

**The Commander-in-Chief and the Constitution:
James Buchanan and the secession crisis of 1860-61**

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History Thesis

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April 23, 2010

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ABSTRACT

During the crucial four-month period from Abraham Lincoln's election in November 1860 to his inauguration in March 1861, the nation was presented with the threat of secession and civil war. A lame-duck president in James Buchanan was forced to preside over the crisis. Buchanan's goal in those four months was to avoid full-scale hostilities and possibly construct a compromise.

Buchanan was motivated by his firm commitment to the Constitution and the Union. He contended that only by acting with caution and within the confines of the law could a civil war be averted. With a lowered public reputation and political standing, Buchanan would have to rely on his sense of independence, his idealism, and his intellectualism to carefully parse the many potential dangers to the Union. Throughout the contours of the crisis, Buchanan stayed mostly consistently to his policies and his beliefs, but despite his best efforts, war did eventually break out shortly after his term in office expired.

The question about Buchanan's success as a president has been adequately addressed by historians. However, there is something new to be gained by studying the depths of Buchanan's record and searching for his true motivations, policies, and goals during one of the most difficult periods for any President in American history.

INTRODUCTION – The nation’s leader becomes the nation’s lawyer

At the conclusion of President James Buchanan’s final message to Congress in January 1861, he included a defense of his administration’s policies during the eventful secession crisis of that winter. His name had been tattered by both the secessionist and abolitionist extremes, while other moderates and Democrats also vilified him for not taking a strong enough stand for the Union. Buchanan disagreed, though it had always been difficult to articulate his idealistic motivations and his subtle and nuanced policies. At the end of his presidency, he found himself alone and as ostracized as any other chief executive in the nation’s history. But for all of the criticism, he never possessed an inkling of doubt about his performance in public. “I feel that my duty has been faithfully, though it may be imperfectly, performed; and whatever the result may be, I shall carry to my grave the consciousness that I at least meant well for my country.”¹

The record of James Buchanan from the period of Abraham Lincoln’s election in November 1860 to his subsequent inauguration in March 1861 is difficult to analyze without bias, given the knowledge that civil war broke out shortly after he left office. Buchanan’s supporters can point to the fact that no lame-duck president had ever been handed a more challenging set of circumstances. While many presidents winding down their terms have been allowed to ride into the sunset with little fanfare, Buchanan could not hide behind the cloak of anonymity. Even though he was not a well-renowned leader at this point in his presidency, the tools and stature of his office alone made his every move consequential.

Buchanan possessed the somewhat unlucky position of straddling the balance between the North and the South. The Pennsylvanian himself was somewhat of an enigma, born in the

¹ John B. Moore, ed., *The works of James Buchanan, comprising his speeches, state papers, and correspondence* (Philadelphia: J. P. Lippincott Co., 1908-11), 35.

former, yet politically attuned to the latter's concerns. He expressed no great concern for the evils of slavery, yet he was consistently passionate about the integrity and strength of both the Constitution and the Union. Above all, he wished to avoid the onslaught of full-blown hostilities while he occupied the White House. Buchanan's central question during these final months was how to accomplish this goal.

Unfortunately several different and possibly contradictory questions were connected to the matter of war and peace. Buchanan would seek legal opinions on the following questions before he settled on any policies. Could the South legally separate from the Union? What recourse did the federal government have to coerce a state back into the fold? What executive responsibilities did Buchanan have to absolutely fulfill in the South? Additionally, could he negotiate with the so-called secessionists? Did he have to reinforce commands in the South? And finally, what could be a possible long-term blueprint to solve both the slavery and secession problems?

However, the most essential question became whether Buchanan was the man to arrange a compromise. Buchanan was notoriously concerned with details and the subtle niceties of these legal issues. He approached the presidency not as a commander or as an authoritarian manager, but instead adopted the posture of the nation's top lawyer. Buchanan's difficulty during the crisis would be reconciling his detailed and complex opinions on the various topics above and somehow establish a coherent and consistent policy that could be clearly understood by the country. Historians have attempted to find some common thread or motivation running through his policy positions.

Through the painfully slow months that winter at the White House, President Buchanan entertained his cabinet and advisers with various policy suggestions. The desire was to avoid

simply becoming a reactionary figurehead, desperately struggling to put out daily fires, but events did threaten to overwhelm Buchanan at various junctures during those fateful months. By the end of his term, seven states had left the Union and federal troops had narrowly avoided a gunfight on the coast of South Carolina. Buchanan found some internal sense of direction by falling back on one constant -- his respect for and reliance on the Constitution. In his analysis, only adhering to a strict interpretation of that document and closely following its prescriptions could save and restore the Union to the proper state of harmony that the founders intended.

The record of Buchanan's administration during those months will show a president reluctant to stray too far away from his previously held and carefully regarded legal opinions. Whether this insistence represented an admirable stand of conviction or a stubborn lack of independent judgment is open to historical interpretation. However, understanding the lens that Buchanan used to view the entire situation is the first step that historians need to take. This recognition will help provide some context and make sense of the individual decisions made by the President throughout the various contours of the secession crisis.

The central question that needs to be asked in comprehending Buchanan's experience is not whether he ultimately succeeded or not. Officially, Buchanan fended off the beginning of a full-scale civil war while he was president, but many still ultimately blame him for not doing more to prevent the eventual conflict. Instead the question is what motivated and what influenced Buchanan during those fateful months. Here was a man truly in the crossfire of a highly precarious situation, with each of his decisions potentially threatening to undo the very fabric of the country's peace. Here was a career politician trying to elevate the crisis to a higher intellectual level about the true meaning of the Constitution, as well as the integrity and perpetuity of the Union. And ultimately, could a leader with the proven idealistic intentions of

Buchanan manage to translate those beliefs into reality? Could he back the country off the precipice of civil war with just an appeal to the letter of the law?

Many monikers and criticisms have been applied to Buchanan and his record during this contentious period of our history, both in his own time and in the years since. Legitimate complaints abound: that he was too reluctant to enforce the supremacy of the federal government and to fulfill all of the responsibilities of his office, that he was either too connected with the South or that he betrayed them, and that he had limited to no ability to convince the public of either his intentions or the reasoning behind his actions. Instead of second-guessing Buchanan's decisions, perhaps the debate over his legacy and his place in the Civil War's critical opening chapter would be better served by reducing Buchanan down to his core. What would Buchanan say to explain himself and his actions? What essential beliefs motivated Buchanan from the beginning of the crisis all the way through to the end of his term? And when he applied those beliefs, did they translate into a consistent, overall policy to preserve the peace?

As the narrative of the final months will bear out, Buchanan may not have been all that complex after all. Here was a limited President and limited man who sincerely, if not naively, believed that his faith in the Constitution and the Union would guide him and the country through its darkest hour. Buchanan did not possess the imagination to truly appreciate the full scope of the crisis nor the ingenuity and political strength to impose a creative solution on both sections of country. Instead, he would have to be guided by his own brand of intellectual idealism. But could his beliefs truly have any effect when confronted with the harsh realities of the day?

SECTION 1 – ADDRESSING THE SITUATION

With the election of Abraham Lincoln as the first Republican President, elements in the South threatened to make good on their campaign promise of secession. Buchanan had largely stayed on the sideline in that political contest, given that he had little standing within his own party. But the nominal chief executive could not shirk to the background for the remaining four months of his term, as the nation awaited Lincoln's inauguration.

How Buchanan would react as the threat of secession moved from the political to the physical and military realm would be influenced by his longstanding beliefs about the country, including his views on slavery and separation. Buchanan, with the help of his advisors, would then try to translate those sentiments into a clear statement of policy, hoping to make it clear where the executive branch stood before the crisis escalated. However, with this declaration, Buchanan was not immune to criticisms from both North and South of legal posturing and sidestepping the core elements of the secession crisis.

Arriving with a disposition

It should have come to no surprise to the public that Buchanan ultimately adapted a conservative, strict constitutional outlook when confronted with the threat of disunion. His career from his time in Congress had also been marked by a willingness to make concessions towards the South. He never wavered from his contention that the slavery issue was settled from a legal standpoint, his position being that the institution was inherently protected by the Constitution and it was the government's responsibility to follow that precedent.

Part of the motivation for his position flowed from a deep fear of the consequences that secession may yield, namely civil war and slave insurrection. Buchanan had been warning the North as far back as the 1830s that the South would not take too kindly to insults and territorial encroachments.² He called the abolitionists "agitators" and contended that they did a disservice to the Union by continually bringing up an issue over which they had no legal jurisdiction. As a senator, Buchanan urged his colleagues to bar activities such as the mass abolitionist mailing in the 1830s; in his mind, they were openly inciting civil strife.³

As a legislator, Buchanan was for maintaining the status quo as much as possible. Buchanan would later argue that Congress should never have altered the delicate sectional peace by potentially allowing Kansas to enter as a slave state above the 36°30' line, the settled demarcation harking back to the Missouri Compromise.⁴ He was similarly against the Wilmot Proviso, which threatened to ban slavery in the territories, because it could potentially undo the delicate balance of affairs.⁵ Even though he hailed from the North, he did not think one's

² Elbert B. Smith, *The Presidency of James Buchanan* (Lawrence, KS: University Press of Kansas, 1975), 143.

³ James Buchanan, *Mr. Buchanan's administration on the eve of rebellion* (New York: D. Appleton, 1866), 13.

⁴ *Ibid.*, 28.

⁵ *Ibid.*, 18.

geographic affiliation should necessarily determine their opinion on this contentious issue, for the security of the country was at stake.

In an 1836 address to the Senate, he warned his colleagues: “This question of domestic slavery is the weak point in our institutions. Although in Pennsylvania, we are all opposed to slavery in the abstract, yet we will never violate the Constitutional compact which we have made with our sister States....Under the Constitution it is their own question, and there let it remain.”⁶

Twenty years later, during his campaign for the Presidency, he still believed that slavery was a settled issue and the only question was whether the North could ever accept that fact. However, even by the 1850s, he was not confident that the masses or the political classes in the North took the threat of secession seriously.⁷ “Disunion is a word which ought not to be breathed amongst us even in a whisper. Our children ought to be taught that it is a sacrilege to pronounce it.”⁸

Buchanan’s political views were an extension of his personality and legal background. Growing up as one of Pennsylvania’s leading young lawyers and rising to prominence in first local and then state government, Buchanan advanced his career by selecting his positions carefully and offending as few as possible. His speaking style was one that often made it difficult for the listener to decipher exactly where Buchanan stood on an issue, with his views subject for interpretation.⁹ Buchanan would often support “safe schemes” that appeased interests in both the North and South, such as the permanent extension of the Missouri Compromise line all the way to the Pacific. He portrayed himself as a centrist, swearing allegiance to the

⁶ Ibid., 15.

⁷ Ibid., 14.

⁸ Smith, 17.

⁹ Michael J. Birkner, ed., *James Buchanan and the political crisis of the 1850s* (Selingsrove, PA: Susquehanna University Press, 1996), 17.

Constitution above all else.¹⁰ Some found this moderate approach too timid and an indication of a lack of conviction. When Buchanan was Secretary of State under James K. Polk in the late 1840s, his presidential predecessor described him as being an “able man...but in small matters without judgment [who] sometimes acts like an old maid.”¹¹ Other observers of Buchanan, however, remarked that the Pennsylvanian could be stubborn once he made up his mind, especially on matters of constitutional interpretation.¹²

In approaching his presidential duties, Buchanan saw himself as an administrative caretaker and executor of the laws. He was averse to political strong-arming or aggressive deal-making with Congress, respecting the balance between the branches and deeply sensitive to the limits of his office. Buchanan was well-suited to the diplomatic nature of the presidency and found freedom in dealing with foreign affairs. Contemporaries, however, accused him of being little more than a party hack. His nickname in rival newspapers was that of an “Old Public Functionary,” a relatively boring civil servant who was not exactly capable of flourishes of leadership. Buchanan encountered problems when observers equated his literal constitutionalism and his fascination regarding legal detail with qualities like weakness and short-sightedness.¹³

On a personal level, Buchanan prided himself on his sense of duty and integrity. Although he sympathized with the Southern cause, he believed that the framers intended the Union to be perpetual and that this fact took priority over all else. This view partly explains the fact that he was generally more appalled at the conduct of the Northern abolitionists than Southern slavemasters because he felt the former challenged the peace established by the

¹⁰ Birkner, 24.

¹¹ Walter R. Borneman, *Polk: The man who transformed the Presidency and America* (Random House Trade Paperbacks, 2009), 335.

¹² Birkner, 201.

¹³ Kenneth M. Stampp, *And the war came: the North and the secession crisis, 1860-61* (Baton Rouge: Louisiana State University Press, 1970), 46.

Constitution. Buchanan never seriously strayed from his position that slavery was an implied right and settled aspect of law, thus he saw no tangible benefit from continuing to agitate or argue against the institution.

Buchanan felt his position in favor of legalized slavery was vindicated by the Supreme Court's Dred Scott decision shortly after he took office – a decision he was tangentially involved with by communicating with one of the justices before the final opinion. The justices maintained that Congress could not bar slavery in the territories and must compel northern states to return fugitive slaves.¹⁴ In a moment of optimism or wishful thinking, Buchanan believed the issue had been settled, at least for the remainder of his tenure as president.

However, the slavery debate aroused the nation's interest when the thorny topic of Kansas reared itself again. In that territory, there were two competing constitutions, one originating in Topeka that had engendered more popular support and one proposed in Lecompton that had been officially commissioned by Congress. The Lecompton document had been boycotted by the local anti-slavery party. Buchanan favored the Lecompton version for the sole reason that it possessed a greater legal standing and he ignored the debate over popular will and sovereignty. He explained in his message to Congress: "I could not have refused to do this [submitting Lecompton's version] without violating my clearest and strongest convictions of duty. The constitution and all the proceedings...were fair and regular on their face."¹⁵ In his post-presidency memoir, he asked himself the question which could have applied to the secession crisis as well: "What was my duty...in the language of the Constitution? To take care

¹⁴ Birkner, 116.

¹⁵ Moore, 35.

that the laws be faithfully executed."¹⁶ With this goal in mind, Buchanan believed he could tune out all other concerns.

Although Buchanan was inclined towards favoring the South, he was actually ambivalent about the institution of slavery itself. In his writings, he never closely examined the moral dimensions to the question that raged during his day. He simply confined himself to his legal niche where he was more confident, partly because he could rely on precedents and the status quo to support his case. He criticized the abolitionists for claiming that they relied on a higher power; Buchanan argued that they resorted to this moralizing simply because they could not find any man-made laws or institutions that would justify their actions. As an analogy, Buchanan argued that the citizens of Massachusetts "were destitute of all rightful power over the subject" of slavery, whether it existed in Brazil or in South Carolina.¹⁷ The national legislature was similarly handcuffed, given that "the constitution does not confer upon Congress power to interfere with slavery in the States. [This] has been admitted by all parties and confirmed by all judicial decisions ever since the origin of the federal government."¹⁸ Buchanan was somewhat practical in that he realized the clamoring for the end of slavery would likely continue. However, he felt the institution would gradually die away and put the South at an economic disadvantage, at which point the South would discontinue the practice themselves – which was, in Buchanan's mind, the only proper legal channel to bar the practice.¹⁹ Buchanan's administration, in fact, captured more slave ships than any of his predecessors. This is further proof that he was simply inclined to execute the existing laws, no matter if they sided with the North or the South on the slavery question.

¹⁶ Buchanan, 31.

¹⁷ Ibid., 10.

¹⁸ Ibid., 9.

¹⁹ Ibid., 14.

Buchanan was the rare Northerner who took the South's threats seriously. The North was in a period of "slow awakening" to this reality, having seen a crisis like the nullification episode in South Carolina come and go without a shot being fired.²⁰ Buchanan was in fact one of the last remnants of the old Jacksonian political order which thought that sectional differences could be bridged by an emphasis on Union above all else.²¹ Buchanan had lost clout with his own party due to the fact that he refused to support their original nominee, Stephen Douglass, in the recent election, which indirectly helped ensure Lincoln's victory. Both the President and the Congress were rendered with a lame-duck status during the critical months in late 1860.²² Buchanan was left with little besides the formal tools of the office itself, having lost most of his prestige and moral sway after the Kansas fiasco and the election results.²³ In terms of seeking allies in Congress, Buchanan could only realistically appeal to Northern Democrats and some representatives in the border states, with the abolitionists and secessionists entrenched in their positions at opposite poles.²⁴ The political climate, with its growing emphasis on passionate rhetoric and sectional loyalties, was increasingly foreign to Buchanan. He found few serious politicians interested in his nuanced, constitutional musings on the topic.²⁵

After Lincoln won the presidential election, Buchanan called what he would characterize as the most important cabinet meeting of his administration.²⁶ Buchanan immediately asked his attorney general, fellow Pennsylvanian Jeremiah Black, to respond to a list of five legal questions before he would formulate an official strategy to deal with the secessionist threat. First and foremost, Buchanan wanted to establish the clear boundaries of authority between the state

²⁰ David M. Potter, *The impending crisis, 1848-61* (New York: Harper & Row, 1976), 514.

²¹ Birkner, 29.

²² Potter, 515.

²³ Potter, 521.

²⁴ Potter, 529.

²⁵ Stampp, 46.

²⁶ Potter, 517.

and federal government and what would happen if the former initiated hostilities with the latter. He asked what were his express duties in terms of collecting import levies and defending the public property, especially if doing so might result in physical confrontation. He asked what channels could be used if the regular courts and local administration failed to perform their established functions. He was particularly interested in the minutiae of the Acts of 1795 and 1807, which dealt with military usages inside the country. Even the historical precedent of the Whiskey Rebellion was relevant to his deliberations.²⁷

Black responded that “the will of a State...cannot absolve her people from the duty of obeying the just and constitutional requirements of the Central government.”²⁸ The President had the sole power – in fact, the sole responsibility – to see that the laws were faithfully executed. The caveat was that the President could not simply use any means to justify the ends (meaning getting states to comply with federal law.) “His power is to be used only in the manner prescribed by the legislative department. He cannot accomplish a legal purpose by illegal means.”²⁹ The federal government would be on the defensive in any upcoming confrontation. The only moral and legal high ground available would be to carefully abide by a strict reading of the Constitution, a strategy also within Buchanan’s own comfort zone. The federal government must still respect the separate spheres doctrine that allowed states to have a significant level of autonomy. Black informed Buchanan that he could not idly stand by and allow states to disobey the Union; such an occurrence could be wrongly viewed as a sign of the president’s tacit approval of their actions. However, Buchanan was also reminded that his arsenal of permissible

²⁷ George C. Curtis, *Life of James Buchanan, fifteenth president of the United States* (New York: Harper & Brothers, 1883), 319.

²⁸ *Ibid.*, 320.

²⁹ *Ibid.*, 320.

threats to ensure the renegade states' compliance was limited by the existing statutes for such circumstances.

From that meeting onwards, Buchanan pledged to "employ all the constitutional means in his power to avert these impending calamities."³⁰ Although he recognized the imperative to hold the Union together, Buchanan also contended that the Union and the Constitution were synonymous. If one had to save the former by destroying or even slightly overstressing the latter, than one would be left with a pyrrhic and meaningless victory. Historian Allan Nevins summarized Buchanan's plight: "No President ever faced a more difficult task. None ever faced a terrible crisis with feebler means of dealing with effectively."

All of the hypothetical legal arguments of the mid-1800s finally played themselves out in reality, with a masterful lawyer but a reluctant enforcer at the helm.

³⁰ Buchanan, 113.

Articulating his position

Buchanan's initial task after his constitutional inquiry was to craft a declaration of his administration's policies. Due to the long transition period allotted by the Constitution, he would have to serve as a lame-duck chief executive for four whole months following Lincoln's election to his inauguration, from early November to his inauguration. There was worry that up to fifteen Southern states might secede during that interval. Buchanan himself was greatly attuned to the possibility of civil war. Much like the country, his own heart was divided between an appreciation for Southern frustration and loyalty for the North and the Union.³¹ His goal for the remainder of the administration was to preserve the peace. Doing so would theoretically give Lincoln as many options as possible in March.

The means toward that end of maintaining the peace would be limited. Buchanan ultimately attempted to solidify himself on the moral high ground with an appeal to the Constitution. However, his overly detailed and nuanced policy would be derided as impractical and contradictory, as evidence that Buchanan was more suited to be the nation's top lawyer rather than its leader.

Buchanan was ready to issue a proclamation of his policy immediately after the November election, to hopefully pre-empt the action of any boisterous Southern states like South Carolina. In a November 9th meeting, the cabinet advised him to carefully weigh all options first.³² Buchanan responded to Black's initial draft of the State of the Union address by responding that he wished to confine the document to the strictly legal aspects of the situation.³³

After Black reported his legal findings, Buchanan informed Secretary of the Interior Thompson of his conundrum: "It is clear to my mind that there is no reserved or expressed power

³¹ Smith, 152.

³² *Ibid.*, 131-132.

³³ Allan Nevins, *The emergence of Lincoln* (New York: Scribner, 1950), 346.

granted by the Constitution to use force against a State for any purpose. I am also convinced that a State has no right to secede from the Union."³⁴ In other words, secession was illegal, but violent action by the national government to restore the Union was also illegal, under Buchanan's comprehension of the law.

At the beginning of his State of the Union message, Buchanan hoped to be diplomatic by sympathizing with the South's plight before he criticized their actions. He felt that he had engendered some goodwill in that portion of the country through his administration's previous policies. He understood some of the secessionists' motives, saying that they were guarding themselves and their families against the threat of slave insurrection brought upon by the abolitionists' agitation. "Many a matron throughout the South retires at night in dread of what may befall herself and her children before the morning ... No political union can long continue if the necessary consequence be to render the homes and the firesides of nearly half the parties to it habitually and hopefully insecure." Buchanan implied that the current threat of disunion should have come to no one's surprise given that the issue of slavery had never been let alone. The South should not be blamed for initiating the problem. Framing himself as an amateur historian, Buchanan concluded that "the long continued and intemperate interference of the northern people with the question of slavery in the southern States has at length produced its natural effects."³⁵

Buchanan was walking a delicate tightrope of sectional emotions. He hoped to temper his later criticism of the South by pointing out the North's indifferent attitude towards the law. Even after a Supreme Court decision, Northern states refused to obey federal fugitive slave laws, essentially applying the same discredited nullification doctrine South Carolina had employed in

³⁴ Auchampaugh, 138.

³⁵ Moore, 7-8.

the 1830s. “Let us trust that the State legislatures will repeal their unconstitutional and obnoxious enactments. Unless this shall be done without unnecessary delay, it is impossible for any human power to save the Union...The southern States, standing on the basis of the Constitution, have right to demand this act of justice.”³⁶ The burden for rectifying the crisis did not lie with the South alone. Both sides had to demonstrate their loyalty to the rule of law and had to honor the supremacy of the federal government, even when a decision did not suit their local ideology or economy. Even if Buchanan recognized the validity of the South’s complaints, they could not employ an extralegal method to achieve a worthy end.

When deliberating over his message, Buchanan asked his cabinet members to reconstruct the original debate at the Constitutional Convention about the very nature of the federal compact. His conclusion was that the Union was “intended to be perpetual, and [can] not be annulled at the pleasure of any one of the contracting parties.”³⁷ Buchanan employed a dose of realism to support his argument, implying that if one state could absolve themselves from the Union, the continent would soon be divided by “many petting, jarring, and hostile republics.” By ratifying the Constitution, the states had surrendered their ability to later relinquish their responsibilities and go their separate ways. In contrast to the Articles of Confederation, under the Constitution the states had lost the right to coin money, enter into alliances, raise their own troops, or declare a war. And although the tenth amendment preserved some rights and duties for the states, secession was not covered by that doctrine. The nation had resisted secessionist discussion in the past and another spirited defense for the integrity of the Union was required now. If the secessionists won this argument, that would mean the “Confederacy is a rope of sand, to be penetrated and dissolved by the first adverse wave of public opinion in any of the States...By

³⁶ Ibid., 12.

³⁷ Ibid., 14.

this process a Union might be entirely broken into fragments in a few weeks which cost our forefathers many years of toil, privation, and blood to establish.”³⁸ Buchanan was attempting to elevate the debate by reminding both sides of their higher responsibilities.

If Buchanan had alienated some Southerners with the first half of his message, the second half was destined to irritate the abolitionists. In order to maintain the fraternal feelings necessary to maintain the Union, the country could not be consolidated through bloodshed. The South would simply have to realize the error of their ways or acknowledge the impracticality of setting up a separate government and surviving in an evolving economy. Having any renegade states come back into the fold peacefully was the only way to ensure the character of the Union.

By taking a stand that the federal government could not forcibly coerce a state back into the Union, Buchanan opened himself up to charges of inconsistency. He underestimated the degree to which others found contradictions in his legalese. He had looked at the issues individually and come to conclusions about each point separately rather than concerning himself with the overall impression that his message would convey. Buchanan confined himself to his area of expertise and comfort rather than predicting consequences or measuring public reaction. He had hoped he would have inspired some public confidence and trust by not blindly adhering to one section’s entire platform but by splitting the difference and finding fault with each.

When asking himself the question of the extent of the government’s power to assert its authority, he discovered that the founders of the country had been reluctant to include any specific instructions for such a situation, fearing abuses of power.³⁹ Intentionally or not, Buchanan’s address provided a window into his train of thought. “Has the Constitution delegated to Congress the power to coerce a State into submission...If answered it the

³⁸ Ibid., 12.

³⁹ Ibid., 19.

affirmative, it must be on the principle that the power has been conferred upon Congress to declare war and to make war against a State.” Buchanan concluded that the answer was no, due to his belief that the “power to make war against a State is at variance with the whole spirit and intent of the Constitution. Suppose such a war should result in the conquest of a State: how are we to govern it afterwards?”⁴⁰

Even if the Constitution was more liberal or literal in the powers it granted, Buchanan would still be reluctant to take a combative posture. In denying himself the power to browbeat the South into submission, he was hoping to lead by being loved rather than by being feared. His overriding goal, after all, was to avoid war and permanent disunion, which he feared would be the result of any overreaction on the part of the federal government. “War would not only present the most effectual means of destroying [the Union], but would banish all hope of its peaceful reconstruction...Our Union rests upon public opinion, and can never be cemented by the blood of its citizens shed in civil war. If it cannot live in the affections of the people, it must one day perish.”⁴¹

Even though Buchanan was aware of the dangers of the situation, he was not willing to sacrifice his conception of the balance of powers between both the national and state governments and between the executive and legislative branches. The President must receive the states and their grievances with a sympathetic posture, given that he must rely on their sincerity of purpose and willingness to compromise in order to preserve the peace. “Upon their [the states] good sense and patriotic forbearance, I confess, I still greatly rely. Without their aid it is beyond the power of any President to restore peace and harmony...Wisely limited and restrained under the Constitution and laws, he alone can accomplish but little for good or for evil on such a

⁴⁰ Ibid., 18-19.

⁴¹ Ibid., 20.

momentous question.”⁴² Buchanan attempted to deflect some of the more controversial decisions towards Congress, in part to allow himself to appear as a more understanding and more malleable alternative for the South to negotiate with. He researched the precedents of the 1795 and 1807 militia acts, but was unsure over how much latitude and relevance those laws had on a situation where a whole state, not just a group of citizens, stood in defiance to Washington.

Buchanan asked Congress to grant him more freedom to act – especially after he had gone to such lengths to communicate his trustworthiness and restraint. “How inadequate [the provisions] are without further legislation to overcome a united opposition in a single State. Congress alone has the power to decide whether the present laws can or cannot be amended so to carry out more effectively the objects of the Constitution.”⁴³ Buchanan also intended to redirect the questions of the sovereignty and status of any state that might declare itself independent of the Union. “The Executive has no authority to decide what shall be the relations between the federal government and South Carolina.”⁴⁴ The President was even more limited by the dearth of federal officers still at their post in South Carolina, leaving Buchanan to complain over his lackluster position: “What, in the mean time, is the responsibility and true position of the Executive? What if the performance of this duty has been rendered impracticable by events over which he could have exercised no control? Such, at the present moment, is the case throughout the state of South Carolina.”⁴⁵

Part of the reason that Buchanan was so willing to air his frustration with the existing federal laws in public was that he did not believe the situation in South Carolina had reached its point of critical mass. He intentionally downplayed the significance of Lincoln’s election in his

⁴² Ibid., 9.

⁴³ Ibid., 17.

⁴⁴ Ibid., 18.

⁴⁵ Ibid., 17.

speech to Congress, arguing that there were certain obligations and limitations that any chief executive would have to follow, regardless of party or platform. Buchanan was hoping that if only the secessionists displayed some common sense, they would realize that demonizing Lincoln and preemptively declaring secession would garner them no favor with the public at large. “The election of any one of our fellow-citizens to the office of President does not itself afford just cause for dissolving the Union... Reason, justice, a regard for the Constitution, all require that we shall wait for some overt and dangerous act on the President-elect.”⁴⁶ Buchanan reminded the South of the practical politics still at place, especially the fact that the even the new Republican Congress would not have sufficient numbers to seriously attempt or succeed at abolishing slavery, even in the territories. The Supreme Court had also shown its willingness to uphold that right and check the legislature.⁴⁷ Buchanan believed the Constitution implied and included safeguards against the institution. The South could rely on the Constitution as its ally, not its enemy. He asked rhetorically, “Are such apprehensions of contingent danger in the future sufficient to justify the immediate destruction of the noblest system of government ever devised by mortals?”⁴⁸ Although the slavery issue was serious, the South should not raise the stakes and transform the question into one about the status of the entire nation.

If the South lessened its belligerent stance and appealed to the sympathies of moderates like himself in the North, Buchanan believed they could find common ground and achieve a lasting compromise through legal means. If Congress was unwilling to explicitly address the South’s concerns, than the people and the state legislatures could take the initiative in the form of Constitutional amendments to protect slavery. “How easy would it be for the American people to settle the slavery question forever, and to restore peace and harmony to this distracted country!

⁴⁶ Ibid., 9.

⁴⁷ Ibid., 9.

⁴⁸ Ibid., 9.

They, and they alone, can do it.”⁴⁹ Any such solution must include at least three components: recognition of the right to own slaves in states where the institution currently existing, the right to expand the practice in territories in the future, and the obligation to return fugitive slaves.⁵⁰

Buchanan expressed no reservations about potentially rewarding the South for secessionist threats and acquiescing to their demands, for he contended that the survival of the Union trumped his obligation to remain neutral in negotiating the sectional dispute. The North, in fact, should occupy the high road and welcome their disillusioned brothers back into the national community, showing some token of appreciation. “We are bound to make this concession, the strong to the weak, when the object is to restore the fraternal feelings which had presided at the formation of the Constitution.”⁵¹

Reminding both sides what had originally united them was just another example of Buchanan’s idealism at work. “It ought not to be doubted that such an appeal to the Constitution itself would be received with favor by all the States.”⁵² When the belligerents stepped back from the abyss they would realize how secession was out of character with the American compact. “Its framers never intended to implant in its bosom the seeds of its own destruction... [Instead they created] a substantial and mighty fabric, capable of resisting the slow decay of time and defying the storms of ages.”⁵³

Following the release of his initial policy speech, there was debate in the public sphere about whether Buchanan was being purposefully vague or whether his analysis represented a viable, centrist opinion. Buchanan’s viewpoint was damaged in this case due to the fact the so few moderate Northern Democrats wholeheartedly supported his plan, leaving him increasingly

⁴⁹ *Ibid.*, 8.

⁵⁰ *Ibid.*, 24.

⁵¹ *Buchanan*, 130.

⁵² *Ibid.*, 25.

⁵³ *Ibid.*, 16.

isolated politically. Some of this was not necessarily because fellow moderates disagreed with Buchanan's prescription for taking a cautious approach but was due to the fact that Buchanan had alienated himself from potential allies during earlier political debates. Buchanan's reputation for legal maneuvering was already well established, especially when he had been pressed in his career to give a definitive opinion on the practice of slavery.

However, in his memoir years later, Buchanan insisted that he had remained consistent and indeed had taken a politically courageous position by both criticizing the North and South to some degree, a stance which was noble but was bound to reduce his number of political associates. According to him he had "never swerved to the right or to the left from the policy enunciated in [the state of the Union]."⁵⁴ During some of his later cabinet meetings, he suggested some deviation from the initial policy outline, but he largely resisted the temptation and held relatively firm to his conviction that negotiation and strategic appeasement could solve the crisis. Although historians have sometimes focused on the abolitionist and secessionist ends of the political spectrum, there were significant numbers of undecided individuals that Buchanan hoped would see the wisdom of his viewpoint, if only he could communicate directly to them without the filter of the political classes in Washington.

Unfortunately for Buchanan, the public debate was largely controlled by those extremes, who did a fairly adequate job of discrediting the supposed idealism and political courage of his position. The more boisterous newspaper commentators remained largely unimpressed at the time by his rhetorical exercises. James Russell Lowell wrote at the time that "Buchanan evoked the shifts and evasions of a second-rate attorney. He had always seemed to consider the Presidency as a retaining-fee paid him by the slavery-propagandists."

⁵⁴ Ibid., 171.

Buchanan experienced difficulty trying to escape the charge of being complicit with the South's transgressions, thus denying him the ability to completely occupy his desired posture of an unbiased national leader who could appeal to all sides. His "tight, constitutional reading" was also "liable to misinterpretation" by the average citizen who broke down the situation into a simple equation of right and wrong.⁵⁵ Buchanan never could completely comprehend how others could accuse him of inconsistencies or posing an intractable paradox; his frustration was still evident in his memoir years later. In a letter to Mr. Phillips, he wailed, "They say there is a contradiction between my opinion that States cannot constitutionally secede and a denial of the power to compel them to remain in the Union. Not in the least!"⁵⁶ He also genuinely believed he had reserved himself the power to still enforce the laws against rebellious individuals and that there was a distinction between that and waging war against an entire state. "It was chiefly to establish this very distinction that the Federal Constitution was framed."⁵⁷

Others were doubtful that Buchanan had declared much of anything that might be binding. Even his adversary in South Carolina, Governor Gist, was unimpressed: "All he had declared was that...he would discharge all the obligations of his official oath."⁵⁸ However, for Buchanan, just what those obligations were and proceeding to carrying them out in reality would plague his administration for its duration.

⁵⁵ Stamp, 154.

⁵⁶ Moore, 55.

⁵⁷ Buchanan, 128.

⁵⁸ Nevins, 354.

SECTION 2 – TREADING CAREFULLY IN THE WAR OF WORDS

For all of Buchanan's careful reasoning, his policy declaration in November did not dominate the public debate. His voice was still crowded out by the more vociferous party and sectional representatives. Through November and December of 1860, Buchanan would attempt to carefully insert himself and his ideas into the public discourse. In discussions with his own cabinet and in negotiations with potential secessionists in the South, Buchanan stayed true to his own convictions and at the very least communicated his desire to adhere to the strict letter of the law. However, Buchanan experienced difficulty in truly commanding an audience, thus rendering the president's opinions as just one among many. With the public, Buchanan's bully pulpit did not reach very far. And in private negotiations, the chief executive could espouse all the legal opinions he wanted, but few feared that Buchanan was going to take a decisive, crisis-altering action. Buchanan's words may have been thoughtful, but they were not threatening.

Arranging his own house

As Buchanan was readying to adopt a moderate course, he was forced to fend off the opinions of both extremes. And as he was trying to patch together the divided house that was America, his energies were distracted by putting his own house in order. Various factions saw a potentially weak president and sought to influence his decision-making. It would be up to Buchanan to maintain his personal predilection for a quieter, middle course.

Conflicting reports came out of Washington concerning the president's fortitude and willingness to see his policy through. He was accused of "being utterly distraught, tearful, hysterical, and generally almost beyond control of his emotions and actions."⁵⁹ However, the Cabinet who met with him almost on a daily basis during the crisis later admitted that the President was in command of his faculties and opinions. The President was "absolute master in his own house," recalled Attorney General Black.⁶⁰ Buchanan tried to assuage some well-wishers to the White House, minimizing the difficulties of his situation. "All our troubles have not cost me an hour's sleep nor a meal's victuals, though I trust I have a just sense of my high responsibility."⁶¹

His cabinet, once a symbol of relative harmony, broke off into sectional allegiances, casting Buchanan in the unfortunate position of trying to maintain an impartial posture.⁶² He was forced to suddenly attempt to elevate the stature of his office, since he had spent most of his presidency adopting the posture of a first among equals, as "a chairman of the board."⁶³ His view of decision-making was for the president to mediate a healthy discussion amongst his advisers and see if they could arrive at some consensus naturally. He would not simply impose

⁵⁹ Smith, 144.

⁶⁰ Auchampaugh, 161.

⁶¹ Smith, 144.

⁶² Birkner, 103.

⁶³ *Ibid.*, 174.

his own beliefs without deliberation and consultation. When Buchanan suggested immediately releasing a statement after Lincoln's election, his cabinet convinced him to delay.⁶⁴ Thus, the public perception in some quarters and in abolitionist newspapers was that Buchanan was a tool of his cabinet. After one cabinet member was questioned about a recent internal meeting, he replied, "Oh, it's nothing much, only old Buck is opposing the Administration."⁶⁵

The Pennsylvanian's cabinet did not represent much of a cross-section of America, since it only represented a sliver of the Democratic party, with Buchanan making sure he punished any sympathizers of the pro-Douglas wing.⁶⁶ This contributed to a long pattern of Buchanan cordoning himself off from dissenting points of view. He also possessed a stubborn streak that could present itself in the form of a holier-than-thou attitude.⁶⁷ His advisers were selected not solely based on their talents, but on their personal compatibility with the President, who desired company and conversation, even asking some advisors to stay overnight at the White House to continue their discussions. He was predisposed to avoid confrontation unless absolutely necessary.⁶⁸

As the divide in the country gradually diffused inside Buchanan's cabinet, Buchanan was unprepared to deal with the extent of the disagreements. He took it personally when formerly loyal advisers abandoned him in favor of their home state's cause.⁶⁹ The cabinet soon divided by geography, with Cobb, Thompson, and Floyd representing the South, and Cass, Holt, and Black backing the moderate elements of the North.⁷⁰ The abolitionists were without a voice in the

⁶⁴ *Ibid.*, 100.

⁶⁵ *Ibid.*, 103.

⁶⁶ *Ibid.*, 29.

⁶⁷ *Ibid.*, 103.

⁶⁸ *Ibid.*, 118.

⁶⁹ *Ibid.*, 119.

⁷⁰ Nevins, 340.

administration. None of the members were seriously proposing an all-out war to restore the Union in the case of secession, especially one of an offensive nature.⁷¹

Other members bristled as Black slowly became Buchanan's indispensable man. The nation's chief law enforcement officer advising the President that he had a clear duty to defend public property and collect duties in any rebellious states. To mollify the South, the cagy lawyer also mentioned that troops could be used in the North to reclaim slaves in states that refused to follow the Fugitive Slave Act. Overall, he largely reinforced Buchanan's belief that law enforcement powers should be carried out through the local authorities and the courts, that that was the nation's tradition. If those powers were rendered impotent, it would be up to Congress to legislate new procedures.⁷² Also like Buchanan, Black was a loyal Democrat deeply suspicious of the abolitionists' cause who also approached the crisis with a "narrow, legalistic" frame of thinking.⁷³ Regardless of Black's background in Pennsylvania, he too saw himself as a Unionist above all else.

Black's influence was balanced with Buchanan's long associations and friendships with prominent Southerners. In previous years, the bachelor Buchanan had frequented the parlor scene with Southerners who were away from their wives and families. He identified with their more courtly way of life and desire to be left alone by the more emotional abolitionist provocateurs.⁷⁴ After the secession crisis broke, he kept Southern sympathizers onboard, which eventually allowed important government information to pass to rebel leaders, unbeknownst to Buchanan.⁷⁵ Supreme Court Justice Grier felt sorry for Buchanan's plight and his inability to see how his cabinet was judged to be biased by the public and the press. "Buchanan is surrounded

⁷¹ Smith, 148.

⁷² Ibid., 147.

⁷³ Birkner, 101.

⁷⁴ Ibid., 191.

⁷⁵ Baker, 132.

by enemies of the Union. He is getting very old – very faint – poor fellow has fallen on evil times. He put his confidence and gave his power to his enemies and now he is enjoying the fruits of his mistakes.”⁷⁶

The test for Buchanan was whether he would be able to maintain his centrist, constitutional position through the contours of the crisis and the simultaneous cabinet upheaval. With his desire for some semblance of consensus, what would happen if his cabinet members decided that their sectional loyalties outweighed their allegiances to the administration? Could he rise above the bickering and placate his own divided house, and in doing so, give the country a blueprint on how to navigate through the uncertainty? Buchanan, instead, struggled to find his place and his role amongst the bickering. His idealism and desire for a middle course remained, but his policy’s implementation and execution was diminished by his cabinet officers and his inability to take complete charge. In his own mind, he had been completely consistent and merely reacted to the events. However, the public’s portrayal of a president somewhat at the mercy of his underlings was never definitively shaken.

Part of the reason for this accusation was that his administration appeared to pass through phases depending upon which section had an upper hand in the internal debate. The first period was dominated by the southerners Cobb, Thompson, and Slidell. Although the drafts of the President’s State of the Union message no longer exist, historians assume that these representatives helped to mute Buchanan’s initial desire for a swifter declaration. However, after South Carolina seceded and the military situation forced Buchanan to take a more evident pro-North stance, the southerners quit in protest, allowing for Black and cabinet newcomer Edwin

⁷⁶ Nevins, 360.

Stanton to steer the administration to its conclusion. Buchanan's posture in January 1861 was definitively firmer than in November 1860, partly because of this shift.⁷⁷

From the first meeting after Lincoln's election, the President's role as an "unhappy moderator" was evident to those involved.⁷⁸ The President did not take an initial stand, allowing the debate to play out. Black advocated immediately reinforcing the forts around Charleston, to which Floyd responded with the threat of immediate resignation.⁷⁹ A more tactful Thompson knew the avenue to Buchanan's heart, by bringing with him notes from the original Constitutional Convention that added weight to his denial of the coercion power of the federal government.⁸⁰ Black also appealed to Buchanan's loyalty to the law by reminding him he not only had the power to hold public property, but also a duty to maintain it and clear attempts to obstruct the government.

If Buchanan was somewhat shaken by the hard-line stance of his southern friends, he also felt limited in how to respond. His advisers may have shown conflicting loyalties, but they were not yet guilty of treason. Dismissing them from office would only inflame the South more. However, Cobb and others believed that disunion was inevitable and ultimately saw their political future lying with the South.⁸¹ Assistant Postmaster Horatio King described the president as "beset by secessionists who are almost exclusively occupying his attention."⁸² Buchanan was even beholden to the public message his administration conveyed, given that the White House's newspaper, *The Constitution*, continued to publish pro-South articles against his

⁷⁷ Nevins, 342.

⁷⁸ *Ibid.*, 349.

⁷⁹ *Ibid.*, 350.

⁸⁰ *Ibid.*, 351.

⁸¹ *Ibid.*, 343.

⁸² *Ibid.*, 344.

wishes.⁸³ The president hoped to find some public space to accommodate a voice of moderation but was largely drowned out.

In December, the president found himself sinking instead because of newspaper criticism arising from a private cabinet spat that eventually aired itself in public. Esteemed but aging and somewhat inept Secretary of State Lewis Cass was seen as a pro-Union stalwart who would help Buchanan from falling into the trap of the secessionists. When Buchanan chose his legal position rather than a forceful, more belligerent posture, Cass used this as a pretext to resign in protest. Even though Cass had been looking for an out for months, this move enabled him to leave as a hero in the eyes of the Northern press.⁸⁴ Buchanan wanted to respond in a public manner and articulate that his constitutional stance was not in fact a sign of weakness, but a display of statesmanlike wisdom. He told Black to prepare a formal reply to Cass in which he explained his position: "Since no present necessity exists for a resort to force for the protection of the public property, it was impossible for me to have risked a collision of arms in the harbor of Charleston, and thereby defeated the reasonable hopes which I cherish of the final triumph of the Constitution and the Union."⁸⁵ In Buchanan's mind, those two goals – saving the Constitution and the Union – were synonymous and if viewed as such, could be saved simultaneously.

Ignoring the former to save the latter would render the Union as a hollow compact.

Buchanan gave off some signs of desperation, or at least frustration that others could not perceive the sincerity and loftiness of his motives. "The highest earthly object of my ambition is to preserve the Union of the States and to perpetuate the blessings of peace among all the people. It shall not be said of me that I willfully provoked a civil war between my countrymen, or furnished to any of them even the semblance of an excuse for imbruing their hands in fraternal

⁸³ Ibid., 345.

⁸⁴ Birkner, 173.

⁸⁵ Moore, 61.

blood.”⁸⁶ Black later tried to explain Buchanan’s predicament: “I think the worst trouble he got into... was caused by his resolution not to trust his constitutional advisers with his plans and modes of management. He overestimated his own power.” Buchanan saw the issue in clear moral terms of black and white, but in terms of loyalty to the existing law. He could not completely see the issue from the point of view of those who looked at the crisis in terms of loyalty to a geographic section or a political doctrine.

The Northern Republican press saw Cass’s resignation as an example of patriot who was no longer willing to stay in an administration whose priorities were suspect or not adequately jingoistic.⁸⁷ Despite Cass’s absence, the balance eventually swung back in favor of the pro-North faction in the cabinet, especially after the resignation of War Secretary Floyd. The complicated incident already added to Buchanan’s poor public image. It was well-known that Floyd was involved with secessionists, to the point that some southerners came to him with a plan to kidnap Buchanan and install Vice President John Breckenridge, a son of the South.⁸⁸ The “smoking gun” came when Buchanan caught Floyd in the process of ordering shipments of arms and ammunition from Pittsburgh to Texas, presumably to bolster the nascent Confederate military.⁸⁹ Buchanan was nervous about summarily firing Floyd and waited until later in the term for Floyd to resign under his own power.⁹⁰ Buchanan was reluctant to cause more turmoil in the cabinet, having relied on his advisers so long.⁹¹ He took the loss personally, as if their departure was a sign of personal betrayal rather than a difference of opinion.

⁸⁶ Moore, 62.

⁸⁷ Nevins, 358.

⁸⁸ Smith, 178.

⁸⁹ Baker, 131-2.

⁹⁰ Birkner, 102.

⁹¹ Buchanan, 110.

Following Floyd's resignation, Black became the dominant force behind the administration and was promoted to Cass's old position at State, thus allowing Edwin Stanton to occupy the Attorney General's chair.⁹² Black, like Buchanan, was not necessarily a critic of slavery, but he was an equally adept constitutional lawyer that felt the government had a duty to live up to its promises and obligations.⁹³ The jockeying had finally ended with Buchanan supported by fellow lawyers. The process by which he got there, however, had diminished some of his credibility and made the public doubt how much Buchanan was in control of his own house and his own message. If Buchanan could not elevate himself above the bickering in his own cabinet, how could he do so with the country? The cabinet debate was a microcosm of Buchanan's struggle. He voiced a highly technical, idealized opinion, which, in order to achieve success, would need to rely on the support of other conscientious moderates. Buchanan, instead, was shouted down to such a degree that made some doubt whether he was living up to the stature of the office. If his own advisers and supposed friends could not see the sincerity of Buchanan's motives and the soundness of his legal opinions, then how could he convince the country?

⁹² Nevins, 359.

⁹³ Potter, 536.

Negotiating with the South

If President Buchanan found difficulty in explaining the soundness and sincerity of his position inside his own cabinet, negotiating with the representatives of potential secessionist states threatened to be an almost impossible task. South Carolina especially would test Buchanan's willingness to follow through on the policy he had articulated in the message to Congress. Buchanan may have been naïve and overly idealistic in the opening stages of negotiation, but he evolved through the process and wound up convinced that his legally cautious doctrine was the only way to fulfill his duties as both the president and as a hopeful peacemaker.

In private, Buchanan fashioned himself as a mediator with a mandate from above, quoting from the book of Job, seeing himself as a "daysman with one hand on the head of each counseling patience."⁹⁴ His ability to serve in an unbiased, cool-tempered manner would be tested by a group of commissioners sent from South Carolina in early December, while that state was still going through the motions of actually declaring secession. Buchanan hoped to earn some good will by acknowledging their complaints and offering himself as a petitioner who would appeal to the North for justice.⁹⁵

The commissioners arrived on December 8 with the intention of manipulating Buchanan's own words against him, arguing that his declaration against coercion implied that he would not reinforce the forts in Charleston Harbor.⁹⁶ South Carolina itself lacked sufficient soldiers to make an attack at this juncture, so they hoped to buy themselves some time for organization. Always helpful Secretary of War Floyd had entered into something akin to a "gentlemen's agreement" to not reinforce the fort, and now came to Buchanan's doorsteps to ask

⁹⁴ Baker, 128.

⁹⁵ Smith, 147.

⁹⁶ Baker, 129.

for an explicit pledge.⁹⁷ The President, ever the parliamentarian who honored checks and balances, tried to sidestep the chief issue by turning the question into a debate about who had the proper authority of dealing with public property. Buchanan posited that Congress would have to decommission or sell the fort but lacking these actions, he was charged with maintaining the status quo and keeping all options open for himself. “I informed them that what would be done was a question for Congress and not for the Executive,” said Buchanan.⁹⁸

Both for his own conscience and for public appearances, Buchanan wanted it to be clear that he was not the aggressor if the tenuous peace gave way to conflict. “[If the forts] were assailed, this would put them completely in the wrong, and making them the authors of the civil war.”⁹⁹ For Buchanan, the government was legally forbidden to wage offensive war internally and there had to be a legitimate, verifiable *causus belli* to initiate a defensive campaign. Even though Buchanan was desperate for peace, he was careful not to overstep his authority in making agreements either. Any type of official truce with these South Carolina commissioners was out of the question because he doubted the legitimacy of their authority and because it would be inappropriate for the commander-in-chief to cede his control of the situation to the secessionists. He warned the South Carolinians that even though he sympathized with them, he could not promise to not reinforce the forts, and he was worried that their past talks “might be construed into an agreement on my part which I never would make.”¹⁰⁰ At the very least, Buchanan bought himself some time in that the South Carolinians insinuated that they would not attack until their state convention had formally met and declared secession. He pleaded with the southerners that

⁹⁷ Potter, 538.

⁹⁸ Moore, 57.

⁹⁹ *Ibid.*, 57.

¹⁰⁰ Stamp, 59.

events were moving at a pace too fast for him to properly reflect. "I always say my prayers when required to act upon any great State affair" he told them.¹⁰¹

Buchanan's self-imposed mission was to maintain the status quo on the ground, thus allowing the space for negotiations to take place. That was the extent of his charge militarily. Rather than impose his will on the people and the region, Buchanan saw himself as an administrator whose job was to simply not lose ground. The presidency was a reactive office, in his opinion, rather than a place for one man to impose his will arbitrarily.

Buchanan proceeded to try to open up a two-way dialogue with his counterpart executive, the governor of South Carolina. Buchanan was a man who genuinely believed that if he told the world his intentions, others would take him seriously or at least sincerely. He wrote to Governor Pickens on December 18: "It is my duty to exert all the means in my power to avert so dread a catastrophe. I have, therefore, deemed it advisable to send to you the Hon. Caleb Cushing."¹⁰² However Cushing's olive-branch mission yielded nothing, as did Interior Secretary Jacob Thompson's trip to North Carolina, which was designed to dissuade that state from acting rashly until it was actually provoked. The Northern press saw these actions as signs of weakness and Buchanan's willingness to deal with the secessionist leaders as lawful representatives, rather than as renegades or traitors.¹⁰³ He even proposed that South Carolina simply postpone any action on secession until he was out of office, seeing it as a personal affront that a much-documented friend of the South would now be discredited by that region.

Communication between Washington and South Carolina was slow and problematic, with neither side ever completely certain of the other's up-to-date intentions. But when Pickens responded with a bellicose answer, even going as far as asking permission to occupy the forts

¹⁰¹ Auchampaugh, 159

¹⁰² Moore, 68

¹⁰³ Smith, 176.

himself with state troops, Buchanan felt it was necessary to give him a legal lecture of sorts. He continued to disavow himself from any say in the question of South Carolina's official status.

"The Executive has no authority to decide what shall be the relations between the Federal Government and South Carolina...He possesses no power to change the relations heretofore existing between them, much less to acknowledge the independence of that State."¹⁰⁴ The President of the United States could never cede public land unless sanctioned by a treaty made by the legislature. "I have no power to surrender to any human authority."

Buchanan went to great lengths to ensure that he could not be blamed for provoking any conflict. He had to constantly weigh, however, his duty to keep the peace and his duty to also hold public property, since those objectives appeared to be colliding. For the time being, his answer rested with hoping that the South Carolinians would similarly honor the law and not openly threaten lawfully-owned territory. "The clearly prescribed line of my executive duties is to prevent a collision between the army and navy of the United States and the citizens of South Carolina."¹⁰⁵ Buchanan saw it as a duty to protect and speak for the soldiers, but to do likewise for the South Carolinians since they never ceased being American citizens, in his mind. He explained his decision not to reinforce the forts yet, "relying upon the honor of South Carolinians that they will not be assaulted."¹⁰⁶ If conflict was to come, South Carolina would have to initiate actual hostilities and offensive action; secession was not just cause alone to begin a full-scale war to save the Union. In the case of a rebel attack, South Carolina would force Buchanan's hand and render some of his previous statements moot. "It will not then be a question of coercing a state to remain in the Union, to which I am utterly opposed, but it will be a question of

¹⁰⁴ Moore, 71-72.

¹⁰⁵ *Ibid.*, 71.

¹⁰⁶ *Ibid.*, 71.

voluntarily precipitating a conflict of arms on her part."¹⁰⁷ Buchanan would reluctantly meet the military challenge if he had to, but he would not intentionally inflame the situation and cause South Carolina to attack.

However, he was becoming increasingly frustrated with the dangerous dance South Carolina was trotting. In a two-hour meeting with their self-appointed commissioners, the President, ever the legal stickler, questioned their authority and credentials. He made the distinction that he could speak to them as private citizens, but he could not formally negotiate with them.¹⁰⁸ The commissioners had already made the strategic decision to only talk with Buchanan, fearing that he would be a more receptive ear than Congress, hoping for an eventual capitulation. Their new demands included "the delivery of the forts, magazines, lighthouses, and other real estate within the limits of South Carolina."¹⁰⁹ They also informed him of the fact that, in their minds, this was a discussion between two sovereign nations with an equal level of authority, something which Buchanan obviously challenged.¹¹⁰

Buchanan's reply to these new demands marked a crucial incident in the evolution of his approach from being naïve and somewhat pliable towards a firm doctrine that would in fact effect real-life policy. In the process, he ceded even more of his authority to Black, acknowledging, in effect, that his fellow Pennsylvanian provided some backbone to his message. Buchanan had attempted to write a message himself to South Carolina and read this aloud to a flabbergasted Cabinet, who thought he was yielding too much and going against his own declarations. The first draft has been lost to history, but its apparent weakness shook Black to the point of threatening resignation, as did two other Unionists. "That document has blown your

¹⁰⁷ Smith, 177.

¹⁰⁸ Moore, 79

¹⁰⁹ Ibid., 76.

¹¹⁰ Smith, 182.

Cabinet to the four winds.” Buchanan risked alienating both sides, inflaming the Southerners because he would not give in to all of their demands and further enraging the North because he gave way on some of the points in a fruitless goodwill gesture.¹¹¹ Black handed Buchanan a reality check, saying that he had “swept the ground from our feet” and was treading in a shallow middle-ground upon which “no man can stand with you.”¹¹²

Buchanan begged his friend to not abandon him, at this point cognizant of the political precariousness of his situation. The Northern Democrats that Black represented were the only constituency Buchanan could theoretically rely on. The usually stubborn President relented and asked Black to rewrite the reply in his own hand, an acknowledgement that he could not do without his expertise. “I cannot part with you,” he wailed.¹¹³ Buchanan admitted that he had not been using “his reason” and that he must maintain as strong a position as possible. “We are not prepared for war, and if war is provoked, Congress cannot be relied upon to strengthen my arm, and the Union must utterly perish.”¹¹⁴ At this point, he more fully realized the seriousness of his predicament and that although he did not want blood on his hands, the situation could also collapse if he was too weak in the exercise of his powers. A correct balance had to be struck between firmness of principle and caution of action.

The stronger response also denied South Carolina’s right to seize federal property and stated that Buchanan could no longer see the commissioners altogether, otherwise he jeopardized the purity and stature of his office.¹¹⁵ He again appealed to their honor, even including in the package the orders given by his war department to Colonel Anderson in South Carolina with instructions to remain on the defensive, thus hoping to give a sense of openness about his

¹¹¹ Auchampaugh, 161.

¹¹² Baker, 135.

¹¹³ Smith, 181.

¹¹⁴ Auchampaugh, 162.

¹¹⁵ Baker, 136.

intentions. Any attack on the forts “would put them completely in the wrong and make them the authors of the civil war,” he warned.¹¹⁶ The reply of the South Carolinians, however, was so distasteful the Cabinet could not even receive it in good taste, and the commissioners bolted from the capital.

New Secretary of War Holt – a Unionist in the mold of Black and Stanton – was given the task of drafting a slightly firmer policy upon which the distinction was made between the right of a state to not be coerced and the right of the federal government to execute its laws and hold its properties. The government could take police action against individuals or groups who hindered its ability to carry out the law. Also, he was preparing for the possibility that South Carolina might precipitate a war and he wanted to carve out some leeway in terms of his options. “Should South Carolina attack Fort Sumter and initiate hostilities...it will be a war of aggression on her part against the United States and not a war of coercion to compel her to remain or return to the Union. The two issues are entirely different.”¹¹⁷

Buchanan began to feel the wrath of his former allies, when Jefferson Davis and a cadre of his Southern friends came to the White House to denounce him, accusing him of “being surrounded by blood and dishonor on all sides.”¹¹⁸ He had hoped that a middle course would engender some level of respect, but instead it left him with increasingly few allies. For support, he would have to rely on his own moral clarity about the certainty of his policy. With his back to the wall, he would go on to do some of his best work, at this point resigned to the fact that every decision he made would carry some criticism.¹¹⁹

¹¹⁶ Smith, 172.

¹¹⁷ Auchampaugh, 180-181.

¹¹⁸ Smith, 179

¹¹⁹ Smith, 183

During Buchanan's negotiations, he was also simultaneously engaged in a lengthy campaign to prove to his doubters that his views were not cowardly or opportunistic but represented a sincere sense of conviction. Not only was he attempting to be realistic by suggesting that caution would be the only method possible to avoid war, but he wanted to display his idealistic colors by painting himself as a peace-lover and patriot, looking out for what was best for the country and the constitution. His idealism would be tested as critics grew in numbers on either side, calling for more decisive action. His idealism did not take the form of blanket allegiance to one political party or section, thus making it somewhat difficult for observers to define.

Thus, in an attempt to explain his true intentions and closely held beliefs, he turned once again to Congress, this time to deliver a Special Message that would dial down the legal posturing while reiterating Buchanan's beliefs, trying to speak directly to the conscience of the nation. He had gradually grown aware that his previous words were not having the desired strong effect. He now hoped to implore Congress with the dire nature of the situation and urged them to hand him more explicit powers to deal with the crisis, especially if military action was warranted. He reiterated in a more forceful tone that "the right and the duty to use military force defensively against those who resist the federal officers in the execution of their legal functions, and against those who assail the property of the federal government, is clear and undeniable."¹²⁰ He had resolved his own inner qualms about the distinction between the types of conflict.

He again repeated his conception of his role in the negotiations, insinuating that Congress would have to deal with the secession problem itself. He could not acknowledge the independence of a state unless Congress recognized it first. "My province is to execute, and not

¹²⁰ Moore, 96.

to make, the laws.”¹²¹ As the chief executive officer under the Constitution, it was his duty to “collect the public revenues and to protect the public property so far as this might be practicable under existing laws.”¹²² If Congress ignored its responsibility, then they should give way so the people themselves could lend their voice for possible solutions, perhaps in the form of referenda or constitutional amendments. “Let the question be transferred from the political assemblies to the ballot-box, and the people themselves would speedily redress the serious grievances which the south have suffered.”¹²³

Buchanan spoke from the heart about his desire for peace, about how “the Union is a sacred trust left by our revolutionary fathers.”¹²⁴ He hoped that the Congress would be as diligent as he would be in seeking out all possible alternatives before acquiescing to the inevitability of war. “In Heaven’s name, let the trial be made... Time is a great conservative power. Let us pause at this momentous point... A common ground is surely not unattainable.”¹²⁵ However, ever the cautious plodder, he also warned of overreacting out of zealotry. “The Union must and shall be preserved by all constitutional means.”¹²⁶ If the warring factions were to be bound together again, it would be the fabric of the Constitution providing the common thread. Or that’s at least what Buchanan contended.

¹²¹ Ibid., 95.

¹²² Ibid., 95.

¹²³ Ibid., 97.

¹²⁴ Ibid., 96.

¹²⁵ Ibid., 97.

¹²⁶ Ibid., 97.

SECTION 3 – THE PRESIDENT AND THE FORT

Despite Buchanan's best intentions, it was not realistic to think that he could run out his term in office without making any concrete military decisions. Buchanan never completely felt comfortable with the role of commander-in-chief, unable to command respect from the military brass or maintain firm control over his war department. When South Carolina began to station troops around the forts in Charleston in late December, Buchanan was forced to adopt a firmer posture than was natural for him. Buchanan would do an admirable job in staying true to his initial declaration that the federal government could not stand down from the forts. Furthermore, he stood by his troops and the decisions made on the ground. However, Buchanan only succeeded in so far as yielding an informal, temporary truce and avoiding any major hostilities. Buchanan may not have solved the military dimensions of the problem and he may have not been the most forceful commander-in-chief, but he did not abandon the Union's position.

Weighing options but holding steady

Much to Buchanan's dismay, trying to talk his way through the situation had an expiration date, and what was once hypothetical turned into reality. The question centered around how Buchanan the erudite, consensus-seeking lawyer would handle his duties as commander-in-chief. His options were limited and his previous threats had seemed somewhat hollow to the more militant secessionists in the South. How could he walk the balance between maintaining a tenuous peace while fulfilling all of the nation's military responsibilities in a hostile environment? In the crisis with Fort Sumter, Buchanan would gradually find his comfort zone, with a posture of restrained confidence without being so belligerent that it set off actual hostilities. For Buchanan, the goal became more modest, namely playing out his remaining months in office without a shot being fired.

Buchanan and his cabinet members never seriously considered waging a war to save the Union. Even if that end was desired, Buchanan believed those means were also a challenge to the integrity of the Constitution, much like the threat that secession posed. Buchanan routinely equated the Constitution with the Union, aligning the legal aspects of the nation along with its physical borders and safety. Buchanan even theorized about what would happen if the South permanently left the Union, speculating that the North would have enough financial institutions to adequately survive, helped along with expanding prospects in the West. "Suppose, most unfortunately, that the cotton states should withdraw from the Union," he wrote to a New York politician. "We shall still have within the borders of the remaining States all elements of wealth and prosperity."¹²⁷ It was Buchanan's cause to avoid war at all costs, not necessarily avoid secession at all costs. He believed that over time, even an independent Southern nation would

¹²⁷ Moore, 74

feel compelled to eventually seek reconciliation with the Union, being unable to stand on its own feet militarily and economically.

Buchanan was by most accounts genuinely religious, regularly making claims about the evils of a potential “Brothers’ War.”¹²⁸ The stress of those tenuous months wore on Buchanan, who wondered at some points whether despite his best intentions to avoid conflict, war was inevitable. All he could do was to try to use the pulpit of the presidency to warn the public. Those who contended that war might not be such a terrible option should take a closer second look, according to Buchanan. And above all, he was careful to make any statement or action that could be construed as justifying hostilities on either side. “It shall not be said of me that I willfully provoked a civil war between my countrymen, or furnished to any of them the semblance of an excuse for imbruing their hands in federal blood.”¹²⁹

Despite Buchanan’s peaceful intentions, he was still the nominal commander in chief, in charge of supervising a military establishment that was somewhat skeptical of his legal back-and-forth. The army’s aged chief of staff Winfield Scott entertained Buchanan with his printed “views” on potential military options, advice that strayed into political territory as well. Ever ready to display his idea of a creative solution, Scott even hinted to Buchanan that it might not be a bad thing if the Union were to split up into four geographic-based republics. In his area of expertise, Scott suggested few viable options for Buchanan. On one hand, he recommended immediately garrisoning the nine federal forts in Southern states. However, capturing the irony of the president’s precarious position, he informed Buchanan that only 400 men would be available for the task.¹³⁰ Only five companies were within reasonable proximity to Sumter,

¹²⁸ Auchampaugh, 198

¹²⁹ Moore, 62.

¹³⁰ Smith, 168.

given that the bulk of the 18,000 man army was out in Indian territory.¹³¹ Scott somewhat condescendingly reminded Buchanan of the forceful threats and unflinching posture maintained by President Jackson during the 1830's secessionist crisis.¹³²

Buchanan's constitutionalism and caution transferred over to the military realm as well, as noted by his response to Scott's plan. He believed that scattering 400 men amongst the nine forts would be a sign of weakness, but it might inflame the South even further.¹³³ Nineteenth century forts were usually sparsely staffed with mostly maintenance personnel; their importance lay in the symbolism of federal sovereignty.¹³⁴ Buchanan also contended that preemptively calling for volunteers or militia members without an actual declared war might be unconstitutional and unwise. Buchanan instead asked Congress to organize five more companies of regular army troops, but the legislature ignored his requests, reluctant to hand the lame-duck President too much power, lest he might receive some last-minute glory.¹³⁵

Scott, who was also in contact with President-Elect Lincoln during this time, struck back by insinuating that Buchanan should test the South's resolve, namely by sending 300 men to Fort Moultrie in South Carolina.¹³⁶ Buchanan chose not to risk the tenuous and temporary peace, even as Confederates in the South were simultaneously seizing forts, customhouses, armories, post offices, and courthouses without any retaliation from the federals.¹³⁷

Both Black and Buchanan, however, concurred with Scott's notion that Sumter was a test of the administration's leadership and relevance, as well as a microcosm of the entire dispute about state and federal power. Newspapers and the whole nation became preoccupied with daily

¹³¹ Buchanan, 105.

¹³² Stamp, 58.

¹³³ Smith, 168.

¹³⁴ Ibid.

¹³⁵ Buchanan, 106.

¹³⁶ Smith, 175.

¹³⁷ Baker, 128.

reports of Sumter's status.¹³⁸ Some in the cabinet supported the idea of surrendering Sumter immediately and without fanfare or bloodshed. Another option was simply letting South Carolina buy it as a gesture of goodwill.¹³⁹ As was to be expected by his cabinet members, Buchanan braced himself with a legal stance, arguing that the president must hold federal property unless the Congress authorized him to sell it.¹⁴⁰ The same "constitutional scruples" that rendered it unlikely that Buchanan would do anything that could be conceived as coercing states back into the fold also made it unlikely for him to bow to Southern demands regarding the forts. Just as he argued that slaves were legal property of their owners, the forts were the legal property of the federal government.¹⁴¹ Symbols of authority and proper ownership mattered to the President. He placed the Constitution on a pedestal and relied on the literal interpretation of his oath of office as his guidepost through the storms of the secession crisis. As it was with the Declaration of Independence and the Revolutionary War, the question for Buchanan remained whether a "skiff made of paper" would suffice as an anchor in troubled seas for the ship of state.

To his credit, Buchanan never indicated any serious willingness to abandon the forts throughout his final months in office, even while he hesitated over whether to reinforce them.¹⁴² The "old functionary" still cared about his spot in history. When Secretary of War Floyd suggested that losing the forts might not be all that damaging, Buchanan allegedly responded with the quip that if this happened, the public opinion would be so virulent that "it were better for you and me both to be thrown in the Potomac with millstones tied about our necks."¹⁴³ Floyd and the other Southerners were genuinely surprised with Buchanan's determination on the forts

¹³⁸ Auchampaugh, 152.

¹³⁹ Baker, 134.

¹⁴⁰ *Ibid.*, 135.

¹⁴¹ Smith, 170.

¹⁴² *Ibid.*, 169.

¹⁴³ *Ibid.*, 170.

issue, assuming that he could be persuaded to back down.¹⁴⁴ The sanctity of federal land was simply too important to Buchanan.

What was not as clear was whether Buchanan could call out the South Carolina militia to protect those forts. The lines of authority between federal and state forces were somewhat murky at this juncture. Constitutional scholars have argued over whether the militia acts of 1794 and 1807 imply that the President has to wait for a request from a federal officer stationed in that state to call out the militia.¹⁴⁵ And for what purposes could those troops be used – to merely assist in executing federal responsibilities like collecting revenue or delivering the mail or to actively fight against United States citizens engaged in rebellion. Buchanan sided with the opinion that he probably needed a formal request for assistance, that the state militia was essentially South Carolina property. The problem was that most of the federal officers had resigned their posts, leaving it unlikely that that request would ever come through official channels.¹⁴⁶ The President might have called out other states' militias and sent them to South Carolina – New York volunteered for the mission – but again he was unsure over the legal niceties and public appearances.¹⁴⁷ He later justified his decision and spelled out his predicament: “It will not be presented that the President had any power, under the laws, to add to this force by calling for the militia, or accepting the services of volunteers to garrison these fortifications.”¹⁴⁸

Buchanan was presented with other practical and legal limitations of power when it came to the existing congressional statutes. There was nothing on the books that said he could use the

¹⁴⁴ Auchampaugh, 150.

¹⁴⁵ Baker, 128.

¹⁴⁶ Stamp, 104.

¹⁴⁷ Baker, 126.

¹⁴⁸ Buchanan, 104.

navy or the warships to either collect revenue or close the Southern ports. Congress also had not appropriated any explicit funding for defense of the Union during the crisis.¹⁴⁹

Buchanan was aware that by being so hesitant to use what he perceived as extralegal military powers he might be considered weak and vacillating. Extreme elements in the North might brand him a traitor or a co-conspirator, while soon-to-be secessionists in the South could jump at the opportunity to exploit a slow-to-react federal government. However, Buchanan could never seriously consider abandoning his principles or constitutional opinions just because the situation seemed dire enough to warrant unusual actions. He possessed somewhat of an arrogant streak that convinced him that his actions were truly moral and that his caution would be eventually vindicated. There was a reason, in his mind, that the founding fathers placed a civilian atop the military, and that was to check the more belligerent instincts of the public in situations such as these.

However, Buchanan was not completely immune to reality and the limits of his policy. To a friend, Mr. Phelps, he admitted that “several of the cotton states will be out of the Union before anything can be done to check their career.”¹⁵⁰ To Mr. Wharton, he confided, that “I have no word of encouragement to give you in regard to Southern secession....The worst feature in the aspect of affairs is that they are rapidly losing their respect and attachment for the Constitution and the Union.”¹⁵¹ To Buchanan those two were intertwined, and if the former was allowed to be violated, the latter would soon perish as well.

When it came down to finally issuing orders and transferring his thoughts into action, Buchanan, the reluctant commander, initially flinched. When the commander in South Carolina, Major Gardner, started trying to add to his ammunition supplies, Buchanan replaced him with a

¹⁴⁹ Stamp, 104.

¹⁵⁰ Moore, 73.

¹⁵¹ *Ibid.*, 66.

Southerner, Robert Anderson, in order to hopefully placate that section of the country.¹⁵² After Governor Pickens of South Carolina threatened Sumter's safety in a confidential letter (in which Pickens absolved himself of potential responsibility if hostilities did occur), Buchanan thought about how damaging the public reaction might be if the United States quietly transferred possession.¹⁵³ However, he also knew that any favorable action towards the South would be met with the resignation of three to four Unionists – Black, Stanton, Holt, and Toucey.¹⁵⁴ In the midst of another contentious cabinet meeting, Stanton warned the President that if he did just that, they should all be hanged for treason “like John Andre” of the Benedict Arnold episode. Buchanan replied comically, “Oh, no. Not so bad as that, my friend.”¹⁵⁵

Stanton pressed Buchanan to completely turn away the South Carolinian semi-official commissioners who continued to badger him at the White House. He appealed to Buchanan's respect for lawful appearances, arguing that the chief executive has a responsibility to shield himself from any treasonous talk, even reminding him that some Republicans were whispering about impeachment. “They cannot be ambassadors, they are lawbreakers, traitors. You cannot negotiate with them...It is wholly unlawful and improper.”¹⁵⁶ Stanton's Unionist comrade, Black, now chose to emphasize the powers of the government, not just its limits. “[In regards to] the power to defend the public property...the President has always asserted his right.”¹⁵⁷

Buchanan attempted again to split the middle, by crafting instructions for the new commander, Major Anderson, which called for him to stand his ground while at the same time insinuating that he should avoid conflict. What if those two goals came in conflict with each

¹⁵² Nevins, 366.

¹⁵³ *Ibid.*, 365.

¹⁵⁴ *Ibid.*, 376.

¹⁵⁵ *Ibid.*, 370.

¹⁵⁶ *Ibid.*, 376.

¹⁵⁷ Stamp, 77.

other? What was Anderson to do? Buchanan counseled him to “abstain from increasing the force at this point or taking any measures which might add to the present excited state of the public mind.”¹⁵⁸ On the contrary, he made sure to remind Anderson that “you are to hold possession of the forts in this harbor, and if attacked, you are to defend yourself to the last extremity.”¹⁵⁹

Anderson was somewhat puzzled over what exactly these orders meant, especially given the fluidity of his situation. Did Buchanan, for instance, want Anderson to maintain all three forts in that region – Fort Sumter, Fort Moultrie, and Castle Pinckney? What if that was not logistically feasible? Under the cover of darkness on the day after Christmas, Anderson decided to cut his losses by retreating with all of his forces to the more easily defensible Sumter.¹⁶⁰ Anderson’s action was arguably the most pivotal decision of the crisis since it threatened to upset the status quo on the ground.¹⁶¹ In a sense, it was an attempt at disengagement, discouraging the South from attacking the much stronger position. The entire crisis would now convalesce around Sumter, which would soon become a symbol of the conflict between national and state sovereignty.¹⁶² South Carolina responded as expected, by occupying Moultrie and Pickney; other federal officers in the area resigned in protest.¹⁶³ The Post House, Custom House, and arsenal were now in rebel hands as well, leaving Anderson increasingly isolated.¹⁶⁴

As expected, the White House erupted in chaos. Southern members of Congress cascaded down Pennsylvania Avenue to complain to Buchanan. He initially attempted to distance himself from Anderson. “I call God to witness that you, gentlemen, better than

¹⁵⁸ Moore, 82.

¹⁵⁹ Ibid.

¹⁶⁰ Nevins, 367.

¹⁶¹ Potter, 540.

¹⁶² Ibid., 541.

¹⁶³ Stampp, 73.

¹⁶⁴ Smith, 182.

anybody, know that it is not only without, but against my orders. It is against my policy."¹⁶⁵ To his credit, however, Buchanan would not completely disown or dismiss the Major until he had gone through the proper review process. Even amidst the crisis, Buchanan wanted to appear calm and rational, that he was not leaping to unwarranted decisions without the proper factual findings and legal interpretations.¹⁶⁶

In another high-stakes cabinet meeting on December 29, Buchanan suggested the concept of sending Anderson back to Moultrie.¹⁶⁷ However, some of the members provided Buchanan with a dose of reality, namely that such an action would be a death march for Anderson.¹⁶⁸ Buchanan slowly began to respect Anderson's initiative, and backed away from his former Southern friends. He affirmed the Major's decision, and in the process, began to find more of a backbone himself. "I am urged immediately to withdraw the troops from the harbor of Charleston and am informed that without this, negotiation is impossible." Buchanan admitted frustratingly. "This I cannot do; this I will not do. Such an idea was never thought of by me in any possible contingency."¹⁶⁹

Anderson soon became a national hero for his stoic posture, with parades saluting him in Northern cities – some of which were organized by Black and Stanton. Buchanan latched on to his coattails, and for the first time in years, engendered some genuine respect and admiration from the populace.¹⁷⁰ Buchanan, even though he may have initially sympathized with the South's grievances, could not look past the very clear legal position that the United States owned the forts and could not surrender them. As a mere executor of the laws, his job was to hold on to

¹⁶⁵ Nevins, 368.

¹⁶⁶ *Ibid.*, 369.

¹⁶⁷ Smith, 180.

¹⁶⁸ Baker, 135.

¹⁶⁹ Moore, 84.

¹⁷⁰ Smith, 182.

them for the remainder of his term. Even when thrown the curve of Anderson's sudden actions, Buchanan evaluated him based on whether he had followed the presidential orders and whether he had stayed within the bounds of his authority.¹⁷¹

Despite some acclaim in the North, Buchanan remained fiercely independent. He did not emerge overnight as an interventionist Unionist. His desire throughout was to simply maintain the peace. The best means towards those ends, he believed, was simply following the law and holding the Union's present position (both in terms of policy and in terms of the forts).¹⁷²

Buchanan also had determined that further negotiation with South Carolina was fruitless and eventually, reinforcements would have to be sent to Anderson.¹⁷³ A president could not renege on his obligation as Commander-in-Chief to assist his soldiers. He considered it his duty to hold steady.¹⁷⁴

¹⁷¹ Stampp, 72.

¹⁷² Auchampaugh, 161.

¹⁷³ *Ibid.*, 167.

¹⁷⁴ Stampp, 57.

Star of the West: Testing the Waters

Buchanan's refusal to give in on Fort Sumter marked his high point in public opinion during the secession crisis. Buchanan was not radically changing his position, merely adhering to his interpretation of existing statutes, in this case, the notion that federal property could not be simply surrendered because of expedience or appeasement. The President had no authority to change their status, Buchanan consistently maintained. Buchanan believed that straddling as close to the letter of the law as possible would be the best possible way to avert further inflaming the emotions in South Carolina. The Constitution was put in place for reason, and it had internal safeguards to protect the country in emergencies. The job of the President was to merely not become distracted from following its instructions.

Buchanan's mantra of "This I cannot do, this I will not do" (in terms of surrendering the forts) garnered him his fifteen minutes of public acclaim. There was suddenly an inkling of confidence in the government to fulfill its duty to protect the Union in its whole.¹⁷⁵ When new Secretary of the Treasury John Dix issued an order that "if anyone attempts to haul down the Union flag [from a government building], shoot him on the spot," Buchanan appeared as if he might make it to the March 4 inauguration with his reputation and the country still intact.¹⁷⁶ Even his critics admitted that Buchanan could be quite possibly "stiffening himself up to the performance of our duty."¹⁷⁷ Despite his streak of stubbornness and his strong sense of independence, he was never completely immune to public opinion. He heard the Northern public's cry to hold on to Fort Sumter and he also knew that the Northern reaction to any attack

¹⁷⁵ Nevins, 382.

¹⁷⁶ *Ibid.*, 384.

¹⁷⁷ Stamp, 80.

by the South on that property might be so overwhelming as to force Buchanan's hand in acquiescing to war.¹⁷⁸

Buchanan's religious nature encouraged him to avoid war if at all feasible. "I weigh well and prayerfully what course I ought to adopt, and adhere to it steadily, leaving the results to providence. This is my nature."¹⁷⁹ Some of his cabinet members, like Dix, suggested that Buchanan's judgment may have been too clouded by this desire, and that he was too willing to listen to some ultimately unacceptable compromise offers. If at all else, Buchanan was "obsessed," according to Dix, with not firing the first shot. He could care less if the public stayed with him or not on that point. "If I live till the 4th of March, I will ride to the capitol with Old Abe whether I am assassinated or not."¹⁸⁰

Of all the issues during the secession crisis, Buchanan was the most headstrong about his constitutional right – and duty – to hold Fort Sumter. In a letter to former President John Tyler, he informed him that there was really no serious alternative. "I could never voluntarily surrender the property of the United States which it was my solemn and imperative duty to protect and defend."¹⁸¹ On the question of rightful ownership, there was no doubt in Buchanan's mind. He instructed Secretary Holt to inform the South Carolina negotiators that it was useless debating this point. "The title of the United States to Fort Sumter is complete and incontestable...He has no constitutional power to cede or surrender it."¹⁸²

Buchanan thought his position was fairly moderate and he did not completely comprehend why the federals' continued possession of Sumter was such a point of contention. He simply would not be to blame if war commenced over this issue, since he could not relent on

¹⁷⁸ Smith, 175.

¹⁷⁹ Moore, 69.

¹⁸⁰ Nevins, 382.

¹⁸¹ Moore, 142.

¹⁸² *Ibid.*, 139.

his position or renege on his responsibility to maintain his stewardship of that property. Adding to his dismay was that the defenders of the fort were under strict orders “to act purely on the defensive.”¹⁸³ In a gesture of honesty and full disclosure, he even provided the commissioners with a copy of his message to Anderson. He never believed that the honor of South Carolina was somehow at stake in this standoff. “How the presence of such a small garrison...can compromise the dignity or honor of South Carolina, or become a source of irritation to her people, the President is at a loss to understand. The attitude of that garrison...is neither menacing, nor defiant, nor unfriendly.”¹⁸⁴

Despite his posture of strength, Buchanan was justifiably nervous about the tenuous situation on the ground. “I felt as much anxiety to prevent a collision and spare the effusion of blood as any man living,” he wrote.¹⁸⁵ Anderson had already interpreted his orders in a somewhat liberal fashion; perhaps the public support of his previous actions might prompt the Major into a reckless move. The South Carolinians were gradually transferring their military forces nearby to the nascent Confederate Government and Jefferson Davis. In order to engender Southern support and entice more states into the new government, might the Confederates initiate attack.¹⁸⁶ At some point, Buchanan had to make clear his position and simply hope for the best. He had already presented the Union as a peaceful, benevolent presence, but to now back down from Sumter would be a signal that the federal government was ultimately powerless and subservient to the states and its renegade citizens. He wanted peace, but not at the price of violating his oath or the Constitution. “If the authorities of that state shall assault Fort

¹⁸³ *Ibid.*, 109.

¹⁸⁴ *Ibid.*, 140.

¹⁸⁵ *Ibid.*, 111.

¹⁸⁶ Potter, 354.

Sumter...and thus plunder our common country into the horrors of civil war, then upon them and those they represent must rest the responsibility.”¹⁸⁷

Buchanan’s next serious test would be to whether to reinforce Sumter or not, and specifically how to do so. Buchanan never doubted his legal authority to send them, even while South Carolina vented its threats. “The right to send forward reinforcements when, in the judgment of the President, the safety of the garrison requires them, rests on the same unquestionable foundation as the right to occupy the fortress itself.” The chief question, for him, lay with that second point about whether the situation was dire enough to warrant intervention.¹⁸⁸ The administration sent Anderson a message assuring him that they would not desert him after his move to Sumter, but what that entailed in terms of additional troops and sustenance material had not yet been determined by the cabinet.¹⁸⁹ Buchanan had enjoyed the informal truce that had existed while the governor’s emissary, Colonel Hayne, was stationed in Washington.¹⁹⁰ But after Hayne outstayed his welcome in the form of an insulting letter to Buchanan and withdrew from the scene, Buchanan believed that the situation was reaching its tipping point.¹⁹¹ He confided to Secretary Thompson that the “letter left no doubt on my mind that Fort Sumter would be immediately attacked, and hence the necessity of sending reinforcements thither without delay.”¹⁹² Black believed that Buchanan might be becoming too gullible in terms of believing South Carolina’s threats, but he did not necessarily disagree with the decision to reinforce.¹⁹³

Shortly after the New Year, Buchanan decided it was time to act. Buchanan, ever cognizant of his duties, had to fulfill his responsibilities as Commander-in-Chief and protect his

¹⁸⁷ Moore, 141.

¹⁸⁸ *Ibid.*, 140.

¹⁸⁹ Nevins, 378.

¹⁹⁰ Moore, 110.

¹⁹¹ *Ibid.*, 141.

¹⁹² *Ibid.*, 101.

¹⁹³ Smith, 185.

troops. He would surreptitiously send 250 men aboard the *Star of the West* and have it sail for Charleston, with the soldiers cast away below deck.¹⁹⁴ The ship set sail from New York's Fort Columbus on January 5, reaching South Carolina on January 9.¹⁹⁵ Originally, a stronger ship, the *Brooklyn*, was scheduled for the mission. Scott and Holt convinced a reluctant president that the light-draught steamer *Star of the West* would sail more stealthily and effectively.¹⁹⁶ This latter ship was smaller and unarmed, easier to intimidate.¹⁹⁷ When the steamer reached Charleston, it was fired upon. Instead of engaging in all-out conflict, the *Star* followed its orders and slinked back to Norfolk.¹⁹⁸ Buchanan complained to Former President Tyler that he could not understand why his action was met with hostility. "She goes on an errand of mercy and relief. If she had not been sent, it would have been an abandonment of our highest duty."¹⁹⁹

The ironic and tragic thing was that Anderson had no idea that help was on the way. Without advance notice, he wasn't sure whether to provide covering fire or not, so he decided to keep his guns quiet.²⁰⁰ Anderson had actually sent a message to Washington after the *Star of the West* had already set sail trying to assure Buchanan that he did not need assistance yet.²⁰¹ Buchanan spent the next few days nervous about whether he had jeopardized the situation unnecessarily. When news came back of the small confrontation, Buchanan was relieved the damage was not worse. "*The Star of the West* was only happy in one respect and that is that she was not sunk and no blood was shed," he confided.²⁰²

¹⁹⁴ Baker, 138.

¹⁹⁵ Smith, 183.

¹⁹⁶ Auchampaugh, 179.

¹⁹⁷ Birkner, 197.

¹⁹⁸ Smith, 184.

¹⁹⁹ Moore, 113.

²⁰⁰ Potter, 543.

²⁰¹ *Ibid.*, 542.

²⁰² Moore, 172.

Buchanan's time in the public's good graces was over. The flag had been fired upon and Buchanan resisted all calls for retaliation. Again he was left with few allies, with the North calling him a weakling and the South refusing to talk to him at all anymore.²⁰³ Any potential Unionists inside the South were not being courted by the administration either. A fellow democrat warned him that "*The Star of the West* must return to Charleston and land her troops at Fort Sumter or your administration will be disgraced through all coming time."²⁰⁴ Pressure was weighed upon Buchanan to call out for volunteers, given that many would likely have signed up under these circumstances, yet, above all, he wanted the situation to die down.²⁰⁵

Newspapers especially attacked his apparent lack of decisiveness, believing that his obsession and insistence on following legal niceties distracted him from ever committing to a bold action. Cartoons lambasted him with caricatures of an old maid. "Forbearance has ceased to be a virtue...His flippant talk...is worn threadbare," a Northern paper cried. Attacks beamed increasingly vitriolic and personalized. An observer of the situation estimated that Buchanan was "execrated now by four-fifths of the people of all parties."²⁰⁶ *The Chicago Tribune* threatened that "If Old Buck would show his corpse in these parts he would be hung so quick that Satan would not know where to look for his traitorous soul."²⁰⁷ This had been perhaps Buchanan's only opportunity for a swift military action in which he could rightly claim that the North was a victim. Buchanan, instead, was content with the simple fact that Sumter still lie in Federal hands, that there was at least some symbol of national supremacy still existing in South Carolina.²⁰⁸

²⁰³ Smith, 184.

²⁰⁴ Stampp, 85.

²⁰⁵ *Ibid.*, 88.

²⁰⁶ Birkner, 113.

²⁰⁷ Stampp, 73.

²⁰⁸ Stampp, 95.

The last two of Buchanan's Southern cabinet officers – Thomas and Thompson – used this incident as an excuse to finally resign.²⁰⁹ The Unionist troika of Black, Holt, and Stanton would now help Buchanan steer the ship of the state for the remainder of his term. There has been some debate amongst historians over who was chiefly in charge of the administration, especially Buchanan's refusal to abandon Fort Sumter.²¹⁰ But the spirit of the decision, in terms of adhering to the executive responsibilities of the federal government, came from Buchanan's idealism and insistence.

Buchanan was also willing to stand independent from his advisers, such as when they came to him in February suggesting another attempt at reinforcement.²¹¹ By this point, Anderson had again undertaken his own initiative in terms of dealing with Governor Pickens in South Carolina, both deciding to send emissaries to Washington and agreeing to withhold from any further hostilities until after the negotiators at least made an attempt at a more official truce.²¹² Some cabinet members devised a stealth-laden plan to reinforce Sumter under cover of darkness, tugging the boats at night to avoid detection.²¹³ Anderson, however, insisted he could hold out for the time being. To a degree, the Major misled Buchanan about the strength of his position, but Buchanan did not inquire too deeply. Both were motivated chiefly by the desire to avoid bloodshed, and they would worry about the realities of the fort's supplies at a later date, perhaps after Buchanan was out of the White House.²¹⁴ For the rest of the administration, Buchanan thus maintained a position that he would not abandon the fort but he would not send reinforcements unless Anderson asked for and required help.²¹⁵

²⁰⁹ Smith, 184.

²¹⁰ *Ibid.*, 175.

²¹¹ Baker, 139.

²¹² Smith, 185.

²¹³ *Ibid.*, 186.

²¹⁴ Potter, 544.

²¹⁵ Smith, 185.

As a military commander, Buchanan fulfilled the technical responsibilities of his position. He did not abandon Sumter and he did not abandon Anderson. Because of his idealistic streak and his sincere desire to avoid conflict, however, he avoided any action which might prompt South Carolina to lash out in anger. However, he did not engage in any desperate compromises or quick bargains because he knew the Presidency had to maintain a lofty and stoic posture. He was not always intimidating to the South Carolinians, but they at least knew where he stood. And Buchanan would make it to March without a shot being fired, an accomplishment in its own right, a testament to the carefully crafted and unique consistency to his policy. And with the military situation at somewhat of a standstill, Buchanan would turn his attention to one last attempt at rectifying the crisis and bridging the gap between North and South once and for all. Could he truly elevate the debate and make both sides forget their other political concerns – as he himself had done – and come together in the spirit of the Union and the Constitution?

SECTION 4: SOLUTIONS SUGGESTED AND SPOILED

As the potentially dangerous military situation crawled to a standstill after the *Star of the West* incident, James Buchanan turned to negotiation one final time as a way to solve the crisis once and for all. Instead of dealing with the Southerners directly, Buchanan hoped that either a Congressional compromise or a special convention could rectify the situation and hopefully unite the country. In the final month of his administration, Buchanan would serve as a cheerleader of sorts, trying to advance the cause of the Union without alienating either section. He would have few tools of persuasion at his disposal, aside from the office itself and the depth of his sincerity to finally achieve peace through a set of conciliatory, symbolic moves. Buchanan would be hindered somewhat by his reluctance to go beyond the explicit duties of the presidential office, but he still remained a player in the last-ditch attempts for peace.

Instead of resorting to violence, Buchanan again focused on the more nuanced, and perhaps less direct, route of political compromise and legal modification. The nation had backed down from the brink before, with the compromises in 1820 and 1850 and the nullification crisis in the 1830s. Buchanan hoped for a repeat of that scenario. The stringent follower of the letter of the law would argue that unless laws dealing with slavery and statehood were changed through the proper channels, neither geographic section could ever be satisfied. The Constitution included emergency procedures of amending for this very reason. Buchanan would now try to put that contingency to the test. Could Buchanan lead the effort towards a compromise or would external factors limit this final push for peace?

Can Congress carry the load?

Buchanan's short-term, small-scale goal was now to simply "hand over the Government intact to this successor."²¹⁶ His legislative ambitions represented somewhat of a dream scenario, even from Buchanan's perspective. He knew that the easiest solution was for the North to simply acquiesce to some of the South's demands. Buchanan never seemed to be seriously bothered that this might represent a type of surrender or a reward for misbehavior. After all, Buchanan's chief complaint with the South was with their act of secession, not their views towards slavery, since on that front, he was squarely on their side. Buchanan reiterated his long-held contention that "the Constitution opens all the Territories, both North and South, to the introduction and protection of slave property."²¹⁷ The rest of the country would simply have to make adjustments, in exchange for avoiding a civil war.²¹⁸ However, Buchanan's posture did not inspire much fear or respect from either side, and elements in the North no longer saw the president as a fair and worthy arbiter for the crisis because of his supposed loyalty to the South.²¹⁹

Buchanan recognized that there was little he could do on a unilateral basis. He was reluctant to issue executive orders from a legal standpoint, especially while Congress was in session. After all, Congress had taken the lead in the past sectional compromises in 1820 and 1850, with the presidents relegated to something of an observer status.²²⁰ Buchanan could prod and attempt to persuade, but he could not do the heavy lifting for Congress. He sincerely believed that only the legislature had the power to institute further or harsher contingency

²¹⁶ Birkner, 113.

²¹⁷ Buchanan, 135.

²¹⁸ Baker, 134.

²¹⁹ Potter, 520.

²²⁰ *Ibid.*, 522.

policies in situations where federal authority was violated.²²¹ Buchanan hoped that Congress would recognize and seize the historical opportunity, especially in the late-January and mid-February vacuum when a tenuous peace persisted in South Carolina.²²² In fact, Congress refused to act on the President's specific recommendations. Congress refused to allocate money for a larger defense. The legislators were politically reluctant to hand a lame-duck president further military policies. Even some of Buchanan's nominees for vacant positions in the seceding states were stalled.²²³ Buchanan now had to be especially cautious to avoid confrontation, since the federal government was still ill-prepared for a full-scale struggle.²²⁴

Buchanan simply could not comprehend how the Congress could shirk its legal and patriotic responsibilities to at least attempt to seek a compromise, or if they decided upon a military fight, prepare for it. But politics still dominated most of the discussion in the halls of Congress, especially with a Democratic Senate, a Republican House, and an upcoming party turnover in the White House.²²⁵ The few Northern democrats that could have been Buchanan's allies had been estranged from him for a significant amount of time, ever since the Lecompton Constitution crisis and after his split with party leader, Stephen Douglass.²²⁶ In the moment of crisis and with his eye already out the door, Buchanan had, for the most part, ignored his personal political concerns during those winter months. He believed that the president must maintain some distance from the legislature in order to elevate that office, but then simply approve or disapprove the laws Congress passed, without getting too wrapped up in the details or

²²¹ Smith, 161.

²²² Auchampaugh, 177.1

²²³ Smith, 186.

²²⁴ Auchampaugh, 152.

²²⁵ Nevins, 354.

²²⁶ Birkner, 112.

debates.²²⁷ When Congress refused to grant Buchanan additional powers, he was not used to or overly comfortable with pleading his case and getting down to their level.²²⁸

Buchanan's best hope lay with the efforts being put forward by Senator Crittendon. The chief principle behind his compromise proposals was a fairly simple initiative to extend the old Missouri Compromise line at 36 degrees, 30 minutes latitude all the way to the Pacific Ocean.²²⁹ In all, the package included six constitutional amendments and four supplementary resolutions.²³⁰ This hoped to satisfy those who wanted to allow at least the opportunity for some expansion of slavery to future territories, but also wanted to maintain the geographic slave versus free state balance in the Senate. Those potential incentives for making a deal were largely drowned out by the fact that radicals from both sides dominated the committee process.²³¹ Buchanan called Crittendon's proposals "the ultimate in reasonableness" but his recommendations didn't carry enough weight to overcome the sectional loyalties.²³² Buchanan argued to Mr. Bennett that the "South would gain substantial security within the Union by a constitutional amendment" towards this every Missouri Compromise line principle. Buchanan would be willing to negotiate and even abandon this plan if a more palatable proposal was laid upon the table.²³³ Buchanan hoped that once the compromise took a tangible and physical form, it would hopefully receive "universal approbation."²³⁴ Those on the fence would be tempted by an actual solution that would not threaten either side too greatly in the short-term.

In the North, however, Buchanan had a difficult time convincing the public of the urgency to pass the Crittendon proposals. The North believed that the South was using its threats

²²⁷ Ibid., 111.

²²⁸ Ibid., 195.

²²⁹ Smith, 153.

²³⁰ Potter, 531.

²³¹ Smith, 152.

²³² Ibid., 154.

²³³ Moore, 69.

²³⁴ Ibid., 97.

as a tactic to simply gain concessions and they were conscious of not falling for that trick again.²³⁵ The Republicans had little reason to actively seek a solution at this point in time, since they would have much more freedom and power when the new Congress took office, not to mention the ability to take the credit.²³⁶ The oldest plank in the Republican platform was, after all, a promise to restrict the spread of slavery and even with the seriousness of this crisis, they were not yet moved to give in on that crucial point.²³⁷ They were chiefly concerned with the language of Crittenden that suggested that any extension of the Missouri Compromise line would be permanent and not subject to future amendments.²³⁸ Republicans also saw a potential loophole in the proposal, given that the South could theoretically expand to include Latin American states if the U.S. ever acquired that territory.²³⁹

Buchanan did not see the proposal in a similar manner. He believed that the deal was overly gracious towards the North, offering terms “to the South far less favorable than their existing rights.”²⁴⁰ He continued, “This amendment yielded everything to the North, except a mere abstraction.” In reality, the only state that could potentially switch its free or slave status under the proposal would be New Mexico, handed to the South as a token slave state even though that population was miniscule.²⁴¹ However, the New Mexico reason gave the Republicans the philosophical cover to vote against the proposal.²⁴²

The Republicans were also reluctant to act preemptively without the explicit blessing of their new President, Abraham Lincoln, or the titular party head, soon-to-be Secretary of State William Seward. Lincoln, still in Springfield, was remaining purposefully vague and keeping a

²³⁵ Smith, 156.

²³⁶ Potter, 549.

²³⁷ *Ibid.*, 531.

²³⁸ *Ibid.*, 532.

²³⁹ *Ibid.*

²⁴⁰ Buchanan, 134.

²⁴¹ *Ibid.*, 136.

²⁴² *Ibid.*, 137.

low profile. Buchanan was desperate to possibly seek out a partnership with his future successor, believing that he would jump at the opportunity to form a moderate coalition to ensure peace. Buchanan sent General Duff to personally ask Lincoln to come to D.C. and support either Crittenden or a national convention.²⁴³ Lincoln kept his options at bay and largely ignored Buchanan. Buchanan grew desperate and displeased with the Republicans, believing that they were simply stalling or playing politics while the situation really called for statesmanship. Buchanan had a difficult time negotiating with ideologues motivated to change the Constitution or change something about American society, given that he was so glued towards tradition and steering the safe course.

Buchanan's legislative maneuvering skills were bound to be limited. Southern Democrats in the 37th Congress were dropping by the wayside, only increasing the Republicans' majority in the House of Representatives and limiting the number of potential Buchanan allies. Editorials and letters were sent to Congressmen from various sections of the country, some part of organized campaigns, all designed to enhance the extremes and limit the moderate's ability to tone down the crisis. To a large section of the nation, especially to some Republicans, Buchanan had already lost his chance to lead and find his way out of the crisis. President-Elect Lincoln should be given as many options as possible to negotiate, according to this opinion. Thus stalling tactics were employed to wind down the business of the 37th Congress without any major legislation to rectify the crisis. Inaction marked this winter session of the national legislature.

Regardless of these frustrations and limitations, Buchanan continued to stress that the Congressional process was the only way to end the situation peacefully. "I know of but one alternative which would save the Union, and that is an explanatory amendment of the

²⁴³ Smith, 160.

Constitution," he told Mr. Wharton.²⁴⁴ Those who might be inclined to support these compromise ideas were Northern Democrats and border state Southerners, but their numbers were in decline, and their supporters were not nearly as motivated as either the secessionist or abolitionist extreme. The structure of the committees also hampered their effectiveness, given that successful votes required a dual majority of both party's representatives.²⁴⁵ The initial vote was deadlocked six to six.²⁴⁶ The Republicans were reluctant to vote without explicit instructions from party higher-ups.²⁴⁷ Buchanan supported a last-ditch effort by Crittendon to submit the vote to the electorate as a public plebiscite, hoping to also vindicate his belief that most of the country was open to moderation.²⁴⁸ The would-be peacemakers never got the chance, given that Crittenden's package failed 113 to 80 in the House and 20 to 19 in the Senate.²⁴⁹

After the fact, Buchanan defended his somewhat middle-of-the-road approach in dealing with Congress during this process, using the pulpit of the presidency to elevate the debate but also, because he was ever cognizant of the separation of powers, refusing to engage in the dirtier details of negotiation. He was never comfortable with this aspect of the presidency and because of previous contentious years in office, his relations with the legislative branch made negotiations at this juncture somewhat awkward. He insisted that he had "exerted all of his constitutional influence in favor of these measures" but that the legislators were just too shortsighted to appreciate the levity Buchanan was trying to aim for. "This earnest recommendation was totally disregarded."²⁵⁰ Buchanan had hoped that a committee with the

²⁴⁴ Moore, 66.

²⁴⁵ Potter, 530.

²⁴⁶ Smith, 159.

²⁴⁷ Nevins, 393.

²⁴⁸ Potter, 548.

²⁴⁹ *Ibid.*, 550.

²⁵⁰ Buchanan, 141-142.

appropriate legal power and reputation would be the best chance at rectifying the crisis. “They had it in their power justly and honorably to preserve the peace of the country and integrity of the Union.”²⁵¹ With the failure of Crittenden, Buchanan believed that any “reasonable prospect” at a peaceful solution towards the crisis had probably vanished.²⁵²

While Buchanan, at the very least, had consistently stayed with his strict constitutional and patient defensive approach, Congress had been trying to have it both ways. The Republicans hoped to punish the South for their acts of secession, but not until after Lincoln and the new Congress were safely ensconced in power. In the meantime, they would actually deny Buchanan any additional legal tools in the case of a conflict. “It neither did one thing nor the other,” Buchanan complained. “It neither presented the olive branch nor the sword.”²⁵³

²⁵¹ *Ibid.*, 135.

²⁵² *Ibid.*, 137.

²⁵³ *Ibid.*, 134.

One last attempt for peace

Despite the failure of the Crittenden Compromise in Congress, Buchanan believed that there was at least one avenue, albeit a desperate one, that the administration could seek out as a way to tone down the belligerent rhetoric and potentially solve the crisis before the Pennsylvanian's term in office expired on March 4. Buchanan contended that a special national convention could bring together like-minded peace advocates and moderates from around the country and have them coalesce around a specific plan. Part of Buchanan's faith in the Constitution grew from the fact that it allowed for the people to assert their will in emergency circumstances through the process of amendments.

The difficulty lied in the fact that there were few politicians, either in Congress or in the states, willing to stake their reputation either to propose or to support a complicated set of amendments that would inevitably include portions that would discourage both geographic sections. Buchanan was noticeably worn down by the constant criticism from his former allies in the South, with some friendships wrecked for the rest of his life.²⁵⁴ At one point, some Southern representatives attempted to present Buchanan with a deal that would tie Lincoln's hands on the Sumter issue, prompting his future successor to say that if Buchanan accepted, he should be hanged.²⁵⁵ Buchanan, although long sympathetic toward the South's grievances, could not comprehend their more extreme reactions. For instance, he believed that the firing on the Star of the West was "useless bravado," with potential drawbacks that far outweighed the benefits.²⁵⁶ Buchanan reminded the Southerners that they still possessed significant numbers in both houses of Congress, as well as kind ears at the Supreme Court. Buchanan contended that he himself had

²⁵⁴ Smith, 165.

²⁵⁵ *Ibid.*, 164.

²⁵⁶ Auchampaugh, 186.

been consistent, but that his former Southern cohorts had deserted him to stake out their now radical positions.

To add to Buchanan's problems, the North was agitated and confused about Buchanan's motives. He desired peace and said he supported the Union, but he would not commit militarily or attempt to unilaterally assert his will politically, still content with a process in a moment that possibly called for more decisive action. He told Jefferson Davis that angry abolitionists in the North were so displeased with him, "I would not be surprised to find my home in ashes when I reach it."²⁵⁷ During both the Congressional and Convention debates, Buchanan was known to make personal appeals to Northern members, essentially begging them to avoid a bloody war.²⁵⁸ These Northerners were disappointed that Buchanan had seemingly forgotten about the Southerners' secession and treason, willing to forgive all if the Union was restored. On top of that, he believed that it was the North's responsibility to apologize and adjust. In a roundabout way, these Northerners then stayed even firmer in their positions, worried that Buchanan might "give away the store" to avoid conflict. Had the President simply become a hopeless, idealistic pacifist?

Buchanan felt obliged to clarify his positions to the North and South alike. Even with his emotional heartstrings pulled at by the desire to avoid war, he had earlier staked out his policy not to overstep his constitutional authority or to strike some bold, possibly extralegal act. "Under existing circumstances my present actual power is confined within narrow limits," he explained. "It is my duty...to employ all constitutional means to protect the property of the United States."²⁵⁹ Slowing down the process and allowing time for reflection and possibly negotiation was, in Buchanan's mind, the best, and perhaps the only, method left to follow. In a

²⁵⁷ Ibid.

²⁵⁸ Smith, 182.

²⁵⁹ Moore, 118.

perfect scenario, his idealistic emphasis on the Constitution and the Union would rub off on others involved in the debate.

Buchanan had long pondered over his idea of an emergency National Convention, but by February, the plan actually began to take shape in reality. The President argued that neither side would be justified in avoiding the conference, hoping that public opinion would push both camps to participate.²⁶⁰ Anything to draw the public's attention and command the national stage – aside from the military situation – would also buy Buchanan some time. “Whilst the lovers of peace were almost despairing for the fate of the Crittenden amendment, their Hope of its final triumph was revived by the interposition of Virginia.”²⁶¹ Buchanan had initially planned on issuing the call for the conference himself, but upon hearing opinions from his cabinet members, came to believe that Congress was the official channel to jumpstart the process and recognize the conference.²⁶² Even at this late juncture, he was still worried about legal niceties. “It would be a usurpation for the Executive... [to get involved] in matters over which he has no constitutional control.”²⁶³ Buchanan also knew that his public image was sour and didn't want his name to drag down the prospects of the Convention.²⁶⁴

Buchanan's approach of avoiding unnecessary presidential interference included keeping the military situation as placid as possible. The South did not want to risk the public reaction of firing upon Union forts while they were simultaneously going through the motions of negotiating for a possible peace. The talks also discouraged the War Department from sending another

²⁶⁰ Nevins, 342.

²⁶¹ Buchanan, 144.

²⁶² Smith, 146.

²⁶³ Moore, 118.

²⁶⁴ *Ibid.*, 117.

expedition to reinforce Sumter.²⁶⁵ Buchanan however avoided signing on to any official truce.

“I could give no pledges; it was my duty to enforce the laws,” he reiterated.²⁶⁶

Buchanan was putting all of his past diplomacy skills to use during this last month. He turned to the Old Dominion to lead the Conference because he believed Virginia was in the best strategic position to bring the two extremes together.²⁶⁷ At the very least, the goal of the conference would be to keep the border states loyal to the Union as long as possible, with Virginia possibly able to persuade them as fellow Southerners.²⁶⁸ Virginia took its task seriously, with its legislature saying that failure of the conference would practically ensure dissolution of the Union. This was truly the last stand for the would-be peacemakers.²⁶⁹ The plan would be to have moderates in the North latch on to some reasonable proposals and make recommendations to Congress for constitutional amendments.²⁷⁰ Buchanan believed the conference had to first sort out all of the distractions and focus on what the states had in common. His invitation called on all “states, whether slave holding or non-slaveholding, as are willing to unite...in an earnest effort to adjust the present unhappy controversies in the spirit in which the Constitution was originally formed.”²⁷¹

Buchanan found some willing to meet and at least discuss possibilities for peace. The delegates wound up being an eclectic mix of congressmen and party and state leaders. The convention adjourned on February 4th, composed of 133 commissioners representing only 21 states, without those in the deep South or West.²⁷² Meeting at Willard’s hotel in Washington, the

²⁶⁵ Auchampaugh, 182.

²⁶⁶ Buchanan, 172.

²⁶⁷ Nevins, 383.

²⁶⁸ Buchanan, 145.

²⁶⁹ Ibid.

²⁷⁰ Ibid.

²⁷¹ Buchanan, 117.

²⁷² Buchanan, 45.

“gentlemen’s club” nature of the convention allowed for more socializing than productivity.²⁷³ The convention was logistically at a disadvantage to begin with. Its plan was to recommend constitutional amendments to Congress, but that session of Congress only had a few weeks remaining on the docket.²⁷⁴ To pass the amendments, they would have to persuade two-thirds of both houses to support any compromise, requiring a broader coalition.²⁷⁵ Buchanan wanted to make sure the process was legal, but he was open to several options, including making recommendations to the state legislatures themselves.²⁷⁶ (Kentucky had already proposed a potential amendment.) The problem was that that delegates were not overly creative, offering up nothing beside the already rehashed idea to extend the Missouri Compromise line. That suggestion survived a 9 to 8 vote amongst the state delegations and was sent to Congress on February 27th, too late to make a difference.²⁷⁷ The Senate ultimately rejected their recommendations by a 28 to 7 vote. All of Buchanan’s plans for the convention to wield its “moral influence” to “arrest the tide” of secession had gone by the wayside.²⁷⁸ Years later he would still be convinced that this method represented the best opportunity for peace, but he blamed the more radical Republicans for refusing to take the Convention seriously and negotiating in good faith.²⁷⁹

With the disappointing results from both Congress and the peace conference, Buchanan grudgingly accepted the fact that he would not achieve any form of substantive or tangible peace before his term in office expired. All he had left was hope that he could at least claim that actual conflict had not broken out during his time at the helm. He would try to avoid any unnecessary

²⁷³ Potter, 546.

²⁷⁴ Buchan, 146.

²⁷⁵ Ibid., 148.

²⁷⁶ Ibid.

²⁷⁷ Potter, 546.

²⁷⁸ Buchanan, 148.

²⁷⁹ Ibid., 152.

actions that would limit Lincoln's options once he assumed the presidency. By not surrendering Sumter, the symbol of national sovereignty still existed in South Carolina and Lincoln would not be working from a position of complete weakness.²⁸⁰ Even though it was a small victory, Buchanan took pride in the fact that civil war had not technically start don his watch.²⁸¹ No one could say that Buchanan didn't sincerely wish for peace – he noted how he prayed for a solution daily – but he decided that there were only some options on the table he was willing to initiate himself.²⁸² In future years, his successor was somewhat willing to take a more malleable approach to constitutional issues, but Buchanan was entrenched in his constitutional doctrine to the point that a national emergency did not seriously adjust those views.²⁸³ It is safe to say that the fifteenth president would have been unlikely to suspend habeas corpus in the prosecution of a war, even if his advisers had deemed it necessary.

Buchanan's advisers did come to him in late February with one more urgent request. Fear that secessionists might attack Washington, D.C., during the inauguration period was rampant. To prevent any shenanigans or conspiracies, Buchanan mobilized a show of force of 653 troops to keep the peace. Oddly enough, he was mocked by some in the press because he was seen as more willing to defend Washington than the troops at Sumter. All Buchanan was concerned about was maintaining the status quo of the tenuous peace that existed at the moment. There was no reason to invite attack, especially during a possibly weakened transition period. "Had I refused to adopt these precautionary measures, and evil consequences...had followed, I should never have forgiven myself."²⁸⁴ Confusion and uncertainty hung in the air leading up to

²⁸⁰ Smith, 164.

²⁸¹ Birkner, 196.

²⁸² Smith, 163.

²⁸³ Ibid.

²⁸⁴ Moore, 153.

Lincoln's inauguration.²⁸⁵ On the day of the big event, Buchanan received an ominous and almost ironic note. After insinuating that his position was secure and his supplies were adequate, Anderson had written an urgent request to the war department requesting a relief expedition with perhaps 20,000 more troops.²⁸⁶ Holt pleaded to Lincoln that Buchanan's administration had not been deceiving him, given that the last-minute letter "took the Department by surprise, as his previous correspondence contained no such intimation."²⁸⁷

Buchanan must have been relieved that the crisis no longer rested on his shoulders and that he could spare himself any guilty feelings of having blood spilled on his watch. He must have been somewhat bemused – or perhaps peeved – when he heard Lincoln deliver an inaugural somewhat similar to Buchanan's January special message to Congress. It mirrored some of his positions, such as insisting that the federal government wouldn't interfere with slavery in states where the institution currently existed and that the government would yield from sending an invasion force. However, Washington had a right to hold and occupy legitimate federal property – that right could not be challenged or denied.²⁸⁸

On the reviewing stand, eyewitnesses remarked that Buchanan looked slightly pale and ragged, but there was also a noticeable sense of relief that the crushing responsibility was about to be lifted.²⁸⁹ Buchanan whimsically told the now President Lincoln before he parted that "If you are as happy, my dear sir, on entering this house as I am in leaving it and returning home, you are the happiest man in this country."²⁹⁰

²⁸⁵ Smith, 190.

²⁸⁶ Baker, 140.

²⁸⁷ Moore, 158.

²⁸⁸ Smith, 191.

²⁸⁹ Auchampaugh, 188.

²⁹⁰ Moore, 161.

Buchanan had not passed the ultimate test of fully rectifying the solution – he hadn't really even come close – but he had passed on the keys of executive office to his successor with the country still nominally intact and without any blood having been shed. He had also stayed true to his constitutional convictions and he still maintained the position that if both sides simply adhered to the procedures and to the spirit of that document, the worst could be avoided. He never completely grasped the political agenda or the heated personal emotions of either side, keeping himself focused on the finer points of the debate. But doing so occupied most of his energies and these constitutional debates ultimately deterred him from striking out with a bold stance. Whether a more proactive rather than reactive chief executive could have actually formulated a peace compromise is a debate left to historians, but Buchanan never doubted his record.

CONCLUSION: Wheatland's favorite whipping boy

Even after Buchanan took his leave from the White House, his work was not completely finished. The fight for his legacy began just days after Lincoln's inauguration. Buchanan had focused so much on the intricate details during the crisis that he had seriously neglected conveying a clear and consistent public message and rationale for his actions.

Buchanan hurried off letters to his cabinet members and to the remaining others in his network of friends, both frantic for governmental news from Washington (since he found it hard to dissociate himself from the action initially) and eager to present a unified message both for the present and the future. In the now former president's letter to James Gordon Bennett on March 11 he conceded, "The administration has been successful...unless we may except the sad events which have recently occurred. These no human wisdom could have prevented."²⁹¹ Buchanan presented the crisis as the culmination of years of agitation from the North. He also faulted the South for not having the wisdom to heed his advice about being too belligerent and taking the steps of declaring secession and bothering the federal forts. He had simply been in the wrong place at the wrong time, with no realistic chance for actually bringing the extremes together and crafting a permanent solution to the crisis. The best he could hope for was to maintain the temporary truce, mostly by not straying too far from his beliefs and the strict letter of the law. "I feel conscious that I have done my duty in this respect and that I shall at least receive justice," he confided.²⁹²

²⁹¹ Moore, 165.

²⁹² Ibid.

However, the public could not seem to comprehend his true motives, both before and after.²⁹³ He vented to his friends that the media was deliberately “taking every occasion to blame me for my supineness.”²⁹⁴ He admitted the irony that the most consequential portion of his presidency took place after the public had already made an opinion regarding the effectiveness of his term in office. He believed that the crisis brought out some of his better diplomatic skills, yet no one was willing to give him a fair chance to prove himself. Few took him seriously in the executive chair. “The public seems to have forgotten [my efforts],” he stated.²⁹⁵

What the public did remember was not kind to Buchanan. The image of the “old maid” crying in the White House and wringing himself from all responsibilities – however far from the truth that may have been – became the predominant picture of the fifteenth president. He spent years trying to ward off criticism and maintain a relatively low-profile. Buchanan’s official portrait was removed from the Capitol after threats of vandalism.²⁹⁶ The Senate even took up resolutions to condemn him after his presidency, accusing him of sympathizing with traitors.²⁹⁷ He found it difficult to venture from his estate at Wheatland into the city of Lancaster, especially after several death threats were left at his doorstep, including one with the image of Judas.²⁹⁸

Buchanan hoped to find some consolation or respect by latching on the achievements of his successor. From March to mid-April, Lincoln essentially followed the same policy as Buchanan’s with regard to Fort Sumter, staying with the unofficial truce and waiting to reinforce. When that eventuality occurred, war broke out.²⁹⁹ Buchanan also went out of his way to remain

²⁹³ *Ibid.*, 183.

²⁹⁴ *Ibid.*, 192.

²⁹⁵ *Ibid.*

²⁹⁶ Smith, 195.

²⁹⁷ Smith, 194.

²⁹⁸ *Ibid.*

²⁹⁹ Auchampaugh, 189.

vocally supportive of both the Union and Lincoln. He reiterated to friends that “he had done all he could to prevent the war,” but he no longer felt the South was justified in their actions.³⁰⁰

After the war, Buchanan wrote a memoir that while consistent with the official record, also included some level of rationalization and rather lengthy explanations. His position was that the war eventually became inevitable, leaving him to only delay that day. Since he made it quite clear that he was unwilling to exaggerate his executive powers, he blamed Congress for simply playing politics and refusing to give him more administrative tools or leverage.³⁰¹ In his mind, he had always remained the patriot during the crisis, keeping his eye on the Constitution and the Union above all else.

In the years after Buchanan’s death, historians have frequently divided themselves into camps, with some apologizing for the embattled president, while others chastising him and labeling him as the worst president in American history. Few have actually taken a step back to analyze Buchanan’s motives and goals, even though that type of historical analysis can be difficult and even though Buchanan’s record during the crisis could be considered somewhat convoluted and hard to entangle.

Perhaps the answer to this question of Buchanan’s legacy during this crisis can be found by taking Buchanan at face value. He continually emphasized his singular focus on preserving the Constitution and the Union. By using that lens to view his actions during those four months as a lame-duck crisis president, perhaps his record will make more sense. Even though Buchanan could delve deeply into the complicated details and legal niceties of the issues, he still maintained a relatively simple overall motivation. There are many legitimate avenues through which to challenge his record, such as the fact that he was relatively stubborn. He was also wary

³⁰⁰ Ibid.

³⁰¹ Smith, 193.

of venturing outside his comfort zone and his own construction of the presidential office, leaving the nation with more of a skilled lawyer than strong leader. But it is difficult to challenge Buchanan's sincerity to avoid war.

At a crowd to greet him back in Wheatland after his successor was safely installed in the presidency and in the heat of the crisis, Buchanan responded with a simple prayer that reiterated his desire to preserve two things close to his heart. "May God preserve the Constitution and the Union and in His good providence dispel the shadows, clouds, and darkness which have not cast a gloom over the land!"³⁰² Was that innocent and idealistic desire enough however, or did the nation really need a leader willing to translate his beliefs into decisive actions?

³⁰² Moore, 162.

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