# SLAVERY, CAPITALISM, AND POLITICS IN THE ANTEBELLUM REPUBLIC

## VOLUME 2:
### THE COMING OF THE CIVIL WAR 1850–1861

# JOHN ASHWORTH

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## Slavery, Capitalism, and Politics in the Antebellum Republic

The second and concluding volume of Professor Ashworth's study of American antebellum politics, this book offers an exciting new interpretation of the origins of the Civil War. The volume deals with the politics of the 1850s and with the plunge into civil war.

Professor Ashworth offers a new way of understanding the conflict between North and South and shows how northern free labor increasingly came into conflict with southern slavery as a result of both changes in the northern economy and the structural weaknesses of slavery.

John Ashworth was born in Lancashire, England, and studied at the Universities of Lancaster and Oxford. He is currently Professor of American History in the School of American and Canadian Studies at the University of Nottingham.

Professor Ashworth is the author of '*Agrarians*' *and* '*Aristocrats*': *Party Political Ideology in the United States, 1837–1846*, and *Slavery, Capitalism, and Politics in the Antebellum Republic: Volume 1: Commerce and Compromise, 1820–1850* (both published by Cambridge University Press), and of numerous articles and reviews in learned journals.

# Slavery, Capitalism, and Politics in the Antebellum Republic

Volume 2: The Coming of the Civil War, 1850–1861

JOHN ASHWORTH

*University of Nottingham*

*To my parents, Eric and Freda Ashworth*

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# Introduction: Explaining the Civil War (1)

### I

The slaveholders of the South thought they knew their slaves. They were certain that they understood the capabilities and the limitations of their "negroes." They believed that, in the main, enslavement suited African Americans and accorded well with their natural endowments, or the lack of them. Historians used to believe the same. Ulrich B. Phillips, for example, referred to the slaves' "courteous acceptance of subordination" and their "readiness for loyalty of a feudal sort." American slaves were well-suited to their condition.[1]

Yet, Phillips and the slaveholders of the Old South erred grievously. Historians now know what contemporaries and most scholars of previous generations did not: in most cases, slaves did not want to be slaves and instead yearned for freedom. Although this insight has emerged from the social history of African Americans before the Civil War, it has only recently made an appearance in the historiography of the Civil War itself. In fact, the opposition of the slaves to their own enslavement is the fundamental, irreplaceable cause of the War.[2]

This is not to say, of course, that the slaves were able actively to plan or to seek, or to bring about a civil war between North and South. A war could only come about as a result of a whole series of actions taken within the political arena by those who were legally able to take them. Slaves were not, in this sense, political actors at all. Nor were they able to mount a revolutionary challenge to their masters; slave rebellions in the Old South were rare and comparatively unsuccessful. To this extent, the masters were able to contain their slaves.

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1. Ulrich B. Phillips, *American Negro Slavery* (Baton Rouge, 1918), p. 291.
2. African-American resistance to slavery was emphasised in the first volume of this study. Since then, it has emerged in some recent writings on the politics of the era – see, for example, William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill, 2003), p. 1.

Nevertheless, to appreciate the importance of slave resistance, one need only imagine how different the history of these years would have been had the slaves conformed to Phillips's stereotype. In such circumstances the great controversies of the prewar decades would have been drained of most of their significance. If slaves had accepted rather than resisted enslavement, they would not have wished to flee from their masters. Hence, there would have been no controversy over fugitive slaves. If slaves had willingly accepted enslavement, there would have been little reason for southerners to fear abolitionist propaganda, whether from hostile northerners, such as William Lloyd Garrison and William Seward, or from southern "traitors" like Hinton Helper. If slaves had willingly accepted enslavement, would there even have been an abolitionist crusade? It seems unlikely.[3] Moreover, the free-soil movement, which in southern eyes brought with it the threat of abolition at some future date, would not have been so menacing. If slaves had willingly accepted enslavement, there would have been no danger of servile rebellions, the fear of which struck terror into the hearts of so many of their masters.

Moreover, if the slaves had willingly accepted enslavement, there would have been little reason for the South to engage in the series of actions which were taken in the 1850s and earlier and which did so much to fuel northern fears of a Slave Power. Similarly, it can be argued that southern economic development was severely constrained by the problems of controlling a potentially recalcitrant labor force in cities and in industry. The resulting feature of the southern economy, its limited development, was another huge source of conflict with the North. If the slaves had willingly accepted enslavement, this constraint would probably have been removed.

Historians have been slow to recognize the political significance of this black resistance to slavery. Their analyses have focused on, for example, the struggles over the Fugitive Slave Law, or the series of crises that erupted in Kansas. These struggles and these crises are indeed of importance and the Civil War cannot be explained without full reference to them. But one has only to imagine a series of counterfactuals to appreciate that they cannot compete in importance with black resistance to slavery. One can imagine a civil war taking place without the Fugitive Slave Act of 1850 and even without the attempt to organise the territory of Kansas in the mid- and late-1850s. But one can scarcely imagine a civil war if the slaves had acted in the way that their masters and previous generations

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3. Not only would the abolitionist project, demanding enough as it was, have become immensely more difficult but some of the behaviour of the masters, which called forth the antislavery onslaught, would have been far less in evidence. Thus, whippings would presumably have been far less frequent and separation of families or the threat of it would not have been used so often as a punishment.

of historians believed. From this, one must conclude that black resistance to slavery is a more fundamental and thus a more important cause of the Civil War.

It is a central proposition of this work that such resistance is endemic in slavery. It is also a central proposition of this work that such resistance constitutes class conflict, whether or not the individuals concerned possess class consciousness and regardless of whether they act collectively or individually.[4] Yet, the class conflict that existed between slave and master, though enormously important, was not of itself enough to unravel the southern social fabric. It would be quite wrong to assume that the South in 1860 was on the verge of a servile rebellion or that the resistance of the slaves, without outside pressure from the North, was sufficient to destroy slavery in the region.

For this, something else was needed, and it is here that we must give attention to the structure of northern society. Once again, there was no question of revolutionary upheaval: the North in 1860 was no more on the verge of a social cataclysm than the South. But the North was, in the decades prior to the Civil War, making a series of adjustments to the unprecedented growth of wage labor. Without wage labor, it is virtually certain that the northern economy could not have developed to the extent that it did and in such sharp contrast to the economy of the South. Northerners were struck by the differences between their region, where urbanisation and industrialisation were advancing with great strides (especially in the northeast), and the South, where these processes were either retarded or entirely absent. Equally important were the ideological adjustments that northern society was making. Wage workers had, traditionally in European society, been held an extremely low esteem. In the same way, the American democratic tradition, the tradition of Thomas Jefferson, Andrew Jackson and John Taylor of Caroline, looked upon them with suspicion. Wage workers were thought servile, lacking the independence that was the hallmark of republican freedom. In the final antebellum years, these attitudes, though never entirely absent, became far less widespread. Instead, many northerners now took pains to emphasise the advantages that the free, northern wage worker enjoyed. He was free to follow his conscience, he was free to enjoy the benefits of a family "not marketable," he was free to rise in society. Moreover, his freedom was guaranteed by a set of civil and political rights and underwritten by the esteem in which his labor was held. It is scarcely surprising that these ideological shifts took place: they were occasioned by, and in turn helped facilitate, the development of wage labor in the North. But each of them made slavery seem increasingly unacceptable. Did the slave not

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4. These issues are discussed throughout the first volume of this study.

lack the ability to follow his conscience? Was his family not subject to the whim of another: a master who had the right to take his wife and child to market and sell them? What social mobility could there be under slavery for either the slave or, since the plantation employed so few whites, the nonslaveholders of the South? Did slaveholders not scorn the civil and political rights not merely of their slaves but also of their nonslaveholding whites, and set them aside whenever the need arose? And did not the fact that so much labor was performed by a degraded class of slaves result in labor itself being discredited in the South, as some southerners acknowledged? The Republican party, as we shall see, reached the conclusion that slavery disorganised a community politically, economically and, many added, morally. This conclusion reflected not merely the southern social order but also the priorities and perceptions of a northern society that was itself undergoing fundamental changes.

The interpretation in these volumes does not suggest that there is any simple relationship between classes and political parties. Where there was a tendency for certain groups to favour certain parties at certain times, I have pointed this out. Thus, as everyone knows, slaveholders increasingly favored the Democratic party in the final years of the antebellum Republic, while upwardly mobile Protestants in the expanding rural areas of the North, it is equally widely recognised, were much more likely to vote Republican. Thus, party affiliation was, in many instances, linked to socioeconomic position. But there were many exceptions and in no sense can the parties or the party conflict be reduced to simple expressions of class interest or of class conflict.

Instead, we need a more subtle notion of class, one which focuses upon relationships at the point of production. This work identifies a clash between northern and southern labor systems at the heart of the sectional conflict and traces their impact upon the political system. Slavery produced a distinctive set of relations of production, of class relations; wage-labor capitalism produced a different set. The values generated by each labor system, by each set of relations of production, proved increasingly difficult and finally impossible to reconcile. Southerners were able to contain the resistance, actual and potential, from their slaves just as northerners were able to forestall the resistance, actual and potential, from a previously despised class of wage workers. But the elite in each section could manage this accommodation only at the cost of a widening rift with the other section.

The ideology of the political parties and the competition between them are the central concerns of this volume and they reflect, albeit in a highly mediated form, this complex process of struggle, containment, and conflict that was occurring deep within the American social order. The story I relate tells of the rise to dominance of the northern labor system, with

wage labor an indispensable part of it. The challenges to that dominance resulted in more than a decade of mounting strife and, finally, in a Civil War. But northern victory in that war would be both cause and consequence of the superiority of the northern social system, or, conversely, of the inferiority of the slave mode of production. The Civil War would thus confirm that the northern way would become the American way. It would be the United States' bourgeois revolution.

## II

It is scarcely surprising that the Civil War, the largest, most dramatic event in the history of the United States, has generated a huge historical literature. Here, it is only necessary to examine what are perhaps the three major schools of thought, to assess their current viability, and to begin to situate the conclusions of the present work in reference to them.

Some two years before the outbreak of war, New York's Republican Senator William Henry Seward described the clash between the sections as an "irrepressible conflict" and, ever since, historians have been debating the proposition. Many have endorsed Seward's view, at least in its barest essentials. Even here, however, there has been no consensus. In accepting that conflict was inevitable, some scholars have insisted that moral issues were uppermost. For them, slavery was at the heart of the sectional controversy and slavery was itself primarily a moral question. This was very much the attitude of James Ford Rhodes, who wrote a highly celebrated multivolume history of the Civil War at the turn of the twentieth century and who believed that the slavery controversy had involved irreducibly moral issues and had indeed generated an "irrepressible conflict."[5]

A second school of thought also found intractable issues at the heart of the conflict but found them in the competition of economic interests rather than the clash of moral values. In its most extreme version, this interpretation dismissed the question of slavery entirely and insisted that the struggle was instead one between rival economic interests, with the North representing the forces of industrial or protoindustrial capitalism and the South embodying the values of agriculture and agrarianism. This tradition owes something to the writings of Karl Marx, who contributed a number of articles on, and in his letters made many references to, the Civil War, it owes more to the vulgar Marxism that was displayed by some of his followers writing in the early twentieth century, and it owes most of

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5. James Ford Rhodes, *History of the United States from the Compromise of 1850.* 7 vols. (New York, 1893–1906). Ford was not the first to advocate this view. Indeed, it was held by many of the abolitionists and radical Republicans at the time of the war itself.

all to the work of Charles and Mary Beard, who were themselves almost certainly heavily influenced by these vulgar Marxists. The Beards argued that the Civil War marked no less than a "Second American Revolution," a crucial dividing line between the agricultural and industrial eras, a time when the grasping industrialists of the North expelled from power the southern planters and their agrarian allies. For the Beards, as for the early Marxists who wrote upon the subject, the Civil War was both cause and consequence of the development of industrial capitalism in the United States.[6]

   Despite the fundamentally different viewpoints of Rhodes and the Beards, they agreed on the intractability of the sectional conflict. The third great school of Civil War historians instead argued that the war could have been averted had not a "blundering generation" failed to find the compromises that could have brought peace to the nation. This interpretative schema, dubbed "Civil War revisionism," flourished in the 1930s and 1940s. Emphasising the errors of the "blundering generation," scholars such as Avery Craven and James Randall denied that the differences between North and South were sufficient to justify war. Instead, they found, in the historical record, mistakes and misperceptions, emotionalism, and irrationality, rather than uncompromisable moral values or irreconcilable economic interests. For the revisionists, Seward's references to an "irrepressible conflict" demonstrated not an admirable awareness of the moral or economic dimensions of the struggles between North and South but rather a lamentable failure to engage in the constructive statesmanship that might have brought an end to them.[7]

### III

Few scholars today are prepared unreservedly to endorse any of these three historiographical positions; modern scholarship has recorded many advances upon the writings of Rhodes, the Beards, Craven, Randall, and their disciples. In this work, I have employed the insights of a veritable army of scholars who have refined, revised, and supplemented the work of these pioneers. Following modern scholarship I argue that the relationship between ideas and interests, for example, was far more subtle and complex than Charles and Mary Beard realised. In common with the vast majority of historians, I accord a central place to slavery in the

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   6. See Algie M. Simons, *Social Forces in American History* (New York, 1911); Charles A. and Mary R. Beard, *The Rise of American Civilization*. 2 vols. (New York, 1927). II, pp. 2–54. This view too was advanced by contemporaries in the 1850s and 1860s, normally southerners, almost invariably Democrats.
   7. Avery Craven, *The Repressible Conflict 1830–1861* (Baton Rouge, 1939), J. G. Randall, *Lincoln the President: Springfield to Gettysburg*. 2 vols. (New York, 1945).

sectional conflict and argue that the conflict cannot be reduced to a clash between agriculture and industry. Like most historians, I recognise that slavery generated considerable moral outrage but that the political and economic criticisms of the institution were more frequently heard than the moral indictment. I follow other historians in disputing the claim that the War years occupy a privileged place in the transition from agrarianism to industrialism. I echo other scholars, too, when I reject the notion that the sectional conflict erupted into war because of the failings of a "blundering generation." In these, and in other respects, the present work reaffirms conclusions that other scholars have offered.

Some arguments, however, will be less familiar to readers.[8] In these volumes, I place a heavy emphasis upon the weaknesses of slavery in comparison with wage labor. I argue that these weaknesses were a result of the conflicts, actual and potential, between slave and master that were endemic to the regime. I suggest that, in the 1850s and at the time of secession, southerners, although they scarcely realised it, were responding to these weaknesses and searching for a means of overcoming them. Secession was the ultimate, drastic remedy. But secession failed for the very reason that it became necessary. The South lost the Civil War essentially because of slavery.[9]

My quarrel with Civil War revisionism is also relevant in this connection. Unlike many contemporary historians, I fully accept the revisionist claim that statesmen on both sides of the Mason-Dixon Line made fundamental errors and misperceived much of what was happening around them.[10] I also accept that these errors and misperceptions were of considerable importance in bringing about the Civil War. On the other hand, I suggest that they should not be seen as the products of a "blundering generation" but should be viewed instead as having been structurally generated. These errors and misperceptions were the product of underlying ideas and assumptions which should be understood in terms of the entire ideology of which they were a part. These ideologies were inscribed with, and structured by, certain economic and class interests which they in turn furthered. In other words, there is an intimate connection

8. Although my general approach is heavily derived from Marxist categories and Marxist analysis, I should perhaps point out that neither Marx, nor any scholar working within the Marxist tradition has (to my knowledge) presented an argument along the lines offered here.

9. One historian who has stressed the role of slavery in bringing about Confederate defeat is William W. Freehling. See Freehling, *The South vs. The South: How Anti-Confederate Southerners Shaped the Course of the Civil War* (New York, 2001). See also John Ashworth, "William W. Freehling and the Politics of the Old South," *American Nineteenth Century History* V (2004), pp. 1–29.

10. Most scholars, it is fair to say, note these errors almost in passing, without acknowledging the support they afford to the revisionist position.

between misperceptions and economic interests. The dichotomy between errors and economic interests implied by revisionism must therefore be dissolved.

Similarly, when I look briefly at the impact of the war, I also attempt to embrace a wider view of economic interests. Thus, although I claim that the war constituted a bourgeois revolution, I do not argue, as some Marxists have done (and as Beard came close to doing), that the war was needed to remove impediments to the continued development of northern capitalism. Instead, I suggest that one must again transcend the division between interests and values by emphasising that the triumph of free labor and the demise of slavery made capitalist ideology itself triumphant. Although no economic historian has even attempted to place a value upon this ideological shift, there can be no doubt that especially over the long haul it was in financial terms immensely advantageous to the employers of labor and their allies. Its value indeed was, in both senses of the term, incalculable.

IV

This volume is essentially a history of American politics between 1850 and 1861. Although it locates the ultimate cause of the sectional conflict in the different relationships entailed by wage labor and slave labor economies, its focus is not upon this underlying social history or upon the underlying labor systems but rather upon their political repercussions. Thus, the reader who believes (despite the mountain of historical scholarship to the contrary) that African Americans were quite content to be slaves will find very little evidence marshalled here to challenge his preconceptions. More important, those who are curious to know how the traditional suspicion of wage labor shaped the history of the American labor movement in the North will also find little in these pages that addresses this important question. On the other hand, the reader who wonders how that suspicion fed into the sectional conflict or the reader who understands that African Americans were far from content to be slaves but wonders how this contributed to the outbreak of the Civil War will, it is to be hoped, find a great deal more. In other words, this volume, like its predecessor, builds upon the work of social historians, especially those who have studied the slaves of the South, and traces the political effects of their findings. Some readers have observed that the dramatis personae of my account, the white politicians whose views fill most of the pages of this volume, and its predecessor, are not those to whom, in explaining the Civil War, causal primacy is accorded. This is an accurate observation. But, if this is an unusual approach, it is, I hope, neither contradictory nor perverse.

Most histories of the 1850s and of the secession crisis adopt a narrative and chronological approach to their subject, the advantages of which

are perhaps too obvious to be spelled out. Such an approach does, how-
ever, entail certain disadvantages too. I believe that to a very considerable
extent, the events of the 1850s and early 1860s are to be understood
by reference to the ideologies of the principal protagonists, and I have,
therefore, striven to present those ideologies as systematically as possible.
This work is thus divided primarily by reference to sectional, political,
or ideological affiliation and stance and only secondarily according to
chronology. I present the events of the period from four different perspec-
tives, those of southern militants, of Republicans, of (primarily northern)
Democrats, and of what I term "Whigs and neo-Whigs," and I seek to
achieve an empathic understanding of the events from each of those per-
spectives. As a result, some of the key events or processes of the period
recur in each chapter. Secession, for example, features in each chapter,
although with a different focus in each. Similarly, I consider the Kansas-
Nebraska Act in each chapter, in two of them (those dealing with southern
militants and northern Democrats) concentrating upon the origins of the
Act; in the others assessing its impact (upon Republicans, Whigs and the
party system, in general). The attitudes of the various groups towards
the economic changes of these years mean that the banking and tariff
questions are treated on more than one occasion, although again with a
different focus each time. Readers will decide for themselves whether this
arrangement of materials is, or is not, an appropriate one. In any event, I
should perhaps state that I have found much that is ironic in the history
of these years and, as I have already noted, not a few misperceptions and
errors on the part of its leading statesmen. I have also, however, found lit-
tle that, once placed within its ideological context, was irrational, foolish,
or unintelligible.[11]

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11. Some repetition is inevitable, but I have tried to keep this to a minimum. It is, of
course, the case that some topics could as easily have been treated in one chapter as
in another.

# Slavery versus Antislavery

# 1

# *Combating the weaknesses of slavery: Southern militants, 1850–1861*

### Introduction: The weaknesses of slavery

On March 4, 1850 John C. Calhoun of South Carolina entered the Senate to present his last great speech. He had been for almost twenty years the leading, though not always the most extreme, exponent of the view that the South must awaken to the dangers of abolition, must unite to demand her rights under the Constitution, and must, if those rights were not granted, be prepared to secede from the Union. As soon as it was known that the South Carolinian was to speak, queues formed on Capitol Hill. In fact Calhoun had less than a month to live and his speech had to be read by James Mason of Virginia. Nevertheless, it was listened to, one onlooker reported, "with the deepest attention."[1]

By 1850 Calhoun's warnings had acquired fresh urgency in the minds of many southerners. The huge accession of territory (covering California, Nevada, Utah, most of New Mexico and Arizona, and parts of Oklahoma, Wyoming, Colorado, and Texas) that followed the nation's triumph in the recent war with Mexico had reintroduced the question of slavery in the territories. Large numbers of northerners had in the late 1840s rallied behind the proviso which bore the name of David Wilmot and which sought to exclude slavery from these newly acquired lands. Most southerners regarded the Wilmot Proviso as an outrageous violation of their equal rights within the Union and for Calhoun it was confirmation, if any were by now needed, that antislavery sentiment in the North had attained fearsome proportions. In his final speech Calhoun reiterated that this hostility to slavery, if unchecked, spelled utter ruin for the South. The South was the minority section and, if the Union were to be preserved, it was up to the North to make concessions and to cease the agitation of

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1. Allan Nevins, *Ordeal of the Union: Fruits of Manifest Destiny 1847–1852* (New York, 1947), p. 281.

the slavery issue. Otherwise a break-up of the Union would be inevitable. It was concession or secession.[2]

Calhoun repeatedly referred to the South as the "weaker" section. By this he meant that it was in a minority in the Union. On this score he was right. Here was an elemental fact, one which gave the sectional controversy immense significance. Out of a population of more than twenty-three million in 1850, the slaveholding states had fewer than ten million. As Calhoun knew, this population imbalance left the South vulnerable, or at least potentially vulnerable, to what he regarded as the tyranny of the "numerical majority." As Calhoun also knew, the minority status of the South was even more pronounced than these figures suggested. Some three million of her population were slaves, who counted, for purposes of representation, as only three-fifths of a person. As Calhoun did not know however, those slaves would prove, in an armed conflict with the North, not an asset but a severe liability. As he also did not know (though he might have suspected), the loyalty to the South of some of those slave states, the ones which bordered the North, could also not be relied upon in an armed conflict. Events would show that the majority of the two million people in the four states of Kentucky, Delaware, Virginia, and Maryland, when compelled to choose, would throw in their lot with the North.

Calhoun was also well aware that, even if the four border states were classed as southern, the South could expect in the future to control only a minority of states in the Union. In 1850 the Union comprised thirty states, fifteen slave and fifteen free. But Calhoun foresaw the creation in the next decade of an additional five free states but not a single new slave state. This opened up the possibility that the North might, at a later date but still in the not-too-distant future, control three fourths of the States, and thus be able to alter the Constitution, and abolish slavery. In states controlled, as in population, therefore, the South was indeed the weaker section.

Calhoun reminded his listeners that the South's minority status was of comparatively recent origin. There had been equality between North and South when the Union had been created. How had the imbalance arisen? Calhoun attributed it entirely to the operations of the federal government, which had favoured the North at the expense of the South by levying taxes upon the South that were then used to fund expenditures in the North, and by outlawing slavery in many of the lands acquired since 1776. Thus for Calhoun the weakness of the South was in no sense attributable to slavery.

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2. The speech can be found in *Congressional Globe*, 31st Cong., 1st Session, pp. 451–455 (hereafter cited in the form *CG*, 31/1, pp. 451–455).

Here he was wrong.[3] The South was indeed, in ways that Calhoun did not himself understand, the "weaker" section. But his understanding, and his misunderstanding, of the sectional controversy in 1850 were both highly typical of southerners in the final antebellum decades. As the conflict between North and South deepened, protagonists on both sides of the divide were driven to offer elaborate defences of their own section. Not surprisingly, those who most enthusiastically defended the South were, like Calhoun, also those who were most convinced of the viability, even the superiority, of slavery there. These militants did not hesitate to proclaim their commitment to their system of unfree labour, and they followed Calhoun once again in insisting that if forced to choose between slavery and the Union, the South should unhesitatingly opt for the former. The southern militant thus exhibited an enormous confidence in the strength of slavery, a confidence which finally, and most dramatically, propelled him in 1860–1861 to recommend the dismemberment of the nation and the creation of a separate southern confederacy.[4]

Ironically, however, the same southerner was in fact responding in 1860–1861, as Calhoun had in 1850, and many southerners before him, to the weaknesses of slavery. These he could not admit; in most cases he, like Calhoun, could not even recognise them. To be blind to a problem, however, is not to be immune to its effects, and militant southerners in their attitudes and actions in the 1850s (as previously) in fact quietly illustrated the weaknesses and vulnerabilities of chattel slavery even as they loudly proclaimed its superiority and its strengths.

From one standpoint, however, southerners were correct to proclaim the strength of their peculiar institution. In comparison with other systems of unfree labour, located elsewhere in the world, southern slavery was indeed extremely powerful. In 1850, slavery still existed in Ecuador, Peru, Brazil, Venezuela, Cuba, and Puerto Rico; and there were more than twenty million serfs in Russia. But nowhere else in the nineteenth century did a class of slaveholders exercise the power wielded by the planters of the South. This power was in part political in that the South enjoyed a

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3. Calhoun's logic and facts were extremely shaky here – see Volume I of this study, pp. 455–456.
4. The best analysis of southern politics in the final antebellum years is, in my view, to be found in the work of Willliam W. Freehling. I have learned more about the South from Freehling than from any other historian, though I fundamentally disagree with many, perhaps most, of his conclusions. See Freehling, *The Road to Disunion: Secessionists at Bay, 1776–1854* (New York, 1990) and *Road to Disunion: Secessionists Triumphant, 1854–1861* (New York, 2007). For an extended discussion of the first of these volumes and other works by the same author see John Ashworth, "William W. Freehling and the Politics of the Old South," *American Nineteenth Century History* V (2004), pp. 1–29. For an assessment of the second volume see my review in *Reviews in American History* (forthcoming) entitled "Democracy and Despotism: Roads (and Railroads) to Disunion."

huge and disproportionate influence over the destinies of the American Republic. It was also economic in that by comparison with many other nations in the world, the southern economy was highly developed and highly advanced. This economic strength would even allow the South to fight a bitter civil war for four long years. Nevertheless, as the outcome of the War would confirm, it was in comparison with the North that the southern social system, rooted in human slavery, would be found wanting. And when southerners boasted of the strength of their labour system, it was the comparison with the North that they usually had in mind. As the outcome of the War would also confirm, this was indeed the relevant comparison.

The weaknesses of slavery took many forms and left the South vulnerable to criticisms from the North that were moral, economic, and political in nature. They also left the South vulnerable to the majority of its own population who were neither slaves nor slaveholders. But underlying these threats from the North and from the nonslaveholders of the South lay a still closer and more potent threat, one that came from the slaves themselves. At the core of the sectional controversy was a problem which no spokesman for the South was able to recognise, let alone remove: the slaves did not wish to be slaves. It was this which probably constrained the economic development of the South by impeding the progress of industrialisation and urbanisation there and by ensuring that in the race to colonise the West, the South would be the loser. It was this which also constrained southern democracy, by curtailing the rights of free speech and free discussion where slavery was concerned. And it was this which made the relationship between slaveholders and the nonslave-owning population of the South so delicate and so difficult. Underlying all these dangers was the threat of abolition itself, a horrific prospect but one which, in reality, derived its potency from the slaves' desire to throw off their chains.

None of this was understood either by Calhoun in 1850 or those who led the South in the decade after his death. Yet these southerners were all responding to the effects of slavery's weakness. Like Calhoun they were all too aware that their section was lagging far behind the North in terms of states controlled and in terms of population. And like Calhoun they realised that the settlement of 1850, the great compromise between the sections, could not alter the fact that the South was indeed the minority section. Calhoun did not live to see the details of the Compromise of 1850 confirmed. Had he done so, he would, like most southern militants, have opposed it,

As he, and those who followed him, recognised, the minority status of the South in the Union had been a defining feature of the sectional controversy; it would continue to be so in the decade that preceded its

final climax. Northern power in Washington meant that the militant southerner, who by definition was unwilling simply to trust northerners to act properly towards him, had two choices. One was to leave the Union, a course of action which some recommended in 1850 (and earlier), which would be frequently threatened in the 1850s, and which would finally triumph in 1860−1861. The alternative was to seek to make the Union safe for the South and its peculiar institution. How could this be achieved? There were in turn three ways. One was to seek to re-educate the North. Although few southern militants believed that northern anti-slavery zealots could be cured of their fanaticism, many more came to believe that if proper views of the Constitution (and especially of the constitutional power of Congress over slavery), could be established among sufficient numbers of northerners, then the Union might yet be made safe. This might mean persuasion, but it might also mean threats. Northerners might be induced to abandon their crusade against slavery if they were forced to confront its possible consequences. The ultimate threat was of course that of secession itself, and it was accordingly made with great frequency, usually with conditions attached, in the 1850s. A second way of making the Union safe for the South was to reduce or even eliminate the northern advantage in political power by acquiring more slave states. Southern militants in the 1850s would devote a huge amount of time and attention to this possibility. The third possibility was to address the vulnerabilities of the slave system in the South either in locations where it was, or seemed, weakest or among groups whose conduct gave most cause for unease.

Between 1850 and 1861 militant southerners would try each of these strategies. Yet none of them could touch the weaknesses of slavery, the most fundamental of which was the slaves' desire for freedom. Accordingly, each would fail, and fail quite spectacularly.

## The Compromise of 1850 and its legacy

### I

For many southerners the crisis of midcentury was a defining moment in the history of the American Republic. By the end of 1851, the Compromise measures of 1850 had been accepted and all but a few of the most militant southerners hoped that the settlement would prove permanent. Outside South Carolina there had been few outright secessionists in 1850 but there had been far more who had asserted the right of secession. On their reading of the hallowed document, the Federal Constitution was a compact between sovereign states which preexisted the Union, which had voluntarily joined it, and which thus retained the right to leave it

whenever they so wished.[5] In the main these southerners feared that by the terms of the Compromise the South had surrendered too much and the North had given too little. They had thus acquiesced in, rather than embraced, the settlement, in many cases simply because it had become apparent that, once again outside South Carolina, public opinion was unwilling to countenance further resistance.[6]

Who were these southern militants? After the death of Calhoun, there was no single leader around whom they could rally, although Jefferson Davis of Mississippi probably came closest to fulfilling this role.[7] Moreover between the time of the Compromise and the late 1850s they had relatively few complaints to make of the federal government and of the men who headed it. Indeed the administrations of Pierce and Buchanan were viewed in these years with some warmth even by southerners who had been highly critical of the Compromise. There was thus in the middle years of the decade no issue upon which they needed to take a distinctive, oppositional stand and they therefore had no need of separate institutional support.

Southern militants thus formed neither a party, nor even an organised pressure group. There was no newspaper circulating throughout the 1850s in large numbers across the entire South that spoke for them and they did not even meet regularly as a congressional group. Moreover their numbers were unstable, some individuals moved in and out of their ranks, and they were by no means unanimous in their views. Hershel Johnson of Georgia and Pierre Soulé of Louisiana, for example, adopted more extreme positions on sectional questions in the early 1850s than they would assume later in the decade. A figure as important as Robert Toombs of Georgia pursued an erratic course in the 1850s: on some occasions threatening secession in unmeasured terms, on others counselling caution and moderation. Some militants, as we have seen,[8] favoured the reopening of the African slave trade, others might insist upon the right to reopen but declare it presently inexpedient, while still others were strongly opposed both in principle and in practice. Even on a question as fundamental as secession, and the conditions in which it would be justified, they did not take a single, consistent line.

Nevertheless southern militants shared certain traits. They were far more likely to be Democrats than Whigs. When the Compromise was

5.  Other southerners derived the right of secession from the right of revolution, to which almost all Americans were, of course, committed.
6.  Allan Nevins, *Fruits of Manifest Destiny*, pp. 346–379; David Potter, *The Impending Crisis, 1848–1861* (New York, 1976), pp. 122–130; Holman Hamilton, *Prologue to Conflict: The Crisis and Compromise of 1850* (New York, 1964)
7.  Even Calhoun, it should be noted, had had his critics within their ranks.
8.  See volume I of this study.

under consideration a majority of southern Democrats had initially been ranged against it and, as we shall see, although that opposition would disappear after the Compromise had been ratified, the underlying attitudes and principles would persist. Indeed the choice for these militants would usually be either to support the Democratic party or to support no party at all. Even more strikingly, they were more likely to be from the Deep South rather than the Middle South and least likely to be from the border states.[9] The typical southern militant was thus a Democrat from the Deep South. He might be in a position of great influence and power, he might occupy a seat in the United States Senate or a governor's mansion, indeed, as the examples of Jefferson Davis of Mississippi and John Slidell of Louisiana suggest, he might be the most powerful man in his state. Especially in the Deep South he and his fellow militants might well be a major and sometimes a controlling force in a Democratic party which itself might well be a major or controlling influence in the state.

Southern militants were also almost invariably slaveholders but in this they did not differ from almost every other southern leader, especially in Washington. Their distinguishing features were not slave ownership *per se*, but rather the depth of their commitment to slavery, their doubts about the trustworthiness of the North, and their common sense of grievance.

It is important to understand the precise nature of these grievances. Like northerners, and indeed virtually all Americans, the militant southerner now examined the past and projected recent developments into the future. Unlike northerners, however, he ended up with a vision of a South in which slavery had been abolished, three million slaves emancipated and left to run riot, and his civilisation and prosperity permanently destroyed. It was this vision which provoked southern anxieties before the Compromise measures were enacted and which continued to nourish those anxieties afterwards.

In 1849 in one of his periodic attempts to unite the South across party lines, Calhoun had written the *Address of the Southern Delegates in Congress to their Constituents*. In it he had provided a vivid account of the northern encroachments upon southern rights that had already taken place and warned that these alone might "perhaps," if not checked, "end in emancipation, and that at no distant day." But he insisted that the further aggressions now contemplated would assuredly have that effect. The Address was signed by forty-eight southerners, almost all of them

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9. The border states were Kentucky, Missouri, Delaware, Maryland, and, technically, given that what is now West Virginia borders Ohio and Pennsylvania, Virginia. In other respects, however, Virginia belonged to the Middle South, along with Tennessee and North Carolina. Similarly Arkansas is usually characterised as part of the Middle South, but sometimes classified with South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas as the Deep South or the Lower South.

Democrats. This neatly anticipated the alignment of 1850 in which south-ern Democrats formed (along with northern Whigs, who were hostile for opposite reasons) the most solid force mobilised against the Compromise. It anticipated the alignment of that year too in demonstrating that such militancy, while visible far beyond the boundaries of the state of South Carolina, and perhaps able to command the support of a majority of southern Democrats, could not yet command the support of a majority of all southerners.[10]

By 1850 southern militants had become accustomed to reviewing the progress of abolitionism and antislavery (which to them were virtually one and the same) in the North since the early 1830s. Such reviews had been for some time a part of the repertoire of John C. Calhoun and his disciples,[11] and southern militants continued in this vein until the moment at which they tried to leave the Union in 1860–1861. In 1851 Robert W. Johnson of Arkansas in an *Address to His Constituents* reminded them that "twenty years ago, (which is a short time), there was not an abolition newspaper in the entire North." Yet now with "exceptions barely enough to establish the rule, they are all such, by the principles of Free-soil." "Indeed," he noted, "we now have more abolition prints now published and patronized within our Southern limits than were to be found in the entire North." Johnson then sounded the necessary warning: "the Con-stitution will not protect us in ten years." The Vermont legislature had already claimed that slavery could be legislated on except in the original five slave states. "Time," Johnson felt, "will sanctify this idea." And while the notion might seem monstrous, he pointed out that abolition in the Dis-trict of Columbia or the territories had been similarly viewed only a few years earlier. Johnson's specific fear, of a distinction being made between the original slave states and the newer ones, proved unfounded but his general point about the growth in antislavery sentiment would be vindi-cated time and time again in the following decade. As Jacob Thompson of Mississippi declared, also in 1851, "this anti-slavery feeling will be onward till the whole power of the Government shall be wielded for the overthrow of slavery."[12]

The midcentury crisis had revealed three specific southern fears or con-cerns. One of these was over the return of fugitive slaves.[13] Another

10. *Address of the Southern Delegates in Congress to their Constituents* (n.p., n.d.), p. 11. At the time of the *Address*, there were about 120 southerners in Congress.

11. See Volume I of this study, pp. 133–139.

12. "Address of Congressman Robert W. Johnson to his Constituents Jan. 29, 1850" in Helena (Arkansas) *Southern Shield*, July 12, 1851; *Address of the Hon. Jacob Thompson of Mississippi to His Constituents* (Washington, D.C., 1851), pp. 10–11. See also *To the Hon. W. J. Grayson by One of the People* (n.p., n.d.), p. 9.

13. For a discussion of this issue, see, pp. 35–43.

concerned the proposed action by Congress on the subject of both slavery in the District of Columbia and the interstate slave trade. At one time it had seemed as if outright abolition in the District and of the interstate slave trade were both on the northern agenda but in the event it was merely the slave trade in the District that was outlawed.[14] The third item was the imposition of the Wilmot Proviso which attempted to prohibit slaveholders from taking their slaves to the territories newly acquired from Mexico. All three issues were important and each caused resentment in its own right but it is important to note that these, and virtually all other measures proposed at this juncture, were viewed by many southerners as part of an unfolding pattern of northern antislavery militancy and aggression. The fear was that each northern demand or piece of agitation would, if unchecked, encourage another even more dangerous act. And the culmination of the process would be the abolition of slavery in the states where it existed.

This was very much the message offered by those who attended, and endorsed the address of, the first of the Southern Conventions which met at Nashville in 1850 The address was written by Robert Barnwell Rhett, as ardent a secessionist as anyone in the South, but it was considerably toned down to suit the moderate temper of the Convention and it limped to the conclusion that the Missouri Compromise line at 36° 30′ should be extended to the Pacific. But Rhett's analysis of the current crisis was far more compelling than his specific demands. The Address, which was directed at all the citizens of the slave states, posed a question:

> If you were to yield everything the North now request, and abolish slavery in the District of Columbia, submit to be legislated pirates for conveying slaves from one State to another, let trial by jury and the writ of *habeas corpus* wrest from you in the North every fugitive slave, give up all your territories to swell northern arrogance and predominance, would things stop there?

The answer was, of course an emphatic negative: "surrendering one of these means you will but inflame the power by which another will be exacted." All were simply "means, aiming at one great end – the abolition of slavery in the States."[15]

The same approach, which sought to extrapolate a pattern from recent events, and then use it to predict the future, was perhaps universally adopted by southern militants from the late 1840s (and by a small minority even earlier). No one advanced the argument with greater force or

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14. And even this turned out to be less than was once feared since only the most flagrant (and antipatriarchal) examples of slavetrading were banned.
15. "Address of the Southern Convention to the People of Delaware, Maryland, Virginia . . . " in Mobile *Advertiser*, June 29, 1850.

clarity than Albert Gallatin Brown, Representative and then United States Senator for Mississippi and, with the possible exception of the South Carolinians, as militant on the slavery question as anyone in the Senate. Except for a short period when the sectional controversy seemed to be in abeyance Brown continued throughout the 1850s not so much to threaten northerners as to make explicit the circumstances in which he thought their actions would lead to, and justify, the break up of the nation. He claimed that his position was that of nineteen-twentieths of southerners and whilst this was a considerable exaggeration he certainly spoke for a significant strand of southern opinion. Thus in 1850 he acknowledged that neither the exclusion of slaveholders from the territories nor abolition of the interstate slave trade, the slave trade in the District, or even slavery itself there would justify secession. Yet he nevertheless warned that "at the first moment after you consummate your first act of aggression upon slave property, I would declare the Union dissolved." There was no contradiction here because "such an act perpetrated after the warning we have given you would evince a settled purpose to interpose your authority in the management of our domestic affairs."[16]

It was thus the growth in antislavery sentiment which most alarmed Brown and those who thought like him. He could derive no consolation from the denials, repeatedly offered by antislavery northerners, that they wished to abolish slavery in the states where it existed. Even if these northerners spoke the truth, their promises were worthless since they would soon be replaced by more extreme men. In 1858 Brown boasted that he had been more hostile to the Compromise measures of 1850 than any man in Congress and he clearly believed that his course had since been vindicated. But yet again he made it clear that it was the future progress of antislavery that was so alarming. He now invited any northerner to "point out any spot short of absolute ruin to ourselves, and desolation to our section of the country, and give us the guarantee that when you have gone to that point, these aggressive and perplexing measures, legislative and others, shall certainly cease." In such an eventuality "we will say to you at once, go to that point." But Brown's conclusion was again that of 1850: "defend the outposts" and "yield not an inch of ground." The danger once again was that "the whole northern free soil phalanx will be turned loose in one mighty assault upon slavery in the States." Brown had "taught my people, as I would teach them to-day, to prepare for this assault" on the grounds that "it is better to die defending the door-sill than admit the enemy and then see the hearth-stone bathed in blood."[17]

16.  M. W. Cluskey (ed.), *Speeches, Messages, and Other Writings of the Hon. Albert Gallatin Brown, A Senator in Congress from the State of Mississippi* (Philadelphia, 1859), pp. 477, 169
17.  *Speeches, Messages, . . . of . . . Albert Gallatin Brown*, pp. 170, 538–539, 477,.

These were common sentiments in 1850 (and after). The Milledgeville *Federal Union* offered in that year to give up all claims to the territories in question, "humiliating" though such a concession would be, if only peace on the slavery question could be established and agitation ended. But "no sane man," the newspaper continued, "in view of the history of the past, can anticipate such a result." Once again the danger was cumulative: "if the South submit now to the exactions demanded of her, she will soon be called to submit to other and still more exorbitant demands."[18]

Southern militants were acutely aware that abolition could be achieved within the Constitution, as soon as the North had sufficient political power. Since the early years of the Republic, northerners and southerners alike had been concerned with the balance of sectional power. The policy of paired admissions of new states, one slave and one free, had been established in the time of Jefferson, confirmed in 1820 with the admission of Missouri (coupled with Maine) and retained until 1850. Thereafter the creation of additional free states was doubly threatening to the South. It not only conferred additional power on the North in the Senate, which could then be mobilised on everyday legislative matters, it also greatly increased the chances of constitutional revision. To change the constitution, of course, required not only a two-thirds majority in each chamber but also ratification by three-fourths of the states. In this context, an increase in the ratio of free to slave states was ominous indeed.

These fears had been voiced as early as 1820 and they re-emerged at midcentury. In 1849 Calhoun and the forty-eight signatories of his *Address of the Southern Delegates* had predicted that "at no distant day" the North's policy of monopolising the territories would provide her with the necessary votes to amend the Constitution and then "emancipate our slaves." In that and the preceding year, Jefferson Davis of Mississippi repeatedly drew attention to the same danger. Similarly the Southern Convention that met in Nashville in 1850 predicted that there would be twenty new nonslaveholding states within fifty years. Hence abolitionists would no longer need to scorn the Constitution, as was the practice of William Lloyd Garrison. They would instead be able to amend it and annul its safeguards. It was with this process in mind that the delegates at Nashville warned the people of the South that "your condition is progressive." In 1851 *De Bow's Review* predicted on the basis of the experience of the last three years that the North would soon obtain fifteen or twenty new states while the South would obtain at most three or four (to be carved out of Texas). These fears too would be frequently voiced in the following decade.[19]

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18. "Milledgeville Federal Union" in *Raleigh Standard*, June 26, 1850.
19. *Address of the Southern Delegates*, pp. 11–12; Lynda Lasswell Crist *et al.* (eds.), *The Papers of Jefferson Davis*. 11 vols. (Baton Rouge, 1971), III, p. 354, IV, pp. 19–20,

This was the context in which the creation of the new state of California was viewed. The admission of California as the thirty-first state and a sixteenth free state would immediately end the sectional parity in the Senate. It was viewed by many southerners, therefore, as a critical stage in the process by which northerners were establishing their supremacy. By virtue of its faster growing population, the North had already acquired a majority of seats in the House of Representatives. Accordingly, when the bill for the admission of California was passed, Jefferson Davis, destined to play a leading role in the South's attempt to resist the northern majority, warned that Congress was now "about permanently to destroy the balance of power between the sections of the Union, by securing a majority to one, in both Houses of Congress." "Let us sleep now for a few years," one South Carolinian warned, "and we will then be roused to find the slaveholding States struggling with a government in which they will be a weak and helpless minority."[20]

<div align="center">II</div>

If the measures of 1850 were as symbols unacceptable to militant southerners, most of them were in addition highly objectionable in themselves. Ironically perhaps the measure that attracted least attention was based upon a principle which, when applied four years later, would provoke more controversy than any other. The territories of New Mexico and Utah were in 1850 to be organised in accordance with the principle of congressional nonintervention. Since this area seemed far less attractive to most southerners (and northerners too for that matter) than California, and since there was a hope that one or both of these territories would establish slavery, this measure gave rise to relatively little discussion. It should be noted, however, that the principle of congressional nonintervention was shrouded in ambiguity. Congress should refuse to establish a policy regarding slavery in a given territory but in the absence of such a policy, at what point were the settlers in the territory to make the crucial decision? Would it be in the territorial stage, as Stephen A. Douglas of Illinois and others believed, or would it be, as most southerners argued, only at the very end of the territorial stage, when the territory was about to join the Union as a fully fledged state? This was an important question, since

32–46, 49; "Address of Southern Convention"; *De Bow's Review*, XI (1851), p. 319; Nevins, *Fruits of Manifest Destiny*, pp. 224–225. *Address of the Committee of the Mississippi Convention to the Southern States* (n.p., n.d.), p. 2.

20. *CG*, 31/1, App., p. 1533; *To the Hon. W. J. Grayson by Another of the People* (n.p., n.d.), p. 14. See also *To the Hon. W. J. Grayson by One of the People*, p. 9; Anthony Gene Carey, *Parties, Slavery and the Union in Antebellum Georgia* (Athens, GA, 1997), p. 163.

it would determine whether slaveholders would be present at the moment of statehood and thus able to influence the final outcome. This ambiguity would assume momentous proportions later in the decade but it received relatively little attention in 1850, partly because the territories in question were eclipsed by California and partly because there was an additional uncertainty concerning the status of Mexican law during the territorial phase. It is safe to say that if the organisation of these two territories had been the sole issue in 1850, few southerners would have either warned of impending doom or threatened disunion.[21]

Very different was the southern reaction to the proposal to admit California as a free state, bypassing the territorial stage entirely. This unprecedented act seemed to many southerners nothing less than an outrage. They charged the North with having rejected the proposal to extend the Missouri compromise line in the late 1840s and then also rejecting, for California, the policy of popular sovereignty. Once again, they acknowledged, as almost all southern militants were to do both in 1850 and 1861, that the people of a territory could indeed exclude slavery at the time of their entry into the Union but insisted that they must be a people, must be citizens of the United States, and must have allowed slaveholders, prior to admission into the Union, equal opportunities to enter the territory. None of these conditions applied, it was argued, in the case of California. According to Pierre Soulé of Louisiana, the constitution proposed for California had been drawn up by "a handful of adventurers, most of whom had not a three months residence in the territories." Southerners would recall this later in the decade when the question of the admission of Kansas as a slave state, again under highly irregular conditions, arose. But in 1850 they complained bitterly that so far as California was concerned, there had been, in effect, a prohibition of slaveholders every bit as oppressive and unconstitutional as that contained in the Wilmot Proviso.[22]

Was there ever any real prospect of planting slavery in California? Here the evidence is mixed. Jefferson Davis for one insisted that there was no reason slavery could not flourish in California and other southerners noted that slaves could easily and profitably have been employed in mining in that area.[23] On the other hand, for Robert Toombs of Georgia the issue was instead one of honour. California, he believed, could never become a true slave state but it was essential that the moral slur cast upon slavery

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21. One South Carolinian, however, argued that the continuance of Mexican laws at the territorial stage meant the exclusion of slavery and was thus equivalent to the Wilmot Proviso – *To the Hon. W. J. Grayson by One of the People*, p. 6.

22. *To the Hon. W. J. Grayson by One of the People*, pp. 5–7; *Mr Soulé's Speech at Opelousas, La. Delivered 6 Sept. 1851* (New Orleans, 1851), p. 6.

23. *CG*, 31/1, App., pp. 149–157; Crist *et al.* (eds.), *Papers of Davis*, IV, pp. 28–30, 66; *Speeches, Messages, . . . of . . . Albert Gallatin Brown*, p. 181.

and slaveholders by the Wilmot Proviso be removed. Similarly the Raleigh *Standard*, the leading Democratic newspaper in North Carolina, took the editor of its Whig counterpart, the *Register*, severely to task for arguing that Congressional action in regard to California was not important since "the laws of nature bar slavery from there." The *Standard* did not disagree about the prognosis for slavery in California but nevertheless underlined the importance of the principle involved and the need to resist the North, for northerners desired an exclusion of slavery from the territory as one of their "*entering wedges to complete an universal emancipation.*"[24]

It is impossible for the historian to determine who was correct or even which view was predominant. The difference of opinion never came into sharp focus since advocates of each view were agreed on the policies to be pursued. Moreover, as future developments were to indicate, in determining the prospects of slavery in a region far more was involved than the questions of climatic suitability or the availability of raw materials. Of equal importance was the political and legal infrastructure. Would there be any protection offered to the slaveholder in the territorial stage? Would he be conceded the right to lynch anyone he suspected of anti-slavery proclivities? This was perhaps a brutal question but if this right or privilege were not allowed, then the chances of creating a slave state would, as southerners themselves would later concede (at least implicitly), diminish sharply.[25]

Similar issues of principle governed the southern militant's response to the other concession offered to the North in 1850, the abolition of the slave trade in the District of Columbia. A similar degree of resentment was also created. In this case, however, there was little discussion of the practicalities of the question since the ban had little direct effect on slavery itself even in the District, let alone in the rest of the South. But the principles were, nonetheless, important for many southerners. The measure, it was claimed, was deliberately intended to demonstrate the power of Congress to abolish slavery itself in the District. Its "first great purpose" was "to condemn and stigmatize, by a national vote, the transfer of slaves from one owner to another upon slave soil" while, even more alarmingly "its second great end was to establish a precedent for emancipation." To the Raleigh *Standard* it was another of the North's "entering wedges" designed to facilitate abolition.[26]

24. Robert Toombs to John J. Crittenden, Jan. 22, 1849, in Ulrich B. Phillips (ed.), *The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb*, American Historical Association *Annual Report 1911*, II (Washington D.C., 1913), p. 141; Raleigh *Standard*, June 20, 1849.
25. Historians have not always appreciated this aspect of the issue and have assumed that the viability of slavery in California (and elsewhere) was a simple "either/or" formulation.
26. *Reply of Hon. John J. McRae to the Speech of Senator Foote* (New Orleans, 1851), p. 17; *Address of Thompson*, p. 8; *Raleigh Standard*, June 20, 1849.

The measures of 1850 were, of course, a package,[27] and those responsible for them believed that much had been offered to each section. But what, southern militants asked, had the South, in return for all her sacrifices, received? Very little, was the answer, other than the Fugitive Slave Law, about which they in any case, as we shall see, entertained strong reservations.[28] Thus the conclusion seemed inescapable: after a crisis provoked essentially by the Mexican war, southern men, who had served with great distinction in that war and made disproportionate sacrifices to win it, had been robbed of their rightful share in the fruits of victory. Instead they had had to make major concessions, some of which involved direct practical losses, others of which created dangerous precedents for the future, and all of which merely invited further aggressions from an increasingly belligerent and tyrannical North.[29]

## III

It is generally agreed that one of the effects and indeed one of the purposes of the federal system in the United States has been to allow regional differences to flourish. These have been, at different times, economic, cultural, political, and ethical. In so decentralised a polity, it has sometimes been difficult to gauge public opinion, within the nation as a whole or even within a region. In the middle of the nineteenth century, it was difficult even for politicians to know precisely where their own constituents stood on even the most critical of questions, let alone the constituents of politicians in other counties, states, or regions. The crisis of midcentury had many effects, but one of them was to begin to lay bare the state of opinion within the South on slavery, the Union, and the relationship between the two.

It soon became apparent that there was a spectrum of opinion on slavery and the Union with the great majority of southern politicians clustered at various identifiable points along it. The most extreme are the most easily identifiable positions of all. At one extreme was an unconditional unionism.[30] Thus Governor Neil S. Brown of Tennessee declared that he was "for the Union at every hazard and to the last extremity." In reporting this comment, the *Mississippian*, which took a very different view of the Union and of the sectional controversy, demonstrated why the Tennessee Governor's view was both highly unusual and, to many, highly dangerous. In terming the declaration "the most unfortunate sentiment ever expressed by a prominent and influential Southern man,"

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27.  They were recognised as such even though they were passed separately.
28.  The other measure relevant here was the reduction in the area of Texas. See *To the Hon. W. J. Grayson by One of the People*, p. 6
29.  *Reply of McRae*, p. 17; *Soulé's Speech at Opelousas*, p. 4.
30.  For the views of southern moderates and Unionists see Chapter 4.

one contributor to the *Mississippian* clearly appreciated that Brown's words left the South ultimately defenceless if a northern majority launched an assault upon slavery in the states. Of course, Brown himself and those who thought like him were confident that such an assault would never take place and this reminds us that attitudes towards the Union were inextricably bound up with perceptions of the motives and actions of the North and the nature of antislavery sentiment there. In a like vein Henry Clay, also of course a Whig from the Upper South, observed that if Kentucky left the Union he would himself move against her. In other words, his loyalties were to the Union rather than to his state. Indeed he indicated that he would not even be swayed (as others from the Upper South would be in 1861) by majority opinion in favour of Kentucky and against the Union.[31]

These utterances were rare at midcentury, if only because southern Unionists did not feel that they would have to make such a choice. Far more common was a somewhat less extreme but still enthusiastic unionism which, while not offering guarantees of loyalty under all circumstances, simply assumed that reasonable behaviour on the part of southerners would stimulate a corresponding moderation in the North so that sectional harmony could prevail. This was probably the predominant attitude among southern Whigs, most of whom were, until well into the 1850s at any rate, almost as likely to blame southern extremists as northerners for the sectional rift. Although the unionism of these southerners might be in a literal sense conditional, they deliberately did not spell out the conditions (since they believed such a pronouncement would itself be confrontational) and were generally and accurately viewed as staunch supporters of the Union.[32]

At the opposite pole lay those whose can be classed as disunionists. Again there were two subgroups. The more extreme elements advocated immediate secession, and by a single state if necessary. Such a bold move was, of course, intended to preserve slavery and to signal a formal renunciation of a Union which seemed irredeemably polluted by antislavery fanaticism. Those who advocated immediate secession by a single state were concentrated in South Carolina. They had only a handful of coadjutors in other states. Men such as Edmund Ruffin of Virginia or John A. Quitman of Mississippi or George Gayle of Alabama were as enthusiastic as anyone in South Carolina for secession. How much influence did they wield? Quitman was unusually influential in that he was Governor of his state (though his extreme views had not really helped him obtain

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31. Nashville *Republican Banner*, Oct. 6, 1849; *Mississippian*, May 10, 1850; *CG*, 31/1, App., pp. 1486–1488. John J. Crittenden made similar statements.
32. These Unionists, mainly Whigs, are dealt with in Chapter 4 in this volume.

the position). Ruffin was more typical in that he had comparatively little influence even in his own state.[33]

Events demonstrated that the more extreme elements did not even control the state of South Carolina, for in 1851 a unique confrontation took place there. It pitted not the advocates of the Compromise against its enemies, which was the alignment in some other states, but rather advocates of immediate secession by South Carolina alone against those who would have liked a dissolution of the Union but only in concert with other southern states. (These "moderate" secessionists were joined by the small number of more orthodox Unionists in the State.) The result was a resounding defeat for the separate-state secessionists. But elsewhere in the South these groups were too weak even to stage such a confrontation.[34]

Those who advocated immediate secession but only if it could be achieved in concert with other states were dominant in South Carolina though nowhere else. Even in other Deep South states they were in a small minority. At the second of the Nashville Conventions of 1850, Langdon Cheves of South Carolina urged secession, partly on the grounds that the principle of Free Soil, which had triumphed in relation to California, would almost certainly presage abolition. He added that even if it did not, it would diminish both the security and profitability of slave property. Meanwhile the abolition of the slave trade in the District of Columbia was a precedent for the abolition of the interstate slave trade. Accordingly "secession" was "the only practicable remedy." Yet Cheves acknowledged that secession by a single state would not work. South Carolina needed at least three others. But this position was far too advanced for most of the delegates at Nashville who, having made little impact on the South as a whole, adjourned once again, this time *sine die*.[35]

This leaves the large body of southerners who can accurately be termed "conditional Unionists." Some might as easily be termed "conditional secessionists." Thus Pierre Soulé of Louisiana announced in September 1851 that he was "not for breaking this Confederacy," and "not for advising this State to join in any social movement which may be made by other States." Speaking at a time when it looked as if South Carolina might secede, he admitted that the Palmetto State might be too rash and precipitate and that he could not urge his own state to follow her. But he

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33. J. Mills Thornton, III, *Politics and Power in a Slave Society: Alabama 1800–1860* (Baton Rouge, 1978), pp. 203, 244–245.

34. As the Charleston *Mercury* observed a decade later, much of South Carolina had, for ten years, favoured a dissolution of the Union, the difference of opinion in 1851 being over the means rather than the ends – *Charleston Mercury*, March 10, 1860.

35. *Speech of Hon. Langdon Cheves, in the Southern Convention at Nashville, Tenn., Nov. 14, 1850* (n.p., 1850), pp. 10–20. For instances of southerners threatening secession, see Hamilton, *Prologue to Conflict*, p. 63.

insisted that South Carolina had the right to secede and that he could not "but respect, and love, and admire her noble daring and her heroism." Soulé did not advocate secession and if he had done so he would surely have been repudiated by the voters of Louisiana, but he left his audience in no doubt of his fears. His task, he announced, was to sound the alarm.[36]

An assessment of the nature and strength of Unionist sentiment across the South as a whole is made more difficult because the events of 1849–1851 produced not merely a crystallisation of opinion but also a constantly changing environment in which the views of many politicians underwent significant shifts. Thus as important a figure as Robert Toombs of Georgia at one point threatened secession (under certain specific but, as he then feared, all too imminent conditions) only to re-emerge a little later as a key defender of the Compromise. As the crisis of midcentury unfolded, the spirit of compromise proved contagious in that concessions on the part of one side not unnaturally strengthened the hand of moderates on the other. For southerners, no event was more important than the North's abandonment of, or at least retreat from, the Wilmot Proviso. Although this, as we have seen, by no means satisfied all southerners, it did suggest to many that the North was not so bent on aggrandizement or gripped by abolitionist frenzy as had been feared. The passage of the Fugitive Slave Law had a similar effect, despite the doubts expressed by many southerners as to its efficacy.[37]

After South Carolina the three states in which proslavery militancy was strongest were Mississippi, Alabama, and Georgia. In all three the mainly Democratic opponents of the Compromise, now calling themselves the Southern Rights party, were faced by a coalition of Whigs and pro-Compromise Democrats, now styling itself a Union party. And in each state the pro-Compromise Union forces triumphed. The anti-Compromise forces, however, had stopped far short of demanding secession. A typical attitude was that of the *Mississippian*, which denounced the Compromise bitterly on the grounds that it gave the North everything and the South nothing.[38] But the militancy of southerners who took this view produced a demand not for secession but instead for resistance to the Compromise, perhaps by economic nonintercourse with the North or perhaps by the summoning of yet another southern convention which would then engage in yet further discussions and planning. Similarly, the vast majority of pro-Compromise forces in these states (and in others of the Deep South) were

36.  *Soulé's Speech at Opelousas*, pp. 14–15.
37.  *CG*, 31/1, pp. 18–28. "Address of . . . Robert W. Johnson."
38.  *Mississippian*, May 24, 1850. For an example of a Floridian who favoured southern rights but not secession, see *Address of E. C. Cabell of Florida to his Constituents* (n.p., n.d.), pp. 1–4.

in no sense unconditional Unionists of the Henry Clay stripe or even the strong (if not quite unconditional) Unionists who dominated Upper-South Whiggery. Instead they achieved victory in a sense by undercutting the Southern Rights parties and laying down stringent conditions for their continued commitment to the Union. These conditions were most clearly spelled out in the so-called Georgia Platform. This platform was drawn up after a Convention summoned in Georgia specifically to consider the Compromise that assembled in December 1850. Unlike the gatherings at Nashville the same year, their deliberations produced results of great significance. The delegates agreed that whilst the state of Georgia could not "wholly approve" of the Compromise, she would nevertheless "abide by it as a permanent adjustment of the sectional controversy." They then put forward a series of resolutions, of which the fourth was by far the most important:

> *Resolved*, That the State of Georgia, in the judgment of this Convention, will and ought to resist, even (as a last resort) to the disruption of every tie which binds her to the Union, any future act of Congress abolishing slavery in the District of Columbia, without the consent and petition of the slaveholders thereof; or any act abolishing slavery in places within the slaveholding States, purchased by the United States for the erection of forts, magazines, arsenals, dock-yards, navy-yards, and other like purposes; or any act suppressing the slave trade between slaveholding States; or any refusal to admit as a State any Territory applying, because of the existence of slavery therein; or any act prohibiting the introduction of slaves into the territories of Utah and New Mexico, or any act repealing or materially modifying the laws now in force for the recovery of fugitive slaves.

Thus although unionism triumphed in these three key states of the Deep South, it was a highly conditional unionism.[39]

The Georgia Platform, after the defeat of the anti-Compromise forces, became a point of reference or rallying cry for militant southerners as well as for Unionists throughout the next decade. Not all viewed it in the same way, however, or rather it would be more accurate to say that different groups offered different estimates of its chances of success. These, in turn, were based upon widely contrasting attitudes towards the North, towards northern politicians and towards northern public opinion. In South Carolina most statesmen were entirely confident about the Compromise – confident that it would fail. In 1850 and 1852 the State's Governors announced that it was merely a question of time before further aggressions, including those of which the Georgia Platform had warned, would occur. These would then, it was hoped, propel the South out of the

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39. Helena (Arkansas) *Southern Shield*, Jan. 4, 1851.

Union. Only a little more hopeful about the possibility of a lasting settlement with the North was Felix Huston of Louisiana. Huston told the delegates at Nashville that he was "extremely doubtful" about the Compromise but added that it must be tried. On the other hand, the triumvirate that formed in Georgia in defence of the Union, consisting of Democrat Howell Cobb and Whigs Robert Toombs and Alexander H. Stephens, displayed far more optimism about the settlement of 1850. The three were far more likely to trust northern politicians and the northern public.[40]

<div align="center">IV</div>

Most southern militants, whether they proclaimed a desire for secession in 1850, declared their resentment of the Compromise, or even announced a highly qualified and perhaps reluctant acceptance of it, were expressing attitudes that were closely correlated with, and partly driven by, their perceptions of the North. Ironically, the weaker they believed the North inherently to be, the greater the danger they apprehended from that quarter. The reason was that a society, such as that in the North, which lacked stability and which could only prosper by exploiting another was necessarily, if only for the sake of self-preservation, a predatory one. Those southerners who developed, especially from the 1830s onwards, an overtly proslavery argument rang the changes upon these themes: the North with its free labour system was inherently unstable, subject to violent paroxysms, economic dislocation, and ruinous internal competition; the South was in all essential respects and because of her slave labour base, its antithesis. Some southerners argued that the predatory nature of northern society derived ultimately from the Puritan heritage of New England and there were even in the 1850s sporadic speculations that a new Union might be formed composed of the southern states and those of the lower North. In other words, the fanatics of New England and of New England descent would be somehow excluded or expelled. Somewhat more common was the claim (which would later be taken up by historian Charles Beard and form the centrepiece of his interpretation of the sectional conflict) that northern aggression derived not so much from the Puritan heritage but rather from the inherent hostility of "the commercial and manufacturing interests of the North" to the South, the region where Jeffersonianism naturally flourished. Here, after all, "was found the great agricultural

40. *Journal of the Senate of the State of South Carolina, Being the Annual Session Commencing November 25, 1850* (Columbus, 1850), pp. 28–29; *Journal of the Senate of South Carolina, Being the Extra and Annual Sessions of 1852* (Columbus, 1852), p. 30; *Address of Gen. Felix Huston, To the Members of the Southern Convention, To be Held at Nashville, 3 June 1850* (Natchez, n.d.), p. 1.

interest that refused to favour class legislation, conferring bounties upon one pursuit, and burdens upon another."[41]

Although these arguments were deeply problematic from even a southern militant's perspective, they undoubtedly pointed to a cardinal tenet of that southerner's faith. Since the Puritan legacy would not simply disappear and since the manufacturing and commercial interests of the North could not be expected to wither away and might even, at least in the short term, expand in power and influence, the future of the South within the Union was highly uncertain. Southern militants even in 1850 looked closely at the state of northern opinion and they did not like what they saw. Jacob Thompson of Mississippi reported that northern sentiment was almost unanimous in the belief that slavery was an evil and should therefore be abolished. According to the *Mississippian*, which was also hostile to the Compromise, it would be both dangerous and foolish of southerners to believe that antislavery in the North would prove transitory or that it had sprung from anything but the deepest sources. Instead northern sentiment posed an ever-growing menace:

> The agitation now going on, far from being – as some affirm it – merely to subserve a present partisan end, and be lost in the vortex of demagogue expediency forever – proceeds from a fixed and unalterable principle in the religious, the moral, and social creeds of the millions at the North, and is gathering strength every day – that *slavery is an evil in the sight of God – a dark spot upon our character as a nation*, and ought by every means consistent with prudence and the dictates of wisdom, to be abolished. The agitation will go on – it will never cease.

This implied a fatalistic attitude towards both the Compromise and, more fundamentally, the Union itself.[42]

An alternative stance, however, was adopted by those who claimed that resistance on the part of the South, whilst obviously beneficial in itself, would also serve to check northern aggressions. Here was a slightly different perception of the North, one which viewed northerners not so much as blind, desperate fanatics, driven to exploit southern wealth and influence because they had no option but rather as more cunningly and subtly parasitical, taking only what they were allowed to take and retreating when the host environment became insufficiently benign. Thus the Raleigh *Standard* argued (quite plausibly) that Daniel Webster's famous pro-Compromise speech of March 7, 1850 had been prompted only by threats of southern resistance. The conclusion was that resistance on the part of the South would help the cause of sectional harmony by compelling

41. *De Bow's Review*, XXVIII (1860), pp. 7–16; *Address of Thompson*, pp. 11–13.
42. *Address of Thompson*, p. 11; *Mississippian*, Nov. 8, 1851.

northerners to act with a greater sense of justice and fairness. It was a paradoxical conclusion. David S. Reid, campaigning to be Governor of North Carolina took this approach only a little further when, having argued that "the best and surest means . . . to preserve and perpetuate the Union," was "for the State to take a firm and decided stand in favor of her rights, against the encroachments of the North," he ended with a ringing endorsement of the Union. "I yield," he proclaimed, "to no man in devotion to this glorious Union." This posture, perhaps more frequently adopted in the Upper than in the Lower South, allowed Reid to combine unionism with a strong defence of southern rights.[43]

In all these analyses, the South was, of course, the innocent and aggrieved party. These southerners disagreed merely over the precise nature and source of northern aggressions. The disagreement never came into sharp focus. A slightly different approach was taken, or at least a slightly different emphasis was given, by those who pointed out how easy and painless it would be for the North to bring about sectional peace and harmony. Clearly this view, by implication at least, denied that the North was driven by some irresistible cultural or economic imperative to war upon the South and some southern militants went so far as to suggest that northerners, in order to treat the South justly, need not suffer any financial losses at all. Thus John J. McRae, faithfully following the strategy of fellow Mississippian Jefferson Davis, having denied that he or Davis favoured secession, was one of many southerners who maintained that the fate of the Union, after the Compromise, rested squarely with the North. The platform on which he stood (which resembled the Georgia Platform) required of northerners, he claimed, "no sacrifice of their honor, their interests, or their rights." This implied that previous northern exploitation of the South, however momentous in consequences, was motivated by a desire for gain that was, in the sense that it could be shrugged off at will, after all quite superficial.[44]

In any event, and whatever the ultimate source of the northern desire for domination and aggrandizement, it was, the southern militant concluded, up to the South to stand firm. This meant, above all, unity and resolution in the South. Those who opposed the Compromise feared that it had been created by, and would further strengthen, the tendency to weakness and capitulation in the South. The task of those who engineered the settlement of 1850 was to ensure that each side should retreat from some of its more uncompromising utterances and in this they succeeded. In making

43. Raleigh *Standard*, March 20, 1850; David S. Reid, "Address to the People of North Carolina" in Wilmington (NC), *Journal*, July 12, 1850. See also "Address of . . . Robert W. Johnson," *Mississippian*, June 28, Oct. 25, 1850.
44. *Reply of McRae*, p. 20. See also *Speeches, Messages, . . . of . . . Albert Gallatin Brown*, p. 164; *Mississippian*, May 10, 1850.

concessions, however, southern moderates necessarily antagonised those militants who believed that the North would respond only to firmness and resistance and that concessions would merely lead to a demand for even greater and more damaging sacrifices of political principle and economic interest. Thus it was noted that the Virginia legislature, for example, had in 1849 urged the citizens of the state to view the abolition of the slave trade in the District of Columbia as "a direct attack upon the institutions of the Southern States, to be resisted at every hazard." Yet within a few short months, the usurpation had been perpetrated and the state of Virginia had tamely submitted.[45]

How had such surrenders occurred? As we shall see, many in the Deep South had grievous doubts about the reliability of those in the Upper South on the slavery question. But it was also felt that the blandishments of power had corrupted many southerners. It was noted that most of the separate acts that comprised the settlement of 1850 could not have been passed if significant numbers of Congressmen had not carefully absented themselves when the crucial votes were taken. Indeed the disaggregation of the various measures proved indispensable to the success of the entire settlement: congressmen would be present when they needed to vote "aye" and "absent" when they might have voted "nay." Whilst this was scarcely an unprecedented legislative tactic, it nevertheless aroused great suspicion and provoked accusations of betrayal, especially when the individual under suspicion had previously been identified with opposition to the Compromise. Such was the fate of Henry Foote of Mississippi, for example, who was denounced for having succumbed in precisely this way.[46]

## V

In accordance with the terms of the Compromise, California quickly gained admittance into the Union as a free state, the slave trade in the District of Columbia was suppressed (if only in part) and the territories of New Mexico and Utah were organised on the basis of popular sovereignty (however ambiguous the doctrine). The first two quickly became *faits accomplis*, the third attracted relatively little attention. The fugitive slave question, however, was very different. Although the Fugitive Slave Act might itself soon become a *fait accompli*, this in no way guaranteed that any slaves would actually be recovered from the North under its provisions, for many northerners were implacably opposed to the Act and fiercely determined to thwart it. Southerners knew this but the more

45. *Soulé's Speech at Opelousas*, pp. 6–12; Staunton *Vindicator*, Feb. 10, 1860.
46. *Reply of McRae*, pp. 21–22.

militant among them offered no concessions. On the contrary, they insisted upon its enforcement. According to the *Southern Literary Messenger*, "the continued existence of the United States, as one nation, depends upon the full and faithful execution of the Fugitive Slave Bill."[47] This implied secession if either the citizens or the states of the North failed to carry out the measure. Far more common, however, were threats that would be carried out in the event of a congressional repeal of the Act. According to the *Mississippian* even those in favour of the Compromise would in that eventuality desire to dissolve the Union. Similarly Governor John S. Roane of Arkansas, while avowing himself "no disunionist" announced that he would favour secession in those circumstances. Meanwhile, in Virginia, Governors Floyd and Johnson in 1850 and 1852 respectively pointed out that the South had made great sacrifices in the interests of peace and harmony, sacrifices which would be proved worthwhile if the Compromise provided a final settlement of the slavery issue. Floyd, however, observed that if "this reasonable expectation prove fallacious and the abolition agitation be still contained in the halls of Congress," then "it will furnish proof, convincing and conclusive, of that fixed and settled hostility to slavery on the part of the North, which should and will satisfy every reasonable man, that peace between us is impossible." The Fugitive Slave Act would thus present the litmus test. "Virginia," the Governor concluded, "and I think all the slaveholding States can, and ought, calmly but explicitly to declare, that the repeal of the fugitive slave law, or any essential modification of it, is a virtual repeal of the Union." Floyd then explained that such a stance would in fact strengthen moderate northerners. But even if this were true, it was a strategy that would entail the highest possible risk to the survival of the nation.[48]

In fact many southerners, from the start, had little faith in the new law. If the Governors of Virginia believed the survival of the nation ought to depend upon its retention, one of her Senators, and he the one who actually drew up the legislation, believed from the start that there was little prospect of its being enforced. According to James M. Mason, "the disease is seated too deeply to be reached by ordinary legislation," and he predicted that "it will be found that even this law will be of little worth in securing the rights of those for whose benefit it is intended." Nor was he the only prominent southerner to take this view; at least three

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47.  *Southern Literary Messenger*, XVI (1850), p. 597.
48.  *Mississippian*, Dec. 13, 1850; "Message of Governor John S. Roane of Arkansas, Nov. 5, 1851" in Washington (Arkansas) *Telegraph*, Nov. 21, 1851; *Journal of the Senate of the Commonwealth of Virginia . . . 2 Dec., 1850* (Richmond, 1850), pp. 32, 34; *Journal of the Senate of the Commonwealth of Virginia . . . 12 Jan., 1852* (Richmond, 1852), p. 27.

other Senators said much the same. In other words, a measure that was believed essential to the maintenance of the Union was thought by its main proponents to be of little practical use.[49]

There was further irony. One might have thought that the law had been intended symbolically, to allow northern states and northern officials to demonstrate a willingness to comply even if a minority of their own citizens made full compliance impossible in all cases. In such circumstances, the measure might have demonstrated the good faith of the North overall, if not of every northerner. But such was not the intention. Instead the law had been framed very rigidly and could scarcely have been more stringent if the goal had in fact been to make full and universal compliance impossible. By its terms federal officials were created and made responsible for its execution. Slaveholders were empowered to seize a slave, or rather a suspected slave, themselves and bring him or her before a commissioner or federal judge. There would then be a hearing and if the case were made the commissioner or judge would issue a certificate. At the hearing testimony from the prisoner was not to be permitted. The commissioner or judge then received $5 if he found for the captive but, ostensibly because the paper work involved would be greater, $10 if he issued a certificate for rendition. Moreover, all northern citizens were required to lend aid when appropriate and financial penalties or even jail sentences were to be imposed on those seeking to thwart the law.[50]

Although this act was an integral part of the Compromise settlement, it was itself no compromise. On the contrary, it was intended to be a wholly prosouthern measure that would, it was hoped, offset wholly pronorthern measures such as the abolition of the slave trade in the District. One historian, calling it "utterly one-sided," has pointed out that, had it not been part of a package, it would have been judged far too severe and probably could not have been passed. It was therefore certain to provoke intense controversy in the North. Thus whether the law had been intended for its symbolic or its practical value, it seemed as likely to aid the secessionists as the Unionists.[51]

There were many objections to the Act, some of them inherent in any effective measure for the return of fugitive slaves, some of them specific to the Act of 1850. Undoubtedly the Constitution required a fugitive slave to be "delivered up on claim of the party to whom . . . [his] service or labour may be due." But it was not clear who should do the delivering. Nor was it clear how the rights of free blacks (who might be mistakenly

49. *CG*, 31/1, pp. 233, 1588, App., pp. 79, 1622.
50. Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law, 1850–1860* (Chapel Hill, NC, 1968).
51. Don E. Fehrenbacher, *The Slaveholder's Republic: An Account of the United States Government's Relations to Slavery* (New York, 2001) p. 227.

or wilfully misidentified as slaves) were to be secured. The absence of due legal process was the norm in the case of a slave but not in the case of a free black and this problem became acute when the purpose of the trial was precisely to determine whether the prisoner was a slave or a free black. The requirement on all citizens to aid in the recovery of fugitives was, in one sense, understandable since there was no federal bureaucracy that could take on these potentially expansive duties but it conflicted hopelessly with the sensibilities of many northerners. The many northerners who believed that the conscience should be the infallible guide to action were utterly repelled by the Act of 1850 and they viewed the system of differential payments as the most sordid and disgraceful bribery. Northern militants unhesitatingly advised resistance to the law and out of their resentments would come Harriet Beecher Stowe's masterpiece of antislavery propaganda, *Uncle Tom's Cabin.*

Those who defended the new Act merely ignored these objections, which they in any case believed hypocritical, and also ignored the dangers now faced by free blacks, whose rights they in any case believed inconsequential. At the heart of the problem was the simple but inescapable fact that, in the words of one historian, "effective recovery of fugitive slaves was incompatible with effective protection of free blacks against wrongful seizure." The result was that northern state authorities took their own action to protect free blacks. Such actions had taken place before 1850 and had done much to bring about the Act of that year. They continued after 1850, but now, of course, in a far more highly charged atmosphere.[52]

The controversy over fugitive slaves was both cause and consequence of the growing controversy over slavery itself. The first Fugitive Slave Act of 1793 had been, especially in the 1840s, circumvented by northeastern states, some of which had forbidden their officials from arresting free blacks or accepting jurisdiction in fugitive slave cases. Some cases, such as *Prigg v. Pennsylvania* (1842), achieved national prominence and although the United States Supreme Court in effect found for the slaveholder the outcome was of little practical value to southerners. In the Van Zandt case (1847), a group of Kentuckians seeking to recapture some alleged fugitives were forced to leave Michigan under threat of violence and were even fined for trespass. Pressure accordingly mounted for a new Fugitive Slave Act.

Northerners had at first responded to the question of fugitive slaves on a piecemeal basis or simply to safeguard the rights of their free blacks. But by the 1840s resistance to the law was becoming, as it would remain after 1850, part of a coordinated antislavery strategy. It was increasingly

52. Fehrenbacher, *Slaveholder's Republic*, p. 213.

claimed that violations of northern rights were inherent in legislation for the return of fugitive slaves and indeed inherent in slavery itself. On the northern side, therefore, the fugitive slave question both reflected and created antislavery sentiment.

Consequently the passage of the Act of 1850 intensified northern resentment. Although it enabled many southerners successfully to reclaim their slaves, a number of cases achieved great notoriety. In February 1851 a coffee-house waiter in Boston named Shadrach was rescued from jail by a number of free blacks and helped to flee to Canada. The President ordered that all who aided him should be prosecuted. Another case in Boston involved an alleged fugitive named Thomas Sims, who was successfully recovered but only at a cost of $20,000. In September 1851, in Christiana, Pennsylvania a slaveholder was killed while attempting to recapture two fugitives and in Syracuse another incident resulted in a mob freeing a fugitive from jail. As a result of the Shadrach, Christiana and Syracuse incidents a total of seventy-five northerners were indicted but only one conviction was obtained.[53]

By now the Fugitive Slave issue was deeply implicated in the sectional controversy in a way that it simply had not been even ten or fifteen years earlier. The inclusion of the new Act in the Compromise package of 1850 and its identification as an overtly prosouthern measure reinforced the link. By the mid-1850s a clear tendency had emerged: rather than compliance with the Act generating sectional harmony, sectional conflict brought about by issues largely unrelated to fugitives, instead produced violations of the Act. Hence when the South scored a remarkable triumph in 1854 with the passage of the Kansas-Nebraska Act, a string of northern states responded by passing Personal Liberty Laws, which were ostensibly intended purely to safeguard the rights of free blacks against kidnapping but which were, in addition, calculated to strike a retaliatory blow against slavery and slaveholders. In 1854 Joshua Glover was taken into federal custody at Racine, Wisconsin but was then rescued by a mob and his pursuer arrested for kidnapping. A couple of months later a slaveholder attempted to recapture Anthony Burns from Boston. The attempt was successful but there was a riot in the courthouse and some Bostonians tried to free him. Massachusetts and Wisconsin (along with Michigan and the other New England states) then passed their Personal Liberty Laws which in effect nullified the Fugitive Slave law within their borders. Burns became the last fugitive to be extradited from anywhere in New England and the state of Wisconsin, which alone had formally repudiated

53. Potter, *Impending Crisis*, pp. 130–140; Allan Nevins, *Ordeal of the Union: A House Dividing 1852–1857* (New York, 1947), pp. 150–154, *Fruits of Manifest Destiny*, pp. 380–390.

the Fugitive Slave Act as unconstitutional, remained in conflict with the federal judiciary right up to the outbreak of the Civil War.[54]

## VI

Why did southerners attach so much importance to the Fugitive Slave Act both prior to and after the passage of the Act of 1850? The question becomes the more pressing when we recall that in demanding northern compliance with the provisions of the new law, southerners were essentially laying aside their own commitment to state's rights and local autonomy, principles which they invoked again and again in the years of the sectional conflict and in defence of which they would ultimately break up the nation itself.

In effect there was a coalition forged between the states of the Upper and those of the Lower South, each of which gave the matter intense scrutiny but for somewhat different reasons. The border states were of course most directly exposed to the danger of runaway slaves. One newspaper in Kentucky in 1860 claimed the state lost between 1,500 and 2,000 slaves per year and warned that if Personal Liberty Laws spread to the Lower North the result would be that all border counties would have no slaves at all.[55] The slaves in those areas would then have little value as property and, even if they did not manage to flee, their owners would be impelled to sell them further south. In this eventuality, it was noted, the territory occupied, and thus the political influence wielded, by slavery would significantly shrink. But this was not the only danger to be apprehended from fugitive slaves. According to the Governor of Missouri in 1860, his state could claim the distinction of having suffered more than any other from runaway slaves. But he reminded his audience that, having fled from their masters, these slaves posed additional problems. Theft, murder and arson had, he claimed, left several counties in the state severely depopulated[56]

Yet the impact of the problem was still greater. According to Charles Faulkner, a Congressman from Virginia, it was the effects upon the entire

54. Richard J. Carwardine notes that many northern evangelicals said that the repeal of the Missouri Compromise absolved them of the need to observe the Fugitive Slave law – Carwardine, *Evangelicals and Politics in Antebellum America* (New Haven, 1993), pp. 238–239.
55. Modern assessments of the numbers of fugitive slaves range from about a thousand per year in the 1850s to five thousand.
56. Louisville *Daily Courier*, Feb. 22, 1860 quoted in Dwight L. Dumond (ed.), *Southern Editorials on Secession* (New York, 1931), pp. 359–360; *Journal of the Senate of the State of South Carolina, At the Extra Session, Nov. 6, 1848, and Regular Session, Nov. 27, 1848* (Columbus, 1848), pp. 26–27; *Speech of Mr Amistead Burt of South Carolina in Favor of Adopting a Resolution to Exclude Abolitionist Petitions* (n.p., n.d.), p. 6; Buel Leopard and Floyd C. Sheomaker (eds.), *The Messages and Proclamations of the Governors of the State of Missouri* (Columbia, MO, 1922), III, p. 143.

slave population in the border areas that were most to be feared. Thus it was "not the mere money value of the slaves who escape into the free States which has aroused the united action of the South on this question." Instead it was "the fact, well known to us, that if such a provision did not exist in the constitution, and was not faithfully enforced, a spirit of insubordination would very probably be infused into our slave population that would lead to the most fearful and tragic consequences." From this premise Faulkner was able to conclude that "upon the faithful execution of this plain and express guarantee of the constitution depend her [the South's] domestic tranquillity and peace."[57]

The priorities of those in the Deep South were somewhat different. Jeremiah Clemens of Alabama acknowledged that his state lost (to the North) one fugitive slave approximately every five years. But he also declared that if the law of 1850 could not be enforced then the Union should end. This juxtaposition was neither uncommon nor irrational. Not only was there a natural fraternity with the slaveholders of the Upper South whose property was under more direct threat, there was also the concern, already noted, that the consequent sale of slaves from that region, acceptable enough in itself, would nevertheless weaken slavery within the nation as a whole. As we shall see, militant Democrats from the Deep South harboured suspicions of their Upper South brethren and they most emphatically did not wish to see the region's commitment to slavery further attenuated.[58]

Yet the main reason for their intransigence on the question was the one we have already encountered. Fugitive slaves tested the depth of antislavery fervour (or "fanaticism") in the North as a whole. What future could there be for slaveholders in a Union in which nonslaveholders would not come to their aid and help them recover their rightful property? Southerners believed, and most northerners did little to dispel the belief, that the requirement to return fugitive slaves was one of the "sacred compromises" of the Constitution, without which it would never have been signed. As a historical fact this was highly questionable but there is no doubt that southerners were convinced of its accuracy. In this way, northern willingness to enforce the law was a measure of northern willingness to respect the Constitution itself. And the Constitution was the ultimate, perhaps the only, barrier within the Union to the abolition of slavery.[59]

The controversy over fugitive slaves represented in microcosm the sectional conflict in a fundamental way. In one of the more curious utterances

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57. *Speech of Hon Charles James Faulkner of Virginia, At Reading, Pennsylvania Sept 7, 1852* (Washington, D.C., n.d.), p. 9. See also *CG*, 31/2, App., p. 299.
58. *CG*, 31/2, App., p. 304, 32/1, p. 1951.
59. Fehrenbacher, *Slaveholder's Republic*, p. 251

on the subject Thornton Stringfellow claimed that fugitive slaves were "constantly returning to their masters again, after tasting the blessings, or rather the awful curse to them, of freedom in nonslaveholding States."[60] If this process were indeed "constantly" occurring then his readers might have wondered why southerners had become so exercised about the problem in the first place while if, (as is infinitely more likely) such occurrences were extraordinarily rare then they might have wondered why Stringfellow had made the point at all. In fact his remark unwittingly pointed towards the weaknesses at the very heart of the slave regime. Why did the slave want to escape at all, if, as the southern militant claimed, slavery so fitted his needs? When they considered this and other equally graphic illustrations of slave discontent, southerners normally, as we shall see, blamed it entirely upon external groups who, they insisted, poisoned the otherwise healthy and wholesome relationship between master and slave: northern "emissaries," treacherous southern whites, free blacks. Stringfellow's comment, by its very absurdity, serves to remind the historian that flight was in fact an indication of slave discontent and that Fugitive Slave laws were needed precisely because it was impossible to reconcile significant numbers of slaves to their condition. The fugitive slave was the product of conflict between master and slave.

This in itself might have been posed no threat at all to the antebellum republic if northerners had been willing to cooperate fully. But the problem was – and here we encounter the issue at the very heart of the sectional controversy – that such cooperation conflicted utterly with the process by which, for many in the North, northern society was itself legitimated. Southerners were wont to dismiss northern concern for slaves, whether fleeing or not, as pure hypocrisy or fanaticism but this obscured the deep social roots of antislavery in the North. Many of the northern abolitionists and antislavery militants who led the opposition to the Fugitive Slave law (and who indeed frequently participated in the highly dramatic attempts to obstruct it) believed that the finest feature of northern society was that it allowed its members the freedom to follow the dictates of their own consciences. This belief played a key role in the legitimation of a social order in which increasing numbers of northerners lacked the ownership of productive property, traditionally the badge of republican citizenship, and in which wage labour was becoming increasingly widespread.[61] But if the injunction to hear and heed the voice of the conscience helped legitimate the northern social order, it could only do so by simultaneously rendering odious all attempts to compel northerners to ignore that voice and aid in such nefarious enterprises as the recovery of the fugitive slave.

60. Thornton Stringfellow, *Scriptural and Statistical Views in Favor of Slavery* (Richmond, 1856), p. 139.
61. See Volume I of this study, pp. 168–173.

How important was the fugitive slave issue in bringing about sectional conflict? Undoubtedly it was a significant cause of discord. But as we have seen it was also a symptom of that strife and there is little doubt that alone it could not have disrupted the Union. It derived much of its force from its inclusion in the Compromise of 1850 as an overtly prosouthern measure. Thus when southerners found it failed to meet their demands they were left, especially as northern gains in California and the District of Columbia were irreversible, with the feeling that they had been cheated. In much the same way, the southern gains secured after the passage of the Kansas-Nebraska Act left many northerners determined to retaliate by repudiating or circumventing the Fugitive Slave law, and this in turn further antagonised southerners. This reciprocating process of action, reaction, and counteraction again represented in microcosm the wider process by which the nation would be torn apart. As we shall see, it culminated in the winter of 1860–1861 with the states of the Deep South, as they explained the decision for secession, giving great prominence to the failure of northerners to enforce the Fugitive Slave Law. This they viewed as tantamount to a failure to honour and uphold the Federal Constitution. With few exceptions secessionists believed that by then the Fugitive Slave Act was of little or no use to the South.[62]

Immediately after the passage of the Act, however, the hopes of some southerners had been considerably higher. And despite the various *causes celebres* of the following years the Act at first worked with some success. By the end of 1853 about seventy fugitives had been returned under its provisions with only fourteen or so released or rescued from custody. At the end of 1851 President Millard Fillmore claimed that the problem was being gradually resolved and both major parties endorsed the Fugitive Slave Act in their platforms for the presidential election of 1852. Notwithstanding the occasional dramatic incident, public interest in the issue almost certainly diminished in 1852 and 1853 (despite the numbers who were enthralled by *Uncle Tom's Cabin*) and this, coupled with the apparent resolution of the other issues of 1850, meant that the sectional controversy itself now seemed to have been resolved, precisely as the champions of compromise had hoped and believed.[63]

In January 1854 the Charleston *Mercury* was still complaining that the Compromise was merely "a hollow truce" but this was now an aberrant view within the South. The Governor of Virginia reported in a message delivered at the end of 1853 that the abolitionists in the North had been rebuked in the last two years, whilst the Governor of Missouri at the

62. William D. Porter, *State Sovereignty and the Doctrine of Coercion: 1860 Association Tract no 2* (n.p., n.d.), p. 36; *Speech of Louis T. Wigfall on the Pending Political Issues, Delivered at Tyler, Smith County, Texas, Sept. 3, 1860* (Washington, D.C., 1860), p. 25.
63. Fehrenbacher, *Slaveholder's Republic*, p. 235

same time declared, with evident pleasure and satisfaction, that sectional-
ism had almost been banished from national politics. Future Confederate
leader Jefferson Davis acquiesced in the nomination of Franklin Pierce
as Democratic candidate in 1852 and all the southern states, including
even South Carolina, did likewise. In the South the final, lingering gasp of
opposition to the Compromise took the form of a new Southern Rights
party which received in the election a paltry four thousand votes. (Pierce
received more than one and a half million.) In the United States Senate
Albert Gallatin Brown, who in 1850 had believed that it might be neces-
sary to take slaves into California and defend them with arms, and that the
North would betray the South at the first opportunity, now felt impelled
to repudiate the charge that he was or ever had been a disunionist. In
1860 he would again remark that he had believed for twenty years that
slavery and the Union were incompatible but in late 1851 he denounced as
"FALSE AND SLANDEROUS" "the charge laid against me that I was,
or ever have been, for *disunion*, or *secession*." A few months later he
announced that the southern rights movement, which he had supported
in 1850–1851, was dead. And his verdict on the movement, he announced,
was – "let it die." Thus the Compromise of 1850 appeared to have been
as successful as might have been hoped and the compromisers of 1850
seemed to have ample reason to be proud of their efforts.[64]

## VII

It is important to remind ourselves of the role of slave resistance in the
crisis of 1850. The slaves were not, of course, active participants in the
drama that unfolded in Washington, when the Compromise was being
hammered out, or in the various state capitals, when it was in effect being
ratified. Nevertheless their role was a crucial one.

   This was most obviously the case with those who had attempted, suc-
cessfully or unsuccessfully, to flee from their masters. The Fugitive Slave
law was a direct response to their actions. But the role of slave resistance
went far beyond the few thousand fugitives who went north each year.
The minority status of the South, which so preoccupied southern militants
at this time, cannot be understood except in terms of the weaknesses of

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64. Charleston *Mercury*, Jan. 26, 1854; *Journal of the Senate of the Commonwealth
of Virginia . . . 5 Dec., 1853* (Richmond, 1853), p. 26; *Messages and Proclamations
of Governors of Missouri*, II, p. 328; *Speeches, Messages, . . . of . . . Albert Gallatin
Brown*, pp. 176, 190, 243, 264, 597; Nevins, *House Dividing*, p. 38. See also
*Richmond Enquirer*, July 6, 1853; Ronald P. Formisano, *The Birth of Mass Parties:
Michigan 1827–1861* (Princeton, 1971), p. 215; Harold S. Schultz, *Nationalism and
Sectionalism in South Carolina, 1852–1860: A Study of the Movement for Southern
Independence* new edition (New York, 1969), p. 52.

slavery. The inability of the South to keep pace with the North in terms of population was attributable in large part to her inability to attract immigrants. As her leaders often acknowledged, the South did not want immigrants, lest they bring opposition to slavery with them. Slavery was so vulnerable to the opposition of nonslaveholding whites that the southern militant preferred to risk minority status within the Union rather than see an increase in their numbers.

Far more important than the actions of a small minority of fugitives, and investing the potential disaffection of the immigrant with its significance, was the longing for freedom of the great mass of slaves. It was this which energised the antislavery movement, the fear of which so gripped militant southerners at this time and indeed throughout the era of the sectional conflict. The abolitionist project, daunting enough as it was, would have been unimaginable had the slaves embraced their chains. Every time the southern militant reacted to the prospect of abolition, he was confirming the role of black resistance to slavery.[65] Had the slaves been content in their enslavement, abolitionism would have been made almost entirely innocuous. The simple fact that slaves did not wish to be slaves gave abolitionism its bite. It was thus a necessary condition of the crisis of 1850.

### Triumph of the southern Democrats: The Kansas-Nebraska Act, 1854

I

The Compromise had succeeded because it had detached the more moderate elements North and South from their more militant colleagues. While the Fugitive Slave issue had been, in the short term, highly contentious, the controversy surrounding it had, by the end of 1853, in good part abated. The territories of New Mexico and Utah, however ambiguous the principles on which they were organised, largely disappeared from public consciousness.[66] Texas's boundaries ceased to be of great concern outside Texas and the abolition of the slave trade in the District of Columbia was of equally little concern even within the District. Moreover, since there was now no territory for which federal policy had not been determined, it seemed as though there was little prospect of a renewal of sectional animosities. Small wonder therefore that the years 1852 and 1853 marked a time of relative peace and harmony between North and South.

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65. To repeat an argument made throughout these volumes: this point is in no way weakened by the fact that southerners were convinced that their slaves were content in their enslavement.
66. This was true at least so far as the sectional controversy was concerned; the Mormons in Utah continued to attract attention for other reasons.

Unfortunately, however, the work of the politicians could not touch the deeper processes operating within the nation. Nothing that had been achieved in 1850 could alter the basic fact that there was an ever-increasing imbalance between North and South, and nothing could alter the even more basic fact that the friction between master and slave could only be controlled by measures that would inevitably, and for equally profound reasons, alienate the North. These processes would soon shatter the calm of 1852–1853 and they would burst forth in the crisis that engulfed the nation after 1854 as it sought to determine the fate of Kansas.

The territories of Kansas and Nebraska lay within the area purchased by Thomas Jefferson in 1803. They were therefore subject to the provisions of the Missouri Compromise, which had decreed that slavery should not exist in areas north of 36° 30'. In short, they were to be free. Since the nation had after 1850 acquired an important new state, California, on the Pacific, it was imperative that the territories of Kansas and Nebraska, which lay between the Pacific and the older states, be organised. For this reason among others, Stephen A. Douglas of Illinois introduced his famous Nebraska bill, later to become a Kansas-Nebraska bill, in early 1854.[67] Originally Douglas had not wished to amend the Missouri Compromise at all but southerners pressured him not merely to amend but to repeal it entirely. It was apparent by 1854 if not earlier that, primarily by virtue of their power within the Senate, southerners had an effective veto on the opening up of Kansas and Nebraska. Douglas's motives, both for introducing the Act and for succumbing to southern pressure will be examined elsewhere in this study; here it is necessary to understand why southerners placed this pressure upon him.

There were four principal reasons. One was the fear of additional free states and its corollary, the desire for more slave states. If Kansas and Nebraska were organised in accordance with the Missouri Compromise, they would of course enter as free states. The fear of ever-expanding free territory had been awakened (or reawakened) by the Wilmot Proviso in 1846 and as we have seen, it had been one of the factors that impelled many southerners to voice the strongest objections to the admission of California. By now any southern writer or statesman who expressed concern about new free states scarcely needed to add that the ultimate danger was of an amendment to the Constitution which would then allow a direct assault upon slavery in the states. This fear was ever-present in the 1850s and, as we shall see, it would play an important part in the drive for secession in 1860–1861.[68]

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67. The original bill envisaged a single territory, Nebraska; later versions divided it into two.
68. *De Bow's Review*. XXII (1857), pp. 585–587; Robert E. May, *The Southern Dream of a Caribbean Empire* (Gainesville, 2002), pp. 10–11.

The result was that most southerners could see little reason to support Douglas's bill in its original form (that is, with the Missouri restriction intact). It offered nothing but the prospect of additional free states, nothing therefore but the loss of additional political ground. Why should southerners, as Albert Gallatin Brown later asked in a somewhat different context, "help to swell that hostile power at the North which has already given us so much trouble?"[69] On the other hand, a repeal of the Missouri Compromise would change all. It would open up the possibility of additional states for the South, attainable by one of two routes. First and most obviously, Kansas herself might enter the Union as a slave state. But in addition there was the prospect that other states, perhaps far removed from Kansas, might enter on the basis of the policy of Congressional nonintervention, if that became the federal government's settled and agreed policy for the territories.

Southerners were divided as to whether slavery was actually viable in Kansas. Some Missouri Congressmen, who were closest to the area in question, were sure that it was, as were some of their colleagues from Tennessee and Virginia. On the other hand, some Arkansans said the opposite, as did the Richmond *Enquirer*. Other southerners expressed uncertainty or voiced no opinion on the question or were inconsistent in their assessments. R.M.T. Hunter of Virginia, for example, began by believing that Kansas would be fertile soil for slavery, then changed his mind. On the other hand, a large number of southerners, who initially had been pessimistic about Kansas, went in the opposite direction and after a few months or years began to demand that slavery be formally recognised there. Jefferson Davis, meanwhile, argued that slavery might gain a foothold in Kansas but doubted whether it would be permanently established there. Thus a wide range of opinions found expression. A representative attitude was perhaps struck by the *Mississippian*, which in welcoming the measure, acknowledged that whether Kansas could become a slave state "remains to be seen."[70]

Even those who had doubts about Kansas herself, however, entertained hopes for slave states elsewhere, whose creation would be facilitated by the Kansas-Nebraska Act. For if the policy of congressional nonintervention, inaugurated in 1850, were reintroduced in 1854 in the Kansas-Nebraska Act, would it not then be firmly established as federal policy, to be

69. *Speeches, Messages, . . . of . . . Albert Gallatin Brown*, pp. 593–594.
70. *CG*, 31/1, pp, 140, 206–207, 221, 232, 408–414, 437, 530, 559–560, 844, 1303; Manisha Sinha, *The Counterrevolution of Slavery: Politics and Ideology in Antebellum South Carolina* (Chapel Hill, NC, 2000) p. 189; Nevins, *House Dividing*, p. 117; *Mississippian*, 2 June 1854; James A. Rawley, *Race and Politics: 'Bleeding Kansas' and the Coming of the Civil War* (Lincoln, NE, 1969), p. 80; James M. Woods, *Rebellion and Realignment: Arkansas's Road to Secession* (Fayetteville, AR, 1987), pp. 66–67; Schultz, *Nationalism and Sectionalism in South Carolina*, pp. 53–65; Freehling, *Road to Disunion: Secessionists at Bay*, pp. 549, 626.

automatically applied when organising future territories yet to be acquired? Some southerners explicitly stated that they valued the repeal of the Missouri Compromise primarily because it would facilitate expansion into the tropics. This was a powerful political motive for repeal.[71]

Alongside the political imperative for additional slave states, however, lay an economic imperative. Here was a second factor that induced southerners to put pressure on Douglas in 1854. Yet it is important to note that there had been prior to 1854 no sustained call for the repeal of the Missouri Compromise, if only because southerners thought such a goal unattainable. There had therefore been, prior to 1854, no sustained demand for the spread of slavery into Kansas. Nevertheless the socioeconomic argument for the expansion of slavery had been advanced with increasing frequency since the 1840s and it helped make some southerners profoundly receptive to the possibility of expansion into Kansas, if only once again to create a precedent or to clear the way for expansion elsewhere. In other words the economic case for the spread of slavery was critical to the arguments that developed over future and existing territories. And it was the Kansas question that both relaunched the controversy over the territories and dominated the ensuing discussion for the remainder of the decade.

## II

In the 1850s many Americans, both North and South, favoured territorial expansion, and for a wide variety of reasons. Much interest focussed on the Caribbean and especially on Cuba, but Mexico and Central America also attracted considerable attention. Northerners and southerners alike emphasised the commercial gains that might be available if some of all of this territory were acquired. In the case of Cuba southerners also stressed the danger of abolition there, should Spain, the colonial power, encourage or at least fail to prevent it, and in the case of Mexico, they focussed upon the opportunities for escape across the border that were offered to slaves in Texas, for example. Nevertheless, in the 1850s as in the 1840s, territorial expansion had a genuine appeal in the North too and for this reason it received a ringing endorsement from the Democratic party throughout the decade.[72]

Southerners indeed had a variety of reasons for desiring additional territory. As we have seen, the political need for additional slave states was

71. Thus the New Orleans *Picayune* declared that the Kansas-Nebraska Act had established the principle "upon which alone, if Cuba is ever acquired, it can be received safely to the Southern States" – *Picayune*, June 9, 1854 quoted in May, *Southern Dream of a Caribbean Empire*, pp. 37–38.

72. For this reason too, it is treated in this volume in Chapter 3.

ever present and had been confirmed by the loss of parity in the Senate.[73]
But there was also a socioeconomic case for additional slave territory.
At its heart lay a fear that the slave population was increasing at a rate
which, in some parts of the South at any rate, was highly alarming. At
a meeting in support of the Nashville Convention in 1850 C.R. Clifton
of Mississippi estimated that there would be within a generation eight
million slaves in the South and sixteen million by 1900, his fellow Missis-
sippian Albert Gallatin Brown suggested seven or eight million by 1880
and other southerners made similar predictions.[74] These estimates were
based upon details obtained from the federal census, which again con-
firmed that the United States (alone among new-world slave regimes) was
able to increase its slave population through natural reproduction. But
some southerners viewed this demographic trend with great dismay. They
had serious doubts whether the anticipated numbers of slaves, if confined
to the present boundaries of the South, could be profitably used by their
masters. The Governor of Virginia in 1846 believed it "unquestionably
true, that if our slaves were to be restricted to their present limits, they
would greatly diminish in value, and thus seriously impair the fortunes
of their owners," while the *Mississippian* in 1850 raged that the northern
policy of free soil would leave southerners "pent up until the value of the
labor of our slaves will not equal their food and clothes, or until it will be
cheaper to employ white labor than buy black." Thus the South would
suffer a catastrophic economic decline and southern capital would flow
north. The newspaper added that this was already happening and in a
similar way other southerners drew attention to this, the problem of an
"overgrown" slave population.[75]

The consequences of this surplus of slaves were not, however, merely
financial. Governor Smith of Virginia warned that it would lead whites to
emigrate so that "finally, the slave will become the owner of the present
slaveholding States." In other words these states would then be controlled
by a population of free blacks which, according to one Missourian, was
"the worst of all classes with which they could be afflicted." As if this
possibility were not bad enough, others foresaw an even more fright-
ening prospect. "One of two things," according to C. R. Clifton, was
"inevitable": "the white population will exterminate the slaves, in order

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73. May, *Southern Dream of a Caribbean Empire*, p. 261.
74. "Speech of C. R. Clifton 8 April, 1850" in *Mississippian*, May 10, 1850; *Speeches,
    Messages, . . . of . . . Albert Gallatin Brown*, p. 324, William L. Barney, *The Secessionist
    Impulse: Alabama and Mississippi in 1860* (Princeton, 1974), p. 17.
75. Message of Governor William Smith in *Journal of the Senate of the Commonwealth
    of Virginia . . . 6 Dec. 1847* (Richmond, 1846), p. 28; *Mississippian*, Oct. 4, 1850.
    See also *De Bow's Review*, XII (1852), p. 182; Robert F. Durden, "J. D. B. De Bow:
    Convolutions of a Slave Expansionist," *Journal of Southern History*, XVII (1951),
    pp. 441–461.

to avoid being exterminated, or they will be compelled to abandon the country to the slaves." In other words, a race war was in prospect for the South. Clifton added that this was precisely the goal of free-soil northerners.[76]

In much the same way, Albert Gallatin Brown noted, as many southerners did, and had done for many years, that slaves were being drained from more northerly to more southerly regions. Just as the New England states had seen their slaves sold south, so Virginia and Maryland were experiencing the same process. But Brown demanded that the slaveholders of Mississippi too should in the future be offered the same option. For "when the slaves have become profitless or troublesome, we, too, want a South to which we can send them." According to Brown, southerners "want it, we cannot do without it, and we mean to have it." The alternative, in the absence of an "outlet" would be "that sort of disaster which you would have if you damned up the mouth of the Mississippi river." What Brown obliquely referred to was the spectre other southerners explicitly invoked when they predicted nothing less than a repetition of the bloodshed and violence that had taken place early in the century in Santo Domingo. As they had for many decades, the slaveholders of the South saw this as the ultimate calamity.[77]

Those southern militants who predicted economic ruin and social cataclysm for a South that was unable to expand did not always explain the process by which these calamities would occur. Ironically, those who did gave what amounted to, though was scarcely intended to be, an indictment of the economic performance of slavery in the South that rivalled anything produced by the most unrestrained northern critic. As we have seen, the authors of more formal proslavery tracts were bedevilled by this problem and it resurfaced when southerners presented the economic case for territorial expansion.[78]

The state of Mississippi was one of the wealthiest in the South and its successes illustrate what has been termed the allocative efficiency of slavery: the ability of the slave regime to shift resources into geographical

76. *Journal of the Senate of the Commonwealth of Virginia. . . . 6 Dec, 1847* (Richmond, 1847), p. 29; *Journal of the Senate of the Commonwealth of Virginia. . . . 3 Dec. 1849* (Richmond, 1849), p. 22; "Speech of Clifton," in *Mississippian*, May 10, 1850; *Letter of James S. Green of Missouri* (n.p., n.d.), pp. 11–12.

77. *Speeches, Messages, . . . of . . . Albert Gallatin Brown*, p. 324; Louisville *Daily Courier*, Jan. 10, 1861, in Dumond (ed.), *Southern Editorials on Secession*, p. 392; Benjamin M. Palmer, *A Thanksgiving Sermon, Delivered at the First Presbyterian Church, New Orleans, November 29, 1860* (New York, 1861), p. 19. See also *Southern Slavery Considered on General Principles; Or, a Grapple with Abstractionists by a North Carolinian* (New York, 1861), p. 20. Calhoun had raised the spectre of a repetition of the events of Santo Domingo in the Senate in April 1848 – see *CG*, 30/1, App., p. 505.

78. See Volume I of this study, pp. 246–262.

regions where they could be most productively employed. But even Mississippi's economy gave considerable cause for concern to some observers. The *Mississippian* in 1860 sounded the alarm:

> We have reached that period in our history where something must be done for progress, or our declension in resources of strength will be rapid and evident. We need not ask what will be the fate of those vast tracts of worn-out lands, now lying everywhere as useless as the bills of spurious and broken banks; but what will become of those on which we rely now, not merely for the articles of our export – cotton, etc., but for bread, the staff of life? They are rapidly falling into the condition of the former...An improvident agriculture has already ruined millions of the best acres of our soil, and if persisted in, will ultimately turn the whole country into a wide, ruinous waste.

Similarly George Sawyer of Virginia declared that "in some of the old Slave States," "the soil, from long cultivation, is fast becoming exhausted." He pointed out that in North Carolina, South Carolina and "even Alabama and parts of Mississippi" there were "large tracts of country" which "must be annually abandoned, and the inhabitants...compelled to seek new and fresh lands to reward their labors." Hence the desire to move West. Sawyer argued that "millions and millions of acres of the richest and most productive lands upon the face of the globe, that have for years, and will for hundreds of years to come, lay unoccupied in the West, invite them, by the most tempting rewards, to seek new homes in these vast realms of the pubic domain." Then he delivered the sombre conclusion. Whoever had witnessed this exodus could "feel most sensibly the weight of the death-blow that would be inflicted upon the industry, wealth, and enterprise of these States, were their citizens denied this privilege." Thus for Sawyer the problem of soil erosion made territorial expansion an absolute necessity for the South.[79]

On the basis of similar reasoning Jefferson Davis argued that slavery should be "diffused." This was partly because slaves were, he claimed, better treated in such circumstances but more fundamentally it was, as he did not claim or even clearly understand, because of the economic weaknesses of slavery. In a phrase that would have been applauded by any Republican or abolitionist Davis termed "slave labour" "wasteful labour." Hence "it requires a still more extensive territory than would the same pursuits if they would be prosecuted by the more economic labor of

79. *Mississippian*, Aug. 10, 1860; George S. Sawyer, *Southern Institutes or, An Inquiry into the Origin and Early Prevalence of Slavery and the Slave Trade* (Philadelphia, 1858), p. 354.

white men." "We at the South, he concluded, "are an agricultural people, and we require an extended territory."[80]

If this was a problem even in a state like Mississippi it was all the more acute in the states of the South East. Those who advocated the reopening of the African slave trade sometimes pointed to the faltering economy of South Carolina and some of those who demanded additional territory for slavery similarly warned that without it soil erosion and other evils would bring disaster. Edward Shepard, in the North Carolina State Senate in 1850 painted a vivid picture of the condition to which his state would sink if measures like the Wilmot Proviso were implemented. Shepard claimed that while excellent for opening up new lands, the labour of the slave nevertheless "impoverishes" the soil. "Even now," he continued, "unless upon the best cotton, rice, and sugar plantations, his labor is not remunerative." Shepard then asked "what . . . must it be, when the number is enormously increased, and that increase restricted to worn and impoverished soils?" Since North Carolina had "but little territory peculiarly adapted to the profitable occupation of slave labor," she would suffer more than any other state. Already "much of her soil is . . . worn down by constant cultivation and needs the resuscitation of rest and economical and skillful husbandry, which can never take place when burdened by a superabundant population of slaves." And by 1890 there would indeed be a "superabundance." Shepard predicted 860,000 blacks in the state, "nearly all of them agricultural laborers drawing a scanty support from a worn out and impoverished soil." The nonslaveholders would be compelled to emigrate, the few slaveholders would engross the land "until the State becomes one vast plantation, barely providing enough to sustain in the cheapest and scantiest manner, her teeming black population." Hence expansion into the West (or elsewhere) was imperative for the purpose of North Carolina "relieving herself partially of this population."[81]

For these reasons, therefore, and with these dystopian visions before them, many southerners pressed the case for territorial expansion. Some argued that even if the need was not yet urgent, action should still be taken quickly; it was the task of the statesman to anticipate and thus forestall future crises. Nor should expansion be limited to areas suitable for the cultivation of cotton. Many southerners considered that slaves might be profitably employed in mining and some even speculated on the possibilities in the grainbelt of the Northwest. Albert Gallatin Brown, as ardent a southern expansionist as anyone in Congress, urged the occupation of parts of Central America – but only if slaveholding could be established in them.

80. "Speech of Jefferson Davis, February 13 and 14, 1850" in *Mississippian*, May 3, 17, 1850.
81. "Speech of Mr Shepard in the North Carolina Senate . . . Nov. 27" in Raleigh *Standard*, Dec. 14, 1850

Brown acknowledged, quite openly, that he wanted Cuba, Nicaragua and parts of Mexico for the spread of slavery. He wanted, he reiterated in January 1853, "an outlet for slavery." Both Democratic presidents of the 1850s, Franklin Pierce and James Buchanan, though northerners, would prove highly sympathetic to these southern demands.[82]

Hence despite the levels of prosperity enjoyed in the South (as well as the North) in the 1850s these demands did not disappear and, as we shall see, were still heard when secession was under consideration in 1860–1861. Nevertheless it is important to note that the economic case for territorial expansion by no means united all southerners. Those who from the mid-1850s campaigned to reopen the African slave trade, for example, generally argued that there were in fact too few slaves in the South, even in the areas already held, and that those slaves commanded prices that were in fact too high. The goal of these radicals was to reduce the price of slaves, not least in order to increase their numbers in the states of the Upper or Middle South (such as Shepard's North Carolina) where, they believed, slavery was highly vulnerable. In part, but only in part, the two contradictory strategies were responses to different economic conditions, with the slave trade enthusiasts addressing problems of prosperity and consequent high prices and the territorial expansionists responding to economic decline and consequent low prices. This distinction is blurred, however, by the persistence of the territorial argument into the prosperous years of the 1850s and the claim, made by some slave trade enthusiasts, that more Africans were needed to reinvigorate the southern economy.

Similarly many southerners, without explicitly confronting the question of slavery's need for additional territory, simply opposed, and for a variety of reasons, all schemes for expansion into Latin America or the Caribbean. Thus some argued that Mexico was unsuitable, on climatic grounds, for slavery and that Mexicans were in any case unsuitable, on racial grounds, for citizenship (or slavery!) in the American Republic. Other southerners found in the racial deficiencies of the Cubans a fatal objection to the annexation of their island. Finally the process by which expansion might occur caused great disquiet in some quarters; many condemned unreservedly the filibustering efforts that were repeatedly made in the 1850s. And it is important to note that among the enemies of expansion were some of the most militant southerners of all. Thus Edmund Ruffin of Virginia questioned the value of Cuba, while almost all the South Carolinians (with the possible exception of James Orr and his coterie), remained very hostile to all imperialist enterprises.[83]

82. Eugene D. Genovese, *The Political Economy of Slavery: Studies in the Economy and Society of the Slave South* (New York, 1967), pp. 254–260; *Speeches, Messages, . . . of . . . Albert Gallatin Brown*, pp. 324, 212, 593–595.
83. May, *Southern Dream of a Caribbean Empire*, pp. 15, 201–203; Sinha, *Counterrevolution of Slavery*, p. 65; Lacy Ford, Jr., *The Origins of Southern Radicalism: The*

Nevertheless there were many southerners who advocated territorial acquisitions in the 1850s, many of them on explicitly proslavery grounds, and many on the basis of slavery's chronic and more-or-less urgent economic need for more land. The policies they favoured became embroiled in the struggle over the Kansas-Nebraska Act. Thus the economic case for territorial expansion, though unable in the 1850s to command universal acceptance even among southern militants, was nevertheless present as a second motive impelling southerners to seek repeal of the Missouri Compromise.

III

As we have seen, the political case for new slave states had an unmistakable appeal to most southerners who wished to retain slavery in the South. The economic case for additional territory, as we have also seen, appealed to some, though by no means all, of the staunchest defenders of the system. But almost every southerner by 1854 found the opportunity to erase the Missouri Compromise from the statute book difficult, on constitutional grounds alone, to resist. Here was a third reason for supporting the Kansas-Nebraska Act and indeed for pressuring northern Democrats to include repeal within its provisions.

As we have seen, there was no prior movement in the South for the repeal of the Missouri restriction. Indeed in the late 1840s there had been a widespread desire among southerners to extend it to the Pacific. But northerners had voted this down. In so doing, they created, though it was scarcely understood at the time, a large southern constituency in favour of congressional nonintervention or, as it was often called, popular sovereignty, at that time an entirely untried and untested policy. For otherwise, how were any new slave states to be created? Northern objections that had applied to an extension of the line to the Pacific would presumably apply with equal force to any other policy that required the federal government to authorise slavery in any latitude at all, including territories that might be subsequently acquired in Central America or the Caribbean. Thus a complete repudiation of congressional control over the territories seemed the only way by which the South might expand.[84]

*South Carolina Upcountry, 1800–1860* (New York, 1988), pp. 182–185; Schultz, *Nationalism and Sectionalism in South Carolina*, pp. 68, 121, 179–180; William W. Freehling, *The Reintegration of American History* (New York, 1994), pp. 168–172; May, *Southern Dream of a Caribbean Empire*, p. 249.

84. In fact there was another alternative: a slave code for the territories. Calhoun had advocated something like this, as had William Lowndes Yancey in February 1848 but in the early 1850s it had relatively few supporters, not least because it seemed such an extreme proposal.

Moreover, the success of the Compromise measures in general (at least when viewed from the vantage point of late 1853) and of the territorial policy respecting New Mexico and Utah in particular widened the appeal of nonintervention still further. Thus the only policy that might produce territorial expansion in the South seemed to have been successful. By 1854 there were therefore three effects that southerners might expect or hope for from a repeal of the Missouri restriction. First, it would allow for the possibility of the spread of slavery into Kansas itself. Second, even if slavery did not in fact go into Kansas, repeal of the Missouri Compromise would nevertheless confirm a federal policy for the territories which alone seemed to offer the prospect of more slave states, wherever they might be located. We have seen that some southerners believed this indispensable to the health of the institution on economic as well as political grounds. And third, even if no expansion took place anywhere at all, repeal would roll back the power of the federal government and help confirm that it lacked the constitutional power to infringe the rights of slaveholders.

Even before the Kansas-Nebraska Act was introduced, some southerners expressed deep regret that the South had acceded to the Missouri restriction in 1820. Albert Gallatin Brown as early as 1848 lamented the fact that the South, in so doing, had admitted the power of Congress to exclude slavery. This was "the first, greatest, and most fatal error in our legislation on the subject of slavery," since "it violated at once the rights of one half the Union, and flagrantly outraged the Federal Constitution." Missouri, according to Brown, had had a perfect right to enter the Union in 1820 as a slave state and there was therefore no reason for the North to have extracted a price in the form of an exclusion of slavery in other territory. So for Brown the correct view of the constitution had prevailed until that date. "Give us the Constitution as it was administered from the day of its formation to 1819 and," he promised, "we are satisfied." Similarly in 1849 the *Address of the Southern Delegates in Congress* confirmed that prior to 1819 there had been no problem with regard to federal policy on the territories.[85]

Both Brown and Calhoun (who wrote the Address) had nonetheless been willing, on grounds of expediency and as a gesture of goodwill, to extend the Missouri line to the Pacific. But some southerners noted that all the constitutional arguments directed against the Wilmot Proviso applied equally to the Missouri restriction. In this way northerners who demanded free soil in the late 1840s and beyond unwittingly strengthened

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85. *Speeches, Messages, . . . of . . . Albert Gallatin Brown*, pp. 133, 207, 331; *Address of the Southern Delegates*, pp. 1–2. Southerners who took this view noted that the Northwest Ordinance predated the signing of the Federal Constitution and thus did not form an exception to the pattern described.

the possibility that, if offered the opportunity to abrogate the Missouri Compromise, the South would take it, even though the effect might be to antagonise the North and thus strengthen the northern demand for free soil still further. In this curious way, as the North became increasingly attached to the Missouri Compromise, though unwilling to extend it, southerners viewed it with ever greater hostility, though they were prepared to see its scope expanded to cover many thousands of square miles of additional territory.[86]

Some years after the passage of the Kansas-Nebraska Act Senator James Mason of Virginia observed that he had never met a southern statesman who had not regretted the surrender of southern rights made in 1820. This was perhaps an exaggeration but it does serve to confirm the fact that southerners had ample reason to support the principle contained in Douglas's bill, even before the bill itself had seen the light of day. As a result when it did pass, most southerners were delighted. And, in general, the deeper the attachment to slavery, the greater the delight. The Milledgeville *Federal Union*, the leading Democratic paper in Georgia, noted that "for more than thirty years" the South had "borne the unjust and unconstitutional restrictions embraced in the Missouri Compromise for the sake of peace." Yet "submission did not bring peace, it only encouraged the enemies of the South to greater demands." By the late 1840s the free soilers, "having grown bold and insolent by their former success," would not abide by the Missouri Compromise, "which would have given them half of the new territories, but instead demanded the whole territory." Similarly the *Mississippian* avowed itself "gratified" by the Act, "because it erases from the statute-book, as unconstitutional and a most odious enactment to the South, degrading her institutions, and asserting her inferiority in the Union." Passage of the Act meant that "the power thus unwisely yielded thirty-four years ago, to Congress, to prohibit slavery in the territories, is revoked." Even more fundamentally, "the dangerous precedent is done away with" so that now "the standard of Equality between the States, is raised aloft; and the doctrine of the Constitution once more reigns supreme."[87]

As their polemical remarks indicated, southerners were convinced that the withdrawal of Congressional power over the territories would not

86. Phillips (ed.), *Correspondence of Toombs, Stephens, and Cobb*, p. 93; Charles M. Wiltse, *John C. Calhoun, Sectionalist, 1840–1850* (New York, 1951), p. 304; J. G. De Roulhac Hamilton, *Party Politics in North Carolina, 1835–1860* (Durham, NC, 1916), p. 129; Sinha, *Counterrevolution of Slavery*, p. 68.

87. *CG*, 35/1, App. p. 76; Milledgeville *Federal Union*, Feb. 14, 1854; *Mississippian*, June 2, 1854. The Missouri restriction was to some southerners all the more galling since it seemed to prevent even *states* and not merely *territories* north of 36°30′ from establishing slavery – hence its danger as a precedent.

merely serve to establish proper constitutional principles but would also administer a severe blow to those northerners who wished to agitate the slavery question. This indeed was Douglas's expectation. He had some time previously reached the conclusion that the discussion of slavery in Congress gave northern agitators scope for mischief they would otherwise not possess. It allowed them to manufacture controversy where none need exist. Historians know with hindsight, of course, that the Kansas-Nebraska Act had precisely the opposite effect in that it produced a disastrous intensification of sectional hostilities but it is important to realise that if Douglas himself, perhaps the most popular statesman in any party in the North, made these predictions about the effect of his measure on northern opinion, it was scarcely surprising that many southerners shared them.

Thus a proper view of the constitutional limitations on Congressional power would be promoted by the Act and this is turn would have a salutary and regenerative effect on northern opinion. It was not surprising, therefore, that the *Mississippian* upon the passage of the bill looked forward to "the banishment of the slavery question from the National councils." The process by which northerners had been led to demand one concession after another, each greater and more threatening than the last, would now be put into reverse. For southern militants this was an outcome most fervently to be desired.[88]

## IV

Even the prospect of these gains, substantial as they appeared to be, did not exhaust the attractions of the Kansas-Nebraska Act for southern militants. Not only was there a political incentive for new states, an economic incentive for territorial expansion, and a constitutional incentive to deny Congress power over slavery, there was also a fourth factor. This comprised a set of more localised concerns which played a key part in the genesis of the Act, in its operation and in making the measure truly irresistible in the South. They concerned the state of Missouri. Indeed it is scarcely too much to say that affairs in the state of Missouri made the territory of Kansas the powder keg that it quickly proved to be.

Like other border states Missouri contained relatively few slaves.[89] In 1850 the total was about 90.000 (approximately the same as in Maryland). They farmed hemp and tobacco primarily in the western counties.

88. *Mississippian*, March 31, 1854. See also Phillips (ed.), *Correspondence of Toombs, Stephens, and Cobb*, p. 344.
89. Virginia was the exception that proved the rule. The border areas (now West Virginia) had few slaves, even though the tidewater areas, far away from the border, had a great many, giving Virginia in absolute numbers more slaves than any other state.

But the politics of slavery in Missouri were unique. The state had been admitted into the Union, of course, more than thirty years earlier in the sharpest sectional controversy the nation had yet experienced. From that time onwards the slavery question had lain largely dormant in the politics of the state until the late 1840s when controversy erupted once again. For many Missourians choosing between North and South proved then, as it would until the end of the Civil War, an extremely difficult and painful process.

In the 1850s the range of opinion on slavery within Missouri's political mainstream was extraordinarily wide, wider in fact than in any state in the Union. Men like U.S. Senator David Rice Atchison were utterly southern in their loyalties; Atchison was a close friend and messmate of some leading southern Senators and utterly determined to protect the interests of slavery and slaveholders in Missouri. On the other hand, leaders like Thomas Hart Benton looked instead to the North and in Benton's case openly acknowledged that, although a slaveholder, he wished there were no slaves in the state. Later in the 1850s an abolition party would emerge in Missouri and the Republicans would in 1860 carry the city of St Louis, the focus of antislavery sentiment in the state. The position was complicated by the fact that Missouri, unlike Maryland for example, was still a frontier state desperate to recruit new settlers and later in the decade many would conclude that slavery was retarding her growth and ensuring that in a competition with Illinois, for example, she would lose. On the other hand, Atchison and his followers feared that an influx of free-state settlers might further weaken slavery in the state. Yet by the early 1850s it was becoming increasingly difficult for them to resist the mounting pressure placed upon them by constituents who demanded the opening up of neighbouring Kansas.[90]

Atchison, like many other southerners, believed that the prohibition of slavery above the line of 36° 30′ had been one of the most catastrophic errors in the history of the Republic. Until at least 1853 however, he, again like many other southerners, saw no hope of its repeal. But by that year he had realised that the pressure from his constituents to open up Kansas could no longer be resisted. He now faced a dilemma. Preventing the organisation of Kansas would alienate his nonslaveholding supporters (always a large majority in Missouri); allowing the territory to be organised in accordance with the Missouri Compromise would damage the interests of the slaveholders. This problem was particularly acute since

90. P. Orman Ray, *The Repeal of the Missouri Compromise* (Cleveland, 1909); Freehling, *Road to Disunion: Secessionists at Bay*; Roy F. Nichols, "The Kansas-Nebraska Act: A Century of Historiography," *Mississippi Valley Historical Review*, XLIII (1956), pp. 187–212.