STARS

Florida Historical Quarterly

Volume 40
Number 1 *Florida Historical Quarterly, Vol 40, Issue 1*

Article 6

1961

Sectionalism in the Peace Convention of 1861

Jesse L. Keene

 Part of the American Studies Commons, and the United States History Commons
Find similar works at: https://stars.library.ucf.edu/fhq
University of Central Florida Libraries http://library.ucf.edu

This Article is brought to you for free and open access by STARS. It has been accepted for inclusion in Florida Historical Quarterly by an authorized editor of STARS. For more information, please contact STARS@ucf.edu.

Recommended Citation

Keene, Jesse L. (1961) "Sectionalism in the Peace Convention of 1861," *Florida Historical Quarterly*: Vol. 40 : No. 1 , Article 6.
Available at: https://stars.library.ucf.edu/fhq/vol40/iss1/6

SECTIONALISM IN THE PEACE CONVENTION OF 1861 *

by JESSE L. KEENE

WHILE ANGRY CLOUDS gathered in the southern sky and some southern states enacted ordinances of secession providing for funds and cannons, while the people of the North went their way, declaring that only a sprinkle would come from the angry clouds in the South, the appointed state commissioners of twenty-one states assembled at the Willard Hotel in Washington, D. C., February 4, 1861, at 12 o'clock, [1] pursuant to the resolutions adopted by the General Assembly of Virginia, January 19, 1861. [2]

These Virginia resolutions noted the unhappy controversies that troubled the nation and which might result in its permanent dissolution. The General Assembly extended an invitation to all states, whether slaveholding or non-slaveholding, that were willing to unite with Virginia in a sincere effort to adjust the controversies in the spirit in which the Constitution was originally formed, and consistent with its principles, so as to afford to the people of the slaveholding states adequate guarantees for the security of their rights. Furthermore, the states were requested to appoint commissioners to meet on the 4th of February next in the city of Washington. In the meantime similar commissioners were to be appointed by Virginia to consider, and if possible to agree upon, some suitable adjustment.

After selecting her delegates (ex-President John Tyler, William C. Rives, Judge John W. Brockenborough, George W. Summers, and James A. Seddon), the General Assembly suggested

---

* This article is based on a doctoral study, "The Peace Convention of 1861" (University of Florida, August, 1955.)

1. Margaret Leech, Reveille in Washington (New York, 1941), 7-10, 31-32; L. E. Chittenden (New York, 1891), *Recollections of Abraham Lincoln and his Administration*, 19.

2. *Congressional Globe*, 36th Cong., 2nd Sess., 601; L. E. Chittenden, *Debates and Proceedings . . . of the Conference Convention* (New York, 1864), 9-10; John M. Palmer, *Recollections of John M. Palmer; The Story of an Earnest Life* (Cincinnati, 1901), 84; Lyon Gardiner Tyler, *Letters and Times of the Tylers* (Richmond, 1884), I, 579; Leech; *op. cit.*, 30; *Harpers Magazine* (February, 1861), 547-548.

Published by STARS, 1961

that after a full and free conference, if they should agree upon any plan of adjustment requiring amendments of the Federal Constitution, they communicate the proposed amendments to Congress. The General Assembly also went on record in support of the proposals of John J. Crittenden, so modified that the first article proposed as an amendment to the Constitution of the United States should apply to all the territory of the United States south of latitude 36 degrees 30 minutes north and that within this area slavery of the African race should be effectively protected as property during the continuance of territorial government. The fourth article, which would secure to the owners of slaves the right of transit for their slaves through the non-slaveholding states and territories, was to constitute the basis of adjustment of the controversy dividing the states of the Confederacy. [3]

This invitation from Virginia brought about the attendance of one hundred thirty-one delegates, representing twenty-one states, in the Convention. The other twelve states, among them Florida, were invited to send commissioners to the Convention, but declined to do so. However, the success or failure of this Convention was of great importance to Florida and the other seceded states in the south, and the work of the Convention was followed with great interest. Such was the origin of the Peace Convention, a prelude to the bloody drama that followed. [4]

3. *Ibid.*
4. Chittenden, *Conference Convention*, 456-66; James Fort Rhodes, *History of the United States* (New York, 1912), III, 305; Palmer, *op, cit.*, 84-85. There were twenty-one states represented by a delegation of one hundred thirty-one members. The list of delegates follows:
MAINE: William P. Fessenden, Lot M. Morrill, Daniel E. Somes, John J. Perry, Ezra B. French, Freeman H. Morse, Stephen Coburn, Stephen C. Foster.
NEW HAMPSHIRE: Amos Tuck, Levi Chamberlain, Asa Fowler.
VERMONT: Hiland Hall, Levi Underwood, H. Henry Baxter, L. E. Chittenden, B. D. Harris.
MASSACHUSETTS: John Z. Goodrich, Charles Allen, George S. Boutwell, Theophilus P. Chandler, Francis B. Crowninshield, John M. Forbes, Richard P. Waters.
RHODE ISLAND: Samuel Ames, Alexander Duncan, William W. Hoppin, George H. Browne, Samuel G. Arnold.
CONNECTICUT: Roger S. Baldwin, Chauncey F. Cleveland, Charles J. McCurdy, James T. Pratt, Robbins Battell, Amos S. Treat.
NEW YORK: David Dudley Field, William Curtis Noyes, James S. Wadsworth, James C. Smith, Erastus Corning, Francis Granger,

After its organization, and many daily sessions and hours of work, the Committee on Resolutions, which was supposed to report February 8, made its report after a week's delay. Members of the border states had used every argument to impress upon the Republicans the importance of a conciliatory spirit. Some members, influenced by patriotism, moved toward compromise, but were unable to throw off the party fetters. [5] Chairman Guthrie emphasized that during the discussion the diversity of opinions existing between the members had been discussed in a spirit of candor and conciliation. He admitted that the committee was not able to arrive at a unanimous decision, but a majority had agreed on a report which they maintained presented fair terms of compromise which all the states should accept as conditions for lasting peace. He submitted the following proposals of amendment to the Constitution:

Greene C. Bronson, William E. Dodge, John A. King, John E. Wool, Amaziah B. Jones, Addison Gardner.
NEW JERSEY: Charles S. Olden, Peter D. Vroom, Robert F. Stockton, Benjamin Williamson, Joseph F. Randolph, Frederick T. Frelinghuysen, Rodman M. Price, William C. Alexander, Thomas Stryker.
PENNSYLVANIA: James Pollock, William M. Meredith, David Wilmot, A. M. Loomis, Thomas E. Franklin, William McKennan, Thomas White.
DELAWARE: George B. Rodney, Daniel M. Bates, Henry Ridgely, John W. Houston, William Cannon.
MARYLAND: John F. Dent, Reverdy Johnson, John W. Crisfield, Augustus W. Bradford, William T. Goldsborough, J. Dixon Roman, Benjamin C. Howard.
VIRGINIA: James J. Tyler, William C. Rives, John W. Brockenborough, George W. Summers, James A. Seddon.
NORTH CAROLINA: George Davis, Thomas Ruffin, David S. Reid, David M. Barringer, J. M. Morehead.
TENNESSEE: Samuel Milligan, Josiah M. Anderson. Robert L. Carruthers, Thomas Martin, Isaac R. Hawkins, A. W. C. Tooten, R. J. McKinney, Alvin Cullom, William P. Hickerson, George W. Jones, F. K. Zollicoffer, William H. Stephens.
KENTUCKY: William O. Butler, James B. Clay, Joshua F. Bell, Charles S. Morehead, James Guthrie, Charles A. Wickcliffe.
MISSOURI: John D. Colater, Alexander W. Doniphan, Waldo P. Johnson, Aylett H. Buckner, Morrison Hough.
OHIO: Salmon P. Chase, William S. Groesbeck, Franklin T. Backus, Reuben Hitchcock, Thomas Ewing, V. B. Horton, C. P. Wolcott (vice John C. Wright, deceased).
INDIANA: Caleb B. Smith, Pleasant A. Hackleman, Godlove S. Orth, E. W. H. Ellis, Thomas C. Slaughter.
ILLINOIS: John Wood, Stephen T. Logan, John M. Palmer, Burton C. Cook, Thomas J. Turner.
IOWA: James Harlan, James W. Grimes, Samuel H. Curtis, William Vandever.
KANSAS: Thomas Ewing, Jr., J. C. Stone, H. J. Adams, M. F. Conway.

ARTICLE 1: In all the territory of the United States not embraced within the limits of the Cherokee treaty grant, north of a line from east to west on the parallel of 36 degrees 30 minutes north latitude, involuntary servitude, except in punishment of crime, is prohibited whilst it shall be under a territorial government; and in all the territory south of said line, the status of persons owing service or labor, as it now exists, shall not be changed by law while such territory shall be under a territorial government; and neither Congress nor the territorial government shall have power to hinder or prevent the taking to said territory of persons held to labor or involuntary service, within the United States, according to the laws or usages of the state from which such persons may be taken . . .;and when any territory north or south of said line, within such boundary as Congress may prescribe, shall contain a population required ratio of representation, it shall, if its form of government be republican, be admitted to the Union on an equal footing with the original states, with or without involuntary service or labor as the Constitution of such new state may provide.

ARTICLE 2: Territory shall not be acquired by the United States, unless by treaty; nor, except for naval and commercial stations and depots, unless such treaty shall be ratified by four-fifths of all members of the Senate.

ARTICLE 3: Neither the Constitution, nor any amendments thereof, shall be construed to give Congress power to regulate, abolish, or control within any state or territory of the United States, the relation established or recognized by the laws thereof touching persons bound to labor or involuntary service therein, nor to interfere with or abolish involuntary service in the District of Columbia without the consent of Maryland and without the consent of the owners, or making the owners who do not consent just compensations; nor the power to interfere with or abolish involuntary service in places under the exclusive jurisdiction of the United States within those states and territories where the same is established or recognized; nor the power to prohibit the removal or transportation by land, sea, or river, of persons held to labor in involuntary service in any state or territory thereof where it is established or recognized by law or usage; and the right during transportation of touching at ports, shores, and landings, and of landings in cases of distress, shall exist. Nor shall Congress have power to authorize any higher rate of taxation on persons bound to labor on land.

ARTICLE 4: The third paragraph of the second section of the fourth article of the Constitution shall not be construed to

prevent any of the states . . . from enforcing the delivery of fugitives from labor to the person to whom such service or labor is due.

ARTICLE 5: The foreign slave-trade and the importation of slaves into the United States and their territories from places beyond the present limits thereof, are forever prohibited.

ARTICLE 6: The first, second, third, and fifth articles, together with this article of these amendments, and the third paragraph of the second section of the fourth article thereof, shall not be amended or abolished without the consent of all the states.

ARTICLE 7: Congress shall provide by law that the United States shall pay to the owner the full value of his fugitive from labor, in all cases where the marshall or other officer, whose duty it was to arrest such fugitive, was prevented from so doing by violence or intimidation. . . . [6]

Some committee members disagreed with the majority report and stated their objections at length in minority reports. Seddon of Virginia, Doniphan of Missouri, and Ruffin of North Carolina refused to sign. It was understood that the delegations from these states would vote against the majority report, and that Indiana, Kentucky, and Tennessee would vote for it. Tyler, Seddon, and Brockenborough of Virginia reportedly would urge the Virginia convention to reject the proposals, while Rives and Summers would probably urge adoption. [7]

Roger Baldwin of Connecticut, member of the Resolution Committee, opposed the majority report, declaring it unfair to the free states and unlikely to receive their approval. He proposed as a substitute the resolution of the Kentucky legislature. This state had submitted a resolution asking her sister states to join in an application to Congress to call a constitutional convention. Baldwin moved that his minority report be adopted. [8]

5. Tyler, *op. cit.*, II, 604.
6. Chittenden, *Conference Convention,* 43-45; Tyler, *op cit.,* II, 604; Palmer, *op. cit.,* 86-88.
7. *New York Times,* February 16, 1861.
8. Chittenden, *Conference Convention,* 45-46, 411. The Kentucky legislature's resolution which Baldwin proposed as a minority report was as follows: "Whereas, unhappy differences exist which have alienated from each other portions of the people of the United States to such an extent as seriously to disturb the peace of the Nation, and

Other committee members opposed the majority report, among them David Dudley Field of New York, Crowninshield of Massachusetts, and Seddon of Virginia. Seddon, also a member of the Resolutions Committee, maintained that the majority report was a wide departure from the course the committee should have adopted. He thought they should have recommended Virginia's propositions, which were essentially John J. Crittenden's compromise proposals, modified to protect slavery in all American territory, present and future, south of latitude 36 degrees 30 minutes north, and to settle the hot controversy over transit of slaves through free states or territories by granting this right to slaveowners. Seddon argued that this proposal would constitute a basis of adjustment of the controversy dividing the Union. [9] Seddon objected to the majority report because he claimed it did not provide sufficient guarantees, meaning that it was not sufficiently humiliating for the free states. He argued that the majority report materially weakened the Crittenden propositions. Only such amendments, he insisted, would hold Virginia and the border states to the Union. [10]

As an alternative he submitted his own proposals, declaring that Virginia required a guarantee of actual power in the govern-

impair the regular and efficient action of the Government within the sphere of its Constitutional powers and duties;

"And whereas, the legislature of the State of Kentucky has made application to Congress to call a convention for proposing amendments to the Constitution of the United States;

"And whereas, it is believed to be the opinion of the people of other states that amendments to the Constitution are or may become necessary to secure to the people of the United States, of every section, the full and equal enjoyment of their rights and liberties, so far as the same may depend for their security and protection on the powers granted to or withheld from the general government in pursuance of the national purposes for which it was ordained and established;

"And whereas, it may be expedient that such amendments as any of the states desire to have proposed, should be presented to the convention in such form as the respective states desiring the same may deem proper;

"This convention does therefore, recommend to the several states to unite with Kentucky in her application to Congress to call a convention for proposing amendments to the Constitution of the United States, to be submitted to the legislatures of the several states, or to the conventions therein, for ratification, as the one or the other mode of ratification may be proposed by Congress, in accordance with the provision in the fifth article of the Constitution."

9. *Ibid.,* 47-51, 418-420.

10. *Ibid.,* 45-52; Chittenden, *Recollections,* 51.

ment to the minority slaveholding section. To accomplish this, Seddon proposed: (1) that the Senate be divided into two sections, one slaveholding and the other non-slaveholding, with a majority of both required for Senate action; (2) that government officials be removed upon the majority request of either section of the Senate; and (3) that the right of secession be recognized upon due notice from the seceding state, that coercion of such state be prohibited, and that machinery be established for the reconciliation of differences or the determination of mutual rights and obligations. [11]

Wickcliffe of Kentucky successfully moved that all reports be printed. [12] In effect, the peacemakers now had before them on their eleventh day in session four programs of adjustment: the majority report; the Virginia version of the Crittenden Compromise proposals; Baldwin's proposal of a national convention; and, most extreme of all, Seddon's own program, which would have created a new government too weak to govern, and which lacked even the merit of originality, since it was obviously inspired by John C. Calhoun's dual-President scheme of 1850.

From February 15 to February 23 the Convention debated the several aspects of the problem confronting the nation. The majority and minority reports as a whole were ignored. The motives of both sides were subjected to bitter attacks; the method of action by the Convention was questioned; slavery was attacked and defended; guarantees for slavery were demanded and denied; and even the spirit of the Consitution was impugned. This bitter, unsystematic debate was not curtailed until February 22, when the Convention finally agreed to limit debate and began consideration, article by article, of the majority proposal. In this period of general debate the Convention usually met at noon and sometimes protracted sessions, as for example, on Saturday, February 16, when it did not recess until 2:50 Sunday morning. After Thursday, February 21, the Convention began to hold more or less regular evening sessions.

The debate ranged from a high point of abstract discussion of constitutional principles to a low point of personal invective against sections, states, and delegates. Points raised by one delegate would be answered for a day or two and then revived. For

11. Chittenden, *Conference Convention,* 421.
12. *Ibid.,* 53-54.

seven days the debate followed a circular pattern, instead of taking any set direction, and many points were raised and discussed, dropped, and revived. [13]

General debate was opened by James A. Seddon of Virginia, the self-appointed manager of the Convention. He was the most conspicuous and active member of his delegation, which comprised several distinguished men. His personal appearance was extraordinary. His frame was like that of John Randolph, and he matched Randolph in his hatred of all forms of Northern life, from the statesmen of New England to the sheep that fed on her hillsides. The pallor of his face, his narrow chest, sunken eyes, and attenuated frame indicated the last stage of consumption. His voice, husky at first, cleared with the excitement of debate, in which he became eloquent. Notwithstanding his spectral appearance, he survived to become the Secretary of War of the Confederate States of America. He was the most powerful debater of the Conference, skillful and cunning, the soul of the plot, as some delegates believed, which the Conference was intended to execute. Seddon charged the free states with many offenses against the South. He declared that the objective of the dominant party of the North was to exclude slavery, not from the future, but also from present territory; that zealots of the party desired that the national and practical institutions of the South should be surrounded by a cordon of twenty free states and in the end extinguished. Therefore, Virginia was wise to ask for guarantees in the form of the modified Crittenden resolutions. Seddon painted a picture of the moral beauties of the "peculiar institution," emphasizing that the slaves had benefitted by being brought to America and civilized. The South had not done wrong to the race; yet the South was assailed, attacked by the North, from the cradle to the grave, and the children in the free states and been educated to regard the people of the South as monsters of lust and iniquity. He condemned the anti-slavery feeling in the North as manifested by the abolitionist societies and their doctrines and by their support of John Brown, and asked whether this was not a sufficient reason for suspicion and grave apprehension on the part of the South. He contended that the moral aspect was by itself dangerous enough, and when combined with politics it was made much worse.

13. *New York Times*, February 4, 11, 1861.

Seddon commented on the acquisitive spirit of the North, its ambitions for office, power, and control over government, which would permit it soon to control the South. He re-emphasized that Virginia and the border states would not remain in the Union without added guarantees. He had no word of condemnation for secession, nor of hope for the return of South Carolina and the other seceded states. He struck the keynote of the debate for slavery, and many southern speeches followed his lead. Instead of arguing for the majority report, Seddon and his supporters appeared to be in opposition to any compromise which did not involve the complete humiliation of the North. [14]

Seddon's exposition was answered by northern Republicans from Massachusetts and Maine. George S. Boutwell, of the former state, averred that states had gone out of the Union and thus defied the Constitution and the Union, that many charges had been hurled against the North, but that he could not find any basis for them. He affirmed that he and the people of his state loved the Union and would give their lives for its preservation. Massachusetts, he said, had always hated slavery and had fought it when she had the right to do so, but would not molest slavery where it legally existed. He noted that seven states had seceded, and that the southern convention delegates declared the seceded states were not to be coerced back into the Union. He looked at the provisions of the majority report as possible measures of pacification but could not support them, because he did not think they would contribute to the stability of the country. Boutwell declared that the North would never consent to a peaceful separation of the states. If the southern states persisted in their present course, armies would march southward. As he saw it, the only way to avert war and preserve the union was for the slave states to abandon their designs and faithfully abide by their constitutional obligations. [15]

Lot M. Morrill of Maine vigorously attacked Seddon's position on coercion. Morrill was about sixty years old. His figure was rather slight, his manner retiring, and his general appearance somewhat effeminate. There was not a trace of the bully in him, nor a hint of aggressiveness. On the contrary, as one naturally disposed to concession, he seemed the unlikeliest man in the

14. Chittenden, *Conference Convention,* 91-99; *Recollections,* 51-52.
15. Chittenden, *Conference Convention,* 99-102.

conference to become involved in a personal debate, but he was a good representative of his state in her steadfast opposition to the extension of slavery. His quiet, peaceful nature was deceptive to strangers, for at the bottom lay a stratum of resolution which would have carried him to the stake before he would have surrendered a principle. His ideas were clear and lucid, and he had a command of language which qualified him to discuss a great question with a power rarely found in any legislative body.

Most Republicans had given up hope for any beneficial results of the debate and had not been attentive, but Morrill, after a few minutes of talking, had a large group of interested listeners. His voice, at first low and quiet, gathered volume as he proceeded, until, as he approached the real points of the controversy, his lucid argument cut like a sword. [16] He declared that his section had principles that could not be abandoned. He asserted that the question was: "What will Virginia do? How does Virginia stand? She today holds the keys of peace or war. . . . What will satisfy her?" James A. Seddon replied that Virginia was pledged against coercion. His personal opinion was that "the purpose of Virginia to resist coercion is unchanged and unchangeable."

Lot M. Morrill rejoined: "But I now understand Virginia to say [that] Federal authority shall not be re-established by . . . ordinary means [where it is resisted] in certain of the states . . . in the Federal Union. . . . Unless we have the heart of Virginia with us, our actions will give no peace to the country."

Morrill heatedly refuted the broad accusation of Seddon against the North. The South, he said, charged the northern states with unfriendly criticism of slavery, with obstructing recapture of fugitive slaves, with opposition to the admission of Kansas under a constitution which tolerated slavery, and held that these accusations justified extreme measures on the part of the South; that, although some states had left the Union, the states here represented would condone the acts of the North by one more compromise, but only on condition that the North consent to write into fundamental law that slavery was to be perpetual in any territory, and that when a territory, whenever it had sufficient population, if the people so voted, could come into the Union as a slave state, and its status so fixed should

16. Chittenden, *Recollections*, 52-53; *New York Times*, February 4, 1861.

forever be unchangeable. Morrill agreed with Seddon that the time had come to settle once and for all the grave questions which had disturbed the peace of the country. Morrill pointed out that Seddon maintained there was only one way to settle the difference of opinion; namely that the North must accept what the South termed another compromise. Morrill stressed that the North had previously made many compromises, not one of which had ever been broken by the North, yet the South ultimately refused to abide by a single one. The South had proposed the Missouri Compromise, and solemnly agreed that all states north of 36 degrees 30 minutes should be free. How the South had kept faith, let Kansas answer. The South demanded the Fugitive Slave Act as a condition of preserving the Union. The demand was accepted and slaves returned by northern hands from under the shadow of Bunker Hill. Now the South demanded another compromise which changed a free republic into a slave state, and it contended that the North must make a new concession as the price of the Union. "Must was a word which did not promote a settlement founded upon a compromise. If the North must, what then? There was no pledge in the amendments proposed by the South, no promise on the part of the South." Morrill asked what the South proposed to do. If the North assented to the demands, would South Carolina or the Gulf states return to the Union, or would the South repeat her history? Would she do as she had done before, perform her agreement as long as it served her interests and then violate it as she had violated all other Compromises?

At this point Morrill was interrupted by Robert Stockton of New Jersey, an elderly man of powerful physique, imperious and somewhat overbearing, whose long service in the Navy had accustomed him to command and rendered him intolerant of opposition. Stockton, strongly anti-coercion, was an admirer of the culture and institutions of the South, and Morrill's bitter arraignment of Virginia and the South caused him to charge toward the speaker, declaring that if Morrill wanted a row he could have it, and that he didn't care to hear any further charges against the State of Virginia. Friends of each came to the aid of the combatants and considerable confusion occurred, but President Tyler, by prompt intervention, called them to order, and Morrill completed his speech. The peace commissioners were wasting their

time, he said, unless someone in authority could pledge the South, including the seceded states, to accept the proposed amendments as a finality and henceforth to remain in the Union; the North would never accept the amendments without such an assurance from the South. [17]

The sentiment expressed in the Morrill speech reflected the feeling that some representatives had come to the conference to promote opposition and coercion. It was clearly evident that many delegates to the conference did not believe in coercion of a state. Rives of Virginia asserted firmly that be did not believe that the Federal government had the right to coerce a sovereign state. [18]

The motives and objectives of Virginia in calling the Convention were seriously questioned. Spokesmen for Virginia and the border states felt called upon to justify the position of Virginia. After William C. Noyes of New York and others questioned the need for a convention, the necessity of amending the constitution, and the need for haste, William C. Rives and George W. Summers, both of Virginia, and James Clay and James Guthrie of Kentucky felt compelled to reply. Rives declared that he believed the Convention could exert a powerful influence to protect the honor and safety of the country, and could arrive at a settlement of sectional differences and thus make its institutions perpetual. The action of Virginia, Rives declared, could lead to solutions similar to those arrived at in the Constitutional Convention of 1787. He felt that the situation in 1861 paralleled the need for action which existed in 1787. Some state had to initiate action. The work of the Convention could not be considered unconstitutional, since its decisions would be advisory only. The desire of Virginia, Rives declared, was for the commissioners from all states participating to exchange views, discuss issues, and endeavor to reach amicable decisions which might resolve outstanding differences between sections. [19]

Summers, in reply to the charges of Morrill and others questioning the motives of Virginia, affirmed his loyalty to the Union, and declared that Virginia's purpose was to save the Union. If Seddon's propositions (based on the Crittenden resolutions) were

17. Chittenden, *Conference Convention,* 113-117, 145-150; *Recollections,* 54-56; *New York Times,* February 14, 1861.
18. Chittenden, *Conference Convention,* 137.
19. *Ibid.,* 133.

not acceptable, he believed that Virginia would accept the majority report. But he pointed out that compromise was a two-way street, and New England must also be willing to consider and grant necessary concessions to maintain the Union. [20] Clay and Guthrie argued in a similar vein. Clay emphasized the necessity of devising means to reunite the country by making the necessary property guarantees to the South. [21] Guthrie reiterated his faith in the sincerity of Virginia, and hoped that her sister states had similar motives. [22]

These men felt constrained to defend the purpose and necessity of the Convention, because of statements such as that of Samuel C. Curtis of Iowa: "there has been for a long time a purpose, a great conspiracy in this country to begin and carry out a revolution, that has been avowed over and over again in the halls of Congress." [23] The feeling of Curtis, Noyes, and others at the time of the Convention was well stated some years later by Levi E. Chittenden, a delegate from Vermont: "Many of them have entered into the military service . . . of the rebellion which it was the avowed purpose of some members of that conference to nourish into vigorous life." [24] Though this observation was made after the close of the Convention, many northern delegates believed it to be true at the time, and the assurances of Rives, Summers, Clay, Guthrie, and others did nothing to dispel their doubts and suspicions, which they voiced throughout the Conference.

Some delegates challenged the advisability of holding the conference at all. The question was raised as to whether such a conference was constitutional. Roger Baldwin of Connecticut dissented from the report of the Committee on Resolutions and urged the acceptance of a proposal for a national convention, as provided in the Constitution, as a substitute for the majority report. He doubted the constitutional right of the conference to exist. Baldwin asked for the support of his recommendation on the basis that California, Oregon, and other absent states would have time to consider the question and be represented. He declared that the conference was revolutionary and unconsitutional

20. *Ibid.*, 152-54.
21. *Ibid.*, 320-321.
22. *Ibid.*, 103.
23. *Ibid.*, 71; *New York Times*, February 14, 1861.
24. Chittenden, *Conference Convention*, 7.

because some of the delegates were acting under appointment of the state executive or legislature, and all were acting without legal authority. [25] Baldwin apparently thought that the delegates should have been selected on a uniform basis, and probably elected.

Amos Tuck of New Hampshire agreed with Baldwin. He frankly confessed to a bias in favor of the national convention idea. He noted that the concept was first advocated by the *National Intelligencer* of Washington, which he considered a conservative paper, and had then been endorsed by the legislatures of Kentucky and Illinois. He realized that there was strong opposition to calling a national convention, but declared that the southern delegates had stated they would accept the decision of the people. Would Kentucky, Maryland, Tennessee, and Virginia be willing to submit their case to such a tribunal, fairly elected, and be willing patiently to hear and firmly decide all points at issue? He stated that this was the best alternative the North could offer the South. [26] Tuck, a former Democrat, was to reiterate this proposal several times during the conference. What he, Baldwin, and others were proposing was that two-thirds of the states petition Congress to call a constitutional convention.

Noyes, Field, and Chase also favored the convention idea. Noyes opposed the conference, and declared that he was in favor of a constitutional convention proposed by Congress. [27] David Dudley Field of New York was strongly opposed to any amendment of the Constitution, but thought that if amendments were necessary they should be proposed by a national convention where due consideration and debate could occur. [28] Salmon P. Chase of Ohio was still advocating a national convention late in the conference on the basis that there was a slight possibility of all sections being induced to agree to this method of solution. [29] In reality, those advocating a national convention were actually opposed to any constitutional amendments and any action on the part of the conference; they were seeking to delay and prolong its deliberations. Chase and the Ohio delegation, for example,

25. *Ibid.*, 59-67, 411-417; *New York Times*, February 19, 1861.
26. Chittenden, *Conference Convention*, 77-79, 312.
27. *Ibid.*, 131.
28. Chittenden, *Conference Convention*, 162, 169; *New York Times*, February 18, 19, 1861.
29. Chittenden, *Conference Convention*, 271-272.

had been instructed by the Ohio legislature to postpone action and attempt to get the conference to adjourn until April 4, 1861. [30]

Guthrie, Johnson, Ruffin, Bronson, Doniphan, and others strongly defended the majority report, the consitutionality of the Convention, and the need for immediate action. Guthrie declared that Baldwin had overlooked the fact that the Consitution had made Congress the recipient of petitions. The Convention was merely exercising the right of petition. Certainly the delegates of twenty-one states represented the people. The need for quick action ruled out Baldwin's proposal. Thus the majority report was not improper or revolutionary. [31] Reverdy Johnson of Maryland also attacked Baldwin's position. He observed that Baldwin did not say the Convention was a violation of the letter of the Constitution but merely of its spirit. He declared that if Baldwin's contention were correct, then the Convention not have the right to present Baldwin's proposal either. It was the duty of Congress, Johnson declared, to propose amendments whenever desired by the states or any considerable part of the people. [32]

Thomas Ruffin of North Carolina, a firm believer in the Union, took a middle position. Circumstances, he declared, had created a situation which motivated southern delegates to ask for certain constitutional guarantees. The northern delegates could grant these without dishonor, but they refused and suggested a constitutional convention as an alternative. This, Ruffin declared, was not adequate because of the need of immediate action to meet the current crisis. [33] Greene Bronson of New York essentially agreed with Ruffin that a constitutional convention would not meet the present need. It would take years to obtain results from such a convention. He asked Baldwin if so great delay was safe. Baldwin replied that it was always safe to follow the Constitution. Bronson observed that Kentucky had appointed delegates to the Convention after the legislature requested a constitutional convention, and he doubted that Kentucky would stand by its early proposal. The need of safety and peace required action,

30. Tyler, *op. cit.*, II, 603-604; *New York Times*, February 9, 11, 13, 19, 1861.
31. Chittenden, *Conference Convention*, 70.
32. *Ibid.*, 84-85.
33. *Ibid.*, 126-127.

Bronson declared, and thus he would not put the Constitution in the hands of a convention. In his opinion, the Constitution was not so holy that it could not be amended. He also argued in favor of the constitutionality of the Peace Convention. [34]

Alexander W. Doniphan of Missouri asked Tuck if he would have supported the majority report had it been proposed in a constitutional convention. Would Tuck use his influence to elect members who followed his thinking to such a convention? If the North would give a pledge to support the majority report, Doniphan declared, he would support a call for a constitutional convention. Without this pledge, a convention would be useless. On the whole, the question of method was another means of debating the need of immediate action as against delay. [35]

As debate raged on, it became apparent that the delegates were not in basic agreement on the issues dividing the country. Was the basic division between freedom on the one hand and slavery on the other? Or was the basic question whether slavery should be allowed to expand or be contained within its present limits? Did a state have the right to secede, or were obligations to the Union paramount? Was the government to be operated under the principles of the Dred Scott decision or the Chicago platform of the Republican Party? A considerable part of the debate raised these questions in relation to general comments on slavery as an institution. Many delegates had different points of view and methods of approach, and they failed to find a middle ground.

Thus Clay insisted that the primary problem was recognition and protection of southern property rights, at least south of 36 degrees 30 minutes - the old Missouri Compromise line. "The question of slavery is but an incident to the great questions which are at the bottom of our division. Such differences have brought war upon Europe. It is, after all, the old question of balance of power between different sections and different interests." [36] Republican delegates did not agree with this appraisal of the situation, nor did the northern press. For example, the New York *Enquirer* and the Boston *Herald* contended that slavery was a local and not a national institution. They opposed any compromise, such as the Crittenden resolutions, which would make

34. *Ibid.*, 265-267, *New York Times*, February 19, 1861.
35. Chittenden, *Conference Convention*, 312.
36. *Ibid.*, 320-321; *New York Times*, February 13, 1861.

slavery a national matter.[37] Northern delegates reflected this same view. Curtis declared that he opposed the majority report because "their propositions make all territory we may hereafter acquire slave territory."[38]

James C. Smith of New York argued in the same vein. He declared that the contest was between the slave owners on the one hand and free men on the other. He pointed out that the Federal government held all territory in trust for the people. The North, he said, would not sanction the right of any one state to demand one thirty-fourth of such territory. This was the concept behind the equilibrium which had been maintained between the free and slave states for so long. This doctrine was not constitutional and did not find favor with the people of the North, Smith declared. The contest was concerned with only one point. It was a struggle between two great opposing elements of civilization. Should the country be possessed and developed by the labor of slaves or of free men.[39] John G. Goodrich of Massachusetts essentially agreed. The South, he said, had no right of prescription below 36 degrees 30 minutes; freedom had an older prescription. He observed that Webster had opposed the expansion of slavery and had argued in favor of the right to deny the admission of slave states on the ground that equality was not provided.[40]

Seddon rose to reassert the southern point of view. He declared that in the debate two new principles had been introduced: that slavery should not be allowed in the territories; and that governmental action would be on the side of freedom. This was exactly what the southern states feared, Seddon declared, and it was the principal cause of secession. This was his interpretation of the 1860 election. These policies were, in his view, not in accordance with the Constitution.[41] Seddon's position did not evoke a favorable response, Preston King of New York declared that all owed allegiance to the Constitution above and beyond all other political duties and obligations. In contrast to Seddon, he considered the Union to be a confederation of states under the Constitution with all citizens owing primary allegiance to the

37. G. G. Glover, *Immediate Pre-Civil War Compromise Efforts* (Nashville, 1934), 97.
38. Chittenden, *Conference Convention,* 71.
39. *Ibid.,* 202-203, 213-214; *New York Times.* February 21, 1861.
40. Chittenden, *Conference Convention,* 232-233.
41. *Ibid.,* 284-285.

Federal Government. [42] Along the same lines, Charles Allen of Massachusetts argued that the North was not breaking up the Union over the question of slavery in New Mexico territory, but that the South was doing what it accused the North of doing. The question was not one of possession, he declared, but rather one of which should have control and direction of the country-freedom or slavery. [43]

Almost the only middle ground reached in the debate was on the question of the right of secession. For example, Reverdy Johnson of Maryland, who took a southern point of view on most questions, doubted that a state had a right to secede, although he agreed with Madison's point in the Federalist Number 42 that the right of self-preservation and revolution was above the Constitution as an integral part of the law of nature. Thus Johnson desired to preserve the Union and to retain at least the border states. [44] Even Seddon was restrained on this point, merely observing that Virginia was debating whether or not to remain in the Union because she feared for her safety under present conditions. [45]

Ruffin, representing North Carolina, declared that the delegates were influenced by various considerations. There were some, he maintained, who did not desire preservation of the Union. While Ruffin conceded that he did not understand the motives of those who felt this way, he put the preservation of the Union above politics and parties. [46] Thus both extreme and moderate spokesmen for the South were reticent in defense of secession.

Northern representatives, whether moderates or extremists, put the Union first, although some gave it an importance only equal to what they considered the principles involved. Amos Tuck contended that all states should remain loyal to the Union. He pointed out that some southern states had left the Union, and others were threatening to do so on the basis that the Constitution would be construed in a manner adverse to the South, even

42. *Ibid.*, 315-316; Allan Nevins and Milton Halsey Thomas (eds.), *The Diary of George Templeton Strong* (New York, 1952), III, 102.
43. Chittennden, *Conference Convention,* 322; *New York Times,* February 19, 1861.
44. Chittenden, *Conference Convention,* 88-89.
45. *Ibid.*, 97.
46. *Ibid.*, 125-126.

though no previous construction of the Constitution had been adverse to southern interests. The South, he observed, had been in control of the government for fifty years of the nation's existence. [47] A. W. Loomis of Pennsylvania was in essential agreement with Tuck. [48] Levi E. Chittenden of Vermont adequately summarized the northern position. He declared that the people of the North considered secession a sin. While they were willing to make sacrifices to preserve the Union, such as prosperity, property, political influence, and even lives, they would not sacrifice their principles. Thus, Chittenden declared, the northern states would not sacrifice principles they had consciously adopted, even to save the Union. The southern people, he went on, believed that slavery was desirable, that a government founded upon it would be most desirable. He said that some southerners viewed slavery as a missionary institution, while the North, on the other hand, abhorred slavery and found the idea repulsive. [49] Northern spokesmen put the Union on a par with anti-slavery principles, and questioned the right of secession. Southern spokesmen assumed that there was a right of secession, said they would secede under certain conditions, but did not offer a general defense of the right to secede. George Davis of North Carolina said that his state would secede if guarantees were not granted, but did not answer the pointed question of Godlove Orth of Indiana as to whether North Carolina had the right to secede. [50] Moderates on both sides failed to support arguments for secession.

Although some northern spokesmen equated anti-slavery principles with loyalty to the Union, they did not attack slavery as such, but rather confined the bulk of their argument to the question of the expansion of slavery into the territories. In contrast, Seddon offered a spirited defense of slavery as an institution. He declared that Virginia felt she had a mission to perform: the existence, the perpetuity, and the protection of the African race. Slaves had profited, he said, from being brought to the United States, and had been raised to a position which they could not otherwise have attained. He contrasted the position of the slave in the South with the condition of the Negro in Santo Domingo,

47. *Ibid.*, 176-179.
48. *Ibid.*, 246.
49. *Ibid.*, 253-254,
50. *Ibid.*, 259-262.

Jamaica, and Liberia. He appealed to the North to leave the subject to the conscience of the South. Why should the North, he asked, interfere with the policy of neighbor states on an issue which it knew nothing about? [51] Though the northern press and leaders had, in the past, frequently attacked slavery on moral grounds as Seddon contended, they, for the most part, refrained from doing so in the debate. Statements were made to the effect that the people of the North abhorred slavery, but there was little amplification of the point. Instead northern spokesmen made the point that they opposed the expansion of slavery, but were perfectly willing to let the institution remain unchallenged where it already existed. John C. Goodrich of Massachusetts offered a good exposition of the northern position from a constitutional point of view. He contended that the Constitution recognized slavery as it existed or might exist within the original states. No constitutional right, he maintained, existed to interfere with the rights of slaveholders under state authority in these states; but slavery had no constitutional right to exist outside the original states or in the territories. [52] To support this argument, Goodrich cited the debates on the Land Ordinance of 1784-1785, the Northwest Ordinance of 1787, and the disposition of territories in the Constitutional Convention. He observed that most leaders in this period anticipated the disappearance of slavery. Thus, he declared, under the Articles of Confederation and the Northwest Ordinance, the right of recovery of fugitive slaves did not exist. As late as March, 1850, both Calhoun and Webster agreed that the right of recovery of fugitive slaves originated in the Constitution. He contended that since the Northwest Ordinance was adopted before the Constitution, it was binding on all parties, and cited both northern and southern opinion in support. After an extended foray into Constitutional theory, Goodrich summarized his position: (1) fugitive slaves could not be recovered in Ohio, Illinois, Indiana, Michigan, and Wisconsin because the prohibition in the Northwest Ordinance preceded the Constitution; (2) a fugitive slave might not be reclaimed in any other state or territory because slavery did not exist there; (3) no slave escaping from Missouri, Arkansas, Texas, Louisiana, or Florida

51. *Ibid.*, 94.
52. *Ibid.*, 218.

into Ohio, Indiana, Illinois, Michigan, and Wisconsin could be lawfully claimed as a fugitive slave because the former states were not original slaveholding states; and (4) after the Missouri Compromise, slaves escaping from Arkansas and Missouri into Kansas, Nebraska, Iowa, and Minnesota could be reclaimed, but those escaping into the five states of the Northwest could not, and this was understood at the time the compromise was adopted. Originally, he declared, all territory was supposed to be free. The first failure to apply the policy of non-extension occurred with the Louisiana Purchase. If the South desired, as her spokesmen contended, to return to the spirit and the letter of the constitution as interpreted by the Fathers, he, at least, was perfectly willing to do so. [53]

The anti-slavery position at the Convention was that slavery should not be allowed to expand further: there was little of any openly expressed sentiment to abolish slavery. Most northern spokesmen took the position that no grounds for this southern fear existed. For example, Boutwell of Massachusetts conceded that a few people in the North would always be willing to recognize southern rights as long as such rights did not involve the expansion of slavery into the territories. He declared that this, to the North, was a basic principle, and the South should not demand the sacrifice of such a principle. If, Boutwell said, the Union could not be maintained without additional constitutional guarantees being granted slavery, then the Union was not worth saving. Thus he opposed the majority report. [54] Others, such as Ewing of Ohio, Palmer of Illinois, Smith of New York, Tuck of Connecticut, essentially agreed with Boutwell; all expressed themselves as against slavery, and were opposed to any expansion, but did not attack the right of slavery to exist within its present boundaries. [55]

David D. Field of New York opposed the majority report on the ground that it gave slavery guarantees which the founding fathers refused to give. He contended that the language of the proposed amendments involved sacrifice of a basic principle, to which he could not agree. If the amendments are necessary, he asked, why not adopt some to protect the citizens of free states in

53. *Ibid.,* 319-343.
54. *Ibid.,* 100-101; *New York Times,* February 19, 1861.
55. Chittenden, *Conference Convention,* 141-142, 178, 199-200, 297.

the South and to protect the Union against future attempts at secession? Additional guarantees for slavery, Field contended, were too high a price to pay for saving the Union. [56] Burton C. Cook of Illinois took the position that if his state had favored the expansion of slavery into any portion of the territories, she would have selected delegates who held this point of view, and who would have accepted the majority report without question. Cook, therefore, opposed any constitutional recognition of the rights of slavery in the territories. [57] Loomis of Pennsylvania observed that the question of slavery in the territories, and the relation of government to the territories, and the interest of the states in them, were the primary issues debated when the Constitution was adopted. He pointed out that the majority report also was concerned with these questions. Amaziah E. James [not in list of delegates] of New York denied that the northern states could be blamed for the present difficulty. The northern states, he declared, had not disrupted the Union or threatened its stability. Yet in spite of this, certain southern states asserted the need for securing their rights, as otherwise their people could not be induced to remain in the Union. The South, said James, held that the Constitution gave the slave owners the right to take slaves into the territory held by the United States, while the North took a different view and was not likely to change it. James' position was fairly representative of that taken by anti-slavery expansionists. His summary of the southern position was also accurate. [59]

Southern and border state spokesmen were adamant in their demand that the constitutional right of slavery to advance into at least some territory be recognized. Johnson of Maryland asserted that the Dred Scott decision recognized the right of slavery to exist in all territories. The South, he argued, was willing to give up this right in exchange for a return to the Missouri Compromise line of 36 degrees 30 minutes. The North should be willing to grant the South what was already the South's by a court decision, especially when the South was willing to concede the right to destroy slavery when a state was organized. [60] Seddon contended that what the South really wanted was security from

56. *Ibid.,* 166-167; *New York Times,* February 19, 1861.
57. Chittenden, *Conference Convention,* 313.
58. *Ibid.,* 247.
59. *Ibid.,* 303.
60. *Ibid.,* 90.

the North and its dominant political party. He personally doubted that the majority report would satisfy the needs of Virginia and her sister states. We still thought that the Crittenden proposals were more suitable. He saw no reason why the North could not grant guarantees. [61] Guthrie was in essential agreement. The South, he declared, only wanted its rights under the Constitution and desired that all questions concerning such rights be settled. Guthrie observed that the North once contemplated destruction of the Union because of a feeling that the Federal government was antagonistic to northern interests. The South, he said, had the same feeling now and lacked faith in the government. Guarantees were necessary to restore faith and a sense of security. [62] Brockenborough of Virginia declared that the South would support and abide by the Crittenden resolutions or any other resolutions. The South, he declared, considered her institutions in danger and therefore asked for guarantees. If the North granted such guarantees, then the border states would remain loyal to the Union; otherwise the border would be lost. This was representative of the position taken by southern spokesmen. [63]

Between these extremes were moderates on both sides. White of Pennsylvania declared that his delgation had come to save the Union. The South, he argued, had met the northern delegates in a spirit of conciliation. The need of some plan, fair to all sections, to be submitted to the people of all sections for their decision, was obvious. [64] Goodrich was in substantial agreement with this. Bronson asked what harm would come if the territories were thrown open to slavery. If the civilized world frowned on slavery, he declared, this need not concern the United States. Although the territories had been opened to slavery by the Dred Scott decision, slavery could never prosper there. There was, he contended, no good reason to exclude slavery from the territories. He did not think that any basic principle was involved since it was not practical for slavery to exist in most of the territories. To him safety lay in granting guarantees, and danger in rejection of the request. [65] Frederick T. Frelinghuysen of New Jersey held that

61. *Ibid.*, 91-98.
62. *Ibid.*, 102-103.
63. *Ibid.*, 280-281.
64. *Ibid.*, 173-174.
65. *Ibid.*, 268-269.

the South had a right to constitutional guarantees. He believed that a large majority of the people in the North would favor the idea. All that the South asked, he declared, was freedom from interference with slavery in the territories. [66]

The southern position was that the South was demanding the recognition of rights and not concessions. The South wanted to be free to go with her slaves into any territory and to hold them as slaves until the territory was broken up into states. The northern position, for the most part, was that while the constitutional right to own slaves in the slave states could not be challenged, the expansion of slavery was a matter of moral principle which could not be compromised. There were some who could rationalize the loss of principle on the grounds that slavery could not exist profitably in much of the territory then held by the United States.

Apparent southern willingness to accept restoration of the Missouri Compromise line brought extended discussion of the constitutionality of that compromise and the status of the Dred Scott decision. Rives of Virginia quoted a letter of Madison to the effect that Congress did not have power over slavery in the territories; hence Congress did not have the power to prohibit slavery in the territories. [67] James asked Rives whether he would "leave that question just where the Constitution leaves it, upon the construction of that instrument." Rives replied: "No! I will not leave it there, for it will always remain a question of construction. I prefer to put the prohibition into the Constitution." [68] What can be construed one way, can always be construed the opposite way at a later date, as Rives well knew. Southern spokesmen contended that Congress had no right to prohibit slavery in the territories, and cited the Dred Scott decision declaring the Missouri Compromise unconstitutional in support of their contention. They further blamed northern repudiation of the Dred Scott decision as one of the principal causes of the southern feeling of insecurity and of need for guarantees.

Brockenborough said that the Supreme Court in the Dred Scott decision gave the South the right to go into a portion of the territory with slaves. The North, he declared, refused to abide

66. Ibid., 180-183.
67. Ibid., 140.
68. Ibid., 140-141.

by this decision. The Chicago platform of the Republican Party, he said, repudiated it.[69] Guthrie agreed and declared that no section should be excluded from territory acquired through common effort.[70] Carruthers of Tennessee also held that the Supreme Court had given the South the right to take property in the form of slaves into the territories.[71] On the other hand, James of New York contended that the South was in favor of the Missouri Compromise as long as it served the interest of the South. The South, he argued, had favored its repeal and now desired to return to it because of difficulty caused by the repeal. The North, he said, had opposed repeal and now was indifferent about its restoration.[72]

David Wilmot of Pennsylvania declared that it was the intention of the South to entrench slavery behind the Constitution. He maintained that the government had long been administered in the interest of slavery and that the North was determined to end that state of affairs.[73] In effect, he lent substance to southern charges. The North, Wilmot declared, objected to expansion of slavery, believing it to be a moral and political evil. The proposed extension of slavery into territory where it had not previously existed created, he contended, a political question in which the people of the North had a vital interest. They would resist expansion by all constitutional means.[74] To many peace commissioners, the Dred Scott decision and the majority report both contravened the vital principles of the Chicago platform of the Republican Party on which the people had passed judgment in the recent election. In justification of the Republican adherence to the Chicago platform, Smith declared that the principle of the party had become its platform.[75]

Stockton, on the other hand, condemned the Republican Party and appealed to the delegates to set aside the party platform. He reminded the delegates that the "premier" of the incoming administration had declared that parties and platforms were subordinate to, and must disappear in the presence of, the

69. *Ibid.*, 280.
70. *Ibid.*, 102.
71. *Ibid.*, 304.
72. *Ibid.*, 304.
73. *Ibid.*, 282.
74. *Ibid.*, 200-202
75. *Ibid.*, 200.

great question of the Union. He maintained that the Union could only be preserved by peace.[76] Southern leaders went further. Brockenborough and Seddon of Virginia attacked the Republican Party as merely a sectional party. Brockenborough said that Lincoln had been elected on a purely sectional issue of hostility to southern institutions.[77] Seddon charged that all the principles of the Republican Party involved abolitionism, and could be summed up as "opposition to the admission of slave states in the future." He declared that the ruling idea of this sectional party was the final extinction of slavery.[78]

Some of the delegates expressed the desire of the South to appeal to the people of the country, for many people of the North had been friendly to southern institutions. Francis Granger of New York asserted that if the majority report was submitted to the people of his state, it would be approved by a large majority. He said that it was a fair and equitable basis for settlement of all sectional differences.[79] Rives of Virginia told the Convention that while the majority report was not entirely satisfactory to Virginia, she would accept it.[80] To this appeal, the northern leaders did not propose to consent, and in lieu of it, they advocated calling a national convention or no action at all. Possibly the fear of losing what had been gained in the election haunted the Republicans. Members of the Republican Party had belonged to the Whig, Free Soil, and Know-Nothing parties. The Whig Party had elected two presidents, but the Democrats had maintained their dominant position. The Republicans were watchful, and sought to protect the interests and principles on which the party rested. Party interests were manifested in Pleasant A. Hackleman's remark that "the effort of Virginia now is to overthrow the Republican party."[81] Despite the fact that it was the minority who demanded guarantees, as Stephen Logan stated, the majority jealously guarded even the outer bulwarks of the Republican stronghold and principles. The assumption of Federal control would be a new experience for Republicans, who actually feared

76. *Ibid.,* 114.
77. *Ibid.,* 280.
78. *Ibid.,* 96-97.
79. *Ibid.,* 120.
80. *Ibid.,* 138-139.
81. *Ibid.,* 309; John G. Nicolay and John Jay (eds.), *Complete Works of Abraham Lincoln* (New York, 1905), III, 230.

the schemes and chicanery of the Democratic Party. The Whigs had lost the fruits of their victories in 1840 and 1848 largely through the death of the chief magistrate; the Democrats were entrenched in the Whig realm before these administrations terminated. The Republicans maintained that they were not yet in power and could not be blamed if the laws did not please the Democrats.

The Democrats were not only fearful of the policy and administration of the incoming party, but also aggrieved at their loss of control over the government. They were determined either to secure guarantee or to withdraw the South from the Union. James B. Clay observed that "when this equilibrium was disturbed she (the South) began to insist upon guarantees. Now, when you propose to push the point of equilibrium out of sight altogether, the South insists upon these guarantees as not only necessary but indispensable to her safety." [82] Charles Allen of Massachusetts answered that it was a question of freedom or slavery, that the South was asking for a provision in the Constitution which would place the policy of the government under the control of slavery. [83] The Republicans refused to amend the Constitution on two grounds: first, they were determined to keep the words "slave" and "slavery" out of the organic law; second, they did not propose to surrender congressional control over the territories. Without the constitutional amendments, Seddon anticipated that the administration would work against the extension of slavery and the institution itself. He saw the administration of the government on the side of freedom, slavery classified as a local institution, and slaves recognized as property only in slave states. This was enough to alarm slavocracy. [84]

By this time the general debate had taken almost a week, and the Convention had begun to hold evening sessions. Those who felt the urgency of the situation began to propose limitations on debate so that the Convention could get on with its business and vote on specific proposals. On the other hand, those who were against any action continued the delaying tactics practiced since the beginning of general debate. Noyes of New York asked why Virginia was in such a hurry. The concepts contained in the majority report were new and needed full discussion. Did Virginia

82. Chittenden, *Conference Convention,* 321.
83. *Ibid.,* 322.
84. *Ibid.,* 284-285.

propose, he asked, to change the fundamental law and not allow proper debate? [85] George H. Browne of Rhode Island favored limiting debate because of the need for action. [86] Early in the general debate, a proposal to restrict debate was made but defeated. Other similar proposals met the same fate. Discussing the first proposal to limit debate, some delegates insisted on an equal right to reply. Arguing one such proposal, Field declared that since the previous day had been occupied in general debate, he desired the same opportunity to make his general views known. [87]

Six days after the beginning of general debate (February 21), Wickcliffe introduced another motion proposing closure and a vote on the majority report. Chase of Ohio then moved the adoption of the resolutions of the Ohio legislature which declared that the legislature deemed it inexpedient to proceed on the proposal of Virginia and the several reports to the majority and minority of the committee until there was further opportunity for deliberation and action, suggesting that the Convention adjourn and convene on April 4 in Washington. Chase requested that the President address letters to governors of the states not now represented asking them to appoint commissioners. [88] After spirited debate, the Convention agreed to limit debate to five minutes for the mover of an amendment and five minutes for the committee to reply. [89] Still the delaying tactics continued. Then Browne proposed another evening session on February 21, and Chase opposed the motion. [90] The Convention had agreed to vote on Friday, February 22, and when this day arrived Turner of Illinois moved that voting be postponed to Monday, February 25, on the grounds that delegates from Illinois, Ohio, and Indiana had not been heard and should have an opportunity to speak. [91] The motion was defeated. Action by the Convention was delayed for a day while the Conference debated whether to limit debate. Finally the motion of Backus of Ohio, that each delegate be allowed ten minutes, was accepted. [92] In the course of the argument on

85. *Ibid.,* 129-131.
86. *Ibid.,* 151.
87. *Ibid.,* 156; *New York Times,* February 7, 1861.
88. Chittenden, *Conference Convention,* 205.
89. *Ibid.,* 206-207.
90. *Ibid.,* 208.
91. *Ibid.,* 270-271.
92. *Ibid.,* 274-275.

this question, Guthrie declared that many would keep speaking until after March 4. [93] Chase and others led a determined movement to delay action. They resorted to many parliamentary delaying tactics if they did not actually filibuster. The Convention gradually talked itself out and began on February 23 serious consideration of the various majority and minority reports. [94] In general, the Convention sought to perfect each article of the constitutional amendments proposed by the majority report; however, various minority reports complicated the problem. From February 23 to February 27, heated debate occurred as each article was brought up for consideration with many substitutions for and amendments to suggested by the opponents of the articles. Finally, on February 27, the majority report with modifications was passed and sent to the Congress as proposed amendments to the Constitution.

The plan, less favorable to the South than the Crittenden Resolutions and not satisfactory to the radical Republicans, lacked the support of a homogeneous majority and went to Congress, where no action was taken.

93. *Ibid.*, 274.
94. Tyler, *op. cit.*, II, 601-602.