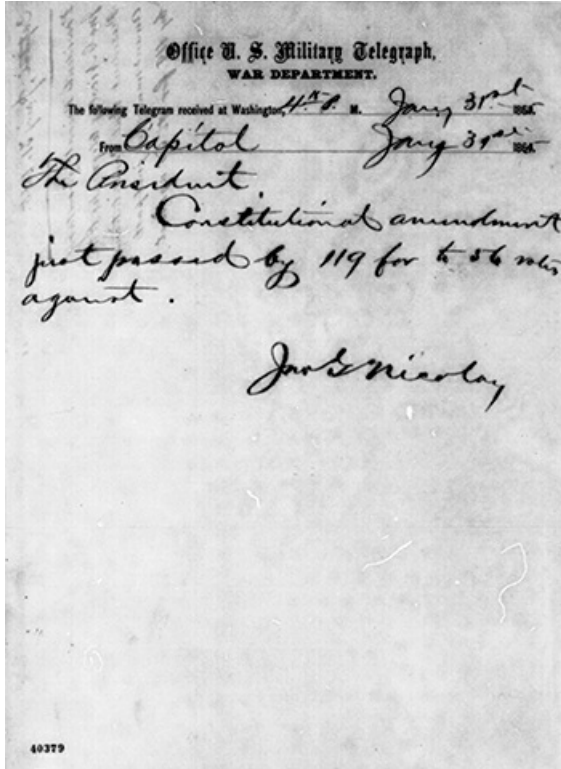


Thirteenth Amendment ^[1]

Thirteenth Amendment

by Roberta Sue Alexander, 2006



Telegram from John G. Nicolay, Abraham Lincoln's secretary, to Abraham Lincoln, informing him Congress has passed the Thirteenth Amendment, January 31, 1865. Image from the Library of Congress.

^[2]The Thirteenth Amendment ^[3] to the U.S. Constitution, sent to the states for ratification in February 1865 with the unanimous support of congressional Republicans ^[4] and the firm endorsement of President Abraham Lincoln ^[5], contained two short sections. The first prohibited slavery ^[6] and involuntary servitude except as punishment for convicted criminals. The second pronounced in arguably vague terms that Congress had the power to enforce this prohibition "by appropriate legislation." The amendment reflected the North's determination, after four years of Civil War ^[7], to make legal, permanent, and more encompassing Lincoln's 1863 Emancipation Proclamation ^[8]. However, what rights would be granted the former slaves and what powers Congress had under the enforcement clause were left ambiguous.

After Lincoln's assassination, President Andrew Johnson ^[9] made clear to the South that ratification of the Thirteenth Amendment was one of his minimum requirements for readmission to the Union. The proceedings and results in North Carolina were typical of the actions southern states offered in response. On 29 Nov. 1865, two days after the new North Carolina legislature ^[10] convened, Rufus Y. McAden ^[11] introduced a resolution for approval of the Thirteenth Amendment. Debate centered on the second section. Many North Carolinians feared that this provision would allow Congress to regulate civil rights ^[12], thus depriving the states of their traditional control over race relations and legal privileges. Supporters tried to assure doubters that Secretary of State William H. Seward ^[13] was correct in his interpretation that the "clause is really restraining in its effect, instead of enlarging the power of Congress." Faced with the knowledge that rejection of the amendment meant the continuation of federal control over the state, the North Carolina House approved the amendment 100 to 4.

In the Senate, the same debate ensued, but on 4 December that body also ratified the amendment. But opposition forces quickly regrouped, and on the same day Senator A. D. McLean of Cumberland County ^[14] introduced a resolution "touching" the Thirteenth Amendment; the resolution explicitly stated that North Carolina ratified the amendment only "in the sense given to it" by Seward, "to wit: That it does not enlarge powers of Congress to legislate on the subject of freed men within the States." Although the General Assembly clearly understood that McLean's resolution ^[15] had no legal effect, both houses endorsed it.

By 15 Dec. 1865, the necessary three-fourths of the states had ratified the Thirteenth Amendment and Seward proclaimed

it in effect. With that action slavery, already recognized as ended in North Carolina after the state's [1865 constitutional convention](#) [16], was now legally and permanently terminated by the U.S. Constitution.

Educator Resources:

Grade 8: United States Constitution of 1787 & Slavery. North Carolina Civic Education Consortium. <http://database.civics.unc.edu/files/2012/05/USConstitutionandSlavery1.pdf> [17]

References:

Roberta Sue Alexander, *North Carolina Faces the Freedmen: Race Relations during Presidential Reconstruction, 1865-67* (1985).

Herman Belz, *A New Birth of Freedom: The Republican Party and Freedmen's Rights, 1861-1866*(1976).

Michael L. Benedict, *A Compromise of Principle: Congressional Republicans and Reconstruction, 1863-1869*(1974).

Harold M. Hyman and William M. Wiecek, *Equal Justice under Law: Constitutional Development, 1835-1875* (1982).

Additional Resources:

"Primary Documents in American History: 13th Amendment to the U.S. Constitution." The Library of Congress <http://www.loc.gov/rr/program/bib/ourdocs/13thamendment.html> [18] (accessed September 19, 2012).

"Resolution Touching the Amendment To The Constitution Of The United States, Ratified At This Session of the General Assembly, Known as the Thirteenth Article." *Public laws of the State of North-Carolina, passed by the General Assembly Raleigh* [N.C.]: Robt. W. Best. 1866. p.140. <https://digital.ncdcr.gov/Documents/Detail/public-laws-of-the-state-of-north-carolina-passed-by-the-general-assembly-1865-1866/1952729?item=2024650> [19] (accessed September 19, 2012).

"CRS Annotated Constitution: Thirteenth Amendment." Legal Information Institute, Cornell University Law School. http://www.law.cornell.edu/anncon/html/amdt13_user.html#amdt13_hd4 [20] (accessed September 19, 2012).

"13th Amendment to the U.S. Constitution: Abolition of Slavery (1865)." The National Archives and Records Administration. <http://www.ourdocuments.gov/doc.php?doc=40> [21] (accessed September 19, 2012).

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"John G. Nicolay to Abraham Lincoln, Tuesday, January 31, 1865 (Telegram reporting passage of 13th Amendment by Congress)." The Abraham Lincoln Papers at the Library of Congress. <http://memory.loc.gov/cgi-bin/ampage?collId=mal&fileName=mal1/403/4037900/malpage.db&recNum=0> [2] (accessed September 19, 2012).

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