

# Wilmot Proviso

The **Wilmot Proviso** was introduced on August 8, 1846, in the United States House of Representatives as a rider on a \$2 million appropriations bill intended for the final negotiations to resolve the Mexican-American War. The intent of the proviso, submitted by Democratic Congressman David Wilmot, was to prevent the introduction of slavery in any territory acquired from Mexico. The proviso did not pass in this session or in any other session when it was reintroduced over the course of the next several years, but many consider it as the one of first events on the long slide to secession and Civil War which would accelerate through the 1850s.



Pennsylvania politician David Wilmot (lithograph by M.H. Traubel). Source: Library of Congress, Prints and Photographs Division (Digital ID cph.3c32936).

## Background

After an earlier attempt to acquire Texas by treaty had failed to receive the necessary two-thirds approval of the Senate, the United States annexed the Republic of Texas by a joint resolution that required simply a majority vote in each house of Congress. President John Tyler signed the bill on March 1, 1845 in the waning days of his presidency. As many expected, the annexation led to war with Mexico. When the war began to wind down, the political focus shifted to what territory, would be acquired from Mexico. Key to this was the determination of the future status of slavery in any new territory.

Both major political parties of the time had labored long to keep divisive slavery issues out of national politics. However, the victory of James Polk (Democratic Party) over Henry Clay (Southern Whig) in the 1844 presidential election had caught the Whigs by surprise. The key element of this defeat was the Whig party's failure to take a strong stand favoring Texas annexation. Whigs realized that Democratic victory and their push for territorial acquisition would bring out the issue of slavery and its status in newly acquired territories.

## Introduction and debate on the proviso

On Saturday August 8, 1846 President Polk submitted to Congress a request for \$2,000,000 in order to facilitate negotiations with Mexico over the final settlement of the Mexican-American War. With Congress scheduled to adjourn the following Monday, Democratic leadership arranged for the bill to be immediately considered in a special night session. David Wilmot, a Democratic congressman from Pennsylvania, with a group of other Democrats, had already been strategizing. Though he did not actually compose the text, Wilmot was chosen to present an amendment to the appropriations bill that would eventually carry his name. Wilmot offered the following to the House in language modeled after the Northwest Ordinance of 1787:

Provided, That, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither

slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted.

William W. Wick (D) of Indiana attempted to mitigate total restriction of slavery by proposing an amendment that the Missouri Compromise line of latitude 36°30' simply be extended west to the Pacific. This was voted down 89-54. The vote to add the proviso to the bill was then called, and it passed by 83-64. A last ditch effort by southerners to table the entire bill was defeated by 94-78, and then the entire bill was approved by the House 85-80. The Senate took up the bill late in its Monday session. However, a vote on the appropriations bill was never called and Congress was officially out of session.

The issue resurfaced at the end of the year when Polk, in his annual message to Congress, renewed his appropriation request with the amount needed increased to three million dollars. Preston King (D) reintroduced the Wilmot Proviso, but this time the exclusion of slavery was expanded beyond merely the Mexican territory to include "any territory on the continent of America which shall hereafter be acquired." The Three Million Bill with the proviso was then passed by the House 115-106. In the Senate, led by Thomas Hart Benton (D), the bill was passed but without the proviso. When the bill was returned to the House the Senate bill prevailed and the proviso was removed.

In 1848 the Treaty of Guadalupe Hidalgo ending the war was submitted to the Senate for approval. An effort to attach the Wilmot Proviso was again defeated. Lewis Cass (D) in December 1847, in his famous letter to A.O.P. Nicholson in Tennessee, defined the concept of popular sovereignty which would soon evolve as the mainstream Democratic alternative to the Wilmot Proviso:

Leave it to the people, who will be affected by this question to adjust it upon their own responsibility, and in their own manner, and we shall render another tribute to the original principles of our government, and furnish another for its permanence and prosperity.

## **Aftermath**

With the approval of the treaty, the issue moved from one of abstraction to one involving practical matters. The nature of the Constitution, slavery, the value of free labor, political power, and ultimately political realignment were all part of the debate on territorial expansion. Historian Michael Morrison argues that from 1820-1846 a combination of "racism and veneration of the Union" had prevented a direct attack on slavery from the North. It soon became clear to the South that this long postponed attack on slavery had finally occurred. Historian William Freehling notes that, "Most Southerners raged primarily because David Wilmot's holier-than-thou stance was so insulting."

In the North, the most immediate repercussions involved Martin Van Buren and the state of New York. Northern Democrats were successfully opposed by their conservative opposition (Southern Democrats) in their efforts to send a pro-proviso batch of delegates to the 1848 Democratic National Convention. When the convention rejected a pro-proviso plank the pro-proviso group bolted and were the nucleus of forming the Free Soil Party. Historian Leonard Richards writes of these disaffected Democrats:

Overall, then, Southern Democrats during the 1840s lost the hard core of their original doughface support. No longer could they count on New England and New York [Northern] Democrats to provide them with winning margins in the House.

To them [the new Free Soil Democrats] the movement to acquire Texas, and the fight over the Wilmot Proviso, marked the turning point, when aggressive slavemasters stole the heart and soul of the Democratic Party and began dictating the course of the nation's destiny.

Historian William Cooper presents another perspective:

Southern Democrats, for whom slavery had always been central, had little difficulty in perceiving exactly what the proviso meant for them and their party...The proviso announced to southerners that they had to face the challenge of northern Democrats who indicated their unwillingness to follow any longer the southern lead on slavery. That circumstance struck at the very roots of the southern conception of party. The southerners had always felt that their northern colleagues must toe the southern line on all slavery-related issues.

Southern Whigs, on the other hand, looked hopefully to slaveholder and war hero General Zachary Taylor as the solution to the widening sectional divide even though he took no public stance on the Wilmot Proviso. However Taylor, once nominated and elected, showed that he had his own plans. Taylor hoped to create a new non-partisan coalition that would once again remove slavery from the national stage. He expected to be able to accomplish this by freezing slavery at its 1849 boundaries and by immediately bypassing the territory stage and creating two new states out of the Mexican Cession.

The opening salvo in a new level of sectional conflict occurred on December 13, 1848 when John G. Palfrey (W) of Massachusetts introduced a bill to abolish slavery in the District of Columbia. Throughout 1849 in the South "the rhetoric of resistance to the North escalated and spread". The potentially secessionist Nashville Convention was scheduled for June 1850. When President Taylor in his December 1849 message to Congress urged the admission of California as a free state, a state of crisis was further aggravated. Historian Allan Nevins sums up the situation which had been created by the Wilmot Proviso:

Thus the contest was joined on the central issue which was to dominate all American history for the next dozen years, the disposition of the Territories. Two sets of extremists had arisen: Northerners who demanded no new slave territories under any circumstances, and Southerners who demanded free entry for slavery into all territories, the penalty for denial to be secession. For the time being, moderates who hoped to find a way of compromise and to repress the underlying issue of slavery itself – its toleration or non-toleration by a great free Christian state – were overwhelmingly in the majority. But history showed that in crises of this sort the two sets of extremists were almost certain to grow in power, swallowing up more and more members of the conciliatory center.

Combined with other slavery related issues, the Wilmot Proviso eventually led to the Compromise of 1850, which helped buy another shaky decade of peace. Radical secessionists were temporarily at bay as the Nashville Convention failed to endorse secession. Moderates rallied around the Compromise as the final solution to the sectional issues involving slavery and the territories.