

**Failed Apostles of Disunion:
The Role of the Lower South Secession Commissioners in Virginia's Secession
Crisis, January-April 1861**



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Cover image: the Capitol at Richmond, Virginia, where the Virginia secession convention decided on secession on 17 April 1861 and where a few days later Alexander Stephens, Vice President of the Confederacy, addressed the convention as the fifth and final lower South commissioner to Virginia.

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Introduction

“Let me renew to you the invitation of my State and people, to unite and co-operate with your Southern sisters who are already in the field, in defence of their rights,” Fulton Anderson of Mississippi, secession commissioner to Virginia, urged the Virginia state convention on 18 February 1861. He added that “when you [Virginia] do come, as we know you will do at no distant day, the signal of your move will send a thrill of joy vibrating through every Southern heart, from the Rio Grande to the Atlantic, and a shout of joyous congratulation will go up which will shake the continent from its centre to its circumference.”¹

Commissioner Anderson was the second of five ambassadors from the seceding lower South states who were sent to Virginia between January and April 1861 to convince the Virginians to secede and join the nascent Confederate States.² These missions were part of a wider phenomenon. During the secession crisis of late 1860 and early 1861 Mississippi, Alabama, South Carolina, Georgia, Louisiana, and, finally, the Confederacy appointed fifty-five commissioners to visit all the southern states. Most of them were not well known outside their home states. They were lawyers, judges, doctors, newspaper editors, farmers, and planters. Upon arrival in their assigned states most of the commissioners delivered speeches before the state legislatures or the conventions that were debating the secession question. In addition, they addressed crowds and wrote letters to governors and state legislators.³

Virginia received the highest number of cotton South representatives and this was no coincidence. Like the other border states, it did not follow the seven lower South states in seceding in the winter of 1860-1861 in the wake of Abraham Lincoln’s election. A popular majority opposed secession throughout the crisis, until the outbreak of the Civil War forced the Virginians to choose between fighting the North or the South. Only

¹ George H. Reese, ed. *Proceedings of the Virginia State Convention of 1861, February 13 - May 1* (Richmond: Virginia State Library, 1965), 1:61-62.

² Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War*, 15th anniversary ed. (Charlottesville: University of Virginia Press, 2016), 60; Gary W. Gallagher, introduction to *Crucible of the Civil War: Virginia from Secession to Commemoration*, ed. Edward L. Ayers, Andrew J. Torget, and Gary W. Gallagher (Charlottesville: University of Virginia Press, 2009), 2-3; Durward Long, "Alabama's Secession Commissioners," *Civil War History* 9, no. 1 (1963): 56, 64-65.

³ Dew, *Apostles of Disunion*, 18-21.

then did they align with the Confederacy.⁴ In addition to the persistence of Unionism in Virginia, the second reason for the high number of commissioners visiting this state constituted its vital importance to the seceding states' cause. Virginia had vast human, industrial, and agricultural resources. It had the largest white population of the southern states and the highest number of slaves. It further possessed one-fifth of both the southern railroad mileage and its assessed value of farmlands and buildings. Richmond was the South's preeminent manufacturing centre and home to more than a dozen iron foundries, several rolling mills, fifty iron and metal works, and huge flour mills. Southwestern Virginia contained rich coal, lead, and salt sources. Finally, the Shenandoah Valley and Piedmont regions constituted one of the most important granaries of the South, with crops such as wheat, corn, and fruits in abundance.

The state also held a unique place in American consciousness. Virginia was the home of the first permanent English settlement in North America. More importantly, it was inextricably connected to the founding era of the nation. The state formed the cradle of some of the Founding Fathers and had produced four presidents who together had guided the US for thirty-two of its first forty years. The final reason why the seceding states considered Virginia so important was that it was pivotal for the allegiance of the rest of the border states. If the Old Dominion, with its strategic resources and symbolic value, left the Union, Unionists in states like Tennessee and North Carolina would be unable to stop their states from seceding as well. In short: the border state region would decide how secession would reshape the country and Virginia formed the keystone of border state allegiance. For all these reasons, Virginia was the single most important state to the secessionist cause. The lower South states realised that, without Virginia on their side, their effort to form a new Southern Confederacy was doomed to failure.⁵

As a result, only the best orators were sent to this state and, well aware of the importance of their missions, they did their utmost to persuade the Virginians.⁶ However, despite their extensive efforts, all but one of these men were unsuccessful.

⁴ Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill: University of North Carolina Press, 1998), xv; Dew, *Apostles of Disunion*, 18-19; James M. McPherson, *Battle Cry of Freedom* (New York: Oxford University Press, 2003), 254-255.

⁵ Crofts, *Reluctant Confederates*, 136; Dew, *Apostles of Disunion*, 59; William W. Freehling and Craig M. Simpson, eds. *Showdown in Virginia: The 1861 Convention and the Fate of the Union* (Charlottesville: University of Virginia Press, 2010), x; Gallagher, introduction to *Crucible of the Civil War*, 2-4; Andrew J. Torget, "Unions of Slavery: Slavery, Politics, and Secession in the Valley of Virginia," in Ayers, Torget, and Gallagher, *Crucible of the Civil War*, 9.

⁶ Dew, *Apostles of Disunion*, 69

This study examines why these commissioners failed to convince the Virginians to secede and join the Confederacy. It therefore contributes to the historiography of both the secession commissioners and the Virginia secession crisis.

Despite the fact that so much was expected from the commissioners, historians have written little about their labours. In 1963 Durward Long wrote the first article on the topic, emphasising the commissioners' role as crucial information transmitters in the early phase of the secession crisis. By looking at the efforts of Alabama's commissioners, he demonstrated that these men provided meaningful consultation between the slave states that were about to secede. Long concluded that Alabama's diplomatic missions "reconciled, assured and encouraged" Alabamians that they would not be alone in secession and that they could count on the support of their fellow slave states in the event that the Republican-controlled federal government would attempt to force them back into the Union. Thus, the commissioners were essential in forging consensus within and between the slaveholding states during the first phase of the secession crisis.⁷

Hereafter the commissioners' labours received little scholarly attention until in 2001 Charles Dew wrote the first full-length monograph on the topic. Dew's study covers the efforts of forty-one of the fifty-five commissioners and analyses their arguments to learn more about the secessionist mindset of the lower South in 1860-1861. He concluded that for the original seven seceding states "the things that mattered most all came back to race." For Dew, the cotton states saw secession and the formation of the Confederacy as a means to preserve white supremacy. More recently, Matthew K. Hamilton has analysed the argumentation of the four secession commissioners to Texas to find out whether in their calls for secession they fostered a sense of Confederate nationalism or whether they rather stressed the importance of defending slavery and the southern way of life. He concluded that these men should not be seen as "ambassadors of Southern, or Confederate, nationalism," as their arguments dealt very little with the specific benefits of the Confederacy and concentrated mostly on the desire to protect slavery and white supremacy. Hamilton's findings thus corroborated the pattern described by Dew.⁸

⁷ Long, "Alabama's," 55-66.

⁸ Dew, *Apostles of Disunion*; Matthew K. Hamilton, "'To Preserve African Slavery': The Secession Commissioners to Texas, 1861," *Southwestern Historical Quarterly* 114, no. 4 (2011): 355-76.

This thesis also contributes to the scholarly work on Virginia's secession crisis, which is richer and more varied than the historiography on the commissioners. All historians acknowledge that Virginia's decision on the question of secession was fundamental in shaping the course of the coming civil war, but they do not seem to agree on why Virginia, with the rest of the border states, did not follow the lead of the lower South states in separating from the Union immediately upon Lincoln's election, and instead resisted secession until April 1861.⁹ There exist three streams of interpretation regarding Virginia's reluctance to secede. Two of them highlight the role of slavery. One school of historians contends that the main reason for the state's late secession constituted "the lesser salience of slavery in the upper South" at the end of the 1850s. William Freehling, the most vocal proponent of this perspective, argues that how deeply invested a particular region was in slavery indicated how it would respond to the secession crisis. He stressed that the decreasing number of slaves in Virginia in the late antebellum period made the Virginians less committed to defending their peculiar institution than the lower South states.¹⁰

Conversely, a second perspective argues that it was indeed Virginia's vested interest in slavery that explains its resilience to secede. Andrew Torget's study of the experience of the secession crisis in three counties in Virginia's Shenandoah Valley, for example, demonstrated how in the wake of Lincoln's election Virginians in this region subordinated party politics to their united effort to defend their common slavery interests. Initially they thought that these would be best protected within the Union, fearing that a sectional war would destroy slavery. However, the continued failure of national compromise efforts and Virginia's increasing political vulnerability as a slave state within the Union gradually convinced the Virginians that secession was their only recourse.¹¹

A third school of interpretation instead explains Virginia's delayed secession in terms of the political system. Michael Holt, the leading proponent of this perspective, argues that the breakdown of the second party system in America dissolved the lower South's faith in the political system, inducing this region to secede upon Lincoln's election. In Virginia, and the rest of the upper South, however, two-party politics

⁹ Torget, "Unions of Slavery," 9-10.

¹⁰ William W. Freehling, *The South vs. The South: How Anti-Confederate Southerners Shaped the Course of the Civil War* (New York: Oxford University Press, 2001), 42; McPherson, *Battle Cry of Freedom*, 255.

¹¹ Torget, "Unions of Slavery," 9-34.

continued to exist until 1861, so that the Virginians kept faith that the checks and balances of the political system would sufficiently protect them from the Republican government, until in April Lincoln's decision to quell the cotton South rebellion convinced them otherwise. In his landmark study on upper South Unionism, Daniel Crofts subscribes to this theory, even though he marks the upper South's smaller commitment to slavery as an important factor as well.¹²

The existing research on the secession commissioners has led to new insights into the lower South secessionist mindset on the eve of the Civil War and has shed light on the impact that these envoys had as information transmitters on the secession debates in their home states. Furthermore, the studies on Virginia's secession crisis have offered different explanations on why Virginia did not follow the lower South's road to disunion. However, historians have never combined both fields of research. While scholars of the Virginia secession crisis do mention the commissioners' visits, they generally pay scant attention to their arguments and fail to discuss the impact on the deliberations in this state, other than that they had none.¹³ Conversely, although Charles Dew has offered an extensive analysis of three of the commissioners to Virginia, his focus is on the lower South mindset rather than on the tactics that these men employed to persuade their Virginia audience. For this reason Dew has likely left unaddressed the speeches of the other two cotton South spokesmen assigned to this state.¹⁴

Due to limited access to primary sources as well as the fact that measuring the effect of specific argumentation is always difficult, this study only forms a partly explanation for the commissioners' failure. Notwithstanding its shortcomings, however, it leads to a better understanding of the approach and the argumentation used by the commissioners and demonstrates how their messages differed in accordance with changing circumstances within Virginia. Furthermore, by including the reactions to the commissioners' speeches, this study reveals why these men were ultimately not persuasive and furthers our understanding of how the lower and upper South differed during the fateful crisis of 1860-1861.

¹² Crofts, *Reluctant Confederates*, 130-131; Michael F. Holt, *The Political Crisis of the 1850s* (New York: Norton & Company, 1983).

¹³ William W. Freehling, *The Road to Disunion*, vol. 2, *Secessionists Triumphant, 1854-1861* (New York: Oxford University Press, 2007), 511-12; William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2003), 227-28; McPherson, *Battle Cry of Freedom*, 255; James I. Robertson, Jr., "The Virginia State Convention of 1861," in *Virginia at War: 1861*, ed. William C. Davis and James I. Robertson Jr. (Lexington: University Press of Kentucky, 2005), 6-7.

¹⁴ Dew, *Apostles of Disunion*.

This thesis analyses each of the five addresses delivered by the commissioners and, where possible, looks at the reaction hereto during three different moments in the Virginia secession crisis: mid January 1861, when the secessionist movement was gaining momentum and the legislature had not yet summoned a state convention; mid February, when the state convention had just begun debating the question of secession; finally, late April, when the Civil War had broken out and the convention had adopted a secession ordinance that still had to be ratified by a popular referendum. This study constitutes an individual analysis of the approach, the argumentation, and the impact of each of the commissioners' speeches as well as a comparison between them.

This research is mostly based on the proceedings of the Virginia state convention, as four of the five commissioners delivered their addresses here and because its delegates effectively decided upon Virginia's course throughout the crisis, making their reactions indispensable to measure the impact of the cotton South ambassadors. In addition, this research has looked at the records of the state legislature, and the personal accounts and state newspapers that were accessible. In all, this thesis lays bare several noticeable aspects of both the commissioner phenomenon and Virginia's road to disunion.

Chapter 1:

A Legalistic Defence of Secession

Virginian public opinion regarding Abraham Lincoln's election underwent a significant change during the two months after the election results of November 1860. Whereas at first Virginians believed strongly that a national compromise would reinvigorate the Union, by early January 1861 most of them looked at secession as a probable measure of redress. At the end of this period, Alabama sent commissioners to Virginia to convince them of the necessity of separation from the Union. This chapter examines the lines of argument that these Alabama spokesmen used to make a case for disunion and how effective they were at this.

The Republican victory in the Presidential election caused consternation in Virginia. While their reactions varied, white Virginians outside the trans-Allegheny west shared anxieties over the future of slavery under the Lincoln administration. But initially very few Virginians deemed this a sufficient cause for immediate secession. Lincoln's election itself was constitutional and, with two-thirds of the federal government under southern control, Republicans would be unable to attack slavery in the immediate future. The majority of the population favoured preserving the Union and stressed the importance of southern unity to gain concessions from the North.¹⁵

A number of factors contributed to a significant change in public opinion. First, secessionist agitators kept up an aggressive campaign throughout this period. They did their utmost to convince Virginians of the desirability and necessity of separation from the Union, giving speeches, sponsoring county meetings and enlisting the support of Democratic state newspapers. Eager to bring about prompt disunion, they urged Governor John Letcher of Virginia to call the legislature into extra session to provide for a state convention.¹⁶ The Unionists who opposed them tried rather ineffectively to stem the tide. They had the disadvantage of having to argue that secession would negatively affect the state's position, without having a positive plan to redress southern grievances. Furthermore, unlike the secessionists, they were internally divided on what course of action would be best. The broad spectrum ranged from unconditional Unionism to

¹⁵ Link, *Roots of Secession*, 217-18; Henry Thomas Shanks, *The Secession Movement in Virginia, 1847-1861* (Richmond: Garrett & Massie, 1934), 120-24; Torget, "Unions of Slavery," 16-17.

¹⁶ Shanks, *The Secession Movement*, 124-28; Link, *Roots of Secession*, 218-19.

short-term qualified allegiance to the Union in the hope of major concessions from the North. Most opponents of disunion, however, were united in their acceptance of the theoretical right of secession and attached conditions to their Unionism. They advocated delay and negotiations with the North. In addition, while many Unionists feared that a state convention would send Virginia down the road of secession, others were not necessarily opposed to the idea, believing that such a meeting might affirm support for their position in the state.¹⁷

The second factor contributing to rising secessionist sentiment in Virginia were the failed attempts at compromise in Congress. The Virginian Unionists primarily looked to Kentucky Senator John Crittenden and his Union saving compromise, which proposed extending the Missouri Compromise line to the Pacific, only to see that by late December scant progress had actually been made. Consequently, Virginians increasingly had the impression that Congress and the Republicans were unwilling to accede to conciliation measures. The final factor furthering the secessionist cause in Virginia was that South Carolina adopted the first secession ordinance on 20 December 1860. This action made the dissolution of the Union a reality and reduced southern strength in Congress. Many Virginians expected the entire lower South to secede before Lincoln's inauguration in March, setting up an independent government and leaving Virginia at the mercy of the incoming Republican administration.¹⁸

As a result of the aggressive secessionist campaign, the failure of compromise efforts and the separation of an increasing number of lower South states, public opinion in Virginia had shifted considerably from that of early November, when only a handful of radicals had advocated immediate secession and few others had contemplated disunion. By the beginning of January 1861 secession sentiment had firmly taken hold in eastern Virginia, while the majority of the state now considered separation a realistic option for redress, provided that all compromise efforts were exhausted first. The fact that public sentiment in favour of a convention had greatly increased was indicative of this change.¹⁹

¹⁷ Crofts, *Reluctant Confederates*, 104-105; Link, *Roots of Secession*, 224; Robertson, Jr., "The Virginia State Convention," 3; Shanks, *The Secession Movement*, 129-31.

¹⁸ Crofts, *Reluctant Confederates*, 101-102; Shanks, *The Secession Movement*, 132-37; Torget, "Unions of Slavery," 19.

¹⁹ Crofts, *Reluctant Confederates*, 90-91, 101-102, 136-37; McPherson, *Battle Cry of Freedom*, 235; Robertson, Jr., "The Virginia State Convention," 3; Shanks, *The Secession Movement*, 137-41.

It was in this context that the Alabama commissioner, Arthur Francis Hopkins, and his associate commissioner, Francis Meriweather Gilmer, arrived in the state capital in the first week of January 1861. Alabama was one of the first states to send commissioners to other slaveholding states. Alabama Governor Andrew Barry Moore had appointed the two men, together with fourteen other commissioners, in December, before Alabama or any other southern state had seceded. Moore used the commissioner plan to negotiate with other southern states about when and how secession was to be carried out, as well as to give deference to that part of his constituency which desired some sort of cooperative action among the southern states preceding disunion.²⁰

Commissioner Hopkins was a businessman as well as an attorney, and had previously been the chief justice of the Alabama Supreme Court. Gilmer was an experienced manager and administrator, who was the first president of the South and North Railroad and worked as a manager for many manufacturing companies. Both men were slave owners, with Gilmer owning 102 slaves whom he used ‘in building and operating “manufacturing” establishments’. Moore had commissioned them “to consult and advise [Virginia]...as to what is best to be done to protect the rights, interests and honor of the slaveholding states, and to report the result of such consultation in time to enable me [Moore] to communicate the same to the [Alabama] Convention.” As ambassadors for Alabama, Hopkins and Gilmer were charged to do all in their power to convince the Virginia leadership of the necessity to withdraw from the Union.²¹

Shortly after their arrival in Richmond, they asked Virginia Governor Letcher to invite them to address the General Assembly, which had been in special session since 7 January. After consultation with a legislative committee to “receive and confer with the commissioners,” the Alabamians agreed to speak on 15 January.²²

A series of encouraging events both in Richmond and their home state in the week before they were scheduled to speak convinced the commissioners that Virginia’s disunion was close at hand. There was an unprecedented sense of excitement in Richmond and many legislators were swept up in the secession enthusiasm. On 7 January the Alabamians wired their governor that “Legislature passed by 112 to 5 to

²⁰ Long, “Alabama’s,” 55-56.

²¹ From the commission of John Gill Shorter, Commissioner from Georgia. Allen D. Candler, *The Confederate Records of the State of Georgia* (Atlanta, Chas. P. Byrd, State Printer, 1909-1911), 1:623-24; Dew, *Apostles of Disunion*, 58; Long, “Alabama’s,” 57.

²² *Journal of the House of Delegates of the State of Virginia for the Extra Session, 1861* (Richmond: William F. Ritchie, Public Printer, 1861), 12, 35; Link, *Roots of Secession*, 224.

resist any attempt to coerce a seceding State by all the means in her power. What has your convention done? Go out [of the Union] promptly, and all will be right." The adoption of the resolution against "coercion" was important news for them, since it constituted an implicit acknowledgment by an overwhelming majority of Virginia's legislators of the right of secession. The following day they reported to the home front that if Alabama seceded, this "would exercise a favorable, perhaps controlling, effect on the secession of Virginia." Shortly thereafter, the commissioners received the news that Alabama had indeed seceded, following South Carolina, Mississippi and Florida.²³

On 15 January, the "hall and galleries [of the legislature] were crowded to their utmost capacity". The General Assembly was packed with legislators, spectators and high state officials, including Governor Letcher and the Virginia Lieutenant Governor.²⁴ Confident that the secessionist movement had taken firm root in the Commonwealth, and expecting the state to soon follow the example of the seceding states, commissioner Hopkins began his remarks.²⁵

Right from the start, it was clear that he would discuss the secession crisis primarily from a legal point of view. His presentation consisted of two main components: a highly legalistic defence of the right of secession, followed by the argument that the North's grave constitutional violations justified and necessitated secession. Hopkins started off his defence by explaining that both northerners and southerners had affirmed the right to secession in various ways throughout the nation's history. He noted that three of the country's original states, including Virginia, had expressly reserved the right of secession when ratifying the Constitution. Since the states joining the Union in 1789 had agreed to equal obligations as well as equal rights, all states were entitled to exercise this right, Hopkins argued. By ratifying the Constitution the states had thus either expressly or implicitly assumed the right of secession.²⁶

²³ Crofts, *Reluctant Confederates*, 137; Forrest McDonald, *States' Rights and the Union* (Lawrence, KS: University of Kansas Press, 2000), 235; U.S. War Dept., comp., *The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901), Ser. IV, I, 29, quoted in Long, "Alabama's," 64; William R. Smith, *History and Debates of the Alabama Convention of 1861* (Atlanta, 1951), 34, quoted in Long, "Alabama's," 64.

²⁴ *Journal of the House*, 42; McPherson, *Battle Cry Of Freedom*, 235; *Richmond Enquirer Semi-Weekly Edition*, 18 January, 1861.

²⁵ The following analysis of Hopkins's speech is based on a series of non-identical newspaper summaries. Consequently, it is possible that the analysis is incomplete.

²⁶ *Alexandria Gazette*, 17 January, 1861; *Daily Dispatch*, 16 January, 1861; *Richmond Enquirer Semi-Weekly Edition*, 18 January, 1861.

Furthermore, Hopkins explained that the right of secession was a crucial component of the so-called compact theory of the Union. This theory had been outlined for the first time in the famous Principles of Ninety-eight, whose principal authors were the Virginians Thomas Jefferson and James Madison, both Founding Fathers and two-term U.S. presidents. According to this theory, the states, not the American people, had established the Constitution. Therefore the states could decide which powers were ceded to the federal government and, consequently, act as the final arbiter on the Constitution. "The States only were parties to the compact," Hopkins explained, and therefore it was only natural that "each [state] had the right to determine for itself the mode and manner of redress." Despite the doctrine's southern origins, Hopkins stressed that New Englanders had confirmed it at the Hartford Convention in 1814-1815. Once more pointing out that "there is equality in obligations by which the States are bound to the Federal Government, and the Union is one of equality," the commissioner concluded that these actions of the northern states constituted "an acknowledgment of the same right in all the States." By referring to the Principles of Ninety-eight and the Hartford Convention, Hopkins not only reminded his audience that two prominent Virginians had endorsed the right of secession, but also made them aware that in the past the North had done so as well. Thus, he sought to change the image of secession from a contentious theory supported only by hotheads from the Deep South, to a doctrine supported by prominent Americans all over the country.²⁷

Secession, moreover, had not only been supported in theory, it was also twice put to practice during the Union's founding period. Hopkins traced the earliest precedent back to the War of Independence, when Americans had asserted "the right to change the Government when it ceased to answer the ends for which it was formed or [became] oppressive". He equated secession with the right to self-government, which was established by the Revolution of 1776 and asserted in the Declaration of Independence. The second precedent took place a little more than a decade later with the formation of the present Union. After the American states had shaken off the shackles of British rule they adopted the Articles of Confederation, thereby establishing the first American union. Seeking to form an ever-lasting confederation, the states agreed that only the unanimous approval of Congress could alter it. However, shortly

²⁷ McDonald, *States' Rights*, 40-43, 104-10; *Alexandria Gazette*, 17 January, 1861; *Daily Dispatch*, 16 January, 1861; *Richmond Enquirer Semi-Weekly Edition*, 18 January, 1861.

thereafter a new Constitution was drafted, “the vitality of which, depended on the admission of slavery in the States.” This Constitution was submitted to all the states for ratification. Eleven states ratified the Constitution and withdrew from the first Union, in opposition to the will of North Carolina and Rhode Island, who initially chose not to join the new Union. Hopkins concluded: “Therefore, secession by withdrawal from the old Confederation, is authority for secession now.”

Having demonstrated why secession was constitutional, the Alabama commissioner turned to his second argument: the North had committed a series of grave constitutional violations and Alabama and the other states were fully justified in seeking redress by permanent disunion. The constitutional violations highlighted by Hopkins all directly or indirectly related to slavery. Most importantly, the northern ‘believers in the “higher law”’, and particular what he called the Black Republican Party, had perverted the Union’s object “to ensure tranquillity”. In his view, the Republican “demagogues and fanatical preachers” were responsible for keeping up “constantly excessive agitation on...slavery” as well as for sending abolitionist emissaries, such as John Brown, to the South “to propagate the new faith.” Further, northerners disregarded their constitutional obligations regarding fugitive slaves, undermining the Constitution’s object of establishing justice. The commissioner accused the northern states of doing all in their power to resist the enforcement of the Fugitive Slave Act. Through their personal liberty laws the northern states had effectively nullified this federal law. Consequently, escaped slaves were set free, while masters ran the risk of being arrested for justly seeking to retrieve their property, Hopkins complained. Some northern justices had even gone as far as declaring the Act null and void. Finally, Hopkins offered a recent example of northern obstruction of justice that was likely to stir a tender chord with the Virginian audience: the North had refused to deliver up two accomplices to John Brown’s raid on Harpers Ferry in 1859.

The result of all these “broken promises and violated obligations” was that Alabama and the other seceded states concluded that permanent separation from the Union was necessary. While the commissioner desired “the perpetuity of a Constitutional Union,” he had no interest in “the prolongation of [the one] we now have”. Secession was final and nothing, including constitutional amendments protecting southern rights, could convince his state to come back into the Union. As the northern mindset had been irreversibly perverted, more violations were to be expected. The

Republicans would corrupt the federal court system with their “higher law” doctrine, so that it would “discharge every slave brought before it...and establish them as free-men and equals in our own land.” “The fires of fanatical hate burning in the bosoms of our Northern ‘brethren’ from childhood cannot now be extinguished,” Hopkins insisted, and he concluded that “Our only safety from the flame is to be found in dissolution”. The commissioner ended his address by stating that Alabama had permanently withdrawn from the Union, on the understanding that the federal government was not entitled to declare war on her or any other of the seceding states.²⁸

Hopkins’s speech “was greeted with applause,” after which his associate Francis Gilmer briefly expressed his gratitude for the “cordial greeting” they had received. Senator Douglas, who presided over the joint assembly, thanked the commissioners for their visit and wished “a ‘God-speed’ to Alabama”. On his initiative, the audience gave three cheers to the seceding states.²⁹

Commissioner Hopkins was an attorney and the former chief justice of the Alabama Supreme Court, and his speech reflected his background. He discussed the secession crisis solely from a legal perspective, devoting the majority of his speech to a highly legalistic defence of the right of secession. Hopkins sought to portray the current crisis as less revolutionary by emphasising that throughout US history Americans from both the North and the South had not only endorsed, but also acted upon the doctrine of secession. To justify his state’s separation from the Union, he used an equally legalistic approach. While all the grievances against the northern states were directly or indirectly related to the slavery controversy, he discussed them purely from a constitutional point of view. Viewing the crisis from this perspective, he said that Alabama had realised that the North had irreparably broken the covenant that bound them and, consequently, that the only way to secure southern rights was disunion.

Hopkins’s extensive defence of the right of secession is striking. Considering the fact that he had witnessed the secessionist frenzy in Richmond at first hand and that he knew of the legislature’s outright denunciation of federal coercion, he must have been aware that the majority of people in the state accepted the right of secession. Yet, in spite of this, he set out to convince the Virginia legislators of a view that he knew they

²⁸ *Alexandria Gazette*, 17 January, 1861; *Daily Dispatch*, 16 January, 1861; *Richmond Daily Enquirer*, 21 January, 1861, quoted in Dew, *Apostles of Disunion*, 58; *Richmond Enquirer Semi-Weekly Edition*, 18 January, 1861.

²⁹ *Daily Dispatch*, 16 January, 1861; *Richmond Enquirer Semi-Weekly Edition*, 18 January, 1861.

already supported. Equally remarkable is the fact that Hopkins devoted relatively little speaking time to promoting secession on the merits, other than arguing that it would safeguard southern slavery rights. In all, the Alabama spokesman seemed more concerned with justifying his state's revolutionary step than with persuading the Virginians to follow suit. Possibly he thought that, given the secession movement's momentum in Virginia and the South at large, the state required little persuasion to climb on board the disunion bandwagon. But overall Hopkins's approach did not sufficiently fit the needs of his Virginia audience.

Not surprisingly, therefore, the commissioner's speech failed to stir either the legislature or more broadly the state.³⁰ Most newspapers merely offered a brief summary of Hopkins' address, accompanied by little or no comment. A secessionist paper from Richmond simply noted that the speech "was listened to...with the greatest interest" and was "received with unmistakable evidence of the great sympathy felt for Alabama and the other seceding States."³¹

On 21 January, Governor Letcher communicated to the commissioners the official response of the legislature in the form of a joint resolution, informing them that the legislature had "passed an act for the election of members of a state convention", which was to convene on 13 February; that it had "adopted joint resolutions for the appointment of commissioners to meet commissioners from all the states" on 4 February in Washington, D.C., to negotiate a Union-saving compromise; and, finally, that "the general assembly [was] not able to make any definite response to the state of Alabama until the action of the state convention."³² This statement was indicative of how Hopkins's legalistic case for secession had had little or no impact on Virginia. But even if Hopkins had more finely attuned his speech to his audience, the outcome would most likely have been the same. The legislature's response reflected current popular sentiment in the state. Most Virginians desired a state convention to deliberate on the political crisis, and still favoured compromise over disunion, even though they accepted the right of secession. In less than a month, three new commissioners would travel to Virginia, and they had their work cut out for them.

³⁰ Failing the necessary primary sources, the author only briefly discusses the Virginia reaction to Hopkins's speech.

³¹ *Richmond Enquirer Semi-Weekly Edition*, 18 January, 1861.

³² Crofts, *Reluctant Confederates*, 138; *Journal of the House*, 70.

Chapter 2: Cotton South Commissioners Address the State Convention

As early as 31 May 1860, Edmund Ruffin, a Virginian well-known for propagating southern independence long before the secession crisis, predicted to John S. Preston of South Carolina, future secession commissioner to Virginia, that although the Commonwealth would never “move first for [secession], or simultaneously with the more ardent cotton s[tates], yet whenever any portion of these declared their independence, Va. [Virginia]...would be compelled to follow their lead-&...join the seceding southern states within a few months.”³³ By late February 1861 his prediction had still not become reality. Despite the fact that the entire lower South had now left the Union and had united in the Confederacy, the Unionist-dominated Virginia state convention refused to contemplate secession, confident that a compromise to mend the broken Union would soon be reached. Mississippi, Georgia, and South Carolina sent commissioners to Richmond to stir up the people of Virginia and convince them of the necessity of secession. This chapter examines their approach as well as the line of arguments they employed in their efforts.

A lot had changed since Arthur F. Hopkins had addressed the Virginia legislature in January. During the special session of the General Assembly a coalition of Unionists managed to halt the secessionist momentum. The legislature did agree to call a state convention, but the conditions imposed were unfavourable to immediate secession. Voters at the elections for the convention delegates were given the power to decide whether or not any change in the relationship with the federal government to be proposed by the convention would have to be submitted to the people for ratification.³⁴

The 4 February election dealt a stunning blow to the secessionist camp. First of all, only one-sixth of the 152 delegates elected sought immediate disunion. Another one-sixth, mostly from the far western counties, consisted of unconditional Unionists who denied the legality of secession and believed in the preservation of the Union above all else. A final two-third majority of conditional Unionists formed the rest of the delegates.

³³ Crofts, *Reluctant Confederates*, 91; Edmund Ruffin, *The Diary of Edmund Ruffin*, ed. William Kauffman Scarborough, vol. 1, *Toward Independence, October, 1856 - April, 1861* (Baton Rouge: Louisiana State University Press, 1990), 424.

³⁴ Crofts, *Reluctant Confederates*, 138; Link, *Roots of Secession*, 224; Robertson, Jr., "The Virginia State Convention," 3.

They favoured Virginia remaining in the Union and patiently seeking a compromise to save it. However, as believers in the right to secession, they would defend the Union only if Lincoln renounced coercion of the seceding states. Equally important, Virginians voted by a two-to-one margin to refer the action of the convention to a popular referendum. Die-hard secessionist Edmund Ruffin lamented that “the majority of this Convention is more basely submissive than I had supposed possible.”³⁵

The convention convened in Richmond on 13 February and from the outset the Unionists were in command. They elected the unconditional Unionist John Janney of Loudon County as president. His first major action was to appoint a twenty-one-member Federal Relations Committee, charged with fashioning a compromise. In the first weeks procrastination triumphed as all factions had their reasons for delay. Unconditional Unionists needed more time to rally support; conditional Unionists were hopeful that the soon-to-be inaugurated President Lincoln or the Virginia-sponsored Peace Conference that was taking place in Washington would find a solution to the crisis; secessionists continued to agitate for disunion, while waiting for external events, such as the crisis building up at Fort Sumter, to advance their cause. Edmund Ruffin complained that the convention had spent “as much time to elect door-keepers...as the Convention of S.C. [South Carolina] used to dissolve the Union.”³⁶

On the same day that the Virginians went to the ballot box, delegates from the seceding states met in Montgomery to organise a new nation. By now, seven slaveholding states had left the Union: South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana, and Texas. The Confederate convention moved quickly to set up a new southern union. In the first six days it succeeded in drafting a provisional constitution, turning itself into a provisional Congress for the new government, and electing a provisional president and vice-president. Having created the framework for the new Confederate Union, the delegates then took a more leisurely month to establish a permanent constitution and set the machinery of government in motion.³⁷

The foundation for the Confederacy had been laid but, as it consisted of only ten per cent of the country’s white population and five per cent of its industrial capacity, the

³⁵ Crofts, *Reluctant Confederates*, 140; Freehling, *The Road to Disunion*, 2:506-507; Link, *Roots of Secession*, 226-27; Robertson, Jr., “The Virginia State Convention,” 3-4; Ruffin, *The Diary of Edmund Ruffin*, 1:559.

³⁶ Crofts, *Reluctant Confederates*, 138; Dew, *Apostles of Disunion*, 59-60; Link, *Roots of Secession*, 227-28; Freehling and Simpson, *Showdown in Virginia*, xiii; Robertson, Jr., “The Virginia State Convention,” 5; Ruffin, *The Diary of Edmund Ruffin*, 1:550.

³⁷ McPherson, *Battle Cry Of Freedom*, 235, 257-59.

southern union still had a precarious future. The secessionists realised that securing the allegiance of the upper South, particularly Virginia, was now vital. Virginia possessed vast human, industrial, and agricultural resources. Equally important, as the cradle of some of the most illustrious Founding Fathers and the birthplace of presidents, Virginia could give the Confederacy invaluable prestige by linking it to the generation that had founded the American republic. Finally, the Commonwealth was pivotal to the allegiance of other border states such as Tennessee and North Carolina. In the likely event that civil war broke out, Virginia's allegiance would greatly increase the Confederacy's prospects. Conversely, without this, defeat was almost certain.³⁸

With this in mind, the Confederate convention did its best to project a moderate image to Virginia. It adopted a provisional, and later a permanent, constitution that was mostly copied verbatim from the US Constitution. Aware of the great importance of the domestic slave trade to Virginia's economy, the Confederates included a clause explicitly prohibiting the importation of slaves from abroad. In a further attempt to woo the Virginians, the Confederate convention rallied behind a provisional president and vice-president who were likely to appeal to them. After consultation with two secessionist Virginia senators, the delegates unanimously elected Jefferson Davis as provisional president of the new-born southern union on 9 February. Former conditional Unionist Alexander Stephens from Georgia received the vice presidency.³⁹ Finally, once Virginia had announced that it was calling a secession convention, Mississippi, Georgia, and South Carolina sent commissioners to Virginia.

Fulton Anderson of Mississippi, Henry Lewis Benning of Georgia, and John Smith Preston of South Carolina, the official representatives of these states, arrived in Richmond around the time of the convention's opening. They presented their credentials and awaited an official invitation to address the convention. Despite the objections of some Unionists, the convention established a committee to receive the ambassadors of the seceding states. After consultation with them, the delegates decided that the three men would give their speeches on 18 February.⁴⁰

³⁸ Crofts, *Reluctant Confederates*, 136; Dew, *Apostles of Disunion*, 59; Freehling and Simpson, *Showdown in Virginia*, x; Gallagher, introduction to *Crucible of the Civil War*, 2-4; Torget, "Unions of Slavery," 19.

³⁹ McPherson, *Battle Cry of Freedom*, 257-59.

⁴⁰ Dew, *Apostles of Disunion*, 60; Robertson, "The Virginia State Convention," 6.

The day before he was due to speak, John Smith Preston communicated his findings from conversations with a number of the convention's delegates to South Carolina's Governor, Francis W. Pickens. He was not encouraged at all by what he had heard, reporting that those in favour of immediate disunion were "very few – perhaps under forty". "Of the entire Convention I have not found ten men – who contemplated the fact that Virginia has at this moment to choose the Northern or Southern Confederacy," he lamented. He attributed this to the fact that "All [were] under the strange delusion that the Southern Confederacy [was] to be voluntarily dissolved, and the former Union reconstructed." He wrote that it was this wishful thinking that induced the majority of delegates to embrace a tactic of delay that inhibited Virginia's disunion from taking place. Over the past few days Preston had done all in his power to dispel "this illusion of a re-construction" and he intended to spread his message to a much larger audience the following day: "Tomorrow in my address to the Convention I will make this one of my main points – so will the Georgia and perhaps the Mississippi Commissioners". He needed to give the Virginians a wake-up call that there was no turning back on the part of the lower South and that they should cease to believe in reunion. Ending his report, Preston shared with his governor the prediction that "Virginia will not take sides until she is absolutely forced".⁴¹ Preston and the other commissioners were thus well aware of public opinion in Virginia.

They found themselves in a significantly different position from that of Alabama commissioner Hopkins, who had given his speech to the Virginia legislature a month earlier. The secessionist momentum had stalled and a conditional Unionist majority dominated the state convention. Moreover, the fact that seven lower South states had at this point seceded and united in a new Confederacy had not made Virginia any more prone to disunion. Given this context, persuasion was now needed more than ever. The three lower South spokesmen needed to try and push the Virginians out of the Union, while at the same time pull them into the Confederacy. In addition, they had to make a stronger case for the finality of the lower South's secession.

It is most likely that the three commissioners agreed among themselves that Anderson would address the convention first, followed by Benning. Preston, who had a reputation as one of the South's best orators, would give the third and final address.

⁴¹ John S. Preston to [Francis W. Pickens], 17 February, 1861, MS, John Smith Preston Papers, South Caroliniana Library, University of South Carolina, Columbia quoted in Dew, *Apostles of Disunion*, 60-61.

Anderson was a leading member of the Mississippi bar and thus had plenty of public speaking experience. However, as a former Unionist until well into the secession crisis, he seemed an odd choice for the task he was charged with. Not that long ago, in December 1861, he had run as a conditional Unionist for his state convention, but was defeated by a straight-out secessionist. Yet it was exactly his late conversion to radicalism that made Anderson ideally suited to sway moderate Virginians into going down the same road.⁴²

The proceedings started on Monday 18 February at noon; an “immense crowd” gathered to witness the presentations of the three commissioners.⁴³ Anderson adopted a significantly different approach from Alabama commissioner Hopkins. First, while the former had extensively defended the right of secession, the latter considered this so self-evident that it needed no defence. Furthermore, when discussing the necessity of disunion, Hopkins had largely focused on the past, while Anderson mostly warned against the perils that lay ahead. Finally, Hopkins had seen the northern threat to slavery solely in constitutional terms, while Anderson went further by arguing that the Republicans not only endangered southern rights, but its civilisation as a whole. Overall, Hopkins had focused on justification, whereas Anderson was mostly concerned with persuasion.

Anderson’s speech comprised three elements: an exposition of the Republican threat to the South within the Union, an explanation of the finality of the lower South’s secession, and a brief exposition of the benefits of Confederate membership. In making a case for instant disunion, Anderson’s first tactic consisted of impressing upon his audience the horrible prospects that awaited Virginia under Republican rule. His main argument was that a Republican-controlled government would form an existential threat to slavery. In addition, the idea that in pursuance of abolition the Republicans would trample upon southern constitutional rights formed a significant undercurrent. The Republican party had been “founded upon the idea of unrelenting and eternal hostility to the institution of slavery”, Anderson asserted, and its primary purposes were twofold: “the ultimate extinction of slavery, and the degradation of the Southern people”. Once the Republicans had taken control of all three branches of federal government,

⁴² Dew, *Apostles of Disunion*, 61.

⁴³ Entry for 18 February, 1861, John C. Rutherford Diary, MS, Rutherford Family Papers, Virginia Historical Society, Richmond quoted in Dew, *Apostles of Disunion*, 61.

they would “employ them in hostility to our institutions,” he argued, after which he listed the steps which they would take to achieve their wicked ends: corruption of the federal judiciary, exclusion of slavery from the territories, abolition of the interstate slave trade, and abolition of slavery in the District of Columbia. Finally, having completely isolated slavery, the Republicans would marshal a constitutional majority to put a definitive end to the peculiar institution, “upon which rests not only the whole wealth of the Southern people, but their very social and political existence”. Anderson thus warned his audience in unequivocal terms that not only the survival of slavery but also that of southern civilisation in general was at stake in this crisis. Within the Union, the Republicans would abolish slavery and thereby destroy all aspects of Virginian society that depended on it: its economic prosperity, its social order, and its political system.

While the heart of his argument was that the Republican government would threaten the continued existence of slavery, Anderson then added the idea that they would also jeopardise southern constitutional rights. The commissioner accompanied his denouncement of the Republican party with various forms of proof of their anti-slavery intentions. To begin with, quoting from Lincoln’s famous 1858 House Divided speech, he discounted the president-elect’s supposedly moderate intentions. Under his leadership, Anderson predicted, the federal government would disregard the constitutional principles upon which it had been created, including the obligations “to insure domestic tranquillity, promote the general welfare, and...to exercise a fostering and paternal care over every interest of every section”. It would never “pause in its career of hostility...until our dearest rights, as well as our honor [would be] crushed beneath its iron heel”. Southerners, he asserted, would become “a degraded and subject class,” forced “to bend our necks to the yoke which false fanaticism had prepared for them”. The South’s “rights and...property” would be held “at the sufferance of our foes,” and southerners would be forced “to accept whatever they [the Republicans] might choose to leave us as a free gift at the hands of an irresponsible power, and not as the measure of our constitutional rights.” So, not only would Republican rule endanger slavery, it would also disregard the constitutional protection of Virginia’s sovereign rights.

Anderson highlighted John Brown’s raid on Harpers Ferry, an event “which deeply concerned the honor and dignity of Virginia,” as further proof of the Republicans’

malicious intentions. Virginia, “relying on the faith of constitutional obligations...and unconscious herself of any sentiment less noble than that of unwavering loyalty to her constitutional obligations,” had become the scene of Brown’s “band of conspirators and traitors,” he said. They had sought to “light up the fires of a servile insurrection, and to give your dwellings to the torch of the incendiary and your wives and children to the knives of assassins.” The action was “the necessary and logical result of the principles, boldly and recklessly avowed by the sectional party...which is now about to be inaugurated into power,” Anderson insisted. He warned that this was only the beginning and that Virginia, and indeed the whole South, could expect countless similar actions “in the future when that party, whose principles thus give encouragement, aid and comfort to felons and traitors, shall have firmly established its dominion over you.” Anderson framed John Brown’s raid here as an attempt to undermine slavery as well as southern constitutional rights.

As the third and final proof of northerners’ hostile schemes, the commissioner listed their unrelenting anti-slavery agitation of the past decades. He insisted that his state had always felt strongly attached to the Union and its Constitution, and that for much too long the Mississippians had been “under the fond illusion that a returning sense of justice and a restoration of fraternal relations” was forthcoming which would “secure to them their rights.” They had vainly hoped for a “bright and glorious prospect which an observance of the principles of the Constitution promised in the future”. It had now become crystal clear to them that this hope had been false all along. As early as the Missouri controversy of 1819-1820, “the sentiment of hatred to our institutions...[had] been fanned from a small spark into a might conflagration, whose unextinguishable and devouring flames are reducing our empire into ashes.” None other than Virginia Founding Father Thomas Jefferson, he contended, had predicted that this crisis had produced “the first sounds of that fatal strife” over slavery, “the knell of the Union” which would eventually “kindle such mutual and mortal hatred as to render separation preferable than eternal discord.” In old age, Jefferson had prophesied that the nation’s first generation’s sacrifices “to acquire self-government and happiness for their country” would be thrown away by the younger generation. His prophecy had clearly failed to stir northern minds, Anderson said, as their anti-slavery passions had since then only

“become more bitter, the disregard of constitutional obligations more marked, and the purpose to destroy our institutions more fixed and definite.”⁴⁴

The second element of Anderson’s speech was an explanation of why the separation of the seceding states was truly definitive. Stressing that a peaceable return to the previous status quo was out of the question, the commissioner hoped to dispel the conditional Unionist hope for a Union-saving compromise. Just like commissioner Hopkins, Anderson stressed that it was the “infidel fanaticism” of “the present generation of Northern people,” and the realisation that they had irreversibly renounced conservative principles, that made the seceding states determined never to reunite with the Union. “Hatred and contempt of us and our institution, and of the Constitution which protects them” had been inculcated into all northerners, Anderson said. “They have been taught to believe that we are a race inferior to them in morality and civilization, and they are engaged in a holy crusade for our benefit in seeking the destruction of that institution which...lies at the very foundation of our social and political fabric”. In Anderson’s view, the only salvation for the South lay in placing “our institutions beyond the reach of further hostility.” The lower South states had therefore seceded permanently, he insisted, and no compromise could draw them back into the Union. “We ask no compromise and we want none,” Anderson insisted. “We know that we should not get it if we were base enough to desire it, and we have made the irrevocable resolve to take our interests into our own keeping.” The lower South states “will adhere [to their decision to secede] through every extremity of prosperous or adverse fortune,” the commissioner concluded.⁴⁵

Finally, in addition to painting a terrible picture of Virginia’s future within the Union and insisting on the definitive nature of the lower South’s separation, Anderson briefly made a positive case for Confederate membership. First, by uniting all southerners, the Confederacy would constitute a nation of like-minded people. All that is left to us,” he argued, “is the creation of a great and powerful Southern Union, composed of States inhabited by homogeneous populations, and having a common interest, common sympathies, common hopes, and a common destiny.” He urged the Virginians “to come out from the house of your enemies, and take a proud position in that of your friends and kindred.” Second, Anderson argued that Virginia had the opportunity to

⁴⁴ Reese, ed., *Proceedings...Virginia State Convention*, 1:53-59.

⁴⁵ *Ibid.*, 56, 59.

prevent civil war. If the Virginians aligned with the Confederacy, they would “make that a peaceful revolution which may otherwise be violent and bloody.” Such “decided action” would immediately cease northern “threats of coercion” so that “peace and prosperity [would] again smile upon the country”. The final advantage that Anderson presented was that, once a member of the Confederacy, Virginia would be given a leadership role. “Come and be received as an elder brother whose counsels will guide our action and whose leadership we will willingly follow.”⁴⁶ The fact that, compared to his extensive exposition of the disadvantages of remaining in the Union, Anderson spent little time on highlighting the advantages of the Confederacy is striking. Possibly he thought that the advantages of joining the southern union were sufficiently implied by the dreadful prospect of living under a Republican government.

The next person to address the convention was Henry Benning, a native Georgian, a prominent judge and lawyer, a lifelong Democrat, and also a wealthy slave owner with 90 slaves in 1860. His political ambitions remained largely unfulfilled until 1853, when he was elected justice of the Georgia Supreme Court. During his years on the bench, he proved an adherent of an extreme states’ rights legal philosophy, arguing in the famous *Padleford v. Savannah* case that a state supreme court was not bound by the US Supreme Court on constitutional questions. On 2 January, 1861, he was elected to the Georgia State Convention as a straight-out, immediate secessionist. After his state’s secession on 19 January, the convention appointed him commissioner to Virginia.⁴⁷

Benning delivered by far the longest and most all-encompassing speech of the three commissioners. He combined ostensibly rational arguments with emotionally charged appeals. He focused not only on the downsides of remaining in the Union, but, unlike the other two speakers, also elaborated on the advantages of the Confederacy, reaching out to both Virginia’s slaveholders and non-slaveholders. In addition, he addressed the futility of compromise efforts.

Just as Anderson had done before him, Benning argued for secession by explaining the devastating consequences for the South of remaining in the Union. His main argument was that staying in the Union meant the certain destruction of slavery. Explaining the reasons for his home state’s secession, Benning said: “it was...a deep

⁴⁶ Ibid., 61-62.

⁴⁷ Dew, *Apostles of Disunion*, 64.

conviction on the part of Georgia, that a separation from the North was the only thing that could prevent the abolition of her slavery.” The commissioner then listed a series of propositions proving that Lincoln’s victory meant certain abolition of the South’s peculiar institution within the Union. First of all, “the North hates slavery”, he contended. To substantiate his claim, Benning quoted from an 1858 anti-slavery speech by Lincoln, whom he considered “a representative man” for the Republican Party. Second, he was convinced that the Republicans would be “in a permanent majority” in the North. They had now penetrated almost every political institution, and it would be practically impossible to eject them. “Sir, you cannot overthrow such a party as that,” he said. “As well might you attempt to lift a mountain out of its bed and throw it into the sea.” Third, over the past decades the North had done all in its power to abolish slavery. Northern anti-slavery actions included: the abolition of slavery in the northern states, the fights over the Missouri Compromise and the Wilmot Proviso, the unequal appropriation of the conquests of the Mexican War, resistance to the enforcement of the Fugitive Slave Act, and John Brown’s raid and its aftermath.

Benning’s final proposition was that northerners were already well en route to “acquiring this power to abolish slavery” by means of two processes. His first argument was the well-known one that northerners intended to admit enough free states into the Union to be able to abolish slavery by constitutional amendment. The second argument was more interesting, since it pertained to northerners’ direct influence on slavery within the border states, where the slave population was on the decrease. “The anti-slavery feeling has got[ten] to be so great at the North that the owners of slave property in these States have a presentiment that it is a doomed institution,” Benning asserted, “and the instincts of self-interest impels them to get rid of that property which is doomed.” The commissioner had no doubt that consequently the institution “will go down lower and lower, until it all gets to the Cotton States...There is the weight of a continent upon it forcing it down.” Once it was limited to the Lower South, “slavery shall be abolished, and if the master refuses to yield to this policy, he shall doubtless be hung for his disobedience.”

So far, Benning had struck the same notes as Anderson. But where the latter predicted the abolition of slavery and, as a consequence, the undermining of southern society within the Union, Benning went further by warning that under Republican rule the very survival of the white race was at stake. Switching to a more passionate style of

rhetoric, he painted an apocalyptic picture of the South's future under Lincoln's presidency, featuring black domination, race war and miscegenation. "By the time the North shall have attained the power, the black race will be in a large majority, and then we will have black governors, black legislatures, black juries, black everything" - a remark that the audience met with laughter. "Is it supposed that the white race will stand that?" the commissioner rhetorically asked. "It is not a supposable case." He continued by insisting that a racial war would surely follow. With the federal government on the side of the emancipated slaves, the whites were bound to ultimately lose. As a result "our men will be compelled to wander like vagabonds all over the earth; and as for our women, the horrors of their state we cannot contemplate in imagination." But the "Abolition war" would not stop there, Benning insisted, as he drew his emotional appeal to a close: "We will be completely exterminated, and the land will be left in the possession of the blacks, and then it will go back into a wilderness and become another Africa or St. Domingo."⁴⁸

In addition to highlighting the disastrous consequences of Republican abolition sentiment within the Union, Benning foresaw that northern anti-slavery agitation would immediately cease after secession. Disunion would form "a complete remedy", the Georgia commissioner argued, since it would completely alter the northern position towards slavery. Currently, northerners despised the southern institution only because being part of the Union made them to a certain extent responsible for it and because an anti-slavery position served their political ambitions. The South's leaving the Union would take slavery out of the politics of the North and place it "beyond the influence of [its] yeas and nays."⁴⁹

Finally, albeit of small importance compared to his remarks on slavery and white supremacy, Benning briefly justified his state's secession from a constitutional perspective. Secession was totally justified, he said, by the fact that northerners had gravely violated their constitutional obligations: they had adopted personal liberty laws to impede the enforcement of the Fugitive Slave Act and had elected Lincoln by a sectional majority. Benning accepted that the latter action did not technically constitute a constitutional violation, but argued that it "violates [the Constitution] in spirit" and disregarded the foundations it had been built on: "to ensure domestic peace and to

⁴⁸ Reese, ed., *Proceedings...Virginia State Convention*, 1:62-66.

⁴⁹ *Ibid.*, 68.

establish justice among all". Secession, he concluded, was "the only thing that could have been done to ensure her rights."⁵⁰ Benning's relatively little emphasis on the constitutional aspects of disunion are striking, considering his former position as justice of the Georgia Supreme Court and the extreme states' rights doctrine he adhered to while on the bench. A possible explanation is that he considered the Republican threat to slavery and white supremacy more important than the preservation of conservative constitutional principles such as states' rights. It is also possible that Benning was aware of the limited impact of commissioner Hopkins's January speech and consequently decided to go with a tactic that he felt would make a bigger impact on the Virginians.

The second component of Benning's speech formed an extensive exposition of the benefits of Confederate membership. Anderson had touched upon this issue, but Benning made the case for the Confederacy most fully. His key argument was that, for a variety of reasons, becoming part of the southern union would bring Virginia great material benefits. As he must have known that many of the Unionist delegates, particularly those from the trans-Allegheny west, represented counties with little interest in slavery, so he paid extensive attention to economic advantages that were not related to slavery, and thus appealed to all Virginians, both slaveholders and non-slaveholders.⁵¹

To begin with, the Mississippi commissioner contended that, stimulated by great demand from the lower South and aided by protective tariffs, Virginia could replace New England and New York as the continent's leading manufacturing and commercial centre. With the cotton South currently earning \$270,000,000 annually from the sale of cotton and other articles and with the prospect of this number increasing significantly in the foreseeable future, Virginia would be assured of sufficient long-term demand for its manufactured goods. Furthermore, as a member of the Confederacy, protective tariffs, "as high as those imposed by the present tariff of the United States," would shield the Virginia industry from northern competition in the same way that the Union currently protected its industry from Europe. To enforce these tariffs the Confederacy required both a navy and a standing army as soon as possible, which would be financed with the revenue from newly imposed duties. Once this was put into effect, Benning assured, "it would be in the power of Virginia to compete, in short time, with all the nations of the

⁵⁰ Ibid., 68-69.

⁵¹ Freehling, *The Road to Disunion*, 2:505-506.

earth in all the important branches of manufacture.” “Skilled artizans and men of capital” from far and near would settle in Virginia to set up their manufacturing businesses, he said, seeing “the advantage of longer days and shorter winters, and of being nearer to the raw material of a very important article of manufacture [cotton].” If Virginians considered the proposed protective tariffs “upon this or that article” too low, Benning assured them that the provisional Confederate government would be more than willing to negotiate with them on this “in the most fraternal and complying spirit.”

To strengthen his argument, he juxtaposed the picture of Virginia as “a great manufacturing empire”, with the negative prospects for the state if it remained in the Union. The North would have nothing to offer the state, he said, except for “a competition that will destroy you.” Since the North had a head start on them, Virginians would never be able to catch up with northern manufacturing industry. As a result, Benning predicted, Virginia manufacturing would wither and, consequently, its agriculture would also suffer tremendously.

In addition, the boost to Virginia’s manufacturing industry would enable the state to “command...the ‘cotton trade’ ”, Benning asserted. At present, he explained, the North used the revenue from its manufacturing to buy southern cotton, in order to export it abroad in exchange for European manufactures. Northerners then distributed these all over the American continent. Benning argued that once Virginia surpassed the North as a leading manufacturing centre, it would automatically also take over its monopoly in trans-Atlantic trade. “In short, manufactures would give you an immense commerce,” he said. “And what a change would all this make in your State,” he added. “Your towns and cities would expand, your counties would fill up, your red hills would recover their verdure, your railroads would pay dividends, your inexhaustible mineral stores would burst forth, real estate would rise, your heavy public debt would cease to cost you a thought.” Benning sent a clear message here: joining the Confederacy was in the interest of all Virginians, not just its slaveholders.⁵²

But there was more. The second material advantage of Confederate membership that Benning articulated was that Virginia would keep a lot of wealth within the South that was currently being drained to the North as a result of excessively high prices for

⁵² Reese, ed., *Proceedings...Virginia State Convention*, 1:69-71, 73; *Addresses Delivered before the Virginia State Convention by Hon. Fulton Anderson, Commissioner from Mississippi, Hon. Henry L. Benning, Commissioner from Georgia, and Hon. John S. Preston, Commissioner from South Carolina, February, 1861* (Richmond: Wyatt M. Elliott, 1861), 32-33.

domestic and foreign goods. Benning explained that there were two reasons for this. The first was that federal tariffs, averaging twenty per cent, not only increased the prices of foreign goods but also indirectly enhanced the prices of domestic manufactures. Furthermore Benning contended that the North had a monopoly on both the coastal trade and the indirect carrying trade, raising the prices of interstate transport and ensuring that foreign goods only reached the South indirectly via New York, Philadelphia, and Boston. While the South was thus heavily taxed, it received disproportionately little federal expenditure. Once in the Confederacy, Benning insisted, Virginia would immediately be relieved from “this perpetual drain”.⁵³

Besides his more general economic case for the Confederacy, the commissioner also explained how the new nation would protect Virginia’s slavery interests. First, Benning was certain that joining the southern union would end Virginia’s fugitive slave problem. As he had explained before, to collect the revenue from the proposed tariffs and duties, it would be necessary “to station police officers all along the border, and have there bodies of troops.” These could easily be employed to “keep strict watch...and intercept every slave, and keep proper surveillance on all who may come within the line of particular localities.” Moreover, separation from the North would take away the incentive for slaves to flee there. After all, northerners did not receive runaway slaves “from a love for the black man”, but rather “from a hatred to slavery, and...the owners of slaves.” Benning implied here that northerners would stop taking fugitive slaves once this issue was no longer useful against a South that was part of the Union. Thus, just as he had done before when he asserted that northern anti-slavery sentiment would cease after secession, Benning argued that the North did not oppose slavery for moral reasons, but rather to benefit its own purposes and interests.⁵⁴

As the second advantage for Virginia’s slavery interests, Benning pointed out that joining the Confederacy would remedy the “Territorial evil”, by which he meant the controversy over the extension of slavery into the federal territories. He explained that,

⁵³ Reese, ed., *Proceedings...Virginia State Convention*, 1:71-72. There is an inconsistency in Benning’s argument here. On the one hand, he assured the Virginians that their manufacturing industry would be protected “in the same way that the Union currently protected its industry from Europe,” but here, on the other hand, he implied that foreign goods would be cheaper as the result of lower tariffs in the Confederacy.

⁵⁴ *Ibid.*, 72-73. The argument that northerners agitated against slavery only to advance their own interests contradicts the post-abolition picture which Benning painted previously. Assuming it is true that northerners did not have “a love for the black man,” why then would they, as Benning contended, allow blacks to hold high political office in the future or aid them in their race war against southern whites?

as the recent crisis in Kansas had shown, under the present conditions in the Union it was impossible for southern slave owners to acquire additional land, as the “policy of the Black Republican party” was to stimulate the settlement of the federal territories by non-slave owners. As part of the Confederacy, on the other hand, Virginians could gain additional slavery land and do so in peace, since “Cotton is peace”. Benning reasoned that cotton constituted such an indispensable good to the “nations of the world” that these would always preclude any outbreak of war as the result of the South expanding its territory.⁵⁵

In addition to mentioning these two benefits, Benning discussed two slavery-related worries that he knew many Virginian slaveholders had regarding the Confederacy. Many Virginians perceived the possible re-opening of the “African slave trade” as a demographic threat. “There is no danger of that,” Benning assured them. He explained that, following opposition from his own state and Alabama, the Montgomery convention had banned this happening by means of a constitutional provision. Moreover, he insisted that the re-opening of the African slave trade would be against the interests of the lower South, since “once reopened...such a might current would rush in from Africa, that our white race would be overwhelmed in the vast black pool.” If the Virginians were still not satisfied, Benning suggested they travel down to Montgomery, where “we will stipulate with you, and satisfy you...upon that, as upon all other questions.”⁵⁶

Furthermore, he addressed an issue that concerned a small, but very important group within the Virginia slaveholding class: the slave traders. Sending slaves south was one of the most lucrative businesses in eastern Virginia, and Richmond in particular. The slave traders feared that, if Virginia remained in the Union, its relationship with the deep South would be similar to that with a foreign nation, something which would potentially hurt their business. Moreover, their fears intensified when word spread that the Confederacy had recently adopted a clause in its constitution empowering its government to interdict the interstate slave trade with states that were not part of the southern union. Benning addressed this issue in a way that was comforting and threatening at the same time. He eased the concerns of the slave traders by insisting that the “object” of the clause “was not to threaten you, but to save ourselves.” It was in the

⁵⁵ Ibid., 73.

⁵⁶ Ibid., 74; *Addresses Delivered...Virginia State Convention*, 40.

interest of the deep South “to keep you a slave State as long as possible,” he said, and if Virginia remained in the Union “the best way to do that would be to prevent your citizens from selling their slaves to ours.” Benning knew exactly what fate awaited the Virginia slave trade if the state refused to unite with the rest of the South: “I have no doubt, that they will be prevented from doing so.” “Join us and [this clause] will become harmless to you, for...we would not have the will to use [it] against you,” he concluded. Benning’s remarks are illustrative of how well he attuned his speech to the interests of his audience.⁵⁷

Besides outlining the material advantages of Confederate membership, Benning was convinced that it would also bring Virginia significant political benefits. First, with Virginia being part of the Confederacy, Benning argued that the southern union would form the most powerful, self-sufficient nation on the American continent. If Virginia, and subsequently the rest of the border states, joined the new southern nation, it would “have a territory...with more advantages than any similar extent of territory on the face of the earth”. These included an ideal geographical location, “the right sort of coastal facilities”, and an abundance of “every production that can form the basis of prosperity and power.” Moreover, it was possible, the commissioner asserted, that the “Pacific States” would follow the Confederacy’s example and leave the Union in order to form one of their own. Once “circumscribed with the narrow limits of her own unproductive inhospitable area”, the North, plagued by the corrupted nature of its politics, was doomed to “decay and ultimate disintegration”.

Second, like Anderson before him, Benning assured the convention that Virginia would take up a leading position in the Confederate states. “You will have the Presidency and the Vice-Presidency and other advantages,” the commissioner insisted. As the leader of the southern union, Virginia did not have to fear any decisions being made that were adverse to her interests. Besides, together with the other border states, Virginia would have a large numerical superiority in the Confederacy, enabling her to effectively block all policy proposals that opposed her interests. Conversely, Benning warned that if Virginia remained in the Union, it should expect its position to weaken considerably. Northerners “will hate you and your institutions as much as they do now, and treat you accordingly. Suppose they elevated [Charles] Sumner to the Presidency? Suppose they

⁵⁷ *Addresses Delivered...Virginia State Convention*, 32-33; Crofts, *Reluctant Confederates*, 315-16; Dew, *Apostles of Disunion*, 88-94.

elevated Fred. Douglas[s], your escaped slave, to the Presidency? And there would be hundreds of thousands at the North who would do this for the purpose of humiliating and insulting the South.” For Benning the choice was crystal clear: “I say give me pestilence and famine sooner than that.”

Benning ended his argument in favour of the Confederacy by briefly discussing the “social and religious aspects of the question.” The socio-religious advantages of southern unity were so self-evident, he asserted, that it sufficed to say that disunion would finally put “the irrepressible conflict...at an end.” He added that “We [southerners] have a common Bible; we kneel at the same altar, break bread together, and there can be no difficulty between us on this score.” Thus within the southern union, Virginians did not have to worry about people claiming that their institution conflicted with Christian values and beliefs.⁵⁸

Even though he had extensively advocated secession and laid out the advantages of the Confederacy, Benning knew these arguments alone would not suffice to convince the conditional Unionists, who had vowed to support the Union as long as there was hope of reconstruction. Therefore, the third key element in Benning’s speech was that the lower South’s disunion was final. No compromise would adequately protect southern rights, he argued. For the sake of argument, Benning considered a version of the Crittenden Compromise, “the strongest [compromise proposal] that we have heard suggested”. This plan proposed a constitutional amendment, “guaranteeing the power of self-preservation” – meaning that southern Congressmen would be given veto power over any bill concerning slavery. Furthermore, the amendment would divide the nation along the 36°30’ geographic line, to the south of which the federal government would have to protect territorial slavery. Benning was not convinced that this plan would sufficiently protect the South. To begin with, he expected northerners to declare these stipulations void under their higher law doctrine, according to which it was “absolutely a religious merit to violate” any law protecting slavery. Second, the commissioner explained that with regard to constitutional matters northerners strongly believed in the concept of “consolidated Government” - according to which “the numerical majority is sovereign” - rather than “a Confederation of States”. Consequently, “a bare majority of the people” would suffice for northerners to undo any constitutional protection for

⁵⁸ Reese, *Proceedings...Virginia State Convention*, 1:73-74.

slavery agreed to in the current crisis. “You can get no remedy for this disease” within the Union, Benning firmly concluded.

In addition, to further emphasise the permanency of the lower South’s separation, he insisted that the only reason why he urged Virginia to secede and join the Confederacy was that “such a union would be mutually advantageous, not an apprehension that we are unable, without assistance, to maintain ourselves against all comers.” Implying that the seven seceding states were capable of and ready to defend themselves in a potential civil war, Benning sought to dispel the idea prevalent amongst Unionists that the lower South states would return to the Union once they realised they had to wage war without the support of the border states.⁵⁹

John Smith Preston, the third and last speaker, was a native Virginian who had been educated at Harvard. Having been a small-town lawyer for a decade, he married a South Carolinian from one of that state’s wealthiest families, before moving to Louisiana to make a fortune as a sugar planter. He returned with his family to South Carolina in 1848 and served as a South Carolina state senator until 1856. In this capacity he proved an ardent defender of southern rights and built a reputation as a public speaker. Four years later, Preston emerged as a prominent figure in South Carolina’s secession movement. He helped found the so-called “Minute Men” of Columbia, a secessionist organisation, and was elected to the South Carolina state convention. Considering his oratorical skills too valuable to be wasted, the convention reserved Preston until Virginia called a state convention.⁶⁰ The South Carolina commissioner’s reputation as an outstanding orator seemed to reach as far as Virginia, as a “throng more dense than yesterday” had gathered on 19 February in anticipation of his presentation.⁶¹

Although Preston’s approach largely resembled that of the previous two commissioners, his emphasis was different. As with Anderson and Benning, Preston warned against the northern threat to slavery, but he focused more on the anti-slavery actions committed in the past than on those that were to be expected in the future. Like the others, he highlighted the finality of the lower South’s secession, but did so more

⁵⁹ Ibid., 66-68; *Addresses Delivered...Virginia State Convention*, 42.

⁶⁰ Dew, *Apostles of Disunion*, 68-69.

⁶¹ Entry for 19 February, 1861, John C. Rutherford Diary, MS, Rutherford Family Papers, Virginia Historical Society, Richmond quoted in Dew, *Apostles of Disunion*, 69. Since it was quite late by the time commissioner Benning finished his speech on 18 February, the convention decided to postpone Preston’s address until noon the following day.

extensively and used new arguments. The only significant difference with the previous two commissioners was the complete absence of a positive case for the Confederacy.

Preston was crystal-clear about the main cause for South Carolina's secession: "For fully thirty years or more, the people of the Northern States have assailed the institution of African slavery." Explaining how the North had continuously agitated against slavery, he referred to many of the same grievances that earlier commissioners had mentioned. To begin with, northerners had tried to undermine slavery by inciting slaves to revolt. "Large masses of their people," Preston asserted, were suggesting "the most fearful" means "to the subject race...rising and murdering their masters." Then northern national politicians had done all they could "to shape the [federal] legislation as almost to limit, to restrict, to restrain the slaveholding States from any political interest in the accretion of the government." By this means they sought to prevent the territorial expansion of slavery. A third grievance was that northerners had violated the Constitution through their enactment of personal liberty laws. A fourth was that John Brown had invaded the South with "the intention of abolishing slavery by the annihilation of the slaveholders" and the North had refused to deliver up his accomplices. In addition, northerners adhered to natural law, according to which "slavery is an offence to God", and consequently felt "bound by the most sacred attributes which belong to nature, to exterminate it." Finally, by electing Abraham Lincoln to the presidency "twenty million people...have declared that the vital interests of eight millions of people shall be exterminated." In all, Preston contended that the North was instilled with a "mad rage of fanaticism", and would therefore never cease to seek victory over the slaveholding states. He concluded that South Carolina had rightfully protected itself against this danger.⁶²

Although of minor importance, Preston also addressed a non-slavery related grievance against the North: the federal tariff policy that benefited the North, while economically hurting the South. To protect and stimulate its "industries of manufacture and commerce," he argued that the North had established "a system of duties partial and discriminating". The aim of this system was twofold: to force southerners to buy northern manufactures, as well as ensure they contributed the most to import revenues. As a result, Preston complained, the North grew increasingly wealthy and more powerful, while at the same time becoming determined "to destroy the very sources

⁶² Reese, *Proceedings...Virginia State Convention*, 1:80-83.

from which [this wealth and power] was drawn.” He insisted that “It could no longer be the avowed policy of the Government to tax one section for the purpose of building another”.⁶³ The federal tariffs had always been a contentious issue in South Carolina history, which could be traced back to the Nullification Crisis, during which the state nullified certain federal tariffs, defied President Andrew Jackson to collect them, and almost caused a civil war.⁶⁴

Just as Anderson and Benning had done, Preston strengthened his case for secession by arguing that the lower South would never return to the Union. Unlike them, however, he did so not by emphasising the perverted nature of the northern mindset but rather by highlighting the innate differences between the northern and southern sections. Preston argued that the North and the South constituted two separate, distinct, and antagonistic civilisations, separated by “irreconcilable differences”. Since these differences pertained “to every attribute pervading the whole of these systems”, the disintegration of the Union constituted “not a mere accident” or “the mere casual result of a temporary cause”, but rather an inevitable outcome. “No community of laws,...of language, of religion, can amalgamate...people whose severance is proclaimed by the most rigid requisitions of universal necessity,” Preston said. The South’s secession was “not only a revolution of material necessity” but one “resulting from the profoundest convictions, ideas, sentiments, and moral and intellectual necessities of earnest and intelligent men.”

Preston clarified these abstract statements by highlighting the three key issues separating the North from the South, all of which related to slavery. First and foremost, the two sections had disparate labour systems. “African slavery cannot exist at the North. The South cannot exist without African slavery,” he asserted. “None but an equal race can labor at the North; none but a subject race will labor at the South”, he added. The second difference concerned political principles. Like Benning before him, Preston explained that northerners adhered to the concept of “pure Democracy,” which had “the almighty power of...simple physical numbers” as its basis. This form of democracy was bound to result in a situation where the federal government “threatened with imminent peril, if not with imminent destruction, parts and sections of the parties to it”. Although

⁶³ Ibid., 79-80.

⁶⁴ William W. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816 - 1836* (New York: Harper & Row, 1965), xi-xiii.

Preston did not clarify how exactly southern democracy was different, he did state that it was inextricably linked with, and depended on, slavery. "The recognition of a specific property [slaves] is essential to the vitalization of the political organism," he said.

Finally, Preston addressed the religious discord between the two sections. A "deep-seated, but active, religious sentiment, which belongs to both people, [had] arrayed itself on the sides of the sections," he explained. The slavery controversy had pervaded the religious beliefs of Americans from both the North and the South. Therefore, instead of binding northerners and southerners, different conceptions of Christianity now only added to their mutual animosity. Preston was certain that "there is not a Christian man...in this assembly who does not feel...that the point of this sword of the church is at this moment dripping with the last blood of sympathy which bound him to his Christian brethren of the North." In sum, these "repellent diversities" had led the seceding states to the conclusion that "the political union is an unnatural and monstrous one." Preston was confident that the Virginians agreed and explicitly urged them to abandon their compromise efforts, since "no sanctity of human touch...can reunite the people of the North and the people of the South as political and social equals."⁶⁵

By February 1861 it had become clear that Unionism remained a potent force in Virginia, and that Virginians were unlikely to change their minds as long as there was a hope of reconstruction. The three cotton South commissioners were aware of these circumstances and focused their messages accordingly. Unlike Alabama commissioner Hopkins's performance in January, the February speakers sought to persuade rather than justify, and therefore barely defended the right of secession. "I shall enter...into no discussion on the right of secession, whether it be peaceful and constitutional or violent and revolutionary," Anderson said. "It is no part of my purpose...that I should make an argument ...in proof of the right of secession," Preston insisted.⁶⁶

The February commissioners adopted a different approach. Taken as a whole, their presentations discussed three themes. First, they denounced the North for its anti-southern agitation of the past decades and they painted a terrible picture of Virginia's future within a Republican-controlled Union. Their key argument was that northerners posed an existential threat to slavery, and consequently, to southern civilisation in

⁶⁵ Reese, *Proceedings...Virginia State Convention*, 1:88-90; *Addresses Delivered...Virginia State Convention*, 61-62.

⁶⁶ Reese, *Proceedings...Virginia State Convention*, 1:59; *Addresses Delivered...Virginia State Convention*, 43.

general. Second, the commissioners juxtaposed this with a presentation of various benefits of the Confederacy. Their focus lay on convincing the convention that membership of the southern union was in the material interest both of Virginia's slaveholders and non-slaveholders. They also argued that Confederate membership would benefit the state politically, turning it into the leading state in what would supposedly become the continent's most powerful and prosperous nation. Third, the lower South spokesmen all emphasised that the seceding states would never return to the Union. No compromise plan could be relied upon since northerners had turned into "wild fanatics" with an irreversibly perverted mindset.⁶⁷ They further asserted that due to the North and the South having two distinct, antagonistic civilisations, the Union had always been meant to fall apart. The cotton South commissioners made every effort to convince the Virginia convention to join their states in secession. The following weeks would show what, if any, impact their speeches had had.

⁶⁷ Reese, *Proceedings...Virginia State Convention*, 1:85.

Chapter 3: Reaction to the Pleas for Disunion

“I have never yet heard advanced a reason to satisfy me that it was in the interest of Virginia to go out of the Union,” George Baylor of Augusta, Unionist delegate at the Virginia state convention, said on 1 March 1861 in response to the speech that Georgia commissioner Benning had given a few weeks earlier.⁶⁸ The statement was representative of the Unionist reaction to the presentations by the cotton South ambassadors. While commissioners Fulton Anderson, Henry Benning, and John Preston had done their utmost to convince the Unionist faction of the necessity of immediate secession, it became clear in the weeks following their addresses that they had failed to achieve their goal.

Instead of swaying the Unionists to join the secessionist ranks, divisions between the two camps had only sharpened. As was to be expected, the commissioners’ speeches fell on fertile ground with the secessionists, providing them not only with moral support but also with additional arguments for their cause. The speeches had the opposite effect on the Unionists, however, convincing them that their reservations regarding secession were justified. But even though the commissioners failed to change the minds of the Virginia Unionists, their performance did to a significant extent set the terms of the convention’s debate on secession. Up until April 1861, the Virginia delegates regularly debated the very arguments and topics that the ambassadors from the cotton South had previously discussed in such detail. This chapter analyses how the convention responded to the February commissioners’ pleas for disunion and why the commissioners ultimately failed to persuade the Unionists.

Right from the start, the addresses provoked strongly contrasting reactions from the Virginia audience. Secessionists spoke of the presentations with high praise, considering them “of surpassing eloquence and power...rhetorical and convincing.”⁶⁹ They particularly praised John Preston’s performance. The secessionist *Richmond Daily Dispatch* wrote on 21 February: “On all hands we hear one unqualified and enthusiastic

⁶⁸ Reese, ed., *Proceedings...Virginia State Convention*, 1:288.

⁶⁹ John Goode, *Recollections of a Lifetime* (New York: Neale Publishing Company, 1906), 48-49 quoted in Robertson, “The Virginia State Convention,” 7; Robert H. Turner, “Recollections,” TS, Virginia Historical Society, Richmond quoted in Robertson, “The Virginia State Convention,” 7; *Richmond Daily Dispatch*, 18 February, 1861 quoted in Robertson, “The Virginia State Convention,” 7.

expression of praise and admiration of the great address of the Commissioner of South Carolina." It further noted that "Patriotism, passion, power, poetry, were all combined in this magnificent effort." "At one time the whole audience was in tears."⁷⁰ One Richmond listener described Preston's speech as "a splendid oration" with "many bursts of real eloquence, electrifying his audience." For him the South Carolina spokesman was a "master of three different manners – the calm, slow, didactic style – then the impetuous and vehement – and lastly the solemn and pathetic." According to his account, the public had burst "out repeatedly in uncontrolled applause."⁷¹ The *Daily Dispatch* was so enthusiastic that it suggested the addresses should be repeated in the state capital's most spacious indoor meeting facility, so that many more Virginians could hear the commissioners' speeches. Ironically, the editor recommended "the African Church" as the most suitable place of assembly.⁷²

The initial Unionist reaction, on the other hand, evinced little enthusiasm. Robert Conrad of Frederick, a prominent conditional Unionist, called the presentations "the harangues of the ambassadors from the cotton states."⁷³ President Janney, an unconditional Unionist, wrote to his wife the evening after the first two speeches and said that "there is no body on our side either killed, wounded or frightened." He added: "Tomorrow we are to hear Mr. Preston of South Carolina and then I hope we shall be at the end of the ambassadors".⁷⁴

Within the convention, a resolution to have ten thousand copies of the commissioners' speeches published "for circulation among the people of this State" presented by the secessionist John Goode on 4 March led to an equally divided response. This was a little surprising, considering that a few weeks earlier the convention had unanimously resolved that the commissioners would be requested to "furnish a copy of their addresses...for publication." However, Unionist delegates did not seem to mind and thwarted Mr Goode's proposal by presenting a motion to table his resolution, ostensibly to enable another delegate to proceed with his remarks. The convention decided with 65

⁷⁰ *Richmond Daily Dispatch*, 21 February, 1861 quoted in Dew, *Apostles of Disunion*, 72.

⁷¹ Entry for 19 February, 1861, John C. Rutherford Diary, MS, Rutherford Family Papers quoted in Dew, *Apostles of Disunion*, 72.

⁷² *Richmond Daily Dispatch*, 22 February, 1861 quoted in Dew, *Apostles of Disunion*, 73.

⁷³ Robert Y. Conrad to Elizabeth Conrad, 18 February, 1861, MS, Robert Y. Conrad Papers, Virginia Historical Society, Richmond quoted in Dew, *Apostles of Disunion*, 68.

⁷⁴ John Janney to Alice S. Janney, 18 February, 1861, MS, John Janney Papers, University of Virginia Library, Charlottesville quoted in Dew, *Apostles of Disunion*, 68.

votes in favour and 42 against for the motion to table.⁷⁵ Almost all those who supported it were Unionists. Conversely, almost two-thirds of those voting against were secessionists.⁷⁶ The one-third of Unionists who voted against the motion most likely did so only because they felt it was “a matter of courtesy” to the commissioners to publish their speeches, and not because they supported their secessionist message.

The motion’s supporters contended that making copies of the speeches was a waste of money, arguing that “all the papers of the city” had already published them. Others claimed that the proposed number of copies was too high. Notwithstanding such official reasons, it seems likely, as some secessionists suspected, that the motion was a deliberate attempt to prevent the spread of the commissioners’ message across the state. Unionists applied a double standard here, since in the run-up to the 4 February elections, they had been heavily involved in a nationally coordinated mailing operation of Unionist speeches and documents to influence localities with significant secession sentiment.⁷⁷

Later that day, secessionist Thomas Branch resumed the debate concerning the publication of the addresses and it followed a similar pattern. The secessionists wanted to ensure that a large number of copies were printed, while Unionists tried to keep the number as low as possible. The secessionist delegates suggested numbers ranging from 3,400 to a maximum of 9,000, explaining that their constituents had shown great interest in the speeches and insisting that a decision against publication would be disrespectful to the commissioners. Mr Branch argued that “After asking [the commissioners] for their addresses...they should be published.” Mr Goode claimed to have “received letters from a large number of my constituents desiring copies of these speeches,” adding that “in the midst of a mighty revolution – they desire...all the light which they can get”.

Conversely, the Unionist delegates proposed much smaller numbers of copies, varying between a few hundred and 3,040. Those who suggested relatively high numbers deemed statewide publication of the speeches “but a matter of simple courtesy” and “eminently proper.” Others, by contrast, sought to keep the number of copies to be printed to a bare minimum. Jubal A. Early, representing Franklin County, claimed to have always been under the impression that the copies would be made “for

⁷⁵ Reese, ed., *Proceedings...Virginia State Convention*, 1:93, 351-52, 378.

⁷⁶ For more information, please see table 1 of the Appendix.

⁷⁷ Crofts, *Reluctant Confederates*, 142-43; Reese, ed., *Proceedings...Virginia State Convention*, 1:352.

the use of the Convention” only, and not for circulation all over Virginia “to induce the people we represent to entertain different opinions from those we came here to represent.” He therefore requested that the number of copies should equal the number of delegates. Ultimately, the convention agreed upon 3,040, equal to 20 copies per county.⁷⁸ In all, the episode clearly shows how the secessionist delegates sought to spread the commissioners’ message, while most Unionists tried to contain it as much as possible. This, in turn, seems to indicate that the secessionists considered the speeches useful to their cause, whereas the Unionists disagreed with the addresses and possibly even found them potentially hurtful to their cause.

The debates in the state convention following the commissioners’ visit reveal why their speeches had failed to persuade the Unionist faction. There were various reasons for this. The three most important were that the Unionists had pessimistic expectations of future developments in Virginia after secession; that they assessed the present state of the Union differently; and finally, that they distrusted the seceding states’ alleged reasons for secession and the future policies of the Confederacy once Virginia became a member. Two additional reasons were that they demonstrated how certain arguments in the speeches contradicted others and that they refused to give in to a threat aimed to pressure Virginia to leave the Union.

The major arguments in the commissioners’ addresses were only partly reflected in the Unionist reaction. While in some cases they responded extensively to those the speakers had relied most heavily on, in others they simply did not comment on them at all. In any event, the Unionists responded to each of the main elements of the speeches: the northern threat to the South within the Union, the benefits of Confederate membership, and the finality of the lower South’s secession.

First of all, the commissioners had heavily emphasised the negative consequences for the South if it remained in the Republican-controlled Union. The Unionist reaction focused on the grievances against the North that the commissioners had highlighted as reasons for their states’ secession. While they acknowledged the importance of these grievances, the Unionists were convinced that these had merely been highlighted as a pretext for the lower South’s secession. To begin with, they pointed out that northern resistance to slavery’s territorial expansion was more a

⁷⁸Reese, ed., *Proceedings...Virginia State Convention*, 1:375-78.

theoretical than a practical problem, and could therefore only have been of “little...influence in precipitating the Cotton States into a revolution.” George W. Brent of Alexandria, for example, acknowledged that “the constitutional right is valuable and ought to be maintained,” but also said “it has little real practical value”. For one thing, there were no federal territories “into which slave labor can profitably go.” Equally important, he said, “it is not the nature of territorial soil, climate, productions and different modes of thought” that prevented slavery from being introduced in the territories, but rather the simple fact that “the South has no slaves to go there.” The lower South currently had a shortage of slaves to cultivate “the vast and valuable cotton lands” and therefore, Brent argued, the transfer of slaves to the territories “can never take place” any time soon, “nor is there any probability that territorial expansion for the blacks will be shortly needed.”⁷⁹

Neither was the fugitive slave problem a genuine cause of the lower South seceding, the Unionists insisted. While they agreed with the commissioners that this issue was real, pressing, and in need of immediate redress, they considered it a matter “of entire indifference to the seceded States.” Samuel McDowell Moore of Rockbridge explained that the lower South cared very little about runaway slaves, since “they have lost no slaves.” When speaking about South Carolina, John S. Carlile of Harrison County argued that the fugitive slave issue could not possibly have induced this state to secede. After all, South Carolina had “never lost a slave, precisely as most of these Personal Liberty Bills are found in the statute books of such of the New England and Western States as never saw a runaway slave.” Mr Brent asserted that the lower South states, “having two tiers of slaveholding States between them, have had little to complain of”. The Unionists were certain that the seceding states merely embraced these grievances to use them as “levers to operate upon the border States, and induce them to form a connection with them.” Mr Moore found definitive proof of the cotton states’ dishonesty in statements made by the former governor of South Carolina to that state’s secession convention. The latter had said that for forty years South Carolina had been seeking “a pretext to make an effort to dissolve” the Union, while, as Moore pointed out, Virginia had suffered its “chief losses from the abduction and escape of slaves” in the past fifteen to twenty years.⁸⁰

⁷⁹ Ibid., 499-501.

⁸⁰ Ibid., 173-74, 459, 501.

In addition to these slavery-related grievances, the Unionists also responded to John Preston's argument that the North had an unjust federal tariff system. They did not discuss this issue on the merits, but rather saw it as a confirmation of their suspicions that slavery had little to do with the separation of the lower South. "Their real ground of dissatisfaction lies in the operation of the tariff," Mr Moore asserted. Mr Brent deemed it obvious that South Carolina had seceded more to "relieve herself of this system of protective tariffs than for the protection of the institution of slavery". To corroborate this claim, Brent read out excerpts from a South Carolina publication and also from a number of speeches delivered before the South Carolina state convention. He noted that these contained not a single "prominent allusion to the rights of the South on the slavery issue", but rather contemplated secession as a remedy for its non-slavery related economic grievances.⁸¹

Remarkably, while the Unionists discussed the slavery-related grievances presented by the commissioners, they left the most prominent argument in favour of immediate secession completely unaddressed: that remaining in the Union would mean the destruction of slavery and, consequently, southern society. Related to this, they did not mention commissioner Benning's explicit appeal to the maintenance of white supremacy either. As both arguments, and particularly the former, featured so prominently in the speeches, their absence in the Unionist reaction seems to indicate that Unionists somehow were not interested in these topics. This anomaly is difficult to explain, other than that a significant part of the Unionists came from the trans-Allegheny west, a region with little vested interest in slavery.⁸²

The Unionists were equally unimpressed by the commissioners' case for Confederate membership. The lower South ambassadors, and Henry Benning in particular, had primarily focused on laying out the economic benefits, both slavery and non-slavery related, of the Southern nation. To begin with, Unionists foresaw that the Confederacy would be ill suited to secure Virginia's slavery interests. They mocked the idea that secession would give Virginia "the privilege of emigrating into the territories...with our slave population." This prospect supposed a "peaceable partition of the public domain, and that the South will get her just and proper share," and it was exactly this which they considered highly unlikely. After all, this prospect contradicted

⁸¹ Ibid., 174, 496-98.

⁸² Freehling, *The Road to Disunion*, 1:505; Freehling and Simpson, *Showdown in Virginia*, x; Link, *Roots of Secession*, 40.

the often-expressed secessionist view that Lincoln threatened “war, coercion and subjugation” of the seceding states. Besides highlighting this contradiction in the commissioners’ line of reasoning, the Unionists clearly had an entirely different view of the outcome of secession. Assuming that a peaceful secession were possible, the Unionists agreed that in practice Confederate membership would do little for Virginia’s territorial expansion of slavery. They pointed out that in much of the recently acquired territory, such as New Mexico, “slavery is already recognized...by the law” but that, in spite of this, Virginians did not at present go there due to the existing shortage of slaves. So in practice, Confederate membership would do little for Virginia’s territorial expansion of slavery.⁸³

Furthermore, Unionists did not see how the Confederacy would solve the fugitive slave problem. They particularly opposed commissioner Benning’s proposal to establish a “cordon of military posts to intercept the fugitive” along Virginia’s northern border. First and foremost, the plan would fail because experience demonstrated that only natural barriers were effective at resisting “the escape of fugitives from justice, or the operations of the smuggler.” Second, the measure would entail permanently maintaining a standing army in Virginia, “dangerous to the liberties and freedom of the people”. Third, it would “cost more in five years than all the fugitives that have escaped from all the slave States.” Finally, it would have the unintended effect of inducing the North to build “corresponding military posts” on their side of the border and this would inevitably lead to more “strifes and collisions”. In summary, the Unionists considered this plan to be unrealistic, ineffective, and undesirable.

In addition, not only would Confederate membership be an inadequate remedy for the fugitive slave problem, but it would also be counterproductive, the Unionists contended. Joining the Confederacy would turn the Union into a foreign nation and thereby take away the constitutional right of southerners to retrieve fugitive slaves from the North. Unionists contended that disunion would “relieve the negro-stealer from all legal and constitutional restraints, and...give a secure and safe asylum upon our borders for the escape of the fugitive.” In short, “it would bring Canada down to our very doors”. It was easy to see how under these circumstances a refusal by the North to return escaped slaves could trigger war between the two sections, they asserted.⁸⁴ Clearly

⁸³ Reese, ed., *Proceedings...Virginia State Convention*, 1:502-503.

⁸⁴ *Ibid.*, 287-88, 503.

Unionists did not agree with commissioner Benning's prediction that the North would stop receiving fugitive slaves after secession.

Directly related to this point is the fact that the Unionists feared that when slaves had "increased facilities for escape," this would result in "an entire exodus of slaves" out of the state. They were concerned that as a consequence Virginia slaveholders would relocate their property farther south "to put it in a place of safety and security," thereby weakening Virginia slavery. The "vacuum thus created," would be filled by "persons from the North or from foreign emigration...hostile to the institution of slavery," making it even less likely that the peculiar institution would survive in Virginia.⁸⁵ The Unionists thus indirectly rejected Benning's argument that secession was the only way to stop the current trend of border state slaveholders moving further south.

With regard to the interstate slave trade, the Unionists did not accept the commissioners' argument that alignment with the Confederacy would be a crucial means to ensure its continued existence. Commissioner Benning's threat that the seceding states would prohibit the sale of border state slaves to the Confederacy should the border states refuse to join, did not achieve its desired effect. Some Unionists, like Samuel Moore from Rockbridge, were enraged over the fact that the cotton South was attempting to force disunion upon their state. "They are holding the lash over us, to enforce obedience to their wish," he stated. "I don't like to be taken this way, under such threats," he added. "Forced connections seldom effect any good." Others were simply not impressed with Benning's threat. George Brent, for example, was certain that the cotton South would never prohibit the interstate slave trade, as the region was simply too dependent on slaves from the upper South to keep its cotton prices low. Brent felt that the cotton states were over-confident regarding their leading market position and foresaw that if their cotton price rose too much, they could expect stronger competition from abroad (e.g. England). "They, therefore, cannot dispense with our labor - they are forced to have it," he concluded.⁸⁶

Finally, despite reassurances from the commissioners to the contrary, Unionists feared that the seceding states intended to re-open the African slave trade once Virginia joined the Confederacy. This distrust stemmed from their firm conviction that the lower and upper South had different interests regarding slavery: border states like Virginia

⁸⁵ Ibid., 505.

⁸⁶ Ibid., 180, 507-508.

had a surplus of slaves and consequently sought to sell their slaves for the highest price possible, whereas the cotton states with a shortage of slaves wanted to buy them as cheaply as possible. "The Southern planter...does not own the negro...for the purposes of sale," but rather "for the production of cotton," they said. "Cheap negroes to him are desirable." Therefore the Unionists had every reason to fear that one day the Confederacy would re-open the African slave trade. Mr Brent, for example, had his suspicions confirmed by the statements issued by an Alabama delegate to the Montgomery Convention who asked his audience why the seceding states "were forced to go to Virginia and purchase negroes for \$1,500, when the same could be procured on the coasts of Congo and Guinea for \$200?" The fact that commissioner Benning had reassured the convention that a number of seceding states as well as the Montgomery Congress had declared against re-opening the African slave trade did not ease Unionist minds. Nor did they find any comfort in the clause that had had been incorporated in the provisional Confederate Constitution prohibiting the practice. This constitutional protection was likely to be repealed, they argued. And if it was not, it was always conceivable that individual states such as Texas or Mississippi, ardent defenders of the importation of slaves, would at a later state change their minds, secede again, and re-open the trade.⁸⁷

Besides rejecting the argument that the Confederacy would adequately protect Virginia's slavery interests, Unionists insisted that the state's non-slavery-related economic prospects in the Confederacy would be bleak as well. Even though commissioner Benning had assured the convention that Virginia's industry would be protected in the Confederacy by a tariff system, the Unionists feared that these measures would subsequently be repealed. To begin with, they noted the contradiction between the commissioners' criticism of the current federal tariff system, allegedly discriminatory for the southern states, and their promise that the Confederacy would maintain a similar system to protect Virginia's industry. Mr Moore, for example, drew attention to the fact that, on the one hand, "they [the Confederates] would be willing to give us a ten per cent tariff, and...might go a little farther than that," while, on the other hand, "every argument which [commissioner Benning had] introduced against the Northern States, had a direct bearing against the tariff." In his view there was thus every reason to fear that the Confederate tariff system was not there to stay. "They tell us that

⁸⁷ Ibid., 176-77; 506-507.

we can manufacture here, and secure a monopoly of the Southern trade. How long before that privilege would be denied to us?" he asked.

Second, France and England's willingness to "enter into treaties of alliance and commercial reciprocity" with the Confederacy further fuelled Unionist fears. These countries would surely require free access to the southern market and oppose any tariffs? Finally, even assuming that the Confederacy would agree to the ten per cent tariff proposed by Benning, the Unionists argued this would not nearly be enough to cover all the expenses of the Confederate government. This supported their conviction that the proposed tariff would not be maintained.⁸⁸

Not only did the Unionists expect the Confederates to repeal the tariffs, but they also predicted that they would replace them with a direct tax system. In their view such system would be detrimental to Virginia's economic interests, as the absence of tariffs would leave Virginia's industry completely unprotected against foreign competition. Furthermore, Unionists argued that a direct tax system would impose a heavy financial burden on Virginia for two reasons. The establishment of a standing army and navy, as proposed by Benning, would result in very high taxes. Moreover, Unionists foresaw that most other border states were either unlikely to secede or unable to substantially contribute, and Virginia would be by far the most populous and most developed state in the Confederacy. In addition, if there was no proper tax authority, the collection of this revenue would be highly problematic. The final objection the Unionists raised against direct taxation was that it would spare the "wealthy", who currently contributed most through import duties on luxury goods, while it would burden "the great mass of people who now pay no portion of the taxes." In sum, the prospect of a lack of sufficient economic protection and the implementation of a direct tax system convinced the Unionists that Virginia would not benefit economically from an alignment with the Confederacy.⁸⁹

While the heart of the commissioners' case for the Confederacy related to economic benefits, there were two more advantages that they mentioned. First, they promoted the advantage of being part of a nation inhabited by like-minded people. The Unionists responded to this argument with scepticism, arguing that, plagued by similar internal divisions, the Confederacy could disintegrate just as easily as the Union. Mr

⁸⁸ Ibid., 180, 508-509.

⁸⁹ Ibid., 177-79.

Brent thought it likely that the controversial issues that had caused the dissolution of the present Union would “press with equal power, force and effect in overthrowing the new Republic”. The same problems concerning taxation, “elements of antagonism”, and the “political equilibrium” would reappear in the southern nation. The crucial difference, however, was that a dangerous precedent had now been set. “The elements of destruction will operate in a Southern Confederacy with a more potential effect than in the present,” Brent asserted, since “the charm of the great federative principle...will be dispelled.” Mr Moore argued similarly that the current grievances of the lower South against the North could in the near future easily be directed against the Confederacy’s border states. “How long would it be before we would become Yankees?” he asked. Disagreements regarding the African slave trade or protective tariffs could induce states to secede for a second time, he warned.⁹⁰ Second, the Unionists rejected the commissioners’ argument that Virginia’s joining the Confederacy would preclude civil war. On the contrary, they were certain that secession would trigger armed conflict with the North. Mr Brent, for example, contended that the northern states would never allow the “public domain” to fall “into the hands of a foreign republic or hostile State.” The army, the navy, the Ohio, Mississippi and Missouri rivers, and certain strategically located federal forts were simply too valuable to them.⁹¹

The third main element of the commissioners’ speeches related to the finality of the lower South’s disunion. The Unionists refused to believe that the Union was irreparably broken. To begin with, they rejected John Preston’s argument that the North and South were so innately different that the Union was always bound to disintegrate. George Brent of Alexandria, for example, acknowledged that there were great differences between the northern and southern sections, but contended that these only strengthened the Union. “Virginia has not sympathy with that doctrine...that there exists an irrepressible conflict of opposing and enduring forces between the two sections, growing out of the diversities of soil, of climate, or productions, and of domestic institutions,” he said. On the contrary, he saw “these diversities as links in the great chain of Union, binding the States more closely together.” While Preston’s “irrepressible conflict” theory failed to persuade Brent, it did convince him that it would be extremely hard to tempt the lower South to re-enter the Union. Therefore, it was particularly

⁹⁰ Ibid., 180, 506.

⁹¹ Ibid., 505.

important that the advocates of a so-called “reconstruction” policy realised this, he argued. Adherents of this policy, some of them conditional Unionists, suggested immediate secession of the entire South as a tactic to wring concessions of political power from the North, after which reunion could take place.⁹²

The commissioners had directed their speeches primarily at the Unionists, as the secessionist camp did not need further convincing of the merits of disunion. Nevertheless, the secessionist delegates did respond to the commissioners’ addresses, albeit indirectly, by reacting to their Unionist colleagues. Not surprisingly, they agreed with all the points raised by the lower South speakers. The three main reasons for this were that the secessionists had optimistic expectations of the outcome of secession; that they believed the Union to be irreparably broken; and, finally, that they trusted the seceding states regarding their motives for secession and the Confederacy regarding its future policies. Minor reasons were they were willing to accept a potential disadvantage of Confederate membership for the sake of certain higher principles, and that they did not see, or want to see, the contradictions between some of the commissioners’ arguments. While the secessionists reacted to all three key elements of the commissioners’ speeches, their focus was on presenting the Confederacy in the best light possible.

Just like the Unionists, the secessionists ignored the commissioners’ warning regarding the impending destruction of slavery and only discussed the northern anti-slavery actions committed in the past. Not only did they recognise the importance of the slavery-related grievances against the North, but they also trusted these to be the “true cause of [the seceding states’] withdrawal from the Union.” The secessionists argued that the northerners had brought disunion upon themselves through their never-ending anti-slavery crusade. John Goode of Bedford, for example, stated “When we of the South have begged of the people of the North...for peace almost upon bended knees, they have...replied persistently, that there can be no peace so long as we claim the right to hold property in slaves.” The secessionists often reiterated many of the same grievances presented earlier by the commissioners: the northerners blocked the extension of slavery in the territories, they “trampled” the Fugitive Slave Clause “under foot”, they had fomented John Brown’s raid and had refused to deliver up his accomplices

⁹² Ibid., 498, 516-17; Crofts, *Reluctant Confederates*, 135.

afterwards. But above all, they had elected as president “the man who declares that the negro is the equal of the white man – that the master has no right to govern his slave...and that there is an irrepressible conflict” between the northern and southern sections of the country.⁹³

However, it is striking that the secessionists discussed neither the commissioners’ main argument that, without secession, Virginian slavery and society were doomed, nor commissioner Benning’s explicit appeal to the maintenance of white supremacy. This is even more remarkable considering that the secessionists primarily came from the eastern part of the state, where most slaves and slaveholders lived.⁹⁴ The secessionists could have readily used these arguments to try to ‘scare’ both the slaveholding Unionists into leaving the Union. In addition, bringing up the threat to white supremacy would have been useful to persuade non-slaveholding Virginians as well, who also had a stake in the preservation of the existing racial order.⁹⁵

Compared to the negative consequences of remaining in the Union, the secessionists responded much more extensively to the commissioners’ case for Confederate membership. This might be explained by the fact that the Confederacy had only very recently been formed when the commissioners addressed the convention and that, consequently, this element was the most likely to contain new and original arguments that they could use to persuade the Unionists.

The secessionists opposed the Unionist view that there was a conflict of interest between the upper and lower South and argued that the southern states were bound together by “homogeneous interests”. Southerners were “of like habits, of like institutions and like religion,” they explained. But most important of all, they were all “deeply and vitally concerned in the preservation of the institution of African slavery.”⁹⁶ Since the secessionists did not, or refused to, see that the upper and lower South had different interests, they blindly trusted the Confederate government to protect those of Virginia. Therefore, they sought to impress on the Unionists that the latter’s fears regarding the Confederacy’s future policies were ungrounded. First, they argued that the Unionists should not worry that the Confederates intended to re-open the African slave trade. All the lower South state conventions had “put the heel of condemnation” upon

⁹³ Reese, ed., *Proceedings...Virginia State Convention*, 1:186-87, 198.

⁹⁴ Freehling, *The Road to Disunion*, 1:505; Freehling and Simpson, *Showdown in Virginia*, x; Link, *Roots of Secession*, 40.

⁹⁵ McPherson, *Battle Cry of Freedom*, 242.

⁹⁶ Reese, ed., *Proceedings...Virginia State Convention*, 1:185, 198.

this practice and the Confederacy's provisional Constitution expressly prohibited it. The secessionists pointed out that it was illogical that, despite this express prohibition, the Unionists still preferred to "adhere to this Northern Confederacy in whose Constitution no such prohibition is to be found."

Similarly, they asserted that Unionist fears regarding the implementation of a direct tax system were unfounded. To begin with, the provisional Confederate government had already adopted "the tariff of the old government." In addition, they pointed out that "we have the assurance of their commissioners and...their leading men...that it is not their purpose to resort to direct taxation, but to levy such duties as shall produce a sufficient revenue to carry on the government". The secessionists thus either failed to highlight, or deliberately ignored, the contradiction between the commissioners' criticism of the tariff system in the Union and their promise that the Confederacy would protect Virginia's industry by means of a similar system.

Furthermore, assuming that the Confederacy did establish a direct tax system, they trusted that the Confederate government, "the most economical and virtuous government ever administered upon this continent," would never allow the tax burden to become unbearable. Finally, even if taxes did turn out in the end to be high, the secessionists were happy to accept that. They highlighted the benefits of revenues being more equally distributed than under the current system in the Union so that "we would derive some benefit from that tax." Also, the secessionists considered the potential tax burden of insignificant importance compared to what they considered the more important issues that were at stake "in times like these". "Would it benefit us...to purchase exemption from taxation at the price of honor itself?" they asked.⁹⁷

Besides refuting what they considered the "imaginary ills" of the Confederacy, the secessionists reiterated some of the new nation's alleged benefits that had been presented for the first time by the commissioners. They explained how Confederate membership would offer Virginia significant political benefits, giving the state a leading position in what was to become the continent's most powerful and prosperous country. Mr Goode, for example, painted a highly positive picture of the prospective Confederacy, foreseeing a nation which had "a territory twice as large as the continent of Europe; a population twice as large as that of the Colonies at the period of the revolution...a soil and climate unsurpassed in the world," and harbouring a "grave, patriotic, public

⁹⁷ Ibid., 197-99.

spirited, high-minded population.” Goode further predicted that Virginia could “be the leading star in the Southern constellation,” adding that “at the head of the Southern Confederacy” the state “would carve out for her people a magnificent destiny in the future.” Conversely, echoing commissioner Benning, Virginia’s political prospects in the disintegrating Union would be bleak, the secessionists argued. With seven slaveholding states gone, Virginia and the rest of the border states would remain heavily outnumbered and would lack the necessary political power to “secure our rights”. “We will be without representation in the Federal councils so long as we shall stand slumbering between the two sections,” Mr Goode lamented.

Further, the secessionists argued that by uniting with the seceding states Virginia stood to gain economically as well. “Capital and enterprise would spring up as if by magic...our noble water-falls would whistle with machinery...the spindles of the North would be transferred to the Potomac, the Rappahannock, and the James [rivers],” and finally, “Norfolk...would become the grandest commercial emporium of the world,” they foresaw.⁹⁸ Finally, just like the commissioners had done before them, the secessionists promoted Confederate membership as a “peace measure”. Virginia’s secession would trigger a chain reaction of seceding border states, they argued. This would stop Lincoln from seeking to “collect the Federal revenue, and retake the captured forts,” they said, since the Republicans would “never attempt to coerce a united South.” This way “the insulting and offensive threats of Northern coercion [would] be abandoned.”⁹⁹

It is striking that in making their case for Confederate membership the secessionists hardly discussed slavery-related issues, with their mention of the African slave trade being the single exception. While it is possible that they considered these as less important, it is more likely that they felt that other kinds of arguments, such as those relating to Virginia’s non-slavery related economic interests, were more likely to persuade the Unionist delegates.

Although the secessionists did not explicitly discuss the commissioners’ arguments proving the finality of the lower South’s secession, their reactions to their Unionist colleagues show that they agreed with the cotton South ambassadors that the Union was irreparably broken. Mr Goode, for example, asserted that the Union, “which we have heretofore cherished with such fond devotion” was already “dissolved”. In his

⁹⁸ Ibid., 199-200.

⁹⁹ Ibid., 185, 195.

view, at this point in the crisis the critical question for the convention was no longer whether the Union would survive, but rather whether Virginia would side with the North or with the South. For him Virginia stood at a crossroads. “Will she nobly vindicate her old fame,” he asked, or “are we prepared to lower her proud banner, and permit her to humble her pride and pass under the yoke of Northern abolition?” “Will we go to the house of our enemy, or...to the house of our friends?” he added.¹⁰⁰

The debates in the weeks following the February commissioners’ visit demonstrated that the three men failed to persuade the Unionists of the necessity of disunion. As a result of their presentations, the Unionists became even more convinced of the rightness of their cause and, consequently, divisions in the convention sharpened. Three main reasons explain this: the Unionists had pessimistic expectations of the outcome of secession, distrusted the seceding states, and refused to believe that the Union was irreparably broken. However, despite that the cotton South ambassadors had failed to achieve their goal, their speeches effectively framed much of the subsequent debate in the Virginia convention. Also, they provided the secessionists with new, original arguments.

The principal issues that the delegates responded to related to the South’s slavery-related grievances against the North and the political and economic benefits of the Confederacy. However, it is striking that the Virginians seem to have entirely ignored the commissioners’ most prominent argument of all: that immediate secession was necessary to preserve slavery and southern society. The delegates also left the explicit appeal to white supremacy unmentioned. These topics seem to have been irrelevant to Virginians on both sides of the argument. In all, the Virginia convention’s reaction to the commissioners’ speeches demonstrated that there was no way by which secessionists could make the Virginia Unionists change their minds. Secession was not going to occur in Virginia without something dramatic happening. Two months after the February commissioners’ visit, Alexander Stephens, Vice President of the Confederate States, travelled to Richmond to make a final case for disunion. By this time, however, circumstances both within and outside Virginia had radically changed.

¹⁰⁰ Ibid., 194.

Epilogue:

Integrating Virginia into the Confederacy and Securing its Secession

On 23 April 1861 the Vice President of the Confederacy, Alexander Stephens, addressed the Virginia convention. As the fifth and final lower South commissioner to Virginia to speak, and the most prominent of them all, he travelled to Richmond in very special circumstances: just days before, the outbreak of the Civil War had induced the state convention to adopt a secession ordinance. As a result Stephens's goals differed from those of all the previous commissioners. Instead of arguing for immediate secession, he sought to convince the convention to integrate Virginia as soon and as completely as possible into the Confederacy. In addition, he hoped to secure Virginia's secession by persuading the remaining unconditional Unionists to acquiesce in the convention's decision. Notwithstanding these differences, Stephens used some of the same arguments as the previous commissioners to support his case. This epilogue examines the approach and the lines of argument he used as well as how effective his effort was.

Until early April 1861 the Unionist faction thought that the situation was under control. Even though the Virginia instigated Peace Conference in Washington had decided on a version of the Crittenden Compromise that failed to satisfy the Republicans (the lower South refused to attend), the Virginia convention's Federal Relations Committee in March recommended peaceful reconciliation and border states cooperation. From mid-March until early April, the Virginia Unionists sought to lay the groundwork for a border states conference due to take place at the end of May, at which the upper South states were to formulate a Union-saving compromise based on the Peace Conference plan. The Unionists intended to adjourn the convention from mid-April, when they would have finished drafting a compromise, and to reconvene in the fall of that year. The fact that on 4 April the convention rejected immediate secession by a vote of 90 to 45, was telling of the Unionists' control.¹⁰¹

The situation changed dramatically on 12 April when South Carolina opened fire on Fort Sumter, a federal fort located on the shores of Charleston that Lincoln had vowed to protect, and, more importantly, subsequently on 15 April when Lincoln called

¹⁰¹ Crofts, *Reluctant Confederates*, 308; Freehling, *The Road to Disunion*, 1:513-15; Freehling and Simpson, *Showdown in Virginia*, xv; Link, *Roots of Secession*, 235; Robertson, Jr., "The Virginia State Convention," 10-11.

on the states to provide 75,000 troops to put down the rebellion. The Unionist coalition collapsed as the conditional Unionists, who had always opposed federal coercion of the seceding states, en masse joined the secessionist camp. On 17 April, the state convention adopted a secession ordinance by a vote of 88 to 55.¹⁰²

This decision evoked widespread celebration among secessionists all over the state. Edmund Ruffin, the die-hard Virginian secessionist who had left his home state for South Carolina just before Lincoln's inauguration, returned to Richmond in late April to witness the change in public opinion first hand. "There has been a complete & wonderful change here since I left. Now (apparently) all are earnest for secession, & resistance to northern domination," he noted. He was pleased to see that "but very few of the still continuing submissionists...dare to speak their opinions."¹⁰³ However, even though Virginia had de facto seceded, secession was still not definitive as it remained subject to the popular referendum scheduled for 23 May. While many considered the outcome a foregone conclusion, a unconditional Unionist minority persisted across the state, particularly in the northwest.¹⁰⁴

The state convention deemed this to be a concern for later, however, and focused instead on preparing for the upcoming armed hostilities with the Union forces. On 18 April, a day after the convention had adopted the secession ordinance, the delegates resolved that Governor Letcher be requested to immediately notify Confederate President Jefferson Davis of Virginia's secession and to communicate their "earnest desire...to enter into an alliance offensive and defensive with the said Confederate States." Only four days later Alexander Stephens, Vice President of the Confederacy, arrived in Richmond to address the state convention. A special committee, consisting of three secessionist delegates, received him and agreed with him that he would speak on 23 April at one o'clock in the afternoon.¹⁰⁵

Alexander Stephens was a Georgian who had had a successful career both as a lawyer and as a politician at state and national level. Furthermore, he was a slave owner, possessing 30 slaves. Just like Mississippi commissioner Fulton Anderson, he had been a

¹⁰² Crofts, *Reluctant Confederates*, 311-15; Freehling, *The Road to Disunion*, 1:524; Freehling and Simpson, *Showdown in Virginia*, xvi; Link, *Roots of Secession*, 240-42; Robertson, Jr., "The Virginia State Convention," 15-18.

¹⁰³ Link, *Roots of Secession*, 242; Edmund Ruffin, *The Diary of Edmund Ruffin*, ed. William Kauffman Scarborough, vol. 2, *The Years of Hope, April 1861 – June 1863* (Baton Rouge: Louisiana State University Press, 1990), 8.

¹⁰⁴ Freehling and Simpson, *Showdown in Virginia*, xvi-xvii; Link, *Roots of Secession*, 243-44.

¹⁰⁵ Reese, ed., *Proceedings...Virginia State Convention*, 4:225-26, 332-35, 343.

late convert to secessionism. Only a few months earlier, Edmund Ruffin had described him as one of “the most able & influential opposers, in Ga [Georgia], of immediate secession.” For this reason, the Confederate Congress at Montgomery had considered him well suited to strengthen the new nation’s moderate image and had elected him vice president.¹⁰⁶

Arriving in late April 1861, Stephens addressed the Virginians in circumstances significantly different from those in which the previous commissioners had done. Consequently, his goals differed. While earlier speakers had focused on convincing the convention of the necessity of immediate secession, Stephens’s main objective was to persuade the Virginian delegates to commit their state to the Confederacy as soon and as completely as possible. To this end, he proposed a far-reaching military alliance and Virginia’s adoption of the provisional Confederate constitution. His second goal was to convince the remaining unconditional Unionists to accept the convention’s decision to secede. In spite of these differences, Stephens presented some of the same arguments as the speakers before him: he stressed the necessity of preserving conservative constitutional principles as well as white supremacy.

The first element of Stephens’s speech consisted of arguing in favour of the immediate formation of a military alliance between Virginia and the Confederacy. The Confederate commissioner asserted that military cooperation would better enable Virginia to defend itself against the impending northern invasion. First, by bringing the Virginian troops under the centralised command of the Confederate States, the defence of the state could be coordinated more efficiently. “In military matters, looking to the same ends and objects, there should be one head,” Stephens contended. As Virginia was likely to become “the scene of the bloodiest conflicts that this continent has ever yet witnessed,” there was no doubt that the state would need military aid from the Confederacy. Troops from the seceding states were already under way, Stephens said, and bringing the Virginia armed forces “under the control and supervision” of the Confederate government was “essential for efficient action” against the northern invaders.

Second, the alliance would guarantee that Virginia had the necessary financial means at its disposal to support its armed forces. Stephens predicted that the state

¹⁰⁶ Freehling, *The Road to Disunion*, 1:433; McPherson, *Battle Cry Of Freedom*, 258-59; Ruffin, *The Diary of Edmund Ruffin*, 1:501.

would need to support an army of 50,000 men to repel the upcoming invasion from the North. "Arms must be had, munitions of war must be procured, men must be immediately sent to the field – these must be clothed and fed as well as armed," he foresaw. Stephens considered it unlikely that in the short-term Virginia would have the necessary financial resources at its disposal, and said that the Confederacy was more than willing to step in. "Where money cannot be had, credit may answer." To this end, the Confederate Congress in Montgomery had authorised a loan of fifteen million dollars, Stephens stated. "Our people, from South Carolina to the Rio Grande, are in this movement heart and soul; and every dollar that can be raised will be used for the defence of the country in this emergency," Stephens insisted.

In addition to the need for financial assistance, the Confederate Vice President argued that giving such support was only fair, since the burdens of war should be shared equally among the seceding states. "Because you stand on the border, it is not our desire that you should fight our battles," he contended. Stephens clearly sought to dispel the idea prevalent among many delegates that the lower South's secession earlier that year had been selfish and inconsiderate of the consequences for the border states. "I know that the intimation has been held in other parts that we were not considering the peculiar circumstances of our brethren on the border States. I give you every assurance that our government feels thoroughly identified with you in interest, and we do not wish your great Commonwealth to do more than bear her part in this contest," he added.¹⁰⁷

However, Stephens explained that the Confederate government considered the proposed military alliance only a stepping-stone towards Virginia's full membership of the Confederacy. "To be entirely frank," he asserted, "we are looking to a speedy and early union of your State with our Confederacy." Therefore, making the case for Virginia's adoption of the provisional Confederate constitution formed the second element of his speech. "We are looking to your union with us; first, by the adoption of the Provisional Constitution, and then of the permanent one," Stephens said. He made two key arguments in favour of the Confederacy's provisional constitution.

Most importantly, the commissioner argued that Virginia's integration into the Confederacy through adoption of its provisional constitution was the only way to safeguard conservative constitutional principles. "We invite Virginia to join us in perpetuating the principles upon which she has ever stood – the only hope of

¹⁰⁷ Reese, ed., *Proceedings...Virginia State Convention*, 4:373-79.

constitutional liberty in the world," he stated. Stephens presented the lower South's secession as a last resort to save the old Constitution and the principles it embodied. "Secession from the old Union...was founded upon the conviction that the time honoured Constitution of our fathers was about to be utterly undermined and destroyed," he said. "We believe that the movement with us has been the only course to save that great work of Virginia statesmen," he added.

In support of his argument, Stephens presented the theory, also used by other commissioners before him, that the North and the South had radically different conceptions of the Constitution and the principles it embodied. Northerners, on the one hand, "do not seem to understand the nature or workings of a federative system. They have but slender conceptions of limited powers," the commissioner complained. In Stephens's view, they were staunch believers of majority rule: "The great majority [of northerners]...seemed really to have no correct idea of the nature of the Government they were engaged in carrying on. They looked upon it simply as a Government of majorities." The South, on the other hand, had always properly upheld the true republican principles of government, he asserted: "Whatever the United States Government has done in advancement of civilization, by solving the great principles of self-government by the people through representatives clothed with delegated powers, is due mainly to the South."

Given these essential differences, Stephens foresaw that, after decades of responsible southern rule, the Republican-controlled government would surely exceed the traditional boundaries of constitutional authority, thereby destroying the federalist system of government. He predicted that "just so soon as the South is entirely separated from the North, and the Government at Washington has no longer the advice and council of...the men of the South, they will go into confusion and anarchy speedily." Conversely, he fully trusted the Confederate States to succeed in "perpetuating a stable and good government on our ancient republican model."¹⁰⁸

Stephens's second argument in favour of the adoption of the provisional Confederate constitution was that it explicitly endorsed white supremacy: "The great truth...upon which our system rests, is the inferiority of the African." Commissioner Benning had also brought up the issue of white supremacy. However, while his plea for the maintenance of white supremacy stressed that the very survival of the white race

¹⁰⁸ Ibid., 378-80, 383-84.

was at stake, Stephens claimed that a white supremacy based society would be beneficial to whites and blacks alike. First, by uniting with the other slaveholding states that subscribed to “the fundamental principles on which our social and domestic institutions rest,” Confederate membership would relieve Virginian slaveholders once and for all of the slavery controversy.

Second, the commissioner argued that joining the white supremacy based Confederacy would serve the interests of Virginia’s black population as well. To explain his argument, he used a theory that combined elements of republicanism with the so-called “positive-good” argument, the belief that slavery was beneficial for whites and blacks alike and that bondage was the best situation to be in for all blacks. “The condition of the negro race amongst us, presents a peculiar phase of republican civilization and constitutional liberty,” Stephens contended. Indirectly reiterating his criticism of the North’s preference for majority rule, he stated that “the best...system of government...is that which secures the greatest amount of happiness, not to the greatest number, but to all the constituent elements of that society, community or State.” Following this reasoning, Stephens conceded that “if our system...is not the best for the negro as well as for the white man...it is wrong in principle.” But since the Confederate system of government assumed the natural inferiority of the black race, Stephens argued, it worked “for the benefit and advantage of both.” “That the negroes with us, under masters who care for, provide for and protect them, are better off and enjoy more of the blessings of good government than their race does in any other part of the world” was beyond doubt, the Confederate Vice President stated.¹⁰⁹

As Stephens expected that part of the convention might object to his suggested plans for fear of infringements upon Virginia’s sovereignty, he used two ways to ease the minds of those delegates reluctant to commit to such a far-reaching transfer of power. He promised that Virginia would be closely involved in all aspects of the Confederacy’s policymaking. Stephens predicted that, once the alliance was formed, the Confederate capital would be moved from Montgomery to Richmond, so that “all your military operations with ours will be under a common head.” He further expected General Robert E. Lee, Virginia’s highest-ranking military leader, to take up a high position in the Confederate army. Finally, he urged the convention to appoint delegates to the

¹⁰⁹ Ibid., 385-88; Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974), 364.

provisional Congress in Montgomery, insisting that “We want the voice of Virginia in our Confederate Councils.”¹¹⁰

The second way by which Stephens sought to reassure his audience that the proposed measures would not infringe upon Virginia’s sovereignty was that he emphasised that the provisional Confederate constitution for the most part resembled the Constitution of the Union. “We quit the Union, but not the Constitution – this we have preserved,” he explained. The Montgomery Convention had used the original Constitution as “their model” and had deliberately avoided any radical changes, he asserted. “This is the most striking characteristic of our revolution...thus far, that none of the changes introduced are of a radical or downward tendency.” Stephens felt this was important to emphasise “for I know that efforts have been made to create prejudice against our movement by telling the conservative men of the country that it sprung from some of the hot-heads down South, and should not be relied on or trusted.”¹¹¹

With regard to the proposed military alliance and the adoption of the provisional Confederate constitution, Stephens rightly addressed the question of whether the state convention had the proper authority to act upon these matters. However, he did so only briefly, as he wanted to avoid giving the unconditional Unionists a reason to oppose his proposals. The Confederate government was aware of the conditional nature of Virginia’s secession as well as of the limitations to the convention’s authority, he said. “The circumstances under which you are assembled, and the limitations of the powers under which you act, are very well known at Montgomery.” In spite of such limitations, Stephens was certain that the convention was authorised to act upon the two measures suggested by him: “My opinion is that you have got the power.” “You may have to refer back to your constituents whatever change you make in your Federal relations and in your State Constitution; but in all other matters you have plenary power,” he added. He further urged the delegates not to worry about the possibility of a negative outcome of the upcoming referendum and instead to focus on “how best to provide for today, leaving the troubles and embarrassments of future contingencies to be provided for as they may arise.”¹¹²

In addition to convincing the convention to bind Virginia as soon and as fully as possible to the Confederacy, the third element of Stephens’s speech focused on

¹¹⁰ Reese, ed., *Proceedings...Virginia State Convention*, 4:388-89.

¹¹¹ *Ibid.*, 379, 382-83.

¹¹² *Ibid.*, 373, 389.

persuading the unconditional Unionists to cease their opposition and to acquiesce in their state's secession. To this end, Stephens explained how his personal, late conversion to secessionism had come about, emphasising the importance of protecting southern constitutional rights and allegiance to one's state. "There never breathed a human spirit on the soil of America more strongly and devoutly attached to the Union of our fathers than I," he contended. However, it had not been the Union per se that Stephens had been attached to, but rather "its soul, its vitality and spirit...springing from the great truth, that the just powers of all governments are derived from the consent of the governed, as it was transmitted to us by our fathers." He had realised that the northern repudiations of "their constitutional obligations" required redress and possibly even necessitated secession, but he had long believed "that there was wisdom and patriotism enough at the North when aroused to correct the evils, to right the wrongs and to do us justice."

But once the convention of his home state Georgia had adopted the secession ordinance, Stephens immediately accepted the outcome and sided with his state. "My allegiance was due to her. My fortunes were linked with hers; her cause was my cause; and her destiny was my destiny," he asserted. "Our state became a unit upon the [decision to secede]" and "all anterior differences amongst us were dropped. " Stephens strongly recommended Virginia's unconditional Unionists to follow his example and acquiesce in the finality of disunion. "Our course is adopted. We can take no step backwards. The time for compromise, if it ever existed, is past," the commissioner insisted. He had no doubt that the Virginians would follow his advice, since they "may have been attached to the Union; but they are much more attached to their homes, their firesides and all that is dear to freemen – constitutional liberty."¹¹³ Stephens's extensive argumentation, previously used to promote secession, in support of Virginia's adoption of the provisional Confederate constitution as well as his direct appeal to the unconditional Unionists is striking, considering the fact that the convention had already endorsed secession. This seems to indicate that Stephens and the Confederate government worried that Virginia's secession was still uncertain and might be blocked by the upcoming popular referendum.

Given the changed circumstances and the fact that it had been Virginia that had instigated Stephens's visit, the convention was much more receptive than in February.

¹¹³ Ibid., 380-82.

The Confederate commissioner convinced the secessionist majority that Virginia's speedy integration into the Confederacy was necessary. He failed to persuade the unconditional Unionists, however, who opposed the proposed plans on the grounds that these would infringe upon Virginia's sovereignty and that the convention, at this stage at least, was not authorised to act upon them. Consequently, most of the subsequent debate revolved around these two issues. By contrast, the convention completely ignored Stephens's extensive argumentation regarding the maintenance of southern constitutional rights and white supremacy as well as his direct appeal to the unconditional Unionists to accept Virginia's secession.

The secessionists, who now included the former conditional Unionists, praised Stephens's address. "Did it not leave a profound impression upon every member of this body?" Jeremiah Morton of Greene and Orange asked rhetorically. Former conditional Unionist Samuel McDowell Moore of Rockbridge stated that, in spite of his previous opposition to "any sort of connection with these Confederate States," he was "deeply impressed by the speech...with the absolute necessity of prompt and decided action."¹¹⁴

The secessionists agreed with Stephens that the impending northern invasion necessitated a far-reaching military alliance as well as the adoption of the provisional Confederate constitution. Virginia was "at once to become a member of the Confederate States," Jeremiah Morton insisted. Samuel Moore favoured only a temporary alliance, but stressed it should be one "not in reference alone to military affairs, but in reference to what...overrides military affairs." "This is our only hope; it is indispensable...to our political existence and independence," he added. John Tyler of Charles City explained to his fellow convention members that a military alliance alone would not suffice to "assure yourselves of your capacity and your ability to vindicate your existence and your sovereignty." Virginians had no choice but to "avail ourselves of the organized government of the Confederate States", he stated, and the only way to do so was "to become a member of it forthwith." William Ballard Preston of Montgomery warned that if the convention procrastinated "our power may be overthrown and our homes and families destroyed." "The only hope on earth is a union with the Confederate States," he concluded.¹¹⁵

¹¹⁴ Ibid., 407, 410.

¹¹⁵ Ibid., 408, 410-11, 459-60, 466.

The secessionists deemed Virginia's current lack of sufficient military and financial means as well as of a master-organisation the most important reason for temporary integration in the Confederacy. "We are threatened with a formidable invasion," Jeremiah Morton contended, and this required "a policy as will, in the shortest possible time, place Virginia in such a position, financially and in a military point of view, as that she stand up boldly and meet the hosts which are polluting her soil." He endorsed Stephens' suggestion of moving the Confederate capital to Richmond, since "it is...necessary that we should have the Executive head of the Confederacy as near the scene of action as possible." Regarding Virginia's financial situation he realistically admitted that "our treasury is empty. We need about ten millions of dollars, and they have that." Samuel Moore agreed that alignment with the Confederacy was the only way to "raise the funds necessary to carry on the war in which we are now certain to be engaged." William Preston similarly pointed out that "we neither have the arms, the organization or the money" to halt Lincoln's troops. Temporary integration in the Southern union, on the other hand, was certain to bring Virginia "an organized government, with money in abundance." He therefore urged the convention to avail "ourselves of the organism of the Confederate States first, of the money next, of the military next." Preston even had a spring of hope that by uniting with the Confederacy "this matter may pass off without this war of extermination."¹¹⁶

While the unconditional Unionists agreed that some sort of military cooperation should take place between Virginia and the Confederacy, they opposed what they considered adopting the provisional Confederate constitution rashly. "What is the necessity of rushing head-long into a Southern Confederacy?" Ephraim Hall of Marion asked. "You don't know to-day what to-morrow may make necessary." He did not see how any alliance extending beyond "common defence" would benefit Virginia.¹¹⁷

At the heart of the differences of opinion between the unconditional Unionists and the secessionists lay opposing views regarding two issues that Stephens had briefly addressed, but that he had hoped would not become an issue of debate: the implications of the proposed transfer of power for Virginia's sovereignty and the boundaries of the convention's authority. While the unconditional Unionists saw the need for military cooperation of some sort, they considered placing Virginia's armed forces under the

¹¹⁶ Ibid., 407-408, 411, 466, 470, 547.

¹¹⁷ Ibid., 410.

command of the President of the Confederacy an infringement of Virginia's sovereignty. Jubal A. Early of Franklin stated that Stephens had "proposed to turn over the Commonwealth...bound hand and feet, to the Confederate States." Jefferson Davis would receive "the absolute control of all our military operations, whether offensive or defensive," a "power which the President of the United States nor Congress never did possess." Another potential infringement of Virginia's sovereignty related to "this question of military rank – one of the most delicate that can be touched." With its military placed under the command of the Confederate government, Virginia would lose the power to appoint its military officials. Consequently, the unconditional Unionists feared that Virginian officers "may be lowered below their appropriate rank" and that, as a result, the Commonwealth risked losing their recently appointed Commander-in-Chief Robert E. Lee, of whom so much was expected.¹¹⁸

In reaction to the unconditional Unionist opposition, the secessionists argued that the former did not have to worry about possible infringement of Virginia's sovereignty. Most importantly they contended that Virginia's relationship with the Confederate government would be the same as the relationship it currently had with the federal government of the Union. George W. Randolph of Richmond City noted that the alliance "confers no greater power upon the President of the Confederate States than are conferred upon the President of the United States." William Preston similarly emphasised that Virginia would maintain its sovereignty after adoption of the provisional constitution. "We are not uniting ourselves with a revolutionary government," he insisted. "We are merely transferring our power to an organized government from the government at Washington." He explained how the Confederate government was "properly limited" and that Stephens had demonstrated that its "Provisional Constitution is the old Constitution of the United States of America." As this document's provisions relating to military matters had been directly copied from the former Constitution, the Unionists had no reason to worry that their state would lose any authority over its armed forces, he argued. "The only difference [of adopting the provisional Confederate constitution] is, that instead of being called out by Abraham Lincoln for offensive purposes, we are put under Jeff. Davis for defensive purposes."

Furthermore, the secessionists argued that the only alternative to placing Virginia's military under the authority of the Confederacy would actually be much

¹¹⁸ Ibid., 462, 483-85.

worse. In this case Governor John Letcher would become Commander in Chief, “who would then be an absolute military dictator without control.” For the secessionists the choice between placing Virginia’s troops under the “Constitutional Government” of the Confederacy and running the “risk of being subjected to an absolute military despotism” was no choice at all. Third, the secessionists pointed out that Virginia would have “full and complete participation in the management of [the Confederacy’s] Executive Department,” implying that the state could block any policy decision that would run against its interests. Finally, the secessionists assured their unconditional Unionist audience that the proposed measures would only be temporary. After all, Virginia was not to adopt the Confederacy’s permanent constitution, but rather the provisional one, which “ends at the expiration of one year.” “It is not...a permanent association with these Confederate States, under a permanent system of government, but altogether temporary,” John Tyler explained. “It may last for six months, possibly for nine months,” he expected. William Preston argued that by that time, if Virginia wanted so, she still would have the option “to unite with the border slave States”.¹¹⁹

The second matter in dispute related to the limitations of the convention’s authority. The secessionists shared Alexander Stephens’s view that, although Virginia’s secession still had to be ratified by the May referendum, the convention was authorised to enter into the proposed military alliance and to adopt the provisional Confederate constitution in the meantime. George Randolph, for example, argued that the convention’s power to withdraw Virginia from the Union automatically implied its power to “ally ourselves with another Government.” He deemed the idea that the convention’s powers “are only for destruction and not for construction” ridiculous. At the very least, he thought that the convention was authorised to enact temporary measures to meet the present exigency. “We are only adopting a measure necessary for the safety of the State,” he said. William Preston agreed. Forming a provisional union was “no assumption of arbitrary power,” he insisted. On the contrary, “it is merely exercising a necessary power in deference to the voice of the people.”¹²⁰

The unconditional Unionist faction, on the other hand, took the opposite view, namely that the convention was not authorised to act upon the measures as long as the secession ordinance had not been ratified. “I care not how foregone may be the

¹¹⁹ Ibid., 461, 463-64, 466-69.

¹²⁰ Ibid., 464.

conclusion in this respect,” Ephraim Hall said. He considered the measures under consideration “an insult to the people who have seen fit to restrict you in what you should do.” Jubal Early agreed, stating that the military alliance “transcends the power with which we are invested.” He felt it was “entirely inconsistent with the act requiring that the ordinance of secession should be referred to the people for their action before it should be final.” Instead of exceeding the boundaries of its authority, the convention should submit the question of an alliance to the Virginia people for ratification, the unconditional Unionists argued. It was important that secession and alignment with the Confederacy should not be “yoked together” in the referendum, so that a vote for disunion amounted to a vote for the alliance.¹²¹

In addition to the points mentioned above, it is striking that in the debates following Stephens’s speech neither the secessionist nor the unconditional Unionist camp mentioned his extensive argumentation regarding the benefits of the provisional Confederate constitution or his appeal to the unconditional Unionists to acquiesce in their state’s secession. This is not very surprising, however, as it is likely that the delegates felt compelled by the exigency to focus on practical rather than more theoretical issues. Moreover, while the unconditional Unionists did not explicitly respond to Stephens’s plea for unity, by recognising the necessity of some sort of military cooperation against Lincoln’s troops at least some of them in practice responded positively to his appeal.

Notwithstanding opposition from the unconditional Unionist minority, Alexander Stephens succeeded in his main goal of convincing the convention to immediately integrate Virginia into the Confederacy. On 25 April 1861, only two days after he gave his presentation, the convention agreed to enter into the proposed military alliance. Furthermore, the delegates adopted the provisional Confederate Constitution and resolved the following day to relocate the Confederate capital to Richmond. A month later, in the 23 May statewide referendum, the Virginians approved secession by an overwhelming majority of 125,950 to 20,373 votes. Virginia’s separation from the Union as well as its integration in the Confederacy were now complete.¹²²

¹²¹ Ibid., 409-410, 463.

¹²² Ibid., 457-59, 493-94; Robertson, Jr., “The Virginia State Convention,” 19.

Alexander Stephens's visit to Virginia was in many ways different from the previous missions of January and February. To begin with, he arrived in Richmond under completely different circumstances, given that the Civil War had started and that Virginia had de facto seceded as the result of the convention's adoption of a secession ordinance. Consequently, the Confederate commissioner's goals differed as well. Instead of promoting immediate secession, Stephens sought to convince the convention to commit Virginia as much and as completely as possible to the Confederacy by means of a far-reaching military alliance and the adoption of the provisional Confederate constitution. He also wanted to secure Virginia's secession by urging the remaining unconditional Unionists to acquiesce in their state's decision to withdraw from the Union. Despite these differences, Stephens again highlighted the necessity of preserving southern constitutional rights and white supremacy in his case for the provisional Confederate constitution, issues that previous commissioners had brought up as well. Even though his focus lay on integrating Virginia into the Confederacy, Stephens's extensive argumentation and direct appeal to the unconditional Unionist faction suggest that the Confederacy still feared that Virginia's secession would be thwarted.

Aided by a convention that was much more receptive than in February, Stephens convinced the secessionist majority of delegates to adopt measures that would de facto bring about Virginia's entry into the Confederacy. However, the unconditional Unionist minority opposed Stephens's plans, fearing that their state would lose its sovereignty and stressing that the convention was not authorised to act upon the measures before popular ratification of secession. Whether Stephens's appeal to the unconditional Unionists to accept secession achieved its desired effect is unclear, but it seems as though at least some of them in practice acquiesced in it.

Conclusion

Between January and April 1861, in the wake of Abraham Lincoln's election, the seceding lower South states sent five secession commissioners to Virginia to persuade the Virginians to secede and join them in forming the Confederacy. This study examines why these cotton South ambassadors failed to achieve their goal, but gives only a partial answer to this question. Nevertheless, it sheds light on a number of complexities regarding both the labours of the commissioners and Virginia's secession crisis that will hopefully lead to follow-up studies.

To begin with, this thesis nuances Charles Dew's analysis, according to which "slavery and race formed the heart" of the commissioners' addresses.¹²³ While Dew's interpretation is partly true, the lower South ambassadors assigned to Virginia employed a variety of approaches as well as arguments to persuade their audiences. Furthermore, their tactics changed according to the political situation within Virginia at the time of their speeches. Arthur Hopkins delivered his speech in January, when the Virginia secessionist movement gained momentum. He barely promoted secession on the merits and instead presented a highly legalistic defence of the right of secession.

The February commissioners arrived in Richmond when it had become clear that Unionism remained a potent force in the state and they focused their message accordingly. Deliberately omitting a defence of the right of secession, these men discussed three themes: the negative consequences of remaining in a Republican-controlled Union; the benefits of the Confederacy; and, finally, the finality of the lower South's disunion. They presented a few key arguments, the first being that the North posed an existential threat to slavery and, consequently, to southern civilisation. Second, they argued that Confederate membership would bring Virginia significant material benefits to both its slaveholders and non-slaveholders. Also, they predicted that the state would assume a leading role in what was to become the most prosperous and powerful nation of the American continent. Finally, they asserted that the seceding states would never return to the Union, as the northern mindset had been irreversibly perverted and the North and South constituted distinct, antagonistic civilisations.

These pleas for disunion were principally directed at the Unionist faction in the state convention, but they had the unintended effect of making this group even more

¹²³ Dew, *Apostles of Disunion*, 72.

convinced that it stood on the right side of the argument. The commissioners failed to persuade the Unionists for three main reasons: the Unionists feared that Virginia's prospects after secession would be bleak; they distrusted the intentions of the lower South; finally, they rejected the notion that the Union was irreparably broken. Notwithstanding the commissioners' failure, their addresses effectively framed much of the subsequent debate in the convention. In addition, they provided the secessionist faction with new, original arguments. It is highly remarkable that both camps did not once mention the commissioners' strong and explicit warning that the Republican government formed an existential threat to the survival of southern slavery and civilisation. Possibly the Virginians deemed this issue somehow irrelevant.

Alexander Stephens's address in late April 1861 formed to some extent a completely separate case from the previous commissioners, but still gives a valuable insight into the interaction between Virginia and the lower South at this final stage of the crisis. Stephens spoke after Virginia had de facto seceded, and consequently he promoted Virginia's immediate integration into the Confederacy rather than this state's disunion. He further urged the remaining unconditional Unionists to acquiesce in secession. Despite these differences, Stephens used some of the same arguments presented earlier to promote secession. This suggests that the Confederacy at this point in time still did not consider Virginia's secession a done deal. Despite a debate on the implications of integration into the Confederacy for Virginia's sovereignty and on the boundaries of the convention's authority, Stephens managed to convince a more receptive convention to endorse a far-reaching military alliance and the adoption of the provisional Confederate constitution.

As this thesis provides an incomplete answer to why the commissioners were unable to persuade the Virginians, more research is required. The absence of any reference to the commissioners' main argument regarding the doomed prospect of slavery within the Union should in particular be explored more. Further study of this anomaly would form a valuable contribution to the scholarly debate on the role that slavery played in Virginia's secession crisis. Further, for a deeper understanding of the upper South's reasons for secession as well as of the ways in which the commissioners attuned their messages to the needs of their various audiences, more case studies such as this one are desirable. As the Virginia case demonstrates, studying the

commissioners' missions lays open a number of complexities regarding both the commissioners' tactics and the upper South's road to disunion.

Appendix

Table 1

Outcome of the Virginia convention's 4 March vote to table John Goode's resolution to have ten thousand copies of the commissioners' speeches published "for circulation among the people of this State"

In favour		
Unionists	58	89%
Secessionists	3	5%
Absent	4	6%

Against		
Unionists	13	31%
Secessionists	25	60%
Absent	4	10%

Source: https://en.wikipedia.org/wiki/Virginia_Secession_Convention_of_1861 (webpage visited on 7 September 2017).

Due to the unavailability of detailed information concerning the delegates' stance on secession both at the vote on the motion to table Mr Goode's resolution and at the recent 4 February elections, the author has used the statistics on the first vote on secession of 4 April 1861, before the firing on Fort Sumter and Lincoln's subsequent call for troops. Although by early April some delegates had switched the position they had adopted at their election in February, their number is relatively limited. See William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2003), 235, 346.

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