

## **Turning Points, 1863 Politics** *By Emil Posey*

The third year of the war, 1863, proved pivotal in the Civil War for two major reasons. First, the Union transformed the purpose of the struggle from restoring the Union to also ending slavery. While Lincoln's Emancipation Proclamation freed relatively few slaves, it made freedom for African Americans a cause of the Union. Second, the tide of combat increasingly turned against the Confederacy. Lee's defeat at Gettysburg (July 3) had ended the attempted Confederate invasion of the North in the Eastern Theater; success of Grant's Vicksburg Campaign (July 4) had given the Union control of the Mississippi River, and Grant's subsequent success at Chattanooga (November 25) opened the door to invasion of the lower South. All the while, the Union blockade grew tighter, and the possibility of foreign intervention on behalf of the South withered.

Although Northerners and Southerners both had anticipated the war would be settled quickly, it had soon become clear there would be no quick resolution; and the longer the war continued, the increasing need for manpower, the maturing issue of slavery, and the ongoing challenges of keeping the war effort going changed the context of life and governance on both sides.

Change was particularly acute in the South. There would be Confederate battlefield successes to come, but none would be decisive. It was becoming clearer to those willing to see it that Southern success would not be achieved on the battlefield. This had become a war of wills more than arms; success based more on endurance than passion. The South was being ground down, and anti-war resistance in the North was slowly but surely being overcome as Union capabilities strengthened. Victory would be achieved or lost in the minds of the peoples North and South.

### **The Executive Branches**

On December 1, 1862, President Lincoln gave a State of the Union report to Congress. He used it, among other points, to present his evolving policy towards slavery.<sup>1</sup> He mentioned gradual, compensated emancipation of enslaved people, which many moderates and conservatives desired, but he also asserted that the enslaved people liberated thus far by Union armies would remain forever free. His closing paragraph was a statement on the trials of the time:

*The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise – with the occasion. As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country. ... Fellow citizens, we cannot escape history. ... The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation. We say we are for the Union. The world will not forget that we say this. We know how to save the Union ... In giving freedom to the slave, we ensure freedom to the free – honorable alike in what we give, and what we preserve. We shall nobly save, or meanly lose, the last, best hope of earth.*

## Emancipation

Early in the war, President Lincoln had approached the issue of slavery cautiously. While he disapproved of slavery personally, he did not believe he had the authority to abolish it. Moreover, he feared making the abolition of slavery an objective of the war might cause the border slave states to join the Confederacy. His key objective in 1861 and 1862 was to restore the Union, period.

Since the beginning of the war, thousands of slaves had fled to the safety of Union lines. In May 1861, Union Maj. General Benjamin F. Butler and others had labeled these fugitives from slavery *contrabands*. Butler reasoned that since Confederate states had left the United States, he was not obliged to follow federal fugitive slave laws; and slaves who made it through the Union lines should be shielded by the Union military and not returned to slavery so as to deprive the South of a valuable source of manpower.

Congress began to define the status of these ex-slaves in 1861 and 1862. On August 6, 1861, legislators had approved the Confiscation Act of 1861, permitting seizure of property, including slaves, used by the Confederacy. The Republican-dominated Congress moved to abolish slavery in Washington, DC, with the District of Columbia Emancipation Act, signed into law by President Lincoln on April 16, 1862. Congress passed a second Confiscation Act in July 1862 that extended freedom to runaway slaves and those captured by Union armies. In that month, Congress also addressed the issue of slavery in the West, banning the practice in the territories. However, even as the Union government took steps to aid individual slaves and to limit the practice of slavery, it passed no measure to abolish or otherwise restrict the institution of slavery as a whole.<sup>2</sup>

Responding to Congressional demands for an end to slavery, President Lincoln presented an ultimatum to the Confederates on September 22, 1862. This was his *preliminary* Emancipation Proclamation. He gave the Confederate states until January 1, 1863, to rejoin the Union. If they did, slavery would continue in those states. If they refused to rejoin, however, the war would continue, and all slaves therein would be emancipated. The Confederacy took no immediate action. It had committed itself to maintaining its independence and had no interest in the ultimatum.

On January 1, 1863, Lincoln made good on his promise and signed the Emancipation Proclamation. It stated, "That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free."<sup>3</sup>

The proclamation did not immediately free the slaves in the Confederate states that remained in rebellion (i.e., were free of Union occupation). The lack of the Union control in these areas meant the proclamation could not be enforced. It also did not emancipate slaves in the border states that had remained in the Union because these states were not, by definition, in rebellion.

The proclamation generated quick and dramatic reactions. The news created euphoria among slaves who learned of it as it signaled the eventual end of their bondage. In the North, opinions split widely on the issue. Abolitionists praised President Lincoln's actions, which they saw as the fulfillment of their long campaign to strike down an immoral institution, but other Northerners, especially Irish, working-class, urban dwellers loyal to the Democratic Party and others with racist beliefs, hated this new goal of emancipation. They found the idea of freed slaves repugnant. At its core, much of this racism had an economic foundation. Many Northerners feared competing with emancipated slaves for scarce jobs.

In the South, predictably, Confederate leaders raged against the proclamation, reinforcing their commitment to fight to maintain slavery, the economic foundation of the Confederacy. President Davis issued a proclamation of his own on January 5, 1863. In it, he proclaimed the following policy:

*On and after February 22, 1863, all free negroes within the limits of the Southern Confederacy shall be placed on the slave status, and be deemed to be chattels, they and their issue forever.*

*All negroes who shall be taken in any of the States in which slavery does not now exist, in the progress of our arms, shall be adjudged, immediately after such capture, to occupy the slave status, and in all States which shall be vanquished by our arms, all free negroes shall, ipso facto, be reduced to the condition of helotism [serfdom], so that the respective normal conditions of the white and black races may be ultimately placed on a permanent basis, so as to prevent the public peace from being thereafter endangered.*

President Davis' theme is clear: "...slavery is the corner-stone of a Western Republic." He goes on to describe how the whole of the Union prior to secession relied on slavery in one way or another for its economic prosperity: "I may merely refer, in passing, to the prominent fact, that the South is emphatically a producing section of North America; this is equally true of the West and Northwest, the people of which have been mainly dependent on the South for the consumption of their products." He ends with, "In view of these facts, and conscientiously believing that the proper condition of the negro is slavery, or a complete subjection to the white man, —and entertaining the belief that the day is not distant when the old Union will be restored with slavery nationally declared to be the proper condition of all of African descent, —and in view of the future harmony and progress of all the States of America, I have been induced to issue this address, so that there may be no misunderstanding in the future."<sup>4</sup>

This was an amazing exchange. With the Emancipation Proclamation and President Davis' open letter in response, the character of the national conflict was forever crystallized.

### The Copperheads

Political turmoil was increasing. The longer the war continued, the more it began to affect life in both the North and the South. Increased need for manpower, the issue of slavery, and the ongoing challenges of keeping the war effort going changed the way life on both sides as the conflict progressed.

In January 1863 Lincoln was despondent about the political situation in the North. His Emancipation Proclamation had not been welcomed by everyone in the North. Conservative (or “Peace”) Democrats did not want to fight a war to free enslaved people. Antiwar Democrats had been in evidence since the beginning of the conflict, but the North’s defeats in the summer and fall of 1862 along with the Emancipation Proclamation had given the Peace Democrats credibility and an audience.

The November 1862 elections had revealed this growing opposition. Republicans had not fared well in the midterm elections, and a movement in the Midwestern states to break off and either join the Confederacy or start a third country seemed to be gaining ground.<sup>5</sup> The Democrats had won the New York governorship (Horatio Seymour, winning a nonconsecutive second term in a close election) and 34 seats in the House, though the Republicans gained five Senate seats and maintained control of most state legislatures.

The Peace Democrats, dubbed “Copperheads” by Republicans, braided together three coalitions: immigrants, especially Irish and German Catholics, who had been the target of discrimination by nativists and Protestant reformers and who had gravitated into the Democratic Party in the mid-1850s; people in the Lower Midwest with family ties to the South; and conservative Democrats who had a strict constructionist reading of the Constitution. Poorly led and having only loose formal connections beyond county lines, Peace Democrats universally characterized themselves as conservatives worried that Lincoln and the Republicans were reaching far past constitutional bounds. They also shared a deep antipathy toward African Americans. By the summer of 1862 the rallying cry of these conservatives was “*The Union as it was, the Constitution as it is.*”

The movement was galvanized by a fear of the central government’s unprecedented authority during the war; to wit, the suspension of habeas corpus; the Emancipation Proclamation, which confirmed the worst suspicions of those that believed this had always been a war about abolition rather than reunion; and conscription.<sup>6</sup> Other changes that were widely accepted by most Northerners and would have major implications for the American economy for generations to come were also reviled by the Copperheads. Specifically, they believed that the income tax that had been levied for the first time in the country’s history and the issuance of paper currency—so-called greenbacks—were further gross violations of the Constitution that represented yet another dangerous extension of executive power.

Ultimately the Copperheads had little control over their own fate. Instead, the extent of their influence rested with the armies. Although they never seemed to realize it, the power of the Peace Democrats waxed and waned through the war in direct opposition to how well the Union armies performed in the field.<sup>7</sup>

## **The Legislative Branches**

By late 1862, the nature of the war was evolving to one of total war in which armies attempt not only to defeat the enemy's military forces in decisive battle but to also demoralize the enemy and degrade their war-making capabilities by striking both military targets and human and natural resources. This change impacted the size and scope of government. Both the Union and Confederate governments had to grow in order to manage the logistics of recruiting, training, maintaining, feeding, equipping and otherwise caring for their military forces in a protracted, brutal war, all the while protecting against and adjusting to deleterious enemy activities.

Mobilization of the nation for war proved to be easier in the North than it was in the South. Both governments undertook a wide range of efforts to ensure victory. To fund the war effort and finance the expansion of Union infrastructure, Republicans in Congress drastically expanded government activism, impacting citizens' everyday lives through measures such as new types of taxation. The government also contracted directly with major suppliers of food, weapons, and other needed materials. Virtually every sector of the Northern economy became linked to the war effort. The Confederacy undertook similar measures with an increasingly restive Congress, plus it had the additional burden of an underlying political philosophy that made central government initiatives problematic; not to mention a crop of state governors that constantly reminded President Davis of that.

#### The 38<sup>th</sup> US Congress (March 4, 1863 – March 4, 1865)

Following the 1862 midterm elections, the Republican majority in the House narrowed to a plurality while it grew in the Senate. The House opened with a total of 180 Representatives and 10 delegates (with apportionment based on the 1860 census), distributed among four parties:<sup>8</sup>

- 72 Democrats
- 87 Republicans (including 2 Independent Republicans)
- 12 Unconditional Unionists
- 9 Unionists
- 61 vacancies

The US Senate contained 48 senators:

- 10 Democrats
- 31 Republicans (including 2 Independent Republicans)
- 3 Unconditional Unionists
- 4 Unionists (increased to 6 Unionists with the admission of West Virginia)
- 20 vacancies

#### Major Legislation

##### **National Bank Act:**

Congress paid for the war using several strategies. They levied a tax on the income of the wealthy, as well as a tax on all inheritances. They put high tariffs in place. Finally, they passed two National Bank Acts, one in 1863 and one in 1864, calling on the US Treasury to issue war bonds and on Union banks to buy the bonds. A Union campaign to convince individuals to buy the bonds helped increase sales.

Designed to replace the corrupt, decentralized, and inefficient system of state banks and bank notes, the National Bank Act of 1863 was largely the work of Secretary of the Treasury Salmon P. Chase and Senate Finance Committee member John Sherman (R, OH). The Act had three objectives: to create a market for war bonds, to reestablish the central banking system destroyed during President Andrew Jackson's administration, and to develop a stable bank-note currency (a uniform national currency). As amended in 1864, the Bank Act established the Office of Comptroller of the Currency, and permitted banks to obtain federal charters and issue national bank notes up to 90% of their holdings of US bonds. With modifications, this system remained the backbone of the nation's monetary structure until creation of the Federal Reserve System in 1913.<sup>9</sup>

### **Conscription Act:**

The Confederacy had resorted to a draft first, on April 16, 1862. All healthy white men between ages 18 and 35 were required to serve three years.<sup>10</sup> Those whose occupations were critical to society or the war effort were exempt from military service, and until December 1863, a wealthy man could hire a substitute to serve in his place. The most controversial element of the Confederate conscription was the "Twenty-Slave" law, which allowed one white man from a plantation with 20 or more slaves to avoid service during the war. This was in part a response to the pleas of many Southern women, who were unprepared for and overwhelmed by the responsibility of running plantations on their own and managing a significant number of slaves. The exemption stirred cries from yeomen farmers that this had become "*a rich man's war but a poor man's fight.*"

President Davis had his hands full with balky state governors over conscription (among a variety of other issues). State governors at their best could be quite cantankerous. They were an independent-minded lot jealous of their prerogatives under the looser federalism of the Confederate government in all matters affecting their states even when national implications were involved.

Conscription was opposed in one way or another by every state governor. Reasons given for their opposing conscription were (1) conscription was unnecessary and inexpedient (the states could handle recruitment well enough), (2) Southerners would not submit to being drafted by a central government, (3) volunteers would furnish sufficient manpower for national needs, (4) conscription was unconstitutional because it would destroy the state militias and weaken state governments by being subversive of their sovereignty, and (5) it gave the president too much authority.<sup>11</sup> Some of this rationale is flimsy even by the standards of the time, but the underlying concern about states' rights and

sovereignty was central to the rationale for secession in the first place. This clash between sovereignty of state governments and authority of a central government prosecuting a war was a major weakness of the Confederacy throughout its existence.

Like the Confederacy, the Union turned to conscription to provide the troops needed for the war. Senator Henry Wilson (R, MA), chairman of the Committee on Military Affairs, sponsored the Conscription Act (also known as the Enrollment Act) of March 3, 1863, which established the first national draft system. It required registration by every male citizen and immigrant who had applied for citizenship between the ages of 20 and 45. The New York Times called the Act "*the condition of victory*," but many criticized the law because it provided an exemption for those who could pay a \$300 fee. Some critics argued that the law punished the poor, while others insisted that it interfered with states' rights, since state-based militias had fought in previous wars. However, even with such conscription laws, the Union army continued to rely mostly upon volunteers. The Act replaced the Militia Act of 1862.

All who registered were subject to military service, and draftees were selected by a lottery system. As in the South, a loophole in the law allowed individuals to hire substitutes if they could afford it. Once conscripted, a man could avoid service for that particular round of the draft either by paying a \$300 commutation fee or by hiring a substitute to take his place. As in the South, this raised accusations about rich man privilege. In keeping with the Supreme Court decision in *Dred Scott v. Sandford*, African Americans were not citizens and were therefore exempt from the draft.

On July 13, 1863, two days after the first draft lottery took place, a New York City volunteer fire company whose commander had been drafted initiated a riot. The violence spread quickly across the city. The rioters chose targets associated either with the Union army or with African Americans. On the fourth day of the riots, federal troops arrived in the city and ended the violence. Millions of dollars in property had been destroyed. More than one hundred people died in the five-day melee, approximately one thousand were left injured, and about one-fifth of the city's African American population fled New York in fear.

### First Confederate States Congress, Third Session<sup>12</sup>

Support for the war was evolving in the Confederate Congress. The results of the May-November 1863 elections for the Second Congress (which did not meet until May 2, 1864) reflected a growing unease among the voters: 47 of the 107 House members were first-time representatives; in the Senate, 3 of its 26 members were newly elected. Twenty of the newly elected House members and the three new Senators held views that reflected the concerns of many voters that Southern independence would not be realized. They joined four or five incumbent House members and four sitting senators who shared those concerns. Together they constituted a loosely knit peace coalition whose members believed the time had arrived for the Confederacy to initiate peace negotiations with the Lincoln administration. Their position on the need for

peace negotiations would receive little support, however, and they were viewed with suspicion by President Davis, their congressional colleagues, and many of the general public.<sup>13</sup>

The Confederate government exercised sweeping powers to ensure victory, in stark contradiction to the states' rights sentiments held by many Southern leaders. The initial emotional outburst of enthusiasm for war waned, and the Confederate government instituted a military draft in April 1862. Under the terms of the draft, all men between the ages of 18 and 35 would serve three years. The draft had different effects on men of different socioeconomic classes. One loophole permitted men to hire substitutes instead of serving in the Confederate army. This provision favored the wealthy over the poor and led to much resentment and resistance. Exercising its power over the states, the Confederate Congress denied state efforts to circumvent the draft.

In order to fund the war, the Confederate government took over much of the South's economy. The government ran Southern industry and built substantial transportation and industrial infrastructure to make the weapons of war. (Interestingly, while the Confederate government-controlled rail travel priorities, Southern railroads were never nationalized.) Over the objections of slaveholders, it impressed slaves, seizing these workers from their owners and forcing them to work on fortifications and rail lines.

The war efforts were costing the new nation dearly. Nevertheless, the Confederate Congress heeded the pleas of wealthy plantation owners and refused to place a tax on slaves or cotton. Instead, the Confederacy drafted a taxation plan that kept the Southern elite happy but in no way met the needs of the war. The government also resorted to printing immense amounts of paper money, which quickly led to runaway inflation. Food prices soared, and poor white Southerners faced starvation.

The Third Session of the First Congress ran from January 12 until May 1, 1863. At its opening, opposition to the substitution provision of the First Session's conscription act of April 16, 1862, was substantial. The cost of substitutes had been brokered from \$100 initially up to as much as \$5,000 per enlistee. Many objected to the provision as *class legislation*. The substitutes themselves were generally unsatisfactory soldiers, over 40 years of age and from undisciplined backgrounds. Some substitutes *bounty jumped*, i.e., deserting only to collect another substitute bonus. Within the army, the remaining substitutes were too often unpatriotic, shiftless and held in contempt.<sup>14</sup>

Secretary of War James A. Seddon reported that over 10,000 men not in the army held fraudulent substitute papers to avoid conscription. A bill passed in the previous Second Session prohibited any further use of substitutes, and in January draft evaders with fraudulent substitute papers were subject to conscription and their substitute required to remain in service. State courts upheld both laws.

In the conscription law as initially passed, there was an exemption for an owner or overseer of twenty or more slaves. On January 12, 1863, President Davis advised Congress that an amendment of some kind was required allowing for policing the slave population without preferential treatment for the slave-

owning class. Congress debated and finally agreed to exempt only overseers so employed before April 16, 1862. In the administration of plantation overseer exemptions, the War Department moved cautiously, granting temporary exemptions to those engaged in food production. Nonetheless, the “*rich man’s war and a poor man’s fight*” critique persisted.

In March 1863, Postmaster John H. Reagan, with President Davis’ support, proposed that the men of the postal service should be exempted from the draft. Congress immediately complied. On April 2, those elected to Congress, state legislatures, and several other state posts were also exempted.

In January, following the Battle of Antietam where Lee failed to gain additional Marylander recruits, Representative George G. Vest of Missouri brought to the attention of Congress that there were some 2,000 Marylanders vocally supporting the Confederacy in the environs of Richmond, displaced as were numerous citizens of Missouri, and that the Marylanders should also be subject to conscription laws. Both House and Senate passed enabling legislation, but President Davis pocket-vetoed the measure at the close of Session in May for fear of alienating the neutral state of Maryland.

Extending the earlier conscription of whites into the Confederate army, Congress now allowed impressment of slaves as military laborers. Army quartermaster and commissary officers were authorized to seize private property for army use, compensated at below-market prices with depreciated currency. Not only did the Confederate States Congress anticipate the Union initiating a draft to conscript a mass army, it began a graduated income tax, both monetary and in kind. The graduated income tax spanned 1% for monetary incomes under \$500 to 15% for those over \$1500. A 10% tax was levied on all profit from sale of foodstuffs, clothing and iron, and all agriculture and livestock were taxed 10% of everything grown or slaughtered. Congress also authorized \$500 million in bonds in an effort to stem inflation. This failed since the inflation rate discouraged investment in bonds. Only \$21 million was retired from circulation.

The Confederate Congress never developed a coherent anti-administration party, but in 1863 facing re-election amidst growing dissatisfaction with the Davis Administration, it did refuse to extend President Davis’ authority to suspend habeas corpus nationally as an emergency power. Nevertheless, state courts substantially upheld the prerogatives asserted by the Davis government. Historian Emery Thomas has noted that in the name of wartime emergency, President Davis “*all but destroyed the political philosophy which underlay the founding of the Southern Republic,*” and Congress furthered his purposes.<sup>15</sup>

## **The Judicial Branches**

In both the North and the South, the Civil War dramatically stretched the powers of the central governments to mobilize resources and control dissent. President Lincoln caused widespread unrest by implementing many unprecedented executive measures. He held his actions were necessary for the war effort based on the war powers clause of the US Constitution. He suspended

habeas corpus (see *Part 4: Reality Sets In, 1862* of this series), and in March 1863, he signed into law the Habeas Corpus Suspension Act, giving him the power to detain suspected Confederate operatives throughout the Union. He imposed martial law outside the immediate zone of military conflict and tried dissenters for treason (e.g., the trials of Clement Vallandigham in 1863 and Lambdin P. Milligan in 1864, both of which will be covered in *Part 6: Victory Is Decided, 1864* of this series). The Lincoln Administration closed down three hundred newspapers as a national security measure during the war.

At times President Lincoln wielded both legislative and executive power because Congress passed an act that stated they would retroactively put into law and authorize any action President Lincoln deemed necessary to prosecuting the war. With Congress unable to adequately check the President's power because they were essentially complicit in any decision he made, only the Supreme Court had authority to curtail the President. With the war raging, the court took back seat, claiming it did not have any authority over military courts; only the Commander in Chief did. So, in the vacuum of oversight, President Lincoln often prosecuted the war as he saw fit.<sup>16</sup> (Note, however, that Congress did not share that kind of hands-off attitude. The Joint Committee on the Conduct of the War was formed in December 1861 to investigate such matters as illicit trade with the Confederate States, medical treatment of wounded soldiers, military contracts, and the causes of Union battle losses. The Committee was also involved in supporting the war effort through various means, including endorsing emancipation of slaves, the use of black soldiers, and the appointment of generals known to be aggressive fighters. The committee's key members were Radical Republicans, who often wanted more aggressive war policies than those of President Lincoln.<sup>17</sup>)

President Davis faced similar legal challenges. He claimed similar authorities but again within the context of a political philosophy that put greater emphasis on states' rights. The Confederacy's national court system was in the early stage of development, so controversies tended to be handled either in the Confederate Congress, between President Davis and the various state governors, or by state courts.

As with conscription, the suspension of the writ of habeas corpus, usually accompanied by declaration of martial law, was resisted by Confederate state governors. The problem, though, was that local judges were frequently sympathetic with this type of law violator, and in some cases were encouraged by state governors, resulting in the writ being used as a means of freeing men who had been arrested as deserters or draft dodgers. Confederate generals in the field complained local judges were using the writ to weaken their armies, the idea being that setting free those arrested for desertion and draft dodging would entice others to do the same.<sup>18</sup>

As the war progressed and President Davis' initiatives became more demanding, the Confederate Congress responded by becoming more assertive in the law-making process. It began to modify administration proposals, substitute its own measures, and sometimes refused to act at all. While it initiated few

major policies, it often concerned itself with details of executive administration. Despite its devotion to Confederate independence, it was criticized by supporters of President Davis for occasionally over-asserting itself and censured in the dissenting press for not asserting itself more often.<sup>19</sup> Controversies between legislators, state governors, and President Davis also grew in number and became more heated as the war progressed.

An example of the role of state courts is the matter of challenges to conscription determinations. Most individuals who wished to challenge the conscription laws sued in a state court, which exercised concurrent jurisdiction with national courts in such cases. The state courts agreed that the Conscription Act of 1862 (as subsequently amended in 1863 and 1864) was a constitutional exercise of the national government's power to raise and regulate armies. The main source of legal controversy concerned the operation of the system of exemptions and who had the power (authority) to release men from the army. The state courts adopted a view that the provision of the act that gave the enrolling officers exclusive power to release inductees was an unconstitutional delegation of power. Instead, the state courts ruled that they had the power to review decisions of the enrolling officers and of the War Department. If necessary, they could grant relief to a man who was held counter to the provisions of the law.<sup>20</sup>

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President Lincoln's State of the Union speech on December 8, 1863, was one of optimism.<sup>21</sup> The war had been long and difficult, and certainly was not over, but by the end of 1863 his Administration and his senior army and naval leadership could look forward with confidence.

The speech was wide-ranging in the issues President Lincoln addressed. The possibility of deleterious foreign intervention was waning. "*We remain in peace and friendship with foreign powers.*" He went on to inventory several positive events in this regard – agreements and treaties with Great Britain, France, Spain, Columbia, Denmark, Chile, Belgium, Peru, and Nicaragua, among others. He asked Congress to favorably consider "*an international telegraph across the Atlantic Oceans, and also of a telegraph between this capital and the national forts along the Atlantic seaboard and the Gulf of Mexico.*" He spoke to the need to facilitate immigration. "*I again submit to your consideration the expediency of establishing a system for the encouragement of immigration. ... there is still a great deficiency of laborers in every field of industry, especially in agriculture and in our mines, as well of iron and coal as of the precious metals. While the demand for labor is much increased here, tens of thousands of persons, destitute of remunerative occupation, are thronging our foreign consulates and offering to emigrate to the United States if essential, but very cheap, assistance can be afforded them. It is easy to see that under the sharp discipline of civil war the nation is beginning a new life. This noble effort demands the aid and ought to receive the attention and support of the Government.*" He reported that the nation was meeting its financial obligations even in the midst of the national emergency.

He referred Congress to the report of the Secretary of War Edwin Stanton for a full accounting of military matters but went on to speak at length about the accomplishments and needs of the nation's naval forces.

He doubled down on the rationale for proclaiming emancipation as a bridge into looking to what comes after the war is concluded. He outlined his thoughts as to how rebels could be rehabilitated into the Union via an oath, as well as states and their state governments. This line of discussion clearly bespeaks a belief in how the war would end; to wit, the full restoration of the Union. *"This question is beset with the conflicting views that the step might be delayed too long or be taken too soon. In some States the elements for resumption seem ready for action, but remain inactive apparently for want of a rallying point—a plan of action..."*

He reminded all that while it is not too early to plan for the future, the war is not yet won. *"In the midst of other cares, however important, we must not lose sight of the fact that the war power is still our main reliance. To that power alone can we look yet for a time to give confidence to the people in the contested regions that the insurgent power will not again overrun them. Until that confidence shall be established little can be done anywhere for what is called reconstruction. Hence our chiefest care must still be directed to the Army and Navy, who have thus far borne their harder part so nobly and well; and it may be esteemed fortunate that in giving the greatest efficiency to these indispensable arms we do also honorably recognize the gallant men, from commander to sentinel, who compose them, and to whom more than to others the world must stand indebted for the home of freedom disenthralled, regenerated, enlarged, and perpetuated."* All in all, his December 8, 1863, State of the Union presentation to Congress was a sober assessment of where the nation was at the close of 1863 as well as a framework for where it needed go as the nation looked towards the end of the conflict.

President Lincoln's most important speech of the year, perhaps his most important speech ever, was his address at Gettysburg on November 19, 1863. He was speaking at the dedication of the national cemetery in commemoration of the great battle fought there the previous July 1-3. In the speech, he invoked the Founding Fathers and the spirit of the American Revolution. The Union soldiers who had died at Gettysburg, he proclaimed, had died not only to preserve the Union, but also to guarantee freedom and equality for all: *"That we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth."*

Much had changed during the year. The beginning months found the Confederacy at its high tide mark for the war. As the year ended, that tide clearly was receding. War weariness and deprivation were setting in, as were worries and doubts that the Confederacy was capable of carrying the war to a successful conclusion. The South's high spirits and cavalier attitude so prevalent at the beginning of the war were now crashing on the rocks of Northern (Republican) implacability. Turning points, indeed.

## Notes

<sup>1</sup> Article II, Section 3 of the Constitution of the Confederate States (March 11, 1861) provides that, “The President shall, from time to time, give to the Congress information of the state of the Confederacy...” Worded essentially the same in the US Constitution, US Presidents since Thomas Jefferson provided their state of the Union messages annually to Congress and in writing (a practice followed by presidents until Woodrow Wilson gave his directly to Congress on December 2, 1913). I have not yet located the text or description of any speech or written report provided by President Davis to the Confederate Congress that is characterized as a “state of the Confederacy” message.

<sup>2</sup> “The Revolutionary Summer of 1862: How Congress Abolished Slavery and Created a Modern America,” Paul Finkelman; Prologue Magazine, Winter 2017–18, Vol. 49, no. 4. See also, “Slavery and Emancipation in the Nation’s Capital: Using Federal Records to Explore the Lives of African American Ancestors,” Damani Davis, Prologue Magazine, Spring 2010, Vol. 42, No. 1.

<sup>3</sup> Full text available at [Transcript of the Proclamation | National Archives](#)

<sup>4</sup> For the full text, see [An address to the people of the free states by the President of the Southern Confederacy. | Library of Congress \(loc.gov\)](#).

<sup>5</sup> “The Copperheads,” [American Civil War - The war in 1863 | Britannica](#)

<sup>6</sup> “Fire in the Rear: An Assessment of Copperhead Influence and the Forfeiture of Civil Liberties,” Tucker Monsour; Austin: The University of Texas at Austin, 2019; 12.

<sup>7</sup> “The Copperheads,” [American Civil War - The war in 1863 | Britannica](#)

<sup>8</sup> When Virginia seceded in 1861, a majority of the delegates representing the northwestern counties of the state voted against secession. Meeting in Wheeling the following month, delegates from these counties voted to remain loyal to the Union and form a new state. That new state, West Virginia, was admitted to the Union on June 20, 1863. [West Virginia Statehood \(wvculture.org\)](#) House and Senate seats were added accordingly.

<sup>9</sup> [U.S. Senate: The Civil War: The Senate's Story](#)

<sup>10</sup> Both of these requirements – ages of eligibility and length of required service – as well as those eligible for exemption were expanded by subsequent conscription acts.

<sup>11</sup> “Jefferson Davis and the Confederate Governors,” Arthur Gordon Daniel; North Texas State College, Denton, Texas, 1959; 3-17.

<sup>12</sup> There were three Confederate Congresses: Provisional (with five Sessions), First (with four Sessions), and Second (with two Sessions). The First Congress met in Richmond: First Session: February 18 – April 21, 1862; Second Session: August 18 – October 13, 1862; Third Session: January 12 – May 1, 1863; and Fourth Session: December 7, 1863 – February 18, 1862. The First Congress included members

from each of the eleven Confederate states, the border states Missouri and Kentucky, the Arizona Territory, and Cherokee Nation and Choctaw Nation. [Confederate States Congress - Wikipedia](#)

<sup>13</sup> "True Friends of the Confederacy," John R. Hildebrand, [sr\\_v21\\_hildebrand.pdf \(vt.edu\)](#), 40.

<sup>14</sup> *Ibid.* Note that the Confederate States Army comprised all land-based Confederate military forces, which included Confederate States Militias on active service and the Army of the Confederate States, i.e., the Confederacy's regular army. It was authorized to include 15,015 men, including 744 officers, but this level was never achieved. [Military forces of the Confederate States - Wikipedia](#). The Confederate conscription drafted men for Confederate States Army, not just the Army of the Confederate States.

<sup>15</sup> [The Confederate Nation: 1861–1865](#), Emory M. Thomas; Harper Colophon Books, 1979; 196.

<sup>16</sup> Monsour, 62.

<sup>17</sup> [United States Congressional Joint Committee on the Conduct of the War - Wikipedia](#)

<sup>18</sup> Daniel, 19-20.

<sup>19</sup> [Confederate States Congress - Wikipedia](#)

<sup>20</sup> [Civil War Conscription Laws | In Custodia Legis: Law Librarians of Congress \(loc.gov\)](#)

<sup>21</sup> For full text, see, for example, [State of the Union 1863 < Abraham Lincoln < Presidents < American History From Revolution To Reconstruction and beyond \(rug.nl\)](#)