In July 1861, shortly after the Union defeat at Bull Run, the House of Representatives passed a resolution introduced by Whig-turned-Democrat John J. Crittendan of the border state of Kentucky while the Senate passed another written by Tennessee Democrat Andrew Johnson, the only Senator remaining from all the seceding states. These resolutions proclaimed that the only reason the Union made war was to maintain the Constitution and the country's integrity. The resolutions also promised that there would be no war on slavery.

Yet in a year and a half, the war for the Union became a war against slavery as well. The Final Emancipation Proclamation issued by Lincoln on January 1, 1863 committed the Union to freeing all slaves in the remaining Confederate states. Even so, slaves in other areas, such as Louisiana, had to wait until these states drew up new constitutions to gain legal freedom, while slaves in states that never seceded remained slaves until the Thirteenth Amendment was ratified after the war was over.

However much some northerners, including perhaps even Lincoln himself, wanted to ignore slavery while restoring the Union, abolitionists, white and black, insisted on reminding them of its centrality to the crisis. More importantly, so did the enslaved themselves. Sure that a war against their masters must be a war for them, runaway slaves appeared seeking asylum at the lines of the Union armies [*Doc. 5*].

The Union army was fighting for the restoration of federal law throughout the country, but enforcing the Fugitive Slave Law seemed strange, particularly when masters who supported the rebellion demanded the return of their property. Lacking guidance from their superiors, commanders decided how to treat runaways on an *ad hoc* basis. Some sheltered runaways; some returned them. At Fortress Monroe in Virginia, General Benjamin Butler enunciated what became standard army policy. He refused to return slaves because he considered them 'contraband of war;' instead he put them to work on his fortifications. 'Contrabands' became the common term for those who escaped from slavery. Congress gave its blessing to Butler's policy when it passed the First Confiscation Act which called for the army to seize all slaves found working for the rebellion. Nonetheless, in loyal slave states such as Kentucky, the army continued to return runaway slaves to their owners, and in autumn 1861, many commanders unsuccessfully ordered slaves to stay out of their lines. The First Confiscation Act gave the army insufficient guidance for dealing with fugitives. In the Sea Islands, after all, it was masters who had run away, leaving behind slaves whom the Act did not touch: while their masters were disloyal, the enslaved people themselves had not been working directly for the military success of the rebellion.

With George McClellan as its commander, the Union army remained committed to leaving slavery alone. Nonetheless, Union soldiers and officers recognized that African Americans could aid the army. They volunteered information about the Confederates; they could labor with pick, shovel, and axe, digging trenches, building fortifications, clearing forest, chopping wood. Whatever their racial attitudes, soldiers learned that African Americans were useful. Furthermore, the work to which the army put slaves was the same as they had done for the Confederates.

In March 1862, Congress made it illegal for US soldiers to assist in returning fugitive slaves. But even this policy permitted commanders to allow slaveholders into their camps to pursue fugitives on their own. Not until Congress passed the Second Confiscation Act in July 1862 did the law make it illegal to return fugitive slaves who claimed their masters were disloyal. Far more important, however, the Second Confiscation Act emancipated all slaves with disloyal owners. The act also 'authorized' the president to enlist black soldiers, although in fact no such authorization was legally necessary.

With little enthusiasm from either his party or from slaveholders, Lincoln had been pursuing the chimera of compensated emancipation. After all, as he pointed out, the cost of making war far outstripped the cost of buying the entire slave population of the United States. Even as Congress abolished slavery in the District of Columbia, Lincoln tried to persuade the border states to take steps toward emancipation. Neither abolitionists nor slaveholders accepted his overtures. A few days after he signed the Second Confiscation Act into law, he revealed to his Cabinet that he had written the Emancipation Proclamation. In the proclamation, Lincoln invoked his powers as commander-in-chief and justified emancipation as a matter of military, not moral, necessity. Secretary of State Seward advised him to withhold the Proclamation until the Union could present it with news of a victory as well. Lincoln pocketed the Proclamation and for the next few weeks seemed to many antislavery northerners a monster of indifference to the slavery question. The Battle of Antietam provided Lincoln with something he at least could call a victory, and he issued the Preliminary Emancipation Proclamation. Even it gave the states in rebellion until the end of the year to return to the Union with slavery intact, but nobody, least of all Lincoln, thought that this offer would be accepted. Shallow detractors of the Proclamation sometimes argue that it freed no slave the day it was issued as Lincoln had no power in the Confederacy. No matter: it made the Union army ever after an army of liberation.

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