

2019

## Shifting Interpretations: Unionism in Virginia on the Eve of Secession

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### Recommended Citation

Gittelman, Matthew B. (2019) "Shifting Interpretations: Unionism in Virginia on the Eve of Secession," *James Blair Historical Review*:  
Vol. 9 : Iss. 1 , Article 5.

Available at: <https://scholarworks.wm.edu/jbhr/vol9/iss1/5>

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## Shifting Interpretations: Unionism in Virginia on the Eve of Secession

Matthew Gittelman

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The rapid ascension of the Republican Party, which culminated in the election of Abraham Lincoln as President of the United States, prompted a tidal wave of secession among the southern states. But as the Deep South quickly departed the Union, Virginia lingered, caught between what remained of the United States and the newly formed Confederacy. As the South's most populous and economically influential state, Virginia held the key to how the coming storm would unfold. If the Commonwealth chose to remain in the Union, the burgeoning Confederacy would have failed to acquire the South's greatest industrial power. But, if Virginia decided to secede, all bets were off.

Virginians fiercely debated the question of secession all across the state. In Pittsylvania County, the people met to discuss the crisis at hand. The convention, composed largely of local gentry and the lower white classes and held in the winter of 1861, adopted a set of motions drafted by Judge William Marshall Treadway, which were collectively known as "Mr. Treadway's Resolution." The Resolution petitioned the General Assembly to adopt necessary security measures, called for increased southern commercial independence, and even advocated the election of a special council to *consider* the question of secession.<sup>1</sup> Lastly, the Resolution demanded that northern states repeal any laws nullifying the Fugitive Slave Act and insisted that the federal government punish any states that may have refused.<sup>2</sup>

With "Mr. Treadway's Resolution," Pittsylvania County essentially encouraged Virginia to arm one hand while extending the other. The document's seemingly contradictory sentiments, in addition to the language expressed throughout it, appear to regard secession as a last ditch option. The citizens of Pittsylvania held the

Constitution in high regard and accused the northern states and the Republican Party alike for being the true violators of the “Federal Compact.”

These ideological leanings diverge from traditional notions about secession. Regardless of the conclusions historians may draw when studying the period, the historiography almost always harbors the same basic assumptions extrapolated from historical truths. The very terminology used in Civil War scholarship reflects these ideas: northerners are “federals,” southerners are “secessionists.” This diction imparts a long-established story about secession that this article aims to re-evaluate. Did the South secede from the Union because it rejected federalism? Did the North truly prioritize centralization? Placing a specific emphasis on Virginia provides the best path to answer these questions, as the Commonwealth lay at the crossroads of both the geographic and political extremes of Antebellum America. Treating Mr. Treadway’s Resolution as a microcosm of Virginian thought, this article will find that Unionist sentiment in Virginia, while often genuine, ultimately paled in importance to the preservation of slavery.

## **Unionism in Virginia**

Mr. Treadway’s Resolution presented itself as an expression of the Virginian mind, but to what extent, if at all, did the citizens of Pittsylvania County and the larger Commonwealth support its assertions? Results from the presidential election of 1860 provide the best evidence to test this question. According to an edition of the *Richmond Daily Enquirer* from December 1860, Pittsylvania County opted for John Bell of the Constitutional Union Party, giving the native Tennessean 1,702 votes, amounting to a share of 57.98%.<sup>3</sup> The runner-up was John C. Breckinridge of the Southern Democratic Party, who garnered 1,057 votes, accumulating 36% of the countywide total.<sup>4</sup> In the Commonwealth as a whole, the race between Bell and Breckinridge proved even closer, both in percentage and absolute number. Bell ultimately won Virginia, but he beat Breckinridge by just 322 votes, a paltry 0.19% difference.<sup>5</sup> Meanwhile, Abraham Lincoln, the winner of both the Electoral College and the national popular vote, only received 1,929 votes out of a statewide total of 167,301, a share of 1.15%.<sup>6</sup>

The platform of the Constitutional Union Party aligned with the sentiments expressed in Mr. Treadway's Resolution. In an official pamphlet, the party's National Executive Committee criticized the supposed constitutional infractions of various northern states for nullifying the Fugitive Slave Act.<sup>7</sup> Furthermore, it castigated both the Republican and Democratic parties for their overtly sectional appeal, claiming that the former would hijack the federal government for the North and the latter for the South.<sup>8</sup> But above all else, the pamphlet affirmed the utmost importance of preserving the Union, stating that "no disunionist has a right to be a member of the Constitutional Union Party."<sup>9</sup> Still, the National Executive Committee maintained that disunion remained a realistic possibility in the event of Democratic, or especially Republican, success.<sup>10</sup>

The party's candidate also displayed a high degree of consistency in his opinions. In a document titled "John Bell's Record," the National Executive Committee stated that Bell, then a member of the United States House of Representatives, had refused to support the South Carolinians in their nullification crisis during the presidency of Andrew Jackson.<sup>11</sup> According to the pamphlet, he had cautioned the state's citizens "to pause, solemnly pause and contemplate the frightful precipice which lay before them."<sup>12</sup> While Bell did not agree with the Supreme Court's "doctrine of infallibility," he also sharply criticized the response of nullification.<sup>13</sup> This position would have appealed to citizens of Pittsylvania County in 1861.

## **Southern Democratic Presence**

With the selection of John Bell and the Constitutional Union Party, Pittsylvania County and the Commonwealth of Virginia upheld Mr. Treadway's premises in terms of civic action. But did the sizable support and near victory for John C. Breckinridge, the Southern Democrat who attracted the greatest appeal among the states that eventually seceded, imply a severe weakness in Virginia's unionist sentiment? While it remains true that Breckinridge's opponents accused him of harboring disunionist attitudes, both Breckinridge and the Southern Democrats explicitly and repeatedly attempted to shake off this perception. In an 1860 speech to the

Kentucky legislature, Breckinridge emphasized his commitment to the Federal Compact, claiming that the Democratic Party “was neither a pro-slavery party or an anti-slavery party, but a Constitutional party.”<sup>14</sup>

The Southern Democrats also mobilized efforts to combat the disunionist stigma. For example, a document titled “*Who are the Disunionists? Breckinridge and Lane, the True Union Candidates*” presented a compilation of various patriotic quotes by Breckinridge.<sup>15</sup> The report also accused the Southern Democrats’ opponents of dirtying Breckinridge’s reputation while simultaneously displaying disunionist attitudes themselves.<sup>16</sup> Although the stigma may have stuck to Breckinridge and attracted voters who desired secession, his vote total in Virginia cannot serve as an absolute measure of disunionist sentiment. Voters who chose the Constitutional Union Party were quite clearly unionists, but Southern Democratic voters were not necessarily disunionists.

## Established Tradition versus Political Convenience

While Breckinridge’s statistically significant support did not definitively expose a gap in Virginia’s unionist posture, Mr. Treadway’s Resolution—especially its spirited opposition to nullification—contradicts historical trends in Virginia’s political philosophy that favored states’ rights and nullification. During the presidency of John Adams in the late eighteenth century, the Federalist-controlled Congress passed the Alien and Sedition Acts, which aimed to curtail false and detracting speech against the central government. Federal prosecutors charged a number of individuals, namely prominent newspaper editors, under the Sedition Act. They secured many convictions, imposing penalties that ranged from monetary fines to prison sentences.

Critics of the Alien and Sedition Acts decried the legislation as unconstitutional, and much of the counter movement stemmed from the South. The legislatures of Virginia and Kentucky, states that both selected the Constitutional Union Party in the 1860 election, adopted a series of motions that condemned the new laws. Written by Thomas Jefferson and James Madison in 1798, the Virginia and Kentucky Resolutions stipulated that, because the Constitution represented a compact of states, the federal government

derived its power from those states.<sup>17</sup> Therefore, in the face of centralized infringement, “the States who are parties [to the Constitution], have the right, and are in duty bound, to interpose . . . the authorities, rights and liberties appertaining to them.”<sup>18</sup> The Resolutions of Virginia and Kentucky ultimately deemed the doctrine of state nullification to be a justifiable response to unconstitutional policy and laws.

The Unionism of Mr. Treadway’s Resolution, therefore, does not authentically represent Virginia’s nullification precedent because the Resolution opposed the northern states’ refusal to enforce the Fugitive Slave Act. Perfectly constitutional nullification in the 1790s had become, in the words of the Pittsylvania citizens, a “flagrant and intolerable outrage” in the 1860s. The Resolutions did not fade into obscurity after adoption. The “Principles of ‘98,” as supporters fondly labeled them, became enshrined in the political tradition of the Commonwealth. Indeed, the ideologies that they expressed formed the basis of the Democratic-Republican Party. Proving immensely popular in the South, the agrarian and federally skeptic bloc defeated the Federalists in the election of 1800 and ushered in the “Virginia Dynasty,” which held the presidency until 1824.

As such, the people’s admiration of the Principles of ‘98 continued into the nineteenth century. In 1832, Samuel Shepherd & Co., a printing enterprise in Richmond, republished the Resolutions. The preface of the new edition claimed that they were “frequently asked for,” and that they were “again wanting, to re-establish the land-marks of the Constitution; and to stay that flood of encroachment which threatens to sweep our Country.”<sup>19</sup> Of course, it is worth noting that the preface was written at the height of the nullification crisis in South Carolina. The language of the preface, therefore, appears to sympathize with the actions taken by that state’s legislature.

### **Northern Hypocrisy?**

Because of Virginia’s political culture of opposition to federal power, Pittsylvania citizens’ fierce hostility toward nullification seems politically expedient rather than philosophically genuine. Even so, Mr. Treadway’s allegations of constitutional

infidelity and disunionist attitude in the North, both historically and then presently, still possessed a modicum of truth.

Earlier in the nineteenth century, Federalist Party leaders in the northern states convened in Connecticut to discuss the disastrous progression of the War of 1812. At the Hartford Convention, as it became known, the delegates complained of southern hegemony across America and the increasing powers of the federal government.<sup>20</sup> While the idea of secession was ultimately rejected, the delegates nonetheless considered it seriously and debated it openly. In the end, they resolved to empower state legislatures in fields such as tax collection and military conscription and even reaffirmed the state nullification doctrine.<sup>21</sup> The delegates planned to implement these goals by adding a series of amendments to the Constitution.<sup>22</sup> This example once again subverts traditional scholarship. While the supposedly “pro-federal” northerners displayed a hunger to drastically alter the Constitution, they did so not with the intent to increase the power of the central government, but to limit it.

In a more contemporary instance, northern author George W. Bassett, on the eve of the Civil War, encouraged the idea of southern secession. His book, *A Northern Plea For the Right of Secession* argued for “the absolute and unqualified right of the people of any State to dissolve their political connection with the General Government whenever they choose.”<sup>23</sup> Bassett supported his argument by invoking the Declaration of Independence, which stated that the people had an inalienable right to “institute ... new government ... as to them shall seem most likely to effect their safety and happiness.”<sup>24</sup> To the author, this bolstered the principle of popular sovereignty, and if a state so chose to exit the Union, then it should be allowed to do so.

While these examples may seem to provide ammunition for the contentions of Mr. Treadway’s Resolution, they possess critical caveats that restrain their utility. The Hartford Convention ultimately served as the death knell of the Federalist Party, as the general public across the North rejected its rather audacious implications.<sup>25</sup> For George W. Bassett, southerners were primitives whose savagery was “unsurpassed by the selfish cruelty of the most wild and inhospitable barbarians,” and he claimed that the Union would be better off without them.<sup>26</sup> These concessions imply a

historical consistency in the sentiments of northerners, while the political traditions of the South and especially Virginia seem to contradict their protests against disunionism on the eve of the Civil War.

### **Similar Government, Key Difference**

Despite clear petitioning, the various demands of Mr. Treadway's Resolution went unmet and Virginia ultimately seceded from the Union to join the burgeoning southern coalition. The newly formed government of the Confederate States did, however, embody the principles expressed by the Pittsylvania citizens. The Confederate Constitution copied many of its segments from the Union Constitution verbatim.<sup>27</sup> It established a multi-branch central government and even included a Bill of Rights.<sup>28</sup> The marked similarities between the two compacts indicate a commitment to federalism on behalf of southerners, thus backing the words of Mr. Treadway's Resolution. Although Virginia itself did not contribute to the drafting of the new compact, since the Commonwealth seceded after its creation, the fact that it willingly entered into the Confederacy under such conditions implied at least a tacit approval of the new agreement.

Nonetheless, there were several crucial aspects which distinguished the Confederate Constitution from the U.S. Constitution. The covenant pledged a greater devotion to the principle of states' rights, a tone set by one of the few alterations to the Union's preamble: "We, the people of the Confederate States, *each State acting in its sovereign and independent character...*"<sup>29</sup> However, the vast majority of the new rights awarded to states pertained to the practice of slavery. Unlike the U.S. Constitution, the Confederate compact not only mentioned the institution by name, but it explicitly guaranteed that slavery "shall be recognized and protected by Congress."<sup>30</sup> States did gain a few other sovereignties under the Confederate Constitution, such as the right to tax sea vessels from other polities, but these were few in number and largely technical and certainly not at the crux of secession.

### **Conclusion**

Mr. Treadway's Resolution contained premises that subvert modern perceptions regarding southern secession and the formation of the Confederacy. Rather than defending the principle of states' rights, the citizens of Pittsylvania County begged the national government to punish northern states for nullifying the Fugitive Slave Act. Yet because the southern states ultimately seceded from the Union, history shows them as the betrayers of the Constitution even though Mr. Treadway's Resolution argued for the exact opposite.

This analysis has displayed evidence that both supports and contradicts these interlinked assumptions. Both Pittsylvania County and the Commonwealth of Virginia backed up the claimed commitment to political unity by voting for John Bell and the Constitutional Union Party in the election of 1860, a candidate and bloc that consistently and explicitly prioritized the continued integrity of the country. Even the substantial support for John C. Breckinridge and the Southern Democrats did not necessarily highlight a gaping weakness in the state's unionist sentiment, as both repeatedly affirmed their allegiance to the Constitution and the Union. Also, the Confederate compact's close resemblance to the Union's Constitution confirmed a dedication to the very principles that had originally founded the American Republic.

However, traditional political doctrine in Virginia, as espoused by the Principles of '98, sharply contravenes Mr. Treadway's Resolution. It affirmed the state nullification axiom, which enjoyed incredible popularity in the South *until* northern polities refused to enforce the Fugitive Slave Act. While disunionist stances circulated throughout the North, the general public consistently repudiated them. Many thinkers, such as George W. Bassett, endorsed southern secession but held that the Union would actually benefit from its departure.

Mr. Treadway's Resolution represents a microcosm of antebellum Virginian thought and there is a lesson in its ambivalent validity. Every prized political and philosophical concept claimed subservience to one economic factor: slavery. As such, whenever the federal government became either destructive or conducive to this singular interest, the South shifted its interpretation of the Constitution accordingly. Yet not even the flimsiest of interpretations could change the language of Article V of the

Constitution. As rapid southern departure increased the likelihood of a Constitutional amendment banning slavery, Virginia saw only one way out.

Ultimately, Mr. Treadway's Resolution demonstrates that political theories and beliefs usually mold themselves around economic and value-based elements. The cultural disconnect between the North and the South, not political abstractions, made secession inevitable.

## Notes

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<sup>1</sup> Treadway, William M. *Resolution Concerning the Nullification of the Fugitive Slave Act*. Pittsylvania County, VA, 1861.

<sup>2</sup> Ibid.

<sup>3</sup> "1860 Presidential Election Returns." Library of Virginia.

[www.virginiamemory.com/docs/1860\\_election\\_returns.pdf?\\_ga=1.106676996.686399364.1492562750](http://www.virginiamemory.com/docs/1860_election_returns.pdf?_ga=1.106676996.686399364.1492562750).

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Constitutional Union Party National Committee. *Address of the National Executive Committee of the Constitutional Union Party to the People of the United States*. Washington, D.C.: F.H. Sage, 1860.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Constitutional Union Party National Committee. *John Bell's Record: A Full Exposition of Mr. Bell's Course on the Slavery Question, From the Commencement of the Abolition-Petition Agitation in 1835 Down to the Termination of His Congressional Career in 1859*. Washington, D.C.: W.H. Moore, 1860.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Breckinridge, John C. *Speech of Hon. John C. Breckinridge, Vice-President of the United States, at Ashland Kentucky, September 5th, 1860: Repelling the Charge of Disunion and Vindicating the National Democracy*. Washington, D.C.: National Democratic Committee, 1860.

<sup>15</sup> Democratic National Committee. *Who Are the Disunionists? Breckinridge and Lane, the True Union Candidates*. Washington, D.C.: Democratic National Committee, 1860.

<sup>16</sup> Ibid.

<sup>17</sup> Virginia and Kentucky. *Resolutions of Virginia and Kentucky*. By Thomas Jefferson and James Madison. 1798.

<sup>18</sup> Ibid.

<sup>19</sup> Preface. In *Resolutions of Virginia and Kentucky Penned by Madison and Jefferson, in Relation to the Alien and Sedition Laws: And the Debates in the House of Delegates of Virginia, in December, 1798, on the Same*. Richmond, VA: Robert I. Smith, Samuel Shepard &, Printers, 1832.

<sup>20</sup> New England Federalist Party. *The Proceedings of a Convention of Delegates: From the States of Massachusetts, Connecticut and Rhode Island, the Counties of Cheshire and Grafton in the State of the New Hampshire and the County of Windham in the State of Vermont: Convened at Hartford in the State of Connecticut, December 15th, 1814*. Boston, MA: Wells and Lilly, 1815.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Bassett, George W. *A Northern Plea for the Right of Secession*. Ottawa, IL: Printed at the Office of the Free Trader, 1861.

<sup>24</sup> Ibid.

<sup>25</sup> "The Report of the Hartford Convention." USConstitution.net.  
<https://www.usconstitution.net/hartford.html>.

<sup>26</sup> Bassett, George W. *A Northern Plea for the Right of Secession*. Ottawa, IL: Printed at the Office of the Free Trader, 1861.

<sup>27</sup> Confederate States of America. *Constitution of the Confederate States of America: Adopted Unanimously by the Congress of the Confederate States of America, March 11, 1861*. Milledgeville, Boughton, Nisbet & Barnes, State Printers, 1861.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.