

One hundred fifty years since West Virginia statehood

By Clement Daly
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June 20 marks the sesquicentennial of West Virginia statehood. The origins of the 35th American state grew out of the revolutionary events of the Civil War and the struggle to eradicate slavery within the United States.

The division of Virginia was prepared by sectional antagonisms that arose within the state, influenced by geography, but ultimately rooted in differing socioeconomic and political interests between the east and west. The eastern part of the state was organized industrially, socially, and politically on the slave labor plantation system. Possessing a generally level terrain with an even climate and soil well suited for the growth of cash crops, the “Tidewater” had been the cradle of slavery in colonial America. Even as its soil became depleted, the elite families of eastern Virginia maintained lucrative relations with the cotton states of the Deep South through the sale of slaves.

The Blue Ridge and Allegheny mountain chains interrupted the spread of the plantation system to the west early on. The more mountainous and hilly terrain with uneven climate west of the Blue Ridge is more adapted to small farming and grazing and here industrial and social life developed around the yeoman farm. The inhabitants west of the mountains were often immigrants from Pennsylvania with a deep commitment to democratic government and opposition to the institution of slavery. Economically, the west was more intimately bound up with the North and found a market for its crops and livestock in Baltimore and Philadelphia.

The plantations of the east dominated the state’s politics. The west’s calls for greater representation, along with internal improvements and a free public education system, were continuously ignored by the east. These tensions were greatly exacerbated by the national sectionalism then deepening between the North and South in the decade preceding the Civil War.

The secession of Southern states in the aftermath of Abraham Lincoln’s election in 1860 was met with mass meetings throughout the northwestern counties condemning the actions as illegal and calling for the creation of an independent state loyal to the Union. Meanwhile, the Virginia Legislature reconvened in early January 1861 to reorganize the state militia, declare that in the case of war Virginia would join with the Southern states, and approve the convening of a Secession Convention to decide Virginia’s fate. On February 4, 1861, Virginia voters selected delegates on a population basis for a Secession Convention, but opposition was expressed in the overwhelming demand that any decisions made by the convention be submitted to a popular

referendum.

When the Secession Convention convened in Richmond on February 13, 1861, the outright secessionist element from the east was a minority. Of the 152 delegates, about 120 wished to adopt some form of compromise to preserve the Union, with about 50 of these, mainly from the west, calling for permanent loyalty to the Union even in the case of war. When the convention’s first vote regarding secession was called on April 4, it was defeated 88-45.

On April 17, 1861, the convention ultimately voted 88-55 in favor of recommending secession to the population in a referendum to be held on May 23. However, the new drive toward secession had as much to do with reaction to the April 12 attack on Fort Sumter and Lincoln’s April 15 proclamation summoning 75,000 troops to put down the rebellion in the South as it did with the dramatic announcement to the convention by Virginia’s ardent secessionist ex-governor, Henry A. Wise. With pistol drawn, Wise informed the delegates that he had secretly ordered extralegal militia units to seize the federal arsenal at Harper’s Ferry and the Naval Yards at Norfolk the day before. Presented with this fait accompli, the demoralized moderates of Virginia’s Valley region acquiesced to secession.

The dissenting western delegates reconvened at Clarksburg on April 23, 1861, and issued a call for a convention to be held in Wheeling. The First Wheeling Convention, representing 25 counties in western Virginia, met May 13-15 and resolved that work should be done to defeat the Secession Ordinance on May 23, but if it was ratified a second convention should be held for the purpose of reorganizing the government of Virginia.

Meanwhile the east refused to wait for the May 23 referendum and moved to make secession an accomplished fact. Within days, Robert E. Lee was placed in command of Virginia’s military forces and “an alliance, offensive and defensive” was signed with the Southern Confederacy. In early May, Virginia delegates took their seats in the Confederate Congress. Under these conditions, the Secession Ordinance was overwhelmingly approved by the Virginia population.

As western delegates reconvened in Wheeling on June 11, 1861, Union forces had already crossed over from Ohio and were engaging Confederate forces in a series of skirmishes. The Second Wheeling Convention adopted a Declaration of Rights and declared the Virginia Secession Convention to have been illegal and its decisions without authority. The convention also passed an ordinance establishing the Restored Government of Virginia and

selected Francis H. Pierpont as interim governor. This government was soon recognized by Washington and its representatives given Virginia's vacated seats in Congress.

With the friendly advice from US Attorney General Edward Bates that a new independent state would be "an original, independent act of Revolution," the Convention approved the creation of what was initially called the "State of Kanawha" embracing 39 western counties on August 20, 1861. The act was overwhelmingly endorsed in a popular vote on October 24.

A Constitutional Convention met in Wheeling on November 26, 1861, to establish the new state's government. Among the 61 delegates were farmers, ministers, physicians, merchants, mechanics, and teachers. Leadership was thus provided by the few experienced politicians and lawyers among them. By the close of the summer of 1861, Confederate forces had been driven from western Virginia, prompting the convention to augment the new state, then renamed West Virginia, with several additional counties.

The content of the resulting Constitution reflected the many grievances between eastern and western Virginia over the previous half century. Free white male suffrage—won only the previous decade in Virginia—was reaffirmed and representation in both houses of legislature was to be apportioned on a white population basis. In local organization, the Constitution adopted Thomas Jefferson's township system allowing the establishment of "a thorough and efficient system of free schools."

The Constitution also ordered the "equal and uniform" taxation according to value of "all property, both real and personal," undoing the hated provisions of the Virginia Constitution of 1851, which capped the value of slaves and exempted slaves under 12 years of age from taxation. However, the significant abolitionist sentiments of the convention were tempered out of the expedient need to secure the relatively heavily slave populated counties added from the eastern panhandle, and thus the Baltimore and Ohio Railroad, as well as the added southern and eastern counties where most of the new state's slaves were held.

The West Virginia Constitution was overwhelmingly accepted by voters on April 3, 1862, although the realities of war made the voting irregular and nonexistent in some counties. In order to satisfy the federal constitutional requirement that "no new State shall be formed or erected within the jurisdiction of any other State ... without the Consent of the Legislatures of the States concerned as well as of the Congress", Governor Pierpont convened the general assembly of the Restored Government of Virginia in Wheeling and, on May 14, 1862, Virginia officially gave consent to the formation of West Virginia.

The West Virginia Statehood Bill first met opposition in the US Senate from abolitionists who opposed admitting a new slave state. The addition of an amendment introduced by Senator Waitman T. Willey from the Restored Government of Virginia, which provided for gradual emancipation of the state's slaves, allowed its passage on July 14, 1862. The bill then met with opposition in the House of Representatives where many questioned the legality of the measure and feared the dismemberment of Virginia would prevent her restoration to the Union.

Those who ultimately secured the bill's passage in the House on December 10, 1862, downplayed the constitutionality of the creation of West Virginia while placing it within the context of a military necessity. "We may admit West Virginia as a new state, not by virtue of any provision of the constitution," claimed Pennsylvania Representative Thaddeus Stevens, "but under an absolute power which the laws of war give us."

Lincoln contemplated West Virginia statehood over the final three weeks of 1862, with his cabinet evenly split on whether the action was constitutional and expedient. When he eventually signed the bill on December 31, 1862, conditional upon the approval of the Willey Amendment by West Virginia voters, Lincoln defended the action on the grounds that the consent of the Restored Government of Virginia was sufficient to satisfy constitutional requirements.

Lincoln further defended the action's expedience in that it tended to restore national authority throughout the Union. While admitting that the division of Virginia would hurt efforts toward reintegrating that state into the Union, he explained just as much would be lost by rejecting West Virginia. "We can scarcely dispense with the aid of West Virginia in this struggle; much less can we afford to have her against us, in congress and in the field," Lincoln said.

"The division of a State is dreaded as a precedent," Lincoln opined. "But a measure made expedient by a war, is no precedent for times of peace. It is said that the admission of West Virginia is secession, and tolerated only because it is our secession. Well, if we call it by that name, there is still difference enough between secession against the constitution, and secession in favor of the constitution."

It is significant that Lincoln approved West Virginia statehood the day before issuing his Emancipation Proclamation on January 1, 1863. Both measures reflected Lincoln's changing attitude toward the war, especially after the Battle of Antietam the summer before, that the conflict could only be won by transforming it into a revolutionary struggle to eradicate the institution of slavery. "[T]he admission of [West Virginia]," Lincoln explained, "turns that much slave soil free; and thus, is a certain and irrevocable encroachment upon the cause of rebellion."

On March 26, 1863, West Virginians overwhelmingly approved the Willey Amendment at the polls, prompting Lincoln to issue a proclamation on April 20, 1863, admitting West Virginia as the nation's 35th state effective on June 20, 1863.

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