

ATTEMPTS AT COMPROMISE OF CIVIL WAR

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P R E F A C E

The period subsequent to the election and prior to the inauguration of Abraham Lincoln as President of the United States was one of intense excitement.

Seven states seceded from the Union and unprecedented problems were created for government and people. Proposals of Compromise emanated from press, caucus, petition, convention and legislative halls. The pages of the Congressional Globe were almost monopolized by discussions of the "State of the Nation". There was much sparring for party advantage, and public opinion was courted by all the existing agencies of propaganda. Votes were cast in passion, and fateful decisions were made on waves of hysteria.

The purpose of this study is to investigate the various compromise proposals and to seek to ascertain party and sectional attitudes toward them.

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E. G.

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REACTION TO THE ELECTION OF ABRAHAM LINCOLN

Chapter One

The final election returns of the presidential election of 1860 disclosed that Abraham Lincoln had received 180 electoral votes to 72 for John C. Breckenridge, 39 for John Bell, and 12 for Stephen A. Douglass. This handsome majority, however, was not duplicated in the popular vote. Out of 4,682,069 votes cast Lincoln received 1,866,452 or slightly less than 40 per cent. Of even more significance was the fact that only 26,430 votes of his total came from the 15 slave states.¹

The election returns definitely established Lincoln as a sectional candidate and a minority president. At the same time they demonstrated the strength of union sentiment in the South. Breckenridge was the candidate of the Southern-rights group and, while he denied secession tendencies and was supported by such a strong unionist as Andrew Johnson, undoubtedly received virtually all of the secessionist votes. Instead of a spectacular sweep on a wave of "Southern Nationalism" he actually received nearly 124,000 fewer votes in the slave states than his opponents.²

Missouri returned a small plurality for Douglass, and the Border states of Virginia, Kentucky, and Tennessee were carried by Bell. On the surface it appeared that the South in the election of 1860 had

1 Edward Stanwood, A History of the Presidency, 1788-1799, (revised by Charles Knowles Barton), N. Y. 1924, p. 297.

2 J. G. Randall, The Civil War and Reconstruction, N. Y., 1937, p. 182.

registered a negative decision upon the question of secession. However, the votes received by Bell and Douglass in the South were virtually all anti-Lincoln votes and were chiefly votes to avoid secession by defeating Lincoln. It was undoubtedly true in many cases that this type of unionism was consistent with a readiness to secede in the event of Lincoln's election.³

In October, before the election of Lincoln, Governor Gist of South Carolina had sent a confidential letter to each of the governors of the cotton states informing them that if Lincoln should be chosen, South Carolina would call a convention, and asking if the other states would cooperate.⁴ The Governor of North Carolina responded that a majority of the people of his state would not consider the election of Lincoln as sufficient cause for secession.⁵ The Governor of Louisiana was of the same opinion and the Governor of Georgia advised that his people would await an "overt act".⁶ The executives of Alabama, Mississippi, and Florida pledged their states to cooperate in the secession movement in the event of Lincoln's election.

Southern hostility toward Abraham Lincoln and "Black Republicanism" found a determined and precipitate leader in South Carolina. On November 5 while its legislature was in session for the purpose of selecting presidential electors, it received a communication from Governor Gist conceding the strong probability of a Lincoln victory and

3 J. G. Randall, op. cit., p. 182.

4 John H. Nicolay and John Hay, Abraham Lincoln: A History, N. Y., 1890, II, p. 307.

5 Ibid., II, p. 308.

6 Ibid., II, p. 312.

advising it to stay in session and take such action "as will prepare the State for any emergency that might arise".

Brushing aside the suggestions of a few, who favored a convention of the Southern States or sufficient delay to allow other slave states to be heard from, the Legislature on November 12 unanimously passed an act calling a convention to meet on December 17. The election for the choice of delegates was to be held on December 6.⁸ On December 20 the convention, by the unanimous vote of its 169 distinguished members, passed the ordinance of secession dissolving to the satisfaction of its "State Rights" devotees, the ties which bound it to the Federal Union.

The secession movement flowered much slower in the other cotton States. Almost a month elapsed before the next one seceded. Mississippi went out on January 9, 1861; Florida on January 10; Alabama on January 11; Georgia on January 19; Louisiana on January 26; and Texas on February 1.

Alexander H. Stephens, assisted by Benjamin H. Hill and Herschel V. Johnson, was foremost in opposition to secession in Georgia. Stephens had earlier expressed the conviction that if it were not for the potential mischief making of his party, Lincoln would be as safe a man as Buchanan. He now hammered home the argument that slavery was much safer in the Union than out of it, and contended with wisdom that an institution founded upon conservatism had nothing so much to fear as

7 Horace Greeley, The American Conflict: A History of the Great Rebellion, N. Y., 1890, I, p. 331. Governor Gist continued: The indications from many of the Southern States justify the conclusion that the secession of South Carolina will be immediately followed, if not adopted simultaneously by them, and ultimately by the entire South.

8 John W. Burgess, The Civil War and the Constitution, 1859-65, N. Y., 1901, I, p. 79.

unnecessary changes and revolutions in government.⁹ In his great speech before the Georgia Legislature on November 14, 1860, Stephens argued that the election of Lincoln to the presidency was not sufficient cause for secession and that such action would put the state in the wrong. He thought the union could be maintained as it was and the rights of Georgia adequately protected.¹⁰ On November 25 he could still express the hope that Georgia would find redress within the Union, and he was sure the majority of the people of Georgia echoed his sentiment.¹¹ The actions of Robert Toombs, Stephens great compeer, while leaving him open to a charge of inconsistency, leave little doubt that he was not averse to a settlement within the Union. He advocated that the legislature submit to a popular referendum the question of whether or not Georgia was willing to remain in the Union under a Republican president without an effective guarantee of Southern security. If the majority of the citizens should vote in the negative, the referendum would be understood to have empowered the governor and legislature to present an ultimatum to Congress. In case of the rejection of the ultimatum, the legislature would consider itself instructed to effect the secession of the state by the same process it ordinarily followed in making laws. Toombs was confident that this plan would produce the most powerful kind

9 U. B. Phillips, ed., "The Correspondence of Robert Toombs, Alexander H. Stephens, and Howell Cobb", American Historical Association Report for 1911, Washington, 1913, II, p. 487. (Letter to J. Henley Smith, July 10, 1860).

10 Alexander H. Stephens, A Constitutional View of the Late War Between the States, Phila., 1868, II, p. 281.

11 U. B. Phillips, ed., op. cit., p. 504.

of pressure that could be brought to bear upon the North.¹²

Jefferson Davis, Mississippi's outstanding statesman, and influential throughout the South, was a conservative by inclination.¹³ He believed that secession would inevitably lead to war, and his experience and past connection with the government made him realize that the odds against the South would be greater than what was due merely to its "inferior population".¹⁴ Hence he was in less haste to resort to that remedy than others who thought separation could be peaceably accomplished.

Governor Sam Houston of Texas, elected on a "Union" ticket in 1859, stood like a rock against the secession movement. He advised the agitated citizens of his state to be "calm and reflect", to "wait and see" if Lincoln intended "to administer the government with equality and fairness".¹⁵

Strong "union" sentiment existed in Alabama and in Louisiana. The "Border" states, bound to both sections by the strongest ties and sure to suffer the first shock of internecine warfare attempted to essay the role of peacemaker and most of the feasible conciliation proposals came from their statesmen. Throughout the South, with the exception of South Carolina, there was a disposition to postpone any decisive action until Congress should have an opportunity to effect a compromise. The slave-

12 U. B. Phillips, The Life of Robert Toombs, N. Y., 1913, p. 198.
(Hereafter cited as Ulrich B. Phillips)

13 Edward Channing, A History of the United States, N. Y., 1926, II, p. 267.

14 Jefferson Davis, The Rise and Fall of the Confederate Government, Richmond, 1881, I, p. 52.

15 Marquis James, The Raven: A Biography of Sam Houston, N. Y., 1929, p. 405.

holders throughout the South were generally conservative; many of them had supported Bell for President, and probably a majority of them were opposed to secession.¹⁶

On November 6, 1860 when a majority of the Northern voters chose Lincoln as President they never believed that secession would ensue.¹⁷ The Websterian doctrine of an "indissoluble union" had so permeated the Northern mind and the evils of disunion seemed so obvious that it was not generally regarded as an imminent danger. The hasty and seemingly earnest action of the people of South Carolina was looked upon as a historical repetition of the Nullification Crisis of 1831-32; and, without examining too closely the real condition of affairs, men hoped that the parallel would continue to the end. Some sort of compromise of the nature of 1850 was the dominant preoccupation in politics.¹⁸

When the real seriousness of the situation became apparent many who had voted for Lincoln in the belief that the Southern menace of disunion was largely gasconade were frightened at "the result of their own work".¹⁹ This was especially true in the Middle States and to some extent even in New England. The passage of the ordinance of secession by South Carolina jolted the North into the realization that this time the South was not fluffing. When the ties of the Union began to dissolve and the war clouds to descend over the land thousands who had voted for Lincoln upon such issues as protection and free homesteads

16 Stephens, op. cit., II, p. 127.

17 C. F. Adams, Charles Francis Adams, American Statesmen Series ed., John T. Morse Jr., N. Y., 1900, p. 119.

18 Nicolay and Hay, op. cit., II, p. 429.

19 James Ford Rhodes, History of the United States, 1850-96, N. Y., III, p. 31.

would gladly have recalled their ballots and "given consent to such adjustment and compromise as would have guaranteed immunity and perpetuity to slavery".²⁰ The general feeling was that the dissolution of the Union would be the greatest calamity that could befall the nation.

The financial interests of the North became hysterical at the thought of secession and were willing to grant any concession which would preserve the Union. A large element in the apprehension of these groups was the fear that secession would be accompanied by the forfeiture of Southern debts. The books of Northern merchants and bankers contained Southern debts to the extent of "two or three hundred millions of dollars. The spokesmen of Northern capital were unremitting in their endeavors for compromise. Through petitions and mass meetings they begged for the acceptance of a satisfactory scheme of adjustment that would satisfy the South and preserve the Union. Lincoln was never quite sure until he was inaugurated that the Eastern leaders even of the Republican party could be kept from yielding to such entreaties.

The Republican party bordered on "demoralization"²² in this post election period of tension and alarm. As trade fell off and unemployment developed in the cities and manufacturing villages, resentment mounted against the party whose leaders had scoffed at any possibility of secession. Typical expressions of this anger were found in the

20 James Albert Woodburn, The Life of Thaddeus Stevens, Indianapolis, 1913, p. 134.

21 Arthur C. Cole, The Irrepressible Conflict, "A History of American Life", N. Y., 1934, III, p. 283.

22 James G. Blaine, Twenty Years of Congress, From Lincoln to Garfield, Norwich, 1894, I, p. 273.

Charter Elections at Boston, Lowell, Roxbury, Charlestown, Worcester, in Massachusetts, and at Hudson in New York which took place early in December in 1860 and showed a striking and general reduction of Republican strength.²³ The fact that the Republican Congressional leaders were able to maintain the cohesiveness of their political units and vote solidly against the Critterden proposals in the face of this pressure from home is the best evidence of the solidarity of their organization and their devotion to the "Chicago platform".

As the progress of secession gradually developed, Northern opinion collected itself into four rather distinct groups: (1) the Northern Democrats who had voted for Douglass, plus the "Buchananities" and all of the old "doughface" element; (2) the Abolitionists; (3) the Northerners who had supported Lincoln but were willing to compromise with the South in order to peaceably preserve the Union; (4) a few determined men, with Lincoln at their head, who were resolved that there should be no more compromise that would lead to any extension of slave soil. The Northern Democracy, naturally, was disposed to attempt to fix responsibility for the developing crisis upon its political adversary, but it was at the same time genuinely impressed with the need of compromise and willing to go far in the interest of a settlement which would preserve the Union. The Abolitionists had no paeans to sing for the Union and were glad to see the Southerners go-the farther the better.²⁴

Even before his inauguration, James Buchanan had established the great object of his administration as the arrestment, if possible, of

²³ Greeley, op. cit., I, p. 363.

²⁴ Channing, op. cit., II, p. 289.

the "agitation of the slavery question at the North", and the destruction of sectional parties.²⁵ How completely he failed in this ambition is best evidenced by the election returns of 1860 and the condition of the nation when he delivered his last annual message to Congress, December 3, 1860. Although his devotion to the Union was not subject to challenge, he had always deeply sympathized with the South. For more than half a century he had advocated Southern rights as a means of allaying sectionalism. He believed that a policy of compromise would bring the country through the crisis and he was determined that the North should not launch a war by committing an "over act". He believed, with reason, that violence on the part of the administration would result in civil war, while at the same time he felt that a policy of conciliation would prevent the upper South and border states from joining the lower South in secession, and that when the leaders of the lower South should become convinced that they could not command even a majority of the slave states, secession schemes would break down.²⁶

Even had Buchanan been inclined toward a policy of "coercion" the means to execute it were not at hand. General Scott informed him that there were available for immediate action only one thousand men of the regular army, the remainder of the sixteen thousand being located in frontier posts and guarding post routes from which they could not be spared. The forty-two ships of the navy were scattered, according to the naval tenets of the time, at various foreign stations and no cable

25 George Tichnor Curtis, Life of James Buchanan, N. Y., 1883, II, p. 185.

26 Randall, op. cit., p. 194.

existed to summon them hastily.²⁷ The blow which he could have struck would have been so puny that irritation would have fed confidence. Only a rising of the people could have strengthened his arm for strong measures and the majority of the people were certainly in no mood for a precipitate show of force.

The annual message reflected the views of a timid old man, a life-long friend of the South, an enemy of slavery restrictionists, a strict constructionist, and a lover of the Union. He charged that,

The long-continued and intemperate interference of the Northern people with the question of slavery in the Southern States has at length produced its natural effects. The different sections of the Union are now arrayed against each other, and the time has arrived, so much dreaded by the Father of His Country, when hostile geographic parties have been formed.²⁸

But he thought the South had no justifiable right to resort to "revolutionary resistance" until and unless the Federal Government had been guilty of "a deliberate, palpable, and dangerous exercise of powers not granted by the Constitution". It should wait for some "overt and dangerous act on the part of the President-elect before resorting to such a remedy."²⁹ The nature and responsibilities of the Presidential office inevitable made its occupants conservative. With the possible exception of the Missouri Compromise he could find no instance of Congressional disregard of Southern rights.

Buchanan suggested an "explanatory" amendment to the Constitution which should provide for: (1) an express recognition of the right of property in slaves in the states where it then existed or might there-

27 Carl Russell Fish, The American Civil War, ed., W. E. Smith, N. Y., 1937, p.

28 James D. Richardson, A Compilation of the Messages and Papers of the Presidents, Washington, 1909, V, 627.

29 Richardson, op. cit., V, P. 628.

after exist; (2) the duty of protecting this right in all the common territories throughout their territorial existence and until they could be admitted as States into the Union, with or without slavery, as their Constitutions might provide; (3) a like recognition of the right of the master to have his slave who had escaped from one state to another restored to him, and of the validity of the fugitive slave law, together with a declaration that all state laws impairing or defeating this right should be null and void as violative of the Constitution.³⁰

He thought that the "Personal Liberty" laws of the Northern States constituted the most "palpable violations of constitutional duty", and hoped that the States concerned would arouse themselves to their duty and repeal the "unconstitutional and obnoxious laws". Unless this should be done without unnecessary delay he thought it would be impossible for "any human being to save the Union".³¹ Labeling secession as a principle "wholly inconsistent with the history as well as the character of the Federal Constitution" he, nevertheless, thought the South had the "right" to demand the repeal of the unfriendly and unconstitutional acts of the Northern legislatures. Failing to obtain redress after exhausting all peaceful and constitutional means, he conceded they would be "justified in revolutionary resistance to the Government of the Union."³²

This message of Buchanan has been the subject of severe strictures

30 Ibid., V, p. 638.

31 Richardson, op. cit., V, p. 630.

32 Ibid., p. 630.

by historians dealing with this period. He has been accused of unconsciously informing the secessionists that they would have until the 4th of the following March to withdraw from the Union and organize a new government of their own without any opposition on the part of the administration at Washington.³³

No State had actually seceded when Buchanan's message was read to Congress. His policy, formulated after careful consultation with his advisers, was one of conciliation and compromise. There were strong "Union" men in all of the Southern States except South Carolina and these, by mail and otherwise, communicated to Buchanan the imperative importance of the Federal Government not becoming the aggressor and how vitally important it was that Congress should adopt adequate measures of conciliation.³⁴ Undoubtedly the great majority of the American people at that time preferred a policy of peaceful conciliation to one of truculent coercion. Hopes of a satisfactory compromise lingered almost up to Lincoln's inauguration and eight slave states remained within the confines of the Union when Buchanan relinquished the burdens of office on the 4th of March, 1861.³⁵

33 Burgess, op. cit., I, p. 85.

34 Curtis, op. cit., II, p. 359.

35 Randall, op. cit., p. 199.

CONGRESSIONAL ATTEMPTS AT COMPROMISE:
SENATE

Chapter Two

Few sessions of Congress in the history of this country have so engrossed the attention of the entire people as the second session of the second session of the Thirty-Sixth Congress which met in Washington on December 3, 1860. Friends of compromise anxiously awaited the action of Congress upon the various plans of conciliation and most of the people hoped for and expected some solution of the existing difficulty patterned after the successful compromises of 1820, 1833, and 1850. The chief question mark, of course, was the attitude of the Republican party. It was apparent by the time Congress assembled that the border state men and the Northern Democrats could "unite on a plan which would prevent the secession of all the States except South Carolina".¹ Would the Republicans be willing to go that far?

While the Republicans in the Senate were in the minority and could not defeat ordinary bills yet their twenty-six Senators made up more than one third of the membership (66) and gave them a veto power over any proposed constitutional amendment provided their party lines could be kept intact. Their relative strength increased as the session progressed due to the withdrawal of Southern Senators.

Flushed by their recent triumph in the election of Lincoln, the Republicans were not disposed to make any concessions that would militate against the policies contained in the "Chicago Platform". The party was definitely sectional in its "composition, tendencies and pur-

¹ Rhodes, op. cit., III, p. 33.

poses".² It was in no mood to talk of compromises. So far to the contrary was the attitude of the party that its senatorial caucus on the first day of the session discussed a "Force Bill" and quizzed Senator Seward closely concerning his alleged responsibility for the compromise proposals advocated by Thurlow Weed in New York. The Republican party on the opening of this session of Congress was as "uncompromising as the secessionists in South Carolina".³

On the next day Senator Lyman Trumbull of Illinois wrote to Lincoln:

A good feeling prevails among the Republican Senators. The impression will all, unless there be one exception, is that Republicans have no concessions to make or compromises to offer, and that it is impolitic even to discuss making them.⁴

Representative Senators from the various sections of the nation were not long in expressing themselves on the "state of the Union". Speeches in December by Clingman of North Carolina, Crittenden of Kentucky, and Hale of New Hampshire defined in a general sort of way the attitude and policy of the "Cotton" states, the "Border" states, and the Republican states respectively.

Clingman professed to believe that the predominance of the Republicans in the North was sure to continue and even to grow stronger. He pointed out the obvious fact that under the Federal system of electing a president, a candidate could be elected by a little more than a third

2 Curtis, op. cit., II, p. 359.

3 Thurlow Weed, Memoir of Thurlow Weed, (By his grandson, Thurlow Weed Barnes), Boston, 1884, p. 308. Seward letter to Weed from Washington, December 3, 1860.

4 Nicolay and Hay, op. cit., III, p. 254.

of the voters. He did not think it was the duty of the Southern Congressmen to make propositions. They had petitioned and remonstrated for the ten years previous and all to no avail. If gentlemen on the other side had proposals of a satisfactory character he had no doubt that the section from which he came would be willing to hear them. He was sure that a number of states would secede in the next sixty days and that some of the other states were holding on merely "to see if proper guarantees can be obtained."⁵

Rebuking Clingman for the warm tenor of his remarks, Crittenden went ahead to summarize the creed of the Border State Unionist and the Northern Democrat:

This Union was established by great sacrifices; this Union is worthy of great sacrifices and great concessions for its maintenance; and I trust there is not a Senator here who is not willing to yield and to compromise much in order to preserve the Government and the Union of the country.⁶

Intransigent Republicanism found its spokesman in Senator Hale of New Hampshire. He did not mince words as he defined his position. If there were gentlemen who looked to the settlement of this controversy by further concessions from the North they were mistaken and had miscalculated. The North had already conceded too much and compromised too often, and had gotten itself in the position where the stock remedy for diseases of the body politic was still further concessions from the North.⁷

5 Congressional Globe, 36th Congress, 2nd. Session, ed., J. C. Rivers, Washington, D. C., 1850, p. 4. (Quoted hereafter as Congressional Globe).

6 Ibid., p. 5.

7 Congressional Globe, p. 10.

On December 6 Senator Powell of Kentucky introduced a resolution providing for the appointment of a special committee of thirteen members. This committee was to study pertinent parts of the president's message and to: (1) inquire whether any additional Federal legislation was necessary for the security and protection of property in the states and territories, and, if so, to report by bill; (2) to consider and report upon the expediency of proposing an amendment or amendments to the United States Constitution for the protection of property rights and to insure the "equality of the states", and the "equal rights of all citizens".⁸

On December 10 Senator Powell changed his resolution to read as follows:

Resolved, That so much of the President's message as relates to the distracted condition of the country, and the grievances between the slaveholding and non-slaveholding States, be referred to a special committee of thirteen members, and that said committee be instructed to inquire into the present condition of the country, and report by bill or otherwise.⁹

The debate on the Powell Resolution afforded an opportunity for several Senators to define their positions. Jefferson Davis agreed with Clingman that propositions of pacification should originate with the North. Upon the North as the majority section rested the obligation to "restore peace and perpetuate the Union of equal States"; upon the South as the minority section rested the duty to maintain "its equality and community rights".¹⁰ His colleague, Senator Brown, opposed

8 Ibid., p. 19.

9 Ibid., p. 28.

10 Ibid., p. 29-30.

the Powell Resolution because it intimated to his state that there was a hope of reconciliation. He did not believe that there was any such hope. He did not want to hold out any false hope to his state because he could see no "evidence upon which to base a hope". In the dark cloud that surrounded the nation he could find no ray of light. The Republicans had forced the matter to the present crisis and they meant "to stand by their arms".¹¹ When urged by Senator Pugh of Ohio not to despair of compromise, Brown replied:

I never intimated that we would not listen to appeals; I never said that the case could not be adjusted; but I said there was no disposition on the Republican side to do it. My friend from Ohio and I have not the power to do it. He is not speaking for the Republicans. They are the power in this government, and, so far as we have had any intimation from them, they have no propositions to make, and none to accept.¹²

Senator Pugh was convinced that no remedy was within the reach of Congress and that discussion of particular questions only aggravated the tension. He thought the whole broad problem should be considered by the people in State Conventions and eventually in a National Convention.¹³

Touching on the efficacy of the same form of procedure, Senator Bigler of Ohio, Democrat, thought there was no justification for secession until all avenues of redress within the Union had been explored. If Congress should turn a deaf ear to the petitions of the South, if two-thirds of the States should refuse to call convention, or if after a convention were called three-fourths of the States

11 Ibid., p. 33.

12 Ibid., p. 34.

13 Ibid., p. 34.

should decline to ratify amendments which it considered essential to its rights, then only would it be proper to consider dissolution of the Union. He thought that, considering the imminence of the peril which surrounded them, the Republicans ought to at least indicate what their views were.¹⁴

Much harm was done the Southern cause by the intemperate speeches of Senators Iverson of Georgia and Wigfall of Texas during the early days of the session. While they disagreed upon the legal nature of secession, they were alike in their arrogant airs, their assumption that secession was virtually an accomplished fact, and their contempt for any reasonable proposal of compromise. They were probably the only Southern Senators who were "determined against any settlement".¹⁵

On December 30 the first concrete proposals of compromise were presented to the Senate by Andrew Johnson of Tennessee. They proposed a complete overhauling of the method of electing the president and anticipated the 17th amendment by proposing the direct election of United States Senators. His plan set up the following procedure: (1) choice of electors by districts; (2) direct balloting by voters for president and vice president; (3) a second election in the event no candidate carried a majority of the electoral districts; (4) president chosen in 1864 to be from a non-slaveholding State, in 1868 from a slaveholding State, and thereafter in regular alternation; the vice-president chosen in 1864 to be from a slaveholding State with the sec-

14 Ibid., p. 43.

15 S. S. Cox, Three Decades of Federal Legislation: 1855-1885, Providence, 1885, p. 79.

tions alternating in the terms thereafter; thus the chief magistracy could belong to one section only four years in succession and then it pass to the other section; (5) a twelve year term for Federal judges.¹⁶

The first, second, third, and fifth features contained in the plan above were undoubtedly reflections of Johnson's extreme (for that day) democracy, though the choice of electors by districts would have reduced, if it had not eliminated entirely, Lincoln's electoral majority in 1860. The provision establishing sectional alternation in the Presidency was calculated to protect the South against perpetual domination by a hostile sectional party. Undoubtedly its operation would have rapidly nationalized all political parties.

In addition to the joint resolution discussed above, Johnson presented a series of propositions for the consideration of the Committee of Thirteen.¹⁷ Included in the list of these suggestions which he thought should be included in a series of "unamendable" amendments to the Constitution were a clarification of the power of Congress to legislate on fugitive slaves and the duties of states in connection with same, together with a pecuniary penalty of double the value of the slave in a case the State failed to perform its duty; provision that slavery in arsenals, dockyards and other Federal property should be determined by condition of state wherein they were located; Congress should be inhibited from changing the three-fifths representation of slaves and should have no power to touch the inter-state slave trade; and Congress should never interfere with slavery in the District of

16 Congressional Globe, op. cit., p. 82.

17 Ibid., p. 83.

Columbia so long as it existed in Maryland, "nor even then without the consent of the inhabitants and compensation to the owners".

Senator Wade of Ohio in his speech upon the Powell resolution was fully as truculent as Iverson and Wigfall had been.¹⁸ Denying Republican designs on slavery in the South but accusing the South of mistreatment of Northerners, he proceeded to reaffirm his allegiance to the platform of his party. That platform committed the Republicans against slavery in the Territories; he had argued it before half a million people; the people had returned a verdict in favor of the Republicans; it would be a breach of faith to desert the principles upon which the campaign had been successfully waged; others could make their own choices, but he regarded it as a case where he had no right to "extend comity or generosity".

On December 18 Senator Lane of Oregon, who had been a candidate for Vice-President on the Breckenridge ticket, and who was undoubtedly the most rabidly pro-Southern Senator from the North, submitted a series of resolutions containing his program for the solution of the pending difficulties. He thought the Southern States should send delegates to a convention to consult upon necessary changes in the Constitution. The findings of this convention should then be submitted to a general convention consisting of representatives of all the States. The use of force against a state was contrary to religion, civilization and the spirit of the Constitution.¹⁹ Upon the suggestion of Senator Douglass these resolutions were laid over for the consideration of the

¹⁸ Congressional Globe, p. 103.

¹⁹ Congressional Globe, p. 112.

Committee of Thirteen.

On the same day Senator Crittenden of Kentucky introduced his famous compromise proposals. These proposals were divided into proposed amendments and recommended legislation.

He proposed to amend the Constitution by: (1) extending the line of 36-30 through the Territories to California; (2) providing that Congress should have no power to abolish slavery in places under its jurisdiction within the slave States; (3) denying Congress the power to abolish slavery in the District of Columbia so long as it existed in Maryland and Virginia, "nor even then without the consent of the inhabitants, nor without just compensation first made to such owners" as did not consent to abolition; (4) restraining Congress from prohibiting or hindering the transportation of slaves from one state to another or to a Territory where slavery was legal; (5) creating a liability on the part of the United States to indemnify the owner in cases where the return of his fugitive slave was prevented by violence or intimidation and providing that the United States might sue the county where such escape or rescue occurred for the amount so paid and providing further for recovery by the county from the guilty parties; (6) providing that the five preceding articles, the third paragraph of section two of Article One, the third paragraph of section two of Article 4 of the Constitution, and a section denying the power of Congress to interfere with or abolish slavery in the States should be unamendable.²⁰

He recommended the following legislation: (1) an Act should be passed providing for the punishment of those who in any way hindered the

²⁰ Congressional Globe, p. 114.

enforcement of the Fugitive Slave Law; (2) Congress should recommend to the Northern States the repeal of their "Personal Liberty" statutes; (3) the Fugitive Slave Act of 1850 should be amended: first, to make the fee of the United States Commissioner the same whether the decision was for or against the claimant; (Under the 1850 Act the fee was twice as much when in favor of the claimant); and second, to limit the right of a person holding a warrant to the use of a posse comitatus to such cases as where there should be hesitance, or danger of resistance or rescue; (4) the law for the suppression of the African Slave Trade should be made more effective and ought to be thoroughly enforced.

Crittenden urged upon the Senate the importance of subordinating party questions to the vastly superior question of the preservation of the Union. They should elevate themselves to the high considerations connected with this subject. Apprehending that the principal Republican objection would be to the extension of the 36-30 line, he proceeded to show that the North would be liberally dealt with in this partition. Its share would be three times that of the South.²¹

On the same day Crittenden introduced his resolutions, the Senate without a record vote adopted the Powell Resolution and the Vice-President was empowered to appoint the Committee.²² On December 20 the Vice-President announced the composition of the Committee of Thirteen. Toombs of Georgia and Davis of Mississippi represented the Cotton States; Hunter of Virginia, and Crittenden and Powell of Kentucky represented the Border slave states; Douglass of Illinois, Bigler of Pennsylvania, and Rice of Minnesota represented the Northern Democrats;

21 Congressional Globe, p. 113.

and the Republicans were represented by Seward of New York, Collamer of Vermont, Wade of Ohio, Grimes of Iowa, and Doollittle of Wisconsin.²³

The committee thus designated was one of eminent ability and contained the best brains of the Senate.²⁴ Following the announcement of the membership of the committee, Jefferson Davis asked to be excused from serving on it. His request was granted.²⁵ However, upon motion of Yule of Florida on December 21, the vote whereby he was excused was reconsidered and he withdrew his request to be excused.

On December 24 Pugh introduced Senate Joint Resolution No. 51 which was referred to the Committee of Thirteen. It recommended to the State legislatures that they petition Congress to call a convention for "proposing amendments to the Constitution of the United States as provided in the fifth article thereof".²⁶

The Committee of Thirteen met on December 21 but transacted no business. It got down to serious work on December 22 with its first official action on that day which was to adopt a motion dividing the membership of the committee into two classes, Republican and non-

23 Ibid., p. 158.

24 French B. Chadwick, Causes of the Civil War, 1859-61, The American Nation, a History, ed., by A. B. Hart., N. Y., 1906, V. 19, p. 172.

25 Congressional Globe, op. cit., p. 132. Davis subsequently said: "If I could see any means by which I could avert the catastrophe of a struggle between the sections of the Union, my past life, I hope, gives evidence of the readiness with which I would make the effort".

26 Ibid., p. 133.

Republican, and providing that no proposition should be approved by the committee unless supported by a majority of each class.²⁷ While the Southern members have been accused of voting for this rule in order to throw the blame for failure upon the Republicans the logical and natural explanation is that they felt it quite useless to report amendments not acceptable to the Republicans when the support of that group would be necessary to effect submission by Congress and ratification by the requisite number of States.²⁸

The name and reputation of its author, its promise of effectiveness if adopted, and its previous endorsement by most of the leading "conciliators" all served to make the Crittenden plan the outstanding item on the Committee's agenda. Its salient feature was the disposal of the vexing territorial question. Could this have been agreed to an understanding on the other points of controversy would not have been difficult.²⁹ Taken as a whole, the proposition of Crittenden was eminently fair. It did not satisfy the full demands of either section, but it gave guarantees on every point that was practically essential and "asked for concessions only on matters of minor importance".³⁰ The South was asked to relinquish the right to take slaves into the Northern Territories. The Republicans were asked to content themselves with a little less than the "full measure of victory", by allowing New Mexico to remain as slave territory. Considering the unfitness of that region

27 Journal of the Committee of Thirteen, Senate Reports No. 288, 36th Congress, 2nd Session, Washington, D. C., 1861, p. 2. (Cited hereafter as Journal).

28 Davis, op. cit., I, p. 58.

29 Rhodes, op. cit., III, p. 37.

30 Edward Smith, The Borderland in the Civil War, N. Y., 1927, p. 89-89.

for slavery the concession was very slight indeed.

The whole country, particularly the South, eagerly awaited the action of the committee upon Crittenden's proposals. They were submitted to the Committee as previously introduced in the Senate and were acted upon by it on December 22.

The solid Republican vote was against every proposed Constitutional amendment, and under the rule they were lost. Toombs and Davis voted with the Republicans against the first article but were recorded in the affirmative on the other five. Of the Crittenden Resolutions, the first two were defeated under the rule by the dissenting votes of the Republicans, and the last two were unanimously adopted.³¹ With the exception of the vote on the first article, Cotton State men voted with Border State representatives and the Democratic Senators from the North.

There is little doubt that the defeat of Crittenden's proposals in the Committee of Thirteen greatly accelerated and strengthened the secession movement. The adamant attitude of the Republican committeemen was cited as typical of the party and evidence of the hopelessness of compromise. Before the committee disposed of the Crittenden proposals Toombs asserted that the result of the Georgia election depended upon the Committee's action. If it accepted them, Stephens (Unionist), would defeat him; if not, he would accomplish secession by 40,000 majority.³²

³¹ Journal, op. cit., p. 6-8.

³² Cox, op. cit., p. 80. Excerpt from speech of Senator Bigler in Bucks County Pennsylvania, September 17, 1863.

Numerous other propositions were submitted to the Committee of Thirteen. Resolutions embodying the radical Southern viewpoint were introduced by Toombs and Davis without a chance for adoption.³³

The views of Douglass were embodied in two proposed Constitutional amendments submitted by him and to be numbered Articles 13 and 14. Article 13 provided that the existing status of slavery should continue in each territory until it attained a population of 50,000 white men, at which time it could qualify for statehood and choose or reject slavery for itself; no more territory could be acquired by the United States without the concurrence of two-thirds of both houses of Congress, or by treaty; the area of all new states should not be less than sixty nor more than eighty thousand square miles; the fugitive slave law should have the same effect in the Territories and new States as in the present States of the Union; and the judicial power of the United States should be deemed applicable to the Territories and new States. Article 14 provided that persons of the African race should not vote or hold office in municipal, territorial, State and Federal Governments; the United States might acquire land in South America or Africa for the colonization of free negroes; Congress should have no power to abolish slavery in United States arsenals, forts, and similar property in the slaveholding states; Congress should not abolish slavery in the District of Columbia without the consent of Virginia or Maryland; Congress should have no power to interfere with the domestic slave trade, but the African slave trade should be forever prohibited; the owner of an escaped slave should be indemnified by the United

³³ Journal, *op. cit.*, p. 2-3.

States Government when the recovery of the fugitive was prevented by intimidation or force, and the Government could reimburse itself by a suit against the county where the enforcement of the law was defeated; that "No future amendment of the Constitution shall affect this and the preceding article; nor the third paragraph of the second section of the first article of the Constitution; nor the third paragraph of the second section of the fourth article of said Constitution"; and Congress should be denied the power to interfere with slavery in the states.³⁴ His proposals met the same fate as had attended Crittenden's.³⁵

Bigler of Pennsylvania proposed amendments which were substantially the same as those of Douglass and Crittenden. The unique feature of his plan was the division of the "slave" territory South of 36-30 into four Territories "of as near equal size as Congress may deem best".³⁶ It was defeated.

Rice of Minnesota suggested a summary settlement of the troublesome territorial question by the immediate admission of all the Territory north of 36-30 as the "State of Washington", and of that South of 36-30 as the "State of Jefferson". He further provided for the subdivision of these mammoth states into lesser states with an area of at least sixty thousand square miles and at least one hundred thirty thousand inhabitants.³⁷ Besides his own, he could secure the votes of only Davis and Doubllass for his plan.

On December 24, Seward introduced the Republican version of com-

34 Journal, op. cit., p. 9-11.

35 Ibid, p. 16-17.

36 Ibid., p. 15.

37 Journal, op. cit., p. 17.

promise. It contained three provisions: first, an "unamendable" amendment to the constitution prohibiting Congress from interfering with the "Domestic Institutions" of any state; second, the amendment of the Fugitive Slave Act of 1850 to insure the "alleged fugitive" a jury trial; and third, a respectful request that the Northern States review their statutes and repeal all unconstitutional "personal liberty" laws.³⁸ On December 26 he offered an additional resolution recommending a Congressional enactment for the punishment of persons "engaged in the armed invasion of any State from another, by combinations of individuals".³⁹ The first part was adopted with only two dissenting votes; the second and third parts were defeated by the non-Republicans; and the fourth proposal, after being amended to the dissatisfaction of the Republicans, was defeated by the votes of Seward and his fellow-partisans.⁴⁰

Seward's proposals marked the limit of concession to which the official Republican leadership was willing to commit itself and many of its more radical members were disinclined against any concession whatever. They reflected rather closely the views of Abraham Lincoln at that time. It was significant that they contained no reference at

38 Ibid., p. 10-11.

39 Ibid., p. 13.

40 Ibid., p. 16.

all to the vexing territorial question.⁴¹

The best minds of the Senate failed to agree upon a plan of compromise and the most promising and timely of many such efforts came to naught. On December 28 the committee adopted the Toombs resolution to adjourn. In a spirit of wishful hoping, perhaps, it struck the words, "sine die", and substituted the words, "subject to the call of the chairman".⁴²

The importance of the deliberations of the Committee of Thirteen was not properly appreciated at the time it was in session. When the committee failed to agree upon a report, "almost the last, if not the very last", chance of a compromise that would keep the Cotton States in the Union was gone. Only the Cotton States themselves properly understood the significance of the committee's failure. If the North had fully comprehended the seriousness of the situation, the pressure on Congress and the Committee would probably "have been so great as to lead to the adoption of the Crittenden Compromise pure and simple".⁴³

A typical illustration of Southern concern over the failure of

41 Arthur B. Lapsley, ed., The Works of Abraham Lincoln, N. Y., 1905, IV, p. 199. Lincoln prepared the following memorandum for the Committee of Thirteen: "Resolved; That the fugitive slave clause of the Constitution ought to be enforced by a law of Congress, with efficient provisions for that object, not obligating private persons to assist in its execution, but punishing all who resist it, and with the usual safeguards to liberty, securing free men against being surrendered as slaves.

That all State laws, if there be such, really or apparently, in conflict with such law of Congress ought to be repealed; and no opposition to the execution of Congress ought to be made. That the Federal Union must be preserved".

42 Journal, op. cit., p. 18.

43 Rhodes, op. cit., III, p. 66.

the Committee to adopt the Crittenden proposals was the telegram sent by eight citizens of Atlanta, Georgia to "Honorable S. A. Doubllass or Honorable J. J. Cirttenden":

Is there any hope for Southern rights in the Union?
 We are for the Union of our fathers, if Southern rights
 can be preserved in it. If not, we are for secession.
 Can we yet hope the Union will be preserved on this
 principle?⁴⁴

While the joint reply of Douglass and Crittenden on December 29 assured them that they had hopes that the rights "of the South, and of every State and section" might be protected "within the Union", and exhorted them not to despair of the Republic, there is little doubt of the demoralizing effect of the Committee's failure upon Union sentiment in the gulf States.⁴⁵ Benjamin of Louisiana in discussing the committee's report on January 3 probably reflected the preponderant sentiment of this section when he expressed his conviction that Republican views would not be modified, that the day of adjustment was passed, and that any proffer then made would be too late.⁴⁶

The reasons why compromise to be successful should be implemented by constitutional amendments were cogently given by Douglass on January 3. It was his opinion that no plan of adjustment could be effectual which did not banish the slavery question from the "Halls of Congress and the arena of Federal politics". Whatever compromise was adopted should be placed beyond the reach of partisan politics, "so that every

44 Edward McPherson, The Political History of the United States During the Great Rebellion, p. 33.

45 Ibid., p. 38.

46 Congressional Globe, p. 217.

man that holds office will be bound by his oath to support it".⁴⁷

On the same day Crittenden made the revolutionary proposal that his plan be submitted to a referendum of the American people.⁴⁸ He feared that Congress would never muster the requisite majorities to submit proposed amendments to the States. Only a scruple, "a scruple of as little value as a barleycorn", stood in the way of peace and reconciliation. The people's institutions were in danger and he thought the voice and judgment of the people would be their safest guides.⁴⁹

Again on January 7 Crittenden discussed the importance of settling the territorial question, emphasized the necessity of Constitutional amendments, and reiterated his apprehension that the necessary two-thirds of Congress could not be secured for his proposals.⁵⁰ In answer to a question from Senator Trumbull as to whether Civil War could be averted by the adoption of his plan, Crittenden replied that, though he could not say for certain, he believed it would. It might not satisfy South Carolina but he believed it would satisfy almost all the Southern States; "at any rate to such an extent that there will be no further proceedings in this revolution".⁵¹

47 Congressional Globe, Appendix, p. 41. He charged in this speech: "I fear from all indications, that they (Republicans) are disposed to treat this matter as a party question, to be determined in caucus with reference to its effects upon the prospects of their party, rather than upon the peace of the country and the safety of the Union". Appendix, p. 42.

48 Ibid., p. 237. The resolution: "That provision ought to be made by law without delay for taking the sense of the people and submitting to their vote the following resolutions".

49 Ibid., p. 237.

50 Congressional Globe, p. 264.

51 Ibid., p. 267.

In view of the prevailing public sentiment at that time there can be little doubt that the verdict of a national referendum would have been an overwhelming endorsement of the compromise plan.⁵² It would have received a considerable majority in the Northern States, the almost unanimous vote of the border States, and the "preponderating voice of all the Cotton States but South Carolina".⁵³ There was much to be said in favor of this novel "Solemn referendum" idea, but the opposition of Congressional Republicanism was sufficient to prevent it from ever coming to a vote.⁵⁴

On January 8 President Buchanan sent a special message to Congress in which he deplored the failure of the legislative branch to satisfy the popular hope for an amicable settlement of the difficulties "which might restore peace between the conflicting sections of the country". That "hope" was being dissipated by every hour of delay and the public distress was becoming more and more aggravated.⁵⁵ He proceeded to urge upon Congress the importance of adopting some plan of settlement and endorsed the Crittenden plan.⁵⁶

The Republican answer to the president's endorsement of Crittenden's

52 John A. Logan, The Great Conspiracy: Its Origin and History, N. Y., 1836, p. 153.

53 Rhodes, op. cit., III, p. 149.

54 Randall, op. cit., p. 204.

55 Richardson, op. cit., V, p. 655.

56 Ibid., p. 657. Buchanan said of the Crittenden plan: "In itself, indeed, it may not be entirely satisfactory, but when the alternative is between a reasonable concession on both sides and a destruction of the Union it is an imputation upon the patriotism of Congress to assert that its members will hesitate for a moment", p. 657.

proposals was given to the Senate on January 9 in the form of a resolution by Senator Clark of New Hampshire. No more positive declaration of policy could have been formulated. It resolved:

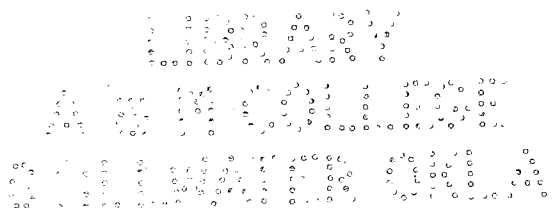
"that the provisions of the Constitution are ample for the preservation of the Union, and the protection of all the material interests of the country; that it needs to be obeyed rather than amended; and that an extrication from our present dangers is to be looked for in strenuous efforts to preserve the peace, protect the public property, and enforce the laws, rather than in new guarantees for particular interests, compromises for particular difficulties, or concessions to unreasonable demands".⁵⁷

Perhaps the tenor of this resolution inspired Jefferson Davis to declare on the next day that men who had bled for their flag and were willing to do so again were powerless before the plea that the party about to come into power had laid down a platform and "consistency must be adhered to even though the Government be lost". The South had waited long but it had arrived at the conclusion that the Republicans meant to do nothing. They would not make propositions when they could have been effective; he presumed that they would not make them then; and he did not know what effect their proposals would have if they did.⁵⁸

More than usual interest was attached to the speech of Seward on January 12. He had been the first choice of more Republicans for the presidency than any other man. Over the country generally it was thought that he would dominate the incoming administration in which it was well known he had been offered an official position. His remarks

57 Congressional Globe, p. 404.

58 Congressional Globe, p. 310.



would naturally tend to reflect the attitude of the incoming administration. While his speech was moderate and conciliatory in tone, it revealed the wide gulf which separated even the moderate Republicans from the other elements in Congress. He doubted if Congressional compromise would be satisfactory even though it was the traditional method. Moderate concessions were not customarily asked by "a force with its guns in battery", nor were liberal concessions apt to be given by an "opposing force not less confident of its own right and its own strength". Compromises involving a sacrifice of principles were "less sure to avert imminent evils than they are certain to produce ultimately even greater dangers."⁵⁹

Seward said the Republicans were willing to make the following concessions the basis of settlement: (1) the repeal of the "Personal Liberty" laws of the Northern States; (2) the passage of an irrepealable constitutional amendment denying Congress the power to interfere with slavery in the States; (3) the disposal of the territorial question by the admission of all Territories as States; (4) the passage of laws to prevent the invasion of States by citizens of another State; (5) the passage of the Pacific Railroad Bill.⁶⁰

In opposing a motion to adjourn by Hale of New Hampshire on January 14, Crittenden charged that "certain gentlemen" were trying to postpone consideration of his measures. On the same day Wilson of Massachusetts moved the postponement of consideration of Crittenden's proposals for three days. This motion lost, but it received the support

59 Ibid., p. 341.

60 Congressional Globe, p. 344.

of every Republican senator in the chamber and voting.⁶¹

On the next day Crittenden moved to postpone the special order (Pacific Railroad Bill) for the purpose of considering his measures. His motion was defeated by a vote of 21 ayes to 27 nays. All of the negative votes were Republican except two and they were cast by the Democratic senators from California who had a special interest in the pending legislation. The usually tactful Crittenden was provoked to express his disgust at these dilatory tactics. He thought it "very solemn trifling" to be legislating upon roads for the future of a nation when that nation was "trembling upon a point between life and death". With revolution sweeping through half the country and spreading with fearful rapidity, the Senate took no action because of "its awful pride of party predominance and power".⁶²

On January 16, Rice of Minnesota presented a comprehensive plan for the solution of the territorial problem but desired that action upon it should be withheld until the Crittenden Resolutions were disposed of. His plan provided for the appointment of a senatorial committee of seven to inquire into the expediency of creating new States and adjusting boundaries as follows: (1) a state of New Mexico, bounded on the north by the latitude of thirty-seven degrees, east by Texas, south by Texas, and west by the one hundred and fourteenth degree of longitude; (2) a State of Kansas, including the present Territories of Kansas and Utah, east of the one hundred and fourteenth degree of longitude, a small portion of New Mexico north of latitude thirty-seven

61 Ibid., p. 361.

62 Congressional Globe, p. 387.

degrees, and that portion of Nebraska which lay south of latitude forty-three degrees; (3) an enlargement of the jurisdiction of Minnesota to embrace the proposed Territory of Dakota and the portion of Nebraska which lies north of latitude forty-three degrees; (4) an enlargement of the jurisdiction of Oregon so as to merge and include the Territory of Washington; (5) a readjustment of the State of California so as to include that portion of Utah and New Mexico lying west of the one hundred and fourteenth degree of longitude.⁶³

On the same day, Bigler moved that the Pacific Railroad bill and "all other prior orders" be postponed for the purpose of considering the Crittenden proposals. This time more Democrats voted and the motion prevailed by the close count of 27 to 26.⁶⁴

Immediately upon taking up the bill, Powell offered an amendment to provide specifically that the obligation of the Government to protect slavery south of 36-30 should apply to territory "hereafter acquired". This amendment was incorporated into the bill by a vote of 29 to 24. Only one Democrat voted against the motion and only one Republican voted for it. The latter, Baker of Oregon, justified his vote on the grounds that it would make the measure more obnoxious and therefore easier for him to vote against as a whole.⁶⁵

The Republicans again sought to postpone consideration of action on the resolutions and voted solidly for Collamer's motion to that effect. It lost, however, 25 to 29.⁶⁶

63 Ibid., p. 401.

64 Congressional Globe, p. 404.

65 Ibid., p. 404.

66 Ibid., p. 400.

Then action occurred rapidly. The Republicans supported the Clark resolution as a substitute for the Crittenden measure, and their solid party strength of twenty-five secured its adoption over the negative votes of twenty-three Democrats.⁶⁷ Six Southern Senators, namely, Benjamin and Slidell of Louisiana, Hemphill and Wigfall of Texas, Iverson of Georgia, and Johnson of Arkansas, were present but did not vote upon the Clark substitute. Douglass was out of the chamber but later returned and asked to be recorded as voting against the substitute. His request was refused.⁶⁸ Undoubtedly, the refusal of the six Southern Senators to vote was responsible for the success of the Clark amendment. They were severely criticized for their action. Two of them left explanations of their refusal to vote.

Johnson of Arkansas explained on January 31 that he did not vote because he wanted to know the sentiment of the "other side". They were triumphant outside of Congress, and he wanted them to take the consequences of success inside of Congress.⁶⁹

Wigfall on the same day explained his abstinence from voting on the ground that no amendment of the Constitution was possible without the "cordial aid and cooperation" of the Republicans. Since they were

67 Ibid., p. 409. The vote on this historic roll call was: "Aye"; Anthony, Baker, Bingham, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Grimes, Hale, Harlan, King, Seward, Simmons, Sumner, Ten Eyck, Trumbull, Wade, Wilkinson, and Wilson---25. "Nays"; Bayard, Bigler, Bragg, Bright, Clingman, Crittenden, Fitch, Green, Gwin, Hunter, Johnson of Tenn., Kennedy, Lane, Latham, Mason, Nicholson, Pearce, Polk, Powell, Pugh, Rice, Sebastian, Saulsbury---23.

68 Burgess, op. cit., I, p. 111.

69 Congressional Globe, p. 661.

opposed to compromise he could see no use of Democrats "stultifying" themselves by supporting such proposals. He proposed to vote for no compromise which did not receive the support of the Republican party.⁷⁰

Though Cameron of Pennsylvania entered a motion of reconsideration, the Crittenden proposals were effectively disposed of by the adoption of the Clark amendment on January 16. They never regained their former vitality, and the continuing withdrawal of Southern Senators diminished their voting support. Since January 1, 1861 these proposals had been the only hope of finding common ground for the Republicans of the North and the loyal Democrats of the border States.⁷¹ To the large number of Southern people who were anxiously watching the action of Congress upon these proposals, the adoption of the Clark substitute seemed to indicate that the North was indifferent to conciliation and callous to Southern interests and Southern rights. The effect was especially unfortunate in the border states where the efforts of the secessionists up to this time had been emphatically disapproved.⁷²

Crittenden full appreciated the calamitous effect the Senate vote of January 16 would have upon Union sentiment in the border states. On the next day he sent a dispatch to Raleigh, North Carolina asserting that the vote would be reconsidered, that the defeat of his plan was due to the failure of six Southern Senators to vote, and that there was yet "good hope of success".⁷³

On January 18 the Senate voted 27 to 24 to reconsider the Crittenden

70 Ibid., p. 665.

71 A. B. Hart, Salmon Portland Chase, American Statesmen series, N. Y., 1897, p. 204.

72 Weed, op. cit., II, p. 313.

73 McPherson, op. cit., Dispatch published in Raleigh, N. C., Register, January 19, 1861, p. 37.

resolutions. The affirmative votes were all Democratic and the negative votes were all Republican except Wigfall. Further consideration was then postponed until January 21.⁷⁴

In spite of the failure of two efforts on January 23 and one on January 24 to compel consideration of the Crittenden measures, the optimistic Douglass was still able to write that he and Crittenden were hopeful of adjustment and that prospects had never been better since Congress assembled.⁷⁵

By January 31, however, he was not so confident and took occasion to complain that efforts at conciliation were being defeated by a combination of extremes. Though the extremes were prompted by different motives, their joint efforts led to the same result, "inevitable disunion, now and forever".⁷⁶ Begging both sides to waive non-essentials, he urged that the adoption of "popular sovereignty" for the Territories would be an acceptable meeting place for all parties.⁷⁷

Seward's speech on the same day was much more sanguine. He hoped and expected that the controversy would be peaceably settled for the Union. The admission of Kansas on the previous day had settled all that was "vital or important" in the territorial question, leaving behind nothing but "the passions which the contest had engendered". He no longer had any fear of slavery since it had succeeded, under the Dred Scott Decision, in placing only one slave upon every forty-four thousand square miles of territory. Its extension had ceased to

74 Congressional Globe, p. 443.

75 McPherson, op. cit., p. 39.

76 Congressional Globe, p. 661.

77 Ibid., p. 661.

be a practical question. The great, vital question was the preservation or dissolution of the Union.⁷⁸ Perhaps his elation at the successful conclusion of the long struggle for Kansas, together with the natural optimism of his character, caused him to be too confident of eventual peaceful settlement. At any rate, he failed to suggest any tangible program capable of achieving, the end he desired and even expected.

The month of February was almost barren of Senatorial action calculated to accomplish an adjustment of the delicate problem engrossing the attention of the nation. Perhaps part of the delay was caused by a desire to await the action of the Peace Congress which was in session in Washington during the month. While the Senate took no constructive action, it lost none of its vocality. The tone of the debates became more bitter. Words of crimination and recrimination were hurled about the chamber. Northern men said provoking things regarding the institutions of the South, and Southern men said provoking and insulting things in return.⁷⁹

On February 12 Crittenden took occasion to chide the Republicans for their uncompromising opposition to his proposals. Their "Chicago platform" he thought was "a little thing of but a hairsbreadth, manufactured by a few politicians", and should not be held sacrosanct if it conflicted with the true interests of the nation. Would they not be willing to consent to the sacrifice of some of its dogmas rather than see secession, revolution and dismemberment? He advised them that

78 Ibid., p. 658.

79 Congressional Globe, p. 772.

unless they did something, it was his judgment that the country could not be saved. They were asked to give up comparatively little.⁸⁰

Nine days later Douglass, the other great advocate of compromise in the Senate, indicated as unfriendly to the Union every man who was unwilling to enter upon such a system of compromise and pacification as was necessary to preserve it. He thought there existed a "deliberate plot to break up the Union under pretense of preserving it". In his opinion there were as many disunionists in Congress from the North as from the South.⁸¹

On February 27 Powell moved that the Senate take up the Crittenden Resolutions. His motion lost 17 to 27. All of the affirmative votes were Democratic and all of the negative, except that of Pierce of Maryland, were Republican.⁸²

On February 28 Crittenden introduced Senate Joint Resolution No. 70 which embodied the recommendations of the Peace Congress.⁸³ In opposing efforts to substitute his proposals for those of the Peace Congress, Crittenden confessed that he had no hope for his propositions. They had not been so fortunate as to receive the favor of his colleagues from the North, "the men whose sanction of them was necessary to give them effect". As for himself, he was for peace and compromise. He would be perfectly willing to sacrifice any opinion he might have as to what would be best in order to obtain any "reasonable measure of

80 Ibid., p. 364.

81 Congressional Globe, p. 1081.

82 Ibid., p. 1247.

83 Ibid., p. 1269.

pacification that would satisfy the majority."⁸⁴

Finally, on March 2, the next to the last day of the secession, one Republican Senator was found who was willing to desert the Chicago Platform if such action was necessary to preserve the Union. Baker of Oregon, who subsequently gave his life for the Union at Ball's Bluff, declared his intention of voting for the recommendations of the Peace Congress "without any change". In a speech of moving eloquence he defined his position on compromise. He had voted against the Crittenden proposals for two reasons even though he saw no especial harm in submitting any propositions to the people of the United States: (1) because he thought that something better might be obtained; (2) because he did not believe the people of the States would agree to them. As a Republican he would give up something in voting for the proposals of the Peace Congress, but he stood in the presence of "peace and war", and if it were true that he violated the Chicago Platform it was because that platform was not a Constitution of the United States to him. Sadly, he confessed that his vote would cause his Republicanism to be doubted, but as a Republican, he could justify his vote.⁸⁵ Cold silence on the Republican side greeted his remarks and they came too late to solve the angry resentment of the Southerners.

84 Ibid., p. 1311. Crittenden continued: "I go for the Country; not for this resolution or that resolution, but any resolution, any proposition that will pacify the country. Therefore, I vote against my own".

85 Congressional Globe, p. 1316. Baker asked: Shall we sit here for three months, when petition, resolution, public meeting, speech, acclamation, tumult, is heard, seen, and felt on every side and do nothing? Shall State after State go out, and not warn us of danger? Shall Senators and Representatives, patriotic, eloquent, venerable, tell us, again and again, of danger in their States, and we condescend to make no reply?

March 2, the last day of the session, was marked by frenzied and somewhat incoherent efforts to enact some sort of conciliatory legislation. The session extended far into the next day, which was Sunday, but with one insignificant exception all compromise movements found themselves on dead-end streets.

The rapidly approaching end of the session caused Crittenden to despair of any hope of securing the adoption of the proposals of the Peace Congress, and he supported a motion of Douglass to replace them for Senate consideration with House Joint Resolution No. 80, the proposed Constitutional amendment, banning Congressional interference of slavery in the States, which had already passed the House. The Douglass motion prevailed 25 to 11.⁸⁶

Efforts of the Unionists in the Senate were directed toward the securing of legislation that would prevent the secession of the border states. Johnson of Tennessee expressed the opinion that the border states, if given the security they desired, would remain in the Union and their action in time would compel the return of the seceded States, "not by the coercion of the border states but by the coercion of the people". A public opinion would soon develop in the seceded states which would crush the leaders who had precipitated secession.⁸⁷

Crittenden once more reminded the Senate that it had done absolutely nothing. He appealed to the Republicans to exercise a little generosity and not follow the policy of governing the territories "by an exclusive,

86 Congressional Globe, p. 1353.

87 Ibid., p. 3156.

a superior, a sectional power" to the exclusion of states who were constitutionally upon an equal footing with themselves. The important border states yet remained in the Union. Did the Republicans not think it worth something to secure them, or was a dogma to prevail", a dogma not of the Constitution--a dogma not derived from the Constitution".⁸⁸

Senate consideration of House Joint Resolution No. 80, the Resolution submitting an amendment inhibiting Congress from interfering with slavery in the States, was the signal for a flood of amendments and substitute proposals.

Doolittle of Wisconsin proposed the addition of a new article specifically denying the power of a state to secede from the Union. His amendment was defeated 18 to 23. The vote, however, was not a true reflection of the sentiment of all the members of the Senate. Because of the late hour and the improbability of getting an amended bill passed, many members steadfastly voted against all amendments to this resolution even though a proposed amendment might reflect their personal convictions.⁸⁹

Pugh of Ohio offered the Crittenden proposals as a substitute and could secure only 14 affirmative votes, all Democrats, against 25 negative votes. Such friends of the Crittenden plan as Bigler, Crittenden, Douglass, Johnson of Tennessee, Latham, Rice, and Sebastian were among the negative voters, because they knew the time element made it impossible to get them passed through both Houses and they wanted something tangible, no matter how small.

⁸⁸ Congressional Globe, p. 1378.

⁸⁹ Ibid., p. 1386.

In rapid succession the Senate voted down the Cingham substitute, stating that the provisions of the Constitution were ample and no amendments were needed; the Grimes Substitute, inviting states to study the advisability of calling a National Convention; and the Johnson of Arkansas, substitute, the plan of the Peace Congress.⁹⁰

The final vote on the proposed amendment denying Congress the power to interfere with slavery in the States was 24 to 12, the bare minimum necessary to submit a constitutional amendment. Sixteen Democrats and 8 Republicans voted to submit the amendment while the 12 negative votes were all Republican.⁹¹ This was the only tangible measure of conciliation which passed both Houses of Congress and it was pitifully inadequate as a basis of adjustment and reconciliation.

In the dying moments of the session final desperate efforts were made to secure senate approval of two other famous compromise plans. On motion of Crittenden the propositions of the Peace Congress were offered as a substitute for his own measures. They were defeated 7 to 23.⁹² Then for the last time in the session the Crittenden resolutions came squarely before the Senate. The Republican line held perfectly and the propositions of the venerable Kentuckian were defeated by a purely partisan vote of 20 to 19.⁹³ The irrepressible Wigfall of Texas with no accents of regrets in his voice pronounced the Federal Government dead. The only question left in his judgment was whether it should be given a decent Protestant burial or have an Irish wake at the grave.

90 Congressional Globe, p. 1401.

91 Ibid., p. 1403.

92 Ibid., p. 1405.

93 Ibid., p. 1406.

CONGRESSIONAL ATTEMPTS AT COMPROMISE: HOUSE
OF REPRESENTATIVES

Chapter Three

After the reception of the President's Message, Sherman of Ohio offered the usual motion that it be referred to the committee of the whole and ordered to be printed. Representative Boteler of Virginia offered the following amendment to the Sherman motion:

Resolved, That so much of the President's Message as relates to the present perilous condition of the country be referred to a special committee of one from each state.¹

The motion prevailed 145 to 38, the negative votes all being Republican, and on December 6 the Speaker announced the composition of the committee with Corwin of Ohio as Chairman.²

Hawkins of Florida asked to be excused from serving on the committee. The object of the committee was peace and unanimity, and the adoption of Union saving measures. He was opposed to anything of the kind because he felt the day of compromise had passed forever. He gave three specific reasons for desiring to be excused from service: (1) his state was soon to hold a Convention; (2) compromises did no good; (3) the Democrats of the Northwest were not represented on the committee. His request to be excused was rejected by a vote of 95 to 101.³ The House of Representatives likewise refused to excuse Boyce

1 Congressional Globe, 36th Congress, 2nd Session, p. 6.

2 Ibid., p. 22. The membership of the Committee was: Corwin, O.; Millson, Va.; Boyce, S.C.; Adams, Mass.; Winslow, N.C.; Humphrey, N. Y.; Campbell, Pa.; Love, Ga.; Ferry, Conn.; Davis, Md.; Robinson, R.I.; Whitely, Del.; Tappan, N.H.; Stratton, N.J.; Bristow, Ky.; Morrill, Vt.; Nelson, Tenn.; Dunn, Ind.; Taylor, La.; Davis, Miss.; Kellogg, Ill.; Houston, Ala.; Morse, Me.; Phelps, Mo.; Rust, Ark.; Howard, Mich.; Hawkins, Fla.; Hamilton, Tex.; Washburn, Wis.; Curtis, Iowa; Burch, Calif.; Windon, Minn.; Stout, Oregon.

3 Ibid., p. 50.

of South Carolina and Morrill of Vermont from service on the Committee. The chief complaint registered against the committee was that the Northern Democracy which had polled more than a million votes for Douglass was entirely without representation.⁴ Thaddeus Stevens who voted against the authorization of the committee derisively called it the "committee on incubation".⁵

Unionists from the South lost no time in warning their colleagues of the necessity of working out a program of pacification. One of the most sincere of them, W. R. W. Cobb of Alabama, on December 11, informed the House that, unless something was done, his State would secede before January 15. He was not a secessionist, he desired peace. Therefore, he prayed that something might be done by which Alabama could remain in the Union "upon constitutional and equal principles".⁶

The House lost no time bidding for suggestions as to the best prescription for the ills of the nation. On December 11, Branch, of North Carolina, introduced a resolution providing that on the next day the roll of the States and Territories should be called for bills and resolutions to be referred, without debate, to the select committee of thirty-three on the President's message.⁷ The object of the resolution was to give any member the privilege of presenting a plan for the consideration of the committee of thirty-three. It was adopted without debate and without a record vote.

4 Congressional Globe, p. 38.

5 Samuel W. McCall, Thaddeus Stevens, American Statesmen, Edited by John T. Morse, p. 124

6 Congressional Globe, p. 57.

7 Ibid., p. 64.

December 12 was a field day for resolutions. There was a plethora of plans presented. They varied from specific suggestions to programs of elaborate constitutional overhauling; from the "ultraism" of the Southern secessionist, to the opposite "Ultraism" of the Northern Abolitionist.

Eli Thayer of Massachusetts in a lengthy set of resolves advocated the application of the "Popular Sovereignty Principle" in the Territories with no congressional control but autonomy on the part of the Territorial legislature. He also advocated the choice of presidential electors by congressional districts. John Cochrane of New York joined Mr. Thayer in prescribing "Popular Sovereignty" for the political ills of the nation. Morris of Pennsylvania advised an investigation to determine if the "Personal Liberty" laws of North were a violation of the Constitution and a modification of the fugitive slave law to prevent "kidnapping". Stewart of Maryland desired the committee to inquire as to the feasibility of compromise, and, if same were not practicable, to "recommend a basis of division of assets and composition of affairs in case of secession". Leake of Virginia advised the full vitalization of the Dred Scott Decision.⁸

Jenkins of Virginia recommended the creation of a Senate of two divisions; one division to consist of Senators from the slaveholding states and the other to consist of Senators from the non-slaveholding states, with a majority of each division required for the passage of laws. This idea of a sectional veto was presented in several different forms and had many advocates. Cox of Ohio recommended the enactment

⁸ Congressional Globe, p. 76-77.

of legislation to punish all State officials who obstructed the enforcement of the fugitive slave law. Hutchins, spokesman of the radical abolitionism of the Western Reserve region of Ohio, wanted legislation to secure the privileges and immunities of Northern citizens in Southern States. Bingham of Ohio wanted a report on necessary legislation to put down rebellion, protect the property of the United States against unlawful seizure, and the "citizens thereof against unlawful violence". Sherman advised the prompt admission of the territories as states. English of Indiana desired legislation to hold the unit of government under whose jurisdiction a slave was rescued liable to the extent of double the value of the rescued party. This idea of indemnifying the slaveholder at the expense of the municipality where his recovery was defeated was quite general and appeared in probably a dozen plans.⁹

Noel of Missouri suggested the abolition of the presidency and the creation in its stead of an executive council of three members, each member to be elected from a district of contiguous states and to be armed with the veto power. In addition, he recommended the division of some of the slave states into two or more states to restore the sectional equilibrium. Radical "Southernism" found a violent champion in Hindman of Arkansas who proposed that Northern States with "Personal Liberty" laws be denied representation in both Houses of Congress. Larrabee of Wisconsin wanted to recommend to the states that their legislatures petition Congress to call a "National Convention" for the purpose of proposing amendments. Anderson of Missouri, after listing

⁹ Congressional Globe, p. 77-78.

the chief problems at issue, advised the submission of the constitutional questions involved to the Supreme Court, by a Joint Resolution of Congress, for its opinion as speedily as possible.¹⁰

On December 17 the House of Representatives passed the Adrain resolution which earnestly recommended to the states the repeal of all statutes conflicting with the Federal Constitution. Only fourteen Republican members voted against its passage.¹¹

On the same day a resolution of Morris of Illinois came before the House. It resolved that the immense value of the Union was properly calculated; that they cherished an immovable attachment to it; that they frowned upon any attempt to alienate any section of the country; that the election of Lincoln was not sufficient cause for secession; and that the Union had sufficient power to redress every wrong. It was adopted 116 to 44 with most of the negative votes coming from Southern representatives.¹²

On December 18, Crawford of Georgia brought his resolution, introduced the previous day, before the House. It asserted the truth of the following propositions: (1) the Constitution recognized slavery; (2) Congress had passed laws for the recovery of fugitive slaves; (3) the Supreme Court in the Dred Scott Case had decided that Negroes were not included in the Declaration of Independence and could not become citizens. The resolution then proceeded to pledge the members of the House to sustain and support such a construction of the Constitution.

10 Congressional Globe, p. 79-96.

11 Ibid., p. 108.

12 Ibid., p. 110.

After the previous question had been order, Crawford offered to remove the statement concerning the Supreme Court from the Resolution, but his request was objected to by Mr. Sherman and other Republicans. The Sherman motion to table the resolution then prevailed by the narrow margin of 88 to 81.¹³

A resolution by Pryor of Virginia brought before the House on December 31 the question of the use of force to preserve the Union. He wanted that body to resolve that "any attempt to preserve the Union between the states by force would be impracticable and destructive of republican liberty". Upon motion of Stanton of Ohio his resolution was tabled 98 to 55.¹⁴

The keen interest of the border states in conciliation led their representatives in Congress to attempt to work out an acceptable plan of compromise to be presented to Congress as the program of those states. Members of Congress from the border states, both slave and free, met in the office of Senator Crittenden on January 3 and proceeded to perfect their organization.¹⁵ Crittenden acted as president and Representatives Colfax of Indiana and Barrett of Missouri as Secretaries. Various proposals were referred to a committee of fourteen, one member from each state represented in the meeting, under the chairmanship of Crittenden.¹⁶ After deliberation, the committee re-

13 Congressional Globe, p. 125.

14 Ibid., p. 220.

15 John B. McMaster, A History of the People of the United States, N. Y., 1926, VIII, p. 515.

16 McPherson, op. cit., 73. The members of the resolutions Committee were: Crittenden; Harris, Md.; Sherman, Ohio; Nixon, N. J.; Saulsbury, Del.; Gilmer, N.C.; Hatton, Tenn.; Pettit, Ind; Harris, Va.; McClelland, Ill; Barrett, Mo; Sebastian, Ark; Vandover, Iowa; and Hale, Pa.

ported a plan closely resembling the famous Crittenden Scheme. It recommended the repeal of the "Personal Liberty" laws; an amendment of the fugitive slave law to provide equal fees for favorable or unfavorable decisions of the United States Commissioner; a constitutional amendment prohibiting Congressional interference with slavery in the states; perpetual prohibition of the African slave trade; and the establishment of the 36-30 line through the territories of the United States. Nothing came of the work of this group. The Republicans were not willing to resign so much of the fruits of their recent victory and rejected the plan in their caucus by an overwhelming vote.¹⁷

On January 7 Etheridge of Tennessee one of the most devoted of the Southern Unionists, introduced an elaborate proposal of compromise. It was contained in a series of proposed Constitutional amendments substantially resembling the Crittenden proposals but containing additional provisions clarifying the duty of states in respect to the return of persons accused of crime by making the laws of the State from which they escaped the criterion of guilt; and by forbidding the acquisition of additional territory except by treaty or by two-thirds vote of both Houses of Congress. The respective "Radicalisms" lost no time in attacking his plan. Lovejoy of Illinois hoped they would not consider any more resolutions proposing compromise: "I hate them". From the other extreme, Barksdale of Mississippi, rejoined that this second attempt to "patch up a compromise" would, in his judgment, amount to nothing. A motion to suspend the rules to consider the resolu-

¹⁷ Weed, op. cit., p. 317.

tion failed, and the proposals were summarily shelved.¹⁸

Republican Congressmen during this period were subjected to considerable pressure in favor of the Crittenden plan. Though they were able to maintain their lines unbroken against the program of the Kentuckian, there was much apprehension in the early days of January that some members of the party in Congress would endorse the plan. A friend who had been in Washington but two days wrote to Salmon P. Chase on January 7 that the "most strenuous efforts" were being made to induce Republican Senators and Representatives to vote for "Crittenden's proposition". He had been there long enough to be alarmed. However, he had found that "true men" were not idle and he still hoped for "the best".¹⁹

On January 7 the House by a vote of two to one approved a resolution by Adrian of New York endorsing the "bold and patriotic" course of Major Anderson in withdrawing from Fort Moultrie to Fort Sumter, and pledged its support to the President in "all constitutional measures to enforce the laws and preserve the Union".²⁰

The idea of a national referendum on the issues producing sectional animosity was suggested to the House by Maynard of Tennessee on January 14. His resolution directed a special committee, which had been formed to study the President's special message of January 8, to determine the proper machinery for such an election and to report back its plan to joint resolution or bill, whichever might be the most appropriate.²¹

¹⁸ Congressional Globe, p. 279.

¹⁹ Chase Letters, American Historical Association Reports, 1902, II, p. 489. H. B. Stanton from Washington.

²⁰ Congressional Globe, p. 281.

²¹ Congressional Globe, p. 354.

The House on the same day received the majority and seven minority reports from the Grand Committee of Thirty-three which had been set up more than a month before to develop and present an acceptable scheme of conciliation. A multitude of plans had been referred to the committee for its consideration, and it had carefully explored a wide variety of suggestions. Sectional opinions, however, were so widely divergent that no program received anything approaching unanimous and wholehearted support. The majority report submitted by Corwin, the committee chairman, consisted of ten declaratory resolutions, one joint resolution, and three bills. It was placed on the House Calendar on special order for consideration January 21.²²

The various minority reports are interesting as reflections of the views of various groups represented on the committee.

The Radical Republicanism of the Northwest, represented by C. C. Washburn of Wisconsin, joined with the Radical Republicanism of New England, represented by Tappan of New Hampshire, in a report which denied the justice and wisdom of concession, and proposed to depart not one iota from the code of principles contained in the "Chicago Platform". These militant Republicans submitted as their proposal the stern language of the "Clark Resolution", discussed in the chapter on attempts at compromise in the Senate.²³

Ferry of Connecticut, while not presenting a plan for himself,

²² Ibid., p. 378.

²³ Report No. 31, House of Representatives, 36th Congress, 2nd Session; Report of Mr. C. C. Washburn and Mr. Tappan, p. 10-11.

dissented from the report of the majority because it was "equivalent to a recommendation that all the measures reported should be passed". To some of the measures he had no objections, but to others he thought the Congress should deny its assent.²⁴

The representatives of the Pacific section on the committee, Burch of California and Stout of Oregon, were of the opinion that proposed constitutional remedies could not receive the concurrence of the necessary two-thirds of Congress. They thought that a convention of delegates "fresh from the people, brought together for the especial purpose of settling the pending difficulties", would be much more likely to succeed than a Congress chosen upon party issues more than two years previously. They were careful to explain that they endorsed the recommendations of the majority of the committee so far as they went, but that, in their judgment, they fell far short of the policy required to allay the unparalleled excitement of the country. They proposed that Congress recommend to the states that they, through their legislatures, request Congress to call a convention of all the states for the purpose of proposing the amendments which the tranquility of the nation required.²⁵

From the report signed by Nelson of Tennessee, a strong Unionist, came the plea that no unnecessary time be consumed in the discussion of the adequacy or inadequacy of the asserted causes of secession, but that immediate attention be given to efforts to still the excitement

²⁴ Ibid., Report of Mr. Ferry, p. 1.

²⁵ House Report No. 31, op. cit., Report of Mr. Burch and Mr. Stoute, p. 2-3.

and restore the amicable relations which had previously existed among the states. He thought Congress should use every effort in its power to bring about a permanent settlement of the discordant slavery question, and to that end he recommended the adoption of the "Crittenden Plan".²⁶

Adams of Massachusetts who had labored industriously in the preparation of the Committee's program, as contained in the majority report, finally felt constrained to submit a separate minority report. He thought the plan contained in the majority report was reasonable and fair, but he resented the refusal of Southern members to cooperate in the work of the committee, and he had come to the conclusion that no form of accommodation would be satisfactory to the "recusant states" which did not incorporate into the United States Constitution a recognition of the obligation to protect and extend slavery". Since the proffers contained in the majority report were sure to be spurned by the South, he did not feel justified in lending them his support.²⁷

Love, of Georgia, and Hamilton, of Texas, objected to the majority report because it did not embody a cure for the dangerous agitation which excited the country. They favored the Crittenden Compromise which formed the basis of the "only settlement which can relieve us from existing and impending troubles". It covered all questions in dispute and was fair to all sections. It would take the slavery question out of Congress and destroy every necessity or pro-

26 Ibid., Report of Mr. Nelson, p. 5-7.

27 House Report No. 31, op. cit., Report of Mr. Adams, p. 1-3.

priety of its further "existence in party platforms". They "honestly" believed that it would be ratified by large majorities, both North and South, and would preserve the integrity of the Union. Extremists on both sides would oppose it but the intelligence and patriotism of the great mass of the people would champion the plan.²⁸

The elaborate minority report signed by Taylor of Louisiana, Phelps of Missouri, Rust of Arkansas, Whitely of Delaware, and Winslow of North Carolina delineated their conception of the historical background of the crisis. One unique feature of their report was the argument that northern people, pecuniarily interested in a protective tariff, had sponsored a moral crusade on the slavery question to divide the agricultural interests of the country. They traced the development of sectional parties and declared that a majority of the Southern people had come to feel that their institutions would be unsafe under the administration of a hostile sectional party. This minority group believed that secession was constitutional, and they were certain that it was impossible to "coerce" the people of fifteen sovereign states. They thought the only feasible solution of the national dilemma was the adoption of satisfactory constitutional amendments. Though the Crittenden proposals did not embrace all that some of them desired, these measures yet afforded "such a basis for an adjustment as they would all cheerfully accept", and they were sure that the adoption of them by Northern States would restore harmony and peace to the Union and it would soon be reconstructed in its totality.

28 Ibid., Report of Peter B. Love and Andrew J. Hamilton, p. 1-2.

If the Crittenden proposals were not acceptable to the requisite majority of the House, then these men desired to endorse the "Convention plan" proposed by Burch and Stout. If no adjustment could be effected, they thought provision ought to be made for a "dignified, peaceful, and fair separation, upon equitable terms and conditions".²⁹

Corwin, the eloquent chairman of the Committee of Thirty-three, could find no cause for gratification in the work of that body. He wrote Lincoln on January 16:

I have been for thirty days in a Committee of Thirty-three. If the States are no more harmonious in their feelings and opinions than these thirty-three representative men, then, appalling as the idea is, we must dissolve, and a long and bloody civil war must follow. I cannot comprehend the madness of the times. Southern men are theoretically crazy. Extreme Northern men are practical fools. The latter are really quite as mad as the former. Treason is in the air around us everywhere. It goes by the name of patriotism. Men in Congress boldly avow it, and the God alone, I fear, can help us. Four or five states are gone, others are driving before the gale. I have looked on this horrid picture till I have been able to gaze on it with perfect calmness. I think, if you live, you may take the oath.³⁰

On the day that Corwin wrote, Garnett of Virginia addressed the House upon the advantages of two separate confederacies within the confines of the United States. He envisioned one Confederacy composed of slaveholding states and another consisting of non-slaveholding states. Each government would be homogeneous, independent, have its "own line of expansion and its own internal policy". The two nations would be united by a customs union, a postal treaty, conventions to

²⁹ House Report No. 31, op. cit., Report of Taylor, et. al., p. 1-23.

³⁰ Nicolay and May, op. cit., III, p. 218.

regulate patents, weights and measures, and by "a defensive league against the rest of the world". He thought that such a development would preserve most of the benefits of the existing system without any of its evils.³¹

On January 18, Sherman of Ohio, the Republican leader, announced the steps he was willing to take in the interests of compromise. He would agree to an amendment forbidding Congress to interfere with slavery in the States; to laws to protect States against invasion from other States; to the correction of the fugitive slave law; and to the admission of New Mexico as a state, the "ultima thule" to which he would go. He thought that the Union was about to be disrupted over the question of whether New Mexico should be slave or free. He could not vote for the proposition of the Senator from Kentucky simply because it made the Government "establish, protect, and uphold" slavery in that territory.³²

Standing in the shadow of the secession of his own state, Hill of Georgia made an eloquent and pathetic appeal for compromise. He rebuked radicals on both sides for their ill-tempered remarks and their hostile attitudes. He reminded the House that time was flying, and every moment was precious in the "excited state of the country." He asked the Republicans to consider whether they as a "triumphant party" could not afford to be magnanimous and tender to the South the earnestness of their faithful observance of the Constitution by an in-

31 Congressional Globe, p. 416.

32 Congressional Globe, p. 455.

dorsement of the Crittenden plan. If they could not accept the Crittenden proposals then he wanted them to come as close as they could. He thought the North put too much value upon "mere abstractions".³³ The day following his speech his state passed an ordinance of secession.

On January 19, Florence of Pennsylvania presented an elaborate scheme of conciliation embraced in seventeen proposed constitutional amendments. They included virtually all of the subject matter of the Crittenden measures with a few additional provisions. The incitement of slaves to insurrection was made a penal offense; descendants of Africans were declared ineligible for citizenship; fugitives were entitled to a jury trial at the place to which they returned; fugitives claiming to be citizens of another state could appeal on a writ of error to the Supreme Court; and secession was forbidden without the consent of three-fourths of the states.³⁴

From the ranks of the Virginia delegation, Millson made on January 21 an eloquent defense of the Union and a powerful plea for compromise. Copies of this oration were franked to all the voters of Virginia according to the census rolls of 1860 and exercised a deciding influence in the anti-secession vote of that state in February.³⁵ This patriotic Virginian thought that both sides could compromise with dignity because both had, in a sense, been victorious. The battle had been fought and both parties had won and lost. Through the decision of

³³ Ibid., p. 459.

³⁴ Congressional Globe, p. 479.

³⁵ Cox, op. cit., p. 73.

the Supreme Court in the Dred Scott Case the Republicans had lost the principle upon which their party was founded. The South had won its principle. But the Republicans knew that there was not the least probability of slavery being carried into a single one of the territories. So far as practical results were concerned the Republicans had won the battle and the South had lost. They had lost the principle, the South the substance; they had gained the substance, the South the principle. They were both victors, they were both vanquished. There was no real reason then why they should not have made an end of the quarrel and "preclude all controversy on the subject hereafter."³⁶

On the succeeding day another resolute Virginia Unionist, Clemens, pointed out one of the great obstacles, perhaps the chief one, to conciliation and compromise. The bulk of the politicians were bound by "a past record and past professions". They were thinking all the while of what "Mrs. Grundy" would say. The people understood the cause of the difficulty and were moving. If they could interpose, "the country might yet be saved".³⁷

Some of the proposals submitted were more humorous than practical. For instance, Montgomery of Pennsylvania, as an antidote for the partizanship which obstructed the road to compromise, proposed that all members of the House resign, effective February 21, and that they immediately pass a special law to provide for the election of their successors who should meet on February 22. To this new Congress "fresh from the people" the proposals of compromise, then pending and there-

36 Congressional Globe, p. 77

37 Congressional Globe, p. 103.

after to be made, should be referred. His colleague, Grow, was so uncharitable as to remind him that "his successor had already been elected".³⁸

On January 26, Clark of Missouri challenged the Republicans to submit the Crittenden proposition to the people. He wondered why they would not do so. Were they afraid of the people? He thought the proposition, if submitted to the "sovereign people", would be carried by acclamation. But if the people of the country were with the Republicans of the House, they then ran no risk in submitting the plan.³⁹

One of the most moderate, conciliatory, and logical discussions of the question of compromise was given by Gilmer of North Carolina, on January 26. He had hoped for some action by Congress to allay the threatening tempest. He thought and trusted that it was not yet too late for Congress to do something to preserve the Government in peace and harmony. He was beginning to feel discouraged, however, because his "Northern friends" had, up to that hour, "made no demonstration". He did not know whether they intended to do so or not, but appearances indicated a "cold, icy, stoical indifference" to the storm raging in the Southern States. The Republicans had it in their power, without any sacrifice of valuable principle, to crush out secession in one hour. They ought to use their power and quiet the minds of "all reasonable men in the slave states". At the same time they would be crushing out all the enemies of the "great and glorious" Government. Southern "fire-eaters" did not ask for so-called protection because they thought

38 Ibid., p. 531.

39 Ibid., p. 579.

it would be of any value to them or because it would be any "injury to the North". They demanded it because they thought the North would refuse it, and the South would become inflamed to the point of breaking up the Union, which was the thing the "Utras" desired. For the North to grant their demands would be to "hand over to them their own political winding sheet". They would die quicker than any set of men ever died before. Gilmer begged the North, by its moderation, to send the fire-eaters home to "hide their heads, mourning and disappointed". If the North would not give them the Crittenden measure, he hoped they would give them the Border States proposition and, if not that, then the proposition of the Committee of Thirty-Three. He wanted his colleagues from the North to be able to say that they had not held out and denied peace to the country upon a question of no practical importance, "upon a mere abstraction".⁴⁰

January 28 witnessed the introduction of two additional pacification measures. John Cochrane of New York introduced the Bigler measure providing for taking the "sense of the people" on the Crittenden proposals.⁴¹ Morris, of Illinois, proposed that the members of the House from the Border States be "respectfully requested to submit to the House an ultimatum proposition, embracing their views upon the questions now dividing the "Union", and by which they would be willing to abide then and in the future, "as a final settlement of said questions".⁴² The motion of Morris was certainly redundant since practically every

40 Congressional Globe, p. 590-593.

41 Congressional Globe, p. 597.

42 Ibid., p. 600.

member of the House from the Border States had already endorsed the Crittenden proposition and had exhausted the resources of eloquence in imploring their colleagues to consent to accept it as a basis of conciliation.

The crimination and recrimination which had characterized the fruitless House debates during December and January increased in intensity and bitterness during February. The Cotton States had left the Union; the Border States pled for the adoption of the Crittenden plan to arm them against their own secessionists; the views of the Northern Democrats coincided with the Border State men; the majority of the triumphant Republican membership had no propositions to make and refused to entertain any. Most of the month was consumed in pointless debate before tangible measures were brought to final roll call.

Vallandigham of Ohio introduced a joint resolution on February 7 which contemplated a radical revision of the constitutional system, which adoption would have given effect to an elaborate system of "nullification". His plan was radically different from any of the other "conciliation" proposals. He would have reorganized the government by: (1) dividing the United States into four sections to be known respectively as: "North", "West", "Pacific", and "South"; (2) giving one-third of the Senators from any section the right to compel the majority vote of the Senators from each of the four sections as a condition precedent to the enactment of a law; (3) choosing presidential electors by congressional districts, except two which should be selected by the State; (4) prescribing a six year term for the president and making him ineligible for reelection except by the vote of two-thirds of the electors of each section or two-thirds of the states of each

section; (5) providing for a special election to fill a vacancy in the Presidency; (6) legalizing secession where the legislatures of all the states in the affected section gave their consent; (7) providing for equal rights in the territories.⁴³

Vallandigham could see great merit in his proposals. He thought that by multiplying the sections to four he could efface the "slave-labor and free-labor division" and at the same time diminish the relative strength of each section. He proposed to give to the several sections of the Union that power of self-protection inside the Union which otherwise they would seek for themselves outside the Union.⁴⁴

Finally on February 27 the House proceeded to the disposal of the compromise legislation on its calendar. The first measure to be acted upon was the Burch proposal for a National Convention. It lost 77 to 103. At least half of the favorable votes on this proposition came from the reduced "non-Republican" group in the House.⁴⁵

The most liberal proposal to come from a Congressional Republican was submitted by William Kellogg of Illinois as an amendment to the resolutions of the Committee of Thirty-Three. It would have established the 36-30 line through the territories; prohibit the Federal Government from interfering with slavery in the states; clarified the power of Congress to legislate on the return of fugitives; outlawed the foreign slave trade forever; and barred future acquisitions of territory except by treaty or two-thirds vote of the Senate. His plan

43 Congressional Globe, p. 794-795.

44 Ibid., p. 241.

45 Ibid., p. 1258.

necessarily was in the form of proposed constitutional amendments. It was overwhelmingly defeated 33 to 158, receiving besides Kellogg's, the vote of only one other Republican.⁴⁶ Many of the Democrats who voted against it were favorably inclined but preferred the Crittenden proposal which was coming up next for action.

The Crittenden plan had been offered to the House by Unionist Clemens of Virginia. Party and sectional line remained adamant on this question. Of the Democrats, only the radical Hindman of Arkansas voted against it. Of the Republicans, not a one was found who would record his vote in its favor.⁴⁷ Some Southern Representatives did not vote, feeling that unless the Republicans were favorable, its adoption would be a snare and a delusion. It lost 80 to 113.⁴⁸

February 27 was a busy legislative day. The Report of the Committee of Thirty-Three also came up for consideration. The "Declaratory" resolutions of the report condemning Northern obstruction of the fugitive slave law; requesting the Northern States to revise their "Personal Liberty" statutes; recognizing the legality of slavery in the states; deploring resistance on the part of citizens to the enforcement of the Fugitive law; denying that there existed any occasion for secession; declaring that a faithful observance of all constitutional obligations by the states was essential to peace; asserting the obligation of the Federal Government to enforce the laws and preserve the Union; requesting states to repeal laws denying their privileges and immunities to citizens of other states; requesting states to enact

46 Congressional Globe, p. 1260.

47 Cox, op. cit., p. 78.

48 Congressional Globe, p. 1261.

the necessary legislation to prevent invasions of "any other state or territory"; were approved by a vote of 156 to 33. The extremes of both parties voted against these resolutions.⁴⁹

Then the House took up the proposed irrepealable constitutional amendment denying Congress the power to interfere with slavery in the states. When the roll was called, the vote of 120 to 61 was just a little short of the necessary two-thirds. The negative votes, all Republican and including more than half of the party membership in the House, included Ashley, Conkling, Dawes, Fenton, Crow, Lovejoy, Stevens and Tappan.⁵⁰ On the next day a motion to reconsider prevailed by a vote of 128 to 65, and later in the same day the joint resolution was adopted 133 to 65.⁵¹

On March 1 the House began to dispose of the bills submitted by Corwin's committee. Hickman moved that the act entitled "An Act for the Admission of New Mexico into the United States of America" be laid upon the table. His motion prevailed 115 to 71. Two-thirds, at least, of the Republicans voted for the Hickman motion. It was opposed by Border States men, Northern Democrats, and the more conservative Republicans.⁵²

The bill, recommended by the committee, which amended the fugitive slave law to provide for jury trial and the equalization of the Commissioner's fees, passed by the narrow margin of 92 to 83 with party

49 Congressional Record, p. 1263.

50 Ibid., p. 1264.

51 Ibid., p. 1285.

52 Congressional Globe, p. 1327.

lines considerably broken.⁵³

The recommendation of the Committee of Thirty-Three that the fugitive slave law be amended in respect to extradition and appeals was overwhelmingly defeated 48 to 123.⁵⁴

The last compromise proposal to receive the consideration of the House was the recommendation of the Peace Conference. The measure itself was never actually considered or debated. McClelland of Illinois moved that the rules be suspended for the purpose of receiving a communication from the Peace Conference. His motion received 93 affirmative to 67 negative votes, but lost because of the two-thirds requirement for suspension of the rules. Only twenty-one of the affirmative votes were Republican. Several of those who voted for the McClelland motion, including Foster, Hale, Leake, Boccock, Garnett, and DeJarnette, declared their opposition to the program advised by the Peace Congress.⁵⁵

53 Ibid., p. 1328.

54 Ibid., p. 1330.

55 Ibid., p. 1333.

ATTEMPTS AT COMPROMISE: MISCELLANEOUS

Chapter Four

The most noteworthy of the efforts outside of Congress to formulate an acceptable basis of adjustment was the so-called "Peace Conference" or "Peace Congress" which met at Washington on February 4, 1861 pursuant to the invitation of the General Assembly of Virginia.

The resolution of the General Assembly, in its preamble, expressed the fear that, unless some satisfactory adjustment could be made, the permanent dissolution of the Union was inevitable. Virginia was determined to make "a final effort" to restore the Union and the Constitution", in the spirit in which they were established by the fathers of the Republic". Therefore it extended to all states, slaveholding and non-slaveholding, who were willing to "unite with Virginia in an earnest effort to adjust the present unhappy controversies, in the spirit in which the Constitution was originally formed", to meet at Washington with commissioners appointed by Virginia. Virginia suggested the Crittenden proposition, with slight modifications in respect to territory "hereafter acquired" south of 36-30 and the right of transit with slaves through non-slaveholding states and territories,¹ as a basis of settlement.

The resolutions of the State Legislatures which accepted the invitation of the Virginia Assembly reflected about the same divisions

1 L. E. Chittenden, A. Report of the Debates and Proceedings in the Secret Sessions of the Conference Convention for Proposing Amendments to the Constitution of the United States, etc., p. 9-10.

of opinion that prevailed in Congress. Pennsylvania proclaimed that she still adhered to and could not surrender "the principles which she had always entertained on the subject of slavery", and expressed the opinion that the people of Pennsylvania did not desire any "alteration or amendment of the Constitution of the United States". The New Jersey Legislature endorsed the Crittenden plan or any other constitutional method that would "permanently settle the question of slavery". The Illinois Legislature declared that its commissioners should "at all times be subject to the control of the General Assembly of the State of Illinois". The Indiana resolutions instructed the commissioners from that State to take no action which would commit that State until nineteen states were represented and until they received the authority of the General assembly so to commit the states. The Ohio Commissioners were directed to use their influence to secure "an adjournment to the fourth day of April next".²

Eventually twenty-one states were represented in the Convention. State delegations were chosen in various ways. The Congressional delegations represented Maine and Iowa. Tennessee, Ohio, Kentucky, Indiana, Virginia, Delaware, Illinois, New Jersey, New York, Pennsylvania, Massachusetts, Rhode Island, and Missouri were represented by delegations selected by their respective legislatures. The delegates from New Hampshire, Vermont, Connecticut, Maryland, North Carolina, and Kansas were appointed by their governors.³

² Crittenden, op. cit., p. 456, 458, 459, 461, 463.

³ Ibid., p. 453.

The factors of time and distance naturally prevented the states of Oregon and California from being represented in the Convention. Michigan, Wisconsin, and Minnesota were indifferent to the aims of the meeting and deliberately refrained from participating. The seven seceded Cotton States did not send delegations, and Arkansas was not represented.

The delegates chosen to this Convention were men of the highest character and ability, and many of them had behind them rich careers of distinguished service. Participating in the deliberations of the Convention were seventeen ex-governors, six ex-cabinet members, one ex-president, numerous men with Congressional backgrounds, and two cabinet members of the incoming administration. The Kentucky delegation, for instance, contained two ex-governors, two ex-cabinet members, a former Democratic nominee for vice-president, and the son of the "Great Compromiser". New Jersey sent three ex-governors to represent it in the Convention. If this group of men did not possess enough character and intellect to effect a compromise between the antagonistic sections of the country, and "invent a modus vivendi", it was to be feared that the nation did not possess them.⁴

Added to the high ability of its members, the critical condition of the nation at the time of its assembly, served to focus the hopeful attention of the whole people upon the actions of this body. Thinking men everywhere were fearful that the failure of this meeting to formulate and present a satisfactory plan would precipitate the move-

4 Burgess, op. cit., I, p. 125.

ment of the Border States toward confederation with their sister slave states who had already seceded.⁵

The first three days of the Convention were consumed in the routine work of organization. John C. Wright of Ohio was chosen temporary chairman. For its permanent officers the Convention chose John Tyler of Virginia for president and Wright for secretary. In his speech of acceptance Tyler evaluated the work of the Convention as of equal importance with the work of the "Godlike fathers" who founded the Constitution, for it was its "sublime" task to "snatch from ruin a great and glorious confederation, to preserve the Government, and to renew and invigorate the Constitution". He confessed himself to be ambitious to share in the "glory of accomplishing this good and magnificent result". In concluding he warned his colleagues that a spirit of partisanship was the greatest evil which they must surmount. He thought that party considerations should pale into insignificance "when compared to the work of rescuing one's country from danger".⁶

Tyler was anxious to win the honor of a "peacemaker and a healer of the breach in the Union". To this motive he ascribed his willingness to accept membership in the Virginia delegation. He had already won all the honors of office through each grade to the highest and he now desired to consummate his career with the distinction of having restored the "Union in all its plentitude, perfect as it was before its severance". But he was not too sanguine as to the results of this

⁵ Curtis, op. cit., II, p. 439.

⁶ Chittenden, op. cit., p. 14, 17.

peace effort. He was bothered with the fear that the time for such a convention had passed. He thought that such a meeting, to have been effective, should have been held the summer preceding.⁷

On February 6, upon motion of Guthrie of Kentucky, the Convention created a committee on proposals of conciliation, to be composed of one member from each state, nominated by their respective states and appointed by the President of the Convention. This committee was invested with the duty of studying the various propositions conciliation and reporting back to the Convention a plan of adjustment.⁸ On the next day the president announced the membership of this committee. Headed by Guthrie as chairman, it included such able statesmen as Thomas Ruffin of North Carolina, Thomas Ewing of Ohio, James Harlan of Iowa, and Reverdy Johnson of Maryland. The rules of the Convention announced on the 6th provided that voting should be done by states and no record should be kept of the "Yeas" and "Nays" of individual members.⁹

Pending the report of Guthrie's committee, the Convention adjourned from day to day until February 15. On that day Guthrie reported a plan of adjustment for his committee. The committee had held long and protracted sessions, and the differences of opinions among members had been discussed in a "spirit of candor and conciliation". It had, nevertheless, not been so fortunate as to arrive at a unanimous conclusion. The majority of the committee had agreed upon a

7 O. P. Chitwood, John Tyler, Champion of the Old South, N. Y., 1939, p. 439.

8 Chittenden, op. cit., p. 21, 26.

9 Ibid., p. 25.

plan which they thought ought to be satisfactory to "all sections of the Union". They believed its adoption would give peace to the country.¹⁰

The plan as submitted by the committee bore a decided resemblance to the Crittenden proposition. Article I provided for the establishment of the 36-30 line through the territories. Article II prohibited the acquisition of additional territory by the United States except by treaty, and all such treaties, except in the case of naval and commercial stations, should be ratified by three-fourths of the Senate. Article III contained the Crittenden prohibitions against Congressional interference with slavery in the states and the District of Columbia. Article IV clarified the Constitution relative to the power of the states to assist in the return of fugitives. Article V forever prohibited foreign slave trade. Article VI made the previous articles except Article IV unamendable save by the unanimous action of all the states. Article VII provided for governmental indemnification of the owners of fugitives denied recovery by violence or intimidation or where rescue was effected by force.¹¹

Baldwin of Connecticut presented a minority report recommending to the states that they apply to Congress for a general convention to propose amendments.¹²

Torn between his own sense of what was right and his obligation toward his state, Seddon of Virginia satisfied his conscience completely by presenting two schemes to the Convention. One was the "Virginia

¹⁰ Crittenden, op. cit., p. 43.

¹¹ Ibid., p. 43, 44.

¹² Ibid., p. 46.

Plan" as contained in the resolutions of the General Assembly summoning the Convention. His own plan was designed to create an effective sectional veto as a safeguard against arbitrary rule by a hostile section. He wanted to modify the fundamental law to make the support of a majority of the senators from both slave and non-slaveholding states necessary to the validity of a law, when demanded by five senators; to make any executive appointee within one of the sections removable upon the written demand of a majority of the senators from that region; and to set up the machinery for peaceful relations with the seceded States and to forbid "coercion".¹³

Guthrie, whose strong "unionism" was a major factor in holding Kentucky fast to the Union in the troublesome period following Lincoln's inauguration, was asked by Curtis of Iowa, who later became a Union general, if the adoption, prior to the secession of the Cotton States, of some such plan as that recommended by his committee, would have kept them from going out. Guthrie replied that he thought "it would have prevented them; all but South Carolina". Curtis responded that he could not agree with such a conclusion.¹⁴

On February 18, Ex-Governor Reid of North Carolina offered an amendment similar to the famous Powell Amendment, providing that the territorial division on the 36-30 line should apply to "future territory". It received the approval of the delegations from New Jersey, Delaware, Maryland, Kentucky, Tennessee, North Carolina, Missouri, and Virginia; and was defeated by the votes of Vermont, Maine,

¹³ Chittenden, op. cit., p. 47, 52.

¹⁴ Ibid., p. 71.

New Hampshire, Massachusetts, Connecticut, Rhode Island, Ohio, Indiana, Illinois, Pennsylvania, New York, and Iowa.¹⁵

Reverdy Johnson of Maryland, in pleading for the acceptance of the committee's report, claimed that it was the slave states who were doing the yielding. Under the Dred Scott Decision they had the right to go North of 36-30 with their slaves. But they were willing to stand upon the proposition of the committee and believed they could. At least, it would save the rest of the states to the Union. The states that were still in the Union would continue there.¹⁶ Johnson, no doubt to assuage the oft-stated fears of Northern men that the South contemplated conquests of territory for slavery south of the boundaries of the United States, offered an amendment limiting the 36-30 line to the "present territory" of the United States. It was adopted without a record vote.¹⁷

Continuing the note of Southern optimism, Ruffin of North Carolina declared that the adoption of the propositions before the Convention would not only "satisfy and quiet the loyal states of the South", but would bring back the states that had seceded. He proceeded, however, to emphasize that they could not answer for the states which had left the Union, but they could "even stand their absence" if given guarantees which would quiet their own people and at the same time not injure the people of the North.¹⁸

The generally inarticulate Republicanism of the North, which had

15 Chittenden, op. cit., p. 82.

16 Ibid., p. 90.

17 Ibid., p. 107.

18 Chittenden, op. cit., p. 127.

all too few spokesmen among the officeholders of that party, found a mouthpiece in Frelinghuysen of New Jersey. He thought that the balance of power, which had so long fluctuated between the sections, was now definitely in favor of the North and, in his opinion, the dominant section was morally obligated to "respect the claims of the South, and quiet the apprehensions of its people". He believed that "nineteen-twentieths of the people of the North" were in favor of giving the South the protection it asked against interference with slavery in the territories. What would the North gain by compromise? It would retain the Border States, and, in his opinion that was "equivalent to saving the Union". If the Border States were kept, the other Slave States would have to come back. If the Border States went, civil war was inevitable.¹⁹

Stephen T. Logan of Illinois who had labored for the triumph of Lincoln and had exerted his influence and spent his money to secure his election, echoed the sentiments of Frelinghuysen. He thought the Republicans had no right to stand between the people and "these propositions". The South was entitled to guarantees because the Republican party was a sectional party and had been organized as a result of the agitation of the slavery question. He could say that if the Union were dissolved, the Republican party would be responsible, "as that party has now the power to prevent it".²⁰

On February 22 the ultra Southern demands were presented in an amendment by Reid of North Carolina; "involuntary servitude is re-

19 Ibid., p. 181, 182, 187.

20 Chittenden, op. cit., p. 258.

cognized, and property in those of the African race, held to service or labor in any of the states of the Union, when removed to such territory, shall be protected". It received the support of only Virginia, North Carolina and Missouri.²¹

On the next day a very significant resolution was offered by Representative Vandever of Iowa:

"Resolved, That whatever may be the ultimate determination upon the amendment of the Federal Constitution, or other propositions for adjustment approved by this convention, we, the members, do recommend our respective States and constituencies to faithfully abide in the Union".²²

It was tabled by the affirmative votes of Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Tennessee, Kentucky, Missouri, and Ohio.

Seddon continued to stress the need of interposing some sort of protection against sectional domination and offered an amendment to: (1) require the approval of a majority of the Senators from the non-slaveholding states to appointments to office in the territories north of 36-30, and of those from the slaveholding states to appointments South of 36-30; and (2) make the division of the proceeds of the sales of public lands among the states according to the combined ratios of representation and taxation. Though his proposition received the support of Tyler, who declaimed against the evils of "executive patronage", it could command the votes of only Maryland, Virginia, North Carolina, Kentucky, and Missouri.²³

Summers, of Virginia, sought to extend the idea of sectional

21 Ibid., p. 291.

22 Ibid., p. 301.

23 Chittendon, op. cit., p. 333, 334.

safeguards to the treaty-making power of the Senate. He desired to make it impossible to acquire territory without the concurrence of a majority of the Senators from the slaveholding states, and a majority of the Senators from the non-slaveholding states. Such majorities would be necessary as a part of the two-thirds majority necessary to ratify a treaty. While many Republicans in and out of Congress had professed to fear Southern designs of territorial expansion for slave culture, most of them opposed this amendment which would have made such expansion impossible without their concurrence. It lost at first because of the opposition of Maine, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, Indiana, Illinois, Iowa, and Kansas, but was subsequently approved by a vote of 12 to 6, with Pennsylvania changing its vote.²⁴

On February 25 Hall of Vermont offered and secured the adoption of an amendment prohibiting the slave trade in the District of Columbia.²⁵ Aggravated, perhaps, by this action, Guthrie stated that he felt his mission to the Convention to be over, and that he might as well "withdraw from the Conference". He seemed to be unable to impress members with the necessity of accomplishing something. The report of the Committee was not satisfactory to the South; it was doubtful if they would accept it in its original form; it was certain they would not if it were "cut to pieces by amendments". He might be compelled either to sacrifice his property or go with the secessionists. At

²⁴ Ibid., p. 338, 342.

²⁵ Ibid., p. 358.

his time of life he did not want to do either.²⁶

The New England-Midwestern combination was able to adopt an amendment by Hitchcock of Ohio, striking that part of the Committee's report which forever prohibited Congressional power to "regulate, abolish, or control" slavery in the territories. This modification was accomplished by the votes of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Indiana, and Kansas.²⁷

Wilmot failed in an effort to amend Article I of the report to provide for compensation by the United States Government of citizens who should suffer injury in any other state, "by reason of violence or intimidation from mobs and riotous assemblies, in his person or property", or be deprived of any of "his rights secured by the Constitution".²⁸ In this connection, Frelinghuysen suggested that some amendment along that line ought to be adopted to pacify the North. Following his advice the convention adopted an amendment to Section seven, directing Congress to provide by law for the securing "to the citizens of each state the privileges and immunities of citizens of the several states". Only Missouri, Kentucky, North Carolina, and Tennessee opposed his amendment.²⁹

A delicate question arose in connection with the provision of the report which provided for governmental compensation to the owner

26 Chittenden, op. cit., p. 369.

27 Ibid., p. 373.

28 Ibid., p. 381.

29 Ibid., p. 385.

of an escaped fugitive whose recovery had been illegally prevented. What would be the status of such a slave? Orth of Ohio wanted to provide that "such fugitives after such payment, shall then be discharged from such service". It lost by the close margin of one state. On February 26, the next day, however, the Convention reconsidered its action and passed, with only three dissenting votes, a substitute proposed by Backus of Ohio providing that the acceptance of payment from the Government by the owner of such a fugitive should "preclude the owner from further claim to said fugitive".³⁰

On February 26 the convention voted down propositions to deny the authority of the Federal Government to "coerce" or use force directly or indirectly against a state; to declare the Union indissoluble; to recommend a general convention of the states to propose Constitutional amendments; to substitute the Crittenden Plan as slightly modified by the Legislature of Virginia; to approve the Crittenden resolutions "without the crossing of a "t" or the dotting of an "i", as proposed by Clay of Kentucky; and to adopt the orthodox Republican position as presented by Tuck of New Hampshire.³¹

Statements made by four delegates from North Carolina just before the convention began to ballot upon the adoption of the various sections of the report illustrated the confusion prevailing in the minds of the members as to the relative effectiveness of their work. Reid declared that he could never support the report and would not recommend it to his State. Barringer declared that the people of North Carolina

30 Crittenden, op. cit., p. 385, 387, 395.

31 Ibid., p. 401, 399, 411, 418, 424, 426.

would not accept such a "hollow compromise". Ruffin, while expressing his distaste for the first section, still thought the report ought to go before the people. Morehead hoped and believed the report, if adopted, would "save the Union". He thought the people of North Carolina would approve the plan.³²

Section one of the proposed amendments contained the territorial provisions and was the keystone of the Convention's plan. The Convention, when the roll was called on February 26, refused to adopt it by a vote of 8 to 11; the affirmative votes coming from Delaware, Kentucky, Maryland, New Jersey, Ohio, Pennsylvania, Rhode Island, and Tennessee; and the negative from Connecticut, Illinois, Iowa, Maine, Massachusetts, Missouri, New York, North Carolina, New Hampshire, Vermont, and Virginia. Many members took occasion to announce dissent from the vote as cast by a majority of their respective delegations.³³

Turner of Illinois immediately moved a reconsideration of the vote by which the section failed to be adopted, and it prevailed. Granger of New York apparently with little justification, charged the "gentleman from the slave states" with responsibility for the defeat of the compromise which "we have labored so long and earnestly to secure". He thought the members needed time for reflection and the Convention adjourned at 7:30 p. m. This did not allow enough time for

³² Chittenden, op. cit., p. 434, 435.

³³ Ibid., p. 433. Among those dissenting from the vote of their States on this important ballot were: Ruffin and Morehead of North Carolina; Potten of Tennessee; Caolater and Hough of Missouri; Bronson, Corning, Dodge, Wool, and Granger of New York; Meredith and Wilmot of Pennsylvania; Rives and Sumner of Virginia; Clay and Butler of Kentucky; and Logan of Illinois.

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"consideration" and the night session adjourned to the next day.³⁴

On February 27 the balloting was resumed. Defeat of the first section meant the defeat of the whole scheme. Convictions and prejudices on its subject matter were deep-seated and not easily compromised. The results of the second roll call on this controversial section revealed that the "conciliators" had prevailed upon but one state, Illinois, to change from opposition to support. However, the section was adopted by the narrow margin of 9 to 3, the favorable vote being less than half of the states represented. The delegations from New York, Kansas, and Indiana were evenly divided on this vote and hence could not cast the vote of their states either way.³⁵

The other sections were then adopted in rapid succession by votes of 11 to 3 on the second section, 12 to 7 on the third, 15 to 4 on the fourth, 16 to 5 on the fifth, 11 to 9 on the sixth, and 12 to 7 on the seventh.³⁶ No vote upon the plan as a whole was ever taken.

Before the Convention adjourned sine die, President Tyler half-heartedly praised the work of the conference as probably being the best that, "under all the circumstances", could be expected, and promised as far as he could to recommend its adoption. He evinced little enthusiasm for the handiwork of the convention and, indeed, the same can be said for most of the members of that body.³⁷

34 Ibid., p. 438.

35 Chittenden, op. cit., p. 443, 445.

36 Ibid., p. 443, 444, 445.

37 Ibid., p. 452.

The summary disposal of the Convention's recommendations by Congress has already been discussed in the two preceding chapters. The average membership of the convention was able and patriotic, and the scheme it formulated was undoubtedly a fair and moderate compromise. The chief cause of its failure to meet the expectations of its sponsors was probably the late time at which it began its work. Three months of newspaper agitation, two months of Congressional debate marked by bitter asperity, and the secession of the Gulf States, had crystalized Northern radicalism and Southern radicalism into adamant firmness. Between these two hostile sectionalisms, the moderate peace proposals of the Union-Loving Border region were torn and ground to shreds.

There were several definite attitudes motivating groups of delegates and states in the deliberations of the Convention. They could be classified under four heads: (1) a small minority of Southerners who demanded extreme concessions; Reid of North Carolina and Seddon of Virginia were leaders of this group; (2) Republicans who demanded acquiescence in Lincoln's election and had no compromise to offer; (3) Southern Unionists who asked moderate guarantees for slavery but could not promise that the granting of them would bring back the seceded states; Sumner of Virginia, Wickliffe of Kentucky, and Morehead of North Carolina were leaders of this element; (4) Northern Unionists who were willing to make large concessions in favor of compromise; Frelinghuysen of New Jersey, Logan, of Illinois, and Stockton of New Jersey were typical of this group.³³

³³ Nicolay and Hay, op. cit., III, p. 232.

With the exception of Rhode Island, the New England delegations were persistent and inflexible in their hostility to all suggestions of compromise. The delegation from Iowa generally voted with them. The extreme Southern rights advocates were concentrated in the Virginia, North Carolina, and Missouri delegations and generally rallied the votes of those states behind radical propositions. From Kentucky, Tennessee, Maryland, Delaware, New Jersey, Rhode Island, and Pennsylvania came the consistent drive for adjustment which resulted in the program finally adopted. The delegations from New York, Illinois, Indiana, Ohio, and Kansas occupied a somewhat middle position voting with the advocates of compromise on some occasions but as often throwing their weight behind the New England block.

Some of the commissioners upon their return home prepared reports explaining and justifying their actions. Thus the Massachusetts delegation reported March 22 that "the concessions demanded by the discontented states seemed to be inconsistent with honor, justice, and freedom, and calculated to render permanent the existing causes of disturbance". They thought a "Union restored by unmanly concessions" would be productive of future hostilities and would contain within itself "the seeds of a violent death".³⁹

The majority of the New York delegation explained its opposition to the amendments proposed by the Convention upon the following grounds: (1) no amendments to the Constitution were needed; (2) the Convention was antagonistic to freedom; (3) slavery was constitutionally established in the territories South of 36-30; (4) the slave

³⁹ Chittenden, op. cit., p. 616, 620.

states were given an absolute negative upon the acquisition of free territory; (5) the North had to surrender the control of the District of Columbia; (6) the constitutional protection of slavery was made unalterable.

They thought that the plan of the convention would have engrafted upon the Constitution "the odious doctrine of property in man", changed the character of the organic law, and made "irrevocable and permanent that which the framers of the instrument intended should be temporary".⁴⁰

Alexander H. Stephens, who was a sincere friend of the Union and honestly interested in preventing secession, suggested to the Georgia Legislature in a speech on November 14, 1860, a plan of procedure which he thought best for the state under the circumstances. He advised that the State Legislature make out a "bill of grievances" to be sent by the Governor to the faithless states of the North. If this method failed to bring about any improvement of conditions, then he thought Georgia should proceed to adopt retaliatory measures within the Union.⁴¹

In the Georgia Convention Herschel Johnson, after consultation with Alexander H. Stephens, submitted, as a substitute for the ordinance of secession, the following plan: (1) Delaware, Maryland, Virginia, Kentucky, North Carolina, Louisiana, Texas, Arkansas, Tennessee, and Missouri should be invited to send delegates to a "Congress" at Atlanta, February 16 "to take into consideration the

40 Chittenden, op. cit., p. 596.

41 Stephens, op. cit., II, p. 297.

the whole subject of their relations to the Federal Government, and to devise such a course of action as their interest, equality, and safety may require"; (2) the "independent republics" of South Carolina, Florida, Alabama and Mississippi should be invited to send commissioners; (3) refraining from any formal demand for the repeal of the "Personal Liberty" and other similar laws of the Northern States, Georgia should announce her "unalterable determination" not to remain permanently confederated with such states unless they should purge their statute books of such laws; (4) if the Federal Government, pending the final action of the Atlanta Convention, should attempt to coerce any of the seceded states, Georgia would make common cause with such state or states; (5) a commissioner should be appointed by the Georgia Convention to each of the slave states remaining in the Union to inform them of the action of the convention and urge their conformity with its policy. A like commissioner should be sent to the convention of the seceded states at Montgomery February 4 to urge its cooperation; (6) if all efforts at conciliation should be fruitless, then Georgia should cooperate in the formation of the Confederacy; (7) pending the completion of this program, the Georgia convention should adjourn to meet again February 25.⁴¹

Late in 1860 Governor Beriah Magoffin of Kentucky wrote a letter to the other Southern Governors in which he outlined his ideas of what he thought the South ought to demand as a basis of compromise. First on his list was the repeal of the Personal Liberty laws of the North and the honest enforcement of the fugitive slave law. Next came the

⁴¹ Stephens, op. cit., II, p. 297.

proposal that the territories be divided on some parallel of latitude,⁴² say thirty-seven degrees; thirdly, he favored the passage of a constitutional amendment which would give Southern Congressmen some sort of a veto over oppressive legislation.⁴³

On the thirty-first day of January, 1861, a Democratic State Convention assembled at Tweedle Hall in Albany, New York to consider the impending peril of the Union. "It was probably the strongest and most imposing assembly of delegates ever convened within the state. Not less than thirty of them had been chosen to seats in Congress, while three of them had been Democratic candidates for Governor". Though called as a Democratic meeting, there was a large and "most respectable" representation of the old Whig party, together with a number who had been associated with the American party.⁴⁴

The Convention adopted a comprehensive set of resolutions concerning the "State of the Nation". Its resolves encompassed the following points: (1) a declaration that the present difficulties were the product of conflicting sectional passions; (2) the assertion that civil war was the worst and most ineffective argument that could be addressed to the seceding states; (3) the theory that the Union could be preserved only by a continuation of the spirit of conciliation and the adoption of compromises, which devices had served well in the past; (4) the need of adopting a policy that would satisfy the Border States and hold them in the Union; (5) a recommendation of the

42 Stephens, op. cit., II, p. 303-304.

43 Smith, op. cit., p. 84.

44 Greeley, op. cit., I, p. 333.

Crittenden plan, "or some other measure acceptable to the Border States", and a request to the legislature to submit the Crittenden proposition to the vote of the people of New York; (6) the importance of immediate action was urged upon Congress and, if other efforts failed, it was requested to take the "initiatory steps, under the Constitution, for summoning a general convention for proposing amendments"; (7) the State of New York was advised to send delegates to the Peace Congress at Washington and, in case of the failure of the legislature to act, the convention appointed a commission of nine men, including Willard Fillmore, Horatio Seymour and Samuel Tilden, to represent "friends of conciliation in New York"; (8) the seceded states were implored to "stay the sword and save the nation from civil war" pending the perfecting of remedial measures.⁴⁵

In January the Tennessee Legislature advanced a program for the solution of the problems of inter-sectional relations. It proposed a convention of delegates from all the slaveholding states to meet in Nashville on February 4 to "digest and define bases" upon which, if possible, the Union might be preserved; resolved that the legislature should select the state's ablest and wisest men as delegates, and directed to be governor to invite other states to cooperate; presented a "Tennessee plan" which was that of Crittenden in essence; anticipated a convention of all the states to follow that of the slaveholding states; suggested that, in case the needed constitutional guarantees could not be secured, the slaveholding states should adopt for themselves the Constitution of the United States with the necessary amend-

⁴⁵ Senate Miscellaneous Document No. 19, 36th Cong., 2nd Sess., p. 1-4.

ments and invite such Northern States as cared to do so to join the new government.⁴⁶ The plan was never acted upon.

After the fiasco of the Peace Convention, John Tyler despaired of the preservation of the Union in its existing form; but suggested another method of peaceful accommodation:

Though reconstruction is not feasible, pacification is possible. There might be a treaty or agreement between the two Confederacies providing for favorable commercial intercourse and a satisfactory postal adjustment. This agreement might be extended into a defensive and offensive alliance with an understanding as to the quotas of troops to be furnished by both in case of war. After a few years under this arrangement a feeling of brotherhood might develop and then modifications of the arrangement could be effected in the direction of closer association if it were desired.⁴⁷

The idea of reconstructing the Union under happier auspices and upon more favorable terms undoubtedly exercised considerable influence in the secession movement. It won over many staunch Unionists from their opposition to secession throughout the Gulf region. Many of them were honestly convinced that they could drive a better bargain from outside the Union than they could from within.⁴⁸

Alexander H. Stephens said that, in his judgment, "the wavering scale in Georgia was turned by a sentiment, the keynote of which was given in the words - 'We can make better terms out of the Union than in it'". He ascribed the authorship of that "keynote" to Thomas R. R. Cobb in a speech made before the Georgia Legislature in November. In his opinion that one idea did more to "take Georgia out" than the

46 House Miscellaneous Document No. 27, 36th Cong., 2nd Sess., p. 1-3

47 Chitwood, op. cit., p. 456.

48 Smith, op. cit., p. 77.

eloquence of all others combined. He estimated that two-thirds of those who voted for secession in Georgia did so with a view to a more certain "re-formation of the Union".⁴⁹

There are other evidences of the existence of this idea of reconstruction preceded by peaceable secession. Representative Reagan of Texas was careful to inform a colleague in the House of Representatives, upon the secession of his state, that he thought the South would be out for only a season. When the excitement died down, and especially if any guarantees were given for their rights, he believed the seceded states would return.⁵⁰

Hunter of Virginia discussed this theory in a speech in the Senate January 11. Assuming that the Old Union had already been dissolved by the secession of some of the states, he continued to declare that there was no way of obtaining a Union "except through a reconstruction". He said further: "Secession does not necessarily destroy the Union, or rather the hopes of reunion; it may be the necessary path to reconstruction".⁵¹

One of the most sincere well-wishers of the Union, Representative W. R. W. Cobb of Alabama, upon his withdrawal from the House because of the secession of Alabama, conveyed the same idea to that body in his farewell speech while pleading for conciliatory measures: "When I return home, let me not go without hope. Let me have it within my power to say to my people that there is hope, however, faint it may appear now". He urged the Republicans to do their duty, still the storm, and

49 Stephens, op. cit., II, p. 321.

50 Cox, op. cit., Statement; Reagan to Cox, p. 65.

51 Congressional Globe, p. 330-332.

"allow your President to come into power as the President of the whole nation".⁵²

Representative Taylor of Louisiana in announcing his withdrawal from the House discoursed in a similar vein: "I do not leave you entirely without hope that these unhappy differences may yet be adjusted in such a manner as will lead to the reconstruction of the Union on such a basis as will make it perpetual".⁵³

⁵² Ibid., p. 646.

⁵³ Congressional Globe, p. 754.

PARTISAN AND SECTIONAL ATTITUDES ON COMPROMISE

Chapter Five

The sound and fury of the debates and discussions of the compromise proposals tended to obscure the relative paucity of the real items of friction between the sections. Actually the question of slavery in the territories was among the principal issues which barred the path to adjustment. Bradford stated in the Peace Convention that the members of the resolutions committee had been "nearly unanimous upon all points except the territorial question".¹ Houston declared in the same convention that the country could be saved only by settling the "territorial question".² Bigler uttered a like sentiment in the Senate: "But the territorial question is the great obstacle in the way of peace".³ Boutwell, from uncompromising Massachusetts, condescended to admit in the Peace Convention that, if the time were fit and proper to consider amendments to the Constitution, "we would have no trouble with you except upon the question of slavery in the territories".⁴ From Salmon P. Chase came the acknowledgment that the territorial problem was the most serious difficulty in the way of settlement. Lincoln touched on the same subject in his letter of December 22, 1860 to Alexander H. Stephens: "You think Slavery is right and ought to be extended, while we think it is wrong and ought

1 Chittenden, op. cit., p. 307.

2 Ibid., p. 310.

3 Congressional Globe, 36th Cong., 2nd Sess., p. 493.

4 Chittenden, op. cit., p. 100.

5 Ibid., p. 430.

to be restricted. That, I suppose, is the rub. It certainly is the only substantial difference between us".⁶

With the "Southernists" claiming the right under the Dred Scott decision to take their slaves into all of the territories and the Republicans adhering to their "Chicago platform", which declared in favor of the prohibition of slavery from all the territories, the logical basis of conciliation was some scheme on the pattern of the Missouri Compromise which would divide the region in dispute.

Crittenden's proposition proposed to compromise upon that very basis. The Missouri Compromise line of 36-30 was to be the line of demarcation in the remaining territorial possessions of the United States. The tenacity with which this idea of dividing at 36-30 fixed itself upon the public mind was evidenced by the fact that almost every proposal offered by a sincere advocate of conciliation contained that feature. It was paramount in the proposals of the Peace Congress, the "Border States plan", the "Virginia plan", the Kellogg proposals, the plan proposed by Thurlow Weed, and many others. As a matter of fact, the basic Crittenden plan was copied in substance by every other scheme of conciliation that was seriously considered.

The chief hope of peaceful adjustment centered in the plan of Crittenden. The Peace Convention, the Border States project, and the recommendations of the House Committee of Thirty-Three were of relatively little moment.⁷ The Crittenden scheme was identical with compromise in the public mind. The character and influence of Crittenden, the enthusiasm of the Border States for his plan, and the

6 Arthur B. Lapsley, ed., The Works of Abraham Lincoln, N. Y., 1905, V, p. 193.

7 Idem, op. cit., p. 77.

fervid pleas for it from the Unionists of the Gulf States, all served to make it the chief hope of the advocates of peaceful mediation. It was tremendously popular in the North, and from that region Congress was deluged with petitions and memorials requesting its adoption.⁸

Pendleton of Ohio received a petition signed by ten thousand citizens of Cincinnati praying for its enactment.⁹ On January 16 Cameron of Pennsylvania, in presenting a petition to the Senate in behalf of the Crittenden proposals from a mass meeting in Eulin, Pennsylvania said: "It is my duty to say, also, that I receive daily, by every mail, a large number of letters on the same subject, all sustaining the proposition of the Senator from Kentucky".¹⁰ From Boston, in the center of generally unconciliatory New England, came a resolution of the Common Council endorsing the propositions offered by the "Hon. John J. Crittenden" and praying the Congress to adopt same.¹¹ Gigantic mass meetings of "workingmen" at Philadelphia on January 26, and Evansville, Indiana, on January 21, were typical of the popular and apparently spontaneous movement in behalf of this plan.¹²

It is the essence of a compromise that all parties concerned make some contribution to it in the way of concessions.

8 Chadwick, op. cit., p. 174.

9 Congressional Globe, 36th Cong., 2nd Sess., p. 402.

10 Ibid., p. 72

11 House Miscellaneous Document, No. 41, 36th Cong., 2nd Sess., pp. 1-3.

12 House Miscellaneous Documents, No. 30, 19, 36th Cong., 2nd Sess., p. 3.

The measure of the willingness of political parties to compromise is ascertainable only by comparing their concessions with their political platforms and creeds. For purposes of this discussion the political thought of the time may be classified under the heads of Border State Unionism, Northern Democracy, cotton State Democracy, and Republicanism which, of course, was purely northern.

The States of Arkansas, Missouri, North Carolina, Tennessee, Virginia, Kentucky, Maryland, and Delaware made up the Border Slave States as contradistinguished from the cotton or Gulf Slave States. The Union-loving Whig party, prior to its decease, had been invincible in Kentucky, Tennessee, Delaware, and Maryland, and generally predominant in North Carolina. Virginia, Missouri and Arkansas had been consistently Democratic, but their brand of Democracy was much more national than that of the cotton states. In the election of 1860 Missouri had given its electoral vote to Douglass and Virginia had voted for the Unionist Bell. This region dreaded civil war because it would suffer most from it; its compromisers in and out of Congress labored assiduously for conciliation.

It is worthwhile to note that these Border State citizens who had the largest stake in peaceful preservation of the Union and the greatest inducement to favor the "right plan" to attain that end, were practically unanimous in favoring the Crittenden proposition. When the House of Representatives finally voted upon it, February 27, 1861, the Border States registered their endorsement fifty to three, giving it more than half of the votes it received.¹³ Emerson of Tennessee

¹³ Congressional Globe, 36th Cong., 2nd Sess., p. 1261.

was opposed to the "future territory feature", and Hindman of Arkansas was convinced that the Republicans would entertain no compromise proposals. The only border state vote against the principle of adjustment on the line of 36-30 was that of the sole Republican representative from that region, H. Winter Davis of Maryland who had been elected as an "American".

Perhaps the most insistent pleas for peaceable composition of the troubles came from Tennessee. In the Senate Johnson worked indefatigably for the Crittenden proposal and was unwilling to desert the Union even after its defeat. The other Senator, Nicholson, consistently supported the Crittenden plan. Hardly a day of the session passed but what some Tennessean was on the floor of the House of Representatives pleading for compromise in the form of the Crittenden scheme. Etheridge accused the Republicans of opposing compromise to protect their "former political records". Nelson thought the adoption of Crittenden's plan would give peace and repose to our country". Avery, while favoring compromise, grew weary of pleading as "suppliants at the footstool of the Republican party". Stokes could vouch for the Border States being satisfied with the Crittenden plan. Quarles thought its adoption would send "a thrill of joy through the national heart". Maynard declared that they wanted it because "the whole country has responded to it both from the North and the South". Hatton asked for the adoption of the plan to give the Southern Unionists "weapons of conciliation and concession, with which we may cleave the armor of our adversaries". Brabson was astonished at the indiffer-

ence of the Republicans while the Union was dissolving.¹⁴

Kentucky, with its political traditions stemming from Henry Clay, was naturally in favor of compromise and conciliation. The efforts of John Jordan Crittenden in behalf of pacification marked him as a worthy successor of the "Great Pacificator". A son of Clay at the Peace Convention found occasion to tell that assemblage that Kentucky wanted the Crittenden plan: "We told you that when we came here".¹⁵ The other Kentucky Senator was the author of the resolution creating the Committee of Thirteen for the consideration of plans of conciliation, and the Powell amendment applying the 36-30 line to "future territory". While not as diplomatic as Crittenden, he worked faithfully for some satisfactory solution that would prevent disunion and preserve peace. Vice-President John C. Breckenridge, who became United States Senator after the inauguration of Lincoln, left in the record his opinion that "the Crittenden resolutions, cordially adopted at the beginning of the late session of Congress, would have prevented the withdrawal of every state except South Carolina".¹⁶

Kentuckians in the Lower House of Congress were dependable supporters of every measure of conciliation that promised adequate results. They voted nine to nothing in favor of the proposition of their distinguished Senator. Stevenson, declared that there were "no disunionists in Kentucky, and wondered why the Republicans would not accept the "olive branch of peace" contained in the Crittenden resolutions.

¹⁴ Congressional Globe, p. 115.

¹⁵ Crittenden, op. cit., p. 331.

¹⁶ Congressional Globe, p. 1507.

Burnett, who was somewhat of a fire eater, asserted: "The people of Kentucky will be satisfied with it--men of all parties". Incensed by the Republican opposition to compromise, Brown accused them of being "firm, unyielding, unreasonable", and of placing the dogmas of their party platform "above your country and its Constitution".¹⁷

Attention has already been given to the ambitious scheme of Virginia to pacify the country through the instrumentality of a Peace Congress. While Hunter failed to exercise as much influence as his record indicated he should, and Mason was unnecessarily offensive in his speeches, yet both of them voted for the proposals of Mr. Crittenden. In the House of Representatives Virginia voted twelve to nothing for that famous plan. Not all of the Virginia representatives were subdued enough in their language. Leake accused the North of having sanctified crime, canonized murder, and offered a premium upon perjury; of having made it "a crime to obey the Constitution of the United States". Fryor accused the Republicans of preferring the guilt of civil war rather than the reproach of "logical inconsistency". Garnett asserted that the measures of adjustment had been passed early in the session, the Union party in the Border States would have accepted them. Harris could see nothing fairer to all sections than the plan of "the venerable Senator from Kentucky". Speaking late in the session of the Republican attitude toward the slave states, Bocoek charged that they would "neither allow them to stay with honor, nor go in peace". Millson was sure that the times demanded new "Constitutional guarantees."¹⁸

17 Congressional Globe, pp. 452, 260.

18 Ibid., pp. 565, 603, 1071, 143, 86.

Both Senators from Missouri supported the Crittenden proposals on numerous votes in the Senate. The Missouri delegation in the House of Representatives voted six to nothing in favor of Crittenden's proposition. Clark challenged the Republicans to submit it to a vote of the people. Barrett was one of the vain chorus that pled with the Republicans to think more of the Union and less of their Chicago platform.¹⁹

Pearce and Kennedy, the Maryland Senators, did not indulge much in speech-making but voted consistently for the Crittenden resolutions. The House delegation from that state voted five to one in their favor. Harris thought they were so efficacious that they "would not only keep every single Border State in the Union, but would bring back those which have gone out". Hughes thought they "would be satisfactory to Maryland, as a reasonable basis for the adjustment of existing difficulties by a Constitutional Convention of the States". Webster thought their adoption would "retain every Border State in the Union, and, in all human probability, bring back every seceding State, excepting, it may be, South Carolina".²⁰

North Carolina's Senators, Bragg and Clingman, voted for the Crittenden plan, but the latter made several unfortunate speeches which contributed nothing to conciliation. Gilmer wanted compromise as a means of blunting the weapons of the secessionists. Leach begged for the acceptance of the plan of Crittenden and was appalled by the "stoical indifference and stolid obstinacy of northern members". Smith

19 Congressional Globe, p. 579.

20 Ibid., pp. 118, 150, 220.

declared that its acceptance would cause the shadows to flee from "the political firmament".²¹

With the exception of Hindman, who overlooked no opportunity to demonstrate his hostility to compromise, the Arkansas delegation to Congress supported the Crittenden plan. Senator Johnson, however, refused to vote when the Clark amendment was considered, on the theory that the Republicans should be made to accept responsibility for the defeat of compromise since it was hopeless without their help. The Congressmen from Delaware consistently supported conciliation.

There were no more zealous advocates of compromise than the Democratic Congressmen from the North. In the Senate, Lane, of Oregon, almost outdid the secessionists in his zeal for the South; and Douglass of Illinois, Thomson of New Jersey, Bright and Fitch of Indiana, Gwin and Latham of California, Rice of Minnesota, and Bigler of Pennsylvania labored unrelentingly and voted faithfully for whatever measures held forth some promise of pacification. No fanatical devotion to platform commitments obstructed them from voting for compromise. Yet the support of the Crittenden plan involved for them a considerable surrender of the doctrines they had advocated in the election of 1860. Douglass and his followers had stoutly advocated the doctrine of "popular sovereignty".²² The followers of Breckinridge in the North had defended the right to take slavery into any territory under the Dred Scott Decision.²³ They preferred to put

²¹ Ibid., pp. 583, 197.

²² Stanwood, op. cit., p. 286.

²³ Ibid., p. 287.

peace above platform and conciliation above consistency. In the waning days of the session, Lane of Oregon, who had been Breckenridge's running mate in 1860, reminded the Senate that he had voted for Crittenden's plan and would do so again because there was something in it that he "could stand by". Pugh asserted that at any time "before the first of January, a two-thirds vote for the Crittenden resolutions in this chamber would have saved every state in the Union, but South Carolina". Douglass followed to declare that, in his judgment, Pugh's assertion was eminently correct.²⁴

The Northern members of the House of Representatives of the Democratic persuasion were equally consistent in their support of compromise. On January 14 McClelland of Illinois, and Cox of Ohio, while denying the validity of secession, attacked Republican obstinacy and pled for the enactment of the Crittenden plan, the Border State project, the Douglass plan, or any scheme to effect conciliation. Pendleton of Ohio painted the advantages of compromise and asked for such legislation to strengthen the hands of Southern Unionists. Howard of Ohio aptly expressed the creed of the Northern Democrat: "I believe that concession and compromise is now, as it has been many times heretofore, potent in the full adjustment of every difficulty that now besets us". Vallandigham of Ohio favored the Crittenden resolutions because "the people seem to have taken hold of them and to demand them of us, as an experiment at least". Logan of Illinois was of the opinion that if concessions had been made at the first of the session, the conservative men of the South would have been armed to sweep dis-

²⁴ Congressional Globe, pp. 1344, 1390, 1391.

union from the land. Wibleack of Indiana favored the idea of Crittenden because it afforded common middle ground: "why cannot all the Union men come together upon it? It is but a return to the old idea of dividing what it seems we cannot enjoy in common, in peace". Sickles of New York thought the Republicans could save the Union, "by an honorable compromise acceptable to the Border States".²⁵

The conduct of the Congressional leaders from the cotton states was reprehensible in many respects. Though most of them offered lip service to the cause of compromise and supported the Crittenden's plan with their votes, yet the arrogant tone which animated their speeches and their militant actions outside of Congress created questions as to the genuineness of their devotion to conciliation. They had the very unhappy faculty of unloading all their fear, doubt and anger in their first flush upon their constituents in the form of pessimistic reports as to the prospects of conciliation in Washington and gratuitous advice as to the best course for the states to pursue. Their action created the suspicion that they were feigning some of their devotion to compromise for the purpose of making political capital at the expense of the Republicans.

From Washington, where he had held the position of Secretary of the Treasury, Howell Cobb prepared and sent, December 6, 1860, an "address" to the people of Georgia. He charged that hostility to slavery was the sole bond of union in the Republican party. He contended that even a Democratic Congressional majority could not ac-

²⁵ Congressional Globe, pp. 72, 376, 655, 240, 179, 679, 89.

comply with the repeal of the Personal Liberty laws of the Northern States; it could not pass a single law without the concurrence of a Republican president; it could not control the patronage of President Lincoln; and it could not make "Christians of Beecher, Garrison, Cheever, and Wendel Phillips, or patriots of Seward, Chase and Webb".²⁶ Coming from a man who had led the Union forces in Georgia in 1850 and couched in language designed to appeal to prejudice and fear, it was of considerable influence in preparing the state for the drastic step of secession.

On the heels of this, there came from more than twenty Southern Senators and Representatives in Washington an address to their constituents. It was dated December 14, 1860:

The argument is exhausted. All hope of relief in the Union through the agency of committees, Congressional legislation, or Constitutional amendments is extinguished, and we trust the South will not be deceived by appearances of the pretense of new guarantees. In our judgment, the Republicans are resolute in the purpose to grant nothing that will or ought to satisfy the South. We are satisfied the honor, safety, and independence of the Southern people require the organization of a Southern Confederacy--a result to be obtained only by separate State secession--that the primary object of each slaveholding state ought to be its speedy and absolute separation from a Union with hostile States.²⁷

On January 5, 1861 the Senators from Georgia, Florida, Alabama,

26 U. B. Phillips, ed., op. cit., pp. 506-514.

27 Nicolay and Hay, op. cit., II, p. 436; Taken from the Washington Constitution, Dec. 15, 1860. McPherson varies the language of the address slightly, differs a little as to who signed it, and gives the date as December 13, p. 37. Among its most notable signers were Jefferson Davis, Senators Iverson, Brown, Slidell, Benjamin, Wigfall, Hemphill, and Iverson. One or more Representatives from Alabama, Georgia, Florida, Mississippi, North Carolina, Louisiana, Texas, and South Carolina signed it.

Mississippi, Louisiana, Texas, and Arkansas, excepting Toombs and Sebastian, met and adopted a set of resolutions to the effect that:

(1) each of their states should secede from the Union as soon as possible; (2) a convention to organize a confederacy of the seceding states should meet at Montgomery, Alabama, not later than February 15; (3) they requested instructions as to whether they should stay in Washington until March 4 for the purpose of defeating hostile legislation; (4) a committee consisting of Davis, Slidell, and Mallory, was appointed to carry out the objects of the meeting.²⁸ The extent to which this event influenced the conventions in the cotton states which met shortly afterwards has been much discussed. It probably removed the last obstacles in the way of the secession of those states.²⁹

While the secession movement was developing in Georgia in December, Alexander H. Stephens charged that the "ultra men" did not desire any redress of the existing grievances. "They would really obstruct indirectly any effort to that end". They were for breaking up. "They have played out, dried up, and want something new". They constituted the greatest danger in the way of adjustment. Their difficulties sprang not so much from the Government, its framework or its administration, as they did from the people, the leaders mainly.³⁰

²⁸ Davis, op. cit., I, p. 204. Davis says of these resolutions: The significance of these resolutions was the admission that we could no longer advise delay....they merely stated that of which we had all become convinced by the experience of the previous month--that our long-cherished hopes had proved illusory--that further efforts in Congress would be unavailing.

²⁹ Burgess, op. cit., I, p. 104.

³⁰ Phillips, ed., op. cit., p. 527.

Stephens thought the South should not take the extreme step of secession before some positive aggression upon its rights by the general Government; or until an effort should be made to get a faithful performance of their Constitutional obligations on the part of the states of the North who were derelict in that respect. He had always been and was still opposed to secession as a "remedy against anticipated aggressions on the part of the Federal Executive, or Congress".³¹ The point of aggression should be the point of resistance.

On January 26, ten members of the Virginia Congressional Delegation joined in an "Address" to the people of that state. After asserting the conviction of the signers that it was their duty to report on the grave state of affairs to the people of their states they proceeded to: (1) report the failure of Congressional committees on conciliation; (2) indict the Republicans members of such committees for refusal to report propositions acknowledging property in slaves, or recommending a division of the territories; (3) charge that the Republicans had unanimously opposed the Crittenden and Etheridge proposals; (4) cite adoption of the Clark amendment in the Senate and the "Force Bill" in the House; (5) assert the vanity of expecting conciliation since the Republican party designed "coercion"; (6) mention actions of Northern legislatures in refusing to repeal unconstitutional laws, and in offering aid in men and money to the National Government as evidence of this hostile spirit; (7) declare the hopelessness of a remedy at the hands of Congress; (8) advise prompt and decisive action on the part of Virginia as the surest means of averting the impending

³¹ Stephens, op. cit., II, p. 505.

civil war, and preserving the "hope of reconstructing a Union already dissolved."³²

Toombs in a letter to some of his Georgia friends, December 13, 1860, outlined his idea of the proper procedure for the Southern States under the circumstances:

Offer in Congress such amendments of the Constitution as will give you full and ample security for your rights; then if the Black Republican party will vote for the amendments, or even a majority of them in good faith, they can be easily carried through Congress; then I think it would be reasonable and fair to postpone final action until the legislatures of the Northern States could be conveniently called together for definite action on the amendments. If they intend to stop this war on your rights and your property, they will adopt such amendments at once in Congress; if they will not do this, you ought not to delay one hour after the fourth of March to secede from the Union.³³

Following the rejection of the Crittenden plan by the Committee of Thirteen on December 22, he telegraphed his "Fellow Citizens of Georgia", reciting how Republican members of the committee had scorned his proposals, rejected the plan of Crittenden, and declared that they had no guarantees to offer. The test had been fairly put, and the decision had gone against the people of Georgia. He advised them to abandon all hope of the North conceding them their constitutional rights. All such hopes were illusory and fraught with danger. They should thunder secession from the ballot-box "by the unanimous voice of Georgia on the second day of January next".³⁴

In a Senate speech, January 5, Toombs presented five demands that

32 McPherson, op. cit., p. 53.

33 Phillips, ed., p. 521. To E. B. Pullen and others.

34 Ibid., p. 525.

he thought the South was entitled to: (1) equal right to emigrate with property to the territories; (2) equal protection for property in slaves; (3) denial of trial by jury and writ of habeas corpus to fugitive slaves; (4) return of persons charged with crimes against slave property to the state where the alleged crime was committed; (5) Congressional enactments for the punishment of persons aiding or abetting the invasion of any other State.³⁵

Toombs went ahead to say that, while he had insisted upon this perfect equality in the territories, he had supported the Crittenden plan "for the sake of peace-permanent peace". He repeated his statement to the Committee of Thirteen that, with other satisfactory provisions, he would accept it. Unless some such plan was soon adopted, he was for "immediate action".³⁶

While the speeches of Davis, Toombs and their cotton state colleagues sounded just as hostile and even more provoking than those of their Republican colleagues, the parallel did not carry over when it came to voting. Both Davis and Toombs in the Committee of Thirteen agreed to support the Crittenden plan as a final settlement if tendered and sustained by the Republican members. Even the obstreperous Wigfall and the defiant Iverson voted for it at one time or another in the Senate, but never a Republican ballot was cast in its favor. The claim of Davis and Toombs that they were willing to accept the Crittenden plan is corroborated by Pugh and Douglass, who were both members of the committee.³⁷

³⁵ Congressional Globe, pp. 268, 269.

³⁶ Ibid., p. 270.

³⁷ Ibid., pp. 1390, 1391.

In the face of storms of petitions and memorials, and the desertion of some of its leaders outside of Congress, the Republican ranks in Congress never for a moment broke their united front against the Crittenden plan or any similar scheme which called for Constitutional guarantees of slavery in any portion of the territories.

The limit to which a few Republican senators were willing to go was the admission of all the territories as states. Baker, Ten Eyck, Anthony, Seward, and a few others were willing to go that far; most of the Republicans had no concession to offer. Even the gifted and moderate Baker was resolute on the "no slavery protection" dogma of his party. He declared: "I will never yield to the idea that the great Government of this country shall protect slavery in any territory now ours, or hereafter to be acquired". Harlan of Iowa announced "distinctly" his solemn conviction that the Republican party would not surrender "one hair's breadth" of principle in advance of the inauguration of Abraham Lincoln. Ten Eyck of New Jersey, discovered in the Crittenden plan a purpose to extend this Government over "Mexico, Central America, Cuba, and the islands of the sea", and thought that such an amendment would eventually consign "this continent, south of us and north of Darien, to the influences of slavery, political and social". Hale of New Hampshire thought that madness ruled the hour. He favored waiting for the "sober second thought of the people". If there were those states which could not and would not be satisfied his advice was: "in God's name, let them go". Anthony of Rhode Island voiced his sentiments with moderation. He did not believe three-fourths of the states at that time would ratify any proposed amendment; Congress could not properly liberate upon proposals of amendments before March

4; and he feared the "future territory" amendment of the Crittenden plan would cause filibustering. He thought the territorial question was the key problem and was willing to settle it by the admission of New Mexico. His colleague, Simmons, could not vote for the Crittenden plan because it contained irrepealable amendments, represented an attempt on the part of a minority to dictate to a majority, and involved for the Republicans a surrender of principle. Collamer of Vermont was unwilling to "conjecture amendments for states, which the states themselves have never asked for".³⁶

Wilson of Massachusetts after labeling the Crittenden problem as "a cheat, a snare, a delusion", and calling it "an unqualified concession, a complete surrender of all practical issues concerning slavery in the territories", concluded with a peroration which epitomized the moral aversion of New England to slavery:

We fear, should we assent to the eternization of slavery in the Constitution our fathers framed to secure the blessings of liberty, that we should sink, after life's fitful fever, into dishonored graves, amid the curses of a betrayed people.³⁷

People who felt that intensely were not the type to compromise with men who represented and defended the object of their aversion. Wilkinson of Minnesota declared that the people of the Northwest planted themselves "upon the verdict of the 6th of November last". For himself, he made it plain that he would "vote for no proposition whatever which recedes one inch from that verdict". The record verifies

36 Congressional Globe, pp. 242, 46, 682, 664, 408, 780.

37 Ibid., p. 1094.

his faithful redemption of that promise. Trumbull of Illinois rivalled Wilson in his fervor. "No human being shall ever be made a slave by my vote. No foot of God's soil shall ever be dedicated to African slavery by my act". Morrill of Maine was of the opinion that the real objection to the Crittenden plan was that it changed entirely the basic law of the land in regard to slavery. Wade of Ohio described all efforts at compromise as quackery and "bread pills". None of them reached the disease because the disease was deeper than human ingenuity could devise a remedy for. Before the people of the South could harmonize with those of the North they must learn to love liberty, learn to regard the rights of man, cease to place their confidence in "oppression and tyranny" of any man or "any person wearing the human form, however humble he may be".³⁸

The Republican Representatives in the House of Representatives, as a rule, were more violent than their Senate partisans in denouncing the various plans of compromise. Their few conservative leaders of the type of Corwin and Stanton of Ohio, and Kellogg of Illinois were powerless to summon any considerable number of Republican Representatives behind any compromise suggestion whatever.

Sherman of Ohio, the Republican leader and next in line for Speaker, declared on December 22, that he was opposed to any compromise that would "surrender any of the principles sanctioned by the people in the recent election". While he thought the North had given no just cause of offense, he was willing to dispose of the territorial question by

38 Congressional Globe, pp. 1369, 1382, 1392, 1393.

by the admission of New Mexico as a state.³⁹ In comparison with two-thirds of his House colleagues of the Republican faith, Sherman was a conservative, yet he confessed in his "Recollections": "In a retrospect of my six years as a member of the House of Representatives, I can see, and will freely admit, that my chief fault was my intense partisanship".⁴⁰

The Northern Democrats from Ohio were the most compromising members of Congress and the Republican members from that state were most uncompromising. Edgerton would not compromise because he had no faith that any compromise would stand longer "than it ministered to slavery"; compromise would strengthen slavery as "a sin, an outrage against humanity, and an insult to God". He was emphatically of the opinion that "Your concessions, nostrums and compromise empiricisms will never settle this controversy; it is past quackery, and can only be settled in accordance with eternal right". Bingham thought they were not there to "compromise with rebellion, or to compound treason". They needed not to amend the Constitution, but rather to uphold it. Ashley believed slavery to be struggling for breath; if not given what it was requesting it would settle for less. Corwin was willing to concede much so long as it did not involve constitutional amendments concerning the territories. He thought the Crittenden proposition meant the conquest of Mexico and all the small republics in Southern America.⁴¹

Pottle of New York feared that if the Government was once demoral-

39 John Sherman, Recollections of Forty Years, N. Y., 1895, I, p. 207.

40 Ibid., p. 227.

41 Congressional Globe, pp. 129, 69, 76, 84.

ized by yielding to a menace "what, in sober judgment, it had just refused at the ballot-box, every dissatisfied state or section would in turn threaten the Union, and right after right would be yielded".

Assailing the South for the way in which its orators had misrepresented the Republicans, Van Wyck could offer them no comfort:⁴²

You have sown the wind; now yourselves reap the whirlwind.
You have created the storm; now bend yourselves before its
fury or break. While you have lashed the waves into
threatening billows, you ask us to cut away our masts and
scuttle our ship, so that you may enjoy one widespread
ruin.

Conkling thought that the adoption of the Crittenden plan "would amount to a perpetual covenant of war against every people, tribe, and state owning a foot of land between here and Terra del Fuego". Wells declared that regardless of what might come "never, never, never, will a true Republican abandon that which he believes underlies our free institution". Sedgwick believed that the experiment of a perpetual Union between the slave and free states was a failure. It could not be cured by a "council of politicians", or a "council of physicians". If both systems remained under the same Government, "one or the other must yield". Beale thought the election of Lincoln was the assurance that "the day of compromise has ended and forever passed". Duell recorded his decision that "the present is no time for compromise". Edwin R. Reynolds asserted that not even the threat of disunion or civil war could drive the Republicans to abandon their "principles, consistency, and honor". Ely thought Crittenden's plan "prospectively"

42 Ibid., pp. 570, 632.

established slavery in foreign territory which we did not own and had no right to assume that we ever would. Fenton was not willing to give slavery "any better footing, or greater security than it has now".⁴³

One Republican, at least, deplored the spirit of partisanship. Killinger of Pennsylvania thought a "fanatical party spirit" was the most hateful thing in a free country. It hung over the country like "a fiery sword in the heavens, terrible to behold". Campbell thought the "freemen of the North" considered it of vital importance to prevent the spread of slavery over the territories. Scorpion-tongued Thad Stevens declared: "Rather than show repentance for the election of Mr. Lincoln, with all its consequences, I would see this Government crumble into a thousand atoms". The moderate Junkin thought it was cowardly for the Republican party to refuse the "small boon" of the Corwin plan to the South. He would scorn to take advantage of the paucity of the number of Southern Representatives in Congress. His colleague, Blair, flayed the Crittenden plan mercilessly; "it is but the sugar-coating for a pill as bitter as the waters of Marah...it is the ne plus ultra of arrogance."⁴⁴

Lovejoy of Illinois was the bitterest foe of slavery in Congress. Back of his hatred of that institution was the memory of a martyred brother who had died at the hands of a pro-slavery mob in Alton, Illinois. He did not believe that Lincoln and his advisors would counsel compromise, but if they should "preach any other Republican gospel than that which was proclaimed at Chicago let them be accursed

⁴³ Congressional Globe, pp. 651, 192, 797, 976, 980, 1010, 244, 1157.

⁴⁴ Ibid., pp. 697, 911, 624, 257.

till the people come to curse them". He would never yield "the millionth part of a hair" guarantee to the "slave power". "The spider's most attenuated thread is cord, is cable, to that gossamer line that I will yield in the way of compromise or concession to the claims of slavery". His colleague, Farnsworth, was unwilling to concede "one jot or tittle" of his principles. W. P. Kellogg, the most compromising Republican in the House, thought the destruction of ten thousand political parties was preferable to the destruction of the Government.⁴⁵

Wilson of Indiana asserted: "I will compromise no longer with slavery". Waldron of Michigan was firmly opposed to yielding any additional powers to the "slave power", and his colleague, Kellogg, thought they could not compromise without destroying all "confidence in the power and stability of the Government".⁴⁶

Vandever of Iowa would not agree to set aside the verdict of the last election. Washburn of Wisconsin was against all compromises: "their adoption will only subject the people of the North to further derision and contempt". He thought it unwise to admit new slave states "just when the Republican party is about to obtain a majority in the Senate".⁴⁷

No spirit of compromise abode in the souls of New England Representatives in Congress. In the eyes of Alley of Massachusetts, slavery was "a wrong, a sin against God and a crime against man". Naturally he opposed any compromise, but he was "more than half-reconciled to the

45 Congressional Globe, pp. 86, 121, 193.

46 Ibid., pp. 133, 973, 270.

47 Ibid., pp. 941, 513, 515.

separation of these states, if, in the providence of God, it is destined to take place". Adams was willing to go only as far as the recommendations of the Committee of Thirty-Three. Gooch thought the new guarantees would be no stronger than "the threads of a spider's web". Tappan of New Hampshire had nothing to apologize for and nothing to take back.⁴⁸

Perry and Burnham of Connecticut were in agreement that it was not the time to compromise and that the Constitution needed no change in favor of slavery. Perry of Maine was unwilling to vote for any amendment to the Constitution which conveyed the idea that "the sacred instrument creates property in man". His colleague, Simes, was confident that if the Union men would remain aloof from the performance, the secessionists would "in the course of ninety days cry for quarter instead of concessions". He did not want the Republican party to lose itself in the general chaos. Morrill of Vermont could not accept the Crittenden plan and Walton, from the same state, knew that the "day for Congressional compromise is past".⁴⁹

The high mark of intemperance was reached by Senator Chandler of Michigan who wrote the Governor of his state on February 11; "Some of the manufacturing states think that a fight would be awful. Without a little blood-letting this Union will not, in my judgment, be worth a

48 Congressional Globe, pp. 585, 126, 265, 759. The biography of Adams by C. F. Adams explains that Adam's interest in compromise was "delay till March 4, and division of enemies", p. 133.

49 Ibid., pp. 553, 972, 441, 968, 1007, 935.

rash".⁵⁰

Salmon P. Chase early took the position that, at all hazards, the laws of the Union should be enforced. He thought that concessions should be by grace of the incoming administration; he favored none by Congress.⁵¹ The Republicans should proclaim their purpose, when in power, to administer the Government "fairly, honestly, and firmly" in a spirit of good will and equity toward all sections and citizens, "without entering into any detail in regard to the propositions to be made or measures to be adopted".⁵² On February 9, 1861 he wrote Thurlow Weed that he had received a visit from Stokes, Green, Adams, Etheridge, Eristow, Gilmer, and other Southern Unionists. While he sympathized with them, he could see no reason why the Republicans should "sacrifice permanently a large power to help them, for the purpose of gaining temporarily a little one".⁵³

Charles Sumner, who bore on his person the marks of Southern displeasure, opposed every semblance of compromise. When the Massachusetts legislature was considering the repeal of the states Personal Liberty law he wrote to the President of the State Senate: "In the name of liberty, I supplicate you not to let her (Mass.) take any backward step--not an inch, not a hair's breadth". With the same fervor he wrote the Governor of the State: "In God's name stand firm: Don't

50 Congressional Globe, p. 1247. Powell read letters printed in Detroit Free Press, Chandler admitted substantial accuracy.

51 Hart, op. cit., p. 200.

52 Chase Letters, A. H. R. to Henry Wilson, 1902, II, pp. 293, 295.

53 Weed, op. cit., II, p. 329.

Cave, Andrew, save Massachusetts from any surrender, the least".⁵⁴

He informed President Buchanan when the latter asked him to support the Crittenden plan that the people of Massachusetts would prefer to see their state sunk into the ocean and turned into a sand bank, "before they would adopt propositions acknowledging property in men, and disfranchising a portion of her population".⁵⁵

Andrew, the Governor of Massachusetts, was a man of the same mold as Sumner. He wrote to the latter: "From war, pestilence, and famine, from all assaults of the world, the flesh, and the devil, good Lord, deliver us, but most especially from any compromise with traitors, or any bargain with slavery".⁵⁶

There were many indications that Seward desired to support the Crittenden plan in the Committee of Thirteen, and would have done so, but for the restraining influence of Lincoln. His coadjutor of many years, Thurlow Weed, actively supported it and even discussed it with Lincoln. It is fairly certain that if Lincoln had approved Tweed's Albany plan, which was in substance that of Crittenden, Seward would have advocated it in committee and in Congress; and such support would undoubtedly have secured the submission by Congress of the Crittenden plan in essence.⁵⁷ Just before the meeting of the committee, however, Seward placed himself under the direction of Lincoln by entertaining the offer of the State department. While he undoubtedly expected to

54 A. H. Grimke, The Life of Charles A. Sumner, N. Y., 1892, p. 325.

55 Moorfield Storey, "Charles Sumner", American Statesmen Series, ed. by John T. Morse, Jr., N. Y., 1900, p. 191.

56 Grimke, op. cit., p. 324.

57 Rhodes, op. cit., III, p. 51.

influence largely the administration of Lincoln, he could not, in advance of inauguration, part company with the man who would nominally be his chief.⁵⁸ So the strength of his influence was thrown against the only plan of compromise that ever had a chance to prevent the fratricidal war. He became an advocate of the "Fabian policy", hoping that the secession program would not be completed before the new administration could demonstrate its conciliatory attitude.⁵⁹

Abraham Lincoln, though working behind the scenes, was probably the person most responsible for the defeat of the Crittenden scheme. He was not nearly so idle as the absence of formal pronouncements from him to the press would indicate. Through the medium of the mails he was constantly communicating his wishes and desires to key men throughout the nation.

In response to a request from Kellogg of Illinois, a member of the Committee of Thirty-Three, as to what course he should pursue, Lincoln replied December 11, 1860". Entertain no proposition for a compromise in regard to the extension of slavery. The instant you do they have us under again.....the tug has to come, and better now than later".⁶⁰

Two days later he wrote E. B. Washburne of the Illinois delegation advising him to "Prevent, as far as possible, any of our friends from demoralizing themselves and our cause by entertaining propositions for

58 Lord Charnwood, Abraham Lincoln, (complete), p. 193.

59 T. K. Lothrop, "William Henry Seward," American Statesmen Series, ed. by John T. Morse, Jr., N. Y., 1896, p. 237.

60 Nicolay and Hay, op. cit., III, p. 259.

compromise of any sort on "slavery extension".⁶¹

On December 15 he wrote to John A. Gilmer, the North Carolina Unionist, that he was inflexible on the territorial question. He thought that question was the only substantial difference between them: "You think it is right and ought to be extended; we think it is wrong and ought to be restricted".⁶²

On December 17, he wrote to Weed who was to give his views to a convocation of governors. He reiterated his inflexible opposition to slavery expansion in the territories; condemned the popular sovereignty doctrine of Douglass and Thayer; declared his opposition to the extension of the "Missouri line"; and expressed his fear that philibustering for slave territory south would ensue if either plan were adopted.⁶³

His letter to Alexander H. Stephens, December 22, denied any intent to interfere either directly or indirectly with slavery in the South. The Southern fears on that score were baseless. He repeated the statement made to Gilmer that the "rub", the "only substantial difference", was the difference of opinion on the nature of slavery

61 Lapsley, ed., op. cit., V, p. 196. He continued: There is no possible compromise upon it but which puts us under again, and leaves all our work to be done over again. Whether it be a Missouri line or Eli Thayer's popular sovereignty, it is all the same. Let either be done and immediately philibustering and extending slavery recommences. On that point hold firm as with a chain of steel.

62 Nicolay and Hay, op. cit., III, p. 235.

63 Weed, op. cit., II, p. 311.

and the justice of its extension.⁶⁴

General Duff Green wrote from Springfield, Illinois, December 28, to President Buchanan a report of a conversation which he had had with the President-elect. He had taken with him a copy of the Crittenden resolutions and discussed them with Lincoln. The latter had expressed the opinion that their adoption might quiet the agitation for a while, but would eventually result in designs on Mexico. The whole question of Constitutional amendment, however, belonged to the people and states in legislatures or conventions. It was his duty, not only to acquiesce, but to give full effect to their will thus expressed.⁶⁵

From Stephens, fighting a losing battle against secession in Georgia, came this eloquent plea for help on December 30: "A word fitly spoken by you now, would indeed be like apples of gold in pictures of silver".⁶⁶ Lincoln had no reply that would have strengthened the arms of the game little Georgian. A frank avowal of his views on the territorial question would have precipitated secession.

A fuller exposition of his views was contained in a letter to J. T. Hale, January 11: (1) they had just carried an election upon principles fairly stated; (2) they were told that they must surrender those principles or the Government would be broken up; (3) he was not sure whether their political enemies were playing or in dead earnest; (4) either way it would be folly for them to surrender because in that case the experiment would be repeated upon them ad libitum; (5) only

⁶⁴ Lapsley, ed., op. cit., V, p. 198.

⁶⁵ Curtis, op. cit., II, p. 426.

⁶⁶ Stephens, op. cit., II, p. 270.

the most shallow excuse existed for breaking up the government; (6) in his judgment only one compromise might settle the trouble, and that a prohibition against acquiring any more territory.⁶⁷

To Seward he wrote on February 1, restating his opposition to the extension of slavery in the territories. He supposed that the object of all the proposed compromises was "to put us again on the high road to a slave empire". He was against all such efforts. On the questions of fugitive slaves, the District of Columbia, the domestic slave trade, "and whatever springs of necessity from the fact that the institution is amongst us", he did not object to adjustments provided they were not "altogether outrageous".⁶⁸

On February 9 Lincoln agreed with his friend Orville Browning that no good could come from the Peace Convention then in session in Washington. He likewise agreed that the Crittenden amendment ought not to be made, and that it would be less evil to maintain the Union by bloodshed than to permit the formation of two separate confederacies. Browning noted: "I found him firmer than I had expected".⁶⁹

On his way to Washington in February Lincoln made several speeches. They reveal that he did not, at that time fully appreciate the seriousness of the situation, nor the determination of the secessionists.⁷⁰ His talks were unpretentious and were noticeably void of any declarations of policy or purpose touching the impending troubles.

67 Nicolay and Hay, op. cit., III, p. 233.

68 Nicolay and Hay, op. cit., III, p. 260.

69 Diary of Orville H. Browning, Illinois Historical Collections, XX, Part I, p. 453.

70 Henry Wilson, History of the Rise and Fall of the Slave Power, Boston, 1877, I, p. 176.

With the Cotton States out of the Union and in another Confederacy, he still was so imbued with optimism that he could declare before the Ohio Legislature on February 13:

I have not maintained silence from any want of real anxiety. It is a good thing that there is no more than anxiety, for there is nothing going wrong. It is a consoling circumstance that when we look out there is nothing that really hurts anybody. We entertain different views upon political questions, but nobody is suffering anything. This is a most consoling circumstance, and from it we may conclude that all we want is time, patience, and a reliance on that God who has never forsaken this people.⁷¹

On February 15 he declared at Pittsburg: "There is no crisis but an artificial one". He gave voice to the same opinion at Cleveland, Ohio. The crisis had no foundation in facts; it had not been "argued up" and therefore it could not be "argued down"; if it were left alone it would go down by itself. Speaking before the New York legislature he explained that his official silence since the election had not been due to any "party wantonness", or from any indifference to the anxiety of the country. He had kept silence for the reason that he had supposed "it was peculiarly proper" that he should until the time came when, according to the customs of the country, he could speak officially.⁷²

After his arrival in Washington Lincoln was visited by a delegation of Border State men from the Peace Conference then in session. Included in the group were Guthrie and Morehead of Kentucky, Rives and Summers of Virginia, and Doniphan of Missouri. He told them he would

71 Lapsley, ed. op. cit., V, p. 213. Taken from New York Tribune of that date.

72 Ibid., pp. 215, 220, 234. Taken from the New York Tribune.

agree to the following concessions: (1) a constitutional guarantee of slavery in the states; (2) a guarantee that slavery would not be molested in the District of Columbia; (3) that it should not be disturbed in the arsenals, docks, forts, and other places within the slaveholding states. On the question of slavery in the territories, however, he could make no concessions. His whole life had been dedicated to the opposition to its extension there, and he could not consent to its extension there for the further reason that to do so would be tantamount to a desertion of his party's platform and a betrayal of its principles.⁷³

The responsibility for the defeat of the Crittenden plan boils down definitely to Lincoln. The Democrats of the North would have agreed to a proposition to secure peace and preserve the Union, and the Republicans would have acquiesced in the Crittenden compromise, or any measure approved by Lincoln and Seward.⁷⁴ It is almost certain that the adoption of that plan by the Committee of Thirteen in December would have prevented the secession of every state except South Carolina, "and the beginning of the Civil War in 1861".⁷⁵

The acceptance of the Crittenden plan involved a sacrifice of platform declarations by the Breckenridge and Douglass Democrats almost as drastic as that which it demanded of the Republicans. Evidently other considerations besides a praiseworthy faithfulness to party pledges were behind the united front of the Republicans against

73 Carl Sandburg, Abraham Lincoln; The War Years, N. Y., 1939, I, p. 95.

74 Sherman, op. cit., I, p. 242.

75 Rhodes, op. cit., III, p. 41.

Crittenden's idea.

The explanations most commonly given by the Republican speakers for their opposition to the compromise may be given as follows: (1) the party pledge against slavery in the territories; (2) the fear that the adoption of the plan would be the prelude to designs for territorial acquisitions to the South; (3) the fear that it would "eternize slavery"; (4) resentment at an attempt of a defeated minority to dictate conditions precedent to the transfer of the reins of government to the victorious majority; (5) the feeling that it would be cowardice to yield the fruits of victory because of threats; (6) the fear that such a surrender would be the precedent for even more extravagant demands in the future; (7) the doubt that compromise would really be effectual.

There was a vital difference in the positions of the Democratic and Republican parties on slavery. The Democratic party with its long history, its definite principles on the tariff, internal improvements, banking, and other subjects had a definite political unity regardless of its position on the slavery question. Men might disagree with its attitude on the slavery question and support it because of its other dogmas.

The Republican party was not so happily situated in this respect. It had been born during the reaction against the repeal of the Missouri Compromise and the sole excuse for its existence was the resolute determination of the Northern people that slavery should be kept from the territories.⁷⁶

76 Chadwick, op. cit., p. 181.

"It was with them not simply a party platform or a political policy which might be sacrificed without the violation of any principle of justice or morality, but it was the fundamental ethical principle of their existence."⁷⁷

A shrewd politician like Thurlow Weed could see that the election of Lincoln had ended the mission of the Republican party "so far as Kansas and the encroachments of slavery into free territory" were concerned. There was no territory left that invited slavery for any other than political purposes. Lincoln would have the power of territorial organization. Weed could declare: "The fight is over. Practically, the issues of the late campaign are obsolete."⁷⁸

But as a matter of practical politics, the Republicans could not afford to have the slavery issue relegated to the background. Maynard of Tennessee was fairly accurate when he reminded the Republicans that their party was a heterogeneous organization composed of Old Whigs and Old Democrats; friends of Jackson and friends of Clay; Masons and anti-Masons; "barn-burners" and "hunkers"; "renters" and "anti-renters"; Know Nothings, Catholics, foreigners; advocates of protection and free trade men; radicals and conservatives; strict constructionists and loose constructionists;

men of all grades of political sentiment, all shades of political opinion, all bedded together, heads and heels, covered by a single blanket, and that woven of African wool.⁷⁹

77 Burgess, op. cit., I, p. 99.

78 Weed, op. cit., II, p. 309.

79 Congressional Globe, p. 167.

The removal of the slavery issue from politics would have deprived the Republicans of their issue and reduced their "ill-assorted organization" to the position of the Know Nothings in 1856.⁸⁰ Their leaders were determined that this should not happen, and they refused to countenance any project that might jeopardize party solidarity by depriving it of the shibboleths around which it had crystalized moral sentiment into a victorious political organization.

⁸⁰ Smith, op. cit., p. 90.

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