MARTIN VAN BUREN AND SLAVERY

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Waters, Philo Wayne, Jr., *Martin Van Buren and Slavery*. Master of Science (History), December, 1972, 140 pp., bibliography, 148 titles.

The main objective of this study is to determine Martin Van Buren's views on slavery and the influence of the institution on his public career. Van Buren held every major public office including those of Governor of New York, United States Senator, cabinet member, Vice President under Andrew Jackson and, eventually, President of the United States. This one-term President sought the highest office in the land on three additional occasions, each time being defeated, with slavery being a key issue in his last two attempts.

The main sources used were the Van Buren papers and writings of his contemporaries, including accounts of the Utica and Buffalo conventions in 1848. These were further supported by various diaries and records of the proceedings of the United States House and Senate. This study involves a chronological review of Van Buren's political career. It begins with a brief examination of Van Buren's background and formative years. The first chapter also summarizes Van Buren's views on slavery prior to 1840. Chapter Two examines Van Buren's political involvement and views on slavery from
1840 until 1844, the years which saw him fall from being the titular head of the Democratic Party to a political outcast, after he suffered a bitter defeat at the 1844 Democratic national convention in Baltimore. Chapter Three reveals the impact of the Wilmot Proviso on Van Buren, his new views on slavery, his forced separation from the Democratic Party, and his eventual transition into the Free Soil camp. Chapter Four delineates the process through which Van Buren and his followers were forced out of the Democratic Party, their conventions, and the subsequent establishment of the Free Soil Party, which consisted of various groups of political mavericks. Van Buren's ultimate defeat and the apparent lack of concern over the debacle by Van Buren and his supporters are also investigated, and the conclusions regarding his views on slavery are drawn to a central theme.

A study of Van Buren's views on slavery reveals devotion to the principle of strict construction of the Constitution. Van Buren sincerely believed that the writers of the Constitution had guaranteed the peaceful existence of and non-interference with slavery in the states where it then flourished. In return for this guarantee, Van Buren believed that southerners had in 1787 willingly agreed to prohibit
the expansion of slavery into any new territory. Thus, whenever it appeared that the federal government might interfere with the peculiar institution in the South, Van Buren sided with the South to maintain state's rights. However, whenever any question was raised about the expansion of slavery into a new territory, Van Buren argued against its expansion. Whenever Van Buren was forced to issue a public statement regarding slavery, he suffered political misfortune. His beliefs regarding slavery eventually forced him into retirement to spend the rest of his days, not as an honored statesman, but as a discredited politician and farmer.
MARTIN VAN BUREN AND SLAVERY

THESIS

Presented to the Graduate Council of the
North Texas State University in Partial
Fulfillment of the Requirements

For the Degree of

MASTER OF SCIENCE

By

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Denton, Texas

December, 1972
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>VAN BUREN AND THE SLAVERY QUESTION TO 1840</td>
<td>1</td>
</tr>
<tr>
<td>II.</td>
<td>VAN BUREN AND TEXAS</td>
<td>33</td>
</tr>
<tr>
<td>III.</td>
<td>THE WILMOT PROVISO, BARNBURNERS AND HUNKERS</td>
<td>73</td>
</tr>
<tr>
<td>IV.</td>
<td>THE FREE SOIL MOVEMENT</td>
<td>105</td>
</tr>
<tr>
<td></td>
<td>BIBLIOGRAPHY</td>
<td>129</td>
</tr>
</tbody>
</table>
Prior to the election of 1848, Martin Van Buren, a native New Yorker, one of the founders of the Democratic Party and a former Democratic President, abandoned his party to serve as the presidential candidate of the Free Soil Party. It puzzled many people as to why Van Buren would leave the party he had been so instrumental in creating. For the most part, the answer lies in the myriad problems surrounding the institution of slavery.

By 1848 slavery was playing a key role in almost all political decisions and was most certainly involved in Van Buren's decision to leave the Democratic Party. Such an extreme action seems improbable when one considers how mute Van Buren had been on the slavery question throughout most of his political career. When historians write about slavery and the Presidents, Van Buren is rarely mentioned; however, his views by 1848 were strong enough to make him abandon the party he had helped establish over twenty years before. Therefore, before any conclusions can be drawn as to why Van Buren would take such a drastic step, a closer
examination must be made of his background, his role in establishing the Democratic Party, and his views on slavery.

Martin Van Buren was born at Kinderhook, New York, on December 5, 1782, the son of Abraham and Maria Goes Van Buren. The Van Buren family had little money and Martin was forced to spend most of his adolescent years working rather than going to school. Because of this situation Martin received a limited education at the Kinderhook Academy, and was unable to attend college. He later served as a legal apprentice from the time he was fourteen years old until he reached the age of twenty. In 1803 Martin began the practice of law, which he continued for twenty-five years until his election as Governor of New York in 1828.

From the beginning of his law practice in 1803 until his election to the United States Senate in 1821, Van Buren also held several other important positions. In February of 1807, he became a counsellor of the supreme court of New York. Martin celebrated this appointment by marrying Hanna Hoes, who was of Dutch descent and related to his

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mother. This happy, scandal-free marriage lasted until 1819, when Hanna's untimely death left Van Buren alone to raise four sons. He never remarried and remained loyal to his wife's memory until his death forty-three years later.  

In 1808 the young lawyer became the surrogate (one who has jurisdiction over wills and testaments) of Columbia County. Five years later, in 1813, Van Buren ran for the senate of New York. His election led to his subsequent appointment to the court for the correction of errors. In 1815, while still a state senator and only thirty-two years old, he became the attorney-general of New York. Van Buren was now recognized as the leader of the Jeffersonian party in the state. Four years later, in 1819, a coalition of Clintonians and Republicans succeeded in removing him from office. However, this proved to be only a temporary setback in his political career; in 1821 Van Buren ran for and won a seat in the United States Senate.  

Van Buren's first experience involving active campaigning for a presidential candidate began prior to the election of 1824. After being considered (and rejected) for a

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4 Ibid., pp. 22-24, 36.
position on the Supreme Court, Van Buren turned his attention to selecting a nominee for the presidential election of 1824. After considering several candidates, Van Buren decided to support William H. Crawford. Van Buren believed that Crawford shared his political principles and was therefore the man to support.\(^5\) Van Buren campaigned actively for Crawford, even after Crawford suffered a stroke late in the summer of 1823.\(^6\)

In February, 1827, Van Buren was re-elected to the Senate, but a series of events induced him to resign. First, Governor De Witt Clinton of New York died in February of 1828, and Van Buren's friends persuaded him to leave the Senate and run for Governor. Van Buren won the election, and on January 1, 1829, he took office.\(^7\)

Van Buren rose to national prominence by playing an active role in the presidential election of 1828. After this election many people considered Van Buren the principal organizer of the new Democratic-Republicans, who were breaking


\(^6\)Ibid., pp. 43, 51.

away from the old Jeffersonian Republicans. Van Buren had led the campaign for Jackson and John C. Calhoun. During this campaign Van Buren received the nickname "the Little Magician" from his political adversaries because of the way he managed to swing his forces into the Jackson camp.

Through Van Buren's efforts, Thomas Ritchie, editor of the Richmond Enquirer, and his Richmond Junto, which governed the state of Virginia, entered the Democratic Party. The Junto joined forces with Van Buren's Albany Regency, which governed New York, to strengthen a coalition known as the New York-Virginia alliance, which had been a controlling voice in the government since 1800. Ritchie brought his state into the party in April, 1826, and "agreed to the alliance--the union of the 'planters of the South and the Plain Republicans of the North.'"

Van Buren had thus realized the importance of bringing the southern element into the national party, and until his defection to the Free Soil Party in 1848, he strived to keep the alliance intact. This may be one reason that for

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9 Richmond Enquirer, 27 April 1829; Robert V. Remini, Martin Van Buren, p. 133.
many years he was usually silent concerning slavery and appeared to be neither pro- nor anti-slavery. His correspondence during the 1820's rarely contains references to the peculiar institution. Although Van Buren liked southerners and was aware of the necessity of their support, he had no real public feelings on slavery.¹⁰

For his efforts in helping organize the Jacksonian party, Jackson rewarded "the Little Magician" by offering him the cabinet post of Secretary of State. Van Buren accepted and resigned his newly-elected position as Governor of New York after serving only two months. While Van Buren was Secretary of State he had his first connection with Texas. Jackson's desire for the Mexican territory had been increased by reports from Colonel Anthony Butler informing him of the tremendous potential of the area.¹¹ Jackson made several attempts to buy the territory but to no avail.¹² The acquisition and annexation of Texas did not cause Van Buren any consternation as Jackson's Secretary of State, but the

¹⁰ Remini, Martin Van Buren, p. 132.

¹¹ Richard Williams Smith, "The Career of Martin Van Buren in Connection with the Slavery Controversy Through the Election of 1840" (Ph.D. diss., The Ohio State University, 1959), p. 100.

¹² Ibid.
issue would return in just a few short years and foil his attempt to obtain his party's presidential nomination in 1844.

In June, 1831, Van Buren resigned his cabinet position along with John Eaton in order that Jackson might rid his cabinet of John C. Calhoun's men who had fallen into disfavor with the President. Their resignations gave Jackson the opportunity to request the remainder of his cabinet to do the same. This action permitted Jackson to reform his cabinet with men who were unquestionably loyal to him. 13 For his role in this drama, Jackson rewarded Van Buren by appointing him minister to England. However, one of Van Buren's biographers has contended that Van Buren resigned to escape allegations that he had caused a split between Jackson and Vice President John C. Calhoun. 14

Van Buren left for England, and while he was there, the approval of his appointment went to the Senate. Because of a tie, Calhoun could cast the deciding vote, and he voted against confirmation. Van Buren returned to the United States, but this defeat was no setback, as Jackson rewarded

his loyalty by making him his vice-presidential running mate in 1832.

As Vice President under Jackson from 1833 until 1837, it was natural for Van Buren to assume the role of head of the party from the retiring President. In 1835 the Democratic Party nominated Van Buren for President, and he was elected by a comfortable margin. He received 170 electoral votes compared to William Henry Harrison's 73, Hugh Lawson White's 26, Daniel Webster's 14, and Willie P. Mangum's 11. Van Buren's term as President was not one of great accomplishment. On the contrary, his administration was beset by severe national economic problems. When he took the oath of office on March 4, 1837, he assumed the leadership of a country that was soon destined to have its economy collapse, depression set in, and economic chaos spread throughout its boundaries. For the next four years, the President had to fight the opposition party, as well as many people in his own party, in order to establish a new foundation for the national economy. The economy had been undermined by the temporary loss of the "tenuous balance of

15 Ibid., pp. 168, 224, 334, 239, 280. (Van Buren received 762,678 popular votes and 170 electoral votes.)

independent forces" in which capital from England was temporarily reduced, and the international depression, which had begun in Great Britain, now spread to the United States.\textsuperscript{17}

As a result, much of Van Buren's term was devoted to trying to revive the economy.

One of the major problems was the lack of a national bank. Jackson had vetoed the rechartering bill of the Bank of the United States in 1832. He removed the public funds from the bank and put them into "pet" or chartered banks. The state banks used this money as a basis to print notes which circulated as currency. As a result, many of the bank notes were based on false capital. Eventually this led to Jackson's issuance of the Specie Circular in July, 1836, which may have helped to hasten the Panic of 1837, which shook the nation's economy to the point that many people feared the nation would be thrown into a revolution. Thus, the situation which Van Buren inherited was an unenviable one.

Most of Van Buren's efforts as President were directed toward solving the nation's economic ills. On September 5, 1837, the President sent a message to a special session of the 25th Congress outlining his financial plans to stabilize

the economy. These included the separation of banks from the government and the establishment of an independent or subtreasury system to handle public funds. However, because of tremendous political agitation and debate over his proposals, Van Buren was unable to sign the Independent Treasury bill into law until July 4, 1840.

Van Buren's term of office was not totally without accomplishment. Achievements of his administration included the admission of Iowa as a free territory in 1838, pre-emption rights to settlers on public lands, internal improvements such as increased navigation in Florida rivers, provision of land for a canal in Wisconsin, appropriations for the Cumberland Road, and preservation of peace on the Canadian boundary.

Despite the poor economic conditions of the past three years, the issues of the election of 1840 were submerged

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19 Ibid., pp. 5, 6.
20 Schlesinger, Age of Jackson, p. 265.
by a campaign of personalities, although some attention was
directed to the spreading abolition movement. Southerners
frequently wrote Van Buren and his aides requesting his
views on slavery and the abolition movement rather than
attempting to ascertain what Van Buren was doing to ease
the economic crisis.

On March 21, 1840, Walter F. Leak of Richmond County,
North Carolina, chairman of the local Democratic District
Convention, queried Van Buren:

Are you or are you not opposed to the Abolition of
slavery in the United States, in any and every shape,
form or fashion, except as the owners of the Slaves
themselves desire.

Resolved, that although we have no cause to suspect
either an union of sentiment, or of action, between
the Abolitionists and Martin Van Buren; yet we are
firmly persuaded that the highly excited and sensitive
condition of the publick mind at the South require at
his hands, a renewal of the same sentiments and pledges,
as were contained in his letter of the 6th of March
1836, addressed to Junius Amis and others.²²

In reply Van Buren referred to his letter to one Junius
Amis on March 6, 1836. In this letter Van Buren had stated
that Congress did have legislative power over the District
of Columbia. However, he firmly believed that Congress
should not exercise the use of its power in the District

²²"Unpublished Letters from North Carolinians to Van
Buren," Elizabeth Gregory McPherson, ed., North Carolina
Historical Review 15 (1938): 131-32.
without the approval of the southern states. More explicitly, he had affirmed that he would be "the . . . uncompromising opponent of any attempt on the part of Congress to abolish slavery in the District of Columbia, against the wishes of the slaveholding states."  

Van Buren added that his feelings were based on the idea that had the framers of the Constitution envisioned the problems that slavery would cause in later years, they would not have delegated Congress the power to control slavery in the District of Columbia. To abolish slavery in the District would be to reject the spirit of compromise so essential in establishing and maintaining a federal union. The presidential candidate now informed Leak that his sentiments were still those he had expressed in his letter to Amis and had partially repeated in his inaugural address. He further stated that his ideas had been strengthened by subsequent experience and reflection.

As the slavery question became more prominent an issue in the presidential election of 1840, the Democrats appealed

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24 Ibid.

to southern slaveholders by reminding them of Whig candidate William Henry Harrison's speech at Cheviot, Ohio, in 1833. In this speech Harrison had declared that the slaves were under the control of the states and not under supervision of the national government. However, Harrison believed that it would be feasible and appropriate to use the Treasury surplus to purchase slaves for emancipation and colonization. Harrison concluded, "By a zealous prosecution of a plan formed upon that basis, we might look forward to a day... when a North American sun would not look down upon a slave."\(^{26}\) Thus it would appear that the Harrison camp tried to present their man as anti-slavery, while Van Buren in his attempt to protect southern state's rights appeared to be pro-slavery.

After much debate, charges, and countercharges between politicians on where their candidates stood on the slavery issue, Thomas Ritchie tried to simplify the matter on May 8, 1840, when he wrote in the *Enquirer*:

> These are the great issues before you. Not low prices, not Mr. Poinsett's bill, but the great issue, whether you will adhere to your Republican tenets, the States Rights principles of '98-'99; or whether you will become Federalist-latitudinous constructionists of the Constitution. Will you take up a Federalist, and the

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Abolitionist candidate, for your favorite—or one, who is a Republican in principle, and who has pledged himself in the face of the world, to veto any bill, which touches your rights?—This is the true issue.

In this same edition of the Enquirer, Ritchie published several letters from interested people who had written to Harrison requesting an explanation of what position he held regarding abolition. Dr. H. Alexander had written to the General asking:

Has Congress the right, without the consent of the people of the District and of the States of Virginia and Maryland, to abolish slavery in the District of Columbia?

Or, if President, would you veto or sanction a bill, passed by Congress in compliance to the petitions of the Abolitionists of the present day, [to] abolish slavery in the District of Columbia, Territory, or prohibiting the removal of slaves from State to State?²⁸

In reply, Alexander received a letter from Harrison's executive committee in charge of the campaign informing him that the General had discussed this issue in previous speeches, which were being compiled into a pamphlet along with other important issues of the day. This pamphlet would serve as an outline of Harrison's position on crucial topics. Alexander was informed that he would receive one of the pamphlets in the near future.

²⁷ Richmond Enquirer, 8 May 1840.
²⁸ Ibid.
After relating this series of events in the *Enquirer*, Alexander bitterly denounced Harrison, exclaiming:

So the public are to have no more opinions from General Harrison: they must be satisfied with his heretofore expressed opinions, selected by his committee for electioneering purposes. No matter what new subject may arise, or what new forms old ones may have assumed, the General must keep, or rather be kept dark, in relation to them, for fear of offending some fragment of the party now using him. There is something to me supremely ridiculous in this committee business; something revolting to candor and honesty of purpose . . . .

It will not do for this committee to refer to his opinions expressed years ago upon the subject of Abolition; Abolition of former years, is not Abolition of the present day . . . .

This letter reveals the tone and tactics that the southern Democrats used to battle the aging war hero. They denounced him as an abolitionist and a weak-willed old man serving as a figurehead of the Whig Party, which in actuality was being run by a select committee. Another letter to the *Enquirer* from one James Rague demanded to know who would be President, the General or his committee?  

These denunciations of Harrison as an abolitionist and a figurehead candidate continued to dominate the southern Democratic theme until election time. It is obvious from these tactics that slavery was most definitely an issue in

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29 Ibid.

30 Ibid.
Van Buren's bid for re-election in 1840. Most certainly it was not the only issue, nor was it probably the most important one, but it surely influenced many voters.

The tally of the election votes revealed that Van Buren had only carried two northern states, New Hampshire and Illinois. In the South he had a little more success, carrying four slave states, Alabama, Arkansas, Missouri and Virginia. From these statistics, one can surmise that many northerners were afraid of Van Buren's southern sentiments, despite his being a New Yorker. In a different context, many southerners had been convinced by the Van Burenites that although a northerner, Van Buren had some southern principles and could be counted on to protect the peculiar institution.

Van Buren had exerted much effort in an attempt to project the image of maintaining a North-South alliance. As previously stated, this may be one reason he was usually silent concerning slavery in his early political career and appeared to take no stand on the issue. Most of his correspondence of the 1820's still extant contains no reference to the peculiar institution. However, Van Buren

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did voice some opinions on slavery concerning the Missouri question in 1820.

Van Buren's stand on any issue is frequently difficult to ascertain as he was usually non-committal. Concerning questions on which he had not made a decision, he was a master of ambiguity—to the extent that no one really knew which side he favored. Once Van Buren had made up his mind, he would carry the banner but was still frequently evasive. This led John Randolph to proclaim that Van Buren "rowed to his object with muffled oars."32

In his Autobiography, begun in 1854, Van Buren gave an excellent insight concerning his views on slavery and the role it played when the Federal Union was established. He related that in 1823, he and Rufus King, both Senators from New York, had travelled together to Washington. During their journey King discussed the coming election in which a successor to President James Monroe would be chosen. King remarked that he preferred John Quincy Adams over the other candidates on the basis that slavery had exerted some pressure on the government and would continue to do so in the future and that the presidency had been held by citizens of slave states for long periods in the nation's short

32 Schlesinger, Age of Jackson, p. 49.
history. Therefore, he felt obligated to support Adams, a northerner who owned no slaves.

After listening to King's comment about the desirability of the various candidates with relation to slavery, Van Buren informed King that he held the opposite viewpoint. Van Buren believed that slavery had been dealt with "in a wise and liberal spirit" by the southern states until the present. He stated that factors other than slavery had caused the disproportionate influence that the southern states held in the federal government; therefore, he could not allow these considerations to influence his vote in a presidential election.

While Van Buren was recalling this account with King in his later years, he went on to express his views on slavery and the role it played at the time of the conception of the new union. He maintained that in the states where slavery existed it had been deeply implanted in the people's way of life and could not be eradicated unless by an act of God. On the other hand, where slavery had been abolished

34 Ibid.
through legislation, it had not become a way of life, and was therefore possible for the states to abolish it. 35

According to Van Buren, as soon as independence had been secured in 1783, the nation's leaders had turned their attention to the question of slavery in the various states and the possible effect the institution would have on the new nation. The founding fathers had concluded that slavery would be abolished in a majority of the states where it was not a way of life. They believed that it would not take long for the natural abolition process to be concluded, and this would lead to increased population in the non-slaveholding states. 36 Van Buren also declared that the founders had predicted that debates would arise as to the value of free versus slave labor and had questioned to what degree this should be encouraged. 37 Questions regarding free or slave labor would lead to strong denunciations of slavery

which the changed condition of State would naturally increase, and that in this way the subject itself would come to be regarded as one of political power, creating sectional parties and in the end overthrowing the glorious fabric which had been raised by the joint

35 Ibid.
36 Ibid.
37 Ibid., p. 133.
labors of all, if these sad results were not prevented by timely and comprehensive measures.\textsuperscript{38}

Van Buren believed that the founders of the Union did not even consider that the northern and eastern sections of the new country might interfere with the peculiar institution in the states where it then existed. To do so would fracture the fraternal spirit of the Revolution, a consideration totally alien to their beliefs. Likewise, slaveholders were confident that the Constitution of 1787 gave them ample protection and that their private property was secure. However, even at this early date, "The spread of slavery and the increase of slave states was the source from which trouble was apprehended."\textsuperscript{39} The founders were already faced with the question of whether slavery should be given a free rein to expand or allow its expansion to be discouraged by the government.\textsuperscript{40}

Under the influence of the founding fathers, including Washington, Jefferson, Madison, and Patrick Henry, the representatives of the several states had enacted the Northwest Ordinance of 1787 and thereby prohibited the expansion

\textsuperscript{38}Ibid.
\textsuperscript{39}Ibid.
\textsuperscript{40}Ibid.
of slavery into the Northwest Territory.\textsuperscript{41} In framing the Constitution, wrote Van Buren, southern delegates accepted the guarantee that slavery could be maintained where it then existed by prohibiting use of the word \textit{slavery} in the Constitution.\textsuperscript{42} Van Buren, although not really in favor of slavery, was thus willing to let it exist as provided for under his interpretation of the founding fathers' agreements.

From the time of the writing of the Constitution until the Missouri controversy, citizens of both North and South were for the most part unemotional and open-minded about slavery and could deal with it in a rational manner. Emotionalism and real confrontation did not begin until 1819, when the question arose of whether the Missouri Territory should be admitted as a free or slave state. For the most part, the nation had been void of sectional strife, but the acquisition of new lands far beyond the limits of the Northwest Territory gave birth to intersectional strife over slavery. When the Missouri Territory applied for admission to the Union as a slaveholding state on the grounds that

\textsuperscript{41}Ibid., p. 134.

\textsuperscript{42}Ibid., p. 135.
it had been a slaveholding territory, it produced a furor in Congress. 43

In his Autobiography Van Buren sided with the South over the Missouri question and came directly to the point when he stated:

I had not, as I have stated before, sympathized in the Missouri Agitation because I could not conceal from myself the fact, to which all we saw and heard bore testimony, that its moving springs were rather political than philanthropical, and because I thought nothing had arisen that would justify us in making the subject of slavery a matter of political controversy. 44

Thus it appears that had Van Buren believed that the halting of slave expansion was philanthropic rather than political, he would have supported the restriction program. However, he believed that its purpose of forcing the admission of Missouri as a free state was to obtain political advantage over the South and to destroy the security of owning slave property as promised to the South in the Constitution. This seemed contrary to the spirit present in forming the Union; therefore, Van Buren sided with the South. 45

Apparently the thirty-odd years between Van Buren's actions regarding the Missouri controversy and the time

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he wrote about it in his Autobiography had dimmed his memory somewhat. One of Van Buren's biographers contends with ample evidence that Van Buren and other leading citizens of Albany, New York, called for a public convention to be held in that city, in which those attending would publicly protest the expansion of slavery beyond the Mississippi.\(^{46}\) Strangely enough, Van Buren was not present at this meeting and he refused to permit his name to be included on the roster of the committee sending a resolution to Washington, D.C. Despite his absence from the meeting and his refusal to let his name be used, Van Buren condoned rather than condemned the resolution.\(^{47}\)

The Albany meeting resolved that Congress had the power to prohibit the expansion of slavery into any new state admitted into the Union and that the prohibition of slavery should be a condition for the admission of any new state.\(^{48}\) In his absence Van Buren was appointed to prepare a memorial for Congress, but he refused to work on the committee or sign the completed memorial.\(^{49}\)

\(^{46}\) Shepard, Martin Van Buren, p. 74; Copy of the public summons, Van Buren Papers; Smith, "Career of Martin Van Buren," p. 44.

\(^{47}\) Shepard, Martin Van Buren, p. 74.


\(^{49}\) Notes on the Albany Meeting, Martin Van Buren Papers.
One correspondent then (1820) questioned Van Buren's consistency. He reminded Van Buren that he had personally asked him to serve on the committee, but Van Buren had refused because of what he called "other business." He then asked the recalcitrant Van Buren for the use of his name, to which Van Buren had previously consented. Van Buren replied that he had consented only to have his name used in calling together a committee of citizens "to express their opinions on the Missouri Question." He added that he did not include the right of his name being used on whatever document the committee composed.

Thus it would appear that Van Buren's action in calling the meeting and his failure to attend it was an attempt to support the anti-slavery movement in Albany without really being an activist. He later declared that he did not sign the memorial because it was based on "political and partisan designs" of the Clintonians, the rival faction of Van Buren's party in New York. Van Buren implied that this meeting was also more political than philanthropic. He also feared that inflammatory attacks on the peculiar institution in the

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50 Henry E. Jones to Martin Van Buren, 20 January 1820, ibid.
51 Martin Van Buren to Henry Jones, 21 January, 1820, ibid.
South and its supporters in the North could quite conceivably lead to the breaking of the Republican Party into several alienated factions.\(^{53}\)

At this same time, Van Buren, then a state senator, voted in favor of a resolution (of the New York legislature) instructing New York's senators and representatives not to approve the admission, as a State in the Union, of any territory not comprised within the original boundary of the United States, without making the prohibition of slavery therein an indispensable condition of admission.\(^{54}\)

Van Buren later said that he was forced into voting in favor of the resolution in order to prevent the Clintonians from gaining political advantage.\(^{55}\)

Van Buren's next public declaration regarding the slavery issue came during the presidential election year 1836. With the slavery question becoming more prominent as an issue, he was called upon to make a public statement regarding his views on this question. The American Anti-Slavery Society had been distributing fiery pamphlets throughout the North telling of the barbarism of slavery.

\(^{53}\)Ibid., p. 137.

\(^{54}\)Shepard, Martin Van Buren, p. 74; Smith, "Career of Martin Van Buren," p. 58.

Much of this literature fell into southern hands and caused southern leaders to believe that a northern conspiracy existed. When Van Buren learned of the agitation and the suspicions that the pamphlets had aroused, he tried to restore tranquility. The Regency's voice, the Albany Argus, denounced abolitionist extremism, and the Regency called a meeting in which those attending expressed sympathy for the South. Van Buren followed this in March, 1836, by releasing a statement in which he affirmed his belief that Congress had the right to abolish slavery in the District of Columbia, but as President he would oppose any such legislation.

Van Buren followed the release of this statement on June 2, 1836, by casting the tie-breaking vote (as Vice President and presiding officer of the Senate) on a bill calling for federal postmasters to prohibit the delivery of inflammatory abolition literature in any state prohibiting the distribution of such material. His vote enabled the bill to be engrossed for a third reading; much to the surprise of some southerners, Van Buren voted in the

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56 *Albany Argus*, 31 August 1835.

Ritchie, in the *Enquirer*, declared that Van Buren's vote did more to aid his candidacy in the South than all the pamphlets the Democratic Party had printed.  

Despite the release of his statement and his tie-breaking vote, southerners still did not completely trust the Democratic presidential candidate. There were enough contradictions in his past voting record and public statements to cast a shadow over Van Buren's true position. For example, in February, 1822, while serving as a United States Senator, Van Buren had participated in the voting on the admittance of Florida as a new territory. The question arose of whether the slave trade in Florida should be limited. After much debate the committee of the whole struck out the clause prohibiting the importation of slaves into Florida, unless brought in by authentic settlers. On March 6, when the Senate discussed the committee's report, Van Buren spoke for inclusion of the clause and later voted with a minority of Senators against the bill.

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59 *Richmond Enquirer*, 7 June 1836.

60 *Curtis, Fox at Bay*, pp. 47-48.

because of the omission. His actions would haunt him in the 1836 presidential campaign as his opponents reminded him of his vote.

Twelve years later in the spring of 1834, Van Buren attempted to allay southern fears regarding his views on congressional control of slavery. In a letter to one Samuel Gwin, Van Buren declared that slavery was under the control of the individual states. He added that Congress could not interfere with slavery unless the Constitution were rewritten.

In the next year, Thomas Ritchie wrote to Silas Wright, United States Senator from New York and Van Buren's closest political ally, about Van Buren's opinion on the power of Congress concerning the master-slave relationship and whether Van Buren believed that slavery should be abolished in the District of Columbia. On March 14, 1835, Ritchie published Wright's letter in the Enquirer. Wright had replied:

He [Van Buren] would consider it impolitic for Congress to pass a law abolishing slavery in the District of Columbia; and in his opinion, the Constitution of the United States does not give that body the right to

62 Ibid., pp. 2583-84.

63 Draft of Martin Van Buren to Samuel Gwin, 11 July, 1834, Martin Van Buren Papers.
interfere with the relation between master and slave, in any of the states. \(^6\)

Van Buren's views on slavery were more prominently presented to the people in his presidential inaugural address delivered on March 4, 1837. In this speech Van Buren appealed to both North and South for calm. He announced that he would oppose any attempt by Congress to prohibit slavery in the District of Columbia or to interfere with the institution in the slaveholding states. \(^6\)

In his annual message to Congress delivered on December 17, 1840, Van Buren again spoke out on slavery, using the strongest language he had used regarding that subject. In this message Van Buren stated, "The suppression of the African slave trade has received the continued attention of the Government." \(^6\) He informed Congress that two ships, the *Dolphin* and the *Grampus*, patrolled the coast of Africa in an effort to stop American participation in the slave trade. Van Buren further informed the Congress that the ships' "presence on the slave coast has, in a great degree, arrested the prostitution of the American flag to the inhuman purpose."

\(^6\) *Richmond Enquirer*, 14 March 1835.

\(^6\) *Williams, ed., Presidents' Messages*, p. 1049.

\(^6\) *Congressional Globe*, joint meeting, 26th Cong., 2nd sess., 1840, p. 6.
Van Buren vilified this trade as being one that "while it violates the laws, is equally an outrage on the others and the feelings of humanity." 67

It is obvious from these statements that Van Buren strongly believed the slave trade violated human rights and steps should be taken to eliminate it. However, it should be noted that he denounced only the slave trade, not the slave system as a whole. This strange assignment of right and wrong was more obvious as Van Buren became more verbal on the issue. Van Buren believed in the right of people to own slaves but not the right to buy and sell them.

Van Buren thus acted in a manner which reflected his attempts to appease the South—a policy that he pursued for most of his political career and one that did not always work. By constant appeasement Van Buren hoped to establish a strong North-South axis as a political power base. He believed that to keep the slavery question out of the political scene and to "obey the dictate of the Constitution" was the only way to avoid a major confrontation. He, like so many southerners of his generation, was of the opinion that

67 Ibid.
political expediency would best be served by remaining silent on the slavery issue. 68

Van Buren's next occasion to speak out on slavery during his presidency came with the question of Texas annexation. The southern states looked at the Republic of Texas covetously. Here was a territory that would enter the Union as a slave state. The acquisition of Texas would certainly enhance the southern position by giving the South a greater legislative voice.

The Texas government sent Memucan Hunt as their representative to see President Van Buren in an attempt to get the annexation process underway. Hunt received a brief audience with Van Buren, but the President was non-committal. Hunt later tried to force Van Buren's hand because of southern agitation for annexation. In reply, Van Buren's Secretary of State, John Forsyth informed Hunt that the President did not wish to become involved in questions involving the constitutionality of annexing foreign states. 69

After much careful deliberation, Van Buren decided that the disadvantages of admitting Texas as a slave state were

68 Curtis, Fox at Bay, p. 152.

greater than the advantages. He had helped establish the Democratic Party on a North-South axis, and he refused to abandon either side for the gratification of one. Here again, Van Buren maintained that it would be more to his advantage to remain silent on the slavery issue and avoid sectional debate.  

Thus, until 1840 slavery had proved to be no real source of consternation for Van Buren. Through shrewd political maneuvering he had been able to circumvent the slavery issue long enough to strengthen the old New York-Virginia alliance which succeeded in keeping sectional strife to a minimum. However, in the next few years the slavery issue would rise up again and again and become the key issue in several questions, resulting in the crumbling of the alliance and Van Buren's eventual political demise.

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70 Curtis, Fox at Bay, p. 169.
CHAPTER II

VAN BUREN AND TEXAS

The years from 1840 to 1844 were frustrating ones for Van Buren. In this period he declined from being the leading presidential candidate to a political outcast in the Polk administration. The cause of this demise was simple enough—his stand against the annexation of Texas which was synonymous with prohibiting the expansion of slavery. Although Van Buren again tried to avoid the slavery issue, public pressure for the presidential candidate to express his views on the annexation of Texas forced him to take a public stand—one which proved to be unpopular.

On March 4, 1841, after William Henry Harrison had repeated the oath of office, Martin Van Buren made preparations to depart Washington and retreat to his beloved state of New York. The defeated candidate had already purchased an estate in Columbia County, which he renamed Lindenwald. Here he hoped to spend his newly-acquired leisure hours in farming.¹

Van Buren enjoyed a leisurely trip to New York. He made several stops along the way to enjoy the appreciative comments of his supporters. Before he could reach his final destination, he had to return to Washington to attend funeral services for President Harrison. After the funeral, Van Buren again made his way to Lindenwald. He lived alone for two months in his renovated mansion, until the arrival of his son, Abraham, Abraham's wife Angelica, and their son. Under these happy circumstances, Van Buren directed his attention to correspondence with his party aides and became involved in trying to regain control of New York politics from the Whigs.²

Van Buren's defeat had cost him the leadership in the nation but certainly not in his own party. He remained the force that the Whig Party had to try to outmaneuver. Until the spring of 1844 the majority of loyal Democrats and Whigs assumed that Van Buren would again be the choice of the Democratic Party.³

It is obvious from his active correspondence that Van Buren was actually not given a genuine opportunity to enjoy


³Shepard, Van Buren, p. 399.
any form of retirement or seclusion. He received a torrent of mail seeking his advice on countless issues. At the same time his devotees kept him abreast of the events in Washington and other key cities. Van Buren received notification of all bills being considered in Congress, and whether they were approved or killed. In short, the defeated President was as well informed of the political happenings throughout the nation as if he were still President. An example of this occurred when Harrison's successor, John Tyler, threw the Whigs in Congress into a chaotic state by signing a bill repealing Van Buren's Sub-Treasury plan and then twice vetoed bills calling for the creation of a new National Bank. Tyler's actions resulted in his being labeled a traitor to his own party and subsequently led to the resignation of his entire cabinet with the exception of Daniel Webster.  

William L. Marcy of Albany, who had been appointed a member of the Mexican Claims Commission by Van Buren, immediately wrote Van Buren to discuss the veto and the resignation of the Tyler cabinet.

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4 Lynch, Epoch and a Man, pp. 476-77.

5 Marcy to Van Buren (hereinafter cited as MVB), 17 August 1841, Martin Van Buren Papers, Library of Congress, Washington, D.C.
By the autumn elections of 1841, Tyler had so alienated his own party that he was a man without a party. This enabled the Democrats to sweep the congressional contests of 1841. The Democrats turned to Van Buren, still recognized as their leader, to offer their congratulations on the Democratic victory in the various states. Van Buren in return expressed his satisfaction over the victories.  

Van Buren also continually received correspondence informing him of the political complexion of particular states. In the latter part of 1841, Joel Poinsett of South Carolina wrote to Van Buren and informed him that South Carolina appeared to be in good Democratic order. A paper had been recently read before the state legislature and according to Poinsett, contained the "... correct democratic sentiments ... ."  

That Van Buren was still the head of the Democratic Party and was looked to as being the man who would carry the party banner in the election of 1844 is further evidenced by the number of letters he received regarding his future candidacy. In December, 1841, John Law wrote Van Buren

6 Poinsett to MVB, 30 October 1841, ibid; MVB to Jackson, 9 November 1841, ibid; MVB to __________, October 1841, ibid.  

7 Poinsett to MVB, 23 November 1841, ibid.
explaining that the Democratic caucus in the Indiana legislature had endorsed Van Buren as the presidential candidate of the party in 1844. A few days later, Peter V. Daniel of Virginia, who had been appointed a member of the Supreme Court by Van Buren in 1840, wrote to Van Buren urging him not to decide against seeking re-election.

In view of the Democratic success in the autumn elections of 1841, loyal Democrats began to adopt a theme which they spoke of constantly in their letters to Van Buren. Henry Gilpin of Philadelphia, who had served as Van Buren's Attorney-General in 1840, was one of the first to refer to the Democratic Party regaining some of its lost power through these contests as "... the sober second thought of the people ..." Gilpin added:

I do believe that with a vast number who call themselves Whigs the result of these elections is really a source of gratification and that there are thousands of these who if not openly yet very sincerely hope to see the principles of your government once more tried and fairly carried out.

8 Law to MVB, 10 December 1841, ibid.
9 Daniel to MVB, 16 December 1841, ibid.
10 Gilpin to MVB, 19 October 1841, ibid.
11 Ibid.
A week later Van Buren received a letter from William Allen of Chillicothe, Ohio, who also spoke of the "sober second thoughts" of the people.\footnote{Allen to MVB, 27 October 1841, ibid.} This same theme appeared in other letters to the ex-President. One can surmise from the tone of this phrase that the Democratic Party faithful adopted the idea that the nation had been overwhelmed by the emotionalism of the election of 1840, but as evidenced by the recent elections, were beginning to return to their political senses. Thus, at this point in his career, the numerous letters Van Buren received, keeping him abreast of political events in various states and urging him to seek re-election, indicate that he had lost little, if any, of his luster. Although he had been out of office for a year, and the presidential election of 1844 was still three years away, people still sought his counsel and encouraged him to seek nomination.

The year 1842 had barely begun when Van Buren's presidential aspirations were brought before the public. In February of that year, the \textit{Nashville Union} reprinted a copy of the \textit{New York Plebeian}, which had discussed correspondence between Van Buren and one Henry Horn. In his letter Van
Buren stated that he had received enough honors to satisfy his ambition; however, at the same time he was aware of the great compliment of being renominated. The paper declared that Van Buren had been defeated fighting for his principles, but the elections of 1841 had shown that the people were now aware that his cause had been right. Under these circumstances Van Buren stated that he would not seek nor would he decline his party's nomination. If he were chosen, it would be another great honor added to the ones already bestowed upon him; but, if the people should choose another candidate, he would be content to "... promote the success of the individual selected."  

However, Van Buren was not the only man being considered at this early date for the Democratic nomination. In April, 1842, Senator Thomas Hart Benton wrote to Van Buren discussing a plot to obtain John C. Calhoun's nomination as President and Silas Wright's as Vice President. He enclosed a copy of the Chronicle and Old Dominion of Norfolk and Portsmouth, Virginia, calling for their nomination. At the same time, Benton ventured the opinion that Van Buren's journey through the South to visit Andrew Jackson at the Hermitage had aroused alarm from some southerners. They

13 *Nashville Union*, 6 February 1842, ibid.
suspected his trip of having political overtones, rather than just being a journey to visit the old general.14 Two months later, Poinsett informed Van Buren that Calhoun was not the only presidential hopeful. James Buchanan of Pennsylvania also appeared to be interested in seeking the nomination.

For the most part 1842, like 1841, was a year in which many of Van Buren's followers sought his counsel and also kept him informed of the political situations in their respective states. During the later months they directed their correspondence toward keeping Van Buren informed of the activities of the other presidential hopefuls, Calhoun and Buchanan, along with Lewis Cass of Michigan and Levi Woodbury of New Hampshire, who had been added to the list.

However, during 1842, there was an indication of things to come in the remaining years prior to the election of 1844. In February Van Buren had made his way through the South to see Jackson. During this journey, Van Buren stopped at Ashland, the home of Henry Clay near Lexington, Kentucky. There was speculation that the two political rivals discussed the forthcoming presidential election that would probably involve both of them. Rumors developed that they agreed to

14 Benton to MVB, 17 April 1842, ibid.
ignore the question regarding the annexation of Texas in the coming campaign. It was an inflammatory issue involving the extension of slavery into a new territory, and they were afraid that southern emotionalism could carry the nation into civil war.¹⁵

This was given credence by Henry Wise, Congressman from Virginia, who voiced the feelings of many southerners regarding the annexation of Texas when he declared in February, 1842:

True, if Iowa be added on the one side, Florida will be added on the other. But there the equation must stop. Let one more northern state be admitted, and the equilibrium is gone--gone for ever. The balance of interests is gone--the safeguard of American property--of the American constitution--of the American union, vanished into thin air. This must be the inevitable result, unless, by a treaty with Mexico, the south can add more weight to her end of the lever! Let the south stop at the Sabine, while the north may spread unchecked beyond the Rocky Mountains, and the southern scale must kick the beam.¹⁶

Wise's declaration clearly states the importance the South placed on annexing Texas. The South believed it to be crucial to maintaining the balance of power between free and slave states. Wise declared that if the North became more influential than the South, then the South must break

¹⁵Lynch, Epoch and a Man, pp. 478, 479.
¹⁶Ibid., pp. 480, 481.
"the beam" (the Constitution) holding them together. This rather strong statement indicates some of the emotionalism and passion the annexation controversy would cause in the next presidential election.

For Van Buren 1843 began with the same type of correspondence as the two previous years and brought even more letters supporting him. One typical letter arrived in February from G.S. Crockett of Murfreesboro, Tennessee, in which the writer declared, "I have never had but one opinion as the proper person to be run by the Democracy in 1844 for President of the United States, since our defeat in 1840 and I rejoice to see so much unanimity ... in the leading men of our party."

Van Buren's own political activities included no active campaigning. On the surface he gave the impression that he was most concerned about farming at his "retirement home" and remaining away from the center of politics.

However, the Texas question was again brought to Van Buren's attention. He received word that Great Britain and Texas were discussing the recognition of Texas independence by Mexico and the possibility of Texas abolishing slavery to

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17 Aaron Vanderpoel to MVB, 13 January 1848, MVB Papers; this is a typical example of the letters Van Buren received.

18 Crockett to MVB, 31 January 1843, ibid.
obtain that recognition. These reported discussions kept the annexation controversy before the people. Van Buren had previously managed to remain free from the controversy, but from this point forward it would begin to grow as a political issue and reduce him from the leading Democratic presidential possibility to one of several contenders for the nomination, ultimately unsuccessful in his quest.

Van Buren's reluctance to discuss the annexation of Texas centered around slavery. The whole annexation question had become a question of whether or not to extend slavery. Since Van Buren was a northerner participating in an alliance with the South, any discussion of the extension of slavery could only hurt his presidential chances. To favor the annexation of Texas meant the extension of slavery into from one to five slave states, a policy that would alienate him from the North and label him as a traitor. To oppose the annexation of Texas, thus opposing the expansion of slavery, would deny the South what it considered its equal rights in the Union. Van Buren realized that to enter the controversy would probably demolish the foundation of the

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19 Henry Gilpin to MVB, 5 May 1843, ibid.
New York-Virginia alliance, ruining any hope he entertained to again be the Democratic nominee.

Van Buren's reluctance to discuss any aspect of slavery was evidenced in August, 1843, when he received a letter from George Taylor of Virginia. In this letter Taylor stated that he had attended a meeting in which the local preacher discussed the virtues of the American Colonization Society. Although it was not a political meeting, the preacher discussed Henry Clay's goodness for his role as an officer and fund raiser for the Society. Taylor, a loyal Van Burenite, learning that the discussion would be resumed at a later meeting, wrote to Van Buren requesting a statement of his views regarding the Society. Taylor added that he had informed the preacher that Van Buren was no enemy to the Society. At the same time, Taylor stated that he realized Van Buren was no abolitionist, but he merely wanted some sort of document supporting the claim that Van Buren was indeed a friend of the Society. Van Buren, as might be expected, ignored the letter and did not reply. Here again he chose to remain silent on any subject that related to slavery.


21 Taylor to MVB, 16 August 1843, MVB Papers.
A few months later in November, the annexation controversy erupted again when a group of citizens in Carroll County, Kentucky, held a meeting in which they called for the immediate annexation of Texas. Their petition included a declaration that slavery should be permitted within pre-established boundaries. The petition listed several reasons for the annexation: extension of the United States boundaries; trade with Mexico; and removal from possible British control. The signators further declared that they could not support any candidate opposed to the annexation of Texas:

That we will frown upon any aspirant to the Presidency who shall prove so recreant to the highest glory and to the best interests of his nation, as to endeavor to retard the admission of Texas, by entangling it with any minor consideration of home policy.  

This declaration surely gave Van Buren some indication as to one of the crucial issues of the campaign. He had been able to shelve the Texas question while serving as President. However, it was obvious that the issue was again coming to life, interwoven with the question of the extension of slavery. With the high emotionalism and fanaticism that accompanied the slavery controversy, the

22 Mass meeting in Carroll County to MVB, 25 November 1843, ibid.
campaign of 1844 began to take on the appearance of the emotionalism of the election of 1840. On the same day that the citizens of Carroll County drafted their petition, a correspondent wrote to Van Buren prophesying, "The Texas question will be raised, I fear: and if so, it will create a storm that the . . . public has never felt." 23

In December, 1843, William E. Austin wrote to Van Buren on behalf of the citizens of Allegheny County, Pennsylvania, requesting Van Buren's views on the annexation of Texas. First, they wanted to know if the former Chief Executive believed that the proposed annexation of Texas would be constitutional; then if so, whether he could accept it on any terms--more specifically, whether he could accept it as a slave territory. 24 This letter brought a new question to Van Buren--the question of the constitutionality of annexing a foreign nation. Heretofore the United States had annexed territory adjoining her boundaries or had purchased territory before the eventual annexation. At no time in her young history had the United States annexed a foreign nation, that being the status of Texas since her declaration of independence in 1836.

23 Selden to MVB, 25 November 1843, ibid.

24 Austin to MVB, December 1843, ibid.
An article in the *New York Evening Post* also questioned the constitutionality of such an action. The newspaper stated that there were two questions involved in the annexation of Texas. The first was whether or not the United States could acquire territory of a foreign nation, and if it could, in what manner. The second question was whether a foreign country could be admitted into the Union. The article contended that a foreign territory could be acquired either by conquest or a treaty made by the Chief Executive. On the other hand, the article argued that a foreign nation could not be admitted as a state, but territories could be divided into states and then admitted under the powers of Congress. In essence the article maintained that the President had the power to obtain territories through treaties, but only Congress had the power to admit the territory into the Union.25

During the spring of 1844, Van Buren repeatedly received letters requesting his position on the Texas controversy. These letters indicated that this was the question on everyone's mind and would probably be the central issue of the Democratic convention in Baltimore, which was just a few months away. E.W. Goodwin, a painter who had done a portrait

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of Van Buren, summed up the general feelings of those opposed to annexation when he urged the leading Democrat to oppose the action on the basis that annexation would strengthen and expand the peculiar institution. For most anti-annexationists this seemed to be the key reason for opposing annexation. A smaller number believed the annexation of a foreign nation to be unconstitutional.

On March 20, 1844, the Washington Globe published an 1843 letter from Andrew Jackson to Aaron Brown calling for the annexation of Texas. This publication caused much political debate and helped push Van Buren to a public declaration of his stand on the question. Leading Democrats in the North and the South wanted to know Van Buren's position, especially before the convention.

Then, on May 4, 1844, Niles National Register published a letter written on March 27, 1844, by Representative William Hammet of Mississippi, a supporter of Van Buren, requesting that the presidential hopeful express his views regarding Texas annexation. Hammet declared that if Van Buren favored annexation, it would give the annexation cause a tremendous boost, and he would insure that Van Buren's

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26 Goodwin to MVB, 12 March 1844, ibid.

affirmative answer would be given widespread publicity. Hammet assured Van Buren that if he were against annexation, he would not publish the Van Buren viewpoint until such time as the convention delegates at Baltimore should be aware of his position—unless Van Buren wanted his negative views known immediately.\(^{28}\)

Hammet's statements regarding the future publication of Van Buren's Texas views poses two perplexing questions. Was support of the annexation cause so great that if Van Buren opposed it, this would automatically eliminate him from nomination; or was support of the annexation cause so weak that he or any other major party candidate could eliminate any hope of annexation by publicly declaring against it? Evidence strongly supports the former. Hammet probably realized that there was tremendous support for annexation, and if Van Buren did declare against it, it would dash the former Chief Executive's chances of being re-nominated. Hammet must have believed that if Van Buren did oppose annexation and his sentiments were kept from loyal Democrats until convention time, there would not be sufficient opportunity to defeat Van Buren's nomination.

\(^{28}\)Hammet to MVB, 27 March 1844, ibid.; *Niles National Register*, 4 May 1844.
On April 20, 1844, Van Buren sent his reply to Hammet. He began by stating that as Secretary of State in 1829, he had sent instructions to Anthony Butler, the United States Minister in Mexico, to negotiate for a large part of the Texas province, with the provision that Texas inhabitants would become United States citizens. However, nothing had come of this. Van Buren thus reminded Hammet that he had previously dealt with the Texas question under the direction of Andrew Jackson.

The rest of Van Buren's letter stated that he did not believe that the Constitution gave the Chief Executive the right to admit a foreign nation as a state in the union. However, he did believe that it was in the realm of the Executive's power to make a treaty with a foreign nation which would enable it to become a territory of the United States. Once admitted by treaty as a territory of the United States, Van Buren could see no reason why Congress could not constitutionally admit the territory as a state. He went to great lengths to explain that it would be unconstitutional for the President to admit a foreign nation as a

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30 *Niles National Register*, 4 May 1844, p. 154.
new state. He asserted that the Chief Executive, along with the Senate, could make a treaty to acquire a new territory. After acquisition of a territory, it was up to Congress to determine if the new territory would become a state. 

Van Buren then expounded his views regarding the expediency of annexing Texas immediately. He stated that when Texas had requested annexation during his presidency, he had decided against it because Texas was technically still at war with Mexico, to whom the United States was bound by a treaty of amity. To annex Texas at that time would have violated the treaty with Mexico; thus, he refused to consider annexation at that time. Van Buren declared that when the United States had recognized Texas independence on March 1, 1837, many people wrongfully assumed Texas was independent by right. Van Buren said that this was simply a world-wide policy among nations--to recognize the present supreme power of a nation, without delving into whether it had supreme power "by right." Nations used this policy of de facto recognition to avoid international conflicts. To be more precise Van Buren declared: "That the admission

31 Ibid.

32 Ibid.
of Texas as a member of this confederacy whilst the contest for the maintenance of the independence she has acquired was still pending . . . " would have been a departure from international law, a measure he refused to accept.33

The question Van Buren contemplated in the spring of 1844 was whether the situation between Texas and Mexico had changed enough to merit a change of mind and subsequent advocacy of immediate annexation. In answer to his own question, "Are they at war, or are they not," Van Buren cited sufficient evidence that there were still open hostilities between Mexico and Texas.34 He then somewhat sarcastically stated that the annexationists declared they had an easy solution to the problem—simply inform Mexico that the United States had an interest in the problem and would be happy to end hostilities by making Texas a part of the United States.

... so that those plans of reconquest, which we know you are maturing to be successful, must be made so against the power that we can bring into the contest: if the war is to be continued as we understand to be your design, the United States are henceforth to be regarded as one of the belligerents?35

33 Ibid.
34 Ibid., p. 155.
Van Buren then expressed the opinion that the annexation of Texas would likely lead to war with Mexico. The nature of the war would be one of oppression rather than a defense of honor; thus, world opinion would be against the United States. Van Buren believed that Texas annexation would amount to a character assassination of the United States.  

In addition Van Buren advised Hammet that he did not place credence in the rumor that Texas would seek to become a part of a European nation. Texans were too steeped in American tradition to ally themselves with a European nation. He further discounted the rumor that Great Britain would try to acquire Texas as a British colony; however, he believed that this certainly warranted close scrutiny to insure that it did not take place.

Van Buren concluded his explanation by stating that conditions could change so that at some time in the future the United States could possibly annex Texas without causing consternation throughout the world. He declared further that if the situation had changed sufficiently to warrant review, and if it were in his power to make a decision,

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36 Ibid., p. 156.

37 Ibid., p. 157.
he would not be intimidated by sectional or local views. 38

In Van Buren's entire discourse of the annexation question, he avoided discussing the role slavery would play. This would appear to be deliberate on his part to avoid accelerating an existing crisis. By keeping slavery out of the annexation controversy, Van Buren hoped to keep the already-heated issue from erupting into a full scale sectional controversy, thereby saving his nomination and perhaps the Union. The only statement he made in his answer to Hammet that could be construed as a reference to slavery was that in which he declared he would not be influenced by local and sectional feelings. Thus, Van Buren had again rowed to his object with muffled oars. He had given a lengthy discussion regarding the hottest political issue of the day, but in the process, omitted the real controversy.

Van Buren's stand on the annexation may have also been influenced by his old enemy, John C. Calhoun. Calhoun had feared that Van Buren would speak in favor of annexation, a factor which would have increased his political support. To prevent this Calhoun devised a plan which he hoped would force Van Buren to declare against annexation. Calhoun, 38

Ibid,
through his writings and conversations, forced the annexation issue into becoming a proslavery measure. To admit Texas would mean the extension of slavery into a new territory not within the established boundaries of the slave states. Calhoun sought to make the annexation of Texas tacit approval for expanding slavery into new territories.\(^{39}\) This he hoped would force Van Buren to denounce annexation, which in turn would cost him the Democratic nomination.

The publication of the letter to Hammet, which predicted that annexation would lead to war with Mexico, eventually dashed Van Buren's chance of receiving his party's nomination. Van Buren received numerous letters from his friends telling of the letter's unfavorable effect on party members. Representative William J. Brown of Indiana despondently wrote to Van Buren declaring, "I can assure you your Texas letter has had a dreadful effect."\(^{40}\) One day later William Roane informed Van Buren of an even greater disaster in Virginia. According to Roane, Van Buren's Texas letter would probably cost him the election as well as the support of many party members, who would now be inclined to vote for Clay.\(^{41}\)


\(^{40}\) Brown to MVB, 29 April 1844, MVB Papers.

\(^{41}\) Roane to MVB, 30 April 1844, ibid.
also received several letters urging him to withdraw as a candidate.\textsuperscript{42} Not all of the letters Van Buren received were negative in response. One of the few positive letters came from Samuel Tilden, a close political ally of Van Buren and the corporation counsel of New York City, informing Van Buren that some party dissenters were trying to use the letter to their advantage; however, Tilden theorized that they would eventually return to the party after realizing that Van Buren's candidacy was more favorable than any other.\textsuperscript{43}

Van Buren's stand against the annexation of Texas also succeeded in cracking the New York-Virginia alliance. After publication of Van Buren's letter, Thomas Ritchie received a large quantity of mail condemning the letter. The Calhounites in Virginia forced Ritchie into a compromise in which he agreed to free the Virginia delegation to choose a candidate other than Van Buren if they would not support Calhoun.\textsuperscript{44} The loss of this alliance was sure to hurt Van Buren's chance of being nominated at the forthcoming convention.

\textsuperscript{42} Lucius Elmer to MVB, 6 May 1844, ibid; Richard Davis to M B, 4 May 1844, ibid.

\textsuperscript{43} Tilden to MVB, 4 May 1844, ibid.

\textsuperscript{44} Sellers, James K. Polk, pp. 63-69.
A review of the correspondence Van Buren received in the weeks prior to the Baltimore convention shows much dissension. There was almost universal agreement that the letter had severely hurt his chances of receiving the nomination, especially in the South where his supporters began to look upon Lewis Cass of Michigan as pro-annexationist. However, when the delegates met in Baltimore during the last week of May, many still believed that Van Buren would be nominated.

The convention delegates realized that if a simple majority were to nominate a candidate, then Van Buren would be an easy winner. Therefore, in order to prevent his nomination, many delegates, led by Senator Robert J. Walker of Mississippi, demanded that a two-thirds majority be required. The strategy behind this idea was "... the instructed members may appear very faithful [to Van Buren] for half a dozen ballots then slip over to their own favorite," someone who would be pledged to annexing Texas.  

The delegates spent much of the convention debating the adoption of the two-thirds rule. The Van Burenites fought against it because, as Benjamin Butler of New York

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45 Henry Gilpin to MVB, 26 May 1844, ibid.; Auguste Davezac to MVB, 27 May 1844, ibid; Roseboom, Presidential Elections, pp. 127, 128.
expressed to Van Buren, ". . . if we are not handcuffed and gagged by the 2/3 rule we shall nominate you on the 1st ballot." Butler also informed Van Buren that the key to defeating the two-thirds majority rule was in the hands of Pennsylvania and Tennessee. If they held firm and resisted the two-thirds vote, Van Buren would again be nominated. Here Van Buren suffered his defeat--James Buchanan, who headed the Pennsylvania delegation, refused to intervene on Van Buren's behalf. He publicly reasoned that he had done enough for the Van Buren cause. This stand made it obvious that Buchanan also had presidential aspirations.

On May 28, 1844, the delegates voted to accept the two-thirds rule by a margin of 148 to 116. Its adoption led the Van Burenites to cry that they had been undermined by treachery. The words treachery and deceit were dominant in the reports Van Buren received. One anonymous report placed the blame on the ingratitude of the South. In tones of bitterness the report stated, "The democracy [Democratic Party] of the North owe a debt to T. Ritchie, J.C. Calhoun, S. Croswell to Edwin Croswell, 26 May 1844, ibid.

46 Butler to MVB, 27 May 1844, ibid.
47 S. Croswell to Edwin Croswell, 26 May 1844, ibid.
48 John L. O'Sullivan to MVB, 28 May 1844, ibid.
Lewis Cass and a few others which they will some day pay with interest."\(^49\)

After the passage of the rule, the delegates began the nominating process. After much maneuvering and many ballots, James K. Polk received 266 votes--sufficient to win the nomination. After the announcement was read and the cheers had subsided, three cheers were given for Van Buren--a political wake, as for all practical purposes, Van Buren was no longer a political entity in his party.\(^50\)

Van Buren's stand on Texas and the eventual loss of the New York-Virginia alliance was the major cause of his defeat in Baltimore but not the sole one. The New York-Virginia alliance had also been under strain from the old problem of the tariff. The Van Burenites had tried to pass a new protective tariff in 1844, which was to result in a substantial reduction of the tariff rates of 1842. However, the Calhounites opposed the proposed tariff and caused its eventual defeat. Calhoun and his followers maintained that every semblance of protection must be avoided. Since the new tariff, although representing a considerable reduction in rates, did not meet this qualification, they opposed it.

\(^49\)Anonymous to MVB, 29 May 1844, ibid.

\(^50\)O'Sullivan to MVB, 29 May 1844, ibid.
and produced its defeat.\textsuperscript{51} Differences over tariff helped widen the gap between northern and southern Democrats, thereby weakening Van Buren's role as party leader.

Van Buren also lost support from both sections of the country over the controversy dealing with the "gag rule," which had been adopted in May, 1836. This prohibited consideration of petitions in the House of Representatives dealing with slavery. Since many of Van Buren's opponents called him "a northern man with southern principles," this placed him in the middle. Many northerners believed he favored southerners to an extreme, while the Calhounites caused southerners to believe that Van Buren influenced New York Democrats to oppose the gag rule and seek its repeal.\textsuperscript{52} As a result Van Buren lost some support in both sections of the country.

Although Van Buren had suffered a bitter defeat at the Baltimore convention, he endorsed the Democratic ticket of Polk and George M. Dallas.\textsuperscript{53} The results of the election of 1844 proved to be interesting. The vote was close, with Van Buren's New York being the key state. To win the election,  

\begin{footnotesize}
\begin{enumerate}
\item Sellers, \textit{James K. Polk}, pp. 40-44.
\item Ibid., p. 41.
\item MVB to John Claiborne, 21 June 1844, MVB Papers.
\end{enumerate}
\end{footnotesize}
the candidate had to obtain 138 electoral votes. Polk won by a margin of 170 to 105, with New York giving 36 votes to Polk. Had New York voted for Clay, Polk would have been defeated. However, Clay had alienated many Whigs and members of the Liberty Party when he spoke in favor of the annexation of Texas. As a result, 15,812 New Yorkers voted for James G. Birney, the Liberty Party nominee. Of these votes, it is estimated that Clay, save for his stand on Texas, would have received approximately 10,000 votes. In view that Polk received 237,588 votes to Clay's 232,482, thus giving Polk the necessary margin to win the states and subsequently the election, the Liberty Party's 15,812 votes played a significant role in defeating Clay and electing Polk. In essence, opposition to slavery was instrumental in the election of 1844.

Polk came to office relatively free to select his cabinet. As Peter Daniel of Virginia declared, "No person has perhaps come into office less trammelled by pledges, or having less influence from party association to force upon him already occupying places." Polk theoretically

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54 Niles National Register, 7 November 1844 and 23 November 1844.

55 Lynch, Epoch and a Man, pp. 494-95.

56 Daniel to MVB, 19 November 1844, ibid.
owed allegiance to no one, but was at the mercy of everyone who desired an appointment for himself or his friends. The Nashville Union urged the President-elect to select members of his cabinet carefully and to avoid appointing anyone who might be considered his successor. The Union reasoned that this would avoid embarrassment to Polk's administration and would also place the public faith and confidence in the new President. 57

On January 4, 1845, Polk wrote to Van Buren thanking him for his powerful support and requesting advice as to the duties of the President. He also informed Van Buren that there had been only one man he sought without consultation for his cabinet—Silas Wright, the newly-elected Governor of New York and a Van Buren ally. Polk had selected Wright to head the Treasury Department; however, Wright declined the appointment. Therefore, Polk sought Van Buren's recommendations on New Yorkers qualified to fill the positions of Secretary of the Treasury or Secretary of State. Polk informed Van Buren that as President he was pledged to no one and had made no commitments. 58

57 Nashville Union (no date given), in ibid.
58 Polk to MVB, 4 January 1845, ibid.
Before Van Buren answered Polk's letter, he received word from Silas Wright that Van Buren should suggest fellow-New Yorkers Benjamin Butler for the State Department and Azariah Flagg for the Treasury. Van Buren concurred with Wright and sent Butler's name to Polk with the explanation that since Polk was a southerner, he should appoint a northerner as his Secretary of State. He also stated that if Polk wished to select his Secretary of Treasury from New York, he would suggest Azariah Flagg or Churchill C. Cambreling—in that order. Van Buren concluded his advice on appointments by suggesting that if Polk desired to select someone from his own state of Tennessee, Governor Robert Armstrong would certainly warrant some consideration.

Polk's request for Van Buren's recommendations for cabinet members must have been heady wine for Van Buren. The request indicated that Van Buren would have some voice not only in forming the new administration but quite possibly in formulation of administration policies. This vision soon disappeared when Polk wrote to Van Buren in late February announcing that he had decided to ask George Bancroft of Massachusetts to be his Secretary of the Treasury.

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59 Wright to MVB, 17 January 1845, ibid.
60 MVB to Polk, 18 January 1845, ibid.
Polk stated that it would have been preferable to have someone from the South for the Treasury post, but Bancroft should be acceptable to all sections of the country. Polk also reminded Van Buren that Van Buren himself had earlier informed him that Bancroft could serve any cabinet post well.61 Thus, while on the surface it appeared that Polk was following Van Buren's suggestion, in reality he was totally rejecting it. Since Van Buren was the titular head of the New York Democratic Party, this also appeared to be a rejection of Van Buren.

In addition Polk informed Van Buren that he had rejected the idea of appointing Flagg or Cambreling to the lesser post of Secretary of War. Polk reasoned that Van Buren had declared these men highly qualified for the high post of Secretary of the Treasury; however, Polk believed that they might not be so qualified for the War Department.62

Despite his rejection of Butler, Flagg, and Cambreling for the two prestigious positions, Polk wrote that he still desired to place a New Yorker in his cabinet, but he was not sure of which man to choose. He was debating between Butler and William L. Marcy. Polk believed them both to

61 Polk to MVB, 22 February 1845, ibid.
62 Ibid.
have excellent qualifications, but he was not certain which man he wanted; therefore he again sought Van Buren's opinion.  

Before Van Buren could receive this letter, Polk dashed off another one to Van Buren declaring his intention to ask Butler to join his cabinet. Before Van Buren received this latest announcement, he sent his reply to Polk's previous letter. In this reply Van Buren related the extreme embarrassment that Polk's choice for the nomination had caused him and restated his case for the appointment of a New Yorker for the top cabinet post. On the same day that Van Buren wrote to Polk of his embarrassment, Benjamin Butler wrote to the President-elect declining his appointment as Secretary of War, based on personal reasons and the financial sacrifice involved. Butler also informed Polk that had Polk selected him to head the State or Treasury Departments, he would have accepted the sacrifice involved. Two days later Van Buren again wrote to Polk in more congenial terms. He expressed no ill feelings despite the fact New York had been overlooked. He added that he would

63 Ibid.
64 MVB to Polk, 27 February 1845, ibid.
65 Butler to Polk, 27 February 1845, ibid.
seek to make Polk's cabinet appointments acceptable to New Yorkers.\textsuperscript{66}

In the meantime Polk, in an attempt to appease Van Buren, sought to appoint Marcy as Secretary of War and wrote to Van Buren expressing frustration over Butler's refusal to accept the position. He recalled Van Buren's statement that Butler would accept the post of Secretary of State but not Secretary of the Treasury. However, Butler had later informed Polk that he would have accepted either one. Polk then declared that it was too late to offer either one to Butler.\textsuperscript{67}

Also on March 1, John L. O'Sullivan, a young Van Burenite and editor of New York's Democratic Review, entered the picture, possibly as a mediator between Polk and Van Buren. O'Sullivan wrote to Van Buren explaining that he had just met with Polk. During the meeting Polk explained the problems he had encountered in appointing Van Burenites to cabinet posts because of the time lapse between correspondence. Since the inauguration was only four days away and the cabinet was still not completed, the vacancies were causing him

\footnote{MVB to Polk, 1 March 1845, ibid.}

\footnote{Polk to MVB, 1 March 1845, ibid; Butler to Polk, 27 February 1845, ibid.}
considerable consternation. O'Sullivan further explained that Polk has assured him that he would wait a few more days to hear from Van Buren before making further appointments. Finally, Polk had assured O'Sullivan that he had not slighted New York in offering the War Department to the Van Burenites because Polk believed that it was first in importance.

Quite possibly Polk used O'Sullivan to intervene between Van Buren and himself in order to soothe the former President. If so, it is reasonable to assume that Polk was cleverly appointing his cabinet to be free of Van Buren's influence, yet still giving the appearance of trying to follow Van Buren's suggestions although he was receiving little co-operation from the Van Burenites.

Van Buren then sent his son, Smith Thompson, to Washington bearing a letter relating his final suggestions for appointments. On March 2, Smith Van Buren wrote to his father informing him of what had taken place after his arrival in Washington. Smith began the letter by referring to Polk in rather bitter tones as "... the illustrious cabinet maker..." He continued by stating that upon

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68 O'Sullivan to MVB, 1 March 1845, ibid.
his arrival in Washington he had spoken with O'Sullivan. O'Sullivan had informed the younger Van Buren that he had met with Polk the day before. During this interview, Polk informed O'Sullivan that he was still waiting to hear from the elder Van Buren before making any further appointments. Also Polk hoped that Van Buren could convince Butler to accept the post of Secretary of War. At any rate Polk would decide nothing further until he heard from Van Buren.69

Upon hearing this, Smith, bearing the letter from his father, went to see Polk. Polk accepted the letter, but appeared to be embarrassed. Without opening the letter, Polk stared at it and informed Smith that he wished he had received the letter the previous evening. Smith then revealed the contents of the letter, which urged the appointment of Butler as Secretary of War and guaranteed his acceptance. Polk slapped the letter and cried, "it is too late."70 He explained that he had not heard from Van Buren after continuous checks at the post office and declared that he had already offered two posts to New Yorkers and both had declined. The problem had been complicated further by the situation that the Congressmen and Senators from New York were new, thus

69 Smith Van Buren to MVB, 2 March 1845, ibid.
70 Ibid.
leaving Polk no one in Washington to consult regarding the appointment of other New Yorkers. Since his inauguration was just a few days away, Polk believed he must make an immediate decision or be labelled an indecisive President. After this declaration of the need for expediency in making appointments, Polk then began to discuss his sincerity and devotion to the elder Van Buren. Smith interrupted the President and stated that he had been under the impression that the President-elect had declared his intention to wait until he heard from Van Buren before making any further appointments. Polk replied that the decision had to be made the previous evening.

During the entire meeting Polk did not open the letter to check its contents. This, along with the way the meeting went, so discouraged the younger Van Buren that he hastily departed the office and wrote a full account of the proceedings to his father.

The next day Smith Van Buren again met with Polk. During this meeting Smith denounced Polk's appointment of Marcy to the cabinet. Smith said that the appointment of Marcy "... would utterly paralyze the party in our state

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71 Ibid.
72 Ibid.
and prostrate the administration and its friends."^73 After his second meeting with the younger Van Buren, Polk wrote to the senior Van Buren declaring that any error he had made had been unintentional. He also assured Van Buren that he had remained free from any influence hostile to Van Buren and his followers.^74

Despite this conciliatory letter to Van Buren, the cabinet appointments had been a severe blow to the former President. The final cabinet appointment named as Secretary of State James Buchanan, who had failed to support Van Buren at the convention. Marcy, despite the loud protest from the Van Buren camp that he was unacceptable, became Secretary of War. Polk then informed the Van Burenites that their faction would receive some patronage to rectify Marcy's appointment. This was of little satisfaction to Van Buren; patronage of a few minor posts was little compensation for the loss of a major cabinet position.^75

^73 Smith Van Buren to MVB, 3 March 1845, ibid.; Marcy had been a staunch Van Burenite but had gradually shifted over to the Hunker faction. His defection to the Hunker faction made his appointment by Polk even more distasteful to the Barnburners.

^74 Polk to MVB, 3 March 1845, ibid.

Polk further infuriated the Van Buren camp in the appointment of the remaining cabinet positions. Polk had originally decided to appoint George Bancroft to head the Treasury. This appointment failed to appease the Van Burenites, who wanted a New Yorker in that post. Polk reduced Bancroft to the Navy Department and in his place appointed Robert J. Walker, originally a New Yorker, now from Mississippi, as Secretary of the Treasury. This was the most infuriating appointment of all to Van Buren, as he and his supporters believed Walker to be the architect of Van Buren's defeat at the Baltimore convention. Next Polk appointed his old friend and Tyler's former Secretary of the Navy, John Mason of Virginia, as Attorney General.  The news of these appointments sent Van Buren into a rage, declaring, "It is an evil which neither civil words nor the disposition of patronage can repair . . . and which under the circumstances, nothing can justify."  

Van Buren concluded that despite previous declarations of not seeking a second term of office, Polk's actions in making his cabinet appointments indicated that he would seek re-election. In view of these facts Van Buren and Silas

76 Ibid., p. 203.
77 Ibid.
Wright, now Governor of New York, announced that they would refuse to recommend anyone from New York for a federal job and declared their intent to have no further dealings with the new administration.  

The years between 1840 and 1844 had seen Van Buren fall from the political leadership of his party and an almost assured presidential candidacy to a position of little or no voice in the Polk administration. Certainly his stand against the annexation of Texas at a time when most people demanded annexation was the major factor in his failure to receive the Democratic nomination. Van Buren's demise was hastened by Polk's refusal to appoint Van Buren's supporters to high posts, in reality appointing anti-Van Buren men in the cabinet. After these appointments, Van Buren's fall from the political center of his party was complete.

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78 MVB and Wright to O'Sullivan, 15 March 1845, Van Buren Papers.
CHAPTER III

THE WILMOT PROVISO, BARNBURNERS, AND HUNKERS

During the years between 1844 and 1848, Van Buren lived in semi-retirement. However, within three years after his defeat in 1844, the slavery question again arose, but this time resulting in a major upheaval among politicians. For the most part, Van Buren chose to ignore the source of the upheaval which became known as the Wilmot Proviso. Van Buren could have made the Proviso an even greater issue than it became, if he had desired to use it as a means of revenge for the defeat he suffered in 1844. While much of the nation discussed the slavery restriction proposal contained in the Proviso, Van Buren contented himself by discussing farming with his former political associates. Not until the presidential election of 1848 began to draw near and people began to speak of Van Buren again being a candidate, did he take a stand on the proposal and correspond with party leaders regarding his candidacy.

Despite his defeat at the Baltimore convention and his subsequent removal from the center of power by Polk, Van Buren still received many letters keeping him abreast of
events in the various states. However, the reduction in the amount of mail seeking his advice indicated that he no longer enjoyed his former political strength. If Van Buren were to regain his former stature, he would obviously need an issue that would again place his name before the people. Two years after Polk's inauguration, Van Buren was provided with an issue, the same one that was partly responsible for removing him from office—the expansion of slavery into a United States territory. Van Buren had to decide whether to make use of the issue or remain semi-retired.

As indicated, Polk had alienated himself from the Van Burenites with his political appointments. After his inauguration, he widened the ever-increasing gap by replacing the official Democratic organ, The Globe under Francis P. Blair's ownership, with the Washington Union. To make matters worse for Van Buren, Thomas Ritchie became editor of the Union, thus completing the destruction of the New York-Virginia alliance.¹

that the United States would gain additional territory from Mexico when a treaty was signed. Polk believed that he could make a monetary settlement with Mexico, as the Mexican government was nearly bankrupt and could certainly use a large sum of money. Therefore, on August 8, 1846, President Polk sent a request to Congress to appropriate two million dollars to be placed at his disposal for a peace settlement. The appropriation request faced a hard fight, as many northerners believed the objective of the war with Mexico was to acquire new territories in which slavery would be permitted to expand.

After a short recess, David Wilmot, Representative from Pennsylvania, proposed an amendment to the appropriation bill:

Provided, That as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted.

Despite the potential for heated debate, the proposed amendment initially drew little response from southerners. They

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2 Ibid.

considered it a political maneuver to prevent the passage of Polk's requested appropriation bill rather than a direct assault on slavery. The House members decided to pursue a course of silence regarding this explosive issue, hoping that silence would kill the issue. As previously mentioned, Polk's appropriation bill and Wilmot's proposal had been presented to Congress on August 8, 1846. Congress was due to adjourn two days later on the tenth. After backroom discussions and misunderstandings from the Proviso supporters, the bill and the amendment were talked to their defeat through a filibuster ending the first session of the Twenty-Ninth Congress.

When Polk met with his cabinet to discuss the reintroduction of his appropriation bill in the next session of Congress, he stated his opposition to the Proviso. Polk and his cabinet decided that unless the bill could be introduced again without the Proviso, they would not reintroduce the bill. Polk decided that he should meet with Wilmot

4Morrison, Democratic Politics, p. 18.
to discuss the situation with him. They met on December 23, 1846, and Polk informed Wilmot that his aim was not to extend slavery but to acquire New Mexico and the Californias by treaty. Polk declared that he was of the opinion that slavery could not exist in these provinces, and the question would probably never arise in the organization of territorial and state government in that area. The President added that slavery was a domestic issue and should not be involved in an international treaty. The President was of the opinion that such a treaty would draw the ire of all southern senators, whose combined strength could prevent its ratification—thereby defeating an otherwise satisfactory treaty. Polk convinced Wilmot of his sincerity, and in return Wilmot informed the President that he would vote for the appropriation without the slavery resolution.  

Despite the commitment from Wilmot, Polk spoke with other congressional leaders, including Lewis Cass of Michigan and Senator Charles Atherton of New Hampshire. He asked their opinion on the reintroduction of an appropriation bill without the slavery restriction. Both men said that they would report the bill excluding the restriction, but if their constituents demanded its inclusion, they would have to obey.

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7 Ibid., pp. 289-90.
Therefore, in view of these rather weak commitments, Polk decided not to push his bill at that time.  

However, on January 4, 1847, Preston King, Senator from New York, removed the matter from Polk's hands by reintroducing the appropriation bill, hoping to force slavery restriction into the open again. King was unable to gather the necessary support to introduce the bill on January 4th. The next day King received permission from the House to explain his views. During his explanation King declared that the time had come for the Republic to declare that it would "not be made an instrument to the extension of slavery on the continent of America." King concluded his speech by announcing his intention to fight for free soil. King's speech committed the Van Burenites to the fight for free soil and brought the question of the extension of slavery into the open again; this time it was not to be silenced.

The free soil advocates then persuaded Wilmot to violate his agreement with Polk and reintroduce his amendment to the

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8 Morrison, Democratic Politics, pp. 27-29.
9 Congressional Globe, Senate, 29th Cong., 2nd sess., 1847, p. 105.
10 Ibid., p. 115.
11 Ibid.
12 Morrison, Democratic Politics, pp. 31-32.
"Three Million Dollars Bill," which had replaced the "Two Million Bill" but had the same purpose. After a week of debate, on February 15, 1847, the House voted on the Three Million Bill with a somewhat revised Proviso. The revised Proviso was essentially the same as the original, calling for the exclusion of slavery or involuntary servitude in any territory acquired by the United States on the American continent except as a punishment for a convicted crime. The new proviso also called for the return of any fugitive into a free territory who was legally bound to labor in one of the slave states. The House approved the Bill with the Proviso by a vote of 115 to 105.

Four days later on February 19, 1847, John C. Calhoun, in response to the vote, tried to unite southerners by presenting resolutions declaring that Congress had no right to make laws which discriminated against any state of the Union. He further declared that any law passed prohibiting individuals from taking their private property with them into new territories was unconstitutional and tended to

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13 Ibid., p. 34.

undermine the Union. Calhoun's resolutions were not voted on, but they served as a southern platform against northern interference with their rights.

On the other side of the controversy, Preston King, in his attempt to reintroduce the bill on January 4th, had brought the Wilmot Proviso close to home to most northern Democrats when he declared:

Shall the territory now free which shall come to our jurisdiction be free territory, open to settlement by the laboring man of the free states, or shall it be slave territory, given up to slave labor? One or the other it must be; it cannot be both. The labor of the free white men and women, and of their children, cannot, and will not, eat and drink, and lie down, and rise up, with the black labor of slaves; free white labor will not be degraded by such association. If slavery is not excluded by law, the presence of the slave will exclude the laboring white man.

This statement eliminated the philanthropic idealism of abolition and put the Proviso into terms the northern workingman could understand. King removed the question of the extension of slavery into the territories from the political arena and placed it into the realm of the practical.

15 Congressional Globe, Senate, 29th Cong., 2nd sess., 1847, p. 455.

16 Morrison, Democratic Politics, p. 35.

17 Jabez D. Hammond, Life and Times of Silas Wright, Late Governor of the State of New York (Syracuse: Hall & Dickson, 1848), pp. 706-07.
If slavery were permitted to expand into new territories, this would serve to eliminate the expansion of a free white labor force. Even uneducated poor whites could understand the implications. In areas where slave labor was used, there was little if any need for a white labor force. This dollar-and-cents statement helped arouse northerners to support the Proviso, or at least what it stood for—a free white labor force.

After the House passed the Three Million Bill and the Proviso, it went to the Senate for action. The Senators approved the Three Million Bill on March 1, 1847, by a vote of 29-24. However, they rejected the Proviso by a vote of 31 nays to 21 yeas. 18

On March 3, 1847, the Three Million Bill without the Proviso went back to the House for consideration. The Committee of the Whole voted to report the bill with the Proviso. However, the Proviso was rejected by a vote of 102 to 97. The House then voted on the Three Million Bill and approved it 115-81. 19 Although the Proviso had been defeated in Congress, the issue was not dead by any means.

18 Congressional Globe, Senate, 29th Cong., 2nd sess., 1847, p. 556.
19 Ibid., p. 573.
Politicians constantly discussed, and were frequently queried as to what stand they took on the Proviso.

In late September of 1847, David Wilmot wrote to Van Buren seeking his support of the Proviso. In reply Van Buren informed Wilmot that he did not wish to take a stand at that time; however, if the need arose, he would make a public statement regarding the issue.

Van Buren's actions thus far were not those of a man ardently seeking public office. Some historians claim that Van Buren desired to return to the presidency to avenge his defeat of 1844 and his embarrassment over Polk's cabinet appointments. Polk had made it clear that he was against the Proviso, but it was obvious that many people favored it. If Van Buren had been trying to regain his old stature, it would seem probable that he would take a stand on the Proviso in opposition to that of Polk. Van Buren's silence on the Proviso gives clear indication that at this time in his life he had no desire to return to active politics but was content with semi-retirement on his farm.

Thomas Thorton of Jackson College, Jackson, Mississippi, wrote to Van Buren requesting his opinions regarding the

20 Wilmot to MVB, 25 September 1847, MVB Papers.
21 MVB to Wilmot, 22 October 1847, ibid.
propriety and constitutionality of the Proviso. He further stated that he considered Van Buren a friend of the South, as he had always fought against any sort of interference with slavery from the free states.\textsuperscript{22} Van Buren chose to ignore this letter, further indicating his lack of desire to become engaged in political discussion. Two months later Van Buren received a letter similar to Thorton's from Peter Daniel of Virginia, Associate Justice of the United States Supreme Court. In his letter Daniel reported that he had read disturbing reports from Whig papers that Van Buren favored the Proviso. He added that numerous southerners also wanted to know Van Buren's position on the issue. Daniel informed many of these people that he had personally found it hard to believe that Van Buren would support the Proviso in view of his being a strict constructionist. Daniel further stated that Van Buren's belief in Jeffersonian Democracy had established him as a man who would protect slavery despite his northern background.\textsuperscript{23}

Van Buren apparently decided it was time to release a statement. However, rather than issue one of his long narratives in which he would discuss all questions and then

\textsuperscript{22}Thorton to MVB, 1 September 1847, ibid.

\textsuperscript{23}Daniel to MVB, 1 November 1847, ibid.
explain the reasons for his beliefs as he had done on many occasions in the past, Van Buren simply stated that Silas Wright, in a letter to James H. Titus, had given an opinion on the Proviso in much better terms than he himself could express. In the letter to Titus, a relatively unknown New York politician, Wright had stated

that I am opposed in principle, to the conquest or purchase of territory, now free, for the purpose of incorporating slavery upon it; that I think it an appropriate time to declare that principle when an appropriation is asked to purchase territory; and that such declaration, made at such a time, is not in opposition to the administration unless it be avowed that the administration wishes to acquire territory for the extension of slavery, in which case I would think the administration wrong and the declaration right.

At last Van Buren had taken a stand on the Proviso and the extension of slavery. His declaration in favor of the Proviso surprised many southerners besides Daniel. Van Buren had always been a Jeffersonian advocating state's rights. With his advocacy of the Proviso, he denied that people in a territory had the right to make their own choice. Although Van Buren's public stands had been contradictory, they reflect one central theme. His advocacy of the Missouri

24 MVB to Daniel, 13 November 1847, ibid.
Compromise, his opposition to the annexation of Texas, and his refusal to abolish slavery in Washington, D.C., indicate that he was no abolitionist, but at the same time he staunchly opposed the extension of slavery from the states and territories where it existed. Thus, while basically a state's rights advocate, his opposition to the expansion of slavery caused him to break away from the traditional Jeffersonian viewpoint.

Senator Thomas Hart Benton of Missouri, a staunch Van Burenite, agreed with Wright and Van Buren and their stands on the Proviso but at the same time added another view. He declared that since slavery was already prohibited by Mexican law in California and New Mexico, it could not be permitted there until the legislatures enacted a new law permitting slavery. Benton disagreed with some later historians by stating that beginning with its first introduction in Congress, the Proviso caused tremendous repercussions, especially in the South. He pointed out that Congress discussed the Proviso for two sessions in which heated emotional outbursts ran rampant. Benton added that some individuals would consider the passage of the Proviso a "bona fide cause of breaking up the Union."²⁶

Benton based his argument against passage of the Proviso on the grounds that the whole question of whether or not to permit slavery in the two unorganized territories involved was "irrelevant and had no basis for discussion." The Mexican constitution prohibited slavery in these territories and this precluded any action the United States would take. As Benton succinctly stated:

... the free soil party [had] nothing to fear, because the soil was now free; the slave soil party nothing to hope, because they could not take a step to make it slave soil; having just invented the dogma of 'No power in Congress to legislate upon slavery in territories.'

Benton added, "Never were two parties so completely at loggerheads about nothing: never did two parties contend more furiously against the greatest possible evil." One of the interesting facets of the Wilmot Proviso was that although it was hotly debated in Congress and throughout the nation, most people believed that the area in question could not support slavery. Yet the Proviso became symbolic of the right to extend slavery into new territories and emerged as the critical issue in the presidential election of 1848.

Debates over the Wilmot Proviso had a profound effect on the United States. They certainly had a profound effect

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27 Ibid.
28 Ibid.
29 Morrison, Democratic Politics, p. 52.
on the Democratic Party in New York, which had split into two factions during the Jackson presidency. The key issues in New York at that time revolved around fiscal policies. For example, they differed over the state banking laws, Jackson's refusal to recharter the Second Bank of the United States, the specie circular, distribution of the treasury surplus, and later, Van Buren's Independent Treasury System.  

The gap between these factions was increased by the canal controversy in New York in 1838 and 1841. The conservatives sought to use surplus canal funds to complete the canal, while the radicals sought to have the money used to pay the state debt.  

The radicals became known as Barnburners; one explanation for this name was that they were likened to a Dutch farmer who burned down his barn to get rid of the rats. The conservatives became known as Hunkers. One version of the origin of their name was that they desired a large "hunk" of the spoils.  

Van Buren and his Barnburners tended to have a restrictive economic view. They tended to support small farmers and

30 Rayback, Free Soil, pp. 60-61.


32 Rayback, Free Soil, p. 60n.
mechanics, not landed aristocrats. The conservatives (or Hunkers) on the other hand tended to support the monied interests. It was predictable that the Barnburners would also stand against the southern monied plantation owners who depended on slaves for their economic stability, while on the other hand the Hunkers would support the large plantation owners. Therefore, it should have been no surprise to New Yorkers when the Barnburners attached themselves to the Wilmot Proviso, hoping that it would return them to their former position of national leadership. The Barnburners also linked the Proviso to Silas Wright's potential presidential candidacy, again hoping that it would give them dominance in their own party. However, the Barnburners for some unexplained reason failed to keep the Proviso issue before the people as they had claimed they would. Apparently they believed that the issue was controversial or popular enough that it could be resurrected at a time which would best suit their interests.

The Hunkers, on the other hand, brought the issue before the people again when in December, 1847, Daniel S. Dickinson, Hunker Senator from New York, introduced a

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33 Morrison, Democratic Politics, p. 76.
34 Ibid., p. 77.
resolution to Congress which followed the statements of
Vice-President George M. Dallas, who advocated popular
sovereignty in the territories. Dickinson's resolution
stated:

That in organizing a territorial government for
territories belonging to the United States, the principle
of self government upon which our federative system
rests will be best promoted, the true spirit and meaning
of the Constitution be observed, and the Confederacy
strengthened, by leaving all questions concerning the
domestic policy therein to the legislatures chosen by
the people thereof.\textsuperscript{35}

Thus Dickinson's resolution called for the question of slavery
in new territories to be determined by the people in each
territory and not by federal legislation. This was the
beginning of the concept of popular sovereignty as opposed
to federal control.

The Barnburners opposed the resolution on the basis
that a territory was just the beginning of the state, "without
population adequate to its government;" therefore, it
did not have the power to determine "the institutions under
which its future inhabitants would live."\textsuperscript{36} The Barnburners
further denounced the resolution as violating Jeffersonian

\textsuperscript{35}\textit{Congressional Globe}, Senate, 30th Cong., 1st sess.,
1847, p. 27.

\textsuperscript{36}Rayback, \textit{Free Soil}, p. 119 as quoted from the \textit{Albany
Atlas}, 23, 30 December 1847.
principles. Since Van Buren was a Jeffersonian disciple, it would be impossible for him to support the resolution.

In the midst of the heated controversy over the Proviso, the New York Democratic Party convened its state convention at Syracuse, with both the Hunkers and Barnburners present in full force. The Hunkers were able to seat more delegates, resulting in their obtaining control of the convention. When the Barnburners attempted to pass a resolution supporting the Wilmot Proviso, the Hunkers immediately voted it down. The outraged Barnburners under the leadership of "Prince" John Van Buren walked out of the convention en masse and called for another convention of their supporters to meet at Herkimer on October 26, 1847.

Four thousand Barnburners converged on Herkimer for their own state convention. At this convention the Barnburners denounced the "fictitious majority" of the Syracuse convention. They also denounced slavery as an institution which degraded the white laborer both politically and socially; however, they did not denounce it because of its immorality. Further they announced their intent to vote for no man who did not advocate the principle of the Wilmot Proviso. Finally,

37 Ibid.

38 Alexander, Political History of New York, p. 126.
they called for a convention to be held again in Herkimer on February 22, 1848, to choose Barnburner delegates to the national Democratic convention. However, some of the older party leaders persuaded the Barnburners to postpone their forthcoming convention. They believed that this secession tended to make the Barnburners look as if they were breaking up the Democratic Party in New York.

The party leaders then held a caucus in which both factions appeared. The Barnburners prevailed over Hunker objections to calling another state convention. They further decided it should be held on February 16 at Utica instead of being held at Herkimer. The caucus also ruled that the question of selecting delegates to the national convention would be determined at the Utica convention. The Hunkers refused to accept the caucus rulings and called for their own convention to meet at Albany on January 26.

As a result of these political maneuverings, the Hunkers decided to present their case to the people. On February 19, 1848, Niles National Register reprinted an address to the New York Democrats. In this address the Hunkers declared that the Barnburners had ruled New York's Democratic Party

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39Rayback, Free Soil, p. 77.
40Morrison, Democratic Politics, p. 94.
for twenty-five years. When the Barnburners realized that they could no longer rule the party, they bolted. This action had been centered around the Wilmot Proviso. The Barnburners were unable to have the Proviso adopted by the state party; so they broke away from the central party. The address also declared that the Hunker platform was broad enough to embrace the Barnburners; however, the Barnburners' platform was so narrow in scope that it could not embrace anyone but themselves. Finally the address asked why the Barnburner delegation sought admission to the national convention when they realized that their ideas were alien to those of the Democratic Party. The Hunker address maintained that if the Barnburner ideas were admitted to the convention it would result in splitting the party. Realizing this, the Barnburners had to be cognizant that their principles would not be accepted. Therefore, in view of the Barnburners walking out of the state convention over their failure to gain support for the Proviso, it was reasonable to assume that they would be forced to take the same action at the national convention, after their views had again been refuted. The Hunkers believed that the Barnburners

41 *Niles National Register*, 19 February 1848, pp. 390-91.
would secede from the convention in order to gain martyrdom. "What other object, then, can they have in view, than a claim to political martyrdom with a view of making them more formidable for mischief in the approaching great struggle between the democratic party and its enemies?"

With the Hunker address ringing in their ears, the Barnburners convened their convention at Utica on February 16, 1848. No Hunkers appeared at this state convention, the Hunkerites explaining that their delegates had already been chosen. During the Utica convention, John Van Buren addressed the delegates as he had done at the Herkimer convention. In his address Van Buren declared that the New York Democratic Party "do now, and have always, heretofore, believed in the wisdom, humanity and constitutionality of the policy endeavoring to limit the evils of slavery, by protecting the unsettled territories of the United States against its introduction, whilst they are under a territorial government." 

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42 Ibid.


The younger Van Buren, echoing the words of his father, further stated that the founding fathers had declared the expansion of slavery to be an evil step and had provided against it by passing the Northwest Ordinance of 1787. The founders also provided for the prevention of slave expansion through importation by giving Congress the power to prohibit the importation of slaves. 45

After Van Buren's address the delegates settled down to work and passed many resolutions that they intended to present at the national convention at Baltimore. Among these was one concerning the extension of slavery into new territories. The resolution declared that the members of Congress from New York be instructed to act against any legislation designed to extend slavery. More specifically it asserted that

45 Ibid.

46 Ibid., p. 93.
published their own address to the people in April, 1848.

The address chastized the Hunker faction as being a portion of the Democratic Party that

discarding all its usages and forms of action, have formed a separate and complete organization, under the name of 'Hunkers,' enjoying the whole patronage of the federal government—professing to act under its advisement, are now assailing the men and the principles of the party they have left, with a bitterness unparalleled in the annals of party controversy.\footnote{Address of the Democratic Members of the Legislature of the State of New York, \textit{Albany Atlas}, extra, April, 1848, MVB Papers.}

The address also called for the territory to be gained as a result of the war with Mexico to be free from slavery. It further informed the people of New York that the thirty-six delegates to the Baltimore convention would support two positions. One called for the maintenance of the principle of the Ordinance of 1787, which provided for prohibition of slavery in the unsettled territories of the United States—and that this be extended to the territories acquired from Mexico.\footnote{Ibid.} The other declared that a presidential candidate's position on the expansion of slavery would not serve as a "test question" as to his availability. The address stated that the Utica delegates realized the inherent danger in using a "test question" of whether or not the candidate favored the expansion of slavery.
Thus it is obvious that the New York Democratic Party was severely split into two factions. As a result New York would send two delegations to the national convention to nominate a presidential candidate and adopt a platform regarding the expansion of slavery into territories. Obviously, the two factions at this point were unable to agree on a presidential candidate. For several years after the election of 1844, and before their differences became insurmountable, New York Democrats generally considered Silas Wright to be the leading candidate for the Democratic presidential nomination in 1848. These hopes (or fears, if one were anti-Wright) dissolved on August 27, 1847, with the sudden death of Wright from an apparent heart attack. 49

After news of Wright's death had spread, Henry Horn of Philadelphia dejectedly wrote to Van Buren, first expressing his condolence to Van Buren over the loss of his dear friend and then asking where the Democratic Party could find another "standard bearer under whose banner we may safely trust our political destinies at the approaching contest." 50 Horn's failure to suggest that Van Buren replace Wright as the


50 Henry Horn to MVB, 30 August 1847, ibid.
leading candidate indicates that Van Buren's return to active politics was not a foregone conclusion.

Even so, after Wright's death the shattered Barnburners began to once again look at the elderly Van Buren as a possible candidate. After all, he was the only Barnburner that could be considered a national figure. Certainly, there were other Democrats who could be counted on to attract many voters—men like Lewis Cass, and James Buchanan, but these men were not in the Barnburners' favor. Only Van Buren could be counted on to draw numerous voters into the Barnburner camp.

Van Buren began to receive more correspondence urging his availability for the candidacy. E.A. Maynard of Buffalo, New York, was one of the first to urge Van Buren's candidacy. He informed Van Buren that it was his opinion that Van Buren and Senator Benton of Missouri were the two most likely nominees. Maynard believed Van Buren to be more politically accessible because Benton would receive little if any southern support. Maynard urged Van Buren not to announce that he would not accept another nomination because he believed Van Buren could serve as a rallying point for the disheartened Democrats. ⁵¹

⁵¹ Maynard to MVB, 31 August 1847, ibid.
Despite the support Van Buren began to receive for another nomination, as of October, 1847, he still considered himself a retired politician and now a farmer by profession. Apparently, judging from the tone of a letter to Azariah C. Flagg, his self-proclaimed retirement was a result of his problems with Polk. In this letter Van Buren reaffirmed his previous declaration to write no further political letters in these times "of political corruption and folly."\(^{52}\) The former Chief Executive still smarted from his defeat in 1844 and his removal from power; but he certainly was not seeking revenge for his defeat. On the contrary, if anything, he sought political martyrdom as the man wronged by his party in 1844.

One month later Van Buren once again declared his intent to remain out of active politics.\(^{53}\) Despite his frequent refusals to enter into political discussions, Van Buren received numerous correspondence requesting his position on the Wilmot Proviso, the limitation of slavery, and other issues. Possibly many Democrats and Whigs believed that Van Buren would again emerge as the party nominee despite

\(^{52}\) MVB to Flagg, 12 October 1847, ibid.

\(^{53}\) MVB to Peter Daniel, 13 November 1847, ibid.
his protestations. If so, his opinion regarding the Proviso would be crucial to the planning of the campaign. However, Van Buren refused to be brought out of his retirement and maintained silence regarding his candidacy.

In late November Van Buren somewhat angrily again denied his candidacy. In a rather harsh tone Van Buren informed Campbell F. White of New York that he must have missed seeing the extensive publication of Van Buren's desire to remain out of presidential consideration. The publication Van Buren referred to was probably his published reply to the editor of the *Wilkes-Barre Farmer*, who had urged him to consent to a nomination. Van Buren politely but firmly declined his consent, declaring, "I could not, consulting only my feelings and wishes, hesitate, respectively and gratefully, but decidedly, to decline it." The manner in which he denied his candidacy could not have left any doubt that he meant it.

White did not request Van Buren's consent to accept a nomination but had asked that Van Buren express his opinion regarding the acquisition of territory from Mexico and various phases of the slavery expansion question. After carefully listing each question White had posed to Van Buren, the former

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54 *Niles National Register*, 13 November 1847.
Chief Executive spent the rest of his letter explaining why he must refuse to answer any of them. His chief reason for the refusal was that it would serve no public good to announce his feelings regarding these public issues.\footnote{White to MVB, 18 November 1847, ibid.; MVB to White, 29 November 1847, ibid.}

Van Buren's belief that his opinions regarding political questions would be of little use, as he no longer considered himself a public figure, indicates that he was sincere in his intent to remain retired. Despite the opinion of many people and several historians that Van Buren actively sought revenge after his defeat in 1844 and planned to regain the Presidency, his statements regarding his candidacy at this time can leave little doubt that he considered himself retired. There is no hedging in these letters, no statements regarding the possibility of changing his mind--just simple, plain, unequivocal declinations. His refusal even to discuss the issues which would keep his name before the people could only serve as a deterrent. As 1847 drew to an end, Van Buren entertained no thoughts of renewing his political career.

Despite his frequent refusal to answer letters regarding his return to active politics, Van Buren still was deluged with correspondence seeking his nomination. In April of 1848, his son John forced him again to break silence regarding
his possible candidacy. John asked his father for permission to submit his father's name as the candidate from the state of New York. At the same time, the younger Van Buren announced to his father that should the national convention reject the Proviso, by rejecting a Proviso candidate, the Barnburners would secede from the convention and nominate their own candidate at Utica in an autumn convention. 56

In reply to his son, Van Buren began by suggesting that if the Barnburner delegation were admitted to the convention as the proper delegates from New York, they in return should accept almost any candidate the party chose to nominate except Polk. On the other hand, if they were admitted along with the Hunkers, which would tend to cancel any real power, or if they were put into an inferior position of any sort, Van Buren suggested that they declare their refusal to accept the party candidate and nominate a state candidate of their own. He even suggested that General Zachary Taylor be nominated in this case. Van Buren further stated that if the convention attempted to renominate Polk, then the New York delegates should abandon the convention, because Polk's renomination would be the fulfillment of a plan that had begun

56 John Van Buren to MVB, 30 April 1848, ibid.
with the organization of Polk's original cabinet. Van Buren's statement certainly indicates that he was still extremely bitter over Polk's cabinet appointments; but his statement regarding the calling of a state convention to nominate a candidate, even suggesting General Taylor, reveals that he had no intention of seeking revenge by trying to obtain Polk's position.

After these words of advice regarding the direction the Barnburners should follow at the national convention, Van Buren turned his full attention to his son's question regarding his candidacy. In words of honesty that only a father who had a close relationship with his son could express, Van Buren declared that

nothing could be more cruel to me or more destructive to the standing you and your friends in this State have acquired. Can you possibly suppose that the declaration that they did this on their own responsibility only and without previous knowledge on my part would gain credence in any quarters? The whole country would with one voice set it down as an idle pretense. It would satisfy all that your enemies did you no more than justice when they charged upon you insincerity in regard to the slave question and that you had only let the cat out of the bag when she could no longer be concealed without destruction to the object to obtain which she had been bagged. Dismiss this idea therefore from your mind and suppress it if you find that it has entered the mind of others.

The course of political agitation in this State for the last four or five years has been to

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57 MVB to John Van Buren, 3 May 1848, ibid.
render my re-election impossible . . . . When this has become to all appearances certain, it would be exceedingly unjust to me to drag my name into the canvass for any purpose. Be assured once for all that I have not the slightest desire to occupy that place again, but a great deal of unavoidable repugnance. I owe my party friends a debt of gratitude and am willing to do any consistent act to advance their views, but upon this I feel a degree of delicacy about my position and am so well satisfied with it as it stands that I cannot consent to have it frittered away by experiment.  

This was not the last time Van Buren would have to disavow any intention of being a candidate. In late June, he again had to answer an inquiry regarding his candidacy. As he had done so many times before he denied that he would be interested in seeking the presidency.  

The years beginning with Polk's inauguration in March of 1845 until June of 1848 had seen Van Buren's refusal to engage in active politics, even when his state party became embroiled over the Wilmot Proviso. The introduction of the Proviso had served to split the nation into two segments—pro-slavery expansion and anti-slavery expansion. Despite the ever-widening gap between the two factions of his state party, Van Buren adamantly refused to be drawn out of his self-imposed retirement to attempt a reconciliation.

58 Ibid.

59 MVB to Samuel Waterbury & others, 20 June 1848, ibid.
However, in the next few months, Van Buren would be forced out of retirement and away from the party he had helped to found and be drawn into a new party of castoffs from both the Whigs and Democrats to serve as their nominee. This coalition's major issue would be to prevent slave expansion into new territories, and it would become known as the Free Soil Party.
Although the 1848 presidential election was approaching and the Democratic Party was severely split into two factions in New York, Van Buren still refused to be drawn out of his self-imposed retirement. The war with Mexico and expansion of slavery were the two most important issues of the day and would certainly play a part in the campaign of 1848. For a man seeking a way back into political prominence, these issues could provide the key.¹ In March, 1848, Van Buren received word from Francis P. Blair that the treaty ending the war with Mexico would be ratified and that the main issue of the election of 1848 would be the expansion of slavery.² As time for the Democratic National Convention at Baltimore drew nearer, Van Buren still ignored the issues and refused occasional requests that his name be placed in nomination.³

¹ John Niles to MVB, 20 January 1848, MVB Papers.
² Blair to MVB, 4 March 1848, ibid.
³ MVB to J. Willson, 15 May 1848, ibid.
Both the Barnburner and Hunker delegations went to the Baltimore convention, which opened on May 22, 1848. Each group sought to be recognized as the legitimate New York delegation. The southern delegates would not vote for the Barnburners because of their stand on the Wilmot Proviso. Other delegates had received instructions before their departure to support the Hunker delegation; therefore, the Barnburners had little hope of being recognized as the legitimate New York delegation.  

After three days of debate concerning which New York delegation should be admitted, the convention returned on the fourth day to resolve the issue. The convention voted in favor of admitting both thirty-six man delegations, giving each member one-half a vote. In essence this decision left the state of New York powerless as the opposing delegations would cancel each other out. This decision was unacceptable to both Hunkers and Barnburners. The Barnburners seceded from the convention, and the Hunkers refused to take part in any further proceedings. 

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5 Ibid., p. 101; Joseph G. Rayback, Free Soil, The Election of 1848 (Lexington: The University Press of Kentucky,
With New York taking no part in the presidential nomination, the Baltimore convention nominated Lewis Cass of Michigan for President and William O. Butler of Kentucky for Vice President. However, the usual rejoicing of a nomination was somewhat dampened because of the absence of the New York delegates. Spirits were eventually raised somewhat when the Hunker delegation announced that they would support the party's nomination.\(^6\)

The Barnburners were less gracious. Lewis Cass and Polk were the two men they could not and would not support. They believed Cass to be one of the chief conspirators behind Van Buren's defeat at the Baltimore convention of 1844. In addition, Cass had shown himself to be a man who would on one day profess a strong political belief but would frequently reverse his position the next day, if he believed that he could thereby gain additional support.\(^7\)

As a result of the events at the 1848 Baltimore convention, the state of New York, or at least the Barnburners,

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\(^7\) Ibid., p. 173.
was left without a presidential candidate. To correct this situation, the Barnburners called for a state convention to be held in Utica on June 22, 1848, for the expressed purpose of nominating candidates for President and Vice President.  

Six days prior to the Utica convention, several delegates wrote to Van Buren requesting permission to submit his name as New York's presidential candidate. They also requested Van Buren's opinion regarding events of the recent Baltimore convention and what action New York should take concerning "the great issue before the country--the extension of slavery to the territories now free."  

Four days later and two days before the Utica convention, Van Buren replied to the delegates that he had refused permission for his nomination on numerous occasions. He reaffirmed his intent to remain in retirement by declaring: "Having thus assumed and so long occupied this position, I trust to your friendship and past indulgence to be excused for repeating my unchangeable determination never again to be a candidate for public office." Van Buren next turned his attention to discussing the events of the recent Baltimore

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8 Ibid., p. 107.
10 Ibid., p. 110.
convention. He began by strongly criticizing the convention for its failure to make a clear-cut decision regarding the seating of the New York delegation. He maintained that either one or the other faction should have been admitted. Instead, the final decision rendered New York powerless in the nomination process. As a result of these events, Van Buren concurred with the Utica delegates in the belief that New York was not bound to the decision of the Baltimore convention.¹¹

Next, Van Buren turned to the question of the right of Congress to prohibit slavery in territories where it did not already exist. Van Buren reminded the delegates that the architects of the Constitution had been aware of the slavery problem. Although slavery was repugnant to many of them, they realized that it would not be easily abolished in many states. Their ultimate decision was to guarantee slavery in the states where it then existed with exclusive control to be given to the respective slaveholding states. However, the expansion of slavery into a United States territory in which slavery did not previously exist would be prohibited. Van Buren stated that all parties agreed to this decision with no apparent ill feelings, and consequently Congress passed

¹¹Ibid., pp. 111-12.
the Northwest Ordinance in 1787, which prohibited the expansion of slavery into the Northwest Territory. This bill, although enacted under the Articles of the Confederation, was proposed and passed again during the first session of Congress under the Constitution.\(^\text{12}\) Van Buren added that during the 1790's Congress had issued a declaration "that Congress have no power to interfere in the emancipation of slaves, or in the treatment of them within any of the states, it remaining with the several states alone to provide any regulation therein which humanity and true policy might require."\(^\text{13}\) Van Buren informed the delegation that this was the wisest course to pursue, the one he had pursued throughout his career, and the one he would continue to pursue.

Van Buren further condemned the Baltimore convention for nominating Lewis Cass, who advocated that Congress did not have the power to prohibit slavery in territories where it had not previously existed. The acceptance of this view would open any and all new territories to slavery, which had been expressly prohibited by the writers of the Constitution. Therefore, to vote for Cass would mean sanctioning the

\(^{12}\) Ibid., pp. 112-13.

\(^{13}\) Ibid., p. 113.
extension of slavery into new territories--this Van Buren could not and would not do. Van Buren went one step further by declaring that if no other candidate appeared, he would refuse to vote for anyone for President.  

After this declaration, Van Buren stated that the whole question revolved around whether Congress had the power to administer laws regarding slavery. He emphatically believed that it did and gave the example that while he had been a presidential candidate in the election of 1840, he had declared that Congress had the right to abolish slavery in the District of Columbia, although he personally opposed the exercise of that power. Van Buren concluded his statement to the Utica delegates by declaring that mankind was now opposed to the idea of slavery, and there was a universal movement to suppress it. However, he urged the delegates to proceed with "moderation and forbearance." Van Buren's letter was read before the convention and received a thundering cheer. Despite his refusal to be a candidate, the convention nominated him by acclamation and selected

\[\text{\underline{\text{\ref{14}}}}\]
\[\text{\textit{Ibid.}, p. 114.}\]
\[\text{\underline{\text{\ref{15}}}}\]
\[\text{\textit{Ibid.}, pp. 114-15.}\]
\[\text{\underline{\text{\ref{16}}}}\]
\[\text{\textit{Ibid.}}\]
Henry Dodge of Wisconsin as his vice-presidential running mate. 17

New York was not alone in representation at the Utica Convention. Delegates from five other states, Massachusetts, Connecticut, Ohio, Illinois, and Wisconsin were asked to take part in the proceedings. H.C. Lobdell of Connecticut responded with a resolution declaring:

Resolved, By the delegates present from other States than New York, that the nomination this morning made by this CONVENTION SHALL be responded to in the Free States which we represent, in a manner which shall speak in thunder tones that Free Soil on this continent shall remain free for ever! 18

James W. Taylor of Ohio, a staunch Van Burenite, stood before the convention and explained, "You have conquered him and drawn him by force from his retirement. I trust he will stand forth the Jefferson of this day--the author of a declaration, not merely of financial independence, but of human freedom and rights." 19

In addition to Van Buren's nomination the convention also adopted a series of resolutions. Among these was one calling for obedience to the Constitution, which meant that

17 Ibid., p. 117.
18 Ibid.
19 Ibid., p. 118.
Free Soilers would not interfere with slavery where it existed. On the other hand, they would not permit the extension of slavery into a new territory where slavery did not previously exist. Yet these statements were qualified by a declaration that slavery was an evil and should be eliminated, but it was not the delegates' purpose at that time to initiate such action.\textsuperscript{20}

Although Van Buren had been defeated in his attempts to regain the presidency in 1840 and 1844, there was some logic to his being renominated. Of all the Barnburners, he was most certainly the man with the greatest following and their leading national figure. However, prior to the Utica convention of June, 1848, Van Buren had spent the previous four years insisting that he was retired from public life and was no longer to be considered a candidate. Despite his adamant protests, the convention nominated him, and he accepted—somewhat reluctantly. Thus arises the question of whether he was sincere in his assertions that he was not to be considered a candidate. A review of the circumstances indicates that Van Buren was sincere. However, the nomination of Lewis Cass as the Democratic standard-bearer was totally repugnant to Van Buren. Cass was the one man (other than

\textsuperscript{20} Ibid., p. 119.
Polk) that Van Buren had publicly declared he could not support. Also Van Buren was under constant pressure to accept a nomination. When the Utica convention nominated him over his protests, there was little he could do but accept. After all, he was chiefly responsible for them not having a Democratic candidate that they could favor. As one man declared, "Mr. Van Buren's name was in it, but not his head nor his heart." 21

Van Buren's nomination and subsequent acceptance caused a great commotion in the Democratic Party. Democrats denounced his actions as being unworthy in view of his former high office. They questioned his enthusiasm and sincerity for the anti-slavery movement, since his past record on that issue had been rather obscure. 22

Although New York's clamor against the Baltimore convention was the loudest and most publicized, it was not the only one. One day prior to the Utica convention, a thousand delegates of all parties met in Columbus, Ohio, to express their dissatisfaction over the nominations of both Lewis Cass and Zachary Taylor, the latter being the Whig candidate nominated through the influence of southern slave owners.

21 Donovan, Barnburners, p. 103.
22 Ibid.
The delegates were unhappy about Cass and Taylor's refusal to support the ideals of the Wilmot Proviso. The Ohio delegates went one step further and called for a national convention of all free men to meet at Buffalo, New York, on August 9, 1848.23 Massachusetts was also vocal in its support of the ideas of the Wilmot Proviso. Delegates from that state combined with the Ohio and New York delegates to form the nucleus of the Free Soil movement and issue a call for a national Free Soil convention.24 This new convention would offer to dissatisfied Whigs, disgruntled Democrats, and anyone else who could not support the candidates of the two major parties a third choice and the opportunity to become a part of a third national party advocating free soil.

During this convention a second meaning would be added to the term "free soil." The Utica convention had expressed the idea that public lands should be sold in small amounts to settlers and not speculators, "at a price to them not exceeding the cost and expense of acquiring, surveying and giving title to same."25 At the Buffalo convention this

23 Rayback, Free Soil, p. 206.
24 Ibid., p. 208.
resolution was modified to mean the providing of free land to settlers; thus, the term "free soil" grew to have a two-fold meaning.

The Buffalo convention which met on August 9, 1848, was indeed an amazing convention. It consisted of a conglomeration of an estimated forty thousand political mavericks mingling together under a common banner in a circus atmosphere. As predicted, the delegates consisted of Democrats who could not support Cass, people tired of the southern domination of the Democratic Party, dissatisfied Whigs who would not support Taylor, and anti-slavery Whigs, Democrats and independents. The states represented at the convention were Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Michigan, Wisconsin, Illinois, Indiana, Iowa, Delaware, Maryland, Virginia and District of Columbia. The convention witnessed much fervid oratory and high emotionalism. Spectators were converted to the Free Soil cause.  

Once the convention got down to the business at hand, the delegates adopted some of the Utica resolutions. They echoed the Utica resolution that in the states where slavery

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26 Donovan, Barnburners, pp. 105-06; Gardiner, The Great Issue, p. 137.
existed, they would take no action as they believed that the state had jurisdiction regarding slavery within its own boundaries. They also reaffirmed the Utica resolution that the extension of slavery into a territory where it had not previously existed would be prohibited. The Buffalo delegates based both resolutions on the precedent set by writers of the Constitution, which permitted Congress to prohibit slavery in new territories but did not give it the right to do so in the states. Next, the delegates resolved that they would fight for the preservation of free soil in the three new (unorganized) territories of Oregon, California, and New Mexico. Then they turned their attention to a resolution which added the second meaning to the term "free soil," and called for the national government to provide free land for settlers in the unsettled areas in the various states. They based their support for this resolution on the assumption that the settlers incurred a great expense in moving into an unsettled area. After this addition, when members spoke of the Free Soil movement, they were referring both to the prohibition of expanding slavery and to a homestead plank, which would provide free land for people settling on federal lands. Finally, they resolved to adopt as their banner the

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slogan "free soil, free speech, free labor, and free men."  

After completion of their party's platform, delegates turned their attention to nominating candidates for President and Vice President. Van Buren's name headed the list of possible candidates, and he easily won a majority of votes on the first ballot. The convention then moved to nominate Van Buren by acclamation. It also selected Charles Francis Adams, the son of Van Buren's former bitter opponent, John Quincy Adams, for the vice presidency, rather than Henry Dodge, who had been nominated at Utica. On August 16, 1848, a committee of the Free Soilers wrote to Van Buren announcing his nomination as the Free Soil candidate for President. They related that the Buffalo delegates consisted of people who held many varied political beliefs but were united in their opposition to the increase of human bondage.

On August 22, 1848, Van Buren sent his lengthy reply to the delegates' committee. He began by stating that since the election of 1844 he had chosen to be a retired politician.

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28 Ibid., pp. 138-40.
and had frequently declared this intent during the preceding four years. However, because of the political events in New York and at the Baltimore Convention, which had seen the Barnburners and Hunkers grow even further apart, New Yorkers had deemed it necessary to nominate him for the presidency in order to give their avowal a free soil candidate with national appeal. In view of these events, Van Buren stated that he was compelled to accept the nomination.

Van Buren next turned his attention to the central issue of the Free Soil platform—prohibition of the extension of slavery into a free territory. As in his previous declarations on slavery, Van Buren declared that the founders of the United States had established the precedent for handling the slavery question. This precedent called for security against the extension of slavery into territories where it had not previously existed. It also provided that in the states where slavery did exist, laws governing slavery were to be state laws and could not be modified or repealed by the national government.  

According to Van Buren, the observance of this policy had been successful in eliminating questions and problems

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31 Ibid., pp. 142-43.
arising from the existence of the peculiar institution. However, southerners had betrayed the policy by demanding that slavery be permitted to expand beyond the boundaries established by the founders, resulting in a rising problem of national concern. Van Buren explained that at the time of the formulation of the Constitution, southerners realized that while slavery would be permitted in the states where it then existed, as the country grew in size, the majority of the states would be free states. This was a simple premise that the sons and grandsons of the founders had forgotten. It was never intended for slavery to be eliminated by force or legislation, but neither was it ever intended for slavery to expand—a situation acceptable to both North and South for the first thirty years after 1787. Until recent years when any conflict of opinion arose regarding slavery in one of the territories, "the question has only been, how far the policy of 1787 should be carried out by prohibiting or restricting the extension of slavery in territory which was, at the time, subject to its introduction." Now southerners wanted to reject this idea and spread slavery into territories which had previously expelled it, and this could not be tolerated.

32 Ibid., p. 144.
Van Buren's acceptance letter also modified his stand on the abolition of slavery in the District of Columbia. Previously in his career, Van Buren had maintained the right of Congress to pass a bill abolishing slavery in the District. However, he had also publicly declared that as President he would veto such a bill. He would have done so to preserve peace between slaveholding and free states. At that time many people believed there was danger of a servile war, and such an action by Congress would certainly have added to public agitation; therefore, Van Buren believed that vetoing such a bill would protect the internal peace of the nation. Van Buren now believed those conditions no longer existed, and if Congress passed such a bill he would sign it into law. 33

Van Buren's nomination by the Free Soil Party and his subsequent acceptance shocked the Democratic Party. Most Democrats believed the old statesman to be living in retirement at Lindenwald. To have the man who had been instrumental in the founding of their beloved party become the candidate of a conglomeration of political misfits almost seemed to be an act of treason. 34 Many of his

33Ibid., p. 148; The speech is also published in part in Niles National Register, 27 September 1848.
34Shepard, Martin Van Buren, p. 430.
detractors claimed that Van Buren came out of retirement, not because of idealism, but to seek revenge against Lewis Cass, whom Van Buren's supporters believed had wronged their candidate in 1844. However, the previously-mentioned letter Van Buren wrote to his son John in May, 1848, dispels this idea. The letter, explaining why Van Buren could not support Cass, was calm in tone, well reasoned, and above all declared his intent not to be a candidate. The letter was not one of a man seeking revenge.

Results of the election of 1848 reveal that Van Buren's candidacy played an important part in the contest. Statistics show that 2,878,023 people voted. Zachary Taylor received 1,360,967 popular votes and 163 electoral votes as compared to Cass' 1,222,342 popular votes and 127 electoral votes. Van Buren received 291,804 votes, slightly more than ten per cent, but did not carry any states. As might be expected Van Buren's strength was in New York, Ohio and Massachusetts, but he fared poorly in the southern states.

Van Buren's native state of New York, with its thirty-six electoral votes, proved to be the deciding factor. In


36 Rayback, Free Soil, p. 279.
New York Taylor received 218,603 votes, Van Buren was second with 120,510, and Cass third with 114,318 votes. Van Buren's candidacy split the Democratic vote in New York, thus denying Cass the thirty-six electoral votes. Instead, Taylor received those votes and beat Cass by a total of thirty-six electoral votes. Had Van Buren not been a candidate, Cass would have carried New York, the total of electoral votes would have been reversed, and Cass would have been elected President. Whether or not Van Buren secretly desired revenge, and the evidence indicates he did not, it is likely that he received some satisfaction from having caused Cass' defeat.

A study of Van Buren's correspondence from the end of the election of 1848 until his death in 1862 reveals an interesting situation. The almost complete omission of any reference to the election of 1848 by Van Buren or his supporters indicates that neither Van Buren nor his supporters were really as upset by the loss as they had been by the defeats of 1840 and 1844. This silence tends to support the belief that Van Buren was really not considered a serious candidate but merely had been caught up in a wave of emotionalism.

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37 Donovan, Barnburners, pp. 108-09.
Van Buren could only be considered a remote figure-head of the Free Soil movement because he did not actively campaign, either before or after the election, for its ideals. After his defeat the old politician did not publicly discuss Free Soil ideals. He remained mute for the most part on the entire slavery question until his death. That Van Buren was not an active voice against the spread of slavery before, during and after his last presidential bid, gives further credence to the premise that he was indeed a reluctant candidate. Even during the turbulent decade preceding the Civil War, Van Buren maintained his silence.

A review of Van Buren's actions regarding the peculiar institution during his long career seems to indicate certain contradictions. During his career Van Buren sympathized with the South regarding most issues in which slavery was involved. For example, his stand on the Missouri controversy apparently favored the South. His vote while Vice President to prohibit disbursement of anti-slavery literature in the South and his presidential declaration that he would veto a bill prohibiting slavery in the District of Columbia indicate that Van Buren was a northerner with southern sympathies. On the other hand, his stand against the annexation of Texas, his approval of the provisions of the Wilmot Proviso, and
finally, his role as the presidential candidate of the Free Soil Party in 1848 reveal that he was not always a man of southern principles. What then, was Van Buren's position regarding slavery?

Throughout Van Buren's career, in which he took the previously-mentioned contradictory positions, there exists a central theme. Van Buren, a strict constructionist, believed that the writers of the Constitution had guaranteed the existence of and non interference with slavery in the new nation in those states where it was then established and flourishing. In return for this guarantee, slaveholders had agreed not to expand slavery into new territories. Therefore, Van Buren had devoutly followed the precedent which he insisted had been established by the writers of the Constitution. In all matters regarding interference with slavery in the states where it had long been established, Van Buren adamantly fought against any intervention by the federal government. He believed that the Constitution provided against any such intervention. This concept explains his pro-slavery stand on such issues as abolition of slavery in the District of Columbia and prohibiting the disbursement of abolition literature in the South. However, Van Buren adamantly fought against the expansion of slavery outside the boundaries provided under the Constitution.
This basic belief in guaranteeing the existence of slavery within established boundaries in return for the limitation of slave expansion guided Van Buren throughout his career. To many people he seemed constantly to switch sides, depending on what political advantage might be obtained. This, however, is not the case. Van Buren was consistent in his actions and followed the central idea which he believed had been set in 1787.

Another aspect of his career requiring examination was his role in the Free Soil Party. It must be noted that despite the rumors that Van Buren sought revenge in the election of 1848 for his defeat in 1844, Van Buren was a reluctant candidate. He did not seek the nomination of any party and constantly denied his candidacy. He was drafted as a candidate and only accepted after faced with no other viable alternative. Despite his protests for four years that he was not a candidate, he was nominated. To refuse again would have done little good, and it must be admitted that quite possibly he was caught up in the emotionalism of the Free Soil movement.

Van Buren's entrance into the Free Soil Party did not mean that he was an abolitionist. Nothing could be further from the truth. He never called for the abolition of slavery,
but, for a time, he was a leading exponent of curbing the expansion of slavery into the territories. It should also be noted that Van Buren's stand against the expansion of slavery cannot be considered merely philosophical or ethical. Van Buren and his followers were aware of the economic implications of moving a slave labor force into a free area. The expansion of slave labor would cut down on the amount of jobs available for free workers and would limit the wages to be paid, thus reducing the living standards of a free white labor force.

Lastly, it should be noted that Van Buren was always reluctant to speak out on his beliefs regarding slavery until late in his political career. He realized that the issue was an extremely controversial one, and the discussion of slavery might wreak havoc on the North-South alliance so vital to his political existence. His reluctance to discuss the peculiar institution was prophetic, as he always lost support whenever he became involved in any controversy regarding slavery. Thus, his reluctance to discuss the issue openly, thereby risking the possibility of destroying his sectional alliance, is understandable. He had to "row to his object with muffled oars" in order to maintain the alliance and thus remain a political force. Once he spoke
out against slave expansion, his alliance was destroyed, and the old politician became a gentleman farmer in the Hudson River Valley.
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