

Vice Presidents of the United States Millard Fillmore (1849-1850)

Citation: Mark O. Hatfield, with the Senate Historical Office. *Vice Presidents of the United States, 1789-1993* (Washington: U.S. Government Printing Office, 1997), pp. 167-176.

[Introduction](#) by Mark O. Hatfield.



I know how difficult it is to determine what is and what is not in order, to restrain improper language, and yet not abridge the freedom of debate. But all must see how important it is that the first departure from the strict rule of parliamentary decorum be checked, as a slight attack, or even insinuation of a personal character, often provokes a more severe retort, which brings out a more disorderly reply, each Senator feeling a justification in the previous aggression. There is, therefore, no point so proper to interpose for the preservation of order as to check the first violation of it.

—Millard Fillmore, April 3, 1850

The new vice president needed a clerk. Millard Fillmore suffered from an eye disorder that limited his ability to read by candlelight, yet his official duties kept him so busy during the daytime that he had to put off reading and preparing his correspondence until evening. A clerk would be most useful. When Fillmore's immediate predecessor, George Dallas, took office in 1845, no funding was provided for a vice-presidential clerk because there had been no vice president since 1841, when John Tyler had succeeded to the presidency after the death of William Henry Harrison. Senator Willie Mangum (W-NC), who had fulfilled the office's major constitutional function as Senate president pro tempore from 1842 to 1845, had considered his duties too light to justify continuing the perquisite that Vice President Richard M. Johnson had enjoyed during his 1837-1841 term. Aware of these precedents, Fillmore asked Mangum, one of the Whig party's senior senators, to introduce the necessary authorizing resolution. When Mangum did so, a Democratic senator immediately objected, noting that former Vice President Dallas had gotten along just fine without a clerk. Mangum responded by citing the example of Vice President Johnson, also a Democrat. The Democratic senator withdrew his objection and Fillmore got his clerk. From this experience, Fillmore may have learned both how much the Senate valued precedent and how little some of its members regarded the office of vice president.¹

Millard Fillmore rose to the vice-presidency, in part, because he was from New York. In presidential elections from 1812 to 1968, that state had the nation's largest congressional delegation and therefore was entitled to cast more votes in the electoral college than any other state. New York's electoral riches account for the fact that, during the century from 1801 to 1901, eight of the twenty-two vice presidents called that state home. In designing a presidential ticket that would attract large blocks of electoral votes, the national parties always paid very careful attention to New York political leaders.

Millard Fillmore would occupy the nation's second highest office for fewer than seventeen months. During his brief tenure, he suffered the fate of other vice presidents: his president ignored him, his state's party leaders undercut him, and the Senate over which he presided barely tolerated him. Yet the office benefitted him, just as he improved it. The experience ratified and extended his stature as a significant national figure. When Zachary Taylor's death thrust Fillmore into the presidency, few seriously doubted that he was up to the job. His close relations with senators at a time when the Senate served as the final arbiter of crucial national policy issues eased passage of the vital compromise legislation that staved off national political disintegration for another decade. To his role as the Senate's president, Fillmore brought a deep knowledge and understanding of the institution's rules, precedents, and culture. Aware that the incendiary climate in the Senate chamber during 1850 could foster an explosion of devastating national consequence, he insisted on order, decorum, and fair play. For his successors, he provided a valuable example, couched in the spirit of Thomas Jefferson a half century earlier.

Early Years

Millard Fillmore was born on January 7, 1800, into an impoverished farm family in the central New York frontier town of Locke. The second of Nathaniel and Phoebe Fillmore's nine children, Millard found little time for formal schooling and had barely learned to read by the age of seventeen. As a youth he worked on his father's farm—developing a muscular chest and broad shoulders that would remain a distinguishing physical characteristic for years to come—and he served apprenticeships to a cloth dresser and a textile mill operator. Aware of his educational deficiencies, young Millard struggled to improve his reading skills, carrying a dictionary on his daily rounds.² At age nineteen, he enrolled in a small academy in the town of New Hope, where he engaged in his first formal education, as well as a budding relationship with Abigail Powers, a local minister's daughter. When Millard returned to the central New York tenant farm, the judge who owned the property recognized his potential and provided him with essential financial and educational support to pursue a legal career. Young Fillmore taught in a local school and saved enough money to buy out the time remaining in his textile mill apprenticeship. When, before long, personal differences caused Millard and the judge to part ways, the young man once more returned to work on his father's farm. In 1820, the elder Fillmore moved his family west to the town of Aurora, eighteen miles from Buffalo. There Millard resumed his work as a teacher and as a law clerk, until he was admitted to the New York bar in 1824. He then opened a small law practice in East Aurora and in 1826 married Abigail Powers.³

In 1830 Millard and Abigail settled in Buffalo, the thriving western terminus of the Erie Canal. His practice flourished, as the local business community came to recognize him as an energetic, careful, and talented lawyer. An impressive figure, Fillmore stood six feet tall and handsome, with sparkling blue eyes, a pinkish complexion, a jovial and kindly demeanor, and polished manners. He enjoyed dressing in the latest fashions, displaying impeccable good taste that masked his humble origins. The Fillmore family, which now included a son and daughter, rose rapidly in Buffalo society. Millard and Abigail regularly entertained the city's elite and others with whom he associated in founding and promoting local educational, cultural, and civic institutions.

Buffalo's proximity to major water transportation routes predisposed Fillmore to be a strong supporter of John Quincy Adams' National Republicans and Henry Clay's "American System" of internal improvements, tariffs, and national bank. In 1828, Fillmore met Albany editor and political boss Thurlow Weed. Weed saw in Fillmore a natural politician and assisted his campaign, as a National Republican, for a seat in the state assembly. Despite the strong contrary tide that swept Democrat Andrew Jackson into the White House, Fillmore won his race. Over the next few years, he rose to leadership in western New York's newly emerging Whig party, sponsoring legislation beneficial to transportation, as well as financial and educational enterprises. Fillmore and Weed would remain close allies for many years.⁴

In the House of Representatives

In 1832, Anti-Mason and National Republican party voters in the congressional district that encompassed Buffalo elected Fillmore to the U.S. House of Representatives. There he served a single term and dedicated himself to merging those two parties into a strong Whig party in opposition to President Jackson's policies. Maneuvering to repair ill feelings between his supporting party factions, Fillmore removed himself from a reelection bid in 1834, but reentered the contest in 1836. He resumed his seat in the House the following year and served there until 1843.⁵ When the Whigs took control of the White House and both houses of Congress for the first time in 1841, Fillmore's allies in the House nominated him for the post of Speaker. Although he came in second to a candidate supported by Henry Clay, he was subsequently elected chairman of the Committee on Ways and Means, a powerful position at this time of national financial crisis. His major accomplishment as chairman was to steer through his chamber's rough waters, and against the force of President John Tyler's opposition, the protective Tariff of 1842, a key revenue-raising component of his party's plan for economic recovery. The heads of executive branch agencies came to fear the chairman's quietly efficient scrutiny of their budget requests, as he routinely returned their spending estimates heavily marked in red pencil with notes asking for thorough justification of matters great and small.⁶ At the end of the Twenty-seventh Congress, in March 1843, Fillmore again abandoned the political and social life of Washington, which he heartily disliked, for the quiet pleasures of Buffalo.

Neither Vice President nor Governor

Whig party elder statesman John Quincy Adams visited Buffalo in the summer of 1843 to praise publicly his former house colleague's achievements and to urge him to return to government service. Still enjoying the high regard of his party allies as a result of his successful management of the 1842 tariff, Fillmore had decided to launch a behind-the-scenes campaign for the Whig party's 1844 vice-presidential nomination. He learned, however, that state party strategist Thurlow Weed coveted that spot for his close ally, former New York governor William Seward, against whom Fillmore "harbored a jealousy that had in it something of the petulance of a child."⁷ To derail this scheme, Fillmore made a bargain with John Collier of Binghamton, a New York City-supported antagonist of the party's Weed-Seward Albany faction. Fillmore would support Collier for governor and Collier would put his influence behind Fillmore's vice-presidential quest. The plan fell apart when Seward declared he had no interest in the number two position. To protect against the election of his enemy Collier, Weed urged Fillmore to shift his focus and seek the governorship. Fillmore initially refused. Weed then quietly went to work to sabotage any chances that his faction-ridden party would award Fillmore its vice-presidential nomination. He hinted to delegates at the Whigs' Baltimore convention that Seward would accept a draft, while loudly proclaiming that no Whig but Fillmore could win the governorship. Seeing through Weed's machinations, Fillmore wrote an ally: "I need not tell you that I have no desire to run for governor. . . . I am not willing to be treacherously killed by this pretended kindness. . . . Do not suppose for a moment that I think they desire my nomination for governor."⁸ Weed's tactics succeeded in denying Fillmore the vice-presidential nomination, as Theodore Frelinghuysen won a third-ballot nomination to join Henry Clay on the party's ticket.

Henry Clay made northern antislavery Whigs nervous. Soon after receiving the party's presidential nomination with a vow of opposition to the annexation of Texas, which seemed certain to become a slave state, he shifted to a more ambivalent stance. As abolitionists among New York's Whigs began to explore alliances with other parties, Weed redoubled his efforts to solidify the state party by putting Fillmore at the top of its ticket in the race for governor. Under Weed's pressure, John Collier withdrew in favor of Fillmore, who then received the unanimous nomination of the New York state Whig convention. Aware that the governorship could be a way station on the road to greater national ambitions, Fillmore set aside his earlier reluctance. He ran a strong campaign based on his opposition to Texas annexation, which he believed would benefit slaveholders at the expense of the rest of the country. Fillmore's views, however, proved unpopular with many voters, particularly recent immigrants who resented his party's nativist, anti-Catholic stance. In vain did Fillmore try to appeal to foreign-born voters by working to create a German-language newspaper in Buffalo. He lost by ten thousand votes to Democrat Silas Wright, who earlier in the year had turned down his party's nomination as vice president in favor of this race.

The disaffection of New York's antislavery Whigs accounted for Fillmore's defeat, and the loss of that pivotal state also cost Henry Clay the presidency. Despite his setback, Fillmore emerged as his party's state leader, much to the irritation of Seward and Weed, who feared the New York Whig party's center of influence would thereby shift

westward from their Albany power base to Fillmore's in Buffalo. Thus began a politically destructive geographical and ideological polarization between Fillmore in the state's western districts and the Seward-Weed forces in the east.⁹

Ambition for National Office

In his earlier life, Fillmore had shown no compelling ambition for public office, despite the evidence of his 1844 vice-presidential and gubernatorial campaigns. Twice he had given up his seat in the U.S. House of Representatives for other goals, and the center of his personal and political universe seemed to be the city of Buffalo, where his law practice was flourishing. By 1847, however, as in 1844, Fillmore had grown restless away from the larger state and national arenas. He had become deeply hostile toward President James K. Polk, whose administration was reversing Whig economic gains. In addition, the president was leading the nation in a war with Mexico aimed at acquiring western territories, presumably to feed slavery's insatiable appetite. In this frame of mind, Fillmore readily accepted his party's nomination for the influential post of state comptroller. (He would have preferred a U.S. Senate seat, but none was available.) By a wide margin over his Democratic opponent, Fillmore won the election, and his political star again began to rise. In Albany, he built a record of accomplishment that enlarged his already considerable popularity. While comptroller, Fillmore retained a national presence, regularly denouncing President Polk's war with Mexico, so that by 1848, northern Whigs had come to view the New York comptroller as a logical vice-presidential choice to balance the likely presidential candidacy of war hero General Zachary Taylor.¹⁰

The June 1848 Whig Convention

When the Whigs gathered at Philadelphia in June 1848, party leaders expected that General Taylor would win their presidential nomination. A Louisiana slaveholder, Taylor lacked partisan political experience and commitment. He had never voted in a presidential election, but he was an obviously electable military hero and had the important support of the southern or "Cotton Whig" branch of the party. Despite unhappiness among the party's antislavery elements in the North and West, and a sputtering effort to revive Henry Clay's candidacy (Clay lamented, "I wish I could slay a Mexican."¹¹), Taylor gained the Whig nomination on the fourth ballot.

Following the selection of Taylor, convention chairman John Collier, a New Yorker and skillful parliamentary tactician, took the rostrum and gained control of Henry Clay's disappointed and angry forces, who threatened to disrupt the convention. Assuring the agitated delegates that New York would actively support Taylor, Collier presented a peace offering—a "surprise" candidate for vice president. On hearing the name of Millard Fillmore, many opponents of Taylor set aside their reservations and joined to support the new ticket. By the second ballot, the prize was Fillmore's.¹² Although Collier had skillfully associated Fillmore with Clay, playing on his well-established advocacy of Whig legislative programs, the nominee was by no means broadly sympathetic to the Kentucky statesman. However, the nervous delegates were in no mood for an extended examination of Fillmore's beliefs. Collier saw that Fillmore would balance the ticket and block fellow New Yorkers Seward and Weed, whose wishes for a return to a larger role in Whig affairs threatened to further polarize that party's factions. Weed reluctantly acquiesced to the nomination, while Seward remained deeply concerned.¹³

The same contentiousness reflected in the 1848 convention's proceedings made it inadvisable for party leaders to develop a specific platform. Instead, the Whig candidates devised their positions to fit the prejudices of specific regions. Candidate Fillmore told southern audiences that he "regarded slavery as an evil, but one with which the National Government had nothing to do." Under the Constitution, he contended, "the whole power over that question was vested in the several states where the institution was tolerated. If they regarded it as a blessing, they had a constitutional right to enjoy it; and if they regarded it as an evil, they had the power and knew best how to apply the remedy." As for Congress, Fillmore concluded that it had no power to interfere with slavery in the states where it existed. He dodged entirely the more ominous issue of slavery in the territories.¹⁴

In the weeks after the national convention, Thurlow Weed and other northern Whig leaders who suspected Taylor of Democratic sympathies considered moves to undercut his candidacy by influencing state party conventions to select panels of unpledged presidential electors. Fillmore defused this subversive strategy by persuading Taylor to write and publish a letter in which he distanced himself from his vocal Democratic supporters. In the so-called Allison Letter, Taylor asserted that Congress, not the president, should control the nation's policy agenda. "The personal

opinions of the individual who may happen to occupy the executive chair ought not to control the action of Congress upon questions of domestic policy; nor ought his objections to be interposed where questions of constitutional power have been settled by the various departments of government, and acquiesced in by the people."¹⁵

Thanks in great measure to the influence of the Allison Letter and Fillmore's hard work, as well as to the Free Soil party candidacy of Martin Van Buren that divided traditional northern Democratic ranks, the Taylor-Fillmore ticket won New York state by a narrow margin, providing barely enough electoral votes to swing the election to the Whigs.¹⁶ Expressing a common belief that the Whigs had sold out their principles with the selection of Taylor, journalist Horace Greeley, a Seward-Weed ally, concluded that the party was "at once triumphant and undone."¹⁷

A New Administration

Millard Fillmore shared Zachary Taylor's belief in a strong legislature and a compliant executive. In a letter written immediately after his election, he explained that in all areas not directly covered by the Constitution, "as to all other questions of mere policy, where Congress has the constitutional right to legislate, the will of the people, as expressed through their representatives in Congress, is to control, and that will is not to be defeated by the arbitrary interposition of the [executive] veto power." By adhering to this classic Whig doctrine, Taylor and Fillmore hoped to avoid the roiling sectional controversies that could easily wreck their administration, leaving them to the peoples' representatives in Congress. With guarded optimism, Fillmore saw the 1848 election "as putting an end to all ideas of disunion. It raises up a national party, occupying a middle ground, and leaves the fanatics and disunionists, north and south, without the hope of destroying the fair fabric of our constitution."¹⁸ Yet, even as he wrote this, secessionist conventions were gathering in the South and antislavery societies in the North were stating their legislative demands. As word of the revolutions sweeping Europe reached the United States, it became clear that the political climate in the months ahead would hardly be free of grave challenges to the nation's constitutional order. In the months before taking his oath of office, Fillmore had reason to believe his would be an active vice-presidency. Thurlow Weed heard that President-elect Taylor, fearing the unaccustomed administrative burdens that awaited him, had said "I wish Mr. Fillmore would take all of the business into his own hands." The ill-informed Taylor believed that the vice president would be an official member of his cabinet. Weed worried that Fillmore would use his new position to take control of New York state's lucrative federal patronage appointments, which would surely accelerate the political decline of that state's once-potent Weed-Seward political faction.¹⁹

In a typically crafty move to rescue their fortunes, Weed lobbied Fillmore to support Seward's candidacy for the Senate over that of John Collier, who had engineered Fillmore's vice-presidential nomination. In return, Weed promised full consultation in all state patronage matters. Anxious to secure his own political base in New York before moving onto the national stage, Fillmore abandoned Collier and yielded to Weed's entreaties, despite his misgivings based on twenty years of experience with the duplicitous political boss. As a result of Fillmore's shift, Seward obtained the necessary votes in the state legislature to win the Senate seat. He headed to Washington with the vice president-elect after both men, at a dinner with Weed in Albany, had agreed to consult with one another from time to time on the state's rich federal patronage. Outwardly cordial to Fillmore, Seward harbored a dark plot, conceived by Weed, to sabotage Fillmore's control over New York's federal appointments. Fillmore would pay dearly for his abandonment of Collier.²⁰

In 1849, March 4 fell on a Sunday. In observance of the Christian sabbath, President-elect Taylor chose to defer his public oath-taking to the following day.²¹ Thus, on a cloudy and brisk Monday morning, Fillmore met Vice President George Dallas at Willard's Hotel on Pennsylvania Avenue, the preferred lodging place of both men. At 11 a.m., the two men set out for Capitol Hill in an open carriage. Onlookers on Pennsylvania Avenue had difficulty telling the present and future vice presidents apart. Both were large, clean-shaven men, dressed in somber black with full heads of white hair. Only Fillmore's muscular torso, pink face, and sparkling blue eyes distinguished him. At this point in the transition process, as the president-elect was making key appointments to his cabinet and thereby setting the tone of his administration, Taylor and Fillmore had met only for social occasions. Yet, Fillmore seemed unconcerned that Taylor had not bothered to take advantage of his broad knowledge of party leaders and issues.²² An honor guard of senators escorted Fillmore into the mobbed Senate chamber where Vice President Dallas led him to the presiding officer's chair. Chief Justice Roger Taney administered the oath of office, and the new vice president delivered a brief inaugural address. Fillmore confessed his inexperience in the customs and procedures of legislative bodies and asked senators for their "indulgent forbearance." In cheerful words that he would soon have cause to

reconsider, Fillmore observed that "the senate is composed of eminent statesmen, equally distinguished for their high intellectual endowments and their amenity of manners, whose persuasive eloquence is so happily tempered with habitual courtesy, as to relieve your presiding officer from all that would be painful in the discharge of his duty, and render his position as agreeable as it must be instructive."²³ When he concluded his remarks, President Polk and General Taylor, after an awkward delay, entered the chamber and took their assigned seats. Pausing only briefly, the presidential party then formed ranks and proceeded with the senators to the inaugural platform on the Capitol's eastern portico.

In the weeks following the inauguration, Fillmore began to realize that on patronage matters Weed and Seward had already succeeded in weakening his limited influence with the new president. When the important post of marshal for New York's northern district opened, Seward and Weed, without consulting the vice president, sent word to Secretary of State John Clayton that they and Fillmore had agreed on P.V. Kellogg. Clayton forwarded Kellogg's name to the president, who made the selection. Learning of their duplicity, Fillmore asked Taylor to rescind the appointment, but the president refused to do so without consulting Clayton. Weed rushed to Washington and advised the president that Fillmore's anger reflected a parochial dispute between state factions that could best be avoided by placing New York's patronage recommendations in other hands. He suggested Governor Hamilton Fish, a "neutral" figure who was actually firmly within the Weed-Seward camp. Taylor naively agreed.²⁴ The extent of Weed's victory became clear when Fillmore recommended John Collier for the post of New York naval officer. Taylor ignored the request and appointed a Weed ally to that coveted position. The ultimate Fillmore defeat occurred in the vice president's own political back yard with the appointment of a Weed-Seward crony as collector for the port of Buffalo. A Buffalo newspaper under Weed's control gloated, "We could put up a cow against a Fillmore nominee and defeat him." Reflecting on his lowly status, Fillmore wrote Harvard President Edward Everett that since he had "no favors to bestow, either legislative or official," he expected a restful tenure.²⁵

By November 1849, as Congress was about to convene for the first regular session of the Taylor administration, Fillmore complained to the president that the administration's appointments, influenced by Weed and Seward, were destroying his influence in New York. He asked the president whether in the future he would be "treated as a friend or foe?" Taylor promised to do better—and soon forgot his promise.

The "Memorable Senate of that fearful epoch"

Departing Vice President George M. Dallas had regretted that he would not be present in the presiding officer's chair in December 1849 to witness the constellation of illustrious figures among the sixty-member Senate of the Thirty-first Congress. Together again for what would prove to be their last legislative session were the members of the already legendary "Great Triumvirate." Returning from a seven-year absence, Henry Clay, whose initial Senate service dated back forty-three years to 1806, had been the Whig party's preeminent legislative leader. Daniel Webster, an eighteen-year Senate veteran, had taken a sabbatical to be secretary of state in the first Whig administration under Harrison and Tyler. And John C. Calhoun, gaunt, ill, and unlikely to survive the session, had been vice president in the John Quincy Adams and Andrew Jackson administrations, as well as Webster's successor as secretary of state in the Tyler presidency. Each of these men was by then identified as the congressional personification of his region. Also present among this eminent assembly were Stephen A. Douglas, the "Little Giant" of Illinois; Michigan's Lewis Cass, the recently defeated Democratic presidential candidate; Henry Foote and Jefferson Davis of Mississippi; Missouri's Thomas Hart Benton, approaching a thirty-year record of Senate service; Seward of New York; Salmon P. Chase of Ohio, an eventual U.S. chief justice; the fiery Sam Houston of Texas; and—at a lesser level of eminence—the Dodges, Henry of Wisconsin and Augustus Caesar of Iowa, the Senate's only father-son team.²⁶

The 1848 treaty concluding the war with Mexico added to the nation's land mass 500,000 square miles of new western territories, including present-day California, Nevada, Utah, and much of New Mexico, Arizona, Wyoming, and Colorado. Confronting Congress and the new Taylor administration in 1849 was the explosive issue of how these territories would be organized with respect to slavery. Northern "free soil" advocates insisted that slavery be contained in the states where it already existed. Southern planters and their allies believed that their region's economic system should be allowed to operate without such crippling restrictions. In the 1848 presidential campaign, Democratic candidate Lewis Cass had supported the doctrine of "popular sovereignty," under which the residents of the territories would decide the issue for themselves. Former President Martin Van Buren, running as

the Free Soil party candidate, demanded support for the 1846 Wilmot Proviso. This amendment to an appropriations bill had failed to pass the Senate, but it provided a rallying cry for antislavery forces by proposing the prohibition of slavery in the territory acquired from Mexico. The Whigs, standing on no platform, had simply ducked the issue during the election campaign. Southerners who at first had believed a Louisiana slaveholder would be a sympathetic president, soon had cause for concern when Taylor began to take advice from Senator Seward and other antislavery Whigs. In his December 24, 1849, annual message to the newly convened Congress, Taylor sought to defuse this portentous issue by proposing that California and New Mexico apply immediately for statehood, bypassing the territorial stage and the Wilmot Proviso controversy. As Mexico had prohibited slavery in these regions, there would be few slaveholders to vote in favor of that institution. In fact, California had already approved a constitution that prohibited slavery. Southern members of Congress realized that the admission of an additional free state would destroy the balance between slave and free states that had made the Senate the principal forum for debate on the slavery issue since the 1820 Missouri Compromise. Taylor's message only further inflamed the festering controversy among southerners, who argued that if the territories had been taken with the blood of all Americans, they should not be closed to those citizens choosing to move with their property to those regions. Southern members introduced legislation designed to preserve the balance of new states and to toughen fugitive slave laws.

Conflicting northern proposals prompted Henry Clay in January 1850, with the assistance of Democrat Stephen A. Douglas, to fashion an "Omnibus Bill," a series of eight measures to address the slavery and territorial issues that collectively became known as the "Compromise of 1850." In the weeks that followed, the compelling oratory of Clay, Webster, Calhoun, and others drew capacity crowds to the Senate chamber. On March 7, Daniel Webster opened his classic address with these memorable lines of national reconciliation—and political suicide—addressed to Senate President Fillmore: "Mr. President, I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American." Four days later, Seward rose to denounce the proposed compromise. Acknowledging that the Constitution protected slavery, he asserted, "But, there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes." These speeches drew new battle lines, with Seward and the mortally ill Calhoun representing their sections' hard-liners, while Webster and Clay sought a middle way. Suddenly secession seemed a real possibility.²⁷

Obligation to Preserve Order

The death of John C. Calhoun on March 31 removed a tenacious opponent of the compromise. Fillmore presided at the statesman's funeral in the Senate chamber on April 2. On the following day, responding to the deeply unsettled atmosphere, the vice president took an extraordinary step for a presiding officer—he addressed the Senate. His topic: the vice president's "powers and duties to preserve order."²⁸ Speaking in a solemn manner, Fillmore stated that when he had first entered the office, he had assumed he would not be called on to maintain order in a body with such a strong reputation for courtesy and deference. He soon realized that he had been naive. To arm himself against the challenge of recurring disorderly behavior, he had consulted old Senate records and manuals of parliamentary practice for guidance. He discovered, to no one's surprise, that the Constitution conferred on the vice president the general, if not express, power to maintain order. Rules 16 and 17, adopted during the First Congress in 1789, had defined the vice president's constitutional prerogatives. He alone possessed the authority to call a member to order, and his decision was to be considered final, not subject to appeal to the full Senate. In 1828 the Senate had adopted a rule that broadened the chamber's responsibility for taking notice of unruly senators, while weakening the vice president's role. Rule 6 provided that either the vice president or a senator could take action to silence a disorderly senator. When a senator called another senator to order, the offending words were to be written down so that the vice president could review them. Then the vice president would rule on the merits of the question, subject to an appeal to the Senate to confirm or override that ruling. The Senate adopted this rule after Vice President John C. Calhoun, in 1826, declared that he lacked authority to call a senator to order. He also objected to the arbitrary practice of not permitting an appeal to the full Senate.²⁹

Fillmore acknowledged that senators were generally unwilling "to appear as volunteers in the discharge of such an invidious duty" as calling other senators to order. This reluctance placed a greater obligation on the vice president to exercise that power. The House of Representatives had recognized the unequal nature of the responsibility in the wording of its comparable rule, which provided that "the Speaker *shall*, or a member *may*, call to order." Fillmore concluded that, although some might charge him with impeding freedom of debate, he would do his duty to contain the first spark of disorder before it ignited a conflagration that would be more difficult to bring under control. "[A]

slight attack, or even insinuation, of a personal character, often provokes a more severe retort, which brings out a more disorderly reply, each Senator feeling a justification in the previous aggression."³⁰ Exactly two weeks after Fillmore spoke these words, an altercation of historic proportions on the Senate floor dramatically validated his concern.

On Saturday, April 17, 1850, the Senate resumed its consideration of the volatile legislation related to the slavery issue and California statehood. Mississippi's senior senator, Henry S. Foote, made a motion to refer the various proposals to a special thirteen-member committee, which would reshape them into a new legislative plan. Since Missouri's Thomas Hart Benton favored compromise but disliked Henry Clay's specific plan, he offered an amendment to undercut Foote's motion. Seated in his accustomed place at the dais, Vice President Fillmore ruled that Benton's motion was in order, citing as his authority Thomas Jefferson's *Manual of Parliamentary Practice* (Section 35.2). Henry Clay rose in anger, charging that Fillmore's ruling was an attack on the Senate's "power," "consistency," and "dignity." He demanded that the Senate vote to reverse the decision.

Clay's complaint triggered an extended debate and a fiery exchange in which Benton charged Foote and his southern allies with alarming the country "without reason, and against reason."³¹ Foote, who had been goading Benton for weeks, responded by asserting that Benton had unfairly maligned the "action of a band of patriots, worthy of the highest laudation, and who will be held in veneration when their calumniators, no matter who they may be, will be objects of general loathing and contempt."³² As Foote sharpened his reference to Benton, "a gentleman long denominated the oldest member of the Senate—the father of the Senate," the burly sixty-eight-year-old Missourian rose from his seat separated from Foote by four desks on the rear row of the Democratic side, shoved back his chair, and advanced on the diminutive forty-six-year-old senator. Foote stepped away from Benton and into the chamber's nearby center aisle. He removed a "five-barrelled" pistol from his pocket, cocked the weapon, and pointed it at the floor. The Senate exploded in pandemonium. As alarmed senators called for order and blocked Benton's advance, the "father of the Senate" shrieked "I have no pistols! Let him fire! Stand out of the way, and let the assassin fire!" Foote handed over his pistol to a fellow senator, while Benton demanded to be searched to prove that he had no weapon. Fillmore called for order, but the chamber would not be quieted. As several senators shouted "Be cool!" Benton and Foote angrily hurled justifications of their actions. Accepting that no further business would be transacted that day, Fillmore recognized a senator who moved to adjourn. Despite his earnest preparations, the vice president now understood the near impossibility of maintaining order in such a deeply fractured Senate.³³

On the following day, agreeing to Foote's interrupted proposal, the Senate appointed the Select Committee of Thirteen to prepare a suitable compromise measure. The committee reported on May 8, but for the remainder of the spring and into the summer the Senate heatedly debated the slavery-related issues that underlay the Benton-Foote controversy. Vice President Fillmore's estrangement from the Taylor administration deepened during this period and he turned his creative energies to service on the newly established Smithsonian Institution's board of regents. On the Fourth of July, President Taylor celebrated the holiday by laying a ceremonial stone at the partially constructed Washington Monument and listening to a lengthy speech of reconciliation by Senator Henry Foote. Suffering from extended exposure to the sun, the president returned to the White House, ate some raw fruit and vegetables, which he washed down with large amounts of iced milk. He soon fell ill with the symptoms of acute gastroenteritis, which his doctors diagnosed as "cholera morbus." Under their treatment, his condition worsened. On July 7, 1850, Fillmore was called from the dais in the Senate chamber to the White House to keep vigil outside the president's bedroom. Late in the evening of July 9, a cabinet messenger went to Fillmore's quarters in the Willard Hotel to inform the sleepless vice president that Taylor was dead.³⁴

President Fillmore

On the morning of July 10 a presidential messenger carried into the Senate chamber a letter in which Millard Fillmore announced the "most afflicting bereavement" of President Taylor's death and his own intention to take the presidential oath at noon in the House chamber. This time, unlike the first unplanned presidential transition less than a decade earlier, no one seriously questioned Fillmore's right to take on the full powers of the presidency. At the appointed hour, before a joint session of Congress, Fillmore took his presidential oath. Later in the day, the entire Taylor cabinet resigned to give the new chief executive the opportunity to set his own course.

As president, Fillmore moved to end the stalemate over the western lands issue. By the end of July, Clay's omnibus compromise bill was dead, replaced by a series of individual bills that Senator Stephen Douglas had proposed as a means to achieve Clay's objectives. Working closely and tactfully with legislative leaders, Fillmore succeeded in shaping these measures to be acceptable to all regions and sentiments. Within a few weeks, the individual bills became law. Passage of this Compromise of 1850 resulted in a major political realignment, which placed fatal pressures on the Whig party. Northern Whigs were furious about the Fugitive Slave Act, one of the laws enacted as part of the compromise, which Fillmore had only reluctantly signed. Thus, while Whigs in the South urged moderation, their northern counterparts embraced antislavery politics. A modern observer of the Whig party in 1850 characterized its many divisions, including the Seward-Fillmore animosity, as manifesting "the inescapable tension within Whiggery between progress and stability, between moral urgency and social order."³⁵

Against this dark political landscape, Fillmore decided once again that he preferred the charms of life in Buffalo to the contentiousness of the nation's capital. Throughout 1851, the president let it be known that he would not seek a full term in 1852, hoping to advance Daniel Webster's candidacy. Webster, however, was too frail to attract the serious support of Whig national convention delegates. At the last minute, Fillmore half-heartedly decided to run, in order to prevent the nomination of Mexican War hero General Winfield Scott, the candidate of Fillmore's archenemy, William Seward. At the convention, delegates deadlocked between Seward, Scott, and Webster. After forty-six ballots, Fillmore tried to strike a bargain with Webster. The aging statesman, the weakest of the three, refused to transfer his delegates. They and others ultimately shifted to Scott, giving him the nomination on the fifty-third ballot. In the general election, southern Whigs abandoned their party to give the election to the Democratic candidate, New Hampshire's Franklin Pierce. The Whig party would never again be a significant national political force.

Anticipating his return to a happy life in Buffalo, Fillmore left a chilled White House on a bitterly cold March 4, 1853, to attend Pierce's inauguration. His wife, Abigail, who had suffered poor health for many months, stood through the extended proceedings with other dignitaries in the slush and lightly falling snow. The next day, she complained of cold symptoms, which developed into pneumonia. Her condition worsened and she died on March 30. Fillmore returned to Buffalo, where in July 1854 his favorite daughter, Mary Abigail, died at the age of twenty-two. Grief-stricken and seeking a diversion, he reentered the national political arena by accepting the 1856 presidential nomination of the anti-Catholic, anti-immigrant Know-Nothing party, composed of former Whig moderates and conservative southern unionists. In that ill-starred venture, the former president carried only Maryland.

In 1858 Fillmore married Caroline McIntosh, a wealthy Albany widow, and resumed his role as Buffalo's leading educator and philanthropist.³⁶ He served as the first chancellor of the University of Buffalo and the first president of the Buffalo Historical Society. Millard Fillmore died at the age of seventy-four on March 8, 1874.

Notes:

1. U.S., Congress, Senate, *Congressional Globe*, 33d Cong., 1st sess., pp. 4-5.
2. Robert J. Rayback, *Millard Fillmore: Biography of a President* (Norwalk, CT, 1959), pp. 4-7.
3. *Ibid.*, pp. 8-15.
4. Elbert B. Smith, *The Presidencies of Zachary Taylor and Millard Fillmore* (Lawrence, KS, 1988), pp. 44-45.
5. Rayback, pp. 81-85.
6. U.S., Congress, House, *The Committee on Ways and Means: A Bicentennial History, 1789-1989*, by Donald R. Kennon and Rebecca M. Rogers, H. Doc. 100-244, 100th Cong., 2d sess., pp. 105, 125-29.
7. Glyndon G. Van Deusen, *Thurlow Weed: Wizard of the Lobby* (Boston, 1947), p. 127.
8. Rayback, pp. 148-51.
9. *Ibid.*, pp. 155-59; Glyndon Van Deusen, *William Henry Seward* (New York, 1967), pp. 100-103.
10. Rayback, pp. 177-78.
11. Quoted in Gil Troy, "Election of 1848," in *Running for President: The Candidates and Their Images*, ed. Arthur M. Schlesinger, Jr., vol. 1, (New York, 1994), p. 188.
12. Rayback, pp. 183-86; Van Deusen, *Thurlow Weed*, p. 161.
13. Thurlow Weed, *Autobiography* (1883), p.585; Van Deusen, *William Henry Seward*, pp. 107-9.
14. Rayback, pp. 186-87.
15. W.L. Barre, *The Life and Public Services of Millard Fillmore* (New York, 1971; reprint of 1856 edition), p. 308.

16. Smith, *The Presidencies of Zachary Taylor and Millard Fillmore*, p. 46.
17. Troy, 1:193.
18. Barre, P. 311.
19. Rayback, p. 192; Van Deusen, *William Henry Seward*, pp. 114-15.
20. Smith, *The Presidencies of Zachary Taylor and Millard Fillmore*, p. 165; Rayback, pp. 192-96; Van Deusen, *Thurlow Weed*, pp. 165-67; Van Deusen, *William Henry Seward*, pp. 111-12.
21. Twenty-eight years had passed since an inauguration day had fallen on a Sunday. On that occasion, in 1821, President Monroe had taken Chief Justice John Marshall's advice to postpone "the oath until Monday unless some official duty should require its being taken on Sunday." (Stephen W. Stathis and Ronald C. Moe, "America's Other Inauguration," *Presidential Studies Quarterly*, 10 (Fall 1980): 553.) The story that Senate President Pro Tempore David Atchison served as "president for a day" on March 4, 1849, is without foundation. Since Atchison's Senate term expired on March 3, the Senate was without a president pro tempore, who under the presidential succession plan then in effect might have taken over. When the Senate convened on March 5 for the new Congress, it passed a resolution renewing Atchison's appointment as the temporary presiding officer. Based on the 1821 Monroe precedent, it was assumed that the new president began his term on March 4, but could not exercise the duties of the office until he had taken the formal oath. (George H. Haynes, "President of the United States for a Single Day," *American Historical Review* 30 (January 1925): 308-10.)
22. Rayback, pp. 196-97.
23. Barre, pp. 212-13.
24. Rayback, pp. 200-202; Van Deusen, *William Henry Seward*, pp. 114-15.
25. Rayback, pp. 196-97.
26. Barre, p. 316.
27. This familiar story is recounted in two modern-era studies: William W. Freehling, *The Road to Disunion: Secessionists at Bay, 1776-1854* (New York, 1990), Chapter 28, and Merrill D. Peterson, *The Great Triumvirate: Webster, Clay, and Calhoun* (New York, 1987), pp. 449-76.
28. *Congressional Globe*, 31st Cong., 1st sess., pp. 631-32. Out of his concern for proper decorum, Fillmore reportedly ordered the removal of the large urn of snuff that had traditionally been placed on the vice president's desk. He acted because its availability caused members to congregate there, talking loudly and obscuring his view of the chamber. (This story is drawn from the recollections of Senate Assistant Doorkeeper Isaac Bassett as reported in the *New York Times*, June 7, 1894.)
29. See Chapter 7, "John C. Calhoun," pp. 10-21.
30. *Congressional Globe*, 31st Cong., 1st sess., p. 632.
31. *Ibid.*, p. 762.
32. *Ibid.*
33. Elbert B. Smith, *Magnificent Missourian: The Life of Thomas Hart Benton* (New York, 1958), pp. 271-72; Smith, *The Presidencies of Zachary Taylor and Millard Fillmore*, pp. 138-39; *Congressional Globe*, 31st Cong., 1st sess., pp. 762-64.
34. Smith, *The Presidencies of Zachary Taylor and Millard Fillmore*, pp. 156-57; Rayback, pp. 238-39.
35. Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago, 1979), p. 207; Mark J. Stefmaier, *Texas, New Mexico, and the Compromise of 1850: Boundary Dispute and Sectional Crisis* (Kent, OH, 1996), p. 319.
36. Rayback, p. 416._