

Is Secession Legal?

Name _____ Date _____ Period _____

Assignment: Search through the US Constitution (Only through the 12th Amendment) for “legal” and “illegal” Articles and Amendments. Cite, quote the pertinent section, and analyze how it applies to secession. Then create an AP level essay prompt and thesis statement that answers the prompt.

Example:	
Secession Legal	
Article Citation	Article I Section 9
Quote	Authorizes Congress to “call forth the militia to suppress insurrections”
Analysis	Obviously insurrections refer to attempts to overthrow the gov. There is no way to disguise “secession” as anything other than an attempt to overthrow the national gov. as it nullifies all national law in favor of state law. Additionally, the 11 seceding states then proceeded to create a new nation called the Confederate States of America.

Example:	
Secession Illegal	
Article Citation	Article I Section 9
Quote	Authorizes Congress to “call forth the militia to suppress insurrections”
Analysis	Insurrection is defined as a violent overthrow of an established gov. Since the 11 states were simply stating that the North had broken the contract outlined in the Declaration of Independence and the “Social Contract” as described by Locke, Rousseau, etc. secession was legal.

Secession Legal	
Article Citation	
Quote	
Analysis	

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Essay Prompt and Thesis Statement:

Should Tennessee Secede?

The date is June 8th, 1861 and the Tennessee state legislature is convening in Nashville to decide whether or not to secede from the Union. This is the SECOND state convention. The Tennessee legislature defeated one vote to secede in February. This class is going to be the Tennessee special convention to decide on secession. The class will be divided into the actual factions that existed in 1861.

1. The Constitutional Unionist Party (led by Andrew Johnson)-do not support secession
2. The Whig Party (even though the Whigs will not run a presidential candidate, they are still strong in Tennessee)-do not support secession.
3. Fire-Eaters-support secession AND WAR
4. Southern Democrats (Breckinridge-and a few for Douglas)-support secession, but leery about going to war.
5. Undecided-After reading the FACT SHEET, you will make up your own mind. Be ready to be swayed one way or the other during the Convention.

Each GROUP will create a "Position Paper" that justifies their party's decision on voting for or against secession (See table below). Students assigned to the undecided block will create a paper detailing their "concerns" (See table below). The preliminary paper will be due at the end class today. You will work in groups, but individual grades will be assigned as I will be keeping track of individual "on task behavior" and contributions. The final paper is due on the day of the Convention. It must be at least two pages long, typed, 1.5 spaced pages, 12 font, standard font, with normal margins. On the day of the Convention your group will argue as a party (or the concerns of the "Undecided" for or against secession. At the end of the Convention a vote will be held. You will be graded on both the position paper and your contributions during the debates at the Convention.

Position Papers are formal documents. Follow this rubric:

We the _____ Party propose...(give an introduction setting the stage, remember that you are trying to convince the people hearing and reading this to change their minds and join your side. Be persuasive in both tone and content.)

To prove this let the facts be submitted to the world.

- 1.
- 2.
- 3.
- 4.
- 5.
6. ETC

If you are an Undecided your group will formulate a Position Paper that addresses the following issues

Questions you want answered

Requirements you would need to EITHER stay or secede (be specific-do not just say "extend slavery", rather state exactly how it would be accomplished.

Concerns over an upcoming war based on what happens if Tennessee secedes or stays in the Union.

Consequences of BOTH seceding and staying.

Each group (Including the Undecided faction will create a poster reflecting your political party's stance. It will include your party affiliation, a snazzy slogan, a great quote, and a least three symbols reflecting your groups ideology.

This assignment will count the same as six quiz grades.

FACT SHEET

AS YOU READ THIS TAKE NOTES JUSTIFYING YOUR ARGUMENTS—DUE AT END OF CLASS

The Republican Threat For all the popular hysteria they were instrumental in whipping up, the secessionists quite rationally assessed the nature of the Republican threat. The Republican stand against the expansion of slavery struck at the vital interests of the slave South. Economically, it threatened to choke off the profits of plantation agriculture by denying it access to fresh, arable lands. As a consequence, Southerners told themselves, whites would flee the slave states, and to save themselves, the dwindling numbers of whites would have to wage a preemptive war of extermination against the growing black majority. Politically, as free states were carved out of the territories, Southern power in Congress would be reduced to the point where slavery in the states could be dismantled by the ever larger political majority in the North. Most degrading of all from the Southern perspective was the humiliation implicit in submitting to the rule of an antislavery party. To do so would be an admission to Northerners and the outside world that the Southern way of life was morally suspect. Only slaves, the secessionists insisted, acted in such a servile fashion.

The secessionists did not expect the Republicans to make an immediate and direct move against slavery. They were well aware that the Republicans did not control Congress or the Supreme Court. As a new and still untested party, the Republicans would have to cooperate with Southern and Democratic politicians. But, reasoned the secessionists, such a demonstration that the slave South could, in the short run, survive under a Republican administration, would establish the fatal precedent of submitting to Republican rule and blunt the spirit of Southern resistance. In the meantime, the Republicans could use what power they had to begin the slow dismantling of slavery. The whole purpose of the Republican determination to prohibit the expansion of slavery was to put it on the road to extinction in the states where it existed.

In addition to all the perceived horrors of encirclement by a swelling majority of free states, the secessionists warned of changes in the sectional balance that the Republicans could potentially implement. They could move against slavery in Washington, D.C., and in Federal forts and installations. They could force the introduction of antislavery literature into the South by banning censorship of the Federal mails and simultaneously position the Supreme Court to overturn the *Dred Scott* ruling. They could weaken or repeal the Fugitive Slave Act and prohibit the interstate slave trade, a key link in the profitability of slavery to the South as a whole. Most alarming of all from the standpoint of the secessionists was the possibility that the Republicans would use Federal patronage and appointments to build a free labor party in the South. Senator Robert Toombs of Georgia echoed the concerns of many secessionists when he predicted in 1860 that Republican control of Federal jobs would create an "abolition party" within a year in Maryland, within two years in Kentucky, Missouri, and Virginia, and throughout the South by the end of four years.

Southern Divisions Over Slavery The Toombs prediction went to the heart of secessionists fears over the commitment to slavery within the South. To be sure, very few Southern whites by 1860 favored an immediate end to slavery. Most such whites had left the South in the preceding generation, either voluntarily or in response to community pressures forcing them out. Nonetheless, deep divisions existed over the future of slavery and the direction of Southern society itself.

The Jeffersonian dream of a gradual withering away of slavery persisted in the upper South. Many whites could contemplate and even accept the eventual end of the institution as long as there was no outside interference in the process of disentanglement. In this region, as the proportion of slaves in the total population steadily declined in the late antebellum decades, slavery was increasingly becoming a matter of expediency, not of necessity. The secessionists had every reason to believe that a Republican administration would encourage the emancipationist sentiment that had already emerged among the white working classes in such slave cities as St. Louis, Baltimore, and Richmond.

In the lower South the secessionists doubted the loyalty to slavery of the yeomanry, a class of nonslaveholding farmers who composed the largest single bloc in the electorate. Although tied to the planters by a mutual commitment to white supremacy and often by bonds of kinship, these farmers occupied an ambivalent position in Southern society. They fervently valued their economic independence and political liberties, and hence they resented the spread of the plantation economy and the planters pretensions to speak for them. But as long as the yeomen were able to practice their subsistence-oriented agriculture and the more ambitious ones saw a reasonable chance of someday buying a few slaves, this resentment fell far short of class conflict. In the 1850s, however, both these safety valves were being closed off. The proportion of families owning slaves fell from 31 to 23 percent. Sharply rising slave prices prevented more and more whites from purchasing slaves. At the same time, railroads spread the reach of a plantation agriculture geared to market production. Rates of farm tenancy rose in the older black belts, and the yeomen's traditional way of life was under increasing pressure.

Distrustful of the upper South as a region and the yeomanry as a class, the secessionists pushed for immediate as well as separate state secession. By moving quickly, they hoped to prevent divisions within the South from coalescing into a paralyzing debate over the best means of resisting Republican rule. Since most of the rabid secessionists were Breckinridge Democrats, the party that controlled nearly all the governorships and state legislatures in the lower South, the secessionists were able to set their own timetable for disunion.

The South Secedes South Carolina was in the perfect position to launch secession. Its governor, William H. Gist, was on record as favoring a special state convention in the event of a Republican victory, and the legislature, the only one in the Union that still cast its states electoral votes, was in session when news of Lincoln's election first reached the state. Aware of South Carolina's reputation for rash, precipitate action and leery of the state being isolated, Gist would have preferred that another state take the lead in secession. But having been rebuffed a month earlier in his attempt to convince other Southern governors to seize the initiative, he was now prepared to take the first overt step. The South Carolina legislature almost immediately approved a bill setting January 8 as the election day for a state convention to meet on January 15.

Secession might well have been stillborn had the original convention dates set by the South Carolina legislature held. A two-month delay, especially in the likely event that no Southern state other than South Carolina would dare to go out alone, would have allowed time for passions to subside and lines of communication to be opened with the incoming Republican administration. But on November 10 a momentous shift occurred in the timing of South Carolina's convention. Reports of large secession meetings in Jackson, Mississippi, and Montgomery, Alabama, and reports that Georgia's governor, Joseph E. Brown, had recommended the calling of a convention in his state emboldened the South Carolina secessionists to accelerate their own timetable. They successfully pressured the South Carolina legislature to move up the dates of the state's convention to December 6 for choosing delegates and December 17 for the meeting.

Secession In The Lower South The speedy call for an early South Carolina convention triggered similar steps toward secession by governors and legislatures throughout the lower South. On November 14 Governors Andrew B. Moore of Alabama and J. J. Pettus of Mississippi issued calls for state conventions, both of which were to be elected on December 24 and meet on January 7. Moore had prior legislative approval for calling a convention, and Pettus was given his mandate on November 26. Once the Georgia legislature voted its approval on November 18, Governor Brown set January 2 for the election of Georgia's convention and January 16 for its convening. The Florida legislature in late November and the Louisiana legislature in early December likewise authorized their governors to set in motion the electoral machinery for January meetings of their conventions. Texas was a temporary exception to the united front developing in the lower South for secession. Its governor, Sam Houston, was a staunch Unionist who refused to call his legislature into special session. As a result, Texas secessionists resorted to the irregular, if not illegal, expedient of issuing their own call for a January convention.

Within three weeks of Lincoln's election the secessionists had generated a strong momentum for the breakup of the Union by moving quickly and decisively. In contrast, Congress, acting slowly and hesitantly, did nothing to derail the snowballing movement.

Congress convened on December 3, and the House appointed a Committee of Thirty-three (one representative from each state) to consider compromise measures. The committee, however, waited a week before calling its first meeting, and the creation of a similar committee in the Senate was temporarily blocked by bitter debates between Republicans and Southerners. When the House committee did meet on December 14, its Republican members failed (by a vote of eight to eight) to endorse a resolution calling for additional guarantees of Southern rights. Choosing to interpret this Republican stand as proof that Congress could accomplish nothing, thirty congressmen from the lower South then issued an address to their constituents declaring their support for an independent Southern confederacy. A week later, on December 20, South Carolina became the first state to leave the Union when its convention unanimously approved an ordinance of secession.

South Carolina provided the impetus, but the ultimate fate of secession in the lower South rested on the outcome of the convention elections held in late December and early January in the six other cotton states. The opponents of immediate secession in these states were generally known as cooperationists. Arguing that in unity there was strength, the cooperationists wanted to delay secession until a given number of states had agreed to go out as a bloc. Many of the cooperationists were merely cautious secessionists in need of greater assurances before taking their states out. But an indeterminate number of others clung to the hope that the Union could still be saved if the South as a whole forced concessions from the Republicans and created a reconstructed Union embodying safeguards for slavery.

Any delay, however, was anathema to the immediate secessionists. They countered the cooperationists' fears of war by asserting that the North would accept secession rather than risk cutting off its supply of Southern cotton. The secessionists also neutralized the cooperationist call for unanimity of action by appointing secession

commissioners to each of the states considering secession. The commissioners acted as the ambassadors of secession by establishing links of communication between the individual states and stressing the need for a speedy withdrawal. In a brilliant tactical move, the South Carolina convention authorized its commissioners on December 31 to issue a call for a Southern convention to launch a provisional government for the Confederate States of America. Even before another state had joined South Carolina in seceding, the call went out on January 3 for a convention to meet in Montgomery, Alabama, on February 4, 1861.

The secessionists won the convention elections in the lower South, but their margins of victory were far narrower than in South Carolina. The cooperationists polled about 40 percent of the overall vote, and in Alabama, Georgia, and Louisiana they ran in a virtual dead heat with the straight-out secessionists. Somewhat surprisingly, given the issues involved and the high pitch of popular excitement, voter turnout fell by more than one-third from the levels in the November presidential election. The short time allotted for campaigning and the uncontested nature of many of the local races held down the vote. In addition, many conservatives boycotted the elections out of fear of reprisals if they publicly opposed secession. The key to the victory of the secessionists was their strength in the plantation districts. They carried four out of five counties in which the slaves comprised a majority of the population and ran weakest in counties with the fewest slaves. The yeomen, especially in the Alabama and Georgia mountains, were against immediate secession. Characteristically, they opposed a policy they associated with the black belt planters.

Mississippi, Florida, Alabama, Georgia, and Louisiana successively seceded in their January conventions. They were joined by Texas on February 1, 1861. Like falling dominoes, the secession of one state made it easier for the next to follow. In each convention the secessionists fought back efforts for a cooperative approach or last-ditch calls for a Southern conference to make final demands on the Republicans. They also defeated attempts by cooperationists to submit the secession ordinances to a popular referendum. Only in Texas, where the secessionists were sensitive to the dubious legality by which they had forced the calling of a convention, was the decision on secession referred to the voters for their approval. In the end the secession ordinances passed by overwhelming majorities in all the conventions. This apparent unanimity however, belied the fact that in no state had the immediate secessionists carried enough votes to have made up a majority in the earlier presidential election. Once the decision for secession was inevitable, the cooperationists voted for the ordinances in a conscious attempt to impress the Republicans with Southern resolve and unity.

Delegates from the seven seceded states met in Montgomery, Alabama, in February. Here, on the seventh, they adopted a Provisional Constitution (one closely modeled on the U.S. Constitution) for an independent Southern government and, on the ninth, elected Jefferson Davis of Mississippi as president. Thus, nearly a month before Lincoln's inauguration on March 4, the secessionists had achieved one of their major goals. They had a functioning government in place before the Republicans had even assumed formal control of the Federal government.

Secession In The Upper South The collapse of the Crittenden Compromise in late December eliminated the already slim possibility that the drive toward secession might end with the withdrawal of South Carolina. Still, when Lincoln took office on March 4, the Republicans had reason to believe that the worst of the crisis was over. February elections in the Upper South had resulted in Unionist victories. In January the legislatures of five states-- Arkansas, Virginia, Missouri, Tennessee, and North Carolina--had issued calls for conventions. The secessionists suffered a sharp setback in all the elections.

On February 4, Virginia voters chose to send moderates of various stripes to their convention by about a three-to-one margin. In yet another defeat for the secessionists, who opposed the measure, they also overwhelmingly approved a popular referendum on any decision reached by the convention. On February 9, Tennessee voted against holding a convention. Had one been approved, the Unionists elected would have composed an 80-percent majority. Arkansas and Missouri voted on February 18, and both elected Unionist majorities. On February 28, North Carolinians repeated the Tennessee pattern. They rejected the calling of a convention, which, in any event, would have been dominated by Unionists.

By the end of February secession apparently had burnt itself out in the upper South. It was defeated either by a popular vote or, as in the case of the slave states of Kentucky, Delaware, and Missouri, by the inability of the secessionists to pressure the legislatures or governors to issue a call for a convention. Despite fiery speeches and persistent lobbying by secession commissioners appointed by the Confederate government, the antisecessionists held their ground. In a region that lacked the passionate commitment of the lower South to defending slavery, they were able to mobilize large Unionist majorities of nonslaveholders. In particular, they succeeded in detaching large numbers of the Democratic yeomanry from the secessionist, slaveholding wing of their party. The yeomanry responded to the fears invoked by the Unionists of being caught in the crossfire of a civil war, and nonslaveholders in general questioned how well their interests would be served in a planter-dominated Confederacy.

A final factor accounting for the Unionist victories in the upper South was the meeting in Washington of the

so-called Peace Convention called by the Virginia legislature. The delegates spent most of February debating various proposals for additional guarantees for slave property in an effort to find some basis for a voluntary reconstruction of the Union. Although boycotted by some of the Northern states and all of the states that had already seceded, the convention raised hopes of a national reconciliation and thereby strengthened the hand of the Unionists in the upper South. In the end, however, the convention was an exercise in futility. All it could come up with was a modified version of the Crittenden Compromise. Just before Lincolns inauguration, Republican votes in the Senate killed the proposal.

Pressures For Action Mount Throughout March and early April the Union remained in a state of quiescence that no one expected to last indefinitely. Both of the new governments, Lincoln's and Davis's, were under tremendous pressure to break the suspense by taking decisive action. Davis was criticized for not moving aggressively enough to bring the upper South into the Confederacy. Without that region and especially Virginia, it was argued, the Confederacy was but a cipher of a nation. It had negligible manufacturing capacity and only one-third of the South's free population. It desperately needed additional slave states to have a viable chance for survival. Just as desperately, Lincolns government needed to make good on its claim that the Union was indivisible. Buchanan had been mocked for his indecisiveness, and Lincoln knew that he had to take a stand on enforcing Federal authority.

The upper South now became a pawn in a power struggle between Lincoln and Davis. However much moderates in the upper South wanted to avoid a confrontation that would ignite a war, they were publicly committed to coming to the assistance of any Southern state that the Republicans attempted to coerce back into the Union. In short, Unionism in the upper South was always highly conditional in nature. This in turn made the region hostage to events beyond its control and gave the Confederacy the leverage it needed to pull in additional states.

The only major Federal installations in the Confederacy still under Federal control when Lincoln became president were Fort Pickens in Pensacola Harbor and Fort Sumter in Charleston Harbor. The retention of these forts thereby became a test of the credibility of the Republicans as the defenders of the Union. By the same token, the acquisition of these forts was essential if the Confederacy were to lay claim to the full rights of a sovereign nation.

On March 5, Lincoln learned from Maj. Robert Anderson, the commander at Fort Sumter, that dwindling food supplies would force an evacuation of the fort within four to six weeks. Lincoln decided against any immediate attempt to save the fort. On March 12, however, he issued orders for the reinforcement of Fort Pickens. More accessible to the Federal navy because of its location outside Pensacola Harbor beyond the range of Confederate artillery, Fort Pickens had the additional advantage of being overshadowed in the public consciousness by Fort Sumter, a highly charged symbol of Federal resolve in the state that had started secession. Presumably, it could be reinforced with less risk of precipitating a war than could Fort Sumter.

Lincolns initial decision not to act on Fort Sumter was also a concession to William H. Seward, his secretary of state. Seward was the chief spokesman for what was called the policy of "masterly inactivity." He believed that Unionists in the upper South were on the verge of leading a process of voluntary reunion. If the upper South were not stampeded into joining the Confederacy by a coercive act by the Republicans, Seward argued, an isolated Confederacy would soon have no choice but to bargain to rejoin the Union. Everything depended, of course, on a conciliatory Republican policy.

In pursuing this strategy, Lincoln temporarily considered a withdrawal from Fort Sumter in exchange for a binding commitment from the upper South not to leave the Union. Seward then made the mistake of assuming that evacuation was a foregone conclusion. He was conducting informal negotiations with three Confederate commissioners who were in Washington seeking a transfer of Fort Pickens and Fort Sumter. On March 15 he informed them through an intermediary to expect a speedy evacuation of Fort Sumter. When no such evacuation was forthcoming, Confederate leaders felt betrayed, and they vowed never again to trust the word of the Lincoln administration.

Mounting demands in the North to take a stand at Fort Sumter, combined with Lincolns growing disillusionment over Southern Unionism, convinced the president that he would have to challenge the Confederacy over the issue of Fort Sumter. On March 29 he told his cabinet that he was preparing a relief expedition. He delayed informing Major Anderson of that decision until after a meeting on April 4 with John Baldwin, a Virginia Unionist. Although no firsthand account of this meeting exists, the discussion apparently confirmed Lincolns belief that the upper South could not broker a voluntary reunion on terms acceptable to the Republican party. The final orders for the relief expedition were issued on April 6, the day that Lincoln learned that Fort Pickens had not yet been reinforced because of a mix-up in the chain of command.

News of Lincolns decision to reinforce Fort Sumter "with provisions only" reached Montgomery, the Confederate capital, on April 8. The next day Davis ordered Gen. P. G. T. Beauregard, the Confederate commander at Charleston, to demand an immediate surrender of the fort. If Major Anderson refused, Beauregard was to attack

the fort. Davis always felt that war was inevitable, and for months the most radical of the secessionists had been insisting that a military confrontation would be necessary to force the upper South into secession. Davis was convinced that he had no alternative but to counter Lincoln's move with a show of force.

Confederate batteries opened fire on Fort Sumter on April 12, and the fort surrendered two days later. On April 15 Lincoln issued a call for seventy-five thousand state militia to put down what he described as an insurrection against lawful authority. It was this call for troops, and not just the armed clash at Fort Sumter, that specifically triggered secession in the upper South. The Unionist majorities there suddenly dissolved once the choice shifted from supporting the Union or the Confederacy to fighting for or against fellow Southerners.

The Virginia convention, which had remained in session after rejecting immediate secession on April 4, passed a secession ordinance on April 17. Its decision was overwhelmingly ratified on May 23 in a popular referendum. Three other states quickly followed. A reconvened Arkansas convention voted to go out on May 6. The Tennessee legislature, in a move later ratified in a popular referendum, also approved secession on May 6. A hastily called North Carolina convention, elected on May 13, took the Tarheel State out on May 20.

By the late spring of 1861 the stage was set for the bloodiest war in American history. The popular reaction to the firing on Fort Sumter and Lincoln's call for troops unified the North behind a crusade to preserve the Union and solidified, at least temporarily, a divided South behind the cause of Southern independence.

At the time of his March inauguration, newly elected President Abraham Lincoln found the Federal capital at Washington was itself a Federal island surrounded by potential enemies. After the April firing on Fort Sumter and secession of Virginia, Maryland secessionists isolated the capital. From the White House, more than half a dozen Confederate flags were visible.

The handling of the border reflected the pragmatism of the Lincoln Administration which used military conquest where that seemed viable and encouraged Unionist revolt against secessionist governments when that seemed likely of success.

Anitsecessionism in the Lower South: Unionist sentiment remained very strong in the mountainous and non-plantation districts of all these states. In particular, secession faced genuine resistance in western North Carolina, eastern Tennessee, northwestern Arkansas and the western counties of Virginia.

US efforts to move troops to the national capital sparked several days of intense rioting in April at Baltimore, reflecting strong secessionist sentiment in the Maryland. Given no choice but to impose martial law to secure the state or to abandon the national capital, the Lincoln administration chooses the former.

On the other hand, local insurrections became the key to securing western Virginia and the line of the Baltimore & Ohio railroad linking Maryland to the Ohio valley and the Midwest. Many residents of the Lower South remain unconvinced that their leaders are justified or wise in the secessionist attempt to dissolve the Union. Most, however, remain superficially deferential to the political machines. Otherwise quiet resentments can periodically flare into open disorder as in the rioting that erupted at Knoxville (May 7) between Tennessee Unionists and secessionists. Unionists, particularly in eastern Tennessee appeal for Federal assistance, but the prospect of any Union ventures into the area depend more immediately upon developments in Kentucky.

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However, Confederate success in the Bull Run campaign clearly restricted Federal control in Virginia proper to the northern region fringing the Potomac. Strategically essential to both sides, Kentucky is torn between the secessionist governor and a Unionist majority in the legislature. Among the people, Unionist sentiment prevailed along the Ohio River in the mountainous counties of the east, but secessionism remained strong towards the center of the state, around Lexington and to the west along the Mississippi river. As a means to avoid its own internal civil war, the government declares neutrality (May 20). Temporarily unable to devote the resources needed to secure the state, both the Union and the Confederacy accept this implausible solution.

Strategically essential to both sides, **Kentucky** is torn between the secessionist governor and a Unionist majority in the legislature. Among the people, Unionist sentiment prevailed along the Ohio River in the mountainous counties of the east, but secessionism remained strong towards the center of the state, around Lexington and to the west along the Mississippi river. As a means to avoid its own internal civil war, the government declares neutrality (May 20). Temporarily unable to devote the resources needed to secure the state, both the Union and the Confederacy accept this implausible solution.

The state government was even more overtly sympathetic to secession in Missouri, but faced massive,

popular Unionist sentiment, especially among the German immigrants in the St. Louis area. The Missouri State Guard having seized the US arsenal at Liberty, even as the secessionist governor and legislature refused to cooperate in raising troops to "coerce" the South. In response, St. Louis officials and Capt. Nathaniel Lyon of the local US arsenal began recruiting Missourians who enlisted independently of the state and ultimately overthrew the state government, though control remained elusive throughout the war.

In both Kentucky and Tennessee, enthusiasm for secession diminished eastward. Secession was promoted by two events occurring over a span of just more than five months in 1860-61. The election of a Republican president, given that party's opposition to the further spread of slavery, enabled extremists in seven Southern states to accomplish withdrawal from the Union by February 1861. South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas then quickly formed the Confederate States of America. There were Tennesseans (and Kentuckians) who unsuccessfully advocated similar action in their states during this first rush to secession.

In Tennessee, Governor Isham G. Harris prodded the legislature to schedule a referendum on a sovereignty convention. Such a gathering, if called, could remove the state from the Union. To the governor's dismay, however, Tennessee Voters rejected (69,772 to 57,708) secession. Despite unhappiness with Abraham Lincoln's election victory, the apparent consensus was that his term would expire in four years, at which time he could be defeated in a bid for re-election. Voters did not consider the outcome of the presidential election alone to be sufficient cause to leave the Union. A spatial analysis of the February balloting reveals significant variation in sentiment west to east. Eleven of fifteen West Tennessee counties submitting returns wanted a convention call, but twenty-seven of twenty-nine at the other end of the state opposed it. Middle Tennessee was the most evenly divided grand division. There, twenty counties favored and thirteen rejected the call.

President Abraham Lincoln's plea for troops subsequent to the Confederate bombardment of Fort Sumter triggered a second impulse to secession. In the eight slave states, which had not seen fit to sever the ties of union over Lincoln's mere election, the question was now re-examined. Would Virginia, North Carolina, Maryland, Delaware, Missouri, Arkansas, Kentucky, or Tennessee submit to what was being described in the South as coercion?

Governor Harris angrily refused to abide such an effort. Believing that Tennesseans now preferred joining the Confederacy to preserving the Union by force, he promoted a renewed effort to depart from the United States. This culminated in another referendum four months after the initial defeat of the convention call. This time Tennessee voters were directly asked if they favored or opposed "separation." The result of this second election, June 6, 1861, approved exiting the Union. A comparison of the February and June returns reveals that there was little change in opinion in either the west or the east. The former remained in tune with secession; although Weakley, Carroll, Henderson, Decatur, and Hardin counties did defeat the proposal and went on to provide significant numbers of recruits for the Union Army. In the east, only five counties (Rhea, Meigs, Polk, Monroe, and Sullivan) favored abandoning the old flag. It was in Middle Tennessee where the greatest shift in opinion occurred. There, twelve counties that opposed a convention call in February, suggesting a reluctance to secede then, approved secession in June. These twelve (Jackson, Overton, Wilson, Smith, Putnam, Williamson, Rutherford, DeKalb, White, Cannon, Bedford, and Coffee) had the balance of power as they accounted for the different outcomes of the two elections.

Despite the fact that at the state level Tennessee did and Kentucky did not pass ordinances of secession, the neighboring states reacted similarly to the Civil War. In both states, the closer one approached the Mississippi River, the more support there was for disunion. Whig areas and areas of limited interest in slaveowning were more Unionist in both states. Satisfactory understanding of the 1861-1865 political geography in the two states is attained only by studying differences in behavior at the county

Was Secession "legal" and "justified"?

1. If secession of a State from the United States was meant to be permitted by the Founders, why does the U.S. Constitution contain so many details about the procedures for States to join the United States, but not a word about procedures to leave it?
2. If each State should have the right to secede, why didn't those who wrote and adopted the Constitution of the Confederate States of America specifically include this in their new Constitution? Other "problems" of the old U.S. Constitution, such as the failure to specifically mention slavery, were fixed, so why not this one?
3. If people should have the right to break away from any government when they feel that is necessary (as the Confederate States said justified their action), why didn't the Confederate States of America permit eastern Tennessee, for example, to secede from the C.S.A., since the people there did not want to belong to the C.S.A.?

4. If a State could secede when its fundamental institutions were threatened, what actual threats were posed to the southern States' institutions by the election of Abraham Lincoln, who repeatedly said that he would not interfere with the institution of slavery in the States where it existed, and supported a Constitutional amendment to insure that? If there were no actual threats, other than the fact that slavery would not be permitted to expand into new territory -- but it would continue just as before in the States where it existed, what was the justification for any States to secede?

5. Let's assume, for the purpose of discussion, that the Southern people were oppressed by the government of the United States and thus had the right to secede and form their own government, even using violence. Let's assume that they had this right because the North did not allow the Southerners to live as they wanted and to have the dignity to which all men are entitled. Wasn't there another group of people who were not permitted to live as they wanted and to have their dignity --- the slaves (by definition, a slave is not permitted to do what he or she wants to do, or to have individual dignity and rights). If Southern people had the "right" to secede, and use violence to defend their rights as human beings, didn't all slaves have the same right to defend their rights and dignity as human beings, even using violence? Would the Confederate States have agreed?

DECLARATION OF INDEPENDENCE AND ORDINANCE dissolving the federal relations between the State of Tennessee and the United States of America.

First. We, the people of the State of Tennessee, waiving any expression of opinion as to the abstract doctrine of secession, but asserting the right, as a free and independent people, to alter, reform, or abolish our form of government in such manner as we think proper, do ordain and declare that all the laws and ordinances by which the State of Tennessee became a member of the Federal Union of the United States of America are hereby abrogated and annulled, and that all the rights, functions, and powers which by any of said laws and ordinances were conveyed to the Government of the United States, and to absolve ourselves from all the obligations, restraints, and duties incurred thereto; and do hereby henceforth become a free, sovereign, and independent State.

Second. We furthermore declare and ordain that article 10, sections 1 and 2, of the constitution of the State of Tennessee, which requires members of the General Assembly and all officers, civil and military, to take an oath to support the Constitution of the United States be, and the same are hereby, abrogated and annulled, and all parts of the constitution of the State of Tennessee making citizenship of the United States a qualification for office and recognizing the Constitution of the United States as the supreme law of this State are in like manner abrogated and annulled.

Third. We furthermore ordain and declare that all rights acquired and vested under the Constitution of the United States, or under any act of Congress passed in pursuance thereof, or under any laws of this State, and not incompatible with this ordinance, shall remain in force and have the same effect as if this ordinance had not been passed.

[sent to referendum 6 May 1861 by the legislature, and approved by the voters by a vote of 104,471 to 47,183 on 8 June 1861]