1971

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SENNATOR HENRY STUART FOOTE OF MISSISSIPPI:
A RHETORICAL ANALYSIS OF HIS SPEECHES
IN BEHALF OF THE UNION, 1849-1852

A Dissertation
Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy
in
The Department of Speech

by
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May 1971
ACKNOWLEDGMENT

The author is indebted to a number of individuals who assisted him during the study. Foremost among them is Dr. Waldo W. Braden, whose encouragement and wise counsel, given unstintingly, will long be remembered. Special appreciation is extended to Dr. Owen M. Peterson for suggesting the study, for his careful reading of the manuscript, and his constructive suggestions. Gratitude is expressed to all members of the examining committee for their valuable comments.

Acknowledgments are extended to the staffs of the Mississippi Department of Archives and History; the Southern Historical Collection, University of North Carolina; the Northeast Louisiana University Library, the Louisiana State University Library; the California State Library, and the Tennessee State Library and Archives.

Sincere appreciation is extended to Karen Morris for her interest and assistance in the typing of much of the manuscript.

Finally, special appreciation is expressed to the author's wife, Lillian, and members of the family for their encouragement and their patience.
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ABSTRACT

Henry Stuart Foote (1804-1880), as a United States Senator from Mississippi, assumed a leading role in fashioning the Compromise of 1850. This study analyzes and evaluates Foote's Senate speeches during the Compromise deliberations and his defense of the measures outside the Senate following their passage.

The study includes chapters on Foote's background and training; his theory of rhetoric, delineated from his remarks about other speakers; and a rhetorical analysis of ten of his pro-Union speeches delivered during the period, 1849-1852. A final chapter appraises the man and his public speaking.

The principle sources of material were Foote's published works; the published works of his contemporaries; the private papers of his contemporaries, on deposit in the Southern Historical Collection at the University of North Carolina; contemporary newspapers; and the Congressional Globe.

Driven by a desire for public recognition, an ambition for public office, and a sense of history, Foote began early to groom himself for a political career. Toward this end he developed a fiery brand of political oratory, tempering it with his personal charm, wit, social and conversational skills, self-confidence,
boldness, courage, and courtly manners. His campaign oratory was popular with the people, but proved less suited to the more serious and dignified Senate.

Foote entered the Senate as an advocate of states-rights. However, influenced by Henry Clay, Lewis Cass, and other national leaders, appalled by the increasing extremism in both the North and South, and despairing of the direction in which the Calhoun forces were moving, he assumed a moderate, pro-Union position early in 1850. He broke with the remaining Mississippi delegation to support the Compromise, viewing it as the only practical solution to the slavery question. He saw the territorial legislation, subject of the Compromise, as the South's last and only hope of protecting its slave-based, cotton economy.

Foote's Senate speeches were adequate but not outstanding. His central theme, a genuine and prophetic concern for the safety of the Union and the welfare of the South, was reflected in his major speeches. His arguments evolved from his premises and were supported by a variety of proofs. His modes of persuasion were balanced and effectively adapted to his audiences and occasions. However, his Senate speeches demonstrated certain shortcomings: a looseness of speech structure, a tendency toward verboseness, an over use of sarcasm,
and a fractious disposition. His eloquence was more effective in his speeches outside the Senate.

Foote's speeches accomplished four short range results: (1) They established his role as a national leader. (2) They influenced the form in which the Compromise measures were passed. (3) They won for the Union cause the support of a majority of Mississippians. (4) They were also instrumental in winning some national support of the Compromise.

Finally, his pro-Union speeches accomplished certain long range results: (1) They were instrumental in delaying, if only temporarily, the ascendancy of the disunion forces in Mississippi and the South. (2) His defense of the Compromise as a final settlement of the slavery question influenced the party platforms of 1852. (3) His speeches give him a place in history. (4) The Compromise, which he helped fashion, delayed the break up of the Union a full decade.
CHAPTER I

INTRODUCTION

In the late 1840s when the national government was considering the future of the territories acquired from Mexico, the question of what to do about the institution of slavery again occupied the attention, consumed the energies, and tested the oratorical skills of some of the great men of the nation. The question had dual aspects, whether to allow the extension of slavery into the new territories and what effect it would have upon the relative balance of power between the free-soil section of the North and the pro-slavery section of the South. Among those occupying center stage in the national Senate during the consideration of the Compromise measures of 1850 was a fiery orator from Mississippi named Henry Stuart Foote.

Foote came to Mississippi as a young man and immediately established himself as a lawyer of note and soon became involved in the political discussions of the day. In 1847 he entered the national Senate where by 1850 he had achieved national fame. He reached his peak in prominence during the Compromise deliberations. Throughout his long and distinguished, though controversial career, Foote spoke often and on many different occasions.
During this period of active involvement in the affairs of Mississippi and the nation, Foote shared the spotlight with, and often in opposition to, men to whom history has been kinder, such men as Henry Clay, John Calhoun, Thomas H. Benton, Daniel Webster, Stephen A. Douglas, Lewis Cass, Jefferson Davis, S. S. Prentiss, L. Q. C. Lamar, and many others.

As United States Senator, Foote worked closely with Henry Clay and others in support of the Compromise of 1850. He was the only member of the Mississippi delegation in Washington who worked for passage of the Compromise and for national unity. Following passage of the Compromise the Mississippi legislature took the formal action of censuring Foote for having taken a pro-Union position. Believing that a majority of the people of Mississippi approved of his pro-Union efforts, Foote took the matter to the people in 1851 by entering the race for Governor of Mississippi, as nominee of the newly formed Union Party. Jefferson Davis, Foote's colleague in the Senate, was just as sure that the people would sustain his anti-Compromise position and resigned from the Senate to oppose Foote in the governor's race. In a close race Foote defeated Davis.

Foote's activity in the Senate and his successful defense of his position in the Mississippi canvass of
1851 brought him national fame, but it also earned for him, rightly or wrongly, the reputation of being politically inconsistent and unstable. However, neither the political opposition back home nor the charge of inconsistency caused him to waver in his pro-Compromise views. He was motivated by principles which caused him to minimize party loyalty. As he put it, "party does not mean country."¹ For him the well-being of the nation and the state of Mississippi became the professed objects of his loyalties.

At the peak of his career as an orator Foote resigned his Senate seat and entered upon a two-year term as Governor of Mississippi in January, 1852. He began his administration with a healthy majority in the lower house but with less than a Union majority in the senate.³ Due mainly to his inability to put together

¹Edwin Arthur Miles, Jacksonian Democracy in Mississippi (Chapel Hill: University of North Carolina Press, 1960), 164; Columbus Democrat (Mississippi), July 12, 1851.


³Dunbar Rowland, ed., Mississippi; Comprising Sketches of Counties, Towns, Events, Institutions, and Persons, Arranged in Cyclopedic Form (Atlanta: Southern Historical Society, 1907), 1, 741.
a political organization Foote lost control of his political base and the legislature declined to return him to the national Senate.  

Regardless of Foote's prominent role in helping to bring about the Compromise of 1850, until recently historians in their treatment of the period have all but ignored him. Reviewing the period leading up to the Compromise, recent historians have given him more consideration and recognition, long since overdue.  

Foote's career as a public speaker spans his entire adult life, from his arrival in Alabama in 1825 until a few weeks before his death which occurred on May 19, 1880.

Foote was a well-educated man, and was regarded by supporters and foes alike as an orator of some stature. As an orator Foote spoke on many different kinds of occasions. He achieved fame as a courtroom speaker, public debater and stump speaker, parliamentary speaker in the national Senate, and ceremonial speaker. 

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Foote loved politics and he loved to talk; he showed considerable ability in both. As Lowry and McCardle put it, "In politics he was in his natural element, and no Irishman at Donnybrook fair ever enjoyed a scrimmage with more delight than did Henry S. Foote enjoy a political shindy."^6

Because of his considerable and extended influence, Foote's public speaking played a significant role in the affairs of Mississippi and the nation. For these reasons and because historians have already confirmed his high position in regional and national politics, his speeches are worthy of close examination. Because he was for a long period of time an ardent spokesman for national unity, his pro-Union speeches are of interest to the rhetorical critic.

**Problem and Method**

It seemed desirable to limit the scope of the study, for several reasons: First, Foote's career as a speaker spanned such a long period of time and so many campaigns that an in-depth analysis of all of his speeches in a single study would be an impossible task.

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assuming the availability of speech texts. Second, texts of his stump speeches are not available. Finally, because his role in the Compromise of 1850 did receive national recognition at the time and because the texts of a large number of these speeches are available, a rhetorical analysis of Foote's speeches in which he pleaded the Union cause appears justified.

This study examines ten selected speeches which Senator Foote delivered during the period, 1849-1852, when he was actively seeking to protect Mississippi and the Union from the disrupting influence of the factionists, the disunionists and secessionists. The speeches fall into two categories. The first group includes five of Foote's Senate speeches and represents his views on the major issues involved in the Compromise measures of 1850. The second category includes five speeches which he delivered outside the United States Senate in defense of his pro-Union stand. Because Foote's pro-Union activities in the Senate caused such a reaction in Mississippi among the state's political leaders, Foote found his political future in jeopardy and thus his public speeches of the period are significant.

The method of rhetorical analysis used in the study employs standards of rhetorical judgment and practices set forth in leading texts on rhetorical criticism and
Attention is given to factors relating to the speech situation: speaker, speech, audience, and occasion, and to the rhetorical methods employed by Foote. In this regard it is interesting to note that Foote was well versed in classical rhetoric and was familiar with the classical canons.

The ten speeches selected for analysis are introduced in the following section.

Nature and Relationship of the Speeches

During 1849-1852 Foote was one of the most active members of the Senate. While the Compromise deliberations were under way, he was on his feet almost daily either expounding his own views on the issues or refuting those expressed by other Senators. He delivered some forty-five speeches on questions relating directly to the Compromise and a larger number of brief speeches clarifying his position or refuting another Senator. Foote also spoke often outside the Senate. Because the

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8Henry Stuart Foote, *The Bench and Bar of the South and Southwest* (St. Louis: Soule, Thomas and Wentworth, 1876), 157.
Compromise measures were of far-reaching significance, in these speeches he addressed himself to the questions involved in the Senate deliberations. Of nineteen speeches delivered outside the Senate, he discussed a pro-Union theme on eleven occasions. For this study ten speeches were selected for analysis.

Senate Speeches

1. Foote's speech of February 23, 1849, on the subject of Territorial Governments for New Mexico and California is important for the following reasons: (a) It was delivered during the first Senate debate on the future status of the territories; (b) As a staunch States Rights advocate Foote raised two basic constitutional questions which were to figure in his subsequent speeches on the Compromise measures: whether the Mexican laws prohibiting slavery were still in effect and whether Congress had the authority to legislate on the subject of slavery. Foote spoke in support of an amendment to the territorial bill which among other things would extend the Constitution to those territories. 9

2. The speech of May 15, 1850, on the bill to admit California as a State, to establish Territorial Governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries was selected because it is one of Foote's longer Senate speeches and was delivered soon after the Committee of Thirteen had made its report. In the address Foote expounded upon the principle of non-intervention, interpreted to mean that the Federal Government would not interfere in the institution of slavery, and the principle of popular sovereignty, and made a plea for a compromise settlement.10

3. The speech of June 27, 1850, dealt with the admission of California into the Union, the establishment of Territorial Governments for Utah and New Mexico, and the settlement of the northern and western boundaries of Texas. The question pending was an amendment by Senator Pierre Soule of Louisiana to extend the Missouri Compromise line of 36° 30' to the Pacific Ocean. This speech, published in pamphlet form and widely circulated, is important because it shows the evolution of Foote's position of three principles representing possible alternatives for settling the existing sectional differences:

10 Congressional Globe, 31 Congress, 1 Session, Appendix, 579-585.
non-intervention, popular sovereignty, and the extension of the Missouri Compromise line to the Pacific. In the speech he reveals a lack of unity among Southerners as to what would constitute an acceptable settlement. 11

4. The speech of August 1, 1850, was on the bill to admit California as a State into the Union. This speech is significant for its timing. The Omnibus Bill, which incorporated the measures of Compromise into one bill, was defeated the day before, on July 31, by a coalition of Northern abolitionists and Southern secessionists. A leader in the omnibus approach, Foote was determined to maintain his leadership. Disturbed by secessionist talk, he seized upon this occasion to examine the constitutional implications of secessionism, to discuss the renewed demand by Southerners for an extension of the Missouri compromise line to the Pacific and to question their motives, and finally to make a plea that sanity and reason prevail. 12

5. Foote's speech of December 18, 19, 1851, in behalf of his "Resolution Reaffirming the Compromise Measures," is important in that it represents his final major speech before resigning his Senate seat to assume

11 Ibid., 987-990.
12 Ibid., 1491-1495.
the Governorship of Mississippi. The year during which the measures had been in effect was characterized by increasing agitation by Northern and Southern extremists. By introducing a resolution calling for reaffirmation of the finality of the Compromise measures, Foote sought to allay fears "for the public repose and happiness." Since the measures were the "law of the land," he believed that more Senators could be persuaded to support the resolution of reaffirmation than had originally approved the Compromise. His speech was defensive and refutative. He began by defending his speech of March 5, 1850, in which he sharply opposed Calhoun's March 4 speech, and then he refuted the disunion speeches of South Carolina Senators Arthur P. Butler and Robert Barnwell Rhett which asserted the "reserved right" of a State to secede from the Union.\textsuperscript{13}

\textbf{Non-Senate Speeches}

1. Foote's speech of November 27, 1850, before the Union Mass Meeting in New Orleans is significant in that he had just completed delivery of some forty speeches on a swing through Mississippi. Having found sentiment for the Union strong, he felt that his Senate

\textsuperscript{13}Congressional Globe, 32 Congress, 1 Session, Appendix, 49-61.
position on the Compromise measures had been clearly vindicated. In the New Orleans speech he sought to gain support for the measures by showing that the South was not cheated, as had been charged, by showing the irrational behavior of the Northern and Southern extremists, and by reassuring his audience that the people of the South, with the exception of South Carolina, were for the Union. He predicted that "the Compromise law would never be repealed." 14

2. The speech of December 9, 1850, in New York City is significant in that it reflects the existence of a general spirit of optimism in behalf of the Union. Foote sought to show that "the Union feeling was pervading the whole South, the North, the East, and the West," by noting changes in the editorial comment of leading newspapers, increasing Union activity, and state conventions of recent date in which Southern Unionists were victorious. His purpose was to elicit greater support of the Compromise and to reassure his audience that the Union would survive. 15


15 New York Daily Tribune, December 10, 1850; Flag of the Union (Jackson), December 27, 1850, 1, citing the New York Herald, December 10, 1850.
3. Foote's Philadelphia speech of December 30, 1850, is significant for three reasons: it was a more carefully prepared address, more sober and less optimistic in spirit than the preceding speeches in the group, and reached a higher level of eloquence than any speech in the entire study. The address was a lecture on the political principle of compromise. Discussing at some length the 1787 Constitutional Convention, Foote established the proposition that the nation was founded and perfected through "mutual concession and compromise." He established a parallel between the events leading to the Compromise of 1787 and those of the recently consummated Compromise. While such men as Washington and Franklin believed that the Constitution was imperfect, they also "knew how to make a discreet and liberal allowance for conflicting opinion, sectional jealousy and the thousand other influences unfavorable to wise and eloquent legislation." Foote discussed the implications of disunion activity in the present controversy, should it ever prevail. The issues in the crises of 1787 and 1850 were essentially the same, "union or disunion." 16

16 The Pennsylvania (Philadelphia), December 31, 1850.
4. The speech of February 22, 1851, in New York City, like the Philadelphia address, was a more formal presentation, and more than any other speech in the group it reflected Foote's uneasiness over the future of the Compromise. It was the longest, or at least most fully reported, of the non-Senate speeches located during the study. In the speech Foote identified those virtues of Washington's which would support his Union theme. By sampling Washington's correspondence, he conveyed Washington's concern for the inadequacies of the Articles of Confederation and the resultant lack of unity and collective will of the several states. In this way Foote established the proposition that the subsequent plan of government agreed upon at the Constitutional Convention of 1787 was "a comprehensive scheme of compromise and settlement, calculated to terminate existing disorders, allay sectional discontent, and save the country from the horrors of civil war."

Knowing the Constitution to be imperfect, Washington nevertheless gave it his support and sought to rally the support of others. Foote then exhorted his New York audience to follow "the admonitions of the Father of his Country" and to place "a proper estimate upon 'the immense value of your National Union to your
collective and individual happiness.**17**

5. Foote's speech of September 27, 1851, in Natchez, Mississippi, is representative of his campaign speeches. It was delivered following a month of criss-crossing the State exhorting fellow Mississippians to stand firm by the Union. With the recent September election of delegates to a State Convention having been successful for the Union and the November gubernatorial election only a few weeks away, Foote indicated that the nation was observing events in Mississippi, and thus "Mississippi held to some extent ... the fate of the Union in her hands." The speech was radiant with optimism that Unionism would prevail in Mississippi. By analyzing the voting of the entire Mississippi delegation, including himself, on the individual Compromise measures, he sought to show that the Legislature's censure of him was unjust and he predicted that the people by their votes would show this to be the case.**18**

In summary, the ten speeches selected are representative of Foote's speaking as a United States Senator in and outside the Senate on matters related to the sectional differences existing between the North and the

**17**Flag of the Union (Jackson), March 14, 1851, 1-2; see also a review in the New York Daily Tribune, February 24, 1851.

**18**Flag of the Union, October 3, 1851, 1.
South, culminating in the passage of the Compromise of 1850 and Foote's subsequent defense of those measures. The five Senate speeches present Foote's views on all the basic questions which arose during the Compromise deliberations, the basic arguments advanced by him in the Senate, and they include representative forms of proof and speech structure employed by him in his Senate speeches. In the five non-Senate speeches Foote sought to justify his pro-Compromise activities in the Senate, to gain support for the Compromise measures and to reassure the people that the Union would become more secure as a result of the final settlement of the questions growing out of domestic slavery. The non-Senate speeches offer an interesting contrast to the Senate speeches in terms of the rhetorical methods used. Foote's speeches are the subject of chapter IV.

Plan

The organization of the remainder of the study is as follows:

Chapter II discusses Foote's family background and early training, his higher education, and preparation for speaking. The chapter also focuses on Foote's lifelong habits of study, his activities as a writer, speaker, conversationalist, and listener-critic. The last section of the chapter analyzes his delivery.
Chapter III sets forth Foote's theory of rhetoric which presumably guided his own speech practices. They are delineated from his many critical evaluations of the outstanding speakers whom he had heard in courtroom, deliberative, and ceremonial situations.

Chapter IV discusses Foote's speeches. It focuses on nine factors: (1) Foote's audiences, (2) speech occasions, (3) Foote's motives, (4) Foote's arguments, (5) speech structure, (6) forms of proof, (7) audience adaptation, (8) Foote's credibility, and (9) refutation. Because of the difficulty in authenticating the speech texts, no analysis of Foote's style was attempted in the study.

Chapter V comprises a general appraisal of Foote's speaking and general effectiveness.

Sources

The problem of sources has not been an easy one to resolve. Information about Foote's personal and public life is widely scattered, inasmuch as he is thought not to have left any personal papers or memoirs. Apparently no such papers exist. However, Foote had kept personal

19 James M. White, "Papers of Prominent Mississippians," Publications of the Mississippi Historical Society, V (1902), 239. White quotes H. S. Foote, Jr. of California to the effect that he was not aware of the existence of such documents.
records. In a Senate speech on December 16, 1851, he referred to a scrapbook in which he had letters "and some one hundred speeches or so."²⁰

One document left by Foote, now a part of the John Francis Hamtramck Claiborne Papers on deposit in the Southern Historical Collection at the University of North Carolina, has been helpful. It consists of a 37-page manuscript written by J. W. Harmon from notes provided by Foote and forwarded to Claiborne for his use in writing a history of Mississippi. Also, some insight into Foote's perspectives has been gained from three Foote volumes: War of Rebellion, 1866; Casket of Reminiscences, 1874; and The Bench and Bar of the South and Southwest, 1876. These volumes also offer excellent insights into Foote's views of men and events spanning his lifetime.

Otherwise, factual information concerning Foote's personality, character, activities, etc., is to be found only in scattered comments of people who knew him, which appear in private papers and in contemporary newspapers and published works. However, in many cases such sources are not in agreement as to specifics.

²⁰Congressional Globe, 32 Congress, 1 Session, Appendix, 53.
The problem of finding texts of speeches has been less difficult. The Congressional Globe contains Foote's many Senate speeches, some of which were reprinted in pamphlet form and are now on deposit in the Mississippi Department of Archives and History. On deposit there also are pamphlet copies of the texts of three ceremonial speeches in which Foote pleaded for national unity and acceptance of the Compromise measures. Seven major speeches were found essentially in complete form in contemporary newspapers, for three of which the texts were carried in more than one paper.

Previous Studies

Two theses and one dissertation, all historical studies, have been devoted to Foote's public career. Studies by James Edgar Armstrong and John Edmond Gonzales have been helpful in piecing together a continuity of Foote's political activities. They do not, however, attempt an analysis of Foote's speaking. The fact that these studies were undertaken is evidence of the importance of the man in Southern history. Both


studies conclude that Foote earned a prominent place in Mississippi history. Gonzales further concludes that history has not dealt fairly with Foote and assigns as possible reasons: Foote's opposition to the recognized leaders of the South, Calhoun, Jefferson Davis, and Andrew Johnson; his record of jumping from party to party in his political allegiance; or his desertion of the Confederacy immediately prior to its final defeat. Armstrong believes that Foote's public career reveals that Mississippi was much divided on the question of acceptance of the secession movement. Armstrong also recognizes that Foote battled "against overwhelming odds" and concludes "Seldom in the history of Mississippi, has such an effective stump speaker and political analyst been produced as Henry Stuart Foote." George Lee Garner's thesis has been reported lost by the Duke University Library and efforts to contact Garner have been unsuccessful.

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23Ibid., 276-278.
24Armstrong, op. cit., 82.
A number of scholarly articles have been helpful. They share the judgment of Foote's greatness as a speaker, writer, and political leader. Their relevance to the study is shown in the following paragraphs.

George Baber knew Foote well for some twenty years, heard him speak, shared hours of conversation with him, and in his article Baber provides excellent insights into Foote's personality, motives and activities. John D. Carter offers interesting information concerning Foote's activities in California and about his sons and daughters, born of his first marriage.

In "Henry Stuart Foote: A Forgotten Unionist of the Fifties," Gonzales reviews the campaign of 1851 in

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which Foote campaigned against highly organized political opposition and defeated Davis for the Governorship of Mississippi, Foote's uneventful gubernatorial administration, and his efforts to regain public office during the remainder of the decade.

J. J. Peatfield, writing from an apparent first-hand acquaintance with Foote, furnishes an excellent insight into Foote's character and personality, as well as a review of his political activities in general.

Dunbar Rowland's is one of two articles which concentrate on Foote's political oratory, and offers judgments not found in any other sources, particularly in identifying Foote as a follower of the best Attic tradition and in comparing him favorably with the elder Pitt as a speaker.

Finally, the Walter E. Simonson and Bennett Strange article offers helpful interpretation of Foote's speaking techniques in the 1851 gubernatorial campaign and the issues over which the campaign was waged.
CHAPTER II

THE SPEAKER: TRAINING AND PREPARATION

Henry Stuart Foote's oratorical career began early in life and continued to rise in the arena of Mississippi law and politics until while still a young man he became

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1Henry Stuart Foote was born in Fauquier County, Virginia, on February 28, 1804. (Some sources list September 20, 1800, as his date of birth, but the more responsible sources including Foote's own recollection, the published Foote family genealogy, and several biographical sketches favor the 1804 date.) Foote's early education was limited. He is thought to have received some private tutoring, he attended a private school under Eliab Kingman, attended Georgetown College in Washington in 1818, Washington and Lee University (then Washington College) in 1819-1820, without being graduated. In 1820 he began the study of law in the office of John Scott and Francis Brooks in Warrenton, Virginia, near his family home. He was admitted to the bar in 1823. In 1825 he moved to Tuscumbia, Alabama, where he began the practice of law. In 1827 he was married to Elizabeth, daughter of Col. William Winter and Catherine Stark Washington. In addition to his legal practice he began editing the Tuscumbia Patriot, "an extreme newspaper" and became involved in a duel, an illegal practice in Alabama. For this reason his license to practice law was revoked, leaving him with inadequate means of support for his family. In the autumn of 1830 he moved to Vicksburg, Mississippi, where he resumed the practice of law. He soon developed a lucrative practice and for a few months in 1832 he also published the newspaper, the Mississippian, in Vicksburg, one of the earliest Democratic newspapers in Mississippi. In 1832 he was a candidate for delegate to the Mississippi constitutional convention, and lost by 40 votes. About this time he moved to Clinton, Mississippi, and continued a successful legal practice, appearing in many "cases of much celebrity" and enjoying considerable reputation. He was an unsuccessful candidate for state chancellor in 1835. He was elected to a two-year term in the Mississippi House of Representatives beginning January 7, 1839. In 1844, as a candidate for presidential elector he and Jefferson Davis successfully canvassed the state of
"the great gladiator of popular oratory in the 1840's." ²

In 1847 Foote was given the opportunity of proving his

Mississippi in support of Polk. He was elected to the
U.S. Senate and served from 1847 to 1852, during which
time he actively worked for the Compromise of 1850 and
twice served as chairman of the Committee on Foreign
Relations. In January 1852 he resigned to become gover­
nor of Mississippi, having been elected in November, 1851.
The Mississippi legislature having declined to return
him to the Senate, he resigned a few days before his term
was to expire in January, 1854, and moved to California.
While publicly disavowing any further interest in poli­
tical office, Foote soon became involved in the Know­
Nothing Party and became its candidate for the U.S. Senate,
failing to be elected by a margin of one vote. In 1858,
having lost his first wife and having failed to achieve
public office, he returned to Vicksburg and was reading himself for another try at elective office when his
remarriage, to a Nashville woman, led him to take up
residence in Nashville. In 1860 he canvassed the state
of Tennessee in behalf of Douglas, failing however to
carry the state for Douglas. When the Civil War commenced
and his sons and other kindred entered the confederate
service he embraced secessionism and ran for the Confed­
erate Congress. He was elected to represent the Nash­
ville district and served from 1862 to 1865, during which
time he led the opposition to most of President Davis' policies. In January, 1865, without official status he undertook to pass through the enemy lines in an effort to reach Washington for the purpose of negotiating an end to the war. His efforts failed, of course. Following
the Civil War Foote generally bowed out of politics, with
the exception of 1876 when as a Republican he actively canvassed the state of Tennessee in support of Rutherford B. Hayes. He later was appointed to the position of superintendent of the Mint of New Orleans, in December 1878 and served until shortly before his death which occurred on May 19, 1880. He wrote four works, which were well received, including Texas and the Texans, 1841;
War of the Rebellion, 1866; Casket of Reminiscences, 1874;
and The Bench and Bar of the South and Southwest, 1876.

²Dunbar Rowland, "Political and Parliamentary Ora­
tors in Mississippi," in Publications of the Mississippi
Historical Society, IV (Oxford, Mississippi: The Missis­
sippi Historical Society, 1901), 369.
power of eloquence in that great deliberative body, the Senate of the United States. Foote did so with success, as will be shown in due course, though for reasons which will be surmised historians generally have ignored his contributions.

Foote entered the Senate in December, 1847, and, as he later recalled, spoke almost every day.² There he soon proved himself an orator worthy to be associated with men who had long since earned national reputation for their eloquence, Daniel Webster, John C. Calhoun, Thomas H. Benton, Henry Clay, Lewis Cass, and others. He became a central figure in the 1850 deliberations dealing with the Compromise measures and thus his reputation as an orator was now nationally recognized. During his senatorial career he spoke often in and out of the Senate.

Foote's severest test as an orator, however, came when, having been censured by the Mississippi legislature for supporting the Compromise measures, he took

²Henry Stuart Foote, "Autobiographical Sketch," in John Francis Hamtramck Claiborne Papers, Southern Historical Collection, University of North Carolina. This is a 37-page biography, dictated by Foote to a friend, J. W. Harmon, and sent to Claiborne for use in the History of Mississippi which Claiborne was writing. Hereafter cited as Foote Manuscript.
the issue of his pro-Union position directly to the people of Mississippi, as candidate for the office of Governor of the state. This campaign pitted Foote against not only the opposition candidate, first John A. Quitman and then Jefferson Davis, but a formidable group of other prominent orators as well. Because of the general conditions then prevailing in the South, the nation watched with keen interest the developing campaign.

While Foote had by this time acquired a reputation for political inconsistency, his recognition as an orator of note had been assured.

This chapter discusses the training and preparation of Henry Stuart Foote for a career in the use of oral discourse. Little factual information has come down to us about Foote's family and educational background. Apparently Foote's personal papers, if indeed he assembled any, were lost. However, drawing upon a variety

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4 Flag of the Union (Jackson), September 26, 1851.
of sources, including Foote's own reminiscences which offer little information about his early life, comments of individuals who knew him, various biographical sketches, obituaries, and scattered references made in the writings of others, a brief account can be put together.

**Family Background and Early Training**

Foote was born in 1804 in Fauquier County, Virginia, of well-to-do parents, who were themselves first cousins, Richard Helm Foote and Jane Stuart Foote. Foote's father descended from Richard Foote, son of a prominent London merchant who had migrated to Virginia near the end of the seventeenth century. Foote's maternal ancestry dates back to the Rev. David Stuart, a prominent and highly educated Episcopal priest, who according to "tradition . . . derives from the celebrated illegitimate brother of Mary, Queen of Scots." 7

According to Foote, his father had studied medicine, though he makes no reference in his Reminiscences to whether his father ever practiced medicine. 8

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7 Foote Manuscript.

8 Henry Stuart Foote, *Bench and Bar of the South and Southwest* (St. Louis: Soule, Thomas and Wentworth, 1876), 172. Hereafter cited as Foote, *Bench and Bar.*
It seems that Foote's family stressed its illustrious heritage and instilled in the children a high regard for education and a desire to prepare themselves for living useful lives. At any rate, Foote was extremely proud of his Virginia heritage. Reuben Davis, who knew Foote well, said, "Like all Virginians, Foote had inordinate state pride, and really believed that to be born there was a distinction in itself."  

While there is evidence that Foote's early education was limited, it is thought that he had some private tutoring. Foote recalls one fruitful year of assiduous intellectual activity when his father hired a brilliant young graduate "from some New England college or university" who called at the family home seeking a teaching position. The young man, Eliab Kingman, was employed at once to conduct a private school near Foote's home, to which task Kingman applied himself with great energy and zeal. Foote was immediately impressed with Kingman and looked upon his arrival as

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the long-desired opportunity . . . of moving forward in a course of intellectual culture which I had been always taught to regard as indispensable to the character of a refined and well-bred gentleman, as well as a patriotic and useful citizen.

Kingman's school attracted "from fifteen to twenty boys, all of whom were intent upon acquiring, as rapidly as possible, all that he was capable of teaching them, and of fitting themselves in this way for the multiplied duties of the life which lay before them."

It was a highly successful school year, Foote recalls. Foote developed a great admiration for Kingman, recalling that Kingman "was always cheerful, civil, and even affectionate, and seemed to take the greatest delight in giving such aid to the pupils under his charge as he supposed them to need at his hands." Kingman lived in the Foote home and was treated as a member of the family. Under such circumstances it is likely that Foote enjoyed an extra measure of tutoring at the hands of young Kingman. It was a source of "painful regret" to Foote and the Foote family when Kingman left at the end of the year for a better paying job elsewhere.

What kind of training did Foote receive in Kingman's school? Foote refers to him "as a teacher of Latin and Greek languages, and of the ordinary branches of an English education." Because throughout his life Foote exhibited a keen interest and proficiency in Latin and other classical studies it may be inferred that this
interest developed early and that Kingman's instruction in languages, the classics, and the basic arts and sciences must have been substantial. It may also be inferred that Foote's interest and proficiency in rhetoric which was to distinguish his career was a product of Kingman's training, for Foote recognized in Kingman a man of letters. Kingman's writings, Foote wrote, were worthy of the Atticists.¹¹

Foote's speech training began in his childhood. Certain character and personality traits, of importance to him as a speaker, are directly traceable to his home life. For example, he possessed a good mind, which he inherited from his parents. He was ambitious to succeed in life. He was industrious particularly with reference to education and personal advancement. He recalled the emphasis placed upon cultural growth and refinement by his parents. He remembered the hospitality practices in his father's house. He recalled the physical beauty, peace and quiet of the home in which he grew up, all of which suggest the elevated kind of social environment in which Foote was reared and account for the mild-mannered, chivalrous, and courteous side of Foote's personality.¹²

¹¹Foote, Reminiscences, 357-360, passim.
¹²Ibid., 358.
Foote's home life appears to have been such that his childhood experiences became a source of his personal values and the motivation for developing good study habits. The Foote family doubtless provided for expression of family affection, an appreciation of the aesthetic side of life, an atmosphere of free and open discussion, as well as the intellectual give-and-take which was inherent to growing up in a family of five children.  

The critic can visualize, too, a Foote home in which a distinct oral emphasis was present. For example, Foote recalled sitting upon the knee of Dr. George Graham, "a gentleman of rare accomplishments and high reputation in the medical profession" and being "the grateful recipient of his more than fatherly attentions." Dr. Graham, an Edinburgh educated man, had become the third husband of Foote's grandmother. There doubtless was much story telling in this relationship, a highly developed skill.

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13 Abram William Foote, Foote Family Comprising a Genealogy and a History of Nathaniel Foote of Waterfield, Conn., and His Descendants. Also a Partial Record of Pasco Foote of Salem, Mass., Richard Foote of Stafford County, Virginia, and John Foote of New York City, 2 vols.; (Rutland, Vermont: Marble City Press, 1907), II, 552-555.
which Foote possessed, as reflected in his various reminiscences.\(^{14}\)

Foote remembered the funeral of this rare gentleman and as a lad of ten was impressed with the funeral service which was read by Foote's father "over the remains of Dr. Graham on one of the coldest winter days I ever experienced." (There was no minister present, Foote recalled).\(^{15}\)

The social ease with which Foote moved at all levels of society, from the presidents and the White House to the man on the street, was doubtless a product of his Virginia heritage and home training. He is said to have been a most attractive and fascinating conversationalist,\(^{16}\) which involves skills that probably were nurtured in the home from which he came.

It is evident from a reading of Foote's *Reminiscences* that the Foote family home was a scene of much social activity. In his recollections Foote refers to the visits of individuals who were intellectually stimulating and of high social standing. For example,


\(^{15}\)Foote, *Reminiscences*, 179.

\(^{16}\)Baber, *loc. cit.*
Foote was impressed by Bernard Hooe, of Prince Edward County, a "zealous Federalist" and a popular member of the Virginia legislature. "Hooe was a man of fine intellect, of highly respectable attainments, and of great personal popularity. I well recollect seeing him repeatedly at my father's house, and of hearing him spoken of in terms of warmest commendation."\(^{17}\)

Another trait which Foote possessed deserves notice at this point. That is his flair for the dramatic. His oratorical delivery is said to have been dramatically powerful. Rowland says,

He had intense dramatic power, and combined strength with simplicity. He had courage and dramatic powers as rare as they were effective. He was greatest before the people, he needed the inspiring influence of large crowds. His face was full of fire. On the stage he would have made a great Brutus or Hamlet. The play of his countenance was wonderful.\(^ {18}\)

Foote's propensity for dramatic expression had its beginning in his childhood. Recalling a tragic duel which ended in the death of a much admired relative, Foote describes his boyhood reenactment of the tragedy. He says,

Many a time have I participated in the reproduction of this duel, as one of a band of youthful

\(^ {17}\) Foote, Reminiscences, 178, and passim.

\(^ {18}\) Rowland, op. cit., 371-372.
dramatic personae, in the parlor of my own home, with certain of my equals in age, and in the absence of all grown persons; and never did I go through this melancholy scene without fresh emotions of distress and chagrin.\textsuperscript{19}

In his two volumes, \textit{Reminiscences} and \textit{The Bench and Bar of the South and Southwest}, Foote shows his familiarity with the ancient rhetoricians, Aristotle, Cicero, and Quintilian, in scattered references to their teachings.\textsuperscript{20} Foote must have been familiar with Aristotle's suggestion that the orator can learn much from the actor's art. Foote must have read the following suggestion in which Aristotle refers the orator to the \textit{Poetics} for help. In the \textit{Rhetoric} Aristotle states:

The speaker will be more successful in arousing pity if he heightens the effect of his descriptions with fitting attitudes, tones, and dress—in a word, with action; for he thus makes the evil seem close at hand—puts it before our eyes as a thing that is on the point of occurring or has just happened.\textsuperscript{21}

If we compare Aristotle's suggestion with Rowland's impressions of Foote's delivery, just referred to, it appears that Foote had learned his rhetoric well. Whether Foote was introduced to rhetoric by Kingman, or

\begin{footnotes}
\item[20]Ibid., 177, 372, and \textit{passim}; Foote, \textit{Bench and Bar}, \textit{passim}.
\item[21]Lane Cooper, \textit{The Rhetoric of Aristotle} (New York: Appleton-Century-Crofts, 1932), 122.
\end{footnotes}
at Washington and Lee University, or picked it up in his own private study is not known, but that he knew the teachings of the classic rhetoricians is certain, as will be shown in connection with Foote's criticism of other speakers.

In summary, while information relating to Foote's home life is almost non-existent, the Foote home must have been a warm, hospitable, and intellectually and socially stimulating place—one which provided and encouraged freedom of expression, good conversation, and storytelling.

Within a year after Kingman's school closed, while Foote was yet only thirteen years of age, his father died leaving him to manage any further education on his own devices. That he was able to advance further intellectually is clearly written in the record of his achievements. Foote was able to acquire some higher education, which under the circumstances further indicates that his good mind and industrious nature, nurtured in early childhood, were given good motivation as he grew older.

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22 Foote, Manuscript.
Higher Education: College and Law

College

For a few weeks in 1818 Foote was enrolled at Georgetown University (then Georgetown College) in Washington. Current records at the University reveal that Foote was there from March 13, 1818, until May 1, 1818, when he would have been fourteen years of age. The Rev. Vincent I. Bellwoar, Archivist at the University, writes:

I doubt very much if any formal studies were taken in this short period... there was no distinction at the time between grammar, high school and college classes so it is really impossible to say what studies he had. At the time they took any student and after he was here a while, assigned him to a particular class.²³

It is possible that while at Georgetown University Foote was able to determine at what level of learning he should be enrolled. At any rate, the next year found him pursuing his studies at Washington and Lee University (then Washington College), in Lexington, Virginia.

Foote is known to have had at least one year at Washington and Lee University. While the University's

records covering the period when Foote was enrolled there are fragmentary, they reveal three facts which are helpful: that Foote was examined on Virgil in April, 1819, and on Geography and Latin on April 10, 1820. It appears, then, that Foote may have been enrolled at Washington and Lee for as long as two years. It further appears that his curriculum there was basically classical.

The few biographical sketches which are available provide little more than obituary-like sketches of Foote's life. References to specifics concerning Foote's education are few. Instead, we find generalized statements about his educational preparation. These sources generally agree that Foote possessed a classical education. However, they do not answer the question to any degree of satisfaction as to how much of Foote's education was acquired at the college level. The fact of the matter is that the biographers themselves had had access to little information.

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Dunbar Rowland, who at the time of writing was the archivist at the Mississippi Department of Archives and History, where much of the information available on Foote is to be found, says that Foote was "... a university man deeply acquainted with law, literature, history, poetry, and philosophy, he was a master of almost universal erudition."\textsuperscript{25} Rowland does not add, as other authorities do, that Foote was a life-long student.

Historians Lowry and McCardle indicate that Foote possessed a thorough classical education and that he continued to be a student "throughout his long and somewhat stormy life."\textsuperscript{26} Reuben Davis, who knew Foote well and who was in personal contact with Foote on many occasions, stresses the thoroughness of Foote's education and suggests that Foote's formal education was substantial. Davis says that Foote "had been thoroughly educated in school" and adds that he "afterwards built upon this foundation by diligent study."\textsuperscript{27} But it is known from Foote's own observation, as reported by Baber, that he did not graduate from a college.\textsuperscript{28}

\textsuperscript{25}Rowland, \textit{op. cit.}, 369.

\textsuperscript{26}Robert Lowry and William H. McCardle, \textit{A History of Mississippi} (Jackson, Mississippi: R. H. Henry Company, 1891), 323.

\textsuperscript{27}Davis, \textit{op. cit.}, 101.

\textsuperscript{28}Baber, \textit{op. cit.}, 171.
In view of the dates on which Foote is known to have written examinations we may conclude that had the Washington and Lee records of that period not been destroyed, they would probably show two full years of study, with considerable emphasis on the classics, classical languages, literature, philosophy, and probably some instruction in rhetoric. Foote's knowledge of rhetoric was too thorough for it to have been acquired altogether from self-study. Such a conclusion, however, is at this point only tentative.

**Student of Law**

Foote entered upon the study of law in the office of John Scott and Francis Brooks at Warrenton, Virginia, in 1820, and had as a roommate and colleague in his studies Noah Haynes Swayne who later was to become an associate justice of the United States Supreme Court, under a Lincoln appointment.  

In his *Reminiscences* Foote recalls the days when he and Swayne were "poring over together pages of Coke and Blackstone" and how they would take time to dream of greatness. Foote reflects upon

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certain mystic colloquies held between two students of law . . . touching the expediency of selecting . . . some well-known model of intellectual excellence for imitation, in order to keep alive our hopes and preserve our energies in full vigor until those lofty heights of renown should at last be reached to which a generous and all-potential ambition was even then prompting us both to aspire.30

The model Foote had in mind may well have been Chief Justice John Marshall of the United States Supreme Court, for Foote recalls that during the time he and Swayne were pursuing their law studies they became intimately acquainted with the Chief Justice, when he made visits to Warrenton and his native Fauquier County where he liked to unbend himself . . . loitering along the streets . . . on court days, exchanging kindly greetings with the friends of his youth, of all classes, hearing from their own lips all of good or of evil which might perchance have befallen either themselves or their families since he had last encountered them, and seeming to take a real and affectionate interest in everything connected with their welfare and happiness.31

Foote evinces great pride in recalling both of these associations, for they represented to him a distinct part of the rich heritage bequeathed him by his native Virginia.


31 Foote, Reminiscences, 413.
Foote had pursued "the study of law with great assiduity."\textsuperscript{32} Foote and Swayne took their bar examinations in Richmond in 1823.\textsuperscript{33} They were examined by Judges Dade, White, and Greene.\textsuperscript{34} The two new lawyers were to separate and pursue national fame, each in his own way.

**Preparation for Speaking**

**A Life of Self Study**

Foote had considerable pride in his mental capabilities and his intellectual achievements. Foote was proud of the fact that he was able to overcome the limited formal education of his early youth. His pride was expressed to Baber when he said "what little knowledge either of science or of scholarship I have mastered, [has] been the result of self culture under exceedingly unfavorable circumstances."\textsuperscript{35} This would indicate that, even as a "university man,"\textsuperscript{36} (connoting thorough university training) Foote regarded his formal

\textsuperscript{32}Ibid., 412.
\textsuperscript{33}Tuttle, op. cit.; Foote Manuscript.
\textsuperscript{34}Foote Manuscript.
\textsuperscript{35}Baber, op. cit., 171.
\textsuperscript{36}Rowland, loc. cit.
education as only the foundation of what he thought he needed.

Considering the many and varied successes which Foote achieved during his long and colorful life, in jurisprudence and law, as a recognized orator in all forms of speaking (deliberative speaking in Congress and in public; forensic speaking in Congress, the courts and on the stump; and ceremonial speaking), as a writer and historian of note, and a literateur, in light of his limited education, Foote had reason to be proud of his achievements. However, this pride never reached the point of becoming ostentation, according to O'Meara. 37

Evidence of Foote's unfailing interest in education is a fact in which he could and was justly proud. It is said that because of the extreme circumstances surrounding his own early education, he had been "to a great extent, the instructor of his children both male and female, all of whom are familiar with the classic and several of the modern languages." 38

37 James O'Meara, Broderick and Gwin: A Brief History of Early Politics in California (San Francisco: Bacon and Company Printers, 1881), 125.

38 Foote Manuscript.
How much of his education and preparation for speaking did Foote accomplish through self study? Again, in the absence of personal memoirs and of adequate school records, we turn to those who knew Foote. Among those who knew Foote well were George Baber and Reuben Davis, who were impressed by his intellectual stature.

Baber who had "frequent opportunities for cultivating a genuine acquaintance [with Foote] and for making a just estimate of his intellectual powers, of his literary attainments . . . ," was much impressed with Foote's greatness and says of him, "at every point of his career, and wherever he dwelt, Governor Foote was destined to speedy eminence, his genius, his learning, his courage, and his notable personality, winning public applause and carrying him to the very front of public affairs." Baber was convinced that Foote was "too poorly understood by [his] contemporaries." 39

Baber was familiar with Foote's habits and observes that "Foote was an ardent student" and a thorough researcher. Baber recalls an observation made to him by "George D. Prentice, the famous poet and editor of the old Louisville Journal . . . that [Foote]

39 Baber, op. cit., 162, 163, 168.
'spoke the best English, and knew more of ancient and modern literature than any man' with whom he had ever conversed."^40

Reuben Davis had much the same admiration for Foote's intellectual capabilities. Foote was "one of the first men of his time" and noted for his "diligent study" habits. Davis felt that while Foote had given "much time to general reading he was particularly well versed in the history of nations."^41

Foote did not pass up an opportunity to read the speeches of other speakers. In a Senate speech on December 18, 1851, he remarked about a scrapbook which he was keeping and in which among other items there were "some one hundred speeches or so."^42 Another piece of evidence pointing to this practice is a letter Foote wrote Stephen A. Douglas on May 11, 1860, in which he asked Douglas for a copy of a particular speech.^43

^40 Ibid., 170, 171; see also Louisville Journal, February 20, 1866.

^41 Davis, loc. cit.

^42 Congressional Globe, 32 Congress, 1 Session, Appendix, 53.

Foote, of course, had written his two-volume history, *Texas and the Texans* in 1841, when he was 37 years of age. His knowledge of government was extensive, which probably accounts for much of his early success in the United States Senate and particularly for his having been elected chairman of the important Committee on Foreign Relations soon after entering the Senate. Davis was much impressed with Foote's understanding of government. Davis observes, "I have never met any other man who was so acquainted with the structure and theory of different governments, and his knowledge was both extensive and accurate." Davis had heard Foote speak on numerous occasions and had been associated with public men, having himself been a member of the national Congress. Davis says that Foote "had unusual command of language, and was especially gifted with a power of arranging historical facts, and deducing from them political principles." 44

Historians Lowry and McCardle note Foote's lifelong search for knowledge. He was a "close student, eagerly reading everything which came within his reach," 45

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44 Davis, loc. cit.
45 Lowry and McCardle, loc. cit.
Thus, we see that Foote, who had a good mind, read extensively and widely, exercised his highly developed power of retention and acquired the ability to analyze and synthesize the material gained through continuous and diligent study.

In addition to his wide reading, Foote was a lifelong student of men and events. Authorities generally agree that Foote had an unusual sense of perception and power of observation which enabled him as a debater to size up his opponents and apply his weapon of needler to maximum advantage to himself. This ability will be discussed in connection with Foote's platform methods, but it is mentioned here for the reason that his habit of observing people closely, like his reading habits, seems to have been a matter of purpose and self-discipline.

An example of Foote's practice of carefully scrutinizing his opposition is the case of Senator William H. Seward. Describing their relationship as being formal, never friendly, Foote wrote: "I was never his personal enemy. The relationship existing between us never rose to the dignity of friendship." Foote then observed:

I regarded him as a man of many peculiarities, and made him a special object of my study from the moment of my being introduced to him on a steamboat descending the North River, in New
York, up to the period of his departure from the realms of mortality.46

The result of this keen awareness of the peculiarities of Senator Seward was a number of "verbal skinnings" at the hands of Senator Foote. "The demagogue of the Empire State . . . was the right kind of game for [Foote]" and Foote found it impossible "to forego such an opportunity."47

That Foote's keen power of observation was a natural result of an extremely active social and political life is suggested by Peatfield, who observed, "Owing to long experience, contact with eminent men, and his keen power of observation, he possessed a deep knowledge of human affairs, human character, and human tendencies."48 Foote's ability to take the measure of a man was doubtless one of his greatest assets in politics and law.

Foote's exercise of the power of observation of men and events is reflected in his rhetorical criticism, to be analyzed in the next chapter. His study of the techniques of rhetoric used by other speakers began early in life. For example, his Reminiscences record his impressions of two excellent advocates, Francis

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47 Charleston Mercury (South Carolina), quoted in Columbus Democrat (Mississippi), February 9, 1850.

Scott Key and John M. Berrien, whom he heard in 1825, two years after being admitted to the bar, when he attended a session of the United States Supreme Court. 49

Foote as a Writer

Foote believed in communication. His long and active career was distinguished as much by his writings as by his speaking. It would be difficult to say which of the two forms of communication he enjoyed more. Foote's use of the pen took three forms, newspaper editing, writing letters and articles for publication in newspapers in which he voiced his views on issues, and authoring four books.

Newspaper Editing

Foote edited a newspaper on two occasions during his public career. For him the newspaper served as an effective medium for reaching the people on particular matters. Foote used newspapers freely for the purpose of expressing his views on vital issues. He was as outspoken in the use of the newspaper as he was in the use of oral discourse.

Foote's first experience as a newspaper editor came soon after he settled in Tuscumbia, Alabama, in

the autumn of 1825. He describes the Tuscumbia Patriot as "a somewhat popular" and "extreme Democratic newspaper." He had already begun "to display his literary taste as also his political views." Immediately he became involved in political controversy. Baber says Foote "opened there a series of political battles which marked his stormy pathway to the grave." As editor of the Tuscumbia Patriot, says Baber, Foote espoused the cause of General Jackson. The young editor soon evinced a turn for leadership. He shaped local events, guided current thought, developed public men, and following the fashion of the day, fought a duel with the gifted Winston [James Anthony], who soon afterward became governor of the State.

It was Foote's editorial position which offended Winston, and resulted in the first of four duels he was destined to fight during the next twelve years. The duel with Winston probably was a fortuitous event in Foote's life. Dueling in Alabama was not sanctioned by the law. As a result Foote was disbarred from the practice of law for a period of three years. "Having become a married man and father of several children," Foote

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50 Foote Manuscript; Foote, Reminiscences, 450.
51 Peatfield, op. cit., 644.
52 Baber, op. cit., 163.
53 Ibid.
later recalled, he was forced to move in order to continue his law practice.\textsuperscript{54}

However, while still sojourning in Tuscumbia Foote proved his ability as a newspaper editor, orator, and political leader, and left his mark upon the community and state. Baber says,

He prepared a memorial to the Legislature of Alabama, urging the State to build a railroad around Muscle Shoals in Tennessee River, connecting Tuscumbia with Decatur. The memorial accomplished its purpose. The road was built and proved to be the first link in that system of railways by which the Southern States are penetrated. It was put in operation in 1835, and subsequently became a portion of the Memphis and Charleston Road . . . .\textsuperscript{55}

Foote moved to Vicksburg, Mississippi, in the winter of 1830, and after resuming his law practice again became involved, though briefly, in publishing a newspaper. In 1832, in partnership with his brother-in-law, R. P. Catlett, Foote founded the Mississippian, "one of the earliest democratic newspapers."\textsuperscript{56} Later the

\textsuperscript{54}Foote Manuscript.
\textsuperscript{55}Baber, loc. cit.
\textsuperscript{56}Foote Manuscript; Foote Reminiscences, 373-374; John Hebron Moore, "Claiborne's "Journalism in Mississippi": A Fragment from the Unpublished Second Volume of His History of Mississippi," Journal of Mississippi History XXII (April, 1960), 94-95. Moore indicates that the Mississippian was the earliest forerunner of the Jackson Clarion.
Mississippian, in different hands, was to become one of Foote's severest critics. 57

While Foote's connection with the Mississippian was short-lived, January 9 to April 2, 1832, the paper proved to be an effective organ in establishing Foote's reputation with the people of Mississippi. Foote was much impressed by Thomas Jefferson's works which had just been published, particularly a letter which Jefferson had written

to Mr. Kercheval, touching the electing of judges by popular vote. And, as a Convention for the amendment of the constitution of Mississippi had just been called [Foote] undertook to recommend the adoption of this mode of election in a series of numbers signed 'Jefferson.' These letters attracted much attention and provoked also strong and vehement opposition. 58

Foote's letters had two other important results. They increased the circulation of the Mississippian and they led to Foote's entry into the campaign "as a candidate for the Convention." Foote lost the race by a margin of 40 votes but the issue prevailed. The convention amended the constitution to provide for the popular election of the judiciary. In fact, before the campaign came to a close Foote's opponent, fearing loss of the

57 Foote, Reminiscences, 373-374.
58 Foote Manuscript.
election to the young editor, had reversed his position and had come out strongly for the popular election of judges. In later years, however, Foote was to reverse his position on the popular election of the judiciary, believing that there was too much politics involved in the popular election of judges.\(^{59}\)

After dissolving the partnership which published the Mississippian, Foote never again ventured into the newspaper business. However, he was to make use of the newspaper as a medium of expression through letters and articles written for publication.

**Foote's Letters to the Editor**

Foote was a "constant contributor to leading newspapers."\(^{60}\) He wrote many, and some lengthy, letters to newspapers during his long political career. His legal practice had increased to the extent that he was unable to continue the publication of the Mississippian, but he realized the value to a politician of having such an organ or voice. Foote was to complain at the end of his first year as Governor of Mississippi, "I have no editorial organ in the state of Mississippi and all the

\(^{59}\)Ibid.

\(^{60}\)Peatfield, *op. cit.*, 649.
editorial support which my claims as a senatorial candidate may hereafter receive, will be necessarily purely voluntary and unsolicited on my part. 61

During his political campaigns Foote kept up a steady correspondence with the newspapers. The New York Times noted this practice in its obituary to Foote:

Of late years Mr. Foote has appeared before the public only as a writer of occasional letters, in which he has tendered advice and counsel to all parties gratuitously. His letter in opposition to the election of Andrew Johnson as United States Senator from Tennessee made a decided sensation among the friends of the ex-President, and raised a bitter controversy. In 1875 he wrote another letter, advising the Democratic Party to disband and informing his late associates that they had outlived their usefulness. 62

Typical of Foote's many public letters is one addressed to the people of California on April 2, 1857, following the inauguration of President James B. Buchanan. In the 1856 campaign, Foote, then a Californian, had actively supported Millard Fillmore, nominee of the Know-Nothing party. Facing political reality, Foote decided to embrace the new Buchanan administration and return to the Democratic party. In the letter Foote reviewed Buchanan's Inaugural Address, noting the new President's favorable position on non-intervention,

61 Columbus Southern Standard (Mississippi), December 4, 1852.

the strength reflected in the new cabinet and expressed confidence in the new administration. Of the President's inaugural address Foote said,

It breathes throughout a spirit of genuine nationality and enlightened conservatism; and he denounces sectionalism in a manner to leave no doubt of his inflexible determination to maintain the Union inviolate against all its enemies. . . . I have, therefore, no hesitation in declaring that I can see no propriety in attempting to keep up the distinctive organization of the American party in California or elsewhere . . . whatever may be the action of others, I shall myself yield to Mr. Buchanan and his administration as hearty and true a support as it would have been possible for me to accord to them had I ever so actively participated in elevating them to the high official places which they hold. 63

While Foote wrote many letters to the newspapers during his life, the one just described is cited because it clearly states Foote's basic position on contemporary issues which were involved in the Compromise of 1850. Foote believed in non-intervention in the question of slavery, constitutional government, and the inviolability of the union.

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Foote as an Author

Any discussion of Foote's preparation for a career of speechmaking must recognize the contribution made by his literary pursuits. Foote authored four books, two histories and two volumes of reflections. While all four works represent distinct literary contributions, only the first, Texas and the Texans, a two-volume history published in 1841, was written early enough to have contributed directly to his advancement as an orator during the 1840's and 1850's. However, his other volumes, War of Rebellion, 1866; Casket of Reminiscences, 1874; and The Bench and Bar of the South and Southwest, 1876, reflect his lifelong habit of observing men and events, which practice contributed immeasurably to his success as an orator.

Foote's history of Texas was conceived in 1839, at the age of 35, when he was invited by President Lamar and his Cabinet, to write the history of the Texas struggle for independence. Foote had been among the first to become involved in the movement to secure the annexation of Texas. He had actively participated in a Texas meeting in New Orleans on July 14, 1835.

64 Foote, Reminiscences, 46; The Mississippian, April 12, 1839.
"which was the earliest organized attempt to foster public sentiment favorable to Texas."65

Foote spent some six months in 1830 compiling material for the volumes on Texas history. He wrote:

The subject was, indeed, one of deep interest; the materials supplied me by the public spirited citizens of Texas were both rich and abundant; but the book itself, written in great haste, and amid numerous other absorbing and perplexing avocations, I have long recognized in point of literary execution as exceedingly imperfect.66

Altogether Foote devoted about a year to compiling and writing the two-volume work. He recognized its literary shortcomings but he had written "the volumes . . . with a view of expediting, as far as I could, the admission of Texas. . . ."67

Certainly the publication of this work did much to establish his national image and to prepare the way for his immediate success in the Senate, due to the general interest in the Texas question during the 1840's. It immediately brought Foote to the attention and under the influence of Nicholas Biddle. Biddle, aware of the pending publication of Foote's history, called upon Foote at his Philadelphia boarding house while he was

66 Foote, Reminiscences, 46.
67 Ibid., 47.
there overseeing the publication of the work. Foote recollects the visit. Biddle expressed the view that, in coming time, and perhaps in a very few years, all the North American continent, including the islands which bespangle the surface of the Mexican gulf, would be brought under the wise and beneficent protection of the 'Stars and Stripes' .... Mr. Biddle seemed much grieved and astonished that any one should doubt the expediency of our acquiring as early as we honorably and safely could Cuba, San Domingo, Jamaica, Porto Rico, and all the adjacent isles, alleging, as I thought, with great force, that until the Mexican gulf should be made our Mare clausum all the commerce of the Western States and Territories, floating down the Mississippi and its tributaries, would be constantly exposed to foreign molestation. 68

During the 1847-1848 session of the United States Senate Foote was to advocate that, instead of working out a treaty with Mexico, the United States should at once proceed to proclaim the fact that the Republic of Mexico had drawn to an end, and then go on without delay to Americanize the whole of this fair and inviting region by permeating it in every direction with railways, establishing post offices and post roads over its entire surface, and opening it, on the most liberal and inviting terms, to enterprising settlers from our own country. 69

When Foote entered the United States Senate in 1847, he was already well-known to members of the Congress for his Texas and the Texans had been freely quoted in the Senate as the definitive work on the Texas question. 70

68 Ibid., 47-48.
69 Ibid., 49.
70 Ibid., 46.
Thus, the influence of this work on Foote's role as orator in the Senate is readily seen.

That the Texas volumes contributed directly to Foote's development as an orator is reflected in the New York Times' assessment of Texas and the Texans. "It gave him [Foote] some reputation as a graphic writer of narrative," a skill which he was to make use of in his speeches. Foote's written style has a distinct oral quality, a characteristic which he identifies in his Reminiscences as "unaffected simplicity of oral narrative."72

The New York Times reviewed at some length Foote's War of Rebellion, a history of the Civil War, and was generally complimentary. It concluded

Concerning the antecedents, character, and experiences of the author, this book of Mr. Henry S. Foote must be considered of considerable importance to all who wish to master the whole subject of secession, and the present position of the honest part of the men who bore part in that movement. The most valuable parts of the work are those which relate to the actual character of the Richmond authorities and their satellites. It is to be regretted that those, quite full as they are, had not been more extended, even to the exclusion of other topics of less immediate interest.73

72 Foote, Reminiscences, 1.
73 New York Times, February 12, 1866; see also Louisville Journal, February 20, 1866.
The review notes Foote's ability to describe the men and events of the southern rebellion and recognizes his unusual perceptiveness, an important attribute of Foote the orator. While the Times recognized Foote's honesty, fearlessness, his "uncommon powers of perception, unfailing fluency of expression", it also found in him an "entire want of prudence not to say discretion." 74

Senator Robert C. Winthrop, a member of the Senate in 1850, commenting upon Foote's Casket of Reminiscences, which was published in 1874, questioned Foote's accuracy in dealing with the facts in that work. Writing to a friend who had loaned him a copy of the work, Winthrop said, "Foote was a man of some cleverness & of a good deal of desultory reading. But his 'Reminiscences' betray at every page, his carelessness & inaccuracy." 75

While no other reviews of Foote's Reminiscences have been located, Winthrop's estimate of Foote's general scholarship is not shared by other sources included in this study, except for charges of misstatement of facts occurring in the Senate debates and political campaigning. It is probable, however, that Foote's recollections

contained inaccuracies, if not from a biased viewpoint certainly in light of the fact that he was writing after a considerable lapse of time.

Foote's use of written discourse was so extensive as shown by his use both of published works and the columns of newspapers as to reflect with force his constant awareness of events, his sensitivity to the issues, and his total involvement in the affairs of his day. It must be concluded that his ability to express his thoughts with fluency in written discourse must have contributed immeasurably to his eloquence as a speaker.

**Foote's Practice of Public Speaking**

Modern textbooks on public speaking stress the importance of adequate preparation and frequent speaking in improving a speaker's fluency. It can be said of Foote that he strengthened his oratorical skill by speaking often.

In the early 1830's Foote's reputation as a speaker had become well-known in Mississippi and neighboring states. During this period "He appeared in many [court] cases of much celebrity, and gained high reputation," and had often been "called to Louisiana and neighboring

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It was during this decade that Foote faced the celebrated S. S. Prentiss in several sensational court trials.\textsuperscript{78}

Foote campaigned for the office of delegate to the Mississippi constitutional convention in 1832.\textsuperscript{79}

In 1834 Foote stumped the state of Mississippi. In the campaign he appeared in a dual role, first, as a candidate for state chancellor and, secondly, in support of the candidacy of Robert J. Walker for the United States Senate. Specifically, Foote was assigned by the Walker forces to answer Walker's opponents, Franklin E. Plummer\textsuperscript{80} and George Poindexter, the incumbent.\textsuperscript{81} Foote lost the race for chancellor but in the second role he was eminently successful, helping to retire Plummer and Poindexter from political life and greatly enhancing his own stature as a formidable campaigner.

\textsuperscript{77} Foote Manuscript.
\textsuperscript{79} Foote Manuscript.
\textsuperscript{80} Miles, \textit{op. cit.}, 109.
\textsuperscript{81} Dunbar Rowland, \textit{History of Mississippi} (Chicago: S. J. Clarke Publishing Company, 1925), II, 432.
Of Foote's role in the 1834 campaign Claiborne says:

Whenever he [Walker] was hard-pressed, as he often was, by some Whig orator, Foote made a flank attack on the enemy, and thus enabled Walker to retain his position, or retreat in good order. . . . [William M. Gwin] directed the senatorial canvass, and supplied the means. Walker made the attack, and Foote, the Murat of the field, promptly charged whenever there was the slightest wavering in the ranks. 82

"Foote's reputation was increased by ably defending Jackson on the stump in 1835." 83

In 1836 Foote was elected to the Mississippi legislature for a two-year term, as representative of Hinds County. 84

Foote's fame became "widespread as a debater in the presidential campaigns of 1836, 1840, 1844, speaking for Van Buren and Polk." 85

Again, in 1845, Foote was prevailed upon to enter a campaign, this time to confront Alexander G. McNutt, the outgoing Governor and candidate for the United

82 John Francis Hamtramck Claiborne, Mississippi, As a Province, Territory, and State, with Biographical Notes of Eminent Citizens (Jackson, Mississippi: Power and Barksdale, 1880), 1, 416-417.


84 Ibid.

85 Baber, op. cit., 164.
States Senate, at all of his appointments. Foote recalls the strenuous campaign he waged against McNutt.

At least half a dozen leading democrats were already looking to the occupation of this high position. None of them desired to go personally into the struggle as antagonists of McNutt, whose roughness of manners, astuteness and vigor as a logician, powers of ridicule and sarcasm, and skill as an adroit and unscrupulous political manager have never been surpassed. A consultation among the various senatorial aspirants [mainly John A. Quitman, Albert G. Brown, Jacob Thompson, and William M. Gwin], was held, and it was agreed that Governor Foote, whose energy and perseverance in any cause in which he had once deliberately entered would render him the most troublesome opponent.86

Foote recalls that he first declined to participate but finally did so, only after warning his associates "that should he succeed in doing successful battle with this much dreaded personage, there was, obviously, a probability of his being himself nominated in the Legislative caucus which would in a few months assemble. . . ." Foote was, of course, elected to the office.

The Foote Manuscript describes the 1845 senatorial campaign:

A four or five months contest then occurred. McNutt and Foote passed from one end of the State to the other, in every direction, seldom out of sight of each other. McNutt spoke every day about four hours, and immediately left for his next appointment. Foote then mounted the stand and poured forth a short, fervid, excoriating speech of about half an hour, and then

86 Foote Manuscript.
mounting his buggy, followed on the trail of his victim. 87

That Foote spoke often during his active political career is reflected in the 1851 campaign for the governorship of Mississippi, which pitted Foote first against John A. Quitman and then Jefferson Davis, after Quitman dropped out of the race. The 1851 campaign was in two stages. The first phase involved the election of delegates to a state convention to be held in September, 1851, which the Foote-led Union forces won by a majority of 7,161 votes. 88 The second phase was the November election for governor, in which Foote defeated Davis by 999 votes. 89

Foote looked upon the 1851 race as the most crucial of his lifetime, for the people had vindicated his pro-Compromise position in the Senate. Such a view was expressed by the New York Times, which regarded Foote's election to the Governorship of Mississippi as "the great triumph of his life." 90 Upon his return to the

87 Ibid.


89 Foote Manuscript.

capital, Foote reported to the Senate on December 19, 1851, "I have attended nearly two hundred public meetings in the last eight or nine months." He did not indicate whether he spoke at each of these meetings but it is highly probable that he did, though on some occasions he probably was not the featured speaker. His reputation for speaking often as a member of the United States Senate is easily documented by an examination of the Congressional Globe. He recalled that he spoke almost every day.  

Foote began his oratorical career early, certainly as early as 1825 when he first settled in Tuscumbia, Alabama. He appears to have seized upon every opportunity thereafter to give oral expression to his views on timely questions. Judging from the many sources who attest to Foote's ability as an orator one may conclude that his oratorical skills were strengthened through frequent exercise. Certainly he met the severest test of his career as an orator in 1851 when he defended his pro-Union stand before the people of Mississippi and won their approval, by defeating Jefferson Davis for

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91 *Congressional Globe, 32 Congress, 1 Session, Appendix*, 59.

92 *Foote Manuscript.*
governor. According to Rowland, in that campaign Foote spoke to immense crowds who "went wild with enthusiasm over his eloquence." Rowland stated:

... The battlefield of joint debate before the people brought out all the features of Senator Foote's oratory. It seemed to furnish the crucible for that fusion of reason and passion that go to make up true eloquence.93

**Foote as a Conversationalist**

It is due Foote to say that he knew no strangers. He learned the social graces early and well. His conversation was said to have been delightful. Wherever he went he was in the center of the social activity. Individuals, the great and the humble, apparently enjoyed his company.

While Foote seems to have been remembered more by historians for his mercurial nature and easy temper, most of his contemporaries who have recorded their impressions of him, at least those discovered in this study, have had praise for Foote's better side. They stress his graceful, courteous, chivalrous, and charming manner in social intercourse; while they view his excesses as exceptions to the rule.

Most of them take the positions of O'Meara, who found Foote to be "a delightful companion,"94 Reuben

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94O'Meara, loc. cit.
Davis to whom Foote "in conversation . . . was always charming," and Peatfield, who remembered Foote for his "graceful mien and gentlemanly demeanor."^6

One of those who enjoyed many social hours with Foote was George D. Prentice, poet and editor of the old Louisville Journal, who was impressed by Foote's extremely good English and knowledge of "ancient and modern literature." Another appreciative companion, Joseph S. Fowler, ex-United States Senator of Tennessee, found Foote's company stimulating. Fowler saw Foote as a positive man who possessed "all the gentleness of a refined woman" but whose "courage knew no fear" and who "was when aroused the equal of Chevalier Bayard."^7

Baber found in Foote "one of the most instructive and delightful talkers,"^8 and O'Meara noted his "easy dignity in intercourse" and an inclination "to imagery in conversation."^9

It is highly probable that Foote was an ardent storyteller, although his contemporaries have avoided any direct reference to the term in describing his

^6Davis, loc. cit.
^7Peatfield, op. cit., 645.
^8Baber, op. cit., 171.
^9Ibid.
^99O'Meara, loc. cit.
conversation. Harnett T. Kane, commenting on Foote's *Bench and Bar*, observed that Foote had "stored up a treasury of observations of men's foibles, which he put to good use." Kane describes Foote as "one of the raciest memoirists of the day and region." It is likely that Foote's ability to tell a good story was one source of his popularity throughout his life.

Because of Foote's "long experience [and] contact with eminent men", it is easy to visualize the degree to which Baber, Reuben Davis, Fowler, O'Meara, Peatfield and Prentice found his companionship exciting.

Foote's judgment, says Peatfield, "was eagerly sought and accepted by his colleagues and associates among whom were such honored names as Webster, Clay, and Cass." In his reflections Foote recalls social evenings with Webster, such as sharing his company at a Jenny Lind concert, informal occasions with S. S. Prentiss when Prentiss would delight his private audience with recitations of poetry, from Byron to his own original offerings, of sharing private hours with Andrew Jackson,

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100 Kane, *loc. cit.*
101 Peatfield, *loc. cit.*
102 Ibid., 644.
of hearing the great Chief Justice John Marshall chatting with his friends back home in Warrenton, Virginia, and many other stimulating associations.

It is a well-known fact of politics that the legislative processes involve discussion, both private and public, with much of it behind-the-scenes conversations between individuals. Foote spent much time in such person-to-person conferences. In his Reminiscences he recalls a number of these personal contacts with various leaders in the Senate, including Webster, Buchanan, Cass, Thomas Ritchie, Stephen A. Douglas. It appears that Foote's conversational skills became an asset to him as a Senator.

Added to these official conversations are Foote's recollections of numerous occasions on which he enjoyed stimulating social intercourse with eminent persons. His many references to person-to-person communication would indicate that he placed considerable stress upon this practice. Certainly, the personal charm for which he was known contributed much to his popularity with individuals and with audiences. Foote's skill in conversation would also have played an important part in his success as a speaker, for the reasons that it improved his public

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104 Ibid., passim.
image, or ethos, and that conversation involves the basic communicative skills.

**Foote as Listener-Critic**

Foote's practice of speech criticism, because it was so extensive, is discussed in a separate chapter. It is touched upon here because of what it reveals of the orator as a listener. Speech criticism presupposes listening to speakers and observing their rhetorical techniques and procedures.

Reasoning from the premise that effective listening is a necessary ingredient of effective speaking, then it is assumed that because Foote was an active speech critic his practice of evaluating other speakers should have helped him to set higher rhetorical standards for himself and to maintain them. A sampling of his remarks about other speakers reveals that he knew much about rhetoric, though it has already been established that he had studied classical rhetoric. Rowland said Foote "was a student of the best forms of ancient and modern oratory, and conformed to the classic models." ¹⁰⁵

Foote was known to have listened to other speakers at every opportunity. He thought Prentiss was a "highly gifted orator" and in later years observed, "I would willingly now travel a thousand miles to hear" Prentiss

¹⁰⁵ Rowland, *op. cit.*, 372.
For what reason do audiences go to hear speakers? Gray and Braden give five objectives which cause audiences to assemble to hear speeches. They are: the acquisition of information, the desire to be involved in matters under discussion, an interest in arriving at a better understanding of the communicative process, personal stimulation and reinforcement of their own beliefs and attitudes, and an appreciation of effective speaking.

It may be said of Foote that he was motivated in these five ways in arranging to hear as many other well-known speakers as he could. He was an active, alert, observant listener. He observed a speaker’s invention or speech content. For example, after hearing Francis Scott Key address the United States Supreme Court in 1825, Foote recalled the speaker’s ability to make his thought clear. Foote says,

I am sure that no one ever heard him exhibit his extraordinary powers of discussion, to whom the ideas to which he essayed to give expression seemed at all cloudy or perplexed, . . . . The subject was particularly suited to his habits of thought. . . . It seemed to me he said all the case demanded, and yet no more than was needful to be said.

106 Foote, Reminiscences, 194.
Foote attended meetings for the purpose of hearing important speakers out of a desire to hear good oratory and for personal stimulation and in appreciation of effective speaking. His acquaintance with rhetorical techniques and the communicative process is reflected in his comments concerning other speakers.

It may be said of Foote that because he was an interested, discriminating listener, a trained rhetorician, and because of his own known speaking ability he appears to have learned much about rhetoric from hearing the best orators of the day. It may be concluded, therefore, that observing other speakers constituted an important part of Foote's speech training.

**Delivery**

In analyzing Foote's delivery three factors are of particular significance: appearance, vocal and bodily control.

**Appearance**

Concerning the speaker's appearance Gray and Braden observe: "Large men are often regarded as more commanding in appearance." Thus, they add, "It behooves the smaller person to take special precautions to appear dignified and impressive."\(^{109}\) This admonition applies

\(^{109}\)Gray and Braden, *op. cit.*, 267.
to Foote.

In general appearance Foote was a man of small stature, 110 but to say that he was "a diminutive," 111 "bantam of a man," 112 or a "fragile" 113 person is somewhat misleading. Peatfield, a contemporary who knew Foote, gave Foote's height as "about five feet eight inches." 114 O'Meara, who knew Foote, said his body was "delicately molded," 115 which probably led Hamilton, writing in 1964, to describe him as "fragile." At the same time, Foote's durability was stressed by Peatfield 116 and Rowland. 117

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110 Peatfield, loc. cit.; Davis, loc. cit.; O'Meara, loc. cit.

111 Holman Hamilton, Prologue to Conflict: The Crisis and Compromise of 1850 (Lexington: University of Kentucky Press, 1964), 41; Clayton Thomas Rand, Men of Spine in Mississippi (Gulfport, Mississippi: The Dixie Press, 1940), 163.


113 Hamilton, loc. cit.

114 Peatfield, loc. cit.

115 O'Meara, loc. cit.

116 Peatfield, loc. cit.

Foote had a "finely shaped forehead," and a large, bald, and well-developed head. His hair, though sparse, was fiery red, and his "eyes were bright and piercing."

In his movements Foote was said to have been a vigorous man, with a "quick, light, springy step [which] proclaimed his physical and mental activity." Peatfield, recalling his impressions of Foote in 1854, said that he "was in the prime of life; vigorous, energetic and capable of great endurance." Thus, it appears that Foote's smallness of stature was offset by features which gave him the appearance of a dynamic, forceful individual.

On the platform Foote's demeanor reflected an intense interest in the moment, as well as the issues of the day, an air of expectancy, enthusiasm and readiness for verbal combat. His perceptive powers led him to

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118 Peatfield, loc. cit.
119 Davis, loc. cit.; Rowland, loc. cit.; Rand, loc. cit.
120 Peatfield, loc. cit.
121 *Nashville Daily American*, February 16, 1878.
122 Rowland, loc. cit.
123 Peatfield, loc. cit.
124 Peatfield, *op. cit.*, 649.
give rapt attention to what other speakers were saying, particularly the opposition. He was quick to his feet when offended by an opponent. Temple described Foote's platform behavior while his opponent was making strikes against him: "Sometimes he would start, as was his custom under great excitement, as if to assault the speaker, and then resume his attitude of astonishment." There was, then, in Foote's platform image an air of restlessness. The ladies liked his graceful manners, courtliness and affability, as well as his ability in verbal combat. With an occasional exception Foote was dignified, radiating warmth and charm, even when indulging in satire and invective. These were traits which caused a debate involving Foote to be a crowd pleasing experience.

Bodily Control

Foote's bodily control was at all times dignified. On the platform he exhibited "the urbanity of a gentleman

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125 Oliver P. Temple, Notable Men of Tennessee From 1833 to 1875 (New York: The Cosmopolitan Press, 1912), 130.

126 Southern Reformer, September 21, 1844; Flag of the Union, July 11, 1851, June 25, 1852; Sacramento Daily Union, January 25, 1855, June 27, 1855; Davis, op. cit., 318-322.

127 Flag of the Union, April 25, 1851.
with the polished manners of a Talleyrand or Chesterfield. Reuben Davis wrote: "When Foote took the stand, he assumed his most courtly, kind and affable manner. . . ."  

Known at the time he entered the Senate to have been "hot-tempered and quarrelsome," Foote generally could maintain an inward calm in the heat of debate, particularly if he felt that the debate was going well. Rowland noted that "Foote could smile while his opponent was boiling with rage and passion." Following one debate an observer stated:

[Foote] is as grave as an owl, while he is pouring the tide of laughter through his audience. Doubtless he enjoys it in his heart, but it is from those depths from which not a ripple reaches the countenance. He utters equally the drollest and bitterest things, with a look of innocent simplicity that adds infinitely to the effect.  

Rowland wrote: "He had courage and dramatic power as rare as they were effective. . . . His face was full of fire. . . . The play of his countenance was wonderful."

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128 The Mississippian, October 23, 1850.

129 Davis, op. cit., 199. See also Vicksburg Weekly Sentinel, September 7, 1840.

130 Lomas, op. cit., 23.

131 Rowland, op. cit., 369.

132 Charleston Mercury, quoted in the Columbus Democrat, February 9, 1850.

133 Rowland, op. cit., 371-372.
Foote was animated in his bodily movement, versatile in adapting his techniques to the exigencies of the occasion. On one occasion he attended the formal dedication of a large log cabin, constructed as a Whig meeting place. The preliminaries were marked by the consumption of much cider and barbecue, whereupon it was decreed that only Whigs could speak. Some thought Foote qualified indicating that he was "as much whig as democrat." The Mississippian reported:

The whigs became more uproarious than ever; they hurraed in the cabin, blew the ram's horn, shot off the big gun, and interrupted the general at the close of every sentence . . . but he stood up to the cabin, cider or no cider, and talked on. At last as he could not be heard in the way of a speech, he proposed to tell anecdotes, but the whigs could not see any point to any of them. Then he proposed to sing, but the hard cider boys were past all love for melody. Finally, the Gen. proposed to dance—now this was natural as the Gen. had just turned a somersault, but the log cabin chaps had no taste for the fine arts, and declined all further amusements. So the affair ended in a complete farce.

Another newspaper wrote of the event: "With the political form of a Proteus and the restless activity of a Mercury, with the same fury for speaking with which Byron possessed Southey for writing," Foote tried but failed to hold their interest against their unwillingness that he should speak.

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134 The Mississippian, May 15, 1840.
135 The Southern Sun (Jackson), May 19, 1840.
Vocal Delivery

In Foote's comments about the voice control of other speakers one can find the criteria by which he must have set his own goals as a speaker. He particularly favored voices that were clear, strong and sonorous. The more pleasing voice was thought to be "melody itself," a quality Foote found in Robert Y. Hayne. Foote favored a voice, such as Felix Grundy's, which was expressive "of all the emotions of which the human soul is susceptible." He appreciated superior articulation and enunciation.

Foote's delivery reminded Rowland of the Elder Pitt:

When the elder Pitt first filled the House with his vibrating voice, he already possessed his indomitable audacity. A proud haughtiness ... an arrogance which reduced his companions to the rank of subalterns, an ambition which brought into parliament the vehemence and declamation of the stage, the brilliance of fitful inspiration, the boldness of poetic imagery. Such were the sources of his power.

Rowland added: "A study of the career of Senator Foote reveals many like traits and methods."

Though descriptions of Foote's delivery are usually couched in general terms which would apply equally

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136 Foote, Reminiscences, 34.
137 Foote, Bench and Bar, 156.
138 Rowland, op. cit., 370.
to voice, bodily control and language, sources agree that his delivery was effective. Reuben Davis, after hearing Foote speak at Davis' Mill, wrote: "all the emotions of his auditors seemed aroused at his touch, and applause rolled up in great waves like a swelling sea."139

Foote was known to have had a powerful voice, one that carried well.140 At Davis' Mill Foote spoke "for several hours in an animated strain" to a crowd variously estimated at from 5,000 to 8,000 people.141 On another occasion, noting that Foote had already delivered a speech in another town the same day, a reporter observed: "Notwithstanding the fatigue" he addressed the audience "with unabated vigor for an hour and a half with his usual thrilling effect."142

Foote's delivery, at other times, was described as "fervid," and his attacks on the opposition were "scathing and withering,"143 "vehement, sublime."144

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139Davis, op. cit., 197.
140Flag of the Union, July 11, 1851.
141The Mississippian, August 2, 1844.
142Vicksburg Tri-Weekly Sentinel, September 7, 1840.
143Southern Reformer, August 10, 1844. See also Foote Manuscript; New York Times, May 14, 1880.
144Southern Reformer, August 10, 1844.
One listener described his voice during the 1851 campaign as "electric." Another during the campaign reported that "The Piney Woods are ringing with his eloquence." 145

Foote's impetuous and fractious nature influenced his rate of speaking. In a speech at Franklin, Mississippi, during the 1844 presidential canvass, Foote poured in upon [his opponent] such a volley of bitter sarcasm and invective as to cause almost a continued shout of applause from the crowd. 146 Following an attack upon Quitman during the 1851 campaign, one observer said of Foote: "It seemed as though he could not allow his words time enough to flow out, but they came rushing out in a burning torrent of eloquence that fell like lava upon his unfortunate victim." 147 In the Senate Foote "was relentless in attack," suggesting vocal intensity and a rapid rate. 148

Foote's voice quality apparently varied considerably from speech to speech. When indulging in sarcasm

145 Hinds County Gazette (Raymond, Mississippi), May 1, 1851.

146 Southern Reformer, July 20, 1844.


148 Hamilton, loc. cit.
and invective, which he often did in the Senate and on the hustings, he was known for his "whiplash tongue."\textsuperscript{149} At other times, even when engaging in verbal needling, he spoke in tones of affection and urbanity. On one such occasion an observer noted: "His voice is soft and affectionate in the meantime, and his whole manner refreshingly cool."\textsuperscript{150}

While Foote's delivery was known to be effective, particularly in stump speaking, not all of his techniques were virtues and it is doubtful whether he achieved the ideals in delivery which he looked for in other speakers. He was known for his hot temper and boldness which often became brashness.\textsuperscript{151} One such incident occurred in the final hours of the Senate session on March 3, 4, 1849. Dyer wrote:

> Sometimes the confusion was so great that speakers could not be heard. . . . Senator Foote, of Mississippi, boisterously insisted that the session had terminated at midnight. . . . He became so intolerably wearisome and

\textsuperscript{149}Ibid.

\textsuperscript{150}Charleston Mercury, quoted in Columbus Democrat, February 9, 1850.

offensive that at last he was hissed.\textsuperscript{152}

\textbf{Summary}

Foote was born of an old and aristocratic Virginia family. He was acquainted with other old, aristocratic Virginia families. Throughout his life he exhibited great pride in his inheritance of family and state. His love of Virginia never faded; nevertheless it did not bind him to Virginia soil. Rather, it motivated him to seek fame and fortune in the newer Southern states, first in Alabama and, then by a twist of circumstances, in Mississippi. Equipped with a substantial, though limited formal, education and a license to practice law Foote sought greatness as an advocate, a legislator, United States Senator, and Governor of Mississippi. He succeeded in equipping himself for this multiphased career and succeeded in achieving national acclaim. He did not, however, acquire a fortune, due to a generous nature and sympathy for the

\textsuperscript{152}Oliver Dyer, Great Senators of the United States Forty Years Ago (1848 and 1849) With Personal Recollections and Delineations of Calhoun, Benton, Clay, Webster, General Houston, Jefferson Davis, and Other Distinguished Statesmen of that Period (New York: Robert Bonner's Sons, 1889), 278-279; Congressional Globe, 30 Congress, 2 Session, 686.
plight of many of his clients and friends. Whether he achieved greatness is still an open question in the minds of historians. Whether he achieved greatness as a speaker is a part of this study. That he prepared himself well for the pursuit of greatness seems well-established.
CHAPTER III

FOOTE AS A RHETORICAL CRITIC: HIS VIEWS
OF ORATORS AND ORATORY

Throughout his life Henry Stuart Foote had an intense interest in public speaking. He took advantage of opportunities to hear prominent speakers. The extent to which Foote did so is reflected in three of his written works: War of the Rebellion; 1866; A Casket of Reminiscences, 1874; and The Bench and Bar of the South and Southwest, 1876. In these works he makes numerous comments about the speaking of prominent personages and his evaluations reflect on him as a speech critic and his familiarity with the classical rhetorics. This chapter explores Foote's evaluations of other speakers with the view of delineating his theory and principles of rhetoric, the assumption being that such principles influenced Foote's speaking.

The Importance of Rhetoric

Foote's Belief About Rhetoric and Success

Foote believed that skill in speaking was essential for success in public affairs. His written works reveal his confidence in his own speaking skill and its role in his career. He likewise recognized the role of public speaking in the success of other speakers.
Foote's view of the importance of public address is reflected in his comments about John N. Drake. While on legal business in Brandon, Mississippi, Foote learned that young Drake's speaking before the Brandon debating society had fascinated the local citizens. It happened that a States Rights meeting was to be held the following day in the local courthouse. Upon learning that Drake shared his pro-Union views, Foote persuaded the young man to speak in rebuttal to the principal speaker. So impressed with the young man's ability Foote urged Drake to run for the office of district attorney. Foote recalled telling Drake:

Now, sir, your fortune is made, if you choose to gather the harvest of renown and emolument which is spread out before you. The victory which you have just received will make you known, and favorably known, to all Mississippi. Such oratorical powers as you have displayed should by no means be withheld from the forum. I propose to you to become a member of the bar. I will hand you a short list of law books which I would urge you to read without delay. In regard to obtaining a license to practice, I will see that this will cost you no difficulty. I learned that the district attorneyship in this district is now vacant. Announce yourself at once as a candidate for this position. Your speech of today will insure your election, if followed up by one or two addresses of similar vigour in the other counties of the district.1

1Henry Stuart Foote, The Bench and Bar of the South and Southwest (St. Louis: Soule, Thomas, and Wentworth, 1876), 96-97. Hereafter cited as Foote, Bench and Bar.
The eminence which was achieved by men like Seth Barton, John M. Berrien, Henry Clay, John C. Calhoun, Robert Y. Hayne, Daniel Webster, and Felix Grundy was viewed by Foote as being a result of their speaking ability.

Seth Barton was one of the more successful lawyers whom Foote had a chance to observe. Of Barton's speaking Foote wrote: "... in solidarity and strength of reasoning he was excelled by few of his competitors for forensic fame." Barton's "powers of condensation were such as caused him often to be warmly commended by those who listened to him in cases of importance and difficulty ...", yet at the same time Foote recognized that Barton "... like [Edmund] Burke sometimes spoke at such prodigious length, and with such copiousness of illustration, that his hearers were painfully fatigued with his masterly but tedious utterances."²

Foote attributed the success of John M. Berrien as an advocate before the Supreme Court to his ability to make his speech interesting and his points clear. Recalling having heard Berrien speak before the Court in 1825, Foote said: "From the beginning of his grave and impressive exordium, up even to the close of his

²Ibid., 203.
splendid peroration, he was listened to with unbroken attention, and never was speech more deserving of this quiet but expressive homage.  

Foote perhaps was most impressed by the speaking of the great trio Clay, Calhoun, and Webster. Of Clay's speaking, he remarked, "Those who have heard Mr. Clay upon great occasions admit that he was, upon the whole, the most winning, electrical, and truly commanding speaker that has appeared in America during the present century." Foote attributed Calhoun's success more to his ability to reason than to his delivery. Of Calhoun, with whom he was closely associated during the period leading up to the Compromise of 1850, Foote said, "Few more logical and vigorous reasoners have made their appearance in the world." At another point he remarked that

Calhoun was profoundly metaphysical in his habits of thought, and had penetrated deeply into all the mysterious arcana connected with the fundamental principles of government; and he poured forth occasionally, in his moments of highest exertion, a continued series of massive and interlinked deductions, constantly advancing from one alpine height of argument to another. . . . 

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Of Daniel Webster's speaking Foote seemed almost overwhelmed. Foote had shared hours of conversation and numerous social occasions with Webster, and had listened to his speeches in the Senate. Foote stated:

Of Mr. Webster I hesitate to speak. He was so superior in power of thought, in grandeur of conception, in genuine logical power, in condensed vigor of expression, in brilliancy of fancy, in spritely and amiable facetiousness, in the richest stores of well-digested knowledge, scholastic, scientific, or practical, to any other public servant that I have had the fortune to know, or that I have ever heard described, that I have no words in which to express my admiration of him. . . . I had never heard him speak in the Senate on any occasion whatever, when every sentence was not fit to be put in print. Who has ever read a paragraph of his masterly composition and desired to change a syllable?

Thus, it seems evident that Foote regarded oratorical ability as an essential factor in the success of men in public affairs.

Foote's Theory of Rhetoric

This section delineates Foote's theory of rhetoric which guided him in his own speaking.

Sources of Foote's Rhetorical Concepts

Foote came closest to stating his rhetorical theory in his discussion of Felix Grundy:

5Ibid., 189.
Indeed I have reason to believe that, though this renowned advocate knew... how to put in practice the *ars celare artem*; yet that he had in his time devoted far more attention than the majority of our modern orators are accustomed to do, to that noble *art rhetorical* such men as Demosthenes and Cicero, Chatham and Mirabeau, Choate and Everett are known to have thoroughly mastered.

In the discussion Foote revealed his knowledge of the classical canons of rhetoric:

Five fundamental rules I am confident he never failed to observe: 1. To study and understand beforehand, perfectly, the matters, whether of fact or law, which he was called to discuss: 2. To arrange all these matters in an orderly manner in the repositories of his own mind: 3. To impart such ornament to the whole mass thereof, or to detached parts, as he might judge most tasteful and impressive: 4. To store all these in his memory, so as to be able to bring them into display with readiness and ease: 5. To predetermine everything material connected with what we modern call delivery, and what the ancients called action, embracing, of course, the expression of the countenance, the movements of the body and its several members, and all the different intonations of which the human voice is susceptible.

Foote did not disclose the source of his statement of the canons, but his many references to Cicero point to the Roman.

In his criticism of Robert H. Adams Foote demonstrates his familiarity with Aristotle and Quintilian.

It is certain that the lucubrations of Aristotle, of Quintilian, and of the other ancient masters of dialectics and of the art rhetorical, were ever to him as a sealed fountain. He has never been even suspected of looking with a critic's glance

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6 Foote, *Bench and Bar*, 157-158.
upon the wondrous classic writers of ancient Greece and Rome. . . . The best speeches of Demosthenes and Cicero he had doubtless perused in English dress. . . .

Here Foote clearly implies his familiarity with the speeches of the Greek and Roman orators.

Foote implies his acquaintance with Cicero's Orator in commenting upon Hugh Lawson White:

Cicero has told us, in his 'Orator,' that the 'eloquent speaker is a man who speaks in the forum and in civil causes in such a manner to prove, to delight, and to persuade.' This seems to me as precise and accurate description of Judge White as could well be drawn. . . .

Foote had a high regard for Quintilian, as an "illustrious Roman advocate." In essaying upon the question of ethics among the lawyers practicing in Mississippi at the time he first arrived in that state, Foote quoted at length from Quintilian's "Immortal Work on Rhetoric," touching upon the question of whether an orator should "always plead gratuitously." The passage cited closes with Quintilian's statement:

The orator, therefore, will entertain no desire of gaining more than shall be just sufficient, and, even if he be poor, he will not receive anything as pay, but will consider it only as an acknowledgement of service, being conscious that he has conferred much more than he receives.

\[7\text{Ibid.}, 26-27.\]
\[8\text{Ibid.}, 120.\]
Revealing an insight into the history of Quintilian's times he stated: "One can scarcely avoid feeling some surprise that views so pure and exalted should have found utterance in the hearing of the Roman youth during the reign of the infamous Domitian. . . .\(^9\)

Among the many American orators to whom Foote gave high speaker ratings was Robert Y. Hayne of South Carolina. After hearing Hayne speak, Foote called upon him and talked with him at length about eloquence. They discussed the Webster-Hayne debate, and Hayne expressed doubt that his speech was in the class of Webster's famous reply. Hayne's description of the famous exchange between him and Webster reminded Foote of Aeschines telling his students at Rhodes about the greatness of the speech of Demosthenes.\(^10\)

Foote's familiarity with the Greek and Roman history and speakers is also indicated in his remarks about Daniel Webster and U. S. Grant. Recalling Webster's toast to a foreign dignitary at a Washington dinner, Foote remarked: "Neither Pericles nor Tacitus, in their most inspired moments, could have given a more noble and felicitous expression to stately and elevated thoughts and sentiments concerning the happiness and

\(^9\)Ibid., 58-59.

\(^{10}\)Foote, Reminiscences, 33-38.
true glory of governments and people." Foote said that Grant had "something of the stern and lofty virtue of an Aristides or a Cato."\footnote{Ibid., 9, 19.}

Reflecting upon William H. Seward's public career, Foote noted: "He never rose to the dignity and eloquence of a Cicero or a Macaulay, and never exhibited the grandeur or profoundity [sic] of a Burke or a Webster." Though lacking in oratorical ability, Seward could possibly have written such a work as that bequeathed to the world by Quintilian; [but] no amount of industry, no confluence of fortunate circumstances, could have ever enabled him to attain a height of oratorical excellence which might suggest to the minds of those who listened to him the propriety of comparing him to a Demosthenes, a Cicero, a Chatham, or a Clay.\footnote{Ibid., 124, 125.}

As a close student of Cicero, not only does he refer to Cicero as a rhetorician but he makes numerous references to Cicero's speeches. Having heard Henry Clay speak in Nashville during the 1840 presidential campaign, Foote observed: "The great leader of the Whig party was himself decidedly in the prosecuting vein, and showed powers of accusatory eloquence little inferior to those displayed by Cicero in his speeches against Verres, or Burke in his terrible arraignment of Warren
Foote learned much from Roman history that aided him as a senator. For example, he contended that if the South should succeed in withdrawing from the Union there would then be constant border clashes, requiring standing armies in both the North and the South. This view is directly traceable to Cicero. 14

Foote acknowledged his respect for Cicero's advice to the orator. In an evaluation Foote approved of Robert J. Walker as a speaker except that Walker had difficulty with the control of his pitch level, "the transitions of which were alike sudden and extreme, without the least approach to the famous os rotundum so much lauded by Cicero." 15

Foote found the Greek and Roman classics to be rich in treasures for the orator. He noted that John R. Grimes had discovered these treasures:

The Greek and Roman classics he had read and re-read until all the precious treasures which they contained had been made a portion of his own private property, and all the beauties, both of sentiment and expression, which render them so attractive and enamouring, had been safely laid away in the recesses of his own surprisingly retentive memory, to be reproduced with undiminished

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13 Foote, *Bench and Bar*, 158.
splendor and effectiveness when some occasion should call them forth.

Foote reveals his in-depth reading of the Roman orations when he adds, "As a logician it is doubtful whether anyone superior to [Grimes] has appeared in the forum since the days of Tacitus and Pliny."\(^{16}\)

In his own speaking Foote doubtless benefited from a study of the noted English orators of the eighteenth century. His knowledge of their speaking and his appreciation of their successes are indicated in his many references to them. Foote frequently referred to Burke, Chatham, John Philpot Curran, Thomas Erskine, Charles James Fox, Lord Mansfield, Sir James McIntosh, and William Pitt the Younger.\(^{17}\)

An ardent student of ancient history, classical rhetoric, Greek and Roman literature, and British history and oratory, Foote put this knowledge to effective use, taking the advice of Quintilian that the training of the orator should include practice in reading, writing, and speaking.\(^{18}\)

\(^{16}\)Ibid., 198.

\(^{17}\)Ibid., 3, 14, 27, 36, 51, 61, 68, 81, 125, 158, 162, 176, 203.

Foote's Application of Classical Criteria
To Contemporary Orators

This section discusses Foote's application of classical criteria to the speaking of his contemporaries. Foote comments upon speakers in three traditional categories: courtroom speaking, deliberative speaking, and ceremonial speaking.

Means of Persuasion

Foote's conception of invention required that the speaker "study and understand beforehand, perfectly, the matters, whether of fact or law, which he was called to discuss." No where does Foote use formal references to the canons, nor does he in discussing invention use the terms ethos, logos, or pathos. However, in his critical evaluations in non-technical language Foote incorporates a full discussion of the traditional attributes which fall within the term invention.

Giving a broad interpretation of invention, Thonssen, Baird and Braden state: "We may say in general that the concept of invention includes the entire investigative undertaking, the idea of the status, and the modes of

19Foote, Bench and Bar, 158.
persuasion—logical, emotional, and ethical—in all their complex interrelations."^20

**Ethical Appeal**

On the basis of his criticisms Foote's conception of ethical appeal includes the speaker's appearance, preparation and training, and his character and personality. Foote also emphasized Quintilian's "good man speaking well" concept, a point of view stressed by modern rhetorians.21

It has been noted that Foote was a perceptive person. He was impressed by the speaker's appearance considering it an important part of ethical appeal. Foote viewed a speaker's manner of dress, the shape of his head, handsomeness of his body, and his height as important aspects of his public image. Note his observation of John M. Berrien: "His forehead, though not unusually high, was broad and well-developed; his eyes large, lustrous, and penetrating . . ."^22


Foote observed that James Davenport "was of delicate physical structure, but of very symmetrical proportions and possessed an expression of countenance as soft and benignant as we are accustomed to behold in the gentler sex." Foote describes John N. Drake as being "of ordinary stature, of good physical proportions, having a bright and genial face and [was] . . . handsome." The role which the speaker's facial countenance played in speaking is reflected in Foote's remarks about Judge John I. Guion: "He possessed . . . a face of much regularity and beauty, and a genial expression of countenance which predisposed those who met him to yield to him their confidence and sympathy." Foote observed this feature in Felix Grundy: "His person was impressive and commanding; his face was radiant with the mingled beams of genius and benevolence . . . ." 23 Foote was much impressed by Robert Y. Hayne:

[Hayne was] of medium stature, well-shaped, and of a singularly animated and mercurial aspect. His eyes were very bright and dazzling, and of a light hazel color. His countenance wore a mild and benignant expression. His face was cleanly shaven, and he was eloquently but unostentatively attired. His manners were marked with a graceful and winning affability which I have never seen surpassed. 24

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23 Foote, *Bench and Bar*, 223, 94, 71, 156.

Foote noted that John J. Ormond, a lawyer, reflected a polish in his appearance and manners, and that he was a gentleman who "had a dignity and statliness about him" which always commanded the attention of both the court and the jury. Similarly Foote observed that Judge William L. Sharkey was "a majestic and commanding person." Robert J. Walker was a man of small stature, "diminutive" but "well-proportioned." Foote described William Lowndes Yancey as a man of about average height, well-shaped face, neither handsome nor the reverse. Yancey dressed plainly but his clothes were ill-fitting.25

There were other instances in which Foote's descriptions were detailed. For example, he described James Barbour in the following terms:

I have seen James Barbour often; a nobler and more majestic looking person I never expect to behold. He was tall, straight, and of the most symmetrical proportions. He had a high and expanded forehead, large and lustrous eyes; his eyebrows, black and bushy, were most proudly and imperiously arched; his nose was aquiline, and as expressive as could have been that of Julius Caesar himself.

Foote observed in the Reverend John Newland Maffit "one of the most remarkable men . . . that I have ever seen."

The Reverend Maffit was described as follows:

He was of rather low stature—not being, as I should conjecture, more than five feet five inches in height. He was of admirable proportion; his movements were easy and graceful, and he might justly have been called a handsome man. He had a well-shaped head; a smooth and commanding forehead; a profuse suit of coal-black, glossy hair; large and lustrous eyes; a handsome nose, mouth, and chin; and his countenance was one of the most bright and attractive I ever gazed upon.

Foote’s most vivid and detailed description of the many speakers discussed by him is that of Seargent S. Prentiss, a man whom Foote knew well over a long period of time and whom Foote had faced in numerous court cases. Foote states:

There was much that was remarkable in the appearance and bearing of Mr. Prentiss at this time. He was not more, I think, than five feet six-and-a-half inches in height; was very stoutly built, and well-proportioned. His head was somewhat large when compared with his body; it was one that a Grecian artist might well desire to copy. His forehead was wide, high, and almost semi-circular in its outline—so admirable were all the important phrenological organs developed. His eyebrows were full, but not bushy, and were gently arched. His eyes were large, bright, and of an expression in which the absolute fearlessness of his nature was very happily blended with the rarest geniality of spirit and the keenest relish for the ludicrous. He had a moderate beard and always kept his face cleanly shaven. His chest was one of the greatest expansiveness, and, though perfectly straight between the shoulders, a stranger approaching him from the rear could not avoid being struck with the singular breadth and fullness of the whole tergal superficies. His nose was Grecian, and was both beautiful in its shape and highly expressive. His upper lip was a little shorter than is customary, and of a flexibility I have never seen equalled. Often he was seen to curl it up, both in myrth and anger, displaying to view a set of strong, well-set, and beautifully white teeth. He had all his life suffered from a lameness in one of his feet, and was said to have a good deal of sensitiveness
in regard to its malformation, though this I was never able to discover. He hobbled, of course, very perceptively in his gait, and would, I suppose, have found it difficult to walk at all without the aid of the large stick which was his perpetual attendant.26

The foregoing descriptions suggest that Foote viewed the speaker's appearance as important to his success as a speaker. Foote approved of a man whose appearance was neat, bearing graceful, body well-proportioned, and clothes well-tailored. He did not approve of unrefined manners. Traits which Foote disapproved of were reflected in his description of William H. Seward:

His manner as a speaker was far below his matter in point of dignity and impressiveness. His person was diminutive; his face was almost beardless; he had a cold gray eye, which never glistened with excitement, and never mellowed with sympathetic emotions; his movements, when on his legs, were awkward and shambling. . . . 27

The Speaker's Preparation and Training

Foote placed great stress upon the training and preparation for speaking. To him knowledge was power and thus knowledge and training were important facets of a speaker's ethical appeal. Foote made general erudition the basic objective of the speaker's education. If a speaker could not have general knowledge

27Ibid., 125-126.
about history, politics, law, literature, and science, then he certainly should be well versed in his own field, for example, in the law.

In his comments concerning the education and training of speakers, Foote first stressed the speaker's intellect. The speaking of Hon. J. L. Alcorn, for example, was characterized by "vigour of intellect, remarkable industry, and thorough knowledge of law." Of Thomas Hart Benton, said Foote, was a man of "considerable native strength of intellect." Of Judge William F. Cooper of Tennessee, Foote observed: "His mind is at once astute, vigorous, and prompt in action. . ." Of Andrew A. Ewing, Foote wrote, "His perceptive powers were quick and lively; his judgment was solid and accurate; his sensibilities were easily aroused. . ." Col. John R. Grimes was a speaker whose "face beamed with intellect; his eye impressed the beholder with mingled respect and sympathy." Reverdy Johnson, one of several speakers whom Foote heard before the Supreme Court, was a man "of uncommon strength and acuteness" of mind. As a speaker he said that

28 Foote, *Bench and Bar*, 249.
Thomas A. R. Nelson was brilliant and versatile, a man of excellent education. In describing the speaking of Yancey, Foote noted, "His acute and well-balanced intellect, supplied as it was with vast stores of information . . ., generally enabled him to anticipate and respond effectively to whatever might be said by his adversaries in debate." Foote regarded mental ability as a source of a speaker's confidence, as in the case of Prentiss.

Though very modest by nature, he had already had such proofs of his own mental superiority to all with whom he was thrown in competition that he had naturally acquired a noble confidence in his own powers, which could not but be more or less apparent, both in his aspect and demeanor, and alike in the discussions of the forum and in ordinary converse. . . .

Foote was impressed with the mental capabilities of William Yerger, a lawyer who at age twenty-two shared a case with Foote. Of Yerger he said:

I could not help being forcibly struck with an intellectual display so very superior to most exhibitions of the kind I have witnessed, and suggesting almost inevitably the example of intellectual precocity of the Younger Pitt and Alexander Hamilton. Mr. Yerger was even then a well-read and able lawyer; a right and accurate scholar; a profound judge of men and affairs. . . .

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32 Foote, Bench and Bar, 182, 238.
33 Foote, Reminiscences, 429-430.
34 Foote, Bench and Bar, 81.
Secondly, Foote emphasized the speakers' continuing education. Of the sixty-five speakers whom Foote analyzed in some detail four were found to be lacking in depth of training. Neil S. Brown, ex-governor of Tennessee, in Foote's judgment, was not well-educated, but through diligence he had largely overcome the handicap. George Colter's "mind was exceedingly slow in its movements, and he had not the least relish for intellectual novelties of any description." Foote looked upon Jefferson Davis as a man lacking in "scholarship" and "general erudition," though because of a long standing enmity between the two men Foote's view was doubtless biased. Foote thought that Richard H. Webber was deeply read in his subject or profession, but had scarcely read anything else.

Finally, Foote believed that the character and personality of the speaker formed an important part of his ethical appeal. In his criticisms he praised the qualities of integrity, honesty, boldness, courage, sense of justice, devotion to principle, as well as temper and civility.

36 Flag of the Union (Jackson), February 13, 1852.
37 Foote, Bench and Bar, 109.
Foote found in John Quincy Adams a man of "inflexible honesty of purpose" in public business, of "mild and unassuming urbanity . . . with a vigilance that never winked, and an energy that never knew exhaustion." 38 Foote admired John Bell and Emerson Etheridge of Tennessee 40 for their abhorrence of all forms of chicanery. While Foote opposed John C. Calhoun during the Compromise debates of 1850, he looked upon Calhoun as a man of "undoubted personal integrity" 41 who "was as pure-minded and incorruptible a statesman as our country ever produced. His morals were such as philosophers might emulate and saints approve. He was intensely ambitious of public honors . . ." but would not resort to any form of trickery to achieve it. 42

John N. Drake was admired for his devotion to the rule of law and the eternal principles of justice. A. H. Garland of Arkansas was a man of noble traits of character, industry and ability as a lawyer, who was known for his "inflexible devotion to principle" and

38 Foote, War of The Rebellion, 88-89.
40 Foote, Bench and Bar, 215-216.
41 Foote, War of the Rebellion, 91.
42 Foote, Reminiscences, 78.
"high moral courage." Foote had a lasting admiration for L. Q. C. Lamar, "a man of unswerving integrity and unblemished honor," and "manliness, affability, and unbending sense of justice."\(^4\) Foote thought that John A. Quitman, his first opponent in the 1851 campaign for governor, "was truthful, honest, brave, of a slow and plodding intellect," but had a more solid intellect and was better informed than Jefferson Davis, his second opponent.\(^4\)

Foote saw ethical strength in Clay, Calhoun, and William L. Sharkey for their boldness in defending their views. Clay

was the frankest of men, and was far too fearless of soul to seek safety in the concealment of his opinions on any subject, or in the profession of sentiments of esteem and kindness for individuals which he did not feel.

Foote regarded Calhoun's courage as stemming from his fervent love of his country.\(^4\) Sharkey was bold in defense of his views, to the extent of being at times "disrespectfully sneerful or unamiably sarcastic."\(^4\)


\(^4\)Foote, *Bench and Bar*, 62.
A strength which Foote noted in several speakers was observable self-confidence. After hearing John M. Berrien before the United States Supreme Court in 1825 Foote observed, "He evinced on this occasion the most complete self-possession, and seemed to hold under easy and effective control all the faculties of his mind and all the passions of his soul." ⁴⁷ William Vannerson, of the Mississippi bar, thought "highly of his powers as a speaker," styling himself earlier in his career as the "Napoleon of the bar." ⁴⁸

Foote also regarded the temperament of the speaker as an important factor in his ethos. Maintaining control of his temper proved to be a problem for Foote during many heated debates, though he attempted to maintain his equilibrium while speaking. Foote admired in other speakers their ability to remain calm and self-possessed. James Deavenport, Mississippi lawyer, reflected the "utmost sweetness of temper" and "uniform civility and friendliness of manner." Foote observed this quality in Francis B. Fogg and Godfrey Fogg, Sr., brothers. He remembered the former for "his uniformly calm and philosophic dignity of aspect and demeanor, his winning graciousness of temper, and his overflowing

⁴⁷ Foote, Reminiscences, 14.
⁴⁸ Foote, Bench and Bar, 103.
benevolence," the latter for his "serenity of temper and courtesy of manner" and "soundness and vigour of intellect." Foote recalled that Daniel Mayes, Mississippi lawyer, "in the contest of the forum . . . was never captious or impolite; never coarsely boisterous; never in least degree dogmatic or egotistical." Of George S. Yerger, lawyer of Tennessee and later Mississippi, Foote noted that while "his impulsive nature was easily aroused . . . no man ever heard him give utterance to coarse and ribald invective, or pour upon a respectable antagonist streams of low and heartless ridicule."\(^{49}\) Reverdy Johnson, whom Foote heard on numerous occasions, was "brave almost to a fault" and of a kind and genial spirit. Concerning the ethos of Robert Y. Hayne, Foote noted:

When he mounted the stand to address the audience, and for a moment stood quietly surveying the ladies and gentlemen assembled, he seemed at once to awaken a sympathy in all hearts, and to enkindle a lively curiosity, also to hear all he had to say.\(^{50}\)

Foote regarded Hayne's ethical appeal to be so strong that he was able to hold the attention even when his subject was mainly economic and his speech of considerable length.

\(^{49}\)Ibid., 222, 176, 207, 46, 76-77.

\(^{50}\)Foote, Reminiscences, 278, 33-34.
In summary, Foote regarded the speaker's ethical appeal as being dependent upon the speaker's appearance, knowledge and training, and character and personality. He appeared to believe that height, a well-shaped, symmetrical body, grace and ease of movement were important assets, and that while a speaker may dress simply his clothes should nevertheless be well-tailored. With regard to the speaker's knowledge and training he believed that a familiarity with the classics, history, speeches, literature, and science, were important. Foote further believed that if the speaker should be lacking in general knowledge he certainly should be well-prepared in his field of specialization. Finally, he thought the effective speaker should reflect the courage of his convictions, an unquestioned integrity and honesty, a devotion to justice, and should be free from chicanery, be self-confident and above all courteous, and even-tempered.

Use of Logical Reasoning.
In discussing the use of logical reasoning, Foote was less specific than in his consideration of their ethos. However, on the basis of his remarks some notion may be gained as to what he regards as important in a speaker's logical reasoning.
Foote looked upon Seth Barton, John C. Calhoun, John R. Grimes, John Haywood, Daniel Mayes and Richard H. Webber as ranking high in the use of logical forms. Of Seth Barton, Foote said: "In solidarity and strength of reasoning he was excelled by few of his competitors for forensic fame." Foote noted that Calhoun... poured forth occasionally, in his moments of highest exertion, such a continued series of massive and strongly interlinked deductions, constantly advancing from one Alpine height of argument to another, that the mind of the ordinary hearer was often most painfully exercised in attempting to follow his giant intellectual strides. ... At another point Foote said of Calhoun, "Few more logical and vigorous reasoners have made their appearance in the world." Foote recalled one case in which Grimes, whom he compared to the ancients, Tacitus and Pliny, faced the famous S. S. Prentiss and employed "cold and passionless logic—set off and embellished with a show of perfect good nature...." Foote thought John Haywood's reasoning compared favorably to that of the great Chief Justice John Marshall. Daniel Mayes used "a marvelous combination of ingenious and forcible argument, winning and pathetic eloquence, and lucid exposition of the law." Richard H. 

51Foote, Bench and Bar, 203.
52Foote, War of the Rebellion, 91.
53Foote, Reminiscences, 78.
Webber was particularly effective in the use of logical reasoning. Of John Berrien's logic and organization Foote stated:

The clear and copious stream of his methodical and well-digested logic flowed on in steady and unruffled grandeur, like a smooth, majestic river, fed by exhaustless fountains, ever moving forward evenly within un-navigable shallows, nor breaking forth beyond its assigned boundaries and carrying desolation and terror to regions far remote.

On the other hand, Foote noted that Neil S. Brown of Tennessee was "by no means deficient in logical clearness and force, though his rich and brilliant thoughts were not always methodized and presented in an orderly manner, in accordance with the stricter maxims of the school." Thomas A. R. Nelson, a Tennessee lawyer, had reasoning powers of a high order and possessed a "sound and discriminating judgment." Spencer Jarnigan, Senator from Tennessee, was effective in relying mainly upon facts. "When engaged in calm and unimpassioned discussion of legal principles" it was "almost impossible for any man of sound and discerning intellect to leave the courthouse whilst Mr. Jarnigan was upon his feet."

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54 Foote, Bench and Bar, 201, 130, 349-350, 109.
55 Foote, Reminiscences, 15.
56 Foote, Bench and Bar, 208-209, 182, 257.
Foote had a measure of praise for O. B. Hayes of Tennessee, Reverdy Johnson, Francis Scott Key, Patrick H. Tompkins of Mississippi and California, Edward R. Livingston, and William Lowndes Yancey. Hayes' briefs were "full to exuberance in the citation of adjudicated cases." Johnson's argument was "most complete in all its parts; being clear, methodical, and convincing." Key "always said all that the case demanded, and yet no more than was needful to be said." Tompkins "was wonderfully ready as a speaker; reasoned upon ordinary facts with much astuteness and ingenuity." Foote thought that Livingston deserved to be accorded "the highest rank at the bar in Louisiana" and was more effective in the use of logic and argument than "in soul-moving pathos." Yancey "was clear, methodical, and cogent in argument."

Foote cited several speakers whose logical reasoning failed to meet high standards. One such speaker was George Winchester.

His mind was more subtle than vigorous; more elastic in its movements, than profound in its explorations. He was given to the drawing of

57Ibid., 163.
58Foote, Reminiscences, 276, 13.
59Foote, Bench and Bar, 86-87, 193-194.
60Foote, War of the Rebellion, 293-294.
over–nice distinctions, and sometimes wearied
the court with the tedious and elaborate dis­
cussion of matters altogether of subordinate
importance, scarcely deserving to be passingly
alluded to. 61

Foote regarded John Quincy Adams as "a spirited and
powerful debater, not preeminently distinguished for
argumentative power, nor yet, indeed, wholly deficient
therein." 62 John I. Guion failed to display "the high­
est logical powers;" however, he "discussed both facts
and legal principles with much adroitness and plausi­
bility." Felix Grundy was capable of drawing tears
from the eyes of an audience but he was less effective
in the use of argument. Grundy, Foote observed, left
points of special pleading and argument demurers to his
associates. Foote thought that Robert J. Walker per­
haps over–researched his subjects. Walker had so much
information at his fingertips that it became a handi­
cap; "he sometimes appeared to impede the action of his
intellect by constraining it to bear up under a larger
mass of scientific facts than it was altogether capable
of supporting." Foote noted that "Benton delighted in
long and tedious set discourses—always crammed with
matter not always germane to the subject under consi­
deration." Foote believed that Benton felt inferior
to Clay and Grundy.

61 Foote, Bench and Bar, 109.
62 Foote, War of the Rebellion, 91.
No amount of rhetorical training could ever have enabled Mr. Benton to cope in lively and forensic eloquence with such persons as Henry Clay or Felix Grundy; in mere legal argumentation he could not hope, however favored by circumstances, to rival the condensed vigor of a Marshall or a Pinckney. . . . A painful restlessness . . . [was aroused in him in listening to Calhoun, from his] mortifying sense of intellectual inferiority. 63

In summary, Foote fails to reveal what forms of reasoning he would prefer. His remarks do indicate that a successful speaker should know how to reason effectively. Foote suggests his familiarity with logical forms in his remarks concerning Calhoun, saying that Calhoun, was capable of using "a continued series of massive and interlinked deductions." 64

Appeals to the Emotions

In his evaluations Foote made fewer, but more detailed, references to the use of emotional appeals than was the case in his discussion of logical proof. Doubtless Foote regarded Sargeant S. Prentiss as an impressive speaker in the use of pathos:

When I was introduced to him forty-two years ago, Natchez was already full of his fame. . . . He had delivered several speeches at the bar, which all admitted had never been equaled there, either in vigor of argument, brilliancy of expression, or rich and flowing facetiousness. . . . I have

63 Foote, Bench and Bar, 71, 157, 29, 161.
64 Foote, War of the Rebellion, 91.
been long satisfied that in reference to all the faculties and graces which constituted the orator Sargeant S. Prentiss [sic] was equal to almost any man of modern times. . . . At times he was indeed most electrical in his utterances, reminding one forcibly of the soul-thrilling strains of an Isaiah or an Ezekiel, of the majestic thunderings of a Pericles or a Patrick Henry, or of the tender heart-melting pathos of a Somerfield or a Maffit.

Recalling that Prentiss impressed all who heard him, Foote wrote:

I was not at all surprised to see it published in the newspapers of Boston many years ago, on the occasion of Mr. Prentiss' visit to that city for the first time, that even in the midst of the memorable dinner speech which he there delivered, Mr. Webster and Mr. Everett, with eyes overflowing under his wonderful enunciations, were heard generously whispering to each other: "We have never heard such eloquence as this before."

Foote recalled the celebrated criminal trial of Alonzo Phelps, in which for the defense he faced Prentiss, chief attorney for the prosecution:

Gen. Felix Houston and several other attorneys of rank co-operated with Mr. Prentiss in the prosecution. This gentleman on that occasion delivered by far the most eloquent and effective speech I have ever heard at the bar. It would have given increased fame to Erskine, McIntosh, or to Curran. His delineation of the character of the accused was most masterly, in the course of which he bestowed upon him the imperishable cognomen of "The Rob Roy of the Mississippi," in allusion to his habitual levying "blackmail" upon the travelers whom he, from time to time, encountered on the highways along the banks of the Mississippi; hundreds of whom he had robbed, and some of them under truly romantic and ludicrous circumstances. . . .

Prentiss' speech galled and irritated [Phelps] greatly. When the inspired orator looked round upon the prisoner with the most withering glance
of scorn and indignation, Phelps, in the desperate agony of the moment, stooped and whispered in my ear the following terrific words: "Tell me whether I stand any chance of acquittal, and tell me frankly; if my case is hopeless I will snatch a gun from the guard nearest me and send Mr. Prentiss to hell before I myself shall go there." Never was I so embarrassed in my life.

Another celebrated murder trial was that of Mercer Byrd, a free Negro. In this trial Prentiss again spoke for the prosecution, and Foote for the defense. Foote recalled:

Never shall I forget his terrible delineation, in his concluding speech, of Mercer Byrd on horseback, at the head of an army of infuriated blacks, burning, slaying, and destroying all that they encountered in their fiery and desolating career. Mercer Byrd, being a free man of color, of uncommon intelligence and of commanding aspect, was a fine subject for the display of Mr. Prentiss' rare powers of delineation. The jury almost convicted him in the box, but several of them often told me afterward that they deeply regretted the verdict, for they then thought Byrd innocent, though Mr. Prentiss' irresistible eloquence had driven them to the verdict which had taken away his life.  

Emerson Etheridge from Tennessee was particularly remembered for his "felicity in the delineation of character," and also for his "facetious sallies... of irresistible potency."  

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65Foote, Reminiscences, 429-430, 433, 436. See also Bench and Bar, 35-36.
66Foote, Bench and Bar, 215.
Foote recalled two speakers who were particularly effective in the use of sarcasm. Yancey exhibited "powers of sarcasm such as few men besides have possessed." At a later date Foote wrote that Yancey "sometimes indulged in a bitter and sneerful ridicule which it was difficult to tolerate patiently." He said that William L. Sharkey generally spoke with great solemnity, but occasionally became "disrespectfully sneerful or unamiably sarcastic."^68

Foote thought that a speaker's ability to involve the audience emotionally was an effective technique. For example, John N. Drake on one occasion, noting the presence of former Andrew Jackson soldiers, "appealed to them most earnestly not to abandon their venerated leader in arms, in this, his most difficult and perilous struggle to save his loved country from dishonor and ruin." Foote described the closing speech of John I. Guion in the Hardwicke murder trial:

Then came an animated and touching peroration, under which both jury and bystanders were melted to tears, and the oppressed and persecuted Hardwicke was in a few moments strutting from the courthouse and hurrying towards a neighboring tippling-shop, purse in hand, for the purpose of treating to liquor all who were willing to drink in honor of his deliverance.69

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68 Foote, Bench and Bar, 238, 62.
69 Ibid., 73, 96.
Foote recalled the closing remarks of Key, speaking before the Supreme Court: "He closed with a thrilling and electrifying picture of the horrors connected with this African slave trade, which would have done honor to a Pitt or a Wilberforce in their palmiest days."  

Foote thought that Felix Grundy usually avoided "exaggerated appeals to the passions," but on occasion he used them effectively. For example, in the defense of a young man accused of murder Grundy's pathetic appeals drew "tears from the eyes of all who had been in his hearing." Robert H. Adams, a speaker known also for his humor and wit, could be as bitterly sarcastic as if he had been all his life employed in learning the language of obloquy and denunciation; that he could talk when he pleased in the melting strains of heart-moving pathos. . . .

Foote obviously thought that it was an asset to the speaker if he could use humor effectively. Foote had high praise for two such speakers. When the occasion permitted Felix Grundy could convulse large crowds by the use of "innocuous and inoffensive mimicry." Patrick H. Tompkins "exhibited on all occasions a rich fund of humour, and bore along with him perpetually a weighty

70 Foote, Reminiscences, 13.
71 Foote, Bench and Bar, 157, 155, 27.
budget of apt and telling anecdotes, which he related in a manner often irresistibly comical.\textsuperscript{72}

Foote cited a few speakers who were unable to use emotional appeals effectively. Spencer Jarnigan, for example, seldom indulged in pathos and did not succeed when he did so. Edward R. Livingston was more effective in the use of logic and argument than "in soul-moving pathos." Robert J. Walker's "appeals to the passions were often feeble and ineffective."\textsuperscript{73}

Foote believed that the lawyer greatly strengthened his case if he could effectively delineate the character of the principals in the trial and the events. He approved of the use of sarcasm, but was critical of Yancey's over-use of it. Ridicule should likewise be used sparingly, a principle which his good friend William L. Sharkey was inclined to violate. Emotional appeals should be adapted to the particular audience being addressed. Finally, it may be said that Foote believed with Aristotle that the speaker should first lay a strong logical foundation for his ideas, but that he should then reinforce his ideas with emotional appeals appropriate to the occasion and the audience. The speaker should place his strongest emotional appeals in his peroration.

\textsuperscript{72}\textit{Ibid.}, 158, 86-87.
\textsuperscript{73}\textit{Ibid.}, 257, 194, 29.
Summary

From Foote's brief but numerous remarks concerning the use of invention, using the classical divisions of ethos, logos, and pathos, one may conclude that he would emphasize these three forms of invention in the order just listed. Certainly such a conclusion is warranted on the basis of the relative space devoted to the three kinds of proof. Foote devoted by far the greatest amount of space to factors relating to the individual speaking: his appearance, character and personality, and training and preparation. On the basis of his criticism of speakers who were lacking in logical powers and of those who over-used emotional appeals, it may be said that Foote would place logical appeal above emotional appeal. Finally, one may conclude that Foote preferred a balance of the three. A lack of such balance was noted in the speaking of Senator William H. Seward, of whom Foote stated:

His capacity for reasoning upon any given question was far superior to his judgment of either man or things. He did not seem to me to be so desirous of ascertaining the exact truth about any matter of dispute which he professed to be seeking to elucidate, as to make the most plausible showing possible for the side of the question which he had himself espoused. His temperament was cold and unexcitable; he had really no intense emotions, and he therefore never fell into the language of passion. His imagination
was dull and sluggish, though he had labored hard to lash it into activity.  

Foote thought that a speaker should use strong emotional appeals in his exordium to establish a rapport with his audience, should next lay the logical foundations of his speech, and should then reinforce them through the use of emotional appeals. The speaker should use his strongest emotional appeals in his peroration.

Organization

With the exception of memory, Foote had less to say about organization than about any of the other canons. His remarks again were general. He placed greatest stress upon the need for the speaker to be methodical.

He had high praise for several speakers in this regard. John M. Berrien, for example, "wandered not for a moment from the main points in controversy," and Foote recognized his "methodical and well-digested logic." O. B. Hayes, a lawyer, was known for his legal briefs which were always "skillfully framed." Daniel Mayes was usually "strictly methodical in the arrangement of his matter." George S. Yerger was known for his ability to organize. Yerger's knowledge, said Foote, was

74 Foote, Reminiscences, 125.
75 Ibid., 14-15.
"methodized as to be ready for use at any moment." 76

Seth Barton was known for "his powers of condensation," but "like Burke spoke at such prodigious length . . . that his hearers were painfully fatigued." Foote mentioned two speakers who had some trouble with organization. Neil S. Brown was "by no means deficient in logical clearness and force, though his rich and brilliant thoughts are not always methodized and presented in an orderly manner, in accordance with the stricter maxims of the schools."

Foote's most complete and detailed evaluation of a speaker's organization was that of John N. Drake. Foote described Drake's organization in one speech as follows:

He commenced in a solemn and formal manner, and uttered one of the most beautiful and impressive exordiums I ever listened to. He then entered upon the discussion of the great Constitutional question involved, and evinced a most thorough acquaintance with all the leading topics appertaining thereto, as well as with the then existing state of political parties. He dwelt upon the value of the Federal Union, quoting freely from Jackson's proclamation, . . . depicted the sufferings which must attend upon a civil war . . . then plainly menaced. His peroration was full of patriotic enthusiasm and contained a thrilling and felicitous eulogy upon General Jackson, whose numerous battles he specified by name. 77

76 Foote, Bench and Bar, 163, 46, 76.
77 Ibid., 203, 208-209, 96.
In summary, it is clear that Foote regarded a methodical and orderly progression of thought to be vital to the speaker's success.

Style

Foote gave more attention to style and delivery than to the other canons. This emphasis reflected the influence of the classical rhetorics, ancient speeches, and the English models, such as the speeches of Edmund Burke. Foote's conception of style would have the speaker "impart such ornaments to the whole mass thereof [referring to invention], or to detached parts, as he might judge most tasteful and impressive." 78

Foote's conception of style thus echoes Cicero and Quintilian. Commenting on Cicero with regard to style, Thonssen and Baird state: "... Cicero remarked that all speech was a matter of words, and that the words had to be studied both as individual units and as parts of a compositional whole." In comparing Quintilian's concept of appropriateness of style with Cicero's concept of copious language, Thonssen and Baird indicate that Quintilian held the view "that the style should be adapted not only to the cause, but to particular parts of the cause." 79  Foote referred to the Attic style in

78 Ibid., 157.
79 Thonssen and Baird, op. cit., 411, 415.
several of his criticisms, and it is evident that his conception of the nature and function of style was a direct result of his study of the ancient rhetorics.

Foote's emphasis further reflects his view of its importance to the orator's success. He recognized the use of the Attic style in his early teacher, Eliab Kingman. Noting that Kingman's command of language was unusual, Foote wrote: "It is obvious that had such a man . . . been ambitious of political preferment, there are but few civil stations to which he might not have aspired without justly incurring the charge of presumption. . . ."\(^80\) Foote here implies his view of the importance of rhetorical skill to a man in political life.

Foote's criticisms of style were more specific with reference to the kinds of style used than is his discussion of invention and organization.

Thonssen and Baird remind us that the ancient rhetoricians generally accepted the qualities of style as set forth by Theophrastus: correctness, clearness, ornateness and propriety.\(^81\) In his discussion Foote cited the following qualities: clearness, correctness, economy of words, accuracy and impressiveness. Foote


\(^81\)Thonssen and Baird, \textit{op. cit.}, 410.
noted a few speakers who were lacking in adaptation of language and in imagination and were tedious in utterance.

Peter Anderson, Foote wrote, "could, when necessary, state a point in language singular clearness and significance." Robert H. Adams could "make a statement of facts in the hearing of the jury, in a manner so lucid, so concise, and, withal, so suggestive, as to render it impossible that the most adroit and artful adversary should be able to confuse and becloud them. . . ."

Senator Spencer Jarnigan's "language was always simple, well-chosen and impressive. His elocution was pleasing, animated and free from superfluity." Foote found that Edward R. Livingston used language "more remarkable for force, clearness and precision, than for grace, declamatory power, or delicate and soul-moving pathos." 82 Francis Scott Key was likewise effective in using clear and pointed language. Key's ideas were always clear, "his elocution [never] clogged and torpid, even for the shortest period of time." His style was also characterized by the use of "choice and pointed phraseology, such as could not fail to be pleasing to persons of taste and discernment." 83 Foote made a similar observation of Daniel Mayes, who was "terse, vigorous,

82 Foote, Bench and Bar, 222, 27, 257, 194.
83 Foote, Reminiscences, 13.
pointed in his phraseology, and singularly accurate in his choice of words." William L. Sharkey "was never affected, churlish, ostentatious or pedantic; always expressed himself in language, simple, natural and idiomatic; was never unduly prolix in discussion, nor ever coarsely boisterous or dogmatic." The style of James Deavenport was characterized by "language both correct and impressive." While Judge William F. Cooper was never regarded as a brilliant speaker, "he always expressed himself in clear and forcible language; is never at a loss for words or ideas." 84

Foote was complimentary to speakers who could use original, imaginative and refined language without being ostentatious. Col. John R. Grimes was among the few speakers whom Foote placed in this category. Grimes avoided extravagant and high-flown figures of speech. [He] seldom quoted from books of any kind merely for the sake of ornament and preferred plain, idiomatic English words to the most euphonious and pompous phrases from foreign tongue. . . . Words of coarse revilement or fierce denunciation never found utterance from his lips. He employed none of the tricks and devices of false rhetoric. When drawn out in colloquy . . . he really seemed like Webster, to have read all that had been printed . . . and to be ignorant of nothing suited to strengthen the mind of man or chastely to adorn it.

84 Foote, Bench and Bar, 48, 62, 222, 269.
Of Felix Grundy, one of Foote's favorite speakers, he observed:

To everything like rant or rhapsody he was altogether averse; nor was he by any means given to pedantic pomposity... Never was [he] known to indulge in metaphysical subtlety, or to seek the applause of the superficial and uncultured by forced and extravagant figures of speech...

Similarly, Foote thought that John Bell's style in one political address reached Burkean heights of eloquence: "There is a depth and a grandeur, and a lofty and fervid eloquence displayed in certain portions of this speech." Putting William H. Haswell in this select group, he stated: "His imagination was easily excited to action, and when fully roused, displayed a fertility and pictorial splendor not often exemplified." To this group Foote also added George Winchester, who "spoke always in refined and polished language." Yancey "always expressed himself in chaste and polished language." Foote also praised George S. Yerger: "No man ever heard him indulge in extravagant flights of imagination, ... his diction [was] chaste and unpretending."

Foote appreciated economy in style and the avoidance of extremes. In William L. Brown he noted this trait:

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85 Ibid., 197-198, 157, 179, 256, 108.
86 Foote, War of the Rebellion, 293-294.
87 Foote, Bench and Bar, 76-77.
He always spoke with earnestness, with more than ordinary facility of expression. . . . Mere flowers of rhetoric he utterly despised, and he could scarcely conceal the contempt which he felt for those who paraded them in court. . . . Seldom did he seek either for ornament or illustration outside of the large and well selected library of law books. 88

Foote appreciated a speaker who could use satire with originality and appropriateness. Emerson Etheridge was such a speaker. "His satire, on occasions demanding a resort to this terrible implement of chastisement, is as bitter and all-consuming as the most successful of the famed letters of Junius. . . ." Of another such speaker, Thomas A. R. Nelson, Foote observed: "His imagination was one of uncommon fertility and easily excited to action; he was capable of the most pungent and telling satire . . . and he possessed a command of words that was positively marvellous." 89

Foote believed that it was possible for a speaker to be diffuse and at the same time be effective. A case in point was John Haywood:

His imagination was lively and vigorous, though always held under vigorous restraint. . . . Though sometimes . . . a little diffuse in his style, was never incoherent, never feeble and trivial, never tedious and inconsequential. His was the diffusiveness of a rich lump of pure gold—heated to liquidation by the intense heat

88 Ibid., 135.
89 Ibid., 215, 182.
of the furnace, ready to spread itself abroad upon all subjects with which it might come in contact. 90

Foote found several prominent speakers to be deficient in originality and imagination. While Foote praised Benton's written style, he thought that Benton lacked imagination and used an oral style that was overly tedious. Benton "delighted in the delivery of long and tedious set discourses—always crammed with matter not always perfectly germane to the subject under consideration. . . ." 91 At another point Foote observed that Benton "was exceedingly deficient in extemporaneous oratorical power," which probably accounted for Benton's inability effectively to manage the oral style. 92 Foote had a high regard for Robert J. Walker, whose problem was similar to Benton's. Foote wrote of Walker:

Walker's imagination had been cultivated to the utmost, but its picturings were deficient in vividness and variety of coloring; . . . He always spoke and wrote with strict scholastic accuracy and with a clearness and precision which might defy criticism; but he displayed on no occasion any remarkable felicity of diction, or such exquisite beauties of phraseology as to draw forth from persons of taste and sensibility expressions of special admiration and delight. 93

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90 Ibid., 130.
91 Ibid., 161.
92 Foote, Reminiscences, 338.
93 Foote, Bench and Bar, 29.
Foote found several speakers to be deficient in style. Senator James Buchanan "was not known to deliver a single speech remarkable either for eloquence, for potential reason, or for valuable practical illustration. He was notably deficient both in ingenuity and in rhetorical brilliancy. When Buchanan was discussing disputed questions he did so "in language specially marked with a cautious circumspection almost amounting to timidity." Col. George Colter "was particularly sluggish and awkward in expression." John A. Quitman "was altogether the dullest and most prosy speaker I have ever known who could speak at all."

Foote found nothing to praise in the style of Senator William H. Seward:

His temperament was cold and unexcitable; he really had no intense emotions, and he therefore never fell in the language of passion. His imagination was dull and sluggish, though he had labored hard to lash it into activity. He had indefatigably sought to fill his memory with the beauties of speech which had originated in other minds, but without being able completely to assimilate what he had thus borrowed with his own native stores; so that when he was ambitious of adorning his elocution with figurative illustrations he wore the air of a frigid and passionless reciter of the fine utterances of others far more than he did that of a sublime and electrical enunciator of grand ideas and startling sentiments originating in a moment of peculiar inspiration in the mind of the orator himself.

94 Foote, Reminiscences, 111, 112.

95 Foote, Bench and Bar, 74.
Foote recalled that Rev. John Newland Maffit lacked many of the graces of effective language, but he was able through his unusually effective delivery to convince and captivate his audiences. Foote said of Maffit:

There was a mystery about his rhetorical utterances that I was never fully able to comprehend, though so often exposed to their influence. Whilst speaking he seemed to exert a sort of electrical power which it was almost impossible to resist, and yet must it be confessed that I never heard from him a single discourse which was either very instructive or which left behind it useful and prominent impressions of any kind whatever. His printed sermons were singularly cold and unimpressive, and it would have been difficult to find a single sentence in any of them upon which a person of refined and discriminating taste would have been disposed to lavish commendation on account either of the weight and value of the thoughts embodied therein, or in the unusual beauty of and polish of the diction employed.  

In summary, Foote's philosophy of style would build upon the basic requirements of correctness, clearness, ornamentation, and appropriateness. He related correctness and clearness to the intelligibility of the speaker's ideas and ornamentation to the speaker's use of inspiration and emotional appeal. He thought that the language of the speech should be appropriate to the subject, the speaker, the audience and the occasion. The speaker's style should reflect originality and imagination. An effective speaker, in Foote's view, would avoid diffusiveness, extravagance, timidity and insincerity.

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96 Foote, Reminiscences, 356, 125, 445-447.
Delivery

In references to delivery Foote was on familiar ground. As in the case of style, Foote's comments concerning delivery were specific. He clearly understood the implications of style and delivery upon the effectiveness of the speaker.

Foote's conception of delivery was in the best tradition of the ancient and modern rhetoricians. The speaker ought, he said,

To pre-determine everything material connected with what we modern call delivery, and what the ancients called action, embracing, of course, the expression of the countenance, the movements of the body and its several members, and all the different intonations of which the human voice is susceptible.97

C. S. Baldwin reminded us of Cicero's extraordinary command of diction, and further, of his constant awareness of human implications of speech. Cicero, said Baldwin, knew well "how people think and feel while they hear and read. In all this he is typically the orator."98 Such appears to be the quality which Foote himself possessed as a speaker.

Foote wrote approvingly of coordinated voice and bodily movement. He said that the speaker's bodily

97Foote, Bench and Bar, 157-158.

movement should be graceful, coordinated, animated, and adapted to the speech, the speaker, the audience, and the occasion. Perhaps Foote's description of Clay best reflects his ideal in regard to bodily poise and control: "His face was radiant with pure and lofty emotion. His eyes blazed with excitement. His noble form seemed absolutely to swell beyond its natural dimensions."  

Foote thought that a speaker's voice should reflect his culture and learning and that his voice should be clear, sonorous, strong, and on most occasions it should be conversational. In the absence of such vocal attributes the speaker would lose the interest of his audience. Foote found these vocal attributes to be present in a number of speakers, particularly in Col. John R. Grimes:

His face beamed with intellect; his eye impressed the beholder with respect and sympathy; his voice was clear, sonorous, and perfectly modulated; his gesticulation was simple, graceful and winning. He seldom spoke above the conversational tone, never indulged in harsh and boisterous declamation, or in extravagant and high-flown figures of speech. . . . His absolute self-possession, when addressing either court or jury, awakened a placid feeling of admiration and deference in all that listened to him. He was uniformly sedate, unaffected, courteous and obliging in his demeanor. . . . His facility of oral enunciation was truly marvelous. . . . A keener and more profound observer of human life I do not expect to meet. He was able to adapt himself well without apparent

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99 Foote, Reminiscences, 30.
effort to all classes of society with which the
accidents of his varied and somewhat eccentric
career, of necessity, brought him into associa-
tion, and he as seldom gave offense in his inter-
course with mankind as any individual that can
be mentioned.  

The consummate Southern orator, in Foote's judg-
ment was William Lowndes Yancey. Foote said: "In my
judgment the South has retained within her limits no
such eloquent and effective political speaker as
William L. Yancey, since the death of George A. McDuffie."
He believed that Yancey's strength lay in his careful
preparation and his mastery of the basic principles
of vocal and bodily delivery. While Yancey's delivery
was somewhat lacking in animation and reflected some
nervousness, Foote noted:

In general he was able to keep the tempestuous
feelings of his soul in a state of stoical sup-
pression; but the occasion sometimes arose when,
either having lost his accustomed power of self-
control, or deeming it expedient to make some dis-
play of stormier energies with which he was endowed
he unloosed all the furies under his command upon
some noted antagonist, and did and said things
which those who witnessed his sublime ravings
never again forget.

Foote further noted:

His exordium was always uttered with an imposing
slowness and formality. He enunciated every word
and syllable distinctly. His voice was clear,
strong, and sonorous. He commonly spoke in the
conversational tone, a little elevated. His ges-
tures were few, but these were apt and impressive.

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100 Foote, Bench and Bar, 197-198.
101 Ibid., 237, 235, 238.
Foote recognized certain speakers who were particularly adept at holding attention. Among these were John M. Berrien, Joseph Holt, and the Rev. John N. Maffit. Describing Berrien's delivery Foote said:

From the beginning of his grave and impressive exordium, up to the close of his splendid peroration, he was listened to with unbroken attention. . . . His voice, which I suspect to have been assiduously cultivated, was deficient neither in compass nor melody; it was distinct, sonorous, and impressive. . . . I would willingly travel many miles to hear one at all approaching it in felicity of conception or effectiveness in delivery.

Foote said of Holt: "I heard him often . . . and I can declare with truth that I have never listened to a more brilliant or effective advocate."

Holt seldom took his eyes off his audience. In court he concentrated upon his immediate audience, the jury, giving little notice to the spectators. Foote described Holt as follows:

His then pale and somewhat sallow face was a little shaded by what seemed to be an expression of sadness; the tones of his voice, when . . . not under the influence of some very strong and sudden emotion, were inexpressively soft and touching . . . and, as he advanced from point to point of his never flagging discourse to court or jury, he became so marvellously fascinating to his enraptured audience that few who heard the opening sentences of his exordium, were able to tear themselves away from the scene until the closing words of his ever animated and fervid peroration had been pronounced. He indulged less

102 Foote, Reminiscences, 14–15, 97.
than any speaker I have known in studied gesture or attempts at stage effect. . . .

As noted earlier, what Rev. John N. Maffit lacked in the management of language, he compensated for it in his delivery. Foote described Maffit as follows:

His voice was naturally strong and full, and he had evidently added much to its power by the most diligent and persevering culture. Some of its tone seemed to be the sweetest and most persuasive I have ever heard. His whole manner was in fact such that no one who listened to him for a single half hour could be at all inclined afterward to criticize any part of this most magical and soul-moving delivery. I do not remember to have listened at any time to a public speaker who, in regard to everything understood to be embraced in the word action, at all equalled this warm-hearted and impassioned son of the Emerald Isle. I have known him to produce such effects upon large and intelligent audiences that I have never seen awakened by any other speaker. . . . I could not be easily persuaded that I have ever met a speaker on either side of the Atlantic who was so thoroughly versed in all that appertains to the human voice as the grand instrument of persuasion. . . . Could he have been induced to deliver a course of lectures on elocution, . . . the younger speakers of the country might have greatly profited by listening to them.104

Foote first heard Robert Y. Hayne when he appeared before the Mississippi legislature in 1838-1839 and was much impressed. Of the impact of Hayne, Foote wrote:

When he mounted the stand to address the audience, and for a moment stood quietly surveying the ladies and gentlemen assembled, he seemed at once to awaken a sympathy in all hearts, and to enkindle

\(^{103}\) Foote, Bench and Bar, 39-40. See also Foote, Reminiscences, 97.

\(^{104}\) Foote, Reminiscences, 445-449.
a lively curiosity, also to hear all he had to say... The address, though of considerable length, was accompanied with such extraordinary charmfullness of delivery that no one could possibly have grown tired of listening to it, and I am confident that all who drank in his soft, mellifluous tones, and beheld his manly and impressive gesticulation, would have felt grateful to him had he continued his discourse for two full hours longer.

Foote regarded the delivery of Felix Grundy, Spencer Jarnigan, Reverdy Johnson, Francis Scott Key, and William L. Sharkey as balanced and effective. Foote wrote about Grundy's delivery as follows:

His voice was naturally of great strength and sweetness, and it had been so modulated by judicious discipline, as to adapt its tones most happily to the expression of all the emotions of which the human soul is susceptible. His gesticulation was never profuse, but always apposite and graceful. When addressing either court or jury, his manner was composed and full of dignity, unmixed with either arrogance or affectation. His countenance was habitually serene and benignant.

Of Jarnigan Foote said: "His voice was a soft and silvery intonation, like the gentle running of some unimpeded rivulet." Describing Johnson's delivery as graceful and impressive, Foote observed: "His voice is almost as strong and penetrating in its tones, when he chooses to elevate it a little, as it ever was; his gesticulation is yet graceful and significant." Foote said of Key:

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105 Foote, Bench and Bar, 33-34, 156, 257.
His voice was capable of being in the highest degree touching and persuasive. His whole gesticulation was natural, graceful, and impressive, and he was as completely free from everything like affectation or rhetorical grimace as any public speaker I have ever known.106

Foote noted that Sharkey "possessed . . . a clear, pleasant, sonorous voice; graceful and appropriate gesticulation; and his countenance was ever lit up and made resplendent with the mingled rays of reason and sentiment."107

Other speakers whose delivery Foote thought was creditable includes the following: John Haywood "possessed a voice at once clear, penetrating and conciliatory;" L. Q. C. Lamar was "a graceful and forcible speaker. . . . His reputation as a forensic advocate is equal to that which he enjoys as a popular orator;" George S. Yerger "always spoke with animation, and sometimes with no little fervor and emphasis. His manner was uniformly easy and natural . . . and his gesticulation decorous and impressive."

Foote cited a number of speakers who were below average in their delivery. Robert J. Walker, for example, had difficulty in controlling his voice. Foote wrote:

106 Foote, Reminiscences, 276, 13.
107 Foote, Bench and Bar, 62.
In the delivery of a speech of much importance, there was in that voice something I have never seen so strikingly displayed in any other instance; its tones were either high and resounding or so low as scarcely to be heard; the transitions of which were alike sudden and extreme, without the least approach to the famous *os rotundum* so much lauded by Cicero. In listening, therefore, to a long speech from Mr. Walker, however cogent it might be in argument, rich with instruction, and varied in its topics, the ear became inevitably wearied with the constant recurring iteration of sharply contrasting sounds. Mr. Walker would, I feel assured, have very greatly excelled as a law professor at some university, and on the bench would have doubtless earned most extended and lasting fame.\(^{108}\)

Concerning Thomas Hart Benton, whose delivery was generally ineffective, Foote wrote: "Mr. Benton's voice was to the last most harsh and untunable, his gesticulation was clumsy and ungraceful."\(^{109}\) Noting the limitations of Jefferson Davis' delivery, Foote observed:

I never thought him either a cogent or polished speaker; though I admit that he has proved himself capable of preparing a single speech for the purposes of a canvass and delivering it off from day to day in a sort of drawling sing-song style of enunciation which has proved quite pleasing, as I learned, to certain of his auditors.\(^{110}\)

Foote remembered that Absalom Fowler, who laid no claim to being an orator, had a "harsh and grating voice, and a disposition but little turned to conciliation."

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\(^{110}\) *Flag of the Union* (Jackson), February 13, 1852.
Foote observed that Sam Houston never became an "orator and statesman." Being conscious of his weak delivery, Houston frequented the theatres and sought to pattern his parliamentary speaking style after one of the contemporary actors, "either Forrest or the elder Booth." Foote regarded this effort of Houston as a great mistake. Of the notable personalities whom Foote had known, the one most lacking in the oratorical graces was Senator William H. Seward:

His manner as a speaker was far below his matter in point of dignity and impressiveness. His person was diminutive; his face was almost beardless; he had a cold grey eye, which never glistened with excitement, and never mellowed with sympathetic emotion; his movements, when on his legs, were awkward and shambling; his voice husky and indistinct; he read in a cold and overstrained manner what he had carefully prepared for the occasion; or if he uttered several paragraphs from memory, without referring to the elaborate notes which he had prepared, he had ever to anon to throw his eyes upon the paper before him so as to be enabled to go through what he called his speech. Such a discourse as this, delivered in the manner I described might pass very well for a lecture, but it is as far from being such oratory as the rhetoricians of old have described as anything which could be possibly imagined.

Foote thought that the speaker should coordinate his vocal and bodily delivery. The speaker's voice should be carefully trained and should be clear, sonorous, strong, and generally conversational. The

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111 Foote, Bench and Bar, 186, 163.
112 Foote, Reminiscences, 125-126.
speaker's bodily control ought to be graceful; gestures animated, never diffuse, free of affectation, and appropriate to the speech situation; and the speaker's countenance should reflect the "mingled rays of reason and sentiment."\textsuperscript{113}

Memory: Method of Preparation

In his discussion of the orators Foote gave less attention to memory than to the other canons. He offered comments regarding the methods of some thirteen speakers. He accepted the ancient dictum which counseled the speaker "to store all of these [matters pertaining to his subject] in his memory, so as to be able to bring them into display with readiness and ease."\textsuperscript{114}

Foote recommended with Cicero and Quintilian that the speaker should develop his powers of recollection by the study of good literature, a practice which Foote himself pursued throughout his life. Likewise, he agreed with Cicero "that the best aid to memory consists in orderly arrangement."\textsuperscript{115} Foote's conception of

\textsuperscript{113}Foote, \textit{Bench and Bar}, 62.

\textsuperscript{114}Ibid., 157-158.

arrangement suggested its close relation to memory, when he suggested that the speaker "should arrange all these matters in an orderly manner in the repositories of his mind."\(^{116}\)

To Foote it was disconcerting for a speaker to have so little confidence in his memory and ability to think on his feet that he was unable to get away from his notes. The worst offender seemed to be Senator William H. Seward, a Senate adversary. While Seward had a "most extraordinary" memory, he nevertheless read in a cold and overstrained manner what he had carefully prepared for the occasion; or, if he uttered several paragraphs from memory, without referring to the elaborate notes which he had prepared, he had ever and anon to throw his eyes upon the paper so as to go through with what he called his speech.

Foote saw Seward's problem as a lack of imagination.

He had indefatigably sought to fill his memory with the beauties of speech which originated in other minds, but without being able completely to assimilate what he had thus borrowed with his own native stories; so that when he was ambitious of adorning his elocution with figurative illustrations he wore the air of a frigid and passionless reciter of the fine utterances of others.

Another prominent speaker, known for his thorough preparation but lacking in extempore skills, was another of Foote's adversaries, Thomas H. Benton. While praising Benton for his "most capacious and retentive memory,"

\(^{116}\)Foote, *Bench and Bar*, 157-158.
Foote thought that Benton was "exceedingly deficient in extemporaneous oratorical power." Benton "never spoke in the Senate except upon the most labored preparation, and then always from copious notes, and his principal speeches were always fully written out before their delivery."\(^{117}\)

Among the effective speakers who prepared their speeches with some thoroughness Foote lists John Bell, John R. Grimes, Felix Grundy, Edward R. Livingston, John Hayward, William Lowndes Yancey, Daniel Mayes, and George S. Yerger.

Foote thought that John Bell's speeches against Grundy were masterpieces in "political digladiation." Upon hearing Bell's famous Vauxhall speech in 1836, Foote inquired of him concerning preparation and learned that Bell had spent more time preparing that speech than any other. According to Foote, Grimes had read all the Greek and Roman classics and English literature and his excellent memory could recall anything read when it was needed. Grundy, Foote recalled, would often speak with little prior preparation, but was nevertheless an effective speaker. Grundy

\(^{117}\)Foote, Reminiscences, 24-26, 125, 338.
appearance of previous preparation, though there can be no doubt that when time and circumstances allowed thereof, he did not fail to perform his duty in this respect.

Foote said that Livingston "is reported never to have spoken in court, except upon the fullest preparation." Likewise, Haywood "never spoke without the fullest preparation." Yancey believed in thorough preparation. Foote reported that Yancey "never addressed either a deliberative body or a popular audience without having previously mastered the subject upon which he was expected to dilate, in all its parts." Daniel Mayes is reported to have always prepared himself with untiring diligence." Foote looked upon George S. Yerger as being a well-rounded orator, who balanced his types of proof, was at all times well organized, possessed a good memory, and so always spoke with ease and grace.\footnote{118}{Foote, Bench and Bar, 178, 198, 157, 194, 130, 208, 47, 76-77.}

Two speakers who were praised for their general erudition and phenomenal memories, though not of the orator class, were Robert J. Walker, who upon completing the dictation of a speech would already have it memorized, and George Winchester, who had a "tenacious memory" and never "forgot anything learned."\footnote{119}{Ibid., 28, 108.}
Summary

While Foote's life was devoted to law and politics, it was also devoted to oratory. Foote saw in rhetoric the key to professional advancement for the statesman, the lawyer, the minister and the educator. He believed that education, which should include the study of rhetoric, ought to be a continuing process, a life-long endeavor.

It is clear that Foote made education a continuing project in his own life. He had praise for others who did so, and he criticized those who allowed professional activities to interfere with self-improvement. In his view it was important that a speaker have a general erudition, to be conversant in all fields of knowledge, in literature, rhetoric, history, and government. The orator ought to have a strong background in these areas in order to achieve his fullest growth as a speaker. But Foote cautioned the speaker against "display of learning," for the avoidance of which he praised John R. Grimes.120

Doubtless this general philosophy caused Foote to seek opportunities to improve his own cultural development. It led him to do extensive and continuous reading.

120 Ibid., 197.
in many fields of knowledge. It certainly led him to read widely on rhetoric, for Foote demonstrated an acquaintance with the classical rhetoricians, Aristotle, Cicero and Quintilian. It led him to study the great orators of the past. It led him to seek opportunities to hear other orators, and to observe their methods of employing the five classical canons of oratory.

While Foote's numerous evaluative comments directed at other speakers, for the most part, were general in nature, the fact that he evaluated them at all indicates that his interest in rhetoric continued throughout his life. The fact that he observed other speakers so closely means that he acquired a philosophy of rhetoric. Thus, from his remarks it is possible to infer what his philosophy of rhetoric was.

Foote's theory of rhetoric had a strong classical foundation. He believed with Aristotle that the function of rhetoric is to give effectiveness to truth. Proficient in the classical languages, Foote was familiar with the classical rhetorics, particularly Cicero, from whom he learned of the five arts or canons of rhetoric.

Foote's consummate orator would first of all be an original thinker. His general erudition would provide him with a knowledge of the great ideas of the past and equip him to apply creative thinking to contemporary
issues. For his ideas, premises and lines of reasoning the orator should draw upon the historians and political theorists, past and present. A study of rhetoric, from ancient to modern, should provide the orator with a knowledge of proper rhetorical procedures. A study of the great orators, from ancient to modern, should enable an orator to test rhetorical procedures for practicability and utility.

In short, it might be said of Foote's philosophy of rhetoric that an orator should be a synthesis of the best of all which has gone before and drawing freely upon the best models of the great orators of the past.

The orator must be a perceptive individual in order best to determine what a particular speech situation requires, from the nature of the occasion, the characteristics of the audience, the strengths and weaknesses of the opposition, to the opponents' "motives of action." The speaker should be able to adapt his ideas to the speech situation in order to achieve his speech purpose. In other words, the orator must know on any occasion what are the available means of persuasion.

\[121\text{Ibid., 181.}\]
A speaker should develop his *ethos*. He should be honest and straightforward, free of any suggestion of chicanery or trickery. He should know his subject thoroughly and vigorously apply his intellect in the continuous pursuit of ways of improving his ideas.

The speaker's appearance should be such as to draw people to him. Thus, the speaker should give attention to personal grooming, platform behavior, and to acquiring the traits of courtesy, chivalry, geniality, and a sense of humor. There were times, Foote believed, when it was appropriate to engage in "facetious sallies . . . of irresistible potency," as did Emerson Etheridge.\(^{122}\) The speaker should be able to engage in repartee with his opposition. Foote felt that these were attributes which an audience expected of its political speakers.

The orator's platform behavior should reflect the following qualities. The orator should be of even temperament. On the platform he should be alert, calm, and should radiate such personal warmth that his presence is immediately felt by the audience. He should seek a "happy equipoise of his faculties."\(^{123}\)

A speaker should be capable of reasoning in depth, in the best tradition of a Hamilton or a Pitt the Younger.

\(^{122}\)Ibid., 215.

He should be an astute and logical reasoner, should avoid being dogmatic, and should fortify his arguments with ample facts and information, examples and illustrations, precedents, and authority. The speaker's ideas must appear plausible to his audience at all times. For models of logical reasoning Foote had praise for the ancients, Pliny and Tacitus, and his contemporaries, John C. Calhoun and John R. Grimes.\(^{124}\)

An orator must be a patriot, a "fervent lover of country," which Foote observed in Calhoun.\(^{125}\) He should exhibit a strong sense of justice and be able to infuse his reasoning with appropriate appeals to the passions of the audience. There was nothing wrong with eliciting tears from an audience if compatible with the subject and general response sought. Under the same conditions use of soul-searching pathos may be in order. Some use of sarcasm and invective was in order if used in defense of truth, and if it were not made a personal matter.

The successful speaker organized his thoughts well, according to the "stricter maxims of the schools." The successful speaker stuck to what was germane to his subject and avoided the tendency to go off onto tangents

\(^{124}\)Foote, Bench and Bar, 198.

\(^{125}\)Foote, War of the Rebellion, 91.
which caused the audience's attention to flag. A good speaker avoided, for example, tedious and elaborate discussion of matters of subordinate importance. The orator gave special attention to planning the exordium and the peroration in order that he make a strong first and last impression.

The orator should employ a style in the best Attic tradition. The periodic style proved to be adaptable to formal speaking. Language and language structure functioned to give effectiveness to the speaker's ideas. One's style should therefore avoid "mere flowers of rhetoric." One's language should contribute to the clarity, force, and impressiveness of a speaker's ideas. The orator should be able to draw subtle distinctions, which give him a decided advantage in debate. The speaker's style should be free of pedantry, ostentation, or affectation. Finally, one should choose a style which is most suitable to the ideas he wishes to express.

The speaker's delivery should likewise be free from any suggestion of ostentation. Naturalness was to be stressed, with emphasis upon a lively, animated delivery, and flexibility and coordination in the use of voice and body.

The speaker's voice should be strong, clear and sonorous. It should harmonize with the speaker's ideas, reflecting the extremes of emotion as well as the
subtleties and nuances suggested by the refinements of thought and feeling. The speaker should generally proceed more slowly and deliberately in his exordium and increase his tempo as he progresses through the speech, reaching a climax in the peroration.

The speaker should walk to the platform in a confident, sprightly manner, thus communicating a heightened alertness, and a psychological readiness for his task. He should maintain his dignity at all times.

The speaker should avoid studied movements. His gestures should be natural, free of ostentation, graceful, simple, and persuasive. As a means of expression gestures became an extension of the speaker's ideas. The speaker's countenance should illuminate and give lustre to his ideas. Among Foote's models, Henry Clay and Robert Y. Hayne reflected these qualities. For example, Clay's "face was radiant with pure and lofty emotion. His eyes blazed with excitement." Hayne's manner was impressive: "When he mounted the stand, and for a moment stood quietly surveying the ladies and gentlemen assembled, he seemed at once to enkindle a sympathy in all the hearts, and to enkindle a lively curiosity." 126

126 Foote, Reminiscences, 30, 33-34.
The orator should be thoroughly prepared on each occasion. He should know well what he wants to say in the speech so as to be free of any dependence upon notes, avoiding the risk of losing his audience's attention. The speaker should train his memory so as to build his self-confidence. The orator must never waver in his search for knowledge. He should pursue a program of general reading, continually reexamining his basic premises and line of argument.

Foote's rhetoric incorporated the essential concepts of the classical rhetoricians. In effect, it represented a synthesis of what Foote learned from the classical rhetoricians, the great orators: the ancients, the Burkes, Pitts, Erskines, as well as the earlier American speakers and writers, and his own contemporaries.
CHAPTER IV

FOOTE'S SPEECHES, 1849-1852

Henry Stuart Foote took his seat in the United States Senate, with the opening of the Thirtieth Congress on December 6, 1847, and immediately became involved in the grave controversy involving the slavery issue.

This section examines ten of Foote's pro-Union speeches, delivered during the years, 1849-1852. The following aspects are analyzed: (1) the audience, (2) speech occasions, (3) the speaker's attitudes, (4) his arguments, (5) the structure of his speeches, (6) his modes of reasoning, (7) his adaptation to audience and occasion, (8) his personal proof, and (9) his refutation.

Foote's Audiences

From Aristotle until the present, rhetoricians have stressed the importance of a speaker's knowledge of his audience. Aristotle believed that it was the audience "that determined the speaker's purpose or end." Accepting the Aristotelian thesis, Thonssen, Baird and Braden admonish the speech critic to assess the speaker's knowledge of his audience and how effectively the speaker applies this understanding in his speech preparation and
This section analyzes the characteristics of Foote's audiences, as a basis for later evaluating how well he adapted his speech methods. The section considers first Foote's Senate audience, followed by a discussion of his non-Senate audiences.

Foote's Senate Audience

The Thirty-First Congress convened at a time of crisis and national emergency. A spirit of distrust seemed to exist within each body, precipitated by increased sectional agitation and earlier parliamentary battles. The uncertainty was reflected in the members' party affiliations and loyalties, their individual temperaments, and their relation to the critical issues.

An analysis on the basis of party membership has little value. Loosened party ties caused loyalties to give way to considerations related to the larger issues. However, on the basis of party affiliations the Senate was distributed among three parties: Democrats, 34; Whigs, 24; and Free Soilers, 2. Thus, unlike the House, the Democrats were in full charge of organization and commanded committee majorities and chairmanships.  

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2 *Congressional Globe*, 31 Congress, 1 Session, 2.
Noting the divisions within the major parties over the slavery and territorial questions, Holman Hamilton suggests a more realistic grouping, based upon vital issues:

(1) Whigs from the North who, except for Webster [of Massachusetts] and Cooper [of Pennsylvania], wanted slavery specifically excluded from the whole West; (2) most of the Democrats from the South, who insisted on slavery's extension into at least part of the West; (3) nearly all northern Democrats and some southern Democrats, who favored compromise on a popular sovereignty basis; (4) almost all southern Whigs and two northern Whigs, who, likewise stressing peace, were coming to accept the Democrat's popular sovereignty prescription.

Hamilton identifies the leadership of the respective groups and estimates their numerical strength, as follows: (1) supporters of President Taylor's Administration policy, numbering at least sixteen and led by William H. Seward, Northern Whig, and Thomas H. Benton, Southern Democrat; (2) followers of John C. Calhoun's strict States Rights doctrines, totaling fourteen and led by Calhoun and Jefferson Davis, Southern Democrats; (3) moderate Democrats, numbering about fourteen and led by Lewis Cass and Stephen A. Douglas, Northern Democrats; and (4) a coalition of two Northern and about seven Southern Whigs under the leadership of Henry Clay and Daniel Webster. 3

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What were characteristics of the men who occupied the Senate on December 3, 1849? How qualified were they to deal with the grave issues? What were their views?

Foote believed that the impending sectional conflict was of such magnitude as to require "the wisdom, vigilance, and energy of the best and ablest men that the whole republic contained" if it were to be brought "to a peaceful termination." However, he had faith in his Senate colleagues. George W. Julian, a Free Soil Congressman from Indiana, thought that each body "was remarkable for its able and eminent men" as it was "for the great questions it confronted and its recreancy to humanity and justice."

What were the Senators like? Suggesting that they were a colorful group of men, Hamilton states: "No Congress of Jefferson's day—of Jackson's, Wilson's, or Franklin D. Roosevelt's—has matched the color of the one assembled in December, 1849." It was a situation of contrasts, in philosophies espoused and in personali-

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5George W. Julian, Political Recollections, 1820-1872 (Chicago: Jansen, McClurg & Co., 1884), 111.
ties espousing them. It was the confrontation of two
generations, aptly described "as a meeting of 'rising,
risen, and setting suns.'" On hand was the Great
Triumvirate: Daniel Webster, John C. Calhoun and
Henry Clay, already men of history, each having aspired
to the Presidency, each making his last appearance as
a Senator, the latter two of them keenly aware of it.6

Also among the other older Senators were men of
varied personalities and philosophies. There was Thomas
Hart Benton, known for his intellect, ambition and
"unconciliatory manner," a Southern slaveholder espous-
ing the cause of abolition in the territories. "No
man was more fertile in expedients," wrote Foote, than
his arch-foe, Benton.7 There was Michigan's Lewis Cass,
native New Englander and classmate of Webster's at
Exeter Academy, now as "thoroughly identified with the
Old Northwest as Clay with Kentucky and Calhoun with the
cotton kingdom." Since 1848 Cass had been espousing the
doctrine of "popular sovereignty," as a possible key to
compromise.8

6 Hamilton, op. cit., 25.

7 Henry Stuart Foote, The Bench and Bar of the South
and Southwest (St. Louis: Soule, Thomas, and Wentworth,
1876), 160. Hereafter cited as Foote, Bench and Bar.

8 Hamilton, op. cit., 28-29.
In contrast, this Senate audience was also known for its youth and its "vitality and staying power." According to Hamilton, five of the twenty-four Whigs were under age 50; so were "over half of the thirty-four Democratic Senators." 9 Foote was only 46 years of age. Other Democrats under age 50 were: David Atchison of Missouri, 43; Solon Borland of Arkansas, 50; Jesse D. Bright of Indiana, 38; Jeremiah Clemens of Alabama, 36; Augustus C. Dodge of Iowa, 37; Hannibal Hamlin of Maine, 41; Robert M. T. Hunter of Virginia, 41; and David L. Yulee of Florida, 40; Whigs: James Cooper of Pennsylvania, 40; William L. Dayton of New Jersey, 43; James A. Pearce of Maryland, 45; and William H. Seward of New York, 49; Free Soilers: Salmon P. Chase of Ohio, 42; and John P. Hale of New Hampshire, 44. 10

The younger Senators provided considerable color. There was a father and son team in the Senate. Youthful Augustus C. Dodge of Iowa, sympathetic toward the South's problem, found himself in opposition to his father, Henry Dodge of Wisconsin who followed the free-soil instructions of the Wisconsin Legislature. There was

9Ibid., 32.

Jefferson Davis, ardent states-rights advocate, "whose estimate of himself was so exhausted that his ordinary demeanor toward others seemed like a personal condescension, if not an insinuation of contempt."\(^{11}\) Perhaps the most active of the younger Senators, besides Foote, was John P. Hale, extreme Free-Soiler and abolitionist, who was "consistently opposed to Douglas and Foote," yet who "was rather liked by his colleagues and his humor softened the impact of his sallies."\(^{12}\) Another active younger Senator was William H. Seward, a man of great political ambition, who saw in abolitionism a means of political advancement.\(^{13}\)

The senators of the day were well educated. A majority were university trained men. An examination of the biographical sketches of the forty-five (out of sixty) members of the 1850 Senate, listed in the Dictionary of American Biography, reveals that thirty were college graduates and two others had two years of college. Four had received preparatory training at Exeter Academy; six were graduates of Transylvania University, five of whom were classmates there; five Yale University, three,

\(^{11}\) Julian, *op. cit.*, 106.

\(^{12}\) Hamilton, *op. cit.*, 31.

Princeton University; and two, Dartmouth College. Among the senators who had not attended college were men of such proven capabilities as Thomas H. Benton, Henry Clay, Lewis Cass, Daniel S. Dickinson and Stephen A. Douglas. Forty senators of the forty-five listed had been highly successful lawyers.14

Yet, with all their abilities there were several in Foote's audience who were inclined toward demagogery. Foote regarded Seward as one of the worst offenders. Daniel Webster was seen to sink into his chair of March 11, 1850, as fellow Whig Seward invoked "a higher law" than the Constitution in defending citizens who befriended runaway slaves.15 Foote looked upon sectional demagogery as "the pest of all extended republics."16 However, some demagogery was unavoidable in view of the great pressure the Senators were under. Many were not free to express their convictions, bound by instructions from their respective legislatures. Hamilton found that such was the case with fourteen northern legislatures, "and the southern capitals lagged but little."17 It was

14Dictionary of American Biography, various volumes.
16Foote, War of the Rebellion, 114.
17Hamilton, "Democratic Leaders and the Compromise of 1850," Mississippi Valley Historical Review, XLI (December, 1954), 410.
rare that Senators disregarded such instructions, though Roger S. Baldwin, Whig of Connecticut, Thomas H. Benton of Missouri and Foote did so. Demagogery apparently was even worse in the House. Congressman Outlaw complained, "This I think is one of the most indifferent Congresses which ever convened. There are more demagogues than I have ever seen in any body of 230 men, anywhere . . . and it is one of the worst signs of the times."19

Another probable result of the disparagement and pessimism widely felt in 1850, was a lack of decorum and political morality. Congressman Julian wrote:

Political morality was at a very low ebb during the period covered by the Thirty-First Congress. . . Under the brief administration of General Taylor, unprecedented political jobbery prevailed. . . . Nor was the personal morality of members more to be commended than their political. The vice of intemperance was not, as now, restricted to a few exceptional cases, but was fearfully prevalent. A glass of wine could sometimes be seen on the desk of a Senator while engaged in debate and the free use of intoxicating drinks by senators was too common to provoke remark. It was still more common in the House.20

Likewise, it was not unusual for tempers to flare.


19Letter, Congressman David Outlaw to his wife, Mrs. Emily B. Outlaw, July 30, 1850, in David Outlaw Papers, Southern Historical Collection, University of North Carolina.

20Julian, op. cit., 105-106.
Hamilton noted:

Fisticuffs enlivened the capital routine. In a hotel lobby, the second assistant postmaster general bloodied the face of Representative Levin. And Senator Foote got the same treatment when he gave offense to Senator Borland as they encountered each other on a Washington street.21

Later, on April 17, 1850, Foote was indulging too heavily in sarcasm at the expense of Senator Benton. When the latter began moving menacingly toward Foote, Foote drew a pistol, loaded and cocked, to defend himself.22 There were many calls for order from the members as well as the chair.

Yet, for all the gravity of the occasion and the individualism exhibited by the Senators, "All but a few extremists on each side were willing to compromise if a common ground could be found." The Southerners were skeptical that the North, with its superior voting strength, would give ground. Wiltse records that following Senator Clay's opening speech on January 29, 1850, "Indoors and out, the reaction of the Southern leaders was the same. They were hopeful of a settlement, but they expected it to come about not by

21Hamilton, Prologue to Conflict, 89-90.

22Congressional Globe, 31 Congress, 1 Session, 762-764.
sectional reciprocity in the Senate but because the South was at last showing a determined and united effort."23

How did the Senators view the issues of 1850? An examination of the positions taken by leading Senators on basic issues follows. To begin with, a sharp change of official policy had occurred with the inauguration of President Zachary Taylor on March 4, 1849, a change which pleased the anti-slavery forces but greatly disturbed the South. It soon became clear that the new President embraced the spirit of the Wilmot Proviso and strongly opposed any extension of slavery. His policy was a sharp departure from the Missouri Compromise philosophy of President Polk, his predecessor. Then came a second shock, Taylor's death on July 9, 1850, an event more keenly felt by the North because "of the peculiarly threatening aspect of public affairs and of the unexpectedly manly course of the President in with­standing the imperious and insolent demands of the extreme men of his own section [the South]."24


24 Columbus Democrat (Mississippi), September 13, 1849; Foote, War of the Rebellion, 113-114; Julian, op. cit., 93; Milo Milton Quaife, ed., The Diary of James K. Polk During His Presidency, 1845-1849 (Chicago: A.C. McClurg and Company, 1910), III, 504.
The leading spokesmen for Taylor's policy were Whig William H. Seward of New York, Free Soilers John P. Hale of New Hampshire and Salmon P. Chase of Ohio, with assistance from moderate Thomas H. Benton of Missouri. Seward, Hale and Chase were constant opponents of Foote in the deliberations. They argued that the laws of Mexico were still in effect, even after the territories had passed to the United States. They believed that human slavery was an antiquated social custom to be opposed in any form. Thus, they opposed all compromise, any extension of slavery, the slave trade and the Fugitive Slave law. Following the leadership of Seward, Hale and Chase were all the Northern Whigs except for Webster and James Cooper of Pennsylvania.25

The pro-slavery, states-rights group of some fourteen Southern Democrats was led by Calhoun. Following Calhoun's death on March 31, 1850, the leadership passed to Jefferson Davis. Other prominent adherents to the Calhoun philosophy were James M. Mason of Virginia, Jeremiah Clemens of Alabama, John M. Berrien of Georgia, Andrew P. Butler of South Carolina, and David L. Yulee

of Florida. Foote had been closely associated with Calhoun's faction until early in 1850 when it appeared to him that they were bent on disunion. The Calhoun forces were concerned over the imbalance of power between the North and South in the national Congress. "They had long since lost control of the House. They thought they must maintain a balance, or something approaching a balance, in the Senate, if they were to ward off federal legislation inimical to slavery." 26

Calhoun sought the removal of all barriers to the rights of slaveholders. Thus he could not accept the Missouri Compromise line doctrine. For him slavery was guaranteed by the Constitution, and it ought to provide for its protection. Some of his followers including Berrien, Soule and Yulee, however, were willing to accept an extension of 36° 30'.

A group of pro-Compromise Senators, led by Democrats Lewis Cass, Stephen Douglas and Foote, favored compromise on the basis of popular sovereignty, on the ground that it was the people of a territory who were affected by the slave question and should therefore be

allowed to decide whether to accept or reject slavery. Clay and Webster later agreed to this basis too.

In his speech of February 5 and 6, 1850, Clay accepted popular sovereignty for California but expressed the view that the Mexican law prohibiting slavery was still in effect, and maintained that the North should not insist upon the Wilmot Proviso and should aid in the recovery of fugitive slaves. Clay thought that both sides ought to be pleased to see slavery abolished in the District of Columbia. A Texas boundary settlement would, he believed, settle the problem of New Mexico.

In his speech of March 7, 1850, Webster was critical of the abolitionists and recognized that the Wilmot Proviso was offensive to the South. The law of nature, Webster believed, would serve to exclude slavery from the territories, as the geography was such as to render the use of slaves unprofitable. Webster took the Southerners' view of the fugitive slave problem. 27

It was Cass, Clay, Douglas, Foote and Webster, behind whom Southern Whigs and Northern and some Southern Democrats—numbering some twenty-three Senators—placed their hopes in evolving a satisfactory compromise.

In summary, Foote's Senate audience was a group of intelligent, well educated, legally trained men. They were essentially young men, capable of great endurance. They were volatile and often forgot the dignity and decorum of the Senate. They were serious about the issues. Most of them had strong sectional biases and were under the pressure of a wave of emotionalism which had engulfed the populace they represented, regardless of the region. What motivated them? Hamilton's assessment is appropriate: their "motives were exceedingly complex and elusive. Ambition, gratitude, jealousy, hope, selfishness, esprit de corps, and the power of personalities played their parts, as well as instruction from state assemblies." 28

Foote's Non-Senate Audiences

On September 17, 1850, the last of the Compromise measures passed the House, the Senate having given its approval the day before. In light of the agitation to which the issues had been subjected across the country, the question now was, would the Compromise measures prevail? Immediately following Senate adjournment Foote engaged in an extensive campaign, seeking to justify his pro-Compromise position and to promote acquiescence in the Compromise measures.

28 Ibid., 34.
This section analyzes the audiences before whom Foote appeared in the fall of 1850 and in 1851. Generally his appearances were sponsored by Union committees, local organizations designed to promote pro-Union sentiment. Audiences in New Orleans, Philadelphia, and New York are discussed first, followed by an examination of his Mississippi audiences.

Non-Mississippi Audiences

Foote was in demand as a speaker following passage of the Compromise measures. Three factors account for his popularity. First, he had played a key role in the deliberations leading to the settlement, and this had been publicized widely. Secondly, he emerged from the debates a national figure. Thirdly, he immediately became involved in measuring the reaction of people across the nation to the Compromise measures. As a result he was in direct contact with leaders throughout the nation. The last two of these factors need elaboration.

Foote emerged from the deliberations with an established national reputation. The people of Mississippi and the nation generally were well aware of his contribution, for he had originated the Committee of Thirteen scheme. One Mississippian wrote: "As a leader Foote
ranks with Clay, Cass and Webster." The Lexington [Mississippi] Advertiser editorialized favorably about his deserved recognition:

This gentleman occupies at the present time a truly enviable position before the people of the United States. No one better deserves the proud pre-eminence which he has attained. He has sustained the course of his country and his countrymen have nobly sustained him. He has truly acquired a National reputation, but it was done by acting the part of a patriot.30

The Nashville Union praised him for his efforts in behalf of the Omnibus bill. It stated:

How far he represents the public sentiments of [Mississippi] by the course he has thought proper to take, they are better advised than ourself. We only know that the judgment of Tennessee is quite different. Our people have witnessed his patriotic efforts to heal the wounds of the body politic with admiration. Without intending to take any part in the fight, we must be permitted to say—"hurrah for Foote!"

A similar message came from the Louisville Democrat:

"So say the democracy of Kentucky—'Hurrah for Foote!'"31

In order to determine the extent of public acceptance of the Compromise measures Clay sought Foote's assistance, which attests to Clay's high regard for Foote. At Clay's suggestion Foote

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29 Flag of the Union (Jackson), August 29, 1851.
30 Lexington Advertiser (Mississippi), cited in Flag of the Union, September 16, 1851.
31 Nashville Union, cited in Natchez Courier, August 27, 1850.
. . . addressed numerous letters to eminent and well known persons residing in various parts of the Union asking their opinion of the Compromise measures, their replies to which were . . . published in the [Washington] Union newspaper . . . and were supposed to have had a more or less beneficial effect in maturing public sentiment, and in removing prejudice from the minds of good citizens.

Foote found the immediate effect to be conciliatory. Conciliatory moves involved men who had opposed each other for twenty years. Foote learned that "Mr. Webster's 7th of March speech, delivered . . . anterior to the raising of the Committee of Thirteen, had produced beneficial effects every where, which effects were displaying themselves throughout the republic." Hamilton thought that "Clay and Webster were more influential in the country than on Capital Hill."

Immediately following the passage of the Compromise groups were organized all across the country, usually known as "Union Committee" or "Union Safety Committee," and States Rights Associations. Foote spoke at many meetings sponsored by local Union Committees, including four of the addresses selected for study here.

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32 Foote, War of the Rebellion, 130.


Foote received more invitations to speak in various cities than he could accommodate. In declining an invitation to speak in Bridgeport, Connecticut in December of 1850, Foote revealed his understanding of the people’s role in a democracy. He wrote:

> Men in public stations can do but little towards relieving the public from threatened ruin, unless the people of the country, the real sovereigns of the land, come to the rescue of our institutions. Paul may plant and Appollos may water; but the people—the great body of pure and enlightened patriots North and South—can alone give the increase.

Foote declined invitations to speak, in July, 1851, at Cumberland University in Tennessee and "to join in the annual celebration of the Eighty Ward Pioneer Clay Club in New York" in February, 1852.35

Foote's speech in New Orleans of November 27, 1850, was well publicized and a large enthusiastic audience was on hand. The New Orleans Delta chided the sponsors of the meeting for not having invited leaders of the States Rights faction, noting "the absence of such men as Jefferson Davis, of Morse and La Sere, of Brown, McWillie, Featherston, Thompson of Mississippi, and Johnson of Arkansas, from the great Union demonstration."

In reply the Natchez Courier, which carried the complaint,

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35 Flag of the Union, January 10, 1851; May 23, 1851; April 2, 1852.
suggested that their presence would have been entirely out of place. The Courier wrote:

If they are not there it is because they have taken themselves away from the service of the Union, and gone astray to worship false gods. If they are not themselves assisting in erecting the altar of disunion, they are yet all ready to do homage at its shrine, even though they know that it can only be consecrated by blood stained sacrifices. They attend the Union demonstration? Impossible, except they do it in sackcloth and in ashes.36

The audience was strictly pro-Union and pro-Foote. When Foote was introduced, he was "for some time unable to proceed, in consequence of the storm of welcoming huzzas with which he was greeted."37 The Delta described the audience as "ardent, animated and enthusiastic . . . [which] speaks well for the patriotism and national feeling of our citizens, who were no doubt all animated by a warm love of their country and the Union."38 Another reporter observed that Foote "was received with such an outburst of applause as we have never before heard on a similar occasion."39

En route to Washington, Foote on December 9, 1850, addressed a meeting of the Union Safety Committee of New

36 Natchez Courier, November 26, 1850.
37 Flag of the Union, December 6, 1850.
38 New Orleans Daily Delta, November 28, 1850.
39 New Orleans Daily Crescent, November 28, 1850.
York, at City Hall. The Committee had been organized at the urging of Southern Unionists who feared actions of the Ultras in the coming presidential nominations. The leadership of the New York Committee consisted of "a hundred New York business men and financiers, Whig and Democratic Compromise men." The *Daily Tribune* reported a large attendance, the room being "filled with spectators, curious to see the Senators from Louisiana and Mississippi, especially the latter."

The *Herald* reported that the meeting "was well attended." On December 30, 1850, Foote, "the fearless Senator from Mississippi," delivered an address in Philadelphia at the Musical Fund Hall, "for the benefit of the Southwark Church." The speech "was listened to by a large and intelligent audience of ladies and gentlemen, and was received with many demonstrations of applause."

On February 22, 1851, Foote delivered a Washington's Birthday address in New York, under the sponsorship of

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41 New York *Daily Tribune*, December 10, 1850, 5; *Flag of the Union*, December 27, 1850, citing the *New York Daily Herald*, December 10, 1850.

42 *The Pennsylvanian* (Philadelphia), December 31, 1850.
the Union Safety Committee. The guest list included such notables as Daniel Webster, Edward Everett, Robert Toombs, and Alexander H. Stephens of Georgia, the Mayor and City Council "and many other distinguished persons whose names we cannot find space even to enumerate."

While Webster did not attend, those present were an august group of dignitaries, indicating that Foote and the Southern Unionists had a distinguished following in the New York area.

The *New York Tribune*, critical of the program, had little sympathy for Foote or the host group, for its commentary ended on a satirical note: "The festival broke up at 11 o'clock, the Union being then considered perfectly safe."\(^4^3\)

Foote's audiences outside of Mississippi appear to have been biased in his favor and to have given hearty endorsement to his pro-Union position.

**Mississippi Audiences**

Foote believed he had the support of a majority of the people of Mississippi, for many had suggested their support during the Compromise debates. The State's Whig newspapers, showing a strong pro-Union bias, reported

\(^4^3\) *New York Daily Tribune*, February 22, 1851, 5; February 24, 1851, 4.
strong Foote support in Mississippi. Thus, when Foote declared before the Senate that the people favored the Compromise he was speaking from a basis of what he had learned from home. A typical example was a rally held in Natchez on March 9, 1850, in support of the admission of California. According to the Natchez Courier, a Whig paper, the public call of the meeting was signed by 250 Mississippians. At the meeting resolutions supporting California’s claims were adopted and communicated to the Mississippi delegation in Washington.44

On June 25, 1850, the Fort Gibson Herald reported that a letter to Foote was being circulated there "assuring him of the confidence and approval of his constituents of both parties here. The number of signatures is already large not more than half-dozen whigs and democrats all told having yet refused to sign it."45

The Natchez Courier reported that a similar document was circulated in Jackson on July 4 and "in the course of the day, forty names were appended on it." The letter which bore signatures of 274 "citizens of Jackson and vicinity," expressed praise for

44Natchez Courier, March 1, 12, 1850.

45Port Gibson Herald, cited in Natchez Courier, June 25, 1850. See also Natchez Courier, March 22, 1850, for a report of Union activity in Port Gibson and Claiborne County.
your efforts to promote the plan of conciliation and harmony, reported by the Senate Committee of Thirteen. . . . Be assured, Sir, that your continued and patriotic labors . . . are gratefully acknowledged and appreciated by us, and in our opinions by a large majority of the people of Mississippi.46

While the Whig papers exaggerated the Union support in Mississippi, their estimates are confirmed by other, less biased sources. Reuben Davis, a friend of Foote, but a speaker for the opposition in 1850 and 1851, reported that Foote's crowds were much larger than those of John A. Quitman, Foote's initial opponent.47 Further, Wirte A. Cate, a L. Q. C. Lamar biographer, said that "several thousands of Foote men and Whigs" heard the Foote-Lamar debate in Oxford, Mississippi, in October, 1851.48

In light of this evidence there is reason to believe that Foote was confident as he began the campaign in the fall of 1850. Several conditions indicate that such is true: Foote's reputation in Mississippi as a stump speaker, popular interest in the Compromise, the people's love of Foote as a fighter, and Foote's bitter dislike of Jefferson Davis.

46Natchez Courier, July 9, 1850; Weekly Southron (Jackson), July 12, 1850.


As indicated, the Whig papers reported large and enthusiastic audiences, infrequent heckling, and growing support of the Union. According to the *Natchez Courier*, Foote on September 23, 1850, appeared at the Court House in Natchez in what was "generally conceded to have been the largest and most enthusiastic political gathering ever assembled in Natchez: and what renders it more peculiar, was the cordial intermingling of whigs and democrats. . . ."\(^{49}\)

Foote spoke on November 1, 1850, in Aberdeen at the Mansion House where "it was literally a Squeeze—some 500 people being jammed in the reception hall." The next day he spoke at the Courthouse to "at least a thousand persons. . . . Shout after shout, applause after applause, cheered him through his discourse."\(^{50}\)

Reporting Foote’s speech of November 25, 1850, in Wilkinson County, the *Wilkinson Whig* stated:

There were assembled [at the Courthouse] not far from half of the voters of the County, a concourse never surpassed . . . in numbers or intelligence, notwithstanding the false and malicious reports that had been spread about that Sen. Foote was not coming. . . . He touched the patriotic heart of his audience to its centre [sic]

\(^{49}\) *Natchez Courier* (Mississippi), September 24, 1850.

\(^{50}\) Aberdeen Correspondent to the *Natchez Courier*, November 22, 1850.
and it beat a quick and glad response until shouts of applause from full hearts went up, often, loud, and continuous. We think, on that day, there was awakened in old Wilkinson something like a "fanaticism" for the Union; let it spread.51

Reporting the speech in Natchez on September 27, 1851, the Natchez Courier gave no estimate of the size of the audience, except that "The Court-house was full to overflowing and large numbers were congregated at the doors and windows on the outside." This was significant in view of the fact that it was unknown in Natchez until noon that Foote and General Freeman were to speak there that evening. The only reference to the audience response was that Foote and Freeman "held a most gratified audience for three hours by their eloquence."52

In summary, Foote aroused strong emotional responses in his audiences, made up of a mixture of Whigs and Democrats, who like him, and with generous assistance from him, had come to fear for the Union's safety. They applauded generously and vociferously. The crowds appeared to grow larger as the campaign drew to a close.

51 Wilkinson Whig, cited in Natchez Courier, December 6, 1850.

52 Natchez Courier, cited in Flag of the Union, October 3, 1851.
The Occasions

United States Senate

Washington, the nation's nerve center, was the scene of great excitement when Foote entered the Senate, on December 6, 1847. Many issues faced the Congress but basic to all of them was the question of domestic slavery, which had agitated the nation since the abolition movement began in the early 1830s. 53

Two events tended to bring the slavery issue to a critical state. These were the recent annexation of Texas and the War with Mexico. The questions of the Texas boundary and its public debt remained unresolved. The Mexican war had focused national attention on the vast territory which would be gained by a settlement with Mexico. The South saw, as it had in Texas, an opportunity to expand its slave-based economy by exploiting these territories. Conversely, the North was pledged to Free-Soilism and could not countenance the thought of Southern slaveholders emigrating with their slaves into the California and New Mexico territories. A fear of unfair competition brought to bear upon "the great body of white working men and farmers" from cheap slave labor gave strength to the Northern view. 54

53 Foote, War of the Rebellion, 62.
Concurrently another aspect of the slave question created a sense of urgency in the Deep South, making the Mexican territories more attractive to them. Slavery had become less profitable in the border states, due to increasing agitation in the free states adjacent to them, and consequently the border states were "throwing an immense black population into the extreme Southern states" with the intention of abolishing slavery "as soon as they had sold a sufficient number of slaves to make it profitable." To counter this movement many cotton states adopted measures "forbidding the importation of slaves into their borders for sale." The resulting uneasiness caused Mississippi and other cotton states to strengthen "their desire for the extension of slavery into the territories acquired from Mexico and for a speedy settlement of that issue." 55

The North had already taken the initiative in seeking to prevent the spread of slavery into the former Mexican territories, by rallying behind the proposal of Congressman David Wilmot of Pennsylvania. The Wilmot Proviso, first attempted in the summer of 1846, had greatly aggravated the developing crisis, and was still

a spectre confronting Southern Senators in 1849. Of its effect Kraus wrote: "Immediately a storm broke over the country; every Northern state with but a single exception passed resolutions approving the proviso, while in the South there was belligerent denunciation." As a result "Quarrels over organizing the spoil ... hardened the sectional and political divisions in the United States. Disunion was one of the sour fruits of victory." While it did not become law, the Wilmot proviso served as "a battly cry" for the anti-slavery forces of the North. 56

The Wilmot proviso aggravated extremism on both sides of the controversy. In effect, both the abolitionists of the North and the secessionists of the South had been given a battle cry.

Moreover, efforts at compromise by moderate Senators were made extremely difficult because of the influence of the state legislatures, which then elected the Senators and often instructed them in how to vote on critical issues. Popular feelings across the country were being excited. Dodd states:

The Wilmot Proviso had been and was now the touchstone of elections everywhere and the representative of a Northern community who did not approve

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56 Kraus, op. cit., 433.
this popular demand, was sure of defeat at the polls; similarly, the Southerner who did not regard it as the consummation of all villanies could not hope to remain in office.57

Foote was apprehensive as he contemplated the new session of Congress. On November 10, 1849, in a letter to enlist the support of Senator T. L. Clingman of North Carolina in the coming fight Foote warned:

... It is quite probable that the Wilmot Proviso and the abolition of slavery in the District of Columbia will be again brought forward either in the Senate or the House of Representatives and supported by the zealous and scrupulous advocates of these two measures with increased violence and a confirmed pertinacity. It is most evident to me that the Union will be put in serious jeopardy... and... that no state of the South will patently acquiesce in either of the aggressions alluded to.58

During the Thirtyeth Congress there had been a sharp increase in anti-slavery activity. A Free Soil Party was organized. The Southern Senators organized and issued a Southern Address, in which

It charged the North with violating the constitution in refusing to return fugitive slaves and in withholding from the South equal rights in the territories; denied to Congress all jurisdiction over slavery; and warned the people of the slaveholding states that, if the North succeeded in excluding them from the territories, the results would be the abolition of slavery by constitutional


58 Columbus Democrat (Mississippi), December 15, 1849, citing the National Intelligencer.
enactment and the complete reversal of the relation between the whites and the negroes in the South.

The Address did not set forth what action should be taken, recommending "only that the South should be united." 59

As his term neared an end, President James K. Polk had warned that if Congress should fail to admit California and New Mexico, especially California, there was a chance that before another session convened California might be lost to the United States. The great emigration to California included "men of enterprise and adventure, men of talents and capital; and [he feared] that finding themselves without a Government or protection of law, they would probably organize an independent Government . . . and might induce Oregon to join them." Polk also had expressed the fear that if action on California were delayed until President-Elect Taylor took office on March 4, 1849, then the "Federalists [alias Whigs] . . . might be willing to give up California to avoid embarrassing Taylor over the Wilmot Proviso." 60

59 Hearn, op. cit., 40.

60 Quaife, op. cit., III, 232-233. See entry of December 13, 1848.
The sectional crisis had in part resulted from a lack of strong leadership in the Presidency. Allan Nevins states: "For twenty-five years after Jackson left the White House, no man of high abilities entered it. What is more, the country knew that no man of high abilities occupied it. . . . In 1848 . . . the country was given a choice of mediocrities."^61

The setting in the capital was tense as the Thirtieth Congress convened. Nerves were frayed from previous congressional battles and from increasing agitation by extremist groups across the country. Everyone knew that something would have to be done in this session if the nation were to remain one. The California and New Mexico territories could not long continue under military rule. But the question of slavery stood squarely in the way of a settlement.

Finally, "A practical excess of political power, ever accumulating from inexhaustible sources of supply, was fixed in the free States. The slave States looked in vain for justification of their ever augmenting humiliation."^62

^61 Allen Nevins, Ordeal of the Union (New York: Charles Scribner's Sons, 1947), 187-188.

Occasion: Non-Senate Speeches

Foote spoke often outside the Senate. In addition to his stump speaking, Foote was in demand on other, particularly ceremonial and patriotic, occasions. He was popular as a eulogist, patriotic orator and commencement speaker.

This section focuses on the speech occasions for several such speeches Foote delivered in Mississippi and in New Orleans, New York and Philadelphia in a twelve-month period following passage of the Compromise.

Foote sensed that his political life was at stake. He had performed a key role in the passage of the measures, while his Senate colleague, Jefferson Davis, had been an outspoken opponent. Both Senators had laid claim in Senate speeches to the greater support of the people of Mississippi. Having been the only delegate from Mississippi to support the Compromise and having been censured by the Mississippi Legislature for doing so, Foote had no alternative than to take the issue to the people.

During this period Foote did not pass up an opportunity to speak. Recalling how it was when he reached home following Senate adjournment, Foote wrote:

I found almost the whole Legislature arrayed against me, the Executive department, and nearly all the judicial officers of the State. The newspapers were nearly all of the secession stamp.
Under these circumstances I plainly saw there was only one course to pursue, and I adopted it. . . . I went forth . . . traveled night and day, made some forty addresses.\(^6\)

The stage was set for the contest for the minds and emotions of the people of Mississippi as Foote's Union forces took to the hustings in October, 1850. Reuben Davis described conditions in Mississippi at the time:

Mississippi was in a blaze from east to west, and from north to south. The issue involved the exact relation of the States to the general government, and the right of secession. Public feeling was intensified by the danger of emancipation. Both parties were pervaded by a spirit of intolerance, and the presence of ten men at any point involved the possibility of serious trouble.\(^6\)

Foote's five colleagues had reached Mississippi a month earlier and had set in motion plans for organizing a States Rights party, to "which all were invited to become members who were opposed to the Compromise and my [Foote's] course in support of the measures. . . . without regard to previous party names or antecedents." As a countermove, Foote called a public meeting in Jackson and urged that the people "assemble in convention in Jackson on the very day upon which the Legislature had been summoned to reassemble." The move was an


\(^6\) Davis, *loc. cit.*
eminent success for, as Foote noted:

On the day that the Legislature came together
the individuals composing it learned with
affright that a popular convention of fifteen
hundred members was then sitting in the City
Hall, and was proceeding to rebuke their own
treasonable action, and to censure the cen-
surers.65

During the summer and fall of 1851 Foote traversed
the State, reporting that he "attended nearly two hund­
red gatherings."66

The five speeches in this group are representative
of those Foote delivered outside the Senate in 1850 and
1851, in which he sought to justify his pro-Union views
and exhort the people to acquiesce in the Compromise
measures. On four of the occasions Foote's speeches
were sponsored by local pro-Union groups, the other
one by a church group in Philadelphia. Two of the
speeches were delivered in New York within a period of
two and a half months. One campaign speech is included
as representative of the two hundred or so that Foote
delivered in Mississippi in 1850 and 1851. On three of
the five occasions Foote shared the platform with other
spakers, though Foote was the featured speaker on all
five occasions.

65 Foote, Reminiscences, 353.
66 Congressional Globe, 32 Congress, 1 Session,
Appendix, 59. Printed copy of Foote's December 18, 19,
1851, address is on file in the Department of Archives
and History, Jackson, Mississippi.
Foote appeared at a Union meeting in New Orleans on November 27, 1850, sharing the platform with Senator Solomon Downs of Louisiana. The meeting was well publicized and a large, enthusiastic crowd assembled. The Daily Delta noted,

The St. Charles [Theatre] proved, as we expected, altogether too small to contain the friends of the Union last night. The building was most uncomfortably crowded, and we could get only a very imperfect view of the stage and the arrangements. What we saw, satisfied us that the meeting had been well got up; the arrangements were very splendid, appropriate and tasteful. 67

The Daily Picayune in a preview of the program predicted "the warmest welcome which could be given to this good soldier of the Union." The day's festivities began with the firing of national salutes at Lafayette Square and at the Place d'Armes, with the speaking at 7 o'clock. 68

On December 9, 1850, in New York Foote again shared the platform with Senator Downs. The two Senators arrived in the city on Saturday, December 7, and were dined at Delmonico's in the evening. On December 9 they were given a public reception in the Governor's Room at City Hall. In its report of the event the Daily Tribune implied that such courtesies were not the rule: "Such interchanges of courtesy between citizens of different

67 New Orleans Daily Delta, November 28, 1850, 2.
68 New Orleans Daily Picayune, November 26, 1850.
sections are salutary and commendable, and we trust that they are kept up." Foote was the main attraction, for the paper noted that "the Governor's Room was filled with spectators, curious to see the Senators from Louisiana and Mississippi, especially the latter, and hear of the progress of the 'Union' movement in the South." 69

Foote appeared in a lecture at Philadelphia in the Musical Fund Hall on the evening of December 30, 1850. The occasion was a fund raising for the rebuilding of Southwark Church. Foote effectively utilized the occasion for his pro-Union lecture, by relating the role of Benjamin Franklin, native Philadelphian, in the Constitutional Convention, and drawing a parallel between it and the 1850 Compromise deliberations. 70

Foote spoke again in New York on February 22, 1851, again under the auspices of the Union Safety Committee. The occasion was designed to pay tribute to George Washington on the anniversary of his birthday. The dignity of the occasion was also reflected in the list of dignitaries expected to be present. 71

70 The Pennsylvanian (Philadelphia), December 31, 1850.
71 Supra, chap. iv, pp. 172-173.
Tribune was sharply critical of the Committee's choice of speakers, suggesting that it bordered on sacrilege to invite a man whose views on slavery were diametrically opposed to those of Washington. The Tribune wrote:

Its chief end is to be the schooling of our citizens into a more rapturous fondness for, a more universal delight in, the beauties of Human Slavery, and especially Slave-Hunting. . . . Who believes that a man who volunteered to hang a Senator of the United States without a judge or jury, and for no other offence than speaking disparagingly of Slavery, could do any justice to the character of Washington, even if his were decent abilities and a civil tongue? No one can believe it.72

Representative of Foote's stump speaking in defense of his Senate views was a speech delivered in Natchez on September 9, 1851, near the end of his campaign for Governor. Noting the presence of "one of the largest political assemblages we have ever seen in Natchez," the Natchez Courier thought this remarkable since local officials only learned at noon that Foote who was speaking in Fayette, twenty-eight miles away, would appear in Natchez that evening. Noting Foote's rigorous speaking schedule and his ability to endure fatigue, the paper observed: "He is still devoting every energy to the

advancement of the Union cause, and will continue to do so until its final triumph."^73

As a candidate for Governor, Foote was wearing the mantle of the newly formed Union party, and was opposed first by John A. Quitman and then by Jefferson Davis.

With the kind of opposition Foote faced from the political leaders of Mississippi and newspapers upon his return home from the Compromise debates, he had no alternative than to take the question of acquiescence in the Compromise to the people of Mississippi, if he were to remain alive politically. Foote made effective use of the occasion, for he was elected Governor of Mississippi in November, 1851. Foote was not without assistance, however, for he was greatly encouraged by Henry Clay's praise of his role in the Compromise, given publicly in Washington and by letter to friendly political leaders in Mississippi at the beginning of the 1851 campaign.^74

^73 Natchez Courier, cited in Flag of the Union, October 3, 1851.

Moreover, Foote capitalized on his skill as a political orator and campaigner. He knew well the love of Mississippians of good oratory. Rowland wrote:

The people of the State loved oratory, politics and state craft. The love of oratory that existed among them was the spray that crystalized under the wand of genius into immortal gems of eloquence. It is the gem of immortality, the latent spark of divinity that the orator warms into life, kindles into a flame, clothes with plumage, fits with wings and teaches to fly over the unlimited fields of space and time to revel upon the expansive glories of a beautiful universe.75

It may be said of Foote that he understood well the nature of the occasion on which he spoke, in the Senate and outside the Senate. How effectively he adapted to the speech situation will be explored in a later section.

**Foote's Motives**

Henry Stuart Foote was a complex man. Hamilton saw in him "a combination of methods usually attributed to radicals, coupled with conservative aims."76 An analysis of his motives leads to the following factors: (1) ambition for public office, (2) a desire to be involved in the affairs of the day, (3) a desire for public acclaim,

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(4) love of the South, (5) devotion to the Union, (6) belief in compromise, and (7) love of debate.

Ambition for Public Office

As a youth Foote's family encouraged him to set his goals high. As a student of law he contemplated future greatness. A fledgling lawyer in Tuscumbia, Alabama, he proceeded toward the realization of this goal. Foote moved to Mississippi in 1830 when the state "was enjoying 'a period of flush times.' There was talent everywhere, there was a rich harvest of fame and fortune to be reaped and brilliant young men from the older States were attracted to it." Ambitious to establish himself, Foote soon joined the ranks of such men as Seargent S. Prentiss, John A. Quitman, Joseph Holt and Jefferson Davis at the bar and on the hustings, and proved himself their equal. Baber wrote:

Seldom has there been in one State at the same time such a cluster of brilliant names as these. Mississippi was a hot battlefield and there for thirty years the fiercest conflicts were waged between the old parties. Young Foote entered the front list of contestants for position and for fame, his learning, his

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77 Foote, Reminiscences, 413.
79 Rowland, loc. cit.
eloquence, and his courage, challenging public admiration in spite of rivals trained in political warfare, who seemed to hold the field for themselves as against all comers. He was ready for every form of combat, whether mental or physical.\textsuperscript{80}

The \textit{New York Times} noted that Foote as a young man was ambitious for public office and in a hurry:

[Foote] went to Mississippi, which presented a promising field for the aspiring young politician, impatient to be heard in the councils of the nation. For the next 20 years Mr. Foote was identified with the politics of his adopted State, with an eye single to the Senatorial dignity, to which he was finally elected in 1847.\textsuperscript{81}

The validity of the \textit{Times}' allegation cannot be doubted, as Foote was known to have been interested in the office of United States Senator as early as 1833 and had attended sessions of the Senate as early as the winter of 1824-1825.\textsuperscript{82}

In 1833-1834 the Jacksonian faction of the Democratic party was casting about for someone to oppose the re-election of Senator George Poindexter. Miles wrote: "Henry S. Foote was willing to make the race, but he had lived in Mississippi only three years and had already gained a reputation for political instability that retarded his advancement throughout the eighteen-thirties." The political situation in Mississippi

\textsuperscript{80}Baber, \textit{op. cit.}, 164.

\textsuperscript{81}\textit{New York Times}, May 20, 1880.

\textsuperscript{82}Foote, \textit{Bench and Bar}, 7.
during the eighteen-thirties was fluid. The decade, observed Miles,

witnessed the development of first a three-party and then a two-party system in Mississippi. But party lines in the state were never rigid. The volatile Henry S. Foote—"General Weathercock," according to his detractors—was a Democrat in 1834, a Whig in 1835, a Democrat in 1836, a Whig in 1837, and a Democrat in 1840!83

Foote enjoyed politics. Historians Lowry and McCardle noted: "In politics he was in his natural element."84 In a letter to Senator Willie P. Mangum, Edward Davis observed that Foote "could not live in any other but a political atmosphere."85 Commenting on Foote's desire to be returned to the Senate following a term as Governor of Mississippi, O'Meara wrote: "Governor Foote wanted it with all the fervor of his ardent nature."86 Foote revealed his feelings about the


86 James O'Meara, Broderick and Gwin: A Brief History of Party Politics in California (San Francisco: Bacon and Co., Printers, 1881), 125.
Senate in remarks about a fellow Mississippian, Robert H. Adams. The Senate, he wrote, brought "within reach" opportunities for fame "upon the theatre of national affairs."  

Desire to be Involved in Public Affairs

Foote was driven toward politics by his love of being involved in the history making process and the stormy period in which he lived provided ample opportunities. He sensed that historians would view the period as a particularly eventful one. Rand wrote: "During that dramatic period in Mississippi history Foote played a leading and tragic part." Baber observed: "Governor Foote was the personal embodiment of the period which embraced the origin, the progress, and the close of the most thrilling drama of modern years."

Foote's love of being involved in public affairs found expression in several ways. As a lawyer he participated in several sensational criminal cases. These were popular attractions and offered opportunities for orators to test their ability to dramatize their cases.

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89 Baber, *op. cit.*, 163.
Foote shared several of the more celebrated cases with Prentiss. According to Lynch, Foote acquitted himself well at the bar and achieved considerable fame in the doing.90

Foote's desire for involvement was reflected in his perennial letter writing. He used the medium of letters to the editor to make known his views on timely issues. He also wrote letters to political associates throughout the country regarding issues facing the nation.91 Among those with whom he corresponded were John C. Calhoun, James Buchanan, Carl Schurz, and Stephen A. Douglas.

Foote's fondness for public life expressed itself in still another way. For a period, from about the mid-eighteen-thirties until 1850 when he became involved in the Compromise negotiations, Foote performed a variety of services for his party. Lynch wrote: "[Foote] was at one time very popular with his party in Mississippi, and few men ever exercised more influence over popular assemblies than he at one time wielded."92 Adept at public debate, he was engaged by the Jacksonian faction

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91 Supra, chap. 11, 51-54.
92 Lynch, op. cit., 287.
of the party to help defeat particular candidates. In
1835 he functioned in this role against Franklin E.
Plummer and George Poindexter, candidates for the
United States Senate,\textsuperscript{93} and in 1845 against Alexander
G. McNutt, candidate for the Senate.\textsuperscript{94}

Foote also served his party as trouble-shooter.
In 1836 he was delegated by the Democratic party of
Mississippi to call upon Martin Van Buren in New York,
to ascertain his views on certain issues, prior to
endorsing him for the presidency. Said Foote: "I
cheerfully undertook [the mission] and proceeded to
New York without delay."\textsuperscript{95}

Desire for Public Acclaim

From the foregoing discussion it may be said that
Foote was motivated by a desire for public acclaim.
His love of the limelight was obvious. In its obituary
the \textit{New York Times} noted that "Mr. Foote had had his

\textsuperscript{93}Miles, \textit{op. cit.}, 109.

\textsuperscript{94}Foote, \textit{Reminiscences}, 212; Henry Stuart Foote,
"Autobiographical Sketch," in John Francis Hamtramck
Claiborne Papers, Southern Historical Collection,
University of North Carolina. This is a 37-page biog­
raphy, dictated by Foote to a friend, J. W. Harmon, and
sent to Claiborne for use in the history of Mississippi
which Claiborne was writing.

\textsuperscript{95}Foote, \textit{Reminiscences}, 53-55.
quarrel with almost every prominent politician of his time." Foote's temper and "delicate sense of honor" offer a partial explanation of his brashness, but Poore, a contemporary observer, viewed Foote's indiscretions as an effort to gain recognition and reputation. Poore saw Foote's taunting of prominent Senators as a means of achieving recognition at their expense. Recalling Foote's encounters with Senator William H. Seward, Poore wrote: "Senator Foote sought reputation by insulting him in public." However, Poore's assessment of Seward was much the same as Foote's. Both men were dubious of Seward's motives. Poore said of Seward:

He was not a reformer, he probably cared little whether the negro was a slave or a freeman; but he sought his own political advancement by advocating in turn anti-Masonry and abolitionism, and by politically coquetting with Archbishop Hughes, of the Roman Catholic Church, and Henry Wilson, a leading Know-Nothings.

Foote wrote of Seward:

I regarded him as a man of many peculiarities, and made him a special object of my study. . . . He did not seem to me to be so desirous of ascertaining the exact truth about any matter of dispute which he professed to be seeking to elucidate, as to make the most plausible showing possible for the side of the question which he had himself espoused.

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98 Poore, loc. cit.
99 Foote, Reminiscences, 123, 125.
It is probable that Foote considered needling the opposition a political art, to be applied with great skill. He doubtless enjoyed the practice all the more because it was newsworthy and was well publicized. The Charleston Mercury wrote approvingly of Foote's treatment of Senator Seward:

We suspect there is something in the constitution of Senator Foote's mind that made it nearly a physical impossibility for him to forego such an opportunity. The demagogue of the Empire State, ravenous for distinction, and unscrupulous about the means, was the right sort of game for him and on this occasion tempted him to the chase with an allurement past all resistance. It is as pretty a piece of sport as can be found in the records of wordcraft, and report says that the gravity of the Senate was altogether forgotten during the progress of it.100

Foote's reputation for needling was established before he entered the Senate. Soon after taking his Senate seat he engaged in an exchange with Senator Calhoun. The North American, viewing this practice of Foote's means of insuring that history would remember him, reported the exchange as follows:

After the play came the farce; and of course Mr. Foote was in character. He begged leave to ask the honorable Senator... a question, but Mr. Calhoun refused, expressing at the same time the hope that he would engage in controversy with some other senator, as he could not accommodate him on any terms.

100 Cited in Columbus Democrat (Mississippi), February 9, 1850.
It is truly provoking to see that the 'great Carolinian' would not indulge our distinguished Senator, by engaging in a 'friendly fight.' We would admire one thing in Gen. Foote: in the ardor of his characteristic fondness for questions of veracity, of consistency, or of general controversy, he never seeks a passage at arms with a 'Conscript Father' who is not a perfect stork among the frogs. The faithful Muse of History, when she sits down to write the lives and narrates the acts of the Websters, the Calhouns, the Badgers, and the Mangums, will be compelled to devote several episodes to their forced controversies with Gen. Foote. In this way, if in no other, his name will be indissolubly connected with their renown, and his memory be embalmed for the contemplation of the remotest posterity. 101

Senator Benton was another of Foote's constant victims. Rhodes wrote that Foote's taunting of Benton was an assigned task:

The Southerners looked on Benton as a renegade, for, although a slave-holder from a slave-holding State, he was bitterly opposed to their object, and the senator from Mississippi [Foote] was tacitly selected to taunt Benton whenever opportunity offered. 102

Whether by impulse or design, there is no doubt that Foote's ability to twit his opposition was a source of popularity and reputation, as well as pleasure.

Foote sought recognition by associating himself with prominent men. A reading of his volumes, War of

101 The Weekly Southron (Jackson), June 2, 1848.
the Rebellion, Casket of Reminiscences, and Bench and Bar of the South and Southwest, leads to this conclusion. In these works Foote relates many interesting, some exciting, some romantic, episodes involving social intercourse with prominent individuals.

Love of the South

As a senator Foote seemed torn between loyalty to the South and love of the Union. During the Compromise debates Foote sought to restore the balance of power between the North and South, to defend Southern institutions, principally slavery, to preserve the Union, and to help the nation achieve its manifest destiny. Throughout the deliberations he considered himself loyal to the South, though in the spring of 1850, when disunionist activity seemed to threaten the Union, he became a Unionist. Had he been born or reared in the North, he doubtless would have been as devoted to that section.

On the question of protecting slavery, Foote was extremely vocal in his Senate speeches. On February 23, 1849, during the first debate on territorial governments for California and New Mexico, he acknowledged his role in calling together the so-called convention of Southern senators and representatives for the purpose of formulating a united policy on the territorial question. 103

103 Congressional Globe, 30 Congress, 2 Session, Appendix, 264.
A year later, after joining the Compromise ranks, he again expressed his loyalty to the South and slavery. He stated on May 15, 1850:

'It is my good fortune or ill fortune to have adopted views of very ultra southern cast, both in relation to the present validity of Mexican laws referred to, in reference to the adaptness to slave labor of the whole of that vast region.'

Devotion to the Union

In the spring of 1850, Foote shifted toward a nationalistic, rather than sectional, position. Three events caused him to change. He had come under the strong influence of Clay and two Northern senators, Daniel Webster and Lewis Cass. Also, with the rapid increase in agitation on the part of Northern and Southern extremists Foote had begun to fear for the safety of the Union. The convergence of these events caused him to place his loyalty to the Union above the cause of States-Rights, though he saw no conflict of motives. The decisive event was Calhoun's speech of March 4, 1850. On March 5 Foote was on his feet, exclaiming:

'I am entirely content with [the Constitution's] existing provisions, if we can but secure their faithful enforcement. I am for the Constitution

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104 Ibid., 31 Congress, 1 Session, Appendix, 580.

105 Baber, op. cit., 105; J. J. Peatfield, "Famous Californians of Other Days," Overland Monthly, XXIV (December, 1894), 645.
and its guarantees. I am for the Union, as provided for and delineated in that sacred instrument... the good old Union, the fruit of the sage counsels of our immortal ancestors.106

Following this break, Foote's devotion to the Union and to the Constitution appeared to be paramount; he believed the great majority of the people of Mississippi wished to see the Union preserved at all costs. In a Senate speech on June 27, 1850, he indicated that he looked forward to facing his constituents in order to explain "all the circumstances which surround me here, and of laying before them a statement of my motives by which my conduct in relation to this measure has been influenced."107

Belief in Compromise

A corollary to Foote's loyalties to the South and the Union was his belief in compromise, which he regarded as inherent to the democratic processes. This spirit of compromise was reflected in Foote's speeches. He told the Senate on June 13, 1850: "I must say I have so much of the spirit of compromise about me."108 On

106 Congressional Globe, 31 Congress, 1 Session, 462.
107 Ibid., Appendix, 990; Foote, Reminiscences, 18.
108 Congressional Globe, 31 Congress, 1 Session, Appendix, 587.
November 27, 1850, addressing a New Orleans audience familiar with the charge that the South had relinquished more rights than the North in adopting the Compromise measures, Foote admitted that the measures were imperfect: "There never was, nor never can be, [a perfect law] framed by human skill. . . . All the laws included . . . seemed to want amending, but the great object was to preserve the Union, and not let it go down in blood." 109

Referring to the Constitutional Convention of 1787, Foote told a Philadelphia audience on December 30, 1850, that the "scheme of government which had been brought into existence [was] avowedly . . . a plan of mutual concession and compromise." 110 He again emphasized compromise in his Washington's Birthday speech in New York on February 22, 1851. Referring again to the 1787 convention, he said:

No fact is better ascertained than that the plan of government finally agreed upon was not in all its parts satisfactory to all . . . but taken as a whole, as a comprehensive scheme of compromise and settlement, calculated to terminate existing disorders, allay sectional discontent, and save the country from the horrors of civil war, it was regarded by most . . . as entitled . . . at least [to] their prompt and peaceful acquiescence. . . . 111

110 The Pennsylvanian, December 31, 1850.
111 Flag of the Union, March 14, 1851, 1-2.
Foote's Love of Debate

An analysis of Foote's motives would not be complete without mention of his love of debate. He loved to talk. He believed in full and unlimited debate, and he tended to impose himself upon the Senate, to the displeasure of many senators. Foote resented challenges of his right to the floor in the waning hours of March 3, 1849, prior to Senate adjournment. When several senators attempted to throttle him, he insisted on being heard: "My object is not to talk it out: it is to express my views. I cannot permit the views of the honorable Senator . . . to pass without a proper response." Later in the hour he said: "Though 'my dear sir' should come from a thousand mouths, I intend to do my duty. I know the precise thing to be argued; I intend to act accordingly." The following was his response to still another challenge:

Mr. President, whenever I can ascertain that this great question can be settled honestly, and in a manner to preserve all the interests of the South, as well as the North and the West, then I am prepared to cease speaking, which is always painful to me; but until then I must beg to continue speaking.112

Foote spoke with tongue in cheek, for his love of speaking was in fact one of his strongest motivations.

112 Congressional Globe, 30 Congress, 2 Session, 684.
Was Foote inconsistent? The New York Times thought so. It called attention to his contradictions: "When [Foote] was most ardent in behalf of the integrity of the commonwealth, he was equally ardent in his attachment to slavery, rating abolition as the first of political sins." Democratic Senator Jeremiah Clemens of Alabama, who had come in for a scathing attack by Foote, also thought so. He reminded the Senate of Foote's short memory:

He has constituted himself the advance guard of the grand compromise army. He has assumed to deliver lectures here upon the dangerous tendencies of ultraism. I propose to show that, if it be a sin, it is one of which he has himself so lately repented, that he has hardly had time to obtain forgiveness.

But John Bell of Tennessee viewed Foote against the backdrop of contemporary events and defended his public image on July 5, 1850:

I knew his noble nature; and he was above sectional views; that on the other hand his views were broad and rational. I knew he was denounced at the North as a firebrand—as a man who would plunge this country into a civil war. But I knew that he was a very different man from that.

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114 Congressional Globe, 31 Congress, 1 Session, Appendix, 587.
115 Ibid., 1096.
In December, 1851, when Foote sought passage of his Resolution Reaffirming the Compromise Measures, he was accused of seeking to ensure that historians would not overlook him. However, the Natchez Courier, a friendly newspaper, viewed Foote's motives in a different light:

There is no necessity to go abroad after an unworthy motive, when an honest and honorable one can be found at hand. Gov. Foote's motive was to quiet agitation, and to destroy any hopes that abolitionism on the one hand, or secessionism on the other, might entertain. . . . If Sen. Foote looked beyond the day, and saw in the future his name associated with this confirmation of the adjustment of 1850, it was a laudable, and not an unworthy ambition. His motive was peace; his aim the ensurance of that peace and harmony. 116

**Foote's Arguments**

Foote was well qualified for the role that he was to play in the Compromise deliberations. He was an authority on Texas history, possessed a knowledge of government and history, and was an observer of men and events. He was already acquainted with many Government officials, for he had been in and out of Washington on numerous occasions. He had for some time become nationally oriented in his thinking. The basic issues were not new to him. A Jacksonian Democrat in 1833, he had opposed the nullification doctrine of Calhoun by publicly

116 *Natchez Courier*, March 5, 1852.
criticising John A. Quitman's espousal of the doctrine in Mississippi. This section examines Foote's views on the various issues involved in the slavery and territorial questions, and focuses on the arguments he advanced in support of those views.

Pre-Compromise Debates: Territorial Question

Foote took a prominent role in the first extended debate on the territorial question. On February 23, 1849, speaking at length he developed two arguments: That it was imperative that some form of government be established for California and New Mexico and that the Democratic party had a special responsibility for taking the initiative. In support of the former he reasoned: (1) that American citizens who had gone there, or would go there, should be protected against domestic violence and foreign aggression; (2) that the nation's commercial interests in the former Mexican territories required greater governmental control, involving vast lands and minerals and commercial advantages of sea trade; (3) that the treaty with Mexico stipulated that there be no delay in extending the rights of American citizenship to qualified inhabitants of the territories. Foote contended that while the Presidency, under Zachary

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117 Foote, Reminiscences, 348-349.
Taylor, would soon be in Whig hands, the Whigs in Congress had been reluctant to assume any initiative. More importantly, however, Foote reasoned that the Democrats were responsible, for the territories had been acquired under Democratic auspices.  

Compromise Debates: Formal Opening

Knowing that the Thirty-First Congress was to be an historic one, Foote immediately moved to assume a leading role when the session opened. On December 27, 1849, as if anticipating Clay's speeches of January 29 and February 5, 6, 1850, Foote informed the Senate of his intention of introducing a bill "for the establishment of a territorial government in California, Deseret [Utah] and New Mexico and for other purposes... drawn up in a spirit of compromise, and with due regard to the constitutional rights of the various sections of the Confederacy." 

On February 21, 1850, voicing his conviction that the Senate was having its last chance to effect a compromise, Foote formally introduced his resolution to create a Committee of Thirteen, whose object it would

118 Congressional Globe, 31 Congress, 1 Session, 603.  
119 Ibid., 87.
be to work out a plan of compromise of all questions arising out of the slavery issue. The Committee was to be composed of six members (3 Whigs, 3 Democrats) from the free States and six members (3 Whigs, 3 Democrats) from the slaveholding States. These twelve, to be elected by balloting by the Senate, would elect the 13th member. Foote believed that such a committee would succeed where the Senate as a whole would only inflame the issues, and he warned the Senators: "Every day that we have sat here—deliberating as we call it—agitating the question of slavery in this hall, we have placed the Union in greater peril. It is possible to dissolve this Union by agitation within the halls of Congress."\(^{120}\)

In submitting his resolutions of January 29, Clay had planned to have the Senate deliberate on each resolution separately, but Foote, with the probable help of Thomas Ritchie, editor of the Washington Union, persuaded Clay to combine all of the problems growing out of the issue of slavery into one bill. In his omnibus approach Foote saw a greater chance of effecting a compromise, one with "compensating advantages for both the North and the South."\(^{121}\)

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\(^{120}\)Ibid., 418-420.

\(^{121}\) Ibid., Appendix, 579-592; Hamilton, *Prologue to Conflict*, 148.
Foote had great hope for the Compromise bills, and if they should become law, he predicted that:

Free-soilism and abolition, in their political aspects, would be utterly extinguished. The wretched demogogues . . . would perish by twenties and by hundreds. The Republic would be restored much sooner to quiet, to concord, and to true brotherly feeling, and our noble institutions would be reestablished upon foundations too firm to be shaken again.

In opposing Foote's plan, Senator William H. Seward of New York said it was like a court of justice "taking up the whole calendar of cases at once." But Foote was persuasive and the Senate adopted the plan. The Committee of Thirteen figured prominently in the deliberations which followed.

Foote asserted that the people in every State except South Carolina were in favor of the Compromise measures. "I entertain no doubt . . . that nine-tenths of the people of all States, except one worthy State, will . . . be . . . profoundly grateful to us for adoption of this measure."  

Foote's Basic Premises

During the course of the Compromise deliberations Foote spoke often. Six basic premises formed the basis

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122 Congressional Globe, 31 Congress, 1 Session, 798, 863.
123 Ibid., 1096.
of his arguments on the slavery and territorial questions. They are: (1) The Union as a perpetual Union must be preserved. (2) "The Constitution forms a government, not a league." (3) The Constitution provides a framework (is an instrument) for the orderly solution of all political questions. (4) The Federal Government is a government of limited powers. (5) The Constitution sanctioned slavery. (6) Slavery is vital to the survival of the social and economic life of the South.

**The Union is Perpetual**

Foote looked upon the Constitution as a "sacred document" and the Union it created as a perpetual Union. In answer to Calhoun's speech of March 4, 1850, Foote declared in his speech of March 5:

I am for the Union, as provided for and delineated in that sacred instrument. It is not a new Constitution, nor an amended Constitution, for which I have been all along contending; not such a Union as may be hereafter provided by the wisdom of the present generation, but the grand old Union, the fruit of the sage counsels of our immortal ancestors.

On July 23, 1850, Foote told the Senate: "I do not wish to stand upon anything but that 'rock' of the Constitution as [Calhoun] emphatically called it." And when the motives of the leaders of the October, 1849, Mississippi State Convention had been impugned, Foote assured the Senate on August 1, 1850: "The proceedings
... did not look to the destruction of the Union, but the preservation of it, by maintaining the Constitution inviolate to which the Union owes its existence." He also reminded the Senate that "The Union provided for in the Articles of Confederation was a 'perpetual Union.'" In his speeches outside the Senate Foote called attention to the spread of agitation and warned that the most basic question was "Union or Disunion." On November 27, 1850, he told his New Orleans audience that "when the Compromise matter was first mooted in Congress, it was at a time when the question, even there, was 'Union or Disunion.'" "The Union must be preserved as adopted by the illustrious patriots whose names adorn the pages of history." Outside the Senate Foote stressed the evolution of the concept of "Union." On December 30, 1850, Foote told a Philadelphia audience that the act of Congress which called the Constitutional Convention of

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124 Ibid., 462; ibid., Appendix, 1416.

125 New Orleans Daily Delta, November 28, 1850; New Orleans Daily Crescent, November 28, 1850; New Orleans Daily Picayune, November 28, 1850; The Pennsylvanian, December 31, 1850; Congressional Globe, 31 Congress, 1 Session, Appendix, 1492.

126 Flag of the Union, April 25, 1851.
1787 set forth as its purposes "the creation of a firm National Government," and 'the preservation of the Union.'" The first step taken by the Continental Congress toward the object of Union was in July, 1755, when Benjamin Franklin submitted his "'articles of Confederation and perpetual Union' to the consideration of that body." The framers of the Constitution, which replaced the Articles of Confederation, were careful to declare in the Preamble as one of their objectives "'to form a more perfect Union.'"\(^{127}\)

**The Government is Not a League**

Foote was aware of the difficulties experienced by the delegates to the Constitutional Convention in 1787, in writing the Constitution. The Constitution, he said, envisioned a perpetual Union. Thus, as the 1850 debates progressed and talk of secession increased, Foote was prepared to discuss the various aspects of secession. He explored the constitutional aspects of secession in four major Senate speeches: February 23, 1849, May 15, 1850, August 1, 1850, and December 18, 19, 1851. In his Senate speeches Foote reasoned from the same premise, that "the sovereign States of this Union have a right to secede from the Confederacy in order to avoid intolerable

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\(^{127}\) *The Pennsylvanian*, December 31, 1850.
oppression. He developed his premise in three basic cases: (1) Secession as a remedy for intolerable oppression had been recognized by such eminent authorities as Thomas Jefferson, in his letter to William B. Jiles in 1825; Andrew Jackson in his 1833 Proclamation recognized secession as a revolutionary remedy; John Madison in a letter to Everett in 1798; Philip P. Barbour who recognized secession as a constitutional right under conditions of intolerable oppression; Senator John M. Berrien of Georgia; John C. Calhoun and Joel R. Pinsett of South Carolina; the Mississippi bar; and the October, 1849, Mississippi State Convention. (2) "The Union itself would be worthless without the liberty and happiness it was intended to secure." (3) If the Federal Government interfered with domestic slavery in the South, secession would be justified, for this would be an intolerable wrong. 128

Foote rejected outright the contention of the constitutional right of States to secede at pleasure. For a time Foote appeared to be unsure as to the constitutionality of the right of secession under conditions of intolerable oppression, but found his premise

128 Congressional Globe, 30 Congress, 1 Session, 260-264; ibid., 31 Congress, 1 Session, Appendix, 579-585; ibid., 1491-1495.
in Jackson's 1833 Proclamation, which declared that secession even under such conditions was a revolutionary, not a constitutional right.

Such was the position Foote took in his Senate speech of August 1, 1850. Prefacing his reading of extracts from Jackson's Proclamation, he underscored their significance: "What I am about to read I desire to be understood as endorsing most fully." Jackson noted, said Foote, that the assumed right of secession rested on the alleged undivided sovereignty of the States, and on their having formed in this sovereign capacity a compact which is called the Constitution, from which, because they made it, they have a right to secede. Both of these positions are erroneous.

Foote also cited Jackson's famous dictum:

The Constitution of the United States, then, forms a government, not a league; and whether it is formed by compact between the States, or in any other manner, its character is the same. It is a Government in which all the people are represented, which operates directly on the people individually—not upon the states; they retained all the power they did not grant. But each State, having expressly parted with so many powers as to constitute, jointly with the other States, a single nation, cannot from that period possess any right to secede, because such secession does not break a league, but destroys the unity of a nation and any injury to that unity... is an offence against the whole Union. To say that any State may at pleasure secede from the Union is to say that the United States are not a Nation.129

129 Congressional Globe, 31 Congress, 1 Session, Appendix, 1492.
Thus, Foote's position on secession was that there was no constitutional remedy for a State to secede. If such action were taken, it would be a revolutionary act. Foote was influenced in his thinking, not only by Jackson and the other authorities listed, but by Madison and Washington. In an open letter to the people of Mississippi on September 19, 1851, Foote wrote: "There is no right secured by the Constitution of the United States, to any single State of the Confederacy, at its own pleasure, to secede from, or to break up the Union—which I understand to be the avowed doctrine of my adversaries in this contest." 130

Foote broke with the Calhoun forces as a result of the secession issue. Greatly disturbed by Calhoun's speech of March 4, 1850, Foote sought immediately to blunt its effect upon the Compromise and upon the public mind. On March 5, Foote took the floor to disavow for himself and the South, Calhoun's demand for a constitutional amendment which Foote understood to call for a dual executive and its principle of a "concurrent majority." He argued that Calhoun's new demands "might prove fatal to the Union." Citing several instances of Northern sympathy for the South's problems, Foote charged

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130 *Flag of the Union, September 19, 1851.*
that Calhoun was unjust to the North and jeopardized the compromise. He told the Senate a week later, on March 13, "To speak plainly, I felt that a noose was put around my neck, while asleep, and without having antecedently obtained my consent."^131

On August 1, 1850, Foote told the Senate that if a State should actually secede as a constitutional remedy, the President would have to resist, for he was bound to maintain the Constitution inviolate. The Articles of Confederation, he said, provided for a perpetual Union, and it would be the President's duty to resist secession in order "to preserve, protect, and defend the Constitution" itself, and as Jackson said in his 1833 Proclamation, the Government has a right, by the law of self-defense, to pass acts for punishing the offender.^132

Furthermore, Foote thought that the ultra Southern senators were misrepresenting the will of the Southern people. He maintained that the people of the South did not favor secession; on the contrary, a great majority in all the Southern States, except South Carolina, strongly favored an adjustment of sectional differences.

^131 Congressional Globe, 31 Congress, 1 Session, 463, 519-520.

^132 Ibid., Appendix, 1492.
In Mississippi, said Foote, "at least ninety-nine hundredths" of them, were in favor of a plan of adjustment. He noted strong support for the Compromise in his native state of Virginia.  

Foote told a New Orleans audience on November 27, 1850, that South Carolina may secede but that he personally would not try to stop her. In a lighter vein he added: "The South Carolina members of Congress are good sociable gentlemen, loving good dinners and long speeches, and will not remain long away from Washington."

On December 9, 1850, before a New York audience, Foote expressed doubt that South Carolina would actually secede: "I venture to predict that South Carolina will redeem herself, and will repent in sackcloth and in ashes, the temerity, which for the last twelve months, has marked the conduct of her leaders and people."

It is clear that Foote did not believe in secession as a constitutional remedy. It is doubtful if he believed strongly in secession as a revolutionary remedy,

133Ibid., 1493-1495.


135New York Herald, December 10, 1850, reprinted in Flag of the Union, December 27, 1850.
for in several of his speeches he made it clear that he did not consider existing conditions to be oppressive.

The Constitution and Orderly Government

Foote strongly believed that the Constitution provided a framework, a system, for the orderly solution of all political questions, however grave. This premise was reflected in Foote's Senate speeches and acknowledged explicitly before audiences outside the Senate. His speeches evidence a belief in orderly government, an appreciation of the democratic processes, and in the roles assigned to discussion and debate in democratic procedures.

The framers of the Constitution provided for the perpetuation of the Union, for the "sacred document" embodied the element of compromise. Foote looked upon the principle of compromise as the cornerstone of democratic government. His belief was grounded in a knowledge of history and an understanding of the nature of government. On December 30, 1850, Foote lectured upon the principles of government in Philadelphia and stressed three major propositions: (1) that the framework of government created by the 1787 Constitutional Convention embodied the principles of compromise, (2) that the recent plan of adjustment was based upon those principles of compromise, and (3) as in the case of the
earlier compromise, the recent Compromise ought to be accepted by all Americans. 136

The framers of the Constitution in 1787 brought forth a scheme of government, said Foote, which was "avowedly . . . a plan of mutual concession and compromise." Drawing an analogy between the earlier convention and the recent session of Congress, he noted the open talk of secession which accompanied both compromises, but stressed the spirit of compromise exhibited by Benjamin Franklin and George Washington, participants in the 1787 Convention, neither of whom believed the Constitution to be perfect. Said Foote:

Such profound and practical men as Washington and Franklin did not think of looking for absolute perfection in aught of human design or workmanship; they knew how to make a discreet and liberal allowance for conflicting opinions, for sectional jealousy, and the thousand other influences unfavorable to wise and wholesome legislation, which must necessarily . . . prevail in a deliberative assembly.

Foote qualified his authorities by relating them to one of his compromise objectives: "They were lovers of order, friends of social concord, and opposed to anarchy and civil strife." They, seeing the imperfections in the Constitution, he continued,

136 The Pennsylvanian, December 31, 1850.
did not . . . deny their existence, but . . . exerted themselves [as have of late those champions of the scheme of compromise] . . . to suppress excitement, to stifle agitation, and to quiet the country. They urged their countrymen to accept the plan of the Convention, and utterly to disregard the seditious disclaimers.

To stress the practical aspects, as well as the importance, of resolving political problems through compromise, Foote raised some basic questions which would evolve from a dissolution of the Union:

Will some of the wild abstractionists of the present day tell us what is to become of our navy. . . . What are the public lands to be disposed of? Who is to possess the public forts, arsenals, dock yards, etc. etc.? Who is to pay the public debt? Who is to fall heir to the billions now in the public treasury? Is a Northern or Southern confederacy to hold ownership of the rich mineral treasures of California, and the valuable fishing privileges along the coast of New England? What power is hereafter to control the navigation of our inland seas and of our majestic rivers? Upon what nice principle of political metaphysics are we to divide . . . that priceless inheritance of national glory which has descended to us from our ancestors as citizens of United America! A thousand other such questions might be propounded, which would be at least as difficult of solution as these.137

Later, after witnessing the tragic civil strife which followed secession, Foote believed more strongly in the importance of orderly deliberations and compromise.

In 1866 he wrote:

137 Ibid.; see also Flag of the Union, December 27, 1850.
Where is the man . . . who will deny that compromise—yes, compromise, a little giving and taking, here and there, on both sides of the line of controversy—a little conciliation, forbearance, yea, and of sacrifice too, if need be, of cherished opinions, of loved personal interests, and of the ambitious desires for local ascendancy, may be both wise and patriotic, if any or all of these shall be found to stand in the way of a nation's salvation? . . . Compromise! Compromise! . . . which is . . . oftentimes grandly typical of the utmost attainable perfection of human reasoning, when that reasoning may be said to partake least of the discrediting taint of mortality, and to approach most nearly to the unerring and unfathomable wisdom of the Deity himself!138

Foote's devotion to the principle of compromise was most evident in his relations with the States-Rights faction of the South. He shared their objective of seeking to restore the "equiponderance" or balance of power, between the North and South, but he had no sympathy for those who would wield the threat of secession as a means of gaining their legislative objectives. The South's objectives, he thought, could be accomplished only through democratic procedures and within the spirit and meaning of the Constitution.

**Limited Powers of Government**

Foote's arguments relating to popular sovereignty, the relationship of the Federal Government to the States, the right of Congress to legislate on the subject of slavery, and the rights of slaveholders to enter the

territories, were based in part upon the premise that the Federal Government was a government of limited powers. In a discussion of popular sovereignty Foote elaborated upon the question of the distribution of powers. In a Senate speech on June 15, 1850, he said that under the Constitution "All power not confided in the Federal Government is reserved to the States or the people." The Constitution, he explained, made no mention of the word "sovereignty," that sovereignty resided only in the people. Foote stated:

Sir, there is no sovereignty—in the true and proper sense of that word—in any Government, or any department of Government, whether State or Federal, in this country. . . . All government, under our system, is a mere agency, and possesses precisely so much power as has been confided to it by the organic law, and no more. It is true that the attributes of sovereignty are apportioned out by the constitution between the Federal and State governments; but sovereignty itself resides in the people of the States, and cannot reside elsewhere.

While Congress, he explained, "has no sovereignty whatsoever," the Constitution did bestow upon Congress "certain sovereign powers . . . in its fiduciary character" which defined its areas of jurisdiction. In the June 15 speech he argued that the authority to establish a State government resided in the people of the territory, not the Congress.139

139Congressional Globe, 31 Congress, 1 Session, Appendix, 905.
In his Senate speech of May 15, 1850, Foote established his proposition of popular sovereignty by citing what John Quincy Adams said in a letter in 1823:

I have [always] held the Government of your Union to be a Government of limited powers; that Congress could not lawfully exercise any powers not granted to them by the people in the Constitution, and that powers in themselves of a transcendental nature cannot be assumed by construction as incidental to the expressed powers of apparent import so much more limited than themselves.

Adams believed, said Foote, "That some of these powers must be constructive . . . but that this construction must itself have some limits." 140

Foote told a Natchez audience on September 27, 1851, that the United States Constitution was "the great triumph of the Genius of America." He continued:

"Our forefathers formed a limited government with a written constitution prescribing powers to every officer. Even Europe has copied her example [excepting autocratic Russia] even to the Sultan of Turkey, who is about giving the inestimable boon to his subjects." 141

While Foote considered himself to be of the strict constructionist school, he believed that the Constitution conveyed "implied powers." During an exchange with Senator Hopkins L. Turney of Tennessee on August 21,

140 Ibid., 584.
141 Flag of the Union, October 3, 1851.
1850, Foote advanced his concept of implied powers. Referring to Senator Turney's question of the constitutionality of a bill which would provide reimbursement from the federal treasury for fugitive slaves who could not be recovered, he said:

The Senator seems to suppose that the Constitution is a congeries of clauses, all of which confer express powers, but none of which confer implied powers for any purpose whatever. Why, sir, implied powers are exercised every day by this Government. He votes in exercise of implied powers every day.

For example, said Foote, "the power to declare war necessarily implies the possession of the means to carry it on, and to bring it to a successful conclusion."142

**The Constitution and Slavery**

Foote was aware that the institution of domestic slavery was paramount in the territorial question. In the debates he took the position that slaves were a form of property, and thus the Constitution sanctioned slavery. The slavery question had two aspects: its status under the Constitution and the status of the Mexican laws in the California and New Mexico territories.

142 *Congressional Globe, op. cit.*, 1618.
By extension of his premise, Foote reasoned that property rights in slaves, like other property, were guaranteed and protected by the Constitution. He agreed with William L. Sharkey that "'The right to hold slaves as property, became a fixed principle, inseparable from the other provisions of the Constitution." 143

Reasoning also from his limited powers premise, Foote argued that Congress had no authority to legislate upon the subject of slavery. Further, he contended that the territories had no constitutional authority to keep slaveholders from entering them attended by their slaves, because a territorial legislature had no power to legislate upon the subject of slavery "except for the protection of it." 144 However, he did recognize the authority of the people of a territory to accept or reject slavery when drawing up a constitution in seeking statehood. This authority, he thought, was the constitutional basis for President Taylor's efforts to grant statehood to California and to delay any action on New Mexico and California until they were ready to become states. It was the constitutional basis on which Foote

143 Congressional Globe, 31 Congress, 1 Session, 532.
144 Ibid., Appendix, 1419.
sought to have California, as well as New Mexico and Utah, granted the status of territorial governments. It was, Foote reasoned, a way for the Government to gain firmer control of the territories and at the same time protect the rights of Southern slaveholders, by providing more time to determine whether the soil and climate were conducive to the use of slave labor.

Another constitutional question relating to slavery, on which sectional biases were evident, was the question of the status of Mexican laws in the former Mexican territories. Foote contended that the United States Constitution went into effect in the former Mexican territories with the signing of the Treaty with Mexico, but others, including Clay, Douglas, Webster and Hale, maintained that the Mexican laws prohibiting slavery remained in effect, and would continue in effect, until such time as Congress enacted legislation making the Constitution applicable to the territories.

On February 23, 1849, Foote supported his position with four cogent arguments: (1) The Constitution is "the supreme law of the land," which means "all of the land, the territorial surface of this republic." (2) Unless the Constitution were already in effect in the territories, the President could exercise no authority there, for he derived his authority from the Constitution and he "has no power except that which he derives from the
Constitution." (3) The Constitution went into the territories by act of conquest. (4) The Government is already in possession of California and New Mexico and the President has exercised his power to hold and occupy them, "either actually or constructively."145

Each side of the controversy over the status of the Mexican laws clearly understood the motives of the other, for those who were opposed to permitting slavery in the territories argued that the Mexican laws continued in force, and the Southerners heatedly argued that the laws of Mexico were null and void, as of the moment the Treaty of Guadalupe-Hidalgo was signed. However, there were differences of opinion among jurists outside of Congress on the issue.146

**Importance of Slavery to the South**

Foote believed strongly, as did Mississippians generally, that slavery was vital to the survival of the social, economic, and political life of the South. This premise appears to have been the overriding one in Foote's arguments during the Compromise debates,

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146 *Congressional Globe, 31 Congress, 1 Session, Appendix, 582.*
for his professed objective was to protect the South's "favorite domestic institution." His arguments concerning the restoration of an "equiponderance" between the North and South, territorial legislation, non-intervention and "squatter" sovereignty, the status of Mexican laws in the territories, the Texas boundary question, the fugitive slave law were directed toward the larger premise that the destruction of the institution of slavery would be disastrous to the South.

Southern Senators knew that the existence of slavery was being threatened. They had been alarmed by increasing abolitionist activity in the North and the continuing threat of a Wilmot proviso. Foote knew that any legislation specifically directed toward slavery would become the precedent for other, more restrictive legislation, until finally, and "without much delay too," Congress would act to abolish slavery in the South. The effect of establishing a precedent was the premise of Foote's argument rejecting a move by Senator David L. Yulee of Florida to secure legislation favorable to the South in connection with a territorial bill. Foote argued that any

... positive legislation [by Congress] of ... substantial and vital character ... if it shall once take place with the sanction of the South, either express or implied, must inevitably draw after it, and without much delay too, a sweeping
congressional enactment, which will utterly exterminate our favorite domestic institution, and plunge the whole South in hopeless remediless ruin. 147

In the argument just cited Foote reveals his premise that a continuation of slavery was basic to the social, economic and political welfare of the South, which helps to explain the vigorous way he pursued the matter of non-intervention in the debates. He doubtless subscribed to the position adopted by the Mississippi Legislature in 1836, which according to Miles,

\[\ldots\] declared that the people of the state "look upon the institution of slavery, as it exists among them, not as a curse, but as a blessing, as the legitimate condition of the African race, as authorized by the laws of God and the dictates of reason and philanthropy; and that they hope to transmit this institution to their posterity, as the best part of their inheritance." 148

Hearon sheds light on how Mississipians looked upon slavery in the following passage:

Hence, when the movement came for the expansion of the United States to the west that was to result in the great struggle between the sections over slavery, the people of Mississippi, as a whole, were committed to the support of slavery. They were, also, convinced that their social existence, economic prosperity, and political power were bound up with that institution, and were ready to further expansion \ldots as conducive to the promotion of its prosperity. 149

147 Ibid., 584.


149 Hearon, op. cit., 13.
It was a mistake, Foote argued on August 22, 1850, to believe that the South was divided on the question of slavery, between slaveholders and non-slaveholders. He declared:

So far as my own state is concerned, in my opinion, the non-slaveholders among us are as true to the South, her honor, and her interests, as the slaveholders themselves. I cannot doubt it. . . . I maintain that our fellow-citizens of the South are thoroughly united upon the subject of our domestic institutions. They are to a man resolved to cherish and maintain them against all that can bring them into jeopardy. 150

Foote frequently related his arguments to the objective of protecting and restoring to the South the right to enjoy its "domestic institutions," by which he meant slavery. Agitation of the slavery issue, he argued, had disturbed the "quiet, harmony and true brotherly feelings" of the two sections of the country. He believed that Northern agitators and abolitionists did not understand the institution of slavery. There was nothing "in the system of domestic slavery intrinsically degrading," he argued on June 18, 1850. Foote viewed this "deeply-seated prejudice in the States of the North to what we call the domestic institutions of the South" as the "main obstacle to the efficiency of any law on this subject" that may be adopted. However, Foote believed

150 Congressional Globe, 31 Congress, 1 Session, Appendix, 1617.
that Northern prejudice was on the wane, citing the states of Massachusetts, Michigan, and Pennsylvania.  

Subjects of the Compromise

Admission of California

The California question was to be the test of the South's ability to unite and of the strength of its arguments. Such appears to have been Foote's view of the California question. He contended that if California should come in as a separate measure, it would result in increasing agitation and a probable breaking up of the Union. He did not believe that the South could accept anything less than a simultaneous solution to all questions growing out of domestic slavery. He voiced his alarm in numerous Senate speeches and confirmed it in his public speeches following passage of the Compromise measures.

Foote and other Southerners thought that President Taylor's move to have California admitted as a State, without first granting her an interim status of a territorial government, was an irregular procedure. Foote questioned the urgency of considering statehood for California, noting that her boundaries were not

151Ibid., 1616.
yet set and that it was unclear as to whether "her present civil organization had been brought about by unfair, unconstitutional, or coercive action on the part of the Federal Government, or any of its functionaries." He soon realized what President Taylor's motive was in pressing for statehood for California while maintaining a policy of non-action toward New Mexico and Utah. By withholding any action until each territory was ready for statehood, the Administration sought to by-pass the issue of slavery. Understanding this stand, Foote was not impressed with the urgency given to the admission of California as a separate measure by Webster and Benton. Noting the growing irritation between Texas and New Mexico over the boundary question, Foote contended that California could wait, but that "the territorial measure [New Mexico and Utah] is entitled to precedence, because it involves the quiet and safety of the Republic more deeply than the question of admitting California." What Foote really had in mind was the settlement of all issues growing out of domestic slavery at one time, by combining them. Only by settling all such

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152 Congressional Globe, 31 Congress, 1 Session, 323.

153 Ibid., 641.
issues in one measure did he feel that the "equipon-
derance" between the North and South could be reestab-
lished. He believed that the admission of California
"without the adoption of other measures which relate
to the subject of slavery, would be productive of much
sectional dissatisfaction, and probably of other conse-
quences, of a greater character." Thus, he was
willing to admit California as a part of a general
compromise plan, or if a new state could be carved out
of Texas.

The constitutional issues involved in his reason-
ing on the California question were covered in a dis-
cussion of his premises.

New Mexico

In June, 1850, after the Compromise debates had
been underway for some time it was learned that a body
of citizens of New Mexico were about to petition for
statehood. Foote joined Webster, Clay and Cass in
opposing the move, on the basis that New Mexico was
not ready for statehood. Foote saw in the move a scheme
to defeat the Compromise bill and "retain the country
in its present condition." He argued that it would

154 Ibid., 323, 603.
155 Ibid., Appendix, 1096.
result in open conflict between New Mexico and Texas, a move which he charged Senator William H. Seward was promoting. On July 5, 1850, Foote warned the Senate: "If New Mexico is admitted as a State, the Union cannot continue to exist." 156

**Texas-New Mexico Boundary**

One of the problems which frustrated the territorial question was the matter of establishing territorial boundaries. President Taylor's non-action policy was an obstacle. The President reasoned that if California and New Mexico were both granted statehood the question of boundaries could be adjudicated by the Supreme Court. There was general agreement, however, that the Court could not settle the matter. Foote believed that the Federal Government lacked authority to solve the boundary dispute. He thought that it was imperative that Congress act upon the boundary question. 157 He agreed with the President that the Court lacked any jurisdiction so long as the area remained in a territorial status.

The Controversy over the Texas-New Mexico boundary had become fraught with many complications. 158 Foote

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156 Ibid., 998, 1098.
157 Ibid., 859.
charged that the Administration was putting undue pressure on Texas to make concessions in the boundary dispute, but he warned that leaving the question unsolved would result in violence. The key Administration spokesman in the Senate was Senator William H. Seward, who had urged that force be used to bring Texas to terms on the border question. Both Foote and Clay warned that a civil war would be provoked should the Government take military action against Texas. Foote predicted that other states would come to the aid of Texas; Clay promised aid from Kentucky. Foote charged Senator Seward with attempting to break up the Union, of being motivated by aspirations of becoming "the Chief Executive of a new republic or empire to be founded North of Mason and Dixon's line." 159

Foote preferred to see Texas broken up into from one to four additional states, in order to restore a favorable balance of power between the North and South. Later, when the boundary question had been solved as a part of the Compromise, and large numbers of emigrants began moving into Texas, Foote felt that it was still possible that as many as four more states might be created out of Texas, with her consent, of course. He

159 Congressional Globe, 31 Congress, 1 Session, Appendix, 859, 863, 1451.
indicated to his New Orleans audience on November 27, 1850, that such a move had the support of Cass, Dickinson, and Webster.\(^{160}\)

**Fugitive Slave Law**

The problem of recovering fugitive slaves had long been a source of irritation to Southerners. Northern abolitionists had engaged in carefully organized kidnappings of slaves in the District of Columbia. Earlier, on April 20, 1848, Foote engaged in a heated exchange with Senator John P. Hale of New Hampshire who wanted Congress to authorize reimbursement for property damaged in the attempted recovery of fugitive slaves in the District.\(^ {161}\)

On February 8, 1850, Foote introduced, as an amendment to Clay's compromise resolutions, a set of eleven resolutions, including one calling for a more effective fugitive slave law. On August 21, 1850, he declared that "there is an absolute obligation upon the Federal Government to see that fugitives from justice and fugitives from labor are restored to the States from which they fled." The problem, he thought, was the result of

\(^{160}\) *New Orleans Daily Crescent*, November 28, 1850.

\(^{161}\) *Congressional Globe*, 30 Congress, 1 Session, Appendix, 592.
"the mischievous non-action of this Government." Under the circumstances, therefore, Foote believed that the slaveowner should be reimbursed by the Government for the monetary loss sustained when fugitive slaves were not recoverable, arguing that the people of the free States would get sick of this business of encouraging fugitive slaves to fly within their limits . . . when they find themselves compelled to pay out of their own pockets their portion of the value of the slaves who have thus become fugitives.  

Slavery in the District of Columbia

Among the resolutions which Foote offered on February 8 were two dealing with slavery in the District of Columbia, one specifying that "Congress cannot properly or justly legislate for the abolition of slavery in the District . . . except with the unanimous consent of all the slaveholding States of the Confederacy," and another stating "That it is inexpedient to legislate at present in regard to the prohibition of the trade in slaves in the District . . . and that it is a matter which may be well left to be regulated by the municipal authorities of said District." These positions Foote maintained throughout the deliberations.  

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162 Ibid., 31 Congress, 1 Session, Appendix, 1601.  
163 Ibid., 31 Congress, 1 Session, 321, 323.
On September 3, 1850, when the Senate considered the question of slave trade in the District Foote offered a substitute motion to place control of the matter in the hands of the corporate authorities of Washington and Georgetown, the intent of which was to authorize them "as a mere police regulation for their own security to control and regulate the ingress and egress of people of color within the District, whether bond or free." Foote noted the increase in slave-stealing in the District, and the violence accompanying it, and the consequent concern of the officials and people of the District. He described a recent such event as "one of the most unblushing, high-handed, fiendish, outrageous attacks upon the rights of property existing in this District." Foote withdrew his motion referring to one submitted by Senator James A. Pearce of Maryland, providing for the punishment by fine and imprisonment of any person found guilty of inducing or attempting to induce slaves to run away, and giving to corporate authorities the power to remove free negroes from the District, which was given Senate approval.  

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164 Ibid., Appendix, 1634-1635.
Compromise: Competing Philosophies

Non-Intervention

Of the alternative strategies open to Southerners during the Compromise deliberations two philosophies received most attention: Non-intervention, based on popular or "squatter" sovereignty, and the extension of the Missouri Compromise line to the Pacific. Since the presidential campaign of 1848 the Democratic party had officially espoused the policy of non-intervention, of allowing the citizens of a territory to choose for themselves accepting or rejecting slavery. As Government policy, however, non-intervention had given way to non-action when President Taylor assumed office in March, 1849, which policy had stymied efforts to promote Compromise legislation. Foote, wearying of his failure to gain adherents to non-intervention, switched to the old Missouri Compromise principle. Meeting opposition from Calhoun on that principle, Foote moved back to non-intervention.

In promoting non-intervention in his Senate speech of May 15, 1850, Foote argued that Congress had no authority to legislate upon the subject of slavery in the territories for slavery was protected by the Constitution. "The Constitution being the paramount law, no act of Congress can impart to it additional potency."
In other words, Foote believed: "What the Constitution has secured effectually Congress cannot make more secure." Thus, he reasoned: "It is simply the grossest absurdity to suppose that a purely constitutional right can need the countenance and sanction of an act of ordinary legislation to give it validity." 165

Reasoning from the premise that slaves were a form of property, Foote argued that there was no need for Congress to impose any restriction upon a territorial government about to be established, with regard to slavery, because the Constitution recognized the right of citizens to enter said territories with "any property which they possess." Such restrictions were not necessary to accomplish the "needful ends of government, for the protection and self-preservation of the people did not require it." If such restrictions were legislated, the courts were bound to nullify them, he said. On the other hand, "If territorial legislation protective of slavery, should be subjected to the same test... [it] would be held valid." If climate, soil, and mineral productions are such as to make slavery unprofitable, as claimed by some Northerners, then, argued Foote, slaves would not be taken there. 166

165 Ibid., 580-583.
166 Ibid., 580-581.
Foote was strict in his interpretation of non-intervention. Any reference to slavery in legislation, would, he argued, amount to intervention. Thus, he opposed a move by Southern Senators who sought legislation to protect the rights of slaveholders to enter the territories, attended by their slaves. He developed three cogent arguments: (1) There was no need since the Constitution already protected that right. (2) To seek protection, "plainly calls in question [that] right," for it would admit that Congress had the authority to legislate upon the subject of slavery in the territories which is denied, and it admits "the entire want of any constitutional right . . . of slaveholders to go into the territories attended by their slaves, and to claim their recognition as property." (3) To seek favorable legislation would set a bad precedent, because it would be admitting the right of Congress to legislate on slavery in the territories; it would encourage other more restrictive legislation, once the principle was established; it would spell the end of slavery, for if Congress could interpose in behalf of slavery in the territories, it could interpose against slavery there. 167

167 Ibid., 580-583.
Foote's non-intervention philosophy evolved from the principles of popular sovereignty set forth in 1847 by the resolutions introduced by Senator David S. Dickinson of New York which would extend to the territorial legislatures the authority to decide questions relating to their domestic policy and to Senator Lewis Cass' famous letter of December 29, 1847, to Alfred O. P. Nicholson of Tennessee, espousing the view that matters relating to slavery should be left to the people who were affected. Acknowledging the "Nicholson letter" as his source, Foote said on June 15, 1850: "It would be mischievous in the extreme, in its influence on the mind of the South, were we deliberately to reject so simple a proposition." 168 Foote recognized as authorities: James Buchanan, John C. Calhoun, Senator John Berrien of Georgia and John Q. Adams, in his famous letter of 1823 in reply to General Smythe. 169

Missouri Compromise Line

Foote had favored applying the Missouri Compromise as an amendment to the Oregon Bill in 1848. On June 27, 1850, while still preferring non-intervention, he expressed a willingness to accept an extension of the

168 Ibid., 583-585, 903, 920, 1468-1469.
169 Ibid., 583, 585, 989.
Missouri Compromise line to the Pacific. He developed three arguments for it: It had the advantage in point of precedence over any other plan of adjustment; it was important to make an early trial to enact it, for it would quiet the country; and that the people of Mississippi favored it. In the June 27 speech Foote reported that all previous efforts to secure adoption of the Missouri Compromise line were defeated and by Southern Senators. He voiced his reservations about voting for the Missouri Compromise line, echoing Thomas Jefferson's letter to John Holmes on April 20, 1820, which criticized the original Missouri Compromise, and warned that such a settlement was but a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper.170

Defense of the Compromise

Reaffirmation by the Senate

Foote's speech of December 18, and 19, 1851, in support of his Resolutions Reaffirming the Compromise Measures deserves special notice. In addition to his discussion of the constitutionality of secession, dis-

170Ibid., 987-989.
cussed earlier, Foote set forth several significant arguments in developing his proposition "declaring the Measures of Adjustment to be a definitive settlement of the questions growing out of domestic slavery." These are now to be analyzed.

(1) Agitation in opposition to the plan had not been relinquished. Foote noted instances in the North and South where "excitement of an angry and dangerous character still exists." Men of influence in both sections were openly opposing the plan, and a few of them had been elected to the Senate and House of Representatives pledged to oppose it. Political organizations had sprung up in the North and South, whose object was "to break up this great scheme of repose." Finally, Foote argued, a Presidential election was coming up and the Compromise should be kept out of politics.

(2) Many Senators, for some reason (Foote strongly implied that they ducked the issue in not voting), were not in their seats to vote for the fugitive slave bill, the measure most objectionable to the North, and this fact had caused additional apprehension in the South. The Resolutions would give them a chance to reaffirm this and the other measures. Of the current membership there were certain Senators
who were openly expressing disunion and secession. There were prominent Senators and other prominent leaders who were pleading for a strengthening of the Compromise.

(3) The Compromise was so framed as to "'avoid anarchy' and bloodshed and violence," which Calhoun's recently published Discourse on the Constitution recognized as an existing danger and from which his dual executive concept was to provide a constitutional remedy.

(4) The Compromise averted a breakup of the Union, for it came at a time when a move was on foot to organize a Southern confederacy. Meetings had been held in South Carolina attended by Senator Robert B. Rhett, which had named its nominees for the Southern presidency. Foote produced a letter of Mr. Pickens (probably Francis W.) of South Carolina inviting a Mississippi committee to attend a "Quitman festival." The letter named John A. Quitman and Jefferson Davis as "selected leaders in the contest of arms expected by certain persons of South Carolina." On the positive side, Foote cited efforts of Senator Lewis Cass of Michigan and Senator Robert M. T. Hunter of Virginia in March, 1851, working through the governors of Virginia and Maryland, to approach the State House of South Carolina in an effort
to persuade that State to give the Compromise time to work its effect. 171

Because he had been criticized by many Southerners for having been harsh in his criticism of Calhoun's March 4, 1850, speech, Foote sought to reconcile the Calhoun followers in his December 18, 19 speech. He argued that Calhoun had threatened the progress of the Compromise and had posed a new threat to the Union with his demand for a constitutional amendment. Foote believed that this move was designed to obligate the Nashville Convention, about to be convened, to approve demands for a constitutional amendment to effect Calhoun's dual executive concept. Foote indicated that Senators Jeremiah S. Clemens of Alabama, Willie P. Mangum of North Carolina, and Hopkins L. Turney of Tennessee, whom he had consulted prior to speaking on March 5, 1850, had agreed with his interpretation of Calhoun's motives. Calhoun was unfair, Foote argued, to other Southern leaders who were involved in calling the Nashville convention, for there had then been no intention of taking the issue so far as to call for a constitutional amendment, and it was unfair to Mississippi, whose State convention in October of 1849 was the instrument used in sponsoring a Southern

171 Ibid., 32 Congress, 1 Session, Appendix, 49-61.
convention in Nashville. Foote was satisfied that Calhoun actually contemplated the breaking up of the Confederacy, though not a civil war, for Calhoun's Discourse on the Constitution had identified his constitutional change as a "dual executive," a President elected by each section, each having the power of veto. Foote argued that under such an executive arrangement the Union could survive but a few months. 172

Before Non-Senate Audiences

In defending his position on the Compromise before audiences outside the Senate, Foote varied his arguments according to the section of the country represented in the audience.

Before Southern audiences, in New Orleans and Natchez, Mississippi, Foote introduced two major arguments: (1) The South faired well in the Compromise. He supported this argument by contending that California, admitted as a free State, may yet elect to permit the introduction of slavery; that Utah and New Mexico had been granted territorial governments without any restrictions on slavery, meaning that these territories were now open to slaveholders; that the Fugitive Slave Law had been strengthened and that President Fillmore would

172 Ibid.
faithfully enforce it; and that slave trade in the District of Columbia, abolished by the act, should have been abolished thirty years ago. (2) He argued that there was a good chance that the balance of power between the North and South would still be restored because Texas, in view of its rapidly expanding population, probably would agree to create four new States from the large area within its boundaries. 173

Structure of the Speeches

In their chapter on speech structure, Thonssen, Baird and Braden observe that disposition is "inextricably interwoven with the data of invention." They conceptualize speech structure as involving three elements: "In its broadest sense, disposition embraces the following matters: The emergence of a central theme or proposition, the general method of arrangement adopted for the speech, the order in which the parts of the discourse are developed, and the proportioning of materials." 174 Accordingly, this section examines Foote's themes, his general methods of arrangement and the order in which he developed the parts of his speeches.

173 New Orleans Daily Crescent, November 28, 1850; New Orleans Daily Delta, November 28, 1850; New Orleans Daily Picayune, November 28, 1850; Flag of the Union, October 3, 1851.

174 Thonssen, Baird and Braden, op. cit., 471.
Speech Themes

Underlying Foote's basic premises was one central theme, the safety of the Union. This central idea was strongly implied in his Senate speeches and clearly identified in his non-Senate speeches. In a broad sense, the structure of Foote's Senate speeches was patterned after a categorical syllogism, with his central theme cast as the major premise and each individual speech in turn, supplying a minor premise. In each of his Senate speeches Foote's central theme could be identified with the general premise: Whatever threatens the safety of the Union should be resolved through legislative action. To clarify, Foote saw the imbalance of power between the free and the slaveholding states, growing out of slavery, as a threat to the Union. Thus, in his individual speeches he could advocate various propositions which he thought would remove the causes of sectional friction and restore a balance of power between the North and South, and at the same time maintain a loyalty to both the South and the Union. With his larger premise being the safety of the Union, Foote could shift positions from a strong advocacy of states-rights to an equally strong advocacy of the Union.

On February 23, 1849, during the first debate on the territorial question, Foote viewed the question of the validity of the Mexican laws as a threat to the
Union, for if valid they would prohibit the introduction of slavery in the territories. Reasoning from the implied premise that the exclusion of Southern slaveholders from the territories constituted a threat to the Union, Foote argued that if the Constitution did not enter the territories with the treaty then it was imperative that Congress "extend it thither by special legislation at this time." 175

In his speech of May 15, 1850, opposing a move by Southerners to secure legislation guaranteeing the right of slaveholders to enter the territories, "attended by their slaves as property," Foote argued from the premise that the Constitution sanctioned slavery. Adopting the theme: "What the Constitution has secured effectually Congress cannot make more secure," he equated non-intervention and popular sovereignty with the safety of the Union. 176

In the Speech of June 27, 1850, Foote's theme focused on the principle of compromise. Referring to the general compromise bill, Foote stated his theme: "This bill supplies the only means by which the dread

175 Congressionan Globe, 30 Congress, 2 Session, Appendix, 262.
176 Ibid., 31 Congress, 1 Session, Appendix, 583.
scenes which I have but faintly depicted may be pre-
vented." 177

The omnibus bill having been defeated, on August 1, 1850, Foote reiterated his willingness to support the Missouri compromise principle as a compromise settlement in granting statehood to California, but not as an ultimatum, or "for the purpose of dividing the territory between the North and South, as property." He stated his theme as follows: "I call upon those who have heretofore united with me in supporting the Missouri compromise, according to its ancient meaning, to join me once more in sustaining and enforcing it against all the false teachers of the present hour." 178

Dec. 18, 19, 1851, calling for a reaffirmation of the compromise measures, Foote combined his theme with an appeal to the Senate opponents of the measures: "All I ask of them at present is, that they shall sustain the scheme of compromise now that it has been adopted, for the sake of the public repose and happiness." 179

177 Ibid., 990.
178 Ibid., 1491, 1495.
179 Ibid., 32 Congress, 1 Session, Appendix, 60.
In his non-Senate speeches Foote identified his theme: the issue of Union or Disunion. In each of them he expressed his thesis as an appeal for support of the Compromise. For example, in his New Orleans speech on November 27, 1850, he immediately introduced his theme: "The question before you, 'Union or Disunion,' is one . . . of the greatest interest to the people, both of the North, and of the South."181

Before a New York audience on December 9, 1850, Foote coupled a statement of his thesis with a challenge:

Fellow-citizens, the danger is almost over. . . . This compact of adjustment, . . . will quiet our country, and will secure the permanence of our institutions, if faithfully adhered to, North, South, East, and West. But the question is, will you adhere to it?182

Speaking before a Philadelphia audience on December 30, 1850, Foote clearly enunciated his general theme:

"Few public questions have ever been discussed with a greater display of both zeal and ability than the momentous question of Union or Disunion."183


181 New Orleans Daily Delta, November 28, 1850.

182 New York Herald, December 10, 1850, reprinted in Flag of the Union, December 27, 1850.

183 ThePennsylvanian, December 31, 1850.
On February 22, 1851, while addressing a Washington's Birthday audience, Foote implied the Union versus Disunion theme as he stated his thesis:

I do not propose . . . to go into a close and minute examination of . . . the public life of this remarkable personage; but certain movements, of a tendency disorganizing and revolutionary . . . seem to me to indicate . . . the importance of having recourse for our present instruction and guidance to the example and counsels of one . . . [who was] in truth "the Father of his Country." \[184\]

In his campaign speech of September 27, 1851, while addressing a Natchez audience, Foote introduced his Union versus Disunion theme with a question: "Have we not great occasion for rejoicing? By the election of September, this Union has been saved." \[185\] He was referring to the success of the Union candidates in the election of delegates to the State convention, and doubtless had in mind the importance of events in Mississippi to the whole country, particularly to South Carolina which was expecting secession support from Mississippi. \[186\]

In summary, although Foote varied his approach to the Union theme, he successfully related his speech themes and arguments to the safety of the Union.

\[184\] Flag of the Union, March 14, 1851.
\[185\] Ibid., October 3, 1851, 1.
Method of Arrangement

Foote's Senate speeches usually were loosely structured and their organization difficult to follow. This was probably because they were debate speeches and were delivered with little or no time for preparation. Also, as noted earlier, he believed that refutation should come without delay. Thus, it is understandable that speeches given under such circumstances would be less well organized. An exception was his speech of February 23, 1849, which was organized well. Foote's non-Senate speeches present a clearer pattern of organization.

Foote's Senate speeches generally followed a logical pattern of organization. In the broadest sense, Foote structured his Senate speeches as categorical syllogisms. For example, his speech of February 23, 1849, which apparently was prepared well, might be cast in the following syllogistic form:

Major premise: Whatever threatens the Union should be resolved through congressional action.

Minor premise: The Mexican laws, which exclude slavery from the territories, threaten the safety of the Union.

Conclusion: The Mexican laws should be replaced through congressional action.
Foote's practice of including refutation, as well as constructive arguments, in his Senate speeches affected his organization. His pattern of development in most cases was logical, though one exception should be noted. He developed major portions of his speeches through the use of the historical method, a practice for which he was well known. Reuben Davis observed that Foote "was especially gifted with a power of arranging historical facts, and deducing from them political principles."187 Foote also utilized a logical method of development in his non-Senate speeches. In most of his non-Senate speeches he used a deductive order, advancing the major proposition, viz. that the issue was "Union or Disunion." In the body of the speech he then employed specific instances and examples to bear out his proposition or thesis.

Rhetorical Order

In his Senate speeches Foote followed the four-part divisioning set forth by Aristotle: introduction, exposition or statement, proof and conclusion.188 He usually observed the established functions of the speech

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introduction: to gain attention and interest, establish the right to speak, and clarify the subject. For example, Foote introduced his February 23, 1849, speech in the following paragraph:

Mr. President: I regret most seriously that, at so late a period of our session, I should feel compelled, by circumstances not to be disregarded, to address the Senate at greater length than has heretofore been at all usual with me; but, sir, when the gravity of the occasion is duly considered, the serious consequences obviously impending upon our deliberations fairly weighed, and the special provocatives to response which have been just now administered by two distinguished Senators properly appreciated, I trust that I shall not be entirely without justification before the Senate and the country for this unwonted intrusion upon the attention of the body.

On May 15, 1850, Foote sought in his introduction to secure the interest of his colleagues by calling attention to their fractious mood:

It is with feelings of profound regret that I have witnessed the progress of a debate so little, . . . marked with the spirit of reciprocal moderation and forbearance so important to a pacific and satisfactory settlement of existing differences between the northern and southern sections of the Confederacy. . . . I had hoped that a season had at last arrived, when we would be able to consult together calmly and to interchange our views freely without resorting at all to the language

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190 Congressional Globe, 30 Congress, 2 Session, Appendix, 260.
of crimination and censure; and I trust that what we have just witnessed will turn out to be nothing more than the effervescence of the moment.\textsuperscript{191}

On June 27, 1850, Foote introduced his speech by identifying his subject and purpose:

It seems to be generally understood that the amendment now under consideration is virtually what is known as the Missouri compromise. As I design to vote for this amendment, . . . I feel bound to state my reasons for doing so, and to vindicate my consistency as a public man in regard to this branch of the subject.\textsuperscript{192}

On August 1, 1850, Foote opened his speech on the bill to admit California in a lengthy paragraph of five hundred words, in which he established his right to speak and identified his subject matter. He called the Senate's attention to remarks of Senator James M. Mason of Virginia, which had misrepresented "the attitude and policy of the State which I have the honor in part to represent here" and the will of the Nashville Convention of 1850, concerning the Missouri Compromise. Foote then combined refutation with clarification of the stand taken by the Nashville Convention.\textsuperscript{193} On December 18, 19, 1851, while speaking for his Resolution Reaffirming the Compromise Measures, Foote began by warning the

\textsuperscript{191}Ibid., 31 Congress, 1 Session, \textit{Appendix}, 579-580.
\textsuperscript{192}Ibid., 987.
\textsuperscript{193}Ibid., 1491.
Senate of the gravity of the situation threatening the Compromise measures:

Mr. President: I have heretofore stated, ... the reasons which influenced my mind in introducing the resolution now under consideration. If the measures of adjustment were ordinary legislative enactments, surely the resolution would be entirely unnecessary. But, sir, ... the measures embraced in it are now undeniably part of the supreme law of the land. ... Now, they were all passed, as every candid man will admit, as constituent parts of a general scheme of compromise, the whole value of which depends upon its being recognized, in all its entirety, in every State and Territory of the Union, as a definitive settlement of the disturbing question which it proposes to adjust; and, being thus recognized, that it should be everywhere faithfully executed, without contravention, equivocation, evasion, hindrance or delay, and with the distinct understanding that it should not be subject, as are ordinary laws upon the statute book, to repeal or modification, now or hereafter, so as in the least degree to impair the wholesome vigor and efficiency of the great principles upon which the plan of settlement is founded, or to revive the sectional controversy, for the suppression of which it has been set on foot.1\textsuperscript{194}

Ib. introduced three of his non-Union speeches by complimenting his audience for their presence and their support of the Union cause. In each case he adapted his remarks to the particular audience and occasion. While the newspaper reports of two of these speeches make no pretense of verbatim reporting, their extensive summaries are adequate for determining the scope of the subject matter covered and the method of

\textsuperscript{194}Ibid., 32 Congress, 1 Session, Appendix, 49.
organization used. According to the New Orleans Daily Delta, on November 27, 1850, Foote introduced his speech as follows:

Fellow-Citizens: It afforded him a high degree of pleasure to meet so many friends of the Union, and friends, too, from so many different States, and to have the privilege of addressing them on a subject of such moment as that which had called them together on the present occasion.

The question before you, "Union or Disunion," is one certainly of the greatest possible interest to the people, both of the North, and of the South. . . . If I were inclined to be envious, I would envy [Senator Downs of Louisiana] the position he occupies,—one almost unprecedented—as the representative of a unanimous people.195

On December 9, 1850, speaking in New York at a meeting hosted by the Union Safety Committee, Foote got the attention of his audience by praising the Committee's success in arousing sentiment for the Union and in "paralyzing the arm of faction" wherever the news of their efforts had traveled. Said he, "Never, in my opinion, since the foundation of the Government, has any public meeting occurred which has so speedily produced consequences vitally important to the public welfare and safety as the meeting at Castle Garden."

Also in his introduction he reported the progress being

195 New Orleans Daily Delta, November 28, 1850; also New Orleans Daily Crescent, November 28, 1850; New Orleans Daily Picayune, November 28, 1850.
made in organizing a Union party in Mississippi.  

The *Natchez Courier* reported that Foote opened his speech in that city on September 27, 1851, as follows:

> It was not his purpose to engage in any regular discussion of the great topics in controversy. The public mind had matured them long since. He had made no regular appointment at Natchez, but having one at Fayette [28 miles away], he could not help exerting himself to spend one evening in communing with his fellow-citizens of this city, to whom he was under so many obligations. He came, to interchange feelings and congratulations rather than to discuss political topics. Indeed the condition of his voice and health would hardly allow of extended remarks.  

Foote's non-Senate speeches include two formal addresses, in each of which he depended upon a formal introduction of his subject to engage the attention and interest of his audience. For example, in Philadelphia on December 30, 1850, he introduced his speech with the following remarks:

> It was at quite an early period of our colonial history that the necessity for a close, firm and fraternal Union among the numerous but distinct Anglo-American settlements ... began not only to be seriously felt, but to be publicly acknowledged. To an illustrious citizen of Philadelphia. ... your own beloved and venerated Franklin, was America indebted for the first regular proposal of a general Union of the colonies. It was as a

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196 *New York Herald*, December 10, 1850, reprinted in *Flag of the Union*, December 27, 1850.

197 *Natchez Courier*, reprinted in *Flag of the Union*, October 3, 1851.
representative of Pennsylvania, in a Congress which held its session in the city of Albany, in the year 1774, that Dr. Franklin brought forward his Plan of Colonial Union, which received the unanimous sanction of that enlightened body. 198

Foote opened his Washington's Birthday speech in New York on February 22, 1851, with the following:

Of all those events which serve at the same time to signalize and adorn the history of nations, it would be difficult to imagine anyone, whatever, which involves consequences of a more momentous and enduring character than such as are sometimes seen to stand inseparably associated with the advent upon earth of some truly great and good men.... The illustrious American patriot and sage, the anniversary of whose birthday we have met now to commemorate, would seem to have been not less fortunate in being endowed with the highest capacities for useful and honorable exertion than he undeniably was, also, in enjoying the most favorable opportunities of bringing these capacities into active and striking development.... The wisest men of his own day and generation united in the bestowal of commendations upon him, such as have been accorded to no living man besides; and the glories which encircle his name have grown more and more effulgent every day and hour since the termination of his mortal career.... 199

In none of his non-Senate speeches did he feel the need to justify his right to speak. In the two formal addresses cited above, the audiences apparently knew ahead of time that Foote was to speak and what his subject was to be.

198 The Pennsylvanian, December 31, 1850.

199 Flag of the Union, March 14, 1851, 1-2.
In each of his Senate speeches Foote devoted a section, immediately following the introduction, to an exposition of the question being debated and in some cases using historical narration to lay the background for his arguments. On February 23, 1849, following his opening he reviewed earlier remarks of Senator John Bell of Tennessee to establish the responsibility of the Democratic party in the territorial question. Having done this, he then used one of his favorite transitional devices, the question: "Now, sir, what is the state of things?" in preparing the way for an analysis of the issue than before the Senate, an amendment by Wisconsin Senator Isaac P. Walker, which Foote wished to speak in support of.  

On May 15, 1850, Foote provided a brief statement of the background of the debate on the territorial question in an analysis of the position taken by Senator David L. Yulee of Florida.  

On June 27, 1850, Foote followed his introduction with a detailed summary of attempts to effect a settlement on the basis of the Missouri Compromise principle.  

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200 Congressional Globe, 30 Congress, 2 Session, Appendix, 780.
201 Ibid., 31 Congress, 1 Session, Appendix, 580.
202 Ibid., 987.
December 18, 19, 1851, supporting his Resolution Reaffirming the Compromise Measures, Foote reviewed the conditions which still threatened the Compromise measures. 203

In his non-Senate speeches Foote omitted such a statement section and employed the three-part rhetorical order: Introduction, body and conclusion. There was some use of background narration but Foote worked it into the body of his remarks, as, for example, in his speech at Philadelphia on December 30, 1850, and his Washington's Birthday speech in New York on February 22, 1851.

A logical order is discernible in all of Foote's speeches, though most of his Senate speeches were loosely structured. Usually each idea discussed in his speeches bears a close logical relationship with the one preceding it and the one following it. In this respect two particular speeches present a sharp contrast: his Senate speeches of February 23, 1849, and August 1, 1850. The former reflects a clear logical progression of thought, the latter is so loosely structured that midway through it Foote felt the need to apologize:

203 Ibid., 32 Congress, 1 Session, Appendix, 49.
Mr. President, it would scarcely be expected of one who rises, as I have now done, altogether unexpectedly, and upon the spur of the moment, to deliver his views in a very connected manner, or, as the Senator from Florida (Mr. Yulee) would say, "in strict logical sequence." At any rate in what I have further to say I beg leave to be recognized as, intentionally disregarding all the nicer rules of method and arrangement. Hoping that no one will now expect from me an exemplification of the lucidus ordo I proceed to enter upon a miscellaneous field of observation, that I hope will not prove altogether barren and unfruitful.204

In his February 23, 1849, speech on the territorial bill, Foote spoke in support of an amendment introduced by Senator Isaac P. Walker of Wisconsin providing for the Constitution to replace the Mexican laws in the territories and thus validate the South's claim that it had a right to take its slaves into the territories. Subsequent amendments offered by Senators William L. Dayton of New Jersey and Daniel Webster of Massachusetts would have the opposite effect. Foote developed the following sequence in his speech: an analysis and refutation of Dayton's amendment, an attack upon Dayton's basic premise that the Mexican laws were valid in the territories, and a presentation of his own views, with reference to the sovereignty of the Constitution and defense of the South against the charge of secession—

204Ibid., 31 Congress, 1 Session, Appendix, 1493.
In his August 1, 1850, speech, Foote followed this sequence: an analysis and refutation of Virginia Senator James M. Mason's interpretation of the proceedings of the 1850 Nashville Convention, his own interpretation of the proceedings, refutation of Mason's claim of general Southern support of the Nashville Convention, refutation of views expressed by Senators Mason and Arthur P. Butler of South Carolina concerning the right of secession, a presentation of his own views on the right of secession, and more refutation concerning the Nashville Convention. This progression seems fairly logical; however, Foote makes several excursions into matters which weaken the logical progression of thought. For example, sandwiched in between the last two major items of his August 1 address is a lengthy discussion of two kinds of political meetings, a pro-Union meeting in Virginia and a disunion meeting in South Carolina, with much quoting of resolutions and news items. Foote made no attempt to relate them to the main stream of thought, and as indicated, he apologized in advance for doing it.


Foote rarely neglected the conclusions of his speeches. The comments he made regarding other speakers and the practice he followed in his own speeches, reflect the importance he attached to the conclusion, or peroration, as he termed it. In none of the speeches covered in this study did Foote include a summary as a part of his conclusion, and in some cases he made no reference to closing. In his Senate speeches there is usually a long final paragraph, in which he pursued his final argument, and at some point in the paragraph he skillfully and almost imperceptibly moved into a peroration, still within the context of his final thought. A case in point is the June 27, 1850, speech, in which the final paragraph is over a thousand words long. It begins with a reference to closing: "I am not willing to conclude before making a last appeal to the members of this body in favor of the plan of adjustment."

However, Foote does not begin his conclusion at this point but calls attention to a move on the part of the people of New Mexico to seek statehood. Note in the following passage how, as he nears the end of the discussion of that question, he reaches an emotional climax and brings the speech to a close:

\[\text{Supra, chap. iii.}\]
On that occasion I declared, and I again seize the opportunity of declaring, that if a single drop of Texan blood shall be shed upon her own sacred soil, it will be the duty of every southern man, able to bear arms, to rush to the scene of strife, in order to put down usurpation and to maintain the cause of justice and of right. And, sir, I then said, and I repeat it, that I do not doubt that in such a struggle hundreds of thousands of valiant men from the North also would be found lending their aid against military tyranny and the myrmidons of despotism. Now, sir, let me ask, who is willing to lend his aid in averting this tragic catastrophe? Who is willing to sacrifice a little of the pride of opinion, a little of that pertinacity in the maintenance of peculiar views, which is one of the great evils of the present day? Who is willing to cooperate with the friends of this measure, in preventing the shedding of fraternal blood in New Mexico, and in thus rescuing the Union from the most serious danger with which it has been ever yet menaced? All must now know—no man indeed possessed of sound reason can deny—that this bill supplies the only means by which the dread scenes which I have but faintly depicted may be prevented; and those who refuse now to cooperate with us in this noble effort to prevent the dread strife of arms, will have a responsibility hereafter to encounter, which I am sure that no man or set of men that this country has ever produced would be able to encounter, without the entire destruction of public character.

Foote followed a similar practice in his Senate speeches of February 23, 1849, and May 15, 1850. In the passage below, note how he used praise in his February 23 speech to appeal for support of Wisconsin Senator Isaac P. Walker's amendment to the territorial bill. Doubtless, Foote's purpose in this concluding passage was to

208 Congressional Globe, 31 Congress, 1 Session, Appendix, 990.
increase the magnitude and appeal of the amendment itself, by praising its sponsor. Foote said:

And now, Mr. President, I have only a few words to offer in addition, touching the amendment of the honorable Senator from Wisconsin. Let me say . . . what I think and feel most profoundly and sincerely. Sir, in the peculiar position occupied by that Senator, under all the circumstances which surround us at the present time, it required the highest moral courage to originate such a proposition as that which is before us. It demanded much boldness, the exercise of a solid judgment, and no little shrewdness in the comprehension of men and things, to mature such a project, and bring it forward before the Senate and the country under circumstances apparently so auspicious. If I do not greatly deceive myself, this amendment will shortly become the law of the land; and if it should, the honorable Senator from Wisconsin, young as he is, and comparatively inexperienced, in the business of national legislation, will have a right to claim rank among the most renowned statesmen of the Republic, and his name will be associated in all coming time with the names of those who have been able in their day and generation to earn, by acts of public benefaction, a solid and enduring fame, and a popularity both extended and lasting.209

Foote carefully structured the conclusions to his non-Senate speeches, reflecting his advance preparation. In these speeches he sought in his conclusion to reinforce his thesis, pledged his own unfailing support of the Union and the Compromise measures and elicited the support of his audience. In each case he apparently tailored the conclusion to fit that particular audience.

209 Ibid., 30 Congress, 2 Session, Appendix, 264.
For example, in New Orleans on November 27, 1850, according to the *Daily Delta*, Foote concluded,

by saying that he rejoiced more on this occasion than ever he had done in his life, and particularly in the evidence that if every other State of the Union were to secede, Louisiana would remain steadfast to the end—faithful to her trust and mindful of her honor.210

Another New Orleans paper, the *Daily Crescent*, reported that Foote "closed with the following, which literally 'brought down' the house: 'When this glorious Union sinks into ruin, may I sink before it.'"211 Speaking in New York on December 9, 1850, again before a friendly audience, Foote concluded, as follows:

I will detain you no longer, fellow-citizens, and I regret that I have kept you so long. . . . But this is a subject in which I know every patriot has a feeling, deep and strong. Let me close, then, by pledging myself to you, before the country, and before Him who rules the Heaven, that, as far as my humble services are required, I will stand faithfully to the compact of our Union, by the scheme of adjustment and by the plan of organization which originated in Castle Garden, and which is now rapidly extending itself over the whole confederacy, until the crisis is past—until the republic is rescued from danger, and our Constitution established more firmly than it was at its inception. Fellow-citizens, I bid you an affectionate farewell.212

Addressing another Eastern audience, at Philadelphia on December 30, 1850, Foote concluded with a warning:

211*New Orleans Daily Crescent*, November 28, 1850.

212*New York Herald*, December 10, 1850, reprinted in *Flag of the Union*, December 27, 1850.
"Believe me it will not do to tamper ... with this irritating and perilous question of slavery." Any further action by the Congress or Government, he said, would "in all probability, cause a dissolution of the Union." Invoking the deity, as he did in three other non-Senate speeches, Foote said:

Let us then, for Heaven's sake, faithfully and fearlessly, carry into effect the whole scheme of congressional adjustment, in all its length, and depth, and breadth, and height, and according to its true intent and meaning—so that the institutions of our fathers may be perpetuated upon earth, and the blessings of civil and religious liberty be secured to ourselves and our posterity forever.213

Similarly, before a Washington's Birthday audience in New York on February 22, 1851, Foote again concluded with a warning:

I beseech you—and through. [sic] I beseech every man in all our broad land, who loves the soil which gave him birth—who respects the wisdom and virtues of our illustrious forefathers—whose bosom has, at any time, exulted in the proud name of American, or has glowed with patriotic fervor in recollection of those deeds of imperishable renown which have made our great and free nation an object of respect and of admiration throughout the world—I implore you, yea, I solemnly warn you, not to disregard the example and the admonitions of the Father of his Country, as I have this day essayed to portray them both before you and in your hearing. ... May God grant us a speedy and a thorough deliverance from the evils which now sadly compass us about, and which menace with destruction such a system of

213 The Pennsylvanian, December 31, 1850.
government as the wisdom of man has never been able before to devise and the ruin of which would in all probability leave the whole world in utter darkness and despair forever and forever!\textsuperscript{214}

The \textit{Natchez Courier}, paraphrasing Foote's speech of September 27, 1851, reported that Foote, having warned of the dangers inherent in secession, said in closing his speech: "From all this, thank God, we are now free. The people have aroused; they have asserted their rights, and they understand how to maintain them. Long may they manifest their determination to continue to do so."\textsuperscript{215}

Foote believed that a speaker's thoughts should be "methodized and presented in an orderly manner, in accordance with the stricter maxims of the schools."\textsuperscript{216} However, he was often unable to follow "the stricter maxims" in his own speeches. Particularly was this true of his speaking in the Senate, where because of his insistence on instant refutation he had little time for preparation. Thus, most of his Senate speeches were loosely structured. His non-Senate speeches were more logically ordered and the three rhetorical divisions: introduction, body and conclusion, were more carefully

\footnotesize

\textsuperscript{214} \textit{Flag of the Union}, March 14, 1851, 1-2.

\textsuperscript{215} \textit{Natchez Courier}, reprinted in \textit{Flag of the Union}, October 3, 1851.

\textsuperscript{216} Foote, \textit{Bench and Bar}, 208-209.
planned. In his Senate speeches he employed the four-part rhetorical order: exordium, statement, proof, and peroration. Although in most of his Senate speeches he employed a substantial background statement, he tended to slight one or more of the usual functions of the introduction and the conclusion. For example, in introducing his Senate speeches he usually got the Senate's attention and established his right to speak, but often did not make his subject clear until he presented his background statement. In his conclusions he rarely summarized what he had said and appeared to depend for the persuasive force of his remarks upon an emotional peroration appended to, and continuing, the context of whatever final point he was making. It must be concluded that Foote experienced difficulty in organizing his Senate speeches, due largely to a penchant for instant response to the previous speakers, but also, it is to be suspected, to an over emphasis upon elaborate language structure, or style.

**Forms of Support**

Having earlier analyzed Footé's arguments and speech structure, it is appropriate to inquire into his uses of supporting material. Gray and Braden have provided a convenient classification for an evaluation. They state: "The supporting materials for a speech
may serve any one of three purposes: (1) to clarify, (2) to prove, and (3) to amplify.\textsuperscript{217} Using their classification of the forms of support, this section examines Foote's modes of support and his effectiveness in their use.

It is difficult to judge whether Foote's methods of using supporting materials was basically deductive or inductive, for he employed both modes in developing his ideas. It seems accurate to state that he used the deductive order of development and buttressed his arguments through inductive reasoning.\textsuperscript{218} Foote usually proceeded deductively by advancing his propositions and then supporting them with inductive and deductive modes of support. He was particularly fond of using four modes, generally considered to be inductive: testimony, examples, causal inference, and analogy and comparison. Yet he also made frequent use of explanation, narration, restatement and rhetorical questions, which are deductive forms.

\textsuperscript{217} Gray and Braden, \textit{op. cit.}, 287.

\textsuperscript{218} Ibid., 362. In their discussion of the "Deductive Order," the authors state: "The overall organization of a persuasive speech is often determined by how and where in the speech the speaker decides to present the proposition." This principle appears to hold in the presentation of propositions within the speech.
The extent to which Foote used the various forms of support may be demonstrated through a quantitative analysis of selected speeches. The author has chosen four of Foote's speeches, two Senate and two non-Senate speeches, for analysis. They are representative of the ten speeches included in the study, for three reasons: (1) They represent his speaking in and outside the Senate. (2) They involve his Senate speaking in support of the passage of the Compromise measures and his efforts to gain public acceptance and support of the Compromise. (3) They reflect the range of supporting materials which Foote used in developing his arguments.

The following table, based upon the classification offered in Gray and Braden's book, shows the range of supports which Foote employed and the number of times he used each type:

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219 Congressional Globe, 30 Congress, 2 Session, Appendix, 260-264; Ibid., 31 Congress, 1 Session, Appendix, 987-990; New York Herald, December 10, 1850, reprinted in Flag of the Union, December 27, 1850; The Pennsylvanian, December 31, 1850. The speeches were delivered February 23, 1849, June 27, 1850, December 9, 1850, and December 30, 1850. The first speech deals with territorial governments for California and New Mexico, and the second with the Compromise Bill, the third and fourth with a defense of the Compromise.

220 Gray and Braden, op. cit., 287.
### Forms of Support

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<tr>
<th>Forms of Support</th>
<th>Speeches</th>
<th>Totals</th>
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<tr>
<td>A. Clarification</td>
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<td>1. Explanation</td>
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<td>3. Narration</td>
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<td>a. Testimony</td>
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<td>b. Examples</td>
<td>5 5 2 8</td>
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<td>c. Statistics</td>
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<td>2. Inference</td>
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<tr>
<td>d. Analogy, comparison</td>
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<tr>
<td>a. Number of instances used</td>
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<tr>
<td>b. Number of individual questions used</td>
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<tr>
<td><strong>Totals</strong></td>
<td>52 19 19 16</td>
<td>106</td>
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**TOTAL FORMS | 104 83 52 54 | 93**

221 Because of Foote's practice of employing rhetorical questions in a series, a distinction is here made between the number of instances in which he employed the device in each speech and the number of individual questions used.
The foregoing analysis reveals trends in Foote's use of both inductive and deductive forms of support. It clearly shows that Foote favored four forms of support: explanation, testimony, causal inference, and rhetorical questions.

Foote's propensity for explanation is conspicuous in his Senate speeches. To the opposition he was known as an "endless explainer." The senators tired of his constant interruptions with requests "to be allowed to make a few remarks of explanation." Foote seldom neglected to explain the gravity of the issues, "the state of things," his position, past and present, on matters under discussion, and the historical background of his subject. The analysis shows that Foote used explanation more extensively in his Senate speeches. It does not reflect his tendency to be more concise in his explanations before popular audiences than when speaking in the Senate. Though his use of explanation may have been excessive in his Senate speeches, he

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effectively combined it with narration in detailing the historical background of the issues.

Foote loved to quote prestigious sources. In no speech included in the study did he fail to use some testimony, but in some speeches he employed it to an excess. His liking for this form of support is revealed in references to it in his speeches. On May 15, 1850, having set forth his views on popular sovereignty, he added, "in support of which I shall presently cite a very high authority." On June 27, 1850, he ended his argument on non-intervention with: "So much for non-intervention. . . . I think that I may claim to have fully vindicated it by authority, if not by argument." On August 1, 1850, he remarked, "And, now, Mr. President, having declared my own views touching this contested doctrine of secession, and having . . . strongly fortified myself with authority, I shall proceed. . . ."

The following analysis, arrived at through a word count, shows the extent to which Foote relied on authority for support of his arguments: Senate speech of

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224 Ibid., 31 Congress, 1 Session, Appendix, 583.
225 Ibid., 990.
226 Ibid., 1493.
May 15, 1850, amount of material quoted, 25.4 per cent; Senate speech of June 27, 1850, amount quoted, 29.8 per cent; Senate speech of August 1, 1850, amount quoted, 28 per cent; Washington's Birthday speech of February 22, 1851, amount of material quoted, 55.5 per cent, all from Washington's correspondence. According to Glen E. Mills, such use of testimony would be regarded as excessive.

Aside from its excessive use, the principal weakness of Foote's use of testimony was in his failure to qualify his sources. The statements made about them were designed primarily for their persuasive effect. For example, the Constitution, which he cited often, was "that sacred instrument." Foote's references to persons quoted were usually limited to praise of their patriotism. Typical of this practice are the following: On February 23, 1840, he spoke in support of an amendment introduced by Wisconsin Senator Isaac P. Walker, which was "con-

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227 Ibid., 579-585; 987-990; 1491-1495; Flag of the Union, March 14, 1851.

228 Glen E. Mills, Reason in Controversy (Boston: Allyn and Bacon, 1964), 142. See footnote. Mills reports a study which "found the frequency of the nine forms of reasoning as follows: Argument from example, 26 per cent; criteria, 20 per cent; cause, 10 per cent; comparison, 3 per cent; testimony, 18 per cent; effect, 5 per cent; circumstantial evidence, 6 per cent; definition, 7 per cent; and analogy, 2 per cent."
received in a spirit of the noblest liberality, equally marked with fervid patriotism and practical wisdom." On May 15, 1850, he introduced John C. Calhoun, a source upon whom he relied heavily, as "the late illustrious Senator from South Carolina, who, whilst living, enjoyed so much of the public respect, and whose character and sage teachings come to us now, as it were, canonized from the tomb." John Quincy Adams was "the most subtle and ingenuous reasoner that the Republic has ever produced." On June 27, 1850, opposing statehood for New Mexico, Foote noted that his position was shared by Henry Clay "with that frankness which has uniformly marked his course as a public man," and Daniel Webster "with that manliness of character that belongs to him." On August 1, 1850, he prefaced his use of authority with: "I . . . will bring to the notice of honorable gentlemen the teachings of two illustrious Democratic Statesmen, whose opinions have always commanded the most profound respect of their countrymen.

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229 Congressional Globe, 30 Congress, 2 Session, Appendix, 260.
230 Ibid., 31 Congress, 1 Session, Appendix, 583-584.
231 Ibid., 990.
I refer to Thomas Jefferson and Andrew Jackson.\textsuperscript{232} It is significant that in not one of the above references did Foote make any attempt at objective qualification.

Foote's reasoning from authority was weak and inclusive, for three reasons: (1) Although he made liberal use of the form, testimony is a form of support which has the inherent weakness which accompanies the existence of conflicting authorities. The opposition could, and did, use authorities to arrive at opposite and contrary conclusions. (2) His use of testimony did not always meet the test of recency and relevance. (3) He failed properly to qualify his sources of authority. Foote was not unaware of the weakness of testimony as a form of proof, a fact which he revealed in one of his speeches. In his speech of August 1, 1850, he cited an 1825 letter of Jefferson's in support of his proposition that a State had a right to secede under conditions of intolerable oppression.\textsuperscript{233} Later, on December 18, 19, 1851, following the use of the same authority by his opposition, Foote said:

\textsuperscript{232}Ibid., 1492.

\textsuperscript{233}Ibid.
Much has been said, sir, in relation to the opinions of Mr. Jefferson and other distinguished republican statesmen, in support of this secession principle. I must frankly confess that this citation of great names has had but little effect upon me, and for two reasons: (1) because I am satisfied that the question was never fully looked into until the administration of General Jackson; and (2) I have come to the conclusion that there was not one of them who entertained the opinion that a constitutional right to secede from the Union at pleasure was reserved to the States of the Union at the time that the Confederacy itself was established.234

Foote also made liberal use of causal inferences, usually reasoning from cause-to-effect. This form of proof is scattered throughout his speeches. He sometimes worked causal inferences into his rhetorical questions. He used this combination with striking effect in his speech at Philadelphia on December 30, 1850. He said:

Few public questions have ever been discussed with a greater display of zeal and ability than the momentous question of Union or Disunion. . . . I feel that I hazard nothing in asserting that all the reasons which have been . . . urged in support of our Federal Union, by the most ingenious of our public writers and speakers, have gained . . . strength every year since the foundations of the government were laid. Let me, by way of illustration merely, allude to a few of these. Is not the Union as desirable as it possibly could at any time have been, as a safeguard against dangers from foreign arms and influence? Is there not still reason to apprehend the most serious mischief from those ferocious wars between the separate border States which would inevitably spring up and be perpetually prosecuted, were

234Ibid., 32 Congress, 1 Session, Appendix, 58.
Disunion once to occur? Would there be no danger of domestic insurrection now, either North or South, were the efficient checks at present supplied by strong central government to be suddenly and forever withdrawn? Is not the Union as important now as it ever was to our growth and prosperity as a commercial people? Is it not indispensable to the accomplishment of the hope now confidently entertained of our becoming speedily, and remaining permanently, the leading naval power of the world? Is it not as apparent now as it was formerly supposed to be, that the division of the Union into two or more distinct confederacies, and the organization of a separate national government in each of them would be productive of enormous pecuniary expenditures beyond what prove amply sufficient for the maintenance of our present system?

Foote very adeptly incorporated a causal inference in each of these questions. In a number of his speeches he employed causal reasoning to warn of the effects of continued agitation of the slavery question. Typical of this technique was his speech of May 15, 1850, when he cautioned his Southern colleagues against seeking legislation that would protect the rights of slaveholders in the territories on the ground that any precedent-setting legislation on the subject of slavery "must inevitably draw after it . . . a sweeping enactment, which will utterly exterminate our favorite domestic institution."
Foote's fondness for the rhetorical question has just been noted in connection with his use of causal inference. Gray and Braden state: "In effect such questions stimulate the listener to rethink the thought being amplified." By combining the rhetorical question with other forms of support, Foote demonstrated its versatility in three ways: (1) It suited his deductive method of thought development. (2) It enabled him in one process to clarify, prove and amplify his propositions. (3) It enabled him to make effective use of other forms of support, particularly causal inference, examples, and specific instances. The following illustrate how Foote adapted the rhetorical question to his purpose. In his speech of December 9, 1850, he effectively supported his proposition that the Compromise was having the desired effect upon the country by combining the rhetorical question with development by deduction and proof by examples and specific instances. He said:

There is great reason . . . for these interchanges of patriotic congratulations. Our country may not be entirely safe yet, but we certainly have a most brilliant prospect before us of its ultimate safety. Who doubts this? Is it not a fact, . . . that prominent champions of sedition in the North have already declared, . . . their determination to no longer continue the agitation which has heretofore distracted the country and

237Gray and Braden, op. cit., 311.
our national councils? (Good) Is it not true
that leading newspapers published in the cities
of the North have lately declared that, \ldots \text{ it
is inexpedient to continue this agitation? Is
there not reason for believing confidently that
agitation in the North will not cease? Why,
Maryland unanimously sustains the Union. So
does Delaware. In the good Old Dominion, \ldots
the language of secession has never yet been heard,
and never will be heard. (Tremendous applause.)
The people of Kentucky are equally unanimous—the
people of Missouri are equally unanimous—the peo­
ple of Tennessee, Whigs and Democrats, are at
least equally as unanimous for the Union. \ldots
North Carolina, Florida, Alabama, Louisiana, Texas,
and Georgia, \ldots have all declared in unequi-
vocal language their determination to adhere to
the Union, \ldots \text{238}

On September 27, 1851, Foote utilized examples in con­
junction with his rhetorical questions to show that
1851 was a bad year for Mississippi demagogues. He
stated:

I predicted that the year 1851 would be rendered
remarkable by the death of local demagogues.
Look over the field of battle, and see how that
prediction has been verified. Where is Roger
dead perhaps, but certainly laid upon the shelf.
What has become of the four Congressional Repre­
sentatives? One has declined; two should do so
for decency's sake, and Gov. Brown should follow
the example for the sake of policy. Not to men­
tion members of the legislature.—Where are they?
Every part of the State has become famous by the
death of local demagogues. (Great applause.)
Every patriotic State rejoices at the result.
Virginia, Tennessee, Kentucky, Georgia, Missouri—
every one rejoices in this State and elsewhere in

\text{\textsuperscript{238} New York Herald, December 10, 1850, reprinted
in Flag of the Union, December 27, 1850.}
The preceding passages show how Foote incorporated other forms of support in a series of rhetorical questions. He also employed the rhetorical question as a transition and as restatement. In his February 23, 1849, speech he asked: "Now, sir, what is the state of things?" Later, for purposes of amplification he repeated a question: "And why, I ask again, is it that Senators on the other side . . . are less disposed than we are to confide in the capacity and sound intentions of the President of their choice?" Minutes later he again employed a question to make a transition into his analysis of Senator William L. Dayton's position on the territorial question: "What does the honorable Senator from New Jersey propose in lieu of the amendment of the honorable Senator from Wisconsin? Just this, and no more: He proposes to extend the revenue laws of the United States to California and New Mexico."240

Of all the forms of support available to him, there can be little doubt that Foote showed the greatest deftness in the use of rhetorical questions. He

239 Natchez Courier, reprinted in Flag of the Union, October 3, 1851.
240 Congressional Globe, 30 Congress, 2 Session, Appendix, 260-261.
employed them for purposes of clarification, proof and amplification of his arguments.

Foote used to a less extent other forms of support. For example, he employed the analogy and comparison sparingly but effectively. On February 23, 1849, arguing against an amendment by Senator Webster which would "retain the existing laws of California and New Mexico in force until the expiration of the next session of Congress," Foote reasoned by analogy:

Whether this would be likely to bring upon the inhabitants the severities of the inquisition, as formerly existing in Spain, and enforced by blood and fire in Mexico; whether the ecclesiastical tribunals of the Roman Catholic Church, known to have had former existence in Mexico, . . . remains yet to be explained.\textsuperscript{241}

Foote made more effective use of the analogy in his non-Senate speeches. On December 9, 1850, he recounted for his New York audience how the Mississippi secessionists had been routed in a recent canvass, saying of the occasion: "At the close of the meeting I called for the seceders to show themselves, but it was like calling spirits from the vasty deep—(laughter)—they did not come when I did call for them." Later in the speech, capitalizing upon the audience's patriotic feelings, Foote employed the method of contrast. He praised Clay,

\textsuperscript{241}Ibid., 261.
Cass and Webster, the great "Triad of American patriots," who, though rivals for the Presidency, stood "shoulder to shoulder in support of their common country." They were, said he, unlike "Aristides and Termistocles [who] lived and died rivals. . . . Pitt and Fox [who] were rivals in England throughout their lives. . . . Burke and Fox [who] had a quarrel which terminated a friendship of many years." On December 30, 1850, Foote compared the 1850 deliberations with the Constitutional Convention of 1787, showing that neither was perfect, that both involved negotiation and compromise. He noted that men, like Washington and Franklin, understanding the imperfections of the new Constitution, nevertheless "exerted themselves, (as have of late those champions of the scheme of compromise which has been recently adopted by Congress), to suppress excitement, to stifle agitation, and to quiet the country. They urged their countrymen to accept the plan of the Convention. . . ." Foote also noted that "Mr. Madison warned his countrymen against the Disunionists of that period, in language which is too strikingly applicable to certain wranglers whose discordant voices are being heard in our midst. . . ." Defending the

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242 New York Herald, December 10, 1850, reprinted in Flag of the Union, December 27, 1850.
Compromise measures, Foote said of the act abolishing the slave trade in the District of Columbia: "The act . . . is a mere police regulation, such as many of the slave-holding States have long since provided for their security. . . ."\(^{243}\) In his February 22, 1851, speech Foote again compared the 1850 Compromise deliberations to the Constitutional Convention of 1787.\(^{244}\)

As the foregoing analysis shows, Foote found few opportunities to employ description, circumstantial detail, maxims, or statistics. While he employed restatement in his speeches, there was little use of summaries. Had he given more attention to organizing his speeches, he probably would have included more summaries.

In summary, Foote preferred to develop his speeches deductively. He used this practice with some consistency and considerable proficiency. Using the deductive method to advance his propositions, he preferred to support them with forms which were inductive. He achieved greater success in the use of inductive proofs in speaking before popular audiences, probably due to his having more time on those occasions in

\(^{243}\)The Pennsylvanian, December 31, 1850.

\(^{244}\)Flag of the Union, March 14, 1851, 1-2.
which to prepare his speeches. In any event, Foote
demonstrated greater skill when reasoning from examples,
specific instances, and causal reasoning. Gray and
Braden state: "From the point of view of interest and
attention, the example is the most effective form of
proof."245 Foote was extremely popular with audiences
outside the Senate, and these occasions made it easier
for him to employ examples, specific instances, and
causal inference. He was adept at using the rhetorical
question as a form of amplification, which he preferred
to cast in the nature of a series. When doing so, he
usually alternated questions with proof, usually exam­
ples, specific instances, or causal inference. He
employed this technique with equal skill in his Senate
and non-Senate speeches. While exhibiting considerable
proficiency in that technique, he was less adept at
using testimony, though he delighted in doing so.
Finally, concerning his forms of support three conclu­
sions are warranted: (1) While speaking before the
Senate he directed his rhetorical skills, with some
success, toward the promotion of compromise. (2) In his
speeches outside the Senate he employed his skills in
reasoning, with notable success, toward the single

245 Gray and Braden, op. cit., 298.
purpose of securing acceptance of and acquiescence in the Compromise. (3) In all of his speaking during this period he demonstrated notable proficiency in the use of the deductive mode of development and inductive forms of support.

Audience Adaptation: Emotional Appeals

In their discussion of audience adaptation, Thonssen, Baird and Braden conceive emotional proof as including "all those materials and devices calculated to put the audience in a frame of mind suitable for the reception of the speaker's ideas." 246

Earlier it was noted that Foote's popularity as a stump speaker was due largely to his ability to hold an audience's attention and to his skill in the use of affective language and emotional appeals. His awareness of the role of emotional appeals in persuasion was reflected in his remarks concerning the use of emotional appeals by other speakers. 247 It remains to analyze the nature and kinds of emotional appeals employed by him in his pro-Union speeches during the period, 1849-1852.

In the ten speeches selected for analysis in this study, Foote employed the following emotional appeals:

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246 Thonssen, Baird and Braden, op. cit., 421.
247 Supra, chap. iii, passim.
Justice and fair play, patriotism, security, freedom from oppression, honor and duty, spirit of compromise, pride, indignation, and religious ideals.

Justice and Fair Play

Foote often appealed to the sensibilities of the Senate on the basis of alleged inequities growing out of the slavery question. He was sensitive to the imbalance in voting power between the North and the South.

Foote believed that the Constitution protected slavery in the territories. On February 23, 1849, he sought to reinforce this argument by pleading for justice and fair play:

Have we asked for anything but that we should not be excluded ... from the enjoyment of that absolute equality of rights and privileges secured by the institutions of our forefathers to all their descendants, whether residing in the northern, southern, eastern, or the western sections of this Union? Have we gone further than simply to desire that our northern brethren should not interfere with us; that they should cease to annoy our sensibilities, mortify our pride of character, and struggle to deprive us of our undoubted rights under the Constitution ..., to migrate to any part of the Confederacy with our families and our effects, there to dwell peacefully and safely under the protective influence of the supreme law of the nation? ... We ask for no peculiar favors ... ; we crave no partial legislation ... ; we claim no doubtful right under the fundamental law of the nation; we would scorn to receive any benefit ...
in which our northern brethren might not equally participate. On May 15, 1850, he again appealed for justice: "But then the sovereign States of this Union have a right to enjoy and dispose of the whole territorial domain of the Republic, and the citizens of all the states have a right to equal participancy in the enjoyment thereof, which cannot be either denied or contravened without the grossest injustice."

Following passage of the Compromise, Foote endeavored to reassure his Southern audiences that the South had been treated justly under the Compromise. On November 27, 1850, in New Orleans and on September 27, 1851, in Natchez, he sought to do so by analyzing the Compromise measures. For example, he asserted that California may yet adopt slavery, that the Utah and New Mexico bills had incorporated the South's non-intervention principle, that the Fugitive Slave Law had been strengthened, and predicted that additional slave states would

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248 Congressional Globe, 30 Congress, 2 Session, Appendix, 282.

249 Ibid., 31 Congress, 1 Session, Appendix, 581.


251 Natchez Courier, cited in Flag of the Union, October 3, 1851, 1.
likely be created from Texas in the future.

Patriotism

Foote leaned heavily on appeals to patriotic motives in the speeches examined in this study. Such appeals were directed toward love of country and affection for the patriots of history.

In affective language, which was his custom, Foote on February 23, 1849, made references to President Thomas Jefferson, "that patriotic son of the South," to "the Constitution of our fathers," to "those political ties which bind the sovereign States of the Union together as one great nation," and to "the renowned city of Boston and "the sacred portals of Faneuil Hall."^252

On May 15, 1850, Foote combines appeals to patriotism and the spirit of compromise, in proposing that the question of the validity of the Mexican laws be adjudicated in the courts. He said: "Thus the two extremes [Northern and Southern views] can well meet upon the middle ground of the Constitution, and, as patriots, be able to cooperate in the establishment of territorial governments. . . ." He spoke affec-

^252 Congressional Globe, 30 Congress, 2 Session, Appendix, 263.
tionately of the late Senator John C. Calhoun: "Why, sir, we cannot forget—I trust that none of us ever will cease to remember—that scene in this chamber when the lamented personage referred to made the last declaration of his opinion touching the validity of these Mexican laws, . . . It was when the honorable Senator from Massachusetts had concluded his late masterly speech upon the Wilmot proviso. . . ."

On June 27, 1850, following a reference to one of Thomas Jefferson's letters, Foote observed that, Mr. Calhoun thought the letter should "be treasured up in the heart of everyone who loves his country and its institutions. . . ."

On August 1, 1850, Foote read to the Senate a pro-Union resolution offered by a group of Virginia patriots, which in part stated: "Until quite recently the great charter of our Confederation has ever been revered and appealed to with profound respect and veneration. It has been allowed as the living testimony of national emancipation—the sacred shrine and perpetual record of the accumulated wisdom of ages."

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253* Ibid., 31 Congress, 1 Session, Appendix, 581, 580.

254* Ibid., 988.

255* Ibid., 1493.
On December 18, 19, 1851, after sharply criticizing the actions of Senators Arthur P. Butler and Robert Barnwell Rhett of South Carolina, Foote sought to reestablish goodwill by appealing to patriotism:

I have never denounced the State of South Carolina in my life. I honor the noble Palmetto State; and I have always spoken in terms of admiration of her great men, her illustrious patriots and of former generations. Sir, as a true-hearted American, I glory in claiming as fellow-countrymen the Graysons, the Pettigrews, the Poinsetts, the Hamiltons, the Haynes, the Butlers, the Thompsons, the Leibers, and a thousand other noble names that stand consecrated in the recollection of every patriot in this broad Union who truly takes pride in her just fame.256

Reflecting a tone of indignation, Foote related patriotism to senatorial duty in criticizing Senator Rhett for his secessionist talk:

I do not know how one who is sworn as a member of this body to support the Constitution of the United States, which was adopted for the purpose of upholding and perpetuating the Union can, without manifest inconsistency, to say the least, whilst the obligation of that oath is understood to be still resting upon his conscience, formally and emphatically declare his desire to subvert that Union, and to pull down the Government in the actual administration of which he is for the time being a participant. . . . I confess, sir, were I, as a Senator upon this floor, to attempt the expression of such views, I should expect my tongue to be smitten with a sudden paralysis, and the uttered words of treason to be suffocated in the very effort to pronounce them.257

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256 Ibid., 32 Congress, 1 Session, Appendix, 53.
257 Ibid., 58.
Later in the speech Foote spoke of Presidents Andrew Jackson and Zachary Taylor in affective language. Jackson was "the hero and sage of the Hermitage." Of Taylor he said:

I have always recognized him to be a gentleman, and knew him to be a genuine patriot. . . . I shall never forget the last scene in which he participated as a public man. The humble individual who is now addressing the Senate, chanced to be called upon to deliver the Fourth of July oration in Monumental Square in this city, in the year 1850. . . . At the close of the address that noble-hearted old man, with tears running down his furrowed checks—such tears as patriots alone can shed—requested me . . . to approach him—grasped me affectionately by the hand, and filled my heart with gratitude by thanking me for that same unpretending harangue. I never saw him afterwards. That day he was taken sick, and was in a few days after numbered with the dead. I never hear his name pronounced without this picture . . . being once more vividly presented to my memory and my sensibilities.258

It was natural that Foote should make greater use of appeals to patriotism in his non-Senate speeches, for his purpose in them was to marshal public support for the Compromise measures. In New Orleans on November 27, 1850, he referred to "Union-loving men," "patriots and lovers of their country," and to Virginia, "that patriotic State—the mother of Presidents—the home of Washington, Madison, and Jefferson." He closed the speech with the prayer "that her citizens may live

258 Ibid., 59, 61.
and die under the broad folds of the flag of the Union.\textsuperscript{259}

In his speech of December 9, 1850, Foote predicted that the patriots of South Carolina would keep her in the Union: "And even in the State of South Carolina patriotic voices have lately burst forth in support of the Union. . . . Mr. Poinsett and Gen. Hamilton have spoken out on the subject in the boldest language. Can you doubt that these voices, raised in support of the institutions of our fathers, will arouse a patriotic response in South Carolina? I cannot doubt it. . . ." Foote adapted the appeal to his audience: "... This compact of adjustment, which you have heard so elo­quently eulogized, will quiet our country, and will secure the permanence of our institutions, if faith­fully adhered to, North, South, East and West. But the question is, will you adhere to it? (Voices—'We will;'
'We will.')" Later in the speech Foote praised the patriots who served on the Committee of Thirteen during the Compromise deliberations:

[They] did rise above party influence; they did forget their party, absorbed as they were in patriotic solicitude for their country's welfare and honor. Yes, and I will give you an anecdote

\textsuperscript{259} New Orleans Daily Crescent, November 28, 1850; New Orleans Daily Delta, November 28, 1850; New Orleans Daily Picayune, November 28, 1850.
illustrative of the spirit in which these men acted. It was said, on a certain occasion, to my old friend, General Cass, by some gentleman (three cheers for General Cass) who was consulting party policy a little more than the interests of the country, that if the plan of adjustment was carried out, Henry Clay might become President. Now, General Cass had nominated Mr. Clay as chairman of that committee; and what was the reply of the old patriot? I will state the reply. . . . When he replied, that honest face of his became refulgent with the true spirit of a patriot. He remarked, "Then, so be it. If Clay's noble conduct at the head of our committee, . . . should conduct him to the presidency, no man in the nation will more cordially ratify his election than myself." (Here followed an outburst of applause that made the portraits on the walls of the governor's room dance a gig.) I challenge you to point out to me such another instance of patriotic devotion and self-sacrifice.260

Before his Philadelphia audience on December 30, 1850, Foote reviewed the contributions of "your beloved and venerated Franklin." He quoted from James Madison's 14th number of the Federalist to exhort his audience to reject the disunionists:

No, my countrymen, shut your ears against this unhallowed language—shut your hearts against the poison which it conveys. The kindred blood which flows in the veins of American citizens—the mingled blood which they have shed in defence of their sacred rights—consecrate their union, and excite horror at the idea of their becoming aliens, rivals, enemies. And, if novelties are to be shunned, believe me, the most alarming of all novelties, the most wild of all projects, the most rash of all attempts, is that of rending us in pieces, in order to preserve our liberties and promote our happiness.

Foote closed his Philadelphia speech with an appeal to love of country: "Let us, faithfully and fearlessly, carry into effect the whole scheme of congressional adjustment, in all its length, and depth, and breadth, and height, and according to its true intent and meaning—so that the institutions of our fathers may be perpetuated upon the earth, and the blessings of civil and religious liberty be secured to ourselves and our posterity forever."  

In his Washington's Birthday speech of February 22, 1851, Foote used the patriotic theme throughout the address. Early in the speech he stressed certain of Washington's virtues of which the New York audience would approve: "... a calm serenity about his public demeanor, a fixedness of resolve, an inflexible conscientiousness, and an apparent forgetfulness of all mere personal consequences whilst engaged in the performance of what he regarded as his duties." Foote then related Washington's life to the crisis of the moment:

Events, now in fearful progress among us, are supplying the most conclusive testimony in proof of his profound sagacity and foresight; and coming generations will infallibly recognize the memorable language of funereal commendation to have been not at all extravagant, or in the least degree over-

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261 The Pennsylvanian, December 31, 1850.
strained, which announced him to the world as "First in war; first in peace; and first in the hearts of his countrymen."

Foote closed his Washington's Birthday speech by appealing to his audience to follow the truths laid down by Washington. He said:

I beseech you . . . every man in all our broad land, who loves the soil which gave him birth—who respects the wisdom and virtues of our illustrious forefathers—whose bosom has, at any time, exulted in the proud name of American, or has glowed with patriotic fervor in recollection of those deeds of imperishable renown which have made our great and free nation an object of respect and of admiration throughout the world— I implore you, yea, I solemnly warn you, not to disregard the example and the admonitions of the Father of his Country, as I have this day essayed to portray them both before you and in your hearing.

On September 27, 1851, Foote combined praise and an appeal to patriotic motives in introducing his speech.

To his Natchez audience on that occasion he said:

When I visited you last fall, how different were the circumstances that surrounded us. The cloud of doubt covered the political sky. The future was hidden in obscurity. The patriotic hearts of the neighborhood and indeed the whole State, were full of painful solicitude. . . . We made a solemn compact, with each other: the pledge on my part was to devote all my humble faculties to the Union cause. Since then you know I have relaxed no effort, nor spared myself physically or mentally. Happy was I to hear that Adams county was full of zeal and patriotic sentiments becoming the crisis.

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262 Flag of the Union, March 14, 1851, 1-2.
Later in the speech, predicting victory in the November gubernatorial election, Foote expressed faith in the patriotic motives of his Natchez audience: "I... rely on the sound judgment, elevated patriotism and fervent feelings of the people, and I know therefore that I shall be the victor in the name of the Union."263

Security of the Union

In his pro-Union speeches Foote made frequent appeals to the desire for security. These usually took the form of appeals to the fear of the consequences, should efforts to compromise sectional differences fail. Not only did he inject fear of secession, but often explicitly suggested the fear of civil war.

When Foote spoke on February 23, 1849, his loyalties were still identified with the strong states rights position of the South. In that speech he dwelt on abolitionist activities in the North and voiced a fear of the consequences should Northern agitation continue. In the following passage he voiced the South's determination, as reflected in the Southern Address of January, 1849, to secure fair and equal treatment in any territorial legislation.

263Natchez Courier, reprinted in Flag of the Union, October 3, 1851, 1.
And now, sir, the address has gone forth—it has performed its high office. The South is roused up to a circumspect and scrutinizing survey of all the dangers which threaten her present peace and future safety. Our enemies stand paralyzed by the moral energy so suddenly and so imposingly displayed by southern Senators and Representatives, and the contemporaneous legislative resolves of nearly all the southern States of the Confederacy. At least there is some prospect of pacification, of compromise, of the final settlement of the most distracting and dangerous question which has been agitated in our times. Darkness is fleeing away, and the light in beginning to beam upon us.264

The passage also appeals to freedom from oppression, which later will be treated separately.

On May 15, 1850, Foote voiced his fear of continued agitation of the slavery question: "I perceive plainly that ultraism in both sections of the Confederacy is beginning to put on an aspect decidedly menacing. I have learned . . . that a systematic effort will be made probably to induce the Nashville convention to demand certain constitutional amendments, known to be impossible of attainment, as a sine qua non to a settlement of existing differences between the North and the South."265

On June 27, 1850, Foote noted a move to gain statehood for New Mexico, and warned that civil war would be the result:

264 Congressional Globe, 30 Congress, 2 Session, Appendix, 264.

265 Ibid., 31 Congress, 1 Session, Appendix, 585.
This effort to set on foot a State organization is obviously about to result in the effusion of blood in civil strife . . . . Yes, sir, despotic military rule has been set up in opposition to the just territorial claims of one of the States [Texas] of this Republic; and we are about to be plunged into all the horrors of a civil war, unless Congress shall interfere in season, and arrest the fatal course of events.  

On August 1, 1850, Foote defended the Southern Convention against the charge that it advocated the adoption of the "Missouri Compromise plan, as an ultimatum." The Convention, said Foote:

did not look to the destruction of the Union, but the preservation of it, by maintaining the Constitution inviolate to which that Union owed its existence. We demanded the maintenance of the Union, as established by the Constitution; and our avowed object in proposing the Nashville Convention was to bring about the adoption of such measures of redress and conciliation as might vindicate the integrity of the Constitution, and rescue the Union itself from impending ruin.  

On December 18, 19, 1851, Foote expressed the conviction that the Compromise measures prevented a civil war: "Have we not so framed this compromise 'to avoid anarchy,' and bloodshed and violence? In my opinion, anarchy has been prevented by adoption of this blessed compromise. . . . We have obtained a compromise equitable in all its parts, and we are content. . . . Had it

266 Ibid., 990.
267 Ibid., 1491.
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not been adopted I fear that civil war would have ensued. 268

In his non-Senate speeches Foote made the security of the Union an inherent part of his thesis. The Compromise measures had, he contended, prevented a breaking up of the Union. In New Orleans on November 27, 1850, as on other occasions, Foote admitted that the compromise measures were less than perfect but, said he, "the great object was to preserve the Union, and not let it go down in blood." Later in the speech, however, he warned that: "If Congress repealed the Fugitive Slave Law—or any other one materially affecting the South, then the South might despair of getting justice, and rise up as one man, not as petty factionists, under the leadership of a military hero ambitious to gain, in some way, a few laurels... The whole South would then secede..." 269

On December 9, 1850, Foote reassured his New York audience, yet he voiced some apprehension: "The danger is almost over. I regret to say that there is some little ground for apprehension as to the future. This

268 Ibid., 32 Congress, 1 Session, Appendix, 52-53.
compact of adjustment, which you have heard so elo-
quently eulogized, will quiet our country, and will
secure the permanence of our institutions, if faith-
fully adhered to. . . ." President Fillmore, he said,
appeared "determined to stand by the laws, and recom-
mends no alteration of their provisions. This will
content the South; and let the North set up the recom-
mandations of the President, and the Union is safe."270

By December 30, 1850, when he spoke in Philadelphia,
Foote had become less sure of the security of the Union.
He said:

These brotherly ties which once bound together
the North and the South, the East and the West,
have been threatened with instant disruption.

Never in the history of nations have all the
elements of social mischief seemed to be more por-
tentously commingled; seditious harangues of the
mobs of great cities—mercenary and unscrupulous
writers for furious and fanatical newspapers and
periodicals—demagogues of the forum—demagogues
of legislative halls, and demagogues of the pul-
pit: ancient nullifiers, modern secessionists—
higher law casuists of hyperborean regions—and
aspiring, restless, and dogmatizing swordsmen of
a more sunny and genial clime—((bastard Alexanders,
"following him of old with steps unequal,")) whose
fiery and swelling souls are yet unsated with the
grim glory of arms, and who are desperately sigh-
ing for new fields of renown and new titles of dig-
nity—these, and their allies, have contributed to
fill the public mind of the country with alarm,
with horror and consternation. . . .

270 New York Herald, December 10, 1850, reprinted
in Flag of the Union, December 27, 1850.
Surely the friends of peace and good order had a right to expect, after the angry and contentious scenes which marked the deliberations of Congress at its last session, that some little respite from agitation, some brief cessation of strife, a short season of repose, not altogether perchance unmarked by a partial return to the kindlier feelings of a former generation, would have ensued. . . . But this reasonable expectation has not been entirely realized; and we have seen a most furious and envenomed opposition to the scheme of settlement, simultaneously commenced in the two opposite quarters of the Confederacy, which is far from being yet discontinued, and which, it is to be feared, if not checked by timely instrumentality, may eventuate in consequences which every true patriot would forever deplore.

Foote concluded the speech with a stronger warning than that which he voiced in his New Orleans speech of November 27:

Believe me it will not do to tamper, as some of us have heretofore madly done, with this irritating and perilous question of slavery. It will not be safe, hereafter, to engage in attempts to obtain legislation of any kind whatever at the hands of Congress upon this delicate and dangerous subject. I perfectly agree with Mr. Curtis of Boston . . . that . . . "there is no single point on which the General Government can touch the subject of slavery, for any practical purposes without putting the Union in imminent and extreme danger." 271

In his speech of February 22, 1851, Foote reflected upon the parallel between the crisis of 1787 when George Washington presided over the Constitutional Convention and the 1850 Compromise deliberations. He then said:

"In spite of the solemn advice of Washington, in his

271 The Pennsylvanian, December 31, 1850.
farewell address to his countrymen, parties characterized by 'geographical' discriminations have of late sprung up among us. Fanaticism, sectional jealousy, and lawless ambition, have, in the last year or two contrived most grievously to inflame the public mind of the nation, and to threaten the Union itself with sudden disruption.**

Foote's campaign speech of September 27, 1851, delivered in Natchez, was more optimistic than his other non-Senate speeches. While he touched upon the subjects of controversy, whether the Compromise measures were equitable to the South, for example, there was no suggestion as to the future safety of the Union or the security of the South.

Freedom from Oppression

Foote extolled the virtues of non-intervention in his Compromise speeches. He viewed non-intervention as the least oppressive to the South of any basis of settlement.

On June 27, 1850, Foote denied the charge that the South desired special legislation protecting slavery. He said: "All we asked was to be let alone."**

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272 Flag of the Union, March 14, 1852, 1-2.
273 Congressional Globe, 31 Congress, 1 Session, Appendix, 989.
On August 1, 1850, Foote acknowledged oppression as a justifiable ground for secession. He declared: "The Union itself would be worthless without the liberty and happiness which it was intended to secure. Describe to me a case of intolerable oppression, and I will at once acknowledge, that, in such a case, secession would be justified."274

In his campaign speech of September 27, 1851, Foote warned his Natchez audience that Committees of Safety, advocated by Governor John A. Quitman, would result in oppression: "When did you ever hear of such a committee? They were never known except in the reign of Terror in France. Danton and Robespierre and Murat established them, and during every week, every day, every hour, and almost every minute of their existence, the precious blood of the good, the wise, the patriotic, and the pious was staining the accursed scaffold."275

Honor and Duty

Throughout his life Foote was motivated by a strong sense of duty and honor. He reinforced his arguments with appeals to his audience's sense of honor and duty.

274 Ibid., 1492.
275 Natchez Courier, reprinted in Flag of the Union, October 3, 1851, 1.
On February 23, 1840, he chided his Whig colleagues: "The Democratic members of this body . . . will not shrink from the performance of their duty" in seeking to provide governments for the territories. Later, in regard to the same question, Foote declared: "It certainly seems to me to be an occasion upon which enlightened patriots might well unite in sentiment and action, without regard to mere party considerations."276

When intelligence reached the nation's capital that hostilities were about to break out between Texas and New Mexico over the boundary dispute, Foote declared: "If a drop of Texas blood shall be shed upon her own sacred soil, it will be the duty of every southern man, able to bear arms, to rush to the scene of strife, in order to put down usurpation and to maintain the cause of justice and of right."277

On August 1, 1850, Foote noted the strong sense of honor and duty exemplified in the leadership of President Andrew Jackson during the nullification crisis. He stated: "It would seem that General Jackson, though born in the Waxaw settlement of South Carolina, did not at all doubt what his duty would be as President of the


United States, in the event of an armed resistance to the laws occurring in that State. Doubtless his feelings were deeply pained at being thrown into conflict with his native State. . . ."278

Spirit of Compromise

Closely related to the motives of justice and fair play, honor and duty, and patriotism, was Foote's appeal to the spirit of compromise.

On February 23, 1849, Foote appealed to the spirit of compromise in asking the Senate to entrust President Zachary Taylor with the necessary powers to administer the affairs of the new territories:

Sir, though I did not vote for the President elect; though I have reason to believe that his political opinions and my own are, in some respects, far from harmonizing, though I dread the revival of certain dangerous and exploded schemes of national policy during his administration; . . . I feel bound to admit that the good sense, the integrity, and the patriotism of General Taylor are so strongly attested by his own acts, . . . that I am more than willing to risk the temporary regulation of all our California and New Mexico concerns with him and those he may assemble around him as his cabinet advisers.279

As indicated earlier, on May 15, 1850, Foote expressed a willingness to allow the question of the

278 Ibid., 1492.
279 Ibid., 30 Congress, 2 Session, Appendix, 260.
validity of the Mexican laws to be decided by the courts. In that speech, as in others, Foote reminded his audience that the object of compromise was to "quiet the country" and reestablish "ties of fraternal affection" between the North and the South. This appeal was also strong in his non-Senate speeches, as he sought to rally public support of the Compromise.

Pride

As noted earlier, Foote was a man of pride. In fact, his pride extended to every facet of his life and every phase of his political activity. It was reflected in a total involvement with whatever issue or program occupied his attention and his energies at any point in time.

On February 23, 1849, Foote spoke with pride of the hospitality of his native South:

... There is no State in the southern part of the Confederacy where hospitality does not equally abound, where respectable strangers are not received with equal cordiality, and where the sons and daughters of New England ... are not as kindly welcomed. ... Why, sir, in the southern States generally, and in the southwestern States particularly, our school houses and colleges, our legislative halls, and our judicial tribunals have been often occupied by the adventurous sons of the North, who come among us and claim our

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280 Ibid., 31 Congress, 1 Session, Appendix, 581.
281 Ibid., 584, 585.
sympathetic regard, our confidence, and our support for public station, and have their desires gratified almost as soon as they are expressed. \(^{282}\)

At no time was Foote's pride more evident than when he was recalling the contributions of the great patriots of the past, which were noted in the discussion of his appeals to patriotism. On December 30, 1850, as on many other occasions, he spoke with obvious pride of the contributions and the sacrifices of such patriots as George Washington, Benjamin Franklin and James Madison, in the founding of the nation and the drafting of the Constitution. \(^{283}\)

Foote had pride in the rightness of his cause. He spoke with pride on the principle of non-intervention. On June 27, 1850, he appealed to the Senate's pride as he reviewed the Democratic party's position on non-intervention: "We adopted it as a fundamental article of our party creed, both in the North and South, in the East and the West. . . . We were beaten in the presidential contest [of 1848]. But should a single defeat induce us to abandon a principle so recommended? I have though not. . . ." \(^{284}\)

\(^{282}\)Ibid., 30 Congress, 2 Session, Appendix, 263-264.

\(^{283}\)The Pennsylvanian, December 31, 1850.

\(^{284}\)Congressional Globe, 31 Congress, 1 Session, Appendix, 989.
Foote had pride in his powers of persuasion. He demonstrated this pride in his speech of September 27, 1851, during the gubernatorial canvass. Governor John A. Quitman, his original opponent, had just withdrawn from the canvass. Foote told his Natchez audience, "It appears to be yet uncertain whether I shall have a competitor. I should not have accepted the nomination merely to walk over the course alone. My disappointment was great when your distinguished fellow-citizen refused to debate longer with me." 285

Indignation

Closely related to the appeal to justice and fair play was Foote's use of indignation as a method of arousing animosity toward the opposition and of gaining sympathy for his own cause. This technique usually involved highly emotional and affective language, often characterized by sarcasm and ridicule.

For example, on February 23, 1849, Foote expressed his indignation in a series of emotionally charged questions, a technique he often used, which on this occasion was aimed at Senator William L. Dayton of New Jersey:

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285 Natchez Courier, reprinted in Flag of the Union, October 3, 1851, 1.
What right, Mr. President, has the honorable Senator from New Jersey to taunt us, as he has done, in reference to the exposed and feeble condition of the South, incapable, as he appears to suppose, of effectually defending herself against northern hostility? What right has he to conjure up, before us the ghost of nullification to fright us from our propriety? What right has he to accuse us of being enemies of the Union, factionists in spirit, secessionists in principle? 286

On May 15, 1850, Foote directed his indignation at fellow-Southerner, Senator David L. Yulee of Florida.

Let it never be forgotten, that it is the Senator from Florida who has so unnecessarily and unseasonably attempted to close the door of compromise; that it is he who has virtually said to our northern brethren: "I will not interchange fraternal sentiments with you . . . I will not participate in a plan of settlement which is intended to rescue the South itself from spoliation and ravage. . . ." 287

On August 1, 1850, the object of his indignation was the secession movement in South Carolina. Foote said: "I hope [South Carolina] will never consent to be deluded by the mad teachers who are endeavoring to seduce her citizens into the perpetration of high treason; for treason it will certainly be . . . whenever they attempt to act out of their present fiery resolves." 288

286 Congressional Globe, 30 Congress, 1 Session, Appendix, 263.
287 Ibid., 31 Congress, 1 Session, Appendix, 580.
288 Ibid., 1493.
Foote used emotionally charged language to express his indignation in his speech at New Orleans on November 27, 1850. On that occasion Foote predicted that an upcoming convention in Mississippi would "put a permanent quietus upon the efforts of the few agitators, whose loud bawling has made them appear numerous and irresistibly potent." In the same speech he referred to Senator Thomas Hart Benton of Missouri as "that monster of inequity." 289

Foote was noted for his fervid language. In the following example, though he does not express indignation, he did intend by his language to stir the emotions of his audience, and thus reinforce his argument that the compromise ought to be accepted by the nation. On September 27, 1851, according to the Natchez Courier, "Gen. Foote . . . alluded to the fact that by the adjustment, the Wilmot proviso had been killed; that it lay buried so deep, that not even its ghastly spectre would ever be raised to agitate the country." 290

289 New Orleans Daily Crescent, November 28, 1850.
290 Natchez Courier, reprinted in Flag of the Union, October 3, 1851, 1.
Appeal to Religious Ideals

Foote seldom made reference to the deity in his Senate speeches. However, in each of the non-Senate speeches selected for analysis Foote appealed to religious ideals, usually in his closing remarks. On August 1, 1850, he closed his speech with "May God, in his mercy, save our beloved country from the ruin and degradation in which ambitious and unprincipled demagogues have striven to involve us!"

On November 27, 1850, Foote reassured his New Orleans audience that the Fugitive Slave Law would be enforced. As proof of the good intentions of the North, he quoted "Judge Greer, Philadelphia, who said on the bench, 'As God liveth, and as my soul liveth, I will maintain this law.'" As reported in the New Orleans Daily Crescent, Foote closed the speech "visibly affected with the importance of his subject" and expressed confidence "that her citizens may live and die under the broad folds of the flag of the Union, is the heartfel prayer of one who now takes a solemn farewell of the audience."  

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291 Congressional Globe, 31 Congress, 1 Session, Appendix, 1495.
292 New Orleans Daily Crescent, November 28, 1850.
On December 9, 1850, in closing his New York speech, Foote said: "Let me close, then, by pledging myself to you, before the country, and before Him who rules in Heaven, that... I will stand faithfully to the compact of our Union, by the scheme of adjustment."

On December 30, 1850, Foote combined appeals to the spirit of compromise, brotherly love, patriotism and religious ideals, when he recalled to his Philadelphia audience the exhaustive efforts of the Congress to effect a lasting settlement of the slavery controversy. He said:

Congress had, after months of laborious and most irritating controversy... (not, as some suppose, without the manifest interposition of Divine Providence) been able ultimately to agree upon a plan of adjustment... breathing throughout the whole framework the genuine spirit of elevated statesmanship, of inflexible justice, and of brotherly love—a plan of adjustment... and that in due season it would secure a restoration of quiet and the extinction of sectional enmities.

On February 22, 1851, Foote concluded his Washington's Birthday speech, as follows: "May God grant us a speedy and a thorough deliverance from the evils

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293 *New York Herald*, December 10, 1850, reprinted in *Flag of the Union*, December 27, 1850.

294 *The Pennsylvanian*, December 31, 1850.
which now sadly compass us about, and which menace with destruction such a system of government as the wisdom of man has never been able to devise, and the ruin of which would in all probability leave the whole world in utter darkness and despair forever and forever."

On September 27, 1851, Foote incorporated two appeals to religious ideals in his Natchez speech. Referring to the terror created by committees of safety in France, he remarked: "Madam Roland, the pure, the beauteous devotee of democratic principle, as she stood upon the scaffold, gave utterance to these living words: 'Oh Goddess of liberty; what horrors are committed in their holy name!'" And Foote closed with the following: "From all this, thank God, we are now free. The people have aroused; they have asserted their rights, and they understand how to maintain them. Long may they manifest their determination to continue to do so."

In assessing the effectiveness of Foote's emotional proof, it is helpful to utilize criteria offered by Gray and Braden. On the basis of these criteria, it may

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295 *Flag of the Union*, March 14, 1851, 1-2.

296 *Natchez Courier*, reprinted in *Flag of the Union*, October 3, 1851, 1.

297 Gray and Braden, *op. cit.*, 169-173.
be said that Foote chose his emotional appeals well. Given the severity of the crisis then existing, Foote was justified in appealing to patriotism, security, honor and duty, spirit of compromise, pride and religious ideals. Given the imbalance in the voting power between the North and South and the fear of discrimination against the South, which Foote alleged existed, then Foote appeared justified in appealing to justice and fair play, freedom from oppression and indignation. The action which Foote sought, i.e., an adjustment of all questions growing out of the slavery issue, represented a worthy goal. He employed a variety of motive appeals and none was overworked. His frequent use of patriotic appeals was not excessive when viewed in light of the existing crisis. Generally Foote's employment of motive appeals was unobtrusive. Finally, he appeared to be more effective in the use of pathetic proof in his non-Senate speeches than when speaking on the Senate floor.

Summary: Foote's Adaptation To Audiences and Occasions

The ten speeches analyzed in this study were delivered during a period of grave crisis. Agitation in the North and South was increasing. Foote sought in his Senate speeches to bring about a settlement of all
questions growing out of the slavery issue, one that was permanent and which would restore a balance of power between the two sections of the country. The Compromise measures having been passed, Foote sought to persuade the people to support the Compromise. His audience adaptation will be discussed under two heading, Senate and non-Senate audiences and occasions.

Adaptation in Senate Speeches

Entering the Senate in December, 1847, as a spokesman for the Southern states-rights faction, by 1850 Foote had become a "fiery controversialist," known for his "whiplash tongue" and relentlessness of attack.²⁹⁸

In his first major address on the territorial question, February 23, 1849, Foote sounded a note of urgency. Apologizing for speaking so late in the session, Foote said:

... but sir, when the gravity of the occasion is duly considered, the serious consequences obviously impending upon our deliberations fairly weighed, and the special provocatives to response which have been just now administered by two distinguished Senators [William L. Dayton of New Jersey and Daniel Webster of Massachusetts] properly appreciated I trust that I shall not be entirely without justification before the Senate and the country for this unwonted intrusion upon the attention of the body.²⁹⁹

²⁹⁸ Hamilton, Prologue to Conflict, 31.
²⁹⁹ Congressional Globe, 30 Congress, 2 Session, Appendix, 260.
Speaking in support of an amendment to the territorial bill offered by Senator Isaac P. Walker of Wisconsin, which would extend to the California and New Mexico territories the United States Constitution, thereby legalizing slavery which under Mexican law was forbidden, Foote immediately chided the Whigs for opposing the move, since it would give considerable powers to the President-Elect, Zachary Taylor, a Whig. In the speech Foote followed the practice, which characterized his Senate speeches, of lavishing praise upon those whose positions he favored and of heaping sarcasm upon his opposition. For example, in the speech Foote spoke thusly in favor of Senator Walker's amendment: "And this amendment, conceived in a spirit of the noblest liberality, equally marked with fervid patriotism and practical wisdom, the appearance of which has been welcomed in this chamber by many Democratic members of the Senate, has already been fated to encounter the fiercest and most energetic opposition from gentlemen who belong to the opposing party." 300 The speech was characterized by such references to the Senators as: "Can any northern Senator dispassionately weigh the circumstances which I have just passed in review before

300 Ibid.
the Senate, and fail to be struck with the extraordinary moderation and forbearance exhibited throughout the South at this solemn juncture? Foote concluded the speech with an encomium to Senator Walker which he doubtless hoped would please the entire Senate:

If I do not greatly deceive myself, this amendment will shortly become the law of the land; and if it should, the honorable Senator from Wisconsin, young as he is, and comparatively inexperienced, in the business of national legislation, will have a right to claim rank among the most renowned statesmen of the Republic, and his name will be associated in all coming time with the names of those who have been able in their day and generation to earn, by acts of public benefaction, a solid and enduring fame, and a popularity both extended and lasting.

With the opening of the Thirty-First Congress in December, 1849, three significant changes in the Senate membership should be noted: Henry Clay of Kentucky had returned and two newcomers were on hand: Salmon P. Chase of Ohio, a Free-Soiler, and William H. Seward of New York, a Whig. Also the crisis had produced a change in Foote. Hamilton described this change as follows:

Foote had corresponded sympathetically with Calhoun during the previous summer. On a superficial basis, one might assume that anything smacking of nation-

301 Ibid., 262.
302 Ibid., 264.
303 Ibid., 31 Congress, 1 Session, Appendix, 1.
alism or compromise would repel this fiery contro-
versialist. But his personal antipathy toward 
his rival [Jefferson] Davis, his intimacy with 
Lewis Cass, and his ability to find common ground 
with Clay exerted influences on Foote regarding 
the sectional situation. Thus in Foote there was 
a combination of methods usually attributed to 
radicals, coupled with conservative aims.304

As noted earlier, in February Foote had taken the 
initiative in advancing a plan, which Senator Clay was 
to label the Omnibus Bill, the details of which were to 
be worked out by a Committee of Thirteen. This move 
signaled Foote's determination to devote his energies 
toward promoting a general settlement of all questions 
growing out of the slavery issue. On May 8, 1850, 
Senator Clay read the report of the Committee of Thir-
ten before a packed Senate, outlining the features of 
the omnibus bill.305

By the time he spoke on May 15, 1850, Foote real-
ized that a spirit of compromise was lacking. In the 
speech he addressed himself to the question of whether 
by the treaty of Guadalupe Hidalgo and the act of con-
quest the United States Constitution was carried into 
the California and New Mexico territories, thereby 
invalidating the Mexican laws under which slavery was

304 Hamilton, loc. cit.
305 Supra, chap. iv, 208-211; Hamilton, op. cit. 62-69, passim.
illegal. Foote spoke at length in refutation of Senator David L. Yulee of Florida, who sought legislation protecting slavery in the territories. Foote feared the move would defeat the Compromise measures and also establish a precedent for later legislation aimed at bringing about an end to slavery in the South. He devoted the second part of his speech to an espousal of the doctrine of non-intervention, which he still hoped would be accepted as a basis of compromise. In his introduction on May 15, Foote addressed himself to all factions in the Senate, lamenting the absence of a "spirit of reciprocal moderation and forbearance so important to a pacific and satisfactory settlement of existing differences between the northern and southern sections of the Confederacy," and calling for a relaxation of tension so that it would again be possible "to consult together calmly, and to interchange our views freely without resorting at all to the language of criticism and censure. . ." In attacking Senator Yulee's demand for legislation protective of slavery Foote doubtless hoped to increase broad bipartisan and intersectional support of his non-intervention principle. 306

306 Congressional Globe, 31 Congress, 1 Session, Appendix, 580, 579-585.
When Foote addressed the Senate on June 27, 1850, he believed the Senate was moving toward a settlement based on the non-intervention, but he was alarmed over the continued demand by the Southern states-rights leaders for an extension of the Missouri compromise line to the Pacific. Foote had earlier favored the Missouri compromise principle and was again willing to support it if non-intervention should fail of passage, but he viewed the move by Senator Yulee as an attempt to prevent a general settlement as embodied in the omnibus bill, on the grounds that it would accept California's entry as a free state. In the June 27 speech, by reviewing the history of the non-intervention and Missouri compromise principles, Foote doubtless believed he could bolster support for the principle of non-intervention. A settlement based on the principle of a geographical line would, he thought, at best be a temporary adjustment. In the speech Foote was clearly attempting to forestall any further delay in settling the controversy, fearful "of the evil consequences likely to arise from leaving this question unadjusted. . ." 307 Foote was conciliatory in the June 27 speech, until the conclusion when he attacked Senator William H. Seward whom he

307Ibid., 989.
charged with spearheading a move to secure statehood for New Mexico, which Foote warned would result in civil war.308

On July 31, 1850, the Senate rejected the omnibus bill. On the following day, Senator James M. Mason of Virginia, a leader of the Calhoun forces, called for an extension of the Missouri compromise line to the Pacific, contending that the 1850 Nashville Convention demanded it. Immediately Foote took the floor, challenging Senator Mason's interpretation of the Nashville Convention's position on the Missouri compromise and declaring his own views on the question of the right of secession. Obviously stung by the defeat of the omnibus bill, Foote was more restrained than usual. He began his speech in a neutral vein: "I cannot say that I am at all distressed at having so plausible an excuse for declaring my views upon the pending question this morning. . ." A few minutes later Foote called attention to his restraint: "I am speaking, as all will perceive, with proper coolness and circumspection. . ." After having dwelt seriously, and with restraint, upon the subject of the Missouri compromise line principle, which he was willing to support though not as an

308 Ibid., 990.
"ultimatum," and the question of secession, Foote engaged in a bit of levity, which he doubtless thought the occasion called for. In the following passage he cited the July 4, 1850, resolutions emanating from South Carolina and documenting secession activity in that State.

Sir, let me next allude to a speech of a gentleman whose eloquence is very much commended. The very particular mention he made of me seems to render it necessary that I should say something of the speech of Colonel Maxcy Gregg, of Columbia, South Carolina. After talking some time about the Nashville convention, he goes on to say:

"Perhaps, however, California by itself might be admitted. In that event, we ought to secede and take it by force."

Yes, sir, this gentleman proposes that if California should be admitted, South Carolina should secede and take it by force. (Laughter.) He then says:

"If nothing is done at the present Congress, we ought to pursue the same course."

Yes, if nothing at all is done, he tells them they ought to pursue the same course. (Laughter.) This is the imposing menace of one of the "chivalry" of South Carolina. I really wished, since I saw this outbreak of heroism, that the author of "Don Quixote" could be revived from the tomb, for the purpose of giving us another delicious romance on Knight Errantry, or rather American chivalry, or, if the gentleman will allow me, "South Carolina Chivalry."

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Mr. Butler. If the honorable Senator wishes to know who Colonel Gregg is, I will tell him.

Mr. Foote. I think I know him very well, from this speech. (Laughter.)
Mr. Butler. Colonel Gregg is a man of high character.

Mr. Foote. Undoubtedly, I would not have noticed him if I had not supposed that he was a distinguished man. (Laughter.)

Foote's speech of December 18, 19, 1851, calling for a reaffirmation of the Compromise measures was long and defensive. He would resign his Senate seat within a month to become Governor of Mississippi and doubtless wished to make a last effort to insure a degree of permanence of the Compromise. Disturbed by continued agitation in both the North and South, Foote felt that a general reaffirmation of the Compromise by the Senate and House would do much to allay the fears of the people. In his introduction, he noted that the Compromise measures were unlike ordinary legislation: "If the measures of adjustment were ordinary legislative enactments, surely the resolution would be entirely unnecessary." Commenting upon the speech, Beveridge described the conditions which prompted Foote's resolution:

Factious politicians were wrecking the Great compromise, said Southern Unionists; Northern and Southern radicals were again arousing sectionalism; nationalists in the South were being assailed by secessionists, whose weapons were inflammatory speeches and editorials from the North, especially those against the Fugitive Slave Law. In the North "ferocious and bloody scenes" had occurred, and that too, under deplorable instigation; in the

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South malcontents were spreading the report that the North actually intended to exclude slavery from "our vacant territories." So Congress must assert that the arrangement of 1850 was definitive and slavery agitation must be stopped.\textsuperscript{311}

In his Senate speeches Foote's audience adaptation was marked by the practice of recognizing individual Senators. Thus, on February 23, 1849, Foote referred to Senator Daniel Webster "who sits over the way" and to "certain distinguished sons of New England, now in my eye."\textsuperscript{312} On May 15, 1850, he referred to "the unanswerable argument of the honorable Senator of Georgia, over the way."\textsuperscript{313} On June 27, 1850, he referred to Senator William H. Seward of New York, "now in my eye."\textsuperscript{314} On August 1, 1850, Foote observed the presence of a fellow Mississippian: ". . . As Chief Justice [William L. Sharkey] is himself in our midst, it will be quite easy . . . to subject me to refutation by bringing him forward to testify against me, if, indeed, I am in error. . . ." Later in the speech he recalled consulting with "the honorable Senator from South Carolina who sits

\textsuperscript{311}{Albert J. Beveridge, Abraham Lincoln, 1809-1858 (Boston and New York: Houghton Mifflin, 1928), 11, 145-146.}

\textsuperscript{312}{Congressional Globe, 30 Congress, 2 Session, Appendix, 261, 263.}

\textsuperscript{313}{Ibid., 31 Congress, 1 Session, Appendix, 580.}

\textsuperscript{314}{Ibid., 990.}
nearest me (Mr. Barnwell) . . . when he first came here, (I regret that he is not now in his place,) . . .

On December 18, 19, 1851, Foote recognized the presence of Senator Sam Houston of Texas: "Well might you rejoice, sir, . . . that the same enlightened and patriotic county in Virginia was alike the county of your nativity. . . ." Later in the speech he made references to Senator Arthur P. Butler of South Carolina: "The honorable Senator of South Carolina, who sits nearest me . . ." and "The honorable Senator now in my eye. . . ." Such a practice was popular in the Senate at the time. Commenting on Webster's famous March 7, 1850, speech, Hamilton wrote: "Webster kept in mind fellow Senators' love of recognition. Friendly references sprinkled his remarks." 317

Adaptation in Non-Senate Speeches

In the five non-Senate speeches selected for analysis, Foote had in mind one general aim: To persuade his audiences to support the Compromise measures as a final settlement of the questions growing out of domestic slavery. It should be noted that all five were

315Ibid., 1495.
316Ibid., 32 Congress, 1 Session, Appendix, 49, 60.
317Hamilton, op. cit., 77.
partisan occasions, four of the meetings being sponsored by Union committees and the fifth by a religious organization. Thus, Foote's audiences were partisan and receptive to his pro-Union theme. On each occasion he adapted his speech to the local audience and occasion.

On November 27, 1850, Foote addressed a Union Mass Meeting in New Orleans. Advance publicity noted the following about him:

He has just come through a gallant campaign, waged in the very strongholds of disaffection to the Union, with a fertility of resources, an indomitable energy of character, an unwearied, irrepressible, and unconquered will, which, whether he survive or fall politically before the frantic Secessionists with whom he has been grappling for the master in a holy cause, has won him a wide and enduring fame, and will mark him for national affection as one of the truest and bravest friends of the Union.

We need not bespeak for him an enthusiastic reception. Fresh and undismayed from the field of conflict, the applauses which will spring from the heart to greet him will make the walls of the vast buildings ring again and again.

Foote identified with his New Orleans audience by praising the citizens of Louisiana for their devotion to the Union. In his introduction he noted that Senator Solomon H. Downs of Louisiana "represented a people united on this great question, while he (the speaker)
represented a people...not wholly united on the subject. But...notwithstanding our Governor [John A. Quitman] had eaten of the insane root...he was confident that the mass of the citizens of...Mississippi were as patriotic and devoted to the Union as those of...Louisiana."\(^{319}\) In his conclusion he expressed confidence "that Louisiana would be the last state to destroy the institutions of our forefathers and this glorious Union." His audience was "ardent, animated, and enthusiastic." His speech "was frequently interrupted by hearty applause, and at its conclusion three cheers for Foote and the Union were given, with an energy that showed the voices of the people were true indications of their feelings.\(^{320}\)

Two of the speeches in the non-Senate group were delivered in New York City where the South had friends among the economic interests. The interest of eastern merchants in protecting their southern trade led to their early support of the compromise movement and their recognition of Foote's leadership in the Senate. The concern of eastern merchants expressed itself in

\(^{319}\) *New Orleans Daily Crescent*, November 27, 18, 1850.

\(^{320}\) *New Orleans Daily Picayune*, November 26, 27, 1850. See also *New Orleans Daily Delta*, November 28, 1850.
February of 1850. Hamilton wrote: "Businessmen issued a call for a mass meeting in New York to encourage Congress in settling 'great economic questions now agitating the nation.' In three days promoters secured the signatures of 2,500 merchants, so alarmed was the business community by the possible loss of southern trade."321

When Foote appeared in New York on December 9, 1850, he was the recipient of considerable hospitality. In his opening remarks he established goodwill by expressing his awareness and appreciation of the efforts of local leaders in behalf of the Union cause:

Gentlemen of the [Union Safety] committee, and fellow-citizens of the city and county of New York: I rejoice to be here this day, and to witness as I do these striking indications of the existence of sentiments friendly to the institutions of our fathers. I was not unprepared for such a scene as that which I now behold. I had read an account of the proceedings in Castle Garden, which have been so eloquently referred to. I have had an opportunity in my own State and elsewhere of ascertaining that the proceedings of the meeting had produced the effect of cheering up the friends of the Union, of sustaining them in the struggle which they were carrying on in behalf of our institutions, and paralyzing the arm of faction, wherever intelligence of them had reached the different settlements in the Southwest before I left my own home. Never, in my opinion, since the foundation of the Government, has any public meeting occurred which has so speedily produced consequences vitally important to the public welfare and safety as the

meeting at Castle Garden. It is true—and I am delighted to know that it is true—that your noble example was immediately followed throughout the greater part of the North; and I assure you that in my own State we have been delighted in the capital of Mississippi to imitate your noble example.

Foote's success in audience adaptation on December 9 is reflected in the vocal responsiveness of his audience. The New York Herald noted eighteen interruptions for "applause," "renewed applause," "tremendous applause," "laughter and applause," "applause, loud and long continued," "applause and three cheers for Foote," "great applause," and "Here followed an outbursts of applause that made the portraits on the wall of the Governor's room dance a gig." When Foote said, referring to the Compromise: "But the question is, will you adhere to it?" the response was "'we will, we will.'"322

On December 30, 1850, Foote immediately identified with his Philadelphia audience by paying tribute in his introduction to a famous native son, Benjamin Franklin:

It was at quite an early period of our colonial history that the necessity for a close, firm, and fraternal Union among the numerous but distinct Anglo-American settlements scattered along the line of our Atlantic coast from Massachusetts to Georgia, began not only to be seriously felt, but to be publicly acknowledged. To an illustrious citizen of Philadelphia . . . to your own beloved and venerated Franklin, was America indebted for the first regular proposal of a general Union of the colonies.

322 New York Herald, December 10, 1850, reprinted in Flag of the Union, December 27, 1850.
It was as a representative of Pennsylvania, in a Congress which held its session in the city of Albany, in the year 1774, that Dr. Franklin brought forward his Plan of Colonial Union, which received the unanimous sanction of that enlightened body.

As he began his conclusion, Foote again recognized his audience: "Citizens of Philadelphia! Fellow-countrymen of the venerable Keystone State of the Union! In obedience to your gracious invitation, I have come hither from the Capitol of the Republic, and from scenes of excitement and toil, to hold frank and patriotic commune with you upon the great questions which have so long and so unhappily disturbed the public quiet." The Pennsylvanian's report of the address indicates active audience response throughout the speech: "We print this morning the able and eloquent lecture of General Foote, the fearless Senator from Mississippi, delivered last evening, at the Musical Fund Hall, for the benefit of the Southwark Church. It was listened to by a large and intelligent audience of ladies and gentlemen, and was received with many demonstrations of applause. It is in all respects a very patriotic and masterly production."323

Foote's New York speech of February 22, 1851, was a formal address, on the occasion of a Washington's

323 The Pennsylvanian, December 31, 1850.
Birthday celebration. The speech was well publicized in advance. One local newspaper, the Daily Tribune, protested the local committee's choice of speakers, because of Foote's pro-slavery bias. Foote no doubt was aware of the newspaper's views, for his speech was formal, dignified and serious. Since his earlier appearance in New York, December 9, 1850, agitation of the slavery question had increased, and he had reason to be disturbed over whether the Compromise would accomplish its purpose of unifying and quieting the country. He opened his speech by relating his subject to the occasion:

Of all those events which serve at the same time to signalize and adorn the history of nations, it would be difficult to imagine any one, whatever, which involves consequences of a more momentous and enduring character than such as are sometimes seen to stand inseparably associated with the advent upon earth of some truly great and good man. . . . The illustrious American patriot and sage, the anniversary of whose birthday we have met now to commemorate, would seem to have been not less fortunate in being endowed with the highest capacities for useful and honorable exertion than he undeniably was. . . 

Foote's speech, of course, was dominated throughout by the occasion. Citing numerous letters from the Washington collection, Foote skillfully established a parallel between the issues of Washington's day and those facing

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324 New York Daily Tribune, February 22, 1851, 4-5.
the nation in 1851. Beginning his conclusion, he addressed his audience directly and brought the precepts of Washington and the issues of 1851 into focus:

Fellow-citizens of the Empire State of the Union: almost fifty-two years posterior to the demise of that wonderful American statesman and warrior, a profound veneration for whose counsels, have at this time brought us together, a difficult and perilous crisis has arisen in our national affairs, which calls for all the circumspection and energy, that ardent love of country and that disinterested devotion to principle which so pre-eminently distinguished him when living.325

The *Daily Tribune*, which protested Foote's appearance, reported only moderate audience response to the speech:

His speech, which lasted about an hour and a half, was composed mainly of extracts from Washington's correspondence, enlivened here and there with scraps of Latin poetry. It was, as a whole, tedious and destitute of marked character, and was very moderately received by the audience. . . . He endeavored to institute a parallel between the present Anti-Slavery excitement and Shea's Rebellion, reading many passages from Washington's letters. . . . We, as one of his hearers, were well satisfied that he trod over again the old ground of alarm, and hung out the old scarecrow of Disunion, with which we are so familiar. It was better than to have heard him attempt to describe the sacred and sublime character of Washington.326

Foote's address at Natchez Union meeting on September 27, 1851, was unscheduled. Coming from a speaking engagement in nearby Fayette, Mississippi, and with but

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325 *Flag of the Union*, March 14, 1851, 1-2.
326 *New York Daily Tribune*, February 24, 1851, 4.
a few hours notice, according to the pro-Union Natchez Courier, Foote found upon his arrival "one of the largest political assemblages we have ever seen in Natchez." Foote used several techniques in adapting his speech to the audience and the occasion. In his introduction he noted that "He had made no regular appointment at Natchez, but having one at Fayette, he could not help exerting himself to spend one evening in communing with his fellow-citizens of this city, to whom he was under so many obligations." He used the "we attitude" effectively, employing such language as "When I visited you last fall . . . I addressed you on that occasion. . . . We made a solemn compact. . . . Since then you know I have relaxed no effort. . . ." He employed the rhetorical question to generate audience involvement in the communicative act. Typical is the following passage: "Have we not great occasion for rejoicing? Has not a victory been obtained, which has added to the renown and glory of the State? Has not Mississippi held to some extent at least the fate of the Union in its hands?"^327

In conclusion, it may be said that Foote more effectively adapted his subject matter to his audience and occasions outside the Senate than he did in the

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^327 Natchez Courier, reprinted in Flag of the Union, October 3, 1851, 1.
Senate debates. His propensity for the use of invective and sarcasm, though moderately restrained in the five Senate speeches analyzed in this study, often led to breaches of Senate decorum and to personal difficulties with several Senators. The same tendencies, natural expressions of Foote's fractious, impulsive nature, were a source of audience appeal on occasions outside the Senate. It may also be concluded that Foote effectively adapted his speeches dealing with the issues of slavery, secession, and the preservation of the Union, to both Senate and non-Senate audiences and occasions.

**Foote's Credibility**

Aristotle provided a convenient conceptual framework for evaluating a speaker's credibility when he observed that the sources of our trust in speakers, "apart from [their] arguments" are three: "intelligence, character, and goodwill." Aristotle premised that we are likely to "trust men of probity," particularly on matters "outside the realm of exact knowledge, where opinion is divided."\(^{328}\) Modern critics accept the validity of Aristotle's conceptual framework for evaluating credibility, though they feel that, by

limiting its functional application to what the speaker does in the speech to establish credibility, Aristotle was too restrictive. One has to agree with the position taken by Lester Thonssen and A. Craig Baird, who hold that the audience's attitudes toward a speaker's reputation "cannot accurately be separated from the reaction the speaker induced through the medium of speech."^329 Anthony Hillbruner, echoing Quintilian, contends that "part of a good man's character, intelligence and perhaps even good will are the philosophical viewpoints he holds."^330

Aristotle's conceptual framework thus enlarged is employed in the following analysis of Foote's credibility. Foote's credibility resulted from his reputation, philosophical viewpoint and the techniques which he employed in his speeches. An examination of these factors follows:

Foote's Reputation

Contributing to Foote's reputation and credibility were certain traits of character and personality. He was intelligent, well educated, poised, self-confident,

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329 Thonssen and Baird, op. cit., 384-385.

and possessed the social skills and graces which enabled him to move with ease at any social level. By the time he entered the Senate his association with men of prominence was known to his audiences.

Three particular personality traits, noted earlier, deserve to be mentioned here: Foote's appearance, disposition, and platform behavior. Foote had red hair, was five feet, eight inches in height, and though he was not known to have been self-conscious of his small size, he probably devoted more time to self-development because of it. He was known for his quick, restless, mercurial nature, which contributed a dynamic quality to his speaking. Widely known also, and a source of speaker reputation, was his ability to wield with precision the verbal needle against an opponent, and in most cases remain within the bounds of acceptable taste, and to balance this technique with mirth and humor. Foote's fame for using denunciation and invective attracted audiences, particularly outside the Senate. It was likewise a source of timely relief and levity in the Senate, though at times Foote allowed it to get out of control, causing some embarrassment to himself.

Another factor contributing to Foote's prestige deserves notice. He had served the Democratic party in a leading role in three presidential campaigns: 1836,
1840, and 1844. Moreover, ambitious as he was to be involved in national policy-making, and of associating with great men, upon entering the Senate he quickly identified himself with the national leadership of all parties, further enhancing his prestige as a speaker and advocate. Writing from the nation's capital on February 18, 1848, a Mississippi Whig observed: "I find that our Senators have a high standing here. Gen. Foote is a great favorite with his party and has sustained himself, as I am informed, remarkably well."

Philosophical Viewpoint

Foote's philosophical viewpoint, centering around the nature and state of the Union, contributed to his credibility, by enhancing his reputation. The Vicksburg Whig wrote approvingly of Foote's role: "When Gen. Foote found that statesmen of all parties, and from all sections of the Union, were thus preparing to do justice to the South, he promptly and patriotically joined them, and became conspicuous and distinguished in that noble band engaged in the work of compromise.

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331 Supra, chap. 11, 61-62.
332 Baber, op. cit., 163.
333 The Weekly Southerner, March 3, 1848.
and preservation."\(^{334}\) Foote's philosophical viewpoint focused on the Constitution, as the foundation of central government. On December 30, 1850, and February 22, 1851, he left no doubt that he thought the American government, by reason of the constitutional foundation, was superior to any known to history.\(^{335}\) He doubtless thought he was consistent in his philosophical viewpoint when he retracted from his staunch states-rights position to become an advocate of the Union and the Compromise, for he felt he had rightness on his side. And it was a recognized fact that when Foote thought he was right, his courage knew no limits. A Mississippi newspaper aptly described his courage: "We had not supposed that Foote was afraid of anybody or anything except being wrong."\(^{336}\)

It remains to inquire what methods Foote used in his speeches to induce credibility in his audience.

Rhetorical Techniques

Foote's methods took two forms: techniques he used to establish his own credibility and those designed

\(^{334}\) *Vicksburg Whig*, reprinted in *Hinds County Gazette*, September 18, 1851.

\(^{335}\) *The Pennsylvanian*, December 31, 1850.

\(^{336}\) *Port Gibson Herald and Correspondent* (Mississippi), September 12, 1850.
to weaken the credibility of his opposition. He sought to increase his credibility by establishing competence in his subject matter and by demonstrating his character and good will toward his audience.

**Competence**

As noted earlier Foote believed in researching his subjects. His study of the background of an issue provided him with ready information and facts on the questions being debated. Moreover, he was known for his knowledge of the positions and weaknesses of the opposition.

Foote's research took him to such historically significant and respected names as George Washington, Thomas Jefferson, Benjamin Franklin, James Madison, Andrew Jackson, John Quincy Adams, James Buchanan, John C. Calhoun, and William L. Sharkey. When referring to a contemporary source, Foote usually established a close or personal relationship with the source. Another means of increasing his credibility was the use of narration in presenting his source material. Three examples, from his June 27, 1850, speech illustrate this practice: "When I offered myself to introduce [the Missouri Compromise] as an amendment to the Oregon Bill, I was told by Mr. Calhoun..."
Later in the same speech he remarked: "I chanced to be on a certain morning at the presidential mansion, then occupied by the lamented James K. Polk . . . A conversation occurred between Mr. Polk, the Senator from Indiana [Jesse D. Bright], and myself, upon the Oregon bill . . . . The President immediately turned to a volume on his table containing the compromise. . . ."

Still later he noted: "I renewed my efforts during that summer [1848] to bring the Missouri compromise into favorable notice. For this purpose I wrote a letter to the eminent Pennsylvania statesman [Mr. Buchanan] . . . and urged him to renew his recommendation. . . . He informed me that he had . . . given up the compromise in favor of non-intervention. . . . I still urged him to do so. I even paid a visit to his hospitable man-sion. . . . I addressed repeated letters to him." 337

On December 18, 19, 1851, Foote spent several minutes describing how he and Senator Robert M. T. Hunter of Virginia prevailed upon the governors of Maryland and Virginia to use their good offices for the purpose of effecting a change in official policy of the Statehouse in South Carolina. In the same speech Foote explained the change which had taken place among Mississippians.

337 *Congressional Globe*, 31 Congress, 1 Session, Appendix, 987-989.
In the past six months, implying that he had had much to do with the change. "I have attended nearly two hundred public meetings in the State of Mississippi in the last eight or nine months, and I do not recall one of them, where any public speaker seemed to deem it discreet to mention the name of the honorable Senator from South Carolina [Rhett], with even the ordinary indication of respect."338

In addition to using narration effectively, Foote effectively used explanation to establish his competence in dealing with the issues. His review of the history of the Missouri compromise has been noted. He gave a state-by-state analysis of pro-Union activity within the South in speeches at New Orleans on November 27, 1850, New York on December 9, 1850, and Natchez on September 27, 1851.339 In his Philadelphia speech of December 30, 1850, and New York speech of February 22, 1851, he used explanation to establish the constitutional basis of compromise.340 He demonstrated his familiarity

338 Ibid., 32 Congress, 1 Session, Appendix, 53-54, 59.


340 The Pennsylvanian, December 31, 1850.
with history by constant allusions to historical figures and events. In his New York speech of December 9, 1850, in addition to explaining the background of the Constitution, he alluded to Caesar, Cato, and Cicero of Rome; and Burke, Fox and Pitt of England.\textsuperscript{341} In his Natchez speech of September 27, 1851, he referred to two Romans, Caesar and Pompey, and Charles, the First of England.\textsuperscript{342} One source, an opposition newspaper, thought he overused explanation. The \textit{Mississippi Free Trader} referred to him as a "parrotty \[sic\] quibbler," and "endless explainer and talker."\textsuperscript{343}

\textbf{Character}

Foote enhanced his character by demonstrating sincerity and humility, confidence in the rightness of his course, personal courage, and by associating himself with worthy motives.

Foote, not a self-deprecating man, was known for his self-confidence. Yet, any audience should be pleased to see humility demonstrated by the speaker, as Foote did in his speeches. His poised and courtly

\textsuperscript{341}\textit{New York Herald}, December 10, 1850, reprinted in \textit{Flag of the Union}, December 27, 1850.

\textsuperscript{342}\textit{Natchez Courier}, reprinted in \textit{Flag of the Union}, March 14, 1851.

\textsuperscript{343}Cited by Craven, \textit{loc. cit.}
manner lent a believable naturalness to his modesty. For example, Foote minimized his leadership role on February 23, 1849, when he spoke of the responsibilities of the leaders of the Democratic party "among whom I am certainly not to be ranked." 344 In New York on December 9, 1850, he spoke of his efforts to strengthen the Union sentiment in Mississippi: "In my own feeble way, I addressed the people. . . ." 345 In Philadelphia he again spoke of the "feebleness" of his efforts, and referred to speeches made in the southwest: "I ventured in terms of temperate commendation, (such as I thought it became me to employ) to speak of certain traits which I believed to belong to the character of the Chief Magistrate of the nation [Mr. Fillmore]." 346 Scattered throughout his speeches are phrases which reflect a characteristic frankness and sincerity. He used the following in his speech of May 15, 1850: "It is with feelings of profound regret . . . I had hoped . . . I trust that . . . I do not at all doubt. . . . But, sir, high as is my respect for . . . I cannot unite with the honorable Senator. . . . I admit as freely

344 Congressional Globe, 30 Congress, 2 Session, Appendix, 260.
345 New York Herald, December 10, 1850, reprinted in Flag of the Union, December 27, 1850.
346 The Pennsylvanian, December 31, 1850.
as anyone. . . . I confess that I can see no necessity. . . . I profess to be a conservative, in the most expanded and most exalted meaning of that term." 347

Foote sought to complement his sincerity with an expression of confidence in the rightness of his position, a demonstration of courage, sense of duty, and worthy motives. These attributes are to be found in the following passage, from the peroration of his May 15, 1850, speech. Sensing that his position would be rejected by certain factionists in Mississippi, Foote said:

I wish to assist in reestablishing those ties of fraternal affection which once so strongly bound together the whole body of our countrymen. . . . This is the whole complexion and extent of my ambition. . . . Let me be loaded with denunciation, derision, contempt, and even infamy; and yet shall I be able to endure it all without a murmur, provided that it shall be at the same time admitted by my adversaries that my happy country and its free institutions have been rescued, in part by my poor exertions. . . . I am aware, sir, that it has been predicted that the course which I am pursuing will not be approved of by my own constituents. If my friends feel any apprehension on this point, I beseech them to be of good cheer. If my enemies are anticipating the discredit which they suppose is about to fall on me. . . . I can assure them that they will be doomed to utter disappointment. I do not in the least degree doubt that my conduct here will stand approved by those to whom I am chiefly responsible; but even if it be my fate to incur

347 Congressional Globe, 31 Congress, 1 Session, Appendix, 579-585.
condemnation where I have hoped for approval, I shall never regret for an instant what I am now doing; and I feel authorized to close this hasty and irregular speech with a prediction that the indications now so apparent everywhere in favor of the plan of settlement before us will continue to multiply upon our vision, until the acclamations of twenty millions of people shall be heard to break forth upon the consummation of that scheme of peace, of conciliation, and of compromise, which is to mark the year 1850 as the most happy and most glorious in our national annals.348

On June 27, 1850, Foote reflected his confidence, courage, sense of duty and determination when he told the Senate:

It is my hope that certain managing politicians who have, for the attainment of other than patriotic objects, set on foot these attempts to do me injury in my absence, and whilst employed here night and day in the painful and laborious performance of public duty, will have the moral courage to confront me when I shall make my appearance before those to whom I hold myself accountable, as I intend, God willing, to expose all their machinations fully, and upon evidence, to call upon my fellow citizens everywhere through my conduct. Yes, sir, I intend to take the popular vote upon this subject; and if a majority of votes be thrown against me, I shall resign my seat without the least hesitation or delay. Meanwhile, I shall continue firmly in the performance of duty, let who censure or traduce me.349

At Natchez on September 27, 1851, Foote voiced his confidence in the outcome of the approaching gubernatorial election:

348Ibid., 585.

349Ibid., 990.
I felt much distressed when I learnt that [Governor John Quitman] had declined the canvass, and still more so since it is doubtful whether I shall have an opponent. I do not rely in this contest on any public or personal popularity. I do not boast of having it, and certainly have never sought it. But I do rely on the sound judgment, elevated patriotism and fervent feelings of the people, and I know therefore that I shall be the victor in the name of the Union! Last fall I felt confident and so expressed myself.350

On December 18, 1851, explaining why he opposed Calhoun on March 5, 1850, Foote spoke of duty:

When I found . . . that a regular scheme had been formed for dragging us blindly forward to the very precipice of disunion itself, without giving us the least token of the true character of the journey we were expected to perform . . . I thought the time had arrived when it was my duty to demand a halt in our onward career towards the goal of national ruin. . . .351

On August 1, 1850, when the Missouri compromise principle was again brought forward, Foote demonstrated his devotion to duty: "Until a few months past I found myself almost entirely unaided from the South in my efforts to bring about enactment of the [Missouri] compromise."352

350 Natchez Courier, reprinted in Flag of the Union, October 3, 1851.

351 Congressional Globe, 32 Congress, 1 Session, Appendix, 52.

352 Ibid., 31 Congress, 1 Session, Appendix, 1491.
Foote frequently associated himself with worthy motives. For example, on February 23, 1849, he called for setting aside "mere party consideration." On May 15, 1850, after taking issue with his Southern colleagues over the intentions of the Nashville Convention of 1850, he declared: "My motives I know are beyond question, and I do not dread any scrutiny which may be instituted in regard to them." He also sought to establish worthy motives by disavowing any other intention, such as in his December 18, 19, 1851, speech:

And now, Mr. President, let me ask another question—I ask it with no intentional disrespect or unkindness for any human being, living or dead—Was it treating those of us through whose active instrumentality the Southern Address had been gotten up . . . justly, respectfully, or generously, to attempt, without consulting us at all, to use . . . the whole machinery of that body for the attainment of objects wholly different from, yea hostile to, the only objects for the attainment of which we had acted.

Foote also strengthened his character by identifying himself with attributes shared by his audience, including patriotism, belief in the deity, justice, honor, fair play, and respect for tradition.

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353 Ibid., 30 Congress, 2 Session, Appendix, 260.
354 Ibid., 31 Congress, 1 Session, Appendix, 585.
355 Ibid., 32 Congress, 1 Session, Appendix, 52.
Good Will

Another of Foote's methods of strengthening his credibility was by asserting his good will for his audiences. For example, he apologized to the Senate on February 23, 1849, for having to speak "at so late a period of our session," but "the gravity of the occasion" demanded it. In his May 15, 1850, address he pleaded for the Senate to return to a spirit of good will. In his introduction he said: "I had hoped that a season had arrived, when we would be able to consult together calmly. . . ." In his June 27, 1850, speech he emphasized good will in prefacing a line of thought: "I do not design to use the language of reproach; I shall not utter one word of unkindness; I shall call no man's motives in question; but, sir, I feel bound to state, directly and explicitly, all the facts relating to this somewhat delicate point." In his non-Senate speeches Foote employed praise to establish good will. In New Orleans on November 27, 1850, he praised the people of Louisiana for their loyalty to the Union, and expressed his envy of Senator

356 Ibid., 30 Congress, 2 Session, Appendix, 260.
357 Ibid., 31 Congress, 1 Session, Appendix, 579.
358 Ibid., 987.
Solomon W. Downs for having loyal constituents. Similarly, on December 9, 1850, he praised the Union Safety Committee and the people of New York for supporting the Union cause. In Philadelphia on December 30, 1850, he praised at length the work of Benjamin Franklin, Philadelphia's native son, at the Constitutional Convention of 1787. He complimented his Natchez audience on September 27, 1851, for the strong support they had given him throughout the Compromise deliberations.  

Finally, Foote achieved good will in his Senate speeches by frequent recognition of the presence of individual Senators. For example, scattered through his speeches are such expressions as: "the distinguished Senator from Massachusetts, who sits over the way," and "certain distinguished sons of New England, now in my eye."  

Reproach of Opposition  

Foote also sought to strengthen himself by undermining the credibility of his opposition. His favorite
weapon, one for which he was famous, was biting sarcasm and invective. Occasionally its object was to reflect upon the intelligence of his opposition. On occasion it involved the opposition's motives, their inconsistency, or the quality of their evidence. At times he combined satire and humor, to the delight of his audiences. He usually took his cue from the opposition, i.e., he would reply in kind, usually giving extra measure. Foote revealed his policy in the use of sarcasm and invective in his October 23, 1849, speech in a reply to Senator William L. Dayton of New Jersey:

But for the high character of that Senator, and the cordial esteem which I have heretofore cherished for him, I should be tempted to retaliate his unprovoked invective and declamatory fury, in language that would be anything but agreeable to his feelings. As it is, I cannot forebear admonishing that Senator, if he wishes to preserve kind social relations with the southern Senators here, it will be expedient that he shall hereafter avoid the repetition of much of that offensive language and sentiment which have flowed from his lips today.\textsuperscript{361}

On May 15, 1850, Foote took Florida Senator David L. Yulee to task for seeking legislation favorable to the South. In the following passage Foote suggested a lack of substance and questioned Senator Yulee's motives:

\textsuperscript{361}Ibid., 263.
Who can feel the least surprise at his having given us a speech so much more declamatory than argumentative, and abounding with phraseology anything but respectful and gracious? Let it never be forgotten, that it is the Senator from Florida who has so unnecessarily and unseasonably attempted to close the door of compromise; that it is he who has virtually said to our brethren: "I will not interchange fraternal sentiments with you... I will not participate in a plan of settlement which is intended to rescue the South itself from spoilation and ravage; I prefer discord to harmony; scenes of blood and violence to domestic peace and security, and the undisturbed enjoyment of those free institutions which our noble forefathers have provided for us."

On August 1, 1850, Robert Barnwell Rhett of South Carolina was the object of Foote's wrath:

Thank God! the "Mask" as General Jackson calls it in his proclamation, which, a short time since, "concealed the hideous features of DISUNION," has now been taken off. Since the sittings of the Nashville Convention terminated, that mask has fallen from the faces of Messrs. Rhett and others who went to Nashville with the language of patriotism upon their lips; but who, I fear, concealed treasonable intents in their bosoms; and now the whole South will look with just and salutary horror upon the conduct of those who have aimed to involve the Republic in ruin.

On December 18, 1851, Foote raised doubts about the opposition's intelligence. Seeking to persuade his colleagues to reaffirm the Compromise measures, Foote declared: "I shall not now enter a very elaborate defense of them [Compromise measures]. ... There is hardly an intelligent boy who has not reached his

362 Ibid., 31 Congress, 1 Session, Appendix, 580.
363 Ibid., 1493.
fifteenth year, who does not understand each of these enactments, and in all its bearings."\(^{364}\) In the same speech Foote questioned the opposition's evidence: "Gentlemen should be perfectly sure of the facts before they indulge in statements which are injurious to private and public character."\(^{365}\)

The following are typical of the satire and ridicule which Foote employed in speeches outside the Senate. In the New Orleans speech on November 27, 1850, he referred to Senator Thomas H. Benton as "that monster of inequity."\(^{366}\) The Natchez Courier reported Foote's speech at Natchez on November 22, 1850, as follows:

For power of biting sarcasm, Sen. Foote stands almost unequaled, and bitterly were the heroes of modern disunionism made to feel it. No State, he said, could maintain republican institutions after secession. Standing armies were inevitable: strong governments a necessary consequence. A monarch must follow; and here he painted the future Emperor of Mississippi upon his imperial throne—John Anthony [Quitman] the First—arrayed in purple, and with the sceptre of command. His allusions to the body guards of the monarch, with their hands doubtless ready to be imbued in blood, and their desires after the confiscated estates of the Union men of the State were perfectly crushing to the victims of his sarcasm.\(^{367}\)

\(^{364}\)Ibid., 32 Congress, 1 Session, Appendix, 55.
\(^{365}\)Ibid., 55-56.
\(^{366}\)New Orleans Daily Crescent, November 28, 1850.
\(^{367}\)Natchez Courier, November 26, 1850.
Finally, Foote combined humor and ridicule. In his campaign speeches of 1850 and 1851, Foote would ask for a show of hands of those who would support the disunionists. Rarely, of course, did he encounter members of his audiences who dared to raise their hands. Recalling one such experience, he told his New York audience on December 9, 1850: "At the close of the meeting I called for the seceders to show themselves, but it was like calling spirits from the vasty deep—(Laughter)—they did not come when I did call for them. There was not one in that meeting who had the effrontery to rise and say he would support the Governor [Quitman] in the course he is pursuing in this crisis of the country."\(^\text{368}\)

In summary, it may be said that Foote was conscious of the need to keep the level of credibility high in his speeches. Except for an occasional indiscretion in his use of sarcasm and ridicule before the Senate, Foote employed ethical appeal effectively. Foote made the matter of establishing his competence, character and good will an important part of his persuasive techniques.

**Foote's Refutation**

Having examined Foote's basic arguments and modes of reasoning, it is also important to determine whether he was effective in refuting the opposition's arguments and in defending his own.
Thonssen and Baird hold that a speaker ought to be able:

1. to pick out the relevant and significant points of clash;
2. to resolve the contested issues to their lowest logical denominators;
3. to reveal clearly the relation of the opponent's claims to his own;
4. to meet and overcome the salient contentions with adequate argument and evidence; and
5. through it all, to preserve the structural wholeness of the speech as a constructive enforcement of an idea.

An evaluation of Foote's refutation reveals that he consistently demonstrated proficiency in the first three of these criteria and that he did well with the fourth, but that in four of his Senate speeches, he was weak in regard to the fifth criterion. That Foote spoke often with little apparent preparation is clearly demonstrated in his Senate speeches. However, he thought it important that one's refutation be presented immediately, without delay.

Foote had learned his refutative skills on the political hustings and in the courtrooms of Mississippi. The Natchez Courier, a friendly Whig paper, noted one of Foote's most polished skills as a debater: "His sifting of the various positions of his opponents is thorough; his exposures of their sophistries complete,

369 Thonssen and Baird, op. cit., 351.
370 Congressional Globe, 31 Congress, 1 Session, Appendix, 4179.
and his sarcasm biting and cutting in the extreme."\textsuperscript{371}

Foote's skill in analysis and refutation are clearly evident in his Senate speeches.

Foote's impetuous nature and eagerness to refute his Senate colleagues led to numerous indiscretions during heated debate. The \textit{Congressional Globe} of the period reveals numerous occasions when he was called to order for some indiscretion, usually a personal attack upon a colleague. For example, he was called to order four times in quick secession on June 13, 1850, when he attempted to show that Senator William H. Seward "was desirous of a bloody settlement" of the Texas-New Mexico boundary question,\textsuperscript{372} and twice on September 11, 1850, when again his victim was Senator Seward.\textsuperscript{373} It was on the latter date that Senator Robert C. Winthrop of Massachusetts said of Foote: "He seems ever ready to come in, like the chorus in the old Greek play, with a note responsive to every variety of event and emotion. . . .\textsuperscript{374}

\textsuperscript{371} \textit{Natchez Courier}, November 22, 1850.


\textsuperscript{373} \textit{Congressional Globe}, 31 Congress, 1 Session, Appendix, 1650.

\textsuperscript{374} \textit{Ibid.}, 1652.
Foote freely admitted his impetuosity, but motivated by a sense of history, a desire for personal recognition, and a consciousness of the public's scrutiny of the published proceedings, he believed that nothing of an objectionable nature should go into the record unchallenged. He expressed this view on August 22, 1850: "But the honorable Senator has made such a plausible speech that, if it goes out unresponded to, it will possibly have a mischievous effect... and therefore I shall reply at once, at the hazard of being thought a little loquacious." 375 Foote apologized on February 8, 1850: "If I speak oftener than there is need of my doing, it is perhaps more or less attributable to the cacoethes loquendi." But, he added: "When causes of offence become less numerous, I hope to be spared the necessity of speaking so often. When this happy state of things shall be brought about I cannot even divine." 376

Of the ten speeches covered in this study, Foote's Senate speech of February 23, 1849, was the most thorough in its refutation. For this reason the February 23 speech is accorded a detailed analysis. In

375 Ibid., 1652.
376 Congressional Globe, 31 Congress, 1 Session, 322.
this speech Foote presented an orderly refutation of arguments advanced by Senators William L. Dayton of New Jersey and Danile Webster of Massachusetts. Foote moved into his refutation with: "Now, sir, what is the state of things?" He then analyzed the question at issue, an amendment of Senator Isaac P. Walker of Wisconsin which would authorize territorial governments for California and New Mexico, which Foote favored. In brief, Walker's amendment would extend to the territories the Constitution and all acts relating to trade and commerce, imposition and collection of duties on imports, trade with the Indians, public lands, and other acts of Congress. In opposition to Walker's amendment, Dayton and Webster had introduced amendments which Foote felt were aimed at the South.

Foote refuted Dayton's amendment first. He analyzed its provisions, which included an extension of the revenue laws of the United States to the territories and specified that all military, civil and judicial powers of existing officers be exercised by persons named by the President necessary to insure the liberty, property and religious freedom of the people. First, Foote needled Dayton's Whig party for inconsistency by its unwillingness to trust the President-elect, a Whig, with the additional patronage provided by Senator Walker's
amendment. He then attacked Dayton's amendment for its omissions. It provided no more than a military government, said Foote, which would not meet the needs of the territories. He attacked Dayton's premise, "that the Constitution . . . can [not] be made to extend beyond the limits of the States of this Confederacy, and operate with validity and binding force in the territories." Dayton contended that Congress lacked the power to send the Constitution into the territories. Using an analogy, Foote attacked this argument by posing a dilemma: "The Constitution was carried into Louisiana either by the treaty or it was afterwards transported thither by an act of Congress." He then applied his argument to the new territories: "Either the Constitution entered California and New Mexico with the treaty of February [1848], or it is competent for us to extend it thither by special legislation at the present time."378

One of Foote's favorite refutative strategies was the reductio ad absurdum. In the February 23 speech he used this strategy in refuting Dayton's claim that his argument that the Mexican laws were still in effect had nothing to do with whether slavery might be adopted in

377 Ibid., Appendix, 260-261.
378 Ibid., 261-262.
the territories. Injecting sarcasm, Foote endeavored to show that Dayton's claim was absurd: "Surely he is not influenced by a mere abstract hatred of the Constitution itself." Answering Dayton's argument that conditions in the territories were not suited to slavery, Foote replied: Then, why oppose it, "and, if such a prohibitory enactment be still insisted upon, it can only be done for the purpose of inflicting gratuitous insult." Foote then resorted to another favorite rebuttal strategy, shifting the burden of proof to the opposition by propounding a series of questions. Asserting that recent developments had shown slavery to be profitable in California, Foote asked:

And yet, sir . . . has any one heard of an application from owners of slaves in the South for such a Congressional enactment in their favor as might enable them to carry their slaves to this modern El Dorado. . . . Has the South asked for a law excluding northern competition in the digging of the gold mines of California and New Mexico? Has any Southern man . . . invoked the protection of a special act of Congress for southern labor transported to these distant regions? Have we asked for anything but that we should not be excluded. . . . Have we gone further than simply to desire that our northern brethren should not interfere with us. . . . Can any northern Senator dispassionately weight the circumstances which I have just passed in review . . . and fail to be struck with the extraordinary moderation and forbearance exhibited throughout the South at this solemn juncture. . . . We ask for no . . . favors . . . no partial legislation in behalf of our most vital interests; we claim no doubtful rights under the fundamental law of the nation. . . . We are as repugnant to the reception of unconstitutional advantages. . . .
we are firmly resolved never to submit patiently to unjust encroachments, nor remain quiet and unresisting under acts of palpable aggression and outrageous usurpation.

Answering Dayton's charge of widespread disunion activities in the South, Foote attacked Dayton's use of "unprovoked invective and declamatory fury," a practice of which Foote himself was often guilty, combining with it an attack on Dayton's credibility, motives, and lack of evidence. Toward these ends Foote again employed a series of incriminating questions:

What right, Mr. President, has the honorable Senator from New Jersey to taunt us . . . in reference to the exposed and feeble condition of the South, incapable, as he appears to suppose, of effectually defending herself against northern hostility? What right has he to conjure up, before us the ghost of nullification. . . . What right has he to accuse us of being enemies of the Union, factionists, in spirit, secessionists in principle? Who gave [him] authority to refer so contemptuously to the sovereign State of Georgia . . . . How did it become at all necessary for [him] to propound that strange and insulting question . . . "Will the South, like Georgia, stand to her arms?" Does he know of any secessionists . . . to be found in all the South? Has he ever heard of a combined movement in any part of the South for the dissolution of our glorious Union? Has he any ground to suspect a traitorous conspiracy in any corner of the South against constitutional rights of our northern brethren? Does he know of any hostile movement having been made in any part of the South . . . to disturb the domestic security of our northern brethren, or even to inflict a wound upon their

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379 Ibid., 262.
sensibilities by factious and impertinent intermeddling with their domestic concerns? Has he ever seen a southern newspaper... where southern men were expected to be its principal readers, in... which northern institutions were fiercely attacked, and northern men subjected to wholesale crimination and abuse? And now, sir, let me ask the honorable Senator since he has so unnecessarily alluded to secession... whether he at all doubts, as a constitutional lawyer, that the sovereign States of this Union have a right to secede from the Confederacy in order to avoid intolerable oppression...

In a further effort to damage Dayton's credibility and improve his own, Foote presented counter examples, concentrating on disunion activities in New England. Foote displayed his knowledge of history and raised doubts about Dayton's by pointing to an earlier movement, initiated in Hartford, Connecticut, to effect "a union between the New England States and the British provinces in North America." Foote sought to raise doubts concerning Dayton's motives. It was "in some degree excusable" for the Senator not knowing of the Hartford incident, it having occurred prior to his birth, but, said Foote:

I confess that I cannot conceive how it was possible for [him] to have shown himself so oblivious or indifferent to proceedings of a similar character, of recent occurrence, in several of the most populous cities of New England... Why, sir, if I am correctly informed, a conventional assemblage has actually occurred of late, in the renowned city of Boston itself, not many steps from the sacred portals of Faneuil Hall, whose avowed object was to dissolve the Union... to accomplish... the emancipation of all the black race of this continent.
Foote pressed the point further: "And all this has occurred without calling forth the censure of the honorable Senator from New Jersey, provoking his condemnation, or commanding even from him the respectful notice of a passing glance." Invoking the maxim, "charity begins at home," Foote added, but "it should not end there too." Foote admonished Dayton "to provide for his own household ere he ventures to take another philanthropic excursion to the sunny plains of the South." In keeping with his non-intervention principle, Foote reminded the Senate that while disunion activities had taken place in New England States, "Southern men have not complained of them." 380

Foote devoted some time in the February 23 speech to a refutation of Senator Webster who had "most zealously cooperated" with Senator Dayton. Foote attacked Webster's inconsistency. It was well known, said Foote, that Webster had opposed the war with Mexico, the treaty which ended it, and had disavowed all responsibility in the territories, "and yet he is kindly willing to give us advice as to the manner in which our concerns in that quarter of the Republic ought to be managed." Foote questioned the constitutionality of Webster's argument, that only a military government was needed in the

380 Ibid., 263.
territories. Foote denied that Congress had any constitutional authority "to establish a military government, approximating to anything like permanency, in time of peace," that even if it were constitutional, "it would be equally inexpedient." Foote questioned Webster's logic and consistency. It was illogical, said he, for Webster to recommend a military government for the territories when his amendment provided "that martial law shall not be proclaimed or declared in said territories... nor any military court established, except ordinary courts-martial for the trial" of military personnel. How was it possible, asked Foote, to establish a military government "with judicial tribunals appendant thereto... without the necessary existence of military courts?" Foote then sought to reduce Webster's argument to an absurdity: "Is it possible, in the nature of things, that a court not military could be established in a country under the dominion of a government strictly military? Really, it seems to me that these questions answer themselves and need no elucidation."381

Foote scrutinized another section of Webster's amendment. It was "entirely unnecessary" to authorize the President "to hold possession of, and to occupy the Territories," when "we are already in actual and

381Ibid., 261.
constitutional possession" of them, "and the President . . . will . . . continue to do so without any additional power being given to him." It was "equally unnecessary" to authorize the President "to employ . . . the army and navy . . . to preserve peace and order in said territories," for the President already had this power. 382

With regard to the provision which would "retain the existing laws of California and New Mexico in force 'until the expiration of the next session of Congress, unless Congress shall sooner provide for the government of said Territories,'" Foote sought to show its wording to be ambiguous and to render it absurd:

Does the honorable Senator desire to retain in existence in California and New Mexico—laws derived originally from the imperial power of Rome—adulterated in Spain—still more adulterated in Mexico—deformed by usages semi-barbarous and unreasonable—laws to which the trial by jury is unknown, and from the administration of which nothing even approaching that refined and perfect justice secured by the revered principles of the common law can ever be expected to arise?

Foote used the same method of refutation in attacking another feature of Webster's amendment, which specified that "'the civil and judicial authorities heretofore exercised in said territories are to be invested in and exercised by such persons as the President . . . may appoint.'" The term, "herefofore," said Foote,

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382 Ibid.
"seems to me to apply to all antecedent time." Foote then declared:

Whether this would be likely to bring upon the inhabitants the severities of the inquisition, as formerly existing in Spain, and enforced by blood and fire in Mexico; whether the ecclesiastical tribunals of the Roman Catholic Church, known to have had former existence in Mexico, and which are, perhaps, not yet discontinued, and whose authority was derived directly from the Pope of Rome, were designed to be kept in continued existence, or to be reestablished by the agency of a solemn act of Congress, remains yet to be explained by the honorable Senator from Massachusetts when he shall choose to explain this perplexing topic. 383

Foote employed considerably less refutation, and it was less thorough, in his other speeches than in the February 23, 1849, speech, due probably to the fact that his other Senate speeches were less well prepared. Such a view is strongly indicated. Analysis of Foote's refutation in the other speeches follows.

On May 15, 1850, Foote spoke in response to a move by Senator Davil L. Yulee of Florida to secure legislation protecting the rights of slaveholders in the territories, on the grounds that the Mexican laws might still be valid. Foote began his refutation with a personal attack upon Yulee, through sarcasm and ridicule. Implying that Yulee's arguments lacked substance, Foote charged that Yulee's speech was "so much more declamatory than argumentative, abounding in phraseology in

383 Ibid.
anything but respectful and gracious." Foote charged that Yulee would "close the door on compromise;" that his speech in effect had said to our northern brethren: "I will not interchange fraternal sentiments with you, ... I will not participate in a plan of settlement which is intended to rescue the South itself from spoliation and ravage; I prefer discord to harmony; scenes of blood and violence to domestic peace and security, and the undisturbed enjoyment of those free institutions which our noble forefathers have provided for us."

Foote then rejected Yulee's single authority for the validity of the Mexican laws, Senator Henry Clay.

Professing a high regard for Clay, Foote declared:

I cannot unite with the honorable Senator from Florida ... that the simple enunciation of [Clay's] ... is sufficient to settle at once any question ... and ... when once solemnly declared, carry ... such irresistible authority that it is both presumptuous and vain for any human being to gainsay them. This is the sort of deference that I have never yet rendered to any man ... After all, the honorable Senator from Kentucky is but an individual ... He is not a judicial officer ... and were he even upon the bench, it would be still possible for him to err in deciding it.384

Foote offered a number of authorities in support of the opposite premise, that the Mexican laws had no validity in the territories. He accused Senator Yulee of "egregious inconsistency" by insisting on interposition when he was one of the signers of the Southern Address.

384Ibid., 580.
on January 13, 1849, which set forth the South's non-intervention position. Foote devoted the remainder of the May 15 speech to developing his arguments for non-intervention and squatter sovereignty, which his refutation of Senator Yulee served to introduce.

In his June 27, 1850, speech Foote used little refutation except of a general nature, incidental to a defense of his record on the Missouri Compromise principle. In a detailed review of previous attempts to resolve sectional issues on the basis of the Missouri Compromise line, Foote laid the blame on Southern senators for defeating attempts to effect a settlement on that basis. Foote pointed to inconsistencies in the positions of Calhoun and Yulee regarding the Missouri Compromise principle. The Missouri Compromise line was again brought forward, Foote said, when the measures of adjustment were becoming popular. It was suspected, he said, that the revival of the Missouri Compromise was for the "purpose of defeating this bill, and preventing all adjustment whatever." Near the end of the speech, refuting a newspaper report that he had lost favor with Mississippians, Foote claimed possession of "evidence of a contrary state of things,"

385 Ibid., 580-581.
386 Ibid., 987-989.
and would defer discussion of "this delicate point, until I shall have enjoyed an opportunity of once more seeing my respected constituents face to face, and explaining to them all the circumstances which surround me here, and of laying before them a statement of all the motives by which my conduct in relation to this measure has been influenced."387

In his speech of August 1, 1850, Foote focused his refutation on two major questions: (1) What was the position of the Nashville Convention of 1850, regarding the Missouri Compromise line? (2) Has a State a right to secede from the Union? Senator James M. Mason contended that the Nashville Convention had demanded an extension of the Missouri Compromise line as an "ultimatum," or "sine qua non" to settlement of the sectional controversy. Charging that Mason had misrepresented the intent of the Nashville Convention, Foote declared: "According to the political doctors of South Carolina, the old Missouri compromise was repudiated by that body and that they only proposed the line of 36° 30' to the Pacific for the purpose of dividing the territory between the North and the South, as property. Such is a fact. I challenge denial." Foote further declared that "the mere line of 36° 30', as a line for the purpose of

387Ibid., 990.
dividing the supposed landed estates of the North and the South respectively, is to me a great and ridiculous absurdity." The Convention, Foote maintained, had not "attached its sanction, in the least possible degree to the old Missouri compromise. Therefore, what [Senator Mason] has said on the subject is entirely alien to the question before us." Foote offered several authorities to support his own interpretation of what transpired at the Nashville Convention. In an attempt to clarify the distinction, Foote said that what was being urged by Senators Mason, Arthur P. Butler of South Carolina and David L. Yulee of Florida was "not the [old] Missouri compromise line, as an ultimatum. This is all history . . . that cannot be disputed." He charged next that Butler and Mason had misrepresented the South in claiming that "the whole South, or at least a majority of the Southern States" were pledged to the doctrine that a State had a constitutional right to secede from the Union, at its pleasure. The senators, he said,

have grossly mistaken the attitude of the State of Mississippi in the contest now pending. Sir, the State of Mississippi did not unite with South Carolina formerly in supporting the doctrines of nullification. . . . Mississippi occupies the precise ground . . . occupied by our convention last Autumn . . . [when she] protested most solemnly against the enactment of the Wilmot proviso
Having again used refutation to establish a major premise, Foote proceeded to develop his case for the right of a State to secede only under conditions of intolerable oppression.

In his speech of December 18, 19, 1851, supporting his resolutions reaffirming the Compromise, Foote defended himself and the Compromise. Sensitive to the charge that he was unduly harsh on Calhoun in his March 5, 1850, speech, in which he answered Calhoun's March 4 speech, Foote sought to vindicate himself by explaining what motivated him to speak on March 5: (1) Because of Calhoun's illness Foote had not expected him to return to the Senate for some time, thus he began his March 5 speech with Calhoun absent. (2) Foote had received advanced warning of what Calhoun might say, and anticipating that Senator Thomas H. Benton of Missouri would make an early reply to Calhoun's speech, he wished to lighten the impact of Calhoun's speech, and to show that by advancing the dual executive concept Calhoun had departed from the earlier States Rights strategy. In the March 5 speech Foote sought to repair his credibility with Southern, and strengthen it with the Northern,
members of the Senate. Foote turned next to a defense of the Compromise. Senator Robert B. Rhett of South Carolina had argued that California was admitted under the Wilmot proviso, that her admission was unconstitutional, and that Foote should have insisted on the Missouri Compromise line in the case of California. Foote attacked Rhett's ignorance of the nature of the Wilmot proviso and the Missouri Compromise. The Missouri Compromise, Foote said, was the Wilmot proviso except in one technical respect, the latter would forbid slavery from any of the territories, whereas the Missouri Compromise would forbid it only in the geographical region north of the line 36° 30'. Foote then proceeded to attack Senator Rhett's motives by showing that Rhett had been a secessionist since 1833. Finally, Foote reaffirmed Mississippi's loyalty to the Union, citing as evidence the first hand knowledge gained from a tour of Mississippi where he had attended two hundred meetings. 389

There was little direct refutation in the non-Senate speeches, due probably to the fact that no opposition speakers were present on any of these occasions. In these speeches Foote defended the Compromise,

389 Ibid., 32 Congress, 1 Session, Appendix, 49-61.
by explaining the various measures. Before Southern audiences he showed that the South was treated fairly, and before his Northern audiences he stressed the fairness of the Compromise to both sections and the traditional importance of compromise in American government.

In summary, Foote appeared to be more skillful in refutation than in constructive argument. Having an analytical mind and being a perceptive listener, Foote always appeared ready and eager to challenge a Senate colleague. His Senate speeches reveal his ability to sift through the speeches of his colleagues, isolate their premises, discover weaknesses in their arguments, and uncover their motives. Apparently Foote had in his possession while the debates were in progress copies of documents, letters, notes on speeches, newspaper clippings, and other information upon which he could rely for instant refutation. Except for his February 23, 1849, speech, the refutation in his longer speeches was loosely structured, probably due to hasty preparation. However, Foote thought it important that no objectionable view should go out or be allowed to enter the record, separated from its refutation and rebuttal.
CHAPTER V

APPRAISAL

In appraising Foote's pro-Union speeches during the period of 1849-1852, three basic questions deserve consideration: (1) What kind of man was he? (2) How effective was his speaking? (3) Did his speeches materially influence the Compromise deliberations and the public acceptance of the Compromise measures?

Henry Stuart Foote achieved two great political triumphs in his lifetime. His first was his election to the United States Senate in 1846, taking his seat in December, 1847. Foote had pursued his political career "with an eye single to the Senatorial dignity." Thus, his elevation to the Senate was the fulfillment of a lifelong ambition. Viewed in light of his personal and political motivations, the Senate satisfied his craving for personal acclaim and political recognition, for there he was able to associate with such eminent Americans as Daniel Webster, Henry Clay, John C. Calhoun, Lewis Cass, and Stephen A. Douglas. The grave issues confronting the Senate provided him with intellectual stimulation and an opportunity to be involved in the history-making process. His second

\[1\text{New York Times, May 20, 1880.}\]
and greatest triumph was his defeat of Jefferson Davis, his Senate colleague, in a bitter campaign for the Governorship of Mississippi, following the passage of the Compromise of 1850. In terms of his career these triumphs were shortlived, for while his defeat of Davis proved that a majority of Mississippian approved his pro-Compromise position, it marked the end of his Senatorial career. As Governor, "lacking the capacity as a political organizer," he was unable to maintain the coalition of Union Democrats and Whigs which put him in office, and at the end of his term the Mississippi legislature refused to return him to the Senate. Following so soon after his greatest triumph, this defeat was doubtless his greatest disappointment in a long, eventful, often brilliant, though stormy political career.

Foote's political fortunes may be attributed to certain personal and political factors, which drew admiration from people of all ranks, the great and the small, particularly outside the Senate. Trained in the social graces, blessed with great powers of physical endurance and resiliency, courageous to the point of


sometimes being foolhardy, Foote made his presence felt immediately wherever he happened to be. A small man, about five feet eight inches in height, with piercing eyes and red hair on a large, balding head, Foote's physical appearance commanded attention. His quick, springy step, mental alertness, self-confidence and boldness, coupled with his learning, impulsive nature, ready wit, exalted courtliness and civility, and eloquence, contributed to a dynamic platform presence which brought large crowds to hear him.

Foote won his reputation as an orator and position of leadership "by his matchless ability as a campaign orator and his resourcefulness as a party leader," actively participating in the presidential campaigns of 1828, 1836, 1840, and 1844. Through his campaign speaking he was chiefly responsible for removing from active politics such prominent Mississippians as United States Senator George Poindexter and Franklin E. Plummer in 1835, and Governor Alexander G. McNutt in 1845. 4

However, Foote was an "odd commixture" of strengths and weaknesses. His campaign style oratory, which had brought him such renown, was out of place in the Senate, except for the occasions when his irony and levity provided welcomed relief from the rigors of continuous

4 Supra, chap. iii, passim.
debate. As a Senator he had four deficiencies: (1) an over indulgence in ridicule and denunciation of his opponents, (2) an impulsive and excitable nature which led to frequent breaches of Senate decorum, resulting in embarrassment to himself and the Senate, (3) a too delicate sense of personal honor which led to personal encounters with such political opponents as Seargent S. Prentiss, Thomas H. Benton, John C. Fremont, Jefferson Davis, and John A. Quitman, and (4) a tendency toward political instability which brought the charge that he was an opportunist. Whether these factors were defects is questionable, for Foote's fiery oratory was an asset in his campaign speaking. James L. Golden noted this factor in Foote's oratorical style: "The oratory of Foote . . . was more suited to the hustings than to the Sneate. The Little Bantam from Mississippi was too belligerent, too vindictive, and too sarcastic to impress his congressional colleagues--most of whom placed a premium on formality and dignity. This lack of restraint, however, added to his power as a stump speaker." Yet Foote enjoyed the respect of the Senate, his deficiencies notwithstanding. James D. Lynch

correctly assessed Foote's strengths: "His vigor of mind, political tact, and ready power in debate, caused him to assume an active and conspicuous position in regard to all the important questions of that period, and particularly in respect to the Compromise of 1850. Beneath Foote's fiery oratory was "the gentleness of a refined woman." Foote's problem was that he became so absorbed in his persuasive efforts he occasionally lost control of his temper. As Baber said, "His courage knew no fear; and . . . he was, when aroused, the equal of Chevalier Bayard." Despite his frequent excesses, even "His severest critics never discounted his genius nor his integrity." As a man, as a candidate, as a speaker, he never resorted to trickery to gain his ends. With all his faults, he was a generous, scrupulously honest man.

Was Foote an opportunist? The answer must be affirmative. At various times, particularly in the 1830s and 1840s, he vascillated in his party loyalties,


8 Clayton Rand, Men of Spine in Mississippi (Gulfport, Mississippi: The Dixie Press, 1940), 163.
moving in and out of the Democratic, Whig, and Union parties. He was to close his career as a Republican. John E. Gonzales attributed Foote's political instability to a "craving for the limelight, and just plain political opportunism." Gonzales concluded: "Although Foote may have supported the union for selfish reasons, he was faithful to the union almost to the end."9

Why did Foote waver in his support of the states-rights forces in the Senate, embracing as he did the compromise movement? Three factors were involved: (1) He came under the influence of national leaders, particularly Henry Clay, Lewis Cass and Daniel Webster. (2) He was appalled at the increasing extremism of both the Northern abolitionists and Southern disunionists. (3) Following an earlier encounter, he came to abhor Jefferson Davis who became a spokesman for the states-rights forces after Calhoun's death.10

Ambitious to succeed in politics, Foote entered the Senate at an important juncture in history. He was attuned to history and his knowledge of government was widely recognized. Reuben Davis wrote: "I have never

9Gonzales, op. cit., 139. Foote joined the secessionists in 1861 following the election of President Abraham Lincoln.

met any other man who was so acquainted with the structure and theory of different governments, and his knowledge of his own was both extensive and accurate. Doubtless it was his knowledge of history and government which caused him to embrace the compromise movement and to assume a leading role in the compromise deliberations. He had at his finger tips ready information as to the historical antecedents of the issues involved in the Compromise, the history of the Constitution, and historical examples of extremism allowed to go unchecked.

In summary, here then is the portrait of an astute, colorful, fighting politician. Schooled in the rough and ready politics of semi-frontier Mississippi, he often offended the dignity of the Senate. Born and reared in aristocratic Virginia, and extremely proud of it, he was at one and the same time an idealist and practical politician. Admired for his social and forensic skills, he won the respect of such men as Seargent S. Prentiss, Daniel Webster, Henry Clay, Lewis Cass, and John P. Hale. At the same time he was abhorred by such men as Jefferson Davis, Thomas H. Benton, and Robert C. Winthrop. Until the early weeks of 1850,

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he was a close associate of John C. Calhoun. Inconsistent in regard to party loyalty, he considered himself to be faithful to his principles. When convinced he was right, he was a tenacious adversary. Gentle and erudite in conversation, on the platform he was fire itself. There is no question as to Foote's popularity in official Washington and among the people wherever he spoke, in Mississippi, New Orleans, New York and Philadelphia.

**Foote's Speaking**

Foote's manner of speaking in the Senate was often excessive. His language at times was denunciatory in the extreme. He attempted to bring his impulsiveness and temper under control, but was not altogether successful. Two widely separated instances show the extremes to which he sometimes went in using injudicious language. On April 20, 1846, he charged Senator John P. Hale, with attempting to start a civil war by condoning the kidnapping of slaves in the District of Columbia. In his peroration Foote invited Senator Hale to come to Mississippi and warned "that he could not go ten miles . . . before he would grace one of the tallest trees . . . , with a rope around his neck, . . . and that if
necessary I should myself assist in the operation."\textsuperscript{12} This rashness, which he immediately regretted, earned him the nickname "Hangman Foote." Two years later, on April 17, 1850, following a series of indiscretions directed at Thomas H. Benton, believing himself to be menaced by the latter, Foote brandished a loaded and cocked pistol on the Senate floor.\textsuperscript{13} For this encounter both he and Benton were censured by the Senate. He was admired for his fighting spirit and perseverance, but his impulsive manner netted him less respect from the Senate than was accorded him by his non-Senate audiences. In spite of his excesses Foote was a popular member of the Senate, for he was twice elected chairman of the Commission on Foreign Relations, one of the more responsible posts in the Senate.

As a campaign and ceremonial speaker Foote's popularity was unrivaled in Mississippi and widely recognized across the nation. His popularity with non-Senate audiences is evidenced by the frequency with which he spoke, the large crowds who came to hear him and the responsiveness of his audiences. He could generate such audience participation as to cause "the

\textsuperscript{12}\textit{Congressional Globe}, 30 Congress, 1 Session, Appendix, 502.

\textsuperscript{13}\textit{Congressional Globe}, 31 Congress, 1 Session, 762.
portraits on the walls . . . [to] dance a gig."

While some of his critics declined to recognize his oratorical greatness, the people loved his bold, hard-hitting manner of speaking. The following criticism, typical of those which discounted his capabilities as a speaker, are not without foundation. A political opponent, John J. McRae, warned a Mississippi audience that Foote "will undertake to amuse you with anecdotes and buffoonery, and draw you off the merits of the controversy."

The most accurate summary of Foote's major strengths as a popular orator is offered by Dunbar Rowland, historian and archivist:

Senator Foote was master of pitiless sarcasm which was freely and mercilessly inflicted upon his opponents. . . . In his methods he had something of the declamatory pomp of Webster, the ponderous periods of Brougham, the terrible lightning like strokes of Mirabeau, and the light fancy of Sheridan. Force, imagination and passion were the prominent characteristics of his oratory. Some of his flights of eloquence are as sublime as the noble prayer of Ajax in the Iliad. He did not follow the Eastern school of oratory which placed form and action above thought, he was a disciple of the Attic school which subordinated manner to matter. His sentences were generally short, intelligible, clear and harmonious. He was master of a style forcible, simple and pure. He had intense dramatic power, and combined strength with simplicity. He had courage and

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14 New York Herald, December 10, 1850, cited in Flag of the Union (Jackson), December 27, 1850.

15 Columbus Democrat (Mississippi), July 5, 1851.
dramatic power as rare as they were effective. He was greatest before the people, he needed the inspiring influence of large crowds. His face was full of fire. On the stage he would have made a great Brutus or Hamlet. The play of his countenance was wonderful. Senator Foote was a student of the best forms of ancient and modern oratory, and conformed to classic models. He could move, thrill and enthuse vast multitudes of people as could no other orator of his day. His campaign of 1850 for what he believed to be the preservation of the Union was marked by unsurpassed courage, force and brilliancy.16

There is little doubt that his popularity as an orator did much to establish his national image, as a bold, courageous and vigorous advocate of the Union cause.

Effectiveness of his Speeches

The final question is how effective was he in achieving his speech purpose? Considering the position in which the South found itself when the Thirty-First Congress opened, in December, 1849, the answer must be an affirmative one. Several factors had converged to precipitate the crisis over slavery: (1) The acquisition of the territories of the west and northwest, (2) the annexation of Texas, (3) a sharp increase in agitation by the Northern abolitionists and Southern disunionists, and (4) changing attitudes toward slavery in the border states. In an effort to reduce its dependence

upon the North, Southern leaders had talked of the need to introduce industry into the South. However, industrialization required time and capital which the South did not have. Thus, the South was hopelessly wedded to a cotton and slave economy. The territorial controversy brought the slavery question to a head. If through legislation the South were denied the right to take their slaves into the territories, Southern leaders, Foote included, foresaw two eventualities: (1) further loss of Southern power in Congress and (2) subsequent attempts by Northerners to legislate the end of slavery in the South itself. Through the territorial legislation, therefore, the South saw its last and only chance to protect its cotton and slave economy. Southerners were divided on the matter of strategy. The Calhoun forces were in no mood for compromise. Seeing the hopelessness of achieving acceptance of a policy of non-intervention, Foote looked to compromise as the only means of reestablishing a balance of power between the North and South and so he joined forces with the moder­ates. His speeches, in and out of the Senate, during the period of 1849-1852, undertook to promote a compro­mise solution of the slavery and territorial questions.

In the Senate Foote was an effective exponent of compromise. How much credit for his success in the
Senate should be attributed to his speeches is hard to determine because he was one of the most active Senators behind the scenes. Stephen A. Douglas recalled that the "Union men, North and South, Whig and Democrat, for a period of six months were assembled in caucus every day...". Foote's leadership was recognized by Henry Clay, Daniel Webster, Lewis Cass and Douglas. Recent historians have recognized his leadership in the Compromise. Regarding him as one of the foremost leaders in the compromise movement, F. H. Hodder states that Clay first submitted his set of resolutions "to Daniel Webster and to Foote, and, after receiving assurance of their support, introduced [them] in the Senate, January 29 [1850]." Holman Hamilton wrote: "What Clay did was to connect old bills, change some of them slightly, and cause the enactment of one to depend on the enactment of all. This procedure Clay lifted from Foote. ... Clay was less the originator and more the improvisor." John E. Gonzales noted


19 Holman Hamilton, "Democratic Senate Leadership and the Compromise of 1850," The Mississippi Valley Historical Review, XLI (December, 1934), 415.
"As one of the chief architects of and supporters of the Compromise of 1850 and the one Mississippian most responsible for the state's acceptance of the Compromise and rejection of secessionism in 1851, Foote is entitled to recognition in history." 20

Rhetorically, Foote's Senate speeches were adequate but not outstanding. He correctly assessed the historical significance of the Thirtieth and Thirty-First Congresses and the issues facing them. His central theme, a genuine concern for the security of the Union and the welfare of the South's slave-based cotton economy, was reflected in his major speeches and proved to be prophetic. His premises formed a philosophical basis for his arguments and were appropriate to his central theme and purpose, to effect a compromise settlement of questions growing out of slavery and at the same time restore a balance of power between the North and South. His arguments evolved from his premises and were addressed to the issues. His modes of reasoning effectively supported his arguments. Foote adapted well to his non-Senate audiences which were receptive to his fiery brand of oratory. Except for an

occasional indiscretion, Foote adapted well to his Senate audience. His courtroom and stump speaking had prepared him well in the area of refutative skills, which were strengthened by his powers of perception and analysis. The effectiveness of his Senate speeches was weakened by a looseness of structure, a tendency toward verbosity, and an overuse of the language of sarcasm and denunciation. Further, in the Senate he was handicapped by a shortness of temper, coupled with a disposition to be easily offended by others, leading to frequent breaches of the Senate's decorum. Except for his indiscretions, Foote maintained a high level of credibility in his speeches. His modes of persuasion were balanced well and adapted to the issues, the audience and the occasion. Finally, he demonstrated an insight into and sensitivity toward the issues, their historical significance, and the shifting strategies of the various groups and their leaders.

What was the effect of Foote's speeches? Their short range effects were reflected in several ways: (1) Through his speaking he gained and maintained for himself a key role in the Compromise movement. (2) He was the originator of the omnibus approach to a settlement. (3) It was his idea to establish the Committee of Thirteen for the purpose of working out a plan of settlement of all questions growing out of slavery.
(4) His views were sought by leading members of the Senate and Executive branch on matters relating to the Compromise. (5) The Compromise measures were passed in essentially the form reported by the Committee of Thirteen. (6) The people of Mississippi did support his pro-Compromise position by electing him to the Governorship over Jefferson Javis, candidate for the pro-secession forces in Mississippi. (7) His speeches were instrumental in winning national support of the Compromise.

Foote's speeches brought certain long range results: (1) They were instrumental in delaying, though only temporarily, the ascendance of the disunion forces in Mississippi and the South generally. (2) While his Senate speech of December 18-19, 1851, failed to secure the Senate's adoption of his resolution declaring the Compromise measures to be a final settlement of the questions growing out of slavery, "the finality principle found its way into the party platforms of 1852."²¹ (3) His speeches assured him a place in the history of this period, if only a minor one, alongside such names as Henry Clay, Daniel Webster, John C. Calhoun, Stephen A. Douglas, Lewis Cass, Thomas H. Benton, and John P.

Hale. (4) The Compromise of 1850, in which he shared a leading role, delayed the break up of the Union a full decade.

Finally, it should be noted that one source placed Foote on a still higher pedestal: "Had Governor Foote pursued the role of a shrewd politician, adopted measures and means usually employed by our so-called statesmen, sought to win public favor by masking the true and honest purposes of his great mind, and catering to popular whims and currents as they set in this or that direction, he might have occupied the Presidential chair, and been crowned with the highest honors in the gift of the American citizens." It is certain that no man more enjoyed center stage than he, that no Senator ever worked more diligently at the business of government than he. During the crucial Thirtieth and Thirty-First Congresses he disregarded party lines in seeking a common ground on which the North and South could compromise their differences. Indeed, had it not been for his occasional disregard of party lines and the dignity of the Senate, historians probably would have awarded him a more secure, prestigious place in the record of the period.

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\(^{22}\) Representative Men of the South (Philadelphia: Charles Robson and Company, 1880), 328.
which fashioned the Compromise of 1850. There can be no question but that Henry Stuart Foote was an effective spokesman for the much-menaced Union.
SELECTED BIBLIOGRAPHY

BOOKS


Duval, Mary V. History of Mississippi. Louisville, Kentucky: Courier-Journal Job Printing Company, 1892.


Foote, Abram W. Foote Family Comprising the Genealogy and History of Nathaniel Foote of Wethersfield, Conn. and His Descendants Also a Partial Record of Descendants of Pasco Foote of Salem, Mass., Richard Foote of Stafford County, Va., and John Foote of New York City. Volume I. Rutland, Vermont: Marble City Press, 1907.

Foote, Henry Stuart. The Bench and Bar of the South and Southwest. St. Louis: Soule, Thomas and Wentworth, 1876.


NEWSPAPERS

Columbus, Mississippi, Columbus Democrat.
Columbus, Mississippi, Columbus Southern Standard.
Jackson, Mississippi, Flag of the Union.
Jackson, Mississippi, The Mississippian.
Jackson, Mississippi, The Old Soldier.
Jackson, Mississippi, The Southern Sun.
Jackson, Mississippi, Southern Reformer.
Jackson, Mississippi, The Weekly Southron.
Louisville, Kentucky, The Louisville Journal.
Natchez, Mississippi, Natchez Courier.
Natchez, Mississippi, Natchez Union.
Nashville, Tennessee, Nashville Daily American.
New Orleans, Louisiana, New Orleans Daily Crescent.
Port Gibson, Mississippi, Port Gibson Herald and Correspondent.
Port Gibson, Mississippi, Port Gibson Correspondent.
Raymond, Mississippi, Hinds County Gazette.
Sacramento, California, The Sacramento Daily Union.
San Francisco, California, Alta California.
Tuscumbia, Alabama, The Tuscumbian.

Vicksburg, Mississippi, The Vicksburg Tri-Weekly Sentinel.

Vicksburg, Mississippi, The Vicksburg Daily Sentinel.

Yazoo, Mississippi, The Yazoo City Weekly Whig.

Yazoo, Mississippi, The Yazoo City Whig and Political Register.


PERIODICALS


Peatfield, J. J. "Famous Californians of Other Days." Overland Monthly, XXIV (December, 1894), 640-651.


Sioussat, St. George L. "Tennessee, the Compromise of 1850, and the Nashville Convention." The Mississippi Valley Historical Review, II (December, 1913), 313-347.


Mississippi


MANUSCRIPTS, COLLECTIONS

AND CORRESPONDENCE


John Francis Hamtramck Claiborne Papers. Mississippi Department of Archives and History, Jackson, Mississippi.

John Francis Hamtramck Claiborne Papers. Included in this collection is a 37-page manuscript written by a friend of Foote's, J. W. Harmon, from notes provided by Foote, and forwarded to Claiborne for use in his history of Mississippi. Southern Historical Collection, University of North Carolina, Chapel Hill, North Carolina.

Stephen A. Douglas Papers. Manuscript Division, University of Chicago Library.


David Outlaw Papers. Southern Historical Collection, University of North Carolina Library, Chapel Hill, North Carolina.

John Anthony Quitman Papers. Southern Historical Collection, University of North Carolina Library, Chapel Hill, North Carolina.


UNPUBLISHED MATERIALS


OTHER SOURCES


AUTOBIOGRAPHY

James Woodrow Parkerson was born October 18, 1916, in Alexandria, Louisiana. He was educated in the public schools of Bossier Parish, Louisiana, graduating from Rocky Mount High School in 1933. In January, 1934, he entered Louisiana Tech University, completing the Bachelor of Arts degree in June, 1939. In September, 1939, he enrolled in the Graduate School at the University of Iowa, leaving in August, 1940, to accept a position at Cotton Valley High School, Cotton Valley, Louisiana.

In 1947, following four years of military service and a year of employment with the Veterans Administration, he was appointed Instructor of Speech at Northeast Louisiana University. In 1950 he was promoted to the position of Assistant Professor of Speech and in 1959 to his present position of Associate Professor of Speech.

He returned to the University of Iowa in the summers of 1948 and 1949, completing the Master of Arts degree in August, 1949. He began work on the doctorate at Ohio State University in the summer of 1951, transferring his program to Louisiana State University, where he was in residence from June, 1965, to May, 1966, and during the summers of 1954, 1958, 1963, 1968, and 1970.
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Major Field: Speech

Title of Thesis: Senator Henry Stuart Foote of Mississippi: A Rhetorical Analysis of His Speeches in Behalf of the Union, 1860-1862

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Date of Examination:

May 12, 1971