Introduction

In the wake of the presidential election of 1860 that brought Abraham Lincoln to the White House, the slaveholding states of the American South, led by South Carolina, began withdrawing from the nation. In the midst of this constitutional crisis, President James Buchanan, still in office until Lincoln’s inauguration in March 1861, tried to reassure the South that their slave property would remain safe, even under the incoming Republican administration. He asked Congress to draw up what he called an “explanatory amendment” to the Constitution that would explicitly recognize the right of states to sanction human bondage and allow slaveholders to retain their human property. In response, the House of Representatives established a thirty-three member committee under the leadership of Representative Thomas Corwin of Ohio to prepare a draft for the President’s consideration.

Within weeks, the committee delivered the “Corwin Amendment” to the House, a document many hoped would mollify the South. This proposed Thirteenth Amendment reflected the apprehension of those who in late 1860 believed they were witnessing the dissolution of the nation. Without using the word “slavery” or “slave,” the proposed amendment would deny “to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.” The amendment, officially designated Joint Resolution No. 80, passed the House of Representatives in late February by the convincing vote of more than two-thirds of the membership. It was delivered to the Senate just days before Lincoln’s inauguration and although most members of that body supported it, opponents were successful in blocking the amendment on a parliamentary technicality. Lincoln sent the amendment to the states for consideration. Only Ohio and Maryland ratified it. The copy of the amendment provided here is the one sent to Maryland for approval.

In 1865, at the end of the war, a very different constitutional amendment, bearing the same numerical designation, was proposed and finally passed; the ratified Thirteenth Amendment ended slavery throughout the United States.

Questions for Discussion

Read the document introduction and text of the document and apply your knowledge of American history in order to answer the following questions.

1. Create a chart with a column for abolitionists and another for slaveholders. Divide both columns in two sections listing how both sides viewed the pros and cons of the proposed Thirteenth Amendment.

2. Why can it be said that the proposed Thirteenth Amendment in 1861 was a last-ditch attempt to prevent the nation from splitting apart? Cite specific examples to support your answer.

3. How can you explain the fact that the first Thirteenth Amendment specifically avoids any mention of the word “slave” or “slavery”?
A proposed thirteenth amendment to prevent secession, 1861

Copy of Proposed Amendment to the Constitution of the United States, April 30, 1861, sent to Maryland for approval (Gilder Lehrman Institute, GLC09040 p. 1)
A proposed thirteenth amendment to prevent secession, 1861

Copy of Proposed Amendment to the Constitution of the United States, April 30, 1861, sent to Maryland for approval (Gilder Lehrman Institute, GLC09040 p. 2)
A proposed thirteenth amendment to prevent secession, 1861

COPY OF PROPOSED AMENDMENT
to the
CONSTITUTION OF THE UNITED STATES.

To his Excellency,
The Governor of the State of Maryland,
Annapolis.
WASHINGTON, March 16, 1861.

Sir:—I transmit an authenticated copy of a joint resolution to amend the Constitution of the United States, adopted by Congress, and approved on the 2nd of March, 1861, by James Buchanan, President.

I have the honor to be,
Your Excellency's ob't servant,
ABRAHAM LINCOLN.

By the President,
WILLIAM H. SEWARD, Secretary of State.

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE.

To all whom these presents shall come, Greeting:

I certify that the paper hereunto annexed, has been compared with the original roll, and is a true copy of the “Joint Resolution to amend the Constitution of the United States;” approved March 2, 1861.

In testimony whereof, I, William H. Seward, Secretary of the State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the city of Washington, this 13th day of March, A. D. 1861, and of the Independence of the United States of America the 85th.

WILLIAM H. SEWARD.

Copy of Proposed Amendment to the Constitution of the United States, April 30, 1861, sent to Maryland for approval (Gilder Lehrman Institute, GLC09040 p. 3)
JOINT RESOLUTION.

Thirty Sixth Congress of the United States, at the second Session, begun and held at the city of Washington in the District of Columbia, on Monday, the third day of December, one thousand eight hundred and sixty.

JOINT RESOLUTION TO AMEND THE CONSTITUTION OF THE UNITED STATES.

Resolved, By the Senate and House of Representatives of the United States, of America in Congress assembled, that the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid, to all intents and purposes, as part of the said Constitution, viz:

ARTICLE XIII.

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions there of, including that of persons held to labor or service by the laws of said State.

WILLIAM PENNINGTON,
Speaker of the House of Representatives.

JOHN C. BRECKINRIDGE,
Vice President of the United States, and
President of the Senate.

Approved March 2, 1861.

JAMES BUCHANAN.

Copy of Proposed Amendment to the Constitution of the United States, April 30, 1861, sent to Maryland for approval (Gilder Lehrman Institute, GLC09040 p. 4)