

Renewing the Sectional Struggle, 1848–1854

There is a higher law than the Constitution.

William H. Seward, in the Senate, 1850

Prologue: The electrifying discovery of gold in California in 1848 brought a frantic inrush of population, a demand for statehood, and a showdown in Congress over the future of slavery in the territories. The fruit of these debates was the great Compromise of 1850, which purchased an uneasy truce between North and South. It left the southerners unhappy over the gains of free soil and the northerners unhappy over being drafted as slave-catchers under the new Fugitive Slave Act of 1850. The short-lived truce was ruptured by the Kansas-Nebraska Act of 1854, which threw open the free soil of Kansas to possible slavery. To many northerners, this repeal of the time-sanctified Missouri Compromise line of 1820 seemed like bad faith on the part of the South; to many southerners, the open flouting of the Fugitive Slave Act, especially after 1854, seemed like bad faith on the part of the North. With distrust rapidly mounting on both sides, the days of the Union seemed numbered, even as the United States increasingly asserted its influence abroad.

A. The Wilmot Proviso Issue

I. David Wilmot Appeals for Free Soil (1847)

While the Mexican War was still being fought, President Polk, his eye on California, asked Congress for \$2 million with which to negotiate a peace. Representative David Wilmot of Pennsylvania proposed adding to the appropriation bill an amendment or proviso designed to bar slavery forever from any territory to be wrested from Mexico. Angry southerners sprang to their feet; and the so-called Wilmot Proviso, though twice passing the House, was blocked in the Senate. But it became the cradle of the yet unborn Republican party, and it precipitated a debate that continued until silenced by the guns of civil war. In the following speech in Congress by Wilmot,

¹*Congressional Globe*, 29th Congress, 2d session (February 8, 1847), Appendix, p. 315.

what does he conceive the moral issue to be? How effectively does he meet the argument regarding "joint blood and treasure"? Could he properly be regarded as an abolitionist?

But, sir, the issue now presented is not whether slavery shall exist unmolested where it now is, but whether it shall be carried to new and distant regions, now free, where the footprint of a slave cannot be found. This, sir, is the issue. Upon it I take my stand, and from it I cannot be frightened or driven by idle charges of abolitionism.

I ask not that slavery be abolished. I demand that this government preserve the integrity of free territory against the aggressions of slavery—against its wrongful usurpations.

Sir, I was in favor of the annexation of Texas. . . . The Democracy [Democratic party] of the North, almost to a man, went for annexation. Yes, sir, here was an empire larger than France given up to slavery. Shall further concessions be made by the North? Shall we give up free territory, the inheritance of free labor? Must we yield this also? Never, sir, never, until we ourselves are fit to be slaves. . . .

But, sir, we are told that the joint blood and treasure of the whole country [are] being expended in this acquisition, therefore it should be divided, and slavery allowed to take its share. Sir, the South has her share already; the instalment for slavery was paid in advance. We are fighting this war for Texas and for the South. I affirm it—every intelligent man knows it—Texas is the primary cause of this war. For this, sir, Northern treasure is being exhausted, and Northern blood poured upon the plains of Mexico. We are fighting this war cheerfully, not reluctantly—cheerfully fighting this war for Texas; and yet we seek not to change the character of her institutions. Slavery is there; there let it remain. . . .

Now, sir, we are told that California is ours, that New Mexico is ours—won by the valor of our arms. They are free. Shall they remain free? Shall these fair provinces be the inheritance and homes of the white labor of freemen or the black labor of slaves? This, sir, is the issue—this the question. The North has the right, and her representatives here have the power. . . .

But the South contend that, in their emigration to this free territory, they have the right to take and hold slaves, the same as other property. Unless the amendment I have offered be adopted, or other early legislation is had upon this subject, they will do so. Indeed, they unitedly, as one man, have declared their right and purpose so to do, and the work has already begun.

Slavery follows in the rear of our armies. Shall the war power of our government be exerted to produce such a result? Shall this government depart from its neutrality on this question, and lend its power and influence to plant slavery in these territories?

There is no question of abolition here, sir. Shall the South be permitted, by aggression, by invasion of the right, by subduing free territory and planting slavery upon it, to wrest these provinces from Northern freemen, and turn them to the accomplishment of their own sectional purposes and schemes?

This is the question. Men of the North, answer. Shall it be so? Shall we of the North submit to it? If we do, we are coward slaves, and deserve to have the manacles fastened upon our own limbs.

2. Southerners Threaten Secession (1849)

After the Mexican War officially brought rich territorial plums, the northern anti-slaveryites became more persistent. They introduced measures in Congress for abolishing slavery in the District of Columbia and for organizing California and New Mexico as territories without slavery—that is, on the basis of the unpassed Wilmot Proviso. Outraged southerners responded with cries of disunion. The following incendiary outbursts all occurred on the floor of the House on December 13, 1849. The most famous speaker was hale and hearty Robert Toombs of Georgia, a brilliant orator and one of the more moderate southern planters. (He later became secretary of state for the Confederacy.) Why was the South so bitterly aroused over the question of slavery in the territories?

Mr. Meade [of Virginia]—But, sir, if the organization of this House is to be followed by the passage of these bills—if these outrages are to be committed upon my people—I trust in God, sir, that my eyes have rested upon the last Speaker of the House of Representatives. . . .

Mr. Toombs [of Georgia]—I do not, then, hesitate to avow before this House and the country, and in the presence of the living God, that if by your legislation you [northerners] seek to drive us from the territories of California and New Mexico, purchased by the common blood and treasure of the whole people, and to abolish slavery in this District [of Columbia], thereby attempting to fix a national degradation upon half the states of this Confederacy, *I am for disunion*. And if my physical courage be equal to the maintenance of my convictions of right and duty, I will devote all I am and all I have on earth to its consummation.

From 1787 to this hour, the people of the South have asked nothing but justice—nothing but the maintenance of the principles and the spirit which controlled our fathers in the formation of the Constitution. Unless we are unworthy of our ancestors, we will never accept less as a condition of union. . . .

The Territories are the common property of the people of the United States, purchased by their common blood and treasure. You [the Congress] are their common agents. It is your duty, while they are in a territorial state, to remove all impediments to their free enjoyment by all sections and people of the Union, the slaveholder and the non-slaveholder. . . .

Mr. Colcock [of South Carolina]— . . . I here pledge myself that if any bill should be passed at this Congress abolishing slavery in the District of Columbia, or incorporating the Wilmot Proviso in any form, I will introduce a resolution in this House declaring, in terms, *that this Union ought to be dissolved*.

²*Congressional Globe*, 31st Congress, 1st session, part 1, pp. 26, 28, 29.

B. The Compromise Debates of 1850

I. John Calhoun Demands Southern Rights (1850)

Two burning questions brought the sectional controversy to a furious boil in 1850. The first was the failure of northerners loyally to uphold both the Constitution and the Fugitive Slave Law of 1793 regarding runaway slaves. The second was the effort of California to win admission as a free state, thus establishing a precedent for the rest of the Mexican Cession territory. The subsequent debate over the compromise measures of 1850 featured a galaxy of forensic giants: Henry Clay, John C. Calhoun, Daniel Webster, Thomas H. Benton, William H. Seward, Stephen A. Douglas, Jefferson Davis, and many others. Highly revealing was the following swan-song speech of Senator Calhoun. On the verge of death from tuberculosis, he authorized a colleague to read it for him. What were his views on the Constitution, the Union, and secession? How successfully did he place the onus of insincerity and aggression on the North? How practicable were his remedies for preserving the Union?

... How can the Union be saved? To this I answer, there is but one way by which it can be, and that is by adopting such measures as will satisfy the states belonging to the Southern section that they can remain in the Union consistently with their honor and their safety. There is, again, only one way by which this can be effected, and that is by removing the causes by which this belief [that the South cannot honorably and safely remain in the Union] has been produced. Do that and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union removed. The question, then, is, By what can this be done? But, before I undertake to answer this question, I propose to show by what the Union cannot be saved.

It cannot, then, be saved by eulogies on the Union, however splendid or numerous. The cry of "Union, Union, the glorious Union!" can no more prevent disunion than the cry of "Health, health, glorious health!" on the part of the physician can save a patient lying dangerously ill. So long as the Union, instead of being regarded as a protector, is regarded in the opposite character by not much less than a majority of the states, it will be in vain to attempt to conciliate them by pronouncing eulogies on it.

Besides, this cry of Union comes commonly from those whom we cannot believe to be sincere. It usually comes from our assailants. But we cannot believe them to be sincere; for, if they loved the Union, they would necessarily be devoted to the Constitution. It made the Union, and to destroy the Constitution would be to destroy the Union. But the only reliable and certain evidence of devotion to the Constitution is to abstain, on the one hand, from violating it, and to repel, on the other, all attempts to violate it. It is only by faithfully performing these high duties that the Constitution can be preserved, and with it the Union. . . .

¹*Congressional Globe*, 31st Congress, 1st session (March 4, 1850), pp. 453, 455.

Having now shown what cannot save the Union, I return to the question with which I commenced, How can the Union be saved? There is but one way by which it can, with any certainty; and that is by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections.

The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the Constitution; and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent by satisfying the South she could remain honorably and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections which existed anterior to the Missouri [Compromise] agitation [1820]. Nothing else can, with any certainty, finally and forever settle the questions at issue, terminate agitation, and save the Union.

But can this be done? Yes, easily; not by the weaker party [the South], for it can of itself do nothing—not even protect itself—but by the stronger. The North has only to will it to accomplish it—to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this government. There will be no difficulty in devising such a provision*—one that will protect the South, and which, at the same time, will improve and strengthen the government instead of impairing and weakening it.

But will the North agree to this? It is for her to answer the question. But, I will say, she cannot refuse if she has half the love of the Union which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandizement is far greater than her love of the Union.

At all events, the responsibility of saving the Union rests on the North, and not the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice, and to perform her duties under the Constitution, should be regarded by her as a sacrifice. . . .

If you, who represent the stronger portion, cannot agree to settle . . . [the question at issue] on the broad principle of justice and duty, say so; and let the states we both represent agree to separate and part in peace. If you are unwilling we should part in peace, tell us so; and we shall know what to do, when you reduce the question to submission or resistance.

If you remain silent, you will compel us to infer by your acts what you intend. In that case, California will become the test question. If you admit her, under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired territories, with the intention of destroying, irretrievably, the equilibrium between the two sections. We would be blind not to perceive, in that case, that your real objects are power and aggrandizement, and infatuated not to act accordingly.

*Calhoun evidently had in mind two presidents: one northern, one southern, each with crippling veto power.

2. Daniel Webster Urges Concessions (1850)

On the anvil of congressional debate was forged the great Compromise of 1850. California was admitted as a free state; the fate of slavery in the rest of the Mexican Cession territory was left to the inhabitants. The major sop to the South was the enactment of a more stringent Fugitive Slave Law. As a concession to the North, the slave trade was abolished in the District of Columbia; as a concession to the South, slavery in the District was retained. Texas received \$10 million for yielding a disputed chunk of its territory to New Mexico.

Senator Daniel Webster's Seventh of March speech during these congressional debates emphasized concession, compromise, moderation, and Union. He attacked the abolitionists (see earlier, p. 373) and deplored the agitation over the extension of slavery to the territories. A slave economy was geographically impossible there, he felt, and no legislative body should reenact the law of God. Finally, he took sharp issue with Calhoun's threat of secession. How good a prophet was Webster? Which of his arguments on the impracticability of peaceful secession probably carried the most weight in the North?

Mr. President, I wish to speak today, not as a Massachusetts man, nor as a Northern man, but as an American, and a member of the Senate of the United States. . . . I speak today for the preservation of the Union. "Hear me for my cause." . . .

Mr. President, I should much prefer to have heard, from every member on this floor, declarations of opinion that this Union should never be dissolved, than the declaration of opinion that in any case, under the pressure of circumstances, such a dissolution was possible. I hear with pain, and anguish, and distress, the word *secession*, especially when it falls from the lips of those who are eminently patriotic, and known to the country, and known all over the world, for their political services.

Secession! Peaceable secession! Sir, your eyes and mine are never destined to see that miracle. The dismemberment of this vast country without convulsion! The breaking up of the fountains of the great deep without ruffling the surface! Who is so foolish—I beg everybody's pardon—as to expect to see any such thing? . . .

There can be no such thing as a peaceable secession. Peaceable secession is an utter impossibility. Is the great Constitution under which we live here—covering this whole country—is it to be thawed and melted away by secession, as the snows on the mountain melt under the influence of a vernal sun—disappear almost unobserved, and die off? No, sir! No, sir! No, sir! I will not state what might produce the disruption of the states; but, sir, I see it as plainly as I see the sun in heaven—I see that disruption must produce such a war as I will not describe, in its twofold characters.

Peaceable secession! Peaceable secession! The concurrent agreement of all the members of this great Republic to separate! A voluntary separation, with alimony on one side and on the other! Why, what would be the result? Where is the line to be drawn? What states are to secede?—What is to remain American? What am I to be?—

²*Congressional Globe*, 31st Congress, 1st session (March 7, 1850), pp. 276, 482–483.

an American no longer? Where is the flag of the Republic to remain? Where is the eagle still to tower? or is he to cower, and shrink, and fall to the ground? . . .

What is to become of the army? What is to become of the navy? What is to become of the public lands? How is each of the thirty states to defend itself? I know, although the idea has not been stated distinctly, there is to be a Southern Confederacy. I do not mean, when I allude to this statement, that anyone seriously contemplates such a state of things. I do not mean to say that it is true, but I have heard it suggested elsewhere, that that idea has originated in a design to separate. I am sorry, sir, that it has ever been thought of, talked of, or dreamed of, in the wildest flights of human imagination. But the idea must be of a separation, including the slave states upon one side and the free states on the other.

Sir, there is not—I may express myself too strongly perhaps—but some things, some moral things, are almost as impossible as other natural or physical things. And I hold the idea of a separation of these states—those that are free to form one government, and those that are slaveholding to form another—as a moral impossibility.

We could not separate the states by any such line, if we were to draw it. We could not sit down here today and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break if we would, and which we should not if we could. . . .

And now, Mr. President, instead of speaking of the possibility of utility of secession . . . let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny. Let us not be pigmies in a case that calls for men.

Never did there devolve on any generation of men higher trusts than now devolve upon us for the preservation of this Constitution and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and brightest links in that golden chain which is destined, I fully believe, to grapple the people of all the states to this Constitution for ages to come.

3. *Free-Soilers Denounce Webster (1850)*

The new and more merciless Fugitive Slave Act of 1850 was the keystone of the Compromise of 1850, and Senator Webster's eloquent support of it scandalized the abolitionists. "The fame of Webster ends in this nasty law," wrote Ralph Waldo Emerson. But conservative-minded northerners were well aware, as Emerson himself had recorded, that "cotton thread holds the Union together." Bankers, shippers, and manufacturers—holding southern mortgages, transporting cotton, or using it in their factories—praised Webster's course as statesmanlike. Indeed, the abolitionists cried, the "Lords of the Loom" were joining hands with the "Lords of the Lash." A New Hampshire newspaper editor here assails the New England "cotton lords." Judging from this criticism, what were the political reactions to Webster's stand?

³*Independent Democrat* (Concord, N.H.), in *The Liberator* (Boston), April 19, 1850.

Some eight hundred of the "cotton lords" of State Street [Boston], with a few . . . Doctors of Divinity . . . of the Andover Theological Seminary, have signed a letter of thanks to Daniel Webster for his recent apostasy to freedom.

This was to be expected. There are, and always have been, men at the North whose habits, associations, and interests all lead them to love whatever degrades labor, and the man who lives by labor. Wherever Mammon is the great god, there flourishes the spirit of slavery. Wealth and luxury are ever the handmaids of oppression. The fastnesses of liberty have always been in the homes of the untilted masses. And hence the antagonism between capital and labor, which marks so strongly modern civilization.

In thanking Mr. Webster for his efforts in behalf of slavery, the "cotton" men of Boston are but signing a certificate of his servility to themselves. No such certificate, however, will commend him to the people of New England, nor of Massachusetts. Instead, it will have the very opposite effect. It is already doing a work far different from that intended.

The honest anti-slavery masses, upon whom Webster has heretofore relied, see at once that it cannot be for any good thing done for freedom and humanity that such men praise him. To the representative of freemen, the "well done" of the enemies of freedom is the breath of infamy. That "well done" Daniel Webster has received, not only from the "cotton lords" of Massachusetts, but from the prince of cotton lords [Calhoun?] of South Carolina. He is doomed, withered, blasted; and the "thanks" of all the worshipers of Mammon and Wrong in the universe cannot save him.

[Southerners, as indicated, were generally pleased by the unexpected show of support from the Yankee Webster, but their praise was a political kiss of death to the senator. The Richmond Enquirer remarked that the Massachusetts abolitionists—"the miserable peddlers for notoriety"—would "defame and abuse him." It further stated that his "selfish and penurious constituency"—"the moneyed men and manufacturers of New England"—were finally "aroused to the dangers that threaten the Union and their interests" (quoted in The Liberator, April 5, 1850).]

C. Reactions to the Fugitive Slave Law _____

I. Joshua Giddings Rejects Slave-Catching (1850)

If the South had a grievance against northern abettors of runaway slaves, the North had a grievance against the harsh Fugitive Slave Act of 1850. No single irritant of the 1850s proved to be more persistently galling. Among the numerous features of the law, federal officers could summon bystanders to form a posse to chase the fugitive. Citizens who prevented an arrest or aided the escapee were liable to six months'

¹*Congressional Globe*, 31st Congress, 2d session (December 9, 1850), p. 15.

imprisonment and a fine of \$1,000. Few were more deeply outraged by these stipulations than fiery Joshua R. Giddings, who served for twenty years as an uncompromising antislavery congressman from Ohio. In his speech in Congress against the Fugitive Slave Act, what parts were most offensive to the South? Does the accessory-to-murder analogy hold water? What were the sources of Giddings's outrage?

Sir, what protection does this law lend to the poor, weak, oppressed, degraded slave, whose flesh has often quivered under the lash of his inhuman owner? whose youth has been spent in labor for another? whose intellect has been nearly blotted out? When he seeks an asylum in a land of freedom, this worse than barbarous law sends the officers of government to chase him down. The people are constrained to become his pursuers. Famishing, fainting, and benumbed with the cold, he drags his weary limbs forward, while the whole power of the government under the President's command, the army and navy, and all the freemen of the land, organized into a constabulary force, are on his track to drag him back to bondage, under this law. . . .

Sir, there is not a man in this body—there is not an intelligent man in the free states—but knows, if he delivers a fugitive into the custody of his pursuers, that he will be carried to the South and sold to the sugar and cotton plantations. And his life will be sacrificed in five years if employed on the sugar plantations, and in seven years on the cotton plantations. The men of the North, who look upon this as murder, would as soon turn out and cut the throats of the defenseless Negro as to send him back to a land of chains and whips. As soon would they do this as comply with a law which violates every principle of common justice and humanity.

The [common] law, sir, holds him who aids in a murder as guilty as he who strikes the knife to the heart of the victim. Under our law, a man is hanged if he fails to prevent a murder when it is plainly in his power to do so. Such man is held guilty of the act, and he is hanged accordingly. The man who should assist in the capture of a fugitive would be regarded by us as guilty as he under whose lash the victim expires.

I have compared this capture of a fugitive to a common murder. In doing that, I do injustice to the common murderer. To capture a slave and send him to the South, to die under a torture of five years, is far more criminal than ordinary murder.

Sir, we will not commit this crime. Let me say to the President, no power of government can compel us to involve ourselves in such guilt. No! The freemen of Ohio will never turn out to chase the panting fugitive—they will never be metamorphosed into bloodhounds, to track him to his hiding-place, and seize and drag him out, and deliver him to his tormentors. Rely upon it, they will die first. They may be shot down, the cannon and bayonet and sword may do their work upon them; they may drown the fugitives in their blood, but never will they stoop to such degradation.

Let no man tell me there is no higher law than this fugitive bill. We feel there is a law of right, of justice, of freedom, implanted in the breast of every intelligent human being, that bids him look with scorn upon this libel upon all that is called law.

2. Robert Rhett Resents a Hoax (1851)

When northerners began to obstruct the enforcement of the Fugitive Slave Law, the southerners heatedly cried betrayal. Their only real gain from the Compromise of 1850 had presumably been this trouble-brewing statute. One of the loudest southern voices was that of the impassioned Senator Robert B. Rhett, who had opposed the compromise measures of 1850 and who had fallen heir to the seat of Senator Calhoun of South Carolina. Sometimes referred to as the "Father of Secession," Rhett resigned from the Senate after two years because his state would not take an extreme position on withdrawal from the Union. In this Senate speech, was he sound in his view of the relationship of law to public opinion? Was he justified in his belief that the Fugitive Slave Law was a deliberate hoax?

Sir, the law is not always a law. . . . A law to have its practical effect must move in harmony with the opinions and feelings of the community where it is to operate. In this case, no one can doubt that the feeling of the whole and entire North—whatever may be their submission to what they may consider to be the supreme law of the land—is opposed to the institution of slavery, and opposed to this law.

Now, you may multiply officers as much as you please; you may make every ship a prison; you may make every custom-house a guard-room; you may, in all your great central points, make every effort you can for the purpose honestly of enforcing the law; nay, you may have a large majority in all the free states in favor of its enforcement. And yet, if there be a formidable minority that determine upon the defeat of the operation of the law, they can defeat it, and they will defeat it.

The recovery of the fugitive slave is not merely the case of a person coming into court. It is not merely a case in which the law should be enforced by courts. The fugitive slave may be concealed or sworn out of court; a thousand artifices and expedients may be resorted to, by which the slaveholder will be unable to recapture his slave, or the slave, when regained, will be rescued. Although the government may be perfectly honest in its determination to enforce the law, although you may legislate with the utmost rigor, yet, after all, the statutes may be nothing more than so much waste paper, of no use but to deceive those who are willing to be deceived.

As my honorable colleague very correctly said the other day, out of fifteen thousand slaves at the North—and I have seen a statement myself putting the number at thirty thousand—how many have been recaptured? Some fifteen have been taken in eight or nine months; and in every case in which there was any dispute it cost the master more than the worth of the slave.

I know of a case which has been communicated to me very recently. Several gentlemen in Maryland, on the Eastern Shore, knowing that they had fugitive slaves in Philadelphia, agreed that one should go and endeavor to recapture his slave, and, if he succeeded, the rest would endeavor to do so likewise. The gentleman went armed with the proof of the identity of his slave by the presence of several of his neighbors, but when he got to Philadelphia, embarrassments of one kind

²*Congressional Globe*, 31st Congress, 2d session (February 24, 1851), Appendix, pp. 317–318.

and another were thrown in his way—false swearing as to the identity of the person was resorted to, and he was defeated. . . .

It is on an examination of these facts that I have come to the conclusion that this law cannot and will not be so enforced as practically to secure the rights of the South. With this conviction, I have looked most carefully into this matter since it arose here in debate. And I have come to the conclusion that, from the beginning of the legislation of Congress on this whole subject to this day, we of the South have been wronged, and have been made to abandon a better and more efficient remedy [secession?], which the Constitution provides.

3. *The South Threatens Retaliation (1855)*

The Fugitive Slave Act of 1850 prompted a number of northern states to strengthen their old “personal liberty laws” or enact new ones. Ostensibly these statutes were designed to protect the bona fide free black from the ever-present danger of being kidnapped and reenslaved. Actually they operated to hamper or nullify the Fugitive Slave Act. Slaveholders who entered free states risked being sued for false arrest, jailed for kidnapping, or mobbed. Some states denied their jails to slave-catchers. Numerous attempts by northern mobs to rescue black fugitives from the authorities led to riots and some loss of life. In 1854 angry abolitionists in Boston stormed the courthouse and shot Deputy Marshal Batchelder in a vain attempt to rescue the escaped slave Anthony Burns. In the following New Orleans editorial, what merit is there in the arguments that the North had consistently violated the Constitution, that retaliation in kind would be justified, and that one section of the nation had already seceded?

Under the Massachusetts “personal liberty law,” no open action as yet has taken place. . . . Our people are scattered for the summer, hundreds spending their money in pleasure excursions or purchases in Massachusetts. No, my good friends of Bunker Hill and Lexington (and long may I be permitted to address you as such), there has been as yet no open action. Some of our [social] bees and butterflies have fluttered off among you, but we who are toiling here at home consult together about your “liberty law,” and other movements, and I have leave to tell you some things which are more than hinted at, if such laws are to be enforced.

First.—Excluding your ships.

Second.—Excluding your manufactures.

Third.—Ceasing our visits to your borders, already unsafe and more or less unpleasant.

Fourth.—Requiring your citizens trading here at least to take out licenses, perhaps to furnish bond for good behavior.

How will such laws suit you? Of course not at all. They trench on that provision of the Constitution [Art. IV, sec. II] which declares that the citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states. They certainly do, my conscientious friends, and such laws operate against all other rights

³*New Orleans Bulletin*, July 1855, in Allan Nevins, ed., *American Press Opinion* (Boston and New York: D. C. Heath and Company, 1928), pp. 205–206.

the people of the several states have in other states under the Federal Constitution. . . . We know it! But we also know that this is precisely our objection to this "liberty law," which has made all the trouble, and that its unconstitutionality has been pronounced by our highest tribunals.

All your reasoning would have done very well, so long as you held to your bargain—so long as you yourselves submitted to the paramount law, and recognized our rights under its guarantees—so long as Massachusetts held to her obligations and place in the great American family. But now you have repudiated a right of vital importance to us, and passed a law to fine and imprison as felons our citizens who may claim their rights under that Constitution.

Why wait for a formal rupture and separation from you? You have not done so. Our compact is broken by you. There is little obligation on us to respect the rights of your citizens or their property, when you openly trample on ours. There is as little to restrain a [New Orleans] mob from taking possession of one or more of your ships as there was to restrain your [Boston] mob in the case of the Negro Burns from their assaults on the court and its officers, and from murdering the marshal Batchelder.

D. *The Debate over the Kansas-Nebraska Bill*

1. *Stephen Douglas's Popular-Sovereignty Plea (1854)*

The Kansas-Nebraska Act of 1854 shattered the uneasy sectional truce. Senator Stephen Arnold Douglas of Illinois—a bouncy, stumpy real estate booster and transcontinental railroad enthusiast—undertook to organize Nebraska into a territory. Hoping to enlist southern support, he held out the bait of making Kansas a slave state by the operation of "squatter" or "popular" sovereignty. In short, he would let the people of the territories themselves democratically decide whether they wanted slaves or no slaves. But this meant an outright repeal, by means of the Kansas-Nebraska Act, of the time-hallowed Compromise of 1820—the compromise that had banned slavery in the Louisiana Purchase territory north of 36° 30' (see earlier, p. 253). Whatever his motives, Douglas infuriated northern abolitionists and free-soilers by driving the Kansas-Nebraska Bill through the Senate with relentless energy. In this portion of his Senate speech, how does he define the merits of "popular sovereignty"?

. . . When the people of the North shall all be rallied under one banner, and the whole South marshaled under another banner, and each section excited to frenzy and madness by hostility to the institutions of the other, then the patriot may well tremble for the perpetuity of the Union. Withdraw the slavery question from the political arena, and remove it to the states and territories, each to decide for itself, such a catastrophe can never happen. Then you will never be able to tell, by any Senator's vote for or against any measure, from what state or section of the Union he comes.

¹*Congressional Globe*, 33d Congress, 1st session (March 3, 1854), Appendix, p. 338.

Why, then, can we not withdraw this vexed question from politics? Why can we not adopt the [popular sovereignty] principle of this [Kansas-Nebraska] bill as a rule of action in all new territorial organizations? Why can we not deprive these agitators of their vocation, and render it impossible for Senators to come here upon bargains on the slavery question? I believe that the peace, the harmony, and perpetuity of the Union require us to go back to the doctrines of the Revolution, to the principles of the Constitution, to the principles of the Compromise of 1850, and leave the people, under the Constitution, to do as they may see proper in respect to their own internal affairs.

Mr. President, I have not brought this question forward as a Northern man or as a Southern man. I am unwilling to recognize such divisions and distinctions. I have brought it forward as an American Senator, representing a state which is true to this principle, and which has approved of my action in respect to the Nebraska bill. I have brought it forward not as an act of justice to the South more than to the North. I have presented it especially as an act of justice to the people of those territories, and of the states to be formed therefrom, now and in all time to come.

I have nothing to say about Northern rights or Southern rights. I know of no such divisions or distinctions under the Constitution. The bill does equal and exact justice to the whole Union, and every part of it; it violates the rights of no state or territory, but places each on a perfect equality, and leaves the people thereof to the free enjoyment of all their rights under the Constitution. . . .

I say frankly that, in my opinion, this measure will be as popular at the North as at the South, when its provisions and principles shall have been fully developed and become well understood.

2. *Salmon Chase Upholds Free Soil (1854)*

Senator Salmon P. Chase of Ohio—later Lincoln’s secretary of the Treasury, and still later chief justice of the Supreme Court—was an ardent free-soiler. So active was he in defense of runaway slaves that he was dubbed “attorney general for the fugitive slaves.” Pathologically ambitious for the presidency, he was so handsome as to be “a sculptor’s ideal of a president.” He vehemently opposed both the Compromise of 1850 and the Kansas-Nebraska Act of 1854. These two measures, particularly the second, aroused so much ill feeling between the sections as to make future compromise improbable and led to the spontaneous formation of the Republican party. In the light of Chase’s remarks, was he justified in considering the slave power the aggressor? Was all future compromise now impossible? Was he a better prophet than Douglas?

Now, sir, who is responsible for this renewal of strife and controversy? Not we [free-soilers], for we have introduced no question of territorial slavery into Congress—not we who are denounced as agitators and factionists. No, sir; the quietists and the finalists have become agitators; they who told us that all agitation was quieted, and that the resolutions of the political conventions put a final period to the discussion of slavery.

²*Congressional Globe*, 33d Congress, 1st session (February 3, 1854), Appendix, pp. 134, 140.

This will not escape the observation of the country. It is slavery that renews the strife. It is slavery that again wants room. It is slavery, with its insatiate demands for more slave territory and more slave states.

And what does slavery ask for now? Why, sir, it demands that a time-honored and sacred compact [Missouri Compromise] shall be rescinded—a compact which has endured through a whole generation—a compact which has been universally regarded as inviolable, North and South—a compact the constitutionality of which few have doubted, and by which all have consented to abide. . . .

You may pass it here. You may send it to the other House. It may become law. But its effect will be to satisfy all thinking men that no compromises with slavery will endure, except so long as they serve the interests of slavery; and that there is no safe and honorable ground for non-slaveholders to stand upon, except that of restricting slavery within state limits, and excluding it absolutely from the whole sphere of federal jurisdiction.

The old questions between political parties are at rest. No great question so thoroughly possesses the public mind as this of slavery. This discussion will hasten the inevitable reorganization of parties upon the new issues which our circumstances suggest. It will light up a fire in the country which may, perhaps, consume those who kindle it.

I cannot believe that the people of this country have so far lost sight of the maxims and principles of the Revolution, or are so insensible to the obligations which those maxims and principles impose, as to acquiesce in the violation of this compact. Sir, the Senator from Illinois [Douglas] tells us that he proposes a final settlement of all territorial questions in respect to slavery, by the application of the principle of popular sovereignty. What kind of popular sovereignty is that which allows one portion of the people to enslave another portion? Is that the doctrine of equal rights? Is that exact justice? Is that the teaching of enlightened, liberal, progressive democracy?

No, sir; no! There can be no real democracy which does not fully maintain the rights of man, as man.

3. *Northwestern Support for Douglas (1854)*

Critics have frequently maintained that the whole controversy over slavery in the territories rang hollow. It concerned a nonexistent slave in an area where he could not exist—thanks to geography and climate. The ideal of popular sovereignty received some support in Douglas's own Northwest, as indicated by this editorial in the Detroit Free Press. What evidence does it offer that slavery would not go into the territories? Why should the Northwest in particular favor popular sovereignty?

Slavery, in this country, is the creature of statutory law. It exists, and can exist, nowhere except by positive enactment. It cannot go to Nebraska, or Kansas, or any other new territory, until it is established by the legislative power.

Now, is there a man in the whole country who supposes that the legislatures of either the territories of Nebraska or Kansas will legalize slavery? Under Mr. Douglas's

³*Detroit Free Press*, March 16, 1854, in *Daily National Intelligencer* (Washington, D.C.), March 21, 1854.

bill, as it passed the Senate, those legislatures will have the sole and unlimited control of the subject. Is there the most distant probability that they will exercise that control in favor of slavery? Have Utah and New Mexico, both further south than Nebraska, so exercised it? Did California, over which no restriction existed, so exercise it? In Utah and New Mexico, although they have been four years organized, no slavery has been established, or attempted to be established. In California, the convention which formed her state constitution voted unanimously for a slavery-prohibition clause.

Mr. Douglas's bill is the greatest advance movement in the direction of human freedom that has been made since the adoption of the Constitution. Never before has the right of all American communities to self-government been fully recognized. The people of the territories have hitherto been held to a species of vassalage not less humiliating to them than it was inconsistent with popular rights. They have not been permitted to make their own laws or to manage their own domestic concerns. They have been treated as minors, incompetent to take care of themselves. Mr. Douglas's bill changes all this. The territories have the same privileges in respect to domestic legislation as the states, and their citizens are recognized as American freemen.

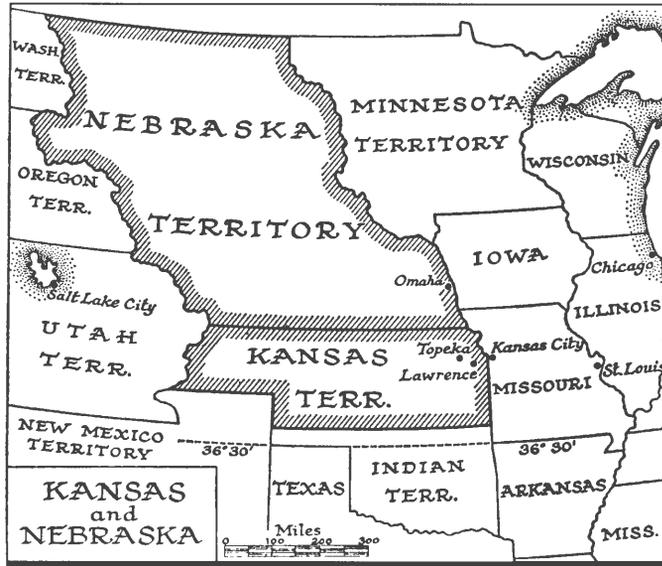
Ought not this bill to receive universal commendation? We believe it ought. And it would, were it not for the delusion that prevails in the minds of some, encouraged and excited by Whig and abolition demagogues, that there is danger of slavery extension.

4. *The South Is Lukewarm (1854)*

The antislavery North, as might have been expected, reacted violently against the gain for slavery (on paper) under the Kansas-Nebraska Act. Ominously, most of the opposition came not from already-committed abolitionists but from citizens who had reluctantly accepted the Compromise of 1850 but had now lost all confidence in the good faith of the South. "The day of compromise is over," warned the Hartford (Connecticut) Courant. Horace Greeley, editor of the potent New York Tribune, declared that Douglas and his coconspirators had "made more abolitionists than Garrison and Phillips could have made in half a century." Even the South, though on the whole mildly favorable, had its misgivings. The Columbia South Carolinian conceded that "practically" the Kansas-Nebraska Act would "scarcely ever benefit the South," but it would "render justice to the South" and serve as a "triumph" over abolitionism. A more realistic view was taken by an editorial in the slaveholding state of Kentucky. Why did the editor, with uncanny insight, regard the Kansas-Nebraska Act as a thing of unmitigated evil?

The Nebraska Bill is advocated and denounced upon grounds the most opposite and for reasons the most diverse. There is the greatest contrariety of opinion as to what effect its passage will have upon the question of slavery. Southern men, of course, support it upon the ground that it will give slavery a chance to get into the

⁴*Western Citizen* (Kentucky), April 21, 1854, in *Daily National Intelligencer* (Washington, D.C.), April 24, 1854.



territory from which it has hitherto been excluded; whilst others, with quite as much show of reason, take the ground occupied by the President, that the effect will be to prevent the admission of slave states into the Union forever.

A measure whose effects, in matters of so much consequence, are so uncertain; which proposes to violate and disannul a compact [Missouri Compromise] regarded by one section of our common country as sacred, and acquiesced in for a third of a century by the other—a compact the advantages of which the South has fully received on her part—should at least promise some decided practical good as the result of its passage, and should be chargeable with the production of as few evils as possible.

We believe that the adoption of the measure will be productive of evil, and only evil, continually. Even supposing that the Missouri Compromise is not a bargain that we of the slave states are bound to respect and stand to, and that we may declare it void without a breach of faith, what do we gain by its repeal? What but a revival, in a wilder and intenser and more dangerous form, of that agitation of the slavery question which was but yesterday allayed by the all but superhuman efforts of our noblest statesmen [in the Compromise of 1850]? The North regards the Missouri Compromise as a sacred compact, to the preservation of which the honor and faith of the South was pledged. If we now violate that pledge, what right have we to expect the North to respect any compromise that has been or may be made for our advantage? . . .

And what should we gain? A mere right to carry slaves into Nebraska, which we can never exercise; the mere gratification of having an old law [Missouri Compromise] repealed which the South now chooses to consider unjust to her, but which her wisest statesmen at the time of its passage regarded as highly advantageous to her—a law carried by Southern votes, and heretofore looked upon as one of the noblest achievements of Southern statesmanship.

E. America Ventures Abroad in the Age of Slavery

I. The Ostend Manifesto (1854)

Cuba seemed to some like a logical target for U.S. expansion. In addition to its commercial appeal, the island—which sits a mere ninety miles from Florida—was increasingly prominent in the escalating battle over slavery. When Spanish officials considered emancipating Cuba’s slaves, the prospect of so many freed blacks so close to the southern United States deeply disturbed many American slaveholders and supplied one more reason to intervene in the island’s affairs. With the blessing of the Franklin Pierce administration, a trio of high-ranking American diplomats—including future president James Buchanan—met in Ostend, Belgium, to discuss the matter. The result of that secret meeting was the following memorandum, known as the Ostend Manifesto. How convincing is the manifesto in making the acquisition of Cuba a matter of self-defense?

... It must be clear to every reflecting mind that, from the peculiarity of its geographical position, and the considerations attendant on it, Cuba is as necessary to the North American republic as any of its present members, and that it belongs naturally to that great family of States of which the Union is the providential nursery.

From its locality it commands the mouth of the Mississippi and the immense and annually increasing trade which must seek this avenue to the ocean.

On the numerous navigable streams, measuring an aggregate course of some thirty thousand miles, which disembogue themselves through this magnificent river into the Gulf of Mexico, the increase of the population within the last ten years amounts to more than that of the entire Union at the time Louisiana was annexed to it.

The natural and main outlet to the products of this entire population, the highway of their direct intercourse with the Atlantic and the Pacific States, can never be secure, but must ever be endangered, whilst Cuba is a dependency of a distant power in whose possession it has proved to be a source of constant annoyance and embarrassment to their interests.

Indeed, the Union can never enjoy repose, nor possess reliable security, as long as Cuba is not embraced within its boundaries.

Its immediate acquisition by our government is of paramount importance, and we cannot doubt but that it is a consummation devoutly wished for by its inhabitants.

The intercourse which its proximity to our coast begets and encourages between them and the citizens of the United States, has, in the progress of time, so united their interests and blended their fortunes that they now look upon each other as if they were one people and had but one destiny.

Considerations exist which render delay in the acquisition of this island exceedingly dangerous to the United States.

The system of immigration and labor lately organized within its limits, and the tyranny and oppression which characterize its immediate rulers, threaten the insurrection at every moment which may result in direful consequences to the American people.

¹Armin Rappaport, *Sources in American Diplomacy* (New York: Macmillan, 1966), pp. 80, 83.

Cuba has thus become to us an unceasing danger, and a permanent cause of anxiety and alarm. . . .

. . . [I]f Spain, dead to the voice of her own interest, and actuated by stubborn pride and a false sense of honor, should refuse to sell Cuba to the United States, then the question will arise, What ought to be the course of the American government under such circumstances?

Self-preservation is the first law of nature, with States as well as with individuals. . . .

Our past history forbids that we should acquire the island of Cuba without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude and our own self-respect.

Whilst pursuing this course we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed.

After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union?

Should this question be answered in the affirmative, then, by every law, human and divine, we shall be justified in wresting it from Spain if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor if there were no other means of preventing the flames from destroying his own home.

Under such circumstances we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question, whether the present condition of the island would justify such a measure? We should, however, be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity, should we permit Cuba to be Africanized and become a second St. Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our own neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union. . . .

2. *Mocking the Manifesto (1854)*

When the Ostend Manifesto became public, furious protests erupted over both its imperialistic designs and its belligerent tone. As the Currier and Ives cartoon on page 418 suggests, some Americans saw Buchanan and his colleagues as the diplomatic equivalents of petty thugs. Opposition to the manifesto was loud enough to force the Pierce administration to abandon its designs on Cuba. It did not, however, prevent Buchanan from ascending to the presidency two years later. How might Buchanan have defended himself against his critics?

²Louis Maurer, "The Ostend Doctrine," published by Currier and Ives (1854), taken from the *Harper's Weekly* digital archive (American Political Prints, 1766–1866). Library of Congress.



3. Putnam's Monthly Chastises William Walker (1857)

In 1855 William Walker and a band of fifty-seven filibusterers set sail from San Francisco for Nicaragua. Joining forces with a local rebel army, Walker took less than a year to seize control of the small country. His regime was briefly recognized by the United States but then collapsed under pressure from an alliance of the surrounding Central American nations. Walker's brief adventure evoked mixed emotions at home. Some hailed him as a hero, and others decried him as a common thief. In this document, the *New York journal Putnam's Monthly* aimed a sharp rebuke at the "Walker movement." Notwithstanding its criticisms, what assumptions did the *Monthly* share with Walker?

³⁶Fillibustering," *Putnam's Monthly* 9 (April 1857), 433–434.

The general intention of the Walker movement was to obtain absolute control of the government of Nicaragua, under a fair appearance of legal right; to be supported by the official recognition of the United States Government, by the pecuniary interest of a commercial company, by the popular sympathy of a spurious philosophy of manifest destiny, and the necessity of a short road to California, and by the general indifference of all who were not especially interested in the success of the effort. Thus Nicaragua was to be impregnated with American influences and interests; and, in the fullness of time, as a practically American state, comprising the shortest and safest transit to our western possessions and the vast Pacific commerce, she was to ask annexation and admittance into the Union, care having been taken from the beginning, that no "psalm-singing Yankees," but good Christian slaveholders, should have control of the elections and the state constitution. . . .

That it is the design of Providence to subdue this continent and the world to intellectual and moral light and liberty, we have no doubt. . . . But to assume that it is the divine intention a thing should be done, because we can do it, is a little dangerous. Such a doctrine is dear and convenient to every wrong-doer, and is as good an argument in the mouth of Cain as in that of the Holy Inquisition. It is very evident in history that the race has gradually advanced from the East toward the West, its moral condition improving with its march. The great experiment of popular government about to be tried, the new world was discovered, and the pilgrims arrived upon its shores. Belonging to the superior race they were, in the divine order, to supplant the inferior. Now will any man contend that any individual pilgrim who, having helped to entrap the Indians into a war, then went to Saybrook and helped slay the Pequots, was less a murderer—he the individual Pilgrim who shot the individual Pequot—because, in the order of Providence, the Saxon race was to overspread this continent? If the argument is valid, every crime is justified. If a man is found murdered in his room, it was, doubtless, the divine design that the man should be murdered. Shall we then regard the murderer as the instrument of God?

The best civilization of the race now occupying the North American continent will, undoubtedly, gradually stretch all over it. But while that is a philosophical dream of the thoughtful American, it is his practical duty to hang pirates. If the Lord intends to carry civilization across the isthmus, *via* Nicaragua, we take leave to doubt if he proposes to give it in charge to slaveholders, going to make Nicaragua a slave state. . . . So it may be in the order of Providence to extend civilization by suffering slavery in other regions of this continent than those it already curses. But it is equally in that order, that every humane and religious man should resist that extension to the end. . . .

. . . It is not necessary that we should get to San Francisco within any specified time; but it is of the last importance that we should not lie, and steal, and murder. If, as a people, we cannot be just—if we cannot even pretend to be just, it might be as well to postpone our observations upon Providence and the progress of humanity.

The practical present question in the matter of Nicaragua is this: Nicaragua being a state as independent of us as Great Britain, what is the best arrangement we can make with her to pass over to the Pacific and California, if we conclude to go that way? The answer is plain enough—we must negotiate for the right of way,

which Nicaragua will gladly enough concede upon proper terms, and she must agree to protect the passage, or to let us protect ourselves, each power being amenable to the other for infractions of the agreement, according to custom and international law. . . .

4. Walker Defends Filibustering (1860)

*Despite initial failures, Walker was not about to give up his dream to establish a white man's empire in Central America. After another abortive attempt in 1857, he published *The War in Nicaragua*, the conclusion of which is reprinted here. The book appealed strongly to proslavery sentiment in an effort to gain the support of southerners for his cause. Having generated enough backing to make a third attempt, Walker sailed to Honduras to begin an overland invasion of Nicaragua. Within days of landing, however, he was captured and executed by the Honduran government. Death seems to have been about the only thing that could stop Walker's relentless push for racial expansion. What did Walker mean when he justified his expeditions by referring to "laws as old as the creation"?*

. . . That which you ignorantly call "Filibusterism" is not the offspring of hasty passion or ill-regulated desire; it is the fruit of the sure, unerring instincts which act in accordance with laws as old as the creation. They are but drivellers who speak of establishing fixed relations between the pure white American race, as it exists in the United States, and the mixed Hispano-Indian race, as it exists in Mexico and Central America, without the employment of force. The history of the world presents no such Utopian vision as that of an inferior race yielding meekly and peacefully to the controlling influence of a superior people. Whenever barbarism and civilization, or two distinct forms of civilization, meet face to face, the result must be war. Therefore, the struggle between the old and the new elements in Nicaraguan society was not passing or accidental, but natural and inevitable. The war in Nicaragua was the first clear and distinct issue made between the races inhabiting the northern and the central portions of the continent. But while this contest sprang from natural laws, I trust the foregoing narrative shows that the stronger race kept throughout on the side of right and justice; and if they so maintained their cause in Central America let them not doubt of its future success. Nor kings nor presidents can arrest a movement based on truth and conducted with justice. . . . Let me, therefore, say to my former comrades, be of good cheer: faint not, nor grow weary by the way, for your toils and your efforts are sure in the end to win success. With us there can be no choice; honor and duty call on us to pursue the path we have entered, and we dare not be deaf to the appeal. By the bones of the mouldering dead at Masaya, at Rivas, and at Granada, I adjure you never to abandon the cause of Nicaragua. Let it be your waking and your sleeping thought to devise means for a return to the land whence we were unjustly brought. And, if we be but true to ourselves, all will yet end well.

⁴William Walker, *The War in Nicaragua* (1860; Tucson: University of Arizona Press, 1985), pp. 429–431.

5. Daniel Webster Sends Caleb Cushing to China (1843)

The potential riches and exotic mysteries of China had long fascinated Westerners. American merchants began trading with the Asian giant as early as the late eighteenth century. Following China's disastrous defeat by the British in the Opium War of 1842, the U.S. government perceived an opportunity to establish a stronger presence in the Chinese market. In the spring of 1843, the following commission from Secretary of State Daniel Webster charged Caleb Cushing, a former Whig congressman from Massachusetts, with the task of securing American access to important Chinese ports. Cushing's historic mission resulted in the 1844 Treaty of Wanghia, which granted American merchants liberal trading rights. This was the official beginning of what came to be known as "a special relationship" between the United States and China. How do Webster's instructions to Cushing reflect the challenge of applying American principles of diplomacy in new and uncertain cultural contexts?

... A leading object of the Mission in which you are now to be engaged, is to secure the entry of American ships and cargoes into these ports, on terms as favorable as those which are enjoyed by English merchants. It is not necessary to dwell, here, on the great and well known amount of imports of the productions of China into the United States. These imports, especially in the great article of tea, are not likely to be diminished. Heretofore they have been paid for in the precious metals, or, more recently, by bills drawn on London. At one time, indeed, American paper, of certain descriptions was found to be an available remittance. Latterly a considerable trade has sprung up in the export of certain American manufactures to China. To augment these exports, by obtaining the most favorable commercial facilities, and cultivating, to the greatest extent practicable, friendly commercial intercourse with China, in all its accessible ports, is [a] matter of moment to the commercial and manufacturing, as well as the agricultural and mining, interests of the United States. It cannot be foreseen how rapidly, or how slowly, a people of such peculiar habits as the Chinese, and apparently so tenaciously attached to their habits, may adopt the sentiments, ideas, and customs of other nations. But if prejudiced and strongly wedded to their own usages, the Chinese are still understood to be ingenious, acute, and inquisitive. Experience, thus far, if it does not strongly animate and encourage efforts to introduce some of the arts and the products of other countries into China, is not, nevertheless, of a character, and such as should entirely repress those efforts. You will be furnished with accounts, as accurate as can be obtained, of the history and present state of the export trade of the United States to China.

As your Mission has in view only friendly and commercial objects, objects, it is supposed, equally useful to both countries, the natural jealousy of the Chinese, and their repulsive feeling towards foreigners, it is hoped may be in some degree removed or mitigated by prudence and address on your part. Your constant aim must be to produce a full conviction on the minds of the Government and the people that your Mission is entirely pacific; that you come with no purposes of hostility or

⁵Daniel Webster, *The Papers of Daniel Webster: Diplomatic Papers* (Hanover, N.H.: Dartmouth College, 1983), vol. 1, pp. 922–924.

annoyance; that you are a messenger of peace, sent from the greatest Power in America to the greatest Empire in Asia, to offer respect and good will, and to establish the means of friendly intercourse. It will be expedient, on all occasions, to cultivate the friendly dispositions of the Government and people, by manifesting a proper respect for their institutions and manners, and avoiding, as far as possible, the giving of offence, either to their pride or their prejudices.

. . . You will, at the same time, assert and maintain, on all occasions, the equality and independence of your own country. The Chinese are apt to speak of persons coming into the Empire from other nations as tribute bearers to the Emperor [Tao Kuang/Dao Guang]. This idea has been fostered perhaps by the costly parade embassies of England. All ideas of this kind, respecting your Mission, must, should they arise, be immediately met by a declaration, not made ostentatiously, or in a manner reproachful towards others, that you are no tribute bearer; that your Government pays tribute to none; and expects tribute from none; and that even as to presents, your Government neither makes nor accepts presents. You will signify to all Chinese authorities, and others, that it is deemed to be quite below the dignity of the Emperor of China, and the President of the United States of America to be concerning themselves with such unimportant matters as presents from one to the other; that the intercourse between the heads of two such Governments should be made to embrace only great political questions, the tender of mutual regard, and the establishment of useful relations.

6. The Narrative of Commodore Perry's Expedition to Japan (1856)

In the early 1850s, the U.S. government was eager to establish relations with the notoriously isolated Japanese empire. In 1853 the experienced naval officer Commodore Matthew Perry led an expedition to Japan in pursuit of the following objectives: the humane treatment of stranded American sailors, a site to establish a refueling station for American ships on their way to China, and the opening of one or more Japanese ports for trade. Perry accomplished all this and also arranged for an exchange of consular officials between the two nations. The following excerpt from Narrative of the Expedition, a report based largely on Perry's private journal, captures the prevalent feeling that in forging commercial relations with Japan, Americans had accomplished a historic achievement. How should we understand the Narrative's claim that "liberal commercial treaties" with Japan would result in the "upward progress of our common humanity"?

From the circumstances of the case, there was novelty in the features of the mission on which Commodore Perry was sent. Little or no guidance was to be derived from our past diplomatic experience or action. The nearest approach to such guidance was to be found in our treaty with China, made in 1844. This, therefore, was carefully studied by the Commodore. It purports to be "a treaty or general conven-

⁶Peter Duus, *The Japanese Discovery of America: A Brief History with Documents* (Boston: Bedford Books, 1996), pp. 97–99.

tion of peace, amity, and commerce," and to settle the rules to "be mutually observed in the intercourse of the respective countries." . . .

It certainly was very desirable to obtain, if possible, similar privileges from Japan. The Commodore resolved that, if the Japanese would negotiate at all, his first efforts should be directed to that end. . . . He was not sanguine enough to hope that he could procure an entire adoption of the Chinese treaty by the Japanese. He was not ignorant of the difference in national characteristics between the inhabitants of China and the more independent, self-reliant, and sturdy natives of the Japanese islands. He knew that the latter held the former in some degree of contempt and treated them in the matter of trade very much as they did the Dutch. He was also aware that the Chinese, when they made their treaty, did know something of the advantages that might result from an intercourse with the rest of the world. As to the Japanese, in their long-continued isolation, either they neither knew nor desired such advantages, or, if they knew them, feared they might be purchased at too high a price in the introduction of foreigners who, as in the case of the Portuguese centuries before, might seek to overturn the empire. It was too much, therefore, to expect that the Japanese would imitate the Chinese in *all* the particulars of a treaty. Still, they might be disposed to adopt some of its most important features when suggested to them by a knowledge of what other orientals had done. . . .

. . . At length, after much and oft-repeated discussion, the point was yielded that certain ports might be opened to our vessels. . . .

. . . [T]he whole treaty shows that the purpose of the Japanese was to try the experiment of intercourse with us before they made it as extensive or as intimate as it is between us and the Chinese. It was all they would do at the time, and much, very much, was obtained on the part of our negotiator in procuring a concession even to this extent.

But, as he knew that our success would be but the forerunner of that of other powers, as he believed that new relations of trade once commenced, not only with ourselves but with England, France, Holland, and Russia, in the progress of events, could not fail effectually and forever not only to break up the old restrictive policy and open Japan to the world, but must also lead gradually to liberal commercial treaties, he wisely, in the ninth article, without "consultation or delay," secured to the United States and their citizens all privileges and advantages which Japan might hereafter "grant to any other nation or nations."

As far as we have yet learned, all other powers have been content to obtain just what we, as pioneers, have obtained. Their treaties are like ours. . . .

We respectfully submit, that all, and indeed more than all, under the circumstances, that could reasonably have been expected, has been accomplished. Japan has been opened to the nations of the west. It is not to be believed, that having once effected an entrance, the enlightened powers that have made treaties with her will *go backward*, and, by any indiscretion, lose what, after so many unavailing efforts for centuries, has at last been happily attained. It belongs to these nations to show Japan that her interests will be promoted by communication with them. As prejudice gradually vanishes, we may hope to see the future negotiation of more and more liberal commercial treaties, for the benefit, not of ourselves only, but of all the maritime powers of Europe, for the advancement of Japan, and for the upward

progress of our common humanity. It would be a foul reproach to Christendom now to force Japan to relapse into her cheerless and unprogressive state of unnatural isolation. She is the youngest sister in the circle of commercial nations. Let those who are older kindly take her by the hand, and aid her tottering steps, until she has reached a vigor that will enable her to walk firmly in her own strength. Cautious and kindly treatment now will soon lead to commercial treaties as liberal as can be desired.

7. Japanese Leaders Debate the Proper Response to Commodore Perry (1853)

Traditionally, one of the primary responsibilities of the Japanese bakufu—the nation’s governing war council—was to repel all attempts by “barbarians” to penetrate Japan’s closed society. When Commodore Perry’s expedition arrived in 1853, that tradition collided with the realities of changing times. Backed by modern naval weaponry, yet intent on a commercial connection rather than a military confrontation with Japan, the Americans forced the bakufu to reconsider its historic stance. The ensuing debate about whether the Americans should be accommodated or repulsed became extremely intense; nothing less than the very survival of the Japanese way of life seemed to be at stake. Here two prominent Japanese leaders, Ii Naosuke and Tokugawa Nariaki, take different sides on the issue. Which seems more convincing? What ultimate objective do they share?

Ii Naosuke

Careful consideration of conditions as they are today . . . leads me to believe that despite the constant differences and debates into which men of patriotism and foresight have been led in recent years by their perception of the danger of foreign aggression, it is impossible in the crisis we now face to ensure the safety and tranquillity of our country merely by an insistence on the seclusion laws as we did in former times. Moreover, time is essential if we are to complete our coast defences. Since 1609, when warships of over 500 *koku* [the equivalent of 5,000 cubic feet] were forbidden, we have had no warships capable of opposing foreign attack on our coasts with heavy guns. Thus I am much afraid that were the foreigners now to seize as bases such outlying islands as Hachijō-jima and Ōshima, it would be impossible for us to remain inactive, though without warships we should have no effective means of driving them off. There is a saying that when one is besieged in a castle, to raise the drawbridge is to imprison oneself and make it impossible to hold out indefinitely; and again, that when opposing forces face each other across a river, victory is obtained by that which crosses the river and attacks. It seems clear throughout history that he who takes action is in a position to advance, while he who remains inactive must retreat. Even though the Shōgun’s ancestors set up seclusion laws, they left the Dutch and the Chinese to act as a bridge [to the outside world]. Might this bridge not now be of advantage to us in handling foreign affairs,

⁷Peter Duus, *The Japanese Discovery of America: A Brief History with Documents* (Boston: Bedford Books, 1996), pp. 99–105.

providing us with the means whereby we may for a time avert the outbreak of hostilities and then, after some time has elapsed, gain a complete victory? . . .

. . . By so doing, we will not in the future be imprisoning ourselves; indeed, we will be able, I believe, so to accomplish matters at home and abroad as to achieve national security. Forestalling the foreigners in this way, I believe, is the best method of ensuring that the Bakufu will at some future time find opportunity to reimpose its ban and forbid foreigners to come to Japan, as was done in the Kanei period [1624–44]. Moreover, it would make possible the strictest prohibition of Christianity. And since I understand that the Americans and Russians themselves have only recently become skilled in navigation, I do not see how the people of our country, who are clever and quick-witted, should prove inferior to Westerners if we begin training at once.

The national situation being what it is, if the Bakufu protects our coasts peacefully without bringing upon us permanent foreign difficulties, then even if that entails complete or partial change in the laws of our ancestors I do not believe such action could really be regarded as contrary to the wishes of those ancestors. However, I think it is essential to win the support of the country for Bakufu policy on this occasion. . . .

Tokugawa Nariaki

. . . I propose to give here in outline the ten reasons why in my view we must never choose the policy of peace.

1. Although our country's territory is not extensive, foreigners both fear and respect us. That, after all, is because our resoluteness and military prowess have been clearly demonstrated to the world outside. . . . Despite this, the Americans who arrived recently, though fully aware of the Bakufu's prohibition, entered Uraga displaying a white flag as a symbol of peace and insisted on presenting their written requests. Moreover they entered Edo Bay, fired heavy guns in salute and even went so far as to conduct surveys without permission. They were arrogant and discourteous, their actions an outrage. Indeed, this was the greatest disgrace we have suffered since the dawn of our history. The saying is that if the enemy dictates terms in one's own capital one's country is disgraced. . . . Should it happen not only that the Bakufu fails to expel them but also that it concludes an agreement in accordance with their requests, then I fear it would be impossible to maintain our national prestige [*kokutai*]. That is the first reason why we must never choose the policy of peace.

2. The prohibition of Christianity is the first rule of the Tokugawa house. Public notices concerning it are posted everywhere, even to the remotest corner of every province. . . . The Bakufu can never ignore or overlook the evils of Christianity. Yet if the Americans are allowed to come again this religion will inevitably raise its head once more, however strict the prohibition; and this, I fear, is something we could never justify to the spirits of our ancestors. That is the second reason why we must never choose the policy of peace.

3. To exchange our valuable articles like gold, silver, copper, and iron for useless foreign goods like woollens and satin is to incur great loss while acquiring not the smallest benefit. The best course of all would be for the Bakufu to put a stop to the trade with Holland. By contrast, to open such valueless trade with others

besides the Dutch would, I believe, inflict the greatest possible harm on our country. That is the third reason why we must never choose the policy of peace.

4. For some years Russia, England, and others have sought trade with us, but the Bakufu has not permitted it. Should permission be granted to the Americans, on what grounds would it be possible to refuse if Russia and the others [again] request it? That is the fourth reason why we must never choose the policy of peace.

5. It is widely stated that [apart from trade] the foreigners have no other evil designs and that if only the Bakufu will permit trade there will be no further difficulty. However, it is their practice first to seek a foothold by means of trade and then to go on to propagate Christianity and make other unreasonable demands. . . . That is the fifth reason why we must never choose the policy of peace. . . .

10. . . . But if the Bakufu, now and henceforward, shows itself resolute for expulsion, the immediate effect will be to increase ten-fold the morale of the country and to bring about the completion of military preparations without even the necessity for issuing orders. Hesitant as I am to say so, only by so doing will the Shōgun be able to fulfil his “barbarian-expelling” duty and unite the men of every province in carrying out their proper military functions. That is the tenth reason why we must never choose the policy of peace, and it is by far the most urgent and important of them all. . . .

Thought Provokers

1. If the Wilmot Proviso issue had not come up during the Mexican War, was it probable that the question of slavery in the territories would have been raised in an acute form?
2. It has been said that by the 1850s each side distrusted the other so greatly that disunion was inevitable: the North because of southern grasping for more slave territory; the South because of northern nullification of the Constitution and federal laws. Comment critically. Webster in 1850 was condemned as an appeaser or compromiser and hence not a statesman. Is compromise essential to statecraft?
3. Are a people ever justified in openly violating laws (like the Fugitive Slave Act) that they disapprove of and think immoral? What has been the fate of such laws in U.S. history? Should the majority always rule?
4. Was it immoral, as abolitionists alleged, for Congress to repeal the Missouri Compromise line of 1820? Why was further compromise between North and South impossible after 1854? Was the North or the South the aggressor in the 1850s with regard to the slavery issue? Which side was constitutionally right?
5. How did the slavery issue influence American foreign policy? What impact did the United States have on Asia in the mid-nineteenth century?