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Clement Laird Valladigham and the Rise and Fall of the Copperheads During the
American Civil War, 1860-1864: A Study of Civil Dissent

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Abstract

The antiwar movement during the Civil War, led by the Peace Democrats and their more virulent cousins, the Copperheads, was remarkable from many perspectives. First, their civil disobedience and political dissent largely remained well within constitutional boundaries, and the voting booth was their preferred battleground throughout the war. Second, during the unprecedented Civil War, at least unprecedented from an American perspective, executive wartime authorities expanded with the crisis, often abridging civil rights under the auspices of war. Third, power lay mostly in the hands of the Radical Republicans, both at the national and state level, and the determination of what constituted acceptable and unacceptable dissent was theirs to make, often to the severe disadvantage of the Democrats. Last, confronted with vote gerrymandering, vote rigging, voter intimidation, arrest without warrant and incarceration without trial, the Democrats behaved with restraint throughout, notwithstanding the aberration of the Sons of Liberty and possible Confederate collusion in 1864. Pledged to a party platform of peace and immediate reconciliation with the estranged South, the Democrats remained unwavering from 1861-1865 in their opposition to Abraham Lincoln and the war.

The following is their story. Their rise and fall followed the trajectory of one man, Clement Laird Valladigham, and on him they relied for direction, inspiration and both thick and thin prospects of success. To him was attributed much, and when he was arrested, tried and exiled to the South in 1863, the population of the North was attentive. Labeled as martyr and as a traitor, dependent on party affiliation, Valladigham remained in the national spotlight until his last, great failure in November of 1864.

The Copperheads, and Valladigham, remain relevant today. Throughout the Civil War, they were obdurate protesters of what they saw as constitutional abuse and usurpation, and their protests continue to serve as a model for how to protest a war, as well as how not to.



Introduction

Clement Valladigham rose to prominence and power as people often do - he found his political feet in the Midwest and flexed them locally. As the newspaper editor of the *Dayton Daily Empire* from 1847 - 1849, his voice began to resonate in Democratic circles and word of him spread.

The Copperheads began much as Valladigham had. Hatched in the farmlands and granaries of the Midwest, they were conservative men. The nation in 1850 certainly had its conflicts and tensions, but to these Midwesterners everything was working just fine and nothing needed to change. Most of these men lived beyond the touch of slavery yet benefitted from its largess. They traded up and down the Mississippi and sold their produce to their southern brethren and beyond. The southern appetite for Midwestern grain and products led to northern prosperity, and so their partnership remained happy and largely undisturbed until the election of 1860.

The politics and partisan passions of slavery that in 1860 drove the American nation to war with itself were characterized by the obdurate extremes of the Republican and Democratic parties. Throughout the 1850s, a hopelessly polarized national debate raged, and as views further entrenched and hardened, the critical epicenter of that debate was the

Congress. Representatives and senators fulminated in the press, in congressional chambers and wherever a convenient bully pulpit could be found. Stridency and invective defined the general political mood, and those political figures who had a gift for oratory and written public declamations rose in prominence to dominate the national debate. One such politician was Clement Laird Valladigham.

In a speech before the U.S. House of Representatives on the 14th of January 1863, Valladigham defended the right of the Confederacy to rebel, citing rebellion itself as a core principle and inherent right in American society. Indeed, he claimed, "...your fathers were rebels, and your grandfathers...yet we, cradled ourselves in rebellion, and who have fostered and fraternized with every insurrection in the nineteenth century, everywhere throughout the globe, would now, forsooth, make the word 'rebel' a reproach."¹ Valladigham's publicized sentiments became increasingly more strident following his departure from the House, and the distinction between what separated lawful dissent from sedition and active collusion with a hostile power became blurred by both nineteenth century and now twenty-first century standards. Noting the politics and conduct of Valladigham from 1860-1864 offer a useful comparison as twenty-first century politics draw closer to the conditions, vitriol and potency of the Civil War period, a close examination of the motives, methods and outcomes of Clement Valladigham and the Copperheads is useful.

This research will closely examine the political trajectory of the Democrats that identified themselves as Copperheads and their most prominent and controversial leader,

¹ Clement L. Valladigham, *Speeches, Arguments, Addresses and Letters of Clement L. Valladigham*, (New York: J. Walter and Company, 1864), 429.

Clement Valladigham, from the 1860 election of Lincoln to his reelection in 1864. Special scrutiny will focus on Valladigham's congressional activities and partisan opposition to Lincoln, particularly from September 22nd, 1862, the date of Lincoln's announcement of the Preliminary Emancipation Proclamation, until his departure from Congress in early 1863. Following his time in office, Valladigham engaged in more unrestrained and vitriolic opposition to the Lincoln administration, particularly as he denounced the war as unjust, wasteful and unwinnable. Many of his claims in 1862 and early 1863 were factually supported, for the United States' military prosecution of the war in the West had seemingly stalled at Vicksburg, and in the East had been characterized by an almost uninterrupted series of embarrassing defeats (the Confederate defeat at Antietam in 1862 was the one major exception to that claim). Increasingly, the Union army required greater strength to counter the South, and in the spring of 1863, conscription became the Lincoln administration's solution to that problem.

There were many critics of the war in the North, but the most public was Valladigham. As he and others routinely, and publicly, denounced the war in speeches, letters and publications, both the Republican-dominated Congress and the Lincoln administration became alarmed that the war's detractors were harming recruitment and inspiring soldiers to desert. On March 3rd, 1863, Abraham Lincoln, as he had done at different junctures throughout the war, suspended the writ of *habeas corpus*. Valladigham's continued opposition and defiance of that decree led to his arrest by military authorities in May, his trial by military jury, conviction, incarceration in a federal military prison and finally, deportation to the Confederacy.

The period spanning May 25th, 1863, the day of his deportation to the Confederacy, to his departure from Wilmington, North Carolina on June 17th on a blockade runner also deserves close examination. During his exile in the South he was a subject of great interest to both sides of the conflict, and the unknown content of his interactions with notable Confederate officials led to later speculation in both the South and North.

Of interest throughout this study will be his interaction, or lack thereof, with Confederate officials and other actors. As a congressman, as a critic, an exile and later an expatriate living in Canada, the Confederate government saw Valladigham as potentially advantageous to their cause, at least in broad common purpose. Yet very uncertain is the extent to which, if at all, Valladigham supplied the Confederates with information, or whether his activities remained consistently loyal to the Union, especially within the boundaries of loyalty that he pronounced and promoted. Indeed, throughout his political and post-political life, Valladigham tested the limits, and the very definition, of loyalty.

With what frequency and in what capacity did Clement Valladigham communicate, while a member of Congress, with like-minded political figures in the South, or did he not do so at all until his period of exile? Apart from the public accusations and private concerns of the Lincoln administration, was his anti-war rhetoric helpful to the Confederacy, as Lincoln and the Radical Republicans claimed, especially as the government of Jefferson Davis actively courted European sympathy, markets and direct aid? During Valladigham's exile in the South, who did he meet with and why? Did he aid and abet the enemy, as his critics in the North claimed, or were his activities benign and merely parallel with mainstream southern thinking? Once his exile to the South had ended, and Valladigham had settled in Canada, it is known that he met with Confederate

agents, but did he do so to assist the Confederacy? If not, then why did they meet? Is there concrete evidence of subsequent coordination against the United States government?

Clement Valladigham was a central oppositional figure to the Lincoln administration and its policies. The viability and political attractiveness of Copperhead opposition to the war rose and fell with Valladigham, and a full understanding of why and how the Copperheads failed and when they failed is inextricably tied to Valladigham. By 1864, as the presidential election loomed and political platforms were refined, the radicalism of Valladigham and the Copperheads was too much for the Democratic Party nominee, George B. McClellan. He rejected the political platform built and controlled by Valladigham, and then innocuously merged his amended political message with Abraham Lincoln's broader strategy for war and reunification and lost.

The Copperheads, and Valladigham, remain relevant today. From 1861-1865, they were obdurate protesters of what they saw as constitutional abuse and usurpation, and their protests continue to serve as a model for how to protest a war, as well as how not to.



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Chapter 1

Rise of the Antiwar Democrats and Clement Valladigham, 1860-1863

On November 6th, 1860, Abraham Lincoln was elected president and the nation fractured. The many political campaigns leading up to the election had long telegraphed the party platforms and personal positions of the many candidates, but of acute concern to regional voters had been the two principle contenders; Lincoln, a Republican and Stephen Douglas, a Democrat. Lincoln had secured the Republican nomination and was, from the outset, whether true or not, indelibly associated with the dissolution of slavery.

The Democrats were far more divided. In his 1977 book *A Respectable Minority: The Democratic Party in the Civil War Era*, Joel Silbey emphasizes how deeply divided the Democrats were in 1860. Contrary to the broad Republican resolve to stop the expansion of slavery, the Democrats had no national consensus on major issues. The Democrats of the South were adamantly pro-slavery and believed their continued political power and vitality could only be insured through slavery's expansion. The

northern Democrats saw themselves as conservative Constitutionalists and staunch Unionists and therefore would not endorse the southern insistence on ensured expansion.¹

Douglas, an advocate of popular sovereignty, believed the territories should be free to choose whether to be admitted as slave states or free ones. In Freeport, Illinois, during the second Lincoln-Douglas debate in what would later be called his *Freeport Doctrine*, Douglas declared each state and territory should decide for themselves whether to introduce or exclude slavery.² Throughout the course of the seven Lincoln-Douglas debates, he accused Lincoln and his fellow Republicans of siding with the abolitionists and seeking equality for African Americans. Douglas asserted “If you desire negro citizenship, if you desire them to vote on an equality with yourselves, and to make them eligible to office, to serve on juries, and to adjudge your rights, then support Mr. Lincoln and the Black Republican Party.”³

The scholarship on Douglas is divided over one fundamental question: Was Douglas for or against slavery? In an article published in 2005 in the *Journal of the Abraham Lincoln Association*, Graham Peck examines the historiography of Douglas and noted most Douglas scholars agree he was personally opposed to slavery. But Peck highlights the political ambivalence of Douglas on slavery issues. Douglas supported the repeal of the Missouri Compromise. Yet he disagreed with the Supreme Court *Dred Scott vs. Sanford* decision that declared Congress had no ability to regulate slavery in the territories. He indirectly owned a plantation with slaves through his father-in-law and

¹ Joel Silbey, *A Respectable Minority: The Democratic Party in the Civil War Era, 1860-1868*, (New York, Norton Publishing, 1977), 3-5.

² Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln*, (New York, Simon and Schuster, 2005), 203.

³ Goodwin, *Team of Rivals*, 204.

personally profited from that enterprise throughout the 1850s. In short, there is certainly some evidence that as a conservative Constitutionalist he supported slavery, but his stance on the issue fell short of the mark required by the southern Democrats, a point made by Jefferson Davis in the run-up to the 1860 election.⁴

Douglas secured the Democratic nomination only following the second of two very acrimonious nominating conventions, the first ending without resolution in Charleston, South Carolina in April of 1860. The majority of southern Democrats left the hall prior to voting, angered that Douglas continued to embrace the popular sovereignty doctrine that would allow the territories to decide the issue of slavery and thus leave slavery's future uncertain. Absent the needed votes to nominate anyone, the convention was adjourned.

In the aftermath of the Charleston convention, the Richmond *Enquirer* on May 15th summarized the southern complaint: "The most plausible argument to silence the demand of Southern Democrats for a full and unequivocal recognition of the constitutional rights of persons and properties in the Territories, seems to have assumed the following stereotyped form: "...wherever slave labor can be profitably employed, it will find its permanent existence, as effectively under the laissez faire system as under any system of governmental protection; and wherever such labor cannot be profitably employed, no system of protection will maintain its existence."⁵

⁴ Graham A. Peck, *Was Stephen A. Douglas Anti-Slavery?* Volume 26, Issue 2, Summer 2005, *Journal of the Abraham Lincoln Association*, 1-21.

⁵ Richmond *Enquirer*, May 15th, 1860, 1.

The second Democratic convention on June 18th in Baltimore was more successful, at least for Douglas. The disaster of the Charleston convention was only narrowly avoided in Baltimore, and in the aftermath his selection led to a permanent schism within the party. It divided into two very separate branches, the Southern Democrats and the Northern Democrats. The Southern Democrats wanted the assurance of slavery's expansion from their candidate, and so nominated sitting Vice President John C. Breckinridge. The Northern Democrats embraced Douglas. Now divided and weakened, the Democrats could do little to stop Lincoln's election. Silbey quotes Senator Preston King of New York, who wrote in May, following the Charleston convention, "The power and prestige of the democratic party is broken and gone forever."⁶

Led by South Carolina on December 20th, 1860, eleven states ultimately seceded from the Union, seven within a span of 45 days. Yet the issue of armed conflict remained abstract for many well into 1861, and most people in the United States yearned for the restoration of the Union, so long as their pro or anti-slavery demands were granted. Gideon Welles, Lincoln's Secretary of the Navy, wrote in his diary a retrospective account of that period before Fort Sumter: "The atmosphere was thick with treason. Party spirit prevailed, however, amidst these accumulating dangers. Democrats to a large extent sympathized with the rebels more than with the administration, not that they wished secession to be successful and the Union divided, but they hoped that Lincoln and

⁶ Silbey, *A Respectable Minority*, 3-4.

the Republicans would prove failures.” He went on to also note that “Neither party realized to any extent the gathering storm.”⁷

Frank L. Klement, Jennifer Weber and Silbey, three modern authors of seminal works on the Copperheads, agree the Copperheads were, from the outset, deeply conservative midwestern Democrats invested in the Union as it had always been and resentful of any threat to the status quo. They rejected secession by the southern states, but also rejected what they saw as the belligerent entrenchment of the Republicans led by the Lincoln administration and saw it as only exacerbating divisions between North and South. In the months following Lincoln’s election and preceding his inauguration on March 4th, 1861, the Democrats, regardless of faction, were largely the same in goal and method. Led by Douglas, the Northern Democrats were desperate to impede the Republican’s ideological pronouncements and accompanying rhetoric.⁸ Summarizing the new Democratic mantra, Clement Valladigham declared in the aftermath of the election that the Democrats were “Defeated but not conquered”.⁹ The new party agenda between December 1860 and April 1861 was simple – preserve the union but avoid war.

In a letter to R. H. Henderson of Ohio on May 13th, 1861, Valladigham included a speech by Douglas the previous March in which he had declared: “War is final, eternal separation. Hence, disguise it as you may, every Union man in America must advocate

⁷ Gideon Welles, *The Civil War Diary of Gideon Welles: Lincoln’s Secretary of the Navy*, Original Manuscript Edition, Edited by William E. Gienapp and Erica L. Gienapp, Urbana and (Chicago, The University of Illinois Press, 2014), 244.

⁸ Frank L. Klement, *The Copperheads in the Middle West*, (Chicago, The University of Chicago Press, 1960), 31-33; Silbey, *A Respectable Minority*, 2-6; Jennifer Weber, *Copperheads: The Rise and Fall of Lincoln’s Opponents in the North*, (New York, Oxford University Press, 2006), 3-7.

⁹ Silbey, *A Respectable Minority*, 32.

such amendments to the Constitution as will preserve peace and restore the Union;...”¹⁰

The Detroit *Free Press* on December 11th, 1860 framed the Democratic argument and strategy best: “The integrity of the country is the first great, absorbing issue....We are ready to act with any and every man of whatever party, faith or section, who is for the perpetuity of the Constitution and the Union.”¹¹

The midwestern Democrats rejected attempts by others to label them as either northerners or southerners. To best illustrate that point, Klement cited the closing remarks in a pro-western speech given by Valladigham before the House of Representatives on December 15th, 1859: “...I am not a Northern man, nor yet a Southern man; but I am a Western Man by birth, by habit, by education; and although still a United States man with United States principles, yet within and subordinate to the Constitution, am wholly devoted to Western interests....I became and am a Western sectionalist, and so shall continue until the day of my death.”¹² But perhaps most presciently, the Democrats saw themselves as stable protectors of the Constitution and the regional balance and roles defined, and codified, within it. In the same speech, Valladigham declared “...Is it not, I appeal to you, better than for you of the North, better for you of the South, better for us of the West, better for all of us, that this Union shall endure forever? Sir, I am for the Union as it is, and the Constitution as it is. I am against disunion now, and forever; ...”¹³

¹⁰ Clement L. Valladigham, *Speeches, Arguments and Letters of Clement L. Valladigham*, (New York, J. Walter and Company, 1864), 303.

¹¹ Silbey, *A Respectable Minority*, 34.

¹² Klement, *The Copperheads in the Middle West*, 6; Valladigham, *Speeches, Arguments and Letters of Clement L. Valladigham*, 210.

¹³ Valladigham, *Speeches, Arguments and Letters of Clement L. Valladigham*, 220.

The Lincoln administration and Republicans, especially the most strident Republicans led by Thaddeus Stevens, shared the Northern Democrats resolve to save the Union, but rejected any attempt to allow the further expansion of slavery in the territories. President-elect Lincoln agreed to the continued enforcement of the Fugitive Slave Act but was adamant that slavery would not expand westward. In a letter to Senator Lyman Trumbull from Illinois on December 10th, 1860, Lincoln wrote: “Let there be no compromise of the issue of extending slavery. If there be, all our labor is lost, and, ere long, must be done again. This dangerous ground – that into which some of our friends have a hankering to run – is popular sovereignty. Have none of it. Stand firm. The tug has come, and better now, than any time hereafter.”¹⁴

Further, it was clear well before the firing on Fort Sumter that the North was prepared to answer aggression with aggression and on the issue of slavery Lincoln saw containment as the only possible goal, effectively eliminating any grounds for compromise. In a speech enroute to Washington on February 12th, 1861 in Indianapolis, Indiana, one that received widespread distribution in papers throughout the North and South, President-elect Lincoln addressed the issue of rebellion following the failure of the Crittenden Compromise. Lincoln declared: “... Upon principle, on what rightful principle may a State, being no more than one-fiftieth part of the nation in soil and population, break up the nation and then coerce a proportionally larger subdivision of itself in the most arbitrary way? What mysterious right is conferred on a district of country, with its people merely calling it a State?”¹⁵ Previous public statements by the president-elect on

¹⁴ Edna Greene Medford, *Lincoln and Emancipation*, (Carbondale, Southern Illinois University Press, 2015), 31,32; John Nicolay and John Hay, *Works of Abraham Lincoln, Volume 4*, (Harrogate, Lincoln Memorial University, 1894, 149.

¹⁵ Nicolay and Hay, *Works of Abraham Lincoln, Volumes 6*, 112-115.

the issue of secession had been vague and of little consequence, confusing and disappointing many throughout the Union, especially in the North. But this one grabbed everyone's attention, and reactions to it both North and South - and West - were swift. On February 15th, the Richmond *Enquirer* editor declared: "Holding that a state possesses no sovereignty whatever – no more sovereignty than a county – Mr. Lincoln deems it his duty to repress, by force of arms, if necessary, any exercise; or, as he would term it, any usurpation of sovereignty by State authority."¹⁶ The New York *Herald* was more circumspect: "The [following] speech, delivered by the President elect, at 6:50 P.M. from the balcony of the Bates House, to an assemblage of at least twenty thousand people, is of the greatest significance, although it deals more in intimations than in definite assertions. The fact that it was carefully prepared in Springfield, and brought here in manuscript, fully shows the meaning the Presidential speaker intended to give it."¹⁷

Dedicated to avoiding disunion at any cost, the Democrats, and some former Whig Republicans, offered proposals, amendments and compromises. Apart from the Crittenden Compromise of December 1860, which would have ensured slavery's permanent enshrinement in the Constitution and prohibited any future move by Congress to abolish it, one proposal was particularly representative of the range of measures considered by the Democrats.¹⁸

¹⁶ Richmond *Enquirer*, Feb 15th, 1861, 2.

¹⁷ New York *Herald*, Feb 15th, 1861, 5.

¹⁸ David M. Potter, *The Impending Crisis: America Before the Civil War, 1848-1861*, (New York, Harper Perennial, 1976), 554.

An Ohio congressman and Whig Republican, Thomas Corwin, proposed an amendment designed to assure the South that “no amendment shall be made to the Constitution which will authorize or give 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 states.” It passed both houses of Congress (133-65 in the House and 24-12 in the Senate) and was dutifully forwarded by Lincoln to the states for ratification on March 16th, 1861. Two states ratified the proposed amendment – Ohio and Maryland – prior to the firing on Fort Sumter on April 12th.¹⁹ For obvious reasons, hostilities ended the ratification process, but it is important to note two points. First, the vote reflected the enduring entrenchment and widespread acceptance of slavery in the nation. The vote highlighted the stark difference between approval for the continuance of slavery where it existed in 1861, which had large support across the political divide, and approval for the extension of slavery into territories where it did not yet exist in 1861, an issue bitterly contested and the principle reason for Lincoln’s election and southern secession. Second, perhaps more ominously, had the firing on Fort Sumter not occurred, and the ratification process continued, it is possible it would have met the 2/3rds threshold for state ratification and thus become the Thirteenth Amendment to the Constitution.

On the 4th of March, Abraham Lincoln was inaugurated as president. In his inaugural speech, he adopted a conciliatory tone, but was adamant the Union would “hold, occupy and possess the property and places belonging to the United States government.” He further declared the Union was immutable and that to secede was

¹⁹ Potter, *The Impending Crisis*, 535,550; Medford, *Lincoln and Emancipation*, 32,33.

impossible, stating “the Union of these states is perpetual...and that the Union will endure forever.” He also emphasized the Union would not attack unless it was attacked, and the use of arms against the Union would be met with force.²⁰

He affirmed that slavery would be protected in the states where it already existed and although he questioned the advisability and morality of the fugitive slave laws, he assured the South they would be enforced in accordance with the Constitution. He offered a lengthy exploration of the common complaints that divided the nation and hoped that cooler heads would ultimately recognize the sanctity of the Constitutional compact and return to it. Last, he closed with the following:

I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection. The mystic chords of memory, stretching from every battlefield and patriot grave, to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.

The nation listened, and interpretations predictably followed regional and party leanings. In the North, the reaction was varied. The New York *Herald* was unimpressed with the President’s speech:

It would have been almost as instructive if President Lincoln had contented himself with telling his audience, yesterday, a funny story and let them go. His inaugural is but a paraphrase of the vague generalities contained in his pilgrimage speeches, and shows clearly, either that he has not made up his mind respecting his future course, or else that he desires, for the present, to keep his intentions to himself... A resolve to procrastinate, before committing himself, is apparent throughout...Filled with careless *bonhomie* as this first proclamation to the country of the new President is, it will give

²⁰ John Nicolay and John Hay, *Abraham Lincoln: A History, Volume 3*, (New York, The Century, 1889), 327-344.

but small contentment to those who believe that not only its prosperity, but its very existence is at stake.²¹

The New York *Daily Tribune*, although left uncertain by what it viewed as the vagueness of the President's will, was more supportive of Lincoln:

...The Address can not fail to exercise a happy influence upon the country. The tone of almost tenderness with which the South is called upon to return to her allegiance, can not fail to convince even those who differ from Mr. Lincoln that he earnestly and seriously desires to avoid all difficulty and disturbance, while the firmness with which he avows his determination to obey the simple letter of his duty, must command the respect of the whole country, while it carries the conviction of his earnestness of purpose, and of his courage to enforce it.²²

In Ohio, the Cleveland *Morning Leader* was effusive in its praise for Lincoln's address, stating: "The entire inaugural is so condensed and so convincing that no synopsis can do it justice. It is brief and direct to the point, and is worthy of being preserved among the ablest State papers of the American people."²³

Even the staunchly Democratic Cincinnati *Daily Press* admired the address, perhaps reading into it an intent that missed what Lincoln thought or intended:

The inaugural address of the President seems admirably adapted to allay the apprehensions of the people of every section of the country. The people of the South are assured that their constitutional and local rights will be held sacred by his Administration; and all the constitutional guarantees to their peculiar domestic relation fulfilled to the letter, without evasion or hypocritical interpretation. They are also assured that, under the Constitution, there can be no coercion of States, but that his duty is simply to see that the laws are faithfully observed by the people in every State, and that this duty will be executed.²⁴

²¹ New York *Herald*, March 5th, 1861, 5.

²² New York *Daily Tribune*, March 5th, 1861, 4.

²³ The Cleveland *Morning Leader*, March 5th, 1861, 5.

²⁴ The Cincinnati *Daily Press*, March 5th, 1861, 2.

Reaction throughout the South was very different. Newspapers were uniform in rejecting any optimism and saw Lincoln's tone as threatening. The Richmond *Enquirer* declared on the 5th of March:

Mr. Lincoln's inaugural address is before our readers – couched in the cool, unimpassioned, deliberate language of the fanatic, with the purpose of pursuing the promptings of fanaticism even to the dismemberment of the Government with the horrors of civil war. Virginia has long looked for and promised peace offering before her – and she has more, she has the denial of all hope of peace. Civil war must now come. ²⁵

The *Daily Dispatch* in Richmond said much the same: “The inaugural address of Abraham Lincoln inaugurates civil war, as we have said from the beginning...the Demon of Coercion stands unmasked. The sword is drawn and the scabbard thrown away. ²⁶

A month later, on April 12th, Fort Sumter was fired upon by the Confederacy and surrendered the following day. The reaction in the North was swift and uniformly resolute across party lines. All hope of negotiated peace or at worst, peaceable disunion, dissipated and the resolve for war took shape. ²⁷ The Democrats and the Republicans briefly united as they rallied to counter the belligerence of the South. Gideon Welles noted “The Democrats generally as well as the Republicans are offering themselves to the country.” ²⁸ There were calls for the suspension of political parties while the nation engaged in war. Silbey quotes Albert Riddle in his *Recollections of Wartime, 1860-1865*, where Riddle observed “...the purposes of the war the Administration party...really becomes the nation. There can only be two parties, that of the union and one that supports

²⁵ Richmond *Enquirer*, March 5th, 1861, 2.

²⁶ Richmond *Daily Dispatch*, March 5th, 1861, 2.

²⁷ Weber, *Copperheads*, 13.

²⁸ Klement, *The Copperheads in the Middle West*, 2.

the rebels”²⁹ Douglas largely said the same: “There can be but two parties, the party of patriots and the party of traitors. We [Democrats] belong to the former.” For a brief period, most Democrats agreed. Still led by Douglas until his death in June of 1861, the Democratic party remained intact, but fractures were beginning to form.³⁰

The Republicans welcomed the initial support of the Democrats for limited war support and troop mobilization but also saw it as vaguely threatening to their political momentum in the North. Intent on neutralizing the Democrats, the Republicans argued a one-party system was the only patriotic way to support the nation in time of crisis, viewing any failure to support the Lincoln administration and its prosecution of the war as sedition. Silbey emphasizes the idea was first promoted by the Republicans in the months following Fort Sumter. They proposed the organization of a Union party, one that would combine all men, regardless of previous party affiliation, into a single political organization.³¹ Many Democrats endorsed the idea. In the New York *Daily Tribune* on September 15th, 1861, B.F. Hallett, a Massachusetts Democrat, exhorted his fellow Democrats to come in line with the Republican war effort and to eschew party politics while the nation was at war. He stated: “...in their judgement, a party nomination is necessary, but after having been a strict party-man all my life long, and never failed to deposit the whole ticket of my party in any election, I can see in this greatest of all perils of my country, a duty so much higher than party, that it is easy to forget I ever belonged to any party.” Hallett ended by urging his fellow Democrats at the upcoming Worcester Convention in Massachusetts to “...go no further than to continue its State Committee for

²⁹ Silbey, *A Respectable Minority*, 40.

³⁰ Weber, *Copperheads*, 15.

³¹ Silbey, *A Respectable Minority*, 40,41.

future organization when necessary, plant itself firmly and rightly in support of the "War" for Union under the Constitution and make no nominations." ³² Lincoln did his part to foster goodwill by appointing Edwin Stanton, a Democrat, to his cabinet on January 20th, 1862. ³³ But Democratic acquiescence to Republican war-time authority, however named and however conditional, was by no means shared by all within the party.

Acceptance of a one-party system required a cessation of dissent, and although the Democrats were as enraged by the assault on Fort Sumter as their Republican rivals, to not challenge the Republicans on the many other issues dividing the Union seemed disloyal to the principles and fundamentals of American democracy. Silbey cites the Detroit *Free Press* on the 10th and later the 16th of August, writing of the Democrats that they could not "endorse" the "blunders, incompetence and dishonesty of the republican officials." It went on to declare the party should not disband. "The mission of the Democratic Party has not been fulfilled. It still has the Constitution to protect and the Union to restore." Last, the *Free Press* stated it was "of the opinion that no alternative remains but to make a bold, inflexible fight on all quarters...If we do not succeed in this way we are doomed to failure." ³⁴

There were other, equally influential events that led to the end of the period of political peace in the North. Klement cites the profound economic collapse in the Midwest that resulted from the severing of traditional trade relationships and opportunities with the South, compounded by the southern blockade of the Mississippi River. Pre-war investments in southern bonds rapidly depreciated and were then

³² New York *Daily Tribune*, Sep 15th, 1861, 5.

³³ Goodwin, *Team of Rivals*, 411-413; Welles, *The Civil War Diary of Gideon Welles*, 673.

³⁴ Silbey, *A Respectable Minority*, 42-44.

worthless, resulting in widespread bank failures. Prices soared while markets for midwestern goods became harder and more expensive to reach. The result was a depressed market for midwestern agricultural commodities. Midwesterners saw their economic hardship as avoidable and directly attributable to irresponsible market manipulation by northerners. But central to their wrath was Lincoln, for had the war not started, the lucrative trade with the South would have continued, banks would have remained solvent and the Mississippi River would have been unchallenged and a reliable route for export.³⁵

The railroads became the only reliable source of east-west transportation, and those railroads were quick to raise their prices, an act vilified by the midwestern Democrats, now led by Valladigham. The price of rail transport did double, rising from \$1.20 a barrel in July 1861 to \$3.00 by January 15th, 1862. Compounding the hardship was the Morrill Tariff Act of March 2nd, 1861, signed into law on the eve of President Lincoln's inauguration by outgoing President Buchanan.³⁶

The historiography of the Morrill Tariff Act and the subsequent two tariffs enacted by Congress later in 1861 is conflicted. The need for funds to fill the depleted federal coffers was acute in 1861. Klement, Silbey and Weber agree the three tariffs were driven by a genuine need for federal revenue to fund the war but differ on the impact they had on the Midwest. Forgotten in the Democrat's excoriation of Lincoln and Chase was that both men were from the Midwest and that war, no matter how needed or unnecessary it was judged to be, is expensive.

³⁵ Klement, *The Copperheads in the Middle West*, 2-6.

³⁶ *Ibid*, 8-11.

Klement contends the tariffs primarily benefited the industrial interests of New England and Pennsylvania. The tariffs were only imposed on imported goods from Europe and were designed to stimulate industry and production in the United States. Since the preponderance of that industry was centered in the Northeast, it is logical that its greatest benefit would be there. In part for that reason, and more importantly because southern cotton had been the dominant export to Europe from the United States since the 1830's, the South had historically resisted tariffs. Klement notes the Morrill Tariff was enacted only after the secession of seven of the southern states, states that had previously been allied with the Midwest in promoting free trade and resisting tariffs. With southern resistance removed, the tariff passed over the objections of the Midwest.³⁷

Weber contends the financial woes of the Midwest were not isolated, and that across the North in post-war 1861 and early 1862 prices rose rapidly, achieving an inflation rate of 13% annually that remained at that level throughout the war. Weber insists the only area doing well economically in late 1861 was the nascent military-industrial sector, and that as the war progressed, prices stabilized and the western farmers ultimately fared well.³⁸

Silbey views the tariffs through a strictly political lens and notes the tariffs and accompanying financial measures were mere continuations of similar Republican efforts begun prior to the war and only enabled by the removal of the Democrat-aligned southern voting bloc in Congress. Silbey also observes the Morris Tariff Act was not alone in angering the Democrats. Republican efforts to redistrict the congressional voters in Ohio

³⁷ Klement, *The Copperheads in the Middle West*, 7,8.

³⁸ Weber, *Copperheads*, 29.

was another, and in Michigan, after war commenced, Democrats were accused by Republicans of colluding with southerners. Further heightening tensions, in early 1862, Democrat Jesse Bright of Indiana was expelled from the Republican-controlled Senate for what were clearly political reasons. Regardless of primary cause, Democratic anger towards the Republicans deepened by 1862.³⁹

Important to note was the loss of all federal income related to the cotton industry. The dominant export from the United States, cotton had created a vibrant, interconnected supply and transport system, ranging from the slave clothing industry in Rhode Island to the northern ships that carried the cotton to foreign ports. The collapse of those industries in the North contributed to the economic malaise in 1861 and 1862.⁴⁰

In the introduction to *Inside Lincoln's Cabinet: The Diaries of Salmon P. Chase*, David Donald adds a more balanced perspective to what then was an acidic partisan battle. He notes the nation was, at the outset of war, broke. The Buchanan Administration had both drained national coffers and, in obedience to southern demands for a tariff favorable to its interests in 1857, failed to refill them. To wage any war is expensive, and this war was particularly so given a large chunk of the nation that had previously produced revenue was now gone. Money had to be generated from a combination of loans and tariffs, with the initial weight (3/4) in loans. Donald emphasizes Chase recognized the dire condition of the United States economy and took reasonable, albeit flawed measures to fix the problem.⁴¹

³⁹ Silbey, *A Respectable Minority*, 46,47.

⁴⁰ Cristy Clark-Pujara, *Dark Work: The Business of Slavery in Rhode Island*, (New York: New York University Press, 2016), 5.

⁴¹ David Donald, *Inside Lincoln's Cabinet: The Civil War Diaries of Salmon P. Chase*, (New York, Longmans, Green and Co., 1954), 34,35.

By late 1861, Valladigham had largely become the voice, if not the control, of the midwestern anti-war Democrats following Douglas' death. In Congress, Valladigham, was quick to lead the opposition in denouncing the tariffs. In a speech to Congress in December, six months after Douglas' untimely death, he conceded the Democrats lacked the political clout to rescind the tariffs, but wanted to note for posterity the problems the tariffs had caused in the West:

You have shut up, blockaded, the Mississippi for us; and more effectually too, than any port on the southern coast...Cut off as we are from other means of outlet except by way of the lakes, and thus, in part, through a foreign country, and with our railroads leading to the east, for the most part on the hands of eastern directors or bondholders, the tariffs of freights has at the same time been fully doubled...to make matters still worse...the Baltimore and Ohio railroad, has been closed for all purposes of travel and transportation for the last six months and it seems almost impossible for some cause – surely not “military necessity”, but shall I say base selfishness on the part of the more northern or eastern or rival roads?- to procure the opening of it upon any terms. ⁴²

The three authors who have written the most extensively about the Copperheads, Klement, Silbey and Weber, largely agree on what tensions led to the fracturing of the Democrats and the emergence of a separate Copperhead agenda, but they tend to differ on what constituted the primary motivation that led to the split within the party. Klement is adamant the economic frustration and perceived isolation of the Midwest, and their belief that the East was to blame for it, prompted Copperheads to declare themselves as a separate political force in the North. ⁴³ Silbey contends it was the political intransigence of the Republicans, entrenched in a war-centric policy that the Republicans then claimed necessitated full obedience to the Federal cause, better translated as the Lincoln

⁴² Valladigham, *Speeches, Arguments and Letters of Clement L. Valladigham*, 327,328.

⁴³ Klement, *The Copperheads in the Middle West*, 4-11.

administration and Republican cause. Democrats who supported the Republican war policy became quickly estranged from those Democrats who did not.⁴⁴ Weber, in what is the most recent study of the Copperheads, contends it was the flagrant disregard for the Constitution by Lincoln that galled the anti-war Democrats most. From the outset, the failure to consult Congress in declaring war, the failure to consult Congress in raising the initial levy of 75,000 troops and the unilateral move by the executive branch to begin funding the war, again without consulting Congress, inflamed and united the anti-war Democrats from the beginning. That Congress had not been in session when those actions occurred, and that the exigencies of immediate war required extraordinary action was a point ignored by the Democrats.⁴⁵ All three authors may disagree on the main stressor for the ultimate split, but all fully agree on the timing - the announcement of the preliminary Emancipation Proclamation on September 22nd, 1862.

Largely quieted by the popular support for the war from its beginning in 1861 until the summer of 1862, the anti-war Democrats enjoyed a resurgence in popularity following military reversals in both the East and West, setbacks that produced thousands of casualties and for the first time raised doubts in the North that the war could be won. The optimism that had initially led to the stumbling Union disaster at Manassas had been rekindled with successive Union victories in the West, but by July 1862 that ardor was rapidly ebbing. Enormous battlefield casualties during the Valley and Peninsula Campaigns in Virginia, as well as the bloodbath at Shiloh in the West, had left the North stunned by the grim realities of sustained war. Those losses were exacerbated by

⁴⁴ Silbey, *A Respectable Minority*, 42-45.

⁴⁵ Weber, *Copperheads*, 29-33.

expiring enlistments, and popular resistance to the Lincoln administration's requests for additional troops grew accordingly. Beginning with the Militia Act in June of 1862, designed to allow the federal government to mobilize state militias for up to nine months, the Copperheads found growing public support for their protests.

From well before Lincoln's election, the Democrats had claimed the Republican Party's central motive was to end slavery. Lincoln's announcement of his Preliminary Emancipation Proclamation on September 22nd, 1862 confirmed their suspicions. But either not understood or considered by Valladigham and the Copperheads were the complex politics of a war that had not gone well for the North. The combined southern victories in the East, the apparent military stalemate in the West and the political overtures of the Confederate government to foreign powers were too much for the Lincoln administration to ignore for long.

The war in the East, prior to the Battle of Antietam, had been one of continuous disappointment in the North. In the months prior to Union General George B. McClellan's ill-fated Peninsula Campaign, Confederates in the Shenandoah Valley, led by General Thomas Jackson, had routed numerically larger Union forces on four separate battlefields, maneuvering with a speed and skill that not only cleared Union forces from the western portion of Virginia, but also threatened the city of Washington itself. East of the Shenandoah, McClellan's excessive caution in the field had been exploited by the tactically gifted and bold General Robert E. Lee. Confederate forces had repeatedly struck numerically superior Union forces during the Peninsula Campaign in the spring of 1862. Although tactically defeated in several of the battles, the Confederates had nevertheless continued to press the Union forces into retreat. Culminating with the Battle

of Malvern Hill, the campaign ended with a costly Confederate loss, but the ferocity with which the Confederates had attacked the Federal forces throughout persuaded McClellan that he was outnumbered and in danger, and so he decided to withdraw his forces.

Frustrated by McClellan's failure, Lincoln invested his hopes in the ostensibly bolder General John Pope and passed overall command of the Army of the Potomac to him while McClellan slowly extricated his army from the mouth of the James River. Once again, Union forces were soundly defeated, this time on the same Manassas battlefield that had hosted the first meeting of the two armies.

Northern newspapers, both Democrat and Republican, were at best discouraged by the military performance and, more along party lines, sometimes critical of Lincoln himself. The New York *Daily Tribune*, a Republican paper, remained steadfast in its support for Lincoln and the war following the Battle of 2nd Manassas, expressing on September 5th a Republican sentiment felt by the president and one he would soon exercise. Concluding a lengthy commentary on the defeat and possible portent of the battle, the author stated:

Whether we can arrive at the necessary result in season to save the country, others can judge as well as we. We can only desire and hope. Meantime, while we welcome whatever indicates progress, we have faith in nothing short of an open, unqualified assertion of the broad principle that the Nation recognizes no right in a traitor to her authority to hold a loyal person in slavery, but proclaims and will endeavor to vindicate Freedom for All. ⁴⁶

The New York *Herald*, far less sympathetic to the abolitionist cause, also sensed a changing of presidential strategy in the face of cumulative defeats. It declared on September 5th:

⁴⁶ New York *Daily Tribune*, Sep 5th, 1862, 4.

[Following the defeat at Manassas and anticipating a pro-southern partisan effort in Maryland to seize railroads north of Washington]... we may expect a concerted demonstration upon the President to revive such exploded and discarded schemes as the enlistment of negroes and proclamations by abolition generals of emancipation of slaves whom they cannot generally reach, nor can they make the thousands of old men and women and children that come to our lines other than a clog to army movements and a public expense.

But the *Herald* was quick to lay the blame for the Army of the Potomac's defeats not on General McClellan, a Democrat, but rather on what they considered his ill-advised dismissal:

It was assumed by the abolition demagogues last winter that the soldiers were complaining of General McClellan, but if Fessenden [Whig anti-slavery US Senator from Maine] and Wilson [Republican anti-slavery U.S. Senator from Massachusetts] will now go out among the troops and indulge in the calumnies upon that true and tried soldier which were current in Congressional cliques last winter, they will find in short order what are the feelings of the Army of the Potomac towards their old commander. Nor is affection to him limited to the veterans. It fully shared by the new regiments, who receive him with acclamation on all occasions. The radicals lie low and skulk in obscure places just now in view of the restoration of General McClellan to command in accordance with the sentiment of the country and the army.⁴⁷

The Cleveland *Morning Reader* on September 5th also mentioned McClellan, but less favorably:

A dispatch speaks of Gen. McClellan as having been appointed to the command of the combined armies of Virginia. There has been no official or authentic announcement of such an appointment, and for the sake of all the brave, fighting men of the army, we trust it is not true. Gen. McClellan has too much to answer for to the people of the North already, without adding any more months of murderous inaction.⁴⁸

The same day, the Chicago *Daily Tribune* bleakly remarked:

There has been ample time to gather, drill and arm the whole military force of the nation; and after marshalling such an army of armed men as the world has never before seen, and making the most gigantic preparations to

⁴⁷ New York *Herald*, Sep 5th, 1862, 1.

⁴⁸ The Cleveland *Morning Leader*, Sep 5th, 1862, 1.

overthrow the foe, we find him in greater power than ever before; reconquering positions and places that he had lost; marching his determined forces on cities and States we had thought perfectly safe; and threatening Washington with an army, that amid all its reverses, and against the determined valor of our best troops, is steadily approaching the capital.⁴⁹

Other newspaper queries from the same day further punctuate the most fundamental point that all seemed to agree on, regardless of party affiliation – the war was not going well for the North. Even among Republicans, frustration with the current course of the war led to demands for change – change in military leadership, change in strategy, change regarding slavery. Democrats, also grimly dissatisfied with the war, clamored against what they sensed was coming – slave emancipation.

During the first southern invasion of the North in September of 1862 but prior to the Battle of Antietam, Robert E. Lee wrote to Jefferson Davis on September 8th and requested he formally petition the United States government to recognize the independence of the Confederate States of America (CSA). Lee's hope was to better position the Confederate government to use the expected Union refusal to entreat foreign powers, especially France and Great Britain, to sympathize with the South and grant the CSA recognition and aid. Lee's motivation to propose a political solution was grounded in his awareness of just how numerically and logistically inferior his army was compared to the North. He was also cognizant of the abnormally high number of Confederate stragglers after his army crossed the Potomac into Maryland, a point he made in a letter to Davis dated September 13th. Those stragglers were not the result of fatigue – they had endured far greater tests of strength and determination in the past. Rather, their absence was a clear expression of the limits to which southerners were willing to go. The original

⁴⁹ The Chicago *Daily Tribune*, Sep 5th, 1862, 2.

argument for war had been resistance to northern aggression, and now they were the ones on the offensive.⁵⁰

Important to Lee were the upcoming October and November elections in the North, and Lee argued that showing the North to be the war-making power would influence those elections in the South's favor. On September 12th, Jefferson Davis responded to Lee's September 8th letter and included Generals Braxton Bragg and E. Kirby Smith in the correspondence. He directed his generals to issue proclamations to the citizens of the northern areas into which they ventured, emphasizing the CSA was waging a war of self-defense and that the CSA had sought peace with the North, but had received no answer to that request. The proclamations claimed the CSA asked only that the United States cease war and allow the CSA to exist in peace. With the 1862 elections beginning in October, barely a month away, Davis clearly understood Lee's strategy. So did Lincoln.⁵¹

Frustrated by the failed military strategies of his generals, Lincoln recognized the nation needed a new focus, one that better addressed the fundamental cause of the war. As early as July 13th, 1862, Lincoln proposed the Emancipation Proclamation to Gideon Welles and William Seward. Both agreed a bold measure was needed, but both feared the effects of a premature announcement. Welles noted in his diary: "Mr. Seward said the subject involved consequences so vast and momentous that he should wish to give it mature reflection before giving a decisive answer, but his present opinion inclined to the measure as justifiable, and perhaps he might say expedient and necessary. These were

⁵⁰ Jefferson Davis, *The Papers of Jefferson Davis, Volume 8, Edited by Crist, Dix and Williams* (Baton Rouge, Louisiana State University Press, 1997), 383.

⁵¹ Jefferson, *The Papers of Jefferson Davis, Volume 8*, 386.

also my views.” Welles went on to state, in the same diary entry, noting past refusals by Lincoln to consider slave emancipation: “But the reverses before Richmond, and the formidable power and dimensions of the insurrection which extended through all the Slave States, and had combined most of them into a confederacy to destroy the union impelled the administration to adopt extraordinary measures to preserve the National existence.”⁵² Lincoln agreed and refrained from discussing the issue beyond Seward and Welles, yet it was clear to the others in his cabinet that his views on slavery were changing. On July 20th, Salmon Chase observed in a letter to his friend Richard Parsons: “The slavery question perplexes the President almost as much as ever and yet I think he is about to emerge from the obscurities where he has been groping into somewhat clearer light.”⁵³ That light was revealed to the full cabinet on July 22nd. Lincoln was waiting for the right opportunity to make it public.

In an open letter to Horace Greeley on August 22nd, in response to an editorial by Greeley in the New York *Tribune* on the 19th that questioned Lincoln’s resolve to rid the nation of slavery, he responded “...if I could save the union without freeing any slave I would do it; and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps save the union...”. Further, and of significance, Lincoln continued “I shall try to correct errors when shown to be errors, and I shall adopt new views so fast that they shall appear to be true views.” He closed with the following: “I have here stated my purpose according to my view of

⁵² Welles, *The Civil War Diary of Gideon Welles*, 3,4.

⁵³ John Niven, *The Salmon P. Chase Papers, Volume 3; Correspondence, 1858 - March 1863*, (Kent, The Kent State University Press, 1996), 229-231.

official duty; and I intend no modification of my oft-expressed personal wish that all men everywhere could be free.”⁵⁴

The defeat of Lee at Antietam on September 17th provided Lincoln with the victory he needed, and five days later he announced his Emancipation Proclamation to Congress and the world. The New York *Herald* remarked on the 23rd:

The gravity of this proclamation will strike everyone. It has been forced upon the nation by the abolitionists of the North and the secessionists of the South. It inaugurates an overwhelming revolution in the system of labor in a vast and important agricultural section of the country which will, if the rebels persist in their course, suddenly emancipate three or four millions of human beings, and throw them, in the fullness of their helplessness and ignorance, upon their own resources and the wisdom of the white race to properly regulate and care for them in their new condition of life.⁵⁵

The stridently racist tone echoed sentiments shared by many conservative Democrats and became more pronounced as the Copperheads emerged as a separate political entity in northern politics. Other newspapers were more concerned with its positive portent for slave emancipation and the war effort. The New York *Daily Tribune* rejoiced “God Bless Abraham Lincoln!”⁵⁶ The Cleveland *Morning Leader* said much the same: “All honor, then, to Abraham Lincoln, the emancipator of three millions of slaves.”⁵⁷ Likewise, the front page of the Chicago *Daily Tribune* proclaimed: “Let no one think to stay the glorious reformation. Every day’s events are hastening its triumph, and whosoever shall place himself in its way it will grind him to powder.”⁵⁸

⁵⁴ Nicolay and Hay, *Works of Abraham Lincoln, Volume 8*, 15.

⁵⁵ New York *Herald*, Sep 23rd, 1862, 4.

⁵⁶ New York *Daily Tribune*, Sep 23rd, 1862, 4.

⁵⁷ The Cleveland *Morning Leader*, Sep 23rd, 1862, 4.

⁵⁸ The Chicago *Daily Tribune*, Sep 23rd, 1862, 1.

Generally, with significant exceptions, the reaction was positive in the North. The split followed party affiliation, and within the Democratic party there was a further split between the War Democrats and the conservative Peace Democrats. The New York *Express* declared: “The whole world will laugh at the impotence of this mere Paper Thunder... The President...is in the utterance of this proclamation, doing his best to divide the Northern States.”⁵⁹

The October and November 1862 elections followed shortly after the public announcement of the Proclamation. John Nicolay and John Hay, both administrative aides to Lincoln throughout the war, recorded the effect the Proclamation had on voters:

The political test of the experiment of military emancipation thus announced by the President came almost immediately in the autumn elections for State officers and State Legislatures, and especially for representatives to the thirty-eighth Congress...The canvas had been inaugurated by the Democratic party with violent protests against the antislavery legislation of Congress, and it now added the loud outcry that the Administration had changed the war for the Union to a war for abolition. The party conflict became active and bitter, and the Democrats, having all the advantage of an aggressive issue, made great popular gains...The number of Democrats in the House of Representatives was increased from forty-four to seventy-five, and the reaction threatened for a time to deprive Mr. Lincoln of the support of the House.⁶⁰

The Democratic gains in the House were substantial, but they only occurred in districts that had previously voted for Democrats. There were some surprising Democratic gubernatorial victories (New York and New Jersey) and the delegation from Illinois, Lincoln’s home state, went Democratic. But when the election results from both October and November were tallied, although substantial Democratic gains had been

⁵⁹ Medford, *Lincoln and Emancipation*, 64,65.

⁶⁰ Nicolay and Hay, *Abraham Lincoln, Volume 6*, 169,170.

made, the House remained under Republican control and in the Senate, the Republicans gained five seats.⁶¹

The most notable Democrat to lose in those elections was Clement Valladigham. A victim of Republican gerrymandering in Ohio, a defiant Valladigham wasted little time in excoriating Lincoln and the Republicans. He saw the elections of 1862 as confirmation of the North's dissatisfaction with the war and a resounding repudiation of Lincoln himself. On January 14th, 1863 Valladigham signaled a change in Democratic rhetoric, one that would define the Copperheads henceforth and further separate them from more moderate Democrats and the Republican-allied War Democrats. He addressed Congress and demanded that military coercion cease and that concessions be granted to the South to induce reunion. In a long speech entitled The Great Civil War in America, Valladigham meticulously outlined his justification for peaceful reunion. He first reminded the House that: "I am one of that number who have opposed abolitionism...from the beginning." He denounced the usurpation of power by the Executive Branch, to include its unilateral declaration of war and move to raise an army and navy and to secure funding; all without the consent of Congress. He decried the suppression of civil liberties, the suspension of habeas corpus, the curtailed liberties of the press and freedom of speech, violated due process of law – all directly attributed by Valladigham to a deliberate and planned violation of the Constitution by the Republicans. He reiterated that throughout and prior to war "...to the utmost of my ability and

⁶¹ Weber, *Copperheads*, 68,69.

influence, I exerted myself on behalf of the policy of non-coercion.” He concluded with what was to become the political strategy of the Copperheads and their ultimate undoing:

But why speak of ways or terms of reunion now? The will is yet wanting in both sections. Union is consent, and good-will, and fraternal affection. War is force, hate, revenge. Is the country tired at last of war? Has the experiment been tried long enough? Has sufficient blood been shed, treasure expended, and misery inflicted in both the North and the South? What then? Stop fighting. Make an armistice – no formal treaty. Withdraw your Army from the seceded States.⁶²

Klement observes Valladigham’s speech ‘shocked’ Lincoln’s supporters. It challenged the prevalent and previously unchallenged Republican view, at least since Fort Sumter, that war was the inevitable result of intractable differences over slavery. It energized resistance to the Emancipation Proclamation, officially enacted on January 1st, 1863, and prompted critics of Lincoln to claim it was unconstitutional and an unacceptable alteration to the original justification for war. Klement further notes that in January 1863 ‘partyism erupted with full fury, causing irreparable damage.’⁶³

On November 24th, 1862, in the aftermath of the fall elections and as the Republicans, Democrats and the rest of the Union were still assessing just what those results meant, Lincoln wrote a letter to Union General Carl Schurz and responded to that general’s claim that Lincoln was responsible for the election results:

I have just received and read your letter of the 20th. The purport of it is that we lost the late elections and the Administration is failing because the war is unsuccessful, and that I must not flatter myself that I am not justly to blame for it. I certainly know that if the war fails, the Administration fails, and that I will be blamed for it, whether I deserve it or not.⁶⁴

⁶² Valladigham, *Speeches, Arguments and Letters of Clement L. Valladigham*, 418-453.

⁶³ Klement, *The Copperheads in the Middle West*, 40,41.

⁶⁴ Nicolay and Hay, *Works of Abraham Lincoln, Volume 8*, 84-87.

Acutely aware of the tenuous hold he and the Republicans maintained in Congress and in the broader public, Lincoln's embrace of emancipation and its thin underpinning of military victories made for uncertain political times.

In his Annual Message to Congress on December 1st, Lincoln addressed the war, its effects and the general condition of the nation. He conspicuously avoided any mention of the Emancipation Proclamation, and instead focused on a more gradual and compensated emancipation legislative proposal that would eliminate slavery by 1900. It involved both colonization and assimilation, and Lincoln's focus was more for the latter. Lincoln proposed a plan that, if deemed acceptable by the Congress, would become 'permanent constitutional law':

"It cannot become such without the concurrence of, first two-thirds of Congress and, afterwards, three-fourths of the States will necessarily include seven of the slave States. Their concurrence, if obtained, will give assurance of their severally adopting emancipation at no very distant day upon the new constitutional terms. This assurance would end the struggle now, and save the Union forever."⁶⁵

Had Lincoln's proposal been accepted by Congress, it would have required the approval of at least three of the seceded states, and the approval of all four slave states remaining in the Union. Regardless, it was clear that Lincoln had moved from the ambivalent position on slavery expressed in his open letter to Horace Greeley the preceding August and now inextricably associated the war with slave emancipation, gradual or immediate. A clear line had been crossed, the Democrats argued, one that had

⁶⁵ Nicolay and Hay, *Works of Abraham Lincoln, Volume 8*, 93-131.

previously focused solely on the restoration of the Union. With the abolition of slavery now the stated goal of the North, the Democrats had a clear target for their anger.

Lincoln closed by saying: "...The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation. We say we are for the Union. The world will not forget that we say this. We know how to save the Union. The world knows we do know how to save it...In giving freedom to the slave, we assure freedom to the free – honorable alike in what we give and what we preserve. We shall nobly save or meanly lose the last, best hope of earth."⁶⁶

Lincoln was navigating a political course that was deeply dependent on military success. The preliminary Emancipation Proclamation had required military victory to achieve political legitimacy, and Antietam had done that – barely. The same could be said for its enactment on January 1st, but instead of victory came a crushing defeat. On 12 December 1862 General Ambrose Burnside led the Army of the Potomac to disaster at Fredericksburg, suffering over 12,000 casualties and culminating in another Union retreat towards Washington.

On March 31st, Gideon Welles summarized the gloom felt in Republican Washington, as he contemplated the nation's contentious relationship with England:

Only by a firm, resolute and defiant tone can the country be rescued, and I am by no means certain that will be sufficient. We are in no condition for a foreign war. Torn by dissensions, an exhausting civil war on our hands, we have a gloomy prospect but righteous cause that must ultimately succeed. God alone knows through what trials, darkness and suffering we are about to pass.⁶⁷

⁶⁶ Ibid, 131

⁶⁷ Welles, *The Civil War Diary of Gideon Welles*, 149.

The Peace Democrats, now largely embraced the Copperhead label and rallied behind Valladigham. Doris Kearns Goodwin's animates the Congressional atmosphere and tone in 1863 in *Team of Rivals*:

As the March 4th date of adjournment neared, they [the Copperheads] engaged in a variety of tactics to suppress votes on all of these [conscription bill, banking reform, slave emancipation] key measures. They hid out in the House lobbies and cloakrooms during quorum calls, attached unacceptable amendments onto each of the bills, and kept the Senate up day and night with filibusters.⁶⁸

Weber writes somewhat disparagingly of the Copperheads during this period. Whereas they were adamant that the war should be stopped, they offered no proposals for just how to do that. They continued to decry the Emancipation Proclamation and would not acknowledge its potential benefit to the North. When pressed on what peace with the South would look like, the best the Copperheads could propose was the failed Crittenden Compromise, a desperate measure in late 1860 and especially unpalatable in 1863.⁶⁹

Validating Weber's point, in the spring of 1863 Valladigham and his cohorts were active in expressing their disdain for the war and for the Republicans. Using newspapers aligned with the party, the Copperheads promulgated their anti-war messaging. Typical of the virulence of tone common to papers aligned with the Copperheads, the Dayton *Daily Empire* on May 4th, 1863 published the following summation of the Copperhead grievances:

What the War is Carried on For

For the furtherance of abolitionist designs; the permanent disruption of the Union and the perpetuation of sectional hatred between the North and the

⁶⁸ Goodwin, *Team of Rivals*, 503.

⁶⁹ Weber, *Copperheads*, 78-80.

South. For the special benefit of the shoddy aristocracy, army and navy contractors and all that class that was fat and wealthy as the country grows poor and that count their gains by the prolonging of the war.

For the establishment of a national debt equal to, if not greater, than that of England, and on which the people will have to pay a much heavier rate of interest....

For the particular advantage of the New England States, whose manufacturing profits multiply while the agricultural profits of the West diminish.

For the overthrow of state sovereignty and for the consolidation and conversion of its public into a military empire.

For the constitutional abrogation of rights and privileges, and for the final overthrow of liberty on the New World.

For the criminal purpose of emancipating over three million slaves and placing them in a social condition which experience has shown must lead to the eventual extinction of the colored population in some localities, and their reduction to a state of vagrancy in others.⁷⁰

The article continued with additional complaints, but those appearing above best illustrate how Copperheads were politically aligned. It is interesting that the next day, May 5th, the Dayton *Daily Empire* published a scathing rebuke of General Burnside following the arrest of Clement Valladigham. The paper closed afterwards and did not resume publishing until August 21st.

It was the Copperheads' success in gaining a national audience that harmed them most. The rank and file of the Union army felt increasingly alienated by their rhetoric, and although it was clear there was widespread disapproval for the Emancipation Proclamation within the ranks, it nevertheless was associated by soldiers with the war

⁷⁰ The Dayton *Daily Empire*, May 4th, 1863, 1.

effort. The Copperheads failed to sense the general resolve within the military, with exceptions, to continue the fight.

In their combined recollective works *Abraham Lincoln: A History*, Nicolay and Hay best captured the general mood within the army:

There were, it is true, hundreds of thousands of Democratic soldiers in the ranks fighting to uphold the Union; and as a result of this – because men’s sentiments are far more influenced by their actions than their actions are inspired by their sentiments – they were generally induced to take the Republican view of public affairs, and by degrees to unite themselves with the Republican party.

Nicolay and Hays went on to note: “But they seemed to exert no influence whatever upon their family and relations at home. The Democratic party remained as solid in its organization, as powerful in its resistance to the government, as ever.”⁷¹

Vallandigham left the House of Representatives on the 3rd of March 1863 and traveled north to New York City where he gave a speech on March 7th. Speaking without script (he later transcribed the speech from newspaper articles and rally notetakers), he addressed an audience of like-minded Democrats (the Democratic Union Association) and outlined what he believed was the appropriate prescription for resistance to the Lincoln administration. In his opening, he declared: “The conspiracy of those in power is not so much for a vigorous prosecution of the war against rebels in the South as against the Democrat in peace at home.” He denounced the suspension of the writ of habeas corpus by the Lincoln administration and declared it was the duty of Congress and Congress alone to determine when and where such measures were warranted. He then emphasized to a cheering crowd that when fundamental liberties are removed “free

⁷¹ Nicolay and Hay, *Abraham Lincoln, Volume 7*, 361.

assemblages, free speech, free ballot, and free elections – THEN THE HOUR WILL HAVE ARRIVED WHEN IT WILL BE THE DUTY OF FREEMEN TO FIND SOME OTHER AND EFFICIENT MODE OF DEFENDING THEIR LIBERTIES [Valladigham ensured the preceding was all capitalized].” He stated later in the speech, having noted the critical agency of the military in enforcing military edicts within select northern states, especially in midwestern states where Democrats were the most active: “We have our mission here; our business is to fight Abolition rebels in our midst.” He defiantly claimed, of the military; “They are under military law; the command of the President of the United States; of their superiors; we are not. We are the masters of these officials.” He reiterated the war was now about slavery, and that restoration of the Union, not slavery, had been the original justification for war. He closed by saying “Instead of arresting traitors who are within the limits of the Confederate States, he [Lincoln] proposes to arrest men in the North and West, whose only crime is that they choose, in the exercise of their rights as freemen, to condemn his policy;...”⁷²

Thus began a series of speeches whose core design was to challenge what Democrats viewed as the imposition of martial law in the North. The reaction in the Democratic press was enthusiastic. On March 9th, The Dayton *Daily Empire* filled its second page with glowing praise for Valladigham’s January address to Congress, as well as the one in New York City, and included similar praise from other like-minded newspapers (it should be noted that Valladigham had been the editor of the *Daily Empire* from 1847-1849).⁷³ Following his speech in New York City, Valladigham travelled west

⁷² Valladigham, *Speeches, Arguments and Letters of Clement L. Valladigham*, 479-502.

⁷³ The Dayton *Daily Empire*, Mar 9th, 1863, 2.

to Ohio, where on March 13th he addressed a gathering of Democrats in Dayton.⁷⁴

Transcripts from that speech are not available, but the *Daily Empire* gushed with praise for Valladigham the following day.

Mr. Valladigham descended from the steps, where he had spoken, entered his carriage and was escorted by the crowd to his residence... No man in this country has been more infamously abused and denounced by the Abolitionist leaders, their party press, minions and tools, than Mr. Valladigham. But he has passed through the furnace of persecution unscathed, with not even the smell of fire upon his garments. He stands forth today the acknowledged able and fearless champion of the Constitutional rights of a free people.⁷⁵

Others were less enthusiastic. The *Tifton Weekly Tribune*, also an Ohio paper but one that endorsed the Union Party, published a lengthy attack on Valladigham's New York City speech.

...But, nevertheless, his theory was "stop the war", and there would be parties in the South, and so on. Manifestly, this man's senses have taken leave of him. At the conclusion of his speech, the President of the Association called for three "cheers for the next Governor of Ohio!"...he holds few virtues beyond those essential for digesting victuals; envious, cowardly, vain, a splenetic, hungry soul - what heroism word or thought or action will you ever get from the like of him?⁷⁶

The *Tifton Weekly* on page 2 continued with an attack on the Copperheads:

With Union on their lips, but treason in their hearts, they are ready to betray the North to the South whenever they attain sufficient political power to enable them to make the dishonorable transfer with safety to their necks. As long as the Union Party holds the reins of government, they know it is impossible to execute their treasonable designs. In a contest with such men, the members of the Union Party must not occupy equivocal ground. Though thousands of their number are on the battlefield, and many are numbered with the honored brave who have fallen in defense of the old flag of liberty, yet are they capable of defeating the insidious abettors of rebels at home...

⁷⁴ Ibid, March 12th, 1863, 2.

⁷⁵ Ibid, March 14th, 1863, 2.

⁷⁶ The *Tiffin Weekly Tribune*, Mar 20th, 1863, 1.

The article went on to urge its readers: "...There is no time to spare in organizing for the Spring elections. Get together, friends, and consult and prepare your plans, and see that your arrangements are complete, leaving no room for failure."⁷⁷

It was clear in the North that the Copperheads had become the central anti-war figures, and that either they were to be admired and extolled as staunch Constitutionalists and Unionists, as evidenced by their routine coverage in the *Chicago Times* and the *Dayton Daily Empire*, or lampooned at best and labeled traitorous at worst in the Republican press.

Valladigham was determined to test the Lincoln administration's authority. He continued to give speeches that were given widespread press coverage, regardless of the newspaper's party affiliation. On the 21st of March, he spoke in Hamilton, Ohio and challenged General Order 15, issued by Headquarters, United States Forces, Indianapolis, Indiana on March 17th. The order addressed what that command considered to be the dangerous proliferation of weapons in the military district. It directed all sales of arms, powder, lead and percussion caps be prohibited until further notice. In his speech, Valladigham urged the civil courts to challenge the imposition of military rule and orders yet continued to promote peaceful dissent within the civil law. He emphasized the most effective protests would be at the ballot box.⁷⁸

On the 25th of March 1863, General Ambrose Burnside took command of the Department of the Ohio. According to Nicolay and Hay "He found his department infested with a peculiarly bitter opposition to the war, amounting, in his opinion, to

⁷⁷ The *Tiffin Weekly Tribune*, Mar 20th, 1863, 2.

⁷⁸ Valladigham, *Speeches, Arguments and Letters of Clement L. Valladigham*, 502-505.

positive aid and comfort to the enemy; and he determined to use all the powers confided to him to put an end to these manifestations, which he considered treasonable...He issued, on the 13th of April, an order, which obtained wide celebrity under the name of General Order Number 38..." The order stated that "all persons found within our lines, who commit acts for the benefit of the enemies of our country, will be tried as spies or traitors, and, if convicted, will suffer death."⁷⁹

It is important to note Burnside acted unilaterally – Lincoln had no knowledge of it, and one officer on his staff recognized the recklessness of the order and predicted it would have a disastrous outcome.⁸⁰ Valladigham clearly saw it as "a most inspiring text for assailing the government" and used it as his central theme in Democratic rallies in Ohio.⁸¹ An army officer dressed in civilian clothes attended one such rally in Mount Vernon, Ohio on May 1st. He recorded what he heard and returned to his headquarters with his report. Valladigham returned to his home in Dayton following the Mount Vernon speech. On the 4th of May, after dark, a detachment of soldiers from Cincinnati arrived by train and arrested him.

The opening months of the war saw the parallel rise of the Copperheads and their emerging voice and national personification, Clement Valladigham. No other Democratic leader, following the death of Stephen Douglas in 1861, exerted as much political clout. As the virulence of Democratic resistance to the Republicans and Lincoln increased, it increasingly found its best expression and national appeal in Valladigham.

⁷⁹ Nicolay and Hay, *Abraham Lincoln, Volume 7*, 328.

⁸⁰ *Ibid*, 329 (see footnote).

⁸¹ *Ibid*, 330.

To best contextualize the Democrats and their political metamorphosis, it is critical to recognize the exceptional circumstances Lincoln faced. No other president had been similarly challenged. New England dissatisfaction with James Madison and the War of 1812, culminating with the Hartford Convention in 1815 was purely rhetorical, and any support for secession quickly dissipated with the news of General Andrew Jackson's victory over the British at New Orleans. The time between 1815 and 1860 was certainly not peaceful within the Congress and in the broader public domain, but all disturbances had found some level of resolution within the framework of the Constitution and civil law.

The Civil War had no precedent. Lincoln had been elected to curtail the expansion of slavery, resulting in seven slave states voluntarily revoking their allegiance to the Constitution and the union. Four others were poised to do the same. Lincoln's determination to save the Union rested on untried, uncertain or unknown legal fundament. Yet Lincoln was determined to use the very uncertain authorities of the executive branch prescribed by the Constitution to restore the rebellious states.

From Lincoln's broad and often contested interpretation of the Constitution a vast array of legal challenges gaps arose. Within what legal framework were the rebellious states to be treated? How were presidential wartime powers, designed for foreign wars, to be applied to a purely domestic conflict? Apart from the debate over the fundamental right or lack thereof for states to secede, how were debate and dissension to be treated within the remaining union? Where lay the threshold for treason, and where was the line to be drawn between free speech and seditious speech, between loyalty and disloyalty, between civil resistance and rebellion? Tasked with the unprecedented, Lincoln

navigated a legally uncertain path and made decisions whose legality and, sometimes, advisability, were questioned then and are still questioned and debated by scholars.

It was against such broad interpretations of executive authority and power that the Copperheads railed. Operating within a much stricter interpretation of the Constitution than Lincoln, the Democrats and later the Copperheads were, from a pre-war legal perspective, justified in protesting the curtailment of civil liberties, the imposition of military authority on citizens not in rebellion, the incarceration of political dissidents without due process and more. Active resistance to the Republicans and the president remained peaceful through 1863, and Democrats continued to advocate political change through voting.

Chapter Two will measure when, how, why and to what degree that advocacy changed. Valladigham's arrest and later exile to the South produced both political challenges and opportunities for the Copperheads. What he did while in the South, especially with whom he spoke and what was said, became the stuff of acute interest to northerners and southerners alike, and ultimately led to Republican allegations that Valladigham had aided the enemy.



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Chapter Two

The Arrest of Valladigham, Trial, Exile and Escape from the South

According to his brother, James Valladigham, writing in 1872, Valladigham had expected arrest on many occasions, dating back to a speech he gave in Newark, New Jersey on the 14th of February. In the past, when trouble had been expected, he had armed himself and positioned his followers, also armed, both in and outside of his house. He made no such preparations the night of May 4th, perhaps because there had been so many false alarms.

The account of the arrest by John Nicolay and John Hay in their combined work *Abraham Lincoln: A History* is surprisingly free of obvious bias, a somewhat remarkable achievement given the amount of public criticism it caused the president. They recount on the 4th of May, a special train was sent from Cincinnati to Dayton with an infantry

company from the 115th Ohio to arrest Valladigham. That night, the company approached the Valladigham house and their commander, a Captain Hutton, demanded Valladigham's surrender. Speaking through his second-floor bedroom window, Valladigham loudly refused and fired his pistol several times into the night to warn his nearby supporters. The soldiers promptly burst into the home and arrested Valladigham, compelled him to 'dress with haste' and hurried him to the special train in which they had travelled earlier that evening to Dayton, departing before a crowd could gather. Valladigham was taken to Cincinnati and placed in military custody while he awaited trial.¹

In his 1872 biography of his brother, James Valladigham insists the reason Clement Valladigham attended the rally at Mount Vernon was to quiet, rather than incite the crowd. James Valladigham states "...that while he exhorted the people to stand firm in defense of their rights, he at the same time counseled them to be patient and forbearing, waiting for the 'sober second thought' and looking to the ballot box for a redress of their grievances." He further notes the presence of so many other speakers, and that the crowd was large – 15,000 to 20,000, according to the *Columbus Crisis* – and that it was redolent with patriotic fervor while multiple bands played popular Union tunes. He believed Clement Valladigham was clearly the predesignated target, given that other speakers were less guarded and more vitriolic, yet only Valladigham was arrested.²

His account of the arrest largely fits the Nicolay and Hay version, but with far more drama. Both doors to the house were "attacked"; the back door was breached when

¹ John Nicolay and John Hay, *Abraham Lincoln: A History*, Volume 7, (The Century, 1889), 331,332

² James Valladigham, *A Life of Clement L. Valladigham*,(Baltimore, Turnbull Brothers, 1872), 241-255

the front door proved too stout for the soldiers to batter down. Preceding the assault, Captain Hutton and Valladigham had spoken, the Captain from the front steps of the house and Valladigham from his bedroom's second-floor window. Captain Hutton stated that if Valladigham refused to surrender (he did refuse) he would be shot. Once the soldiers had forced their way in, Valladigham still evaded capture within the house while he waited for relief from his supporters. Taking time to 'console the ladies', he retreated until there was no refuge, and only then surrendered.³

The next day in Dayton was riotous. Valladigham's supporters attacked and burned the offices of the *Dayton Journal*, a Republican newspaper. The railroad leading from Dayton was destroyed and telegraph lines cut. But James Valladigham notes the rioters were poorly organized and armed, and when Union troops arrived that night to restore order, they met no resistance.⁴

The arrest of Valladigham was significant from multiple national perspectives. Many Republican and Democratic newspapers were concerned by what they viewed as a troubling military subjugation of civil authority. The Democratic *Dayton Daily Empire* reacted predictably on the 5th: "Valladigham Kidnapped!"⁵ The Ohio paper *Ashland Union* offered a caution beyond its readership: "We warn the American people, be they Democrats or Republicans, to look well to their own interests. The idea of some that by bending the supple knee to power and kissing the foot that tramples them, *they* will fare better than their neighbors will be found to be a delusive hope."⁶ Nicolay and Hay wrote:

³ James Valladigham, *A Life of Clement L. Valladigham*, 256-258

⁴ *Ibid*, 259

⁵ *The Daily Empire*, Dayton, Ohio, May 6th, 1863

⁶ *The Ashland Union*, Ohio, May 20th, 1863

The arrest and sentence of this distinguished Democrat produced a profound sensation throughout the country. It occasioned general rejoicing in the South. The government in Richmond saw in it a promise of counter-revolution in the North, and some of the Confederate generals built upon it the rosiest hopes for future campaigns...The feeling in the North, if less exuberant in its expression, was equally serious. No act of the government has been so strongly criticized, and none having relation to the rights of an individual created a feeling so deep and so widespread.⁷

Not everyone condemned the arrest and subsequent military trial. The *Daily Ohio Statesman*, a Democratic newspaper in Columbus, offered trial coverage using, and citing, articles from other newspapers in its May 19th through 23rd editions and published editorials from other papers condemning the Valladigham proceedings, but was itself muted on the issue.⁸ The New York *Daily Tribune*, Horace Greeley's staunchly Abolitionist newspaper, covered the arrest matter-of-factly, acknowledging the arrest, riot and restoration of peace in Dayton in its 6-9 May editions. The May 19th edition blandly noted his sentencing by court-martial; incarceration for the duration of the war. The May 23rd edition was two sentences long and mentioned extradition to the South.⁹ Absent was any editorial comment.

Other northern papers were less restrained. The Maine *Oxford Democrat* on May 22nd applauded his sentencing and thought hanging would be a just punishment.¹⁰ Likewise, on the 23rd, the Portland *Daily Press* said nothing favorable about Valladigham.¹¹ The Cleveland *Morning Leader* also had no sympathy for Valladigham and published a scathing rebuke of the Copperheads:

To cover up their blatant treason, in which they give that aid and comfort to the enemy which a corrupt and treasonable heart always gives when its possessor is

⁷ John Nicolay and John Hay, *Abraham Lincoln: A History*, Volume 7, 339,340

⁸ *The Ohio Daily Statesman*, Ohio, May 19-23rd, 1863

⁹ *The Daily Tribune*, New York, May 6-9th, 19th and 23rd, 1863

¹⁰ *The Oxford Democrat*, Maine, May 22nd, 1863

¹¹ *The Portland Daily Press*, Maine, May 23rd, 1863

too cowardly to pick up arms and dare the hazard of battle, the copperhead organs and copperhead orators, from Vallandigham, Cox and Vorhees, down to the lowest and vilest of the crew who wear butternut breastpins, quote the above [Constitution] as a text and rely upon it for impunity in their ravings against the Government. They cannot distinguish between free speech and slander - between a free Press and a licentious or a treasonable one.¹²

Within the administration, reaction to the arrest was generally one of apprehension and regret. Doris Kearns Goodwin wrote in *Team of Rivals* that “in a moment of rare accord, every member of the cabinet united in opposition to the Valladigham arrest.”¹³ Gideon Welles wrote the following in his diary on the 3rd of June:

The arrest of Valladigham and the order to suppress the circulation of the Chicago *Times* in his military district, issued by Genl Burnside, have created much feeling. It should not be otherwise. The proceedings were arbitrary, and I apprehend injudicious. It gives bad men the right of the question – an advantage of which they will avail themselves. Good men, who wish to support the administration, find it difficult to defend these acts.¹⁴

Lincoln was in an unenviable position. He did not and would not have advocated the arrest of Valladigham, but neither did he disapprove once it had occurred. Valladigham in Congress had been a perpetual critic of the administration and the war, and now that he was unencumbered by political office, his rhetoric had become a growing threat to support for the war, especially in the West. But more injurious to the administration was the trial. Hastily convened on May 6th, the day following his arrest and staffed only by military officers, testimony was brief and a verdict of guilty delivered after three hours of deliberation. Protesting the legality of a civilian having been tried by

¹² *The Morning Leader*, Cleveland, Ohio, May 23rd, 1863

¹³ Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln*, (New York, Simon and Schuster, 2005), 523

¹⁴ Gideon Welles, *The Civil War Diary of Gideon Welles: Lincoln's Secretary of the Navy*, (Chicago, The University of Illinois Press, 2014), 204

a military court, Valladigham requested a writ of *habeas corpus*. On the 9th of May, Judge Humphrey H. Leavitt, the presiding judge of the Circuit Court of the United States for the Southern District of Ohio, convened court and arguments from both parties were presented.

By far, the greatest source of trial information is from Valladigham himself. In his book, *The Trial* (or by complete title, *The Trial of the Honorable Clement L. Valladigham by a Military Commission; and the Proceedings Under His Application for a Writ of Habeas Corpus in the Circuit Court of the United States for the Southern District of Ohio*), Valladigham includes the trial transcripts from the military commission, as well as all exhibits and submissions to Judge Leavitt. Valladigham's penchant for the dramatic is confined to his official submissions to the court and are juxtaposed with the various statements from others, to include Burnside, to the same proceedings. Valladigham was determined to document what he believed was evidence of illegality and Constitutional usurpation by the military, and in doing so compiled an extraordinarily complete account that others have used extensively in their later accounts of the trial, to include Nicolay and Hay and more recent Copperhead scholars.

Judge Leavitt was cautious in his findings, ruling on behalf of the Lincoln administration and upholding the exercise of emergency powers by the President through his appointed representatives, in this case General Burnside. Judge Leavitt determined the requirements and scope of the national crisis justified extraordinary measures by the President. He believed the limits of those powers would and should be determined by the Congress and that presidential abuse of those powers, if so believed by Congress, could be resolved through impeachment. He noted the sole question to be considered by the

court was whether the arrest was legal and ruled the legitimacy of a military commission and its verdict was beyond the purview of the court. Judge Leavitt wrote:

The sole question is whether the arrest was legal; and as before remarked, its legality depends on the necessity which existed for making it; and of that necessity, for the reason stated, this court cannot judicially determine. . . .under our Constitution, which studiously seeks to keep the executive, legislative and judicial departments of the government from all interference and conflict with each other, it would be an unwarrantable exercise of judicial power to decide that a co-ordinate branch of the government, acting under its high responsibilities, had violated the Constitution, in its letter or its spirit, by authorizing the arrest in question.¹⁵

The trial and subsequent civil hearing were widely reported and followed in the North and South. In the North, political support for Valladigham was strictly limited to his followers, but a growing concern outside of the Democratic Party for what was widely viewed as an abuse of Constitutional liberties temporarily quieted his critics. Valladigham's legal plight generated widespread debate focused on the constitutional boundaries separating free and seditious speech and where those constitutional boundaries had moved, in the North, in 1863. Arrests for seditious or politically inflammatory speech did not begin with Valladigham – arrests throughout the North, especially in the volatile border states, had been routine since the war's beginning. But Valladigham's arrest pushed the issue into the national spotlight. Nicolay and Hay wrote in *Abraham Lincoln: A History*; "...the orators and politicians of the Democratic party regarding the incident as the most valuable bit of political capital which had fallen to

¹⁵ Clement L. Valladigham, *The Trial of the Honorable Clement L. Valladigham, by a Military Commission and the Proceedings Under His Application for a Writ of Habeas Corpus in the Circuit Court of the United States for the Southern District of Ohio*, (Cincinnati, Rickey and Carrol, 1863), 269

them during the year. Even some of the most loyal newspapers of the North joined in the general attack, saying that, by the statutes, Valladigham was a prisoner of state...”.¹⁶

Joel Silbey, in *A Respectable Minority*, notes the arrest allowed Democrats to use Valladigham to personify the suspension of *habeas corpus*, the establishment of military control in the North, the arrest of dissenters and the imposition of loyalty oaths to legitimize their accusations that Republicans were disregarding the Constitution and threatening traditional democratic institutions. Silbey quotes Sanford Church, a leading New York Democrat who wrote in September of 1863; “I charge the radical and abolition leaders of the Republican party with the deliberate design to adopt and carry out a series of measures, the effect and object of which is to subvert the union, and not to restore it, to overthrow the Constitution and not to preserve it.”¹⁷

Frank Klement in *The Copperheads in the Middle West* observes the period from April through July was especially bleak for Lincoln. State elections had been held in April 1863 in Illinois, Minnesota, Michigan, Iowa, Kentucky and Ohio and the results had been favorable to the Democrats. Battlefield results had either been outright disastrous (Chancellorsville) or had been mired in the apparent stalemate of siege (Vicksburg and in Tennessee, where General Rosecrans and his Confederate opponent, General Bragg, were both content to wait for the other to move). The Enrollment Act of March 1863 had also produced widespread and growing resentment both in the East, where the better known draft riots in New York City resulted in deaths and property destruction, and in the West, where the so-called Battle of Fort Fizzle in June revealed

¹⁶ John Nicolay and John Hay, *Abraham Lincoln*, Volume 7, 341

¹⁷ Joel Silbey, *A Respectable Minority: The Democratic Party in the Civil War Era, 1860-1868*, (New York, Norton Publishing, 1977), 72

dissatisfaction with the draft as well.¹⁸ General Burnside's General Order Number 38 and the arrest of Valladigham had only served as a culmination of sorts and had emboldened and strengthened the Copperheads.¹⁹

In the South, the Valladigham story received mixed reviews – some newspapers were sympathetic to Valladigham, others were uninterested and some antagonistic to both Valladigham and Lincoln. Valladigham and the Peace Democrats/Copperheads were often regarded with suspicion and disdain in the South, particularly in Virginia, largely because the Copperheads advocated the restoration of the Union. By 1863, most southerners did not share that goal. The war had been too costly, too bitter for them to want anything less than complete independence. Because of that irreconcilable divide, many southerners felt the Copperheads were as hostile to their quest for independence as Lincoln's Republicans.²⁰ But not all.

The *Hillsborough Recorder* in North Carolina excoriated Lincoln for his 'despotism' and extolled Valladigham as the North's version of Great Britain's Lord Chatham.

The sudden imprisonment and probable sentence of death on Mr. Valladigham for simply condemning the policy of his government, show how much these phrases and apologies are worth... If sympathy for an individual and enemy were permitted, sorrow for the fate of Valladigham would be felt by most men of heart in the South.²¹

¹⁸ The Ohio History Central Online Encyclopedia, *The Battle of Fort Fizzle*. Note: 'The Battle of Fort Fizzle' was a skirmish fought between Union troops and local draft resisters in the town of Glenmont in Holmes County, Ohio on June 17th, 1863. (Author, place and date of publication not indicated).

¹⁹ Frank L. Klement, *The Copperheads in the Middle West*, (Chicago, The University of Chicago Press, 1960), 96-106

²⁰ Jennifer Weber, *Copperheads: The Rise and Fall of Lincoln's Opponents in the North*, (New York, Oxford University Press, 2006), 99

²¹ *The Hillsborough Recorder*, North Carolina, May 27th, 1863

The Raleigh *Weekly Standard* was more muted, publishing without editorial on May 20th the charges against Valladigham and Valladigham's rebuttal to those charges. On the 27th, it published a brief excerpt from the New York *Herald* that read "Valladigham has been imprisoned in Fort Warren. Mass meetings have been held in New York and Indiana, denouncing his arrest and imprisonment and the war measures of the administration. The *Herald* regards these demonstrations as the forerunners of civil war in the North."²² Of primary interest to the *Standard* was the foment in the North.

The Richmond *Enquirer* on May 15th was unsympathetic and offered an unfavorable opinion of Valladigham and the trial:

We have, to the great disgust of many, spoken of this Mr. Valladigham not as a friend but as an enemy...What is it to us whether their war be constitutional or unconstitutional?... One thing, we suppose, is sufficiently plain, from those proceedings and from the nature of the defense offered, namely: that there is nothing serious in the North-western demonstrations of disaffection, up to the present time. Those North-westerns may dislike the war, and even be tired of it - that is the unconstitutional war, not the other; but there, is no thought of peace, except on the terms of reunion ; and therefore, there can be no peace at all.²³

On the 19th, The Richmond *Daily Dispatch* published a short article announcing Lincoln's decision to exile Valladigham, rather than incarcerate him, but offered no opinion. The same day, the *Enquirer* was more than willing to weigh in on the matter:

But it may be, that Mr. Valladigham is to be merely banished to a foreign country; and, that, being allowed a choice of residence, he will select the Confederacy. In that case he will come on the footing of a *refugee* simply; and we trust that our Confederacy will never be found wanting in the duties of hospitality to *exiles*; he ought, by all means, to have shelter and the protection of the laws. But his choice of an asylum will be singular. Canada, France, England, would be at the present time a more agreeable,

²² *The Weekly Standard*, Raleigh, May 20th and 27th, 1863

²³ *Enquirer*, Richmond, Virginia, May 15th, 1863

and certainly a more economical place of refuge. At all events, if he do[es] come here as a refugee, we must remember that in all nations it is one of the plain terms on which such persons are received *that they do not meddle with the politics of the country*. These indispensable terms must, in the present case particularly, be clearly laid down, and, if need be, sternly enforced.²⁴

Jennifer Weber in *Copperheads* notes General Lee was concerned by the general hostility to the Copperheads in the South, and saw their cultivation as allies essential to the Confederate cause, even going so far as to request President Davis intercede with the Richmond newspapers, in particular the Richmond *Examiner*, to tone down their criticism.²⁵

Following his failed legal bid to have his case heard in civil court, Valladigham briefly remained in confinement awaiting transfer to Fort Warren, Massachusetts. But Lincoln was of a different mind. Recognizing the Valladigham maelstrom would only worsen with him in northern confinement, Lincoln implemented what had begun as cabinet-wide wish that Burnside had simply banished Valladigham to the South, rather than arresting him and causing such an uproar. Lincoln concurred and changed Valladigham's sentence to exile to the South and ordered General Burnside to send Valladigham, under guard, to General Rosecrans' headquarters in Tennessee. From there he was escorted by a company of cavalry commanded by Rosecrans' provost marshal, Major William N. Wiles (the Richmond *Enquirer* lists his last name as Miles), and taken to Murfreesboro, where at daybreak he was taken to the picket line that separated the two armies.²⁶

²⁴ *Enquirer*, May 19th, 1863

²⁵ Jennifer Weber, *Copperheads*, 99

²⁶ Frank L. Klement, *The Copperheads in the Middle West*, 94

The transfer was probably not as dramatic as Valladigham would have liked. The Union cavalry troop rode under a flag of truce, entered the space separating the forces and found a Confederate picket. Colonel Webb of the 11th Alabama was in command, and when made aware of the Union troops intent and the person to be transferred, he said he had read his speeches and didn't like them, but that Valladigham could wait where he was until guidance from Webb's superiors could be had. The colonel then left. Unwilling to wait, Major Wiles took Valladigham to a nearby house within the lines and left there him with a Confederate private from the 8th Alabama. Surrendering himself to the private, Valladigham declared: "I am a citizen of Ohio, and of the United States. I am here within your lines by force, and against my will. I therefore surrender myself to you as a prisoner of war." James Valladigham confirmed the above in his 1872 biography of his brother, and further insisted his brother was calm throughout and 'warmly received' once through the lines.²⁷

James Valladigham's account of his brother's first week in exile is extraordinarily detailed, up to his brother's departure from Shelbyville, Tennessee on June 2nd, 1863. Richly described is Clement Valladigham's dinner with General Rosecrans the night before his exile as well as the argument between them that began the night and its convivial conclusion four hours later. Meticulously addressed is the composition of the cavalry unit that escorted him to the battle lines and the actions that followed. The same applies to his initial reception in the South and the week that followed. But after June 2nd, James Valladigham chose to concentrate on political

²⁷ James Valladigham, *A Life of Clement Valladigham*, 299,300 and Richmond, VA *Enquirer*, June 2nd, 1863

developments in the North, particularly the Ohio Democratic Convention, Valladigham's nomination for governor and the Ohio delegation that was subsequently sent to Washington to present its findings and complaints to Lincoln. Lincoln's rebuttal letter to the Democratic Convention in Ohio, sent after he met with its delegates, is also included, and criticized, by James Valladigham. Absent in the book is any description of what took place between June 2nd and his brother's departure from Wilmington, North Carolina on June 18th. What Clement Valladigham did during that two-week span was soon fraught with controversy in the North, and in late 1863, and especially 1864, led to accusations by Republicans of conspiracy against the United States government and collusion with the enemy. For James Valladigham to ignore that period fuels scholarly curiosity, especially given his stated purpose in the book's preface to memorialize his brother.²⁸ Throughout his book, it is clear James seeks to exonerate his brother wherever and whenever trouble or accusation loomed, yet he is silent about the most mysterious period in Clement Valladigham's political and public life.

On the 2nd of June, Jefferson Davis wrote General Braxton Bragg, presumably by telegraph, and thanked him for his dispatch to the Adjutant General reporting Valladigham's arrival in Shelbyville, Tennessee (sending date of General Bragg's letter unknown, received in Richmond June 1st) and directed him to send "Hon. C. L. Valladigham as an enemy alien under guard of an officer to Wilmington where further orders await him". General Bragg responded to Jefferson Davis: "Upon Mr. Valladigham's earnest request he was permitted to go this morning to Lynchburg to confer with a distinguished friend of Virginia [Thomas S. Bocoock]. He reports from

²⁸ James Valladigham, *A Life of Clement L. Valladigham*, xi,xii

there on parole to the War Department.”²⁹ James Valladigham notes his brother had been further directed by General Bragg on the 1st of June ‘to report on parole to General Whiting at Wilmington, North Carolina.’³⁰

Clement Valladigham began his journey from Shelbyville on the morning of June 2nd. The pace at which he travelled, the exact route taken and how or if he communicated, is vague if known at all. By modern road, the most direct route from Shelbyville, Tennessee to Lynchburg, Virginia is 521 miles. The rail route on which Valladigham travelled began, for him, in Murfreesboro and ran south to Chattanooga, a major rail hub. From there he probably would have travelled to Knoxville and then to Lynchburg. That route would have been the most direct and close to 600 miles long.

It is important to understand the timing of Valladigham’s journey. It is unlikely he travelled more than 10 hours a day, and at an average southern train speed of 10 miles-per-hour, his journey to Lynchburg would have taken 6 days, arriving on the evening of June 8th.³¹ On that day, Jefferson Davis wrote General Bragg:

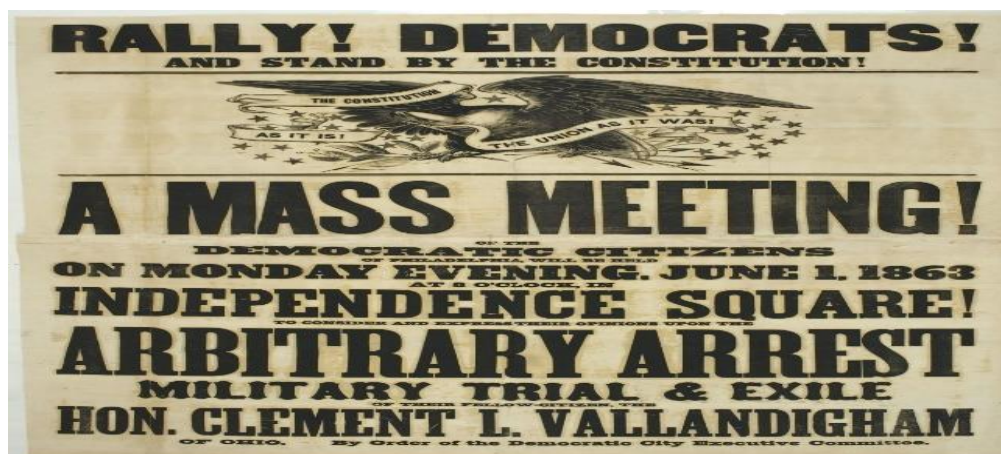
²⁹ Jefferson Davis, *The Papers of Jefferson Davis*, Volume 9, edited by Lynda Lasswell Crist, Mary Seaton Dix, and Kenneth H. Williams, (Baton Rouge, Louisiana State University Press, 1997), 204

³⁰ James Valladigham, *A Life of Clement L. Valladigham*, 301. Note: It is probable James Valladigham pieced many of his facts together in 1871 following his brother Clement’s death, so it is likely his observation was based on notes his brother had made.

³¹ Robert C. Black, *Railroads in the Confederacy*, Civil War History, Volume 7, Number 3, Sep 1961, (Kent, Kent State University Press, 1961), 231-238. Note: Trains in the South in 1863 travelled at an average speed of 10-15 miles-per-hour, due to poor track and engine maintenance and the state of train technology. The rail system was poorly maintained, locally managed and often disconnected from other lines, requiring trains to disembark passengers and cargo for transfer to a separate rail system, often on the other side of a southern town or city. Many of the rail lines had been constructed and run by northerners before the war, and their departure as hostilities began drained the South of critically needed expertise. Train engines were few, parts scarce and there were few technicians who could repair them. Most engines had been manufactured in the North. There were few rail lines longer than 100 miles – most lines had existed to transport cotton and other agricultural products from plantations to markets and ports and had no connection to a broader rail network. Rail gauges varied by state and by rail line, and often isolated lines had engines and rail cars that could not be moved from those lines for use elsewhere. Trains seldom moved at night, requiring passengers to stay in hotels and await departure the following day. The Confederacy did

Your letter of the 3d received this morning. My dispatch in relation to the Hon. Mr. Valladigham indicated a course but little different from that which in the absence of instructions you had adopted. In furtherance of our purpose Mr. Ould Commissioner for the exchange of prisoners of war, has been sent to Lynchburg to meet Mr. Valladigham and to conduct him to Wilmington, whence his departure for a neutral port will be facilitated by all the courtesy and kindness due to his condition.³²

Robert Ould's official position in the Confederate government was Commissioner of Prisoner Exchange. He also served as the functional chief of the Confederate Secret Service under Judah Benjamin, the Confederacy's Secretary of State. It was in both capacities he was sent to meet Valladigham, but it was the latter that helped raise later suspicions, in the North, of collusion with the enemy.



Concurrent with Valladigham's movements in the South were Democratic rallies in the North. At meetings in Illinois, Indiana, New Jersey, New York, Ohio and elsewhere Democrats continued to protest the Valladigham arrest and trial. On June 11th,

little, prior to September of 1863, to nationalize the system and manage it as a centralized network, resulting in an often-unreliable means of transport

³² Jefferson Davis, *The Papers of Jefferson Davis*, Volume 9, 211

the Democratic Convention in Ohio met in Columbus and nominated Valladigham for governor. In their book *Abraham Lincoln: A History*, Nicolay and Hays wrote:

They passed a series of resolutions affirming their devotion to the Union, denouncing the arrest and banishment of Valladigham as a forcible violation of the Constitution and a direct insult offered to the sovereignty of the people of Ohio, saying the Democratic party was fully competent to decide whether Mr. Valladigham was a fit man to be nominated for governor, and that the attempt to deprive them of that right by his arrest and banishment was an unmerited imputation upon their intelligence and loyalty. They therefore called upon the President to restore Mr. Valladigham to his home in Ohio.³³

Earlier, following Valladigham's arrest and trial but prior to his exile to the South, a like-minded convention of Democrats in Albany, New York met on the 16th of May and drafted a series of protest resolutions. The principle author was a New York politician and sitting member of the U.S. House of Representatives, Erastus Corning. Lincoln, in Washington, received them on the 19th and responded on the 12th of June. In an open letter circulated throughout the northern papers, and later the southern papers, Lincoln addressed the arrest of Valladigham and the broader issue of wartime executive powers, specifically where the exercise of those powers was believed by his critics to be in conflict with Constitutional liberties. Lincoln's letter offered a legal, moral and logical rebuttal of the principle Democratic charge of unlawful abridgement of free speech through the systematic suspension of *habeas corpus*, resulting in arbitrary arrests, imprisonment and, in the unique case of Valladigham, exile.³⁴

³³ Nicolay and Hay, *Abraham Lincoln*, Volume 7, 351

³⁴ John Nicolay and John Hay, *The Works of Abraham Lincoln*, Volume 8, (Unknown City of Publication, Lincoln Memorial University, 1894), 298-314

Within the Corning letter Lincoln made many forceful and compelling points, but perhaps the most notable, and the one that resonated best with the voting public in the North, was the following:

Long experience has shown that armies cannot be maintained unless desertion shall be punished by the severe penalty of death. The case requires, and the law and the Constitution sanction, this punishment. Must I shoot a simple-minded boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father, or brother or friend into a public meeting, and there working upon his feelings till he is persuaded to write the soldier boy that he is fighting in a bad cause, for a wicked Administration of a contemptible Government, too weak to arrest and punish him if he shall desert. I think that in such a case to silence the agitator and save the boy is not only constitutional, but, withal, a great mercy.³⁵

Lincoln's letter to Erastus Corning provided a powerful check to the momentum the Democrats had gained in May. In a bland and understated entry in his diary, Gideon Welles noted on June 14th "The letter to Erastus Corning and others is published and well-received."³⁶ Nicolay and Hays wrote of the letter; "There are few of the President's state papers which produced a stronger impression upon the public mind than this." They went on to state:

Its tone of candor and courtesy, which did not conceal his stern and resolute purpose; his clear statement of the needs of the country; his terse argument of his authority under the Constitution to suspend the writ of *habeas corpus* when, in case of rebellion, the public safety required it; his contrast of the venal crime of the simple-minded boy, which was punished by death, with the deeper guilt of the wily agitator, who claimed immunity through the Constitution he was endeavoring to destroy; the strong, yet humorous, common sense of his doubt whether a permanent taste for emetics could be contracted during a fit of sickness – met with an immediate and eager

³⁵ Nicolay and Hay, *The Works of Abraham Lincoln*, Volume 8, 308-309

³⁶ Welles, *The Civil War Diary of Gideon Welles*, 213

appreciation among the citizens of the country, and rendered this letter remarkable in the long series of Mr. Lincoln's political writings.³⁷

Doris Kearns Goodwin wrote in *Team of Rivals* "...Lincoln took every step to ensure his words would shape public opinion. Printed in a great variety of formats, the letter eventually reached an astonishing 10 million people in their homes and workplaces, on isolated farms and in the cities. And as the American people absorbed the logic of Lincoln's argument, popular sentiment began to shift."³⁸ Jennifer Weber in *Copperheads* views the Erastus Corning letter as 'an astute political move', one that highlighted the Democrats (Copperheads) refusal to acknowledge the peril the country faced and the extraordinary actions war compelled, as well as their refusal to support those efforts. She further notes the period was one of political uncertainty in the North. Public support for the war had been eroded by the 1863 Enrollment Act, challenged by the Valladigham affair, further stressed by the Union defeat at Chancellorsville and the apparent military stalemate in the West, and the increasing desire to link emancipation to calls for enlisting black soldiers into the ranks of the Union army. All could have provided the fodder for Copperhead success at the polls, but rather the reverse was slowly becoming true. As noted in Chapter One, the Union army may have been battered and discouraged in 1863, but resolve to fight it out had only deepened, and within the ranks of the army resentment for the Copperheads was growing, as was support for the inclusion of black soldiers in the fight.³⁹ The draft riots in New York were the most violent reaction to conscription in the North, and there were less notable but still violent draft protests elsewhere in the

³⁷ Nicolay and Hay, *Abraham Lincoln*, Volume 7, 349

³⁸ Goodwin, *Team of Rivals*, 525

³⁹ Weber, *Copperheads*, 97, 100-103

North and West, but once they had run their course, by force or by exhaustion, conscripts emerged and reinforced the Union Army.

Joel Silbey in *A Respectable Minority* contends the anti-war Democrats were doomed from the outset. Stephen Douglas had warned his colleagues at the beginning of the conflict not to confuse opposition to the President and Republicans with support for the war effort. Historically, Silbey notes, Douglas knew opposition to war in the United States, from the Hartford Convention in 1815 to the Mexican War, had always ended badly for the dissenting political party. Ignoring Douglas's advice, by 1863, Valladigham and the Copperheads had adopted increasingly strident messaging that continued to promote the restoration of the Union at all costs, to include peace without victory. The different issues that formed the composite of Democratic opposition to the war; unwarranted suspension of *habeas corpus*, slave emancipation, restrictions on commerce caused by war, conscription and all too routine Union military defeat, all resonated and gained sympathy with voters as either individual issues or in groupings less than the whole. But the entire platform was too much for most to support. In both the North and the South, resentment for the Copperheads was growing, and as opposition to the Copperheads stiffened, the messaging from them not only remained unchanged, but became harsher.⁴⁰

Silbey attributes the deepening entrenchment of the Copperheads in 1863 to the political intransigence and extraordinary influence of Clement Valladigham. On October 29th, 1855, Valladigham, then a rising star in the Democratic party, gave a speech entitled

⁴⁰ Silbey, *A Respectable Minority*, 89-107

The History of the Abolition Movement to assembled Democrats in Dayton, Ohio following their party's defeat in state-wide elections. In it he outlined the political philosophy he held throughout his political career:

But no party, gentlemen, is at all times equally pure and true to principle and its mission. And whenever the Democratic party forgets these, it loses its cementing and power-bestowing element; it waxes weak, is disorganized, is defeated – till, purging itself of its impurities, and falling back and rallying within its impregnable entrenchments of original and eternal principles, it returns...with irresistible might and majesty...it is this recuperative power...which distinguishes the Democratic party from every other; and it owes this wholly to its conservative element, FIXED POLITICAL PRINCIPLES.⁴¹

The anti-war Democrats, in their later incarnation as Copperheads, stubbornly held to their party agenda and instead of bending to a changing voter sentiment, only stiffened their platform and resolve. Frank Klement in *The Copperheads in the Middle West* agrees and notes the price they paid for their intractable resistance to the war was steep, especially in late 1863 and 1864. But in May and June of 1863, Valladigham had become a rallying cry for many in the country and had reenergized the Copperheads.⁴²

Returning to Valladigham's journey in the South, there are few remaining artifacts for historians to examine and thus better understand, and contextualize, his conduct between June 2nd and June 18th. Valladigham, a prolific writer and eager chronicler of himself, says nothing of his journey or meetings in the South. As noted, his brother James omits all details of Valladigham's travels from June 2nd to June 18th in his biography. Further blurring historical vision, the Confederate Secretary of State, Judah

⁴¹ Ibid, 106,107 and Clement L. Valladigham, *Speeches, Arguments and Letters of Clement L. Valladigham*, (New York, J. Walter and Company, 1864), 98,99

⁴² Klement, *The Copperheads in the Middle West*, 121-126

Benjamin, ordered the burning of diplomatic and state records, to include all Confederate Secret Service records, following the Confederate government's evacuation from Richmond in April of 1865. Also frustrating, the Thomas S. Boccock papers at the University of Virginia contain no correspondence with, or mention of, Valladigham. The document produced by Robert Ould and reviewed by Jefferson Davis that recorded Ould's conversation with Valladigham was subsequently destroyed, presumably at the end of the war. In short, there are few records of Valladigham's journey. But one can make some credible assumptions.

It is likely that soon after his arrival in the South, Clement Valladigham wrote to Mr. Boccock and requested a meeting. Valladigham, a committed politician who had suffered a grievous wrong and had thus been provided a potent opportunity for redress and celebrity, would not have remained idle long. Thomas Boccock had been a colleague and ally in the United States House of Representatives during the pre-war era, and engagement with him while in the South would have been justifiable from a Copperhead perspective and viewed by Valladigham as potentially beneficial to the broader Copperhead cause. Restoration of the Union and preservation of the Constitution had been the Democratic mantra from the war's beginning and learning Thomas Boccock's views on reunification and possibly gaining his support would have been irresistible to Valladigham.

There was enough time for Valladigham to receive a response from Mr. Boccock, and it is likely Mr. Boccock's response was presented to General Bragg when Valladigham and Bragg met on June 1st. The Confederate Postal Service was mostly dependable in 1863, especially when measured against the southern rail systems or the

southern telegraph, both poorly maintained and fragmented and neither centrally managed. But the rail line between Murfreesboro and Chattanooga, as well as the line that connected Chattanooga to Lynchburg, were both frequently used for military transport as well as passenger service and likely both were used for routine postal service. It is likely there was adequate time for correspondence between the two men to take place between May 26th and June 1st. It is also possible, given the high visibility of Valladigham's exile, that the telegraph may have been used by Valladigham to communicate with Bocoock, just as Davis used it to communicate with Bragg. Regardless of method, it is unlikely Valladigham would have been allowed to travel to Virginia by General Bragg without Bocoock's consent to a meeting.

An examination of the Thomas S. Bocoock papers revealed no evidence of any meeting with Valladigham. Only one piece of unrelated 1863 correspondence to Bocoock is on file, and although it contains some miscellaneous 1863 correspondence from Bocoock, none is relevant to this study. Entries in Thomas Bocoock's financial ledger neither indicate nor refute his presence in Lynchburg during the probable period of Valladigham's stay (June 9th – 14th). There are two June 9th entries separated by June 11th – both record household-related transactions. The second has a mark at the top that, for the conspiracy-minded historian, could be mistaken for a *V*, but is most likely a checkmark of probable unimportance. In short, nothing in the Bocoock archives suggests in any way that the two men met.⁴³

⁴³ Thomas S. Bocoock Archives, MSS 10612, Boxes 7 and 8, Albert and Shirley Small Special Collections, Alderman Library, The University of Virginia

Known is that Valladigham met with Robert Ould in Lynchburg and that Robert Ould had been sent there to meet with him by Jefferson Davis. Ould constructed a synopsis of that conversation and sent it to Jefferson Davis in a package marked 'important'. It arrived in Richmond on or before June 17th. In his diary, John Beauchamp Jones (J.B. Jones), a high-ranking war clerk in the Confederate War Department, noted on June 18th: "I have good reason to suppose that the package marked "important," etc., sent from the President's office yesterday to the Secretary of War, was the substance of a conversation which took place between Mr. Ould and Mr. Valladigham."⁴⁴ On June 22nd, J.B. Jones received the document for filing.

Today I saw the memorandum of Mr. Ould, of the conversation held with Mr. Valladigham, for file in the archives. He says if we _ can only hold out _ this year that the peace party of the North would sweep the Lincoln dynasty out of political existence. He seems to have thought that our cause was sinking, and feared we would submit, which would, of course, be ruinous to his party! But he advises strongly against any invasion of Pennsylvania, for that would unite all parties in the North, and so strengthen Lincoln's hands that he would be able to crush all opposition, and trample upon the constitutional rights of the people."⁴⁵

In June of 1863, the South was in a tenuous political and military position. Southern diplomats were active in England and France, entreating both to actively intervene on the South's behalf. Vicksburg was besieged and remained the last Confederate bastion on the Mississippi River and all that prevented Union domination of the West. The desperation in the West was in sharp contrast to continued military success in the East, at least in Virginia. The Union disaster at Chancellorsville in May

⁴⁴ John B. Jones, *A Rebel War Clerk's Diary at the Confederate States Capital*, Volumes 1 and 2, (Middletown, DE, Civil War Classic Library, 2019), 244

⁴⁵ Jones, *A Rebel War Clerk's Diary*, 247

had boosted flagging southern morale and helped inspire a plan for winning the war – another military incursion into the North, again using Lee’s army. Such planning was seldom a secret – newspapers North and South routinely reported troop movements, troop concentrations and opinions on the strategy behind them. For Valladigham to have offered an opinion on what was broadly known is therefore not surprising. But clear in 2020 as well as in 1863 was the political volatility of advising a foreign and hostile government on any strategy intended for use against the official interests of the United States. It is apparent political advantage was foremost in Valladigham’s mind, and any act that destabilized the Lincoln administration was acceptable. Always of professed interest to Valladigham was the sanctity of the Constitution, yet Article III, Section 3 of the Constitution states: “Treason against the United States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.” It is clear that section of the Constitution was not considered when he spoke with Ould.⁴⁶

J.B. Jones continued in his diary: “Mr. V. said nothing to indicate that either he or the party had any other idea than that the Union would be reconstructed under Democratic rule. The President [Davis] indorsed, with his own pen, on this document, that, in regard to invasion of the North, experience proved the contrary of what Mr. V. asserted.” Jones then opined: “But Mr. V. is for restoring the Union, amicably, of course, and if it cannot be so done, then possibly he is in favor of recognizing our independence. He says any reconstruction which is not voluntary on our part, would soon be followed by another separation, and a worse war than the present one.”⁴⁷

⁴⁶ United States Constitution, Article III, Section 3

⁴⁷ Jones, *A Rebel War Clerk's Diary*, 247

Meanwhile, regardless of political allegiance, northern papers remained fascinated with Valladigham and the Copperhead platform. Democratic papers kept the perceived injustice to Valladigham active in the public sphere. The *Ohio Ashland Union* on June 24th accused states that were predominantly ‘Abolitionist’ (Republican) of contributing fewer conscripts than required, forcing the Democratic states (Ohio in this instance) to contribute more to make up the deficit. The paper further railed against a claim made by Ohio Abolitionists that they were against the idea of political parties and that Democrats should do the same: “They strike down the Constitution for party! They strike down the courts, the writ of *habeas corpus*, the right of trial by jury, the civil liberty and the freedom of the people, all for party!” The article went on to proclaim the opposite for the Democrats, restating the Copperhead political mantra: “ The Democrats care nothing for party farther than its influence in sustaining the Constitution, the Union, the liberties, and the rights of the people. Who then are the miserable partisans?”⁴⁸ In Indiana a humorous article appeared in the *Daily Sentinel* on June 24th, perhaps reflecting a growing desire to move beyond the arrest, trial and exile: “It is predicated that Mr. Valladigham will return to Canada before the middle of July, from thence proceed to New York, and thence to Ohio, and yet stump that state before the election in October. The Republicans leaders of Cincinnati have petitioned the President to recall Mr. Valladigham to his home, for their political interest, and to shut up the cry about the persecution of Mr. V.”⁴⁹

⁴⁸ *Ashland Union*, Ohio, June 24th, 1863, 2

⁴⁹ *Daily Sentinel*, Indiana, June 24th, 1863, 2

Republicans kept the Valladigham narrative alive, understanding his political vulnerability and sensing a growing public dissatisfaction with the Copperheads. The New York *Daily Tribune* reacted to Lincoln's open letter to Erastus Corning on June 16th: "We do not perceive that anything could be added, or that any addition is needed, to the President's vindication of his Constitutional power to arrest persons who, not venturing upon treason overt, are helping Jeff. Davis and his fellow traitors in the loyal States."⁵⁰ The Ohio *Tifton Weekly Tribune* on June 19th continued that theme, declaring: "When a man or set of men travel from neighbor to neighbor, with peace petitions in their hand for signatures, we cannot but conclude that such men have not the best disposition towards their country - that they mean evil. This is no time for peace by compromise with traitors: It is a time for powder, lead and bayonets. And we regard the act disloyal at this time to work for peace in any other way or manner than the mode adopted by our soldiers."⁵¹ The Ohio *Cleveland Morning Leader* enthusiastically followed the Republican nominating convention for governor, and offered the following conclusion to a long article affirming the moral rectitude and political fitness of Mr. Brough, the gubernatorial nominee: "He [Mr. Wade of the nominating committee] had never seen a convention more harmonious. The nominations were all most fit to be made, and we shall come up more than victorious in October next. He thanked the Democracy that they had separated the sheep from the goats (applause) Vallandigham, cringing for peace on the one side, and Honest John Brough on the other. (Immense applause.)"⁵²

⁵⁰ *Daily Tribune*, New York, June 24th, 1863, 4

⁵¹ *The Tifton Weekly Tribune*, June 19th, 1863, 2

⁵² *The Cleveland Morning Leader*, Ohio, June 19th, 1863, 1

By the end of June, political foment was returning to its pre-arrest (of Valladigham) level. Lincoln's exile of Valladigham and subsequent open letters had done much to calm civil fears, at least with non-Democrats. Most political attention was now focused on the Fall 1863 elections. In Ohio, the Republican nomination of John Brough for governor pitted a candidate who had once, the Republicans proclaimed, been a Democrat against the Democrats. The Republicans may have sensed the weakening of the Copperheads in June-July 1863, but they were not taking chances. Frank Klement states in *The Copperheads of the Middle West*: "The Republicans did not let the election go by default. They recognized that Valladigham's election to the governorship of Ohio would enhance the cause of peace and weaken the war effort. He had become a symbol, so they turned all their energies and ingenuity toward defeating him."⁵³

Following his interview with Robert Ould, Valladigham was either accompanied by him to Wilmington, North Carolina or made the journey alone. One assumes they traveled together, with Ould acting in his overt capacity as the Commissioner of Prisoner Exchange to ensure quick passage on a blockade runner. Valladigham departed the night of June 17th on the steamer *Cornubia*, commanded by a Captain Gayle.⁵⁴ The *Richmond Daily Dispatch* reported on June 20th: "Valladigham has safely run the blockade from Wilmington, N.C. He is going to Bermuda, and thence to Canada."⁵⁵ The *Staunton Spectator* offered the following on June 30th:

Mr. Valladigham is no longer in the Confederacy. He has sailed from Wilmington, and so many days ago that ere this he is either safe on British soil or deck, or captured again by his admirers at Washington. Mr. Valladigham, when thrust into our lines, presented himself as prisoner to

⁵³ Klement, *The Copperheads in the Middle West*, 130

⁵⁴ James Valladigham, *A Life of Clement L. Valladigham*, 314

⁵⁵ *Daily Dispatch*, Richmond, Virginia, June 20th, 1863, 1

our authorities, and was so held while in our limits. He requested an exit from one of our ports, and it was accorded him. We probably shall soon hear of Valladigham in Canada, and next of his crossing the line in great triumph as Governor of Ohio.⁵⁶

With their party's political viability, credibility and vitality inextricably tied to Valladigham's legal and popular fate, the Copperheads found themselves in a curious place in May and later June of 1863. Valladigham's military arrest, trial, incarceration and exile had provided fertile grounds for cross-party grumbling. Many Republican voters were also uncomfortable with the growing curtailment of civil liberties in the North, and for a brief period opportunity for a common complaint against the government existed. Lincoln certainly understood how legally charged the arrest had been, and that if the path set by General Burnside was left alone it would only produce continued political misery for his administration. Fortunately for Lincoln, his greatest ally in the Valladigham crisis was Valladigham himself.

Clement Valladigham's legal predicament not only altered his own political trajectory, but also irreparably changed the nation's perception of him and the Copperheads. At a time when the war's end was far away, and its winner and loser unknowable, Valladigham's desire for political ascendance was inextricably bound to a platform of issues most voters disliked. Worse, he bound his strategic vision to three tenets he clearly did not fully understand. He underestimated the strength, will and political aptitude - and cunning - of Lincoln. He over-estimated voter support beyond his cabal of Copperhead supporters, and clearly confused large gatherings of supporters for

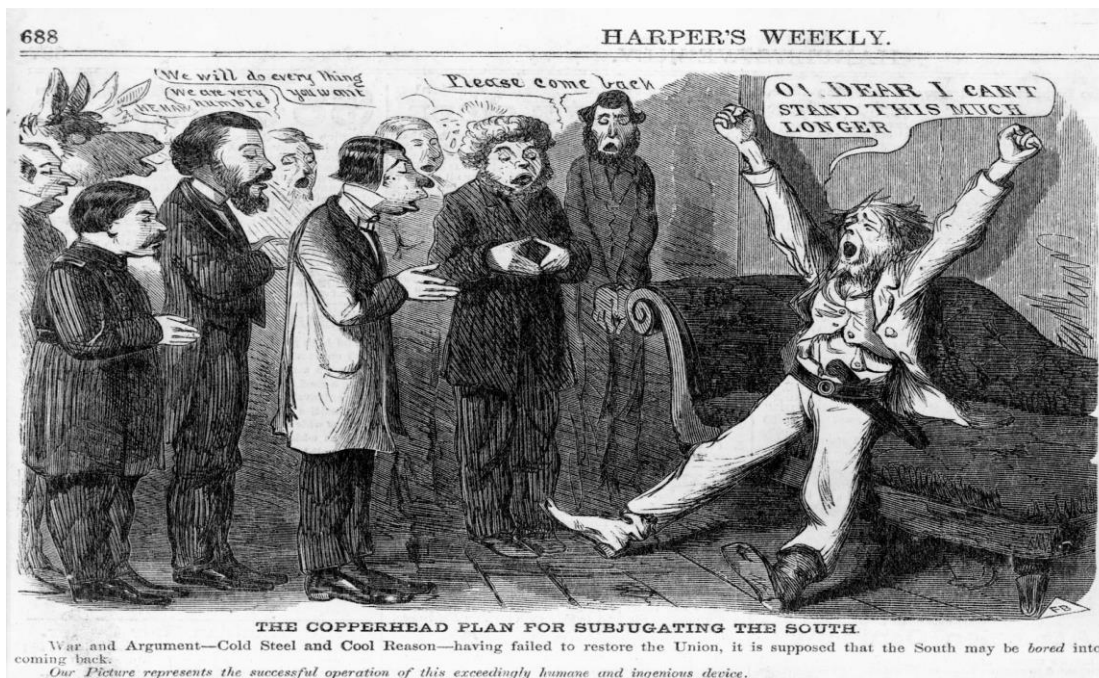
⁵⁶ *The Staunton Spectator*, Virginia, June 30th, 1863

more than what they were. Perhaps most gravely, he failed to understand the South and its' resolve to go its own way, instead insisting its reunification with the North would be a natural and reflexive result of peace. It was the last that best enabled his northern critics to disable him politically, coupling him with a belligerent with whom the nation was at war and one that disagreed with him as much as it hated the North.

The next chapter chronicles his final and most grave miscalculations.

Valladigham in Canada is a tale of intrigue, hubris and accusations of treason.

Ultimately, voters and courts would offer in 1863, and later in 1864, the final verdict on Clement Valladigham.



Library of Congress, Prints and Photographs Division

Chapter 3

Canada, the Sons of Liberty, the 1864 Democratic Election, Presidential Election and Final Defeat of the Democrats

...Already we see the beginning of the end. The progress of discontent at the North, and the growing clamors for peace, will, after a while, paralyze the energies of the Administration. Whilst our armies are energetically engaged in conquering a peace, we shall find co-workers in the Northern men, who, convinced that war will never restore the Union, are determined to inaugurate peace. They will have peace, and that secured, if natural affinities and argument cannot effect re-construction of the Union, as they wish, they will never consent to try again the arbitrament of arms. This we understand to be the position of Vallandigham; now the most prominent, the most popular, and the ablest statesman of the North. ¹

Vallandigham's voyage from Wilmington was mostly uneventful. Sometime during the passage, a Union warship spotted the blockade runner and moved to intercept her. In his 1872 biography of his brother, James Valladigham claimed the Union ship

¹ *The Staunton Spectator* (Virginia), June 23rd, 1863

was the faster vessel and capture seemed inevitable. In James' account, Valladigham the passenger asked the captain of the blockade runner if he had any red jackets on board and when told yes, advised the captain to have his crew put them on and parade on deck to give the appearance of a British crew on a British vessel. The captain did as advised, the Union warship veered away and the blockade runner continued her journey. He also wrote:

A false and ridiculous account of this affair was published by the enemies of Mr. Valladigham several years afterwards, in which it was stated that he was greatly alarmed on that occasion, and so overjoyed at his escape from capture that he shed tears and clasped the hand of the Captain of the vessel in warm embrace. There is not a word of truth in it....As to the story of childish joy of at his escape and the ridiculous mode of exhibiting it, no one acquainted with his perfect coolness in circumstances the most exciting will be so credulous as to believe it.²

Whether cool or not on his voyage, Clement Valladigham was now sailing into a turbulent political sea. In the North, Democrats and Republicans remained as ideologically entrenched as before. His critics, emboldened by his exile, had speculated on his conduct while in the South and used every opportunity to attack Valladigham and the Copperheads. His Democratic allies continued to use the disappointing war and his arrest, trial and exile to their best advantage, and believed the 1863 fall elections would provide them with much-needed victories. In June of 1863, the Democrats believed the political winds were favorable to them, yet three major events in July would, in quick succession, dampen their optimism. Within weeks following Valladigham's departure from Wilmington, the battle of Gettysburg in the East and the fall of Vicksburg in the

² James Valladigham, *A Life of Clement L. Valladigham*, (Baltimore, Turnbull Brothers, 1872), 314-315

West provided the Union with much-needed victories. Shortly following those victories, anti-war sentiment, fueled in part by the Valladigham affair and stoked by New York Democrats, erupted in the New York City draft riots.

Jennifer Weber in *Copperheads* attributes much of the blame for the draft riots to the Governor of New York, Democrat Horatio Seymour. New York Democrats, still angered by the Emancipation Proclamation, saw an opportunity to exploit Irish fears of economic marginalization. Using the issue of race to incite mob violence, the Democrats believed they could grow Irish support for the Democratic Party by convincing them an ever-increasing black population threatened Irish jobs. Democrat-led resistance to the Enrollment Act and its planned implementation in July married well to the growing Irish/black discord. On the 4th of July in New York City, Governor Seymour addressed a Democratic rally. He railed against the Lincoln administration's military failures and its all-too-customary call for additional men. He told his audience he was exhausted with Republican oppression, particularly the suppression of peaceful dissent, and that 'action on the part of the people was sometimes justifiable.' He closed with a perfunctory exhortation for his audience to offer protest within the framework of the law and the Constitution, but that message clearly went unheeded.³

The riots were contagious. Weber notes unrest spread across the North, and similar disturbances, all linked to the Enrollment Act but smaller in scope and violence, erupted in the East in Boston (Massachusetts), Portsmouth (New Hampshire), Rutland (Vermont) and Troy (New York) and in the West in Wooster, Ohio. Alarmed by the

³ Jennifer Weber, *Copperheads: The Rise and Fall of Lincoln's Opponents in the North*, (New York, Oxford University Press, 2006), 107-112; *New York Herald* (New York), July 6th, 1863, 2

widespread violence, many northerners feared a further fragmentation of the Union. Potentially making matters worse was a Confederate cavalry raid in the Midwest, led by John Hunt Morgan.⁴

The reverse proved to be true. Frank Klement in *The Copperheads in the Middle West* observes it was Confederate General Beauregard who ordered the raid. He had been inspired by the Valladigham arrest and was convinced the North, and especially the Northwest, was ready to rise against the Lincoln administration. In early July 1863, Morgan's raiders moved into Kentucky, Indiana and Ohio, hoping to recruit Copperheads to the Confederate cause. Instead, 'several' of Morgan's raiders later observed that the Copperheads and Valladighamers' fought as hard or harder against them than other northerners, and that the Copperheads, the very people they believed were sympathetic to the Confederacy, regarded the raiders as 'horse thieves', 'extortionists' and 'blackmailers'.⁵

As the riots subsided, and the raid ended with Morgan's capture and confinement at the end of July, Copperhead insistence on linking resistance to the war with resistance to Lincoln began to backfire. The Union triumphs at Gettysburg and Vicksburg had electrified the North. In the East, General Lee's Army of Northern Virginia had been repulsed and severely weakened. In the West, General Pemberton's Confederate army had surrendered to General Grant and the Confederacy had been cut in two. Both victories strengthened the Republican argument for war and renewed northern resolve to see the conflict out. Copperhead culpability in the draft riots further sharpened the divide

⁴ Weber, *Copperheads*, 113

⁵ Frank Klement, *The Copperheads in the Middle West*, (Chicago, The University of Chicago Press, 1960), 124-125

between the parties, and support for the Peace Democrats wavered within the Democratic party itself.

Two ideological factions, the Purists and the Legitimists, began to emerge. The Purists remained ideologically unchanged and were aligned with Valladigham, opposing both the Lincoln administration and the war. The Legitimists were a deviation from the traditional Peace Democratic platform and were aligned with Samuel Cox. They focused on resistance to Lincoln and the Republicans and believed removing the Republicans was their most important task. They were not War Democrats, and they had not abandoned their objections to the war. Rather, they believed the issues of war and peace could be only be successfully addressed when a Democratic majority was achieved in Washington.⁶

Cox was a committed Copperhead. Long allied with Valladigham and fellow Copperhead Daniel Voorhees, Cox nevertheless broke with Valladigham and Voorhees over the issue of linking war resistance to Lincoln resistance. Joel Silbey notes in *A Respectable Majority* that Cox believed the nominations of Valladigham, Thomas S. Seymour, and George Woodward for governor in Ohio, Connecticut and Pennsylvania, respectively, would ultimately backfire. All were known to have ‘anti-war tendencies’, and although Cox was a Democrat deeply opposed to the Lincoln administration and the Republicans, he sensed the Purists nominations would be tainted by their long association with the antiwar effort. “We are making a fierce fight, but we carry weights,” Cox wrote in August 1863.⁷ The New York *Sun* agreed. On July 27th its editor noted a speech by

⁶ Joel Silbey, *A Respectable Minority: The Democratic Party in the Civil War Era, 1860-1868*, (New York, Norton Publishing, 1977), 89-99

⁷ Silbey, *A Respectable Minority*, 97-99, 109-114

Confederate Vice President Alexander Stephens, made in the aftermath of the southern losses at Gettysburg and Vicksburg, and used it to frame his response:

Northern peace men have persistently proclaimed that the rebel leaders were prepared to make peace on the basis of reconstruction of the Union, under a proper guarantee that the provisions of the Constitution on the subject of slavery will be adhered to, and the rights of the States over their domestic institutions shall not be interfered with.

That these assertions have no foundation, is apparent in the almost unanimity of the Southern leaders upon the present condition of their rebellion. Whipped upon every battlefield, apparently used up in men and materials, the unconquerable Southerners still refuse to listen to moderate counsels, and continue to affirm that nothing but a final and complete separation from the North will ensure peace.⁸

Valladigham arrived in Halifax, Nova Scotia on the 5th of July and continued to Niagara Falls. There, according to his brother, he was greeted by a ‘host’ of British admirers, as well as fellow Copperhead Daniel Voorhees and other Democrats.⁹ After three weeks, he moved to Windsor, Ontario and there remained until his surreptitious return to the United States the following year.

On the 15th of July he sent an open letter to the Democrats of Ohio. Published in Democratic newspapers across the North, Valladigham triumphantly declared himself returned to the North, albeit in Canada, and thanked and accepted the Democrats for their nomination of him for governor. He reiterated he was unchanged in politics and opinions and closed with the following: “I return, therefore, with my opinions and convictions as to war and peace, and my faith as to the final results from sound policy and wise

⁸ New York *Sun* (New York), July 27th, 1863

⁹ Valladigham, *A Life of Clement L. Valladigham*, 315-317

statesmanship, not only unchanged, but confirmed and strengthened.”¹⁰ Many Democrats in Ohio agreed with Valladigham and saw the 1863 gubernatorial election, as well as other elections across the North, as a rallying point. The Ohio newspaper *The Ashland Union* wrote on July 22nd:

We are about entering upon the most important political campaign that ever invited the attention of the people of Ohio. The issue is squarely made before the people. A centralized government with a military despotism and the overthrow of all the Constitutional and legal rights of the people, upon the one hand, and upon the other, free press, free speech, the enforcement of the laws and the restorations of the old Constitution and the old Union. If we fail now the last hope of Liberty and the Republic is gone, gone forever. This is the issue, and it overshadows in importance all other public interests and all private questions. *No Democrat in after years will regret it, if he commences at this time, and laying aside all other business, will work for the success of the Democratic party and its time-honored principles, until after the election in October.* [original italics]¹¹

As the Democrats prepared for the Fall elections, many failed to note the change in the electorate at large. Samuel Cox and his Legitimists were correct in fearing the peace platform message was no longer resonating as it once had. Union victories and the horrors committed by the New York City draft rioters had the dual effect of restoring confidence in their military and equating Democratic war resistance to street thuggery. Support for the Democrats was gradually eroding, but reinforced by like-minded supporters, the Democrats were increasingly blinded by their own rhetoric and tribal newspapers. Nicolay and Hay, in *Abraham Lincoln: A History*, wrote of the period: “Certainly, throughout the whole summer of 1863, they [Democrats] fought their losing battle with a courage and determination equal to that which their sympathizers were

¹⁰ Clement L. Valladigham, *Speeches, Arguments and Letters of Clement L. Valladigham*, (New York, J. Walter and Company, 1864), 510

¹¹ *The Ashland Union* (Ohio), July 22nd, 1863

displaying in the South. But the very energy and malice with which they carried on the contest roused the loyal people of the North to still greater efforts and increased the dimensions of their ultimate triumph.”¹²

Frank Klement notes some Copperhead positions changed with Gettysburg and Vicksburg, but in a strange way. The editor of the Democratic newspaper *Illinois State Register*, Charles H. Lanphier, saw the victories as an opportunity to extend an olive branch to the South. He proposed a presidential proclamation of full amnesty to the rebellious states and hoped it would provide enough incentive to end the hostilities and restore the Confederacy to the Union. Other Democrats also liked the idea of presidential amnesty and thought it would inspire latent unionism in the South and provide an opportunity for compromise and peace. Many, perhaps most, and certainly Valladigham, remained unflinching in their traditional messaging as the elections approached.¹³

October 1863 was a watershed moment for the nation. One can argue there were many such moments, but Lincoln had a particularly important voice then and now and to him, at least according to Nicolay and Hay, this election was perhaps the most important of the war. Across the gubernatorial contests, Democrats were soundly defeated. Klement notes this was not by accident. Republicans had recognized just how critical these elections, and the ones following in November, would be to the Union. Valladigham in particular was attacked. Republicans accused him of treason and lampooned him as a southern sympathizer and convicted traitor. They printed a tract entitled *The Peace Democracy, Alias Copperheads* that described him as “a man of

¹² John Nicolay and John Hay, *Abraham Lincoln: A History*, (New York, The Century Company, 1890), Volume 7, 374-375

¹³ Klement, *The Copperheads in the Middle West*, 125-129

morbid prejudices” and “excess vanity” and claimed that Valladigham had assured Jefferson Davis that the Northwest was ready to rebel. He was accused of treason and labeled a “sympathizer with the rebels” and “a convicted traitor”. Creative opponents forged a letter purportedly written by Valladigham while in the South and had it published in the *Detroit Advertiser and Tribune*. It quickly circulated. In it he stated his hatred for the North and his hope for a southern victory. Although bitterly refuted by the Democrats, it was republished across the North and continued to resonate into the polling booth. Nothing was left to chance.¹⁴

On October 14th, 1863, Gideon Welles recorded the following in his diary:

The election results from Pennsylvania and Ohio are cheering in their results. The loyal and patriotic sentiment is strongly in the ascendant in both states, and the defeat of Valladigham is emphatic. I stopped in to see the President, who is in good spirits and greatly relieved from the depression of yesterday. He told me he had more anxiety in regard to the election results of yesterday than he had in 1860 when he was chosen. He could not, he said, have believed four years ago, that one genuine American would, or could be induced to vote for a man like Valladigham, yet he has been the candidate of a large party – their representative man, and has received a vote that is a discredit to the country. The President showed a great deal of emotion as he dwelt on this subject, and his regrets were sincere.¹⁵

Silbey in *A Respectable Majority* notes the Legitimists felt a great opportunity for the Democrats had been lost. They were convinced most Americans were ‘disgusted’ with the Lincoln administration and its politics and ready for a change. The Purists fixation on the war and its immediate stop had given the Republicans a means to divert attention away from what Democrats believed were failed Republican politics. Instead,

¹⁴ Klement, *The Copperheads in the Middle West*, 130-131

¹⁵ Gideon Welles, *The Civil War Diary of Gideon Welles: Lincoln’s Secretary of the Navy*, original manuscript edition, edited by William E. Gienapp and Erica L. Gienapp, (Chicago, The University of Illinois Press, 2014), 309

the Republicans successfully paired the Democrats with the Confederacy, claiming the two were in league with one another. The average Union soldier agreed, and with considerable help from General Grant, 43,000 Ohio soldiers returned to cast their votes for John Brough. Yet even without the soldier vote, Brough won handily against Valladigham.¹⁶

Nicolay and Hay wrote of the elections:

In Ohio the contest was marked with equal bitterness and enthusiasm. The Democrats, working against hope but with undaunted persistency for their banished candidate, Valladigham, were buried under the portentous majority of one hundred thousand votes. This overwhelming triumph of the Union party in the October States made success certain in the general election of the next month. The tide had turned, and the current now swept steadily onward in one way....Throughout the West the Union sentiment asserted itself with irresistible strength.¹⁷

According to Doris Kearns Goodwin in *Team of Rivals*, Lincoln spent election night in the telegraph office, just as he had done in battles past. By 5am, after receiving an exultant telegram from Salmon Chase in Ohio that proclaimed a great victory, Lincoln telegraphed the governor-elect John Brough with the message: “Glory to God in the highest. Ohio has saved the Union.”¹⁸

The aftershocks were deep and acutely felt by both parties. Democratic newspapers in Ohio were quick to lament the loss. The Dayton *Daily Empire*, long an advocate of the Copperheads and Valladigham, wrote on October 14th: “The people of Ohio, by their votes, have decided for war, taxation, conscription and despotism. It is

¹⁶ Silbey, *A Respectable Minority*, 111-112; Klement, *The Copperheads in the Middle West*, 132

¹⁷ Nicolay and Hay, *Abraham Lincoln*, volume 7, 377

¹⁸ Doris Kearns Goodwin, *Team of Rivals: The Political Genius of Abraham Lincoln*, (New York, Simon and Schuster, 2005), 575

their choice, and they cannot complain when it comes upon them, in all its force as it surely will. Would to heaven it were otherwise.” The paper further opined:

Well, the Gubernatorial Contest is over ; we have met the enemy - and we are theirs! The returns of the votes cast on yesterday indicate, as far as received, the election of John Brough by a large majority. As a matter of course, this result is painful to us, deeply sensible, as we have been, of the vast importance of the issues involved in the canvas - upon which no less than the Union's restoration depended. The election of Brough is an indorsement, by the people of Ohio, of the radical measures of Lincoln's Administration, and at once prolongs the present war and, to that extent, diminishes the hope of a final reestablishment of the unity of the Country.¹⁹

The Ashland Union was equally bitter, and alleged the vote had been rigged, Democratic voters intimidated and the soldier vote skewed to favor John Brough. Its editors also predicted dark times for the nation, and cautioned its readers to proceed carefully, for the forces of Abolitionism were already promoting, within Ohio, ‘the surging waves of fratricidal war.’²⁰

Republican papers in Ohio were exuberant. The *Cleveland Morning Leader* wrote: “OHIO IS TRUE TO THE UNION. Thank God for the glad tidings of great joy that the telegraph has already sent throughout the land from the Buckeye State. The hosts of treason and of sin have been overwhelmed and defeated. The Union cause is triumphant, and the country is saved. Amen and amen.”²¹ The *Tiffin Weekly Tribune* said much the same: “We feel thankful to the Supreme Being for another manifestation of his loving kindness to our beloved country, in discomfiting our enemies, by overturning their deep laid plan to array our noble State in opposition to the General Government....the

¹⁹ *Dayton Daily Empire* (Ohio), October 14th, 1863, 2

²⁰ *The Ashland Union* (Ohio), October 21st, 1863

²¹ *Cleveland Morning Leader* (Ohio), October 14th, 1863, 2

dirty traitor Valladigham with his aiders and abettors are beaten in Ohio by a majority of 50,000 to 100,000 votes!”²²

Beyond Ohio, and Lincoln, the defeat of the Democrats, and particularly Valladigham, was cause for celebration amongst Republicans. On October 23rd, the *Oxford Democrat* in Maine showed little mercy in its denunciation of Valladigham and the Copperheads:

Clement Laird Valladigham, an atrocious traitor, for advocating armed opposition to the administration was arrested and tried and sent out of the country. The Copperhead leaders seized upon his arrest and at once in Ohio and all the other States, undertook to manufacturing political capital for their party. Everywhere they made common cause with this infamous villain and mourned over his fate, as a mother mourns for her first born. The verdict of the people of Ohio has been given by tens of thousands heaped upon tens of thousands in favor of the administration and against the vile wretch who plotted his country’s ruin, and all of his debased and deluded followers.²³

Last, the southern reaction was muted. The Richmond *Enquirer* did not mention the elections in any of its October editions. The Richmond *Daily Dispatch* mentioned the results matter-of-factly on October 17th, posting an article from the New York *Herald* without editorial comment.²⁴ The Staunton *Spectator*, on October 20th, posted the following, clearly with a wisp of regret: “The Gubernatorial elections took place in Ohio, Pennsylvania and Iowa, on last Tuesday, the 13th inst. These elections have gone as we expected, but not as we wished. The Republicans have succeeded. In Ohio, Brough defeated Vallandigham, and in Pennsylvania, Gov. Curtin, defeated Judge Woodward.”²⁵

²² *Tiffin Weekly Tribune* (Ohio), October 16th, 1863, 1

²³ *The Oxford Democrat* (Maine), October 23rd, 1863, 2

²⁴ *Daily Dispatch* (Virginia), October 17th, 1863, 1

²⁵ *Staunton Spectator*, October 20th, 1863, 2

Valladigham went from candidate to scapegoat, and quickly. According to Frank Klement, Democrats needed someone or something to blame for their unexpected reversal of fortune. He notes some Democrats set about reorganizing their regional parties and exorcising the Valladigham element. Klement quotes one unnamed Copperhead who declared: “The people have voted in favor of the war and the way it is at present conducted and it has to go on course. The case went to the jury and they have rendered their verdict and I am not disposed to move for a new trial.”²⁶

Jennifer Weber argues the Democrats were stung, but not fatally. Certainly, there was an abundance of finger-pointing, but many Democrats viewed the election results more as a setback than a fatal blow. The contrast between the Democratic success in 1862 and the Democratic failure a year later was less damning when viewed holistically. There had been some gains – many counties across the North remained firmly Democratic. Loss margins still indicated substantial support for the Democrats, an observation that deeply bothered Lincoln.²⁷ Valladigham thought it was all a combination of bad timing and vote manipulation. In his concession letter to the people of Ohio, he urged the Democrats not to despair. They had fought well and hard and that “the conspiracy of the 5th of May [his arrest] fell before you.”²⁸ Last, the prominent Copperhead historian, Joel Silbey, views the Democratic fracture between the Purists and Legitimists as a logical predeterminant of failure. Internal divisions had hurt the Democrats at precisely the moment a unified party was needed. The 1862 elections had been successful due, in large measure, to the singular voice of the Democratic party.

²⁶ Klement, *The Copperheads in the Middle West*, 131-132

²⁷ Weber, *Copperheads*, 122-123

²⁸ Valladigham, *Speeches, Arguments and Letters of Clement L. Valladigham*, 520

1863's fractures had weakened Democratic messaging in the face of a strengthening opposition, emboldened by military victories and a successful campaign to discredit the Democrats whenever and wherever they could.²⁹ Regardless of the reason, Silbey, Klement and Weber agree the Democrats, and certainly Valladigham, were severely weakened by the October and November 1863 elections. In the disappointing aftermath of defeat, the Democrats saw the presidential election in 1864 as their last, best hope for redemption.

Valladigham had remained in Canada throughout the election, and now there was little incentive for that to change. James Valladigham writes little about the span of time between November 1863 and March of 1864. Apart from a typically long Valladigham speech in November of 1863 to a group of Michigan schoolboys in Canada, Clement Valladigham was curiously quiet from late November 1863 until the spring of 1864. James Valladigham attributes this quietude to Clement Valladigham's desire for exercise, study and reflection. He further observed that Union agents were quite vigilant – the U.S. gunboat *Michigan* with “loaded cannon and steam up, lay opposite his bedroom for four weeks, while a score of detectives, provided with his photograph, kept watch in every public place.”³⁰

In February of 1864, the Confederate Secret Service began to focus on opportunities in the North. The Confederates were especially intrigued by the size and apparent belligerence of the newly formed Sons of Liberty, a secret society formed by Democrats to hide their discussions and activities from prying Republican eyes. Born

²⁹ Silbey, *A Respectable Minority*, 112-114, 117

³⁰ Valladigham, *A Life of Clement L. Valladigham*, 345

from a secretive society known as the Knights of the Golden Circle (K.G.C.), formed between 1853 and 1855 and predominantly southern, the K.G.C. was dedicated to the absorption of Cuba, Mexico and other territories into a vast, self-supporting slave-based empire.³¹ When secession stripped the organization of its southern members, purpose and legitimacy, northern members, exclusively Democrats, decided in 1862 to change its name and charter and become the Order of American Knights (O.A.K.). Driven by a perceived (and arguably justified) need to protect themselves from the Federal government and hostile Republicans and the oft-enumerated abuses Democrats had suffered at their hands (the Dayton *Daily Empire* in each edition published a list of ‘The Doctrines We Advocate’ that addressed the routine suspension of the writ of *habeas corpus*, free speech, etc. on page two), its members adopted secret rituals and codes.³² In 1862 and again in early 1863, Valladigham was invited to join, but declined. According to his brother James, Valladigham was wary of any association with an organization that had its origins in the South. He had been routinely accused by his political opponents of having southern sympathies, if not outright collusion with the Confederates. Further, his brother insists Valladigham’s patriotism and fidelity to the Constitution prevented him from joining any cause that potentially threatened the government of the United States.³³ Valladigham was wise not to join.

In early 1864, he changed his mind. James Valladigham cites Valladigham’s arrest and exile as the catalyst. He wrote:

³¹ Mark A. Lause, *A Secret Society History of the Civil War*, (Champaign, University of Illinois Press, 2011), 62-66

³² Robert H. Churchill, *To Shake Their Guns in the Tyrants Face: Libertarian Political Violence and the Origins of the Militia Movement*, (Ann Arbor, University of Michigan Press, 2009), 131-133

³³ Valladigham, *A Life of Clement L. Valladigham*, 371

He [Clement Valladigham] was not long in making known to parties interested his views on the subject; and in conversation with members of the Order of American Knights in the early part of 1864, he communicated to them the information that if he was allowed the privilege of modifying any objectionable features in its constitution, and if the whole thing was remodeled, he would be willing to join it.³⁴

Valladigham met with a Mr. Green and a Dr. James A. Barret in Canada in the middle of February 1864. In his testimony in May of 1865 to the Military Commission in Indianapolis, convened to try L.P. Milligan and other members of the Sons of Liberty for treason, Valladigham described the course of the meeting. Valladigham insisted the two men had described the organization as a merely political one, well within the Constitutional boundaries of good and defensible conduct and only necessary to protect its members from Republican abuse. He told them that if that were so, he would join, for whereas “I had always hitherto opposed them as a member of the Democratic party, now I believed the time had come when they were useful and necessary, provided they were kept legitimate and lawful.” The two men departed, went to New York to meet with the ‘Supreme Council of their Order’ and while there, formed a new organization, the Sons of Liberty. On the 1st of March Mr. H.H. Dodd and Dr. Massey visited Valladigham in Canada and presented him with news of the new organization and informed him he had been selected to be its leader. Seeing nothing objectionable, Valladigham agreed and took the oath of office as the Grand Commander of the Sons of Liberty. Later, during the Indianapolis Trials in 1865, he insisted he had never been presented with a printed copy of the organization’s charter.³⁵

³⁴ Valladigham, *A Life of Clement L. Valladigham*, 372

³⁵ *Ibid*, 373-374

Nicolay and Hay wrote contemptuously of these northern secret organizations. They found them cowardly, and felt they were populated by the most base and vulgar Democrats. They estimated they numbered between 500,000 and 1,000,000 and were strongest in Indiana and Illinois. Ohio, Kentucky and Missouri also had substantial numbers. The authors note the naming evolutions were swift and confusing, and the path to the Sons of Liberty had begun with the Knights of the Golden Circle, next the Order of American Knights, followed by the Order of the Star until they settled on the Sons of Liberty. The Sons were militarily structured, with each state commanded by a ‘major general’, each congressional district by a brigadier, each county by a colonel and each town a captain. They were armed. Nicolay and Hay claim thirty thousand guns and revolvers were brought into Indiana by the organization. Illinois was also well armed and by March 1864, the Federal government estimated 340,000 armed men could be mustered from the various states. Fortunately, the Sons of Liberty were active in recruiting dissatisfied soldiers, and many Federal informants and agents using that path were intentionally embedded in the organization and provided valuable intelligence to the government. Nicolay and Hay wrote: “The order was large enough at least to offer the fullest hospitality to detectives and to Union men who volunteered to join with the purpose of reporting what they could to the authorities.”³⁶

Of greatest interest to the government was the Sons of Liberty’s greatest weakness – its organizational documents. The charter contained the usual oaths and rituals, as well as a constitution that restated the preamble to the Declaration of Independence to clearly reflect the distinction between equality for white people and

³⁶ Nicolay and Hay, *Abraham Lincoln*, Volume 8, 1-4

equality for blacks. It further made a disturbing reference to state rights. Nicolay and Hay elaborate: “They also declare in favor of something they imagine to be the theory of State rights, and also the duty of the people to expel their rulers from the government by force of arms when they see good reason. “This is not a revolution,” they say,” but solely the assertion of right.”³⁷ Their charter was not a well-kept secret, as were most activities they engaged in, resulting in a Federal government as knowledgeable of their activities as they were. James Valladigham noted in May 1864 that “there was scarcely anything of general importance made known to the members of the organization that was not immediately communicated to the Administration, and he [Clement Valladigham] soon wearied of a system which had in it the element of secrecy which provokes obloquy without any of the advantages which flow from concealment and reticence in political affairs.”³⁸

Of greatest concern to the government were the efforts the Sons of Liberty made to encourage draft resistance and desertion. Nicolay and Hay observed:

One of their chief objects was the excitement of discontent in the army and the encouraging of desertion; members of the order enlisted with the expressed purpose of inciting soldiers to desert with them; money and citizens clothing were furnished them for this purpose; lawyers were hired to advise soldiers on leave not to go back, and to promise them the requisite defense in the courts if they got into trouble by desertion... The squads of soldiers sent to arrest deserters were frequently attacked in rural districts by these organized bodies; the most violent resistance was made to the enrollment and the draft.”³⁹

³⁷ Nicolay and Hay, *Abraham Lincoln*, Volume 8, 4

³⁸ Valladigham, *A Life of Clement L. Valladigham*, 375

³⁹ Nicolay and Hay, *Abraham Lincoln*, Volume 8, 4-5

In May, Valladigham met with Confederate agents. It is during this period that James Valladigham's writing becomes the most suspect. James insists that in 'the latter part of May' his brother's 'interview' with an unidentified Confederate agent was amiable, and that during that interview the agent had reiterated the Confederate position that any alliance with the 'Democrats of the Northwest' be made with the recognition of the Confederacy's absolute separation from the Union. James further insists Valladigham then met with one of his Sons of Liberty subordinates who revealed to him that he and others were in favor of assisting the Confederacy and accepting their terms, and that they further advocated the possible admission of the western states into a new Union. Valladigham then became 'violently excited' and denounced "the stupidity of the men who were willing to precipitate a revolution and fight for a government which, if successful in accomplishing its independence, would consider them aliens and outcasts." James Valladigham ended his brother's long harangue with Clement Valladigham declaring he would report all such intrigue to the Lincoln administration "If I hear of any further developments, under existing circumstances, of attempts of members of our order to assist the Southern Government."⁴⁰

The version offered by Confederate agent John W. Headley is much different. Headley, in his 1906 war memoir *Confederate Operations in Canada and New York*, recalls multiple meetings with Valladigham. The first, and probably the one James Valladigham cites above, was with Captain T. Henry Hines on the 9th of June. It's content and outcome are not mentioned by Headley, but one presumes the outcome was favorable because on the 11th of June, Valladigham met with the commander of

⁴⁰ Valladigham, *A Life of Clement L. Valladigham*, 376-377

Confederate Secret Service operations in the North, Colonel Jacob Thompson. Headley asserts the two men “thoroughly discussed the existing dissatisfaction, which had already crystallized into the semi-military organization known as the ‘Sons of Liberty’. Mr. Valladigham stated he was the Grand Commander of this order, and that *he* claimed it was, in all, three hundred thousand strong. There were eighty-five thousand members, he said, in Illinois, fifty thousand in Indiana, and forty thousand in Ohio.” Valladigham then introduced Colonel Thompson to his ‘adjutant general’, and “through this gentleman Mr. Thompson subsequently arranged for the distribution of funds to be used in arming and mobilizing the county organizations.”⁴¹

Headley recounts subsequent conversations between Confederate agents and unidentified Northern men in Canada who were not affiliated with the Sons of Liberty. They confirmed the great dissatisfaction many northerners felt towards the war and that there was a “widespread feeling of fatigue, to use the mildest term, with the war and those who were profiting by it.” Headley continues:

A subsequent investigation of the character and sentiment of the “Sons of Liberty” confirmed perfectly all that Mr. Valladigham has said, and revealed a feverish desire of the general membership to assert and maintain their rights....Mr. Thompson became thoroughly convinced that the movement could be induced, and that it would be successful. But there was always doubt whether men bound together merely by political affiliations and oaths, behind which there was no real legal authority, could be handled like an army.”⁴²

John Headley’s record of Confederate interactions with Valladigham dramatically contradict much of what either James or Clement Valladigham subsequently claimed to

⁴¹ John W. Headley, *Confederate Operations in Canada and New York*, (New York, The Neale Publishing Company, 1906), 222-223

⁴² Headley, *Confederate Operations in Canada and New York*, 223

be true. On June 15th, 1864, Valladigham slipped across the Canadian/United States border in disguise to begin preparations for the Democratic Convention in August. In Hamilton, Ohio, on the day he returned from exile, Valladigham gave a speech that Headley found noteworthy, especially the following excerpt: “But I warn the men in power that there is a vast multitude, a host whom they cannot number, bound together by the strongest and holiest ties, to defend, by whatever means the exigencies of the times shall demand, their natural and constitutional rights as freemen, at all hazards and to the last extremity.”⁴³ Perhaps equally ominous, the Dayton *Daily Empire* published the speech in its entirety, and its closing paragraph was no less inflammatory: “Three years have now passed, Men of Ohio, and the great issue Constitutional Liberty and Free Popular Government is still before you. To you I again commit it, confident that in this time of their greatest peril, you will be found worthy of the ancestors who for so many ages in England and America, on the field, in prison and on the scaffold, defended them against tyrants and usurpers whether in councils or *in arms*.”⁴⁴

By Headley’s account, Clement Valladigham had done much to encourage the Confederates. According to Headley, the Confederates had been assured the Sons of Liberty would lead an uprising and its planned date and place was the Democratic Convention in Chicago on the 29th of August. But the Confederates had privately voiced their suspicions that the Sons of Liberty were less reliable and capable than they claimed. Although numerically large, the organization and its diverse membership was loosely controlled by a diffused and democratic command structure, one that defied rather than

⁴³ Headley, *Confederate Operations in Canada and New York*, 223

⁴⁴ Dayton *Daily Empire* (Ohio), June 16th, 1864, 2

aided effective military operations. On the 8th of August, Colonel Thompson received a letter from the Sons of Liberty that indicated cold feet, stating “We are willing to do anything which bids fair result in good, but shrink from the responsibility of a movement made in the way now proposed, and have concluded to frankly communicate this to you.” It went on to assure the Confederates that “By patience and perseverance in the work of agitation we are sure of a general uprising which will result in a glorious success. We must look to bigger results than the mere liberation of prisoners. We should look to the grand end of adding an empire of Northwestern States.”⁴⁵

The Confederate agents were still hopeful the Sons of Liberty would do something. It was announced 3000 Union soldiers would be on hand for the Democratic Convention to ensure security, and the Democrats interpreted their presence as intended Republican interference on a scale they had not yet witnessed. Convinced the presence of Union troops would provide the necessary provocation, the Confederates believed the Sons of Liberty would find their courage and respond as the agents hoped. Headley states: “Mr. Valladigham’s representatives were furnished means for transportation, and had ample time to make proper distribution and explain to the more faithful and courageous county commanders why the rank and file should come to Chicago and resist any further attempt on the liberties of the citizens.”⁴⁶ Headley goes on to observe:

Men commended to us by Mr. Valladigham had been entrusted with the necessary funds for perfecting the county organizations; arms had been purchased in the North by the aid of our professed friends in New York; alliances offensive and defensive had been made with peace organizations, and though we were not misled by the sanguine promises of our friends, we

⁴⁵ Headley, *Confederate Operations in Canada and New York*, 225-226

⁴⁶ Headley, *Confederate Operations in Canada and New York*, 226-227

were confident that with any sort of cooperation on their part success was reasonably possible.⁴⁷

On the eve of the convention, the Confederates were in Chicago in their promised, albeit small, numbers. Headley claims many of the county officers of the Sons of Liberty were also there, actively aiding the Confederates and assuring them of larger support. On the night of 28 August, recognizing it was essential to know just how large the Sons of Liberty contingent would be, and knowing how disastrous things would turn if the promised numbers were not present, the Confederates and their Sons of Liberty counterparts met at the Richmond house in Chicago. Exaggerations of Union troop numbers had circulated amongst the organization, and the Sons of Liberty now balked at the thought of a bloodbath. Further, it was clear to the Confederates the Sons of Liberty were dramatically unrepresented and that their numbers, regardless of courage, were insufficient to the task. The attack was aborted and the Confederates dispersed.⁴⁸

A reasonable understanding of Clement Valladigham; his ego, his preferences, his public influence, political ambition and more, all put Headley's account in doubt. Valladigham knew well before the time he met with Confederate agents he would play a dominant role at the Democratic Convention. It is also important to note at the end of August 1864, the Democrats were not desperate. Rather, they believed the Republicans were the party on the boxer's ropes, and that within the state and national electoral framework they could achieve their goals. It is therefore extremely unlikely

⁴⁷ Ibid, 228

⁴⁸ Headley, *Confederate Operations in Canada and New York*, 229-230

Valladigham would try to sabotage a convention at which he knew he would be a leading, guiding star.

Regardless, Headley's recollection of Confederate interaction with the Sons of Liberty and their subsequent schemes does severely indict Valladigham. It is entirely possible, perhaps probable, that after the initial meetings between the Confederate agents and Valladigham, Valladigham had abandoned the Sons of Liberty and all that remained was his name. Yet if the Confederate agents and Valladigham only met on the 9th and 11th of June, that alone provided enough encouragement to the Confederates to engage in fund transfers to the Sons of Liberty (which Headley insists were accepted) that led to arms purchases in New York as well as in the Midwest, as well as detailed combined planning up to the eve of the event. If only half, or a quarter, of what Headley claimed was true, the evidence is damning to Valladigham.⁴⁹

The political landscape during the summer of 1864 was troubling for the Republicans. The Republican euphoria of October 1863 had dissipated with military disappointments. The Union army in the West had moved ever eastward and was now commanded by General William T. Sherman. Sherman was slowed by stubborn resistance from a Confederate army commanded by General Joe Johnson, and all the northern press found noteworthy were the mounting Union casualties.

⁴⁹ Author's Note: Of the three major Copperhead scholars, only Frank Klement acknowledges the war memoir of John Headley. On page 250 of *Copperheads in the Middle West*, Klement briefly mentions Headley and two other former Confederate agents, all of whom published war memoirs in the 1900s. Klement believes the three relied on previous recollections of Sons of Liberty activities, to include a magazine article entitled "The Chicago Conspiracy", published in the *Atlantic Monthly* and written by James R. Gilmore, to write their memoirs. Because the magazine article was later found to be both sensational and inaccurate, Klement discounts it and the subsequent Confederate accounts.

Concurrent with Sherman's campaign in the South, and with similar results, Grant's campaign in Virginia produced effusions of blood and battles without victory, at least in the northern public eye. The Battle of the Wilderness had been as grim as Chancellorsville had been in 1863 and ended with a similar tactical outcome. The Army of the Potomac had been stopped and a calloused northern press expected another retreat and another general, as seemed all too routine. But Grant was a different animal, and following the battle he maneuvered south, not north. Spotsylvania Court House was next and also produced horrifying casualties, ending with battle lines largely unchanged from the battle's beginning. But the tenacious Grant again maneuvered south, and the Army of Northern Virginia was compelled to do likewise. The North, and the Army of the Potomac, began to view Grant with guarded optimism and saw in him, as Lincoln most certainly did, a grit the Army of the Potomac had long needed. But that approbation was severely tested at Cold Harbor, where entrenched Confederates inflicted 7,000 Union casualties in a scant thirty minutes.⁵⁰

In the days following that battle, the Democratic press called him a butcher and demanded his removal, but Lincoln was unswerving in his support and Grant remained in command and continued south. The two armies finally settled into opposing siege lines at Petersburg, and the horrors and malaise of trench life quickly effected both sides. Inspired by a plan to mine and explode the southern lines, and himself frustrated by the stagnation that had often proved to be his worst personal opponent, Grant gave the miners his sanction and on the 30th of July 1864, the mine was detonated. The Confederate

⁵⁰ James M. McPherson, *Battle Cry of Freedom: The Civil War Era*, (New York, Ballentine Books, 1988), 724-737

entrenchments erupted and created a hole thirty feet deep and easily twice that in width. A portion of Grant's army attacked but with disastrous consequences. The assault bogged down in the hole, the Confederates recovered from their shock and systematically murdered the Union attackers who could not escape.⁵¹

Lincoln was once again confronted by an angry, frustrated electorate. His subsequent call for hundreds of thousands of new troops seemed more indicative of failure than success. In the glow of lost battles and growing northern dissatisfaction with the war, an energized Democratic party sensed a renewed viability and a restored public appetite for their peace platform. Even among his allies, war weariness was having an effect. As criticism of Lincoln grew, so did opposition within his own party.

In Cleveland, Ohio, at the end of May 1864, dissatisfied Republicans gathered in advance of the Republican nominating convention scheduled for June 7th in Baltimore, Maryland. They felt the goals of the Republican party had been obfuscated and weakened by the exigencies of a poorly led war and that Lincoln was to blame. They dismissed what they believed would be a predetermined nomination of Lincoln in Baltimore and demanded new leadership. Some recommended the nomination of John C. Fremont to replace Lincoln on the ballot, sensing what the nation needed was a greater resolve to eradicate slavery in all its manifestations. Nicolay and Hay wrote disparagingly of the convention and its members, and noted the gathering was fractured from its raucous beginning to its inconclusive end. Its proposals swerved dangerously across the political landscape, promoting Radical Republican precepts at one turn, and

⁵¹ McPherson, *Battle Cry of Freedom*, 758-760

then curiously Democratic Party principles the next. Its clear dissatisfaction with Lincoln and promises of greater fidelity to the Constitution attracted the attention of the Democratic press, who then, to the dismay of the attendees, widely distributed reports of the proceedings and enthusiastically endorsed the convention.⁵² The rabidly Democratic Dayton *Daily Empire* reported on June 2nd: “The *Democratic Plaindealer* [Cleveland newspaper] is in ecstasy over the Convention. This afternoon's paper describes the hotels as full of strangers, the streets jammed and passage along the avenue out of the question. It rejoices that justice is to be done to a victim of the Presidential tyranny. The day it says marks an epoch - the death knell of Lincoln's ambitions.”⁵³

The convention concluded inconclusively. Its platform barely diverged from the overall purpose and conduct of the war under Lincoln. Its main provisions were: “the Union must and shall be preserved, the Constitutional laws of the United States must be obeyed, the Rebellion must be suppressed by force of arms and without compromise.” Nicolay and Hay noted “the platform did not greatly differ from that subsequently adopted at Baltimore, except it spoke in favor of one Presidential term, declared that to Congress instead of the President belonged the question of reconstruction, and advocated the confiscation of the property of the rebels and its distribution among the soldiers.”⁵⁴

It ended with the nomination of John C. Fremont for President and John C. Cochran for Vice President on the Radical Democracy Party ticket. The Republican rebellion lasted two months. Recognizing they had little popular support and that through

⁵² Nicolay and Hay, *Abraham Lincoln*, Volume 9, 29-39

⁵³ Dayton *Daily Empire* (Ohio), June 2nd, 1864

⁵⁴ Nicolay and Hay, *Abraham Lincoln*, Volume 9, 37

vote diffusion they endangered Republican Party success in November, Cochran removed himself from the ticket in late September, shortly followed by Fremont.⁵⁵

Another act of Republican dissension served to deepen Lincoln's reelection woes. Horace Greeley, the editor of the New York *Daily Tribune* and a fair-weather Lincoln supporter, began in July to entreat Lincoln to consider a Confederate peace proposal. He had, according to Nicolay and Hay, offered to Lincoln by letter, editorial and more, an opportunity to send an empowered representative of the United States government to Niagara Falls, Canada to meet with equally empowered representatives of the Confederate government. Greeley was convinced what he had heard from a neutral intermediary indicated a true Confederate willingness to negotiate peace. Greeley insisted the war had produced little more than profuse bleeding and that peace deserved equal consideration from Lincoln. Lincoln, sensitive to the mounting northern criticism of the war, wrote to Greeley on July 9th and said: "If you can find any person, anywhere, professing to have any proposition of Jefferson Davis in writing, for peace, embracing the restoration of the Union, and the abandonment of slavery, whatever else it embraces, say to him he may come to me with you..."⁵⁶

Greeley served as the intermediary throughout, causing Lincoln far more damage than good. The two Confederate representatives were Clement Clay and Jacob Holcombe, assisted by George Sanders and Beverly Tucker, and none of them were empowered by Jefferson Davis to do anything. Regardless, Greeley was obstinate enough to look past their lack of authority and recommend a more earnest effort by

⁵⁵ Nicolay and Hay, *Abraham Lincoln*, Volume 9, 43-49

⁵⁶ Nicolay and Hay, *Works of Abraham Lincoln*, Volume 10, 154; Nicolay and Hay, *Abraham Lincoln*, Volume 9, 184-191

Lincoln. Although Nicolay and Hay insist it should have been apparent to Greeley the Confederates were diplomatically impotent, Greeley was adamant Lincoln should take full advantage of the opportunity.⁵⁷ On July 18th, Lincoln sent Major Hay to Niagara Falls with a letter addressed To Whom it May Concern. Lincoln wrote:

Any proposition that embraces the restoration of peace, the integrity of the whole Union, and the abandonment of slavery, and which come by and with an authority which can control the armies now at war against the United States, will be received and considered by the executive Government of the United States, and will be met by liberal terms on other substantial and collateral points, and the bearer or bearers thereof shall have safe conduct both ways.

Abraham Lincoln⁵⁸

The affair was as tortuously protracted as it was unproductive, lasting much of July and going well into August. Greeley had meddled where he should not and could not and had produced events and correspondence ultimately damaging to the President. Lincoln's July 18th letter was dutifully delivered by Hay to the Confederates in Canada, who then communicated its' contents to Davis in Richmond on July 25th in a letter cosigned by Clay and Holcombe.⁵⁹ They also ensured it was published, and it quickly received the North's attention. Clear to the northern reader was Lincoln's clear linkage of the war to ending slavery, and his refusal to consider peace without slavery's abolition. It destroyed any lingering belief that emancipation was only applicable to belligerent states, and there only while those states remained unsubdued. To the public, Lincoln had

⁵⁷ Nicolay and Hay, *Abraham Lincoln*, Volume 9, 188-193

⁵⁸ Nicolay and Hay, *Abraham Lincoln*, Volume 9, 192

⁵⁹ Jefferson Davis, *The Papers of Jefferson Davis*, Edited by Lynda Laswell Crist, Mary Seaton Dix and Kenneth H. Williams, (Baton Rouge, Louisiana State University Press, 1997), Volume 10, 560-561

clearly rejected peace when it had been sincerely offered, according to Greeley.⁶⁰ The resulting clamor provided renewed energy to the Democrats.

One curious adjunct to the Niagara Falls fiasco was a private effort to sound out Jefferson Davis on peace. Lincoln saw no harm in the effort and allowed James F. Jaquess, a Methodist minister and James R. Gilmore, Jaquess' friend and a novelist, to go to Richmond, but insisted the delegation could claim no association with the Federal government. On July 16th, they met with Jefferson Davis and Judah Benjamin, the Confederate Secretary of State. Davis 'terminated' the meeting after two hours and declared he had "no disposition to discuss questions of state with such persons, especially as they bore no credentials" and further stated "we are not fighting for slavery. We are fighting for Independence, -- and that, or extermination, we shall have."⁶¹ Although Lincoln had given the duo no official sanction, news of the mission made its way into the press and fueled public criticism of the president.

The months following the June Republican nominating convention in Baltimore were bleak for Lincoln. The effect of the Republican defection in Cleveland did not fully dissipate until the end of September and the Greeley affair had further sabotaged his reelection chances, as had the rebuffed delegation to Richmond. Gideon Welles wrote in his diary:

I am sadly oppressed with the aspect of things. Have just read the account of the interview at Richmond between Jaques(s) and Gilmore on one side and Jeff Davis and Benjamin on the other. Davis asserts an ultimatum that is inadmissible, and the President in his note [July 18th To Whom it May Concern letter] which appears to me not as considerate and well-advised as

⁶⁰ Nicolay and Hay, *Abraham Lincoln*, Volume 9, 196-197; Nicolay and Hay, *Works of Abraham Lincoln*, Volume 10, 184-185

⁶¹ Jefferson Davis, *The Papers of Jefferson Davis*, Volume 10, 559-560

it should have been, interposes barriers that were unnecessary.... They place the president moreover at disadvantage in the coming election. He is committed it will be claimed, against peace, except on terms that are inadmissible.⁶²

In Wisconsin, *The Manitowoc Pilot* was one of the many Democratic papers in that state and throughout the North to echo Gideon Welles's concerns. On the 23rd of September, after endorsing George McClellan for President, its editor dismissed Lincoln's peace fiasco:

We give no credit to rumors that Mr. Lincoln is in some sort entertaining the idea of offering an armistice to the South. The rumors are a trick to break the force of his "To whom it may concern" manifesto. That manifesto is the settled policy of the administration, if it has any settled policy. It is the policy of the emancipation proclamation. It is the policy which from the beginning has been the purpose of the dominant element in the republican party, and from which Mr. Lincoln cannot recede without detaching from his support the sole power which sustains him, and whose defection would take away the last dim chance of his reelection.⁶³

Frank Klement notes in *The Copperheads in the Middle West* the 'rebirth' of the Copperheads was temporary. Their resurgence in popularity required all that has been noted in this study, and arguably more. The military became their leading actor, shedding blood and producing casualties sufficient to shock the general electorate. Shocked by Grant's continued casualties, and further shocked by Sherman's, many northerners wondered whether the Union could be reestablished by war. Democrats had been delighted by the Cleveland defection and had used it to their best advantage. Lincoln's Greeley episode had also not helped. But Lincoln as ever proved himself to be the master statesman, and he was able to spin the clumsy peace initiatives that had initially

⁶² Welles, *The Civil War Diary of Gideon Welles*, 475

⁶³ *Manitowoc Pilot* (Wisconsin), September 23rd, 1896, 1

gone so badly. He convincingly argued the South had rejected the peace overtures, and it was the South that made slavery the paramount issue of the war. Yes, Lincoln argued, the war was about slavery, as it had always been, and that now the greatest impediment to an effective, lasting peace – slavery - was the very issue that had compelled the South to secede, and for that the South, not Lincoln, was responsible.⁶⁴

Nevertheless, the mood in August 1864 was upbeat at the Democratic Convention.⁶⁵ The Dayton *Daily Empire* on the 27th declared “Delegates and citizens from all the States still in the Union are flocking to Chicago on a mission the importance of which cannot be overestimated. The fact is everywhere recognized that upon the action of that Convention depends the destiny of the American Union. It has with it the hopes, the fears, the aspirations, and the reliance of thirty millions of people.”⁶⁶ But inside the convention, the mood was restive, divided.

Valladigham had returned. Lincoln had feared a repeat of Valladigham’s arrest would produce the mayhem it had in May of 1863 and allowed him to go unhindered. At the convention, he was both dominant and destructive. Hoping to quiet discord, Peace and War Democrats had divided their influence equally. Clement Valladigham and a Dr. John McElwee were selected to ‘shape the peace platform’ and General George McClellan was selected to be the presidential nominee. The decision to have Peace Democrats/Copperheads prescribe to a War Democrat his presidential campaign platform was fraught with problems, and those difficulties proved irreconcilable.⁶⁷

⁶⁴ Klement, *The Copperheads in the Middle West*, 234

⁶⁵ Ibid, 219-233

⁶⁶ Dayton *Daily Empire* (Ohio), August 27th, 1864, 2

⁶⁷ Klement, *The Copperheads in the Middle West*, 235

Joel Silbey notes in *A Respectable Minority* that over two hundred delegates had been selected by their states to attend. Again, the Purists and Legitimists maneuvered against one another, but Silbey notes the Purists were better organized and dominant. Delegate August Belmont wrote to a friend that “the Valladigham spirit is rampant & his being placed on the Committee of Resolutions will give trouble.” Silbey also notes a curious Republican wryly observed “Valladigham was the hero of the occasion.” The Legitimists supported McClellan, but within that support fractures appeared. McClellan had supported the war – he had commanded Union armies and was indelibly associated with the military subjugation of the South. How could they reconcile his history and their hope to end the war? It was precisely that question that made the Purists more obstinate.⁶⁸

Jennifer Weber in *Copperheads* lays the blame for the Democratic failure squarely on Valladigham. His domination of the Committee of Resolutions led to a nearly pure Copperhead membership, and the outcome was predictable. Years of calcified Democratic principles guided their conclusions, and the platform the committee presented was indigestible to the candidate. Yet, Weber notes the party had been helped greatly by the ‘dismal performance of the army’ and that ‘even weary War Democrats sounded themes that the peace men had been expounding for more than three years. This moment was the Copperhead’s apex.’ But Weber ends that observation by noting their ‘success in Chicago left an impression of defeatism that ultimately cost McClellan and his party dearly.’⁶⁹

⁶⁸ Silbey, *A Respectable Minority*, 125-133

⁶⁹ Weber, *Copperheads*, 170-172

The three-day conference adjourned with the selection of McClellan to lead the Democratic ticket. It is important to note that in the mid-1800s, those vying for nomination did not attend conventions – rather, they left the bargaining and wrangling to their faithful supporters and stayed comfortably away. Several days after the convention, on September 8th, McClellan submitted his acceptance letter. In it, he rejected the Copperhead platform. While preferring peace, he understood and supported continuing the war. He wrote:

...I could not look in the face gallant comrades of the army and navy, who have survived so many bloody battles, and tell them that their labors and the sacrifices of so many of our slain and wounded brethren had been in vain; that we have abandoned that for which we have so often periled our lives. A vast majority of our people, whether in the army or navy, or at home, would, as I would, hail with unbounded joy the permanent restoration of peace, on the basis of the Union under the Constitution, without the effusion of another drop of blood. But no peace can be permanent without Union...⁷⁰

The Copperheads were furious, and on September 14th Valladigham and others decided to break with the Democratic ticket and called for a convention in Cincinnati in October to nominate another candidate. Weber notes Valladigham later changed his mind and decided, in the interest of unity, to back McClellan, but by then it was too late. The Democrats had once again fragmented on the eve of an election.⁷¹

The Democratic Press in Eaton, Ohio on September 15th published McClellan's acceptance letter beneath its daily exhortation for voters to choose McClellan for president. Apparently too late to change the print blocks, the editor in the same issue retracted his newspapers endorsement of McClellan:

⁷⁰ *The Democratic Press* (Ohio), September 15th, 1864, 2

⁷¹ Weber, *Copperheads*, 175

He does not say that he is a peace man, but that while he means, if elected to fill the Presidential chair, to use all reasonable means to bring the South back into the Union, he will continue the war if needs be. We cannot for the life of us see wherein the General differs from Mr. Lincoln, except it be on the abolition question, and even on that subject, the General does not state or define his views in the way in which the nominee of a great party ought to be unequivocal, literal, and straightforward, in a statement of his political principles.⁷²

The fortunes of war began to favor the Republicans. In early August, Admiral Farragut had sailed his Union warships into Mobile Bay, Alabama and seized the port, having defeated the Confederate ironclad CSS *Tennessee* and the three garrisons protecting the harbor. The Union victory closed the last Confederate port on the Gulf of Mexico east of the Mississippi. On September 2nd, General Sherman's Union army captured Atlanta, having reduced and rendered ineffective the Confederate army commanded by General John Bell Hood. In September and October, General Phillip Sheridan led his Union forces into the Shenandoah Valley, routed his Confederate opponent and reduced the valley to ashes. At last, the war was going in Lincoln's favor, just in time for the October 1864 elections.

By far, it was the capture of Atlanta that electrified the country. To the nation, Lincoln formally and equally thanked Admiral Farragut and General Sherman for their great accomplishments, as well as the many thousands of soldiers and sailors that had secured victory with their blood.⁷³ Privately, after Atlanta fell, Gideon Welles observed "this intelligence will not be gratifying to the zealous partisans who have just sent out a peace platform. But it is a melancholy and sorrowful reflection that there are among us so

⁷² *The Democratic Press* (Ohio), September 15th, 1864, 2

⁷³ Nicolay and Hay, *Works of Abraham Lincoln*, Volume 10, 212-213

many who do not rejoice in the success of the Union arms.” Welles went on to write “...I cannot think these men are destitute of love of country; but they permit party prejudices and party antagonisms to absorb their better nature.”⁷⁴

Welles also wrote “There is fatuity in nominating a General & warrior on a peace platform.”⁷⁵ That point was clear to General McClellan as he wrote his acceptance letter. Beset by personal and party conflicts, McClellan was in a difficult position. He understood, as did the Republicans, the October gubernatorial contests in Ohio, Indiana and Pennsylvania would statistically determine the November presidential winner, and the war now favored the incumbent.

As had it had been throughout the war, newspapers were the primary weapons of both parties, and in the three states with gubernatorial contests the papers were unrestrained. In Pennsylvania, *The Alleghanian*, a Republican paper, published a letter that paired ‘the traitor Valladigham’ with McClellan, and claimed both had actively conspired with the South. Further, the letter falsely claimed McClellan had only joined the Union army after his offer to serve in the Confederacy had been met with an offer of insufficient rank. Regardless, the author knew ‘his heart was with the South’ and he had deliberately thrown the 1862 Peninsula Campaign.⁷⁶ On September 30th, *The Bedford Inquirer*, also Republican, accused the Copperheads of draft sabotage and called McClellan inept.⁷⁷ *The Clearfield Republican*, a curiously named Democratic paper, endorsed McClellan and disparaged Lincoln.⁷⁸ *The Columbia Democrat* on September

⁷⁴ Gideon Welles, *The Civil War Diary of Gideon Welles*, 496-497

⁷⁵ *Ibid*, 497

⁷⁶ *The Alleghanian* (Pennsylvania), September 29th, 1864, 1

⁷⁷ *The Bedford Inquirer* (Pennsylvania), September 30th, 1864, 2

⁷⁸ *The Clearfield Republican* (Pennsylvania), September 21st, 1864, 2

24th lampooned Lincoln in a poem and assured its readers that Valladigham was now fully supporting McClellan.⁷⁹

Little was said by either party of the September 21st withdrawal of Fremont from the presidential race. A strident Abolitionist who had broken with the Republicans over Lincoln's slow pace of emancipation and war management, Fremont had always been unpopular with the Democrats and they were not sorry to see him go. The Republicans also did not regret his departure.

The elections in Indiana and Ohio were as much about emancipation as the war. The Democrats claimed the Republican war had always been about abolition, and now in 1864 it was clear to Democrats getting rid of slavery was a Republican precondition for restoring the Union. The *Indiana Daily State Sentinel*, a Democratic paper, wrote on September 26th:

The *Sentinel* of this morning takes exception to a speech made by Gov. Morton at the Bates House last evening, because he argued that slavery is the cause of the war, and that there can be no permanent peace till the institution is abolished. The writer holds, therefore, that Gov. Morton is opposed to the old Union, the old Bible and the old God, and in favor of a new Union, a new Bible and a new God; and that the writers gentle hints that the contest has degenerated into an abolition war are fully justified.⁸⁰

Most Democratic newspapers euphemistically referred to emancipation as a 'constitutional issue' and avoided mentioning it directly. To them, Lincoln's move to abolish slavery equated to a willful violation, and therefore a threat, to the Constitution.

⁷⁹ *The Columbia Democrat* (Pennsylvania), September 24th, 1864, 1-2

⁸⁰ *Indiana Daily State Sentinel* (Indiana), September 26th, 1864, 2

On September 29th, *The Plymouth Weekly Democrat*, an Indiana paper, used Lincoln's Niagara Falls letter to make that point:

Mr. Lincoln, in his manifesto addressed "To whom it may concern" closed all lawful and constitutional avenues to Peace and Union, for constitutionally, he has no power to exact the terms he prescribed, nor the rebels to grant them, nor both to enforce them if granted and accepted... His position, therefore – no peace until the Union and Constitution are overthrown – and no negotiations for peace except on that revolutionary basis.⁸¹

Republican newspapers were not in disagreement. They agreed the fundamental issue of the war was now slavery and saw its eradication as the war's natural consequence. The Union was winning. The fall of Atlanta had sounded the death knell of the Confederacy, and the northern electorate now knew it. Nevertheless, as it had been throughout the war, parties remained loyal and often exhibited a tenacity that defied the circumstances confronting them. Much remained uncertain. Lincoln and McClellan both looked to the soldier vote to give them the margin of victory, but it was Lincoln the politician, not McClellan the general, who understood the men in uniform.

Democratic newspapers in Pennsylvania, Indiana and Ohio believed McClellan alone would claim the soldier vote. Doris Kearns Goodwin in *Team of Rivals* notes the Democratic hope for a majority military vote relied heavily on soldier memories of 1862, when McClellan had shaped the newly assembled army and demonstrated a reluctance to unnecessarily expose his men to danger. On the eve of the November 1864 elections, Democratic publisher Manton Marble predicted "We are as certain of two-thirds of that vote for General McClellan as that the sun shines." Yet it was Lincoln who had spent

⁸¹ *The Plymouth Weekly Democrat* (Indiana), September 29th, 1864, 2

time throughout the war with the troops, visiting the wounded in hospitals, the men in their Petersburg entrenchments and more. After defeat and victory, he had been there to visit them and lift their spirits. Further, he had always been more inclined to pardon than punish, and the leniency he showed the men was remembered.⁸²

Uncommon were the extraordinary measures Lincoln took to get soldiers to vote. He was confident the soldiers would support him and communicated his hope that the army and navy would encourage their men to vote. Goodwin notes thirteen of the northern states allowed absentee ballots, and another four allowed soldiers to ‘vote by proxy’, a process that relied on sealed soldier ballots mailed home and carried to the polls by trusted friends or election officials. But some states, to include Indiana, required the soldier’s presence.⁸³ Lincoln wrote General Sherman on the 19th of September:

The State election of Indiana occurs on the 11th of October, and the loss of it, to the friends of the Government, would go far toward losing the whole Union cause. The bad effect upon the November election, and especially the giving the State government to those who will oppose the war in every possible way, are too much to risk, if it can be possibly avoided....Indiana is the only important State, voting in October, whose soldiers cannot vote in the field... This is in no sense an order, but it is merely intended to impress you with the importance, to the army itself, of your doing all you safely can, yourself being the judge of what you can safely do.⁸⁴

Lincoln understood the delicate boundaries separating his political machinations from actions of clear benefit to the nation. He had spent the war balancing the two, and those complicated navigations had done much to unite his opponents. His letter to Sherman reflected both in curious competition. He relied on Sherman’s discretion to act,

⁸² Goodwin, *Team of Rivals*, 663

⁸³ *Ibid*, 663

⁸⁴ Nicolay and Hay, *Works of Abraham Lincoln*, Volume 10, 225-226

as Sherman best believed, in the interest of the nation. On October 11th, Gideon Welles wrote of his discomfort with what he saw as a dangerous mixing of Republican political advantage and national good:

Much is said and done in regard to the soldiers vote, and many of the states have not only passed laws but altered their constitutions to permit it. The subject is one that has not struck me favorably. I have not perhaps given the subject the consideration that I ought – certainly not enough to advocate it, and yet it seems ungracious to oppose it. Were I to vote on the question at all, I should, with my present impressions, vote against it.⁸⁵

There were more than battle victories and encouraged soldier voting at work during the elections. Frank Klement notes the economy, especially the Midwest economy, was good in 1864, benefiting from agricultural sales to the military. Prices went up, workers received better pay, unions were strengthened and the general prosperity did much to counter Copperhead messaging. Also, at work was an aggressive Republican campaign to broadly label the Copperheads as treasonous, and to link them to both the Sons of Liberty and the Confederates.⁸⁶

The October elections went to the Republicans. Ohio and Indiana resulted in sweeping victories for Lincoln's allies, giving both states Republican governors and significantly increased numbers of Republican representatives in Congress. Ohio was by far the most dramatic, changing from fourteen Democrats and five Republicans in 1862 to seventeen Republicans and two Democrats in 1864. Pennsylvania was a closer contest, but in the end, it elected a Republican governor and went from an even party split in Congress to fifteen Republicans and nine Democrats. Nicolay and Hay reported the

⁸⁵ Gideon Welles, *The Civil War Diary of Gideon Welles*, 528

⁸⁶ Klement, *The Copperheads in the Middle West*, 238

greatest success of the day, to Lincoln, was the adoption of a new constitution in Maryland that abolished slavery. They noted the majority was slim, and the victory was due in large part to the soldier vote, but it was nevertheless a victory of great importance to Lincoln. It was deeply satisfying to him that a slave state had voluntarily and democratically done on one election day what over three years of war still struggled to do.⁸⁷

October kindled Republican optimism for November. Gideon Welles noted the results on October 12th and felt they went far towards deciding things but was himself cautious. On the 14th he observed Seward “was quite exultant over the elections – feels strong and self-gratified.” Seward felt the “administration is wise, energetic, faithful and able beyond any of its predecessors.” Lincoln was more circumspect. In an address to the citizens of Maryland following their decision to abolish slavery, Lincoln reacted to continued Democratic criticism:

I am struggling to maintain the government, not overthrow it. I am struggling, especially, to prevent others from overthrowing it. I therefore say that if I shall live I shall remain President until the 4th of next March; and that whoever shall be constitutionally elected therefore, in November, shall be duly installed as President on the 4th of March; and that, in the interval, I shall do my utmost that whoever is to hold the helm for the next voyage shall start with the best possible chance to save the ship.⁸⁸

Although encouraged by the October returns, Lincoln remained unconvinced November would go his way. In a congratulatory letter to Governor Morton of Indiana on October 13th, Lincoln noted the strong soldier vote that helped win the day for the Republicans, but clearly regretted he had not asked Sherman to leave the men on

⁸⁷ Nicolay and Hay, *Abraham Lincoln*, Volume 9, 371-372

⁸⁸ Nicolay and Hay, *Works of Abraham Lincoln*, Volume 10, 244

furlough until November.⁸⁹ The war had been too turbulent, too costly, too long, and his opposition had displayed a truculence that only grew as the war went on. Lincoln was disinclined to be optimistic. In a reflective moment with ‘one of his secretaries’, Lincoln said, according to Nicolay and Hay (his secretaries): “It is singular that I, who am not a vindictive man, should always, except once, have been before the people for election in canvasses marked for their bitterness. When I came to Congress it was a quiet time; but always, except that, the contests in which I have been prominent have been marked with great rancor.”⁹⁰ In their history of Lincoln, Nicolay and Hay observed that well before election day, the electoral winds clearly favored Lincoln, and that all within his cabinet were convinced his win was assured, both by the state victories the preceding month and by the overwhelming support of the men in uniform, but Lincoln remained solemn.

The November election was a resounding victory for the Republicans. It was also a stinging rebuke for the Democrats. The post-election forensics severely indicted Valladigham. Jennifer Weber writes “...Valladigham’s calls for peace and Union coupled with the more extreme assertions by some of his colleagues left him and his party quite vulnerable when Republicans reacted to the Democratic challenge. All Democrats became Copperheads – all candidates became Valladigham.”⁹¹ Frank Klement observes the Copperheads refused to accept the blame for their defeat, and further refused to acknowledge the mood of the nation had changed. Even in early 1865, Democrats stubbornly clung to the idea of peace and settlement.⁹² In a letter to Horace Greeley on January 23rd, 1865, Clement Valladigham broached the possibility of a brokered peace

⁸⁹ Ibid, Volume 10, 242

⁹⁰ Nicolay and Hay, *Abraham Lincoln*, Volume 9, 375-376

⁹¹ Weber, *Copperheads*, 172

⁹² Klement, *The Copperheads in the Middle West*, 240

with the South. He still believed the South's armies were 'formidable' and he feared the possibility of foreign intervention. He had previously met Greeley in Canada during the Niagara Falls fiasco and hoped Greeley might again urge Lincoln to consider negotiations with the Confederates. If he received a response from Greeley, it is not recorded.⁹³

After that effort failed, James Valladigham noted "Early in April, however, the war was unexpectedly brought to a close by the surrender of General Lee." He went on to describe the celebrations in Dayton after the surrender was announced, and that drunken hooligans attacked the Valladigham house that night and threw bricks through the windows until chased off by a pistol firing Clement Vallandigham.⁹⁴

If not October, the November 1864 elections effectively neutralized the Copperheads for the remainder of the war. They did not go away, but they slipped into shadows and ceased to openly oppose Lincoln, at least as they had. They had risen to prominence and power with Valladigham as their leader, and when they fell it was because of him. Certainly, there were defections, with Samuel Cox as the most notable. But so many remained faithful throughout the war and accepted his political convictions without question and it destroyed them. So why was Valladigham so influential?

Jennifer Weber believes they were never well organized. Although the Copperheads followed leaders like Valladigham, Vorhees and Cox, they were fragmented in their messaging and impact across the North. There was never a national plan. All Copperhead organization was local, and what constituted 'local' depended on the region

⁹³ James Valladigham, *A Life of Clement L. Valladigham*, 402-404

⁹⁴ James Valladigham, *A Life of Clement L. Valladigham*, 403-405

and density of like-minded people. They thrived in the Midwest, where resentments of the Northeast often rivaled any animus Midwesterners had for the South. In the East, what drove a person to join the Copperhead ranks was different in New York than in Pennsylvania, or Massachusetts. When they protested, there was little they could offer as a general plan, apart from vague proposals they extrapolated from their complaints. They complained the war was unjust, therefore they were against it and wanted it to stop. Precisely how and at what price remained vague, and thus the hollowness of their platform gradually revealed itself, especially when the conflict began to show its favorable end to all who could and were willing to see it.⁹⁵

They also had picked the wrong person to fight with. Frank Klement writes “Lincoln grew with the war; he was a party politician when he was elected president in 1860, but he was a statesman by the time the war was in its closing days.” He was a man of common origin and could thus identify with the people in ways many of the Copperheads never could. Klement continues “He had the knack of appealing to their good sense and their ideals. The public recognized the Copperhead-made charges of despotism and slander were out of character....Lincoln’s quality of character, in an immeasurable way, contributed to his own re-election and to the recession of the Copperhead high tide of 1863.”⁹⁶

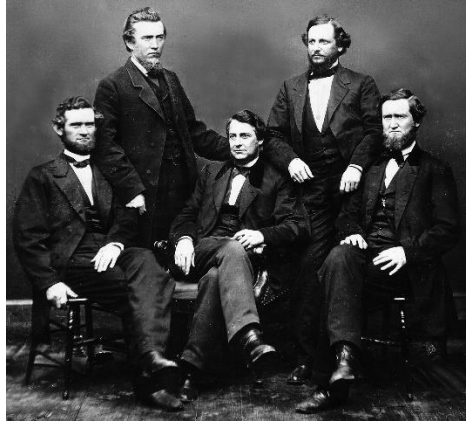
Joel Silbey sees their fractures and 1864 defeat as inevitable. They had been warned by Stephen Douglas that no American political party had ever successfully resisted an American war in progress. As the war deepened, and battlefield success and

⁹⁵ Weber, *Copperheads*, 216-217

⁹⁶ Klement, *The Copperheads in the Middle West*, 240

failure provided opportunities for both parties, it was the Republicans who consistently emerged as the doggedly faithful and patriotic faction, and the Democrats who were increasingly derided as the opposite.⁹⁷ Within the Democratic party, the dogmatically stubborn Valladigham never recognized the shifting public mood, or else was blinded to it by his own rhetoric. Defections within the party were seen by him as defections from Democratic principles, and he remained true to those principles to the very end. That he was surprised by Lee's surrender at Appomattox, or that he believed in January 1865 that foreign powers might interfere in the war, reveals a political naivete attributable only to either blind stubbornness, debilitating hubris, or both

⁹⁷ Silbey, *A Respectable Minority*, 171-173



(Image Courtesy of the Library of Congress)

Conclusion

In the election of 1864, some 45 percent of the Northern electorate voted against Abraham Lincoln. Despite three and one-half years of war and extensive efforts by Republicans to unify the North in support of the federal government's war policies, Lincoln's percentage of the vote and the partisan alignment were about the same as they had been in 1860. Rather than voters rallying around the president in a time of crisis, the North witnessed ever-intensifying political partisanship and animosity.¹

The concept of nationalism has always had an abstract quality in the United States. Nationalism roughly equates to patriotism, and the idea and practice of patriotism has evolved as the nation has evolved. During the time of the Civil War, to be an American had more of a regional distinction, and allegiances to a person's state of birth often trounced any loftier, broader interpretation of patriotism. The ideas and ethics that bonded Virginians, or Alabamians, to one another were often starkly different from the glue that held others together.

¹ Thomas E. Rodgers, *Copperheads or a Respectable Minority: Current Approaches to the Study of Civil War-Era Democrats*, (Indiana Magazine of History, 109, No. 2, June 2013), 114-146.

When the South seceded, the new Confederate government recognized that it had an immediate need to instill something broader in its people. It recognized its eleven states were threatened with invasion, and the requirement for – and acceptance of - a common, coordinated and enthusiastic defense was their greatest imperative. To survive, southerners had to work as one, and to do so required all of them believing in shared principles. Ultimately, four were chosen, and all four failed.

White slave-owning southerners needed to bridge the cultural divide they had spent so many years deepening. To promote southern white unity, both within state boundaries and more broadly within the Confederacy, they needed nationalism, and badly. They turned to Christianity, promoting the belief that the South followed God's biblical design more closely than the industrialists of the North. They believed they were the better republicans, and that they alone lived and demonstrated a pure, disinterested civic purity reminiscent of ancient republicanism. They had rejected the commercialism they believed had so perverted the North, and that through their diligent agrarianism they had avoided greed. Last, they promoted slavery as a benevolent institution, and claimed they were doing the work of God's shepherd in guiding blacks towards a greater biblical understanding of their place in the world. All had been ideas southerners had used prior to the war to defend the institution of slavery from its many critics. But when tested by war, they proved illusory and false, and none of them served to inspire southerners to coalesce as the new Confederate nation wanted. As the war intensified, the South began to disintegrate into its pre-war subsets.

The North was no different. To be Midwesterner meant something to someone from Ohio, and another thing to someone from Wisconsin. Regional distinctions

notwithstanding, the communities, cities and states of the North were distinctly local, and it was reflected in their politics. They best trusted the people that attended to, and thus understood, their needs. Outside of those concentric circles of trust, rippling away from the homestead to the town, city and state, the idea of nationalism took on an increasingly abstract quality. But the one thing northerners could agree on was that they were all bound together by the Constitution.

At the war's outset, Midwesterners recognized their midwestern world would change. War would damage, if not destroy, traditional trading partnerships with the South. Navigation of the Mississippi River and access to the Gulf of Mexico and ports beyond would be threatened if not entirely stopped. Their markets, once lucrative and secure in the South, would now be pushed eastward, and their ability to export commodities would depend on rail systems controlled by northerners. They had far more in common with the South than they did with the Northeast, and they felt the northerners, especially the New Englanders, were to blame for the growing conflict. Many Midwesterners felt the war itself was a violation of the Constitution, and as its disruptions, military setbacks and economic hardships grew, the Copperheads, and Valladigham, found a receptive audience.

Oppositional politics took on an exceptional form during the Civil War. Northern nationalism, and by extrapolation northern unity, was tested in ways the nation had not experienced before. Faced with the unprecedented, Lincoln acted in unprecedented ways. Credited now, in 2020, with a profound love and dedication to the nation, it is reflexive to conclude his actions were both just and justified. But in the context of then, from 1861-1864, that was by no means certain. Civil liberties were severely curtailed, newspapers

closed, dissidents arrested and jailed without trial, martial law routinely imposed and the writ of *habeas corpus* just as routinely suspended. Lincoln's actions are viewed now, in 2020, as necessary steps that enabled a greater good and preserved the nation. But if similar measures were enacted now, in 2020, they would be seen as the death knell of the Republic. Then and now, the concept of nationalism demands more than trust in the Chief Executive. Measures to preserve nationalism require a clear understanding of nationalism, and during the Civil War that understanding was by no means universal.

The Copperheads first protested the war as constitutionally unjust and later, as the war ground into its second and third years with horrific losses to both sides, as unwinnable. They wanted the Constitution as it is, and the Union as it was. In their interpretation of the Constitution, a state had the right to determine its course, and if a state chose to adopt slavery, that was it's, not the Federal government's, choice to make. In their eyes, the Constitution was a document purposely left ambiguous and thus flexible by the founding fathers. It did not prohibit a state's exit from the union, just as it did not and had not mandated a state's entry into the same. In 1789, a state had to look to its own electorate to validate or reject the Constitution, and southern states presumed the right to exit the Union was as self-determined as the right to enter. The Copperheads agreed with the slave holders - to a certain point. They regretted the secession of the southern states and believed their grievances were reparable, just as the Union was reparable, if only the war that they believed to be constitutionally unjust could be stopped.

Throughout the Civil War, Copperheads tested the constitutional boundaries separating lawful dissent from sedition, straining pre-war definitions of loyalty and nationalism. Faced with a political environment hostile to what they believed was just,

the Copperheads did as American's had done many times before and continue to do today – they protested. Within a constitutional framework strained by the unprecedented challenge of civil war, they resisted what they viewed as unconstitutional governmental measures. They railed against what they believed was an unjust war. When protestors were arrested without charge and jailed without trial, they resisted the government within the framework of constitutional protections guaranteed to all American citizens. They were enraged by the imposition of martial law in areas that had never threatened secession, and they saw the move to subjugate those states that had seceded as a violation of a state's fundamental right of self-determination. Throughout the war they continued to rely on and protect the constitutional system their founding fathers had devised, and within that system they saw the voting booth as the most effective way to rid themselves of a noisome government.

Lincoln's concept of nationalism was also constitutionally grounded, but he viewed the extraordinary fissure created by eleven departed states as exceptional, and so used exceptional measures to adapt the Constitution to the crisis. In his study of the extraordinary 'relationship' Lincoln had with the Constitution, Mark E. Neely notes in 1862, following the announcement of the Preliminary Emancipation Proclamation, Grosvenor Lowery, one of Lincoln's key defenders, argued the office of the commander-in-chief was derived from the Constitution but that the powers of the commander-in-chief were "extra-constitutional." That opinion was challenged in a Boston court that interpreted "extra-constitutional" as a soft way of saying "illegal".² Lowery defended his

² Mark E. Neely Jr., *Lincoln and the Triumph of the Nation: Constitutional Conflict in the American Civil War*, (Chapel Hill: The University of North Carolina Press, 2011), 148-149.

point, claiming the powers of the executive are not enumerated in the Constitution in the same systematic way the powers of the legislature are, and therefore it requires knowledge of things outside of the Constitution to understand executive power and the power of the commander-in-chief.³ What was clear at the time, both in Congress and in the courts, was that the Civil War presented such exceptional circumstances and challenges to all branches of government that “extra-constitutional” measures were perhaps warranted, in the absence of any clearer Constitutional definition.

The space between those for the war and those against it was littered with disputed constitutional interpretations. Absent from the arbitration of those disputes were the civil courts themselves, especially the Supreme Court. Apart from the *Ex parte Merryman* ruling by the Chief Justice of the Supreme Court, Roger Taney, in May of 1861, in which Taney declared the executive could not suspend the writ of *habeas corpus* without the consent of Congress, the civil judicial system largely conceded its authority to the legislative and executive branches and by executive extension, the military. And in the case of *Merryman*, the executive branch claimed its authority was justly derived from the war powers granted the executive in time of national peril, and so ignored the Taney ruling.⁴

Because of the courts reluctance to assert itself in the many constitutional arguments born from the war, the Copperheads navigated disputed constitutional ground policed by the Republicans. Right and wrong, loyalty and disloyalty, what was an appropriate expression of nationalism and where that stopped and sedition began – all

³ Neeley, *Lincoln and the Triumph of the Nation*, 148.

⁴ Neeley, *Lincoln and the Triumph of the Nation*, 69-75.

were decided by their political opponents and enforced by a military controlled by those opponents and at war. Placed in that context, it is easy to find sympathy for the frustrations, and to a point the arguments of the Copperheads.

It is difficult now to reconcile Clement Valladigham's collusion with Confederate agents in 1864. That act violated what was and is now commonly understood to be fundamentally 'loyal'. Apart from that significant aberration, Valladigham and the Copperheads acted within the constitutional boundaries of what we now regard as acceptable civil protest. What they did during the Civil War and how they did it is instructive now. Their tactics, so bold in 1861-1864, almost seem tame in a modern world. Valladigham and his cohorts were eloquent, and their speeches reflect a constitutional reverence uncommon today. Confronted with gerrymandering, vote manipulation, voter intimidation and the ever-present possibility of arbitrary arrest and imprisonment, the Copperheads navigated the political landscape with surprising civility.

Lincoln exercised executive authority throughout the war that vastly exceeded those of his predecessors, and at his death in 1865 those new authorities remained. They became precedents for future presidents to cite, and as citizens our comfort and discomfort with those powers is determined by the president who wields them. The enormous power of the executive is disturbing to many Americans in 2020, in large part due to a common distrust of the president himself. Absent in Congress is a persuasive oppositional voice, nor is there enough oppositional clout to blunt what are, to so many of us, obvious transgressions. Such is the legacy of Lincoln. And such is the failure, or rejection, of Valladigham.

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