

ESSENTIAL CIVIL WAR CURRICULUM

Statehood: New States During the Civil War

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The United States' quest to expand across the North American continent played a pivotal role in causing its Civil War. Starting with the initial Thirteen Colonies, the new nation added twenty-one more states between 1791 and 1861. Its third president, Thomas Jefferson, described the process of extending from the Atlantic to the Pacific in that brief time as creating "an empire of liberty." For whites, this westward expansion brought vast opportunities. The erection of their governments and economic systems, however, inflicted violence and deprivation upon African Americans, Native Americans, Hispanic Americans, and Asian Americans. From the outset, one issue guided the formation of states and territories: slavery. National unity depended on a policy of balancing the number of free and slave states. This approach worked for decades, although controversies dogged each admission. Escalating tensions over the future of the western territories in the 1850s led to the rise of the Free-Soil policy in the non-slaveholding states and secessionism in the slave states. The election of Republican Party in 1860 pledged to abolish balancing free and slave states by making the west free but protecting slavery where it existed. In response, the slaveholding states rebelled against federal rule and formed the rival Confederate States. While President Abraham Lincoln fought the war, he and his party embarked on its Free-Soil policy by forming one new state, Nevada, placing two more, Nebraska and Colorado, on the path to entry, and creating several new territories without slavery. They also admitted another state, West Virginia, from their need to appease southern Unionists. After the war, the Republican approach to statehood controlled the admission of a dozen more states. This article argues that the conflict came from but modified the state admission process along lines set by the sectional crisis and the Republican Party's policies. It shows how the Civil War influenced, and was influenced by, the creation of states before, during, and after the conflict.¹

¹ Thomas Jefferson used the term "empire of liberty" several times in his voluminous correspondence. The first was to his friend George Rogers Clark, then leading a United States army in the Illinois valley, in December 1780. If independence came, Jefferson wrote, then "we shall form to the American union a barrier against the dangerous extension of the British Province of Canada and add to the Empire of Liberty an extensive and fertile Country thereby converting dangerous Enemies into valuable friends." Thomas Jefferson to George Rogers Clark, 25 December 1780, *The Papers of Thomas Jefferson*, vol. 4, 1 October 1780–24 February 1781, ed. Julian P. Boyd. Princeton: Princeton University Press, 1951, pp. 233–238.

Throughout the colonial period, the British settlers saw themselves expanding westward. Each of the colonies mapped out their claimed lands beyond the Appalachian Mountains for their future settlement. One can still see this legacy in the borders of Kentucky and Tennessee today, where Virginia and North Carolina charted their claims all the way to the Mississippi River. The Crown's Royal Proclamation of 1763 and the Quebec Act of 1774 threatened those plans and in part inspired the colonists to revolt against British rule. Their Continental Congress had no sooner issued the Declaration of Independence than it started writing the new country's constitution. Known as the Articles of Confederation, the document contained a single clause regarding the addition of new territories. Article XI read as follows: "Canada acceding to this confederation, and joining in the measures of the united states, shall be admitted into, and entitled to all the advantages of this union: but no other colony shall be admitted into the same, unless such admission be agreed to by nine states."² The clause pertaining to the unconditional admission of the then three Canadian colonies of Nova Scotia, New Brunswick, and Quebec stemmed from the desires of Congress to control the entirety of British North America. The second clause proved to be more realistic. Its drafters wanted to ease the admittance of more territory as it became available. The nine-state requirement was a common feature for other passing laws but shared the flaw of needing state legislatures to approve any measure. Enacting the Articles themselves, however, required the unanimous acceptance of each colony. Not until March 1781, a few months before the ultimate victory at Yorktown, did they become law.

Once independent, the new United States sought to control its newly won western territories. Great Britain transferred its North American claims south of Canada to the new country as part of the Peace Treaty of 1783. The Ohio Valley stretched all the way from Pennsylvania to Lake Superior in modern Minnesota. Spain continued to control East and West Florida, the Mississippi Valley, and Mexico in the western part of the continent. France claimed Louisiana in the middle anchored at New Orleans but extending from the Gulf of Mexico to the Great Lakes. The Native nations fought for their own independence, but as they lost, whites quickly seized their land for settlement. At this point, the United States made a fateful decision that influenced the course of its westward expansion. After years of the colonies and later states buying, selling, and transferring their western claims, Congress brought order from that chaos when it issued the Northwest Ordinance of 1787, the first of many organic acts. These statutes set the conditions for admitting states not only in the Ohio Valley but for later states too. They established first the geographic limits of the new territory and the authority for the white settlers to create a territorial government in that area. Once its population reached a certain level, they could petition for statehood. Second, it forbade slavery in the lands north of the Ohio River. For the first time, a

² Articles of Confederation, Article XI.

federal law placed a limit on the institution. Its legacy influenced state development long into the future.³

The Constitution of 1789 started a new approach to the formation of new states. The Articles of Confederation proved to be unworkable, due largely to its nine-state requirement for passing laws and taxes. The new document instead adopted a simpler method. Article 4, Section 3, Clause 1 stated:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.⁴

This clause thus did not require the approval of the states to admit new ones, except only if parts of their territory were to form a new state. Clause 2 likewise granted it power over the status of territories, which became the primary but not exclusive method for forming states. Westward and southward expansion thenceforth lay exclusively with the federal government. Yet, future administrations now had to contend with balancing free and slave states in order to maintain national unity.

No sooner had the new nation enacted its constitution than the first of many crises of the Union began. In 1791, Vermont requested statehood after settling neighboring New York's claims over its territory. Moreover, its state constitution made it a free state. Its admission tipped the balance between free and slave states at eight to six. Southern opposition demanded a remedy. Congress found a solution in North Carolina's cession of its westernmost counties to the federal government in 1790. An attempt to form a new state called Franklin in later eastern Tennessee failed in 1785 when the bill failed to secure the required nine votes. This time, the new organic act called the Southwest Ordinance of 1790 set out similar terms for the process as its northern counterpart. One provision, however, differed sharply. Whereas the Northwest Ordinance forbade slavery from the area, its southern equivalent explicitly protected its presence. Its fourth clause read "*Provided always*, that no regulations made or to be made by Congress, shall tend to emancipate slaves." Two new states formed from this settlement. Kentucky, with Virginia's required permission, entered the Union in 1792. Tennessee followed four years later, this time at the behest of the federal government. Their admissions rebalanced the Union at eight free and

³ "An Ordinance for the Government of the Territory of the United States North-West of the Ohio River," July 13, 1787, Library of Congress, <https://guides.loc.gov/northwest-ordinance>, accessed December 7, 2023.

⁴ United States Constitution, Article 4, Section 3.

eight slave states. These acts preserved the new country's unity as it entered the new century, but created the fault line which was later a primary cause of the Civil War.⁵

The quest for new states continued slowly due to the balancing policy. The federal government added a new requirement for admission after the organic act. Congress now had to pass an enabling act, which served as an invitation to a territory's white population to apply for statehood. This procedure applied first to Ohio, whose territorial government submitted its application in 1801. Two years later, it joined the Union. Congress then by an organic act converted the Northwest Territory into the Indiana Territory, from which later budded the new territories of Michigan and Illinois. Finding an eighteenth state took some time. Later that year, the Jefferson administration doubled the size of the United States when it purchased French claims to Louisiana. Quickly, the residents of New Orleans and adjacent parishes applied for statehood. As with Ohio, Congress passed an organic act establishing the geographic limits of the new state, while converting the remaining lands into Missouri Territory. An enabling act then invited its free white residents to draft a constitution. In 1812, Louisiana joined the Union as the ninth slave state on the eve of another war.⁶

The War of 1812 brought more territory into American hands. While Great Britain and the United States fought each other to a draw, the latter won important victories over the many Native nations in the Ohio and Lower Mississippi valleys. With the Treaty of Ghent (1814) and Treaty of 1818, the two white settler countries resolved their disputes over neutral rights on the high seas, the Canadian border, and the Louisiana Purchase. Equally important, however, are the treaties with Native nations in the northwest and the south. During the war, the Shawnee prophet Tenskwatawa and his brother Tecumseh led a pan-Indian alliance stretching from the Gulf of Mexico to the Great Lakes allied with the British to stop United States westward expansion. They failed. At the Treaties of Fort Jackson (1814) and Greenville (1815), the various nations surrendered their ancestral lands to the United States. In the succeeding decades, whites occupied these new territories and forced most of the Natives to move to the so-called Indian Territory in a perverse reversal of 'westward expansion' known as "The Trail of Tears" or "The Trail of Death." In the war's wake, four new states formed. Two were at least nominally free, Indiana (1816) and Illinois (1818), while two practiced slavery, Mississippi (1817) and Alabama (1819). Each side now had eleven states. Thus, the American Union maintained its balance while exploiting the

⁵ "An Act for the Purpose of ceding to the United States of America certain western lands therein described," and "An act for the government of the territory south of the Ohio River," in C. E. Carter and J. P. Bloom, comp., 28 vols., *The Territorial Papers of the United States* (Washington, DC: United States Government Printing Office, 1936-1975), 4: Territories South of the Ohio River, 3-8, 18-19; see also Kevin T. Barksdale, *The Lost State of Franklin: America's First Secession* (Lexington: University Press of Kentucky, 2009).

⁶ "An Act erecting Louisiana into Two territories, and providing for the temporary government of one," *United States Statutes at Large*. Eighth Congress, Session I, Chapter 38, March 26, 1804, 283-289.

influx of land. Little wonder that white people called the postwar period “the era of good feelings.” The indigenous nations expressed a very different opinion.

The conflict later brought East and West Florida under American rule. The United States had settled some of its disputes with Spain over their western claims in Pinckney’s Treaty in 1795. Three years later, the United States formed the Mississippi Territory from the that area, despite treaties with the native nations there. The ill-defined border, however, led to conflicts with Spain, the Creeks, and the neighboring state of Georgia. The latter sought the northern sections of lands much as Virginia and North Carolina had in Kentucky and Tennessee. The Yazoo Land Scandal compelled the state to sell its claims to the federal government in 1802 which added them to the Mississippi Territory. Between 1810 and 1812, the Madison Administration brazenly annexed West Florida and its major city of Mobile while Emperor Napoleon dispossessed Spain’s government while he occupied the Iberian Peninsula. The Creeks resisted American encroachment in 1813 but Major General Andrew Jackson of Tennessee defeated them at the Battle of Horseshoe Bend in the next year. The federal government then looked towards East Florida. The southern states longed to bring that area into the Union. The Spanish had allowed persons escaping enslavement to live freely on lands under their control. Following Jackson’s unauthorized invasion of East Florida and war against the Seminoles, Spain transferred the area in the Adams-Onís Treaty of 1819. Although the Seminole nation successfully resisted American efforts to subdue them, Congress’s annexation rounded out the southeastern frontiers of the country and converted the once refuge into a territory two years later. A threat to national unity prevented its statehood for many years.⁷

The balancing policy faced its first major test in the Missouri Crisis of 1819-21. As mentioned earlier, the Missouri Territory had split off from Louisiana upon its statehood. The remaining unorganized lands extended all the way from the Mississippi River to the new United States-Great Britain (and later Canadian) border in modern Montana, Alberta, and Saskatchewan. Like New Orleans years before, the white residents in and around the city of St. Louis sought statehood in 1819 but problems quickly emerged. Some northern leaders such as James Tallmadge of New York wanted to extend the Northwest Ordinance’s ban on slavery all the way to the Pacific. White southerners insisted that only a state could control its ‘domestic institutions’ as they termed slavery. The Monroe Administration forged a compromise: Missouri would join the Union as a slave state while the free state of Maine formed out of Massachusetts. The law also set Missouri’s southern border with Arkansas Territory, also formed that year, at 36° 30’ North which became slavery’s northern frontier. The deal, known as the Missouri Compromise, resolved the possibly bitter dispute, which Thomas Jefferson called “the fire bell in the night,” or so all hoped. The

⁷ Brenden Kennedy, “Not Worth a Pinch of Snuff: The 1789 Yazoo Land Sale and Sovereignty in the Old Southwest,” *Georgia Historical Quarterly* 101:3, 198-232.

controversy cooled the once hot formation of new states for another decade and a half. The next pairing did not occur until slave Arkansas joined in 1836 followed by free Michigan a year later.⁸

The 1840s saw the balancing policy begin to unravel. In the Oregon Treaty, the United States and Great Britain amicably split the Pacific Northwest between them. The northern portions later became the Colony and later the Province of British Columbia. The United States claimed the southern corner which it called the Oregon Territory. In 1853, Congress split it in two, turning Oregon into a state six years later. Washington, the northern part, would not follow until much later. The annexation of Texas, however, contrasted sharply with the tranquility of Oregon's path. The mostly southern white American settlers invited there by Mexico in the 1820s rebelled a decade later. Their victory in the Texas Revolution culminating in the Battle of San Jacinto in 1836 led to the formation of the independent Republic of Texas. From the outset, the Texans sought annexation to the United States. President Tyler approved the statehood bill days before he left office in March 1845 but left the ensuing controversy to his successor James K. Polk. The difficult process caused trouble with anti-slavery northerners, especially after the joint accessions of Florida and Iowa that year created a one-state imbalance.⁹ The combined bill did not mention slavery at all, yet all understood that their relative locations dictated their statuses. The real trouble came when Mexico protested the entry of Texas in December 1845, which it saw as its territory, into the Union. The subsequent Mexican-American War resulted in a major United States victory. The peace treaty cost Mexico its entire northern half. The new lands, populated by many Native nations and persons of Mexican ancestry, caused a new more intense crisis for the Union than that over Missouri twenty-five years earlier.

The Mexican Cession, as the vast area became known, posed a serious problem for the United States. Even before the war ended, white southerners wanted to extend slavery all the way to the Pacific. The non-slaveholding states sought to keep the west free for white settlement, a philosophy that they termed Free-Soil. In 1846, much like James Tallmadge had for Missouri in 1819, Pennsylvania Democrat David Wilmot added a proviso to restrict slavery in the new territories even before the war had ended. The two sides seemed headed for a nation-splitting clash. Not even rushing Wisconsin to statehood in 1848 could calm them. Henry Clay of Kentucky and Stephen A. Douglas of Illinois forged compromises to forestall conflict. The result seemed to work. The agreement, known as the Compromise of 1850, strengthened the fugitive slave law, banned the slave trade in the District of Columbia but not slavery there itself, allowed

⁸ Thomas Jefferson to John Holmes, April 22, 1820, Thomas Jefferson Collection, Library of Congress, <https://www.loc.gov/exhibits/jefferson/159.html>, accessed December 7, 2023.

⁹ "Act for the admission of the States of Iowa and Florida into the Union," Cong. Globe., 28th Cong., 2nd Sess., (1845), 742-3. Despite the joint act, Florida joined the Union in March 1845 while Iowa waited until December 1846 due to opposition to boundary changes proposed by Congress. See Leland Sage, *History of Iowa* (Ames: University of Iowa Press, 1974), 80-91.

California to join the Union as a free state without passing through territorial status, settled the boundaries of Texas to its present limits, and formed new territories in New Mexico (including Arizona) and Utah (including Nevada and parts of Colorado and Wyoming) from the remainder. The bills forming these territorial governments each stated that their future statehood would occur “with or without slavery, as their constitution may prescribe at the time of their admission.”¹⁰ Douglas called his idea “Popular Sovereignty”. These measures restored some peace to the Union, but its long-term effects included the breakdown of the other main national party, the Whigs, three years later, the rise of the Free-Soil ideology, and the hardening of white southern resistance to future compromises. Although the enslaved and northern abolitionists continued to agitate against the institution, national unity resumed.

This reunification did not last long. In 1854, Stephen A. Douglas brought an organic act before the Senate to split the unorganized territory left over from the Louisiana Purchase into two new territories, Kansas, and Nebraska. Its provisions left the decision on slave or free status, using the same words as in Utah and New Mexico’s territorial bills, to the white voters in each. The subsequent Kansas-Nebraska Act passed, but it caused considerable harm to national unity. Not only did northerners feel it threatened the integrity of the Compromise of 1850, but it also violated the ban on slavery north of the 36°-30′ line, established by the Missouri Compromise. Southerners, feeling that the act violated their constitutional rights to take their property anywhere in the country, became increasingly restless. Worse news soon came. The creation of the Republican Party in 1854 launched the strongest yet anti-slavery party on to the national stage. Dedicated to Free-Soil in the west but preserving slavery where it existed, the party overcame the upstart Know Nothing Party to run a strong second place in the 1856 federal election. The Democrats found themselves as the only remaining national party in an ever more hostile political climate. Their plans for Kansas resulted in a small but brutal guerrilla war between pro- and anti-slavery elements there. Even Douglas broke with his own party when President James Buchanan chose the proslavery but minority Lecompton constitution for Kansas. The Supreme Court further weakened their appeal when its infamous Dred Scott decision in 1857 abolished all previous compromises on slavery. Not even hurrying through statehood for Minnesota in 1858 and Oregon in 1859, and territorial status for Dakota, Colorado, and Nevada without any specific regard for slavery, could heal national tensions. Kansas ultimately joined the Union in January 1861 as a free state under its majority Topeka constitution amidst the declarations of secession from seven

¹⁰ “An Act to establish a Territorial Government for Utah,” Cong. Globe., 31st Cong., 1st Sess., (1850), 453-4; “An Act proposing to the State of Texas the Establishment of her Northern and Western Boundaries, the Relinquishment of by the said State of all Territory claimed by her exterior to said Boundaries, and of all her claims upon the United States, and to establish a territorial Government for New Mexico,” Cong. Globe., 31st Cong., 1st Sess., (1850), 446-52.

slave states following John Brown's raid on Harper's Ferry and the election of Republican Abraham Lincoln to the presidency. Hostilities began soon afterwards.

The incoming administration radically altered the circumstances for forming states. With the Union containing nineteen free and fifteen slave states, the new Republican administration abandoned the balance policy. The departure of most senators and representatives from the seven and later eleven seceded states allowed the Republicans and their northern Democratic allies to conduct their war policies with fewer obstructions. Emancipation was by far the most important issue. On the one hand, he moved quickly to abolish slavery in areas under exclusively federal jurisdiction, such as implementing a compensated emancipation plan for the District of Columbia, banning the international slave trade with Great Britain, and most importantly, abolishing slavery in the western territories as promised in their campaign platform.¹¹ On the other hand, as they had promised, the Republicans treaded lightly on the issue in the existing states. Lincoln particularly feared the allegiances of the sensitive border slave states of Missouri, Kentucky, Maryland, and Delaware, and the northwestern counties of Virginia, as well as much northern opinion.

One state formed from the latter policy. In April 1861, the northwestern counties of Virginia resisted their state's declaration of secession. Once secured by Union troops, many loyal white citizens sided with the federal government. As in the other border states, their allegiance depended on Lincoln keeping his promise to protect slavery. While the enslaved used every opportunity to escape bondage, whites took two steps to embrace the President's policy. The first was to 'reorganize' a Unionist government of Virginia so they continued to have a place in Congress. The second, inspired by former Congressman John S. Carlile, sought to form a new slave state. Their plan succeeded in drafting a constitution in late 1861 and early 1862 but Lincoln's offer to free the border states weeks later changed the game. A new faction of radical or "Unconditional Unionists" rose to power after seeing conservatives place personal connections with rebels ahead of their allegiance to the Union. The radicals brought a gradual emancipation clause to the statehood bill, against Carlile's opposition. Conservatives claimed that the act was unconstitutional because of the provisional nature of the reorganized Virginia government, while radicals saw it as a necessary step to defeat the rebellion. The president himself sided with the latter. "Without braving these absurd conclusions," he wrote on December 31, 1862, "we cannot deny that the body which consents to the admission of West Virginia is the Legislature of Virginia." Furthermore, he cited the region's support for his otherwise unpopular border state emancipation plan. They had been "true to the Union under very severe trials. We have so acted as to justify their hopes, and we cannot fully retain their confidence, and co-operation, if we seem to break faith with them," he wrote. He then signed the bill while radical leaders smiled on in joy.

¹¹ James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861-1865* (New York: W. W. Norton, 2013), 257.

Like similar later transformations in Maryland and Missouri, the radicals behind the drive spent the next several years fighting a losing battle against conservative Unionists and former rebels seeking to redeem the state from the emancipationists. Having fallen into Lincoln's lap with its request to become a free state, West Virginia became the 35th state and by extension the fifth border state on June 20, 1863.¹²

With the interior border secured, Lincoln and the Republicans now looked westward. Their subsequent attempts to form states fell into line with the Free-Soil agenda. Throughout 1862 and 1863, they debated adding Nevada, Nebraska, Colorado, and Utah as states. Whereas their organic and territorial acts either left slavery up to local white voters (only Utah) or avoided the topic altogether, the new enabling acts passed in March 1863 required, for the first time, that the new states abolish slavery as a condition of admission. Utah's plan stalled over the Mormon refusal to abandon polygamy, but the other three proceeded with varying degrees of energy.

Having become a territory on the last day of the Buchanan administration, Nevada's white leaders formed its new government quickly. It was not long before some suggested seeking statehood. The federal Senate supported an enabling act in 1862 but the session ended before the House of Representatives could vote on it. Undeterred, territorial leaders pressed on with drafting a constitution. Their initial effort failed over disputes on mining taxes. A second attempt, this time backed by a new enabling act passed in March 1864, succeeded in September of that year. In an interesting twist, the mailed copy of the new state's constitution never arrived in Washington. Lincoln, however, would not sign the statehood bill without seeing it. Territorial governor James W. Nye instead sent it by the then longest and most expensive telegram ever sent up to that time to the President. Nevada entered the Union on October 31, 1864, just in time for that year's election. Later Congresses expanded its territory to the state's current borders. The Republicans also considered admitting more states to add more senators and congressmen willing to back their emancipation plans. They need not have worried. Nevada joined too late to participate in the Senate's debate on the 13th Amendment in April 1864, and the positive vote of its lone representative, a Republican, would not have proven decisive in the House's vote in January 1865.¹³

Nebraska statehood began under similar circumstances to Nevada but took much longer. Shortly after becoming a territory in 1854, some of its leaders suggested transforming the area into a new state. The plan gained momentum in 1859 to the point where the legislature authorized an election for a constitutional convention. The measure failed narrowly in January 1860. The war intervened and prevented discussion of statehood until April 1864 when Congress approved its

¹² Quoted from Scott A. MacKenzie, *The Fifth Border State: Slavery, Emancipation, and the Formation of West Virginia, 1829-1872* (Morgantown: West Virginia University Press, 2023), 139-140.

¹³ Michael S. Green, *Nevada: A History of the Silver State* (Reno: University of Nevada Press, 2014), 84-107.

second enabling act. The bill specifically forbade slavery and involuntary servitude. Partisan politics, however, disrupted Nebraska's bid. Republicans sought rapid admission, but Democrats opposed the act's provisions for higher taxes. An election to hold a convention in July 1864 collapsed as a result. The effort resumed after the war. Territorial governor Alvin Saunders and some of his cronies drafted a constitution on their own and succeeded in holding a referendum. It passed by only one hundred votes, due to Democrats raising the race issue while Republicans appealed to patriotism by waving the flag. These parties thwarted the bill's passage through Congress. Radical Republicans wanted to add Black voting to the constitution. The amendment passed both houses, but President Andrew Johnson pocket vetoed it at the end of the session. A later effort in December 1866 succeeded in adding that measure to the bill but Johnson again vetoed it. Congress overturned his decision and compelled him to admit Nebraska, the only time a state entered by this method. The President reluctantly signed the bill on March 1, 1867. In response, the Republicans heading the new state named its capital for Lincoln, the martyred president.¹⁴

Colorado's accession took even longer than that of Nebraska and Nevada. Its territorial status also came in February 1861 and its first enabling act in March 1864, but the war prevented more debate. Most of its white men stayed close to home battling Native Americans, including the horrifying massacre at Sand Creek in October 1864. The population rejected the first constitution in that June by a three thousand vote margin. The election pitted Republicans against Democrats while Hispanics fended off white settlers for that outcome. A second convention held in August 1865 passed but the voters rejected a Black voting clause by ten to one. After the war, the territory underwent an economic depression that made it essentially ungovernable. Washington appointed no fewer than five governors in eleven years due to powerful cattle, mining, and railroad concerns competing for power. An influx of white settlers in the 1870s, however, revived interest in statehood. In March 1875, Congress passed its final enabling act, but its tight schedule impacted the 1876 Presidential election. Colorado joined the Union in that August which gave the state little time to organize polling. The Republican controlled legislature selected three electors from that party. Their votes for Rutherford B. Hayes tilted the deeply contested presidential election in his favor. The outcome prompted the end of Reconstruction with the famed Compromise of 1877.¹⁵

In addition to forming states, the Republicans also created new territories following their Free-Soil policy. After banning slavery from the existing territories in June 1862, they redrew

¹⁴ Mark R. Ellis, "The Story of Nebraska," in Benjamin R. Shearer, ed., 3 vols. *The Uniting States: The Story of Statehood for the Fifty States* (Westport, CT: Greenwood Press, 2004), 2: 725-52.

¹⁵ Eugene Berwanger, *The Rise of the Centennial State: Colorado Territory, 1861-1876* (Urbana: University of Illinois Press, 2007).

the boundaries of the Dakota and Washington territories to create two more, Idaho in March 1863, and Montana in May 1864. Each of their organic acts contained the same clause stating, “that whereas slavery is prohibited in said territory by an Act of Congress of June nineteenth, eighteen hundred and sixty-two, nothing herein contained shall be construed to authorize or permit its existence therein.” This implementation of Free Soil applied only to these territories. The passage of the Thirteenth Amendment in December 1865 rendered future organic acts immune to such requirements.

The genesis of one additional territory formed during the war requires elaboration. The Confederate States created no states during its existence, having more than sufficient trouble controlling its existing ones. Yet it claimed New Mexico as a territory whose boundaries included modern southern Arizona. Secessionists there proclaimed it their land in August 1861 and Richmond authorized its territorial status on February 14, 1862. The United States, however, effectively ended rebel control with its victory at Glorietta Pass in late March 1862. Sporadic fighting continued for the rest of the war, but none ever threatened the federal government’s control. In February 1863, President Lincoln signed the Arizona Organic Act which separated it from New Mexico and forbade slavery from the new territory. The latter holds the record for being holding territorial status longer than any other, from 1850 to 1912.¹⁶

The federal government converted the remaining territories into states over the next half century. North Dakota, South Dakota, Montana, and Washington all entered the Union in 1889. Idaho and Wyoming acceded in early 1890. Utah only joined in 1896 after its Mormon leadership abandoned the practice of polygamy. Slavery’s legacy, interestingly, continued to influence state development into the next century. The famed Missouri Compromise 36°-30’ line formed the basis for Arizona and New Mexico’s northern boundaries upon their admissions in 1912. Quirks in these laws allowed parts of the Indian Territory to appear north of that limit when it achieved statehood as Oklahoma in 1907. In 1959, the last two states to join the Union formed from circumstances not directly related to slavery or to the Civil War. The United States purchased Alaska from Russia in 1867 from a golden opportunity to acquire land in quantities on par with the Louisiana Purchase. Hawai’i came under American control as the country cast expansionistic eyes across the Pacific.

The Civil War stemmed in part from the process of bringing new states into the American Union but also transformed it. Between 1789 and 1861, the nation maintained its unity by balancing free and slave states. This policy faced but survived potential disruptions in the Missouri

¹⁶ *Organic Act of the Territory of Idaho* (Lewiston: Frank Kenyon Territorial Printer, 1864); *Organic Act of the Montana Territory* (Virginia City: D. W. Tilton & Co Book and Job Printers, 1867); and “An Act to provide a temporary government for the Territory of Arizona, and for other purposes,” *Statutes at Large of the United States of America*, 37th Congress, 3rd Session, 664-5.

Crisis of 1819-21 and the aftermath of the War with Mexico in 1848. The rise of the Free-Soil doctrine led to increasing opposition from slaveholding states and support from the rest in the 1850s set the country on the course to war. While fighting the rebellion, Lincoln's Republican administration replaced the balance policy with Free Soil as they sought to purge the nation of slavery. West Virginia came about from Lincoln's need to appease southern Unionists. Soon after, he authorized new free states in Nevada, Nebraska, and Colorado. The first joined in late 1864 while internal difficulties delayed the latter pair until after the war. The Republicans also made new territories out west which abandoned slavery but legitimized the marginalization of African, Hispanic, and Asian Americans, and the Native American nations. The current map of the United States, therefore, owes its shape to the run-up, processes, and outcomes of the Civil War.
