

## WHAT ACTIONS SHOULD US PRESIDENT JAMES BUCHANAN HAVE TAKEN IN RESPONSE TO SOUTHERN SECESSION, DECEMBER 20, 1860 to MARCH 4, 1861?

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As a Democrat in pre-Civil War America, President James Buchanan had little patience for anti-slavery Republicans. He felt that Republican opposition to the spread of slavery into the western territories was a needless affront to white Southerners. However, during the final months of his presidency he did not support Southern secession and he did not want to see the nation torn apart. He tried his best to keep war from breaking out, even after South Carolina artillery batteries bombarded a US navy ship that was attempting to resupply the small federal garrison at Fort Sumter, in January 1861. The ship captain sailed away rather than return fire. Buchanan did not want to engage in battle since his term in office would end on March 4 when president-elect Abraham Lincoln was to be inaugurated.

By 1861 Buchanan was thoroughly disgusted with intransigent politicians on all sides. He was aghast that his own party had not been able to agree on a candidate, and offered both Stephen Douglas and John Breckinridge to voters, which resulted in the victory of the Republican candidate Lincoln. With the Democrats split, he accepted that Lincoln had won the election fair and square, so he thought secessionists were wrong to object. If they did not like the result of the election, he wrote, they should be prepared to unite around one candidate during the next election campaign so they could retake the White House four years hence.

He was repulsed that Republicans' refusal to back away from their campaign promise to oppose the spread of slavery in the western territories, would result in Southern secession.. Like most Democrats, he supported the Supreme Court's racist Dred Scott decision, and felt that black people had no rights that white people were bound to respect. He believed that white Southerners' fears of slave revolt, and their need to gain the return of their human property when enslaved persons escaped, needed to be addressed. He wanted everyone to compromise, and to cease the infernal debate over slavery, in an atmosphere where compromise seemed impossible. At last, when politicians could not agree, he was exceedingly happy to leave Washington, and he was genuinely anxious to turn over the government to Lincoln.

Though Buchanan did not want to tie the hands of his successor, there were certain steps he could have taken that would have weakened secessionist power and to make a fullscale war less likely. These are things that Buchanan might have done, to save the Union.

**BUCHANAN'S ANNUAL MESSAGE TO CONGRESS:** In his December 1860 annual message to Congress, Buchanan made an eloquent plea that secession was a bad idea. But he followed that with tortured reasoning claiming a president is powerless to oppose secession. He should have deleted that part of his Message, because it destroyed his credibility with Republicans and undercut Lincoln.

**CABINETMEMBERS' TREASON:** Part of the way Democratic presidents kept the loyalty of Southern leaders was to appoint several of them to the president's cabinet. In Buchanan's case, he should have more closely monitored their actions, especially because for over a year his Secretary of War was secretly transferring large shipments of arms and ammunition to US military arsenals in the South. As a result, when states seceded, mobs overran many of these federal properties and took everything inside them. This happened even in the border states. Rifles from the federal arsenal at Liberty, Missouri were stolen and distributed to militiamen in a Confederate invasion of Missouri. Over a thousand cannon were seized by a secessionist mob that overran the US Naval Yard in Norfolk, Virginia. All federal forts along the Texas frontier, with all their armaments, were meekly surrendered to the Texas Rangers. But the biggest heist was when secessionists in Louisiana captured over a million dollars of gold that was stored at the US Mint in New Orleans. Buchanan appointed Edwin Stanton, a staunch Unionist, to replace the previous Secretary of War, but he should have responded more firmly by insisting on the return of stolen federal property, at the least.

**SLAVERY IN US TERRITORIES:** The 1857 Dred Scott Supreme Court decision divided the nation by ruling that, though a state could prohibit slavery within its borders, slaveholders were guaranteed the right to take their human property into any federal territories. In reaction, the Republican Party opposed the spread of slavery into any new territory. Democratic presidential candidate Stephen Douglas attempted a compromise with his 'popular sovereignty' plan, whereby local settlers could vote whether or not to provide funds to enforce slave codes in their territory. To Douglas, who cared nothing for the rights of African Americans and Native Americans, it was simply a matter of (white) majority rules. But that approach had been a disaster in "Bleeding Kansas" as competing pro-slavery and anti-slavery factions had battled to bring in more settlers. However, in January 1861, Kansas was admitted as a free state, just on the basis that there were more voters in Kansas who opposed slavery than supported it.

Having seen this approach work in Kansas, Republicans should have compromised on their refusal to allow settlers to vote. They could have decided on a state-by-state strategy, whereby voters in a territory could decide each year whether they would provide tax funds to support a local slave code. Republicans knew that the vast majority of immigrants were firmly opposed to slavery, and numbers were on their side. Even if a territory might temporarily erupt in violence, they should have recognized, it would be better to have a local conflict than a rupture of the entire nation. If Republicans compromised on popular sovereignty in the West, they could expect Southerners at least to agree to close the large slave auction houses in Washington DC. That would at least make some progress, while they worked on the long run to gain a majority of voters in each territory. Just as happened in Kansas, local politicians would submit a state constitution prohibiting slavery when they applied for statehood. Republicans should have done everything they could to make sure those local politicians in power were anti-slavery.

**FUGITIVE SLAVE ACT:** In January 1861, Buchanan could have pushed through Congress an act promising that the federal government would compensate slaveholders who could document

that their slaves had escaped across state boundaries to non-slave states. This would have made irrelevant the 1850 Fugitive Slave Act, which angered Northerners because it required their local law enforcement to cooperate with federal marshals in hunting down escapees. Those manhunts were quite costly, mainly to pay the salaries for all those law enforcement officers. It would not cost that much more to simply pay aggrieved slaveholders for their lost human property. This approach would also mollify Southerners who lost slaves by providing them with money payments, thus reducing their dependence on slave labor. And, if payments would be made monthly, for one hundred dollars a month, but only on condition that the slaveholder would sign a receipt each month with a loyalty oath promising to follow all laws of the United States. This would give slaveholders a financial incentive not to support secession.

**FEAR OF SLAVE REVOLT:** Buchanan could have persuaded Republicans in Congress to pass an act to pay the salaries of federal “peacekeepers” in every slave state, who would be empowered to protect that state in case of “insurrections.” This was a major concern of white Southerners, which was a factor promoting secession because they feared the upcoming Lincoln administration would not protect them if a slave uprising occurred. However, to be sworn in as a federal peacekeeper, each man should have to swear an “ironclad oath” of future loyalty to the United States. The fact that a state would lose this federal grant if it seceded, was a powerful incentive for that state legislature to remain in the Union. Another advantage is that those federally-paid “peacekeepers” could be used against secessionists if a state legislature did try to leave the Union. In particular, Buchanan could have stationed such peacekeeping regiments in Tennessee to be stationed at the strategically-important city of Memphis, while peacekeepers in Arkansas could be stationed directly across the Mississippi River, in the port town of West Memphis. With a loyal peacekeeping force on both sides of the great waterway, this would preserve Union control of the lower Mississippi River.

**RESIGNATION OF US MILITARY OFFICERS:** When states in the Deep South voted to secede, officers in the US Army and Navy started resigning their commissions in January and February 1861. Over a hundred US officers joined the Confederate military, even though they had signed an oath stating: “I do solemnly swear, or affirm, that I will bear true allegiance **to the United States of America**, and that I will serve them honestly and faithfully **against all their enemies or opposers whatsoever**, and **observe and obey the orders of the President of the United States**, and the orders of the officers appointed over me.”

In early February, immediately after the Confederate government started authorizing recruitment of military officers, Buchanan as commander in chief of the US armed forces should have issued an executive order cancelling all resignations “for the duration of the national crisis.” He should have done everything in his power to prevent experienced military officers from contributing to the rebellion. At the same time, Buchanan could have asked president-elect Lincoln to issue a joint certificate with him, promising Southern officers that they would never be forced to

participate in any military action relating to secession. For those officers who accepted this guarantee, they could either be assigned as military attache' in US embassies abroad, or sent as students "for further training" to military academies in other nations. For those officers who were trustworthy, they could be assigned to engineering projects at ports in Washington Territory or other Pacific coast areas, as far away from the South as possible. Officers who refused these assignments could be prosecuted in a US military court martial, for refusing to obey a direct order. If necessary, uncooperative officers could be incarcerated in federal military prison. Buchanan and Lincoln should also have ordered that detained officers should be treated with kindness, in order to show other Southern officers they would not be mistreated or disrespected. But, whatever was done, everything possible should have been ordered to deny the rebels the military expertise of US officers.

Because Confederate President Jefferson Davis and some other officials had taken this oath when they were officers in the United States army during the Mexican War, they could have been tried in military courts and sentenced in absentia for disloyalty to the United States.

**PURCHASE OF KENTUCKY HORSES AND MULES:** President Buchanan should not only have taken action to deny to the Confederacy experienced US officers, but also to deny other kinds of resources to the rebels. For example, fully half of all horses used by Confederate cavalry were raised on Kentucky horse farms. Although few predicted the bloodbath that the American Civil War would become, Buchanan should have taken precautions that such valuable animals would not be sold to the South. Also, since railroads were less developed in the South, the Confederate military depended heavily on mule-drawn wagons to supply the needs of its armies. As soon as Southerners started organizing cavalry regiments in early 1861, Buchanan should have sent federal agents to purchase as many horses and mules as possible in Kentucky and other Border states, and then provide them to state militias in Northern states. It would not matter how skilled Southern men were on horseback, if they had no horses. A cavalry regiment without horses is no cavalry at all.

**NAVY BUILDUP:** Though Buchanan felt that Republicans should offer the South more assurances, especially in regard to slavery in the territories, escaped slaves, and placating their fear of slave revolt, he was ultimately a Unionist. He did not want to see the Union break apart. So, even though he might worry that Lincoln might not be able to prevent secession he wanted the United States government to be prepared in a worst case. He had consulted with the head general of the Army, Winfield Scott, and Scott recommended primarily a naval response. Thus, Buchanan should have been in touch with Lincoln, and gained Lincoln's support for Buchanan to introduce a bill in the special session of Congress, in January 1861, for "maintenance of US naval vessels." Worded in this bureaucratic way, Buchanan could hope that both Democrats and Republicans would vote to approve this expenditure. With those funds, Buchanan could immediately authorize the construction of new ships, to add to the 45 ships in service with the US Navy at that point.. After consulting with General Scott, Lincoln would agree that this

preparedness was a wise course of action. And Lincoln would be prepared, upon his inauguration on March 4, to move immediately to construct even more ships.

**BORDER STATE NEUTRALITY:** In reaction against Lincoln's election, 7 states in the Deep South passed ordinances of secession, beginning with South Carolina on December 20, as well as Mississippi, Florida, Alabama, Georgia, and Louisiana a few weeks later. When those states established a new government the Confederate States of America on February 4, and welcomed Texas to join them, this was an act specifically prohibited by the Constitution. Legal scholars might differ on the legality of secession (which is not mentioned in the Constitution, either as a protected right or as something that is prohibited), but there is no doubt that the Constitution prohibits states from organizing outside the authority of Congress. Hostile acts of the Confederate Congress, to build an army and a navy, and especially to close the Mississippi River to trade from the Midwestern states, was clearly illegal.

**SHOULD BUCHANAN HAVE TAKEN FIRM ACTION AGAINST SECESSION AS SOON AS IT HAPPENED?**

In 1830, when South Carolina threatened to "nullify" laws it did not like, within its borders, US President Andrew Jackson quickly made a firm stand against such insubordination, and threatened to send a federal army to invade South Carolina if they did not rescind their proclamation. Faced with this firm response, South Carolina gave in, and the Nullification crisis ended with federal victory. Jackson was able to isolate South Carolina from other states. In 1861 Buchanan faced not one state but seven. He felt Republican refusal to retreat on preventing slaveholders to bring their slaves into western territories was a major cause of secession, so he was not in agreement with Lincoln. But should he and Lincoln have coordinated a united response to secession? This is a complex issue. However, even if not exactly preventing secession, at least Buchanan could have taken these actions to weaken it during the final months of his presidency, November 1860 to March 4 1861.

What do other contributors think Buchanan should have done?

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