

## Both Sides Face Political Problems

Neither side in the Civil War was completely unified. There were Confederate sympathizers in the North, and Union sympathizers in the South. Such divided loyalties created two problems: How should the respective governments handle their critics? How could they ensure a steady supply of fighting men for their armies?

**DEALING WITH DISSENT** Lincoln dealt forcefully with disloyalty. For example, when a Baltimore crowd attacked a Union regiment a week after Fort Sumter, Lincoln sent federal troops to Maryland. He also suspended in that state the writ of **habeas corpus**, a court order that requires authorities to bring a person held in jail before the court to determine why he or she is being jailed. Lincoln used this same strategy later in the war to deal with dissent in other states. As a result, more than 13,000 suspected Confederate sympathizers in the Union were arrested and held without trial, although most were quickly released. The president also seized telegraph offices to make sure no one used the wires for subversion. When Supreme Court Chief Justice Roger Taney declared that Lincoln had gone beyond his constitutional powers, the president ignored his ruling.

Those arrested included **Copperheads**, or Northern Democrats who advocated peace with the South. Ohio congressman Clement Vallandigham was the most famous Copperhead. Vallandigham was tried and convicted by a military court for urging Union soldiers to desert and for advocating an armistice.

Jefferson Davis at first denounced Lincoln's suspension of civil liberties. Later, however, Davis found it necessary to follow the Union president's example. In 1862, he suspended habeas corpus in the Confederacy.

Lincoln's action in dramatically expanding presidential powers to meet the crises of wartime set a precedent in U.S. history. Since then, some presidents have cited war or "national security" as a reason to expand the powers of the executive branch of government. ☺

**CONSCRIPTION** Although both armies originally relied on volunteers, it didn't take long before heavy casualties and widespread desertions led to **conscription**, a draft that would force certain members of the population to serve in the army. The Confederacy passed a draft law in 1862, and the Union followed suit in 1863. Both laws ran into trouble.

The Confederate law drafted all able-bodied white men between the ages of 18 and 35. (In 1864, as the Confederacy suffered more losses, the limits changed to 17 and 50.) However, those who could afford to were allowed to hire substitutes to serve in their places. The law also exempted planters who owned 20 or more slaves. Poor Confederates howled that it was a "rich man's war but a poor man's fight." In spite of these protests, almost 90 percent of eligible Southern men served in the Confederate army.

The Union law drafted white men between 20 and 45 for three years, although it, too, allowed draftees to hire substitutes. It also provided for commutation, or paying a \$300 fee to avoid conscription altogether. In the end, only 46,000 draftees actually went into the army. Ninety-two percent of the approximately 2 million soldiers who served in the Union army were volunteers—180,000 of them African-American.

### ANOTHER PERSPECTIVE

#### THE CHEROKEE AND THE WAR

Another nation divided by the Civil War was the Cherokee Nation. Both the North and the South wanted the Cherokee on their side. This was because the Cherokee Nation was located in the Indian Territory, an excellent grain- and livestock-producing area. For their part, the Cherokee felt drawn to both sides—to the Union because federal treaties guaranteed Cherokee rights, and to the Confederacy because many Cherokee owned slaves.

The Cherokee signed a treaty with the South in October 1861. However, the alliance did not last. Efforts by the pro-Confederate leader Stand Watie (*below*) to govern the Cherokee Nation failed, and federal troops invaded Indian Territory.

Many Cherokee deserted from the Confederate army; some joined the Union. In February 1863, the pro-Union Cherokee revoked the Confederate treaty.

