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## **Eight Dead Presidents**

“In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President...” That snappy introduction is quoted from Article II, Section 1, Paragraph 6 of the Constitution of the United States, and it refers to Vice Presidents replacing Presidents. Although I don’t use the word “devolve” much, the statement seems clear enough, and the authors of the Constitution would surely agree, but in practice the transition proves not to be as smooth as our founding fathers might have wished. The first test occurred in 1841 when President William Henry Harrison died after serving only thirty days of his term. Harrison’s last words on his deathbed were reserved for Vice President John Tyler: “Sir, I wish you to understand the true principles of government. I wish them carried out – I ask nothing more.” However, John Tyler in a bow to the irrelevance of his position had left Washington on the day of his inauguration. He was at his home in Virginia, planning to spend most of his four year term there and return to the Senate only occasionally. Many, including Tyler, considered the Vice-Presidency an irrelevant position. His first notice of Harrison’s death was a letter from Secretary of State Daniel Webster and the rest of the Cabinet. The message said nothing about Tyler being President nor did it urge that he return to Washington. In fact, it was addressed to John Tyler, Vice President of the United States. The Cabinet decided that Tyler had inherited the duties of Harrison but

not the office and that he should be called Vice President – Acting President. Tyler would have none of that. He was President and that did not even need to be formalized with a separate oath. Eventually, Tyler did take the oath as President, and the Cabinet members set a precedent by offering their resignations to the new President.

That first executive change set the blueprint for all others, but that did not mean the transition would ever be easy. Eight Presidents died in office. Not a single one of these men chose Vice Presidents exclusively to replace them, and in fact, many did not know, did not like, or did not trust their Vice Presidents. Additionally, many Presidents did not seek to include these men in the day-to-day work of the White House, and consequently, these Vice Presidents turned President assumed office with little knowledge of the job. It is no wonder that some failed miserably and surprising that others appear to have done quite well. We can be sure that each new President did make changes and did develop his own ideas about the job of Chief Executive. We can also assume that these new ideas made changes that may still be affecting us today.

I would like to look at the shared term of Zachary Taylor and Millard Fillmore to get a sense of how the White House operated before and after Taylor's death. Let's look for changes in leadership style and goals and see if we can guess how things would have been different had Taylor lived.

General Zachary Taylor's war record led him to the White House. His victories in 1847 and 1848 in the Mexican War gained national attention much to the dismay of President James Polk. Polk was not running for re-election in 1848 and had chosen General Winfield Scott as his successor. Trying to give Scott the boost he needed, Polk

replaced Taylor with Scott in the battle that would likely end the war and succeeded only in gaining <sup>Taylor's</sup> ~~Tyler's~~ enmity.

Taylor was born in Virginia in 1784 but was brought to Louisville, Kentucky, when he was eight months old. His family was wealthy, but he was not interested in school, business, education, or politics. He was short, stocky, plain and unassuming, kind and courteous, put no effort in appearance, and the American public could not get enough of "Old Rough and Ready." It is not surprising that the Whigs wanted him to be their candidate in 1848. They had succeeded in a similar situation in 1840 with William Henry Harrison. A problem arose when they found that Taylor was not a Whig and in fact had never affiliated with a political party. He had also never voted in an election, and the closest he came to a political leaning was his hatred for President Polk. He did not want to be a Whig, and he surely did not want to be President. The party's second choice would be Henry Clay, whom the Whigs figured would be a sure loser, so they continued to plead with Taylor. Finally, in April, Taylor signed a letter stating, "I am a Whig but not an ultra-Whig." That was not an overwhelming commitment, but it served their purpose. They had a candidate.

At the convention in Philadelphia, Taylor was nominated on the fourth ballot. In the general election, voters would know that Taylor had 300 slaves, so he appealed to the South; he was a war hero so the North liked him, and he had opposed the annexation of Texas, and northern Whigs liked that. Whig leaders decided they needed a northerner with solid Whig credentials to join Taylor on the ticket. They wanted to solidify the North, but also satisfy Henry Clay supporters, so they chose Millard Fillmore, a legislator from upstate New York, to round out the ticket. They could not have picked

anyone less similar to Taylor. Like Taylor, Fillmore was poorly educated, not because he lacked interest, but because his family was poor. He constantly tried to improve himself. He was tall, handsome, dignified, well-dressed, rose quickly in the legal profession and became politically active in his early twenties. He spent four terms in Congress, but still had rather modest goals. His dream job was Vice President. He hoped to give jobs to friends in New York.

Whigs tried to speak as little as possible during the campaign. Taylor took no part in the campaign and may not have voted. However, the Whigs beat Democrat Lewis Cass with a majority of Taylor's electoral votes coming from northern states. When Taylor assumed office in March, 1849, most people thought they knew where his sentiments lay. He owned slaves and would consequently have a Southern bias. But he surprised them. His years as a soldier caused him to see the country not as a slaveholder might but as a Unionist would.

The biggest problem facing the new administration was how to handle slavery in the territory the United States had received after the war with Mexico. Five key problems were identified. The first was what to do about California. The population had grown quickly in California during the Gold Rush, and most of the new people were from northern states. When California was admitted to the Union, it would be as a free state, and that would destroy the balance of power in the U.S. Senate. The second issue was New Mexico which because of its sparse population would enter as a free state. Also Texas, a state since 1845, lay claim to part of New Mexico and was willing to fight if these claims were not honored. The third problem was the Utah territory. Much like New Mexico, the population was small, and slavery probably would not thrive, so we

could see a third free state. The fourth subject of contention was The Fugitive Slave Act of 1793. This act allowed slave owners to track down fugitive slaves, get a certificate of removal, and take them home. Many Northern states refused to comply, and slave owners wanted to force compliance. The fifth issue concerned the slave trade in Washington, D.C. Northerners wanted to remove this blight from our Capital.

President Taylor had a plan, and it did not please the South. Taylor addressed three of the five problems, but the end result would still be three new free states. To say that Congress was divided would be an understatement. Opinions ranged from completely restricting slavery in the new territories to a hard-line Southern faction threatening disunion. Finally, on January 29, 1850, Henry Clay, who had recently returned to Washington and was now in the Senate, offered a proposal. With the Clay plan, California would become a state, and New Mexico and Utah would become territories all with no action on slavery. Texas would be paid to drop its claims on New Mexico, and slave trade would be abolished in D.C., but slavery would be allowed there. Clay also called for an effective fugitive slave law and an end to congressional jurisdiction over domestic slave trade. The Senate debated Clay's plan for a month, but still could not agree. Next the Senate formed the Committee of Thirteen with Clay as chairman. The major change in the committee bill was the acceptance of California as a free state. That was not enough for Taylor who opposed the bill on substance but also had grown suspicious of Clay whom he believed was trying to gain control of the Whig Party. The vote on the bill looked close. In fact, it looked like the Vice President might need to break a tie in the Senate, and in July, Fillmore sent a note to Taylor, letting the

President know that he might vote in favor of the bill. Then on July 4th, the President became ill and died five days later.

Millard Fillmore was now President of the United States, an office he did not seek and a job he did not feel capable of doing. Fillmore then fired every member of Taylor's Cabinet. In his defense, the Cabinet had not performed well, but the firing was personal. Fillmore felt the Cabinet had shut him out for sixteen months. He also tried to limit the influence of William Seward and Thurlow Weed, the Senators from New York who controlled patronage in their state. Freesoilers and antislavery Whigs also felt the sting of the change in the administration. Perhaps Jefferson Davis felt the loss of Taylor more than anyone. Without his former father-in-law to contain him, Davis's sectionalism grew.

With the change in the White House, Clay was now confident that his Omnibus Bill (the compromise bill from his committee) would pass. But it was just too large. There was something in there for everyone to hate. On July 31, Jefferson Davis spoke in the Senate against the bill, and amendments followed. Soon a territorial government in Utah was the only thing left. Clay's Compromise of 1850 was sunk. But Stephen Douglas realized that parts of the compromise might be salvaged. He broke the bill down and pushed it through the Senate as smaller pieces of legislation. California statehood passed the Senate on August 13, and the New Mexico bill two days later. On August 26, a revised fugitive slave law passed. On September 9th, the President signed the California, New Mexico and Utah bills, but he hesitated to sign the fugitive slave law. He hated the thought of enforcing a law that he considered unfair, but he feared that his failure to do so would lead to secession. On September 18th, he signed

the fugitive bill, and a few days later signed the bill banning slave trade in Washington, D.C.

So, let's take a look and see if things would have been different if Zachary Taylor had not died in office. We know that Taylor would have fought the Omnibus Bill, not just because of the Fugitive Slave Act, but because of his contempt for Clay, and we know that he would have opposed and probably vetoed the Fugitive Slave Act that Douglas put together. Taylor, combative as ever, certainly did not fear a war with the South and did intend to run for a second term. Could he have maintained his friendship with Jefferson Davis when his every move seemed to favor the abolitionist North? Probably not. If Taylor had been re-elected in 1852 instead of pro-slavery Democrat Franklin Pierce, it is easy to see that the South might have viewed that much like they did the ascension of Lincoln in 1860. Maybe we would be marking the start of the Civil War eight years earlier.

Assuming that the war lasted four years and that the North won, that would have eliminated notable legislation like the Kansas-Nebraska Act and Supreme Court rulings like Dred Scott. Utah and New Mexico may have become states decades earlier. Ulysses S. Grant may not have become a war hero and certainly would not have been President of the United States. In our scenario, Taylor would be elected instead of Franklin Pierce in 1852, but who would have won in 1856? Certainly not Democrat James Buchanan. After the war, a Democrat would not be elected until 1884. Millard Fillmore would have been in a strong position as a two-term Whig Vice President, but he never wanted to be President. The Whigs were the dominant party of the day, particularly under our scenario where they would have won three of the last four