ESSENTIAL CIVIL WAR CURRICULUM

Secession

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Secession—the most serious challenge to the American Republic in its history—reflected a tension that existed between nationhood and the rights of slaveholders. As early as 1787, when Americans pondered ways to construct a new federal Union, there were differences about the appropriateness and extent of protections that should exist for slaveholders. How much political power should slaveholders exert? What was the responsibility of the new nation to protect the property rights of masters? To what extent could the nation regulate slavery? One of the "primary objects" of the new constitution, as James Madison declared at the 1787 constitutional convention, was the "guardianship of property, according to the whole number, including slaves." [1] These tensions, punctuating newly realized sectional divisions, provided for a constitutional system that excluded federal intervention in slavery while extending the system of slaveholder protection existing in the South to the new Union. [2]

The inherent tensions—one might say contradictions—in how the Constitution protected slaveholders became exposed and aggravated after 1787. The Louisiana Purchase of 1803 eventually forced Americans to consider a fundamental question: could Congress limit the growth of slavery into new territories? During the Missouri crisis, when the new state of Missouri—created out of a portion of the Louisiana Purchase—petitioned Congress to join the Union, a political crisis erupted when some congressmen attempt to ban slavery in the new state. Though admitting Missouri as a slave state, the

[1] Debate of July 9, 1787, http://avalon.law.yale.edu/18th_century/debates_709.asp , accessed September 19, 2017.

[2] James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861-1865* (New York: W. W. Norton, 2013), 2.

resulting Missouri Compromise of 1821 permitted the growth of slavery, but only below the 36-30 line.

Origins of Crisis

The US-Mexican War, which added huge new territories in the American Southwest, engendered a bitter dispute about the nature—and future—of the American Union. Texas was already a slave state, but what about territories that sought to become states in former Mexican provinces? Could they permit slavery? The Compromise of 1850 attempted to solve the dispute by providing for a formula of popular sovereignty, in which the matter would be decided by the voters of the new territories attempting to form states. The Compromise greatly inflamed sectional conflict. Northern antislavery advocates became mobilized against the new fugitive slave act, part of the compromise, that required strong new federal intervention in apprehending slaves who had escaped to northern free states. The doctrine of popular sovereignty proved a disaster in Kansas, where pro- and anti-slavery forces waged a war against each other regarding the issue of whether the new state would permit slavery.

The post-1850 sectionalization of national politics created an environment in which compromise became impossible. Southern extremists believed that the system of slavery needed to expand beyond the South in order to survive; without expansion, they warned, the southern social system would wither and decline. Efforts by Congress to limit slavery's boundaries, they argued, were part of a larger plan to circumscribe the white South and to reduce it to second-class status within the Union. The debate about slavery's extension, extremists believed, really addressed whether slavery could be choked off and the basis of southern prosperity eroded, with Congress limiting slavery and abolitionists encouraging slave insurrection. Mostly, this fear reflected a common slaveholder fiction. Although there was little evidence of abolitionists operating secretly in the South, slaveholders worried that slaves would somehow join forces with abolitionists, become emboldened by antislavery appeals, and rise up against their masters. These fears, reasonable or unreasonable, found themselves fulfilled in John Brown's futile attempt at Harpers Ferry, Virginia, in October 1859.

An antislavery guerrilla fighter of some renown, Brown planned a daring invasion of the slaveholder heartland. Raising funds across the abolitionist North between 1857

and 1859—including from the Secret Six, a group of prominent abolitionists [3]—Brown assembled a military band and rented a farm in Maryland. On October 16, 1859, his band of twenty-two men attacked the federal armory and rifle works at Harpers Ferry, in Virginia. Brown hoped to ignite a slave revolt and then use the nearby hill country to mount an antislavery guerrilla war. After the local militia surrounded him, US marines under the command of Colonel Robert E. Lee assaulted the armory, capturing Brown and seven of his collaborators. Brown was tried in Charles Town, Virginia, nine days after his capture—for treason to the Commonwealth of Virginia, not the United States—and convicted on November 2, 1859. A month later, he was hanged in Charles Town.

Although Brown has long been regarded as half-crazy and fanatical, his attempt to start a rebellion within the South began a new phase in the sectional struggle. Brown's unsuccessful raid on Harpers Ferry electrified the country. For white southerners, he represented the unholy alliance between abolitionism and slave insurrection. The northern response, which glorified Brown and his band, only confirmed these beliefs, as did the discovery of correspondence between Brown and his northern financial backers. Brown's invasion indicated a broader abolitionist plan to incite slave insurrection.

John Brown's attack and execution confirmed that the Republican Party posed a dire threat. Westward expansion of slavery, white Southerners realized, remained critical to their prosperity. The cotton boom during the first half of the nineteenth century sustained and energized slavery, and made the value of slaves skyrocket. Should Republicans, elected on a plank of limiting slavery's expansion, capture the national government, the external threat to the white South gained real teeth. A Republican Congress and president would slowly strangle the South. Congress could limit slavery's extension. With the appointive powers of the presidency, a Republican president could unleash the full potential of patronage and officeholding to the same end.

The presidential election of 1860 changed how the white South responded to the festering sectional crisis. With the political system sectionalized, no party could command what the Jacksonian political parties always achieved—a bisectional presidential ticket. The primary purpose of the Republican Party, coming into existence as a result of the slavery-extension controversy, was to contain southern political power. For the most part, as an anti-southern party, Republicans, as in 1856, remained off the ballot in most of the South. Meanwhile, the Democratic Party fractured over the

[3] George L. Stearns, Franklin B. Sanborn, Thomas Wentworth Higginson, Theodore Parker, Samuel Gridley Howe, and Gerrit Smith.

sectional issue at their national convention in April 1860, and rival candidates emerged—Illinois senator Stephen A. Douglas, representing a moderate advocate of sectional compromise, and Kentucky senator John Cabell Breckinridge, who favored a more militant southern position. A fourth candidate, John Bell of Tennessee, was nominated by what was left of the southern Whig Party.

The Republican candidate for president, Abraham Lincoln, adopted the party's core principle: ending the westward expansion of slavery. The split in Democratic ranks in the presidential election resulted in an Electoral College majority for Lincoln, who swept all the states north of the Mason-Dixon Line. Breckinridge carried all of the South with the exception of Kentucky, Virginia, and Tennessee, which voted for Bell and Missouri which was the only state won by Douglas.

Lincoln's election in November 1860 immediately ignited calls for secession and an end to the Union. Republican control of the national government brought to reality the slaveholder nightmare of a federal government determined to leave slavery unprotected. Fears of encirclement spurred a new sense of shared identity among slaveholding states; a desire for common defense created a new, emerging southern nationalism. The secession crisis had begun.

The Secession Crisis

Shortly after Lincoln's election, secessionists moved to break up the Union. The first state to secede, predictably, was South Carolina, where southern-rights advocates had held sway since the Nullification Crisis of the 1830s. Only weeks after Lincoln's election, the state legislature called for elections to a convention. Meetings began December 17 in Columbia, but the convention moved to Charleston after a smallpox outbreak. On December 20, 1860, the South Carolina convention unanimously adopted an ordinance of secession.

In parts of the South, there was a final expression of Unionism by cooperationists, who were not so much advocates of Unionism as leaders who urged caution and moderation. But cooperationists fought a losing battle. During January and February 1861, six Deep South states held conventions and adopted secession ordinances, following South Carolina's example. On January 9, 1861, Mississippi's convention enacted an ordinance of secession. During the next two days, Florida and Alabama

followed suit. Then came secession by Georgia (January 19), Louisiana (January 26), and Texas (February 1).

The secession crisis revealed a division in southern public opinion. A spectrum of sentiment ranged from radicals, who favored immediate secession, to Unionists, who opposed secession. In most instances, these divisions matched partisan differences. Radicals dominated Democratic ranks; their leaders had made the unrestrained expansion of slavery into new territory and the complete freedom of slaveholders from federal restrictions into a cornerstone of their political platform. In contrast, members of the Whig Party—and the remnants of Whiggery in the late 1850s—were constitutionalists; they favored compromise. In the Deep South, with Democratic legislatures and a weak or nonexistent Whig presence, states seceded quickly. For the most part, in Deep South states political competition had disappeared, making the political process of secession—the calling of conventions, the election of delegates, and, in some instances, popular ratification of secession ordinances—a virtual certainty.

While seven Deep South states seceded between December 1860 and February 1861, another eight slaveholding states moved more cautiously. In these states, moderate Unionists—mostly former Whigs—controlled the political process. Those states sharing a border with free states rightly realized that they would be on the receiving end of a shooting war. They also maintained economic and cultural contacts with the North. Between early February and June 1861, in all of these states, secessionists and unionists vied for control. Four of these eight slaveholding states seceded only after the onset of military hostilities in April 1861—beginning with Virginia's secession on April 17, then proceeding with Arkansas (May 6), North Carolina (May 20), and Tennessee (June 8). In contrast, four other slaveholding states—Kentucky, Maryland, Delaware, and Missouri—never left the Union.

The most important of these Upper South states was Virginia. The largest southern state in terms of population, the commonwealth also possessed the largest numbers of slaves, a powerful slaveholder class, and the prestige of a strong Revolutionary heritage. Most Virginians favored caution, fearing what one observer called the "young & hot blood" along with a "reign of terror" led by "'vigilance committees' & 'minute men.'" Some unionists were unconditionally against secession. West of the Alleghenies, the counties of the state which eventually composed West Virginia resented the eastern plantation counties, a region which they believed wielded

inordinate political power. In the months after Lincoln's election, leaders from northwestern Virginia became alarmed about disunion. 4

Supporters of secession in Virginia pushed ahead nonetheless. On January 14, a special session of the legislature authorized elections for a state convention which would meet on February 13. But the elections were not heartening to disunionists. Convention delegates numbered about two-to-one against immediate secession. A fragile coalition opposing disunion controlled the convention from February to April 1861.

In other Upper South and Border South states, the drive toward secession stalled. In some states, such as Maryland, secessionists were blocked by Unionists who refused to call the legislature—thus blocking a convention vote. Refusing to wait on developments in Maryland, in May 1861 Lincoln dispatched federal troops to occupy the state. Suspending the writ of habeus corpus, he dispatched General Benjamin Franklin Butler to occupy Baltimore and subdue the secessionists. Similarly, in Kentucky, when Governor Beriah Magoffin summoned an extra session of the legislature in January 1861, it refused to call a secession convention, instead issuing resolutions urging compromise and a national convention of states. Nonetheless, the resolutions affirmed the right to secession and warned that the use of force should be resisted "to the last extremity." 5 During the winter and spring of 1861, Senator John Jordan Crittenden sponsored an effort in Congress, known as the Crittenden Compromise, which would amend the Constitution permanently to permit slavery south of the 36° 30' line. After negotiations failed in March 1861, Kentucky remained deeply divided, but the state never seceded.

Similarly, in Missouri, divided loyalties prevailed between slaveholders in the Mississippi and Missouri River Valleys and the large German population in St. Louis, a unionist stronghold. Statewide, Republicans and militia units remained devoted to the Union. On the other hand, Missouri's governor, Claiborne Fox Jackson, favored secession, although much of the legislature was disunionist. On January 21, 1861, the Missouri legislature authorized convention elections. In St. Louis, Union military forces gathered to protect installations and the arsenal in the city, while secessionists plotted the best way to seize the city. But the February elections returned a three-to-one Union majority; not a single delegate unconditionally endorsed secession. The convention,

[4] William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia.* Chapel Hill: University of North Carolina Press, 2003, 220.

[5] Avery Craven, *The Growth of Southern Nationalism, 1848-1861* (Baton Rouge: Louisiana State University Press, 1953), 380.

assembling in late February, endorsed a platform that opposed coercing seceding states and urged constitutional protections for slaveholders. Reserving the right to secede, Missouri remained in the Union.

Disunionists refused to give up, however. Governor Jackson refused to supply 4,000 troops to the Union army; General Nathaniel Lyon responded by raising the St. Louis Home Guards to defend the city's federal arsenal. When seven hundred Confederate militia organized in early May 1861, Lyon's forces arrested them but faced a hostile mob when they returned to the city. Firing into the crowd, Lyon's forces killed twenty-one people. Later, Lyon's forces invaded the Missouri capital at Jefferson City, dispersing Jackson's secessionist government. Meanwhile, a provisional, pro-unionist government was organized, and General John C. Frémont was dispatched as military governor. On August 30, 1861, Frémont issued an order establishing martial law and justifying the confiscation of the property of secessionists. Effectively, warfare in Missouri became an ongoing conflict, most of it guerrilla in nature and involving civilians. But, like Kentucky, Delaware, and Maryland, the state never seceded.

Fort Sumter

On April 11, 1861, Confederate president Jefferson Davis telegrammed General P. G. T. Beauregard, demanding that he force the evacuation of Fort Sumter, the federal fort protecting Charleston Harbor. Insisting that federal property and installations be turned over, Confederate authorities blockaded the supplies from provisioning federal troops. On April 4, President Lincoln had made a fateful decision: he ordered a flotilla to travel south to resupply the fort. Davis's order to Beauregard constituted the Confederate response—to begin war. On the afternoon of April 11, Beauregard sent a message to Major Robert Anderson, the federal commander of Fort Sumter, demanding surrender. When these negotiations failed, the southerners began a bombardment early on the morning of April 12, 1861. The aged Edmund Ruffin, who had left Virginia to be on Confederate soil, fired the first shot at the invitation of the South Carolina forces. By the afternoon of April 13, the Union garrison had surrendered, and, within days, Lincoln called for 75,000-man volunteer army to subdue the rebellion. The Civil War had begun.

Fort Sumter's bombardment, and Lincoln's call for volunteers, changed the nature of the crisis. Moderate unionists became secessionists at the prospect of a northern military invasion of the South. Two days after Lincoln's call for 75,000 volunteers, the

Virginia convention adopted an ordinance of secession, with mass defections of moderate unionists to the cause of secession. Hardline unionists from western Virginia walked out of the convention, organizing a restored government that became, in 1863, the new state of West Virginia. In Tennessee, the legislature enacted legislation calling for secession, an action endorsed by popular referendum in May, though eastern Tennessee remained staunchly unionist. In Arkansas, where unionists had narrowly held control, the convention voted to secede on May 6. Similarly, in North Carolina, moderate unionists swung in favor of secession, and the legislature summoned a convention, which met on May 20, 1861, and enacted an ordinance of secession.

Although Lincoln's invasion alarmed moderates, unionists held sway in Maryland, Missouri, and Kentucky. In each of these states, unionists and secessionists waged a low-intensity war, with varying degrees of military occupation. When the 6th Massachusetts Regiment marched through Baltimore in April 1861, a week after the firing on Fort Sumter, a pro-secessionist mob attacked the troops in an event known as the Baltimore Riot. Lincoln dispatched additional troops to secure the state; Union forces occupied Annapolis, the Maryland capital. Although the legislature convened in Frederick, in the western part of the state, Maryland existed under federal occupation for the duration of the war. Missouri, after the attack on Fort Sumter, experienced worsening partisan warfare, with opposing Confederate and unionist governments vying for control. Kentucky, though it never seceded, also became a battleground after Confederate military forces invaded the state in September 1861.

Well before the Fort Sumter crisis, from early February 1861 onward, a new Confederate nation defined itself. Naturally, there was a libertarian, states' rights tendency in the Confederacy, in opposition to a strong national government. Many secessionists envisioned that the Confederacy would be a confederation of sovereign states, rather than an independent nation. But inexorable pressures—most importantly, the threat of Yankee invasion—required a stronger nation-state. Gathering at Montgomery, Alabama, on February 4, 1861, four days later the six states that had left the Union—Texas seceded while the delegates met—organized a provisional government that elected a president and vice-president. Mississippian Jefferson Finis Davis, a West Point graduate, Mexican War veteran, former cabinet officer, and former congressman and senator, was elected president, with Georgian Alexander Hamilton Stephens elected vice-president. Both Davis and Stephens were inaugurated as provisional president and vice-president on February 18, 1861, before a crowd of 10,000 people in Montgomery.

In his inaugural address, Davis justified the right of secession as a last resort against a Union which was "perverted from the purposes for which it was ordained, and

ceased to answer the ends for which it was established." In order to resist an oppressive national government, an undeniable right existed "to resume the authority delegated for the purposes of government." "No interest or passion to invade the rights of others" motivated the new Confederacy; the new nation was "anxious to cultivate peace and commerce with all nations. "If we may not hope to avoid war," he added, "we may at least expect that posterity will acquit us of having needlessly engaged in it." Davis expressed his "firm resolve" to defend the new nation from invasion and "invoke the blessing of Providence on a just cause." Protecting the Confederacy required radical measures, he warned, including the establishment of a "well-instructed and disciplined army, more numerous than would usually be required on a peace establishment." [6]

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[6] Jefferson Davis, inaugural address, February 18, 1861, http://avalon.law.yale.edu/19th_century/csa_csainau.asp , accessed September 19, 2017.