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**The Mexican War and
Lincoln's "Spot Resolutions"**

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On May 11, 1846, President James Polk reported to Congress that Mexico had invaded U.S. territory and that American blood had been shed on American soil. Two days later Congress declared war. The Whig opposition insisted that President Polk, a Democrat, provide evidence to support his claims about an invasion of U.S. territory. On December 22, 1847, Rep. Abraham Lincoln introduced what has come to be known as the "Spot Resolutions," requesting President Polk to submit evidence to Congress that the land on which the initial battle occurred was indeed American property. On January 3, 1848, the House of Representatives passed an amendment stating that the Mexican War had been "unnecessarily and unconstitutionally" begun. Lincoln voted for this censure language. In subsequent public addresses, Polk took care to concede that the land on which the battle took place was disputed territory.

Moving Toward War. On October 16, 1845, President Polk ordered General Zachary Taylor to bring his troops to the Rio Grande, which was disputed territory between Texas and Mexico. By late March 1846, Taylor's forces were positioned across the Mexican town of Matamoros.¹ On May 9, Polk was notified about a military clash that had occurred between American and Mexican troops. Despite the legal uncertainties about sovereignty over the land, President Polk sent a message to Congress on May 11, stating that the Mexican Government not only refused to receive a U.S. envoy to discuss a peaceful settlement but "after a long-continued series of menaces have at last invaded our territory and shed the blood of our fellow-citizens on our own soil."²

Polk's message announced that "war exists." During Senate and House debates, lawmakers disagreed on a President's authority to determine the existence of war. To Senator William Allen, there was no question that "war actually exists." The President,

¹ JOHN H. SCHROEDER, MR. POLK'S WAR: AMERICAN OPPOSITION AND DISSENT, 1846-1848, at 9 (1973).

² 5 A COMPILATION OF MESSAGES AND PAPERS BY THE PRESIDENTS 2288 (James D. Richardson ed.) (hereafter "Richardson").

he said, was only asking Congress “to acknowledge that fact.”³ Senator John Calhoun objected that when a President says there is a war, “there is no war according to my sense of the Constitution.” He distinguished between hostilities and war. There could be invasion without war, “and the President is authorized to repel invasion without war. But it is *our* sacred duty to make war, and it is for *us* to determine whether war shall be declared or not.”⁴ Senator William Archer cautioned that it was necessary for Congress to acquire facts before it voted on war and not merely assume that presidential claims were based on adequate evidence. He said that several Senators

have assumed that we are in a state of war. I say that we are not. . . . I say that the President does not affirm that we are in a state of war. He cannot affirm it; for if he did, he would affirm that which, in a legal and constitutional acceptance, could not be true. If true, what would be the result? The officers and men on the Rio Grande might involve the country in war at their pleasure.

. . . A certain state of facts has reached the President . . . Does the existence of hostilities on one of the frontiers of the United States necessarily put us in a state of war with any foreign Power? Clearly not. Suppose we have misunderstood the state of things on the Rio Grande, and that the Mexican authorities have acted justifiably under the circumstances: the danger of admitting the doctrine that a state of war can exist except by the constitutional action of the Government of the United States will then be evident. There can be no question about that. There can be no war till the ascertained facts be submitted to the Congress . . . The Committee on Foreign Relations can make their report tomorrow. . . .⁵

Instead of asking the Committee on Foreign Relations to investigate the cause of the hostilities and determine whether American blood had indeed been shed on American soil, the Senate took up a resolution reported from the Committee on Military Affairs to increase the number of American troops by about 15,000. The bill passed by voice vote.⁶ Also on May 11, the House debated the issue of hostilities between the United States and Mexico. Rep. Isaac E. Holmes remarked: “We know nothing more than that the two armies have come into collision within the disputed territory, and I deny that war is absolutely, necessarily, the result of it. Suppose the Mexican Congress should not recognize the conduct of their general, and condemn it, and send here a remonstrance, or rather an apology — is it war?”⁷

Whig Objections. As the House debate continued, Rep. Garrett Davis managed to get the floor, objecting that “not a single moment, has been allowed any Whig of this House to say one word upon it.” Davis identified several features in the pending bill he

³ CONGRESSIONAL GLOBE, 29th Cong., 1st Sess. 784 (1846).

⁴ Id. (emphasis in original).

⁵ Id.

⁶ Id. at 788-789.

⁷ Id. at 792.

found offensive. The preamble stated that war existed between the United States and Mexico and that the war was begun by Mexico: “That informal war exists between the two countries is undeniable; but that Mexico commenced it is utterly untrue, and I object to the preamble because it sets forth so bold a falsehood.”⁸ He was prepared to vote for troops and supplies, but not to put the blame on Mexico without supporting evidence. Davis made a point that would be repeated in the future by Whigs: “if the bill contained any recitation upon that point in truth and justice, it should be that this war was begun by the President.”⁹ According to information available to Davis, U.S. troops moved into territory that Mexico considered its own and had been warned that subsequent movements would be regarded as an invasion of Mexican territory.¹⁰ Davis thus rejected President Polk’s claim that American blood had been shed on American soil. On May 11, the House passed legislation announcing that “a state of war exists” and authorized funding and supplies. The bill passed 174 to 14.¹¹

Seeking Facts. Legislative debate continued on May 12. Several Senators, expressing their support for a bill that provided troops and supplies, wanted to delete language in the bill’s preamble (declaring that war exists and implying that Mexico was responsible for the hostilities). They said they had no facts or evidence to support the preamble.¹² President Polk had sent documents to Congress but they were at the printer, unread by lawmakers. The motion to strike the preamble failed, 20 to 25, as did a second effort, voted down 18 to 28.¹³ When the bill passed, 40 to 2, the majority was inflated because many Senators voting in favor did so after protesting against the preamble and the unavailability of facts to justify it. Three Senators (Berrier, Calhoun, and Evans) were present but did not vote, having already expressed their objections to the bill, especially the preamble. Senators Crittenden and Upham voted for the bill but called out “ay, except the preamble.”¹⁴ As passed, the bill stated that “war exists.”¹⁵

The bill declaring war against Mexico became law on May 13. It not only recognized the existence of war but placed the blame on Mexico: “Whereas, by the act of the Republic of Mexico, a state of war exists between that Government and the United States.”¹⁶ It authorized 50,000 volunteers and the sum of \$10 million.

Charging Treason. President Polk helped inflame partisan passions with his second annual message of December 8, 1846. Strongly defending his actions, he claimed that the war “was neither desired nor provoked by the United States. On the contrary, all honorable means were resorted to to avert it.” Mexico, he said, “commenced hostilities,

⁸ Id. at 794.

⁹ Id.

¹⁰ Id.

¹¹ Id. at 795.

¹² Id. at 795-797.

¹³ Id. at 803, 804.

¹⁴ Id. at 804.

¹⁵ Id.

¹⁶ 9 Stat. 9 (1846).

and thus by her own act forced the war upon us.” He objected to “misapprehensions” that the war was “unjust and unnecessary.”¹⁷

He turned squarely against his critics: “A more effective means could not have been devised to encourage the enemy and protract the war than to advocate and adhere to their cause, and thus give them ‘aid and comfort.’”¹⁸ He did more than single out his critics as unpatriotic. He branded them as treasonous.¹⁹ He insisted that Mexico “became the aggressor by invading our soil in hostile array and shedding the blood of our citizens.”²⁰

After reviewing the history of Texas and its independence from Mexico, Polk said that Mexican troops in April 1846 “invaded our territory, and commenced hostilities by attacking our forces.” Mexico was at fault for “commencing an offensive war and shedding the blood of our citizens on our own soil.”²¹ Although Polk spoke confidently that the territory was U.S. property, he acknowledged that he had sent a minister to Mexico in November 1845 “to adjust all questions in dispute,” including “questions of boundary.”²²

The Whigs Counterattack. The Whig Party began publishing articles early in 1847 and continued them almost monthly, charging President Polk with executive usurpations and deceptions. An article in the Whig journal, *The American Review*, dated January 1847, described Polk’s statements on the Mexican War as “so well calculated to mislead the popular mind, and to imbue it with false impressions.”²³ The war “was brought on originally by his own fault.”²⁴ Notwithstanding Polk’s assertions, “Congress knows full well that there is not one word or shadow of truth in the declaration that the enemy had commenced hostilities, ‘by shedding the blood of American citizens on American soil.’”²⁵

An article in March 1847 deplored the “insane cry of American blood shed on American soil” and said that Polk had “extorted from Congress an act whose false recital laid to the charge of Mexico the war the President had begun.”²⁶ The following month, the journal described the war “as the great political and moral crime of the period” and pledged to “hold the guilty authors of it to their just accountability.”²⁷ Other articles in the Whig journal decried the Mexican War as one of American “aggression and

¹⁷ 5 Richardson 2322-2323.

¹⁸ *Id.* at 2323.

¹⁹ “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.” U.S. Const., art. III, sec. 3, cl. 1.

²⁰ 5 Richardson 2329.

²¹ *Id.* at 2337.

²² *Id.* at 2339.

²³ *The President’s Message: The War*, THE AMERICAN REVIEW: A WHIG JOURNAL, January 1847, at 1.

²⁴ *Id.*

²⁵ *Id.* at 4.

²⁶ *Executive Usurpation*, THE AMERICAN REVIEW: A WHIG JOURNAL, March 1847, at 218.

²⁷ *Mr. Slidell’s Mission to Mexico*, THE AMERICAN REVIEW: A WHIG JOURNAL, April 1847, at 325.

rapacity.”²⁸ This issue was fundamental to Whig principles. For them, government in America meant a peaceful republic that did not thirst for conquest by military force.²⁹ Whigs also deeply resented Polk’s insinuation that they were unpatriotic and treasonous.³⁰

Spot Resolutions. On December 22, 1847, a freshman member of the House of Representatives introduced what has become known as the “Spot Resolutions.” The lawmaker was Abraham Lincoln, who analyzed three messages by President Polk (May 11, 1846, December 8, 1846, and December 7, 1847) that claimed American blood had been shed on American soil. Lincoln stated that the House was “desirous to obtain a full knowledge of all the facts which go to establish whether the particular spot on which the blood of our citizens was so shed was or was not at that time *our own soil*.”³¹ Eight resolutions sought specific information. The first: “Whether the spot on which the blood of our citizens was shed, as in his messages declared, was or was not within the territory of Spain, at least after the treaty of 1819, until the Mexican revolution.” The second: “Whether that spot is or is not within the territory which was wrested from Spain by the revolutionary Government of Mexico.” The other six resolutions extended the analysis to determine whether the territory on which the casualties occurred was ever under the government or laws of Texas or of the United States. The House never acted on Lincoln’s resolutions, but they underscored the Whig position that Polk lacked persuasive grounds to begin the war.

House Censure. President Polk’s third annual message of December 7, 1847, referred to the military conflict with Mexico as “a just war.”³² The following month, on January 3, the House of Representatives (controlled now by the Whigs) passed an amendment censuring President Polk for “unnecessarily and unconstitutionally” beginning the Mexican War. The measure passed by a vote of 85 to 81.³³ Among those voting for the amendment was Lincoln. The initial purpose of the legislative bill was to extricate the United States from a war that had become increasingly burdensome financially and in lives lost. The House directed that a committee of five Senators and five Representatives meet with President Polk “to advise and consult upon the best mode of terminating the existing war with Mexico in a manner honorable and just to both belligerents.”³⁴ Rep. George Ashmun offered to amend the bill by adding the words “in a war unnecessarily and unconstitutionally begun by the President of the United States.”

²⁸ *Military Conduct of the War*, THE AMERICAN REVIEW: A WHIG JOURNAL, February 1847, at 109. Other critiques of Polk and the war appear in these issues of the journal: *On a Congress of Nations to Settle National Disputes*, April 1847, at 341-353; *The Twenty-Ninth Congress*, May 1847, at 433-446; *The Constitution; Written and Unwritten*, July 1847, at 1-17; *The President and the Army*, September 1847, at 221-230; *The Whigs and the War*, October 1847, at 331-346; *The Late Negotiations for Peace*, November 1847, at 441-453; *Mr. Clay’s Resolutions*, December 1847, at 553-560.

²⁹ SCHROEDER, MR. POLK’S WAR, at 75-76.

³⁰ *Id.* at 75, 78-79.

³¹ CONGRESSIONAL GLOBE, 30th Cong., 1st Sess. 64 (1847) (emphasis in original). The text of these resolutions is available at http://www.sewanee.edu/faculty/Willis/Civil_War/documents/LincolnSpot.html

³² 5 Richardson 2393.

³³ CONGRESSIONAL GLOBE, 30th Cong., 1st Sess. 95 (1848).

³⁴ *Id.* at 94.

Debate was not in order on his amendment. The full intent of Ashman's language is therefore not clear, but Whigs had regularly criticized Polk for claiming that Mexico was the aggressor and for failing to prove that American blood had been shed on America soil.

Senate Debate. On the following day, January 4, 1848, the Senate debated two resolutions. The first: "*Resolved*, That to conquer Mexico and to hold it, either as a province or to incorporate it into the Union, would be inconsistent with the avowed object for which the war has been prosecuted; a departure from the settled policy of the Government; in conflict with its character and genius; and in the end subversive of our free and popular institutions." The second: "*Resolved*, That no line of policy in the further prosecution of the war should be adopted which may lead to consequences so disastrous." ³⁵

In debating these two resolutions, Senator John Calhoun explained why he had opposed the war from the beginning, in part because President Polk chose to put U.S. troops into disputed territory, his initiative led to hostilities, and Polk had not properly explained the facts to Congress when he asked it to declare war:

I opposed the war then, not only because I considered it unnecessary, and that it might have been easily avoided; not only because I thought the President had no authority to order a portion of the territory in dispute and in possession of the Mexicans, to be occupied by our troops; not only because I believed the allegations upon which it was sanctioned by Congress, were unfounded in truth; but from high considerations of reason and policy, because I believed it would lead to great and serious evils to the country, and greatly endanger its free institutions.³⁶

Calhoun spoke at length on these resolutions, raising concerns about the dangers of a strong national government that would weaken state powers, and a transfer of power from Congress to the executive branch. Both developments, he warned, would endanger republican government and constitutional freedoms.³⁷

Lincoln's Elaboration. On January 12, 1848, Rep. Lincoln explained why he voted for Ashmun's amendment declaring that the Mexican War had been "unnecessarily and unconstitutionally commenced" by President Polk. Lincoln called attention to Polk's claim that in the hostilities that began in disputed territory, American blood had been shed on American soil. As Lincoln noted, President Polk had stated that

hostilities were commenced, or blood was shed — American blood was shed upon American soil. And of so much importance did the President deem the declaration that the place, the very spot where blood was first spilled was our own soil, that he followed it up, and repeated that

³⁵ Id. at 96.

³⁶ Id.

³⁷ Id. at 96-100.

declaration in almost the same language in every successive message, certainly in every annual message since. The President seemed to attach great importance to the assumed fact that the soil was our own where hostilities commenced.³⁸

Recalling Polk's annual message in December 1846, Lincoln said "he came forward with a string of proof on that point." Polk "made an issue which was a false issue." Polk had stated: "But there are those who, conceding all this to be true, assume the ground that the true western boundary of Texas is the Nueces instead of the Rio Grande; and that, therefore, in marching our army to the east bank of the latter river, we passed the Texas line, and invaded the territory of Mexico."³⁹

Lincoln proceeded to challenge Polk's argument that American blood had been shed on American soil. He wanted to distinguish presidential claims from presidential facts. Lincoln said he had proposed that Polk talk to the House of Representatives "on this point, which he seemed exceedingly anxious to avoid." If Polk came forward "frankly and give them facts, not arguments," Lincoln said he would be "most happy to reverse his vote."⁴⁰ Without such facts, Lincoln was "fully convinced, of what he more than suspected, that the President was deeply conscious of being in the wrong in this matter; that he felt the blood of this war, like the blood of Abel, was crying from the ground against him; that originally he must have had some strong motive — what it was he would not now stop to inquire — for involving the two countries in war; that, having that motive, he had trusted to avoid the scrutiny of his own conduct by directing the attention of the nation, by fixing the public eye upon military glory — that rainbow that rises in showers of blood — that serpent's eye that charms but to destroy; and thus calculating, had plunged into this war, until disappointed as to the ease by which Mexico could be subdued, he found himself at last he knew not where."⁴¹

Lincoln added that whoever "carefully examined" Polk's message "would find that, like one in the half insane excitement of a fevered dream," that Polk had made a number of inconsistent arguments in favor of the war. "He talked like an insane man."⁴² Also during January 1848, other Senators and Representatives spoke about misleading statements by President Polk and the constitutionality of the war.⁴³

Correspondence with Herndon. Lincoln's spot resolutions of December 22, 1847, followed by his vote on the censure resolution and his January 12, 1848 speech in the House, prompted Lincoln to write several letters to his former law partner, William H. Herndon. Lincoln was advised by Herndon that his public statements had hurt his position with constituents in Illinois. Lincoln asked Herndon about the censure amendment: "Would you have voted what you felt and knew to be a lie? I know you

³⁸ Id. at 155.

³⁹ Id.

⁴⁰ Id. at 156.

⁴¹ Id.

⁴² Id.

⁴³ Id. at 171-173, 238-240.

would not.”⁴⁴ Lincoln explained that his opposition to the initiation of the war had nothing to do with his willingness to support supplies for U.S. troops.⁴⁵

Writing to Herndon on February 15, 1848, Lincoln spelled out his position more thoroughly. Herndon had argued that in case of an invasion, the President had full constitutional authority to invade the territory of an enemy and the necessity for such action rested solely with the President.⁴⁶ Lincoln denied that the territory in this case was U.S. property. Therefore no invasion had occurred. Lincoln issued this warning:

That soil was not ours; and Congress did not annex or attempt to annex it. But to return to your position: Allow the President to invade a neighboring nation, whenever *he* shall deem it necessary to repel an invasion, and you allow him to do so, *whenever he may choose to say* he deems it necessary for such purpose — and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect. . . .

The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us. But your view destroys the whole matter, and places our President where Kings have always stood.⁴⁷

Lincoln-Douglas Debates. In a series of debates in 1858, Stephen Douglas taunted Lincoln on his “spot resolutions.”⁴⁸ On August 27, Douglas drew some laughter by asking the audience what it thought of Lincoln’s attempt “to dodge the responsibility of [the Republican Party] platform because it was not adopted in the right spot.”⁴⁹ At times Douglas would refer to “Spotty Lincoln.”⁵⁰ In other debates, Douglas moved from light humor to a sharp personal attack, charging that Lincoln in the House of Representatives “distinguished himself by his opposition to the Mexican war, taking the side of the common enemy, in time of war, against his own country.”⁵¹ Douglas said it “is one thing to be opposed to the declaration of war, and another thing to take the side of the enemy against your own country, for the war commenced and our army was in Mexico at the time.”⁵² As with President Polk, Douglas equated opposition to a military

⁴⁴ ROY P. BASLER, ed., ABRAHAM LINCOLN: HIS SPEECHES AND WRITINGS 217 (1990 ed.)

⁴⁵ Id.

⁴⁶ Id. at 220.

⁴⁷ Id. at 220-221 (emphasis in original).

⁴⁸ HAROLD HOLZER, ed., THE LINCOLN-DOUGLAS DEBATES 115, 295, 363, 365 (1994).

⁴⁹ Id. at 115.

⁵⁰ Id.

⁵¹ Id. at 51.

⁵² Id. at 364.

action with treason. Lincoln answered that although he consistently opposed Polk's initiation of the war, he voted for its funding and military supplies.⁵³

Polk's Reversal. After advising Congress on May 11, 1846 that American blood had been shed on American soil, President Polk several other times repeated the same claim. In his second annual message on December 8, 1846, Polk stated that Mexico "invaded our territory" and "consummated her long course of outrage against our country by commencing an offensive war and shedding the blood of our citizens on our own soil."⁵⁴ The third annual message on December 7, 1847, accused Mexico of "invading the territory of the State of Mexico, striking the first blow, and shedding the blood of our citizens on own soil."⁵⁵

Those representations came to an end when President Polk sent a message to Congress on July 6, 1848. He explained that the treaty presented to Mexico proposed a "boundary line with due precision upon authoritative maps" to "establish upon the ground landmarks which shall allow the limits of both Republics . . ."⁵⁶ Several weeks later, on July 24, Polk no longer claimed that the initial battle occurred on "American soil." He said that after Texas won its independence, its western boundary was declared by Congress to be the Rio Grande "from its mouth to the source, and thence due north to the forty-second degree of north latitude." Texas through its own acts "asserted and exercised" title to the country west of the Nueces but "never conquered or reduced to actual possession and brought under her Government and laws that part of New Mexico lying east of the Rio Grande, which she claimed to be within her limits." Obviously Polk was now relying not on facts but on claims. When war began, he said, Mexico was "in possession of this disputed territory."⁵⁷

⁵³ Id. at 63-64, 229-230.

⁵⁴ 5 Richardson 2337.

⁵⁵ Id. at 2384.

⁵⁶ Id. at 2438.

⁵⁷ Id. at 2446.