National Convention later that June. Although the convention was deliberately timed to coincide with the thirty-seventh anniversary of Andrew Jackson’s triumph at the Battle of New Orleans, Barksdale predicted a “somewhat stormy” gathering between Union and Southern Rights Democrats.³⁰³

Two important meetings of Union and Southern Rights Democrats occurred in Jackson during the beginning of January. A 5 January meeting of Union Democrats selected seven Union delegates to represent the state at the Democratic National Convention in Baltimore later in June. Conscious of the historical pedigree of the term “Union Democrat,” the attendees voted for resolutions which reaffirmed a June 1834 resolution against the constitutionality of secession.³⁰⁴ The Southern Rights Democrats assembled in the same city just three days later to reorganize the old Mississippi Democratic Party. The *Mississippian* proclaimed the theme of the convention in one of its columns: “Let it be a gathering of olden time.”³⁰⁵ Delegates from fifty counties met and unanimously approved resolutions that virtually copied the national Democratic platform of 1848 with its traditional Democratic hostility toward internal improvements, a national bank, and distribution of land proceeds to the states. On the critical issues of the Compromise and right of secession, however, the convention remained silent for the sake of party unity. The convention listened to a letter read from Daniel S. Dickinson which promised to “tax every faculty of my soul” in order to defeat political abolitionism in New York. The gathering adjourned only after it selected three at-large delegates for the Democratic National Convention followed by an additional fifty

³⁰² Ruben Davis to Jefferson Davis, [c. November 1851], printed in *The Papers of Jefferson Davis*, ed. Lynda L. Crist, 13 vols. to date, (Baton Rouge: Louisiana State University Press, 1971-), 4:232-34.

³⁰³ Ethelbert Barksdale to Jefferson Davis, December 28, 1851, printed in *The Papers of Jefferson Davis*, ed. Lynda L. Crist, 13 vols. to date, (Baton Rouge: Louisiana State University Press, 1971-), 4:255.

³⁰⁴ *Jackson Flag of the Union*, January 16, 1852.

³⁰⁵ *Jackson Mississippian*, January 9, 1852. (Reprinting a piece from 7 January)

delegates appointed on the authority of the convention president, prominent among them Jacob Thompson, Roger Barton, and Ethelbert Barksdale.³⁰⁶ For the time being, Mississippi had two rival sets of Democratic delegates ready to go to Baltimore in June.

Georgia followed in the familiar pattern established in the state contests of Alabama and Mississippi. The gubernatorial election augured poorly for the fortunes of the Southern Rights Party. Within the eight congressional districts of Georgia, Unionist Cobb handily beat his opponent McDonald in all of them except the Third. Yet even in this Southern Rights stronghold, Cobb lost by a paltry 35 votes out of the nearly 13,000 votes cast in that district. Throughout the state, Cobb achieved a majority of over 18,000 votes. The makeup of the next congressional delegation from Georgia likewise reflected a strongly Unionist tilt, with the party winning six of the eight seats. Despite a last minute conversion to the Union side, U.S. Senator John M. Berrien watched helplessly as his rival Robert A. Toombs succeeded in getting Berrien's seat through a combined vote of Union Democrats and Whigs in the state legislature.

Within days of the Unionist electoral landslide in Georgia, Democrats in the Southern Rights camp decided to hold a meeting in Milledgeville on 13 November to plan their next move. Delegate James G. Gardner Jr. offered two resolutions which called for another meeting on 25 November in the same city "to appoint delegates to meet the National Democratic Party in Convention, to nominate candidates for President and Vice President of the United States." Appearing to bury the hatchet with his Union Democratic enemies, Gardner specifically invited "the friends of Democratic principles from every part of the state...to attend the meeting [on 25 November] and participate in its deliberations." Finally, the Convention placed former U.S. Senator Herschel V. Johnson in charge of a five-person committee to draft a committee report for the subsequent meeting.³⁰⁷

The report Johnson read at the 25 November meeting in Milledgeville skillfully appealed to the Union Democrats and Whigs without yielding principles dear to the Southern Rights men. Like their Unionist rivals, Johnson and the Southern Rights Democrats applauded the Georgia Platform, particularly

³⁰⁶ *Jackson Mississippian*, January 10, 1852.

³⁰⁷ *Albany Patriot* (Georgia), November 21, 1851.

how it “furnishes a ground upon which all can rally, for future action, without any sacrifice of principle, and with strong hopes of effecting something for the prosperity and harmony of our common country.” In particular, he singled out the provision in that document which pledged resistance to any attempt on the part of Congress to legislate against slavery anywhere in the South or federal territories. He also drew attention to the passage which stated “upon the faithful execution of the Fugitive Slave Law by the proper authorities, depends the preservation of our much loved Union.” Taken together, these two elements of the Georgia Platform revealed important tests of northern fidelity to the Constitution and the Union. Despite controversies in the North over fugitive slaves, Johnson pointed to those in the North and West who honored the constitutional guaranties embodied in the Compromise: the Democrats. For this reason, Union Democrats and Union Whigs would eventually join Southern Rights Democrats within the National Democratic Party. Reminding the Union Democrats of their “long cherished republican [i.e. Democratic] instincts,” Johnson saw a return to the “ranks of their old brethren and allies, from whom a temporary question has temporarily separated them, as soon as they shall see their time honored flag again unfurled in the breeze.” As for the Union Whigs, he alluded to Georgians Stephens and Toombs who regarded the Whigs as “denationalized and sectionalized, and that the South can expect nothing at their hands.” Union Whigs, therefore, “must fall into ranks, if for no other reason than that they have nowhere else to go.” Johnson incorporated these sentiments into three resolutions to encourage the reorganization of the old Georgia Democratic Party and her participation at the next National Convention. When his resolutions passed without a dissenting voice, the Southern Rights Democrats of Georgia had seized the initiative.³⁰⁸

Possessing far more division in their ranks than their opponents, the Constitutional Unionists of Georgia addressed the question of what to do after the successful canvass of 1850-51. Gathering at Milledgeville on January 19, 1852, Union Democrats in the Constitutional Union Party pushed for the hope of eventual Democratic reunion. The Union men pledged to “act with that national party only, which will adapt as a part of its creed, the principles set forth in the resolutions of the late Georgia and

³⁰⁸ *Milledgeville Federal Union*, December 2, 1851.

Mississippi Conventions." Although the second resolution urged another meeting "to take into consideration" whether those in the Constitutional Union Party must give their support to one of the major parties, the third and final resolution agreed with Herschel V. Johnson and the Southern Rights Democrats that Democrats in the North were more trustworthy of upholding the principles of the Constitutional Unionists than their Whig opponents. Therefore, Constitutional Unionists should "send delegates to the next Baltimore Democratic Convention" and give them "such instructions as it may be thought advisable to give, provided no intervening events should authorise [sic] a different course." Indeed, the Athens *Southern Banner* newspaper approved of such a move. Closely aligned with the Union Democrats under the leadership of Howell Cobb, the *Banner* accepted "the expediency of sending delegates to Baltimore" for the Democratic National Convention. "The South has always been democratic in her political creed," it argued, "she is more so now than ever." Should northern Democrats "fail to sustain her rights, her only hope will be in some independent party organization, which shall appeal to the patriotism and good sense of the people."³⁰⁹

Such sentiments, however, clearly aimed to mollify those Union Whigs who refused to go along with the desire of Cobb and the Union Democrats for rejoining the Democracy. Indeed, Union Whig Alexander H. Stephens condemned any movement on the part of Union Democrats and Whigs back toward their old parties: "If the South, if *Georgia*, succumbs to this movement and gives in her adhesion, we are gone people....The true men [i.e. those in favor of the Compromise of 1850] must get together, and act together without any regard to past party names."³¹⁰ After all, how could Georgia Union Democrats or Whigs, after the bitter contest of 1851, consent to rejoin parties that would include Free Soil and Southern Rights men? Avoiding a fatal split within the Constitutional Union Party thus depended upon whether the major parties proved sincere in their adherence to the Compromise of 1850.

³⁰⁹ Athens *Southern Banner*, January 29, 1852.

³¹⁰ Alexander H. Stephens to Linton Stephens, December 10, 1851, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 272. See also, Alexander H. Stephens to "Mr. Turner," December 19, 1851, Alexander H. Stephens Papers, Box 2, David Rubenstein Rare Book & Manuscript Library, Duke University.

Democratic reorganization in the Deep South doomed Webster's hopes for a Union presidential candidacy. He ultimately declined the chance to head an independent Union ticket in a reply to political lieutenant Edward Everett on 13 March. Everett had asked Webster whether it was "expedient, in the present state of public opinion, to endeavor to give a no-party complexion to the Canvass?"³¹¹ Webster replied that "if we have any good in store for us, it will be through the *Whig Convention*."³¹² Though the Deep South Whigs like Stephens angled for a new Union Party, the Secretary of State perceived little interest for the idea elsewhere. Moreover, President Fillmore likely stayed in the race for the Whig nomination precisely to frustrate any attempt on the part of Webster or any other Whig to gain an independent nomination. Southern Whigs continued to remain loyal to Fillmore.

Having denied the need for a new "Union Party" before the Senate, Stephen A. Douglas grew agitated because of political reports he received from the Deep South. For now "a bad state of feeling" existed among Southern Rights and Union Democrats, he explained to New York newspaper editor William A. Seaver. Douglas added that much to the consternation of his fellow Democrats in Congress, "Alabama has made a demonstration for a Union Party & we fear that Georgia will follow suit." If Democratic reorganization in the Deep South managed to produce separate delegations of Southern Rights and Union Democrats to the Democratic National Convention, then Douglas saw little chance at restoring party harmony. The prospect, he wrote, of some kind of "third party organization would be disastrous & double sets of delegates to the convention almost as bad."³¹³ Indeed, the *Montgomery Register* later ran lists of delegates to the Alabama Union state convention and delegates for a proposed national convention with prominent Union Democrat and U.S. Senator Jeremiah Clemens selected as an at-large delegate.³¹⁴

³¹¹ Edward Everett to Daniel Webster, March 8, 1852, printed in *The Papers of Daniel Webster*, ed. Charles M. Wiltse, 15 vols., (Hanover, NH: University Press of New England, 1974-1989), 7:306.

³¹² Daniel Webster to Edward Everett, March 13, 1852, *Ibid*, 7:318.

³¹³ Stephen Douglas to William A. Seaver, February 10, 1852, *The Letters of Stephen A. Douglas*, ed. Robert Johannsen, (Urbana: University of Illinois Press, 1961), 240.

³¹⁴ Clipping of *Montgomery Register*, March 24, 1852, Benjamin C. Yancey Papers, Southern Historical Collection, Wilson Library, University of North Carolina.

Southern Rights Democrats in the House of Representatives finally determined to prevent the Union Democrats from closing the door of reentry back into the Democratic Party. On 22 March, Georgia Southern Rights Democrat James Jackson, an unrepentant foe of the Compromise of 1850, introduced a resolution carefully worded to “recognize the binding efficacy of the Compromises of the Constitution” and denounced attempts at “all further agitation” of any part of the Compromise “as unnecessary, useless, and dangerous.”³¹⁵ The wording of the Jackson resolution closely followed an earlier failed version submitted by Alpheus Fitch, a Michigan Democrat. Jackson quickly moved the previous question on his own resolution. Not to be outdone, Union Democrat and Cobb ally Junius Hillyer responded with an amendment to the Jackson resolution. Hillyer hoped to add a second resolution to the one offered by Jackson which explicitly upheld the provisions of the Compromise of 1850 “as a final adjustment and permanent settlement.”³¹⁶ After a series of procedural votes, the Jackson resolution carried by a vote of 101 to 64 and the Hillyer amendment by a vote of 100 to 65. Significantly, on the vote for the Hillyer or “finality” amendment, northern Democrats gave a majority in its favor, 36 to 20; northern Whigs went as decisively against it 11 to 27. Southern Democrats, like their northern counterparts, approved of it 32 to 17; southern Whigs proved the most united in its favor 23 to 1.³¹⁷

With this fateful vote in the House, the Whig congressional caucus exploded into pieces. The newspaper correspondent “Argus” had called the resolution of Jackson “a test vote; it will enable us to separate the friends of the constitution and the Union from the mere hunters for office and spoils.”³¹⁸ According to a much later recollection of Thomas L. Clingman, he concocted a plan with Kentucky Whig Humphrey Marshall to “compel the Northern wing [of the Whig Party] to abandon the purpose to select [Winfield] Scott, and consent that Mr. Webster or someone occupying a similar position should be our

³¹⁵ *Congressional Globe*, 32nd Congress, 1st Session, 977 (April 5, 1852).

³¹⁶ *Congressional Globe*, 32nd Congress, 1st Session, 979 (April 5, 1852).

³¹⁷ *Jacksonville Republican*, April 20, 1852.

³¹⁸ “Correspondence of the Flag of the Union...April 3, 1852,” *Jackson Flag of the Union*, April 10, 1852.

nominee [for President].” Should this not occur, Clingman and Marshall would “break up the Whig party, and form a new organization that should not be controlled by the anti-slavery elements.”³¹⁹ When Marshall presented a finality resolution within the Whig congressional caucus, the Chair of the caucus, Senator Willie P. Mangum of North Carolina, objected.³²⁰ Marshall tried to appeal the decision of the Chair, but northern Whigs voted solidly against him. Marshall bolted the Whig caucus eventually to be followed by nine other southern Whigs.³²¹ One Kentucky Whig summed up the feeling among the bolters in a letter to Marshall. “If Northern & Southern Whigs can unite in convention, after the vote upon the Jackson & Hillyer resolutions, then the Compromise must be a farce & mean nothing.”³²²

The Jackson-Hillyer resolutions provoked crippling divisions within the Whig congressional caucus and did little to stop the squabbling between Southern Rights and Union Democrats. Albert G. Brown of Mississippi had cast a vote for the Jackson resolution, but not Hillyer’s. Writing to Jefferson Davis, he tersely described the rationale for his votes, “Hillyer You Know is a Union Democrat. This is reason enough for voting as I did.” Brown still held considerable bitterness from his physical altercation during the session with Mississippi Union Democrat James W. Wilcox on the floor of the House.³²³ The vote on the Jackson-Hillyer resolutions also “played the D—I with the Whigs.”³²⁴ From his position as Speaker of the House of Representatives, Kentucky Democrat Linn Boyd deplored the breakdown of party regularity in the chamber and its likely consequences. “Southern whiggery & some of the ‘Union’ men of

³¹⁹ Thomas L. Clingman, *Selections from the Speeches and Writings of Hon. Thomas L. Clingman of North Carolina*, (Raleigh: John Nichols, 1877, rev. 1878), 308.

³²⁰ During the 1852 presidential campaign Mangum supported the presidential aspirations of Winfield Scott and hoped to get the Vice Presidential spot on the ticket. Marshall preferred Fillmore. See, Benjamin Huggins, *Republican Principles, Opposition Revolutions, and Southern Whigs: Nathaniel Macon, Willie Mangum, and the Course of North Carolina Politics, 1800-1853*, (PhD Dissertation, George Mason University, 2008), 629-30.

³²¹ *Athens Southern Banner*, May 2, 1852; Michael F. Holt, *The Rise and Fall of the American Whig Party, Jacksonian Politics and the Onset of the Civil War*, (New York: Oxford University Press, 1999), 703-705.

³²² R. Brown to Humphrey Marshall, April 19, 1852, Humphrey Marshall Papers, Filson Historical Society.

³²³ *Congressional Globe*, 32nd Congress, 1st Session, 736-38 (March 12, 1852).

³²⁴ Albert G. Brown to Jefferson Davis, May 1, 1852, printed in *The Papers of Jefferson Davis*, ed. Lynda L. Crist, 13 vols. to date, (Baton Rouge: Louisiana State University Press, 1971-), 4:256.

our own party look with confidence to a 'Union' party," he confessed to a fellow Kentuckian. Now Democrats throughout the country must exert themselves on behalf of the cause of Democratic unity. For, Boyd commented, "If we fail to place ourselves on true national ground in Baltimore, a Union party will spring into being in a week." Avoiding this unpleasantness, he concluded, "will require the exercise of all the skill & influence we can command."³²⁵

At their state convention for the Georgia Constitutional Union Party in Milledgeville, Union Democrats and Whigs failed to achieve unity on whether to send a delegation to the Democratic National Convention. Union Whigs and Democrats broke up into at least three factions of varying levels of receptivity to attending the Democratic National Convention at Baltimore. On one side, Union Whigs Alexander H. Stephens and William C. Dawson professed an unequivocal opposition to participation. More in the middle of the spectrum stood Union Whig and U.S. Senator Robert Toombs, who did not publicly commit himself one way or the other. Toombs pursued a more accommodating stance with Cobb and the Union Democrats since the latter had cast votes in the Georgia legislature to replace Whig stalwart John M. Berrien with Toombs for U.S. Senator. Finally, Union Democrats present at the Milledgeville convention tried to keep alive the possibility of their successful reintegration within the national Democratic Party. Still, Union Democrats had no intention of sharing their position with the Southern Rights Democrats. A Union Democrat from Georgia therefore insisted to House Speaker Boyd that the national Democratic platform must "occupy true compromise ground."³²⁶

What doomed the Union Party movement in late-1851 and early-1852 was not the economic positions of the Whig and Democratic members of the various Deep South state parties, heterodox as they admittedly were.³²⁷ Instead, the Union Party movement collapsed due to the initiative taken by Democrats

³²⁵ Linn Boyd to Norvin Green, April 30, 1852, Norvin Green Papers, File 8, Filson Historical Society.

³²⁶ John Henry Lumpkin to Linn Boyd, May 2, 1852, Georgia Political Leaders Autograph Collection, 1782-1940, Manuscript, Archives, and Rare Book Library, Emory University. See also, *Athens Southern Banner*, May 2, 1852.

³²⁷ For the argument that Union Democrat and Union Whig disagreement over banking bills in the Mississippi legislature helped doom the Union party movement there, see Michael F. Holt, *The Rise and Fall of the American*

in Congress and the majority of Southern Rights Democrats in the Deep South to remove the need for its existence. Through their engineering of and acquiescence in various pro-Compromise resolutions designed to unite the fractured elements of their party, Democrats ultimately avoided the permanent split that many Whigs had confidently expected.

Whig Party: Jacksonian Politics and the Onset of the Civil War, (New York: Oxford University Press, 1999): 1105-1106 n18.

Chapter 4: "The Test of Parties," 1852-1854

From the summer of 1852, when both parties nominated their respective candidates for the presidency until the final passage of the Kansas-Nebraska bill in May 1854, some politicians intentionally sought to create the political conditions necessary for a political realignment. Though Democrats and Whigs held their parties together during the 1852 election and thereby stifled a challenge by some to create Union and Southern Rights parties organized around accepting or rejecting the legitimacy of the Compromise of 1850, subsequent events in 1853 revived talk of a new Union Party. Not until Stephen A. Douglas orchestrated the passage of the Kansas-Nebraska bill did his Democratic Party successfully resist the calls for a new Union Party. In shoring up the continued allegiance of pro-Compromise Democrats to their old party, the Kansas-Nebraska bill instead prompted northern opponents of the Compromise to seek political shelter in a new antislavery organization, the Republican Party.

Four candidates vied for the Democratic nomination at the Baltimore Convention in June 1852, but none could get a supermajority as required by convention rules. Moreover, each of the four candidates possessed significant liabilities. The previous Democratic nominee and current favorite, Lewis Cass, had upset many Southern Rights Democrats with his embrace of the Compromise of 1850 and his close identification with the doctrine of popular sovereignty. Southern Rights Democrats abhorred the nomination of a man whose political position mirrored that of Howell Cobb and Henry S. Foote, two staunch allies of the Michigan Senator. Likewise, the presidential aspirations of Stephen A. Douglas suffered from his conspicuous role in the debates over the Compromise as well as southern concerns over whether Douglas's bellicose expansionism might someday involve the United States in a war with Great Britain. More congenial to the Southern Rights faction of the Democratic Party was James Buchanan. The Pennsylvanian had done much behind the scenes to foster party unity, but his close association with the Southern Rights faction and outright repudiation of popular sovereignty in favor of extending the Missouri Compromise line to the Pacific won him few friends among Union or Pro-Compromise Democrats nationally. Factionalism within the state of New York managed to derail the candidacies of two prominent Democrats from that state. The friends of former Secretary of War William L. Marcy and

Senator Daniel S. Dickinson engaged in a fierce battle at the convention for control of the New York delegation. Nominating one or the other promised to divide Empire State Democrats irreparably during the general election, allowing Whigs to carry this electorally rich state with depressed Democratic turnout.³²⁸ Seeing this division manifested at the convention, other Democrats withheld their votes from Marcy, preventing him from getting more than 27 votes or fourth place through 40 ballots.³²⁹

The inability of Cass, Douglas, or Buchanan to overcome their opposition prolonged the balloting to 48 tries without success. The managers of Franklin Pierce, a favorite son of New Hampshire at the convention, used this deadlock to push their candidate. While historians have commonly portrayed Pierce as a “dark horse” or virtual unknown, he had done much to put New Hampshire Democrats on the record in favor of the Compromise of 1850. With his name attached to pro-Compromise resolutions, Pierce succeeded in obtaining their passage in the state legislature.³³⁰ Circulated copies and newspaper reports later carried his triumph beyond the limits of New Hampshire. Southern Rights Democrats in Virginia introduced Pierce’s name as a conciliatory gesture, fully expecting one of their own in the South to get the Vice-Presidential nomination in return. Bargaining with the Virginians, Pierce’s managers at the convention promised to use his influence to get William R. King of Alabama, a moderate Southern Rights man, on the ticket. King’s efforts to unite the two wings of the party in the South, combined with Pierce’s orthodox pro-Compromise stance ultimately proved acceptable to the mass of the party. On the 49th ballot,

³²⁸ Edmund Burke to Franklin Pierce, April 9, 1852, printed in “Some Papers of Franklin Pierce, 1852-1862,” *The American Historical Review* 10 (October 1904), 110. See also, Roy F. Nichols, *The Democratic Machine, 1850-1854*, (New York: AMS Press, 1923, rpr. 1967), 47-62.

³²⁹ *Proceedings of the Democratic National Convention, held at Baltimore, June 1-5, 1852, for the nomination of candidates for president and vice president of the United States*, (Washington D. C.: R. Armstrong, 1852), 35. Thanks to a switch from Buchanan to Marcy by Southern Rights Democrats, the latter eventually overtook Cass on the 45th ballot.

³³⁰ “Resolutions Passed By the Convention to Revise the Constitution of the State of New Hampshire, January 1, 1851,” Andrew Jackson Donelson Papers, [microfilm], Reel 9, Manuscript Division, Library of Congress.

Pierce saw his vote jump from 55 to 282, far more than the two-thirds vote needed for the nomination.³³¹

An exultant Edmund Burke conveyed the news to Pierce and then added, “You unite all cliques.”³³²

The same could be said of the Democratic platform. To appease Union Democrats in the Deep South and other pro-Compromise Democrats elsewhere, the delegates approved language that required that “Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made.” In line with that position, another resolution pledged the party to provide “a faithful execution of the acts known as the compromise measures settled by the last Congress.” Democrats further vowed never to allow the Fugitive Slave Law to “be repealed nor so changed as to destroy or impair its efficiency.” With this guarantee, delegates somewhat contradictorily also declared that they would “faithfully abide by and uphold the principles laid down in the Kentucky and Virginia resolutions of 1798.” Notably absent in the 1848 Democratic platform, this elevation of nullification to a core principle of the Democracy likely pleased Free Soil and Southern Rights Democrats. For instance, James Buchanan had reassured Mississippi Southern Rights Democrats in a public letter months before the convention that “Madison’s Report and Jefferson’s Kentucky resolutions are the safest and surest guides to conduct a Democratic administration of the federal government.”³³³ Furthermore, during the House debates over the Compromise of 1850 in March, 1852, Free Soil Democrat Norton S. Townshend of Ohio boldly had announced that “I shall not hesitate to treat this fugitive slave bill as Jefferson and Madison treated the alien and sedition laws – as absolutely null and void.”³³⁴ The

³³¹ *Proceedings of the Democratic National Convention, held at Baltimore, June 1-5, 1852, for the nomination of candidates for president and vice president of the United States*, (Washington D. C.: R. Armstrong, 1852), 36.

³³² Edmund Burke to Franklin Pierce, June 5, 1852, printed in “Some Papers of Franklin Pierce, 1852-1862,” *The American Historical Review* 10 (October 1904), 113.

³³³ James Buchanan to George R. Fall, December 24, 1851, printed in *The Works of James Buchanan Comprising His Speeches, State Papers, and Private Correspondence*, ed. John Bassett Moore, 12 vols., (Philadelphia: Lippincott Company, 1908-1911), 8:431-32.

³³⁴ *Congressional Globe*, Appendix, 32nd Congress, 1st Session, 346 (March 17, 1852).

inclusion of the wording on nullification in the national platform thus represented a significant victory for opponents of the Compromise of 1850.³³⁵

Democrats had come together and seemingly overcome a crippling factionalism between their pro- and anti-Compromise wings within both sections. Hungry for a return to the White House, Democrats selected a candidate who promised to reward all Democrats for their loyalty to party. As the party with the sitting president in the White House, Whigs did not find themselves so fortunate. Unlike Democrats, Whig division over the Compromise did not primarily reflect a problem between factions. A number of historians have shown how, in general, northern Whigs had opposed the Compromise and southern Whigs had supported it. William Gienapp, in his study on the Scott campaign of 1852, once concluded that for all the divisions between the pro- and anti-Compromise factions of Whigs in the North, “opponents of the Compromise were a majority of the party in probably every [northern] state.”³³⁶ With the important exception of the New York Whigs, which pitted the followers of Millard Fillmore against those of William H. Seward, by 1852 sectional and not factional division over the Compromise paralyzed the Whig Party and rendered it unable to emerge as united as their Democratic counterparts.³³⁷

Southern Whigs overwhelmingly viewed the attempt to nominate Virginian Winfield Scott as part of a conspiracy devised by Seward and the Free Soil Whigs to place another political neophyte and popular general in high office. The candidate had offered his guarantee of support (if only tepid at that) to the Compromise in public letters. Even if Scott won, Whigs like the *New York Tribune*’s Horace Greeley detested the prospect of the Virginian Scott’s nomination accompanied with a platform which pledged

³³⁵ Union Whig Robert A. Toombs said of the Democratic proceedings, “It is true that I have but little confidence in the motives which induced the fire-eaters & free soilers to support the platform or the candidate, but the country has still the moral benefit of their forced position.” Robert A. Toombs to Howell Cobb, June 10, 1852, printed in “The Howell Cobb Papers,” ed. R. P. Brooks, *The Georgia Historical Quarterly* 5 (December 1921): 53.

³³⁶ William E. Gienapp, “The Whig Party, the Compromise of 1850, and the Nomination of Winfield Scott,” *Presidential Studies Quarterly* 14 (Summer 1984): 400.

³³⁷ Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of Civil War*, (New York: Oxford University Press, 1999), 674.

strict enforcement of the Fugitive Slave Law and the other measures of the Compromise.³³⁸ Without this guarantee in exchange for allowing the northern wing to dictate the selection of candidate, Southern Whigs expected Scott to become little more than a puppet of the nefarious Seward and the northern Whigs. This opinion permeated southern Whigs so thoroughly that even those who lamented the split among Whigs in Congress during the spring could not see any hope in a Scott candidacy. Instead, southern Whigs settled upon Millard Fillmore as their preferred choice, or barring that possibility, Daniel Webster.³³⁹

Fillmore won nearly every southern delegate from the start of the convention, but lacked crucial support in New England and other areas of the North which wanted Webster. As a minority of their party, southern Whigs could not expect to get their favored nominee unless one of these two men agreed to end his campaign and release his delegates to the other. Faced with a protracted struggle between two pro-Compromise Whigs already serving together in the national Whig administration, southern Whigs repeatedly urged Webster to withdraw and clear the field for Fillmore. Webster had no intentions of doing that, having seen his past attempts for the nomination fail and his deteriorating health likely precluding another bid in 1856. The time was now or never for the sitting Secretary of State. The resulting split in the convention among pro-Compromise Whigs enabled Scott supporters to concentrate their forces almost entirely upon winning northern votes sufficient to produce the simple majority required for the Whig nomination. Taking just four more ballots than the Democrats had done to select a nominee, the northern Whigs finally realized their goal of making Scott the party nominee. Whatever their actual intentions for him, northern Whigs obtained Scott at the cost of driving a permanent wedge between themselves and Union Whigs in the Deep South. Though some Deep South Whigs like Georgian William C. Dawson eventually came around to back Scott in the campaign, a sizeable portion of Deep South Whigs either bolted the party in favor of setting up an independent “Union” ticket or else simply abstained from giving the candidate any support. Among all southern delegates, Scott secured just 17 votes or a little more than

³³⁸ Horace Greeley to Thurlow Weed, April 18, 1852, printed in Thurlow Weed Barnes, *The Memoir of Thurlow Weed*, (Boston: Houghton, Mifflin and Company, 1884), 217.

³³⁹ Arthur Charles Cole, *The Whig Party of the South*, (Washington D.C.: The American Historical Association, 1913), 232-257.

a tenth of the total southern support given to Fillmore at the convention.³⁴⁰ Scott's victory in the North caused many southern Whigs to fear that the very nightmarish scenario which they had warned southern voters during 1850-51 had in fact come true. For Tennessee Whig William G. Brownlow, Scott now led a Whig Party which had lost its national scope and devolved into an organization under the control of an utterly sectional northern majority.³⁴¹ Many Whigs in the Deep South could hardly go back to these voters and with any measure of consistency urge them to rally to Scott, a man they had denounced publicly for months as the pawn of Free Soil Whigs in the North.

Angered at the success of Scott and his managers at the Whig National Convention, Brownlow worked hard to get interest in a new third party nomination for President during the summer of 1852. Like most southern Whigs prior to the party's convention, Brownlow much preferred taking Fillmore instead of Webster as the Whig candidate. The response he received was about as encouraging as that of fellow Tennessean Whig John Bell when Bell pursued a similar course a few months after the passage of the Compromise measures. Tennessee Whig Ephraim Foster acknowledged the obvious appeal in Brownlow's attempt to mount an independent challenge to Scott. Normally a proud and loyal Whig, Foster declared that he could never bring himself to vote for Scott. This military hero and Whig candidate, Foster conceded, did not harbor abolitionist tendencies personally. Nevertheless, Scott "is an instrument of that detestable faction, & whatever his political virtues may be – if indeed, he has any of that commodity so rare in these degenerate days" made him susceptible to the "evil councils" of northern antislavery Whigs. The virtue of opposing these men in a new party held little attraction to Foster, though. Even as he recognized that their "purposes are virtuous" and "many good men might favor them," Foster bluntly admitted, "Third parties never accomplish much."³⁴²

³⁴⁰ Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*, (New York: Oxford University Press, 1999), 722-24.

³⁴¹ *Knoxville Whig*, June 26, quoted in *Daily Ohio Statesman*, July 20, 1852.

³⁴² Ephraim Foster to William G. Brownlow, July 4, 1852, William G. Brownlow Papers, Box 1, Special Collections, John C. Hodges Library, University of Tennessee.

Despite the rebuff of Whigs like Foster, Deep South Whigs refused to accept the major party nominations as binding upon them. Instead, their eyes turned to Daniel Webster, a man identified in the minds of many with the creation of a “Union Party.” Despite having pursued the Whig nomination unsuccessfully, the Secretary of State suffered from the catarrh and knew his time was not long for the Earth. Unable to capture the endorsement of his old party and contemptuous of Scott, Webster encouraged his supporters instead to vote for the Democratic nominee Franklin Pierce. Some of his New England friends actually entreated him to accept the possibility of a separate “Union Party” nomination. A group of conservative Whigs in Boston resolved, in the words of one participant, “to fall back upon the Constitution and abide strictly by it; to eschew all party; and to appeal boldly to the free and independent citizens of the Republic.” The independent nomination of Webster at this meeting came “without the knowledge of Mr. Webster. He may not like it.”³⁴³ Webster ultimately did little to hinder or advance such efforts, once stating to his son that “I encourage nothing, I discourage nothing.”³⁴⁴ Privately he saw in the efforts of his friends the signs of an impending demise for the Whig Party, a demise which in all likelihood would coincide with his own.

Still, his friends in the South could not prod Webster into an open acceptance of a third-party nomination any more easily than could his New England associates. The youngest brother of Alexander Stephens wrote to Webster with the news of dissatisfaction among “the people of Ga. with the nominations made by the two National parties for President.”³⁴⁵ Despite the warm reception that Union and Southern Rights Democrats in Georgia accorded the selection of Pierce as the party nominee, both factions continued to maneuver against each other to win the favor of Democratic Party leaders. After the

³⁴³ *The Proceedings of Two Meetings, Held in Boston, on the 7th & 14th of July, to Protest Against the Nomination of Gen. Scott, for the Presidency, and to Recommend Hon. Daniel Webster for That Office*, (Boston: Preston & Sawyer, 1852), 5.

³⁴⁴ Daniel Webster to Daniel Fletcher Webster, August 26, 1852, *The Papers of Daniel Webster – Microfilm Edition*, ed. Charles M. Wiltse, (Ann Arbor, MI: University Microfilms, 1971), Reel 23.

³⁴⁵ John L. Stephens to Daniel Webster, August 3, 1852, printed in *The Papers of Daniel Webster*, ed. Charles M. Wiltse, 15 vols., (Hanover, New Hampshire: University Press of New England, 1974-1989), 341-42.

Democratic and Whig conventions concluded, Cobb received a letter from a rather despondent John B. Lamar who sought guidance from the leader of the Georgia Union Democrats. Either Union Whigs must collaborate with Union Democrats in a permanently reformed Democratic organization or “the two wings—dissecta membra—of the old Democratic party [shall] unite and have a ‘new deal’ in the way of putting out an electoral ticket.” This brother-in-law of Howell Cobb clearly preferred the former option, but obstacles stood in the path of a permanent alliance of Union men in Georgia.³⁴⁶ The one paper that purported to reveal Cobb’s perspective, the Athens *Southern Banner*, fell under the direction of the somewhat mercurial Hopkins Holsey. The editor had taken it upon himself to announce the dissolution of the Constitutional Union Party of Georgia, without consulting Lamar, Cobb, or anyone else. To make matters worse, Holsey in one issue of the newspaper demanded that Southern Rights men drop their own candidates for presidential electors and endorse the claims of Union Democrats instead. The angry responses Holsey received from his indisposition to compromise prompted a retraction and reversal in the very next issue.³⁴⁷

The course of Holsey revealed just how much still separated the two factions of the Georgia Democracy. In declaring the Constitutional Union Party dead, Union Democrat John B. Lamar argued, Holsey had allowed the Southern Rights men, “through his imprudent articles beyond mending,” an opportunity to criticize Union Democrats for wanting “to cast off our Whig friends coolly [sic], when they could no longer serve our purpose.”³⁴⁸ The Southern Rights men in Georgia, complained fellow Cobb loyalist John H. Lumpkin, did not wish to give Cobb and his faction their representation on the united Democratic ticket. Deeply troubled by this intransigence on the part of those Southern Rights men who claimed to share a desire to aid the national Democratic ticket, Lumpkin saw little improvement in

³⁴⁶ John B. Lamar to Howell Cobb, June 22, 1852, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 302.

³⁴⁷ See Athens *Southern Banner* June-August 1852.

³⁴⁸ John B. Lamar to Howell Cobb, July 1, 1852, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 307.

relations between the two factions in the future. As he told Cobb in a mid-July letter, “I am now satisfied that it is as easy for oil and water to mix as it is for the two divisions of the Democracy to unite.” These Southern Rights Democrats “care nothing for the National Democratic Party” and they climbed back on board simply “to save themselves from utter annihilation.”³⁴⁹ The only respectable thing to do, according to Lumpkin, was to go into convention as Union Democrats and abandon all interest in ever working with the Southern Rights faction. Lumpkin had gone to the Baltimore Convention and endorsed its results. How could he do otherwise, especially after the selection of a pro-Compromise nominee? Nevertheless, Union Whigs did not allow themselves to get easily bamboozled into entirely dropping their Whig pasts for a future as Democrats. Seeing little chance of Whigs joining him in a Pierce-King ticket, Cobb and his fellow Union Democrats convened a meeting near the Tugalo (now Tugaloo) River in northeastern Georgia. Rather than accept a slate of state electors with the names of Southern Rights men, the Union Democrats nominated their own separate Pierce-King ticket with their men as electors.³⁵⁰

Attempts in late-July and early-August utterly failed to produce a united Democratic ticket in Georgia. The Southern Rights faction simply had refused to give equal representation to the Cobb men, despite the former’s professions of party unity. The Union Democrats were a minority of the state, Southern Rights men insisted; they therefore saw little need in conciliating their bitter factional enemies. Faced with this intransigence, Cobb, who was still governor of Georgia, sought to give much-needed guidance to his fellow Union Democrats in a 4 August public letter to Orion Stroud. Cobb praised Georgia Democrats for their endorsement of the Pierce and King ticket and discussed the original purpose of the Constitutional Union Party. The alliance of Union Democrats and Whigs, Cobb wrote, depended solely upon the maintenance of the Georgia Platform of 1850. The creation of the bi-partisan Union organization had “looked to a national party organization as the instrumentality through which that object was to be effected,” and thus treated all appeals to militant southernism as calculated to form “sectional parties.”

³⁴⁹ John H. Lumpkin to Howell Cobb, July 11, 1852, *Ibid*, 308.

³⁵⁰ Anthony G. Carey, *Parties, Slavery, and the Union in Antebellum Georgia*, (Athens: The University of Georgia Press, 1997). 177.

For Cobb, the presence of these sectional organizations highlighted the weakness of the federal system and if left unchecked, would soon become “the most dangerous elements of disunion to which our federal system was subject.” Cobb notably left out the possibility of forming a separate Constitutional Union Party, preferring instead to place his trust in “that national party which would present to the country a platform of principle” and in line with the demand of finality on slavery issues which the Georgia Platform represented. The leader of the Union Democrats in Georgia reminded his supporters that he had suffered a kind of excommunication from the church of southern Democracy for maintaining faith in the ability of northern Democrats to respect the rights of southern slaveholders. Some Union Whigs might urge the nomination of Webster, but to throw away votes on a candidate unable to command a state outside Massachusetts would court disaster. Finally, Cobb urged the unity of all Democrats in Georgia, but shirked any responsibility should it fail.³⁵¹

Meanwhile, Union Whigs unwilling to rejoin the national Whig Party with Scott as its standard bearer continued to generate public interest in Daniel Webster. Unable to get a response from Webster in time for their 17 August convention, these undeterred Union Whigs in Georgia set in motion their plans for a Webster ticket in the fall. For Vice President, this group selected their fellow Georgian Charles Jenkins and began to prepare a strategy to organize state-by-state for the ailing Webster. Virginian Charles Fletcher, working as a clerk in Washington for the Patent Office, tried in vain to remind Webster of the longstanding desire among his most dedicated friends to nominate him on a “Constitutional-Union” platform going back to 1835. Indeed, Fletcher felt that “The present year has seemed to me more favorable for the formation of such a party,” particularly in light of the recent Free Soil convention in Pittsburgh which nominated John P. Hale for the Presidency. Such an occurrence and its support among northern voters threatened the dissolution of the Union. In their haste to reorganize the old parties, politicians had assembled an amalgamation of Unionists, secessionists, and abolitionists, “persons

³⁵¹ Orion Stroud to Howell Cobb, August 2, 1852, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 311; Howell Cobb to Orion Stroud, August 4, 1852, *Ibid.*, 311-315.

diametrically opposite in political opinions.” Only “if the Union Whigs & Union Democrats would unite under one head they might present a formidable front to their opponents.”³⁵² By late-August, then, the Georgian Stephens could write to Webster about the effort to “start the ball” in Georgia for a Webster “Union” ticket. Besides the Empire State of the South, Stephens believed that positive developments favored the independent Union Party movement in the Upper South states of Kentucky, Tennessee, and North Carolina.³⁵³

Two key factors explain his optimism. First, Stephens noticed the presence of a Free Soil Convention in Pittsburgh on 11 August, which provided a rationale for a new national party to arrest the development of sectionalism in the North. Secondly, the Whig organization seemed to be crumbling within certain bastions of Whiggery in the Upper South. In particular, Democratic efforts in North Carolina to neutralize popular Whig economic issues and capitalize on internal divisions among their rivals regarding the nomination of Scott brought them a shocking electoral triumph in the Old North State in the August 1852 gubernatorial election.³⁵⁴ Even Tennessee Whig Felix Zolicoffer ruefully admitted that the outcome in North Carolina “dampens our ardor, of course” and required Whigs elsewhere to try an offset this setback with a campaign full of military companies, parades, and speakers.³⁵⁵

The Union Democratic followers of Cobb in Georgia who endorsed Pierce did so on their own terms through a separate nominating convention. Both factions of Georgia Democrats may have endorsed the same nominee, but that was all they shared in common.³⁵⁶ The presence of two separate tickets in

³⁵² Charles Fletcher to Daniel Webster, August 17, 1852, printed in *The Papers of Daniel Webster*, ed. Charles M. Wiltse, 15 vols., (Hanover, New Hampshire: University Press of New England, 1974-1989), 7:345.

³⁵³ Alexander H. Stephens to Daniel Webster, August 21, 1852, GLC04320, Gilder-Lehrman Collection, New York Historical Society.

³⁵⁴ See, for example, Linn Boyd to Mrs. [Anne Rhey Dixon] Boyd, August 11, 1852, Boyd Family Papers, [microfilm], Special Collections Library, University of Kentucky.

³⁵⁵ Felix Zolicoffer to John Netherland, “Confidential”, August 11, 1852, Felix Zolicoffer Letter, Filson Historical Society.

³⁵⁶ John B. Lamar et al. to Executive Committee of the Constitutional Union Party, [c. August 1852], printed in “Howell Cobb Papers,” ed. R. P. Brooks, *The Georgia Historical Quarterly* 5 (December 1921): 54-58.

Georgia helps to explain why “the politics of Georgia are inexplicable,” in the words of Southern Rights Democrat John Duncan to Virginian Robert M. T. Hunter. Rampant factionalism continually resurfaced in the Empire State of the South, particularly when “we have a few leaders here, who are determined to sacrifice everything, even Pierce’s election, to their own personal feelings.” The Unionist Cobb naturally drew the ire of Duncan, for he had originally tried to apportion the ticket for Pierce between Democratic and Whig electors, but now with many Whigs refusing to cooperate was beginning to realize how “he had carried his friends so far. . .it would be more difficult to bring them back.” The humbled Cobb, Duncan assured Hunter, “now stands at this eleventh hour a miserable suppliant at the threshold of the Party with none even to pity or reverence him.”³⁵⁷

Cobb’s fate did not stop some of the more extreme Southern or State Rights men in the Deep South from launching their own separate nomination against the major parties. In September, a Southern Rights convention in Montgomery, Alabama chose former Nullification-era Georgia Governor George Troup and Mississippi’s John Quitman who received support from all the delegates but one. William Yancey attended the Convention and adamantly refused to give his vote for the ticket at the Convention or even to stand as an elector for it. At first this stance might seem curious for a man who earlier in the year had told his fellow Alabamians that he welcomed the “active, inquiring and searching sectional spirit which alone could guard us against Northern aggression.”³⁵⁸ Part of his disdain for the outcome of the Montgomery Convention lay in the known temperament (and liabilities) of the candidate Troup. At seventy-two years of age, Troup had refused to accept similar nominations in the past, but changed his mind for “the sole purpose of organizing that party.” Nevertheless, Troup could not resist giving a kind of endorsement to the regular Democratic nominees, both the “excellent” King and “pure and disinterested” Pierce. He further urged Southern Rights men to give the Pierce-King ticket their endorsement even while

³⁵⁷ John W. Duncan to Robert M. T. Hunter, October 23, 1852, printed in *The Correspondence of Robert M. T. Hunter, 1826-1876*, (ed. Charles Henry Ambler), (Washington: American Historical Association, 1918), 2:147-148.

³⁵⁸ Clipping of Montgomery *Daily Advertiser*, February 25, 1852, Benjamin C. Yancey Papers, Southern Historical Collection, Wilson Library, University of North Carolina.

southern Democrats proceed with building their own “Southern Rights Party” for the future.³⁵⁹ Such an equivocal stance hardly suited Alabamian William L. Yancey.³⁶⁰ His position accorded with the distinct lack of enthusiasm among Southern Rights Democrats for this new Troup-Quitman ticket. The disaffection of Southern Rights Democrats soon became evident to all Alabama Democrats when this Southern Rights ticket secured the endorsement of just three newspapers in the state within the final two months of the presidential campaign.

From Massachusetts, the movement to nominate Daniel Webster independently of both parties culminated in the creation of a ticket in mid-September. A mostly Whig assemblage, a committee reporting the address of the convention pitifully noted how it was “unattended, perhaps, by some of our Democratic friends, who sympathise [sic] with us in our desire to do justice to a great statesman, who is the property of no party, but who belongs, in a high sense, equally to all.” The power of numbers could only count for so much anyway, since “when the voice of the majority in those forms which constitute the enactment of *Law*, no man can go behind it, or absolve himself from its obligations, while he remains in society.” Standing firmly behind this principle of obedience to no higher law, the convention selected Webster for President and Union Whig Charles J. Jenkins of Georgia.³⁶¹ Unfortunately, Webster did not live long enough to see Election Day in the first week of November, though he still managed to receive some 5,000 votes.

The demise of the Union and Southern Rights parties in the Deep South directly contributed to depressed turnouts in Alabama, Georgia, and Mississippi. For all its failures, the movement to create parties around a continuance of the battle over the Compromise of 1850 revealed a significant truth about Deep South politics in 1852. Southern Democrats and Whigs involved in this effort had only partial

³⁵⁹Edward J. Harden, *The Life of George M. Troup*, (Savannah, Georgia: E. J. Purse, 1859), 529-531.

³⁶⁰ William L. Yancey to Benjamin C. Yancey, September 15, 1852, Benjamin C. Yancey Papers, Southern Historical Collection, Wilson Library, University of North Carolina.

³⁶¹ *The Address and Proceedings of the Friends of Daniel Webster, Assembled in Faneuil Hall, Wednesday, September 15th, 1852, in Mass Convention*, (Boston: James French, 1852), 4.

success at best with convincing voters to abandon their old parties and join Union or Southern Rights organizations. Nevertheless as the election results revealed, the southern electorate had lost interest in the Democratic and Whig parties, prompting a kind of dealignment within the Deep South. Take, for instance, the impression that a Jackson, Mississippi election parade during early-October left upon Harvey W. Walter. "It was a poor affair," he later told his wife. "There is no political excitement except amongst partisans. The great mass of the people is quiet and indifferent."³⁶² Compared with the excitement of the previous two years over the future of the Union, Walter's comments betrayed the disinterest that ordinary voters in the Deep South held for a return to the ho-hum of old partisan battles. Historians have long known how turnout plummeted most in 1852 within the three Deep South states where Union organizations existed. Between 1848 and 1852, those wishing to sit out the election jumped from 33 to 64 percent in Alabama, from 11 to 54 percent in Mississippi, and increased by 22 percent in Georgia.³⁶³ Forced to occupy their time with how best to secure the continued allegiance of Union and Southern Rights men to the old parties, politicians now found themselves blurring even more the lines which had separated the parties in the past. Acceptance of the Compromise of 1850 was the political order of the day, notwithstanding the considerable original opposition to it in both North and South. Such a strain in harmonizing the unharmonious elements which Charles Fletcher and others observed would command all the skill a politician possessed.

Pierce won the election of 1852 easily, despite a sharp drop in voter turnout in Dixie. But there was still the pressing matter of selecting a Cabinet. Herschel V. Johnson, the man who did more than most Southern Rights Democrats in Georgia to pave the way for a successful reunion of the two bickering factions, pressed for recognition of the claims of Southern Rights men to a place in Pierce's Cabinet. In letters both to a fellow Georgian and to Virginian Robert M. T. Hunter, Johnson did not intend to see his

³⁶² Harvey W. Walter to wife, October 8, 1852, Charles Nunnally Dean Jr. Memorial Collection, Archives and Special Collections, University of Mississippi. This letter is viewable online at http://www.library.olemiss.edu/exhibits/hail_to_the_chief/exhibitions/elections/1852.html

³⁶³ Michael F. Holt, *The Political Crisis of the 1850s*, (New York: W. W. Norton and Co., 1978): 128-129; Michael A. Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War*, (Chapel Hill: University of North Carolina Press, 1997), 141.

faction of southern Democrats come away empty-handed. The Georgian considered the Virginian Hunter, one of the most prominent Calhounite or Southern Rights leaders in the U.S. Senate, as among “my Mentors in politics.” Though he entertained hopes of “my own appointment” as reward for his leadership in bringing Georgia Democrats together, Johnson welcomed the possible selection of Charles McDonald for a post after his gubernatorial loss to Cobb in 1851. The former Georgia U.S. Senator thought that his role at the Atlanta meeting in September made his name less distasteful “to the Union wing” of Georgia Democrats. While Southern Rights Democrats in Georgia plotted to get the ear of the victorious Democratic candidate, the local press and Johnson’s own personal informants suggested that “Cobb’s friends are sanguine [of] his being invited into the Cabinet & I fear there is some ground for it.” Worse still, the Hunkers of New York, led by ex-Senator Daniel S. Dickinson “are making strong exertions to force upon Pierce a *Union* Cabinet.” Part of the difficulty that the Southern Rights men faced, Johnson later told Hunter, lay in how “Pierce & the Northern Democracy are under serious ignorance of the strength and real position of the Southern Rights Party.” Consequently, Pierce and his advisors will be susceptible to the demands of the pro-Compromise Union wing, as they labor under the delusion that the Southern Rights men have little influence or control of their state organizations. Johnson pointed to the influence of the Southern Rights Democrats in shaping the Democratic platform created at Baltimore. Had not the decision to enshrine the Kentucky and Virginia Resolves of 1798-99 within the most recent Democratic platform reflected the great strength of Southern Rights men across the South? Through this action at their convention, the Democratic delegates had provided for the “*nationalizing* so far as that could be done by *party action*” of good Southern Rights doctrine.³⁶⁴ Only the most diligent exertions of the Southern Rights wing would prevent Union Democrats North and South from outflanking their rivals.

The *Albany Evening Journal*, a mouthpiece of New York Whig Senator William H. Seward, nicely captured the seemingly no-win scenario which confronted Pierce upon his ascension to the Presidency.

³⁶⁴ Herschel V. Johnson to Robert M. T. Hunter, November 8, 1852, Herschel V. Johnson Papers (Letterbooks), Rubenstein Rare Book and Manuscript Library, Duke University. See also, Robert M. T. Hunter to Herschel V. Johnson, December 2, 1852, printed in *The Correspondence of Robert M. T. Hunter, 1826-1876*, ed. Charles Henry Ambler, 2 vols., (Washington: American Historical Association, 1918), 2:153-54. (Emphasis in original)

Northern Democrats originally favorable to the Compromise would not countenance any effort to welcome anti-Compromise Democrats back into the fold. Furthermore, according to the *Evening Journal*, applying this standard of one's honest adherence to the Compromise of 1850 "to both sections of the country, would be to make a Cabinet exclusively of those who embraced the plan of forming a Union Party upon the principle of the Compromise as agreed upon by its leading champions in the Senate; and if Mr. Clay and Mr. Webster now lived, they would undoubtedly be the most prominent and deserving of all our public men for the highest places in President Pierce's Cabinet." No one had done more than these two venerable Whigs to help fashion the original legislation in 1850 "and of having made it the foundation of that Union Party which it was hoped would classify all opponents of the schemers as a Disunion Party." Fortunately, such an effort failed when "radical Democrats of both sections" prevented the nomination of men like Cass and instead got in Pierce a man who "had not lent himself to the attempt to create a fatal distinction of *union* or *disunion*, as a criterion of national parties and hazarded the hopes of the confederacy in pursuing a personal object."³⁶⁵ Like the children's rhyme of Humpty Dumpty, President Pierce tried in vain to patch up the past divisions of the Democratic Party through a generous patronage policy. Southern Rights Democrats, Free Soil Democrats, besides the original supporters of the Compromise of 1850 all contended for a share of the offices made available after the landslide victory of 1852.

The President created a Cabinet which reflected his willingness to conciliate all factions within the Democratic Party above whether or not a person originally supported the Compromise of 1850. From the Free States, he picked for Secretary of State William L. Marcy of New York, who had done much to encourage Free Soil Democrats to rejoin their old party. Moreover, Marcy welcomed the Compromise of 1850 particularly for its ability to curb "the continuance of agitation of that question" in slavery which posed "an obstacle to the Union of the Democratic party."³⁶⁶ Marcy's perspective on that issue contrasted with that of Attorney General Caleb Cushing of Massachusetts, a former Whig who abandoned his party in

³⁶⁵ *Albany Evening Journal* quoted in *New York Times*, January 21, 1853.

³⁶⁶ Entry for October 2, 1850, William L. Marcy Diary, printed in Thomas Maitland Marshall, "Diary and Memoranda of William L. Marcy, 1849-1851," *American Historical Review* 24 (April 1919): 448.

the mid-1840s. Once he became a Democrat Cushing had stridently denounced any cooperation between Free Soil men and Democrats in the Bay State and staunchly championed the Compromise. Indeed, he had gone so far as to offer resolutions in January 1851 against Democratic attempts to elevate anti-Compromise Free Soiler Charles Sumner to the U.S. Senate. Defending his course in the Massachusetts legislature, he argued that the only way he would encourage a coalition between the two parties was if it could be done “without a sacrifice of the principles of the Democratic Part, without denationalizing it.” Nevertheless, he had his doubts that the Democrats could survive as a party in Massachusetts under a Democratic-Free Soil coalition without ultimately being absorbed by the Free Soil Party.³⁶⁷ Michigan’s Robert C. McClelland won the post of the Secretary of the Interior. Instrumental in the creation of the Wilmot Proviso in August 1846, McClelland had managed to support both it and fellow Michigan Democrat Lewis Cass in 1848. His loyalty to Cass eventually brought him around to endorse the Compromise of 1850.³⁶⁸ Finally, the Postmaster Generalship went to James Campbell of Pennsylvania, described by Michael F. Holt as “a loyal adherent of Buchanan’s wing of Pennsylvania’s splintered Democratic Party.”³⁶⁹ What Marcy had done to unite the Democracy in the North on the basis of the Compromise of 1850, Buchanan had done for healing divisions within the Democracy of the South.³⁷⁰ The appointment of Campbell recognized that service to party by Buchanan.

Three members from the South filled out the remaining positions in the Pierce Cabinet. The most conspicuous of which was Jefferson Davis for Secretary of War. An acknowledged leader of the anti-Compromise Southern Rights wing of the Democratic Party in Mississippi, the Davis appointment, “[was]

³⁶⁷ Cushing quoted in Claude M. Fuess, *The Life of Caleb Cushing*, 2 vols., (New York: Harcourt, Brace, and Company, 1923), 2:100-101.

³⁶⁸ Horace Greeley, *The American Conflict: A History of the Rebellion in the United States of America, 1860-’65*, 2 vols., (Chicago: O. D. Case & Company, 1865), 1:189; Michael S. Green, *Politics and America in Crisis: The Coming of the Civil War*, (Santa Barbara, CA: ABC-CLIO, 2010), 64.

³⁶⁹ Michael F. Holt, *Franklin Pierce: The American Presidents Series: The 14th President, 1853-1857*, (New York: Times Books, 2010), 51.

³⁷⁰ See, for instance, the various letters of James Buchanan to *Washington Union* editor Andrew Jackson Donelson, dated March 20, June 16, October 8, 1851 all printed in “Selected Letters, 1846-1856, from the Donelson Papers,” ed. St. George L. Sioussat, *Tennessee Historical Magazine* 3 (December 1917): 268, 279, 281.

highly satisfactory to the Southern states-rights men, and in the main agreeable to the South, [but] was decidedly objectionable to the Union party in Mississippi.”³⁷¹ James C. Dobbin helmed the Navy Department. The North Carolinian, like Davis, had not been known for his moderation, and his elevation to the Cabinet also greatly disappointed southern Union Democrats.³⁷² Kentuckian James Guthrie took over the job of Secretary of the Treasury and he entered with a background in railroad administration and a generally pro-Compromise outlook. None of the Cabinet had been among the most vocal advocates of the Compromise of 1850 and none of the southerners serving Pierce had given it any major support after its enactment. The significance of this fact was not lost on those staunchest friends of the Compromise, the southern Union Democrats. Nor could it have been completely lost on Stephen A. Douglas who also lacked a personal representative of his interests in the Cabinet.³⁷³

Pierce and his advisors invited criticism from some Democrats that they had no policy or will to enforce Democratic unity. Worse yet, when the Pierce Administration did intervene in factional squabbles among Democrats, it only succeeded in incurring the wrath of all factions. The case of Missouri well illustrates this problem. The Pierce Administration endeavored to secure the good favor of the Free Soil Democratic followers of Missouri Senator Thomas Hart Benton. These antislavery Democrats remained locked in a fierce battle with Southern Rights men headed by their raucous leader and current President Pro-tempore of the U.S. Senate, David R. Atchison. “Bourbon Dave,” as contemporaries sometimes referred to him, did not take kindly to the mediating influences of President Pierce. Upon learning that Pierce was waiting to appoint a follower of Benton’s to the all-important post of local Postmaster, Atchison erupted in a rage. If Pierce did not recant his decision, Atchison then promised to take a sharp ax

³⁷¹ James Ford Rhodes, *History of the United States from the Compromise of 1850*, 7 vols., (New York: Harper & Brothers, 1893-1906), 1:388.

³⁷² Eric H. Walther, *The Shattering of the Union: America in the 1850s*, (Lanham, MD: Rowan & Littlefield, 2004), 27.

³⁷³ Roy F. Nichols, *Franklin Pierce: Young Hickory of the Granite Hills*, (Philadelphia: University of Pennsylvania Press, 1931, rpr. 1958), 229; Willard Carl Klunder, *Lewis Cass and the Politics of Moderation*, (Kent, OH: Kent State University Press, 1996), 263.

and personally scalp the President of the United States, much to the shock of John M. Clayton, who recounted that threat in a letter to a friend.³⁷⁴

Yet nowhere was this inability to heal Democratic rifts more evident than in parts of the Deep South and the state of New York. In Alabama, Democrats and Whigs continued to argue over what exactly the results of the 1851 elections had done for political alignments in that state. By the fall of 1853, ordinary Alabamians went to the polls to elect legislators who would in turn select a U.S. Senator to fill the seat of the departing Union Democrat Jeremiah Clemens. Although the northern section of Alabama had given strong support for both the Compromise and the Union Party in 1850-51, north Alabamian Clement Clay wanted to secure the open U.S. Senate seat himself. This would be no easy feat given the longstanding resentments between Democrats in northern and southern Alabama. In 1848, for example, the long politically-dominant group of southern Alabama Democrats, the so-called “Montgomery Regency,” had maneuvered to place two of their own, William R. King and Dixon H. Lewis, in the U.S. Senate. This blatant regional bias had provoked northern Alabama Democrats to cry foul and swear vengeance against their fellow Democrats. Only the death of Lewis one year later and the subsequent appointment of Huntsville resident Jeremiah Clemens in his place had managed to provide regional balance for a time.³⁷⁵ Given the tenuous connection between northern Alabama Union Democrats and southern Alabama Southern Rights Democrats, ambitious men like Clay clamored for the selection of a northern Alabama U.S. Senator who might bind Union Democrats ever more tightly to their old party. As Clay admitted to southern Alabama political leader Bolling Hall, such a move “would tend to harmonize the party, & remove sectional strife, & if chosen from the state rights wing, to revive the sinking fortune of the party in this [northern] section.” Whigs, according to Clay, had meant “to unite with the Union Democrats whom they style *conservative* men, & thus to crush the state rights men who aspire to any

³⁷⁴ John M. Clayton to Robert M. Bird, April 14, 1853, Robert Montgomery Bird Papers, Box 1, Van Pelt-Dietrich Library, University of Pennsylvania.

³⁷⁵ Lewy Dorman, *Party Politics in Alabama from 1850 through 1860*, (Tuscaloosa: The University of Alabama Press, 1935, rpr. 1995), 39-42.

office. Without some help in the manner indicated we will be crushed.”³⁷⁶ Evidently, Hall and other Southern Rights Democrats in Alabama agreed with Clay’s analysis of the situation and along with some Union Democrats in north Alabama succeeded in elevating Clay to the U.S. Senate.³⁷⁷

Outraged by their treatment at the hands of the Pierce Administration, Union Democrats in Georgia begged their leader Howell Cobb, who had been denied a place in Pierce’s cabinet, for some kind of direction. In particular, they asked Cobb whether Union Democrats should revive the Constitutional Union Party in Georgia, put aside in the course of the late presidential election.³⁷⁸ Impressed with the seriousness of the current crisis, Cobb duly addressed a public letter to a group of his followers towards the end of April. Between revival of the moribund Constitutional Union Party or re-entry into the old Democratic Party, Cobb emphatically chose the latter. His logic was telling, for Cobb expressed the argument that any attempt to abandon the Democracy in order to join Whigs in a Constitutional Union Party would only lead to the creation of a “sectional” organization confined to Georgia, Alabama, or Mississippi with no hopeful prospect of gaining any sort of national following.³⁷⁹ Cobb, in much the same vein as a pro-Compromise *New York Herald* editorial in May 1853, simply pleaded for his followers to give the Pierce Administration more time to demonstrate its strict adherence to the Compromise of 1850.

While Cobb’s argument probably satisfied most Union Democrats, it did not satisfy all, most notably Hopkins Holsey of the *Athens Southern Banner*. The *Banner* represented the official position of Howell Cobb and his followers in Georgia. Thus, it was the source of considerable embarrassment when the once-loyal Holsey turned his editorial fire on Cobb and his friends. Holsey objected most to the apparent about-face on the part of the Cobb men toward the issue of reunion with Southern Rights men.

³⁷⁶ Clement Clay Jr. to Bolling Hall, September 30, 1853, Bolling Hall Family Papers, LPR 39, Box 5, Alabama Department of Archives and History.

³⁷⁷ *New York Herald*, December 3, 1853.

³⁷⁸ See, for instance, Thomas D. Morris to Howell Cobb, March 7, 1853, printed in “Howell Cobb Papers,” ed. R. P. Brooks, *The Georgia Historical Quarterly* 6 (March 1922): 40.

³⁷⁹ Howell Cobb to Thomas D. Morris, March 21, 1853, *Ibid.*, 45. For a later scholarly echo of this very argument, see William J. Cooper, *The South and the Politics of Slavery, 1828-1856*, (Baton Rouge: Louisiana State University Press, 1978), 312-313.

Holsey particularly confirmed what Georgia Southern Rights Democrat John Duncan had earlier said about Cobb's inability to move all of his followers back into the Democratic Party. In editorial after editorial, the editor excoriated his Union Democratic leaders in Georgia and let his readers know that he at least had not given up on the idea of a Union organization for that state. After two months of reading these daily harangues, Cobb and his friends finally had enough. They arranged to buy out Holsey and place the paper under new management, which promptly steered its readers toward the course of reunion with the state and national Democratic Party.³⁸⁰ The position of Cobb equally disappointed some of his former Whig allies in the Constitutional Union Party. Upon seeing the public letter of Cobb, Stephens related his reaction to his close friend Humphrey Marshall, who was now serving on a diplomatic mission in China. "In our State Parties all are agog, Cobb has gone back to the *Fire Eater* ranks – He goes for reunion on the old party basis – He sees what Peirce [sic] is after and follows the lead," he wrote dejectedly. This decision would not redound to Cobb's advantage, Stephens likely thought, as he believed Pierce is "for cementing and uniting the extreme wings of his party the Free Soilers of the North and the Fire Eaters of the South. This is a great error."³⁸¹

In spite of the attempts at reuniting Union and Southern Rights Democrats in the Deep South, a feeling of mutual mistrust continued to persist through the end of 1853 in Mississippi. Southern Rights men, much as they had in 1851, feared that mostly pro-Compromise Whigs in the Deep South might align themselves with the Union Democrats and revive the once-successful Constitutional Union state parties. To head off this movement, the Jackson *Mississippian* newspaper, which under its editor William Barksdale had renounced an independent Southern Rights ticket in favor of reunion between the Democratic factions, repeatedly editorialized during the fall of 1853 against Union Democrats voting for

³⁸⁰See issues of *Athens Southern Banner*, April-May, 1853. See also, Thomas E. Schott, *Alexander H. Stephens of Georgia: A Biography*, (Baton Rouge: Louisiana State University Press, 1988), 157.

³⁸¹ Alexander H. Stephens to Humphrey Marshall, May 19, 1853, Humphrey Marshall Papers, Filson Historical Society.

anything other than a “straight-out regular democratic ticket.”³⁸² The success of these efforts restored Democratic hegemony in both chambers of the legislature along with the chance to select another U.S. Senator. Political observers both inside and outside of Mississippi realized just how much Jefferson Davis, though Secretary of War in Pierce’s cabinet, desperately desired to get back to the Senate after losing his race for governor in 1851. He, along with a number of other Mississippi Southern Rights Democrats, including former Governor Albert G. Brown, coveted the Senate seat vacated by Union Whig Walker Brooke at the end of his Senate term in 1854. Nevertheless, Davis weighed his senatorial ambitions with the prospect that his name might destroy the tenuous unity that Democrats had forged in the late election. As he explained to the President of the Mississippi state Senate, “In the fierce controversy of 1851[,] I became especially odious to the ‘Union men’ and I have not overlooked the probability of division in the democratic ranks as the consequence of my name and I trust I need not to assure you that no personal distinction would to me be a compensation for such an event.”³⁸³ This admission of Davis effectively dashed any hopes of replacing him with a Union Democrat in Pierce’s Cabinet and presented the prized position of U.S. Senator to Brown, leading to an estrangement between the two men.

In New York, the split between the Hard and Soft-Shell factions over whether to allow Free Soil Democrats to remain in the Democratic Party resumed in the wake of Pierce’s decision in 1853 to place Soft-Shell leader William L. Marcy at the head of the State Department. Much as he had in the past, Marcy acted on the policy of encouraging Former Free Soil Democrats to moderate their strongly antislavery sentiments and instead accept the Compromise of 1850. Hard Shells immediately rebelled at the prospect of rewarding men they considered quasi-abolitionists while ignoring the critical support their faction had given earlier both to Pierce’s election as well as to the Compromise of 1850. The dispute between these two factions reached its nadir during the 1853 Democratic State Convention held in

³⁸² *Jackson Mississippian*, September 2, 1853.

³⁸³ Jefferson Davis to William R. Cannon, December 13, 1853, printed in *The Papers of Jefferson Davis*, ed. Lynda L. Crist, 13 vols. to date, (Baton Rouge: Louisiana State University Press, 1971-), 5:52-53. For more background on Davis’s attempt to get back into the U.S. Senate during this period, see William J. Cooper, *Jefferson Davis, American*, (New York: Alfred A. Knopf, 2000), 289-292.

Syracuse on 13 September. Trouble started from the beginning, when according to one Hard-Shell delegate, the pro-Marcy delegates “brought some 50 to 75 fighting men from New York City, to the place, and planted them around the room in such positions that if any of our prominent speakers attempted to say anything he was to be silenced by noise if practicable and by blows if necessary.” Given this show of brute force, this Hard-Shell Democrat complained, “A convention under such circumstances was simply impossible.”³⁸⁴ Hard-Shell men thereupon gathered together and resolved to leave the convention and nominate their own ticket for the upcoming fall elections.

The corresponding actions of the President and his Cabinet drove an even deeper wedge between the factions of the New York Democratic Party. The Hard-Shell Democrats ratcheted up the pressure on the Pierce Administration in the aftermath of the abortive Syracuse Convention. The appearance in the *Washington Union*, a newspaper representing official administration policy, of a letter by Hard-Shell and Collector for the Port of New York Greene C. Bronson quickly placed the Pierce Administration on the defensive. Bronson did not mince words while attacking the proceedings of the Soft-Shell dominated Syracuse Convention: “I rejected the one ticket [Soft-Shell] because the nomination had been effected by means which no honest man could approve, and because the nominees had been brought forward by men who had been hostile to what I deemed the best interests of the State in relation to canals.”³⁸⁵ Biting the very hand that had given him his official position in the first place, Collector Bronson adamantly refused to appoint any Soft Shells to jobs in his department. Despite the entreaties of Secretary of the Treasury James Guthrie to drop his proscriptive policies toward fellow Democrats, Bronson would not budge. Instead, he fired back a letter to Secretary Guthrie against such a course dated 17 October. Bronson conducted his fight with the Pierce Administration with the assistance of Charles O’Conor, a highly regarded member of the New York City bar who also heaped scorn upon President Pierce. O’Conor went

³⁸⁴ James Maurice to Edmund Burke, September 15, 1853, Edmund Burke Papers, Manuscript Division, Library of Congress.

³⁸⁵ *Washington Union* quoted in *New York Herald*, October 22, 1853. See also, Roy F. Nichols, *Franklin Pierce: Young Hickory of the Granite Hills*, (Philadelphia: The University of Pennsylvania Press, 1931, rpr. 1964),

further than Bronson in accusing the Pierce Administration of becoming “soft” toward Free Soil Democrats and their anti-Compromise proclivities. By this point, the president and his Cabinet had suffered enough abuse and ordered the removal of Bronson from his post.³⁸⁶ Hard-Shell Democrats regarded this act as a virtual declaration of war upon them by a vindictive Pierce Administration. As a consequence, the hopelessly split Democrats were dealt a crushing blow by the Whigs in the November state elections.

Pierce’s Attorney General, former Whig now turned Democrat Caleb Cushing, portrayed affairs in New York as animated by a spirit “of predetermined opposition.” Taking a long view of the problem, informed of the problem based on his political participation through “six successive administrations or Presidential terms,” Cushing considered the possibility that the Hard Shells might destroy the Pierce Administration by aiding the party currently out of power, the Whigs.³⁸⁷ He exactly understood the psychology of the Hard Shells, particularly their leader, former U.S. Senator Daniel S. Dickinson. Long acknowledged to be Marcy’s chief rival in New York Democratic politics, Dickinson had refused the offer of Collector of the Port of New York that later went to Bronson. Dickinson greatly distrusted an administration which had elevated Marcy to a position where he might have the President’s ear and declined the appointment for being “beneath his dignity.” The man contemporaries called “Scripture Dick,” due to his fondness for quoting Biblical passages while arguing before a judge, yearned for some old-fashioned retributive justice against the president and his supporters. He even outlined his own preferred strategy to another friend turned foe of the President, New Hampshire newspaper editor Edmund Burke. All good Democrats, Dickinson exhorted, must first “Place true national [Hard-Shell] Democrats in the Senate” who stand loyal to the enforcement of the Compromise of 1850. Next, Dickinson and his Hard-Shell allies must “Defeat ‘Administration’ traitors at all hazards, and under all circumstances.”

³⁸⁶ *Ibid*, 255-256.

³⁸⁷ Caleb Cushing to Thomas C. Reynolds, November 26, 1853, quoted in Claude M. Fuess, *The Life of Caleb Cushing*, 2 vols., (New York: Harcourt, Brace, and Company, 1923), 2:142.

These two aims had to occur before Dickinson considered how to “defeat whig opposition.”³⁸⁸ The Hard-Shell leader seemed to value the destruction of the Democratic Party above the defeat of its traditional Whig adversaries.

Democrats had triumphed over the Whigs in 1852, leaving some Whigs at that time to prepare epitaphs for their seemingly moribund party. Now with each passing day in 1853, that very Democratic success began to resemble a pyrrhic victory. Whigs positioned themselves to pick up the pieces from a Democratic Party on a course seemingly dedicated to its complete destruction. Perhaps the most trenchant analysis of the current political troubles came from New York Senator William H. Seward. Mindful of his past experience in advising President Zachary Taylor, Seward observed a parallel between the criticisms lodged at Taylor and those lodged at the current “care-worn” occupant of the White House.³⁸⁹ The analogy proved particularly apt. Both Taylor and Pierce consciously strove to avoid strict tests of party orthodoxy early in their respective terms. To this end, both men adopted fairly liberal patronage policies. Because of their respective toleration for political diversity on the issue of slavery, both presidents faced the charge that they secretly aimed to replace the party they had originally been elected under with a new party built around their personal popularity.³⁹⁰ In 1849, Taylor received the ire of Whigs who believed that he wished to displace the very Whig Party that had elected him with a non-partisan “Taylor Republican” movement. Similarly, a Union Democrat like Virginian James M. H. Beale privately derided President Pierce in January 1854 for his false position on the Compromise through his Cabinet appointments. After all, Beale claimed, by selecting “such men as the one from Massachusetts [Cushing] & the one from Mississippi [Davis], its worst enemies, into the Cabinet is he not the first to violate that Compromise & the just

³⁸⁸ Daniel S. Dickinson to Edmund Burke, March 23, 1854, Edmund Burke Papers, Manuscript Division, Library of Congress.

³⁸⁹ William H. Seward to [Mrs. Frances A. Seward], December 14, 1853, printed in Frederick W. Seward, *Seward at Washington: As Senator and Secretary of State*, (New York: Derby and Miller, 1891), 212.

³⁹⁰ For instance, during a speech in the House of Representatives on the divisions in New York Democratic politics, Francis Cutting accused President Pierce and his advisors of binding together a coalition “of Buffalo Free-Soilers and men of the opposite principles. . .[in] the absurd hope that they can form of this coalition an Administration party – a Pierce party – to renominate the present Executive, and to keep him and his friends in office.” *Congressional Globe*, 33rd Congress, 1st Session, 194 (January 18, 1854).

expectation of its friends?” Such an unfriendly course towards the pro-Compromise Democrats led Beale further to ask “Is Democracy fixed and homogenous in its character, or can it be mixed and compounded of illimitable substances?”³⁹¹ Finally, each president encountered the stirrings of revolt among congressional members, with the anti-Taylor and anti-Pierce coalitions openly discussing the prospect of forming a permanent opposition to the president.

Whigs, in fact, suddenly sensed the chance to promote a political realignment in their favor, one which would coincide with the congressional session beginning in December 1853. Prior to the commencement of that session, Delaware Whig John M. Clayton eagerly awaited the partisan reshuffling between members of both major parties. Union Democrats and Union Whigs who endorsed the Compromise of 1850 might decide to combine together against those in both major parties who had opposed it. For his own part, Clayton hated the pro-Compromise Whigs within his own party. In one instance, he professed to prefer the anti-Compromise Democrat Jefferson Davis to the pro-Compromise Whig Robert Toombs. Unless the Pierce Administration dealt swiftly with the poisonous Hard-Shell versus Soft-Shell dispute in New York, Clayton predicted, “The ruin of the democratic party is inevitable.”³⁹² Ex-President Millard Fillmore likewise saw the pending demise of the Democratic Party in a letter to Maryland Whig John P. Kennedy. The bitter struggle at the beginning of the new Congress to elect a printer of the U.S. Senate especially caught Fillmore’s notice. Virginian Beverly Tucker, a vehemently anti-Pierce newspaper editor who recently had established the *Washington Sentinel* to compete with the pro-Pierce *Washington Union*, captured the prize thanks to a coalition of Hard-Shell Democrats, southern Democrats, and Whigs.³⁹³ Despite the comfortable majorities held by Democrats in that body, the Senate managed to deliver a rebuke to the Pierce Administration. From this ominous result, Fillmore

³⁹¹ James M. H. Beale to Mrs. [Anne Rhey Dixon] Boyd, January 3, 1854, Boyd Family Papers, [microfilm], Special Collections Library, University of Kentucky. In actuality, the former Virginian U.S. Representative Beale was mistaken about Cushing’s position on the Compromise of 1850. See n. 362.

³⁹² John M. Clayton to Robert M. Bird, November 22, 1853, Robert Montgomery Bird Papers, Box 1, Van Pelt-Dietrich Library, University of Pennsylvania.

³⁹³ Roy F. Nichols, *Franklin Pierce: Young Hickory of the Granite Hills*, (Philadelphia: The University of Pennsylvania Press, 1931, rev. 1958), 315-16.

concluded that “it looks very much as though President Pierce was to be the end of his administration, and as though a *nucleus* has been formed around which the *Union men* of all parties may rally and form a *Union Party*.”³⁹⁴

A demonstration in July 1853 of Union Whigs loyal to the memory of Daniel Webster possibly inspired Fillmore to reach this conclusion. These men publicly called for the creation of a new Union Party and arranged to send letters to a number of prominent American statesmen, among them Fillmore.³⁹⁵ From his perspective in the national capitol, Georgia Union Whig William C. Dawson viewed the Democratic squabbles with obvious glee. He conveyed his impressions concerning “the present confusion in Democratic ranks” to Linton Stephens, the younger brother of Georgia Union Whig congressman Alexander H. Stephens. The Pierce Administration, Dawson maintained, needed to cultivate the good will of Union Democrats given their exclusion from Cabinet. Perhaps either prominent Union Democrats Howell Cobb or Jeremiah Clemens might receive an invitation to join the Cabinet, but either way “policy requires the purchase of Union Democrats, & my opinion is that policy will rule in this case.”³⁹⁶

Stephen A. Douglas grasped the danger confronting the Democrats upon his return from Europe after the death of his first wife. Once he arrived in Washington in November 1853, Douglas surveyed the political scene and found his beloved Democratic Party “in a distracted condition & it requires all our wisdom, freedom & energy to consolidate its power and perpetuate its principles.”³⁹⁷ The solution soon presented itself when Iowa Democrat Augustus C. Dodge introduced a bill in the Senate to organize the vast territory remaining from the old Louisiana Purchase on 14 December, and it promptly went to the Douglas-chaired Committee on Territories. Douglas had tried repeatedly since 1844 to do the very same,

³⁹⁴ Millard Fillmore to John P. Kennedy, December 13, 1853, John Pendleton Kennedy Papers – Microfilm Edition, Reel 14, Enoch Pratt Free Library.

³⁹⁵ *Milledgeville Federal Union*, August 22, 1853.

³⁹⁶ William C. Dawson to Linton Stephens, December 21, 1853, Alexander Hamilton Stephens Papers, [microfilm], Reel 2, Library of Congress.

³⁹⁷ Stephen A. Douglas to Charles A. Lanphier, November 11, 1853, printed in *The Letters of Stephen A. Douglas*, (ed. Robert W. Johannsen), (Urbana: University of Illinois Press, 1961), 267.

with his most recent failure occurring in the closing days of the previous congressional session. At that time his bill failed for want of southern support, with only the Missouri Senator Atchison bothering to vote against tabling the Nebraska bill.³⁹⁸ Although he stood to profit both financially and politically from his advocacy of the settlement of the vast western territories, Douglas subordinated these aims to the paramount one – the preservation of the Democratic Party. Unlike his previous bills, Douglas reworked the Dodge bill while in committee to assuage the anger of Union Democrats and Hard Shells at the Pierce Administration. He explicitly applied to the Dodge bill the popular sovereignty features of the New Mexico and Utah organic acts that constituted part of the Compromise of 1850.

Historians through the years have spilled considerable ink in trying to understand the motives of Douglas behind his Kansas-Nebraska bill. What has gone much less examined, however, is the centrality of the Compromise of 1850 to his effort. Why did he bother to reaffirm the principles of legislation passed almost three years earlier, especially as that legislation supposedly had quieted agitation of the dangerous slavery question?³⁹⁹ The answer is that the Illinois Senator used his legislation to obviate the formation of an anti-Pierce Union Party, composed of Hard-Shell Democrats, Union Democrats, and conservative Union Whigs. Although he was not present when Douglas crafted his bill in committee, John Bell of Tennessee also sat on the Committee on Territories as its ranking or most senior Whig member. Bell discovered upon his return to Washington from an inspection of his valuable Kentucky mining properties that Douglas already had carried his handiwork through the Committee. Bell was intrigued at the inclusion of language touching upon slavery in this new bill and sought out other members of Congress to discuss this important change. Through these conversations, the Tennessee Senator hit upon what he believed to be the particular motives behind the bill. Douglas, according to Bell, used adherence to the popular sovereignty aspects of the Compromise of 1850 to form a kind of political test of Democratic loyalty. The so-called “Little Giant of Democracy” aimed “to keep the Union or Compromise Party [i.e. Union

³⁹⁸ *Congressional Globe*, 32nd Congress, 2nd Session, (March 3, 1853), 1117.

³⁹⁹ Free Soil Senator Salmon P. Chase posed almost exactly this question on the Senate floor. See *Congressional Globe*, Appendix, 33rd Congress, 1st Session, 134 (February 3, 1854).

Democrats] in a good humor & give them faith in the soundness of Pierce's principles."⁴⁰⁰ The reaffirmation of the Democratic Party's dedication to the Compromise of 1850 through the Douglas-authored Nebraska bill promised to do exactly that.

Besides appeasing southern Union Democrats, Douglas also placed considerable pressure upon the Soft-Shell Democrats for their courting of Free Soil Democrats and the patronage lavished upon both them and the Free Soil Democrats. In writing to his close confidant Charles H. Lanphier later in February 1854, Douglas frankly admitted that "the only way to avoid a division of the [Democratic] Party is to sustain our principles."⁴⁰¹ Such a "test of parties" required Democrats both North and South to rally around popular sovereignty and the Compromise of 1850. This represented a remarkable about-face from what Douglas had publicly advocated at the end of 1851. Then, he had loathed the idea of applying certain tests of party fealty to erring Democrats, telling the Senate that though he viewed "the Democratic Party as good a Union Party as I want...I desire no new tests – no interpolations into the old creed."⁴⁰² Douglas and other pro-Compromise Democrats in 1851-52 had repeatedly resisted attempts in Congress to pass resolutions pledging all members of the party to accept the finality of the Compromise of 1850. He did so out of the conviction that a vote to sustain these resolutions would endanger the tenuous unity Democrats sought after the bitter struggles in the South between pro- and anti-Compromise Democrats. What made the situation different for Douglas in 1854 was his recognition that the Pierce Administration seemed incapable of bringing warring Democratic factions back together. Though the actions of Pierce and his advisors precipitated the current crisis, Douglas himself bore no animus toward the administration. But something had to be done about the Soft-Shell/Free Soil Democratic alliance. To Edward Everett, a Massachusetts Whig also serving on the Committee on Territories, Douglas acknowledged "that the

⁴⁰⁰ [John Bell] to "Dear Sir," April 16, 1854, Kansas-Nebraska Act Letter, Special Collections, John C. Hodges Library, University of Tennessee.

⁴⁰¹ Stephen A. Douglas to Charles A. Lanphier, February 13, 1854, printed in *The Letters of Stephen A. Douglas*, ed. Robert W. Johannsen, (Urbana: University of Illinois Press, 1961), 283.

⁴⁰² *Congressional Globe*, Appendix, 32nd Congress, 1st Session, 68 (December 18, 1851).

provisions of the bill as at first reported were well calculated to make a Northern man hesitate.”⁴⁰³ Either Free Soil Democrats could stand firmly upon the pro-Compromise Democratic national platform of 1852 and renounce their antislavery beliefs, Douglas argued to a fellow Democrat, or they could “rally under [Whig William H.] Seward, [Free Soil Democrat] John Van Buren, & co.”⁴⁰⁴ Thus, Douglas welcomed the creation of a new antislavery third party because of his bill, a sectional organization that a purified and revived Democracy could easily crush.⁴⁰⁵

The practical consequence of this legislation would be to produce a partisan realignment, involving perhaps even the demise of the Whig opposition. The Whigs themselves intuitively grasped this objective. John Bell suspected that more than a few southern Whigs might cross party lines to endorse the Douglas measure. Two southern Whigs, the Georgians Stephens and Toombs, had long yearned for a new Union Party to displace the national Whig Party. Both men, Bell told a Tennessee associate, secretly hoped “there would no longer be any Whig party” and eagerly jumped on the chance to burnish their pro-Compromise bona fides. Everett similarly discerned an anti-Whig purpose within the bill Douglas reported out of his committee. The Massachusetts Whig conspicuously voted against the committee report submitted to its members by Douglas on the morning of 4 January. Later that very day, Everett recorded his reasons for opposing it. He found both the bill’s slavery and Indian provisions doubly objectionable. Douglas had even managed to incorporate the precise language of the Fugitive Slave Act of 1850 into his new bill, something the Massachusetts Senator deemed “gratuitous.” The inclusion of popular sovereignty and extinguishment of treaty guarantees to the Indians occupying the lands set aside for white settlement vexed Everett. Yet, when he discussed the bill with Georgia Senator William C. Dawson later, he began to

⁴⁰³ Entry for March 4, 1854, Edward Everett Diary, Edward Everett Papers, Massachusetts Historical Society, quoted in Paul Revere Frothingham, *Edward Everett: Orator and Statesman*, (Boston: Houghton Mifflin Company, 1925), 353.

⁴⁰⁴ Stephen A. Douglas to Charles A. Lanphier, February 13, 1854, printed in *The Letters of Stephen A. Douglas*, ed. Robert W. Johannsen, (Urbana: University of Illinois Press, 1961), 283.

⁴⁰⁵ Later in the congressional session, however, Douglas adopted a different stance. Just prior to the final vote on the Kansas-Nebraska bill in the Senate, he claimed that one of the effects of his new bill would be “to destroy all sectional parties and agitations.” See *Congressional Globe*, Appendix, 33rd Congress, 1st Session, 338 (March 3, 1854).

realize the deeper reasons for this legislation. Everett expressed his reservations concerning the Douglas bill and committee report, while Dawson spoke in favor of the bill and then proceeded to tell Everett “that one great object for which it was brought forward was ‘to put me to the test.’” Could northern and southern Whigs continue to work together, despite their very different attitudes toward the Compromise of 1850?

Though the aims of the bill possessed the virtue of clarity, the same could not be said about the language of the Douglas bill and committee report. Considerable confusion accompanied the reception of the report, particularly when Senators noticed that Douglas declined to pass judgment upon the legality of the Missouri Compromise restriction. Instead, his report merely put in place the relevant passages concerning popular sovereignty in the Compromise of 1850. Did this represent a substitution of the principles of the Compromise of 1850 for those of the Missouri Compromise of 1820? If so, then some Senators wondered whether Douglas had enshrined permanently the former while voiding the latter. Both editorial writer Francis Grund and Missouri Democratic Senator David R. Atchison evidently thought so. Grund, writing under the pseudonym “X” in the *Baltimore Sun*, quickly endorsed the new Nebraska bill in the belief that Douglas indeed had concocted a repeal of the eighth section of the 1820 act which admitted Missouri and barred slavery in the Louisiana Purchase territory above 36° 30′ latitude. He deduced this conclusion from Douglas’s imposition of a fugitive slave law and popular sovereignty upon a territory previously closed to slavery.⁴⁰⁶

Even Missouri Senator David R. Atchison, a man unaccustomed to doing anything with subtlety, assumed that Douglas had repealed the slavery prohibition of 1820. When he received troubling indications otherwise, Atchison immediately went to see Alabama congressman Philip Phillips, then a

⁴⁰⁶ Phillip Phillips, *The Principal Events of My Life*, June 10-20, 1870, [transcript], 31, Philip Phillips Papers, Box 13, Manuscript Division, Library of Congress. The Democrat Grund advocated this position as a determined opponent of the Pierce Administration. He later wrote Pennsylvania Democrat Simon Cameron, “The questions arising from the Nebraska Bill will not be settled for many years. Meanwhile, there is a good time coming, since the administration will soon be pressed by one or the other wing [i.e. pro- and anti-Compromise] of the party.” Francis J. Grund to Simon Cameron, February 25, 1854, Simon Cameron Papers, Manuscript Division, Library of Congress, quoted in Holman Hamilton and James L. Crouthamel, “A Man for Both Parties: Francis J. Grund as Political Chameleon,” *The Pennsylvania Magazine of History and Biography* 97 (October 1973), 478.

member of the House Committee on Territories. Upon meeting Phillips, the Missouri Senator supposedly said, “[Virginia Senator Robert M. T.] Hunter tells me you say Douglas’s Bill does not repeal the Missouri Compromise Act. This surprises me.” With this admission, Phillips, Douglas, and Atchison held a subsequent meeting the following morning in Atchison’s office at the Vice President’s room of the Senate Chamber. Douglas calmly listened as both southerners made the case for an explicit repeal, though Douglas apparently insisted that he had removed the bar against slavery in Nebraska through the bill reported out of the Senate Committee on Territories. Remonstrating further on this point with Douglas, Phillips then rehearsed the familiar southern position on popular sovereignty. Territorial inhabitants exercised sovereignty over whether to allow slavery to exist in their territory only at the time at which they had met the requisite population to petition for statehood. According to Phillips’s account of the meeting written much later, Douglas “seemed impressed” by this argument and the three men finally bid one another goodbye. Significantly, Phillips did not recall that Douglas had promised to add an explicit repeal of the Missouri Compromise by the end of his meeting with Atchison and Phillips.⁴⁰⁷

Douglas did not need the pressure of Phillips or the other Southern Rights Democrats of the infamous “F-Street Mess” to press for repeal. Union Democrats and Union Whigs had anticipated such a move. The need for a contrasting issue with Southern Rights Democrats explained their course. The battles between Unionists and Southern Rights men in the South since the passage of the Compromise of 1850 centered on whether popular sovereignty or extension of the Missouri Compromise line to the Pacific Ocean best protected slaveholder rights in the federal territories. Union Democrats and Whigs asserted that popular sovereignty guaranteed the South all that it could reasonably ask from northern politicians.

Two prominent Union Democrats went so far as to equate the popular sovereignty features of the Compromise of 1850 with a virtual repeal of the Missouri Compromise restriction.⁴⁰⁸ The two

⁴⁰⁷ Phillip Phillips, *The Principal Events of My Life*, June 10-20, 1870, [transcript], 32-33, Philip Phillips Papers, Box 13, Manuscript Division, Library of Congress.

⁴⁰⁸ For a (vague) recognition of a southern challenge to the Missouri restriction before 1854, see, Earl M. Maltz, *Slavery and the Supreme Court, 1825-1861*, (Lawrence: University Press of Kansas, 2009), 177.

Compromises conflicted with each other, both Texan Thomas J. Rusk and Mississippian Henry S. Foote charged, particularly in respect to the 1845 Texas treaty of annexation. In that treaty, Congress effectively extended the 36° 30' slavery restriction of the Missouri Compromise to the northwestern boundary of Texas. When Congress acted in 1850 to resolve the rival boundary claims of Texas and New Mexico, however, it assigned some 30,000 miles to Texas and gave the rest to New Mexico. Since this cession included some of the land bounded by the Missouri Compromise line, Rusk and Foote contended that this transfer of land previously closed to slavery by the terms of the 1845 treaty and its popular sovereignty under the Compromise of 1850 ultimately meant that a virtual repeal of the entire Missouri Compromise had occurred. As Rusk informed Texas Governor Peter H. Bell upon House passage of the Texas-New Mexico boundary bill in September 1850, "this bill looses [sic] no slave soil as its opponents allege [sic] but on the contrary removes the restriction from all above 36-30 and west of the Rio Grande."⁴⁰⁹ Henry S. Foote voiced his opinions during his inaugural speech as Governor of Mississippi on January 16, 1852. To an assembled crowd of legislators and spectators, Foote pointedly noted "that the territory of Utah, large enough for five or six Slave States, [lies] entirely north of the Missouri Compromise line of 36° 30', as is a large portion of New Mexico."⁴¹⁰ To these determined advocates of popular sovereignty, Congress had managed to void the force of the Missouri Compromise when it adopted the Compromise of 1850.

Union Whig William C. Dawson also shared the strong faith in the power of the Compromise of 1850 to halt future "agitation" of the slavery issue. He fully expected there to be in mid-December 1853 a formal "repeal of the Missouri restriction" which will be offered to the Bill organizing the Territory of Nebraska."⁴¹¹ On 10 January, the *Washington Union* reported a missing Twenty-Fourth Section of the bill, placing responsibility for this oversight upon a copyist error. This added section affirmed the right of

⁴⁰⁹ Thomas J. Rusk to Peter H. Bell, September 7, 1850, Thomas J. Rusk Papers, Box 2G37, Center for American History, University of Texas.

⁴¹⁰ *Jackson Flag of the Union*, January 16, 1852.

⁴¹¹ William C. Dawson to Linton Stephens, December 21, 1853, Alexander Hamilton Stephens Papers, [microfilm], Reel 2, Manuscript Division, Library of Congress.

territorial inhabitants to decide whether to permit slavery. Once again, Douglas had stopped short of a formal repeal of the Missouri restriction. Equally troubling to the more extreme southern Democrats, the Douglas version of popular sovereignty might continue to prevent slaveholders from going west with their slaves, given the contradiction between the Compromise of 1850 and the Missouri Compromise. Six days later, Kentucky Whig Archibald Dixon struck at the heart of that very contradiction with his threatened intention to introduce an amendment of Calhounite proportions. He wished to allow southerners to take their slaves to Nebraska or any federal territory through the positive protection of the federal government. Dixon appeared to make a bid for the most extreme Southern Rights Democrats, precisely those Senators of the F-Street Mess like Atchison that Douglas met after he reported his original bill of 4 January. Like Douglas, Dixon's proposed amendment did not expressly repeal the Missouri Compromise restriction. Instead, he offered to use the late Senator John C. Calhoun's insistence that the federal territories existed as the common property of all the states and northerners could not discriminate against southern property in slaves under the Fifth Amendment guarantee of due process.⁴¹² Why did Dixon adopt such an extreme course? The answer lies in both his personal and his partisan motives. The imminent introduction of this Whig-inspired amendment threatened confusion among Democrats, especially those Southern Rights men who doubted whether Douglas conferred much benefit to slavery in his bill.

Dixon held personal reasons for taking an extreme position, too. Dixon's U.S. Senate term expired in March 1855. During the early part of 1854, members of the Kentucky legislature prepared to elect a U.S. Senator to serve after the end of Dixon's term. With the Whigs in control of the legislature, one might imagine that Dixon stood to get reelected, but Dixon had a formidable challenger in the form of former Kentucky U.S. Senator John J. Crittenden. Unlikely to pull enough Whig votes away from the popular Crittenden, Dixon tried to gain the endorsement of the minority Democrats in his state. He had shown a predilection for this strategy earlier in 1851, when a group of Kentucky pro-Compromise Democrats and Whigs jointly endorsed both the Democrat Linn Boyd for a congressional seat and the

⁴¹² Robert W. Johannsen, *Stephen A. Douglas*, (New York: Oxford University Press, 1973), 411-412.

Whig Dixon for Governor.⁴¹³ Dixon also tried at least once in 1854 to get Crittenden to step aside and concentrate solely upon securing the Whig presidential nomination in 1856.⁴¹⁴ What seems less likely is that Dixon introduced his amendment at the prodding of antislavery Whig William H. Seward as part of a strategy to unite the Whigs against the bill.⁴¹⁵ Though both Seward and Dixon had some prior familiarity with each other, Dixon acted more in concert with messmate James Jones of Tennessee. There is also precious little evidence that Douglas pursued repeal of the Missouri Compromise at the behest of a Senator from the opposing party. Douglas, however, did need to secure the goodwill of the Southern Rights wing of the Democratic Party.

Unfortunately for the cause of Democratic harmony, the New York Hard Shells in the House of Representatives provided yet another obstacle to unity. The very same day that Dixon revealed his intention to offer his amendment in the Senate, Hard Shell congressman Francis B. Cutting launched an attack upon President Pierce and his advisors for their dismissal of Collector Greene C. Bronson the previous fall. Calling for a congressional investigation into the activities of the Pierce Administration, Cutting desperately looked to Southern Democrats in Congress for assistance. Would aggrieved Union Democrats from the South get retribution by raking the Pierce Administration through the coals? Would Southern Rights Democrats break with Pierce much as they had done during the election of Tucker as Senate printer? Mississippi Union Democrat Henry S. Foote appeared to answer those questions as well as Cutting and the Hard Shell's request for aid. In early January 1854, Foote resigned from the office of Governor after failing to achieve his goal of returning to the U.S. Senate. Packing his bags for a new life in California, Foote first detoured through Washington D. C. and New York City in order to settle some old scores with his hated rival and current Secretary of War Jefferson Davis. While at the National Hotel

⁴¹³ L. M. Flournoy et al. to Mrs. A. L. Boyd, April 28, 1851, Boyd Family Papers, [microfilm], Special Collections Library, University of Kentucky.

⁴¹⁴ Archibald Dixon to John J. Crittenden, February 7, 1854 and John J. Crittenden to Archibald Dixon, March 7, 1854, both in Maria Chapman Coleman, *The Life of John J. Crittenden with Selections from His Speeches and Letters*, (Philadelphia, J. B. Lippincott & Co., 1871): 2:60-61.

⁴¹⁵ For a persuasive examination of this issue, see William J. Cooper, *The South and the Politics of Slavery, 1828-1856*, (Baton Rouge: Louisiana State University Press, 1978), 349, 379.

in Washington, Foote harangued the Pierce Administration for pursuing patronage policies designed to reward enemies of the Compromise of 1850. Though he did not personally hear the speech, New York Whig congressman Solomon G. Haven got the gist of Foote's speech. Foote's timing was impeccable "as the Devil would have it for the Softs," Haven explained to his law partner back home in Buffalo. Word of the speech traveled quickly through the city. Thanks to news of this speech, "there has been a great awakening amongst the Hards today & they feel more triumphant & the Softs more subdued than I have known them since Congress met."⁴¹⁶

Foote next traveled to New York and addressed the meeting of the Democratic Republican Committee in New York on the evening of 20 January. To throngs of cheering Hard-Shell Democrats, the Chair of the meeting introduced a set of anti-Pierce resolutions. One of the resolutions celebrated the "recent defeat" of Jefferson Davis for the U.S. Senate in Mississippi, calling it "the first blow struck by the people against the members of an odious Cabinet." Along with Georgia Union Democrat Judge James Morton, Foote reiterated some of the themes first presented at the National Hotel diatribe. Foote spoke on behalf of the "greater and far more serious dangers" which currently gripped the nation than those following the enactment of the Compromise of 1850. The pro-Compromise phalanx of Hard-Shell and Union Democrats had turned back the original enemies to that legislation and to the peace of the country. Upon his ascension to the Presidency, Franklin Pierce betrayed the friends of the Compromise. According to Foote, "the two beaten factions of the Republic – Free Soilism in the North, and Secession in the South – he has taken under his formal patronage." Foote promised the assistance of his Union Democratic faction to the Hard Shells in their battle with the Pierce Administration. Judge James Morton followed Foote and breathed defiance at those Southern Rights Democrats who had "threatened" Foote and Morton "with the rope" during the controversy of 1850. Like Foote, Morton gave his Hard-Shell audience every assurance that Union Democrats were with them. The proceedings appeared in the *New York Herald*,

⁴¹⁶ Solomon G. Haven to James M. Smith, January 17, 1854, Solomon G. Haven Papers, Clements Library, University of Michigan.

National Democrat, and *Washington Sentinel*, making it certain to attract the attention of everyone from Stephen A. Douglas to President Pierce.⁴¹⁷

Another Union Democrat, Howell Cobb, received consolation from northern Democrats loyal to the Pierce Administration. Unable either to secure a seat in the U.S. Senate or to represent Union Democrats in the Pierce Cabinet, Cobb watched the entire drama unfold from the sidelines. He sought information on the state of the Democratic Party from his friends among the northern Democrats in Congress. Connecticut congressman Colin M. Ingersoll wrote Cobb on 20 January “that among the living Democratic statesmen of the Union there is no one in my opinion to whom the northern Democracy owe more than to you – or in whom they have a greater confidence.” Just two months into the congressional session, “the Democratic Party has thus far kept together in refusing to join in an attempt to break up the Administration.” Ingersoll displayed little patience for those who assisted such efforts and appealed to Cobb to remain loyal to Pierce and his administration. “Whoever leaves it [the Democratic Party] for a new organization will as you will observe ‘be utterly ruined and wrecked politically.’” Ingersoll concluded his letter by stating how President Pierce personally admired and respected Cobb despite his inability to secure a spot for Cobb or his friends in the Cabinet.⁴¹⁸

The obvious disaffection of the Hard Shells and Union Democrats combined with the Whig Dixon’s attempt to woo Southern Rights Democrats through his amendment all weighed heavily on Stephen A. Douglas. He had now three days before he was scheduled to present his revised Nebraska bill that he had promised the Senate after the surprise of the Dixon’s threatened amendment. During this time, he hastily arranged a conference with President Pierce, relying upon the exertions of Secretary of War Jefferson Davis to bring the President to an understanding of the full extent of the crisis. Phillips and the other southern Democrats on F-Street conducted their own meeting and while there approved a plan to

⁴¹⁷ *New York Times*, January 20, 1854.

⁴¹⁸ Colin M. Ingersoll to Howell Cobb, January 20, 1854, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 339-341.

seek formal repeal of the Missouri Compromise restriction. On Sunday afternoon, 22 January, President Pierce, Douglas, Phillips, Atchison, Hunter, Davis, Virginian James M. Mason, South Carolinian Pierce Butler, and Kentuckian John C. Breckinridge all gathered at the White House to discuss major alterations to the original Douglas bill. Accounts of what actually transpired at the White House give sparse details, yet they seem to agree upon the impression of hesitancy on the part of the President. A religiously observant if not the most pious of men, Pierce generally observed the injunction against work on the Christian Sabbath. Now Douglas with southern politicians in tow pressed Pierce to own up to his prior failures and remedy them through firm adherence to a repeal of the Missouri Compromise. Philip Phillips later recalled the President as saying, “Gentlemen, you are entering a serious undertaking, and the ground should be well surveyed before the first step is taken.”⁴¹⁹ The attendees, especially Douglas, had done their planning beforehand. Douglas forced the reluctant Pierce personally to write out the provision in the bill which formally removed the Missouri Compromise restriction as applied to the newly organized territory. Armed with this written guarantee from the President, Douglas presented his final version of the bill to the Senate on the very next day.

Apart from the explicit language which declared the Eighth Section of the Act of 1820 “inoperative and void,” Douglas added two other important features to the bill. The territory of Nebraska became a bit less cumbersome; Douglas split it into two parts. While he had done so at the behest of Augustus C. Dodge of Iowa and other Senators, the presence of a Kansas bordering a slave-state Missouri nicely balanced the likelihood of Nebraska coming into the Union as a free state. Of more importance at that time, though, was the inclusion of language within the bill which declared that the Compromise of 1850 “superseded” the Missouri Compromise of 1820. Some historians, notably James C. Malins, Gerald M. Capers, and David M. Potter, have pointed to the shift in Douglas’s motives as evidence that he simply

⁴¹⁹ Phillip Phillips, *The Principal Events of My Life*, June 10-20, 1870, [transcript], 34-35, Philip Phillips Papers, Box 13, Manuscript Division, Library of Congress.

lost control of his own legislation.⁴²⁰ What had started as a bill to organize territory in preparation for a transcontinental railroad route, they contended, emerged on 23 January as a bill to win southern votes for the measure by repealing the Missouri Compromise. Though it is certainly true that Douglas favored westward development, this interpretation of Douglas misses the consistency in which the Illinois Senator used the Compromise of 1850 to bring together his fractious party. Closer to the mark, it seems, are the interpretations of Roy F. Nichols, Robert W. Johannsen, and Michael F. Holt.⁴²¹ All three writers have acknowledged the political pressures brought to bear upon both Douglas and the Democratic Party. Nevertheless, they stop short of portraying the Kansas-Nebraska bill in terms of a calculated legislative response to the failures of both parties, but particularly the Democrats, to unite after the internecine battles of 1850-51 over the Compromise of 1850. The election of 1852 had at best only partially succeeded in “reorganizing” the old national party system of Democrats and Whigs; the Douglas bill then would complete the task.

A determined band of Free Soilers in the Senate surreptitiously greeted the Kansas-Nebraska bill with glee. Here now was their chance to create a movement for an antislavery third party even greater than that which surfaced during the 1848 election. Free Soil Democrats and Whigs unable to accept the Douglas test of partisan loyalty represented likely recruits. Under the pretext of delaying further consideration of the bill until he had read it carefully, Ohio Senator Salmon P. Chase used the extra week allotted to him to craft a manifesto. The result, published on 24 January and entitled “The Appeal of the Independent Democrats in Congress to the People of the United States,” [signaled] Chase’s aim to widen the growing chasm between the Van Buren Free Soil Democrats or Barnburners and the rest of the Democratic Party. The Ohio Senator dredged up memories of Texas annexation in 1845, an issue which

⁴²⁰ James C. Malins, *The Nebraska Question*, (Lawrence, Kansas: Privately Printed, 1953), 5-7; Gerald M. Capers, *Stephen A. Douglas: Defender of the Union*, (Boston: Little, Brown, 1959), 96; David M. Potter, *The Impending Crisis, 1848-1861*, ed. Don E. Fehrenbacher, (New York: Harper & Row, 1977), 158-59.

⁴²¹ Roy F. Nichols, “The Kansas-Nebraska Act: A Century of Historiography,” *Mississippi Valley Historical Review* 43 (September 1956), 187-212; Robert W. Johannsen, *Stephen A. Douglas*, (New York: Oxford University Press, 1973), 401-34; Michael F. Holt, *Franklin Pierce: The American Presidents Series: The 14th President, 1853-1857*, (New York: Times Books, 2010), 73-83.

had contributed to the original split between Van Buren and the Democratic Party. Here, Chase focused on the Texas boundary issue. Douglas, while a young Illinois Congressman had sponsored this very restriction, Chase proclaimed. Nine years later, the Illinois Senator ignored his own past efforts when presenting this Kansas-Nebraska [bill].⁴²²

Confronting the charge of inconsistency, the “Little Giant” struck back at Chase and his fellow Free Soilers. Not only had they “grossly falsified” the nature of the deliberations within Douglas’s Committee on Territories, but they had fundamentally mischaracterized the relationship between the 1845 Texas treaty and both the Missouri Compromise and the Compromise of 1850. Douglas defended his role in bringing forth the Missouri Compromise restriction during the congressional debates concerning Texas. As he told his audience in 1854, “It was for the purpose of preserving the principle [of the Missouri Compromise restriction], in order that it might be extended still further westward, even to the Pacific Ocean, whenever we should acquire country that far.” This hope proved delusive when northern men insisted upon slavery prohibition everywhere through their demand for the Wilmot Proviso. Thus, the failure to carry the Missouri line to the Pacific “created the necessity for making a new compromise in 1850.” As for the Utah and New Mexico bills contained in the latter compromise, Douglas echoed the claims of Union Democrats like Rusk and Foote. Those bills, “applied its provisions [of popular sovereignty] to the north as to the south of 36° 30.”⁴²³ The limitation on slavery placed upon Texas’s northwestern boundary ended once the United States effectively purchased the territory claimed by Texas to settle its boundary dispute with New Mexico. Regardless of the persuasiveness of this argument, Douglas concluded that the Compromise of 1850 had implicitly repealed the Missouri Compromise restriction.

Douglas made one other salient point before he yielded the floor. He threw down the gauntlet to those “Democrats and Whigs, who, not willing to repudiate the Baltimore platform of their own party”

⁴²² *Congressional Globe*, Appendix, 33rd Congress, 1st Session, 136 (February 3, 1854).

⁴²³ *Congressional Globe*, 33rd Congress, 1st Session, 277 (January 30, 1854).

feigned support for the Douglas bill “in such equivocal terms that they could deny that it means what it was intended to mean in certain localities.”⁴²⁴ No, he demanded, these men must drop all pretense and either stand by the Compromise of 1850 or cast their votes to discard it altogether. The usually pragmatic Douglas in effect denied to others the very middle ground which he had so often occupied in congressional debates. For his staunch support of the Compromise of 1850, Douglas earned the gratitude of Union Democrat Howell Cobb. “If the views presented in your opening speech do not reflect the feelings & principles of the national democracy – then I do not understand them – and the country has labored so far under a misapprehension,” he confided to Douglas. The time had now come for a succinct defense of the doctrine of congressional non-intervention with slavery, for “there can be no two opinions on the point.” This principle had the confidence of the public, “though as you say – our friend [Lewis] Cass was sacrificed on it in 1848.”⁴²⁵ Douglas eventually penned a reply to Cobb and tendered his thanks. The kind words of Cobb greatly heartened the Illinois Senator. “I could not doubt that the Nebraska Bill & the principle asserted therein [sic] would meet your hearty [sic] approval,” he wrote. Those in the South who embraced the principle of popular sovereignty need not do anything but “stand firm & leave us of the North to fight the great Battle.” Douglas closed his letter by encouraging Cobb to write him with any suggestions or observations regarding the Kansas-Nebraska bill.⁴²⁶

Throughout the month of February, the Senate continued to hear speeches on the Kansas-Nebraska bill. New York Whig Senator William H. Seward well represented the tenor of those opposed to the measure. He queried Douglas and other advocates of the bill to explain why northern men should accept the permanence of the Compromise of 1850 given the ease with which they now invalidated an earlier

⁴²⁴ *Ibid*, 280.

⁴²⁵ Howell Cobb to Stephen A. Douglas, February 5, 1854, Stephen A. Douglas Papers, Box 4, Folder 5, Joseph Regerstein Library, University of Chicago.

⁴²⁶ Stephen A. Douglas to Howell Cobb, April 2, 1854, printed in *The Letters of Stephen A. Douglas*, ed. Robert W. Johannsen, (Urbana: University of Illinois Press, 1961), 300.

compromise.⁴²⁷ From the other side, southern members held frequent conferences across party lines to plot their next move. After one such session, Georgia Union Whig Robert A. Toombs expressed his disdain for northern Senators like Seward and their sanctimonious talk of honoring past compromises. “The North never did agree to” the adoption of the Missouri Compromise of 1820, he complained privately to an old Virginia school chum. Though Toombs correctly noted how the Missouri Compromise passed largely by southern votes aided “by a few Northern men,” he forgot to include a very important fact.⁴²⁸ As historian Richard H. Brown observed in 1966, northern and southern supporters of the Missouri Compromise, with few exceptions, paid dearly for their stance in later elections before their constituents.⁴²⁹ Both sides during debate over the Kansas-Nebraska bill ultimately played fast and loose with the past to justify their positions.

Though the commitment to historical accuracy suffered greatly in the course of debate, Douglas and his allies remained far more concerned with getting the measure to a final vote in early-March. Douglas confidently expected the bill to clear the Senate with some 40 to 45 votes in its favor. Salmon P. Chase repeatedly tried in vain to amend the bill and make it unpalatable to southern Senators, but Douglas and his allies marshaled the necessary votes to defeat these amendments. More successful were the efforts of Whigs George E. Badger of North Carolina and John M. Clayton of Delaware. Badger introduced an amendment to provide for an explicit guarantee of congressional non-intervention with slavery in the two territories. In the course of debate, Badger confessed that he pushed his amendment with a view to prevent the protections accorded slavery in these territories by the pre-1803 French law from remaining in force

⁴²⁷ *Congressional Globe*, Appendix, 33rd Congress, 1st Session, 152 (February 17, 1854). Millard Fillmore used similar language eight days before the Seward speech in a letter to his former Secretary of the Interior, asking “If one compromise be disregarded will not another be, and will not the South in the end be left to the *tender mercy* of Northern fanaticism with an overwhelming numerical majority?” Millard Fillmore to Alexander H. H. Stuart, February 9, 1854, Stuart-Baldwin Papers, Box 2, Albert and Shirley Small Special Collections Library, University of Virginia. (Emphasis in original)

⁴²⁸ Robert A. Toombs to William M. Burwell, February, 3, 1854, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 342.

⁴²⁹ Richard H. Brown, “The Missouri Crisis, Slavery, and the Politics of Jacksonianism,” *South Atlantic Quarterly* 65 (Winter 1966): 55-72.

upon repeal of the Missouri Compromise restriction. Congress had to counteract the force of Mexican law which previously had prohibited slavery in the newly acquired Mexican Cession through the Compromise of 1850, Badger insisted. Four years later, Congress must stop proslavery French law from operating in Kansas and Nebraska. Despite some carping by the friends of the Kansas-Nebraska bill that the amendment was unnecessary, it still passed 35 to 6 with mostly southern members bothering to vote in opposition.⁴³⁰

The Clayton amendment proved far more troublesome. Senator Clayton sought to prohibit foreign non-citizens from voting in territorial elections. Many foreigners brought with them to the United States a hatred of slavery and, if allowed to vote, might bar it from the territories. Though he undoubtedly wished to place northern Democrats and their generally pro-immigrant stance on the defensive, Clayton genuinely abhorred the swelling political power of immigrants. Back in April 1853, he revealed some of his strong feelings against President Pierce's "odious" appointment of French-born Pierre Soule to the post of the post of Minister to Spain.⁴³¹ Believing that the old Democratic and Whig parties had outlived their usefulness to voters, Clayton searched for an issue sure to generate a large public following. His amendment also divided the southern backers of Douglas with their distrust of the mostly antislavery immigrants coming into this country from the northern backers of Douglas with their political reliance on those same immigrants. In the end, the Clayton anti-immigrant amendment got incorporated into the Kansas-Nebraska bill by the narrow margin of 23 to 21, with only Pennsylvanian Richard Broadhead joining an all-southern bloc in its favor.⁴³²

Few historians, including Tyler Anbinder in his study of the growth of the northern-wing of the anti-immigrant Know Nothings, have acknowledged the causal connection between the Clayton

⁴³⁰ *Congressional Globe*, 33rd Congress, 1st Session, 520 (March 2, 1854).

⁴³¹ John M. Clayton to Robert M. Bird, April 14, 1853, Robert Montgomery Bird Papers, Box 1, Van Pelt-Dietrich Library, University of Pennsylvania.

⁴³² *Congressional Globe*, 33rd Congress, 1st Session, 520 (March 2, 1854).

amendment and “the prerequisites for another outburst of American nativism” in 1854.⁴³³ In the South, notice of the Clayton Amendment encouraged latent anti-immigrant sentiments. For instance, Alabamian David B. Smealey strongly approved of the amendment and stood “first to last opposed to foreign influence, and foreign voters, unless they have been in the country at least twenty one years.”⁴³⁴ If an immigrant arrived in the United States after age 25, Smealey held no qualms in denying that person the right to vote in perpetuity.

After these additions to the Douglas bill, the time for a final vote had finally arrived. At 4:50 a.m. on 3 March, a tired Sam Houston of Texas completed his speech against the bill and Senators prepared for the moment of decision. True to his original prediction, Douglas saw the bill clear the Senate with a nearly two-thirds vote in its favor, 37 to 14. Only two southern Senators, Tennessean John Bell and Texan Sam Houston cast negative votes along with 12 northern Whig members. One of the dissenting votes, Maine Whig Senator William P. Fessenden vowed to abandon the Whig Party in favor of a permanent opposition to the principles of the legislation. Should the bill clear both the Senate and the House, he wrote his wife Ellen just days before the Senate vote, “the Free states must unite in a sectional party on this subject, or slavery has possession of the Government henceforth and forever.”⁴³⁵

The bill’s journey through the House seemed more in doubt to contemporaries, given the greater preponderance of northern Democrats and the last minute inclusion of the Clayton amendment. Massachusetts Free Soil Senator Charles Sumner appealed to Governor Emory Washburn of his state to use whatever means to get antislavery Massachusetts congressmen into their seats in time to defeat the

⁴³³ See, for instance, Tyler Anbinder, *Nativism and Slavery: Northern Know Nothings and the Politics of the 1850s*, (New York: Oxford University Press, 1992), 18.

⁴³⁴ David B. Smealey to Bolling Hall, June 21, 1854, Bolling Hall Family Papers, LPR39, Box 5, Alabama Department of Archives and History.

⁴³⁵ William P. Fessenden to Ellen M. Fessenden, February 26, 1854, Fessenden Collection, George J. Mitchell Department of Special Collections & Archives, Bowdoin College, quoted in Robert J. Cook, *Civil War Senator: William Pitt Fessenden and the Fight to Save the American Republic*, (Baton Rouge: Louisiana State University Press, 2011), 86.

legislation.⁴³⁶ The battle in the House commenced in March with the report of a bill similar to the Senate measure out of William A. Richardson's Committee on Territories. Unfortunately for Richardson and the friends of the bill in the House, an already filled calendar prevented its quick consideration. A contentious Homestead Act, an Appropriations Bill for the following year, and numerous private bills took precedence. Equally bad, Hard-Shell Democrat Francis B. Cutting appeared intent upon stalling the measure in the House. He demanded that the Senate bill (including the Clayton Amendment) go before the entire House, where it had earlier failed on a test vote. Cutting fully lived up to his name and accused the Pierce Administration of intending to create a new party shorn of Hard Shells. These intemperate remarks earned Representative Cutting the disfavor of John C. Breckinridge of Kentucky. When Cutting proceeded to use the word "skulks" to describe Breckinridge, the latter demanded a retraction. The Hard Shells of New York had raised some \$1,500 for Breckinridge previously and Cutting charged the Kentuckian with ingratitude. Cutting refused to offer a public apology on the floor of the House and the two men nearly fought a duel over the incident. Though both men came to a mutual understanding, Hard-Shell Democrats would give the Pierce Administration and its congressional allies only the barest support for the bill.⁴³⁷

Towards the end of May, Union Whig Alexander H. Stephens of Georgia conceived of the strategy which could bring the bill out of the depths of House calendar and onto the floor for a vote. Stephens suggested a complicated House maneuver to his colleagues, whereby the House might strike out the enacting clause of a bill and prevent further dilatory amendments. This action would necessitate the bill going back to the Committee with a negative report from the floor of the House. The advocates of the bill, though, could call up the bill from the Committee with a motion of the previous question and effectively force a final vote. Although his fellow pro-bill congressmen entertained some doubt about this tactic,

⁴³⁶ Charles Sumner to Emory Washburn, March 22, 1854, Charles Sumner Letter, Mss. 2526, Louisiana and Lower Mississippi Valley Collections, Louisiana State University Libraries.

⁴³⁷ Leonard Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860*, (Baton Rouge: Louisiana State University Press, 2000), 186. For his part, Breckinridge had avoided anything that smacked of retaliation against the Hard Shell Democrats. See, John C. Breckinridge to Robert J. Breckinridge, March 6, 1854, Breckinridge Family Papers, Box 165, Manuscript Division, Library of Congress.

Stephens pushed it from the floor on 22 May and succeeded in obtaining a final vote. A coalition of mostly southern Democrats, southern Whigs, and nearly half of the northern wing of the Democratic Party combined to secure final passage, 113-100. Though historians have focused on the critical margin of victory provided by the southern Whigs in the House, the measures could not have passed with Northern Democrats' support had it included the anti-immigrant Clayton amendment. Since the House bill did not contain the Clayton Amendment which the Senate had passed, the Senate formally acceded to the change. President Pierce finally signed the measure into law before the end of the month.⁴³⁸

Even before the passage of the bill in the House, Massachusetts Senator Edward Everett had announced the epitaph of the national Whig Party. Holding the same Massachusetts Senate seat previously occupied by Daniel Webster, Everett recognized the pressing dilemma for conservative Whigs like himself because of Douglas's bill. What were they left to do? They could not rally as Whigs anymore, for, as he confessed to his daughter, the "conservative portion in the non-slaveholding States is annihilated" by the Kansas-Nebraska Bill. Neither could he consciously join the new popular coalitions regardless of party that quickly arose in many northern states against the repeal of the Missouri Compromise line. Such coalitions only promised "for the next three years" nothing "but anti-slavery agitation." As Everett would consistently argue throughout the 1850s, the formation of purely northern or southern parties led "inevitably toward the dissolution of the Union."⁴³⁹ So, Everett found himself adopting a kind of equivocal stance: torn between sympathy for those who opposed the repeal of the Missouri Compromise line while fearing such wrath would culminate in the horrors of disunion and civil war.

The dilemma of Edward Everett over his future course coincided with the unease which bedeviled many conservative pro-Compromise Whigs and even some conservative Democrats who had looked toward the formation of a new national "Union Party." Unable to rally their old party nationally around

⁴³⁸ David M. Potter, *The Impending Crisis, 1848-1861*, ed. Don E. Fehrenbacher, (New York: Harper & Row, 1977), 166.

⁴³⁹ Edward Everett to Mrs. Henry A. Wise, March 30, 1854, quoted in Paul Revere Frothingham, *Edward Everett: Orator and Statesman*, (Boston: Houghton Mifflin Company, 1925), 358. Everett later resigned from his Senate seat in anguish on 1 June.

opposition to the Kansas-Nebraska bill, ex-President Millard Fillmore's closest allies effectively washed their hands clean of any further obligation to the old Whig Party. Though Douglas had averted the collapse of the Democratic Party that Fillmore and other Whigs had so confidently expected, the bitter reaction in the North to his legislation and the unabated hostility of many Democrats to Franklin Pierce and his Cabinet gave ample reason to believe that Douglas had only postponed the inevitable demise of his beloved party. With this opinion, Fillmore and his political associates now embraced the very thing that they had earlier sought to avoid – the replacement of the Whig Party with a completely new organization.

The passage of the Kansas-Nebraska bill had averted a realignment involving disgruntled northern and southern advocates of the Compromise in favor of another realignment involving antislavery and anti-Compromise northern Democrats and Whigs. Hopes for a bisectonal Union Party which had excited conservative Whigs both North and South faded, as Deep South Whigs left the moorings of their old party and began to drift slowly but surely toward affiliation with the Democratic Party. Meanwhile, pro-Compromise Union Democrats and Hard Shells stayed loyal to the national Democratic Party, in spite of their bitterness toward the President and his Cabinet. Lastly, the bill had forced the nearly half of Congressional northern Democrats and virtually all northern Whigs to consider whether to combine into a sectional antislavery third party. The events of the next two years would determine whether such a party or the burgeoning nativist movement could best compete for the loyalties of northern voters.

Chapter 5: The Balance of Power, 1854-1856

Upon hearing the news from Washington, Connecticut Democrat Gideon Welles wrote to a political supporter, “The passage of the Nebraska bill, raises the question, what next?” Welles displayed little patience with the popular argument that Free Soil Democrats like himself should abandon their old affinities for the party of Jefferson and Jackson to embrace Whigs. But how could he remain in good standing with a Pierce Administration seemingly dedicated to a policy which promoted the expansion of slavery? Welles vacillated and ultimately convinced himself that the foes of slavery labored futilely to create a political realignment. Antislavery men in both parties stood “impeded and retarded by the old party organizations” determined to provide southern slaveholders a powerful voice within both major national parties. In despair, Welles searched in vain for “one formidable man” strong enough to restore the country and the Democratic Party from the depths of venality to which it had plunged. Either the “swindling charlenry [sic] demagogues” who nominated Franklin Pierce for President at the Democratic National Convention in Baltimore or Welles had to leave the old Democratic Party. Welles clearly preferred the former.⁴⁴⁰

Ohio Free Soil congressman James M. Root traced the current political quandaries for Free Soil men back to the same cause. “The Compromisers of 1850 and the framers of the Baltimore Platform of 1852 are doomed men,” he explained to Maryland Whig Senator James Pearce. Root marveled at how his fellow northerners now heaped praise upon those very Free Soil men like himself who had bitterly assailed the passage of the Compromise of 1850. A little over two weeks since Pierce signed the Kansas-Nebraska Act into law, Root continued to receive “invitations to attend and address no less than six Anti-Nebraska Mass Meetings” in as many different counties all on the Fourth of July. In much the same manner as Welles, Root expressed his settled opinion not to “engage in politics beyond voting and making an occasional stump speech.”⁴⁴¹

⁴⁴⁰ Gideon Welles to “My Dear Sir,” May 1854, Gideon Welles Papers, Box 4, Connecticut Historical Society.

⁴⁴¹ James M. Root to James A. Pearce, June 18, 1854, James Alfred Pearce Papers, Maryland Historical Society.

Prudence would mark his course, though not necessarily that of his fellow Ohioan, U.S. Senator Salmon P. Chase. Ever since the Senate approved the Kansas-Nebraska bill in early-March, Chase had busily arranged for anti-Nebraska meetings throughout the Ohio. He targeted Whigs for his planned coalition, at one point confiding to political associate E. S. Hamlin, “The Whigs are now where the old Democrats were four years ago, opposed to a Pro-slavery National Administration therefore disposed to be antislavery. As we co-operated with the old Democrats, then we ought to co-operate with the Whigs now.”⁴⁴² By the beginning of summer, these exertions yielded a fusion movement, according to Root, which included “almost all the Whigs all the Freesoilers and some of the Democrats” in Ohio. For all his ambition, Chase earned himself a number of enemies within the antislavery movement. As Root himself admitted, “Chase is a heavy deterrent with the will of those Elements.”⁴⁴³

Both Welles and Root ignored the emergence of another grassroots anti-Democratic movement: the Know Nothings. Historians have analyzed thoroughly the origins and developments of this shadowy organization as it transitioned from a populist insurgency at the local level against the major parties to a party which fielded national candidates. In particular, a major debate in the historiography has centered upon whether nativism or slavery explains the explosive growth of the Know Nothings between 1854 and 1855. This chapter seeks to go beyond that controversy and posits that the Fillmore Whigs sought to incorporate the unruly and passionate rank-and-file of the Know Nothings into a larger Union Party capable of supporting conservative “old-line” Whigs, conservative pro-Compromise Democrats, and nativists.⁴⁴⁴ Though the effort failed to bring American Party presidential candidate Millard Fillmore back into the White House, it set an important template for how advocates of a Union Party would proceed after

⁴⁴² Salmon P. Chase to E. S. Hamlin, April 25, 1854, printed in *Diary and Correspondence of Salmon P. Chase*, ed. George S. Denison, 2 vols., (Washington D.C.: American Historical Association, 1903), 2:260.

⁴⁴³ James M. Root to James A. Pearce, June 18, 1854, James Alfred Pearce Papers, Maryland Historical Society.

⁴⁴⁴ This argument owes much to Michael F. Holt, “Another Look at the Election of 1856,” *James Buchanan and the Political Crisis of the 1850s*, ed. Michael J. Birkner, (Susquehanna, PA: Susquehanna University Press, 1996). 37-67. I believe, however, that my argument differs from Holt in an important way. I look *prospectively* at how the American Party movement of Fillmore and his allies ultimately influenced thinking about a Union Party beyond 1856, whereas Holt *retrospectively* places the origins of the American Party movement with original interest in a Union Party by conservative Whigs in 1851.

1856. Believing that they held the balance of power within their states along the Mason-Dixon Line, conservative Unionist Whigs gained additional confidence that they could successfully forge a national party between the two sectional extremes.

The rise of the new nativist party did not escape the notice of Virginian John Tyler. “The fact is, nothing has puzzled me [more] than the Know-nothing party. The secrecy of its organization is only exceeded by the certainty with which it marches to victory,” he explained to his son Robert. Tyler imagined that “The prestige of success will make the party formidable for a year or two, but I anticipate a success for it not extending beyond two years.”⁴⁴⁵ In his home state, the spread of the mysterious Know Nothings had occurred within weeks of the passage of the Kansas-Nebraska Act. By mid-June 1854, Virginia Know Nothings established a General Council at their first convention. Around the same time as the convention, Know Nothings set up their first lodge in Charlottesville, home to the University of Virginia and an area traditionally hospitable to Whiggery. Richmond Know Nothings erected their own lodge at the beginning of July. In August, the Democratic-leaning *Richmond Enquirer* estimated that the Order had swelled to include some “three hundred and fifty organized lodges of Know Nothings in Virginia.” The sheer magnitude of this surge, the editors further commented, was “ubiquitous as the atmosphere, and for the moment, at least, as irresistible as the storm.”⁴⁴⁶

Whether the two major parties of Whigs and Democrats could retard the growth of the nativist movement awaited the outcome of state and congressional races during the fall of 1854 and principally in those states north of the Mason-Dixon Line. The final results gave Democrats little consolation. Given the preponderance of Democrats in both chambers of Congress **after** the landslide victory of Pierce in 1852, perhaps it was only natural that the party in power would lose seats. The Whigs did not stand to benefit from this Democratic backlash, however. The nascent “Anti-Nebraska” parties of the North, both

⁴⁴⁵ John Tyler to Robert Tyler, July 17, 1854, printed in *The Letters and Times of the Tylers*, ed. Lyon Gardiner Tyler, 2 vols., (Richmond: Whittet & Shepperson, 1884-1885), 2:513.

⁴⁴⁶ James P. Hambleton, *A History of the Political Campaign in Virginia in 1855, with a Biographical Sketch of Henry A. Wise*, (Richmond: J. W. Randolph, 1856), 27-28.

the antislavery coalitionists who increasingly referred to themselves as “Republicans” and the strongly anti-immigrant and anti-Catholic “Know Nothings,” stood poised to attract the bulk of anti-Democratic sentiment. In Ohio, for instance, the majority Democrats lost twelve congressional seats to the antislavery coalitionists. Meanwhile, in Whig-dominated Massachusetts, every congressional and legislative seat up for grabs went to the Know Nothings.⁴⁴⁷ Both insurgent movements prevented Whig plans to revive the old party through harnessing the popular dissatisfaction in the North with President Pierce and the Democracy.

Surveying the political wreckage of the northern half of his party, Kentucky Democrat Linn Boyd viewed the “late elections in Ohio &c” to be “portentious [sic] of evil to the country.” If both great sections of the Union should produce the very geographical parties so deplored by the Founding Generation, he feared, then “the confederacy cannot last long.” Boyd and his fellow Kentucky Democrats already noticed the proliferation of nativist lodges within the Old Bluegrass State. The twin appearance of political nativism and antislavery filled the Kentucky Democrat with foreboding in a letter to his wife. “I verily believe the strength of our institutions are about being put to a severe test, than any through which they have passed” and “the next presidential election will determine [the] question of peace, or war, as between the confederacy.”⁴⁴⁸ Connecticut Democrat and former U.S. Attorney General Isaac Toucey advised a political friend not to give into those who fostered “a division in our ranks upon the expediency of rescinding the Missouri restriction.” Toucey resisted any talk of undoing the repeal provided in Douglas’s bill and plainly asserted that “No man who has any pretensions to democracy can go in with the Whigs & Abolitionists upon the issues which they have tendered.”⁴⁴⁹ Failure to destroy this sectional

⁴⁴⁷[Horace Greeley and John F. Cleveland], *The Tribune Almanac for the Years 1838 to 1868 Inclusive*, 2 vols., (New York: The New York Tribune, 1868), 1:49, 40.

⁴⁴⁸ Linn Boyd to Mrs. [Anne Rhey Dixon] Boyd, October 30, 1854, Linn Boyd Family Papers, [microfilm], University of Kentucky.

⁴⁴⁹ Isaac Toucey to Horace Sabin, October 28, 1854, Ms 74385, Connecticut Historical Society.

menace at the ballot box spelled the end of federal government through southern secession. Like Boyd, Toucey nervously cast his gaze toward the upcoming presidential election.

Politics in the state of New York gave some measure of optimism to another group who fretted about the future of the country: conservative Whigs led by ex-President Millard Fillmore. An election for governor in November witnessed four separate candidates vying for the prize, thanks to a split between the Hard and Soft Democrats and the emergence of ex-Whig Daniel Ullmann at the head of an independent nativist ticket. Along with the salient issue of temperance, the complexity of this contest must have bewildered even those New York voters long accustomed to factional divisions in state politics. Ultimately, Whig Myron Clark triumphed with a mere plurality of the total votes over the opposition, much as Whigs had succeeded in wresting control of the legislature from Democrats in the preceding year. Under the circumstances, one might expect good Whigs like Fillmore to share in his party's success. The former Whig President, however, had other ideas. The state party remained firmly in the grip of Thurlow Weed and William H. Seward, the latter of whom had politely turned down offers to join the fledgling Republican Party.⁴⁵⁰

Seward's refusal to leave the Whigs behind with the continued strife among the Democrats brought the nativist movement to the attention of Fillmore. Most galling of all to Fillmore was the fact that the victorious Whig Clark continued to collect outside endorsements beyond the Whig nomination. Seeing the days of the Whig Party numbered, Fillmore offered an epitaph of the Whig Party both in New York and nationally by December 1854. He conveyed his impressions in a letter to his former Secretary of Interior Alexander H. H. Stuart: "General efforts are being made here to unite the *Silvery Grays*, *Hard Shell Democrats* and *Know-Nothings* and if this succeeds, it will make a conservative party that will sweep the state, and I trust, blot out all sectionalism for years to come."⁴⁵¹ To accomplish this aim, Fillmore

⁴⁵⁰ William E. Gienapp, *The Origins of the Republican Party, 1852-1856*, (New York: Oxford University Press, 1987), 148-155.

⁴⁵¹ Millard Fillmore to Alexander H. H. Stuart, December 14, 1854, Stuart-Baldwin Families Papers, Box 4, University of Virginia.

championed the construction of “an American Union party” that could form the main partisan alternative for voters unhappy with Pierce and the Democrats.⁴⁵²

By the end of 1854, the nativist movement appeared to have a good chance to eclipse the moribund Whig Party in the northern states. The real test of whether this grassroots insurgency had the capacity to compete nationally against the major parties came in the following year with a series of southern local and state elections planned. Southern nativism grew partly out of anger at the Democrats for scotching the Clayton Amendment to the Kansas-Nebraska Act. Though few works have concentrated upon the southern dimension of nativism, it seems reasonable to conclude that southern nativism exhibited a similar appeal to urban, young men to that which historians have found within records of northern Know-Nothing lodges. Richmond resident Edward P. Synco personified this very pattern. Distrustful of those German and Irish immigrants that he encountered while attending a local Mechanics Institute and the Virginia State Fair, Synco denounced the newcomers for their customs entirely at odds with the American system of republican self-government. He boldly proclaimed his credo to a friend named Charley: “I fight under this flag and this motto that none but Americans shall rule America, and I do not care a straw who knows it.” This attitude prevented Synco from giving his vote to any immigrant or Roman Catholic, even if that candidate happened to be “my Brother.” Indeed, “no man who carries out what the Roman Catholic Church requires can be a Republican and I do not care who says to the contrary.”⁴⁵³

A reflection of how strongly many southerners adopted the kinds of sentiments voiced by Synco came through an evaluation of political nativism by Tennessee Whig William B. Campbell in January 1855. Campbell marveled at just how easily the anti-foreign and anti-Catholic appeal spread throughout

⁴⁵² Millard Fillmore to Alexander H. H. Stuart, December 22, 1854, *Ibid.* See also, Daniel D. Barnard to Hamilton Fish, January 30, 1855, Daniel D. Barnard Papers, Box 3, New York State Library.

⁴⁵³ Edward P. Synco to “My dear Charley,” November 6, 1854, Edward Peyton Synco Letter, Albert and Shirley Small Special Collections Library, University of Virginia.

the South and “takes everywhere” in the country.⁴⁵⁴ Outside of the country as Minister to Great Britain during 1854-55, James Buchanan was amazed by the spectacular growth of the Know Nothings. “It astonishes me, however, I confess, to learn, as I have done from several sources independently of your letter, that the Know-nothings are making considerable progress in the South,” he wrote former President John Tyler. Whigs in the South, he added, “are willing to unite with them for the purpose of breaking down the Democratic party. This they cannot accomplish.”⁴⁵⁵

Buchanan overestimated the allure of the Know Nothings for all southern Whigs, however. The newness of nativism may have endeared it to first-time voters in the South, but its difficult relationship with the Whig Party ultimately conditioned its future growth within that region. Some southern Whigs initially regarded the young political movement with skepticism, even outright hostility. Kentucky Whig James Speed, a proud disciple of Henry Clay, pointed to one of the major impediments to the development of the Know Nothings in the South. Nativism held little attraction to Speed, for “My Wiggery [sic] has ever taught me to advocate what I believed to be right,” including religious liberty for all. Speed’s political idol Clay never publicly embraced the tenets of nativism, primarily for its divisive effects upon the Whigs. Speed saw little reason to change that approach, even going so far as to coin a motto for himself, “semper eadem,” or always the same.⁴⁵⁶ Whigs like Speed labeled themselves “old-line” Whigs to emphasize both their essential conservatism and their heritage.

The first major contest in the South involving the Know Nothings, the Virginia state elections scheduled for May 1855 promised to reveal how effective Know Nothings were in attracting southern Whigs to their standard. A victory in a state known to harbor strong Democratic tendencies might further discredit the Pierce Administration and establish nativism on par with the southern Democrats. Secretary

⁴⁵⁴ William B. Campbell to David Campbell, January 10, 1855, quoted in Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*, (New York: Oxford University Press, 1999), 836.

⁴⁵⁵ James Buchanan to Robert Tyler, January 6, 1855, printed in *The Letters and Times of the Tylers*, ed. Lyon Gardiner Tyler, 2 vols., (Richmond: Whittet & Shepperson, 1884-1885), 516.

⁴⁵⁶ James Speed to William P. Speed, March 20, 1855, James Speed Letter, Filson Historical Society.

of State William L. Marcy entertained no doubts about the stakes of the upcoming election for the Democrats. “The result of the Virginia election will soon have some effect upon the [Democratic] party’s future. If the Know-Nothings are defeated in that state, as the Democrats think they will be, their career will be arrested and their decline may be as rapid as their rise.”⁴⁵⁷

The confidence of Marcy for Democratic success in Virginia owed much to the campaign of Democratic gubernatorial candidate Henry A. Wise. During the fall of 1854, Democrats worried about the increase of Know Nothing activity in Virginia had called upon party leaders to issue some kind of statement concerning political nativism to the party faithful. Addressing Norfolk Democrats through a September 18, 1854 letter, Wise articulated his reasons for opposing “any Secret Political Society.” Besides the fact that the five major Protestant denominations in Virginia could easily outvote that state’s Catholic population by over 700,000, Wise advanced powerful ideological arguments against nativism. Native-born Know Nothings tried to limit the political privileges currently granted to naturalized foreigners. The prejudices displayed by nativists, Wise reasoned, in effect amounted to a desire “to be *above* the law, or to set up a *higher law*.” As for the Know-Nothing charge of rampant fraud perpetrated by Democrats, Wise placed the blame on both parties even while he minimized the extent of the fraud. Rural people in Virginia did not actually suffer from fraud when it functioned on the order of 500 votes nationwide, he insisted.⁴⁵⁸

Wise’s reassuring letter allowed the Accomack resident to rise to the position of front-runner for the Democratic gubernatorial nomination. Although the election would not come off until the end of the following May, Virginia Democrats decided to hold their state convention early at Staunton on 30 November, 1854. The timing of the convention would enable Democrats to project an image of confident

⁴⁵⁷ William L. Marcy to Peter Vroom, May 14, 1855, quoted in Roy F. Nichols, *Franklin Pierce: Young Hickory of the Granite Hills*, (Pennsylvania: University of Pennsylvania Press, 1931, rpr. 1958), 391.

⁴⁵⁸ James P. Hambleton, *A History of the Political Campaign in Virginia in 1855, with a Biographical Sketch of Henry A. Wise*, (Richmond, Virginia: J. W. Randolph, 1856), 9-10. For scholarly agreement with the argument of Wise concerning the extent of voter fraud in antebellum America, see William E. Gienapp, “Politics Seem to Enter into Everything: Political Culture in the North, 1840-1860,” *Essays on American Antebellum Politics, 1840-1860*, eds. Stephen E. Maizlish and John J. Kushma, (College Station, TX: Texas A&M University Press, 1982), 27.

unity and thereby ameliorate the palpable discontent between western and eastern Virginians. Despite the absence of “thirty unrepresented counties” at the convention from western Virginia, the Wise managers held off an attempt to require that any successful candidate for governor “receive votes of this convention sufficient to represent a majority of the whole Democratic vote of the State.”⁴⁵⁹ If this proposal had passed, a gubernatorial candidate would need to muster a supermajority of all delegates present to win the nomination. Instead, Wise loyalist Muscoe R. H. Garnett countered with a plan to elect a nominee with a simple majority of those present at the convention. After a series of two contentious ballots, the Wise forces emerged victorious by a margin of 3,844 votes and so the nominating process went forward on the majority basis.⁴⁶⁰

Amidst scenes later described by one Democrat in terms of “the most violent and pointed assaults upon the prominent men of our own party,” the friends of Wise and his main opponent, the current Lieutenant Governor Shelton F. Leake of Charlottesville, squared for battle. Through Wise narrowly missed getting the nomination on the first ballot by 227 votes, he prevailed by the comfortable margin of 2,347 votes on the second. Unfortunately for the cause of Democratic unity, the opposition to Wise rejected calls to give the one-time Whig a unanimous vote by acclamation. So the convention simply moved on and selected Elisha W. McComas to campaign alongside Wise for Lieutenant Governor. In its final action, the convention approved a pro-Pierce resolution which commended the President for his “perfect observance of the limitations of the Constitution and an entire fidelity to the principles upon which he came into power.”⁴⁶¹

Democrats from the western counties grudgingly fell into line with the Wise nomination. For instance, the *Rockingham Valley Democrat* “acknowledge[d] the nominations are not our first choice,” but

⁴⁵⁹ Democrats apportioned delegates in the counties of Virginia on the basis of their share of the total state vote for Franklin Pierce in 1852. According to William G. Shade, Democrats in 1852 had won 20 counties which Whigs normally carried, leaving the Whigs just 47 of the 144 counties and incorporated towns. William G. Shade, *Democratizing the Old Dominion, Virginia and the Second Party System, 1824-1861*, (Charlottesville: University of Virginia Press, 1996), 113.

⁴⁶⁰ James P. Hambleton, *A History of the Political Campaign in Virginia in 1855, with a Biographical Sketch of Henry A. Wise*, (Richmond, Virginia: J. W. Randolph, 1856), 25.

⁴⁶¹ *Ibid*, 28-29.

it behooved all good Democrats to “surrender our predilections upon the altar of our party.” To overcome any lingering objections to his Whig past among Democrats, Wise made sure to pepper his campaign speeches with extravagant praise for Andrew Jackson.⁴⁶² Other Democrats, however, recognized the virtue of having an ex-Whig at the head of the Democratic ticket. The *Washington Sentinel* specifically appealed to “the better sort of Whigs,” especially “those who scorn impure alliances . . . and who will not agree to be controlled by a secret society that sprang up outside of Virginia and in an anti-slavery state.” These men must come to realize that “A state rights Whig is more a Democrat than a Know Nothing.”⁴⁶³ John Tyler agreed with the *Sentinel*, especially since the nomination of Wise promised to elevate the reputation of the Tyler Administration, for which Wise had served as Minister to Brazil. As he told his son, Robert, “My hope is that he [Wise] will gain as many Whig votes as he will lose Democratic; for while the majority of the Whigs will unite with this secret party, making no nomination themselves, and taking that of the Know-nothings, yet many are averse to such union, and avow their intention of voting for Wise.”⁴⁶⁴

Leading Whig newspapers in the state, such as the *Richmond Whig*, did counsel a cautious embrace of the nativists. The *Whig* pointed to the Know Nothings as the best chance available for Whigs to “expel the Goths and Vandals” of the Democracy whose long misrule brought only corruption and plunder. By the end of 1854, the newspaper formally embraced a “union” between the two anti-Democratic organizations.⁴⁶⁵ Still, Whigs entered the lodges of the Know Nothings not intending to be subsumed completely under the Know Nothing lead, but rather treated as equal partners. To this end, the pro-Whig *Petersburg Daily Intelligencer* suggested during the fall of 1854 that Whigs join nativists not in a Know Nothing Party but rather in a new “Constitutional Union Party” designed to purge sectional

⁴⁶² Craig M. Simpson, *A Good Southerner: The Life of Henry A. Wise*, (Chapel Hill: University of North Carolina Press, 1985), 115.

⁴⁶³ James P. Hambleton, *A History of the Political Campaign in Virginia in 1855, with a Biographical Sketch of Henry A. Wise*, (Richmond, Virginia: J. W. Randolph, 1856), 31.

⁴⁶⁴ John Tyler to Robert Tyler, January 20, 1855, printed in *The Letters and Times of the Tylers*, ed. Lyon Gardiner Tyler, 2 vols., (Richmond: Whittet & Shepperson, 1884-1885), 517.

⁴⁶⁵ James P. Hambleton, *A History of the Political Campaign in Virginia in 1855, with a Biographical Sketch of Henry A. Wise*, (Richmond, Virginia: J. W. Randolph, 1856), 33-34.

extremism from both North and South. Further, the electoral success of Massachusetts Know Nothings over Democrats and antislavery Republicans in the state elections there allowed the Petersburg newspaper to applaud the power of Know Nothings to sharply reduce the “murky shades” of antislavery extremism within the North.⁴⁶⁶

When Wise began his exhausting campaign across the state, however, Virginia Know Nothings effectively ceded the field to the Democrats. Part of this complacency on the part of the Know Nothings probably stemmed from a measure of overconfidence given the relative ease in which Know Nothings had carried states further to the north. A more fundamental reason, though, lay in the political inexperience of many nativists in Virginia. Though Know Nothings did capture various municipal governments in Virginia within weeks of the formation of local lodges, a statewide campaign required far greater coordination among the members of the Order. Without the discipline of seasoned campaigners and hampered by an insistence on secrecy in all their affairs, nativists could only criticize but not answer the barnstorming of Wise across Virginia. He and his fellow Democrats simply hammered away in speech after speech at how the “secret” proceedings of Virginia Know Nothings threatened the liberties of ordinary Virginians.⁴⁶⁷

Tying Virginia Know Nothings to the antislavery radicalism in the North soon became standard operating practice for Democrats against members of a secret society. Worse still, in January 1855 Know Nothings in Massachusetts selected former Free Soil politician Henry Wilson to represent the state in the U.S. Senate. Democrats linked abolitionism and nativist insistence on secrecy to put the Virginia Know

⁴⁶⁶ Philip Morrison Rice, “The Know-Nothing Party in Virginia, 1854-1856,” *The Virginia Magazine of History and Biography* 55 (January 1947): 68.

⁴⁶⁷ John David Bladck, “‘Virginia Is Middle Ground’: The Know Nothing Party and the Virginia Gubernatorial Election of 1855,” *The Virginia Magazine of History and Biography* 106 (Winter 1998): 37. For a contrasting perspective, emphasizing the lack of interest in nativist principles among southern Know Nothings, see William J. Cooper, *The South and the Politics of Slavery, 1828-1856*, (Baton Rouge: Louisiana State University Press, 1978), 365. Though Cooper contends that “The Know-Nothing party prospered in the South only as a replacement for Whiggery,” this view does not adequately explain why the presence of Know Nothingism repulsed a significant minority of southern Whigs.

Nothings completely on the defensive.⁴⁶⁸ William C. Rives lamented this very depressing turn of events in Massachusetts to another Virginia Whig turned recruit to the Know Nothings, William M. Burwell. “There can be no doubt that in that State, and in all the New England States, it [Know Nothingism] is infected with the spirit of *free-soilism & abolition*,” he wrote. From this and other occurrences, “I am compelled, therefore, to doubt very much whether the *order* can ever *nationalize* itself.” The message of Rives was clear. Virginia Know Nothings must look out for themselves and permit the influence of Whigs like Rives and Burwell to transform the nativist movement into a party which honors “the old Republican party of Virginia.” The resulting “American Republican” organization proposed to fuse nativist principles somewhat paradoxically with the more tolerant beliefs of Jefferson and Madison.⁴⁶⁹

The Know Nothings waited until 14 March before they formed their ticket to oppose Wise. As a concession to Virginia Whigs, they chose former Whig congressman Thomas S. Flournoy, a Norfolk lawyer. Seeking to exacerbate existing Democratic divisions as well as satisfy ex-Democratic Know Nothings that the Order was not Whiggery revived, the convention selected for Lieutenant Governor James M. H. Beale, a former Democratic congressman from western Virginia. The careful balance of western/eastern Virginians and ex-Whig/ex-Democrat on the Know Nothing ticket greatly impressed Democrat Lewis E. Harvie. Nevertheless, he told Robert M. T. Hunter, “It carries on its face tho’ too plainly the object for which it was made. . . .The Union of men of all parties.”⁴⁷⁰ With both tickets before the voters, the campaign proceeded through its final months to Election Day on 14 May. Watching the newspaper reports of the final tallies in the Virginia race closely from his home in Delaware, John M. Clayton confessed that “I am in great suspense about Virginia.” Clayton thought that the Know Nothings would have easily won the state, “If our friends there had made an open organization & got rid of the

⁴⁶⁸ John Hancock Lee, *The Origin and Progress of the American Party*, (Philadelphia: Elliott & Gihon, 1855), 219-25; Craig M. Simpson, *A Good Southerner: The Life of Henry A. Wise*, (Chapel Hill: University of North Carolina Press, 1985), 111.

⁴⁶⁹ William C. Rives to William M. Burwell, March 19, 1855, William M. Burwell Papers, Box 2, Albert and Shirley Small Special Collections Library, University of Virginia. (Emphasis in original)

⁴⁷⁰ Lewis E. Harvie to Robert M. T. Hunter, March 17, 1855, printed in *The Correspondence of Robert M. T. Hunter, 1826-1876*, ed. Charles Henry Ambler, 2 vols., (Washington: American Historical Association, 1918), 2:163.

secrecy.” The imposition of secrecy in Know Nothing lodges, Clayton pointed out with municipal elections in Wilmington, “about ruined us.” Know Nothings barely elected a mayor and lost the office of Treasurer to the Democrats.⁴⁷¹ Now Virginia opponents of the Democrats committed the same fundamental error.

The final results handed Wise and the Democrats a narrow triumph over the Know Nothings in the race for governor. For all of “Wise’s electioneering advantages and his huge voter turnout, [Know Nothing] Flournoy received 47 percent of Virginia’s vote,” in the words of William W. Freehling.⁴⁷² Wise bested his competitor by a little more than 10,000 votes out of some 156,000 total cast. Wise did not necessarily possess what political scientists have called the “coattails effect.” To take one example, incumbent Democratic U.S. Representative Thomas S. Bocock exceeded the vote that Wise got in Bocock’s central Virginia district by over 1,000 votes.⁴⁷³

Despite the closeness of the race, the outcome still discouraged Whig-turned-Know Nothing Alexander H. H. Stuart for what it meant to the future of the anti-Democratic coalition in the Old Dominion. The magnitude of Wise’s vote in formerly Whig counties in western Virginia, Stuart complained to a friend, owed much in the final analysis to the ineptitude of the leaders of the Know Nothings against such a wily politician as Wise. These Know Nothings foolishly “repudiated & denounced the Whig party” in their bid to challenge Whigs for the status of opposition to the state’s Democrats. Stuart further argued that “The natural effect was to alienate the Whigs from the American ticket & to drive many into the Democratic ranks, whilst others remained neutral.” Wise and the Democrats won “in consequence of the ridiculous rule in regards to secrecy,” for “there was no one to

⁴⁷¹ John M. Clayton to Nathan Sargent, May 25, 1855, Nathan Sargent Papers, Special Collections and University Archives, Grand Valley State University.

⁴⁷² William W. Freehling, *The Road to Disunion*, 2 vols., (New York: Oxford University Press, 1990-2007), 2:93.

⁴⁷³ William A. Watson, *Notes on Southside Virginia*, (Baltimore: Genealogical Publishing, 1925, rpr. 2003), 37.

reply to him.”⁴⁷⁴ The victorious Wise, for his part, saw the true impact of his election not in his winning margin over Flournoy but “in a purified and exalted personel [sic] of party. . . .Reorganization is what is wanting with us, and what the foe will be driven to” in the aftermath of this Democratic success against nativism in the South.⁴⁷⁵

Despite this major electoral reverse in Virginia, Know Nothings from across the country traveled to Philadelphia on 5 June to transform the nativist movement into a formal political party. New Yorker James W. Barker temporarily presided over the meeting and Know Nothing U.S. Senator Henry Wilson of Massachusetts earned the first speaking slot for 7 June. After six ballots, Kentuckian E. B. Bartlett achieved a majority of the delegate votes to assume the post of permanent chair of the convention. Choosing officers for the convention proved easy compared to choosing which delegates originally to seat at the convention. Know Nothings in Louisiana had sent a delegation headed by Charles Gayarre, a Roman Catholic, to Philadelphia. Ultimately, the entire convention refused the admission of Gayarre and the Catholic delegates from Louisiana, prompting the Protestants within that delegation to leave as well. The convention would insist upon the exclusion of native-born Roman Catholics and foreigners from political offices in its final version of the platform.⁴⁷⁶

The disruption of the Louisiana delegates at the convention and their hostility to an anti-Catholic platform however did not shake the convention nearly as much as the problem of slavery did. Vespasian Ellis, editor of the Washington D.C. newspaper *American Organ*, pressed for the creation of a thirty-two member special committee to draft the formal platform to be the basis for a Know Nothing presidential campaign in 1856. Of the members chosen, Vermonter Joseph H. Barrett kept a fairly detailed account of both the internal machinations of the committee and the voting done by the whole convention. Adopting a

⁴⁷⁴ Alexander H. H. Stuart to Nathan Sargent, October 27, 1855, Nathan Sargent Papers, Special Collections and University Archives, Grand Valley State University.

⁴⁷⁵ Henry A. Wise to Robert Tyler, May 28, 1855, printed in *The Letters and Times of the Tylers*, ed. Lyon Gardiner Tyler, 2 vols., (Richmond: Whittet & Shepperson, 1884-1885), 2:518.

⁴⁷⁶ Marius M. Carriere, Jr., “Anti-Catholicism, Nativism, and Louisiana Politics in the 1850s,” *Louisiana History* 35 (Autumn 1994), 464.

conciliatory stance toward their southern counterparts, Barrett and other moderate northern Know Nothings quickly found themselves the targets of abuse not only from more extreme southerners, but also from some of their fellow northern delegates. Newspaperman Samuel Bowles of the Springfield Republican journeyed all the way from western Massachusetts both to report on the proceedings at Philadelphia and to assist Henry Wilson during its deliberations. Toward the start of the convention, Bowles had accused Barrett (without mention the Vermont delegate by name) of misrepresenting his stance on slavery to his Vermont constituents. Barrett, Bowles wrote back to the New York Tribune, "votes against the North very freely and shows no disposition to stand up with the rest of the true north for the just & right."⁴⁷⁷

If the intention of such utterances was to provoke a split between Free State and Slave State delegates at the Know Nothing Convention, then it certainly worked. A Virginian met several delegates while in town to visit Colonel Charles B. Allen, founder of the precursor to the Know Nothings, the Order of the Star-Spangled Banner. These delegates, this Virginian told his daughter back home, gave "Assurances...that the proceeding had been so far very harmonious, and they appeared to express the opinion that the prospects were bright of their continuing so." Unfortunately, he noted, reports of the convention from the Democratic-leaning New York Herald and antislavery New York Tribune try "to give a daily account of their doings, but it is mostly conjecture, and contain a much greater amount of fiction than fact." Though they shared little else in common, "on the American question, the abolitionists and Democrats agree perfectly, both are afraid of being overwhelmed by the movement and both would be greatly pleased if the present convention in Philadelphia would break up in a row."⁴⁷⁸

⁴⁷⁷ [J.H. Barrett], "American Convention, 1855," [p. 1-2], William E. Barton Collection of Lincolniana: Lincoln Miscellaneous Manuscripts, 1587-1924, Box 2, Joseph Regenstein Library, University of Chicago. See also, George Spring Merriam, *The Life and Times of Samuel Bowles*, 2 vols., (New York: The Century, Co., 1885), 1:137-38.

⁴⁷⁸ Charles M. Harker Sr. to Mary R. Slaughter Duke, June 10, 1855, Duke and Slaughter Families Papers, Box 21, Albert and Shirley Small Special Collections Library, University of Virginia. For a good examination of the mutual hostility of Democrats and Republicans toward the Know Nothings in 1855, see Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*, (Oxford University Press, 1999), 615-16.

The pressure brought to bear upon the delegates from outsiders soon reaped benefits. The Committee of Thirty-two got down to business on 8 June and spent the next three days in seeking common ground. On the second day of its deliberations, a northern Know Nothing member introduced a resolution to repeal the Kansas-Nebraska Act and reimpose the old Missouri Compromise restriction on slavery. Committee member Vespasian Ellis quickly countered with his own proposition. Using a series of negative adjectives, the Ellis substitute deemed the effort to revive the 36° 30′ line separating free and slave territories, "unwise, unnecessary, inexpedient and uncalled for." Ellis did convey "regret" for the passage of the Kansas-Nebraska Act, but still pledged to uphold the principle of congressional non-intervention championed in the legislation of Stephen A. Douglas. Rescinding this guarantee of self-government in the territories, Ellis countered, invited the federal government to "interfere with the free action of the citizens of said territories in the future formation of their respective constitutions and in the erection of their local laws."⁴⁷⁹

The entire platform committee now resolved to have each member "express his views on slavery." Tyler Anbinder has contended that throughout the convention in Philadelphia, northern Know Nothings divided amongst themselves on how best to deal with slavery bridled at the "homogeneity" exhibited by southerners on slavery and thus abandoned all hopes of compromise with such unreasonable men.⁴⁸⁰ On the contrary, the southern members were not entirely united on their preferred approach to slavery, as evidenced by the distinctions Barrett made in his own notes of the proceedings. According to his totals, eight members from both the North and South declined even to state their own position on slavery,

⁴⁷⁹ [J.H. Barrett], "American Convention, 1855," [p. 4-5], William E. Barton Collection of Lincolniana: Lincoln Miscellaneous Manuscripts, 1587-1924, Box 2, Joseph Regenstein Library, University of Chicago. A little more than two years later, while discussing his high estimation of convention President Bartlett to Virginian Alexander H. H. Stuart, Ellis revealed a far less charitable opinion of his northern colleagues on the platform committee. These men, he later told Stuart, pretended to endorse the sanctity of the Missouri Compromise line, yet at the same time "there was a most desperate effort made by [Roger] Baldwin [Jr.] of Conn[ecticut] & others to *freesoilize* the platform, & but for myself, that very thing would have been done." Ellis tendered his thanks to opponents of the scheme like Fillmore Whig George Scruggs of New York and "a few other national men." Vespasian Ellis to Alexander H. H. Stuart, June 10, 1857, Stuart-Baldwin Families Papers, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia. (Emphasis in original)

⁴⁸⁰ Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings and the Politics of the 1850s*, (New York: Oxford University Press, 1992), 171.

strongly suggesting their willingness to avoid dissensions with the committee. Of those who did, four southern delegates gave their preference strictly for congressional non-intervention. In agreeing to this position, South Carolinian John Cunningham reminded the entire committee of the importance of the South to the upcoming presidential election. Cunningham then allegedly said, “We want success. No southern state has yet been carried [in state elections].” As long as the convention confined itself to “American issues,” Cunningham remained sanguine for the future success of Know Nothingism in the South. Four other delegates from the Deep South stated in favor of the Georgia Platform, which in itself went well beyond a simple declaration of congressional non-intervention to cover all aspects of the Compromise of 1850.⁴⁸¹

The northern delegates split between restoration of the Missouri Compromise line and congressional non-intervention. Having reached an impasse, the committee ultimately held a final vote on the Ellis substitute platform in favor of congressional non-intervention and it passed over the objections of twelve northern Know Nothings. Virginia delegate Alexander R. Boteler wrote to his wife on 12 June, “The platform is reported. It is all we in the South ask from any party and it will drive Wilson & his party out buck & ball. The stampede I suspect will take place today.” Rid of factionalists like “Wilson & his party,” the Know Nothings, Boteler assumed, could credibly present themselves as the only bulwark against sectionalism and foreignism.⁴⁸² Indeed, four days before he commented on the appearance of the platform to his wife, the Virginian, by his own admission, gave a speech which “brought down the house.” In substance, “I told them that if the Union should be dissolved if a wall of separation shall ever be built up between the North & the South, [for] I will not care how high that wall ought [to] be.” Once atop of it, Boteler “would climb over it to teach my children to do the same . . . [and] look at the lined hands of Washington portrayed at Valley Forge by the Elder [Charles Wilson] Peale, for he was my great

⁴⁸¹ [J.H. Barrett], “American Convention, 1855,” [p. 9-11], William E. Barton Collection of Lincolniana: Lincoln Miscellaneous Manuscripts, 1587-1924, Box 2, Joseph Regenstein Library, University of Chicago.

⁴⁸² Alexander R. Boteler to Mrs. [Helen Stockon] Boteler, June 12, 1855, Alexander R. Boteler Papers, Box 2, David R. Rubenstein Rare Book and Manuscript Library, Duke University.

grandfather.”⁴⁸³ The Virginian represented one out of an estimated 1.5 million Know Nothings who had taken the so-called “Union Degree” in early 1855, which commanded Know Nothings to oppose all sectional agitations and movements whether from the North or South.⁴⁸⁴ He and his fellow southern Know Nothings certainly did not intend to violate that pledge in the face of certain Know Nothings bent upon continuing their hostility to the Kansas-Nebraska Act.

The dissenting northern delegates did reintroduce their demand for the Missouri Compromise restriction from the convention floor. Only the combined opposition of the southern delegates and the northern conservatives or Fillmore Whigs prevented a vote on the minority platform. Furthermore, the southern advocates of the Georgia Platform pushed very hard for the adoption of the so-called Section Twelve. This proposed addition to the platform in effect demanded that northern delegates accept the finality of the Compromise of 1850 and enforce its provisions faithfully, including the law concerning fugitives. The majority of northern delegates on the committee and in the convention proved no more amendable to this position than they had in 1850. The successful inclusion of Section Twelve into the platform along with a refusal on the part of southern Know Nothings and their New York allies to accept the pre-1854 understanding on slavery in Kansas and Nebraska precipitated a walkout of the northern Know Nothings. Seemingly fulfilling the wishes of southerners like Boteler, Henry Wilson and fifty-eight other northern Know Nothings did not attend the morning session of 15 June and issued a public address demanding the restoration of the Missouri Compromise restriction on slavery.⁴⁸⁵

Fillmore Whigs who observed the drama unfold in Philadelphia very much welcomed the bolt of the northern delegates. Since the outcome of northern state and congressional elections in the fall of 1854, they had sought to broaden the appeal of nativism beyond its reliance on secret societies. This aim reflected the belief that nativism alone could not create a broad-based national coalition necessary to arrest

⁴⁸³ Alexander R. Boteler to Mrs. [Helen Stockon] Boteler, June 8, 1855, *Ibid.*

⁴⁸⁴ David M. Potter, *The Impending Crisis, 1848-1861*, ed. Don E. Fehrenbacher, (New York: Harper & Row, 1977), 254.

⁴⁸⁵ New York Times, June 15, 1855; Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings and the Politics of the 1850s*, (New York: Oxford University Press, 1992), 169.

the power of sectional feeling. A new Union Party could join a sense of nationalism with the complementary focus on law and order that nativism offered to ordinary Americans. An enthusiastic proponent of this very idea was former Secretary of the Navy John P. Kennedy. "The Northern men seem determined that we shall not have a peaceful and prosperous country if they can prevent it," Kennedy wrote another conservative Whig upon news of the Know Nothing schism. Now, he hoped that "something more than a germ of a patriotic national party, north and west" might flourish in place of the "dissent and disturbance" which characterized the late meeting in Philadelphia. During the spring, Kennedy had accompanied Fillmore on a tour of the South to raise the former president's political profile. Fillmore's obvious popularity in the South made it imperative to engineer his nomination outside "a regular, formal old party nomination" through "a series of spontaneous nominations made through the papers of the whole South." The time was ripe for a new Union Party, for Kennedy believed that southern Know Nothings would never consent to go into another national Know Nothing convention to make a presidential nomination "or abide by one if made."⁴⁸⁶ Now with the defeat in Virginia and split in Philadelphia, those in favor of the Fillmore candidacy concentrated on rebuilding the edifice of Know Nothingism into a form acceptable to its opponents in the South.

Violence and bitter factionalism involving Know Nothings in the course of the Louisiana and Kentucky elections further aided the Union Party strategy of the Fillmore Whigs. Aggrieved at their treatment at the hands of Know Nothings in Philadelphia, Louisiana Know Nothings at their state convention in July adopted a platform which omitted the anti-Catholic language of the national platform. Standing apart from the national Know Nothing organization, Louisiana Know Nothings arranged a rally of 10,000 people in New Orleans' Lafayette Square to celebrate their political independence. Know Nothings in some parishes outside of the city did not agree with this position and argued that the state council greatly "exceeded its authority" by refusing to ratify the entire Philadelphia platform without

⁴⁸⁶ John P. Kennedy to Nathan Sargent, July 9, 1855, Nathan Sargent Papers, Special Collections and University Archives, Grand Valley State University.

reservation.⁴⁸⁷ The spectacle of Know Nothings fighting amongst themselves greatly entertained the opposition Democrats. According to one, Whigs in the town of Thibodaux remained “much divided on the subject of the new party which has recently sprung into existence.” “Many had joined it” originally, but now these Whigs confronted Know Nothings intent upon preserving the ban on admitting Catholics into the Order. This dispute “has forced many [Whigs] to secede” and either join the Democrats or retire from politics altogether. Amazed at such a favorable turn of events for his party, this Democrat confessed to a Virginia relative, “I am a believer in the millennium but I never could have believed anything like this.”⁴⁸⁸ Though the Know Nothings cemented their political control over New Orleans, Democrats captured the state government.

Whigs also recoiled at the violent excesses of Know Nothings during state elections in Kentucky. A May election for local offices in Louisville had resulted in a riot against German voters which had produced a Know Nothing victory.⁴⁸⁹ In the midst of voting on 6 August, fighting erupted again between Know Nothings and German-Americans in Louisville producing thousands of dollars in damage to homes and at least six deaths. Concerning this event, David M. Potter wrote, “The number of dead and wounded in the anti-Catholic riots of Louisville’s ‘Bloody Monday’ in 1855 far exceeded the casualties resulting from John Brown’s raid” at Harpers Ferry.⁴⁹⁰ The *Louisville Courier*, once described as “a Whig paper opposed to the Know Nothings,” soon accused the leaders of the American Party with having “buffed and bullied all who could not show the [secret] sign; they in fact converted the election into a perfect farce, without one redeeming or qualifying phase.”⁴⁹¹ Controversy soon focused upon the activities of *Louisville Journal* editor George D. Prentice and his complicity in encouraging Know Nothings to violence.⁴⁹²

⁴⁸⁷ Marius M. Carriere, Jr., “Anti-Catholicism, Nativism, and Louisiana Politics in the 1850s,” *Louisiana History* 35 (Autumn 1994), 465.

⁴⁸⁸ William M. Pugh to Ellen Gatewood, August 5, 1855, Gatewood Family Papers, Box 3, Virginia Historical Society.

⁴⁸⁹ *Baltimore Sun*, May 10, 1855.

⁴⁹⁰ David M. Potter, *The Impending Crisis, 1848-1861*, ed. Don E. Fehrenbacher, (New York: Harper & Row, 1977), 253.

⁴⁹¹ *Louisville Courier* quoted in *D. C. Daily National Intelligencer*, August 10, 1855.

Despite the defense of Prentice by fellow Know Nothings and later historians, the presence of the riots in southern cities like Louisville cast a pall over any electoral triumphs the Know Nothings might possibly gain in the South. Contrary to Allan Nevins, the Know Nothings had not “introduced a new element of violence into American political contests, and one which it required a generation to eradicate.” Rank-and-file nativists proudly carried on a tradition of political violence or “mobbing” that preceded the creation of the Republic.⁴⁹³ As an authority on the history of political mobs in America has noted, “It was not that the newer parties were more violent than their predecessors but that the established parties, faced with new challenges, tried to stretch their advantages from intimidating violence, while the new ones, less familiar with the general rules, were less tolerant of common abuses.”⁴⁹⁴ Know Nothings, if nothing else, demonstrated utter contempt for the extralegal activities of Democrats and contradictorily applied the same recklessness for law for which they had attacked their political opponents in print. Unfortunately for the future of the party, this kind of fighting fire with fire actually backfired on the Know Nothings’ ability to recruit and retain enough southern Whigs to win state elections.

Evidence of Whig disaffection from the Know Nothings clearly troubled the Fillmore Whigs. Conservative Whig Daniel D. Barnard symbolized those Whigs stuck between the Know Nothings and “ultraists” and “rule or ruin men” in the Democratic and Republican parties who promised to “agitate to the end of the chapter.” Could a new Union Party offer peace for Barnard and these Whigs, Nathan Sargent had earlier asked him? To solve the sectional crisis confronting the country, Barnard however felt “that the best bond of the country would be - as it has been - a truly national Whig party, resolved &

⁴⁹² Betty Carolyn Congelton, “George D. Prentice and Bloody Monday: A Reappraisal,” *The Register of the Kentucky Historical Society* 63 (July 1965): 218-239.

⁴⁹³ Allan Nevins, *Ordeal of the Union: A House Dividing, 1852-1857*, (New York: Charles Scribner's Sons, 1947), 404.

⁴⁹⁴ David Grimsted, *American Mobbing, 1828-1861: Toward Civil War*, (New York: Oxford University Press, 2003), xi-xii.

pledged, to have no slavery issues where it should be possible to avoid them.”⁴⁹⁵ Barnard and other like-minded Whigs continued to hold out for a revived Whig Party, something that put them at odds with the position of fellow conservatives Millard Fillmore, John P. Kennedy, and Alexander H. H. Stuart. The latter, in particular, tried to find a political home for men like Barnard without resorting to a resurrection of the Whig name. Such a “great Constitutional Union party, composed of conservative Whigs, the national [or anti-Pierce] Democrats, & the Americans” could form “without any sacrifices of principles.” Non-Whigs, he asserted, would never join any reorganized Whig Party due to their old partisanship, but they would come to embrace a new party dedicated to “the preservation of the Constitution as it is, & the Union [as] it is.”⁴⁹⁶

Another hurdle to the final incorporation of conservative Whigs within the ranks of a new Union Party lay in the continued use of secrecy among Know Nothings in their local lodges. As Congress prepared to assemble in December 1855, John M. Clayton wished to discard once and for all the use of passwords, signs, and other clandestine practices of the Know Nothings. “Now my dear friend is the time for the Know Nothings to dissolve their lodges & concur with the outsiders in an open organization,” this non-member of the Know Nothing Order confided to Nathan Sargent. Unless done very soon, “they will be beaten - and let me add, they ought to be beaten.” The southern states of “Virginia, Georgia, North Carolina, and Delaware at least, will oppose any nomination made in secret.” Clayton insisted that the Know Nothings must undergo a metamorphosis from an amateurish, populist localized movement to one open to those professional politicians skilled in running campaigns and winning elections.⁴⁹⁷ Kentucky Know Nothing and Fillmore ally Humphrey Marshall also saw the need for expanding the electoral reach

⁴⁹⁵ Daniel D. Barnard to Nathan Sargent, October 10, 1855, Nathan Sargent Papers, Special Collections and University Archives, Grand Valley State University.

⁴⁹⁶ Alexander H. H. Stuart to Nathan Sargent, October 27, 1855, *Ibid.*

⁴⁹⁷ John M. Clayton to Nathan Sargent, November 9, 1855, *Ibid.* Eight days before he wrote this letter, “Clayton attended his first American party rally,” see Richard A. Wise, *John M. Clayton and the Search for Order: A Study in Whig Politics and Diplomacy*, (Ph.D. Dissertation, University of Maryland, 1971), 371.

of the Know Nothing Party and composed a document entitled "Reasons for the formation of a Native American Association."⁴⁹⁸

Intended as an outline of major points for use in Know-Nothing speeches, the "Reasons" skillfully wove the threads of nativism and Unionism into a single fabric. Marshall first traced the "rapid increase of the foreign element in this country" and its consequences of "Pauperism" and "crime." The presence of a "Native Demagogueism" [sic], presumably found in both the old Democratic and Whig parties, naturally reaped the political benefits of a liberal immigration policy. The passage of the Kansas-Nebraska Act revealed two insidious forces at work. First, according to the Act's Twenty-third section, Congress empowered the legislatures in each territory to set "qualifications of voters and of holding office in all subsequent elections," which for nativists greatly increased the potential for abuses with non-citizens voting. Secondly, President Pierce's Administration, though elected "by an overwhelming majority" found itself "in a minority before the close" of the first session of the Thirty-third Congress. To recoup its fortunes, the Pierce Administration turned "to create Sectional Issues" and pushed through an Act leading to further agitation over slavery.⁴⁹⁹ By removing the perniciousness of foreign influence in the government and the politicians that exploit the issues of immigration and slavery for their own ends, nativists promised to restore the country to its original purity both literally and figuratively.

Marshall and the Know Nothings faced Democrats and the Republicans eager to leave their mark on the incoming Thirty-Fourth Congress through the election of a Speaker for the House of Representatives. Voters had elected in the past year (mostly from the North and some parts of the South) sufficient numbers of Know Nothings to Congress to put one of their own in the top post in the House. Marshall and other southern Know Nothings were hardly sanguine of that result. Georgian Thomas R.

⁴⁹⁸ "Reasons for the formation of a Native American association," [c. 1855], Humphrey Marshall Papers, Filson Historical Society.

⁴⁹⁹ *Ibid.* For an analysis of how northern Know Nothings traced their origins, which like Marshall also stressed the importance of the Kansas-Nebraska Act, see Stephen E. Maizlish, "The Meaning of Nativism and the Crisis of the Union: The Know-Nothing Movement in the Antebellum North," *Essays on American Antebellum Politics, 1840-1860*, eds. Stephen E. Maizlish and John J. Kushma, (College Station, TX: Texas A&M University Press, 1982), 181-82.

King, son of former Whig congressman Thomas B. King, had no illusions that northern Know Nothings would combine with their southern colleagues to organize the House. Writing to Virginia Know Nothing William M. Burwell, King expected southern Know Nothings to fight for a platform on slavery that could neutralize southern Democratic attacks. If the northern wing of Know Nothings truly desired to build “a strong national party,” then they must give southern nativists an assurance that northern men would uphold the Compromise of 1850 and its endorsement of congressional non-intervention. Northern insistence upon the language of the Wilmot Proviso and thus congressional intervention against slavery posed “a clear, palpable and *aggressive* violation of the Constitution.”⁵⁰⁰ King’s stance showed that southern Know Nothings expected to neutralize any advantage southern Democrats could gain from what William J. Cooper has termed the “politics of slavery.”

In adopting a more hard-line position in favor of the Georgia Platform, Deep South Know Nothings actually played right into the hands of the Republicans in Congress. Parties opposed to the Democrats controlled a majority of the House, providing a boost for the hopes of two Know-Nothing front runners: Nathaniel Banks of Massachusetts and Lewis D. Campbell of Ohio. Yet from the beginning, Know Nothing Solomon G. Haven complained that despite the fact that all but one of the prominent candidates claimed Know Nothing membership, the debates and balloting for House Speaker revolved around slavery rather than nativism, or as he put it more succinctly, “all Sambo and no Sam.”⁵⁰¹ This observation tends to confirm the argument of Jeffrey A. Jenkins and Thomas B. Nokken “that nativism played no part in [House] members’ vote choices during the speakers election of 1855-56.”⁵⁰²

Haven found himself during the balloting increasingly at odds with his southern counterparts among the Know Nothings. The acknowledged leader of the northern wing of the nativists, Haven wrote

⁵⁰⁰ Thomas R. King to William M. Burwell, November 8, 1855, William M. Burwell Papers, Manuscript Division, Library of Congress.

⁵⁰¹ Solomon G. Haven to James M. Smith, December 3, 1855, Solomon G. Haven Papers, William L. Clements Library, University of Michigan.

⁵⁰² Jeffrey A. Jenkins and Thomas P. Nokken, “The Institutional Origins of the Republican Party: Spatial Voting and the House Speakership Election of 1855-56,” *Legislative Studies Quarterly* XXV (February 2000): 122.

home to his law partner James M. Smith on 20 December, “It seems to me the K. N. s here under Humphrey Marshalls lead are as far apart as anybody else. The Southern ones insist [upon the] Philadelphia platform 12 Section” along with some northern Know Nothings. Haven himself did not, however. As he admitted to Smith, “the Southern boys are too exacting & I will not yield to them.” Nevertheless, Haven would only consider voting for a Republican-supported candidate like William Pennington of New Jersey because “there is no republicanism in his State.”⁵⁰³ Threats of disunion rang out so often from the southern members of the House should any antislavery man win the Speaker that Republicans in Congress “have adopted have adopted a rule that when one of them talks of dissolution in the House, we make our side of the House ring with laughter, sing out, “Goodbye John,” & other things of the kind, which always turns their remarks & threats into ridicule,” New York Republican Edwin B. Morgan told his brothers on 22 December. All of this, he noted, had the salutary effect of stiffening the resolve of new northern representatives unaccustomed to the insincerity of such threats.⁵⁰⁴ Thus unable to combine the anti-Democratic opposition in the House upon a single candidate, the balloting went on into the next year.

Throughout the contest, letters poured in from all over the country imploring Humphrey Marshall and other Know Nothings never to compromise the principles of nativism on a political opportunist like Nathaniel Banks. Wearing his Know Nothing principles very lightly, Banks had entered into negotiations with Republican members of the House even before the session began and had promised to appoint Republicans to all the major standing committees.⁵⁰⁵ J. W. Bryce wrote Marshall from Philadelphia to advise him of the sentiments of the Know Nothings there: “They say, elect a national democrat, render protest against any Compromise with the Administration, but don’t elect Banks under any

⁵⁰³ Solomon G. Haven to James M. Smith, December 20, 1855, *Ibid.*

⁵⁰⁴ Edwin B. Morgan to “Dear Brothers” [Richard and Henry Morgan], December 22, 1855, Temple R. Hollcroft, ed., “A Congressman’s Letters on the Speaker Election in the Thirty-fourth Congress,” *The Mississippi Valley Historical Review* 43 (December 1956): 451.

⁵⁰⁵ William E. Gienapp, *The Origins of the Republican Party, 1852-1856*, (New York: Oxford University Press, 1987), 242.

circumstances.”⁵⁰⁶ A Mt. Vernon, Ohio Know Nothing also urged Marshall to come to some kind of agreement with Democrats in preference to voting for Banks. Should that fail, he added, “then as a last resort to save the Union [you may] unite upon a Republican, but not upon Banks, if it be helped. This would vindicate us as the National party.”⁵⁰⁷

A change in the House rules ultimately hindered the plans of the anti-Banks Know Nothings. Though Republicans had offered to abandon the majority rule for a plurality in electing a House Speaker earlier in the session, this idea did not gain widespread support until Alexander H. Stephens formally proposed it to go into effect on February 2, 1856. Having long formally abandoned the Whigs, Stephens and his political associate Robert A. Toombs rejected membership in a secret Know Nothing organization. During August 1855, the Georgia ex-Whigs announced their willingness to caucus with the national Democrats. In offering his resolution, Stephens attempted to clear the way for William Aiken of South Carolina, by now the main opponent to Banks in the House balloting.⁵⁰⁸ The same day the House accepted the Stephens plurality resolution, Banks beat Aiken 103 to 100 to win the prize of Speaker. Though disagreeing with one another about the nature of the origins of the Republican Party, historians and politicians have mostly agreed with the statement of William E. Gienapp that an “important consequence of the long struggle was that it welded the Banks forces into a coherent party.”⁵⁰⁹ Know Nothings opposed to the Republicans, meanwhile, adjusted their plans accordingly. Kentuckian Blanton Duncan informed Marshall of his need for an updated list of all members of Congress, particularly their partisan affiliations. He wished to “encourage our party with the hope of Electing Mr. Fillmore if the decision is left with the

⁵⁰⁶ J. W. Bryce to Humphrey Marshall, January 15, 1856, Humphrey Marshall Papers, Filson Historical Society.

⁵⁰⁷ E. Smith to Humphrey Marshall, January 24, 1856, *Ibid.*

⁵⁰⁸ Thomas E. Schott, *Alexander H. Stephens of Georgia: A Biography*, (Baton Rouge: Louisiana State University Press, 1988), 193.

⁵⁰⁹ William E. Gienapp, *The Origins of the Republican Party, 1852-1856*, (New York: Oxford University Press, 1987), 247. See also, Fred M. Harrington, “The First Northern Victory,” *The Journal of Southern History* 5 (May 1939): 204.

House of Representatives” and after no candidate received a majority of the vote in the Electoral College.⁵¹⁰

Even with the bolt of Henry Wilson and his followers in June 1855 and the election of Banks with Republican support early in February 1856, northern Know Nothings had not left the organization *en masse* prior to the 22 February Know Nothing National Convention in Philadelphia. Indeed, northern Know Nothings met at Cincinnati in November 1855 and there nine northern states consented to attend another meeting of the National Council in mid-February 1856 both to rescind Section Twelve and push for restoration of the Missouri Compromise Line. They initially succeeded in their first objective. But as was the case at the national convention in Philadelphia the following week, they ultimately failed in the second. A majority faction of the New York Know Nothings, under the direction of the pro-Fillmore Solomon G. Haven, voted along with the southern members to disallow substitution of 36° 30′ in place of the original language of Section Twelve. Once again, northern delegates walked out of the convention and later called for all northern Know Nothings to convene later that summer to select their own presidential candidate and platform. The immediate effect of all of this was to permit the nomination of Millard Fillmore, who at the behest of Haven and other advisors had been initiated into the Order of the Know Nothings prior to his departure for a European trip.⁵¹¹

The political platform which accompanied his nomination emphasized the dedication of the American Party to the rule of law. Its fourth plank proclaimed “obedience to the Constitution of these United States as the supreme law of the land” and called upon Americans to display “A habit of reverential obedience to the laws, whether national, state, or municipal, until they are repealed or declared unconstitutional by the proper authority.” The sixth and seventh planks condemned the widespread existence of corruption among the major political parties, particularly in the allowance of foreign voters as

⁵¹⁰ Blanton Duncan to Humphrey Marshall, February 26, 1856, Humphrey Marshall Papers, Filson Historical Society.

⁵¹¹ David M. Potter, *The Impending Crisis, 1848-1861*, ed. Don E. Fehrenbacher, (New York: Harper & Row, 1977), 255.

well as “the wild hunt after office which characterizes the age.”⁵¹² In a move designed to win over disaffected Democrats, the convention chose Andrew J. Donelson, nephew of former President Andrew Jackson and one-time editor of the major Democratic newspaper, the *Washington Union*. Believing that he got turned out of his job at the *Union* by opponents of the Compromise of 1850 for his strongly pro-Compromise position in editorials, Donelson personified exactly the type of dissident Democrat which Fillmore and other conservatives hoped to attract into a reconfigured Know Nothing, now American Party. Donelson, according to biographer Mark Cheatham, had abandoned the Democrats to join a party which to his mind “represented the best chance to save the nation from internal collapse.”⁵¹³

Besides his sterling Democratic pedigree and staunch Unionism, Donelson also reinforced a major theme of the American Party during the ensuing campaign. They valued personal obedience to law far higher than their Democratic or Republican opponents. For instance, in a November 1855 speech to an audience outside of Louisville, the American Party nominee for Vice President had denounced President Pierce “as the instrument of the abolitionist and the nullifier.” He went even further and linked together the two political extremes on the slavery issue. For all their differences, both represented “the offspring of the doctrine that a state law can by the interposition of its sole authority rightfully enforce a construction of the constitution contrary to the decisions of the supreme court and the will of a majority of the states and the people.” Donelson regarded the question of obedience to law as “the great issue of the day and until it is disposed of it is in vain that we may talk of killing the slavery question, or any other that may be regarded as vital to the preservation of the Union.”⁵¹⁴

Delegates remaining at the Know Nothing Convention managed to create an American Executive Committee, chaired by none other than Humphrey Marshall. Joining him were Felix Zolicoffer of

⁵¹² “American Platform, adopted in session of National Council, February 21, 1856,” printed in *The Political Textbook, or Encyclopedia*, ed. Michael W. Cluskey, (Philadelphia: James B. Smith & Co., 1857), 56.

⁵¹³ Mark R. Cheatham, *Old Hickory's Nephew: The Political and Private Struggles of Andrew Jackson Donelson*, (Baton Rouge: Louisiana State University Press, 2007), 287.

⁵¹⁴ Andrew J. Donelson to [American Mass Meeting of Louisville], November 19, 1855, (draft), Andrew J. Donelson Papers, [microfilm], Reel 9, Manuscript Division, Library of Congress.

Tennessee, Solomon G. Haven of New York, Thomas Harris of Maryland, and Jacob Broom of Pennsylvania. As the composition of the committee showed, nativist strength concentrated along the states bordering the Mason-Dixon line. Over the course of the campaign, eight additional members came aboard the committee. Getting “in correspondence with the Fillmore party all over the Union” constituted the first order of business. As Marshall admitted to fellow Kentuckian Thomas Todd, “The Northern men are not contented [with Fillmore] and will probably run [Supreme Court Associate Justice John] McLean of Ohio” on a separate “North American” ticket.⁵¹⁵

The Chairman of the American Executive Committee knew intimately the man of whom he spoke. Prior to the 1848 campaign, Marshall had offered to pen a laudatory biography of the Ohioan, a project that did not go beyond the completion of various notes and McLean’s own reminiscences. Now, in anticipating a four candidate race between Republicans, Democrats, and two factions of the American Party, Marshall cast his eyes southward. “Everything depends now on *keeping our American column steady in the Slaveholding States*,” he urged. The strategy “of both the Republicans & Democrats is to get up a Sectional race and to crush out Americanism both North and South.” Marshall announced that his “first object will be to split Americanism from Republicanism *in the North*.” Through this action, he and his fellow Know Nothings could “command the plurality in several Northern states in a four-handed *Dance*.”⁵¹⁶ Marshall’s prognostications aligned well with the views of other pro-Fillmore Know Nothings. Alexander H. H. Stuart passed on to Marshall his impression that “Our nominations are received with great enthusiasm in Virginia, & if we can effect (as I think we can) the union of the Whigs & Americans we shall certainly carry the Old Dominion.”⁵¹⁷ Similarly, R. N. Wood saw little hope in electing the American

⁵¹⁵ Humphrey Marshall to Captain Thomas Todd, March 22, 1856, Thomas Todd Papers, Filson Historical Society. For a treatment of the presidential ambitions of McLean, see Thomas E. Carney, “The Political Judge: Justice John McLean’s Pursuit of the Presidency,” *Ohio History* 111 (Summer-Autumn 2002): 121-44.

⁵¹⁶ *Ibid.*

⁵¹⁷ Alexander H. H. Stuart to Humphrey Marshall, March 6, 1856, Humphrey Marshall Papers, Manuscript Division, Library of Congress.

Party presidential nominee “unless we can bring to the support of the ‘American organization’ . . . a strong influence from the old line Whigs.”⁵¹⁸

Keeping the slaveholding states firmly in the Fillmore column through a coalition of Know Nothings and Whigs was no easy task given the Know Nothing penchant for violence. The city of New Orleans, in particular, had undergone at least one major election-based riot each year from 1854 to 1856.⁵¹⁹ During municipal elections held in March and June 1856, Know Nothings and Democrats clashed literally at the polls. In the case of the former incident, the pro-Know Nothing *New Orleans Crescent* placed the “onus of riotings at the polls...with those who commenced the difficulties.” Appealing to the sense of personal honor, the *Crescent* expected that anyone who “is not a white livered poltroon will strike back, may pursue and whip his assailant, may in the furious excitement engendered by an intolerable outrage, draw weapons and take life.” Of course, “these acts are all contrary to law,” but true justice seemed to demand punishment for the real culprit of the crime.⁵²⁰ When violence occurred just three months later, one New Orleans nativist privately scoffed at exaggerated reports coming from the Democratic newspapers of some 1 or 2 hundred men or boys [who] are going to shoot, stab, & kill 150 thousand persons.” Democrats cling desperately to these charges, this nativist insisted to a Democratic friend, in order to wrestle control of the municipal government, but “we’ve got our turn now, and will use it well.”⁵²¹

Violence on the plains of Kansas directly benefited the candidacy of Millard Fillmore, according to Know Nothing leaders. “Armed men are marching & countermarching there in opposition to each other and each party cried & whistled on to bloodshed by their leaders here & out of danger,” Solomon G. Haven told his law partner back home in Buffalo. Indeed, “the worse they get the better I believe it would be for Mr. Fillmore's prospects.” Not that Haven cheered for murder and mayhem within his country, “but

⁵¹⁸ R. N. Wood to Alexander H. H. Stuart, April 18, 1856, Stuart-Baldwin Families Papers, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia.

⁵¹⁹ W. Darrell Overdyke, *The Know Nothing Party of the South*, (Baton Rouge: Louisiana State University Press, 1950, rpr. 1968), 241.

⁵²⁰ *New Orleans Crescent*, March 17, 20, 1856, quoted in *Ibid*, 248.

⁵²¹ Nicholas J. Hoey to “Dear Friend,” June 18, 1856, Nicholas J. Hoey Letter, Louisiana and Lower Mississippi Valley Collections, Special Collections, Hill Memorial Library, Louisiana State University.

the point to it is when the country is drifting into trouble mens' eyes are turned towards him.”⁵²² Fillmore accepted the Know Nothing nomination from Europe four days later on 21 May. In doing so, he engaged in a delicate balancing act designed to please both Whigs and Americans. Besides pledging to return a measure of economy to government spending, Fillmore commented upon the current instability in American relations with European powers. In particular, he noted how necessary it was “to quiet that alarming sectional agitation, which, while it delights the monarchists of Europe, causes every true friend of the country to mourn.” The former President emphasized “his full confidence in the patriotic purposes” of the American Party, “which I regard as springing out of . . . the dangerous tendency of those divisions toward Disunion.”⁵²³ Later in the campaign, Fillmore acknowledged his desire to compose an acceptance letter with both Whigs and Americans in mind, so as to be “satisfactory to the former without giving offense to the later.”⁵²⁴

Though he could not have known about it when he drafted his acceptance, the Fillmore letter coincided at the time with the infamous “Sack of Lawrence” in which proslavery marauders in territorial Kansas attacked and destroyed the town of Lawrence, the main settlement of their antislavery opponents. This event inaugurated nearly three months of violent reprisals by both sides, with 38 separate violent incidents by the end of the year.⁵²⁵ Three days later, sectional violence carried over from the plains of Kansas to the floor of the U.S. Senate with the caning of Massachusetts Senator Charles Sumner by South Carolina Representative Preston Brooks.

The disorder around him further convinced New York Hard Shell Democrat Daniel S. Dickinson “that the disintegration of parties is steadily and surely going forward; that a semi-fanaticism is enlisting a

⁵²² Solomon G. Haven to James M. Smith, May 21, 1856, Solomon G. Haven Papers, William L. Clements Library, University of Michigan.

⁵²³ Millard Fillmore to Alexander H. H. Stuart, Andrew Stewart, Erastus Brooks, E. R. Bartlett, W. J. Eames, Ephraim Marsh, May 21, 1856, Alexander H. H. Stuart Papers, Box 1, University of Virginia.

⁵²⁴ Millard Fillmore to Alexander H. H. Stuart, August 9, 1856, “Private,” *Ibid.*

⁵²⁵ Dale E. Watts, “How Bloody Was Bleeding Kansas?: Political Killings in Kansas Territory, 1854-1861,” *Kansas History* 18 (Summer 1995), 116-129.

strong force for the campaign, and that we shall not succeed without a strong candidate.”⁵²⁶ William E. Gienapp characterized the position of Dickinson as “Publicly he continued to avow his Democratic loyalty, while privately he favored the Know Nothings.”⁵²⁷ He and his Hard Shell faction of New York Democrats had even flirted with the possibility of an alliance with Fillmore and the Know Nothings there, but negotiations eventually collapsed between the parties.⁵²⁸ Now he sought entry for his Hard Shell supporters at the upcoming Democratic National Convention in June, in part to deal a blow to the hopes of President Franklin Pierce for a second term.⁵²⁹

In his study of the southern Know Nothings, W. Darrell Overdyke argued that “Indirectly, perhaps, Know Nothingism contributed to the sectionalization of the Republican and Democratic parties by forcing them into more compact organizations.”⁵³⁰ In actuality, both the Democrats and Republicans sought to expand their appeal to reach the majority of disaffected conservative “old - line” Whigs, thereby weakening the national pretensions of the American Party. Democrats convened in Cincinnati on 2 June to determine their presidential nominee. Southern Rights Democrats, especially those from Mississippi, eagerly pressed for the nomination of President Pierce for another term. Meanwhile the friends of James Buchanan, despite their initial lack of organization, worked ceaselessly to present Buchanan as the main alternative for those unhappy with the current administration. Thanks to the efforts of Virginia Governor Henry A. Wise, now the chief rival of the Southern Rights Democrats Robert M. T. Hunter and James M. Mason, Buchanan and not Pierce came away with the vote of Virginia, a state which significantly had gone

⁵²⁶ Daniel S. Dickinson to Mr. [Sion] Rogers, May 31, 1856, printed in *Speeches, Correspondence, Etc., of the Late Daniel S. Dickinson, of New York*, 2 vols., (New York: G. P. Putnam & Son, 1867), 2:493.

⁵²⁷ William E. Gienapp, *The Origins of the Republican Party, 1852-1856*, (New York: Oxford University Press, 1987), 228.

⁵²⁸ Jerome Muskat, *Tammany: The Evolution of a Political Machine*, (Syracuse: Syracuse University Press, 1971), 294.

⁵²⁹ Daniel S. Dickinson to Thomas Osborn [?], October 21, 1860, Miscellaneous Manuscripts: Dickinson, D.S., New York Historical Society.

⁵³⁰ W. Darrell Overdyke, *The Know Nothing Party of the South*, (Baton Rouge: Louisiana State University Press, 1950, rpr. 1968), 294.

to Pierce four years earlier at the Democratic National Convention. Ultimately, Buchanan won when Stephen A. Douglas removed his name from contention and thus, according to Roy F. Nichols, “conservatives had triumphed for their demand for a safe and experienced man, who could command Whig and American support, had been met.”⁵³¹

Addressing his running mate John C. Breckinridge of Kentucky soon after receiving the nomination from Cincinnati, Buchanan displayed little doubt that he could garner the support of these “old-line” or Henry Clay Whigs. Though he held no illusions concerning the enduring strength of old party attachments, Buchanan believed that any attempt by the Whigs to “maintain a separate organization & support us reluctantly as mere allies” would doom them “to comparative insignificance hereafter, & lose that weight to which they are justly entitled.” The current election presented an opportunity, Buchanan further argued, for those “independent & honest Whigs” who repudiated both the sectional Republican and nativist American parties “will at one bound come directly into the Democratic Party” to share in the fortunes of their old enemies.⁵³²

This strategic focus on these so-called “old-line Whigs” created an electoral battlefield consisting of those states along the Mason-Dixon Line. One Mississippi Democrat lamented the obduracy of southern Whigs who apparently valued party over the danger Fillmore and the Republicans posed to the future of the country. Writing from Washington D.C. to a friend back in Mississippi, H. C. Williams reported that though “Fillmore’s campaign is very great, yet the more discerning Whigs see that every vote given for him, will, in effect, be a vote for Fremont and many are joining our ranks.” Furthermore, “these new made Democrats are very useful to us, for to evince their zeal for the welfare of the [Democratic] party...they are quite liberal with their money.” Unfortunately, Whigs in Tennessee (a doubtful state for Buchanan) did not renounce their old party affiliations so easily. Williams hoped that they “will see the

⁵³¹ Roy F. Nichols, *Franklin Pierce: Young Hickory of the Granite Hills*, (Philadelphia: University of Pennsylvania Press, 1931, rpr. 1958), 468.

⁵³² James Buchanan to John C. Breckinridge, June 20, 1856, Breckinridge-Marshall Papers, Filson Historical Society. See also, Philip S. Klein, *President James Buchanan: A Biography*, (University Park, PA: Pennsylvania State University Press, 1962), 257.

true issue and give up party for the sake of the country."⁵³³ By late-August 1856, John Bell feared that southern Whigs were moving en masse toward Buchanan to defeat Fremont. In a public letter addressed to a group of Tennessee Whigs, the venerable Tennessee Whig pleaded with his long-time political associates to keep the South politically divided by favoring Fillmore. Failure to do so, he warned, allowed the people of the Free states to unite in permanent opposition to the South.⁵³⁴ Privately, Bell grew increasingly concerned that Buchanan "will not be able, considering the ultraism of the leading spirits of his party, to prevent civil war."⁵³⁵

Maryland Democrats likewise engaged in a recruitment drive for "old-line" Whigs. Specifically, they engineered the reelection of erstwhile Whig U.S. Senator James A. Pearce. Pearce, a group of sixty-three Democrats pleaded in a memorial to their colleagues in the state legislature, "will . . . give us votes and support which we never had before while his defeat will not only make lukewarm many conservative gentlemen, who have since 1855 acted with us." Failure to do so, they claimed, "will actually drive from our ranks some, whose confidence in the party will be greatly shaken by such an unlooked for and surprising result."⁵³⁶ The election of Pearce added an important voice to the Democracy, which Democrats quickly enlisted for use by the Buchanan campaign. Both Pearce and fellow Maryland ex-Whig Thomas G. Pratt composed letters directed toward Maryland Whigs on behalf of Buchanan and Breckinridge. In his letter, Pearce played up his reputation for moderation and, unlike most Democrats, refused to condemn all Republicans for being abolitionists. The leaders of that party "have determined to build up a sectional party, reckless of its peril to the Union, once so justly valued, but now estimated far less at the North than at the South." As for the Americans, Pearce claimed that whatever goodwill Fillmore and his conservative

⁵³³ H. C. Williams to John A. Anderson, July 18, 1856, John A. Anderson Papers, Department of Archives and Special Collections, University of Mississippi.

⁵³⁴ John Bell to Rolfe S. Saunders et al., August 26, 1856, printed in *Knoxville Whig*, September 13, 1856, quoted in Joseph Parks, *John Bell of Tennessee*, (Baton Rouge: Louisiana State University Press, 1954), 310.

⁵³⁵ John Bell to William B. Campbell, September 10, 1856, printed in "Letters of John Bell to William B. Campbell, 1839-1857," ed. St. George L. Sioussat, *Tennessee Historical Magazine* 3 (December 1917): 226.

⁵³⁶ "Memorial from Democrats of Frederick Co. to delegates in Legislature on J. A. Pearce," [c. 1856], James Alfred Pearce Papers, Maryland Historical Society.

allies in the North might extend to southerners, “they are not the majority” in those states.⁵³⁷ The publication of the Pearce letter disarmed even the most embittered foes of Buchanan and the Democrats. Upon reading the appeal from Pearce, Virginian William C. Rives thought that he had written “a very able paper” and had done much credit to Pearce himself and his cause.⁵³⁸

Republicans quickly grasped the difficulties inherent to earning the support of those very old-line Whigs in the North who disliked radical antislavery men and Know Nothings alike. A late convert to the Republican Party himself, Illinoisan and self-described “Henry Clay Whig” Abraham Lincoln grew incensed at the lengths to which Democrats trumpeted the name of Clay to gain conservative Whigs. The *Alton Daily Courier* reported in substance his frustration at “The Black Democracy” for “endeavoring to cite Henry Clay to reconcile old Whigs to their doctrine, and repaid them with the very cheap compliment of National Whigs.”⁵³⁹ Republicans passed up old Whigs like John McLean and instead took a different path and found John C. Fremont, son-in-law of Missouri Democratic U.S. Senator Thomas Hart Benton. Aware that they still needed to recruit conservative Whigs and worried about the Democratic lineage of Fremont, Republican leaders concocted a plan. They arranged to have New Yorker Hamilton Fish correspond with James A. Hamilton, a son of Alexander Hamilton and commend “Fremont, the Conservative Candidate.” Fish denounced Democratic nominee Buchanan as someone who “repudiates the Whig party, its organization, and its principles.” Conservative “Whigs have to yield very much of their [personal] preferences” and choose the party which most closely aligns with their principles. Fillmore and the Know Nothings, former Whigs though they may be, belonged to a secret order antagonistic to the beliefs of all good Whigs. Despite the fact that Know Nothings abandoned the injunction of secrecy when they nominated Fillmore, Fish claimed to believe that “I do not understand it to be admitted even at this

⁵³⁷ *Old Line Whigs for Buchanan and Breckinridge: Letters from the Hon. James Alfred Pearce and Hon. Thomas G. Pratt of Maryland to the Whigs of Maryland*, (n. p., 1856), 3-4.

⁵³⁸ William C. Rives to Alfred L. Rives, August 5, 1856, MSS 1723-a, Albert and Shirley Small Special Collections Library, University of Virginia.

⁵³⁹ “Speech at Bloomington, Illinois,” May 29, 1856, printed in *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler, 8 vols., (New Brunswick, NJ: Rutgers University Press, 1953), II, 341.

day, that secrecy, oaths, tests, and passwords have been wholly abrogated.”⁵⁴⁰ Democrats and Whigs, for all their disagreements with each other, both accepted that the result of the election hinged upon the actions of these independent Whigs.

Upon his return to the United States from his stay in Europe, Fillmore presented well-received campaign speeches in Newburgh and Albany on 26 June which together offered his listeners salvation from the dangers confronting the country grounded in respect for written law and the rights of the southern minority. In the former, he portrayed himself as not a vicious enemy of foreigners, but instead only wanted “to exact from all faithful allegiance to our republican institutions.” As for the separation between church and state, he continued, it must exist “not only in form, but fact—religion and politics should not be mingled.” Those coming to the United States from the monarchical governments of Europe required a time for tutelage in American free institutions and so “it becomes every American to stand by the Constitution and the laws of his country, and to resolve that, independent of all foreign influence, Americans will and shall rule America.” At Albany, the former President turned his attention exclusively to the threat of sectionalism. Fillmore questioned whether the Republicans, who in their willingness to write off electorally an entire region of the country, possessed “of the madness or the folly to believe that our Southern brethren would submit to be governed by such a chief magistrate.” Drawing upon the memory of Henry Clay, much as his political opponents did, Fillmore announced that “I would rather be right than be President.”⁵⁴¹ The speeches had “covered the whole ground” of nativism and unionism, Fillmore’s close advisor Solomon G. Haven believed, and “the old line Whigs in a general thing seem to be coming round right and every day now will develop new facts.”⁵⁴²

⁵⁴⁰ Hamilton Fish and James A. Hamilton, *Fremont, the Conservative Candidate*, (n.p., 1856), 6.

⁵⁴¹ “American Party Principles Enunciated at a Speech in Newburgh, June 26th” and “The Famous Union Speech at Albany, June 26, 1856,” both printed in *The Papers of Millard Fillmore*, ed. Frank H. Severance, (Buffalo: Buffalo Historical Society, 1907), 1:16, 21-23.

⁵⁴² Solomon G. Haven to Millard Fillmore, June 29, 1856, Alexander H. H. Stuart Papers, Box 1, Albert and Shirley Small Special Collections Library, University of Virginia.

Roundly criticized by its opponents, the Fillmore campaign consistently strove to maintain its “old-line” Whig base while courting conservative Democrats. Like nearly all presidential candidates of the day, Fillmore purposefully stayed out of the public eye after his Albany speech and confined expression of his personal views to an occasional private letter to members of his inner circle. In one such letter to Virginian William C. Rives, the American candidate complained of the independent course of the Virginia Whigs. At their recent state convention in Richmond, these men acted “indiscreetly in laying down a platform on the slavery question &c” entirely at odds with the candidate’s prior endorsement of the American platform crafted at the Philadelphia convention in February. The Virginia Whigs, nay all Whigs, would have to move toward the American platform; Fillmore held no desire to accept any independent nominations from these groups. According to him, “If it be the same as that of the American Party, it would be useless; and if it be different it would be inconsistent, and in either case, to adopt it, would be to increase the jealousy of the American Democrats who are constantly told that the American Party is the old Whig party in disguise.”⁵⁴³ Similarly, he reassured his running mate and ex-Democrat Andrew J. Donelson, “For my own part I believe the American party essential to the Union and necessary to the salvation of the country, and I treat all who sustain its principles or its candidates at this crisis, as political brethren whether *they have been, or are now*, known as Whigs or Democrats.”⁵⁴⁴

By early-fall, it was clear to all three presidential campaigns that electorally-rich Pennsylvania stood foremost among the doubtful states in the North. A state election held in the second week of October would provide an early indication of the actual strength of Buchanan.⁵⁴⁵ Wishing to deny the Democrat of a victory in his home state, Fillmore Americans and Fremont Republicans had tried since the

⁵⁴³ Millard Fillmore to William C. Rives, July 23, 1856, Millard Fillmore Papers, [microfilm], Reel 44, Penfield Library: Archives and Special Collections, State University of New York – Oswego.

⁵⁴⁴ Millard Fillmore to Andrew J. Donelson, August 7, 1856, Andrew Jackson Donelson Papers, [microfilm], Reel 9, Manuscript Division, Library of Congress.

⁵⁴⁵ Millard Fillmore to Andrew J. Donelson, October 9, 1856, printed in “Selected Letters, 1846-1856, from the Donelson Papers,” ed. St. George L. Sioussat, *Tennessee Historical Magazine* 3 (December 1917): 290.

summer to combine into a single "Union" ticket in the weeks before Pennsylvanians voted.⁵⁴⁶ The two anti-Democratic parties soon ran into an important question regarding fusion: Who would gain politically from such an arrangement? Pennsylvania Democrat Richard Brodhead gleefully watched as Americans and Republicans wrestled with this problem. The solution required the Fremont men to vote for an electoral slate which included Fillmore electors. With "the friends of Fremont having no electoral ticket and Fillmorites being inflexible," Brodhead predicted that "Buchanan will get the State even though we do not carry the State ticket or a Majority in the Legislature."⁵⁴⁷ The Fillmore and Fremont men in Pennsylvania failed to form one ticket, even though the platform on which the "Union" ticket of the Fremont men and a portion of the Fillmore men mounted had planks opposed to foreign influence in the government and celebrated a public school system free from sectarian influence.⁵⁴⁸

The opportunistic nature of the fusion movements in some northern states moreover impeded its progress elsewhere to create a united anti-Buchanan front. Against the wishes of the American Party leadership, Connecticut Know Nothings entered into a coalition with Democrats to beat the state's Republican majority. Thanks to Know Nothing actions in the Nutmeg State, "Nothing is now certain in Pennsylvania...It is all guesswork because of the plotting & counterplotting," newspaper editor Vespasian Ellis remarked to Virginian Alexander H. H. Stuart.⁵⁴⁹ This problem of fusion, so illustrative of the difficulties inherent in creating a successful new party within a system of federalism, cost both the "Union" Fillmore and Fremont men the state contest in Pennsylvania by just under 3,000 votes.⁵⁵⁰ Republicans began to have second thoughts about the utility of a strategy of cooperation with the

⁵⁴⁶ Russell Errett to Edwin D. Morgan, July 1, 1856, Edwin D. Morgan Papers, [microfilm], Reel 27, New York State Library.

⁵⁴⁷ Richard Brodhead to Lewis S. Coryell, September 24, 1856, Lewis S. Coryell Papers, Historical Society of Pennsylvania.

⁵⁴⁸ William E. Gienapp, "Nativism and the Creation of a Republican Majority in the North Before the Civil War," *The Journal of American History* 72 (December 1985): 544.

⁵⁴⁹ Vespasian Ellis to Alexander H. H. Stuart, October 10, 1856, Alexander H. H. Stuart Papers, Box 1, University of Virginia.

⁵⁵⁰ Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings and the Politics of the 1850s*, (New York: Oxford University Press, 1992), 239-40.

American Party. By Tuesday, 6 November, Buchanan won all of the “doubtful” states bordering the Mason-Dixon Line, except for Maryland, thereby narrowly carrying the election.

In hindsight, the creation of a national party dedicated to the eradication of the twin scourges of sectionalism and foreignism failed to survive the pincer-like movements of Democrats and Republicans eager, to borrow a popular phrase of the day, to shiver the American Party to atoms and destroy it completely. Still, the outcome of the election demonstrated one clear fact: the states of the Border and Upper South had determined the next President of the United States. As James H. Broussard has shown, a switch of just 7,771 votes from Buchanan to Fillmore in both Kentucky and Tennessee would have thrown the election into the House of Representatives, a contest that would have made the recent election for House Speaker look tame by comparison.⁵⁵¹ The demise of the Whig Party showed that a party increasingly concentrated in New England and the Upper West (Republicans) and a party increasingly concentrated in the Deep South (Democrats) could not win an election without those states along the border between slave and free.⁵⁵² This power wielded by these states provided a measure of overconfidence in the ability of men along the Border North and Upper South to resolve the sectional crisis.

A nativist Union Party certainly could not win on its own, but it might triumph if Republicans understood that they could not win the presidency alone. Harvard student Charles Jacob, a native of Kentucky, hardly restrained his frustration at the way the election turned out in his normally anti-Democratic home state. When telegraphic dispatches announced that Buchanan would carry Kentucky by at least “5000 or 6000” votes, young Mr. Jacob planned to change the listing of his home residence “in the catalogue of Harvard University” to read “Baltimore.” He also correctly foresaw what American Party

⁵⁵¹ James H. Broussard, “Some Determinants of Know-Nothing Electoral Strength in the South, 1856,” *Louisiana History* 7 (Winter 1966), 15-16.

⁵⁵² Salmon P. Chase and the Republicans realized this fact all too well. The significance of the American leaders and voters in 1856, Chase wrote to Charles Sumner in July 1858, was that “Often these men held the balance of power in their particular states, districts or counties.” Salmon P. Chase to Charles Sumner, July 16, 1858, printed in *Diary and Correspondence of Salmon P. Chase*, ed. George S. Denison, 2 vols., (Washington D.C.: American Historical Association, 1903), 2:278.

leaders would do over the next two years. Republicans "will be united with the American party on the American platform."⁵⁵³ Even before Election Day, Republican Francis P. Blair hinted at a similar strategy in a letter to former ally Andrew J. Donelson. On the possibility that the election went to the House of Representatives and Fremont could not be chosen, Blair promised to aid Fillmore "for I believe Fillmore a friend of the Union and I am sure your party in the South will become the nucleus of the Union party there." Should the Republicans and Fremont ultimately prevail, Blair assured Donelson that "your party will become his chief reliance in the slaveholding states and when the Union becomes the sole issue upon which parties divide (as it soon will) then I fondly cherish the hope that our course will be in the same direction."⁵⁵⁴ During the course of the Buchanan Administration, certain leaders within the Republican and American parties embarked upon an attempt to merge their separate courses into one.

⁵⁵³ Charles Jacob to Thomas Jacob, November 6, 1856, Jacob-Johnson Family Papers, Filson Historical Society.

⁵⁵⁴ Francis P. Blair to Andrew J. Donelson, October 26, 1856, printed in "Selected Letters, 1846-1856, from the Donelson Papers," ed. St. George L. Sioussat, *Tennessee Historical Magazine* 3 (December 1917): 291.

Chapter 6: "The Biggest and Best Party We Have Ever Seen," 1857-1859

The 1856 election continued Democratic ascendancy at the presidential level. But pressing questions confronted now president-elect Buchanan. How would he and his new administration deal with the strife in Kansas? In particular, how much of the policy of his predecessor would the new president accept? Also, contemporaries like Illinois U.S. Senator Stephen A. Douglas attributed the Democratic success in the late election to the accessions of conservative "old-line" Whigs. These men had voted for Buchanan, but did they intend to join the ranks of the Democrats permanently or to hold a political existence apart from both the Democratic and Republican parties? Since the results of November, Douglas stressed to John A. McClernand, these Whigs must come to realize "that the issue is distinctly made up between Fremont abolitionism on the one side and Constitutional-law-abiding-Union-loving men under the Democratic banner on the other side. So long as this issue is pending there can be no third party."⁵⁵⁵ Events over the next two years confirmed the truth of this statement by Douglas. Conservative Whigs along with the remnants of the defeated American Party abandoned the idea of creating a third party and sought to join themselves with the Republicans in a broad "Union" coalition against the Buchanan Administration. What Douglas did not anticipate in his letter to McClernand, however, was that he would play an important part in that effort as well.

The triumph of Buchanan in 1856 seemed to put Democrats in a position of considerable strength, yet appearances can be deceptive. The incoming Buchanan Administration sought to correct the errors of the preceding administration through patronage, but it actually exacerbated Democratic factionalism. The public break between Illinois Senator Stephen A. Douglas and President James Buchanan gave life to the moribund Union Party movement. Southern conservative advocates of a Union Party repeatedly expected the Democratic Party to fall to pieces from internal disagreements, and their actions from 1857-59 did not deviate from this pattern. This chapter examines how men like John J. Crittenden of Kentucky attempted to use the division within the Democratic Party to form a new Union Party. The movement failed to unite

⁵⁵⁵ Stephen A. Douglas to John A. McClernand, December 23, 1856, printed in *The Letters of Stephen A. Douglas*, ed. Robert W. Johannsen, (Urbana: The University of Illinois Press, 1961), 371.

the various factions of the Democrats, Republicans, and Whigs opposed to the Buchanan Administration. In the process, however, the drive to form a Union Party revealed how precarious the Democrats and Republicans believed their positions were heading into the election of 1860. This recurring sense of an impending realignment in party politics constitutes the main thrust of this chapter.⁵⁵⁶

The origins of the famed Buchanan-Douglas feud over Kansas policy traced back to the original electoral strategy of Buchanan in 1856 and his allocation of patronage. Public opinion supposedly informed Buchanan in December 1856 that “if the officers under a preceding Democratic administration shall be continued by a succeeding administration of the same political character, this must necessarily destroy the party.” He showed some regret for this view, “but we cannot change human nature.”⁵⁵⁷ His own personal experience with President Pierce inclined him toward agreeing with this “public opinion.” Before taking office in March 1853, Franklin Pierce had promised to appoint political friends of Buchanan to various posts in his administration, but as of May that same year nothing had been done. Buchanan journeyed to the nation’s capital to plead his case with the president. He wrote in a private memorandum presumably for his future use politically, “I had not been in Washington many days before I clearly discovered that the President and the cabinet were intent upon his re-nomination and re-election.” The Pennsylvania Democrat discerned from his talk with Pierce “that the object in appointments was to raise up a Pierce party, wholly distinct from the former Buchanan, Cass, and Douglas parties; and I readily perceived, what I had before conjectured, the reason why my recommendations had proved of no avail.”⁵⁵⁸ Though Buchanan would later become Minister to Great Britain, his relations with the Pierce Administration distinctly lacked any warmth.

⁵⁵⁶ The emphasis on the “plasticity” of partisan alignments in the antebellum period is a central theme of Michael F. Holt, “Change and Continuity in the Party Period,” *Contesting Democracy: Substance and Structure in American Political History, 1775-2000*, eds. Byron E. Shafer and Anthony J. Badger, (Lawrence: The University Press of Kansas, 2001), 106.

⁵⁵⁷ James Buchanan to John Y. Mason, December 29, 1856, printed in *The Works of James Buchanan*, ed. John Bassett Moore, 12 vols., (Philadelphia: J. B. Lippincott & Co., 1908-11), 10:100.

⁵⁵⁸ Memorandum, [c. 1853], quoted in George Ticknor Curtis, *The Life of James Buchanan, Fifteenth President of the United States*, (New York: Harper & Brothers, 1883), 80.

The incoming administration determined not to make the same mistakes that Pierce and his associates had made in regards to the strategic allocation of the federal patronage. Buchanan chose to rectify a previous imbalance of the appointments by rewarding southern Union Democrats, a group much aggrieved from what they had received under the Pierce Administration. To this end he enlisted John W. Forney to secure the participation of Georgian Howell Cobb in the new administration. Forney reminded Cobb that “the extreme South has yielded before the demand for your services and that those who assail you only injure themselves by doing so.”⁵⁵⁹ Besides, the northern Democrats “pray for you in the Cabinet.”⁵⁶⁰ Southern Rights Democrats privately feared for the worst, with one Alabamian concerned about any blemishes in the public positions of Buchanan toward slavery. In particular, he wanted Buchanan to choose southerners “of the Jeff Davis order of state rights men” to serve in his administration.⁵⁶¹ John B. Lamar warned his brother-in-law, Howell Cobb, not to underestimate the claims upon the Buchanan Administration by those opposed to the Compromise of 1850. “If the Free Soilers at the North have been as busy as the Southern Rights men . . . his Cabinet will have to be taken from the extremes of the party, leaving all the national men out,” he wrote in late-January.⁵⁶² Cobb eventually succumbed to the entreaties of Forney and his allies in Georgia, but only after agreeing to head the Treasury Department and let his friend Lewis Cass assume the politically more attractive position of Secretary of State.

Even when Buchanan had the opportunity to take a member of the Southern Rights faction of the party, he slighted those Democrats closely identified with Pierce. Though he originally sought to place one-time resident of Mississippi and former Secretary of the Treasury Robert J. Walker in his Cabinet,

⁵⁶⁰ John W. Forney to Howell Cobb, December 26, 1856, printed in “Howell Cobb Papers,” ed. R. P. Brooks, *The Georgia Historical Quarterly* 6 (June 1922): 172-73.

⁵⁶¹ Z. L. Nabors to Clement C. Clay, January 23, 1857, Clement C. Clay Papers, David M. Rubenstein Rare Book and Manuscript Library, Duke University, quoted in Kenneth M. Stampp, *America in 1857: A Nation on the Brink*, (New York: Oxford University Press, 1990), 49.

⁵⁶² John B. Lamar to Howell Cobb, January 24, 1857, Howell Cobb Family Papers, Hagrett Rare Book and Manuscript Library, University of Georgia, quoted in Philip S. Klein, *President James Buchanan: A Biography*, (University Park: The Pennsylvania State University Press, 1962), 265.

Cobb bluntly announced that he would never consent to join the administration if Walker was there.

Instead, Buchanan offered the Interior Department to another Mississippian Jacob Thompson, a Southern Rights man opposed to the leadership of Jefferson Davis and John A. Quitman within that faction.

Thompson had aided Buchanan at the Cincinnati Convention within a Mississippi delegation split between Pierce and Buchanan. As he later recalled to fellow Mississippian Alexander M. Jackson, “I foresaw the division in our delegation & I determined to go [to Cincinnati] and abide by the fate of my friends.”⁵⁶³

When Buchanan won the nomination and later the election, Thompson coveted a Cabinet position if only to keep either Davis or Quitman from getting one. He eagerly accepted a role in the new administration.

The rest of the Cabinet pulled from nearly every faction and region found within the Democratic Party. Pennsylvanian Jeremiah S. Black for Attorney General and former Attorney General Isaac Toucey of Connecticut for the Navy represented the pro-Compromise North alongside Cass. Thankful for the support Virginia provided him and not Pierce at the Cincinnati Convention, Buchanan reserved the War Department for Virginian John B. Floyd. He also tendered the offer of the lucrative spot of Postmaster General to former Tennessee Governor Aaron V. Brown. In 1850, Brown participated in the Nashville Convention of 1850 and managed to co-author with Gideon J. Pillow a resolution endorsing the congressional Omnibus of Clay and the Committee of Thirteen.⁵⁶⁴ Though Kenneth M. Stampp acknowledged that “It was a Cabinet of Democratic moderates, containing no true representative of the northern free-soil wing or of the southern fire-eaters,” historians have generally overlooked the way in which the new Cabinet reflected Buchanan’s desire to distinguish his administration from the policies of his predecessor.⁵⁶⁵ Typical is the caustic evaluation of Jean H. Baker who has written from the advantage

⁵⁶³ Jacob Thompson to Alexander M. Jackson, September 21, 1856, Alexander Melvorne Jackson Papers, Box 4, McCain Library, University of Southern Mississippi.

⁵⁶⁴ Cave Johnson to James Buchanan, June 6, 1850, James Buchanan Papers, Historical Society of Pennsylvania, cited in St. George L. Sioussat, “Tennessee, the Compromise of 1850, and the Nashville Convention,” *Mississippi Historical Valley Review* 3 (December 1915): 333.

⁵⁶⁵ Kenneth M. Stampp, *America in 1857: A Nation on the Brink*, (New York: Oxford University Press, 1990), 62. A major exception to this statement is David E. Meerse, *James Buchanan, the Patronage, and the Northern Democratic Party, 1857-1858*, (PhD Dissertation: University of Illinois at Urbana-Champaign, 1969), esp. 55-59. This chapter agrees with his view on p. 55 that “The relations between these two Democratic administrations [Pierce and

of hindsight that the Buchanan Cabinet was nothing short of “a disaster.” These men, she explains, numbered “four members of the future Confederacy and three northern Democrats, who, like Buchanan, were doughfaces [and] was an insult to the North.”⁵⁶⁶ Reflecting a partisan Republican perspective on the issue, this analysis of Baker ignores Buchanan’s need to deal with the crippling factionalism within the Democratic Party that he had inherited from Pierce.

Firmly settled upon his choice of advisors, Buchanan publicly revealed the guiding philosophy of his administration during his inaugural address on 4 March. He urged his fellow citizens to await the decision of the Supreme Court in the Dred Scott case with the “hope that the long agitation on this subject is approaching its end, and that the geographical parties to which it has given birth, so much dreaded by the Father of his Country, will speedily become extinct.” In words reminiscent of his public speeches directed toward old-line Whigs during the 1856 campaign, Buchanan exhorted “all Union-loving men” to hasten the demise of all sectional agitation.⁵⁶⁷

Over the next few weeks, Buchanan began to fill positions for lower officials within the administration, much to the irritation of those supporters of former President Pierce. Buchanan practiced what he and others loyal to him termed “rotation in office.” Robert A. Toombs grasped the nature of this policy when he told Alexander H. Stephens, “Buck will vacate all offices, or rather when the commission expire consider them open.”⁵⁶⁸ This intention came at the expense of the Pierce appointees. “Buchanan had no especial reason to confide in us that I know of and therefore we have no ground to complain that he didn’t” was the advice Robert M. T. Hunter received from another Virginia Democrat. Hunter and other

Buchanan] were to be one of the most important factors determining the actions of the new administration in its early days in office.” Meerse, however, does not trace the differences between Pierce and Buchanan to a desire to mollify Union men who felt forsaken during the Pierce Administration as I do.

⁵⁶⁶ Jean H. Baker, *James Buchanan: The American Presidents Series, The 15th President, 1857-1861*, (New York: Times Books, 2004), 79.

⁵⁶⁷ James Buchanan, “Inaugural Address,” March 4, 1857, printed in *The Works of James Buchanan*, ed. John Bassett Moore, 12 vols., (Philadelphia: J. B. Lippincott & Co., 1908-11), 10:108-9.

⁵⁶⁸ Robert A. Toombs to Alexander H. Stephens, March 10, 1857, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 405.

Southern Rights Democrats “can't make other people think so and there is no use in opposing him in anticipation.”⁵⁶⁹ Nevertheless, Hunter remained wary of Buchanan’s willingness to reward original supporter Henry A. Wise. One of the last members of the Pierce Cabinet to leave Washington, former Secretary of State William L. Marcy conveyed his negative impressions of the new policy in his private journal as well as in letters to other members of Pierce’s inner circle. When southern Democrats successfully pressured Buchanan to exempt southerners from the new policy, Marcy hit the roof.⁵⁷⁰ He also attacked the president for giving former Whigs jobs at the expense of venerable loyal Democrats, especially the post of Minister to Prussia for James B. Clay, son of Henry Clay, which Clay politely declined.⁵⁷¹ To James C. Dobbin he complained, “Strange things have been enacted here during the last three weeks. [Northern] Pierce men are hunted down like wild beasts.”⁵⁷² Significantly, Stephen A. Douglas believed that he too had received the cold shoulder from the president, even though it was arguable that Douglas’ decision to step aside at Cincinnati allowed Buchanan to win the nomination.⁵⁷³

The business of patronage extended to a new Territorial Governor in Kansas. Pierce had spent the final months of his administration dealing with the hostility which had developed between his most recent Territorial Governor for Kansas, John W. Geary, and the proslavery legislature at Lecompton. The official territorial legislature met in convention on 12 January to rally Kansans to the cause of “law and order.” Unable to convince errant free-state settlers (a majority of the inhabitants of Kansas) to give up their opposition to the Lecompton legislature, the beleaguered Geary began to withdraw his support from the

⁵⁶⁹ Lewis E. Harvie to Robert M. T. Hunter, March 11, 1857, printed in *Correspondence of Robert M. T. Hunter, 1826-1876*, ed. Charles H. Ambler, 2 vols., (Washington D.C.: American Historical Association, 1918), 2:205.

⁵⁷⁰ Entry for March 17, 1857, William L. Marcy Diary, Library of Congress, printed in “Diary and Memoranda of William L. Marcy, 1857,” ed. Thomas Maitland Marshall, *The American Historical Review* 24 (July 1919), 642-44. See also, William L. Marcy to [Former Maryland] Governor Philip F. Thomas, March 15, 1857, William L. Marcy Letter, Louisiana and Lower Mississippi Valley Collections, Hill Memorial Library, Louisiana State University.

⁵⁷¹ Entry for March 24, 1857, *Ibid*, 645.

⁵⁷² William L. Marcy to [James C. Dobbin], March 27, 1857, *Ibid*, 647.

⁵⁷³ Stephen A. Douglas to Samuel H. Treat, “Private,” February 5, 1857, printed in *The Letters of Stephen A. Douglas*, ed. Robert W. Johannsen, (Urbana: The University of Illinois Press, 1961), 372.

administration-backed Lecompton legislature. Unfortunately for Geary, the free-state majority did not entirely trust this Pierce Administration appointee, leaving him with little option but to resign his position. In his place, Buchanan turned once again to Robert J. Walker. At first Walker refused, but then reconsidered it only on the condition that President Buchanan would stand firmly behind his policies while Territorial Governor. Walker demanded in a letter later made public to the White House on 26 March for “the actual *bona fide* residents of the territory of Kansas, by a fair and regular vote . . . to decide for themselves what shall be their social institutions.”⁵⁷⁴ The new Territorial Governor of Kansas then drafted an inaugural message before heading out west that endorsed strict congressional non-intervention up to the point when the will of the majority of Kansans could be accurately ascertained.

Walker soon ran into trouble among southern Democrats for his handling of affairs in Kansas. In his Inaugural Address on 27 May, Walker encouraged the Free State settlers in the territory not to boycott the upcoming election in July to elect delegates to a convention for the purpose of creating a constitution preparatory to statehood. For, he asked, “why incur the hazard of the preliminary formation of a constitution by a minority, as alleged by you, when a majority, by their own votes, could control the forming of that instrument?”⁵⁷⁵ Free-state settlers in Kansas nonetheless boycotted the election of delegates, giving proslavery men dominating control of the impending Lecompton convention. Still, southern Democrats were upset that Walker secretly wished to make Kansas into a Free State. Even worse from their perspective, they wondered how the Buchanan Administration could not know what its own agent in Kansas preferred. Perhaps President Buchanan favored such a course himself. Fortunately for these critics, upcoming state elections in the South created a prime opening for those southern Democrats disappointed at the policies of the Buchanan Administration (both real and imagined) to vent their frustrations. Articulating the official position of Buchanan, Cobb defended Walker to his fellow

⁵⁷⁴ Robert J. Walker to James Buchanan, March 26, 1857, quoted in David M. Potter, *The Impending Crisis, 1848-1861*, ed. Don E. Fehrenbacher, (New York: Harper & Row, 1977), 298.

⁵⁷⁵ “Governor Walker’s Inaugural Address,” May 27, 1857, printed in *Transactions of the Kansas State Historical Society*, ed. F. G. Adams, 10 vols., (Topeka: Press of the Kansas State Printing Company, 1881-1908), 5:329.

southerners from the charge of any undue “interference” in territorial affairs. The Secretary of the Treasury requested that Stephens and other good Georgia Democrats “understand fully” and do all they could to “see that our people do not get off the line.”⁵⁷⁶

Trying to place himself and the Buchanan Administration in a better light with the southern wing of the Democratic Party, Walker indicated his true intentions to Secretary of State Lewis Cass in mid-July. Walker adopted a conciliatory approach to the antislavery settlers in Topeka in order to prevent “a general and sanguinary civil war.”⁵⁷⁷ On the few occasions that Walker met with “distinguished democrats of the South,” each and every one of them gave “their cordial approbation of my course.” Ultimately, the whole matter, according to Walker, came down to “whether Kansas shall be a conservative, constitutional, democratic and ultimately free state, or whether it shall be a republican and abolition state” and between these two Walker would not hesitate to choose the former.⁵⁷⁸ Slavery had no future in Kansas territory, and Walker wanted the president and Democrats back in the East to understand that fact.

This explanation of his course satisfied President Buchanan and members of his Cabinet but not necessarily southern firebrands who continued to wage a fight against Walker, and by extension, the Buchanan Administration. Seeing “trouble ahead” at a Georgia Democratic state convention scheduled for 24 July, Thomas R. R. Cobb alerted his brother to a deep division within the ranks of the Democrats between supporters of the Buchanan Administration and certain “ultras.”⁵⁷⁹ Stephen A. Douglas blamed the whole dispute on those southerners disappointed at the patronage and urged Walker not to pay any heed to the howls of protest. Apart from a loud, but “small party at the South,” nearly every good

⁵⁷⁶ Howell Cobb to Alexander H. Stephens, June 18, 1857, “Private,” printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 403.

⁵⁷⁷ Robert J. Walker to Lewis Cass, July 15, 1857, printed in *Transactions of the Kansas State Historical Society*, ed. F. G. Adams, 10 vols., (Topeka: Press of the Kansas State Printing Company, 1881-1908), 5:343.

⁵⁷⁸ *Ibid.*, 5:345.

⁵⁷⁹ Thomas R. R. Cobb to Howell Cobb, July 17, 1857, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 405.

Democrat applauded the way in which Walker planned to put the entire proposed Lecompton constitution up for popular referendum in Kansas. Douglas did not trace the discontent to anything Walker specifically did; rather it arose from “the dissatisfaction felt by the formation of the Cabinet and the distribution of the patronage.” The more extreme Southern Democrats displayed contempt for “the national administration, and seized upon the Kansas question as a pretext, and made you the scape goat [sic].”⁵⁸⁰ Like Douglas, Cobb believed that Walker “has made no public opinion in Kansas but only conformed to what was public opinion among our friends when he got there.”⁵⁸¹ Democrats in Georgia at their convention, however, offered a rather tepid endorsement of Buchanan, while condemning the actions of Walker explicitly.⁵⁸²

Rumors of discontent among certain leading southern Democrats swirled around official Washington. Virginian Thomas S. Bocock grew quite agitated at what he heard from reliable sources about the opposition of Robert M. T. Hunter. Regardless of the truth of these reports, Bocock stated that “I am clearly and openly hostile to Walker and his Kansas policy, but I do not think that either principle or policy requires it to be carried to the extent of opposition to the administration.” He did not deny that Buchanan and his advisors treated Hunter and other southern Democrats rather poorly through the whole ordeal, yet “they ought not to be permitted to drive us into opposition, except upon some ground which would be patent to the public.”⁵⁸³ President Buchanan himself knew that the southern critics of Walker

⁵⁸⁰ Stephen A. Douglas to Robert J. Walker, July 21, 1857, printed in *The Letters of Stephen A. Douglas*, ed. Robert W. Johannsen, (Urbana: The University of Illinois Press, 1961), 387.

⁵⁸¹ Howell Cobb to Alexander H. Stephens, July 21, 1857, “Private,” printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 407.

⁵⁸² Kenneth M. Stampp, *America in 1857: A Nation on the Brink*, (New York: Oxford University Press, 1990), 169.

⁵⁸³ Thomas S. Bocock to Robert M. T. Hunter, July 23, 1857, “Private,” printed in *Correspondence of Robert M. T. Hunter, 1826-1876*, ed. Charles H. Ambler, 2 vols., (Washington D.C.: American Historical Association, 1918), 2:211.

were after much bigger game and said so to Lewis Cass on 3 August: “The assaults on Walker were intended to reach the administration.”⁵⁸⁴

Disillusioned in their inability to rebound from the election of 1856, Know Nothings watched the ensuing struggle within the Democratic Party with great interest. From Kentucky, Humphrey Marshall looked forward to a new strategy to revive the seemingly moribund American Party before 1860. “I see a very plain way for the *Republicans* to win the race in 1860, but that involves the South in whatever loss we have apprehended from slavery agitation,” he revealed in a letter to another congressman from the American Party, Maryland’s J. Morrison Harris. Republicans needed to abandon their attachment to the Wilmot Proviso, declared unconstitutional by the Supreme Court in the recent Dred Scott case, and instead embrace “Genl. Cass’ squatter sovereignty doctrine to wit that ‘a territorial people, possessed of a Territorial Legislature, have the right to introduce and abolish Slavery while in a Territorial Condition as fully as the people of a State.’” Doing so, he argued, would allow Republicans to claim the mass of the northern wing of the Democratic Party and provoke a fight with southern Democrats opposed to such a principle. The internecine battle that naturally ensued among Democrats would “blow to pieces” that party and allow the elements of opposition to combine in time for the election of 1860; “otherwise I see no chance for us.”⁵⁸⁵ Solomon G. Haven, discouraged at the prospects for the American Party in his home state of New York, perked up at the factional struggles breaking out among southern Democrats over the distribution of patronage. “Skillfully managed by you, the Wise & Hunter factions will to a large extent embark in open warfare,” he encouraged Virginian Alexander H. H. Stuart. While in New York the Republicans appeared poised to win state elections, Haven thought that he would hold off giving any

⁵⁸⁴ James Buchanan to Lewis Cass, August 5, 1857, Lewis Cass Papers, Box 3, William L. Clements Library, University of Michigan, quoted in Christopher Childers, *The Failure of Popular Sovereignty: Slavery, Manifest Destiny, and the Radicalization of Southern Politics*, (Lawrence: The University Press of Kansas, 2012), 262.

⁵⁸⁵ Humphrey Marshall to Hon. [James] Morrison Harris, August 15, 1857, Humphrey Marshall Papers, Box 2, Filson Historical Society.

postmortems for the Know Nothings until the “result of the struggle in Kansas and a full opening of Congress” occurred.⁵⁸⁶

Events soon showed Haven more right than he could imagine. In the months leading up to the beginning of the new Congress, Douglas sparred with President Buchanan over the patronage on no less than three separate instances.⁵⁸⁷ At one point, he asked the President to explain why political friends, such as Illinois Congressman William Richardson, failed to obtain the diplomatic appointments originally promised to them. “Other States could receive a Cabinet Office, Foreign missions, and several Bureau appointments all at the same time,” he pointed out. These states did not always produce Democratic majorities at the polls, “while Illinois, which has never deserted the Democratic Banner, has been treated with a neglect which could not fail to wound the pride of her working Democrats.”⁵⁸⁸ Douglas slowly began to perceive that the patronage and Kansas policy of the Buchanan Administration aligned against him. He vowed to maintain his original understanding of the Kansas-Nebraska Act “and go wherever its logical consequences may carry us, and defend it against assaults from any quarter.”⁵⁸⁹ By early-December, the Illinois Senator accepted that he must lead a fight for the submission of the entire Lecompton constitution to Kansans without the aid of his fellow Senator Jesse B. Bright from Indiana. Bright and Indiana Congressman William H. English. Those two, Douglas lamented, were “pledged to go for the Lecompton fraud but they will back down unless the South sustains them in their seats right or wrong.”⁵⁹⁰

In stark contrast to the prolonged speakership contest of 1855, the first session of the new Thirty-fifth Congress quickly voted to install South Carolina Representative James L. Orr, a strong supporter of

⁵⁸⁶ Solmon G. Haven to Alexander H. H. Stuart, October 8, 1857, Stuart-Baldwin Families Papers, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia.

⁵⁸⁷ Stephen A. Douglas to James Buchanan, August 31, September 4, October, 8, 1857, all printed in *The Letters of Stephen A. Douglas*, ed. Robert W. Johannsen, (Urbana: The University of Illinois Press, 1961), 397-98, 401-2.

⁵⁸⁸ The above quotes come from the letter of 8 October.

⁵⁸⁹ Stephen A. Douglas to John A. McClernand, November 23, 1857, “Private,” *Ibid*, 403.

⁵⁹⁰ *Ibid*.

the Buchanan Administration's Kansas policies, in the Speaker's chair. The speed in which the House managed to organize itself allowed President Buchanan to issue his Annual Message to Congress on 8 December. Concerning matters in Kansas, the president focused upon the proper interpretation of the clause requiring non-intervention on the part of Congress in the Kansas-Nebraska Act. He did not understand the Act to require submission of the entire proposed Lecompton constitution to the voters. Popular sovereignty, according to the President, meant in the strictest sense that the delegates of "the [Lecompton] convention were not bound to submit any other portion of the instrument to an election except that which relates to the 'domestic institution' of slavery."⁵⁹¹ By this reasoning, it was clear that voters in Kansas must cast their ballots either for one of two forms of the constitution approved by the convention. Both versions expressly guaranteed slavery for the roughly 200 slaves and their descendants in the territory and gave voters the option of either restricting or allowing the introduction of additional slaves from outside Kansas.⁵⁹²

The next day after the reading of the Annual Message in Congress, Douglas rose and announced his belief that "with profound respect for the President of the United States,...I conceive on this point he has committed a fundamental error, an error which lies at the foundation of his whole argument for the matter."⁵⁹³ The Lecompton convention did not act for all the people of Kansas, Douglas maintained, but "was an assemblage of citizens, under the Constitution of the United States, petitioning for the redress of grievances." Here Douglas alluded to the refusal of the majority of Kansas' adult male residents to participate in the election of delegates to the Lecompton Convention. That convention could address Congress in "the form of a constitution if they chose, but still it was only a petition – which Congress could accept or reject, or dispose of as it saw proper."⁵⁹⁴ In conclusion, Douglas challenged the Buchanan

⁵⁹¹ "First Annual Message to Congress," December 8, 1857, printed in *The Works of James Buchanan*, ed. John Bassett Moore, 12 vols., (Philadelphia: J. B. Lippincott & Co., 1908-11), 10:145.

⁵⁹² Michael F. Holt, *The Political Crisis of the 1850s*, (New York: W. W. Norton & Co., 1978), 203-4.

⁵⁹³ *Congressional Globe*, 35th Congress, 1st Session, (December 9, 1857), 15.

⁵⁹⁴ *Ibid*, 16.

Administration not to “force this constitution down the throats of the people of Kansas in opposition to their wishes and in violation of our pledges.” Upon finishing his remarks, Douglas received “loud applause and clapping of hands.”⁵⁹⁵ This speech surprised even a seasoned observer of politics like Republican William H. Seward. “Who can equal the caprices of politics,” he queried one political associate. Recalling his estrangement from much of the Whig Party over the Compromise of 1850, Seward proclaimed that “Henceforth, Douglas is to tread the thorny path I have pursued.”⁵⁹⁶

While Congress deliberated over whether to accept the Lecompton constitution, Douglas accepted an invitation to meet with Indiana's Republican Congressman Schuyler Colfax in Douglas's Washington home.⁵⁹⁷ In a three-hour meeting that included Anson Burlingame, another former Know Nothing, Douglas expressed his intention “to follow the Principle[s] laid down in his recent speech in the Senate, no matter where they led him.” He told his listeners that it had taken him by surprise to see the principle of popular sovereignty, which he had championed for nearly a decade, elicit such bitter hostility from southern Democrats. He suspected that some of this opposition arose out of a more sinister motive. Jefferson Davis and other Southern Rights Democrats “wished an opportunity to break up the Union.” The Illinois Democrat pledged to stand between them and the consummation of their treasonous designs. For if matters came to a head, Douglas foresaw “the formation of a great Constitutional Union party” must emerge from the wreckage of the Democratic Party. While Colfax and Burlingame carefully listened, Douglas revealed his plans. After considering all the proposals in the Senate to admit Kansas into the Union, the best course of action lay in the resubmission of the Lecompton constitution to the legally recognized voters in the territory. If southern extremists in the Democratic Party still considered the measure unpalatable and forced the issue of secession, Douglas hoped to place them in the position of

⁵⁹⁵ *Ibid*, 18.

⁵⁹⁶ William H. Seward to [?], December 10, 1857, printed in Frederick W. Seward, *Seward at Washington: As Senator and Secretary of State*, (New York: Derby and Miller, 1891), 330.

⁵⁹⁷ Stephen A. Douglas to Schuyler Colfax, Friday [December, 1857], “Confidential,” printed in *The Letters of Stephen A. Douglas*, ed. Robert W. Johannsen, (Urbana: The University of Illinois Press, 1961), 405.

aggressors in the public mind. These traitors would be left to the mercy of “the Army & the power of the Nation.”⁵⁹⁸

Once Douglas had finished outlining his stance, Colfax immediately concurred with him. Both men, according to Colfax’s own account of the meeting, agreed that the Kansas issue should be “the paramount issue, dropping all other issues which had previously separated the two men.” When Douglas expressed confidence that he would triumph over President Buchanan, Colfax asked whether Douglas was prepared to leave the Democratic Party if the president cut off all patronage to the Illinois Senator. Douglas did not answer this question directly; however, he preferred to consider only the present situation and asked for Republican aid in fighting this perversion of popular sovereignty. There existed the possibility that the controversy might soon come to an end and “we should all divide again.” Having achieved a kind of understanding between Douglas and the conservative Republicans, Burlingame now stepped in and asked if Douglas would consent to another meeting the following day to pursue a common strategy.⁵⁹⁹

While on the floor of the Senate, Douglas elaborated upon the position that he had earlier made to Colfax and Burlingame on the use of coercion against those who willingly flouted the law. Congress faced the prospect of two governments (antislavery and proslavery) in the territory, each claiming to represent the people of Kansas. Douglas then asked his fellow legislators, “Suppose they should do this, and the convention thus called [in Topeka] should make a constitution and establish a new government, and the old government should refuse to surrender the possession, who would be Governor – the one elected under the old constitution or the new?” The Illinois Senator struck at the heart of the related problems of individual consent and majority rule in a republican form of government. According to the constitution, Congress may take steps to ensure that state governments have a republican form. Did this imply the use of federal coercion? Douglas strongly hinted at the necessity of such a response, for “you would call on

⁵⁹⁸“Memorandum of Interview Burlingame & Colfax with Douglas at his residence, Dec 14 1857 8 ½ to 11 ½ PM,” Schuyler Colfax Papers, Folder 3, Indiana State Library.

⁵⁹⁹ *Ibid.*

the Army to decide between them.” Unfortunately, “the scheme is a scheme of civil war. It leads directly to civil war.” Congress then faced the unpalatable choice of either “violence, or . . . the subjection of the majority to the minority.” Douglas also held out for remaining a Democrat in good standing with his party. He believed that “every man [is] at liberty to go for or against it [the Lecompton constitution] without changing his party ties or affecting his party relations.”⁶⁰⁰ If forced out of the Democratic Party, though, Douglas did not explicitly rule out the possibility of renouncing his old party ties. Indiana Democrat James M. Lucas much agreed. He particularly appreciated this emphasis of Douglas on the principle of majority rule, for “If the Republicans come over to our Platform, so be it—we should not leave it, when they change front. Democracy is people rule.”⁶⁰¹

The various opponents of the Democrats became elated at the possible implications of the anti-Buchanan speeches of Douglas, even if some professed misgivings about the Illinois Senator’s underlying motivations. “Douglas does not mean, I presume, to join the Republicans, but he will find disfavor with the African Democracy in the future,” Illinois Republican U.S. Senator Lyman Trumbull wrote to a Republican back home. Only a few lines later, however, Trumbull indicated that the choice to affiliate with the Republicans may not be entirely Douglas’ to make: “Should Douglas be driven out of the African Democracy, as I think he will be, and really join us, what are we to do with him?”⁶⁰² Yet some within the Republican Party wanted to make room for him, much to the consternation of former Democrat Trumbull. William H. Seward hoped to keep Republicans in good favor with Douglas, despite the well-known tendency of the Illinois Democrat to advocate for “the acquisition of Cuba.”⁶⁰³ Abraham Lincoln now heard of Douglas engaged in frequent meetings with prominent Republicans such as Henry Wilson,

⁶⁰⁰ *Congressional Globe*, 35th Congress, 1st Session, (December 16, 1857), 50.

⁶⁰¹ James M. Lucas to John G. Davis, December 28, 1857, printed in “Some Letters to John G. Davis, 1857-1860,” *Indiana Magazine of History* 24 (September 1928): 202.

⁶⁰² Lyman Trumbull to John M. Palmer, December 14, 1857, printed in “A Collection of Letters from Lyman Trumbull to John M. Palmer, 1854-1858,” ed. George Thomas Palmer, *Journal of the Illinois State Historical Society* 16 (April-July 1923): 35-36.

⁶⁰³ William H. Seward to [?], December 17, 1857, printed in Frederick W. Seward, *Seward at Washington: As Senator and Secretary of State*, (New York: Derby and Miller, 1891), 332.

William H. Seward, Anson Burlingame, and Kansas Territorial Delegate Marcus J. Parrot who “come & confer with him & they seem wonderfully pleased to go.”⁶⁰⁴ As for Trumbull, he purposely avoided any discussion with Douglas about his future course until later in the session. Less reserved than Trumbull, southern Whigs rejoiced in the downfall of the Buchanan Administration. “Douglas, it appears to me, will divide the Democratic Party and take the Northern wing for his portion, and also some part of the Southern wing,” Robert Letcher explained to Kentucky Senator John J. Crittenden. Letcher certainly had no problem with the stance taken by Douglas, as “Every intelligent man with whom I have conversed thinks Douglas has the right on his side.”⁶⁰⁵ Emboldened by this piece of political intelligence, Crittenden began to work more closely with Douglas on the Lecompton issue.

Far away from the drama unfolding in the nation’s capitol, a referendum was held throughout Kansas on 21 December. Despite the enticements of the Administration and Territorial Governor Walker, they did not succeed in getting free-state settlers to respect the legitimacy of the government at Lecompton. A boycott again ensued, thus allowing the form of the constitution with future slave importation to pass by a wide margin, 6143 to 589. Having achieved a signal victory, proslavery forces in the territory moved to present the proposed constitution to Congress for final approval. The President did recognize how the free-state settlers, after boycotting the 21 December referendum on the slavery clause, consented to join in the election of state officials on 4 January. The administration interpreted this as a sign that the free-state men now wished to reform the laws of the territory peaceably instead of through violent action.

The Buchanan Administration and its supporters did not show much apparent concern should Douglas leave the Democratic Party. They doubted that Douglas' opposition could slow down the push to admit speedily Kansas under the Lecompton Constitution. By mid-January Buchanan could say with a

⁶⁰⁴ Lyman Trumbull to Abraham Lincoln, January 3, 1858, Abraham Lincoln Papers (Robert T. Lincoln Collection), Manuscript Division, Library of Congress. [Digital edition]

⁶⁰⁵ Robert P. Letcher to John J. Crittenden, December 26, 1857, printed in *The Life of John J. Crittenden, with Selections from His Correspondence and Speeches*, ed. Mrs. [Ann Mary] Chapman Coleman, 2 vols., (Philadelphia: J. B. Lippincott & Co., 1871), 2:141-42.

measure of confidence that “Douglas has alienated the South on the Kansas question & the North upon the filibuster question [i.e. Cuba].”⁶⁰⁶ The presidential ambitions of Douglas effectively dashed, so Buchanan thought, the Illinois Senator would soon come to his senses. Former Mississippi Governor John J. McCrae did not fear that the Democratic party would break apart violently over the possibility of a Douglas bolt. On the contrary, he saw the Democratic Party “in peril, not for its destruction, as its breaking up, but for its strength.” The course of Territorial Governor Walker and the positive reaction it received among northern Democrats “demonstrated a large sentiment of the Democracy in the free states, and Douglas’s defection confirms it.” Southern Democrats must therefore sustain the Buchanan Administration at all hazards and bring Kansas into the Union immediately. Only then will the termination of the issue “relieve the Country from all further questions on the subject of slavery, and will perhaps restore harmony, and reinstate the Democratic party in its strength.” McCrae presented a stark choice for southerners: either maintain their allegiance to the Democratic Party to secure their rights to own slaves or prepare to leave the Union.⁶⁰⁷

By the first week of February 1858, the Buchanan Administration had received and submitted the Lecompton constitution for congressional action, despite clear evidence that a majority of Kansas’ settlers opposed it. In his accompanying letter to Congress, Buchanan took great pains to present the crisis in Kansas in terms of its threat to established law and order. “When we speak of affairs in Kansas, we are apt to refer merely to the existence of two violent political parties in that Territory, divided on the question of slavery, just as we speak of such parties in the states.” This in fact mischaracterized the true nature of the contending factions in Kansas, Buchanan asserted. “The dividing line there is not between two political parties, both acknowledging the lawful existence of the government, but between those who are loyal to

⁶⁰⁶ James Buchanan to J. B. Baker, January 11, 1858, printed in *The Works of James Buchanan*, ed. John Bassett Moore, 12 vols., (Philadelphia: J. B. Lippincott & Co., 1908-11), 10:177.

⁶⁰⁷ John J. McCrae to Stephen R. Adams, February 3, 1858, John J. McCrae Papers, Box 4, Mississippi Department of Archives and History.

this government and those who have endeavored to destroy its existence by force and usurpation.”⁶⁰⁸

Nothing less than the enforcement of the laws was at stake.

Philadelphian Sidney George Fisher desponded over what he read in his morning newspaper on 4 March. It reprinted a speech of William H. Seward had made the day before, which sought to condense the entire struggle over Kansas to three basic “propositions.” Each concerned how Seward and his cohorts in the Republican Party had slowly begun to turn the national government away from the historical domination of slaveholders toward a policy of freedom in the territories and states. What bothered Fisher most was Seward’s willingness to portray the national government’s support for slavery and the creation of slave States as contrary “to the natural, social, and moral developments of the Republic.”⁶⁰⁹ As much as he hated Democrats, the conservative Fisher could not go that far. Writing later in his diary, he thought that Seward “goes as far against slavery as the measures of the southern men do in its favor.” Both northern and southern politicians sought preponderance rather than a balance of power, each seeking to curtail the other from sharing power. The fact that a major northern politician like Seward could indulge in such histrionics against slavery convinced Fisher that “There is no national or moderate party in the country, all are extreme.”⁶¹⁰ This was precisely the fear that would once again spur attempts to cobble together a new Union party.

As if to answer the prayers of Fisher indeed, plans for a new moderate, national party were already in the works. As early as 13 February a group of citizens met in Parkville, Missouri and formed a “Union Party” under a motto borrowed from Daniel Webster of “the Constitution and the Union, now and forever, one and inseparable.”⁶¹¹ When the southerner John J. Crittenden rose in the Senate and proceeded to criticize the Buchanan Administration for its disregard of majority sentiment in Kansas, he suddenly gave

⁶⁰⁸ “Message to Congress,” February 2, 1858, printed in *The Works of James Buchanan*, ed. John Bassett Moore, 12 vols., (Philadelphia: J. B. Lippincott & Co., 1908-11), 10:180.

⁶⁰⁹ *Congressional Globe*, 35th Congress, 1st Session, (March 3, 1857), 939; Frederick W. Seward, *Seward at Washington: As Senator and Secretary of State*, (New York: Derby and Miller, 1891), 336-37.

⁶¹⁰ Entry for March 4, 1858, “The Diary of Sidney George Fisher, 1858,” printed in *The Pennsylvania Magazine of History and Biography* 87 (January 1963): 67.

⁶¹¹ *Daily National Intelligencer* (Washington D. C.), March 24, 1858.

conservatives of all parties a figurehead on which to rally. From New York, Washington Hunt praised Crittenden for delivering a fine speech against the Buchanan Administration. He encouraged the vernal Kentucky Senator to strike for a new party: “The time is at hand, I think, when the old Whig and conservative men of every name can unite in a great and successful effort to reform the government on true national principles.”⁶¹² Likewise, Kentuckian M. C. Johnson advised Crittenden that what the country desperately needed now was “a new party with a new name.” This party must successfully bring together “all Americans [i.e. Know Nothings], all the national Democrats, all the old line Whigs and the soundest of the Republicans” into one “National Union Party.”⁶¹³ Humphrey Marshall, from his position in the House of Representatives, tried to entice Republicans to vote for a version of an amendment authored by Crittenden to require the resubmission of the entire Lecompton Constitution to the eligible voters in Kansas. By Americans and Republicans acting together, Marshall allegedly exclaimed at a meeting with a group of House Republicans, we can “make the biggest and best party that we have ever seen and beat the Buchananites North and South.”⁶¹⁴ This desire reached as far north as New Hampshire, where the *Statesman* newspaper printed a pro-fusion piece entitled “Desire for a Union.” “Nothing is wanting but a union of the Republican, the American and the Douglas democratic elements upon a common sense platform,” it told its readers.⁶¹⁵

As Crittenden prepared to return to Kentucky in mid-June, he spoke privately with Republican Lyman Trumbull about the need for unity of the opposition to Buchanan. Douglas had previously attacked the Republicans for working secretly with the Buchanan Administration to defeat his senatorial re-election.

⁶¹² Washington Hunt to John J. Crittenden, March 18, 1858, printed in *The Life of John J. Crittenden, with Selections from His Correspondence and Speeches*, ed. Mrs. [Ann Mary] Chapman Coleman, 2 vols., (Philadelphia: J. B. Lippincott & Co., 1871), 2:147.

⁶¹³ M. C. Johnson to John J. Crittenden, March 22, 1858, John Jordan Crittenden Papers, Manuscript Division, Library of Congress, quoted in Jack Kelly, “John J. Crittenden and the Constitutional Union Party,” *The Filson Club Historical Quarterly* 48 (July 1974), 265-66.

⁶¹⁴ William Schouler to Salmon P. Chase, March 26, 1858, printed in *The Papers of Salmon P. Chase, Correspondence, 1858-March 1863*, ed. John Niven, (Kent, OH: Kent State University Press, 1996), 3:4-5.

⁶¹⁵ *New Hampshire Statesman*, May 15, 1858.

When Trumbull attempted to defend his party against this accusation, Crittenden supposedly “said that I ought to have no controversy with Douglas, that he was opposing the Administration, etc.” Trumbull scoffed at this plea, especially since Douglas refused to denounce the decision of the *Dred Scott* case publicly. If he had, Trumbull remarked to another Illinois Republican, “it would have embarrassed the Republicans very much to have opposed him, but now we ought to be able to present an undivided front against him.”⁶¹⁶

Undaunted by the resistance from Trumbull and some Republicans, Crittenden used his newfound fame against the Buchanan Administration to develop a guiding two major principles or themes for the new organization. The first, concerning his political maturation from politician to statesman occurred in Cincinnati. He arrived by train to great fanfare in Cincinnati and was greeted by Thomas Corwin, a former associate in the Whig Party and now a political independent. Corwin promised both Crittenden and the crowd of “several thousand persons” that “this demonstration is not the movement of any political party.” He simply desired “to welcome the statesman who has proved true to the Constitution and the Union.” Much appreciative of the positive reception, Crittenden in the course of his remarks emphasized the importance of his age to the maturation of his political career, or the education of a statesman. After the occasion of his last election to the Senate in 1854, “I said to myself, ‘you have now run the heated career of a politician, you have loved the strife; you have sought, if you have not delighted in, the combat; but now you have arrived at an age when you should desert all these things, and devote yourself to your country.’” Nevertheless, he blamed human nature for any failings on his part to rise above the everyday machinations of politics. Displaying the temperament of someone given to compromise, Crittenden

⁶¹⁶ Lyman Trumbull to John M. Palmer, June 19, 1858, printed in “A Collection of Letters from Lyman Trumbull to John M. Palmer, 1854-1858,” ed. George Thomas Palmer, *Journal of the Illinois State Historical Society* 16 (April-July 1923): 39.

professed not to act on the basis of some “distant future to discover pregnant evils, but I do the duties that are before me, confident that what is done right now cannot result in evil hereafter.”⁶¹⁷

When he journeyed across the Ohio River to Covington, Kentucky, Crittenden developed the second major theme of his nascent party. He argued for a return to strict governmental accountability in the nation’s finances, particularly in the midst of a major financial recession. The Buchanan Administration had squandered a surplus in the Treasury within its first year in office only to leave Americans with more public debt. All this was “somewhat owing to’ the Panic of 1857, but caused more by the “extravagances” of the current administration. In a section of the speech sure to warm the hearts of both Whigs and Know Nothings, Crittenden proposed to raise the tariff above the lowered rates of the Buchanan Administration and thereby “prevent the labor of the country from being brought down to the standard of Europe.” Such appeals, the correspondent for the *Cincinnati Commercial* reported, “indicated a future political movement.”⁶¹⁸

Indeed they were. Two days after accounts of the twin speeches of Crittenden went to press; Nathan Sargent offered his own appeal for a “Union Party” organized around the candidacy of Crittenden for the presidency. His circular stressed the very same themes of statesmanship and an economic program to improve the lot of American industry that Crittenden recently proposed at Cincinnati and Covington. He particularly sought from leaders of the state American parties “to learn their views as to a reorganization of parties” prior to the next presidential election. Should Republicans nominate a candidate from that class of “ultra sectional men,” this “could drive the Democrats into unanimity” during the contest of 1860. The key to victory over the present corrupt Democratic leadership lay in nominating a “man neither charged with nor suspected of SECTIONALISM.” Crittenden proved through his leadership of the Anti-Lecompton forces to be just that man, whose independence of mind did not lend itself to the political platforms full of artifice and false promises. Only Crittenden possessed the trust of many anti-Lecompton

⁶¹⁷ “From *Cincinnati Commercial*, June 21, 1858,” printed in *The Life of John J. Crittenden, with Selections from His Correspondence and Speeches*, ed. Mrs. [Ann Mary] Chapman Coleman, 2 vols., (Philadelphia: J. B. Lippincott & Co., 1871), 2:152-55.

⁶¹⁸ *Ibid*, 159.

Republicans, Whigs, and Americans who accepted that “the ballot-box must be purified” from the “foreign paupers . . . transformed into voters” and would restore tariffs to protect American laborers from foreign competition.⁶¹⁹ It did not take long for the Sargent circular to appear in newspapers throughout the country.⁶²⁰

One Maine Republican tried to interest William Pitt Fessenden in such an effort. From his home in Portland, Fessenden emphatically rejected any attempt to change the name of the Republican opposition to the Democrats in Maine. Since March 1855, the Republicans have stayed “well united, and will recognize no other name, under any circumstances.” To do otherwise, he argued, must “divide and distract, and eventually destroy us.” Treating nativism “as a component part of Republicanism” in the northern and western states, moreover, threatened “infinite danger” to those who wished to keep the party “thoroughly identified with the free soil element.” Instead of expanding the reach of the Republicans beyond a focus on antislavery, Fessenden maintained, its adherents should do no more than see “that all past difficulties and jealousies are disposed of, and that individual merits are to be fully recognized.”⁶²¹

Meanwhile, Crittenden continued to draw closer to the Democrat Douglas over the course of the summer in a bid to gain the cooperation of the Illinois Senator in the new movement. This left Abraham Lincoln decidedly at a disadvantage, and he wrote Crittenden on 7 July to learn whether what the newspaper reports said about a Crittenden-Douglas entente were true. Personally doubting something so “not in character with you,” Lincoln begged that the Kentucky Senator lay to rest such unfounded rumors.⁶²² Three weeks later, Crittenden finally answered him. Blaming the mail service for his delay in replying to Lincoln, he had nothing but “favorable sentiments of personal regard and respect” for the rising Illinois Republican. As for relations between Crittenden and Douglas, “it so happened that we concurred

⁶¹⁹ Nathan Sargent to [A. H. Davidson], June 23, 1858, Andrew H. Davidson Papers, Indiana State Library.

⁶²⁰ See, for instance, *Ohio State Journal* (Columbus), July 7, 1858.

⁶²¹ William Pitt Fessenden to Mr. Blunt [?], July 5, 1858, Andre De Coppet Collection, Box 9, Department of Rare Books and Special Collections, Firestone Memorial Library, Princeton University.

⁶²² Abraham Lincoln to John J. Crittenden, July 7, 1858, printed in *The Life of John J. Crittenden, with Selections from His Correspondence and Speeches*, ed. Mrs. [Ann Mary] Chapman Coleman, 2 vols., (Philadelphia: J. B. Lippincott & Co., 1871), 2:162.

together in opposing the enforcement of the Lecompton Constitution upon the people of Kansas.” Douglas displayed true courage in withstanding the assaults of a Buchanan Administration determined to defeat him at all costs that “I could not but wish for his success and triumph over such persecution.” Crittenden viewed the election of Douglas as a necessity in order to give “rebuke to the administration and a vindication of the great cause of popular rights and public justice.” The Kentuckian “recommended” Douglas in “three or four” private letters in reply to friends, but significantly he did not “undertake to promise or to impose any restrictions on my conduct” in the future.⁶²³

Unfortunately for Lincoln, one of the letters from Illinois in the stack waiting to be read by Crittenden came from Judge Theophilus. Lyle Dickey. Born in Kentucky like Lincoln, Dickey had traveled through the thicket of partisan politics in Illinois going from the Whigs to the Republicans in 1855 and then three years later to the Democrats. He wrote to Crittenden in July 1858 to secure an endorsement for Douglas during the campaign.⁶²⁴ The answer Dickey received praised Douglas for his “courage and patriotism to take an elevated, just, and independent position on the Lecompton question at the sacrifice of interesting social relations, as well as old party ties, and in defiance of the power and patronage of an angry administration.”⁶²⁵ Dickey held onto this letter for a time without disclosing it to anyone before releasing it to the Democratic-leaning *Missouri Republican* in early October.⁶²⁶ The newspaper then began to leak the preference of Crittenden for Douglas and referred to the correspondence between Crittenden

⁶²³ John J. Crittenden to Abraham Lincoln, July 29, 1858, *Ibid*, 2:163-64.

⁶²⁴ For background on Dickey, see Allen Guelzo, *Lincoln and Douglas: The Debates that Defined America*, (New York: Simon and Schuster, 2010), 109-110.

⁶²⁵ John J. Crittenden to T. Lyle Dickey, August 1, 1858, printed in *The Life of John J. Crittenden, with Selections from His Correspondence and Speeches*, ed. Mrs. [Ann Mary] Chapman Coleman, 2 vols., (Philadelphia: J. B. Lippincott & Co., 1871), 2:165.

⁶²⁶ William C. Harris, *Lincoln's Rise to the Presidency*, (Lawrence: University Press of Kansas, 2007), 142-43. See also, Allen Guelzo, “Houses Divided: Lincoln, Douglas, and the Political Landscape of 1858,” *The Journal of American History* 94 (September 2007): 400.

and Lincoln on that account.⁶²⁷ This revelation undercut the claims of Lincoln and the Republicans on the votes of “old-line” Whigs residing in the middle counties of Illinois.

Though Republicans technically won more votes in the November election for their legislative candidates, Democrats held on to enough seats through a previous redistricting to re-elect Douglas to the Senate.⁶²⁸ After the election, Crittenden tried to make amends with Lincoln and blamed others for making the letters public without his authorization.⁶²⁹ There was some truth to this explanation. O. G. Cates, a former resident of Frankfort, Kentucky had ventured to St. Louis in mid-October and while there discussed the Illinois election with friends. Though “unauthorized by you,” Cates indicated how Crittenden “deeply sympathised with Mr. Douglass” in the campaign. Cates desired to show the public the “true position” of Crittenden “upon the great issues made in Illinois between Messrs Lincoln and Douglass—and nothing more or less.”⁶³⁰ Lincoln, for his part, exhibited pain “at the close of a struggle in which I had more than a merely selfish interest, and to which defeat the use of your name contributed largely.”⁶³¹ Though he stopped short of calling Crittenden “dishonorable,” his fellow Republican David Davis did not treat the Kentucky Senator so nicely. Dickey “drew the letter out of Mr. Crittenden & I think, in view of everything, that it was perfectly outrageous in Mr. Crittenden to have written even anything.”⁶³² As later events would show, Lincoln became an implacable enemy of any Union Party with Crittenden among its leaders.

⁶²⁷ *Daily Missouri Republican* (St. Louis), October 8, 1858.

⁶²⁸ Robert W. Johannsen, ed., *The Lincoln-Douglas Debates*, (New York: Oxford University Press, 1965), 12.

⁶²⁹ John J. Crittenden to Abraham Lincoln, October 27, 1858, Abraham Lincoln Papers (Robert T. Lincoln Collection), Manuscript Division, Library of Congress. [Digital Edition]

⁶³⁰ O. G. Cates to John J. Crittenden, October 22, 1858, “Confidential,” John Jordan Crittenden Papers, Box 2, David M. Rubenstein Rare Book and Manuscript Library, Duke University.

⁶³¹ Abraham Lincoln to John J. Crittenden, November 4, 1858, printed in *The Life of John J. Crittenden, with Selections from His Correspondence and Speeches*, ed. Mrs. [Ann Mary] Chapman Coleman, 2 vols., (Philadelphia: J. B. Lippincott & Co., 1871), 2:164.

⁶³² David Davis to Abraham Lincoln, November 7, 1858, Abraham Lincoln Papers (Robert T. Lincoln Collection), Manuscript Division, Library of Congress. [Digital Edition]

Though Fessenden and Lincoln had come to oppose a merger of the various opposition parties to the Buchanan Administration, Indiana Republicans certainly had not. The Hoosier state represented a “must-win” for Republican in 1860. The fall legislative session in Indianapolis hinged upon whether Democratic U.S. Senators Jesse Bright and William Fitch would gain reelection.⁶³³ Republican Henry S. Lane and his supporters hoped to frustrate the Democrats by creating a powerful opposition beyond the limits of the Republican Party. W. K. Edwards tersely explained the objective to Lane in these words: “The opposition to the Democracy ought to be firmly united – that is the tendency of things.” In order to create a movement with “the broadest national force . . . we ought to have with us such men as [Edward] Everett & [Robert] Winthrop, [John J.] Crittenden & [John] Bell, and [Edward] Bates of Mo.”⁶³⁴ Three days after Edwards sent his letter to Lane, the latter gave his answer. “I suppose we can only control the [state] Legislature by dividing the offices to be elected, among the elements of the opposition, according to their antecedents,” Lane wrote. He regarded the word “opposition” to include “Americans & Anti-Lecompton Democrats” for the purpose of organizing both chambers of the Indiana legislature.⁶³⁵

To the suggestion of Edwards that Colonel Richard W. Thompson, a leader of the Indiana Americans, gain the approval of Republicans for U.S. Senate, Lane hesitated. While “Thompson would be very acceptable to the Americans & Anti-Lecompton Democrats,” Lane wrote, he and other Republican leaders doubted that Thompson possessed true Republican sentiment. In truth, Lane wanted the seat for himself. Despite the uncertainty surrounding the Thompson candidacy, Lane proclaimed that “I should rejoice to see our platform so constituted as to embrace all the old Whigs if it can be done without any sacrifice of principle & I have no doubt it can be.”⁶³⁶ Getting these groups to put aside past partisan differences was easier said than done. By early-January 1859, Lane expressed to Edwards his deep “regret

⁶³³ Charles Zimmerman, “The Origin and Rise of the Republican Party in Indiana from 1854 to 1860,” *Indiana Magazine of History* 8 (December 1917): 370-71.

⁶³⁴ W. K. Edwards to Henry S. Lane, October 30, 1858, Henry S. Lane Papers, Lilly Library, Indiana University.

⁶³⁵ Henry S. Lane to W. K. Edwards, November 2, 1858, *Ibid.*

⁶³⁶ *Ibid.*

. . . that there should be any danger of want and cooperation between the Republicans and Americans in your county” of Vigo before the next presidential election. For all their differences, Lane continued to see “no reason why” the various opposition parties “may not honestly work together for its [Buchanan Administration’s] overthrow.” Nothing had transpired to change his mind that Republicans cannot “carry Indiana nor the United States on a strictly Republican basis” in 1860. The Republicans simply had no alternative, but to “listen to the voice of patriotism rather than the suggestions of party spirit and party pride.”⁶³⁷

During the spring of 1859, Schuyler Colfax seriously pursued the strategy of making a conservative old-line Whig, Edward Bates of Missouri, the standard-bearer of the Republican Party. Colfax approached Bates and wished to use his name to win over conservatives still sitting on the fence. In a highly publicized 24 February letter to members of the New York Whig Committee, Bates deprecated any further attempts “to discuss or agitate the Negro question,” while topics like American expansionism and governmental revenues vied for public attention across “the various parts and sections of our widely extended Republic.” Bates struck at the heart of the Republican appeal. The Missouri conservative questioned how politicians in both sections could continue to champion sectional measures unless actuated by “no higher motive than personal ambition or sectional prejudice.” Bates did assail the Buchanan Administration for its aggressively expansionist foreign policy and “concentration of power in the hands of the President.”⁶³⁸ St. Louis newspapers later reprinted this letter on 20 April and it was through this favorable publicity that Bates first came to the attention of Colfax and Francis P. Blair Jr.

Exactly one week later, he found himself at a dinner table seated next to Blair, Colfax, and other friends of Bates at the residence of Blair. As Bates dutifully recorded in his diary, “The object of Messrs. Blair and Colfax, no doubt, was to have a confidential conference with me and a few of my known friends, so as to approximate the terms upon which the Republican party might adopt me as its candidate for the

⁶³⁷ Henry S. Lane to W. K. Edwards, January 2, 1859, Henry S. Lane Papers, Lilly Library, Indiana University.

⁶³⁸ Entry for April 20, 1859, *The Diary of Edward Bates, 1859-1866*, ed. Howard K. Beale, (Washington D. C.: American Historical Association, 1932), 2, 5.

Presidency, and I and my friends might co-act with them, in federal politics, upon honorable relations.”

The prize for the Republicans potentially involved more than electing a president. The nomination of Bates would allow the Republicans to contest the tier of states along the Mason-Dixon Line. The Virginia-born slaveholder Bates appealed precisely to those inside and outside the Republican Party who regarded the nomination of presumed front-runner William H. Seward with horror. Even Blair and Colfax conceded at their meeting with Bates that a prime reason for a Bates candidacy was “because the [Republican] party is not quite strong enough to triumph alone.”⁶³⁹ The presence of a Missouri-based candidate in Bates also promised to strengthen the political position of Blair within the Republican Party.

While Colfax and Indiana Republicans considered a Bates candidacy, other Republicans took a hard look at former Tennessee Senator John Bell. One of the few southern Senators to fight the adoption of the Lecompton Constitution in the U.S. Senate, Bell relied on the fiery editor of the *Knoxville Whig*, William G. Brownlow, to publicize his presidential aspirations. In December 1858, for example, Brownlow thought that all the “*united opposition to Democracy* are willing for the Republicans to nominate the Presidential candidate, if they will take him from the South.”⁶⁴⁰ The two most prominent names mentioned were Bell and Crittenden, of which Brownlow naturally favored Bell. Duff Green regarded Bell as “the only southern man who can if nominated get the vote of Pennsylvania.”⁶⁴¹ In Philadelphia, Bell earned the opportunity to preach the gospel of protection during the spring of 1859. Invited to speak at a dinner in honor of Pennsylvania political economist Henry C. Carey, Bell examined the role of international trade on the economic well-being of the country.⁶⁴² The quick revival of the economies of Great Britain and France in the years after the Crimean War presented a troubling

⁶³⁹ Entry for April 27, 1859, *Ibid*, 11. See also the account contained in Willard Harvey Smith, *The Life and Times of Schuyler Colfax*, (Indianapolis: Indiana Historical Bureau, 1952), 115-17.

⁶⁴⁰ William G. Brownlow to Humphrey Marshall, December 18, 1858, Humphrey Marshall Papers, Box 2, Filson Historical Society.

⁶⁴¹ Duff Green to John Bell, January 16, 1859, John Bell Papers, [microfilm], Manuscript Division, Library of Congress.

⁶⁴² *North American and United States Gazette* (Philadelphia), April 27, 1859.

development for an American economy recovering from recession. The cotton boom of the last two years, largely due to the resumption of trade immediately following that war, could not “maintain the equilibrium” between imports and exports necessary to avoid an unfavorable balance of trade. To curb the excess of imports into the United States, he argued, the national government should raise the tariff to protect the ordinary American worker. Bell’s speech instantly won him praise among opponents of the current administration. One of these admirers was Morton McMichael, influential editor of the Philadelphia *North American and United States Gazette* and a staunch protectionist and friend to Henry C. Carey.⁶⁴³

The fact that the main opposition to Democrats in Pennsylvania was not labeled the Republicans, but the People’s Party (designed to attract a wider coalition) aided the cause of Bell. “It is understood in political circles here,” according to one dedicated Philadelphia Republican, that a “People’s State Convention” expected to meet on 8 June 1859 will try to send delegates to a national convention where they can “nominate a candidate for the Presidency on a platform which shall ignore the Slavery Question altogether.” Men like McMichael wish “to break down or override the Republican party & elevate John Bell or some old line Tariff Whig to the presidency” and thereby “reestablish the old whig party under a new name & crush out all ‘Slavery agitation.’” Powerful in the city, this movement had less chance to “carry many of the country delegates” into a new party.⁶⁴⁴ The *North American* questioned in its columns whether Republicans had the strength to win an election without outside assistance. Leading up to the Harrisburg convention, the newspaper beat the constant refrain that a “united and harmonious effort of the whole Opposition will be required to carry the Presidential election in 1860.” A strong candidate who

⁶⁴³ For a discussion of the activities of McMichael and his newspaper during this period, see Robert L. Bloom, “Morton McMichael’s ‘North American,’” *The Pennsylvania Magazine of History and Biography* 77 (April 1953): 172-73.

⁶⁴⁴ Benjamin D. Pettengill to Edwin D. Morgan, May 16, 1859, Edwin D. Morgan Papers, [microfilm], Reel 28, New York State Library.

commanded the support of the broadest possible coalition was worth more than “any political platforms that may be contrived” by artful politicians.⁶⁴⁵

The outcome of the May 1859 state election in Virginia complicated efforts to unify the northern and southern opposition around a common candidate. Much as she had done in the past, the presence of May elections within Virginia set the tone for the rest of the Upper South. John Letcher received the Democratic nomination for governor in December 1858 from a Democratic Party torn by factionalism between the friends of U.S. Senator Robert M. T. Hunter and current Governor Henry A. Wise. Arrayed against them were members of the Whig-American coalition known as the “Opposition Party” and their gubernatorial nominee William L. Goggin, whom delegates at the state convention selected in Richmond on 10 February, 1859. As in the contest of 1855, outside observer Nathan Sargent emphasized just how the future success of the Opposition everywhere depending upon the campaign by the Opposition in Virginia. “Its importance cannot be overrated, and I wish every Whig & American in the Old Dominion would recognized this fact, and go to work with the strength of a Samson and the untiring vigor of a Napoleon,” he begged Alexander H. H. Stuart.⁶⁴⁶ Goggin and the Opposition men, used to defending themselves against the Democratic charge of abolitionism in their ranks, went on the proslavery offensive. Even northern newspapers inclined to support the Virginians against their Democratic foes were taken aback by “the ridiculous struggle for pre-eminent devotion to slavery among the Virginia politicians.”⁶⁴⁷ Despite the fact that Virginia ran away from support of the Buchanan Administration, Democrats once again eked out a narrow victory by a margin of almost 5,600 votes in the race for governor and captured most of the other major state offices as well. Goggin did considerably better among eastern slaveholders

⁶⁴⁵ See *North American and United States Gazette* (Philadelphia), May 28, June 13, 1859.

⁶⁴⁶ Nathan Sargent to Alexander H. H. Stuart, February 27, 1859, Alexander H. H. Stuart Papers, Manuscript Division, Library of Congress, quoted in W. G. Bean, “John Letcher and the Slavery Issue in Virginia's Gubernatorial Contest of 1858-1859,” *The Journal of Southern History* 20 (February 1954): 40.

⁶⁴⁷ *North American and United States Gazette* (Philadelphia), March 16, 1859.

in Virginia than had Know Nothing candidate Thomas Flourney in 1855, but it was to no use. Engaging in the politics of slavery did not pay dividends for the anti-Democratic “Opposition” in Virginia.⁶⁴⁸

The outcome of the race in Virginia did give ammunition to those who rejected any kind of union between antislavery Republicans and slaveholding Opposition politicians. Former Whig Nathan Sargent tried to get Abraham Lincoln to join a common anti-Democratic front among northerners and southerners after the election in Virginia. Lincoln would have none of it. “It would gain nothing in the South, and lose everything in the North.” Besides, southern Whigs and Americans “have consistently sought to gain an advantage over the rotten democracy by running ahead of them in extreme opposition to, and vilification and misrepresentation of black republicans.” If Republicans did not plan to move toward a Union Party, Lincoln did not close the door on the Republicans nominating a southerner upon a Republican platform. As he expressed to Sargent, “I think there can be no other ground for Union” between southerners and the Republican Party.⁶⁴⁹ Lincoln also confronted those Republicans who counseled accommodation with anti-Democratic groups outside the Republican Party. Lincoln urged Schuyler Colfax and other Republicans to resist “the temptation in different localities to ‘platform’ for something which will be popular just there, but, which, nevertheless, will be a firebrand elsewhere, and especially in a National Convention.” Colfax’s own Indiana, for instance, had run a state platform in 1858 which embraced “squatter sovereignty in Kansas” rather than a doctrine of congressional restriction against slavery in the territories. In a strategy curiously like that commonly attributed by historians to the Constitutional Union Party in 1860, Lincoln implored Republicans to “look beyond our noses, and at least say *nothing* on points where it is probable we shall disagree.”⁶⁵⁰

Continually blocked by northern Republicans such as Fessenden and Lincoln, the movement to draw the bulk of the Republican Party into a broad “Union Party” eventually ran out of steam by the fall of

⁶⁴⁸ William S. Hitchcock, “The Limits of Southern Unionism: Virginia Conservatives and the Gubernatorial Election of 1859,” *The Journal of Southern History* 47 (February 1981): 57-72.

⁶⁴⁹ Nathan Sargent to Abraham Lincoln, June 23, 1859, printed in *Collected Works of Abraham Lincoln*, ed. Roy P. Basler, 8 vols., (New Brunswick, NJ: Rutgers University Press, 1953-55), 3:388.

⁶⁵⁰ Abraham Lincoln to Schuyler Colfax, July 6, 1859, *Ibid*, 3:391.

1859. The anti-Buchanan forces, though a majority, proved unable to find common ground in part because of the existence of a federal system which encouraged politicians to take more extreme positions on issues against their opponents at the local or state levels. The efforts of Crittenden to forge a new party revealed how precarious politicians in both the Democratic and Republican parties viewed their coalitions. Southerners opposed to the Democrats would continue to play on these feelings of vulnerability in their election strategy for 1860. Their decision to pursue a new party independent of both the Democrats and Republicans rested on a calculation that both the Democrats and Republicans could not fully handle the dangerous factionalism within their parties.

Chapter 7: “We Are Going To Destruction As Fast As We Can,” 1859-1861

Kentuckian James Love thought that political circumstances had placed the destiny of the country entirely in the hands not of candidates “elected on any national ground,” but “a miserable faction.” “We are reaping now the sad effects by the demoralization of Genl. Jacksons rule, no one know where we are to land, whether by some grand effort of the conservative of all parties, we preserve the Union, or whether by the mad ambition of the few, it is shivred [sic] to atoms,” he lamented to Tennessean John Bell in June 1860. Love firmly believed that Democratic nominee Stephen A. Douglas had virtually no chance to win “a single state,” especially if southern Democrats chose their own candidate at a separate convention in Richmond. Furthermore, Democratic dissensions only increased the chance that Republicans would triumph in November. The future of the Union, Love admitted, effectively rests with four states: Kentucky, North Carolina, Tennessee, and Virginia. Strategy for the upcoming presidential election should therefore concentrate upon cultivating the “Conservative ground taken by the four states I have named, [and which] if elected on a common platform, accepted not something like unanimity, they would control the nation.”⁶⁵¹ With this advice to Bell, Love incisively spoke directly to the strengths of the Constitutional Union Party movement of 1860.

Desperate for anything which could avert secession and war, two concepts inextricably linked in the minds of Constitutional Unionists, Constitutional Unionists like Bell understood that they could not control selfish human nature. After all, mass political parties operated within a federal system that the Founders had erected precisely in recognition of that view of humanity. It was that system which with the rise of institutionalized mass parties gave flexibility to politicians to adopt positions on slavery entirely at odds with the positions taken by national parties. Thus, this chapter shows how political leaders and ordinary voters helped to realize the fears of the Constitutional Unionists that passions engendered through political partisanship would result in a civil war. Unable and unwilling to moderate their devotion to their political parties, the behavior of Americans North and South confirmed the observation of pro-Douglas

⁶⁵¹ James Love to John Bell, June 17, 1860, Polk and Yeatman Family Papers, Southern Historical Collection, Wilson Library, University of North Carolina.

Democrat Alexander H. Stephens in a November 1860 letter to J. Henley Smith: "It does seem to me that we are going to destruction as fast as we can."⁶⁵²

Little has changed in the writing about the Constitutional Union Party since 1945 when Ollinger Crenshaw announced that "Historians have scarcely scratched the surface in their analyses of the Constitutional Union movement."⁶⁵³ Most, in Crenshaw's time and since, have accepted the negative images promulgated by their opponents "and have dealt with the Bell candidacy in terms of contempt."⁶⁵⁴ Examining the ultimately sectional nature of the Constitutional Union Party, a sectionalism designed to preserve rather than to destroy the country, offers a new way to conceptualize the significance of the Constitutional Union Party. The importance of the Constitutional Union Party is the one of the few subjects in the study of the coming of the civil war which has generated consensus among historians. Almost all agree that the party lacked relevance in the course of the campaign, from its meaningless platform to its supposed generational gap with younger voters. Moreover, those historians that have bothered to study the ideas and the strategies of the party have challenged the traditional emphasis on the Constitutional Union Party's essential moderation. John V. Mering, in particular, plays down the unionism of the party, instead focusing on how Constitutional Unionists embraced a "paranoid consensus" like their southern Democratic counterparts in their view toward the Republicans. Instead of "a contest over relationships to the federal government" involved in the question of secession, he writes, the true significance of the 1860 election lies in how Constitutional Unionists joined their southern Democratic rivals in "a shouting match to see who could call the Republicans blackest."⁶⁵⁵ More recently, Peter B. Knupfer has drawn our attention to the tradition of compromise that the leaders of the Constitutional

⁶⁵² Alexander H. Stephens to J. Henley Smith, November 23, 1860, printed in *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, ed. Ulrich B. Phillips, (Washington D.C.: American Historical Association, 1913), 504.

⁶⁵³ Ollinger Crenshaw, *The Slave States in the Presidential Election of 1860*, (Baltimore: Johns Hopkins University Press, 1945, rpr. 1969), 30.

⁶⁵⁴ *Ibid*, 40.

⁶⁵⁵ John V. Mering, "The Constitutional Union Campaign of 1860: An Example of the Paranoid Style," *Mid-America* 15 (April-July 1978): 97.

Unionists inherited among the generation born immediately after the American Revolution, finding evidence among Constitutional Unionists of “a generation attachment...just as durable as these other factors [of class, ethnicity, and gender] and clearly plays a role in the individual filtering of political information and understanding the ways of the political world.”⁶⁵⁶

This chapter, therefore, offers an interpretation of the Constitutional Unionists that focuses on how for all its denunciation of partisanship, its leaders and followers could never quite break free from the bonds of party feeling. This was especially evident in the ways in which Constitutional Unionists took immense pride in the Whig backgrounds and deprecated the thought of voting for Democrats or giving even a hint of approval to Democratic principles. This inability to free themselves from the very thing which they publicly deplored, an excessive devotion to party, ultimately hurt the Union men in two ways. First, it allowed them to believe that Democrats would naturally gravitate toward a pair of Union candidates, both former Whigs in John Bell and Edward Everett, simply due to the split in the Democratic Party at Charleston. As even Delaware Unionist Joseph P. Comegys perceptively admitted in retrospect to candidate John Bell in July, “My recommendation would have been that they [Constitutional Unionists] should consult with prominent conservative Democrats, and procure their cooperation.”⁶⁵⁷ Secondly, as I show later in the chapter, the former Whigs of the Constitutional Union movement sometimes hindered the course of fusion with the Douglas men, citing traditional party fealty. In the South, especially, Constitutional Unionists remained supremely confident that they did not need to join formally with the Douglas men and could carry those states for Bell alone. In the end, this assumption proved incorrect.

⁶⁵⁶ Peter B. Knupfer, “Aging Statesmen and the Statesmanship of an Earlier Age: The Generational Roots of the Constitutional Union Party,” *Race and Politics in the Era of the Civil War: Essays in Honor of Richard H. Sewell*, eds. Brooks D. Simpson and David Blight, (Kent, OH: Kent State University Press, 1997), 63.

⁶⁵⁷ Joseph P. Comegys to John Bell, July 9, 1860, Polk and Yeatman Family Papers, Southern Historical Collection, Wilson Library, University of North Carolina. To be sure, Constitutional Unionists did circulate copies of their materials beyond their southern Whig base. James C. Welling, editor of the old Washington D. C. paper *The National Intelligencer* once told Bell in May that he worked to reach “*Southern Democrats*, (among whom our paper largely circulates,) that in the present Sectionalization of their party they will, by voting for you, commit themselves to nothing *worse* in Whig principles than they have already been compelled to take in swallowing the gilded pill of Democracy.” (Emphasis in original) James C. Welling to John Bell, May 12, 1860, Polk and Yeatman Family Papers, Southern Historical Collection, Wilson Library, University of North Carolina. For the most part, though, attempts at direct appeals to Democrats proved rather limited.

Still, the critique of party that the Constitutional Unionists laid down in 1860 did give ammunition to a later generation of reformers eager to limit the power of party over the minds of ordinary Americans.

Conservatives in the fall of 1859 plotted to force the Republicans to accept a candidate known for his moderation on the slavery issue rather than presumed front-runner, Senator William H. Seward of New York. Part of the conservative reasoning was that Republicans faced vigorous attacks from the anti-Republican presses for supposedly supporting the aims of John Brown in his failed October raid at Harper's Ferry, Virginia. Now, conservatives in the North believed, perhaps the Republicans might desire to select a candidate other than Seward less known for radicalism and sure to carry the Free States near the Mason-Dixon Line. One conservative New Yorker confided to Virginia congressman Alexander H. H. Stuart that he wished to put forward the name of Supreme Court Associate Justice John McLean as a viable candidate to unite the ranks of those opposed to the Democracy.⁶⁵⁸ A frequent aspirant for the Presidency, McLean had been among the list of candidates that Republicans considered at Philadelphia in 1856. At the same time, other conservatives began to place their hopes in Missouri slaveholder and former Whig/Know Nothing Edward Bates as the best man to win the endorsement of the members of the American, Republican, and remnants of the Whig organization. A meeting involving Washington newspaper man Nathan Sargent, New York conservative Washington Hunt, and other "Old Whigs" at Hunt's private residence ended with the group decided upon an early national convention of conservatives to force Republicans to moderate their hostility to the Slave Power and broaden their appeal to voters outside the North.⁶⁵⁹

Those who advocated effectively a conservative takeover of the Republican still faced a daunting task. The Republicans themselves were vitally aware of the need to win over those conservative voters who voted either for Buchanan or Fillmore in 1856. To this end, they pushed in New York to absorb "one

⁶⁵⁸ David Alexander Bokee to Alexander H. H. Stuart, October 24, 1859, Stuart-Baldwin Family Papers, Box 4, Albert and Shirley Small Special Collections Library, University of Virginia.

⁶⁵⁹ Nathan Sargent to Alexander H. H. Stuart, October 24, 1859, *Ibid.*. For Republican recognition of this argument, see Circular letter, "The Next Presidency," December 9, 1859, Edwin D. Morgan Papers, [microfilm], Reel 32, New York State Library.

wing of the Know Nothings,” and in so doing, had narrowly won state elections in November 1859.⁶⁶⁰ Even a seasoned political observer like ex-Whig Washington Hunt lamented how disorganized the conservatives in his state were against the Republicans. For, he argued, “the conservative people are without organization, with no sufficient power to arrest the fatal tendencies of the times” and thus hardly able to compel a union of all the anti-Democratic parties under a single banner and candidate.⁶⁶¹ Another factor complicating the idea of a conservative candidate heading the Republican ticket involved the considerable hostility of southern Opposition members to any type of union with the hated anti-slavery party, especially in the wake of the John Brown affair. As North Carolina Congressman William N. H. Smith proclaimed, “There can be no union between the Whigs of the South and the Republicans in the Election of Speaker or anything else.”⁶⁶²

The rancor over the election of a House Speaker prompted conservatives in Congress to act. Men worried about the triumph of the sectional Republican Party in the upcoming election answered a call from Senator John J. Crittenden to meet on 19 December in the nation’s capital. The main order of business was to appoint a ten-member committee “empowered to confer with the Executive Committees of the American and Whig parties.” Coordination between the two parties would pave the way for the creation of a new national party, one established “on the basis of ‘the Union, the Constitution, and the Enforcement of the Laws.’” To accomplish this aim, the attendees also designed a “National Union Executive Committee” charged with distributing an address prepared some four days later, upon consultation with the Chairmen of both the American and Whig parties. Finally, the gathering set a date of 9 May for the new party’s national convention and appealed to conservatives everywhere to form their election districts locally.⁶⁶³

⁶⁶⁰ Edward Everett to Robert C. Winthrop, November 13, 1859, Winthrop Family Papers, [microfilm], Reel 29, Massachusetts Historical Society.

⁶⁶¹ Washington Hunt to Francis Granger, November 15, 1859, Francis and Gideon Granger Papers, [microfilm], Manuscript Division, Library of Congress.

⁶⁶² W. N. H. Smith to Kemp Battle, December 18, 1859, Battle Family Papers, Southern Historical Collection, Wilson Library, University of North Carolina.

⁶⁶³ F. William Walker to “Sir,” December 31, 1859, Andrew H. Davidson Papers, Indiana State Library.

This Executive Committee with Crittenden at its Chairman eventually prepared an address on 22 February designed to present the party before the American public. Endorsed by the remnants of the Whig and American leadership, this appeal began by tracing the introduction of slavery into the battles of political parties. From “The first introduction of this subject into party politics,” the issue of slavery “constantly increased in extent and bitterness, mingling with or usurping the place of all other political questions, and giving to those party politics a greater and more dangerous vehemence.” The two current major parties in the country, the Democrats and Republicans, moreover, “have been the chief actors in this fatal contest, if not its authors.” Nevertheless, even some Democrats recognized the baneful effects of this agitation on the country and would likely form “we have no doubt...a powerful reinforcement to the friends of the Union.” These recruits would join ex-Whigs in demanding an end to a politics of slavery, whereby constitutional guarantees for the rendition of fugitive slaves remains a purely judicial rather than political question debated by the parties. In conclusion, the address presented the issue to the public squarely: “It is for you to determine whether you will pursue that path, or continue in one which, however the approaching struggle may determine, may lead to victory, but not peace: to a brief cessation of strife, but not to a restoration of harmony.”⁶⁶⁴

Though it encouraged Democratic participation in the new Constitutional Union Party, the presence of the address which announced its birth presented an important dilemma for conservatives. Should they allow the Republicans to join them or shun them entirely? Indiana Know-Nothing Richard W. Thompson expected the Republicans to join the Constitutional Unionists. Indiana Constitutional Unionists must use their state convention on 12 April to nominate potential presidential candidates and then allow the national convention in Baltimore to select the actual nominee. Thompson thought that this “mode of selecting a candidate will remove one of the principle [sic] objections of the convention system & strike the people favorably.” Thompson held another reason for advocating a more open system of nominations. Republicans like Horace Greeley had toyed with the possible candidacy of conservative Whig Edward Bates of Missouri. Bates’ name represented only the “means of seducing some of the conservatives into

⁶⁶⁴ *New York Times*, February 22, 1860.

the [Republican] Chicago Convention.” After Bates expressed a willingness to stand for election and wrote public letters to that effect, even Greeley began to back away and offer the Missourian “the cold shoulder.” Instead, Thompson pushed for a more open convention to include conservative Indiana Republicans who might assist the Indiana Constitutional Unionists in choosing a candidate agreeable to delegates at both the national Republican and Constitutional Union Conventions. If his plans succeeded, then Constitutional Unionists could compel Republicans to assume “the responsibility of going with us or of showing their *sectional* movement by throwing off the mask” and naming the more radical Seward as their nominee.⁶⁶⁵ Ostensibly a loyal Constitutional Unionist, Thompson actually operated clandestinely with his friend Schuyler Colfax to steer old Whig and Know Nothings toward the Republicans. The wily Thompson did all that he could to prevent the formation of a separate Constitutional Union ticket in the field. When Colfax “told him that he held the fate of Indiana in his hands” as well as the upcoming presidential election, Thompson assured him of his willingness to see a Republican triumph in November against the hated Democracy. To that end, “he *expected* to oppose the formation of” a Constitutional Union ticket which may aid the Democrats to carry Indiana.⁶⁶⁶

The more unsettled affairs appeared in the political scene during March and April, the brighter the prospects appeared for the Constitutional Unionists to force the two other parties to bargain for their support. Nonetheless, conservatives gradually came to see that only a separate nominee for President, one not necessarily predicated on Republican approval, would establish the party as truly above sectional strife and preserve unanimity among its members. In this way party leaders were encouraged by men like Baltimore’s William Schley who confessed how the “ more I think of the suggestion of making a nomination, with the expectation of assuming co-operation of the Chicago Convention, the less favorable does it strike me. A new party—constitutional and comprehensive—anti-all the isms—should now be

⁶⁶⁵ Richard W. Thompson to Andrew H. Davidson, February 20, 1860, Andrew H. Davidson Papers, Indiana State Library.

⁶⁶⁶ Schuyler Colfax to Abraham Lincoln, May 26, 1860, Abraham Lincoln Papers, Manuscript Division, Library of Congress. [Digital Edition]

formed.”⁶⁶⁷ This new party should concentrate on attracting Democrats and politically independent citizens to it, rather than seek the acceptance of the Republicans. For in light of the bitterness Douglas and Buchanan men held for each other, a Virginian explained to Alexander R. Boteler, “there is a considered disposition among even democrats to join a national party.”⁶⁶⁸ Reporting from New York, Washington Hunt explained to Crittenden the situation where “In this state as in most of the free states, the masses are absorbed in one of the main parties—democratic or republican—but in several states, the conservative men, have sufficient strength to turn the scale.”⁶⁶⁹ This growing confidence in their power allowed Constitutional Unionists to believe that if they maintained an independent course from both Democrats and Republicans, they could decide the election.

In the weeks leading to the nomination convention at Baltimore, Constitutional Unionists debated how to react to the possibility of a split among Democrats at their national convention in Charleston. Whether the Union men, despite their hostility to the men and measures of the Democratic Party, could with principle align with the Democrats against the Republicans posed a very serious question. John J. Crittenden, for instance, hedged in his answer to this question. Fellow Kentuckian Logan Hunton had sought out the advice of Crittenden about both his fear of the Republicans and his mixed feelings that he “will be compelled to vote, under protest, for the first time for a Democrat for the Presidency.”⁶⁷⁰ Though he did not say exactly how, Crittenden answered: “There may be *contingencies* in which it may possibly be the duty of the Union Party to vote for a Democratic candidate.”⁶⁷¹ New York Representative James Brooks and his brother, newspaper editor Erastus Brooks of the *New York Express* pressed hard for a

⁶⁶⁷ William Schley to John J. Crittenden, March 6, 1860, John Jordan Crittenden Papers, Box 2, David Rubenstein Rare Book and Manuscript Library, Duke University.

⁶⁶⁸ John N. Hughes to Alexander Boteler, March 22, 1860, Alexander Robinson Boteler Papers, Box 2, *Ibid.*

⁶⁶⁹ Washington Hunt to John J. Crittenden, April 9, 1860, John Jordan Crittenden Papers, Box 2, David Rubenstein Rare Book and Manuscript Library, Duke University.

⁶⁷⁰ Logan Hunton to John J. Crittenden, April 10, 1860, John Jordan Crittenden Papers, Box 2, David M. Rubenstein Rare Book and Manuscript Library, Duke University.

⁶⁷¹ John J. Crittenden to Logan Hunton, April 15, 1860, *Ibid.*

former Democrat to be their presidential nominee. Inspired by this interest, Texan H. J. Pendleton championed Sam Houston, even boasting that the *Express* and other newspapers “have already hoisted old San Jacinto’s name.”⁶⁷² Moreover, the need of Unionists to secure the votes of Democrats disillusioned with their own party made nominating a former Democrat like Houston seem a real possibility. Most important, the actions of the Constitutional Unionists would coincide with the chaos taking place at the Democratic convention in Charleston. Through 57 ballots during the last week of April and into the first three days of May, Democrats there failed to achieve a nomination, much less unite on a separate vote for a platform. Seeing the futility of the whole ordeal, the weary delegates adjourned the convention at that point without making any nominations and prepared to let tensions cool. Seeking to capitalize on divisions within the Democratic and Republican parties, conservatives believed they had to proceed carefully when selecting a nominee so that they could pull as many disaffected from the major parties as possible.

The convention of the Constitutional Union Party assembled at the Old Presbyterian Church on Fayette Street in Baltimore on 9 May, exactly one week before the Republicans were scheduled to convene in Chicago to select their nominee. Delegates from twenty-one states answered the roll call at the beginning of the convention. A telegram informed those present that ten state delegates from the Pacific Coast states as well as some Upper North and Deep South states could not reach Baltimore in time on account of distance.⁶⁷³ Though each state could send as many delegates to the convention as their share of electoral votes in 1856, state delegations actually ranged in size from New York's 35 delegates (and 35 alternates) to Alabama's mere 3 delegates. Before the business of nominating a candidate got underway, delegates heard an invocation of prayer from the Rector of nearby St. Stephens Church in Baltimore, Reverend James McCabe. The Reverend McCabe blessed the convention in its work and hoped that it would “tend to hush the discords of sectional strife, and to save the country from that vortex of anarchy

⁶⁷² H. J. Pendleton to Alexander R. Boteler, April 23, 1860, Alexander Robinson Boteler Papers, Box 2, *Ibid*.

⁶⁷³ States which ultimately did not send delegations to Baltimore included California, Iowa, Louisiana, Michigan, Minnesota, New Hampshire, Oregon, and South Carolina. Delegates from Florida and Texas showed up later in the convention.

which has engullphed [sic] all former Republics.”⁶⁷⁴ Referencing the great Daniel Webster, the Reverend asked the attendees in Baltimore to go by the motto of “no North, no South, no East, no West, but our country, a glorious whole one and indivisible the solemn utterance of which, shall be the Constitution, it must be preserved.” After prayer, the convention unanimously elected New Yorker Washington Hunt to become Chairman of the proceedings and then choose Alexander H. H. Stuart of Virginia, Richard W. Thompson of Indiana, Gustavus Henry of Tennessee, and Joseph P. Comegys of Delaware as permanent officers. For his part, Hunt “consented reluctantly to go to the Baltimore Convention where they put me in the harness and the first step taken I have been crowded into the contest further than I anticipated.”⁶⁷⁵

Pennsylvania delegate C. C. Lathrop motioned to start the nomination process. Fellow Pennsylvanian Edward Shippen then introduced an amendment to the motion which offered a guarantee of two ballots for candidates for President and Vice President before eliminating the lowest vote-getter on the third and each additional ballot required to secure a majority of those present at the convention. Speaking on the Shippen amendment, Thomas A. Harris of Missouri expressed the sense of the convention rather well. In a speech which earned "vociferous applause" according to the correspondent of the *Baltimore Clipper*, Harris said, "We are now forming a political party, a great party, not a party for the moment, not a party for the day, but a party to the end of time, and to maintain this organization as long as the purposes for which it has been called into being shall demand the services of men who love the Constitution and the Union." Pennsylvanian F. W. Grayson revealed what the Constitution and the Union meant to delegates. After selecting a ticket for November, the Constitutional Union Party should "declare simply and broadly that we ask for the Union, for the Constitution as interpreted by the Supreme Court, and for the enforcement of the laws." Delegates quickly agreed that this principle rendered a platform worse than superfluous for “after all, the standard bearer in this contest will override the platform, and the people will

⁶⁷⁴ Unless otherwise noted, the following material concerning the convention is taken from *Baltimore Clipper*, May 10, 1860, John J. Hayden Papers, Indiana Historical Society. Marked on the top of this copy of the newspaper, Hayden wrote “Do not destroy this paper. I was a delegate from the State of Indiana to the [National Constitutional Union Convention].”

⁶⁷⁵ Washington Hunt to Francis Granger, July 23, 1860, Francis and Gideon Granger Papers, [microfilm], Manuscript Division, Library of Congress.

look to his record instead of the platform as the guiding star in the next campaign.” This discussion took the convention to the end of its first day and the next morning it reconvened to proceed with the final discussion about a platform and the balloting for president and vice president.

The delegates proved more united on not releasing a platform than they did on selecting a candidate. Unanimously adopting a simple statement in favor of the “Constitution, the Union, and the Enforcement of the Laws,” the delegates did not even bother to explain what it meant. Perhaps their thinking reflected the thoughts of Edward Everett. The Massachusetts orator and one-time confidant of Daniel Webster had written John J. Crittenden advice on the creation of a platform for the new party mere days before the convention began. “I have advised Mr. Hillard against any attempt to make a Platform, which, in the present state of public opinion, in the different sections of the country, will be sure to lose, in one quarter, what it gains in the other.” For Everett, “The Constitution of the United States is platform enough, & the public character of individuals sufficient guaranty for their fidelity to it.”⁶⁷⁶ Apparently the delegates agreed. But they did not as easily unite around a choice of candidate. Erastus Brooks and the New York delegates led the campaign for former Democrat and Texas Governor Sam Houston, even going so far as to distribute copies of a 25 March letter from the Governor in which he declined any nomination by Democrats in Charleston and instead accepted a spot on a "People's Union" ticket with himself for President and former Whig Edward Everett of Massachusetts for Vice President. With debate over the nomination process continuing from the previous day, southern delegates complained that a simple majority of votes cast unfairly benefited the large northern states like New York. Eventually, Virginian William L. Goggin proposed a compromise to allow the chairman within each state delegation to cast the entire vote of his state after consultation with the delegates present. The Goggin amendment also gave state chairmen the power to cast votes on behalf of unrepresented districts within their states. This proposal drew an angry response from some northern delegates who reminded the convention that the Democratic National Convention had done something very similar in 1848 when a single delegate from a

⁶⁷⁶ Edward Everett to John J. Crittenden, May 7, 1860, John Jordan Crittenden Papers and Addition, Box 2, David M. Rubenstein Rare Book and Manuscript Library, Duke University.

state [South Carolina] cast all of that state's votes for a candidate. Delegate Joshua Hill of Georgia also reminded his fellow southerners that Texas presently had only one delegate in attendance, but possessed four votes in the convention.

Despite these pleas, the Goggin amendment carried unanimously and convention Chairman Washington Hunt initiated the alphabetical roll-call of states for the first round of balloting. With 127 votes needed to nominate, Tennessean John Bell led after the first ballot with 68.5 votes to Sam Houston's 57. John J. Crittenden earned just 28 votes. Bell established the lead through his earning 17.5 votes from tariff-happy Pennsylvania, almost half of Ohio's 23 votes, and the entire 12 votes of his native Tennessee. Meanwhile, Houston won 28 of New York's 35 votes, the remaining 7.5 votes from Pennsylvania, and just shy of half of Illinois's 11 votes. Importantly, when announcing the majority sentiment of New York for Houston, James W. Gerard supposedly said that "he felt they were in a Convention something like a declaration of independence against the despotism of party." He recalled the great meeting at Castle Garden almost a decade ago, when "he raised his hand and there swore that he would see every party dashed into ten thousand pieces before he would follow the banner of an abolition leader....And he had kept his word." Now he asked many of his former Whig colleagues to turn to Houston and "In the name of the people of the people of [the] State of New York, give them a Democrat and a Southern Democrat." As for Crittenden, his support principally resided in his native Kentucky and Missouri, all this despite his public disavowal of being a candidate at Baltimore. The next ballot saw a switch to Bell in the votes from the delegates of Delaware, Indiana, New Jersey, Ohio, and Virginia from minor favorite-son candidates along with scattered votes here and there from nearly almost every other state among the twenty-three states at the convention. Bell therefore gained the nomination with 138 votes, or exactly twice as many as nearest competitor Houston.

What was most significant about the final vote for Bell was that at least two-thirds of the New York delegates stayed with Houston on the second ballot. New York stood almost alone in favor of a Democratic nominee at the convention. Why this proved to be the case and why most states near the Mason-Dixon Line opted for Bell is open to speculation, given that much about the voting strategies of the

delegates went on in private meetings at nearby hotels. One possibility is that the New York delegates understood the lesson of 1856 differently from delegates further to the south. Like Fillmore in 1856, they saw a balanced ticket of a former Democrat and Whig as a virtue in recruiting dissident Democrats to the new party in New York and thereby steal that state away from the Republicans in a plurality contest. The advocates of Bell, in contrast, knew that the election of 1856 had hinged upon the Democratic success in winning states like Indiana, Pennsylvania, Kentucky, and Tennessee. With Crittenden disinterested in a formal run for president, these delegates turned to Bell to secure these states for the Constitutional Unionists. Whatever their differences, however, the convention formally united around Bell after the results of the second ballot and then chose Edward Everett for the second spot on the ticket by acclamation. The delegates then departed Baltimore and awaited the next move of the Republicans.

The Republicans gathered in Chicago on 16 May and in marked contrast to the Democrats, finished their business in just three days. This comparative haste included a decision to put aside the nomination of front-runner William Seward, since as Jeffrey A. Jenkins and Irwin L. Morris explain, “Bell’s presumed strength in the Border States” had entered into Republican calculations to seek a candidate from the Lower North capable of winning those states which Buchanan had won in 1856.⁶⁷⁷ In the end, Abraham Lincoln of Illinois got the nod. To balance the ticket, delegates selected ex-Democrat Hannibal Hamblin of Maine. Unfortunately for the Constitutional Unionists, the Republican delegates at Chicago had reacted to their nomination of Bell, but not in ratifying it. Nevertheless, Lincoln’s presence as an old Whig showed how important conservative Whig votes were to the Republicans even as late as 1860.

The nominations formally tendered to the candidates of the Constitutional Union Party, both Bell and Everett accepted by the end of May – significantly *after* the Republicans had made their own nominations. In his reply, John Bell praised the decision of the Union Convention “in discarding the use of platforms, [which] exacts no pledges from those whom they deem worthy of the highest trusts under the

⁶⁷⁷ Jeffrey A. Jenkins and Irwin L. Morris, “Running to Lose?: John C. Breckinridge and the Presidential Election of 1860,” *Electoral Studies* 25 (2006), 310.

Government.” Furthermore, they correctly understood how “the measure of a candidate is to be found in his past history.” For, “should I be elected, I will not depart from the spirit and tenor of my past course; and the obligation to keep this pledge derives a double force, from the consideration that none is required of me.”⁶⁷⁸ Those who would criticize Bell and the Constitutional Unionists for reflecting a past bygone age in politics were absolutely correct. As John Ashworth has recently argued, “The lack of a real platform was not, of course, the result of oversight. Instead it was the corollary of the expanded role which the statesman, as opposed to the mere party hack, was expected to play.”⁶⁷⁹ In a profession ironically where flexibility was necessary to respond to various problems, parties limited the options available to a policymaker and bred a kind of dogmatism that had given rise to the current sectional crisis. Edward Everett took a little while longer to accept his nomination as he wrestle with whether to enter electoral politics in the middle of his retirement and career as a public orator. He ultimately consented to run in part because “I find no middle ground of practical usefulness on which a friend of moderate counsels can stand.” It was precisely this “spirit of patriotic moderation [which] must be called into action throughout the Union, or will assuredly be broken up.” The presence of a “platform” based upon the Constitution accurately reflected the views and practices of the Founders. The problem lies when men “who agree on great practical principles” in that document come “to differ on metaphysical subtleties, or to bring together, by artfully constructed phrases, from selfish motives, those who have nothing in common.”⁶⁸⁰ Like Bell, Everett saw deception in the adoption of party platforms, committing a candidate to that which he could not in all likelihood accomplish.

Bell supporters pronounced the nomination of Lincoln with little apparent concern. Edward Everett attributed the choice of Lincoln to “Western local feeling” as well as to a “righteous retribution” on its organizational leader William H. Seward. Now Republicans passed up on Seward for “a man every

⁶⁷⁸ *The Union Guard*, July 12, 1860. Bell accepted on 21 May.

⁶⁷⁹ John Ashworth, *Slavery, Capitalism and Politics in the Antebellum Republic: Volume 2, The Coming of the Civil War, 1850-1861*, (New York: Cambridge University Press, 2007), 598.

⁶⁸⁰ *The Union Guard*, July 12, 1860. Everett accepted on 29 May.

way his inferior.”⁶⁸¹ From its southern vantage point, the pro-Bell *Fayetteville* (North Carolina) *Observer* saw little difference between nominee Lincoln and the front-runner Seward. “An equally ultra abolitionist is put up for President,” it acidly remarked. The Republicans in adopting their platform, the *Observer* pointed out to its readers, “struck out of its resolutions the word ‘National,’ where the party was called ‘the National Republican party.’” This left a major portion of the opposition to the Democrats in the North “not even pretending to Nationality, endeavoring to get possession of the government.”⁶⁸² Other Constitutional Unionists made sure during the campaign to remind northern Know Nothings tempted to vote Republican how that party had recruited “thousands of Americans [i.e. Know Nothings] in the North” over the past four years only to adopt a platform with “the foreign plank introduced by the radical, red-republican champion of foreignism, Carl Schurz.”⁶⁸³

Republican newspapers did address its dependence upon securing the remainder of the Fillmore voters of 1856 within the Free States. More importantly, the nomination of Lincoln revealed a strategic calculation to prevent the formation of a Bell-Everett ticket in Illinois and neighboring Indiana. As the *Chicago Tribune* put the matter a week after the Republican Convention adjourned, “The probabilities are that no Bell and Everett ticket will be run in this State; and that nine out of every ten of the Fillmore men of 1856 will come up heartily, earnestly, honestly and patriotically to Honest Old Abe’s support.” In meetings across Illinois, the *Tribune* confidently asserted, many of the original Fillmore voters embraced a party with “room for every man to whom freedom is preferable to slavery—to whom honesty is more admirable than villainy.”⁶⁸⁴ The *Buffalo Commercial*, a one-time ally of Fillmore, editorialized in favor of

⁶⁸¹ Entry for May 21, 1860, Edward Everett Diary, quoted in Paul Revere Frothingham, *Edward Everett: Orator and Statesman*, (Boston: Houghton Mifflin Company, 1925), 345.

⁶⁸² *Fayetteville* (North Carolina) *Observer*, May 21, 1860.

⁶⁸³ *The Union Guard*, July 12, 1860.

⁶⁸⁴ *Chicago Tribune*, May 25, 1860. The *Tribune* mirrored the sentiments of Indianan Schuyler Colfax who told candidate Lincoln the following day that “I think there will be no Bell ticket run in Ind[iana]. This is not absolutely certain yet, but probable. There is a little discontent in Eastern Pa. about the German plank, but I think it will all blow over. Fortunately the demoralization of the Dem. party -- the division in the Union party between Bell & Houston men & even the doubt whether Everett will accept all tend to sweep into the Republican. swelling tide all the

Lincoln in order “to defeat this conspiracy” between Breckinridge and Douglas. The latter of these two Democrats ran “without the shadow of a chance of being elected,” but could play the role of spoiler in the North and enable southerner Breckinridge to prevail over a divided northern opposition.⁶⁸⁵ The pleas of the *Commercial* to vote for the Republican Lincoln did not escape the attention of Bell leaders in New York and elsewhere. Upon opening his copy of the newspaper, Washington Hunt could hardly contain his “great surprise and inexplicable disgust” with editor Elam R. Jewett for having “taken the field for Lincoln & Hamlin.” When Hunt approached Jewett in Buffalo, “and portrayed to him with becoming indignation the folly & inconsistency of his conduct,” the editor rather sheepishly agreed. Nevertheless, Jewett explained to Hunt that “the fatal step had been taken and there was no retreat.” Bargaining with the anti-Seward Republicans in Chicago, Jewett firmly committed his paper to whichever candidate possessed the strength to beat the New Yorker.⁶⁸⁶ Moreover, the decision of Jewett encouraged a number of southern Democratic newspapers to print a spurious endorsement of Lincoln by none other than Millard Fillmore himself. All of this chicanery caused considerable confusion for the Bell men.⁶⁸⁷ The abandonment of Bell for Lincoln by the *Commercial* left the Constitutional Union men in New York without any reliable large-circulation newspaper to reach the masses.

Even without newspapers in certain key states, Constitutional Unionists thought that their campaign would naturally benefit from the split of the Democrats after Charleston. Despite calls to resume party harmony after the debacle at Charleston, Democrats once again divided at a convention held in Baltimore on 18 June. Some southern states, such as South Carolina and Florida, did not even bother to send delegates to this meeting. The 110 seceding delegates left the convention floor over what the mostly northern wing of the party refused to give them: positive protection for slavery in the federal territories.

doubtful men who want to be on the strong side.” Schuyler Colfax to Abraham Lincoln, May 26, 1860, Abraham Lincoln Papers (Robert Todd Lincoln Collection), Manuscript Division, Library of Congress [Digital Edition].

⁶⁸⁵ *Buffalo Commercial* quoted in *Chicago Tribune*, June 19, 1860.

⁶⁸⁶ Washington Hunt to John Bell, May 26, 1860, John Bell Papers, Manuscript Division, Library of Congress [microfilm].

⁶⁸⁷ Millard Fillmore to William M. Byrd, May 29, 1860, William M. Byrd Papers, Southern Historical Collection, Wilson Library, University of North Carolina.

The remaining delegates briefly considered a compromise candidate in Horatio Seymour, but he had already publicly declined any place on the Democratic ticket. In just two ballots, Stephen A. Douglas received another nomination of the Democratic Party and Herschel V. Johnson of Georgia gained the second spot. Meanwhile, the seceders decided to hold their own convention in Baltimore and promptly nominated sitting Vice President John C. Breckinridge of Kentucky and Oregon Senator Joseph Lane. A group in Richmond, composed of some of the original bolters from Charleston, watching for signs of an impending Democratic schism, formally approved this decision of the Baltimore seceders. Democrats now had two separate tickets in the field.

For all their carping about the evils of party over the course of the campaign, the Constitutional Unionists did not ignore the need to organize local clubs to encourage popular enthusiasm for their nominees. By the end of June, “the task of organization throughout” Philadelphia had occurred “with much spirit & energy Clubs...found in 19 of 24 Wards and arrangements for similar associations made in the others,” U.S. Congressman Henry M. Fuller dutifully reported to candidate Bell. The Pennsylvania Union men, moreover, developed plans for the campaign throughout the Keystone State, with mass meetings held across Lancaster, Hamburg, and York.⁶⁸⁸ From Utica, New York, John R. Munn observed “the remnant of the glorious old Whig party of this State by delegates assembled here” on 12 July in “an agreeable scene...full of love of country & stimulated by those glorious principles of Clay & Webster.” Committing themselves to the “great cause of the ‘Union & the Constitution,’” as well as to their national ticket, the delegates at Utica pledged “to let no slight cause divert them from the good object: all good men ought to have in view, the defeat of Lincoln, the sectional candidate.” Munn believed the odds were decidedly against the friends of Bell and Everett, but “it is nevertheless the duty of national men to make an earnest effort for union against him, & leave the result to Providence.”⁶⁸⁹ Within the Deep South, a list

⁶⁸⁸ Henry M. Fuller to John Bell, June 22, 1860, John Bell Papers, Manuscript Division, Library of Congress [microfilm].

⁶⁸⁹ Entry for July 15, 1860, John R. Munn Diary, John R. Munn Collection, Volume 22, Research Center, Chicago History Museum.

of 58 men formed a Constitution of the “Bell and Everett Union Club” for Tangipahoa Parish in eastern Louisiana in July with state legislator Thomas C. W. Ellis assuming a prominent role.⁶⁹⁰ His young son, Ezekiel John Ellis, though unable to vote for Bell instead relied upon “my voice and what use of influence I possessed was exercised in his behalf.” Toward the end of the Civil War, Ellis fondly remembered how his being “educated in the faith of ‘old lined whiggery’” meant that he saw in Bell and Everett a logical continuation of the broad national view and policy of that party [i.e. Whig] rising as I thought so far above that narrow minded sectionalism which had then opposed them claimed my highest admiration.”⁶⁹¹ Given the absence of a top-down Whig organization throughout the Deep South, Jerry L. Tarver has properly noted how the 1860 election provided an opportunity for greater popular involvement of non-voters like young Ezekiel John Ellis in the construction of party machinery.⁶⁹² Constitutional Unionists further sought to encourage popular feeling for Bell and Everett through likening the 1860 campaign to that of 1840, when high turnouts and mass rallies were the order of the day.⁶⁹³

In particular, the Constitutional Union candidate used evidence of grass-roots organization and other favorable developments when trying to plot party strategy for the rest of the campaign which focused upon improving the party’s prospects in the Lower North. In a series of two letters across the month of July, John Bell articulated his own ideas to Constitutional Union Party Chairman Alexander R. Boteler.

⁶⁹⁰ “Constitution of the Bell and Everett Union Club,” [July 1860], E. John, Thomas C. W. Ellis and Family Papers, Louisiana and Lower Mississippi Valley Collections, Special Collections, Hill Memorial Library, Louisiana State University [microfilm].

⁶⁹¹ E. John Ellis, *A Retrospect*, p. 2, [January 1865], E. John Ellis Diary, Louisiana and Lower Mississippi Valley Collections, Special Collections, Hill Memorial Library, Louisiana State University [microfilm].

⁶⁹² Jerry L. Tarver, “The Political Clubs of New Orleans in the Presidential Election of 1860,” *Louisiana History* 4 (Spring 1963): 120-121.

⁶⁹³ National Chairman Alexander R. Boteler particularly invoked the example of 1840 when soliciting contributions from the party faithful: “There has not been since 1840 an occasion when contributions to the cause could be so beneficially expended, and with such a bright prospect of success at present, and we trust these suggestions will induce the friends of the cause everywhere to aid us in the work we have undertaken, and to respond cordially, liberally, and promptly to this appeal for the contribution of the means necessary for the vigorous and efficient prosecution of the canvass on the part of the National Executive Committee.” Circular of the National Executive Committee of the Constitutional Union Party, [1860], Alexander Robinson Boetler Papers, Box 2, David M. Rubenstein Rare Book and Manuscript Library, Duke University. For an analysis of the raucous campaigning in 1840 and its mass appeal, see Robert Gray Gunderson, *The Log-Cabin Campaign*, (Lexington: The University of Kentucky Press, 1957).

The problem, as he saw it, was that people in the North thrilled at “seeing the hated Democracy—pretty nearly synonymous with Southern Oligarchy (in their vocabulary) overthrown.” Republicans appealed to this electorate hungry for anybody to beat the Buchanan Administration and its southern Democratic allies. Yet the election of a purely sectional candidate from the North “No matter how National, or moderate, or conservative he may profess to be in his messages &c” would galvanize opposition from the *entire* South. Within a month after the election of Lincoln, Bell warned, southerners in every city except St. Louis “would feel his election to be an *insult* to them.” What Constitutional Unionists needed to do now was to convince Pennsylvania and other states along the Mason-Dixon Line which desire a protective tariff or nationally-supported internal improvements that a Republican victory threatened these desirable programs. If the voters in these key states refused to abandon their advocacy of Lincoln, then Bell and other anti-Republican leaders must fuse all their forces together in a desperate bid to save the country.⁶⁹⁴

In the intervening period until his follow-up letter to Boteler, Bell received reassurances that the Constitutional Unionists could both triumph in the South and perhaps snatch one or two northern states. From intelligence he picked up from his brother residing in Virginia, Benjamin Ogle Taylor told Bell that the chances of a strong showing in the South for the Unionists greatly improved if Democrats failed to unite on a single candidate. In normally Democratic Virginia, Taylor reported that his brother expected Bell to prevail over a divided Democratic opposition in a plurality contest, to which Taylor added “May not the same result be expected reasonably in other States?”⁶⁹⁵ The regular Democratic candidate Douglas, meanwhile, privately encouraged his followers to cultivate good relations with the Bell & Everett men, for they are good Union men.”⁶⁹⁶ In tiny Delaware, the Democratic schism aided the cause of Bell, though Lincoln benefited from the belief of many Fillmore voters of 1856, in the words of one Bell supporter “that

⁶⁹⁴ John Bell to Alexander R. Boteler, July 2, 1860, Alexander Robinson Boteler Papers, Box 2, David M. Rubenstein Rare Book and Manuscript Library, Duke University.

⁶⁹⁵ Benjamin Ogle Taylor to John Bell, July 3, 1860, Polk and Yeatman Family Papers, Southern Historical Collection, Wilson Library, University of North Carolina.

⁶⁹⁶ Stephen A. Douglas to Charles H. Lanphier, July 5, 1860, printed in *The Letters of Stephen A. Douglas*, ed. Robert Johannsen, (Urbana: University of Illinois, 1961), 496-497.

they would never again, to use their language, ‘throw their votes away,’ and with too little confidence that the Union movement would give them a fair promise of success, they committed themselves to the Republicans in advance.”⁶⁹⁷ This same advocate of Bell predicted that the bitter Democratic divisions left Bell as the only true alternative to Lincoln. By the end of July, then, Bell had reason to offer a much rosier picture of his candidacy. He continued to urge fusion of the Bell-Douglas opposition to Lincoln in the North. Given that “there is no probability that Douglas can be elected, in any contingency likely to happen, nor can Breckinridge get a single vote North,” Bell saw little to lose and everything to gain from an arrangement with the Douglas men even if it principally helped Douglas. Bell did not touch on whether fusion movements should occur south of the Mason-Dixon Line, but his confidence in his ability to get southern votes suggests that he disapproved of it. Only the “unexpected strength of the Union Party” in the South, he wrote Boteler, would foil the plans of secessionist “conspirators” who engineered the candidacy of Breckinridge “designedly to elect Lincoln.” For now, Bell instructed Boteler to create “a separate pamphlet” outlining the cost of support for Lincoln within Pennsylvania and New Jersey.⁶⁹⁸

Boteler duly followed through with this advice in August. Entitled “A Calm Appeal to the Friends of American Industry, Especially in the States of Pennsylvania and New Jersey,” this tract announced that the *raison d’être* for the Republican Party, opposition to the repeal of the Missouri Compromise for Kansas, had been fought and won. With the Kansas issue coming to an end and no new issues concerning slavery to allow the Republicans to cohere as a party, the Appeal promised that Republicans would soon break up into two economic factions, ex-Democratic free-traders and ex-Whig protectionists once they got into power.⁶⁹⁹ Boteler and the Constitutional Unionists therefore asked residents of these two Lower North states whether the Republicans could credibly protect (no pun intended) their vital economic interests.

⁶⁹⁷ Joseph P. Comegys to John Bell, July 9, 1860, Polk and Yeatman Family Papers, Southern Historical Collection, Wilson Library, University of North Carolina.

⁶⁹⁸ John Bell to Alexander R. Boteler, July 2, 1860, Alexander Robinson Boteler Papers, Box 2, David M. Rubenstein Rare Book and Manuscript Library, Duke University.

⁶⁹⁹ “A Calm Appeal to the Friends of American Industry, Especially in the States of Pennsylvania and New Jersey,” (Washington D. C.: Rooms National Executive Committee, August 20, 1860), 1-5.

The Constitutional Union Party also released in August their proposed solution to the territorial crisis written by a member of its Central Committee, John A. Rockwell of Connecticut. Rockwell began his analysis with the observation that concerning the vexing issue of sovereignty in the territories, “The course which has been pursued by Congress from time to time since the adoption of the Federal Constitution, has been one of constant change and uncertainty.”⁷⁰⁰ As this issue eventually became fodder for political parties, he noted, it “led large bodies of men to adopt as political platforms the two contrary but most fallacious propositions -- one that Congress possesses the power to pass laws to exclude slavery from a territory, but not power to admit it--and the other that Congress has the power alone admitting and protecting, but not of excluding it.”⁷⁰¹ If only Congress ceased to create governments in a territorial phase, but proposed instead to create state governments subject to an important qualification the difficulty would cease. The qualification would be to allow state delegates to come to Washington on a non-voting basis until their states reached the requisite population explained in the U.S. Constitution or 60,000 inhabitants. In all other matters, however, the new state government would be fully sovereign and not subject to any congressional intervention, including on slavery matters. Congress need only set the boundary or geographical limits of the states at the beginning and then let the people in their states do the rest. The Rockwell solution had the advantage of not requiring a formal constitutional amendment and it did have historical support in the Land Ordinance of 1784.⁷⁰² It also possessed the virtue of explaining precisely what “needful rules and regulations” Congress may prescribe for future states. Still, it did not explain how new states could remain on an equal footing with old states if the former possessed non-voting delegates rather than the ability to cast a vote on legislation that affected the interests of new states.

⁷⁰⁰ [John A. Rockwell], *States vs. Territories: A True Solution of the Territorial Question by an Old Line Whig*, (n.p. August 15, 1860), 1.

⁷⁰¹ *Ibid*, 2.

⁷⁰² *Ibid*, 19.

Local elections in Kentucky offered a preliminary test of strength for the Bell forces there against native-son Breckinridge, which in turn could bolster claims that Bell and not Breckinridge was the strongest candidate in the South. In particular, both Bell and Breckinridge partisans eyed the race for Court Clerk of the State Supreme Court. Unionist Leslie Combs squared off against Breckinridge Democrat James McCarty and the race appeared close just days before the scheduled 6 August election. Four days prior to the opening of the polls, John J. Crittenden addressed a rally of Constitutional Unionists in Louisville and tendered his full support to Bell. Crittenden coolly evaluated all four candidates and took especial care not to offend the friends of Douglas within the state before the Kentucky elections. The Republican Lincoln, he addressed the crowd, stood as nothing more than “the representative of the party that has made him its leader. He is the Republican leader; and like all political leaders, he must obey the party that brought him into existence or be put down and crushed by it.” Whatever personal moderation Lincoln showed to southerners could not obscure his weakness to oppose the radical elements of his own party. As for Breckinridge, Crittenden offered the same treatment of the sitting Vice President as he did for Lincoln. In effect, Crittenden applied the time-honored practice of judging Breckinridge by the company he kept, namely vocal secessionists like William L. Yancey. These ultra southern men engineered the nomination of Breckinridge, he further maintained, in a bid to win Kentucky over to the plans of those in the Cotton South toward disunion.⁷⁰³

Having disposed of the two extreme candidates in both sections, the Kentuckian discussed his views of Douglas, a man he knew “very well.” Furthermore, Crittenden acknowledged that he personally could “have no quarrel with him [Douglas],” since the Illinois Democrat was “a Union man.” But the elevation of Douglas to the presidency did not promise an end to sectional strife, Crittenden argued. On the contrary, it only promised “an administration of continued conflict” with Republicans providing the “bitterest opposition” and pro-Breckinridge southerners displaying utter intransigence at the success of their main foe. This left only the ticket of Bell and Everett, whose reputation for moderation among

⁷⁰³ *Alexandria (Louisiana) Constitutional*, September 1, 1860.

politicians in both sections would arrest the spread of secessionist thinking within the South.⁷⁰⁴ The light touch of Crittenden toward Douglas and his followers contrasted with the expectation of the Breckinridge Democrats that Combs showed considerable signs of strength among Democrats going into the final days of the campaign. Even Breckinridge himself conceded in a letter to the chairman of his national campaign that “it is hard to make the masses understand its significance within this State, and many democrats hundreds, my devoted friends, cannot be pulled from Combs, while hundreds of opposition men who are for B[reckinridge] & L[ane] will not vote for C[ombs]. Nothing short of a majority 6000 or 8000 would alarm me for November.”⁷⁰⁵ Perhaps the southern Democratic candidate heard the alarm bells ringing loudly, for Unionist Combs actually defeated his rival by a margin of 3,796 votes.⁷⁰⁶ The national newspaper of the Constitutional Union Party, the *Union Guard*, greeted the outcome with the heading “Glorious Kentucky! Breckinridge Defeated in his Own State.”⁷⁰⁷

Prodded on by their party leadership and the favorable turn of events in places like Kentucky, Bell supporters in the North pushed hard for fusion tickets with the Douglas Democrats. In New York, cooperation with Democrats came quickly by mid-August. No less than the official organ of the Constitutional Union Party, *The Union Guard*, reprinted a public letter dated 26 July from ex-congressman William Duer of New York which argued for the burying of old partisan animosities with the Douglas Democrats. He acknowledged that “the Lincoln men possess there a plurality of the votes.” Unfortunately, the forces best able to beat him and his party in New York remain divided here and elsewhere: “We have a Union party composed mainly of Whigs, and whose principal strength is at the South, and we have a Union party composed mainly of Democrats, and whose principal strength is at the North.” The presence of two organizations for the same end, he contended, was patently “absurd” and so “the two must become

⁷⁰⁴ *Ibid.*

⁷⁰⁵ John C. Breckinridge to Isaac I. Stevens, August 3, 1860, Isaac I. Stevens Papers, Reel 3, [microfilm], Special Collections, University of Washington.

⁷⁰⁶ *Louisville Daily Courier*, August 8, 1860.

⁷⁰⁷ *The Union Guard*, August 9, 1860. For a similar perspective, see George Robertson to Alexander R. Boteler, August 22, 1860, Alexander R. Boteler Papers, Box 2, David M. Rubenstein Rare Book and Manuscript Library, Duke University.

one.” This ex-Whig proudly affiliated with the party of Bell and Everett, since after all “to what remains of party fealty is due.” Moreover, the conspicuous vote of Bell as a southern Senator against the Kansas-Nebraska Act amply demonstrated his political courage. As for Douglas, Duer was “bound by no associations of the past; I am separated from him by them,” yet the independent course of Douglas against the Buchanan Administration over the last three years also earned the Illinois Democrat “my unmixed approbation, sympathy, and respect.” Having acknowledged the difficulties for old-line Whigs like Duer to give their aid normally to a Democrat like Douglas, Duer made the case that if “we cannot dispense with Mr. Douglas and the northern Democrats, neither can we dispense with Mr. Bell and the southern Whigs.” Concluding his argument, Duer then stated “We must have strength in the North and we must have strength in the South.”

By 19 August, the fusionists had succeeded in New York. The Douglas men welcomed the potential for an infusion of cash into the campaign from the leaders in the Bell campaign. August Belmont, the financier chairman of the Douglas campaign, lamented that within New York “Our merchants & capitalists will not fork out – they have lost all hope of success & give that as an excuse for their meanness.”⁷⁰⁸ The adhesion of the Bell men in the North offered a residual strength that could restore some measure of confidence in the Douglas ranks. Ten Bell and twenty-five Douglas electors composed the ticket in the Empire State, a proportion achieved at the behest of certain Douglas men who had desired preferment on the ticket. Aware of the successful fusion in New York, southern Bell leaders tried to sway their fellow party members to attempt fusion with Douglas throughout the Lower North.

There was a decided limit to how far south fusion could occur, however. Three days after the news of a Bell-Douglas fusion in New York, the Central Committee of the Constitutional Union Party in Washington D. C. addressed supporters of the party with a message of optimism. From “the significant results of the late elections in the Southern States,” it argued, it was evident “that the Presidential contest now pending is between the Constitutional Union party on one hand, and the Republican party on the

⁷⁰⁸ August Belmont to Blanton Duncan, August 16, 1860, John Bell Papers, Manuscript Division, Library of Congress [microfilm].

other—between Nationality and Sectionalism—Union and Disunion.”⁷⁰⁹ Such sentiments reflected a belief in the strength of southerners for Bell. But some southern friends of Bell tried to arrange a fusion ticket with the Douglas across the South, which angered local Bell leaders who worried that the Douglas Democrats would reap the rewards from such a plan. Of concern were newspaper reports that Charles M. Conrad, the former Secretary of War under Millard Fillmore and a member of the Constitutional Union Party Central Committee, had come to Washington D. C. in early-August in order to propose a joint Bell-Douglas ticket nationally.⁷¹⁰

Unsure what to make of this widely disseminated information, the Executive Committee of Parish Rapides wrote Boteler to discourage any talk of fusion with Douglas within the South. Indeed, “Such a proceeding, in our opinion, would make our defeat certain, and if the attention to the South could be called to it we do not doubt that the whole movement would at once be repudiated utterly as unwise and unauthorized.” The Constitutional Unionists in Louisiana, they claimed, “is gaining and likely to gain allegiances from both wings of the Democracy.” Any fusion in the Pelican State risked an end to this promising trend, for it would make either the Douglas or Breckinridge elements entirely hostile to the Unionists there.⁷¹¹ A North Carolinian independently arrived at the same conclusion and wrote Boteler to oppose a fusion strategy for the South. He personally stood in “in favor of beating Lincoln by [any] means but I greatly prefer Bell to do it with to anyone else and in fact he is my choice.” This Bell supporter had no qualms with a northern fusion of the Bell-Douglas forces, but would not accept it in North Carolina.⁷¹² In Missouri, Democratic leaders like Judge Samuel Treat gave little credence to rumors found in newspapers of a formal collaboration between Bell and Douglas men there. According to Treat, “The pretence—or simultaneous outcry in the [Brookfield] *Bulletin*, [Richmond] *News* and [St. Louis] *Missouri*]

⁷⁰⁹ Circular of the National Executive Committee of the Constitutional Union Party, August 22, 1860, Alexander Robinson Boteler Papers, Box 2, David M. Rubenstein Rare Book and Manuscript Library, Duke University.

⁷¹⁰ See, for instance, *Floridian* (Tallahassee) and *Journal*, August 11, 1860.

⁷¹¹ Executive Committee Parish Rapides [Louisiana] to Alexander R. Boetler, August 25, 1860, Alexander Robinson Boteler Papers, Box 2, David M. Rubenstein Rare Book and Manuscript Library, Duke University.

⁷¹² J. W. F. Harrison to Alexander Boetler, September 30, 1860, *Ibid*.

Democrat—about a fusion between Douglas and Bell men in Mo. or overtures to that end—is a pure fiction, started by those cliques for electioneering purposes. No such overture has been made by any Douglas men.”⁷¹³

While these efforts against fusion tended to go on in private, Georgia Bell leaders publicly disdained any talk of fusion with the Douglas Democrats, despite the receptivity to the idea by Douglas’ running mate, Herschel V. Johnson. Finding the idea “seriously contemplated by our friends,” Johnson proceeded to lay out the parameters of such a fusion in late-July. The good of the country rather than personal placement should guide the creation of a joint ticket with Bell “of an equal number from each party.” Nevertheless, if “the whole vote of the State . . . will elect Bell & Everett” nationally, “then throw it to them.” Likewise, Douglas should get the votes of Georgia if this will improve his chances of carrying other states in the South against Breckinridge. Finally, if neither man appeared to gain from this allocation of all Georgia’s electoral votes, “then let them vote 5 for Douglas & 5 for Bell.” Additionally, Johnson proved amenable to an arrangement with the Bell electors out of concern for the territorial doctrine of non-intervention. The two extreme candidates, Lincoln and Breckinridge, “are for intervention though for different ends – the one against, and the other, intervention for, slavery.”⁷¹⁴

Getting the Bell men to put aside their own personal aspirations and fuse with Douglas in Georgia was no easy task. A major figure in the pro-Bell ranks within Georgia was Benjamin H. Hill. The ex-Whig had little personal regard for Alexander H. Stephens, one of the most conspicuous pro-Douglas orators in Georgia. Speaking earlier to a gathering of Bell supporters in Macon on 30 June, Hill accused Johnson and the pro-Douglas Georgia Democrats with placing party before country. Invoking the ideals of classical republicanism, Hill stated, “The land of the free is full of corruption, strife, and distraction. Party, party, party has done it all!” Hill further objected to the antislavery implications of popular sovereignty, as

⁷¹³ Samuel Treat to Thomas C. Reynolds, September 1, 1860, printed in No author, “Missouri in the 1860 Campaign: Correspondence of Thomas C. Reynolds,” *Moorsfield Antiquarian* 1 (November 1937): 183-184.

⁷¹⁴ Herschel V. Johnson to [?], July 30, 1860, quoted in Percy Scott Flippin, *Herschel V. Johnson: States-Rights Unionist*, (Richmond, VA: Dietz Publishing, 1931), 127.

it tended to come “from the idea that slavery is the creature of, and solely dependent upon municipal law.” Both the Breckinridge Democratic demand for a territorial slave code and the Douglas reliance on popular sovereignty suffered from their reliance on human law. Instead, slavery should rest upon “divine law.” Putting slavery beyond the reach of mere mortals, Hill sought a kind of neat inversion of the “higher law” argument made by Senator William Seward. After all, if one’s right to hold “my human slave” rested upon the guarantees of a piece of parchment, “I would loose [sic] him before the sun went down.” Thus, Constitutional Union men cannot join with Douglas, whose siren song of non-intervention submits divinely-based property rights to the power of local majorities. The real contest in the South was between Bell and Breckinridge. To those who charge that Bell lacked a firm platform, Hill responded by calling attention to Bell’s past record against allowing Congress or territorial legislatures to dispose of slave property. Only the election of Bell had the power to “give our principles, a peaceful, quiet triumph, and disband the Republican party.”⁷¹⁵ The Douglas and Breckinridge men do not have the necessary strength by themselves, therefore the sensible solution is to unite in supporting Bell’s candidacy, even if the Tennessean stands opposed to squatter sovereignty or the imposition of a territorial slave code. The hopes among Douglas men for a Bell-Douglas union thus never quite got off the ground due to lingering partisanship.

Meanwhile, Constitutional Unionists in the South tried to sway their fellow party members in Indiana to unite with the Douglas Democrats. In a letter to Indianan Andrew H. Davidson, Alexander H. H. Stuart rejoiced at the prospect of Virginia going for Bell in November. The divisions among Democrats intensified in the wake of the Richmond Convention, leaving Bell in a perfect position to gain a plurality. The strength of Douglas in Indiana should incline the few but significant Constitutional Unionists to “throw Indiana for Douglas,” thereby setting a template for conservatives in Ohio, Illinois, and New York to follow. Correspondingly, the Douglas men of Massachusetts, Connecticut, Rhode Island, and New Jersey needed to augment whatever support Bell had in those states and vote for the Tennessean. If both

⁷¹⁵ “Speech Delivered at Macon, Ga., June 30, 1860,” *Senator Benjamin H. Hill of Georgia: His Life, Speeches and Writings*, ed. Benjamin H. Hill Jr., (Atlanta: T. H. P. Bloodworth, 1894): 229-237

groups could only combine on the man with the best chance of carrying the state from Lincoln, the result would be to send the election directly to the House.⁷¹⁶ Kentuckian Blanton Duncan made it his personal mission to unite the Bell and Douglas forces in northern states like Indiana. Duncan arranged to visit Indianapolis in time for the 15 August Constitutional Union Convention where the party planned to nominate state and congressional candidates for the November state election. Notifying state Chairman Davidson of his intentions, the Kentucky Constitutional Unionist also enclosed a copy of the *Louisville Journal*, urging northern Bell and Douglas men to drop their old partisan hatreds for each other and join forces to defeat Lincoln.⁷¹⁷ To Stephen A. Douglas, Duncan wrote more candidly. The object of his visit to the convention of Union men in Indianapolis, he told the Illinois Democrat, was to bring along former Kentucky Governor Morehead and “advise them to run an Electoral Ticket, if it will help you, & not to do so, if it will help Lincoln.”⁷¹⁸

Stuart and Duncan engaged in a little more than wishful thinking, though. Indiana Constitutional Unionists had little intention of joining forces with Douglas or of altering their state ticket to suit southern opinion. W. K. Edwards, for one, could never bring himself to vote for Douglas due to old party antagonisms. “The conduct of the Anti-Lecompton members of the last legislature will forever preclude me from coalescing with the Douglas wing of the Democracy,” he declared in a letter to Indiana Constitutional Union Party Chairman Andrew H. Davidson.⁷¹⁹ “If you have such an idea, exclude it.” This old Whig professed to campaign purely for Bell or not at all.⁷²⁰ Similar criticisms had emerged from

⁷¹⁶ Alexander H. H. Stuart to Andrew H. Davidson, July 26, 1860, Andrew H. Davidson Papers, Indiana State Library.

⁷¹⁷ Blanton Duncan to Andrew H. Davidson, August 13, 1860, *Ibid*.

⁷¹⁸ Blanton Duncan to Stephen A. Douglas, August 14, 1860, Stephen A. Douglas Papers, Box 35, Joseph Regenstein Library, University of Chicago.

⁷¹⁹ Edwards may have referred to how Anti-Lecompton Democrats had joined the rest of the Democratic Party in April 1859 to scuttle a proposed constitutional amendment to oppose granting the vote in Indiana to any non-citizen foreigner. See, Carl Fremont Brand, “The Know Nothing Party in Indiana,” *Indiana Magazine of History* 18 (September 1922): 299-300.

⁷²⁰ W. K. Edwards to Andrew H. Davidson, July 25, 1860, Andrew H. Davidson Papers, Indiana State Library.

Indiana Constitutional Unionist Dennis Gregg, who related the concerns about fusion from the congressional candidates for the party.⁷²¹ Seeking to attract Republican support for their own electoral bids, these men believed that Republicans would abandon their aid should the party formally endorse fusion with the Douglas ticket.

Republicans nervously followed developments in the Hoosier state involving the activities of Bell and Douglas supporters. Illinois Republican and Lincoln campaign manager David Davis received “very encouraging” letters from both Richard W. Thompson and W.K Edwards, which told of speeches the two at-large Bell electors made for Republican gubernatorial candidate Henry Smith Lane. Davis urged Republican Chairman Edwin D. Morgan to allow German-American Carl Schurz to stay in Indiana, now that the state has become “more doubtful than Pennsylvania.”⁷²² The outcome in neighboring Illinois hinged upon Republican success in Indiana. A worried Davis later reported on 28 September from the Republican State Central Committee Rooms in Indianapolis concerning the recent visit of pro-Bell Leslie Combs and Blanton Duncan doing a speaking tour of the state. Combs, whose victory against the Breckinridge candidate for Clerk had elated Kentucky Unionists back in August, joined Duncan with pleas for the fusion and cooperation of the Indiana Bell and Douglas men. These two men bargained with their Indiana counterparts with the arrangement, according to this worried Indiana Republican, “that if they help Elect Douglas in this State, then Douglas followers will help Elect Bell in the Southern States.”⁷²³ Duncan and his associates had literally gambled thousands of dollars each on the outcome of the Indiana election and they played to win.⁷²⁴ Their exertions on behalf of Bell and Douglas against Lincoln had led Davis to admit that “I fear the Bell vote.”⁷²⁵

⁷²¹ Dennis Gregg to Andrew H. Davidson, August 10, 1860, *Ibid.*

⁷²² David Davis to Edwin D. Morgan, September 22, 1860, Edwin D. Morgan Papers, [microfilm], Reel 33, New York State Library.

⁷²³ David Davis to Edwin D. Morgan, September 28, 1860, *Ibid.*

⁷²⁴ See, Blanton Duncan to Stephen A. Douglas, July 14, 1860, Stephen A. Douglas Papers, Box 35, Joseph Regenstein Library, University of Chicago. For more information regarding Blanton’s gambling habits during the 1860 election, see James A. Ramage, *Rebel Raider: The Life of John Hunt Morgan*, (Lexington: The University Press of Kentucky,), 37.

In early October, another prominent pro-Bell Kentuckian lent his name to the cause of fusion in Indiana with the Douglas forces, Senator John J. Crittenden.⁷²⁶ Crittenden took to heart his earlier advice to supporters that there might exist “contingencies [for] which it might possibly be the duty of the Union party to vote for the Democratic candidate.”⁷²⁷ By the beginning of October, one of those contingencies had arrived and Crittenden felt compelled to act. In a public circular dated 2 October, Crittenden declined an opportunity to speak in person to the Bell supporters of New Albany, Indiana, but made his personal wishes known to them. Indiana friends of Bell must put aside any party considerations and cast their votes for Douglas under these trying circumstances, he urged.⁷²⁸ Given the choice between the ex-Whig Lincoln and Democrat Douglas, Crittenden unhesitatingly preferred the latter and so should good Union men in Indiana. In taking such a position, Crittenden exhibited a consistency from the time of the 1858 Illinois U.S. Senate campaign all the way to the 1860 Presidential race. At each opportunity, he weighed in against Lincoln and in favor of his chief Democratic rival in order to build a Union Party against sectional extremism. Though Lincoln did not note this behavior of Crittenden beyond 1858, he hardly could have ignored this pattern of repeated opposition.

Some Indianans found the behavior of the Kentuckians downright offensive. Constitutional Unionist (and Republican ally) Richard W. Thompson grew incensed at the Kentuckians’ insistence upon forcing fusion with the Douglas Democrats in Indiana that he arranged (likely with Republican assistance) the publication of a broadside which assailed this scheme. Writing to “The Conservative Men of Indiana,” Thompson excoriated the Kentucky Unionists like Crittenden for “direct intervention in our domestic

⁷²⁵ David Davis to Edwin D. Morgan, September 28, 1860, Edwin D. Morgan Papers, [microfilm], Reel 33, New York State Library.

⁷²⁶ Blanton Duncan to Andrew H. Davidson, September 30, 1860, Andrew H. Davidson Papers, Indiana State Library.

⁷²⁷ John J. Crittenden to Logan Hunton, April 15, 1860, John Jordan Crittenden Papers, Box 2, David M. Rubenstein Rare Book and Manuscript Library, Duke University.

⁷²⁸ John J. Crittenden to “Gentlemen,” October 2, 1860, Andrew H. Davidson Papers, Indiana State Library. See also, Kenneth M. Stamp, “Kentucky’s Influence Upon Indiana in the Crisis of 1861,” *Indiana Magazine of History* 39 (September 1943): 263-64.

affairs—to manage which, in our own way, they ought to suppose us fully capable.” Conservatism by its very nature encourages the maintenance of the rights of states to govern themselves, he added, something the southern men should know all too well. Asking Whigs to support the Democratic gubernatorial candidate Thomas Hendricks over fellow ex-Whig and now Republican Henry S. Lane was bad enough, but Douglas must have former Whigs consent to vote for him too in order to beat the Republicans in November. Thompson therefore asked, “Can we do that with honor?” Not as long as he and other former Whigs honored their own opposition to Democracy.⁷²⁹ The dictates of partisanship required complete opposition to the Democrats. On the morning when voters went to the polls to elect a new governor, the Know-Nothing *Indiana American* simply scoffed at the effort of Thompson. “Just in time to be too late to do any good or evil Hon. R. W. Thompson favored the public with a long letter,” it sarcastically told its readers. It further charged that Thompson rather inconsistently champions Bell as a Union man, but does not recognize the dangers of a Lincoln (also a former Whig) victory to the integrity of the Union. In the end, the editors of the *Indiana American* viewed the circumlocutions of Thompson as disingenuous at best, mendacious at worst.⁷³⁰

Still, it can be said that the Thompson circular hardly hurt the cause of Lane and the Republicans in the gubernatorial contest. The state elections on 10 October went very poorly for the anti-Republicans in Indiana. Republican gubernatorial candidate Henry S. Lane swept the state with an over 10,000 vote majority against his competitor, Democrat Thomas A. Hendricks. The Constitutional Union men ultimately did not even attempt to field a separate candidate of their own, with Hendricks indeed getting the majority of their votes.⁷³¹ Faced with the likelihood of a Republican triumph in November, Indiana advocates of Bell had to decide whether to field their own ticket or abandon it in favor of fusion. Various

⁷²⁹ Richard W. Thompson, “To the Conservative Men of Indiana,” [c. October 1860], Lilly Library, Indiana University.

⁷³⁰ *Indiana American*, October 10, 1860.

⁷³¹ Charles Zimmerman, “The Origin and Rise of the Republican Party in Indiana from 1854 to 1860,” *Indiana Magazine of History*, (December 1917): 408.

pro-Bell county committees determined to make a final decision within one week of the state election results. Immediately after the state election, Indiana Constitutional Union Chairman Andrew H. Davidson began to receive frantic letters from several “influential Democrats” who sought to combine the state committees of the Bell and Douglas forces to “form a joint Electoral ticket of 5 Bell men & 7 Douglas men.” Fusion with Douglas furnished the only means of averting impending disaster, these Democrats warned.⁷³² In his personal appeal to Davidson, Blanton Duncan recommended fusion at the ratio of 10 Douglas to 3 Bell electors out of consideration for the strength of Douglas in Indiana. Still, he remained open to “any way in which you choose to make it.” Davidson and his fellow Constitutional Unionists had to combine their forces with Douglas and the usual party squabbles over preferment must cease immediately, Duncan argued. But men in the North seemed unwilling to face “the terrible reality which stares us in the face . . . [while] they are hurrying us on to a crisis that will astound them when it comes.”⁷³³

Local Bell and Everett clubs now debated whether to fuse with Douglas during the weekend of 13-14 October, with the Evansville meeting illustrating the general tenor of those discussions. According to one attendee, the gathering there “was large and *alive*.” Though some “nine-tenths” of the members previously voted for Democrat Hendricks in the state election, “to a man they voted against fusion.” Many of those present probably shared the sentiment of this observer who told state Chairman Davidson “that the formation of a joint ticket would send a large majority [of Bell men] into the Rep ranks.”⁷³⁴ W. K. Edwards had earlier stated this very same position and now pressed the Indiana Bell Central Committee to reject fusion. “I am for Mr. Bell alone,” he wrote on 15 October. This Bell supporter then reminded Davidson of the purpose of the Constitutional Union Party to Union men everywhere. This organization “should exist as the nucleus around which the Union men of the Country should rally” and not to aid

⁷³² W. K. Edwards to Andrew H. Davidson, October 15, 1850, Andrew H. Davidson Papers, Indiana State Library.

⁷³³ Blanton Duncan to Andrew H. Davidson, October 13, 1860, *Ibid*.

⁷³⁴ James Blythe to Andrew H. Davidson, October 15, 1860, *Ibid*.

Douglas.⁷³⁵ The next day, the Douglas managers in Indiana witnessed the failure of their efforts: The Bell and Everett men of Indiana had formed a separate ticket in Indianapolis.⁷³⁶ Unable to unite their forces due to lingering partisan resentments, the divided anti-Republican opposition in Indiana limped toward the November election.

News that certain Constitutional Unionists had cozied up to the Republicans in the weeks before the presidential election greatly upset those firmly behind Bell and Everett. Joseph P. Comegys informed John Bell that he believed that the speeches of Constitutional Unionists like Henry Winter Davis of Maryland and Richard W. Thompson in favor of Lincoln had a “prejudicial effect upon you.” The combined force of these speeches falsely “assured” northerners and even some southerners that “the world would not come to an end” in the event of a Lincoln election.⁷³⁷ For example, in one speech given on 27 September by Davis, the Maryland Constitutional Unionist stressed the similarities between the slaveholding Bell and the antislavery Lincoln. He therefore implored his fellow Marylanders to give either Bell or Lincoln their support if elected. Emphasizing the essential harmony between the former Whigs, Davis encouraged the dissolution of partisan barriers between Constitutional Unionists and Republicans. Lincoln was no radical and held a position on slavery similar to Henry Clay during the debates over the Compromise of 1850.⁷³⁸ It did not take long for Constitutional Unionists newspapers to question the intended message of the speech as “A Lincoln pronunciamento in Bell clothing, or rather an eccentric Republican sheep with a Union Bell on its neck.”⁷³⁹ John P. Kennedy distrusted those Republicans who

⁷³⁵ W. K. Edwards to Andrew H. Davidson, October 15, 1860, *Ibid.*

⁷³⁶ See, for instance, the Bell ticket with list of electors filed within the Andrew H. Davidson Papers, Indiana State Library.

⁷³⁷ Joseph P. Comegys to John Bell, November 12, 1860, Polk and Yeatman Family Papers, Southern Historical Collection, Wilson Library, University of North Carolina. Almost two months earlier, a Cincinnati newspaper labeled the conduct of Thompson in Indiana toward his fellow Bell supporters “treasonous.” *Cincinnati Times*, September 15, 1860.

⁷³⁸ Ollinger Crenshaw, *The Slave States in the Presidential Election of 1860*, (Baltimore: Johns Hopkins University Press, 1945, rpr. 1969), 117.

⁷³⁹ *Baltimore American*, October 1, 1860, quoted in *Ibid.*, 118.

“were importunate, in their solicitations to us of the Union party to suspend our nominations and wait to coalesce with them, after the Chicago candidate should be brought into the field.” But Kennedy did not wish to follow the Republicans. “Our aim is to elect Bell and Everett, and the course we pursue is the only possible and, I hope, as it may turn out, the perfectly certain mode of accomplishing that object,” he explained to Robert C. Winthrop. If not through the Electoral College, Kennedy and the Constitutional Unionists expected “then to elect them in the manner pointed out by the Constitution in that contingency.”⁷⁴⁰

Kennedy did not have to worry about putting his plan into action. Despite the actions of the Unionists, Republicans carried a majority of the Electoral College and Lincoln would be the next President. In a silver lining for the Constitutional Unionists, they performed far better in the Upper South than Millard Fillmore had in 1856, winning Virginia, Kentucky, and Tennessee, though narrowly losing Maryland. In Georgia, Louisiana, North Carolina, the difference between Bell and Breckinridge represented less than five percentage points each. Indeed, a fusion of Bell and Douglas would have won the state for Bell. Still, however positive one chooses to regard the performance of Bell in the South, his strength in the Lower North contrasted negatively with that of Fillmore. The selection of Bell had been predicated on his ability to win over former Whigs in tariff-happy Pennsylvania as well as receive a substantial following among the conservative Whigs of Indiana. In neither state did Bell receive more than three percent of the total vote, whereas Fillmore had earned almost eighteen percent in Pennsylvania and almost ten percent in Indiana. The strategy to concentrate on the states along the border had only managed success in the South. Democrats proved even less interested in joining a Whig-dominated Union Party than they had in 1850.

The failure of the Union Party movement, despite the attempts to revive it periodically throughout the 1850s owed much ironically to the power of party attachments. The difficulty in overcoming the loyalty that many Americans felt to their parties impeded the progress of the Constitutional Union

⁷⁴⁰ John P. Kennedy to Robert C. Winthrop, October 20, 1860, Winthrop Family Papers, [microfilm], Reel 29, Massachusetts Historical Society.

movement across that decade, along with the active opposition taken by the other parties to prevent its formation and growth. The history of the Constitutional Unionists, therefore, cannot be told exclusively in reference to the thoughts and actions of its adherents. In truth, these men did not fully control their own destinies. Operating within a federal republic, Constitutional Unionists found it far easier to generate local and state organization than to create a national party structure strong enough to compete with other parties. The mistake of the Constitutional Unionists in 1850, repeated throughout the existence of this movement, was the belief that one could alter the partisan landscape of American politics through independent action – forming a third party. In fact, the secessionists of 1861 succeeded precisely because they managed to control the southern wing of the Democratic Party from within. William L. Yancey and his fire-brand allies changed their strategy over the course of the 1850s from interest in a broad Southern-Rights Party independent of the old parties to a desire to obtain their goals through party action. They recognized how strong southerners traditional attachment to the Democratic Party was and rather than fight it—they finally joined it. The Constitutional Unionists, however, pressed for a different politics altogether. Advocating a return to a pre-partisan era of statesmanship, they tried with little success to influence the American public to rebel against the dictates of party loyalty. Though Americans habitually express their discontent in how their political system works, they seldom embrace significant changes to it. Perhaps this failure to understand this lesson marks the greatest failure of the Constitutional Unionists, a failure which culminated in civil war.

Bibliography

Manuscripts

Alabama Department of Archives and History, Montgomery, Alabama

Dellet Family Papers
Bolling Hall Family Papers
William R. King Papers
Olivia La Vert Diary
Henry Semple Papers

Albert and Sidney Small Special Collections, University of Virginia, Charlottesville, Virginia

Burwell Family Papers
Dana Family Papers
Duke and Slaughter Families Papers
Letters to Robert Thruston Hubbard
William C. Rives Letter, 1856
Alexander H. H. Stuart Papers
Stuart-Baldwin Family Papers
Edward Peyton Synco Letter

Archives and Special Collections, Penrose Library, State University of New York, Oswego, New York

Millard Fillmore Papers [Microfilm]

Archives and Special Collections, University of Mississippi, Oxford, Mississippi

John A. Anderson Papers
Charles Nunnally Dean Jr. Collection [Online]

Charleston Museum Library, Charleston, South Carolina

John Bachman Letters

Center for American History, University of Texas, Austin, Texas

Thomas J. Rusk Papers

Connecticut Historical Society, Hartford, Connecticut

Gideon Welles Papers
Isaac Toucey Letter

David M. Rubenstein Rare Book & Manuscript Library, Duke University, Durham, North Carolina

Alexander R. Boteler Papers
John J. Crittenden Papers
Herschel V. Johnson Papers [Letterbooks]
Nathaniel Niles Papers

Alexander H. Stephens Papers

Department of Rare Books and Special Collections, Firestone Memorial Library, Princeton University, Princeton, New Jersey

Andre DeCoppet Collection

Filson Historical Society, Louisville, Kentucky

Breckinridge-Marshall Papers

Norvin Green Papers

Jacob-Johnson Family Papers

Humphrey Marshall Papers

James Speed Letter

Thomas Todd Papers

Felix Zolicoffer Letter

Historical Society of Pennsylvania, Philadelphia, Pennsylvania

Lewis S. Coryell Papers

Indiana Historical Society, Indianapolis, Indiana

John J. Hayden Papers

Indiana State Library, Indianapolis, Indiana

Schuyler Colfax Papers

Andrew H. Davidson Papers

John C. Hodges Library Special Collections, University of Tennessee, Knoxville, Tennessee

William G. Brownlow Papers

Kansas-Nebraska Act Letter

Joseph Regenstein Library, University of Chicago, Chicago, Illinois

William E. Barton Collection of Lincolniana: Lincoln Miscellaneous Manuscripts, 1587-1924

Stephen A. Douglas Papers

Library of Virginia, Richmond, Virginia

Tazewell Family Papers

Lilly Library, Indiana University, Bloomington, Indiana

Henry S. Lane Papers

“To the Conservative Men of Indiana” [Political Broadside]

Louisiana and Lower Mississippi Valley Collections, Louisiana State University Libraries, Baton Rouge, Louisiana

E. John Ellis Diary [Microfilm]

E. John, Thomas C. W. Ellis and Family Papers [Microfilm]

William L. Marcy Letter, 1857

Charles Sumner Letter, 1854

Manhattanville College of the Sacred Heart Library Special Collections, Purchase, New York

Alexander H. Stephens Papers [Microfilm]

Manuscript, Archives, and Rare Book Library, Emory University, Atlanta, Georgia

Georgia Political Leaders Autograph Collection, 1782-1940

Manuscript Division, Library of Congress, Washington, District of Columbia

William Allen Papers

John Bell Papers [Microfilm]

Blair Family Collection [Addition]

Edmund Burke Papers

William M. Burwell Papers

Andrew J. Donelson Papers [Microfilm]

Millard Fillmore Papers

Georgia Miscellaneous Manuscripts

Joshua R. Giddings-George Washington Julian Papers

Francis and Gideon Granger Papers

Whiting Griswold Papers

Joshua Leavitt Papers

Abraham Lincoln Papers (Robert T. Lincoln Collection) [Digital Edition]

William L. Marcy Papers

Charles James McDonald Letters

New Mexico Miscellaneous Manuscripts

Philip Phillips Papers

Alexander H. Stephens Papers [Microfilm]

Whitemarsh Seabrook Papers

Zachary Taylor Papers [Microfilm]

Gideon Welles Papers [Addition]

David Wilmot Papers

Maryland Historical Society, Baltimore, Maryland

James Alfred Pearce Papers

Massachusetts Historical Society, Boston, Massachusetts

Edward Everett Papers [Microfilm]

John O. Sargent Papers

Winthrop Family Papers [Microfilm]

McCain Library, University of South Mississippi, Hattiesburg, Mississippi

Alexander M. Jackson Papers

Mississippi Department of Archives and History, Jackson, Mississippi

John J. McCrae Papers

New York Historical Society, New York, New York
Miscellaneous Manuscripts: D. S. Dickinson
Gilder Lehrman Collection (GLC0367802, GLC04320)

New York State Library, Albany, New York
Daniel D. Barnard Papers
Millard Fillmore Miscellaneous Manuscripts
Edwin D. Morgan Papers [Microfilm]

Newberry Library, Chicago, Illinois
Daniel S. Dickinson Papers

Research Center, Chicago History Museum, Chicago, Illinois
John R. Munn Diary

South Caroliniana Library, University of South Carolina, Columbia, South Carolina
John Bachman Letter
Gaston, Strait, Wylie, and Baskin Families Papers
Isaac Hayne Papers
Cleland Huger Papers
William E. Johnson Papers
Waddy Thompson Papers

Southern Historical Collection, Wilson Library, University of North Carolina, Chapel Hill, North Carolina
Battle Family Papers
John Bragg Papers
William M. Byrd Papers
Mitchell King Papers
David Outlaw Papers
Diary of Benjamin Franklin Perry
Polk and Yeatman Family Papers
Robert Barnwell Rhett Papers
Benjamin C. Yancey Papers

Special Collections Library, University of Kentucky, Lexington, Kentucky
Boyd Family Papers [Microfilm]

Special Collections Library, University of Washington, Seattle, Washington
Isaac I. Stevens Papers [Microfilm]

Special Collections and University Archives, Grand Valley State University, Allendale, Michigan
Nathan Sargent Papers

Texas State Library and Archives, Austin, Texas

Governors' Correspondence: Bell, 1849-1853

University Archives, State University of New York, Buffalo, New York
Millard Fillmore Papers

Van-Pelt-Dietrich Library, University of Pennsylvania, Philadelphia, Pennsylvania
Robert Montgomery Bird Papers

Virginia Historical Society, Richmond, Virginia
Gatewood Family Papers

William L. Clements Library, University of Michigan, Ann Arbor, Michigan
Solomon G. Haven Papers

Yale University Collection of Western Americana, Beinecke Library, Yale University, New Haven, Connecticut
James S. Calhoun Letters, 1850
Henry S. Foote Letter

Newspapers

Albany (Georgia) Patriot
Alexandria (Louisiana) Constitutional
Athens (Georgia) Southern Banner
Baltimore Sun
Bangor Daily Whig and Courier
Boston Daily Atlas
Charleston Mercury
Chicago Tribune
Cincinnati Times
Fayetteville (North Carolina) Observer
Florence (Alabama) Gazette
Floridian (Tallahassee) and Journal
Greenville (South Carolina) Mountaineer
Indiana (Indianapolis) American
Jackson (Mississippi) Flag of the Union
Jackson Mississippian
Jacksonville (Alabama) Republican
Louisville Daily Courier
Macon Georgia Telegraph
Milledgeville Federal Union
Milledgeville Southern Recorder
Milwaukee Sentinel and Gazette
D.C. National Intelligencer
New Hampshire (Concord) Patriot and State Gazette
New York Express

New York Herald
New York Times
New Orleans Crescent
New Orleans Picayune
North American and United States Gazette (Philadelphia)
Northern Standard (Clarksville, Texas)
Ohio (Columbus) Statesman
Savannah Daily Morning News
Trenton State Gazette
The Union Guard
Vermont (Burlington) Patriot
Wisconsin (Milwaukee) Democrat

Legislative Journals or Documents

Acts and Resolves Passed by the Legislature of Wisconsin in the Year 1849
Congressional Globe and Appendix 30th Congress-35th Congress
House of Delegates Documents, 1850 (Virginia)
Journal of New Mexico Convention of Delegates to Recommend a Plan of Civil Government, September 1849
Texas House Journal, 3rd Legislature
Texas Senate Journal, 3rd Legislature (Extra Session)

Journals

John Barnwell, ed., “‘In the Hands of the Compromisers’: Letters of Robert W. Barnwell to James H. Hammond,” *Civil War History* 29 (June 1983): 154-168.

W. G. Bean, “John Letcher and the Slavery Issue in Virginia's Gubernatorial Contest of 1858-1859,” *The Journal of Southern History* 20 (February 1954): 22-49.

Sara B. Bearss, “Henry Clay and the American Claims against Portugal, 1850,” *The Journal of the Early Republic* 7 (Summer 1987): 167-180.

John David Bladek, “‘Virginia Is Middle Ground’: The Know Nothing Party and the Virginia Gubernatorial Election of 1855,” *The Virginia Magazine of History and Biography* 106 (Winter 1998): 35-70.

Robert L. Bloom, “Morton McMichael's ‘North American,’” *The Pennsylvania Magazine of History and Biography* 77 (April 1953): 164-180.

Lois Foster Blount, “A Brief Study of Thomas J. Rusk Based on His Letters to His Brother, David, 1835-1856, II,” *The Southwestern Quarterly* 34 (April 1931): 271-292.

Joseph Borome, “Two Letters of Robert Charles Winthrop,” *The Mississippi Valley Historical Review* 38 (September 1951): 289-296.

Carl Fremont Brand, "The Know Nothing Party in Indiana," *Indiana Magazine of History* 18 (September 1922): 266-306.

R[obert] P[reston] Brooks, ed., "Howell Cobb Papers," *Georgia Historical Quarterly* 5 (June, September, December 1921): 29-52, 35-55, 43-64.

_____, "Howell Cobb Papers," *Georgia Historical Quarterly* 6 (March, June 1922): 35-84, 147-173.

James H. Broussard, "Some Determinants of Know-Nothing Electoral Strength in the South, 1856," *Louisiana History* 7 (Winter 1966): 5-20.

Norman Brown, "Webster-Jackson Movement for a Constitution and Union Party in 1833," *Mid-America* 46 (July 1964): 147-71.

Richard H. Brown, "The Missouri Crisis, Slavery, and the Politics of Jacksonianism," *South Atlantic Quarterly* 65 (Winter 1966): 55-72.

Thomas E. Carney, "The Political Judge: Justice John McLean's Pursuit of the Presidency," *Ohio History* 111 (Summer-Autumn 2002): 121-44.

Marius M. Carriere, Jr., "Anti-Catholicism, Nativism, and Louisiana Politics in the 1850s," *Louisiana History* 35 (Autumn 1994): 455-474.

Betty Carolyn Congelton, "George D. Prentice and Bloody Monday: A Reappraisal," *The Register of the Kentucky Historical Society* 63 (July 1965): 218-239.

Merle Curti, "Isaac Walker: Reformer in Mid-Century Politics," *Wisconsin Magazine of History*, 34 (Autumn 1950): 3-6, 58-62.

Ralph B. Draughon Jr., "George Smith Houston and Southern Unity, 1846-1849," *Alabama Review* 19 (July 1966): 187-207.

Herbert D. Foster, "Webster's Seventh of March Speech and the Secession Movement, 1850," *American Historical Review* 27 (January 1922): 245-70.

William W. Freehling, "Spoilsmen and Interests in the Political Thought of John C. Calhoun," *The Journal of American History*, 52 (June 1965): 27-42.

William E. Gienapp, "Nativism and the Creation of a Republican Majority in the North Before the Civil War," *The Journal of American History* 72 (December 1985): 529-559.

_____, "The Whig Party, the Compromise of 1850, and the Nomination of Winfield Scott," *Presidential Studies Quarterly* 14 (Summer 1984): 399-415.

Holman Hamilton and James L. Crouthamel, "A Man for Both Parties: Francis J. Grund as Political Chameleon," *The Pennsylvania Magazine of History and Biography* 97 (October 1973): 465-484.

Cleo Hearon, "Mississippi and the Compromise of 1850," *Publications of the Mississippi Historical Society*, XIV, (1914): 7-229.

William S. Hitchcock, "The Limits of Southern Unionism: Virginia Conservatives and the Gubernatorial Election of 1859," *The Journal of Southern History* 47 (February 1981): 57-72.

Temple R. Hollcroft, ed., "A Congressman's Letters on the Speaker Election in the Thirty-fourth Congress," *The Mississippi Valley Historical Review* 43 (December 1956): 444-458.

James L. Huston, "Southerners Against Secession: The Arguments of the Constitutional Unionists in 1850-51," *Civil War History* 46 (December 2000): 281-299.

Jeffrey A. Jenkins and Thomas P. Nokken, "The Institutional Origins of the Republican Party: Spatial Voting and the House Speakership Election of 1855-56," *Legislative Studies Quarterly* XXV (February 2000): 101-130.

_____ and Irwin L. Morris, "Running to Lose?: John C. Breckinridge and the Presidential Election of 1860," *Electoral Studies* 25 (2006): 306-328.

Jack Kelly, "John J. Crittenden and the Constitutional Union Party," *The Filson Club Historical Quarterly* 48 (July 1974): 265-276.

Thomas Maitland Marshall, ed., "Diary and Memoranda of William L. Marcy, 1849-1851," *American Historical Review*, 24 (April 1919): 444-462.

Mamie Meredith, "'Hards' and 'Softs' in American Politics," *American Speech* 5 (June 1930): 408-413.

John V. Mering, "The Constitutional Union Campaign of 1860: An Example of the Paranoid Style," *Mid-America* 15 (April-July 1978): 95-106.

Roy F. Nichols, "The Kansas-Nebraska Act: A Century of Historiography," *Mississippi Valley Historical Review* 43 (September 1956), 187-212.

_____, "The Library: The Mystery of the Dallas Papers" (Part II), *Pennsylvania Magazine of History and Biography* 74 (October 1949): 475-517.

No author, "The Diary of Sidney George Fisher, 1858," *The Pennsylvania Magazine of History and Biography* 87 (January 1963): 63-88.

No author, "Missouri in the 1860 Campaign: Correspondence of Thomas C. Reynolds," *Moorsfield Antiquarian* 1 (November 1937): 179-190.

No author, "Samuel S. Phelps." *American Whig Review* 12 (July 1850): 93-98.

No author, "Some Letters of Jesse D. Bright to William H. English (1842-1863)," *Indiana Magazine of History* 30 (December 1934): 370-392.

No author, "Some Letters to John G. Davis, 1857-1860," *Indiana Magazine of History* 24 (September 1928): 201-213.

No author, "Some Papers of Franklin Pierce, 1852-1862," *The American Historical Review* 10 (October 1904): 110-127.

George Thomas Palmer, ed., "A Collection of Letters from Lyman Trumbull to John M. Palmer, 1854-1858," *Journal of the Illinois State Historical Society* 16 (April-July 1923): 20-41.

Philip S. Paludan, "The Civil War Considered as a Crisis of Law and Order," *The American Historical Review* 77 (October 1972): 1013-1034.

Joseph G. Rayback, "Martin Van Buren's Desire for Revenge in the Campaign of 1848," *The Mississippi Valley Historical Review* 40 (March 1954): 707-716.

Philip Morrison Rice, "The Know-Nothing Party in Virginia, 1854-1856," *The Virginia Magazine of History and Biography* 55 (January 1947): 61-75.

Robert R. Russel, "What Was the Compromise of 1850?" *The Journal of Southern History* 22 (August 1956): 292-309.

St. George L. Sioussat, ed., "Letters of John Bell to William B. Campbell, 1839-1857," *Tennessee Historical Magazine* 3 (December 1917): 201-227.

_____, "Selected Letters, 1846-1856, from the Donelson Papers," *Tennessee Historical Magazine* 3 (December 1917): 257-291.

_____, "Tennessee, the Compromise of 1850, and the Nashville Convention," *Mississippi Historical Valley Review* 3 (December 1915): 313-347.

Kenneth M. Stampp, "Kentucky's Influence Upon Indiana in the Crisis of 1861," *Indiana Magazine of History* 39 (September 1943): 263-276.

_____, "The Concept of Perpetual Union," *Journal of American History* 65 (June 1978): 5-33.

Jerry L. Tarver, "The Political Clubs of New Orleans in the Presidential Election of 1860," *Louisiana History* 4 (Spring 1963): 119-129.

Jon L. Wakelyn, "Party Issues and Political Strategy of the Charleston Taylor Democrats of 1848," *The South Carolina Historical Magazine* 73 (April 1972): 72-86.

Dale E. Watts, "How Bloody Was Bleeding Kansas?: Political Killings in Kansas Territory, 1854-1861," *Kansas History* 18 (Summer 1995): 116-129.

Charles Zimmerman, "The Origin and Rise of the Republican Party in Indiana from 1854 to 1860," *Indiana Magazine of History* 8 (December 1917): 349-412.

Books and Pamphlets

Glenn Altschuler and Stuart Blumin, *Rude Republic: Americans and Their Politics in Nineteenth Century America*, Princeton: Princeton University Press, 2001.

Tyler Anbinder, *Nativism and Slavery: Northern Know Nothings and the Politics of the 1850s*, New York: Oxford University Press, 1992.

John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic*, 2 vols., New York: Cambridge University Press, 1996-2007.

Jean H. Baker, *James Buchanan: The American Presidents Series, The 15th President, 1857-1861*, New York: Times Books, 2004.

Irving H. Bartlett, *Daniel Webster*, New York: W. W. Norton & Company, 1978.

K. Jack Bauer, *Zachary Taylor: Soldier, Planter, Statesman of the Old Southwest*, Baton Rouge: Louisiana State University Press, 1985.

[Thomas Hart Benton], *Thirty Years View: A History of the Working of the American Government for Thirty Years, 1820-1850*, 2 vols., New York: D. Appleton and Co., 1873.

Frederick J. Blue, *The Free Soilers: Third Party Politics, 1848-1854*, Urbana: University of Illinois Press, 1973.

Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law*, Chapel Hill: The University of North Carolina Press, 1970.

Gerald M. Capers, *Stephen A. Douglas: Defender of the Union*, Boston: Little, Brown, 1959.

Anthony G. Carey, *Parties, Slavery, and the Union in Antebellum Georgia*, Athens: The University of Georgia Press, 1997.

Mark R. Cheatham, *Old Hickory's Nephew: The Political and Private Struggles of Andrew Jackson Donelson*, Baton Rouge: Louisiana State University Press, 2007.

Christopher Childers, *The Failure of Popular Sovereignty: Slavery, Manifest Destiny, and the Radicalization of Southern Politics*, Lawrence: The University Press of Kansas, 2012.

Arthur C. Cole, *The Whig Party of the South*, Washington D.C.: The American Historical Association, 1913.

Robert J. Cook, *Civil War Senator: William Pitt Fessenden and the Fight to Save the American Republic*, Baton Rouge: Louisiana State University Press, 2011.

William J. Cooper, *Jefferson Davis, American*, New York: Alfred A. Knopf, 2000.

_____, *The South and the Politics of Slavery, 1828-1856*, Baton Rouge: Louisiana State University, 1978.

Ollinger Crenshaw, *The Slave States in the Presidential Election of 1860*, Baltimore: Johns Hopkins University Press, 1945, rpr. 1969.

George Ticknor Curtis, *The Life of James Buchanan, Fifteenth President of the United States*, New York: Harper & Brothers, 1883.

_____, *The Life of Daniel Webster*, 2 vols., New York: D. Appleton & Co., 1870.

Robert F. Dalzell Jr., *Daniel Webster and the Trial of American Nationalism, 1843-1852*, Boston: Houghton Mifflin Company, 1973.

Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S.-Mexican War*, New Haven: Yale University Press, 2008.

Susan Bulitt [Mrs. Archibald] Dixon, *The True History of the Missouri Compromise and Its Repeal*, Cincinnati: The Robert Clarke Company, 1899.

Lewy Dorman, *Party Politics in Alabama from 1850 through 1860*, Tuscaloosa: The University of Alabama Press, 1935, rpr. 1995.

Jonathan H. Earle, *Jacksonian Antislavery and the Politics of Free Soil, 1824-1854*, Chapel Hill: University of North Carolina Press, 2004.

Max Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State*, New York: Oxford University Press, 2003.

Richard E. Ellis, *The Union at Risk: Jacksonian Democracy, States' Rights and the Nullification Crisis*, New York: Oxford University Press, 1987.

Don Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics*, New York: Oxford University Press, 1978.

Hamilton Fish and James A. Hamilton, *Fremont, the Conservative Candidate*, n.p., 1856.

Percy Scott Flippin, *Herschel V. Johnson: States-Rights Unionist*, Richmond, VA: Dietz Publishing, 1931.

Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War*, New York: Oxford University Press, 1970, rpr. 1995.

Henry S. Foote, *Casket of Reminiscences*, Washington D. C.: Chronicle Publishing Co., 1874.

William W. Freehling, *Road to Disunion, Volume I: Secessionists at Bay, 1776-1854*, New York: Oxford University Press, 1991.

_____, *Road to Disunion, Volume II: Secessionists Triumphant, 1854-1861*, New York: Oxford University Press, 2007.

Llerena Friend, *Sam Houston: The Great Designer*, Austin: University of Texas Press, 1954.

Paul R. Frothingham, *Edward Everett: Orator and Statesman*, Boston: Houghton Mifflin Company, 1925.

Claude M. Fuess, *The Life of Caleb Cushing*, 2 vols., New York: Harcourt, Brace, and Company, 1923.

William E. Gienapp, *The Origins of the Republican Party, 1852-1856*, New York: Oxford University Press, 1987.

John Goode, *Recollections of a Lifetime*, New York: Neale Publishing Co, 1906.

[Horace Greeley and John F. Cleveland], *The Tribune Almanac for the Years 1838 to 1868 Inclusive*, 2 vols., New York: The New York Tribune, 1868.

_____, *The American Conflict: A History of the Rebellion in the United States of America, 1860-'65*, 2 vols., Chicago: O. D. Case & Company, 1865.

Michael S. Green, *Politics and America in Crisis: The Coming of the Civil War*, Santa Barbara, CA: ABC-CLIO, 2010.

David Grimsted, *American Mobbing, 1828-1861: Toward Civil War*, New York: Oxford University Press, 2003.

Robert Gray Gunderson, *The Log-Cabin Campaign*, Lexington: The University of Kentucky Press, 1957.

James P. Hambleton, *A History of the Political Campaign in Virginia in 1855, with a Biographical Sketch of Henry A. Wise*, Richmond: J. W. Randolph, 1856.

Holman Hamilton, *Prologue to Conflict: The Crisis of the Compromise of 1850*, Lexington: University of Kentucky Press, 1964, rpr. 2005.

_____, *Zachary Taylor: Soldier in the White House*, New York: The Bobbs-Merill Company, 1951.

Edward J. Harden, *The Life of George M. Troup*, Savannah, Georgia: E. J. Purse, 1859.

David S. Heidler and Jeanne T. Heidler, *Henry Clay: The Essential American*, New York: Random House, 2010.

David C. Hendrickson, *Peace Pact: The Lost World of the American Founding*, Lawrence: The University Press of Kansas, 2003.

_____, *Union, Nation, or Empire: The American Debate over International Relations, 1789-1941*, Lawrence: The University Press of Kansas, 2009.

Richard Hofstadter, *The Idea of a Party System: The Rise of Legitimate Opposition in the United States, 1780-1840*, Berkeley: University of California Press, 1970.

Michael F. Holt, *Franklin Pierce: The American Presidents Series: The 14th President, 1853-1857*, New York: Times Books, 2010.

_____, *The Political Crisis of the 1850s*, New York: W. W. Norton, 1978.

_____, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Coming of the Civil War*, New York: Oxford University Press, 1999.

Thomas E. Jeffrey, *Thomas Lanier Clingman*, Chapel Hill: University of North Carolina, 1998.

Thelma Jennings, *The Nashville Convention: Southern Movement for Unity, 1848-1851*, Chapel Hill: University of North Carolina, 1980.

Robert W. Johannsen, *Stephen A. Douglas*, New York: Oxford University Press, 1973.

Lilian Kibler, *Benjamin F. Perry: South Carolina Unionist*, Chapel Hill: University of North Carolina Press, 1946.

Philip S. Klein, *President James Buchanan: A Biography*, University Park: The Pennsylvania State University Press, 1962.

Willard C. Klunder, *Lewis Cass and the Politics of Moderation*, Kent, OH: Kent State University Press, 1996.

Peter Knupfer, *The Union As It Is: Constitutional Unionism and Sectional Compromise, 1787-1861*, Chapel Hill: University of North Carolina Press, 1991.

Albrecht Koschnik, *"Let a Common Interest Bind Us Together": Associations, Partisanship, and Culture in Philadelphia, 1775-1840*, Charlottesville: University of Virginia Press, 2007.

Bruce Laurie, *Beyond Garrison: Antislavery and Social Reform*, New York: Cambridge University Press, 2005.

John Hancock Lee, *The Origin and Progress of the American Party*, Philadelphia: Elliott & Gihon, 1855.

Stephen E. Maizlish, *The Triumph of Sectionalism: The Transformation of Ohio Politics, 1844-1856*, Kent, Ohio: Kent State University Press, 1983.

James C. Malins, *The Nebraska Question*, Lawrence, Kansas: Privately Printed, 1953.

Earl M. Maltz, *Slavery and the Supreme Court, 1825-1861*, Lawrence: University Press of Kansas, 2009.

Robert E. May, *John A. Quitman: Old South Crusader*, Baton Rouge: Louisiana University Press, 1985.

John McCardell, *The Idea of a Southern Nation*, New York: W. W. Norton & Co., 1979.

Michael A. Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War*, Chapel Hill: University of North Carolina Press, 1997.

Jerome Muskat, *Tammany: The Evolution of a Political Machine*, Syracuse: Syracuse University Press, 1971.

Allan Nevins, *Ordeal of the Union: Fruits of Manifest Destiny, 1847-1852*, New York: Scribner, 1947.

_____, *Ordeal of the Union: A House Dividing, 1852-1857*, New York: Scribner, 1947.

Roy F. Nichols, *The Democratic Machine, 1850-1854*, New York: AMS Press, 1923, rpr. 1967.

_____, *Franklin Pierce: Young Hickory of the Granite Hills*, Philadelphia: The University of Pennsylvania Press, 1931, rpr. 1959.

No author, *The Address and Proceedings of the Friends of Daniel Webster, Assembled in Faneuil Hall, Wednesday, September 15th, 1852, in Mass Convention*, Boston: James French, 1852.

No author, *Old Line Whigs for Buchanan and Breckinridge: Letters from the Hon. James Alfred Pearce and Hon. Thomas G. Pratt of Maryland to the Whigs of Maryland*, n. p., 1856.

No author, *Proceedings of the Democratic National Convention, held at Baltimore, June 1-5, 1852, for the nomination of candidates for president and vice president of the United States*, Washington D. C.: R. Armstrong, 1852.

No author, *The Proceedings of Two Meetings, Held in Boston, on the 7th & 14th of July, to Protest Against the Nomination of Gen. Scott, for the Presidency, and to Recommend Hon. Daniel Webster for That Office*, Boston: Preston & Sawyer, 1852.

Peter C. Onuf and Nicholas G. Onuf, *Nations, Markets, and War: Modern History and the American Civil War*, Charlottesville: University of Virginia Press, 2006.

W. Darrell Overdyke, *The Know Nothing Party of the South*, Baton Rouge: Louisiana State University Press, 1950, rpr. 1968.

James A. Ramage, *Rebel Raider: The Life of John Hunt Morgan*, Lexington: The University Press of Kentucky, 1986.

Joseph Parks, *John Bell of Tennessee*, Baton Rouge: Louisiana State University Press, 1954.

David M. Potter, *The Impending Crisis: 1848-1861*, ed. Don Fehrenbacher, New York: Harper and Row, 1977.

George Rable, *The Confederate Republic: A Revolution Against Politics*, Chapel Hill: University of North Carolina Press, 1994.

Joseph G. Rayback, *Free Soil: The Election of 1848*, Lexington: University Press of Kentucky, 1970.

Robert J. Rayback, *Millard Fillmore: Biography of a President*, Buffalo: Henry Stewart, 1959.

Robert V. Remini, *At the Edge of the Precipice: Henry Clay and the Compromise That Saved the Union*, New York: Basic Books, 2010.

James Ford Rhodes, *History of the United States from the Compromise of 1850*, 7 vols., New York: Harper & Brothers, 1893-1906.

Leonard Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860*, Baton Rouge: Louisiana State University Press, 2000.

Thomas Ritchie, *Thomas Ritchie's Letter, Containing Reminiscences of Henry Clay and the Compromise*, Richmond, VA: n.p., 1852.

[John A. Rockwell], *States vs. Territories: A True Solution of the Territorial Question by an Old Line Whig*, n.p. August 15, 1860.

Rooms of the National Executive Committee [Constitutional Union Party], *A Calm Appeal to the Friends of American Industry, Especially in the States of Pennsylvania and New Jersey*, Washington D. C.: Rooms National Executive Committee, August 20, 1860.

Jonathan M. Sacher, *A Perfect War of Parties: Parties, Politicians, and Democracy in Louisiana, 1824-1861*, Baton Rouge: Louisiana State University, 2004.

Thomas E. Schott, *Alexander Stephens of Georgia: A Biography*, Baton Rouge: Louisiana State University Press, 1988.

William G. Shade, *Democratizing the Old Dominion, Virginia and the Second Party System, 1824-1861*, Charlottesville: University of Virginia Press, 1996.

Joel H. Silbey, *The American Political Nation, 1838-1893*, Palo Alto: Stanford University Press, 1994.

_____, *Party over Section: The Rough and Ready Presidential Election of 1848*, Lawrence: University Press of Kansas, 2009.

Craig M. Simpson, *A Good Southerner: The Life of Henry A. Wise*, Chapel Hill: University of North Carolina Press, 1985.

Adam I. P. Smith, *No Party Now: Politics in the Civil War North*, Oxford, Oxford University Press, 2006.

Willard Harvey Smith, *The Life and Times of Schuyler Colfax*, Indianapolis: Indiana Historical Bureau, 1952.

Kenneth M. Stampp, *America in 1857: A Nation on the Brink*, New York: Oxford University Press, 1990.

Henry Brewster Stanton, *Random Recollections*, Johnstown, New York: Blunk & Leaning, 1886.

Mark J. Stegmaier, *Texas, New Mexico, and the Compromise of 1850: Boundary Dispute and Sectional Crisis*, Kent, OH: Kent State University Press, 1996.

Alexander H. Stephens, *A Constitutional View of the Late War Between the States*, 2 vols., Philadelphia: National Publishing Company, 1870.

Lester D. Stephens, *Science, Race, and Religion in the American South: John Bachman and the Charleston Circle of Naturalists, 1815-1895*, Chapel Hill: The University of North Carolina Press, 2000.

Union Safety Committee, *Proceedings of the Union Meeting Held at Castle Garden, October 30, 1850*, New York: Union Safety Committee, 1850.

Glyndon Van Deusen, *The Life of Henry Clay*, Boston: Little, Brown, 1937.

Elizabeth R. Varon, *Disunion: The Coming of the Civil War Era, 1789-1859*, Chapel Hill: University of North Carolina, 2008.

Mark Voss-Hubbard, *Beyond Party: Cultures of Antipartisanship in Northern Politics Before the Civil War*, Baltimore: Johns Hopkins University Press, 2002.

David Waldstreicher, *In the Midst of Perpetual Fetes: The Making of American Nationalism, 1776-1820*, Williamsburg: Omohundro Institute of Early American History and Culture, 2007.

Eric H. Walther, *The Shattering of the Union: America in the 1850s*, Lanham, MD: Rowan & Littlefield, 2004.

_____, *William Lowndes Yancey and the Coming of the American Civil War*, Chapel Hill: University of North Carolina Press, 2006.

William A. Watson, *Notes on Southside Virginia*, Baltimore: Genealogical Publishing, 1925, rpr. 2003.

Thurlow Weed, *Life of Thurlow Weed Including His Autobiography and a Memoir*, ed. Thurlow Weed Barnes, 2 vols., New York: Houghton-Mifflin, 1883.

Robert C. Winthrop Jr., *A Memoir of Robert C. Winthrop*, Boston: Little, Brown and Company, 1897.

Documentary Collections

A Compilation of the Messages and Papers of the Presidents, 1789-1907, ed. James D. Richardson, 10 vols., Washington, 1901.

Diary and Correspondence of Salmon P. Chase, ed. George S. Denison, 2 vols., Washington D.C.: American Historical Association, 1903.

Life and Correspondence of John A. Quitman in Two Volumes, ed. J. F. H. Claiborne, 2 vols., New York: Harper and Row, 1860.

Selections from the Speeches and Writings of Hon. Thomas L. Clingman of North Carolina, ed. Thomas L. Clingman, Raleigh: John Nichols, 1877, rev. 1878.

Senator Benjamin H. Hill of Georgia: His Life, Speeches and Writings, ed. Benjamin H. Hill Jr., Atlanta: T. H. P. Bloodworth, 1894.

Seward at Washington as Senator and Secretary of State: A Memoir of His Life with Selections from His Letters, ed. Frederick W. Seward, 2 vols., New York: D. Appleton and Co., 1891.

The Collected Works of Abraham Lincoln, ed. Roy P. Basler, 8 vols., New Brunswick, NJ: Rutgers University Press, 1953.

The Correspondence of John C. Calhoun, ed. J. Franklin Jameson, 2 vols., Washington D.C.: American Historical Association, 1899-1900.

The Correspondence of Robert M. T. Hunter, 1826-1876, ed. Charles Henry Ambler, Washington: American Historical Association, 1918.

The Correspondence of Robert A. Toombs, Alexander H. Stephens, and Howell Cobb, ed. Ulrich B. Phillips, Washington D.C.: American Historical Association, 1913.

The Diary of Edward Bates, 1859-1866, ed. Howard K. Beale, Washington D. C.: American Historical Association, 1932.

The Diary of Philip Hone, 1828-1851, ed. Allan Nevins, 2 vols., New York: Dodd, Meade and Company, 1927.

The Diary of James K. Polk: During His Presidency, 1845 to 1849, ed. Milo M. Quaife, ed., 4 vols., Chicago: A. C. Clurg and Co., 1910.

The Journals of Salmon P. Chase, Volume 1, 1829-1872, ed. John Niven, Kent, OH: The Kent State University Press, 1993.

The Letters of Stephen A. Douglas, ed. Robert W. Johansen, Urbana: University of Illinois Press, 1961.

The Letters and Times of the Tylers, ed. Lyon Gardiner Tyler, 2 vols., Richmond: Whittet & Shepperson, 1884-1885.

The Life of John J. Crittenden with Selections from His Speeches and Letters, ed. Maria Chapman Coleman, Philadelphia, J. B. Lippincott & Co., 1871.

The Papers of John C. Calhoun, ed. Clyde N. Wilson, 28 vols., Columbia: University of South Carolina Press, 1959-2003.

The Papers of Henry Clay, ed. Melba P. Hay, 10 vols., Lexington: The University Press of Kentucky, 1959-1991.

The Papers of Jefferson Davis, ed. Lynda L. Crist, 13 vols. to date, Baton Rouge: Louisiana State University Press, 1971-present.

The Papers of Millard Fillmore, ed. Frank H. Severance, 2 vols., Buffalo: Buffalo Historical Society, 1907.

The Papers of William A. Graham, ed. J. G. de Roulhac Hamilton, 6 vols., Raleigh: North Carolina State Department of Archives and History, 1957-1992.

The Papers of Daniel Webster – Microfilm Edition, ed. Charles M. Wiltse, 41 reels, Hanover, NH: Dartmouth College, 1971.

The Papers of Daniel Webster: Speeches and Formal Writings, eds. Alan R. Berholzheimer and Charles M. Wiltse, 2 vols., Hanover, NH: Dartmouth College, 1987-1988.

The Political Textbook, or Encyclopedia, ed. Michael W. Cluskey, Philadelphia: James B. Smith & Co., 1857.

The Salmon P. Chase Papers, Correspondence, Volume 2, 1823-1857, ed. John Niven, Kent, OH: The Kent State University Press, 1994.

The Speeches, Correspondence, Etc., of the Late Daniel S. Dickinson, ed. John R. Dickinson, New York: G. P. Putnam and Sons, 1867.

The Works of James Buchanan Comprising His Speeches, State Papers, and Private Correspondence, ed. John Bassett Moore, 12 vols., Philadelphia: Lippincott Company, 1908-1911.

The Writings of Sam Houston, eds. Amelia W. Williams and Eugene C. Barker, 8 vols., Austin: University of Texas Press, 1938-43.

Transactions of the Kansas State Historical Society, ed. F. G. Adams, 10 vols., Topeka: Press of the Kansas State Printing Company, 1881-1908.

Dissertations and Theses

Charles M. Hoke, *Thomas J. Rusk and the Compromise of 1850: Settlement of the Boundary Dispute*, M.A. Thesis: University of Houston, 1997.

Benjamin Huggins, *Republican Principles, Opposition Revolutions, and Southern Whigs: Nathaniel Macon, Willie Mangum, and the Course of North Carolina Politics, 1800-1853*, PhD Dissertation: George Mason University, 2008.

David E. Meerse, *James Buchanan, the Patronage, and the Northern Democratic Party, 1857-1858*, PhD Dissertation: University of Illinois at Urbana-Champaign, 1969.

Walter Kyle Planitzer, *“A Dangerous Class of Men, without Direct Interest in Slavery”: Proslavery Concern about Southern Nonslaveholders in the Late Antebellum Era*, PhD Dissertation: The Johns Hopkins University, 2008.

John B. Stabler, *A History of the Constitutional Union Party: A Tragic Failure*, PhD Dissertation: Columbia University, 1954.

Richard A. Wise, *John M. Clayton and the Search for Order: A Study in Whig Politics and Diplomacy*, Ph.D. Dissertation, University of Maryland, 1971.

Essays

Thomas B. Alexander, "The Dimensions of Voter Partisan Constancy in the Presidential Elections from 1840 to 1860," in Stephen A. Maizlish and John J. Kushma, *Essays on American Antebellum Politics 1840-1860*, (College Station: Texas A & M University Press, 1982), 70-121.

William J. Cooper, Jr., "The Only Door: The Territorial Issue, the Preston Bill, and the Southern Whigs," in William J. Cooper, Jr., Michael F. Holt, and John McCardell, eds., *A Master's Due: Essays in Honor of David Herbert Donald*, (Baton Rouge: Louisiana State University Press, 1985), 67-84.

William E. Gienapp, "The Crisis of American Democracy: The Political System and the Coming of the War," in *Why the War Came*, ed. Gabor Boritt, (New York: Oxford University Press, 1996), 79-124.

_____, "Politics Seems to Enter Into Everything: Political Culture in the North, 1840-1860," in Stephen A. Maizlish and John J. Kushma, *Essays on American Antebellum Politics 1840-1860*, (College Station: Texas A & M University Press, 1982), 14-69.

Michael F. Holt, "Another Look at the Election of 1856," *James Buchanan and the Political Crisis of the 1850s*, ed. Michael J. Birkner, (Susquehanna, PA: Susquehanna University Press, 1996), 37-67.

_____, "Change and Continuity in the Party Period," in *Contesting Democracy: Substance and Structure in American Political History, 1775-2000*, eds. Byron E. Shafer and Anthony J. Badger, (Lawrence: The University Press of Kansas, 2001), 93-116.

Peter B. Knupfer, "Aging Statesmen and the Statesmanship of an Earlier Age: The Generational Roots of the Constitutional Union Party," *Race and Politics in the Era of the Civil War: Essays in Honor of Richard H. Sewell*, eds. Brooks D. Simpson and David Blight, (Kent, OH: Kent State University Press, 1997), 63.

Stephen E. Maizlish, "The Meaning of Nativism and the Crisis of the Union: The Know-Nothing Movement in the Antebellum North," in Stephen A. Maizlish and John J. Kushma, *Essays on American Antebellum Politics, 1840-1860*, (College Station, TX: Texas A&M University Press, 1982), 166-198.

