

Who Freed the Slaves? The Fight Over the Thirteenth Amendment

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Review

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Richards, Leonard L. *Who Freed the Slaves? The Fight over the Thirteenth Amendment.* University of Chicago Press, \$30.00 ISBN 9780226178202

Recovering an Overlooked Emancipator

David McCullough, Joseph J. Ellis, and Doris Kearns Goodwin have patented a formula that makes historical writing accessible to a wider audience. They tell stories. They craft lean, jargon-free sentences. They favor active verbs. They steer clear of historiographical thickets.

Most of all, they focus on individuals, generally admirable ones (Goodwin gives the wives of famous men equal billing). Implicit in this approach is the reader-friendly presumption that individuals shape history. Impersonal forces do not complicate these narratives. Ambiguity, nuance, and uncertainty are minimized. Instead, individuals stride purposefully across the historical stage and make their mark.

On the whole, academic historians disdain such reader-friendly techniques. We shrug at commercial success and continue to write, primarily, for each other. But Leonard L. Richards yearns to escape the academic strait jacket. His brisk little book published a generation ago, *The Life and Times of Congressman John Quincy Adams* (Oxford University Press, 1986), pointed the way. Now he has taken a seemingly snarled legislative episode, the ratification of the Thirteenth Amendment, and infused the tale with biographical focus and edifying uplift. The resulting volume should appeal those who welcome the McCullough-Ellis-Goodwin approach. But it also should engage history professionals.

Richards centers his narrative on Ohio Congressman James M. Ashley. If not quite forgotten, Ashley is only dimly remembered today. But he stands tall here. A one-time Democrat who was radicalized by his party's pro-slavery drift, Ashley rebelled to become an egalitarian Republican. He first was elected to the

U.S. House from the Toledo district in 1858 at the age of 34, and he held that seat for the next eventful decade. Pugnacious, quick to speak, and fiercely antislavery, Ashley made himself a formidable presence. A conspicuous mane of curly brown hair added to his visibility.

On the eve of war, Ashley warned secessionists that their actions would bring “the doom of slavery.” When the fighting began, he worked to make emancipation a Union war aim. Soon he contended that the seceding states had forfeited constitutional protection. Once conquered, they should be governed as territories. It was a mainstream Republican position, he knew, that Congress had the power to end slavery in the territories. Ashley also called for a full frontal assault on economic and political hierarchies as the rebel states became subject to Union military authority. He bid to confiscate rebel property and distribute it to loyalists, without regard to color. He also wanted to enfranchise blacks and bar from voting and officeholding all who had fought for the Confederacy or held office in a rebel state.

Ashley’s enlarged agenda was utopian—most white Southerners would have said dystopian—but emancipation became mainstream. Abraham Lincoln used his powers as commander-in-chief of the army to order the freedom of slaves in the Confederate South and the enrollment of black soldiers into the Union army. Ashley was determined to make emancipation universal and irrevocable, and to base it on more than the extraordinary wartime exercise of executive power. So in December 1863 he submitted language for an amendment to the Constitution that would abolish slavery and “involuntary servitude” everywhere in the United States, including ostensibly pro-Union regions of the South, such as Kentucky, which were exempted from the Emancipation Proclamation. Ashley knew that most slaves remained enslaved, either behind Confederate lines or in the Union slave states.

The constitutional amendment gained a two-thirds Senate majority in April 1864, but its prospects in the House were dim. Democrats had strongly rebounded in 1862 amid wartime discouragement to leave Republicans with only a plurality of House members. Ashley, for example, barely held his seat; most other Ohio Republicans did not. Nearly monolithic Democratic opposition blocked the amendment when the House voted in June 1864. It gained a majority but fell short of the requisite two-thirds.

Lincoln vigorously endorsed the amendment when the lame-duck session of Congress convened in December 1864. Continued Union military victories also improved its prospects. But could enough former opponents be persuaded to rethink their stance? Stephen Spielberg's filmed dramatization, *Lincoln*, highlights the murky contest. Fully half of Richards' book excavates the complex maneuvers and the mixed motives that assembled a narrow two-thirds House majority for the amendment on January 31, 1865. Many incisive biographical sketches enliven the narrative.

The Ohio congressman collaborated closely with Lincoln and Secretary of State William H. Seward to entice two dozen Democrats and border state Unionists either to switch their stance or to absent themselves from the key vote. Ashley's role, even if marginalized in Spielberg's *Lincoln*, was absolutely central. Long before the president got behind the amendment, Ashley laid the groundwork, forced the issue to public attention, and identified the lame ducks who could tip the balance. "The passage of the Thirteenth Amendment," concludes Ashley's biographer, Robert F. Horowitz, "owes more to him than to any other man."¹

Ashley also wanted dramatic new definitions of citizenship and rights. But many who voted for the amendment did not share his vision of a transformed social order. Mainstream Republicans did want equality before the law but not equal voting rights. Conservatives from varying political backgrounds decided that it made political sense to scuttle the decaying carcass of a slave system that had been fatally unhinged by the war. But they starkly opposed any hint of equality and saw former slaves as a dependent underclass without citizen rights. Ultimately, Ashley's victory was bittersweet. Moderate Republicans did subsequently move in his direction when confronted by President Andrew Johnson's neo-Confederate apostasy. But Ashley's hopes for a national postwar commitment to equal political and economic rights would not be realized. The Ohio firebrand always stood far in advance of his party. He lost his House seat in 1868 after unsuccessfully trying to remove Ohio's strictures against black voting.

This book's title poses a question—"Who freed the slaves?" Richards stands outside the fraternity that worships Lincoln, so his apparent answer has to be Ashley, the book's central figure. But that answer cannot satisfy, however much the Ohio Congressman contributed. Perhaps the question itself is flawed and misleading. Scholars who study these matters divide between those who contend

for “self-emancipation” and emphasize the initiative and agency of the slaves themselves, and those who insist that emancipation never could have occurred without Union political leadership and military success. In simplest terms, they disagree as to whether history moves from the bottom up or from the top down. Fortunately, some now wisely recognize a symbiotic process that runs in both directions.

Richards should be read in tandem with Michael Vorenberg’s deeply researched *Final Freedom: The Civil War, the Abolition of Slavery, and the Thirteenth Amendment* (Cambridge University Press, 2001), the other principal history of the subject. The two books are broadly complementary, but Vorenberg makes fewer concessions to nonprofessional readers. He identifies no heroes. His Ashley is one player among many. Modern readers may crave uplift, but Vorenberg sternly reminds them that Lincoln always depicted emancipation as a means to an end and not an end in itself—a way to win the war and restore the Union. Those today who see emancipation as the heart of the matter overlook the constraints that ruled out such a stance in the mid-1860s.

Richards makes a spirited case that James Ashley breathed life into the Thirteenth Amendment. He writes with verve and flair. His muscular prose reminds us that this was an era of no-holds-barred political combat—“screamed,” “slapped down,” “ripped into,” “crushed,” “tanked,” “electrified,” “livid,” and “hit list” (pp. 46-47, 57, 142, 161, 182, 223, 242, 248). His outreach to interested generalists should inspire imitation. But we must guard against the danger that his techniques may impose retrospective clarity on messy reality.

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¹Robert F. Horowitz, *The Great Impeacher: A Political Biography of James M. Ashley* (New York: Brooklyn College Press, 1979), 169.