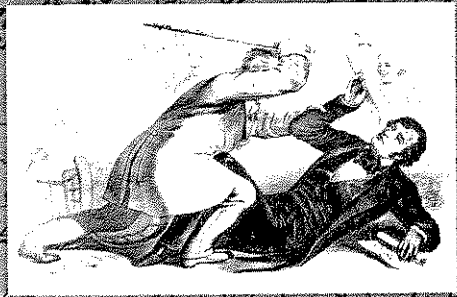


It being desirable for the peace, concord and harmony

THE FATE OF THEIR COUNTRY

**POLITICIANS, SLAVERY EXTENSION, AND
THE COMING OF THE CIVIL WAR.**

*Resolved that all Slavery here not saved by the
be introduced into any of the Territory acquired by the
from the Republic
provide by Law
Arkansas
California with the exception of any restriction or
that the Western boundary of the State of Texas
shall be the line of the Rio del Norte, commencing one Marine
league north of the mouth of the Rio del Norte and extending
thence west that line Eastwardly, and so continuing
to the line as established, excluding any portion of New Mexico*



Even before the Free-Soil convention met in August, northern Democrats and especially northern Whigs, who considered Taylor unlikely to carry the North, worried that the new party might attract their northern electorates. In desperation, Whigs, led by Senator John M. Clayton of Delaware, sought to resolve the entire territorial question so as to negate any rationale for a Free-Soil Party and still hold northern and southern Whigs together behind Taylor's candidacy. That effort failed. Its failure illustrates just how perplexingly difficult and divisive the slavery extension question had become by the summer of 1848.

At that time, Congress had still not organized a formal territorial government for Oregon, because of the sectional impasse over attaching the Wilmot Proviso to it. Instead, residents of Oregon, without congressional authorization, had formed a provisional government that banned slavery. Furious Southerners in Congress refused to recognize its legitimacy. Clayton offered a plan, immediately dubbed the Clayton Compromise, that used the stalemate over Oregon as the crowbar to break up the logjam over slavery extension in all of Polk's new territories. His bill would establish a territorial government for Oregon, specifically allowing the provisional government's antislavery ban to remain in force until the new territorial legislature ruled for or against slavery. With Oregon, Clayton dodged northern Whigs' demand for the proviso in favor of the Democrats' formula of popular sovereignty. Nonetheless, everyone knew the new territorial legislature would bar slavery. Southerners would save face, but Oregon would be free soil.

Clayton also called for congressional organization of territorial governments for California and New Mexico. But his bill explicitly barred those governments from either establishing or prohibiting slavery. Instead, federal judges must decide. Any slave brought into those territories, Clayton proposed, could sue

In June 1848, after the Whig and the Democratic conventions, Ohio's Liberty leaders called all Northerners committed to the proviso and unhappy with Cass and Taylor to assemble in Buffalo in August. Attended by over ten thousand men in an atmosphere resembling an ecstatic religious revival, that gathering formed the Free-Soil Party. Delegates nominated Van Buren for President and Charles Francis Adams, leader of Massachusetts's most ardent antislavery Whigs (or Conscience Whigs, as they were dubbed), for Vice President. They also adopted a platform pledged to barring slavery from all territories by congressional law and preventing the admission of any more slave states into the Union. This new party stood pledged to the principles of Wilmot's proviso and to continued opposition to slavery expansion, no matter what happened to the Mexican Cession. Free-Soilers' determination to agitate against slavery extension, regardless of attempts to settle that issue, is one reason why that vexatious and increasingly dangerous question defied permanent settlement. Just as clearly, however, the undermining of Whigs' No Territory formula by acquisition of the Mexican Cession is another.

in federal territorial courts to see if slavery was legal there. Any decision by those local, federally appointed judges could be appealed directly to the Supreme Court for a final decision. Like popular sovereignty, Clayton's formula for the Mexican Cession would eschew any congressional action like imposition of the proviso. The federal judiciary, not territorial settlers, must decide on slavery extension.

Clayton passionately defended his bill as eminently fair to both sections. Nonetheless, Northerners and Southerners from both parties immediately attacked it for giving the advantage to the other section. Northerners complained that Clayton's plan would allow slaveholders to enter lands that had been free from slavery under Mexican law, and that any judges appointed by the slaveholder Polk were bound to rule that slavery was legal. Citing the continuing legal force of Mexico's antislavery statutes in the Cession until they were explicitly replaced by new congressional legislation, Southerners in turn complained that judges would declare slavery illegal in the Cession. Despite this opposition, Clayton's bill passed the Senate, but it was quickly tabled without further action in the House. Congressmen from both sections were too uncertain about what might happen were they to accept Clayton's formula.

Before it adjourned in August, Congress finally managed to organize a territorial government for Oregon with slavery barred from it, as the House's northern majority insisted. After a prolonged sectional struggle, three Southerners, including Missouri's antislavery Benton, joined all Northerners in the Senate majority to pass the House bill. Rather than acknowledging the legitimacy of imposing the proviso on Oregon, however, Polk stipulated that he signed the bill only because Oregon was north of the Missouri Compromise line. Nonetheless, while finally settling disputes over Oregon, Congress had failed to organize

any civil governments in the vast Mexican Cession by the time it adjourned in the summer of 1848. Politicians' attention now turned exclusively to the fall elections.

Whig and Democratic maneuvers in Washington during July did nothing to deter the formation of the Free-Soil Party in August. Contrary to Whigs' fears, however, Van Buren's candidacy hurt Cass far more than it did the slaveholder Taylor. For one thing, many deeply antislavery Whigs in the North utterly refused to support Van Buren. To them, he epitomized everything they had hated about the Democratic Party since their own party's formation in 1834, especially his earlier pro-slavery concessions. For another, Van Buren's Free-Soil candidacy undercut southern Democrats' claims that Cass was safer for the South on the proviso issue than Taylor because Cass was overtly pledged to veto it. How, southern Whigs tellingly asked, could southern voters possibly trust Cass when Van Buren, a northern Democrat who had previously pledged to defend slaveholders' rights, was now leading an overtly anti-southern, antislavery party?

Some southern Democrats defected to the slaveholder Taylor's column in November, but far more simply abstained rather than vote for someone they could not trust on the slavery extension issue. As a result of the drop in Democratic turnout, Taylor carried eight slave states in 1848, compared with Clay's five in 1844. He also came startlingly close to winning traditional Democratic strongholds like Virginia, Alabama, and Mississippi.

Van Buren failed to carry a single northern state, but he amassed 291,000 northern votes (14 percent of the total), compared with the Liberty candidate's 63,000 (3 percent of the total) in 1844. Van Buren's vote varied widely from state to state in the North—it was minuscule in Pennsylvania and New Jersey, for example. He drew votes from both Democrats and Whigs,

but ultimately his candidacy damaged Cass far more than Taylor. Defections by antislavery Whigs infuriated by Taylor's nomination handed Ohio to Cass. More often, Whig defections were proportionally greatest in states like Vermont and Massachusetts, where Whigs' traditional margin over Democrats was so large they still won, or in heavily Democratic states like Maine and New Hampshire that Whigs stood no chance of carrying. But Democratic defections to Van Buren in New York, where he garnered 120,000 of his total votes, gave the state's huge electoral vote, along with thirty-two of its thirty-four congressional seats, to the Whigs. Together with a renewed salience of economic issues by the fall of 1848 that swung Connecticut, Pennsylvania, and New Jersey into the Whig column, Democratic defections were enough to give seven free states and victory in the electoral college to Taylor.

Whigs won the presidency, a substantial majority of congressional elections, and three-fourths of the gubernatorial elections held in 1848. They did so in large part because of their deft two-faced stance on slavery extension. By promising in the North that Taylor would sign the proviso and pointing to Van Buren's hated pedigree as a Jacksonian Democrat, they had blunted the Free-Soil challenge and won a majority of the northern electoral vote. By raising doubts about Cass's purported fairness to the South and praising the slaveholder Taylor as the South's best defender, they had won a majority of the South's electoral and popular vote. But Whigs had elected a man who for most of 1847 and 1848 had presented himself as a "No Party" candidate who would not run a partisan administration and whose private ideas about how to deal with the vexatious slavery extension issue remained utterly unknown.

Equally important, the election had done nothing to resolve the sectional conflict over slavery's possible extension into the

Mexican Cession. Not only did the northern and southern wings of both major parties promise different outcomes to their respective electorates, but Congress had organized a territorial government for Oregon only after a titanic two-year struggle, and nothing whatsoever had been done by Washington authorities for the huge Mexican Cession.