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The Wilmot Proviso

The Wilmot Proviso was a rider (or provision) attached to an appropriations bill during the Mexican War. It stated that slavery would be banned in any territory won from Mexico as a result of the war. While it was approved by the U.S. House of Representatives (where northern states had an advantage due to population), it failed to be considered by the U.S. Senate (where slave and free states were evenly divided). Though never enacted, the Wilmot Proviso signaled significant challenges regarding what to do with the extension of slavery into the territories. The controversy over slavery's extension polarized public opinion and resulted in dramatically increased sectional tension during the 1850s.

The Wilmot Proviso was introduced by David Wilmot from Pennsylvania and mirrored the wording of the Northwest Ordinance on slavery. The proviso stated "neither slavery nor involuntary servitude shall ever exist in any part of said territory" that might be gained from Mexico as a result of the Mexican-American War. The issue of the extension of slavery was not new. As northern states abolished the institution of slavery, they pushed

to keep the practice from extending into new territory. The push for abolition began before the ratification of the Constitution with the enactment of the Northwest Ordinance which outlawed slavery in the Northwest Territory. The Louisiana Purchase in 1803 brought a large amount of new land into the U.S. that, over time, would qualify for territorial status and eventually statehood.

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Kicking the Can: Compromise of 1820

In 1820 the issue of slavery in the new territory had to be addressed and was temporarily resolved with the [Missouri Compromise](#). Under its provisions Missouri would enter the Union as a slave state and Maine would enter as a free state. Additionally, slavery would be banned in the Louisiana Territory north of latitude 36°30'. While many people at this time fully recognized that the [Missouri Compromise](#) was not a permanent solution, it was the only compromise both the North and South would agree to. John Quincy Adams viewed it as "a mere preamble—a title page to a great tragic volume". Thomas Jefferson viewed the Missouri controversy with fear that "like a fire bell in the night, [it] awakened and filled me with terror. I considered it the death knell of the Union."

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During the 1830s and 1840s, pro-slavery and anti-slavery forces took more moralistic positions that made compromise less likely. Radical abolitionists like [William Lloyd Garrison](#) called for immediate, uncompensated emancipation because they viewed slavery as a moral wrong. While radical abolitionists represented only a small portion of anti-slavery numbers, they were persistent, loud, and continued to grow in numbers.

In 1837 John C. Calhoun introduced the apologist view of slavery. His contention was that slavery was a positive moral and practical good recognized by the Bible and successful historical empires. He took the position that slavery benefitted not only the South but the North as well. Calhoun also contended that the institution was a positive good for slaves, reinforcing the work ethic and offering slaves the possibility of salvation through conversion to Christianity.

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Manifest Mexico

The 1840s saw the rise of "[manifest destiny](#)", the notion that the United States had a God-given right to "overspread" the continent. This expansionist mindset guaranteed that the issue of slavery's extension into the territories would continue to be a significant concern. For instance, the annexation of Texas was delayed, in part, due to northern fears that Texas might be divided into as many as five slave states which could give pro-slavery forces control of the U.S. Senate. Oregon entered the union in 1846 without much concern over slavery for two reasons. First, Oregon had banned not only slavery but the entrance of African-Americans into the territory. Secondly, the Oregon climate was not conducive to the need for slave labor.

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With the end of the Mexican-American War and the treaty of Guadalupe-Hidalgo, the U.S. acquired another hunk of massive territory where the issue of slavery was left undecided as a result of the failure of the Wilmot Proviso. In the election of 1848, a Free Soil Party was formed and the party nominated former president Martin Van Buren as their presidential candidate. As its name indicated, the party was opposed to the extension of slavery into any remaining territory. Moderates, such as Lewis Cass, began to champion the notion of "popular sovereignty" which would leave the issue of slavery to be determined by the people of the territory.

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Compromise of 1850

With the discovery of gold in 1848, California's population exploded. Partly because of the issue of slavery that was left unsettled by the failure of the Wilmot Proviso, Congress delayed giving California territorial status to part of the Mexican Cession and setting up a territorial government. California in 1849, encouraged to do so by President Zachary Taylor, wrote an anti-slavery constitution and applied for statehood without going through the normal path. Southerners opposed the admission of California because it would upset the balance of power in the United States Senate thus giving control of the legislative branch to the North. Zachary Taylor insisted that California be admitted without compromise, something the South was unwilling to accept. Zachary Taylor died in 1850, elevating Vice President Millard Fillmore to the office of president. Fillmore was not opposed to compromise and that set in motion a series of events that led to the [Compromise of 1850](#), largely brokered by Henry Clay. That compromise, among other things, admitted California as a free state, ended the slave trade (but preserved slavery) in Washington, D.C., toughened the Fugitive Slave Law, and awarded disputed territory in

the southwest to New Mexico rather than to Texas. The compromise in truth satisfied no one and left the issue of the extension of slavery still unresolved for the territories.

Synthesis of a Failed Proviso

The 1850s saw increased passion over the extension of slavery and polarized opinion so that compromise was less likely. Passions came to a head with the enactment of the Kansas-Nebraska Act in 1854. The act divided the Nebraska Territory into two parts and determined that popular sovereignty would decide the issue of slavery in each. Kansas lay in the Louisiana Territory and thus the [Missouri Compromise](#) had to be repealed in case voters decided in favor of a pro-slavery constitution. Bloodshed resulted as both sides attempted to gain control of the election, clearly demonstrating that popular sovereignty was not a meaningful solution to the problem regarding the extension of slavery.

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If Only...

Had the Wilmot Proviso passed, the issue would not have been settled because Kansas was not part of the Mexican Cession. The question of slavery in the new territories was bolstered by the Dred Scott decision in 1857, wherein the Supreme Court determined that slavery was constitutional in all territories.

The Beginning of the End

The Wilmot Proviso was symptomatic of the growing concern over the extension of slavery into the territories. Failure to enact the proviso set in motion a series of events that increased sectional tension, further enflamed sectional tensions, and ultimately left the issue of slavery to the military battlegrounds of the Civil War. As such, the failure of the Wilmot Proviso supports the notion that when reason gives way to emotion, compromise becomes virtually impossible.

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Guided reading Questions? Respond to the guided reading questions in complete sentences and complete thoughts.

1. What is happening in the cartoon above? List and explain at least 5 different characteristics of the cartoon above.

2. Describe the characteristics of the Wilmot Proviso? What was its disposition and what is the significance of that disposition?

3. What are the arguments for both the North and South with regards to the Wilmot Proviso?

4. What is Calhoun's apologist view of slavery? Why did he take that position?

5. Why was the annexation of Texas delayed? Explain the differences between Oregon and Texas prior to their entering the Union?
6. What was California's unconventional path to statehood? What were the stipulations of the Compromise of 1850?
7. What was the Kansas Nebraska Act of 1854? What is meant by..."popular sovereignty was not a meaningful solution to the problem regarding the extension of slavery.
8. What was the biggest problem with the Wilmot proviso in regards slavery in the new territories?
9. Why did the proviso fail?