

XMUN

Historic United States Congress

## STUDY GUIDE

# CONTENTS

Address of the Executive Board .....	03
--------------------------------------	----

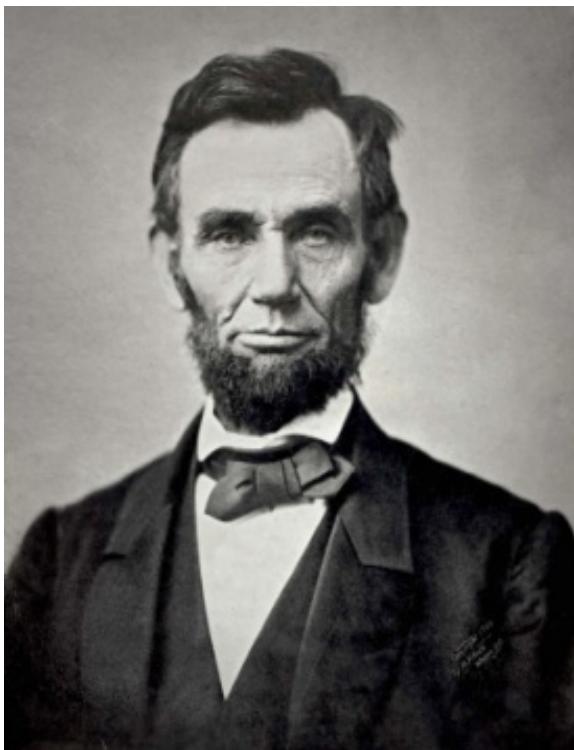
# **Historic**

# **United States Congress**

## **(House of Representatives, 1864)**

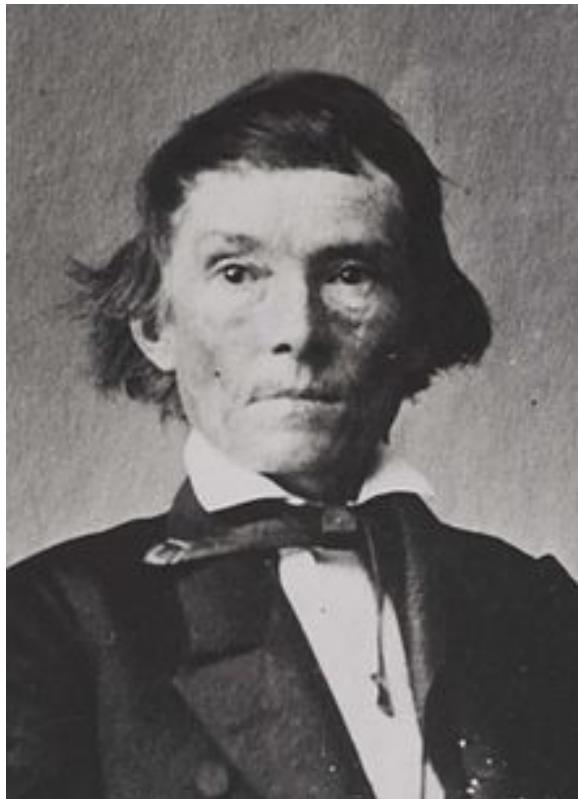
### **Agendum: Abolition of Slavery**

**(Speaker: Kanishk Gomes)**



*"A house divided against itself cannot stand. I believe this government cannot endure, permanently, half slave and half free. I do not expect the Union to be dissolved — I do not expect the house to fall — but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward, till it shall become lawful in all the States, old as well as new — North as well as South"*

- Abraham Lincoln,  
President,  
United States of America.



*"Our new Government is founded upon exactly the opposite ideas; its foundations are laid, its cornerstone rests, upon the great truth that the Negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition"*

- Alexander Stephens ,  
Vice President,  
Confederate States of America.

# SECTION A: POLITICAL - LEGAL

## Political Structure:



### A: General Introduction

The United States House of Representatives is one of the two houses of the United States Congress (a bicameral legislature). It is frequently referred to as The House. The other house is the Senate. The composition and powers of the House are established in Article One of the United States Constitution. The major power of the House is to pass federal legislation that affects the entire country, although its bills must also be passed by the Senate and further agreed to by the U.S. President before becoming law (unless both the House and Senate re-pass the legislation with a two-thirds majority in each chamber). The House has some exclusive powers: the power to initiate revenue bills, to impeach officials (impeached officials are subsequently tried in the Senate), and to elect the U.S. President in case there is no majority in the Electoral College. Each U.S. state is represented in the House in proportion to its population as measured in the census, but every state is entitled to at least one representative.

The Speaker of the House, who presides over the chamber, is elected by the members of the House, and is therefore traditionally the leader of the House Democratic Caucus or the House Republican Conference, whichever party has more voting members.

## B: Legislative Functions



The chief job of the House of Representatives—aka, “the House”—is to represent the interests of the people—those American citizens that vote and elect each representative. Compare this to the role of the Senate: to represent the interests of each *state*.

Article I of the U.S. Constitution, defines the unique powers of both the Senate and the House. Despite the fact that there is some overlap in responsibility, there are key differences in powers.

According to the Constitution the U.S. House of Representatives has the following key powers:

- Power to set in motion impeachment proceedings (it is up to the Senate to bring those proceedings into a trial setting).
- Power to elect the President of the United States. This would only happen if electoral votes were tied. The Senate has the power to do the same with the office of Vice President. Of course it cannot choose randomly, but must select from candidates with the most electoral votes.
- Power to introduce laws and legislation that specifically deal with revenue and taxes. Because revenue and taxes are issues closely related to their constituents or the people that voted for them, the House is granted the power to introduce these.
- Power to introduce laws and legislation other than revenue-related, but this is

also a power shared with the Senate.

- Power to participate in Joint Committees alongside senate members, such as the Joint Committee on Taxation or Joint Economic Committee.

#### Note on Limits

One way to limit the power of the new Congress under the Constitution was to be specific about what it could do. These enumerated, or listed, powers were contained in Article I, Section 8—the great laundry list of congressional chores. These included: to lay and collect taxes; pay debts and borrow money; regulate commerce; coin money; establish post offices; protect patents and copyrights; establish lower courts; declare war; and raise and support an Army and Navy. But the very end of this list contained one more power: to make all laws “necessary and proper” to carry out the enumerated powers. Also known as the Elastic Clause, this phrase allowed Congress to stretch its enumerated powers a bit to fit its needs. For instance, in *McCulloch v. Maryland* (1819), the Supreme Court ruled that under the Necessary and Proper Clause Congress had the power to establish a national bank to carry out its powers to collect taxes, pay debts, and borrow money. Broad interpretation of the Elastic Clause has allowed expanded Congressional power.

## C: Federalism: History



Federalism is one of the most important and innovative concepts in the U.S. Constitution, although the word never appears there. Federalism is the sharing of power between national and state governments. In America, the states existed first, and they struggled to create a national government. The U.S. Constitution is hardwired with the tensions of that struggle, and Americans still debate the proper role of the national government versus the states. Chief Justice John Marshall, the longest-serving leader of the Supreme Court, noted that this question “is perpetually arising, and will probably continue to arise, as long as our system shall exist.”

E Pluribus Unum: out of many states, one nation. In 1776, the newly independent states acted like 13 quarreling brothers and sisters. These “united” states had vast differences in history, geography, population, economy, and politics. Each state wanted all the powers of sovereign nations: to make treaties, receive ambassadors, coin money, regulate commerce. But they had to give up some of those powers in order to survive on the world stage. To that end, they agreed to the Articles of Confederation, the first constitution of the United States. It created a “firm league of friendship” among the states, along with a legislature of very limited powers. Congress was very weak: it could wage war and negotiate peace, but not raise taxes to pay for either. Each state had one vote in Congress, and any changes to the Articles required unanimous consent.

After the war ended in 1783, strains in the union reemerged, and the country was in danger of falling apart. The states could not agree on how to pay Revolutionary War soldiers, and many veterans returned home to farms saddled with debt and taxes. In 1786-87, as part of an uprising known as Shays' Rebellion, farmers in western Massachusetts closed the courts to prevent foreclosure on their farms. Also, the states themselves were not inclined to obey the peace treaty they had just signed with Great Britain. As George Washington noted in 1786: *“If you tell the Legislatures they have violated the treaty of peace and invaded the prerogatives of the confederacy they will laugh in your face.”* He added: “What a triumph for the advocates of despotism to find that we are incapable of governing ourselves.”

Faced with the very real problems of a weak central government, Congress issued a resolution in February 1787 calling for a convention to amend the Articles of Confederation. But at the Philadelphia convention, which opened on May 25, 1787, delegates quickly began to consider an entirely new form of government, federalism, which shared power between the states and a more robust central government with truly national powers.

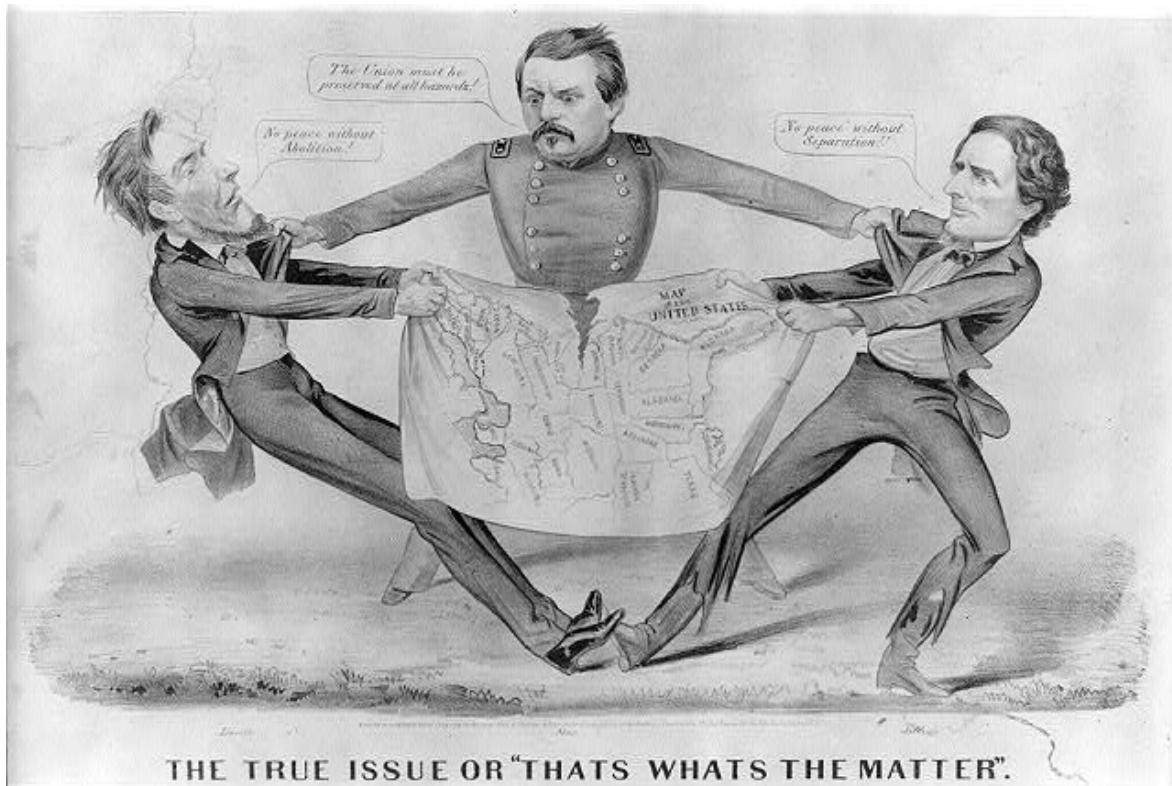
Two alternative plans were developed in Convention. The nationalist majority, soon to be called "Federalists," put forth the Virginia Plan, a consolidated government based on proportional representation among the states by population. The "old patriots," later called "Anti-Federalists," advocated the New Jersey Plan, a purely federal proposal, based on providing each state with equal representation. The Connecticut Compromise allowed for both plans to work together. Other controversies developed regarding slavery and a Bill of Rights in the original document.

On September 17, 1787, the delegates approved and signed an entirely new Constitution for the United States of America. Once approved by the people, the Constitution's federal system would create a unique solution to sharing power among the states and the national government. Even George Washington admitted that the Constitution was not perfect, but rather--in the words of its Preamble--the next step in "a more perfect union."

The drafted Constitution was submitted to the Confederation Congress. It in turn forwarded the Constitution as drafted to the states for ratification by the Constitutional method proposed. The Federalist Papers provided background and justification for the Constitution. Some states agreed to ratify the Constitution only if the amendments that were to become the Bill of Rights would be taken up immediately by the new government, and they were duly proposed in the first session of the First Congress.

This new government had executive and judicial powers, along with expanded legislative authority. Unlike the Confederation, states in the new legislature would not be represented equally. Instead, big states with large populations exercised more power in Congress. Slaveholding states were allowed to count three-fifths of their enslaved population for representation and taxation purposes. To count slaves fully would only have increased the political power of slave states.

## D: Federalism: State Powers



### Introduction

In American political discourse, states' rights refers to political powers reserved for the U.S. state governments rather than the federal government according to the United States Constitution, reflecting especially the enumerated powers of Congress and the Tenth Amendment. The enumerated powers that are listed in the Constitution include exclusive federal powers, as well as concurrent powers that are shared with the states, and all of those powers are contrasted with the reserved powers — also called states' rights — that only the states possess.

### Supremacy Clause

The Supremacy Clause of Article Six, U.S. Constitution states:

*"This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority*

*of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding."*

Note on Limits:

The Supremacy Clause only applies if the federal government is acting in pursuit of its constitutionally authorized powers, as noted by the phrase "in pursuance thereof"

In The Federalist Papers, ratification proponent Alexander Hamilton explained the limitations this clause placed on the proposed federal government, describing that acts of the federal government were binding on the states and the people therein only if the act was in pursuance of constitutionally granted powers, and juxtaposing acts which exceeded those bounds as "void and of no force":

*"But it will not follow from this doctrine that acts of the large society which are not pursuant to its constitutional powers, but which are invasions of the residuary authorities of the smaller societies, will become the supreme law of the land. These will be merely acts of usurpation, and will deserve to be treated as such. " – Hamilton, Federalist Papers*

## E: Federalism: Compact Theory



Regarding the Constitution of the United States, the compact theory holds that the country was formed through a compact agreed upon by all the states, and that the federal government is thus a creation of the states . Consequently, states should be the final arbiters over whether the federal government had overstepped the limits of its authority as set forth in the compact.

Leading proponents of this view of the U.S. Constitution primarily originated from Virginia and other southern states .Notable proponents of the theory include Thomas Jefferson] St. George Tucker, John Taylor of Caroline and Abel P. Upshur.

In the years before the Civil War, the compact theory was used by southern states to argue that they had a right to nullify federal law and to secede from the union. For example, during the Nullification Crisis of 1828-1832, John C. Calhoun argued in his South Carolina Exposition and Protest that the states, as the parties to a compact, had the right to judge for themselves whether the terms of the compact were being honored. Calhoun described this "right of judging" as "an essential attribute of sovereignty," which the states retained when the Constitution was formed. Calhoun

said the states had the right to nullify, or veto, any laws that were inconsistent with the compact.

When the southern states seceded in 1860-61, they relied on the compact theory to justify secession. The southern states argued that the northern states had violated the compact by undermining and attacking the institution of slavery and the slaveholders' property rights in their slaves. The southern states stated that they therefore were justified in withdrawing from the compact among the states

However we should also remember that these very principles of the Compact theory were used by states like Wisconsin in cases like *Abelman v. Booth* to defend the right of the state of Wisconsin to nullify the Fugitive Slave Law which made it compulsory for individuals in northern states to aid and abet slavery by forcing them to return runaway slaves to their estates .

## Arguments in Favor of the Theory

### 1. Principles of '98

The Principles of '98 refer to the American political position that individual states could judge the constitutionality of central government laws and decrees, and could refuse to enforce laws deemed unconstitutional. This refusal to enforce unconstitutional laws is generally referred to as "nullification," but has also been expressed as "interposition," i.e. the states' right to "interpose" between the federal government and the people of the state. The principles were widely promoted in Jeffersonian Democracy. Especially by the Quids, such as John Randolph of Roanoke.

The term derives from the Virginia and Kentucky Resolutions written in 1798 by James Madison and Thomas Jefferson, respectively. This vocal segment of the "Founding Fathers" believed that if the central government was the exclusive judge of its limitations under the U.S. Constitution, then it would eventually overcome those limits and become more and more powerful and authoritarian. They argued that formal limiting devices such as elections and separation of power would not suffice if the government could judge its own case regarding constitutionality. As Jefferson wrote,

*"When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated."*

A prominent use of the **Principles of '98** was in opposing the central government's Fugitive Slave Laws, which forced people to aid and abet slavery, in particular the return of runaways.

#### (Note on Limits)

The Principles of '98 were not adopted by any other state. Seven state legislatures formally rejected the Kentucky and Virginia Resolutions, and three others expressed disapproval. Several of these states asserted that the federal judiciary, not the states, is the proper forum for interpreting the Constitution)

### Report of 1800

The Report of 1800 was a resolution drafted by James Madison arguing for the sovereignty of the individual states under the United States Constitution and against the Alien and Sedition Acts. Adopted by the Virginia General Assembly in January 1800, the Report amends arguments from the 1798 Virginia Resolutions and attempts to resolve contemporary criticisms against the Resolutions.

The Report made the argument in favor of the sovereignty of the individual states, for which it is best known. The basic message was that the states were the ultimate parties constituting the federal compact, and that therefore the individual states were ultimate arbiters of whether the compact had been broken by the usurpation of power. This doctrine is what is known as the compact theory. It was the presence of this argument in the Resolutions that had allowed the Federalists to paint the Democratic-Republicans as leaning toward secession; in the amended Report the line is moderated, with an emphasis that it is the states as political societies of the people (and therefore, one reads in, not the state legislatures alone) which possess this power. Either formulation would help the Democratic-Republican cause by refuting the finality of any constitutional interpretation advanced by the Congress and federal judiciary, both of which were dominated by Federalists.

### (Note on Limits)

In defense of Virginia Democratic-Republicans and the Resolutions, Madison emphasized that even if one disagreed with the compact theory, the Virginia Resolutions and the Report of 1800 themselves were simply protests, which states were surely entitled to produce. Madison indicated that a declaration of unconstitutionality would be an expression of opinion, with no legal force).

## Arguments Against the Theory

Others have taken the position that the federal government is not a compact among the states, but instead was formed directly by the people, in their exercise of their sovereign power. The people determined that the federal government should be superior to the states. Under this view, the states, which are not parties to the Constitution, do not have the right to determine for themselves the proper scope of federal authority, but instead are bound by the determinations of the federal government. The state of Vermont took this position in response to the Kentucky Resolutions.

The leading nineteenth century commentary on the Constitution, Justice Joseph Story's *Commentaries on the Constitution of the United States* (1833), likewise rejected the compact theory, concluding that the Constitution was established directly by the people, not by the states, and that it constitutes supreme law, not a mere compact.

## F: Federalism : Case Studies

### Chisholm v. Georgia (1793)

In one of the Supreme Court's first significant decisions, Chisholm v. Georgia (1793), Chief Justice John Jay stated that the Constitution was established directly by the people. Jay noted the language of the Preamble of the Constitution, which says that the Constitution was ordained and established by "We the people," and stated: "Here we see the people acting as sovereigns of the whole country, and, in the language of sovereignty, establishing a Constitution by which it was their will that the State governments should be bound."

### Martin v. Hunter's Lessee (1816)

In Martin v. Hunter's Lessee (1816), the Supreme Court explicitly rejected the idea that the Constitution is a compact among the states, stating: "The Constitution of the United States was ordained and established not by the States in their sovereign capacities, but emphatically, as the preamble of the Constitution declares, by 'the people of the United States.'" The Court contrasted the earlier Articles of Confederation with the Constitution, characterizing the Articles of Confederation as a compact among states, while stating that the Constitution was established not by the states, but by the people.

### McCulloch v. Maryland (1819)

The balance of federal powers and those powers held by the states as defined in the Supremacy Clause of the U.S. Constitution was first addressed in the case of McCulloch v. Maryland (1819). The Court's decision by Chief Justice John Marshall asserted that the laws adopted by the federal government, when exercising its constitutional powers, are generally paramount over any conflicting laws adopted by state governments. After McCulloch, the primary legal issues in this area concerned

the scope of Congress' constitutional powers, and whether the states possess certain powers to the exclusion of the federal government, even if the Constitution does not explicitly limit them to the states.

### Gibbons v. Ogden (1824)

Gibbons v. Ogden (1824) was another influential case involving the supremacy clause. The state of New York had granted Aaron Ogden a monopoly over the steamboat business in the Hudson River. The other party, Thomas Gibbons, had obtained a federal permit under the Coastal Licensing Act to perform the same task. The Supreme Court upheld the federal permit. John Marshall wrote, "The nullity of an act, inconsistent with the Constitution, is produced by the declaration, that the Constitution is the supreme law. The appropriate application of that part of the clause which confers the same supremacy on laws and treaties, is to such acts of the State legislatures as do not transcend their powers, but though enacted in the execution of acknowledged State powers, interfere with, or are contrary to the laws of Congress, made in pursuance of the Constitution, or some treaty made under the authority of the United States. In every such case, the act of Congress, or the treaty, is supreme; and the law of the State, though enacted in the exercise of powers not controverted, must yield to it.

### "Dred Scott v. Sandford (1857)



Dred Scott v. Sandford, (1857), was a landmark decision by the U.S. Supreme Court in which the Court held that African Americans, whether enslaved or free, could not be

American citizens and therefore had no standing to sue in federal court, and that the federal government had no power to regulate slavery in the federal territories acquired after the creation of the United States. Dred Scott, an enslaved African American man who had been taken by his owners to free states and territories, attempted to sue for his freedom. In a 7–2 decision written by Chief Justice Roger B. Taney, the Court denied Scott's request.

Despite the conclusion that the Court lacked jurisdiction, however, it went on to decide the second question of the decision the provisions of the Missouri Compromise declaring it to be free territory were beyond Congress's power to enact. The Court rested its decision on the grounds that Congress's power to acquire territories and create governments within those territories was limited solely to the Northwest Territories, not Louisiana territory, which was acquired well after the signing of the Constitution.

Parrying the Constitution's Article IV, Section 3 ("The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States"), Taney argued that the clause immediately following protected permanent states — those that eventually arose from temporary territories — from those very Rules and Regulations: "...and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

"The Court also held that the Fifth Amendment barred any law that would deprive a slaveholder of his property, such as his slaves, upon the incidence of migration into free territory.

This was the second time in United States history that the Supreme Court had found an act of Congress to be unconstitutional. (The first time was 54 years earlier in *Marbury v. Madison*).

### Ableman v. Booth (1859): Wisconsin Supreme Court

In 1854, abolitionist editor Sherman Booth was arrested for violating the Fugitive

Slave Act ,when he helped incite a mob to rescue an escaped slave,Joshua Glover, in Wisconsin from US Marshal Stephen V. R. Ableman. Booth sought a writ of habeas corpus from a Wisconsin state judge. The Wisconsin judge granted the writ, Booth from federal custody.

*"Resolved, That the government formed by the Constitution of the United States was not the exclusive or final judge of the extent of the powers delegated to itself; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.*

*Resolved, that the principle and construction contended for by the party which now rules in the councils of the nation, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism, since the discretion of those who administer the government, and not the Constitution, would be the measure of their powers; that the several states which formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infractions; and that a positive defiance of those sovereignties, of all unauthorized acts done or attempted to be done under color of that instrument, is the rightful remedy."*

- Wisconsin Supreme Court Ruling , 1859

#### Ableman v. Booth : United States Supreme Court (1859)

Ableman v. Booth,was a United States Supreme Court case in which the Court held that State courts cannot issue rulings on federal law that contradict the decisions of federal courts,overturning the decision by the Supreme Court of Wisconsin. The Supreme Court held that under the Constitution, the federal courts have the final power to decide cases arising under the Constitution and federal statutes, and that the States do not have the power to overturn those decisions. Thus, Wisconsin did not have the authority to nullify federal judgments or statutes.

## G: Role of Speaker



The Speaker of the House is the presiding officer of the chamber. The office was established in 1789 by Article I, Section 2 of the United States Constitution, which states in part, "The House of Representatives shall choose their Speaker..."

Unlike some Westminster system parliaments, in which the office of Speaker is considered non-partisan, in the United States, the Speaker of the House is a leadership position and the office-holder actively works to set the majority party's legislative agenda.

The Constitution does not spell out the political role of the Speaker. As the office has developed historically, however, it has taken on a clearly partisan cast, very different from the speakership of most Westminster-style legislatures, such as the Speaker of

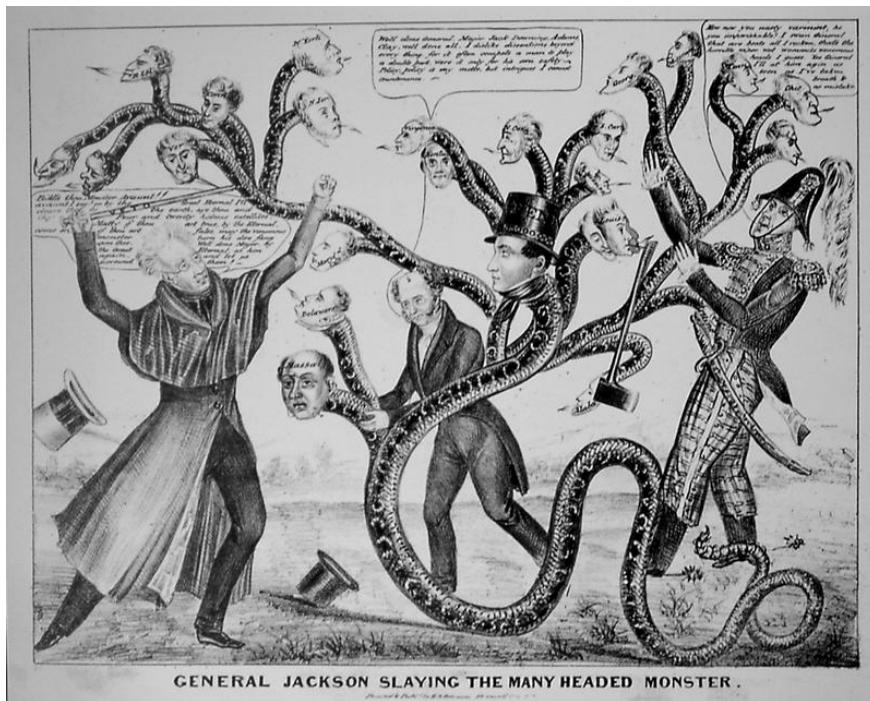
the British House of Commons, which is meant to be scrupulously non-partisan. The Speaker in the United States, by tradition, is the head of the majority party in the House of Representatives, outranking the Majority Leader. However, despite having the right to vote, the Speaker usually does not participate in debate and rarely votes.

The Speaker is responsible for ensuring that the House passes legislation supported by the majority party. In pursuing this goal, the Speaker may use his or her power to determine when each bill reaches the floor. They also chair the majority party's steering committee in the House. While the Speaker is the functioning head of the House majority party, the same is not true of the President pro tempore of the Senate, whose office is primarily ceremonial and honorary.

The position of Speaker started to gain its partisan role and its power in legislative development under Henry Clay (1811–1814, 1815–1820, and 1823–1825). In contrast to many of his predecessors, Clay participated in several debates, and used his influence to procure the passage of measures he supported—for instance, the declaration of the War of 1812, and various laws relating to Clay's "American System" economic plan. Furthermore, when no candidate received an Electoral College majority in the 1824 presidential election causing the President to be elected by the House, Speaker Clay threw his support to John Quincy Adams instead of Andrew Jackson, thereby ensuring Adams' victory.

## H: The Party System

## 1. First Party System (1792 – 1824)



The First Party System is a model of American politics used in history and political science to periodize the political party system existing in the United States between roughly 1792 and 1824.

It featured two national parties competing for control of the presidency, Congress, and the states: the Federalist Party, created largely by Alexander Hamilton, and the rival Jeffersonian Democratic-Republican Party formed by Thomas Jefferson and James Madison and usually called at the time the "Republican Party." The Federalists were dominant until 1800, while the Republicans were dominant after 1800.

Both parties originated in national politics, but soon expanded their efforts to gain supporters and voters in every state. The Federalists appealed to the business community, the Republicans to the planters and farmers. By 1796 politics in every state was nearly monopolized by the two parties, with party newspapers and caucuses becoming especially effective tools to mobilize voters.

The Federalists promoted the financial system of Treasury Secretary Hamilton, which

emphasized federal assumption of state debts, a tariff to pay off those debts, a national bank to facilitate financing, and encouragement of banking and manufacturing. The Republicans, based in the plantation South, opposed a strong executive power, were hostile to a standing army and navy, demanded a strict reading of the Constitutional powers of the federal government, and strongly opposed the Hamilton financial program. Perhaps even more important was foreign policy, where the Federalists favored Britain because of its political stability and its close ties to American trade, while the Republicans admired the French and the French Revolution. Jefferson was especially fearful that British aristocratic influences would undermine republicanism. Britain and France were at war from 1793–1815, with only one brief interruption. American policy was neutrality, with the federalists hostile to France, and the Republicans hostile to Britain. The Jay Treaty of 1794 marked the decisive mobilization of the two parties and their supporters in every state. President George Washington, while officially nonpartisan, generally supported the Federalists and that party made Washington their iconic hero.

The First Party System ended during the Era of Good Feelings (1816–1824), as the Federalists shrank to a few isolated strongholds and the Republicans lost unity. In 1824–28, as the Second Party System emerged, the Republican Party split into the Jacksonian faction, which became the modern Democratic Party in the 1830s, and the Henry Clay faction, which was absorbed by Clay's Whig Party.

## 2. Second Party System ( 1828-1854)



The Second Party System is a term of periodization used by historians and political

scientists to name the political party system operating in the United States from about 1828 to 1854, after the First Party System ended. The system was characterized by rapidly rising levels of voter interest, beginning in 1828, as demonstrated by Election Day turnout, rallies, partisan newspapers, and a high degree of personal loyalty to party.

The major parties were the Democratic Party, led by Andrew Jackson, and the Whig Party, assembled by Henry Clay from the National Republicans and other opponents of Jackson. Minor parties included the Anti-Masonic Party, which was an important innovator from 1827 to 1834; the abolitionist Liberty Party in 1840; and the anti-slavery Free Soil Party in 1848 and 1852. The Second Party System reflected and shaped the political, social, economic and cultural currents of the Jacksonian Era, until succeeded by the Third Party System.

### 3. Third Party System (1854- Present)



As with the preceding Second Party System era, the Third was characterized by intense voter interest, routinely high voter turnout, unflinching party loyalty, dependence on nominating conventions, hierarchical party organizations, and the

systematic use of government jobs as patronage for party workers, known as the spoils system. The major parties were the Republican Party and the Democratic Party and later during the civil war , several smaller parties such as the Union Party and the Unconditional Unionist Party emerged in the border states.

Both parties comprised broad-based voting coalitions. Throughout the North, businessmen, shop owners, skilled craftsmen, clerks and professionals favored the Republicans as did more modern, commercially oriented farmers. In the South, the Republicans won strong support from the Freedmen (newly enfranchised African Americans), but the party was usually controlled by local whites ("scalawags") and opportunistic Yankees ("carpetbaggers.") The race issue pulled the great majority of white southerners into the Democratic Party as Redeemers.

The Democratic Party comprised conservative pro-business Bourbon Democrats, who usually controlled the national convention from 1868 until their great defeat by William Jennings Bryan in 1896. The Democratic coalition comprised traditional Democrats in the North (many of them former Copperheads). They were joined by the Redeemers in the South and by Catholic immigrants, especially Irish American and German Americans. In addition the party attracted unskilled laborers, and hard-scrabble old-stock farmers in remote areas of New England and along the Ohio River valley.

Religious lines were sharply drawn. Methodists, Congregationalists, Presbyterians, Scandinavian Lutherans and otherpietists in the North were tightly linked to the GOP. In sharp contrast, liturgical groups, especially the Catholics, Episcopalians, and German Lutherans, looked to the Democratic Party for protection from pietistic moralism, especially prohibition. While both parties cut across economic class structures, the Democrats were supported more heavily by its lower tiers

The collapse of the Whigs after 1852 left political chaos. Various prohibitionist and nativist movements emerged, especially the American Party, based originally on the secret Know Nothing lodges. It was a moralistic party that appealed to the middle class fear of corruption, which it identified with Catholics, especially the recent Irish immigrants who seemed to bring crime, corruption, poverty and bossism as soon as they arrived. The Republican Party was more driven, in terms of ideology and talent; it surpassed the hapless American Party in 1856. By 1858 the Republicans controlled majorities in every Northern state, and hence controlled the electoral votes for president in 1860.

The ideological force driving the new party was modernization, and opposition to slavery, that anti-modern threat. By 1856 the Republicans were crusading for "Free Soil, Free Labor, Fremont and Victory." The main argument was that a "Slave Power" had seized control of the federal government and would try to make slavery legal in the territories, and perhaps even in the northern states. That would give rich slave owners the chance to go anywhere and buy up the best land, thus undercutting the wages of free labor and destroying the foundations of civil society. The Democratic response was to countercrusade in 1856, warning that the election of Republican candidate John C. Frémont would produce civil war. The outstanding leader of the Democrats was Illinois Senator Stephen Douglas – he believed that the democratic process in each state or territory should settle the slavery question. When President James Buchanan tried to rig politics in Kansas Territory to approve slavery, Douglas broke with him, presaging the split that ruined the party in 1860. That year, Northern Democrats nominated Douglas as the candidate of democracy, while the southern wing put up John Breckenridge as the upholder of the rights of property and of states rights, which in this context meant slavery. In the South, ex-Whigs organized an ad-hoc "Constitutional Union" Party, pledging to keep the nation united on the basis of

the Constitution, regardless of democracy, states rights, property or liberty. The Republicans played it safe in 1860, passing over better-known radicals in favor of a moderate border state politician known to be an articulate advocate of liberty. Abraham Lincoln made no speeches, letting the party apparatus march the armies to the polls. Even if all three of Lincoln's opponents had formed a common ticket—quite impossible in view of their ideological differences—his 40 percent of the vote was enough to carry the North and thus win the Electoral College.

# Process for Amending the Constitution

## A. Role of Union Legislature

Article Five of the United States Constitution describes the process whereby the Constitution may be altered. Altering the Constitution consists of proposing an amendment or amendments and subsequent ratification.

*"The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate." – Article V, US Constitution.*

Amendments may be adopted and sent to the states for ratification by either:

Two-thirds (supermajority) of both the Senate and the House of Representatives of the United States Congress;

OR

By a national convention assembled at the request of the legislatures of at least two-thirds of the states.

To become part of the Constitution, an amendment must be ratified by either (as determined by Congress):

The request of legislatures of three-fourths of the states;

OR

State ratifying conventions in three-fourths of the states.

## B. Role of President

The President has no formal role in the constitutional amendment process. Article One provides, "every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives". As previously stated, the Constitution requires the concurrence of at least two-thirds of the members present of both the House of Representatives and the Senate to a joint resolution which proposes a constitutional amendment. In *Hollingsworth v. Virginia* (1798), the Supreme Court held that it is not necessary to place constitutional amendments before the President for signature and, by the same logic, the President is powerless to veto a proposed constitutional amendment.

## C. Ratification : Role of States

After being officially proposed, either by Congress or a national convention of the states, a constitutional amendment must then be ratified by the legislatures of, or by ratifying conventions, in at least three-fourths of the states

Although a proposed amendment is effective after three-fourths of the states ratify it, states have, in many instances, ratified an amendment that has already become law, often for symbolic reasons

# Slavery in the United States

## A. Timeline

### 1787

#### Northwest Ordinance:

On July 13, 1787, the Confederation Congress passed the Northwest Ordinance, which created a territorial government in the Northwest Territory and a system of establishing new states from it (Ohio, Indiana, Illinois, Michigan, and Wisconsin). Article 6 banned slavery or involuntary servitude in the Northwest Territory, except as punishment for crime. It mandated the return of fugitive slaves. The Northwest Ordinance was one of the last acts of Congress under the Articles of Confederation, which would soon be replaced by the U.S. Constitution.

### 1787-1789

#### United States Constitution:

On September 17, 1787, delegates to the Constitutional Convention signed the proposed constitution and sent it to the states for ratification. On June 21, 1788, the Constitution met the ratification requirement of approval by three-quarters of the states. The first congressional and presidential elections under the new constitution were held that fall. The inauguration of George Washington as president and the swearing in of members of the First Congress occurred on March 4, 1789.

In order to avoid controversy between the North and South, the institution of slavery was

not directly mentioned in the text of the original Constitution. However, the document allowed 3/5 of the number of slaves in a state to count toward that state's population for purposes of taxation and representation in the U.S. House. It prohibited Congress from outlawing the importation of slaves from abroad until 1808 (at which time Congress enacted such a ban). It mandated the return of escaped slaves ("Persons held to Service or Labour").

## 1820-1821

### Missouri Compromise:

Under its terms, Missouri entered the Union as a slave state and Maine entered as a free state in order to keep the slave-free state balance even in the U.S. Senate. The Missouri Compromise prohibited slavery in the rest of the Louisiana Purchase (1803) north of the latitude 36° 30'. The territory covered by the law ranged from the Mississippi River to the Rocky Mountains. Speaker of the House Henry Clay was primarily responsible for the successful adoption of the Missouri Compromise by Congress.

## 1850

### Compromise of 1850:

This legislation was designed to settle disputes arising from War with Mexico (1846-1848), particularly those concerning slavery. Senator Henry Clay drafted a bill addressing all aspects of the controversy, but it was unable to gain passage. Senator Stephen Douglas, an Illinois Democrat, divided the measure into separate bills in order to secure congressional majorities on each. Under the Compromise of 1850, California entered the Union as a free state; the Utah Territory and New Mexico Territories were opened to slavery on the basis of popular sovereignty (i.e., territorial voters were allowed to decide the issue); the slave trade (but not slavery) was abolished in the District of Columbia (Washington, D.C.); the fugitive slave law was strengthened; and the slave state of Texas gave up its claim to land in the New Mexico Territory in return for the federal government assuming debts incurred by Texas before it was annexed as a state (1845).

## 1854

### Kansas-Nebraska Act:

In an attempt to spur population growth in the western territories in advance of a transcontinental railroad, Senator Stephen Douglas of Illinois introduced a bill to establish the territories of Kansas and Nebraska. In order to gain Southern support, the bill stipulated that slavery in the territories would be decided by the voters in each territory (“popular sovereignty”). Therefore, the law repealed the Missouri Compromise ban on slavery north of 36° 30' in the lands of the Louisiana Purchase. The Kansas-Nebraska Act of 1854 put the question of slavery in the territories at the center of public debate, which led to the collapse of the Whig Party, gave rise to the anti-slavery-expansion Republican Party, and eventually divided the Democratic Party in 1860.

## 1857

### Dred Scott Case:

The case of Dred Scott v. Sandford involved a slave, Dred Scott, who traveled with his master for several years, first in the free state of Illinois and then in the free territory of Wisconsin. After his master's death, Scott sued for his freedom, arguing that his temporary stay in free territory had made him free. On March 6, 1857, two days after the inauguration of President James Buchanan, the U.S. Supreme Court announced its decision. Writing for the 7-2 majority, Chief Justice Roger Taney declared that Scott was still a slave with no standing to sue; that black Americans (slave or free) were not citizens and did not have civil rights protected by the U.S. Constitution; and that neither territorial governments nor the federal government could ban slavery in the territories. Under the reasoning of Dred Scott, the central plank of the Republican Party platform—that the federal government should ban slavery in the territories—and the Missouri Compromise line (had it not been repealed by the Kansas-Nebraska Act) were not constitutionally permissible.

## November 1860

### Election Results:

On November 6, 1860, Republican Abraham Lincoln was elected president with an Electoral College majority greater than the combined total of his three opponents: 180 for Lincoln to 72 for Southern Democrat John Breckinridge, 39 for Constitutional Unionist John Bell, and 12 for Northern Democrat Stephen Douglas. Lincoln won a plurality of the popular vote, 40% to Douglas's 30%, Breckinridge's 18%, and Bell's 12%.

### December 1860

#### Secession:

On November 10, 1860, the South Carolina legislature became the first to call for a convention to consider seceding from the Union. Delegates were elected on December 6, and the convention opened on December 17. On December 20, 1860, delegates unanimously approved a secession resolution, making South Carolina the first of 11 Southern slave states to leave the Union.

#### Crittenden Compromise:

On December 18, 1860, Senator John Crittenden of Kentucky, proposed six constitutional amendments and four congressional resolutions aimed at appeasing and keeping the slave states in the Union. The proposed constitutional amendments would have: (1) extended the old Missouri Compromise line to California, allowing slavery below and banning it above the line, and protecting slavery from congressional interference; (2) forbidden Congress from banning slavery on federal property in slave states (e.g., military posts); (3) prevented Congress from abolishing slavery in the District of Columbia as long as it was legal in Maryland and Virginia; (4) prohibited Congress from interfering with the interstate slave trade; (5) mandated Congress to compensate directly the owners of runaway slaves; and, (6) made the other five amendments and the 3/5 and fugitive slave

clauses of the Constitution unrepeatable. His congressional resolutions offered stronger protection of the Fugitive Slave Law. The Crittenden Compromise was not acceptable to President-elect Lincoln and most Republicans because it would have expanded slavery into the Western territories and given perpetual protection to the institution.

## February 1861

### Confederate States of America Formed:

From January 9 through February 1, 1861, six Southern slave states—Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas—joined South Carolina in seceding from the Union. Meeting on February 4, 1861, a convention in Montgomery, Alabama, established the Confederate States of America, adopted a constitution (February 8), and elected (February 9) and inaugurated (February 18) Jefferson Davis of Mississippi as president.

---

## March 1861

### Corwin Amendment:

Congressman Charles Francis Adams of Massachusetts introduced a version of a constitutional amendment first drafted by Secretary of State-designate William Henry Seward that would have prohibited future amendments from interfering with slavery already anywhere it existed (i.e., in the South). Congressman Thomas Corwin of Ohio headed the committee that reported the measure to the full House and the proposed amendment thereafter bore his name. The House passed the proposed Corwin Amendment on February 28 by a vote of 133-65 and the Senate approved it on March 2, 24-12. In an unusual move, President James Buchanan signed the measure on March 3, his last day in office (the Constitution does not require presidential approval for proposed amendments). It was ratified by Ohio on May 13, 1861 and by Maryland on January 10,

1862, falling far short of the necessary three-quarters majority. The Corwin Amendment was the originally proposed Thirteenth Amendment and would have protected slavery had it been ratified.

### Presidential Inauguration:

Republican Abraham Lincoln was inaugurated as the sixteenth president of the United States on March 4, 1861.

### April 1861

#### Beginning of the Civil War:

In February 1861, Confederates began seizing federal forts in their states. Major Robert Anderson refused to surrender Fort Sumter, located on a small island off Charleston, to the Confederate state of South Carolina. In early April, President Abraham Lincoln announced he was shipping nonmilitary provisions to Fort Sumter. When Anderson refused to evacuate, the Confederates fired on the fort in the early morning of April 12, marking the beginning of the Civil War. Major Anderson surrendered the next day, and the Confederates assumed control of the fort on April 14. By June 8, four more slave states—Virginia, Arkansas, North Carolina, and Tennessee—had left the Union and joined the Confederacy, making 11 in all.

### May 1861

#### Contrabands:

On May 24, Union General Benjamin Butler refused to comply with the Fugitive Slave Law, which required the return of escaped slaves to their masters. Instead, he labeled runaway slaves arriving at Fort Monroe in southeast Virginia to be “contraband of war” (i.e., seized property) if their masters refused to pledge loyalty to the Union. The contrabands became

laborers for the Union military.

## August 1861

### First Confiscation Act:

On August 6, Congress enacted the First Confiscation Act, which forbid runaway or captured slaves who had been used in the Confederate war effort from being returned to their masters.

### Fremont's Emancipation Order:

On August 30, Union General John C. Fremont declared free all slaves in the Border State of Missouri whose owners who did not swear loyalty to the Union. President Lincoln requested that Fremont modify the order to comply with federal law. When Fremont refused, Lincoln rescinded the emancipation order on September 11.

## December 1861

### Annual Presidential Message to Congress:

On December 3, President Lincoln suggested that Congress set aside money for states voluntarily freeing their slaves and allocate funds to colonize to Liberia, Haiti, or other foreign lands those ex-slaves, contrabands, and possibly free blacks, as well.

## March 1862

### Fugitive Slave Legislation:

On March 13, Congress prohibited, under threat of court-martial, Union military personnel from using forces under their command to return escaped slaves to their masters. The “Additional Article of War,” as it was called, thereby expanded the provisions of the First Confiscation Act, which only forbid the return of slaves used in the Confederate military effort.

## April 1862

### Compensated, Gradual Emancipation:

At the request of President Lincoln, Congress passed a joint resolution on April 10 promising federal funds to any state that passed a gradual emancipation law. No state accepted the offer.

### District of Columbia Emancipation Act:

On April 6, the Senate passed (29-14) a bill abolishing slavery in the nation’s capital of Washington, D.C. The House approved the measure (93-39) on April 11, and President Lincoln signed it into law on April 16. It emancipated over 3000 slaves, compensated owners, and set aside funds for voluntary colonization abroad. It was the only time the federal government compensated former slave-owners for the loss of their slaves.

## May 1862

### Hunter’s Emancipation Order:

On May 9, Union General David Hunter issued an order freeing all the slaves in Florida, Georgia, and South Carolina. On May 19, President Lincoln nullified Hunter’s order, reserving the “war power” of emancipation for himself as commander-in-chief. Lincoln also encouraged slave states to accept the congressional offer of compensation in return for enacting state laws for gradual emancipation.

## June 1862

### Territorial Emancipation Act:

On June 19, Congress banned slavery in the federal territories (current or future), without compensation to former slave owners.

## July 1862

### Second Confiscation Act:

Passed by Congress on July 17, the law included a section freeing all slaves coming under Union military jurisdiction who were owned by rebel masters. The act also authorized the president to use “persons of African descent” in any capacity in the war effort.

### Militia Act:

Also passed by Congress on July 17, the law specifically authorized the president to recruit and use “persons of African descent” as laborers, soldiers, or sailors in the Union military.

### Cabinet Discussion on Emancipation:

On July 22, President Lincoln informed his cabinet that he planned to issue an emancipation proclamation. Since the Union was suffering through a series of military defeats, Secretary of State William Henry Seward convinced Lincoln to wait until after a major Union victory to announce the policy publicly. In that way, it would be based on military strength rather than political desperation in a time of military weakness. Lincoln agreed, and announced the Preliminary Emancipation Proclamation after the Union victory at Antietam in mid-September.

## August 1862

### The Prayer of Twenty Millions:

On August 19, New York Tribune editor Horace Greeley published a public letter to Lincoln, complaining about the president's alleged failure to enforce emancipation under the Second Confiscation Act. On August 22, Lincoln responded to Greeley in a public letter. The president stated that his goal was to preserve the Union, not to save or abolish slavery. He would choose to free all, some, or none of the slaves, if the selected method would help save the Union.

## September 1862

### Preliminary Emancipation Proclamation:

On September 22, following the Union victory at Antietam on September 17, President Lincoln issued the Preliminary Emancipation Proclamation. It warned that if the Confederacy did not surrender by January 1, 1863, he would free all the slaves in Confederate-held territory. The document included a promise to seek federal funds for states enacting compensated emancipation plans (whether gradual or immediate) and for the voluntary colonization abroad of all black Americans. It also indirectly authorized the use of black troops in the Union military.

## December 1862

### Annual Presidential Message to Congress:

On December 1, President Lincoln proposed three constitutional amendments: one for federal compensation to states voluntarily abolishing slavery by 1900; another for federal compensation to slave-owners; and a third authorizing Congress to allocate money for the colonization of American blacks to foreign nations. None of the proposed amendments

were introduced into Congress.

### January 1863

#### Emancipation Proclamation:

On January 1, President Lincoln signed the Emancipation Proclamation. By his “war power” as commander-in-chief, Lincoln declared that all the slaves in Confederate-held territory as of that date were “thenceforward, and forever free.” Excluded from the presidential order were the loyal Border States of Delaware, Maryland, Kentucky, and Missouri; the state of Tennessee (then under Union control); the counties of what would soon become the state of West Virginia, and certain counties in Virginia and Louisiana. The document affirmed that black men would be used in the Union military.

### June 1863

#### Statehood for West Virginia:

On June 20, West Virginia officially became a state under a constitution enacting gradual emancipation. In 1862, the statehood bill had been approved by the U.S. Senate on July 14 and the U.S. House on December 10, and then signed by President Lincoln on December 31. West Virginia voters ratified it on March 26, 1863.

### December 1863

#### Annual Presidential Message to Congress:

On December 8, Lincoln promised not “to retract or modify the Emancipation Proclamation.” Announced in the message, his Reconstruction plan required former Confederate states to accept all congressional and presidential wartime measures dealing with emancipation. Slavery in the Border States was not mentioned.

Abolition Amendments Proposed:

On December 14, Congressman James Ashley, Republican of Ohio, introduced a bill in support of a constitutional amendment to ban slavery in the entire United States. Shortly afterward, Congressman James Wilson, Republican of Iowa, introduced a similar proposal to end slavery by constitutional amendment.

January 1864Abolition Amendment Considered:

On January 11, Senator John Henderson of Missouri, a War Democrat, submitted a joint resolution for an abolition amendment. It was referred to the Senate Judiciary Committee, chaired by Republican Lyman Trumbull of Illinois, which began drafting an amendment from the various proposals.

February 1864Abolition Amendment Proposed:

On February 8, Senator Charles Sumner, Republican of Massachusetts, submitted a constitutional amendment to abolish slavery and guarantee equality under the law.

Thirteenth Amendment Approved bySenate Committee:

On February 10, the Senate Judiciary Committee reported to the full Senate an abolition amendment based upon drafts submitted by Congressmen Ashley and Wilson and Senator Henderson. The final language was similar to that used in the Territorial Emancipation Act (1862) and the Northwest Ordinance (1787).

First House Vote on the Thirteenth Amendment:

On February 15, the first House vote on the proposed Thirteenth Amendment fell far short of the necessary two-thirds majority, with 78 votes in favor and 62 against.

March 1864Abolition in Arkansas:

On March 16, voters in the former Confederate state of Arkansas (then under Union control) ratified a new state constitution abolishing slavery.

April 1864Thirteenth Amendment Approved bythe Senate:

On April 8, the proposed Thirteenth Amendment passed the Senate, 38-6, which was eight votes more than the constitutionally required two-thirds majority.

May 1864Radical Democracy Convention:

Meeting in Cincinnati on May 31, the Radical Democracy endorsed the Thirteenth Amendment and federal protection of civil rights. Delegates nominated a Republican, General John C. Fremont, for president, and a Democrat, former Congressman John Cochrane, for vice president.

June 1864Second House Vote on the Thirteenth Amendment:

The second vote in the U.S. House on the proposed Thirteenth Amendment fell 11 short of the constitutionally necessary two-thirds majority.

July 1864National Union Convention:

Meeting in Baltimore on July 7-8 under the National Union banner, Republicans and a few War Democrats nominated President Abraham Lincoln for a second term and endorsed an abolition amendment in the party platform (without specifically mentioning the proposed Thirteenth Amendment passed by the Senate).

August 1864Democratic National Convention:

Meeting in Chicago on August 29-30, the Democratic Party endorsed a platform calling for a truce and negotiated settlement to end the Civil War. Delegates nominated a War Democrat for president, General George B. McClellan, who later tried to distance himself from the peace plank, and a Peace Democrat for vice president, Congressman George Pendleton.

—

## September 1864

### Slavery Abolished in Louisiana:

On September 5, voters approved a new state constitution for the former Confederate state of Louisiana (then under Union control), which abolished slavery.

## November 1864

### Slavery Abolished in Maryland:

On November 1, a new state constitution, which abolished slavery immediately in the Border State of Maryland, took effect. The state's voters had approved it on September 18.

### Election Results:

On November 8, President Abraham Lincoln was reelected in an Electoral College landslide, 212-21, over Democrat George B. McClellan. Lincoln's popular vote margin was 55%-45%. Republicans also gained seats in Congress to retain commanding control, 149-42 in the House and 42-10 in the Senate.

## December 1864

### Presidential Address to Congress:

On December 6, President Lincoln's annual message to Congress interpreted the result elections as a mandate for swift passage of the Thirteenth Amendment by the outgoing Congress.

## B. Partisan/Factional Positions

### 1. Radical Republicans :

The Radical Republicans were a faction of American politicians within the Republican Party from about 1854 (before the American Civil War). They called themselves "Radicals" and were opposed during the war by the Moderate Republicans (led by Abraham Lincoln), by the Conservative Republicans, and by the pro-slavery Democratic Party.

During the war, Radical Republicans often opposed Lincoln in terms of selection of generals (especially his choice of Democrat George B. McClellan for top command) and his efforts to bring states back into the Union.

The term "radical" was in common use in the anti-slavery movement before the Civil War, referring not to abolitionists but to Northern politicians strongly opposed to the Slave Power.

Many, perhaps a majority, had been Whigs, such as William Seward, a leading presidential contender in 1860 and Lincoln's Secretary of State, Thaddeus Stevens of Pennsylvania, and Horace Greeley, editor of the New York Tribune, the leading radical newspaper. There was movement in both directions: some of the pre-war radicals (such as Seward) became more conservative during the war, while some prewar moderates became Radicals.

In a pamphlet directed to black voters in 1867, the Union Republican Congressional Committee stated:

"the word Radical as applied to political parties and politicians....means one who is in favor

of going to the root of things; who is thoroughly in earnest; who desires that slavery should be abolished, that every disability connected therewith should be obliterated”

Their most successful and systematic leader was Pennsylvania Congressman Thaddeus Stevens in the House of Representatives.

The moderate and conservative Republican factions usually opposed the radicals, but they were not well organized. Lincoln tried to build a multi-faction coalition, including radicals, conservatives, moderates, and War Democrats; while he was often opposed by the Radicals, he never ostracized them.

On issues not concerned with the Slave Power, the destruction of the Confederacy, the eradication of slavery and the rights of the Freedmen, Radicals took positions all over the political map. For example Radicals who had once been Whigs generally supported high tariffs, and ex-Democrats generally opposed them. Some men were for hard money and no inflation, and others were for soft money and inflation. T

After the 1860 elections, moderate Republicans dominated the Congress. Radical Republicans were often critical of Lincoln, who they believed was too slow in freeing slaves and supporting their legal equality. Lincoln put all factions in his cabinet, including Radicals like Salmon P. Chase (Secretary of the Treasury), whom he later appointed Chief Justice of the Supreme Court, James Speed (Attorney General) and Edwin M. Stanton (Secretary of War). Lincoln appointed many Radical Republicans, such as journalist James Shepherd Pike, to key diplomatic positions. Angry with Lincoln, in 1864 some Radicals briefly formed a political party called the Radical Democracy Party with John C. Frémont as their candidate for president, until Frémont withdrew.

The Radical Republicans opposed Lincoln's terms for reuniting the United States during Reconstruction, which began in 1863, which they viewed as too lenient. They proposed an "ironclad oath" that would prevent anyone who supported the Confederacy from voting in

Southern elections; Lincoln blocked it. Radicals passed the Wade-Davis Bill in 1864; Lincoln vetoed it. The Radicals demanded a more aggressive prosecution of the war, a faster end to slavery and total destruction of the Confederacy

## 2. Democratic Copperheads

The Copperheads were a vocal faction of Democrats located in the Northern United States of the Union who opposed the American Civil War, wanting an immediate peace settlement with the Confederates. The Republicans believed Northern Democrats' goal of restoring the Union with slavery was naive and impractical, for the Confederates refused to consider giving up their independence. Republicans started calling antiwar Democrats "Copperheads", likening them to the venomous snake. The Democrats accepted the label, reinterpreting the copper "head" as the likeness of Liberty, which they cut from copper pennies and proudly wore as badges

They comprised the more extreme wing of the "Northern Democrats" and were often informally called "Butternuts" (for the color of the Confederate uniforms). Two of the more famous Copperheads were Democratic congressmen from Ohio: Clement L. Vallandigham and Alexander Long.

During the American Civil War ,the Copperheads nominally favored the Union and strongly opposed the war, for which they blamed abolitionists, and they demanded immediate peace and resisted draft laws. They wanted President Abraham Lincoln and the Republicans ousted from power, seeing the president as a tyrant destroying American republican values with despotic and arbitrary actions.

The Copperheads had numerous important newspapers, but the editors never formed an alliance. In Chicago, Wilbur F. Storey made the Chicago Times into Lincoln's most vituperative enemy. The New York Journal of Commerce, originally abolitionist, was sold to owners who became Copperheads, giving them an important voice in the largest city. A

typical editor was Edward G. Roddy, owner of the Uniontown, Pennsylvania Genius of Liberty. He was an intensely partisan Democrat who saw blacks as an inferior race and Abraham Lincoln as a despot and dunce. Although he supported the war effort in 1861, he blamed abolitionists for prolonging the war and denounced the government as increasingly despotic. By 1864, he was calling for peace at any price

As war opponents, Copperheads were suspected of disloyalty, and their leaders were sometimes arrested and held for months in military prisons without trial. One famous example was General Ambrose Burnside's 1863 General Order Number 38, issued in Ohio, which made it an offence (to be tried in military court) to criticize the war in any way. The order was used to arrest Ohio congressman Clement L. Vallandigham when he criticized the order itself. Lincoln, however, commuted his sentence while requiring his exile to the Confederacy.

Probably the largest Copperhead group was the Knights of the Golden Circle; formed in Ohio in the 1850s, it became politicized in 1861. It reorganized as the Order of American Knights in 1863, and again, early in 1864, as the Order of the Sons of Liberty, with Vallandigham as its commander. One leader, Harrison H. Dodd, advocated violent overthrow of the governments of Indiana, Illinois, Kentucky, and Missouri in 1864. Democratic party leaders, and a Federal investigation, thwarted his conspiracy. In spite of this Copperhead setback, tensions remained high. The Charleston Riot took place in Illinois in March 1864

Most Copperheads actively participated in politics. On May 1, 1863, former Congressman Vallandigham declared the war was being fought not to save the Union, but to free the blacks and enslave Southern whites. The army then arrested him for declaring sympathy for the enemy. He was court-martialed and sentenced to imprisonment, but Lincoln commuted the sentence to banishment behind Confederate lines. The Democrats nevertheless nominated him for governor of Ohio in 1863; he campaigned from Canada, but lost after an intense battle. He operated behind the scenes at the 1864 Democratic convention in Chicago. This convention adopted a largely Copperhead platform, but chose

a pro war presidential candidate, George B. McClellan. The contradiction severely weakened the party's chances to defeat Lincoln.

### 3. War Democrats

War Democrats in American politics of the 1860s were adherents of the Democratic Party who rejected the Copperheads/Peace Democrats who controlled the party. The War Democrats demanded a more aggressive policy toward the Confederacy and supported the policies of Republican President Abraham Lincoln when the Civil War broke out a few months after his win in the 1860 presidential election.

Recognizing the importance of the War Democrats, the Republican Party changed its name for the national ticket in the 1864 presidential election, held during the Civil War. The National Union Party nominated the incumbent president and "former" Republican Lincoln for president and former War Democrat Andrew Johnson for vice president. As a result many War Democrats could support Lincoln's Civil War policies, while avoiding the "Republican" ticket. While a large number of Republican dissidents had maintained an entity separate from the National Union party leading up to the 1864 election, they withdrew their ticket for fear that splitting the vote would allow the Copperhead Democrats and their "peace at all costs" ticket to possibly win the election. The National Union ticket won 42 of 54 available Senate seats and 149 of 193 available House of Representatives seats.

## C. Important Legal Issues

### 1. Corwin Amendment

The Corwin Amendment is a proposed amendment to the United States Constitution passed by the 36th Congress on March 2, 1861 and submitted to the state legislatures for ratification

*"No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State"*

Senator William H. Seward of New York introduced the amendment in the Senate and Representative Thomas Corwin of Ohio introduced it in the House of Representatives. It was one of several measures considered by Congress in an ultimately unsuccessful attempt to attract the seceding states back into the Union and to entice border slave states to stay.

Technically still pending before the states, it would, if ratified, shield "domestic institutions" of the states (which in 1861 included slavery) from the constitutional amendment process and from abolition or interference by Congress

On March 2, 1861, the United States Senate adopted it, with no changes, on a vote of 24 to 12 . Since proposed constitutional amendments require a two-thirds majority, 132 votes were required in the House and 24 in the Senate. The Senators and Representatives from the seven slave states that had already declared their secession from the Union did not vote on the Corwin Amendment. The resolution called for the amendment to be submitted to the state legislatures and to be adopted "when ratified by three-fourths of said

Legislatures".

Its supporters believed that the Corwin Amendment had a greater chance of success in the legislatures of the Southern states than would have been the case in state ratifying conventions, since state conventions were being conducted throughout the South at which votes to secede from the Union were successful—just as Congress was considering the Corwin Amendment.

Out-going President James Buchanan, a Democrat, endorsed the Corwin Amendment by taking the unprecedented step of signing it

Abraham Lincoln, in his first inaugural address, said of the Corwin Amendment:

*"I understand a proposed amendment to the Constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the Federal Government shall never interfere with the domestic institutions of the States, including that of persons held to service....holding such a provision to now be implied constitutional law, I have no objection to its being made express and irrevocable."*

## 2. Wade-Davis Bill

The Wade-Davis Bill of 1864 was a bill proposed for the Reconstruction of the South written by two Radical Republicans, Senator Benjamin Wade of Ohio and Representative Henry Winter Davis of Maryland. In contrast to President Abraham Lincoln's more lenient Ten Percent Plan, the bill made re-admittance to the Union for former Confederate states contingent on a majority in each Southern state to take the Ironclad oath to the effect they had never in the past supported the Confederacy. The bill passed both houses of

Congress on July 2, 1864, but was pocket vetoed by Lincoln and never took effect. The Radical Republicans were outraged that Lincoln did not sign the bill. Lincoln wanted to mend the Union by carrying out the Ten percent plan. He believed it would be too difficult to repair all of the ties within the Union if the Wade–Davis bill passed.

It proposed to base the Reconstruction of the South on the government's power to guarantee a republican form of government. The Wade-Davis Bill was also important for national and congressional power. Although federally imposed conditions of reconstruction retrospectively seem logical, there was a widespread belief that southern Unionism would return the seceded states to the Union after the South's military power was broken. This belief was not fully abandoned until later in 1863. The provisions, critics complained, were virtually impossible to meet, thus making it likely there would be permanent national control over the southern states.

One of Lincoln's objections was to the idea that Southern states needed to "re-join" the Union (an idea that permeated the whole bill). The philosophy of the war from Lincoln's point of view was that the Southern states were not constitutionally allowed to secede in the first place and therefore were still part of the Union, even though their return to a full participation in the Union would require the fulfillment of some conditions. But he didn't think the war was being waged against "treasonous" States as such (since the refusal of the Union to recognize their right to secede made the ordinances of secession null) but merely to "compel the obedience of rebellious individuals". The problem was that the language of the bill was at times undermining the Northern rationale for the war by plainly asserting for instance that the Southern states were not part of the Union anymore.

On a more pragmatic level, Lincoln also feared the bill would sabotage his own reconstruction activities in states like Louisiana, Arkansas, and Tennessee, all of which had seceded but were under Federal occupation and control of Union governments. He believed that Wade–Davis would jeopardize state-level emancipation movements in loyal Border States like Missouri and, especially, Maryland. The bill threatened to destroy the delicate political coalitions which Lincoln had begun to construct between northern and southern moderates. More broadly, it underscored how differently Lincoln and Radical

Republicans viewed the Confederates. The President thought they needed to be coaxed back into peaceful coexistence while Wade–Davis treated them as traitors that needed to be punished. Lincoln ended up killing the bill with a "pocket veto" and it was not resurrected.

### 3. Constitutional Provisions on Slavery

The Constitution of the United States was drafted in 1787, and included several provisions regarding slavery.

- a) Section 9 of Article I forbade the Federal government, from banning the "importation" of persons that an individual state's laws considered "proper to admit" until January 1, 1808, though a tax of ten dollars each was allowed (and which was immediately imposed, after ratification).
- b) Article V prohibited amending those portions of Section 9 before 1808. By prohibiting Federal banning of the slave trade for two decades, Article V effectively protected the trade until 1808, giving the States 20 years to resolve this issue. During that time, planters in states of the Lower South imported tens of thousands of slaves, more than during any previous two decades in colonial history.
- c) As further protection for slavery, the delegates approved Section 2 of Article IV, which prohibited states from freeing slaves who fled to them from another state, and required the return of chattel property to owners.
- d) In a section negotiated by James Madison of Virginia, Section 2 of Article I designated "other persons" (slaves) to be added to the total of the state's free population, at the rate of three-fifths of their total number, to establish the state's official population for the purposes of apportionment of Congressional representation and federal taxation. This increased the power of southern states in Congress for decades, affecting national policies and legislation. The planter elite dominated the southern Congressional delegations and the United States presidency for nearly 50 years.

## 4. Fugitive Slave Act of 1850

The Fugitive Slave Law or Fugitive Slave Act was passed by the United States Congress on September 18, 1850, as part of the Compromise of 1850 between Southern slave-holding interests and Northern Free-Soilers.

This was one of the most controversial elements of the 1850 compromise and heightened Northern fears of a "slave power conspiracy". It required that all escaped slaves were, upon capture, to be returned to their masters and that officials and citizens of free states had to cooperate in this law. Abolitionists nicknamed it the "Bloodhound Law" for the dogs that were used to track down runaway slaves

The Fugitive Slave Law of 1850 penalized officials who did not arrest an alleged runaway slave, and made them liable to a fine of \$1,000 (about \$28,000 in present-day value). Law-enforcement officials everywhere were required to arrest persons suspected of being a runaway slave on as little as a claimant's sworn testimony of ownership. The suspected slave could not ask for a jury trial or testify on his or her own behalf.

In November 1850, the Vermont legislature passed the "Habeas Corpus Law," requiring Vermont judicial and law enforcement officials to assist captured fugitive slaves. This law rendered the federal Fugitive Slave Act effectively unenforceable in Vermont and caused a storm of controversy nationally. It was considered a "nullification" of federal law, a concept popular in the South among states that wanted to nullify other aspects of federal law, and was part of highly charged debates over slavery.

During the war, Union generals such as Benjamin Butler declared that slaves in occupied areas were contraband of war and accordingly refused to return them. This decision was controversial because it implied recognition of the Confederacy as a separate nation under international law, a notion that Lincoln steadfastly denied. As a result, he did not promote the contraband designation. In addition, as contraband, these people were legally

designated as "property" when they crossed Union lines and their ultimate status was uncertain.

## 5. Emancipation Proclamation

The Emancipation Proclamation was a presidential proclamation and executive order issued by President Abraham Lincoln on January 1, 1863. In a single stroke it changed the legal status, as recognized by the United States federal government, of 3 million slaves in the designated areas of the South from "slave" to "free." It had the practical effect that as soon as a slave escaped the control of the Confederate government, by running away or through advances of federal troops, the slave became legally free. Eventually it reached and liberated all of the designated slaves. It was issued as a war measure during the American Civil War, directed to all of the areas in rebellion and all segments of the executive branch (including the Army and Navy) of the United States

It proclaimed the freedom of slaves in the ten states that were still in rebellion. Because it was issued under the President's war powers, it necessarily excluded areas not in rebellion - it applied to more than 3 million of the 4 million slaves in the U.S. at the time. The Proclamation was based on the president's constitutional authority as commander in chief of the armed forces; it was not a law passed by Congress. The Proclamation also ordered that suitable persons among those freed could be enrolled into the paid service of United States' forces, and ordered the Union Army (and all segments of the Executive branch) to "recognize and maintain the freedom of" the ex-slaves. The Proclamation did not compensate the owners, did not outlaw slavery, and did not grant citizenship to the ex-slaves (called freedmen). It made the eradication of slavery an explicit war goal, in addition to the goal of reuniting the Union.

The Emancipation Proclamation outraged white Southerners (and their British sympathizers) who envisioned a race war, angered some Northern Democrats, energized anti-slavery forces, and undermined forces in Europe that wanted to intervene to help the Confederacy. The Proclamation lifted the spirits of African Americans both free and slave. It led many slaves to escape from their masters and get to Union lines to obtain their

freedom.

The Proclamation was immediately denounced by Copperhead Democrats who opposed the war and advocated restoring the union by allowing slavery. Horatio Seymour, while running for the governorship of New York, cast the Emancipation Proclamation as a call for slaves to commit extreme acts of violence on all white southerners, saying it was "a proposal for the butchery of women and children, for scenes of lust and rapine, and of arson and murder, which would invoke the interference of civilized Europe"

Initially, the Emancipation Proclamation effectively freed only a small percentage of the slaves, those who were behind Union lines in areas not exempted. Most slaves were still behind Confederate lines or in exempted Union-occupied areas. Secretary of State William H. Seward commented, "We show our sympathy with slavery by emancipating slaves where we cannot reach them and holding them in bondage where we can set them free." Had any slave state ended its secession attempt before January 1, 1863, it could have kept slavery, at least temporarily. The Proclamation only gave the Lincoln Administration the legal basis to free the slaves in the areas of the South that were still in rebellion on January 1, 1863.

#### Note on Limits

The Proclamation applied only to slaves in Confederate-held lands; it did not apply to those in the four slave states that were not in rebellion (Kentucky, Maryland, Delaware, and Missouri, which were unnamed), nor to Tennessee (unnamed but occupied by Union troops since 1862) and lower Louisiana (also under occupation), and specifically excluded those counties of Virginia soon to form the state of West Virginia. Also specifically excluded (by name) were some regions already controlled by the Union army. Emancipation in those places would come after separate state actions and/or the December 1865 ratification of the Thirteenth Amendment, which made slavery and indentured servitude, except for those duly convicted of a crime, illegal everywhere subject to United States jurisdiction.

# Section B:

## Socio-Economic

### **Introduction**

*"Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty, or give me death!"—Patrick Henry, Speech in the Virginia Convention, March, 1775.*

The Socio-Economic Impact of slavery is a much wider aspect that has views and observations both positive and negative. Economically, slavery was at the heart of American expansion during the first half of the nineteenth century. After Eli Whitney developed the cotton gin, plantation slavery boomed. Southern planters and would-be planters looked westward for new lands, and the internal slave trade from the Upper South supplied hundreds of thousands of slaves to fertile cotton lands in Alabama, Mississippi, Louisiana and Texas. Despite a number of financial panics that caused prices to plunge in

the short term, the overall trend for cotton prices was a rapid increase, as was the price of the slaves that worked to harvest the crop. By the time of the Civil War, cotton made up the vast majority of total US exports. All of this was based on chattel slavery. In terms of society, slavery at first gave whites an opportunity to invest capital in a form of labor that could not only bring them riches, but could also allow them some degree of social respect. Slavery was the key to white democracy in the South, at least until the late midcentury, when rising prices meant that a decreasing percentage of white society had access to slaves. Indeed, by the time the war broke out, some southerners were beginning to argue that slavery depressed wages and limited economic opportunities for whites. Politically, the dispute over the expansion of slavery into the western territories, which was essentially about the degree to which white slaveholding southerners could use their power to ensure protection for the institution, tore the Union apart. Rising abolitionist (or anti-slavery, which was not the same thing) sentiment in the North caused many Northern politicians to view Southern actions as increasingly less tolerable. As almost every one of the secession ordinances for the Lower South states said explicitly, they left the Union to protect the institution of slavery, which they saw as being under siege from the North.

## Brief History

African peoples were captured and transported to the Americas to work. Most European colonial economies in the Americas from the 16th through the beginning of this century were dependent on enslaved African labor for their survival. According to European colonial officials, the abundant land they had "discovered" in the Americas was useless without sufficient labor to exploit it. Slavery systems of labor exploitation were preferred, but neither European nor Native American sources proved adequate to the task.

The trans-Saharan slave trade had long supplied enslaved African labor to work on sugar plantations in the Mediterranean alongside white slaves from Russia and the Balkans. This same trade also sent as many as 10,000 slaves a year to serve owners in North Africa, the Middle East, and the Iberian Peninsula.

Having proved themselves competent workers in Europe and on nascent sugar plantations on the Madeira and Canary Islands off the coast of Africa, enslaved Africans became the labor force of choice in the Western Hemisphere—so much so that they became the overwhelming majority of the colonial populations of the Americas.

Of the 6.5 million immigrants who survived the crossing of the Atlantic and settled in the Western Hemisphere between 1492 and 1776, only 1 million were Europeans. The remaining 5.5 million were African. An average of 80 percent of these enslaved Africans—men, women, and children—were employed, mostly as field-workers. Women as well as children worked in some capacity. Only very young children (under six), the elderly, the sick, and the infirm escaped the day-to-day work routine.

More than half of the enslaved African captives in the Americas were employed on sugar plantations. Sugar developed into the leading slave-produced commodity in the Americas. During the 16th and 17th centuries, Brazil dominated the production of sugarcane. One of the earliest large-scale manufacturing industries was established to convert the juice from the sugarcane into sugar, molasses, and eventually rum, the alcoholic beverage of choice of the triangular trade.

Ironically, the profits made from the sale of these goods in Europe, as well as the trade in these commodities in Africa, were used to purchase more slaves.

The invention of the cotton gin in 1793 gave slavery a new life in the United States. Between 1800 and 1860, slave-produced cotton expanded from South Carolina and Georgia to newly colonized lands west of the Mississippi. This shift of the slave economy from the upper South (Virginia and Maryland) to the lower South was accompanied by a comparable shift of the enslaved African population to the lower South and West.

After the abolition of the slave trade in 1808, the principal source of the expansion of slavery into the lower South was the domestic slave trade from the upper South. By 1850, 1.8 million of the 2.5 million enslaved Africans employed in agriculture in the United States were working on cotton plantations.

The vast majority of enslaved Africans employed in plantation agriculture were field hands. Even on plantations, however, they worked in other capacities. Some were domestics and worked as butlers, waiters, maids, seamstresses, and launderers. Others were assigned as carriage drivers, hostlers, and stable boys. Artisans—carpenters, stonemasons, blacksmiths, millers, coopers, spinners, and weavers—were also employed as part of plantation labor forces.

Enslaved Africans also worked in urban areas. Upward of ten percent of the enslaved African population in the United States lived in cities. Charleston, Richmond, Savannah, Mobile, New York, Philadelphia, and New Orleans all had sizable slave populations. In the southern cities they totaled approximately a third of the population.

The range of slave occupations in cities was vast. Domestic servants dominated, but there were carpenters, fishermen, coopers, draymen, sailors, masons, bricklayers, blacksmiths, bakers, tailors, peddlers, painters, and porters. Although most worked directly for their owners, others were hired out to work as skilled laborers on plantations, on public works projects, and in industrial enterprises. A small percentage hired themselves out and paid their owners a percentage of their earnings.

Each plantation economy was part of a larger national and international political economy. The cotton plantation economy, for instance, is generally seen as part of the regional economy of the American South. By the 1830s, "cotton was king" indeed in the South. It was also king in the United States, which was competing for economic leadership in the global political economy. Plantation-grown cotton was the foundation of the antebellum southern economy.

But the American financial and shipping industries were also dependent on slave-produced cotton. So was the British textile industry. Cotton was not shipped directly to Europe from the South. Rather, it was shipped to New York and then transshipped to England and other centers of cotton manufacturing in the United States and Europe.

As the cotton plantation economy expanded throughout the southern region, banks and financial houses in New York supplied the loan capital and/or investment capital to purchase land and slaves.

Recruited as an inexpensive source of labor, enslaved Africans in the United States also became important economic and political capital in the American political economy. Enslaved Africans were legally a form of property—a commodity. Individually and collectively, they were frequently used as collateral in all kinds of business transactions. They were also traded for other kinds of goods and services.

The value of the investments slaveholders held in their slaves was often used to secure loans to purchase additional land or slaves. Slaves were also used to pay off outstanding debts. When calculating the value of estates, the estimated value of each slave was included. This became the source of tax revenue for local and state governments. Taxes were also levied on slave transactions.

Politically, the U.S. Constitution incorporated a feature that made enslaved Africans political capital—to the benefit of southern states. The so-called three-fifths compromise allowed the southern states to count their slaves as three-fifths of a person for purposes of calculating states' representation in the U.S. Congress. Thus the balance of power between slaveholding and non-slaveholding states turned, in part, on the three-fifths presence of enslaved Africans in the census.

Slaveholders were taxed on the same three-fifths principle, and no taxes paid on slaves supported the national treasury. In sum, the slavery system in the United States was a national system that touched the very core of its economic and political life.

## Economic Aspect

The United States was transforming into a manufacturing-based economy by the eve of the Civil War, a change that would make it one of world's leading industrial powers by the end of the 19th century. But while the states north of the Mason-Dixon Line were establishing a commercial and manufacturing economy, the South was still predominantly agriculture-driven by the beginning of the Civil War in 1860. Southerners relied heavily on the export of crops such as cotton, rum, sugar and tobacco, all made possible by the use of slave labor. While the economic value of slaves in the South actually surpassed that of nation's banks, railroads and factories in 1860, the North's rapid industrialization ultimately proved better at sustaining a war economy, a factor that put the southern Confederacy at an enormous disadvantage during the Civil War.

### Southern Reliance on Cotton

At the onset of the Civil War economy of the South was almost completely agricultural and highly dependent on the sale of crops. Cotton became the most valuable U.S. export by 1840. It became worth more than all other exports combined. However, even though Southern states produced about two-thirds of the world's cotton, it had no manufacturing capabilities. The North, by contrast, already had a burgeoning commercial and

manufacturing economy that was producing 90 percent of the nation's manufacturing output by 1860. Despite its use of slave labor, the South was unable to keep up with the North's growing industrial and textiles market, causing its economic growth to stagnate.

## **Neglect of Manufacturing and Transportation Development**

In the pre-Civil War United States, the Northern and Southern economies had a symbiotic relationship. Because the southern states specialized in labor intensive (and land consuming) cotton production, the North developed manufacturing economy that specifically catered to the South -- such as textiles factories, insurance agencies, cotton brokers and a meat processing industry. Southern states relied on these Northern imports to meet their needs, leaving them suddenly incapable of receiving those services once the Union divided. The South's minuscule industrial base, sparse railway lines and slave-labor economy made the mobilization of resources difficult once the Civil War hit, giving the North the advantage when it came to manufacturing output, transportation and manpower.

## **Southern Plantations Not Economically Practical**

Southern plantation owners who used slave labor often were not profit seeking. Instead, slave owners were focused on flaunting their enormous plantations and army of forced laborers, considered tangible representations of their wealth, rather than making rational economic investments. Although slavery was initially extremely profitable for plantation owners, slave ownership began to dwindle the decade before the Civil War, as soil erosion and exhaustion diminished the availability of fertile land. The price of land and slaves began to skyrocket as a result. The South's dependence on human labor for economic growth, however, could not compete with the North's more efficient industrial-based economy.

## **Slavery as an economic institution**

A small percentage of slaves were domestic servants, working in a planter's main house as cooks, nursemaids, seamstresses, and coachmen. An even smaller percentage worked as laborers or craftsmen—carpenters, masons, and blacksmiths. It was not unheard of for "spare" slaves to become mill or factory workers, and skilled artisans might be hired out to other plantations by their masters. But the overwhelming majority of slaves were field hands, picking cotton and planting and harvesting rice, tobacco, and sugar cane. The occupational distribution of slaves reflected the nature of the economy and society of the South, a region that was agricultural and rural with very little industrialization and urbanization compared to the North.

Irrespective of the jobs that slaves did, slavery on the whole was profitable. The expense to planters for housing, clothing, and feeding slaves was considerably less than the value they produced. Estimates vary, but expenses associated with the maintenance of one field hand were probably half the value of the revenue the master received from the slave's labor. Profitability increased steadily in the first half of the nineteenth century, as prices for cash crops rose and the cost of keeping slaves remained level. The slaves themselves became a good investment. As cotton production expanded and the demand for slaves increased, their prices rose accordingly. The highest prices were paid for "prime field

hands," usually healthy young men in their late teens and twenties, but women with like agricultural skills were often sold for the same amounts. The enterprising slave owner bought and sold slaves for an additional source of income.

## **Economics of Slavery**

The profitability of the slave trade to Europeans has been debated by historians, yet even if this aspect is contentious, the productivity of slave labor is undeniable. Further, the controlled labor of millions of people has been linked, directly or indirectly, to the rise of European industrialization, capitalism, the scientific revolution, rapid population growth, huge migrations, and changing social roles for men, women, and children, to name just a few. For example, one historian has suggested that the increase in British textile exports to West Africa during the eighteenth century, in order to pay for increasingly expensive slaves, was a factor which lead to British industrialization. The benefit to European nations from new crops, especially sugar, owed its development and expansion to the labor of African slaves, at the expense of Africa and the slaves themselves. It is difficult, therefore, to underestimate the benefits gained from the use of slaves in the New World.

From the middle of the seventeenth century to the start of the Civil War, slavery and commercial agriculture were intimately associated. During the colonial period, slaves grew much of the tobacco in Virginia and the Carolinas, rice in the low country of South Carolina and Georgia, and sugar on the Caribbean islands—all crops that found their way into world markets. Neither southerners, who used slaves as field laborers and servants, nor northerners, who supplied slaves and food to the southern and Caribbean plantations and consumed the products of slave labor, questioned the economic value of slavery. By the late eighteenth century, however, some southern slaveholders began to have doubts. Deteriorating tobacco lands and declining prices for southern crops seemed to be transforming valuable slaves into what George Washington in 1794 called "a very troublesome species of property."

Ironically, Washington wrote just as Eli Whitney began production of his cotton gin, an innovation that would begin the expansion of cotton production and end any slaveholders' doubts about the economic value of slavery. The growing demand for cotton from European and northern mills drove prices up and drew settlers west seeking new lands on which to grow the staple. Cotton rapidly became far and away the nation's most valuable commercial crop during the antebellum years. Although cotton was grown on family farms, the amount was small, limited by the labor force of family members and their need to produce food also. Those using slaves could increase output and their income, which allowed them to buy more and better land and more slaves to increase production even further. As a result, slaves grew most of the cotton (as well as the other southern staple crops—tobacco, rice, and sugar), the largest proportion on plantations with a slave labor force that numbered in the tens or hundreds.

Slavery seemed enormously profitable. Cotton exports alone constituted 50-60 percent of

the value of the nation's total exports, helping pay for imports from abroad. And slave labor provided the raw material for New England's textile mills, helping stimulate the nation's early industrialization. Slave-produced commercial crops required a host of middlemen to sell and transport them to markets and to finance and supply the slave-owning planters. Southern cities such as New Orleans, Mobile, Savannah, Charleston, and Memphis and northern ports such as New York, Boston, and Philadelphia depended heavily on the southern trade. Northern farmers and manufacturers found ready markets for their products in southern towns and cities, but especially on the southern plantations.

If the products of slave labor stimulated the nation's economic development, the slave South itself remained primarily agricultural and did not experience the urban and industrial growth that took place in the North.

## **Social Aspect**

Between the first federal census in 1790 and the eve of the Civil War, the slave population in the United States increased from approximately seven hundred thousand to almost four million. The formal end to the foreign slave trade in 1808 had no impact—the smuggling of slaves was common—and in any event, natural increase accounted for practically all of the slave-population growth in the United States. The nationwide distribution of slaves also changed during this time span. Around 1820, slavery was concentrated in the tobacco-growing areas of Virginia, North Carolina, and Kentucky and along the coasts of South Carolina and northern Georgia. By 1860, it had significantly expanded into the Deep South, particularly Georgia, Alabama, Mississippi, Louisiana, and Texas, following the spread of cotton production. Had slavery somehow ceased during that expansion, it would have been impossible for the South to meet the worldwide demand for its products.

### **The Cotton Kingdom**

Cotton production was originally limited because separating the seeds from the fiber of the particular plant variety that grew well across most of the South was a time-consuming process. The introduction of the cotton gin resolved this problem and made the use of large numbers of field hands to work the crop economical. The invention came along just as the soil in the older tobacco-growing regions of the South was nearly depleted but about the time the removal of Native Americans from the very lands where cotton grew best had begun.

The principal source of slaves for the Cotton Kingdom was the Upper South, which included the states traditionally considered to be border states—Delaware, Maryland, and Kentucky—as well as Missouri, Virginia, North Carolina, Tennessee, and Arkansas. Agriculture in this part of the South was diversifying, and although tobacco and rice remained staple cash crops, more and more acreage was being devoted to wheat, corn, rye, and oats for local consumption. Half of the country's corn was grown in the South. These cereal grains were not as labor intensive as cotton or tobacco, and planters in the region were finding themselves with more slaves than they needed. Alexandria, Virginia,

became a major center of the internal slave trade, and according to one estimate, three hundred thousand slaves were sold from there into the Deep South in the two decades before the Civil War.

## Planters

The image of the South as a place where plantation adjoined plantation and the entire white population owned slaves is a myth. Three quarters of the southern whites owned no slaves at all, and among those that did, most owned fewer than ten. Although the planter class, those individuals who owned twenty or more slaves to work plantations of about a thousand acres, was extremely small, it comprised the southern elite. (A very few plantations were several thousand acres in size and used hundreds of slaves.) With the day-to-day routine of the plantation in the hands of an overseer, a planter had little contact with his slaves except for those working in his house. The planter was an agrarian businessman, deciding how much land to put into cash crops versus foodstuffs, debating whether to buy more slaves or invest in machinery, and always keeping an eye on the market prices of his crops. Wealth, social position, and lifestyle separated the planter from the farmer who owned just a few slaves and usually labored alongside them in the fields. However, the goal of many small slaveholding farmers was to obtain more slaves and land so they could become planters themselves.

The “cult of domesticity” took root in the South as well as the North but with regional differences. A southern planter’s wife had many more people to look after in her household than her immediate family. She supervised the work of the domestic slaves, looked after the upkeep of the slave quarters, served as nurse and seamstress (ready-made clothes were less available in the South than in the North), and maintained the household accounts. While southern women were expected to be models of virtue, the men were bound by no such standards. Southern women endured the disappointment and humiliation of seeing mulatto children on the plantation who had been fathered by their husbands and sons. No laws protected slaves from rape by their owners, nor did the white men face any social consequences for their actions.

## Yeoman farmers

The largest single group of southern whites were family farmers, the “yeoman” praised by Thomas Jefferson as the backbone of a free society. On farms of about one hundred acres or less, they raised livestock and grew corn and sweet potatoes for their own consumption, and perhaps tended a little cotton or tobacco to supply much-needed hard currency. The yeoman families lived much more isolated lives than their counterparts in the North and, because of their chronic shortage of cash, lacked many of the amenities that northerners enjoyed. Some southern yeomen, particularly younger men, rented land or hired themselves out as agricultural workers. Small farmers did not own slaves, and their prospect for acquiring enough land or money to do so was nil, but they still supported slavery out of strongly held views of racial superiority and because a large free black population would compete with them for a decent living.

## Poor whites

The lowest rung on the white social ladder was occupied by people who lived on the most marginal lands in the South—the pine barrens, swamps, and sandy hill country. Poor whites, variously called “hillbillies,” “white trash,” “crackers,” or “clay eaters,” just barely survived as subsistence farmers, usually as squatters. Their reputed laziness was primarily due to an extremely inadequate diet; malnutrition left them susceptible to malaria, hookworm, and other diseases that produced lethargy. Slaves sometimes had better physical living conditions than poor whites.

## Free blacks in the South

Not all African Americans in the South before the Civil War were slaves. More than a quarter million “free persons of color” were concentrated in the states of Maryland, North Carolina, and Virginia as well as the cities of Charleston and New Orleans. Blacks who managed to buy their freedom or were freed by their masters, a practice outlawed throughout the South during the 1830s, occupied a strange place in society. While a handful found financial success, even becoming landowners with slaves of their own, the majority were laborers, farm hands, domestics, factory workers, and craftsmen who never escaped poverty. Religion played an important role in the lives of free blacks, as it did for slaves, and black evangelical churches, particularly Baptist and African Methodist Episcopal (AME), flourished. Perhaps because planters felt sentimental toward children they had sired with slaves, mulattos accounted for a significant percentage of the free persons of color. As a group, mulattos tended to look down on those with darker skin, whether free or slave.

## Southern Nationalism

Beginning in the 1830s, the South developed a new and aggressive sense of “nationalism” that was rooted in its sense of distinctiveness and its perception that it was ringed by enemies. The South began to conceive of itself more and more as the true custodian of America’s revolutionary heritage. Southern travelers who ventured into the North regarded it as a “strange and distant land” and expressed disgust about its vice-ridden cities and its grasping materialism.

At the same time, southern intellectuals began to defend slavery as a positive factor. After 1830, white Southerners stopped referring to slavery as a necessary evil. Instead, they argued that it was a beneficial institution that created a hierarchical society superior to the leveling democracy of the North. By the late 1840s, a new and more explicitly racist rationale for slavery had emerged.

With the emergence of militant abolitionism in the North, sharpened by slave uprisings in Jamaica and Southampton County, Virginia, the South began to see itself as surrounded by enemies. Southern leaders responded aggressively. On the Senate floor in 1837, John C. Calhoun pronounced slavery “a good—a positive good” and set the tone for future southern proslavery arguments. Before the 1830s, southern statements on slavery had been defensive; afterward, they were defiant.

In the 1840s, a growing number of southern ministers, journalists, and politicians began to denounce the North’s form of capitalism as “wage slavery.” The condition of free labor, they argued, was actually “worse than slavery,” because slaveholders, unlike greedy northern employers, provide for their employees “when most needed, when sickness or old age has overtaken [them].” Northern workers, they declared, were simply “slaves without masters.”

During the 1840s, more and more Southerners defended slavery on explicitly racial grounds. In doing so, they drew on new pseudoscientific theories of racial inferiority. Some of these theories came from Europe, which was seeking justification of imperial expansion over nonwhite peoples in Africa and Asia. Other racist ideas were drawn from northern scientists, who employed an elaborate theory of "polygenesis," which claimed that Africans and whites were separate species.

Seeking to free their region from cultural, economic, and religious dependence on the North, southern "nationalists" sought to promote southern economic self-sufficiency, to create southern-oriented educational and religious institutions, and to develop a distinctive southern literature. Beginning in 1837, southern leaders held the first of a series of commercial conventions in an attempt to diversify the southern economy and to rescue the South from northern "pecuniary and commercial supremacy."

Efforts to develop the southern economy were surprisingly successful. Southern railroad mileage quadrupled between 1850 and 1860--although southern track mileage still trailed that of the free states by 14,000. By 1860 Richmond manufactured more tobacco than any other America city and exported more goods to South America than any other American port, including New York.

Other southern nationalists strove to create southern-oriented educational institutions to protect the young from, in Jefferson's words, "imbibing opinions and principles in discord" with those of the South. Schoolbooks, declared one southern magazine, "have slurs and innuendoes at slavery; the geographies are more particular in stating the resources of the Northern States; the histories almost ignore the South; the arithmetics contain in their examples reflections upon the Southern states."

The struggle for independent southern colleges achieved considerable success. By 1860 Virginia had 23 colleges and Georgia had 32, while New York had 17 colleges and Massachusetts just 8. In 1856 the University of Virginia had 558 students, compared to only 361 at Harvard.

Regional independence was also called for in religion. Due in large part to fear of antislavery agitation, southern Baptists, Methodists, and Presbyterians sought to sever their denominational affiliations with northern churches. In the early 2000s, only the Baptists remain divided. Southerners also called for a distinctive and peculiarly southern literature. More than 30 periodicals were founded with the word "Southern" in their title, all intended to "breathe a Southern spirit, and sustain a strictly Southern character." Authors such as Nathaniel Beverly Tucker and William Gilmore Simms called on the South to write on southern themes and to overcome the taunts of "Englishmen and Northernmen" that they were intellectually inferior.

## Southern Radicalism

By the early 1850s, a growing number of aggressive Southerners had moved beyond earlier calls for separate southern factories, colleges, and churches. Militant nationalists called for the reopening of the slave trade and aggressive annexations of new slave territory in Latin America and the Caribbean.

In a bid to acquire new lands for slavery a filibustering expedition was launched from New Orleans in 1851 to secure Cuba for the South. After this failed, extreme southern nationalists supported the efforts of William Walker, "the gray-eyed man of destiny," to extend slave labor into Latin America.

In 1853, with considerable southern support, Walker raised a private army and unsuccessfully invaded Mexico. Two years later, he launched the first of three invasions of Nicaragua. On his final foray in 1860, he was taken prisoner by a British officer, handed over to Honduran authorities, and, at the age of 36, executed by a firing squad. In the late 1850s, another group of ardent southern expansionists, the Knights of the Golden Circle, developed plans to create an independent slave empire stretching from Maryland and Texas to northern South America and the West Indies. The only practical effect of these schemes was to arouse northern opinion against an aggressive southern 'slaveocracy'.

## **Conclusion to Part B:**

The institution of slavery in America's southern states was based primarily in economics rather than some inherent adoration of the practice itself. When the Mason-Dixon Line was created in the 1760s, Eli Whitney's revolutionary cotton gin (which would eventually solidify slavery in the South) has not yet been created. Still, despite this fact, there were lines being drawn between the more industrial-based economy of the North and the agricultural economy of the South. Slavery formed the backbone of the South economically and as it became more widespread after Whitney's invention, it became just as much the political and social basis of Southern identity as well. Although there are cases of early abolitionist movements rooted in the Southern states, it was primarily a Northern political goal that despite all efforts wasn't realized until after the devastation of the Civil War and eventually with the Thirteenth Amendment. Without the ability to have a large force of unpaid and very inexpensive bodies to cultivate the fields, it seems quite certain that the South would have never enjoyed the kind of economic success that was present before the Civil War. The treatment of slaves was generally deplorable and even the kindest plantation masters were more concerned with making a profit than making sure their slaves were treated well. With only a minimal amount of money required to actually purchase and maintain slaves, this became the best form of labor and allowed many owners of plantations to become very wealthy. Without slavery however, it is more likely that these plantation owners would be too busy working the fields to have the time to go off to defend the practice politically. Contrary to what many might believe, the principal crop in the South during the beginning

of the practice of slavery was not cotton, but was rather based on a host of other agricultural products that would eventually fall by the wayside in terms of mass cultivation. Although cotton was a part of the agricultural yield, crops such as rice, indigo, and tobacco were the most cultivated and although tobacco remained a primary crop as well, the need for cotton eventually replaced the reliance on tobacco as a main product. It wasn't until the invention of Eli Whitney's cotton gin that the Southern cotton industry began to boom. With this invention, southern plantations were able to produce far more in a shorter amount of time. This led to more slaves being required to keep up with the ever-present demand for cotton, particularly by the Northern states. Along with this greater potential to yield more cotton came a growing economic dependence on slavery since without such free labor there would never have been a cotton industry as powerful as the one that had developed in the years following the 1793 introduction of the cotton gin.

Due to the practice of slavery (and even a reported rise in the number of new slaves being born into bondage as opposed to being brought in from African countries) Southern states such as Alabama, Louisiana, and Mississippi were able to have solid economies that were directly based in the production and export of cotton and some less principal items such as tobacco and rice. This led to an economic strength that made these states even more adamant about defending the right to own slaves. There was no question that without slavery the antebellum would crumble and thus the South was able to weather the growing number of revolts, rebellions, and northern political opposition that was mounting. Edicts such as the Fugitive Slaves Law attempted to curb the flight of slaves to the Northern states and the Underground Railroad became a serious threat to Southern plantation owners who needed ever more assistance from this free work force to maintain their economic prowess. The Nat Turner revolt as well as the outspoken writings and speeches of the former slave Frederick Douglass contributed to the growing dissent but the South defended their claim to economic security through slavery until it became legally impossible for them to do so after the Civil War. The Thirteenth Amendment formally declared an end to slavery and despite the amount of money and political effort spent defending the right to use slavery, the South was left behind the desires of the North, which was growing economically as a result of industrialization and was home to ever-growing numbers of abolitionist movements.

After 1860 the South seceded from the Union and the Civil War began. The importance of slavery in the South was an important reason for this war to occur in the first place and it eventually led to the decline of the practice in an area that had so vehemently supported it. With Abraham Lincoln's Emancipation Proclamation in 1863, it was thought that that slavery in the South would be abolished. Although the Proclamation went far in condemning the practice, it wasn't until the Thirteenth Amendment was passed that slavery was constitutionally (as opposed to morally) declared illegal. After this war the South was decimated politically, socially, and most importantly economically. Without the free labor to cultivate the fields, the former antebellum South fell into complete ruin. It cannot be underestimated how large the financial impact was after the removal of slavery as a Southern institution and even though the Reconstruction Era attempted to build the South back up to its formerly successful state, this was never quite realized and even today, the legacy of the South's failed slavery and consequent economic success is felt. The Northern cities had control and dominance in the industrial sector, which proved to be more successful than agriculture—especially after mass imports and exports became commonplace and South's eventual decline was imminent.