

# The *A*merican Nation

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GEORGE W. CAREY is a professor of government at Georgetown University, where he teaches American political theory. He is the author or editor of several works, including *In Defense of the Constitution* (Liberty Fund, 1995) and, most recently, *A Student's Guide to American Political Thought* (ISI Books, 2006). He was for thirty-five years the editor of the *Political Science Reviewer*, an annual review of leading works in political science and related disciplines.

H. LEE CHEEK JR. is the chair of the social and behavioral sciences division and a professor of political science and philosophy at Brewton-Parker College in Mt. Vernon, Georgia. He has written or edited a number of works, including *Political Philosophy and Cultural Renewal* (Transaction, 2001, with Kathy B. Cheek); *Calhoun and Popular Rule* (Missouri, 2001); and a critical edition of W. H. Mallock's *The Limits of Pure Democracy* (Transaction, 2007). He also has published numerous articles in such journals as the *Journal of Politics*, *Methodist History*, *International Social Science Review*, and *Hebraic Political Studies*.

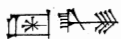
DANTON KOSTANDARITHES is the chairman of the social studies department at The Bolles School, a private K-12 college preparatory institution in Jacksonville, Florida. He holds bachelor's degrees in history and classical culture from the University of Georgia and an M.A. and a Ph.D. in American history from Tulane University. Dr. Kostandarithes teaches advanced placement U.S. history at Bolles and U.S. history at the University of North Florida on an adjunct basis.

ROBERT ANTHONY WATERS JR. is a visiting assistant professor of history at Ohio Northern University, on leave from Southern University at New Orleans, where he is an associate professor of history. His journal articles have appeared in *Diplomatic History* and *Revue Belge de Philologie et d'Histoire*, among others.

# THE *American* Nation

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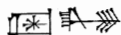
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# Introduction

This volume continues the work begun with *The American Republic: Primary Sources*. Like that work, this one seeks to make available within the covers of one volume the most crucial documents necessary for understanding the variety of policies and viewpoints driving American public life during an important, substantive part of its history. Picking up with the onset of the Civil War, documents in this volume will take students and other readers through the onset of World War II and America's entrance into yet another major new phase in its existence.

For decades now, a host of debates have continued concerning the purpose, nature, and impact of the major popular, legal, and ideological movements shaping the United States during the period from approximately the onset of the Civil War through World War II. Was Reconstruction a noble, failed attempt to protect and empower African Americans in the South by reforming Southern institutions, a self-interested attempt to gain power and wealth for one political party and region through cynical appeals to abstract ideals, or a Utopian experiment in radical politics? Were national markets in goods and services the natural outgrowth of individual initiative and the American spirit of enterprise, or the creation of powerful interests? Is American culture intrinsically racist, ideologically intolerant of racial and cultural connections that might dilute a common emphasis on individual choice, or racially and culturally ambivalent? Were American reform movements homegrown or spawned by immigrants who brought with them European political habits and notions of class? Did the Great Depression necessitate establishment of the national welfare and administrative state, or was this a matter of ideological choice? Was America's entry onto the world stage an inevitable consequence of its growing power, or a conscious choice, spawned by commitment to, and dreams of, universal peace and justice?

Such questions abound in discussions of these critical periods, but too rarely are informed by close reading of the public documents and pronouncements through which American thought has been expressed and policy made. In particular, the recent turn to social history has uncovered a great deal of information regarding the daily lives of Americans during

the Civil War and through World War II. Unfortunately, this information often has come at the expense of in-depth study of crucial, relevant documents. The massive evidence marshaled by Raoul Berger in his landmark volume *Government by Judiciary* concerning the intentions of the framers of the Fourteenth Amendment, for example, has been all but ignored in the legal literature.<sup>1</sup> Indeed, the history of the Fourteenth Amendment, which promised all Americans due process of law, equal protection of the laws, and the privileges and immunities of American citizenship, has become part of the ideological debate it was intended to illuminate.

The debate continues over whether public figures and policy makers after the Civil War sought to treat race as a set of intractable differences government should treat as guides to public policy, conventional differences public institutions should eliminate, or cultural differences government and society should respect. Almost unnoticed has been the specifically constitutional debate over which branch of government—Congress, the president, or the courts—should have primary responsibility for defining and enforcing the rights set forth in the Fourteenth Amendment. Thus re-presentation of key speeches and statutes relevant to that amendment's passage remains imperative.

If students are to understand how and why the Supreme Court has gained increased power in the American system, they must be able to consult, directly, the relevant documents. The same may be said for the late-nineteenth-century growth of national markets, aided by Supreme Court decisions as it was opposed by an organized set of political actors (the Populists in particular) whose political program too often is reduced by commentators to issues of class struggle. Again, there has not been sufficient attention paid to actual party platforms and reforms.

In addition, while the work of the so-called Progressive historians has changed opinions greatly among academics concerning the nature and intent of the American founding, most students gain little exposure to the actual political

1. Berger, Raoul, *Government by Judiciary: The Transformation of the Fourteenth Amendment* (Indianapolis: Liberty Fund, 1997).



program put forward by the Progressives themselves during the height of their influence.<sup>2</sup> Direct documentary knowledge of Progressive legislative and constitutional enactments such as the direct election of senators would increase students' understanding of the entire history of American public life. Likewise, the relationship between various political ideologies and the debate between so-called isolationists and internationalists—a relationship which changed radically at least once during the era represented in this volume—would be shown to be more complex, and more worthy of serious thought and investigation, by examination of relevant pronouncements and enactments.

A few words are required regarding editorial interpretation. As with the first work, this volume eschews editorial commentary on the contents of the documents presented. It presents only brief, historically oriented headnotes, intended to provide readers with the most basic information needed to understand the documents themselves. Given the breadth of material covered, it was necessary to organize the volume around themes. But those themes were chosen with the intention of providing a framework for the documents that does not necessitate or even push the reader toward any particular ideological conclusions. Whether one sees consolidation as a good or a bad thing, it can be agreed among students of all stripes that the era covered in this volume was one in which the power of the federal government increased and gained greater clarity, in which industrialization and the construction of national markets took place, in which regional movements opposed to consolidation, as well as truly national reform movements, were formed, in which a conflict of visions produced genuine conflict regarding race, ethnicity, and culture in America, and in which the United States came to play a far greater role in international affairs. The goal is simply to show the variety of positions and policies that shaped American public life during the era between the Civil War and World War II.

## ORGANIZATION OF THE WORK

This work is in seven parts. As in the previous volume, each part is composed of selections of public writings intended to illustrate the major philosophical, cultural, and policy positions at issue during crucial eras of American political and cultural development.

2. See especially James Allen Smith, *The Spirit of American Government* (New York: Macmillan, 1907).

The first part, "The Civil War," provides documentary evidence of the positions of both sides as to the causes of that war, as well as the intentions behind eventual emancipation of African Americans and the impact of the war itself on American public life. The second part, "Reconstruction," provides materials illustrating the nature and purpose of the programs initiated by the victorious states at the end of the Civil War, as well as reactions to that program in the Southern states that were these programs' target. The third part, "Consolidating Markets," includes materials showing the contested nature of the government's role in American economic expansion and the growth of national markets for goods and services. The fourth part, "Consolidating Culture?" includes materials illustrating the various cultural conflicts—regarding race, religion, ethnicity, ideology, and culture—that characterized the late-nineteenth and early-twentieth centuries. The fifth part, "Reform Movements," provides materials on the various reform movements that influenced public life and policy during this era, focusing on the constitutional changes they sought and achieved. The sixth part, "Consolidating Government," traces the development of the federal administrative and welfare state through various legal, constitutional, and intellectual crises and developments. The seventh part, "America in the World," provides materials tracing developments in America's public position regarding the role it can and should take in international affairs.

This volume ends with the opening of the Second World War. While it would, perhaps, be helpful to include documents from beyond this era, it was judged prudent to stop there. Reasons for this decision include the need to keep the volume to some kind of manageable length, the existence of many courses in contemporary American history that begin at or immediately following World War II, and the general recognition that America's participation in that war significantly altered its role in the world and the nature of debates regarding the nature of its people and the proper role of its government.

As with the previous volume, the placement of specific selections within this work is intended to answer two pedagogical needs: that of chronological consistency and that of issue focus, so that readers may see particular topics of importance in sufficient depth to give them serious examination. Given the increased complexity and prevalence of public debates, particularly concerning the role of government, during the era covered in this second volume, it proved more difficult to

maintain chronological consistency than in the first. Consequently, in this work there is somewhat greater overlap of eras among the documents. Moreover, in a very few cases it was necessary to present documents from eras before that which is the focus of this volume. For example, it would be confusing to readers to avoid presentation of the original statement of the Monroe Doctrine in "America in the World," despite its dating from well before the Civil War, because that doctrine has been central to debates concerning America's proper attitude toward international affairs and conflicts. In addition, Elizabeth Cady Stanton's "Address to the Woman's State Temperance Society" is presented, despite its having been delivered before the Civil War. This is because Stanton and that speech had influence beyond the Civil War era, because

they presented arguably the most lucid and powerful statement of prohibition assumptions and ideology, and because Stanton herself embodied an important element in reform movements—the ties between abolitionism, prohibition, and the struggle for women's rights.

Thanks are owed to the members of this volume's editorial board, especially to Dr. Danton Kostandarithes, whose assistance went well beyond the call of duty. I also wish to thank the following for their assistance: Amy Ruark, Raymond McAuliffe, and Michael Thiefels. As always, my greatest thanks and my greatest debts belong to my wife, Gloria Antonia Frohnen, for reasons that include but go far beyond the many ways in which she made possible the completion of this work.

## Note on the Texts

As with the previous volume, *The American Republic: Primary Sources*, the editor has sought to make as few changes as possible in the texts included, so as to convey the flavor as well as the content of the writings. Further, because the materials in this volume are from time periods closer to our own, very few changes were required. Asterisks inserted without clear meaning or intent have been deleted, as have marginalia, ex-

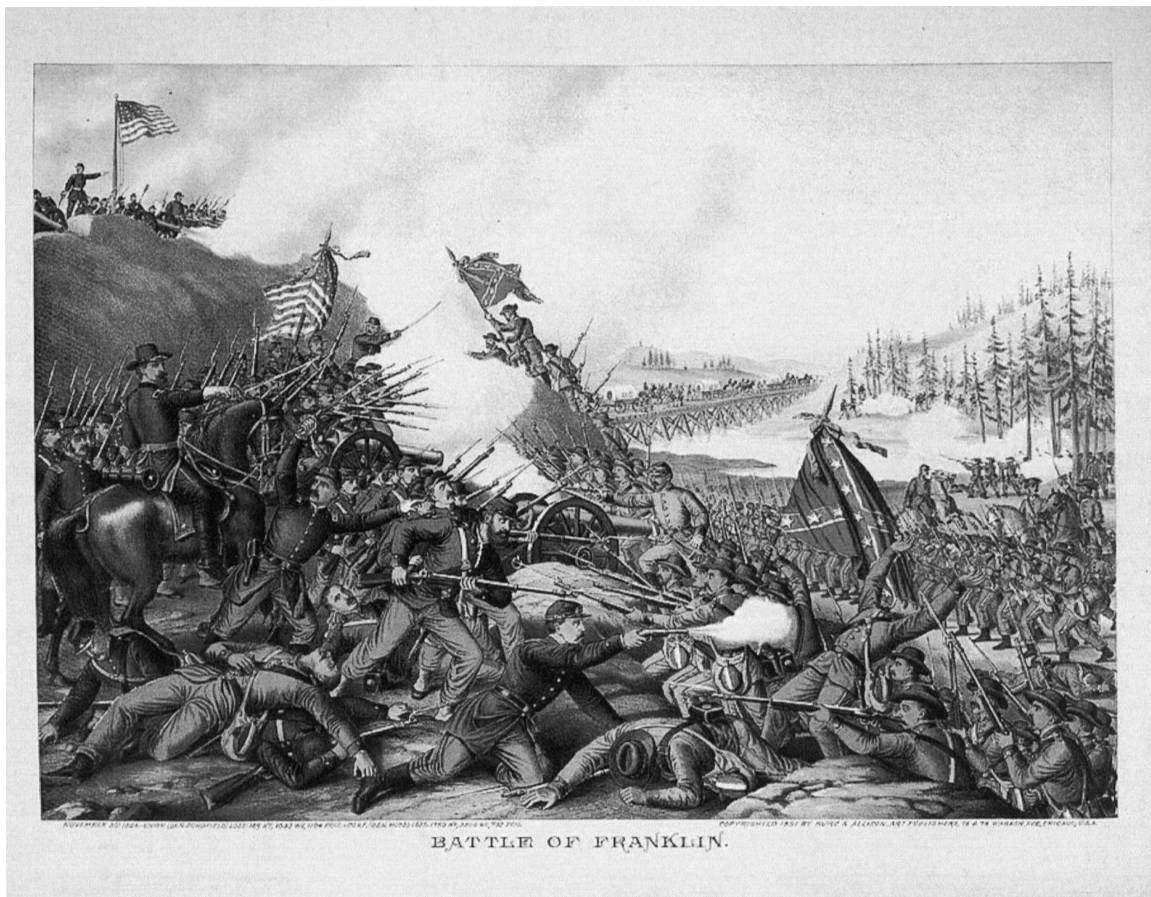
traneous quotation marks, and page numbers from previous editions that had been inserted in various texts. Some of the longer titles have been shortened in accordance with modern usage. Headings in which the original text used anachronistic fonts or, for example, all capital letters, have been modernized and standardized. Only those footnotes deemed necessary for understanding the text have been reproduced.



PART ONE    The Civil War



Alabama Secession Convention Flag, 1861. Alabama Department of Archives and History, Montgomery, Alabama.



Battle of Franklin, Tenn., November 30, 1864. Library of Congress, Prints and Photographs Division, LC-USZC4-1732.

ABRAHAM LINCOLN'S ELECTION to the American presidency in 1860 shattered a truce among America's sectional interests that had become increasingly fragile and tenuous. Lincoln won a majority of electoral votes, but none from a Southern state. Moreover, he failed to poll a majority of the popular vote, though he did win the most votes of any candidate in that four-way race. Numerous leaders in the South had made clear that they viewed Lincoln as an enemy because of his oft-stated conviction that slavery should be put on the road toward extinction, as well as his Republican Party's explicit opposition to reopening the African slave trade or expanding slavery into the territories. Some threatened that Lincoln's election to the presidency would cause slaveholding states to secede in short order. And so they did. By February 1861, seven states (South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas) had seceded. Four more states (Virginia, Arkansas, Tennessee, and North Carolina) would secede after the Confederate attack on the Union-controlled Fort Sumter in Charleston harbor in April of 1861. The four remaining slaveholding states (Delaware, Kentucky, Maryland, and Missouri) along with West Virginia, which was carved out of Virginia at this time, remained in the Union but were the source of political and military instability. Indeed, in both Missouri and Kentucky secessionist elements formed their own governments loyal to the Confederacy.

There were a number of last-ditch efforts to stave off war. And leaders of the Confederacy insisted that no war was necessary—the North must simply recognize the right of any state to secede if it so desired, and peace would ensue. The issue of secession's legality had been debated for decades and was settled only on the battlefield.

Disagreements abound as to the ultimate cause and moral status of the Civil War. Was it about slavery or states' rights? Or perhaps both, and made more virulent on account of the ever-widening gulf between Northern and Southern ways of life? Before coming to any of these conclusions, one would do well to examine the constitutional arguments presented by both sides during secession and the Civil War itself.

This section includes official documents regarding secession, as well as political speeches and military orders related to the conflict and issues underlying it.

## The Crittenden Compromise, 1860

*After the 1860 elections had been held, but before the new Congress was seated, the old, lame duck Congress met to attempt one last compromise to save the Union. The best-known effort was led by Kentucky senator John J. Crittenden. The Crittenden Compromise was actually a joint resolution seeking a series of amendments to the American Constitution. Crittenden's resolutions would have expanded on the Missouri Compromise of 1820 and enshrined its provisions in the Constitution, declaring that territory held or acquired by the United States would be free from slavery if north of latitude 36° 30' and open to chattel slavery if south of that line—a line the Crittenden Compromise would have extended to the Pacific Ocean. In addition, the Crittenden Compromise would have provided for congressional compensation to slave owners unable to recover fugitive slaves owing to abolitionist action, protected slaveholding in the District of Columbia, prevented Congress from prohibiting the interstate transportation of slaves, and provided that none of its provisions could thereafter be amended or repealed. The measures garnered majorities but failed to achieve the necessary two-thirds majority in either house of Congress.*

## The Crittenden Compromise

December 18, 1860

A joint resolution (S. No. 50) proposing certain amendments to the Constitution of the United States.

Whereas serious and alarming dissensions have arisen between the northern and southern States, concerning the rights and security of the rights of the slaveholding States, and especially their rights in the common territory of the United States; and whereas it is eminently desirable and proper that these dissensions, which now threaten the very existence of this Union, should be permanently quieted and settled by constitutional provisions, which shall do equal justice to all sections, and thereby restore to the people that peace and good-will which ought to prevail between all the citizens of the United States: Therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of both Houses concurring,) That the following articles be, and are hereby, proposed and submitted as amendments to the Constitution of the United States, which shall be valid to all intents and purposes, as part of said Constitution, when ratified by conventions of three fourths of the several States:*

ARTICLE 1. In all the territory of the United States now held, or hereafter acquired, situate north of latitude 36° 30', slavery or involuntary servitude, except as a punishment for crime, is prohibited while such territory shall remain under territorial government. In all the territory south of said line of latitude, slavery of the African race is hereby recognized as existing, and shall not be interfered with by Congress, but shall be protected as property by all the departments of the territorial government during its continuance. And when any Territory, north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress according to the then Federal ratio of representation of the people of the United States, it shall, if its form of government be republican, be admitted into the Union, on an equal footing with the original States, with or without slavery, as the constitution of such new State may provide.

ART. 2. Congress shall have no power to abolish slavery in