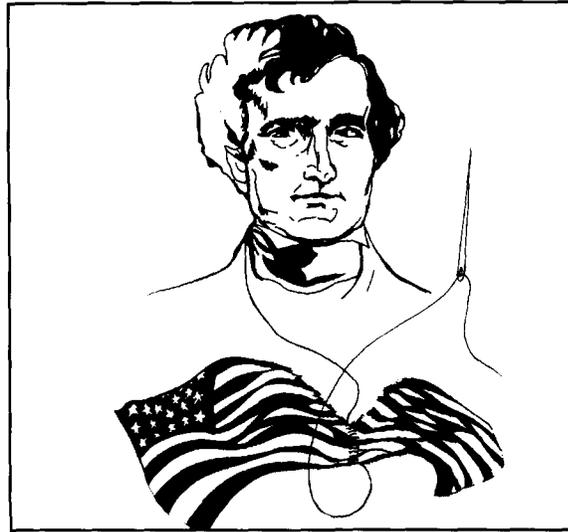


Franklin Pierce and the Fight for the Old Union

by H. Arthur Scott Trask



H. Ward Sierett

If Franklin Pierce is remembered at all today it is as an inept, do-nothing President whose only accomplishment was to sign the Kansas-Nebraska Act of 1854. Historians generally cite this bill, along with the 1857 Supreme Court decision in the Dred Scott case, as evidence of the aggressive designs of the South to extend slavery throughout the Union. These historians characterize Pierce, as well as his successor James Buchanan of Pennsylvania, as ambitious and unprincipled Northerners who were willing to violate the Constitution and advance Southern interests in return for Southern political support for their presidential ambitions. The historians thus ascribe much of the blame for the sectional conflict to them. The real Franklin Pierce, however, is a figure far richer and more complicated than the historical caricature.

Pierce was one of the most consistent Jeffersonian republicans to occupy the White House in the early republic. He firmly believed that the federal government should be kept within the limits established by the Founders. Accordingly, he vetoed numerous internal improvement bills (what we would today describe as pork-barrel projects) on the grounds of their unconstitutionality and fiscal excess. He also believed strongly in the republican policy initiated by Jefferson and continued by his successors of “extending the area of freedom” by acquiring territory out of which new states could eventually be formed. Pierce tried to acquire Cuba, believing that it would enhance America’s security by depriving any potentially hostile power of a stronghold close to her shores and by augmenting her agricultural and commercial prosperity by gaining land highly suitable for sugar, tobacco, and coffee plantations.

Pierce’s designs on Cuba are cited as still more evidence that he was a pawn of the Southern slave interest, yet it needs to be remembered that scores of prominent Northerners advocated the annexation of Cuba on the grounds that it would benefit the *whole* Union. Pierce’s administration was supported by the

important but now almost forgotten “Young America” movement. This group was made up of young nationalists and libertarians who favored republicanism, free trade, hard money, and continental expansionism. Like Pierce, they had no sympathy for the Abolitionist and Free-Soil movements which they regarded as manifestations of a puritanical and selfish Northern spirit that both envied the prosperity of the Southern agricultural economy and resented the commanding influence of Southern statesmen in the Union, an influence that was classically liberal and opposed to the mercantilism and statism favored by Northern industrialists and intellectuals.

Pierce’s decision to sign the Kansas-Nebraska Act can be defended on a number of grounds. First, a consensus had developed among honest constitutional scholars both North and South that the famous Missouri line established by Congress in 1820 prohibiting slavery in the Louisiana territory north and west of Missouri was unconstitutional, for it had deprived the citizens of half the states the right to migrate to the territories with their property, a clear violation of the constitutional requirement that all citizens be equal under the laws of the Union. In addition, by in effect dictating to the territories and future states of the Louisiana Purchase the kind of social institutions they could form, Congress had made those future states less equal, free, and sovereign than the states east of the Mississippi. By repealing the Missouri Compromise, the Kansas-Nebraska Act act overturned a precedent of 34 years standing, but to favor the original and proper understanding of the Constitution was pure Jeffersonianism. As a strict constructionist, Pierce had little choice but to sign the bill.

Second, Pierce believed that a failure to sign the bill would have been a sectional action in itself. The bill had created and opened for settlement two distinct territories—Kansas, made up of present day Kansas and eastern Colorado; and Nebraska, made up of present day Nebraska and the two Dakotas. It was the clearly understood, although unstated, intent of the act to satisfy both sections of the Union by creating for each a territory to which their citizens could migrate. Kansas, being directly

H. Arthur Scott Trask of Chesterfield, Missouri, is writing his doctoral dissertation on the Northern Jeffersonians.

to the west of the slave state of Missouri and of the same latitude as Kentucky and Virginia was considered to be a natural area for Southern settlement. Far from discriminating against Northerners or favoring the extension of slave territory over free, the act actually left the larger portion of the new territory (Nebraska) for Northern settlement. It was understood by all honest men at the time that the South had neither the ability nor desire to flood the vast and fertile Nebraska territory with Southerners. Because Pierce considered himself to be President of the whole Union, bound to govern equitably and justly in regard to all the states, he simply regarded it as his duty to sign an act designed to settle the vexing territorial question in a fair and constitutional manner. When conflict broke out in Kansas between free- and slave-state settlers, Pierce did not hesitate to blame the New England Emigrant Aid company for encouraging Yankee settlement in an area where it would not otherwise go. The company, with its wealthy Free-Soil and Abolitionist backers, was merely acting on the principle of the Wilmot Proviso, which stated that the Western territories were the exclusive possession of the North; the South had no right to an equal or fair share of the region. Missourians regarded this New England invasion of their western borderlands as not only a violation of the spirit of fair play but as a serious threat to their domestic peace and security. Already bordered on two sides by free states, Missourians did not want to become virtually surrounded on three sides. They realized that a Kansas populated by New England fanatics would be a hostile neighbor whose people would not only encourage and assist slaves to escape but might even try to foment servile insurrection within her borders. John Brown's raid into Virginia in 1859 is proof that their fears were justified.

Third, Pierce believed that the eventual admission of Kansas and Cuba as slave states would help restore the sectional balance in the Union, a balance which had been disturbed by the recent admission of California as a free state. Southerners had proposed after the Mexican War that the Missouri line be extended through the Mexican cession to the Pacific Ocean, thus dividing California into two states, one slave and one free. This fair and generous proposal had been rejected by the Northern Whigs and the Free-Soil Democrats who insisted that all the territory should be reserved for Northern settlement, even though Southerners had borne a disproportionate share of the fighting during the recent war. Pierce and many other Northern Democrats believed that even after the Compromise of 1850 had opened New Mexico and Utah territories to slavery, the South was still being deprived of a fair share of Western lands. Most people realized that because New Mexico and Utah were mostly desert, opening them up to slavery was an empty gesture. With all this in mind, Pierce believed that allowing Southerners to settle Kansas was simply a matter of restoring some justice and equity to the westward expansion of the Union (after all, the great bulk of northern Louisiana, as well as all of the Oregon territory, would remain an area of Northern settlement). As both political machinations and the accident of geography threatened to give the Northern states a preponderance of the Union, giving some additional security to the South was simply a matter of statesmanship.

Pierce had other reasons besides justice for hoping to preserve the sectional balance between the North and South. Like many Northern Jeffersonians, Pierce regarded the Southern states with their preference for free trade, local banking,

strict construction of the Constitution, and a limited and frugal federal government as both the liberal *and* conservative bulwark of the Union. (The word "liberal" should be understood here as "classical" not modern liberalism, and the word "conservative" understood in the American sense as loyalty to the federal republican order of the Founders.) Pierce was sure that an unrestrained North with its preference for mercantilism, centralization, and statism would destroy the decentralized and liberal republic. That this was in fact to happen after 1865 is a clear vindication of Pierce's foresight. In addition, it is quite possible that had Pierce's policies been followed rather than rejected by the North, the Union could have been preserved without war. With their strength augmented by Kansas and Cuba, the Southern states might have felt secure enough to have waited out Lincoln's administration.

Pierce was not only a New Hampshire Yankee but a true patriot who loved his whole country—North and South. All his life he considered Southerners to be kinsmen and fellow countrymen, equal partners in the compact of the Union and worthy republicans whose devotion to liberty was second to none. Pierce's lifelong friendship with Nathaniel Hawthorne, a native of Salem, Massachusetts, is evidence of a vital non-Puritan tradition in New England. Both were Democrats when that party represented liberty under law, state rights, small government, and ancestral tradition. Hawthorne wrote Pierce's campaign biography when the latter became the Democratic candidate for President in 1852. Hawthorne remained loyal to Pierce all his life. During the Civil War, when anti-Southern passions were at their height, Hawthorne dedicated *Our Old Home* to the ex-President; it was an act both of considerable courage and of continuing identity with Pierce's comprehensive patriotism and old republican principles.

Due to the unpopularity of the Kansas-Nebraska Act in the North, the Democratic Party declined to renominate Pierce in 1856. For the historical profession, this marks not only the end of Pierce's public career but the end of Pierce, period. We hear nothing more of him. Yet Pierce continued to live, reflect, comment, and even speak out on public affairs for the remainder of his life. His thoughts and words are not only interesting in themselves but significant for revealing the continuing strength and vitality of the Jeffersonian tradition in the North.

Like most Northern Jeffersonians, Pierce preferred John C. Breckinridge over Stephen Douglas in the presidential election of 1860. Most historians continue to misdescribe Breckinridge as the Southern Democratic candidate. In truth, Breckinridge had the broadest appeal of any of the four presidential candidates in that year. Although his strength was in the Deep South, he had significant support in every region—the upper South, the Border States, the Middle States, even in New England.

When Lincoln was elected on an overtly sectional party platform, Pierce described it as a "distinct and unequivocal denial of the coequal rights" of the states. Pierce considered the Republican program to be such a clear violation of the constitutional compact that he conceded in a public letter that the Southern states were now justified in withdrawing from the Union. He took it for granted that the South would be within its right to do so. When the lower Southern states began to withdraw, he continued to hope for their return to the Union, but he insisted that threats of coercion would only drive out more states and make the separation permanent. He argued that if the Northern states wished to preserve the Union, then

they ought to make significant political concessions and grant constitutional safeguards; as he pointed out, it was *they*, not the South, who were mostly to blame for the sectional conflict. When he heard of Lincoln's decision to reinforce and resupply Sumter he wrote: "I cannot conceive of a more idle, foolish, ill-advised, if not criminal thing." He considered this decision to be "the first act of war," certain to inaugurate hostilities along the whole length of the Mason-Dixon line. When Lincoln issued his proclamation for 75,000 troops in order to suppress "the insurrection" to the South, Pierce wrote the governor of Virginia that "to this war . . . which seems to me to contemplate subjugation I give no countenance—no support to any possible extent in any possible way. . . . Come what may the foul schemes of Northern Abolitionism, which we have resisted for so many years, are not to be consummated by arms on bloody fields, through any aid of mine."

Pierce's opinions of the war are important, for they are representative of a large portion of Northern Democratic and conservative Whig opinion. Keeping in mind that Pierce was far from alone in his opposition not only to Lincoln but to the war itself helps us to realize what has been forgotten in the national deification of Lincoln and his party: that their advent to power was as much a revolution in the North as it was to prove for the South, and that the war was seen by many Northerners not as the fulfillment of the American dream of liberty under law but as its betrayal and repudiation. Pierce speaks for those Northerners who preferred negotiation and compromise to armed coercion as the means of restoring the Union, who regarded Lincoln's systematic violation of law and civil liberties as wholly unjustified, who believed that while the South should not have withdrawn from the Union it did not do so without cause and provocation, who believed that Lincoln's Emancipation Proclamation was not only an unconstitutional act of executive usurpation but a gross violation of the most solemn pledges made to the Southern states before the war and to the Northern army during the war, and who saw in a Northern victory not a glorious consummation of freedom for all but the death of the republic.

Pierce's major speech on the war was given at a Democratic antiwar rally in Concord, New Hampshire, on July 4, 1863. Students of American history will note that at this same time a major battle was being fought on the fields of southeastern Pennsylvania. Other speakers that day included the famed orator and prominent Peace Democrat Daniel W. Voorhees of Indiana. Ex-President Pierce was chosen to preside and to speak at the meeting; it marked his first public oration since the spring of 1861. Opposition to the war in the north had been growing steadily since Lincoln had issued his Preliminary Emancipation Proclamation after the modest Northern victory at Antietam the previous fall. Although the Republican policies of eschewing compromise and negotiation and of crushing dissent in the Northern states had never been popular, Lincoln's proclamation had fundamentally changed the nature and the purpose of the war. Most Democrats in the North saw the objects of the war as no longer to preserve the Union but to free the slaves and to subjugate the South. In their eyes the latter goals necessarily negated the first, for a political union of conquered states and emancipated slaves was not the union of their fathers. Many soldiers, officers, and civilians felt betrayed, for these ends were not only unworthy in themselves but were not what they had been assured repeatedly they

were fighting for.

The first half of 1863 witnessed antiwar and anti-Lincoln meetings and rallies all across the North—Indianapolis, Philadelphia, New York, and Concord, just to name a few. After the Confederate victory at Chancellorsville and Lee's subsequent invasion of Pennsylvania, opposition to the war and hopes for an immediate armistice reached a kind of critical mass. Such was the situation when the ex-President mounted the rostrum at Capital Square to address his fellow citizens of New Hampshire.

Pierce begins his address by contrasting the wisdom and "all-comprehensive patriotism" of the Founders of the republic with the fanaticism and "narrow and aggressive sectionalism" of the Republicans. According to Pierce, their "heroic forefathers . . . established the Union" on the basis of the "original sovereignty and independence of the several States, all with their diverse institutions, interests, opinions and habits, to be maintained intact and secure, by the reciprocal stipulations and mutual compromises of the Constitution." Unlike the Abolitionized Republicans, "no visionary enthusiasts were they, dreaming vainly of the impossible uniformity of some wild Utopia or their own imaginations. No desperate reformers were they, madly bent upon schemes which, if consummated, could only result in general confusion, anarchy, and chaos." On the contrary, they were "sagacious and practical statesmen . . . who saw society as a living fact, not as a troubled vision; who knew that national power consists in the reconciliation of diversities of institutions and interests, not their conflict and obliteration."

Pierce denounces the war and the Republican conduct of it in the strongest terms. Americans, he thunders, are "wasting their lives and resources in sanguinary civil strife," in a "suicidal and parricidal civil war [sweeping] like a raging tempest of death over the stricken homesteads and wailing cities of the Union." He especially condemns the tactics of the Northern armies, contrasting them with the more civilized warfare of the Revolution: "Then the war was conducted only against the foreign enemy, and not in the spirit and purpose of persecuting noncombatant populations, nor of burning undefended towns or private dwellings, and wasting the fields of the husbandmen, or the workshops of the artisan, but of subduing armed hosts in the field." In addition, America's leaders had been patriots: "Then the Congress of the United States was the great Council of the whole Union and of all its parts. Then the Executive Administration looked with an impartial eye over the whole domain of the Union, anxious to promote the interests and consult the honor and just pride of all the States, seeing no power beyond the law and devoutly obedient to the commands of the Constitution."

Pierce does not hesitate to blame Northern Abolitionists and their Republican allies for the evil days that have fallen on the country: "Do we not know that the cause of our calamities is the vicious intermeddling of too many of the citizens of the Northern states with the Constitutional rights of the southern States, co-operating with the discontents of the people of those States? Do we not know that the disregard of the Constitution, and of the security it affords to the rights of States and of individuals, has been the cause of the calamity which our country is called to undergo?"

Pierce next condemns in the strongest terms Lincoln's policy of closing down newspapers and arresting civilians critical of the administration's war policies: "Even here in the loyal States, the mailed hand of military usurpation strikes down the liber-

ties of the people, and its foot tramples a desecrated Constitution [Applause]. Aye, in this land of free thought, free speech and free writing—in this Republic of free suffrage, with liberty of thought and expression as the very essence of republican institutions—even here, in these free States, it is made criminal for a citizen-soldier, like gallant Edgerly, of New Hampshire, to vote according to his conscience; or, like that noble martyr of free speech, [Clement] Vallandigham [Ohio congressman and prominent Peace Democrat] to discuss affairs in Ohio [Applause]; aye, even here, the temporary agents of the sovereign people, the transitory administrators of the Government, tell us that in time of war the mere arbitrary will of the President takes

the place of the Constitution, and the President himself announces to us that it is treasonable to speak or to write otherwise than as he may prescribe.”

For Pierce, what was at stake in the fearful contest was America’s 80-year experiment in self-government under the rule of constitutional law. But it is important to note that he believed that the threat to this precious heritage did not come from the prospect of Southern secession but from Lincoln’s exercise of “unconstitutional, arbitrary, [and] irresponsible power” in the prosecution of a war of subjugation and conquest: “Prosecuted upon the basis of the proclamations of Sept. 22nd and Sept. 24th, 1862 [preliminary emancipation edicts], prosecuted as I must understand those proclamations (to say nothing of the kindred blood which has flowed) upon the theory of emancipation, devastation, and subjugation, it [the war] cannot fail to be fruitless in everything except the harvest of woe which it is ripening for what was once the peerless Republic [Applause].”

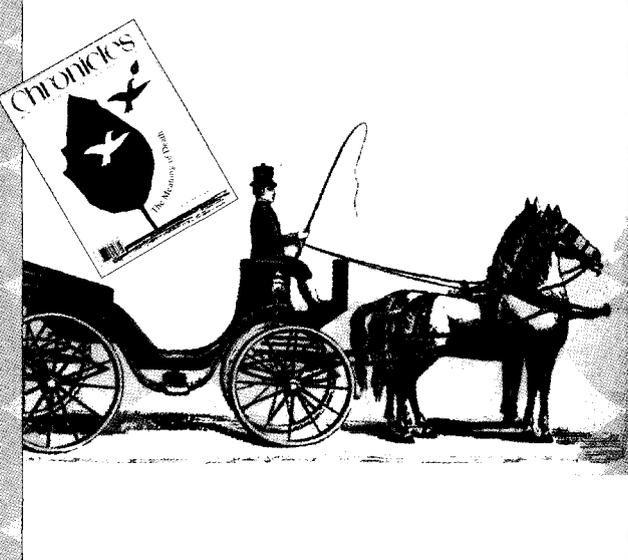
Practically all Northerners, even those bitterly opposed to the war, hoped for a restoration of the Union. So did Pierce. But like most Democrats and conservative Whigs, he wanted a restoration only on the basis of the *old* Union, the Union of sovereign and independent States united in voluntary compact under a federal head of strictly limited powers. He understood that such could never be accomplished by sectional war. As a result, he argued that the people of the North should put down their arms and rely upon “moral power” to bring the Southern states back into the Union. Pierce makes it clear that he was fully in accord with the program of the Peace Democrats who were then advocating an immediate armistice and the calling of a national convention for the purpose of peacefully reconstructing the Union on the basis of an amended Constitution that secured the rights of the South: “My judgment impels me to rely upon moral force, and not upon any of the coercive instrumentalities of military power. . . . Through peaceful agencies, and through such agencies alone, can we hope ‘to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity,’ the great objects for which, *and for which alone*, the Constitution was formed.” (Italics added.)

Here Pierce is speaking as a true Jeffersonian. He is not interested, as was Lincoln, in bringing about a “new birth of freedom” not intended by the Founders, but in *reclaiming* the hard-fought achievement of the Fathers—ordered liberty under law and constitutional self-government. For the hardheaded Jeffersonian republican, liberty is not an abstraction, nor is it something which is progressively realized through the evolution of history (which is the modern view), but it is a precious possession which must be fought for repeatedly. There are always those in every generation to whom government appears a too tempting agency for gratifying their own pride, ambition, and greed, and who care not that they must sacrifice the liberties of their fellow citizens in the pursuit of these things. It may be hard for Americans to understand this today, but Pierce was speaking for a substantial minority of his fellow New Englanders and an even larger minority of Northerners in general. He was speaking for those of his fellow citizens who were the most faithful to the revolutionary and colonial heritage; he was speaking for all those for whom liberty and law were more important than wealth and power. For Pierce and his fellow Democrats, America had not been “an unfinished revolution” but “the model Republic of the world.”

• READERS •

If
you have
friends or relatives who may
enjoy *Chronicles*,
please send us their names and
addresses.

We would be pleased to send
them a complimentary
issue!



The Future of the Jews

by Jacob Neusner

*"A people still, whose common ties are gone;
who, mixed with every race, are lost in none."*

—George Crabbe

Faith or Fear: How Jews Can Survive in a Christian America

by Elliott Abrams
New York: Free Press;
237 pp., \$25.00

The Vanishing American Jew: In Search of Jewish Identity for the Next Century

by Alan M. Dershowitz
Boston: Little, Brown;
412 pp., \$24.95



That Americans of different ethnic or religious origins intermarry surprises no one—half of Japanese-Americans, more than half of all Catholics, nearly three-quarters of Italian-Americans, 84 percent of Polish-Americans, and so on. But where others declare a religious catastrophe, Jews call down heaven and earth in prognostications of gloom, counting the years to the last Jew in the United States, who supposedly will die in 2076. These two books, taking up the hyped demographic question, ask theology to address a problem of sociology. Because of their remarkable confusion of categories neither works terribly well, but while one is measured and well-crafted, the other spurts streams of words onto paper in an interminable flow of impressions and opinions. Elliott Abrams advocates a reversion to Judaism as the final solution to the American Jewish problem; Alan M. Dershowitz demands the rejection of Judaism as a religion to solve that same problem. Expert in what he knows from personal research and eschewing what he does not, Abrams has written a thoroughly professional study.

Jacob Neusner is Distinguished Research Professor of Religious Studies at the University of South Florida and a professor of religion at Bard College.

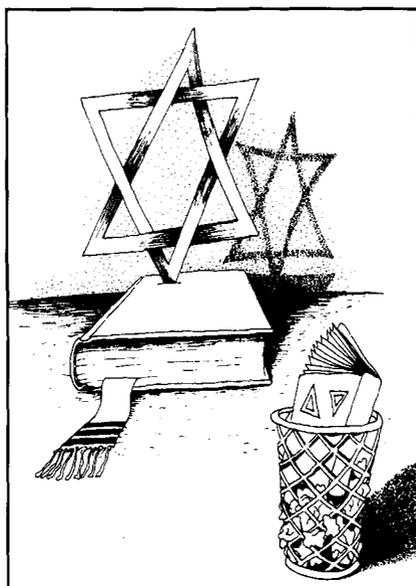


ILLUSTRATION BY WARD STREIB

Dershowitz, a hobbyist and parvenu, sets forth an intellectually vulgar and self-celebratory exercise in amateurism.

Abrams' book is concise. The crisis that precipitates his reflections involves the decline of the proportion of Jews in the United States population (3.7 percent to 2 percent) and of Judaism among the Jews themselves ("one-third of all Americans of Jewish ancestry no longer report Judaism as their religion"). The majority of Jews married after 1985 wedded non-Jews, and only a quarter of the children of those marriages are being raised as Jews: thus the phenomenon Abrams describes as "the vanishing American Jew." Having surveyed the history of the Jews in the United States, and Roman Catholic, mainstream Protestant, Evangelical, and Jewish views of Christianity's views of the Jews and Judaism, he returns to the question of assimilation by intermarriage.

None of this has much bearing on the question that prompted the book in the first place, but it does set the stage for Abrams' advocacy of Judaism in his discussion of "the flight from Judaism."

Not only do the vast majority of American Jews not practice Judaism in any form, they reject religion entirely. Polls show that while three-quarters of American blacks, 57 percent of white Catholics, and 47 percent of white Protestants declare religion to be important in their lives, scarcely a third of Jews do. And of this third, an indeterminate proportion have in mind ethnic identity when they speak of religion. A majority of Jews claiming strong ties to the Jewish community do not pay their dues. "Jewishness," meaning ethnic sentiment, replaces Judaism the religion in any form. Surrogates for religion ("civil religion") include philanthropy, activities in support of the state of Israel, liberal politics in the cloak of "prophetic Judaism," and memorialization of the holocaust: "In fact, 85% of American Jews say that the Holocaust is very important to their sense of being Jewish. Fewer Jews say that about God, the Torah, or any other factor." But these fundamentally ethnic formulations of personal and even public identification are losing purchase as ethnicity dissolves in the melting pot.

American Jews have mostly abandoned the religion of Judaism, Abrams says, whether in Orthodox or any other form. His prescription is simple: "A decision to place Judaism back in the center of Jewish life would mean that the American Jewish community must reevaluate its struggle for secularism. It would mean a rethinking of relations between Orthodox and non-Orthodox Jews. And it would require each Jew to rethink his own religious life and practices." But American Jews do not affirm "the 'apartness' that Judaism demands." The reason this fact provokes fear, in Abrams' words, is simple: "Whether American Jews can commit themselves anew to the goal of survival, to reversing the demographic patterns that threaten their collective future, depends on whether they