

Civil War-Era Democrats and President Abraham Lincoln: Two Assessments of Loyal Opposition in Wartime

Stephen E. Towne
IUPUI

William C. Harris, *Two Against Lincoln: Reverdy Johnson and Horatio Seymour, Champions of the Loyal Opposition*. (Lawrence: University Press of Kansas, 2017. Pp. ix, 254. Notes, bibliographical essay, index.)

Mark E. Neely, Jr., *Lincoln and the Democrats: The Politics of Opposition in the Civil War*. (New York: Cambridge University Press, 2017. Pp. ix, 211. Illustrations, notes, index.)

Historians William C. Harris and Mark E. Neely, Jr. both correctly point out that the Democratic Party in the period of the American Civil War has been understudied. They echo historian Joel Silbey, author of the last full study of the party in the era, published way back in 1977. In *A Respectable Minority: The Democratic Party in the Civil War Era, 1860-1868*, Silbey laments that the Democrats had been ignored or, at least, not well-served, by scholars who evidently have deemed the wartime opposition to Republican president Abraham Lincoln not worthy of study.¹ While his title derives from a Civil War-era quote, Silbey's reference to respectability refers also to historians' seeming distaste for studying the wartime Democracy. Most Democrats quickly reverted to the "partisan imperative" of opposition to the party in power, even in wartime, attacking the policies and actions of the Republican Lincoln administration while it labored to suppress the Confederate rebellion and end slavery. In their speeches and newspaper rhetoric, Democrats deployed their traditional racist language, a discourse which many historians find unattractive. In outlining the main factional divisions in the party, the established "legitimists" and the more radical "purists," Silbey highlights the increasing bitterness of Democratic rhetoric over Republicans' curtailment of slavery as an unconstitutional assault on entrenched social norms. As well, the fierce public fight within the



party damaged Democrats' appeal to both voters of the era and to historians in later years. While most Democrats were fundamentally unionist in their sincere desire for preservation of the nation, the "smell of treason...on their garments" has made Democrats unappealing. Aside from Jean Baker's important study of the political culture of Democrats in the Civil-War era, which first appeared in 1983, and useful studies of individual Democratic leaders, few historians have attempted to examine the collective Democratic Party of the period.²

Along with distaste in studying often abhorrent racist rhetoric, other reasons for this scholarly dearth exist. Silbey points out that historians have often relied on "unfriendly Republican sources" when assessing the thoughts and actions of wartime Democrats.³ This is because relatively few Civil War-era Democratic manuscripts (letters, diaries, etc.) survive in repositories around the United States. While Democrats constituted nearly half of the voting population of the North during the rebellion, Republican-oriented collections abound in archives. The researcher is hard-pressed to find surviving wartime letter collections written by Democrats. Perhaps librarians, curators, and archivists said "no thanks" to offers of Democratic manuscripts that spout racist views and hostility to President Lincoln. Perhaps embarrassed Democrats who found themselves on the wrong side in the national debacle sought to suppress their private writings. Perhaps heirs of these Democrats encountered their ancestors' letters stuck away in closets or attics and, after reading them, were dismayed by their sentiments and burned them. Perhaps all of these scenarios happened. A study of the collection policies and practices of historical societies and other repositories after the Civil War would be highly welcome. Historical societies in northern states amassed huge collections of Union soldiers' letters and diaries, collections that showed home-town boys to be brave and true to the stars and stripes. Those manuscripts of wartime Democrats that survive today come from the more

“establishment,” less radical branch of the party: “legitimist” party moguls located in New York City like financiers August Belmont and Samuel L. M. Barlow who, while faithful Democrats, could and would trim their sails to Republican winds. Few collections of the so-called “Copperheads” survive. Where are the papers of Silbey’s prominent “purists:” Indiana’s Jesse Bright, Daniel W. Voorhees, or Lambdin P. Milligan, or even the more measured Thomas A. Hendricks? Why have not the papers of important Illinois Democrats William A. Richardson or John R. Eden survived? While we have some papers of “legitimist” S.S. Cox of Ohio, where are those of anti-war firebrand George H. Pendleton or, probably the North’s leading anti-war Democratic voice, Clement L. Vallandigham? Silbey fails to hint at the reasons for the paucity of Democratic manuscripts. But the innately conservative character of the repositories that hold many Civil War-era collections (e.g., the Huntington Library, the Library of Congress, Brown University, the New-York Historical Society) may help to explain the lack of radical voices. While archivists today eagerly chase down records and papers of the poor, marginalized, and unpopular to get a better representation of diverse communities, such efforts rarely occurred in the past. As a result, archival collections of the Civil-War era often reflect only part of the spectrum of ideological or political views. Missed are the experiences of many people who lived in that time. This necessarily crimps the historian’s ability to analyze events. To remedy this problem, scholars must think more broadly, range farther, find new sources, and dig into unfamiliar records to try to suss out the past.

Both books under review here reflect this incomplete ideological spectrum in the historical record. Their authors employ a limited range of sources to study a limited range of Democrats, focusing on establishment figures in the wartime Democratic Party opposition. The results are necessarily limited. While Harris and Neely both contribute to our knowledge of

Democrats and the partisan opposition to Lincoln during the war, each draws conclusions open to question owing to lack of surviving manuscript evidence or the authors' neglect of other records that provide other perspectives.

Both authors are distinguished and award-winning historians. William C. Harris first came to prominence as a student of Reconstruction politics in Mississippi and North Carolina. Confessing to a "near obsession" with Lincoln, he turned to studying the wartime president, producing valuable studies focused on different aspects of Lincoln's life and tenure as president, from his reconstruction plans to keeping the embattled border states firmly in the Union to the president's relationships with northern governors and Congress.⁴ His latest book, *Two Against Lincoln*, is an outgrowth of his previous work on Lincoln's interactions with war governors and congressional friends and foes. He has chosen to focus on one leader in either group, Governor Horatio Seymour, Democrat of New York, and Senator Reverdy Johnson, a conservative ex-Whig of Maryland who rejected the Republican Party and allied himself to the Democrats while never declaring to be one. Harris's work is a study of two prominent figures in the loyal opposition—two exemplars of principled protest against the Republican administration. Both, he argues, were firmly in favor of the restoration of the national Union, but both "provided the loyal opposition with its most penetrating critique and political challenge to Lincoln and his party during the war."⁵ Neither was part of the noisier and more dangerous "Copperhead" (what Silbey calls the "purist") portion of the Democratic Party, which Harris believes drowned out more measured "conservative" voices and unduly occupies the attentions of historians. Harris provides two biographical essays on Seymour and Johnson that outline their respectable opposition.

Reverdy Johnson was the leading lawyer of Baltimore, Maryland, a familiar voice arguing cases before the United States Supreme Court, and a longtime Whig. Harris notes that

well before the Civil War Johnson had freed slaves he had inherited and evinced no “personal stake” in slavery.⁶ However, with the dissolution of the Whig Party he could not follow the path taken by other former Whigs into the new Republican Party, an explicitly anti-slavery association which, in his view, posed a threat to the stability of the Union under the existing pro-slavery Constitution. In the presidential contest of 1860 he backed Democratic candidate Stephen A. Douglas, forsaking the Constitutional Union Party of fellow former-Whig John Bell. He lamented the sectional split in the Democratic Party that helped Republican Lincoln win with less than forty percent of the popular vote. When war came, Johnson (not then in Congress) spoke publicly of his belief in an indissoluble, perpetual union of the states. But he opposed coercive measures to force the rebellious southern states back into the Union. An early supporter of Lincoln’s suspension of the privilege of the writ of habeas corpus in Maryland during the first weeks of war, Johnson soured on Lincoln’s indiscriminate arrests of Marylanders, many of whom hired him to argue their cases in court. By 1862, he opposed all such arrests as not passing constitutional muster. He viewed many actions of Lincoln’s administration as reckless violations of both Constitution and laws.

In early 1862, the Maryland legislature selected Johnson to serve in the U.S. Senate; he only took his seat in the Senate in December 1863, where he caucused with the Democratic minority. He lent his sterling oratory and mental acuity to challenging the actions of the Republican majority and Lincoln’s policies. But in early 1864 he broke with his Democratic and conservative allies to speak in support of gradually ending slavery in Maryland and, soon thereafter, abolishing slavery throughout the United States. The latter effort became the Thirteenth Amendment to the Constitution. Harris analyses Johnson’s oration of April 5, 1864, in the Senate, calling it his “crowning speech” in the chamber. The senator argued that the

Founders had hoped that slavery would disappear, and would have been horrified that conflict over slavery had resulted in civil war. He concluded that slavery needed to go in order to restore peace and prosperity, and that it should be abolished by constitutional amendment.

Harris highlights other examples of Johnson's breaks with the opposition to vote with the Republicans, thereby celebrating the senator's principled constitutionalism over partisanship. Later in 1864, however, Johnson backed away from support of the Thirteenth Amendment because slavery in the South was already collapsing and, somewhat incongruously, because he was dismayed by the Lincoln administration's peace talks with Confederate agents at Niagara Falls. The author does not suggest that Johnson may have retreated from support of Republican measures during a presidential election year when he supported the Democratic candidate, George McClellan. Harris depicts Johnson as a principled actor independent of partisan influences and a worthy opponent of Lincoln.

Similarly, Harris deems New Yorker Horatio Seymour a worthy loyal foe to Lincoln during the war. An intellectual attorney who shunned demagoguery, the Democrat disliked slavery and believed it would fade away. Yet he was willing to ally with southern Democrats to check Republican abuses of the Constitution and protect the institution of slavery in the South. During the secession crisis he argued publicly that the federal government lacked authority to coerce the rebellious states to remain in the national compact. However, at the start of the war he called on Democrats to support the Lincoln administration in its efforts to preserve the Union. Seymour hoped, argues Harris, that compromise could be reached by waging a vigorous war effort while simultaneously making "liberal proffers of peace."⁷

Seymour secured the Democratic nomination for governor in the summer of 1862 and won the fall election, leading a Democratic revival that saw the party win a majority of the Empire State's congressional seats. Democratic voters reacted in disgust to Lincoln's preliminary Emancipation Proclamation, which declared that African-American slaves in areas of the rebel South not under Union control would be free. Harris characterizes Seymour's inauguration speech of January 1, 1863 as a "ringing indictment" of Republican policies that violated the Constitution and laws, including the Emancipation Proclamation. Indeed, his victory and oratory excited Democrats throughout the North. Days later, Democratic legislators in Indiana were so taken with the New Yorker's "exalted and patriotic" rhetoric that they officially thanked Seymour and refused to accept the annual message of their own Republican governor, Oliver P. Morton.⁸ Seymour's words were read throughout the North; his stature grew. In the coming months, he spoke out against military arrests of civilians, conscription, and other measures of the Republican administration. While radical anti-war Democrats like many in Indiana and other western states reveled in Seymour's stirring language and viewed him as their potential champion, Harris argues that the New Yorker recoiled from western "copperheadism" and worked to tone down the rhetoric of Ohioan Clement L. Vallandigham and others in order to avoid violent disorder. All the while, Seymour as governor supported the war effort by raising troops and sending them to the field. Harris defends the governor from the accusation that he addressed New York City draft rioters as "my friends," following the lead of Seymour biographer Stewart Mitchell who argued that the governor spoke the words to a peaceful audience.⁹

As the presidential election year arrived, Harris writes that Seymour saw himself as a national leader for the national Democracy. His annual message of January 1864 was another

stinging rebuke of Lincoln's policies. He continued his call for compromise with the rebels by restoration of "all constitutional rights" (i.e., slavery) held before the war, while at the same time demanding a vigorous military effort to crush the rebellion. Many Democrats saw him as their nominee for president. Seymour went to the national convention in Chicago, Harris insists, only "with the purpose of blocking the proposed peace platform of the Vallandigham wing of the party," as well as lobby for other candidates, including McClellan. Seymour "emphatically declined to become a candidate."¹⁰ Under pressure, he agreed to run again for governor. When Union war efforts improved Republican election prospects rebounded. Seymour lost his bid for reelection in November, but continued to be active in state politics for several years.

Harris makes clear that Reverdy Johnson and Horatio Seymour represented the best of the opposition to Lincoln: loyal, high-minded, eloquent, principled, not prone to demagoguery or incitement to violence. Throughout, the two men serve as rebukes to the excesses of partisanship and ideology run amok so common in the Civil War-era. Johnson's able and honest call for ending slavery in Maryland and the United States was a departure from the platform of the Democratic Party with which he allied himself. Seymour's efforts to tamp down violence from the anti-war factions of the Democratic Party, especially strong in the Old Northwest, were constructive and noble. Still, while Johnson no longer personally enslaved human beings, he employed racist language. Harris excuses it as election hyperbole. After the war, Johnson was hired to defend Ku Klux Klansmen in South Carolina. He was appalled by their brutality and rebuked his clients in court. Johnson "probably was relieved that he could focus on the constitutional issues" of the case, Harris writes.¹¹ Similarly, he notes that Seymour's racism was real. After the war, during the 1868 presidential contest, Seymour used time-tested race-baiting

language to work up a Democratic crowd. But Harris asserts he wasn't as bad as most other Democrats and "normally avoided" racist language.¹²

Harris is concerned primarily with delving into the thoughts and actions of these two principled statesmen in order to play them against Abraham Lincoln. Throughout *Two Against Lincoln*, Harris focuses on events when Johnson and Seymour were in direct or indirect dialog with the president. Johnson met Lincoln frequently in Washington. The two men corresponded early in April 1861, when Johnson requested details on Lincoln's military plans in Maryland and Virginia. In the summer of 1862, after his selection as senator but long before he took his seat, Lincoln chose Johnson for a delicate mission in New Orleans to settle a dispute involving seized foreign specie and other trade issues. Johnson used the occasion to chastise the president for Republican interference with slavery in the city. Lincoln replied testily to the Marylander's lectures. "The relationship between the two men cooled even further after this sparring," avers Harris, though he omits notice of further duels.¹³

Seymour probably met Lincoln only once, at Gettysburg during the gathering to memorialize battle victims. They corresponded little. In one letter to the president from April 1863, Seymour set himself up as the mouthpiece of "one half of the population of the Northern States."¹⁴ Harris suggests that the governor focused on Lincoln as his target audience for some of his speeches and writings. Likewise, he infers that some of Lincoln's most famous presidential statements were replies to the governor. In a chapter titled, "A Thorn in Lincoln's Side," he shows that Seymour penned the speech read to a Democratic rally at Albany in May 1863 by Erastus Corning; the speech prompted rally leaders to compose a set of resolutions sent to Lincoln. Lincoln's "Coring Letter" of June 12, 1863, written in reply, though he addressed Corning and those assembled, was, according to Harris, aimed at Seymour. Likewise, Lincoln's

“Conkling Letter” of August 26, 1863, written to be read at a Republican rally in Springfield, Illinois, was meant to refute Seymour’s and other Democrat’s attacks about the Emancipation Proclamation. While Seymour was an important partisan foe and leader of the most populous state, Harris perhaps builds up the governor more than he merits.

In the end, Lincoln is the real subject of the book. Harris’s “near obsession” with Lincoln comes through in the long digressions into the president’s actions or thought on matters relative to Johnson and Seymour. Some stray too far away from a work meant to focus on Johnson and Seymour. An example is Harris’s discussion of the “Corning Letter” episode, where he devotes four pages to Lincoln’s arguments and their importance. More telling is the author’s penchant to get inside Lincoln’s head. In one short passage, Harris writes, “Lincoln agreed,” “believed,” “understood,” and “concluded;” he even reports what Lincoln “felt” and “hoped.” Elsewhere, he states without citing evidence that the president entertained “serious doubts about Seymour’s cooperation.”¹⁵ He is careful to defend the president from accusations Seymour and other Democrats made about Lincoln and his actions. Harris cites the work of Mark Neely and William A. Blair on military arrests of civilians to counter Seymour when he “excessively claimed” Lincoln violated civil liberties.¹⁶

A handful of errors appear in Harris’s book. He twice misidentifies Indiana governor Oliver P. Morton as a War Democrat. In fact, Morton walked away from the Democratic Party (some might say he was kicked out) in 1854 when he criticized the Kansas-Nebraska bill; he soon was a leader of the People’s-then-Republican Party.¹⁷ Harris calls War Democrat and Ohio governor David Tod a Republican.¹⁸ More substantively, he repeats the frequent mistake that Lincoln “wisely and immediately” revoked General Ambrose E. Burnside’s suppression of the

Chicago Times newspaper in June 1863. In fact, as historian Craig Tenney first showed, Lincoln waffled under pressure and rescinded his order revoking Burnside's order.¹⁹

The biggest problem with the book is its shallow sourcing in original records. Harris relies primarily on published speeches of Johnson and Seymour, citing the *Congressional Globe* in the former case, and for the latter a compilation published in 1868 called *Public Record: Speeches, Messages, Proclamations, Official Correspondence, and Other Public Utterances of Horatio Seymour*. He employs the Reverdy Johnson papers and other valuable collections at the Library of Congress and elsewhere available online or on microfilm. But he ignores small collections of Seymour's papers that exist in the New-York Historical Society and the New York State Library. Few of the governor's personal papers survive, but it would be proper to consult those that do. Furthermore, Seymour's cooperation with or opposition to Lincoln would best be shown in the nuts-and-bolts administrative records of his state. As well, the records of the federal government's extensive apparatus in New York (e.g., Provost Marshal General's Bureau; various War Department bureaus; Department of the Treasury; U.S. Marshals, etc.) would show how Seymour and his state officers did or did not cooperate with the war effort. Both are overlooked. In short, *Two Against Lincoln* provides serviceable but limited sketches of two critics of President Lincoln.

Mark E. Neely, Jr.'s book is the last in a long series of highly regarded and valuable studies of constitutional issues that arose during the Civil War. Like Harris's, his work is a study of the politics of loyal opposition presented by the Democratic Party of the northern states. Neely's intent, he announces, is to answer a series of "devilish questions that have plagued the political and constitutional history of the Civil War." I paraphrase them thus: was the Democratic Party the party of "white supremacy?" Was the Emancipation Proclamation the cause of

Democratic Party victory in the 1862 elections? Why did Lincoln propose amendments to the Constitution during the war? Why did the Democrats adopt an unconstitutional platform for the 1864 election? And what happened to Lincoln's "liberal and liberating interpretations" of the Constitution during the war?²⁰

Neely addresses these and other questions in five short chapters. Chapter one examines the boundaries of partisan politics and argues that wartime Democrats were a loyal opposition. Neely looks at Democrats' participation in efforts to finance the war, recruit volunteers to serve in federal armies, and attend sanitary fairs. The Lincoln administration needed lots of money and issued bonds to finance the war effort. The agents hired by Lincoln's Treasury Department to sell the bonds worked to advertise sales in newspapers across the North, including those affiliated with the opposition Democratic Party. Democratic newspapers took the money and ran the ads. Neely states this shows that "some matters fell outside the boundaries of partisanship" and that Democrats were actuated by "patriotism and nationalism." Likewise, noting that historians have heeded contemporary Republican complaints about Democrats' motivations and ignored their support for the bounty system of encouraging volunteers to enlist, he argues that Democrats embraced "nonpartisan civic activism" in efforts to raise troops. He further concludes that Democrats turned out for the United States Sanitary Commission's various philanthropic efforts even though the events were organized and run by Republicans who cast aspersions on Democrats. Republicans' "noisy rhetoric...has all but deafened historians to the low murmur of steady nonpartisan work for victory" by Democrats.²¹

In Chapter Two, Neely turns to the elections of 1862 to argue that Republican defeat owed significantly to Abraham Lincoln's failure to campaign for Republican or Union candidates during the summer and fall. Lincoln succumbed to a long-held "cultural constraint"

that it was unseemly to electioneer in wartime. Republicans collectively “relaxed,” were inattentive to rising discontents in the North, and failed to turn out to vote. Democrats, on the other hand, fearing for the very future of the party, seized on Lincoln-administration violations of the Constitution and laws to revitalize their party by constructing a myth of the coterminous existence of the Democratic Party and the nation. Thereby, they “contributed...a notable defense of the two-party system and loyal opposition in war.”²²

Chapter Three, a real grab-bag of a chapter, expands on his defense of Democrats from historians’ accusations of being “white supremacists” by examining the use (or non-use) of the terms “white supremacy” and “miscegenation” in party literature, as well as to look at purported Democratic “peace” candidates and contrast them to influential leaders of the party. Contrary to historians’ assertions, Neely argues, only a few Democratic fanatics used the term “white supremacy.” They were led by New York pamphleteer, editor, and crank John H. Van Evrie. Likewise, “the record of emphasis and usage [of the term “miscegenation”] is mixed and betrays no signs of system, central control, or consensus among Democrats.”²³

Neely also argues that the Peace Democrats were few and not as influential in the party as historians suggest. While admitting that the “peace wing...was larger than one would expect it to have been,” given the usual need for opposition parties to mend their internal differences, he shows from “close attention to chronology and contingency” that Democrats only nominated one true peace candidate for governor in 1863: Thomas H. Seymour of Connecticut. Democrats Clement L. Vallandigham and George W. Woodward of Ohio and Pennsylvania, respectively, were in fact nominated and ran on platforms pressing for the end of civil liberties violations, not for peace (even though Vallandigham called loudly for peace). Neely suggests that the 1863 gubernatorial races in Connecticut, Ohio, and Pennsylvania had an outsized influence on the

presidential election race of 1864. In that year Republicans ran against all Democrats, pro-war or pro-peace, “as though they were [peace advocate] Clement L. Vallandigham.” Further, the 1863 experience “exaggerated in the minds of the Eastern Democrats who engineered the nomination of McClellan for president that the Ohio Democracy must be appeased on the peace question.”²⁴

Neely turns to examine the candidates and possible candidates that those eastern Democratic magnates pushed forward to run in 1864. His portrait of New York governor Horatio Seymour contrasts with that of Harris by suggesting that the governor courted a nomination to run for president. While acknowledging his talent as a politician, Neely stresses his passivity and moderation, in short, his dullness, in an era of superbly vituperative speakers. More important, he notes, the governor was not a race-baiting fear-monger. Seymour’s “bland legalism”—“patient, respectful of authority in war, but persistently critical”—“fit perfectly the style of loyal opposition in American wars.” But the Democrats who convened in Chicago in the summer of 1864 chose former Army of the Potomac major general George B. McClellan to be their nominee to challenge Lincoln. Neely has nothing good to say about McClellan except that he rejected the peace plank inserted in the national platform by Vallandigham and his supporters. McClellan was a political amateur. He lacked experience, talent, political acumen, ideas, or good sense. “That McClellan should turn out to be the only hero the Democrats could scrape up speaks volumes for their limited talent pool.” Oddly, Neely shifts from enumerating McClellan’s failures as a candidate to an analysis of the relatively few expressions of ideas on race and slavery sent to him in the summer and fall of 1864 by his Democratic supporters. He concludes that regular Democrats were not interested in issues about slavery and race, or about white supremacy or miscegenation. The party bosses also rightly rejected peace and agitation about “arbitrary arrests” as central-platform issues when they selected the former general, who stood

for prosecuting the war to defeat the rebels. They selected a truly awful candidate who lost badly. But defeated Democrats did not claim fraud. Thus, writes Neely, when the Democrats “got behind McClellan, [they] proved that they were a loyal opposition” and ensured the “very survival of the Democratic Party.”²⁵

In Chapter Four, Neely goes in search of “The Elusive Constitutionalism of the Democratic Party.” Their thinking about the Constitution has been ignored by historians, but by his own admission, perhaps that is for the best. They made lots of noise about the “Constitution as it is,” but their clamor amounted to little. During the war they ranged around looking for issues by which to challenge Lincoln and the Republicans. They were “erratic and irresponsible;” they lacked significant ideas about solving problems. Neely identifies Reverdy Johnson as the “Democratic party’s sage voice on constitutional questions,” except as Professor Harris correctly shows the Marylander was a former Whig anti-Republican who only caucused with the Democrats and never was one. Neely finds some good Democratic ideas in a pamphlet war that broke out in 1861-1862 when a group of Philadelphia attorneys challenged a defense of Lincoln’s suspension of the privilege of habeas corpus put forward by fellow attorney Horace Binney. He deems the Democratic lawyers’ arguments “just short of inspiring,” for by challenging Lincoln’s actions without attacking the president they “revealed their essential loyalty to the country as well as to individual liberty;” they “provided one of the finest hours of the Democratic party in the Civil War.” But when Congress passed the Habeas Corpus Act in 1863 Republicans took the argument away from them.²⁶

On the issue of conscription to fill Union armies the Democrats again had little luck: the Republicans and Lincoln were on “much firmer constitutional ground” on the draft than habeas corpus, but were vulnerable regarding the draft’s fairness. Neely examines the economic critique

of conscription posed by Democratic editor Dennis A. Mahony of Davenport, Iowa, but concludes it was weak. Similarly, the Peace Democrats' call for a Convention of the States was unrealistic and unworkable. Later, the Democratic platform developed at the Chicago convention in 1864 was merely a "hodge-podge of complaints" that lacked coherence. In it Democrats "turned their backs completely on their traditional appeal to the poor and working men and immigrants." Neely summarizes neatly that "[a] book on Democrats and the Constitution in the Civil War would simply fly apart in all directions. It is no wonder that no one has ever written one."²⁷

In his fifth and final chapter, the author turns his attention away from hapless Democrats and toward the subject of much of his long career: Lincoln's constitutional thinking while president. Lincoln, Neely argues, progressed in his views of the Constitution. Always scanning its text for new ideas and interpretations, the president began to interpret it as a human-rights document. This comes out in his use of presidential pardoning power for the condemned Sioux after the uprising in Minnesota in 1862. Later, he latched onto the international laws of war to argue that he had the power to seize and free the slaves of an enemy. Still later, when thinking about how to handle the delicate issue of giving amnesty to ex-rebels, he found a solution by using the guarantee of the republican form of government in Article IV. Later still, in 1864, a relatively minor incident involving a Cuban man's illegal rendition to Spanish authority to face slavery charges in the absence of an extradition treaty "presents," writes Neely, "a rare historical moment of almost pure humanitarian." He quotes Lincoln's Secretary of State William Seward who asserted that "a nation is never bound to furnish asylum to dangerous criminals who are offenders against the human race."²⁸

By concluding his study with a solid analysis of Lincolnian constitutional thinking, Neely ends on a high note. Were historians to draw just one important idea from this learned work, it would be to understand that Lincoln aimed to broaden human rights under the Constitution. (Harris agrees with Neely about Lincoln's fundamental humanitarian impulse.) Neely's chapters focused on the president's wartime opponents, however, are much more problematic and raise many questions. Neely, like Harris, is intent on portraying the Democrats during the war as a loyal opposition. To that end, he focuses on individuals or small groups who enunciated principled, constructive criticisms of the Lincoln administration and the Republican regime. Examples are the handful of Philadelphia lawyers who challenged Lincoln apologist Horace Binney's reading of habeas corpus, or Horatio Seymour's lawyerly critiques of conscription and other war issues. But how representative were they? Did Democratic communities across the North act similarly? Did Democratic politicians in other states use the measured tones of Seymour? Were Democrats in other places restrained in their rhetoric about African-Americans? Did Democrats elsewhere limit their opposition to speeches and pamphlets? Neely does not say.

In example after example, case study after case study, Neely uses Pennsylvania as a stand-in for the rest of the North to examine Democratic action and ideas. True, the state had a large, diverse population and encompassed both big, industrial cities like Philadelphia and remote, forested, nearly unpopulated areas. But is that sufficient as a representation of the northern experience? Neely makes no mention of the significant draft resistance and other violent incidents involving Democrats that occurred in Pennsylvania during the war.²⁹ Apart from reference to a few of the standard high-profile Democratic leaders' papers collections, Neely cites a relatively small number of Pennsylvania and New York City newspapers in making his arguments about loyal Democrats. He occasionally cites one Ohio Democratic newspaper, the

Cleveland Plain Dealer, which started out a War Democrat paper but became more oppositional later on; still, this chief Democratic paper of the heavily Republican Western Reserve of Ohio was mild in its criticisms and muted in its racist language compared to Democratic newspapers located elsewhere in Ohio and the Midwest.³⁰ He cites Dennis Mahony's Davenport, Iowa newspaper once. In sum, we get a narrow portrait of northern Democratic thought and action from a narrow spectrum of sources. The Keystone State as presented cannot stand in for the rest of the North.

Other examples of a lack of appreciation of Democratic thought and actions in states other than Pennsylvania abound. In his discussion of talk about the Constitution's second amendment heard at the Democratic national convention in Chicago in 1864, Neely evinces little feel for the high tensions that existed in the Northwestern states. Citing Vallandigham's 1863 mockery of military orders banning the sales of guns and ammunition that led to the Ohioan's arrest and exile, he avers that "the right to bear arms may have been a political issue of some small note in the states of the Old Northwest in the spring of 1863, but it had not arisen as a problem elsewhere."³¹ He appears unaware that guns, the sale of guns, and government efforts to keep guns out of the hands of Democrats were hot topics in many states. Indeed, the day before the convention commenced the general commanding the military department encompassing four Northwestern states issued an order barring sales of firearms and gunpowder throughout the region owing to real fears of armed uprisings. That commander, Maj. Gen. Samuel P. Heintzelman, was present in Chicago to observe the convention and the uproar that ensued when assembled Democrats learned of his edict. He chuckled in his diary about the "great deal of excitement about my order," and noted that even Horatio Seymour of New York quizzed him on the outrage: "In conversation I soon saw that they believed I got my instructions about arms from

Washington. I told the Governor that I alone am responsible for the order.”³² Moreover, Neely should know that arms seizures were not limited to the Northwest. Military authorities intercepted arms shipments in New York, New England, and, yes, even Pennsylvania. The issue was a national one that Democrats from all over the North protested.

A larger, more fundamental problem with *Lincoln and the Democrats* is Neely’s reliance on suspect scholarship for his assertions about Democratic loyalty. Throughout his career, he has declared that the works of historian Frank L. Klement established for all time that during the war northern Democrats suffered from scurrilous, slanderous, unfounded accusations of disloyalty by Republicans intent on smearing them as traitors in league with Confederate rebels. Klement was one of the “revisionist” historians who dismissed traditional accusations of Democratic disloyalty. In his prize-winning *The Fate of Liberty* (1991), Neely proclaims that Klement’s many books and articles on the “Copperheads” “proved, beyond any reasonable doubt, that no systematic, organized disloyal opposition to the war existed in the North.” He writes further that the “revisionist historians...proved that the Democratic party had played the role of a strictly loyal opposition during the Civil War, and eventually the works of...Klement...“demolish[ed] the myth of a large, secret, well-organized disloyal Northern opposition to the Lincoln administration.”³³ In his subsequent books, including the work under review, Neely has continued to cite Klement as having the last word on Democratic loyalty and Republicans’ “exaggerated” claims of conspiracy. As one of America’s most influential Civil War historians, Neely has taught generations of Civil War historians to rely on Klement’s interpretations.³⁴

The problem is that careful historians have discovered that Klement’s works are riddled with errors of fact and interpretation of the original records.³⁵ Worse, Klement invented incidents that never happened to smear the purported Republican smearers. The new scholarship renders

Klement's corpus unreliable as a guide to understanding Democratic opposition to the Lincoln administration in the Old Northwest, or Midwestern states. Rather, the antiwar Democrats posed a powerful challenge to Republican government and the success of the effort to suppress the rebellion.³⁶ In Klement's place, new research, based on close application to the archives, shows clearly that Republican politicians and army officers in Illinois, Indiana, Ohio, Kentucky, and Michigan sincerely feared the threat of organized resistance to government from Democratic Party rank-and-file members and leaders.³⁷

Republican fears were not unfounded. Organized violence broke out throughout the Old Northwestern states to oppose Lincoln administration policies. Draft enrollment incidents involving in each case hundreds of armed resisters occurred in several states. Resisters attacked enrollment officers, many of whom were killed. As well, violent crowds attacked law enforcement officers and troops in order to protect deserters from arrest. Authorities discovered that much violence and resistance derived from organized efforts to impede the war effort. The army infiltrated the organizations and found that the groups' leaders and members were Democrats. Contrary to Klement's assertions, the army arrested and in some cases tried prominent Democrats for conspiracy based on accurate evidence carefully gathered by spies and informants, not fabricated or concocted claims. This world of violence and murderous resistance is absent from both Neely's and Harris's lofty worlds of principled, restrained, and decorous remonstrance by loyal opponents to Lincoln.

The question that historians still need to ask is: why did *rank-and-file* Democrats throughout the North resort to violence to oppose Lincoln and his policies? The answer, I believe, will be found in the quotidian experiences of Democrats across the northern states. We must go beyond abstract complaints about violations of the Constitution politely registered by

senators, governors, attorneys, and other highly placed critics. Using Indiana as my example, we see that Democrats suffered many assaults and indignities during the war. Their local newspapers faced violence and official suppression on a large scale.³⁸ We see significant violence inflicted on Democrats by Republicans and military forces. The army arrested several Democratic politicians for speaking against the war effort. Troops, local state militias, and agents of the Provost Marshal General's Bureau invaded citizens' homes searching for deserters and committed other indignities. Perhaps worst of all, troops sent to quell draft-enrollment violence or other crowd actions made mass arrests. Troops surrounded small towns or swept through rural landscapes, searching door-to-door and rounding up suspects, looking for deserters, draft dodgers, or those who assaulted enrollment officials. Communities lived on edge. Political violence occurred daily and was widespread as partisan foes fought in the streets. Both Democrats and Republicans commonly carried firearms when going about their daily tasks. Much the same experience occurred in neighboring Illinois and Ohio and elsewhere. Fear was widespread.

From this fearful atmosphere, evidence emerges that Democratic politicians experienced intense pressure that welled up from indignant rank-and-file party members. Party faithful wanted help and protection. They pushed their leaders to action. Local party leadership exploited popular indignation for votes, but tried to tamp down rising violence as best they could. In a letter written in April 1863, a Democratic Indiana state legislator warned Republican governor Morton that "danger is imminent" in his district owing to anger that "there is one law for a Democrat and another for a Republican." He reported that he had "by severe exertions...prevented an outbreak on several occasions."³⁹ A similar report of pressure from below came a year later from Joseph E. McDonald, the pro-war but mainstream Democratic

leader who hoped to run for governor against Morton. He privately confided to a military commander in Indianapolis that Democrats were joining secret armed organizations throughout the Northwest “to protect themselves.” The commander reported that McDonald added that the situation was “getting beyond the control of the conservatives [i.e., establishment] of the party,” and that he himself might be “caught in the current.”⁴⁰ During that summer’s state Democratic convention, McDonald and the party “legitimists” managed to beat back the challenge of insurgent (and secret-organization leader) Lambdin P. Milligan for the gubernatorial nomination.⁴¹ Shortly afterward, however, the party’s mainstream scrambled to help military authorities put down a planned uprising in Indianapolis to free Confederate prisoners-of-war. Former Democratic congressman and banker William H. English even fingered conspirators and secretly asked the army to arrest the leading plotters, all fellow Democrats of significant local stature and followings.⁴² Rank-and-file Democrats were rampant and nearly uncontrollable. Historians have ignored this internal dynamic in the Democratic Party.

Historians must move past the airy rhetoric of party elites like Horatio Seymour and “Sunset” Cox to study the words and actions of Democratic rank-and-file members across the North. What party leaders said and what Democratic voters did were not one and the same. We should be trying to understand why ordinary people were driven to violent action to resist government. By examining internal conflicts within the Democratic Party between party nabobs and the lower echelons, historians will find fertile ground for study of wartime politics in the North.

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

² Jean H. Baker, *Affairs of Party: The Political Culture of Northern Democrats in the Mid-nineteenth Century* (Ithaca, New York: Cornell University Press, 1983; reprinted Fordham University Press, 1998).

³ Silbey, *A Respectable Minority*, xiv.

⁴ Harris, *Two Against Lincoln*, ix. Among his numerous works, see Harris, *Presidential Reconstruction in Mississippi* (Baton Rouge: Louisiana State University Press, 1967), and *The Day of the Carpetbagger: Republican Reconstruction in Mississippi* (Baton Rouge: Louisiana State University Press, 1979). After his Lincoln turn, see Harris, *With Charity for All: Lincoln and the Restoration of the Union* (Lexington: University Press of Kentucky, 1997); *Lincoln's Last Months* (Cambridge, Mass.: Belknap Press, 2004); *Lincoln's Rise to the Presidency* (Lawrence: University Press of Kansas, 2007); *Lincoln and the Border States: Preserving the Union* (Lawrence: University Press of Kansas, 2011); *Lincoln and the Union Governors* (Carbondale: Southern Illinois University Press, 2013), and *Lincoln and Congress* (Carbondale: Southern Illinois University Press, 2017).

⁵ Harris, *Two Against Lincoln*, 2.

⁶ *Ibid.*, 17.

⁷ *Ibid.*, 121.

⁸ See Kenneth M. Stampp, *Indiana Politics during the Civil War* (Indianapolis: Indiana Historical Bureau, 1949; reprinted Indiana University Press, 1978), 169, and A. James Fuller, *Oliver P. Morton and the Politics of the Civil War and Reconstruction* (Kent, Ohio: Kent State University Press, 2017), 127.

⁹ Harris omits reference to an important study of the New York City draft riots. Iver Bernstein agrees that the crowd that Seymour first addressed at City Hall was peaceful. He notes, however, that the governor “promised the peaceable gathering he would uphold their rights so long as they ‘refrained from further riotous acts.’” Thus, he addressed the audience as rioters. See Iver Bernstein, *The New York City Draft Riots: Their Significance for American Society and Politics in the Age of the Civil War* (New York: Oxford University Press, 1990), 50-51.

¹⁰ Harris, *Two Against Lincoln*, 176.

¹¹ *Ibid.*, 110.

¹² *Ibid.*, 195.

¹³ *Ibid.*, 47.

¹⁴ *Ibid.*, 142.

¹⁵ *Ibid.*, 147, 156.

¹⁶ *Ibid.*, 138. See Mark E. Neely, Jr., *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (New York: Oxford University Press, 1991), and William A. Blair, *With Malice Toward Some: Treason and Loyalty in the Civil War Era* (Chapel Hill: University of North Carolina Press, 2014).

¹⁷ Harris, *Two Against Lincoln*, 2, 123. For Morton’s departure from the Democratic Party, see Fuller, *Oliver P. Morton and the Politics of the Civil War and Reconstruction*, 21-25.

¹⁸ Harris, *Two Against Lincoln*, 167.

¹⁹ Craig D. Tenney, “To Suppress or Not to Suppress: Abraham Lincoln and the *Chicago Times*,” *Civil War History* 27, number 3 (1981). 248-259.

²⁰ Mark E. Neely, Jr., *Lincoln and the Democrats: The Politics of Opposition in the Civil War* (New York: Cambridge University Press, 2017), 8-9.

²¹ *Ibid.*, 24, 44.

²² *Ibid.*, 51-52, 83.

²³ *Ibid.*, 110.

²⁴ *Ibid.*, 86, 88, 96.

²⁵ *Ibid.*, 123, 124, 126, 135.

²⁶ *Ibid.*, 138, 141, 144, 155.

²⁷ *Ibid.*, 166, 169, 171.

²⁸ *Ibid.*, 196, 197.

²⁹ See Arnold M. Shankman, *The Pennsylvania Antiwar Movement, 1861-1865* (Rutherford, NJ: Fairleigh Dickinson University Press, 1980); Grace Palladino, *Another Civil War: Labor, Capital, and the State in the Anthracite Regions of Pennsylvania, 1840-1868* (Urbana: University of Illinois Press, 1981), and Robert M. Sandow, *Deserter Country: Civil War Opposition in the Pennsylvania Appalachians* (New York: Fordham University Press, 2009).

³⁰ See Archer H. Shaw, *The Plain Dealer: One Hundred Years in Cleveland* (New York: Alfred A. Knopf, 1942).

³¹ Neely, *Lincoln and the Democrats*, 167-168.

³² Diary entry of August 30, 1864, Samuel P. Heintzelman Papers, Library of Congress, Washington, D.C.

³³ Neely, *The Fate of Liberty*, xii, 229.

³⁴ Other works in which Neely echoes Klement’s assertions are Neely, *The Union Divided: Party Conflict in the Civil War North* (Cambridge: Harvard University Press, 2002), and Neely, *Lincoln and the Triumph of the Nation: Constitutional Conflict in the American Civil War* (Chapel Hill: University of North Carolina Press, 2011).

³⁵ Historian David E. Long was the first scholar to note Klement’s errors and “selective and biased reading of the evidence.” However, his assessment is hidden in an endnote. See Long, *The Jewel of Liberty: Abraham Lincoln’s*

Re-election and the End of Slavery (Mechanicsburg, PA: Stackpole, 1994; reprinted New York: Da Capo Press, 1997), 314-315n71.

³⁶ See Jennifer L. Weber, *Copperheads: The Rise and Fall of Lincoln's Opponents in the North* (New York: Oxford University Press, 2006).

³⁷ See Stephen E. Towne, *Surveillance and Spies in the Civil War: Exposing Confederate Conspiracies in America's Heartland* (Athens: Ohio University Press, 2015).

³⁸ Stephen E. Towne, "Works of Indiscretion: Violence against the Democratic Press in Indiana during the Civil War," *Journalism History* 31, number 3 (Fall 2005), 138-149. The extent of violence and threats of violence against the press in northern states during the Civil War still has not been fully catalogued.

³⁹ James S. Hester to Oliver P. Morton, April 23, 1863, Record Group 94, Adjutant General of the U.S. Army Records, E 159, Ambrose E. Burnside Papers, National Archives and Records Administration, Washington, D.C. (hereafter NARA-W), quoted in full in Richard F. Nation and Stephen E. Towne, eds., *Indiana's War: The Civil War in Documents* (Athens: Ohio University Press, 2009), 167-168.

⁴⁰ Brig. Gen. Henry B. Carrington to Capt. Carroll H. Potter, April 7, 1864, Record Group 393, Records of U.S. Army Continental Commands, Part I, Records of the Department of the North, E 3351, Confidential Correspondence re OAK, NARA-W.

⁴¹ See Stephen E. Towne, "The Persistent Nullifier: The Life of Civil War Conspirator Lambdin P. Milligan," *Indiana Magazine of History* 109, number 4 (December 2013), 303-354.

⁴² Carrington to Potter, August 16, 1864, RG 393, Part III, District of Indiana Records, E 218, Letters Sent, volume 1, 82-84, NARA-W.