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LIBERTY OF MINE OWN COUNTRY:
THE POLITICAL PERSPECTIVE OF HENRY CLAY

by

JOSHUA TRAVIS WALTERS

Under the Direction of Dr. David Sehat

ABSTRACT

Henry Clay's effect on the second party system is undeniable. However, this thesis intends to do more than chronicle Clay's life. By analyzing key points of Clay's political career, one sees several key aspects of Clay's political philosophy come to life. Unionism, the role of the Constitution, and compromise are fundamental to Clay's political perspective. Other historians have argued that Clay was always motivated by "self-interest" and personal politics, but Clay's politics never strayed far from national compromise and maintaining the Union.

INDEX WORDS: Henry Clay, Unionism, Slavery, Compromise, Politics, History

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DEDICATION

To my darling wife Jillian who has been supportive, to David Sehat who has been instructive,
and to the great Henry Clay who has been inspirational.

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There are too many names to thank everyone, as every History faculty member at Georgia State University has affected me as a historian and a writer. However, the truly influential people in my academic career have been my family and friends, particularly those at GSU. The relationships I have formed here will be the foundation of my career as an historian and an educator. I cannot ever repay their diligence and willingness to help me succeed. I am forever grateful to you all.

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INTRODUCTION: AN IDEAL BEGINNING

The current political climate in America is divisive and vitriolic. The disdain between political parties and their correlating ideologies is as corrosive and eroding to the cultural, social, and political unity of this country as the second party system leading up to the Civil War in the mid-nineteenth century. Therefore, the topic of Henry Clay, the Great Compromiser, is appropriate now more than ever. Although the purpose of this thesis does not touch on the modern implications of nineteenth century political ideologies, it does speak to an equally disruptive and politically bombastic time period, fraught with competing intellectual claims.

This project will address the political philosophy of Henry Clay. Clay was the leader of the Whig Party, the primary combatant with the Democratic Party for nearly thirty years. However, the ideological origins of Clay's political stance are often misconstrued. It will be the purpose of this paper to address Clay's political philosophy, to understand its general makeup. Clay possessed an ideology which is best represented by his most endearing quality, the political virtue of compromise. First, I will explain the value of compromise in the context of nineteenth century politics. Secondly, I intend to prove that Clay formulated his "philosophy of compromise" based on a set of constant principles: the immutability of the U.S. Constitution; the ever-present need to maintain the Union; and his belief in the power of popular sovereignty.

The divisive discourse between the Whigs and the Democrats was not purely political, though. Instead, politics was the physical manifestation of the two parties' intellectual differ-

ences. Despite leading historians like Daniel Walker Howe and Sean Wilentz defending Whig and Democratic sentiments, respectively, a new perspective is necessary to further the field and introduce new ways of understanding the second-party system, and the ideologies that informed their politics.

Wilentz argues that Clay was self-serving in his political gamesmanship, seeking to accomplish personal goals rather than adhere to what was best for the nation. Furthermore, Wilentz and other prominent Jacksonian perceive Andrew Jackson and other Democrats as the forces of political change and well-being in the Second-party system. Even Whig historians, like Daniel Walker Howe, label Clay as a politician of “enlightened self-interest.” It is as if both sides of the argument fail to recognize to numerous compromises Clay procured, the changes and amendments he made to his own philosophy to ensure their alignment with national interests, and to protect the integrity of the Union. Clay’s politics were not self-interested, nor were they simply a part of a political game, at least not on the whole, and certainly not when his mark was most clearly made, i.e., in his compromises. By looking at four key aspects or moments in Clay’s political career, this view of Clay as a defender of the Union and a man capable of philosophical change for the country’s sake will become self-evident.

The first chapter introduces Clay’s perspective on slavery as an institution. Slavery was the dividing line for all major political action and thought. Therefore, it is necessary to address Clay’s personal and political view of the “abhorred practice.” Clay did own slaves, thus much of this chapter will attempt to explain how Clay formed his opinion on slavery, how he justified owning slaves while attempting to convince others of gradual emancipation, and finally what ideals informed his perspective, i.e. unionism.

The second chapter will focus on the introduction of the American System in 1816. Introduced by Clay and John C. Calhoun of South Carolina, the American System was based on the concept of internal improvements. The system meant higher tariffs on imports to protect American industry, building roads to connect major markets across the eastern sea board, and canals to allow coastal trading further inland. Also a part of the American system was the inclusion of a national bank, a major point contention and intrigue for Clay and his relationship with Democratic leaders, namely Andrew Jackson.

The third chapter begins with the Tariff of 1828. The “Tariff of Abominations” was really an extension of the American System Clay had introduced ten years earlier. The Tariff was intended to protect small businesses from having to compete directly with well-established European manufacturing. South Carolina threatened secession because it saw the tariff as a direct assault on Southern economic interests. The South was a major trading partner with England and failure to afford English goods, which prior to the tariff were cheaper, not only meant more expenses, but arguably had an effect on Britain’s willingness to buy Southern cotton. The Constitutionality of the tariff was immediately put into question by Southerners. Clay addressed the issue by attempting to reach yet another compromise in 1833 during what came to be known as the Nullification Crisis. South Carolina believed it had the right to nullify the tariff, thereby ignoring it, because they deemed it unconstitutional, but Clay and John C. Calhoun helped bridge the gap between Northern and Southern economic interests again. Clay introduced a bill which slowly reduced the tariff annually for the length of its lifespan, and the country again maintained some sense of unity, even if only in physical form.

The final chapter is a thorough look at the Compromise of 1850. Clay had come out of

retirement to help settle yet another dispute in Congress which threatened the integrity of the Union. New territories were being added due to America's success in the Mexican-American War, and, similar to the debate in 1820, the question was what would be slave and what would be free territory. To help settle the dispute, Clay introduced several key bills which were supposed to be addressed individually, but were instead lumped together in what was called the Omnibus bill. First was the inclusion of California as a free state. California's admittance ended the balance of free states and slave states, and no other territory was to be admitted as a state at this time (Utah and New Mexico were simply organized as official territories, and did not become states until 1896 and 1912, respectively). This imbalance of power put a strain on the country's already weakened sense of unity. Second was the organization of New Mexico and Utah as territories. A residential vote was established to allow the people to decide whether they approved of slavery or not in their territory. Third was the disallowing of the slave trade in D.C., though the actual ownership of slaves was perfectly legal. The other elements of the bill included a stricter Fugitive Slave Act, an amended version of Texas' borders, and a clause which would prevent the federal government from interfering with interstate slave trade, i.e. transactions between two slave states, not free to slave or vice versa.

Clay's penchant for protecting the Union, at least in its physical form, had always been paramount, so why introduce a bill which immediately threw the states into an imbalance? It is in this decision that we see perhaps one of the three aforementioned aspects of Clay's philosophy taking precedence, i.e., popular sovereignty. It is at this point that we see Clay's political philosophy is at its essence, rooted in the power of the people. We see this in the inclusion of a popular vote, and in the enforcement of a stricter Fugitive Slave Act. Clay's ideology was not

rooted in some deep sense of morality or racial equality, but instead in the right of the majority, and its inherent defense of the Constitution. Furthermore, it was in the name of the people that he pursued the passage of this bill, despite its initial failure to pass in July of 1850, until he grew ill and was forced to resign. The bill eventually was passed, one part at a time, by Stephen A. Douglas, after Clay left office. Clay died of tuberculosis 1852 in Washington D.C.

Clay's ideology was rooted in the Constitution, his perception of "the people," and preservation of the Union, but each compromise Clay made seemed to favor one element over another. Thus a study to trace how he develops his ideology must include all three aspects of his political ideology, and they must be put into the context of his greatest political achievements. It is the hope of this project to understand and express clearly the aspects, implications, and foundation of Henry Clay's political ideology to further the study of nineteenth century intellectual and political history.

1. THE AMERICAN SYSTEM: THE POLITICAL SOUL OF HENRY CLAY

After the war of 1812, Henry Clay, a lawyer and representative from Kentucky, believed the United States was facing an identity crisis.¹ This identity crisis, according to Clay, was a result of the inability to unite and protect American interests. Clay spoke on the floor of the House of Representatives with great vigor and eloquence, as was his custom and according to his reputation as a great orator, about America's dilemma. Clay spoke of increasing the size of the army and raising taxes to allow the government to pay for these trained soldiers. Furthermore, Clay sought to create a program which would mean stability, protection, and unity of America's economic and militaristic interests across all of the states. For the first time in a speech, Henry Clay used the phrase, "internal improvement."² Clay was adamant that internal improvements were the only sure way to protect American ventures and maintain a modern democratic state.

Historians have tried to understand this identity crisis and the resulting attempts to fix it, pointing to specific events and their effectiveness. Sean Wilentz argues that the American System was Clay's attempt to gain federal aid for the west, calling Clay skilled but arrogant and a consummate politician. For Wilentz, the creation of the American system was a self-serving, political move, and not a bi-partisan, ideological one.³ In contrast, Whig historian Daniel Walker Howe describes the American System as the "most systematic and multi-faceted" program in

¹ Henry Clay, "Speech on the Direct Tax Public Affairs," in *The Papers of Henry Clay*, [hereafter *PHC*] 12 Vols, ed. James F. Hopkins. (Lexington: University of Kentucky, 1961), 2:157.

² *Ibid.*

³ Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln*, (New York: W.W. Norton, 2005), 243.

United States history.⁴ Howe also states that Clay's system was founded on ideological principles, Whig political principles. In this light, How is correct, but I cannot concur with his source. The American System was introduced by Clay as an expression of his own ideals, not that of a party, particularly a party that failed, more often than not, to maintain a uniform philosophical stance, particularly in relation to Clay's American System.⁵

The changes the country underwent during the early nineteenth century were economic, militaristic, social, and political changes, but, to focus on the changes themselves and the legislation as independent entities is to remove the human element. Legislation and reform do not exist outside of human influence and require a creator. It is the intent of this chapter to illustrate how Henry Clay's legislation and his ideas cannot be separated from one another, that is to say, that his American system was more about fulfilling his ideological principles than about filling a ballot box.

The American system was introduced in 1816 by Henry Clay of Kentucky, and supported by several politically important Democratic-Republicans like John C. Calhoun of South Carolina, Daniel Webster and John Quincy Adams, both from Massachusetts. The American System was rooted in Alexander Hamilton's American School or National System. Hamilton created the concept as an intended subversion of the free-trade, laissez-faire "British System." The systems were meant to create higher tariffs on imported goods to protect fledgling American manufac-

⁴ Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago: University of Chicago: 1979), 137.

⁵ Michael F. Holt, *Political Parties and American Political Development: From the Age of Jackson to the Age of Lincoln* (Baton Rouge: Louisiana State University Press, 1992), 37-38. At this point, Clay was actually a member of the old Republican party, the supposed party of Jeffersonianism. However, the American System and its inherent abandonment of Republican ideals, like laissez faire economics, fragmented the party beyond repair.

turing and industry.⁶ Furthermore, the systems, both Hamilton's and Clay's American System, included the creation of subsidized roads and canal systems. Building roads and canals that connected major markets across the eastern sea board allowed interstate trading to and national manufacturing to become a dominant part of the national economy, as opposed to international trade with well-established manufacturing countries like England and France. The last part of each system was the formulation of a National Bank, a point of contention and intrigue for Clay and his relationship with Democratic leaders.⁷

Alexander Hamilton's system was designed purely for economic purposes. Hamilton's system promoted manufacturing and economic independence from foreign dominance, i.e. England. Furthermore, his system was rooted in sustained national, centralized power, and he left little room to compromise on the issue.⁸ Although there are legislative differences between the two plans, like economic bounties and manufacturing subsidies in Hamilton's plan versus high tariffs in the Democratic-Republican plans, it is the ideological underpinning of Clay's plan that is most important to this particular study.⁹

⁶ A solid comparison between Clay's American system and its predecessor, the National System, by Alexander Hamilton; Robert C. Byrd, *The Senate, 1789-1989: Classic Speeches, 1830-1993*, (Washington, D.C.: Government Printing Office, 1994), 79. For a thorough explanation of the necessity for internal improvements, see Henry Clay, "Speech on the Direct Tax Public Affairs," in *The Papers of Henry Clay, Vol 2*, pp156-157.

⁷ Henry Clay, "Speech on the National Bank- June 3, 1816" in *PHC, 12 Vols*, ed. James F. Hopkins. (Lexington: University of Kentucky, 1961), 2:202.

⁸Ron Chernow, *Alexander Hamilton* (New York: Penguin Group, 2004), 303.

⁹John Lauritz Larson, "'Bind the Republic Together': The National Union and the Struggle for a System of Internal Improvements," *The Journal of American History* 74 (1987): 364- 365. Another important distinction was that Hamilton intended the federal government to "lead from the center," but Clay's system required heavy state involvement, if not direct allowance of any improvements that would affect said state.

Clay's introduction of a nationalist, pro-centralized system like the American System is, at least on the surface, paradoxical. In Clay's early political career in Kentucky, his allegiance to Jeffersonianism and the Democratic-Republican party was unquestionably deep: he spoke often against noted Federalists such as John Adams, as he disliked Adams both politically and personally.¹⁰ But how did Clay assuage his plan and his seemingly contrary ideology in the late 1810s? Clay identified with the Democratic-Republican party, but more specifically, with the "nationalistic" Republicans. This distinction is important to understanding how Clay differed from Hamilton, but still justified increased nationalism and centrality.

By analyzing Henry Clay's internal improvement legislation and speeches, patterns start to emerge. Three things appear with great frequency when reading Clay's works on the subject of internal improvements. First is the concept of unity. Henry Clay's initial defense for raising taxes, creating tariffs, and developing infrastructure for the country's economic benefit was most notably tinged with language of unity and cohesion.¹¹ Clay's anti-sectionalism approach, however, was not without opposition as many Americans by 1820 had grown wary of centralization.¹² Congressional opponents to Clay's call for national infrastructure cited the perceived lack of power of the federal government as granted by the Constitution.

¹⁰ Henry Clay, "To Horace Holley - December 19, 1818," in *PHC, 12 Vols*, ed. James F. Hopkins. (Lexington: University of Kentucky, 1961), 2:614.

¹¹ Henry Clay, "Speech on the Direct Tax Public Affairs," 2:153. Clay references the unifying force of a larger military when it is supported by the country as a whole. Furthermore, unified countries are stalwarts in the face of adversity; *ibid.*, 157. Clay believed that economics and a road/canal program will not only physically connect and "facilitate intercourse between all parts of the country," but it would also bind them together in mentality and general interest for the country as a whole.

¹² David and Jeanne Heidler, *Henry Clay: The Essential American* (New York: Random House, 2010), 162.

This debate over the supposed powers of the federal government is the second aspect of Clay's political philosophy: his personal interpretation of the Constitution and the implied powers of the document. Clay maintained that the Constitution and its amendments granted the federal government the necessary power to create such large federal programs. In fact, Clay believed that the Constitution required them to create such programs, as the Constitution was not a list of approved and disapproved powers, but of responsibilities for the government, the state, and its people. These unforeseen responsibilities and powers are what Clay would come to call, "incidental powers."¹³

The third and final aspect of note within Clay's philosophical defense of American infrastructure was popular sovereignty, i.e. the power of the people to participate in politics. Henry Clay saw internal improvements not only as a means of encouraging economic growth, but to increase the availability of the government for the people, and in turn, the people could more readily watch and participate in the national political discourse. This is particularly interesting because Clay's plan requires a strong national government, yet the system implied that states and individuals would benefit from the plan and maintain reasonable autonomy, two ideas that are in stark contrast.

Popular sovereignty, Constitutional interpretation, and strengthening of the Union are keys to understanding that Clay's political philosophy is deeply entrenched in his internal improvement legislation. He believed in its unique and progressive nature so much so that Clay

¹³Henry Clay, "Speech on Internal Improvements - March 13, 1818," in *PHC, 12 Vols*, ed. James F. Hopkins. (Lexington: University of Kentucky, 1961), 2:473.

called it the American System. The American system was, according to Clay, a modern interpretation of power and rights for a modern world. The American system depicted Clay as a modern man with progressive ideas. Furthermore, these ideas were not necessarily contrary to those of the 1787 Constitutional convention, but updated for a more democratic, liberal society. Internal improvements would be forever tied to Clay and his career as a politician and it garnered him both praise and damnation.¹⁴

The first element that Henry Clay introduced was the creation of a tariff and a direct tax system. On January 29, 1816, Clay delivered a speech in rebuttal to Benjamin Hardin, a fellow Representative from Kentucky, who wished to amend Clay's proposed bill. Hardin disapproved of a direct tax, fearing the power and influence that would almost certainly corrupt due to the extra cash flow into the capital. Clay responded by talking up the debt which had accrued during the War of 1812, a war he supported with great enthusiasm. Furthermore, Clay believed that a direct tax was the only way to pay off previous debt, as the country was still in debt from the war for independence, as well as campaigns in Tripoli and Algiers. However, Clay illustrated his actual reasoning for creating a direct tax was not inherently to pay down the debt. America had, in fact, paid nearly half of its debt up to this point, shrinking from over \$78 million in 1802 to a commendable \$45 million by 1815. Clay introduced another aspect to his improvements plan by suggesting that the nation maintain a standing army and navy to protect interests both at home and abroad. The direct tax would be a way to pay for the training and maintaining of

¹⁴Ibid., 2:470.

professional soldiers, and work the debt down even further. Clay's bill passed without Hardin's proposed amendment and the direct tax was to go into effect on January 1, 1817.¹⁵

Clay's choice of words to defend his tax system and the tariff, his first step toward internal improvements, tell us a great deal about his political philosophy. Clay defended his bill, and in a somewhat indirect way he defended his stance on the War of 1812, by recalling his being near the Battle of Waterloo. Clay stated, "[There are] some lessons I did derive from [Waterloo]: but they were lessons which satisfied me that national independence was only to be maintained by national resistance against foreign encroachments; by cherishing the interests of the people, and giving to the whole physical power of the country an interest in the preservation of the nation."¹⁶ What Clay defended was not the direct tax as an institution, but as a means to an end.

For Clay, the direct tax and the standing army were a way to protect the country's interests and its liberties from despots and foreign influence. His reasoning was firmly rooted in a form nationalism which manifested itself for Clay in the form of a created spirit of hegemony. The war of 1812 was divisive and the lack of a standing army made the nation devoid of any tangible icon of patriotism and national unity. In a sort of ideological throwback to the revolutionary period, Clay's ideas were founded on requiring each citizen to participate in the government and in a process of improving the nation, even if only in economic terms, through a tax in which they could see direct effects, i.e. a physical army or improved roads. Clay believed that

¹⁵ Henry Clay, "Speech on the Direct Tax Public Affairs," in *PHC*, 2: 150.

¹⁶*Ibid.* Clay was near Waterloo because he was working with, then Secretary of State, John Q. Adams on the Treaty of Ghent, which ended the War of 1812 with England.

the War of 1812 was just as necessary as the Revolution, and furthermore that every citizen benefitted from the wars' outcomes. If they benefitted, then a direct tax as a way for the people to play a role in the country and the national well-being was small price to pay.

Clay distinguished himself from previous improvement plan creators with the infusion of popular sovereignty in his defense of a new tax system and a tariff.¹⁷ However the interesting aspect to his popular sovereignty ideology was that it slowly built up to a more concrete manifestation in this speech. Clay's initial defense for his bill was that it was way of protecting citizens "by cherishing the interests of the people," which essentially meant that the people did not have the means nor the power to do protect themselves or their interests. An initial assessment of this statement might appear to be tinged with paternalism, suggesting that the government should interfere and protect the citizens like a father does his child. However, Clay's idea here was not inherently opposed to the power of the people, and did not suggest the government act as a shepherd toward its flock, i.e. its citizens. After all, Clay was not for an invasive federal government with little restraint and even less morality. Instead, Clay's words appear to be a precursor to a very modern understanding of the role of government. Clay was the forerunner to Abraham Lincoln's ideology on government involvement. Lincoln's most famous quote on the matter, though often misquoted, is a sound representation of Clay's own ideology. Lincoln stated, "in all that the people can individually do as well for themselves, the government ought not to interfere."¹⁸ Clay believed the government to be a tool, which was to

¹⁷ Ibid., 141.

¹⁸ Ralph Y. McGinnis, *Quotations from Abraham Lincoln*, (Chicago: Nelson-Hall, 1977), 41. The interesting connection between Lincoln and Clay is not all that hard to believe, as Lincoln was a life-long admirer of Clay and even

be used by the people to improve the economic and political landscape. Therefore, creating an economic climate in which all individuals could participate equally was of the utmost importance. Clay, in most respects, wanted an economic model based less on agriculture, though not devoid of it and thus lacking self-reliance, but strongly supported manufacturing.¹⁹ Clay believed that strong manufacturing was the way of the future.

In order for America to prosper and become an economic power in the greater world's economy, manufacturing and the development of America's vast raw materials were essential. But the reason for manufacturing was not only about competing with England, but about self-sufficiency, which for Clay, meant economic power to America and the people. America relied, according to Clay, far too much on foreign goods at the expense of domestic markets. Clay's empowered rant against foreign markets began with "Dame commerce will oppose domestic manufactures. She is flirty, flippant, noisy jade, and if we are governed by her fantasies, we shall never put off the muslins of India and the cloths of Europe."²⁰ The defense for manufacturing then was twofold: protection of America industry; and to lay "this solid foundation of the national prosperity." This cry to protect prosperity came to Clay's office in the form of numerous petitions from major markets in New York, New Jersey, Ohio, and Pennsylvania, among others, which pleaded with Congress to protect the home industry. Thus he defended the need

gave a eulogy in Springfield upon news of Clay's death in 1752. The lone difference is that Clay's words seem to imply the right of government action and governmental interpretation of the wants of the people, while Lincoln's words suggest a certain amount of governmental removal from the everyday workings of the citizenry.

¹⁹ Maurice G. Baxter, *Henry Clay and the American System* (Lexington: University of Kentucky Press, 1995), 27.

²⁰ Heidler, 78. Muslin is a loosely woven fabric made in India and was marketed by the British across Europe and into the New World. It was an expensive fabric made out of Indian and Middle Eastern cotton.

for a tariff and a new tax system, which encouraged manufacturing and urban factories, and according to Clay, “was sensitive to the wants and sufferings of the people.”²¹ In this way, Clay still placed the people at the top of the power structure by depicting Congress’ primary function as defending and bringing to fruition the people’s wants.

The opponents to the American System’s tariff and tax system were primarily the Deep South and the West, Clay’s home constituency. Southern cotton plantation owners, along with Western farmers, were afraid that tariffs on imports will directly affect their trade with England and France. Cotton industries in the South and the Wheat of the West were already in high demand, selling not only to the North but to several western European countries. Clay’s believed that citizens within a country as fellow societal members were a part of a greater whole. Furthermore, Clay thought “mutual concession” and the promotion of the “fabrication” of society in America were beneficial and would improve not just New England, but the entire country’s circumstances.²² Thus Clay’s defense for manufacturing and his retort to his adversaries was founded heavily on the notion of the power of the people and again noticeable unifying language.

The final element of Clay’s philosophy as noted with the language surrounding Clay’s proposed tariff, was how he interpreted the Constitution and what power the government was allotted. Although he referenced the Constitution only once in his initial January 1816 speech on the direct tax, Clay’s perspective of the Constitution is in full view in a speech given two

²¹ Henry Clay, “Speech on Internal Improvements - March 13, 1818,” in *PHC, 12 Vols*, ed. James F. Hopkins. (Lexington: University of Kentucky, 1961), 2: 845.

²² *Ibid.*, 2:833.

years later entitled, "Speech on Internal Improvements." The effects of a tariff on local manufacturing and trade were positive for Clay as he assumed a tariff would mean a domestically focused economic policy rather than allowing the country to continue having international trade makeup the majority of its economy. The internal improvements speech, however, was less about the tariff and other proposed elements of the American system, but rather about the Constitution and the powers granted and not granted to the federal government.²³

Clay's speech was a response to a report to the Virginia legislature given by former president James Madison. The fact that Clay was willing to confront such a political juggernaut speaks to Clay's convictions about the role of the Constitution. Clay believed what all American politicians did, that the Constitution had two types of powers: implied and expressed powers. However, Madison's report suggested that the implied power must only be "necessary and proper" to be enacted, an almost textbook summarizing of the Constitution's own words. Clay, however, demanded that the interpretation of the Constitution must change with the times. Therefore, a more modern world required a more modern translation. Clay added the words "absolutely necessary" and inferred that the federal government had a responsibility to use these powers. This type of implied power Clay would later call "incidental power."

Clay's detractors disagreed vehemently and argued for the rights of the states, as they believed that Clay's incidental powers would allow too much power at the federal level, thereby undermining state and local governments. Clay, however, despised the state's rights argu-

²³ Henry Clay, "Speech on Internal Improvements - March 13, 1818," in *The Papers of Henry Clay, Vol 2*, 471.

ment, calling it “abusive, if not dangerous’ which could lead to unforeseen consequences.²⁴

The tariff would pass in 1816 and then another set of tariffs again in 1820. Neither set of tariffs was satisfactory for Clay as their protection was limited to lower rates than Clay envisioned.

But the tariffs did pass, and at this stage in his young career, that was a victory for him and his political philosophy of internal improvements.²⁵

The second aspect to Clay’s American System is the creation of a system of roads and canals. The creation of these roads and canals was directly tied to the development of manufacturing, as a better system of roads and canals would allow for safer, more efficient passage of raw goods to already established factories, and would more than likely encourage widespread growth of manufacturing well into the South and the West.²⁶ The need for federally funded roads and canals was great, according to Clay. A road system would have economic benefits by “distributing private enterprise,” it would also increase national patronage and cohesion, but still allow the states to have a direct line of power as Clay offered “joint-cooperation” on internal improvements.²⁷

²⁴ Ibid.

²⁵ Baxter, 20. Clay wanted 33.3% rates, which was the same as the rate in Secretary of the Treasury, Alexander Dallas’ economic report. Due to hard lobbying by noted orator and New England Senator Daniel Webster, Clay’s proposed tariff received on 25% for three years, and only 20% on cotton. Although Webster did support internal improvements, one cannot blame him for trying to limit any negative effects he foresaw for Massachusetts and the rest of the North.

²⁶ Howe, 138. Henry Clay was not without some Southern support for manufacturing’s expansion. Senator John C. Calhoun, fellow nationalist and Democrat-Republican wanted manufacturing in the South to improve it’s autonomy.

²⁷ Henry Clay, “Speech on Internal Improvements - February 4, 1817,” in *PHC, 12 Vols*, ed. James F. Hopkins. (Lexington: University of Kentucky, 1961), 2: 309-310.

The initial bill on developing roads and canals was not the brain child of Henry Clay. Hamilton included it in his plan, though he was only able to execute it under the guise that the government had the right to create roads for the military or for postal workers. James Madison's Secretary of the Treasury Albert Gallatin introduced an economic plan in 1808 which included a road system and a set of canals along northern rivers. The plan was fully endorsed by the likes of Clay and Calhoun of course, but it failed to come to fruition. It was volleyed back and forth for years, until Madison vetoed it on his way out of office in 1816.²⁸ Nevertheless, Calhoun and Clay introduced new legislation, which was decidedly less ambitious than initial attempts at improvements.

The new plan was simply to encourage the creation of a fund which would be used by the states for the development of roads and canals, hence "joint cooperation." Clay reiterated his nationalist sentiments, proclaiming that it would facilitate interstate trade and national patronage, thereby limiting sectionalism, at least to some degree. But what is most interesting was how Clay again set up a power structure where the citizens were at the top as seen by granting the states the final voice in where the roads specifically would be built. So not only did Clay continue his dialogue of nationalism, but also seemed to keep hinting at imploring the government to acquiesce to the people. In a speech given on March 7, 1818, Clay placed "personal freedom" as the standard by which all legislation should be measured. Any failure to

²⁸ Larson, "Bind the Republic Together," 364. The incursion of the War of 1812 did little to help the matter, but did seem to show the difficulties faced by America if a system of roads and canals are not implemented, if for nothing else than for military purposes.

comply, or legislation that denied, risked, or abused personal liberties and freedoms, was not only to be avoided, but struck down with severe consequences.²⁹

The question of Constitutionality and governmental right to expand the federal government was a large debate with internal improvements. In fact, it was the fundamental difference between previous attempts at improvements. For example, Thomas Jefferson and other strict constructionists warned that if it was not expressed in the Constitution, then an amendment was necessary.³⁰

The government in the United States was established, according to Clay, for the benefit of the people, and the powers given to them are not so much powers as they were “duties.” Thus for Clay, improvements were not an expansion of governmental power, but a fulfillment of government “patronizing” its citizens to improve “national character and resources.”³¹ Clay defended his position with the precision of a surgeon and the ferocity and passion of a zealot. Clay debated semantics, going so far as to debate the meaning of the word “establish,” although the definition Clay used was important to his perspective of the Constitution.³² Clay parlayed his “establish” debate into a larger argument in which he summarized his perspective of federal power as granted by the Constitution succinctly when he stated:

²⁹Henry Clay, “Speech on Internal Improvements - March 7, 1818,” in *PHC, 12 Vols*, ed. James F. Hopkins. (Lexington: University of Kentucky, 1961), 2: 449.

³⁰Baxter, 9. Jefferson was not opposed to internal improvements, quite the opposite actually. But his personal perspective of the Constitution and how it functions as the governing body of law for the nation required an amendment be made: a long and tedious process.

³¹Henry Clay, “Speech on Internal Improvements - February 4, 1817,” 2: 310.

³²Henry Clay, “Speech on Internal Improvements - March 7, 1818,” 2: 454. Clay used the word to defend his position, stating that the existence of the word establish within the Constitution grants Congress the power to “construct a system according to the extent and convenience of the country.”

[Alexander Smyth-Va.] considers every thing gained to the states from the general government as something snatched from a foreign power. I consider it as a government co-ordinate with them, and the true construction, I think, is to give to it all that vigor and vitality which rightfully belong to it.³³

This was yet another example of combined governmental power, requiring as much state involvement as he does federal. However, the continued debate over the Constitutional right of government to create roads and canals, even for future military or postal service was hotly contested. Nevertheless, Clay's perspective of the Constitution cannot be clearer than it was illustrated in that March 7 speech. The Constitution according to Clay was not about just power, or holding dominion over the states. It was a matter of co-operation and integrated powers for the betterment of not 21 sovereign states, but of the entire nation as a whole.

Clay also tried to illustrate the right of the federal government to create roads by creating an example of precedent. He stated that granting the federal government the "incidental power" to create roads and canals was not contrary to the power of the states, citing the Cumberland road agreement reached between Thomas Jefferson as president and the state of Ohio.³⁴ The power was granted to the federal government for the road due in large part to the state's consent. In the case of the Cumberland road, the federal government erected the road by receiving a compact with Ohio and the states it went through. Therefore, Clay felt he had made a compelling argument which proved that not only does the federal government have the

³³ Ibid., 464.

³⁴ Henry Clay, "Speech on Internal Improvements - March 13, 1818," 2:479.

power for internal improvements within the Constitution, even if only by means of an “incidental power,” but that it was not contrary to the states own desires and rights.³⁵

After he felt the argument was won, Clay urged his fellow Congressmen to suspend their uncertainty and to:

[expediently exercise] their existing powers, and, where necessary, of resorting to the prescribed model of enlarging them, in order to effectuate a comprehensive system of [internal improvements], such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.³⁶

In short, Clay believed that the federal government had the right via the Constitution and the responsibility toward the people and the nation to push internal improvements through.

Clay believed the development of an infrastructure as a means to encourage nationalism and to increase the power and role of the people in the everyday workings of the government. Clay’s stance on the role of government and with whom the true power rested is most clear at the end of his Direct Tax speech, when his adherence to popular sovereignty and his belief in the role of internal improvements is fully manifested in a few short words: “Let us fulfill the just expectations of the public whose eyes are anxiously directed towards this session of Congress.” Clay believed that not only should the government create an internal improvements act, i.e. the American System, but that it as the federal body had a responsibility to do so, that is, they had “expectations” to meet. Clay wrapped up his speech as he urged his fellow mem-

³⁵ Clay also chose to illustrate his point with Thomas Jefferson to show Democrats that even a strict-constructionist like Jefferson saw the benefit of improvements, even if on a smaller scale than Clay intended, and that Jefferson believed it was within the rights of the government to make said roads and canals.

³⁶ *Ibid.*, 2:481.

bers of Congress to remember their obligations and that the greatest reward they as representatives can receive for fulfilling their obligation was when they return home to grateful exclamation and praises of the people saying, "Well done thou good and faithful servant." Clay's final statement fully implied a role of servitude, thus placing the people as the source of power and approval, while the government should be content with having done what the people have asked of them and nothing more.³⁷

Clay's political ideology of national unity, popular sovereignty, and modern Constitutional interpretation set the stage for the first two parts of his American system: the tax and tariff; and a road/canal system. Clay's legislative embodiment of his own political ideology was taking hold across the country. Although Clay's American System was never embraced by the nation as he wished and it would take a back seat to the most dominant and polarizing issue of Henry Clay's career and of the second party system: slavery. Clay attempted to keep the improvements program relevant during the 1820s and 1830s, but even he realized that slavery was the issue that most clearly threatened the Union, an issue that was paramount to Clay's political philosophy. Nevertheless, the American System provided a coherent governing philosophy that informed Clay in his opinions on the role of the government, the power of the people, and how to address slavery.

2. HENRY CLAY ON SLAVERY

³⁷Henry Clay, "Speech on the Direct Tax Public Affairs," 158.

Many works of historical analysis have enumerated the political philosophy of Henry Clay on topics varying from foreign relations to states' rights. The statesman from Kentucky has left indelible marks on U.S. Constitutional and legislative history, but Clay's political and philosophical stance on the subject of slavery has been left unfairly examined. In the early nineteenth century, Clay was among the most powerful and influential men in the country, and he had already developed a reputation as a man of intellect and reasonableness, earning the nickname, "The Great Compromiser." Clay, like any politician of his day, had his share of unrelenting enemies in the opposing Democratic party of Jackson. Further, Clay had numerous outspoken friends and colleagues within his own Whig party, particularly when the issue of slavery was the topic of mention. Both parties would push and pull, prod and poke, flatter him incessantly or threaten defamation, all as a means to sway Clay toward either pro-slavery or abolitionism.

Abolitionists in the early nineteenth century depicted Clay as a hypocrite: Clay always opposed slavery in principle but still owned fifty slaves to maintain his family estate, Ashland, in Kentucky. Clay's southern, slave-holding Whig brethren and his staunch southern Democrat opponents in the House of Representatives and the Senate shared the abolitionists' sentiment of Clay as a hypocrite. They belittled Clay's judgment, citing his ownership of slaves but openness to admitting abolitionist petitions on the Congressional floor and opposition to Congressional gag orders. Pro-slavery supporters, particularly those in the Democratic party, sought to undermine Clay because of his abolitionist sympathies. Either way, both parties depicted Clay, at times, as a man of hypocritical principles that placed him in the "no man's land" of nineteenth century American politics: between abolitionism and pro-slavery.

Modern accounts of Clay's understanding of slavery are similar in structure to either the Whig or Democratic viewpoints. Those who choose a less than favorable light, such as noted Democratic party historian Sean Wilentz, depict Clay as a hypocritical politician who "alienated" his fellow party members and undermined supporters.³⁸ Other historians present Clay as a man who "opposed slavery as an institution, [but] accepted the evil as a matter of practical business."³⁹ Even twenty-first century supporters like Whigophile historian Daniel Walker Howe fail to capture the truest essence of Clay's stance on slavery. These historians, antagonistic or otherwise, fail to see the fundamental principle of Clay's political policies.

Henry Clay's political position on slavery changed over time. In his early years Clay led a liberal crusade against slavery and its expansion. After a failure to sway slave holders within his home state of Kentucky of their perpetuation of slavery as an evil, Clay called for gradual emancipation and colonization hoping to bridge the ever-increasing gap between pro-slavery and ultra-abolitionist contingencies. Later in Clay's life, as a presidential candidate and elder statesmen, he developed a more tempered and conciliatory approach, but he repeatedly attempted to consolidate the opposing sides, whether Whig, Democrat, Northern or Southern.

As antagonism between the North and South grew, Clay's disapproval of slavery was further and further superseded by his commitment to the integrity and prosperity of the Union. It is undeniable that Clay chose his public stance carefully and designed it, at least at times, to ensure his political and economic well-being. However, the superficial fluidity of Clay's stance

³⁸Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W.W. Norton and Company, 2005), 496.

³⁹Richard L. Troutman and H. Clay, "The Emancipation of Slaves by Henry Clay" *The Journal of Negro History* (Vol. 40, No. 2 Apr., 1955), 179.

on slavery, among other political issues, was always founded upon one primary principle: to maintain the stability, order, and integrity of the Union and the Constitution.

In 1792, an assistantship in the offices of the Chancery opened up and Clay was chosen to fill it. Here Clay showed a natural propensity toward law and its application. The following year, at the age of 16, Clay would garner the attention of Virginia Chancellor George Wythe, a master lawyer and influential figure in both Virginian and national affairs.⁴⁰ Wythe had already made a name for himself as a teacher and jurist, his list of students including John Marshall, the fourth chief justice of the United States Supreme Court, and Thomas Jefferson, noted Virginia statesman, lawyer, and writer of the Declaration of Independence.⁴¹ Under Wythe, Clay was formally educated as a lawyer, and he developed an intellectual curiosity for all things practical and pragmatic. Although the use of Wythe's library and knowledge of litigation were important to the formation of Clay's professional career, it was George Wythe's example as a man of principle and compassion that formed Clay's moral outlook and his initial understanding of slavery.⁴²

George Wythe, a learned man, taught that morality was the foundation of liberty for all men. Compared to the ancient Greek Aristides by his peers, Wythe sought justice and equality for all men, including slaves, which he did own for a time.⁴³ Wythe saw the discontinuity be-

⁴⁰“Henry Clay to Benjamin B. Minor, May 3, 1851,” in *The Papers of Henry Clay [hereafter PHC]*, ed. Melba Porter Hay, (Lexington: University Press of Kentucky, 1991),] 10:886. Also see Heidler, 21. Wythe was noted for pushing Virginia towards Constitutional ratification.

⁴¹Julian P. Boyd, “The Murder of George Wythe,” *The William and Mary Quarterly* 12 (Oct., 1955): 513.

⁴²Heidler, *Henry Clay: The Essential American*, 21.

⁴³Boyd, “The Murder of George Wythe,” 516.

tween a land designed for liberty and the ownership of another human being. Slavery was contrary to the natural and inalienable rights that he had taught to Jefferson, who so eloquently penned them into the Declaration. The continued existence of slavery would, in Wythe's own words, "soil the grand quest for human freedom."⁴⁴ In response to his conclusions, Wythe adopted abolitionist philosophies and freed his slaves not upon his death, but upon their finishing apprenticeships with him. The young Henry Clay watched as his mentor taught slaves to read and write or trained them in a vocational skill. Clay came to accept Wythe's perspective of slavery as a "blight" upon mankind and a terrible hypocrisy in America. This realization became the foundation of Henry Clay's moral stance against slavery.⁴⁵ In later years, Clay praised Wythe, saying, "No man was I more indebted to, by his instruction, his advice, and his example." Furthermore, Henry Clay claimed that he learned more under the tutelage of George Wythe in Richmond, Virginia, than he did in the remainder of his life elsewhere.⁴⁶

The importance of Wythe and his inevitable influence on Clay cannot be overstated. Under Wythe, Clay learned invaluable ideas that he would later implement while in office. First is the importance of education, not only for free men but for all men, slaves included. Like Wythe, Clay educated his slaves, teaching several to read and write, including signing their own name. Clay also learned the practice of gradual and merit-based emancipation. Wythe emancipated his slaves once they were prepared for the world which the white slave trade forced

⁴⁴Bernard Mayo, *Henry Clay: Spokesman of the New West* (Boston: Houghton Mifflin, 1937), 29-30.

⁴⁵Heidler, *The Essential American*, 22; Mayo, *Spokesman of the New West*, 29.

⁴⁶"Henry Clay to Benjamin B. Minor" in *PHC* 10: 888-889.

them into.⁴⁷ Clay's ownership of slaves followed a similar vein, and he spent nearly all of his life after leaving Richmond trying to convince other slave holders to do the same. He would ask them to treat their slaves fairly and humanely and eventually, to emancipate them, even if at their own pace.

In 1797, days after Clay received his law license, Clay made the decision to move away from Virginia. Virginia had an over-abundance of young lawyers and politicians, and Clay realized the development of a prosperous law firm would be slow and arduous. Afraid of being lost in the swarm of youthful lawyers, Clay moved to Kentucky near Lexington to begin his law career. With his penchant for discussion and his idealism at the ready, Clay joined the political and professional ranks of the Kentucky elite in Lexington. It would not take long for Clay and his natural proficiency with the law to develop a reputation for quality litigation and sound morals. Henry Clay earned respect in the community as someone who fought for the "little man." His appeal to ordinary citizens helped him form a constituency that would last for nearly half a century.⁴⁸

The political climate of Kentucky in the late 1790s and early 1800s was calm by revolutionary standards, but the discussion of slavery was an issue of great import to both Federalist and Republican parties in the state. On April 16, 1798, Henry Clay published the first of several essays to come under the pseudonym "Scaevola" in the *Kentucky Gazette*. The essay attacked the issue of slavery directly, calling for revisions to the state Constitution and gradual emanci-

⁴⁷Thomas Hunter, "The Teaching of George Wythe," in *The History of Legal Education in the United States: Commentaries And Primary Sources*, ed. Steve Sheppard (Pasadena: Salem Press Inc., 1999), 160.

⁴⁸Heidler, *The Essential American*, 33.

pation. Addressed to the electors of Fayette County, Clay's essay attempted to evoke their emotions and appeal to their moral sensitivities, asking, "Can any humane man be happy and contented when he sees near thirty-thousand of his fellow beings around him, deprived of all the rights which make life desirable, transferred like cattle from the possession of one to another...when he hears the piercing cries of husbands separated from wives and children from parents?"⁴⁹ Clay's liberal, idealistic cries for emancipation earned him little respect among the older generations and the established statesmen of Kentucky. Members of the Kentucky lower house and state legislature, like John Breckinridge, branded Clay and those with abolitionist sympathies "dreamers" or "beardless boys" and would align them with land redistributionists. Clay and his supporters were outnumbered, and conservative voices won the argument in the Kentucky General Assembly, but Clay had established himself as a man of principle and backbone, and, at least at this moment, as an abolitionist.⁵⁰

In spite of all the negative publicity the "Scaevola" essays garnered Clay, he was elected to the Kentucky General Assembly in 1803. While in the General Assembly as a representative for Fayette County, Clay continued to argue the positives of emancipation while tempering his opponent's reactions by stating his disapproval of immediate emancipation. He cited the negative effects immediate emancipation would have on both the slaves and the poorer farmers of Kentucky. Instead, Clay called for gradual emancipation and proposed a colonization program for the state of Kentucky to send freed slaves back to Africa. Clay had always advocated that

⁴⁹"Scaevola (Henry Clay) to the Electors of Fayette County, April 16, 1798," in *Papers of Henry Clay*, ed. James F. Hopkins (Lexington: The University Press of Kentucky, 1959), 1:12.

⁵⁰Swain, *Life and Speeches*, 18-19; Wilentz, 83.

slavery was an absolute evil and that America must rid itself of slavery before it was so entrenched that there would be no removing it at all.⁵¹ He saw negative political effects, noting the unbalanced political and economic power of slave holders within the state of Kentucky, and he assumed this was true across the South. Clay wanted slavery to end, and it was as much a part of his public and political ideology as it was a part of his private morality, but Clay had to temper his personal feelings toward slavery and participate in the political balancing act that he would come to master in time.

Clay's political career and his recognition as a pragmatic orator continued to blossom. In December 1806, Clay earned the resigned Senate seat of John Breckinridge, the very man who accused Clay in 1798 of being an abolitionist and a land redistributionist. Clay's first session in the U.S. Senate lasted less than a year, and he returned home to Kentucky. Not one to rest long, Clay was elected speaker of the Kentucky House of Representatives in 1807. Clay made another short appearance in the Senate in 1810, but his national political career fully developed in 1811, when he was elected to the U.S. House of Representatives.

By 1811 the United States was dealing with national and foreign relations issues. The proposed creation of the Second National Bank, the coming war with Britain, and slavery were all polarizing issues that were reaching critical levels across the country. In November of 1811, Henry Clay was elected to the House of Representatives and won the speakership; Clay became the first man to be nominated and chosen as Speaker of the House on his first day as a Representative. Clay's years as the Speaker of the House would alter the political landscape of Amer-

⁵¹Henry Clay, "Speech to Kentucky Junto" in *PHC*, 1:78; Mayo, *Clay*, 76-78.

ica and turn the seat into one of prime political importance.⁵² Spearheading the “War Hawks” of Congress, Clay urged for the commencing of the War of 1812 with Britain, citing economic, political, and idealistic reasons. After the war ended in 1814, Clay served as a dignitary in Britain, watching over the proceedings in the signing of the Treaty of Ghent. Upon his return home in 1815, Clay used his role as the Speaker of the House to create new legislation and committees that would change American politics, economics, and alter slavery as Americans had known it.⁵³

In 1816, the American Convention of Delegates from Abolition Societies met, as they had done since 1794, to discuss the growing dilemma, both moral and political, of slavery. The Convention decided slaves should be trained and educated well enough to ensure their own survival and integration into civilized, white society. In his youth, Henry Clay probably would have applauded such a plan, as it was reminiscent of his mentor and the system of emancipation Wythe used to free his own slaves. However, Clay’s democratic ideals had superseded his abolitionist sympathies by this time. Although Clay remained morally appalled by slavery and wrestled with the ownership of slaves, the pragmatic side of Clay could not ignore the political upheaval that immediate emancipation would cause. As a means to find an alternative solution that would appease slavery and abolitionist contingencies, Clay helped found the American Colonization Society on December 21, 1816.

⁵² George Rawlings Poage, *Henry Clay and the Whig Party* (Chapel Hill: UNC Press, 1936), 3.

⁵³ Poage, *Clay and the Whigs*, 5; Clay, “On Arming for War with England,” *Letters and Speeches*, 18.

The Society was based upon the ideas of New Jersey Presbyterian minister Robert Finley, noted abolitionist and evangelical crusader. The ACS established a presidential seat at the head of the society. The founders, Henry Clay, John Randolph, and Richard Bland Lee, each served as president, though Clay would not serve as president of the Society until 1836. After forming in 1816, the society spent the next four years earning money by selling memberships. The ACS attempted to convince Congress to grant it sums of money, succeeding in 1819, but failing numerous times after their initial success. But with the initial \$100,000 grant from Congress and money raised from selling memberships, the ACS sent its first shipload of freed slaves back to the west African coast. These freemen, under the guidance of Clay, Lee, Randolph and President James Monroe, formed the new colony of Liberia and named its capital Monrovia. Over the next 40 years, nearly 13,000 American freed slaves were transported to Africa.

According to Sean Wilentz, this was the “birth of radical abolitionism” and a “merging of contradictory ideas.”⁵⁴ However, Clay’s understanding of the purpose of the Society was anything but radical or abolitionist. Clay saw the society as a means to avoid prejudicial tendencies of the white race. Furthermore, the ACS and Liberia would encourage Christianity in Africa, and most importantly, could help avoid conflict between slave holders and abolitionists, thereby maintaining the Union.⁵⁵ Clay designed it as a compromise between the abolitionists and the slave holders; abolitionists would be able to free a certain number of slaves and return them to the “land of their fathers,” and slave owners would be pleased with the reduction of the appar-

⁵⁴Wilentz, *American Democracy*, 331.

⁵⁵Henry Clay, “Speech to American Colonization Society, Washington D.C., January 18, 1848.” in *PHC* 10, 396-397. Clay also addresses the economic benefits of colonization, the statistics of mortality in the new colony and hints at the influence that free Christian men could have on the rest of Africa.

ent threat of revolt by the growing freed black population.⁵⁶ By this time, radical abolitionists of the early republic had abandoned all hope of gradual emancipation.⁵⁷ The unwillingness to accept gradual emancipation as a possibility paints a desperate picture of a country already deeply divided and polarized by the issue of slavery. Instead, radical abolitionism was calling for “immediatism.” Clay was not a proponent of radicalism but was opposed to it. Clay was attempting to form a compromise on the issue of slavery in order to ease rising tensions.

Historians have labeled Henry Clay as a hypocritical racist for creating the ACS, citing part of his speech to the committee of the American Colonization Society. Clay said of the black slaves that they were “the most corrupt, depraved, and abandoned” class of people. This is where most historians end their research, having found what they seek: a polarizing quote from a legendary statesman. However, immediately following those cruel, attention-grabbing words, Clay said, “It is not so much their fault, as the consequence of their anomalous condition. Place ourselves, place any men, in the like predicament, and similar effects will follow. They are not slaves, and yet they are not free. The laws, it is true, proclaim them free; but prejudices, more powerful than any laws, deny them the privileges of freemen.”⁵⁸ The problem was not that these black men and women were sub-human or genetically predisposed toward a life of

⁵⁶Henry Clay, “Speech at Organization of American Colonization Society- December 21, 1816” in *PHC*, 2:263. For a different perspective of Clay’s speech, see Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (Oxford: Oxford University Press, 2007), 264.

⁵⁷David W. Blight, “Perceptions of Southern Intransigence and the Rise of Radical Anti-slavery Thought, 1816-1830,” *Journal of the Early Republic* vol. 3, No. 2 (Summer, 1983), 140.

⁵⁸Henry Clay, “Speech before American Colonization Society in Kentucky” in *PHC*, 7, ed. Robert Seager (Lexington: The University Press of Kentucky, 1982), 147.

servitude. Instead, Clay saw that white men and their prejudice were at the root of the slavery issue, and thus reconciliation between the races was unlikely. Therefore, Clay's ACS was idealistic but certainly not radical abolitionism, nor was it particularly racist for its day. The ACS was Clay's first attempt at brokering a compromise for the health and well-being of the country.

Despite the initial success of the ACS in the late 1810s toward compromising on slavery, it could not sway, according to Clay, the "extremes of opinion and action, which can unite in nothing."⁵⁹ When Congress reassembled in January of 1820, Henry Clay and the entire national political body were forced to address what had become a steadily growing crisis, the Missouri Controversy. New York Representative James Tallmadge, a well-documented abolitionist, had put forth a bill to ban slavery in Missouri despite a number of slaves already residing in the state. Missouri's admittance as a non-slave state would alter the balance between slave and free states, which had been in equilibrium for the first time when Alabama was admitted to the Union in December of 1819.⁶⁰ Illinois Senator Jesse Thomas presented a case for admitting Missouri as a slave state only if Maine, which had previously been a part of Massachusetts, would be admitted to the Union as a free state. In addition to these qualifications, Thomas suggested that a line be drawn using the latitude 36E 30', the southern border of Missouri. Any new territory or state under jurisdiction of the American government north of that line would be free, and any state or territory admitted south of the line could choose slavery.

⁵⁹Henry Clay, "Speech to American Colonization Society in Washington D.C., January 18, 1848," in *PHC* 10, 396.

⁶⁰Howe, *God Wrought*, 147.

Clay's political influence was greatly felt during the Missouri crisis. Clay recalled his role in the Compromise:

Both parties appealed to me; and after surveying their condition I went to work. I saw that each was so committed and so wedded to its opinion that nothing could be effects, without a compromise; and the point with was to propose some compromise which should involve no sacrifice of principle.⁶¹

Clay formed the committee which pushed the bill through, and as Clay said, the resultant compromise was one of political ideology and not moral principles. Clay was never willing to allow slavery free reign across the country and risk it spreading uncontrollably. He was also of the opinion that slave states surrounded on all sides by non-slave states, or vice versa, could potentially place a burden on the neighboring states. If a free state were surrounded by slave states, the free territory would feel immense political pressure to accept slavery as well or they could be overwhelmed by runaway slaves from all sides of the state's borders. If a slave state were surrounded by free states, a runaway slave might be impossible to reacquire and the political pressure to emancipate would be great on the slave state.

There were two primary reasons Clay politically supported and helped to develop the compromise: first was the belief that the federal government had no right to interfere with individual, pre-existing states and what they and their Constitutions deemed "right and proper."⁶² Secondly, he wanted to protect the integrity of the Union. When asked to discuss the Missouri issue, Clay said, "Never have I seen the Union in such danger."⁶³ Several Southern states

⁶¹"Henry Clay to William S. Woods, July 16, 1835," in *PHC*, ed. Robert Seager (Lexington: The University Press of Kentucky, 1984), 8:787.

⁶²Henry Clay, "Comment in Senate, March 28, 1832," in *PHC* 8: 482-483.

⁶³"Henry Clay to William S. Woods, July 16, 1835," in *PHC* 8: 787.

threatened secession during the heated debate of the Missouri Crisis and others warned of civil war, but Clay managed to cool tempers at least for a while once the Missouri Compromise passed.⁶⁴ Although Clay wanted a compromise that would not force him to “sacrifice principles,” the preservation of the Union was always at the forefront of his political endeavor.

Clay’s career was on an upshot. His brokered compromise garnered him the title of “great compromiser” and his political power and prestige had never been higher. Clay spent the greater part of the 1820s pushing his internal improvements plan the American System, until his lackluster years as Secretary of State from 1825-1829. His continual pursuit for compromise and Unionism, however, resulted in his being reelected to the Senate in 1831 by his home state of Kentucky. Upon his return to Congress, Clay continued to reiterate his opinion that the “General Government” should not touch the matter of slavery in states where it previously existed.⁶⁵ All the while pro- and antislavery emotions continued to swell, causing greater unrest. Pro-slavery states like South Carolina threatened secession while abolitionists argued harder against slavery, calling it “evil,” in both a moral and a political sense.⁶⁶ Clay continued to argue for gradual emancipation in the House and in the Senate, hoping to encourage centrality and moderation, but little gain came from his efforts. As tensions rose, Clay became more conciliatory in nature, and he regarded either extreme as unsafe.⁶⁷

⁶⁴Heidler, *The Essential American*, 144.

⁶⁵ Henry Clay, “Comment in Senate, March 28 1832,” in *PHC* 8: 483.

⁶⁶“Thomas Speed to Henry Clay, June 13, 1832,” in *PHC* 8: 537.

⁶⁷Howe, *God Wrought*, 429.

When Clay received a letter from a James T. Austin that included a pamphlet written to persuade him toward abolitionism, Clay responded to the letter in an amiable but moderate manner. Clay complimented the man on his eloquence and his concise writing style but questioned Austin's motives. Clay stated, "Throw off all restraint, and what is the right of discussion [about slavery], exercised beyond the limits of our own State, but the principle of propagandism?"⁶⁸ Clay was arguing for the slavery issue to be handled by the states themselves. He tried to maintain that the federal government had no right to legislate either for or against slavery.

However, the issue would prove larger than Clay had anticipated. A growing number of abolitionist petitions began to find their way to the Senate floor. Representatives from slave states, like South Carolina's John C. Calhoun, suggested "Congressional gag-orders" for the petitions. In short, the body would acknowledge the petition's existence, and then it would be "laid on the table," making it impossible to debate. Clay was opposed to the gag-orders, citing the Constitutional right of each citizen to write their grievances and send them to the Capitol.⁶⁹ Although Clay wanted to reserve the right of discussion to each state, he was not willing to censor an individual's right to be heard on a national platform. Clay's personal feelings toward the evils of slavery were thus secondary in importance to him behind his primary goal of order and stability in the Union.

⁶⁸"Henry Clay to James T. Austin, January 5, 1836," in *PHC* 8: 815-816.

⁶⁹Howe, *God Wrought*, 513.

Historians have argued over Clay's motives during the 1830s on issues like the growing threat of political extremists and civil war. Clay's desire for the presidency is undeniable, but Clay famously said in an address to the Senate on February 9, 1839, "I would rather be right than president."⁷⁰ Sean Wilentz describes Clay during these years as a man who "alienated" northern abolitionists while placating southern slave holders. Wilentz concludes that Clay thus showed his "moral bankruptcy."⁷¹ A closer look at Clay shows that he was neither alienating nor was he morally bankrupt, but rather he was trying to formulate a sense of unity and compromise.

In 1844, Clay wrote a letter to William C. Rives, a member of the House of Representatives. In the letter, Clay wrote, "I have always believed that the steady and united opposition of the South, in former times, to [the tariff of 1842], was the principle cause of abolition."⁷² Clay placed a great deal of blame on abolitionists and their progressive radicalization. Clay was still a moderate whose goal was not emancipation at any cost, but a strong union rooted in Constitutional law. Only days later, Clay continued an on-going dialogue with Charles Burchard and John J. Foote, men he considered fellow "political friends." In this correspondence, they discussed the evils of slavery and the most prudent way to emancipate while maintaining some sense of order and civility.⁷³ A month later, Charles Burchard, a noted abolitionist, wrote to

⁷⁰Heidler, 299.

⁷¹Wilentz, 496, 348.

⁷²"Henry Clay to William C. Rives, August 19, 1844," *PHC* 10: 98-99. The tariff of 1842 was designed to subvert the effects of the Compromise Tariff of 1833. It would raise the tariff levels back up to 40% versus the previously agreed upon 20% under the 1833 tariff, thereby offering American businesses more protection in domestic competition with overseas manufacturing.

⁷³"From Charles Burchard and John J. Foote to Henry Clay, August 28, 1844," *PHC* 10: 104.

Clay again. Burchard informed Clay of his intentions to leave the Liberty party, the largest abolitionist political party in the United States during the 1840s, and Burchard instead decided to support Clay and his approach to gradual emancipation.⁷⁴ Clay urged both extremes to find a way to have a reasonable, intermediate discussion on slavery without the threat of secession. Clay finally came to the conclusion that the only way to ensure he could create a system that would deal fairly with the states and humanely with the slaves was to gain the presidency.

Clay had tried for the presidency since 1824. In fact, no one tried harder to win the White House during the 1830s and through the 1840s than Henry Clay; he ran in all five elections during the two decades, from 1832 and his last in 1848. In his early years, Clay saw the presidency as a means to reinforce his American System and protect the National Bank, but by the 1836 election, Clay believed the presidency was his best way to help put an end to the slavery issue, though not necessarily to slavery itself. He wanted the presidency, but he was never willing to allow himself to be politically swayed by personal achievement, nor would he cater to the partisan extremes. Clay gave a speech on slavery on February 7, 1839, saying:

I am, Mr. President, no friend of slavery. The searcher of all hearts knows that every pulsation of mine beats high and strong in the cause of civil liberty. Wherever it is safe and practicable, I desire to see every portion of the human family in the enjoyment of it. But I prefer the liberty of my own country to that of any other people; and the liberty of my own race to that of any other race.⁷⁵

⁷⁴“From Charles Burchard to Henry Clay, June 1844,” *PHC* 10: 104.

⁷⁵Henry Clay, “On Abolition February 1839,” in *The Works of Henry Clay* VIII, ed. Calvin Colton (New York, 1857), 139-59. The president Clay is referring to is President of the Senate, Vice President Richard Mentor Johnson, vice president to Martin Van Buren.

Clay's defense of liberty is politically savvy, but the important clause in his speech is that he would "prefer the liberty of my own country to that of other people." Clay is trying to express to the Senate that the fundamental issue is not slavery itself. The polarizing and demoralizing issue for Clay was the threat of disunion. Seeing slavery as an inferior issue to disunion, Clay was just as opposed to placating abolitionist sympathies as he was to justifying slavery.

Even within his own party Clay was willing to hold his middle ground. Clay and fellow Whig party member Joshua R. Giddings had been sending correspondence to one another, discussing the up-coming party nomination for the 1848 presidential election. Henry Clay was delighted to be asked to run for president again but refused to run on the party's increasingly abolitionist platform. Giddings asked Clay to consider immediate emancipation of his own slaves in Ashland, but Clay firmly declined:

I regret as much as anyone does the existence of slavery in our country, and wish to God there was not a single slave in the United States, or in the whole world. But here the unfortunate institution is, and a most delicate and difficult affair is it to deal with. I have during my life emancipated some eight or ten, under circumstances which appeared to me to admit of their emancipation.

Clay invited Giddings to Ashland to see how he treated his slaves and learn that he took good care of them and that most of his slaves would "perish if [Clay] sent them forth in the world," citing old age, sickness, or injury as the reason for him keeping them on his family estate. Clay ended the correspondence succinctly:

But whatever I may or might do towards them must be wholly independent of all political motives or considerations; it must rest exclusively with my own sense of duty and propriety. Nor do I believe that if it were possible for me to be influenced by the motive of my own political advancement in the emancipation of my slaves, at this time, it would tend in the smallest degree to the promotion of an

end. My object and purpose would be alike assailed by the ultras on both sides, if not by others.⁷⁶

Clay understood slavery was an evil, but it was a delicate situation that would have disastrous consequences if immediate emancipation were forcibly implemented on southern and western slave holders. It would also be foolish to ignore the implications that immediate emancipation would have on Clay's own holdings and slaves, but that was not his reasoning for disavowing ultraism. Out of principle Clay rejected "ultras" from both ends of the spectrum and did so without "sacrificing principles," both personal and political, even though this meant rejecting his best hope for attaining the presidency.⁷⁷

Clay's views on slavery as an institution and as a political issue are clear. He desired to see slavery ended, but only through a moderate, gradual process which would allow for whites and blacks to adjust to a new society slowly. It was in this light that Clay fought so hard to maintain the Union and to adhere to the Constitutional powers granted to himself and his legislative colleagues; because nothing would so abruptly end slavery – and the Union- like a civil war. Clay refused to allow the United States to become physically fractured, even if its political fracturing was already apparent and spreading like a crack in a pane of glass. Clay's penchant for union and compromise would be needed again, particularly in the Nullification Crisis of 1833 when slavery and the American System came to a head and only one would truly survive the impending compromise.

⁷⁶"Henry Clay to Joshua R. Giddings, October 6, 1847," *PHC 10*: 356-357.

⁷⁷Howe, *God Wrought*, 587.

3. COMPROMISE AND NULLIFICATION: HENRY CLAY AND SECESSION

By the mid 1820's, despite his best efforts, Henry Clay's brainchild he came to know fondly as the American System was growing out of favor. Most citizens and their elected political officials had grown wary of centralized systems and strong governmental programs. Fear of a strong national bank and distaste for paying for projects in areas that were seemingly distant and disconnected from other taxpayers had tainted the internal improvements program. The falling out of favor of the American System caused even some of its most ardent believers to

walk –though others ran- away from it.⁷⁸ As mentioned in the previous chapter, the tariff that was born out of the American System had never been as popular as some of the other parts of the project, but by 1828, the tariff was lifted up by states-rights politicians as proof of the government’s attempt to ascertain nearly absolute power. As a result, Henry Clay was forced to attempt yet another compromise which would affect not only the tariff, but the role of government, the Constitution, and the institution of slavery within the country.

By 1833, South Carolina, led by co-creator of the American System and Clay’s former political cross party ally John C. Calhoun, was threatening nullification and used the tariff as its primary scapegoat. Although the tariff was not inherently within South Carolina’s best economic interests, the fundamental argument was less about the tariff and more about the outstretched arm of the federal government embodied by the tariff and centralized policies, like the American System. Southern states deemed the tariff unconstitutional and cried for it to be revoked immediately, while the agricultural West and the manufacturing the Northeast were both in favor of such a tariff.⁷⁹

⁷⁸ Maurice G. Baxter, *Henry Clay and the American System* (Lexington: University Press of Kentucky, 1995): 33. John Quincy Adams had grown completely silent in his support of the system, while former supporter and current Secretary of Treasury William Crawford had not only distanced himself from the internal improvements program, but he spoke out against it, in favor of state-rights politics. Clay stood fast with his dying pet project, saying of those who now distance themselves, “the difference between them and me is that I have ever been placed in situations in which I could not conceal my sentiments.”

⁷⁹ John C. Calhoun of South Carolina, who was, in a turn of ironic events, the vice president at the time of the Tariff of 1828’s signing, had attempted to thwart the tariff by a *reductio ad absurdum* argument. In short, Calhoun along with other Southern Congressmen introduced a different bill amending the proposed tariff. The bill placed an even larger tariff on Northeastern manufacturing goods purchased from England, hoping to dissuade Northeastern votes with what they believed to be a ridiculous percentage of taxes on imported goods. Although the Northeastern voting block was diminished to only 41% approval compared to the projected majority, it was not enough to keep the bill from passing. In essence, Calhoun and his Southern co-writers of the bill not only got the tariff passed, but made it stronger than it was initially intended. F.W. Taussig, *The Tariff History of the United States, Part I, Fifth Edition* (New York: G. P. Putnam’s Sons, 1910): 88.

Henry Clay was forced to form not only a compromise between two opposing forces like in the Missouri Compromise, but he was also required to make his own compromises. He was forced to limit, if not entirely eliminate, the very project he created. He would do so all in the name of maintaining the Union and meeting the demands of the ever-shifting political landscape. Clay's ability to broker yet another compromise and diffuse secessionist threats is proof of his proficiency as a politician. But more importantly, his reactions, decisions, and compromises during the Nullification Crisis culminating in 1833 are great examples of Clay's political ideology. It was the first time in his political career at the federal level that he was required to completely rethink his personal politics and decide whether to stand firm or be willing to do what was best for the nation. Clay chose unionism over personal success and fulfillment; he chose compromise over didactically imposed laws, policies, and programs, no matter how beloved.

After the alleged "corrupt bargain" which garnered Clay the position of the Secretary of State and cost Andrew Jackson the election in 1824, Clay's career took an uncharacteristic plunge. Clay's time as the Secretary of State has been hailed by some historians as a failure, by others a disappointment and others still as simply a forgettable moment in Clay's otherwise extraordinary career. Those bemoaning circumstances were most likely predicated on Clay's accepted political expertise and his propensity for paradigm-altering ideas, which could have been a boon for the history of foreign policy for the nineteenth century. Instead, Clay continued to push his internal improvements plan, and created an Indian removal policy that was erratic at best. He found himself in the middle of arguing domestic rather than foreign policy. The failure of Clay in the most prestigious position he would ever hold was a turning point in Clay's per-

spective and temper as it was to say the least, a humbling experience in an otherwise grand political career.⁸⁰

One of the few accomplishments during Adams' presidency was the tariff passed on May 19, 1828. Intended to protect American manufacturing, the tariff placed a high tax rate on imported goods, while also covering basic government expenses. Most Southerners were strongly opposed to the tariff as they saw it to be a terrible abuse of power. Meanwhile, prominent Democrat Martin Van Buren, who after Jackson's win in the 1828 election was appointed Secretary of State, perpetuated a relationship with Great Britain, or as Clay saw it, "degrading the American eagle before the British lion." Clay saw this relationship as a direct attempt to undermine the tariff and the entire American System.⁸¹

Clay truly was aggressive and confrontational, particularly when his American System was challenged or threatened. John Quincy Adams, who was more of an anti-friend to Clay than an advocate, described Clay as "absurd upon the tariff," thus making any negotiation difficult at best with the Kentuckian.⁸² Clay was adamant about protecting the tariff. Clay once said "I think our policy, under existing circumstances, should be limited to two general objects: First, to maintain all that has been heretofore done in the support of the Tariff." Clay continued on to say, "If you allow any breach in the existing system, that is any repeal or deduction of du-

⁸⁰ Robert V. Remini, *Henry Clay: Statesmen for the Union* (New York: W.W. Norton & Company, 1991): 311.

⁸¹ Edward Morse Shepard, *Martin Van Buren* (Cambridge: The Riverside Press, 1896): 198.

⁸² Sean Wilentz, *The Rise of American Democracy: Jefferson to Lincoln* (New York: W.W. Norton & Company, 2005): 243.

ties now imposed, you endanger the whole.”⁸³ His assessment would prove fairly accurate in the end, but he was certainly not aware that he would be the one to reduce the tariff, thus “endangering” his beloved system of Improvements and Protection.

Ironically, Clay’s most heated political rival, Andrew Jackson, was actually in favor of a “judicious” tariff as late as 1827. Jackson was shrewd and careful with his wording when it came to any tariff, not wishing to alienate any potential voters. Jackson’s support of a tariff would best be described as a stance based in “middle ground,” but that proved insufficient for electability. Jackson had already decided to challenge Adams in 1828 for the presidency and Jackson knew his position would have to change as too many votes would be lost, particularly in the South, if he remained moderate on the issue of tariff politics. As Sean Wilentz described this tumultuous time, “To Southern Radicals, any sign of support for a protective tariff by Van Buren and [Jackson] was a potential deal breaker in the coming presidential election.”⁸⁴

Meanwhile, southern radicalists like Thomas Cooper of South Carolina espoused the flaws and supposedly inherent injustices of the Tariff of 1828. In a speech before Congress, Cooper questioned the benefits of the union saying, “We shall ere long be compelled to calculate the value of our union, and enquire what use to us is this most unequal alliance?”⁸⁵ In lock-step with most Southern thinkers and politicians, the North was seen as the embodiment of government gone awry. Men like Clay and Adams were paragons of abusive political power

⁸³ Henry Clay, “To Hezekiah Niles –October 4, 1829” in *Papers of Henry Clay* [hereafter *PHC*], 12 vols, ed. Robert Seager, (Lexington: The University Press of Kentucky, 1984), 8:108.

⁸⁴ Wilentz, *Rise of Democracy*, 298.

⁸⁵ Harry L. Watson, *Liberty and Power: The Politics of Jacksonian America* (New York: Hill and Wang, 2006): 116.

and the south should remove itself from these domineering forces. Partisanship was the political norm of Adams' presidency. The Democrats' party numbers grew in favor of "Jacksonian Partisans," and the National Republicans were left to watch their party fall apart as the touted Clay-Adams coalition was clearly not up to the task of executive power.⁸⁶ Southerner leaders railed against a protective tariff in 1820, and would likely do it again in 1828, particularly without Clay as speaker of the House as he was in 1820. The Democrats were "hell-bent" on bringing down Clay and Adams and attacking Clay's beloved protective tariff was the first step in ensuring a lost election and perhaps a disgraced Henry Clay.

Jackson won the presidential election of 1828 and was officially inaugurated in March of 1829. Jackson's victory was bittersweet as he entered the White House alone as his beloved wife, Rachel Jackson, died of a heart attack before the inauguration. Although there was no way to measure what caused Rachel Jackson's untimely heart attack, President-elect Jackson blamed Clay for her death.

The 1828 election was arguably the most controversial election, wrought with mudslinging and character defamation. Remarks on Jackson's mother and Rachel's divorce took their toll on Jackson and his family. Cincinnati newspaper editor Charles Hammond, a compatriot of Clay's, was among the most vitriolic. In his largest paper, the Cincinnati Gazette, Hammond described Jackson's mother as a "common prostitute" and also published Rachel Jackson's divorce papers from her first marriage that was believed to be abusive.⁸⁷ Jackson blamed Clay for Ra-

⁸⁶ Remini, *Henry Clay*, 317.

⁸⁷ *Ibid.*, 325.

chel's death and Clay did little to disavow his connection to Hammond and the slanderous newspaper articles, although no proof has ever surfaced to Clay's alleged role.

Nevertheless, Jackson never did forgive Clay, nor did he ever forget.⁸⁸ It was unfair for Jackson to blame Clay for Rachel, but what this anecdote informs us of is the intense disdain that Jackson and Clay held for one another. This extreme distrust and outright animosity between the two most powerful men in 1830s politics set the stage for the impending Nullification Crisis of 1833. Furthermore, it enlightens the modern reader of the greatness of Henry Clay to be able and willing to put aside his own project, the Tariff of 1828, and reach a compromise that saved the union, and he did so under the presidency of his hated rival.

After the debacle of his failed presidential administration, Adams refused retirement, and avoided the typical hermitic lifestyle of past presidents post term.⁸⁹ Instead of seclusion, Adams embraced public life again, winning a seat in the House of Representatives in 1831 for his home state of Massachusetts. He would serve with adequate success, though not ever quite equal to his consistent greatness as a Senator or with such promise as he showed as a presidential candidate. However, Adams' role in the Nullification Crisis of 1833 was pivotal and would greatly influence Clay's future success. Adams' career would never fully recover from the blemish of his presidency, but he would serve in the House until his death in 1848.

⁸⁸ David S. Heidler and Jeanne T. Heidler, *Henry Clay: The Essential American* (New York: Random House, Inc., 2010): 207.

⁸⁹ Interesting fact: John Quincy Adams is one of only two presidents even up to current day who later claimed public office after serving as president. Adams joined the House of Representatives while Andrew Johnson, Lincoln's VP and president after the assassination, would later serve as a Senator for his home state of Tennessee.

Clay's political career, ironically, was rejuvenated after his stint as Secretary of State, particularly as a result of a controversy of which Jackson was the root. A letter sent from Jackson to Carter Beverley found its way into the Fayetteville *Observer*, in North Carolina. In this letter, Jackson wrote to Beverley that Clay and "[Clay's] friends" had approached a Congressman of "high respectability" as early as 1825 and informed Jackson's sources that Clay's camp was willing to help Jackson win the 1828 election if Jackson's administration did not select John Quincy Adams as Clay's successor for Secretary of State. When the scandal broke, Clay vehemently renounced the claims as "devoid of all truth and destitute of any foundation whatsoever."⁹⁰ Clay and Adams both received strong criticism from both Democrats and National Republicans alike for the political patronage of the supposed "corrupt bargain" in the election of 1824. If Clay was found to be yet again the source of a political bargain, it could have ruined his political future, but as fate would have it, Clay's future was not only saved, but his rival's was tarnished just ever so slightly.

It was eventually leaked that the Congressman of "high respectability" was James Buchanan of Pennsylvania, a man later named by Jackson in yet another letter to Beverley. Buchanan later came forward, though somewhat reluctantly, and published a letter acknowledging a private meeting with Jackson. Buchanan claimed he acted of his own accord, thus attempting to free Jackson of any and all blame in this conspiracy against Clay. It was quite clear by the end of Buchanan's letter that Clay never sent an emissary of any kind to Buchanan or Jackson to discuss the upcoming election. Although the controversy was not enough to stifle

⁹⁰ Remini, *Henry Clay*, 318.

Jackson's presidential bid, it did help Clay save face and perhaps help cover his own political misgivings and scandals.⁹¹

Clay spent the entirety of 1829 at his home plantation, Ashland, with his beloved wife Lucretia. Despite his time away from office, which would be short-lived, Clay's mind never strayed from politics, particularly with Jackson as the commander and chief. Even Clay's choices of vacation stops were informed by his understanding of politics and "electioneering." Despite Clay's "retirement" he kept a vested interest in the goings on of Washington. He opposed Jackson's appointments and the lack of senatorial action against his cabinet choices. But nothing done or left undone by the senate compared to Clay's disdain for the Jacksonian veto of an internal improvements bill.⁹²

The failed legislation, which was known as the Maysville veto, approved the extension of the National Road from Maysville to Lexington, Kentucky. Jackson questioned virtually every element of the bill. First, he deemed it to be only local in interest, and rightly so, as the extension would only affect the state of Kentucky. Secondly, he questioned the Constitutionality of the internal improvements ideology. Although he was essentially in favor of basic projects like roads, canals, among other fundamental improvements, Jackson was unwilling to support any project he deemed "Constitutionally dubious" which included any project that was not truly na-

⁹¹ Ibid., 319. The initial article on Clay's attempted bargain with Jackson was published by several newspapers, including the papers in Washington DC. Perhaps most interesting fact in this scandal was that this was the same James Buchanan who would later be the 15th President of the United States. Furthermore, Clay would not allow this scandal to go away quietly, despite attempts from his friends and colleagues to assure him he was deemed innocent by his constituents and the public at large. Clay spent the better part of a year attempting to bury Jackson and keep him from the 1828 election, though to no avail.

⁹² Ibid., 359, 361.

tional in nature. Ironically, Jackson accepted the inevitable truth that taxes could not be levied, or dispersed with absolute equality, but could not accept any imbalance of the internal improvements plan, thus he vetoed not only the Maysville bill, but several improvement bills over the next two years.⁹³

However, the most problematic issue for Jackson surrounding internal improvements, specifically the Maysville road, was the economics of such projects. Under Clay's American System, the protective tariff was designed to help lower the debt, protect manufacturing, and pay for the federal internal improvements program. Jackson's stance on tariffs prior to the 1828 election was one of moderation, but his moderate stance would not last, as politics demanded he choose a side. Jackson was in favor of the Tariff of 1828, as passed by Clay and Adams, but after his first year as president, Jackson had a slight change of heart. Influenced by Calhoun and the growing talk of nullification in 1829-1830, then the greater influence of Martin Van Buren, Jackson had all but given up on moderate protective tariffs, and instead adopted a stance of low tariffs in hopes of dissuading southern voters from abandoning his administration.⁹⁴

Clay's response to the veto was swift and angry. Clay repeatedly suggested to several key National Republicans and his political friends that he felt, "[Jackson] has lost the whole West, I verily believe... The Old Buck is mortally wounded. He will run away, make a show of

⁹³ Sean Wilentz, *The Rise of American Democracy: From Jefferson to Lincoln* (New York: W.W. Norton & Company, 2005): 380. Again, Jackson's entire stance on the limitations of internal improvements is founded on his understanding of the implied and inferred powers of the Constitution.

⁹⁴ *Ibid.*, 298, 328. Jackson's swapping of stances should come as no surprise and he was not alone in having a change of heart. National Republican and distinguished orator Daniel Webster also changed his stance on the tariff, though he went the other direction, i.e. from low tariff to high tariff. For more on Webster's stance, see Maurice G. Baxter, *One and Inseparable: Daniel Webster and the Union*, (Cambridge: Harvard University Press, 1984): 180-188.

vigor and fall.”⁹⁵ Throughout the summer of 1830, Clay received letters of support and a notice that the National Republican Party formed a committee to name a nominee for the upcoming 1832 Presidential election. Clay was atop that list of potential candidates. Despite the nomination committee all but handing Clay the proverbial keys to the National Republican party, Clay consistently reiterated one point, “[It would be] better not to limit [the convention] to the nomination of any particular individual, but to place it upon the basis of certain great principles to be enumerated, and leave it to the free designation of such person a will best combine a hearty support of those principles.”⁹⁶ Those principles included, at least for Clay, to oppose Jackson at every turn. Furthermore, Clay wanted to make the American System, and thus the tariff of 1828, the crux of the election against the Democrats, thus taking down what Clay thought to be the greatest threat the union and instilling a program that would cement his legacy in American history.⁹⁷

In 1831, Jackson’s administration appeared to be unraveling. President Jackson had to deal with a split that developed between himself and Vice President John C. Calhoun; the rift was created out of a firestorm of political distrust and alienation. First was the issue with Jackson’s cabinet, which was almost entirely disbanded at Jackson’s request. Three of the cabinet members were supporters and friends of Calhoun which included Treasury Secretary Samuel Ingham, Attorney General John Berrien, and Navy Secretary John Branch. A fourth member of the cabinet, Secretary of State Martin van Buren, opposed Calhoun, particularly on the issue of

⁹⁵ Clay, “To James F. Conover- May 1, 1830” in *PHC*, 8:199-200.

⁹⁶ Clay, “To John L. Lawrence- March 7, 1831” in *HPC* 8:328.

⁹⁷ Remini, 367.

the power of the federal government versus the states. The fifth member of the cabinet in question was Jackson's close friend, John Eaton.

Eaton married a few months before Jackson became president, and stories said he and the young woman lived together before they were married. Vice President Calhoun tried to use the issue to force Eaton from the cabinet, and started a personal campaign against Mrs. Eaton. Calhoun's wife, Floride, and the wives of his three men in the cabinet, refused to have anything to do with her, which angered Jackson as he saw it to be petty politics and the most prominent flaw in Washington.

But the split between Jackson and Calhoun was most likely deepened as a result of two other issues. First, Jackson learned that Calhoun -- as a member of former president James Monroe's cabinet -- had called for Jackson's arrest. Calhoun wanted to punish Jackson for his bloody and "extralegal" military campaign into Spanish Florida in 1818.

Secondly, Calhoun's believed that the rights of the states were stronger than the rights of the federal government. The South Carolina native's feelings became well known during the debate on the Tariff of Abominations. Jackson did not fully support the tariff because he felt it favored manufacturing over agriculture, but it was signed into law by proper legal avenues and must be adhered to accordingly. Meanwhile, Calhoun's penchant for nullification language had grown steadily since the Tariff of 1824- which is the moment that historians note as the time of death of Henry Clay's and Calhoun's political alliance - was enacted into law.

Jackson's break from Vice President John C. Calhoun was a shock to the entire country and threatened Jackson's electability in the South, but nevertheless, Jackson thought it necessary. Jackson and Calhoun had been drawn to one another due to their shared disdain for

broad constructionism, but even that had its limits, especially for Jackson, who despite all their differences, was a unionist like Clay, and would not accept secession for any reason. As a result of his political convictions, Jackson and Calhoun ended their tenuous ticket in 1831 and Jackson went the rest of his first term without a Vice President, while Calhoun returned to South Carolina to rouse nullification and anti-federal sentiments.⁹⁸

The election of 1832 was arguably Clay's best and worst chance at the presidency. Jackson's campaign and administration were coming off a terrible year of turmoil and uncertainty, but yet Jackson's popularity was never higher. In fact, the next president to win the majority of the popular vote in consecutive elections would be Ulysses S. Grant in 1872. Clay had an established platform with solid support from powerful individuals. If he had been running against any other figure, history may have seen Clay give the inauguration speech in 1833, but Jackson had the people on his side. Jackson had changed presidential politics from being a game won and lost by having powerful allies and politically savvy elites as backers, to a "common man" form of politics where the victor won a popularity contest. Nevertheless, Clay lost the election, mostly due to the issue surrounding the Second National Bank, which Jackson and average Americans disdained. They saw the Bank as an abuse of federal power. What is worse, Jackson's masterful political game changing made Clay's policies look, in historian Robert Remini's words, "totally unsuited to this age of democracy and reform." Clay was compared to Alexander Hamilton, a well-respected politician in his own day, but antiquated and obsolete by 1832.

⁹⁸ Baxter, 68. Calhoun's role in the Nullification crisis cannot be understated and will be fully examined later once the crisis is in full swing, i.e. 1833.

To use modern political jargon, Clay appeared “out of touch” with the average American citizen, and Jackson played that to his advantage well.⁹⁹

While Clay and Jackson prepared for a collision course in the 1832 election, Nullifiers and southern anti-tariff contingencies had gathered political sway in South Carolina. Their power had been legitimately building since the Tariff of 1828 was signed into law, but they arguably were a driving force in southern politics since the initial creation of the protective tariff when the country first formed under Alexander Hamilton’s leadership. Like Jackson, Nullifiers questioned the Constitutionality of the protective tariff and the powers inherent to the federal government to levy such means of revenue. In a twist of fate though, Jackson’s low tariff stance and his absolute disdain for the Bank of the United States (BUS) were in complete agreement with the Nullifiers, but Jackson hated nullification as much as he hated Clay!¹⁰⁰ Clay and Jackson were in agreement on their hatred for nullification, but went about addressing this issue in very different ways.

The Tariff of 1832 was the last straw for Nullifiers. A new tariff was deemed necessary and Clay pushed for a tariff designed to protect manufacturing and his American System, but the numbers he initially asked for were just too high for the Jacksonian administration and for the House. Clay had been able to get his bill through the committee but it was dead on arrival to the House of Representatives. Clay instead introduced an alternative tariff and land bill, similar to Thomas Benton’s which would help protect the American System and Clay’s electabil-

⁹⁹ For the enumeration of his 1832 presidential platform see Henry Clay, “To Josiah S. Johnston – July 23, 1831” in *PHC* 8:375. Clay appears “out of touch”: Remini, 380-381. Also see Henry Clay “To Francis T. Brooke –December 9, 1825” in *PHC* 8:429, 437.

¹⁰⁰ Sean Wilentz, *Andrew Jackson* (New York: Henry Holt and Company, LLC, 2005): 96.

ity in the upcoming presidential election. Clay helped Congress reach an agreement on a new tariff on manufacturing. Furthermore he pushed for an increase in revenue from public land sales as a consolation for his Western constituency, which most individuals accepted as a compromise, although the extent of the tariff and the land bill was not even close to what Clay deemed acceptable. Nevertheless, Nullifiers in South Carolina saw this less as a compromise and more as proof and an opportunity to dissolve from the union. After Clay's defeat in the election of 1832, South Carolina officially nullified the Tariff of 1828 and 1832.¹⁰¹

Clay's philosophy on how he approached the nullifiers is vividly clear. In a speech given in 1830, Clay systematically explained the rights of the states, in his own opinion and what the Constitution allowed. The states as a collective could amend the Constitution, annul acts of Congress, change the basic functions of government, and yes, even dissolve the union, but a single state? To that Clay said a resounding no. Clay stated that the debate of nullification of a single state produced two questions which Congress would have to answer. First, did the state have a right to nullify an act of Congress and thus secede; secondly, if they did have the right, would it be in Congress' and the union's best interest to "yield consent" to the unwieldy state? Clay's answer to the first question was a resounding no, as he did not even believe that the states had such a right of nullification in the first place, thus voiding the second question altogether. Clay did not entirely answer the second question in this particular speech but did at least set the table for understanding where Clay was coming from when he handled the Nullifi-

¹⁰¹ Heidler, *Henry Clay*, 242, 251.

cation Crisis of 1833. Clay not only disdained nullification as a practice and a political exercise, but thought it was beyond the realm of rights given to the state.¹⁰²

In contrast, Sean Wilentz, a noted Jacksonian scholar, states that Jackson saw the tariff discussion and nullification as two separate issues. On the one hand, according to Wilentz, Jackson believed the tariff was negotiable, while on the other hand, nullification was not negotiable.¹⁰³ In a certain light, Clay's and Jackson's perspective could appear similar, but they are unequivocally different. According to Wilentz, Nullification was about unconstitutional motives, which were not acceptable within the political perspective of Andrew Jackson. However, anti-protection supporters, i.e. anti-tariff contingencies, also founded their stance on a deep abhorrence of what they deemed to be unconstitutional: any one against the tariff cited its lack of constitutional backing. Thus despite Wilentz's best efforts to separate nullification from the tariff, Jackson's stances appear contradictory. How can one argue against all things unconstitutional, like nullification, but then support a tariff until it is deemed unpopular by his Southern constituency, and then decide a tariff is unconstitutional and thus beyond his political support and philosophy? The answer is simply politics. Jackson should not be condemned for this conclusion, but neither should he be given a proverbial pass. Jackson's own response to the tariff and nullification specifically, was a bewildering endorsement of states' rights as a principle, but a few days later, Jackson threatened force, and asked Congress for the powers of martial law if he deemed necessary to force collection from South Carolina.¹⁰⁴ Clay feared Jackson's actions

¹⁰² Henry Clay, "Speech at Cincinnati – August 3, 1830" in *PHC* 8:242-244.

¹⁰³ Wilentz, *Andrew Jackson*, 96-97.

¹⁰⁴ Wilentz, *Rise of Democracy*, 380; Heidler, *Henry Clay*, 251.

and inconsistencies, but more importantly, Clay took on the role of compromiser as a means to undermine Jackson's fledgling second term.

On February 1, 1833, the tariffs were set to be abolished, but slightly cooler heads in South Carolina managed to postpone the abolishment in hopes of a possible agreement. The impending politics of the crisis, as politics often do, made some very strange bedfellows. Clay's long-time ally Daniel Webster was in favor of the Force Bill proposed by Jackson and was against any larger tariff that Clay was likely to propose. Meanwhile, Clay found an unlikely ally in John C. Calhoun. Although Calhoun would have preferred a tariff on the lower end of the spectrum like Webster and the president, Calhoun was unwilling to allow Jackson the satisfaction of taking any credit in averting the impending crisis. Clay and Calhoun began working together in December of 1832. Clay and Calhoun met, at first with icy stares and chilly silence, but after many stops and starts and what one would assume was an exhausted amount of small talk, Clay and Calhoun worked through the crisis until an initial compromise was formed. The first draft was formed into three parts, a preamble, and two proceeding sections. The preamble acknowledged the existence of political differences of protective tariffs, duties, and the like. However, it also noted the desire to settle these differences in a way that was fitting a democracy and avoid any confrontation either by war, secession, or both. The other sections of the draft stated that the existing laws would remain enforced until March 3, 1840 and then everything would be repealed. Also, until 1840, no higher or secondary duties would be enacted. Also the money gathered would be used solely for the purpose of providing revenue to pay off

the debt and any other necessary government expenditure, but not for “the protection or encouragement of any branch of domestic industry whatever.”¹⁰⁵

Clay knew that his decision to work with John C. Calhoun to fix this issue would result in a drastic change of National Republican politics, if not completely alter them and the party forever. The party had made a reputation on Internal Improvements, broad interpretation of the Constitution, and liberal economic policies like pro-manufacturing as opposed the yeoman farmer culture of the party of Jefferson and Jackson. Clay stated, “A single misstep...would demolish and scatter the party who has rallied around the American System, the Constitution, and the Federal Judiciary;” foreshadowing words if there ever were any. In short, Clay saw the writing on the wall; a compromise was needed and either they let South Carolina secede (and plausibly the entire South along with it) and thus maintain slavery, or he rings the death knell of his American System by changing the potency of the tariff, the lifeblood of internal improvements. The election of 1832 was the last presidential election for the party as its remnants were born anew as the Whig party, but Clay was its unapologetic leader. More important to Clay was that his work with Calhoun would save the union, even at the expense of the welfare of the American System.¹⁰⁶

The initial proposal passed the House, but failed to pass the Senate. Clay and Calhoun went back to drawing board and created another compromise, one perhaps a bit more palatable for the Senate. Clay presented the compromise to floor on February 12, 1833. The new bill

¹⁰⁵ Henry Clay and John C. Calhoun, “Draft Proposal of Compromise Tariff of 1833- December 1832” in *PHC* 8:604.

¹⁰⁶ “John M. McConnell to Henry Clay- December 27, 1832” in *PHC* 8:606.

differed from the Verplanck plan of immediate reduction in favor of a gradual reduction starting in 1834. The duties would lower over a six year period and then freeze for two years until 1842. After 1842, the tariff would become a revenue only tariff and would no longer provide protection for American manufacturing.¹⁰⁷ In this way, Clay achieved the two things he most wanted out of this compromise. First, Clay could protect manufacturing for at least a while longer to allow companies to grow accustomed to lesser and lesser protective measures. Secondly, the plan helped to establish fundamental standards for tariff law and proceedings for the federal government as before they were quite obviously erratic at best.

Clay presented the compromise with affective fervor and balance. He ended his speech to the Senate with a plea to avoid civil war and to “heal, before they are yet bleeding, the wounds of our distracted country.”¹⁰⁸ After Clay’s last word echoed in the hall, Democratic senators were vying for the floor immediately, but the chair, with historical fortuity, acknowledged Calhoun. As Calhoun stood and espoused of the laudable compromise formed by Clay, the rest of the Senators were taken aback. They were unaware of Clay and Calhoun working together because the two men were, as previously mentioned, less than amicable prior to this necessary merger. With Calhoun in tow, the proposed bill passed the Senate and was written into law.

Historians have argued over Clay’s motives during the 1830s on issues like the growing threat of civil war, the Nullification Crisis, and political extremists. Arguably Clay’s greatest political desire was to win the presidency, but Clay famously said in an address to the Senate on

¹⁰⁷ Heilder, *Henry Clay*, 253.

¹⁰⁸ Henry Clay, “Speech in Senate, Febraury 12, 1833” in *PHC* 8:621.

February 9, 1839, "I would rather be right than president."¹⁰⁹ Sean Wilentz describes Clay during these years as a man who "alienated" northern abolitionists while placating southern slave holders, a sentiment most likely grown out a Jacksonian perspective of Clay's proposed compromises in 1820 and 1833. Wilentz concludes that Clay thus showed his "moral bankruptcy."¹¹⁰ But instead what we see from Clay is that he was neither alienating nor was he morally bankrupt, but rather he was trying to formulate a sense of unity and compromise.

The ideological perspectives that most clearly inform Clay's approach to the "Tariff of Abominations" and the impending threats to nullify were first, the role of the Constitution. In short, Clay had to navigate the powers granted to him and Congress as elected officials, but that was juxtaposed to the powers of the states. So much of the argument surrounding the Nullification Crisis was whether something could pass as constitutionally acceptable, or if it was a threat of tyranny and a devastating breach of authority.

Secondly, the Tariff of 1828 forced Clay to reach yet another compromise to sustain the Union. Compared to the Missouri Compromise, the "Tariff of Abominations" presented Clay with much more at stake, particularly in relation to his personal politic policies and ambitions. Nevertheless, he was willing to suspend or completely upheave his own goals to ensure Union stability. Clay's efforts would prove fruitful in the end, bringing an end to the Nullification Crisis and negotiating a lower, more agreeable tariff which Southern farmers could swallow. However, Clay would lose the American System, if not completely, certainly on the grand scale he had

¹⁰⁹Heidler, 299.

¹¹⁰Wilentz, 496, 348.

imagined. He lost the National bank, the higher protective tariff, and was forced to watch his greatest political rival, Andrew Jackson, become president. But Clay's ideology and political makeup made honoring the Constitution and the integrity of the Union paramount in any political decision or compromise he made.

Thirdly, slavery crept its way into Clay's thought process during the Nullification Crisis and the decade after. The Nullification Crisis was a complex issue that dealt primarily with economics and the rights of the state versus the government, but those same issues are the backbone of the political discussions surrounding slavery. Thus it is not hard to peel back the layers of the Nullification Crisis and see how slavery played a central role in the intellectual makeup of the Crisis and its proceeding ramifications in the 1830s and 1840s.

For example, in 1844, Clay wrote a letter to William C. Rives, a member of the House of Representatives. In the letter, Clay wrote, "I have always believed that the steady and united opposition of the South, in former times, to [the tariff of 1842 and 1828], was the principle cause of abolition."¹¹¹ Clay placed a great deal of blame on abolitionists for their progressive radicalization and on Southerners for their uncompromising stance on the Constitution and on the slavery. Clay was a moderate whose goal was not emancipation at any cost, but a strong union rooted in Constitutional law. Thus if settling the Nullification Crisis without bloodshed of American citizens or secession was possible and the arguments continued to circle around the rights and powers within the Constitution, then compromise and constructive debate had to

¹¹¹"Henry Clay to William C. Rives, August 19, 1844," *PHC* 10: 98-99. The tariff of 1842 was designed to subvert the effects of the Compromise Tariff of 1833. It would raise the tariff levels back up to 40% versus the previously agreed upon 20% under the 1833 tariff, thereby offering American businesses more protection in domestic competition with overseas manufacturing.

rule the day while extremists and “ultras” had to be denied. This included a denial of immediate and, in Clay’s perspective, extreme abolition, and a denial of the rights of Nullification.

Later that same year, Clay continued an on-going dialogue with Charles Burchard and John J. Foote, men he considered fellow “political friends.” In this correspondence, they discussed the evils of slavery and the most prudent way to emancipate while maintaining some sense of order and civility.¹¹² A month later, Charles Burchard, a noted abolitionist, wrote to Clay again. Burchard informed Clay of his intentions to leave the Liberty party, the largest abolitionist political party in the United States during the 1840s, and Burchard instead decided to support Clay and his approach to gradual emancipation.¹¹³ Clay urged both extremes to follow Burchard’s lead and find a way to have a reasonable, intermediate discussion on slavery without the threat of secession.

The point of these anecdotes is to show that Clay wanted to avoid yet another incident of nullification or threatened secession by maintaining his sense of moderation and compromise, even on an issue he had repeatedly deemed as an evil. Clay gave a speech on slavery on February 7, 1839, saying:

I am, Mr. President, no friend of slavery. The searcher of all hearts knows that every pulsation of mine beats high and strong in the cause of civil liberty. Wherever it is safe and practicable, I desire to see every portion of the human family in the enjoyment of it. But I prefer the liberty of my own country to that of any other people; and the liberty of my own race to that of any other race.¹¹⁴

¹¹²“From Charles Burchard and John J. Foote to Henry Clay, August 28, 1844,” *PHC* 10: 104.

¹¹³“From Charles Burchard to Henry Clay, June 1844,” *PHC* 10: 104.

¹¹⁴Henry Clay, “On Abolition February 1839,” in *The Works of Henry Clay* VIII, ed. Calvin Colton (New York, 1857), 139-59. The president Clay is referring to is President of the Senate, Vice President Richard Mentor Johnson, vice president to Martin Van Buren.

Clay's defense of liberty is politically savvy, but the important clause in his speech is that he would "prefer the liberty of my own country to that of other people." Clay is trying to express to the Senate that the fundamental issue is not slavery itself. The polarizing and demoralizing issue for Clay was the threat of disunion. Seeing slavery as an inferior issue to disunion, Clay was just as opposed to placating abolitionist sympathies as he was to justifying slavery.

Even within his own party Clay was willing to hold his middle ground. Clay and fellow Whig party member Joshua R. Giddings had been sending correspondence to one another, discussing the up-coming party nomination for the 1848 presidential election. Henry Clay was delighted to be asked to run for president again but refused to run on the party's increasingly abolitionist platform. Giddings asked Clay to consider immediate emancipation of his own slaves in Ashland, but Clay firmly declined:

I regret as much as anyone does the existence of slavery in our country, and wish to God there was not a single slave in the United States, or in the whole world. But here the unfortunate institution is, and a most delicate and difficult affair is it to deal with. I have during my life emancipated some eight or ten, under circumstances which appeared to me to admit of their emancipation.

Clay invited Giddings to Ashland to see how he treated his slaves and learn that he took good care of them and that most of his slaves would "perish if [Clay] sent them forth in the world," citing old age, sickness, or injury as the reason for him keeping them on his family estate. Clay ended the correspondence succinctly:

But whatever I may or might do towards them must be wholly independent of all political motives or considerations; it must rest exclusively with my own sense of duty and propriety. Nor do I believe that if it were possible for me to be influenced by the motive of my own political advancement in the emancipation of my slaves, at this time, it would tend in the smallest degree to the promotion of an

end. My object and purpose would be alike assailed by the ultras on both sides, if not by others.¹¹⁵

Clay understood slavery was an evil, but it was a delicate situation that would have disastrous consequences if immediate emancipation were forcibly implemented on southern and western slave holders. Clay rejected “ultras” from both ends of the spectrum and did so without “sacrificing principles,” both personal and political, even though this meant rejecting his best hope for attaining the presidency.¹¹⁶

Clay’s success in the Nullification crisis rested on Clay’s perception of the role of the Constitution, the rights of states (or lack thereof) to nullify, and his willingness to compromise even at the risk of his own political ambitions. Clay was able to give the American System life for few years after the Crisis was officially resolved, but after 1842 when the tariff ended, the American System became a shell of its former self. Clay placed practical solutions to the nation’s problems over his own ideological preferences. In a way, that was Clay’s ideology: one of compromise, moderation, and pragmatism.

However, this would not be the last time the entire country looked to Clay for answers and guidance, as the resolution of the Nullification Crisis, much like the compromise of 1820, would prove to be only a stop-gap in the building tensions between Northern and Southern

¹¹⁵“Henry Clay to Joshua R. Giddings, October 6, 1847,” *PHC 10*: 356-357.

¹¹⁶Howe, *God Wrought*, 587.

states. But for a brief moment, Jackson may have been the nation's president, but Clay was the nation's Savior.¹¹⁷

4. OMNIBUS BILL OF 1850: HENRY CLAY AND POPULAR SOVEREIGNTY

At the start of 1850, Henry Clay was in the midst of a political tempest; a storm of disunion threatened the integrity and stability of the ship of state. The virulent split between the secessionists and abolitionist voices was more combative than even during the threat of 1820.¹¹⁸ Despite marked opposition, Clay pleaded with his fellow Senators, both Democrat and Whig, to put aside their regional agendas in the name of compromise, just as they had done thirty years earlier. But as was true thirty years earlier, Clay held the responsibility of creating the foundation of compromise by leading the extremists back across the "dreadful crevasse" created by slavery that divided them politically and culturally.¹¹⁹

¹¹⁷ Baxter, *American System*, 79.; Heilder, *Henry Clay*, 256.

¹¹⁸ Henry Clay, "William S. Woods - July 16, 1835," in *Papers of Henry Clay* [hereafter *PHC*], 12 vols, ed. Robert Seager, (Lexington: The University Press of Kentucky, 1984), 8:787.

¹¹⁹ John C. Waugh, *On the Brink of Civil War: The Compromise of 1850 and how it Changed the Course of American History* (Wilmington: Scholarly Reports, Inc., 2003), 77.

The Compromise of 1850 is a well-documented, contentious piece of American history. Wrought with competing theses and theories, the historiography of the political crisis of 1850 is a veritable minefield. Sean Wilentz, noted historian of the Democratic Party and author of *Rise of American Democracy*, argues that Clay was not motivated by compromise, but by ambition and only secondarily the Union. In short, Wilentz believes that Clay presented something that was less of a compromise and more of a truce, intended to garner political power and to undermine the current president, Whig Zachary Taylor.¹²⁰ Whig historian Daniel Walker Howe, though slightly kinder to Clay, still calls Clay's primary motivation a sort of "enlightened self-interest."¹²¹ Furthermore, Wilentz depicts Clay in a purely political context, that is, Clay was not concerned with ideology, but was instead focused on political gamesmanship and personal success. Howe argues against Wilentz's purely political stance by establishing Clay as the ideological embodiment of Whig culture, philosophy, and politics.¹²² I acknowledge that an element of self-preservation is present at all times but to suggest self-interestedness was Clay's *primary* motivation, which is akin to selfishness, is where Wilentz and Howe fail to fully appreciate and understand Clay on an intellectual, philosophical level.

The focus of this chapter is the intellectual underpinning of Clay and his version of the Compromise of 1850. What aspects of Clay's political philosophy went into creating the Compromise of 1850, and how do these relate to the political meta-virtue of compromise, are two

¹²⁰ Sean Wilentz, *The Rise of American Democracy* (New York: W.W. Norton & Co., 2005), 495, 572, 638.

¹²¹ Daniel Walker Howe, *What Hath God Wrought: the Transformation of America, 1815-1848* (Oxford: Oxford Press, 2007), 401; Also see Howe, *The Political Culture of the American Whigs* (Chicago: Chicago Press, 1979), 270.

¹²² Howe, *Political Culture*, 128-129.

of the primary questions at hand. An examination of Clay's speeches on the Compromise and its particulars reveals a political philosophy that is not only conducive to compromise, but required it.

Clay's penchant for compromise is most clearly noted within the crisis of 1850, and when it is dissected, the intellectual infrastructure of the Compromise is patterned out. Three aspects of Clay's political philosophy are present in his attempted compromise: his deep seated need to maintain the Union; his interpretation of the Constitution and the Congress' powers; and most contentiously, his view of popular sovereignty. By looking at each of these three elements of Clay's political perspective, Clay and his intentions become a bit clearer. Furthermore, approaching Clay and the Compromise in this nature undermines previous historiographical accounts of Clay's self-interestedness or his failure to instill popular sovereignty within his initial compromise.¹²³

What is important to recognize is the stability of Clay's political philosophy. The creation of the Missouri Compromise, the American System, the American Colonization Society, the Compromise Tariff of 1833, are vital to understanding how Clay reached this point in the twilight of his career. Specifically what these personal and political experiences tell historians is how Clay defined a compromise. For Clay, a compromise was equal parts ideological and political, which meant that political and philosophical concessions must be made to ensure a compromise's success. But most importantly, Clay saw a compromise as a situation where there are victories and defeats on both sides. This balance should be so precise that there can be no

¹²³ Michael F. Holt, *The Political Crisis of 1850s* (New York: John Wiley & Sons, Inc., 1978), 83.

winners and no losers. With this understanding of Clay's desire for and definition of the great political virtue of compromise, the reader can now more fully understand how Clay's Compromise of 1850 was arguably his greatest political achievements.¹²⁴

Clay's debate over the proposed 1850 compromise, later known as the Omnibus bill, actually began in 1847. Clay, between December 1847, and early March 1848, emerged as the leader for the Whig party nomination for the presidential election in November 1848. He had maintained staunch opposition to the Mexican-American War (1846-1848), and he desired neither to partake in the war, nor to reap any rewards or land from it. The Whigs were fairly certain they could win an election on such a platform, but Nicolas Trist, an American diplomat appointed to Mexico by then President James K. Polk, defied orders from the president and remained in Mexico to negotiate for peace. Not only did his presence upset military leaders, but Trist, in fact, organized and signed the Treaty of Guadalupe Hidalgo. The treaty garnered the United States the rights to the New Mexico territory and the Alta California territory. The addition of new lands was exactly what Clay wanted to avoid, as he knew that adding more territories and eventually more states would only complicate the slavery issue. His foresight was uncanny, as the new territories encouraged Congressman David Wilmot to produce the Wilmot Proviso, a controversial piece of legislation which enflamed sectionalism and disunion.¹²⁵

¹²⁴ Robert V. Remini, *At the Edge of the Precipice: Henry Clay and the Compromise that Saved the Union* (New York: Basic Books, 2010), 4.

¹²⁵ Michael F. Holt, *Political Parties and American Development: From the Age of Jackson to the Age of Lincoln* (Baton Rouge: Louisiana State University Press, 1992), 17. For the Whig perspective of the Wilmot Proviso, see Michael F. Holt, *The Rise and Fall of the American Whig Party: Jacksonian Politics and the Onset of the Civil War*, (New York: Oxford University Press, 1999), 312.

The Wilmot Proviso never passed the Senate despite numerous attempts, but failed legislation, when ideologically charged, can be just as effective as legislation that passed. The Wilmot Proviso first appeared as a simple addendum to the Treaty of Guadalupe Hidalgo, but was removed to appease Southern Democrats and expansionists. The Proviso would have prevented the spread of slavery into any new territory or state obtained via the war with Mexico. Wilmot's intentions, and even his authorship, of the proviso are questioned, but nevertheless it does provide historians an intellectual and ideological thumbprint for many prominent eastern Democrats during the mid-nineteenth century.¹²⁶

Opponents of the Wilmot Proviso included not only Whigs, but southern Democrats and President Polk's administration. In fact, there was a general fear of the proviso amongst several Democrats because of the inherent sectionalism and the impending rupture that could have developed as a result of the proviso's inception.¹²⁷ In short, the political fracturing over the issue of slavery and Wilmot Proviso, despite its inability to pass into law, was never more apparent or severe during Henry Clay's career.

The threats of secession were as serious as they appeared. The basic premise of the Wilmot Proviso, which banned slavery in the seceded lands won in the war, was in direct conflict with the Missouri Compromise issued only thirty years earlier. The Missouri Crisis, one of Clay's great political victories, required that the argument of slave versus free-state be left not to the legislators or the people, but to geography. No slave state could exist (with the excep-

¹²⁶ Eric Foner, "The Wilmot Proviso Revisited," *The Journal of American History* 56, No. 2 (Sep., 1969), 265.

¹²⁷ *Ibid.*, 266.

tion of Missouri) above 36° 30'. If the northern border of Arkansas and the associated latitudinal line were the boundary for slavery expansion, then the new territories, New Mexico and Utah must be admitted as slave states and California should be split in two: the southern part slave and the northern part free. However, by this time, the Missouri Compromise was completely outdated as it applied only to the Louisiana Purchase.

As a result of the ineffectiveness and lack of jurisdiction of the Missouri Compromise, Clay was fearful that the Wilmot Proviso would surely pass and would bring about sudden and irreconcilable differences between Northern and Southern states, citing many of the "Hotspurs of the South" who openly threatened dissolution of the Union if the proviso were passed in either the House or the Senate. Clay thought he could mend these rips in their continental fabric, believing that the threat of disunion was limited to only a few radical voices.¹²⁸ Clay, however, underestimated the growing extremism amongst abolitionists. The "dreadful crevasse" was ever widening and threats of secession were no longer ammunition for only Southern states and pro-slavery individuals, as even abolitionist extremists, or "Ultras" as Clay late called them, threatened disunion.¹²⁹ It was left to the moderates of the Congressional house to create a way to bridge the sectional gap.

Clay's primary political principle was still the maintenance of the Union. He could have radicalized himself toward either base for political gain or as a means to an end, i.e. for the

¹²⁸ "Henry Clay to James Brown Clay January 2, 1850," *PHC* 12 vols., 10: 641-642.

¹²⁹ Avery Craven, "The Crisis," in *The Compromise of 1850: Problems in American Civilization*, ed. Edwin C. Rozwenc (Boston: D.C. Heath and Company, 1957), 3.

presidency, but he refused.¹³⁰ Instead, Clay kept to his political ideology of compromise and moderation, which all but destroyed Clay's political ambitions. Clay had tried for the presidency since 1824. In fact, no one tried harder to win the White House during the 1830s and through the 1840s than Henry Clay; he ran in all five elections during the two decades, from 1832 and his last in 1848. The Presidency was Clay's political white whale that he was never able to control, command, or conquer in an otherwise effective and momentous career.

After failing to win the party nomination in 1848, Clay felt betrayed by his fellow Whigs not just for failing to nominate him, but because he was not even given the honor of being Zachary Taylor's vice president. In fact, his friendship with fellow Kentucky Senator John J. Crittenden was severely damaged, almost beyond repair. Clay's supposed betrayal left him embittered to the political process, and would never again feel a deep sense of affection for the Whig party, particularly its failure to uphold party ideals which he himself felt a great deal of pride in as he was among the framers of the Whig political culture.¹³¹ Clay's health was not at its best either, as he was battling a severe cough and bouts of influenza. All of these factors led Clay to bow out of the limelight.¹³²

Clay's retirement from politics was short-lived. Although the collapse of Whig ideals like change and improvements was difficult to take, the "possibility that the Union could shatter was terrifying," for Clay. Colleagues urged Clay to return to the Senate in 1849, and he did so to

¹³⁰ *Ibid.*, 429. Jackson refuses to even admit abolitionist petitions into the house and senate chambers, calling the abolitionists "monsters" guilty of stirring up "the horrors of a servile war."

¹³¹ Heidler, 444.

¹³² *Ibid.*, 442.

help mend the disastrous effects of sectional unity.¹³³ Clay's return was not like that of a hero, but rather like an old friend, or an old family member. He was as popular as ever and goodwill abounded from all directions, except for the President's administration.¹³⁴ Clay used this new found popularity to his benefit; important issues were at hand, such as the California question and several other issues which were still left over from the Mexican-American war, and Clay needed every friend he could muster to improve his chances of creating compromise.

The California question was as divisive as the Wilmot Proviso. The states were balanced fifteen slave and fifteen free; allowing California into the Union would throw the country into a dangerous imbalance, or so the Southern states feared. Northern Whigs demanded that slavery be banned in the territories with California being the first such free state admitted, while Southern interests demanded that slavery be admitted to the territories, or California could not be admitted as a state.¹³⁵

It is from this historical context of severe divisiveness and extremism that Clay's attempted compromise would evolve. Clay's compromise had to address what he called in a later speech the "five bleeding wounds" of the country. The first three were the California question, the issue of slavery in the territories, and what to do with Texas and its borders. The other two were a fugitive slave law and what should be done with slavery in Washington D.C. Slavery was

¹³³ *Ibid.*, 444; Howe, *Whig Political Culture*, 128.

¹³⁴ Heidler, 460.

¹³⁵ Michael F. Holt, *The Political Crisis of 1850s* (New York: John Wiley & Sons, Inc., 1978), 83.

at the heart of each of these issues, and Clay was challenged to create a compromise that addressed each issue directly and fairly.¹³⁶

By January 21, 1850, Clay had formalized the basic principles of his compromise he would introduce to the Senate on the January 29. Every aisle and seat were taken by curious and admiring masses. Clay began in a weak voice, doubling over occasionally in a cough that still nagged him, but he soon regained his form. His speech was once again in that strong, familiar tone, ripe with eloquence. Clay's proposal was made of eight resolutions: California would be admitted as a state without restrictions for or against slavery; all of the territories gained through the Mexico war were to be organized without restriction or condition for or against slavery; Texas was to give up any claim to the New Mexico territory; Texas' debt accrued prior to 1845 (year of Texas annexation) was to be paid by the federal government; slavery would continue in the Washington D.C.; the act or trading slaves and auctioning of slaves was to be abolished in D.C.; Congress would retain no power to prohibit or restrict slave trade within the other states; and finally, a new, more powerful Fugitive Slave Law would be passed.¹³⁷

The political reaction to Clay's proposal is an important factor for the history of the Compromise, but what is more important to this endeavor is the specific wording and ideologi-

¹³⁶ Henry Clay, "Speech in Senate- May 21, 1850," *PHC* 12 vols., 10:729.

¹³⁷ Waugh, 75; Henry Clay, *PHC* 12 vols., 10:655-666.

cal foundation of each resolution.¹³⁸ Therefore, each part of Clay's compromise will be examined, and placed within the context of Clay's political philosophy.

The first resolution was the direct response to the California question. Clay called for the admission of California to the Union, "without the imposition by Congress of any restriction in respect to the exclusion of introduction of slavery within those boundaries." Clay continued on, admitting to the "irregularity in the movements which have terminated in the adoption of a Constitution by California was not preceded by any act of Congress authorizing the convention and designating the boundaries of the proposed State."¹³⁹ Clay previously held the notion that California, due to the "character of the country and its inhabitants, and their industrial pursuits," would "forbade the likelihood of slavery ever being introduced there."¹⁴⁰

At face value, it would seem unarguable that Clay introduced his first resolution without a favorable ending in mind, where California would be admitted as a free state. Several Southern Democrats argued that the compromise should not allow California in as a state until another state was admitted as a slave state to maintain political symmetry, similar to Clay's previ-

¹³⁸ For an excellent look at the political reaction to Clay's proposal, look at Holman Hamilton, *Prologue to Conflict* (Lexington: University of Kentucky Press, 1964), 60-65. Clay's attempt at compromise was most likely fair, as neither extreme cared for the final product. Southerners felt slighted and that abolitionism was not appropriately dealt with, that it was allowed to exist. Northerners were equally disillusioned. Senator Salmon P. Chase summarized the North's perspective best, "Sentiment for the North, substance for the South," pp. 60.

¹³⁹ Henry Clay, "January 29, 1850," *PHC* 12 vols., 10:655. California had formally adopted a state Constitution and appointed a governor prior to official statehood. Therefore their situation seemed somewhat unique. However, Clay was quick to mention that the state of Michigan had done something similar and was a current state and was a prominent member of the Union.

¹⁴⁰ Henry Clay, "To John G. Proud et al.," in *PHC* 12 vols., 10:628.

ous compromise in 1820.¹⁴¹ However, Clay's current compromise, although contrary to precedent, was arguably more in favor of Southern states and pro-slavery forces like Southern Democrats than his previous one.

Under the Missouri Compromise model, it was one state for another: one slave, then one free.¹⁴² However, despite equal number of states, the actual number of Congressional members and electoral votes was still in favor of the North and antislavery contingencies, prior to California's admittance. Furthermore, there was no realistic chance of splitting the state of California down the middle, allowing southern California to be slave and the northern territory to be free. Also California had already created its own Constitution and, as an independent state, voted against slavery and thus it was written into their laws accordingly. However, Clay's introduced compromise actually gave Southern Democrats and pro-slavery aggregates their best chance at turning the other territories and future states into pro-slavery holdings. Clay's open-ended language allowed for what Democrats were often clamoring for, popular sovereignty.¹⁴³

Popular sovereignty is often attributed to Democrats Lewis Cass and Stephen A. Douglas, and rightfully so, as Clay never officially used the term in defense of his initial resolutions.¹⁴⁴

¹⁴¹ The Missouri Compromise introduced both Maine and Missouri as states, free and slave respectively, thus settling the dispute and seemingly creating a precedent with which Congress could work from in future additions to the Union.

¹⁴² However, even this model was not always used. In 1845, slave states out-numbered free states by two when Texas and Florida were admitted to the Union, and in accordance with the Missouri Compromise, they were made slave states. Iowa was added in 1846, but it would be two more years before the number was back to even again, when Wisconsin was officially offered statehood.

¹⁴³ Robert Remini, *Henry Clay: Statesman for the Union* (New York: W.W. Norton, 1991), 732.

¹⁴⁴ Willard Carl Klunder, "The Seeds of Popular Sovereignty: Governor Lewis Cass and Michigan Territory,"

Nevertheless, the ideological intent is still there and it is quite prevalent. Clay acknowledged as much in a speech he gave on the Senate floor just a week later. Clay asked, “has it not been the doctrine of all parties, that when a State is about to be admitted into the Union, that State has a right to decide for itself whether it will or will not have within its limits slavery?”¹⁴⁵ The allowance of a state and its people to decide their orientation in reference to tougher political issues like slavery was the essential definition of popular sovereignty for an 1850’s context.¹⁴⁶

The second resolution followed a similar vein, declaring that Congress would be “inexpedient” to provide a law either for or against slavery in the territories, namely New Mexico and Utah. Again Clay used popular sovereignty ideology and wording to create a compromise, but this time, Clay attempted to placate Northerners, as popular sovereignty was more widely popular amongst Southern, pro-slavery Democrats. In return for removing the Wilmot Proviso, Clay implied that Northern Democrats and Whigs should not fear the expansion of slavery into the new territories because “according to all the probabilities of the case, slavery never will be introduced into any portion of the territories so acquired from Mexico.”¹⁴⁷ Furthermore, the

Michigan Historical Review 17, No. 1 (Spring, 1991): 67.

¹⁴⁵ Henry Clay, “Speech in Senate- February 5-6, 1850,” *PHC* 12 vols., 10:662.

¹⁴⁶ Hamilton, *Prologue to Conflict*, 145. The first definition for popular sovereignty, or “squatter sovereignty” as it was sometimes called, was coined by Lewis Cass in a famous letter to Afred O.P. Nicholson of Tennessee. “I am strongly impressed with the opinion that a great change has been going on in the public mind upon this subject—in my own as well as others—and that doubts are resolving themselves into convictions, that the principle it involves should be kept out of the national legislature and left to the people of the Confederacy in their respective local governments. Briefly, then, I am opposed to the exercise of any jurisdiction by Congress over this matter; and am in favor of leaving the people of any territory which may be hereafter acquired the right to regulate it (slavery) themselves, under the general principles of the Constitution.” Lewis Cass, “Squatter Sovereignty- December 24, 1847,” in *Kansas; a Cyclopaedia of State History, Embracing Events, Institutions, Industries, Counties, Cities, Towns, Prominent Persons, Etc.* ed. Frank W. Blackmar (Chicago: Standard Pub. Co., 1912) 732.

¹⁴⁷ Henry Clay, “Speech in Senate- February 5-6, 1850,” *PHC* 12 vols., 10: 662.

land here was no particularly good for agronomic ventures.¹⁴⁸ Clay's experience and success as a lawyer is quite apparent in the formation of this argument for amendment two. Also we see Clay's view of the Constitution and how he believed it operated.

According to Clay, Mexico was against slavery moving into land it ceded, and any attempt to move slaves there could risk the sanctity and validity of the Treaty of Guadalupe Hidalgo. Furthermore, Clay stated that the Constitution required that both the U.S. and Mexico must have agreed upon these terms with the ratifying of the treaty, if slavery were to have any legal chance of being introduced. It is because of the legalities and constitutional ideology buried within Clay's words that the second part of this amendment is important, despite being often overlooked.

Clay called for the creation of a governmental body within the state. Clay wanted the territories to have an accountable, governmental structure which could not only create laws, but also could follow laws. In short, Clay feared lawlessness and anarchy more than the extension of slavery. Also, there was an order to how statehood was achieved, and California confused the process. California became a point of contention when it formed its own governing body and a state Constitution before an authorizing provision from Congress and before it was organized into a territory. In short, California skipped ahead several steps toward statehood and thus went against precedent. To avoid a repeat offense and another possible two-three year process of arguing and debating, Clay pushed for an established government in to organize the remaining territories and allow them to create a territorial government. Therefore what we see in amendment two is Clay's penchant for popular sovereignty. Clay pushed for popular

¹⁴⁸ _____, "To James E. Harvey- August 18, 1848," *PHC* 12 vols., 10: 522.

sovereignty in the territories and accepted the inevitable addition of the territories, but also posed what could not be seen as anything less than a warning that expansion could possibly lead to war with Mexico again, or at the very least, a failure to uphold the United States' end of the treaty, that is, the U.S. could push its way into Mexico proper if not careful with the precedent they were currently setting.¹⁴⁹

The third and fourth amendments are tied together by Clay, but for simplicity's sake, both shall be analyzed on an individual basis. The third resolution was intended to fix the western border of Texas. The borders of Texas were never officially drawn and stated; therefore Texas could lay claim to large chunks of the New Mexico territory. To fix this issue, Clay placed the western boundary on the Rio del Norte (Rio Grande) and then north up the river until the New Mexico territory. Then Clay suggested moving eastward until the line that the US and Spain initially agreed upon when they owed the territory. Finally, Clay suggested a northern border running from El Paso to the Sabine River, which would lop off a hefty portion of prime agricultural land and a heavily populated area, namely Dallas.¹⁵⁰ It was this last border which made the idea of federally organizing Texas a contentious piece of Clay's proposal. In fact, Clay often assumed Texas would be the most difficult aspect of his plan.¹⁵¹ But what implications did the boundaries really have?

According to Clay, the failure to fix the Texas border could have resulted in two possibilities. One, Texas sovereignty could be put into question, not only from Mexico, but from other

¹⁴⁹ Henry Clay, "Speech in Senate- February 5-6, 1850," *PHC* 12 vols., 10: 663.

¹⁵⁰ Heidler, *Henry Clay*, 463.

¹⁵¹ Henry Clay, "To Thomas B. Stevenson- Jun 18, 1849," *PHC* 12 vols., 10: 604.

states and territories as well. Secondly, Texas could push its political borders into the territories thereby controlling their political autonomy. This is most likely a positive spin that Clay put on the proposed amended boundaries of Texas. By saying the amendment would protect Texas' borders, Clay was attempting to divert attention away from the man behind the curtain- though it did not work. In the proposed bill, Texas, an admitted slave state, would have its borders shrunk and limited, while the new territories, which had the potential of being free states, would be given more land.

There is also here still a question of popular sovereignty. If Texas were left unchecked and allowed to lay claim to parts of New Mexico, then the territory and its people would in essence forfeit their right to choose slavery or not in that region, as Texas was already a slave state. Setting the northern border where Clay did would appease abolitionists, as the proposed idea would, for all intended purposes, free slaves or push slaveholders further south. Therefore, Clay fixed the borders to prevent the immediate and absolute spread of slavery, in exchange for the possible, though somewhat improbable spread of slavery.¹⁵² Furthermore, Clay felt that the South needed to make a concession or two for this to truly be a compromise.

If Texas agreed to the Congressionally approved border, and ceded all rights to any part of New Mexico, the federal government would in turn, "provide for the payment of all that portion of the legitimate and bona fide public debt of [Texas], contracted prior to annexation...and for which the duties on foreign imports were pledged by said state to its creditors." Clay went on to say that the debt should be picked up by the US government as a testament to the princi-

¹⁵² Henry Clay, "January 29, 1850," *PHC* 12 vols., 10: 656.

ples of “truth and eternal justice.”¹⁵³ The fourth resolution provided no particular insight into Clay’s intellectual framework outside of his ever present principle of unity. It would be within the rights of the country to deny Texas help with its own debt, accrued during a time prior to its statehood, but this was a matter of fairness and not rights for Clay. Furthermore, the payment of Texas’ debt could perhaps encourage goodwill between a heavily Democratic slave state and the federal government, especially since the newly formed borders would eliminate a large portion of the slave state.

Clay’s fifth and sixth resolutions abolished the slave trade in DC, but not the practice of owning slaves, respectively. His address to the Senate on the issue of slavery in Washington, D.C., and on the proposed compromise was an oral presentation of his political ideology, particularly his appeal toward the meta-virtue of compromise. Clay, aware of the need for conciliatory action, bargained with slavers’ and abolitionist’s heartstrings, and asked both to make significant concessions in relation to D.C.

Clay’s fifth resolution required a universal acknowledgement of the limitations of Congress’s power in relation to slavery, a notion he broached nearly twelve years earlier.¹⁵⁴ More specifically, Clay believed that the federal government had no right to ban slavery within the confines of Washington D.C. without expressed consent and an appropriate vote by the citizens of Maryland, as the land for DC was ceded from that state.¹⁵⁵ Once again, Clay utilized the ideal of popular sovereignty within a non-Democratic framework. That is to say, it was used as a

¹⁵³ Ibid.

¹⁵⁴ Henry Clay, “To the Senate, 1838,” *PHC* 12 vols., 9:123.

¹⁵⁵ _____, February 6, 1850, *PHC* 12 vols., 10: 666.

means of compromise rather than a standard of state's rights or individual autonomy. His use of popular sovereignty language though odes lend itself to his limited governmental influence idea he pushes forth.

To reiterate his point, Clay spoke candidly about the role of government during his February speech.

The institution of slavery presents two questions totally distinct...slavery within the States, and slavery without the States. Congress can interfere with slavery in the states only in three specific particulars: to adjust the subject of representation, to impose taxes on slaves when a system of direct taxation is made, and to perform the duty of surrendering, or causing to be delivered up, fugitive slaves. If Congress makes any further more for the overthrow or the extinction of slavery, then my voice would be for war. In such a case, resistance on the part of the slave States would be called for in defense of our rights, of our domiciles, of our property, of our safety, of our lives. If civil war should break out over this violation of the Constitution, then the slave States should have the sympathy and good wishes, and desire for our success, of all men who love justice and truth.¹⁵⁶

Clay's ideal of Congressional limitations was founded upon his reading of the Constitution. Dating back to his days as a lawyer, Clay looked at the Constitution in a very litigious manner, thus each infraction the government made warranted a specific and legal response by the populace. Furthermore, the universal imperative to which Clay adhered required that he hold the Constitution as the source of justice. Therefore if he perceived it to limit the Congress's power to legislate on slavery, then any action to that end was an unjust act, and one worthy of a secessionist response.

Clay continued on in that same speech to say that the Constitution was one of only two sources of power in which slavery could be controlled, either to contract or to expand beyond

¹⁵⁶ Henry Clay, "Speech in Senate" *PHC* 12 vols., 10: 663.

the states, into the territories. The importance of this perspective, this aspect of Clay's political philosophy, is that it allows for the argument of slave expansion to exist. By allowing the argument to fundamentally exist, Clay gave it validity and thus that side must be fully acknowledged when making decisions of state. In fact, Clay's final words on the issue were that his fifth resolution "neither affirms nor disaffirms the Constitutionality of the exercise of the power of abolition in the District." The only thing Clay described about D.C. abolitionism was that it was "inexpedient." Essentially, Clay saw it as a moot point. The people had to make that kind of a decision and if the government stepped in their stead, the government, in relation to the people of the District, would be with the inherent characteristics, a tyranny.¹⁵⁷

In the sixth resolution, Clay unburied his previous attempt to ban the slave trade in Washington D.C., but still opposed the abolition of slavery in the District of Columbia without the consent of the residents.¹⁵⁸ Therefore, he felt that until such a vote could be arranged, Congress, as the governing body and representatives of the people, should refrain from disagreeable and egregious action. Clay argued that instead of banning slavery outright, the Congress did have the right to ban the trading of slaves in D.C. Clay's argument for the banning of the slave trade was that it was a grotesque sight to see slaves chained together, parading down the streets of the District in the front of magistrates and foreign dignitaries. Therefore the proposed ban was not against, "the sale by one neighbor to another which the one owns and the other wants," but rather against the overt display which was "a shock to the sensibilities."¹⁵⁹

¹⁵⁷ Ibid., 667.

¹⁵⁸ Heidler, *Henry Clay*, 271.

¹⁵⁹ Henry Clay, "January 29, 1850," *PHC* 12 vols., 10: 656-657.

The sixth resolution does pair with the fifth and therefore does hinge on popular sovereignty, but it is this notion of image that is most interesting in Clay's defense for abolishing the trade, but not the act of ownership. Clay appeared to incite some realization that slavery was not a pretty business, a notion that offended the sensibilities of slavery's staunchest of supporters. But according to Clay, If America were to look foolish, backward, or cruel to other nations, it could undermine its influence and economic well-being in international endeavors.

The Constitution, according to Clay, also forbid the outright abolition of slavery due to the amendment which required no private property could be taken for public use without just compensation. In fact, Clay acknowledged that no European power which abolished slavery did so without some form of compensation for those who lost "property." These European powers were not even under constitutional pressure to do so, they did it because it was the just thing to do. Therefore, it fell on the Congress to uphold their sacred vow to maintain the Constitution and thus could not force abolitionism on a group of people who neither wanted it, nor would be compensated for it.¹⁶⁰

The seventh clause required a new Fugitive Slave Act that would require the federal government to aid Southern slaveholders in the retrieving of their slaves. Clay thought this problem was so evident, that his initial speech in January only contained one sentence on the matter.¹⁶¹ Clay was adamant about the need for a new Act, and its constitutionality. He believed that Congress, every state, and "the officers of every State, every man in the Union has

¹⁶⁰ Henry Clay, "Speech in Senate" *PHC* 12 vols., 10: 667.

¹⁶¹ _____, "January 29, 1850," *PHC* 12 vols., 10: 657.

the obligation to assist in the recovery of a fugitive slave from labor, who takes refuge in or escapes into one of the free states.” Clay believed that the Constitution did not expressly support slavery in an enumerated sense, but it did support the power of the states and the rights of citizens to their “property.” Therefore, if “property” were to go missing, it was every citizen’s legal and constitutional duty to aid in returning said slave.¹⁶²

His language was clear and direct, and his ideological support was equally clear. Henry Clay was not driven by a modern sense of humanist enlightenment, but by a sincere devotion to following the Constitution. Every citizen bound to the Constitution was equally bound to uphold this law, according to Clay. The returning of slaves was an act of patriotism and duty, despite any personal feelings or disdain for the institution of slavery.

In fact, Clay railed against an earlier ruling by the Supreme Court, *Prigg vs. Pennsylvania*, in which the Supreme Court ruled that there was a stark difference between “imposing impediments and affording facilities.”¹⁶³ In short, the Court maintained that state officials could not outright help the slaves escape from their earthly toil, but there was nothing illegal about state officials refusing to help slaveholders find the runaway slaves. In fact, impeding a slave-owners attempt at recovery was within the rights of citizens within a free state, according to the Supreme Court. Clay abhorred this ruling. Clay argued for calm consideration of one’s duties and

¹⁶² _____, “Speech in Senate” *PHC* 12 vols., 10: 668.

¹⁶³ Remini, *Statesman*, 737.

that each state would “correct itself” if it had any “impeding” laws which would prolong or indirectly prevent a fugitive slave from being returned to its rightful owner.¹⁶⁴

Clay concluded that the current laws for the returning or runaway slaves were woefully inadequate. Therefore Congress had to act to bolster efforts and create more effective legislation. Clay even suggested imposing sanctions on states if they continually refuse to help return slaves. The spirit of these laws should be Union first. Clay’s long standing principle was Union first over the health and prosperity of these unfortunate souls. Clay had no intentions of allowing slavery to dissolve the Union, and if the only way to prove his willingness to stand for his country was to create and enforce laws for an institution he hated, he would do it if it meant goodwill for the country.

The eighth and final element of the Henry Clay proposal involved the establishment that Congress had no power to obstruct the slave trade between the slaveholding states and that its conduct “depends exclusively upon their own particular laws.”¹⁶⁵ Although, this has limited ideological elements, particularly any that differ from those previously mentioned, it is still worth noting that this particular resolution placed more emphasis on states as sovereign entities and less on the federal government. This is an interesting break from his earliest years which sought large government for improvement programs and gradual emancipation legisla-

¹⁶⁴ Henry Clay, “Speech in Senate” *PHC* 12 vols., 10:668-669. Clay most deeply hated the “seduction of family servants” from the service of their owners. In a fit of traditional paternalism, Clay felt that these slaves were not capable of taking care of themselves in the harsh world beyond their master’s domain. He even tells a story he heard, (un sure of the validity), of a slave who was set free, but then returned of their own accord.

¹⁶⁵ Henry Clay, “Speech in Senate” *PHC* 12 vols., 10: 669. By “its” he means the state. Therefore it was the duty of the Congress to handle the slavery issue on a state by state basis.

tion. I consider it a small bit of proof that Clay's political philosophy changed over time and was more affected by the current political climate than by popularity or ambition.

After Clay's February speech ended, he was met with immediate criticism from the extremes, something he expected, especially from former ally, John C. Calhoun. Although Calhoun was too frail and ill to give his speech, the words were indeed his own and spoke ill of Clay's attempted compromise. Calhoun asserted that Clay and others failed to see the slavery question for what it was. For Calhoun, to deal with the institution was not the problem. The failure of Clay and others like him was the inability to see that the source of discontent was not demagogues, or "ultras" as Clay identified them, but that all Southerners were discontented and disillusioned with the Union.

Calhoun continued on to say that in order to fix this "dissent," the slavery question should be handled with care and "justice."¹⁶⁶ Calhoun stated rather emphatically:

The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the Constitution, and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent, by satisfying the South that she could remain honorably and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and forever settle the question at issue, terminate agitation, and save the Union.¹⁶⁷

Calhoun was thus placing the blame on the North and its unwillingness to uphold the Constitution. Thus the North was not only being unfair, but unjust and unlawful. This was a breach that

¹⁶⁶ John C. Calhoun "Speech on the Slavery Question: To the Senate – March 4, 1850" in *The Papers of John C. Calhoun*, 28 vols., edited by John Caldwell Calhoun and William Edwin Hemphill, (Columbia: University of South Carolina, 2003), 28: 189.

¹⁶⁷ *Ibid.*, 210.

even Clay could not bring back. When extremists no longer consider themselves extremists is when compromise dies, and a division between the two sides cannot be undone without great harm or great risk. Clay nevertheless tried to establish a fair and balanced approach that was just as strongly supported as it was reviled.¹⁶⁸

Clay felt the nation at odds with itself. In response to the growing schism and to Calhoun's partisan words, Clay gave a speech that was entirely about the preservation of the Union. Clay urged his fellow Senators and Congressmen to fight not for statehood or region, but for maintaining the integrity of the United States:

This Union is my country. The thirty states is my country... She has created on my part obligations and feelings and duties toward her in my private character which nothing upon earth could induce me to forfeit or violate. But even if it were my own state—if my own state, contrary to her duty, should raise the standard of disunion against the residue of the Union, I would go against her, I would go against Kentucky in that contingency as much as I love her. If blood is to be spilt by whose fault is it to be spilt? Upon the supposition, I maintain it would be the fault of those who raised the standard of disunion and endeavored to prostrate this government, and, Sir, when that is done, as long as it please God to give me voice to express my sentiments, or an arm, weak and enfeebled as it may be by age, that voice and that arm will be on the side of my country, for the support of the general authority, and for the maintenance of the power of this Union.¹⁶⁹

Together and unity were the political lifeblood of Henry Clay's last years in office. He made one final plea to his fellow countrymen, both Democrat and Whig, to put aside their regional and cultural fears and wants in the name of compromise and unity. In Clay's speech to the

¹⁶⁸ For a solid example of support for Clay's 1850 proposal, look at Daniel Webster, "On Mr. Clay's Resolution-March 7, 1850" in *The National Archives*. Washington: Gideon and Co., 1850. <http://research.archives.gov/description/192873>. Webster's argument is very similar to Clay's, that is to say, the primary argument is in defense of Union. Furthermore, Webster acknowledges that there can never be such a thing as a "peaceable secession."

¹⁶⁹ Henry Clay, "Speech to Senate, July 22, 1850," in *PHC* 10: 772-784.

Senate on the Compromise of 1850, he attempted to appeal to the sensibilities and patriotism of both parties. As his speech came to a close, the elder statesman held aloft a fragment of the coffin of George Washington and described the relic as a “warning voice, coming from the grave to Congress now in session to beware, to pause, to reflect before they lend themselves to any purposes which shall destroy that Union which was cemented by [Washington’s] exertions and example.”¹⁷⁰ Clay’s goal, even in his last years as a statesman, was to maintain the Union by brokering compromises and ignoring his personal feelings about slavery. He pushed his 73 year-old body to the precipice of sickness and weakness trying ardently to maintain that which George Washington had fought to create and that which he had spent his life fighting to preserve. Clay’s speech earned him loud applause, but his words were soon forgotten.

The inability of either side to reconcile differences and reach a compromise that would lend itself to peace does not besmirch Clay’s legacy. Clay’s inability to change the political climate of the 1850s was proof that Clay was right after all: the “ultraism” of abolitionist and pro-slavery contingents was so toxic that it rendered the schism between the North and South beyond repair and left the country with no choice but abolition, secession, or Civil War.

Clay’s compromises garnered him little praise this time. Clay recognized that even his own party felt little need to “oblige [him]” in his conciliatory and mediating efforts.¹⁷¹ Abolitionist sentiments among his peers within the Whig party were abundant, and Clay received a

¹⁷⁰ *Ibid.*

¹⁷¹ “Henry Clay to Boyd McNairy, January 26, 1850,” in *PHC* 10: 654.

great deal of criticism for his work with slave states and his supposed willingness to appease them.¹⁷²

A woman writer, known only as "Ondine," wrote to Clay a harsh rebuke of his lackluster attempt to free the slaves. She chastised Clay, stating, "Thou art called a great man, and hast many admirers; but I have never yet been able to discover any trace of generosity or justice in any of thy great speeches, compromises, or resolutions...Had'st thou one-half the love of God in thy heart thou hast for the Constitution or the Union - one-half the love of thy neighbor thou hast for thyself...thou wouldst glory in setting thy slaves at liberty."¹⁷³ Clay had not freed all of his own slaves, though he had practiced gradual emancipation and freed several slaves by this time in his life. Ondine's words were more telling than even she realized. Ondine was astute to point out the love Clay had for the Constitution and Union, but Clay saw these traits as virtues in line with the well-being and sustaining of the country, not detriments which would tear it asunder. For Clay, the political issues of the maintenance of the Union and compromise were always paramount, while slavery was secondary.

Despite his attempts to reconcile abolitionists with slave holders, pro-slavery supporters were quick to dismiss Clay as a political afterthought in the waning years of his career. On February 20, 1850, Henry Clay spoke on the Senate floor against the "ultraism" within the country

¹⁷²Henry Clay, "Comment in Senate, February 20, 1850," *PHC* 10: 680.

¹⁷³"Ondine to Henry Clay, April 19, 1850," in *PHC* 10: 707.

and the danger it posed to Union.¹⁷⁴ Clay was met with immediate opposition from both sides, but it was the pro-slavery contingent that was the most vocal.

Henry Clay was in a verbal sparring match against Senator Henry S. Foote, a Democrat from Mississippi. Foote, apart from being a Southerner, was a documented slave holder who saw any attempt at emancipation as an abrupt act of prejudice against the South and a breach of federal power. Foote pointed out one of Clay's speeches that had been used in the northern newspapers as proof of the evils of slavery. Foote argued that Clay had used his influence and reputation with "deadly effect against the South."

Foote, along with fellow Democratic Senator Jefferson Davis, criticized Clay for his apparent inconsistencies toward slavery. Clay responded, "I have made no change... I shall go to the grave with the opinion that slavery is an evil, a social and political evil." However, Clay closed his remarks saying, "I consider us all as one family, all as friends, all as brethren. I consider us all united in one common destiny; and those efforts which I shall continue to employ will be to keep us together as one family, in concord and harmony; and above all, to avoid that direful day when one part of the Union can speak of the other as an enemy."¹⁷⁵ Clay's personal and political ideology is on unabashed display within these comments. Clay was against slavery, both privately and politically, but it was all servile to a higher call. Clay felt it was his duty above all else to protect and nurture the Union, preserving it at all costs. The "ultraisms" were not

¹⁷⁴Henry Clay, "Comment in Senate, February 20, 1850," in *PHC* 10: 680.

¹⁷⁵*Ibid.*, 681-682.

conducive to this goal, and thus Clay felt compelled to speak out against them and continue to push for compromise.

The Compromise was put into law by September 1850 and the threat of disunion ended, at least for the time being. Clay later reflected on the bill and he felt it contained “an equal amount of concession and forbearance on both sides,” though he admitted to the North’s “more liberal and extensive concessions.”¹⁷⁶ Clay’s goal was never to reach out to or change the polarizing “ultras,” but to reach the middling groups. Clay put his entire life, his entire historical and political culmination, into that speech and the coming months of intersectional, bipartisan work with Stephen A. Douglas. Clay only hoped that the middle section of the body politic was still strong enough and large enough to maintain the Union.¹⁷⁷ If not, Clay begged the heavens, that if disunion were unavoidable, if war was to be the country’s destiny, he prayed he would not survive to behold it.¹⁷⁸ Fortunately for Clay, he would never see disunion as the illness that plagued Clay in his later years wreaked havoc on his body, and, in 1852, Henry Clay died at the age of 75.

Henry Clay would never see disunion, but the Union desperately needed a man like Clay in the coming years; the country needed a man who would continue to uphold the political ideals of union, popular sovereignty, and a litigious though ideological interpretation of the Constitution. But most of all, the union needed compromise. It is doubtful that Clay could have diffused such polarizing politics and partisan forces of the later 1850s, but no one would have had

¹⁷⁶ Henry Clay, “January 29, 1850,” *PHC* 12 vols., 10: 657. The North was required to make more concessions under Clay’s plan because they were already more numerous and politically more powerful than the slave states.

¹⁷⁷ Heidler, 465.

¹⁷⁸ Hamilton, 59.

a better chance at it than Henry Clay. In hindsight, Clay's compromises may feel like stopgaps, and mere measures of appeasement that delayed the inevitable. But even if we accept that view of Clay's compromises, his ability to delay a conceivably inevitable civil war by nearly 40 years is a testament to his genius, his political philosophy, and the right to the nickname, the Great Compromiser.

CONCLUSION: DEATH OF A GIANT

Henry Clay died on June 29, 1852, at the age of 75, after years of national service and political mediation. That same day, a young lawyer who had started making a name for himself in the Whig party appointed a committee in Springfield, Illinois, to arrange a public tribute to his fallen hero. Clay died in Washington, D.C., but before reaching his final resting place in Lexington, Kentucky, Henry Clay would be given the greatest honor: his body would be allowed in the Rotunda of the Capitol building for viewing. No other official, not even a president, had been given such an honor. After two days in Washington, Clay's body was carried by train to major cities across the country to allow visitors to pay their last respects. On July 16, with stores closed and business suspended, Henry Clay's body arrived in Springfield, Illinois. The pro-

cession continued to the statehouse, where that young lawyer named Abraham Lincoln delivered a eulogy in the Hall of Representatives.¹⁷⁹

Lincoln's eulogy began by comparing the life of the nation with Clay's life, born only one year apart. His life was recollected and his political accolades acknowledged, but Lincoln's message was more than a list of accomplishments of a very accomplished man. The eulogy was a prayer and a warning. It was a commemoration of Clay and a hope that Clay's legacy would never be misunderstood or misconstrued. In the eulogy, Lincoln said of Clay:

No one was so habitually careful to avoid all sectional ground. Whatever he did, he did for the whole country. In the construction of his measures he ever carefully surveyed every part of the field, and duly weighed every conflicting interest. Feeling, as he did, and as the truth surely is, that the world's best hope depended on the continued Union of these States, he was ever jealous of, and watchful for, whatever might have the slightest tendency to separate them.¹⁸⁰

The eulogy continued on and Lincoln reached the topic of slavery. Instead of avoiding the perilous subject on such a somber occasion, Lincoln charged ahead, describing Clay's perspective of slavery in a most insightful way:

Cast into life where slavery was already widely spread and deeply seated, he did not perceive, as I think no wise man has perceived, how [slavery] could be at once eradicated, without producing a greater evil, even to the cause of human liberty itself. His feeling and his judgment, therefore, ever led him to oppose both extremes of opinion on the subject. Those who would shiver into fragments the Union of these States; tear to tatters its now venerated Constitution...rather than slavery should continue a single hour...But I would also, if I could, array [Clay's] name, opinions, and influence against the opposite extreme -- against a few, but an increasing number of men, who, for the sake of perpetuating slavery, are beginning to assail and to ridicule the white man's charter of freedom -- the

¹⁷⁹David S. Heidler, prologue to *Henry Clay: The Essential American* by David S. Heidler and Jeanne T. Heidler (New York: Random House, Inc., 2010), xx.

¹⁸⁰Abraham Lincoln, "Eulogy of Henry Clay, July 16, 1852," in *The Works of Abraham Lincoln*, ed. John Herbert Clifford (New York: C.S. Hammond & Co., Publishers, 1907), 204.

declaration that "all men are created free and equal"... Henry Clay belonged to his country -- to the world, mere party cannot claim men like him. His career has been national -- his fame has filled the earth -- his memory will endure to the last syllable of recorded time.¹⁸¹

Henry Clay's political ideology was designed in such a way that he could maintain a moderate and propitiative stance that placed the perpetuation of the Union over the fight against slavery. Despite being attacked, judged, and condemned by both extremes, he maintained course and ardently fought for the preservation of the country. Lincoln ended his eulogy with a question and a prayer as he said:

Our country is prosperous and powerful; but could it have been quite all it has been, and is, and is to be, without Henry Clay? Such a man the times have demanded, and such, in the providence of God was given us. But he is gone. Let us strive to deserve, as far as mortals may, the continued care of Divine Providence, trusting that, in future national emergencies, He will not fail to provide us the instruments of safety and security.¹⁸²

Prophetically and providentially, Lincoln was pleading that Americans honor Clay's memory by compromising on the issue of slavery before Clay's greatest fear came true: when one side of the Union would call the other side its enemy. Unfortunately, the death of Henry Clay and Lincoln's eloquent eulogy did little to douse the fires of partisanship and hostility. The spirit of unity that Clay embodied was slowly abandoned over the next few years and was entirely forgotten by the end of the decade. In 1861, almost ten years after his death, Clay's hard work and compromise seemed to be for naught, and the country he loved so passionately was

¹⁸¹ Abraham Lincoln, "Eulogy of Henry Clay, July 16, 1852," 210.

¹⁸² *Ibid.*, 213-214.

in a Civil War over the issues of slavery and Constitutional rights, which even the great Henry Clay could not resolve.

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