
CHAPTER 14

West Virginia Is Born 1863

April 5, 1983

Mr. President, the United States Senate is an arena in which much of our history has been played out. Such was never more true than during the slavery controversy that led to the Civil War. That controversy built to a crescendo in 1861. Throughout that process, Senate debates and legislation reflected the tensions growing elsewhere in the country over the slavery question. The 1856 caning of Senator Charles Sumner of Massachusetts by Representative Preston Brooks of South Carolina on the Senate floor was an example of the sectional passions that were about to burst the bonds of considered debate and reasoned discourse.

Some critics have condemned the Senate for failing to solve the slavery conflict before Americans, North and South, started shooting each other. But the Civil War was not the Senate's failure alone. An objective look at the Senate's ante-bellum record—the Missouri Compromise; the Compromise of 1850; the careers of Daniel Webster, Henry Clay, and John C. Calhoun; even the ill-conceived Kansas-Nebraska Act—shows that senators from all sections of our country wrestled honestly and painfully, for nearly a half

century, to resolve the slavery conflict peacefully.

Unfortunately, emotions overrode reason, and the slavery controversy was settled in a wider, more tragic arena than the well of the Senate. But, during the Civil War and its aftermath, the United States Senate—for a time diminished in size—hammered out legislation that helped to shape modern America; legislation that still echoes with implications even for our own time.

However, the weeks and months just prior to the firing on Fort Sumter were melancholy and rending for the Senate and the Union alike. As the crisis grew, thousands of native-born southerners living in the North cut their ties and headed home, and many northern natives living in the South did likewise. One such northerner, for example—a West Point graduate and former soldier—was serving as superintendent of an obscure military academy in Louisiana. Impending war caused him to return North and rejoin the federal army. His next extended visit in the South was a major Union strategic success. That former military academy superintendent was William Tecumseh Sherman.

No less significant, perhaps, were the sometimes heartbreaking departures of southerners from the Senate. On January 21, 1861, for instance, no less than five senators from severed states made dramatic withdrawals from their Senate seats—first David Yulee and Stephen Mallory of Florida, and then Clement Clay and Benjamin Fitzpatrick of Alabama. At last came Jefferson Davis of Mississippi—whose desk is just two rows behind me where the distinguished senior senator from Mississippi, Mr. Stennis, presently sits. Davis' sincere, earnest, and regretful remarks helped in later years partially to redeem his reputation, even after his often-criticized and condemned performance as president of the Confederacy.

However, as one after another of the southern senators resigned from Congress or vanished, Virginia's senators held back. Those two men, James M. Mason and Robert M. T. Hunter, had been closely associated with John C. Calhoun's fight for states' rights and the preservation of slavery. Mason had even delivered Calhoun's final major speech on the Senate floor a few days before Calhoun's death in 1850. Hunter was universally recognized as one of the South's ablest defenders—a member of the Senate's southern triumvirate, which also included Davis and Georgia's Robert Toombs. Mason and Hunter were expected to go with the aborning Confederacy; yet, both men were still Virginia's official representatives in the United States Senate.

Mason's and Hunter's delayed departures reflected Virginia's ambivalence in 1861. In the 1860 presidential election, Virginia gave a majority of votes to pro-Union candidates Bell and Douglas over the more militant pro-slavery John C. Breckinridge of Kentucky. Virginia Governor John Letcher was known to be opposed to secession and to be working for a compromise between the seceding states and the rest of the Union. Indeed, the

Richmond secession convention that eventually voted to secede convened with a solid majority of pro-unionists and moderates who deplored secession. That majority defeated every secessionist move made in the Richmond assembly until, on April 12, 1861, General P.T.G. Beauregard fired on Fort Sumter, after which President Lincoln called for troops to put down insurrection in the cotton states. Governor Letcher curtly refused Lincoln's request for Virginia troops, and, on April 17, by a vote of 88 to 55, the Richmond convention removed Virginia from the federal Union.

That vote precipitated a debate in northwestern Virginia that the United States Congress decided in late 1862—a decision that paved the way for one of the permanent results of the Civil War, the creation of the state of West Virginia.

The western counties of Virginia were strongly pro-Union. Union sentiment was also strong throughout the Appalachian counties of several other southern states—North Carolina, Tennessee, and Kentucky, especially. Slavery was not a major economic factor in the Appalachian region, and the mountain folk of those states saw little advantage in fighting to maintain an institution that many mountaineer Virginians, North Carolinians, Tennesseans, and Kentuckians viewed as decadent and repulsive.

But, principles aside, northwestern Virginians had much to lose in a violent civil conflict. Northwestern Virginia was largely surrounded by Union territory. The Ohio River and its Virginia tributaries offered avenging Union raiders direct access deep into western Virginia's heartland. Many northwestern Virginians calculated no profit in following eastern Virginia into a secession that might finally level cities and towns like Wheeling, Clarksburg, and even Charleston.

Therefore, for a variety of reasons, Virginia's secession from the Union was almost im-

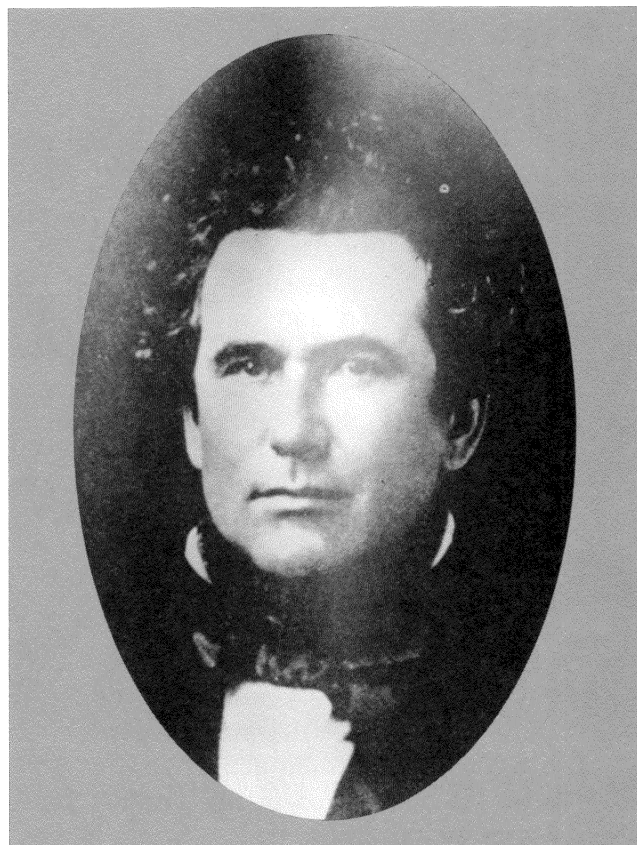
mediately followed by a countermovement in the northwest to keep part of Virginia loyal to the Washington government. That pro-Union effort was applauded by the Lincoln administration. Had all of Virginia gone into the Confederacy, the Baltimore and Ohio Railroad would have been severed, and Washington would have been cut off from direct rail access to the Midwest and the western states.

Throughout the rest of 1861 and all of 1862, then, western Virginians took a series of steps unique in American history. Historians and constitutional lawyers still debate the legality of those steps; however, Union victory on the battlefield lent those actions *de facto* validity, and the Senate and House gave them a certain *de jure* integrity.

First, a restored government of Virginia was organized in Wheeling under the governorship of Francis Pierpont of Fairmont. The Pierpont government claimed jurisdiction over the whole state of Virginia—a position consistent with Lincoln's own philosophy that the seceding states never did or could really leave the Union, in spite of actions of various secession conventions.¹

In quick succession, the Unionist rump of the Virginia general assembly, including delegates from northern Virginia, met in Wheeling and constituted itself the restored general assembly. The general assembly then chose two leading northwestern Virginia political figures to represent Virginia in the United States Senate—Waitman T. Willey of Morgantown to replace James M. Mason, and John S. Carlile of Clarksburg to supplant R. M. T. Hunter.

On the surface, then, by the summer of 1861, loyal unionist Virginians had reversed the actions of the Richmond Convention. Likewise, then, on the surface, Virginia never left the Union. Practically, however, eastern Virginia became the legal, economic, and political center of the new Confederacy. Like-



Francis A. Pierpont played a vital role in the formation of the state of West Virginia.

West Virginia Department of Culture and History

wise, practically, the stage was set for splitting the Old Dominion in two—a tear guaranteed by the influx of Union forces into the northwest, and a slash that was never mended.

With the restored government of Virginia in place, ardent northwestern Virginians launched the decisive effort to form a new state in trans-Allegheny Virginia—an effort that could not have succeeded in isolation from the extraordinary events between 1861 and 1865. In the spring of 1862, Governor Pierpont endorsed the West Virginia statehood movement. The United States Constitution provides that no state shall be formed or created within the jurisdiction of any

other state without the specific consent of that state's legislature. Under that rubric, on May 14, 1862, Governor Pierpont obtained permission from the restored general assembly for West Virginia to be formed.

The initiative now shifted to Washington. On May 29, Senator Willey, acting for the Virginia general assembly, presented West Virginia's application for statehood to the United States Senate. In a characteristically thorough speech, Senator Willey outlined the case for West Virginia's statehood. The West Virginia statehood bill, however, faced an uneasy future.

The first problems became apparent on June 23, 1862, when Senator Benjamin Wade of Ohio—"Bluff Ben" Wade to his friends—chairman of the Senate Committee on Territories, presented the West Virginia bill on the Senate floor. Senator John Carlile was a member of Senator Wade's committee. Carlile had long been an active Virginia politician. He had served in the Virginia general assembly and in the United States House of Representatives. In the 1861 Richmond Secession Convention, Carlile had been a leading opponent of Virginia's secession. As a strong unionist, Carlile had also taken an early lead in the West Virginia statehood movement. As a senator from Virginia, however, Carlile apparently became aware of new political realities. In the Committee on Territories, Carlile added amendments to the West Virginia bill to place the border of the new state on the crest of the Blue Ridge Mountains, to require that a new constitutional convention be called in West Virginia, and to provide that slaves be gradually emancipated in western Virginia. All or any of those measures would have spelled a slow death for the statehood movement in western Virginia in the summer of 1862. And to enlarge the West Virginia bill's problems, Senator Charles Sumner of Massachusetts, the Senate's archabolitionist, offered an

amendment to admit West Virginia only as a free state.

Fortunately for West Virginia statehood, the Senate rejected both the Carlile and Sumner amendments and supported West Virginia statehood by a vote of 23 to 17. Though the House of Representatives wrestled long with the peculiar constitutional questions raised by West Virginia's statehood, it, too, agreed to the new state's admission to the Union by the end of 1862.

But that did not satisfy all the problems. The admission of West Virginia to the Union posed a prickly dilemma for President Lincoln. Lincoln fully sympathized with the northwestern Virginians; however, he wanted to use the Virginia restored government of Francis Pierpont as a model for the future merger of the rebellious states into normal relations with the federal Union. The amputation of better than a third of Virginia's territory would jeopardize Lincoln's reconstruction plans. However, after listening to the pro-statehood arguments of cabinet members William H. Seward, Salmon P. Chase, and Gideon Welles, President Lincoln signed the West Virginia statehood bill on December 31, 1862. In his final defense of that signing, Lincoln said:

It is said the admission of West Virginia is secession, and tolerated only because it is our secession. Well, if we can call it by that name, there is still difference between secession against the Constitution, and secession in favor of the Constitution.

Against that background, West Virginia officially became the thirty-fifth state in the Union on June 20, 1863.²

Now a full-fledged state, West Virginia almost immediately turned to selecting its own first two senators. Waitman T. Willey of Morgantown had acquitted himself well and honorably in the United States Senate as a restored senator from Virginia. He had shepherded the West Virginia bill to its

Senate victory and had offered the Willey amendment to satisfy Radical Republican concerns—a measure that initiated slave emancipation in the new state. Willey's performance in behalf of unionist Virginia would have been sufficient to warrant the new West Virginia legislature's choice of Willey on August 4, 1863, as one of West Virginia's first two senators.³

But Senator Willey's renown was based on more than just his temporary service as a Virginia senator. Willey was a native of northwestern Virginia—a successful, self-made public citizen known throughout the state. He had been born in a twenty-foot-square log cabin near Fairmont, Virginia, in 1811. In that era, life in the western Virginia hills was severe—as it still is, to a considerable degree—and most people survived only through hard struggle and exertion, determination and tenacity, faith and physical strength. Like most of his contemporaries, Willey's childhood and youth were spent largely in dawn-to-dusk farm labor. In fact, in his first seventeen years, young Waitman received barely eleven months of cumulative formal schooling.

But two months of that schooling, under a strolling teacher from Philadelphia, opened Willey's eyes to the intoxication of knowledge. He read and reread the *Iliad* and *Pilgrim's Progress* and mastered *Pike's Arithmetic*—the only volumes in the Willey family home besides the Bible, another book of which young Waitman was at least a scholar, if not a master. But his two months with the Philadelphia teacher lit an intellectual fire in Willey's mind that burned for the rest of his life.

Not surprisingly, then, on Christmas Day 1827, Willey left his father's farm to go to a small college in western Pennsylvania. There, in just two years, Willey became proficient in Latin and Greek, developed an excellent skill in written and spoken English, laid a good mathematics foundation, taught

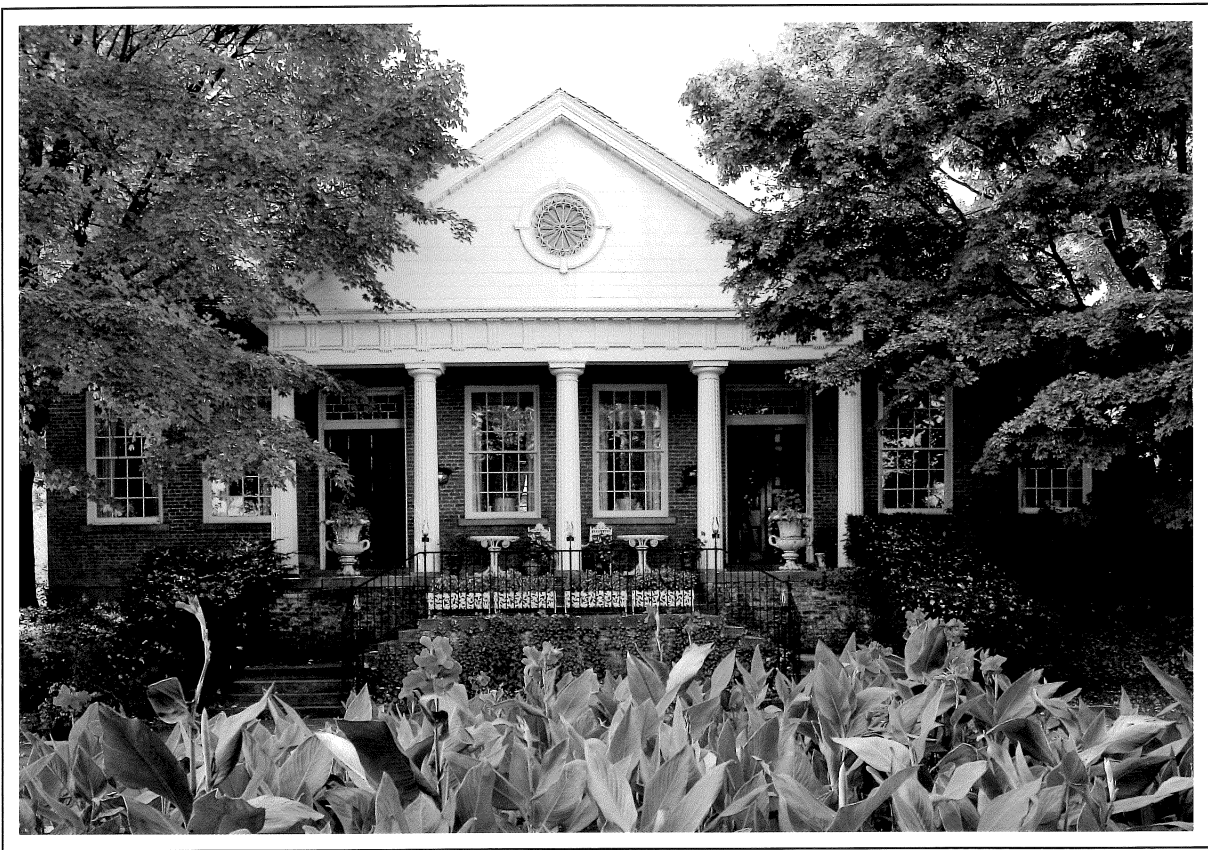


West Virginia Senator Waitman T. Willey helped achieve emancipation in the new state.

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some classes part-time, and graduated at the head of his class at the age of nineteen. After spending three more years working on his father's acres, Willey read law with prominent lawyers in Brooke County, Virginia. Brooke County is in the northern panhandle of West Virginia. Viewing the state from the tip of the northern panhandle, it is the second county going south.

In 1833, he was admitted to the bar and began practicing law in Morgantown, Virginia, his place of residence for nearly the next seventy years. Even today, Senator Willey's former home is one of Morgantown's most famous and treasured showplaces—an ante-bellum house that has been carefully maintained by Mr. and Mrs. Richard Raese. It is a beautiful home, and I would suggest that anyone going to Morgantown certainly



Waitman Willey resided in his ante-bellum mansion in Morgantown, West Virginia, for nearly seventy years.
Walter Smalling and Daniel Gooding

should stop and see former U.S. Senator Willey's home. I am sure that any traveler will be warmly welcomed by the present owners, Richard and Harriet Raese.

From Morgantown, Willey made his influence felt in many directions. Among other interests, Willey was an ardent and dedicated Methodist layman. In his mature years, he addressed national meetings of the Methodist Episcopal Church on numerous occasions. His first love, however, was the children's Sunday school class that he taught for many years in his Morgantown home church. During the war years in Washington, when once asked if he made any contributions to the war effort in Morgantown, Senator Willey answered that, in fact, he did—that

he was in charge of the light infantry—a veiled and mischievous reference to his young Sunday school charges.

But Willey's greatest marks were first made in Virginia Whig circles. Willey was a Virginia elector in the 1840 Harrison-Tyler Whig presidential victory. As a Whig, he was elected clerk of both the county and circuit courts of law and chancery for Monongalia County, Virginia—positions that he held continually between 1841 and 1852. It is the county in which West Virginia University is now located. But it is now West Virginia, not Virginia.

Unsuccessfully, Willey ran as a Whig nominee for Congress in 1852 and for lieutenant governor of Virginia in 1859. As a

prominent Whig, he was a delegate to the 1860 Baltimore Constitutional Union Convention that nominated John Bell for the presidency. In addition, in 1850, Willey had been a delegate to the Virginia Constitutional Convention and was a natural representative to the 1861 Richmond secession convention.

Willey went to the Richmond convention a committed unionist and remained so; but he had no illusions about the precariousness of Virginia's ties to the Union or about the probable outcome of a Virginia secession effort. In the general southern uproar that followed Abraham Lincoln's election to the presidency, Willey wrote:

I am for Virginia as she is and was, as our fathers created her—one and indivisible. I have deprecated recent manifestations of a desire for her dismemberment. Let her be integral forever. But if we are to be dragged into secession or disunion; to be made a mere outside appendage to a Southern Confederacy, defenceless and exposed as we must be, by our geographical position, to all the wrong and contumely that may be heaped upon us, our oppression may become intolerable; and I for one will be ready to accept the only alternative.

During the Richmond Secession Convention, Willey was a vocal and visible advocate of unionism. As such, Willey's life was again and again threatened by fanatical secessionists on the streets of Richmond and even at the doors of the state capitol. But Willey stood by his convictions. After the convention voted to secede, Willey returned home to ponder the ramifications of secession for Virginia's future.

In subsequent months of unionist counter-revolution and the growing West Virginia statehood movement, Waitman T. Willey showed exemplary statesmanship. He was never demagogic or rash—never waving the "bloody shirt," so to speak—either in his words or his actions. Willey's calm and reserve sometimes enraged fanatical unionists,

but those qualities were characteristic of Senator Willey. He was foremost a brilliant and able lawyer. He thought judiciously and judicially. Though he soon became a Republican—even a Radical Republican—he remained essentially a Whig. Like his traditional Whig compatriot across the Blue Ridge Mountains to the east, John Minor Botts—a Virginia unionist who spent the war under Confederate house arrest to later help forge Virginia's Republican party—Willey was devoted to the Union, but he was at heart a conservative committed to elemental and lasting principles—a characteristic that made him suspicious of mobocracy and untidy political thinking, either in Richmond, Wheeling, or Washington. That the West Virginia statehood movement succeeded was a tribute, in no small measure, to Waitman T. Willey's legal values, high personal ethics, and meticulous efforts.

After the 1863 senatorial election in the West Virginia legislature, the United States Senate designated Senator Willey, by lot, to serve the shorter of the two Senate terms. Because he served so well, he was reelected for a full six-year term in 1865. Since the war was resolving into a crushing Union victory, Willey and his Senate colleagues may have expected Senate business to become less dramatic and volatile.

President Lincoln's assassination and Andrew Johnson's temperament, on the one hand, and the determination of Representative Thaddeus Stevens of Pennsylvania, Senator Charles Sumner of Massachusetts, and the Radical Republicans, on the other, made unrealistic any hopes for a quick return to normal congressional routine, however. In the turmoil following the Lincoln murder, Senator Willey met with Andrew Johnson to fathom the new president's sentiments on West Virginia's continuing status. Initially, Willey was satisfied with President Johnson's reassurances. Johnson and Willey had

shared similar positions as Senate colleagues during the war, and Senator Willey had strongly supported Johnson—a Democrat—for the vice-presidency. Senator Willey had confidence in Johnson's ability to finish the work that President Lincoln had begun.

However, as Johnson came into greater conflict with the Radical Republicans, he became increasingly intemperate in his remarks and his actions. He even branded Representative Thaddeus Stevens, Senator Charles Sumner, and abolitionist Wendell Phillips as traitors. More and more, President Johnson alarmed ardent unionists, many of whom began doubting Johnson's own loyalty to the federal government.

In that light, Senator Willey, too, became anxious about President Johnson's resolve in consolidating the Union victory and in maintaining West Virginia's statehood. In addition, Willey's own Methodist Episcopal Church was fervently Radical Republican. As a result, Senator Willey usually voted for the Radical Republican program in the Senate, convinced of the Radicals' commitment to smothering the last sparks of rebellion in the Confederacy and to ensuring West Virginia's independence in the Union.

Nevertheless, Senator Willey's position in the Johnson impeachment trial remains mysterious and ambiguous. Willey early infuriated many of his Radical colleagues, his Methodist brethren, and concerned unionist West Virginians alike by insisting that the Johnson trial should be a legal proceeding, not a political inquisition. Senator John B. Henderson of Missouri maintained in later years that Willey was, at heart, against voting Johnson guilty. The general conference of the Methodist Episcopal Church must have been of that same impression. During their 1868 Chicago meeting, the Methodists pointedly called an hour-long special prayer meeting to invoke divine guidance on the Senate's decision, an action

that the press and most senators took as a direct effort to force Waitman T. Willey to vote Andrew Johnson guilty.

But, up to the moment of the vote, no one knew exactly where Senator Willey really stood on the Johnson verdict. He said little or nothing publicly to betray his position and left nothing in his papers or journals to suggest his thought processes on the subject of the Johnson impeachment. In the end, Willey voted Johnson guilty, but that was after his West Virginia colleague, Peter Van Winkle, had already helped clinch the final decision by voting for Johnson's acquittal. In spite of his recorded vote, however, Senator Willey went to his grave never clarifying where he really stood on the Andrew Johnson issue.

As the 1870 Senate election neared, Senator Willey realized that the reenfranchised former Confederates in West Virginia were making a strong political comeback. Though Willey campaigned vigorously for the West Virginia Republican ticket, 1870 was a political watershed year in West Virginia. Democrats won the governorship and the legislature and held onto their dominance for nearly a quarter century. Senator Willey was not reelected to the Senate. In March 1871, he resumed his Morgantown law practice. "Full of years," he knew that his elected career had ended. He continued active in West Virginia and national Republican affairs, and was treated at home as an honored elder statesman. In 1900, Senator Willey died at the age of eighty-nine. Thus ended a life and career characterized by wisdom, maturity, duty, foresight, patriotism, faith, and old-school honor—a life and career that won for Waitman T. Willey the respect of his Senate colleagues and his West Virginia neighbors alike.

But Waitman T. Willey was only one senator elected by the West Virginia legislature in August 1863. Willey was a logical and



Peter G. Van Winkle, mayor of Parkersburg, became West Virginia's first full-term senator.

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natural choice for the legislators to make. But Senator John Carlile's performance as a "restored senator" had alienated many northwestern Virginians and had puzzled even his strongest admirers. Carlile was clearly unpopular with the new West Virginians, and, though he continued to represent the Pierpont restored government of Virginia for nearly two more years, the West Virginia legislature had no intention of asking the Clarksburg resident to become the other senator from West Virginia.

Instead, Peter G. Van Winkle of Parkersburg was elected to serve the first full term as senator from West Virginia. Van Winkle was a native of New York City. As a young man, he had moved to Parkersburg, Virginia, where he studied law and was admitted to the bar. Van Winkle took an active part in

town politics, and eventually served as Parkersburg's mayor. His primary vocation, however, was as a railroad executive, and he was, for a number of years, an attorney and lobbyist for the Baltimore and Ohio line.⁴

Van Winkle had been a delegate to the Virginia Constitutional Convention of 1850–1851, but he played only a minor role in its debates. In the 1861 western Virginia unionist and West Virginia statehood movements, however, Van Winkle jumped into prominence. He was elected to the new West Virginia house of delegates in 1863, and his colleagues decided that he would make a good United States senator, as well.

Van Winkle's Senate career is, in many ways, more interesting than Willey's. Though constitutionally and philosophically a moderate or conservative, Willey moved easily and cooperatively with Washington's Radical Republican establishment. Van Winkle, however, was later suspected by some of having latent Democratic leanings, for he steered an independent, unpredictable, and, by a few interpretations, a sometimes pro-Confederate course. Though Van Winkle voted for the Thirteenth and Fifteenth amendments, for instance, he opposed the Fourteenth Amendment—to the anger of the Stevens-Sumner axis. Van Winkle did not favor slavery, but neither did he believe that the newly freed slaves were capable of exercising responsible citizenship. Ingenuous and candid, Van Winkle seldom violated his own ideals or hesitated to explain why he voted as he did.

But Senator Van Winkle is best remembered for his stands on two other controversial issues: the inclusion of Berkeley and Jefferson counties in West Virginia, and his own vote in the Johnson impeachment trial. Several Virginia counties had been netted into the new state against the wishes of their inhabitants. Most of those counties lay in far southeastern and southern West Virginia.

Those counties had among the largest slave populations in the new state; had long associations with Richmond and eastern Virginia; had, in most instances, strong secessionist tendencies; and had supplied the Confederate army with a sizeable number of troops. The primary reason for including those counties in West Virginia, against their will, was to give the Union a defensible boundary along the tops of the Allegheny Mountains.

But Berkeley and Jefferson counties lay at the foot of the Great Valley of Virginia, between the Alleghenies and the Blue Ridge. Both counties were integral participants in ante-bellum Virginia social and economic life. Martinsburg was the native home of the notorious Confederate spy Belle Boyd, and Charles Town had been the scene of the execution of John Brown, to the general satisfaction and approval of the local population. Berkeley and Jefferson counties were strongly pro-secessionist and pro-Confederate.

However, the main trunk of the Baltimore and Ohio Railroad ran through those two counties as well. Van Winkle was a patriotic unionist and strong new-state advocate. But Van Winkle was also a Baltimore and Ohio Railroad employee. He was determined to keep the B&O line entirely within West Virginia and Maryland on its way to the District of Columbia. Largely through Van Winkle's steady insistence in the Senate and in West Virginia, Berkeley and Jefferson counties were incorporated into the new state and remained so even after war's end.

In the Johnson impeachment proceedings, Van Winkle was one of the more dramatic players. Edmund G. Ross of Kansas has been singled out by some as a paradigm of political courage for his articulate stand and his acquittal vote. Certainly, Ross and the other six of his nominal Republican colleagues who voted against finding Johnson guilty were flirting with political ruin. But several

of those Republican senators switched to Democratic ranks in future political contests and some enjoyed success in their new roles. Ross himself was a Kansas delegate to the 1876 Democratic National Convention, was the 1880 Democratic candidate for governor of Kansas, and was appointed by Democratic President Grover Cleveland as territorial governor of New Mexico in 1885—hardly a career in oblivion. Republican Senators Lyman Trumbull of Illinois and Joseph Fowler of Tennessee metamorphosed as Democrats.⁵

But Van Winkle neither sought nor enjoyed any future political career after his vote in the Johnson controversy. In voting to acquit Johnson, Van Winkle knew that he was standing directly against the tide of West Virginia unionist sentiment. In February 1868, the West Virginia legislature had overwhelmingly called for Johnson's impeachment. In 1868, the West Virginia Democratic party was in near-mortal collapse. Van Winkle's vote left him no political backdoor through which to escape, courted no favor in his home state, and won for him a subsequent 18 to 3 condemnation vote from the West Virginia state senate. So, Mr. Ross was not the only profile in courage of that momentous occasion. Van Winkle unquestionably guaranteed his own political extinction by his vote.

However, Van Winkle claimed no plaudits for himself in his vote on the Johnson verdict. His independent action was characteristic of the rest of his one-term Senate career. As he explained, as a lawyer, he could find no illegalities in Johnson's actions, injudicious as those actions might have been. Further, Van Winkle may have believed that the continued wrangling between Congress and the White House was injuring America's vital recovery from one of the most devastating and wasteful wars in human history up to that time. He probably realized that he

would never hold political office again in West Virginia if he flew so directly in the face of his constituency. Nevertheless, Van Winkle voted his reason and his conscience and helped guarantee the final blow to the campaign to remove Andrew Johnson from the presidency. That subsequent popular opinion on the Johnson impeachment scandal has largely reversed the judgments of 1868 is no consolation to those who had to make the unpopular choice that year. Largely without further acclaim or applause, Van Winkle served out the rest of his Senate tenure and, in failing health, retired to Parkersburg in 1869, where he died three years later.

So, in this way, we shall close the opening chapter of West Virginia's history in the Union—a chapter to which Waitman T. Willey and Peter G. Van Winkle brought integrity and skill. Never before or since has a state entered the Union under such tumultuous and uncertain circumstances. At the very moments that Congress was debating West Virginia's statehood petition, federal and Confederate troops and guerrillas were shooting at one another to decide West Virginia's destiny in bloody contests far away in the mountains and far from Capitol Hill. But, once Congress made its decision, the efforts of Senators Willey and Van Winkle helped guarantee West Virginia's place among her sister states. And, to this day, West Virginians owe Senator Willey and Senator Van Winkle gratitude and respect for the ways and manner in which they introduced the Mountain State into the ranks of the Union.

I would say but one other thing in closing, and that is, I am sorry that, even today, 230 million Americans do not all know that West Virginia is a separate state. They often speak of West Virginia as the western part of Virginia. I think more and more, however, they are realizing that Richmond is not the capital of West Virginia, but that Charleston is.



West Virginia's motto, "Mountaineers are always free," reflects the state's contributions to the Union.
John Hamilton/U.S. Senate Historical Office

West Virginia is a state in its own right. We who are West Virginians cannot help but feel some surge of frustration and anger when people continue, even yet, to refer to Richmond as the capital of West Virginia and to West Virginia as the western part of Virginia. In saying this, I cast no aspersions on the great state of Virginia. Virginia has been called the mother of presidents. My wife is a former Virginian. But, West Virginia is no longer a part of Virginia.

Quite often people say to me, "I have been down in your country. I was over at Richmond and I have visited your apple orchards." Well, I have to tell them that I am not the owner of the apple orchards; they are owned by the Byrds of Virginia. While I would be proud to claim kinship with the great Byrd family of Virginia, I am unable to do so.

West Virginians are proud of their heritage. Appropriately, the state's motto is "Mountaineers are always free."

I suppose that if those more than a million mountains were leveled flat, the state would reach all the way to Texas. In any event, its boundaries extend farther north than Pittsburgh, farther south than Richmond—the capital of the Confederacy—as far east as Buffalo, New York, and as far west as Columbus, Ohio. It is the most southern of the northern and the most northern of the

southern; the most eastern of the western and the most western of the eastern. It is where the East says good morning to the West, and where Yankee Doodle and Dixie kiss each other good night! It is the state that is “wild and wonderful” and “almost heaven,” with its beautiful hills and its law-abiding, God-fearing, and patriotic people.

⁹² Daniel Webster, *The Works of Daniel Webster* (Boston, 1851), 2:604–5.

⁹³ Donald, *Sumner and the Rights of Man*, pp. 141–42.

⁹⁴ Trefousse, *Benjamin Franklin Wade*, pp. 217–24; Michael Les Benedict, *A Compromise of Principle: Congressional Republicans and Reconstruction, 1863–1869* (New York, 1974), pp. 70–83.

⁹⁵ Trefousse, *Benjamin Franklin Wade*, p. 223.

⁹⁶ *New York Tribune*, August 5, 1864; Trefousse, *Benjamin Franklin Wade*, pp. 226–27.

⁹⁷ *Statutes at Large* 13, Ch. 77–78, 90:468, 484, 507–8, 567 (1865).

⁹⁸ *Congressional Globe*, 39th Cong., 1st sess., pp. 1911–12.

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¹ Charles H. Ambler, *Francis H. Pierpont*, (Chapel Hill, 1937); John A. Williams, "The New Dominion and the Old: Ante-Bellum and Statehood Politics as the Background of West Virginia's 'Bourbon Democracy,'" *West Virginia History* (July 1972): 317–407; Richard O. Curry, "Crisis Politics in West Virginia, 1861–1871," in *Radicalism, Racism and Realignment: The Border States During Reconstruction*, ed. Richard O. Curry (Baltimore, 1969): 83–90.

² For complete information, see Richard O. Curry, *A House Divided: Statehood Politics and the Copperhead Movement in West Virginia* (Pittsburgh, 1964) and Boyd B. Stutler, *West Virginia in the Civil War* (Charleston, 1966).

³ For complete information, see Charles Ambler, *Waitman Thomas Willey, Orator, Churchman, Humanitarian* (Huntington, WV, 1954).

⁴ For complete information, see Evert Whitner, "Peter Godwin Van Winkle," (MA Thesis, University of West Virginia, 1946).

⁵ Thomas W. Howard, "Peter G. Van Winkle's Vote in the Impeachment of Andrew Johnson: A West Virginian as a Profile in Courage," *West Virginia History* (July 1974): 290–95.

CHAPTER 15

The Era of Reconstruction, 1865–1868

¹ Samuel E. Morison, Henry S. Commager, and William E. Leuchtenburg, *A Concise History of the American Republic* (New York, 1977), pp. 319–20.

² Kenneth Stampp, *The Era of Reconstruction* (New York, 1965), p. 84.

³ John Sherman, *Recollections of Forty Years in the House, Senate, and Cabinet: An Autobiography* (Chicago, 1895), 1:361.

⁴ *Ibid.*, 1:351.

⁵ Edward L. Pierce, *Memoir and Letters of Charles Sumner: 1860–1874* (Boston, 1894), 4:245.

⁶ James M. McPherson, *Ordeal by Fire: The Civil War and Reconstruction* (New York, 1982), p. 497.

⁷ Pierce, p. 270.

⁸ *Ibid.*, pp. 248–49.

⁹ *Ibid.*, pp. 250–51.

¹⁰ Sherman, pp. 363–64.

¹¹ McPherson, p. 500.

¹² *Ibid.*, p. 501.

¹³ William H. Barnes, *History of the Thirty-Ninth Congress of the United States* (New York, 1868), pp. 22–24, 569–70.

¹⁴ U.S., Congress, Senate, *Congressional Globe*, 39th Cong., 1st sess., p. 1.

¹⁵ *Ibid.*, p. 3.

¹⁶ Barnes, p. 49.

¹⁷ McPherson, p. 515.

¹⁸ Barnes, p. 276.

¹⁹ *Ibid.*, pp. 277–79.

²⁰ William R. Brock, *An American Crisis: Congress and Reconstruction, 1865–1867* (London, 1963), pp. 52–57.

²¹ McPherson, p. 520.

²² Francis Fessenden, *Life and Public Services of William Pitt Fessenden* (Boston, 1907), 2:123–24.

²³ McPherson, p. 523; Michael Les Benedict, *A Compromise of Principle: Congressional Republicans and Reconstruction, 1863–1869* (New York, 1974), pp. 294–96.