

The Wilmot Proviso & The Civil War Era

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Prior to the American Civil War in 1861, slavery in the United States of America had endured for centuries. In early America, indentured servitude was rather systemic in that it involved the capturing and trade of Africans to crop fields along the eastern coast of the country. However, as time pressed on, the demographics of the country shifted. The established United States of America were divided along sectional lines, both physically and mentally. The North—which had outlawed slavery in its territories—was financially, socially, and technologically more advanced due to a variety of reasons such as the increase of production and consumption that came about during the industrial revolution period which created groundbreaking innovations in order to increase efficiency and convenience. On the other hand, the South remained agriculturally based and still sought the use of slaves for production and to sustain its economy. This physical division also came with a mental one, in that, the morality of slavery became questioned as the abolition movement arose.

Additionally, a new means of transportation came about in the Antebellum period, the railroad, and it led to the questions of where it would be laid, and which states it would cross. Similarly, the United States had just gained new territory in the west as a result of the Mexican-American War and the question was, *What was to be done with it and would slavery be extended into this territory?* These questions became more and more steeped upon and discussed throughout the country and specifically, the government. While the legislative, executive, and judicial branches tackled back and forth on what to do, one House of Representatives member,

David Wilmot of Pennsylvania, came up with a potential solution that would later be known as the Wilmot Proviso.

The Wilmot Proviso was a legislative proposal that David Wilmot presented to the House that aimed to prohibit slavery in the land won as a result of the United States victory in the Mexican-American War in the mid 1840's. The bill daringly declared, "Provided that as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico, by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the monies therein appropriated, neither slavery nor involuntary servitude shall exist in any part of said territory except for crime whereof the party shall be first duly convicted."¹ To briefly preface, in the year of 1836, the Republic of Texas declared itself independent from Mexico. From here, Texas applied for annexation into the Union, however, "Fierce antislavery opposition greeted the proposal and helped delay annexation for nearly a decade. The Texas issue thus brought a militant antislavery movement into conflict with the new spirit of Manifest Destiny..."² Correspondingly, James K. Polk came into the office of the presidency with a lot of ambition as he had presidential goals of expansion by gaining Texas and Oregon territory. Upon the breakout of the Mexican-American War, Polk created a two million dollar appropriation bill as a means to intentionally secure new land and create peace with Mexico.

Wilmot promptly acted, with the assistance from his free-soil colleagues, to counteract Polk's appropriation bill proposal. With that, it becomes safe to say that there were intentional

¹ National Archives Wilmot Proviso transcription

² Don E. Fehrenbacher, *The South and Three Sectional Crises* (Baton Rouge: Louisiana State University Press, 1980), 33-34

motivations from David Wilmot behind the Wilmot Proviso, and it along with other sectionalist based legislation, helped to ignite the start of the American Civil War leading to the demise of slavery in the United States—in spite of its denied approval in Congress.

One potential motive that Wilmot and his supporters had for the proviso was that it supported the Free Soil Movement, which was a political movement with a focus on discontinuing the spread of slavery into land westward. Northern politicians belonging to the Free Soil Party wanted to place a halt on the extension of slavery due to the reason that, “...some politicians felt that the slave power disproportionately dominated national politics thereby limiting northern political influence.”³ Fehrenbacher supports this notion, suggesting that northern Democrats had been growing angry with southern domination with the passage of certain government policies and actions such as The Oregon Treaty with Great Britain.

When David Wilmot’s proposal came about, it created waves not only amongst legislators, but citizens of the United States as well due to the variety of bias and prejudice. Therefore, it can be argued that the Wilmot Proviso contributed to the demise of American slavery for reasons including that the Wilmot Proviso made southerners scared of things like losing any existing power they had and losing their slaves. It also created conversation about the slave problem in Antebellum America. Questions like, *What happens if we induct more slave states?* and *Is slavery a problem?* arose. Furthermore, the counter act also held ties to the American Civil War due to growing sectionalist conflicts in the expanding United States.

³ American Battlefield Trust, “The Wilmot Proviso,” <https://www.battlefields.org/learn/articles/wilmot-proviso>

Southern identity was rooted heavily in slavery. “To Calhoun the Wilmot Proviso was but a single incident of this movement which jeopardized the existence of the South as an entity by its threat to southern institutions.”⁴ Southern farmers relied heavily on their slaves in order to maintain crops and assist in helping run their households as agriculture was a means of living. From the proposal of the Proviso, southerners had to fear several main things; fear of losing their slaves, fear of losing revenue, fear of losing any existing power, and fear of losing their power through racial hierarchy. This is due to the fact that it threatened their status quo and the culture they had known for so long. In the document, *A sober view of the slavery question by a citizen of the south, 1847*, an educated North Carolinian Calvin Henderson Wiley spoke about the implications of the Wilmot Provisions beginning by saying, “The negroes are here as slaves; and before we expend too much sympathy on them for the condition in which they are recognized by law in the Southern States, we should remember the situation, physical, moral and mental, of their naked, brutal and pagan brethren in a land of still more revolting slavery.”⁵ Throughout this document, we see examples similar to this one where Wiley appears to be justifying slavery by creating a case surrounded around the idea that, “The extension of the area of slavery will not increase the number of slaves...The extension of the area would diminish the proportion of slaves in any given place.”⁶

As this has shown, the Wilmot Proviso created a conversation about the slave problem in Antebellum America amongst all groups of people. Additionally, many of the differing views stemmed from the sectional lines drawn into society. The way in which the Wilmot Proviso

⁴ Chaplain W. Morrison, *Democratic Policies and Sectionalism: The Wilmot Proviso Controversy* (Chapel Hill: University of North Carolina, 1967), 38

⁵ Calvin Henderson Wiley, “A sober view of slavery by a citizen of the south,” Rare Book, Manuscript and Special Collections Library, Duke University Libraries, 1847, 2

⁶ *Ibid.*, 5.

question stormed society indicated that this topic has a lot of emotional implications. When it was first passed in the House, John C. Calhoun took action and gave a speech that included a number of “resolutions” that detailed southern rights. In this speech, he gives the idea that the South needs to come together collectively to protect their rights as well as become educated on the dangers to the union if they become violated.⁷ In 1847 New York Senator Preston King demonstrated the discussion of territorial disputes after the conflicts of the Mexican-American War. In this particular case, King is talking about the recent acquisition of Texas, and the grounds and reparations that are coming out with that. The question on the table is whether newly acquired land should be designated a “free” or “slave” territory, by means of the Wilmot Proviso. King says that, “The time was come when this Republic should declare by law that it will not be made an instrument to the extension of slavery on the continent of America...if left alone, slaves more or less will be carried to the new territory...”⁸ King goes on to state that in order to uphold the truths and principles of the constitution, the congressman must consider the character of the entire country.

The manner in which the Wilmot Proviso controversy struck society furthered the growth of sectional crises, eventually leading to the Civil War. As discontent amongst southern entities increased, one by one, states left the union in the act of succession—beginning with South Carolina. “Our Position is thoroughly identified with the institution of slavery—the greatest material interest of the world...A blow at slavery is a blow at commerce and civilization,” stated Mississippi’s Declaration of Succession of 1861.⁹ The first very notable instance of sectional conflict was the Missouri controversy in the time around 1819-1821. Fehrenbacher writes that

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the “underlying social and economic differences between the northern and southern colonies inspired open political rivalry from the formation of the Republic; and political rivalry, in turn, was the principal stimulant of sectional consciousness.”¹⁰ The discussion of Missouri first came to life with the 1819 Missouri Bill which would have inducted Missouri as a free state. However, this was met with debate because this would have shifted the balance of free versus slave states. This problem was “resolved” with the Missouri Compromise which would take in Missouri as a slave state, Maine a free state, and prohibit slavery north of latitude 36. This compromise also introduced the idea of popular sovereignty—which in this context defines the permission or prohibition of slavery to be left in the hands of each respective state. Even so, the Missouri Compromise of 1820 was the House of Representatives anti-slavery majority succumbing to backlash for blocking the original Missouri Bill.

After the proposal of the Wilmot Proviso was turned down several times in the equally split Senate, more sectional legislation arose, creating more and more tensions. The Compromise of 1850 was next in line and was proposed by Whig leader, Henry Clay. The Compromise was made up of several resolutions that included; admitting California into the union as a free state, allowing Utah and New Mexico to fall under to principal of popular sovereignty, redrawing New Mexico’s boundary, and changing the fugitive slave laws in order to make them stronger. Both the North and the South did not like the terms of this compromise and there was a lot of backlash from these resolutions.¹¹ Additionally, the wedge in society continued to grow. Likewise, the Kansas-Nebraska Act also came into the game. This was problematic because it would negate the Missouri Compromise by expanding slavery into territory north of the 36th parallel. Under

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the Kansas-Nebraska Act, the Nebraska territory would be organized into the states of Nebraska and Kansas and upon admission into the union, the settlers would vote to determine if they would identify as a free or slave territory. In Kansas, the settlement became split between pro-slavery and anti-slavery feelings which resulted in a violent conflict within the state, later known as *Bleeding Kansas*.

Lastly, the elections of the president also stirred controversy alongside sectional legislation. It wasn't until the election of Abraham Lincoln, however, that the nation became fully divided due to the fact that he would not allow for the expansion of slavery. This led to the succession of states of the South, leading to the first shots of the American Civil War. So, the question that continues to reign is, *How does David Wilmot and his proposal tie into all of this?*

Chaplain Morrison writes in his book *Democratic Politics and Sectionalism: The Wilmot Proviso Controversy* that, "...the issue of slavery in the territories was one of the most significant in American history. Not only did it give birth to the only major political party to emerge in the United States since the time of Andrew Jackson, the struggles it engendered culminated in southern secession and civil war."¹² The Wilmot Proviso was the only sectional based legislation that aimed to eliminate slavery and without it, the constant discourse of the *slave problem* would not have come into question as strong as it did. Morrison, later, goes on to say that "The politicians' treatment of the territorial issue in public speech and action as real indicates that it had a reality for the people as a whole, the apparent impracticality of the question to the contrary notwithstanding."¹³ As this has shown, the intense hostility of southerners and those with pro-slavery feelings was prevalent in their actions. Although the Wilmot Proviso never fully passed

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through legislation, it has lasting implications that can still be seen today. Out of this proposal we see the demise of the Whig Party and the creation of the Republican Party in the North which came about after the Kansas-Nebraska Act and election of President Abraham Lincoln. The Republican Party would go on to become one of the two major political groupings in the United States. This was important because with the Whig party gone, the Democratic Party was also harmed in the process by lessening southern political power. This opened the door for the Republican Party to step its foot inside, while simultaneously, there was a control change between politicians as voters to the people (of the North) as voters. Furthermore, we see how those in power used the idea of Manifest Destiny as justification to expand indentured servitude within the country. Be that as it may, the presidency of Lincoln, his assassination, and the Emancipation Proclamation shows that the country was advancing to new grounds as the 13th Amendment was added to the Constitution.

Some may argue that Wilmot's intentions did not stem from a place of morals, rather they stemmed from political motivations. Nonetheless, the Wilmot Proviso was important in that at the end of the day, it questioned the applicability of the American Constitution. Moreover, it questioned if the promises the Constitution's foundation is built upon, were being portrayed in everyday life or not. This is to be highlighted due to the reason that we still struggle with this question today.

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