# Religion, Lincoln's Election, & the Civil War in America

The majority of colonists in British North America, with some notable exceptions, were Protestants. At its core, Protestantism was a religious tradition of dissent from the status quo. Puritans were members of the Church of England that wished to remove, or purify, the church from the Catholic doctrine that remained. The Pilgrims were a group of separatists that wanted to no longer be a part of the church.

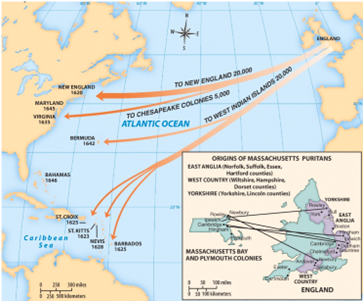
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Religion was a major motivating factor in choosing to travel to the New World and significantly influenced the development of political ideas. It would be difficult to examine and understand the development of American politics and culture without understanding the role religious belief played in the lives of the early colonists. The church was central to the community and intertwined with both political and economic power.

The time period of colonization coincided with the great religious debates going on in Europe between Catholicism and Protestantism. Protestants were groups that had protested against the doctrine and practice of the Catholic church and broken away to create their own sects of Christianity. The Church of England, which was the official and established church in England, separated from the Catholic church in the 1500s, with the King considered the head of the church. This was the result of political maneuvering, not necessarily in support of the doctrinal principles taught by Martin Luther and others as part of the Protestant Reformation.

The majority of colonists in British North America, with some notable exceptions, were Protestants, and many were seeking religious opportunity and freedom. At its core, Protestantism was a religious tradition of dissent from the status quo. Puritans were members of the Church of England that wished to remove, or purify, the church from the Catholic doctrine that remained. Puritans traveled by the thousands to New England. The Pilgrims, on the other hand, were a group of separatists that wanted to no longer be a part of the Church of England. They were persecuted in their homeland, and were forced to move first to the Netherlands and then to the colonies. Only a few hundred migrated to Plymouth in what became Massachusetts, but their social and religious influence was powerful beyond their numbers.



The Puritans tied their colonizing venture to their religious mission—as a “city set upon a hill,” which means to be an example of a pure religious community in covenant with one another.

To set forth his vision of what society should look like in the New World, John Winthrop, a Puritan leader who served as governor of the Massachusetts Bay Colony, issued this sermon before the Puritans arrived.

### John Winthrop, “A Model of Christian Charity”: Massachusetts Bay Colony, 1630

That which the most in their churches maintain as truth in profession only, we must bring into familiar and constant practice; as in this duty of love, we must love brotherly without dissimulation, we must love one another with a pure heart fervently. We must bear one another’s burdens. We must not look only on our own things, but also on the things of our brethren. Neither must we think that the Lord will bear with such failings at our hands as he doth from those among whom we have lived …Thus stands the cause between God and us. We are entered into covenant with Him for this work. We have taken out a commission. The Lord hath given us leave to draw our own articles. We have professed to enterprise these and those accounts, upon these and those ends. We have hereupon besought Him of favor and blessing. Now if the Lord shall please to hear us, and bring us in peace to the place we desire, then hath He ratified this covenant and sealed our commission, and will expect a strict performance of the articles contained in it; but if we shall neglect the observation of these articles which are the ends we have propounded, and, dissembling with our God, shall fall to embrace this present world and prosecute our carnal intentions, seeking great things for ourselves and our posterity, the Lord will surely break out in wrath against us; be revenged of such a people and make us know the price of the breaches of such a covenant.Now the only way to avoid this shipwreck, and to provide for our posterity, is to follow the counsel of Micah, to do justly, to love mercy, to walk humbly with our God. For this end, we must be knit together, in this work, as one man. We must entertain each other in brotherly affection. We must be willing to abridge ourselves of our superfluities, for the supply of other’s necessities. We must uphold a familiar commerce together in all meekness, gentleness, patience and liberality. We must delight in each other; make other’s conditions our own; rejoice together, mourn together, labor and suffer together, always having before our eyes our commission and community in the work, as members of the same body. So shall we keep the unity of the spirit in the bond of peace. The Lord will be our God, and delight to dwell among us, as His own people, and will command a blessing upon us in all our ways. So that we shall see much more of His wisdom, power, goodness and truth, than formerly we have been acquainted with. We shall find that the God of Israel is among us, when ten of us shall be able to resist a thousand of our enemies; when He shall make us a praise and glory that men shall say of succeeding plantations, “the Lord make it likely that of New England.” For we must consider that we shall be as a city upon a hill. The eyes of all people are upon us. So that if we shall deal falsely with our God in this work we have undertaken, and so cause Him to withdraw His present help from us, we shall be made a story and a by-word through the world …

Other colonies were founded for religious reasons as well, with a somewhat more modern understanding of religious freedom. Rhode Island was founded by Roger Williams, who fled Massachusetts and what he saw as restrictive Puritan ideology. Pennsylvania was founded by William Penn, a Quaker, as a haven for Quakers and other religious outsiders. Lord Baltimore, a Catholic Englishman, was given a land grant in recognition of service to the King in the colonies. His land was called Maryland, in honor of the Catholic Queen Mary. As a result of the different settlement patterns and populations throughout the thirteen British colonies, there was a tremendous diversity of sects, churches, and beliefs.

As settlements grew westward, through continued immigration and natural increase, new churches needed to be built and ministers chosen for those communities. By 1720, this led to a certain amount of declining spirituality and increasing religious diversity, especially within the Puritan ideology that ruled New England. Many began to fear that the spiritual level of people’s lives was declining, that involvement with churches was waning, and that the general power of religious teaching was losing influence. The First Great Awakening was a movement designed to combat those trends and encourage greater spirituality. Ministers and religious philosophers traveled throughout British North America preaching, teaching, and encouraging religious belief and practice. The movement also created important opportunities for discussion between members of different religious sects.

The First Great Awakening rekindled religious values, commitments, and sentiments among many of the colonies, including a sense of unity and a strong Protestant heritage. Much of the preaching and teaching focused on an individual’s relationship to God and personal responsibility for salvation and revelation. Less established groups, like the Baptists, found an opportunity to spread their message.

Many of the colonies continued to have an official, established church. In Massachusetts and other New England colonies, the Congregational (Puritan) church was the established church. In Virginia, it was the Church of England (Anglican). Where colonies had established churches, those churches had the ability to compel worship through civil law and financial support through taxation. This made churchgoing a significant social and economic part of life. Membership in the church was necessary for voting and holding public office, even for revolutionary leaders like Thomas Jefferson, George Washington, and John Adams.

Even in those colonies with established churches, dissenters were a more accepted part of the community and experienced significant freedom of worship and expression. The religious picture in the colonies was a very complicated one. As the Continental Congress met for the first time in 1774, they attempted to begin their business with prayer. Some delegates objected, as John Adams reported, “because we were so divided in religious sentiments, some Episcopalians, some Quakers, some Anabaptists, some Presbyterians and some Congregationalists, that we could not join in the same act of worship.” For many Americans, the contradiction between government establishments of religion and true liberty was being realized. Freedom of religious conscience became more important as a key natural right, and the practice of a civil government tied to an established church came into question.

The debate over religious liberty grew right alongside the push for political liberty in the Revolutionary Era. Thomas Jefferson and James Madison led the struggle in Virginia to grant complete religious freedom to all people in the state, targeting compulsory taxies in support of churches and compulsory attendance at services.

### Thomas Jefferson, Virginia Statute for Religious Freedom, 1779

Whereas Almighty God hath created the mind free;That all attempts to influence it by temporal punishments, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the holy author of our religion, who being lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do,That the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, hath established and maintained false religions over the greatest part of the world and through all time:That to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical;That even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness; and is with drawing from the Ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labors for the instruction of mankind;That our civil rights have no dependence on our religious opinions, any more than on our opinions in physics or geometry;That therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right … That it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against peace and good order;And finally, that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.Be it enacted by the General Assembly that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer, on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding Assemblies, constituted with powers equal to our own, and that therefore to declare this act irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operation, such act will be an infringement of natural right.

Jefferson’s statute on religious freedom passed in 1786, making Virginia the first to legally separate church and state. Virginia’s example was followed by other southern states, when they severed ties with the Church of England after the Revolutionary War. Other denominations reorganized themselves and assumed independent status from the English and European churches after independence was won. The American Episcopal Church and the American Presbyterian Church were established in this period.

The Congregational Church in New England lost some of its privileges over time as well, although it was not disestablished in Connecticut until 1818 and in Massachusetts until 1830.

Freedom of worship expanded to include Catholics and Jews, although anti-Catholicism and anti-Semitism remained a powerful strand of American thinking. There is a connection between the power of political freedom inspiring religious freedom, and vice versa.

## Religion in the First Amendment to the Bill of Rights, 1789

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Religion goes virtually unmentioned in the Constitution. The last clause of Article VI prohibits any religious test as a qualification for office, and some read significance into the clause in Article I, Section 7 that does not count Sunday as a business day for the president’s return of a bill to Congress. Otherwise, the Constitution is silent on this issue. Essentially, it is a “godless” Constitution. However, the states insisted on amendments to secure rights—including religious freedom—and the very first lines of the First Amendment address this freedom.

The First Amendment of the Bill of Rights in the Constitution is one of the most influential statements about the rights of Americans. The meaning of its opening lines, the religion clauses that discuss “establishment” and “prohibiting,” has long been debated. These two clauses emerged out of a complicated set of negotiations during the congressional drafting processing in 1789. There were proposals discussed in a committee of eleven in the House, a committee in the Senate, and then a conference committee of both houses. Then, as now, not everyone agreed on its larger meaning. Religious principles can influence one’s interpretation, and the intent of the framers can be challenging to discern. However, many of the founders, although supportive of religious freedom, understood the important role that religious belief should play in the new republic.

### John Adams, Letter to the Massachusetts Militia, 1798

We have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge or gallantry would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution is designed only for a moral and religious people. It is wholly inadequate for any other.

### Interpretations of the First Amendment

Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

Some argue that the amendment was originally designed to provide two specific protections: to protect individuals freedom of conscience from the influence of government, and to protect individuals and churches from the control of an “established” church. Current judicial interpretations of the religious phrases in the First Amendment focus on the idea that the government needs to be protected from the undue influence of religion, a “wall of separation” between religion and government. The United States Supreme Court has handed down many decisions that apply the amendment in this way.

One influential case was Engle v. Vitale (1962), where a group of New York public school families brought forward a complaint regarding the voluntary prayer written by school officials and recited in school classrooms. The prayer was as follows, “Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our country. Amen.” Even though the prayer had been designed to be non-denominational and voluntary, the Supreme Court ruled that government-sponsored prayers could not be recited in public schools and that such prayers violated the establishment clause of the First Amendment. This decision was highly influential on court cases that followed. Since this case in the 1960s, the Supreme Court has ruled against cases involving one-minute meditation, clergy-led prayer at graduation ceremonies, and student-led prayers offered at high school events, among others.

As members of a minority religious group, we should be sensitive to others who desire to feel comfortable and welcomed in a public space and wary of established prayers or rituals in a public setting. The following article written by Dallin H. Oaks, a practicing lawyer before he was a member of the Quorum of the Twelve, offers insight into the application of the First Amendment. It also gives guidance on how members might understand and discuss the religion clauses of the First Amendment. Oaks outlines the difference between religious freedom and a freedom from religion that has characterized recent public discourse and court decisions on the subject.

### Dallin H. Oaks, “Religion in the Public Life,” Ensign, July 1990

As a law clerk in the United States Supreme Court, I saw its nine justices grapple with the task of interpreting the First Amendment. Later, as a lawyer and law professor for more than twenty years, I did some of that grappling myself. As legal counsel, I helped draft the Bill of Rights for the Illinois Constitutional Convention of 1970. As a Justice of the Utah Supreme Court for three and a half years, I had the sworn duty to uphold and interpret the constitutions of our state and nation. What I have to say about the subject of religious liberty draws upon those experiences …In my view, our current condition is rooted in the 1962 United States Supreme Court decision that the New York State Board of Regents could not require public school children to recite a prayer authored by the Regents. The essence of that decision was expressed in this sentence from the Court’s opinion:It is neither sacrilegious nor anti-religious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave the purely religious function to the people themselves, and to those the people choose to look to for religious guidance.”Elsewhere in its opinion the Court explained: “Government in this country, be it state or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity.When the school prayer cases were decided, I interpreted them to forbid state-authored and state-required prayers. As such, the cases, I thought, were correctly decided. What I did not foresee, but what was sensed by persons whose vision was far greater than my own, was that these decisions—defensible and probably even essential as rulings on the facts before the Court—would set in motion a chain of legal and public and educational actions that would bring us to our current circumstance, in which we must reaffirm and even contend for religious liberty.In short, many understand the law today as being hostile rather than neutral toward religion—as forbidding all public prayers rather than simply prohibiting state-authored and state-required prayers in public schools. Instead of just preventing instances of state-sponsored religion in the public schools, the school prayer cases have unleashed forces that have sometimes been used to prevent the free exercise of religion.At the time the first school prayer cases were decided, President David O. McKay saw the direction of those decisions with prophetic vision. In December 1962, he said: “By making that [New York Regents’ prayer] unconstitutional, the Supreme Court of the United States severs the connecting cord between the public schools of the United States and the source of divine intelligence, the Creator himself.”Then, he offered this farsighted caution: “By law, the public schools of the United States must be non-denominational. They can have no part in securing acceptance of any one of the numerous systems of belief regarding God and the relation of mankind thereto. Now let us remember and emphasize that restriction applies to the atheist as well as to the believer in God.”Six months later, just after the Supreme Court’s decision forbidding Bible-reading in the schools, President McKay said:“Recent rulings of the Supreme Court would have all reference to a Creator eliminated from our public schools and public offices.“It is a sad day when the Supreme Court of the United States would discourage all reference in our schools to the influence of the phrase ’divine providence’ as used by our founders of the Declaration of Independence …”It is clear from President McKay’s references that he was concerned about the direction and long-range effect of these decisions. History shows that his concern was well founded.In the beginning, eminent legal scholars like Dean Erwin N. Griswold of the Harvard Law School ridiculed the idea that the Supreme Court’s school prayer decisions would lead to a great gulf between religion and public life. In a notable lecture published in the University of Utah Law Review, Dean Griswold said: “To say that [these great provisions of the First Amendment] require that all trace of religion be kept out of any sort of public activity is sheer invention.However, as time went by, the combatants on both sides of this debate took more and more extreme positions. They joined issue on controversies that compelled the courts to rule on ever-more-technical details on the offering of prayers or the use of religious symbols in public places.What the legal scholars did not foresee is the extent to which the school-prayer and Bible-reading decisions would shift the burden of proof with respect to religious practices in public life. In the past, religion had been an accepted part of public life in the American tradition; it now became something that had to prove its right to remain in the public square. The principles first announced in the early 1960s had by the 1970s hardened into mechanical constitutional formulas that could be interpreted in ways that were hostile to religion. Too many of the lawyers trained during this period have come to accept these wooden formulas as axioms, with the result that constitutional notions of religious liberty have been impoverished.For example, the observance of a moment of silence as an alternative to school prayer was first suggested in a United States Supreme Court opinion. Twenty years later, after legislatures in nearly half of the states had passed laws authorizing a moment of silence in the public schools, the Supreme Court held one such law unconstitutional.Gradually, what had been a supportive relationship between church and state (and at times excessively so) has become what many perceive as a hostile one. Now many see religion as suspect, while many others see government as repressive toward religion …As a result of misunderstanding the importance of religious liberty in our Constitutional order, many citizens and even some educators have come to consider it bad taste or even illegal for public school teachers even to mention religious influences or commitments. No wonder we suffer an appalling ignorance of our political and cultural origins.In a study done for the Department of Education, New York University psychologist Paul Vitz documented the extent to which textbook authors have avoided references to God or to religion. Vitz concluded that many students could never learn from reading their history textbooks “that religion has played a significant role in American history.” For example:One American history textbook defines pilgrims as “people who make long trips.” Another text lists three hundred important events in American history, and only three of the three hundred have anything to do with religion. No religious event is listed after 1775—an apparent judgment that each of the other items, including the appearance of an electric streetcar on the streets of Richmond, Virginia, in 1886, was more important than any religious event in America since 1775 …Textbook discussions of pre-Civil War abolitionism and the recent civil rights movement commonly skim over or totally omit the religious origins of these great forces and the religious motivations of many who furthered them.Removing the name of God and ignoring the influence of religious motivations distort facts and cloud understanding … I prefer to believe that individuals have always had the good sense to understand that a person cannot be educated without understanding religious traditions and conflicts. One cannot understand the great music of the Western world, such as music composed for the mass or Handel’s Messiah, and one cannot understand the great art of the Western world, such as the religious themes of the masters of the Middle Ages, without understanding the religious beliefs and traditions of the people by whom and for whom those works of art were created. It is surely true that a reader cannot understand the language and imagery of the great literature of the Western world without understanding the Bible.

Recently, Elder Dallin H. Oaks and other apostles have issued statements and traveled the world supporting multi-denominational efforts to protect religious freedom. At a gathering in Argentina in 2015, Elder Oaks said,

The preservation of religious freedom depends upon public understanding of and support for this vital freedom. It depends upon the value the public attaches to the teachings of right and wrong in churches, synagogues, and mosques. Believers and nonbelievers must be helped to understand that it is faith in God—however defined—that translates religious teachings into the moral behavior that benefits the nation.” As members, we understand that the United States needed to be a place without an established state religion in order for The Church of Jesus Christ of Latter-day Saints to be founded, but that doesn’t mean that religious beliefs and their influence should subsequently be banned from public life.

### First Presidency Statement on Religious Freedom, 1979

Those who oppose all references to God in our public life have set themselves the task of rooting out historical facts and ceremonial tributes and symbols so ingrained in our national consciousness that their elimination could only be interpreted as an official act of hostility toward religion. Our constitutional law forbids that …As the ruling principle of conduct in the lives of many millions of our citizens, religion should have an honorable place in the public life of our nation, and the name of Almighty God should have sacred use in its public expressions.

In December 2015, the Church issued a news release that reiterated the Church’s longstanding support of religious freedom for everyone.

The Church of Jesus Christ of Latter-day Saints takes a neutral stance in regard to party politics and election campaigns. However, it is not neutral in relation to religious freedom. The following statements by Joseph Smith from 1841 and 1843 are consistent with the Church’s position:

### Church News Release, December, 2015

If it has been demonstrated that I have been willing to die for a “Mormon,” I am bold to declare before Heaven that I am just as ready to die in defending the rights of a Presbyterian, a Baptist, or a good man of any denomination; for the same principle which would trample upon the rights of the Latter-day Saints would trample upon the rights of the Roman Catholics, or of any other denomination who may be unpopular and too weak to defend themselves. It is a love of liberty which inspires my soul—civil and religious liberty to the whole of the human race. (Joseph Smith, 1843)Be it ordained by the City Council of the City of Nauvoo, that the Catholics, Presbyterians, Methodists, Baptists, Latter-day Saints, Quakers, Episcopals, Universalists, Unitarians, Mohammedans [Muslims], and all other religious sects and denominations whatever, shall have free toleration, and equal privileges in this city ... (Ordinance in Relation to Religious Societies, City of Nauvoo, [Illinois] headquarters of The Church of Jesus Christ of Latter-day Saints, March 1, 1841)

## The Early Operation of Government Under the Constitution

After the writing of the Constitution and the approval of 39 of the 55 delegates who attended the convention, the next step was ratification by the states. Although there had been compromise and resolution, there were still many people who were fearful of a strong central government and thus opposed the Constitution. Many of those most hostile to the new government were the most dedicated patriots of the revolutionary period.

Article VII of the Constitution set forth the ratification process. Special conventions, rather than a strict popular vote, were called in each state to debate the merits of the document and vote for or against its adoption. This insulated the process, somewhat, from the general trepidation of the people towards this unknown form of government. At the same time, the framers of the Constitution recognized the importance of getting the support of the people if the experiment was to succeed; therefore the attendees to the ratifying conventions were chosen directly by the people for that purpose. Ratification required nine states voting in the affirmative rather than an unanimous vote. Under the Articles of Confederation, unanimity had been impossible to achieve. What was left unclear in the description of the process was what would happen to those states that failed to ratify. Were all 13 states automatically included in the union once the majority votes were cast, or did each state’s convention need to vote yes to be part of the new system? This was an important question, as any state left outside the union would weaken the whole, and indicate that the new country was still just a league of states easily subject to dissolution and foreign threat.

As the ratification process began, different groups organized to help encourage or discourage ratification. Those in favor, Federalists, felt that the new government was key to preserving the liberty of all. They argued that the federal government needed the power in taxation, commerce, and foreign affairs in order to govern. This unity would provide needed stature for the United States on the international stage. Those opposed to ratification, Anti-Federalists, feared that the president was too much like a king. Congress, to them, would make a new aristocracy of politicians. They felt that a strong central government would lead to a loss of sovereignty and state-control. The Anti-Federalists also feared double taxation by both states and the federal government under this new system.

For some states, ratification was almost guaranteed. In others, there was a question about which way the conventions would decide. Delaware was the first to ratify and did so unanimously. After a bitter fight, Pennsylvania was next. There was little or no opposition in New Jersey, Georgia, and Connecticut. Massachusetts, the sixth state to ratify, was a close contest. They ratified only after Federalists agreed to push for a set of amendments to form a bill of rights as part of the Constitution. By June 21, 1788, with the addition of Maryland, South Carolina, and New Hampshire, nine states had voted to support ratification. However, the large and populous states of Virginia and New York had not yet decided, and the Union would not succeed without their support. Opposition in Virginia was formidable, but they, too, agreed to ratification after James Madison and George Washington supported the addition of a bill of rights. In New York, Alexander Hamilton and John Jay led the Federalist forces and, along with James Madison, wrote the persuasive Federalist Papers to explain and allay concerns. On July 26, 1788, New York narrowly approved. The Congress of the Confederation then declared the Constitution ratified and arranged for the first elections. The new government began operation on March 4, 1789. North Carolina and Rhode Island ratified the Constitution after the fact. The nation was on a new course, but the arguments over the nature of this new republic were far from over.

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| --- | --- | --- | --- |
| State | Date | Vote For | Vote Against |
| Delaware | December 8, 1787 | 30 | 9 |
| Pennsylvania | December 12, 1787 | 46 | 23 |
| New Jersey | December 18, 1787 | 38 | 0 |
| Georgia | January 2, 1788 | 26 | 0 |
| Connecticut | January 9, 1788 | 128 | 40 |
| Massachusetts | February 16, 1788 | 187 | 168 |
| Maryland | April 26, 1788 | 63 | 11 |
| South Carolina | May 23, 1788 | 149 | 73 |
| New Hampshire | June 21, 1788 | 57 | 47 |
| Virginia | June 25, 1788 | 89 | 79 |
| New York | July 26, 1788 | 30 | 27 |
| North Carolina | November 21, 1789 | 194 | 77 |
| Rhode Island | May 29, 1790 | 34 | 32 |

To make good on the promises made during the ratification battle, members of the new Congress proposed a list of amendments that became the Bill of Rights. James Madison, now serving in the House of Representatives, played a major role in the drafting of these amendments. As the government has grown in power and influence, the addition of these codified rights has proven providential, and the amendment process itself has allowed the Constitution to evolve and change.

In the 1790s, the question of how to operate a government “under the Constitution” was a complicated one. Americans struggled to implement the Constitution in the context of foreign policy crises, internal threats to federal authority, and partisan bitterness. The Constitution was a blueprint for good government, containing key principles and sufficient details to set the stage and direction. However, it did not define all the power relationships or establish many of the particulars. How was the balance of power between the national and state governments to be allocated, recognized, and maintained? How should the Constitution be interpreted—strictly or loosely?

In the first national elections, George Washington was unanimously chosen by the electoral college to serve as the first president of the new United States. His selection recognized his service to the country and was evidence of the trust the people had in his virtue and integrity. During his two terms in office, Washington set several precedents in the operation of the new government. He gave the government the benefit of his reputation and stature and set the pattern of how the executive branch would interact with the legislative and judicial branches. He strengthened the people’s faith in the new government as he personally led a militia to put down the Whiskey Rebellion, a protest against the first federal taxes placed on the domestic product of whiskey and a challenge to the new government. He worked to establish the place of the United States in the family of nations by negotiating treaties and settling the nation’s foreign policy on a course of neutrality and isolationism.

Congress followed through on promises made during the ratification struggle to propose and pass a Bill of Rights and expanded the executive branch by creating cabinet level positions. It expanded and defined the judicial branch through the creation of circuit, district, and appeals courts, and strengthened America’s commitment to the domestic free-market economy by creating a national bank and imposing tariffs on imports.

The judiciary appeared the weakest branch of the new government. With few national laws in place there were few court cases challenging those laws, and thus the Supreme Court seemed less visible and influential in comparison to the two other branches. Supreme Court justices also served as circuit court judges, traveling around the country and hearing lower court cases, and therefore were not as visible in the nation’s capital.

The relegated position of the judicial branch did not change until the appointment of Chief Justice John Marshall, a Federalist, who believed in strengthening the power of the national government. He was appointed to the court by the second president, John Adams, and supported many of Adams’ more controversial policies. When the Jefferson administration came into power in 1800, they refused to certify an appointment of the outgoing Adams’ administration. The Supreme Court heard the case of Marbury v. Madison, establishing the right of judicial review, an important precedent. Marshall was the longest-serving chief justice of the court, and his influence on the role of the judicial branch is far-reaching.

With continuing tensions and disagreements surrounding the implementation of the Constitution, political parties developed quickly, carrying over much of the controversy surrounding ratification. The Federalist Party was led by Alexander Hamilton and John Adams, and the Democratic-Republican Party was led by Thomas Jefferson and James Madison. The two parties differed about the level of power in the national government and how power was to be distributed.

The Federalists believed in a strong, centralized national government and a loose interpretation of the Constitution and the “necessary and proper” clause of Article I. They saw the future of the country dependent on business and industry and believed that tariffs and subsidies were appropriate government support.

The Democratic-Republicans believed in a weaker central power in favor of stronger state governments and looked to the 10th Amendment that reserved power to the states and to the people. Jefferson and others saw the future as belonging to independent farmers, and government by the common people.

President Washington, belonging to neither party, attempted to stay above the fray of fractious politics and warned against the power of factions in his farewell address. His cabinet was full of different points of view on many issues. His vice-president, John Adams, fought contentiously with his secretary of state, Thomas Jefferson. Internationally, the United States found itself in the middle of a European conflict, as France and England were once again at war. France felt that the United States had an obligation to repay its support during the Revolution, but Washington believed that neutrality was the only course for such a new nation and resisted being drawn into the conflict. Both the English and the French targeted American shipping. Adams was more supportive of England, while Jefferson sided more closely with France, but neither wanted to be drawn into the war.

When Adams became president, he created the Department of the Navy to defend America. He commissioned three new warships and called for the creation of a standing army. This buildup of war material and manpower represented a significant challenge to the republican principle that no standing army should exist. It was also a constitutional challenge as Adams created an army without asking Congress for a declaration of war, a fact that concerned his political opponents Jefferson and Madison.

Another greater constitutional challenge was the passage of the Alien and Sedition Acts of 1798. These acts were designed to limit the debate in America about the European conflict and promote neutrality. But in practical terms, it was used by the Adams administration to silence political opponents and remove the right of free speech. French and Irish Americans, groups with long-standing reasons to oppose the British, faced deportation under the acts, and Democratic-Republicans who criticized Adams’ military buildup faced arrest and imprisonment. Jefferson and Madison saw the Alien and Sedition Acts as evidence of a constitutional violation and a breakdown of auxiliary precautions. The Acts seemed to be a clear challenge to the First Amendment right of free speech, and yet the courts failed to declare them unconstitutional and order their repeal. Despite the lack of congressional approval to be on war footing, Federalists in Congress approved and financed military preparation.

In response to these perceived violations of constitutional principles, Jefferson and Madison secretly wrote the Kentucky and Virginia Resolutions on behalf of those state’s legislatures in protest. They argued that in moments of constitutional crisis, when the regular auxiliary precautions failed to protect constitutional principles, the states had a right, under the principle of division of powers, to declare acts of the national government unconstitutional (a concept that is now known as nullification):

Resolved, that the several states composing the United States of America, are not united on the principle of unlimited submission to their general government; but that by compact under the style and title of a Constitution for the United States and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving each state to itself, the residuary mass of right to their own self government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force …Resolved, that it is true as a general principle, and is also expressly declared by one of the amendments to the Constitution that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people;” and that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the states, all lawful powers respecting the same did of right remain, and were reserved to the states, or to the people …

### The End of Adams’ Presidency

In 1800, Adams lost the presidential election to Jefferson in a peaceful transfer of power following the rule of law, despite the bitter political disagreements. The Alien and Sedition Acts expired, the war between France and England ended, and the army never materialized.

The next constitutional controversy emerged when President Jefferson decided to purchase the Louisiana Territory from the French. The Constitution provided no provisions for incorporating foreign territory into the United States by purchase. But Jefferson feared a reconstituted French empire and losing access to the navigation rights of the Mississippi River. He decided to violate his strict interpretation of the Constitution and acquire the territory in what came to be known as the Louisiana Purchase. His dilemma demonstrates the difficulty of interpreting constitutional guidelines uniformly in a strict or loose fashion. Often those who are in power choose to interpret the Constitution more loosely and face condemnation of their actions by the opposition who are out of power. In this case, Congress and the Supreme Court did not challenge Jefferson’s decision, and it was ratified by the other two branches.

### The Mormon Expulsion from Missouri: A Constitutional Crisis

The persecution of the early Saints looms large in the story of the Restoration. The inability of the Saints to garner support or protection from the federal government demonstrates the difficulty in applying the principles of the Constitution in the early national period.

By 1833–34, members of the Church numbered in the thousands and were settled largely in Kirtland, Ohio and Independence, Missouri. Joseph Smith had identified Independence as the New Zion. As Saints began to gather, Missourians felt threatened by the Mormons and engaged in harassment and persecution to drive them from the state. On July 20, 1833, hundreds of Missourians gathered together and issued a public document demanding that Mormon immigration must stop and that Mormons must sell their land and businesses and leave Jackson County. A few days later, a mob forced Mormon leaders to sign the document, leaving little time for seeking counsel from state officials to protest and prevent the expulsion. Leaders appealed to Missouri’s governor for help, and the state attorney general advised the Saints to seek both redress and protection by petitioning the circuit judge. The Church hired a legal firm to represent them and encouraged members to protect their homes and families by acquiring weapons. On October 20, church leaders announced their intention to defend themselves against attack. The Missourians interpreted that as a violation of the agreement the Mormons had made to evacuate. A mob attacked the Whitmer settlement and destroyed ten homes, leading to more violence.

The lieutenant governor tried to mediate between the two groups and persuaded the Saints to surrender their arms and leave within ten days, with an understanding that the other group would do the same. However, this was not the case, and the Saints were expelled into another Missouri county. Joseph Smith encouraged the Saints to stay faithful, retain title to their lands, and seek redress through Constitutional means, which were pursued. The next step was to petition the federal government directly.

Unfortunately, due to the political situation, federal help was never obtained. Appeals continued for years, even after the Saints’ final expulsion from Missouri in 1838.

After the Saints settled in Nauvoo in 1839, Joseph Smith and Elias Higbee traveled to Washington, D.C. to seek support from the national government. They obtained an interview with President Martin Van Buren and met with various senators and representatives. An Illinois senator promised to introduce their petition to Congress. At a follow-up meeting with the president, according to the Prophet’s report, Van Buren listened reluctantly to their message and simply replied: “Gentlemen, your cause is just, but I can do nothing for you … If I take up for you, I shall lose the vote of Missouri.” Joseph Smith continued appealing to other important political figures of the day, including many states’ rights advocates.

Joseph Smith revered the Constitution, writing while in Liberty Jail that it was “a glorious standard; it is founded in the wisdom of God … It is like a great tree under whose branches men from every clime can be shielded from the burning rays of the sun.” The Prophet believed in the constitutional principles protecting freedom of religion and the right to property, and felt that the federal government should intervene within a state to protect a persecuted minority. The failure of his mission to get redress for the Saints from the federal government led him to write this criticism:

I am the greatest advocate of the Constitution of the United States there is on the earth … The only fault I find with the Constitution is, it is not broad enough to cover the whole ground. Although it provides that all men shall enjoy religious freedom, yet it does not provide the manner by which that freedom can be preserved, nor for the punishment of Government officers who refuse to protect the people in their religious rights, or punish those mobs, states, or communities who interfere with the rights of the people on account of their religion. Its sentiments are good, but it provides no means of enforcing them.

The persecution faced by the early saints demonstrated the lack of constitutional authority for national intervention into the actions of the individual states. Only after the passage of the 14th amendment was such action codified into law.

## The Civil War

Of course, the largest and bloodiest constitutional crisis in the United States was the Civil War. It broke apart the federal union and caused unparalleled death and destruction between Americans by Americans. It is a key struggle that helped define the United States, and demonstrated the challenge of balancing national and state power. Through this struggle, many constitutional controversies were decided. The legacy of the war and its aftermath are still felt today.

The key cause of the Civil War was slavery. The seeds of this struggle had been part of the earliest colonial days, as the plantation economies of the South developed and their continual need for labor led to the adoption of a practice unknown in England. African chattel slavery, based on a lifetime of service, an inherited status, and tied to race, had developed gradually during the colonial period. All of the original thirteen colonies practiced slavery in some regard, but the poor New England soil and the commercial enterprises of the middle colonies never required the numbers of slaves that could be found on southern plantations. In the writing of the Declaration of Independence, Jefferson had originally included a passage blaming King George for the practice of slavery in the colonies, but it was removed at the insistence of the South. John Adams remarked to Benjamin Franklin during the writing of the Declaration, “Mark me, Franklin. If we give in on this issue, there will be trouble one hundred years hence. Posterity will never forgive us.” Many hoped that the 3/5 representation clause and the end of foreign importation in 1808 would lead to the gradual end of the practice. At the time of the writing of the Constitution, there were approximately 700,000 slaves held in the United States.

The continued struggle over the issue of slavery can be tied to the westward expansion. As new territory was acquired, there was continual controversy over the balance of power between slave and free states. The cotton gin, invented in 1794, lowered the cost of producing cotton, mechanizing the process of removing the seeds from the cotton fiber. Southern farmers shifted to lucrative plantation cotton production, and the need for slaves increased exponentially. Slavery expanded its reach into the new states of Mississippi, Alabama, Louisiana, Kentucky, and Tennessee, and “King Cotton” became the South’s major export.

In 1820, debate raged over the admission of Missouri into the union as a slave state, which would throw off the delicate balance in Congress. Thomas Jefferson spoke of the Missouri debate as a “fire bell in the night,” a warning of future destruction. Eventually, a compromise was reached, Missouri entered as a slave state and Maine as a free state, balancing the political power once more. The Missouri Compromise also drew a line west across the unorganized territory acquired in the Louisiana Purchase, and decreed that any future states would be determined slave or free depending on whether they were above or below this Mason-Dixon line.

In the North, forces began to organize against the practice of slavery. The majority were anti-slavery, against the expansion of slavery because of how it limited opportunity for white immigrants to western territories. Anti-slavery movements focused on gradual emancipation or colonization to Africa of freed slaves. A small minority, abolitionists, were more radicalized and began to focus on the morality of slavery, calling for an immediate end to the practice and arguing for political equality.

In 1831, William Lloyd Garrison, one of the most famous abolitionists, began publishing The Liberator, a newspaper specifically focused on the evils of slavery and declaring the need for its immediate destruction. He published the newspaper for 35 years, and southern calls for his arrest or capture on charges of treason were widespread.

### William Lloyd Garrison, The Liberator, First Issue 1831: Our Appeal

For the successful prosecution of our labors, we appeal to the following classes of our fellow countrymen, and we presume they are sufficiently numerous to fulfill our expectations:To the religious—who profess to walk in the footsteps of their Divine Master, and to be actuated by a love which “worketh no ill” to others. To whom, if not to them, shall we turn for encouragement?To the philanthropic—who show their sincerity by their works, whose good deeds are more numerous than their professions, who not only pity but relieve.To the patriotic—who love their country better than themselves, and would avert its impending ruin.To the ignorant, the cold-hearted, the base, the tyrannical—who need to be instructed, and quickened, and reclaimed, and humanized.In defending the great cause of human rights, I wish to derive the assistance of all religions and of all parties.Assenting to the “self-evident truth” maintained in the American Declaration of Independence, “that all men are created equal, and endowed by their Creator with certain inalienable rights—among which are life, liberty and the pursuit of happiness,” I shall strenuously contend for the immediate enfranchisement of our slave population …I am aware that many object to the severity of my language; but is there not cause for severity? I will be as harsh as truth, and as uncompromising as justice. On this subject, I do not wish to think, or speak, or write, with moderation. No! No! Tell a man whose house is on fire, to give a moderate alarm; tell him to moderately rescue his wife from the hands of the ravisher; tell the mother to gradually extricate her babe from the fire into which it has fallen;—but urge me not to use moderation in a cause like the present. I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch—AND I WILL BE HEARD.

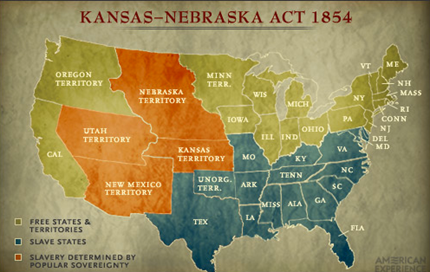
### Build up to the Civil War



In 1848, the outcome of the Mexican War brought more territory into the United States, much of it below the Mason-Dixon line. California in particular wished to join the Union as a free state, but half of its territory was below the line. This new territory raised the question of slavery’s expansion with a new generation of congressional leaders. The Compromise of 1850 allowed California into the Union as a free state but gave to the South the Fugitive Slave Law that required Northerners to aid in efforts to recapture and return runaway slaves. Political compromise had succeeded; however, it left many in both the North and the South at odds in the growing controversy.

In 1854, the transcontinental railroad resurfaced the issue of slavery. Kansas, on the route of the proposal, sought to come into the union. It was north of the Mason-Dixon line, and therefore should have been a free state. However, its eastern border was Missouri, a slave state, and many settlers came into Kansas from Missouri with their slaves. Congress came up with a plan to have Kansas decide its status through “popular sovereignty.” Citizens of the territory organized on both sides of the issue, and came to vicious political and physical disagreements, known as “Bleeding Kansas.” Congress accepted the free state decision with the Kansas-Nebraska Act, but the issue was not truly settled until after the Civil War.

### Dredd Scott V. Sanford, Supreme Court Decision, 1857



In 1857, the Supreme Court attempted to settle the slavery issue with the Dred Scott v. Sanford decision. The case involved a slave named Dred Scott taken by his master to live in a free northern state for several years before returning to a slave state. Scott sued for his freedom based on his time spent in a free state, and the case made its way to the Supreme Court. The Chief Justice of a southern-dominated court made a sweeping decision that slaves or freed slaves had no rights as citizens or standing in federal court, that the Missouri Compromise which restricted slavery was unconstitutional, and that travel in a free state did not alter a slave’s status. A free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a “citizen” within the meaning of the Constitution of the United States.

## Slavery and its Interpretation in the Constitution

When the Constitution was adopted, slaves were not regarded in any of the States as members of the community which constituted the State, and were not numbered among its “people or citizens.” Consequently, the rights and immunities guaranteed to citizens do not apply to them. And not being “citizens” within the meaning of the Constitution, they are not entitled to sue in that character in a court of the United States, and the Circuit Court has no jurisdiction in such a suit.

There are only two clauses in the Constitution that mention Africans. Both treat them as articles of property and to hold them as slaves.

It becomes necessary, therefore, to determine who were citizens of the several States when the Constitution was adopted. And in order to do this, we must recur to the governments and institutions of the thirteen colonies when they separated from Great Britain and formed new sovereignties, and took their places in the family of independent nations. We must inquire who, at that time, were recognized as the people or citizens of a State whose rights and liberties had been outraged by the English Government, and who declared their independence and assumed the powers of Government to defend their rights by force of arms.In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show that neither the class of persons who had been imported as slaves nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument …The right of property in a slave is distinctly and expressly affirmed in the Constitution. The right to traffic in it, like an ordinary article of merchandise and property, was guaranteed to the citizens of the United States in every State that might desire it for twenty years. And the Government in express terms is pledged to protect it in all future time if the slave escapes from his owner. This is done in plain words—too plain to be misunderstood …It is the opinion of the court that the act of Congress which prohibited a citizen from holding and owning property of this kind in the territory of the United States north of the line therein mentioned is not warranted by the Constitution, and is therefore void, and that neither Dred Scott himself nor any of his family were made free by being carried into this territory, even if they had been carried there by the owner with the intention of becoming a permanent resident.

This decision was well-received by slaveholders in the South who saw protection for property rights as the proper interpretation of the Constitution. Anti-slavery forces in the North, however, were outraged at the decision that seemed to suggest that slavery might exist anywhere in the country and was constitutionally protected. As an editorial in a New York paper proclaimed:

The conspiracy is nearly completed. The Legislation of the Republic is in the hands of this handful of Slaveholders. The United States Senate assures it to them. The Executive power of the Government is theirs. Buchanan took the oath of fealty to them on the steps of the Capitol last Wednesday. The body which gives the supreme law of the land, has just acceded to their demands, and dared to declare that under the charter of the Nation, men of African descent are not citizens of the United States and cannot be—that the Ordinance of 1787 was void—that human Slavery is not a local thing, but pursues its victims to free soil, clings to them wherever they go, and returns with them—that the American Congress has no power to prevent the enslavement of men in the National Territories—that the inhabitants themselves of the Territories have no power to exclude human bondage from their midst—and that men of color can not be suitors for justice in the Courts of the United States! … All who love Republican institutions and who hate Aristocracy, compact yourselves together for the struggle which threatens your liberty and will test your manhood!

### Brown’s Rebellion and the Aftermath

In 1859, John Brown, an abolitionist, decided to take matters into his own hands by attacking a federal arsenal in Harpers Ferry, Virginia. His plan, along with his abolitionist followers, was to gather munitions from the arsenal, distribute arms to the slaves in the area, and start a large-scale, violent slave rebellion. Brown’s attempt failed, and he was eventually executed. John Brown made many powerful statements which were widely circulated and filled with passionate rhetoric:

Here, before God, in the presence of these witnesses, from this time, I consecrate my life to the destruction of slavery.I say I am yet too young to understand that God is any respecter of persons. I believe that to have interfered as I have done, as I have always freely admitted I have done, in behalf of his despised poor, I did not wrong but right. Now, if it is deemed necessary that I should forfeit my life for the furtherance of the ends of justice, and mingle my blood further with the blood of my children and with the blood of millions in this slave country whose rights are disregarded by wicked, cruel, and unjust enactments, I say let it be done.I, John Brown, am now quite certain that the crimes of this guilty land will never be purged away; but with blood.

The South was horrified to see Brown celebrated as a martyr to the cause in the North, which fed their fear of losing control over their own affairs.

## The Election of Lincoln

The newly formed Republican Party gained many supporters as opposition to slavery in the North intensified. Their slogan, “Free Labor, Free Land, Free Men” was focused on the expansion of free states and opportunity, although not strictly abolitionist. Their candidate in 1860, Abraham Lincoln, was opposed to slavery but did not believe he had the constitutional power to end the practice where it currently existed.

As Lincoln campaigned, he argued, “I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe I have no lawful right to do so, and I have no inclination to do so.” In a four-way race for president, Lincoln was elected but with zero electoral support in the South. In his first inaugural address in 1861, Lincoln tried to placate the South, promising to not interfere with slavery in their states. Lincoln closed his speech with a call for reconciliation:

My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you in hot haste to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied still have the old Constitution unimpaired, and, on the sensitive point, the laws of your own framing under it; while the new Administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied hold the right side in the dispute, there still is no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust in the best way all our present difficulty.In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of civil war. The Government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the Government, while I shall have the most solemn one to ‘preserve, protect, and defend it’.I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

Despite Lincoln’s pleas and reassurances, many in the South felt they had no choice but to leave the Union to protect their way of life. They justified their secession based on their interpretation of the 10th amendment and the principles suggested in the doctrine of nullification.

### The Civil War and its Impact

The Civil War began in April of 1861 as Southern slave states declared their separation from the United States and formed the Confederate States of America. The war was not originally fought to end slavery, only to maintain the federal union, although every cause of the war can be traced to the fight over slavery. As the battle continued, wartime necessity forced Lincoln to issue the Emancipation Proclamation in 1863, invoking his constitutional war powers. Lincoln’s proclamation freed slaves only in the states over which he had no jurisdiction, but this changed the focus of the war. This change can be seen in the famous Gettysburg Address, as Lincoln dedicated a battlefield and explained the meaning of the war as a continuation of revolutionary battles and a “new birth” of freedom and equality.

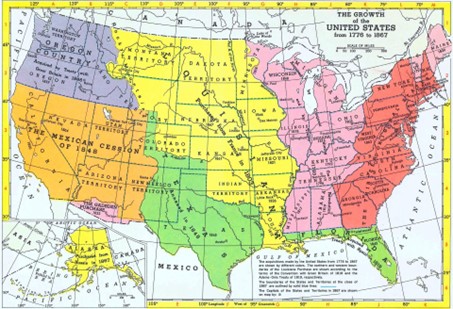
### Abraham Lincoln, “The Gettysburg Address,” November 19, 1863

Fourscore and seven years ago our fathers brought forth, on this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived, and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting-place for those who here gave their lives, that that nation might live. It is altogether fitting and proper that we should do this. But, in a larger sense, we cannot dedicate, we cannot consecrate—we cannot hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they here gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth.

In 1865, after four long and bloody years, economic devastation in the South, and the loss of over 600,000 Americans, the war came to an end. The doctrine of nullification was never promoted by the states as a check on federal power again. The Civil War also began the swing in constitutional interpretation of the power relationship between the national government and the states in the direction of the national government. It wasn’t until after the Civil War that singular verbs were used when describing the nation, changing the sentence “The United States are” to the grammatically incorrect “the United States is.”

The war redefined the image of the national government in the everyday lives of the people with a more powerful concept of nationalism and identified the United States with a commitment to political democracy. The Civil War also demonstrated the way in which public virtue acts to moderate and restrain the American character and remains essential to controlling the operations of government, maintaining liberty, and protecting the rule of law.

In the end, the war provided a warning and taught a valuable lesson on the importance of public virtue and correct principles. If public virtue and incorrect principles are allowed to flourish, the constitutional system is in danger of collapse, as was the case with slavery. Although the Civil War abolished slavery, the racial discrimination and prejudice that had allowed its practice evolved into another system, particularly in the South. An environment of violence and intimidation replaced slavery and codified racism into law. Jim Crow laws segregated whites and blacks and severely restricted access to social, economic, and political opportunities. It would take later activism and constitutional challenges to break down the system of racial prejudice that remained after the war.



As a result of the Civil War, the national government took a greater interest and responsibility for protecting individual rights. This included monitoring the actions of the states and ensuring that they did not infringe on the rights of the people. Initially, this meant the protection of freed slaves, although this was short-lived. It also included the kind of religious protections Joseph Smith sought. In essence, as a result of the Civil War, the national government became an institution that protected the rights of the people rather than an institution that oppressed and restricted the rights of the people. In other words, one of the changes Lincoln highlighted in the Gettysburg Address with “a new birth of freedom,” was the change in the idea of freedom from a national government turning to freedom protected by a national government.

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