A Refusal to Compromise? Civil War Historians Beg to Differ

By JENNIFER SCHUESSLER  OCT. 31, 2017

Two months after President Trump stirred fierce debate with a defense of Confederate monuments, his chief of staff, John F. Kelly, has waded back into the fray of Civil War history.

Asked by the Fox News television host Laura Ingraham about a Virginia church that had recently removed a memorial to Robert E. Lee, Mr. Kelly, a retired Marine Corps general, on Monday praised Lee as “an honorable man who gave up his country to fight for his state.”

It was “the lack of an ability to compromise,” he said, “that led to the Civil War.”

The comments drew an instant failing grade from many historians, who have spent decades documenting the central role of slavery in causing the conflict. Many took to Twitter to point out that the Civil War was, in fact, preceded by decades of compromises over the freedom of African-Americans.

“Most any measure of compromise had been tried, and had been worn out,” said David Blight, a historian at Yale University, where he has organized a conference this weekend exploring the parallels between the disunion that preceded the Civil War.
and our politics today. “The real story, the great tragedy of the coming of the Civil War, was that there was no middle left anymore in American politics.”

We asked historians to talk about a few of the compromises on slavery and African-American equality made before — and after — the war.

**Constitution as Compromise**

The compromises over slavery began with the Constitution itself. It famously declared that slaves would count as three-fifths of a person for purposes of representation and taxation. It also, in euphemistic language, allowed Congress to ban the international slave trade, but not for 20 years.

And then there was the fact that the framers, deliberately, did not explicitly mention slavery even once. David Waldstreicher, a professor at the Graduate Center of the City University of New York and the author of “Slavery’s Constitution,” said this approach created ambiguity about the framers’ intentions and the constitutionality of both proslavery and antislavery legislation.

“The Civil War was caused by the compromises in the Constitution over slavery, which shaped not only the evolution of slavery but also so many of the functions and dysfunctions of national politics, and still does,” Mr. Waldstreicher said. “It makes no sense to talk of a failure to compromise, except insofar as every war or political conflict is a failure to make a deal. The original compromises shaped everything.”

**Battle Over Territorial Expansion**

Most Northern states passed abolition laws by 1800, but the national debate intensified as factions fought over whether slavery would be allowed in the expanding western territories. In 1820, Congress enacted the Missouri Compromise, which allowed Missouri to enter the union as a slave state but otherwise forbade slavery above the 36th parallel, effectively drawing the lines for the sectional battle to follow. In 1836, it passed what would be the first of several gag rules, forbidding antislavery petitions from even being discussed.
The Missouri Compromise unraveled with the Kansas-Nebraska Act of 1854, which mandated that new states, regardless of geography, be allowed to decide the question of slavery by “popular sovereignty.”

The act unleashed violence in Kansas, as well as in Congress itself, including an infamous brawl on the floor of the House in 1858 during debate over a proposed proslavery Kansas state constitution. That constitution was later defeated by a coalition of Republicans and Northern Democrats.

Southern Democrats “pushed so hard for such extremely proslavery policies, they drove Northern Democrats away from them,” Kate Masur, a historian at Northwestern University, said.

Lincoln, the Great Compromiser?

As slavery spread, so did the antislavery movement. Abolitionists then were often depicted as dangerous fanatics, but in truth the antislavery movement included many compromises when it came to black equality. One was the idea of colonization, which advocated resettling freed blacks in Africa, out a belief that they could never coexist with whites.

One advocate of colonization was Abraham Lincoln, who indicated support for colonization as late as 1862.

Even as a presidential nominee, he and the Republican Party were willing to entertain deals to keep the slaveholding South in the Union, including a proposed Constitutional amendment that would allow slavery to continue without federal interference where it already existed but prohibit its establishment in new territories.

On that, it was the slaveholding states that refused to compromise, said Manisha Sinha, a historian at the University of Connecticut and the author of “The Slave’s Cause: A History of Abolition.”
“Lincoln could have avoided the Civil War if he had agreed to compromise on the nonextension of slavery, but that was one thing Lincoln refused to compromise on, and rightly so,” she said.

“When it comes to the Civil War,” she added, “we still can’t seem to understand that the politics of compromise was a politics of appeasement that at many times sacrificed black freedom and rights.”

The Compromise of 1877

The 13th amendment, ratified in December 1865, eight months after the end of the Civil War, abolished slavery, but the battle over full citizenship for African-Americans continued during Reconstruction. There was widespread resistance to black male suffrage, which had been guaranteed by the 15th amendment. Tensions came to a climax with the deadlocked presidential election of 1876, when the results in Florida, South Carolina and Louisiana were disputed.

The impasse ended with the Compromise of 1877, in which the Republican candidate, Rutherford B. Hayes, was granted those states’ electoral votes in exchange for an end to federal support for Republican governments in those states. Reconstruction was effectively over.

Though the Compromise of 1877 is the one we remember, Ms. Masur, co-author of a recent National Park Service study of Reconstruction-related sites, noted that the way had been paved by earlier trade-offs.

“The election was as close as it was because Northerners had already compromised on the 15th amendment,” she said. “If there hadn’t been voter suppression in the South from the outset of Reconstruction through the 1876 election itself, Hayes might well have won the presidency decisively.”

A Tragic Family Disagreement

After Reconstruction was rolled back and Jim Crow segregation instituted in the South, a growing number of white Americans depicted the Civil War as a tragic family disagreement, rather than a battle over principle.
In 1913, veterans from both sides gathered at Gettysburg for a “Great Reunion,” where President Woodrow Wilson gave an address that included no reference to slavery or secession. The era also saw a surge in the construction of Confederate monuments, including many outside the former Confederacy.

Mr. Blight, the author of “Race and Reunion: The Civil War in American Memory,” said that Mr. Kelly’s remarks were themselves part of this “reconciliationist” tradition.

“It reflects a very old set of ideas about the meaning of the Civil War,” Mr. Blight said. “Everybody was right, and nobody was wrong. Everybody was noble, everyone fought for their conscience, you don’t have to worry anymore about what they fought for.”

“It takes all responsibility away,” he said. “That’s your compromise.”

Follow Jennifer Schuessler on Twitter: @jennyschuessler.