

Compromise Efforts in Congress

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While extremists in both the north and south seemed to welcome the crisis that threatened to split the nation during the winter of 1860-1861, political moderates worked towards a compromise that might avoid secession and possible war. After all, agreements had been reached in 1820-1821 during the debate over the admission of Missouri into the Union; during the Nullification Crisis of 1832-1833; and again in 1850 following the acquisition of territory as a result of the Mexican War. Few could have imagined the awful consequences of the failure to reach a similar compromise during this latest crisis.

Between December 1860 and January 1861, members of the outgoing Thirty-sixth U.S. Congress engaged in an attempt to negotiate a settlement between the feuding sections. To accomplish this the House of Representatives organized the Committee of Thirty-Three and the Senate the Committee of Thirteen, with missions to develop a compromise plan concerning the issue of slavery and its expansion. On January 14 the chair of the House committee, Thomas Corwin of Ohio, offered several proposals to the full House, including a constitutional amendment protecting slavery, repeal of northern personal liberty laws, and continuation of the fugitive slave laws. The proposed amendment subsequently passed Congress but was never ratified.

The Senate committee, which included such prominent members as Jefferson Davis of Mississippi, Stephen Douglas of Illinois, and William Seward of New York, was tasked to “inquire into the present condition of the country” and to make recommendations for a compromise. Senator John J. Crittenden of Kentucky, a seventy-seven year old protégé of the

now-deceased Henry Clay who had supported the moderate Constitutional Union Party in the Election of 1860, also was a member. He proposed to the committee and ultimately to the full senate a series of six constitutional amendments designed to diffuse the crisis. They included measures to prevent the U.S. government from interfering with slavery or the movement of slaves across state lines, to protect slavery in Washington, D.C., and to compensate slave owners for the loss of fugitive slaves. Crittenden proposed prohibiting slavery north of the 36-30 line of the old Missouri Compromise, but stated that the institution would be guaranteed in all lands south of the line, including any future territory that may be acquired. He would also have made the proposals permanent by including wording that they could never be subsequently amended and that the government could not in the future adopt new anti-slavery amendments.

According to historian Ethan Rafuse, “This was not a true compromise [because] Crittenden’s plan conceded everything to the South that it could possibly want, while offering little to the North.” Consequently, while it received some support among northerners, many others opposed what seemed to be its overly-generous pro-slavery terms. In particular, President-elect Lincoln strongly objected to the provisions that called for the possible future expansion of slave territory. The Senate’s Committee of Thirteen had deadlocked over Crittenden’s proposals in late December, but the Kentuckian then introduced the measures to the full Senate in early January, asking for a national referendum to approve or reject the amendments. On January 16, the Senate narrowly rejected the referendum proposal by a vote of 25 to 23, with all of the votes to defeat the measure coming from northern Republicans. A number of southern Democrats however, enough to have ensured passage of the proposal, had not voted, thus indicating that extremists from both sections had hardened their views against compromise. They looked, rather, for a confrontation that they hoped might resolve for once and

for all the issue of the expansion of slavery. Such a confrontation appeared inevitable as yet another state—Georgia—would secede on January 19, bringing to five the number that had left the Union.