Spring 4-10-2017

The Corwin Amendment: The Last Last-Minute Attempt to Save the Union

Hannah M. Christensen
Gettysburg College

Follow this and additional works at: https://cupola.gettysburg.edu/compiler

Part of the Military History Commons, Public History Commons, and the United States History Commons

Share feedback about the accessibility of this item.

The Corwin Amendment: The Last Last-Minute Attempt to Save the Union

Abstract

At around 5:20AM on March 4, 1861—Inauguration Day—the Senate voted 24-12 to pass a proposed amendment to the Constitution that would permanently preserve slavery in the states where it currently existed. If successfully ratified, it would become the 13th Amendment to the United States Constitution—and hopefully avert the secession crisis and the impending Civil War. However, only six states had ratified the amendment by early 1862, and the amendment died soon after. The last attempt to stop the Civil War, an attempt which had been in the works since shortly after the presidential election, had failed.

Disciplines

History | Military History | Public History | United States History

Comments

This blog post originally appeared in The Gettysburg Compiler and was created by students at Gettysburg College.

THE GETTYSBURG COMPILER
ON THE FRONT LINES OF HISTORY

The Corwin Amendment: The Last Last-Minute Attempt to Save the Union

By [Hannah Christensen '17](#)

At around 5:20AM on March 4, 1861—Inauguration Day—the Senate voted 24-12 to pass a proposed amendment to the Constitution that would permanently preserve slavery in the states where it currently existed. If successfully ratified, it would become the 13th Amendment to the United States Constitution—and hopefully avert the secession crisis and the impending Civil War. However, only six states had ratified the amendment by early 1862, and the amendment died soon after. The last attempt to stop the Civil War, an attempt which had been in the works since shortly after the presidential election, had failed.
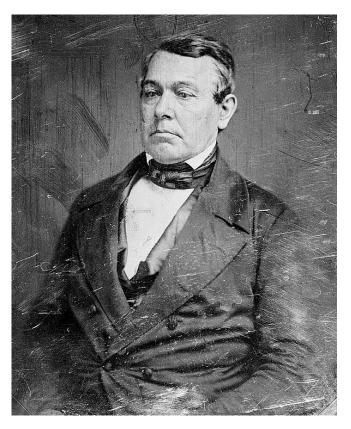

Photo of Congressman Thomas Corwin (R, OH), the chair of the House committee established to develop a way to avert the secession crisis. He introduced the Corwin Amendment in the House, in addition to lending his name to it. Via [Wikimedia Commons](#).

Two potential reasons for its failure were the speed with which the secession movement acted and the inability of Southern moderates to realize the threat the movement posed. In the almost immediate aftermath of Lincoln's election as president in 1860, the secession movement was rapidly gaining steam in the Deep South. Just days after the election, South Carolina's state legislature called for a state convention. A month later, South Carolinians elected delegates to the convention, and two weeks later—on December 20th—South Carolina seceded from the Union. Many Northerners—convinced most of the pro-Secession voters were being brainwashed by radical politicians—did not take this movement seriously at first and Republicans in particular saw no need to do anything about it, least of all compromise.

At the same time, however, some Republicans began to take the movement seriously and saw a need for compromise in order to keep the Upper South and states like North Carolina and Tennessee in the Union. Senator William Seward (R, NY) and his friend, *Albany Evening Journal* editor Thurlow Weed were among the first Republicans to start heading in this direction. In the midst of the chaos and inability of many on both sides to understand what was really going on, this early attempt failed, but the appetite for some kind of compromise kept growing through the winter of 1860-1861. In fact, the more famous Crittenden Compromise, which resurrected the Missouri Compromise line and protected slavery in all current and future US territories south of it, was introduced during this period. This compromise was essentially dead on arrival because of the reference to future U.S. territories, but there were still more chances for compromise.

The circumstances that eventually produced the Corwin Amendment developed at the end of December in 1860. A special committee of thirteen senators, including William Seward, and an equivalent House committee consisting of one representative from each of thirty-three states, including Congressman Thomas Corwin (R, OH), met to find a way to avert the coming crisis. Seward and the other four Republicans on the Senate committee offered a proposal which included a constitutional amendment preserving slavery in the states where it already existed. At this point, the language of the amendment made no explicit reference to slavery and referred instead to "...persons held to labor or service by the laws of said State." While the committee ultimately failed to produce any plan, Seward's amendment was approved by the committee, providing Congress with something resembling an option to head off the crisis.

The House committee produced an almost identical proposed amendment. The one addition was that any amendments to change it had to originate in a slave state and be approved by all of the states. This committee failed as well, but the idea of a constitutional amendment protecting slavery in the states where it already existed was still on the table. Speeches for and against such an amendment were made in Congress by Democrats and Republicans alike through the end of 1860 and into February 1861. Meanwhile, Mississippi, Florida, Alabama, Georgia, and Louisiana had joined South Carolina in seceding. However, the proposed amendment finally began to gain steam in February 1861 as the Peace Conference, a meeting of a majority of states to come up with a compromise, started to meet on the fourth of the month, just days after Texas

seceded. At the end of February, this conference produced a modified version of the Crittenden Compromise and another proposal for an amendment to protect slavery where it already existed.

The Peace Conference's proposals landed in Congress's lap at the end of February. With all of the options in front of them, members of Congress started moving towards the idea of a constitutional amendment. On February 26, Congressman Thomas Corwin, who had headed the previously mentioned House Committee, introduced a potential amendment identical to the one Senator Seward had proposed back in December. From this point, the race was on to get the amendment through both houses of Congress before March 4, Inauguration Day.
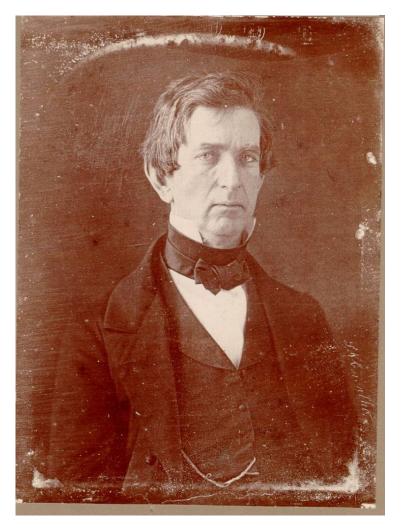

Photo of Senator (later Secretary of State) William H. Seward (R, NY). Seward served on the Senate committee that was established to find a way to avert the secession crisis, and he introduced what would become the Corwin Amendment to the Senate. Via Wikimedia Commons.

The House of Representatives passed the amendment 133-65 on February 28, just barely the two-thirds needed for a constitutional amendment. The Senate's two all-

day/night sessions, from March 2 to March 4, tested everyone involved to the limit. Republican Senator Edward Baker of Oregon was appointed chief defender of the proposed amendment, and he went back and forth with everyone from Senator James Mason (D, VA) to Senator Benjamin Wade (R, OH). Senator Stephen Douglas (D, IL) even added his support to amendment. He refused repeated calls for recess throughout the night and into the early morning, fearing a recess would doom the amendment. Eventually, at around 5:20am on March 4, a vote was taken and the amendment passed with exactly the needed two-thirds majority. From there, it was sent to the states for ratification.

Unfortunately for the amendment, it did not take long for other events to take center stage. The inauguration filled the papers for the next few days and six weeks later, the Civil War officially began with the firing on Fort Sumter. However, the state of Kentucky had managed to ratify the amendment shortly before the firing on Fort Sumter, so it had not been totally forgotten. Nor would it really be until mid-1862. Ohio and Rhode Island ratified the amendment in May of 1861, and then any movement on the amendment stopped until several months after the First Battle of Bull Run on July 21, 1861. Still determined to hang onto slavery, two border states ratified the Corwin Amendment in early 1862: Maryland on January 10 and what would later become West Virginia on February 13. They were followed almost immediately by Illinois, which ratified it during a state convention on February 14. No more states would ratify the Corwin Amendment, though Ohio would un-ratify the amendment three years later, after the Emancipation Proclamation had rendered any attempts to preserve slavery pointless. The amendment that had only become a possibility when all other potential compromises had been rejected had limped along until changing attitudes about the purpose of the war forced it into obscurity.

Sources:

Crofts, Daniel. *Lincoln & The Politics of Slavery: The Other Thirteenth Amendment and the Struggle to Save the Union.* Chapel Hill, NC: University of North Carolina Press, 2016.

"Dates of Secession." Hargrett Library Digital Collections, University of Georgia Libraries.

Lee, R. Alton. "The Corwin Amendment In The Secession Crisis." *Ohio Historical Quarterly* 70, no. 1 (1961): 1-26.