

Overcoming Crisis:
The United States Senate's Role in the Compromise of 1850

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The United States acquired a half million square miles of territory a result of the Mexican War, increasing the country's size by 25 percent. The question of how to handle that territory caused four long years of heated debate in Congress. By 1850, the need to resolve this and other major issues of the day reached its climax in the halls of the United States Senate. It was the end of the generation that had guided the country since before Andrew Jackson's presidency: the Great Triumvirate of Henry Clay, Daniel Webster, and John C. Calhoun shared their final sessions with fellow political veterans Thomas Hart Benton and Lewis Cass. They were joined by the generation that would lead the country into and through its Civil War: Stephen Douglas, William Seward, Salmon Chase, Jefferson Davis, Henry Foote, and David Yulee. During the course of the year these men, one of the greatest collections of legislative statesmen in history, finally forged the laws that became known as the Compromise of 1850.

"Mexico will poison us" Ralph Waldo Emerson prophetically wrote on May 23, 1846.¹ In August that same year, Representative David Wilmot proposed the prohibition of slavery in all territory acquired from Mexico. The Wilmot Proviso passed the House, but never the Senate. It set off a firestorm of controversy, added to the bitter divide over the Mexican War, and served as a rallying cry for the new Free Labor movement and the main plank of the 1848 Free Soil Party. The war had disturbed the balance between the North and South and "the acquisition of a new empire which each section desired to dominate endangered the balance further."² The split over the Proviso occurred mostly along regional lines, with most northerners in favor and most southerners opposed. By this time, the North had a majority in the House, but the Senate

¹ Quoted in Daniel Walker Howe, *What Hath God Wrought* (New York: Oxford University Press, 2007), 821.

² David Potter, *The Impending Crisis, 1848-1861* (New York: Harper & Row, 1976), 17.

contained an even split between free and slave states. Thus the Proviso repeatedly passed the House, but never passed the Senate.³

There were four basic proposals on how to manage the new territory. The first was of course Wilmot's. The same day of the famous Proviso, Representative William Wick of Indiana introduced a counterproposal to extend the 36°30' Missouri Compromise line to the Pacific. Although the House voted down the Wick Amendment, the idea remained alive. Senator John Clayton used it in his unsuccessful compromise proposal in 1848 and Secretary of State James Buchanan and President James Polk endorsed it. Senator and presidential candidate Lewis Cass offered a third idea he called Popular Sovereignty. Under this plan, Congress would neither explicitly sanction nor prohibit slavery; instead, residents of each territory would choose whether or not to allow slavery. From the South came the fourth idea: no prohibition of slavery in any of the new territories. Southern radicals argued it was unconstitutional to do so.⁴

Matters soon grew more complicated. In 1848, the discovery of gold caused a massive influx of settlers into California. California's population grew so rapidly it qualified for immediate statehood despite having never been organized as a territory. Residents formed a constitutional convention, wrote a state constitution, and sent it to Washington DC for approval. For the previous fifty years (and especially after the Missouri Compromise), Congress admitted states in pairs: one free and one slave. This maintained a balance in the Senate. However, there was no territory ready to become a new slave state to balance the admission of California as a free state unless either California or Texas were split in half. Adding to the uncertainty about admitting California were the very large borders the state drew for itself. Even if California were

³ Howe, 766-768.

⁴ Potter, 54-73.

admitted with the boundaries she had chosen, a large amount of land (commonly called New Mexico) remained to be organized into one or more territories or states.⁵

Texas's claim of the Rio Grande as her border was another major issue. The area around Santa Fe is east of the Rio Grande and there was a dispute whether it should be part of Texas (as the Texans claimed) or New Mexico (as the residents preferred). The Texans seemed ready to back up their claim with military force, despite the presence of federal troops in Santa Fe in support of the temporary military government. The New Mexicans had no interest in being part of Texas: they were mostly anti-slavery, geographically distant from the major settled areas of Texas and the capital in Austin, and had a lingering animosity that stemmed from a Texan-Mexican border war a decade earlier. For all the Southern secession threats related to California, New Mexico, and the Wilmot Proviso, it was this border issue that threatened to explode into immediate open war as Texans threatened to assert their control over the disputed land by force of arms. Henry Clay called it "the crisis of the crisis."⁶⁷

Two slavery-related proposals had also become major issues. Abolitionists and Free Soilers called for an end to slavery and the slave trade in the District of Columbia. The District had become a "regional center of slave trading" since the 1830s. Since it was neither a state nor a territory, anti-slavery advocates had a stronger argument that the national government could restrict or prohibit slavery in the District. Meanwhile, many Northern states had passed Personal Liberty Laws in the wake of the landmark 1842 case of *Prigg v. Pennsylvania*. Intended to circumvent the Fugitive Slave Act of 1793, these laws infuriated many southerners who called

⁵ Fergus Bordewich, *America's Great Debate* (New York: Simon & Schuster, 2012), 17-56.

⁶ Bordewich, 65-66.

⁷ *Congressional Globe*, 31st Congress, 1st Session, appendix., 567.

for a new tougher Fugitive Slave Law to protect and ensure return of what they considered to be constitutionally-protected property.⁸⁹

By 1850, the problem had escalated from a “territorial deadlock” to a full-blown “crisis of Union.” There were three sources in Washington for a possible resolution to this crisis: the president, the House of Representatives, and the Senate. Zachary Taylor had been elected in 1848 as a candidate of contradictions. He was a hero of the Mexican War, but ran as the candidate of the Whig Party which had opposed the war. Despite being a Louisiana plantation owner, Taylor was devoutly dedicated to the Union and determined to take a hard line against any threats of disunion.¹⁰

Taylor’s solution to the current crisis was simple and explained in his Annual Message in December 1849. In the absence of having a government organized for them by Congress, California had organized a state government of her own. New Mexico was in the process of doing the same thing for the same reason. Taylor recommended Congress to admit both states. Beyond that “we should abstain from the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind.”¹¹

Taylor’s “definite and positive position” was not “effectively defended in debate.”¹² The strong-willed president lacked allies in Congress. Despite being a fellow Southern Whig, Taylor

⁸ Bordewich, 103.

⁹ Bordewich, 105.

¹⁰ Potter, 94.

¹¹ Zachary Taylor: "Annual Message," *The American Presidency Project*, December 4, 1849, <http://www.presidency.ucsb.edu/ws/?pid=29490>.

¹² Potter, 95.

refused to consult Henry Clay and viewed him with suspicion. Clay repeatedly wrote that he had no confidential relations with the president and neither did any other prominent Whig except William Seward. Taylor also became angry with Daniel Webster over the latter's pro-compromise speech in March. Southern congressmen had become distrustful of Taylor because of a perceived influence by northerners like Seward. The breach widened in early 1850 after the president made it clear he would sign any constitutional bill passed by Congress, even if it included the Wilmot Proviso. A visit to the White House by Georgia Representatives Robert Toombs and Alexander Stephens turned particularly ugly, leaving Taylor fuming afterwards. The president allegedly vented to his next visitors, Hannibal Hamlin and Thurlow Weed, about the "traitors" and vowed to hang any southerners who undertook "treasonous demonstrations."¹³ At the same time, the involvement of several of his cabinet members in the Galphin Claim Affair damaged public support for the president.¹⁴

The House of Representatives was even more useless. The 31st Congress started with a deadlock over the election of the Speaker of the House. It took a then record 3 weeks and 59 ballots just to elect the Speaker. The House finally chose Howell Cobb and then only by a plurality not a majority. Southerners blocked efforts to admit California as a free state under the constitution she had submitted and without compensation to the South. The weight of the situation now fell on the shoulders of the members of the Senate.¹⁵

¹³ John C. Waugh, *On The Brink of Civil War* (Wilmington, DE: Scholarly Resources, 2003), 59.

¹⁴ David Heidler and Jeanne Heidler, *Henry Clay: The Essential American* (New York: Random House, 2010), 460.; Henry Clay and Melba Porter Hay, *The Papers of Henry Clay, Volume 10* (Lexington, KY: University Press of Kentucky, 1991), 633, 635, 651, 654, 683, 689; Heidler, 467; Bordewich, 262-263

¹⁵ Potter, 90.

Several proposals to address current issues were presented by Senators in January 1850. Thomas Benton and Henry Foote offered different proposals to organize the territories and split Texas into two states to balance the admission of California. Andrew Butler of South Carolina reported a new Fugitive Slave Law from the Judiciary Committee to which James Mason of Virginia added amendments. No substantial progress had been made when Henry Clay rose to speak on January 29, 1850, determined to work his magic as The Great Compromiser one last time. Slowly dying of tuberculosis, Clay had accepted a final Senate term with great reluctance. He felt distraught over the situation he found upon his return to the national capital in December 1849. "Here is our country upon the very verge of a civil war," he lamented to a friend "which everyone pretends to be anxious to avoid, yet everyone wants his own way, irrespective of the interests and wishes of others."¹⁶ Clay found the disunionist sentiment he encountered particularly disturbing.¹⁷

Clay presented eight resolutions which he believed to be "an amicable arrangement of all questions." He proposed admitting California as a state with whatever constitution they presented and organization of New Mexico and Utah as territories without regard to slavery. Texas would get none of New Mexico, although Clay's suggested border was vaguely defined. In exchange, the national government would assume the state's public debts. The slave trade would be prohibited in the District of Columbia, but slavery there would not be prohibited without the consent of the citizens of both D.C. and Maryland. A new fugitive slave law would be passed. Congress would acknowledge it had no power to "prohibit or obstruct" the interstate

¹⁶ John Wentworth, *Congressional Reminiscences* (Chicago: Fergus Printing Company, 1882), 28.

¹⁷ Mark Joseph Stegmaier, *Texas, New Mexico, and The Compromise of 1850 Boundary Dispute & Sectional Crisis* (Kent, OH: Kent State University Press, 1996), 95; Bordewich, 126-128; Clay, 635.

slave trade. For a dramatic conclusion, Clay produced an alleged fragment of George Washington's coffin.¹⁸

Clay's proposals were indeed comprehensive, providing solutions for all of the major issues with concessions from both the North and South. Texas was "chronically broke... spiraling deeper into debt" so Clay's plan to buy off her land claims seemed reasonable.¹⁹ Several Senators offered scattered protests to Clay's proposals so he spoke on February 5 and 6 in defense of his compromise plan. He insisted the boundary of Texas was unfixed and criticized extremists on both sides. Southerners insisted on "propagating wrongs" by spreading slavery into land where it did not already exist (New Mexico and California). Northerners demand for the Wilmot Proviso was unnecessary because geography would preclude slavery from those areas. The alternative of extending the Missouri Compromise line would set a precedent while guaranteeing slavery's expansion. Abolishing slavery in the District of Columbia was "legally possible" but "politically unthinkable." Clay's plan asked neither side to "make a sacrifice of great principle." If any senators found his proposals unacceptable then they should offer improvements rather than denounce the whole. Clay closed with a warning against secession and a promise that it would lead to war.²⁰

On April 19, the Senate formed a special committee to consider Clay's eight proposals. Dubbed the Committee of Thirteen, it consisted of six northerners, six southerners, and Clay himself. Clay originally wanted the bills kept separate and referred to their usual Senate

¹⁸ *Congressional Globe*, 31st Congress, 1st Session, 244-246. For the opinion that Clay's suggested border was vaguely defined see Stegmaier, 98.

¹⁹ Bordewich, 65.

²⁰ *Congressional Globe*, 31st Congress, 1st Session, appendix, 115-126.

committees, but yielded to pressure from Henry Foote, Washington Union editor Thomas Ritchie, and others. Ritchie rekindled an old friendship with Clay because of the crisis and used his newspaper to rally moderate Southern Democrat support for the compromise. Clay had also come to believe combining the California and New Mexico issues into a single bill would ensure organization of the territories and defeat of the Wilmot Proviso. The committee never met as a group; instead Clay did most of the work with some individual consultation with the other members.²¹

On May 8, Clay reported the results of the committee. The territorial issues were combined into a single bill, soon nicknamed the Omnibus. California would be admitted as a free state with the constitution she had submitted. New Mexico and Utah were to be set up as territories without regard to slavery. The proposed Texas-New Mexico border ran from just north of El Paso to the Red River and kept all the towns around Santa Fe in New Mexico. Texas would receive a federal payment in exchange for the territorial concession; the exact amount would be decided later to avoid financial speculation. The committee chose not to endorse any division of Texas into two or more states on the grounds that any such division should be made by the state's citizens not Congress. The Committee also endorsed separate bills to ban the slave trade in the District of Columbia and implement a new Fugitive Slave Law. The Fugitive Slave Law was based heavily on the one James Mason had presented earlier in the session. Clay requested his fellow senators take the committee's proposal and "look at it deliberately... consider it dispassionately... form such a judgment as will not only reconcile them to their consciences and their sense of duty but which the country itself will say is mature judgment."²²

²¹ Bordewich, 221; Ibid, 151; Heidler, 465-466; Clay, 673; *Congressional Globe*, 31st Congress, 1st Session, 660-663; Heidler, 469-470.

²² *Congressional Globe*, 31st Congress, 1st Session, 944-948; Heidler, 470; *Congressional Globe*, 31st Congress, 1st Session, 951.

Clay vigorously defended the Omnibus, which he described as the way to heal the “five wounds...threatening the well-being, if not the existence of the body politic.” He called on the North to abandon the Wilmot Proviso and the South to abandon “equilibrium.” On May 21, he asked those opposed to the Omnibus to “tell us what you want” rather than simply find fault in the details. Clay’s final appeal to pass the Omnibus came on July 22. He called on his fellow Senators to “pass this great, comprehensive, and healing system of measures, which will hush all the jarring elements, and bring peace and tranquility to our homes.”²³

John C. Calhoun was the antithesis of Clay’s compromise-oriented mindset. By 1850, Calhoun had spent the last two decades vigorously defending States Rights and the South. In 1847, he had declared in a Senate speech, “Let us be done with compromises!”²⁴ In January 1849, he issued the Address of the Southern Delegates, cosigned with half of the Southern Congressmen. The Southern Address called for Southern unity and painted the South as victims of Northern aggression.²⁵

On March 4, 1850, James Mason read a speech on behalf of Calhoun who was so ill he would die before the end of the month. The speech was “cold and unyielding” and presented a bleak forecast for the future. Agitation over slavery would end in disunion “if not prevented by some timely and effective measure” as the bonds that held the states together continued to snap. Calhoun expressed “universal discontent” on behalf of the South who felt their honor, safety, and state sovereignty were threatened. He bemoaned the loss of “equilibrium” due to legislation

²³ *Congressional Globe*, 31st Congress, 1st Session, 612-616; *Ibid*, appendix, 612-616, 1404-1413.

²⁴ John C. Calhoun and Ross M. Lence, *Union and Liberty* (Indianapolis: Liberty Fund, 1992), 520.

²⁵ Bordewich, 70-71.

which excluded the South from common territory, tariffs, and changes in “the original character of the Government.” The national government had become “absolute” and “despotic” with the latest example being Taylor’s proposal to admit California and New Mexico as free states. This was nothing more than the Wilmot Proviso in disguise – an Executive Proviso. Calhoun did not believe Clay’s plan could save the Union. He called for a “full and final settlement” for the South without making it clear what such a settlement would entail besides denying California statehood.²⁶

Calhoun was by no means alone in his negativity and opposition to Clay. Perhaps the most frequent southerner in perpetual opposition to compromise measures was Jefferson Davis of Mississippi. In a letter on January 8, he damned California’s state constitution as a thinly disguised Wilmot Proviso and an attempt to “deprive the people of the South from equal participation in the common property of the states.”²⁷ On January 29, he spoke in the Senate against the plan Clay had just proposed. Davis declared that Congress has no right to encroach on state boundaries. He saw the Northern majority as seeking more power to oppress the Southern minority and declared “Never will I take less than the Missouri Compromise line extended to the Pacific Ocean.”²⁸ As the year’s debate went on, he repeated this call for that line as a solution to the crisis specifically because it would divide common territory between the sections and end grounds for Northern anti-slavery agitation. Throughout the debate, he insisted slavery could thrive in New Mexico and Utah.²⁹

²⁶ John C. Calhoun, “Calhoun’s Southern Address,” *Furman University*, January 22, 1849, <http://eweb.furman.edu/~benson/docs/calhoun.htm>; Bordewich, 156; Calhoun, *Union and Liberty*, 573-601.

²⁷ Jefferson Davis and Lynda Lasswell Crist, *The Papers of Jefferson Davis, Vol. 4* (Baton Rouge: LSU Press, 1983), 56.

²⁸ Davis, *Papers*, 63-67.

²⁹ Davis, *Papers*, 87-88, 105.

There were plenty of other southerner radicals opposing the compromise. David Levy Yulee of Florida declared at one point that he could “never consent to any settlement of the matter in issue which excludes the South from a face upon the Pacific Ocean.”³⁰ Pierre Soulé of Louisiana thought the compromise was one-sided: “I wish it was a compromise – a real compromise – containing mutual concessions,” he complained, but “The South gives, the North takes.”³¹ Solon Borland of Arkansas dismissed the proposed fugitive slave law as “worse than nothing.”³²

Not all of the opposition came from southerners. On March 11, William Seward gave his first Senate speech. Despite his close political relationship with Zachary Taylor, Seward spoke not on behalf of the president, but full of his own anti-slavery convictions. He declared himself “opposed to compromise, in any and all forms in which it has been proposed” and appealed to a “higher law” than the Constitution. Slavery subverted democracy and Seward could not allow its spread. Author Fergus Bordewich observed “Rarely, if ever, had such an unapologetically abolitionist speech been delivered on the floor of the Senate.”³³

The Higher Law speech would not be Seward’s last words on the matter. He was determined to dismember the Omnibus. In July, he delivered another major speech where he finally expressed support for Taylor’s plan of admitting California and New Mexico as free states. The president’s plan had gotten little attention. Seward did not dwell on it long before

³⁰ *Congressional Globe*, 31st Congress, 1st Session, 949.

³¹ *Congressional Globe*, 31st Congress, 1st Session, appendix,, 630-631.

³² *Congressional Globe*, 31st Congress, 1st Session, 949.

³³ Potter, 102; *Congressional Globe*, 31st Congress, 1st Session, 260-269; Bordewich, 181.

launching more attacks on the entire slave system which he derided as incompatible with freedom. He made the unlikely request that southerners embrace emancipation instead of equilibrium.³⁴

Seward did not stand alone in Northern opposition to compromise. John Hale of New Hampshire was also vehemently against allowing slavery to spread. In response to the Committee of Thirteen report, Hale declared the proposed bill “turns the whole of the territories into a slave pasture and offers no obstruction to the spread of slavery over every inch of it.”³⁵ John Davis of Massachusetts was unhappy with the compromise measures. In June, he introduced an amendment to split California to create two new free states. The next month, Davis argued compromise was not even possible. He insisted that “If you would have a compromise, in the first place you must have a subject that is capable of being compromised. You must have parties that want to enter into a compromise.”³⁶

Not all those who fought the compromise were even radicals. Thomas Hart Benton of Missouri perhaps came closest of any senator to defending President Taylor’s plan. However, Benton never directly advocated the president’s plan and, being a Democrat rather than a Whig, did not have any close relations with Taylor. Benton was a Unionist who hated Calhoun and everything he stood for. When Calhoun died at the end of March, Benton declared he “died with treason in his heart and on his lips...his disciples are disseminating his poison all over my State.”

³⁴ *Congressional Globe*, 31st Congress, 1st Session, appendix, 862-863, 1021-1024.

³⁵ *Congressional Globe*, 31st Congress, 1st Session, 954.

³⁶ *Congressional Globe*, 31st Congress, 1st Session, 911-914; *Ibid*, appendix, 879-886.

But Benton also disliked Foote, was an old political opponent of Clay, and believed a compromise plan was unnecessary.³⁷

Benton was determined to call the South's bluff on secession and defeat the radicals that, without justification, painted the South as victims. "I intend...to cut up the whole Address of the Southern Members by which the country was thrown in a flame" Benton said in April, referring to Calhoun's Southern Address of the previous year. "I mean to show that there was no foundation for any such thing... That the country has been alarmed without reason and against reason; that there is no design in the Congress of the United States to encroach upon the rights of the South."³⁸ In May, he argued California's statehood could have passed already, but now it was endangered by being attached to a larger bill. He dismissed the Omnibus: "These are the batch – five bills taken from our files, altered just enough to soil each, then tacked together, and christened a compromise, and pressed upon the Senate as a sovereign remedy for calamities which have no existence."³⁹ Benton's relentless attacks against compromise in general and against the Omnibus in particular took their toll as months of debate wore on.⁴⁰

Another anti-compromise Southern moderate was Tom Rusk of Texas. Rusk was no disunionist, but he was pressured by his home state. He was particularly defensive when it came to maintaining the Texan claim to a border on the Rio Grande. Rusk was among the first to speak against Clay's January 29 proposals, arguing that Congress had no power over his state's borders. In July, Rusk claimed the continued presence of military government in Santa Fe

³⁷ Stegmaier, 103; Wentworth, 24.

³⁸ *Congressional Globe*, 31st Congress, 1st Session, 1480.

³⁹ Thomas Hart Benton, *Thirty Years View* (New York: D. Appleton, 1889), 750-752.

⁴⁰ Bordewich, 272.

blocking Texas from establishing jurisdiction there “tramples upon and destroys the rights” of Texas. He charged the national government with preparing to wage war on Texas on behalf of free soilers. Rusk insisted the border of Texas had already been settled by the Mexican War. He made several failed attempts to amend the Omnibus in favor of Texas.⁴¹

Despite his wide range of opponents, Clay was not without allies. Perhaps the best-spoken proponent of compromise was Daniel Webster of Massachusetts. Three days before presenting his original compromise proposals, Clay visited Webster and secured the northerner’s support. Webster had been slow to believe the situation had become critical. On January 13, 1850 he wrote “All this agitation, I think, will subside, without serious result....”⁴² As recently as February 14, he still downplayed the situation: “I do not partake, in any degree, in these apprehensions, which you say some of our friends entertain of the dissolution of the Union. I am mortified...at the violent tone assumed here...but there is no serious danger, be assured....” But in the same letter he promised “If a moment should come, when it shall appear, that any temperate, national, and practical speech which I can make would be useful, I shall do the best I can.”⁴³

On March 7, Webster rose on the floor of the Senate to make good that promise, famously beginning “I wish to speak today not as a Massachusetts man, nor as a Northern man, but an American... I speak today for the preservation of the Union.” Webster defended California’s admission as a free state, noting that state’s constitution convention unanimously

⁴¹ Stegmaier, 90; *Congressional Globe*, 31st Congress, 1st Session, 247; *Ibid*, appendix, 1420-1421, 1429, 1435-1436.

⁴² Daniel Webster, Charles M. Wiltse, and Michael J. Birkner, *The Papers of Daniel Webster: Correspondence, Vol. 7* (Hanover, NH: University Press of New England, 1986), 5.

⁴³ Bordewich, 131-132; Webster, *Correspondence*, 10.

chose to prohibit slavery despite including many former southerners. He agreed with Clay that geography would keep slavery from New Mexico; the Wilmot Proviso was unnecessary and to pass it would be a “taunt or reproach” to the South. While reminding everyone of his personal opposition to slavery, he believed Congress had no power over slavery in the states and that obeying fugitive slave laws was a “constitutional obligation.” Webster specifically rebutted many of Calhoun’s claims from three days earlier, but acknowledged the changing views towards slavery between the North and South. Webster decried extremists on both sides, advised “forbearance and moderation” and called on his fellow Senators to be impartial national legislators rather than advance their own state’s agenda. In closing, he insisted the Union indissoluble and scorned the idea that the South could peacefully secede if dissatisfied. “Peaceable secession! Your eyes and mine are never destined to see that miracle.” Author David Potter considers Webster’s speech to be “the supreme peace offering and the climactic appeal for conciliation.”⁴⁴

Webster went on to defend his views, especially his support of the Fugitive Slave Law, in an open letter published in May. He closed the letter by promising that the current crisis could be overcome “if prudence and conciliation shall animate our public counsels, and a spirit of forbearance, moderation, and harmony spread over the land.”⁴⁵ Although he did not believe combining the separate bills into the Omnibus was a good idea, Webster promised to vote for it. On July 17, shortly before becoming Secretary of State, Webster delivered his final Senate speech which echoed most of the sentiments he had expressed in his March speech.⁴⁶

⁴⁴ Daniel Webster, Charles M. Wiltse, and Alan R. Berolzheimer, *The Papers of Daniel Webster: Speeches and Formal Writings, Vol. 2* (Hanover, NH: University Press of New England, 1988), 515-551; Potter, 102.

⁴⁵ Webster, *Correspondence*, 85-95.

⁴⁶ Webster, *Correspondence*, 100; Webster, *Speeches*, 553-578.

Perhaps the most unlikely advocate of compromise was Henry Foote of Mississippi. Longwinded and contentious, he feuded with many of his fellow Senators including Calhoun, Benton, and fellow Mississippian Jeff Davis. In June, he went so far as to imply Zachary Taylor was a traitor. His months of verbal attacks on Benton were the worst, including a challenge to a duel. During a heated Senate debate in April, Benton finally had enough and advanced on Foote with apparent violent intent. In response, Foote drew a pistol and other senators had to intervene to prevent blood from being spilled on the Senate floor. This incident might have helped persuade the senate to approve formation of the Committee of Thirteen the next day. For all his bad temper and Southern pride, Foote was a unionist. It was he who first proposed on February 14 that Clay's compromise ideas be referred to a committee. He was disgusted by Calhoun's March 4 speech which he compared to a noose being thrown around his neck.⁴⁷

A more level-headed pro-compromise Southern was Sam Houston of Texas. His preferred solution was the 36°30' and he believed the Rio Grande should be the western border of his state, but mostly he wanted his fellow senators "to come forward like men and sacrifice their differences on the common altar of their country's good."⁴⁸ Houston considered Calhoun a disunionist and stubbornly refused "to pay even lip service to the radicals' culture of grievance."⁴⁹ Although he referred to abolitionists as "bastards," Houston did not believe they were the majority in the North or that the North as a whole was "opposed to the interests of the South." He denied that that the combined power of the radicals could dissolve the Union.

⁴⁷ *Congressional Globe*, 31st Congress, 1st Session, appendix, 990; Bordewich, 153, 191, 218-219; Stegmaier, 114; Bordewich, 146; *Congressional Globe*, 31st Congress, 1st Session, 519-520.

⁴⁸ *Congressional Globe*, 31st Congress, 1st Session, appendix, 97-102.

⁴⁹ Bordewich, 160.

Trying to stress the importance of compromise, Houston quoted a Biblical verse made less than a decade later by Abraham Lincoln: “A nation divided against itself cannot stand.”⁵⁰

Another cool head was Lewis Cass of Michigan. Having run for president in 1848 under the banner of Popular Sovereignty, he was a northerner “who everyone knew was eager to conciliate the South.”⁵¹ In February, he dismissed abolitionism as a fad and declared slavery was the South’s business, but warned southerners to be careless lest their rhetoric “go far towards converting a just cause into an unjust one.”⁵² On March 14, he criticized the idea of “equilibrium” advocated by Calhoun and other Southern radicals, pointing out how unrealistic it was and how ineffective it would make the government.⁵³

The death of Zachary Taylor in July gave Henry Clay renewed optimism that the Omnibus would pass now that presidential opposition to it had ended. Clay had been well aware that the administration was against his compromise plan along with radical northerners and radical southerners. Shortly before president’s death, Clay observed that “the breach between the administration and me...is getting wider and wider.”⁵⁴ Clay had defended the Omnibus relentlessly, successfully defeating attempts to add crippling amendments, postpone the bill to a future session, or end the current session without voting on the bill. From his original proposal

⁵⁰ *Congressional Globe*, 31st Congress, 1st Session, appendix, 97-102.

⁵¹ Bordewich, 189.

⁵² *Congressional Globe*, 31st Congress, 1st Session, 398-399.

⁵³ *Congressional Globe*, 31st Congress, 1st Session, 529-530.

⁵⁴ Clay, 763.

on January 29 to August 1, he rose to speak at least seventy times and by the end was “close to physical collapse.”⁵⁵

Just when it seemed like passage of the Omnibus was just around the corner, everything came unraveled. On behalf the compromisers, James Bradbury of Maine introduced an amendment of the Omnibus to have the Texas-New Mexico border be resolved by a non-partisan committee. Lacking Texan support, the Senate voted down the Bradbury Amendment on July 29. William Dawson of Georgia and Moses Norris of New Hampshire introduced further amendments in an attempt to placate the Texas senators while maintaining Northern support.⁵⁶

On July 31, James Pearce of Maryland had enough. In favor of compromise, but unhappy with the new amendments for giving Texas too much, he moved get rid of them all by striking out the New Mexico section of the Omnibus and reinserting the old wording. Opponents of the Omnibus pounced, led by Yulee and Benton. Outmaneuvering Pearce and the compromisers, they got the removal and reinsertion voted on separately. The former passed, but the opponents of the Omnibus united to defeat the latter. With New Mexico gone from the Omnibus, a series of votes removed the Texas and California portions as well. When the dust settled, all that remained of the Omnibus was the organization of Utah as a territory. With a modification of its southern border to 37° so as not to follow the Missouri Compromise line, the Utah bill passed.⁵⁷

⁵⁵ Clay, 736, 754, 764; Bordewich, 244; Heidler, 462.

⁵⁶ Bordewich, 289-295.

⁵⁷ *Congressional Globe*, 31st Congress, 1st Session, appendix, 1473-1474; Bordewich, 295-299; *Congressional Globe*, 31st Congress, 1st Session, 1484-1485.

With the Omnibus wrecked, an exhausted and defeated Clay left the Senate for badly needed rest, but not before one last pro-Union speech. Stephen Douglas promptly stepped to the forefront. Douglas' views had shifted through the years of the congressional deadlock. Originally favoring the Wilmot Proviso, he embraced Lewis Cass's idea of Popular Sovereignty. In 1849, Douglas unsuccessfully proposed a bill to admit the entire Mexican Cession as one giant state. By early 1850, Douglas preferred to admit California immediately. However, recognizing most Senators favored referring the various proposed bills to a special committee, Douglas promised he would not stand against it. "If I cannot have my own way," he declared, "I will not delay the Senate by preventing the majority from having theirs."⁵⁸

Douglas considered the defeat of the Omnibus "regretful," but unsurprising. "I never had very strong hopes of its passage" he admitted in a letter a few days after its defeat. He blamed the defeat on the enemies of the bill uniting against it. It had been opposed by not only free soilers and disunionists, but also by the Taylor administration and those who simply disliked Henry Clay.⁵⁹

Daniel Webster had similar feelings to Douglas. Despite his pivotal role in crafting a compromise, Henry Clay was "not a good leader, for want of a temper. He is irritable, impatient, and occasionally overbearing, and drives people off."⁶⁰ Shortly before Taylor's fatal illness began, Webster observed many congressmen "do not wish to vote against the president's plan" and believed "some members of this Administration take a good deal of pains to defeat the

⁵⁸ *Congressional Globe*, 31st Congress, 1st Session, appendix, 1486-1491; Bordewich, 30; *Congressional Globe*, 31st Congress, 1st Session, 762-764.

⁵⁹ Stephen A. Douglas and Robert W. Johannsen, *The Letters of Stephen A. Douglas* (Urbana: University of Illinois Press, 1961), 191-193.

⁶⁰ Webster, *Correspondence*, 121.

compromise.”⁶¹ In September, as the last parts of the compromise were being passed, he wrote that if Taylor had lived “it might have been doubtful whether any general settlement would have been made” and a few months later observed the president’s demise “seems to have saved the country from civil war.”⁶² Although neither Douglas nor Webster said as much, Foote’s antagonistic behavior had surely not helped either.

Douglas had confidence compromise could be salvaged by passing each part of the Omnibus separately, the course he had favored all along. The end of the Omnibus lowered Foote’s role. Clay was now out of the picture and Douglas knew he had the support of new president Millard Fillmore and his new Secretary of State, Daniel Webster. Even before the Omnibus crashed, Clay had noticed the change in attitude from Taylor to Fillmore. “My relations to the new Chief are intimate and confidential.”⁶³

Fillmore came to the presidency after Taylor’s unexpected death and quickly proved up to the task before him. As vice president, he had frequently presided over the Senate and, unlike Taylor, had seen the heated debates firsthand. With the input of Webster, Fillmore sent a calm but firm letter to the governor of Texas attempting to diffuse the volatile situation there. In a special message to Congress on August 6, he expressed “my deep and earnest conviction of the importance of an immediate decision or arrangement or settlement of the question of boundary between Texas and the Territory of New Mexico.” He confirmed support for an “indemnity” to Texas in exchange for the disputed land.⁶⁴

⁶¹ Webster, *Correspondence*, 121.

⁶² Webster, *Correspondence*, 144, 149.

⁶³ Douglas, *Letters*, 191-193; Bordewich, 305; Clay, 767, 771, 791.

⁶⁴ Millard Fillmore: "Special Message," *The American Presidency Project*, August 6, 1850, <http://www.presidency.ucsb.edu/ws/?pid=68123>.

Douglas wasted no time, submitting a bill for California's admission as a free state on August 1. On August 13, Jefferson Davis delivered a final anti-California speech that failed to stem the tide turning toward compromise. Henry Foote responded by declaring his support for the Union and for California without conditions, although when the time came he would reluctantly still vote against it due to specific instructions from the Mississippi legislature. Sam Houston likewise spoke in favor of California. He hoped the agitation and discord were at an end and challenged his fellow Senators to "meet the difficulties which have come upon us like men."⁶⁵ The California bill passed easily on August 13.⁶⁶

Working with Douglas, James Pearce presented a bill on August 5 to resolve the Texas-New Mexico border issue more in favor of Texas than the original Omnibus had. In exchange, Texas would receive a stock payment to pay off their state debt. On August 9, Tom Rusk deemed the bill enough that Texas could "honorably accept" and declared himself and Sam Houston in favor. Despite continued opposition from Southern radicals like Davis, Yulee, and Mason, all the bills passed. With the more contentious issues out of the way, a New Mexico territory bill passed easily on August 15. In two weeks, Douglas had turned the Clay's compromise from a wreck to a success.⁶⁷

After all the months of heated arguments about California, Texas, New Mexico, and larger philosophical issues, the debate beginning on August 19 over the Fugitive Slave Law was surprisingly limited. Under pressure from President Fillmore, none of the major anti-slavery

⁶⁵ *Congressional Globe*, 31st Congress, 1st Session, appendix, 1535-1537.

⁶⁶ *Congressional Globe*, 31st Congress, 1st Session, appendix, 1521, 1533-1544.

⁶⁷ *Congressional Globe*, 31st Congress, 1st Session, appendix, 1576-1577.

Whigs like Seward or Hale spoke against it. Stephen Douglas found an excuse to be absent to avoid having to vote on the subject. An amendment proposed by James Mason to reimburse to slave owners for unreturned slaves brought a strange moment of unity between northerners and southerners. The North hated it for the obvious reason of being helping slave owners, but Jefferson Davis attacked it as violating states rights and for setting a precedent that the federal government had any power over slave property. The law passed easily on August 24 with 15 Northern senators absent or abstaining.⁶⁸

By September, only the District of Columbia slave trade ban remained to be discussed. A returned Henry Clay urged the weary Senate to “hasten to a decision,” but debate lasted for several weeks. News of the compromise bills passing the House and being signed by the president reached the Senate during their debates. California’s senators were also seated for the first time. William Seward stubbornly attempted to amend the bill to emancipate the District’s slaves. Jefferson Davis decried those Southern senators who “desert us and go over to the enemy.” Despite their final efforts, the bill successfully passed on September 16.⁶⁹

With the hard work done by the Senate, the House had sprung into action. Douglas worked through allies in the House, especially Linn Boyd of Kentucky. Fillmore and Webster exerted political pressure on their fellow Whigs to vote favorably. Seeing how dangerous the situation had become, the Georgia triumvirate of Howell Cobb, Alexander Stephens, and Robert Toombs had reversed their earlier positions and now advocated for compromise and union. Stephens deemed the bills “as good as they need to be for the South.” Since he was Speaker, Cobb’s support was crucial to pushing the bills through. Boyd was quite pleased with the

⁶⁸ Bordewich, 319, 321; *Congressional Globe*, 31st Congress, 1st Session, appendix, 1592-1597.

⁶⁹ Bordewich, 349-355

success of the compromise, writing “The Wilmot is dead...the peace of the country and the Union of the States preserved.”⁷⁰

With the Compromise of 1850 completed, Millard Fillmore expressed the feelings of many Americans: “The long agony is over... Though these several acts are not in all respects what I would have desired, yet, I am rejoiced at their passage, and trust they will restore harmony and peace to our distracted country.”⁷¹ In his closing remarks of the Senate debate, Stephen Douglas said “No man and no party has acquired a triumph, except the party friendly to the union triumphing over abolitionism and disunion. The North has not surrendered to the South, nor has the South made any humiliating concessions to the North. Each section has maintained its honor and its rights, and both have met on the common ground of justice and compromise.”⁷²

The Compromise of 1850 did not please everyone. In a speech a few months later, Jefferson Davis called the Compromise “a fraud upon the South.”⁷³ Salmon Chase ominously asserted: “The question of slavery in the territories has been avoided. It has not been settled.”⁷⁴ Four years later, the Kansas-Nebraska debates would prove him right. Combined with building resentment over the new Fugitive Slave Law, Kansas-Nebraska would begin to finally unite the North and give birth to the Republican Party. Although they could not create lasting peace, the Senators of 1850 still achieved a significant temporary peace. Clay pushed himself closer to the grave while Webster, Houston, and Foote had risked their political futures in the name of peace

⁷⁰ Bordewich, 331-343.

⁷¹ Quoted in Robert J. Scarry, *Millard Fillmore* (Jefferson, NC: McFarland, 2001), 172.

⁷² *Congressional Globe*, 31st Congress, 1st Session, 1830.

⁷³ Davis, *Papers*, 135.

⁷⁴ *Congressional Globe*, 31st Congress, 1st Session, 1859.

and compromise. Clay, Douglas, and their allies prevailed through patience, determination, and a dedication to union.

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