



The Constitutional Crisis that Wasn't

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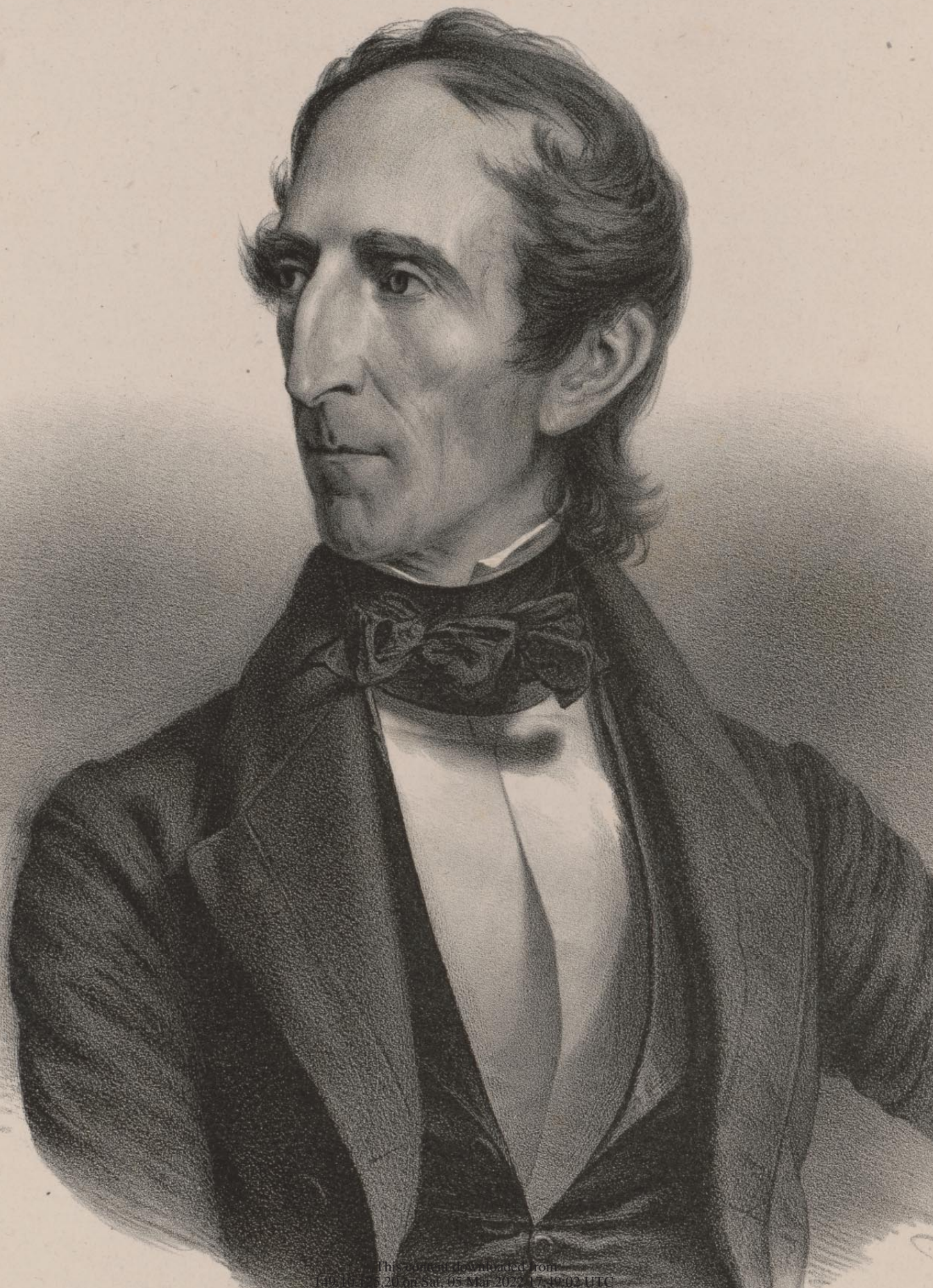
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DAVID P. CALLAHAN

The Constitutional Crisis that Wasn't

The Politics of John Tyler's Presidential Succession

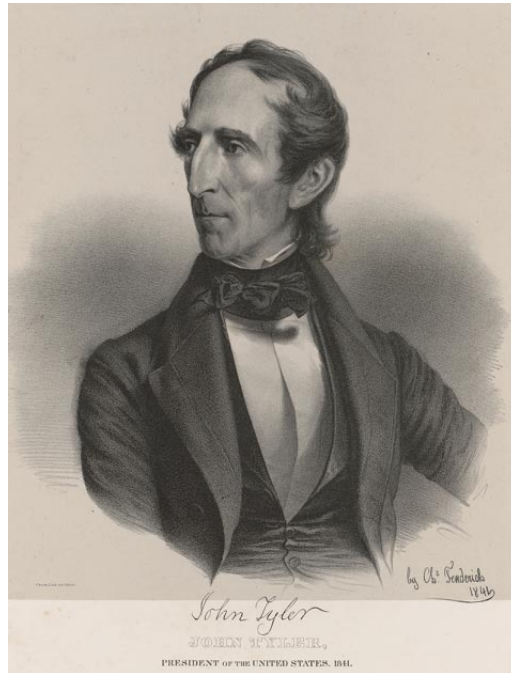
On 4 April 1841, after a turbulent month on the job, the elderly William Henry Harrison became the first American president to die in office. He was succeeded as president by his vice president, John Tyler of Virginia. Or was he? The clause in the U.S. Constitution governing presidential succession permitted multiple interpretations. Article II, Section 1, read in part: "In case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President." So, to what did "the same" refer? Did the "said Office" of president "devolve" on Tyler, or did he merely assume the "Powers and Duties" of the presidency? Was John Tyler the tenth president of the United States, as Tyler and most of his fellow Whigs insisted, or the first "Vice-President, now exercising the office of President," as some of the Democrats in Congress called him? Opponents of Tyler's interpretation had history on their side. As the Constitutional Convention records clearly showed, the framers believed that the vice president simply acted as president until a new executive could be chosen, either by a specially mandated election or the usual quadrennial contest. When finalizing the draft Constitution however, the Committee of Style consolidated two distinct passages covering the temporary exercise of presidential power, one by a vice president and the other by a designated officer appointed by Congress, thereby blurring the intended meaning of the succession clause.¹

Harrison's death forced the nation's political elite to grapple with the Committee of Style's unintended ambiguity. In an era of extreme partisan-

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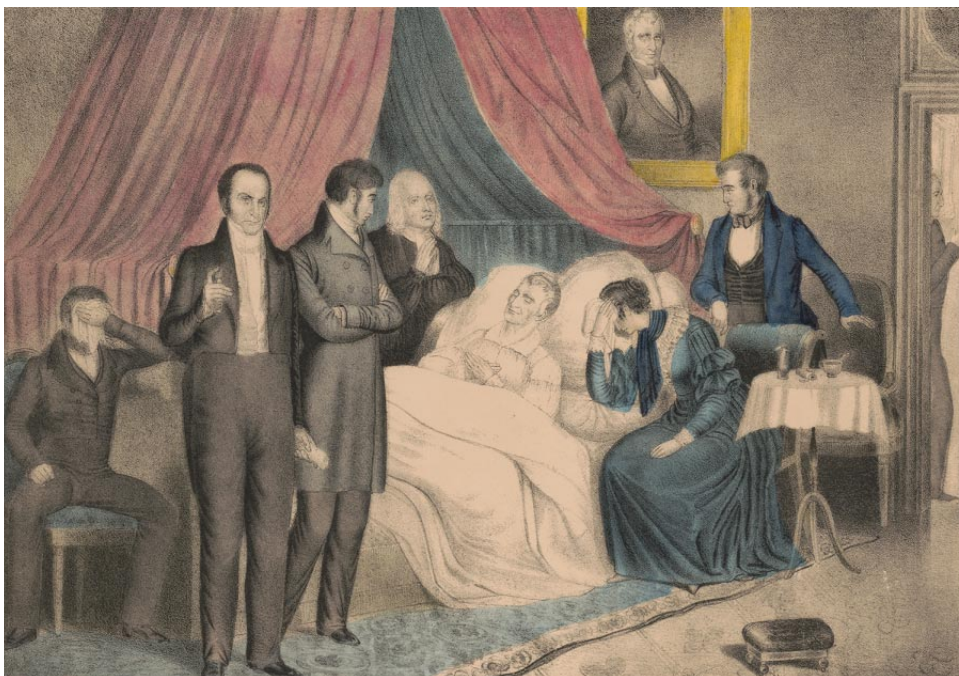
John Tyler in 1841.
(*Library of Congress*)

ship, Tyler's decisive claim to full presidential power should have provoked a constitutional crisis, defined by political scientists as a dispute over the operation of government that the fundamental laws or governing constitution appear to be unable to resolve. Whig factions opposed to Tyler or partisan Democrats might have challenged his presidential succession, yet no constitutional crisis ever materialized. Instead, on 1 June 1841 both houses of Congress passed resolutions by wide margins and across party lines confirming Tyler's assumption of the title of president of the United States. Tyler's precedent proved significant for seven of his successors, who became president under similar circumstances. His actions also served as the basis for the Twenty-Fifth Amendment to the Constitution in 1967.²

Despite Tyler's consequential deed, many historians treated his presidential succession superficially. Beginning with Lyon Tyler's quirky 1884 memoir about his father and followed by more scholarly studies written by

Oliver Perry Chitwood, Robert Seager II, and Robert J. Morgan, some Tyler biographers skimmed quickly over the succession to focus on the new president's policy disputes with his fellow Whigs. Excellent period studies, such as Michael Holt's magisterial history of the Whig Party or Daniel Walker Howe's examination of Whig political culture, virtually ignored the details surrounding Tyler's seizure of presidential power. Other historians more closely analyzed Tyler's presidential succession, but failed to discern the full breadth of political maneuvering involved. More recent Tyler biographers, Dan Monroe and Edward Crapol, delved convincingly into the events of April and May 1841, but from a completely Tyler-centric perspective. More broad-based period studies by Norma Lois Peterson and John D. Feerick successfully added the activities of Tyler's Cabinet to their presidential succession story, but they failed to look beyond the executive branch in their analysis. Only one work in the historiography fully integrated most of the political actors involved in the succession drama. In an important journal article, Stephen W. Stathis explained that earlier studies "mistakenly portrayed Tyler's assumption of full presidential authority as a largely unquestioned process almost totally devoid of political intrigue." Unfortunately, Stathis erroneously concluded that prominent Whigs Daniel Webster and Henry Clay opposed Tyler's succession, and he failed to fully explain the opposition Democrats' lopsided congressional vote endorsing Tyler's succession clause interpretation.³

This work will more completely include and explain the executive, congressional, and partisan political actions that governed John Tyler's presidential succession. Tyler remains an important component of his succession story, of course. The courtly Virginian moved quickly to stake his claim to full presidential authority, retaining Harrison's Cabinet, taking the presidential oath, delivering an inaugural address, moving into the White House, and calling himself president. Yet, as a largely secondary figure on the national stage when he took office, Tyler clearly could not have acted alone. The political heavyweights in the Cabinet, Congress, and both parties all participated in the outcome. Secretary of State Daniel Webster supported Tyler's bid for full presidential power because he believed Tyler's succession would buttress his own aspirations to the presidency. Senator Henry Clay supported Tyler's constitutional interpretation because he believed President



The death of William Henry Harrison.
(Library of Congress)

Tyler would back Clay's plans for a national bank. Some Democrats, led by Senator John C. Calhoun, supported Tyler's succession because they believed he could be persuaded to abandon the Whigs and support opposition measures instead. When Harrison died unexpectedly, no constitutional crisis occurred because John Tyler's presidential succession seemed to support the divergent political goals of the most influential leaders in both parties.

WILLIAM HENRY HARRISON'S TERMINAL ILLNESS began innocently enough. At age sixty-eight, the chief executive had contracted a slight cold while making his lengthy inaugural address outside the Capitol building on an open-air platform exposed to the raw northeastern wind. With a penchant for long walks in inclement weather, Harrison's symptoms worsened during his month in office and soon developed into pneumonia. Wracked by fever

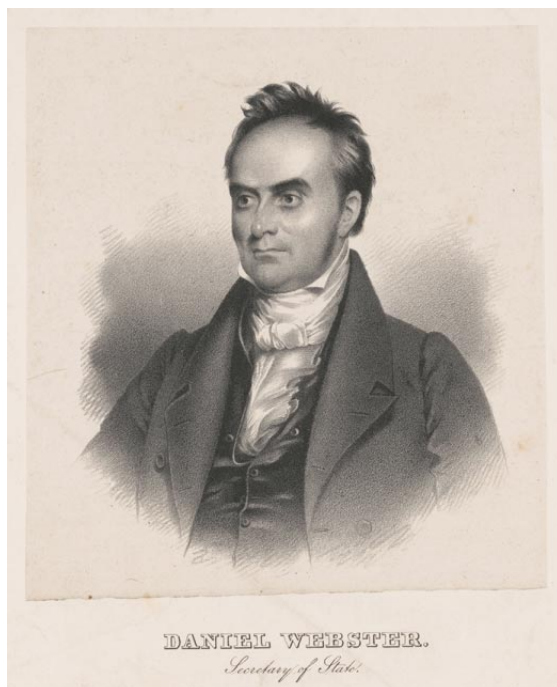
and diarrhea, the president took to his bed after dinner on the evening of 27 March. As anxious doctors and distraught family members clustered about the sick man's bedside, Harrison's Cabinet eyed the president's sharp decline with growing concern. Secretary of State Daniel Webster felt the most distress. If Harrison died, Webster's months of hard political work might be wasted. He had supported the general for the presidency precisely because he had hoped to be his successor.⁴

Webster deeply coveted the presidency himself, but suffered an embarrassing defeat in the four-candidate 1836 election when he captured only the fourteen electoral votes from his native Massachusetts. Realizing he must try a new tactic to win the White House, Webster backed Harrison, one of his opponents in the 1836 contest, over his bitter party rival Henry Clay for the 1840 Whig presidential nomination. Webster and his allies vigorously supported Harrison at the Whig convention and in the ensuing campaign against the incumbent Democratic president, Martin Van Buren. With the nation mired in a severe economic depression, Harrison overwhelmed Van Buren at the polls, and the Whigs wrested control of Congress from the Democrats. Old Tip, as Harrison was nicknamed, admitted Webster's support was crucial to his triumph.⁵

Webster intended to extract repayment for his generous assistance by seeking a high Cabinet appointment from a grateful Harrison. Because Whig doctrine preached limited executive authority and advocated coequality between the president and the Cabinet, secretaries could direct administration policy and reap personal acclaim for Whig successes. By working closely with Harrison, who was committed to serving only one term, Webster might also win Old Tip's endorsement for the 1844 Whig presidential nomination. Another important benefit gained from Cabinet service was access to a plethora of patronage appointments, a dependable method for generating future supporters. Webster needed patronage far more than his rival Clay because his party bloc was distinctly smaller than the Kentucky senator's. From the outset, Webster had planned to realize his own presidential ambitions through service in Harrison's Cabinet. Despite facing enormous pressure from the heavily factionalized Whigs, Harrison gratified Webster by naming him to the principle Cabinet position, secretary of state, on 11 December 1840.⁶

Webster moved swiftly to strengthen his grip on Harrison's administration by proving indispensable to Old Tip, both personally and professionally. Webster added oratorical flourishes to spruce up a leaden draft of Harrison's inaugural address and arranged a \$5,000 loan from the head of a New England cotton mill syndicate to the perennially cash-strapped president-elect. After Inauguration Day, the secretary of state established a close and deferential working relationship with the new president. In return, Harrison rewarded the secretary of state with patronage appointments for his allies. By the time Harrison fell ill, Webster had outmaneuvered Clay to become the president's chief adviser and likely successor.⁷

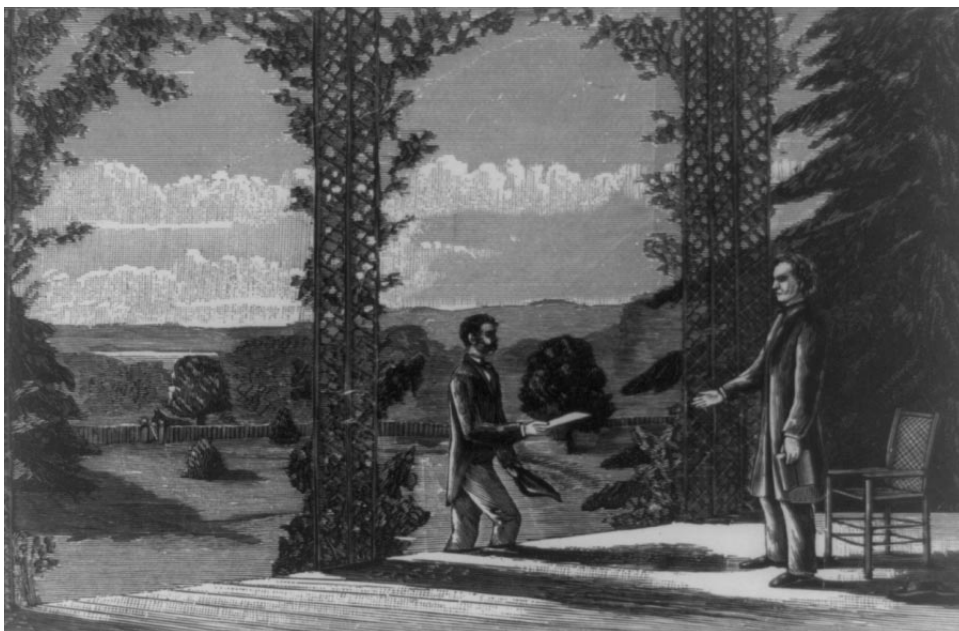
As Harrison slowly slipped into a delirious stupor, Webster quickly contemplated his next moves. He had been prepared for this contingency, having conceded that the aged Harrison might not live to take office even before



Secretary of State Daniel Webster.
(*Library of Congress*)

Old Tip defeated Van Buren. Webster's first decision was to *not* summon the vice president to Washington as Harrison's condition worsened. Invoking decorum to defend this move, he suggested that Tyler's "indelicate" presence, hovering about the bedside of his dying predecessor and ready to snatch the reins of power from the general's withered hands, was inappropriate. Decency conveniently concealed Webster's more ambitious motives. With Tyler absent, the secretary of state could direct the succession without any immediate interference from the vice president. Tyler's friends fumed over Webster's political machinations. "It appears from the papers that no measures were taken to inform Governor Tyler of the President's illness," Pennsylvania Representative John Sergeant wrote angrily to Henry Wise. "He will not, of course, be in Washington for some days. This is much to be regretted. The moment the President was taken sick, information should have been sent to Gov. Tyler." Without the vice president on the scene, Harrison succumbed to pneumonia at 12:30 A.M., Sunday, 4 April 1841. For the first time, the nation faced the death of a sitting president. Tyler aptly assessed the unique and potentially unsettling situation. "This same occurrence has subjected the wisdom and sufficiency of our institutions to a new test," he observed.⁸

As word of Harrison's death swept across a startled nation, succession speculation gripped the capital's political elite. It was rumored by many that "the Cabinet had arrived at the conclusion that Mr. Tyler should be styled 'Vice-President of the United States, acting President,'" concurring with one interpretation of the Constitution's ambiguous presidential succession clause. Such idle gossip, spread by Cabinet outsiders, was fueled by Webster's own actions. His widely publicized dispatch to Tyler announcing Harrison's death was addressed to the "Vice-President of the United States." In fact, Webster had already decided behind the scenes that Tyler would assume the complete power and title of the office once he had taken the presidential oath. Before Tyler had even arrived in Washington, Webster subtly signaled this position. The Cabinet's official arrangements for Harrison's funeral included a "civic procession" to be led by "The President of the United States." Webster had decided months before that his own path to the presidency rested on a close relationship with a powerful incumbent. President Tyler would simply replace President Harrison in this scheme.⁹



Tyler receiving news of Harrison's death.
 (*Library of Congress*)

Tyler arrived in Washington at 4 A.M. on Tuesday, 6 April 1841, ending Webster's fifty-three-hour stint as the unofficial head of government. The vice president's trip from his home in Williamsburg to the nation's capital was executed with exceptional rapidity. He had traveled by horseback to Jamestown, by chartered boat to Richmond, and then by special train to Washington, where he ensconced himself in Brown's Indian Queen Hotel to await a meeting with Harrison's Cabinet. Though Old Tip's death occurred suddenly, his advanced age had already prepared Tyler for the eventuality. "I well remember your prediction of Gen. Harrison's death," he reminded his friend Littleton Tazewell in late 1841, "and with what emphasis you enquired of me whether I had thought of my own situation upon the happening of that contingency." From the outset, Tyler had mentally prepared for the possibility of Harrison's death, deciding how the ambiguous succession clause would be interpreted, and intending to claim the full powers of the presidency.¹⁰



Brown's Indian Queen Hotel.
(Library of Congress)

Tyler also understood the splintered nature of Whig politics. “When I arrived here,” he later revealed, “I became fully apprised of the angry state of the factions towards each other, and set myself to work in good earnest to reconcile them. I was surrounded by Clay-men, Webster-men, anti-Masons, original Harrisonians, old Whigs and new Whigs,—each jealous of the others, and all struggling for the offices.” He was especially wary of the secretary of state. The two men deeply opposed each other’s principles. Tyler believed that Webster was an unreconstructed Federalist, committed to an invasive national bank, dangerously high tariffs, and costly internal improvement programs. “Black Dan’s” abolitionist tendencies and hostility to southern interests had prompted Tyler’s vigorous rejection of his 1836 presidential nomination. Webster reciprocated Tyler’s antagonism. He had deprecated the new president’s doctrinaire provincialism and anachronistic Jeffersonian beliefs, worrying that Tyler might be guided by his states’ rights associates rather than “general Whig sentiment.” The secretary of state had also been secretly troubled by Tyler’s reputedly close ties to Clay. Harrison’s death, Webster candidly admitted, “blasted our prospects, & we had another man,

& another kind of man, to deal [with].” Whig factionalism and conflicting ideologies augured inauspiciously for harmonious cooperation between the two men.¹¹

Surprisingly, Webster’s worries were soon relieved. When Tyler received Harrison’s Cabinet, he announced his intentions to retain each member in his current post. “The Whigs were immediately alarmed [by Tyler’s succession],” Webster later recalled, “but the universal cry was, ‘let Genl. Harrison’s cabinet keep their places.’” As a member of a minority faction in the party and possibly insecure about his own suitability for a job he had never sought or desired, Tyler logically decided that retaining Harrison’s advisers would placate the majority party factions, while keeping experienced counselors available during the unprecedented presidential transition. Most of Tyler’s close friends questioned his decision. The “peaceful and politic” course, Henry Wise recommended, demanded immediate replacement of Harrison’s men with Tyler’s own trusted confidants. Though his partisans correctly foresaw the future political problems stemming from Tyler’s retention of Harrison’s Cabinet, the vice president had cleverly facilitated his claim to the presidency. By retaining Old Tip’s men, Tyler undercut any opposition the secretaries might harbor toward his assumption of full executive power.¹²

Webster then suggested that his new chief take the presidential oath. As an acknowledged constitutional scholar, Webster had concluded that Tyler must recite the oath before the presidential office devolved upon him. The vice president demurred. Tyler believed he had become president at the exact moment his predecessor had died and “deem[ed] himself qualified to perform the duties and exercise the powers and office of President . . . without any other oath than that which he has taken as Vice-President.” Still, worried that “doubts may *arise*, and for greater caution,” Tyler acquiesced to Webster’s request. The men then summoned William Cranch, chief judge of the circuit court of the District of Columbia, to administer the oath. With the Cabinet serving as witnesses, John Tyler swore to “preserve, protect, and defend the Constitution” and became the tenth president of the United States. His actions established the “Tyler Precedent” for vice presidential succession when the incumbent president dies and played a key role in enhancing Tyler’s claim to the full authority of the presidency.¹³

After Harrison's funeral, Tyler composed a message to his fellow citizens. Denied the customary opportunity to deliver a traditional inaugural address, he issued a "brief exposition" of his principles of government on 9 April. Though ostensibly directed to the American people, the address, Tyler really hoped, would influence a far narrower audience, the argumentative politicians within his own divided party. His address publicly conceded that intra-party bickering might bedevil his government, especially "under the peculiar circumstances" of his succession. "The spirit of faction," Tyler proclaimed, "which is directly opposed to a spirit of lofty patriotism, may find in this occasion for assaults upon my Administration." Though acknowledging his political weakness, Tyler warned his party against yielding to its own notorious fractiousness.¹⁴

After asking the Whigs to terminate their infighting, Tyler broached a topic sure to unite them. He launched a determined assault on the Democrats, dedicating almost half the address to excoriating the opposition's patronage excesses. In all but name, he lambasted his old enemy Andrew Jackson. The "unrestrained power" of appointments, Tyler warned, might be "exerted by a selfishly ambitious man in order either to perpetuate his authority or to hand it over to some favorite as his successor." A ruthless executive of this sort, backed by a rapacious "army of officeholders," might interfere with both state and federal electoral and legislative processes. The president planned to ask Congress to pass legislation meant to prevent this problem. Though Tyler veiled his criticism by speaking of potential future patronage dangers, he revealed his intentions to remove any current officer who "has been guilty of an active partisanship or by secret means . . . given his official influence to the purposes of party." Lest the Democrats misconstrue his meaning, Tyler clarified his policy. "Numerous removals may become necessary under this rule," he added archly.¹⁵

Next, Tyler stepped gingerly into the minefield of Whig economic policy. He opened with a demand that Congress repeal Van Buren's "unwise, impolitic, and oppressive" sub-treasury scheme, insisting that the Democrats end their "war" between the government and the nation's money supply. Then, tackling the most explosive issue of all but couched in highly veiled language, he turned to the national bank. Tyler promised to sanction any measure passed by the legislature for the "restoration of a sound circulating

medium,” with the significant caveat that he would “resort to the fathers of the great republican school” to determine its constitutionality. By deferring to Congress on economic issues, Tyler seemed to approve Clay’s push for a national bank, but he also placated the minority states’ rights Whigs by ensuring that any measure adopted would meet his self-determined Jeffersonian standards. It was a masterpiece of factional straddling. Every Whig could read his own heart’s desire into the words of their new leader, and many did just that. Clay-leaning Whigs in the New York state legislature unanimously passed six resolutions expressing “undivided support” for Tyler. Simultaneously, a pro-states’ rights newspaper printed Tyler’s inaugural address side-by-side with Jefferson’s first inaugural speech to highlight favorably their similarities. The address strengthened Tyler’s claim to the full authority of his new office. He had united the Whigs against Democratic officeholders, while remaining intentionally vague on the most divisive economic policy issue. He also referred to himself as “President of the United States” or “Chief Magistrate” five times in the document, reinforcing his interpretation of the ambiguous succession clause. Tyler followed the address with another symbolic gesture that cemented his claim to the presidency. On 14 April, he moved into the White House.¹⁶

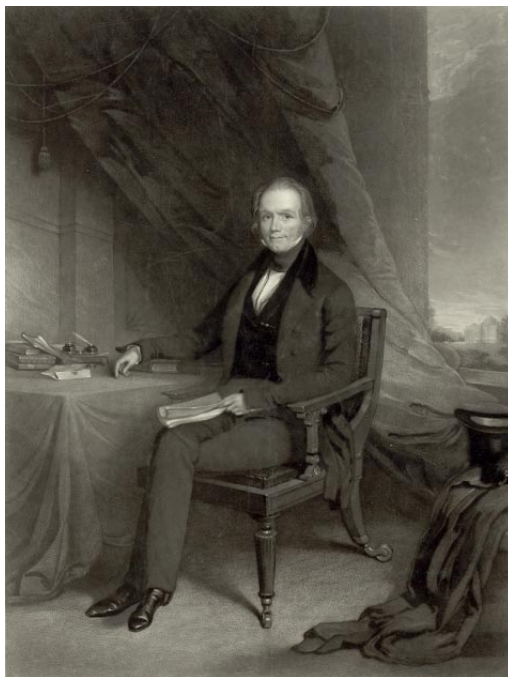
“You are well aware of the suddenness with which I have been precipitated on the discharge of the high responsibilities of this station,” Tyler informed a close associate. “Withdrawn so unexpectedly from the circle of my own personal friends, whose counsel was never more required, I had but to follow the light of my own judgment, and the promptings of my own feelings.” The breathless pace of events stunned even the normally imperceptible Webster. “My head is nearly turned,” he exclaimed to a friend, “In five weeks, we have had three presidents.” Despite his disclaimers, Tyler’s political discrimination was incredibly sound. Frequently underestimated by supporters, detractors, and perhaps even himself, Tyler had moved with resolute swiftness in ten tumultuous days to cement his claim to the presidency and secure approval of his interpretation of the succession clause. Several decisive actions helped Tyler garner acceptance as president of the United States. The retention of Harrison’s Cabinet, the symbolic presidential oath-taking, the pseudo-inaugural address aimed to appeal to all Whig factions, and finally his relocation into the executive mansion each reinforced his per-

ceived political power among the politicians and the public. Tyler appeared to be the president, and so many accepted his legitimacy. His actions helped undercut any constitutional crisis related to the ambiguous succession clause from emerging through Whig factionalism.¹⁷

Tyler had not acted alone. His presidential project had been ably assisted by Webster to satisfy his own ambitions for high office. Despite their ideological divergence and mutual suspicions, Tyler and Webster quickly established a surprising rapport. Exploiting his deferential daily contact with the Virginian, Webster cheerfully helped Tyler with his odious patronage duties. The new president accepted many of Webster's suggestions on partisan postings, especially in New England. Only three weeks into Tyler's administration, Webster's hopes for the next Whig presidential nomination seemed reanimated despite the disruption caused by Harrison's untimely death. His planned course remained uninterrupted; Tyler had simply replaced Old Tip in Webster's strategy. Unfortunately for Tyler and Webster, they did not operate in a political vacuum. Opposition Democrats might instigate a constitutional crisis over Tyler's interpretation of the ambiguous succession clause to diminish the power of a Whig president and, as always, the cunning senator from Kentucky, with his seemingly hypnotic sway over scores of prominent Whigs, was a force to be reckoned with. Just how would Henry Clay react to John Tyler's seizure of full presidential power?¹⁸

THE NEWS ABOUT HARRISON'S SUDDEN DEATH and Tyler's abrupt succession reached Henry Clay at Ashland, his imposing estate near Lexington, Kentucky, where the Whig leader had retreated to brood over his faltering political fortunes. The past year, although extraordinarily triumphant for the Whig party nationally, had produced only singular disappointments for its most notable politician. The rise of Harrison and the emergence of Webster as his principal adviser challenged Clay's dominance of the party and threatened his own presidential ambitions. Clay remained firmly committed to his American System, of course. Anchored by the rechartering of a national bank, Clay was convinced that his successful economic proposals would not only restore the nation's prosperity, but would also ultimately make him president. Although Tyler and Clay had been long-standing political allies, the Virginian's known opposition to a national bank surely unsettled Clay.¹⁹

Already the architect of two failed bids for the White House, Clay had suffered the most galling defeat of his career when Harrison's minority contingent of delegates at the Harrisburg Convention outmaneuvered Clay's supporters and captured the 1840 nomination for Old Tip. Though deeply embittered, the failed nominee realized he had little choice but to hoist a glass of hard cider and board the "Tippecanoe and Tyler Too!" bandwagon. Supporting Harrison not only strengthened his claim to a place on the Whig's 1844 ticket, but Old Tip's victory also offered the best prospects for enacting the American System. Once the Whigs captured both the executive and legislative branches of government, Clay focused his efforts on controlling the economic policies of the nascent Harrison administration, especially because Old Tip had remained purposefully vague about the national bank during the campaign, and Clay harbored significant concerns about the new president's resolve.²⁰



Henry Clay in 1840.
(*Library of Congress*)

Harrison, far shrewder than many recognized, aimed to repress the competition between Clay and Webster for control of the party and unite the disparate Whig factions under his own leadership. Harrison warily met Clay in Kentucky just after the election, and neither came away completely satisfied with the results. Clay declined Harrison's offer to serve as secretary of state in the new administration. He had long resolved to retain his influential Senate leadership post, which afforded far more control over any economic program the Whigs passed. Old Tip promised to follow the senator's lead on fiscal policy, but only hinted that he might endorse rechartering a national bank. Clay also acknowledged Webster's important role in the party, but discouraged Harrison from naming him to the Treasury Department, the one Cabinet position that would most directly shape the administration's response to American System legislation. Insisting that his Whig rival lacked the "requisite qualifications" to serve as secretary of the treasury, Clay recommended Webster for the mission to England or the State portfolio.²¹

Infuriating Clay, Harrison followed his own course. He allowed Webster to choose either the State or Treasury portfolios and then selected Thomas Ewing, Webster's choice, for secretary of the treasury over Clay's preferred option, his ally John M. Clayton. To counter Harrison's independence, Clay demanded that the new president convene a special session of Congress to pass American System legislation. Clay insisted that the nation's dire economic woes and the Democrats' disarray necessitated immediate Whig action to capitalize on their current electoral popularity. Not every Whig agreed that an extra session was needed, so Clay importuned Harrison at every opportunity to issue the call. He dispatched harassing letters, forwarded draft special session proclamations, and even accosted the general at social functions. Old Tip always intended to honor Clay's request eventually, but he realized that the party's disagreement necessitated proceeding deliberately.²²

Clay's months of forced impositions severely taxed the genial old man's patience. Shortly after Harrison's inauguration, the pressure building between them exploded in a violent confrontation at a White House dinner. In an exchange of hostile letters that followed, the two men seemed to have irreparably split. The president accused the "impetuous" Clay of "dictating"

to him, while the senator threatened to resign from Congress. Ironically, Harrison finally issued the call for Clay's extra session on 17 March, the same day that Clay vacated the capital in defeat, believing his political prospects fatally compromised by his volcanic break with Harrison. Trudging home, he suffered a complete physical breakdown and was bedridden for more than a week. Clay's single-minded fixation on controlling Whig economic policy very nearly ruined both his health and political prospects. Where Harrison's actions had been aimed at diminishing Whig factionalism, Clay's had been focused on rechartering a national bank and enhancing his campaign for the presidency in 1844.²³

Harrison's death reinvigorated the senator. His adversarial relationship with Old Tip was suddenly replaced by a friendly one with Tyler. "The best and most amicable relations exist between the Vice President and myself," he noted contentedly. Indeed, the pair shared a "long and intimate" twenty-five-year association. Speaker Clay had bedazzled the impressionable young Virginian when Tyler entered the House in 1816. Though separated by partisan politics early in their careers, their shared antipathy toward Andrew Jackson often drew Tyler and Clay together. Tyler's crucial support for the Compromise Tariff of 1833 during the nullification crisis prompted Clay's eager call for his ally's reelection. Tyler meanwhile rhapsodized that Clay was "the only man in the Union who at that perilous moment had influence enough to save the Union." Their mutual commitment only deepened when Tyler joined the Whig Party and he firmly supported Clay's presidential nomination at the Harrisburg Convention. In fact, once they engineered Clay's defeat, Harrison's backers sought a Clay-man for the second spot on the ticket, dangling the vice presidential nomination as a sop to Clay's disaffected supporters. Tyler, who reputedly "*shed tears*" over Clay's loss, accepted the honor after four other Clay allies declined to serve.²⁴

Despite their close relationship, each harbored serious misconceptions about the other. Tyler's formal graciousness led Clay to misjudge the Virginian's determined commitment to his principles. He deemed the vice president "amiable . . . honest and patriotic," but insisted that he lacked "moral firmness." The mannerly Virginian usually deferred to the elder Whig titan, thus Clay expected his accustomed dominance over Tyler to continue. For his part, Tyler, perhaps misled by the Kentucky senator's rep-

utation for expediency, had somehow completely misunderstood Clay's firm dedication to a governing philosophy diametrically opposed to his own. Though Tyler conceded that Clay had occasionally "indulg[e]d, where the public good seem[e]d to require it, somewhat too much in a broad interpretation [of the Constitution] to suit our southern notions," he believed Clay's bedrock principles were sound. He labeled Clay "a republican of the old school," meaning that Tyler believed Clay shared his own Jeffersonian beliefs. Clay never disabused Tyler's false impressions, and the Virginian rarely challenged the senator, so they remained allies. Their mutually misleading beliefs about each other foreordained their future conflict over the national bank. In the short term, though, it helped facilitate Clay's concurrence with Tyler's presidential succession, thus blunting any motivation toward provoking a constitutional crisis over the issue.²⁵

Despite their allegedly close relationship, Clay hesitated to embrace fully Harrison's successor until he received concrete assurances that Tyler would endorse a national bank. Other Whigs like Webster might try to manipulate Tyler for their purposes just as Clay was doing. Tellingly, although most Whigs demanded that Tyler retain Harrison's Cabinet, Clay tartly insisted that the secretaries should have resigned. As for rechartering the national bank, Clay cautiously argued to Tyler's states' rights allies that their friend should follow James Madison's lead. Even Jefferson's most trusted lieutenant had eventually conceded the institution's constitutional propriety. Clay insisted that "honor & good faith" should compel the new chief executive to toe the party line. He contended that Tyler's acceptance of the Whig vice presidential nomination and his assumption of Whig presidential duties obligated Tyler to support Whig policy. If Tyler expected to be reelected, Clay rationalized, "Would he not endeavor to retain the confidence of those political friends through whose selection for the second, he has been enabled to reach the first office, in the Nation?" Just as political considerations had forced Clay's begrudging acceptance of Harrison's nomination, in Clay's mind Tyler's hopes for the 1844 nomination should compel him to mute his Jeffersonian qualms about the senator's economic program.²⁶

As information on the new regime's activities slowly filtered out, Clay's apprehensions gradually abated. Tyler's inaugural address pleased the senator immensely. Apparently, when Tyler promised to be guided by his

“republican fathers” on fiscal policy, Clay assumed that the Virginian meant Madison, who had finally supported the national bank. Clay’s confidants within the Cabinet, updating the senator with regular reports about Tyler’s views, strengthened this misinterpretation. Attorney General Crittenden and Secretary of the Treasury Ewing both independently confirmed to Clay that a reluctant Tyler would ultimately “acquiesce” in the face of broad Whig support for a national bank. Even Webster, although not in direct communication with Clay, informed his allies that Tyler planned to sign any legislation emanating from the Whig-controlled Congress. The news from “a variety of channels” about Tyler’s plans mollified Clay’s worries. His initial hesitant hope that Tyler would “interpose no obstacle to success [of a national bank]” morphed into a resolute belief “that such a Bank may be put into operation by the first of October.” Correspondingly, Clay’s title for Tyler also changed. Initially in all his letters following Harrison’s death, Clay called Tyler “Vice President.” Once he believed that the Virginian would support a national bank, Tyler suddenly became “President” in Clay’s correspondence. The senator’s first use of the new title occurred in late April, three weeks following Tyler’s presidential succession, but immediately after Crittenden acknowledged Tyler’s alleged pro-bank position. Clay’s decision to support Tyler’s succession was motivated by his “confident hopes” that a “President Tyler” would support a recharter of the national bank.²⁷

Tyler himself contributed to Clay’s misconceptions about his support for the bank. Having already secured Webster’s backing, the president deftly swiveled to focus on the powerful politico at Ashland. Sure that his words would be swiftly relayed to Lexington, Tyler reminded Clay’s allies in the Cabinet at every opportunity about his close relationship with the senator. “He speaks of you with the utmost kindness,” Ewing told Clay glowingly, “and you may rely upon it his friendship is strong & unabated.” Tyler supplemented his charm offensive with concrete actions meant to appeal to the Whig powerbroker. Though always dubious about the need for an extra session, Tyler abandoned his opposition to a special gathering of Congress. He also employed a tactic that had curried favor with Webster by distributing patronage appointments to Clay allies.²⁸

The national bank proved Tyler’s most troublesome issue. Endorsing a bank would please Clay and most of the Whigs, but monumentally contra-



Henry Clay addressing the Senate in 1850.
 (*Library of Congress*)

dict Tyler’s long-held, vocal opposition to any such institution. “The President cannot without manifest inconsistency recommend a Bank,” Ewing informed Clay. “His former opinions, some of them unfortunately of record, will trouble *him*.” Facing this thorny predicament, Tyler carefully finessed his philosophical differences with pro-bank Whigs in the interest of party unity, while flashing his anti-bank credentials to the states’ rights crowd to prove his consistency. Beyond misleading the entire Cabinet into believing he would support the bank, Tyler dispatched a carefully ambiguous letter to Clay shortly after the senator had endorsed Tyler’s interpretation of the succession clause. In a “spirit of frankness,” he asked Clay to postpone consideration of the bank until the following year, but

promised that “in the end [I] shall resolve my doubt [about the bank’s constitutionality] by the character of the measure proposed.” In fact, Tyler had been anything but “frank” with Clay. While remaining purposefully vague with the senator, he informed his states’ rights allies that he stood “firm as a rock” against the bank, promising to exercise his “constitutional powers to *veto* [a bank bill] should the same be necessary in my view of the subject.” In an ongoing bid for Clay’s support, Tyler cleverly masked his entrenched aversion for Clay’s bank and he certainly never used the word “veto” in the presence of pro-bank Whigs.²⁹

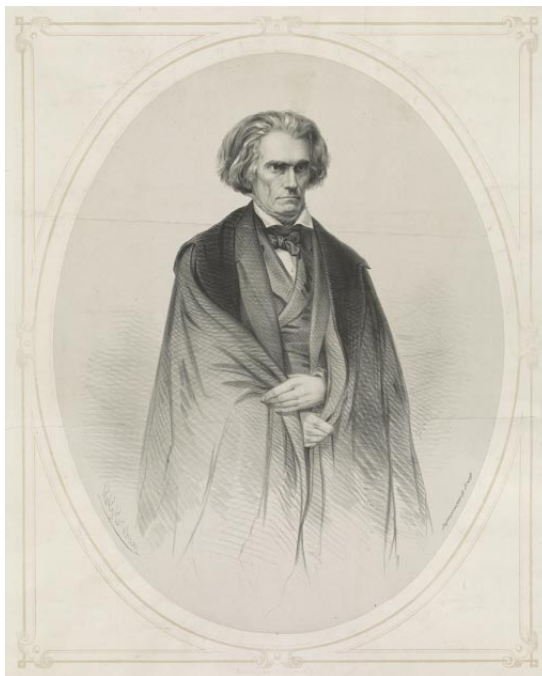
The president’s latest communication suddenly revived Clay’s old worries that Tyler’s Jeffersonian principles might obstruct his American System policies. His fears were exacerbated by a meeting with Tyler’s henchman Henry Wise just after Clay arrived in the capital a week before the extra session opened. The two men strenuously disagreed about the agenda for the extra session, with Wise vowing to oppose all of Clay’s attempts to push a national bank bill through the legislature. By now Clay surely realized that Tyler might be less supportive of his plans than the Virginian’s deferential past behavior and the Cabinet’s rosy reports had led him to believe, but little time remained to concoct an alternative strategy before the extra session convened. He had already publicly endorsed “President Tyler.” His break with Harrison undoubtedly still fresh in his mind, Clay probably realized that if he suddenly reversed course and contested Tyler’s interpretation of the presidential succession clause, he might drive the new president into an alliance with Webster or, even fatally, into the arms of Wise and his states’ rights faction. Still uncertain as to Tyler’s exact intentions toward the bank, Clay ultimately gambled that supporting Tyler’s claim to the presidency represented the best option for safeguarding a recharter of the bank. Should the Democrats try to provoke a constitutional crisis over Tyler’s role, Clay prepared to champion fully John Tyler’s presidential succession.³⁰

WHEN THE EXTRA SESSION OPENED IN LATE MAY 1841, the divided and dispirited Democrats glumly confronted the opposition’s unaccustomed majority status in the Congress. Whigs outnumbered them 29 to 22 in the Senate and 133 to 102 in the House, margins that augured complete victory for their legislative program. With “The Dictator” Henry Clay driving

Congressional Whigs before him, and with “Black Dan” Webster dominating a weak Whig president from his powerful Cabinet post, could “the corrupt and corrupting power and influence of a national bank” be far behind? These were indeed dark days for The Democracy.³¹

Democrats had endured Tyler's first two months in office with growing disgust. They insisted that he had ungraciously slandered Andrew Jackson in his inaugural address and then cruelly ousted trustworthy Democrats from office in a partisan purge. Even more troubling, overwhelming evidence suggested that Tyler supported recharter of a national bank. He had stood as vice presidential candidate in a party pledged to a bank, had retained a Harrisonian Cabinet committed to a bank, and had condemned all other Democrat-preferred measures to address the depression. Just like Clay, the Democrats had read Tyler's inaugural address as a statement of support for the bank. When Tyler employed “catch-words” like “war upon the currency” and “sound circulating medium,” Senator Thomas Hart Benton of Missouri maintained, he was signaling his support for a recharter. Few doubted that Tyler would join Clay and Webster in reviving the reviled national bank.³²

Fortunately for the Democrats' future political success, not every member of the party embraced such a bleak assessment of Tyler's probable course. One man suspected that the president's deep devotion to his principles might trump his loyalty to the partisans who had helped install him in his exalted office. The man preaching this contrarian view of Tyler, Senator John C. Calhoun, shared his party's disdain for a national bank, of course. “It would be better for the South to have a monarch at once, than a \$50,000,000 bank located in Philadelphia or New York,” Calhoun thundered, “It would be to create a master . . . without inte[re]st in us, or regard, or sympathy for us, and which would look to us exclusively as a subject of plunder.” Unlike other mainstream Democratic leaders, though, Calhoun believed that Tyler might be induced to oppose the Whigs and support them on the bank issue. The South Carolinian based this prediction on the president's known anti-bank proclivities coupled with concrete assurances from their mutual states' rights friends that Tyler would veto any bank bill the Whigs passed. Although many in the opposition resisted any concession of full presidential power to a Whig president like Tyler, Calhoun realized that



Senator John C. Calhoun of South Carolina.
(Library of Congress)

supporting Tyler's interpretation of the succession clause might help draw the Virginian toward the Democrats' position on the bank.³³

Perhaps no other American politician was better positioned to understand John Tyler than Calhoun. His own unique career provided insight into the potentialities of a Tyler presidency. Always pursuing his minority ideological goals, Calhoun had charted an independent course between political factions throughout his life, alternately supporting or opposing any party, depending on its concordance with his particular objective of the moment. He had oscillated between ally and enemy to Clay and Jackson, the Democrats and the Whigs, and the North and the West, often holding the balance of power between groups. Indeed, convinced of their greater agreement with his aims, Calhoun had rejoined the Democrats, a party he had helped form and then spectacularly rejected, only during the last election. His rapprochement with the Democrats had been symbolized by a

highly public handshake with Van Buren, a man he found personally repugnant. Calhoun's gesture of forgiveness toward Van Buren shocked many observers, including his own family members, but seemed eminently necessary to the strategic-minded South Carolinian. Calhoun realized that Tyler could work both with and against the Whigs, signing legislation he supported while simultaneously vetoing bills he opposed, and one of those bills might just be a bank bill. Properly encouraged by the Democrats, Tyler might oppose recharter of the Whig's national bank.³⁴

Press rumblings suggested that the Democrats planned to start the extra session by opposing Tyler's claim to the full presidential title, a tactic Calhoun opposed on constitutional and strategic grounds. A firm strict constructionist, Calhoun argued that by the terms of the succession clause, the office "plainly" devolved from president to vice president upon the incumbent's death. Of greater concern to Calhoun, in provoking a constitutional crisis by insisting that Tyler was still a lesser vice president and not the full president as he claimed, the Democrats risked alienating the proud Virginian. An assault on his presidential status would surely drive him into a closer alliance with the Whigs, who supported his interpretation of the succession clause. "I hope nothing will be done on our part calculated to throw him more into the hands of our opponents," Calhoun warned his party comrades. Unnecessarily irritating the president with a likely unsuccessful, dubiously constitutional, attack on his succession would simply compel the wavering Tyler into supporting the national bank. "Much, very Much is in his power," Calhoun argued. "He can turn the scale." Some mainstream Democrats who had already committed to Van Buren's 1844 presidential candidacy countered that Calhoun was simply angling for the future nomination himself. As the extra session opened, congressional Democrats faced a harsh choice between two party factions, each hoping to secure their allegiance in the next presidential election. Should they follow a quasi-trustworthy former party renegade and support Tyler's claim to full executive power as Calhoun advocated? Or should they believe the discredited authors of the party's catastrophic loss in the 1840 elections and resist Tyler's presidential succession as the pro-Van Buren Democrats insisted?³⁵

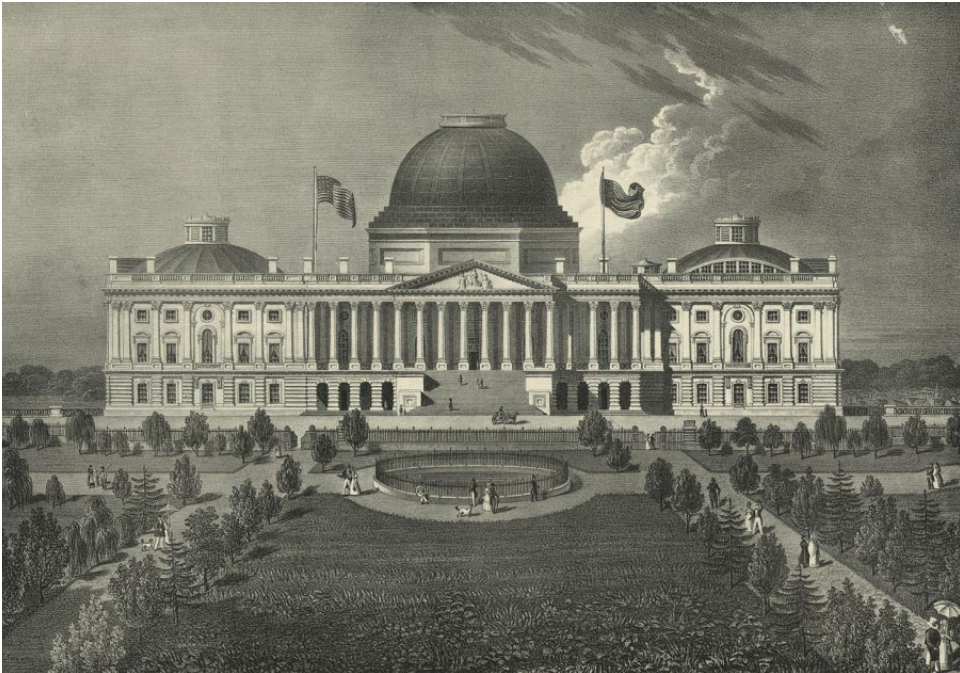
The extra session of the 27th Congress opened on Monday, 31 May 1841. In the House, after electing a speaker and a clerk, Henry Wise spon-

sored a routine resolution informing the president that a congressional quorum was assembled and ready to begin work. The anti-Tyler Democrats exploited Wise's set piece of formal business to fire their opening salvo at his succession interpretation. Leaping to his feet, Democratic representative John McKeon of New York moved to amend Wise's resolution, replacing the word "President" with the phrase "Vice-President, now exercising the office of President." McKeon acknowledged the precedent-setting nature of Tyler's succession and wished to "settle" the question for future generations. After reviewing the Constitution's succession clause and referencing the framers' debates, McKeon insisted that Tyler was not the president, but merely "exercising the powers and duties of the former office." He trumpeted his high personal regard for Tyler, but urged his fellows not to mix a "grave constitutional question" with contemporary partisan politics. Earning his reputation for fiery eloquence as the House's prophet Jeremiah, Wise stridently refuted McKeon's arguments. Quoting the same constitutional passage as the New Yorker, he roared that Tyler was the president "by the Constitution, by election, and by the act of God." Pennsylvania anti-Tyler Democrat Charles Ingersoll, sensing a vote on amending Wise's resolution might go against his position, moved to adjourn. The House rejected the adjournment resolution, rejected McKeon's amendment, and adopted Wise's resolution as presented. The vote tallies were never recorded, but Whig newspapers insisted that McKeon's "pert . . . effort was an emphatic failure." By their vote, the House had officially endorsed John Tyler's presidential succession.³⁶

The Senate staged its version of the debate over Tyler's succession the next day when it received Wise's House resolution. Connecticut Whig Jabez Huntington moved for Senate concurrence with the House. William Allen of Ohio, a staunch Jacksonian Democrat and dismissively labeled the "Jacobin of the Senate" by the opposition, countered Huntington by moving to strike "President" from the resolution and insert "the Vice-President, on whom, by the death of the late President, the powers and duties of the office of President have devolved." His piercing voice booming, the "Ohio gong" disputed Tyler's dangerous precedent. Allen argued that the succession clause grouped together all contingencies of vice presidential discharge of presidential duties and compared the executive's death to a transitory dis-

ability. Had Harrison suffered a temporary mental illness, Allen suggested, Tyler would not become president, but act as such until Old Tip recovered and was “re-instated” to his elective office. Because death was no different than “temporary inability,” Tyler continued to be vice president. Professing anxiety that an unelected president set a dangerous precedent and without intending to “cripple or embarrass” Tyler personally, Allen contended that as vice president, the Virginian continued to occupy his elected office “and thus the beautiful symmetry of our system of free and popular Government was preserved.”³⁷

Benjamin Tappan, Allen’s fellow Ohio Democrat, joined the fray. Tappan, a harsh critic of the Whig “banking aristocracy” and the institution of slavery, was especially hostile to wealthy Whig slaveholders like Tyler. He claimed that the fifth clause of Article I of the Constitution, which allowed the Senate to choose its officers if the vice president were absent or exercising



The U.S. Capitol in 1839.
(*Library of Congress*)

the office of president, strengthened the arguments against Tyler's succession clause interpretation. Although a vice president might occasionally exercise presidential power or perform presidential duties, election by the people constituted the only constitutionally sanctioned method for gaining the office. Employing a legal analogy, Tappan noted that although a lesser justice might run a court in the presiding judge's absence, he is never granted the title or salary of chief justice. Similarly, an inferior officer might seize control of a regiment if the commanding officer falls in battle without any automatic promotion in rank. As a courtesy, Tyler could be addressed as "President" in private, but all official documents must employ his "true constitutional title" of vice president.³⁸

Clay certainly realized he had assembled a near-unanimous Whig majority capable of enforcing Tyler's interpretation. Any intraparty struggle over the issue could only divide the Democrats, affixing blame for provoking a constitutional crisis on the opposition. Undoubtedly following Clay's orders, Huntington refused to parry the anti-Tyler arguments, claiming the members had already privately decided the issue. Seconded by Allen, he called for a vote. Calhoun's forces finally seized the opportunity to join the debate. The South Carolinian had chosen an odd, yet effective, instrument for pressing his case. Mississippi Democrat Robert Walker, an ardent expansionist committed to the interests of recently admitted states, challenged Allen and Tappan's analysis. Asthmatic and diminutive—he was frequently ill and weighed less than one hundred pounds—Walker's wheezy voice commanded surprisingly authority within the chamber. Having already met secretly with Tyler to remonstrate against the bank, Walker's entreaties had probably received subtle concurrence from the new president. Once again quoting the same section of the Constitution, Walker argued that the anti-Tyler Democrats were muddling two distinct contingencies covered by the clause, the death of a president and the simultaneous deaths of a president and vice president. Allen and Tappan's arguments applied in the latter case, but in the former the rules of grammar and the logic of common sense dictated that the office of president, not just the powers and duties, had devolved on Tyler and he ceased being vice president. "Is Mr. Tyler still the Vice President discharging additional duties?" Walker mockingly challenged

his fellow Democrats, “If so, why is he not here performing the duties of Vice President?”³⁹

Allen defended his contentions from Walker's attack. As “Vice President, acting President,” Tyler's constitutionally assigned presidential duties required his presence in the executive department and superseded his vice presidential obligations. Spinning a nightmare scenario, Allen raised the frightful specter of the succession brawls that frequently convulsed European nations in bloody civil wars. He luridly speculated that Tyler's precedent might tempt a future vice president to seize power from a duly elected but temporarily disabled executive, enmeshing the nation in a violent power struggle, with the presidency “vibrating” between two claimants. “If a Vice-President became President, none could remove him,” Allen bellowed.⁴⁰

Calhoun had heard enough. He cut off further debate, noting acerbically that none of Allen's circumstances defined the current situation, so “there could be no special occasion for discussion of this subject.” Because presidential disability could be addressed at length by future congresses if the need arose, he called for a vote. Allen's proposed amendment of Huntington's resolution was handily defeated by a tally of 38 to 8. Clay and Calhoun had successfully marshaled their forces. The Whigs voted 27 to 1 in Tyler's favor, while the Democrats supported the president's interpretation by a healthy 11 to 7 margin. In an unlikely twist, a majority of Democrats had opted to follow a former party apostate out of their political wilderness by supporting the opposition's chief executive. Though conflict over the national bank loomed ahead, no constitutional crisis had occurred, and no one could now question John Tyler's presidential succession.⁴¹

EACH OF THE ACTORS INVOLVED flexed the Constitution's ambiguous succession clause to meet the political needs of the moment. John Tyler, Daniel Webster, Henry Clay, and John C. Calhoun had triumphed over the anti-Tyler Democrats, gaining congressional sanction for their interpretation. Although they won a short-term victory, none of the men achieved their intended long-term goals. Shortly after the extra session began, Tyler and Clay argued heatedly over their competing versions of a national bank bill. Just as he had promised his states' rights supporters, Tyler vetoed two bank bills passed by the Whig-dominated Congress, including one proposal that

had been crafted to meet his exact specifications. By September, only six months after Harrison's glorious inauguration, the disgusted Whigs formally expelled Tyler from their party and nearly his entire Cabinet resigned.⁴²

Contrarily, the secretary of state remained at his post. His calls for compromise over the bank ignored, Webster believed that the Cabinet resignations represented yet another of Clay's political tricks, and he refused to cooperate. The secretary of state's decision to back the embattled Tyler exhausted his political capital, and support for Webster within Whig circles evaporated. Even Tyler, rejected by the Whigs and gravitating toward the Democrats, distanced himself from Webster. The two men clashed over the annexation of Texas, and the president methodically replaced Webster-endorsed patronage appointments with Democrats loyal to himself. When he finally left the Tyler administration in 1843, Webster struggled mightily just to regain his standing with the Whigs. Though the party eventually welcomed him back, Webster never again received any serious consideration for a Whig presidential nomination.⁴³

Clay's support of Tyler's presidential succession proved to be one of the worst political mistakes of his long career. His break with the president initially united the Whigs in opposition to Tyler, and Clay easily captured their 1844 presidential nomination. Unfortunately for Clay, he had armed Tyler with the enormous power of the presidency. Tyler exploited that power to annex Texas and dispense patronage among immigrant communities in the North. The Democratic nominee James K. Polk's stand for annexation smoothed his path to victory in the South, while heavy immigrant support contributed to his slender winning margins in New York and Pennsylvania. Ultimately, Polk narrowly defeated Clay in the national popular vote. The anti-Tyler Democrats, beaten in their attempt to frustrate his presidential succession, lived to see one of their own regain the White House, while the ambitious Kentucky senator never realized his long-held dream to become president of the United States.⁴⁴

Emboldened by his successful leadership of the Democrats during the extra session, Calhoun continued his quixotic quest for the 1844 Democratic presidential nomination. Though his fellow congressmen welcomed Calhoun's mastery over the legislature's Whigs, few rank-and-file Democrats supported his bid for promotion to the executive branch. When

several state nominating conventions endorsed Van Buren’s 1844 candidacy instead of Calhoun’s, the South Carolinian realized he had seriously overestimated his level of support within the Democratic Party. Desperately hoping that the annexation of Texas might help him overcome Van Buren, Calhoun reluctantly joined Tyler’s embattled administration in 1844 as secretary of state. The post proved no more politically useful to Calhoun than it had been to Webster. When the 1844 Democratic convention deadlocked between Van Buren and Lewis Cass supporters, the delegates turned to ultra-Jacksonian Polk, and not John C. Calhoun, as their 1844 standard-bearer.⁴⁵

Tyler claimed the presidential title by obscuring his minority views. Once Tyler’s zealous support of those views was revealed during his feud with Clay, few politicians championed his presidency. When angry Whigs ousted the “traitor” from their party, the Democrats never accepted the “traitorous” former member back into their fold. “He is essentially a man for the mid[d]le ground,” the astute Calhoun predicted, “and will attempt to take a mid[d]le position now when there is none.” Neither a true Whig nor Democrat, Tyler became the president without a party. Out of 292 men in Congress, only six reliably supported Tyler—the “Corporal’s Guard,” Clay sneered dismissively. Without much political backing, Tyler achieved only two lasting accomplishments—the presidential succession precedent and the annexation of Texas. He briefly flirted with forming a third party, diffidently pursued the 1844 Democratic presidential nomination, but ultimately accepted political reality by graciously abandoning his bid for a second term. In the end, little remained for Tyler except humor regarding his political fate. In February 1845, surveying the fashionable assemblage at the last White House ball of his presidency, Tyler noted wryly, “They cannot say *now* that I am a President *without a party*.” Although his administration may have been rejected by both Whigs and Democrats, Tyler’s interpretation of the succession clause remains valid even today. Ironically, it only received broad support precisely because it seemed to mesh comfortably with the opposing political goals of the most powerful politicians in both parties.⁴⁶

NOTES

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36. *Congressional Globe*, 27th Cong., 1st sess., 3–4; Harwood, *Shadow of Presidents*, 59; Poore, *Perley's Reminiscences*, 278; *Hudson River Chronicle*, 8 June 1841.

37. *Congressional Globe*, 27th Cong., 1st sess., 4; Ambrose Dudley Mann to Daniel Webster, 25 May 1842, in Wiltse and Moser, *Webster: Correspondence 5*, 213; Poore, *Perley's Reminiscences*, 292.

38. *Congressional Globe*, 27th Cong., 1st sess., 4–5; Daniel Feller, "A Brother in Arms: Benjamin Tappan and the Antislavery Democracy," *Journal of American History* 88 (2001): 55.

39. *Congressional Globe*, 27th Cong., 1st sess., 5; H. Donaldson Jordan, "A Politician of Expansion: Robert J. Walker," *Mississippi Valley Historical Review* 19 (1932): 368–69, 381.

40. *Congressional Globe*, 27th Cong., 1st sess., 5.

41. *Ibid.*; "Remarks on Addressing John Tyler as President," in Wilson et al., eds., *Papers of John C. Calhoun*, 15:546.

42. Crapol, *John Tyler*, 18–20.

43. Remini, *Daniel Webster*, 529–31, 583–94.

44. Holt, *American Whig Party*, 953–54, 982; Remini, *Henry Clay*, 662–67.

45. Niven, *John C. Calhoun*, 256–79.

46. John C. Calhoun to Thomas G. Clemson, 13 June 1841, in Wilson et al., eds., *Papers of John C. Calhoun*, 15:573; Tyler, *Letters and Times*, 3:164, 200 (*italics in original*).