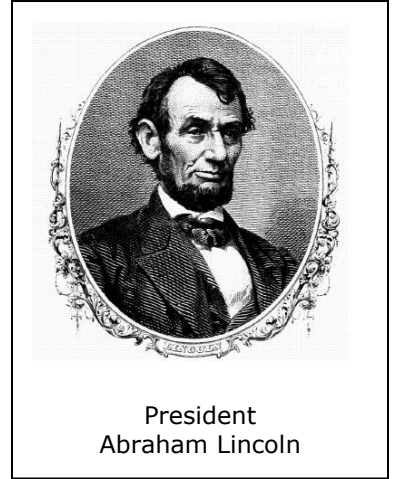


Thirty-Eighth Congress

Dec. 7, 1863-Mar. 3, 1865

First Administration of Abraham Lincoln

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Historical Background

With the defeat of Confederate General Robert E. Lee’s invading force at the battle of Gettysburg in July 1863, the momentum of the Civil War appeared to shift in the Union’s favor, marking the beginning of what would become a key series of Union victories. President Lincoln exploited the dedication ceremony of the Soldier’s National Cemetery in Gettysburg in November to deliver the Gettysburg Address, which articulated a vision of the ideals underpinning the foundation of the United States as still in the process of being realized for all citizens of the young republic—a process that faced an existential threat in the present civil conflict.

After assuming command of all Union armies in March 1864, General Ulysses S. Grant planned simultaneous offensives against Confederate strongholds in the West and South. The Western Armies under the command of General William T. Sherman marched toward Atlanta. Meanwhile, Grant and his Army of the Potomac relentlessly pursued Confederate General Robert E. Lee in Virginia. By the summer of 1864, Grant’s pursuit of Lee reached a stalemate as both sides dug in for a prolonged siege outside Petersburg, Virginia. The resulting quagmire eroded Northern support for the war, threatening Lincoln’s hopes of reelection and thereby the continued prosecution of the war. Lincoln’s Democratic opponent, former General George B. McClellan, promised a peace convention if he were elected. By late summer, however, the scenario brightened with Sherman’s conquest of Atlanta and march toward Savannah. The good news cheered Northerners, and Lincoln was re-elected, thanks in part to overwhelming support from Union soldiers.

House	Senate
Majority Party: Republicans (85 seats)	Majority Party: Republican (39 seats)
Minority Party: Democrats (72 seats)	Minority Party: Democrat (10 seats)
Other Parties: Unconditional Unionists (16 seats); Unionists (9 seats); Independent Republicans (2 seats)	Other Parties: Unconditional Unionist (5 seats); Unionist (4 seats);
Speaker of the House: Schuyler Colfax	President Pro Tempore: Solomon Foot; Daniel Clark

Although the accomplishments of the 38th Congress were not nearly as numerous as those of its immediate predecessor, many of its enactments were of far reaching significance. The last of the Morrill Tariff Acts, approved on June 30, 1864, firmly established a protectionist U.S. trade policy. Early in July, Congress approved the Northern Pacific Railroad, the construction of which was soon to become part of a railroad building mania that would seize the Nation following the war. Congress also enacted an Immigration Act with the principal objective of encouraging additional immigration.

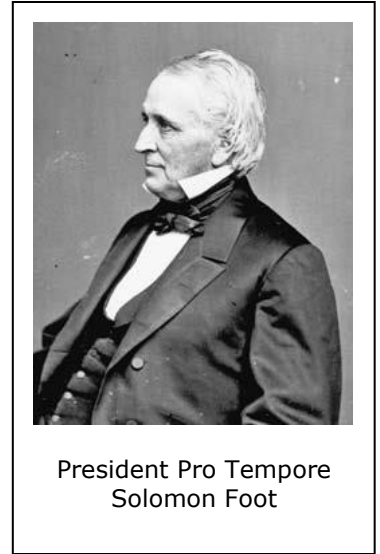
Entering its final months, the 38th Congress moved its attention toward planning for the war's aftermath. On January 31, 1865, Congress again raised the issue of slavery, sending the Thirteenth Amendment, abolishing human servitude, to the States for ratification. Before year's end, the Thirteenth Amendment would become the law of the land. The act creating the Freedman's Bureau, enacted March 1865, sought to provide Federal assistance to tens of thousands of homeless and jobless former slaves in the South and to administer abandoned farm lands in that war-devastated region.

Sources:

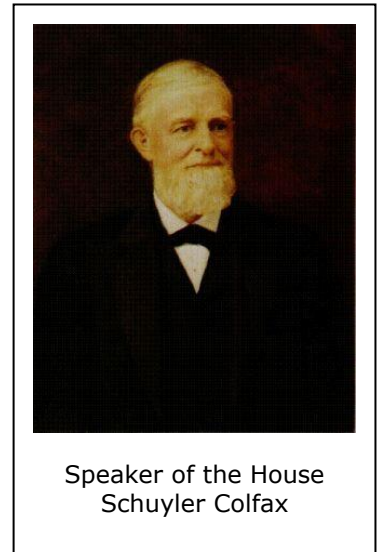
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President Pro Tempore
Solomon Foot



Speaker of the House
Schuyler Colfax

War or Peace?

American Civil War

As the 38th Congress convened, the Civil War lumbered on and the Union's military leadership was in disarray. Following the costly victory at Antietam in September 1862, President Lincoln appointed General Ambrose Burnside to replace General George B. McClellan as Commander of the Army of the Potomac due to the latter general's reluctance to move quickly to capitalize on Union successes, only to oust Burnside in favor of General Joseph Hooker after the defeat at Fredericksburg in December of that year. Under Hooker's command Union forces were defeated by the much smaller Confederate Army of General Robert E. Lee in Chancellorsville in May 1863, leading Lincoln to once again replace the Commander of the Army of the Potomac, this time with General George G. Meade, the fifth person to hold that post in less than a year.

Subsequent to the defeat at Chancellorsville, the Union's fortunes began to change as Maj. General Ulysses S. Grant's Army of the Tennessee continued its pursuit of Lt. General John C. Pemberton's Confederate Army in the Vicksburg Campaign. On May 16, 1863, as Pemberton was pursuing Union supply trains he received orders from General Joseph E. Johnston to double back and engage Union forces near Champion Hill in Mississippi. As Grant arrived at Champion Hill he ordered a three-pronged attack on Pemberton's advancing troops, forcing their retreat to Big Black River. Grant's Army of the Tennessee pursued the retreating Confederate army the next day, driving them to Vicksburg, setting up a brutal six-week siege of that city that ended with Pemberton's surrender on July 4. Meanwhile, as Grant was securing a hard-fought victory in Vicksburg, General Nathaniel Banks was drawing his brutal Siege of Port Hudson to a close, finally breaking the Confederate hold on the fort on July 9, returning control of the Mississippi River to the Union side.

Battle of Gettysburg

Further north, Confederate General Robert E. Lee followed his victory at Chancellorsville with a move north through the Shenandoah Valley, hoping to bring the war to Union territory and thereby force political leaders to reconsider continued prosecution of the war. Lincoln ordered the Army of the Potomac to pursue, first under the command of General Joseph Hooker, then of his replacement, Maj. General George Meade. The two armies converged at Gettysburg, Pennsylvania on July 1, inaugurating the deadliest battle of the war. The fighting began even as the armies continued to arrive, and the momentum was with the Confederate armies that first day as they broke the defensive lines of Brig. Gen. John Buford's cavalry division. Lee pushed their advantage the next day, launching brutal assaults on Union positions at Little Round Top, Devil's Den, Culp's Hill, and others, but the Union defenses held despite heavy casualties. The fighting continued the next day, July 3, culminating in Maj. Gen. George Pickett's charge on the center of the Union position on Cemetery Ridge. The charge of over 12,000 soldiers was ultimately repulsed by Union artillery, forcing Lee to retreat to Confederate territory and securing a Union victory in the Battle of Gettysburg.

The remainder of 1863 saw one significant victory for the Confederate side in Georgia when General Braxton Bragg's Confederate Army of the Tennessee defeated Maj. General William Rosecrans's Army of the Cumberland at the Battle of Chickamauga on September 20. The celebration would be short lived, however, as Maj. General Ulysses S. Grant, now in command of Union forces in the West, ordered a combined attack against Bragg's Army near Chattanooga, Tennessee. On November 25, as General William T. Sherman directed an attack on Bragg's right flank, the Army of the Cumberland, now commanded by Maj. General George Henry Thomas, charged on the center, forcing the Confederate army to retreat. The Union's success in the Chattanooga Campaign removed the last stronghold of Confederate control in Tennessee.

In March 1864 Lincoln appointed General Ulysses S. Grant to command of all the Union armies, filling his previous role as commander of the armies in the

west with General William Tecumseh Sherman. With a few exceptions, the Union held the momentum throughout 1864. In May, the General Grant began a coordinated push toward General Robert E. Lee's Army of Northern Virginia in Richmond with an army of greater than 100,000 troops, while General Sherman began a simultaneous advance from the west toward Atlanta. Grant's forces engaged in numerous skirmishes along the way, including the inconclusive Battles of the Wilderness on May 5-6, and Spotsylvania on May 8-12th, before suffering a costly defeat in the Battle of Cold Harbor on June 3rd. Meanwhile, General Sherman engaged in a number of skirmishes in his march toward Atlanta, including the inconclusive Battle of Resaca on May 13-15th, and a defeat at the Battle of Kennesaw Mountain on June 27th, before finally capturing Atlanta on September 2nd.

At the same time, General Philip H. Sheridan organized the Army of the Shenandoah aiming to secure the Shenandoah Valley, both to block this potential route for a northern invasion, and to render this important agricultural corridor unusable to the rebel states. Sheridan's Shenandoah Valley Campaign, which transpired from August to October 1864, employed scorched earth tactics, burning farms and crops to break Southern morale.

In February 1865, Lincoln and Seward met with Confederate Vice President Alexander Stephens at Hampton Roads, Virginia, to discuss peace, but Lincoln's unequivocal demands for emancipation and restoration of the Union were unacceptable to Confederate leaders. Sherman moved on to North Carolina in March, while another Union army captured Wilmington, North Carolina, the last Confederate port open for trade with the outside world. In March, Union cavalry forces swept into the Confederate manufacturing center of Selma, Alabama.

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Economic Trends and Conditions

The war placed significant strains on economic activity throughout the United States, though the negative impacts were felt much more keenly in the largely agricultural southern states than in the industrial north. The

monetary policies adopted to meet the enormous funding needs of the war contributed to rising inflation during 1862-1864 and prices of many goods had nearly doubled by the war's end.

Eager to highlight economic developments and minimize the difficulties instigated by the war, President Lincoln, in his message before the second session of the 38th Congress, reported on the progress of connecting the Atlantic and Pacific with rail and telegraph lines, as well as a planned telegraph cable running from North America to Europe by way of the Bering Straits and Asiatic Russia. In addition to these infrastructure projects, the President outlined the development of mineral resources in the Sierra Nevada and Rocky Mountain ranges. As Lincoln reported, the gold, silver and cinnabar mines produced ore with a value in excess of \$100 million.

These economic and infrastructure developments notwithstanding, the prosecution of the war placed enormous stress on the finances of the Federal government. Legislatively speaking, the Congress adopted a two-prong strategy for dealing with the challenges faced by the Treasury. First, the National Bank Acts of 1863 and 1864 established a system of national banks that would give the Federal government the ability to issue war bonds and government securities, as well as establishing a plan for issuing a national currency backed by government securities. The acts also levied taxes on state banks aimed at minimizing competition. Further, the Congress enacted an amendment to the Morrill Tariff in June 1864, which increased the average tariff rates from 37 to 47 percent.

The war created new circumstances for marginalized groups such as African Americans, women, and working-class immigrants. The Confederacy's four million African American slaves were able to undertake certain beneficial measures while the fighting raged. Slaves were often able to profit from the absence of overseers and masters to gain flexibility in work routines. Due to a shortage of white workers, many slaves improved their labor situation by learning new skills or securing paid employment in shops and factories producing war-related goods. Slaves by the hundreds of thousands took advantage of approaching federal armies by fleeing to Union lines, belying Southern white claims of slave satisfaction and loyalty. No slave uprisings occurred as the Confederacy collapsed, but over 134,000 freed slaves served as Union soldiers, thus realizing the deepest fear of Southern whites. Ex-slaves responded to freedom by forming community organizations, striving to become independent property owners, and trying to acquire literacy skills. Northern free African Americans also exploited wartime employment opportunities, and over 34,000 of the North's total African American population served by wearing Union blue.

Northern and Southern white women also seized new responsibilities and opportunities. Women on both sides assumed roles that men had vacated because of the war. They managed plantations and farms, worked in government bureaus and factories, and nursed the sick and wounded. Benevolent workers on the home front organized to relieve and bring comfort to soldiers. Some women in the South even resorted to violence when war brought scarcity. In 1863, women rioted for food in over a dozen different Southern cities.

In both the North and South, the war highlighted latent class issues by bringing economic hardship to poor whites. Southerners responded to outrageous inflation and scarcity by abandoning the war effort, or, less commonly, through incidents such as rioting. Greater agitation by the poor occurred in the more urban and industrial North, where most immigrants arriving in the decades before the war had settled. Many of these immigrants were unskilled workers who not only felt pinched by inflation that far outpaced wages, but also showed little enthusiasm for the Union effort. They reacted to the situation with militancy and strikes, helping to build a class-conscious labor movement, which would mature after the war. When the federal government instituted conscription to meet the need for soldiers, immigrants - for instance, Irish and German Catholics in Wisconsin - responded violently at times.

Sometimes the war brought African Americans, women, and immigrants into conflict with one another. Southern white women, for example, experienced a greater sense of foreboding about African American uprisings as the war drained more and more white men from plantations and farms. African American men suffered from racism in the armed forces and on the Northern home front, especially when white mobs in Northern cities vented rage against their race and against the draft. Most notably, Irish laborers crowded into fetid New York tenements, went on a four-day rampage in July 1863, enraged at the draft and at the idea of fighting for the emancipation of African Americans, who, the Irish felt, would then be competing for already-scarce jobs. Most of the riot's 105 victims were black and included children of the Colored Orphan Asylum, which the mob torched.

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Constitutional Amendments

Thirteenth Amendment. Abolished slavery and involuntary servitude, "except as a punishment for a crime whereof the party" had been duly convicted, within the United States, or any place subject to their jurisdiction. Approved by Congress Jan. 31, 1865. Ratified by the requisite number of States Dec. 6, 1865. ([13 Stat. 567](#))

Sources:

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Landmark U.S. Supreme Court Decisions

Prize Cases, concluded that President Lincoln's use of a naval blockade on Southern ports following the attack on Fort Sumter, despite a formal declaration of war from Congress, was justified because "whether the hostile party be a foreign invader, or States organized in rebellion, it none the less was a state war, although the declaration of it be unilateral," 67 U.S. 635 (1863)

Gelpcke v. City of Dubuque, held that when contracts are made on the basis of trust in past judicial decisions those contracts could not be impaired by any subsequent construction of the law, 68 U.S. 175 (1864)

Ex parte Vallandigham, held that the Supreme Court had no jurisdiction over appeals from military courts, 68 U.S. 243 (1864)

Gordon v. United States, held that, under the Constitution, no appellate jurisdiction over the Court of Claims could be exercised by the Supreme Court, 69 U.S. 561 (1864)

Sources:

Costello. George A. and Johnny H. Killian. [Constitution of the United States of America, Analysis and Interpretation](#). Senate, Jan. 1, 1996. 103rd Congress, 1st Session, S. Doc. 103-6. ProQuest Congressional, 14152 S.doc.6

1863 Events

- **Jan. 1:** *American Civil War* - [President Lincoln signs the Emancipation Proclamation](#)
- **Feb. 2:** Polish peasants are massacred by Russian hussars at Čysta Būda, near Marjampole, Lithuania
- **Mar. 3:** [Congress organizes the Idaho Territory](#)
- **Apr. 14:** Vietnam and France Empire sign the Treaty of Hue, which made Vietnam a protectorate of France
- **May 1-4:** *American Civil War* - [Battle of Chancellorsville: Confederate General Robert E. Lee defeats Union forces, killing 17,500 Union soldiers with a force of 13,000](#)
- **May 10:** *American Civil War* - [Battle of Chancellorsville: Confederate General Stonewall Jackson succumbs to wounds sustained in the fighting](#)
- **June 20:** *American Civil War* - [West Virginia is admitted to the Union as the 35th state after it was cleaved from the territory of secessionist Virginia](#)

- **July 1-3:** *American Civil War* – [Battle of Gettysburg: Union General George Meade repels a Confederate invasion of the northern states, with 28,000 Confederate casualties and 23,000 Union deaths](#)
- **May-July:** *American Civil War* – [The last major Confederate stronghold on the Mississippi River at Vicksburg, Mississippi, surrenders to Gen. Ulysses S. Grant's Army of the West after a six-week siege](#)
- **July 13-16:** *American Civil War* – New York City Draft Riots: A crowd of 500 mainly white, working class immigrants rioted in New York City in protest of draft policies that inequitably impacted the poor, resulting in as many as 120 deaths
- **Aug. 8:** *American Civil War* – Following his defeat at Gettysburg, General Lee sends a resignation letter to Confederate President Jefferson Davis, who does not accept Lee's decision
- **Oct. 3:** [President Lincoln declares that the holiday of Thanksgiving would be observed on the final Thursday in November](#)
- **Nov. 19:** *American Civil War* – [President Lincoln delivers his keynote Gettysburg Address at the battlefield](#)
- **Dec. 19:** Association football (soccer) is played for the first time

1864 Events

- **Feb. 1:** Fifty-seven thousand Austrian and Prussian troops attack Denmark, marking the start of the Danish-Prussian War
- **Mar. 9:** *American Civil War* – Lincoln appoints Gen. Ulysses S. Grant commander of all the armies of the United States. Gen. William T. Sherman succeeds Grant as commander of the armies of the west
- **May 2:** The United Kingdom cedes control of the United States of Ionian Islands to the Kingdom of Greece as a condition of the Treaty of London
- **June 15:** *American Civil War* – [Arlington National Cemetery is established in Arlington, Virginia, on the grounds of Confederate General Robert E. Lee](#)
- **Aug.-Nov.:** *American Civil War* – [General Phillip Sheridan lays waste to a 100-mile stretch of territory in the Shenandoah Valley using a "scorched earth" tactic at the request of Commander Ulysses S. Grant](#)
- **Aug. 13:** London, England's first fish and chips shop opens
- **Sept. 2:** *American Civil War* – Atlanta is captured by Gen. Sherman's Army
- **Sept. 5-6:** [Dutch, American, English, and French warships bombard Shimonoseki, Japan as a show of force against the Japanese feudal Chōshū Domain](#)
- **Oct. 31:** [Nevada is admitted to the Union as the 36th state](#)
- **Nov. 1:** [The Sand Creek Massacre occurs, in which U.S. troops massacre a village of Cheyenne Native Americans](#)
- **Nov. 8:** *American Civil War* – President Lincoln wins reelection over challenger George B. McClellan, by more than 400,000 popular votes
- **Dec. 13:** Paraguay declares war on the Empire of Brazil
- **Dec. 21:** *American Civil War* – [Sherman's army reaches Savannah, Georgia, leaving a 300-mile long path of destruction from Atlanta](#)

Sources:

[Abraham Lincoln, 1st and 2nd inaugural addresses; message, July 5, 1861; proclamation, Jan. 1, 1863; Gettysburg address, Nov. 19, 1863 \[text\]](#), GPO, Jan. 1, 1909. Pr1602 Abraham Lincoln General Publications (Pr16.2:Ad2) ProQuest Congressional, Pr1602-1

["An Act to provide a temporary Government for the Territory of Idaho."](#) (12 Stat. 808, Chap. 117; Mar. 3, 1863). ProQuest Congressional

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[Declaring the admission of Nevada, as a State of the Union.](#) Numbered Presidential Proclamations, Oct. 31, 1864. 38th Congress, 2nd Session. Presidential Proclamation No. 119, ProQuest Congressional, 1864-PR-119

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Department of State. [Papers relating to the foreign relations of the United States, transmitted to Congress, with the annual message of the President, December 1, 1873. Preceded by a list of papers, and a list of persons whose correspondence is contained in this volume, and followed by an index of persons and subjects.](#) House. Dec. 1, 1873. 43rd Congress, 1st Session, H.exdoc.1/3. (S1.1:873/[pt.1]/v.1) ProQuest Congressional, 1594 H.exdoc.1/3

[Designating certain states and parts of states as in rebellion, and declaring the slaves therein free.](#) Numbered Presidential Proclamations, Jan. 1, 1863. 37th Congress, 3rd Session, Presidential Proclamation No. 95. ProQuest Congressional, 1863-PR-95

Forney, J.W. [Supplemental report of the Joint Committee on the Conduct of the War, in two volumes.](#) GPO, June 18, 1866. 39th Congress, 1st Session, S.rp.142. ProQuest Congressional, 1242 S.rp.142

Hotchkiss, Jed; Julius Bien & Co. Lith., N.Y. ['Sketch of the Battle of Chancellorsville, Salem Church, and Fredericksburg, May 2, 3, and 4, 1863. House, Aug. 1, 1891'](#) in *Atlas to accompany the Official Records of the Union and Confederate Armies*. Aug. 1, 1891, 52nd Congress, 1st Session, H.misdoc.261. ProQuest Congressional, 2998-1 H.misdoc.261, map 174

[Names of soldiers who died in defence of American Union, interred in national cemeteries at Antietam \(Maryland\), and at Arlington \(additional\), Culpeper court-house, Cold Harbor, Winchester, Staunton, and various scattered localities in Virginia.](#) GPO, Jan. 1, 1868. 40th Congress, 2nd Session, Quartermaster's Dept. Roll of Honor No. 15. (W39.7:15) ProQuest Congressional, W3907-15

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[*Lyon, Colorado Territory, by a military commission, ordered to inquire into the Sand Creek massacre, November, 1864.*](#) Committee on Indian Affairs. Senate, Feb. 12, 1867. 39th Congress, 2nd Session, S.exdoc.26. ProQuest Congressional, 1277 S.exdoc.26

Welles, Gideon. [*Message of the President of the United States, and accompanying documents, to the two Houses of Congress, at the commencement of the first session of the Thirty-eighth Congress.*](#) Department of Navy, Dec. 7, 1863. 38th Congress, 1st Session, H.exdoc.1/15. (N1.1:863) ProQuest Congressional, 1183 H.exdoc.1/15

Major Acts

Morrill Tariff Amendments of 1864. Increased average tariff rate from 37 percent to 47 percent. Approved June 30, 1864. ([13 Stat. 202, Chap. 171](#))

Land Grant Act (Northern Pacific). Authorized the Northern Pacific Railroad to build a railroad and telegraph line from Lake Superior to Portland Oregon. Granted to the railroad a 200-foot right of way and twenty alternate sections of land on each side of the line for every mile of track. Approved July 2, 1864. ([13 Stat. 365, Chap. 217](#))

Immigration Act of 1864. Provided for the appointment of the Commissioner of Immigration and the establishment of a United States Emigrant Office in New York under the direction of the Superintendent of Immigration to oversee the interests of all immigrants. Approved July 4, 1864. ([13 Stat. 385, Chap. 246](#))

Freedmen's Bureau Act. Created the Bureau of Refugees, Freedmen, and Abandoned Lands to provide food, fuel, and land for "refugees and freedmen from rebel States." Approved Mar. 3, 1865. ([13 Stat. 507, Chap. 90](#))

Source:

Dell, Christopher and Stephen W. Stathis. [*Major Acts of Congress and Treaties Approved by the Senate, 1789-1980.*](#) Government Division (CRS), Sept. 1, 1982. 97th Congress, 2nd Session, 82-156 GOV. ProQuest Congressional, CRS-1982-GOV-0005

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