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The Wilmot Proviso Revisited

ERIC FONER

IF any event in American history can be singled out as the beginning of a path which led almost inevitably to sectional controversy and civil war, it was the introduction of the Wilmot Proviso. The proposal of Pennsylvania's Democratic Congressman David Wilmot, that slavery be excluded from any territory the nation acquired from Mexico, threw the issue of slavery into the center of the political arena—a place it would retain for twenty years. Although historians have concurred on the importance of the Proviso, they have disagreed about the motivation and even the identity of its author. Such controversy surrounded the Proviso from the beginning. Within a month after its presentation, Jacob Brinkerhoff of Ohio claimed that he, not Wilmot, was the true author; he had selected Wilmot to introduce the measure because his own antislavery convictions were so well known that the speaker of the House would not give him the floor.¹ According to Brinkerhoff, a small group of antislavery Democrats was working on an amendment to the bill appropriating two million dollars for the negotiation of peace with Mexico when he presented his draft. The group agreed that Brinkerhoff's wording was the best, and Wilmot was asked to introduce the proposal.²

For many years, historians accepted Brinkerhoff's story and relegated Wilmot to the role of a front man for the antislavery group. In an influential article written in 1911, Clark E. Persinger attributed the Proviso to the

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¹ Francis P. Weisenberger, *The Passing of the Frontier: 1825-1850* (Columbus, 1941), 450. Jacob Brinkerhoff's account is presented most fully in Charles Eugene Hamlin, *The Life and Times of Hannibal Hamlin* (Cambridge, 1899), 156-57. See also Henry Wilson, *History of the Rise and Fall of the Slave Power in America* (3 vols., Boston, 1872-1877), II, 16.

² The antislavery Democrats mentioned in the Brinkerhoff account are: Hannibal Hamlin of Maine, John P. Hale of New Hampshire, Preston King, Martin Grover, and Timothy Jenkins of New York, and Paul Dillingham of Vermont. Hamlin, *Hannibal Hamlin*, 156. Hale's inclusion seems to be an error. He was not a member of the 29th Congress. Brinkerhoff was probably thinking of Hale's role in the 28th Congress, when he opposed the annexation of Texas.

resentment of western Democrats over what they considered the Polk administration's breach of a bargain between the northern and southern wings of the Democratic party.³ In 1844, according to Persinger, northern Democrats, particularly those from the Northwest, had supported the annexation of Texas only after assurances that the party would also press American claims to the entire Oregon territory. When President James K. Polk accepted a compromise with the British which divided the Oregon territory, westerners were outraged; and Brinkerhoff's Proviso was their means of retaliating against the administration.

Persinger's analysis is still accepted by some historians, but it raises more questions than it answers.⁴ For example, the "bargain" theory does not explain why the Proviso was supported by eastern Democrats. All the anti-slavery congressmen mentioned in Brinkerhoff's account were from the East. Although Preston King and George Rathbun of New York did take strong all-Oregon positions, most eastern Democrats tended to support the administration's conciliatory attitude.⁵ Furthermore, Persinger ignored Wilmot's account of the introduction of the Proviso. As Wilmot explained it in a speech in 1847, he alone conceived of the idea; and he discussed it with a number of antislavery Democrats before introducing it.⁶ Charles Buxton Going accepted this version in his 1924 biography of Wilmot and discovered what seemed to be a verification of it—the "original" Proviso, sent to the speaker's desk on August 8, 1846, which turned out to be in Wilmot's handwriting.⁷ But why would Wilmot, who had hitherto supported administration measures with unswerving loyalty and given no sign of antislavery convictions, suddenly bring forth the Proviso? In Going's view, it was a simple humanitarian act. Wilmot had decided that the extension of slavery must be halted, and the President's request for funds to negotiate a peace treaty with Mexico provided an opportune moment to assert his principles.

³ Clark E. Persinger, "The 'Bargain of 1844' as the Origin of the Wilmot Proviso," *Annual Report of the American Historical Association for the Year 1911* (2 vols., Washington, 1913), I, 189-95.

⁴ For example, Louis Filler, *The Crusade Against Slavery: 1830-1860* (New York, 1960), 187.

⁵ Ernest P. Muller, "Preston King: A Political Biography," (doctoral dissertation, Columbia University, 1957), 353-54; *Cong. Globe*, 29 Cong., 1 Sess., 526-27 (March 19, 1846). In a test vote on the administration's Oregon policy, the forty-six congressmen who opposed the compromise were mostly northwestern Democrats and Whigs. King and George Rathbun voted with the opposition, but Dillingham, Grover, and Hamlin supported the administration. *Cong. Globe*, 29 Cong., 1 Sess., 721 (April 29, 1846).

⁶ David Wilmot's version is in *Proceedings of the Herkimer Mass Convention of October 26, 1847* (Albany, 1847), 12. See also Charles B. Going, *David Wilmot Free-Soiler* (New York, 1924), 134-35. The antislavery Democrats mentioned are Grover, Brinkerhoff, Hannibal Hamlin, Rathbun, King, and James Thompson of Pennsylvania.

⁷ Going, *David Wilmot*, 122.

Since Going wrote, most historians have accepted his conclusion that Wilmot, not Brinkerhoff, was the real author of the Proviso. But more cynical writers discovered less exalted motives to explain Wilmot's action. In 1932, Richard Stenberg suggested that Wilmot's support of the free-trade Walker Tariff of 1846 had alienated the protectionist voters of Pennsylvania, and that the Proviso was an attempt to recoup his popularity.⁸ This explanation was seriously weakened by Avery Craven in 1942, when he pointed out that Wilmot's district, unlike other areas of Pennsylvania, favored free trade.⁹ Craven suggested that Wilmot's frustrations in Pennsylvania patronage matters—his nominees for various offices had been rejected by Polk in favor of James Buchanan's friends—and the "general political disruption" of the period provide better explanations of his action.¹⁰ But he also pointed out that the striking thing about the authorship of the Proviso was that, in both Brinkerhoff's and Wilmot's versions, it was the work of a group of Democrats, not any one man.¹¹

The question of who "really" authored the Proviso is a difficult one, and it is probably unanswerable. In a sense, it is also irrelevant. It is not inconceivable that Brinkerhoff and Wilmot were both right: certainly their stories are not entirely incompatible. They agree closely as to the composition of the group of antislavery Democrats. It is easy to understand how, as Brinkerhoff and Wilmot brought their ideas to their friends and the exact wording was hammered out, each of several congressmen could have come away with the impression that he had made the decisive contribution. As for the "original" Proviso being in Wilmot's handwriting, a friend of the Pennsylvanian later stated that each antislavery congressman wrote out a copy of the Proviso, and each attempted to get the floor. Wilmot's previous support of the administration may explain why he had the opportunity to immortalize himself by introducing the Proviso.¹²

It seems clear that a convincing explanation of the Proviso must focus on the entire group of antislavery Democrats. Of the ten Democrats whom

⁸ Richard R. Stenberg, "The Motivation of the Wilmot Proviso," *Mississippi Valley Historical Review*, XVIII (March 1932), 535-41.

⁹ Avery Craven, *The Coming of the Civil War* (New York, 1942), 224. The antislavery Democrats did make an unsuccessful attempt to raise certain duties in the tariff bill. See Chaplain W. Morrison, *Democratic Politics and Sectionalism* (Chapel Hill, 1967), 15, 179-80n. However, Grover, Rathbun, Brinkerhoff, Hannibal Hamlin, and King supported the measure in the end. Thompson, a protectionist, and Jenkins opposed it. *Cong. Globe*, 29 Cong., 1 Sess., 1053 (July 3, 1846).

¹⁰ Craven, *Coming of the Civil War*, 224-25. See also Going, *David Wilmot*, 41-42.

¹¹ Craven, *Coming of the Civil War*, 223.

¹² E. Read Myer to Charles E. Hamlin, Nov. 12, 1897, Hannibal Hamlin Papers (University of Maine). The same account is in Alexander K. McClure, *Colonel Alexander K. McClure's Recollections of a Half a Century* (Salem, Mass., 1902), 236.

Wilmot or Brinkerhoff said he consulted, all were in the wing of the party headed by former President Martin Van Buren; and four were from New York State. It is hard to resist the conclusion that the New York Van Burenites, and especially King, were the leading spirits of the group. Gideon Welles and Senator John M. Niles, who boarded with several of the anti-slavery Democrats in the fateful summer of 1846, credited King with being the man who held the group together. According to Niles, King "did more to sustain that measure [the Proviso] than any other individual."¹³ Wilmot was a faithful follower of Van Buren. Surely, he would not have persisted in his proposal against the advice of the New Yorkers, particularly of King, who was widely regarded as the spokesman in Washington of Van Buren's heir apparent, Silas Wright. Indeed, if Wilmot was a "front man," he may well have acted for King, since King would not have wished to move the Proviso himself for fear of prematurely involving Governor Wright, who was facing a difficult reelection contest in New York.¹⁴ But it was King, not Wilmot, who introduced the Proviso in the next session of Congress and demonstrated the close connection of the New York Van Burenites with the measure.

In the past three years, two new discussions of the introduction of the Proviso have appeared: the second volume of Charles Sellers' biography of Polk, and Chaplain W. Morrison's study of the Proviso's effect on the Democratic party.¹⁵ Both place the Proviso in the context of Democratic factional rivalries and stress how an accumulation of grievances alienated northern Democratic congressmen from the Polk administration and set the stage for their support of Wilmot's measure. Morrison's work, which emphasizes the Van Burenites' resentment over their declining influence in national party councils as their motivation for drawing up the Proviso, is an important step forward in the historiography of the Proviso. But he ignores certain essential elements of the Van Burenites' situation. Their resentment against Polk and the South went deeper than the normal complaints of political "outs" against those in power. They were more concerned with the

¹³ Howard K. Beale, ed., *Diary of Gideon Welles* (3 vols., New York, 1960), II, 386; Charles Sellers, *James K. Polk Continentalist, 1843-1846* (Princeton, 1966), 168n.; *Cong. Globe*, 30 Cong., 1 Sess., Appendix, 1198 (July 26, 1848). John M. Niles does not mention King by name, but speaks of "a gentleman of New York, then a member of the House of Representatives" who "advised with me from the first" about the Proviso.

¹⁴ Herbert D. A. Donovan, *The Barnburners: A Study of the Internal Movements in the Political History of New York State and of the Resulting Changes in Political Affiliation, 1830-1852* (New York, 1925), 56. When King introduced the Proviso in the next session of Congress, Silas Wright wrote that, while he favored the measure, he wished Wilmot had again been the mover. Wright to John A. Dix, Jan. 19, 1847, John A. Dix Papers (Columbia University).

¹⁵ Sellers, *Polk*, 476-84; Morrison, *Democratic Politics*, 3-20.

actions of southern Democrats who were violating the traditional party policy of keeping slavery out of national politics and were asking their northern allies to endorse proslavery measures—even though this would alienate a growing segment of northern public opinion.

The Democratic party of the 1840s was still essentially the party created by Van Buren prior to the election of 1828. Because it was a coalition of northern and southern groups, the interests of party harmony demanded that sectional issues be avoided at all costs. Van Buren believed that a national party system was the only way to counteract sectional antagonisms. In the 1820s and 1830s he helped bring northern support to southern candidates like William Crawford and Andrew Jackson, and to such proslavery measures as the ban on abolitionist literature in southern mails and the “gag rule.”¹⁶ Van Buren’s partiality toward the South led Whigs to dub him “the northern man with southern principles,” but in the 1830s, when slavery played only a minor role in northern politics, the political damage done by this charge was outweighed by the preservation of party unity.

As the controversy over the gag rule and the emergence of the Liberty party injected slavery into the political life of the North, Van Buren and his followers began to fear that their “southern principles” were becoming a political liability. When southern Democrats began to complain of the Van Burenites’ lukewarmness in defending the gag rule and other southern measures, the New Yorkers became indignant. As Van Buren wrote in the fall of 1842 to his close friend Francis Preston Blair:

The truth is, that the Democrats of this State have suffered so often, and so severely in their advocacy of Southern men, and Southern measures, as to make them more sensitive in respect to complaints of their conduct from that quarter, than I could wish. They say, that . . . their party has suffered in every limb by the abolition question, and all this is undoubtedly true.¹⁷

By January 1844, more and more northern congressmen were voting against the gag rule. Some, like Hannibal Hamlin of Maine, justified their stand on constitutional grounds, but others explained that they wanted to end the continuing controversy over the rule, which was helping to swell the ranks of antislavery men in their districts.¹⁸ Southern Democrats, espe-

¹⁶ Robert V. Remini, *Martin Van Buren and the Making of the Democratic Party* (New York, 1959), 125-32; Glyndon G. Van Deusen, *The Jacksonian Era 1828-1848* (New York, 1959), 108-09, 115; Max M. Mintz, “The Political Ideas of Martin Van Buren,” *New York History*, XXX (Oct. 1949), 438-39.

¹⁷ William Ernest Smith, *The Francis Preston Blair Family in Politics* (2 vols., New York, 1933), I, 157.

¹⁸ *Cong. Globe*, 28 Cong., 1 Sess., 317, Appendix, 28-29, 32 (Feb. 24, Jan. 5, 1844); Don E. Fehrenbacher, *Chicago Giant: A Biography of ‘Long John’ Wentworth* (Madison, 1957), 43; Muller, “Preston King,” 262-64.

cially the followers of John C. Calhoun, were outraged at the "political treachery" of the Van Burenites who opposed the gag rule. Calhoun attributed their course to a desire to woo abolitionist votes.¹⁹

In New York State, the abolitionist Liberty party, which had increased its vote to over 16,000 by 1843, might well have held the balance of power in the state in the next presidential election. In addition, there was evidence that upstate Democrats were becoming increasingly antislavery in outlook.²⁰ Van Buren, who was universally expected in the spring of 1844 to be the Democratic presidential candidate, could hardly ignore these developments. The slavery issue was further complicated in April 1844 by the Tyler administration's presentation to the Senate of a treaty for the annexation of Texas as a slave state. At the same time, Secretary of State Calhoun's famous letter to the British ambassador, Richard Pakenham, was released. In the letter Calhoun based the case for annexation on the need to protect and preserve the institution of slavery.²¹ Annexation was thus made a purely sectional issue, and Van Buren's advisers believed important segments of northern public opinion would be outraged. "It would be *perfectly easy*, by mismanaging the affair," Van Buren's close friend Benjamin F. Butler complained, "to prostrate, at the North, every man . . . connected with it." Wright echoed: "the Texas treaty is made upon a record which is sure to destroy any man from a free State who will go for it."²² So blatant were the sectional overtones of Calhoun's letter that Blair and Senator Thomas Hart Benton of Missouri believed Calhoun was intentionally making the treaty unpalatable to the North, confident it would be defeated by northern votes. He would then bring himself forward as a southern candidate for the presidency or lead the South into disunion.²³

The results of the introduction of the Texas issue, and Van Buren's letter

¹⁹ J. Franklin Jameson, ed., "Correspondence of John C. Calhoun," *Annual Report of the American Historical Association for the Year 1899* (2 vols., Washington, 1900), II, 562, 572-73. See also Chauncey S. Boucher and Robert P. Brooks, eds., "Correspondence addressed to John C. Calhoun, 1837-1849," *Annual Report of the American Historical Association for the Year 1929* (Washington, 1930), 204; William R. Hallett to Martin Van Buren, Jan. 31, 1844, Martin Van Buren Papers (Manuscript Division, Library of Congress). The gag rule was finally repealed in December 1844. *Cong. Globe*, 28 Cong., 2 Sess., 7 (Dec. 3, 1844).

²⁰ Lee Benson, *The Concept of Jacksonian Democracy: New York as a Test Case* (Princeton, 1961), 134-35; Jabez D. Hammond to Van Buren, April 7, 1844, Van Buren Papers.

²¹ Richard K. Crallé, ed., *The Works of John C. Calhoun* (6 vols., Charleston, 1851-1856), V, 333-39; Craven, *Coming of the Civil War*, 196.

²² Benjamin F. Butler to Van Buren, April 6, 1844, Van Buren Papers; R. H. Gillet, *The Life and Times of Silas Wright* (2 vols., Albany, 1874), II, 1518.

²³ Francis P. Blair to Andrew Jackson, May 2, 19, July 7, 1844, Andrew Jackson Papers (Manuscript Division, Library of Congress); William Nisbet Chambers, *Old Bullion Benton, Senator from the New West: Thomas Hart Benton, 1782-1858* (Boston, 1956), 278; Thomas Hart Benton, *Thirty Years' View* (2 vols., New York, 1854), II, 582-83.

of April 20, 1844, opposing immediate annexation, are well known. The northern man with southern principles was deserted by virtually the entire South. Years of conciliatory efforts toward the southern Democrats were outweighed by his position on Texas, and on the first ballot at the Baltimore Convention Van Buren received only a handful of votes from below the Mason-Dixon line. The rejection of Van Buren and the nomination of Polk left many Van Burenites embittered toward the South. Wright refused to accept the convention's nomination for vice-president, and a few days afterward he and other northern Van Burenites joined with the Whigs to defeat the Texas treaty in the Senate.²⁴ Yet, it is sometimes forgotten that Van Buren and his followers considered the nomination of Polk a partial triumph. They believed that Polk was unpalatable to "the Calhoun clique" and felt that, as Senator John A. Dix of New York wrote, "If we could not have Mr. Van Buren, certainly they could not do so well as to give us Mr. Polk. . . ."²⁵ In the campaign of 1844, the Van Burenites supported Polk wholeheartedly. While the Texas issue was not stressed in New York, it seemed certain that the Van Burenites would accept annexation if a less blatantly proslavery treaty could be devised. When Polk won the election of 1844, he had the goodwill of the entire Van Buren faction.²⁶

Within the next two years, of course, this good feeling had turned to hostility and alienation. The story of how Polk, partly by accident, partly by design, excluded New York Van Burenites from any representation in his cabinet has often been told.²⁷ Polk's cabinet selections played a major role in causing Van Buren and his followers to view the administration with suspicion, if not downright opposition. But in the interim, between the election of Polk and his inauguration in March 1845, while the cabinet controversy played itself out, other events occurred which would have a more direct bearing on the origins of the Wilmot Proviso. Once again, the Tyler administration pushed its Texas treaty; and, once again, the followers of Van Buren were placed in a position where they could either oppose annexation or accept it on proslavery terms and risk antagonizing a constituency increasingly marked by antislavery inclinations.

²⁴ Sellers, *Polk*, 109-10.

²⁵ Wright to Butler, June 3, 1844, Silas Wright Papers (New York Public Library); Dix to Azariah Flagg, June 14, 1844, Azariah C. Flagg Papers (New York Public Library). See also Niles to Gideon Welles, June 5, 1844, Gideon Welles Papers (Manuscript Division, Library of Congress); Blair to Jackson, Sept. 28, 1844, Jackson Papers.

²⁶ *Proceedings of the Utica Convention, February 16, 1848* (Albany, 1848), 20; Sellers, *Polk*, 131; Butler to Van Buren, Dec. 5, 1844, Van Buren Papers.

²⁷ See Sellers, *Polk*, 162-212; Joseph G. Rayback, "Martin Van Buren's Break With James K. Polk: The Record," *New York History*, XXXVI (Jan. 1955), 51-62; Niles to Welles, Feb. 22, March 3, 9, 1845, Welles Papers.

In the months preceding Polk's inauguration several groups were involved in the Texas controversy. To Van Buren's friends in Congress, the major problem was that the lame-duck Tyler administration and southern leaders in Congress refused to entertain any changes in the Texas treaty. The Van Burenites charged that this was part of Calhoun's plan to make the incoming Polk administration dependent on the South, by forcing northern Democrats to oppose annexation.²⁸ Actually, Van Buren and his followers were quite prepared to accept annexation. What they wanted was what Blair called "a saving clause for our northern friends," or, in Wright's words, "some fair compromise as to the slave question,"—some way of proving to their constituents that they had not once again abandoned northern interests to conciliate the South.²⁹ They would gladly have accepted Benton's compromise proposal, which admitted Texas as a slave state equal in size to the largest state and divided the remaining territory into free and slave areas. They were anxious, moreover, to avoid a war with Mexico; and they felt that peace would be preserved if a new treaty could be signed.³⁰

But to the indignation of the Van Burenites, the southerners refused to compromise at all and insisted on making the Texas treaty a test of northern friendship toward the South and slavery. Northern Democrats in the House were bitter about what they considered a southern attempt to make a sectional issue out of a national question. Texas had been endorsed at the last election, and surely an amicable agreement on annexation could be reached.³¹ But the slavery question prevented agreement. In December 1844, Senator Niles listed a series of problems which had to be resolved before the treaty could pass, including Texas' boundaries, debt, and relations with Mexico. But a month later he wrote to Welles that "the slavery question is the principal difficulty now."³² King voiced the frustrations of many northern Democrats when he complained: "The Slavery issue is presented with Texas. It is inseparable from it,—and if it were not Calhoun and the South would not permit them to be separated. What shall a northern democrat do?" And to Van Buren, King forcefully expressed the north-

²⁸ John Fairfield to Van Buren, Dec. 21, 1844; Welles to Van Buren, Feb. 20, 1845, Van Buren Papers; Muller, "Preston King," 302-03; *Cong. Globe*, 28 Cong., 2 Sess., Appendix, 134 (Jan. 22, 1845); Blair to Jackson, Jan. 3, 1845, Jackson Papers.

²⁹ Van Buren to Dix, Feb. 4, 1845, Dix Papers; Blair to Jackson, Jan. 4, 1845, Jackson Papers; Wright to Dix, Feb. 15, 1845, Dix Papers.

³⁰ *Cong. Globe*, 28 Cong., 1 Sess., 653-55 (June 10, 1844); *ibid.*, 28 Cong., 2 Sess., 19 (Dec. 11, 1844).

³¹ Niles to Welles, Dec. 29, 1844, Welles Papers; Niles to Van Buren, Dec. 30, 1844, Van Buren Papers; *Cong. Globe*, 28 Cong., 2 Sess., 182 (Jan. 23, 1845).

³² Niles to Welles, Dec. 15, 21, 1844, Jan. 24, 1845, Welles Papers.

ern dilemma: "Personally I have not much if any feeling on the subject of Texas free against Texas all slave. I believe the democratic party will fall in every free state except Illinois if the democratic party can be made responsible for legalizing slavery in the whole of Texas."³³

King may have overestimated northern sensitivity on the subject of slavery, but his fears were shared by other congressmen. Maine's Senator John Fairfield told Niles that his constituents demanded that some equitable compromise be reached. Rathbun of upstate New York said that the South was asking northern congressmen to "commit suicide on this floor," and he reminded his colleagues that northerners who had supported the South in the Missouri controversy had sealed their political dooms.³⁴ John P. Hale and Hamlin issued addresses to their constituents which explained their opposition to annexation by denouncing the House bill as a proslavery measure. They evidently felt that the voters of their districts would respond to this kind of appeal.³⁵ The most explicit statement of the dilemma faced by northern Democrats, especially those from New York, came from Niles. To Welles, who felt the New Yorkers were merely being factious in opposing the annexation treaty, Niles wrote:

Do you not forget that the democratic party there [in New York] is now in a minority and that public sentiment in that state has a strong infusion of the spirit of abolitionism. . . . The abolitionists are gaining in New York, and recruiting from the Democrats; and would you have our friends there give them a new and powerful impulse? . . . Do you think the N. York members have no sagacity, no instinct to discover public sentiment in their districts? . . . [The South] will consent to no compromise, to reconcile the measure to the opinions or prejudices of the north, and make it more safe for the northern democrats to vote for it. . . . There have been enough northern democrats who have sacrificed themselves to southern interests and I do not wish to see any more.³⁶

Closely tied with constituency pressure as a reason for the Van Burenites' opposition to the administration-sponsored Texas bill was their feeling that the admission of Texas would constitute an undue increase in southern political power. It was commonly assumed that Texas would eventually be divided into four or five states. If all these were to be slave, the South would

³³ King to Flagg, Jan. 11, 1845, Flagg Papers; King to Van Buren, Feb. 14, 1845, Van Buren Papers.

³⁴ Niles to Welles, Dec. 21, 1844, Welles Papers; *Cong. Globe*, 28 Cong., 2 Sess., Appendix, 134 (Jan. 22, 1845). See also Dix to Van Buren, Jan. 30, 1845, Van Buren Papers.

³⁵ Richard H. Sewell, *John P. Hale and the Politics of Abolition* (Cambridge, 1965), 52-53; Harry Draper Hunt, III, "Hannibal Hamlin of Maine: Lincoln's First Vice-President" (doctoral dissertation, Columbia University, 1968), 62.

³⁶ Niles to Welles, Jan. 31, 1845, Welles Papers. For Welles' view, see Welles to Van Buren, Jan. 29, 1845, and Welles to [?], Feb. 1, 1845, *ibid.*

achieve a predominance in national councils.³⁷ King insisted that the major issue in the Texas controversy was not the abstract moral question of slavery, but "the increase and predominance of slavery, as a distinct and exacting power in the confederacy." Brinkerhoff told the House that the Texas issue was "got up as a southern question, for the benefit of the South; for the strengthening of her institutions; for the promotion of her power. . . ." And Niles agreed, informing Welles that it was "wholly a struggle for political power at the South."³⁸ The Van Burenites insisted that slavery must be barred from part of Texas so that the balance of power between the sections would be maintained. After the Baltimore Convention, Van Buren's supporters could hardly be blamed for paying close attention to the balance of political power in the nation, as well as within the Democratic party.

In order to deal with the various objections to the administration-sponsored Texas bill, the antislavery Democrats of the House, led by King and the New Yorkers, proposed that part of Texas be admitted as a state (which might later be divided into two or more states), with slavery prohibited in the remainder of the Texas territory. This and subsequent attempts to bar slavery from a portion of the Texas territory were defeated in the Democratic caucus and by the House. The bill, which finally passed the House late in January, did exclude slavery from any states created from the area of Texas above the Missouri Compromise line of 36° 30', but this area was so small as to be inconsequential.³⁹ Along with the Whig opponents of annexation, thirteen New York Democrats and fourteen other northern Democrats voted against the bill. Among those in opposition were King, Rathbun, Brinkerhoff, and Hamlin—all of whom were to have a role in the introduction of the Wilmot Proviso.⁴⁰

In the Senate, Van Buren Democrats—Benton, Dix, Niles, Fairfield, and Benjamin Tappan of Ohio—held the balance of power. They refused to support the House bill, and it seemed annexation would have to await Polk's inauguration. But as the session was drawing to a close, a compromise was finally reached: it gave the President the alternative of negotiating

³⁷ Niles to Welles, Jan. 3, 1845, *ibid.*

³⁸ King to Flag, Jan. 11, 1845, Flag Papers; *Cong. Globe*, 28 Cong., 2 Sess., 132 (Jan. 13, 1845); Niles to Welles, Jan. 24, 1845, Welles Papers. See also King to Flag, Jan. 8, 1845, Flag Papers; *Cong. Globe*, 28 Cong., 2 Sess., Appendix, 132-34 (Jan. 13, 1845); Dix to Van Buren, Jan. 30, 1845, Van Buren Papers.

³⁹ *Cong. Globe*, 28 Cong., 2 Sess., 173 (Jan. 22, 1845); Muller, "Preston King," 311-16; Morrison, *Democratic Politics*, 6-7. With Van Burenite support, Hale attempted to introduce a bill which would divide Texas into free and slave territory, but the House refused to suspend the rules to allow its introduction. Hale later said that he would have voted against the Texas treaty, even if his amendment had been adopted. *Cong. Globe*, 28 Cong., 2 Sess., 121 (Jan. 10, 1845); *ibid.*, 34 Cong., 1 Sess., Appendix, 849 (July 9, 1856).

⁴⁰ *Cong. Globe*, 28 Cong., 2 Sess., 194 (Jan. 25, 1845).

a new treaty or accepting the House bill. Polk assured the Van Burenites that he would negotiate a new treaty, and their votes gave the bill its margin of passage in the Senate. But John Tyler, whose term of office expired within a week, decided not to allow Polk to settle the Texas issue. He asked the Texans to consent to annexation under the House plan. As Sellers shows, Polk could have reversed this action when he took office, but he decided to let it stand; and Texas came into the Union completely slave. The Van Burenites felt they had been betrayed. "We believed," Hamlin wrote five years later, "if annexation took place, we could prevent a war, and be sure to secure at least half of the territory as free."⁴¹ But Polk's duplicity, as the Van Burenites saw it, had led to an accession of slave territory and a strong possibility of war with Mexico. When the opportunity for further territorial expansion arose in 1846, the Van Burenites proved to be more prudent; they insisted on a congressional prohibition of slavery in any new territory rather than relying on the assurances of a President who had deceived them.

The Van Burenites' distrust of Polk, which made its appearance in the tangled web of cabinet-making politics and the unhappy denouement of the Texas controversy before his inauguration, continued to grow unabated over the next year and a half. Van Buren and his followers were convinced that "the Texas and Baltimore conspirators"—the men who had deprived the former President of the nomination in 1844—controlled Polk and his administration.⁴² They believed the administration was attempting to build up the Hunkers—the rival faction in New York Democratic politics to the Van Burenites or Barnburners—through the distribution of patronage. Dix even suggested that the men who surrounded Polk would be happy to see the Whigs in New York win the next election, in order to weaken Van Buren and his followers.⁴³ In the New York legislature, Barnburners repeatedly condemned the ingratitude and unfaithfulness of the southern Democrats; and one of Calhoun's correspondents reported that their assaults were marked by increasing "opposition to the peculiar institutions of the South." Within nine months of Polk's inauguration, Dix was ready for a complete break with the administration; and he noted to Wright: "If we

⁴¹ Muller, "Preston King," 319-22; Sellers, *Polk*, 207-20; Benton, *Thirty Years' View*, II, 636-38; Hannibal Hamlin to Stephen E. Emery, June 7, 1850 (copy), Hamlin Papers. See also "Bancroft Papers on the Mecklenberg Declaration, 1775, and the Annexation of Texas, 1848," Massachusetts Historical Society *Proceedings*, XLIII (Nov. 1909), 115-18; Milo Milton Quaife, ed., *The Diary of James K. Polk during His Presidency, 1845 to 1849* (4 vols., Chicago, 1910), IV, 38-47; *Cong. Globe*, 35 Cong., 1 Sess., 1004-05 (March 9, 1858).

⁴² Flagg to Van Buren, May 16, 1845, Van Buren Papers. See also Blair to Van Buren, April 6, 1846, *ibid.*; *Cong. Globe*, 29 Cong., 1 Sess., Appendix, 889 (July 20, 1846).

⁴³ Sellers, *Polk*, 290; Dix to Wright, April 6, 1846, Dix Papers.

separate, it will be best done on some great question of policy or principle."⁴⁴

The outbreak of the Mexican War seemed to the Van Burenites a final proof of the administration's bankruptcy. "Heaven forgive me for having had any hand in laying the foundation for this blundering administration," wrote the Barnburner leader C. C. Cambreleng; and he and Dix expressed grave suspicions that the United States, not Mexico, had actually initiated the hostilities. The Van Burenites had warned that the annexation of Texas without Mexican consent inevitably meant war, and now they found their anxiety amply justified. "I fear the Texas fraud is carried out to its consummation by a violation of every just consideration of national dignity, duty and policy," Dix wrote in disgust. In July 1846, Rathbun declared that the promoters of immediate annexation "were in reality the authors of the war. . . ."⁴⁵ Lurking behind these suspicions and resentments was the fear that the administration's real intention in the war was not its announced aim of repelling a Mexican intrusion onto American soil but, swallowing up part or all of Mexico, further extending slavery and southern power. In July, Polk did go out of his way to assure Dix that no such territorial acquisitions were being contemplated, but within a month he sent his request to Congress for an appropriation of two million dollars.⁴⁶ Everyone understood that the money was to be used to purchase land from Mexico.⁴⁷ Once again, the Barnburners felt deceived, and they resolved to make sure that they would avoid the position of defending a policy designed to benefit the South alone.

The situation in August 1846 had several similarities with that of early 1845, when the Texas treaty was under consideration. But there was one vital difference. In 1845, the Van Burenites had stood alone within the Democratic party in opposing annexation on southern terms. By August 1846, however, other northern elements in the party had come to accept the view of a southern-dominated administration, and they were ready to follow the Van Burenites' lead in opposing the further spread of slavery. The President's compromise with England which divided the Oregon territory

⁴⁴ Boucher and Brooks, "Calhoun Correspondence," 341; Donovan, *Barnburners*, 72; Dix to Wright, Dec. 13, 1845, Van Buren Papers.

⁴⁵ C. C. Cambreleng to Van Buren, May 16, 1846; Dix to Van Buren, May 16, 1846, Van Buren Papers; Dix to Flagg, May 15, 1846, Flagg Papers; *Cong. Globe*, 29 Cong., 1 Sess., Appendix, 772 (July 2, 1846).

⁴⁶ Morgan Dix, comp., *Memoirs of John Adams Dix* (2 vols., New York, 1883), I, 202-03.

⁴⁷ James K. Polk recognized that a peace treaty ceding land to the United States would be unpopular in Mexico. He intended to use the two million dollars as a payment to the Mexican government. This would enable it to retain the support of the Mexican army and, therefore, to stay in power. Quaife, *Polk Diary*, II, 76-77.

led many westerners to contrast his eagerness to acquire Texas with his hesitation when expansion in the North was contemplated. It was resentment over Oregon which led John Wentworth of Illinois to assert that southern patriotism seemed to disappear when the acquisition of free territory was involved, and Brinkerhoff to complain that "the favorite and pampered South" dominated administration patronage.⁴⁸ Then, early in August, Polk vetoed the river and harbor bill—a favorite measure of internal-improvements-minded westerners.⁴⁹ This veto, Fairfield warned a day before the introduction of the Proviso, would lead many Democrats to lend credence to Whig charges of southern domination of the administration. The importance of the Oregon and internal improvements issues was that they brought westerners who did not share the New Yorkers' bitterness over Texas to feel the same discontent as the Barnburners and their followers in the East. Democrats throughout the North were coming to agree with the Van Burenites that, as Welles put it, "The time has come, I think, when the Northern democracy should make a stand."⁵⁰

For western Democrats, and for many easterners as well, the Proviso represented a revolt against southern control of the administration and the political power of the South.⁵¹ Wilmot himself was probably most strongly influenced by this general discontent with the administration, although in his case it was heightened by his rebuffs in patronage matters.⁵² Rathbun expressed this determination to check southern power when he told the House that proslavery interests had governed the nation "too long already" and that "the great object of the South was to secure ascendance in the government."⁵³ But, for the New York Barnburners, there were additional reasons for attaching the Proviso to the administration's request for funds. Shortly before Polk's inauguration, Van Buren had warned George Bancroft, his only political ally in the cabinet, to be especially wary about foreign policy. "Too much care," wrote the former President, "cannot be taken to save us from a war, in respect to which the opposition shall be able to charge with

⁴⁸ *Cong. Globe*, 29 Cong., 1 Sess., 205-06, Appendix, 784-85 (Jan. 14, June 30, 1846). See also Craven, *Coming of the Civil War*, 214; Morrison, *Democratic Politics*, 11-13.

⁴⁹ Quaife, *Polk Diary*, II, 65-66; *Cong. Globe*, 29 Cong., 1 Sess., 1186-87 (Aug. 3, 1846); Sellers, *Polk*, 472-77; Henry C. Hubbart, *The Older Middle West 1840-1880: The Social, Economic and Political Life and Social Tendencies Before, During and After the Civil War* (New York, 1936), 29.

⁵⁰ Sellers, *Polk*, 475; Welles to Van Buren, July 28, 1846, Van Buren Papers.

⁵¹ Fehrenbacher, *Chicago Giant*, 70; Sellers, *Polk*, 477.

⁵² For an analysis of Wilmot's motives, see Morrison, *Democratic Politics*, 180-81n. It should be noted, however, that Wilmot may have felt his tariff vote had weakened him at home. His district favored free trade but in Pennsylvania support of some kind of protection was expected of all politicians. His tariff vote was certainly not the sole motivation for the introduction of the Proviso, but it may have been a contributory factor.

⁵³ Going, *David Wilmot*, 186-87; *Cong. Globe*, 29 Cong., 2 Sess., 365 (Feb. 9, 1847).

plausibility if not truth, that it is waged for the extension of slavery." To support such a war would be "political suicide" for northern Democrats.⁵⁴ Polk had assured the nation that the Mexican War was purely a defensive one, but his request for two million dollars seemed to announce that the war "for the extension of slavery," which Van Buren feared, had finally arrived.

August 1846 was a most inopportune time for the administration to suddenly furnish this new weapon to the Whig and abolitionist opponents of the northern wing of the Democratic party. In New York, the major parties were so evenly divided that the Liberty party held the balance of power in the state as a whole and in ten congressional districts. Moreover, Wright was engaged in a desperate fight for reelection as governor. Congressional Whigs quickly demonstrated that they were eager to accept the political opportunity offered them. Just before Wilmot introduced the Proviso, two New York Whigs addressed the House and charged that the President's request for funds proved that the Mexican War was being waged for conquest. Polk wanted the money, they said, for the purpose of "buying territory at the South." One of these Whigs, Hugh White, insisted that to prove their good faith, the Democrats would have to offer an amendment barring slavery from any territory acquired from Mexico. It is hardly surprising that, as Niles later described it, the antislavery Democrats, especially the New Yorkers, decided "that the question of additional slave territory should be met in advance."⁵⁵

In the view of the antislavery Democrats of the House, the best way to answer Whig charges of a proslavery war, and at the same time preserve some kind of harmony within the Democratic party, would be to postpone the question of territorial acquisition. They therefore voted against taking up a bill implementing the President's request for funds. The leading antislavery Democrats—Wilmot, Brinkerhoff, Hamlin, King, Timothy Jenkins, Martin Grover, and Rathbun—came from rural areas where antislavery sentiment was rising and where Whig charges would be most damaging to the Democrats. But only nine other Democrats—mostly Van Burenites—and the bulk of the Whigs, who opposed territorial accessions, joined them. The votes of southern and western Democrats were more than enough to bring the bill before the House.⁵⁶ Wilmot then obtained the floor and announced that he would vote for the appropriation, if an amendment to bar slavery

⁵⁴ "Van Buren-Bancroft Correspondence, 1830-1845," Massachusetts Historical Society *Proceedings*, XLII (June 1909), 439. For a similar warning to Blair, see Van Buren to Blair, Feb. 11, 1845, Blair Family Papers (Manuscript Division, Library of Congress).

⁵⁵ Sellers, *Polk*, 170; *Cong. Globe*, 29 Cong., 1 Sess., 1211-14 (Aug. 8, 1846); *ibid.*, 30 Cong., 1 Sess., Appendix, 1198 (July 26, 1848).

⁵⁶ *Cong. Globe*, 29 Cong., 1 Sess., 1212 (Aug. 8, 1846). See also Polk's comment that

from land acquired from Mexico was adopted. With little time for debate, the House passed the Proviso 83 to 64; and the bill as amended was adopted 85 to 79. The Democratic party was completely fractured on these votes. No roll call was taken on the Proviso itself but, on the motion to adopt the bill as amended by Wilmot, fifty-two northern Democrats voted in favor, while all fifty southern Democrats and four northerners were opposed.⁵⁷ The westerners had not been willing to jeopardize territorial expansion by voting against considering the request for funds, but the Proviso gave them the perfect opportunity to express their resentments against the administration.

Northern congressmen used many arguments to justify their support of the Proviso, including the increase of southern influence in the government and the need to preserve the Southwest for free labor. A distinction must be made, however, between the reasons why the Proviso was supported and the motivations for its introduction. The accumulated bitterness of the northern Democrats explains the unanimity with which they supported a measure which could only have been considered a slap at the administration. Moreover, once the measure was on the floor, it would have been hard for northern congressmen to explain a negative vote. But the New York Van Burenites and their supporters—the group which consulted on the introduction of the Proviso—explained their action on somewhat different grounds. They stressed the need to allay northern fears and suspicions about the purposes of the Mexican War. In October, Niles asserted that territorial acquisitions were “giving an undue preponderance to Southern influence, and a fresh addition of territory . . . will I fear excite a violent and perhaps dangerous opposition at the North.” In January 1847, when King reintroduced the Proviso, Wright explained to Dix why King’s action was “positively necessary.” “The Mexican War,” Wright wrote, “is rapidly becoming unpopular with the people of this section of the Union, as I fear it is in all sections; and here the great and universal objection made to it is that its effect is to be, if its object and design is not, to extend slavery.” Wright added that no party in the free states could ever support the extension of slavery into lands where it did not exist. For the government to insist on this would be to treat slavery for the first time “as a positive benefit and blessing. . . . This the people of the free states will never do. . . .”⁵⁸ The most explicit statement of

those who added the Proviso to the appropriation bill were those who opposed the appropriation in the first place. Quaife, *Polk Diary*, II, 75-76.

⁵⁷ *Cong. Globe*, 29 Cong., 1 Sess., 1214-17 (Aug. 8, 1846).

⁵⁸ Niles to Welles, Oct. 23, 1846, Welles Papers; Wright to Dix, Jan. 19, 1847, Dix Papers.

the idea that the Proviso was intended to justify the Mexican War to the northern electorate was made by Grover. Speaking in the House in January 1847, he explained why the introduction of the Proviso had been necessary.

There was another consideration that rendered this time most fitting, in my judgement. It was this: throughout the entire northern portion of this country it was the topic of conversation and discussion, and of earnest investigation, what was to be the result of the war. The charge was iterated and reiterated that the war was undertaken on the part of the Administration, aided by the South, for the purpose of extending the area of slavery. . . . I wished a declaration on that subject for the purpose of satisfying the northern mind. . . . Give us a declaratory resolution, supported on all sides in this House and in the other House, that you have no such design; that slavery is not to be extended in consequence of this war. . . . It was with a view to bring out a more thorough support of the war that I sought to have that proviso carried then. With that view my colleague presented his bill here. . . . Satisfy the northern people—satisfy the people whom we represent—that we are not to extend the institution of slavery as the result of this war.⁵⁹

As Rathbun made clear, the Van Burenites did not oppose the Mexican War. Indeed, despite their doubts regarding the origins of the war, they gave wholehearted support to the President's military policies in 1847.⁶⁰ Patriotism and politics both dictated that the Van Burenites not break with the President in wartime. But the Van Burenites insisted that a guarantee be given to the northern public that the war was not being waged to extend slavery. Too often in the past they had been charged with being "the abettors of human slavery,"⁶¹ yet their southern allies had refused to give them any compromise on the issue of territorial expansion. This is why the anti-slavery group, composed of the followers of Van Buren, introduced the Wilmot Proviso and an important reason why they continued to support it in the next sessions of Congress.

Twelve years after the introduction of the Proviso, King reminisced about the Polk administration. He concluded that the election of 1844 marked the end of the traditional politics of the Jacksonian era. "Under Polk," he wrote to Welles, "new measures and new purposes began to

⁵⁹ *Cong. Globe*, 29 Cong., 2 Sess., 136 (Jan. 7, 1847). See also *Herkimer Convention Proceedings*, 5.

⁶⁰ *Cong. Globe*, 29 Cong., 2 Sess., 353 (Feb. 11, 1847); Hamlin, *Hannibal Hamlin*, 141; Blair to Van Buren, Dec. 26, 1846, Van Buren Papers. Dix wrote that, regarding the Mexican War, Polk's "most disinterested and reliable supporters are the friends of those he has treated worst," Van Buren, and Wright, and their friends. Dix to Samuel J. Tilden, Jan. 20, 1847, Samuel J. Tilden Papers (New York Public Library). See also Dix to Flag, Dec. 12, 1846, Flag Papers; Morrison, *Democratic Politics*, 23.

⁶¹ *Utica Convention Proceedings*, 15. See also *ibid.*, 10, and the remark by Welles: "The South has never yielded anything to conciliate the North, we have yielded too much to conciliate the South." Welles to Van Buren, July 28, 1846, Van Buren Papers.

take the place of those which had so long been disputed. Slavery upon which *by common consent* no party issue had been made was then obtruded upon the field of party action."⁶² In the eyes of the Van Burenites, the South was responsible for forcing the slavery issue into politics. Ironically, the Proviso can be seen as a desperate attempt to restore the Democratic party's traditional role as a placator of sectional antagonisms and to keep slavery at the same time out of the Southwest and out of politics.⁶³ Morrison suggests that the authors of the Proviso hoped to replace the South-West expansionist alliance within the Democratic party with an antislavery expansionist arrangement between North and West.⁶⁴ But the Van Burenites—especially the older ones—were not interested in making a sectional issue with the South, for they feared the effect of such an issue on their party. Men like Van Buren, Dix, Butler, Niles, and others had lived through the Missouri controversy and had no wish to repeat that experience. They cherished their traditional connection with the South; Niles, for example, spoke in sorrow as much as in anger when he told Welles that the rejection of Van Buren in 1844 had "done much towards weakening the strength of the Union between the democracy of the North and the South."⁶⁵ In August 1846, the younger Van Burenites in Congress—King, Rathbun, Jenkins, and others—also had a strong reason for preserving party unity: to insure Wright's reelection as governor. Looking further ahead, they hoped Wright would be the Democratic candidate in 1848 and knew he would need southern support to be nominated and elected. As Morrison points out, it was Wright's defeat in November 1846 that "loosened the restraints" on the younger, more radical Van Burenites and allowed them to press the slavery issue in 1847 with little concern for its effect on the party.⁶⁶

The introduction of the Proviso, therefore, cannot be explained as a gratuitous slap at the South, or an attempt to exclude the South from a share in Democratic party leadership. It was a defensive, not an aggressive movement, an attempt by the Van Burenites to protect themselves in the face of growing antislavery sentiment in their constituencies. The Van Burenites were determined for once to be on the popular side of the slavery issue in the North. In attempting to assure their constituents that the Mexican War was not being waged to spread slavery, they stumbled upon a principle—the non-extension of slavery—which would shape the politics of two de-

⁶² King to Welles, Sept. 16, 1858, Welles Papers (*italics added*).

⁶³ Sellers, *Polk*, 115; Mintz, "Political Ideas of Martin Van Buren," 438-41.

⁶⁴ Morrison, *Democratic Politics*, 17.

⁶⁵ Niles to Welles, Jan. 12, 1845, Welles Papers.

⁶⁶ Morrison, *Democratic Politics*, 25-26.

cedes, make a sectional hero of the previously undistinguished Wilmot, place him and King in the Senate and Hamlin in the vice-presidency, and lead all but one of the group of antislavery Democratic congressmen into the Republican party.⁶⁷

⁶⁷ Thompson, mentioned by Wilmot as a member of the group, was the only one to abandon the Proviso in 1847 and to remain a lifelong Democrat. Thompson could not have been very close to the others, for he was the only one to vote in favor of taking up the bill appropriating two million dollars. *Cong. Globe*, 29 Cong., 1 Sess., 1212 (Aug. 8, 1846).