

## **A Violation of Trust**

### **Abraham Lincoln and the Restored Government of Virginia**

By Robert Hodges

From the onset of the Civil War, Abraham Lincoln's thoughts rested on how to put down the rebellion, win the war, and readmit the southern states into the Union. Because of these problems, Lincoln worried about the status and allegiance of the border slave states: Delaware, Maryland, Kentucky, Missouri, and later, western Virginia.<sup>1</sup> In his eyes, the border states were the key to victory. "I hope to have God on my side, but I must have Kentucky," Lincoln reportedly said. With a total white population of over 2.7 million, the four original border states had a population almost half that of the eleven Confederate states. When combined with the natural resources of each individual border state, this population could sway the war in favor of whichever side these states chose to fight. Senator John Carlile of Virginia put the matter rather succinctly when he wrote to Lincoln: "If the Union is to be maintained the loyal people of the border slave States must be sustained."<sup>2</sup> An analysis of Lincoln's border state policies can prove very enlightening, presenting both his conception of war and its proper conduct, as well as demonstrating the connection between emancipation, reconstruction, and waging the Civil War.

Lincoln enacted different policies for each of the individual border states. Maryland, initially the most critical border state, had a unionist government but a small and vocal secessionist movement. Lincoln moved carefully, yet strongly and decisively to ensure that Maryland did not secede, a policy which William Gienapp likens to the proverbial iron fist in a velvet glove<sup>3</sup>. This policy's resulting military occupation of Maryland also cut Delaware off from the Confederacy, effectively destroying any chance that the tiny state had of seceding. Though Kentucky had a legislature dominated by Unionists, both Kentucky and Missouri had governors sympathetic to the

Confederacy, and the people of these states found themselves torn between their loyalty to the Union and their cultural and economic ties to the Confederacy. Due to their respective sizes, Lincoln understood that the military occupation of either Missouri or Kentucky would be utterly unfeasible. Thus, he played a waiting game, careful not to enact any policies that might push the two states into the Confederacy.

Created during the war through a bit of constitutional slight-of-hand, the Restored Government of Virginia in Wheeling had its own unique experience. The Restored Government fit into Lincoln's border state policies while also serving as an example for the reconstruction of a seceded state. Lincoln hoped that the Restored Government would set a precedent that the people of the seceded southern states could follow for readmission to the Union. Unfortunately, events in western Virginia quickly moved beyond Lincoln's control, heading toward the formation of a new state. Though Lincoln did not favor a new state, the political situation of late 1862, especially the circumstances surrounding the Emancipation Proclamation, forced Lincoln's hand on the matter. The result was West Virginia.

When the state of Virginia moved in favor of secession in April 1861, many western Unionists came out very strongly against secession. A mass meeting held in May in the town of Wheeling--in the northern panhandle--paved the way for another mass meeting held in June after the popular approval of the secession ordinance. Initially, a strong movement in favor of separate statehood controlled the Second Wheeling Convention. The strength of this movement stemmed from sectional animosity between western and eastern Virginia that existed since the Revolution. Cooler heads eventually prevailed, convincing the convention that the federal government would accept a new state carved from Virginia only if the Virginia legislature gave its consent, as outlined in the Constitution.<sup>4</sup> The convention then temporarily abandoned the separate statehood issue and moved onto more pressing concerns. First, the convention declared vacant all state offices

previously held by persons supporting secession. Next, the convention created a new "restored" loyal government, based in Wheeling, and elected Francis Pierpont governor. After the "restored" legislature convened in July, it elected John S. Carlile and Waitman T. Willey to Virginia's seats in the United States Senate.<sup>5</sup>

Lincoln and his administration moved quickly in order to fortify western Virginia militarily. In July 1861, after finding that Secretary of War Simon Cameron had ignored previous requests from Carlile to provide arms for [West] Virginian troops, Lincoln urged Cameron to "Please lose no time, in giving an interview to Adj. Genl. Wheat of Western Virginia, and [furnish] him, if possible with what arms, equipage &c. &c. he needs. This is very important, and should not be neglected or delayed."<sup>6</sup> Lincoln followed this note later in the month with a further request "to furnish 5000 stands of Arms to the State Govt. at Wheeling" if it could be done "without endangering other points too much."<sup>7</sup> In early August, Carlile finally received notification that the arms and ammunition had been ordered and forwarded. John Hay, Lincoln's personal secretary, summed up the administration's western Virginia policy, writing in his diary: "Loyalty will be safer in western Virginia than rebellion will be on the eastern slopes of the Blue Ridge."<sup>8</sup>

Western Virginia's actions presented President Lincoln with a unique situation; a section of a seceded state actively wished to remain loyal. The strategic implications, both military and symbol, were enormous and were recognized as such by many throughout the North. Commander of the Department of the Ohio, Major-General George McClellan, aware of the great Unionist sentiment in western Virginia, wrote in June 1861 that "We have in our power to unite that people firmly to us forever. I hope the opportunity may not be permitted to pass by."<sup>9</sup> With the pressing military situation during the first summer of the war, the Lincoln administration made efforts to secure western Virginian allegiance as well as to protect the area from Confederate attack, beginning with the approval of General McClellan's "policy of mustering Western Virginians to

defend Western Virginia."<sup>10</sup> "It is deemed highly important that the Union men in Western Virginia be aided and encouraged in every way possible," Cameron instructed McClellan, "and it is desired that you and those under your command should do so as far as you can."<sup>11</sup>

Western Virginia's military significance had two main focal points: the Ohio River and the Baltimore and Ohio Railroad. Composing over two hundred miles of border between Ohio and Virginia, the Ohio River was one of the major conduits of transportation connecting the eastern and western theaters of war. Thus, the river's security, from Pennsylvania until it merged with the Mississippi River, was of the utmost importance to the Union. Similarly, what Richard Current calls "a lifeline of the Union," the Baltimore and Ohio Railroad ran over two hundred miles through fourteen of western Virginia's northern counties. Logistically, the Ohio River and the B&O Railroad played significant roles in the war.<sup>12</sup>

The symbolic significance of western Virginia lay with the rest of the border slave states. Here were four states and a significant portion of a fifth that held slaves but did not secede from the Union. In Lincoln's eyes, the struggle underway between the North and the South, in a sense, revolved around control of the border region. Whichever side gained undisputable control of the border states would win the war. The President asserted that the Confederate leaders believed that the United States government would eventually have to acknowledge the independence of certain Southern states "and that all the slave states North of such part will then say 'the Union, for which we have struggled, being already gone, we now choose to go with the Southern section.'"<sup>13</sup> Thus, a major objective of the federal government was to deny the Confederacy of any chance that the border states would move to join the Southern states. And in Lincoln's mind, the most direct way to demonstrate that the border slave states would never join the Confederacy would be for those states to emancipate their slaves.

As the war progressed, Lincoln came increasingly to realize "that slavery is the root of the

rebellion, or at least its *sine qua non*,"<sup>14</sup> In an appeal to the border state representatives he told them: "You and I know what the lever of their power is. Break that lever before their faces, and they can shake you no more forever."<sup>15</sup> The lever was slavery and Lincoln saw the necessity of its destruction. In April 1861, the President swore an oath to uphold and protect the Constitution. In the present insurrection that oath meant he needed to preserve the Union, "hence, all indispensable means must be employed,"<sup>16</sup> He eventually perceived that only the elimination of slavery could preserve the Union, leading him to issue the Emancipation Proclamation in September 1862, freeing the slaves in Confederate-held territory effective 1 January 1863. Obviously, the Union had to defeat the Confederacy militarily. But, without the destruction of the South's peculiar institution, the war would never truly end. It would simply occur again at some later point. No effective, long-lasting peace could take place without abolition.

Lincoln understood that the vast majority of the people of the border region would not accept immediate emancipation. But, since he believed that slavery caused the war, he felt that only the voluntary emancipation of slaves by the populace of the border region could end the war. Thus, he fought to get Congress to pass a bill providing for compensated emancipation. After he achieved this, he worked, unsuccessfully, to get the border states to use the governmental funding provided for in the compensated emancipation bill to free their slaves. On a number of occasions, the President addressed the need of freeing the slaves in the border states and the effects that emancipation would have on the seceded states. He attested that "the initiation of emancipation completely deprives" the southern states of the hope that the border states would ever join their Confederacy, which "substantially ends the rebellion."<sup>17</sup> The most important aspect of emancipation, though, was that it needed to be completely voluntary. Lincoln believed that the South would view voluntary emancipation as a harbinger of the extinction of slavery. Southerners knew that the institution of slavery had been in decline for years and that the United States was the

only western nation still using involuntary servitude. Voluntary emancipation would demonstrate to the Confederacy that their institution was doomed. But, to obtain voluntary emancipation, the President first needed to silence Unionist slave-holders whose loud complaints regarding the interference of slave-holding rights "kept alive a spirit hostile to the Government in the [border] States . . . [and] strengthened the hopes of the Confederates that at some day the border States would unite with them and thus tend to prolong the war."<sup>18</sup> Lincoln's final appeal to the border state representatives also turned out to be his most succinct. "Let the states which are in rebellion see," he wrote, "definitely and certainly, that in no event, will the states you represent ever join their proposed Confederacy, and they can not, much longer maintain the contest. But you can not divest them of their hope to ultimately have you with them so long as you show a determination to perpetuate the institution within your own states."<sup>19</sup> Only the abolition of slavery in border states would demonstrate that they would never join the Southern states in their Confederacy.

To Lincoln, though, western Virginia's symbolic importance went beyond emancipating the slaves. Western Virginia and the Restored Government would be his first attempt at reconstruction and could serve as an example for other seceded states to follow. In August 1861, Attorney General Edward Bates wrote to the reconvened Wheeling Convention that he "rejoiced in the movement in Western Virginia, as a legal, constitutional and safe refuge from revolution and anarchy--as at once an example and fit instrument for the restoration of all the revolted States."<sup>20</sup> This early in the war, Lincoln had no real model or definite policy for reconstruction. Not until his 8 December 1863 message to Congress did Lincoln actually formulate a process through which reconstruction would take place. Indeed, during the first few years of the war, reconstruction meant not so much a policy to readmit the southern states back into the Union, but rather was a method of waging political warfare against the Confederacy. Lincoln's goal during these first few years involved both the subversion of Confederate loyalty in the Southern states and the restoration of Union loyalty in

occupied areas.<sup>21</sup> He thoroughly believed that secessionists had usurped power in most southern states, and that the majority of Southerners favored the Union cause. The President questioned "whether there is, to-day, a majority of the legally qualified voters of any State, except perhaps South Carolina, in favor of disunion. There is much reason to believe that the Union men are the majority in many, if not in every other one, of the so-called seceded States."<sup>22</sup> And for the next few years, Lincoln's reconstruction policies followed this assumption that a large but silent Unionist majority existed throughout the South.

The basis of Lincoln's reconstruction policy revolved around the formation of a loyal state government in a seceded state. This Unionist government would serve as a nucleus around which the loyal populace of the state would rally. He felt that once the loyalists realized their strength, they would revolt against the state leaders who led them to war against the Union, bringing an end to hostilities. His first attempt at reconstruction, the Restored Government of Virginia proved a failure for Lincoln. But, the experience taught him lessons that he incorporated in future reconstruction attempts.

Federal recognition of Virginia's Restored Government in Wheeling came almost immediately after its inception. Congressional recognition took place on 4 July 1861 in the House of Representatives and on 13 July in the Senate, when the separate houses seated the Virginia congressmen. In the House the only serious opposition came from Henry Burnett of Kentucky, who challenged the Virginians' credentials because of an ordinance passed by Virginia's secession convention annulling all congressional elections in Virginia. But the House overwhelmingly voted in favor of seating the Virginia congressmen.<sup>23</sup> The Senate faced a different question. Since state legislatures chose their United States Senators, the acceptance of Virginia Senators Willey and Carlile would imply recognition of the legitimacy of the Restored Government. The debate centered around this recognition issue. Eventually, over the objections of James Bayard of

Delaware and a few others, the Senate acted to seat the two Virginians by a vote of 35-5.<sup>24</sup>

The Lincoln administration also began to informally recognize the Wheeling government almost immediately after its establishment. The earliest occurred two days prior to Pierpont's election as governor of Virginia, when Secretary of War Simon Cameron replied to a previous letter from Carlile, informing him that "every proper effort will be made to encourage the loyalty and promote the interests of your people."<sup>25</sup> Next, came a response to a letter from newly elected Governor Pierpont to Lincoln asking for military aid. Speaking for the President, Cameron responded that "the President . . . never supposed that a brave and free people . . . could long be subjugated by a class of political adventurers always adverse to them: and the fact that they have already rallied, reorganized their government and checked the march of these invaders demonstrates how justly he appreciates them."<sup>26</sup> But, most importantly, Lincoln conferred formal recognition on the Restored Government during his 4 July 1861 message to Congress, telling the legislative branch that "the people of Virginia have thus allowed this giant insurrection to make its nest within her borders; and this government has no choice left but to deal with it, where it finds it. And it has the less regret, as the loyal citizens have, in due form, claimed its protection. These loyal citizens, this government is bound to recognize and protect as being Virginia."<sup>27</sup> Lincoln and his administration followed this policy of accepting the Restored Government as the *de jure* government of Virginia even after the formation of West Virginia forced it to move to Alexandria. For instance, when Lincoln forbade trade with rebel states in August 1861, he specifically "except[ed] the inhabitants of that part of the State of Virginia lying west of the Allegheny Mountains."<sup>28</sup>

The Lincoln administration's recognition of the Wheeling Government stemmed from the hope that it would continue to grow, attracting Unionists from throughout the state. The President hoped that eventually the Restored Government would serve two purposes. First, he wanted the loyal government to draw enough loyal supporters that it could wrest control of the state from the

rebel authorities in Richmond. He also hoped that the Wheeling government would ease the transition at the end of the war when the remainder of the state wished to return to the Union. Lincoln had no misconceptions as to the real status of the Wheeling government. It was *de jure* only. Legal arguments made in its favor proved shaky at best. It only existed by nature of its political expediency. The population in the counties that eventually became West Virginia made up only about one-third of the state's total, and some of those counties openly supported the secessionists.<sup>29</sup> Like the reconstructed state governments that were later installed in Port Royal, NC, and Louisiana, the Restored Government of Virginia held power because of Union military backing. Union troops entered western Virginia in the earliest days of the war, swept most regular Confederate troops from the area, and continued to occupy the region until the end of the war. Nevertheless, internecine warfare continued in western Virginia throughout the war, persisting even after the dismemberment of Virginia and the formation of the state of West Virginia.<sup>30</sup> A major difference did exist, though, between western Virginia's reconstruction experience and those of Port Royal and Louisiana. Though the Union army occupied western Virginia, the state government still held political control. Conversely, in the other reconstruction attempts that came later, the federal government appointed military governors that ruled through the army. The importance of the Restored Government to the federal government, though, lay in the fact that it represented the first attempt at placing a loyal government in a seceded state. During the early days of the Restored government, Lincoln hoped it would set a precedent that could be followed by other states later in the war so that they too could become active participants in the Federal government, instead of actively seeking to leave the Union.

Unfortunately, the example set by the Restored Government become one which the Federal government did not wish other states to follow. With federal recognition came a renewed desire for statehood, which for many delegates to the Second Wheeling convention lay behind their support of

the Restored Government. With the legislature in Richmond unwilling to consent to a division, Virginia's secession gave the people of western Virginia a golden opportunity. They had no desire to form a legitimate government that would set an example for war-time reconstruction. Instead, they merely wished freedom from the oppressive easterners. So, when the Wheeling Convention reconvened in August, it passed a resolution calling for the formation of a new state. On a popular referendum on the resolution, the people of western Virginia voted overwhelmingly in its favor, while concurrently choosing delegates to a constitutional convention. After the constitutional convention drafted a constitution for the new state of West Virginia, the Restored legislature passed a bill consenting to the formation of a new state within its borders. In late May 1862, Virginia congressmen Waitman Willey and William G. Brown submitted to their respective houses of Congress a petition for the creation of the state of West Virginia.

Debate over the West Virginia statehood bill divided both the Senate and the House into two camps, with the moderate Republicans in favor of statehood on one side and the Democrats and radical Republicans on the other. Though few slaves lived in western Virginia, the concept of states' rights permeated the ideology of the people of that region. Thus they had not included any method of emancipation into their constitution. To remedy this deficiency, both houses of Congress insisted upon a gradual emancipation clause. Charles Sumner of Massachusetts, the most vocal Senator against the bill, attempted to insert an amendment calling for immediate emancipation. When that failed, Sumner vehemently opposed the new state, saying that "If this condition [gradual emancipation] be adopted, and the bill becomes a law, a new slave state will take its place in our union. . . . Now, by my vote no new slave state shall come into this union, and send Senators into this body with this virus. Enough have our public affairs been disturbed, and enough has the Constitution been poisoned."<sup>31</sup> In addition to the slavery argument, some of the radical Senators, such as Lyman Trumbull of Illinois, also realized immediately the implications that the formation of

a new state would have for the Restored Government. With the vast majority of Virginia's Unionist territory becoming West Virginia, the Restored Government would have to move to eastern Virginia, where it would have little, if any, support.

In the House, while some debate focused on the slavery issue, most of the debate centered around the constitutionality of the bill. In the end, though, the comments of Congressman Thaddeus Stevens of Pennsylvania probably represented the feelings of most of those who voted in favor of statehood: "We may admit West Virginia as a new state, not by virtue of any provision of the constitution, but under an absolute power which the laws of war give us. I shall vote for this bill up that theory, for I will not stultify myself by supposing that we have any warrant in the constitution for this proceeding."<sup>32</sup>

The West Virginia statehood bill passed both houses, in the Senate on 14 July 1862, by a vote of twenty-three to seventeen with eight abstentions, and in the House on 10 December 1862, by a vote of ninety-six to fifty-five. Most likely, almost all of the Republicans would have preferred to emancipate all the slaves in West Virginia immediately, but they realized that this would not happen. The state's constitutional convention had to ratify any amendments added to the state's constitution, and since the convention was not likely to ratify an immediate emancipation amendment, Congress decided to allow some slavery in order to achieve a greater good. Also, most of Congress viewed the creation of the new state as injurious to the Confederacy. Not only did West Virginia add to Union strength, it also struck a blow at the solidarity of the Confederacy. And though congressmen did not like the idea of revolutionaries dismembering other Southern states, they realized that the Confederacy would like the idea even less.

Lincoln received the bill on 15 December, forcing him to make a decision that he clearly did not wish to make. Indeed, half of Lincoln's cabinet disliked the prospect of a new state. In his diary, Secretary of the Navy Gideon Welles wrote that "This is not the time to divide the old

Commonwealth. The requirements of the Constitution are not complied with, as they in good faith should be."<sup>33</sup> He later commented that the President "thinks the creation of this new State at this time of doubtful expediency."<sup>34</sup> When Senator Orville Browning of Illinois brought the West Virginia bill to the Chief Executive, he similarly noted that Lincoln "was distressed at its passage."<sup>35</sup> The distress is understandable in light of the implications it had for his reconstruction policy. The formation of West Virginia meant the failure of the President's reconstruction attempt in Virginia. Not only did it result in an embarrassing situation for him by showing his misplaced trust in Pierpont and the other western Virginia leaders, but it also made the Restored Government simply a paper government without support or authority. It no longer could serve as an example for other states to follow. "The Virginia case," according to Charles Sumner, became "a precedent for nothing, unless it be to make us more careful in the future."<sup>36</sup> But Lincoln had to make a decision about whether or not to sign the bill making West Virginia a state.

Accordingly, Lincoln asked the members of his cabinet to prepare written statements presenting their own view on the issue and stating whether the bill was constitutional, expedient, or both. The cabinet response turned out to be evenly split. Secretary of State William Henry Seward, Secretary of War Edwin Stanton, and Secretary of the Treasury Salmon P. Chase wrote favorable letters, while Secretary of the Navy Gideon Welles, Postmaster General Montgomery Blair, and Attorney General Edward Bates responded in the negative. Lincoln still had to make the difficult decision. On the last day possible, 31 December, Lincoln signed the bill into law, despite his previous reservations. Though the West Virginia convention still had to ratify the new amendment calling for gradual emancipation, statehood was now virtually assured.

The question persists, though, as to why Lincoln signed the bill.<sup>37</sup> All available evidence seems to demonstrate that West Virginia statehood was not the best answer and that Lincoln understood that. He knew that the formation of a new state from the Old Dominion would have no

strategic effect on the war itself and would probably complicate matters at the end of the war when Virginia re-entered the Union. The President also worried about the dangerous precedent that he might be setting, allowing Unionists in other rebel states to set up "restored governments" with the intent of carving up their state. Certainly he gained no pleasure from the prospect of the formation of another slave state. And finally, the new state would continue as a reminder of his reconstruction failure, that events had moved completely beyond his control.

Lincoln's 31 December 1862 "Opinion on the Admission of West Virginia in the Union" helps shed some light on his decision. While he knew that West Virginia had no strategic value beyond that already realized through the Restored Government, he feared the loss of support that could accompany a veto of the statehood bill. The President felt that the Union could "scarcely dispense with the aid of West-Virginia in this struggle; much less can we afford to have her against us, in congress and in the field."<sup>38</sup> He worried that his actions could produce adverse results in the border states. Similarly, the previous September Lincoln had commented on the "fifty thousand bayonets in the Union armies from the Border Slave States," and that "it would be a serious matter if . . . they should all go over to the rebels."<sup>39</sup> Though by late 1862 Lincoln felt secure in the allegiance of the border states, he still carefully enacted policy so as not to offend the region. As he did with the other border states, the President walked carefully in his relations with western Virginia. Though avowedly Unionist, the possibility still remained that the populace of West Virginia might simply give up and refuse to fight, or if forced to fight, do so poorly. The loss of their numbers could have had serious repercussions on the rest of the war, which at this point could still go to either side.

While Lincoln worried about the precedent that West Virginia might set, he understood that the situation in western Virginia was unique. Only eastern Tennessee possessed a similar condition of a majority of Unionists in a seceded state. But the Federal army did not occupy eastern

Tennessee until late in the war, and the Unionists never had sufficient support to form a legitimate loyal government. Lincoln needed to reunify the country, and federally condoned dismemberment of disloyal states would only serve to perpetuate regional animosity beyond the war. He wanted restored governments to function as instruments of reconstruction, not as tools in intrastate conflicts.

While Lincoln would have probably preferred to form a free state, he still viewed gradual emancipation as a progressive step. "The admission of the new state," he argued, "turns that much slave soil into free; and thus, is a certain, and irrevocable encroachment upon the cause of the rebellion."<sup>40</sup> And though Lincoln knew that the formation of West Virginia from Virginia would probably cause problems when the Old Dominion returned to the Union, he felt that "we could not save as much in this quarter by rejecting the new state as we should lose by it in West-Virginia."<sup>41</sup>

In order to truly understand Lincoln's motives in signing the statehood bill, his decision must be placed in the context of the military and political situation of December 1862. Dallas Shaffer, in his dissertation *Mr. Lincoln and West Virginia*, argues that the poor record of the Union army, culminating in the Confederate 13 December victory at Fredericksburg, increased the political strength of the "ultra" radicals who were pushing for the new state. Thus, Lincoln had no choice but to bow to their pressure. This argument is severely weakened by the fact that many "ultras", such as Charles Sumner, strongly opposed the bill since it did not contain a clause for immediate emancipation. Undoubtedly, a strong sense of defeatism existed in the North after Lee's rout of the Union army at Fredericksburg. Throughout 1862, the North suffered numerous defeats, with few victories. Though the Confederate summer invasions of the North failed, both in Maryland and Kentucky, many of the Union victories came at a large cost, such as Antietam, the single bloodiest day of the war. But, to end with Fredericksburg results in an inconclusive analysis, missing the cabinet crisis and, most importantly, the Emancipation Proclamation.

By December 1862, many of the radicals in Congress decided that Lincoln needed to

remove Secretary of State William Seward from his cabinet. They felt that Seward possessed an overabundance of influence over the President and that his policies were too conservative. A group of congressmen thus met with the President to explain to him why Seward had to leave the cabinet. Through a series of astute political maneuvers, Lincoln weathered the crisis and kept his Secretary of State. Though the crisis did not directly affect West Virginia's statehood, it demonstrates the precarious position that the President held at the time that Senator Browning presented him with the statehood bill. Late 1862 was one of the darkest hours of the war for the President. In response to military failures, his suspension of the writ of habeas corpus, and the Emancipation Proclamation, northern public support for the war effort dropped as the year progressed. In the November elections, Democrats made substantial gains running on the platform of civil liberties and racial purity. They took control of the state legislatures of Ohio, Illinois, and Indiana, and won the gubernatorial races in New York and New Jersey. Events appeared bleak for the President when he had to make his decision on West Virginia's statehood.<sup>42</sup>

For Lincoln, though, the determining factor had yet to occur: the issuance of the Emancipation Proclamation on 1 January 1863. The proclamation announced that "all persons held as slaves within [rebellious states or parts of states] are, and henceforward shall be free."<sup>43</sup> Though the proclamation effectively did not free a single slave, most people, including the slaves, perceived it as a major step toward abolition. But, the release of the preliminary proclamation in September completely altered the nature of the war. While the aim of the war had originally been to maintain the Union, after the release of the proclamation, many northerners viewed the war as a crusade against slavery. The proclamation was better received in New England, a Republican stronghold, while areas of the Midwest and most of the populace of the border states condemned it.<sup>44</sup> They felt that Lincoln had adulterated the pure, original aim of the war: the preservation of the Union. And in these areas of discontent the Democrats made their significant gains in November.

In addition to this massive public outcry against the Emancipation Proclamation, the congressional debates on West Virginia's statehood received much public attention, resulting in a high degree of public awareness of the bill. Much of the northern populace viewed the West Virginians as staunch Unionists who turned their backs on their fellow statesmen. Northerners saw in the West Virginians' actions a search for freedom. The West Virginians wanted freedom from the oppressive easterners and the ability to live their lives under whatever institutions they so chose. Additionally, the war-weary northerners understood that West Virginia statehood would constitute a serious blow to the Confederacy. Though maybe not a decisive military victory, a political victory was still a victory. Thus, poised to free four million Negro slaves with the Emancipation Proclamation, Lincoln had no choice but to accept the statehood bill. He could not afford to take the chance of denying 'freedom' to the West Virginians while endowing it upon the slaves. He deemed the measure expedient, not just to the war effort, but as an effort to regain public support for himself and his administration.

On Saturday, 20 June 1863, West Virginia took its place as the thirty-fifth star on the United States flag. In Wheeling, an elaborate ceremony in front of the capital inaugurated the new state government. In the nation's capital, President Lincoln had to live with his decision to admit the state. He knew that while he may not have favored the new state, his acceptance of it benefited the northern populace. It gave them a victory.

## Notes:

<sup>1</sup> Numerous terms have been used by historians to discuss the area that would become West Virginia. The most common names for this area of Virginia prior to statehood are: the Northwest, northwestern Virginia, western Virginia, and Trans-Allegheny Virginia. For clarity, I will use only western Virginia and West Virginia.

<sup>2</sup> John Carlile to Abraham Lincoln, 8 July 1861, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 128 vols. (Washington, D.C.: Government Printing Office, 1880-1901), series 3, vol. I, 323. This compilation is hereinafter cited thus: *OR* 3, I, 323.

<sup>3</sup> William E. Gienapp "Abraham Lincoln and the Border States," *Journal of the Abraham Lincoln Association*, 13 (1992):17

<sup>4</sup> Article IV, Section 3: ". . . no new state shall be formed or erected within the Jurisdiction of any other state . . . without the consent of the Legislatures of the States concerned as well as of the Congress."

<sup>5</sup> For general overviews of the statehood movement and politics in western Virginia, see Edward Conrad Smith, *The Borderland in the Civil War* (New York: The Macmillan Company, 1927); Charles Ambler and Festus Summers, *West Virginia: The Mountain State* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1958); and Otis Rice and Stephen Brown, *West Virginia: A History* second edition (Lexington, KY: The University Press of Kentucky, 1993). For a pro-Confederate viewpoint, see James McGregor, *The Disruption of Virginia* (New York: The Macmillan Company, 1922); and Richard Orr Curry, *A House Divided: A Study of Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh, PA: University of Pittsburgh Press, 1964). For a pro-Unionist viewpoint, see William Willey, *An Inside view of the Formation of the State of West Virginia* (Wheeling, WV: The News Publishing Company, 1901); Granville Davisson Hall, *The Rending of Virginia: A History* (Chicago: Mayer & Miller, 1901); and George Ellis Moore, *A Banner in the Hills: West Virginia's Statehood* (New York: Meredith Publishing Company, 1963).

<sup>6</sup> Lincoln to Simon Cameron, 8 July 1861, Roy Basler, ed., *The Collected Works of Abraham Lincoln* 9 vols. (New Brunswick, NJ: Rutgers University Press, 1953) IV:443. Hereinafter cited as *CWL*.

<sup>7</sup> Lincoln to Cameron, 29 July 1861, *CWL*, IV:464.

<sup>8</sup> John Hay, *Lincoln and the Civil War in the Diaries and Letters of John Hay* (New York: Dodd, Mead & Company, 1939) 16.

<sup>9</sup> George McClellan to E. D. Townsend, 11 June 1861, *OR* 1, II, 674.

<sup>10</sup> Winfield Scott to McClellan, 12 June 1861, *OR* 1, II, 679.

<sup>11</sup> Cameron to McClellan, 19 June 1861, *OR* 1, II, 705.

<sup>12</sup> Richard Current, *Lincoln's Loyalists: Union Soldiers from the Confederacy* (Boston: Northeastern University Press, 1992) 6. For a discussion of transportation on the Ohio River, see Charles Ambler, *A History of Transportation in the Ohio Valley* (Glendale, CA: The Arthur H. Clark Co., 1932) 239-264. For the Baltimore and Ohio Railroad, see Festus P. Summers, *The Baltimore and Ohio in the Civil War* (New York: G. P. Putnam's Sons, 1939).

<sup>13</sup> *CWL*, V:145.

<sup>14</sup> *CWL*, V:423.

<sup>15</sup> *CWL*, V:317.

<sup>16</sup> *CWL*, V:49.

<sup>17</sup> *CWL*, V:145.

<sup>18</sup> Quoted from John G. Nicolay and John Hay, *Abraham Lincoln: A History* 10 vols. (New York: The Century Co., 1890) 5:212-213.

<sup>19</sup> *CWL*, V:317.

<sup>20</sup> Edward Bates to A. F. Ritchie, 12 August 1861. Copied from Elizabeth Cometti and Festus Summers, *The Thirty-Fifth State: A Documentary History of West Virginia* (Parsons, WV: McClain Printing Co., 1966) 333.

<sup>21</sup> Mark E. Neely, Jr., *The Abraham Lincoln Encyclopedia* (New York: McGraw-Hill Book Company, 1982) 258.

<sup>22</sup> *CWL*, IV: 437.

<sup>23</sup> *Congressional Globe*, 37th Cong., 1 Sess., 5-6.

<sup>24</sup> *CG*, 37th Cong., 1 Sess., 109.

<sup>25</sup> Cameron to Carlile, 19 June 1861, *OR*, 1, II, 705.

<sup>26</sup> Quoted from Hall, *The Rending of Virginia*, 340.

<sup>27</sup> *CWL*, IV: 428.

<sup>28</sup> *CWL*, IV: 487.

<sup>29</sup> According to the 1860 census report, the fifty counties that combined to form West Virginia had a total population of 344,548, not quite thirty three percent of Virginia's total population of 1,047,299. For a discussion of secessionist sentiment, see Curry, *A House Divided*.

<sup>30</sup> For wartime military activities in West Virginia, see Boyd Stutler, *West Virginia in the Civil War* (Charleston, WV: Education Foundation, INC., 1966)

<sup>31</sup> *CG*, 37th Cong., 2nd Sess., 2942.

<sup>32</sup> *CG*, 37th Cong., 3rd Sess., 50-51.

<sup>33</sup> Gideon Welles, *Diary of Gideon Welles* 3 vols. (Boston and New York: Houghton Mifflin Company, 1911) I:191.

<sup>34</sup> Welles, *Diary* I:191.

<sup>35</sup> Orville Hickman Browning, *The Diary of Orville Hickman Browning* 2 vols. (Springfield, IL: Illinois State Historical Library, 1927) I:596.

<sup>36</sup> Charles Sumner *Charles Sumner: His Complete Works* 20 vols. (New York: Negro Universities Press, 1969) XI:365

<sup>37</sup> Most historians discussing West Virginia's statehood politics argue that the President accepted the state in order to further the Union cause, with little analysis of his motives. These include Smith, *Borderland*; Ambler and Summers, *West Virginia*; Rice and Brown, *West Virginia*; Moore, *A Banner in the Hills*; and Nicolay and Hay, *Abraham Lincoln*. Detractors of the new state, notably McGregor, *Disruption*, and James G. Randall, *Constitutional Problems Under Lincoln* (Urbana, IL: University of Illinois Press, 1951), argue in legalistic terms about the state's unconstitutionality, again with little analysis of Lincoln's motives. Phillip Shaw Paludan, *The Presidency of Abraham Lincoln* (Lawrence, KA: University Press of Kansas, 1994), feels that the December 1862 cabinet crisis furnished the impetus for Lincoln to sign the bill. Dallas Shaffer, "Mr. Lincoln and West Virginia" (Ph.D. diss., West Virginia University, 1965), emphasizes the Confederate victory at Fredericksburg in Lincoln's decision to sign the bill.

<sup>38</sup> *CWL*, VI:28.

<sup>39</sup> *CWL*, V:423.

<sup>40</sup> *CWL*, VI:28.

<sup>41</sup> *CWL*, VI:28.

<sup>42</sup> Paludan, *Presidency*, 137-184.

<sup>43</sup> *CWL*, VI:29-30.

<sup>44</sup> For a complete analysis of the events surrounding the Emancipation Proclamation and the public's reaction, see John Hope Franklin, *The Emancipation Proclamation* (Garden City, NY: Anchor Books, 1965).