THE CONFEDERATE AND NEO-CONFEDERATE READER

The "Great Truth" about the "Lost Cause"

Edited by James W. Loewen

and Edward H. Sebesta

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understood the fugitives were living and demanded them. In the words of the nearby Pennsylvania state historical marker, "Neighbors gathered, fighting ensued, and Gorsuch was killed." The visitors retreated, while Parker and the other fugitives escaped by train to Rochester, New York, and Canada.

The governor of Maryland demanded swift punishment for everyone involved. The United States indicted 36 blacks and 5 whites, not just for violating the new Fugitive Slave Law but, at the request of President Millard Fillmore, for treason. (The idea was, since the Fugitive Slave Law was an enabling act to carry out the fugitive slave clause of the Constitution, violators were somehow guilty of trying to overthrow the Constitution, hence the nation.) A miller, Castner Hanway, who lived nearby, had been the first white neighbor to arrive. The Southerners inferred, wrongly, that he must be the leader of the resistance. He was the first person tried, in Independence Hall; Thaddeus Stevens was one of his lawyers. The jury found him innocent; indeed, no one was ever convicted for the death of Edward Gorsuch. This outraged slaveowners.[15]

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South Carolina Secession Convention, "Declaration of the Immediate Causes Which Induce and Justify the Secession of South Carolina from the Federal Union," December 24, 1860.[16]

Triggered by Lincoln's election, Deep South states held conventions that issued short ordinances stating they were seceding and longer statements telling why. The ordinances have little substance. We include the longer statements in the order in which the states seceded, South Carolina's first. Its "Declaration" served as a model for several other states as they left the Union. It begins by citing South Carolina's 1852 threat to secede, which gave as reasons "the frequent violations of the Constitution of the United States by the Federal Government, and its encroachments upon the reserved rights of the sovereign States of this Union, especially in relation to slavery." That sentence does refer to states' rights, but the Declaration then takes quite a different turn. First, it provides an eleven-paragraph history lesson emphasizing the independence of each state before and during the period when the United States operated under the Articles of Confederation. This lesson fails to note that South Carolina was one of the states that decried the looseness of this arrangement and called for a constitutional convention to set up a more powerful central government.

The last paragraph of this lesson provides an unusual view of "the law of compact," claiming that each party can decide on "his own judgment" whether the other has lived up to its terms; if not, then the individual (or state) can do as it wants. Such a holding at law would end commerce, marriage, indeed civil society. As historian William C. Davis notes, "There are very few ways to legally break a contract unilaterally," and none of them applied in 1860. At the time of secession, the federal government was not guilty of *any* noncompliance with the Constitution, even from an extreme proslavery viewpoint. Notwithstanding the weakness of this reasoning, however, many political leaders, including some Unionists, believed secession

was legal. Others did not, including Robert E. Lee, who called it "nothing but revolution."[17]

The rest of the document declares the "immediate causes" that have led South Carolina to secede. Various states, listed by name, have interfered with federal efforts to enforce the fugitive slave clause of the Constitution. South Carolina is further upset with New York, because it no longer allows "the right of transit for a slave." In past years, some slaveowners had gone west via the Erie Canal and Great Lakes. Others had brought enslaved servants along when visiting New York City or Long Island. No longer, because New York's judges now decreed that since the state does not recognize slavery, these people can go free. As well, South Carolina takes offense because Northern states allow citizens to denounce "as sinful the institution of Slavery"; some even let African Americans be voting citizens.[18] However, until the Fifteenth Amendment, passed during Reconstruction after the Civil War, setting qualifications for voting was a state's right. In sum, every grievance that South Carolina lists refers to acts by states and individuals in the North. South Carolina has no quarrel with the federal government, controlled by proslavery Democrats in the Buchanan administration. After the first paragraph, South Carolina makes no claim on behalf of the right of any state to do anything that the federal government was forbidding, other than secession itself. On the contrary: South Carolina *opposes* states' rights when claimed by free states. It is also infuriated that Northern states "have united in the election of a man to the high office of President of the United States whose opinions and purposes are hostile to Slavery."

The people of the State of South Carolina in Convention assembled, on the 2d day of April, A.D. 1852, declared that the frequent violations of the Constitution of the United States by the Federal Government, and its encroachments upon the reserved rights of the States, fully justified this State in, their withdrawal from the Federal Union; but in deference to the opinions and wishes of the other Slaveholding States, she forbore at that time to exercise this right. Since that time these encroachments have continued to increase, and further forbearance ceases to be a virtue.

And now the State of South Carolina, having resumed her separate and equal place among nations, deems it due to herself, to the remaining United States of America, and to the nations of the world, that she should declare the immediate causes which have led to this act.

In the year 1765, that portion of the British Empire embracing Great Britain undertook to make laws for the Government of that portion composed of the thirteen American Colonies. A struggle for the right of self-government ensued, which resulted, on the 4th of July, 1776, in a Declaration, by the Colonies,

"that they are, and of right ought to be, FREE AND INDEPENDENT STATES; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

They further solemnly declared that whenever any "form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government." Deeming the Government of Great Britain to have become destructive of these ends, they declared that the Colonies "are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

In pursuance of this Declaration of Independence, each of the thirteen States proceeded to exercise its separate sovereignty; adopted for itself a Constitution, and appointed officers for the administration of government in all its departments—Legislative, Executive and Judicial. For purposes of defence they united their arms and their counsels; and, in 1778, they entered into a League known as the Articles of Confederation, whereby they agreed to intrust the administration of their external relations to a common agent, known as the Congress of the United States, expressly declaring, in the first article, "that each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not, by this Confederation, expressly delegated to the United States in Congress assembled."

Under this Confederation the War of the Revolution was carried on; and on the 3d of September, 1783, the contest ended, and a definite Treaty was signed by Great Britain, in which she acknowledged the Independence of the Colonies in the following terms:

"ARTICLE 1. His Britannic Majesty acknowledges the said United States, viz.: New Hampshire; Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be FREE, SOVEREIGN, AND INDEPENDENT STATES; that he treats with them as such; and, for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same and every part thereof."

Thus were established the two great principles asserted by the Colonies, namely, the right of a State to govern itself; and the right of a people to abolish a Government when it becomes destructive of the ends for which it was instituted. And concurrent with the establishment of these principles, was the fact that each Colony became and was recognized by the mother country as a FREE, SOVEREIGN, AND INDEPENDENT STATE.

In 1787, Deputies were appointed by the States to revise the articles of Confederation; and on 17th September, 1787, these Deputies recommended, for

the adoption of the States, the Articles of Union, known as the Constitution of the United States.

The parties to whom this constitution was submitted were the several sovereign States; they were to agree or disagree, and when nine of them agreed, the compact was to take effect among those concurring; and the General Government, as the common agent, was then to be invested with their authority.

If only nine of the thirteen States had concurred, the other four would have remained as they then were—separate, sovereign States, independent of any of the provisions of the Constitution. In fact, two of the States did not accede to the Constitution until long after it had gone into operation among the other eleven; and during that interval, they each exercised the functions of an independent nation.

By this Constitution, certain duties were imposed upon the several States, and the exercise of certain of their powers was restrained, which necessarily impelled their continued existence as sovereign states. But, to remove all doubt, an amendment was added, which declared that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. On the 23d May, 1788, South Carolina, by a Convention of her people, passed an ordinance assenting to this Constitution, and afterwards altered her own Constitution to conform herself to the obligation she had undertaken.

Thus was established, by compact between the States, a Government with defined objects and powers, limited to the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the States or the people, and rendered unnecessary any specification of reserved rights. We hold that the Government thus established is subject to the two great principles asserted in the Declaration of independence; and we hold further that the mode of its formation subjects it to a third fundamental principle, namely, the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

In the present case, that fact is established with certainty. We assert that fourteen of the States have deliberately refused for years past to fulfill their constitutional obligations, and we refer to their own statutes for the proof.

The Constitution of the United States, in its fourth Article, provides as follows: "No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be

discharged from such, service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

This stipulation was so material to the compact that without it that compact would not have been made. The greater number of the contracting parties held slaves, and they had previously evinced their estimate of the value of such a stipulation by making it a condition in the Ordinance for the government of the territory ceded by Virginia, which now composes the states north of the Ohio river.

The general government, as the common agent, passed laws to carry into effect these stipulations of the states. For many years these laws were executed. But an increasing hostility on the part of the non-slaveholding states to the institution of slavery has led to a disregard of their obligations, and the laws of the General Government, have ceased to effect the objects of the Constitution. The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin, and Iowa, have enacted laws which either nullify the acts of Congress, or render useless any attempt to execute them. In many of these States the fugitive is discharged from the service or labor claimed, and in none of them has the State Government complied with the stipulation made in the Constitution. The State of New Jersey, at an early day, passed a law in conformity with her constitutional obligation; but the current of Anti-Slavery feeling has led her more recently to enact laws which render inoperative the remedies provided by her own laws and by the laws of Congress. In the State of New York even the right of transit for a slave has been denied by her tribunals; and the States of Ohio and Iowa have refused to surrender to justice fugitives charged with murder, and with inciting servile insurrection in the State of Virginia. Thus the constitutional compact has been deliberately broken and disregarded by the non-slaveholding States; and the consequence follows that South Carolina is released from her obligation.

The ends for which this Constitution was framed are declared by itself to be "to form a more perfect union, to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

These ends it endeavored to accomplish by a Federal Government, in which each State was recognized as an equal, and had separate control over its own institutions. The right of property in slaves was recognized by giving to free persons distinct political rights; by giving them the right to represent, and burdening them with direct taxes for, three-fifths of their slaves; by authorizing the importation of slaves for twenty years; and by stipulating for the rendition of fugitives from labor.

We affirm that these ends for which this Government was instituted have been defeated, and the Government itself has been destructive of them by the

action of the non-slaveholding States. Those States have assumed the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the States and recognized by the Constitution; they have denounced as sinful the institution of Slavery; they have permitted the open establishment among them of societies, whose avowed object is to disturb the peace of and eloign the property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remain, have been incited by emissaries, books, and pictures, to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common Government. Observing the *forms* of the Constitution, a sectional party has found within that article establishing the Executive Department, the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all the States north of that line have united in the election of a man to the high office of President of the United States whose opinions and purposes are hostile to Slavery. He is to be intrusted with the administration of the common Government, because he has declared that "Government cannot endure permanently half slave, half free," and that the public mind must rest in the belief that Slavery is in the course of ultimate extinction.

This sectional combination for the subversion of the Constitution has been aided, in some of the States, by elevating to citizenship persons who, by the supreme law of the land, are incapable of becoming citizens; and their votes have been used to inaugurate a new policy, hostile to the South, and destructive of its peace and safety.

On the 4th of March next this party will take possession of the Government. It has announced that the South shall be excluded from the common territory, that the Judicial tribunal shall be made sectional, and that a war must be waged against Slavery until it shall cease throughout the United States.

The guarantees of the Constitution will then no longer exist; the equal rights of the States will be lost. The Slaveholding States will no longer have the power of self-government, or self-protection, and the Federal Government will have become their enemy.

Sectional interest and animosity will deepen the irritation; and all hope of remedy is rendered vain, by the fact that the public opinion at the North has invested a great political error with the sanctions of a more erroneous religious belief.

We, therefore, the people of South Carolina, by our Delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the Union heretofore existing between this State and the other States of North America is dissolved, and that the State

of South Carolina has resumed her position among the nations of the world, as a separate and independent state, with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

* * *

The Constitution of the Confederate States of America, March 11, 1861.[20]

The Confederate Constitution incorporates most of the U.S. Constitution. Here we include only the major differences between the two, which we place in boldface.[21] Confederates adopted some interesting innovations, including a limit of one six-year term for the chief executive, a line-item veto, and seats for cabinet members in the legislature to explain their policies. Taking the Democratic side of an earlier Democrat/Whig debate, they ban using federal revenue for internal improvements and prohibit protective tariffs.[22] The postal service must be self-supporting within two years.

About states' rights, the Confederate Constitution does not reflect very much concern. Its preamble does make an important gesture in that direction, adding the italicized words: "We, the people of the Confederate States, *each State acting in its sovereign and independent character*, in order to form a permanent federal government."[23] However, preambles to constitutions rarely carry much jurisprudential force. As well, to what is the Ninth Amendment to the U.S. Constitution, the Confederate version adds the italicized words: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people *of the several States*." This phrase does occur elsewhere in the U.S. Constitution, however. Also, Confederate states can impeach federal district court judges who serve within them. On the other hand, the Confederate Constitution introduces federal qualifications for voting; the U.S. Constitution left these to the states.

More important than these details is what Confederates do *not* do. They leave intact the clauses in the U.S. Constitution that grant the federal government power over the states. Consider three examples:

- Article 1, §8, ¶3 in both constitutions reads: "[Congress has power] To regulate Commerce . . . among the several States." Before secession, slaveowners had worried that the national government might use that clause to justify regulating or ending the internal slave trade.

- More basic yet is Article 6, §1, ¶3 in the Confederate Constitution: "This Constitution, and the laws of the Confederate States made in pursuance thereof . . . shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." Again, Confederates inserted this clause unchanged.[24]
- Article 4, §2, ¶1 of the Confederate Constitution does not allow states to abolish slavery. The Confederacy thus denies states the key right that later apologists say drove it to secede: the right to decide whether or not to have slavery. Clearly the new government cares more about slavery than states' rights.
- The new constitution also incorporates Article 1, §8, ¶15: "[Congress has power] To provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections." Thus the Confederacy preserves the same language to combat secession that Lincoln would use against it. Moreover, by adding to its first sentence "to form a *permanent* federal government," the new preamble implicitly denies secession as a state's right.[25]

The biggest changes in the new document treat slavery. The Confederate Constitution guarantees the rights of slaveowners in every state and territory, regardless of what that state or territory itself might desire. It guarantees the right of slave transit: even if the Confederacy some day were to include a free state, carrying slaves into that state still would not free them. And it uses the word "slaves"; the U.S. Constitution substituted euphemisms like "other persons." Most important, except by constitutional amendment, Article 1, §9, ¶4 protects slavery forever: "No bill of attainder, ex post facto law, or law denying or impairing the right of property in negro slaves shall be passed."

Interestingly, the new constitution bans the international slave trade except with the United States and grants Congress power to prohibit that trade as well. In the late 1850s, proslavery politicians had made noises about reopening the international trade, but now that they had the chance, they backed off. Two considerations precluded such a move. First, Confederate leaders sought recognition from European nations, which would never happen if the Confederacy reopened the Atlantic slave trade. Second, when it adopted its constitution, the Confederacy consisted of just the Deep South states. Its leaders desperately hoped to attract the Upper South, linked to the Deep South by their interest in selling slaves.[26] Here the Confederacy offers Virginia, Kentucky, and other slave states on the border a carrot and stick: if you join, your slaves will never face competition from other suppliers, but if you don't, we might cut you out of our market.

Article I, Section II

5. The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment; except that **any judicial or other federal officer resident and acting solely within the limits of any State, may be impeached by a vote of two-thirds of both branches of the Legislature thereof.**

Section VI

2. . . . **Congress may, by law, grant to the principal officer in each of the Executive Departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department.**

Section VII

2. . . . **The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved; and shall return a copy of such appropriations, with his objections, to the House in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.**

Section VIII

The Congress shall have power

1. To lay and collect taxes . . . but **no bounties shall be granted from the treasury—nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry;** and all duties, imposts, and excises shall be uniform throughout the Confederate States. . . .

3. To regulate commerce with foreign nations . . . ; but **neither this, nor any other clause contained in the Constitution, shall ever be construed to delegate the power to Congress to appropriate money for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation, in all which cases, such duties shall be laid on the navigation facilitated thereby, as may be necessary to pay the costs and expenses thereof:**

Section IX

1. The importation of negroes of the African race, from any foreign country, other than the slaveholding States or Territories of the United States of America, is hereby forbidden; and Congress is required to pass such laws as shall effectually prevent the same.

2. Congress shall also have power to prohibit the introduction of slaves from any State not a member of, or Territory not belonging to, this Confederacy. . . .

4. No bill of attainder, ex post facto law, or law denying or impairing the right of property in negro slaves shall be passed. . . .

9. Congress shall appropriate no money from the treasury except by a vote of two-thirds of both Houses, taken by yeas and nays, unless it be asked and estimated for by some one of the heads of Department, and submitted to Congress by the President. . . .

Article II, Section I

1. The executive power shall be vested in a President of the Confederate States of America. **He and the Vice President shall hold their offices for the term of six years; but the President shall not be reeligible.** The President and Vice President shall be elected as follows: . . .

Section II

3. The principal officer in each of the Executive Departments, and all persons connected with the diplomatic service, may be removed from office at the pleasure of the President. All other civil officers of the Executive Department may be removed at any time by the President, or other appointing power, when their services are unnecessary, or for dishonesty, incapacity, inefficiency, misconduct, or neglect of duty; and when so removed, the removal shall be reported to the Senate, together with the reasons therefor.

Article IV, Section II

1. The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, **and shall have the right of transit and sojourn in any State of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired.**

Section III

3. The Confederate States may acquire new territory; and Congress shall have power to legislate and provide governments for the inhabitants of all territory belonging to the Confederate States, lying without the limits of the several States; and may permit them, at such times, and in such manner as it may by law provide, to form States to be admitted into the Confederacy. **In all such territory, the institution of negro slavery as it now exists in the Confederate States, shall be recognized and protected by Congress, and by**

the territorial government; and the inhabitants of the several Confederate States and Territories, shall have the right to take to such territory any slaves, lawfully held by them in any of the States or Territories of the Confederate States.

* * *

Alexander H. Stephens (1812–83), "African Slavery: The Corner-Stone of the Southern Confederacy," March 22, 1861.[27]

Alexander Stephens was an unusual choice for Confederate vice president. A former Whig, he had supported Stephen A. Douglas for president and argued against leaving the Union at Georgia's secession convention. After Georgia seceded, however, he declared allegiance to the Confederacy and was chosen vice president partly because he could appeal to others who had been reluctant to secede. He helped draft the Confederate Constitution; ten days after its adoption, he made the case for it before a huge crowd in Savannah. Much later, neo-Confederate apologists claimed that his statements regarding slavery and white supremacy were transcribed poorly or were somehow anomalous. However, this passage closely resembles other addresses by Stephens, such as in Atlanta before going to Savannah and to the Virginia secession convention a month later. There he said, "The great truth, I repeat, upon which our system rests, is the inferiority of the African."[28]

We omit several paragraphs telling small ways that Stephens believes the new constitution is better than the old and pick up when Stephens reaches the fundamental "improvement," to which he devotes the most attention.

But not to be tedious in enumerating the numerous changes for the better, allow me to allude to one other though last, not least: the new Constitution has put at rest *forever* all the agitating questions relating to our peculiar institutions—African slavery as it exists among us—the proper *status* of the negro in our form of civilization. This was the immediate cause of the late rupture and present revolution. Jefferson, in his forecast, had anticipated this, as the "rock upon which the old Union would split." He was right. What was conjecture with him, is now a realized fact. But whether he fully comprehended the great truth upon which that rock *stood* and *stands*, may be doubted. The prevailing

ideas entertained by him and most of the leading statesmen at the time of the formation of the old Constitution were, that the enslavement of the African was in violation of the laws of nature; that it was wrong in *principle*, socially, morally and politically. It was an evil they knew not well how to deal with; but the general opinion of the men of that day was, that, somehow or other, in the order of Providence, the institution would be evanescent and pass away. This idea, though not incorporated in the Constitution, was the prevailing idea at the time. The Constitution, it is true, secured every essential guarantee to the institution while it should last, and hence no argument can be justly used against the constitutional guarantees thus secured, because of the common sentiment of the day. Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of races. This was an error. It was a sandy foundation, and the idea of a Government built upon it; when the "storm came and wind blew, it *fell*."

Our new Government is founded upon exactly the opposite idea; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery—subordination to the superior race—is his natural and moral condition. (Applause.)

This, our new Government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth. This truth has been slow in the process of its development, like all other truths in the various departments of science. It is so even amongst us. Many who hear me, perhaps, can recollect well that this truth was not generally admitted, even within their day. The errors of the past generation still clung to many as late as twenty years ago. Those at the North who still cling to these errors with a zeal above knowledge, we justly denominate fanatics. All fanaticism springs from an aberration of the mind from a defect in reasoning. It is a species of insanity. One of the most striking characteristics of insanity, in many instances, is forming correct conclusions from fancied or erroneous premises; so with the anti_slavery fanatics; their conclusions are right if their premises are. They assume that the negro is equal, and hence conclude that he is entitled to equal privileges and rights, with the white man. If their premises were correct, their conclusions would be logical and just; but their premises being wrong, their whole argument fails. I recollect once of having heard a gentleman from one of the Northern States, of great power and ability, announce in the House of Representatives, with imposing effect, that we of the South would be compelled, ultimately, to yield upon this subject of slavery; that it was as impossible to war successfully against a principle in politics, as it was in physics or mechanics. That the principle would ultimately prevail. That we, in maintaining slavery as it exists with us, were warring against a principle, a principle founded in nature, the principle of the equality of man. The reply I made to him was, that upon his own grounds we

should succeed, and that he and his associates in their crusade against our institutions would ultimately fail. The truth announced, that it was a impossible to war successfully against a principle in politics as well as in physics and mechanics, I admitted, but told him it was he and those acting with him who were warring against a principle. They were attempting to make things equal which the Creator had made unequal.

In the conflict thus far, success has been on our side, complete throughout the length and breadth of the Confederate States. It is upon this, as I have stated, our social fabric is firmly planted, and I cannot permit myself to doubt the ultimate success of a full recognition of this principle throughout the civilized and enlightened world.

As I have stated, the truth of this principle may be slow in development, as all truths are, and ever have been, in the various branches of science. It was so with the principles announced by Galileo; it was so with Adam Smith and his principles of political economy. It was so with Harvey, and his theory of the circulation of the blood. It is stated that not a single one of the medical profession, living at the time of the announcement of the truths made by him, admitted them. Now, they are universally acknowledged. May we not therefore look with confidence to the ultimate universal acknowledgment of the truths upon which our system rests? It is the first Government ever instituted upon principles in strict conformity to nature, and the ordination of Providence, in furnishing the material of human society. Many Governments have been founded upon the principles of certain classes; but the classes thus enslaved, were of the same race, and in violation of the laws of nature. Our system commits no such violation of nature's laws. The negro by nature, or by the curse against Canaan, is fitted for that condition which he occupies in our system. The architect, in the construction of buildings, lays the foundation with the proper material the granite then comes the brick or marble. The substratum of our society is made of the material fitted by nature for it, and by experience we know that it is the best not only for the superior, but for the inferior race, that it should be so. It is, indeed, in conformity with the Creator. It is not for us to inquire into the wisdom of His ordinances or to question them. For His own purposes He has made one race to differ from another, as He has made "one star to differ from another in glory."

The great objects of humanity are best attained, when conformed to His laws and decrees, in the formation of Governments as well as in all things else. Our Confederacy is founded upon principles in strict conformity with these laws. This stone which was rejected by the first builders "is become the chief stone of the corner" in our new edifice. (Applause.)

I have been asked, what of the future? It has been apprehended by some, that we would have arrayed against us the civilized world. I care not who or how

many they may be, when we stand upon the eternal principles of truth we are obliged and must triumph.

Thousands of people, who begin to understand these truths, are not yet completely out of the shell. They do not see them in their length and breadth. We hear much of the civilization and Christianization of the barbarous tribes of Africa. In my judgment, those ends will never be obtained but by first teaching them the lesson taught to Adam, that "in the sweat of thy brow shalt thou eat bread," and teaching them to work, and feed, and clothe themselves.

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Governor H. M. Rector (1816–99), Letter to Colonel Sam Leslie, November 28, 1861.[29]

Arkansas governor H. M. Rector orders Leslie "to arrest all men in your county who profess friendship for the Lincoln government" and implies that they will be executed as traitors: "[M]arch them to this place, where they will be dealt with, as enemies of their country whose peace and safety is being endangered by their disloyal and treasonable acts." Leslie arrested almost 80 Unionists from northwest Arkansas and marched them in logging-chains to Little Rock. Of the 117 Unionists arrested throughout the state, all but 15 chose enlistment in the Confederate army. The remaining 15 faced a grand jury, which found that they had committed no crimes and released them.[30] In 1874, Democrats selected Rector as president of the constitutional convention to write the new white supremacist constitution that formally overthrew Arkansas's interracial Reconstruction government.

Sir,

Your letter of the 26th Inst has just reached me by couriers Melton and Griffin. I regret *extremely* that any of our citizens should prove disloyal to their government. But if they so conduct themselves the power of those in authority must be exercised to preserve peace, and enforce obedience to the Constitution and the Laws.

The people of the State of Arkansas through their representatives in Convention have taken the State out of the Old Union and attached it to the Confederacy. And although there may be a minority against this action, yet ours is a government where a majority rules and the minority must submit.

I and my officers in the state are sworn to support and enforce the laws as they are and individuals, one or many, rebelling against those laws, must be looked after and if for the safety of the country it becomes necessary to arrest and imprison them or to *execute* them for *treason*, that must and will be done promptly and certainly, if it is necessary to call out every man in the State to accomplish it.

General Orders, No. 14, An Act to Increase the Military Force of the Confederate States, approved March 13, 1865.[61]

Even faced with imminent defeat, Confederates could not bring themselves to act quickly, as Lee pleaded. Governors and national leaders pointed out that the guarantee of slavery in the Confederate Constitution made it unconstitutional to enlist slaves, let alone promise general emancipation. In mid-March, the Confederate Congress finally passed a bill allowing black recruitment by the narrowest of margins (9 to 8 in the Senate; 40 to 37 in the House). Despite Lee's suggestions, the bill offers neither "gradual and general emancipation" nor "freedom at the end of the war to the families" of soldiers. It does not even free the men themselves, except with "consent of the owners and of the States in which they may reside." Notwithstanding these defects, the army recruited two companies of African Americans in Richmond, but, according to McPherson, they saw no action before the war ended.[62]

AN ACT to increase the military force of the Confederate States.

The Congress of the Confederate States of America do enact, That, in order to provide additional forces to repel invasion, maintain the rightful possession of the Confederate States, secure their independence, and preserve their institutions, the President be, and he is hereby, authorized to ask for and accept from the owners of slaves, the services of such number of able-bodied negro men as he may deem expedient, for and during the war, to perform military service in whatever capacity he may direct.

SEC 2. That the General-in-Chief be authorized to organize the said slaves into companies, battalions, regiments, and brigades, under such rules and regulations as the Secretary of War may prescribe, and to be commanded by such officers as the President may appoint.

SEC 3. That while employed in the service the said troops shall receive the same rations, clothing, and compensation as are allowed to other troops in the same branch of the service.

SEC 4. That if, under the previous sections of this act, the President shall not be able to raise a sufficient number of troops to prosecute the war successfully and maintain the sovereignty of the States and the independence of the Confederate States, then he is hereby authorized to call on each State, whenever he thinks it expedient, for her quota of 300,000 troops, in addition to those subject to military service under existing laws, or so many thereof as the President may deem necessary to be raised from such classes of the population, irrespective of color, in each State, as the proper authorities thereof may determine: Provided, That not more than twenty-five per cent. of the male slaves between the ages of eighteen and forty-five, in any State, shall be called for under the provisions of this act.

SEC 5. That nothing in this act shall be construed to authorize a change in the relation which the said slaves shall bear toward their owners, except by consent of the owners and of the States in which they may reside, and in pursuance of the laws thereof.

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