Command and General Staff College

## The First War of the New Order

How Rule of Law and the Form of Government Changed in America's Second Revolution

## **Preface**

A couple years after I left the guarded confines of The Citadel, sitting under the instruction of profound men such as Commander John Coussins, USN(R) in the history department, I found myself in a graduate course at an institution where the history faculty took a very different, and more mainstream I came to learn, view of The War. I recall receiving comments on a paper I submitted related to the topic of the arguments for secession under the old view of compact and receiving a scathing response; "your point is irrelevant and moot, this issue was settled on the battlefield". Almost twenty-five years later, and after much additional study and reflection, I have come to agree with part of that response; the issue was settled on the battlefield, there is no going back to a more limited form of federalism. However, the point is not moot, particularly for the military professional.

There is a clear line of march from the outcome of 1865-70 to greater centralization and globalization. In the intervening 150 plus years the notions and hopes and arguments for some form of federalism that includes the possibility of a form of imposition have remained and surfaced from time to time but these are mere remnants of old thought and persist primarily because there is an incoherence and a paradox between the written words of the Constitution and the implementation of that document. This paradox will not go away, neither will the effect it has on geopolitics and the very nature of what the present and future look like.

For the military professional, members of a profession that have sworn to support and defend the Constitution, it is important to understand and come to terms with this paradox. Ours is a world that is governed often by what lawyers tell commanders and policy makers the law and the Constitution mean. Often, in practical terms and with a plain but educated reading of the prime documents, those interpretations seem at odds with intrinsic meanings. Our profession demands that we are honest, if we lose that we will proceed down a path that can only have a bad end.

Thus the result of this seminal event and the way it fundamentally changed the nature of the meaning of law and government is not moot at all, especially for the military professional that is asked to prosecute violence, often under terms that do not seem to mesh with the words written in our highest law. If we are to avoid the moral injuries that result from such paradoxes and remain honest we must come to terms with and accept what the change wrought in 1865 actually means. For better or worse, right or wrong, the new order created in 1865-70 is our normal. If we pledge to support the Constitution, we ought to simply be honest as to what that actually means.

The War Between the States should be seen as the first modern war of centralization and nation building. On the international level it was a paradigm shift in the way nations would come to view themselves and what was acceptable in both the treatment of citizens and in the conduct of warfare. Internally it was truly another revolution; the form of government looked the same after but it was radically different in function. The Constitution and the rule of law had very different meaning in the aftermath. The concepts and passion of the Revolutions of 1848 were realized fully in the Union's war that redefined the notion of the nation relative to its people. The conflict had significant influence and repercussions on the old powers in Europe and greatly influenced the ideas and formation of a unified and centralized Germany. In essence the War from 1861-1865 reshaped the Lockean/Jeffersonian notions of rights, sovereignty and the state and paved the way for a watermark change and a merger of liberalism and nationalism that by 1870 was to give way fully to a less benign form; the impetus of numerous wars from that point forward. The North's victory cemented the birth of a new nation, of new ideas about what role the state played in individual rights and sovereignty, it paved the way for the creation of an American empire and it provided a guidepost for centralization under the guise of republicanism throughout Europe; it was the harbinger of a new order in the world. Within this short work I will argue specifically that the means used to preserve the Union were contrary to established norms and laws and in some cases the Constitution itself and that the final act of the conflict, the 14<sup>th</sup> Amendment, solidified a paradigm shift so significant it must be said that the very form of government was fundamentally altered so as to create a new nation.

The War was a revolution no less than that of 1776, in its aftermath the very meaning of words changed, the idea of the source of sovereignty and what rule of law changed; in essence a new and very different nation was born. The central issue at question was the nature of the

Union; the North's victory destroyed any notion of the union because it eliminated the club of sovereign states that had previously existed in Union and replaced these united states with a new central government of the United States.<sup>1</sup>

The notion of sovereignty in effect and accepted at the time of the independence of the thirteen colonies was based upon "supremum dominium" expressed in the Treaty of Westphalia.<sup>2</sup> <sup>3</sup> It was within the frame of this understanding that the original thirteen colonies became free states. Under the terms of the Treaty of Paris "His Brittanic Majesty acknowledges the [lists each of the 13 colonies by name], to be free sovereign and independent states". 4 5 In general terms this notion of sovereignty manifested itself in the American republic through the general understanding that the States delegated certain duties and authority to the central government but retained individual sovereignty.<sup>67</sup> James Madison discussed the notion of interposition and a check on delegated authority of the central government in The Federalist No. 26.8 The very concept of states existing as sovereign and free outside of the existence of the central government is supported by the very timeline of The Constitution itself. The Constitution became law on July 21 1788, a federal government of these united states styled as the United States was formed, however Virginia, New York, Rhode Island and Vermont remained outside of the covenant and any authority of the new central government. Vermont requested admission to the union in 1791, having been a sovereign and free state the proceeding 14 years. <sup>9</sup> <sup>10</sup> The United States even enacted tariffs on Rhode Island as a foreign state under the Tariff of 1789. 11 It is clear that the practical application of the view of federalism and centralization prior to 1861 supported a version sovereignty that was a decentralized. The conflict in 1861-65 was one primarily centered on the difference in the meaning, purpose and future of government.

In the conduct of this conflict the means utilized to achieve the ends of Union and preservation of a central authority are important to discuss. It is these means that have come to define what the rule of law truly means in relation to the central authority that emerged from the war. It is practically undeniable in any honest assessment that the Federal government undertook extraordinary and often extra-legal activities in the early stages of the conflict in order to secure and maintain control. By executive order Abraham Lincoln ordered over 300 newspapers shut down that held views unfavorable to his position. 12 13 Clement L. Vallandigham, a businessman and former Ohio congressman, was arrested for making an anti-war speech. 14 Lincoln suspended the right of habeas corpus, a power reserved to Congress under The Constitution, and ignored a federal court overturning his action.<sup>15</sup> 16 17 Lincoln, in 1861, called forth the militia citing authority under the Militia act of 1795 and the Insurrection Act of 1807, an invalid justification since neither the governors nor the legislators of the states in question had requested such. 18 19 20 These are but a few examples of illegal and extra-legal activities conducted in support of the War, however these paint a picture of a central government struggling to establish and maintain legitimacy and willing to redefine the notion of the rule of law in the process.<sup>21</sup>

The suppression of resistance to and conduct of the War in a manner contrary to established norms and laws were the first and second acts in the transformation of the form, style and purpose of government. The 14th amendment was the culmination of this revolutionary change. <sup>22</sup> In the implementation of this amendment, the irregularities and redefinitions of acceptable rule of law continued. After ratifying the 13<sup>th</sup> Amendment in 1865 Southern state representatives to Congress found themselves denied entry and their states declared not to have legitimate governments because their states had refused to ratify the 14<sup>th</sup> Amendment, essentially the Southern states were considered to not be part of the Union since their secession in 1861. <sup>23</sup>

This situation created an obvious paradox, if they Southern states were no longer part of the Union they had the obvious right to leave in 1861. If they could not leave then they were still part of the Union, they had ratified the 13<sup>th</sup> amendment two years prior, in this case the motion under Article V of the Constitution to propose the 14<sup>th</sup> Amendment could never have passed in the first place.<sup>24</sup> In either event, this paradox made no difference to the Federal government, rule of law in specific terms would not get in the way of the intent of political powers.<sup>25</sup> It was not just the entire Southern delegation that was excluded, Senator John Stockton from New Jersey who opposed the 14<sup>th</sup> Amendment was denied his seat.<sup>26</sup> Despite the irregularities, Congress in 1867 passed a resolution to propose the amendment to the States, an act that arguably could not have occurred under Article V specifically because of the oddities and exclusion of delegates that disagreed. The ratification process was rife with outright redefinitions of the basic rule of law. Tennessee was the first, and only Southern state during Reconstruction, to ratify the amendment. However, it did so without any of the legislators in opposition voting and two of the dissenters were brought to the state house by force to achieve a quorum.<sup>27</sup> Oregon rescinded its vote for ratification before the amendment was made law but their request was not acknowledged.<sup>28</sup> New Jersey and Ohio both sent notice to Congress in 1868 that they were withdrawing their ratifications from 1866 and 1867 respectively, Congress through resolution declared neither state could withdraw ratification.<sup>29</sup> After these various and dubious machinations, to both propose and get ratified an amendment that simply did not have sufficient legitimate support to pass without extra-legal means, Congress committed one last act to solidify the change begun in 1861. Martial law in the form of the Reconstruction Acts was imposed upon the Southern states, one of the criteria for relief from military occupation was ratification of the 14<sup>th</sup> Amendment.<sup>30</sup> Here now at last we have the final manifestation of the scope and meaning of the new government

born in the revolution of 1861-1865, a government that would bend, twist and manipulate laws and norms while operating under the color of law to enact its will; a government that had displayed beyond argument that it was willing to sacrifice over 600,000 lives to maintain and acquire power and now through the passage of additional laws stated unequivocally that it would use military force to acquire compliance and political goals.

The result of seven years of war and political machinations was a sovereign, supremely powerful central government and the elimination of a powerful check on the balance of power of the government. Rule of law would now be judged entirely by the Federal government, essentially actions of the Federal government as to right or wrong would now be judged only by the government itself.<sup>31</sup> <sup>32</sup> The influence and ramifications of this new kind of nationalism and new type of government that exists for and by itself was not lost on Europe; the events of 1861-1870 were to change the world.<sup>33</sup> <sup>34</sup> According to Andre Fleche "It seemed to many observers that America's experiment in republican government had succeeded in establishing a model for successful nation-building that could be followed anywhere in the world".<sup>35</sup> <sup>36</sup> This however is a subject beyond the scope of this paper.

The War was not simply a dispute on American soil over Constitutional disagreements, it was the first modern war in the beginning of an era that redefined the nation, politics, and government as it birthed an entirely new form of nation on the American continent.<sup>37</sup> All notions of government of and by the people were replaced with words that may have the same intrinsic meaning but exist in parallel with a government that exists for its own end, guided only slightly by either the absolute rule of law or the will of the people.

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## **Citations and supplemental endnotes:**

<sup>1</sup> See Williams, O., "A More Perfect Union: Federalism in the Postbellum Court", Boston University, <a href="http://www.bu.edu/historic/conference08/OWilliams.pdf">http://www.bu.edu/historic/conference08/OWilliams.pdf</a>, for a discussion of the changes in the view of the power of the states relative to the central government, specifically: "the prevailing notion of states' rights, before and after the Civil War, was predicated upon "dual federalism," where the compact (or Union) entered into by sovereign states involved only partial and specific relinquishment of sovereignty to the national government. Dual federalism assumed that distinct and autonomous spheres, as opposed to competing interests, separated the states from the national government. Over time, a new perspective took shape, what I will call protonationalism. If not the Revolutionary era Federalists, then abolitionists were probably the original nationalists; the latter's constitutionalism held that the national government always had the superior authority of natural law." p. 4-5.

<sup>&</sup>lt;sup>2</sup> Onuf, Nicholas Greenwood 'Sovereignty: Outline of a Conceptual History', *Alternatives*, *xvi* (1991), 435-7 <a href="http://www.jstor.org/stable/40644726">http://www.jstor.org/stable/40644726</a>.

<sup>&</sup>lt;sup>3</sup> Croxton, Derek. 1999. "The Peace of Westphalia of 1648 and the Origins of Sovereignty". *The International History Review* 21 (3). Taylor & Francis, Ltd.. http://www.jstor.org.lumen.cgsccarl.com/stable/40109077.

<sup>&</sup>lt;sup>4</sup> Library of Congress, Definitive Treaty of Peace 1783, <a href="https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=008/llsl008.db&recNum=93">https://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=008/llsl008.db&recNum=93</a>.

<sup>&</sup>lt;sup>5</sup> The Paris Peace Treaty of September 30, 1783, The Avalon Project, Yale Law School, <a href="http://avalon.law.yale.edu/18th\_century/paris.asp">http://avalon.law.yale.edu/18th\_century/paris.asp</a>. Accessed 5 Feb 2016

<sup>&</sup>lt;sup>6</sup> Alexis de Tocqueville in his 1833 work, *Democracy in America*, described Union as thus: "The Union was formed by the voluntary agreement of the states; and these, in uniting together, have not forfeited their nationality, not have they been reduced to the condition of one and the same people. If one of the states chose to withdraw its name from the compact, it would be difficult to disprove its right to do so, and the Federal Government would have no means of maintaining, either by force or by right" see Benson, Al, Kennedy, Walter Donald, *Lincoln's Marxists*, Pelican Publishing Company, Inc., Jul 13, 2011, p. 92. <a href="https://books.google.com/books?id=gVaX3H6X6g4C">https://books.google.com/books?id=gVaX3H6X6g4C</a>.

<sup>&</sup>lt;sup>7</sup> No honest discussion of the matter can be had without crediting John C. Calhoun, who argued that the federal government created in 1789, was a government of compact and a government of the States that gave it birth, not of the people who were citizens of the States and not the government of a new nation. See Calhoun, John C., *A Discourse on the Constitution and Government of the United States*.

https://books.google.com/books/about/A Discourse on the Constitution and Gove.html?id=OG7toQEACAAJ

<sup>&</sup>lt;sup>8</sup> Federalist No. 26, in Jacobs E. Cooke, ed., The Federalist (Middletown, Conn.: Wesleyan University Press, 1961), P. 169. See also <a href="https://books.google.com/books?id=kHcD5-MvTc4C">https://books.google.com/books?id=kHcD5-MvTc4C</a>.

<sup>&</sup>lt;sup>9</sup> Vile, John R. (2005). *The Constitutional Convention of 1787: A Comprehensive Encyclopedia of America's Founding* (Volume 1: A-M), <a href="https://books.google.com/books?id=oyFpDS8p33sc">https://books.google.com/books?id=oyFpDS8p33sc</a>.

- <sup>10</sup> Forbes, C.S. (March 1902). "Vermont's Admission to the Union". *The Vermonter: A State Magazine* (St. Albans, Vermont: Charles S. Forbes) VII (8): 102. https://books.google.com/books?id=nFMSAAAAYAAJ.
- <sup>11</sup> Stokes, Howard Kemble, *Public and Private Finance: A History of the Finances of Rhode Island 1636-1900*, p. 232. <a href="https://books.google.com/books?id=QqM\_AQAAMAAJ">https://books.google.com/books?id=QqM\_AQAAMAAJ</a>.
- <sup>12</sup> Bulla, David W., Abraham Lincoln and Press Suppression Reconsidered, American Journalism, 26:4, 11-33, <a href="http://ocean.otr.usm.edu/~w304644/ajha/americanjournalism/fall09.pdf">http://ocean.otr.usm.edu/~w304644/ajha/americanjournalism/fall09.pdf</a>.
- <sup>13</sup> Executive Order Arrest and Imprisonment of Irresponsible Newspaper Reporters and Editors, The American Presidency Project, <a href="http://www.presidency.ucsb.edu/ws/?pid=70018">http://www.presidency.ucsb.edu/ws/?pid=70018</a> accessed 5 Feb 2016.
- <sup>14</sup> Curtis, Micheal Kent, Lincoln, Vallandingham, and Anti-War Speech in the Civil War, *William & Mary Bill of Rights Journal*, 7:1, <a href="http://scholarship.law.wm.edu/wmborj/vol7/iss1/3">http://scholarship.law.wm.edu/wmborj/vol7/iss1/3</a>.
- <sup>15</sup> Digital copy of executive order, accessed 5 Feb 2016, <a href="https://www.gilderlehrman.org/sites/default/files/content-images/06099p1\_0.jpg">https://www.gilderlehrman.org/sites/default/files/content-images/06099p1\_0.jpg</a>.
- <sup>16</sup> S. G. F.. 1888. "The Suspension of Habeas Corpus During the War of the Rebellion". *Political Science Quarterly* 3 (3). [Academy of Political Science, Wiley]: 454–88. doi:10.2307/2139053. http://www.jstor.org/stable/2139053.
- <sup>17</sup> See recount of Frank Key Howard, descendant of Francis Scott Key, who was imprisoned at Fort McHenry for speaking out against Lincoln after he refused to abide by the federal court ruling that Lincoln had no authority to suspend habeas corpus in Maryland. Howard, Frank Key, *Fourteen Months in American Bastiles*, Kelly, Hedian & Piet, 1863, <a href="https://books.google.com/books?id=-G4UAAAAYAAJ">https://books.google.com/books?id=-G4UAAAAYAAJ</a>.
- <sup>18</sup> See copy of original order at Tulane, <a href="http://www.tulane.edu/~latner/Aftermath/AApr15Comm.html">http://www.tulane.edu/~latner/Aftermath/AApr15Comm.html</a>. Accessed 5 Feb 2016. <sup>19</sup> In April of 1861 Lincoln had no authority, based upon either the Militia Act of 1795 or the Insurrection Act of 1807, to call the militia to use in a state without the request of the governor or legislature of that state. This action was the prime cause of the upper South seceding from the Union and joining the Confederacy. It was not until July of 1861 that Congress met and retroactively gave Lincoln authority for the illegal actions he had already committed.

  <sup>20</sup> Lincoln's bellicose actions in calling up the militia, contrary to his Constitutional authority or authority found in the Acts of 1807 or 1795, was the prime reason the Upper South seceded, ensuring the War would be bloodier and longer than otherwise. See Coopersmith, Andrew S., Fighting Words, An Illustrated History of Newspaper Accounts of the Civil War, The New Press, 2006, pp. 27-30. <a href="https://books.google.com/books?id=HZxOJarwChkC">https://books.google.com/books?id=HZxOJarwChkC</a>.
- The length of this paper does not afford the space to discuss the conduct of the War. However, it is important to note that the Federal forces conducted the conflict, particularly as it related to civilian populations in a manner not seen in Western history for a millennium. See Cisco, Walter Brian, *War Crimes Against Southern Civilians*, Pelican Publishing Company 2007. https://books.google.com/books?id=tsDpBgOK-x4C.
- <sup>22</sup> Mark E. Brandon "characterizes the Fourteenth Amendment, along with the Thirteenth and Fifteenth, as 'the core of a fundamentally different political world' that 'supplanted dominant conventional understanding of the meaning of the original Constitution' and thereby "rendered that Constitution incoherent". See Moore, Wayne D., The Fourteenth Amendment's Initial Authority: Problems of Constitutional Coherence, Virginia Tech, 2014, <a href="https://www.psci.vt.edu/research/2004\_Moore\_PDF.pdf">https://www.psci.vt.edu/research/2004\_Moore\_PDF.pdf</a>.
- <sup>23</sup> Burke, Unorthodox and Paradox: Revisiting the Ratification of the Fourteenth Amendment. *Alabama Law Review*, 2002. Vol. 53:2:555, p. 557-559
  <a href="http://www.law.ua.edu/pubs/lrarticles/Volume%2053/Issue%202/Bryant.pdf">http://www.law.ua.edu/pubs/lrarticles/Volume%2053/Issue%202/Bryant.pdf</a>.

<sup>24</sup> Ibid. p. 576-577

<sup>30</sup> See McDonald, Forrest, "Was the Fourteenth Amendment Constitutionally Adopted?" The Abbeville Review, Abbeville Institute, http://www.abbevilleinstitute.org/review/was-the-fourteenth-amendmentconstitutionally-adopted. Concerning the Reconstruction Act of 1867 "as President Johnson said in his veto message, the act deprived most white southerners of their political and civil rights on a wholesale basis, without due process of law, in violation of the Fifth Amendment. Moreover, it effectively served as 'a bill of attainder against 9,000,000 people at once,' all of whom were excluded from a hearing through their representatives, on the basis of 'an accusation so vague as to be scarcely intelligible and found to be true upon no credible evidence.' Further, the preclusion of southern representation in Congress by statute distorted one feature of the Constitution to annul two other features. Article I, Section 5, which declares that 'Each House shall be the Judge of the Elections, Returns and Qualifications of its own members,' clearly contemplates the judging of each member individually, through hearings and the taking of evidence. Yet by arbitrarily excluding members from specified states, Congressmen were not judging; they were refusing to judge. By doing so, they deprived the designated states of their constitutional rights to representation as provided by Article I, Sections 2 and 3, and Article V." <sup>31</sup> Woods, Thomas E. Jr., American Conservatism and the Old Republic, In Defense of the Old Republic, Modern Age, Intercollegiate Studies Institute, Vol. 49, No. 4, Fall 2007, https://isistatic.org/journal-archive/ma/49\_04/woods.pdf.

<sup>32</sup> Dr. Clyde N. Wilson argues that every conceivable progressive act and every subsequent growth of the Federal government in scope and power can be directly related to the acts of Lincoln and the Reconstruction Congress. You could not have eventually had a direct income tax, American involvement in attempts to create a league of Nations and eventually the UN, socialism in the form of the programs under FDR and Johnson or the creation of a myriad of agencies outside of the direct Constitutional specified authorization without the precedent of blood and corruption of the rule of law set in the 19<sup>th</sup> century. He argues that a republic can be said to have passed into an empire "when political activity is no longer directed toward enhancement of the well-being of a particular people, but has become the mechanism for managing them for the benefit of their rulers". See Wilson, Clyde N., From Union to Empire, Essays in the Jeffersonian Tradition, The Foundation for American Education, 2002. p. 93. Dr.

As late as 1957 main stream thought and media were still willing to acknowledge the undeniable truths related to the debacle that was the implementation of the 14<sup>th</sup> Amendment, see 1957 *US News and World Report* article entitled, "There is no Fourteenth Amendment" by David Lawrence, via Constitution Society, <a href="http://www.constitution.org/14ll/no14th.htm">http://www.constitution.org/14ll/no14th.htm</a>. Accessed 5 Feb 2016.

Hines, Eric, *A Conservative's Treatise on American Government*, Xlibris Corporation, Jan 1, 2012, p. 97-98. <a href="https://books.google.com/books?id=dLB1v4Smbz4C">https://books.google.com/books?id=dLB1v4Smbz4C</a>.

<sup>&</sup>lt;sup>27</sup> Brown, Theodore Jr., A History of the Tennessee Supreme Court, Univ. of Tennessee Press, 2002. p. 115. https://books.google.com/books?id=8kPNPxfWiUsC.

<sup>&</sup>lt;sup>28</sup> Johannsen, Robert W., The Oregon Legislature of 1868 and the Fourteenth Amendment, Oregon Historical Quarterly, Vol. 51. No. 1 (Mar., 1950) pp. 3-12. <a href="http://www.jstor.org/stable/20611951">http://www.jstor.org/stable/20611951</a>. <a href="https://www.jstor.org/stable/20611951">https://www.jstor.org/stable/20611951</a>. <a href="https://www.jstor.org/stable/20611951">https://www.jstor.org/sta

Wilson deserves credit for many of the ideas I have formulated on this subject through his various works, publications and articles as well as my personal engagement with him.

<sup>33</sup> Dr. Thomas J. Lorenzo points out that Hitler in *Mein Kampf* took a lesson from Lincoln as he promised the "mischief of individual federated states...must cease and will someday cease.... National Socialism as a matter of principle must lay claim to the right to force its principles on the whole German nation without consideration of previous federated state boundaries." See Ibid. Woods, Old Republic, 437, and DiLorenzo, Thomas J., *Lincoln Unmasked*, New York, 2006, pp. 83-84. <a href="https://books.google.com/books?id=TcbR\_pf71cMC">https://books.google.com/books?id=TcbR\_pf71cMC</a>.

<sup>34</sup> The influence of Lincoln was certainly not lost on Marx, see "Address of the International Working Men's Association to Abraham Lincoln, President of the United States of America", <a href="https://www.marxists.org/archive/marx/iwma/documents/1864/lincoln-letter.htm">https://www.marxists.org/archive/marx/iwma/documents/1864/lincoln-letter.htm</a>.

<sup>35</sup> Fleche, Andre M "World Revolutions and the Coming of the American Civil War". 2012. "World Revolutions and the Coming of the American Civil War". In *The Revolution of 1861: The American Civil War in the Age of Nationalist Conflict*, 11–37. University of North Carolina Press. doi:10.5149/9780807869925\_fleche.5. <a href="http://www.jstor.org.lumen.cgsccarl.com/stable/10.5149/9780807869925\_fleche">http://www.jstor.org.lumen.cgsccarl.com/stable/10.5149/9780807869925\_fleche</a>.

<sup>36</sup> See Armitage, David, et. Al., Interchange: Nationalism and Internationalism in the Era of The Civil War, The Journal of American History, (2011) 98, (2) pp. 455-489. http://jah.oxfordjournals.org/content/98/2/455.full Particularly Sexton, Grant, "The rise of what scholars have assumed was a new kind of empire and a new kind of nation, centrally driven and bureaucratically complex, in the space formerly occupied by native peoples, may represent less of a break from than a reconfiguration of the relationships that informed earlier exchanges between peoples in the Atlantic world and elsewhere. As the nineteenth century progressed, the power of nationalist sentiment and the imperatives of often-violent nation-formation processes altered the currents of global exchange. Nation-states hardened borders and boundaries through a broad array of structures and processes, including citizenship, tariffs, and the invention of national myths. The consolidation of the United States in the 1860s both reflected this process and contributed to it by fueling the expansion of the liberal and democratic nationalism articulated by Lincoln." For a discussion of how revolutionary ideas before the war transferred from Europe to America, particularly after the failed revolutions of 1848 and immigration of many dissatisfied revolutionaries to America, and how these ideas shaped the conflict in 1861 and then retransmitted back to Europe.

Walter LeFeber argues that from 1860-1898 America transformed into an empire, based upon industrialization primarily according to his argument. He places the primer for this as The Civil War with the full transfer of power from the planter to the industrialist/financer class. See LeFeber, Walter, *The New Empire: An Interpretation of American Expansion, 1860-1898*, Cornell University Press, 1963. https://books.google.com/books?id=PNOwdBf-dzcC.

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