

The American Civil War and African American Emancipation: A Documentary Analysis

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Overview

Did Abraham Lincoln free the American slaves? A large majority will contend that he did, while others may say he did not. Regardless of what the common belief is, African Americans were freed from centuries of forced bondage. Scholars have spent a countless amount of time researching and debating this same topic because the Emancipation Proclamation did not free *all* of the slaves. The complex details surrounding Lincoln's emancipation are not generally known, so there is a common misconception that this document freed all the slaves. Eric Foner, in his book, *The Fiery Trial: Abraham Lincoln and American Slavery*, reminds us that the "proclamation had no bearing on the nearly half million slaves in the four border states and West Virginia. It applied only to the Confederacy and almost exclusively to areas outside Union control. It exempted a number of areas occupied by the Union army. So, the proclamation did not apply to approximately 800,000 slaves in areas such as Tidewater, Virginia, several parishes in southern Louisiana and the entire state of Tennessee."¹ Few American History curriculums and textbooks teach that Emancipation Proclamation "accomplished nothing because it was intended to accomplish nothing 'beyond its propaganda value'."² As a

¹ Foner, Eric, 2010, *The Fiery Trial: Abraham Lincoln and American Slavery*, New York, W.W. Norton & Company, pages 241-242

² Guelzo, Allen C., 2004, *Lincoln's Emancipation Proclamation: The End of Slavery in America*, New York, Simon & Schuster Paperbacks, page 2

result, Lincoln's intentions and motives regarding race, African Americans, slavery and emancipation have always come into question. According to James Oakes in his essay, *"Natural Rights, Citizenship Rights, States' Rights, and Black Rights: Another Look at Lincoln and Race"*; "Lincoln was tailoring his views 'for political effect,' playing the race card in the southern counties where audiences expected it and parading his egalitarianism up north where abolitionism and antislavery were more popular."³

Lincoln emancipated the slaves under great duress and conflict, some reluctance and without any intent for it to initially benefit the slave. This is also a topic of major debate because Lincoln was able to grow immensely over his political career. In fact, "the hallmark of Lincoln's greatness was capacity for growth. At the time of his death, he occupied a very different position with regard to slavery and the place of blacks in American society than earlier in his life."⁴ So, over time, Lincoln experienced a drastic transformation in his position towards slavery. Early on, Lincoln's main goal in ending slavery "in Hofstadter's reckoning, was kindled by the threat it posed to free white labor and the development of industrial capitalism. Lincoln was, as always, thinking primarily of the free white worker and was never much troubled about the Negro."⁵ Make no mistake that the legislation created, approved, and implemented during his term did result in the emancipation of nearly four million African American slaves. However, President Lincoln was unyielding about maintaining the Union and that white labor should not be threatened by the free labor of whites who had an advantage over them due to African American slave labor. As time prevailed, Lincoln's many positions would gradually change. Despite the Emancipation Proclamation being utilized as a war measure to weaken the Confederacy, Lincoln ultimately came to believe that ending slavery was morally and politically the right thing to do.

The intent of this unit is to explore this simple, yet complex question of how President Lincoln came to free the slaves using detailed document analysis. When the topic of slavery is taught, this is the most common question posed by our students. Second, the

³ Foner, Eric, 2008, *Our Lincoln: New Perspectives on Lincoln and His World*, New York, W.W. Norton & Company, page 110

⁴ Foner, Eric, 2010, *The Fiery Trial: Abraham Lincoln and American Slavery*, New York, Simon & Schuster Paperbacks, page xix

⁵ Guelzo, Allen C., 2004, *Lincoln's Emancipation Proclamation: The End of Slavery in America*, New York, Simon & Schuster Paperbacks, page 2

various transformations of Abraham Lincoln will be evaluated to give students a deeper understanding of the changes he underwent in order to effectively make emancipation come to fruition. Many of our history textbooks eliminate several of the relevant subtopics and their stories that can help our students make applicable real life connections to history. The third goal of this unit is to provide some connection to these stories linked to the history of emancipation and the role it played during the Civil War under Lincoln's Administration. Students will analyze and study pieces of legislation, which will include but are not limited to resolutions, acts and proclamations that were created to lay the legislative foundation that ended the institution of slavery in America forever. Although, students should be very clear in their understanding of Lincoln's motives for freeing the slaves, despite his constant fluctuation, it is not the focal point of the lessons in *"The American Civil War and African American Emancipation: A Documentary Analysis."* Students will be able to draw their own conclusions and make their own inferences based on an in depth study of primary source documents and images related to the Civil War and emancipation.

This unit will focus on (1) how Lincoln ran on a Republican platform that argued against the expansion of slavery, but not the abolition of slavery and black suffrage, (2) how this became the catalyst for Southern states to secede from the Union, (3) how Lincoln became very conflicted during his term about how he should proceed in ending slavery without losing vital white support and (4) how his administration put forth pivotal pieces of legislation that led up to the Emancipation Proclamation. A few of these documents to be explored for document analysis are: A Resolution of War (1861), The First Confiscation Act of 1861, The Second Confiscation Act of 1862, the preliminary and final Emancipation Proclamation (1862, 1863), and both of the Thirteenth Amendments (1865). These, along with other primary sources, will be examined to help our students determine the catalyst of the Civil War as well as how each component leading up to the war was created in relation to or designed with the principal objective to end slavery in the United States. Detailed document analysis will help facilitate the student's comprehension of how and why emancipation came about during and, more effectively, after the Civil War coupled with the usage of a range of graphic organizers designed specifically for history. Students will not only analyze the original and transcript copies of Civil War and emancipation documents, but also be able to give details of how each one corresponds to the chronological order of the process to end slavery to reveal Lincoln's political tactic.

Rationale

It all started when Abraham Lincoln won the presidential election of 1860. Initially, he ran as a Republican candidate on a platform that argued against the institution of slavery expanding westward as the United States acquired more territory. The irony of this victory is that “Lincoln himself said virtually nothing about race or colonization in 1859, although on one occasion he did reiterate his opposition to black suffrage.”⁶ The fact that he won the presidential election speaks volumes of the political and social atmosphere in America during that time because “Lincoln was not even on the ballot in the South.”⁷ American Southerners were outraged because they saw the beginning of the end of a way of life that they had become not only accustomed to, but also very wealthy from. “Slaves, even more than land, were the Southern planters’ most valuable and reliable capital asset: not only did they produce annual income (and increase in number over time); they also could be mortgaged, rented, or liquidated quite easily, at prices that were rising steadily each year.”⁸ Southerners began threatening to secede from the Union. At the time, states were being added to the Union by Congressional approval. As the country’s new leader, Lincoln sought to maintain the Union. Some scholars believe that Lincoln used the institution of slavery as a means to accomplish an end. “What is clear is that Lincoln hated slavery not only because of its brutality and inhumanity, but first and foremost because it constituted the theft of another person’s labor- both the labor of the slave and that of the white men who had, in effect, to compete disadvantageously in the marketplace with slave labor.”⁹ As a result of this Southern outrage, Lincoln altered his political tone in an attempt to assuage southerners when “he reaffirmed that he had no intention of interfering with slavery in the southern states, and added that he had no power to do so under the Constitution. He pledged to enforce the fugitive slave law, and he endorsed the proposed constitutional amendment protecting slavery in the states that had just passed Congress.”¹⁰

⁶ Foner, Eric, 2010, *The Fiery Trial: Abraham Lincoln and American Slavery*, New York, W.W. Norton & Company, pages 133-134

⁷ Hahn, Steven, 2013, “*From Slavery to Civil Rights*” Teachers Institute of Philadelphia Seminar, University of Pennsylvania, January 29, 2013 class lecture

⁸ Goodheart, Adam, 2011, *1861: The Civil War Awakening*, New York, Alfred A. Knopf, page 66

⁹ Gates Jr., Henry Louis, 2009, *Lincoln on Race & Slavery*, Princeton, Princeton University Press, page xxx

¹⁰ Gienapp, William E., 2002, *Abraham Lincoln and Civil War America: A Biography*, Oxford, Oxford University Press, page 78

White Southerners were not moved by this change in Lincoln's political position and "the cotton states began calling for secession as soon as the outcome of the November balloting became clear. South Carolina was the first to go announcing its departure from the union on December 20. Within six weeks Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas went the same way. In February 1861 delegates from the seceded states met in Montgomery, Alabama, drew up a Constitution for the Confederate States of America, declared themselves an independent nation, and demanded that the United States surrender all the military fortifications within the South's boundaries."¹¹

Lincoln never acknowledged the Confederate States of America. He believed that these states had no legitimate grounds to sever ties with the Union and create their own country. Lincoln felt that "secession was not merely unjustified, he declared; it was unconstitutional."¹² He seemed to have focused his energies on his crusade against slavery by strategically planning his attacks on slavery from various angles. Lincoln and his administration began drafting and implementing policies that would negatively affect the institution of slavery. Consequently, the entire idea of secession backfired on the southern states because the slavery legislation that once protected them did not apply to the Confederate States of America.

"The government's assault on slavery commenced almost immediately. Little more than a month after Fort Sumter, Lincoln's secretary of war, Simon Cameron, signed off on a policy declaring runaway slaves contraband of war. After several amendments and revisions both houses of Congress passed the first Confiscation Act in early August 1861. Lincoln ordered the federal government to begin the aggressive suppression of the illegal Atlantic slave trade. In December, Lincoln ordered McClellan to stop Union troops from turning away slaves who had escaped to Washington,

¹¹ Oakes, James, 2007, *The Radical and the Republican: Frederick Douglass, Abraham Lincoln, and the Triumph of Antislavery Politics*, New York, W.W. Norton & Company, Inc. pages 133-134

¹² Ibid, page 140

DC and to arrest any masters who tried to recapture fugitives in the nation's capital."¹³

This new position was a reversal of what the Republican Party had their candidate run on. The government's immediate response to the attack on Fort Sumter is what fueled this southern outrage. It became apparent to white southerners that Lincoln had been strategic in his plan that would set them and their way of life up for ultimate failure. In a desperate attempt they resorted to secession as an inevitable way to salvage whatever they possibly could of their southern way of life.

Objective

The goal of this unit is to serve as a supplemental primary source document analysis component to the history curriculum to give our students the missing intricate details that will help with content comprehension while focusing on the required academic standards to build skills. The central purpose of this unit is to provide students with hands-on Civil War and emancipation-related primary source documents to increase their content knowledge of the topic and subtopics as well as enhance critical thinking skills. This will be achieved by engaging students in intense examination of various primary sources, completing graphic organizers and implementing various academic skills such as distinguishing fact from opinion, determining author's purpose, verifying point of view, making an inference and drawing conclusions as well as comparing and contrasting.

This supplemental unit can be implemented in a middle school general education learning environment. Lessons may be modified and chunked based on the student's academic needs. Differentiated instruction is required to meet the assortment of our students' many learning styles. This documentary analysis can complement an American History and African American History curriculum. For purposes of reading and content examination, this unit can also function as an extension to an English course. With the American History program of study, this component can be aligned with portions of the textbook that touch upon the causes of the Civil War. The documents can be exploited to enlighten group discussion and collaborative group projects about the countless positions regarding the causes of the war. Students can refer to the various scholarly arguments that say Lincoln's principal goal was to maintain a solidified Union or those that say he used the institution of slavery and the slave to save the Union as their basis for a debate. The goal here is to give students a mixture of positions so that they can make a validly sound argument. Bestselling author, Chiamanda Ngozi Adichie warns us of *The Danger of the*

¹³ Ibid, pages 143 and 147

Single Story” in her TED Talk. When armed with a multitude of information regarding the diverse perspectives, our students can view the subject matter in its entirety and defend their own positions. This type of dialoguing, using the Socratic Circle discussion technique, will reveal the many insights of our students as it relates to the topic allowing the lesson to be student-centered. Student-centered lessons give students the opportunity to learn from one another. This is useful because classroom textbooks do not delve into the complicated details of Lincoln’s strong stance against slavery, why he held such a strong view against slavery, how he was politically deliberate in using slavery to win an election, then ultimately putting an end to slavery and maintaining the Union.

When teaching American History, this element becomes compatible with the curriculum since numerous parts to the African American story are omitted from history textbooks. For instance, the story of Baker, Mallory and Townsend of Fort Monroe, Virginia is not written in history textbooks. However, their story when taught in conjunction with The First and Second Confiscation Acts of 1861 and 1862 can be powerful when revealing how instrumental African Americans were in securing their own freedom during the war. “Three slaves spied a chance to liberate themselves. The three slaves decided to choose their own allegiance. And they joined the Union.”¹⁴ This, too, is yet another story on the list of textbook omissions. This also provides students with a real connection to history. This will segue into a Socratic Circle of whether or not slaves played a vital role in acquiring their emancipation. Usage of this Civil War event will aid in building subject matter comprehension. Also included in this lesson will be the label now attacked to runaway slaves and Lincoln’s political shrewdness in defying the Fugitive Slave Act of 1850 to create new legislation to bring those slaves onto the Union side. “The theory behind the new law was that runaway slaves could be confiscated or held as contraband only if they had been used in the Confederate war effort. This made it difficult to enforce the Fugitive Slave Law in any consistent way. The ‘incidents of war’ as Lincoln liked to call them, were rapidly turning the Fugitive Slave Act into a dead letter.”¹⁵ The fugitive slave laws can be contrasted with the two Confiscation Acts as a collaborative group project providing our students with the experience of determining how one law nullifies another.

The American Civil War and African American Emancipation: A Documentary Analysis provides a great opportunity for teachers of different disciplines to collaborate with one another to implement the same theme to drill content matter for students to

¹⁴ Goodheart, Adam, 2011, *1861: The Civil War Awakening*, New York, Alfred A. Knopf, page 298

¹⁵ Oakes, James, 2007, *The Radical and the Republican: Frederick Douglass, Abraham Lincoln, and the Triumph of Antislavery Politics*, New York, W.W. Norton & Company, Inc. pages 133-134.

master the subject matter and accompanying skills. The readings from this unit can be taught in an English course so that students can conduct document analysis as it relates to text. Document analysis will deepen the student's critical thinking and writing skills as well as an enhanced understanding of Abraham Lincoln's speeches, debates, legislation and other written correspondence. Reading, writing and discussing similar subject matter in various classes aides our students not only in this mastery of knowledge and skills process, but in successfully retaining this newly acquired knowledge.

Strategies

The strategies for this unit will coincide with the Pennsylvania Common Core State Standards for Literacy in History/Social Studies. These strategies will include the use of text and image document analysis, academic skills, graphic organizers, collaborative group activities, written exercises, technology, assessments and a culminating exercise. Eugene Washington Rhodes Middle School as a School District of Philadelphia school uses *The Seven (7) Step Lesson Plan* format) with Homework as an extension of the lesson). This format is used to provide a more structured type of daily instruction to achieve greater academic student success. This teaching format essentially involves an “*I Do, We Do, You Do*” interactive approach that gradually engages students in the lesson using the following components:

- Objective
- Do Now
- Direct Instruction
- Guided Practice
- Independent Practice
- Closure
- Exit Ticket
- Homework as an extension of the lesson taught

These components are posted daily as the class agenda giving students a visual of what is expected from them during the course of the class period. The “*Objective*” describes the intent of the lesson from the onset. Our students should know immediately what it is that they are studying, why they need to know this particular information, how this information will be applicable to them in real life and how they will accomplish acquiring said lesson in order to get a handle on the subject matter quickly. The “*Do Now*” is a brief warm up exercise related to the previous lesson for review or as an assessment strategy or as a precursor to the current lesson to build background

information and to segue into the current lesson. *“Direct Instruction”* is strictly teacher-centered. The details of the lesson are introduced here. This is the *“I Do”* portion of this teaching format. Students typically take lesson notes during the direct instruction segment. *“Guided Practice”* calls for the lesson to be modeled. The teacher must exhibit what is to be accomplished during this part of the lesson. Repeated instruction or drilling the content occurs during this part of the lesson. The lesson must be modeled repeatedly using Bloom’s Taxonomy to address the assorted learning levels and styles of our students. This can be difficult because it involves differentiating the instruction to meet *all* the needs of our students. Subsequently, considerable thought must be put into Guided Practice when planning your lesson. The guided practice piece of the lesson is the *“We Do.”* *“Independent Practice”* stipulates that students put into practice the lesson they have learned during the direct instruction. It is imperative that our students work independent of any assistance so that they may be successful during the assessment of the lesson. Also, it is important that students work free of teacher involvement so that she can adequately gage the student’s level of comprehension of the lesson. This is where it is determined if students have achieved mastery of the topic and can move on or if the lesson will need to be re-taught. Consequently, this “I Do” part of the lesson must be strictly adhered to. *“Closure”* is simply restating all that was ascertained from Direct Instruction, Guided Practice and Independent Practice. This and the *“Exit Ticket”* allows the teacher to do a quick assessment of her student’s knowledge base of the lesson taught or activity completed. Finally, “Homework” serves as an extension of the current lesson to give our students additional practice to master the topic. Homework must frequently be assigned and assessed to determine comprehension levels and if students need additional instruction.

The lesson plan format coupled with an array of teaching strategies such as the Before, During and After (BDA), TAG writing strategy and PLORES will not only build content comprehension, but also our student’s reading, writing and sight word vocabulary skills. BDA is a comprehension assessment strategy that involves a series of teacher made questions to identify a student’s level of understanding. TAG is a writing technique that involves **t**urning the question (writing prompt) into a statement, **a**nswering the question and **g**iving supporting details as a guide to writing more effectively. PLORES is an acronym for the combined reading, writing and process of elimination technique that requires students to **p**redict what they believe the reading assignment is about, **l**ocate supporting details during the reading, **o**rganize these details to answer questions or

writing prompts regarding the reading, re-read anything that it not understood and evaluate/eliminate any answers that are chosen or disregarded. These teaching strategies must be implemented in the beginning of school and drilled on a consistent basis during the school year so that using them will become habitual techniques to our students.

Lesson Plans

Lesson 1: *"The South Publicly Goes Against President Lincoln"*

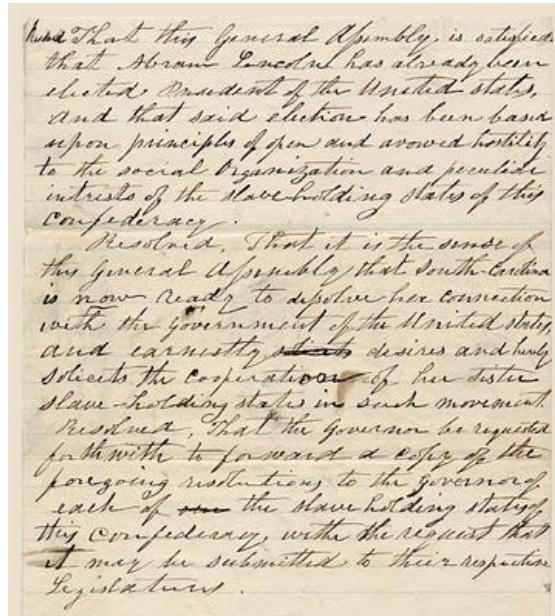
Lesson Objective: SWBAT explain why southern Democrats were outraged at the election of Republican candidate Abraham Lincoln in the 1860 Presidential Election using a primary source document, document analysis and a graphic organizer.

Agenda:

•Do Now: The Republican Party ran Abraham Lincoln on a platform that argued against the expansion of slavery, but not the abolition of slavery. Lincoln said that he would not interfere with slavery where it had already existed. Why did southern states still go publicly against him? Defend your response with at least three details.

•Document Analysis: *The Resolution to Call the Election of Abraham Lincoln A Hostile Act (1860)*

Distribute the document and read it as a group. Use the Before, During, After (BDA) as a guided reading strategy to assess content comprehension. Distribute document analysis worksheet (See Appendix) to guide students in analyzing the document. Encourage extended dialogue during inquiry. Have students give as many details as possible.



Resolved, That this General Assembly, is satisfied that Abraham Lincoln has already been elected President of the United States, and that said election has been based upon principles of open and avowed hostility to the social organization and peculiar interests of the Slave-holding States of this Confederacy.

Resolved, That it is the sense of this General Assembly that South Carolina is now ready to dissolve her connection with the Government of the United States, and earnestly desires and hereby solicits the cooperation of her sister Slave-holding States in such movement.

Resolved, That the Governor be requested forthwith to forward a copy of the foregoing resolutions to the Governor of each of ~~the~~ the Slave-holding States of this Confederacy, with the request that it may be submitted to their respective Legislatures.

- Document Key Terms: Democrat, Republican, resolution, hostile, analysis, inquiry, Union, Confederacy
- Mini Lesson: SWBAT determine fact from opinion using a graphic organizer.

(See Appendix) Have students use the same primary source document with a graphic organizer to answer questions regarding fact and opinion.

- Assessment: Verbal and written teacher made assessment (TMA)
Have students complete a brief writing prompt using the key terms detailing in fifty (50) words or less why the Southern states were outraged about Lincoln winning the presidential election.

Lesson 2: "South Carolina Secedes From the Union"

Lesson Objective: SWBAT explain how South Carolina seceded from the Union using a primary source document, document analysis and a graphic organizer.

Agenda:

- Do Now: Why do you think a state would want to break away from the United States? Explain using details and the T.A.G. strategy.

- Document Analysis: *The South Carolina Ordinance of Secession (1860)*
Distribute the document and document analysis worksheet (See Appendix). Read the document aloud as a group. Ask questions frequently to assess the student's understanding. Guide students along in the document analysis process encouraging them to provide as many details as possible.



- Document Key Terms: ordinance, secession, repeal, disassociate, dissolve, ratify, ordain (Post)
- Mini Lesson: SWBAT compare and contrast written primary source document using a two column graphic organizer (See Appendix). Have students work with two documents comparing and contrasting similarities/differences of a secession ordinance of another Southern state. Any other ordinance of secession can be utilized.
- Assessment: Verbally share out the differences and similarities of the two

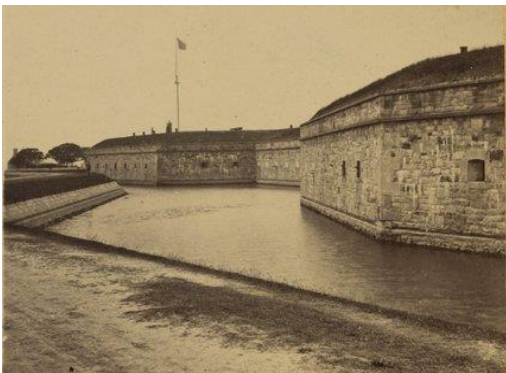
ordinances your group chose to examine. Have students chart information using a T-chart while presenting to give the class a visual. For differentiation, students can create their own ordinance of secession that explains from whom they wish to secede and why.

Lesson 3: *"The Attack on Fort Sumter"*

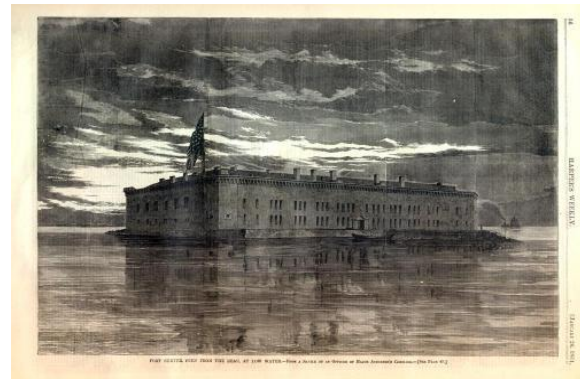
Lesson Objective: SWBAT explain the attack on Fort Sumter and President Lincoln's response using primary source Civil War images as well as documents, image analysis, document analysis and graphic organizers.

Agenda:

- Do Now: Why are fortresses important? Answer using details and the T.A.G strategy.
- Photograph Analysis: *"Attack On Fort Sumter" (1860)* and *"Major Robert Anderson Surrenders" (1865)* photographic images. This assignment requires students to work in collaborative groups. Distribute each image to a group along with the image analysis worksheet (See Appendix). Model a sample image for the class, then have the groups work collaboratively to complete the analysis



Fort Monroe during the Civil War Library of Congress



Fort Sumter in Charleston SC harbor before it was bombarded in the Civil War



Painting of Fort Sumter burning in Charleston, SC harbor on April 12, 1861



Fort Monroe today, with the city of Hampton, VA beyond it. The star-shaped citadel is the Civil War-era fortress Courtesy of the City of Hampton

- **Image Key Terms:** Students will develop their own key terms based on their descriptions of the images. Have them chart their vocabulary as they create their list.
- **Mini Lesson:** SWBAT compare and contrast primary source photos using a T-chart graphic organizer (See Appendix).
- **Assessment:** Design a fortress for a territory you govern. Detail its purpose for existence and any military functions it will perform. Share out why your fortress is necessary. Give at least three reasons why it is important. Lesson differentiation: explain why Fort Sumter was important to both the North as well as the South.

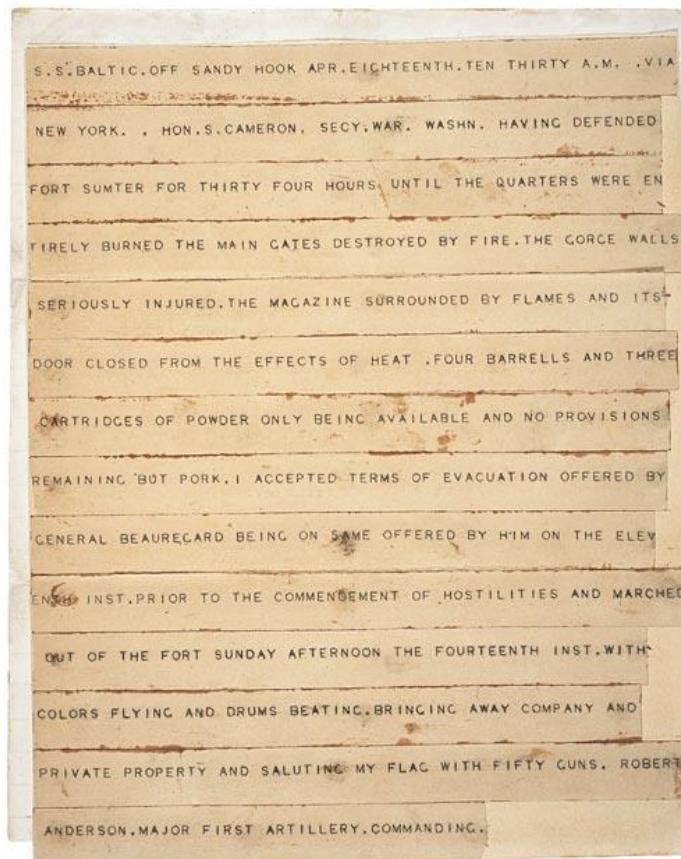
Lesson 4: *Telegram Announcing the Surrender of Fort Sumter (1861)*

Lesson Objective: SWBAT explain how the surrendering of Fort Sumter sparked the Civil War and Lincoln to act swiftly using Civil War documents and descriptive writing.

Agenda:

- **Do Now:** Explain the significance of Fort Sumter, South Carolina. Why was it a vital location for both the North and the South?
- **Document Analysis:** "*Telegram Announcing the Surrender of Fort Sumter (1861)*" Distribute the telegram and read it aloud as a group. Discuss who wrote it, to whom it is addressed, the purpose of the telegram and any complicated details of its content (i.e., how the

telegram was delivered, how long it may have taken to reach its destination, etc.)



S.S. BALTIC. OFF SANDY HOOK APR. EIGHTEENTH. TEN THIRTY A.M. . VIA
NEW YORK. . HON. S. CAMERON. SECY. WAR. WASHN. HAVING DEFENDED
FORT SUMTER FOR THIRTY FOUR HOURS. UNTIL THE QUARTERS WERE EN
TIRELY BURNED THE MAIN GATES DESTROYED BY FIRE. THE GORGE WALLS
SERIOUSLY INJURED. THE MACAZINE SURROUNDED BY FLAMES AND ITS
DOOR CLOSED FROM THE EFFECTS OF HEAT .FOUR BARRELLS AND THREE
CARTRIDGES OF POWDER ONLY BEING AVAILABLE AND NO PROVISIONS
REMAINING 'BUT PORK. I ACCEPTED TERMS OF EVACUATION OFFERED BY
GENERAL BEAUREGARD BEING ON SAME OFFERED BY HIM ON THE ELEV
ENED INST. PRIOR TO THE COMMENCEMENT OF HOSTILITIES AND MARCHED
OUT OF THE FORT SUNDAY AFTERNOON THE FOURTEENTH INST. WITH
COLORS FLYING AND DRUMS BEATING. BRINGING AWAY COMPANY AND
PRIVATE PROPERTY AND SALUTING MY FLAG WITH FIFTY GUNS. ROBERT
ANDERSON. MAJOR FIRST ARTILLERY. COMMANDING.

- Document Key Terms: garrison, bombardment, provision, evacuation, commencement
- Mini Lesson: SWBAT make an inference and draw conclusions using background knowledge and newly acquired information. Referring to the telegram previously accessed, why should Fort Sumter have or have not been surrendered? Provide at least three details to support your response.
- Assessment: Writing Prompt: How did the Union's surrender to the Confederate impact the Civil War?

Lesson 5: *“Lincoln’s Proclamation on State Militia” (1860)*
Distribute the document and the document analysis worksheet (See Appendix). Students will work independently to complete the analysis.

- Mini Lesson: SWBAT define sight vocabulary words and properly use them in a sentence.
- Assessment: Why did President Lincoln call for the militia? Explain what he called for in this proclamation.

Lesson 6: *“Lincoln Suspends the Writ of Habeas Corpus”* (See Appendix)

Lesson Objective: SWBAT explain a *Writ of Habeas Corpus* is and where the right of a Habeas Corpus comes from using the United States Constitution.

SWBAT describe the circumstances surrounding Lincoln’s suspension of the writ of habeas corpus in 1861 using the United States federal court case *Ex parte Merryman* and primary source document analysis.

Agenda:

- Do Now: Should individual civil liberties be suspended in times of war? Explain why or why not using details and the T.A.G. strategy.
- Document Analysis: *“Lincoln Suspends the Writ of Habeas Corpus”* (1861)
Distribute excerpts of the document to the collaborative groups for analysis using the document analysis worksheet (See Appendix).
- Mini Lesson: SWBAT explain the circumstances surrounding the federal court case, *Ex parte Merryman* and how it tested the authority of President Lincoln to suspend the writ of habeas corpus using the Constitution's Suspension Clause.
- Document Key Terms: Writ of Habeas Corpus, insurrection, insurgents, martial law, court martial, military commission
- Assessment: How did federal circuit court judge, Roger B. Taney, rule in *Ex parte Merryman*? How did President Lincoln and the military respond to his ruling? Do you agree with Chief Justice Taney in his ruling or President Lincoln in his response to Taney's ruling? Explain providing at least three supporting details.

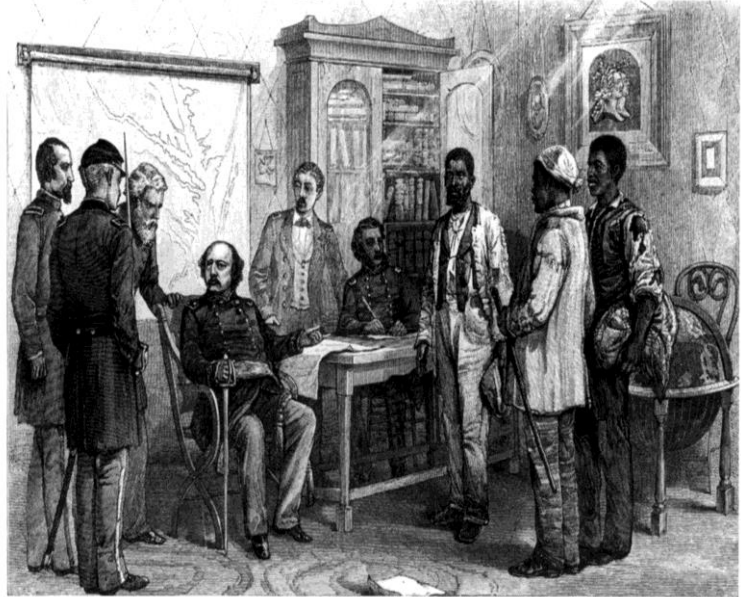
Lesson 7: *"Mallory, Baker and Townsend: Virginia Slaves Who Became Contraband"*
(1861)

Lesson Objective: SWBAT make a real life connection to the Civil War by describing how African Americans played a pivotal role in obtaining their freedom using a Civil War story.

SWBAT describe how the escape, capture and contraband label of Virginia slaves Mallory, Baker and Townsend from their Confederate slaveholders to Fort Monroe at the start of the Civil War led to military legislation using a graphic organizer, primary source drawing and secondary source.

Agenda:

- Do Now: Why would some slaves fight for the Union while others fought for the Confederacy? Explain your response using the T.A.G. strategy and give as many details as possible to support your answer.
- Drawing/Photos Analysis: *"Mallory, Baker and Townsend Meet With Brigadier General Benjamin F. Butler of the Union Army After Escape"* (1861) and *Brigadier General Benjamin F. Butler (1861)*
Distribute each image to a group along with the image analysis worksheet (See Appendix) Model a sample image for the class, then have the groups work collaboratively to complete the analysis.



Gen. Benjamin Butler's decision to seize runaways as contraband is a milestone often overshadowed in Civil War history by tales of generals and battlefield strategy. (Photo: Library of Congress)



Brigadier General F. Benjamin Butler



Engraving done especially for the book, and by permission of General Butler. The fugitives are shown in the process of entering the fort, and are being assisted by the soldiers.

ST. LOUIS, MO., THE FUGITIVES IN VERNONIA, MISSOURI, ARRIVAL AT FORT MONROE. — FUGITIVES AS SEEN BY THE ARMY AT FORT MONROE. — THE FUGITIVES.

Library of Congress Illustration -- African-American fugitives entering the fort in the summer of 1861

- **Reading Activity:** NY Times newspaper article "*How Slavery Really Ended in America*" by Adam Goodheart. Although, the newspaper article is a secondary source document, it is a good source to use to check if students comprehend the subject content. This article serves as a great segue into introducing the military legislation. Distribute the article and graphic organizer. Read the article aloud as a group. Continue to utilize the BDA reading strategy to gauge understanding. Encourage students to focus on the story of the three escape slaves since their story is pertinent to the next lesson. Complete the graphic organizer (See Appendix) while reading. Note: if time does not permit, read excerpts of the article.
- **Key Terms:** asylum, refuge, parapets, emplacement, fortifications, fugitive, battery, esplanade, relentless, inclination, conundrum, bureaucratic, constituents, adjutant, vanguard, contraband, litigator, pragmatic, treason, confiscate, tumultuous, venerable
- **Mini Lesson:** While reading the article, check student skills for knowledge of author's purpose.
- **Assessment:** Distribute a multiple choice teacher made TM assessment to verify student understanding of the story of the Virginia escape slaves.

Lesson 8: "*The First Confiscation Act of 1861*"

Lesson Objective: SWBAT explain circumstances surrounding the creation of *The First Confiscation Act of 1861* using background knowledge and primary source document analysis.

Agenda:

- **Do Now:** President Lincoln had expressed on a few occasions that he would not interfere with slavery, yet his first legislative assault on the institution was *The First Confiscation Act of 1861*. Explain why he would change his position and implement law that goes directly against his word? Defend your response.

- Document Analysis: See Appendix for transcription of the document
- Document Key Terms: confiscation, insurrectionary, abetting, suppressed, obstructed, condemnation, entrenchment, provisions, notwithstanding, jurisdiction, circuit court, Senate, House of Representatives, execution, judicial, aforesaid, admiralty, contrary
- Mini Lesson: Students should read the “*Congressional Confiscation Acts*” article by Matthew Pinsker (See Appendix)
- Assessment: What did *The First Confiscation Act of 1861* accomplish? Describe if it was successful or not giving details to support your response.

Lesson 9: “*The Second Confiscation Act of 1862*”

Lesson Objective: SWBAT explain how *The Second Confiscation Act of 1862* went beyond *The First Confiscation Act of 1861* to include treason and a label for slaves using the skill of compare and contrast.

Agenda:

- Do Now: How effective was “*The First Confiscation Act of 1861*” in negatively affecting slavery?
- Document Analysis: See Appendix for transcription of the document
- Document Key Terms: rebellion, seize, rebel, Congress, adjudged, conveyance, incite, discretion, construed, treason, hereinafter, legislative, municipal, amnesty, allegiance, countenance, *in rem*, decree, servitude, colonization, pretence, emigrate, expedient
- Mini Lesson: Using a triangle Venn Diagram, compare and contrast the Confiscation Acts to list the similarities and differences. Then write a synopsis describing how effective these pieces of legislation were in strengthening or weakening the Union and the Confederacy.
- Assessment: Implement the Socratic Circle technique. Create a group of five (5)

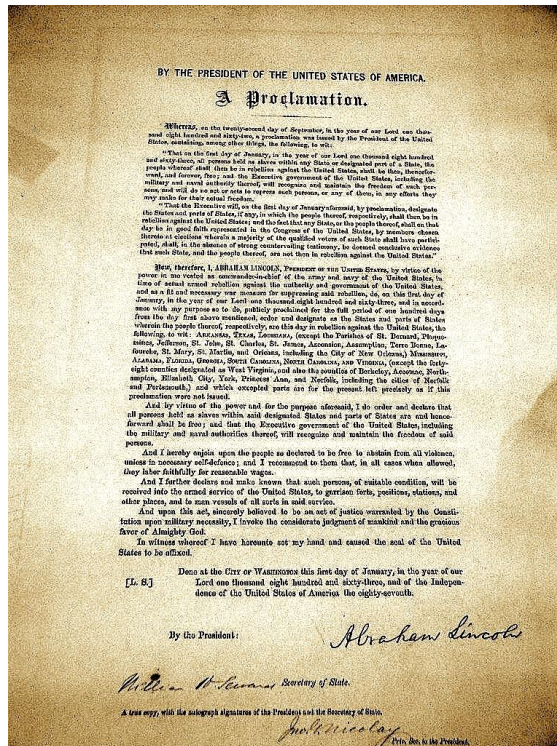
chairs to form a circle. Leave one (1) chair outside of the circle. Pose a question: "Was The Second Confiscation Act of 1862 more effective than The Second Confiscation of 1862? Were the Confiscation Acts effective at all? Discuss why. While in the circle, only one person at a time is allowed to speak. The student seated in the outside chair may enter only when one student leaves the circle. Students can randomly sit in the outside chair and wait their turn to enter the Socratic Circle. The remainder of the class will take notes and jot down questions for the whole class group discussion. This assessment is strictly student-centered. Teachers may intervene only for clarification.

Lesson 10: *"The Preliminary Emancipation Proclamation" and "The Final Emancipation Proclamation"*

Lesson Objective: SWBAT describe and discuss the basis of the *"Preliminary Emancipation Proclamation"* and the use of *"The Final Emancipation Proclamation"* as a military war measure to weaken the Confederacy.

Agenda:

- Do Now: Did the *Emancipation Proclamation* free the slaves? Explain your response by providing at least three supporting details.
- Document Analysis:



- Document Key Terms: constitutional, pecuniary, respective, designated, promulgated, enact, oath, validity, compensated, hereunto, affixed, enjoin

- Mini Lesson: Have students conduct internet research using the House Divided Civil War Search Engine (*See Appendix*) to determine the economic, social and political (ESP) effects of how (1) Lincoln consulted his Cabinet members regarding the drafting of the *“Preliminary Emancipation Proclamation”*, (2) Lincoln had been advised by his Administration and (3) strategic he had been as Commander-in-Chief regarding the military measures he executed.

- Assessment: Have students work together in cooperative learning groups to create a detail oriented timeline showing the chronological order of events that brought the final draft of *“The Emancipation Proclamation”* to life.

Lesson 11: *“The Thirteenth Amendment” (1865)*

Lesson Objective: SWBAT explain the process in the making of *“The Thirteenth Amendment”*

SWBAT engage in debate after viewing the 2012 film “Lincoln” written by Doris Kearns Goodwin, directed by Steven Spielberg and starring Daniel Day-Lewis using a film analysis worksheet and the BDA strategy.

Agenda:

- Do Now: What were the economic, social and political aspects of *“The Thirteenth Amendment”*?
- Document Analysis:

- Assessment: Panel review of trifold board and classroom presentation

Annotated Bibliography

Suggested Teacher Readings

1. Belz, Herman, 1998, *Abraham Lincoln, Constitutionalism, and Equal Rights in the Civil War Era*, New York, Fordham University

This book analyzes the nature and tendency of American Constitutionalism during the nation's greatest political crisis The Civil War. In a series of related essays, Herman Belz combines detailed narrative with probing judicial analysis of the political thought of Abraham Lincoln, his exercise of executive power, and the application of the equality principle which would become a central issue during Reconstruction.

2. Bennett, Jr., Lerone, 1999, *Forced Into Glory: Lincoln's White Dream*, Library of Congress Cataloging

Beginning with the argument that the Emancipation Proclamation did not actually free African American slaves, this dissenting view of Lincoln's greatness surveys the president's policies, speeches, and private utterances and concludes that he had little real interest in abolition. Pointing to Lincoln's support for the fugitive slave laws, his friendship with slave-owning senator Henry Clay, and conversations in which he entertained the idea of deporting slaves in order to create an all-white nation, the book, concludes that the president was a racist at heart—and that the tragedies of Reconstruction and the Jim Crow era were the legacy of his shallow moral vision.

3. Blight, David W., 2001, *Race and Reunion: The Civil War in American Memory*, Cambridge, MA, The Belknap Press of Harvard University

Blight delves deeply into the shifting meanings of death and sacrifice, Reconstruction, the romanticized South of literature, soldiers' reminiscences of battle, the idea of the Lost Cause, and the ritual of Memorial Day. He resurrects the variety of African-American voices and memories of the war and the efforts to preserve the emancipationist legacy in the midst of a culture built on its denial.

4. Boritt, Gabor S, 1978, *Lincoln and the Economics of the American Dream*, Memphis, TN, The Memphis State University Press

This unique exploration of Lincoln's economic beliefs shows how they helped shape his view of slavery, his conduct of the war, and most fundamentally his understanding of what the United States was and could become.

5. Copeland, Matt, 2005, *Socratic Circles: Fostering Critical and Creative Thinking in Middle and High School*, Portland, Maine, Stenhouse Publishers

This is a coaching guide for both the teacher new to Socratic seminars and the experienced teacher seeking to optimize the benefits of this powerful strategy. *Socratic Circles* also shows teachers who are familiar with literature circles the many ways in which these two practices complement and extend each other. Effectively implemented, Socratic seminars enhance reading comprehension, listening and speaking skills, and build better classroom community and conflict resolution skills.

6. Foner, Eric, 2008, *Our Lincoln: New Perspectives on Lincoln and His World*, New York, NY, W.W. Norton & Company, Inc.

Several of these original essays focus on Lincoln's leadership as president and commander in chief. James M. McPherson examines Lincoln's deft navigation of the crosscurrents of politics and wartime strategy. Sean Wilentz assesses Lincoln's evolving position in the context of party politics. On slavery and race, Eric Foner writes of Lincoln and the movement to colonize emancipated slaves outside the United States. James Oakes considers Lincoln's views on race and citizenship.

7. Foner, Eric, 2010, *The Fiery Trial: Abraham Lincoln and American Slavery*, New York, NY, W.W. Norton & Company, Inc.

This landmark work gives us a definitive account of Lincoln's lifelong engagement with the nation's critical issue: American slavery.

8. Gates, Jr., Henry Louis, 2009, *Lincoln on Race and Slavery*, Princeton,

Acclaimed Harvard scholar and documentary filmmaker Henry Louis Gates, Jr., presents the full range of Lincoln's views, gathered from his private letters, speeches, official documents, and even race jokes, arranged chronologically from the late 1830s to the 1860s. Complete with definitive texts, rich historical notes, and an original introduction by Henry Louis Gates, Jr., this book charts the

progress of a war within Lincoln himself. We witness his struggles with conflicting aims and ideas--a hatred of slavery and a belief in the political equality of all men, but also anti-black prejudices and a determination to preserve the Union even at the cost of preserving slavery. We also watch the evolution of his racial views, especially in reaction to the heroic fighting of black Union troops.

9. Gienapp, William E., 2002, *Abraham Lincoln and Civil War in America: A Biography*, New York, Oxford University Press

Gienapp begins with a finely etched portrait of Lincoln's early life, from pioneer farm boy, to politician and lawyer in Springfield, to his stunning election as sixteenth president of the United States. We see how Lincoln grew during his years in office, how he developed a keen aptitude for military strategy and displayed enormous skill in dealing with his generals, and also how his war strategy evolved from a desire to preserve the Union to emancipation and total war.

10. Goodheart, Adam, 2011, *1861: The Civil War Awakening*, New York, Alfred A. Knopf

As the United States marks the 150th anniversary of our defining national drama, *1861* presents a gripping and original account of how the Civil War began.

11. Goodwin, Doris Kearns, 2005, *Team of Rivals: The Political Genius of Abraham Lincoln*, 2004, New York, NY, Simon & Schuster Paperbacks

Acclaimed historian Doris Kearns Goodwin illuminates Lincoln's political genius in this highly original work, as the one-term congressman and prairie lawyer rises from obscurity to prevail over three gifted rivals of national reputation to become president. This brilliant multiple biography is centered on Lincoln's mastery of men and how it shaped the most significant presidency in the nation's history.

12. Guelzo, Allen C., 2004, *Lincoln's Emancipation Proclamation: The End of Slavery in America*, New York, NY, Simon & Schuster Paperbacks

Lincoln's Emancipation Proclamation dispels the myths and mistakes surrounding the Emancipation Proclamation and skillfully reconstructs how America's greatest president wrote the greatest American proclamation of freedom.

13. Levine, Bruce, 1992, *Half Slave and Half Free: The Roots of Civil War*, New York, NY, Hill and Wang

Levine explores the far-reaching, divisive changes in American life that came with the incomplete Revolution of 1776 and the development of two distinct social systems, one based on slavery, the other on free labor--changes out of which the Civil War developed.

14. Library of Congress, 1989, *Abraham Lincoln: Speeches and Writings, 1859-1865*, Speeches, Letters, and Miscellaneous Writings Presidential Messages and Proclamations of the United States, Inc.

This volume consists of a complete collection of works from Lincoln's years as a lawyer up until his death.

15. McPherson, James, 1998, *Battle Cry Freedom: the Civil War Era*, Oxford, Oxford University Press

This book vividly recounts the momentous episodes that preceded the Civil War--the Dred Scott decision, the Lincoln-Douglas debates, John Brown's raid on Harper's Ferry--and then moves into a masterful chronicle of the war itself--the battles, the strategic maneuvering on both sides, the politics, and the personalities. Particularly notable are McPherson's new views on such matters as the slavery expansion issue in the 1850s, the origins of the Republican Party, the causes of secession, internal dissent and anti-war opposition in the North and the South, and the reasons for the Union's victory.

16. Oakes, James, 2007, *The Radical and the Republican: Frederick Douglass, Abraham Lincoln, and the Triumph of Antislavery Politics*, New York, NY, W.W. Norton & Company, Inc.

James Oakes has written a masterful narrative history, bringing two iconic figures to life and shedding new light on the central issues of slavery, race, and equality in Civil War America. The frontier lawyer and the former slave, the cautious politician and the fiery reformer, the President and the most famous black man in America—their lives traced different paths that finally met in the bloody landscape of secession, Civil War, and emancipation.

17. Olsen, Christopher J., 2006, *The American Civil War: A Hands-On History*, New York, NY, Hill and Wang

Christopher J. Olsen's *The American Civil War* is the ideal introduction to American history's most famous, and infamous, chapter. Covering events from 1850 and the mounting political pressures to split the Union into opposing sections, through the four years of bloodshed and waning Confederate fortunes, to Lincoln's assassination and the advent of Reconstruction, *The American Civil War* covers the entire sectional conflict and at every juncture emphasizes the decisions and circumstances, large and small, that determined the course of events.

18. Urofsky, Melvin I. and Finkleman, Paul, 2002, *Documents of American Constitutional and Legal History, Volume I: From the Founding Through the Age of Industrialization*, 2nd Edition, New York, NY, Oxford University Press

Organized chronologically, this documents reader skillfully weaves together constitutional and legal history, offering students a mix of both frequently cited and lesser-known-but equally important-historical documents and court decisions that have been instrumental in shaping the nation's constitutional development.

19. Vest, Kathleen, 2005, *Using Primary Sources in the Classroom*, Huntington Beach, CA, Shell Education

Developed by social studies specialists, this resource helps teachers turn classrooms into primary source learning environments. *Using Primary Sources in the Classroom* offers effective, creative strategies for integrating primary source materials and providing cross-curricular ideas. This resource is aligned to the interdisciplinary themes from the Partnership for 21st Century Skills.

20. Woolman, Albert A., 1936, *Lawyer Lincoln*, New York, NY, Carroll and Graf Publishers

The New York Times review describes *Lawyer Lincoln* as a chronological account of Abraham Lincoln's twenty-three years of practicing law at the Illinois bar. It views Lincoln's legal career not as a mere backdrop to the story of his Civil War presidency but as experience vital to his evolution from a shrewd practitioner of frontier justice into a chief executive capable of leading his nation through the most challenging period in America's history.

Suggested Student Readings

1. Goodheart, Adam, 2011, "*How Slavery Really Ended in America*" New York Times, April 1, 2011, <http://www.nytimes.com/2011/04/03/magazine/mag-03CivilWar-t.html?pagewanted=all#>
2. Widmer, Ted, 2011, "*Lincoln Declares War*" New York Times article <http://opinionator.blogs.nytimes.com/2011/04/14/lincoln-declares-war/>
3. Goodheart, Adam, 2011, "*The Future of Freedom's Fortress*" New York Times article <http://opinionator.blogs.nytimes.com/2011/08/18/the-future-of-freedoms-fortress/>
4. Pinsker, Matthew, 2012, "Congressional Confiscation Acts," Emancipation Digital Classroom <http://housedivided.dickinson.edu/sites/emancipation/2012/07/14/congressional-confiscation-acts/>
5. Pinsker, Matthew, House Divided: The Civil War Research Engine at Dickinson College <http://housedivided.dickinson.edu/>

Appendix

Primary Source Document Retrieval Information

1. *The Resolution to Call the Election of Abraham Lincoln A Hostile Act (1860)* <http://scdah.blogspot.com/2010/11/resolution-to-call-lincolns-election.html>
www.teachingushistory.org/pdfs/lincdoc_000.pdf
2. *The South Carolina Ordinance of Secession (1860)* http://www.charlestoncvb.com/visitors/events_news/charleston-events/south-carolina-s-original-ordinance-of-secession-on-display-6577
<http://www.teachingushistory.org/lessons/documents/Ordinance.pdf>

3. *"Attack On Fort Sumter" (1860) images*
<http://opinionator.blogs.nytimes.com/2011/08/18/the-future-of-freedoms-fortress/#more-102789>

www.charlestonbatterytour.com/fort-sumter.htm

<http://opinionator.blogs.nytimes.com/2011/08/18/the-future-of-freedoms-fortress/#more-102789>
4. *"The Future of Freedom's Fortress" by Adam Goodheart, New York Times article*
<http://opinionator.blogs.nytimes.com/2011/08/18/the-future-of-freedoms-fortress/>
5. *"Telegram Announcing the Surrender of Fort Sumter" (1861)*
http://www.ourdocuments.gov/doc_large_image.php?flash=true&doc=30
6. *"Major Robert Anderson Surrenders" (1865) image*
www.loc.gov/pictures/resource/cwpb.02460/
7. *"Lincoln's Proclamation On State Militia (1861)*
<http://www.archives.gov/northeast/nyc/education/images/union-blockade.pdf>
8. *"Lincoln Declares War" by Ted Widmer, New York Times article*
<http://opinionator.blogs.nytimes.com/2011/04/14/lincoln-declares-war/>
9. *"Lincoln Suspends the Writ of Habeas Corpus"*
<http://www.archives.gov/northeast/nyc/education/images/union-blockade.pdf>
10. *"How Slavery Really Ended in America" by Adam Goodheart, New York Times article*
<http://www.nytimes.com/2011/04/03/magazine/mag-03CivilWar-t.html?pagewanted=all#>
11. *Shepard Mallory, Frank Baker and James Townsend Meet Brigadier General Benjamin F. Butler After Escape* photo image
<http://contrabandhistoricalsociety.org/>
12. *"Brigadier General Benjamin F. Butler" (1861) photo*
<http://www.civilwaracademy.com/images/general-butler.jpg>

13. *"African-American fugitives entering the fort in the summer of 1861"* illustration
<http://opinionator.blogs.nytimes.com/2011/08/18/the-future-of-freedoms-fortress/>
14. *"The First Confiscation Act of 1861"*
<http://teachingamericanhistory.org/library/document/first-confiscation-act/>
<http://www.ohiocivilwarcentral.com/entry.php?rec=997>
15. *"The Second Confiscation Act of 1862"*
<http://teachingamericanhistory.org/library/document/second-confiscation-act/>
<http://www.ohiocivilwarcentral.com/entry.php?rec=999>
16. *"The Emancipation Proclamation" (1863)*
<http://www.phawker.com/wpcontent/uploads/2007/02/emancipationproclamation.jpg>
17. *"The Thirteenth Amendment" (1865)*
<http://constitutioncenter.org/Files/thirteenthamendmentposter.pdf>
<http://www.ourdocuments.gov/doc.php?flash=true&doc=40&page=transcript>
<http://www.archives.gov/historical-docs/doc-content/images/13th-amendment.pdf>
18. *"Ex Parte Merryman" (1861)*
<http://teachingamericanhistory.org/library/document/ex-parte-merryman/>

Content Standards

The Pennsylvania Common Core State Standards for Literacy in History/Social Studies can be found at www.corestandards.org/ELA-Literacy

The Common Core Standards utilized in this unit include the following:

History

1. CCSS.ELA-Literacy.RH.6.8-1: Cite specific textual evidence to support analysis of primary sources.
2. CCSS.ELA-Literacy.RH.6-8.2: Determine the central ideas or information of a primary source; provide an accurate summary of the source distinct from prior knowledge or opinions.

3. CCSS.ELA-Literacy.RH.6-8.3: Identify key steps in a text's description of a process related to history/social studies.
4. CCSS.ELA-Literacy.RH.6-8.4: Determine the meaning of words and phrases as they are used in a text, including vocabulary specific to domains related to history/social studies.
5. CCSS.ELA-Literacy.RH.6.8.7: Integrate visual information (e.g., graphic organizers, photographs, documentary films, etc.) with other information in print.
6. CCSS.ELA-Literacy.RH.6-8.8: Distinguish among fact, opinion, and reasoned judgment in a text.
7. CCSS.ELA-Literacy.RH9-10.4: Determine the meaning of text, including vocabulary describing the economic, political and social aspects of a primary source. *This is a ninth grade standard that can be modified to introduce middle school students to ESP the strategy.*

Reading

CCSS.ELA-Literacy.RI.8.2: Determine a central idea of a text and analyze its development over the course of the text, including its relationship to supporting ideas; provide an objective summary of the text.

CCSS.ELA-Literacy.RI.8.3: Analyze how a text makes connections among and distinctions between individuals, ideas or events (e.g., through comparisons, analogies, categories).

Writing

CCSS.ELA-Literacy.W.8.2: Write informative/explanatory texts to examine a topic and convey ideas, concepts, and information through the selection, organization, and analysis of relevant content.

Speaking

CCSS.ELA-Literacy.SL.8.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, teacher-led, and student-led) with diverse partners on grade level topics, texts, issues, films, building on others' ideas and expressing their own clearly.