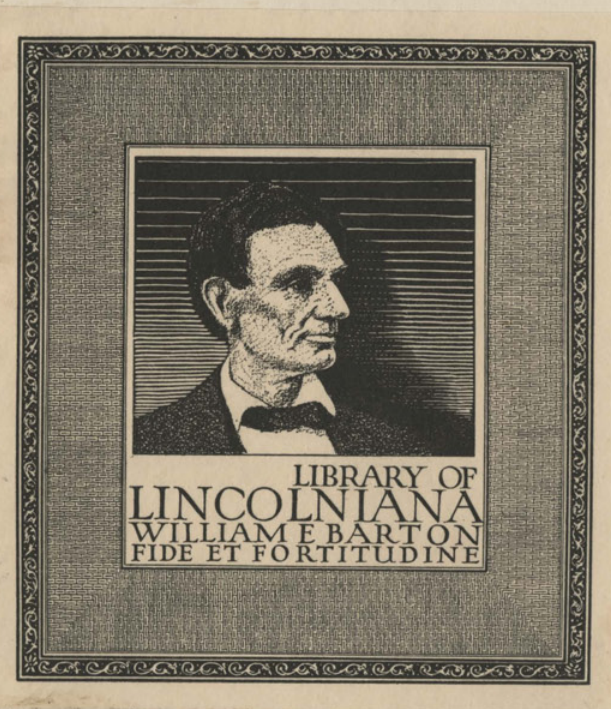


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William E. Barton



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GOVERNMENT IN THE CIVIL WAR

BY GIDEON WELLES

MANUSCRIPT

A DISCUSSION OF THE EFFECT
OF THE CIVIL WAR ON THE
GOVERNMENT OF THE UNITED STATES

William L. Barton

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Lincoln



The time has not ^{perhaps} arrived for an ~~candid~~ and impartial history of ~~the occurrences which~~ ^{as they are with the partisan strife of the preceding} ~~have taken place in our country during the last~~ ^{twenty} ~~fifteen~~ years; but a calm ~~series~~ ^{candid} statement of some of the facts and incidents which are within the knowledge of ~~some of the actors~~ ^{who witnessed as they participated} may be made. Those who were actors, or who participated in them, ~~momentary events of that important period are~~ are fast passing away, and on the part of the survivors the ~~animoities and excitements which once influenced~~ ^{those who still have} them, in a great measure, ~~have~~ subsided. It is hardly to be expected, however, that the country will soon, if ~~ever~~ ^{wholly} recover from the shock of the embittered conflict ^{aroused the energies and resentments of the people and} which for years convulsed the nation in all its relations, civil, political and social. He must be a superficial observer who fails to perceive that our government has undergone a great change within the ^{period referred to} ~~last twenty years~~. Power has, in all that time, been passing from the states to the National Center. Instead of a federal Union of separate and distinct sovereign ^{republican in form and fact} republics, we are becoming a consolidated empire. The transformation is slow, and to the many in the strife of parties impeded.

but not the less certain.²

The States were distinct communities, differing essentially in some respects yet alike in others - each having its own peculiar laws, and institutions, traditions and usages, but with a common language, common grievances in the war of independence, and a common interest ^{which led them to unite for their mutual benefit} ^{years after their separation from Great Britain,} in ^{matters of Union to promote} commercial and social intercourse, and ^{to resist} ^{against} foreign interference or aggression. In the formation of this Union, which commenced with the separation of the colonies from Great Britain and the declaration and establishment of their independence the States, ^{at first} confederated but surrounded none of their distinctive rights. After achieving their independence the necessity of a closer union, and the exercise of certain general authority by a central mind, which should be empowered to regulate intercourse between themselves, and make them potent in the family of nations was felt, and led to the creation and establishment of a national government.

This ^{national} government, the fathers and founders resolved should be one of limited and specified grants of powers, which should be enumerated and defined in a written fundamental law, known as the Constitution.

of the United States. All powers not specifically granted in this instrument, or which are not incident to the grants, were expressly reserved to the States and people.

From the adoption of the Constitution there has been a division of opinion in regard to the interpretation of this fundamental law, which has led to the organization of parties to promote their respective views. One party has insisted on a faithful adherence to the Constitution & advocated a strict construction of its provisions - maintained that the federal government should have and exercise all the powers and authority delegated, but that it should never transcend them, nor exercise authority not delegated. The other party had approved the idea of restricting the government to the express, stipulated written conditions of the ^{constitution,} instrument, denied that its authors were endowed with foresight to provide for all emergencies that might arise, and claimed for the government all powers and authority necessary for a central, national administration of affairs, whether specified in the enumerated grants or not, and deemed it indispensable that a liberal and latitudinarian construction

should be exercised. The difference was fundamental. One party claimed that the people were sovereign, the source of power; the other that the government was the fountain of authority. The former were the advocates of State rights, who watched with sleepless vigilance the action of the central government, resisted every exercise of undelegated ^{or doubtful} power, and all encroachments on the ^{reserved} rights of the States or people, which had been reserved. Their opponent, the Centralists, claimed ^{defended} for the government ⁱⁿ the exercise of a liberal discretion, ^{of what those entrusted with necessary power, and} of which those in authority must be the judge. ^{neccessarily}

The parties generated by these decisions have been known under various names, and their respective organizations have existed with alternate success and reverses from the adoption of the constitution. Unfortunately, neither party has always adhered with fidelity to its principles, but each ^{to accomplish a temporary expedient} has deviated from the standard originally erected and to which it professed to belong. Party expediency has ^{occasionally} triumphed over party principles.

Without recurring to earlier dates and questions, the acquisition of extensive domains

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from Mexico ^{in 1848} led to controversy in regard to the government of the territory thus acquired, and to the rights, federal, state and personal which pertained to those communities. This controversy became in a measure sectional, and was doubtless so intended by some of those who initiated it. ~~It~~^{and} was followed by a series of acts in relation to the status of the people of Kansas, ^{and Nebraska, a part of the Louisiana Purchase} and the establishment of a state government in ~~that~~^{the} territory, ^{of the former} during which the attitude and position ^{of the two great} of parties became changed and old organizations were to a considerable extent broken up. Flagitious and unjustifiable attempts were made to prevent the people of Kansas from exercising their inherent ^{right} to ~~form and establish~~ make a constitution and establish a state government for themselves, but there was a persistent effort by designing parties without the territory, to impose upon the people a constitution and government ^{abhorred} to their views and feelings. In this proceeding, the federal administration, at this time professedly democratic, lent its power and influence against the popular state rights principle and ^{by an extraordinary exercise of federal power} ~~theory~~. In this unauthorized ^{invasion of popular rights} ~~exercise of central power~~, the federal administration

had the sanction of the democratic organization,
 reluctantly ^{acquiescing in, however,} given by many in the northern states,
 but to counteract this ^{it remains} and the earnest approval and support of no inconsider-
 -able portion of its old party opponents, the
 Whigs of the South. The ^{same} reasons which attacked
 the Southern Whig to the administration, ^{alienated}
 alienated a multitude of Northern democrats.
 This disruption of old organizations resulted in
 the formation of new ~~ones~~ parties, which assumed
 a sectional character, and eventuated in the
 election of Abraham Lincoln in 1860, by the
 republicans ^{party, a new} combination of almost all the
 Whigs of the free states and a large number of
 democrats who opposed central interference in
 the ^{the Whigs of the South very generally made common cause with this administration} affairs of Kansas. There was a preponderance
 of Whigs in the republican party, but the
 democratic element which ^{became} ~~was~~ associated
 with them to resist federal aggression gave
 the new party character and influence. The
 recruits which the administration derived
 from the Whigs of the South were insufficient
 to counterbalance the loss of the stern and
 inflexible democrats who refused to support
 the administration in the exercise of unpopularity

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and arbitrary power over the people of Kansas, but
the democratic republicans
persisted in maintaining democratic principles
in defiance of the desires of the ^{old and new} ~~democratic~~ organ-
ization. Mr Lincoln, ^{who} appreciated these facts,
and rightly comprehended them and his
own position, formed his cabinet and shaped
his measures accordingly. His party associa-
tions had been with the whigs. The first vote
which ^{he gave} ~~was~~ for Henry Clay, whose political oratory
and ^{magnificent} party declamation captivated and drew
into his support so many of the young men of the West.
Led away by impulse rather than reflection
- by personal enthusiasm and not by convention
or much thought on the really grave and
profound ^{political} questions involved, ^{in the conflict of parties} he had
common political life an active whig.
Time and ^{reputation} ~~careful consideration~~ modified
his views, and aside from personal admiration
of the eloquent Whig Champion, and from
association which begets attachment, Mr Lincoln
was when elected and during his administration
sincerely and conscientiously, in feeling and
principle, a federal republican, a friend of
state rights and an anti-consolidationist.

The political investigations and discussions in which he had been engaged for a few years preceding his election, and the responsibilities ^{led} thrown upon him by that event, caused him to doubt the soundness of Whig doctrines, and the rectitude of that party in many particular respects. His mature reflections made him less a centralist and more of a state rights ^{republican} ~~man~~ than he had been in his earlier years. ^{By the} exigencies of the war ~~had~~ impelled him to exercise extraordinary and sometimes doubtful powers, but he lamented the necessity, and became more and more an admirer of our federal system, ^{in his convictions} and an earnest constitutionalist.

During the winter of 1864 and 1865, after Sherman's successful march to the sea and the fall of Fort Fisher, the expiring days of the rebellion were manifest. President Lincoln saw it, with ~~undaunted~~ and anticipated with undiminished satisfaction the time when the general government would be able to dispense with ^{the exercise of} arbitrary and questionable authority, and the states could, each and all, resume their rights in the administration and direction of public affairs.

The Federal investigation and discussion
which has been going on for a few years
concerning the situation of the Republic
has been a long and arduous task
and the results of this long and arduous task
are now before the people of the United States
in the form of a report which has been
prepared by the Federal Bureau of Investigation
and the Department of Justice
and which has been submitted to the President
of the United States for his consideration
and approval. The report contains a
detailed account of the situation of the
Republic and of the progress of the
investigation and discussion which has
been going on for a few years. It also
contains a number of suggestions for
improving the situation of the Republic
and for preventing the recurrence of
the same. The report is a valuable
contribution to the knowledge of the
situation of the Republic and of the
progress of the investigation and discussion
which has been going on for a few years.

