

THE POLITICAL CAREER OF
CLEMENT L. VALLANDIGHAM

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THESIS

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INTRODUCTION

The story of Clement L. Vallandigham, the handsome puritanical leader of the Copperhead movement during the Civil War, has often been repeated. He has been spoken of as a fanatic, a dogmatical demagogue who obstinately tried to force his peace and reconstruction ideas on the country. The movement of which he was the leader has been pictured as an unpatriotic, even treasonous pro-southern obstructionist program. Such an interpretation, however, neglects the program's deep rooted political and sectional foundations and Vallandigham's true character. Vallandigham and most of his followers were in truth western sectionalists, thwarted and embittered by the Civil War.

The lower middle west of the late fifties was more closely linked with the South than with the North. This was so economically, socially and politically. A majority of the settlers and pioneers of the section had originally migrated from the South. Their local laws, constitutions and governments were modelled after those of Virginia and Kentucky; and most of their political leaders were of Southern descent. Negroes held similar positions in both societies. Economically, besides being commercially interdependent, they used a common trade highway--the Ohio and Mississippi Rivers. All these reasons plus the fact that their land would be the battleground influenced many of these people to oppose the war.

If Vallandigham had sought political power, honor and prestige during the War, his path would have been simple enough. He had only to follow in the footsteps of another great western Democrat, Stephen A. Douglas, and support the war effort wholeheartedly. Vallandigham, however, did not choose the popular course. He opposed the War on a number of grounds. It was, he beleived, a foolhardy, expensive and unconstitutional situation forced upon the country by a small minority group, the Abolitionists. Vallandigham, although he opposed the War, sought for a reunited North and South. He sincerely believed that the more practical and less expensive program to reunion lay not in war but in peace. If a peace was declared, he thought, the North and South bound together by so many close ties would settle their differences and again reunite in a matter of time.

The objectives of this paper while tracing Vallandigham's political career are that:

1. Vallandigham's opposition to the war was not treasonous.
2. He was neither a Southerner nor pro-Southern, but a western sectionalist.
3. Vallandigham was unjustly and unfairly arrested, and sentenced to an unwarranted exile.
4. To show how influential Vallandigham was in Democratic politics--both state and national--during the war period and after.

CHAPTER I

POLITICAL BEGINNINGS

The country's leading Copperhead was born at New Lisbon, Ohio, on July 29, 1820. His father was a Presbyterian clergyman--the Reverend Clement Vallandigham. The family, originally coming from French Flanders, had emigrated to the British colony of Virginia in 1690. His father, in order to supplement his rather meager income--there were six other children besides young Clement to support--set up a classical school. There is no question that this atmosphere had much to do with the moulding of young Clement's character. The son of a minister and taught in a classical school under the direction of his father until he was seventeen, he was a true product of his environment. In an era when politicians were noted for their immorality and other vices, Clement L. Vallandigham stood shoulders high above them. He neither smoked nor drank and in other ways always conducted himself as a gentleman. Political foes, try as they might, never could find any irregularities in his private life. He was courteous and intelligent. Wherever he went he found and made friends.

In the fall of 1837, he entered the Junior class of Jefferson College, Canonsburg, Pennsylvania. After attending college for one year, feeling he was too much of a burden upon his father, he applied for a job as principal of Union Academy in Snow Hill, Maryland. He held this job for two

years. It was during this time that he first met the future Mrs. Vallandigham, a Miss Louisa A. McMahon of Baltimore. It is worth noting here that his future wife came of a slave holding family. Clement re-entered college in the fall of 1840 as a senior.

Even then, he was an accomplished and persuasive debator. The college, at that time, had two Literary Societies--the Franklin and the Philo.¹ An annual oratorical contest was held between the two and Vallandigham was unanimously chosen to represent his group.

Clement did not graduate with his class, however. In a classroom recitation, he opposed the ideas of Dr. Brown, the President of the College, over certain aspects of Constitutional law, displaying a steadfastness and firmness for his beliefs which later brought him so often before the country's eyes; a bitter quarrel ensued between the two. The President, unused to such opposition, grew insulting and violent. Vallandigham rightfully felt that this was unnecessary and requested an honorable dismissal from the college, which he received.² Dr. Brown some years later wrote a letter, explanatory and apologetic, offering Mr. Vallandigham his diploma, on the single condition that he should apply to the faculty of the college for it. This he refused to do and so he never received his diploma.³

1. James I. Vallandigham, A Life of Clement L. Vallandigham (Baltimore, 1872), p.22

2. Ibid., p.24

3. Ibid., p.31

On returning home, he studied law under his brother James, who later became a Presbyterian minister and also his biographer. In December of 1842, at the age of 22, Clement Vallandigham was admitted to the Bar. Young Vallandigham's mind and energy made him a successful lawyer and during the next few years he built up a respectable law practice. His remarkable ability as a speaker aided his practice no end.

In 1845, his interest for history and government turned him to politics. He was nominated by the Democratic Party of his native county, Columbiana, as one of their candidates for Representative in the State Legislature; and in October of the same year, having just attained the constitutional age of 25, he was elected without opposition.⁴

The Legislature met on the first day of December, 1845, and he took his seat as the youngest member of the body. In the session which followed he accounted very well for himself. The Ohio Statesman commented so:

"Columbiana County may well be proud of her young member, who has already achieved for himself an enviable name as a debator, for skill and fairness, and as a writer at once powerful and dignified. He is one, also, who does not think it is necessary to disgrace great talents by buffoonery and immorality in order to achieve a sudden notoriety."⁵

Vallandigham was re-elected to the House in the October elections of 1846 by a vast majority. Between terms on the 27th of August, 1846, he had married Miss McMahon. The legislature met on the 7th of December, 1846, and Vallandigham

4. Ibid., p.39

5. Ibid., pp.41-42

was highly honored by the unanimous vote of his party for Speaker. The Whigs, however, had the majority and named the Speaker of the House. To have been so supported by his party at such a young age, nevertheless, was a great honor.

The Polk administration, in the midst of the Mexican War, found itself at odds with the Whig Party, which opposed the war. The Democratic Party of Ohio came to the defense of the Administration and pledged themselves to a vigorous prosecution of the war. Democratic political meetings and conventions were held throughout the state, adopting resolutions defending the war and condemning the Whigs for their opposition. The Democrats of the House, at Columbus, through Vallandigham, officially let their stand be known. On the 15th of December, he offered a series of resolutions of which the following are two:

"That the war thus brought about and commenced by the aggressions and act of Mexico herself, having been recognized by Congress according to the forms of the Constitution, is a Constitutional war and a war of the whole people of the United States, begun (on our part) and carried on in pursuance of the Constitution and laws of the Union.

That this General Assembly has full confidence in the wisdom and the ability of the Executive of the United States to prosecute the war to a successful and speedy termination by an honorable peace; and that we hereby tender the cordial sympathies and support of this Commonwealth to the said Executive in the further prosecution of the war."⁶

The resolutions were defeated by a strict party vote. The Whigs in answer introduced and passed a number of resolutions condemning the President and the war. The Democratic

6. Ibid., p.50

arguments and sentiments were summarized in the Cincinnati Daily Enquirer with the statement:

"Negotiations have been refused with insult...the country was ours...or if not so, beyond a question we had a valid and, therefore, a right peaceably to take possession of and hold it...our minister so advised...our general so advised...it was the dictate of self defense...who will undertake to say the act was wrong."⁷

Throughout his second session, Vallandigham not only maintained the reputation he had won for himself in the first session, but added to it. Many observers were favorably impressed by the able way in which he led his party on the floor of the House. At the end of the session, he returned home to New Lisbon, where he applied himself whole heartedly to his ever growing law practice. His constituents, well satisfied with his very able record at the state capital, wished to nominate him once again for office. He refused, however, and moved a short time later to Dayton, Montgomery County, in the southwestern portion of the state. Here he entered into a law practice with Thomas J. S. Smith, Esq.. Vallandigham also became part owner and editor of a newspaper, the Democratic Dayton Empire.

In his salutary address to the newspaper's readers, he declared:

"We will support the Constitution of the United States in its whole integrity, protect and defend the Union, maintain the doctrine of strict construction, and stand fast to the doctrine of State Rights, as embodied in Mr. Madison's Virginia Report and Mr. Jefferson's Kentucky Resolutions of 1798."⁸

7. Edgar Allan Holt, "Party Politics in Ohio 1840-50," Ohio Archaeological and Historical Society Publications, LXXVIII (1929), 147

8. Henry Howe, Howe's Historical Collections of Ohio (Cincinnati, 1904), I, 440

The editorial also advocated free trade, a fixed tenure to every office under the Federal Government that would properly admit it and popular education.

On the slavery question, the attitude of the Democrats and more specifically Vallandigham was revealed in the local county conventions. The resolutions of the Democrats of Montgomery County, drawn up largely by Vallandigham, were significant and prophetic. These re-echoed the Jeffersonian compact theory of the Constitution; declared that Congress could only require an incoming state to have a republican form of government, that slavery was a municipal institution and, therefore, the people of the territories should determine whether it should exist in the state at the moment it was ready to enter the Union.⁹ Vallandigham keenly felt that the control over slavery was beyond federal jurisdiction and should remain in the hands of the states. The institution of slavery considered alone, he thought, was wrong, and he foresaw its breakdown in the future by its own weight. To make a political issue of it, however, Vallandigham thought dangerous and almost sure to end in a civil war. He, therefore, opposed the Wilmot Proviso and the repeal of the Ohio "Black Laws."

While serving as editor of the Dayton Empire, he wrote strong editorials on the problems of the day. He hit especially hard the introduction of politics into the pulpit--the intermeddling of ministers of the gospel with the exciting

9. Edgar Allan Holt, Party Politics in Ohio 1840-50, Ohio Historical Collections (Columbus, 1930), I, 162

political questions of the day. Editorials against the Abolition movement and the unrest it brought to the country also appeared on several occasions.

In June of 1849, he sold out his interest in the Empire. Before resigning his position as editor, he prepared a final editorial to the readers. It repeated Vallandigham's underlying concepts of government which had appeared in the inaugural address--a strict construction of the Constitution and a state rights interpretation. There was also a warning to the people and the Democratic party to watch with care the growing Abolition agitation. There could only be one result of such a needless movement--war.¹⁰

The end of the Mexican War had left in the United State's hands, a vast territory open to settlement. What type of government to be given to this area was indeed a problem. The question as to whether slavery should be allowed to extend to this area or not brought on many a heated argument. The California gold rush of 1849 and the increased population of that region brought the problem to a head.

Henry Clay, on January 29, 1850, asked the Senate to consider a number of proposals--"The Compromise of 1850." Sentiment throughout the country was in favor of a compromise of one sort or another. Business men, farmers, laborers were all enjoying prosperity; particularly the Northern manufacturers wanted to come to terms agreeable to their Southern markets. Vallandigham found himself for a time in

10. J. I. Vallandigham, Life of C. L. Vallandigham, p.60

the minority, as most of his Dayton neighbors were against the Compromise. He tried to convince the people of Dayton in public speeches that any other action would lead to further agitation and endanger the Union. The Compromise was passed by Congress and signed by the President: (1) California was admitted as a free state; (2) New Mexico was created a territory without the Wilmot Proviso, and the claim of Texas to New Mexico was indemnified by the payment of ten million dollars from the federal treasury; (3) Utah was created a territory without the Wilmot Proviso; (4) more stringent provision was made for the rendition of fugitive slaves; (5) the slave trade was abolished in the District of Columbia.¹¹

During the years 1850 and 1851, Vallandigham's law practice continued to grow. At the Democratic Convention in August of 1851, he was a candidate for the office of Lieutenant-Governor; but after a sharp contest, and having received a respectable number of votes, he was defeated. In the ensuing election, Vallandigham spoke throughout the state in favor of the Democratic ticket. The election resulted in a Democratic majority of about twenty-seven thousand votes.

In 1852 Vallandigham, nominated by the Democracy of the Third District of Ohio, composed of the counties of Montgomery, Butler and Preble, ran for the Representative's seat in Con-

11. James Ford Rhodes, History of the United States from the Compromise of 1850 (New York, 1893), I, 181-183

gress. His opponent was Lewis D. Campbell, the candidate of the Whig Party. Mr. Vallandigham was defeated largely because of the third party in the election, Free Soil or Anti-Compromise Party, which voted against him because of his support of the Compromise of 1850. However, out of a vote of twenty thousand, the majority against him was only 147 votes.¹² Even at that early date he had gained a large number of supporters.

In 1854, Vallandigham was again nominated by the Democrats of his district to run for the Representative's seat in Congress. Lewis D. Campbell was again his opponent, representing this time the mystic so-called Know-Nothing Party that was so strong in the middle fifties after the disappearance of the old Whig Party. After a long and bitter fight, Vallandigham was defeated, as was most of his party throughout the middle west in the election of 1854. During the next two years, although he diligently turned again to his law practice, he remained active in party politics with his eye on the same nomination in 1856.

The Democrats on July 28, 1856, again nominated him for the Congressional Seat of the 3rd District. Campbell was for the third time nominated by the opposition, this being by far the most bitter election campaign between the two. Vallandigham ran on a platform of--"Union, no North, no South, no East, no West. Let the people of each state and

12. J. L. Vallandigham, Life of C. L. Vallandigham, pp.72-73

territory govern themselves...no persecution on account of birth or religion."¹³ With the election over, it seemed that Campbell was again the victor with the slight majority of 19 votes.

Vallandigham accused his opponent of fraud, and contested the election in the national House of Representatives. He accused Mr. Campbell of using mulattoes' votes to win the election. Mulattoes under the Ohio state laws were not allowed to vote and, therefore, in his appeal, Mr. Vallandigham wanted all such votes to be declared null and void. After a long struggle, he won his case and was seated on the 25th of May, 1858, by a Democratic House of Representatives by a vote of 107 to 100. The House's election committee in reviewing the case rejected 55 of Campbell's votes as illegal. Vallandigham's majority was twenty-three votes.¹⁴

In the fall election, it was again Vallandigham against Campbell for the Congressional seat of their district. Because it had taken the House so long a time to come to a decision on his appeal, Vallandigham was up for re-election without ever really having represented his constituents. He had not been seated for the entire first session of the 35th Congress. The voters, however, were well satisfied with their selection, and re-elected him with a clear-cut majority of 188 votes.¹⁵

13. Clyde Henry Hubbard, The Older Middle West 1840-80 (New York, 1936), p.113

14. J. L. Vallandigham, Life of C. L. Vallandigham, p.100

15. Ibid., p.102

CHAPTER II

CONGRESSIONAL CAREER DURING PEACETIME 1858-61

Vallandigham, from 1858 until his death many years later, was a national figure. Because of his pronounced views on the issues of the day, his name was always national news. Early in his Congressional career, he served notice to all that he was going to give both a strict constructionist and a state rights interpretation to the Federal Constitution. He was from the beginning regarded by opponents and friends alike as an intelligent and able Representative. Although he often spoke for over an hour before the House, Vallandigham never used notes. In fact, he tried to amend the House's one hour rule to permit any speaker who did not have to resort to the use of notes to speak longer. His complete knowledge of the Constitution and Parliamentary procedure enabled him to use every weapon available to the minority to the best of his advantage. Through this knowledge in the war years he was often able to embarrass the Republicans, where a less astute man would have failed.

His first speaking effort of any length was in the impeachment proceedings of one Judge Watrous in December of 1858. The Judge's friends were attempting to settle the case in the House and free the Judge. Vallandigham rose and at length spoke of what the House's duties were in the impeachment procedure. The House was not to convict or acquit; that was the job of the Senate. It was, however,

the House's task to accuse and send the case to the Senate if it so warranted.

On February 12, 1859, Vallandigham made the following statement to the House:

Whenever Kansas shall come, as Oregon has come peaceably, orderly, and with the consent of her people, I shall vote for her immediate admission just as I propose to vote now for the admission of Oregon. But Kansas is not here; Oregon is here. There is no possible connection, geographically, politically or otherwise; and especially no historic parallel between these two territories; and by no vote of mine, shall any such be established. Both will be free states; and finding Oregon now here at the door, I will not vote to keep her without until Kansas shall be ready.¹⁶

Vallandigham, later so often accused of being a southerner, was here proposing anything but a southern measure. Here it was a question of the South vs. the West, the West wanting further expansion, the South opposing further expansion. Vallandigham, in the last word, was a western sectionalist.

The Tariff of 1857, Vallandigham thought discriminating and on February 24, 1859, he took the occasion to speak against it. The tariff was a manufacturer's tariff, he thought, protecting the New Englanders at the expense of the agricultural West. He was able to push through a slight revision, raising the duty on a number of Ohio's agricultural products.

Vallandigham, the man who was later so often accused of being "heartless" and "inhuman" on the slavery question, spoke in favor of a minority group on March 2, 1859. He

16. Congressional Globe, 35 Congress, 2 session, XXVIII, 1004

proposed the following resolution which was agreed to by the House:

Resolved, that the President be requested to communicate, if not incompatible with the public interests, any correspondence between the United States and Switzerland relating to the clause in the treaty between the two countries which discriminate against the privileges of citizens of the United States holding to the Hebrew faith and worship; visiting or sojourning in Switzerland.¹⁷

March 3, 1859, was the final day of this 35th Congress, which marked the close of Vallandigham's first complete Congressional session. For a first term man, he had gained considerable recognition on both sides of the House. Summing up his Congressional career for the 1858-59 period, he had in Judge Watrous's case shown that he demanded a strict construction of the Federal Constitution; and had on the Oregon question introduced a western resolution in the face of southern opposition. He had also spoken out in favor of a minority group, the Jews, given equal protection under the Constitution and who were being discriminated against; and had spoken against the Tariff of 1857, which favored the East and worked against the agricultural West.

Within a week after the October election of 1859, John Brown made his famous raid at Harper's Ferry. Had it come ten days or two weeks sooner, it might have influenced the election. For the moment, however, it seemed that the Democrats had at their disposal a piece of political dynamite. They charged that his raid was a direct result of abolition teachings and that Seward, Chase and their like were the

17. Ibid., p.1601

real authors of the Harper's Ferry Affair. Vallandigham, on his way home from Washington, heard of Brown's capture. Accompanied by Senator Mason of Virginia, he questioned Brown at length, a fact for which he was unmercifully attacked in the Republican papers. The fact that a man could be so calloused as to questioning an old, wounded man was good newspaper print, especially if the questioner was the Democrat, Vallandigham.

According to Vallandigham's own report, however, John Brown was questioned by a number of people and seemed eager to talk of his exploits. Vallandigham's own personal reasons for questioning Brown seemed to have been to find out whether Brown had had any Ohio connections. In this he failed, though out of his interview he did gain a high opinion of Brown.

"It is vain to underrate either the man or the conspiracy. Captain John Brown is as brave a man and resolute a man as ever headed an insurrection, and in a good cause, and with a sufficient force, would have been a consummate partisan commander. He has coolness, daring and persistency, the stoic faith and patience, and a firmness of will and purpose unconquerable. He is the farthest removed from the ordinary ruffian, fanatic or madman. Certainly, it is one of the best planned and best executed conspiracies that ever failed."¹⁸

This Harper's Ferry Affair left in the South an admonition of danger. The slave-holding South stood as a single system. Men were armed and the militias were increased. The Abolition movement, started by a small minority of philo-

18. Horace Greeley, The American Conflict (Hartford, 1877), I, 294

sophers and sentimentalists, was no longer in their hands, but rather in the hands of practical men, men of action. Although most of the respectable leaders of the Republican party denounced the raid, it did much to widen the North-South break and on both sides hot tempers carried the day.

The 1st session of the 36th Congress started on December 5, 1859. Vallandigham, as did many others, foresaw the crisis coming on. Never too tactful, speaking before the House of Representatives on December 15th, he made his stand sure and exact with the following remarks:

The North and South stand here arrayed against each other. Disunion has been threatened. I am not a Northerner. Least of all, am I that unseemingly and abject of all political spectacles--'a Northern man with Southern principles;' but God be thanked, still a United States man with United States principles. When I emigrate to the South, take up my abode there, identify myself with her interests, holding slaves or holding none; then, and not till then, will I have a right, and will it be my duty, and no doubt my pleasure, to maintain and support Southern principles and Southern institutions. Then, sir, I am not a Southern man either--although in this unholy and most unconstitutional crusade against the South, in the midst of the invasion, arson, insurrection, and murder, to which she has been subjected, and with which she is still threatened--with the dagger of the assassin suspended over her--my most cordial sympathies are wholly with her...

Sir, I have no respect--none--none for Southern rights merely because they are Southern rights. They are yours, gentlemen--not mine. Maintain them here within the Union, firmly, fearlessly, boldly, quietly--do it like men...

Sir, I am for the Union as it is, and the Constitution as it is. I am against disunion now, and forever; against disunion, whether for its own sake or for the sake of anything else, equal, independent, constitutional liberty alone excepted.¹⁹

19. Congressional Globe, 36 Congress, 1 session, XXIX, Appendix, 43

He went on to say that he realized that most of what he said would be held as so much pro-southern talk, as had been the case in the past.

This speech goes a long way towards summarizing Vallandigham's political philosophy. If viewed in the light of this speech, most of his subsequent acts hardly can be termed treasonous. There can be no doubt that he was anything but sincere in his opposition to the war. If he had to take sides on the basis of constitutionality and justice, there was no doubt in his mind that the South had the better case. Slavery, after all, was the domestic problem of each individual state. However, he emphasized that he favored neither section, the South or the North, over the United States.

During this 1859-60 session, he also took a definite stand on the Army Appropriation Bill, which was being considered. He was not against army expenditures, but voted in favor of them. His only addition to the bill was a proviso that the federal government would contribute to the state militias more than the \$300,000 a year appropriations originated in the Bill of 1808. The Constitution clearly stated that the Congress should help the states in the upkeep of the state militias. Several southern states as a result of the Harper's Ferry affair were increasing the size of their militias to protect their citizens from any future slave uprising. For them the law of 1808 was clearly antiquated and placed them under an undue burden. Congress, Vallandigham felt, was without a doubt neglecting one of its duties.

Vallandigham also had more than a legislative interest in this proviso. While a student, he had held the position of Division Inspector in Columbiana County, with the rank of Lieutenant Colonel in the Ohio State Militia. In 1857, upon the reorganization of the volunteer militia of Ohio, he had been chosen a Brigadier General and had spent both his money and time to bring his command up to par. He clearly saw the need for greater aid and throughout the session tried to add provisions giving more federal money to the upkeep of state militias.

When a candidate for re-election in 1858, part of his platform called for Kansas's admittance to the Union when she had presented a valid constitution. On March 29, 1860, he decided that she had fulfilled such obligations and was ready to be admitted. He declared that he, as a gentleman and a man of honor, was ready to vote her in, regardless of any other consideration.²⁰

Evaluating Vallandigham's activities in the first session of the 36th Congress starting December 5, 1859, and ending on June 25, 1860, we find that he supported Kansas coming in as a free state. Here again Vallandigham seems to have stepped out of his pro-Southern role. "Bloody" Kansas wasn't so named for nothing and any man in public office taking a definite stand on this controversial subject was bound to draw enmity from some quarter. The South considered all supporters of the admission of a free Kansas as

20. Ibid., p.1434

their enemies. Here is just another bit of evidence pointing to Vallandigham, the western sectionalist, rather than Vallandigham, the southern disunionist. In the previous session, Vallandigham had also supported the Homestead Act as did most of the western representatives. Here again he had parted company with many of his southern "friends," who had voted against the bill. In wishing for more federal aid for state militias, we see his state rights interpretation of the constitution cropping up.

The election of 1860 might be termed as the most important election of our national history. Four candidates were in the field--Lincoln, Douglas, Bell and Breckinridge. The National Democratic Convention of 1860 was held at Charleston, South Carolina. Vallandigham as Secretary of the National Democratic Committee attended and supported Douglas throughout the proceedings. Vallandigham fully realized the graveness of the situation and foresaw a Republican victory if the Democratic Party split over the slavery issues. At a dinner held during the convention, he rose and made some rather startling predictions:

Gentlemen, if the Democratic party is disrupted in this Charleston Convention, the result will be the disruption of the Union, and one of the bloodiest civil wars on record, the magnitude of which no one can estimate. In the unity of the Democratic party and in the Union lies the hope of the South and of Republican government. 21

The Democrats did split, however, with Douglas carrying the northern faction and Breckinridge the southern groups.

In the ensuing election Vallandigham actively campaigned for Douglas. In one campaign speech, he pronounced that he was not for the North, nor the South, but for the whole country; and yet in a conflict of sectional interests he was for the West all the time. He hoped fervently to see the day when we should hear no more of sections; but as long as men elsewhere demanded a "united North" and a "united South" he wanted to see a "United West." Still the "United States" was a better term--more patriotic, more constitutional, and more glorious than any of them.²²

During the campaign, Vallandigham's speaking tour passed through Detroit, Michigan, where he was guest speaker in the dedication of a new Democratic hall. By the newspaper articles appearing in the Republican papers, he had already made a name for himself. The Republican Detroit Daily Advertiser on August 2nd ran the following article lambasting him and the Democrats in the typical editorial style of the day--running down a political opponent or his party in every way possible:

Vallandigham of Ohio, having been sent for, made his appearance at the Douglas Den last night. A fair number of people, among whom the Republicans were numerous, were present, and were in fact, the most attentive auditors, the attention of the Douglas men being necessarily divided between the speaker's stand and the whiskey shop which forms a sort of side wing to the shanty.

The Buckeye demagogue spoke to a late hour, evidently as if having made up his mind to earn his money.

His speech was rambling, abusive of the Republicans, and in violation of the recorded facts of

22. J. Walter and Co., ed., The Record of Hon. C. L. Vallandigham on Abolition, The Union and the Civil War (Columbus, 1863), p.238

history. We have long felt sure of from twenty to twenty-five thousand majority in Michigan this Fall, but we shall certainly expect forty thousand if this imported ranter can only be prevailed on to stump the whole state. 23

Before continuing with Vallandigham's career it would be worth while to examine the important political issues of the country. It is a common practice in regards to the Civil War to reduce the opposing forces to two, the South and the North, or Confederates and Unionists and to simplify the issues with one word--slavery. This is not true, however. There was a difference of opinion inside both the North and South over the slavery issue. Many Southerners, especially in the upper South and west of the Mississippi, were no longer in sympathy with their slave holding neighbors. They forecasted, as did many Northerners, the eventual breakdown of this **type** of labor system. In the deep South, where slavery was thought so necessary, they threatened secession if their domestic institutions were not left alone. In the North, there was also a split over the slavery issue. Many felt that they should let well enough alone and let the South take care of its own problem. The Abolitionists, who were a vociferous minority group, had no such plan, however. They preached the abuses of slavery from coast to coast and demanded the freeing of all slaves, even at the cost of a civil war. Horace Greeley, a Republican, placed his paper on the record for peace. He couldn't see how the

23. Detroit Daily Advertiser, August 2, 1860, p.1

North could force the South to stay in the Union, if they desired to leave. His was not an isolated case. Even the high political leaders of the Republican party, Seward especially, were expected to put aside the Party Platform's Territorial Clause, if they won the election, and compromise with the Southern planters in order to get peace.

The North and South, holding what were for all practical purposes separate elections, caused a badly divided popular vote. Lincoln received a total of 1,866,452; Douglas, 1,376,957; Breckinridge, 849,781; and Bell, 588,879. Lincoln, with only 40% of the popular vote, carried a clear-cut majority in the electoral college of 180 votes to 123. The country seemingly was in the mood for radical action. The North and South had supported the two candidates standing for firm action, Lincoln and Breckinridge, with a vote of 2,716,233 to the total vote of 1,965,331 received by the "middle course" candidates, Douglas and Bell.

Except for South Carolina's action, some compromise might have been worked out. The Democrats still held power in two-thirds of the national government, only the executive branch had gone over to the Republicans, while they still held the majority in both Congress and the Supreme Court. Their state legislature, however, had refused to adjourn, waiting for the election returns. If Lincoln was elected, they had promised to secede. By a vote of 169 to 0, a state convention called on December 20th voted to leave the Union.

By February 1st, the remaining six states of the lower South-- Mississippi, Florida, Alabama, Georgia, Louisiana and Texas-- had followed South Carolina out. The so-called Confederate States of the Union with Jefferson Davis, President, and Alexander H. Stephens, Vice-President, was constituted on February 8, 1861.

Vallandigham following the election was indefatigable in his efforts to avert a disruption of the Union. Speaking in the House, on December 10, 1860, he said:

The time is short, the danger eminent, the malady deepseated and of long standing. Whatever is to be done must be done at once, and it must be done thoroughly...Let there be no delays, no weak inventions, no temporizing expedients. Otherwise not secession of a few states only, but total and absolute disruption of the whole government is inevitable. ²⁴

Vallandigham had nothing but anger and disgust for the radical Republicans. They bore nothing good for the country and the Constitution. Disunion would cause suffering for all, expecially for the West. In the same speech as above, Vallandigham continued, speaking as a true representative of the West:

We of the Northwest have a deeper interest in the preservation of this government in its present form than any other section of this Union. Hemmed in, isolated, cut off from the seaboard upon every side; a thousand miles or more from the mouth of the Mississippi, the free navigation of which under the law of natures we demand and will have at every cost; with nothing else but our great inland seas, the lakes and their outlet too through a foreign country--what is to be our destiny? Sir, we have 1500 miles of southern frontier and but a little narrow strip of 80 miles or less from Virginia to

24. Dwight Lowell Dumond, The Secession Movement 1860-61 (New York, 1931), p.154

Lake Erie bounding us on the East. Ohio is the Isthmus that connects the South with the British possessions and the East with the West. The Rocky Mountains separate us from the West. Where is to be our outlet. What are we to do when we have broken up and destroyed this government? We are seven states now, ...and a population of nine million. We have an empire equal in area to the third of all Europe and we do not mean to be a dependency either of the East or of the South; nor yet an interior or secondary power upon this continent; and if we cannot secure a maritime boundry upon any other terms, we will cleave our way to the seacoast with the sword. A nation of warriors we may be; a tribe of shepherds never. 25

Frantic attempts were made by border State Representatives in Congress to prevent the break away and bring the lower South back into the Union. Compromises were presented in both Houses of Congress, the Crittenden Compromise probably the best known. Vallandigham also offered as a solution his compromise plan, an addition of three amendments, XIII, XIV and XV, to the Constitution. He held that fundamental physical features and sectional differences had been disregarded by the makers of the Constitution and so advocated the recognition of the North, the West, the Pacific and the South as distinct units. His plan was to divide the United States into these four sections which were to operate by a system of concurrent majorities and balance of power. On every measure of Congress requiring the concurrence of both Houses, a vote should be taken by sections on the demand of one-third of the senators of any section, and a majority of the senators from each section voting should be necessary

25. Congressional Globe, 36 Congress, 2 session, XXX, 38

for its passage. A majority of all the electors in each of the sections was to be necessary for the choice of a President and Vice-President, who were to hold office for a term of six years, and were not to be eligible to more than one term except by the votes of two-thirds of all the electors of each section. No state was to secede without the consent of the legislatures of all the states composing the section to which it belonged. The citizens of all sections were to have equal rights in the territories of the United States. Vallandigham stated that it was a reorganization of the Union for the purpose of preserving it and did not contemplate dissolution in any form.²⁶

The Plan, however, found little support and later Vallandigham came under much criticism from the Abolitionist press for his suggestions. Most of these compromise measures were defeated by strictly party votes. The Crittenden Proposals failed in the House by a vote of 80 yeas to 113 nays. Every Republican in the House voting against the measure, and every Democrat but one voting for the measure.²⁷

Most of the North did not appreciate the seriousness of the problem. Opinion was divided as to whether the southern states would want to come back or not. Few expected a civil war to be the result. James Buchanan, the president, was undecided how to act. With the fall of Fort Sumter, however, and Lincoln's call to arms, a middle group of states followed

26. Ibid., p.794

27. J. Walter & Co., ed., Vallandigham's Record, p.241

out the cotton states, although slavery was on the decline here. The idea that the federal union was created by the sovereign states, that the states could not be coerced explains why they acted as they did. Centralization meant tyranny, state rights--freedom and liberty.

In the North there was also a state rights group, which opposed the Administration; they were known as the Peace Democrats. They were especially prevalent in the old Northwest. Their object was to prevent war and maintain the peace. With the firing on Fort Sumter and war, their object was to stop the war and work out some compromise. The leaders of this movement in the West were Vallandigham, Sam Medary of Columbus, Ohio, and D. W. Vorhees of Terre Haute, Indiana. Vallandigham issued to the press on April 17, 1861, a public statement:

"I know that...in a little while the sober second thought of the people will dissipate the present sudden and fleeting madness and will demand to know why thirty million people are butchering each other in a Civil War."²⁸

The rank and file of the Peace Democrats were the smaller farmers and poor artisans of the region. These people, especially in the lower Middle West, had many common bonds with the South. Most of the settlers and leaders of this region had migrated from the South. Local laws and constitutions and governments were modeled after those of Virginia and Kentucky. Negroes held similar positions in both

28. Wood Gray, The Hidden Civil War (New York, 1942), p.57

societies. There was a strong economic bond tying them together. Besides a commercial interdependence, they used a common trade highway, the Ohio and Mississippi Rivers. These reasons, plus the fact that their land would probably be the battleground, caused these people to ask for peace. With the Emancipation Proclamation of January 1, 1863, they had further incentive. They pictured a horde of freed black men sweeping from the South across the Ohio River into the free farming regions of the Ohio Valley.

When the war broke out, the Ohio legislature was in session. Both parties rallied to Lincoln's call for arms. The two Houses unanimously voted one million dollars to be used in furnishing arms to Ohio troops and for other military purposes. Vallandigham rushed to Columbus to try and prevent the passage of the appropriations bill, but met with no success. He then issued a call to the top Democratic leaders in Ohio to meet and try to prevent the continuance of the war. They failed to show up, however. It is surprising how completely the entire North was temporarily united by the early days of the Civil War. Vallandigham found himself practically alone in his opposition of the war and branded as a traitor from all sides. The thousands of well wishers, who had praised his efforts for peace before the war started, were now the first to turn away from him.

CHAPTER III

CONGRESSIONAL CAREER DURING WARTIME 1861-63

The declaration of war found both sides totally unprepared. The North, however, held the superior hand in population, industry and raw materials. It was an agricultural South facing the industrial North, where ninety-two per cent of the country's manufacturing was carried on. Both sides, with no standing armies of consequence, put out calls for volunteers. President Lincoln having declared war and raised a volunteer army called a special session of Congress on July 4, 1861, to appropriate the necessary money.

This was Vallandigham's first official chance to oppose the war. On July 10, he delivered a speech in the House which for bold antagonism dazed the Union sentiment of the country. In a hall packed with war sympathizers, both Congressmen and spectators, Vallandigham literally took his life in his own hands speaking as he did. The speech titled "After Some Time Be Fast" was widely circulated both here and abroad. The House was considering the President's message requesting \$400,000,000 appropriation when Vallandigham obtained the floor. He attacked the President for declaring war without the Congress's consent, raising an army and navy, suspending the writ of habeas corpus, blockading the Southern ports, and invading the privacy of the telegraph. All these were Congress's powers and rights.

He quoted the Constitution to emphasize his points.²⁹

The next day on the 11th, when the Army Appropriations Bill for \$151,000,000 was being considered, Vallandigham offered the following proviso which was voted down:

Provided, however, that no part of the money hereby appropriated shall be employed in subjugating or holding as a conquered province, any sovereign state now or lately one of the United States; nor in abolition or interfering with African Slavery in any of the States.³⁰

Representative McClernand of Illinois quickly got the floor and said:

I have heard no respectable man or set of men say that the object of this war is to subjugate the seceding states and hold them as conquered provinces. I have heard no responsible authority say that the object of this war is to abolish slavery where it exists. It is all an illusion in the mind of the gentleman from Ohio.³¹

This was the true sentiments of the majority of Congressmen in July of 1861 who were fighting to reunite the country. As the war progressed, there is no doubt that Congress became more radical and bitter towards the South; the purpose of the war did change.

Vallandigham was still for the national government, however, and should not be considered as a disunionist or a Southern rebel. On the 12th, he tried to clarify his stand of the day before.

I am willing to vote just as many men and just as much money as may be necessary to protect and

29. Congressional Globe, 37 Congress, 1 session, XXXI, 55-60

30. Ibid., p.77

31. Ibid., p.77

defend the Federal Government. It would be both treason and madness now to disarm the Government in the presence of an enemy of 200,000 men in the field against it. But I will not vote millions of men and money blindly. It is against an aggressive and invasive warfare that I raise my vote and voice. 32

On the same day, he introduced a resolution for which he was bitterly assailed from all sides. This was that the House should investigate and report what members of the House were also holding military commissions. These members should be refused their seats in accordance to the Constitution which forbade such a practice. His resolution was tabled by the partisan House, after one member went so far as to suggest that the author of the resolution, Vallandigham, should be investigated for his anti-war sentiments and forced to give up his seat.33

Continuing to oppose, to him, this unconstitutional war, Vallandigham on the 15th of July introduced seven resolutions censuring the President for his recent constitutionally unwarranted actions--increasing the size of the army and navy, suspending the writ of habeas corpus, declaring a blockade, although Congress had not declared war, and the other acts which he had spoken against in his July 10th speech.34

Republican papers did not take this anti-war attitude of Vallandigham's lying down. Editorials throughout the North slandered and threatened him. The Detroit Daily Adver-

32. Ibid., pp.97-98

33. Ibid., p.92

34. Ibid., Appendix, p.130

tiser ran the following article in July of 1861:

The miserable traitor is beginning to receive a foretaste of the fate which awaits him, unless he abandons the cause of his Southern masters or takes up his abode with them. The Northern people he must begin to understand will not always tolerate such shameless traitors to the government, as he has proved to be from the very beginning of the rebellion. He and all other Northern spies and traitors will wake up some morning with a rope around their necks, law or no law. Loyal people in times like these do not always stop to consult the form of law. When the country is in danger, they are sometimes apt to take the punishment of those who are conspiring to destroy it, into their own hands. Treasonable words they may overlook, but treasonable acts, not always. 35

Summarizing Vallandigham's activities in the special session called by President Lincoln on July 4, 1861, and ending on August 6, 1861, we find that he had both spoken against and proposed resolutions censuring the President for his emergency acts, as unwarranted infringements on Congress's prerogatives. This does not seem to be an unreasonable position on Vallandigham's part, when it is considered President Lincoln, after nearly six weeks of indecision, during which time the states of the Lower South had gone in peace, suddenly called for volunteers and proclaimed a national emergency. He had done all this without consulting the Congress, which had been given under the Constitution the power to declare war. Examining the rest of Vallandigham's speeches and resolutions for the session, we can certainly find dilatory action but hardly action that can be termed treasonous. Representative Vallandigham was doing his best

to confine the war within some sort of constitutional bounds.

His opposition to the war stemmed from a number of reasons. The war was to him, first of all, unconstitutional. Nowhere in the Constitution was the Federal Government given power to coerce any state to remain in the Union against its will. Secondly, he thought the war could have been averted if only the Republicans had been more conciliatory in the trying days following the election. The war, thirdly, seemed the most unlikely method for the United States to be reunited. He was as sincere a Unionist as any other member of Congress, but believed that the long standing interdependence of the North and South would draw them together much faster than any bloody, expensive civil war.

With the North being defeated on all fronts in 1861, the South decided to send two of its most capable statesmen abroad, John Slidell and James Mason, to gain foreign recognition. Boarding a British steamer at Havana, they were headed for the Continent, when Captain Wilkes, a Union naval captain intercepted them. Firing two shots across the English ship's bow, he forced them to give up the two to him as prisoners. The North was swept off its feet in joy; Captain Wilkes was the man of the hour. Both Houses of Congress passed a resolution tendering the thanks of Congress to Captain Wilkes of the United States Navy.

All this taking place, Vallandigham introduced the

following resolution on December 15, 1861, before the 37th Congress which had just convened on the 2nd of December for its 2nd session:

Be it resolved, that it is the duty of the President to now firmly maintain the stand thus taken, approving and adopting the act of Captain Wilkes, in spite of any menace or demand of the British government; and that this House pledges its full support to him in upholding now the honor and vindicating the courage of the Government and people of the United States against a foreign power. 36

On the next day a bill to provide for the building of twenty iron clad steam boats was before the House. Vallandigham spoke not against the construction of the boats, but the price. He tried to add a proviso limiting the cost per boat to \$580,000, since a naval expert had testified this was all each one would cost. This was not, he said, to embarrass the Navy Department but to hold down the mounting expenses due to fraud. Continuing to speak against high expenses and war profiteering, he stated that in his hands was information showing that the Secretary of Navy's brother-in-law was getting \$300,000 a year in commissions for purchasing boats for the Navy. The proviso was defeated.37

On December 26th, the Administration under British pressure did an about face. Slidell and Mason were handed over to the British. Vallandigham decried the surrender; we were giving in to the British for a practice they had so often forced upon us in our earlier history. Different members

36. Congressional Globe, 37 Congress, 2 session, XXXII, 101
37. Ibid., p.123

of the House attacked Vallandigham for his belligerent stand. He answered one with:

My colleague declares that he does not comprehend how I, a peace man at home, am now so belligerent against England. Well, sir, if he cannot understand the difference between a civil and a foreign war, I despair of enlightening him. ³⁸

The mounting war debt and expenditures of this fratricidal war were appalling to Vallandigham. On every possible occasion, he tried to bring to the country's attention the seemingly impossibility of the whole situation and the endless waste of money. On January 2, 1862, he introduced a resolution which was adopted on January 8th. He resolved "that the Secretary of the Treasury be directed to report at an early day to the House the sum total of the present floating debt of the United States."³⁹ He felt that if the voters were presented with the total expenditures, in dollars, they would also want peace.

In this Congressional session Vallandigham, accused of being the arch traitor, not only voted for a tax bill to meet the rising war expenses but even made a speech in favor of the joint resolution which was to raise \$150,000,000 by an increase in the tariff. The bill passed by 134 yeas to 5 nays.⁴⁰ Here again it can be pointed out that though Vallandigham was against the war, he didn't want to leave his country unprotected and unstable in the face of Southern invasion.

38. Ibid., p.210

39. Ibid., p.183

40. Ibid., p.349

During Vallandigham's Congressional career eight petitions were introduced asking for his expulsion from the House. One of the more serious attacks was made on February 19, 1862, when Mr. Hickman of Pennsylvania offered the resolution:

Instructing the Committee on the Judiciary to inquire into the truth of certain charges of disloyalty made in the local columns of a Baltimore newspaper against C. L. Vallandigham of Ohio.⁴¹

Vallandigham ably defended himself from Representative Hickman's attack of generalities and lies. He called for evidence and with none forthcoming, Vallandigham produced the Globe, proving that he had been misquoted and misrepresented.

Another controversial issue, the emancipation issue, came up in this 2nd session of the 37th Congress. A bill was introduced to emancipate all negroes in the District of Columbia. In view of Vallandigham's past record, it is not surprising that he spoke against the abolition of slavery in the District. Quoting a part of his speech:

I am opposed to it for many reasons. Had I no other one, I am opposed to it because I regard all this class of legislation as tending to prevent a restoration of the Union of these States as it was and that is the grand object to which I look. Now, sir, there were not ten men in the thirty-sixth Congress of the United States who would have recorded their votes in the abolition of slavery in the District of Columbia. And yet behold, today, what is before the Congress of the United States.⁴²

41. Ibid., p.879

42. Ibid., p.1647

Vallandigham clearly saw the shift in the country's mind concerning the objectives of the war but was powerless to prevent it.

Two other bills, House Bill No. 471 and House Bill No. 472, which were discussed and voted upon during this same session re-emphasized the North's altered attitude towards the South. On May 26, 1862, the Confiscation Bill was passed by a vote of 82 to 68. Under the provisions of the bill, all Southerners in arms were deprived of their properties.⁴³ The second bill, House Bill No. 472, which was also voted upon on the same day, provided for freeing the slaves of all rebels engaged in or abetting the existing rebellion against the Federal Government. Vallandigham was able to defeat the latter bill by calling it to an early vote--74 yeas to 78 nays.⁴⁴ He voted against both bills.

Briefly glancing at the military situation in this 1861-62 period, we find that the Union armies in the field were meeting with very little success. At the first major battle of the campaign, the Battle of Bull Run, they were routed. The second Battle of Bull Run in August of 1862 and Fredricksburg, December of 1862, which also were Southern victories, were yet to come. Money was being appropriated in large amounts to hold back these Confederate forces. Many northern manufacturers were becoming rich over night from army and navy contracts. Huge profits and over night fortunes were being made.

43. Ibid., pp.2360-2361

44. Ibid., p.2363

On June 30, 1862, a bill was under consideration to construct a ship canal between the Mississippi River and Lake Michigan. Vallandigham spoke against the government's present rate of expenditures of from two to four million dollars per day and the present national debt of from seven hundred to one thousand million dollars. The canal under consideration was to add \$10,200,000 to the national debt. He questioned the value of such a canal and declared he was against it.⁴⁵

Looking over this 2nd session of the 37th Congress, December 2, 1861--July 17, 1862, again there seems to be on Vallandigham's part little more than opposition of the loyal minority. There is no doubt that he would liked to have seen a situation develop between the United States and Great Britain. He reasoned that a foreign war would unify the whole country once again. Many other Americans had mulled over some such plan; Seward, the Secretary of State, had been one prominent man with such ideas. The Republicans, however, accused him of planning to have the North defeated in a war fought against two foes, resulting in a free South. Declaring himself against the mounting debt and the war profiteering of the northern manufacturers was not treasonous, but rather a commendable stand for a Representative to take, even in a Civil War. He naturally opposed such bills as the Confiscation Act, the Emancipation Act for the District of Columbia

⁴⁵. Ibid., Appendix, pp.308-311

and other similar bills which were attempting to change the objectives of the war.

The Democratic State Convention met July 4, 1862, at Columbus, with S. Medary presiding and Vallandigham, Ranney and Thurman helping to write the platform. This document, while insisting that the Democrats were the devoted friends of the Constitution and the Union, assailed the abolitionists for bringing partisanship to the front and for aiding the enemy by denouncing conservative tendencies of the President, defaming generals, and misrepresenting conservative men as rebel sympathizers. The platform condemned the Confiscation and Emancipation Acts as unconstitutional and as having a tendency to prolong the war. If carried out they would add to the sectional bitterness, destroy the industrial interests of a large section of the country and would engulf the free states, Ohio in particular, with free negroes. Illegal arrests of citizens for political offenses were also denounced as flagrant violations of the Constitution. It attacked the infringements on freedom of speech and press, the essential bulwarks of civil liberties; and the whole dogma that in time of war the Constitution is suspended.⁴⁶

At the 3rd District Convention, Vallandigham was by popular acclaim nominated as the Democratic candidate for his old seat. In accepting the nomination, Vallandigham said:

46. Eugene H. Roseboom, The Civil War Era 1850-73, Carl Wittke, ed., History of the State of Ohio (Columbus, 1944), IV, 400

"I know indeed, that the District in which I have been three times honored with an election, has been changed by a 'no party' partisan legislature, and made heavily Republican, for the purpose of preventing the return of a Democrat; and that at the election last fall, the counties which now compose this District, gave the Republican or Fusion candidate for Governor a very large majority.

At your demand, therefore, men of the Third District, I accept the nomination, and present myself to the people for their suffrages, upon no other platform than The Constitution As It Is and The Union As It Was."⁴⁷

The state legislature had added Warren County, which had a two thousand Republican majority in the last election, to the 3rd District.

Vallandigham campaigned his district assailing the Administration for not obeying the Constitution and for abolition despotism; he preached northwestern sectionalism and made no attempt to disguise his anti-war sentiments. The Republicans chose as his opponent a War Democrat, the Union General Robert C. Schenck, of Dayton. The Democratic Cincinnati Enquirer offered as a slogan, "The Constitution as it is, the Union as it was and the Negroes where they are."⁴⁸

The Republican state legislature's gerrymander, however, proved to be successful. The addition of the Republican county of Warren to the 3rd District did cause his defeat, for although Vallandigham had carried his old district by 700 votes, twice the majority he had ever received before, he was defeated by 800 votes.⁴⁹ The fact that he did carry

47. Wood Gray, The Hidden Civil War, p.104

48. Eugene H. Roseboom, The Civil War Era 1850-73, p.402

49. J. L. Vallandigham, Life of C. L. Vallandigham, p.216

his old district and constituents was a high personal victory. For two years every Administration and Abolition paper had denounced, insulted, and abused him, yet the people he had represented thought he was still the man they should send back to Washington.

On a national basis and in the rest of Ohio, the election of 1862 was a clear-cut Democratic sweep. Fourteen out of the nineteen Ohio Representative seats in Congress went to Democrats. It might be added here that this was the first Democratic victory in Ohio since 1853. The Democrats also carried the states of New York, Pennsylvania, Indiana and the President's own Illinois, where the people elected eleven Democrats to three Republicans for Congress. In New York a Democratic Governor was elected, Governor Seymour. The Administration's majority in the national House of Representatives was cut to a mere 20 votes.

The Democratic sweep was not altogether a repudiation of the war as several War Democrats were elected. It was also a vote of lack of confidence in the national Administration, indignation over arbitrary arrests and the high handed methods used by the government. Probably one of the most influential factors for the Democratic swing was the preliminary Emancipation Proclamation of September 22, 1862. The war was no longer one to maintain the Union but was to free the negroes. Many people, too, were tired of the seemingly endless war. The whole temper of the country had indeed

changed. The word peace was no longer treasonous. If there was a leader of the entire Democratic Party in the fall of 1862, that man was Vallandigham. He alone of all the Democratic public figures had favored peace from the very beginning.

The Republicans of the state and nation were universally glad that at least one of their election plans had not misfired and Vallandigham would soon be out of Congress. The Republican Cleveland Leader ran the following article: "Let us rejoice...for one thing...that Vallandigham will no longer pollute the national Capitol, and that Ohio will not have to own such a traitor!...He has been defeated by a majority of 806."50

After the election Vallandigham returned determinedly to Congress for his last session. He intended to make one last attempt to try to bring the war to an end. A defeated candidate, at the end of the session, he would leave public office and possibly the public's eye. This was his last chance to appeal to the country's sanity. The election results of 1862, a substantial Democratic victory in most states, he took as a command to his Peace Democrats to end the war. On December 1, 1862, he introduced the following resolution:

Resolved, that the Committee on the Judiciary be instructed to inquire and report to the House, at an early date, by what authority of Constitution and law, if any, the Postmaster General undertakes to decide what newspaper may, and what shall

50. Annals of Cleveland, XLV, p.531

not be transmitted through the mails of the United States.⁵¹

This resolution was accepted and adopted by the House.

Using the same tactics, on the 5th of December, 1862, Vallandigham offered a number of resolutions to the House, which were very prophetic of what was to come. Vallandigham had an uncanny sense of foreseeing in what direction the radical Republicans would turn next.

Resolved, that the unhappy Civil War in which we are engaged was waged in the beginning, professedly, not in any spirit of oppression or for any purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equity and rights of the several states unimpaired, and was so understood and accepted by the people and especially by the Army and Navy of the United States; and that therefore whoever shall prevent, or attempt to prevent, the same to a war of conquest and subjugation, or for the overthrowing or interfering with the rights or established institutions of any of the States and to abolish slavery therein, or for the purpose of destroying or impairing the dignity, equality or rights of any of the States, will be guilty of a flagrant breach of public faith and of a high crime against the Constitution and the Union.

Resolved, that whoever shall propose by Federal authority to extinguish any of the States of this Union or to declare any of them extinguished and to establish territorial governments within the same, will be guilty of a high crime against the Constitution and the Union.⁵²

The House voted on and tabled these resolutions by a vote of 79 yeas, all Republicans, to 50 nays, all Democrats and Constitutional Union men.

51. Congressional Globe, 37 Congress, 3 session, XXXIII, 2-3

52. Ibid., p.15

Continuing in his efforts to terminate the war, which appeared to him so useless, he introduced a resolution termed "The Restoration of Peace" on the 22nd of December. Since both the Congress and the country wanted peace, it called upon the House to take immediate steps to cease the war and settle peaceably the controversies that had started the war.⁵³

Certainly Vallandigham's most anti-war speech in Congress and possibly the most outspoken speech against the War given during the whole Civil War was on January 14, 1863. Titled "The Constitution--Peace--Ruin," it lasted for an hour and a half. He declared that the entire war had been a costly failure. It was both bloody and expensive. Moreover, it was no longer a war to maintain the Union, but one to free the negroes. The North had tried in vain for two years to subdue ten million rebels. Only by stopping the fighting and declaring an armistice could the country ever hope to reunite. All questions of controversy, he felt, should be settled peaceably under the terms of the old Constitution. Peace, custom, trade and other old ties would again cement the United States as one.⁵⁴

The Boston Herald reporting on the speech said:

"His method of speaking is very attractive. Added to his fine appearance of person he has a good voice and gestures and always speaks without notes. Today he was bold and brilliant and, while his views may be regarded as 'words of brilliant and poisoned' treason, it is universally admitted to have been a most able speech from that standpoint."⁵⁵

⁵³. Ibid., p.165

⁵⁴. Ibid., Appendix, pp.52-60

⁵⁵. W. H. Van Fossan, "Clement L. Vallandigham," Ohio Archaeological and Historical Society Publications, XXIII (1914), 257

Vallandigham again asserted his true western sectionalistic sentiments in February when House Bill Number 718 was brought up before the House for debate. The bill provided for the construction of a ship canal for the passage of armed and naval vessels from the Mississippi to Lake Michigan and for the enlargement of the locks of the Erie Canal, and the Oswego Canal in New York. Vallandigham had spoken against the original bill in the previous session, but now at a cost of thirty more million dollars the committee it had been referred to had incorporated into the original bill the widening of the Erie Canal locks feature.⁵⁶

Ohio's leading Democrat attacked the new features and expenses of the bill.

Sir, this bill strikes a deadlier blow at the interests of eight states and five of the principal cities of this Union, than any measure ever before proposed in Congress. It is a proposition to take away the entire trade and a large part of the travel of the Mississippi and that vast country beyond it; and to divert that trade and that portion of travel in the direction of one single State and for the benefit of one city alone--both already bloated with prosperity. It proposes to strike down the material interests of the cities of St. Louis, Cincinnati, Pittsburg, Baltimore and Philadelphia, for the benefit of New York.⁵⁷

The rest of the Middle West contingent in Congress, except Illinois which would gain a great deal if the canal was constructed, took a view similar to Vallandigham's and opposed the bill. They felt that their natural outlet was the Mis-

56. Congressional Globe, 37 Congress, 3 session, XXXIII, 806

57. Ibid., p.812

Mississippi River. They wanted to see this trade route restored, rather than have a new one developed.

In the late days of the 37th Congress, two bills of real importance came up before the House for debate and passage. Both of these bills had passed the House on a previous occasion and were being returned from the Senate with their amendments. The first bill was the Indemnification Bill titled, "A bill to indemnify the President and other persons for suspending the privilege of the writ of habeas corpus, and acts in pursuance thereof."⁵⁸ It had originally passed through the House with no debate. The Republicans had hoped and planned to have it come to a vote again without debate. They were thwarted, however, by Vallandigham and Vorhees, through whose efforts the bill was brought to a debate. Both men spoke very ably against this bill which would absolve the President and all other civil and military officers of the United States of any suits, criminal or civil, arising from their actions in the rebellion. Representative Vorhees pointed out that Constitutionally protected individual rights had been infringed upon in a number of ways--freedom of speech had been suppressed, houses had been forcibly entered, papers had been searched, there had been arrests without due process of law. Congress was taking away from those people that had suffered these infringements the right of redress.⁵⁹

⁵⁸. Ibid., p.1056

⁵⁹. Ibid., p.1062

The second bill was the Conscription Act. In its final form it gave to the President the power to call into military service every man between the ages of twenty and forty-five with no exceptions on account of color. This bill had passed the Senate at midnight, when neither Democrats nor Conservatives were present to oppose it or vote against it. The Chairman of Military Affairs in the House announced his intentions that the bill should be passed without debate. Vallandigham, Pendleton, Vorhees and a few others through skillful management brought the majority to agree to discuss the Act. This minority was able to lessen the force of the bill in one instance at least. The provost marshalls, who were given strong powers under the bill, had to hand their prisoners over to civil authorities.

Vallandigham didn't debate on the merits of the bill; its passage was a foregone conclusion. His speech was an appeal to the people, the voters. The bill, he felt, was unconstitutional and a threat to every free man. The President had gained through successive acts of Congress the power of a real despot. The necessity of such a bill in itself showed that the people did not support the war or its purposes.⁶⁰ The bill, as the minority had expected, passed the House on February 25, 1863, by a vote of 115 yeas to 48 nays.⁶¹

Obtaining the floor, on February 28, 1863, Vallandigham made his last address in the House. He spoke in defense of

60. Ibid., Appendix, pp.172-177

61. Ibid., p.1293

himself. The three amendments, which he had presented in the hectic days of 1861, had since been used as political fodder against him and his followers. In printing them, however, the Republican newspapers had omitted the preamble, which like all preambles, interpreted the meaning of the resolutions and pointed out the objectives. He wished to correct these misrepresentations by reading the preamble in the House as it was printed in the Congressional Globe of 1861. He was permitted to do so. The preamble stated that the purpose of the amendments was not to dismember the country into four distinct sections, but to save the Union. His plan was to reconstruct the Union under the existing Constitution and government. Certain seemingly insolvable problems had arisen; his suggestions were only an attempt to work out a possible solution.⁶²

The same bits of evidence are present, as before, when glancing over Vallandigham's record in his last session of Congress. This 37th Congress had convened on December 1, 1862, for its 3rd session and adjourned on March 3, 1863. Vallandigham had continued to try and keep the war within some Constitutional bounds. His resolutions of December 5th clearly showed that plans for the harsh and cruel Reconstruction Period were already being made by the Radical Republicans. As a western sectionalist, he spoke out against the ship canal bill which would divert the West's trade to the

62. Ibid., pp.1402-1404

East; the Mississippi River, not the Erie Canal, was the West's natural outlet. Vallandigham's opposition to both the Indemnification and Conscription Bills was consistent with his past record. Anyone who truly beleived in a strict construction to the Constitution and advocated the doctrine of state rights necessarily had to oppose these two Bills. Too often, opposition to the War and the Administration for this period was considered treasonous. There was no middle ground, either one supported the War wholeheartedly or he was considered a Southern rebel or worse.

CHAPTER IV

ARREST, TRIAL AND EXILE

Vallandigham, before returning home when Congress adjourned on March 3, 1863, made a short speaking tour of the East. After speaking in New Jersey and at New York City, he proceeded to Albany to confer with Governor Seymour. The two leaders of the Democratic Party in their respective sections of the country confined their discussion to two general topics--the immediate issues of emancipation, conscription and the suspension of the writ of habeas corpus; and the more general problem of forming a policy common to both Democratic sections of the country, so that the Democrats could put up a united front against President Lincoln's resorts to devices beyond the Constitution. This discussion lasted for several days.⁶³ On March 13th he arrived at Dayton, where a large crowd cordially greeted him.

His Congressional career finished for the time being, Vallandigham, having announced in January his intention of running for governor, began to campaign for the Democratic nomination in the coming election. A new opponent to be reckoned with was General Ambrose E. Burnside, Commander of The Department of the Ohio, which included the states of Ohio, Indiana, Illinois and Kentucky. General Burnside had just recently been relieved of his Command as General of the Grand Army of the Potomac. He was thus a disgruntled man

⁶³. George F. Milton, Abraham Lincoln and the Fifth Column (New York, 1942), p.159

who felt that he had a score to settle with somebody. The lower Middle West had long been noted for its anti-war and anti-administration sentiments. The General meant to stamp out all such sentiment in his Department and intended to start by using Vallandigham as an example. He issued General Order No. 38, which later became so well-known. It concluded with:

"All persons found within our lines who commit acts for the benefit of the enemies of our country will be tried as spies or traitors and, if convicted, will suffer death. The habit of declaring sympathy for the enemy will not be allowed in this department. Persons committing such offenses will be at once arrested with a view to being tried as above stated or sent beyond our lines into the lines of their friends. It must be distinctly understood that treason, expressed or implied, will not be tolerated in this department."⁶⁴

Nevertheless, Vallandigham went ahead with his decision to run for governor and "stumped" the state. Besides General Order No. 38, General Burnside had issued Order No. 15 and Order No. 9. Order No. 15 prohibited the people to keep and bear arms, while Order No. 9 prohibited any criticism whatsoever of the civil or military policies of the Administration.⁶⁵ Vallandigham was fully aware of these dictatorial edicts and during his speeches attacked them and their author unmercifully declaring that he knew of only one true general order, that was General Order No. 1, the Constitution.

The high point of his speaking tour was at Mt. Vernon, Knox County, where the Democrats had planned a huge meeting.

64. John G. Nicolay and John Hay, Abraham Lincoln (New York, 1917), VII, 328-329

65. George F. Milton, Abraham Lincoln, p.162

Here, on May 1st, Vallandigham spoke before 15,000 listeners for two hours. He was followed by Representatives Cox and Fendleton who also spoke from the same platform. All three speakers spoke against the Administration, the War and General Burnside's General Orders. Unknown to the speakers, in the audience were two of General Burnside's officers, dressed in civilian clothes, who took notes on Vallandigham's speech. They had been sent especially to trap Vallandigham, because when he finished speaking they left without listening to the other speakers.

It was only four days later that Vallandigham was seized in the middle of the night from his home. On the morning of May 5th at half-past-two, a band of Federal troops broke into Vallandigham's house and took him captive. The capture had been well planned, for the train that brought the soldiers from Cincinnati was only in the Dayton station a half an hour when it pulled out with the prisoner aboard.⁶⁶

Throughout the North, the Democrats and other believers in civil liberties met this arbitrary action with opposition and denunciation. Democrats and Democratic papers were outspoken in support of Vallandigham; even some of the most pro-war papers joined in the attack. At Dayton, a riot followed the next night at which time the Republican Dayton Journal was burned out. Federal troops had to be called in to restore peace and order. At this point in his career, Vallandigham

⁶⁶. J. L. Vallandigham, Life of C. L. Vallandigham, p.258

probably had more support for himself than at any other time. The unconstitutional activities of the Administration which he had so long spoken against, had reached out and ensnared him.

Vallandigham remained cool and collected throughout the proceedings and on the same day as the arrest, May 5th, smuggled out a statement addressed "To the Democracy of Ohio" which was widely published. It read in part:

"I am here in a military bastille for no other offense than my political opinions and the defense of them, and of the rights of the people, and of your constitutional liberties. Speeches made in the hearing of thousands of you in denunciation of the usurpation of power, infractions of the Constitution and laws, and of military despotism were the sole cause of my arrest and imprisonment. I am a Democrat--for Constitution, for law, for the Union, for liberty--this is my only crime... Meanwhile, Democrats of Ohio, of the Northwest, of the United States, be firm, be true to your principles, to the Constitution, to the Union, and all will yet be well. As for myself, I adhere to every principle, and will make good through imprisonment and life itself every pledge and declaration which I have ever made, uttered or maintained from the beginning."⁶⁷

On the next day he was brought before a military tribunal in Cincinnati, which made the following "Charge" against him:

"Publicly expressing, in violation of General Order No. 38, from headquarters, Department of the Ohio, his sympathies for those in arms against the government of the United States, declaring disloyal sentiments and opinions, with the object and purpose of weakening the power of the Government in its efforts to suppress an unlawful rebellion."⁶⁸

Vallandigham refused to recognize the right of such a group

⁶⁷. John G. Nicolay and John Hay, Abraham Lincoln, VII, 332
⁶⁸. Eugene H. Roseboom, The Civil War Era 1850-73, p.413

to put him on trial. He declared that he was not a soldier and, therefore, under the protection of the Constitution and was to be tried only in a civil court. He maintained that under the Constitution he was guilty of no known crime in appealing to the people to replace the present Administration by the use of the ballot box.

It should be mentioned here that Vallandigham had a strong case and his stand was later upheld by the Supreme Court of the United States in the famous case of Ex parte Milligan. This case was comparable to Vallandigham's and the court ruled that a military tribunal did not have any jurisdiction in territory not actually being fought over and where the civil courts were still in operation. The case, however, was decided after the fighting had stopped, when war passions had cooled.⁶⁹

The trial lasted only for two days. Vallandigham was found guilty of the Charge and was sentenced to close confinement in Fort Warren at Boston Harbor for the duration of the war.⁷⁰ He then applied, through his attorney, George E. Fugh, to Judge Humphrey H. Leavitt of the Federal circuit court for a writ of habeas corpus to secure his release from an unlawful imprisonment.

The judge's course of action was rather irregular. He took the stand that he might refuse the writ if he was satisfied that the petitioner would not be discharged after a

69. Eugene H. Roseboom and Francis P. Weisenburger, A History of Ohio (New York, 1934), p.281

70. Eugene H. Roseboom, The Civil War Era 1850-73, p.413

hearing. He, therefore, notified General Burnside of the application and allowed him to make a statement. The usual procedure would have been to issue the writ as "of right" and let the General's statement appear afterwards. Burnside justified his action on the grounds that the country was in a "state of civil war," that in such a time great responsibility rests on public men not to "use license and plead that they are exercising liberty," and that his duty required him to stop intemperate discussions which tended to weaken the army. Judge Leavitt after this statement refused the writ saying that the arrest was legal and second, that though it had been illegal it was "morally certain that the writ would not be obeyed" and, therefore, ought not to be issued.⁷¹

Lawyer Fugh carried the case to the Supreme Court on a motion for certiorari to review the sentence of the military commission. Fugh argued that a military commission has but a special and limited jurisdiction which does not extend to the trial of a citizen unconnected with the land or naval forces. The charge on which the prisoner was tried was unknown to the law, he contended, and the sentence was in excess of jurisdiction. General Burnside had no authority to enlarge the jurisdiction of a military commission, and as a remedy for such unwarranted excess of authority, the Supreme Court of the United States had the power to issue a writ of certiorari. The court, however, in February of 1864 decided that they had no jurisdiction in the case.⁷²

71. J. G. Randall, Constitutional Problems Under Lincoln (New York, 1926), p.178

72. Ibid., p.179

President Lincoln disclaimed any knowledge of the arrest until it was over. He and his cabinet, however, while having to support through necessity Burnside's action, realized the political consequences of keeping Vallandigham a prisoner inside the country. The President, therefore, altered the sentence and sent an order to the General to put the prisoner across the Northern lines into a Southern exile.⁷³ Even in the face of this order from the President, General Burnside hesitated. The General had taken a "personal" interest in the Vallandigham case and wrote back to Washington suggesting that the wiser course was his choice--imprisonment.⁷⁴ Washington wired back that he should immediately carry out the President's order.⁷⁵

In New York, where there were many supporters of Vallandigham's peace plans, indignation meetings were held denouncing the Administration's rash act. Governor Seymour with whom Vallandigham had so recently conferred came to the defense of his fellow Democrat. On May 16th, he blasted the Republican Administration.

"It is an act which has brought dishonor upon our country; it is full of danger to our persons and to our homes; it bears upon its front a conscious violation of law and justice...The transaction involved a series of offenses against our most sacred rights. It interfered with the freedom of speech; it violated our rights to be secure in our homes against unreasonable searches and seizures; it pronounced sentence without a trial, save one which

73. George F. Milton, Abraham Lincoln, p.171

74. The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies (Washington, 1902), Series II, V, 665-666

75. Ibid., p.666

was mockery--which insulted as well as wronged... If this proceeding is approved by the Government and sanctioned by the people, it is not verely a step toward revolution--it is revolution; it will not only lead to military despotism--it established military despotism...If it is upheld our liberties are overthrown...The action of the Administration will determine, in the minds of more than half of the people of the loyal States, whether this war is wayed to put down rebellion at the South, or to destroy free institutions at the North. We look for its decision with most solemn solicitude."⁷⁶

After the Governor spoke, the gathering adopted a number of resolutions addressed to the President protesting Vallandigham's arrest, trial and sentence.

Vallandigham, meanwhile, on the 22nd of May was put aboard a steamer and taken to General Rosencrans's camp in Tennessee. Here under a flag of truce he was delivered to the South's General Bragg on the 25th of May. The Federal Officers who handed him over to a Confederate soldier heard him say, "I am a citizen of Ohio, and of the United States. I am here within your lines by force, and against my will. I, therefore, surrender myself to you as a prisoner of war."⁷⁷

Southerners accepted Vallandigham's presence with varied opinions. Some Southerners wanted to accept him as a friend; others considered him an enemy who out to be sent back into the North. A Southern newspaper, the Chattanooga Rebel, was in favor of the latter move and advised Vallandigham's immediate return. They ran the following editorial declaring their sentiments:

"What shall we do with him? Send him back by all means. It is our duty to our own honor to do so. It is charity to him. And why so? There are

⁷⁶. John G. Nicolay and John Hay, Abraham Lincoln, VII, 341-342

⁷⁷. Emilius O. Randall and Daniel J. Ryan, History of Ohio (New York, 1912), IV, 220

a hundred reasons. In the first place, Vallandigham is not our friend, nor an alien enemy of the North. He has never declared for us. On the contrary, he is one of the most dangerous of all the men of the North, for had his astute policy prevailed, we would to-day find ourselves in a more deplorable situation than it is possible to conceive. Vallandigham is a Unionist, an honest Unionist, an able Unionist; he is a gentleman of breeding and a man of heart. God knows we sympathize with him in his troubles...But in deciding upon his case in our mind, we see simply the great champion of the Democracy of the Northwest, late member of the Congress of the United States, and at present candidate for Governor of Ohio."⁷⁸

General Bragg, to whom Vallandigham had been delivered, was confronted with an unprecedented case. After thinking the matter over, he decided to issue Vallandigham a passport which stated, "Mr. Vallandigham, the bearer, a citizen of the State of Ohio is permitted to pass as any citizen of the Confederacy within the limits of this Department."⁷⁹ When Richmond had been notified of Vallandigham's status, they countermanded General Bragg's decision. James Seddon, the Confederate Secretary of War, telegraphed Bragg to keep the "exile" under strict guard as an alien enemy.⁸⁰

Vallandigham had announced to General Bragg on his arrival that he wished to make his way to Canada. The General relayed this wish on to Richmond, where it was decided to permit the "prisoner" to leave the South. He was allowed to move under guard from General Bragg's headquarters to Wilmington, North Carolina. Here, on June 17, he boarded

78. J. L. Vallandigham, Life of C. L. Vallandigham, p.395

79. Official Records of the Rebellion, Series II, V, 958

80. Ibid., p.963

a blockade runner for Bermuda where he stayed for ten days only waiting for passage to Canada.

On July 5, 1863, Clement L. Vallandigham, the Northern exile, arrived at Halifax. From the day of his arrival until he left, Vallandigham was given all the respects of a visiting dignitary. Everywhere he went the Canadians honored and praised him. On his trip from Quebec to Niagara Falls, the Managing Director of the Grand Trunk Railroad provided Vallandigham with his private car. By the 15th, Vallandigham had arrived at the Clifton House in Niagara Falls, Ontario.⁸¹

81. Whitelaw Reid, Ohio in the War (Columbus, 1893), I, 164

CHAPTER V

THE GUBERNATORIAL ELECTION OF 1863

Meanwhile, back in the North, Vallandigham's arrest continued to cause many repercussions. On June 17, 1863, nearly one hundred thousand Vallandigham anti-war Democrats met in Springfield, Illinois--President Lincoln's home town. The gathering, after denouncing Vallandigham's arrest and mistreatment by the Administration, settled upon a resolution which Vallandigham could not have written better himself. It read:

"Resolved that the further offensive prosecution of the war tends to subvert the Constitution and the government, and entails upon the nation all the disastrous consequences of misrule and anarchy; that we are in favor of peace upon the basis of the restoration of the Union, and for the accomplishment of which we propose a national convention be settled upon terms of peace, which shall, have in view the restoration of the Union as it was, and securing by constitutional amendments such rights to the several states and the people thereof as honor and justice demands."⁸²

Vallandigham's old "friend," General Burnside, was continuing on his tyrannical path. He issued a further order, General Order No. 84, on July 1st, which prohibited the circulation of the New York World in his Department and the suppression of the Chicago Times.⁸³ The people of Chicago were up in arms and petitioned the President, who ordered Burnside to revoke this latest edict. A few days later the General received a further reprimand from Secretary of War

⁸². James A. Logan, The Great Conspiracy (New York, 1886), p.558n

⁸³. J. G. Randall, Constitutional Problems, p.493

Stanton. The Secretary stated in a letter that while military movements were to be left to his judgement, upon administrative questions, such as the arrest of civilians and the suppression of newspapers not requiring immediate action, the President desired to be previously consulted.⁸⁴ This order in itself points out that the overzealous General had acted too rashly in ordering Vallandigham's arrest. The Administration realized that injustice had been done. They, however, did nothing to readminister justice and permit Vallandigham to return home.

More immediate and personal to Vallandigham was the Democratic State Convention held on June 11, 1863, at Columbus, with more than 50,000 people in attendance. All opposition to Vallandigham's candidacy for governor had vanished by the time of the convention and he was chosen to run by an overwhelming vote of 411 to 13.⁸⁵ George Fugh was called upon to give an acceptance speech for the absent candidate. This he did in a speech many times more contemptuous and radical than the one Vallandigham had been arrested for giving at Mt. Vernon. In part he said:

"I can die but once and it matters little whether it be in battle or by a mock trial of a sham military commission--let the debt be gloriously paid in defense of liberty. I scorn your Order No. 38. I spurn, I execrate, I trample under foot the orders of any military officer defining treason and prescribing liberty. Come what will, come imprisonment, exile, stripes, hard labor, death, I defy Order No. 38."⁸⁶

84. Ibid., p.495

85. Eugene H. Roseboom, The Civil War Era 1850-73, p.415

86. George H. Porter, Ohio Politics During the Civil War Period (Columbia University, 1911), p.171

For his stirring speech, Fugh won the Lieutenant-Governor's nomination.

The delegates, having selected the Party's candidates, left the writing of the platform in the hands of the Party leaders--Thurman, Fendleton, Ranney and Fugh. They wrote a middle-of-the-road platform, hoping to appeal to both the moderate and more liberal branches of the Party. While Vallandigham's peace plan was not written into the platform, it was declared that the Democrats of Ohio "would hail with pleasure and delight any manifestation of a desire on the part of the seceded States to return to their allegiance to the Government of the Union" and in such a case would "cordially and earnestly cooperate with them in the restoration of peace and the procurement of such proper guarantees as would give security to all their interests and rights." A convention would then be called to propose such amendments to the Constitution "as experience has proved to be necessary to maintain that instrument in the spirit and meaning intended by the fathers."⁸⁷

The platform also declared itself against the arbitrary actions of the Administration--martial law, emancipation and conscription. The Democratic Party was declared a lawful minority party with the protection of her rights under the Constitution. She had every right to oppose the present Administration and ask the people to replace it by means of the ballot box. The arrest, trial and sentence of Vallandigham

⁸⁷. George H. Porter, Ohio Politics, pp.172-173

were denounced as flagrant violations of his civil liberties. Four sections of the Constitution were quoted showing where he had been unjustly treated. Since at the time of his arrest, Vallandigham was a prominent candidate for the Democratic nomination for Governor, it was asserted "that the Democratic party was fully competent to decide whether he was a fit man for that nomination, and that the attempt to deprive them of that right...was an unmerited imputation on their intelligence and loyalty as well as a violation of the Constitution." The President was called upon to reconsider the case and return Vallandigham to his home. A delegation, composed of one man from each Congressional district, was to go to Washington to personally appeal to the President. Governor Tod was attacked for failing to protect a citizen of the State, while Governor Seymour was cordially thanked for his timely support. Finally, it asserted that those who were representing the Democratic Party as wanting in support of the soldier on the battle field were denounced as libelers and slanderers.⁸⁸

A little extremist group headed by William H. Cory of Cincinnati attended the convention. They presented the minority report, a series of resolutions that had been previously adopted at the Madison County Convention. These resolutions proposed to recognize the separation of the North and South as final, because the North had failed both by arms and by

88. Ibid., p.173

arguments to reunite the country, and because the South was determined to separate from the Union at all costs.⁸⁹

The Ohio Democrats, under the instructions of their party platform, selected an official delegation to be sent to Washington to confer with the President on the revocation of Vallandigham's banishment. Before going on to Washington, they drafted an elaborate letter bringing to attention the many wrongs that needed to be corrected. This letter was circulated throughout the state and signed by all the prominent Democrats. President Lincoln met the delegation on June 26th, this being the second such body to confer with him over the Vallandigham case. New York had earlier sent a delegation in protest. The Ohio group argued with the President:

"Mr. Vallandigham may differ with the President, and even with some of his own political party, as to the true and most effectual means of maintaining the Constitution and restoring the Union; but this difference does not prove him to be unfaithful to his duties as an American citizen. If a man, devotedly attached to the Constitution and the Union, conscientiously believes that, from the inherent nature of the Federal compact, the war in the present condition of things in this country, cannot be used as a means of restoring the Union; or that a war to subjugate a part of the States, or a war to revolutionize the social system in a part of the States could not restore, but would inevitably result in the final destruction of, both the Constitution and the Union, is he not to be allowed the right of an American citizen to appeal to the judgment of the people for a change of policy by the constitutional remedy of the ballot box."⁹⁰

89. Ibid., pp.173-174

90. Horace Greeley, The American Conflict (Hartford, 1877), II, 493-494

The President had in answering the New York delegation tried to justify himself on constitutional grounds. In answering the Ohio delegation, however, he did not confine himself to such limitations. He made an offer to release Vallandigham if the committee or a majority of them would endorse three propositions. These were, in brief, a recognition of the existence of the rebellion and the constitutionality of the use of the army and navy to suppress it, a pledge to do nothing to lessen the efficiency of the use of the army and navy, and a further promise to do everything possible to have the soldiers properly provided for and supported.⁹¹ The committee rejected the President's propositions as in the nature of a bargain reflecting upon their own sincerity and fidelity as citizens, and as an evasion of the grave questions at issue.⁹² The President in bargaining in such an unprecedented manner again showed how weak the government's case against Vallandigham was and just how strong the Presidential powers had grown in two short years. Presidential whim was proving to be the difference between a man's life or his death.

The Unionists, hard pressed for a candidate, held their convention at Columbus on June 17th with Lewis D. Campbell, Vallandigham's old political opponent, presiding as temporary chairman. They overlooked Governor Tod who had made a number of political enemies and blunders during his term of office

91. Ibid., pp.494-495

92. John G. Nicolay and John Hay, Abraham Lincoln, VII, 354

and chose a popular War Democrat, John Brough, as their candidate. The vote was 216 for Brough to Tod's 193.⁹³ Brough, president of the Bellefontaine Line, a railroad from Indianapolis to Cleveland, had not been active in politics since the 1840's. He was a powerful and bold speaker, a worthy opponent to the exiled Vallandigham.

The exile, in the meanwhile, had arrived in Canada and set up headquarters at the Clifton House in Niagara Falls, Ontario. On the same day as his arrival here, July 15th, he issued an address accepting the gubernatorial nomination. His nomination, he declared, was without a doubt "an act of courage worthy of the heroic ages of the world; it was a spectacle and a rebuke to the usurping tyrants who, having broken up the Union, would now strike down the Constitution, subvert your present government and establish a formal and proclaimed despotism in its stead. You are the restorers and defenders of constitutional liberty and by that proud title history will salute you."⁹⁴ He congratulated the Party on its nomination of George Fugh for Lieutenant-Governor.

The issues to be settled in the coming election, he contended, were to be free speech, a free press, free assemblages of the people and a free ballot. If "military necessity" was the pretext for all the Administration's acts and claims to arbitrary power, then he warned his fellow Democrats

93. Emilius O. Randall and Daniel J. Ryan, History of Ohio, IV, 233

94. Whitelaw Reid, Ohio in the War, I, 164

that their liberty was gone and tyranny was perpetual. For in traveling a thousand miles through the South, he had found no one willing to give up the fight. He added, however, that everywhere he went the people declared that when the war had ceased and the invading armies were withdrawn, they would willingly discuss and consider reunion.⁹⁵

The campaign that followed was perhaps the liveliest in Ohio's history. Fugh had to carry a double burden, but spoke in every section of the state. He attacked the high cost of the war in both men and money and the high handed methods of the tyrant, "King Lincoln," since the start of the war. Lincoln's three greatest generals were, he claimed, general taxation, general conscription and general corruption. The three main Democratic arguments against the present State and National Administrations were: the violation of the principles of constitutional liberty and the rights of an American citizen; the attempt to create a despotism by usurpation of power; and the miserable failure of the war, which had changed from its original purpose to one of emancipation and confiscation.⁹⁶ Vallandigham was only able to aid in the campaign by writing a number of letters to the Democratic press for publication. In order to be closer to the situation, he moved to Windsor, Ontario, on August 21st accompanied by his friend, George Fendleton.

95. Ibid., p.165

96. George H. Porter, Ohio Politics, p.179

The Unionists were put at a decided disadvantage by the Democratic accusations which were so true. In their speeches they ignored the conduct of the war for the most part and referred to emancipation as little as possible. Their main appeals to the people were that the National Union had to be saved and that Vallandigham's election, while he was an exiled "traitor," would be a disgrace to the state. President Lincoln going all out to aid the Republican state forces, in order to allay one of the sore points, insisted that General Burnside take the field once again. He was given an army corp and sent into East Tennessee.

The Ohio troops were to be allowed to vote in this election for the first time since the war had started. Many observers felt that their vote would spell the difference between Brough's defeat or victory, since it was expected that the great majority of their votes would be against Vallandigham. There was, however, some doubt as to whether their votes might count. Other state legislatures had allowed their soldiers to vote only to have their state courts declare these votes illegal and null. The Democrats asserted that if Vallandigham got the majority of the civilian vote, he would be their governor, irregardless of how the soldiers' vote might turn out.

Since a vote for Vallandigham was a vote against the Administration and a vote for Brough one for the Administration, this election was one of national interest. Both

parties drew unprecedented crowds and brought in a number of outside speakers to try and swing votes. Vorhees and Thomas H. Hendricks came from Indiana and Thomas Seymour from Connecticut to aid the local Democrats. Two war governors, Yates of Illinois and Morton of Indiana, and Secretary of the Treasury Chase were three of the men that came in to aid the Union candidate, John Brough.⁹⁷

The election results were surprising indeed to both sides. The vote itself was the heaviest ever cast in the State up to that time. Vallandigham received 3,000 more votes than the entire successful Democratic ticket of 1862, which had carried 14 out of 19 national Representatives' seats. Yet he was defeated by the very large majority of 100,882 votes. John Brough had received 288,374 votes to Vallandigham's 187,492. The home vote majority for Brough was 61,703 and the soldiers' majority 39,179 votes. The Unionists had also made big gains in the Ohio state legislature where they had taken 29 Senate seats out of a total of 34 and 73 Representatives' seats out of 97.⁹⁸ On a national scale the Unionists were just as successful. In the fall elections of 1863, they carried every state in the North except New Jersey.

The Republicans were indeed gratified by the results. They universally felt that this victory was just as important to them as any they had won on the battle field. President

97. Ibid., pp.178-179n

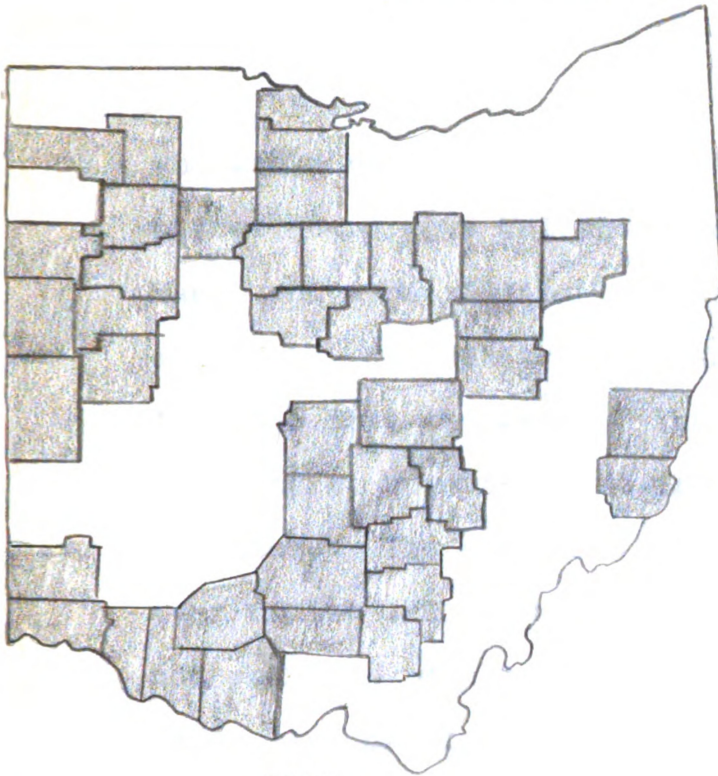
98. Wood Gray, The Hidden Civil War, p.151

Lincoln had stayed up all night to hear the Ohio election results come in. When the Union victory was assured, he telegraphed Brough, "Glory to God in the highest. Ohio has saved the Union." He told Gideon Welles, Secretary of the Navy, that he was more anxious about the state elections of 1863 than he had been over his own election in 1860. But he thought the large vote for Vallandigham "a discredit to the country."⁹⁹

Who were the 187,492 people that voted for Clement L. Vallandigham in this fateful election of 1863? Several writers place the vote on a north-south basis. Southern Ohio was closer to the South, tied to her more closely economically and socially than northern Ohio and thus voted for Vallandigham. Other writers place the vote on a rich-poor or educated-uneducated basis. The poor and the ignorant were more easily swayed by the flowered oratory of the Democratic speakers and thus voted for Vallandigham; while the educated who could evaluate level-headedly the arguments of both sides were for John Brough. The accompanying maps dispell both of these ideas. The vote cannot be settled either on a north-south or a rich-poor basis. The eighteen counties Vallandigham did carry are scattered throughout the State. The maps do show one thing, however. Certain counties went Democratic in every election. In other words, part of Vallandigham's supporters were dyed-in-the-wool Democrats

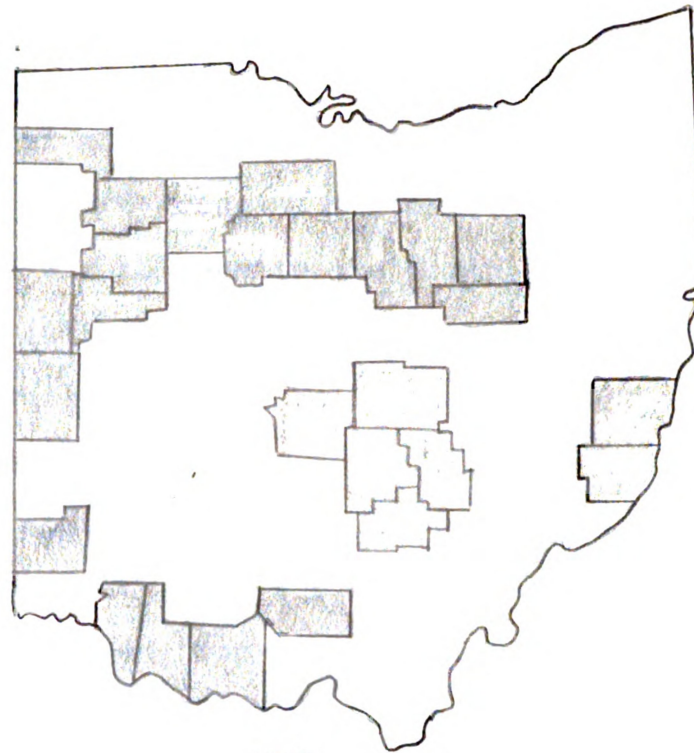
99. Eugene H. Roseboom and Francis P. Weisenburger, History of Ohio, p.284

GUBERNATORIAL ELECTIONS IN OHIO



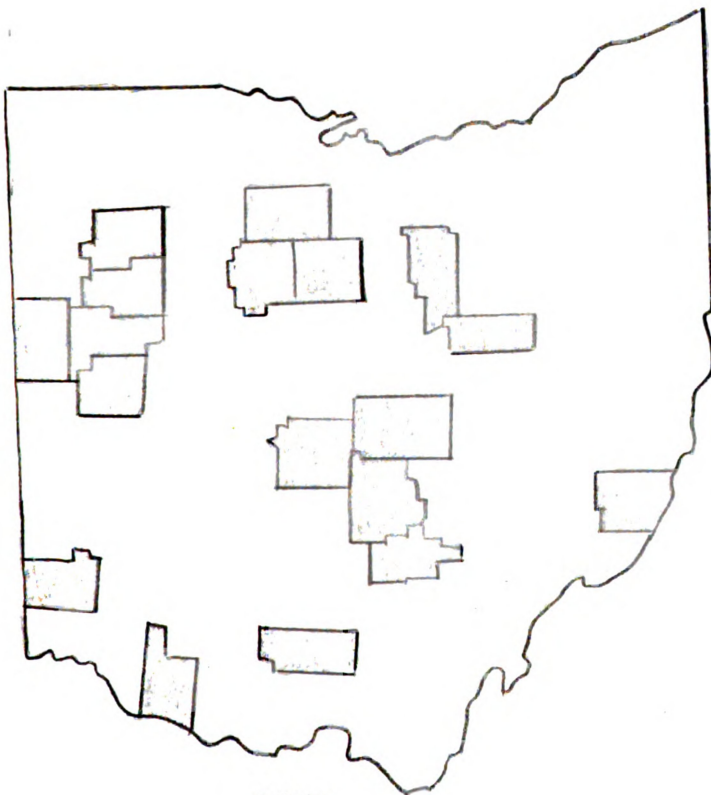
1859

1. Eugene H. Roseboom, The Civil War Era 1850-73, p.355



1861

2. George H. Porter, Ohio Politics, p.90



1863

3. Eugene H. Roseboom, The Civil War Era 1850-73, p.422



1867

4. Eugene H. Roseboom, The Civil War Era 1850-73, p.463

Democratic Counties--



who would vote Democratic come what might. The spectre of a free negro gave Vallandigham a second group of supporters. Many, who were willing to fight a war to reunite the North and South, did not take the same attitude when it became a fight to free the negro. The largest group of Vallandigham's supporters, however, came from the state rights faction in the State. The question as to whether the Federal Government or the individual state governments were supreme had not yet been settled in 1863. These men flocked to Vallandigham's standard as they watched with dismay Lincoln depriving them of first one civil liberty and then another--the writ of habeas corpus had been suspended; the Emancipation, the Confiscation and the "hated" Conscription Acts had all been passed. Everything Vallandigham stood for was in opposition to these arbitrary actions.

Why was Vallandigham with his rather respectable vote of 187,492 defeated? Looking at the following figures we can see that over 113,000 more voters went to the polls in 1863 than the year before.

<u>Year</u>	<u>Unionists</u>	<u>Democrats</u>	<u>Total</u>
1861	206,997	151,794	358,791
1862	178,755	184,315	363,070
1863	288,374	187,492	475,866 100

Some 40,000 of these additional votes can be accounted for by the soldiers, but what of the other 73,000 voters who almost all voted the Unionist ticket. The Democratic papers in view of this huge increase accused the Republicans of

fraud and deceit. This was not the case, however, as it was a general Unionist increase throughout every county in the State. The fact was that the Brough men were able to contact and appeal to these "silent" voters to get out and vote the Union ticket; this was the very decisive factor.

But why didn't these men vote Democratic? Probably the single most important factor was that the tide of battle had changed. Victory for the North was in sight. The Northern armies had defeated strong Confederate armies on two fronts-- at Gettysburg and at Vicksburg. The fear of a civil war inside Ohio itself also was a factor influencing many voters to vote the Brough ticket. For Fugh had promised if Vallandigham was elected fifty thousand "fully armed and equipped freemen of Ohio will receive their Governor elect at the Canadian line and escort him to the Statehouse to see that he takes the oath of office." Brough then asserted that Vallandigham's election would inaugurate an Ohio civil war, "for, I tell you there is a mighty mass of men in this State whose nerves are strung up like steel, who will never permit this dishonor to be consummated in their native State."¹⁰¹ Morgan's raid also turned a number of Ohioans against the South and an early cessation of hostilities which it was known Vallandigham desired. General Morgan, a Confederate cavalry general, in the summer of 1863 with 2,500 men, had crossed the Ohio River. Before he was finally captured, he

¹⁰¹. Emilius C. Randall and Daniel J. Ryan, History of Ohio, IV, 236

had plundered and pillaged towns from one end of Ohio to the other. The people of Ohio were up in arms and desired revenge more than anything else. The raid, instead of instilling the people with fear, made them more warlike than before. Inside the Democratic Party, there was also dissension. In the midst of the election on September 22nd, two hundred War Democrats held a separate convention at Columbus. They declared that they wanted peace on only one term--unconditional surrender of the South to the laws and Constitution of the United States.¹⁰² This plus the fact that Vallandigham got only half-hearted support from such Democrats as Jewett, Payne and Ranney, all who had been Democratic candidates for governor at one time or another, turned many of the voters away to the seemingly more united Unionist Party.

102. George H. Porter, Ohio Politics, p.181

CHAPTER VI

RETURN FROM EXILE

Vallandigham, after his election defeat, decided to remain in "exile." Meanwhile, he continued to receive support from his Ohio friends and sympathizers. In the issue of the Ohio Crisis for December 16, 1863, a letter was published suggesting that the ladies of Ohio contribute ten cents each as a donation for him. The idea was taken up by the press throughout the State and a committee was appointed to receive the funds. As a result, there was collected and forwarded to Vallandigham in Canada about twenty-five thousand dollars, five thousand of which came from supporters in New York. The raising of this "Dime Fund" attracted considerable attention and was even discussed in the Ohio State Legislature. On January 11th, a resolution was adopted by the Republican Senate instructing its Judiciary Committee to inquire and report what type of legislation was necessary to prevent the payment of money to disloyal citizens.¹⁰³

Early in 1864 Representative George Pendleton proposed a resolution in the House of Representatives declaring that the arrest and banishment of Mr. Vallandigham were "acts of mere arbitrary power in palpable violation of the Constitution and laws of the United States." This proposal was rejected by a strict party vote--47 Democrats voting in favor of it and 76 Union Members voting against it, with only two War Democrats voting with the majority.¹⁰⁴

¹⁰³. Ibid., p.188

¹⁰⁴. Congressional Globe, 38 Congress, 1 session, XXXIV, 879

During January of 1864, Vallandigham was approached in Windsor, Ontario, by two members of the Knights of the Golden Circle, one of several Democratic mystic orders which had sprung up in opposition to the Union League, a Republican secret organization. They desired Vallandigham's permission to nominate him for Supreme Commander of their organization. After considering the matter, Vallandigham gave his consent if they would allow him to alter any objectionable sections of its constitution. The two representatives relayed Vallandigham's decision to New York City where a convention was in session. The Order's leaders decided that a man of Vallandigham's prestige and capabilities would be a valuable addition to their organization. They, therefore, changed the name of the society and altered its constitution to fit in with Vallandigham's known principles and ideas. The organization was renamed the Sons of Liberty. The ideas expressed in the Kentucky and Virginia resolutions were accepted as a part of its constitution and a simple oath of allegiance to the Federal Constitution became a part of the ritual ceremonies. Vallandigham was elected to the post of Supreme Commander.¹⁰⁵

On the 1st of March of the same year, two representatives of the organization, H. H. Dodd and a Dr. Massey, came to Windsor. They informed Vallandigham of the reorganization and told him of his election to the post of Supreme Commander.

¹⁰⁵. J. L. Vallandigham, Life of C. L. Vallandigham, p.373

Vallandigham asked numerous questions about the objectives of the organization. He was satisfied that the objectives were only to protect the Democratic Party, and only to resist the government if their freedom of elections was tampered with. Therefore, he agreed to be sworn in. The oath of office was administered by Dr. Massey, and it was simply "to support the Constitution of the United States, and faithfully to discharge the duties of chief officer of the organization."¹⁰⁶

With Vallandigham installed as Supreme Commander, the organization's membership shot up to well over two hundred thousand members. Lodges were established throughout the Northwest. What might have become a useful weapon for the protection of the "Peace Democrats" and other anti-administration men under the leadership of a capable leader such as Vallandigham, soon lost its effectiveness. With the large increase in membership, a large number of Republican spies also infiltrated into the organization. The society's plans and ambitions found their way into the Administration's hands almost as fast as they did into the members'. Vallandigham quickly lost such confidence in the organization that he did not even inform them of his intent to return to the States in June of 1864. The Society was disbanded after the election of 1864.

Although the Sons of Liberty were thoroughly investigated by partisan courts and military tribunals during 1864 and 1865,

¹⁰⁶. Ibid., p.374

Vallandigham's name could not be linked with any of the subversive acts and plans laid at the feet of the organization. The central office had little effective control over the scattered lodges and was never able to initiate any national program. Local leaders determined the policies and objectives of their separate units.

While still in exile at Windsor, Vallandigham had an occasion to meet and talk with three Confederate agents, James Holcombe, Clement Clay and Jacob Thompson. These men had been sent to Canada with large sums of money at their disposal to harass the Northern government in every possible way. They had a two-fold objective. They were instructed to "employ" terrorists in Canada to enter the North and frighten Northern citizens. Expected to be more effective was the hope of purchasing or encouraging a Northern peace movement. Thompson who had been Secretary of the Interior under President Buchanan had bank drafts for \$600,000 in his possession for such purposes. He was especially interested in promoting a Northwest Confederacy and broached the subject to the "exile."¹⁰⁷ Vallandigham immediately turned down Thompson's offer of money and arms. Although he had been treated so unjustly and had been sent into an unwarranted exile, he declared to Thompson that he could neither identify himself with the Southern cause nor take any part in a war

¹⁰⁷. Edward C. Kirkland, The Peacemakers of 1864 (New York, 1927), p.73

against his National government.¹⁰⁸ Thompson also later conducted an unsuccessful peace attempt with the Republican newspaper editor, Horace Greeley, at Niagara Falls, Ontario, which had been sanctioned by President Lincoln.¹⁰⁹

The Ohio Democratic Party as a result of the election of 1863 was in a highly disorganized state. There were four distinct factions inside the party. One element was the Vallandigham group, which stood for a platform of peace with union. A second group was the "War Democrats" who had broken with Vallandigham in the recent election; a third element was the extreme state rights wing led by William F. Cory and Alexander Long, which stood for peace and separation. The last group was led by Ranney, Payne and Jewett who favored suppressing the rebellion by force but opposed many of the methods employed by the Lincoln administration.¹¹⁰

March 23, 1864, was the date set for the state convention. This was a presidential election year and delegates had to be chosen for the coming national convention. The convention found itself divided into two groups--one for peace and the other for war. The peace faction composed of the southern counties supported Vallandigham's name for President, while the northern counties favored McClellan with Fremont as a second choice. The war group was more numerous, however, and took over the convention, writing a rather mild platform

108. James Ford Rhodes, History of the United States From the Compromise of 1850 (New York, 1904), V, 320-321

109. Edward C. Kirkland, The Peacemakers of 1864, pp.80-81

110. George H. Porter, Ohio Politics, p.190

in comparison to the one of 1863, hoping to appeal to all factions. Vallandigham's supporters then put his name up for delegate-at-large to the national convention to be held later on in the year at Chicago. Here again his opponents united to defeat him with a vote of 216 $\frac{1}{2}$ for Ranney to Vallandigham's 211 $\frac{1}{2}$.¹¹¹

Vallandigham, in the meantime with his eye on the coming election, decided to return home. On the night of June 14th he left Canada incognito and started his journey home to Dayton. He had informed no one of his plans and his arrival was a great surprise to both his friends and enemies. The 3rd District was in convention at the time in Hamilton. Even before his arrival, his name had been suggested to attend the coming national convention at Chicago as their representative. Many of his friends, however, had opposed his nomination because of the personal danger involved to him if he returned to the States. He hurried to Hamilton where he spoke to the convention and allayed all fear and doubt as to his availability.¹¹²

The Lincoln administration now had to decide what to do with Vallandigham. Democrats throughout the country declared that Vallandigham would not be arbitrarily arrested again. They were determined to see that his case received a fair trial under civil law. The Administration had the choice of again arresting Vallandigham and giving him a fair

¹¹¹. Eugene H. Roseboom, The Civil War Era 1850-73, p.432

¹¹². George H. Porter, Ohio Politics, pp.195-196

trial after which he would go free or let the entire matter drop. They chose the latter alternative and again showed how outrageously they had acted in siezing a political opponent by force and exiling him to enemy territory. Democrats from every section of the country called upon him to be guest speaker at their political meetings. He went to many, continuing to denounce the Administration in the same terms as he had used before his exile. The largest meeting he spoke before had an estimated seventy-five thousand listeners at Syracuse, New York.

The National Democratic Convention was held in Chicago on August 29, 1864. The Peace Democrats were unable to prevent the nomination of George McClellan for President, but did manage to place one of their own number in as the Vice-President nominee, George Fendleton of Ohio. Vallandigham sat on the committee of resolutions and was able to include as one of the sections of the Party's platform his peace doctrines. Thus, though the Party had elected a War Democrat, he was bound to a peace doctrine by the second resolution of the platform. It read:

"Resolved, that this Convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war, during which, under the pretense of a military necessity, or war power higher than the Constitution, the Constitution itself has been disregarded in every part and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired...justice, humanity, liberty, and the public welfare demand that

immediate efforts be made for a cessation of hostilities with a view to an ultimate convention of the States, or other peaceful means, to the end that, at the earliest practicable moment, peace may be restored on the basis of the Federal Union of the States."¹¹³

Although the War Democrats and several eastern groups had received Vallandigham very coolly at the convention, he had the following of the common people. He was the center of attraction in Chicago and was followed everywhere by cheering, admiring people. When word of this "peace" plank got out, the people, realizing that Vallandigham had in reality carried the convention, gathered in a large crowd outside his hotel shouting their approval.

General McClellan in his letter accepting the nomination promised to fight the war to a successful end and thus repudiated the Party platform.¹¹⁴ Vallandigham and the other Peace Democrats were with cause indignant over this breach of faith. Vallandigham was uncertain how to act, but finally decided to campaign for the General. The acceptance letter after all expressed only the personal viewpoint of the General and not the Party's, which were in the Party platform, peace plank included. Vallandigham made an extensive tour throughout the North, speaking in New York, New Jersey, Pennsylvania and Ohio. Everywhere he was met by large enthusiastic crowds.

A left-winged peace group was not as easily placated as Vallandigham had been. Upon hearing of the General's letter of acceptance, they decided to bolt the Party. The

¹¹³. Wood Gray, The Hidden Civil War, p.184

¹¹⁴. Eugene H. Roseboom, The Civil War Era 1850-73, p.433

leading figure of this group was Alexander Long of Cincinnati, a member of the national House of Representatives. He had gone far beyond Vallandigham in his anti-war views and in the House had spoken for peace at any price and an immediate recognition of an independent South. They held their convention on October 18th at Cincinnati with delegates attending from Ohio, Illinois, Indiana and Iowa. The resolutions adopted favored unconditional peace, expressed an extreme state rights viewpoint, repudiated McClellan and his war record and spoke out against arbitrary arrests, "bayonet" elections, "padlocked" lips and a "fettered" press. Long was nominated to run for President, but he refused the nomination as it was too late to campaign effectively.¹¹⁵

The election results were disastrous for the Democrats. Again the success of the Union armies had come to the aid of the Republican political forces. The Southern armies were at their weakest point in four years; Sherman had just stormed through Georgia. Lincoln was re-elected by an electoral vote of 212 to 21 for McClellan and carried Ohio by 60,055 votes. Throughout the West, the Republican sweep was complete. Morton was re-elected governor of Indiana and in Illinois Oglesby, a Republican, was elected. In Ohio seventeen Unionist Congressmen were elected out of the nineteen districts, a complete reversal of the election of 1862. Among those who fell before the Republican sweep was S. S. Cox

¹¹⁵. Clyde Henry Hubbart, The Older Middle West 1840-80, pp.233-234

of Cincinnati; he had been the Democratic floor leader in the national House of Representatives. McClellan did receive a few thousand more votes in Ohio than Vallandigham had the year before due to his popularity among the soldiers.¹¹⁶

116. Eugene H. Roseboom, The Civil War Era 1850-73, p.435

CHAPTER VII

POST WAR POLITICS

On April 9, 1865, General Lee surrendered to Grant at Appomattox Court House. Within the month, the remainder of the Southern armies in the field had followed suit and the war was over. The Union had been maintained by force and oppression, and thus the Peace Democrats' chief assertion, that the Union could never be brought back together by coercion, had been proven false. Nevertheless, their opposition to the war cannot be termed treason, although that is today just what the term Copperhead when used in reference to them denotes. They desired union just as heartedly as the Republicans. Their solution to the country's troubles lay in another way--by peace. They were in full support of the Constitution and tried to protect it from infringements by the Radical Republicans. One after another, civil liberties fell before the excitement of war. This they tried to prevent. Their whole plan of action rested with gaining the popular vote. They had not tried to gain control and come to power by physical force, but rather by the ballot box.

What should be the new stand and program of the Democratic Party? Vallandigham in a carefully worded letter to the Ohio Statesman attempted to evolve a platform for his Party. He felt that the Party should stand fast to its fundamental principles, especially its state rights doctrines as they had appeared in the Virginia and Kentucky resolutions.

Adjustments would necessarily have to be made as a result of the war. Vallandigham was willing to accept the fact that slavery was a dead institution. Negroes, he beleived, should be treated on an equal basis with whites in all legal proceedings. Their political rights and social status, however, were questions local enough in nature to be settled upon by the individual states and communities. Although President Johnson had differed with the Democrats in how to restore the Union, Vallandigham felt that if his reconstruction policies should appear the best way to secure a speedy and lasting restoration of the old Federal Union, the Democrats should do all in their power to aid him.¹¹⁷

The Unionist Party held their state convention for 1865 before that of the Democrats. Most of the delegates were army men. It is not surprising that they choose a Civil War general, General Jacob D. Cox, to be their candidate for governor. The Party platform endorsed President Johnson's reconstruction plans and supported the proposed amendment to the Federal Constitution abolishing slavery. They did not, however, endorse negro suffrage much to the dissatisfaction of the Radical Republicans of the State.¹¹⁸

The Unionist Party formed during the war years was slowly coming apart at the seams. It had united a conglomeration of old time parties in its support of the war--the Whigs, Abolitionists, Know-Nothings, Free Soilers and Anti-Slavery

¹¹⁷. George H. Porter, Ohio Politics, pp.203-204

¹¹⁸. Ibid., p.207

Democrats. Former prejudices and ambitions were again beginning to reassert themselves. General Cox was forced to make a declaration on the negro suffrage question. His stand widened the breach between the radicals and more liberal Unionists. He declared, that as a result of the war, it was impossible for the whites and negroes in the South to live side by side in one political community. The only solution, he thought, was the peaceable separation of the two races into separate areas.¹¹⁹

On August 24, 1865, the Democrats of Ohio held their convention with Vallandigham serving as the temporary chairman. After thanking the delegation for their support two years ago, he warned them that they must include in their platform the present day problems--the status of the South and negro suffrage and equality. The platform which was written was a long one. It reaffirmed all the Party's old doctrines of state rights. The so-called seceded states were declared to be still in the Union and, therefore, entitled to all their old rights and privileges. The Republicans' program for negro suffrage was held as "an insidious attempt to overthrow popular institutions by bringing the right to vote a disgrace." They agreed to support President Johnson in his efforts to restore the Southern states to their old time status as long as he stayed within constitutional bounds.¹²⁰ General George W. Morgan was nominated

¹¹⁹. Ibid., p.211

¹²⁰. Clifford H. Moore, "Ohio In National Politics 1865-1896," Ohio Archaeological and Historical Society Publications, XXXVII (1928), 236

by the Democrats for governor.

The state-sovereignty Democrats headed by Alexander Long had again broken with the rest of the Democrats. They had held their convention a week before the others, on August 17th. Long was nominated as their gubernatorial candidate and the platform supported the right of state nullification. The Unionist papers, hoping to further disunite the Democratic Party, encouraged the movement.¹²¹

The Unionists, although they were disunited over the suffrage question, were able to score a victory over the Democrats. Cox's majority over Morgan was some thirty thousand votes with sixty thousand less voting than in 1863. Alexander Long, the state rights candidate, received only 360 votes. The Ohio legislature was Unionist by a two to one majority and, therefore, John Sherman was re-elected to his United States Senate seat early in 1866.¹²²

Congress convened on December 4, 1865. Differences between President Johnson and Congress came into the open during this session and finally resulted in an open break. For the most part the Democrats supported Johnson in his plan to re-admit the South. The Radical Republicans in Congress attempted to push through the Freedmen's Bureau Bill on February 6, 1866. It was vetoed on the 19th. On March 13th, a Civil Rights Bill was passed by Congress; Johnson vetoed it on the 27th. This Bill was passed over

121. George H. Porter, Ohio Politics, p.214

122. Eugene H. Roseboom, The Civil War Era 1850-73, p.452

his veto and the rupture between Congress and the President was complete.¹²³

Since there were factions developing inside the Unionist Party, the Democrats' political chances in 1866 seemed to be getting better. They held their state convention at Columbus on May 24, 1866. The platform decided upon was quite brief consisting of only three resolutions. These resolutions were taken verbatim from the Montgomery County Convention where Vallandigham had served as chairman of the committee of resolutions and thus they were from his pen. The platform declared "that the one great question of the day is the immediate and unconditional restoration of all the States to the exercise of their rights within the Federal Union under the Constitution." The President was pledged cordial and active support "in all necessary and proper means to carry out his policy as directed to that end, and especially in securing immediate representation in the Senate and House of Representatives to the eleven States from which it is now unconstitutionally and arbitrarily held."¹²⁴ The Democratic platform was an appeal to the Johnson element of the Union Party.

In the midst of the campaign on June 25th the "National Union Club" sent out an invitation to all Union men. All men who beleived that the Union of the States was indissoluble

¹²³. James Ford Rhodes, History of the United States, V, 586

¹²⁴. The American Annual Cyclopaedia and Register of Important Events for the Year 1866 (New York, 1872), VI, 603

and perpetual, who desired that loyal representatives from the Southern states should be admitted to their seats in Congress, who believed that each state had the right to regulate the qualifications of its own electors and who were unwilling to declare the war for Union a practical failure by making its restoration contingent upon political issues, independent of obedience to the Constitution and of submission to the laws, were invited.¹²⁵ In other words all men, regardless of party, who were in support of the Johnson plan of Reconstruction rather than the Radical Republicans' plan, were requested to attend.

The Democrats in Congress agreed to participate and sanctioned the call to their party members. On July 4th, they issued an address "to the people of the United States," signed by 41 Democratic Congressmen, which stated that they cordially approved the call for a National Union Convention at Philadelphia and endorsed the principles therein set forth. Under the plan, each state was to be allowed eight delegates-at-large and four from each congressional district to be divided equally between the Democrats and Johnson men.¹²⁶ The Democrats of Ohio had in their platform already gained the support of the Johnson faction and saw no reason to sacrifice the Democratic party and attend the meeting. Vallandigham especially was suspicious of the Union Club's motives.

The Johnson men in Ohio tried to win the more conservative Democrats over to their side. Finally, on July 12th a

¹²⁵. Ibid., p.754

¹²⁶. Ibid., p.754

meeting was held by the Party's state central committee to settle the issue as whether to attend or not. Led by Vallandigham, they decided that since the National Union Club meeting would result in a 3rd party no Ohio Democrats would attend. On the next day, probably due to outside pressure, they reversed their stand of the day before and issued a call to the Democracy of Ohio to choose delegates to the national meeting.¹²⁷

Vallandigham was slighted and not chosen as one of the delegates-at-large due to the influence of the Johnson men. His home district, however, readily chose him. He wrote an open letter to the state central committee stating that he had accepted the appointment of delegate only on the assumption that it was not the intention of the convention to propose any measures planning for the disbandment of the Democratic Party. He attributed the distrust shown towards the movement by the large majority of Democratic voters to the fact that its leading spirits had been among the chief supporters of Lincoln and his party and thus directly responsible for many of the wrongs of the past five years. He thought that if the convention was to apply any other test than the attitude of the delegates upon the one great issue of the day as stated in the call, it had far better not assemble at all.¹²⁸

127. Eugene H. Roseboom, The Civil War Era 1850-73, p.454

128. George H. Porter, Ohio Politics, p.229

The convention met at Philadelphia on August 14th. Ohio had its full quota of delegates divided equally between Johnson men and Democrats. The Johnson delegates dominated the convention. They opposed having Vallandigham and Fernando Woods of New York present as delegates because of their peace activities during the war and because of Vallandigham's recent straight forward letter. Woods withdrew without protest, but Vallandigham supported by his Ohio colleagues refused to withdraw until a resolution adopted by the Ohio Democrats was read to the convention. It asserted that their delegation was ready to stand by Vallandigham and while endorsing his motives and fitness, consented to his withdrawal for the sake of harmony.¹²⁹ The convention praised President Johnson in his fight against the Radicals and demanded that the South be allowed representation in Congress as a matter of constitutional right.

On September 3rd, to neutralize any affect this convention might have, another meeting was held in Philadelphia. This time the supporters of the Radicals in Congress were represented in an anti-Johnson convention. They called themselves the Southern loyalists, although all the border states and a few of the Northern states sent delegates. The convention split over the issue of negro suffrage, the Southern loyalists supported it, while the border states opposed it.¹³⁰

¹²⁹. J. L. Vallandigham, Life of C. L. Vallandigham, p.409

¹³⁰. Eugene H. Roseboom, The Civil War Era 1850-73, p.455

The election results of 1866 in Ohio were a sudden shock to the Democrats. With the support of the Johnson men, they had hoped to gain a number of congressional seats. The Democrats had campaigned against the unpopular Civil Rights and Freedman Bureau Acts and the Fourteenth Amendment. The Republicans, however, carried the state by 43,000 votes. The Democrats gained only one additional seat in Congress and now held only 3 out of 19 seats. Despite dissension in the Unionist ranks they had again been badly beaten. Since the fusion movement of the Democrats and Johnson men in Ohio had accomplished nothing, it was abandoned.¹³¹

By the spring of 1867, the Radicals in Congress were forcing through their program of military rule in the South followed by a restoration of civil government on the basis of negro suffrage. The Union Republic Party, as the former Union Party now called itself, was thoroughly under the Radicals' control in Ohio. At the state convention for 1867, they adopted resolutions endorsing the radical policy of Congress and favoring impartial manhood suffrage for Ohio. They chose for their candidate Rutherford B. Hayes, Cincinnati Representative in Congress. Governor Cox despite his successful administration was not even considered for a second term because of his lack of sympathy with the Radicals.¹³²

The Democrats held their state convention in 1867 on January 8th, Jackson Day. The convention was dominated by

¹³¹. Ibid., pp.456-457

¹³². Eugene H. Roseboom and Francis P. Weisenburger, History of Ohio, p.296

Vallandigham, Thurman and Pendleton, the conservative elements of the Party being out of favor because they had carried the Party into the Johnson camp the year before where it had been so badly defeated. The three leaders came to a verbal agreement as to the division of the political spoils. Thurman was to have the nomination for governor, Pendleton the presidential endorsement of the Party and Vallandigham was to get the Senate seat if the Democrats carried the State Legislature.¹³³

Pendleton presided over the convention and Vallandigham was chairman of the committee on resolutions. Thurman was nominated to run for governor. The Party platform reaffirmed the old doctrines of limited powers for the Federal Government and a strict construction of the Constitution. The reconstruction measures then before Congress which would prohibit the South's participation in the coming national election and exclude them representation in Congress were held to be "unconstitutional, revolutionary and despotic." The platform declared that the Party would oppose negro suffrage "believing it would be productive of evil to both races and disastrous conflicts." Congress was declared not an omnipotent law making body. Both a lowering of the high protective tariff and a readjustment of unequal taxation were sought for.¹³⁴ Thurman's task was to free Ohio "from the thralldom of niggerism."

¹³³. Ibid., p.296

¹³⁴. The American Annual Cyclopaedia for the Year 1867
(New York, 1873), VII, 603

The ensuing election campaign was hard fought. Since the Republican Ohio State Legislature had passed the 14th Amendment during 1867, the Democrats took full advantage of this unpopular action in their campaign. They also appealed for the support of all men opposed to negro suffrage. Vallandigham and Thurman tried to discard their past stands and deal with present day problems in the campaign. The Republicans, however, attempted to use the Democratic anti-war attitude to their own advantage. They had published a pamphlet entitled "The War Record of the Ohio Democracy" made up of Democratic speeches, platforms and newspaper articles. Conspicuous among the Democratic processions were wagons filled with little girls dressed in white carrying banners inscribed with the appeal "Father, save us from negro equality." Thus the people were called upon to decide whether to support the past record of the Democratic Party or the Republican endorsement of negro suffrage. The Republican Senator Wade, in a very radical, outspoken speech against the Democrats and Vallandigham in particular, lost many conservative votes for his Party.¹³⁵

The election results were virtually a Democratic triumph. The suffrage amendment which had been voted upon was defeated by 38,000 votes plus 12,000 who did not vote on the question, but did vote for the governor. Thus there was a total majority of 50,000 votes against the amendment. The Democrats

135. Clifford H. Moore, "Ohio in National Politics," p.243

carried both Houses of the State Legislature. Only in the gubernatorial race were the Republicans able to win out. Hayes, the Republican candidate, defeated Thurman by a majority of 2,983 votes. Thus the central theme of the radical Congress's policy, negro suffrage, went down to defeat in Ohio in 1867.¹³⁶

The new Ohio State Legislature met in January of 1868. One of their first tasks was to choose a new United States Senator from Ohio. The radical Wade after eighteen years in the Senate was out. He was President pro tempore of the Senate and would have succeeded Johnson if Johnson had been turned out of office as a result of the impeachment proceedings which took place in the spring of 1868. The Party leaders once again cast aside Vallandigham, who had campaigned so ably for Thurman in the election. They decided to ignore the split of offices decided upon at the convention and put Thurman into the Senate. Vallandigham worked almost alone, deserted by the Party leaders to gain the Senate seat, but he was defeated in a Party caucus on January 13, 1868, by a vote of fifty-one to twenty-four.¹³⁷ Vallandigham was bitterly disappointed and rightly so. The Republicans had made Vallandighamism the chief issue of the election campaign and a vote for the Democratic ticket was at least in part a vote for Vallandigham. Yet the Party had thrown him overboard. He decided to leave politics temporarily.

¹³⁶. George H. Porter, Ohio Politics, p.248

¹³⁷. Eugene H. Roseboom, The Civil War Era 1850-73, p.465

The Democratic National Convention for 1868 was held in New York on July 4th. Vallandigham, remaining aloof from politics, had not attempted to gain one of the delegates' seats. However, a few days before the convention he went to New York. During the convention proceedings, Vallandigham was asked by the Ohio delegation to replace an absentee in order to strengthen their delegation. This he did. In the ensuing battle for the presidential nomination, he forgot all his personal grievances and actively supported Fendleton's nomination although the latter had turned against him in the fight for the Senate seat. Vallandigham, Fugh and George Morgan were Fendleton's managers. Fendleton led the race on the first sixteen ballots, but needed a two-thirds vote to win or 212 out of the 317 votes. The highest he was able to get was 156½ votes on the eighth ballot. With the convention deadlocked, Vallandigham went to Seymour of New York and asked permission to put his name up. He refused. Nevertheless, on the twenty-second ballot the Ohio delegation voted for Seymour and he was swept into the nomination by an unanimous vote of 317 to 0.¹³⁸

The New York Convention over, Vallandigham returned home where the 3rd District Democrats were about to chose a candidate for their congressional seat. Schenck was to be the Republican nominee; he had defeated General Ward, a Democrat, two years before by a majority of 1,067 votes. Vallandigham's

138. James Ford Rhodes, History of the United States, VI, 166-167

friends and followers asked him to seek the nomination, but he adamantly refused to become a candidate.

The 3rd District convention was held at Hamilton, Butler County, on August 18th. There was from the beginning a strong undercurrent in favor of Vallandigham. The delegates, however, knowing that he had refused to put his name in the ring, split their vote among the other candidates. No candidate was able to get a majority on the first two ballots. The Butler delegation following the second ballot withdrew for consultation. On returning, a spokesman announced that they wished to put up the name of Clement L. Vallandigham. A burst of applause followed this announcement and when order was restored, Vallandigham was voted in by 51½ votes to Ward's 10½.¹³⁹ That night a committee notified Vallandigham of their selection and in a short speech he accepted the nomination.

Vallandigham, the experienced campaigner, went to work with a will. He still had to contend with the strong Republican county of Warren. Schenck, the Chairman of the Ways and Means Committee and the great "tariffite" in Congress, returned home to the District to give battle. He was backed by the Eastern capitalists, who generously contributed money for his campaign. The Congressional election in the 3rd District was a real fight of national interest. Both men were considered true representatives of their respective

¹³⁹. J. L. Vallandigham, Life of C. L. Vallandigham, p.427

parties. Vallandigham again went down to defeat before Schenck, losing by a vote of 15,818 to Schenck's 16,293. Schenck had a majority of 475 votes. In the old district, however, the pre-war district consisting of Preble, Montgomery and Butler counties, Vallandigham had a majority of 1,452 votes.¹⁴⁰ Once again the Republican gerrymander of 1862 had spelled the difference between victory or defeat for Vallandigham.

The following figures, which break down the vote of the 3rd District into counties, clearly show the powerful effects of Warren County in the election for 1868:

	<u>Vallandigham</u>	<u>Schenck</u>
Butler	5,333	3,200
Montgomery	6,557	6,440
Preble	1,979	2,769
Warren	1,949	3,884 141

Another set of figures worth considering here are the majorities for and against Vallandigham in the pre-war district (Butler, Montgomery and Preble) from 1854 on.

1854	-2,562	1860	/ 134
1856	-19(illegal)	1862	/ 700
1858	/ 188	1868	/ 1,452 142

In his home district Vallandigham's popularity increased with the years. The Republican gerrymander was only a temporary settlement for today the 3rd District of Ohio is again made up of only three counties--Butler, Montgomery and Preble.

Both the presidential election that year and the Ohio state elections went against the Democrats. General Grant

140. Ibid., p.430

141. Ibid., p.430

142. Ibid., p.431

the Republican candidate, was elected by 214 electoral votes to Seymour's 80. Out of a total vote of six million, however, Grant's majority was only 300,000 and more than that number of negroes had voted. Grant, in other words, was really a minority choice of the white electorate. The Republicans took 13 out of Ohio's 19 seats in the national House of Representatives. Grant's Ohio majority of 41,546 was twenty-five thousand votes ahead of the rest of his Party in the state. Vallandigham, however, did run well ahead of Grant in the 3rd District.¹⁴³

Without the prestige of Grant's name heading their ticket, the Republicans were less fortunate in Ohio in 1869. Despite a successful administration, Governor Hayes was barely able to secure re-election by a plurality of 7,500 votes over Pendleton in the gubernatorial election. Again the Democrats had attacked the bondholders and the National Banks--a popular appeal--and again they had used the negro suffrage issue to their advantage, for the Republicans had in their state convention endorsed the proposed Fifteenth Amendment. The new state assembly, by a majority of one in the Senate and two in the House, ratified the Fifteenth Amendment, however, thus ending the negro question as far as Ohio was concerned. It was soon ratified by the necessary number of states and in 1870, for the first time, colored delegates attended a Republican convention in Ohio.¹⁴⁴

¹⁴³. Eugene H. Roseboom, The Civil War Era 1850-73, p.469

¹⁴⁴. Eugene H. Roseboom and Francis P. Weisenburger, History of Ohio, p. 300

In January of 1870, Vallandigham went into a law partnership with Daniel H. Haynes, who had been the Superior Judge of Montgomery County. Vallandigham's law practice had been neglected during the war period due to his political activities. He again began to build it into a prosperous business. As a jury lawyer he was very effective due to his speaking abilities and had few equals. During the years 1869 to 1870 almost his entire time was devoted to law.

In 1870, however, he did take a major part in the congressional election of his district. Lewis D. Campbell, his former political rival and adversary of the fifties, was nominated by the Democrats to oppose General Schenck. Vallandigham threw his full support to Campbell's side and was influential in aiding Campbell to victory. Finding a few days before the election that in defiance of a ruling by the State's Supreme Court the Republicans would attempt to poll the votes of the inmates of the "Soldiers' Home" near Dayton, Vallandigham personally saw to it that this violation of the law was thwarted. He arrived at the Home and was able to prevent the Schenck men from polling some six hundred illegal votes which would have insured a Republican victory.¹⁴⁵ Campbell had made the tariff the main issue and won the election. Schenck was provided for by President Grant who appointed him minister to England. Over a period of thirty years three men--Campbell, Schenck and Vallandigham--

¹⁴⁵. J. L. Vallandigham, Life of C. L. Vallandigham, p.432

had held the 3rd District seat in Congress every year except for the years 1851-53.

At a jubilee meeting held in honor of his election, Mr. Campbell referred in the following terms to Mr. Vallandigham's conduct during the election:

"I thank from the bottom of my heart those magnanimous Democrats who came forward to the rescue, and helped carry me through triumphantly in this campaign. It would be impossible for me to single out and name the prominent individuals of the Democratic Party to whose individual action might be attributed this success. There are many who had a sufficient influence in their respective neighborhoods to have produced my defeat if they had used that power. But there was one man of prominence, one man known and recognized not merely by the Democracy of this district, but by the Democracy of the entire nation, as one of eminent ability, who had occupied high positions in the party--whom you have often delighted to honor--a single individual who, after my nomination, might have accomplished my defeat by a nod, by a wave of his hand, by the wink of his eye--a man who, unlike those I have described, a man upon whom I had no claim personally or politically, with a magnanimity unequalled by anything I now recollect of, came forward and labored assiduously to enable me to triumph over those miserable and pitiful efforts of my enemies.

I say that I had no personal or political claims upon him and I am here tonight proudly to acknowledge to my neighbors and countrymen that in this contest he gave evidence of a magnanimity that I could not have claimed for myself. That man is C. L. Vallandigham, and without going, my fellow citizens, into a detail of what he has done, let me refer to this one fact, that it is to his ability as a lawyer, and to his untiring efforts, that the question as to the constitutional right of the inmates of the "Soldiers' Home" to vote was brought before the Supreme Court, and there decided in the negative."¹⁴⁶

¹⁴⁶. Ibid., pp.432-433

As the time drew near for the state conventions of 1871, Vallandigham again struck out for the leadership of his Party. Since his defeat in the fight for the Senate seat with Thurman, the Party leadership had been in the hands of Pendleton, Washington McLean and Thurman. Vallandigham out of favor, in the meantime, had evolved a program to appeal to the liberals of both parties. The Montgomery County convention on May 18th, at Dayton, under Vallandigham's guidance adopted a series of resolutions that attracted national attention. These declared the old issues settled and accepted the finality of the recent constitutional amendments though insisting upon a strict construction. As a future program on living issues they offered such policies as a revenue tariff, universal amnesty, taxation based on wealth, economy and payment of the public debt, a return to specie currency, banking reforms, civil service reform, the promotion of better labor-capital relations and no more land grants to corporations.¹⁴⁷

These resolutions were national news and portions or all of them appeared in newspapers throughout the country. The New York Sun, the New York Herald, the Philadelphia Evening Herald and the Louisville Courier were four of the larger newspapers endorsing the program. Both Republican and Democratic papers agreed that Vallandigham's move was a shrewd and tactful attempt for the Democrats to come to power. The great "Peace Democrat" was suggesting that his

¹⁴⁷. American Annual Cyclopaedia for the Year 1871 (New York, 1875), XI, 609-611

party accept as final the war amendments. He was ready to have his party forget the past, the constitutionality of the war and the manner in which it had been administered in the North, and turn to the present and its problems. The program was both a liberal and popular one, and in the following months similar resolutions were adopted by Democrats in several state and many county conventions in the North. Once again Democrats of the country looked to Vallandigham as one of their leaders.

Inside Ohio, Democratic opinion ranged from open criticism to enthusiastic approval. No Democrat in the state had dared to suggest such a revolutionary stand. Many considered it a surrender of their principles. Without a doubt, however, Vallandigham's political prestige rose and he was again considered as a likely choice to the other United States Senate seat, then held by the Republican Senator Sherman, if the Democrats carried the coming Ohio state election.

The Democratic State Convention was held on June 1st and Vallandigham's "New Departure" was accepted almost in toto. The Party platform contained most of the Montgomery resolutions, a few toned down a bit to gain the support of the hesitant. Only one significant change was made. The old Fendleton proposal to pay the bond holders in the same currency as they loaned to the government was added and also the proposal to make greenbacks convertible into three per

cent bonds on demand.¹⁴⁸ George W. Morgan presented the resolution committee's report and Vallandigham seconded his motion for its adoption. A minority report was also presented declaring that the Democrats of Ohio would never recognize the validity of the war amendments. It, however, was defeated. The general platform was passed by a vote of 365 to 129.¹⁴⁹ George W. McCook, who had served in both the Mexican and Civil Wars, gained the Democratic nomination for governor.

Vallandigham did not live to see the success or failure of his "New Departure" program. Two weeks after the Democratic convention had adjourned, he was dead. He accidentally shot himself at Lebanon, Warren County, where he was the defending lawyer in a murder case. He was demonstrating to a fellow lawyer, at the time, how the dead man might have shot himself when his gun went off.

Vallandigham, at the time of his death on June 17, 1871, was in perfect physical health. He was only fifty-one years old. His political career seemed to have been taking a turn for the better. In his move to abandon the outworn issues and liberalize his Party's program, he had shown a breadth of judgement and a far sightedness that might have made him a popular force in politics for many years to come. A fellow Civil War "peace" man from Ohio, George Pendleton, later rose to national political heights. Vallandigham was every

148. Ibid., p.611

149. Eugene H. Roseboom, The Civil War Era 1850-73, p.476

bit as capable and popular as he. Even in proposing the "New Departure" program, Vollandigham was knowingly leaving himself open to new attacks. He realized that many of the Democratic leaders would oppose the new movement and try to sabotage it.

The "New Departure" came to nought after his death. Without his personal drive and supervision the Democratic campaign languished. Many of the Party leaders who had considered the platform too radical did not even actively campaign for the State ticket. The election results were another Republican victory. General Noyes, the Republican candidate for governor, defeated McCook by 20,168 votes. The Senate, however, was evenly divided while the Republicans held the House by 57 seats to 48.¹⁵⁰

150. Ibid., p.478

CHAPTER VIII

CONCLUSION

Posterity has not treated Clement L. Vallandigham kindly. He and the rest of the Peace Democrats have suffered in the writing of history. When one thinks of these men, the term Copperhead immediately comes to mind and all the disgraceful implications the word seems to have. Vallandigham to my mind, however, could never be called a traitor. It is surprising how many histories, because of lack of damaging evidence, ignore the man completely. Everyone knows that he opposed the war, but where is the evidence tying him to the South? There is none.

Although Vallandigham is often thought of as the most radical and objectional of all the so-called Peace Democrats, this is not so. If one examines the records of such men as George Pendleton, Daniel Vorhees, Samuel Cox and George Pugh, they would find these men every bit as radical and avowed peace men as Vallandigham. Vallandigham, however, was better known for his peace activities than these men for one single reason. He alone had been strong enough in his convictions to oppose the war from the very beginning. The others had held back in the early days of 1861, when anyone who spoke against the war was endangering his very life. As the war progressed and factions appeared against the war, these men took up and followed Vallandigham's suit.

Vallandigham's peace move, it should be remembered, was not the most radical movement afoot during the war years. Vallandigham hoped and planned for reunion. Alexander Long had no such plans or hopes for the peace movement he led. He and his followers sought disunion and an immediate end of the war.

As early as 1847, Vallandigham attacked the Abolition movement and the possibility of war which it might cause. His record in Congress up to the time of the war was that of a progressive western sectionalist. He supported a free Kansas, a free Oregon, the Homestead Bill, and every other western bill before the House. During the uncertain, trying days of 1860-61, he tried in every way to settle the North-South differences. He voted yes on every compromise proposal and even suggested one such proposal himself.

Vallandigham's war record in Congress could never be termed treasonous. He advocated and fought for his peace ideas and hopes from Lincoln's first call to arms. The Administration of the war by the Radical Republicans only increased his opposition to the war. Since his political philosophy included both a strict construction of the Federal Constitution and a firm belief in the doctrines of state rights, he watch with many fears and misgivings the many war measures of the Lincoln Administration. When the real intention of the war was declared in the Emancipation Proclamation, he realized that the Abolitionists had won out.

Even President Lincoln's strongest supporters admit that Vallandigham was treated very unjustly in his arrest, trial and exile. The ex parte Milligan case following the Civil War bore out Vallandigham's contention that the military court of General Burnside had no right to try him, a civilian. Lincoln showed how weak the Administration's case against him was in a number of ways. The sentence itself was unusual to say the least. The unprecedented manner in which the President bargained with the Ohio delegation and the fact that Vallandigham was allowed to return to the country unmolested indicate how arbitrary the whole procedure was.

In post war politics his past peace efforts often held him down. Though he was popular with the great mass of the people, too often the Party leaders turned to more conservative men who had not openly declared themselves against the Civil War. His "New Departure" program which won such acclaim throughout the country seems to have been the key to a new political era for him, when he died. It is impossible to guess how high he might have climbed politically if he had lived.

BIBLIOGRAPHY

BIBLIOGRAPHY

Primary Sources

- Congressional Globe, 35 Congress 2 session, XXVIII.
(Washington, D.C.), 1858.
- Congressional Globe, 36 Congress 1 session, XXIX.
(Washington, D.C.), 1859.
- Congressional Globe, 36 Congress 2 session, XXX.
(Washington, D. C.), 1860.
- Congressional Globe, 37 Congress 1 session, XXXI.
(Washington, D. C.), 1861.
- Congressional Globe, 37 Congress 2 session, XXXII.
(Washington, D.C.), 1861.
- Congressional Globe, 37 Congress 3 session, XXXIII.
(Washington, D.C.), 1862.
- Congressional Globe, 38 Congress 1 session, XXXIV.
(Washington, D.C.), 1863.
- The War of the Rebellion: A Compilation of the Official
Records of the Union and Confederate Armies, Series II,
IV. (Washington), 1902.
- Walter, J. and Co., ed., The Record of Hon. C. L.
Vallandigham on Abolition, The Union and the Civil
War. (Columbus), 1863.

BIBLIOGRAPHY

Secondary Sources

American Annual Cyclopaedia and Register of Important Events for the Year 1866, VI. (New York), 1873.

American Annual Cyclopaedia and Register of Important Events for the Year 1867, VII. (New York), 1873.

American Annual Cyclopaedia and Register of Important Events for the Year 1871, XI. (New York), 1875.

Benton, Elbert J., "The Movement for Peace Without Victory During the Civil War," Western Reserve Historical Society Collections For 1917, Publication No. 99. (Cleveland), 1918, pp.1-72.

Dumond, Dwight Lowell, The Secession Movement 1860-61. (New York), 1931.

Galbreath, C. R., "John Brown," Ohio Archaeological and Historical Society Publications, XXX. (Columbus), 1921, pp.84-341.

Gray, Wood, The Hidden Civil War. (New York), 1942.

Greeley, Horace, The American Conflict, I. (Hartford), 1877.

Greeley, Horace, The American Conflict, II. (Hartford), 1877.

Hicks, John D., A Short History of American Democracy. (Cambridge), 1943.

Holt, Edgar Allen, Party Politics in Ohio 1840-50. (Columbus), 1930.

Holt, Edgar A., "Party Politics in Ohio," Ohio Archaeological and Historical Society Publications, XXXVIII. (Columbus), 1929, pp.47-182.

Hubbart, Clyde Henry, The Older Middle West 1840-1880. (New York), 1936.

Kirkland, Edward Chase, The Peacemakers of 1864. (New York), 1927.

Kohlmeier, A. L., The Old Northwest. (Bloomington), 1938.

Logan, John A., The Great Conspiracy. (New York), 1886.

Milton, George Fort, Abraham Lincoln and the Fifth Column. (New York), 1942.

Monaghan, Jay, Diplomat in Carpet Slippers. (New York), 1945.

Moore, Clifford H., "Ohio in National Politics 1865-1896," Ohio Archaeological and Historical Society Publications, XXXVII. (Columbus), 1928, pp.220-438.

Nicolay, John G. and Hay, John, Abraham Lincoln: A History, VII. (New York), 1917.

Porter, George H., Ohio Politics During the Civil War Period. (Columbia University), 1911.

Randall, Emilius O. and Ryan, Daniel J., History of Ohio, IV. (New York), 1912.

Randall, J. G., Constitutional Problems Under Lincoln. (New York), 1926.

Reid, Whitelaw, Ohio in the War, I. (Columbus), 1895.

Rhodes, James Ford, History of the United States from the Compromise of 1850, I. (New York), 1893.

Rhodes, James Ford, History of the United States from the Compromise of 1850, V. (New York), 1904.

Rhodes, James Ford, History of the United States from the Compromise of 1850, VI. (New York), 1906.

Roseboom, Eugene H., The Civil War Era 1850-73, The History of the State of Ohio, IV. (Columbus), 1944.

Roseboom, Eugene H. and Weisenburger, Francis, A History of Ohio. (New York), 1934.

Ryan, Daniel J., "Lincoln and Ohio," Ohio Archaeological and Historical Society Publications, XXXII. (Columbus), 1923, pp.7-281.

Smith, E. C., The Borderland in the Civil War. (New York), 1927.

Vallandigham, Rev. James L., A Life of Clement L. Vallandigham. (Baltimore), 1872.

Van Fossan, W. H., "Clement L. Vallandigham," Ohio Archaeological and Historical Society Publications, XXIII. (Columbus), 1914, pp.256-267.

Yager, Elizabeth F., "The Presidential Campaign of 1864 in Ohio," Ohio Archaeological and Historical Society Publications, XXXIV. (Columbus), 1925, pp.548-589.

BIBLIOGRAPHY

Periodicals and Newspapers

Annals of Cleveland, XLV. (Cleveland), 1937.

Detroit Daily Advertiser. (Detroit), June, 1860-June, 1861.

Detroit Free Press. (Detroit), January-June, 1862.

Harper's Weekly, June 10, 1871. p.522 (Editorial on the New Departure).
June 17, 1871. p.546 (Editorial on the New Departure).
June 24, 1871. pp.570-571 (Editorial on the New Departure).
June 29, 1871. p.690 (Editorial on the New Departure).

Lansing State Republican. (Lansing), January-June, 1863.

The Nation, August 23, 1866. pp.152-154 (Editorial on the National Union Club).
May 25, 1871. p.349 (Editorial on the New Departure).
June 8, 1871. p.396 (Editorial on the New Departure).
June 22, 1871. pp.425 and 428 (Editorial on the New Departure).

Vallandigham, Edward N., "Clement L. Vallandigham, Copperhead," Putnam's Monthly, II. pp.590-599.

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