

UNIVERSITY OF WISCONSIN-EAU CLAIRE

VOTING COHESION IN THE U.S. CIVIL WAR CONGRESSES: THE ROLE OF PARTY
AND REGIONAL LOYALTY, 1861-1865

A THESIS SUBMITTED TO

TO DR. JANE PEDERSON

DEPARTMENT OF HISTORY

BY

DANIEL J. POLLACK

EAU CLAIRE, WISCONSIN

18 MAY 2010

CONTENTS

| | |
|--|-----|
| ABSTRACT..... | iii |
| INTRODUCTION AND HISTORIOGRAPHY..... | 1 |
| THE UNITED STATES HOUSE OF REPRESENTATIVES..... | 4 |
| The Thirty-Seventh House of Representatives..... | 4 |
| The Thirty-Eighth House of Representatives..... | 12 |
| The Thirty-Ninth House of Representatives..... | 17 |
| The United States House of Representatives Overview..... | 21 |
| THE UNITED STATES SENATE..... | 22 |
| The Thirty-Seventh Senate..... | 24 |
| The Thirty-Eighth Senate..... | 30 |
| The Thirty-Ninth Senate..... | 34 |
| The United States Senate Overview..... | 38 |
| COMPARISON AND CONCLUSION..... | 40 |
| BIBLIOGRAPHY..... | 42 |
| Secondary Sources..... | 42 |
| Primary Sources..... | 43 |

ABSTRACT

To date, the history of the U.S. Civil War Congresses has been largely ignored. The legislative process has been overshadowed by a number of subjects, including biographies of important individuals, major battles, Emancipation, and the like. However, the project at hand provides focus to the Civil War Congresses and their legislative influences. Specifically, the House of Representatives abandon their pre-war regional loyalties in exchange for a system which emphasized strong partisan politics. The Senate, operating on different structural and procedural norms, was less reactive to the Civil War, but did experience a strengthened notion of partisan politics while maintaining some level of regional influence on specific types of legislation.

Introduction and Historiography

Congress, as a body of elite representatives with many diverse interests, is often highly misunderstood. This was never more true than during the legislative period that existed prior to the Civil War. Internal fragmentation via decentralized party control and regional disputes left Congress nearly irrelevant as an institution. However, with the onset of war and subsequent withdrawal of southern representatives, Congress shifted their legislative influence to embody a more efficient and successful chamber. In moderating the geopolitical pressures which had hampered domestic legislation in the decades prior to the Civil War, House members shifted their priorities to display significant levels of party loyalty in dealing with both domestic and war legislation. Meanwhile, the smaller and more stable Senate struggled to construct a new identity and often continued to practice voting behavior that reflected regional influences.

In terms of the research process and intent, the following examines the role of voting cohesion in the United States Congress, with reference to both party and regional influences. Specifically, the project aims to study differences in voting cohesion between the three major political parties of the period—the Republicans, Democrats, and Unionists. Additionally, the project examines three separate geographical sections—the North, West, and Border States. The North is comprised of New York, Pennsylvania, Massachusetts, New Jersey, Rhode Island, New Hampshire, Maine, Vermont, and Ohio. Western states are composed of Illinois, Indiana, Michigan, Wisconsin, Iowa, Minnesota, Kansas, California, and Oregon. The section assigned for Border States includes the historically accepted slave states that did not secede, as well as some southern states at various points throughout the war. In all, these include Maryland, Missouri, Kentucky, Delaware, Tennessee, Virginia, and West Virginia. The project will

examine the influence of party loyalty and regional authority for each respective Congress, as well as account for changes in voting cohesion and legislative focus over time. The following shall examine the Civil War Congresses in a chronological manner, beginning with the emergency session of the Thirty-Seventh House and moving through the first session of the Thirty-Ninth House. The legislation detailed below is guided by the seventeen-point Republican Platform of 1860, detailing the domestic policy goals of the party, as well as important issues relating to the war. However, before exploring the original research, it is necessary to first examine the historical context in which the project was developed.

As a whole, the legislative history of the U.S. Civil War Congresses has been a largely unexplored subject. Historians have offered works in terms of numerous political biographies and specific acts of legislation, but very little comprehensive work on legislative history. Additionally, the majority of research has focused on the internal characteristics of the Congresses—important personalities, leadership, and the like. For over a century, until the 1980s, the subject lacked an expansive and all-encompassing analysis. However, over the last three decades, the history of the legislature during the Civil War years has begun to garner the attention it deserves. No one was more responsible for this than the historian, Allan Bogue.

As a leading specialist in the field of legislative history during the period. Bogue focused on the personalities of leading politicians in both the House of Representatives, as well as the Senate. While Bogue presented variations of these personal histories between his two works, *The Earnest Men* and *The Congressman's Civil War*, there are certainly common themes. Regarding the latter, Bogue examined typical career paths, mean age, training, and education.¹ His earlier

¹ Allan G. Bogue, *The Congressman's Civil War* (Cambridge, NY: Cambridge University Press, 1989), 1-28.

work, *The Earnest Men*, provided a more precise quantified examination. In doing so, Bogue documented a number of personal characteristics ranging from pre-service occupation, socioeconomic status, level of education, religious preference, and other factors.² Bogue not only provided insight into the makeup of the Congress, but also examined the role of leadership and patterns of authority which helped facilitate the passing of legislation. Men such as Charles Sumner, Benjamin Wade, and John Hale took principal roles in the Senate, often as heads of the various off-floor committees. Bogue argued strong leadership in off-floor activities influenced the on-floor debate and voting behavior. In this way, Bogue's unique examination of personal characteristics served to make an important point. The underlying qualities and histories of leaders in the House and Senate surely influenced voting cohesion. Additionally, Bogue's inspection of personalities was important in dictating relationships and party discipline. By examining commonalities among congressmen, be it education, religion, or other background variables, Bogue clarified voting patterns among partisan and regional groupings. Bogue's *The Earnest Men* provided specific focus to these patterns. For example, he found:

the sectionalism of East and West appeared most frequently in voting on economic measures of national significance. Only seven percent of the original selection of eighty-seven roll calls relating to southern issues and race showed substantial sectional disagreement between the eastern and western Republicans, in comparison to twenty-five percent of the eighty-six votes linked to major economic legislation.³

By putting these figures in a geo-economic context, Bogue's research provided an important understanding to the underlying voting patterns on such issues as trade policy and interstate commerce. While other historians have examined the legislative history of the Civil War Congresses, none have been as comprehensive, detailed, or focused as Bogue. Perhaps best

² Allan G. Bogue, *The Earnest Men: Republicans of the Civil War Senate* (Ithaca, NY: Cornell University Press, 1981), 25-60.

³ *Ibid.*, 90.

summarized by Bogue, he was "recurrently surprised at the number of important questions about the role of the United States Congress that . . . had not been answered at all. The legislative history of the (Congress) appeared to be particularly unclear."⁴ This realization drove Bogue to clarify the ambiguities of Congressional legislation during the Civil War. It is also what drives historians to continue the quest, including the project presented below.

The United States House of Representatives

In the decades prior to the war Congress was a highly divisive institution. While this notion was certainly applicable to both chambers, the larger and more representative House had repeatedly fallen victim to polarization and division among its members. However, in examining how the Civil War and absence of southern congressmen altered the lower house, the project finds that House members abandoned their geopolitical propensity in exchange for a system which emphasized strong partisan politics.

The Thirty-Seventh House of Representatives

Following the secession of a number of southern states, the U.S. House of Representatives gathered for an emergency session which began in July of 1861, and continued through early August. This month-long assemblage, in accordance to the needs of the nation, was almost entirely concerned with legislation regarding the war. While some issues, such as bills concerning the collection of revenue and loans, were indirectly related to war against the south, others were more straightforward. Resolutions concerning confiscation of southern property, including slaves, and suppression of the rebellion were directly aimed at ending the conflict. In

⁴ Allan G. Bogue, *The Congressman's Civil War* (Cambridge, NY: Cambridge University Press, 1989), xi.

response to the necessity of action, many votes during this first session received near complete allegiance by House members, irrelevant of party or regional distinctions.

One such example of this unanimity was Crittenden's Resolution, claiming the purpose of the war to be the restoration of the Union rather than the abolition of slavery. The final vote received one hundred twenty-one votes in favor, while only two Republicans voted against.⁵ The influence of the Republican Party's anti-slavery fervor can likely be attributed to these two lone votes against the resolution. While the initial shock of war may have shifted the allegiance of many Republicans toward a more moderate position., later votes on the issue of slavery reflected the belief that involuntary servitude was the true cause of war and that it must be abolished in order to restore the Union. George H. Mayer echoed this notion of Republican moderation at the outset of the war, finding "the Crittenden Resolution would keep the wobbly Border states in the Union."⁶ Furthermore, "when the Congress met in December [of 1861], the U.S. House of Representatives 'refused to reaffirm the moderate Crittenden Resolution that the war was being waged for the Union alone'".⁷ However, at this point in time, Republicans were less successful in implementing their anti-slavery platform and conceded to a more moderate public sentiment that called for quick action and harmony among members of Congress.

⁵ U.S. Congress, House of Representatives: 37th Congress, 1st Session found in *The Congressional Globe*, 223.

⁶ George H. Mayer, *The Republican Party: 1854-1964* (New York, NY: Oxford University Press, 1964), 96.

⁷ Allen Nevins, *The War for the Union, I: The Improvised War* (New York, NY: Charles Scribner's Sons, 1959): 9-10, quoted in Howard M. Hensel, *The Sword of the Union: Federal Objectives and Strategies During the American Civil War* (Montgomery, AL: USAF Air Command and Staff College, 1989), 39.

Another issue receiving similar levels of unanimity was a resolution to suppress the rebellion. Again, one hundred twenty-one representatives voted in favor, while only five voted in the negative.⁸ All five nays came from Democrats; two each in Kentucky and Missouri, and one from New York.⁹ While border states certainly had good reason to vote against a war which would likely fall in their own backyard, it was the lone negative vote coming from a northern Democrat that is most interesting. While five votes may seem inconsequential, a pattern emerged in which Democrats often sided with the South. This is especially important considering northern Democrats had become the minority party with the absence of their southern colleagues. The Republican Party was well aware of this practice, finding the Democrats to be "(subservient) to the exactions of a sectional interest."¹⁰ However, much like the Republican moderation in policy during this session, Democratic sympathy towards the south was still acquiescent to the immediate necessities of the war effort.

A similar result came in form of the loan bill, authorizing the Secretary of the Treasury to borrow up to \$250 million to pay for the war.¹¹ One hundred fifty representatives voted in favor of the bill while five voted against it. Again, all five were Democrats, three from border states and two from the north.¹² These levels of unanimity and high voting cohesion were common in the first session of the Thirty-Seventh House. Because most if not all issues were at least

⁸ U.S. Congress, House of Representatives: 37th Congress, 1st Session found in *The Congressional Globe*, 131.

⁹ Ibid.

¹⁰ T. Lloyd Benson, "Republican National Platform," *New York Tribune*, 17 September 1860.

¹¹ U.S. Congress, House of Representatives: 37th Congress, 1st Session found in *The Congressional Globe*, 60.

¹² Ibid., 61.

indirectly related to the war, voting was essentially unanimous and nearly irrelevant of differences between party and region from which representatives belonged. However, this was rarely the case in the sessions that followed.

The second session of the Thirty-Seventh House opened December 2, 1861 and ran through mid-July of 1862, encompassing a much longer period than that of the emergency session. Although one might assume such an extensive session would lend itself to equal degrees of both war and domestic legislation, the latter dominated as many of the procedural war bills had been completed during the prior session. Rather than concern themselves with issues of war, representatives attacked a number of domestic issues. More specifically, the House considered two important promises made by the Republican Platform of 1860; the passage of a Homestead Act and the Pacific Railway Act.¹³ While regional divisions had hampered these issues in the decades prior to the Civil War, the absence of southern representatives allowed for a more suitable environment in which to pass geopolitical legislation.

One of the most important pieces of legislation coming out of the Thirty-Seventh House was the Homestead Bill. Voted on in February of 1862, the bill provided up to one hundred sixty acres of public land to a citizen or family that inhabited and cultivated that land for five years following the initial claim.¹⁴ One hundred seven representatives voted in favor of the bill while sixteen voted in the negative, a respective breakdown of 86.9% for and 13.1% against.¹⁵ In terms

¹³ T. Lloyd Benson, "Republican National Platform," *New York Tribune*, 17 September 1860.

¹⁴ The Library of Congress, "Homestead Act: Primary Documents in American History," from online database.

¹⁵ U.S. Congress, House of Representatives: 37th Congress, 2nd Session found in *The Congressional Globe*, 1035.

of party, eleven Unionists and five Democrats constituted the nays.¹⁶ As referenced above, the Democratic Party, at least in relative terms, aligned themselves with the south and their interests. This support included economic issues such as the Homestead Act which would serve to provide competition to southern plantation owners and their agricultural monopoly. Likewise, as most Unionists were from border states, slaveowners in places like Missouri and Kentucky were certain to encounter increased economic competition by western homesteaders. Accordingly, more than 68% of negative votes came from border states or the south, including seven of the sixteen from Kentucky alone.¹⁷ However, the Homestead Bill, an issue that had been highly divisive in the pre-war Congresses, passed with a high level of support. This is an important shift in the voting behavior by members of the House. Not only had the chamber overcome the geopolitical antagonism that hindered this type of legislation in the decades prior to the war, but party began to emerge as an important factor in voting cohesion.

While less successful in terms of partisan cohesion than the Homestead Bill, the Pacific Railway Bill continued to display the shift towards party loyalty. Seventy-nine representatives voted in favor of a railroad stretching from the Missouri River to the Pacific Ocean, accounting for just more than 61% of the total House.¹⁸ Republicans found loyalty in 76.4% of their members, turning in fifty-five yeas and only seventeen nays.¹⁹ Democrats were less cohesive, with eighteen of their thirty-one members voting no, accounting for 58% percent of their voting

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid., 1971.

¹⁹ Ibid.

caucus.²⁰ Unionists were equally divided with 58.3% voting against the railway bill and siding with the Democrats.²¹ All three regional divisions supported the measure, including 64.1% of northerners, 57.7% from border states, and 54.5% of westerners.²² In these terms, the Pacific Railway Bill found more support within party lines than any form of regional influence. Altogether, Republicans experienced the highest degree of voting cohesion on the issue, a result typical throughout the legislative history of the Civil War Congresses.

Having largely ignored the war effort in the previous session, the third assemblage of the Thirty-Seventh House convened in December of 1862, with an obligation to resolve issues concerning the war. While some domestic legislation was considered to a limited extent, almost all bills leaving the House during this session pertained to war legislation. Aside from the typical appropriation and conscription bills which necessitated the war effort, the Thirty-Seventh House resolved two important issues while in their final session.

The first issue involved the enlistment of Black soldiers. The overall vote resulted in eighty-three yeas and fifty-four nays, accounting for a sixty-four split and enough votes to pass the bill.²³ Regarding party loyalty, Democrats maintained 96.2% of their caucus, with all but one Democrat voting against the measure.²⁴ Republicans also experienced a high degree of loyalty

²⁰ Ibid.

²¹ Ibid

²² Ibid.

²³ U.S. Congress, House of Representatives: 37th Congress, 3rd Session found in *The Congressional Globe*, 690.

²⁴ Ibid.

with 95.2% of the party voting in favor.²⁵ But with eighty-four voting members, including only four deserters, Republicans vastly outnumbered the thirty-one member Democratic caucus. Although Unionists again sided with the Democrats, their twenty negative votes were not enough to overcome the Republican majority. On their own terms, 84% of Unionists voted against the bill, with only four members voting in favor of Black troops.²⁶ Regarding regional differences, 71.6% of northern representatives voted yes, as did 73.1% of westerners.²⁷ However, border states were strongly against the bill, resulting in a voting cohesion of 84%.²⁸ Overall, each party experienced high levels of voting cohesion, as did border states but to a lesser extent. In this way, the bill to raise Negro soldiers was more politically-orientated. Again, this vote supports the notion that House members shifted their allegiance from regional origins to one that promoted high levels of party loyalty.

As one of the most politically-charged pieces of legislation of the Thirty-Seventh House, a bill dealing with the writ habeas corpus demanded exceptionally high degrees of party cohesion. The bill was actually meant to indemnify the President's decision to suspend the writ of habeas corpus, which Lincoln had done years earlier. While the vote was likely insignificant in terms of altering the President's decision, it is nonetheless an important political issue to examine. Of the one hundred thirty-five votes cast, exactly two-thirds backed Lincoln's suspension of the writ of habeas corpus.²⁹ Representatives from the President's own party were

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid., 22.

most responsible for the affirmative votes, accounting for eighty of the total ninety votes in favor of the resolution. While Republicans garnered 96.5% loyalty from their members, Democrats slightly bested them with 96.7% of the party voting against the decision.³⁰ While the difference is minimal, especially considering how outnumbered Democrats were, it is important to note because voting cohesion among Democrats would not always maintain such high levels. On the suspension of the writ, Unionists again sided with Democrats, securing 72.2% of party members in voting against the resolution.³¹ As for regional cohesion, northern representatives had the greatest unity with 76.7% in favor of the bill.³² Western representatives sided with the north, but received only 65.4% cohesion while 72.2% of members from border states, as the obvious target of the suspension, voted in opposition.³³ Mark Neely, Jr. commented on this, finding that “the border states contained few Republicans in the early part of the war, but they held many Democrats of decidedly proslavery views. The latter, naturally, protested the suspension vigorously.”³⁴ Much like the issue of Black soldiers, the resolution to indemnify President Lincoln for his suspension of habeas corpus fell on party lines and, according to Neely, even influenced regional voting behavior. This notion of greater party cohesion was a recurring theme throughout the legislative history of the Civil War.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ Ibid.

³⁴ Mark E. Neely, Jr., *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York, NY: Oxford University Press, 1991), 186.

The Thirty-Eighth House of Representatives

The new House of Representatives, first convening in early December of 1863, was not the same House which had adjourned session earlier that March. Rather, the election of 1862 significantly shifted party proportions for the Thirty-Eighth House. At its inauguration, this House consisted of eighty-six Republicans, seventy-two Democrats, and twenty-five Unionists; far more balanced than its predecessor. However, while the House was more neutral on paper, Democrats were not as cohesive as they were during the previous Congress. Additionally, Unionist representatives began to vote with accordance to the Republican Party, perhaps in part because the war was shifting in favor of the North.³⁵

One of the more important elements of the first session of the Thirty-Eighth House was an overwhelming aversion to slavery, perhaps in part influenced by President Lincoln's Emancipation Proclamation which was ordered just two months prior to the adjournment of the previous House. First under consideration was an amendment to the organization of Colorado, which was initially established as a free territory under the Thirty-Sixth Congress.³⁶ The amendment, as proposed by Representative Mallory of Kentucky, attempted to strike the clause that prohibited slavery in Colorado.³⁷ The amendment was rejected, receiving only seventeen

³⁵ While this shift cannot be cited in definitive terms, the North won two decisive battles in July of 1863 while Congress was out of session. Victories at Gettysburg, and Vicksburg were important turning points in the war and helped contribute to this shift. The North continued to exercise their dominance throughout the period of the Thirty-Eighth House, including General Ulysses S. Grant's "war of attrition" on Confederate forces, as well as General William T. Sherman's "March to the Sea" and capture of Atlanta, Georgia.

³⁶ U.S. Congress, House of Representatives: 36th Congress, 2nd Session found in *The Congressional Globe*, 172.

³⁷ U.S. Congress, House of Representatives: 38th Congress, 1st Session found in *The Congressional Globe*, 1166.

votes in favor and eighty-six against.³⁸ Although the new House consisted of seventy-two Democrats, only twenty-two voted on the measure. Of these, fourteen voted to strike the clause, accounting for 63.6% of voting party members.³⁹ However, the large number of nonvoting Democrats likely indicates the party did not support the measure. Meanwhile Republicans overwhelmingly rejected the amendment, as all sixty-four voting members declared their opposition.⁴⁰ In a shift from previous sessions, Republicans were more outspoken in their aversion to slavery, more appropriately reflecting their 1860 Platform. The eighth of their seventeen points concluded that:

That the normal condition of all the territory of the United States is that of freedom; That as our Republican fathers, when they had abolished Slavery in all our national territory, ordained that "no person should be deprived of life, liberty, or property, without due process of law," it becomes our duty, by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a territorial legislature, or of any individuals, to give legal existence to Slavery in any Territory of the United States.⁴¹

Of significant importance, this complete party cohesion was not the last time Republicans would vote in such a manner. Additionally, as referenced above, Unionists began to vote with Republicans as 81.3% opposed the amendment.⁴² The important factor is that the House, and perhaps the Union as a whole, had finally come to reject any notion of slavery as acceptable.

³⁸ Ibid., 1167.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ T. Lloyd Benson, "Republican National Platform," *New York Tribune*, 17 September 1860.

⁴² U.S. Congress, House of Representatives: 38th Congress, 1st Session found in *The Congressional Globe*, 1167.

This was further affirmed by the rejection of a resolution that would have given states certain rights in determining their own laws. The vote came back with a definitive no, as all one hundred eighteen voting members opposed the resolution.⁴³ However, this kind of vote was rare.

The bill on conscription represented a more typical result of the Thirty-Eighth House. The bill, essentially expanding the Union Army through the draft, was brought to a vote in February of 1864, and passed with 61% House approval.⁴⁴ Of the ninety-three voting in favor, seventy-four were Republicans, once again commanding complete party authority by securing all their members' votes. Unionists again joined the Republicans with 70% of their members supporting the conscription bill.⁴⁵ Democrats voted otherwise with 91.5% opposing the bill.⁴⁶ With this strong party loyalty, regional cohesion was not nearly as strong. While all regions voted in favor of conscription, northerners garnered just 59.7% and the west only 56.1%.⁴⁷ Border states surprisingly had the highest level of voting unity with 65% of representatives voting yes.⁴⁸ Given these numbers, the trend establishing strong party loyalty in place of regional allegiance is further confirmed.

Reflecting a similar result, that of an inverse relationship between partisan and regional cohesion, was a bill that aimed to repeal the Fugitive Slave Laws. Despite much discussion and

⁴³ Ibid., 2030.

⁴⁴ Ibid., 631.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Ibid.

disagreement, the bill passed with eighty-two for and fifty-seven against.⁴⁹ Republicans again secured 100% loyalty of their voting caucus, as well as 81.8% of Unionist members in repealing the laws.⁵⁰ Democrats had but one deserter and experienced 98% voting cohesion against the repeal.⁵¹ Referencing geographical distinctness, the north had the highest agreement with 62.8% of members voting yes, while 56.3% of border state members also sided in the affirmative.⁵² However, the most interesting was the west where just over half of representatives voted against the repeal of the laws.⁵³ This first session revealed a number of trends within the House. Most specifically, partisan politics had become the norm within the chamber, Unionists had shifted their allegiance towards the Republican Party, and slavery was no longer accepted as an appropriate institution, but its legal future had yet to be determined

The second session of the Thirty-Eighth House of Representatives began in early December of 1864 and extended through March of the following year, just short of the war's end. In expectation and preparation for this, the House finally encountered the question of slavery's future. Having spent nearly two months on their own version of an amendment to abolish slavery and involuntary servitude, as well as working out a Joint Resolution with the Senate, the House finally voted on the bill which would become the Thirteenth Amendment to the U.S.

⁴⁹ Ibid., 3191.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

Constitution.⁵⁴ On January 31, 1865, the House voted to adopt the resolution, one hundred nineteen in favor and fifty-six against, with an overall approval of 68%.⁵⁵ Every single Republican voted yes, helping to fulfill their promise to abolish slavery as declared in their 1860 Platform.⁵⁶ Unionist members also approved the bill with 72% of their caucus.⁵⁷ Forty-eight Democrats voted against the resolution that became the Thirteenth Amendment, comprising 77.4% of their voting members.⁵⁸ In terms of regional cohesion, border states had the highest degree of unity with 69.2% in the affirmative.⁵⁹ Northerners trailed close behind with 68.4% of members voting in favor and the west achieved 62.8% for the Amendment.⁶⁰ While these figures seem to support a general, although not overwhelming aversion to slavery, some scholars have claimed otherwise. For example, Pulitzer Prize winning historian, Fred A. Shannon, found it "fairly certain the that industrial interests (of the Northeast) were well content to let slavery exist in the old South, since its effect was to produce a permanent system of cotton states to feed the Eastern mills."⁶¹ However, if Shannon were correct in his assumption, more northern representatives would likely have voted against the Amendment. For example, assume that

⁵⁴ U.S. Congress, House of Representatives: 38th Congress, 2nd Session found in *The Congressional Globe*, 522-531.

⁵⁵ *Ibid.*, 531.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ Robert A. Shannon, "The Federal Government and the Negro Soldier, 1861-1865," *The Journal of Negro History* 11, no. 4 (1926): 563.

economic interests of the north were superior to party loyalty. Northerners accounted for ninety-eight members, more than enough to form a majority if they so pleased. Additionally, sixty-eight percent of the north voted for the abolition of slavery, just short of the percentage of border states and more than five percent higher than the west. These figures show no bias, economic or otherwise that would support Shannon's allegation. Had northern representatives truly wanted to produce a permanent division of labor to favor northern industrialists, they certainly would not have encouraged mechanization and industrial improvements during southern Reconstruction.

Altogether, the Thirty-Eighth House had remarkably high levels of party loyalty, especially the Republicans. Regional cohesion was less important than it was in the previous House and would certainly be challenged with the restoration of the Union that would soon become reality.

The Thirty-Ninth House of Representatives

The first session of the Thirty-Ninth House began December 4, 1865, more than seven months after the end of the Civil War. Having been absent during the Confederate surrender at Appomattox, as well as the aftermath which ensued, the House of Representatives had a number of serious issues that needed to be resolved. In meeting these challenges, however, the Republicans had a newly-acquired asset. As a result of successful war campaigns in the south just prior to the Election of 1864, Republicans were rewarded with what can most surely be considered an endorsement of their policies. George H. Mayer echoed this notion, claiming "The spectacular Union victory at Atlanta . . . doomed the Democrats."⁶² The new House included one

⁶² George H. Mayer, *The Republican Party: 1854-1964* (New York, NY: Oxford University Press, 1964), 121.

hundred thirty-seven Republicans, just thirty-eight Democrats, and eighteen Unionists. Republicans held 71% of House seats, an obvious advantage in dictating legislation.

One of the first issues the Thirty-Ninth House took on was a resolution aiming to restore seats to representatives from Tennessee. While both major parties responded to the question with high levels of cohesion, it was the Republicans which made the difference. Of one hundred twenty-six total members voting on the resolution, only two Republicans supported it.⁶³ Despite the larger caucus, often making party loyalty more difficult, Republicans managed to secure 98.4% of their members' votes against the bill. Democrats responded in similar fashion, commanding 94.4% party loyalty in the affirmative.⁶⁴ Unionists, who had seen the number of their representatives cut in half over the course of the Civil War Congresses, were largely an insignificant party by this point. To make matters worse, the Unionist Party had become more polarized during this latter period and on the vote to restore seats to the Tennessee representatives, they split evenly at fifty percent.⁶⁵ Border States were similarly split with just 53.8% voting in favor of the resolution.⁶⁶ So, despite supporting northern policy during the previous Congresses, representatives from border states were less willing to do so following the war's end. Northern and western members were more predictable and consistent, garnering 80%

⁶³ U.S. Congress, House of Representatives: 39th Congress, 1st Session found in *The Congressional Globe*, 33.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

and 83% of votes against restoring seats to the representatives from Tennessee, respectively.⁶⁷ However, not all votes fell along these lines.

For example, a resolution to punish treason, an obvious reference to secession and war by the south, was supported by all one hundred fifty-two voting members in December of 1865.⁶⁸ Irrelevant of political and regional differences, the House voted as one, signifying that some issues were more important than loyalty to one's state or party.

While legislation such as the treason resolution presented an anomaly to the notion of divisive partisan politics, this was a rarity and more traditional patterns of cohesion soon reappeared. Consider the case of extending homesteads to southern states. This was essentially an amendment to the Homestead Act as passed under the Thirty-Seventh Congress, but failed to meet the same success. While the original act passed the House with 87% approval, the amendment received only 24.6% of votes in the affirmative.⁶⁹ Once again, Republicans were most responsible for the outcome with 97% of their one hundred voting members opposing the amendment.⁷⁰ Democrats united with 93.1% cohesion in favor and were joined by 60% of Unionists, although only accounting for three extra votes.⁷¹ In terms of geographical cohesion, northerners secured 79.2% against, westerners with 84.2% against, and border states with 55% in

⁶⁷ Ibid.

⁶⁸ Ibid., 60.

⁶⁹ Ibid., 718.

⁷⁰ Ibid.

⁷¹ Ibid.

favor.⁷² Each region likely had its own reasons. For example, Shannon may have been partially correct in declaring that northern industrialists, and thus House Representatives, preferred to maintain southern plantation society in order to maintain agricultural surpluses. Westerners likely voted against the amendment in order to restrict competition in the agricultural economy, and border states, in their support of southern homesteads, likely wanted to provide options to the south which did not necessitate slavery or similar institutions.

In order to ensure that slavery or similar forms of it did not reappear, the House needed to repeal *Dred Scott v. Sandford* and pass legislation securing rights of citizens. In what would later become the Fourteenth Amendment to the U.S. Constitution, House members voted in favor of a bill that secured "full and equal benefit of all laws and proceedings" to "all persons born in the United States . . . and such citizens of every race and color."⁷³ One hundred eleven voted in favor and thirty-one in opposition.⁷⁴ Once again, the vote fell largely on party lines, with Republicans encompassing 97% of those voting in the affirmative.⁷⁵ Only one member from each the Democrats and Republicans voted against their party, while 55% of Unionists opposed the bill.⁷⁶ Regarding regional voting, the west experienced the greatest cohesion with 89.2% of members voting in favor of civil rights.⁷⁷ Northerners secured 76.8% for, while border states offered

⁷² Ibid.

⁷³ Ibid., 1366.

⁷⁴ Ibid., 1367.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

60.9% against.⁷⁸ These figures are largely in line with voting behavior during the session; strong partisanship from Republicans and Democrats, mixed voting from the remaining Unionists and border states, and slightly higher degrees of cohesion in the west than the north.

The U.S. House of Representatives Overview

The U.S. House of Representatives during the Civil War was an institution that was in the process of change. Moving away from the geopolitical pressures which had influenced the House in the decades prior to the war, the lower chamber of Congress began to emphasize stronger partisan politics in an attempt to overcome divisive domestic legislation and challenges which accompanied the war. In terms of partisan allegiance, the Republican Party experienced the highest levels of cohesion throughout the war. This was especially evident during the Thirty-Eighth House when a more-balanced chamber forced Republicans to vote together, often executing party dominance to the extreme with 100% cohesion. In referencing high levels of Republican unity, Thaddeus Stevens found an urgency and necessity to vote together in passing important Republican legislation. Representative Stevens claimed that "with the Democrats that in the best times will be elected from the North, will always give them a majority in Congress They will, at the very first election, take possession of the White House and Halls of Congress."⁷⁹ Democrats were less successful in controlling voting behavior by their members, but did manage to strengthen party unity over time. This unity was especially evident regarding war legislation and social policies toward the south. Democrats also maintained a high level of commitment in balancing Republican control, even when outnumbered by vast margins in the Thirty-Ninth House. Unionists were far less consistent, supporting Democratic policies during

⁷⁸ Ibid.

⁷⁹ Thomas Frederick Woodley, *Great Leveler: the Life of Thaddeus Stevens* (Freeport, NY: Books for Libraries Press, 1969), 368.

the Thirty-Seventh House, but shifting allegiance to the Republicans in the subsequent Houses. Additionally, Unionists became especially polarized in the Thirty-Ninth Congress, perhaps because the party had achieved their goal of reunification or perhaps because they were regionally torn. The north and west were similarly torn, although to a lesser extent. Altogether, the association between party and region reflected an inverse relationship. It seems no coincidence that a more balanced party structure of the Thirty-Eighth House resulted in the weakest regional cohesion, as party took precedence. Similarly, the strongest regional cohesion existed in the Thirty-Ninth House when members did not have to concern themselves with party allegiance, as it was decidedly in favor of the Republicans. Altogether, party loyalty played a far larger role in the House during the Civil War, but regional allegiance did not vanish altogether.

The United States Senate

Much like in the House, the absence of southern congressmen and war against the Confederacy produced important changes in the U.S. Senate. However, it is important to view the upper chamber on its own accord due to a number of structural and procedural intricacies. In terms of these differences, size and tenure are primary. The Senate was a very different institution from that of the House, having far fewer members and experiencing less turnover as a result of longer and staggered terms of office. As a result of these staggered terms, there was a stronger continuation of pre-war policy and procedure in the upper chamber. Additionally, and perhaps more importantly, the Senate was not directly elected by the constituents of each state at this period in American history.⁸⁰ Rather, state legislatures elected Senators, making them less

⁸⁰ U.S. Constitution, article 1, section 3.

responsible to the average citizen and more concerned with the elite members of their state government. In consideration of this loyalty, as well as the aforementioned distinctions of size and tenure, the Senate operated on terms far different from that of the House. While the lower chamber experienced high degrees of partisan cohesion and significantly lower degrees of regional loyalty, Senate members were far more balanced in their allegiance. In these terms, the upper chamber was less reactive to the Civil War and continued to display geopolitical influences in combination with partisan priorities on differing forms of legislation.

As referenced above, the Senate was in part shaped by their structural intricacies, but these nuances also influenced the project's analysis of the chamber. This takes several forms, the most important of which results in smaller samples by which to examine voting cohesion. Although the number of Senators in the chamber shifted throughout the Civil War Congresses, no bill examined below has a larger turnout than forty-four total members.⁸¹ As part of this smaller total sample, some groupings have but a few members representing a particular party or region. This is especially true of the Democrats, Unionists, and Border State members at different times throughout the Civil War Senates and is important to keep in mind when viewing the data. As an example, the Unionist Party might have experienced a voting cohesion of 66.7% on one bill and full loyalty on another bill while the difference may only be one member. Additionally, because the Senate's influence often depended on the type of legislation, the following examination takes a more topical approach, while still maintaining a chronological

⁸¹ The size of the Senate was altered numerous times during the war. These shifts first occurred in the Thirty-Seventh Congress, as Senators from the South either resigned their posts, or were voted out of the chamber. Additional shifts occurred when West Virginia was admitted into the Union, and when Tennessee Senators were allowed to rejoin the chamber in the Thirty-Ninth Congress. The largest turnout examined included forty-four members during the bill which became the Thirteenth Amendment to the U.S. Constitution, but turnout dropped as low as thirty-two members during the vote which sought to admit Colorado as a state.

development as best possible. In terms of procedural differences from the House, the smaller size of the upper chamber afforded the Senate to engage in voice votes, a verbal affirmation or disapproval of a bill. However, these voice votes did not document individual yeas or nays in the congressional records. While voice votes often indicated strong support or low opposition to a bill, they negate any opportunity to examine partisan and regional voting cohesion. In reference to the specific period, voice votes were a popularly-used method by Senate leadership in passing war legislation. In accordance with this, the following examination of Senate legislation details fewer bills relating to the war and provides more focus on domestic and social legislation. While this is unfortunate in some respects, it does allow the project to examine the domestic arena of Senate legislation that appears to be more divisive and more regionally-influenced. In this way, the intricacies of Senate structure and procedure provide an important perspective and influence over the chamber's legislation and voting results.

The Thirty-Seventh Senate

The Thirty-Seventh Senate convened for their emergency assembly in July of 1861 and remained in session through early August. In honesty, the Senate's first session was not particularly interesting in relation to voting cohesion. The upper chamber passed some important war legislation, although mainly by voice vote. Included in these voice votes were bills to increase the army, a loan bill, and resolutions to expel Senators from the southern states. While voting cohesion cannot be identified in definitive terms, the high frequency of voice votes indicates the measures had little opposition. Much like in the House, this session was largely procedural and provided a framework for the Union to engage the Confederacy in war.

Of the legislation which can be analyzed, one of the Senate's first priorities was to pass a bill which sought to formally employ and organize volunteers of the Union Army, providing pay and other allowances.⁸² The Volunteer Bill was actually passed twice, first in its original version and then a second time after returning from the House. On both occasions, the Senate approved the bill with 89.5% of its members.⁸³ In terms of a partisan breakdown, all twenty-nine Republicans voted in favor of the measure.⁸⁴ Five of eight Democrats joined in the affirmative, resulting in 62.5% voting cohesion while the only voting Unionist opposed the bill.⁸⁵ With reference to regional voting patterns, the north and west secured full loyalty in favor of the bill, while 80% of members from border states voted in the negative.⁸⁶ This is where Senate data becomes difficult to analyze. On the side of partisan politics, the whole Republican caucus voted together, signifying a strong sense of partisan loyalty. However, all four votes against the bill came from border state members, indicating strong regional opposition from states caught in the middle of the conflict. The role of Democrats further complicated the matter. While three of the four total negative votes came from Democrats, their overall approval of the Volunteer Bill and division within the party serves to nullify the notion that partisan loyalty was the stronger influence. What the bill does reveal is that voting cohesion in the Senate was not nearly as clear

⁸² U.S. Congress, Senate: 37th Congress, 1st Session found in *The Congressional Globe*, 80-82.

⁸³ *Ibid.*, 82.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*

as it was in the House of Representatives. As observed below, there is a recurring difficulty in declaring the superiority of partisan or regional loyalty in the Senate.

Unlike the emergency session, the Senate's second assembly gave special focus to a number of domestic issues. Beginning in early December of 1861 and extending through mid-July of 1862, the second session also marked a return to the more traditional form of roll-call voting. This is an important procedural shift and indicates that domestic legislation was recognized as potentially more divisive than war bills, whether consciously or not. Included in this category were long-standing issues such as the Homestead Bill and the establishment of a Pacific Railway.

The Homestead Bill was one of the most important pieces of legislation passed during the Civil War Congresses. The Senate's overall approval of the Homestead measure was 82.5%.⁸⁷ Republicans once again provided the most important support as every member voted in the affirmative.⁸⁸ Four of seven Unionists also voted for the bill, resulting in 57.1% cohesion.⁸⁹ Democrats voted in the negative, with 80% voting against the Homestead Bill.⁹⁰ In terms of regional voting, all eighteen northerners supported the measure, as did 92.3% of western members.⁹¹ Six of nine Senators from border states voted no, resulting in 66.7% cohesion.⁹² The

⁸⁷ U.S. Congress, Senate: 37th Congress, 2nd Session found in *The Congressional Globe*, 1951.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

groups which disapproved of the Homestead Bill are not especially surprising. Members from border states were certainly aware of the bill's potential results in challenging agricultural markets which existed in their own states and the plantation society of the south. Democrats had similar reasons, as party interests stretched across the Mason-Dixon to their colleagues in the South. Perhaps more interesting is that the bill shows stronger regional cohesion than it does party loyalty. While it would be expected that a domestic issue would result in a more geopolitically influenced vote, this was not the case in the House. In these terms, the regional influence of this vote serves as a continuation of pre-war politics in the Senate.

Much like the Homestead Bill, legislation for a Pacific Railway resulted in a similar geopolitical trend. Passing the Senate on June 20, 1862, the railway measure secured 87.5% general approval.⁹³ Regarding voting cohesion, all groupings gave the bill high degrees of support. Republicans garnered 86.7% while Democrats and Unionists each obtained 83.3% approval.⁹⁴ But regional cohesion was paramount with 93.8% of northerners, 84.2% of westerners, and 83.3% of Senators from border states affirming the bill.⁹⁵ ⁹⁶Although the figures are close, regional cohesion trumped partisan loyalty, providing yet another example of the way in which the House and Senate differed in their voting influences.

In much the same manner, a bill to admit West Virginia into the Union was also met with higher degrees of regional cohesion. Northerners secured the highest levels of agreement with

⁹³ Ibid., 2840.

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

93.3% in favor of the bill.⁹⁷ Senators from the west supported the bill with 72.7% cohesion while 75% of members from border states voted against the bill.⁹⁸ Partisan cohesion was less impressive, as it was influenced by lackluster voting turnout from the Democrats and Unionists. More specifically, Republicans secured 84% cohesion for the admission of West Virginia, while two of three Unionists voted against the bill for 66.7% cohesion.⁹⁹ The Democratic caucus had but two members, splitting their votes.¹⁰⁰ This kind of low turnout from two of the three parties is likely one reason why the Senate experienced lower degrees of partisan cohesion than the House. Being highly outnumbered by the Republicans, Senators may have chosen to divide along regional lines in an attempt to better secure their interests. While the difference between partisan and regional cohesion is minimal and perhaps otherwise insignificant, the mere fact that regional cohesion rivals and even surpasses party cohesion is an important quality of the Senate during this period, especially in contrast to the lower chamber.

While domestic legislation resulted in higher degrees of regional cohesion, legislation relating to the war did not always have the same outcome. For example, the second-session confiscation bill received greater partisan loyalty. The bill's intent was to justify confiscation of southern property in an attempt to deprive the Confederacy of resources necessary for the war effort, ranging from cattle to slaves.¹⁰¹ Republicans favored the bill with 89.7% cohesion while

⁹⁷ Ibid., 3320.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid., 2989-2990.

Democrats and Unionists responded in opposition with 100% and 83.3%, respectively.¹⁰² Northern Senators were impressive with full loyalty in favor of the Confiscation Bill, but westerners secured only 57.1% in favor.¹⁰³ Border states voted in opposition with 87.5% cohesion.¹⁰⁴ While the figures may not initially give credence to one specific influence or the other, there are three important factors which align this type of economic legislation with partisan pressures. First, party cohesion had slightly higher overall percentages of loyalty. Second, the bill finds Democrats and Unionists joining together in opposing the measure, with ten of eleven such members voting collectively in an attempt to overcome the Republican majority. The last reason justifying the bill along party lines is that western Senators turned in an especially weak performance with eight for confiscation and seven against.

Another Senate bill resulting in greater partisan cohesion was one aiming to indemnify President Lincoln for his suspension of habeas corpus. Once again, this was meant to aid the war effort by eliminating domestic opposition. All thirty Republicans voted for the bill, as did 60% of Unionist Senators.¹⁰⁵ Democrats responded in opposition with full cohesion, although only encompassing five votes.¹⁰⁶ In terms of region, the north secured 95% loyalty in favor of the bill and the west garnered 84.6%.¹⁰⁷ Senators from border states, as the blatant targets of the

¹⁰² *Ibid.*, 3006.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ U.S. Congress, Senate: 37th Congress, 3rd Session found in *The Congressional Globe*, 554.

¹⁰⁶ *Ibid.*

¹⁰⁷ *Ibid.*

suspension, were certainly less enthused, but only managed to secure 57.1% against the bill.¹⁰⁸ The important note, at least for the Thirty-Seventh Congress, is that the Senate operated on different terms for different types of bills. While the difference is minimal at times, a close examination finds that war legislation resulted in greater partisan cohesion while domestic legislation, including economic issues, produced higher degrees of regional loyalty.

The Thirty-Eighth Senate

The first session of the Thirty-Eighth Senate convened December 7, 1863 and extended through early July of 1864. Many of the bills considered during this session dealt with important social and economic issues

Perhaps the most important bill of the session came in the form of an amendment to the U.S. Constitution. In what would become the Thirteenth Amendment, the Senate approved the bill with an overall cohesion of 86.4%.¹⁰⁹ Republicans were once again primary in this passage, as all thirty-one members voted in favor of the bill.¹¹⁰ Five of six Unionists joined in affirming the measure with 83.3% cohesion.¹¹¹ Meanwhile, 71.4% of Democrats voted against the bill.¹¹² In terms of region, northerners secured full cohesion in favor of the Thirteen Amendment, as did

¹⁰⁸ Ibid.

¹⁰⁹ U.S. Congress, Senate: 38th Congress, 1st Session found in *The Congressional Globe*, 1490.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

88.2% of western Senators.¹¹³ Senators from border states were less cohesive at 55.6%, but did manage to support the cause.¹¹⁴ While approval from the border states was low, all three regions supported the bill, indicating the policy was harmonious across regional lines. Meanwhile, the disagreement between Republicans and Democrats supports the notion that social issues were more influenced by partisan politics. However, Michael Vorenberg appraised the Senate vote on the Thirteenth Amendment in a different light. He found the results to mark an important shift from pre-war policies of Democrats and Unionists. Vorenberg claimed "on closer examination the vote confirmed what political insiders had begun to suspect, that the antislavery coalition had made further inroads into the Democrats and border state Unionists."¹¹⁵ While the vote cannot be cited as a complete overhaul of each party's policy toward slavery, tripartisan support for the Thirteenth Amendment signified an important change in Senate politics during and as a result of the war.

The bill to repeal the Fugitive Slave Laws was another example of social legislation which resulted in stronger partisan cohesion. Taking place June 23, 1864, the bill received an overall approval of 69.2%.¹¹⁶ All but one Republican supported the bill, resulting in 95.5% cohesion.¹¹⁷ However, all six Democrats and five of seven Unionists voted against the repeal,

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Michael Vorenberg, *Final Freedom* (Cambridge, UK: Cambridge University Press, 2001), 113.

¹¹⁶ U.S. Congress, Senate: 38th Congress, 1st Session found in *The Congressional Globe*, 3191.

¹¹⁷ Ibid.

resulting in 100% and 71.4% cohesion, respectively.¹¹⁸ In terms of regional allegiance, the north experienced the highest degree of loyalty with 87.5% in favor.¹¹⁹ Westerners joined in approval with 77.5% of their members' votes while border states decided in the negative with 80% cohesion.¹²⁰ In averaging the three partisan and regional votes, the outcome resulted in 89% for overall party loyalty while overall regional cohesion was only 81.8%. In these terms, social policies were more closely aligned with partisan influence.

One last bill reflects this same notion. Within the second session of the Senate, a bill was proposed to disqualify color as a qualification to carry mail. All twenty-one Republicans voted to strike the requirement, as did 83.3% of Unionists.¹²¹ However, Democrats responded with full loyalty of their voting caucus in opposition of the bill.¹²² Regionally, the north and west were strongly in favor of the bill, resulting in 91.7% and 91% cohesion, respectively.¹²³ Senators from border states were far less cohesive, with a mere 62.5% of members in favor of the bill.¹²⁴ Overall, five Senators voted against their region while only one voted against his party. Again, the difference may seem minimal, but this is an important factor when examining an institution

¹¹⁸ Ibid.

¹¹⁹ Ibid.

¹²⁰ Ibid.

¹²¹ U.S. Congress, Senate: 38th Congress, 2nd Session found in *The Congressional Globe*, 63.

¹²² Ibid.

¹²³ Ibid.

¹²⁴ Ibid.

with so few members. Even more imperative is recognizing how the Senate operated on specific types of legislation.

Thus far, the project has examined domestic, war, and social legislation, but has made little mention of economic issues in the Senate. The first bill that details this type was one to restrict commercial activities between loyal and insurrectionary states. Democrats garnered full party loyalty in rejecting the bill and were joined by 57.1% of Unionist Senators.¹²⁵ However, the Republicans once again flexed the strength of their majority by voting in favor of the bill with 85.7% of their caucus.¹²⁶ Regional cohesion was less impressive. Senators from the west and north approved the bill with 78.6% and 76.5%, respectively, while border state members voted against the bill with 70% cohesion.¹²⁷ However, this was not the only economic bill which resulted in strong party loyalty.

To further substantiate the partisan influence on economic policy, a bill that aimed to increase tariffs resulted in especially divisive party politics. Tariff policy, much like the Homestead and Pacific Railway Acts, was a long-standing and contentious issue in the decades prior to the war. While tariff policy was often associated in terms of regional interests, specifically between the agricultural south and industrially-developing north, it had become an issue that extended into partisan politics. The bill to increase tariffs is a perfect example of this, as all party groupings secured full loyalty of their caucuses.¹²⁸ Republican and Unionist Senators

¹²⁵ U.S. Congress, Senate: 38th Congress, 1st Session found in *The Congressional Globe*, 3325.

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ *Ibid.*, 3053.

voted in favor while Democrats voted in the negative. Geopolitical loyalty among northerners was high at 92.9% of members in support of the bill, as industry was strongest in that region.¹²⁹ The remaining regions also voted in favor, with border states at 75% and the west at 66.7% cohesion.¹³⁰ Referencing the region with the lowest cohesion, the three negative votes of the west all came from Democrats. While the tariff bill would certainly alter product markets in the region by increasing the price of domestic goods, Senators instead chose to follow party lines. This is important in two ways. First, it indicates the superiority of party on economic policy. But perhaps more important, the decision of western Democrats to support increased tariff policy reflects an important fact about the nature of the upper chamber. As referenced earlier, the Senate was not directly elected by each state's constituents, but rather by state legislatures. In this way, western Democrats may well have had less concern for the average citizen having to buy goods at a higher price. Overall, the Senate's trend on economic legislation was to follow party lines.

The Thirty-Ninth Senate

Much like in the House, party structure of the Thirty-Ninth Senate was different from that of its predecessor. In terms of party members, the new Senate included thirty-nine Republicans, eleven Democrats, and just four Unionists. Senate Republicans held a vast majority over their counterparts, but the result was very different from what occurred in the House.¹³¹ Regarding the

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ While both House and Senate Republicans gained seats after the 1864 Election, creating large majorities, levels of cohesion were not consistent between the two chambers. House Republicans continued to display high levels of partisan loyalty in the Thirty-Ninth

first session of the Thirty-Ninth Senate, the following examines social, political, and domestic legislation. In viewing each type of bill, the project examines how the return to peace influenced the upper chamber.

The most important piece of legislation considered during this first session was the Joint Resolution which would become the Fourteenth Amendment to the U.S. Constitution, guaranteeing rights of citizens. Regarding partisan voting behavior, Democrats led the charge against the resolution with 100% cohesion.¹³² Republicans voted in favor of the Fourteenth Amendment with 91.4% cohesion, while the two voting Unionist Senators split their votes.¹³³ By region, Senators from the north and west voted in favor of the resolution with 93.8% and 79% cohesion, respectively.¹³⁴ Border state Senators opposed the measure with 66.7%¹³⁵. Perhaps the most interesting result of the vote was the level of cohesion within the Republican Party. While loyalty from 91.4% of party members was still impressive, Republican cohesion was not as high as social legislation in the previous Civil War Senates. This began a trend within the Thirty-Ninth Senate, as observed in subsequent legislation.

More than a year after the end of the Civil War, the Senate finally considered a bill which sought to restore congressional seats to the state of Tennessee. The resolution cited a number of

Congress, while Senate Republicans experienced decreased loyalty. The reasoning for this is discussed later.

¹³² U.S. Congress, Senate: 39th Congress, 1st Session found in *The Congressional Globe*, 3042.

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ Ibid.

reasons to restore Tennessee to the Union and reseal the state's congressmen. Most important of these was Tennessee's ratification of the Fourteenth Amendment.¹³⁶ All partisan and regional groupings supported the resolution. Republicans secured 92.3% of their voting caucus.¹³⁷ All three Unionist Senators voted yes, while Democrats split at 50%.¹³⁸ Western Senators had the highest regional cohesion at 93.3% while northerners garnered 84.6% of their members' votes in favor of restoring congressional seats to Tennessee.¹³⁹ Senators from border states secured 75% cohesion.¹⁴⁰ In passing the bill and reintroducing southern congressmen, the Senate would once again alter the structure of their chamber.

Perhaps the most interesting pieces of legislation coming out of the Thirty-Ninth Senate were domestic bills. While previous Civil War Senates had displayed stronger regional cohesion on domestic issues, the Thirty-Ninth experienced a shift in their legislative influence. This shift is clearly recognized by a bill that intended to admit Nebraska as a state. Republicans only secured 67.7% of their voting caucus in favor of the bill, not including a number of notable members who voted against the party.¹⁴¹ All Unionists Senators voted yes, while 100% of Democrats voted against the admission of Nebraska.¹⁴² Regional cohesion was far less cohesive. Senators from the west and border states voted in the affirmative with 73.7% and 55.6%,

¹³⁶ *Ibid.*, 3897.

¹³⁷ *Ibid.*, 4007.

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*

¹⁴¹ *Ibid.*, 4222.

¹⁴² *Ibid.*

respectively.¹⁴³ Meanwhile, as a likely consequence of northern Republicans who voted against the bill, 64.3% of northern Senators voted against the admission of Nebraska.¹⁴⁴ This was an especially rare case of the Civil War Congresses, as the Republican Party had always supported Union expansion. Furthermore, the Republicans had won the war, ensured the end of slavery, and promised the extension of rights to all citizens, regardless of race or color. The truth of the situation lay in the increasingly fragmenting Republican Party. While the peril of war had served as a uniting force between the conservative and radical wings of the Republican Party, the return to peace dismantled this accord. Some of the most powerful and important Republican Senators voted against the admission of Nebraska as a state. Men such as Charles Sumner and William Fessenden feared that more strict regulations were needed in order to ensure slavery could not reappear.¹⁴⁵ Sumner had even introduced an amendment which would have nullified Nebraska's statehood if there had been any "denial of the elective franchise or any other right on account of color or race."¹⁴⁶ In this sense, the absence of war had shifted the legislative influences of the Senate. Yet, the admission of Nebraska was not the only case which exhibited this change in voting behavior.

Much the same, a bill to admit Colorado into the Union met a similar result. Opposing wings of the Republican Party again fragmented over the issue of expansion, as the party secured a meager 70.8% cohesion.¹⁴⁷ Both Unionists and Democrats experienced 100% cohesion, with

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid

¹⁴⁷ Ibid., 2180.

the former voting in favor and the latter voting against the bill.¹⁴⁸ Regional loyalty was once again indecisive. Northerners voted against the admission of Colorado with 54.5% cohesion, westerners voted in favor with 73.3%, while Senators from border states split their votes at 50%.¹⁴⁹ The Colorado bill was important in two respects. First, it strengthens the argument that the Republican Party experienced lower levels of cohesion with the absence of war. Second, the Senate no longer relied on regional loyalty as their primary influence on domestic legislation. Both are unique to the Senate and are important notes in understanding how the Civil War altered the upper chamber.

The first session of the Thirty-Ninth Senate revealed a number of significant shifts. Foremost, Republicans struggled to maintain partisan solidarity in the aftermath of war. Meanwhile, Democrats actually strengthened party unity during the Thirty-Ninth Senate. Unionists, with just four members remaining, were largely irrelevant. Regional groupings were inconsistent during this first session, marking another shift in the legislative influences of the Senate. While domestic legislation had resulted in stronger levels of regional cohesion during the previous Civil War Congresses, this last session yielded higher levels of partisan loyalty.

The United States Senate Overview

In accordance to the Senate's procedural and structural intricacies, the upper chamber's voting patterns were far different from those of the House. Most important were the limited size of the Senate, as well as staggered terms of office. These details served to hinder major change in the Senate, including the shift from a regionally-dominated chamber to one that emphasized

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

more strict party discipline. While the House had the advantage of two-year terms and higher turnover to encourage this shift, the Senate maintained many of their pre-war trends in legislative voting and cohesion.

In a general sense, members of the upper chamber of Congress did alter their legislative priorities in accordance to specific types of legislation. For example, economic, war, and social policies reflected greater partisan loyalty while domestic legislation resulted in higher regional cohesion. The Thirty-Ninth Senate served as an anomaly to this categorization of legislative influences, as social, political, and domestic bills all resulted in greater partisan loyalty. However, in examining the previous Civil War Senates, it is beneficial to analyze each type of legislation in a broader context. To express this numerically, three votes for each type of legislation were averaged. Economic legislation included the bill restricting commercial intercourse between Union and Confederate states, increased tariffs, and ending trade with Canada. Averaged, partisan cohesion was 85.2% while regional loyalty resulted in 77.5%. War legislation included the Volunteer Bill, a vote to table the insurrection and sedition bill, and the Confiscation Bill, resulting in overall partisan cohesion of 91.7% while regional loyalty was 84.6%. Social legislation included the Thirteenth Amendment, the repeal of the Fugitive Slave Laws, and disqualification of color in carrying the mail. Partisan loyalty averaged 89.4% while regional cohesion experienced just 81.6%. Domestic legislation included the Homestead Bill, the Pacific Railroad Bill, and the admission of West Virginia. This resulted in regional cohesion of 84.6% while party loyalty averaged 76.8%. While domestic legislation was the only form that resulted in greater regional cohesion, it is amplified by the importance of the bills that passed through the Senate during war years. The Homestead Bill and Pacific Railway Act were measures that had been highly divisive in the decades prior to the war, but were pushed through

with the help of strong regional cohesion that continued to exist in the Senate. Specifics aside, it is clear the Senate was a far more complex chamber than the House.

Comparison and Conclusion

As a whole, the institution of Congress was significantly altered by the Civil War. The necessities of war and absence of southern congressmen shifted the geopolitical pressures of Congress toward a system which was driven by stronger partisan politics. This was especially true in the House of Representatives which experienced significantly higher degrees of partisan cohesion for all types of legislation. The Senate was less influenced by the war, in part due to structural abnormalities which helped maintain some pre-war regional loyalties. As such, much of the domestic legislation in the upper chamber continued to be influenced by geopolitical pressures. Meanwhile, war, social, and economic policies resulted in strengthened partisan cohesion, but not nearly as significant as in the House of Representatives. The Senate was certainly the more complex chamber, especially when considering the fragmentation of the Republican Party in the Thirty-Ninth Senate. Many historians cited this divide, often referencing the role of "Radical Republicans" in affecting legislation. While "the radical movement in the House was not as well defined," the Senate experienced a different situation.¹⁵⁰ As referenced by Bogue, "the Senate Republicans had no effective opposition; the consolidating influence that powerful opponents provide was absent."¹⁵¹ This radical nature of Senate Republicans explains why the upper chamber experienced lower degrees of partisan cohesion than did the House. This

¹⁵⁰ George H. Mayer, *The Republican Party: 1854-1964* (New York, NY: Oxford University Press, 1964), 95.

¹⁵¹ Allan G. Bogue, *The Earnest Men: Republicans of the Civil War Senate* (Ithaca, NY: Cornell University Press, 1981), 25.

was especially evident in the Thirty-Ninth Congress. Despite large majorities by both chambers, the House continued to exert high partisan cohesion while the Senate struggled to overcome the absence of the war as a consolidating force. In a more general analysis, the Civil War marked a turning point in the legislative history of Congress. The House of Representatives experienced an important shift towards partisan politics, as did the Senate, but with less resolve. While some pre-war policies maintained, the Civil War forever altered Congresses' legislative influences, the role of leadership, and perhaps most important, party politics.

Bibliography

Secondary Sources

Bogue, Allen G. *The Congressman's Civil War*. Cambridge, NY: Cambridge University Press, 1989.

_____. *The Earnest Men: Republicans of the Civil War Senate*. Ithaca, NY: Cornell University Press, 1981.

Jenkins, Jeffery A. "Examining the Bonding Effects of Party: A Comparative Analysis of Roll-Call Voting in the U.S.," *American Journal of Political Science* 43, no. 4 (1999).

Mayer, George H. *The Republican Party: 1854-1964*. New York, NY: Oxford University Press, 1964.

McPherson, Edward. *The Political History of the United States of America During the Great Rebellion, 1860-1865*. New York: De Capo Press, 1972.

Neely, Mark E. *The Fate of Liberty: Abraham Lincoln and Civil Liberties*. New York, NY: Oxford University Press, 1999.

Nevins, Allan. *The War for the Union, I: The Improvised War*. New York, NY: Charles Scribner's Sons, 1959. Quoted in Howard M. Hensel, *The Sword of the Union: Federal Objectives and Strategies During the American Civil War*. Montgomery, AL: USAF Air Command and Staff College, 1989.

Shannon, Robert A. "The Federal Government and the Negro Soldier, 1861-1865," *The Journal of Negro History* 11, no. 4 (1926).

Vorenberg, Michael. *Final Freedom: The Civil War, the Abolition of Slavery, and the Thirteenth Amendment*. Cambridge, UK: Cambridge University Press, 2001.

Margaret E. Wagner, Gary W. Gallagher, and Paul Finkelman. *The Library of Congress; Civil War Desk Reference*. New York, NY: Simon & Schuster, 2002.

Williams, T. Harry. *Lincoln and the Radicals*. Madison, WI: The University of Wisconsin Press, 1941.

Woodley, Thomas Frederick. *Great Leveler: the Life of Thaddeus Stevens*, Freeport, NY: Books for Libraries Press, 1969.

Primary Sources

- Benson, T. Lloyd. "Republican National Platform," *New York Tribune*, 17 September 1860
- The Library of Congress, "Homestead Act: Primary Documents in American History," from online database
- U.S. Congress. House of Representatives. *Congressional Globe*, 36th Congress, 2nd Session, 1860-1861.
- U.S. Congress. House of Representatives. *Congressional Globe*, 37th Congress, 1st Session, 1861.
- U.S. Congress. House of Representatives. *Congressional Globe*, 37th Congress, 2nd Session, 1861-1862.
- U.S. Congress. House of Representatives. *Congressional Globe*, 37th Congress, 3rd Session, 1862-1863.
- U.S. Congress. House of Representatives. *Congressional Globe*, 38th Congress, 1st Session, 1863-1864.
- U.S. Congress. House of Representatives. *Congressional Globe*, 38th Congress, 2nd Session, 1864-1865.
- U.S. Congress. House of Representatives. *Congressional Globe*, 39th Congress, 1st Session, 1865-1866.
- U.S. Congress. Senate. *Congressional Globe*, 37th Congress, 1st Session, 1861.
- U.S. Congress. Senate. *Congressional Globe*, 37th Congress, 2nd Session, 1861-1862.
- U.S. Congress. Senate. *Congressional Globe*, 37th Congress, 3rd Session, 1862-1863.
- U.S. Congress. Senate. *Congressional Globe*, 38th Congress, 1st Session, 1863-1864.
- U.S. Congress. Senate. *Congressional Globe*, 38th Congress, 2nd Session, 1864-1865.
- U.S. Congress. Senate. *Congressional Globe*, 39th Congress, 1st Session, 1865-1866.