**History 288 Civil War & Reconstruction**

**Discussion Transcript for Thursday, March 26, 2020**

**Main Reading: Elizabeth Varon, Armies of Deliverance, chapters 6 and 7**

These two chapters cover the narrative from the effective date of the Emancipation Proclamation (January 1, 1863) through the end of May 1863 and the aftermath of the Union defeat at the Battle of Chancellorsville and early June with President’s Lincoln’s response to the arrest of anti-war Democratic politician Clement Vallandigham in Ohio. One dynamic that should becoming clearer and clearer to everyone is that the war almost always felt discouraging to the participants as they lived through it. Even glorious moments, like emancipation for African Americans, were full of long periods of doubt and anxiety (remember the gloomy news throughout December 1862) and continued uncertainty. Varon spends almost all of chapter 6 detailing the complex responses to the proclamation. She does an excellent job of conveying how difficult everything looked and how much people disagreed over the meaning of the policy. Yet what she conveys in chapter 7 in some ways underscores even deeper disenchantment –on both sides—with the perceived lack of progress in the war and the deep costs, in terms of lives, livelihoods, and liberty, that it was demanding. It was Lincoln who reportedly expressed concern about the “fire in the rear,” but Varon puts that term to good use in this chapter as she describes a range of discontent from bread riots in the South to brewing draft riots in the North during the difficult period on the homefront from early 1862 to mid-1863.

**Dickinson Connection Challenge**

No new winners for today’s reading. Some of you might have remembered that the image from p. 194 showing black soldiers from Camp Saxton celebrating emancipation in Port Royal, South Carolina is actually on the window over at the House Divided Studio. One of the black soldiers featured in that image was Prince Rivers, whom we will learn more about later in the semester. He was “discovered” and brought North in 1862 by James McKim (Dickinson Class of 1828). (West) Virginia unionist Senator Waitman Willey (mentioned on p. 199) was a Dickinson parent. His son William is featured in that big image on the main wall at the studio, the one of the young men hanging around Old West. Here is a letter he wrote his father in April 1861: <http://hd.housedivided.dickinson.edu/node/34853>

The following are selections from student comments & questions with some responses from Prof. Pinsker

**Emancipation Proclamation**

STUDENT COMMENT: I think the main topic that intrigued me, and was brought up a lot, in Chapter 6 was the controversy of the timing of the Emancipation Proclamation. It was originally announced in September of 1862 after the stalemate, somewhat Union victory, at Antietam, but it did not go into effect until January 1, 1863 after the devastating loss at Fredericksburg. In September, people praised the timing of the proclamation, but by January people were back to criticizing Lincoln for the timing of the proclamation when morale was low again. This made me frustrated because it seemed like there never would have been a good time to issue the proclamation. It's a time of war, and there are always going to be times of highs or lows. The only thing I can think of is that Lincoln could have waited for more than just one victory. However, there is no way of knowing if the Union would have been able to string together more than one major victory at a time. If Lincoln had not have issued the proclamation when he did, I'm not sure it ever would have been issued.

STUDENT COMMENT: At first I was confused why he had certain exemptions under the proclamation, but it made sense Varon explained people such as Andrew Johnson claimed it would do more harm in Tennessee for the Union, by pushing away pro-slavery unionists. I’m not sure if Lincoln knew the exact effects of this proclamation in two regards. The first being how the proclamation led to a catalyst to self-emancipation, then due to the huge number of slaves who emancipated themselves, this turned into an enormous number of colored men joining the union army. It’s also interesting to see how it was perceived in the north, specifically regarding to the democrats. It’s tough to imagine during such a time that a party could be so split (between war and peace democrats). It’s difficult to understand how northerners or unionists could still oppose emancipation, especially being this far in the war. This push and pull between whites over the issue of emancipation was also evident in the contraband camps where they discriminated and showed violence toward blacks.

STUDENT COMMENT: Chapter 6 laid out the Emancipation Proclamation in great detail and the reactions it received from throughout the nation. I enjoyed reading this chapter because I understood all perspectives of the Emancipation Proclamation in action such as a view from Northern slave holders, Southern abolitionists, Confederates, Union soldiers, etc. It intrigued me to learn that the Emancipation Proclamation originally exempted certain areas throughout the U.S. I was always taught that the proclamation freed slaves throughout the entire nation, so to learn that originally the document was written for Confederate slaves only shocked me. The Proclamation also only freed slaves under the conditions of military power and to use them for enlistment purposes. However, when these groups were met by the army to enlist, many were unwelcomed. The backlash the proclamation received especially from Union soldiers stood out to me. I know that there were many people who fought for the Union  and not for the emancipation of slaves, but to still hear the harsh treatment that many African Americans were facing was shocking to me. These slaves were willing to die first before returning to slavery and the Union soldiers still treated them unequal to others.

QUESTION 1: Lincoln used the war powers act to ensure that this act was constitutional. He made the proclamation a  "necessary war measure". However there were parts of the Emancipation Proclamation that didn't make sense to me. Right off the bat I couldn't quite understand why Lincoln didn't enforce the law everywhere. Why did it exempt areas of Union control in the south such as New Orleans?

QUESTION 2: Varon opens chapter 6 discussing the ways that Lincoln's emancipation proclamation underwent various changes across his three main drafts. In this last draft Lincoln "described emancipation as an 'act of justice' and invoked 'gracious favor of Almighty God'", highlighting emancipation as an act of moral good at the prompting of cabinet members like Salmon Chase. I wondered if this diverged at all from conservative republicans who did not view emancipation very favorably. Additionally did this phrasing of emancipation as a moral high ground of sorts cause any to worry about alienating slaveholders in union states?

*Answer: All of those comments (and some others that I didn’t select) and those two questions illustrate one of the key points for this week regarding how you should understand the evolving emancipation policy. It happened in drawn out stages, over all kinds of active and passive resistance, and was one of the most complicated and uncertain endeavors of the war. That moment in Port Royal on January 1, 1863 was certainly a stirring celebration –with Prince Rivers bearing the colors for the 1st South Carolina and with newly liberated “contrabands” singing “My Country Tis of Thee” during the ceremonies—but it was an isolated experience. For most people, as Varon describes, emancipation proved divisive. Here’s one example (that she didn’t quote): a young private in the Union army from Carlisle named John Taylor Cuddy wrote in his letters home that month that “Old Abe done a bad thing when he freed all the slaves.” Cuddy was your age, from your college town (though not a Dickinsonian) and he hated emancipation. We will watch a video about Cuddy and his unit later this semester, but if you want to see what a recent student (prize-winning!) web project about him, go to* [*https://johntaylorcuddy.weebly.com/*](https://johntaylorcuddy.weebly.com/) *(By Maeve Thistel). And, in terms of the specific questions above, again the answer requires understanding complexity. Emancipation was not a legislative “act” as one questioner wrote above, but rather an executive order (proclamation), and therefore could only withstand legal scrutiny from a Supreme Court led by a hostile Chief Justice (Dickinson connection … Roger Taney) if it stuck to inherent wartime powers defined by international law. Lincoln could not use an executive order to free slaves anywhere –only in areas under rebellion –because the Constitution limited legislation in this area. And even the exact language which Lincoln borrowed from Salmon Chase (as questioner 2 quotes) had their origins from international law. Specifically, the phrase “act of justice” in that last sentence was a reference to Vattel, an international theorist who provided most of the precedents to Francis Lieber (see below) when he wrote his code on the laws of war. In other words, every detail about the proclamation, like all the details about the evolving emancipation policy, were rooted in a very complex and fast-changing situation. It’s hard to keep up, no doubt, but if any of you don’t feel more comfortable explaining emancipation after this week’s reading, you should follow up with me individually. It’s one of the two or three most important topics of our semester.*

**Union Military Setbacks**

QUESTION: It seems as if the tactical aspects of the war are still in favor of the Confederates considering their victories. So far, their only shortfalls and defeats seem to be credited to lack of soldiers and supplies. With such supplies and extra soldiers, why does the union continue to fail?

*Answer: If there’s anything equal in importance to understanding emancipation policy, it is coming to terms with how to remember the strategic narrative of the war. This questioner repeats a popular premise that I reject and that your reading of Varon should be generally dispelling. Admittedly, she’s not as adamant about this in her book as I would be in class discussions, but the point is that the Union was prevailing in many ways during the first years of the war. They were succeeding in most of their joint army-navy operations and in occupying much of the Atlantic and Gulf coasts and the all-important Mississippi River valley by mid-1863. Yes, there were plenty of Union tactical defeats and Confederate victories –especially Robert E. Lee’s incredible series of battlefield triumphs between the Seven Days (June/July 1862 and Chancellorsville (May 1863), but those TACTICAL victories were coming at grave STRATEGIC cost. Remember the difference in those terms: Civil War tactics involved moving men and supplies in battle while strategy concerned successfully moving armies in campaigns to achieve objectives. Lee stopped McClellan on the Virginia peninsula, but could not remove him. Lee invaded Maryland in September 1862 but had to retreat back to Virginia very quickly. Then in 1863, while the Union army was successfully reorganizing and professionalizing under General Hooker in the East and General Grant out west, the Confederates were “winning” a series of battles at tragic cost to their limited manpower and senior command (see the death of “Stonewall” Jackson at Chancellorsville. All of this information is scattered throughout Varon’s narrative, but she has not driven home that point to you in the way I just did with a few sentences. However, it would help explain why Southern morale was just as troubled as Northern morale by mid-1863. Each side felt like the war wasn’t going well enough to justify what were turning out to be some terrible sacrifices.*

**Party Politics in the North**

STUDENT COMMENT: Another section in this chapter is about the Union Leagues which I have never heard about before. They started in the fall of 1862 and they existed to shape public opinion by promoting unconditional loyalty to the Union due to the rise in disloyalty. They were also called a radical faction of the Republican Party which I also found interesting. They wanted to harmonize black freedom with white southern deliverance which I found to be a strange combination for a northern group. I wanted to get more information on this outlook.

QUESTION: Can you explain the differences between the War Democrats and the Peace Democrats?

*Answer: The comment and question above are really about the same phenomenon. As the war progressed, opinions polarized and hardened. In short, people got angry at each other and they dug into their positions. There would have not been a significant rise in Union or Loyal League clubs without the growth of a Peace or “Copperhead” Democratic movement. One side (the unconditional unionists) quickly accepted emancipation as a military necessity. They were horrified by the treason of Confederates and frustrated by the difficulties of suppressing the rebellion. By the fall of 1862, they were pretty much ready to embrace any policy that would win the war. On the opposite end of the Northern political spectrum were Democrats like ex-congressman Vallandigham who considered the war to be a total and unnecessary failure. They hated Lincoln and were willing to embrace almost any political tactic (including opposing the draft) that would defeat him and his party. The rest of the political fight was about which one of those two political extremes would succceed in winning over the conflicted moderates in the middle. There were “War Democrats” like George McClellan or young John Cuddy from Carlisle, who disagreed with emancipation policy but hated the rebellion even more. There were also some conservatives (who also, confusingly, usually called themselves Unionists) who supported Republicans on most things but worried about the style and the tactics of the radicals in their own coalition. Lincoln’s ultimate achievement as a political leader was to figure out how to position his Republicans and Unconditional Unionists in such as way as that they could win over just enough conservative Unionists and War Democrats to keep power and prevail over the Confederates.*

**Confederate Bread Riots**

STUDENT COMMENT: What surprised me in Chapter 7 was the reaction to the impressment or seizing of food and materials of southern citizens and the riots in the South.Southern citizens, especially women, were facing tough times in terms of food supply and finances because soldiers were in need of supplies, so they would take whatever they could get from the citizens whether they had the permission or money to do so. This left the citizens, and women specifically, facing famine and poverty. This led the women to protest and riot, but they were quickly and forcefully shut down by the government, and specifically Jefferson Davis himself. Women in the South were highly criticized by southern elites. It was not these reactions that surprised me, but it had me wondering what the soldiers themselves thought about how the government was handling the citizens and the women who were trying to maintain their homes, families, and farms while the men were off fighting.

QUESTION: What was Confederate soldiers' reactions to the riots and treatment of southern civilians and women?

*Answer: This is a great question. Of course, soldiers had a wide range of reactions, but one of the most remarkable aspects of the Confederate fighting force was their resilience. The army had comparatively low desertion rates during this period of time, despite all of the troubles back on their homefront and in supplying their own field armies. We will soon talk about a Confederate soldier named William Elisha Stoker, a farmer from Texas, whose letters are now available online from the House Divided Project. He was like most Confederate soldiers –full of gripes and complaints but simply unwilling to give up. You can check out his story now if you’d like:* <http://housedivided.dickinson.edu/stoker/>

**Lieber Code**

STUDENT COMMENT: From this set of reading, I was particularly interested in the section on the Lieber Code and the Laws of War.  I found Lieber's distinction between partisans and guerrillas an interesting one as it creates a lot of leeway for federal treatment of those that fall within these categories.  While he sets out some basic parameters: partisans are uniformed raiders and guerrillas are essentially independent bandits, this distinction seems loose enough that Union federal and military authorities could essentially assigned whichever label they saw fit depending on severity of measures they planned to take on captives.

QUESTION: What was Lieber's basis for the "international rules of war"?  Was there existing international doctrine?

*Answer: Francis Lieber’s story is one of the most remarkable in the war. He was a renowned scholar and college professor (at Columbia in New York) who had sons in both the Union and Confederate armies. To draft his laws of war, he drew upon previous scholarship, like Vattel’s Law of Nations (1758), which was a famous Enlightenment era text (kind of like to international law what Adam Smith’s* *Wealth of Nations (1776) was to capitalism. We don’t study Vattel much anymore, but his work was still influential in the Civil War era as Varon describes. In fact, as mentioned above in our exchange over emancipation, it was a paraphrase of Vattel (“act of justice”) that Chase drafted as the final sentence for Lincoln’s Emancipation Proclamation. Works like Vattel’s and previous treaties between nations were the basis for what Lieber was trying to outline for the Union armies and their occupation of the South. Even today, with the modern-day Geneva conventions and the UN, there is still no fixed statutory or constitutional international law. All of it is the result of treaties and treatises. In many ways, Lieber’s Code, as it was called, despite all of its loopholes, helped form the basis for a modern-day international set of rules regarding the “laws of war” that are much more stringent and demanding on its participants (as long as they abide by them).*