

ESSENTIAL CIVIL WAR CURRICULUM

Union and Confederate Politics

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Though scholars energetically debate whether or not the Confederate States of America achieved “nationhood,” there is no denying that the Confederacy *acted* as a separate country for the four years of its existence. While the United States continued to operate normally (elections, parties, campaigns, state and Congressional legislation, court rulings, etc.) during the Civil War, the Confederacy labored to raise an infant government from birth while simultaneously fighting a war for independence. In political terms, the Confederacy was a failure from the start, crippled by the towering egos of its leaders, states rights ideology, and total lack of infrastructure. In the United States, on the other hand, the Republican Party governed effectively, fought off Democratic challenges, passed landmark legislation, ended slavery, and successfully put down the domestic rebellion. The political differences between the well-established United States and the would-be Confederate States are key to understanding the course and outcome of the Civil War.

The goal of the Confederate States of America was clear: a new, independent nation based on deep racial and class inequalities. “Our new government,” declared rebel Vice President Alexander Stephens of Georgia in March 1861, “rests upon the great truth that the negro is not equal to the white man.” The form of government adopted— a loose confederacy— had already proven a failure in American history. The Articles of Confederation, drafted by the Second Continental Congress in November 1777 and in effect until September 1788, was woefully inadequate for the needs of the young United States, and thus the Founding Fathers replaced it with a Constitution, creating a new central government supreme above the states. Southern rebels in 1861, obsessed with state sovereignty and in a furious hurry, returned to the concept of confederacy for their new government, a decision that would prove disastrous. The Confederate government consisted of a six-year president limited to a single term and a Congress with little power to raise money. There was no supreme court, nor any mechanism to coerce the independent-minded states. Thus, the government lacked the power to win the war in order to make their goal a reality.¹

¹ Alexander Stephens, “Cornerstone Speech,” Savannah, Georgia, March 21, 1861 on Teaching American History, <http://teachingamericanhistory.org/library/document/cornerstone-speech/>, accessed April 19, 2015.

Aside from the structural flaws of the new government, a major source of trouble for the Confederacy was its much-vaunted leader, Jefferson Davis. Davis was a Mississippi slave-owner born in Kentucky who had won the hearts of Deep South planters by serving with distinction in the Mexican War and championing the spread of slavery as a member of both the US House and Senate, and as Secretary of War under Democratic President Franklin Pierce. He was a talented officer and a smart politician, but he was also enormously difficult to work with. The Confederacy's chief executive quickly alienated his subordinates and his constituents. In fact, his own vice president, Alexander Hamilton Stephens, spent the majority of the war not in the Confederate Capitol at Richmond, but at his home writing poison-pen letters condemning Davis's actions and policies. In addition, Davis surrounded himself with mediocre minds who would never challenge his decisions. As the war progressed, and rebel prospects dimmed, Davis became increasingly abrasive and stubborn, unable to forge the meaningful relationships and popular support needed to govern a republic.

The problems continued further down the chain of command. Few leading men joined the Confederate government, preferring instead to satisfy their egos by winning glory on the battlefield. Moreover, turn-over in the Davis administration was staggering, leading to weak leadership and inconsistent policies. In the three top positions in the cabinet—State, War, and Treasury—twelve men served, with the War Department a near revolving door of second-rate politicians and bureaucrats. Only the Secretary of the Treasury, Christopher Gustavus Memminger, stayed in office for the duration of the war, but even he was inadequate to the task of building national finances from scratch and securing foreign investment. Overall, the cabinet offices were ill-organized, poorly managed, underfunded, and understaffed. Equally problematic, a deep sense of Southern honor” prevented government officials from speaking openly about problems, both in the new Confederate Congress and in the Davis administration. No one dared criticize or question an associate for fear of offending their delicate sensibilities. Hence, frank discussions about policies and personalities were dangerous and rare, further hindering their ability to govern effectively.

The most striking feature of Confederate politics was the absence of political parties. Unlike the United States, which benefitted from a vigorous competition between Democrats and Republicans, the Confederacy enjoyed no such organized debate. The prominent issues of the pre-war period (secession and union) were supplanted by war-related controversies; parties disappeared and were replaced by a wartime unity. With secession and war achieved, there were no major issues to define elections and campaigns. Believing it necessary to present a united front to the enemy, for instance, candidates in the elections for the first Confederate Congress conducted virtually no campaigns. Office seekers often placed notices in the local press informing the public of their candidacy, yet these announcements rarely differed from one aspirant to another, as they uniformly proclaimed themselves to be ardent supporters of southern independence and proponents of a vigorous prosecution of the war. Moreover, the lack of organized parties made legislating extraordinarily difficult. No parties meant no partisan discipline, no harmony on pressing issues, and no incentive to work with other legislators. At the

local level, voters were left practically powerless to effect change, since there was no guarantee that their representatives would be able to craft coalitions to enact policies. Consequently, few voters participated in elections, which, in turn, denied the Confederate government a meaningful mandate.

One topic that did polarize the Confederate public was conscription. In the early months of the war, Southern white men volunteered in droves, expecting to whip a dozen Yankees each. But by April 1862, the realities of a long, expansive conflict and unprecedented mortality rate hurt recruitment, and the Confederate Congress turned to coercion. It was enormously unpopular from the start, not only because young white men were less eager to leave their families and die in battle, but also because a major motive of the rebellion had been fear of centralized authority. Under the United States government, Americans had had very little, if any, experience with federal power. Making war and delivering the mail was about it. Secession and the start of civil war had been based on a *theoretical* and *future* growth of central power. The Confederate draft was the first in American history, and it came as quite a shock. Forcing its citizens to fight and die, Southerners understood, is the ultimate exercise of government authority. “The Confederate government,” observes historian Paul Quigley, “implemented an extraordinary expansion of central authority, intervening in the national economy, creating a massive military and civilian bureaucracy, and controlling the day-to-day economic activities, even the lives and deaths, of its citizens.” Sensing their constituents’ displeasure with the “horror of conscription” and the frightening expansion of centralized power, many candidates running for seats in the 2nd Confederate Congress condemned the policy. Some did so on the grounds that it detracted from state and local defense efforts, and others argued that it placed too much power in the hands of President Davis. In September, Congress provoked additional uproar when they passed a law exempting one white man on plantations with twenty or more slaves (“planter” status). Poor whites, in particular, were apoplectic, perceiving that the law made the conflict “a rich man’s war and a poor man’s fight.” The Davis administration, reeling from unpopularity, argued that the law was necessary keep up agricultural production and to prevent slave revolts.²

Taxation became another divisive issue that undermined government authority and elicited vigorous protests from whites. Having no money at the start of the war, the government printed huge amounts of Confederate currency that was worthless in most places. By 1863, skyrocketing inflation forced Congress to find alternatives to financing the war. In addition to foreign investments (which never materialized) and the sale of government bonds, the Davis administration turned to taxes, including a controversial “tax-in-kind” on agricultural products. Yeoman farmers, appalled by the lop-sided policy, complained that it was unfair for the government to take ten percent of their meager surpluses while city-dwellers, such as clerks and teachers, paid only two percent of their income. Furthermore, Congress left slaves – the principal possession of the wealthy – untaxed, adding to the “rich man’s war” perception.

² Paul Quigley, *Shifting Grounds: Nationalism and the American South, 1848-1865* (New York: Oxford University Press, 2012), 197.

Battlefield setbacks, terrifying mortality rates, and deeply unpopular government policies all combined to diminish rebel fervor by the end of 1863. As hopes of victory became increasingly remote, peace became the overriding political issue in the Confederacy. Much of the trouble was due to rebel devotion to states' rights ideology. The weak Confederate government was unable to manage the powerful, fiercely independent states it supposedly led. Congressional legislation was frequently stalled by fights over how and where money should be spent, Davis's leadership was constantly undermined by honor-minded generals vying for command, and military campaigns were often hindered by states refusing to send troops and supplies. As General Robert E. Lee's tattered and starving army surrendered in Virginia in 1865, for instance, North Carolina Governor Zebulon Vance boasted that his warehouses were full of uniforms, blankets, and food.

The most famous example of state obstructionism is Governor Joseph Brown of Georgia. Throughout the war, Brown insisted on putting the needs of his own state above the needs of the Confederacy, denying rebel armies critical resources. In the spring of 1861, he refused to allow people who volunteered directly for the Confederate army (as opposed to state forces) to take any weapons out of the state, even their own guns. In the first battle of the war, Bull Run, Georgia troops were withheld because Brown was not permitted to appoint their commanding officers. Later, in order to keep Georgians at home, he exempted over 15,000 from the draft. To extreme conservatives, Brown's actions were in keeping with true states' rights ideology, but to Confederate leaders like President Davis, Brown's actions were profoundly selfish and destructive.

While the Confederate government struggled, rebel generals bickered, and state governors obstructed, the war wrought tremendous changes in Southern society. The belief that the conflict represented a "rich man's war and a poor man's fight" prompted many poor whites to funnel their energy into electing representatives who better reflected their socioeconomic outlook, and, by 1863, poor whites led an upcountry Unionist movement. These associations, such as the Heroes of America in western North Carolina and eastern Tennessee, the Peace Society in northern Georgia and northern Alabama, and the Peace and Constitution Society in Arkansas, served as incubators for the southern Republican Party, in which poor whites would exert far more influence than they had in the South's pre-war years. As United States armies gained control of sections of the South, poor whites came to power.

White women also exploited the war to assert themselves, break through long-standing social barriers, and enter the political arena. "White southern women forged their own relationships to the nation, their own notions of Confederate citizenship, with reference to ideas about gender roles and responsibilities," notes Quigley. While their husbands and sons were off at war, white women managed the homefront (farms, plantations, businesses) and shattered traditional notions of "spheres of influence." Sewing associations and charitable relief organizations proliferated, United States flags were torn down, and parades and celebrations were held for men both departing and

returning. Wealthy women became politically active, exerting influence on their powerful husbands in the military or the government, while poor women penned angry letters to government officials or took to the street to protest policies that increased their hardship. For instance, on April 2, 1863, several hundred women in Richmond, Virginia marched to the state capital to complain that the price and supply of bread had reached intolerable levels. When Governor John Letcher told the protestors that he was incapable of remedying the situation, the crowd took matters into its own hands. Pulling knives, hatchets, and a few pistols from their skirts and pocketbooks, the women proceeded to loot the commercial district of whatever bread and other food items they could find. Only Jefferson Davis's personally-delivered threat that troops would fire upon the mob convinced the rioters to disperse. Similar bread riots occurred in Atlanta, Macon, Augusta, Mobile, and a half-dozen other towns across the Confederacy. As historian Stephanie McCurry has concluded, Southern women fashioned themselves into a force to be reckoned with.³

The most dramatic political changes, however, were experienced by enslaved Southern blacks. As soon as the war began, slaves fled bondage for United States forts and forces, putting pressure on the Lincoln administration to re-examine its war aims and policies. Likewise, slave resistance and escape forced rebels to fight a two-front war: one against the United States, and another against their own enslaved population. It was the actions of black Southerners that prompted the Confederate Congress to pass the September 1862 plantation exemption, and it was the action of black Southerners that forced the Davis administration to re-direct scarce troops and resources to protect white supremacy and enforce slave laws. In the end, their efforts were successful and the Confederacy crumbled from within, and, like women, black Southerners fashioned themselves into a powerful political force that would play a deciding role in the post-war years. Southern politics would never be the same.

While Confederate politics were a tangled web of contradictions, failures, and upheavals, politics in the United States continued fairly normally. Despite the rebellion, the United States Constitution remained intact, elections were held, the two-party system persisted, and the federal government operated routinely (albeit without Deep South obstructionism). In fact, many scholars view the success of the federal government in the trials of the Civil War as a testament to the durability and superiority of the Constitution. Regardless, United States politics during the war were nearly the opposite of the Confederate experience in almost every way.

Unlike his Confederate counterpart Jefferson Davis, President Abraham Lincoln was an effective national and partisan leader. Though his Republican Party was often deeply divided over the fate of slavery and the prosecution of the war, Lincoln maintained control of the party apparatus (even achieving re-nomination and re-election in the face of internal challenges, political setbacks, and military defeats) and pursued a moderate course that eventually proved successful. He was an astute observer of public

³ Quigley, *Shifting Grounds*, 165.

opinion, he worked well with others, and he inspired loyalty and hard-work in his subordinates. Instead of filling his cabinet with mediocrities (as Davis had largely done), Lincoln surrounded himself with the top politicians of the day, both Democrats and Republicans, both skeptical moderates and wide-eyed Radicals. He also encouraged honesty and frank discussion among his policy-makers, leading to productive cabinet meetings and sound decision-making.

More important than personality differences is the fact that Lincoln did not preside over a one-party state, as Davis had attempted. Instead, the United States saw a ferocious competition between liberals (Republicans) and conservatives (Democrats). Moreover, the Republican Party, itself, was divided between conservative-minded Moderates (who were reluctant to touch slavery) and liberal-leaning Radicals (who were fiery abolitionists). Upon their election in 1860, scholar Michael Green explains, “Republicans agreed on the need to confine slavery within its boundaries, but differed on the depths of their opposition to slavery and what their party should do about it.” When war came, President Lincoln, who is most often characterized as a Moderate by historians, made it clear that his top priorities were putting down the rebellion, defending the Constitution, and saving the Union, not emancipating the slaves.⁴

The president’s initial focus on the war, rather than slavery, reflected his cautious legal thinking. Though he personally abhorred the “peculiar institution,” the lawyerly Lincoln was not convinced it could be eradicated constitutionally. Only later, in mid-1862, after Southern blacks began freeing themselves, US soldiers became “abolitionized,” and Radicals in Congress began passing anti-slavery legislation (such as the First and Second Confiscation Acts), did he come to the conclusion that emancipation was both necessary (to end the war) and legal (through his executive war powers).⁵ In July, Lincoln penned an emancipation proclamation, but, on the advice of his senior adviser (Secretary of State William Henry Seward), shelved the proclamation until US armies had won a decisive victory in the eastern theater. That victory came in September, at the Battle of Antietam. But even then, Lincoln was still reluctant to take such a drastic and legally-questionable step. Instead, he offered rebels one last opportunity to keep their slaves: the Preliminary Emancipation Proclamation. If rebel states gave up the fight and returned to the Union by January 1, 1863, not only would there be no reprisals, but there would be no emancipation. Unsurprisingly, the rebel states ignored the offer and continued in their war for independence. Thus, as promised, on January 1, 1864 the President of the United States issued and signed the Emancipation Proclamation freeing all slaves in rebel territories. Lincoln’s slow move toward emancipation may have frustrated Radicals and black Americans, but it reflected white Americans’ complex and ever-changing feelings about blacks, slavery, and federal

⁴ Michael Green, *Freedom, Union, and Power: Lincoln and His Party During the Civil War* (New York: Fordham University Press, 2004), 142.

⁵ October 1861 letter from Wisconsin volunteer, found in Chandra Manning, *What This Cruel War Was Over: Soldiers, Slavery, and the Civil War* (New York: Alfred A. Knopf, 2007), 45.

power. “To have a Union there must be freedom; to have freedom there must be Union,” notes Green.⁶

Throughout the war, Republicans faced vigorous challengers in the Democrats. In the antebellum era, the Democratic Party had been united on slavery, conservatism, and Southern power. During the war, however, their party split between “War Democrats” and “Copperheads.” The former openly opposed the Lincoln administration, yet supported the fight against disunion. This was a tough partisan position to occupy given the centrality of the war, and a stand made more difficult by the proliferation of “Union” parties that blended Republicans and Democrats. War Democrats labored to establish differences between themselves and the Republicans, often trying to shift focus away from Union and onto civil liberties and fiscal policies. “It is not ‘Lincoln and the republicans’ that we are sustaining,” explained New York Democrat Daniel Dickinson to a correspondent. “They have nothing to do with it. It is the government of our fathers – one of the best which ever existed.” One issue that served to delineate the two parties was slavery: While many Republicans envisioned emancipation, War Democrats favored a military victory that would not touch the South’s “peculiar institution.” Nevertheless, President Lincoln was pleased to have War Democrats support the fight and rewarded their leading men with choice appointments. Thus, the rise of political generals, such as Benjamin Franklin Butler of Massachusetts, Daniel Edgar Sickles of New York, and John Alexander McClernand of Illinois, who often proved disastrous on the battlefield.⁷

Conversely, Copperheads, whose name was coined by the *Cincinnati Commercial* in 1861 and referred to the poisonous snake, were virulently anti-war. They constituted a near majority of Northern Democrats by the end of 1861 and demanded an immediate cessation of hostilities and return to the antebellum status-quo; their motto intoned, “The Constitution as it is, and the Union as it was.” They argued that secession was legal and that the Republicans were the unconstitutional aggressors. (New York Mayor Fernando Wood even advocated the secession of his own city!) Copperheads were also militant white supremacists and believed strongly in the virtues of slavery. In October 1861, for instance, the Democratic paper *Weekly Day Book* (New York) changed its name to *The Caucasian*, proclaimed across its masthead that “White Men Must Rule America,” and announced its goal was to defend slavery and defeat Republicans.⁸ While their opposition to the war was energetic and determined, they failed to offer any alternatives and were blind to the fact that a return to the antebellum era was impossible – the Confederacy wanted independence, not concessions. The closest thing that Copperheads had to a plan was the abortive Crittenden Compromise, which was now unacceptable to the rebels. Indeed, with Republicans firmly in control of state and national governments, anti-war Democrats could do little but pen angry letters and deliver bile-filed orations. Their fortunes were directly proportional to the war effort: when United States armies

⁶ Green, *Freedom, Union, and Power*, 58-59.

⁷ Dickinson to Mr. Spencer, May 7, 1861 in Daniel Dickinson, *Speeches, Speeches, Correspondence, Etc.* (New York: G. P. Putnam & Sons, 1867), 550-1.

⁸ Forrest Wood, *Black Scare: The Racist Response to Emancipation and Reconstruction* (Berkeley: University of California Press, 1968), 35.

were defeated, and Northern opinion sank, Copperheads gained momentum and won elections. Rebel leaders understood this, and pinned their hopes on the Copperheads. If rebels could win enough victories in the field, Copperheads, they prayed, would win enough elections to overthrow the tyrant Lincoln. Anti-war Democrats, observed Dickinson, “are the mainsprings of this murderous rebellion, by promoting strife at home, and they give its chief aliment and life and hope and endurance. They have been, by a common consent, designated as Copperheads, and no name could be more appropriate.”⁹

Regardless of the serious differences between War Democrats and Copperheads, they shared two critical principles, moral opposition to anti-slavery policies and political opposition to the expansion of federal power. More specifically, Democrats in both camps condemned the federal income tax (April 1861), President Lincoln’s suspension of *habeas corpus* (April 1861), the printing of paper money (February 1862), conscription (state level, July 1862, national in March 1863), and any violation of Southern property rights, including slavery. War Democrat Samuel Cox of Ohio claimed that Republicans were “fanatics” who were “conducting an abolition crusade, - a war of conquest, of subjugation, and constitutional amendment, by force of arms.” This, along with white supremacy, became a central, unifying theme for Democrats. Not only was the war illegal, they believed, but the Lincoln administration ushered in a new era of government corruption and federal despotism.¹⁰

In the early months of the war, Democrats found themselves a frustrated, impotent minority in Congress. With Southerners out of the federal government, Republicans had a commanding, unprecedented majority. There were only about eight Northern Democrats in the Senate at any given time, and only about forty members in the House, most with little legislative experience. Nevertheless, they voted against administration measures (such as the Homestead Act of May 1862, which provided free federal land grants in the western territories) and opposed any bill that would touch slavery, including compensated emancipation, though they were unable to prevent the passage of such bills. Despite energetic Democratic opposition, for instance, Congress passed the District of Columbia compensated emancipation bill in April 1862.

When, in September 1862, Lincoln issued the Preliminary Emancipation Proclamation, Copperheads and War Democrats instantly united under a single anti-emancipation banner. Combined with rebel victories on the battlefield, the proclamation gave Democrats real political momentum heading into the fall elections. They made emancipation the central issue of the campaign and employed fear tactics to exploit Northern racism. They claimed “Black Republican” leaders were part negro, warned of an impending race war between blood-thirsty former slaves and innocent whites, and asserted that freed blacks would steal white jobs. Anti-black poems, songs, posters, newspaper cartoons, and pamphlets were widely distributed, leading to anti-black riots

⁹ Dickinson to Mr. Walbridge, Chairman, and Others, Committee, Mar. 12, 1863 in Dickinson, *Speeches*, 605-8.

¹⁰ Samuel Cox, *Union-Disunion-Reunion. Three Decades of Federal Legislation. 1855 to 1885* (Providence, RI: J. A. and R. A. Reid, 1885), 221.

throughout the North. “Bear the emblem aloft then ye patriot band,” went one Democratic ditty, “Till the *Wooly-Head* party is scourged from the land, Till the tyrant and despot is crushed ‘neath your tread, And laurels of peace crown the old Copperhead.” Republicans argued that the best way to win the war was to free the slaves, but Democrats labored to shift the campaign away from Union and on to racial fears, aiming to arouse public passions.¹¹

Northern Democrats denounced emancipation as racial suicide and federal tyranny. Simultaneously, Democrats portrayed themselves as martyrs to civil liberty, since federal agents had been authorized to arrest and detain draft-dodgers and anti-war activists. These fear tactics proved successful, and Democrats won significant gains in the fall 1862 elections. Democrats were jubilant; not only was their party surviving the war, but they were winning elections. Nevertheless, they were still a distinct minority party. Republicans continued to hold Congress and the Presidency, seventeen of nineteen Northern governors, and sixteen state legislatures. Plus, the elections yielded a gain of five seats in the Senate and the election of the first Republicans in the border state of Missouri. It is also important to note that Democratic victories had been razor thin and came in areas of traditional Democratic dominance. Furthermore, United States soldiers, who overwhelmingly supported Lincoln and the war, were not yet able to vote. The elections of 1862 had proven the effectiveness of race-baiting, but not the popularity of Democratic policies.

Race would continue to play a central role in Northern politics, particularly after the federal government began recruiting black soldiers (made possible by the implementation of the Emancipation Proclamation in January 1863). Once again, Northern Democrats were in furious opposition, worried that arming black troops would lead to racial equality. In January and February 1863, intense debates raged in Congress over the issue. “This is a Government of white men,” declared Democrat Chilton White of Ohio, “made by white men for white men, to be administered, protected, defended, and maintained by white men.” Unable to stop the recruitment of black soldiers, Democrats worked to influence public opinion. To educate the public on the dangers of emancipation, leading Democrats gathered in New York City in February 1863 to establish the Society for the Diffusion of Political Knowledge. This partisan committee would disseminate white supremacy propaganda and see to the publication of anti-Republican diatribes.¹²

Opponents of President Lincoln were aided in their endeavors by military setbacks in late 1862 and early 1863. Public outrage at the staggering carnage gave credence to Copperhead warnings of Republican extremism and incompetence. Democratic efforts were also invigorated by the passage of the Conscription Act in March 1863, which potentially touched the lives of every white man between twenty and

¹¹ *Copperhead Minstrel: A Choice Collection of Democratic Poems and Songs, For the Use of Political Clubs and the Social Circle* (New York: Feeks & Bancker, 1863), 13.

¹² Cong. Globe, 37th Cong., 3d Sess. Appendix, 91-94.

forty-five and his family. Democrats charged that conscription was an unconstitutional measure to fight an illegal war, an interpretation that was not unwelcome to thousands of unhappy draftees. Democrats also painted the issue as one of class and race, claiming (falsely) that immigrants bore the brunt of conscription and that hard-working white men were being sent against their will to die for “niggers.” If Democrats could build on their 1862 campaigns and whip voters into a racial frenzy, they could possibly oust Lincoln in 1864. To this end, Democratic partisans incited anti-draft riots and anti-black mobs. In Holmes County, Ohio, for instance, a group of protesters stoned a conscription officer. When a marshal arrived a week later to arrest the assailants, he was assaulted and forced at gunpoint to give up his prisoners. Likewise, three conscription agents were murdered in Indiana. Even more famously, riots erupted in Manhattan in July 1863. A lethal combination of a large immigrant population and a powerful Democratic organization resulted in four days of murder, looting, and destruction. Most of the violence, it is worth noting, was directed not at federal agents but at innocent blacks. The New York City riots inspired Democrats in other cities to take to the streets in militant protest.

Much of the acrimony between Republicans and Democrats sprang from debates over civil liberties. From the war’s outset, President Lincoln had exercised unprecedented executive power to arrest rebels, rebel sympathizers, and suspected spies. Democrats declared Lincoln a despot and used their network of newspapers, journals, and public speakers to whip-up public anger. The most famous battle over civil liberties starred the boisterous pro-slavery firebrand from Ohio, Clement Laird Vallandigham. Determined to stem the spread of Copperhead poison, commander of the Department of the Ohio Major General Ambrose Everett Burnside issued General Order No. 38 on April 13, 1863. The order stated that any person committing treasonous acts would be arrested, tried by military court, and punished by death or banishment. Vallandigham saw an opportunity to challenge the administration in grand style. Making sure that Burnside’s agents were present, the Ohioan delivered a searing anti-war address on May 1, in the town of Mount Vernon. Burnside took the bait and arrested Vallandigham at his home in Dayton. On cue, Vallandigham’s supporters took to the streets and went wild with protest, even burning down the building housing Dayton’s Republican newspaper. On June 6, a military court convicted the Copperhead of treason, but ordered imprisonment rather than death. Vallandigham filed for a writ of *habeas corpus*, but the federal judge denied it, noting that President Lincoln had suspended the right in such cases. Nevertheless, Lincoln chose leniency and commuted Vallandigham’s sentence from imprisonment to banishment, sending him to the rebel Confederacy the Ohioan so admired. The rebels, it turned out, did not want Vallandigham either. They wanted independence, not “The Union as it was.” Still undaunted, the Copperhead proceeded to make his way to Bermuda, then Canada, from which he ran for Ohio governor in absentia. By the time of that election, in the fall of 1863, United States military fortunes had improved dramatically and public opinion turned decisively against anti-war activists like Vallandigham.

Indeed, United States victories in the summer of 1863, most notably at Gettysburg and Vicksburg, put Democrats on the ropes. In key races in Ohio and Pennsylvania,

Democrats found their criticisms of the Lincoln administration falling on deaf ears. In desperation, they mimicked their previous strategy and focused on emancipation as the real crisis. Campaign committees sent propaganda letters to soldiers claiming their jobs at home would be taken by free blacks, and they fabricated tales of “Negro Outrages,” where blacks attacked innocent white women and girls. On the whole, however, Northerners had come to accept emancipation as a central war aim and were, by the fall of 1863, impressed with the performance of black troops. With this shift in public opinion, Republicans could run confident, optimistic campaigns, a stark contrast to the doom-and-gloom of the Democrats. Thus, Republicans won significant victories in Congressional, state, and local elections, especially since soldiers could now vote via absentee ballot.

Despite success at the polls, however, Republicans continued to experience internal divisions. In particular, the fate of freed slaves and the hoped-for reconstruction of rebel states provoked bitter animosity between Radicals and Moderates. In December 1863, Moderate-minded Lincoln introduced into Congress a “Proclamation of Amnesty and Reconstruction,” which offered a full pardon to any rebel who would take an oath of future loyalty to the United States, and declared that a rebel state could return to the Union once ten percent of its population had taken said oath. Known as the “10% Plan,” the bill was condemned by Radicals for being far too lenient and not containing any guarantees of black rights. “The people of the North are not such fools as to fight through such a war as this,” exclaimed Senator Joseph Howard of Michigan, “and then turn around and say to the traitors, ‘all you have to do is come back into the councils of the nation and take an oath that henceforth you will be true to the Government.’” To counter Lincoln’s plan, Radicals offered their own legislation on July 1864: the Wade-Davis Bill. Far more stringent, the bill declared that a state could not be reconstructed until a majority of its citizens had taken an “iron-clad oath” that they had never taken up arms against the United States. Moreover, the bill required that new state constitutions guarantee black equality before the law. Since no rebel state could fulfill those requirements, President Lincoln pocket-vetoed the bill, indicating some sympathy for the Radical position. Reconstruction, for the time being, would proceed haphazardly.¹³

The real test of Republican strength came with the proposed Thirteenth Amendment to the Constitution, which would abolish “involuntary servitude.” The amendment was anathema to Democrats both morally and politically, and they fought it ferociously in Congress. It easily passed the Republican-controlled Senate in April 1864, but stalled in the House, where Democratic ranks had been replenished by the 1862 elections. Some Democrats claimed that the focus on slavery actually prolonged the war by enflaming Southern passions and giving them more reason to fight. Others argued that the timing was wrong, that meddling with the Constitution during a crisis was dangerous. Their efforts were aided by battlefield setbacks in the summer of 1864. With Grant bogged-down in Virginia and Sherman mired outside of Atlanta, Northern spirits

¹³ Quoted in Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (New York: HarperCollins, 1988), 60-61.

sank and Copperhead fortunes revived. Vallandigham illegally returned from exile to rally Ohioans, and Democratic state conventions passed a variety of peace resolutions. Eyeing the fall elections, Northern Democrats in Congress issued an “Address” in July listing supposed outrages of the Lincoln administration. A singular “evil” has seized the government, they explained. “It has forgotten or despised and trampled under foot the duties imposed upon it by the people, and the objects announced by it in the outset have been supplanted by others, which now inspire its action and occupy its hopes.” Only a vote for Democrats could overthrow this dark tyranny and save the nation.¹⁴

The newly-energized Copperhead faction gained control of state parties and ensured that they would have a strong voice in the upcoming Democratic national convention. Copperheads were also in direct consultation with rebel agents sent by Jefferson Davis. Rebels provided advice, money, and leadership to the peace movement, still hoping that Lincoln could be defeated in the fall elections. They encouraged Democrats to stockpile arms and prepare for an uprising. Semi-secret societies, such as the Knights of the Golden Circle, provided cover for Copperheads and their rebel cohorts. In September, Copperheads launched an abortive plot to capture the USS *Michigan* on Lake Erie and free the rebel prisoners held on Johnson’s Island. In Indiana, United States Marshals discovered hidden caches of weapons, and in Missouri Democrats cooperated with rebel guerillas to wreak havoc on United States supply lines and terrorize Unionists. There was even an election-day plot to prevent voting in Chicago and New York. (The scheme was foiled by federal agents who infiltrated the groups, confiscated the weapons, and arrested the ring-leaders.) In addition to federal diligence, Copperhead intrigues were stymied by the fact that many peace Democrats refused to participate in armed violence and believed that Republicans could be ousted legally at the polls, especially if United States armies remained stalled in Virginia and Georgia.

General Ulysses S. Grant’s failure to destroy the Army of Northern Virginia and Major General William Tecumseh Sherman’s inability to capture Atlanta gave Democrats meeting for their national convention in Chicago reason to be optimistic. Originally scheduled for July 4, the gathering was delayed to take advantage of the deteriorating military situation. Nevertheless, deep divisions remained between War Democrats and Copperheads. The central issue was the war, and whether or not it should be continued, and it was on this issue that the convention split. Vallandigham, king of the Copperheads, chaired the platform committee and saw to it that the party held a firm anti-war position. War Democrats, however, dominated the nominating process and selected Major General George Brinton McClellan, former commander of the Army of the Potomac. Fired by Lincoln in November 1862 for his disastrous peninsula campaign and his weak-kneed showing at Antietam, “Little Mac” McClellan had become a hero of War Democrats— a military man and dough-faced Democrat who opposed both emancipation and the Thirteenth Amendment. Copperheads, not surprisingly, were disgusted by the prospect of a McClellan nomination and saw clearly that a general on a peace platform

¹⁴ *Congressional Address. An Address to the People of the United States, and Particularly to the States which adhere to the Federal Government* (Washington, DC: 1864), 3-9.

would be a fatal contradiction. Nonetheless, McClellan was nominated on the first ballot. The addition of Ohio Copperhead and Vallandigham loyalist George Hunt Pendleton to the ticket did little to assuage the peace wing, and the campaign proceeded in a confused fashion.

Adding to Democratic woes were the stunning late summer victories by United States forces. On August 23, Mobile fell to Admiral David Farragut, Sherman conquered Atlanta on September 1, and in October General Phillip Henry Sheridan routed the rebels in the Shenandoah Valley. Unable to ignore the military successes, McClellan repudiated his own peace platform and announced his devotion to the Union. Peace Democrats felt betrayed. They held meetings to explore other candidates, but no one seemed suitable. Copperheads were forced to accept McClellan as the best way to overthrow Lincoln and the hated Republicans. Revelations of Copperhead plots further eroded Democratic strength, and Democrats once again turned to their most effective weapon—racism. Both War Democrats and Copperheads railed against emancipation, black troops, and the Thirteenth Amendment. Partisan papers claimed the Lincoln administration was implementing a secret “miscegenation” program, that Republicans aimed at total racial equality, that Lincoln himself was negro (“Abraham Africanus the First,” they dubbed him), and that “filthy black niggers” were attacking white women. Grotesque cartoons, racist propaganda, and pamphlets describing the horrors that would be committed by black men on white girls were widely disseminated.

But racism in 1864 did not have the potency it did in 1862—most voters were more interested in the war than in potential race-mixing. Such desperate tactics only alienated voters, especially since Republicans readily joined with War Democrats in “Union” parties. It was the pro-rebel Copperheads, Republicans countered, that were the real traitors. Moreover, Democrats offered no clear plan, while Republicans continued to advocate peace through victory. Not surprisingly, especially considering the overwhelming pro-war sentiment among the soldiers, Republicans trounced Democrats in state elections, and Democratic stalwarts were booted out of office. In the presidential race, Lincoln (with his new Vice Presidential candidate, Democrat Andrew Johnson of Tennessee) carried every state except Delaware, Kentucky, and New Jersey, winning the electoral vote 212 to 21, and in Congress, Republicans increased their majority to an impressive three-fourths.

The fall 1864 elections were a disaster for Democrats and a clear mandate for Republican policies (emancipation, vigorous prosecution of the war, recruitment of black soldiers). Yet, the new Congress would not sit for over a year, and in the meantime Democrats could continue to block legislation in the House, particularly the Thirteenth Amendment. Though he could easily wait until March 1865, when he could call a special session of the new Congress, President Lincoln preferred to have the Thirteenth Amendment passed sooner and with bipartisan support. Though the majority of Democrats remained adamantly opposed to the amendment, a growing number realized the inevitability of the abolition of slavery and feared for the future of their party. These forward-thinking Democrats looked beyond the war and envisioned a new North-South

coalition based on localism rather than slavery. Furthermore, they understood that Copperheadism had been rejected by voters and that, with United States victory on the horizon, an anti-war position was no longer tenable.

With these Democrats in mind, Lincoln moved ahead with the Thirteenth Amendment in the final weeks of the 38th Congress, offering them patronage, appointments, and favors. The strategy bore fruit, and enough Democrats broke ranks to give Republicans victory. But concessions on the Thirteenth Amendment did not mean that Democrats would follow a Republican lead. In succeeding votes on black rights and enfranchisement, Democrats were able to stall or kill legislation, voting with liberals to table moderate versions and voting with moderates to prevent liberal plans. When General Lee surrendered the Army of Northern Virginia on April 9, 1865, and the war came to a close, Republicans fractured over Reconstruction and Democrats pressed for the most lenient policy possible, namely immediate reconciliation without vengeance or restrictions. Lincoln's murder by a rebel sympathizer on April 14 raised Northern suspicions about Democrats, who had made plain their visceral hatred of "The Great Emancipator." But Lincoln's successor, Democrat and virulent white supremacist Andrew Johnson of Tennessee, quickly revived the party. Johnson's Reconstruction policies in the summer of 1865, before the new Congress convened, put Democrats back in power, returned African-Americans to virtual slavery, and allowed rebel leaders to keep their authority—exactly what Northern Democrats had hoped for, and exactly what Republicans had fought the war to prevent.

The defeat of the rebellion and the death of legal slavery fundamentally altered United States politics. No longer would the nation be dominated by a slave-owning planter elite: no longer would there be any doubt about the power of the federal government to enforce laws and maintain the Union. By the war's end, the Republican Party had emerged as the savior of the nation, and the friend of industrialists, western settlers, and former slaves alike. The Democratic Party, on the other hand, crushed both on the battlefield and at the polls, was relegated to a frustrated minority for a generation. Only much later, after Republicans abandoned Reconstruction and, with it, civil rights, and became the party of big business, did Democrats coalesce in to the party of workers and reform.
