

The Beginning of the Decade of Crisis: The Compromise of 1850

When California residents applied for statehood after the Gold Rush swelled the population, Congress faced a dilemma. Northerners were a solid majority in the House of Representatives, but the Senate was equally divided between 15 free and 15 slave states. Southerners dominated the Supreme Court and Zachary Taylor, who owned plantations and slaves in Louisiana and Mississippi, was in the White House. California sought admission as a free state, and this threatened to upset the delicate sectional balance. Northerners also expected Utah and New Mexico, in need of territorial governments, to eventually join the Union as free states.

It was Senator Henry Clay, the “Great Pacificator,” who attempted to settle the sectional crisis in a sweeping political compromise. In January 1850, the 72 year-old Kentucky Whig introduced a series of resolutions that called for the admission of California as a free state; the organization of territorial governments for Utah and New Mexico, without “any restriction or condition on the subject of slavery”; the abolition of the slave trade (but not slavery) in the District of Columbia; a more stringent fugitive slave act, to circumvent the various personal liberty laws; and the scaling back of the Texas boundary claims in return for the federal assumption of the state’s debts. Clay implicitly supported the popular sovereignty principle regarding the Mexican Cession, rejecting both the Wilmot Proviso and a federal slave code for the western territory.

Clay defended his proposals in a lengthy two-day speech delivered to the Senate in February, but not everyone in the audience was prepared to compromise. John C. Calhoun was too feeble to speak as scheduled on March 4, so his defiant final thoughts on the sectional crisis were read to the Senate by James M. Mason of Virginia. Calhoun argued that Southerners had “no compromise to offer,” because the North had been chipping away at the political equality of slaveholders since the Northwest Ordinance of 1787. Northerners must concede to the South the right to carry slaves into the Mexican Cession, return all fugitive slaves, and “cease the agitation of the slave question.” Calhoun died before the month ended, but his unyielding opposition to compromise was espoused by Jefferson Davis and a younger generation of southern “fire-eaters”—the most aggressive supporters of slavery and, ultimately, secession.

Daniel Webster, along with Clay and Calhoun part of the “Great Triumvirate,” rose in the Senate for his last significant address on March 7. “I speak to-day for the preservation of the Union,” he began, “Hear me for my cause.” The Massachusetts Whig eloquently upheld Clay’s resolutions, claiming that the Wilmot Proviso was unnecessary because the “laws of nature” prevented slavery from flourishing in the inhospitable western climate and soil. He failed to convince New England abolitionists, however, who denounced Webster for also supporting a stronger fugitive slave law. John Greenleaf Whittier dismissed the once “God-like Daniel” in a vitriolic poem, “Ichabod”: All else is gone, from those great eyes The soul has fled When faith is lost, when honor dies, The man is dead!

William Henry Seward, a 48 year-old New York Whig and an implacable foe of compromise, spoke on March 11. He demanded the immediate admission of California as a free state, without any concessions to the South. Seward argued, “There is a higher law than the Constitution, which regulates our authority over the domain.” This extra-Constitutional “higher law” idea was frightening to Unionists, and came back to haunt Seward when he sought the Republican presidential nomination in 1860. Lewis Cass, “The Father of Popular Sovereignty,” joined the Senate debate and echoed Webster’s support for Clay’s proposals in an effort “to calm this agitation.”

On April 18, the Senate chose Henry Clay to chair a Committee of Thirteen, formed to draft compromise legislation. The other 12 members, including Webster and Cass, were equally divided between Northerners and Southerners, and Whigs and Democrats. In May, the committee reported three bills to the Senate. The first, dubbed the “Omnibus bill,” called for the admission of a free California, settled the Texas boundary, and established territorial governments for Utah and New Mexico. The other bills strengthened the fugitive slave law and abolished the slave trade in the District of Columbia.

As the debate continued through the hot summer months, it became clear that Clay’s strategy was failing because senators who opposed any section of the Omnibus bill were prepared to vote against it. President Taylor, for his part, saw no reason why California’s admission to the Union should be linked to a larger compromise. On the Fourth of July, the president endured hours of oratory under a broiling sun.

Upon returning to the White House, he attempted to cool off by consuming excessive amounts of cucumbers, cherries, and iced milk. He died five days later of a violent stomach disorder. Millard Fillmore, who was sworn in as the thirteenth president, was pledged to support a legislative compromise. Nevertheless, a majority of the Senate still opposed the Omnibus bill in its entirety and, on August 1, only the provision establishing the Utah territorial government was passed.

Bitterly disappointed, Clay gave up the struggle and left Washington for the more healthful climate of the Rhode Island seashore. But the victory of those opposed to a comprehensive accord was short-lived. Stephen A. Douglas, a young Democratic senator from Illinois, assumed the task of dividing Clay's remaining proposals into individual bills and steering them through Congress. By late September, the legislation collectively known as the Compromise of 1850 was signed into law by President Fillmore. California was admitted as a free state, Utah and New Mexico were created as territories, Texas was compensated with ten million dollars for accepting its present-day borders, the slave trade was abolished in the District of Columbia, and a more stringent fugitive slave law was enacted. Stephen Douglas, nicknamed the "Little Giant," proudly declared that "the whole country" accepted the Compromise as the "final settlement" to the sectional controversy.

Americans generally supported the Compromise of 1850, with the exception of political extremists in both the north and the south. The Fugitive Slave Act was particularly galling to many Northerners. Alleged runaways were not permitted a jury trial or allowed to testify at their hearing, and the commissioners who decided the cases were paid ten dollars if they returned accused fugitives to slavery but only five dollars if they released them. In addition, "all good citizens" were "commanded to aid and assist in the prompt execution of this law." Anyone obstructing the return of a fugitive slave or participating in a rescue was liable to a maximum fine of 1,000 dollars and a six-month term of imprisonment.

Ralph Waldo Emerson reflected the feelings of many Northerners when he wrote, "This filthy enactment was made in the nineteenth century, by people who could read and write." He asserted that no one could obey the Fugitive Slave Act without the "loss of self-respect." A fellow New Englander put it even more bluntly—the law he reckoned placed the value of an escaped slave at 1,000 dollars, and the price of a Yankee soul at five.

Northern opposition to the law flared when slave catchers attempted to return fugitives to their owners. One of the first arrests took place in October 1850 at Detroit. Giles Rose, employed as a laborer by a former governor of Michigan, was accused of escaping from Tennessee and placed in the custody of the federal marshal. Armed blacks, including several hundred that crossed over from Canada, surrounded the jail and threatened to free Rose. Before blood was shed in a rescue attempt, a town meeting was held and 500 dollars was swiftly raised to purchase his freedom.

More spectacular rescues took place in the year following passage of the Fugitive Slave Act. Ellen and William Craft were rushed to safety by Boston abolitionists before a Georgia slave catcher could claim them. Frederick "Shadrach" Minkins (variously known as Wilkins or Jenkins), working as a waiter in a Boston coffeehouse, was arrested as a fugitive but freed by a band of African-American citizens. In Syracuse, New York, the Liberty Party was holding its state convention when William "Jerry" Henry, a known fugitive from Missouri, was arrested. An angry crowd marched on the building where he was held. Led by Gerrit Smith, one of the wealthiest men in the state, and Jermain Loguen, a conductor on the Underground Railroad and himself a fugitive, the rescuers broke down the door with a battering ram. Henry was taken in a wagon to Oswego, where he crossed Lake Ontario to freedom in Canada.

Despite some successes by antislavery Northerners, more than 200 runaways were returned to the south under the Fugitive Slave Act of 1850. When an abolitionist newspaper editor in Wisconsin, Sherman Booth, was jailed in 1854 for assisting in the rescue of an escaped slave, the state legislature declared the federal law to be "void, and of no force." The slavery issue transcended Constitutional theory—even northern states were willing to embrace Calhoun's doctrine of nullification in the sectional struggle. Several other northern states also passed new "personal liberty laws," making it difficult for federal authorities to enforce the Fugitive Slave Act. In 1859 the Supreme Court ruled in *Abelman v. Booth* that the law was constitutional, and Booth returned to jail. Nonetheless, the Fugitive Slave Act was essentially unenforceable in many parts of the North by the mid-1850s.