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Why No Parties?: Investigating the Disappearance of Democrat-Whig Divisions in the Confederacy

I. INTRODUCTION

The impact of political parties on political life in the United States has long been a subject of much interest to political scientists and other scholars.¹ In pursuit of a general theory of political parties, some scholars have focused on the origins of parties, believing that to understand their goals and actions, one must first understand why parties form. In particular, the rational-choice view of party formation has been the most prevalent view in recent years.² To rational-choice scholars, parties are “endogenous” institutions, extralegal instruments created by political office seekers to further their goals and ambi-

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1. Works, beginning with Woodrow Wilson, *Congressional Government: A Study in American Society* (Baltimore: Johns Hopkins University Press, 1881), comprise a good many political science classics. Below I will refer to James L. Sundquist, *Dynamics of the Party System: Alignment and Realignment of Political Parties in the United States* (Washington, DC: Brookings, 1983); Gary W. Cox and Mathew D. McCubbins, *Legislative Leviathan: Party Government in the House* (Berkeley: University of California Press, 1993); John H. Aldrich, *Why Parties?: The Origin and Transformation of Party Politics in America* (Chicago: University of Chicago Press, 1995); and Sarah A. Binder, *Minority Rights, Majority Rule: Partisanship and the Development of Congress* (Cambridge: Cambridge University Press, 1997).

2. John F. Hoadley, “The Emergence of Political Parties in Congress,” *American Political Science Review* 74 (1980): 757–79; John F. Hoadley, *Origins of American Political Parties, 1789–1803* (Lexington: University of Kentucky Press, 1986); Joseph A. Schlesinger, *Political Parties and the Winning of Office* (Ann Arbor: University of Michigan Press, 1991); Joel H. Silbey, *The American Political Nation, 1838–1893* (Stanford: Stanford University Press, 1991); John H. Aldrich and Ruth W. Grant, “The Antifederalists, the First Congress, and the First Parties,” *Journal of Politics* 55 (1993): 295–326; Aldrich, *Why Parties?*

tions by solving various collective-action and social-choice problems.³ Stated another way, parties are a rational response by politicians to the complexities they face in the political world.

This article, while operating within the rational-choice paradigm, is not about party formation *per se*. Rather, I investigate the other side of the coin: party *destruction*, or how the basis for a party's existence can be erased institutionally. In particular, I focus on the division between Democrats and Whigs in the pre-Civil War South and examine why this division survived the dissolution of the *national* Whig party in 1854 and continued through the state-level secession conventions in 1860–1861, but did not resurface in the government of the Confederacy after the Southern states seceded from the Union. I argue in fact that the disappearance of Democrat-Whig divisions in the Confederacy resulted from *partisan* behavior in the Confederate Constitutional Convention, in that the Democratic delegation used its majority status to adopt provisions that undercut the basis for the Whigs' political existence. In particular, the Democrats amended the Confederate Constitution to prohibit two of the Whigs' major prewar tenets – protective tariffs and federal funding for internal improvements – which, in effect, removed those issues from the legislative agenda. In addition to eliminating the issue basis of the Whig party, however, these amendments erased the *source* of Democrat-Whig divisions as well, which resulted in a partisan void in the incipient Confederate system. In order for a new party system to have developed, a new ideological division had to emerge on a given issue or set of issues – something that did not happen during the short life of the Confederacy.

Portraying the prohibition of protective tariffs and federally-funded internal improvements during the Confederate Constitutional Convention as a partisan maneuver is also consistent with other accounts of partisan behavior prior to the Civil War. That is, several recent studies conclude that majority parties in Congress during the antebellum era often attempted to alter institutional arrangements for their own benefit. Evelyn Fink argues that the creation of the Bill of Rights was a strategic ploy by the Federalist majority to forestall a growing Antifederalist movement.⁴ Sarah Binder finds that the adoption of the “previous question” rule in the House was a calculated move by the Jeffersonian majority to control floor debate by suppressing the procedural rights of the Federalist minority.⁵ Finally, in separate analyses of rules changes during the first part of the nineteenth century, both Binder and Douglas Dion argue that the governing party in Congress (regardless of whether it was the Jeffersonians, Democrats, or Whigs) routinely used its ma-

3. Thomas Schwartz, *The Logic of Collective Choice* (New York: Columbia University Press, 1986); Thomas Schwartz, “Why Parties?,” Research Memorandum, Department of Political Science, University of California at Los Angeles, 1989; Cox and McCubbins, *Legislative Leviathan*; Aldrich, *Why Parties?*

4. Evelyn Fink, “Institutional Change as a Sophisticated Strategy: The Bill of Rights as a Political Solution,” *Journal of Theoretical Politics* 7 (1995): 477–510.

5. Sarah A. Binder, “Partisanship and Procedural Choice: Institutional Change in the Early Congress, 1789–1823,” *Journal of Politics* 47 (1995): 1093–1118.

jority status to restrict the procedural rights of the minority party.⁶ Thus, while I depict the disappearance of Democrat-Whig divisions in the Confederacy as an example of endogenously-engineered party destruction, the particulars of the story also correspond well with partisan theories of institutional change.⁷

This article proceeds as follows. In section II, I provide a brief history of Democrat-Whig divisions to underscore the importance of protective tariffs and federally-funded internal improvements to this particular partisan arrangement. In sections III and IV, I describe the origins and internal organization of the Provisional Confederate government and the partisan breakdown of the Congressional delegates, to set the stage for the subsequent legislative battles in the Confederate Constitutional Convention. In section V, I examine the motions and votes during the Convention on protective tariffs and federal funding for internal improvements. In section VI, I offer my conclusions.

II. A BRIEF HISTORY OF DEMOCRAT-WHIG DIVISIONS

After the demise of the Federalist Party (following the War of 1812), the First Party System collapsed and a period of disarray – the Era of Good Feelings – enveloped the nation. The surviving political party, the Jeffersonian-Republicans, grew more heterogeneous during this period to the point where two distinct ideological factions emerged. One faction, led by Andrew Jackson, Martin Van Buren, and John Calhoun, wished to retain the traditional Jeffersonian tenets of states' rights and small central government, while the other faction, led by Henry Clay, John Quincy Adams, and Daniel Webster, wished to expand the role that the central government played in the economic and financial development of the nation.⁸ These factional differences came to a head during the presidential election of 1828, after which the Jackson-Van Buren-Calhoun wing took decisive control of the party. Under Jackson, the former Jeffersonian-Republicans became known as the Democratic Party, while the Clay-Adams-Webster faction broke off and formed the Whig Party. This Democrat-Whig cleavage solidified in the 1830s and became the nation's Second Party System.

Over the next twenty years, as America grew and expanded westward, the primary national political issue was economic, that is, determining the proper role for government in the economic development of the nation. This was, to use Aldrich's term, the "great principle" that defined and divided the parties during this period, as the Democrats and Whigs advanced very different political-economic programs.⁹ While the Democrats supported the traditional Jeffersonian political-economic vision (agrarian interests, a small cen-

6. Binder, *Minority Rights, Majority Rule*; Douglas Dion, *Turning the Legislative Thumbscrew* (Ann Arbor: University of Michigan Press, 1997).

7. For a discussion of the linkage between partisan goals and institutional change, see Binder, *Minority Rights, Majority Rule*, 10–12.

8. This expansion of the federal government's role in the nation's economic development, and the policies that it involved, became known as the "American System."

9. Aldrich, *Why Parties?*, 65, 71–72.

tral government, and *laissez-faire* economics), the Whigs advanced a much different program:

The Whig economic platform called for purposeful intervention by the federal government in the form of tariffs to protect domestic industry, subsidies for internal improvements, and a national bank to regulate the currency and make tax revenues available for private investment. Taken together, the various facets of this program disclose a vision of America as an economically diversified country in which commerce and industry would take their place alongside agriculture.¹⁰

The Whigs viewed the expansion of government as a logical follow-up to the nation's territorial and population expansion. As the United States became more urbanized, protective tariffs were needed to foster the nation's growing manufacturing and industrial sector. As new communities began developing in the West, internal improvements (roads, canals, harbors) were needed to connect them to markets in the East. Finally, as the nation's economy became larger and more diverse, a national bank and a strong banking system were needed to augment private investment and smooth market cycles.¹¹

With this comprehensive economic program, the Whigs were highly competitive at both the local and national levels throughout the 1840s. Their pinnacle occurred in 1840, when they captured the presidency and both chambers of Congress, thanks in part to a general economic depression in the late 1830s.¹² The Whigs lost control of unified government two years later, however, when internal strife divided the party and led to devastating House losses in the midterm elections. Despite this setback, the Whigs recovered well, recapturing the House in 1846 and the presidency in 1848, and seemed poised to remain a viable electoral force into the next decade.¹³

As 1850s opened, however, a new "great principle" emerged – slavery – which would dominate policymaking until the Civil War and led to the Whigs' downfall as a national party.¹⁴ Slavery had been a divisive issue since the nation's founding, but thanks to the Missouri Compromise in 1820, which had allowed for equitable territorial expansion and statehood claims for both North and South, tensions had cooled considerably. By 1850, however, the assumptions underlying the compromise had expired: the South had nowhere left to expand territorially, and southern leaders demanded that slavery rights be extended into the western territories.

The battle in Congress over the extension of slavery rights and the subse-

10. Daniel Walker Howe, *The Political Culture of the American Whigs* (Chicago: University of Chicago Press, 1979), 16.

11. Thomas Brown, *Politics and Statesmanship: Essays on the American Whig Party* (New York: Columbia University Press, 1985), 170–81; William W. Freehling, *The Road to Disunion: Secessionists at Bay, 1776–1854* (New York: Oxford University Press, 1990), 560–61; Silbey, *The American Political Nation*, 160–62.

12. Richard Hofstadter, William Miller, and Daniel Aaron, *The American Republic*, Vol. One: *to 1865* (Englewood Cliffs, N.J.: Prentice Hall, 1959), 422–25.

13. Kenneth C. Martis, *The Historical Atlas of Political Parties in the United States Congress: 1789–1989* (New York: Macmillan, 1989), 31–32.

14. Sundquist, *Dynamics of the Party System*, 74–105.

quent policy agreement (the Compromise of 1850) split the Whig party, as northern Whigs opposed the Compromise, while southern Whigs supported it. This regional split seriously damaged the Whigs' interregional alliance and sent the party's fortunes on a downward spiral. Four years later, in 1854, the slavery issue surfaced yet again, as the Democratic-controlled Congress passed the Kansas-Nebraska Act, which repealed the Missouri Compromise by extending slavery rights north of 36°30'.¹⁵ Once again, Whig members of Congress were split into regional factions, destroying any lingering vestiges of national partisanship.¹⁶

Out of the Whigs' ashes emerged the Republican party, a sectional coalition built almost exclusively on antislavery tenets. A majority of the northern Whigs would eventually join the Republican party, some after flirtations with nonviable third parties, such as the Americans, Free Soilers, and Anti-Nebraskans.¹⁷ Gaining converts and building an electoral organization, the Republicans vied with the Democrats throughout the latter-half of the 1850s and took control of the government in 1860 (electing Abraham Lincoln and a Republican Congress), laying the groundwork for the South's secession and civil war.

In building their winning coalition, however, the Republicans made no inroads in the South; rather, their party was based strictly in the North. Thus, at the national level, the old interregional partisan battles of past eras were replaced by a regional-interregional one. After the southern states seceded and the Civil War began, the Republican-Democrat schism remained intact, shifting from slavery to the broader issues of civil liberties and Federalism.¹⁸ In their effort to manage the war, Republican leaders attempted to centralize decision-making, drawing power away from the states. In turn, as Jean Baker contends, "Democrats defined themselves [during the war] as an opposition party limiting centralized power."¹⁹

But what of the South? A host of both historical and empirical studies contend that a competitive two-party system did not exist in the Confederacy.²⁰

15. Hofstadter, Miller, and Aaron, *The American Republic*, 568–73; David M. Potter, *The Impending Crisis, 1848–1861* (New York: Harper & Row, 1976), 160–77.

16. Potter, *The Impending Crisis*, 238–40; Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings & the Politics of the 1850s* (New York: Oxford University Press, 1992), 15–20; Aldrich, *Why Parties?*, 126–43.

17. Hofstadter, Miller, and Aaron, *The American Republic*, 574–75; Aldrich, *Why Parties?*, 136–40.

18. Joel H. Silbey, *A Respectable Minority: The Democratic Party in the Civil War Era, 1860–1868* (New York: Norton, 1977), 70–81; Richard Franklin Bensel, *Yankee Leviathan: The Origins of Central State Authority in America, 1859–1877* (Cambridge: Cambridge University Press, 1990).

19. Jean H. Baker, "A Loyal Opposition: Northern Democrats in the Thirty-Seventh Congress," *Civil War History* 25 (1979): 139–55.

20. Wilfred Buck Yearns, *The Confederate Congress* (Athens: University of Georgia Press, 1960); David M. Potter, "Jefferson Davis and the Political Factors in Confederate Defeat," in David Donald, ed., *Why the South Won the Civil War* (New York: Collier, 1960); Eric L. McKittrick, "Party Politics and the Union and Confederate War Efforts," in William N. Chambers and Walter Dean Burnham, eds., *The American Party Systems: Stages of Political Development* (New York: Oxford University Press, 1967); Thomas B. Alexander and Richard E. Beringer, "The Anatomy of the Confederate Congress: A Study of the Influences of Member Characteristics on Legislative Voting Be-

Given this, it would be easy to assume that southerners simply became a monolithic voting bloc after the collapse of the national Whig party – coalescing around slavery issues – and that this party-less state continued up to and after secession.²¹ To assume, however, that old, *regional* party ties collapsed in the South during the mid-1850s, simply because (a) the *national* Whig party collapsed and (b) Southerners were united behind a common issue (slavery) would ignore historical realities. Thomas Alexander emphasizes this point:

It is often stated that the Whig party in the United States disintegrated during the 1850s in all parts of the country, including the eleven states that were to comprise the Confederacy. Students of the South's political history are not unaware that the Constitutional Union party of 1860 was substantially a continuation of the Whig party of the South; but the rare mention of the term "Whig" in studies of the section after 1860 would seem to imply that the party disappeared with the firing of the first gun at Fort Sumter, and that its leaders promptly forgot that they had venerated Henry Clay or vilified their Democratic opponent.²²

Popular voting results from this era substantiate Alexander's claim. Joel Silbey notes that Southern voting patterns in the late-1850s, especially in the upper-South, were quite consistent with patterns from earlier two-party periods.²³ Moreover, the old Democrat-Whig divisions played a large part in the state-level secession conventions in the South during 1860–1861. Whig voters from the upper-South tended to be much more pro-Union than their Democratic brethren, and convention delegates from old Whig counties in Tennessee, Virginia, North Carolina, and Kentucky successfully stymied secessionist tendencies during the early months of 1860s.²⁴ Whig voters from the lower-South were also pro-Union, and while convention delegates from old Whig counties in Georgia, Florida, Mississippi, and Louisiana staunchly opposed secession, they were outnumbered by anti-Union, pro-secession delegates from old Democratic counties.²⁵

The above discussion leads to the following question: if the Democrat-Whig divisions in the South persisted throughout the 1850s and into the secession

havior, 1861–1865 (Nashville: Vanderbilt University Press, 1972); Richard E. Beringer, "The Unconscious 'Spirit of Party' in the Confederate Congress," *Civil War History* 18 (1972): 312–33; Jeffery A. Jenkins, "Examining the Bonding Effects of Party: A Comparative Analysis of Roll-Call Voting in the U.S. and Confederate Houses," *American Journal of Political Science* 43 (1999): 1144–65.

21. See Avery O. Craven, *The Growth of Southern Nationalism, 1848–1861* (Baton Rouge: Louisiana State University Press, 1953); Avery O. Craven, *Civil War in the Making, 1815–1860* (Baton Rouge: Louisiana State University Press, 1959).

22. Thomas B. Alexander, "Persistent Whiggery in the Confederate South, 1860–1877," *Journal of Southern History* 27 (1961): 305–29, 305.

23. Silbey, *The American Political Nation*, 138.

24. Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill: University of North Carolina Press, 1989), 37–65.

25. Ralph A. Wooster, *The Secession Conventions of the South* (Princeton: Princeton University Press, 1962), 262–63.

conventions in 1860–1861, then why did those divisions disappear in the government of the Confederacy? In the following sections, I argue that the disappearance of Democrat-Whig divisions was engineered *endogenously* in a *partisan* manner by Democratic delegates in the Confederate Constitutional Convention. Since the Democrats were a numerical majority, I contend that they used the institutional context – the formation of a new Constitutional structure and government – as an opportunity to remove two major issues on which the Whig Party was constructed: protective tariffs and federal funding for internal improvements. Once those two issues were constitutionally settled (to the Democrats’ satisfaction), I argue, the *basis* for the Democrat-Whig division also disappeared because those issues constituted the “great principle” that defined the political agenda and the structure of partisan politics during the 1840s and 1850s. Thus, when the permanent Confederate government commenced several months later, it was devoid of a party system. In order for a new party system to develop, a new “great principle” had to emerge, a condition that was not met during the short life of the Confederacy.

In the following two sections, I describe the origins and internal organization of the Provisional Confederate government and the partisan breakdown of the Congressional delegates to set the stage for the battle over protective tariffs and internal improvements in the Confederate Constitutional Convention.

III. THE PROVISIONAL CONFEDERATE GOVERNMENT

Prior to the U.S. Presidential election of 1860, the legislatures of several states from the Deep South had made plans to meet in special session for the purpose of seceding from the United States, should the Republican candidate, Abraham Lincoln, be elected. To Southerners, Lincoln represented a sectional party with a sectional (antislavery) program that threatened their social and economic way of life.²⁶ Thus, with their threats of secession, Southerners expressed “a settled determination that the South should never be oppressed under Lincoln’s administration.”²⁷ On November 6, 1860, these threats became a reality, as Lincoln was elected President, precipitating secession and the disintegration of the seventy-year American union of free and slave states.

South Carolina was the first state to secede on December 20, 1860, and the rest of the Deep South followed its lead, as Alabama, Florida, Georgia, Louisiana, and Mississippi seceded in January 1861, with Texas following suit in February 1861.²⁸ The impulse to secede did not carry over initially to the

26. Charles Robert Lee, *The Confederate Constitutions* (Chapel Hill: University of North Carolina Press, 1963), 4–5.

27. Dwight Lowell Dumond, *Southern Editorials on Secession* (New York: Century, 1931), xvi–xvii.

28. Wooster, *The Secession Conventions of the South*, 11–138; Emory M. Thomas, *The Confederate Nation: 1861–1865* (New York: Harper & Row, 1979), 38–56; Kenneth C. Martis, *The Historical Atlas of the Congresses of the Confederate States of America: 1861–1865* (New York: Simon and Schuster, 1994), 10.

Upper South and proslavery Border states, however, as legislatures in Virginia, North Carolina, Arkansas, Tennessee, Kentucky, Missouri, Delaware, and Maryland determined to stay in the Union.²⁹ Thus, at the outset, only seven states – Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Texas – constituted the new Confederate nation.

On February 3, 1861, delegates from these former U.S. states, elected by majority vote in their respective state secession conventions,³⁰ convened in Montgomery, Alabama, to create the Confederate States of America.³¹ The number of delegates each state received was a function of its representation in the U.S. Congress, that is, delegation size was equal to the number of U.S. representatives and senators.³² Thus, the Montgomery Convention was composed of fifty delegates, with Georgia being the largest contingent (ten) and Florida being the smallest (three). Voting was conducted in accordance with the unit rule, with each state delegation, regardless of size, possessing one vote.³³ The individual “yeas” and “nays” could be recorded, however, upon the motion of any one member, seconded by one-fifth of the members present, or at the insistence of any one state.³⁴

Within five days, the Montgomery Convention adopted a temporary governmental structure and provisional Constitution, based on the U.S. system.³⁵ With the completion of these immediate tasks, the Montgomery delegates turned their attention toward creating a permanent governmental structure. In doing so, the fifty delegates of the Montgomery Convention became the Provisional Congress, a unicameral body whose primary task was to serve as a national governing authority for a maximum of one year or until a permanent Constitution and governmental structure could be constructed, whichever came first.³⁶

On February 9, 1861, a twelve-man committee, comprised of two members from each state (except Texas), was appointed to draft a permanent Constitution.³⁷ Moreover, in what appeared to be an attempt to move beyond the partisan troubles of the past, the Committee of Twelve was constructed in a bipar-

29. Wooster, *The Secession Conventions of the South*, 139–55; Thomas, *The Confederate Republic*, 85–90. Only later, after the attack on Fort Sumter in April 1861, did Virginia, Arkansas, Tennessee, and North Carolina secede: Virginia seceded in April, while Arkansas, North Carolina, and Tennessee seceded in May. Missouri and Kentucky never officially seceded, but they did elect rump governments that were recognized by the Confederacy. These states were added to the Confederacy in November and December, 1861, respectively. Delaware and Maryland did not secede, nor did they elect rump governments. See Thomas, *The Confederate Nation*, 93–95; Martis, *The Historical Atlas of the Congresses of the Confederate States of America*, 10.

30. The only exception was Florida, whose delegates were selected by the governor. See Lee, *The Confederate Constitutions*, 22.

31. The Texas delegation did not arrive in Montgomery until mid-February. See Thomas, *The Confederate Nation*, 56.

32. Lee, *The Confederate Constitutions*, 22. The exception was Texas, which was given seven delegates, three more than they were entitled under the rule. See Martis, *The Historical Atlas of the Congresses of the Confederate States of America*, 9.

33. Martis, *The Historical Atlas of the Congresses of the Confederate States of America*, 7.

34. *Confederate Journal*, I:17.

35. Yearn, *The Confederate Congress*, 22–25; Lee, *The Confederate Constitutions*, 60–72.

36. Thomas, *The Confederate Republic*, 58–66. 37. *Confederate Journal*, I:41–42.

tisan manner, evenly divided between six Democrats and six Whigs.³⁸ Over the next several weeks, the Committee of Twelve worked deep into the night, while the Provisional Congress proceeded in its role as governing authority, drafting and enacting legislation. Finally, on February 28, the Committee of Twelve completed its task and presented a draft of a Permanent Confederate Constitution to the Provisional Congress. Over the next twelve days, the members of the Provisional Congress split their time between regular and special duty, meeting as a national legislature in the morning and as a Constitutional Convention in the afternoon.³⁹ On March 11, 1861, after much discussion, debate, and amending, the Permanent Constitution was unanimously accepted, thereby establishing a permanent Confederate government.⁴⁰

It was during the Constitutional Convention, I argue, that the old partisan divisions reemerged and the issues underlying the Democrat-Whig division were eliminated. Despite initial attempts at bipartisanship, through an equitable partisan division on the Committee of Twelve, the Democrats could not resist using their majority status in the Convention to amend the Constitution in their favor. Before turning to an analysis of Convention proceedings, however, I first discuss the partisanship of Convention members by delegation, to generate predictions regarding state unit votes, as well as individual votes.

IV. PARTISAN AFFILIATIONS IN THE PROVISIONAL CONGRESS

To test the contention that partisan voting in the Confederate Constitutional Convention led to the prohibition of protective tariffs and federal funding for internal improvements (the two major issues underlying the Whig party), I first must be able to identify the partisan affiliations of members of the Provisional Confederate Congress. Fortunately, these data are available, and I detail the partisan breakdown by state delegation in this section.

Four different partisan coding schemes exist for members of the Provisional Confederate Congress.⁴¹ For nearly all Confederate Representatives, these four schemes arrive at identical partisan identifications. There are, however, three cases where discrepancies exist, and in those instances I went with the majority opinion.⁴²

38. Lee, *The Confederate Constitutions*, 82.

39. *Confederate Journal*, I:94; Lee, *The Confederate Constitutions*, 87.

40. *Confederate Journal*, I:896.

41. Yearns, *The Confederate Congress*, 236–44; Lee, *The Confederate Constitutions*, 155–58; Alexander and Beringer, *The Anatomy of the Confederate Congress*, 354–89; Ezra J. Warner and W. Buck Yearns, *Biographical Register of the Confederate Congress* (Baton Rouge: Louisiana State University Press, 1975), 3–265.

42. Colin McRae of Alabama was listed as a Democrat by Lee, Warner and Yearns, and Yearns, but as a Whig by Alexander and Beringer; thus, I coded him as a Democrat. Thomas Fearn of Alabama was listed as a Democrat by both Lee and Yearns, but was given no partisan label by Alexander and Beringer or Warner and Yearns. Since this was a tie between a partisan label and no label, I sided with the partisan label, and thus coded him as a Democrat. Augustus Wright of Georgia was listed as a Democrat by Lee, Warner and Yearns, and Yearns, but as a Whig by Alexander and Beringer; thus, I coded him as a Democrat.

Table 1. Partisan Affiliation by State Delegation

State	Delegates	Democrats	Whigs	Unknown
Alabama	9	5	4	0
Florida	3	2	1	0
Georgia	10	4	6	0
Louisiana	6	1	4	1
Mississippi	7	6	1	0
South Carolina	8	8	0	0
Texas	7	6	1	0

Note: Partisan affiliation data is taken from Yearns, *The Confederate Congress*; Lee, *The Confederate Constitutions*; Alexander and Beringer, *The Anatomy of the Confederate Congress*; and Warner and Yearns, *Biographical Directory of the Confederate Congress*.

Partisan affiliations by state delegation are presented in Table 1. Democrats held a majority in five states – Alabama, Florida, Mississippi, South Carolina, and Texas – while Whigs controlled two – Georgia and Louisiana. Close partisan divisions existed in three states: Alabama, in which Democrats had a 5–4 advantage; Georgia, in which Whigs had a 6–4 advantage; and Florida, in which Democrats had a 2–1 advantage. In total, there were thirty-two Democrats, seventeen Whigs, and one “unknown” who served in the Provisional Confederate Congress.

Using this partisan data, I can make predictions about how members (and states) should have behaved on the issues of protective tariffs and federal funding for internal improvements in the Constitutional Convention, *if partisanship was the guiding force behind their actions*. As I have documented, since the 1830s, Democrats had been opposed to governmental influence in the economy, while Whigs had been in favor of such an approach. If there were motions to *prohibit* protective tariffs and federal funding for internal improvements during the Constitutional Convention, Democrats should have made such motions and supported them, while Whigs should have opposed them. Further, unit (state) votes should have broken down along partisan lines, with “prohibition” winning 5 to 2. Individual roll-calls, when requested, also should have broken down along partisan lines.

V. PARTISANSHIP IN THE PROCEEDINGS OF THE CONFEDERATE CONSTITUTIONAL CONVENTION

In this section, I examine how the issues of protective tariffs and federal funding for internal improvements were dealt with in the Confederate Constitutional Convention. In particular, I analyze voting data (both unit votes and individual roll-calls) to determine whether partisanship affected Constitutional outcomes.

Protective Tariffs

Even before the protective tariff was debated during the Constitutional convention in early March 1861, the Provisional Congress, led by a Democratic majority, had been moving commercial policy toward the free-trade end of the spectrum. When the Provisional Congress began proceedings on February 9, 1861, it established a free-trade baseline by continuing the existing U.S. tariff – the Tariff of 1857 – via a general statute.⁴³ The Tariff of 1857 was in fact rather toothless and represented the weakest U.S. protectionist legislation since 1816.⁴⁴ Just over a week later, on February 18, Democrat John Perkins of Louisiana offered and had passed an amendment to the February 9 act to allow free trade in railroad iron, living animals of all kinds, “all agricultural products in their natural states,” war materials, and other enumerated manufactured products, which passed.⁴⁵ Four days later, on February 22, Democrat Martin J. Crawford of Georgia offered a bill to establish free navigation of the Mississippi River from the Louisiana delta to the northern border of the Confederacy, which also passed.⁴⁶ This bill reflected the interests of delegates from Alabama, Louisiana, and Mississippi, whose states’ commerce was dependent on free navigation of the Mississippi River and who were instructed by their state legislatures to seek unrestricted river-related commerce.⁴⁷ Finally, on February 25, Democrat Christopher G. Memminger of South Carolina offered a bill to repeal the U.S. navigation laws and all discriminating duties on ships or vessels, which was passed.⁴⁸ This bill was especially important to lower-Atlantic delegates, as it loosened ties on coastal trade.⁴⁹

With the passage of these free-trade policy initiatives in February 1861, the Democratic delegates to the Provisional Congress were ready to tackle the protective tariff when the issue was broached in the Constitutional Convention on March 4, 1861. That morning, in a letter to his wife, Thomas R. R. Cobb of Georgia noted the general feeling in the chamber: “The tariff question is troubling us a good deal. The absolute free trade principal is very strongly advocated.”⁵⁰ That afternoon, the delegates were in the midst of dis-

43. *Confederate Journal*, I:41. 44. Lee, *The Confederate Constitutions*, 93.

45. *Confederate Journal*, I:63. For a more detailed account of this legislation, see *Confederate Journal*, I:46, 59–60; Richard Cecil Todd, *Confederate Finance* (Athens: University of Georgia Press, 1954), 123.

46. *Confederate Journal*, I:75. For the origin of this legislation, see *Confederate Journal*, I:60. This act was approved and signed into law by Jefferson Davis on February 25, 1861. See *Confederate Journal*, I:82.

47. Lee, *The Confederate Constitutions*, 85.

48. *Confederate Journal*, I:81–82. For a more detailed account of this legislation, see *ibid.*, 60, 69–70. This act was approved and signed into law by Jefferson Davis on February 26, 1861. See *Confederate Journal*, I:88.

49. Richard Franklin Bensel, “Southern Leviathan: The Development of Central State Authority in the Confederate States of America,” *Studies in American Political Development* 2 (1987): 68–136, 122.

50. Thomas R.R. Cobb to his wife, March 4, 1861. Quoted in Lee, *The Confederate Constitutions*, 93.

cussing the first article of the Permanent Confederate Constitution, when they turned their attention to the first clause of the eighth section, which read:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, for revenue necessary to pay the debts and carry on the Government of the Confederate States; but all duties, imposts and excises shall be uniform throughout the Confederate States.⁵¹

Seizing the moment, the advocates of free trade made their move. Robert Barnwell Rhett, a Democrat from South Carolina and a strong proponent of states' rights and free trade,⁵² moved to amend the clause by inserting after the words "Government of the Confederate States" the following phrase:

no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid to foster or promote any branch of industry⁵³

In response, Eugenius A. Nisbet, a Whig from Georgia, moved to amend Rhett's amendment by striking it out and inserting in lieu the following:

no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid *exclusively* to foster or promote any branch of industry *at the expense of any other*⁵⁴

Nisbet's amendment was an attempt to create an antiprotection clause that was so stringent and narrowly written that it would become toothless. Before these amendments could be dealt with, however, Benjamin H. Hill, a Whig from Georgia, moved to lay both Rhett's amendment and Nisbet's amendment to Rhett's amendment on the table, which would kill any further discussion of prohibition. Hill's motion was seconded, and a vote to table was taken by state.⁵⁵

Voting results on the motion to table, as well as partisan vote predictions, appear in Table 2. To reiterate, a partisan model of vote choice would predict that Democrat-controlled states should oppose protectionism (and thereby oppose the tabling of antiprotectionist legislation), while Whig-controlled states should favor protectionism (and thereby favor the tabling of antiprotectionist legislation). As predicted, the vote broke down along partisan lines: the Democrat-controlled states of Alabama, Florida, South Carolina, and Texas voted nay, thereby opposing tabling, while the Whig-controlled states of Georgia and Louisiana voted yea, thereby supporting tabling. The only partisan prediction "error" was Mississippi, which was divided and did not cast a vote. Thus, the motion to table was defeated by a vote of 4 to 2.⁵⁶

After the unsuccessful tabling attempt by the Whigs, Nisbet's amendment to Rhett's amendment was considered and defeated. Four additional motions

51. *Confederate Journal*, I:853.

52. Laura A. White, *Robert Barnwell Rhett: Father of Secession* (New York: Century, 1931), 197–98.

53. *Confederate Journal*, I:864. 54. *Ibid.* 55. *Ibid.* 56. *Ibid.*

Table 2. Vote to Table Antiprotectionist Legislation

State	Majority Party	Predicted Vote	Actual Vote
Alabama	Democrats	Nay	Nay
Florida	Democrats	Nay	Nay
Georgia	Whigs	Yea	Yea
Louisiana	Whigs	Yea	Yea
Mississippi	Democrats	Nay	Divided
South Carolina	Democrats	Nay	Nay
Texas	Democrats	Nay	Nay

Source: *Confederate Journal*, I:864.

to amend Rhett's amendment were made over the course of the day, but all went down to defeat.⁵⁷ Finally, Rhett demanded the question on his motion to amend, which was seconded, and a vote was taken by state.

Results from the vote on Rhett's amendment, as well as partisan vote predictions, appear in Table 3. The vote broke down *perfectly* along partisan lines. Democrat-controlled states are predicted to vote for Rhett's antiprotectionist amendment, and all five of these states – Alabama, Florida, Mississippi, South Carolina, and Texas – voted yea. Whig-controlled states are predicted to vote against Rhett's antiprotectionist amendment, and both of these states – Georgia and Louisiana – voted nay. The final state-vote, then, was 5 to 2 in favor of Rhett's amendment.⁵⁸ Consequently, the first clause of the eighth section of Article I, as amended, read as follows:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, for revenue necessary to pay the debts and carry on the Government of the Confederate States; but no bounties shall be granted from the Treasury; nor shall any duties or taxes on importations from foreign nations be laid to foster or promote any branch of industry; and all duties, imposts and excises shall be uniform throughout the Confederate States.⁵⁹

Thus, behind strongly partisan voting, the Democratic majority in the Confederate Constitutional Convention was able to amend the Constitution to prohibit the creation of protective tariffs. Thus, with this amendment, as Lee states, "the issue of the protective tariff was laid to rest, as far as the Confederacy was concerned."⁶⁰

Federal Funding of Internal Improvements

With the protective tariff settled, members of the Provisional Congress turned their attention to the issue of federal funding of internal improvements.

57. *Ibid.*, I:864–65. No votes on these four motions, as well as on Nisbet's amendment, were recorded.

58. *Ibid.*, 865. 59. *Ibid.*, 913. 60. Lee, *The Confederate Constitutions*, p. 94.

Table 3. Vote to Prohibit Protective Tariffs

State	Majority Party	Predicted Vote	Actual Vote
Alabama	Democrats	Yea	Yea
Florida	Democrats	Yea	Yea
Georgia	Whigs	Nay	Nay
Louisiana	Whigs	Nay	Nay
Mississippi	Democrats	Yea	Yea
South Carolina	Democrats	Yea	Yea
Texas	Democrats	Yea	Yea

Source: *Confederate Journal*, I:865.

Fresh from their victory on protectionism, the Democrats were intent on ridding themselves of the internal improvements issue, the second major tenet of the Whigs' political-economic platform. The general feeling within the Democratic coalition on internal improvements was summarized nicely by Alexander H. Stephens, a Whig from Georgia: "The true principle is to subject the commerce of every locality to whatever burdens may be necessary to facilitate it. If Charleston harbor needs improvement, let the commerce of Charleston bear the burden."⁶¹

The internal improvements issue was debated briefly on March 4 and 5,⁶² but was not considered seriously until March 9, when the third clause of the eighth section of Article I was discussed. This clause read as follows:

Congress shall have the power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.⁶³

It was here where the Democrats made their move, as Robert Barnwell Rhett once again led charge. Rhett offered the following amendment, to be tacked on to the end of the third clause:

but neither this, nor any other clauses contained in this Constitution, shall ever be construed to delegate the power of Congress to appropriate money for any internal improvement intended to facilitate commerce.⁶⁴

In response, Francis R. Bartow, a Whig from Georgia, moved to lay Rhett's amendment on the table and demanded the question, which was seconded, and a vote was taken by state.

Voting results on the motion to table, as well as partisan vote predictions, appear in Table 4. To reiterate, a partisan model of vote choice would predict that Democrat-controlled states should oppose federal funding of internal improvements (and thereby oppose the tabling of Rhett's amendment),

61. Quote taken from Henry Cleveland, *Alexander H. Stephens, In Public and Private* (Philadelphia: National Publishing Company, 1866), 719.

62. *Confederate Journal*, I:865–66. 63. *Ibid.*, I:891. 64. *Ibid.*

Table 4. Vote to Table Anti-Internal Improvements Legislation

State	Majority Party	Predicted Vote	Actual Vote
Alabama	Democrats	Nay	Yea
Florida	Democrats	Nay	Nay
Georgia	Whigs	Yea	Yea
Louisiana	Whigs	Yea	Divided
Mississippi	Democrats	Nay	Nay
South Carolina	Democrats	Nay	Nay
Texas	Democrats	Nay	Nay

Source: *Confederate Journal*, I:891.

while Whig-controlled states should favor federal funding of internal improvements (and thereby favor the tabling of Rhett's amendment). The vote broke down reasonably well along partisan lines: the Democrat-controlled states of Florida, Mississippi, South Carolina, and Texas voted nay, thereby opposing tabling, while the Whig-controlled state of Georgia voted yea, thereby supporting tabling. There were, however, two partisan prediction "errors," as Alabama voted yea, while Louisiana was divided and did not cast a vote. Thus, the motion to table was defeated by a vote of 4 to 2, as the Whigs were unable to stymie the Constitutional engineering of the Democratic majority.⁶⁵

In addition to these state-level voting results, the individual-level voting results were recorded (at the instance of South Carolina) on Bartow's tabling motion. These individual-level results are presented in Table 5. Forty of the fifty delegates voted, and of the forty individual votes cast, I can make partisan predictions for thirty-nine of them.⁶⁶ Of those thirty-nine votes, party predicts thirty-one (79.5 percent) correctly. Further, the voting errors were distributed evenly across the two parties, as nineteen of the twenty-three Democrats (82.6 percent) and twelve of the sixteen Whigs (75 percent) voted in the predicted direction.⁶⁷ Thus, two results follow from these individual totals: Democrats received their preferred outcome, thanks to partisan voting and their majority status, and the Democrat-Whig divisions that existed prior to secession were still quite visible at this time on the internal improvements issue.

An additional amendment was tacked on to the end of Rhett's original amendment, allowing Congress to make certain appropriations, but only in the case of aiding navigation or improving harbors. Moreover, duties would be laid on the vessels that benefitted from those improvements, to pay the costs to maintain them.⁶⁸ The full text of this amendment is as follows:

65. *Ibid.* 66. A partisan affiliation for Henry Marshall of Louisiana does not exist.

67. *Confederate Journal*, I:891. The null of equality in proportions of partisan errors cannot be rejected ($z = 0.579$, $p < 0.563$).

68. William C. Davis, "A Government of Our Own": *The Making of the Confederacy* (Baton Rouge: Louisiana State University Press, 1994), 254–55.

Table 5. Individual Votes on Motion to Table Anti-Internal Improvements Legislation

Congressman	State	Party	Predicted Outcome	Revealed Outcome
Chilton, W. P.	Alabama	Whig	Yea	Yea
Curry, J. L.	Alabama	Democrat	Nay	Nay
Fearn, T.	Alabama	Democrat	Nay	Yea
Hale, S.	Alabama	Whig	Yea	Yea
Smith, W. R.	Alabama	Whig	Yea	Yea
Walker, R. W.	Alabama	Whig	Yea	Yea
Anderson, J.	Florida	Democrat	Nay	Nay
Morton, J.	Florida	Whig	Yea	Yea
Owens, James	Florida	Democrat	Nay	Nay
Bartow, F.	Georgia	Whig	Yea	Yea
Cobb, Howell	Georgia	Democrat	Nay	Nay
Cobb, T. R. R.	Georgia	Democrat	Nay	Yea
Hill, R. H.	Georgia	Whig	Yea	Yea
Nisbet, E.	Georgia	Whig	Yea	Yea
Stephens, A.	Georgia	Whig	Yea	Yea
Toombs, R. A.	Georgia	Whig	Yea	Nay
Wright, A. R.	Georgia	Democrat	Nay	Nay
Conrad, C.	Louisiana	Whig	Yea	Yea
De Clouet, A.	Louisiana	Whig	Yea	Yea
Kenner, D. F.	Louisiana	Whig	Yea	Yea
Marshall, Henry	Louisiana	***	***	Nay
Perkins, J.	Louisiana	Democrat	Nay	Nay
Sparrow, E.	Louisiana	Whig	Yea	Nay
Barry, W. T. S.	Mississippi	Democrat	Nay	Nay
Clayton, A. M.	Mississippi	Democrat	Nay	Yea
Harris, W. P.	Mississippi	Democrat	Nay	Yea
Harrison, J.	Mississippi	Whig	Yea	Nay
Wilson, W. S.	Mississippi	Democrat	Nay	Nay
Barnwell, R.	South Carolina	Democrat	Nay	Nay
Boyce, W.	South Carolina	Democrat	Nay	Nay
Chestnut, J.	South Carolina	Democrat	Nay	Nay
Keitt, L. W.	South Carolina	Democrat	Nay	Nay
Memminger, C.	South Carolina	Democrat	Nay	Nay
Miles, W.	South Carolina	Democrat	Nay	Nay
Rhett, R. B.	South Carolina	Democrat	Nay	Nay
Withers, T. J.	South Carolina	Democrat	Nay	Nay
Gregg, John	Texas	Democrat	Nay	Nay
Ochiltree, W.	Texas	Whig	Yea	Nay
Oldham, W. S.	Texas	Democrat	Nay	Nay
Waul, Thomas	Texas	Democrat	Nay	Nay

Note: Voting data were taken from the *Confederate Journal*, I:891.

except for the purpose of furnishing lights, beacons, buoys, and other aids to navigation upon the coasts, and the improvement of harbors and the removing of obstructions in river navigation, in all which cases, such duties shall be laid on the navigation facilitated thereby, as to pay the costs and expenses thereof.⁶⁹

With the addition of this amendment, Rhett's original amendment was passed, laying "the issue of internal improvements to rest along side that of the [protective] tariff."⁷⁰ Thus, the Democratic majority in the Provisional Congress was able to eliminate *constitutionally* the two major issues underlying the Whig party's existence.⁷¹

VI. CONCLUSION

Students of political history have concluded that the Confederacy was devoid of a party system during its short existence as an independent nation. Yet, the traditional Democrat-Whig divisions, which had been in place in the South since the 1830s, had persisted through the 1850s (after the fall of the *national* Whig party) and into the state secession convention in 1860–1861. Given this, why did these partisan divisions disappear after the South seceded from the United States and formed its own nation?

I find that the Democrat-Whig divisions did not disappear immediately, but rather were eliminated shortly thereafter through *partisan* maneuverings. The Democrats used their majority advantage in the Confederate Constitutional Convention to amend the Confederate Constitution to prohibit the two major issues that formed the basis of the Whig party: protective tariffs and federal funding of internal improvements. An analysis of these votes during the convention reveals that their resolution was accomplished in a highly partisan manner, with Democrats voting for prohibition and Whigs voting against prohibition.

When these two issues were prohibited constitutionally, the necessary condition for a Democrat-Whig two-party system was eliminated as well. The Whig Party had organized itself in the 1830s to oppose the Democratic Party on the major issue of the day: government's proper role in the economic expansion of the nation. This was the "great principle" that defined the Democrat-Whig party system and, at its heart, lied two issues: protective tariffs and federal funding of internal improvements. These two issues fostered the ideological divide between the two parties up to the South's secession. When these two

69. *Confederate Journal*, I:891–92.

70. Lee, *The Confederate Constitutions*, 96. The importance of the internal improvements prohibition to the Democratic coalition is summed up in a quote taken from the *Montgomery Weekly Advertiser* (March 20, 1861): "This clause alone is worth all the sacrifice we may be called on to encounter in the great revolution in which we are engaged." Quote reprinted in Davis, "A Government of Our Own," 255.

71. A third Whig issue, the advocacy of a central bank, was discussed throughout the life of the Confederacy, but a Bank of the Confederate States of America was never established. See Todd, *Confederate Finance*, 19–20.

issues were eliminated through Constitutional amending, however, the “great principle” was eliminated as well, resulting in the destruction of Democrat-Whig divisions and the emergence of a “no party” system in the Confederacy. In order for a new partisan system to have developed, a new “great principle” had to have emerged – something that did not happen during the Confederacy’s short existence.