

Two Faces of Southern Unionism: John S. Carlile, Waitman T. Willey, and the Competing Ideologies of the West Virginia Statehood Movement

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Opposing Men, Opposing Ideologies

Waitman T. Willey opened with a joke. He had been invited to address the West Virginia constitutional convention to defend his vision for the new state being forged as one of the many unanticipated consequences of the Civil War. Willey thanked the delegates for allowing him to be heard, but added self-deprecatingly that “as for being seen by the convention, I do not know that I should make much by that operation.” Apparently tickled by this wordplay—or perhaps just being polite—the delegates shared a laugh before moving on to more serious matters. The convention was nearing a final vote that would either affirm their place in the Union as a free state, or cast the whole statehood project into an uncertain future tethered to the slave society of Confederate Eastern Virginia. The demon of the hour was John S. Carlile, who paradoxically had been the most zealous and vocal advocate for West Virginia statehood after the secession crisis in early 1861. Yet not even two years later, Carlile looked willing to destroy the statehood movement—why? ¹

Western Virginians had advocated for democratic reform throughout the antebellum era, yet when the Civil War brought the opportunity to craft their ideal government, the movement splintered. The Republican Congress was the gatekeeper to Union, and they threatened to shut the door on statehood unless the West Virginians “voluntarily” adopted emancipation. The statehood bill would also have to be signed by Lincoln, who saw West Virginia’s emancipation as more than a local dispute: it was a referendum on the war in microcosm. If accomplished, he could brandish proof that Southerners valued Union over secession, free labor over slavery. Thus by 1862, Republican pressure applied through the federal government revealed two distinct

¹ “Address of Hon. Waitman T. Willey, Delivered February 12, 1863”, online version, <http://www.wvculture.org/history/statehood/cc021263.html>. From the West Virginia Archives & History, Debate and Proceedings of the First Constitutional Convention of West Virginia, West Virginia University [hereafter cited as WVAH]

interpretations of the Union within the West Virginia statehood movement. John Carlile embodied a conservative vision of Union—a democratized but restrained government that would never interfere with something so fundamental to liberty as the right to own slave property. Waitman Willey adopted a reform-oriented interpretation of Union, in which the government had to destroy slavery to realize the founders’ vision of a democratic society in which all (white) men were truly equal.

Addressing the convention, Willey delivered a powerful critique of Carlile and the conservative Unionists for jeopardizing all the potential benefits of statehood by clinging to the dying institution of slavery. Not only did the federal government have the power to require emancipation in the new state, argued Willey, but doing so would safeguard them against recreating the aristocratic plutocracy of old Virginia—thereby securing a prosperous and democratic future for West Virginia. His speech, delivered February 12, 1863, fell on receptive ears. *The Wheeling Daily Intelligencer*, the mouthpiece of Republican ideology in the state, gloated that “the treacherous and traitorous John S. Carlile in this speech of Mr. Willey’s...was flayed in the pillory until there was nothing left of him.” Five days later, the convention adopted the constitution with its emancipatory language, known colloquially as the Willey amendment. It granted freedom to all African-Americans born after July 4, 1863 and laid out a timetable for the gradual emancipation of existing slaves within West Virginia. The amendment would be submitted to the voters on March 26, where voter loyalty oaths, a non-secret ballot, and the presence of federal troops at polling stations made ratification a forgone conclusion. Thus the

23,318 to 572 vote victory for ratification belied the extent to which ideology divided West Virginians in their bid for statehood.²

Southern Unionists are often treated as a single group in Civil War historiography, generally assumed to be men and women whose hatred for secession papered over all other ideological differences. In West Virginia at least, this was not the case. The Western Unionists presented themselves as unified bloc through the secession crisis, but congressional insistence on emancipation revealed them to be a coalition with a conservative, pro-slavery wing and a reformist, free-labor wing. Both groups held the Union insoluble in the face of secession, but interpreted the genius of the Union very differently. The conservative wing cherished the Constitution and the Union as it was. They believed that while slaveholders had led the South into a misguided rebellion, slavery itself was an ironclad constitutional right. For them, the genius of Union *was* the Constitution because it enshrined personal liberty and property in a way that no government had ever done. The reformist wing agreed that slavery was legal, but were ambivalent about the coexistence of slavery and democracy. In their eyes, the genius of Union lay in the *spirit* of the Constitution, which they often linked to the Declaration of Independence. Many of the reformist-wing leaders—Waitman Willey, Francis H. Pierpont, Arthur I. Boreman, and Reverend Gordon Battelle—were active members of the Methodist church. The prominence of Methodism within the reformist wing suggests that they were more willing to appeal to a higher power over a strict interpretation of the Constitution. The reformists believed that the United States was exceptional because it allowed for an evolutionary government that would grow more egalitarian with each generation. While they would never have endorsed

² *Wheeling Daily Intelligencer*, February 13, 1863. Richard Orr Curry, *A House Divided: A Study of Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh: University of Pittsburgh Press, 1964) 150-51.

emancipation before the war, the reformist wing proved willing to sacrifice slavery in pursuit of their democratic ideals.³

This paper will compare these conservative and reformist ideologies in the West Virginia statehood movement, as embodied by John S. Carlile and Waitman T. Willey respectively. It will attempt to reconstruct their worldviews by parsing their rhetoric regarding state and national affairs from 1850 through 1863. The task is not so simple as always taking their words as face-value evidence of ideology. For example, Willey's conception of Union and race evolved through the antebellum years and into the war. Understanding his ideology requires a broad reading of his public and private thoughts, with an eye towards audience and contemporary events. Moreover, as argued by Jon. L. Wakelyn, Southern Unionists politicians had to balance their rhetoric for two suspicious audiences. Willey had to simultaneously reassure his Unionist constituents in Virginia that he was no meddling abolitionist, while reassuring Republicans in Congress that he was no Copperhead. Willey was a devout Methodist, frequently lecturing on temperance and teaching Sunday School. His Methodism informed a belief in human progress through discipline and reform. John Carlile's beliefs were much more static than Willey's. Henry Wilson, an abolitionist contemporary in the Senate, accurately defined Carlile as "a pro-slavery man from conviction." Even so, much of Carlile's rhetoric was couched in language of federal encroachment. The centrality of slavery in orienting Carlile's conservative Unionist ideology only emerges when his antebellum-era and wartime speeches are read together.⁴

³ Curry, *A House Divided*, 25-26, 155-56, 170; Charles H. Ambler, *Waitman Thomas Willey: Orator, Churchman, Humanitarian* (Huntington, W.Va.: Standard Printing & Publishing Co.) 4-5.

⁴ Jon L. Wakelyn, *Southern Unionist Pamphlets and the Civil War*, (Columbia: University of Missouri Press, 1999) 2-4; Henry Wilson, *History of the Antislavery Measures of the Thirty-Seventh and Thirty-Eight United-States Congresses, 1861-1865*, (Boston, MA: Walker, Fuller, and Co., 1865) 276

As the two senators representing the Reorganized Government of Virginia during the statehood movement, Carlile and Willey are natural foils. Their early careers are quite similar, but diverged as emancipation rendered them political opponents. West Virginia statehood was a complex political process whose success was not preordained, but rather rested on contingencies. The most basic of these contingencies was the war itself, which provided a chance for West Virginians to harness the power of the federal government to affect a division of the state. Even so, Willey demonstrated his political mastery by outmaneuvering the rigid Carlile. He well understood the relationships of power in a federalist democracy, and the necessity of compromise to achieve political goals. Willey was able to articulate a core ideology of free-labor, reformist Unionism, but carefully tailored his message based on his audience. He pitched statehood as a conservative measure to his Southern brethren at the West Virginia constitutional convention; and sold congressional Republicans on statehood as a radical measure against the secessionist South. When it came time for the final vote, Willey had already addressed the major objections to statehood at the federal and state levels.

While Carlile and Willey were unwavering in their dedication to the Union, they interpreted its past and future purposes very differently. The Civil War seismically altered how citizens understood the relationship between the federal government, the constitution, and the American people. In West Virginia, this debate took on a unique local flavor as a national conflict was perceived through the lens of antebellum state politics. While the reformist interpretation associated with Willey eventually won out—locally and nationally—its victory was nowhere near inevitable or complete. By exploring the conflicting interpretations of Union

at play in the West Virginia statehood movement, we can help recapture how nineteenth-century citizens understood the role of government in America. ⁵

⁵ A note on political labels: I will use the terms “conservative” and “reformist” interpretations of Union as shorthand to describe the two ideologies of loyal Western Virginians. By “conservative” I refer to a belief in the antebellum status-quo; that the Union’s federal government should take a restrained role in legislating. Its primary function should be to maintain the liberties described in the Constitution. Conservative Unionists believed that emancipation was irrelevant, or even detrimental, to the suppression of the rebellion. By “reformist” I refer to a belief that the federal government should take on a more involved role in promoting moral, political, and economic reforms. Influenced by the Second Great Awakening, Methodist preachers and politicians (such as Willey) tended to fall into this group. Politically, they tended identify with moderate wing of the Republican party. As Southerners, their reform spirit rarely extended into full-blown Yankee abolitionism.

I - East vs. West: The Origins of Western Virginian Unionism, 1850-1861

In the late antebellum period, Virginia's preeminence within the Union was largely relegated to memory. Virginians were extremely proud of their ancestor's contributions to the United States, but painfully aware that Virginia was no longer the most populous or the wealthiest state. Gone were the days when Virginians like Washington, Jefferson, Madison, Monroe, Mason, Henry, and Lee shaped national politics. Washington had protected the fragile colonial Union from the British, and given force to the Revolution's democratic principles by ceding all power when no longer needed. The Declaration of Independence, the Constitution, and the Bill of Rights were all substantially shaped by Virginians. The so-called Virginia dynasty held the presidency for thirty-two of the first thirty-six years after the executive office was established in 1789. The first federal census, taken in 1790, found Virginia to have both the largest free and slave populations in the Union. In the mid-nineteenth-century, Virginians felt the weight of their history and believed—rightly or wrongly—that the nation looked to them for political leadership. Yet by 1860, Virginia ranked just seventh in free population, surpassed by growing free states in the North and Midwest. What had befallen the Old Dominion? To Western Virginian leaders like Willey and Carlile, the answer was obvious: wealthy, aristocratic slaveholders of Eastern Virginia were destroying the state by using Richmond to advance their own material interests. Understanding the political, social, and economic divisions between East and West requires a brief explanation of the early history and geography of Virginia.⁶

⁶ *Return of the Whole Number of Persons within the Several Districts of the United States*, (Philadelphia, Penn.: J. Phillips, 1794); Bureau of the Census, *Population of the United States in 1860, Compiled from the Returns of the 1860 Census*, (Washington, D.C.: Government Printing Office, 1864); Census data accessed via United States Census Bureau website, <https://www.census.gov/prod/www/decennial.html>

With a permanent English presence since 1607, Virginia had a head start over later colonies in development. Within a decade, the English discovered that high-quality tobacco could be grown for a substantial profit. A seemingly-endless supply of land, and a labor-intensive cash crop fueled an enormous demand for slaves in the Chesapeake's Tidewater. Tobacco fostered something substantially new on the British American mainland—a slave *society*, in which the political power of the state was engineered to safeguard the economic engine of slavery. It was also largely responsible for making the fortunes of the founders that mid-nineteenth-century Virginians idolized, and whose speeches and writings they marshalled in support of their political ideologies. Western Virginia, across the Allegheny mountains, remained the frontier until around the time of the Revolution.⁷

Yet by 1850, the heyday of Virginia tobacco was roughly a century past. In search of land, the state's white population had been shifting across the Allegheny mountains into what was often referred to as “Western” or “Trans-Allegheny” Virginia. Tobacco agriculture was increasingly replaced by grain and livestock agriculture statewide, which undercut demand for slave labor. A majority of white Virginians lived west of the Blue Ridge mountains by 1850, although wealth and political power was still concentrated in the Tidewater and Piedmont. Despite being part of the same state, Trans-Allegheny Virginians found trade and travel with the East difficult. The Ohio river formed Virginia's western boundary, and oriented Western Virginia economically and socially towards the Midwest. Waitman Willey described the region as “a wedge driven in between the State of Ohio on side, and the States of Pennsylvania and Maryland on the other...completely cut off from all convenient intercourse with East Virginia by

⁷ T.H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton, N.J.: Princeton University Press, 1985); Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: Norton, 1975).

the Allegheny mountains.” Whereas trade in Eastern Virginia flowed through Norfolk, Alexandria, and Richmond, Willey explained that “the natural and best markets” of the West were “Baltimore, Pittsburg, [and] Cincinnati.”⁸

The Allegheny mountains were a barrier to more than just trade; they also constituted a natural bulwark against the spread of slavery. The institution could only flourish where there was such demand for manual labor (such as tobacco or cotton cultivation) that investing in expensive slaves became a financially viable investment. Mountainous Western Virginia boasted no cash crop, and instead fostered a mix of subsistence agriculture, salt and coal mining, logging, and manufacturing. In the counties that would form West Virginia, the 1860 free population outnumbered the enslaved population 358,317 to 18,371. Averaging these counties reveals that a “typical” Western county was 3.69% enslaved, with less than 1% of the population owning slaves. In contrast, the counties that would remain in Virginia were home to a free population of 747,136 and an enslaved population of 472,494. In other words, Eastern Virginia’s free population was roughly twice that of Western Virginia, but their slave population was about twenty-five times as large. Thus while Western Virginians were accustomed to the institution, it was not the defining feature of their economy or social system. Because enslaved people constituted such a small percentage of the region, Westerners were not motivated by the same terror of servile insurrection like their Eastern counterparts. Most Westerners were glad that the loaded gun of slave rebellion was absent on their side of the Alleghenies. The massive

⁸ Waitman T. Willey, *Speech of Hon. W. T. Willey Delivered in the United States Senate, May 29, 1862* (Washington, D.C.: Scammell & Co., 1862) 12; John Alexander Williams, *West Virginia: A History* (2001; reprint, Morgantown: West Virginia University Press, 1976) 48-51; William Blair, *Virginia’s Private War: Feeding Body and Soul in the Confederacy, 1861-1865* (Oxford: Oxford University Press, 1998) 11-30; For the purpose of clarity, I will only use the term “West Virginia” to refer to the 35th state. I will use “Western” and “Trans-Allegheny” interchangeably to refer to the region before statehood, as this is what nineteenth-century Virginians most commonly referred to it as.

discrepancy in the distribution of slaves across the state is vital in understanding how Western Unionists conceived of the Union, and the role of slavery within it.⁹

The political and social differences between Eastern and Western Virginia dominated state politics in the decade before the war, and nowhere more so than the constitutional convention of 1850. It provided an opportunity for a young Waitman Willey and John Carlile to begin building their reputations as leading voices for the West. They hailed from Monongalia and Harrison counties respectively, deep in the Northwestern portion of Trans-Allegheny Virginia. The convention helped foster a sense of Western Virginian identity as they coalesced in opposition to the Eastern leaders. This Western identity was predicated on an ideology that encompassed a powerful drive to reform government so that all white men shared political power equally. They considered themselves Southerners, but their economic ties and geographical proximity to the Midwest helped remind them of the importance of Union. Yet with the benefit of historical hindsight, the future divisions between Willey and Carlile over the role of slavery within the Union can also be seen at the 1850 convention. The central question facing the delegates hinged on legislative apportionment, a manifestation of a larger division over slavery. Eastern Virginians favored maintaining the “mixed-basis” of apportionment. The mixed-basis used a combination of population and property value to apportion delegates in the state government. Slaves were very expensive and very much concentrated in the East, which gave white Easterners a disproportionate voice in the state legislature. The mixed-basis infuriated

⁹ Bureau of the Census, *Population of the United States in 1860*. For a visual representation of the distribution of slavery within the state in 1860, see the map at Figure 3 of the appendix.

Western leaders like Carlile and Willey, who advocated for a white-basis: simply apportioning districts according to the white population.¹⁰

The mixed-basis was an affront to the Western interpretation of Union, because it meant that wealthier men were legally privileged over poorer men. To the Westerners, the Easterners had draped a cloak of democracy over an aristocratic system. In one convention address, Carlile—ever irritable, ever excitable—exclaimed “this eastern democracy is a very different thing from that which is entertained in my section of the State...[it] gives utterances to sentiments in favor of the capacity of the people to govern themselves, but takes very good care to restrict the exercise of all powers that belong to freemen.” Waitman Willey echoed this most-common Western critique, declaring that “any other [legislative] basis than that of population, would be a most palpable infraction of the great American doctrine of popular sovereignty.” This should not be confused with the issue of popular sovereignty in the federal territories; Willey refers rather to the central tenet of Western Unionism: one man, one vote. In the same spirit, they also pushed for opening up more state offices to popular election, rather than legislative election or executive appointment.¹¹

The Western delegates had a peculiar relationship with the peculiar institution. The political landscape had put them into opposition with Eastern slaveholders, but not with slavery itself. Many of the prominent Eastern delegates were scions of wealthy Virginia families—men like Thomas Jefferson Randolph—who had inherited plantations and slaves. Although all of the delegates considered themselves ideological heirs to the Virginia founders, many of the Eastern

¹⁰ William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: The University of North Carolina Press, 2003), 13-27.

¹¹ WM. G. Bishop, *Register of the Debates and Proceedings of the VA. Reform Convention*, (Richmond, VA: Richmond Republican, 1851), 15, 116-17.

old guard were their literal heirs. These Easterners were loathe to cede any control over slavery to what Benjamin Watkins Leigh had infamously called “the peasantry of West.” They believed that their immense wealth in slaves was integral to the state’s economy, and should be reflected with an increased stake in government. Although the Western delegates were certainly not poor, more depended on income from legal practices, county clerkships, or business interests—few lived on great plantations. And yet many Western delegates owned or aspired to own slaves as a mark of status. Bristling at an accusation that he favored a style of “Northern democracy,” John Carlile sharply reminded an Eastern delegate that he was “a Virginian by birth” and considered himself “a Southern man.” He would later boast that he had “been a slaveholder from the time that I have been able to buy a slave,” proud to have become a “slaveholder, not by inheritance, but by purchase.” Waitman Willey had also bought his way into the slaveholding class, purchasing a ‘married’ couple and their two daughters for \$400 in 1845. He too reassured the Eastern delegates of his pro-slavery sympathies, declaring “I am a slave holder, and I regard the title to this property, as to all other property, as sacred.” While slavery did not define life in Western Virginia as it did in the East, most Westerners were thoroughly comfortable in a slave-owning culture.¹²

The Western critique of the mixed-basis was a critique of the political ramifications of slavery, not with the institution itself—although it was often interpreted as such by Eastern leaders. Westerners referred to these political ramifications as “slave power,” meaning the expression of wealthy slaveholders valuing their pro-slavery interests at the expense of democracy. In 1850, Willey and Carlile’s ideologies interpreted slavery and Union in much the

¹² “Address of Hon. Waitman T. Willey, Delivered February 12, 1863”, WVAH; WM. G. Bishop, *Register of the Debates and Proceedings of the VA. Reform Convention*, 117, 336; “John S. Carlile, Speech of March 7, 1861,” electronic version, <http://secession.richmond.edu/>. From the Virginia Secession Convention webpage, University of Richmond [hereafter; VSC-UR]; Charles H. Ambler, *Waitman Thomas Willey*, 4.

same way. The blueprint for Union, the Constitution, guaranteed citizens the right to be secure in their property, which included slaves as much as land, livestock, or any other commodity. Nevertheless, the Union's true genius was that wealth was irrelevant to a man's aptitude for citizenship—and Westerners felt that this was not being honored in Virginia. As Willey posed the question, "how it is that wealth confers any such authority? Does the mere fact that a man possess a great amount of good and chattels necessarily qualify him, either mentally or morally, for the faithful and efficient discharge of the duties of a good citizen?" Carlile's rhetoric seems to imply that while the undemocratic nature of the mixed-basis was related to slavery, it was not *caused* by it. Instead, it was rooted in "the intention of eastern gentlemen to hold on to the power which they now have...even at the sacrifice of every principle which has heretofore been held sacred by a republican people." Willey's rhetoric, however, implies that perhaps the undemocratic nature of government in Virginia was fundamentally related to slavery:

"It is impossible that the morbid, pseudo-philanthropic spirit of northern abolitionism should ever find a resting place in Virginia. But will not a hostility to slavery be engendered by the incorporation of such a principle into the constitution? Your slaves, by this principle, drive us from the common platform of equal rights, and usurp our place. Will the spirit of freemen endure it? Never! Either the principle must be abolished, or you will excite a series of political abolition against property itself. You will compel us to assume an attitude of antagonism towards you, or towards the slave, and like the man driven to the wall, we shall be forced to destroy our assailants, to save our own liberty."¹³

Willey masterfully articulated the source of tension between East and West, and finished with a prescient prediction for what would occur ten years later during the secession crisis. Western Virginians had no moral opposition to the enslavement of black Americans, but were outraged that they seemed to be second-class citizens simply because they did not own slaves. This is what Willey refers to as "political abolition," the sense that Westerners felt themselves

¹³ WM. G. Bishop, *Register of the Debates and Proceedings of the VA. Reform Convention*, 333, 376

forced into opposition to slavery to claim their own rights. Willey shows the genesis of his belief in “slave power,” a concept that would increasingly inform his reformist Union ideology. Slave power was a national concept that had subtly different meanings to different constituencies. Historian Leonard Richards contends that it was most commonly deployed by free-soil Northerners referring to the federal government as an increasingly-lopsided compromise between the slave South and free North. Despite their smaller population, the South had held the presidency for far longer than the North. Beyond the presidential veto, Southerners had also used the executive office to appoint pro-slavery justices to the Supreme Court. Furthermore, Southern states overcame their population disadvantage by using the Senate to obstruct any legislation they perceived as disadvantageous to slavery. Except the most fanatical abolitionists, Northerners conceded that Southern states had the right to their domestic institution. And yet, they felt that the South exerted undue influence in shaping slavery as the national policy. If the North could unite under a single political banner—as Southern slave power had done—they could gain rightful control of the federal government. Thus, free-soilers often reserved their deepest scorn for Northern Democrats, whom they believed sold out their constituents to the slave South for their own political gain. Slave power was a serpent that had wrapped itself around the federal government, constricting the will of the Northern majority.¹⁴

This was not Waitman Willey’s definition of slave power, who conversely believed that Southern politicians at the federal level had served a valuable role in keeping their Northern counterparts from overstepping their constitutional restraints. He was slow to fully embrace his conception of slave power, but would conclude that slavery was antithetical to democracy in the

¹⁴ Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000)

wake of secession. His slave power was more ideological; slavery was a corrupting influence on the slaveholder. Democratic government worked through compromise and consensus, but slaveholding accustomed the owner to mastery, to the literal power of life-and-death over another human. In other words, slavery turned citizens into aristocrats. Those who opposed slave power believed that the institution would ultimately need to be ended to realize the ideals of the Union laid out by the founders, although there was a wide range of opinion regarding how and when it should be done. While abolitionists certainly subscribed to this theory, their moral arguments were not widely adopted. Particularly in Western Virginia, many of the opponents of slave power were openly hostile to African-Americans. They tended to favor gradual and compensated emancipation, or even colonization, believing that African-Americans lacked the intelligence and virtue for citizenship. Willey's warning of "political abolition" also foreshadows his split with Carlile, who never saw any elemental contradiction between slavery and Union. For Carlile, the problems relating to slavery were always in the execution, never in the principle.

The Westerners won a partial victory at the 1850 Virginia Constitutional Convention, adjusting the House of Delegates apportionment along a white-basis, but retaining a mixed-basis (and therefore Eastern majority) in the Senate. Property requirements for white male suffrage were eliminated in a nod to the West, but the East prevailed in implementing a tax scheme that kept taxes on slave property artificially low. Western reform efforts aimed at public education were also thwarted. Despite the compromises, sectional tensions between Eastern and Western Virginia over the role of slavery simmered, in some respects mirroring the national tensions between North and South. Easterners still felt that the Westerners could not be trusted with political control over slavery, and Westerners still felt that Easterners were denying them an equal share in government because they owned fewer slaves. Carlile and Willey continued to share far more ideological

ground than not, both continuing to advocate for a democratized Virginia in which slave-owning was permitted—even encouraged—but not privileged.¹⁵

Willey continued to preach reform in the years between the constitutional convention and the secession crisis. He, like Carlile, had benefitted politically from convention, gaining recognition as part of the next generation of Western leaders. In an 1854, he delivered a speech entitled “Liberty and Union” (later published) in which he advanced his reform agenda. Willey argued that democratized government, public education, and a unselfish spirit of Christian benevolence were needed to perfect the founders’ vision of Union. He warned that it might only be undone by greed. “Another prominent pernicious effect of an inordinate love of wealth” cautioned Willey, “is its tendency to corrupt and destroy the simplicity of the republican character... it is greatly to be feared, that our lawgivers are not actuated by love of country.” This statement easily could have been uttered by Carlile, who would have genuinely meant the words in a narrow sense. Given a wider scope of Willey’s arguments against slave power however, the sentiment becomes an implicit attack on Eastern lawmakers who valued their material interest in slavery over the democratic ideals of Union. Perhaps sensitive to the possibility of being labeled a hypocrite, Willey manumitted his slave couple in 1855. The 1860 census still shows their two daughters as the property of Waitman Willey, although they too were manumitted sometime before 1862. His antislavery views—if they can even be called that before secession—should not be overstated. He was far more concerned with democratic reforms, temperance, and national

¹⁵ Ronald L. Heinemann, et al. *Old Dominion, New Commonwealth: A History of Virginia 1607-2007* (Charlottesville: University of Virginia Press, 2007) 189-191; Link, *Roots of Secession*, 20-27

sectional compromise than with any pressing desire to reform the peculiar institution on its own merits.¹⁶

John Carlile too, actively pursued his political career in the years before the war. He abandoned the Democratic party to run as a Know-Nothing candidate for Congress in 1855. He won, representing Virginia's eleventh district for a term before losing reelection. Democrats lambasted the move as naked political opportunism. His hometown Democratic paper, previously quite sympathetic to Carlile, warned its readers that "the political treachery and duplicity of that gentleman was immense." His partisan switch remains an oft-misunderstood piece of evidence in shaping Carlile's historiographical reputation as unpredictable and indecisive. In truth, Carlile could never find a political party that embodied his conservative, pro-slavery, Unionist ideology to a degree he found satisfactory. In the Know-Nothings, Carlile hoped he had found like-minded individuals who respected the constitutional guarantees of the Union as it was. While his guiding principles remained consistent, his shifting political allegiances helped cement his legacy as a turncoat.¹⁷

Carlile attempted to explain his disgust with the Democratic party (and of course, the antislavery Republicans) in an 1856 speech entitled "The Cincinnati Platform," so-named for the city where the Democrats had recently met to nominate James Buchanan as their presidential candidate. In his mind, the entire sectional crisis over slavery was manufactured by political parties. There was no need for a new compromise between North and South because the founders had bequeathed them a perfect compromise in the form of the constitution. Most galling to him was the compromise of popular sovereignty, which allowed citizens in a federal territory to vote

¹⁶ Waitman T. Willey, *Lecture on Liberty and Union!* (Wheeling, Virginia: J.E. Wharton, 1854) 6-8; Ambler, *Waitman Thomas Willey*, 4-5

¹⁷ *Cooper's Clarksburg Register*, May 16, 1855; Link, *Roots of Secession*, 134

on whether they would join the Union as a free or slave state. While the concept *sounded* fair-minded, he believed it “actually tramples under foot and disregards all law, all order, all authority, establishes civil war in Kansas, [and] disturbs not only the peace and quiet of the Union, but threatens the Union itself.” Carlile denounced the Democrats’ support of popular sovereignty in the territories as a blatantly unconstitutional measure. He explained that “the Federal Government has no power except what it derives from the Constitution...[which] recognizes slavery, and requires that the master shall be protected in the possession of his slaves.” Carlile’s argument anticipates Roger B. Taney’s argument in the *Dred Scott* decision, issued the following year. The logic held that the constitution guaranteed the right to property, and slaves were property—end of discussion. It struck him as insane that Democrats were advocating for a policy that would allow a would-be state to unilaterally nullify the Fourth Amendment’s property protections.¹⁸

For the Carlile, the culprit was human greed and pettiness as expressed through party factionalism. He firmly believed that the sectional crisis had been “made up *for the people—not by the people*—and presented to them by the politicians and party leaders.” This was a popular refrain for antebellum politicians, who would lament factionalism as a sort of moral decay from the glorious virtue of the founders, but only meant it when looking across the sectional divide. John Snyder Carlile seems to have been one of the rare few who truly despised factional politics, declaring his greatest fear to be “the power and influence of party.” He thought the Know-Nothings were the only party capable of transcending sectional jealousies because of their national appeal to the constitution. He accused both “the so-called Democratic and Black Republicans parties [as] laboring for the same end; each wish[ing] to unite its section...in hostile array to the other.” He, like Willey, disdained Republicans for trying to legislate against the domestic

¹⁸ John S. Carlile, *The Cincinnati Platform* (Washington, D.C.: American Organ, 1856) 2-7

institution of slavery by pushing federal power beyond its constitutional constraints. Whereas Willey (still a Whig) believed squatter sovereignty as a fair compromise on slavery, Carlile believed that the Democrats had strayed from “the great constitutional and conservative truths of their original party creed.” He saw the Democrats as having valued party above country, who “rather than risk the loss of the spoils, yielded, in an evil hour I fear, to the northern pressure, and united in the nomination of a man (Buchanan) who...acknowledges the constitutional power in Congress to abolish slavery in the District of Columbia...a man who has maintained his political consistency...in his opposition to slavery.”¹⁹

The election of Abraham Lincoln in 1860 touched off the secession crisis in the winter of 1860-61. The Lower South believed that the Republican’s election signaled the end of slavery and destruction of the old Union. In secession, they hoped to resurrect the Union as they remembered it—an unabashedly pro-slavery Confederacy resting on principles of state sovereignty. Virginia’s leaders opened a secession convention on February 13, 1861 in Richmond to recommend a course of action to the state’s voters, who would approve or deny it via a referendum. Many delegates had also served a decade earlier in the 1850-51 Constitutional convention, and Willey and Carlile arrived in Richmond as established Western voices. Broadly speaking, Eastern delegates were far more sympathetic to secession than the Western delegates. Given the overwhelming white majority in the Trans-Allegheny, Westerners did not fear that the Republican victory might portend slave rebellion, as many Easterners did.

As staunch Western Unionists, Carlile and Willey had a similar agenda at the convention. They deployed the same rhetoric in attempt to dissuade the Eastern delegates from secession. Most

¹⁹ Carlile, *The Cincinnati Platform*, 1, 6-14; Wakelyn, *Southern Unionist Pamphlets*, 63

basically, they argued that Union’s architects were Virginians, and that secession would dishonor their legacy. As at the 1850 reform convention, the Western delegates begged Easterners to remember that their political differences regarding slavery was not abolitionism, nor even antislavery. Carlile reminded the Eastern delegates that his Western constituents were “a people devoted to the institution of slavery, not because of their pecuniary interest in it, but because it is an institution of the State” and they respected the law. Willey, although suspicious of slave power, firmly believed that the Southern states had every legal and moral right to demand federal non-interference with the institution. Carlile had no reservations about slavery, believing it “a social, political and religious blessing.” Both warned would-be secessionists that the Union and Constitution remained the best caretaker of slavery in Virginia. Yet despite Willey and Carlile’s appeal to the Convention’s common heritage as Virginians, their rhetoric was tinged with a threat. They made it clear that their first loyalty was to the Union—regardless of the convention’s eventual decision.²⁰

John Bell of the Constitutional Union party had won Virginia in the 1860 election, an accurate representation of the political climate in the state. As evidenced by the name, the party stood for the permanence of Union and infallibility of the constitution, including its protections of slavery. Lincoln, running on a free-soil Republican platform, received zero votes in most counties and won none. Tellingly, he was only competitive in Wheeling and surrounding counties of the Northern panhandle. Squeezed between the Ohio River and the Pennsylvania border, the Northern Panhandle was a slice of the Midwest lodged in the Old Dominion. It lay on similar latitudes as Pittsburgh, Philadelphia, and New York City. This was the state’s bastion of Unionist and free labor ideology, which would soon make it the center of the West Virginia statehood movement.

²⁰ John S. Carlile’s Speech of March 7, 1861, VSC-UR

Nevertheless, the counties that would come to make up West Virginia were evenly split between John Bell and the Southern Democrat John C. Breckenridge, although Breckenridge carried the region 21,908 to 20,997. Carlile and Willey made very clear to the convention that despite their opposition to secession, they and their constituents stood firm with the East against the Republican agenda. Willey deemed the president's election "virtually a fraud upon the people of the United States...nominated, as he was, by a sectional party, and upon a sectional platform," but conceded that "he was nominated and elected according to the forms of law." Carlile agreed, exclaiming: "God knows, if there is a man in the land who regrets his [Lincoln's] existence and the existence of his party more than I do, I know him not." Still, they were willing to take Lincoln at his word, trusting him not to interfere with slavery or overstep the constitutional boundaries of the executive office in any way. Carlile reminded the Convention that it was the Confederacy that threatened to destroy the Union, not Lincoln. He cited the inaugural address in which "more pacific, more peaceful language could not have been employed by Mr. Lincoln." Losing elections, however painful, was part of the Union's democratic process. The proper reaction, they argued, was not secession but strident political opposition.²¹

Willey and Carlile characterized secession as submission: a childish overreaction that threatened everything that *all* Virginians valued in government, including legal protections of slavery. John Carlile scorned secessionists for adopting "a cowardly course, to run away and give up all their inheritance in this great country." Both Willey and Carlile argued that the Union was designed to weather precisely such a partisan storm. Constitutionally limited powers, separated among three branches of an often-divided government ensured that the revolutionary potential of

²¹ Charles H. Ambler, *A History of West Virginia* (New York: Prentice-Hall, Inc., 1933) 290-292; Waitman T. Willey's Speech of March 4, 1861, VSC-UR; John S. Carlile's Speech of March 7, 1861, VSC-UR

a single executive election was muted. “In neither the Legislative or Judicial is the Black Republican party in power, and the department of which they have possession is a pure Executive department, and the Executive officer is powerless for harm,” reasoned Carlile. For him, the only possible explanation for the secession crisis was factionalism. Lincoln’s election was not an existential threat to the South or slavery, he believed, but to the Democratic party. Carlile posed the question to the convention: “Why are we here?...Why this excitement?...What has occurred, what exists that has not existed for years, save and except alone the defeat of Breckinridge and the election of Lincoln?” He contended that “the great body of the people” had “no other interest than that of perpetuating the liberties achieved for them by their fathers.” Instead, Democrats grown comfortable “upon the green pastures and...the still waters of official patronage” fostered the crisis in realization that they “may shortly have to retire” the spoils of the federal government. Carlile saw Eastern conservatives and Southern secessionists as using the same sleight-of-hand tactics; both drew attention to exaggerated disputes over slavery to mask their own naked pursuit of retaining control over government.²²

Waitman Willey generally shied away from condemning slave power openly at the 1861 convention, particularly in its early days. This was in part because his fears of slave power were not confirmed until Virginia’s secession, but also because he was trying to persuade an Eastern slaveholding audience to remain in the Union. He therefore played down ideological differences between East and West, instead joining Carlile in making a more material pitch. Both reasoned that the Union had been an overwhelming success for slaveholders, and the only thing that might disturb the institution was secession. Carlile derided the secessionists who “called upon” the

²² John S. Carlile’s Speech of March 4, 1861, VSC-UR; John S. Carlile’s Speech of March 7, 1861, VSC-UR; John S. Carlile’s Speech of March 25, 1861, VSC-UR

convention “to destroy—a Government which protects us even against our mistakes—a Government which has quadrupled the area of slave territory since it had an existence.” Willey agreed, reminding the convention that much of the antebellum sectionalism was rooted in the question of slavery in the federal territories. Secession amounted to the ultimate Northern victory, reasoned Willey. The Southern states would cede all claim to federal land, which had been gained in part through Virginian blood and taxes. Moreover, “the Supreme Judicial tribunal of the land” in deciding *Dred Scott*, had confirmed “to the full extent, the right of every slaveholder in the land to carry his property into all the territories.” How then, asked Willey, were Virginians “to acquire our equality rights in the territories of the United States, by seceding from the United States; by turning our backs upon those territories; by giving up all our right, claim and interest in those territories?”²³

Even if the North was as hell-bent on destroying the South as the secessionists claimed, Willey and Carlile still believed the Union’s federal protections of slavery made it worth maintaining. If North and South embodied irreconcilable societies, than the Union’s value to a slaveholder—beyond any lofty ideological goals of democratic government—was in restraining Northern aggression towards slavery. This was their most utilitarian argument: disunion would be ruinous for slaveholders. “How [would] the mere act of secession advance us one inch towards the silence of the Northern press, pulpit, or school-house?” challenged Willey. “It will only aggravate the evil; it will only add poison to the virulence and acrimony... You will dissolve the Union. What then? The common national obligation is destroyed. Will not the negro find it out?... There will be no fugitive slave law for his recovery, and he will know it... there will be no federal arm to enforce the recovery of Anthony Burns at the point of the Northern bayonet.” Without the Union,

²³ John S. Carlile’s Speech of March 7, 1861, VSC-UR, Waitman T. Willey’s Speech of March 4, 1861, VSC-UR

Willey concluded, “there will be none of the power of the law, the power of the Constitution and the power of a common nationality” to force Northern acquiescence on slavery. Or, as Carlile phrased it bluntly: “Do you [Easterners] want remedies for the recovery of your fugitive slaves? What better remedies could you have than the remedies which the experience of centuries has perfected?” If anything, they argued, it was the Northern states who were making dubious states’ rights arguments by enacting personal liberty laws that contradicted the federal fugitive slave law. Not only would disunion further prejudice the North against slavery, but Virginians would be particularly devastated as they became the would-be Confederacy’s border with an unrestrained North. Willey cautioned that secession would “make a hostile border for Virginia” by enabling “slaves to escape more rapidly” to immediate and permeant freedom across the Potomac or Ohio rivers. He asked the convention’s fire-eaters to explain how secession would “not, virtually, bring Canada to our doors?” And however much the secessionists might argue that slaves preferred enslavement, Willey knew that “the slave will soon be apprized of this, [and] his motive to escape will be increased.” Willey, Carlile, and the other Unionists at the 1861 convention sought to convince secessionists that disunion would eliminate the federal government as a powerful ally of slavery. ²⁴

Carlile and Willey tended to reassure the Eastern delegates that their Western constituents were true Virginians, a “loyal people to the soil of their birth” who could be unhesitatingly called upon to defend Eastern interests. Nevertheless, their rhetoric was tinged with threats of dismembering the state. On the most practical level, they argued the West was simply unable to follow the East into the secession by virtue of geography. Recalling the debates of the 1850 convention, Willey reminded the “gentlemen of Eastern Virginia” that they had “not seen proper

²⁴ Waitman T. Willey’s Speech of March 7, 1861, VSC-UR; John S. Carlile’s Speech of March 25, 1861, VSC-UR

to give [Trans-Allegheny Virginia] enough legislative aid to transpierce these mountains.” He essentially accused Eastern politicians of jettisoning Western Virginia in the North, and then expecting them to destroy themselves by declaring for the South. “We are cut off from the Eastern section of the state,” declared Willey. “How would we stand in a Southern Confederacy? Why, sir, we would be swept by the enemy from the face of the earth before the news of an attack could reach our Eastern friends...Will you make North-Western Virginia the Flanders of America, and convert our smiling valleys into the slaughter pens?” Although Willey engages in some hyperbole, his strategic assessment was precisely accurate. The most densely populated region of Trans-Allegheny Virginia was the Northwest, and it would have been completely indefensible as Confederate territory. Indeed, the West Virginia statehood movement was only made possible because federal military control over the region was unquestioned—a necessary precondition that prevented a similar statehood movement in East Tennessee from reaching fruition. Both men made it clear that if the Eastern delegates joined the Confederacy, the Westerners, willingly or unwillingly, would have to remain in the Union. ²⁵

When the convention opened in February, Western delegates like Willey and Carlile used positive rhetoric appealing to the common interests of all Virginians. Yet the deliberations dragged on into April, and as the national debate became increasingly hostile, so did the discourse between East and West at the convention. Waitman Willey helped lead a Western push to reform the state’s tax code, further dividing the convention along Virginia’s sectional lines. Willey argued that the state had to resolve its internal divisions before it could opine on the national division, while Easterners accused Willey of derailing the convention for political grandstanding. As a concession to the East at the 1850 convention, the state had capped the taxable value of a slave at an artificially

²⁵ John S. Carlile’s Speech of March 7, 1861, VSC-UR; Waitman T. Willey’s Speech of March 4, 1861, VSC-UR.

low rate of \$300—thereby sheltering an enormous amount of Eastern capital from taxation. Slaves under the age of twelve were exempt entirely. Willey estimated that “\$150,000,000 to \$200,000,000 of the most valuable property in Virginia” was left un-taxed, even as the state lay in debt. State income taxes were unheard of in 1860, so property taxes constituted a major source of state revenue. Westerners tended to be taxed at a higher percentage of their net worth because their wealth was not in the form of slaves. “It is a question between the non-slaveholding and the slaveholding portions of the people of Virginia,” Willey told the convention, “Why is it that the property, the entire property, of [non-slaveholders] be taxed, while the man most able to pay taxes, whose property consists in slaves, should have a very considerable portion of his property wholly exempt from taxation?” The taxation debate most reveals the prevailing Western Unionist ideology that increasingly identified slave power as the single largest impediment to democratic reforms. At face value, the state tax code had nothing to do with secession, but they were inextricably linked in the minds of many Western delegates. They had not found wealthy slaveholders fair partners in state democracy, and were loathe to abandon the Union for a government that exalted the slaveholder on a national scale. The United States seemed to offer them a much better chance to achieve their vision of an egalitarian white democracy. The Eastern refusal to engage in tax reform stiffened the resolve of Western Unionists to reject the Confederacy at any cost. ²⁶

Lincoln’s call for federal volunteers after the fall of Fort Sumter swayed many of the undecided delegates, now convinced that he was as much the Yankee tyrant as the secessionists had claimed. On April 17, 1861, the convention voted 88-55 to submit an Ordinance of

²⁶ Waitman T. Willey’s Speech of March 28, 1861, VSC-UR; Waitman T. Willey’s Speech of April 2, 1861, VSC-UR; William W. Freehling, ed., *Showdown in Virginia: The 1861 Convention and the Fate of the Union* (Charlottesville: University of Virginia Press, 2010) 133-152

Secession for the consideration of Virginia voters. Although the state would not technically leave the Union unless the voters ratified the ordinance, it was assumed to be a foregone conclusion. Eastern leaders had rallied state militia to seize federal military installations even before the convention's final vote. Facing violent secessionist mobs, the remaining Western unionists fled Richmond. Virginia, mother of Union, had left the United States.²⁷

²⁷ Freehling, *Showdown in Virginia*, xi-xx

II - Emancipation and the Ideological Divide within the West Virginia Statehood Movement

As its national and state governments parted ways, Trans-Allegheny Virginia teetered towards anarchy. Both national governments claimed the region, as did the secessionist state government in Richmond. Western Unionists refused to recognize the legitimacy of the Eastern-dominated secessionist government, but this highlighted their own lack of legitimacy. John Carlile—passionate, uncompromising, perpetually outraged—was well-suited to rally Western Unionists in the spring of 1861. Returning home, he convened an impromptu Unionist meeting that would later be known as the Clarksburg Convention, the most prominent of several such in the region. On April 22, just five days after the secession vote in Richmond, Carlile led the Clarksburg Convention in issuing a resolution denouncing Eastern leaders for acting as if the voters had already ratified the secession ordinance. The Clarksburg resolution accused the secessionist government of leading Virginians into rebellion without their consent, despite a law which “expressly declared that no such ordinance shall have force or effect” until ratification. It also reaffirmed Western sympathies for Union, and recommended that “all of the counties composing Northwestern Virginia...appoint delegates” for a proper convention in Wheeling where they might formulate a unified response.²⁸

By helping convert a fragmented tide of anti-Eastern, anti-secessionist sentiment into an organized crusade for West Virginia statehood, Carlile enjoyed a position of early preeminence within the movement. His political momentum carried into the First and Second Wheeling Conventions held in the late spring and summer of 1861. Carlile persuaded the delegates that their ultimate goal should be statehood because it was the only way to guarantee a future that

²⁸ *Wheeling Daily Intelligencer*, April 25, 1861

was both in the Union and free from Eastern tyranny. Harkening to the revolution, he argued that the secessionists—like the British—no longer represented the will of the governed. Therefore the people were free to dissolve the government and form a more representative one. With his rallying cry of “New Virginia, now or never!”, Carlile drummed up support for immediate statehood. In a sense, this was ideology masquerading as law. Article IV of the U.S. Constitution forbid the creation of a new state “formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.” Nevertheless, Carlile urged Western Unionists to seize the opportunity to “cut the knot [and] cut it now” with the East in a bid for statehood.²⁹

A bloc led by Waitman Willey and Francis H. Pierpont persuaded a reluctant Carlile that if statehood was the ultimate goal, they were better served by taking a less radical legal stance. Pierpont was an old friend of both men, and a natural political ally for Willey. Like Waitman, he was a fellow Northwestern Methodist reformer, a lawyer, an advocate for John Bell in 1860, and a Western Unionist at the 1861 convention. Willey and Pierpont posited that Virginia itself could not leave the Union, and that secession was merely mass treason by individual officials. This tenuous logic held that the legal government of Virginia was still extant, but vacant. The remaining Virginians could therefore convene a legitimate “Reorganized” government by electing new officials. Only then, theoretically representing *all* of Virginia, could they create a new state from part of Old Virginia. By stressing the appearance of constitutional legality, Willey and Pierpont’s plan would lend legitimacy to the new state. Historian Richard Orr Curry contends that Carlile likely had enough political capital at the Wheeling Convention to insist on a

²⁹ Curry, *A House Divided*, 35-43, 78-80; William P. Willey, *An Inside View of the Formation of the State of West Virginia* (1901; reprint, Middletown, Delaware: Leopold Classic Library, 2017), 57-68.

bid for immediate statehood, but in a rare compromise for the dogmatic man, bowed to the Willey-Pierpont bloc in a show of Western unity. As Willey recalled in his diary, he was elected in “July 1861...by the re-organized legislature of Virginia sitting at Wheeling to a seat in the U.S. Senate,” where he would be joined by John Carlile. While they theoretically represented all Virginians in the senate, they only truly represented Unionist areas that were also under steady federal control: Western Virginia, Alexandria, and the Eastern shore.³⁰ The Wheeling legislature had made clear that Willey and Carlile’s mandate was to secure West Virginia statehood. Francis Pierpont secured the governorship and would work with the Reorganized legislature in Wheeling to draft a proposed constitution for the new state.³¹

Yet the statehood movement was doomed unless Congress consented to West Virginia’s admittance into the Union. And while the Lincoln administration was eager to showcase the loyalty of Southern Unionists, this also meant that West Virginia’s future lay in the hands of a Republican-controlled Congress. In the Senate, Carlile and Willey would therefore serve a crucial role as the ambassadors between the federal government and the Reorganized government of Virginia. Herein lay the conflict that would destroy Carlile’s career, and almost derailed the statehood movement—Congress would come to insist that if the proposed constitution for West Virginia did not include emancipation, then the state would be denied admission into the Union. Waitman Willey’s ideological interpretation of Union allowed for a more active government role in promoting the spirit of the Constitution: a white egalitarian

³⁰ When West Virginia entered the Union and officially established its own state government in 1863, the Reorganized Government of Virginia moved from Wheeling, WV to Alexandria, VA. With Union victory in 1865, the Pierpont government moved again—this time to Richmond. The “true” government of Virginia had returned home.

³¹ Charles H. Ambler, *Francis H. Pierpont, Union War Governor of Virginia and Father of West Virginia* (Chapel Hill: University of North Carolina Press, 1937); Willey, *The Formation of the State of West Virginia*, 57-75; Curry, *A House Divided*, 35-43, 78-80; Waitman T. Willey, *Diary and Letters of Waitman T. Willey*, A&M 3, Waitman T. Willey Papers, West Virginia University, Morgantown [Subsequent Citations as Willey Papers], 85.

democracy. He was no abolitionist, but came to accept emancipation because it eliminated slave power, which he perceived as the single greatest threat to true democracy. John Carlile interpreted government's role in a much more conservative sense. He saw Republican insistence on emancipation as a malicious abuse of federal power, only made possible by a national emergency for which they were partly responsible. He found it maddening that Republicans ignored the Constitution while insisting that they were its true guardians, reasoning that "If Congress were not to suppress insurrection by constitutional means and in a constitutional way, there would be nothing for the loyal citizen to fight for."³²

This paper focuses on the interplay of ideology and politics, but there were of course less abstract (and no less significant) components to the statehood movement. The most important was that the Unionist core of West Virginians was concentrated in the Northwest, a region secured by federal troops very early in the war. In fact, the skirmish at Philippi which solidified Union control in Western Virginia was the first organized clash of the Civil War, coming a month before the Battle of Bull Run. Although West Virginia was subject to minor Confederate cavalry raids, a steady Union military presence lent legitimacy and order to the Reorganized government. Many of the non-ideological debates centered on which counties would be included in the new state. For example, the Eastern panhandle counties of West Virginia were heavily enslaved and leaned Confederate, but were included to bolster federal control over the vital Baltimore & Ohio railroad. West Virginia politicians were happy to oblige the federals, pleased to relieve their Eastern counterparts of such a prominent economic artery.³³

³² John S. Carlile, *Speech of Hon. John S. Carlile, of Virginia, on the bill to confiscate the property and free the slaves of the rebels* (Washington, D.C.: Congressional Globe, 1862) 8.

³³ Williams, *West Virginia*, 58-59, 76-85.

At the war's outbreak, only the radical wing of the Republican party favored emancipation. The majority of the Republican party, along with Northern Democrats, believed that that emancipation would hurt the war effort by stiffening Confederate resolve. Yet it became apparent in late 1861 that the war would not be a quick fight over a constitutional dispute, but the "violent and remorseless revolutionary struggle" that Lincoln had hoped to avoid. With Lincoln's preliminary emancipation proclamation in September, 1862, the United States was explicitly committed to emancipation as a war aim, though a series of Confiscation Acts had already signaled federal intentions as early as August, 1861. Emancipation was not a singular comprehensive federal policy, but a piecemeal effort undertaken jointly by Lincoln and Congress throughout 1862. Lincoln pleaded with the loyal, slaveholding border states to craft their own plans for gradual emancipation—the federal government explicitly did not have the power to force them, but it could tempt them with federal money to compensate loyal slaveholders for their loss of property. He was eager to showcase that the ideologies of Union and free labor were national, not Northern concepts, but no border states had taken Lincoln up on the offer. West Virginia however, was in a unique situation because Congress held both the carrot and the stick. The federal government still could not interfere with a state institution like slavery, but Congress could bar them from entering the Union. With Confederate victory a real possibility, most Unionist West Virginians were terrified of remaining grafted on to old Virginia—they did not expect a warm welcome back.³⁴

The Trans-Allegheny Unionists had formed a solid political bloc in the antebellum years and through the secession crisis. Like Willey and Carlile, they supported a program of

³⁴ Abraham Lincoln, *First Annual Message to Congress*, reprinted in William E. Gienapp, *This Fiery Trial: Speeches and Writings of Abraham Lincoln* (Oxford: Oxford University Press, 2002) 112.

democratic reforms aimed at making all white men equal in both letter and spirit of the law. This most prominently included a white basis of apportionment, replacing appointed officials with elected ones, and establishing a public school system. Despite all their anti-slaveholder rhetoric, the Western Unionists were reluctant to take any action against slavery itself. All shared a resolute belief in white supremacy; the question was whether or not an egalitarian democracy could endure atop a slave system—was the United States a democracy with slavery, or a slaveholder’s democracy? And with emancipation, the federal government forced the question on Western Unionists. What had appeared a unified statehood movement was revealed to be a coalition of pro-slavery and free-labor Unionists. Carlile, representing the pro-slavery wing, believed that all these reforms could be accomplished in a slaveholding society. The free labor wing, led in part by Willey, saw slavery as ultimately antithetical to democracy. Emancipation uncomfortably accelerated their preferred timeline for its demise, but given the exigencies of war and the massive incentive of statehood, most came to support it.³⁵

The secession crisis cemented Willey’s belief that slavery was incompatible with democracy. In a December, 1861 speech he admitted that “slavery does tend to foster in the feelings and mind of the slaveholder sentiments averse to the perfect level of natural and political equality upon which the system of American republican institutions is based.” Slave power was a pernicious evil that infected all aspects of a healthy democracy, and not just in overtly political matters. “Great astonishment has been expressed at the hostility of southern statesmen to popular education,” Willey explained to his Northern colleagues in the Senate. “But we ought not be surprised at all. Knowledge is power; and to keep the masses in ignorance is a necessary precaution to keep them in subjection. To maintain the oligarchy of the few owning the capital,

³⁵ Williams, *West Virginia*, 75-89; Ambler, *Waitman Thomas Willey*, 95-102

it is necessary to bind down with the slavish chains of ignorance the many who perform the labor.” This view of slave power was how many neighboring Midwestern Republicans justified emancipation. They were deeply prejudiced Unionists who saw no future—enslaved or free—for black people in America. Most of them were comforted by a pseudo-scientific certainty that freed slaves would never have to be integrated into Union society because they only thrived in tropical climates. Thus, they saw emancipation as a way to break the back of the Confederate aristocracy with no serious consequences for Union society. Although Willey and the moderate Republicans shared much ideologically, nothing was more important to him than the party’s unqualified support for reunion through military victory. He noted in his diary that “Secession has made the Republican party the party for Union and for the country and, therefore I am now a Republican. There is no other place for the patriot.”³⁶

Nevertheless, Willey remained a savvy politician. He knew emancipation would divide the statehood movement, and hoped to sidestep the issue if possible. A fellow Western Unionist wrote Willey in early 1862, professing to “most heartily agree with you that we should entirely ignore the whole subject in our constitution.” Yet the abolitionist congressional Republicans, most prominently Charles Sumner and Benjamin Wade, refused to admit new slave states. This senatorial roadblock forced West Virginians to decide which they wanted more—statehood or slavery? Waitman Willey wanted statehood. He proposed the most mild form of gradual emancipation he could get congressional Republicans to agree to. Colloquially known as the Willey Amendment, it stipulated that African-Americans born after July 4, 1863 would enter the world as free people. All slaves born before that date would be emancipated upon reaching

³⁶ Waitman T. Willey, *Speech on Object of the War*, reproduced in Wakleyn 75-77; Waitman T. Willey, *Diary and Letters of Waitman T. Willey*, 92, Willey Papers.

either their 21st or 25th birthday (depending on their present age). Lastly, it barred slaveholders from other states from bringing their slave property into West Virginia for “permanent residence.”³⁷

Willey knew that selling emancipation to his constituents would be difficult. Like Carlile, many loyal West Virginians believed that slavery and democracy were fully compatible. Carlile mocked those “who attribute this wicked rebellion to the existence of slavery,” believing that Republicans might as well “attribute the rebellion to the Union, for if there had been no Union there would have been no rebellion against it.” For him, it was party politics that were antithetical to democracy. He laid the blame squarely on both the Republicans and Southern Democrats (now Confederates), sardonically declaring in the Senate: “behold a pair of noble brothers—abolition and secession; twins they are; spawned at the same time in the same muddy stream.” For secessionists, he advocated “the punishment of treason; enforce it; try, convict, and hang by the neck the traitor leaders, the authors of this wicked conspiracy to destroy our Government.” Like the Northern Democrats, Carlile opposed emancipation, but his support for a harsh war and unconditional surrender set him apart from the Copperheads who favored a negotiated peace. He was no less outraged by the Republican party, which he saw as exploiting a national tragedy for political gain. “The temple of liberty is on fire,” he howled, “and instead of an honest effort on the part of all to save the noble structure, the anti-slavery element is engaged in an unholy effort to destroy the southern wing, not seeming to know or care that the destruction of the part involves the loss of the whole.” Even during a national crisis, it seemed that the Republicans were willing to put their party agenda ahead of the common good. For

³⁷ West Virginia Constitutional Convention, *Amended Constitution of West Virginia, adopted February 18, 1863* ([s.n], 1863); Henry Dering to Waitman T. Willey, February 5, 1862, *Willey Papers*

Carlile, emancipation was not merely unnecessary but dangerously counterproductive because it might alienate otherwise loyal Southerners.³⁸

Carlile believed that emancipation was not only counterproductive, but also blatantly unconstitutional. He accused the Republicans of using the theory of slave power to decide the people into “war upon the constitution” that would “converting the struggle in which we are engaged into an anti-slavery war.” He was predictably incensed by federal and legislative efforts to emancipate freed slaves, and even more so by their efforts to turn black men into soldiers—believing it would “degrade the white man to the level of the negro.” The paradigm of a citizen-soldier was engrained in American culture, and suggesting that a black man might aspire to this sacred democratic duty alarmed him (and many others). He was a steadfast opponent of the Republicans in the Senate, voting against any measure that undercut slavery. Willey’s voting record regarding slavery was mixed. He was generally in favor of moderate emancipation measures, such as federal plans to compensate border states that adopted their own gradual emancipation plans. He tended to oppose abolitionist measures designed to elevate African-Americans in society. For example, he voted against a bill establishing the Freedmen’s Bureau, and also against one desegregating the W&R railroad in which he bitterly reminded Charles Sumner that he was free to “ride with the negroes if he sees proper” but not to force racial mixing via legislation.³⁹

When the Republicans turned their emancipatory gaze on West Virginia, Carlile cried out against what he termed congressional dictation. He spoke out against executive emancipation and legislative confiscation in the occupied South, but forcing emancipation on a

³⁸ Carlile, *On the Bill to Confiscate the Property and Free the Slaves of the Rebels*, 4, 10-12.

³⁹ Wilson, *History of Anti-Slavery Measures*, 91, 119, 203-04, 333, 373

loyal state was even more flagrant misuse of federal power. The U.S. constitution stipulated that after the Reorganized Government of Virginia consented to a division of the state, they would draft a provisional state constitution and submit their bid to Congress for a yes-or-no vote. If approved, the state constitution would go back to the West Virginia constitutional convention for ratification, pending a final voter referendum. Because congressional republicans had made it known that they would only vote yes on a West Virginia constitution that included emancipation, Carlile accused congressional republicans of blackmailing his constituents. They were, after all, Union citizens under the sovereignty of the Reorganized Government of Virginia: why should they be punished for the sins of Southern cotton lords?

When Waitman Willey introduced his gradual emancipation amendment in the West Virginia constitution, Carlile resolved to destroy the amended constitution—even at the cost of statehood. In a last-ditch effort to stop the amended constitution, he tried to attach a qualification to the statehood bill that the amended constitution would have to be ratified by a majority of all voters in the new state counties who had participated in the 1860 election. The amended, emancipatory constitution was controversial among the West Virginia unionists, let alone the 1860 voters who later supported the Confederacy. There was no chance that that many voters would even turn out to the polls, let alone vote to ratify the amended constitution. He also tried to attach language in the bill stipulating that the new state include the slave-rich, Confederate-sympathizing citizens of the Shenandoah Valley. He left the Willey amendment untouched, fully confident that if his version of the statehood bill passed, the Shenandoah voters would prevent any emancipatory constitution from ratification. Carlile preferred to take his chances with an uncertain future rather than bow to Republican stipulations for statehood. When his amendments were rejected in Congress, Carlile was out of face-saving measures. He would have to choose

between slavery and statehood. The man who had so passionately rallied Westerners for statehood in 1861 voted to deny West Virginia a place in the Union in July 1862.⁴⁰

United States victory in late 1862 was not at all inevitable, perhaps even doubtful with Burnside's ignominious defeat at Fredericksburg in December weighing heavily on Union morale. The statehood advocates feared that if the Confederates won a few more major victories, Northern popular support for the war would erode and force Lincoln into peace negotiations. If West Virginia had not achieved a split by that time, they might be dragged back into an unhappy marriage with the Confederacy and Eastern Virginia. Statehood advocates feared that the Northern Democrats were open to a negotiated peace. In a backlash to emancipation, the five most populous states in the Union had flipped Democratic in the 1862 congressional elections—boding ill for the 1864 presidential election. As one delegate put it, Democratic control of government would mean that “the Butternut will hand us over to the tender mercies of Eastern Virginia for all coming time.” The clock was ticking on the statehood movement.⁴¹

West Virginia was part of Lincoln's larger hopes for the border states' adoption of gradual emancipation. As president, he could enforce military emancipation via executive proclamation, but there was no guarantee that it would be enforced after he left office—which might happen before the war could be won on Republican terms. Only the states themselves could affect a lasting emancipation, either by amending their state constitutions or by adopting a national amendment. Moreover, settling the slavery issue in the Unionist South would undercut Confederate morale. Lincoln explained his frustrations in an 1862 appeal to the border states: “if you all had voted for the resolution in the gradual emancipation message of last March, the war

⁴⁰ Wilson, *History of Anti-Slavery Measures*, 203-04; 402; Curry, *A House Divided*, 99

⁴¹ Curry, *A House Divided*, 97-98

would now be substantially ended.” Instead, the “show [of] determination to perpetuate the institution within your own states” had reinforced the Confederacy’s sense of righteousness. “You and I know what the lever of their power is,” wrote Lincoln, urging them to “break that lever before their faces.”⁴²

Lincoln could not tempt the border states with compensated emancipation, but he could tempt West Virginians into emancipation through statehood. Virginia, mother of Union, was a valuable prize in showcasing the loyalty of the South. Having West Virginia in effect secede from the Confederacy would show that Union was not a Northern belief, but a national one. He was aware that the entire project was on shaky legal ground, but reasoned that “the devil takes care of his own. Much more should a good spirit—the spirit of the Constitution and the Union.” Lincoln found an eager partner in Waitman Willey; both were former Whigs-turned-Republican, and dedicated to national compromise across sectional lines. The Willey amendment was a compromise both could agree on. John Carlile and Charles Sumner, on opposite sides of the ideological spectrum, voted against the compromising bill, but it passed with broad Republican support. Abraham Lincoln signed it on December 31, 1862, pending the ratification of the amended constitution. Once the president had delivered statehood, Willey became a full-fledged Lincoln surrogate. By 1864, he was convinced that a “more honest, earnest man, or a man who more sincerely desired the welfare of the country never occupied the Presidential chair.” He campaigned zealously for the president’s reelection, both from personal loyalty and because he believed that the Republican would bring unconditional victory—and thereby an assurance that statehood would stick. Lincoln recognized the irony that while he was putting down a

⁴² James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861-1865* (New York: W.W. Norton & Company, 2013) 171-91, 293-300; Gienapp, *This Fiery Trial*, 125-28

secessionist rebellion, he had just approved “secession in favor of the constitution.” Like Willey, his willingness to act according to the spirit of the Constitution trumped concerns over a strict legalistic reading of it.⁴³

Still, no one could be certain if the Willey amendment would pass ratification and referendum. There was a pro-slavery faction associated with John Carlile, determined to reject any version of statehood that included emancipation. They were opposed by an equally ardent free state faction led by Wheeling Republicans like Reverend Gordon Battelle or *Daily Intelligencer* editor Archibald W. Campbell. The question was which way the moderate majority would swing. They were deeply suspicious of the Republican party, whom they associated with abolition and federal overreach, but were at least ambivalent about slavery and very much wanted to gain statehood. The moderate attitude was articulated by a prominent delegate named Peter G. Van Winkle in a June 7, 1862 letter to Waitman Willey. He explained that “practically I have no objection to emancipation and doubt not that it will be among the first measures of the Legislature...But I do not like to have that or anything else forced down my throat by outsiders, and especially those whose platform binds them not to interfere with state institutions.” Would Van Winkle and the moderates embrace John Carlile’s conservative vision of a slaveholders Union, or Willey’s reformist interpretation of an egalitarian ideal that superseded the right to slave property?⁴⁴

Thus we return to the moment that opened this paper—Waitman Willey’s February 12, 1863 address at the West Virginia constitutional convention. Willey was a moderate himself,

⁴³Willey, *Diary and Letters of Waitman T. Willey*, 159, Willey Papers; Ambler, *Waitman Thomas Willey*, 91-95; Oakes, *Freedom National*, 298 J. Duane Squires, “Abraham Lincoln and Statehood”, *West Virginia History* 4 (July, 1963) online access: http://www.wvculture.org/history/journal_wvh/wvh24-4.html.

⁴⁴ Curry, *A House Divided*, 123-125; Peter G. Van Winkle to Waitman T. Willey, June 7, 1862, *Willey Papers*.

fully convinced that emancipation made good political sense, but less morally driven than the Battelle faction. His goal was to convince the undecided moderates to ratify the Willey amendment. A cunning lawyer and politician, Willey was well-aware that he could crucify John Carlile on a cross of his own rhetoric. Carlile had been the standard-bearer of the statehood movement in 1861, and his early attempts to shepherd the statehood bill through Congress gave Willey ample evidence to demonize the most vocal opponent of the amended Constitution as a treacherous hypocrite. His arguments appealed both to high-minded ideology and more practical political and economic concerns. Mixing lawyerly precision with his “pleading, sorrowful, and trembling” oratory honed as Methodist temperance reformer, Willey delivered a legal sermon on statehood.⁴⁵

Waitman Willey built his case for statehood on four premises, each of which supported the next. First, that the Restored Government in Wheeling was the “true and rightful” government of Virginia and could therefore give lawful consent for a division of itself as mandated by Article IV of the Constitution. Restating his argument from the Wheeling Convention, he asserted that “those men at Richmond were rebels” and while they had destroyed the structure of Virginia’s government, they had no ability to destroy Virginia itself. He argued that when the East had tried to “transfer [them], like slaves on the block, to an insurrectionary” Confederacy, loyal Virginians had no choice but to form a new government. In doing so, they echoed the revolutionary generation by exercising their “original inalienable right of establishing a government.” Moreover, this was not merely a local dispute but a national project. Willey was “but one of forty senators” who had voted in favor of that statehood bill that had been signed by

⁴⁵ Undated Clipping from the Fairmont Sentinel, *Diary of Waitman T. Willey*, Willey Papers; “Address of Hon. Waitman T. Willey, Delivered February 12, 1863”, WVAH

President Lincoln. In short, the Reorganized Government had both the moral and legal authority to seek a division of the state.⁴⁶

Willey's second point was a rebuttal against John Carlile's cry of congressional dictation; countering that Congress had the constitutional authority to propose the terms on which any new state entered the Union. He admitted that he would have preferred the West Virginia constitution's original language of "negro exclusion," which would have prohibited additional African-Americans of any status from entering the state. Nevertheless, he argued that gradual emancipation was not so very different—both were designed to slowly halt the movement of African-Americans into West Virginia. He asked the convention if "there was ever a law passed of very great importance which was, in all respects, perfectly acceptable to you," citing Benjamin Franklin and the much more contentious compromises at the 1787 national constitutional convention. It was a simple choice then, "between admission with this objectionable feature (emancipation), or rejection altogether." For Willey, "the advantages of admission" were "so overwhelming that there was no apology for hesitation" in accepting emancipatory statehood. He argued that this was democracy, a sometimes-painful process of compromise and consensus-building. As he explained, "we have no power to compel Congress to admit us; and Congress has no power to compel us to come into the Union contrary to our own free will." There was no federal coercion; congress had "submitted a proposition" of statehood to the convention, which was "perfectly free to obey it or disregard it." Ever the lawyer, Willey cited similar language in the statehood bills of Ohio, Missouri, Michigan, Texas, and Kansas in which Congress had stipulated various conditions for their admission into the Union.⁴⁷

⁴⁶ *Ibid*, WVAH

⁴⁷ *Ibid*, WVAH

With what must have been a smug smile, Willey marshalled one more piece of supporting legal evidence—the earlier statehood bill introduced by John Carlile. Willey mockingly professed himself “happy...to be able to these high authorities that of my able colleague in the Senate,” trusting that Carlile’s “lucid mind” had carefully avoided “legal or constitutional barriers” in drafting his statehood bill. Recall that Carlile’s version of the bill had mandated the inclusion of the Shenandoah Valley in West Virginia, and retained the gradual emancipation requirement (expecting it to fail). As Willey drew the convention’s attention to those two requirements of the failed bill, he jeered Carlile’s cry of congressional dictation. “This bill of Mr. Carlile’s...I confess looks a little dictatorial,” Willey fretted with false concern. “I can hardly subscribe these latter provisions as within the constitutional power of congress,” but declared himself deeply reassured because he had not “investigated this section with the deliberation which was doubtless bestowed upon it by Mr. Carlile.” Dropping his pretense, Willey disgustedly pronounced it “strange...that any person should be...so far the victim of prejudice or passion, as, in the faces of all these facts and precedents, to denounce the act of Congress admitting the State of West Virginia into the Union, as a new policy and an invasion of the rights of the people.”⁴⁸

Willey then rested the legal portion of his argument, having proven that both the Reorganized Government and amended West Virginia constitution had the full legal and moral authority of the Union. Nevertheless, he knew that “the real objection to this measure” did not lay in constitutional law, but in an ideological defense of slavery. Always conscious of his audience, he reassured the delegates—wealthy Southern men—that he would make “no argument upon the morality of slavery,” instead refuting the institution “in reference to the true

⁴⁸ *Ibid*, WVAH

political economy of the new state.” This was the third plank of his argument: that Trans-Allegheny Virginia had never organically fostered a slave economy but rather one that valued the labor of free white men. “It is a fact well established...that slave labor is not profitable in raising grain,” Willey argued, and “for manufacturing purposes it is entirely valueless.” If the state economy could function practically uninterrupted by emancipation, then why the vehement resistance? He reasoned that it must be “the value attached to slavery as an institution and a desire to see it perpetuated...as it is in the Eastern section of the state.”⁴⁹

Willey’s final argument was a sweeping ideological condemnation of slave power that had been brewing in his mind since the 1850 convention. He admitted that the Constitution protected slavery, however; the genius of Union was not in protecting slave property, but extending every white man an equal voice in democracy. For Willey, it was much more important to uphold the ideological intent of the constitution than its protections of slavery. Regardless, emancipation would be ratified by the state’s constitutional convention—which was well within their legal purview. Willey repeatedly cited George Mason, a Virginian, and a man whose ideological imprint was present on both the Declaration of Independence and the Bill of Rights. Mason was fully convinced that slavery posed an ideological contradiction to Union: Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who really enrich and strengthen a country. They produce the most pernicious effects on manners. Every master of slaves is born a petty tyrant. This was the crux of Waitman Willey’s critique of slavery. It was almost inevitable that slavery advocates would clash with free labor; one system fostered aristocrats and one fostered democrats. For Willey, slavery was an “evil, like a cancer too long neglected [that had] so enlarged itself and so thrust its poisonous roots into the vital part of the party politics...that its

⁴⁹ *Ibid*, WVAH

removal might prove fatal to the life of the commonwealth.” He believed this was happening both in Virginia and across the nation—true democrats removing the tumor of slave power from the body of the Union. Lincoln and Congress had handed West Virginians the scalpel, giving them a chance to build a real democracy as the founders had always intended. He asked the convention to “Look at the rich, inexhaustible mineral resources of West Virginia. What has kept capital, and skill, and population from our midst?” The culprit had been a Richmond government that scorned white labor on “an assumption of social and political superiority based on slave labor and slave property.” For Willey, the Union was exceptional because property had no bearing on a white man’s political voice.⁵⁰

Even if the Confederacy was defeated, Westerners would still be hogtied by the East unless they gained statehood. They were two societies grafted together only by political boundaries. Willey explained that “the social habits and characteristics of the two sections are radically different. In the East the tone of society is aristocratic; in the West it is democratic. In the East white labor is not reputable; and in the West the toilers in our fields and factories acknowledge no social inferiority.” Eastern politicians had hijacked the ideal of an egalitarian white Virginia and steered the state into a ‘slaveocracy.’ For Willey, the choice was between slavery and democracy. The irrepressible conflict between North and South in Virginia was between East and West. To ease fears of racial mixing, Willey reminded the convention that there was “nothing in the soil or climate of West Virginia to attract a free negro, but much to repel him.” Furthermore, the new legislature could “by a simple statute, prohibit them from coming into our midst, as Indiana [and] Illinois” had done before the war. In conclusion, he

⁵⁰ *Ibid*, WVAH

urged West Virginians “not to be deceived by [Carlile’s] clamor for delay,” but to seize the white egalitarian democracy that was their ideological birthright.⁵¹

The convention agreed, ratifying the Willey amendment on February 17. In retrospect, the convention vote was far more important than the popular vote, because those who opposed the Reorganized Government simply stayed home. Still, the convention distributed 8,000 copies of Willey’s speech and an additional 2,000 German translations to influence the popular vote. On March 26, the voters ratified the Willey amendment 28,318 to 572. On June 20, 1863, Virginia Governor Pierpont formally inaugurated Arthur Boreman as the first Governor of West Virginia. Pierpont’s government, of course, could no longer remain in Wheeling. They departed for new quarters in Alexandria, Virginia leaving Western Virginia to the West Virginians. The 35th state had joined the Union.⁵²

The new state advocates reveled in the knockout blow their champion had landed on John Carlile, who indeed was down for the count. He had become the avatar of slave power, ironic given his condemnation of wealthy planters at the 1850 and 1861 conventions. The *West Virginia Republican* applauded “the gigantic efforts of Mr. Willey” in prevailing “over the treacherous machinations of John S. Carlile.” The *Morgantown Weekly Post* pronounced Willey “the standard bearer of the new State” because he had successfully “opposed the Carlile plan of cutting loose on our own hook.” The *Wheeling Intelligencer* gloated most of all, rejoicing that “Mr. Willey by happy quotations from Mr. Carlile’s own language and citations of his acts, impales and holds up that gentlemen as the greatest dictator of them all.” Another *Intelligencer* article exclaimed that “The treacherous and traitorous” Carlile had been “flayed in the pillory

⁵¹ *Ibid*, WVAH

⁵² Curry, *A House Divided*, 126-130; Ambler, *Waitman Thomas Willey*, 96-100

until there was nothing left of him, simply by quoting in the most deferential yet castigating language his own words.” The Reorganized Government of Virginia, flush with victory, called on John Carlile to resign his seat in the Senate. Ever defiant, he refused. He never again held office.⁵³

⁵³ Waitman T. Willey, *Diary and Letters of Waitman T. Willey*, 163-65, Willey Papers

A Dream Deferred: The Ideological Scars of West Virginia Statehood

The legacy of Willey and Carlile in the founding of West Virginia exemplifies the division within Southern Unionism. West Virginia statehood was achieved on terms that resonated with Willey's vision of Union, but were anathematic to Carlile. He would not abandon his pro-slavery, conservative interpretation of government, and destroyed his political career in the process. In attempt to revive it, he sought the ambassadorship to Sweden in 1869. The vitriolic outcry from West Virginia was deafening. One Charlestown paper referred to him as "one of the trickiest politicians that ever aspired to that position." The *Wheeling Register* declared that the potential "Carlile appointment heats [public sentiment] with the fire of a thousand fevers," at the thought of "a carpet-bagger, copperhead, recreant, traitor and malignant" regaining office. He sought election later that year as a representative in the West Virginia House of Delegates, and again was disappointed.⁵⁴

Most interested historians, notably Charles Ambler, have accepted an interpretation of Carlile as a political schizophrenic at best, and as a self-interested hypocrite at worst. Of course, we can find much reprehensible in his defense of slavery, but ideological hypocrisy was not John Carlile's sin. The problem with this interpretation is that it relies on evidence provided by his political enemies, which he admittedly accumulated like lint to a roller: Eastern politicians in 1850 scorned him as a Western demagogue, Democrats felt betrayed when he left the party in 1855, secessionists despised him for organizing the Unionist statehood movement, congressional republicans hated him for his reliable resistance to their agenda, and new state advocates loathed him for attempting to delay (perhaps permanently) West Virginia's admission into the Union. By 1863, there was almost no one that Carlile had not alienated himself from politically. Ambler took

⁵⁴ *The Spirit of Jefferson*, April 20, 1869 (includes reprint of undated *Wheeling Register* editorial)

this evidence as proof of Carlile's "vacillating and generally unstable character," which Richard Orr Curry attempted to refute in *A House Divided*. Yet while Curry got Carlile's consistency right, he got the ideology itself wrong. Curry portrayed Carlile as a Midwestern Copperhead, which misstates his guiding principle—an unwavering belief in the righteousness of the Union (as it was). The Copperheads favored an armistice and negotiated peace, hence why they are often termed the Democratic party's peace wing. First, Carlile and the Democrats loathed each other. Second, while they were united in opposition to emancipation, Carlile always advocated for the most vigorous prosecution of war allowed by the Constitution. The thought of negotiating an armistice with the Confederacy infuriated him; he believed the secessionists should be brought to their knees by federal military might. John Carlile was no Copperhead.⁵⁵

The truth is that John Carlile became a man whose ideology could find no political home. Ironically, his conservative interpretation of Union had been widely accepted in the antebellum period. Major wars tend to reorient societies in ways that few can anticipate. Consider just two of many examples: the states' rights Confederacy produced the most intrusive national government Americans had ever known; while the Union went from almost passing a compromise would-be 13th amendment explicitly enshrining slavery in 1861 to a 13th amendment explicitly destroying it in 1865. The Civil War left Carlile holding an ideology that mixed a Confederate defense of slavery with a constitutional defense of Union. In an 1862 speech against the Second Confiscation Act, Carlile succinctly explained his guiding ideology: he preached that "as the Union was formed so it should continue and endure forever an everlasting monument of the wisdom and patriotism of its founders. Let us... 'cling to the Constitution as the mariner clings to the last plank when night and the tempest close around him'." John Carlile drowned with the old Union. What he had

⁵⁵ Ambler, *Francis H. Pierpont*, 178-181; Curry, *A House Divided*, 106-119; John S. Carlile, *On the Bill to Confiscate the Property of Rebels*; Wakelyn, *Southern Unionists*, 82

conceived of as a chance to perfect—not remake—Virginia had given way to dramatic social change under the pressures of civil war.⁵⁶

Willey became one of the celebrated founding fathers of West Virginia. His 1863 speech sealed Carlile's fate and cemented his own reputation as the man who shepherded West Virginia into the Union. The new state constitution and legislature implemented many reforms—public education, elimination of the county system, a white basis of apportionment—that addressed their grievances with the old Virginia constitution. Willey won election as one of the first senators officially representing West Virginia in 1863 (along with Peter Van Winkle), and was reelected in 1865. He continued to be a major figure in the Methodist Church and temperance movement. A lifelong advocate of public education, Willey was an active supporter of the young West Virginia University, established near his house in Morgantown under the provisions of the Morrill Land Grant Act in 1867. He continues to be revered by both Morgantown and the University.⁵⁷

Yet the ideological divisions within West Virginia had not been extinguished; they rumbled dormant underneath the triumphant rhetoric of statehood and Union victory. Willey's ideology was representative of moderate Republicans, who advocated for a more reform-minded government. In truth, that ideology only held sway in the Northwest and Ohio River counties. The new state had swallowed up a large swath of Southern Trans-Allegheny Virginia and the Eastern Panhandle counties, but could not digest them. The Reorganized Government had ridden a tide of patriotic Unionist sentiment and federal military support during the war. When former Confederates began regaining a political voice, they built a coalition with the former conservative Unionists under a Democratic platform. Although the man himself was disgraced, these Democrats embraced a conservative interpretation of government's power not unlike John

⁵⁶ Carlile, *On the Bill to Confiscate the Property and Free the Slaves of the Rebels*, 13

⁵⁷ Ambler, *Waitman Thomas Willey*, 107

Carlile's. In 1871, Willey and many of the West Virginia Republicans were swept out of office. The newly-Democratic state congress called for a second constitutional convention to rewrite as much of the Republican-sponsored 1863 constitution as possible. They conclusively restored political rights to former Confederates, eliminated the townships in favor of the old county system, and attempted to dismantle public education. Willey was there, attempting to save all that he had fought for, and even defending African-American suffrage (something he had stridently opposed earlier in life). Although the Democrats were unable to repeal as much of the Republican agenda as they would have hoped, the balance of power in the state had decisively shifted. There were even serious attempts to reabsorb West Virginia into Virginia, although they were conclusively blocked by the Salmon P. Chase-led Supreme Court in the 1871 *Virginia v. West Virginia* decision. The political division of Virginia was final, but the ideological split was not so clean.⁵⁸

Waitman Willey's reformist ideology had won a pyrrhic victory over John Carlile's conservative ideology, with neither side satisfied with the results of statehood. John Carlile got his state, but believed that West Virginians had shamefully paid the Republican's extortion price—thereby sacrificing the very constitutional principles he had hoped statehood would preserve. For a time, it seemed that Waitman Willey had managed to bring his vision of West Virginia to fruition. Although personally respected as an elder statesman and church father, Willey lamented that the post-war Democrats undid so many of the reforms that animated his dreams for the new state. Statehood without the full strength of reform was a dream deferred. Somewhere, the ghost of John Carlile's ambitions laughed a bitter laugh.

⁵⁸ Ambler, *Waitman Thomas Willey*, 152-63; Robert M. Bastress, "The Constitution of West Virginia", *The West Virginia Encyclopedia*, 2010. Access <https://www.wvencyclopedia.org/articles/1558>

Waitman Thomas Willey (1811-1900)



Figure 1 - (Unknown, 1860-1875) *Courtesy Library of Congress*

“Mr. Willey has a long, boney face, large brilliant eyes, large nose, heave eye-brows, large mouth, long chin, black hair and dark complexion; he was exceedingly long arms and skeleton-like hands, wears spectacles no whiskers, fine clothes, and looks like a great man, as he is, and his very presence casts a feeling of awe over you. His voice is peculiar, and his style of speaking remarkable...When he raises his voice up to a certain pitch, which is impossible to describe, more than to say that it is a *pleading, sorrowful, trembling* voice, its effect is powerful, thrilling the hearts of his hearers as if by magnetism, and almost irresistibly carrying away the feelings of an audience, if not their judgements. He certainly has extraordinary powers of oratory...He is fifty years old, and is a native of Virginia, and a lawyer.”

Fairmont Sentinel, unmarked 1861 clipping from *Diary of Waitman T. Willey*, Willey Papers.

John Snyder Carlile (1817-1878)



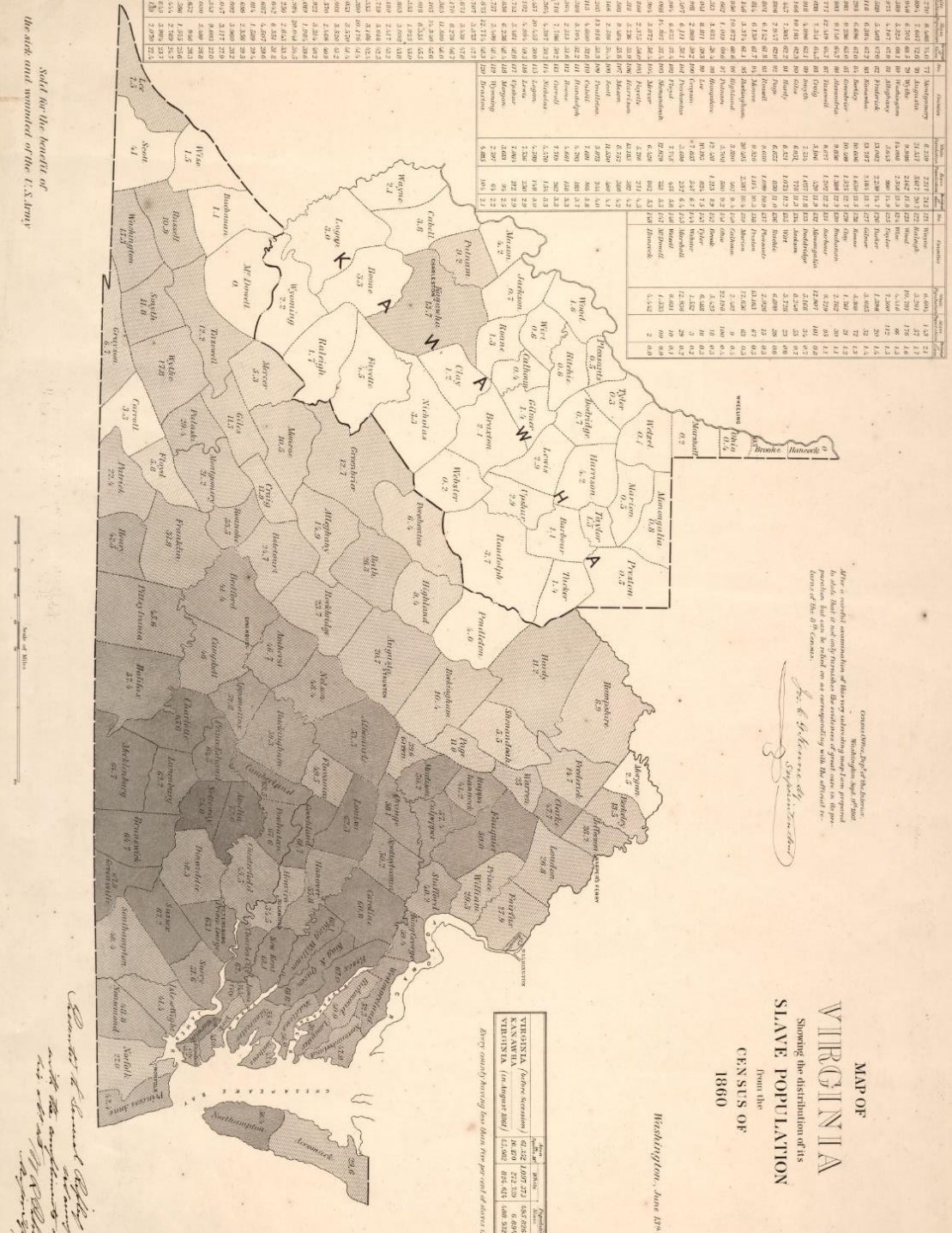
Figure 2 - (Unknown, 1855-1865) *Courtesy Library of Congress*

“Carlile is a man of fine talents—a ready, keen, solid, and impressive man...In personal appearance, he is somewhat singular looking, being very sallow and angular in the fact, flat on his head, compact and well knit in his framework. He has a rich deep voice, fine power of expression, imperturbable coolness and a great deal of tact.”

Wheeling Daily Intelligencer, February 21, 1861

CENSUS OF 1860

County	White	Colored	Total	Male	Female	Total
1 Montgomery	2,270	8,486	10,756	5,239	5,517	10,756
2 Montgomery	2,584	6,251	8,835	4,380	4,455	8,835
3 Montgomery	2,489	5,232	7,721	3,840	3,881	7,721
4 Montgomery	1,971	4,271	6,242	2,943	3,299	6,242
5 Montgomery	3,718	6,251	9,969	5,043	4,926	9,969
6 Montgomery	3,936	6,286	10,222	5,145	5,077	10,222
7 Montgomery	6,717	12,424	19,141	9,811	9,330	19,141
8 Montgomery	5,489	7,314	12,803	6,521	6,282	12,803
9 Montgomery	2,912	6,286	9,198	4,521	4,677	9,198
10 Montgomery	4,427	7,281	11,708	5,847	5,861	11,708
11 Montgomery	1,898	2,511	4,409	2,251	2,158	4,409
12 Montgomery	3,187	6,122	9,309	4,621	4,688	9,309
13 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
14 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
15 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
16 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
17 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
18 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
19 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
20 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
21 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
22 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
23 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
24 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
25 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
26 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
27 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
28 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
29 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
30 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
31 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
32 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
33 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
34 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
35 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
36 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
37 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
38 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
39 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
40 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
41 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
42 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
43 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
44 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
45 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
46 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
47 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
48 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
49 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969
50 Montgomery	2,848	5,121	7,969	3,941	4,028	7,969



MAP OF VIRGINIA Showing the distribution of its SLAVE POPULATION From the CENSUS OF 1860

Washington, June 17, 1860

State	White	Colored	Total
VIRGINIA (above territory)	61,232	1,077,271	1,138,503
KANSAS	16,870	272,739	289,609
MISSOURI	12,067	682,671	694,738
Ill. (approx. 1860)	1,400,000	1,100,000	2,500,000

2010-SR-922

Drawn by Raphael No. 24

Map Division FEB 1871

1861

Printed by the Government Printer, Washington, D.C.

Figure 3 – *Map of Virginia Showing 1860 Slave Population*, Henry S. Graham [Washington, D.C.: Clerk's Office of the United States Army, 1861]

This map, “sold for the benefit of the sick and wounded of the U.S. Army,” shows the distribution of enslaved people across the state of Virginia. Using figures from the 1860 census, the cartographer shaded any county with more than five percent of its population enslaved—note how blank the West the is. Not coincidentally, the Allegheny mountains run along the border between the unshaded Western and shaded Eastern portions of the map. With less than one percent of the population enslaved, Wheeling and the Northern panhandle were the locus of free labor ideology in Western Virginia.

Bibliography

Primary Sources

WM. G. Bishop, *Register of the Debates and Proceedings of the VA. Reform Convention* (Richmond, VA: Richmond Republican, 1851)

Bureau of the Census, *Population of the United States in 1860, Compiled from the Returns of the 1860 Census* (Washington, D.C.: Government Printing Office, 1864), online edition, <https://www.census.gov/prod/www/decennial.html>. From the U.S. Census Bureau's online database.

John S. Carlile, *The Cincinnati Platform* (Washington, D.C.: American Organ, 1856)

John S. Carlile, *Speech of Hon. John S. Carlile, of Virginia, on the bill to confiscate the property and free the slaves of the rebels* (Washington, D.C.: Congressional Globe, 1862)

Map of Virginia Showing 1860 Slave Population, Henry S. Graham [Washington, D.C.: Clerk's Office of the United States Army, 1861]

Proceedings of the Virginia Secession Convention, online edition, <http://secession.richmond.edu/> From the University of Richmond's Virginia Secession Convention online database. [Subsequent Citations as VSC-UR]

Return of the Whole Number of Persons within the Several Districts of the United States (Philadelphia, Penn.: J. Phillips, 1794), online edition, <https://www.census.gov/prod/www/decennial.html>. From the U.S. Census Bureau's online database.

Waitman T. Willey, *Diary and Letters of Waitman T. Willey*, A&M 3, Waitman T. Willey Papers, West Virginia University, Morgantown [Subsequent Citations as Willey Papers]

Waitman T. Willey, *Lecture on Liberty and Union!* (Wheeling, Virginia: J.E. Wharton, 1854)

Waitman T. Willey, *Speech of Hon. W. T. Willey Delivered in the United States Senate, May 29, 1862* (Washington, D.C.: Scammell & Co., 1862)

Waitman T. Willey, *Speech on the Object of the War*, reprinted in Jon L. Wakelyn, *Southern Unionist Pamphlets and the Civil War* (Columbia: University of Missouri Press, 1999)

Waitman T. Willey, *Address of Hon. Waitman T. Willey, Delivered February 12, 1863*, online version, <http://www.wvculture.org/history/statehood/cc021263.html>. From the West Virginia Archives & History, Debate and Proceedings of the First Constitutional Convention of West Virginia, West Virginia University. [Subsequent Citations as WVAH]

Waitman T. Willey, *A Letter from Hon. W.T. Willey, on the redintegration of Virginia* (Washington, D.C.: [s.n.], 1866)

West Virginia Constitutional Convention, *Amended Constitution of West Virginia, adopted February 18, 1863* ([s.n.], 1863)

Newspapers

Cooper's Clarksburg Register, Clarksburg, WV

Kanawha Valley Star, Charleston, WV

Spirit of Jefferson, Charlestown, WV

Fairmont Sentinel, Fairmont, WV

Wheeling Daily Intelligencer, Wheeling, WV

Wheeling Daily Register, Wheeling, WV

Secondary Sources

Charles Henry Ambler, *Sectionalism in Virginia from 1776-1861* (Chicago, Ill.: University of Chicago Press, 1910)

Charles Henry Ambler, *A History of West Virginia* (New York: Prentice-Hall, 1933)

Charles Henry Ambler, *Waitman Thomas Willey: Orator, Churchman, Humanitarian* (Huntington, West Virginia: Standard Printing & Publishing Company, 1954)

Robert M. Bastress, "The Constitution of West Virginia", *The West Virginia Encyclopedia*, 2010. Access <https://www.wvencyclopedia.org/articles/1558>

William Blair, *Virginia's Private War: Feeding Body and Soul in the Confederacy, 1861-1865* (Oxford: Oxford University Press, 1998)

T.H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of Revolution* (Princeton, N.J.: Princeton University Press, 1985);

Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill: University of North Carolina Press, 1989)

Richard Orr Curry, *A House Divided: A Study of Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh: The University of Pittsburgh Press, 1964)

Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville: University of Virginia Press, 2001)

William W. Freehling, ed., *Showdown in Virginia: The 1861 Convention and the Fate of the Union* (Charlottesville: University of Virginia Press, 2010)

William E. Gienapp, ed., *This Fiery Trial: Speeches and Writings of Abraham Lincoln* (Oxford: Oxford University Press, 2002)

Ronald L. Heinemann, et al., *Old Dominion, New Commonwealth: A History of Virginia 1607-2007* (Charlottesville: University of Virginia Press, 2007)

William A. Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: The University of North Carolina Press, 2005)

Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: Norton, 1975).

Kenneth W. Noe, "Exterminating Savages: The Union Army and Mountain Guerrillas in Southern West Virginia, 1861-1862," in Noe and Wilson, eds., *The Civil War in Appalachia* (Knoxville: Tennessee University Press, 1997)

Kenneth W. Noe, "Who Were the Bushwhackers? Age, Class, Kin, and Western Virginia's Confederate Guerrillas, 1861-1862," *Civil War History* 43 (2003):5-31.

James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861-1865* (New York: W.W. Norton & Company, 2013)

Otis K. Rice and Stephen W. Brown, *West Virginia: A History* (Lexington: The University of Kentucky Press, 1985.)

Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000)

Brent Tarter, *Daydreams and Nightmares: A Virginia Family Faces Secession and War* (Charlottesville: University of Virginia Press, 2015)

Jon L. Wakelyn, *Southern Unionist Pamphlets and the Civil War* (Columbia: University of Missouri Press, 1999)

William P. Willey, *An Inside View of the Formation of the State of West Virginia* (1901; reprint, Middletown, Delaware: Leopold Classic Library, 2017)

John Alexander Williams, *West Virginia: A History* (Morgantown: West Virginia University Press, 2001)

Henry Wilson, *History of the Antislavery Measures of the Thirty-Seventh and Thirty-Eight United-States Congresses, 1861-1865*, (Boston, MA: Walker, Fuller, and Co., 1865)