11-1-1971

The Adoption of the Thirteenth Amendment

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THE ADOPTION OF THE THIRTEENTH AMENDMENT

A Thesis

Presented to the

Department of History

and the

Faculty of the Graduate College

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

by

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November, 1971

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Accepted for the faculty of The Graduate College of the University of Nebraska at Omaha, in partial fulfillment of the requirements for the degree Master of Arts.

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PREFACE

The influence of the Thirteenth Amendment on the development of affairs in the United States is indeed great. Any measure that changes the destiny of over three million persons and overthrows an institution that had been in existence for over 200 years cannot be ignored. Yet the development of this amendment is usually overlooked in the accounts of the Civil War period. The purpose of this work is to bring the information concerning the preparation, debate, and ratification of the Thirteenth Amendment into easy reach of the reader. It is not the purpose of this work to discuss the views of President Abraham Lincoln on the question of slavery; these are treated only briefly, but it is the purpose to give the reader an account of the Congressional action dealing with the amendment.

It is impossible to thank all of those persons responsible for the completion of this work. My special thanks and extreme gratification go to Dr. Paul Beck whose cooperation, advice, and time have been most valuable and helpful. I would also like to thank the Department of History at the University of Nebraska at Omaha and its faculty. Their offer of a Graduate Assistantship and their help throughout my undergraduate and graduate programs

made the completion of this work possible. The help of the Eugene C. Epply library staff is greatly appreciated. I would also like to thank my wife, Sharon, for her understanding and patience during the undertaking of this project. Although all the before mentioned persons helped greatly, I wish to point out that any errors in the final work are my responsibility.

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CHAPTER I

PRELIMINARY EMANCIPATION MEASURES

In 1619, the New England colony of Jamestown was the scene of an important historical event. Twenty African laborers were brought into port and sold as slaves. This began a system of involuntary servitude that lasted for more than two hundred years in the United States. While slave labor was utilized in all the early English colonies, it became most important to the development of the Southern colonies. Indian and white labor were both insufficient, so the solution to the labor problem in the south lay in the establishment of Negro slavery.[1]

By the middle of the eighteenth century, slavery was not looked upon as an important issue by persons in the colonies. There had been protests against the slave trade, and some religious groups, notably the Quakers, had condemned the practice of human bondage. Stated the Quaker protest of February 18, 1688:

> Now, though they are black, we cannot conceive there is more liberty to have them slaves, as it is to have other white ones. There is a saying, that we should

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[1]John Hope Franklin, From Slavery to Freedom (New York: Vintage Books, 1969), p. 86. Hereafter cited as Franklin, From Slavery to Freedom.

> do to all men like as we will be done ourselves; making no difference of what generation, descent, or colour they are.[2]

Indeed, there seemed to be some evidence that the institution of slavery would die. Between 1777 and 1804, all states north of Maryland took action to abolish slavery within their borders, usually by gradual emancipation laws. In 1780, a Pennsylvania law provided that no Negro born after that date should be held in bondage after he reached the age of twenty-eight. By 1783, Massachusetts abolished slavery by asserting that the phrase "all men are born free and equal" in the state constitution did not support the institution. In 1784, Connecticut and Rhode Island abolished slavery gradually. New York completed emancipation in 1799, and New Jersey followed in 1804.[3] Perhaps the high point of the early anti-slavery movement was reached when both the Northern and Southern delegates supported the Northwest Ordinance of 1787 that prohibited slavery in the territory covered by it.[4] Agreement was also reached prohibiting the foreign slave trade by the Act of 1807.

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[2]Henry Steele Commager, ed., The Earliest Protest Against Slavery, contained in Documents of American History (New York: Appleton-Century-Crofts, 1968), p. 37.

[3]Franklin, From Slavery to Freedom, pp. 140-141.

[4]The sixth Article of the Ordinance of 1787 states, "There shall be neither Slavery nor involuntary Servitude in the said territory otherwise than in punishment of crimes, whereof the Party shall have been duly convicted . . . ." Clarence Edwin Carter, ed., Territorial Papers of the United States, The Territory Northwest of the Ohio River, 1787-1803 (Washington: United States Government Printing Office, 1934), II, p. 49.

The differences in economic and cultural evolution in the country however gradually led to a controversy over slavery. As an economic institution slavery had failed to gain an adequate foothold where the plantation system was not utilized. By 1800, the gradual emancipation laws had assured its elimination from society there. The Northwest Territory remained free soil, and the states formed from within its area, entered the Union free from slavery.

Although the 1787 ordinance prohibited slavery in that area, when President Thomas Jefferson purchased the Louisiana area in 1803, slavery was not disallowed. Article III of The Cession of Louisiana stated:

> The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all rights, advantages and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the Religion which they profess. . . .[5]

The plantation system continued to thrive with the introduction of short-staple cotton in the southern area and states entering the Union from that local entered as slave states. Kentucky and Tennessee entered the Union as slave states in 1792 and 1796; Louisiana in 1812, Mississippi in 1817, and Alabama in 1819, helped the cotton kingdom emerge.[6]

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[5]The Cession of Louisiana, April 30, 1803. Contained in Commager, Documents of American History, p. 191.

[6]Franklin, From Slavery to Freedom, p. 171.

By the early nineteenth century black slavery had become an established institution in the Southern states. The efforts of the Abolitionist societies gained strength but they were unable to deal the institution its final death blow. The work of the Abolitionists included anti-slave propaganda, public addresses and petitions to legislatures. Their concern for free Negroes and aid to fugitive slaves only increased the intersectional strife. The societies all followed the same basic program. This program was the national government was to abolish slavery wherever it had the authority to do so, no new slave state was to be admitted into the Union, the internal slave trade was to be abolished, and the three-fifths compromise of the Constitution was to be revoked. In the free states, Negroes were to have the same legal rights as whites, aid for voluntary colonization was to be provided, and gradual emancipation and the repeal of the black codes was to be urged upon the slave states.[7]

These abolition principles were widely read and became familiar to the reading public. The defenders of slavery became more angry as the Abolitionists continued to grow in strength. It seemed to them that the northern reformers were urging impractical reforms upon the slave holding states.

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[7]Alice Felt Tyler, Freedom's Ferment (Minneapolis: The University of Minnesota Press, 1944), p. 483.

As early as 1820, the sections had tried to solve the problem of slavery in the territories by compromise. The Missouri controversy marked the first distinct political separation between North and South, based on the slavery problem. Prior to the admission of Missouri, nine new states had been admitted to the Union by Congress without any problem over the slavery issue. States entering from within the area of the Northwest Ordinance were admitted without slavery, and those from the Louisiana Cession were admitted with slavery. Congress had also been able to keep a political balance between slave and free states.[8] But with Missouri, the situation was not solved so easily. Geography and territorial legislation did not solve the problem and the political balance was also to be disturbed. Congress adjourned in March of 1819, without deciding the issue of Missouri's statehood.

In December, 1819, Missouri, along with Maine, again applied for statehood. Maine's admission to the Union was quickly passed by the northern majority in the House. The Senate, however, added two amendments to the Maine Bill. First, Missouri would be admitted without any restrictions on slavery; secondly, and most important, slavery would be prohibited in the remaining area of the Louisiana Purchase

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[8]Alfred H. Kelly and Winfred A. Harbison, The American Constitution (New York: W. W. Norton and Company, Inc., 1963), p. 264. Hereafter cited as Kelly and Harbison, Constitution.

above a line 36° 30'.[9]

The Missouri Compromise brought a brief truce to the sections concerning the slavery controversy. The compromise also revealed the growing strength of the Abolitionists. They were able to secure, for a time, the abolition of slavery in an area that had been open to the institution. It also became evident, however, that the various sections' economic and political interests were distinctly different. Tense and crucial moments filled the ten years leading to the Civil War, and closely connected with these crises was the problem of slavery. Another temporary sectional truce was achieved by the Compromise of 1850, but it soon became evident it would not serve as a final settlement of the slavery issue.

Five statutes comprised the Compromise of 1850. The first two measures, the New Mexico and Utah Acts, provided territorial governments in these areas without the mention of slavery. The third provided better protection to slaveholders by establishing a stronger fugitive slave law. The fourth act admitted California as a free state, and the fifth measure abolished the slave trade in the District of Columbia.[10] While the Compromise of 1850 failed to prevent secession and civil war, it did delay the outbreak of hostilities.

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[9]William B. Hesseltine and David L. Smiley, The South in American History (Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1960), p. 126. Hereafter cited as Hesseltine and Smiley, South. See also Kelly and Harbison, Constitution, pp. 261-268.

[10]Hesseltine and Smiley, South, pp. 224-225. See also Kelly and Harbison, Constitution, pp. 370-376.

That the appearance of Harriet Beecher Stowe's Uncle Tom's Cabin increased the strain of intersectional attitudes in 1852 is well known. It is also an established fact, and thus briefly stated, that the Kansas-Nebraska Act of 1854, destroyed the sectional truce brought about by the Compromise of 1850. By allowing the territories to decide the slavery question in the territorial legislatures, the Missouri Compromise was in effect repealed, and the attempt to apply the popular sovereignty doctrine to Kansas and Nebraska reopened the slavery controversy again.

Many persons felt that the proper method for settling the slavery problem in the territories was by a Supreme Court ruling. Regarding slavery in the territories, President James Buchanan, in his inaugural address stated:

> . . . , it is a judicial question, which legitimately belongs to the Supreme Court of the United States, before whom it is now pending, and will, it is understood, be speedily and finally settled.[11]

The ruling came in the Dred Scott v. Sandford case in 1857. The majority opinion, of the seven-to-two decision, is represented by the Chief Justice, Roger B. Taney. In his opinion, Taney said that Scott could not bring suit because; first, he was a Negro and, second, he was a slave. No Negro, said Taney, could be a citizen because of the established position of servitude, the slave codes, and, as of 1787, the

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[11]J. Buchanan Henry, The Messages of President Buchanan (New York: J. Buchanan Henry, 1888), p. 6.

states excluded Negroes from citizenship. Negroes, therefore, were not citizens of the United States under the Constitution.

Since certain northern states had extended political rights to free Negroes, Taney's theory had a weakness. He avoided this difficulty by evoking the dual citizenship doctrine. In the opinion of the Court, federal citizenship was a matter reserved to Congress and could not be conferred by a state. A state could confer political rights on one of its inhabitants but this made him a citizen of that state and not of the United States.

Taney's opinion then moved to the questions of the right of Congress to regulate slavery in the territories. Congress, said Taney, had only the right to acquire territory and prepare it for statehood. Congress could not regulate local rights of people, or their rights of property. Congress, therefore, could not prohibit slavery in the territories since slavery was a local institution. Taney then concluded that the Missouri Compromise provision that prohibited slavery above 36° 30' was void because it was unconstitutional.[12]

The dissent of Benjamin Curtis seemed to show the most logic. First, he rejected the idea that since Dred Scott was a Negro he could not be a citizen. National citizenship followed state citizenship, he noted, and

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[12]Dred Scott v. Sandford, 19 Howard 393 (1857). Contained in Vol. 60, U.S. Supreme Court Reports.

furthermore, as early as 1787 free Negroes were recognized as citizens in several states. A state could confer national citizenship, Curtis felt, because there was no federal citizenship clause in the Constitution except the one relating to naturalization of foreigners. State citizenship was primary and citizens of the states were automatically national citizens.

Curtis next turned to the authority of Congress to regulate slavery in the territories. He cited several instances in which Congress had ruled on slavery in the territories since 1789. The Missouri Compromise was constitutional insisted Curtis. The opinion of Curtis could therefore have been an indication that Congress would have to pass a constitutional amendment to clear up the previous legislation on slavery. When the Supreme Court ruled in favor of the pro-slavery doctrine, there was little hope that anything short of a political or social revolution would bring an end to slavery.[13]

The atmosphere of the slavery question caused the weapons leading to possible Civil War to be sharpened. It is the opinion of John Hope Franklin, a leading historian in the field of black history, that the institution of slavery forced the sections to engage in a bloody Civil War to solve the problem. The war had its roots in the question of the future of the Negro in the United States.[14]

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[13]Franklin, From Slavery to Freedom, p. 268.

[14]Ibid., p. 270.

When, in 1861, Abraham Lincoln became President of the United States several states had seceded while the question of slavery was still undecided.[15] When the time came to defend Fort Sumter, Lincoln acted promptly; but the defense of the fort cost the Union four more slave states and brought Civil War upon the country.[16]

One of the most far-reaching results of the Civil War was the emancipation of Negro slaves. The United States had been dealing with the problem of slavery for many years with little result. War seemed to be the most opportune moment to solve the problem. In 1860, very few people believed that Congress had the authority to abolish slavery in the slave-holding states. Stated President Lincoln in his inaugural address on March 4, 1861:

> . . . I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so. . . .[17]

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[15]The states seceding before the fall of Fort Sumter were South Carolina, December 20, 1860; Mississippi, January 9, 1861; Florida, January 10, 1861; Alabama, January 11, 1861; Georgia, January 19, 1861; Louisiana, January 26, 1861; and Texas, February 1, 1861. John D. Hicks, George E. Mowry, and Robert E. Burke, The Federal Union (Boston: Houghton Mifflin Company, 1964), p. 633. Hereafter cited as Hicks, Mowry, and Burke, Federal Union.

[16]The states seceding after the fall of Fort Sumter were Virginia, April 17, 1861; Arkansas, May 6, 1861; North Carolina, May 20, 1861; and Tennessee, June 8, 1861. Ibid.

[17]Roy P. Basler, ed., The Collected Works of Abraham Lincoln, IV, (New Brunswick, New Jersey: Rutgers University Press, 1953), p. 263. Hereafter cited as Basler, Collected Works of Lincoln.

Abolition of slavery by non-slave states or their representatives in Congress also involved the question of confiscation of private property. Confiscating the property of an enemy was done in ancient wars, but by 1861, most authorities held that a belligerent did not have the right to do so. But the magnitude and hard feelings of the Civil War soon brought drastic changes in the attitudes of those in the North. The abolition of slavery soon became an important part of the Northern strategy to end the war and save the Union.

This was the situation that faced the Thirty-seventh Congress of the United States when the war began. Slavery was a major problem and was looked upon as one of the chief causes of the war by congressional leaders such as Thaddeus Stevens and Charles Sumner. No lasting solution had been reached. The attempts at compromise had resulted in failure. By this time Abolitionist, William Lloyd Garrison, and congressional leaders Sumner and Stevens had clearly indicated that they would not agree to a compromise on the slavery issue. So the Republican majority in Congress began to work toward direct federal action to bring about the abolition of slavery

President Lincoln favored gradual emancipation by voluntary state action, with federal compensation to slave owners and voluntary colonization, as a permanent solution to the slave problem. He felt compensated emancipation recognized states' rights and the property rights of the slave-holders. He felt it was a reasonable plan that would

appeal to the South and shorten the war.

On March 6, 1862, Lincoln sent to Congress a special message, recommending the adoption of the joint resolution:

> Resolved, That the United States ought to cooperate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State in its discretion, to compensate for the inconveniences, public and private, produced by such change of system.[18]

The House of Representatives wasted no time and passed the joint resolution, House Resolution Number Forty-eight, on March 11, 1862, by a vote of eighty-nine to thirty-one.[19] The discussion showed a wide difference of views among the Representatives. Moderate Republicans supported the measure; even violent anti-slavery men, such as Charles Sumner in the Senate, indicated a willingness to support liberal compensation.[20] Action on the resolution in the Senate was delayed. That body passed the measure on April 2, 1862, by a vote of thirty-two to ten.[21]

Compensated emancipation thus became the accepted policy of the legislative and executive branches of government. Had this offer been accepted by the slave-holding states, there is doubt that the administration would have carried out its pledge. Lincoln strongly urged the

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[18]Congressional Globe, 37 Cong., 2 session, March 6, 1862, p. 1102. Hereafter cited as Cong. Globe.

[19]Ibid., p. 1179.

[20]John G. Nicolay and John Hay, Abraham Lincoln, V, (New York: The Century Company, 1886), p. 214. Hereafter cited as Nicolay and Hay, Lincoln.

[21]Cong. Globe, 37 Cong., 2 session, April 2, 1862, p. 1496.

border states to take the lead in compensated emancipation but the President's urging met no success. Early in 1863, both the House and Senate passed bills providing pecuniary aid to Missouri if that state would emancipate her slaves. No further action was taken on the bills however, because the House and Senate found compromise on their respective bills impossible. Lincoln never abandoned his idea of compensation even after events of the war pushed more drastic measures to the front.

Congress first attacked the institution of slavery at the heart of the operation of Union government, the District of Columbia. The Constitution placed the District of Columbia strictly under the legislation of Congress. On April 3, 1862, the Senate by a vote of twenty-nine to fourteen, and House, on April 11 by a vote of ninety-two to thirty-eight, abolished slavery in the District.[22] The bill, Senate Number 108, provided compensation of 300 dollars per slave to the slaveowners and 100,000 dollars total for the establishment of colonies for freedmen in Haiti and Liberia. President Lincoln signed the bill on April 16, 1862.[23]

The abolition of slavery in the District was only a start. Congress next moved to the territories. The House on May 12, 1862, passed House Resolution Number 374, by a vote of eighty-five to fifty, abolishing slavery in the territories without compensation. The Senate followed on June ninth

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[22]Cong. Globe, 37 Cong., 2 session, April 11, 1862, p. 1649.

[23]Ibid., April 16, 1862, p. 1680.

by a vote of twenty-eight to ten.[24] By these actions the first Republican Congress repudiated the Dred Scott decision and asserted its authority in two fields earlier found to be areas in which no congressional action was possible.[25]

Congress next attacked the institution of slavery in the slave-holding states themselves. In July, 1862, Congress passed "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," which became more commonly known as the second Confiscation Act.[26] Section nine of the Act, House Resolution Number 110, was an emancipation section which read:

> And be it further enacted, That all slaves of Persons who shall hereafter be engaged in rebellion against the Government of the United States, or shall in any way give aid or comfort thereto, escaping from such persons and taking refuge within the lines of the army; and all slaves captured from such persons or deserted by them and coming into the control of the Government of the United States; and all slaves of such persons found on or being within any place occupied by rebel forces and afterwards occupied by the forces of the United States, shall be deemed captives of war, and shall be forever free of their servitude, and not again held as slaves.[27]

When the previous emancipation measures were supplemented by President Lincoln's preliminary Emancipation Proclamation

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[24]Cong. Globe., 37 Cong., 2 session, March 6, 1862, pp. 2068, 2618.

[25]Kelly and Harbison, Constitution, p. 433.

[26]Cong. Globe, 37 Cong., 2 session, July 16, 1862, p. 3383.

[27]U.S. Statutes at Large, XII, 589-592.

of September 22, 1862, and his final Proclamation on January 1, 1863, the institution of slavery had clearly received its death notice in all but the loyal border states.[28] Although the system seemed to be dying, most Negroes continued to remain slaves until their areas came under Union control. Since slavery was governed by state law, new laws were needed to explain the new position of the enslaved Negroes. The Emancipation Proclamation did not pertain to the border states nor to the Confederate areas already conquered. The Proclamation was also not enforceable in the areas still under Confederate control. Slavery existed on the basis of law, and if it were to be abolished, it would have to be done by some process of law.[29] In spite of the fact that the Proclamation was a striking use of national authority over the slavery question, from 1863 to 1865, slavery remained a matter for the several states.

So there came, in the rapid development of public policy during the Civil War, an awkward stage when the laws concerning slavery were half state, half national. When the Thirty-eighth Congress convened on December 7, 1863, the main question as to the legal existence of slavery

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[28]Nicolay and Hay, Lincoln, X, p. 72.

[29]James G. Randall, Constitutional Problems Under Lincoln (Urbana: University of Illinois Press, 1964), p. 382. Hereafter cited as Randall, Problems. See also John Hope Franklin, The Emancipation Proclamation (Garden City, New York: Doubleday, 1963.

rested with the states, while at the same time there were various statutes of the nation which seriously interfered with the institution.[30] Congress, therefore, set to work on the problem of making emancipation uniform throughout the country.

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[30]Randall, Problems, p. 385.

CHAPTER 2

THE THIRTEENTH AMENDMENT: SUCCESSFUL IN THE SENATE

When the Thirty-eighth Congress met in December, 1863, the most ardent abolitionists recognized the previous acts of Congress pertinent to emancipation as only emergency measures. Congressmen and Senators realized that the early measures would need the support of a formal constitutional amendment to survive the close of hostilities.[1] With this objective in mind Senator John B. Henderson of Missouri, introduced a joint resolution, Senate Number Sixteen, on January 11, 1864, proposing an amendment to the Constitution providing slavery should not exist in the United States.[2] The resolution was referred to the committee of the Judiciary.

After nearly a month Charles Sumner of Massachusetts, also introduced a joint resolution, Senate Number Twenty-four, on February eighth. Sumner's resolution proposed an amendment which provided that "everywhere within the limits of the United States, and of each State or Territory thereof,

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[1]Fawn M. Brodie, Thaddeus Stevens (New York: W. W. Norton and Company, Inc., 1959), p. 185. Hereafter cited as Brodie, Thaddeus Stevens.

[2]Cong. Globe, 38 Cong., 1 session, January 11, 1864, p. 145.

all persons are equal before the law, so that no person can hold another as a slave."[3] Sumner wanted to refer his resolution to the committee on Slavery, of which he was chairman, but other Senators argued that the committee of the Judiciary was the proper one for considering constitutional change. Sumner finally agreed.

On March 28, 1864, Lyman Trumbull of Illinois, chairman of the Judiciary Committee, reported a substitute resolution. The substitute was different in language from the two previous resolutions introduced in the Senate. Trumbull reported the following resolution, the wording of which closely followed the phraseology of the 1787 Northwest Ordinance which was familiar to the nation.

Article XIII

> Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
> Section 2. Congress shall have power to enforce this article by appropriate legislation.[4]

Trumbull formally opened debate upon the resolution. "No superficial observer, even, of our history North or South, or of any party, can doubt that slavery lies at the bottom of our present troubles," Trumbull stated.[5] As to

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[3]Cong. Globe, 38 Cong., 1 session, February 8, 1864, p. 521.

[4]Ibid., March 28, 1864, p. 1314.

[5]Ibid., p. 1313.

the suggestion that Congress pass a law to end slavery, Trumbull pointed out that the inability of Congress to interfere with slavery in the states had long been an "admitted axiom" and that the war powers conferred no such right. Constitutional amendment he found to be "the only effectual way of ridding the country of slavery . . . so that it cannot be resuscitated." "/When/ this amendment /is/ adopted", he said, "not only does slavery cease, but it can never be reestablished by State authority, or in any other way than by again amending the Constitution."[6] When the amendment was ratified by the requisite number of states, Trumbull felt that the country would forever free itself of the troublesome question of slavery. By passing the amendment Trumbull stated, "We take this question /slavery/ entirely away from the politics of the country. We relieve Congress of sectional strife, and, what is better than all, we restore to a whole race that freedom which is theirs by the gift of God, but which we for generations have wickedly denied them."[7] Henry Wilson of Massachusetts, explained the duty now before the Senate by stating, " . . . by thought, by work, and by deed to feel, to think, to speak, to act so as to obliterate the last vestiges of slavery in America . . . ."[8] This was the duty the Senate should complete.

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[6]Cong. Globe, 38 Cong., 1 session, March 28, 1864, p. 1314.

[7]Ibid.

[8]Ibid., p. 1324.

Since the Republicans had almost unanimous control of the Senate; their speeches, though eloquent, seemed wasted on the foregone conclusion that the resolution would easily pass. The discussion on the resolution continued from time to time until the eighth of April when the final vote was taken.

The position that slavery was not wrong was taken by William Saulsbury of Delaware, a loyal slave state. Speaking of the phrase in the Declaration of Independence which reads "all men are created equal," Saulsbury said it was not an acknowledgement that slavery was wrong. The framers of the Declaration, Saulsbury commented, " . . . were speaking not of the rights of the subject race in their own midst, but of those rights to free and independent government which distinct political communities had . . . ."[9]

The argument that the time was not right to amend the Constitution was the position taken by Thomas A. Hendricks of Indiana. Stated Hendricks, " . . . there are many States that are especially in no condition to consider amendments to the Constitution." He asked the Senators, "in what condition are Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, Texas, and Virginia to consider amendments to the Constitution? Is this to be their Constitution as well as ours?" He pointed out

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[9]Cong. Globe, 38 Cong., 1 session, March 31, 1864, p. 1365.

that the Constitution was written after the War Of The Revolution was ended. The time to amend the Constitution was when peace had been restored to the country, not during a Civil War, he stated.[10]

Lazarus W. Powell of Kentucky, also opposed the resolution because first, Congress should not attempt any such legislation at the present time of crisis. Secondly, he desired that the Union be restored, and if the amendment passed it would be "the most effective disunion measure that could be passed by Congress."[11]

The leading spokesman in opposition to the resolution was Garrett Davis of Kentucky. Davis first attacked the resolution because he felt it was against the principle of states' rights. Stated Davis:

> If we are to have union, liberty, and peace, the indispensable condition is that the great fundamental principle, that the States are to have the entire and exclusive control of their own local and domestic institutions and affairs, must be held inviolable by the General Government.[12]

The political theme was then introduced by Davis. He felt no revision of the Constitution should be undertaken under the auspices of the Republican Party. He criticized the leaders of the party for being hostile to slavery long before the war began. The thought of the

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[10]Cong. Globe, 38 Cong., 1 session, April 7, 1864, p. 1457.

[11]Ibid., April 8, 1864, p. 1481.

[12]Ibid., March 30, 1864, Appendix, p. 104.

South, stated Davis, was that " . . . , those leaders had determined on the destruction of slavery; and, if they could not succeed by any other means, even to revolutionize the Government to effect it."[13]

James Harlan of Iowa, answered the question of the amendment's constitutionality very ably. He stated that before the resolution would become effective it must be passed by a two-thirds vote in each branch of Congress and receive the approval of the legislatures of three-fourths of the states. The amendment could not be objected to on constitutional grounds, he stated, for the Constitution itself provides for amending itself. Harlan also commented on the objections that the time for an amendment was not proper due to the rebellious conditions in the states that would most be affected by the measure. He pointed out that Congress intended to include the rebellious states in estimating the majority of votes of the state legislatures.[14]

Charles Sumner of Massachusetts, defended the Constitution as not supporting slavery. If a stranger to the United States were to read the Constitution, Sumner stated, he would observe three things. First, that the words slave or slavery do not appear in the Constitution. Secondly,

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[13]Cong. Globe, 38 Cong., 1 session, March 30, 1864, Appendix, p. 106.

[14]Ibid., April 6, 1864, p. 1440.

there are no words in the document which do not open the Constitution to freedom and close it to slavery. Thirdly, the stranger would observe the " . . . time-honored, most efficacious, chain breaking words in the amendments: 'No person shall be deprived of life, liberty, or property, without due process of law.'"[15]

Sumner attacked persons who used scripture and the Constitution to support slavery. Of this he said, " . . . people are apt to find in texts simply a reflection of themselves."[16] Emancipation of the Negro and emancipation of the Constitution could both be achieved by the success of an amendment to the Constitution contended Sumner. Comparing the two, Sumner stated, "Universal emancipation, which is at hand, can be won only by complete emancipation of the Constitution itself, which has been degraded to wear chains so long that its real character is scarcely known."[17] The Constitution, he felt, provides four sources of power to render slavery impossible. Stated Sumner:

> First, the power to provide for the common defense and general welfare; secondly, the power to raise armies and maintain navies; thirdly, the power to guarantee to every State a republican form of government; and fourthly, the power to secure liberty to every person restrained without due process of law.[18]

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[15]Cong. Globe, 38 Cong., 1 session, April 8, 1864, p. 1479.

[16]Ibid., p. 1480

[17]Ibid.

[18]Ibid., p. 1481.

Although Sumner completely agreed that slavery should be abolished, he did not agree with the phraseology of the proposed amendment. On April 8, 1864, the day the Senate was to vote on the resolution, he wanted to amend the measure to follow the wording of the French Constitution. Specifically he wanted to amend the resolution to read:

> All persons are equal before the law, so that no person can hold another as slave; and the Congress may make all laws necessary and proper to carry this article into effect everywhere within the United States and the jurisdiction thereof.[19]

Jacob M. Howard of Michigan, helped convince Sumner to withdraw his amendment. Howard explained that the purpose for the wording in the original constitution of the French Republic of 1791, was " . . . to abolish nobility and privileged classes. It was to enable all Frenchmen to reach positions of eminence and honor in the French Government, and was intended for no other purpose."[20] The Michigan Senator then concluded by stating:

> . . . I prefer to dismiss all references to French constitutions or French codes, and go back to the good old Anglo-Saxon language employed by our fathers in the ordinance of 1787, an expression which has been adjudicated upon repeatedly, which is perfectly well understood both by the public and by judicial tribunals, . . .[21]

So the amendment, as originally submitted by Trumbull, was voted on by the Senate. The debate was short because

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[19]Cong. Globe, 38 Cong., 1 session, April 8, 1864, p. 1483.

[20]Ibid., p. 1489

[21]Ibid.

there was little doubt that the resolution would pass; the political division of the Senate was then thirty-six Republicans, five Conditional Unionists /SIC/, and nine Democrats.[22] Along with the entire Republican vote, the resolution was supported by two Democrats; Reverdy Johnson of Maryland, and James W. Nesmith of Oregon supported the measure.[23]

The final vote showed the Thirteenth Amendment passing with a comfortable margin of thirty-eight to six, more than the two-thirds vote required by the Constitution.[24] When the final passage was announced, Saulsbury echoed the feelings of pro-slavery Senators when he stated, "I rise simply to say that I now bid farewell to any hope of the reconstruction of the American Union."[25]

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[22]Nicolay and Hay, Lincoln, X, p. 76.

[23]See Appendix A for the record of the final Senate vote on the Thirteenth Amendment.

[24]Cong. Globe, 38 Cong., 1 session, April 8, 1864, p. 1490.

[25]Ibid.

CHAPTER 3

THE THIRTEENTH AMENDMENT: DEFEATED IN THE HOUSE

The House of Representatives actually took action on a constitutional amendment to abolish slavery before the Senate acted. The Republican majority in 1863-1864, though small, was radical and energetic.[1]

On December 14, 1863, two bills were introduced to the House dealing with the abolition of slavery. James M. Ashley of Ohio, introduced a bill to provide ". . . a proposition to amend the national Constitution prohibiting slavery, or involuntary servitude, in all of the States and Territories now owned or which may be hereafter acquired by the United States."[2] The bill was read a first and second time and referred to the Judiciary Committee.

James F. Wilson of Iowa, on the same day, introduced a joint resolution to amend the Constitution. Wilson's

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[1]James Kendall Hosmer, Outcome of the Civil War, 1863-1865, Vol. XXI of The American Nation: A History, ed., by A. B. Hart (28 vols., New York: Harper and Brothers, 1907), p. 124.

[2]Cong. Globe, 38 Cong., 1 session, December 14, 1863, p. 19.

resolution read:

> Sec. 1. Slavery, being incompatible with a free government, is forever prohibited in the United States; and involuntary servitude shall be permitted only as a punishment for crime.
>
> Sec. 2. Congress shall have power to enforce the foregoing section of this article by appropriate legislation.[3]

Wilson's bill was also referred to the Judiciary Committee. No further action was taken on either of the House resolutions due to the introduction of Senator Henderson's original resolution. This measure was introduced to the House on March 28, 1864. The resolution stated:

> Art. 1. Slavery or involuntary servitude except as a punishment for crime, shall not exist in the United States.
>
> Art. 2. The Congress, whenever a majority of the members elected to each House shall deem it necessary, may propose amendments to the Constitution, or, on the application of the Legislatures of a majority 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 the Constitution, when ratified by the Legislatures of two thirds of the several States, or by conventions in two thirds thereof, as the one or the other mode of ratification may be proposed by Congress.[4]

On the motion of Thaddeus Stevens of Pennsylvania, one of the leading abolitionists, the House voted to strike out the second Article of Henderson's resolution. The reason for doing so seemed to be that it only repeated Article V of the United States Constitution. Stevens then offered a resolution of his own to abolish slavery. His resolution

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[3]Cong. Globe, 38 Cong., 1 session, December 14, 1863, p. 21.

[4]Ibid., March 28, 1864, p. 1313.

differed from the previous ones because of the new idea introduced in the second Article. Steven's resolution stated:

> Article 1. Slavery and involuntary servitude, except for the punishment of crimes whereof the party shall have been duly convicted, is forever prohibited in the United States and all its Territories.
> Article 2. So much of article four section two, as refers to the delivery up of persons held to service or labor escaping into another State is annulled.[5]

Article two of Steven's resolution referred to Article four of the Constitution which provides for the return of fugitive slaves. Upon a motion to lay Steven's resolution on the table, the House refused by a vote of sixty-nine to thirty-eight.

Debate on Steven's resolution went no further due to the introduction in the House of Senator Trumbull's revised resolution, Senate Number Sixteen, on March 31, 1864. Trumbull's bill was to occupy the House until its eventual passage.

The party division of the House upon the resolution's introduction was 102 Republicans, 75 Democrats, and 9 members from the border states where slavery was still in existence. So the resolution had little chance of obtaining the required two-thirds vote in its favor.[6] There was, however, sufficient Republican strength to secure discussion

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[5]Cong. Globe, 38 Cong., 1 session, March 28, 1864, p. 1325.

[6]Nicolay and Hay, Lincoln, X, p. 77.

of the measure. On March 31, 1864, the resolution withstood the first attempt to reject it by a vote of seventy-six to fifty-five.[7]

It may be assumed that the foregone conclusion that the bill would fail greatly shortened debate on the resolution. The debate occupied the House on only three different days. The speeches basically followed party lines. The Democrats predicted drastic results for the nation and the Constitution if the resolution were to pass. Northern and border state Democrats generally did not defend the institution of slavery, but they did take positions against the amendment for legal reasons.[8]

Anson Herrick of New York, felt that the amendment was a "disunion measure." He hoped to witness the restoration of the Union on the basis of the Constitution "as it is."[9] Representative Martin Kalbfleisch of New York, also opposed changing the Constitution. Said Kalbfleisch, "Let us heed the lesson which history teaches us, that it is wisest always to leave well enough alone."[10]

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[7]Cong. Globe, 38 Cong., 1 session, March 31, 1864, p. 2612.

[8]Alfred Avins, ed., The Reconstruction Amendments' Debates (Richmond: Virginia Commission on Constitutional Government, 1967), p. v.

[9]Cong. Globe, 38 Cong., 1 session, May 31, 1864, pp.2615-2617.

[10]Ibid., June 14, 1864, p. 2947.

The argument that the constitutional amending power did not extend to matters under state control was most prevalent. John V. L. Pruyn of New York, supported the theory of states' rights when he stated:

> I admit that the Constitution should be liberally construed for the purpose for which it was established, but I deny that it can be constructively enlarged, or that under the pretense of amending it, we can go outside of the terms and of the spirit of the grant, and draw within its grasp which have been expressly declared to be beyond its reach.[11]

Pruyn went on to criticize the nature of the amendment. The twelve amendments to the Constitution are declaratory and restrictive, stated Pruyn. The twelve amendments regulate the exercise of powers already granted to the government he declared, but they "do not enlarge the powers of the General Government. The right to amend is not a right to extend and enlarge the powers granted under the Constitution," he concluded.[12]

Fernando Wood, the former Tammany Hall Mayor of New York City, also argued for states' rights. The amendment said Wood, " . . . is unjust because it involves a tyrannical destruction of individual property under the plea of a legitimate exercise of the functions of Government."[13] Wood also reminded the House that the Republican Party platform of 1860, had promised that there would be no

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[11] Cong. Globe, 38 Cong., 1 session, June 14, 1864, p. 2939.

[12] Ibid., p. 2940.

[13] Ibid.

interference with the institution of slavery in the states.

Alexander H. Coffroth of Pennsylvania did not care if slavery was retained or abolished. He felt, however, if abolished, it should be done by the proper authority, that is the states themselves. He did not deny the right of Congress to amend the Constitution for the benefit of the people. But he did "deny the right of Congress to amend the Constitution to the destruction of the right of the people to hold property."[14]

Representative Joseph K. Edgerton, an Indiana Democrat, set forth the reasoning of the anti-slavery but pro-states' rights northerners in the House when he said, "Regarding the anti-slavery sentiment which now exists in the counry, I sympathize with and respect it." However, " . . . it was the received interpretation of the Constitution of the United States by all political parties having any claims to numbers or respectability that the right to control or abolish slavery in the States was not in the Federal Government . . . ."[15] Edgerton's first objection to the amendment sums up very well the arguments of those favoring states'

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[14]Cong. Globe, 38 Cong., 1 session, June 14, 1864, p. 2952.

[15]Ibid., June 16, 1864, p. 2985.

rights. His objection read:

> It /joint resolution/ seeks to draw within the authority of the Federal Constitution and the Federal Congress a question of local or internal policy belonging exclusively to the slaveholding States, and is in conflict with the principles on which the Union was originally formed, and with the whole theory and spirit of the Constitution as to the rights of the States.[16]

Attacks on the Republican Party were not ignored in the Democratic arguments against the resolution. Daniel Marcy of New Hampshire, defended the Constitution as a perfect work so long as the administration of government was in the hands of the Democratic Party. Said Marcy, " . . . the moment the great disloyal abolition party assumed to direct the affairs of the nation, from that moment the safeguards of liberty were broken down, . . ."[17] William S. Holman of Indiana, joined in when he stated, "Of all of the measures of this disastrous Administration, each in its turn producing new calamities, this attempt to tamper with the Constitution threatens the most permanent injury."[18]

The Replublicans in the House countered the Democratic arguments by promising the restoration of the Union by passing the amendment and fulfilling the wish of the nation's founding fathers to end slavery. Daniel Morris

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[16]Cong. Globe, 38 Cong., 1 session, June 15, 1864, p. 2986.

[17]Ibid., June 14, 1864, p. 2950.

[18]Ibid., p. 2960.

of New York, stated, " . . . our fathers permitted slavery from a supposed necessity. This was their first error. They expected it would become extinct under the working of the Constitution. This was a second error." He continued by comparing the worth of the nation and slavery. "Which is of the greater value? I say destroy this monster at once, root out this noxious plant, leave not a fiber to again sprout and choke the tree of liberty planted by our fathers."[19]

The spirit of American institutions is expressed in the phrase "liberty regulated by law," said Thomas B. Shannon of California. Slavery, insisted Shannon, is not consistent with this condition. He continued by stating, " . . . we must end this war now, end it for all coming time; and we can only end it as we desire by so amending our organic act that slavery can never again be an element of discord among our people."

The Democratic argument that Congress did not have the power to amend the Constitution was ably answered by M. Russell Thayer of Pennsylvania. He called the amendment

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[19]Cong. Globe, 38 Cong., 1 session, May 31, 1864, pp. 2614-2615.

[20]Ibid., June 14, 1864, pp. 2948-2949.

> . . . a matter for the people of the United States. We are not amending the Constitution. We do not propose to amend the Constitution. We propose by this joint resolution to afford the people the opportunity of amending their Constitution if they see proper to exercise that power.[21]

The Congressional elections of 1862 had been damaging to the Republicans. The war was going badly. General Robert E. Lee had pushed the scene of battle onto northern soil. The Democrats had a made-to-order popular issue in the Rebublican conduct of the war. In the North there was a strong change in public feeling about the war. The Democratic appeal for the Union, indivisible and unchanged, gathered strong support.

On June 15, 1864, the question of the passage of the amendment was answered. The results of the vote were no surprise. The final tally showed ninety-three in favor, sixty-five against, and absent or not voting, twenty-three. Of the voters favoring the resolution eighty-seven were Rupublicans and four were Democrats. The Democrats supporting the measure were Moses F. Odell and John A. Griswold of New York, Joseph Bailey of Pennsylvania, and Ezra Wheeler of Wisconsin.[22]

The final vote count did not equal the required two-thirds so the resolution was defeated. Ashley, who

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[21] Cong. Globe, 38 Cong., 1 session, June 15, 1864, p. 2980.

[22] Nicolay and Hay, Lincoln, X, pp. 77-78.

from the first had steered the measure, voted against it. Then using his parliamentary privilege entered a motion to reconsider the vote by which the constitutional amendmend had been rejected.[23] On June 28, 1864, William S. Holman of Indiana, asked Ashley if he proposed to call up his motion to reconsider the amendment during the present session. Ashley then notified the House and the country his future plans for the amendment when he stated:

> I did think that on the other side, on sober second thought, gentlemen enough on that side of the House could be brought to support this just constitutional amendment to carry it, but I have been disappointed. Those who ought to have been the champions of this great proposition are unfortunately its strongest opponents. They have permitted the golden opportunity to pass. The record is made up, and we must go to the country on this issue thus presented. When the verdict of the people is rendered next November I trust this Congress will return determined to ingraft that verdict into the national Constitution. I therefore give notice to the House and the country that I will call up this proposition at the earliest possible moment after our meeting in December next.[24]

So the Thirteenth Amendment failed in the first session of the Thirty-eighth Congress in the House. The supporters of the measure, led by Ashley, persisted in their attempt to abolish the institution of slavery.

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[23]Cong. Globe, 38 Cong., 1 session, June 15, 1864, p. 3000.

[24]Ibid., June 28, 1864, p. 3357.

CHAPTER 4

THE THIRTEENTH AMENDMENT: SUCCESSFUL IN THE HOUSE

The American public had shown a surge of interest in the abolition of slavery even though the resolution failed in the House of Representatives. When on June 7, 1864, the National Republican Convention met in Baltimore, its members were concerned with two vital questions. First, the renomination of Lincoln and secondly, the success of the Thirteenth Amendment. The renomination of Lincoln needed only the announcement of the Convention, so the constitutional amendment received the full attention of the delegates.[1]

The third resolution of the adopted Republican Platform stated:

> Resolved, That as slavery was the cause and now constitutes the strength of this rebellion, and as it must be always and everywhere hostile to the principles of republican government, justice and the National safety demand its utter and complete extirpation from the soil of the Republic; and that while we uphold and maintain the acts and proclamations by which the Government in its own defense has aimed a death blow at this gigantic evil, we are in favor, furthermore, of such an amendment to the Constitution, to be made by the people, in conformity with its provisions, as shall terminate and forever prohibit the

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[1]Nicolay and Hay, Lincoln, X, p. 78.

> existence of slavery within the limits or the jurisdiction of the United States.[2]

In Lincoln's reply to his renomination and the third resolution of the Convention he stated, "I will say now, however, I approve the declaration in favor of so amending the Constitution as to prohibit slavery throughout the nation."[3]

So with the third resolution being the most controversial of the Republican Platform the elections of 1864 were held. The results showed an overwhelming Republican victory. The popular majority was 411,281, and the electoral vote revealed a majority of 191. The Republicans in the House of Representatives held a majority of 138 to 35.[4]

Not only did the Republican Convention reflect the change in public opinion, but great change was evident in the conduct of the war. Both military and political victories gave Congress new hope to continue the battle against slavery. The despair of the early war years, which brought mutterings of peace at any price, had been silenced. Many persons began to realize that the South was almost defeated. A new hopefulness spread over the North, and the people were determined to make sure that the war had not been fought in vain.

This new confidence was revealed by President Lincoln in his annual message to Congress on December 6, 1864.

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[2]Basler, Collected Works of Lincoln, VII, p. 380.

[3]Ibid., p. 380.

[4]Nicolay and Hay, Lincoln, X, p. 80.

Lincoln urged its members to carry into effect the expressed popular opinion shown in the 1864 elections and pass the abolition measure. The president's message was this:

> At the last session of Congress a proposed amendment of the Constitution, abolishing slavery throughout the United States, passed the Senate, but failed, for lack of the requisite two-thirds vote, in the House of Representatives. Although the present is the same Congress, and nearly the same members, and without questioning the wisdom or patriotism of those who stood in opposition, I venture to recommend the reconsideration and passage of the measure at the present session. Of course the abstract question is not changed, but an intervening election shows, almost certainly, that the next Congress will pass the measure if this does not. Hence there is only a question of time as to when the proposed amendment will go to the States for their action. And as it is to so go at all events, may we not agree that the sooner the better? It is not claimed that the election has imposed a duty on Members to change their views or their votes any further than, as an additional element to be considered, their judgement may be affected by it. It is the voice of the people, now for the first time heard upon the question. In a great National crisis like ours unanimity of action among those seeking a common end is very desirable--almost indispensable. And yet no approach to such unanimity is attainable. unless some deference shall be paid to the will of the majority, simply because it is the will of the majority. In this case the common end is the maintenance of the Union; and among the means to secure that end, such will, through the election, is most clearly declared in favor of such constitutional amendment.[5]

The same Congress which had once defeated the amendment still occupied the House. There were only a few new faces. All the hold-over members, if they voted the same, would again assure the measure's defeat. It was necessary

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[5]Basler, Collected Works of Lincoln, VIII, p. 149.

that growing public opinion and pressures from within the House would win over some of the "weaker sisters."[6]

On December 15, 1864, Ashley gave notice that he would call up the constitutional amendment for reconsideration on January 6, 1865.[7] The day before the resolution was to be reconsidered, Thaddeus Stevens gave a particulary vivid speech comparing the plague of slavery to the plagues of ancient Egypt. Said Stevens:

> Those who believe that a righteous Providence punishes nations for national sins believe that this terrible plague is brought upon us as punishment for our oppression of a harmless race of men inflicted without cause and without excuse for ages. I accept this belief; for I remember that an ancient despot, not so cruel as this republic, held a people in bondage--a bondage much lighter than American slavery; that the Lord ordered him to liberate them. He refused. His whole people were punished. Plague after plague was sent upon the land until the seventh slew the firstborn of every household; nor did they cease until the tyrant 'let the people go.' We have suffered more than all the plagues of Egypt; more than the first-born of every household has been taken. We still harden our hearts and refuse to let the people go. The Scourge still continues, nor do I expect it to cease until we obey the high behest of the Father of men.
>
> We are about to have another opportunity to obey this command. We are about to ascertain the national will by another vote to amend the Constitution. If gentlemen opposite will yield to the voice of God and humanity and vote for it, I verily believe the sword of the destroying angel will be stayed and this people be reunited.[8]

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[6]Alphonse B. Miller, Thaddeus Stevens (New York: Harper and Brothers, 1939), p. 187. Hereafter cited as Miller, Thaddeus Stevens.

[7]Cong. Globe, 38 Cong., 2 session, December 15, 1864, p. 53.

[8]Ibid., January 5, 1865, p. 124.

On the appointed day, Ashley opened debate on the amendment by stating, "If slavery is not wrong, nothing is wrong."[9]

General discussion followed from time to time. As before, the Republicans all favored the resolution, while most of the Democrats opposed it. The important exceptions among the Democrats showed the gains the amendment had made in public opinion and in Congress. The events of the war had suddenly become more powerful than party beliefs or tactics. For fifteen years the Democratic Party had stood as the protector of slavery, but despite this alliance the institution was rapidly dying. Slave owners had been defeated by congressional legislation, they were suppressed by popular elections, confiscation laws were responsible for taking their property, and finally the Union armies were freeing their slaves by the thousands. Most notable however; the institution's final stronghold, the slave states themselves, were beginning to abolish the institution.[10]

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[9]Cong. Globe, 38 Cong., 2 session, January 6, 1865, p. 138.

[10]Except for Kentucky and Delaware, each of the other border slave states abolished slavery by state action before the Thirteenth Amendment went into effect. In West Virginia a clause providing gradual emancipation was inserted in the constitution of the newly formed state. By constitutional amendment slavery was immediately abolished in Tennessee in February, 1865. In Maryland abolition was effected by an ordinary law which repealed the slave code of the state. In Missouri a different method was used. The institution was abolished by an ordinance passed by a state convention. This happened on January 11, 1865, a month before the state legislature ratified the Thirteenth Amendment. Randall, Problems, pp. 388-390.

The Democratic Party could not shut its eyes to the developments that had occurred. George H. Yeaman, a Kentucky Democrat, stated that "After much hesitation and earnest reflection, I have concluded to vote for the resolution . . . ." Yeaman begged to assure the House that he came to his conclusion "viewing the subject from a national, and even from a Kentucky stand point, and /I/ have derived little or no assistance from those views common to the members of what is termed the radical party of the North." One reason for changing his vote was public opinion, Yeaman explained as he stated " . . . seeing the people have determined to do it, it becomes the part of wisdom to let it be done as quickly as convenient and with no unnecessary opposition. Let the agony be over and rubbish cleared away," he concluded.[11]

"In my judgement," said William S. Holman of Indiana, "the fate of slavery is sealed. It dies by the rebellious hand of its votaries, untouched by the law. Its fate is determined by the war; by the measures of the war; by the results of the war. These, sir, must determine it, even if the Constitution were amended." He opposed the amendment however, simply because it was unnecessary.[12]

On January 13, 1865, Thaddeus Stevens again spoke to the House on the Thirteenth Amendment. His speech was

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[11] Cong. Globe, 38 Cong., 2 session, January 9, 1865, p. 170.

[12] Ibid., January 11, 1865, p. 219.

short as if he felt confident of the vote. Stated Stevens:

> From my earliest youth I was taught to read the Declaration of Independence and to revere its sublime principles. As I advanced in life and became enabled to consult the writings of great men of antiquity, I found in all their works which have survived the ravages of time and come down to the present generation, one unanimous denunciation of tyranny and of slavery, and eulogy of liberty.
>
> When, fifteen years ago, I was honored with a seat in this body, it was dangerous to talk against this institution. . . . I did not hesitate, in the midst of bowie-knives and revolvers and howling demons upon the other side of the House, to stand here and denounce this infamous institution . . . .
>
> I recognized and bowed to a provision in that Constitution which I always regarded as its only blot . . . . Such, sir, was my position . . . not disturbing slavery where the Constitution protected it, but abolishing it wherever we had the constitutional power, and prohibiting its further expansion. I claimed the right then, as I claim it now, to denounce it everywhere.[13]

Most of the Democratic speeches opposing the measure were weighted down with the same arguments presented when the resolution was defeated. The defenders of slavery were led by George H. Pendleton of Ohio. Pendleton, the Democratic leader of the House, and recent running mate of General McClellan on the Democratic ticket was an adversary not to be despised. He was sincere, patriotic, subtle, and believed in following the principles of Anglo-Saxon politics. He seemed to be so wrapped up in the desire to observe the letter of the law that he lost touch with reality. To Pendleton,

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13Cong. Globe, 38 Cong., 2 session, January 13, 1865, pp. 265-266.

the one purpose of the war was to force the rebels back into the Union. To deprive the rebels of any of their former privileges was both bad law and bad sportsmanship.[14]

Representative Ashley, the sponser of the measure in the House, was scheduled to give the last remarks concerning the Thirteenth Amendment. When his time came to speak on the measure he gave his time to several Democratic members for the purpose of explaining their reasons for supporting the amendment.

Archibald McAllister of Pennsylvania first addressed the House in favor of the amendment with these words:

> When this subject was before this House on a former occasion I voted against the measure. I have been in favor of exhausting all means of conciliation to restore the Union as our fathers made it. I am for the whole Union, and utterly opposed to secession or dissolution in any shape. The result of all the peace missions, . . . has satisfied me that nothing short of the recognition of their independence will satisfy the southern confederacy. It must therefore be destroyed; and in voting for the present measure I cast my vote against the corner-stone of the southern confederacy, and declare eternal war against the enemies of my country.[15]

McAllister's speech drew applause from the Republican side of the house.

Alexander H. Coffroth of Pennsylvania, next explained why he planned to support the resolution. Said Coffroth:

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[14]Miller, Thaddeus Stevens, p. 187.

[15]Cong. Globe, 38 Cong., 2 session, January 31, 1865, p. 523.

> The gentlemen on the other side of this Chamber . . . tell us this amendment will do more to secure peace than any resolution proposed in this House. Although they would not try the remedy we presented, I am willing to try the one they present; and if by my vote this amendment is submitted to the States, and it brings this war to a close, I will ever rejoice at the vote I have given; but if I am mistaken, I will remember it is not the first time.[16]

Stated Anson Herrick of New York:

> . . . the joint resolution . . . comes before us under circumstances widely different from those existing when at the last session of Congress the same resolution failed to receive the requisite two-thirds vote of this body.
>
> The eventful year which has elapsed has wrought great changes in the situation of the country affecting this important question and I approach its discussion at this time with quite altered views, as to its expediency, from those which governed me when I last addressed the House upon the same subject. . . . Events which will now govern my action have superseded the arguments which influenced the vote I recorded last year. The considerations which then rendered the amendment proposed impolitic, in my view, have ceased to operate, and reasons of great force, which were not then in existence, have arisen to make it now expedient, and to warrant me in reversing my former action.
>
> In my humble judgement the rejection of this measure at that time was demanded by the best interests of the country, which now, on the contrary, seem to call for its adoption.[17]

The issue was decided on the afternoon of January 31, 1865. The scene was one of a tense situation. The galleries were filled to overflowing. Before noon the pro-slavery party was confident of defeating the amendment. But as the day progressed the advocates of the measure gained confidence.

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[16] Cong. Globe, 38 Cong., 2 session, January 31, 1865, pp. 523-524.

[17] Ibid., p. 524.

John D. Stiles of Pennsylvania, moved to lay Ashley's motion to reconsider Senate Number Sixteen on the table but the motion failed to pass by a 111 to 57 vote with 14 not voting. Ashley's motion to reconsider the resolution then officially passed 112 to 57 with 13 not voting.[18] So the Thirteenth Amendment was ready for the final vote in the House. At four o'clock the vote was taken.[19] No one could be certain that the oratory and backstage bargaining had changed the required number of votes from Nay to Aye.

The House quieted when the clerk began to call the final roll. The Republicans voted Aye as was expected. When the first Democrat, Alexander H. Coffroth, who had previously voted against the measure, voted Aye, cheers echoed from the galleries. Slowly the voting continued. When James E. English of Connecticut, and John Ganson of New York voted Aye there was considerable applause from the Republican side. The Speaker, Schuyler Colfax of Indiana, called repeatedly for order and asked that members set a better example to spectators in the gallery. Every Democratic Aye met the same applause. At the end of the alphabet, Ben and Fernando Wood of New York City, voted for slavery. George H. Yeaman voted to abolish the institution. Speaker Colfax, violating precedent, then asked the

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[18]Cong. Globe, 38 Cong., 2 session, January 31, 1865, p. 530.

[19]Nicolay and Hay, Lincoln, X, p. 85.

clerk to call his name as a member of the House and recorded a vote of Aye.[20]

The final vote showed 119 Ayes, 56 Nays, and 8 not voting, the two-thirds majority was thus achieved by 3 votes. Colfax then announced, "the constitutional majority of two-thirds having voted in the affirmative, the joint resolution is passed." The spectators received the announcement with an outburst of enthusiasm. Republican members sprang to their feet and applauded with cheers and hand clapping. This example was followed by the men in the galleries who waved their hats and cheered loudly. The lady spectators, hundreds of whom were present, rose in this seats and waved their handkerchiefs amidst cheers of "Hurrah for freedom" and "Glory enough for one day." This excitement lasted for several minutes.[21] Ebon C. Ingersoll of Illinois, then rose and stated, " . . . in honor of this immortal and sublime event I move that the House do now adjourn." The motion carried and the House adjourned at 4.20 p.m.[22]

While the Democrats as a Party persisted in opposing the measure, more progressive members had the courage to take wiser action. Not only did the four Democrats who supported the amendment at the first session again favor it, but they were joined by thirteen others of the Democratic

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[20]Cong. Globe, 38 Cong., 2 session, January 31, 1865, p. 531. See also Brodie, Stevens, p. 204.

[21]New York Times, February 1, 1865, p. 1. See also Cong. Globe, 38 Cong., 2 session, January 31, 1865, p. 531.

[22]Cong. Globe, 38 Cong., 2 session, January 31, 1865, p. 531.

Party. By their help the favorable two-thirds vote was secured. The seventeen Democrats who supported the measure do not deserve all the credit for its passage however. Members from the border slave states; one from Delaware, four from Maryland, three from West Virginia, four from Kentucky, and seven from Missouri aided greatly the passage of the resolution. Credit is also due to the eight members, all Democrats, who were absent possibly with good reason. Their absence reduced the two-thirds vote necessary for the resolution's success.[23]

The resolution proposing the Thirteenth Amendment, having received the required vote of both Houses of Congress, was sent to President Lincoln. He formally signed the measure on February 1, 1865. Since the President's signature was required only on ordinary legislation, and not amendments to the Constitution; the Senate passed on February 7, 1865, a resolution that "such approval was unnecessary to give effect to the action of Congress."[24]

Work on the Thirteenth Amendment was therefore completed in Washington D.C. For it to become part of the Constitution, ratification by three-fourths of the states' legislatures

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[23]See Appendix B for the record of the final House vote on the Thirteenth Amendment.

[24]Cong. Globe, 38 cong., 2 session, February 7, 1865, pp. 629-630. In Hollingsworth v. Virginia, the Supreme Court had ruled that the signature of the President applies only to the ordinary cases of legislation and not with the proposition or adoption of amendments to the Constitution. Hollingsworth v. Virginia (1798) 3 Dallas (U.S.) 378. Contained in Vol. III, U.S. Supreme Court Reports.

was now necessary. So the attention of the country switched from the Capitol to the various states for the next development.

CHAPTER 5

THE THIRTEENTH AMENDMENT: RATIFIED

Aside from the various arguments presented against the amendment in Congress, there existed widely different views as to what would constitute a valid ratification of the Thirteenth Amendment. Some contended that ratification by three-fourths of the loyal states would be sufficient. Others said that three-fourths of all the states, loyal or seceded, would be necessary. President Lincoln, in his Louisiana Reconstruction speech, declared that ratification by all the states "would be unquestioned and unquestionable."[1] This view seems to have been adopted by Lincoln's seccessor, Andrew Johnson. Lyman Trumbull, the author of the amendment, also calculated ratification of the amendment by three-fourths of all the states.

When, early in 1865, the amendment passed Congress the thirty-six states of the United States came under the following classification: free states of the Union, twenty-three; former Confederate slave states, eleven; and slave states of the Union, two.[2] For the amendment

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[1]Basler, Collected Works of Lincoln, VII, p. 404.

[2]Randall, Problems, pp. 397-398.

to receive the required three-fourths vote, twenty-seven states would have to ratify it. This meant all the free states as well as four slave states had to vote favorably.

Most of the states took up the task of ratification with little delay. Illinois, Lincoln's home state, was the first to ratify. On February 1, 1865, the Illinois General Assembly ratified the constitutional amendment. The Senate voted eighteen to six in favor and the House favored it forty-eight to twenty-eight. Rhode Island and Michigan followed suit on the second of February.[3]

Maryland, West Virginia, and New York ratified the amendment on February 3, 1865. In the New York Legislature a lively debate occurred. The vote primarily followed party lines as was the case in most states. The New York Assembly voted for ratification seventy-two to forty and the Senate seventeen to eight. West Virginia ratified the amendment unanimously in both branches.[4] The parade of ratification continued in the free states. Maine and Kansas ratified the amendment on February 7, 1865, Massachusetts and Pennsylvania followed on the next day.[5]

Virginia, on February 9, 1865, became the first former Confederate state to ratify the amendment. It did

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[3]New York Times, February 3, 1865, p. 8.

[4]Ibid., February 4, 1865, p. 1.

[5]Nicolay and Hay, Lincoln, X, p. 89.

so with only two dissenting votes.[6] Although Virginia was not readmitted into the Union until 1870, the United States Government recognized the state's restored government as being adequate to ratify the amendment.[7] The recognition of Virginia's ratification set the pattern for accepting the ratifications of the other former Confederate states.

The amendment came before the legislature of Delaware on February 8, 1865. On that day Delaware refused to ratify it. The House turned it down by a three-fourths vote, and the Senate did likewise by a two-thirds vote. Delaware, therefore, became the first loyal state to reject the amendment. Favorable action was, therefore, needed in another one of the former Confederate states.

Ohio, Missouri, Indiana, the new state of Nevada, Louisiana, and Minnesota next followed in the ratification process. Louisiana, being a former Confederate state, helped fill the vacancy left by Delaware's rejection. In Louisiana's House there was only one opposing vote. This vote was cast against the measure because "of the treatment which the State of Louisiana had received at the hands of Congress, especially in its neglect thus far to receive our Senators and Representatives . . . ."[8]

By the end of February the ratification of the amendment was moving rapidly. Seventeen states had ratified it and only two had rejected the proposition. Of the

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[6]New York Times, February 10, 1865, p. 4.

[7]Randall, Problems, p. 397.

[8]New York Times, February 27, 1865, p. 1.

ratifying states, two (Louisiana and Virginia) were former members of the Confederacy. The votes of these former slave states helped make up the difference for the rejection by the slave states of Delaware and Kentucky.[9] However, the success of the amendment in four other slave states was needed.

State action on the amendment slowed considerably after the month of February. Wisconsin and Vermont were the only states to ratify the amendment in March, although New Jersey rejected it, bringing the number of slave states needed to ratify the amendment to five. The Vermont Legislature went to much trouble and expense to favor the amendment. In a special one day session, that cost the state $6,306, ratification was completed.[10]

The amendment received no action by Union states in the month of April. However, two former Confederate states did ratify the measure. Tennessee completed ratification on April 7, 1865, and Arkansas on April 20. The Arkansas Legislature had difficulty getting a quorum together, but once it did so the Thirteenth Amendment was ratified unanimously.[11] Connecticut and New Hampshire ratified the amendment in May and July respectively, but little other action occurred until the end of the year. It then seemed

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[9]Kentucky rejected the proposed amendment on February 23, 1865. New York Times, November 19, 1865, p. 4.

[10]New York Times, March 15, 1865, p. 4.

[11]Ibid., April 30, 1865, p. 4.

as if the states hurried to ratify the amendment before the new year came.

In November, the amendment needed the ratification of only four more states to become part of the Constitution. It is ironic that the final votes would come from former Confederate states. South Carolina, "the cradle of secession and the home of slavery,"[12] ratified the amendment on November 13, 1865.[13] Alabama followed on the second of December. General Ulysses S. Grant, the leader of the conquering Union armies, observed the proceedings in the House chamber when North Carolina became the twenty-sixth state to ratify the amendment on December 4, 1865.[14] The required ratification of three-fourths of the state legislatures was achieved on December 9, 1865, when Georgia became the twenty-seventh state to approve the amendment. Oregon, California, Florida, New Jersey, Iowa, and Texas later joined the list of the states to complete ratification, as did New Jersey who earlier rejected the measure.[15]

Without waiting for the last six of these states to ratify the amendment Secretary of State, William Seward, made an official proclamation that the Thirteenth Amendment had become part of the United States Constitution. On December 18, 1865, Seward announced:

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[12] *New York Times*, October 4, 1865, p. 4.

[13] *Ibid.*, November 14, 1865, p. 5.

[14] *Ibid.*, December 4, 1865, p. 2.

[15] See appendix C for the names and dates of the states counted to ratify the Thirteenth Amendment.

Know ye, that, whereas, the Congress of the United States, on the 1st of February last, passed a resolution, which is in the words following, namely:

'A resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States;

Resolved, By the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid to all intents and purposes as a part of said Constitution, namely:

Article XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any please subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

And, whereas, it appears from official documents on file in this department that the Amendment to the Constitution of the United States proposed as aforesaid, has been ratified by the Legislatures of the States of Illinois, Rhode Island, Michigan, Maryland, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia, in all twenty-seven States.

And, whereas, the whole number of States in the United States is thirty-six;

And, whereas, the before specially name States, whose Legislatures have ratified the said proposed amendment, constitute three-fourths of the whole number of States in the United States;

Now, therefore, be it known that I, William H. Seward, Secretary of State of the United States, by virture and in pursuance of the second section of the act of Congress approved the 20th of April,1818, entitled "An Act to provide for the publication of the laws of the United States and for other purposes," do hereby certify that the amendment aforesaid Has Become Valid To All Intents And Purposes As A Part Of The Constitution Of The United States.[16]

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[16]New York Times, December 19, 1865, p. 1.

The New York Times expressed the feeling of most of the country in an editorial titled, "The Work Accomplished." Stated the editorial:

> Notwithstanding the long foregone conclusion that the Constitutional Amendment establishing Liberty throughout all the land was certain to prevail, we confess to a strange thrill of emotion, and of devout gratitude to HIM who orders all things well, upon giving publicity to the official proclamation of Secretary Seward (fit instrument for the great work) that all doubt is past, that all questions of numbers and times and formalities are settled, that Human Slavery Within The Jurisdiction Of The United States of American is no more! Thank God! And what a noble prelude to the holy season of Christmas, of 'Peace on Earth, good-will to men.' . . . It is Done! Let us rejoice.[17]

The validity of the ratification of the Thirteenth Amendment was challenged by some. Twenty-seven of the thirty-six states were required to ratify the amendment. Of the twenty-five loyal states, Kentucky and Delaware refused to ratify the amendment. This meant four seceded states would have to ratify it. Eight former Confederate states were counted in the official proclamation which declared the amendment in force. These southern ratifications were made by provisional governments stated the amendment's enemies, and were, therefore, not valid. Congress quiety assented to the fact that the seceded states that ratified the amendment were back in the Union, and then denied to these states representation in Congress and held them out of the Union for a period of years.[18]

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[17]Editorial, New York Times, December 19, 1865, p. 4.

[18]Readmission of the former Confederate states into the Union covered the period from 1866 to 1870. Hicks, Mowry, and Burke, Federal Union, p. 708.

As to the justice of submitting the amendment to the Southern states at a time when they were in no position to consider it, the supporters of the amendment pointed out that all the states when entering the Union agreed to abide by all amendments which three-fourths should ratify. The Southern states could not claim the inability to vote, stated the amendment's supporters, because no one was denying them the opportunity to return themselves to the Union. The advocates of the amendment added that if a state did not take action to ratify the measure it was equivalent to a negative vote. A state that did not vote on the amendment was, therefore, counted as being against it.[19]

The legal questions of the amendment's ratification contain many matters of speculation. Along with the negative arguments concerning the amendment there are also positive ones. The following points must be included in any argument as to the validity of the Thirteenth Amendment.

> 1. All the States, including those which seceded, were counted for the amendment's ratification.
> 2. The ratifying action of the eight seceded States was competent and legal.
> 3. The Secretary of State's proclamation, declaring that the amendment was in force on December 18, 1865, was valid. (No resolution by Congress, for instance, was necessary.)
> 4. The subsequent refusal of Congress to recognize 'Johnson's reorganized States' did not invalidate the amendment.[20]

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[19]Randall, Problems, p. 398.

[20]Ibid., p. 399.

As to the main question in the case of the Thirteenth Amendment, enough states eventually ratified it to remove all doubts as to its validity. As far as history is concerned, this validity had dated from December 18, 1865, when Seward proclaimed the Thirteenth Amendment to be part of the Constitution of the United States.

CONCLUSION

So the institution of slavery was dealt its final death blow on December 18, 1865. The institution that had existed for over 200 years was abolished by constitutional amendment. The Thirteenth Amendment was the first example of the use of the amending process to accomplish a nation-wide reform. It was the first amendment to deal with legal rights or principles as distinguished from rules or procedure. The first ten amendments established fundamental limitations upon the Federal Government. The Eleventh limited the jurisdiction of Federal Courts, and the Twelfth perfected the process of choosing the President through the use of the electoral college. All the previous amendments dealt with matters of a truly constitutional, rather than legislative, character. The Thirteenth Amendment represented a new use of the amending power.[1]

That there occurred a profound political transformation in the minds of most Americans, during the years of the Civil War, cannot be denied. This transformation can best be seen by comparing the two constitutional amendments which Congress cooperated with the Lincoln Administration to submit the states. When Lincoln entered the office

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[1]Randall, Problems, pp. 391-392.

of President of the United States, an amendment had already been passed by the Thirty-sixth Congress stating:

> 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.[2]

This proposed amendment had passed the House of Representatives by a vote of 133 to 65, and the Senate by 24 to 12. The measure had been signed by President Buchanan as one of his last official acts.

When Lincoln became President he did not feel that he had the right to interfere, in any lawful way, with the institution of slavery where it existed. He stressed the point that the property of persons living in any section would not be endanagered by his administration. Lincoln personally favored compensating the slaveowners for their slaves but was willing to accept the choice of the people regarding an amendment concerning slavery. He demonstrated this willingness when he stated in his inaugural address:

> I understand a proposed amendment to the Constitution--which amendment, however, I have not seen--had 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. . . .[3]

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[2]Cong. Globe, 36 Cong., 2 session, March 2, 1861, Appendix, p. 350.

[3]Basler, Collected Works of Lincoln, IV, p. 270.

Between Lincoln's inauguration and the outbreak of hostilities Secretary of State Seward submitted the proposed amendment to the states for their ratification. Had the Southern states shown a willingness to give up the plan of secession and accept the amendment as a peace offering, there is little doubt that the required three-fourths of the states would have ratified the amendment. But the South refused to accept the last overture of conciliation to the institution of slavery. The attach of Fort Sumter ended all further thought of ratification of the 1861 amendment.

Within four years Congress framed and completed work on the Thirteenth Amendment. When ratification of this amendment was completed the institution of slavery was swept out of existence by one sentence. Stated the New York Times:

> It is supremely fit, too, that the very constitution which, as a last offering to peace, it was proposed to turn into a shield for the perpetual immunity and protection of slavery, should when that peace was repelled, have been converted into the sword of its destruction.[4]

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[4]Editorial, New York Times, December 20, 1865, p. 4.

A

SENATE
YEA VOTES ON THE THIRTEENTH AMENDMENT
Democratic Votes are Underlined

Anthony	Hale	Pomeroy
Brown	Harding	Ramsey
Chandler	Harlan	Sherman
Clark	Harris	Sprague
Collamer	Henderson	Sumner
Conness	Howard	Ten Eyck
Cowan	Howe	Trumbull
Dixon	Johnson	Van Winkle
Doolittle	Lane	Wade
Fessenden	Lane	Wilkinson
Foot	Morgan	Willey
Foster	Morrill	Wilson
Grimes	Nesmith	

SENATE
NAY VOTES ON THE THIRTEENTH AMENDMENT
All Democratic

Davis	McDougall	Riddle
Hendricks	Powell	Saulsbury

Voting record taken from Cong. Globe, 38 Cong., 1 session, April 8, 1864, p. 1490.

B

HOUSE OF REPRESENTATIVES
YEA VOTES ON THE THIRTEENTH AMENDMENT
Democratic Votes are Underlined

Alley
Allison
Ames
Anderson
Arnold
Ashley
Baily
A. C. Baldwin
J. D. Baldwin
Baxter
Beaman
Blaine
Blair
Blow
Boutwell
Boyd
Brandegee
Broomall
W. G. Brown
A. W. Clark
F. Clarke
Cobb
Coffroth
Cole
Colfax
Creswell
H. W. Davis
T. T. Davis
Dawes
Deming
Dixon
Donnelly
Driggs
Dumont
Eckley
Eliot
English
Farnsworth
Frank
Ganson
Garfield
Gooch
Grinnell
Griswold
Hale
Herrick
Higby
Hooper
Hotchkiss
A. W. Hubbard
J. H. Hubbard
Hulburd
Hutchkins
Ingersoll
Jenckes
Julian
Kasson
Kelly
F. W. Kellogg
O. Kellogg
King
Knox
Littlejohn
Loan
Longyear
Marvin
McAllister
McBride
McClurg
McIndoe
S. F. Miller
Moorhead
Morrill
D. Morris
A. Myers
L. Myers
Nelson
Norton
Odell
C. O'Neill
Orth
Patterson
Perham
Pike
Pomeroy
Price
Radford
W. H. Randall
A. H. Rice
J. H. Rice
E. H. Rollins
J. S. Rollins
Schenck
Scofield
Shannon
Sloan
Smith
Smithers
Spalding
Starr
J. B. Steele
Stevens
Thayer
Thomas
Tracy
Upson
Van Valkenburgh
E. B. Washburne
W. B. Washburne
Webster
Whaley
Wheeler
Williams
Wilder
Wilson
Windom
Woodbridge
Worthington
Yeaman

Voting record taken from Cong. Globe, 38 Cong., 2 session, January 31, 1865, p. 531. See also New York Times, February 1, 1865, p. 1.

B. Con't.

HOUSE OF REPRESENTATIVES
NAY VOTES OF THE THIRTEENTH AMENDMENT
All Democrats Except Clay

J. C. Allen
W. J. Allen
Ancona
Bliss
Brooks
J. S. Brown
Chanler
Clay
Cox
Cravens
Dawson
Denison
Eden
Edgerton
Eldridge
Finck
Grider
Hall
Harding
Harrington
B. G. Harris
C. M. Harris
Holman
P. Johnson
W. Johnson
Kalbfleisch
Kernan
Knapp
Law
Long
Mallory
W. H. Miller
J. R. Morris
Morrison
Noble
J. O'Neill
Pendleton
Perry
Pruyn
S. J. Randall
Robinson
Ross
Scott
W. G. Steele
Stiles
Strouse
Stuart
Sweat
Townsend
Wadsworth
Ward
C. A. White
J. W. White
Winfield
B. Wood
F. Wood

THOSE NOT VOTING
All Democrats

Lazear
LeBlond
Marcy
McDowell
McKinney
Middleton
Rogers
Voorhees

Voting record taken from Cong. Globe, 38 Cong., 2 session, January 31, 1865, p. 531. See also New York Times, February 1, 1865, p. 1.

C

STATES COUNTED TO RATIFY THE THIRTEENTH AMENDMENT
Former Confederate States Underlined

Illinois	February	1,	1865
Rhode Island	February	2,	1865
Michigan	February	2,	1865
Maryland	February	3,	1865
New York	February	3,	1865
West Virginia	February	3,	1865
Maine	February	7,	1865
Kansas	February	7,	1865
Massachusetts	February	8,	1865
Pennsylvania	February	8,	1865
Virginia	February	9,	1865
Ohio	February	10,	1865
Missouri	February	10,	1865
Indiana	February	16,	1865
Nevada	February	16,	1865
Louisiana	February	17,	1865
Minnesota	February	23,	1865
Wisconsin	March	1,	1865
Vermont	March	9,	1865
Tennessee	April	7,	1865
Arkansas	April	20,	1865
Connecticut	May	5,	1865
New Hampshire	July	1,	1865
South Carolina	November	13,	1865
Alabama	December	2,	1865
North Carolina	December	4,	1865
Georgia	December	9,	1865

Information on state ratification was taken from Nicolay and Hay, Lincoln, X, pp. 88-89. See also Randall, Problems, p. 397, and New York Times, November 19, 1865, p. 4.

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