

Slavery and the Laws of War
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Fall 2014

Session 1: Oakes versus Witt -- The Controversy

1. Oakes, *Scorpion's Sting*, intro & ch 4
2. Witt, *Lincoln's Code*, pp. 28-32, 49-51, 70-78, 197-249, 256-263, 304-315

Session 2: The Eighteenth-Century Backdrop – The Tradition Through the Jay Treaty

1. David Brion Davis, Introduction to *Arming Slaves*, Brown and Morgan, eds, 2006
2. Philip D. Morgan and Andrew Jackson O'Shaughnessy, *Arming Slaves in the American Revolution in Arming Slaves*, Brown and Morgan, eds, 2006
3. *The Treaty of Paris, 1783*
4. *Journal of the Continental Congress*, v. 31 p 863ff-Report of John Jay On British violations of the Treaty of Paris
5. *Jay Treaty*
6. *Hamilton's Camillus Essays (1795)*
7. *Annals of Congress*, April 1796 Debate on the Jay Treaty

Session 3: From the War of 1812 to the Civil War

1. *Treaty of Ghent*
2. *American State Papers: Foreign Relations correspondence*
3. *Treaty of Ghent, 1814, Article 1*
4. *American State Papers: Foreign Relations correspondence*
5. Excerpt from *Memoirs of John Quincy Adams Dec. 1814*
6. Excerpt from *Memoirs of John Quincy Adams August 1815*
7. Excerpt from *Memoirs of John Quincy Adams June 1820*
8. Excerpt from *Diary of John Quincy Adams*
9. *American State Papers: Foreign Relations correspondence*
10. *19th Century Treatises*
11. Excerpt from *Commentaries on American Law*
12. Excerpt from *Elements of International Law*
13. *Congressional debates*
14. *Relief of Marigny d'Auterive, claimant of lost slave, 1828*
15. *Congressional Globe, 24th Congress, 1st Session, Appendix p. 447-451*
16. *Speech of Congressman John Quincy Adams of Massachusetts*
17. Seymour Drescher, "Servile Insurrection and John Brown's Body in Europe," *The Journal of American History*, September 1993
18. *Lysander Spooner, A Plan for the Abolition of Slavery and to the Non-Slaveholders of the South, 1858*
19. *Seminole Wars*
20. *Rep. Henry Baldwin, PA on Escaped Slave Combatants in the First Seminole War*
21. Excerpt from *Joshua R. Giddings, Exiles of Florida*
22. *Congressional Globe, 27th Congress, 2d Session, 21 March 1842*
23. Excerpt from *William Whiting, The War Powers of the President*
24. *Military Arrests and Reconstruction of the Union*

25. The First Six Months of the Civil War
26. Correspondence from Orville H. Browning to Abraham Lincoln, 9/17/1861
27. The Slave Question: Letter from Major-gen. Butler on the Treatment Of Fugitive Slaves
28. Kate Masur, "A Rare Phenomenon of Philological Vegetation," The Word 'Contraband' and the Meanings of Emancipation in the United States, 93 J. Am. Hist. 1050 (2007)
29. Lincoln/Browning correspondence September 1861

Session 4: The Civil War and Emancipation

1. Oakes Materials on the First Confiscation Act
2. Charles Sumner, Emancipation is Our Best Weapon (Oct. 1861)
3. Armstead Robinson, In the Shadow of Old John Brown: Insurrection Anxiety and Confederate Mobilization, 1861-1863, 65 J. NEGRO HIST. 279 (1980)
2. George McClellan to Abraham Lincoln, Harrison's Landing, July 8, 1862
3. The Rightful Power of Congress to Confiscate and Emancipate, 24 MONTHLY LAW
4. Joel Parker, The Character of the Rebellion and the Conduct of the War, NORTH
5. AMERICAN REVIEW, October, 1862
6. J. E. Cairnes, The Slave Power: Its character, career, and probable designs (London,
7. Preliminary Emancipation Proclamation
8. Witt Materials on Reactions to Emancipation
9. Final Emancipation Proclamation
10. The Lieber Code: Slavery and race sections
11. Francis Lieber to Benson Lossing, January 21, 1866
12. Henry Wheaton, Elements of International Law (Richard Henry Dana, Jr., ed., 1866)