



Civil War Congress and the Creation of Modern America: A Revolution on the Home Front ed. Paul Finkelman and Donald R. Kennon.

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The Civil War transformed the United States. The movement of four million men, women, and children from chattelhood toward citizenship alone constituted a Second American Revolution.¹ Besides eliminating slavery, a remarkable flurry of wartime legislation initiated other legal, political, and economic changes. The 37th US Congress (1861–63) authorized paper currency, imposed an income tax, commenced conscription, passed the Homestead Act, launched the land-grant college initiative, and promoted construction of a railroad to the Pacific.² Now, editors Paul Finkelman and Donald Kennon have assembled an impressive team of scholars to revisit this multifaceted revolution.

Their wide-ranging anthology offers both more and less than its title suggests. Readers searching for detailed analysis of wartime lawmaking will not find it here. But anyone seeking fresh insights into how the war reshaped relations between the federal government and American citizens—workers, investors, students, conscripts, and voters—will discover in it much food for thought.

In her piece on conscription,³ historian Jennifer L. Weber (Univ. of Kansas) shows that the Enrollment Act (1863) fundamentally altered the relationship between state and federal authority and between the nation and the citizen. Previously, the states had been responsible for mobilizing manpower for the Union Army, but the Enrollment Act established a new agency, the Provost Marshal General's Bureau, to oversee conscription and, eventually, volunteer enlistments. The law's ostensible bias against working-class men and its encroachment on individual and state prerogatives provoked ferocious backlash. But Weber also emphasizes another feature which went curiously unchallenged by contemporary critics—the Bureau's aggressive surveillance of potential conscripts and civilians who allegedly incited draft resistance—which set a precedent for later "incursions on civil liberties, not the least of which has been the government's surveillance of its own people" (29).

Similarly, economist Jenny Bourne⁴ (Carleton College) traces the continuing influence of Congress's wartime reconfiguration of economic policy, including national banking, taxation, and borrowing. Although not all of these innovations persisted long after the war—the income tax ended in 1872, for instance—wartime economic legislation "planted seeds that grew strong roots

1. See Charles A. Beard and Mary R. Beard, *The Rise of American Civilization*, vol. 2 (NY: Macmillan, 1927) 52-121; James M. McPherson, *Abraham Lincoln and the Second American Revolution* (NY: Oxford U Pr, 1991).

2. See, e.g., Leonard P. Curry, *Blueprint for Modern America: Non-Military Legislation of the First Civil War Congress* (Nashville: Vanderbilt U Pr, 1968); Heather Cox Richardson, *The Greatest Nation of the Earth: Republican Economic Policies during the Civil War* (Cambridge, MA: Harvard U Pr, 1997).

3. "Conscription and Consolidation of Federal Power during the Civil War."

4. "To Slip the Surly Bonds of States' Rights and Form a More Perfect (Financial) Union: One Legacy of the Thirty-Seventh Congress."

and bore later fruit” (55), from the return of income taxation in 1913 to the close ties between the federal government and the banking system which loomed large in 2008.

The book leaves other questions about Congress unaddressed: what, for example, were the alternatives to the new conscription, taxation, and banking laws, and how exactly did they assume their final form? Which consequences were intentional, which unforeseen? By looking past 1865, however, the collection makes a strong case for the war’s long-term significance.

Prolific historian Peter Wallenstein (Virginia Polytechnic Inst. and State Univ. at Blacksburg) surveys the evolving relations between Congress, states, and students in a detailed essay⁵ on public higher education. When Congress passed the Morrill Land-Grant College Act in 1862, it earmarked revenues from the sale of public lands to fund colleges and universities nationwide. But the story does not end there. Implementation was largely left to the states, although subsequent federal legislation and, crucially, pressure from students—including women and African Americans—dramatically changed the nature of land-grant institutions.

What typically began as colleges to train farmers and engineers (in many cases both white and male and nobody else) grew into a whole new complex: coeducational, multiracial research institutions offering a near universe of programs to a near universe of constituencies. (83)

Without gainsaying the significance of the initial 1862 law, Wallenstein shows that the Civil War Congress set the country on a new but not unalterable course.

Nor did Congress operate in isolation from the other branches of government. In an insightful essay⁶ on gender, labor, and the wartime bureaucracy, Daniel W. Stowell⁷ explores the legislative and executive implications of women’s employment in federal offices, particularly in the Treasury Department. Scores of women wrote directly to President Lincoln seeking help in securing a federal job. Stowell makes ingenious use of their letters to analyze the shifting relationship between northern women, the president, and the executive departments. The presence of hundreds of female clerks working under the direction and at the discretion of male supervisors disturbed critics who imagined all sorts of corruption and immorality. In 1864, the House of Representatives appointed a special committee to investigate conditions in the Treasury Department. Predictably, the Republican majority found nothing amiss, while Democrats accused Spencer M. Clark, the Superintendent of the National Currency Bureau, of considerable wrongdoing. The war opened new opportunities for women in public employment, but problematic gender norms remained long afterward.

Other contributions bring new material to bear on Lincoln’s presidency. In a thoughtful essay,⁸ historian Jean H. Baker (Goucher College) situates the Lincoln family in the physical space of the White House, a multipurpose structure serving as private residence, public office, and ceremonial site. Nineteenth-century Americans enjoyed a striking level of access to the First Family. While Lincoln is regularly praised for his common touch, Baker shows the political and emotional toll wrought by a chronic lack of privacy. Though comparative analyses would have clarified what the Lincolns did and did not have in common with other mid-nineteenth-century First Families, Baker succeeds in humanizing a man whose presence in Washington is now a 175-ton marble statue.

5. “The Morrill Land-Grant College Act of 1862: Seedbed of the American System of Public Universities.”

6. “Abraham Lincoln and ‘Government Girls’ in Wartime Washington.”

7. Former director and editor (2001–16) of *The Papers of Abraham Lincoln*.

8. “Behind the Scenes: Abraham Lincoln’s Life in the White House.”

Among Lincoln's myriad worries was the legal and humanitarian calamity that unfolded in Minnesota following horrific violence between Dakota peoples and whites in late 1862. Despite having to deal with midterm elections, the process of emancipation, and the grinding war against the Confederacy, Lincoln carefully reviewed the convictions of Dakota captives, especially the capital sentences handed down to 303 of them. Braving stiff political headwinds, he refused to evade the controversy and pardoned all but thirty-eight of them. In an outstanding essay⁹ on Lincoln's handling of the "largest mass clemency of people sentenced to death in American history" (125), legal scholar Paul Finkelman (Gratz College) positions the case in its local, legal, military, and political contexts, demonstrating that Lincoln's courageous intervention marked a critical moment in the development of the law of war.

Lincoln's effort to restrain the use of lethal force cuts against the grain of many analyses of the Civil War, which stress the expansion of federal powers as violence escalated. But the antebellum nation-state had not been uniformly anemic. It could move swiftly and forcefully, whether to recover fugitive slaves, conquer California and New Mexico, or capture John Brown. Rather than focusing on real or perceived federal weakness or strength, it is worth considering just whose interests the government served. Journalist and former *Washington Post* correspondent Guy Gugliotta raises these issues in his thought-provoking essay¹⁰ on the construction and completion of the US Capitol dome (1850–63). Now seen as the physical symbol of the nation's wartime maturation, the project was ardently supported by Jefferson Davis, as both secretary of war and senator from Mississippi, despite its high cost¹¹ and (to some) ostentation. Davis objected only to the plan to grace the top of the dome with a statue wearing a liberty cap, traditionally the indicator of a freed slave. When the Davis-approved alternative (Statue of Freedom) was affixed to the dome in 1863, the Capitol project reflected "the design preferred by the president of the Confederacy" (210). Gugliotta's careful discussion of antebellum developments and the continuities across the 1850s and 1860s is a sobering reminder of the ability and eagerness of proslavery southerners to shape federal policy.

Persistent debates over the Civil War's meaning and legacy reflect its impacts on the diverse population that lived through it. No single volume can capture all of the changes wrought by the war, but the lucid and meticulously researched essays in *Civil War Congress and the Creation of Modern America* remind us of the conflict's sheer variety of intended and unintended consequences.

9. "Military Conflict on the Minnesota Homefront: Lincoln's Humanitarian Concerns, Political Pressures, the Dakota Pardons, and the Future of U.S. Military Law."

10. "A National Icon Comes of Age."

11. \$1,047,291 (equivalent to \$14.5 million in 2018)—*Wikipedia*, s.v. "United States Capitol Dome."