

Introduction

This is a book about the way a two-party system works during war. It will not present a very pretty picture, but it offers reassurance in a way. Although the political parties do not show to great advantage in a wartime crisis, they are saved from themselves by other sound parts of the American system: the Constitution itself and the eager community spirit of the people working in areas assumed to be beyond the boundaries of partisanship. To express it another way, this book describes in uncompromising terms the strange behavior of a two-party system in war.

To be sure, I am dealing with only one war, the Civil War. Looking at it, one is first compelled to ask whether partisanship drives one party to the brink of disloyalty and the other, the one in power, to flirt with tyranny. During the Civil War, in rhetoric, yes, but most definitely not in reality. The opposition was loyal – but not at all helpful, upbeat, or cheering. The essentials of the war were left to forces outside that partisan system. Mobilization, finance, and even provisions for the care of the sick and wounded were nonpartisan matters. Indeed, that is why they worked. Their essential wheels were not impeded by partisan gridlock. Meanwhile, the politicians fulminated in Congress and on the stump.

The party system survived the war but not because it was any good at war. It survived, first, because the Constitution is good at war, and second, by virtue of the energy, esprit, community effort, and good-will of the nonpartisan sector. In short, the two-party system – both parties in it – behaved very badly and turned in an unimpressive performance, only to be saved by nonpartisan behavior in local communities and the private sector and occasionally by bipartisanship. Both political parties behaved with wild-eyed ill-will. But the system survived, unscathed. The lesson of

the great American Civil War is that we need not worry, though it might look very worrisome at the time.

This is my last book on the Civil War, and I decided to give the Democrats equal time in it. There is no understanding the performance of the two-party system in the war without examining both parties in it, and the Democrats are poorly understood. Laboring under the great shadow of Abraham Lincoln, they have been consistently misinterpreted and, more often, simply ignored, dismissed from serious consideration because of their partisanship, and more recently, because of their racism.

Our modern understanding of the workings of partisanship and racism in the period does not fully explain the Democratic party. Whatever may have been their roles before and after the war, partisanship did not enter into everything, and racism does not explain everything.¹ They explain a lot, and they are highly visible to the modern eye. And to deny their sovereign explanatory power is not to deny their presence, pernicious effects, and persistence through the era.

I am not a denier. Racism was an attitude that marked the period indelibly, ruining lives and shaping politics in hideous ways. But there is a difference between racism as social attitude and racism as historical explanation. As social attitude, it was nearly universal among white people at the time. As historical explanation, it has its limits. This book probes those limits, in part by exploring the sharp differences between racist factions in the Democratic party during the Civil War.

Likewise, the noisy and unforgiving partisanship of the Republicans and Democrats in the period is nearly deafening. It causes us not to hear other quieter forces at work – among them, at a critical local level, a nonpartisan spirit of civic-mindedness or boosterism that got things done: that got soldiers enlisted into the army, that got government bonds sold to pay for the war, and that raised money and supplies for the legions of sick and wounded. Political partisanship in times of war had its boundaries.

Racism had few boundaries among white Americans in war or peace, but its intensity of political expression varied. It was not a monolith and cannot serve as a sweeping excuse to dismiss historical interest in the Democratic party in the period. There were differences among racists. During the Civil War systematic, single-minded, and aggressive “white supremacists” like John H. Van Evrie, editor of New York City’s *Caucasian*

¹ See William E. Gienapp, “‘Politics Seems to Enter into Everything’: Political Culture in the North, 1840–1860,” in Stephen E. Maizlish and John J. Kushma, eds., *Essays in Antebellum American Politics, 1840–1860* (College Station: Texas A & M University Press, 1982), 15–69.

Introduction

3

newspaper, were bitterly frustrated by their insignificant role in the party. Van Evrie, the man who coined the very term “white supremacy,” was so bitter about his neglect that he urged nomination of Jefferson Davis as the Democratic candidate for president in 1864. Obviously, racism did not push most other Democrats to quite such an extreme political position.

Racism as a political force was different at different times. It was much more powerful and pernicious when the white Southern voters returned to the Union after 1865. The Democratic party, for the brief period of war when it suffered through life as a nearly hopeless minority party without the Southerners, was somewhat altered. The Civil War Democratic party exploited racism, but it was not yet the party of white supremacy of which John H. Van Evrie dreamed. Despite many assertions to the contrary by modern historians, to elevate white supremacy foremost among the party’s values and attitudes required the aggressive racism of the white Southern voters. For the brief time studied here, they were gone. With Reconstruction, white supremacy would become more dominant in Democratic party councils, but during the Civil War, the party pursued more diffuse avenues to wrest political victory from very unpromising electoral realities.

In truth, the Democratic party saw itself during the war not as crusading for white supremacy but as struggling simply for self-preservation. The split in the party in 1860, the loss of the presidential election that year, and then the Lincoln administration’s restrictions on civil liberties during the war worried the Democrats. They fought desperately to retain party identity and coherent organization. The Republicans, Lincoln included, briefly relaxed their accustomed partisanship early in the war, under a vague but widely held assumption that political parties had no role in wartime, but the Democrats increased theirs, rallying the voters with myths and memories of bygone days. In other words, the Democrats in the Civil War era invented a party myth, claiming immortality for their organization into the future and a largely fictional history that reached back to Thomas Jefferson. As Van Evrie scoffed at the time, they sometimes dated the party’s history back to the Flood. In the end, it was as though the Democracy, as the party was called in those days, were a nation to which voters owed an emotional allegiance not much connected to any program. Along the way, the party tragically lost interest in its real history of special concern for the poor and working classes, and muted its appeal to recent immigrants. It also jettisoned the now inconvenient compact theory of the Constitution devised by Thomas Jefferson

in the Kentucky Resolutions in 1798. Party identity was more a matter of emotional recollection of organizational memories. What Democrats believed in at the time was the Democratic party.

The Democratic party in its reluctant role as the “loyal opposition” is a major focus here, and the book starts from the bedrock of loyalty to the Union on the part of the Northern Democratic party. Despite impressions to the contrary, in the dozens and dozens of electoral contests for governor held throughout the war, the Democrats nominated only *one* Peace Democrat for governor because he stood for peace. The peace wing of the party was noisy, and the dominant war wing, anxious about the Democrats’ painfully obvious minority status, granted the peace men too much, most notably in the disastrous national party platform of 1864. It will be clear in this book that such a move was unnecessary and that the threat of the peace wing has been magnified as much as threefold above its real strength, partly through Republican fear-mongering and partly through Democratic missteps and misjudgments. Far from fielding a bevy of obnoxious and unrepresentative peace advocates as candidates for office, the Democrats favored moderate, even bland, candidates, such as the presidential contenders of 1864: the colorless legalist, Horatio Seymour of New York, and George B. McClellan, whose political ideas would not fill a thimble and were so negligible that no one has ever written a political biography of him – and likely never will.

We see Abraham Lincoln in this book, against a backdrop of loyal opposition, not Copperhead subversion and conspiracy. Indeed, he placed his faith so firmly in the essential loyalty of the Democrats that he paid no attention at all to their surprisingly determined attempts to rally their organization for the off-year elections in 1862. The consequences of that uncharacteristic lack of attention to politics were nearly disastrous. The Republicans lost too many seats in Congress in that electoral debacle to maintain a relaxed political posture afterward, and Lincoln and the party decidedly turned politics around with intensified partisanship in 1863 and 1864.

The fact remains that, like the Whig party in the Mexican–American War, the Democratic party in the Civil War was basically loyal. And like the Whig party before it, the Democratic party during the Civil War was not at all cheering. They were annoying – often deliberately so, but such had always been the role of opposition political parties in American wars. The Democrats did not mean to be likeable; they were just loyal. Historians have found the Civil War Democrats generally repellant ever since, and never more so than in the current century when historians

Introduction

5

spare little attention for them and less sympathy. It would be better to think of them as soldiers who were enlisted in the ranks, who nonetheless grumbled all the time and hated their officers, but who never mutinied.

This book is concerned mainly with political history in its old-fashioned preoccupations: elections and voting, candidates, platforms, and the party press. It is not as concerned with the softer, modern categories of political analysis such as political culture or power relationships. Fundamental in these pages as both source and subject is the political newspaper of the nineteenth-century party system. No one can read such papers for very long without coming away with a distinct impression that Americans of that time were much preoccupied with elections and voting, with candidates and platforms, and with their party newspapers. I read 39 of them – 24 Democratic, 13 Republican, and 2 independent. Among those were 28 Pennsylvania newspapers – 19 Democratic, 8 Republican, and 1 independent. Pennsylvania was a crucial state in all national electoral calculations during the Civil War, and I have focused particular attention on it for examples of political behavior.

Although this book is about politics, two chapters are devoted to constitutional history. That is not an anomaly. Constitutional history in that era was just another branch of politics.² Commonly, we see constitutional history set aside in historical writing, for special treatment in separate books, but that is a mistake – one I have made myself and regret. It belongs in the same book with the rest of political history.

The most basic and clearly delineated parts of the Constitution – the length of the presidential term, the president's designation as commander-in-chief, the length of terms in Congress, the representational scheme, for example – went unquestioned and worked to their accustomed ends throughout the war. In fact, some of those provisions insured the victory of the North in the war. The parties certainly did not. Other parts of the Constitution came to be regarded as political footballs. There was much constitutional debate and controversy, but historians have been making a mistake in attempting to make sense of the constitutional discourse of the Civil War. What is most notable about it is how little sense most of it made.

The fundamental truth of constitutional history in the period is that amending the Constitution in the midst of a civil war was simply impossible. How could it be done when three-fourths of the states were needed for ratification, and more than a fourth of them were in the Confederacy?

² This is like the journalism of the era, as brilliantly described in Michael Schudson, *The Good Citizen: A History of American Civic Life* (New York: Free Press, 1998), esp. p. 121.

What states were going to be counted? Why even discuss the matter? It was an intractable problem, like squaring the circle. It simply defied reality to consider fundamental constitutional amendment. Had the enemies been capable of constitutional compromise and amendment, then there would have been no civil war in the first place. Yet both parties championed constitutional amendments and conventions to settle sectional issues throughout the Civil War.

The history of constitutional conflict in American wars, at least through 1865, demonstrates that war induces a near constitutional madness in political leaders.³ That was conspicuously true of the notorious Hartford Convention of 1814, which proposed some of the most provincial, backward-looking, and absurd amendments in all of American history in the midst of the desperate War of 1812. In the Civil War some fifty years later, the idea of amending the Constitution or holding a convention of the states became a playground of political grandstanding and noise-making. The situation in the Civil War proved madder even than that of the War of 1812.⁴

On the other hand, the Thirteenth Amendment ending slavery is a deservedly hallowed product of Civil War constitutional history, but it only passed Congress to be sent to the states for ratification when the end of the war was clearly in sight. Ratification was complete only on December 18, 1865, months after the war's conclusion.

Predictable as the wayward course of constitutional discourse was in the history of the war, there was nevertheless an unpredictable and surprising constitutional turn in the Lincoln administration, and particularly in the constitutional ideas of Lincoln himself: the rise of human rights. President Lincoln for his part did not borrow his ideas from apologists for the use of government power. The president's own constitutional ideas, temporarily sidetracked from their antebellum libertarian purpose by the South's shocking majority embrace of secession, soon got back on track. And when they did, he was not looking forward to more government power and the expansion of the importance of the national

³ See for example Samuel Eliot Morison on "Crazy Jack" Lowell's plan, devised in the midst of the War of 1812 and published in an anonymous pamphlet, for a new constitution for the Union to be drafted by a New England constitutional convention and to be submitted afterward for ratification to only the original thirteen states, in "Dissent in the War of 1812," in Morison, Frederick Merk, and Frank Freidel, *Dissent in Three American Wars* (Cambridge, Mass.: Harvard University Press, 1970), 20–26.

⁴ President James Madison waited until the War of 1812 was settled by peace treaty before proposing a constitutional amendment that seemed to be necessitated by the United States's unhappy experience in the war: to allow the creation of a national bank.

Introduction

7

state, but, on the contrary, toward expansion of human rights. That development has been overshadowed in part by Lincoln's scramble in the first year of his administration to identify constitutional justification for the powers he thought were needed to quell secession and rebellion. Persistent problems with the suspension of the writ of *habeas corpus* and the unusual proscriptions of civil liberties took front and center in public debate at the time, and have ever since. The trajectory toward human rights has also been hidden from view because of the obscure and often marginal areas in which it first made its appearance – or reappearance – during the Civil War. Of course, there was nothing marginal about the Emancipation Proclamation, but Lincoln went out of his way to disguise that humanitarian move as a matter of statecraft alone, a military necessity under the laws of war and the powers of the President of the United States as commander-in-chief. After its issuance, Lincoln went on to explore the little-used and underused powers in the Constitution: the presidential pardon, which Lincoln now extended in unheard-of proportions to previously marginalized peoples; the guarantee of a republican form of government; and even international law.⁵ These adventures in constitutional exploration and interpretation ultimately served the end of extending human rights in general. Lincoln thus put America on the road to the twenty-first century.

If what you have read here does not seem like your mother's version of the Civil War, then this introduction has accomplished its goal. What lies ahead may be the familiar terrain of the American Civil War, but the reader will travel new trails through it.

The American Civil War is a mature field of study blessed with many scintillating narratives. Writing about it these days is more a matter of tackling problems raised by those narratives than of amplifying and extending the overall narrative with ever finer details. The vision of Civil War politics in this book rests simply on a handful of questions raised in the narratives of the past and long in need of answers.

If we duly recognize the uncooperative bitterness and rancor of the political parties during the war, as we must, then how can we account for the fact that the critical work of the war got done: soldiers enlisted, government bonds sold, and medical supplies for the troops raised by charities?

⁵ William A. Blair, *With Malice toward Some: Treason and Loyalty in the Civil War Era* (Chapel Hill: University of North Carolina Press, 2014), esp. 19.

If we realize, as the Democrats at the time certainly did, the hopelessly minority position of their party in the North after secession, then how can we account for the rise of a dangerously disruptive peace faction within the party, formed just at the time the party most needed to close ranks and hope for Republican mistakes in the election of 1864? Why would such a minority party risk making mistakes itself, when there was plenty to criticize in the performance of the Republican administration during the war?

If we think, as modern historians do increasingly, that the Civil War Democratic party was a party of “white supremacy,” how can we account for the intensity of that prejudice when the Democrats no longer needed to take into account in their councils and calculations those members of the party with the most at stake in asserting an aggressive racism, the white Southerners?

If we attribute the Republicans’ nearly disastrous losses in the off-year elections of 1862 to the race-obsessed Democrats’ aroused fury against the recently announced Emancipation Proclamation (a question closely related to the previous one), then why do we not ask ourselves why the Republicans were not equally aroused by positive enthusiasm to get out the vote and show their support for this long-awaited policy goal? Could the Proclamation possibly have animated Democrats and left Republicans unaffected?

If a great civil war made it utterly impossible to amend the Constitution of the United States, which for all practical purposes it obviously did, then why did President Lincoln himself support and in some cases actually draft five proposed constitutional amendments? One of those amendments would have guaranteed slavery in the Constitution, and another, ratified after the war was over, in fact ended slavery in the United States – how can such a contradictory record be accounted for?

And if the Democrats were the party that had always clung most tenaciously to the text of the Constitution, who as a minority party during the war most needed its minority protections, and whose motto was “The Union as it was and the Constitution as it is,” then why did they opt in 1864 to endorse a peace platform that was flatly unconstitutional?

Finally, if Abraham Lincoln was a constitutional thinker of significance – and most modern constitutional historians and lawyers agree he was – then what happened to his antebellum liberal and liberating interpretations of the Constitution after he was forced by secession to deviate from his steady course and locate coercive powers in the document?

The pages that follow propose answers to all these devilish questions that have plagued the political and constitutional history of the Civil

Introduction

9

War. Though it is a political and constitutional history, ultimately, this is also a book about war. The behavior of the political parties may well have been different before and after, in peace. But the Civil War imposed special conditions on them. For one thing, one simply cannot think that the Democratic party was the same when there were almost no white Southerners in it – as in this brief four-year period. Likewise, the vague anti-party sentiment that survived from the earliest years of American politics in the eighteenth century was certainly much less vague during a war. And politicians scoured the Constitution for obscure clauses and new meanings as never before. The result, as we shall see, resembled the performance of the modern US stock market – highly volatile from day to day but, in the end, as stable as ever.

We will begin in the important realm beyond politics.⁶

⁶ For making political historians aware of the boundaries of politics, we have social historians Glenn C. Altschuler and Stuart M. Blumin to thank. See their crucial book *Rude Republic: Americans and Their Politics in the Nineteenth Century* (Princeton: Princeton University Press, 2000).