THE VALLANDIGHAM CASE AS A TEST OF CIVIL LIBERTIES
IN TIME OF WAR

A Study of Public Opinion Formulation in Ohio in the
Summer of 1863

A Thesis
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<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>The Return of the Politician</td>
<td>16</td>
</tr>
<tr>
<td>II.</td>
<td>The Arrival of the General</td>
<td>22</td>
</tr>
<tr>
<td>III.</td>
<td>Sam Medary and The Crisis</td>
<td>30</td>
</tr>
<tr>
<td>IV.</td>
<td>The State of the Union -- in Ohio</td>
<td>39</td>
</tr>
<tr>
<td>V.</td>
<td>The Arrest of Wallandigham</td>
<td>50</td>
</tr>
<tr>
<td>VI.</td>
<td>Armed Mobs and Legal Writs</td>
<td>57</td>
</tr>
<tr>
<td>VII.</td>
<td>Repercussions, Recriminations, Commutation, and Exile</td>
<td>17</td>
</tr>
<tr>
<td>VIII.</td>
<td>Suppression of the Chicago Times</td>
<td>85</td>
</tr>
<tr>
<td>IX.</td>
<td>Alarums and Excursions</td>
<td>89</td>
</tr>
<tr>
<td>X.</td>
<td>Cries for Peace</td>
<td>95</td>
</tr>
<tr>
<td>XI.</td>
<td>Slack Republicans and War Democrats</td>
<td>111</td>
</tr>
<tr>
<td>XII.</td>
<td>Rebel Raiders and Hard Riding</td>
<td>117</td>
</tr>
<tr>
<td>XIII.</td>
<td>The People's Mandate</td>
<td>136</td>
</tr>
<tr>
<td>XIV.</td>
<td>Conclusion</td>
<td>144</td>
</tr>
<tr>
<td></td>
<td>Postscript</td>
<td>152</td>
</tr>
<tr>
<td></td>
<td>Footnotes</td>
<td>157</td>
</tr>
<tr>
<td></td>
<td>Bibliography</td>
<td>179</td>
</tr>
</tbody>
</table>

Footnote:
OHIO, 1863

Scenes of principal events incident to the Vallandigham case.
Spring, 1863. Half a million men wear the Confederate gray. In Virginia, the Army of the Potomac, battered by Fredericksburg and stunned by Chancellorsville, reels back while Lee advances toward Pennsylvania. In Tennessee, Rosecrans' Army sits at Murfreesboro, immobile since its victory at Stone River six months past. In Mississippi, Grant's operations are vague and confusing, and there are mutterings that he drinks too much and his casualty figures are too high.

At home, volunteer recruiting has been shut off too soon, and now with new calls for men it can't be gotten started again and there is resort to the French device of conscription. The people don't like that. The best and most willing are already in the blue ranks. The volunteers are affronted. The draft hits unfairly; those with money can buy their way out. There are riots.

There are many who think that the personal liberties guaranteed by the Constitution's Bill of Rights have been curtailed too severely. For these are literal times and freedom of speech means the right to say what you want, and the right to bear arms means the right to tuck a revolver in your waistband if you're so inclined.

The conservative Democrats are calling for peace by compromise. They cut the Liberty head from the old-fashioned copper pennies, fasten a pin to the back, and wear them on their lapels. Sons of Liberty!
The Unionists think of a different sort of copperhead, a treacherous snake that strikes without warning.

Then in the summer the turning point comes. History books say that it is the twin Union victories at Gettysburg and Vicksburg. Perhaps it is. But probably these are but a part of it.

Perhaps the pivot might be found in Ohio. Two men, diametrically opposed, arrive in that state that spring. One is coming home. The other is to be the military commander. One is Clement L. Vallandigham, arch-Copperhead. The other is Ambrose E. Burnside whose code permits only one standard of loyalty: patriot or traitor.
INTRODUCTION

The Copperhead movement in Ohio, or, more specifically, the Vallandigham affair may be approached profitably from a variety of viewpoints. To the historian it is a significant facet of Civil War history. To the biographer it presents the interplay of strong and willful personalities. The political scientists can find in it a case-history in democratic government. The student of law might be concerned with its niceties of constitutional and martial law. The sociologist would certainly see in it a dramatic instance of public opinion formulation.

Borrowing something from each of these disciplines, the journalist will find significance in the events of the summer of 1863 in Ohio for the reasons that (1) they offered a test of the limits of civil liberty in time of war and that (2) they demonstrated the role played by the contemporary press in the public opinion process.

It will be the purpose of this thesis to develop this dual theme. In considering the proposition that the Vallandigham affair offers a test of the limits of civil liberty in time of war, the reader may agree or disagree with the contention that such limitations were essential to the national security. Beyond argument, however, and regardless of political necessities and ethical rights and wrongs, the indisputable fact was that the government of Abraham Lincoln, one of the greatest of
humanitarians, saw fit to curtail or ignore many of the traditional liberties guaranteed by the first ten amendments to the Constitution. Freedom of speech was abridged. The right of the people to keep and bear arms was infringed upon. The right of the people to be secure against unreasonable searches and seizures was violated. Persons were held to answer for capital and other infamous crimes without a presentment or indictment of a grand jury and persons so accused were often denied the right to a speedy and public trial by jury. Cruel and unusual punishments such as banishment were inflicted. Rights and powers not delegated to the United States by the Constitution were in some cases pre-empted by Federal military authority.

Other rights remained relatively inviolate. The right of the people peaceably to assemble was extended, curiously, to cloak and protect meetings of seditious and semi-rebellious nature. The government was petitioned to for redress of apparent wrongs and Lincoln took time out from his prosecution of the war to answer these petitions in detail. Freedom of the press — which the journalist will insist is the keystone of all civil liberties — was restricted, but only when it was pushed to the boundaries of libel and sedition. Social historian Lucy M. Salmon cites the suppression of the Copperhead press, centered on the Vallandigham case and the subsequent suppression of the Chicago Times, as one of the great crises in American press freedom.¹ The tenability of this conclusion might be challenged.

Now, to sketch in the drift of human affairs which made these restrictions of civil liberty apparently (to the contemporary government)
necessary and justifiable.

Military historians like to characterize the American Civil War as the first modern war. When they do so they are thinking primarily of technological reasons — the use of the railroads and telegraph as instruments of war, of breech-loading weapons and aerial observation, and the return of field fortifications. Military historians also mark the wars of the French Revolution — the year 1789 is coincidentally close to the date of the establishment of our Constitution — as the transition from the "dynastic" wars of the latter 17th and 18th Centuries and the "national" wars of the 19th and early 20th Centuries (which in turn have become the "total" wars of the present). It was a salient characteristic of "dynastic" wars that they were fought between governments, not peoples, and that the modus operandi were small, professional armies.

Although the American Revolution set into motion forces which, in turn, sparked the French Revolution, the actual conduct of our War for Independence was such that only a relatively small proportion of our population was actively engaged in it at any one time and the great majority of our people occupied an apathetically neutral center position. Similarly, our War of 1812 and the Mexican War required only a fractional mobilization of our national power (the first because Great Britain was elsewhere engaged in the greater Napoleonic struggle and the second because of the intrinsic weakness of the Mexican state). In these wars, therefore, we could afford the luxury of active dissent.

In the greater, more critical struggle of 1861–65 this was not so. There was dissent both north and south of the Mason–Dixon line. The
South, weaker in manpower and material resources, was first and most ruthless in suppressing internal opposition (Unionism) and thus, to some extent, offset its weakness. The more powerful North clung to the traditional liberties and democratic processes longer and thus permitted the weakening drain of dissent.

That restraint of any kind is distasteful to a democracy is emphasized by a quotation from Charles W. Smith's *Public Opinion in a Democracy*:

> War stimulates the demand for limitations on free discussion. During the Civil War, some thirty thousand persons in the North suspected of being southern sympathizers were seized by federal marshals or army officials and held without trial until these officers decided to free them. This high-handed conduct of the executive was condemned by the courts but was carried on with a nonchalant disregard for either courts or Constitution.

Political scientist Smith wrote the above in 1939, a long time after the event, but a strong, unilateral bias is still evident.

The late Abbott Lawrence Lowell, long-time president of Harvard, in writing of what he called the "absence of alternatives in modern war," said:

> In wars that do not threaten the security of the nation, that do not call forth its utmost resources, a difference of opinion about the wisdom and rightfulness of the war may be tolerated. . . . But if the integrity of the nation is at stake, if a defeat will mean ruining or crippling it, or subjecting it to foreign domination, and its utmost exertions are required to prevent disaster, the position of one who opposes the war, and thereby impedes the fullest use of the whole national power, assumes the form of hostility, not only to the government, but to the state itself.

The test then, according to Lowell, is whether the national security is at stake. Apparently he did not feel that the position of the North was at any time critical for he went on to write:
Although in the Civil War maintenance of the Union was the issue, the security of the northern states, that were striving to subdue the South, was not in jeopardy; and opposition to the war, like opposition fifteen years earlier to the Mexican War, was openly expressed. A northern Democrat remarked long afterwards to the writer, that at the time of the Civil War he had felt that when the last man was needed he would enlist, but that his party had not made the war, and that those who had made it ought to do the fighting. Such a sentiment had no place in the World War; for Americans, by the time they entered into this last struggle, realized that a German victory would be a calamity for the civilization to which they belonged, and highly dangerous to the future security of their country. 5

The book containing the above was published in 1923. With the further perspective of the past thirty years, it is difficult to see how World War I offered any greater threat to the security of the nation than did the Civil War. Otherwise, Lowell's criteria as to when opposition to the prosecution of war should and should not be permitted seem to be good ones.

The second major area to be examined in this thesis is the role of the press -- with all its varying political complexions: Copperhead, Democrat, Republican, Radical, Abolitionist -- in the formulation and reflection of public opinion in the Vallandigham case.

Concerning the role of public opinion in the functioning of a democratic government, John M. Burns and Jack W. Peltason, authors of Government by the People, ask the following questions:

Government by the people is supposed to be government in accordance with the will of the people. So it is, but difficulties immediately arise. What is the will of the people? What does government do when people disagree? What does it do when opinions change? What does it do when most of the people are indifferent about some issue, while a minority is active and noisy? Should government itself try to influence opinion? If so, how far should it go?
But governments must act. Decisions must be made. Somehow, out of the confusion of raucous voices and dead silences, politicians must shape fairly precise and positive policies. . . .

Psychologist Ernest R. Hilgard emphasizes the importance of a two-way communications process:

By the reciprocal process of the people influencing the government and the government influencing the people, public opinion becomes effective and public opinion becomes changed. Provided that the channels of communication are open and free, this two-way process makes for effective functioning of democratic government. 7

James Bryce in his pioneer work, Modern Democracies, has stated that every question of public importance is subjected to a process of consolidation and clarification until it emerges and takes shape as certain views held and advocated in common by a body of citizens. Bryce also wrote that no sensible man disputes the power of public opinion. 8

Lowell in Public Opinion and Popular Government stated that public opinion is involved in all theories that base rightful government upon the consent of the governed. He qualified this with the further statement that the consent required is not universal approval but a consensus; that public opinion is not strictly the opinion of the numerical majority but that all opinion is to some extent weighted. 9 The implications of this are obvious: a strong-minded, wilful minority can and often does impose its will upon the numerically greater but apathetic majority.

Edward L. Bernays, who is accredited with raising the field of public relations to the level of a social science, defines public opinion
Public opinion is a term describing an ill-defined, mercurial and changeable group of individual opinions -- now uniform, now conflicting -- of the men and women who make up society or any group of society. In order to understand public opinion, one must go back to the individual who makes up the group.

The mental equipment of the average individual consists of a mass of judgments on most of the subjects which touch his daily physical or mental life. These judgments are the tools of his daily being and yet they are his judgments, not on a basis of research and logical deduction, but for the most part dogmatic expressions accepted on the authority of his parents, his teachers, his church, and of his social, his economic and other leaders.

In arriving at the latter part of his definition, Bernays has apparently drawn heavily on a concept advanced by Walter Lippmann in his classic Public Opinion. Lippmann suggests that public opinion is primarily a moralized and codified version of facts, conditioned by stereotypes which are the center of our code. For the most part, Lippmann says, we do not first see and then define; we define and then see. Creation and maintenance of stereotypes is the subtlest and most pervasive of all influences.

Following a similar line, Wilhelm Bauer in the Encyclopedia of Social Science has stated that there are two main types of public opinion: static which is rooted in the traditions, customs, mores, and usages of a people and dynamic which is predominantly rational and built on persuasion and systematic publicity.

Political scientist Clyde King, in prefacing the collection, Readings in Public Opinion, was more restrictive in his definition. He said that public opinion is the social judgment reached upon a question of
general or civic import after conscious, rational public discussion and is thus distinguished from mob action, public indignation, public sentiment, popular impressions, preponderant opinion, general opinion, public judgment, and other related terms.¹³

In describing public behavior, Freedman, Hawley, Landecker, and Miner, authors of Principles of Sociology, outline the following pattern of interaction:

1. People disagree about the solution of a problem of joint importance.

2. They purposely try to persuade each other to change their attitudes.

3. As a population in the process of discussion and decision-making, the end product of the discussion is a decision or a pattern of decisions. Other groups assist in putting these decisions into effect.¹⁴

The writers then go on to say that this pattern of decisions, of pros and cons, at any given time is what we call "public opinion."

Noel P. Gist, another sociologist, says that, "Public opinion may be viewed both as a state of the public mind and as a process."¹⁵ This seems to be a restatement of the static and dynamic concepts of public opinion. Gist also says "Public opinion on social issues commonly, though not always, reflects the self-interest of particular individuals or groups striving for some advantage."¹⁶

He also advances several subsidiary definitions which may be of use:

Attitude - "a tendency to act positively, negatively, or neutrally toward some meaningful thing in our world of experience."¹⁷ Attitudes,
he says, may be acquired indirectly by communication with others or direct-
ly by experience, or often, by a combination of both communication and experience. He stresses the tendency to act.

Public "has reference to those persons who reflect upon and dis-
cuss a particular issue." He distinguishes between the "general" and "special" publics by saying that the first are the "bystanders" and the second the "insiders."

For a more concise, workable definition of "public opinion" we might consider that of social psychologist Leonard W. Doob who says that "public opinion refers to people's attitudes on an issue when they are members of the same social group." He goes on to characterize attitude "as the socially significant, internal response that people habitually make to stimuli" and to say that an issue "involves a controversy or conflict among people.""Burns and Peltason, in Government By the People, in speaking of "millions of publics" and in denying that there is "one general public opinion, or a mass mind." have brought together some of the character-

1. Public opinions are often extremely fluid and changeable. ("This is true even of some of the most basic, deep-seated attitudes.")

2. The interested public is always changing. ("People get bored with causes or issues."")

3. People holding an opinion vary greatly in intensity of belief. ("The attitudes of people who are more passive can probably be changed more easily than the attitudes of those who feel strongly on the matter.")
4. Public opinion may be latent.  
("People's attitudes may not have crystallized on some issue; still, their attitudes may be important, for those attitudes can be evoked and converted into action if certain things are done.")

5. The public is made up of numberless subpublics, differentiated in many ways.  
("To make matters more complicated, these thousands of subpublics cut across one another in a thousand different ways, in turn creating millions of subpublics.")

As political scientists, Burns and Peltason are interested in the role played by political parties in the public opinion process. In our two-party system, they see this chiefly as a reduction of the issues to simplified alternatives: ". . . usually they /the two parties/ present the public with a choice between two relatively understandable solutions to a question, although most controversial matters admit of a variety of solutions."

Hilgard also offers a list of principles evolved by students of public opinion:

1. Opinion is highly sensitive to important events.

2. A suggestion concerning an ambiguous situation, whether true or false, will be more readily accepted than one concerning a clearly structured situation.

3. When an opinion is held by a slight majority, or when an opinion is not firmly set, an accomplished fact tends to shift opinion in the direction of acceptance.

4. A suggestion that seems to meet an existing need will be more readily accepted than one which does not meet a need.

5. Public opinion is subject to distortion by whatever defense mechanisms the individual is accustomed to use to relieve his anxieties. (Such as the "mechanisms of rationalization, displacement, compensation, projection, and identification.")
The events incident to the Vallandigham case offer ample illustration, as we shall see, of these two sets of generalized conclusions concerning the nature of public opinion.

Another facet of the public opinion process, not yet discussed, is the matter of measurement. The state and federal governments of 1863 had no public opinion polls with which to take the pulse of public opinion. Direct expression came in the form of the vote. Equally direct were the face-to-face meetings, the letter-writing, the telegrams and petitions, the editorials, and the public meetings. The problem now becomes: how can the drift of public opinion be measured — or at least estimated — in a historical situation; specifically, in Ohio in the now-remote summer of 1863?

Bryce, writing in a day before opinion polling offered more-or-less dependable predictive measurements, said that while there were indicators by which the drift of public opinion might be ascertained, these indicators were by no means foolproof. The press he did not regard as a completely safe guide; neither in terms of its circulation nor of its content. News accounts may be colored and misleading and circulation in itself does not necessarily measure the prevalence or acceptance of a newspaper's views. Attendance at public meetings is not a sure index as any energetic group can fill a hall. Stray elections can be dubious as they may be influenced by local and transient feeling rather than the general public opinion.24

In gauging the swirling currents of public opinion in Ohio in 1863, we shall use some of the devices mentioned by Bryce, bearing in mind
that they are susceptible of manipulation and misinterpretation. We shall also attempt to sample contemporary accounts and judgment, both published and manuscript. And, like Bryce, we shall accept the vote -- in this case, the gubernational election -- as being the people's mandate and the ultimate resolution of popular opinion on the issue under consideration.

There is, of course, a continuing interplay between those who govern and those who are governed. Even in 1863 the politicians were using the same methods for influencing the people as were in turn being brought to bear on them. They talked as well as listened. They wrote as well as read. They used the press as a mass communications medium both directly and indirectly.

Bernard Berelson emphasizes the reciprocal nature of the flow of influence between communication and public opinion. Applying this concept to the press (or any other medium), we can expect the press not only to influence but to be influenced in the shaping of opinion. Bernays says "The truth is that while it appears to be forming the public opinion on fundamental matters, the press is often conforming to it." The press is thus both a molder and a reflector of opinion. Obviously its effect as a molder will be limited by the boundaries of the resistance or receptivity of its audience. Similarly its accuracy as a reflector will be affected, not only by the biases of its editors and publishers, but also by the imperfections of the collection, interpretation, and recording methods incident to the journalistic process.

Freedman, Hawley, Landecker, and Miner in their Principles of So-
cicology emphasize the crystallization effect of mass media. They summarize the effect of mass media in public opinion formulation in two broad statements:

1. People who already favor the media's messages tend to pay attention to them; those who are opposed tend not to pay attention.

2. People tend to respond to media messages in terms of their existing predispositions. Previous opinions are strengthened; not changed.27

Compared with the present, the newspapers of the Civil War occupied a position within the mass communications framework which was fundamentally different in two ways. In the mid-19th century, the newspaper was the mass communications medium, unrivalled and almost unchallenged by other media. Secondly, newspapers of that period were much freer of economic considerations. Circulations were small but newspapers were numerous. As we shall see demonstrated, a daily newspaper in one of Ohio's largest cities could be founded with $10,000 capital. A weekly paper could be started with a cash outlay of $50 and access to a job printing press. The publishers of the day were largely lawyers-turned-politician or journeyman printers-turned-editor.

With these guidelines established, we now turn to the events of the summer of 1863. The issue which faced the people, not only in Ohio but throughout the Union, was clear: Should the war be ended in a negotiated peace or should it be fought through to its ultimate conclusion?
I

THE RETURN OF THE POLITICIAN

On March 5, 1863, the day following the adjournment of the 37th Congress, Clement Laird Vallandigham, defeated in his bid for re-election to the House in the November balloting, started for his home in Dayton, Ohio, by a route singularly circuitous for a defeated candidate.

His first stop was in Philadelphia. He arrived by rail on the afternoon of the 5th and engaged rooms at the Girard House. That evening the members of the Democratic Central Club rallied at their headquarters on Walnut Street below Sixth, formed up behind a brass band, and marched to the Girard House where they serenaded the ex-Congressman. "The street was one blaze of fire-works," reported the Philadelphia Inquirer, "and the yells and cheers of the assembled crowd were deafening."

Master of the grandiloquent mid-19th century style of political oratory, Vallandigham assured the torch-lit and tumultuous audience that he was a true Union man, had always been, and intended to continue to be. He differed with Mr. Lincoln's administration only as to the mode of preserving the Union. He rejoiced that the time had come when he could vindicate himself from the malicious charges which had been
hurled against him. The Democratic party would regain national power in March 1865 and when it did it would adopt a great plan by which a convention of all states, Northern and Southern, would be held, and an honorable peace and a restored Union would result. In the meantime, the charges of treason leveled against the Democratic party must be made to cease.²

After this wildly-applauded speech, there was handsome entertainment at the Philadelphia Club for Vallandigham. He was exceedingly pleased; the next day, flushed with the warmth of his Philadelphia welcome, he took the railroad cars to New York.

Saturday evening was cold and wet but the club rooms of the Democratic Union Association on Broadway were packed to capacity to hear the celebrated Congressman from Ohio.

"... I am here to speak to-night regardless of all threats," he began. "I know as well as any man the pressure that is now made upon the Democratic party with the vain hope of crushing it out. These men who are in power at Washington, extending their agencies out through the cities and States of the Union, and threatening to re-inaugurate a reign of terror, may as well know that we comprehend precisely their purpose. ... The people of this country ... have been deceived; instead of crushing out the rebellion, the effort has been to crush out the spirit of liberty.

"The conspiracy of those in power is not so much for a vigorous prosecution of the war against the rebels in the South as against the democracy in peace at home."
Having thundered out this indictment of the administration, Vallandigham went on in quieter tones to offer his solution:

"... Still, so long as they leave to us free assemblages, free discussion and a free ballot, I do not want to see, and will not encourage or countenance any other mode of getting rid of it."

But if, he warned, an attempt was made to deprive them of that right, "then the hour will have arrived when it will be the duty of freemen to find some other and efficient mode of defending their liberties. . . ." 3

From New York City, Vallandigham proceeded to Albany and then through Connecticut. More speeches in similar vein before enthusiastic Democratic audiences and thence homeward to Dayton.

He arrived in his home city on March 13th. Two brass bands were at the depot to greet him. He received "one of the greatest ovations ever given to any man in Ohio," according to the Democratic Dayton Empire, a paper which he himself had once edited. 4

A cannon belched forth a 34-gun salute (thirteen guns more than are due the President of the United States), the procession formed up behind its parade marshals and brass bands, and Vallandigham was escorted to the Court House where he was officially and effusively welcomed by the local Democratic chieftain, the Hon. David A. Houk. After receiving this accolade, the lionized and leonine Vallandigham stated once again the determination of the Democratic party to maintain free speech, a free press, and free elections.

"He would endure," reported the Empire in a paraphrase of his speech, 5
"almost every other wrong as long as free discussion, free assemblages of the people and a free ballot remained; but the moment they were attacked, he would resist."

More cheers from the crowd. "Altogether," said the Empire, "it was by far the most hearty and enthusiastic welcome ever extended to any one in this city."

Who was this Vallandigham, who — even after discounting the hyperbole of the partisan press — excited such a response from the Northern Democrats?

He was at this time not quite forty-three years old. He was a handsome man: patrician nose, his hair a dark lion's mane, a short ruff of chin whiskers, no mustache. He had been born in New Lisbon, Ohio, on July 29th, 1820. His father was a Presbyterian clergyman. His paternal ancestry was French Huguenot — the name was Flemish, originally spelled Van Landegham. The first of the name to settle in this country had come to Stafford County, Virginia, in 1690. On his mother's side the lineal extraction was Scotch-Irish.

Vallandigham was educated at Jefferson College, Canonsburg, Pennsylvania. Afterward he read law and was admitted to the Ohio bar in 1842. His first entry into politics was a successful bid for the Ohio Legislature, representing Columbiana County during the 1845-7 sessions. He moved to Dayton in 1847, edited the Dayton Empire (forever his staunch supporter) for two years and then returned to the practice of law. In 1852 and again in 1854 he campaigned unsuccessfully for the House of Representatives, the election going both years to Lewis D. Campbell.
But in 1856 Vallandigham secured the seat after a contested election. He was re-elected in 1858 and again in 1860.

On the floor of the House, Vallandigham was the outspoken champion of Western sectionalism. He opposed the Civil War as unconstitutional. He vociferously supported state's rights and was adamant in his aversion to abolition. Losing his seat in the November 1862 election, he nevertheless emerged about this time as the leader of that faction of Peace Democrats bearing the label "Copperhead."

His formula for the restoration of the Union (fantastic when viewed in retrospect, but not so far-fetched to peace-anxious Democrats in 1863) was as follows:

1. The way to preserve the Union was to recognize four distinct groups of states: North, South, West, and Pacific Coast.

2. Representation in Congress should be modified by constitutional amendment so as to provide a balance among the four established groups of states.

3. The president should be elected by sectional majorities.

4. A state should be allowed to secede from the Union by action of its own state legislature.

In his thinking, he over-emphasized the common interest of the South and the Northwest in the Mississippi Valley. His active dislike of New England kept him from realizing the socio-economic changes brought about by the ever-expanding east-west railroad system, the growth of industry in the North, and the ever-increasing consumption of eastern markets.
In reality, he was the voice of the lower Ohio Valley rather than that of the West or Northwest.\textsuperscript{11}

As a lame-duck member of the 37th Congress, Vallandigham had distinguished himself by:

1. Declaring in favor of an armistice.
2. Recommending the restoration of the Union by compromise.
3. Suggesting that Napoleon III be named as mediator for peace negotiations.
4. Fighting the bill validating military arrests.
5. Fighting the draft bill.\textsuperscript{12}

Now Vallandigham was back in his sphere of greatest influence -- even though he had lost the election -- Dayton and Montgomery County.

Roseboom, in his \textit{The Civil War Era, 1850-1873}, points out that the centers of Copperhead strength were the north central and northwest central counties of Ohio -- conservative Democratic areas typified by Holmes and Crawford counties. The southern counties (and this seems to confute the popular conception of Western Reserve v. Southern Ohio) were by and large Unionist with a few exceptions such as Butler and Monroe counties. The Copperhead or peace movement appealed chiefly to the "old fashioned, hard-shelled" party members\textsuperscript{13} and to the lower classes who feared economic competition from the Negro.

While the more substantial members of the old-line Democratic party might be expected to heed Vallandigham's exhortations to use the ballot box, the less sophisticated elements, were prone, as will be seen, to resort to more direct and violent action.
II

THE ARRIVAL OF THE GENERAL

On January 26, 1863, Major General Ambrose Everett Burnside, upon being relieved of the command of the Army of the Potomac, published the following order:

By direction of the President of the United States, the Commanding General this day transfers the command of this Army to Major General Joseph Hooker.

The short time that he has directed your movements has not been fruitful of victory or any considerable advancement of our lines, but it has again demonstrated an amount of courage, patience and endurance that under more favorable circumstances would have accomplished great results; -- continue to exercise these virtues, be true to your devotion to your country and the principles you have sworn to maintain, give to the brave and skilful General who has so long been identified with your organization, and who is now to command you, your full and cordial support and cooperation, and you will deserve success.

In taking an affectionate leave of the entire Army, from which he separates with so much regret, he may be pardoned if he bids an especial farewell to his long tried associates of the Ninth Corps.

His prayers are that God may be with you, and grant you continual success until the rebellion is crushed.

Whether the words were actually his or written by a staff officer, the order sounds like Burnside. He had taken command of the Army of the Potomac, reluctantly, from his old friend George B. McClellan on
November 9, 1862. After Antietam, McClellan had been censured for over-caution; Lincoln wanted a general who would go after the enemy and bring him to battle.

Burnside took command of the Army at Warrenton, Virginia. By the end of November, General Robert E. Lee had entrenched the Army of Northern Virginia in a strong defensive line on the high ground just to the south of Fredericksburg. Burnside got at Lee just as soon as pontoon bridges for a river crossing could be provided. (There was some delay in getting the pontoons down to the crossing site.) By the 10th of December, Burnside's army — effective strength in round numbers: 100,000 — was concentrated on the north bank of the Rappahannock across from Fredericksburg. On the 11th, his engineers, covered by parties of infantry and artillery, started putting down the six pontoon bridges by which the crossing would be made. Before the day was over, enough infantry was pushed across the river by assault boat to clear the lower edge of the town of Banksdale's brigade of Mississippi sharpshooters and to hold the bridgeheads for the night. On the next day, the unlucky 13th, the three grand divisions of the Army — Franklin's, Sumner's, and Hooker's — crossed over the bridges and in solid, massed columns smashed themselves to bits in a frontal assault against Lee's prepared line.²

Fredericksburg's 12,000 Union casualties shocked the nation. Public indignation vented itself first against the authorities in Washington, but Burnside, in an open letter to the General-in-Chief, Henry W. Halleck, said no, the complete responsibility for the disaster was his.
In his letter, Burnside, after summarizing the action, described the withdrawal from Fredericksburg:

As the day broke, our long lines of troops were seen marching to their different positions as if going on parade. Not the least demoralization or disorganization existed.

To the brave officers and soldiers who accomplished the feat of thus recrossing the river in the face of the enemy I owe everything. For the failure in the attack I am responsible, as the extreme gallantry, courage and endurance shown by them was never exceeded, and would have carried the points had it been possible.

To the families and friends of the dead I can only offer my heartfelt sympathies, but for the wounded I can offer my earnest prayers for their comfort and final recovery.

The fact that I decided to move from Warrenton on to this line, rather against the opinion of the President, Secretary of War, and yourself, and that you left the whole movement in my hands without giving me orders, makes me responsible. . . .

This letter was widely reprinted throughout the Union and the effect was that Burnside, by his frank acceptance of responsibility, had gained rather than lost stature.

Burnside had made two more attempts to cross the river. On December 26 he sent out Major General William W. Averill with a strong cavalry diversion, but before the main body of the Army could be put into motion on the 30th, Lincoln got wind of the plan, and, having been advised that this attempt might prove even more disastrous than Fredericksburg, cancelled the movement.

On January 5, 1863, Burnside sent a new plan to Lincoln and Halleck, enclosing his resignation, to be accepted if the administration disapproved his plan or had lost faith in his abilities.
In reply, President Lincoln penned this endorsement, dated January 8, 1863, to a longer letter being sent to Burnside by Halleck:

... Be cautious, and do not understand that the government or country is driving you. I do not yet see how I could profit by changing the command of the Army of the Potomac, and if I did, I should not wish to do it by accepting the resignation of your commission.\(^4\)

Encouraged by this, Burnside made one more try; this resulted in the "Mud March," beginning on the bright sunny morning of January 20th and ending two days later in a morass of red Virginia mud. At the climax of the march, with his artillery and wagons belly-deep in mud, Burnside had wanted to push on through the driving winter rain with just his infantry. Major General Joseph Hooker and his cronies virtually rebelled and Burnside had reluctantly ordered the Army back to Falmouth where it went into winter quarters, abandoning all hopes of further movement until spring.

The next day, January 23rd, Burnside issued his presumptive General Order No. 8 in which he summarily dismissed from the United States service Generals Hooker, Brooks, and Newton for insubordination. In the same order he relieved from duty as being "of no further service to this army", Generals Franklin, W. F. Smith, Sturgis, Ferrero, Cochrane, and Lt. Colonel J. H. Taylor.\(^5\)

If Burnside had just relieved his subordinates of their commands he would have been well within his prerogatives, but he obviously did not have the authority to dismiss them from the U. S. service. The rift between Burnside and the generals could not be healed; Lincoln did the only thing that could be done: he relieved Burnside.
Orders for Burnside's removal arrived on the 25th. After making his farewells to the Army, he proceeded to Washington where he once again submitted his resignation to the President, not in protest but in an effort to spare the administration any further embarrassment. Lincoln declined the resignation with the comment that he had "other fish for him to fry."\(^6\) Burnside answered that he would willingly accept any command or duty, but he was reluctant to wear a major-general's shoulder straps or receive a major-general's pay while doing nothing to earn the honor or the money. Lincoln sent him off for a few weeks' leave while he considered his next assignment.

Burnside set off with his wife for his home in Providence, Rhode Island. Crowds met them at every station. Arriving in Providence he was given an ovation as Rhode Island's top ranking soldier. The State Legislature was in session; it adopted a complimentary resolution inviting Burnside to visit both houses. He stayed in Providence a few days, then started back toward Washington, hoping that Lincoln would give him back the command of his old Ninth Corps. He stopped briefly in New York, made a short speech at a meeting of the United States Christian Commission, stating that it was the duty of every man to stand by the administration and the government.\(^7\)

Meeting with Lincoln again in Washington, he learned that he was to be given command of the Department of the Ohio, comprising the states of Ohio, Indiana, Illinois, Michigan, Eastern Kentucky, and the prospect of Eastern Tennessee when it was finally wrested from the rebels.
He asked that the Ninth Corps be sent with him to the Department and was promised at least two divisions as soon as transportation could be arranged.

Burnside received the assignment on March 16. He reached Cincinnati on the 23d, and on the 25th relieved the incumbent commander, Major General Horatio G. Wright.  

Burnside was introduced to the citizenry of Cincinnati from the balcony of the leading hotel, the Burnet House, by Major General Lew Wallace. "The great West," said Wallace, "loves all her sons, of whom it is enough to say Ambrose Burnside is the truest and best."  

What was the background of this Civil War general who is better known today for the style of his mutton-chop whiskers than for the part he played in one of the war's strangest controversies?  

He was born in a log cabin in Liberty, Indiana, on May 23, 1824. There was little cash money in the family; he was apprenticed to a tailor at 18, and then a year later (his father was a State Senator) he was appointed to the United States Military Academy. He graduated in 1847 and went on active service barely in time to join Scott's army before the Mexican War ended. Then came a spell of garrison duty. He married in 1852 and in the following year left the army with plans to manufacture a breech-loading rifle he had invented. He set up his firm in Rhode Island. He went bankrupt in 1857 but by this time he was well-established in Providence. He had a pleasing personality, good manners, and a military background. He became a major general in
the state militia. His army friend, George B. McClellan, helped him get the position of treasurer of the Illinois Central Railroad.

In April, 1861, when Lincoln called for 75,000 volunteers, Burnside formed the 1st Rhode Island Regiment and was made its colonel. His was one of the first regiments to reach the capital and his was the first brigade to engage the enemy after crossing Bull Run in the Battle of First Manassas. 10

He was one of the few to emerge from that sorry affair with something of a reputation and on August 6 he was moved up to brigadier general of volunteers. In the Fall of 1861 he was ordered to train a division of New Englanders for coastal operations. During the first months of 1862, his new force operated successfully in the Carolinas, gaining him a national reputation (and incidentally pioneering a new form of amphibious warfare). In March he was promoted to major general. In July, after McClellan's failure on the Peninsula, he was offered command of the Army of the Potomac. He refused, partly because of his loyalty to his old friend McClellan, partly because of his own feelings of inadequacy.

During the summer, Burnside and the larger part of his command, now designated the Ninth Corps, were transferred from the Carolinas to Pope's new Army of Virginia. When Pope failed at the Second Battle of Manassas, the command of the re-constituted Army of the Potomac was again offered to Burnside; he refused and the command reverted once more to McClellan.

Burnside commanded McClellan's left wing at Antietam; he was slow
in seizing the initiative and there was some confusion, but the battle was won. McClellan failed to exploit the victory with an adequate pursuit and it was for this reason he was relieved by Lincoln. Burnside for the third time was offered the command and, with considerable misgivings, he accepted. Then came Fredericksburg and his subsequent relief by Hooker.

He arrived in Cincinnati with his military reputation dimmed by his failure at Fredericksburg but his personal reputation was still untarnished.

_Harper's Weekly_, on February 14, 1863, in an editorial comment typical of the Union press, had this to say about Burnside:

There has been no question of his bravery, his energy, and his celerity in the field, qualities essential to an invading army . . . . He has issued no foolish addresses. In the hour of reverse he has neither thrown the blame upon the government nor suffered others to do so.
III
SAM MEDARY AND THE CRISIS

If Vallandigham was the Number One Copperhead in the country, then Samuel Medary deserved to be ranked as Number Two. In 1863 he was 62 years old, gray-bearded, and opposed to the war. He had been born in Montgomery County, Pennsylvania, had come to Ohio in 1826, had taught school in Clermont County, nibbled around the edges of politics, and in 1828 started his first newspaper, the Ohio Sun at Bethel. In 1837 he took over the Hemisphere in Columbus from his brother Jacob and renamed it the Ohio Statesman. With two brief interruptions he continued to own and edit the paper for the next seventeen years.

He was a loyal Jacksonian Democrat and something of a political philosopher. In 1857, President Buchanan named him governor of the territory of Minnesota. When Minnesota became a state, Medary was appointed territorial governor of troubled Kansas. In 1860, with the Civil War impending, Medary resigned and came back to Columbus. The Ohio Statesman, now that it was no longer in his hands, failed to satisfy Medary as a strong enough Democratic voice. He founded a new weekly, naming it The Crisis. ¹

The first issue appeared January 31, 1861. ("Terms — two dollars per year, invariably in advance."²) It was a tabloid-size paper,
ordinarily eight pages set five columns wide, no display heads, and
very little advertising. Superficially it resembled the present week­
ly newsmagazines in format, and, in fact, had a national circulation
among the Democratic faithful. The paper's offices were at the corner
of Gay and High Streets, Columbus. Medary's editorial style was more
astringent and less florid than was typical of the times.

He was insistent on the ancient Anglo-Saxon rights of free men.
He was opposed to the war because he felt that:

1) it could not, in a democracy based on public opinion, accom­
plish the desired end;

2) it would entail a debt and involve human misery far dispropor­
tionate to any benefits; and

3) it might bring about permanent dissolution of the Union and
perpetual war between the dismembered states.

These were his reasons as printed in The Crisis. Besides these,
Medary was a pacifist by inheritance. His mother was a Quaker descend­
ed straight from a colonist who came over with William Penn. Abraham
Lincoln was all wrong because all wars were all wrong.4

But mostly, Medary blamed the war on the Abolitionists.

On Thursday, March 5, 1863, Medary went to Cincinnati on the af­
ternoon train. It snowed that evening and a mob of about 200 men, most­
ly soldiers, gathered, broke into the offices of The Crisis, and tore
things up in general. Medary came back to find from $600 to $800 dam­
age done but extracted some satisfaction from the fact that the rioters
had found no type to "pie" or presses to smash, because The Crisis wasn't printed there but in the shop of Richard Nevins, the state printer. Medary was sure that the Ohio State Journal and the Capital City Fact (both staunchly Republican, of course) were responsible for inciting the riot. The city editor of the Journal, a Mr. King, "happened" to be at the scene at the time of the disturbance and, in fact, was roughed up by Medary's son who was also among those present.5

Medary editorialized: "The men employed in this work were from the Western Reserve, John Brown singing masters, some, if not all of whom graduated in Kansas and Missouri in the 2nd Ohio Cavalry under Col. Doubleday." He said that the soldiers from Camp Chase, just west of the city, had been put to it by free liquor furnished by the Journal and a three-hour harangue by Andrew Johnson, military governor of Tennessee.6

Col. August V. Kautz, commanding the 2d Ohio Volunteer Cavalry, wrote a letter to The Crisis, which Medary printed, expressing his regrets but disclaiming any responsibility for the incident. He did return four bound volumes of The Crisis found at Camp Chase. No one in the regiment seemed to know how they had gotten there.7

The Ohio State Journal, edited by I. J. Allen and with its offices in the "Journal Buildings, East State Street, opposite the Capitol,"8 reported the occurrence somewhat differently.

Andrew Johnson had come to Columbus to address a giant Union rally at the Statehouse. About noon, March 3, he was escorted from the residence of Governor David Tod by a retinue including the 18th Regi-
mental band, the Governor's Guards, and Col. Kautz' 2d Cavalry Regi-
ment. Beginning at 2 o'clock and after a 14-gun salute fired by
Capt. Kunkle's battery (which was shortly thereafter reported ready
for service at the front), Johnson spoke for three solid hours. This
was probably the harangue referred to by Medary. At least, his speech
as printed by the Journal included the following:

"And let me tell you, my friends, that to continue this war is to
work the end of slavery. . . . I am not for prosecuting this war for the
purpose of abolishing slavery and freeing the negroes, but if the ne-
groes are in the way I say let them go. . . . You have interest, great
interest in the good of this land. Your sons must defend it against
Vallandigham, Jeff Davis and all other traitors."9

As for the mobbing of The Crisis, the Journal sniffed editorial-
ly that "Among all present, we heard not a word of sympathy for the
Crisis save from three, one a citizen, one a police officer, and the
other, the son of Mr. Medary."10

Another version of the attack on The Crisis office, and one prob-
able quite close to the truth of the matter, appears in a letter writ-
ten by Pvt. Samuel C. Trescott, member of Company C of the rambunctious
2d Ohio Volunteer Cavalry, to his cousin, Cordelia Miller of Braceville,
Trumbull County, and dated March 6, 1863:

The other night about 100 of the 2nd O. went down
to Columbus and destroyed a secesh printing office, one
of the worse kind. Now the Columbus people some of them
are trying to kick up a fuss and find out who it was.
They have told a good many lies about (it) in some of the
secesh papers. Now the truth is 100 of the boys went
down armed with revolvers and sabres they went down in
order did not drink a drop of liquor went straite to the office smashed it up and come back home (to Camp Chase) without noise they expected to have a fight and were ready for it. they call it a mob but there was nothing like a mob about it. It was a secesh paper and aided the rebels and as such should be put down. the secesh have called a meeting to fight the next time such a thing happens if they had have tried it the other night they would have been whip but they never said a word, You may asked how I knew so much about it, I was near enough to see some of it at least but (it) does not do to say so here.

The upset of his office files did little to subdue Medary's editorial temper.

In the March 11, 1863, issue, over a story reprinted from the New York World, was the headline:

Indignation at the Monstrous Doings of Congress
The Complete Overthrow of Public Liberties

Another story in the same issue, this one from the Carthage Republican, was headlined:

Proof of the Existence of an Extensive Secret Military Organization Extending Throughout the whole North, the Objects and Aims of which are to establish a MILITARY DESPOTISM in the North

But the facts of the story which followed hardly justified the headline: a Doctor of Divinity, John Trimble, Jr., by name, was apparently trying to organize a secret patriotic military organization to offset the Copperhead movement, and typical of the era, had injected a good deal of ritualistic mumbo-jumbo.

Other Peace Democrats might eschew the nicknames "Copperhead" and "Butternut," but not the editor of The Crisis. On March 18, under the headline, "About Snakes," he printed the following squib:

- 34 -
A Democrat said the other day to a Republican: "If it has come to snakes, I would rather be a copperhead than a black snake."

Once introduced, "blacksnake" shared space with "Abolitionist" and "idiots and knavish asses" in The Crisis' columns as synonyms for Republican. Medary's anti-Negro bias, stirred up by the President's Emancipation Proclamation, grew worse. There was a report in the issue of March 18 of a race riot in Detroit stemming from a "fiendish assault by a negro upon a little white girl." Two weeks later Medary was deploring the catching of white deserters by negro soldiers, the act of desertion being somehow less infamous than the use of colored provost guards. The same issue, April 1, 1863, reported the destruction of the Marietta Republican (which was Democratic) by an Abolition mob of "black vipers."

The Journal cluck-clucked that the "editor of the Crisis has suffered a very severe relapse of his old chronic complaint Negro on the Brain," and went on to say that The Crisis, "the insane incubation of the oldest son of all Copperheads, has invited the disgust of all honest, sensible men who still cling to the rotten hulk of what was once the Democratic party."12

Medary replied in kind: Allen, the editor of the Journal, was variously a "dirty pup," "hired pimp," "daily associate of burglars," and "gloating hyena."13

Naturally The Crisis was opposed to conscription, particularly the fact that an exemption could be bought for $300. Wrote Medary, "In the vast army of 300,000 which Mr. Lincoln has ordered to be raised, there
will not be one man able to pay $300. Not one I think of that!"¹⁴

On March 11, 1863, The Crisis published an unsigned letter, purportedly from a soldier in Rosecrans' army, mailed from Nashville on January 25 to the Cleveland Plain Dealer:

... The soldiers look to the honest Democrats of the North to put a stop to this bloody, unholy war. Throw out the nigger and our union will be restored. But continue to make him the object of this war, and the Southern ranks will be swelled with Northern volunteers. Those dogs at Washington will not take warning. ...)

On the other side of the political and editorial fence, the Ohio State Journal on March 21 printed a letter from a Union officer to friends in Columbus:

... The Vallandigham Democrats are continually writing to our soldiers encouraging them to desert. This I know to be a fact, for several letters have been received in this command from Clermont county, asking men to desert and offering them protection if they do so. ...

A few weeks later the following communication from a reader in Roundhead, Hardin County, was printed in The Crisis:

Sir: Enclosed find six dollars, two dollars of which is to renew my subscriptions, four dollars for two new subscriptions.

Since the mobbing of The Crisis it seems that the people have become aroused to a sense of their position and say it will never do to let the old wheel-horse go down in these perilous times. I think I will be able to send you a few more subscribers soon.

Butternut stock is rising in this section, and they are all for Vallandigham for next Governor.

In the same issue, April 15, 1863, there was another letter, this one from Harrison County, (West) Virginia, which began:
Gov. Medary:— We have learned from your valuable paper that your office has been assaulted by a pack of Old Abe's blackhearted scoundrels, who have no respect for law, order, or decency. . .

There was also a squib from the Findlay, Ohio, Courier:

It is rumoured that Lincoln will soon issue a proclamation calling in all the old copper cents, upon the ground that they are used to give "aid and comfort to the enemy," by being used by the Democrats for copperhead breast-pins. The Secretary of the Treasury has under consideration the propriety of altering the design upon the nickle cents — erasing the Indian that now occupies one side, and placing in its stead the bust of a "free American of African descent," as being more distinctive of the object and policy of the Administration.

And so it went. Columbus, being the state capital, naturally generated a great amount of political news. The Crisis and the Ohio State Journal represented the Copperhead and Radical Republican extremes, respectively. Falling in between were the old-line Democratic Ohio Statesman and the strongly Republican Daily Capital City Fact.15

In Dayton there was an equally explosive newspaper situation. The editor of the Democratic Daily Empire, J. C. Bollmeyer, had been shot and killed by a Henry M. Brown on November 1, 1862, in an argument over State's rights. The Republican Journal was blamed for inciting the shooting. Before the summer of 1863 was out both papers would be the scenes of further violence.16

Cincinnati was the largest city in the state and the site of the headquarters of the Military Department of the Ohio. It was also just across the river from divided, war-torn Kentucky. The Enquirer under James J. Faran and Washington McLean was one of the strongest Democratic papers west of the Alleghenies. On the Republican side, Murat Halstead
had the Commercial and Richard Smith the Gazette. The latter was the more radical of the two.\textsuperscript{17}

Elsewhere in the state, the Democratic Cleveland Plain Dealer was in somewhat more subdued opposition to the Leader and the Herald.\textsuperscript{18}

In Toledo, the Republican Blade completely overshadowed the Commercial.\textsuperscript{19}

The Findlay Jeffersonian had special Republican significance because it was edited by David Ross Locke whose "Petroleum V. Nasby" (a fictitious, word-mangling, whisky-drinking, Copperhead correspondent) was widely reprinted, its broad, colloquial humor being a favorite of many Northerners — including Abraham Lincoln.\textsuperscript{20}

These were the days of personal journalism. As tensions grew greater, tempers grew shorter. There had already been violence and mob action; there would be more.
IV

THE STATE OF THE UNION — IN OHIO

Whitelaw Reid (later a distinguished journalist and statesman, but in 1863 a young Ohio editor with radical Republican leanings) wrote in his Ohio in the War, published 1868, the following assessment of the situation:

The first ardor with which the people of Ohio had rushed into the war seemed to have passed away. The pressure of its burdens displeased some; the gloomy prospects in the field discouraged many more. The armies of the South-west were still foiled before Vicksburg; Rosecrans had lain in seeming exhaustion ever since his victory at Stone River; the Rebel invasion of Maryland had been followed by the slaughter about Fredericksburg, and new threats of an advance into Pennsylvania. Their success at the late election had greatly encouraged those Democrats who opposed the war, and a new draft began to be talked about, there was much popular ferment, with some hints of resistance. Mr. Vallandigham naturally became the spokesman for the irritated and disaffected people . . . .

A more biased view, but one certainly indicative of the feelings of the Peace Democrats was the following, published nine years after the described events by Vallandigham's clergymen brother James:

On his return home Mr. Vallandigham found his own State, and Kentucky, Indiana, and Illinois formed into a military district and placed under the command of General A. E. Burnside, a rash, weak, and ignorant man, who, evincing at the battle of Fredericksburg his total incapacity to contend with armed rebels at the South, had been sent to control unarmed Democrats in the West — men as true to the Union as he was, but who claimed the privilege

- 39 -
of dissenting from the policy of the administration, and freely expressing their views on public affairs. He found the Constitution ignored, the laws disregarded, and in their stead military orders of the most despotic kind which the people were expected implicitly to obey. One of these was Order No. 38, threatening severe punishment to those who should be guilty of implied treason! Another was Order No. 15, prohibiting the people to keep and bear arms; and a third, No. 9, prohibiting any criticism whatever of the civil or military policy of the Administration. To such gross violations of the provisions of the Constitution, such palpable infringements of the rights of the people, Mr. Vallandigham could not patiently submit, and at various meetings which he addressed during the months of March and April he denounced them in unsparing terms, and declared his intention in the future as in the past, to criticise and condemn whatever was wrong in the course and conduct of the men in power. He believed that it was their intention utterly to subdue the spirit of the people, to crush out freedom of the press, freedom of speech, and freedom of assembling together to discuss political subjects; and this despotism he was determined to resist at all hazards, declaring in one of his speeches, "if it be really the design of the Administration to force this issue, then come arrest, come imprisonment, come exile, come death itself! I am ready here tonight to meet it!"2

But another clergyman, Augustus Woodbury, Burnside’s chaplain and biographer, saw the situation somewhat differently:

Rebel raids were devastating portions of the State of Kentucky, and causing considerable alarm and anxiety among the inhabitants. Considerable disaffection, amounting in some cases to actual disloyalty, existed in certain parts of Ohio, Indiana, and Illinois. Large numbers of rebel prisoners were confined in camps and barracks on Johnson’s Island, and in the immediate neighborhood of the city of Chicago, and it was known that rebel sympathizers, outside the prison walls, were ready to afford aid and comfort to the prisoners. The Governors of the States were disposed to yield all needed assistance to the military authorities, but, as martial law had not been proclaimed in the Department, except in Kentucky, freedom of speech and of the press was exercised to an extent but a little removed from license. Such extreme liberty, in case of a civil war, becomes absolutely dangerous and injurious to the welfare of the country. The management of affairs required the utmost tact and abili-
ty on the part of the officer commanding the Department.

General Burnside, immediately upon his appointment, saw the necessity of a larger military force than was then in the Department, for the purpose of restoring the peace in Kentucky, of impressing the disaffected among the people of Ohio, Indiana, and Illinois with a wholesome sense of the presence of military authority, and of accomplishing the deliverance of East Tennessee. . . .2

The Rebel raider General John Pegram was loose in central Kentucky with an estimated force of 3,000. He had marched almost unopposed as far as Danville, and was now threatening Louisville. This was a problem Burnside understood. He ordered the scattered garrisons in Kentucky concentrated under Brigadier Generals Q. A. Gillmore and J. T. Boyle, shifted his headquarters to Louisville, and told Gillmore and Boyle to converge on Pegram at Danville. They attacked on March 28, drove Pegram out of the place, and then on the 30th, Gillmore caught up with the raider at Somerset. There was a sharp five-hour engagement; Gillmore drove Pegram across the Cumberland; Confederate losses, five hundred killed, wounded, and prisoner.4

In answer to Burnside's request, two Ninth Corps divisions (Willcox's and Potter's) were in transit to the Department of the Ohio from Newport News. They began arriving early in April and Burnside put them into Kentucky. They were not particularly well received by the inhabitants; as Woodbury puts it drily: "A strong prejudice against the Yankees -- particularly the Massachusetts Yankees -- existed among the people."5

Whatever the feelings of the populace, the arrival of the veteran
Ninth Corps troops helped to clarify the military situation. Kentucky at that time was divided into three military districts. The western district with headquarters at Louisville was under the command of General Boyle; the central district with headquarters at Lexington was under General Gillmore; and the eastern district with headquarters at Louisa under Brigadier General Julius White. General Gillmore applied for leave of absence shortly after the affair at Somerset and was replaced by Brigadier General Orlando E. Willcox. On the 27th of April, Burnside was authorized to collect the scattered garrisons in Kentucky into a new corps, to be called the Twenty-Third. To it were added two divisions of new regiments from Ohio, Indiana, and Illinois, made up from the last call for volunteers. Major General John G. Parke, long Burnside's chief of staff (and with a near-identical set of side whiskers) was given command of the Ninth Corps. The new Twenty-Third was given to Major General George L. Hartsuff. The Army of the Ohio thus formed had a dual mission: (1) keep open the lines of communication to Rosecrans in Tennessee, and (2) keep the Rebel raiders out of Kentucky.

Burnside now turned his attention to the civil demands of his Department. He was a blunt man seeking direct solutions. The man who made a frontal attack against Lee's position at Fredericksburg was not apt to seek subtle solutions in dealing with Copperheads.

His immediate subordinate in Cincinnati was Brigadier General Jacob D. Cox, commanding general of the Ohio Military District. Cox, full-bearded and in his early thirties, was a politician-turned-general, who, a few years later, would be Ohio's governor. He had served under Burn-
side in the Antietam campaign as commander of the Kanawha Division, and briefly -- after General Reno's death -- as commander of the Ninth Corps while Burnside led McClellan's left wing. Cox, with the benefit of some thirty years' hindsight, wrote the following about his Departmental commander:

The establishment of my headquarters at Cincinnati threw me once more into close personal relations with Burnside, and enabled me to learn his character more intimately. . . . Burnside . . . loved to discuss departmental affairs informally, and with the perfect freedom of unrestrained social intercourse. When he gave his confidence he gave it without reserve, and encouraged the fullest and freest criticism of his own plans and purposes. His decisions would then be put in official form by the proper officers of the staff . . . He had very little pride of opinion, and was perfectly candid in weighing whatever was contrary to his predilections; yet he was not systematic in his business methods, and was quite apt to decide first and discuss afterward. . . .

Cox went on to give his own estimate of affairs as they were that spring of 1863:

At the time I am speaking of, Cincinnati was in a curious political and social condition. The advance through Kentucky of Bragg and Kirby Smith in the preceding year had made it a centre for "rebel sympathizers." The fact that a Confederate army had approached the hills that bordered the river had revived the hopes and the confidence of many who, while wishing success to the Southern cause, had done so in a vague and distant way. Now it seemed nearer to them, and the stimulus to personal activity was greater. There was always, in the city, a considerable and influential body of business men who were of Southern families; and besides this, the trade connections with the South, and the personal alliances by marriages, made a ground of sympathy which had noticeable effects. There were two camps in the community, pretty distinctly defined, as there were in Kentucky. The loyal were ardently and intensely so. The disloyal were bitter and not always restrained by common prudence. . . . Burnside had been impressed with this condition of things from the day he assumed command. . . . Within three weeks from his arrival in Cincinnati, Burnside was so
convinced of the widespread and multiform activity of the disloyal element that he tried to subdue it by the publication of his famous General Order No. 38.

General Burnside had been in command of the Department scarcely three weeks when he issued the well-intentioned but ill-considered General Order No. 38. The text of this famous and extremely controversial order was as follows:

HEADQUARTERS DEPARTMENT OF THE OHIO
CINCINNATI, OHIO, April 13, 1863

General Orders
No. 38

The commanding general publishes, for the information of all concerned, that hereafter 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. This order includes the following classes of persons:

Carriers of secret mails.

Writers of letters sent by secret mails.

Secret recruiting-officers within the lines.

Persons who have entered into an agreement to pass our lines for the purpose of joining the enemy.

Persons found concealed within our lines belonging to the service of the enemy, and, in fact, all persons found improperly within our lines who could give private information to the enemy.

All persons within our lines who harbor, protect, conceal, feed, clothe, or in any way aid the enemies of our country.

The habit of declaring sympathies for the enemy will no longer be tolerated 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.

All officers and soldiers are strictly charged with the execution of this order.

By command of Maj.-Gen. A. E. Burnside.

Lewis Richmond, Assistant Adjutant General

Carl Sandburg, in his monumental Abraham Lincoln, sums up the intent and effect of General Order No. 38 very nicely:

The intention of the order under the conditions was perfectly proper and an ancient custom of war. The idea was to tell those who were talking treason and helping the enemy, "Shut up or we lock you up." Sergeants and corporals so interpreted. They said so when hauling suspects out of bed at 2 a.m.

But Burnside in framing Order No. 38 gave it a wrong tone, as wrong as his tone when he took command of the Army of the Potomac and told his generals he wasn't the man for command.

At both times Burnside was a sufferer from chronic diarrhoea. He was soon to write the President asking if he could resign on account of this physical disability. Neither the Fredericksburg disaster nor Order No. 38 could be appraised historically without considering the factor of Burnside's bowel trouble. It would be what historians call one of the imponderables. To the opposition element Order No. 38 was no imponderable, but a red rag of blundering, arrogant authority.

A short time after issuing General Order No. 38, Burnside spoke to a group of boyhood friends in Liberty, Indiana. Attacking the position of the Peace Democrats, he said, "No patriot will do less because the government happens to be administered by an administration not of his choice. I was a supporter of the Buchanan administration, but when the war was made upon my government, I felt it no less my duty to give it my support because it had passed into other hands, than if it remained in his."
Suspected missing pages 46-49.
THE ARREST OF VALLANDIGHAM

The first effect of General Order No. 38 was to scoop up a large number of small-time speculators. A species of provost court was established in Cincinnati and kept busy trying traffickers in percussion caps and quinine and other items, usually small in volume and large in value to the Confederacy.¹ (Sherman said that Cincinnati furnished more goods to the Southern states than went through the port of Charleston.)²

The Peace Democrats, of course, objected to the order and the state of Ohio broke out in a rash of indignation meetings.

Such a meeting, a monster rally of Knox County Democrats, was scheduled for May 1, 1863, at Mt. Vernon. George H. Pendleton, Samuel S. Cox, and Clement L. Vallandigham were among the Democratic notables invited to speak. Vallandigham at first said no — too many other speaking commitments. Mr. Leckey Harper, editor of the Mt. Vernon Democratic Banner, visited him at the Neil House in Columbus with the purpose of changing his mind. They needed him, Harper said, to temper the hotter spirits of the party. Vallandigham agreed to speak, but with the understanding that he would have to leave the same evening for Newark.
On the evening of April 30th, he addressed a large audience on the west lawn of the State House in Columbus. His listeners were quiet, orderly, and attentive -- except for some scuffling with some "abolitionists" on the outer fringes of the crowd. Hemmingsbach's band played an inspiring medley of national airs. There were two or three thousand persons present -- a good many of them ladies. Vallandigham's speech followed the now-familiar pattern: The Democratic party was the true "Union" party; the administration was in reality a "Dis-union" party made up of radicals and abolitionists.⁴

On the next day, Vallandigham entrained for Mt. Vernon. It turned out to be the largest political rally in the history of the county. From fifteen to twenty thousand persons attended and about five hundred wagons and carriages were counted. The parade that preceded the speech-making was nearly five miles long and took two hours to pass the reviewing stand. One of the highlights of the procession was a large wagon drawn by six horses carrying thirty-four lovely young ladies representing the thirty-four states of the unbroken Union.⁵

The principal speakers were ensconced in a large stand much decorated with American flags, banners, emblems, and bunting. A good number of the listeners were wearing liberty head or butternut pins on their lapels. Ex-Congressman Vallandigham was the first speaker -- and he spoke for about two hours.⁶

Even his strong, clear voice could not make itself heard to the
outer edges of the crowd. Besides, in two hours a man can say a good deal. The confused reports as to exactly what was said indicate that the audience heard pretty much what it wanted to hear.

"... one of the ablest and most inspiring true Union addresses ever made, in which he evinced his unaltering devotion to Liberty and the Constitution," said Mr. Harper's Democratic Banner, issue of May 9th, 1863.7

"... a noble and glorious effort in behalf of Liberty, Union, and the Constitution..." wrote a correspondent of the Columbus Crisis, May 2, 1863. "No candid man, after hearing Mr. Vallandigham, can for a moment doubt his sincerity and patriotism."8

Two captains of the 115th Ohio Volunteer Infantry were there in plain clothes and heard the speech quite differently. One assiduously took notes and very shortly a full report was on Burnside's desk in Cincinnati.9

As the captains had heard it, Vallandigham had "charged the administration with designing to erect a despotism, with refusing to restore the Union when it might have been done, with carrying on the war for the liberation of the blacks and enslavement of the whites. He declared that the provost marshals for the congressional districts were intended to restrict the liberties of the people; that courts-martial had already usurped power to try citizens contrary to law; that he himself would never submit to the orders of a military dictator, and such were Burnside and his subordinates; that if those in authority
were allowed to accomplish their purpose, the people would be deprived of their liberties and a monarchy established." 10

"When the report was made to Burnside and he had satisfied himself of its substantial truth," wrote General Cox later, 11 "he promptly accepted the challenge to test the legality of his order, and directed the arrest of Mr. Vallandigham. It was characteristic of him that he did not consult with his subordinates or with lawyers. He did not even act through my district organization, but sent his own aide-de-camp with a guard to make the arrest at Dayton. My recollection is that I did not know of the purpose till it was accomplished. His reason for direct action, no doubt, was that if there were many links in the chain of routine, there were multiplied chances of failure. He did not want to be baffled in the arrest, or to give the opportunity for raising a mob, which there would be if his purposes were known in advance."

Cox also pointed out that Burnside had a strong legal precedent for his much disputed General Order No. 38. During the previous year, President Lincoln, at about the same time as his issuance of the Emancipation Proclamation, had declared that "all rebels and insurgents, their aiders and abettors, within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice, affording aid and comfort to rebels against the authority of the United States, shall be subject to martial law and liable to trial and punishment by courts-martial or military commission." 12

Also, Burnside's predecessor, General Wright, had issued a cir-
cular on September 13, 1862, to the publishers of certain Cincinnati publications, ordering them to put a stop to their treasonable editorials and publication of military information or run the risk of suppression of their papers and imprisonment of the proprietors and writers.  

Cox also quoted a characteristic letter written by General William T. Sherman, commanding in a different department, to the editors of the Memphis Bulletin:

Now I am again in authority over you, and you must heed my advice. Freedom of speech and freedom of the press, precious relics of former history, must not be construed too largely. You must print nothing that prejudices government or excites envy, hatred, and malice in a community. Don't publish an account of any skirmish, battle, or movement of an army, unless the name of the writer is given in full and printed. I wish you success; but my first duty is to maintain "order and harmony."  

Whatever the parallel between Sherman's and Burnside's actions, Cox went on to say, "Had I been consulted before Burnside took action, I should have advised him to collect carefully the facts and report them to Washington, asking for specific instructions. The subject called for directions which would be applicable in all the military departments which included States out of the theatre of active warlike operations; and such general directions should be given by the government. But Burnside was apt to act impulsively, and his impulse was to follow the bent of his ardent patriotism."  

On May 4, orders were issued to Captain Charles G. Hutton, aide-de-camp to General Burnside, to proceed to Dayton, arrest Vallandigham, and bring him to Cincinnati for trial.  

Captain Hutton, with a company of the 115th Ohio Volunteers, left

- 54 -
that evening by special train. His instructions were to go to Vallan-
digham's home on First Street, arrest him as quietly as possible, and
to have him in Cincinnati by morning.17

Vallandigham had a premonition of what was coming -- in fact, in
many of his speeches he had invited it, comparing Lincoln's military
arrests with the reign of terror of a Nero or Caligula. On the night
of May 4th, he and his household -- consisting of his wife, son, his
wife's sister, a young nephew, and two female servants -- had retired
at the customary hour. At about two-thirty in the morning they were
awakened by a loud thumping on the front door. Vallandigham went to
the window. By the light of the gas lamp on the street, he could see
the glitter of bayonets in his front yard. His wife screamed. Vallan-
digham threw open the window and demanded to know what was wanted. Hutton replied that he was here to arrest him on General Burnside's order
and that he best come down and surrender quietly.

Vallandigham replied that he would not come down, that Hutton had
no right to arrest him, and that Burnside had no authority to issue an
order for his arrest. Hutton then ordered him to come down or be shot
where he stood.

Vallandigham then called something out into the night. (His broth-
er later said that what he called was "Police, Police"; Hutton under-
stood it to be "Asa, Asa, Asa" which he took to be some sort of Copper-
head rallying cry.) Almost immediately the city's fire bells began to
ring.

By this time Vallandigham's entire household was up and the female
members verging on hysteria. Hutton ordered the front door forced, found it too strong, and switched his attention to the back of the house. His soldiers shattered the rear door with axes.

Vallandigham had brief intentions of holding off Hutton until help could arrive. He and his nephew, who had served in the Union army, brandished revolvers, and then retreated. Hutton bashed his way through two more locked doors. After the third door was forced, Vallandigham mustered all the dignity at his disposal and made his formal surrender. Hutton whisked him back to the depot and aboard the waiting train. Not more than thirty minutes had elapsed between the arrival of the train with Hutton and his guard and its departure for Cincinnati with its illustrious prisoner.
VI

ARMED MOBS AND LEGAL WRITS

It was daylight before most of Dayton knew what had happened to Vallandigham. When the Copperheads learned that their spokesman had been spirited away during the night, they gathered in angry knots. Dutch courage in the form of free whiskey was served out and the day was punctuated by pistol shots (no one was hit) and fist fights. In the late afternoon the Dayton Empire, edited by William T. Logan, came out with an editorial screaming:

The cowardly, scoundrelly Abolitionists of this town have at last succeeded in having Honorable C. L. Vallandigham kidnapped. About three o'clock this morning, when the city was quiet in slumber, one hundred and fifty soldiers, acting under orders from General Burnside, arrived here on a special train from Cincinnati, and like thieves in the night, surrounded Mr. Vallandigham's dwelling, beat down the doors, and dragged him from his family. The frantic cries of a wife, by this dastardly act almost made maniac; the piteous tears and pleadings of a little child for the safety of its father, were all disregarded, as a savage would disregard the cries of a helpless infant he was about to brain. All forms and manner of civil law were disregarded. . . .

And so on and so on. About dark, a swivel gun was fired in front of the Empire office, a signal for the mob to rally. Speeches and threats of hanging, and then they moved across Main Street to the offices of the Republican paper, the Dayton Journal. The front of the
building was showered with stones, peppered with pistol shots; then the mob broke in, smashed everything in sight, including the presses, then set the building on fire.

The fire companies came out. The Copperheads drove them off, cut their hoses in a dozen places. Leobold's hat store caught fire, then the Darrow shoe store, Bornsten's "segar" store, and the Gospel Herald office, the flames spreading as far as Wild's livery stable. For awhile it looked as though the whole center of town would be burned out. Mob action continued. The railroads leading into town were torn up; the telegraph wires cut.

Burnside issued Order No. 14b, putting Dayton under martial law. By ten o'clock that evening troops were arriving in the city from Columbus and Cincinnati. The next day, Major F. M. Keith of the 117th Ohio Volunteer Infantry was sent in to act as provost marshal. 4 ("Montgomery County was at the mercy of an inebriate military commandant," wrote J. L. Vallandigham. 5 ) With blue-uniformed infantry patrolling the streets, the armed resistance wilted and died. Thirty ringleaders were rounded up and sent down to the military prison in Cincinnati. Publication of the Empire was suspended. 6 Martial law remained in force for six weeks. 7

Meanwhile, Vallandigham had arrived in Cincinnati and, after a breakfast in the Burnet House, was locked up for the day in Kemper Barracks. There was some talk of a mob freeing him, so he was switched across the river that night to Newport Barracks in Kentucky. 8

The next morning he was brought back into Cincinnati to stand
trial before a military commission. The commission had been convened on the 21st of April by Burnside to try offenders of the categories named in General Order No. 38. The president of the commission was one of Burnside's division commanders, Brigadier General Robert B. Potter, thirty-four years old and with a set of whiskers patterned after his commanding general's. He was a member of the New York bar and a person of distinguished military record.9

"He was a brother of Clarkson N. Potter, the prominent lawyer and a Democratic member of Congress later, and both were sons of the Episcopalian Bishop Potter of Pennsylvania," writes General Cox.10 "The character of the whole court was very high for intelligence and standing."

Vallandigham's clergyman brother had a lesser opinion of the court. "And now a few words in reference to the character of the Military Commission by which Mr. Vallandigham was tried," he writes.11 "One only of the members was a citizen of Ohio; one was an unnaturalized foreign adventurer; another had been convicted of being the keeper of a disreputable house, while the Judge Advocate subsequently pleaded guilty to certain 'nimble caperings' at the transom-light of a lady's bed-chamber in the Burnet House. They had been fitly selected for their work and they did it accordingly."

The judge advocate of the nocturnal habits was Captain J. M. Cutts, Regular Army, 11th United States Infantry. The other members of the commission were Colonel John F. De Courcy, 16th Ohio Volunteer Infantry; Lt. Colonel E. R. Goodrich, Commissary of Subsistence; Major J. M. Brown, 10th Kentucky Cavalry; Major J. L. Van Buren, aide-de-camp; Major A. H.
Fitch, 115th Ohio Volunteer Infantry; and Captain P. M. Lydig, aide-de-camp. 12

The commission met at ten o'clock on the morning of May 6, 1863. The judge advocate read the order convening the court and asked the defendant if he had any objection to any member. Vallandigham said that he was not acquainted with the members of the court, that he had no objection to offer to them individually, but he did protest that the court had no authority to try him, "he being neither in the land nor naval force of the United States, nor in the militia in the actual service of the United States, and was not therefore by such a court, but was amenable only to the judicial courts of the land." 13

The protest as to the jurisdiction of the court was overruled by the commission and the members were then sworn in. The judge advocate then read the charge and specification:

**CHARGE.**

Publicly expressing, in violation of General Orders 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.

**SPECIFICATION.**

In this, that the said Clement L. Vallandigham, a citizen of the State of Ohio, on or about the 1st day of May, 1863, at Mount Vernon, Knox County, Ohio, did publicly address a large meeting of citizens, and did utter sentiments in words or in effect as follows: declaring the present war "a wicked, cruel and unnecessary war;" "a war not being waged for the preservation of the Union;" "a war for the purpose of crushing out liberty and erecting a despotism;" "a war for the freedom of the blacks and enslavement of the whites;" stating "That if the Administration had so wished, the war could have been honorably terminated months ago;"
that "peace might have been honorably obtained by listening to the proposed intermediation of France;" that "propositions by which the Southern States could be won back and the South be guaranteed their rights under the Constitution, had been rejected the day before the late battle at Fredericksburg, by Lincoln and his minions," meaning thereby the President of the United States and those under him in authority. Charging that the "Government of the United States were about to appoint military marshals in every district to restrain the peoples of their liberties, to deprive them of their rights and privileges." Characterising General Order No. 38, from headquarters, Department of the Ohio, as "a base usurpation of arbitrary authority;" inviting his hearers to resist the same by saying: "The sooner the people inform the minions of usurped power that they will not submit to such restrictions upon their liberties the better;" declaring "that he was at all times and upon all occasions resolved to do what he could to defeat the attempts now being made to build up a monarchy upon the ruins of our free government;" asserting "that he firmly believed, as he said six months ago, that the men in power are attempting to establish a despotism in this country more cruel than ever existed before."

"All of which opinions and sentiments he well knew did aid, comfort and encourage those in arms against the Government, and could but induce in his hearers a distrust of their own Government and sympathy for those in arms against it, and a disposition to resist the laws of the land."

Vallandigham refused to enter a plea, asking for time to consult with his counsel and requesting that Fernando Wood of New York City be subpoenaed to appear before the court. He wanted Wood present to testify as to the exact nature of the peace proposals mentioned in the specification, and to bring with him the letter he received from Richmond proposing the re-seating of the Southern senators in Congress and the letter of President Lincoln declining the proposition.

This motion was refused by the court and as Vallandigham continued to refuse to plead to the charge, the president of the court entered a plea of "Not Guilty." The commission was then recessed until one-thirty to allow the defendant time to consult with his counsel.
When the court was again opened, General Potter asked Vallandigham if he wished to appear with counsel. Vallandigham said that he did not, that his counsel; George E. Pugh, George N. Pendleton, and Alexander Ferguson; would remain in an adjoining room.

The judge advocate then called the first witness for the prosecution. Captain H. R. Hill, of the 115th Ohio Volunteers, was duly sworn.

Question by Judge Advocate. -- Were you present at a meeting of citizens at Mount Vernon on May 1, 1863?

Answer. -- I was.

Q. -- Did you hear the accused address that meeting?

A. -- I did.

Q. -- What position did you occupy at the meeting, and were you near enough to hear all he said?

A. -- I was leaning against the end of the platform on which he was speaking; was about six feet from him; I remained in this position during the whole time he was speaking.

By Judge Advocate. -- State what remarks he made in relation to the war; what he said about the President of the United States and the orders of military commanders.

Witness. -- In order that I may bring in events as they were referred to by the speaker, I ask permission of the court to refresh my memory from the notes which I took at the time.

President. -- You can read from your notes.

Witness. -- The speaker commenced by referring to the canopy under which he was speaking -- the stand having been decorated with an American flag -- the flag under the Constitution.

Judge Advocate. -- You need not give his introductory remarks. Confine yourself to what he said about the war.

Witness. -- After finishing his exordium he spoke of the designs of those in power being to erect a despotism. That it was not their intention to effect a restoration of the Union. That previous to the battle of Fredericksburg an attempt was made to stay this wicked, cruel and unnecessary war. That a day
or two before the battle of Fredericksburg a proposition had been made for the re-admission of Southern Senators into the United States Congress, and that the refusal was still in existence over the President's own signature, which would be made public as soon as the ban of secrecy imposed by the President was removed. That the Union could have been saved if the plan proposed by the speaker had been adopted; that the Union could have been saved upon the basis of reconstruction, but that it would have ended in the exile or death of those who advocated a continuance of the war. He then referred to Forney, who was a well-known correspondent of the Philadelphia Press (and who had no right to speak for any but those who were connected with the Administration), who had said that some of our public men, rather than bring back some of the seceded states, would submit to a permanent separation of the Union. He stated that France, a nation that had always shown herself to be a friend of our Government, had proposed to act as a mediator; but that her proposition, which, if accepted, might have brought about an honorable peace, was insolently rejected.

Mr. Vallandigham here corrected the witness. The word he used was "instantly," not "insolently."

Witness. -- I understood the word he used to have been "insolently." That the people had been deceived; that 20,000 lives had been lost at the battle at Fredericksburg that might have been saved. In speaking of the objects of the war, he said it was a war for the liberation of the blacks and the enslavement of the whites. We had been told it would be terminated in three months; then in nine months, and again in a year. That Richmond was theirs; that Charleston and Vicksburg were theirs; that the Mississippi was not opened, and would not be so long as there was cotton on its banks to be stolen, or so long as there were any contractors or officers to enrich. That a Southern paper had denounced him and Cox and the Peace Democrats as having done more to prevent the establishing of the Southern Confederacy than ten thousand soldiers could do. That they proposed to operate through the masses of the people in both sections who were in favor of the Union. That it was the purpose or design of the Administration to suppress or prevent such meetings as the one he was addressing. That military marshals were about to be appointed in every district, who would act for the purpose of restricting the liberties of the people; but that he was a free-man. That he did not ask David Toé, or Abraham Lincoln, or Ambrose E. Burnside for his right to speak as he had done and was doing. That his authority for so doing was higher than General Order No. 38 -- it was General Order No. 1 -- the Constitution. That General Order No. 38 was a base usurpation of arbitrary power; that he had the most supreme contempt for such power. He despised it
and spat upon it. He trampled it under his feet. That only a few days before, a man had been dragged from his home in Butler County by an outrageous usurpation of power and tried for an offence not known to our laws by a self-constituted court-martial — tried without a jury, which is guaranteed to every one; that he had been fined and imprisoned. That two men were brought over from Kentucky and tried, contrary to express laws for the trial of treason, and were now under the sentence of death. That an order had just been issued in Indiana, denying to persons the right to canvass or discuss military policy, and that if it was submitted to it would be followed up by a similar order in Ohio. That he was resolved never to submit to an order of a military dictator, prohibiting the free discussion of either civil or military authority. The sooner that the people informed the minions of this usurped power that they would not submit to such restrictions upon their liberties, and they would not cringe and cower before such authority, the better. Let them not be deluded by the image of liberty when the spirit is gone. He proclaimed the right to criticise the acts of our military servants in power. That there never was a tyrant in any age who oppressed the people further than he thought they would submit to endure. That in the days of Democratic authority Tom Corwin had in face of Congress hoped that our brave volunteers in Mexico "might be welcomed with bloody hands to hospitable graves," but that he had not been interfered with. It was never before thought necessary to appoint a captain of cavalry as Provost Marshal, as was the case in Indianapolis, or military dictators as were now exercising authority in Cincinnati and Columbus. That a law had recently been enacted in Ohio, as well as in some other States, regulating the manner in which soldiers should vote; that the officers have to be judges of the election.

The judge advocate objected to this part of the testimony as irrelevant. Mr. Vallandigham desired the court to permit the witness to go on with his testimony.

Witness. — The speaker closed by warning the people not to be deceived. That an attempt would shortly be made to enforce the conscription law, and to remember that the war was not for the preservation of the Union, but that it was a wicked Abolition war, and that if those in authority were allowed to accomplish their purposes, the people would be deprived of their liberties, and a monarchy established; but as for him, he was resolved that he would never be priest, to minister at the altar on which his country was being sacrificed.
Question by Judge Advocate. -- What other flags or emblems were used in decorating the stage?

A. -- There were banners made of framework, and covered with canvas, which were decorated with butternuts and bore inscriptions. One banner, which was carried at the head of a delegation which came in from a town in the country, bore the inscription, "The copperheads are coming."

Mr. Vallandigham. -- The South never carried copper cents.

Judge Advocate. -- But butternuts are a Southern emblem.

Mr. Vallandigham shook his head and said they were not.

Question by Judge Advocate. -- Did you see any persons having emblems on their persons?

A. -- Yes; I saw hundreds of persons wearing butternut and copperhead badges.

Mr. Vallandigham. -- The copper badges were simply the head out of the common cent coins, with pins attached. Did you notice what inscription these copperhead badges bore?

A. -- No; I did not look at them.

Mr. Vallandigham. -- The inscription on them was "Liberty."

Question by Judge Advocate. -- Did you hear any cheers in the crowd for Jeff. Davis?

Mr. Vallandigham. -- That is not in the specification.

A. -- I did not hear cheers for Jeff. Davis, but I heard a shout in the crowd that "Jeff. Davis was a gentleman, and that was more than the President was."15

The cross-examination of the witness, Captain Hill, then began.

The defendant did not object to the substance of the witness's testimony; however, he did raise several technical objections, concluding his cross-examination with these questions:

Q. -- Did not one of the banners you refer to as decorated with butternuts bear the inscription, "The Constitution as it is, and the Union as it was"?
A. -- The banners were numerous. One of them, I believe, did bear that inscription.

Q. -- Do you mean to be understood to say that he heard the reference to Jeff. Davis in the crowd, or gave any assent to it whatever?

A. -- I cannot say that he did. Did not see or hear him give any assent to it. There were many other remarks of that character uttered.

Q. -- What was the size of the crowd assembled there?

A. -- I do not know the proper estimate, but the crowd was very large.

The court then adjourned until Thursday morning at ten o'clock.

Burnside, seeing that no serious effort was being made to free Vallandigham by force (with such a platform from which to speak, it is doubtful if Mr. V. could have been persuaded to accept such a deliverance), had his verbose prisoner moved from the military barracks to Room 245 in the Burnet House. In addition to preparing his defense, Vallandigham was busy penning letters to his supporters. (He persisted in calling his room, which was immediately over Burnside's own apartment, a "military bastile.")

Military Prison
Cincinnati, Ohio, May 5, 1863

To the Democracy of Ohio:

I am here in a military bastile for no other offense than my political opinions, and the defence 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 usurpations 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 the Constitution, for law, for the Union, for liberty -- this is my only "crime."

For no disobedience to the Constitution; for no violation of law; for no word, sign or gesture of sympathy with the men of the South, who are for disunion and Southern inde-
pendence, but in obedience to their demand as well as the demand of Northern Abolition disunionists and traitors, I am here in bonds to-day; but

"Time, at last, sets all things even!"

Meanwhile, Democrats of Ohio, of the Northwest, of the United States, be firm, be true to your principles, 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. To you, to the whole people, to Time, I again appeal. Stand firm! Falter not an instant!

C. L. Vallandigham

On May 7, 1863, the court convened for its second session as scheduled. The previous day's proceedings were read, approved, and signed by the president. Captain Hill was then called back to the stand and Mr. Vallandigham resumed his cross-examination, concluding with these questions:

Mr. Vallandigham. -- Did you continue in the same place during the delivery of the whole speech?

A. -- I did.

Q. -- Were your notes taken at the time, or reduced to writing after the speech was delivered?

A. -- They were taken at the time, just as they fell from the speaker's lips.

Q. -- Were you not in citizen's clothes, and how came you to be at Mount Vernon that day? Did you go to Mount Vernon for the purpose of taking notes and reporting the speech?

Judge Advocate. -- I object to this question on the ground of its immateriality.

Mr. Vallandigham insisted on the question on the ground that it explained the temper and spirit of the witness, and his prejudices, and as showing that the notes were taken with reference to the arrest and prose-
cution before the commission. The judge advocate refused to remove his objection and the court was cleared for deliberation. When the doors of the court were again opened, the judge advocate announced that the question would be allowed.

A. -- I was in citizen's clothes, and went for the purpose of listening to any speeches that might be made that day. I had no orders to take notes.

Q. -- Did you take notes of any other speech?

A. -- I commenced taking notes of Mr. Cox's speech, but considered it harmless, and after a short time stopped.

Q. -- Were you not expressly sent for the purpose of listening to my speech on that occasion?

A. -- I was not, any more than to the others.

Q. -- By whom were you sent?

A. -- By Captain Andrew C. Kemper, Assistant Adjutant General of the military command of this city.

Q. -- Did you make a report to him upon your return?

A. -- I didn't report to Captain Kemper, but to Colonel Eastman, and was from there sent to the headquarters of the Department of the Ohio.

This concluded the testimony of Captain Hill. The judge advocate then called Captain John A. Means, 115th Ohio Volunteers, to the stand. His testimony was substantially the same as the first witness's but in lesser detail. In cross-examination, Vallandigham established the fact that Means had not taken notes at the time of the speech, but had written a summary after his return to his hotel room about an hour and a half after the speech-making.

After the testimony of Captain Means, the judge advocate rested his case. The defendant then asked for a recess of fifteen minutes in
which to consult with his counsel before presenting his witnesses for the defense. His first witness was the prominent Democrat Samuel S. Cox who had spoken with him from the platform at Mt. Vernon. Cox was a cautious witness; his testimony is studded with "I don't know that I can quote the language" and "I can't recollect..." and "I can't say..." and "Not as I understood it" and "My best recollection is..." For a witness friendly to the defense, Cox's testimony seems strangely evasive and probably did little to shake the testimony of the first two witnesses.

Cox, although long an associate of Vallandigham's, was much less extreme in his views and much more apt to assume a "safe" position. Some ten years previous, he had succeeded Medary as owner and editor of the Ohio Statesman. A glowing editorial, printed May 19, 1853, describing the glories of a setting sun won him the lasting nickname of "Sunset." He was elected to Congress in 1856 and was re-elected, with few exceptions, for the next thirty years. He was a neat fence straddler: he voted consistently for war measures, men and money, and at the same time managed to advocate every overture for peace. He had spoken out against Burnside; he was opposed to the extension of martial law or military government to areas outside the war zone.20

Vallandigham concluded his direct examination of Cox with this question:

Q. -- Was anything said in his speech in reference to the war except in condemnation of what he claimed to be the policy upon which it is now being waged, and as a policy which he insisted could not restore the Union, but must end finally in disunion?
A. -- I can only give my understanding. I do not know what inference other people might draw from it. I understood his condemnation of the war to be launched at the perversion of its original purpose.21

Captain Cutts, the judge advocate, declined to cross-examine Cox.

"I have some other witnesses whom I desire to examine on this same point who are not yet here," said Vallandigham.

"Has not this witness sufficiently developed the purpose and spirit of your speech?" questioned Cutts.

"I have called but one witness," said Vallandigham, "and I understand the court has several more to corroborate what their first witness has testified."

"The court will not be influenced by the number of witnesses," said Cutts. "The number had nothing to do with the case."

"I did not counsel any resistance in my speech," said Vallandigham, "and there were three witnesses on the stand, one of whom was the presiding officer, and one a reporter who is accustomed to reporting speeches, though he did not on that occasion, who I've telegraphed for, and expect here at four p.m."

After some more argument on this point, the court permitted a recess until four-thirty. At five, the court reconvened but the defense's witnesses -- Leckey Harper, J. T. Levine, and Frank H. Hurd -- were still not present. To avoid a continuance, the judge advocate agreed to admit that if they were present and under oath, their testimony would be substantially the same as S. S. Cox's. After this agreement was reached, Vallandigham stated to the court that he had no further testimony
to offer. Preparatory to the summing-up, he then requested that Cox's testimony be read back to the court. This done, he entered the following protest for the consideration of the court:

Arrested without process of law, without warrant from any judicial officer, and now in military custody, I have been served with a charge and specifications as from a court-martial or military commission. I am not in either the land or the naval service of the United States, and therefore am not triable for any cause by such a court, but an subject, by the express terms of the Constitution, to arrest only by due process of law, or warrant issued by some officer of a court of competent jurisdiction for trial of citizens. I am subject to indictment and trial on presentation of a grand jury, and am entitled to a speedy trial, to be confronted with witnesses and to compulsory process for witnesses in my behalf, and am entitled to counsel. All these I demand, as my right as a citizen of the United States. But the alleged offence itself is not known to the Constitution, nor to any law thereof. It is words spoken to the people of Ohio in an open public political meeting, lawfully and peacefully assembled, under the Constitution, and upon full notice.

It is words of criticism of the public policy, of the public servants of the people, by which policy it was alleged that the welfare of the country was not promoted. It was an appeal to the people to change that policy, not by force but by free elections and the ballot-box. It is not pretended that I counselled disobedience to the Constitution or resistance to law or lawful authority. I never have. I have nothing further to submit.

(Signed) C. L. Vallandigham

May 7.

Captain Cutts replied that he had no counter-comment to make regarding the jurisdiction of the court; that was a matter which had been decided by the convening authority. As for the lack of counsel and witnesses, the defendant had had access to both, whom, for reasons best known to himself, he had declined to bring into the court.
The court was then cleared for deliberation and after a three-hour session their decision was made and forwarded to General Burnside for approval.

Two days later, before the findings and sentence of the court could be published, George E. Pugh, representing Vallandigham, moved for a writ of habeas corpus before the United States Court for the Southern District of Ohio, Judge Humphrey H. Leavitt, presiding. The wartime suspension of the right of habeas corpus, by executive order of the President, was itself a controversial issue, unsupported by any act of Congress.25

Judge Leavitt required that notice of the application for the writ be submitted to General Burnside.

The case was argued before the Circuit Court on 11 May.26 Judge Leavitt had occupied the Federal bench for thirty years. George E. Pugh appeared for Vallandigham. The Federal District Attorney, Flamen Ball, assisted by Aaron F. Perry represented General Burnside.

General Burnside's written statement (which, incidentally, was read by Andrew Johnson prior to its submission27) was presented to the court. It said in part:

If I were to indulge in wholesale criticisms of the policy of the Government, it would demoralize the army under my command, and every friend of his country would call me a traitor . . . . My duty to my Government forbids me to indulge in such criticisms; officers and soldiers are not allowed so to indulge, and this course will be sustained by all honest men.

Now I will go further. We are in a state of civil war. One of the States of this Department is at this moment invaded, and three others have been threatened. I command the depart-
ment, and it is my duty to my country, and to this army, to keep it in the best possible condition; to see that it is fed, clad, armed, and, as far as possible, to see that it is encouraged. If it is my duty and the duty of the troops to avoid saying anything that would weaken the army, by preventing a single recruit from joining the ranks, by bringing the laws of Congress into disrepute, or by causing dissatisfaction in the ranks, it is equally the duty of every citizen in the department to avoid the same evil. If it is my duty to prevent the propagation of this evil in the army, or in a portion of my department, it is equally my duty in all portions of it; and it is my duty to use all the force in my power to stop it. . . .

Vallandigham's case was brilliantly presented by Pugh. In the course of his argument, after quoting the clause from the Constitution which prohibits the abridgement of the rights of free speech and peaceable assembly, he made this attack on Burnside's assumption of authority over the civilian populace:

General Burnside holds an office created by act of Congress alone -- an office which Congress may, at any time, abolish. His title, his rank, his distinction above his fellow-citizens, are all derived from that source. I take it to be absolutely certain, therefore, that he can make no "law" which Congress could not make. He cannot abridge the freedom of speech, or of the press, or the right of the people to assemble and to consider of their grievances. . . .

Pugh then went on to contrast Burnside's relation to the President as his military subordinate subject to the Articles of War, and Vallandigham's position as a simple citizen.

Perry's counter-argument was begun as follows:

. . . The main argument which I shall present to the court will, therefore, be founded on the obligations, duties, and responsibilities of General Burnside as a Major-General in command of an army of the United States, in the field of military operations, for the purposes of war, and in the presence of the enemy. I shall not place it on any ground of apology, excuse, or palliation, but strictly and
and confidently on the ground of doing what he had a lawful, constitutional right to do; and on the ground of performing a duty imposed upon him as one of the necessities of his official position. I shall make no plea of an emergency in which laws are suspended, and the Constitution forgotten, but shall claim that the Constitution is equal to the emergency, and has adequately provided for it; that the act complained of here is an act fully warranted by law, and authorized by the Constitution. . . . I claim, then, that the facts before this court show that the arrest of Clement L. Vallandigham, by Ambrose E. Burnside, a Major-General in the United States service, commanding in the Department of the Ohio, was a legal and justifiable arrest. . . .

Perry then proceeded to support this position by citing various legal and historical precedents for Burnside's action. A briefer argument was made by Flamen Ball, giving a "very clear and compact statement of the legislation of Congress respecting the writ of habeas corpus from the beginning. He argued that, under such legislation, Mr. Vallandigham was excluded from the privilege which it conferred, and that General Burnside not only had the right to make the arrest, but that he would also be obliged, in case the writ should issue, to make return that he was acting under the authority of the President of the United States, who, in a state of civil war, was the judge of the necessity which required an extraordinary exercise of power." 31

In other words, the District Attorney's position was that:

1) General Burnside was legally secure in authorizing Vallandigham's arrest, and

2) If the Circuit Court were to issue a writ of habeas corpus, Burnside would be legally justified in ignoring it, as his authority stemmed from the executive and not from the judicial branch of the Government.

After several days deliberation, Judge Leavitt delivered his
lengthy written decision.

"The sole question," he said in part, "is whether the arrest was legal; and as before remarked, its legality depends on the necessity which existed for making it, and of that necessity, for the reason stated, this court cannot judicially determine.\textsuperscript{32}... It is clearly not a time when any one connected with the judicial department of the Government should allow himself, except from the most stringent obligations of duty, to embarrass or thwart the Executive in his efforts to deliver the country from the dangers which press so heavily upon it.\textsuperscript{33}..." He concluded his opinion with these words, "For these reasons I am constrained to refuse the writ."\textsuperscript{34}

Two days after the refusal of the writ of \textit{habeas corpus}, the findings and sentence of the court martial, and their approval by Burnside, were made public:

\textbf{FINDING AND SENTENCE.}

The Commission, after mature deliberation on the evidence adduced and the state of the accused, find the accused, Clement L. Vallandigham, a citizen of the State of Ohio, as follows:

Of the specifications (except the words, "That propositions by which the Northern States could be won back, and the South guaranteed their rights under the Constitution, had been rejected the day before the battle of Fredericksburg, by Lincoln and his minions," meaning thereby the President of the United States, and those under him in authority, and the words, "asserting that he firmly believed, as he asserted six months ago, that the men in power are attempting to establish a despotism in this country, more cruel and more oppressive than ever existed before,") — "Guilty."

And as to these words, "Not Guilty."

Of the charge, "Guilty."
And the Commission do therefore sentence him, the said Clement L. Vallandigham, a citizen of the State of Ohio, to be placed in close confinement in some fortress of the United States, to be designated by the commanding officer of this Department, there to be kept during the continuance of the war.

II. The proceedings, finding, and sentence in the foregoing case are approved and confirmed, and it is directed that the place of confinement of the prisoner, Clement L. Vallandigham, in accordance with said sentence, be Fort Warren, Boston Harbor.

By command of Major-General Burnside,

Lewis Richmond,
Ass't. Adj.-General.
The Vallandigham arrest and trial caused a popular furore, not only in Ohio but in the rest of the Union as well. On the front pages of the nation's press it vied successfully for space with Grant's operations around Vicksburg and the fresh defeat of the Army of the Potomac at Chancellorsville. The radical Republican papers, such as the Cincinnati Commercial, were committed to the defense of Burnside's action, just as the Peace Democrat papers, for example, the Cincinnati Enquirer, were quick to take violent exception to the whole proceedings.

In his issue of The Crisis for May 20, 1863, Medary felt constrained to reprint the Constitution in full and to invite General Burnside's attention to it. The following week he reprinted the Declaration of Independence and editorialized that "letters pour into us from all parts of the State and out of the State, in favor of the nomination of Mr. Vallandigham for Governor on the 11th of June. All feel that it is an important duty to vindicate the liberty of the citizen in his person — the case is now made so broad that a vote is for the life or death of Constitutional liberty."
National reaction was perhaps more significant than regional. Vallandigham's stop-overs in Philadelphia, New York, and Albany, two months earlier on his return to Ohio from Congress, have already been mentioned. How, for example, did the Democrats in these cities react to the events of early May?

From the Philadelphia Age, June 2, 1863:

Yesterday evening one of the largest and most enthusiastic political meetings which has ever been held in this city, made old Independence Square ring with its cheers for that Constitution and Union which were first planned and formed upon the very spot upon which stood the vast and swaying multitude. . . .

From the New York World, May 19, 1863:

The great mass meeting last evening at Union Square in behalf of free speech, a free press, and personal rights, and having special reference to the vindication of these as violated in the arrest of Mr. Vallandigham, proved a magnificent success both in numbers and enthusiasm. The arrangements were under the auspices of the Democratic Union Association. . . .

From the Albany Atlas and Argus, May 18, 1863:

One of the largest and most respectable meetings ever held in the Capitol convened in the Park on Saturday night for the purpose of protesting against the arrest, by order of General Burnside, of Hon. Clement L. Vallandigham. . . .

It was a glorious meeting. Its numbers, its spirit, and its moderation angered the few Republicans in the city, who attempted to disturb it by disorder. The Democrats disposed of the disturbance and the disturbers with a strong hand and in a summary way, and then went on calmly with their proceedings. . . .

At first, Burnside seems to have had the full support of the administration. Immediately after the arrest of Vallandigham, Secretary of War Edwin Stanton wired his approval in these terms: "In your determination to support the authority of the government and suppress trea-
son in your department, you may count on the firm support of the Presi-
dent."4 Yet, by the 7th of June, Burnside received another letter from
Stanton taking a diametrically opposed view and, in effect, nullifying
General Order No. 38. General Cox says that this second action of
Stanton's, "put Burnside himself in an intolerable position, and, of
course, made him decline further responsibility for such affairs in his
department."5

If Stanton's correspondence with Burnside reflects a reversal of
Administration policy toward Vallandigham (and we can presume that it
does), there seem to be two logical reasons which brought about the
change:

1) Pressure of public opinion (particularly the position of the
middle-of-the-road press disapproving Burnside's dragoon tactics), and
the

2) Need to discredit the role of martyr assumed by Vallandigham.

On May 19, therefore, General Canby wired Burnside the following
dispatch: "The President directs that, without delay, you send C. L.
Vallandigham, under secure guard, to the headquarters of General Rose-
crans, to be put by him beyond our military lines, and that, in case
of his return within our lines, he be arrested and kept in close cus-
tody for the term specified in his sentence."6

Good soldier Burnside understood the words "without delay." On
the same day he received the President's directive, he had Vallandig-
ham delivered to the river gunboat Exchange, Captain John Sebastian com-
manding, for passage to Louisville. The steamer sailed three days later,
on May 22d. On the morning of his departure from Cincinnati, Vallandigham penned another open letter "To the Democracy of Ohio," beginning with the sentence, "Banished from my native State for no crime save Democratic opinions, and free speech to you in their defense, and about to go into exile, not of my own will but by the compulsion of an arbitrary and tyrannic power which I cannot resist, allow me a parting word." and ending with the sentiment, "Meantime, I will not doubt that the people of Ohio, cowering not a moment before the threats or the exercise of arbitrary power, will, in every trial, prove themselves worthy to be called freemen." He arrived in Louisville on the 23d, reported to his wife in a letter that he "was in fine spirits and enjoying excellent health," and then after a few hours was started forward under escort of a Captain Murray and a squad from the 13th Regular Infantry for Rosecrans' position at Murfreesboro, Tennessee. The move was by rail; they went first to Nashville and then by special train to Murfreesboro. He was delivered to a Major Miles, Rosecrans' provost marshal, on the evening of the 24th. Here Vallandigham and Ohio-born William S. Rosecrans met for the first time.

The interview which followed took some four hours. It began with a lecture by Rosecrans on Vallandigham's opposition to the prosecution of the war. Most of what Rosecrans had to say was, of course, denied by Vallandigham.

Rosecrans concluded his admonition by saying, "Why, sir, do you know that unless I protect you with a guard, my soldiers will tear you
"to pieces in an instant?"

"That, sir," replied Vallandigham, "is because they are just as prejudiced and ignorant of my character and career as yourself; but, General, I have a proposition to make. Draw your soldiers up in a hollow square tomorrow morning, and I guarantee that when they have heard me through they will be more willing to tear Lincoln and yourself to pieces than they will Vallandigham."¹¹

General Rosecrans shook his head, "I have too much regard for the life of the prisoner to try it."

The conversation then became less personal and more amicable and by the time Vallandigham's cavalry escort arrived to take him through the lines, Rosecrans was mellowed to the point of clapping Vallandigham on the back and exclaiming to a colonel on his staff, "He don't look a bit like a traitor, now does he, Joe?"¹²

At two o'clock on the morning of May 25, 1863, Vallandigham and two companies of cavalry under the command of Major Miles, started forward along the Shelbyville pike toward the lines of the Confederate Army of Tennessee. After an hour's ride (Vallandigham was in a spring wagon) they stopped at the house of a Mr. Butler to wait for daylight (sentries had a way of being jumpy in the dark). At dawn they went on and Vallandigham had breakfast at the house of a Mrs. Alexander while the officers of his escort went forward under a flag of truce to arrange his receipt. The officer in charge of the Southern outpost line was dubious; he wanted confirmation from General Braxton Bragg.

The Federals waited for awhile at the Alexander house, grew restless,
then took Vallandigham forward a short distance to the house of Jeremiah Odell where they delivered their charge to a bemused private of the 8th Alabama Infantry.

"I am a citizen of Ohio, and of the United States," announced Mr. Vallandigham. "I am here within your lines by force, and against my will. I therefore surrender myself as a prisoner of war." 13

The Federals saluted and galloped off, glad to be rid of their very important personage, and leaving the confused Alabama private at a loss as to whether to consider his involuntary guest a friend or an enemy. Presumably he notified his corporal who notified his sergeant and the word got back to the officer commanding the outpost. About noon a dispatch arrived from Bragg for Vallandigham to be brought to his headquarters in Shelbyville. A field ambulance was provided for the sixteen-mile ride.

Bragg, who had had fond hopes of the Northwest aligning itself with the South or at least withdrawing from the war, greeted his Copperhead guest courteously, but made it obvious that Jefferson Davis's government found his presence acutely embarrassing. 14

James Arthur Lyon Freemantle, lieutenant colonel in the Coldstream Guards, gentleman adventurer, and perspicacious observer of the Confederate scene, reports a meeting with Vallandigham in his diary entry for May 28.

On arriving at Wartrace (Tenn.) at 4 p.m., I determined to remain there, and ask for hospitality from General Hardee, as I saw no prospect of reaching Shelbyville in decent time. Leaving my baggage with the provost marshal at Wartrace, I walked two miles to General Hardee's headquarters,
which were distant about two miles from the railroad. They were situated in a beautiful country, green, undulating, full of magnificent trees, principally beeches, and the scenery was by far the finest I had seen in America as yet.

When I arrived, I found that General Hardee was in company with General Polk and Bishop Elliott of Georgia, and also with Mr. Vallandigham. The latter (called the Apostle of Liberty) is a good-looking man, apparently not much over forty, and had been turned out of the North three days before. Rosecrans wished to hand him over to Bragg by flag of truce; but as the latter declined to receive him in that manner, he was, as General Hardee expressed it, "dumped down" in the neutral ground between the lines, and left there.

He then received hospitality from the Confederates in the capacity of a destitute stranger. They do not in any way receive him officially, and it does not suit the policy of either party to be identified with one another. He is now living at a private house in Shelbyville, and had come over for the day, with General Polk, on a visit to Hardee. He told the generals, that if Grant was severely beaten in Mississippi by Johnston, he did not think the war could be continued on its present great scale.15
Suspected missing page 84.
VIII
SUPPRESSION OF THE CHICAGO TIMES

Of all his newspaper critics, most irksome to Burnside were the Cincinnati Enquirer, the New York World, and the Chicago Times. In Cincinnati, the editor of the Enquirer, after being warned, offered to submit his articles concerning the Administration and the war to Burnside for approval before publication. Not wishing to be put into the position of being a censor, Burnside refused but with the understanding that henceforth the tone of the Enquirer was to be loyal.¹

The Times and the World, cornerstones of the Copperhead press, were less amenable and Burnside responded by suppressing the first and forbidding the circulation of the second. General Order No. 84 was the instrument of his decision:²

HEADQUARTERS DEPARTMENT OF THE OHIO
CINCINNATI, O., JUNE 1, 1863.

General Orders, No. 84

I. The tendency of the opinions and articles habitually published in the newspaper known as the New York World being to cast reproach upon the government, and to weaken its efforts to suppress the Rebellion, by creating distrust in its war policy, its circulation in time of war is calculated to exert a pernicious and treasonable influence, and is therefore prohibited in this department.

II. Postmasters, news agents, and all others will govern themselves by this order, as any person detected in forwarding, selling, or in any
way circulating the paper referred to, will be promptly arrested and held for trial.

III. On account of repeated expression of disloyal and incendiary sentiments, the publication of the newspaper known as the Chicago Times is hereby suppressed.

IV. Brig.-Gen. Jacob Ammen, commanding the District of Illinois, is charged with the execution of the third paragraph of this order.

By command of Major-General BURNSIDE.

Lewis Richmond, Lieutenant-Colonel and Assistant Adjutant-General.

Wilbur Fisk Storey was editor and publisher of the Chicago Times. Born in Vermont in 1819, he had been a drifting journeyman printer and editor (and sometimes a druggist) in New York and Michigan. Then he stayed with the Detroit Free Press for eight years, made $30,000 for himself, and in 1861 moved on to Chicago. He took over the broken down Times, revitalized it, and gave Chicago and the Northwest a newspaper which was "gossipy, sensational, fearless, and devious" -- a formula which was destined to persist.

Storey was a tight-lipped, short-spoken man with a ruff of whiskers and a clean-shaven top lip. He was suspicious, malicious, and had cold, glittering eyes. His appearance and actions perhaps foreshadowed his future when he was to become paralyzed and declared legally insane.

Much given to quoting anonymous (and probably non-existent) Washington correspondents, in March he had printed a piece labeled "Off With His Head" in which he said of Lincoln:

"... Every intelligent man is aware that the crimes committed by the executive, and his utter inability to conduct the affairs of the nation, even in time of peace, have furnished ample grounds for impeachment; and every true patriot will rejoice to learn that he is to be brought to punishment. The first draft of the articles of impeachment is already

- 86 -
drawn up. It embraces charges which if proved against Queen Victoria, would bring her to the untimely end of Charles I."

Says Sandburg, "Few newspapers in the Southern Confederacy were so generously sympathetic toward President Davis as the Chicago Times."

The Chicago Board of Trade had boycotted the paper earlier in the year. The Chicago and Galena Railroad had stopped its sales aboard its trains. General Hurlbut at Memphis and other Union commanders had prohibited its circulation in their military districts.

Now, acting on Burnside's General Order No. 84, Brigadier General Jacob Ammen, a hero of Shiloh temporarily relieved of field duty because of ill-health, had a detachment of soldiers leave off guarding prisoners of war at Camp Douglas to march downtown to shut up the Chicago Times' shop. They were boo-ed for their trouble; the city's Copperheads gathered, made speeches, and threatened to burn the Republican Chicago Tribune in retaliation. An estimated 20,000 of them got together in the Court House Square. Alarmed Republicans — Senator Lyman Trumbull and Congressmen Isaac N. Arnold among them — hurriedly met with Democratic city leaders and a telegram was gotten off to Lincoln asking him to lift the ban.

Lincoln scribbled a note to Stanton on June 4th saying that so many protests had been received as to "induce me to believe we should revoke or suspend the order suspending the Chicago 'Times'; and if you concur in opinion, please have it done."

Stanton's communication, as already mentioned, reached Burnside on June 7, 1863, and, in effect, nullified both General Orders 38
and S4. The Times was soon back on the street again, filled with its customary invective against Lincoln and the Administration.

The net result of the whole affair, in addition to providing future generations of journalism students with a textbook case of an attempted abridgement of the 1st Amendment, was to improve the curiosity value of the Times and increase its circulation.
Meanwhile, Burnside, an unsubtle man embanessed by the turn of events and eager to get on with a more active prosecution of the war, remembered Mr. Lincoln's original purpose in sending him to the Department of the Ohio: the liberation of East Tennessee. Burnside's strength in the Department, as of the end of May, was about 38,000. Eight thousand were required north of the Ohio River for the garrisoning of the posts and stations and prison camps. Of the 30,000 in Kentucky, 5,000 could guard the lines of communication, while he marched at the head of 25,000 across the Cumberlands against Knoxville.¹

The defense of East Tennessee rested in the not-too-capable hands of General Simon Bolivar Buckner. Burnside's agents told him that Buckner had 20,000 men. This was close; Buckner's strength reports for May 31, 1863, showed 16,267 present for duty.²

Burnside submitted a plan to Rosecrans (who still rested at Murfreesboro) for a cooperative effort; Burnside would take the Ninth Corps followed by the Twenty-Third into East Tennessee by way of Monticello, while Rosecrans moved against Chattanooga. General George H. Thomas, Rosecrans' senior corps commander, seconded the plan, and it was approved.³
Accordingly, Burnside packed up his headquarters at Cincinnati and prepared to take to the field. There was a public concert the night before they left. The young officers of Burnside's staff attended, booted, spurred, short cavalry jackets, hair cropped close, whiskers gleaming with pomade. ("Do you want whiskers? Do you want a mustache?" ran an advertisement then current in Ohio newspapers. 

"Bellingham's celebrated stimulating onquent for the whiskers and hair... prepared by an eminent physician of London... one dollar a box or a $1.18 by mail.")

All very romantic, the young ladies of Cincinnati were visibly and audibly impressed, someone inevitably comparing the event with the famous ball given in Brussels just before Waterloo. In a flutter of lacy handkerchieves and patriotic tears, the staff was seen off to its special train for Lexington.

Unfortunately, after such a brave farewell, there was an anti-climax. In a week they were all back, unbloody and self-consciously enduring the gibes of the stay-at-homes.

The whole expedition into Tennessee had to be postponed. Just before leaving Cincinnati on June 2, 1863, Burnside had been warned by dispatch that any troops which could be spared were to be sent forward to Grant at Vicksburg. He brushed aside the warning, but next day at Lexington definite orders reached him to detach 8,000 men. Burnside sent his best, the Ninth Corps. One day later, with Major General Parke in command (Burnside asked to go; Washington refused), the Corps was on its way to the fever-infested trenches out-
side of Vicksburg and Burnside was left to hold his Department with
the untried Twenty-Third Corps.  

Meanwhile, there was trouble brewing elsewhere in the Department.  
Bragg was stirring himself at Tullahoma, sending out Rebel raiders
into West Virginia and Kentucky. One parcel of gray riders got as
far as Maysville in the blue-grass state. Colonel DeCourcy (a mem-
ber of the Vallandigham military commission) met them with four regi-
ments of blue cavalry, cut the grays to pieces, and drove the remnants
back across the Cumberland. General Willcox, commanding in Central
Kentucky, proposed a counter-raid. Before it could be gotten off, Will-
cox was transferred, on June 10, to command of the Military District of
Indiana where the Copperheads were acting up.  

General Hartsuff took over where Willcox left off with the plan-
ning. Soon Colonel W. P. Sanders, 5th Kentucky Cavalry, a young offi-
cer with a fast-building reputation, was on his way to East Tennessee
at the head of 1,500 cavalry and mounted infantry. He moved out from
Mt. Vernon, Kentucky, on June 14, marching rapidly 60 miles south to
Williamsburg. Here the Cumberland was fordable. He got across, went
60 miles further by way of Marsh Creek to the neighborhood of Hunts-
ville, Tennessee. Fifty more miles and he reached the Big Emory River,
followed it through Emory gap to the vicinity of Kingston on the Clinch
River. He had come altogether some 200 miles. Sideslipping Kingston
which was held in some strength, Sanders swung around to Loudon, got
astride the Virginia and Tennessee Railroad, and moved toward Knox-
ville, tearing up the railroad as he went. There was a 2,100-foot
bridge over the Holston River at a place called Strawberry Plains. Sanders drove off the Confederate defenders, captured 150 of them and five cannon, and burned the bridge. He went on, burned another bridge, this one 300 feet long and crossing the Mossy Creek. Then he turned homeward. His East Tennessee guides got him through the Clinch Mountains; he recrossed the Cumberland by way of Smith's Gap and was back at his starting place on June 26. 9

He had been gone just ten days. In that time he had marched about 500 miles, had taken 450 prisoners (whom he had paroled) and 1,000 stand of small arms and ten cannon (which he destroyed). He had used up a good number of horses but his personnel casualties were only two killed, four wounded, and 13 missing. 10

His raid had been covered by two diversions. One led by General Julius White was sent out to beat up the Confederate posts in Big Sandy Valley. The other under Brigadier General S. P. Carter went south in the direction of Monticello to keep the rebels amused and near home and their cavalry off the railroad line linking Rosecrans to Louisville. 11

Less to Burnside's liking were the spots of armed resistance which were cropping out within Ohio's borders.

"Among the most incendiary of Vallandigham's appeals had been those which urged the people to resist the provost-marshal in the several districts," wrote General Cox. 12 "It is nonsense to say that resisting the draft or the arrest of deserters only meant voting for an opposition party at the elections. . . . Law and common sense are entirely in harmony in regarding the conspiracy as a unit, the speech at Mount Vernon
and the armed collision on the Holmes County hill being parts of one series of acts in which the instigator was responsible for the natural consequences of the forces he set in motion."

"A speck of war in Noble County," as the newspapers called it, had appeared in March 1863. This southeastern Ohio county was peopled primarily with Virginia and Kentucky stock; their sentiments were Peace Democrat, their education meager, and they were against the draft.13

Flamen Ball, the U. S. District Attorney for Southern Ohio, whom we met earlier before Judge Leavitt's bench, in February had a letter brought to him written by F. W. Brown, a schoolmaster of Hoskinsville, Noble County, to Private Wesley McFarren, Company G, 78th Ohio Volunteer Infantry. The letter was against the Administration, was opposed to the continuance of the war, and urged McFarren to come home. This McFarren did, coming back to hide near Hoskinsville.14

Ball dispatched a deputy U. S. marshal and a corporal's guard from the 115th Ohio Volunteers to arrest both the deserter and the instigator. The marshal found the citizenry of Hoskinsville up in rebellious arms, nearly a hundred of them turning out with shotguns, muskets, and rifles in some sort of company organization complete with officers. The captain of these Hoskinsville irregulars proposed pleasantly enough that the marshal and his squad surrender and be paroled as prisoners of the Confederacy. The marshal declined, he and his men beating a hasty retreat back to Cincinnati.15

The Noble County Republican stated that the rebels had held a meeting at which they had adopted five resolutions: "1st, that they were in favor of the Union as it was and the Constitution as it is;
2d, that they would oppose all arbitrary arrests on the part of the Government; 3d, opposition to the enforcement of the conscription act; 4th, recommending the raising of money, by contribution, for the purchase of arms to enable them to successfully resist a draft, should another be ordered; 5th, the assassination of an obnoxious person.\textsuperscript{16}

The obnoxious person was not named.

This seemed to be something of an open rebellion. Accordingly, on March 16, Lt. Colonel Eastman, the post commandant at Cincinnati, ordered Captain L. T. Hake to report with Companies A and B, 115th Ohio Volunteers, each man with ten days' rations and 40 rounds of ball ammunition, to U. S. Marshal A. C. Sands. On the evening of March 18th, they arrived by rail at Cambridge, seat of the adjoining county, picked up local guides and information (rumor was that the rebels were ready and waiting for them), and started the overland march into Noble County. They entered Hoskinsville on the 20th; there was no sign of the dissenters, only a few frightened women and children. The business of searching out the rebels began (the marshal had an affidavit sworn by a Moses D. Hardy listing a good number of them, with such surnames as McCune, Willey, Campbell, Pitcher, Coyle, McFarren, Fisher, Marquis, and Brown). Arrests in Hoskinsville continued until the 22d, then the expedition marched on to Sharon, then Caldwell, then Point Pleasant, halting at each place overnight and continuing to make arrests.\textsuperscript{17}

In all, some thirty-five prisoners were taken back to Cambridge. The heroes of Companies A and B were feted at a banquet there. The prisoners were arraigned later before the U. S. Court in Cincinnati,
Judges Swayne and Leavitt presiding. Some of the "rebels" were fined and imprisoned, some were simply fined, and some made their escape and were last heard from heading for the Western territories. 18

Something similar to the Noble County affair occurred in Holmes County in June. On June 5, the draft enrollment officer, E. W. Robinson of Loudonville, while doing his conscientious best to do his duty, was attacked by some irate citizens. Threats were made and some stones thrown. Robinson reported the incident to Captain J. L. Drake, provost marshal for the district, who promptly arrested four of the ringleaders. Before he could deliver them for safekeeping, he was intercepted near the village of Napoleon by sixty or seventy armed men who demanded and got the prisoners' release. Drake was knocked about somewhat, accused rather peculiarly of being a Secessionist himself, was forced to kneel in the dust of the road and take an oath of allegiance, and then was told to clear out of the district and never come back. 19

This was all duly related to Colonel Parrott, provost marshal general of the state, and to Brigadier General John S. Mason at Columbus. General Cox told Mason to be sure, if military forces were used, that they were strong enough to make resistance useless. 20 A pick-up force was put together at Camp Chase near Columbus -- "a part of the 3d Ohio, the Governor's Guard, Sharpshooters from Camp Dennison, 20 Squirrel Hunters from Wooster, and a section of Captain Neil's Battery" -- about 420 men in all under command of Colonel Wallace, 15th Ohio Volunteers. 21

The malcontents, reported strength 900 to 1,000, were supposed to be in a fortified camp complete with pickets, entrenchments, and cannon.
Governor Tod wished to avoid bloodshed (elections were coming up); he issued a proclamation dated June 10, 1863, calling upon the men of Holmes County to disperse and return to their homes. General Mason was requested to send this proclamation forward under flag of truce. If the dissidents refused to comply, then said Tod somewhat indiscreetly, "show them no quarter whatever."22

Sam Medary in The Crisis called it the "Holmes County Humbug." "We had, last fall, the Noble county humbug and, now have it followed by a somewhat similar affair in Holmes county. The Cincinnati Gazette managed the other, and the Ohio State Journal seems to have taken charge of this. How anxious these blood-thirsty Abolitionists are to get up 'a war at home'."23

Colonel Wallace took his mixed force by way of the Pittsburg, Fort Wayne, and Chicago Railroad as far as Lake Station, 12 miles from Napoleon. They left the cars, moved on by foot, met and drove in the rebels' pickets three miles from the village. The insurgents seemed to be in force behind a stone fence. Wallace formed up his people in skirmish line. The blue line slanted its bayonets and went after the stone wall. The insurgents fired one volley and then left. Wallace picked up a couple of prisoners, two of them with bullets in their legs. There was no more organized resistance; the Union force broke down into squad-sized patrols, scouted the hills for skulkers, and brought in six more prisoners before sunset.

Enthusiasm for armed rebellion was considerably cooled; the leading and more level-headed Peace Democrats of the neighborhood took it
on themselves to extinguish the remaining sparks. Two committees, one of Democrats and one of Union men, were formed and came into Wallace's camp on the morning of June 18th to talk over a peaceful settlement of the difficulties. The Democrats, as terms, promised to turn over the ringleaders of the insurrection to Wallace. Good as their word, the four prisoners who had been taken from Drake were delivered to Wallace and early delivery of the ringleaders in their rescue was promised. Wallace, with his prisoners and four small captured howitzers in tow, returned to Columbus.24

Wrote Cox, "Submission to law was all that was demanded, and when this was fully established, the prisoners were soon released without further punishment. The fear of further prosecutions operated to preserve the peace, and the men who had been allowed to go at large were a guaranty, in effect, for the good behavior of the community."25
The early summer of 1863 was the dead-point of danger in the war," wrote Reid. "... arbitrary arrests, popular disaffection, resistance to the draft, and an audacious invasion were features of its history within the limits of Ohio. Elsewhere the gloom was far greater. The worse than failure at Chancellorsville was followed by the transfer of Lee's entire army to the soil of Pennsylvania. The long labors at Vicksburg had not yet been rewarded with success and fresh disasters at Galveston and elsewhere had combined to deepen the general gloom.

"It was in the midst of this feeling that General Burnside, by his arrest of Mr. Vellaandigham, lifted that politician into the position of a representative man, and in making him the martyr of his party, made him also its leader. He had scarcely reached the Confederate lines until the Rebel newspapers were emphasizing the fact that he could only be received as a prisoner ... that his true base of operations was Canada, and his true mission to become the candidate of his party for the Governorship of Ohio."

A year earlier, at the Democratic state convention in Columbus
on July 4, 1863, the Copperheads had just missed gaining complete control of the Democratic party. Vallandigham had a large hand in the forming of the platform, the planks of which repeated the old charges: attacks against the abolitionists, condemnation of the confiscation and emancipation acts, denunciation of the "illegal" political arrests. But despite Vallandigham's denunciations, the nominations by the 1862 convention had been essentially conservative.²

The catch phrase of the campaign was: "The Constitution as it is, the Union as it was, and the Negroes where they are."³

Vallandigham in his own battle for re-election had assailed abolition, had preached northwestern sectionalism, and hadn't bothered to conceal his anti-war sentiments. Lincoln's preliminary pronouncement of the Emancipation Proclamation on September 22, 1862 (slaves would be freed in occupied territories if the South continued to resist) had served to underscore his contention that the war was an abolitionist affair.

The elections which followed had gone well for the Democrats. The party had won its first state-wide sweep since 1853, taking fourteen of the nineteen Congressional seats. Results were similarly successful for the Democrats in Indiana, Illinois, and Wisconsin. The Democrats were quick to explain their victory as a repudiation of Lincoln's administration and a vindication of the peace element's anti-war stand.⁴ The Union party had been left with the scant consolation that Vallandigham himself had been defeated for re-election by Dayton war hero General Robert C. Schenck.
Local elections in the spring of 1863, both in and out of the state of Ohio, tended to reinforce the Democratic claims that their star was in the ascendancy. The Crisis for March 11, 1863, happily reported "Glorious News from New York. The Cities and Large Towns all Going Democratic by Decisive Majorities -- Immense Changes in Public Opinion." Then followed a reprint from the Cincinnati Enquirer which in turn quoted telegraphic dispatches printed in the New York Tribune of March 4, 1863, citing Democratic victories in New York state municipal elections.

City government elections were held in Columbus on Tuesday, 7 April 1863. The Crisis, coming out the next day, reported under the headline "Tremendous Democratic Victory in Capitol (sic) of Ohio" a Democratic sweep including a Democratic mayor, marshal, and twelve out of eighteen councilmen. The same issue editorialized: "All hail! No more MOBS here! All quiet on the Sciota (sic)!" The issue of The Crisis for the following week was able to further inform its readers that Ohio, county by county, showed Democratic gains.

The 1863 Democratic convention met in Columbus on June 11th, glowing with righteous indignation and gleaming with anticipated success.

Hordes of rabid Copperheads crowded into the city, bands playing, flags flying, hickory branches waving. No hall or auditorium was big enough to contain the convention so it met on the east lawn of the State house. William Medill, a conservative, was the chairman but his control was swept aside by the fervour of the Vallandigham supporters.
General Order No. 38 was declared an insufferable tyranny. Governor Tod, General Burnside, and Secretary of War Stanton were singled out as the particular villains. Vallandigham was the long-suffering champion of the people's rights. Elect him governor. What if he were in exile? Elect him governor and "who would dare keep the chosen Governor of this great State in exile beyond its limits? Only let that be attempted, and the Lieutenant-Governor elect would lead an army of a hundred thousand Democrats to the Border to bring him home in triumph!"

The more responsible members of the party did not like this talk that smacked of civil war within the state. They would have preferred a more moderate candidate such as Hugh J. Jewett, who had run against David Tod. But the idea of Vallandigham had caught on with the rank and file of the party and opinion mounted higher and higher as the time for nominations approached. Reid said that the "intensity of feeling and bitterness of expression found no parallel in any previous excitement in the State."

The conservative leaders sought to stem the Vallandigham tide by offering a stronger name than that of Jewett. They asked McClellan, still a legal resident of the state, to stand as a candidate. Little Mac refused to permit his name to be used. A few War Democrats fought a sturdy rear guard action and cast their votes for Judge Jewett, but the opposition was overwhelming. Even Jewett's own county withdrew its support to jump on the Vallandigham bandwagon and "amid a wild saturnalia of cheering, and embracing, and all manner of extravagant demonstrations . . . the convict of General Burnside's Military Com-
mission was nominated by acclamation. 10

The convention tried to form a platform, but the mob shouted, "Vallandigham is platform enough." Ex-Senator Pugh, defender of Vallandigham at the appeal before Judge Leavitt, was called before the convention. Swept along by the excitement and enthusiasm, he was nominated for lieutenant-governor by acclamation.

"The Democracy did not bring the war about -- it was the acts of the Administration in power," he thundered from the steps of the Neil House. "No one but the abject slave of the Administration would say that this controversy could not have been settled on honorable terms of peace... If we had an honest man as Governor my rights and liberties could have been preserved. That creature who has licked the dust off the feet of the Administration is less than the dust in the balance. We have no Governor... If General Burnside should arrest me tomorrow, will you act? (Cheers and cries of 'yes')

"Then your liberties will be safe... Life is no longer tolerable under the despotism that exists... The question is, will you submit to it? If after a fair and honest appeal, a majority of the people decide to submit, then I counsel you to sell your goods and chattels and emigrate to some other country, where you can find freedom. I say, like Patrick Henry, 'If this be treason make the most of it!'... If General Burnside has spies here and should lead me out between a file of soldiers, I have given you my opinions. 11"11

While this was going on in Columbus, Vallandigham, after a pleasant week in Shelbyville spent at the house of a Mrs. Eakin, was...
ordered to report on parole to General Whiting in Wilmington, North Carolina, for passage out of the Confederacy.  

Freemantle, in his diary entry for June 16, repeated a conversation reported by a Major Norris, member of the secret intelligence bureau in Richmond, who had escorted Vallandigham as a semi-prisoner during his journey from Shelbyville to Wilmington. The two had talked a good deal about politics and finally Norris had capped the conversation with: "Now, from what you have seen and heard in your journey through the South, you must know that a reconstruction of the old Union, under any circumstances, is utterly impossible."

"Well, all I can say is," answered Vallandigham, "I hope, and at all events I know, that my scheme of a suspension of hostilities is the only one which has any prospect of ultimate success."

Norris had paid a last visit on Vallandigham the night of June 16th. Vallandigham had just learned that he had been nominated by the Democrats for the governorship of Ohio and was much elated. If duly elected, he told Norris, his state could dictate the peace. He intended to run the blockade that evening for Bermuda and from there take passage to Canada where he intended to publish a newspaper and agitate Ohio from across the border.

Blockade runners were operating in and out of Wilmington with almost the regularity of scheduled packets. Vallandigham was given passage to Bermuda on the Cornubia, Captain Gayle, and on June 17th she slipped through the Federal blockading squadron, arriving in Bermuda on the 20th. (There is an incredible tale told that en route the Cornubia was nearly taken by a Federal cruiser, whereupon the
call Vallandigham told the terror-stricken Captain Gayle to dress his crew in British red uniforms and pass himself off as a British transport. Why the British uniforms were aboard and why the ruse should have suggested itself to Vallandigham rather than to the ship's officers is not explained.)

Before adjourning, the Democratic convention in Columbus had appointed a committee to urge Lincoln to permit Vallandigham to return from exile. A similar appeal from a delegation of New York Democrats had drawn a detailed defense from Lincoln in the form of an open letter to "Hon. Erastus Corning and Others," one of the really great Lincoln state papers.

"The resolutions promise to support me in every constitutional and lawful measure to suppress the rebellion;" wrote Lincoln, "and I have not knowingly employed, nor shall knowingly employ, any other. But the meeting, by their resolutions, assert and argue that certain military arrests, and proceedings following them, for which I am ultimately responsible, are unconstitutional. I think they are not."

Lincoln saw a distinction between ordinary peacetime arrests and the jailing of men during a rebellion. "The former is directed at the small percentage of ordinary and continuous perpetration of crime, while the latter is directed at sudden and extensive uprisings against the government, which, at most, will succeed or fail in no great length of time. In the latter case arrests are made not so much for what has been done, as for what probably would be done. . . ."

In reply to the accusation of the Albany Democrats that Wallan-
dilham had been arrested and tried for no other reason than criticizing the administration in public meetings. Lincoln wrote, "If there be no mistake about this, if this assertion is the truth, and the whole truth, if there was no other reason for the arrest, then I concede that the arrest was wrong. But the arrest, as I understand, was made for a very different reason. Mr. Vallandigham avows his hostility to the war on the part of the Union; and his arrest was made because he was laboring, with some effect, to prevent the raising of troops, to encourage desertions from the army, and to leave the rebellion without an adequate military force to suppress it. He was not arrested because he was damaging the political prospects of the administration or the personal interests of the commanding general, but because he was damaging the army, upon the existence and vigor of which the life of the nation depends. . . .

"Under cover of 'liberty of speech,' 'liberty of the press,' and 'habeas corpus,' they hoped to keep on foot among us a most efficient corps of spies, informers, suppliers, and sighting and abettors of their cause in a thousand ways. . . ."20

"Again, a jury too frequently has at least one member more ready to hang the panel than to hang the traitor," wrote the former trial lawyer from Springfield. "And yet again, he who dissuades one man from volunteering, or induces one soldier to desert, weakens the Union cause as much as he who kills a Union soldier in battle. Yet this dissuasion or inducement may be so conducted as to be no defined crime of which any civil court would take cognizance."21
And then in the phrase which is best known from the letter, Lincoln said, "Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father, or brother, or friend into a public meeting, and there working upon his feelings till he is persuaded to write the soldier boy that he is fighting in a bad cause, for a wicked administration of a contemptible government, too weak to arrest and punish him if he shall desert. I think that, in such a case, to silence the agitator and save the boy is not only constitutional, but withal a great mercy."

Criticizing the petitioners for referring to themselves as "Democrats" rather than as "American citizens," Lincoln pointed out that both the general who had arrested Vallandigham and the judge who had denied his appeal were Democrats, "And still more, of all those Democrats who are nobly exposing their lives and shedding their blood on the battle-field, I have learned that many approve the course taken with Mr. Vallandigham, while I have not heard of a single one condemning it."

As to General Burnside's specific actions in the case, Lincoln wrote, "Let me say that, in my own discretion, I do not know whether I would have ordered the arrest of Mr. Vallandigham. While I cannot shift the responsibility from myself, I hold that, as a general rule, the commander in the field is the better judge of the necessity in any particular case. Of course I must practise a general directory and revisory power in the matter."
And finally, in reference to the request of the Albany Democrats that Vallandigham be freed: "I regard this as, at least, a fair appeal to me on the expediency of exercising a constitutional power which I think exists. In response to such appeal I have to say, it gave me pain when I learned that Mr. Vallandigham had been arrested (that is, I was pained that there should have seemed to be a necessity for arresting him), and that it will afford me great pleasure to discharge him so soon as I can by any means believe the public safety will not suffer by it."25

Lincoln's letter to Erastus Corning was dated June 12, 1863. The appeal of the Ohio delegation, dated June 26, 1863, in Washington, embraced seventeen resolutions (and four-and-a-half close-printed pages) and rested heavily on the Constitutional guarantees of free speech and free press. There were twenty signatures. The first was that of the chairman, M. Birchard of Ohio's 19th Congressional District. The second was that of the secretary, David A. Louk, 3d District, who was on the train platform in Dayton in charge of Vallandigham's March homecoming.26

Though shorter than his reply to the New York delegation, Lincoln's reply, delivered three days after receipt of the petition, was lengthy enough. Much of it is as dreary and legalistic as the petition which prompted it, but in an occasional paragraph the real Lincoln can be seen:

"... You claim that men may, if they choose, embarrass those whose duty it is to combat a giant rebellion and then be dealt with in turn as if there was no rebellion. The Constitution itself rejects
this view. The military arrests and detentions which have been made including those of Mr. Vallandigham, which are not different in principle from the others, have been for the prevention and not for punishment. . . . The original sentence of imprisonment in Mr. Vallandigham's case was to prevent injury to the military service only, and the modification of it was made as a less disagreeable mode to him of securing the same prevention. . . . #27

Lincoln then promised the release of Vallandigham if a majority of the delegation would endorse and return to him a copy of his letter with the understanding that they were committing themselves to the following propositions:

1. That there is now a rebellion in the United States, the object and tendency of which is to destroy the National Union; and that, in your opinion, an army and navy are constitutional means for suppressing that rebellion.

2. That no one of you will do anything which, in his judgment, will tend to hinder the increase or favor the decrease, or lessen the efficiency of the army and navy while engaged in the effort to suppress the rebellion; and

3. That each of you will, in his sphere, do all he can to have the officers, soldiers, and seamen of the army and navy, while engaged in the effort to suppress the rebellion, paid, fed, clad, and otherwise well provided and supported.

And with the further understanding that upon receiving the letter and names thus endorsed, I will cause them to be published, which publication shall be, within itself, a revocation of the order in relation to Mr. Vallandigham. #28

The committee replied to Lincoln's offer with another long argument, the gist of which was that while "they might, under other cir-
cumstances, feel inclined to indorse the sentiments contained therein . . . they have not been authorized to enter into any bargains, terms, contracts, or conditions with the President of the United States to procure the release of Mr. Vallandigham. 29

Vallandigham had spent ten days in Bermuda. On the last day of June, he boarded a British steamer bound for Halifax. He landed in Halifax on July 5 and after another ten days' traveling, registered at the Clifton House overlooking Niagara Falls — from the Canadian side of the river. 30 From here, on July 15, he issued his formal acceptance of the nomination:

". . . today, under the protection of the British flag, I am here to enjoy and in part to exercise the privileges and rights which usurpers insolently deny me at home. The shallow contrivance of the weak despots at Washington and their advisers has been defeated. . . . Grateful, certainly I am, for the confidence in my integrity and patriotism, implied by the unanimous nomination as candidate for Governor of Ohio, which you gave me while I was yet in the Confederate States. It was not misplaced; it shall never be abused. . . .

"I congratulate you upon your nominations. . . .

"I indorse your noble platform; elegant in style, admirable in sentiment. . . .

"Shall there be free speech, a free press, peaceable assemblages of the people, and a free ballot any longer in Ohio? . . . Shall Order 38 or the Constitution be the supreme law of the land? . . . This is the issue, and nobly you have met it. It is the very question of free, popular government itself. It is the whole question; upon the one side liberty, upon the other despotism. The President, as the recognized head of his party, accepts the issue. Whatever he wills, that is law. Constitutions, State and Federal, are nothing; acts of legislation nothing; the judiciary less than nothing. . . . Military orders supersede the Constitution, and military commissions usurp the place of the ordinary courts of justice in the land. . . . It was the mission of the weak but presumptuous Burnside — a name infamous forever in the ears of all lovers of constitutional liberty — to try the experiment in Ohio, aided by a judge whom
I name not, because he has brought foul dishonor upon the judiciary of my country. In your hands now, men of Ohio, is the final issue of the experiment. . . ."
BLACK REPUBLICANS AND WAR DEMOCRATS

Chances of victory at the polls for the Union party appeared exceedingly slim. To begin with, the party was essentially an uneasy coalition of radical Republicans, conservative Republicans, and War Democrats. With a left wing of Abolitionists, a center of Lincoln men, and a right wing following in the Douglas tradition, the structure appeared exceedingly shaky. The military reverses of the past year had brought a sharp reaction against the Lincoln administration. The left wing was dissatisfied; they said Lincoln was spineless, too slow in getting on with the war. The right wing harped on administrative inefficiency and darkly prophesied an economic depression.

For the Congressional elections of 1862, the Union party had campaigned on a conservative platform, pledging "undiminished confidence" in Lincoln and his government. The results, as mentioned before, were that of the nineteen representatives elected to Congress, barely five were Republican. Ohio, which had elected David Tod (himself a War Democrat from Mahoning County) governor in 1861 with a Union party majority of 55,000, had gone Democratic in 1862 by a majority of 5,557.
The Unionists (depending upon the precise shade of their political complexion) blamed their defeat variously on the military failures, the arbitrary political arrests, the inability of the soldiers to vote, and the Administration's lack of vigor in dealing with abolition.3 (If the President's Emancipation Proclamation had been designed to influence the election, it had come too late; except perhaps, as the Democrats insisted, to have a negative effect, proving that the war was an Abolitionist affair.) The Union party had barely managed to retain a working majority in the Ohio State legislature.

The Republicans could extract scant solace from the results of the spring municipal elections. The day following the Democratic victory in Columbus, the Ohio State Journal, April 9, 1863, manfully professed that "From every source we hear the most glorious and gratifying reports of the late elections—Everywhere the Union gains are enormous, and go to show that the days of the copperheads are numbered." But on April 21, the Journal was forced to hedge on its claims of victory: "The Spring elections, though in many instances influenced by local and personal considerations, have, nevertheless, given a cold douche to the ardent hopes of Copperheadism."

During the same period, the papers were printing the reports of the Congressional Committee on the Operations of the Army of the Potomac -- reports which shook the remaining confidence in the Union army leaders. When "Fighting Joe" Hooker forsook his winter quarters at Falmouth and Stafford Heights to reopen the dormant Virginia campaign, his stock (and Union spirits) soared briefly. The Ohio
State Journal on May 2, 1863, reported his crossing of the Rappahannock a "brilliant success." On May 5, the news was even more promising; Fredericksburg had been stormed and was in Union hands. Then, as so many times before, what had seemed to be a victory turned out to be a defeat. This was one of the worst: Chancellorsville. On May 8, the Journal printed the gloomy information "Hooker's Army Safe -- Sedgwick's Corps Badly Cut Up."

At David Tod's instigation a bill establishing machinery for absentee soldier balloting was finally passed on April 11, 1863. This, it was hoped, would give the Union party a solid block of votes. On the other hand, if the soldiers in the field were as disillusioned with the war as the Democrats claimed, then the soldier vote might work against the Union party.

Having given the soldiers the vote, the Union party members of the Ohio Legislature sent Ohio's men in uniform an address, the text of which was that "Every man must be for the United States or against it, there can be no neutrals in this war, only patriots and traitors." David Tod had given the state an able administration, but at times he had made something of a fool of himself ("no quarter" for the rebels of Holmes County) and a significant number of Republicans felt that a stronger candidate was needed to meet the vote-getting threat of Vallandigham. Two Cincinnati Republican papers, the Gazette and the Commercial, combined in favor of old politician John Brough. Brough was a War Democrat; he had been out of politics for 15 years and was now running a railroad. But he had been founder and editor of the power-
ful, Democratic Cincinnati Enquirer, he had been in the cabinet of a Democratic president, and he was a good, rousing stump speaker. He threw his hat into the ring with a speech on June 10 in Marietta, his boyhood home, in support of the war. It came out, not-so-coincidentally, in the Gazette and Commercial the same day as Vallandigham's nomination. Here, said E. D. Mansfield in the Gazette, is the man to run against the "Bluelight convention and its convict candidate."

Republican papers throughout the state picked up the speech and leaped onto the Brough bandwagon. A week later, June 17, the Union party convention met in Columbus.

The keynote for the convention was established by former Governor William Dennison who read an address received from the Army of the Cumberland and signed by the colonels commanding the 14th, 15th, and 17th Ohio Volunteer Infantry Regiments:

... With parties, as such, we have long since ceased to sympathize, and today the Army of the Cumberland has but this platform of political principles: "An unlimited use of all the energies and all the resources of the Government for the prosecution of the war until the rebellion is subdued and the Union restored."... We do not discuss whether slavery be right or wrong; whether the slaveholder or abolitionist is the primary cause of the rebellion; it is enough for us that the rebellion now exists, and that we are bound by the heritage of the past, and the hope of the future, to put it down.... The efficiency and continued harmony of your army depend, in a great measure, upon the State Government at home. It has pleased that Government to give us, while yet in the field, a voice at the polls.

Give them the proper candidate and "we can safely pledge the un-divided support of Ohio's one hundred thousand soldiers. ... Whatever will aid in crushing traitors is orthodox with us, regardless
of what old political text-books say..."9

The rank-and-file of the convention seemed enthusiastically behind Brough, but Tod's backers stood loyally by him. The balloting for the nomination showed 226 votes for Brough, and 187 ½ for Tod. Tod conceded, expressing his natural disappointment, but promised his unstinted support.10 Brough accepted the nomination.

(Medary, in The Crisis, said that the Republicans chose him as candidate because "...A sham Democrat was wanted to cheat the people once more, and Brough, for various reasons, was the man."11

For lieutenant governor the convention nominated Colonel Charles Anderson, brother of General Robert Anderson of Fort Sumter fame and a war hero in his own right. A native of Kentucky, he had been living with his family in San Antonio, Texas, at the outbreak of the war. An outspoken Unionist, he had sold his house and property within the forty days' grace period allowed by the seceding government, and was on his way north when jailed on unnamed charges. He had managed to escape and by hard riding made it across the Rio Grande. He rejoined his family in Vera Cruz, went to Europe, and eventually established a new home in Dayton. He was given the colonelcy of one of Ohio's regiments and was wounded at Stone River. Complications set in, he was invalided home and was not expected to live, but recovered and he seemed a likely antidote for George E. Pugh, the nominee of the Copperheads.12 (Ohio in the summer of 1863 appears to have been full of invalid war heroes.)

Nominations completed, the convention resolved on a strong war platform: "henceforth, till the war is ended, (we) will draw no party
line, but the great line between those who sustain the Government and those who oppose it; between those who rejoice in the triumph of our arms and those who rejoice in the triumph of the enemy."13
While Burnside sent his cavalrymen probing into Tennessee, another general, this one in Confederate gray, was getting ready for a foray of his own. Brigadier General John M. Morgan, CSA, one-time resident of Lexington, Kentucky, and now a Rebel raider of considerable reputation had a plan. He proposed to break through the Federal line somewhere in central or western Kentucky, cross the Ohio, ride through the southern counties of Indiana and Ohio, and escape either into West Virginia or by a bold ride into Pennsylvania to join up with Lee's army. His purpose was to disrupt communications in Kentucky and create panic in the rest of the Department so that Rosecrans' anticipated advance might be delayed. He reasoned that there was no adequate force in Indiana or Ohio to stop him. He could brush aside the local militia "like house flies" and outride any cavalry sent to pursue him. The raid would both reduce the pressure against Bragg and delay Burnside's move into East Tennessee. (Morgan was wrong in the latter; the detachment of the Ninth Corps had already forced postponement of Burnside's projected operations.) Braxton Bragg did not fully approve; he gave Morgan carte blanche so far as Kentucky was concerned but specifi-
cally prohibited his crossing the Ohio.¹

Bragg's orders were to make a fast march along the Louisville and Nashville Railroad and then to get back to the main army as soon as possible.² Morgan, however, privately told his second-in-command (and biographer), Colonel Basil W. Duke, that he had no intention of remaining south of the Ohio. He had sent scouts to examine the fords of the upper river -- particularly in the vicinity of Buffington Island -- and he would cross there into West Virginia unless it seemed advisable to ride on into Pennsylvania.³

The defenses of southern Ohio were in no great shape. Events of the previous autumn, 1862, when Bragg and Kirby Smith had threatened the southern border and the "Squirrel Hunters" had flocked to the defense of "besieged" Cincinnati, had convinced the Ohio legislators that the ancient and despised militia system was in need of drastic revision. "The State, while crowding brigades of her sons to the front armed and equipped for battle," wrote Reid, "was bare and defenseless at home. A handful of bold riders could throw a great city into a panic; a regiment or two could convulse the State..."⁴

A Mr. Sinnet, Senator from the Licking District, in February, 1863, had introduced "a bill to organize and discipline the militia of the State."⁵ The bill, prompted by Governor David Tod, passed both houses of the legislature and provided for two distinct classes of citizen soldier: 1) the Ohio Militia would include the entire military strength of the state, every able-bodied male between 18 and 45; 2) the Ohio Volunteer Militia would provide an armed, uniformed,
and equipped force of volunteers available for instant service in defense of the state.

Driving force behind the execution of the provisions of the militia bill was the Adjutant-General of Ohio, Charles W. Hill, a brigadier general with a dubious record in the field (General McClellan laid the blame on Hill, somewhat unfairly, for the escape of General Garret's force in West Virginia in the opening campaigns of the war). Hill was a plodding, persevering sort of administrator (ousted from Federal service, he subsequently commanded Camp Chase, just west of Columbus). The bill was long and complicated; the newspapers were reluctant to give it space. Hill had it printed in pamphlet form and took it to the people in a series of public meetings throughout the state. Meetings were being held on the 6th and 7th of July in Cincinnati, even as Morgan's riders approached the state. There were no guns for the projected artillery batteries and no accoutrements for the cavalry. But there were United States uniforms available for individual or company purchase (fatigue uniform — cap, lined blouse, and trousers — $7.21; dress uniform with hat $12.72). 6

Then came Morgan and how much good Hill's efforts did is hard to assess because things were still in a state of flux.

Morgan's original orders were dated June 18, 1863. For one reason or another he failed to get started until the end of the month. No one seems to agree on the strength of his division when it moved out from McMinnville, Tennessee. Federal rumor built it up to four or five thousand troopers. Morgan's official returns put his strength
at 2,028 effectives and four pieces of artillery, but these figures might have been falsified to delude General Joseph Wheeler, Bragg's chief of cavalry, who had ordered Morgan to take no more than 2,000 men. Morgan's second-in-command, Colonel Basil W. Duke, put his strength at 2,460. It was reinforced to perhaps 3,000 by partisans joining him along the line of march.  

Burnside first learned that Morgan was on the north bank of the Cumberland on July 2. General Henry M. Judah, not too well liked by his contemporaries, commanded the division of the Twenty-Third Corps which was responsible for the sector. A whiff of a rumor reached him that Morgan was at Burkesville. Judah had completely misread the situation, ignored the advice of his subordinates, and had his cavalry sitting at Marrowbone, twelve miles away, secure in the belief that the river was too high for Morgan to cross. Too late two companies from Colonel Frank Wolford's 1st Kentucky Cavalry were sent to investigate. Morgan pushed these inquisitive fellows aside on July 3 and before Judah could mass his division, the Rebels were half way to Columbia. Burnside ordered all cavalry and mounted infantry to concentrate and meet him but Morgan's scouts had given him good prior intelligence of the location of each detachment and he chose his route accordingly.  

On July 4, 1863, Morgan threatened the Green River bridge at Tebb's Bend near Columbia. It was an important crossing of the Louisville Railroad. Brigadier General Edward M. Hobson, one of Judah's brigade commanders, had realized its significance and had posted five companies of the 25th Michigan Infantry, under Colonel Orlando M. Moore, total
strength about 200, there. The Michiganders were axemen as well as infantry; they threw up a breastwork of logs and tree branches. Morgan moved into attack position before first light and sent forward a demand for surrender.

"The Fourth of July," replied the gallant Colonel Moore, "is not a proper day for me to entertain such a proposition." (Gettysburg was over; Vicksburg had fallen, but neither Morgan nor Moore knew this.)

It was a Confederate division on horseback against a part of a Federal regiment behind an abatis with Morgan attacking and Moore holding firm. The gray riders got as far as the entangled branches of the breastworks and no further. After three-and-a-half hours of fighting, Morgan sent forward a flag of truce to request permission to bury his dead. Moore estimated the Confederate loss at 50 killed (including a colonel, two majors, five captains, and six lieutenants) and 200 wounded. His own losses were six killed and twenty-three wounded. The Confederates themselves admitted to thirty-six killed, forty-six wounded.

Morgan, having been stopped by Moore, backed up, found an undefended crossing and headed for Lebanon by way of Campbellsville. Lebanon was defended by the 20th Kentucky Infantry, Lieutenant Colonel Charles S. Hanson commanding, something less than 400 men and no artillery. The rest of the parent brigade, two regiments, was close by but slow in coming up. There were a couple of hours of lively skirmishing. Hanson lost four killed and fifteen wounded (and claimed twenty-nine
Rebel dead, thirty wounded), got his wind up, and surrendered, supposedly to keep Morgan from burning the town. Morgan double-quicked his prisoners eight miles to the north (with the remaining two regiments of Federals trailing in lackluster pursuit) to Springfield where he paroled the crestfallen 20th Kentucky with casual informality.

His raiders now clattered through Bardstown, then marched toward Brandenburg on the Ohio, some 60 miles below Louisville. He had sent forward a detachment to secure boats for his crossing. Another detachment was ordered to cross the river further downstream to create a diversion. A third detachment demonstrated toward Crab Orchard to complete the confusion of the pursuing Federals. From tapped telegraph wires Morgan learned that he was expected in Louisville and guessed that the defending force there would be too strong for him. He captured a train from Louisville, thirty miles from the city. He picked up squads of Yankees here and there and paroled them in his highly informal way. By 10 o'clock on the morning of July 8, his troopers stood on the banks of Ohio at Brandenburg, having crossed Kentucky in five days.

At Brandenburg, his advance force had taken the unsuspecting river packet, J. J. McCombs, as she pulled into the landing. Soon afterward the Alice Dean (she was in the Memphis and Cincinnati trade) came around the bend. Morgan's men went out in the J. J. McCombs in best river pirate fashion and captured her. When Morgan arrived in town a few hours later, the two boats were ready for the crossing.

Also in Brandenburg was Captain Thomas H. Mines whom Morgan had
sent forward into Indiana "to stir up the Copperheads." Mines was a
daredevil who seems to have operated as independently of Morgan as
Morgan did of Bragg. A fair parcel of Indiana's militia had trailed
Mines to the opposite shore of the Ohio. Morgan's men crowded down
to water's edge, invited and received a sharp shower of musket balls
punctuated by the boom of a solitary ancient cannon. Morgan unlim-
bered his Parrott rifles, beat down the home guard fire, and sent
two temporarily dismounted regiments across the river to scatter the
militia.15

The Union "tin-clad" Springfield, Lieutenant Commander Leroy
Fitch, dispatched from New Albany, chuffed-chuffed onto the scene
to plague Morgan's crossing but her popguns were outranged by the
Confederates' Parrotts (providentially captured by Morgan from the
Federals in an earlier raid) and she had to withdraw up the river.
Morgan got the rest of his division across, left the burning Alice
Dean behind him, and rode six miles into Indiana before nightfall.

His plan now was "to march through Southern Indiana and Ohio,
avoiding large towns and large bodies of militia, spreading alarm
through the country, making all the noise he could, and disappearing
again across the upper fords of the Ohio. . . . For some days at least
he need expect no adequate resistance; and while the bewilderment as
to his purposes and uncertainty as to the direction he was taking
should paralyse the gathering militia, he meant to place many a long
mile between them and his hard-riders."16

Mobson, with two mounted Federal brigades, Brigadier General
James M. Shackelford and Colonel Frank Wolford, reached Brandenburg
on the evening of the 5th, recaptured the McCoombs (with Morgan's crew of swashbucklers still negligently aboard) and found the Alice Dean a smoking ruin on the Indiana shore. The McCoombs was sent to Louisville to fetch additional transports and so a day was wasted while Hobson sat and waited to get across the river.17

Burnside had sent Hartsuff detailed orders for the organization of the pursuit. All mounted elements of the Twenty-Third Corps were formed into a provisional division under Hobson who in turn had four provisional brigades under Shackelford, Wolford, Kautz, and Sanders, about 3,000 mounted men in all.18

Morgan headed north, spreading reports (which traveled fast and magnified quickly) that he meant to penetrate to the heart of Indiana, that he was going to sack the state capital, that he was going to burn the Government depots of supply at New Albany and Jeffersonville. A thoroughly reliable gentleman solemnly reported taking a head count of Morgan's troopers; there was not one man less than 5,000 of them. The Radical Republican Governor of Indiana, Oliver Perry Morton, declared martial law. Indiana's militia prudently concluded they could best defend their homes by concentrating in their respective towns. Morgan rode around them. Hobson lumbered on in pursuit, somewhere to the rear, finding it hard to keep the trail, and still harder to get remounts for his men, because Morgan was sweeping up all the fresh horses.19

On July 10, Morgan reached Salem, Indiana, cut the Louisville and Chicago Railroad, skirmished with the militia (which cost him a score or so of casualties) and then turned abruptly to the right and headed for Madison on the Ohio.
Next day, Brigadier Mahlon D. Manson of Judah's Division captured twenty men and forty-five horses of a detachment seeking to reinforce or rejoin Morgan from Kentucky. Morgan zigzagged north of Madison and marched on Vernon. The railroad junction there was defended by Hoosier militia under Brigadier General John Love. Morgan declined to attack, turned east, aiming again for the river, his destination apparently Lawrenceville or Cincinnati. He was burning bridges, cutting telegraph wires, marching twenty-one hours out of every twenty-four, and rarely riding less than fifty or sixty miles a day.

Was he trying to get back into Kentucky? Burnside apparently thought so, whatever the views to the contrary held by the citizenry of Indiana and Ohio.

An effort was made to raise volunteer militia regiments in Ohio to go to the aid of their Indiana neighbors (as the Hoosiers had done the year before in the "siege" of Cincinnati) but the Buckeyes declined. The good people of Cincinnati began to worry about "a sudden dash into the city." The Mayor requested that all business be suspended. Some heeded his request; some did not. Burnside declared martial law. Navigation on the Ohio was practically stopped. The Louisville packets were warned not to leave Cincinnati lest Morgan should force them into Confederate service. Gunboats patrolled the river, picking up all the scows and flatboats that Morgan might use in getting back across the Ohio.20

Manson's brigade, 2,500 strong, headed from Madison to Lawrenceville, attempting to keep pace with Morgan's lean riders. Sanders'
brigade, still in Kentucky, reached the river twenty miles above Louisville and Boyle sent him transports to put him in motion on the river. Burnside's intentions were to keep Morgan from slipping back into Kentucky. Even the detachment of Federals held at Dayton since the Vallandigham arrest was ordered to move by rail to Hamilton. Major F. M. Keith (the "inebriate" previously mentioned) reported himself holding that place with 600 men, mostly militia and only two-thirds of them armed. There was no garrison as such in Cincinnati although there were a couple of hundred men across the river in the Newport barracks. At nearby Camp Dennison, Lt. Colonel George W. Neff had 100 armed men and 1,200 unarmed recruits.

Governor Tod on July 12, 1863, telegraphed a proclamation to the press calling out the state militia. The companies "residing within the counties of Hamilton, Butler, and Clermont, to report forthwith to Major-General A. E. Burnside . . . who is hereby authorized and required to cause said forces to be organized into battalions and regiments. . . ." Other militia companies were to concentrate under Colonel Neff at Camp Dennison, under Brigadier General John S. Mason at Camp Chase, and under William R. Putnam at Camp Marietta. These home guards were all infantry, undrilled and unaccustomed to discipline or marching. The best that could be done with them was to put them into blocking positions. They were put to work taking up the planking from bridges and felling trees across roads.

Definite intelligence of Morgan's crossing the state line reached Burnside on the 13th. He ordered his river-borne brigades (Manson and
Sanders) to concentrate at Cincinnati. They arrived during the night.\textsuperscript{14} While Cincinnati's shopkeepers still debated whether or not to put up the shutters on their shop windows, Morgan himself rode into the city's suburbs. But he had taken it for granted that the city itself was strongly held with regular troops and had no intention of involving himself in a serious fight.\textsuperscript{25}

"As it was, he deceived everybody," wrote Reid. "The Hamilton people telegraphed in great alarm that Morgan was marching on their town. A fire was seen burning at Venice and straightway they threw out pickets to guard the main roads in that direction and watch for Morgan's coming. Harrison sent in word of the passage of the Rebel cavalry through that place at one o'clock, and of the belief that they were going to Hamilton. Wise deputy sheriffs, who had been captured by Morgan and paroled, hastened to tell that the Rebel chief had conversed with them very freely; had shown no hesitation in speaking of his plans, and had assured them he was going to Hamilton. All this was retailed at the head-quarters, on the streets, in the newspaper offices.

"That night, while the much-enduring printers were putting such stories in type, John Morgan's entire command, now reduced to a strength of bare two thousand, was marching through the suburbs of this city of a quarter of a million inhabitants, almost without meeting a solitary picket, or receiving a hostile shot."\textsuperscript{26}

Even so, Morgan had his troubles. Casualties, desertions, and straggling had weakened his command. During the night march, a lax
MORGAN'S ROUTE THROUGH OHIO

July 13-26, 1863
regiment lost its way. The two brigades of the division became separated in the dark. Exhausted troopers fell asleep in the saddle, some slipped off, willingly or otherwise, to sleep in the darkness of the roadside until awakened by a Yankee patrol in the morning.27

During the previous day, July 13, General Cox had published an order assigning the militia to four districts within the city. They were to "parade in the morning." But when morning came, Morgan was twenty-eight miles away.28 Neff at Camp Dennison had blocked the roads. Morgan had thrown a few shells at him, lost a lieutenant and several privates captured, detoured ten miles, and had gone into bivouac at Williamsburg.29

All over the southern part of the state there was a hasty mustering of militia, a great deal of rushing to points of danger on special trains. Apprehensive farmers drove their livestock into the woods to get it out of the way of Morgan's foragers. Housewives buried their silver, the traditional safeguard. Reid reported, "At least one terrified matron, in a pleasant inland town forty miles from the Rebel route, in her husband's absence, resolved to protect the family carriage-horse at all hazards, and knowing no safer plan, led him into the house and stabled him in the parlor, locking and bolting doors and windows, whence the noise of his dismal tramping on the resounding floor sounded, through the live-long night, like distant peals of artillery, and kept half the citizens awake and watching for Morgan's entrance."30

Morgan's men were out for plunder. "Calico was the staple arti-
cle of appropriation," related Colonel Duke. "Each man (who could get one) tied a bolt of it to his saddle, only to throw it away and get a fresh one at the first opportunity. . . . One man carried a bird-cage, with three canaries in it, for two days. Another rode with a chafing-dish, which looked like a small metallic coffin, on the pommel of his saddle till an officer forced him to throw it away. Although the weather was intensely warm, another slung seven pairs of skates around his neck, and chuckled over the acquisition. I saw very few articles of real value taken; they pillaged like boys robbing an orchard. . . ."31

Kobson, in spite of Morgan's herculean marching, was coming on, only a few hours behind. Sanders was ordered to join him. The gap between the pursued and pursuers was about ten or fifteen miles. The Scioto Valley militia was ordered to tear up the bridges along his line of march to delay him. Manson's brigade was back on its steam-boats and paralleling him by way of the river. Judah with a fresh brigade of cavalry arrived at Cincinnati on the 14th, moved up to Portsmouth, and was now clattering in pursuit. Colonel Runkle with a loose provisional division of militia was to Morgan's north. On July 10, Brigadier Eliakim P. Scammon, commanding in West Virginia, was ordered to concentrate a portion of the Kanawha Division (Cox's old command) opposite Gallipolis or Pomeroy. The trap was closing.32

Morgan derailed a train on the Little Miami line. He rode through Washington Court House, Waverly, Piketon, Jackson, Vinton, skirmished Runkle's militia at Berlin, and reached Pomeroy on July
18, 1863. Here there was more serious trouble.

Scammon's Kanawhas soon convinced Morgan they weren't militia. There was a running fight. Morgan was ambushed in a ravine near Chester. He galloped through, gave his horses an hour-and-a-half breather. It was eight o'clock in the evening and getting dark when he arrived in Portland, the village closest to Buffington Island. A line of earthworks seemed to block the ford. A hurried reconnaissance convinced Morgan that they were held by two or three hundred infantry. He decided to go into bivouac for the night, attack in the morning.

At dawn, Duke rode out, found the earthworks abandoned, but during the night, Judah had come up, and now as Morgan started to ford the river, the fresh blue-jacketed cavalry hit him. A shattering charge by the 5th Indiana Cavalry, led by a Lieutenant O'Neil, smashed through the Morgan column. There was considerable ground mist; Judah's personal staff stumbled into the gray line and three of them were captured. Major Daniel McCook, paymaster, a doughty old gentleman and father of Ohio's famous fighting McCooks, was mortally wounded. Morgan, slashing savagely at Judah's confused attack, wounded ten more, took twenty or thirty prisoners and a piece of artillery, and almost got off.

Hobson's persistent troopers, 3,000 of them, guidons snapping in the damp morning breeze, were pounding in along the Chester and Pomeroy road. Morgan faced around and ran into Shackelford at the head of Hobson's leading brigade. To make the entrapment complete, Lt. Commander Mitch's squadron of tin-clads paddled into sight and
began lobbing shells into the gray line.33

Morgan tried to withdraw in good order. Some of his raiders, bolts still tied to the saddle, broke for the rear. Things became more confused. Hobson's 2d and 7th Ohio Cavalry opened on Morgan. Then the 8th and 9th Michigan Cavalry charged, Sanders came up with a pair of guns, and anything resembling a systematic gray defense broke up.

Hobson got back Judah's staff and gun along with Morgan's battery of Parrott guns and about 900 prisoners; Shackelford's brigade alone took 700, including Morgan's brother Dick and his second-in-command, Colonel Duke. Morgan, himself, along with about 1,200 of his riders, escaped.

Such was the battle of Buffington Island, brief, confused, and, for Morgan, decisive.

General Judah, senior officer present, now took command, over Hobson's protest, of the whole Union force. While the two argued, the capable Shackelford took the initiative and was riding pell-mell in pursuit of Morgan. Burnside telegraphed Judah not to interfere with Hobson; but by this time Shackelford was too far in front for Hobson to catch up so Shackelford remained in charge of the flying chase.

Fifteen miles to the north, Morgan took up a position in a dense woods, called rather inconsistently Tupper's Plains. Attack was impractical in the dark. The pursuers thought they had him ringed in and were willing to wait until morning. During the night Morgan took his troopers through a gap in the blue cordon, each man leading
his horse in single file.

Near Eight Mile Island, twenty miles above Buffington, Morgan tried to cross the river again, got 300 men over and was in the middle of the stream himself when Fitch's tin-clads poked their stubby noses into sight and interrupted things. Morgan got back to his 900 men on the Ohio side and stumbled on.

Shackelford chased him for fifty-seven miles and by 3 o'clock on the afternoon of July 20 with the help of old Colonel Wolford and the 45th Ohio Infantry had him cornered on a high bluff near the river. Shackelford demanded unconditional surrender; there was 40 minutes of parleying, then Morgan slipped off with about half his riders. Shackelford, enraged at the deception, asked for volunteers willing to ride Morgan into the ground. A thousand willing troopers responded but there were only 500 good horses left. They saddled up and on the morning of the 21st began four days of almost continuous riding. They brushed with Morgan again at Washington in Guernsey County --- he got away.

Through Harrison and Jefferson Counties went the harried and the harriers, Shackelford picking up something over 200 prisoners along the way.

Meanwhile, in Cincinnati, Burnside was refitting Hobson's dismounted men. He put the 9th Michigan Cavalry, under Major W. B. Way, and the 9th Kentucky Cavalry, under Major G. W. Rue, altogether five or six hundred men, on the railroad cars and sent them up to join Shackelford.34

"Morgan is making for Hammondsville," Major Way telegraphed Burn-
side from Bellaire, near Wheeling. "... I have my section of battery and shall follow him closely."35

On the next day, July 26, Burnside announced: "Morgan was attacked with the remnant of his command, at eight o'clock this morning at Salineville, by Major Way, who, after a severe fight routed the enemy, killed about thirty, wounded some fifty, and took some two hundred prisoners."36

Six hours after the collision with Way, Morgan ran into Rue, and the commanding officer of the 9th Kentucky Cavalry was able to telegraph from New Lisbon, Columbiana County: "I captured John Morgan today at two-o'clock, P.M., taking three hundred and thirty-six prisoners, four hundred horses, and arms."37

The circumstances of the final surrender were peculiar. A Mr. Burbeck had gone out with a squad of citizen volunteers to indulge in the chase after Morgan. He had been scooped up by the gray troopers and pressed into service as a guide. They were heading for the Pennsylvania line when Morgan saw the swirling dust of his pursuers coming up on a parallel road. Knowing that his capture was certain, he hurriedly volunteered to surrender to his guide with the provision that he and his officers and men would be immediately paroled. Burbeck swallowed the bait and this was the situation as Major Rue found it. He referred the dubious matter to Shackelford who disallowed the whole business.38

The great raid was over. Actually it had little military significance except to scatter and fatigue the men and horses of the Twenty-third Corps. It had cost the states of Indiana and Ohio something in
plunder and for the pay and subsistence of their militia. But north of the Ohio no military post had been captured, no depot of supply destroyed, not even an important railroad bridge was burned. There had been no real fighting (not as fighting was counted in other, more active theaters). Federal losses for the whole chase were only nineteen killed, forty-seven wounded, and eight missing. For this an entire Confederate cavalry division was used up and lost to Bragg who was now retreating toward Chattanooga. The raid had not even delayed the invasion of East Tennessee because Burnside had to await the return of the Ninth Corps before undertaking that cherished plan. The distance from Brandenburg to Steubenville is 600 miles, but altogether Morgan had ridden nearly a thousand. It made an interesting story, the raw material of legends, but not a very rational use of cavalry.39

Perhaps most important of all was the effect of the raid on certain segments of Ohio's population. Seen at first hand, Morgan's men had been something less than chivalric.

As the Ohio State Journal summed it up, somewhat prematurely, on July 15:

If Morgan's raid so soon was "done for" We wonder what it was begun for.40
XIII

THE PEOPLE'S MANDATE

The 1863 campaign for the governorship turned out to be one of the roughest in Ohio political history. Contemporary observers agree on the intensity and bitterness of the campaigning. There were threats and counter-threats, charges and counter-charges. Great mass meetings were held throughout the state — Democratic attendance seems to have been larger than that of the Republicans but the reported figures are unreliable. The partisan press unabashedly exaggerated the claimed attendance of their respective parties and minimized the attendance of the opposition. Business relationships were severed because of political differences. Political pins and badges became invitations for mayhem.1

The cleavage in Dayton along party lines was only slightly more intense than in the rest of the state. Major Keith was still there with his blue-jacketed provost guard. The Dayton Journal, burned out in the Vallandigham arrest riots, had managed to come out the next day, May 6, in handbill size, four 8 by 12-inch pages set in three columns. The first page had a boxed notice: "Our editorial room will be in room No. 11, Telescope Building, where our friends can call in at
any time, and we will do the best we can for them with our limited accomodation. 2

Lewis Marot and W. H. Rogers were the editors. The Comly family, founders of the Journal, held Marot's and Rogers' notes for something like $10,000. 3 They limped along until July but did not seem able to get back on either their editorial or financial feet. Meanwhile, the Republicans of Montgomery County wanted a stronger editorial voice. A committee was appointed, headed by Lewis B. Gunckel, to see what could be done to remedy the situation. Six thousand dollars were subscribed and the committee went to Cincinnati to confer with Murat Halstead of the strongly Unionist Commercial. Halstead had an idea; there was a former editor and correspondent of the Commercial, William D. Bickham by name, now a major on Rosecrans' staff. The politicians got to work and in a day or so Rosecrans had Bickham in to tell him that Washington wanted him to handle the situation in Dayton. 4

A red-headed fighter, persistent, and physically powerful, Bickham had come first to Cincinnati in 1854. He had worked for Halstead first as a city reporter, then as political correspondent from Columbus (he knew Chase, Dennison, Garfield, Hayes, and the rest of the State's Republican leaders). He went to war first as a war correspondent for the Commercial, then as a staff officer.

Released from active duty, he reported to Halstead and then to Gunckel. The fire-damaged Hoe cylinder press was repaired. Under Bickham, the Journal prospered. As for Bickham, he was threatened and shot at, but it was his boast that the paper never missed an edi-
tion, and so it didn't, from July 28, 1863, until his death March 27, 1894.5

Undoubtedly one of the influences which helped shape the ultimate outcome of the election was the double impact of the great Union victories at Gettysburg and Vicksburg. By July 4, the newspapers were making their first hesitant claims of victory. Then on July 6, the Ohio State Journal headlined its Gettysburg dispatches: "Glorious News! A Brilliant Victory! The Rebel Army in full retreat! The Army of the Potomac covered with glory! 15,000 prisoners and 116 pieces of artillery captured!"

All of which caused wild excitement in Columbus. There were torchlight parades, speeches, rallies — and enthusiasm was just beginning to die down when it was rekindled by the fresh news of victory at Vicksburg. On July 8, the Ohio State Journal jubilantly reported: "Still Another Glorious Victory! Vicksburg Surrendered! All its garrison prisoners of war! The glorious Fourth of July rendered thrice 'glorious'!"

General Cox recalled that news of Vicksburg reached Cincinnati in a particularly melodramatic way. On the evening of July 7, at Pike's Opera House, there was a performance of I Puritani, a popular opera of the day. Burnside and his wife had one of the proscenium boxes and they had invited Cox and his wife as their guests. The second act curtain had just closed on Susini, the basso starring in the production, when a messenger entered Burnside's box with a dispatch announcing the fall of Vicksburg and the surrender of Pemberton's 30,000 Confederates.
Burnside, overjoyed, announced the news to his guests, then stepped to the front of the box and made a public pronouncement of the victory. The audience went wild, everyone getting to his feet, the men stamping and yelling, the women clapping and waving handkerchiefs. The curtain rose again. Susini came forward with an American flag in each hand and resoundingly repeated the second act curtain song which to Cox at least seemed singularly appropriate:

"Suoni la tromba, e intrepido
Io pugnerò da forte,
Bello e affrontar la morte,
Gridando libertà!"

which, translated, means:

"Let the trumpet sound, and intrepidly
I shall fight as a brave man,
It is beautiful to face death,
Shouting: Freedom!"

The sweep of Morgan's men across the state also undoubtedly had its effect on the gubernatorial campaign. There were those (the Ohio State Journal, for instance) who said the raid was Vallandigham-inspired; that the arch-Copperhead had counselled Bragg during his stop-over in Shelbyville that the time was ripe for the gray riders to be turned loose in the Department of the Ohio.

The Crisis, arch-enemy of the Journal, regarded these charges as nonsense. "If it were true, as the lying sheets of the Republican Party say, that Morgan came into Ohio and Lee into Pennsylvania through the influence of Vallandigham, then Lincoln deserves the brand of base traitor for banishing to the South a man who had it in his power to do such a thing."
The Morgan furore did not end with his capture. Morgan boldly challenged the manner of his handling by Shackelford, claimed that his parole to Burbeck had been violated, and appealed the matter to Governor Tod. The governor, after some deliberation, delivered the following decision on August 1, 1863:

I find the facts substantially as follows: A private citizen of Lisbon, by the name of Burbeck, went out with some fifteen or sixteen others to meet your forces, in advance of a volunteer organized military body under the command of Captain Curry. Said Burbeck is not and never was a militia officer in the service of this State. He was captured by you and traveled with you some considerable distance before your surrender. Upon his discovering the regular military forces of the United States to be in your advance in line of battle, you surrendered to said Burbeck, then your prisoner. Whether you supposed him to be a Captain in the militia service or not is entirely immaterial. 

Burnside had ordered that the officer prisoners of the raid be sent to Johnson's Island in Sandusky Bay and the enlisted prisoners (there were more than 3,000 altogether) to either Camp Chase at Columbus or Camp Morton at Indianapolis. Counter-orders from Washington, apparently originating with General Halleck, directed that Morgan and his officers be imprisoned in the Ohio State Penitentiary in Columbus. This action was partly to satisfy the public feeling that they should be treated as horse thieves, partly to retaliate for the imprisonment of Colonel Abel D. Streight's raiding party. (Streight with 1,800 troopers mounted on mules had been captured by Nathan Bedford Forrest in northern Alabama and handled rather roughly.) Actually, Morgan was a good deal better off in the State Penitentiary than he would have been at the officers' prisoner of war camp on Johnson's Island.

The pendulum of events, so long against the Union, was now swing--
inexorably toward the Federal cause, but the Peace Democrats seemed unaware of the changing fortunes of war and, to Reid at least, "they appeared confident of success..."\textsuperscript{11}

A good deal of national attention was focused on the Ohio election. Secretary of the Treasury Salmon P. Chase set the Republican example by "going home to vote" — his first visit to Ohio since the outbreak of the war. Large numbers of government employees from Washington and thousands of citizens from out of state (so many that the Democrats cried fraud) followed his lead.\textsuperscript{12}

October 13, 1863, the election day, arrived. The Republican Ohio State Journal exhorted its readers to rally to the polls. "The Grand Army of Union Voters must have no 'stragglers' today," cried its headlines.

"Count every ballot a bullet fairly aimed at the heart of the rebellion," said Chase in an election day speech.\textsuperscript{13}

The Democrats, in turn, mustered their full strength. When the votes were all in and counted there were 187,562 for Vallandigham. But Brough had a majority, even before the soldiers' vote was in, of 61,920. Of the soldiers' vote, 41,467 were for Brough; 2,288 for Vallandigham (and a bitter voice from the Army said that there would have been many thousands more for Brough if the dead and captured at Chickamauga could have voted). Altogether, Brough had an aggregate majority of 101,099 votes in a total vote of 476,223.\textsuperscript{14}

"Thank God!" crowed the Cincinnati Gazette the morning after the election. "The good name of our State is once more free from stain."
... To have been a Tory in the Revolution will seem a light thing in the years to come, beside having been a Vallandigham leader in the Great Rebellion."

The Ohio State Journal was equally jubilant: "The great contest is over, and the Union is triumphant... Rebellion is rebuked, and treason is crushed in Ohio!... the Copperheads at home have had their poison fangs plucked out."\(^\text{15}\)

Even the staunchly Vallandigham Dayton Weekly Empire, perhaps subdued by its three-months' suspension, seemed almost submissive. "Well -- the Gubernatorial Contest is over; we have met the enemy, and -- we are theirs!" editorialized the Empire. "... The election of Brough is an endorsement, by the people of Ohio, of the radical measures of Lincoln's Administration, and at once prolongs the present war and, to that extent, diminishes the hope of a final re-establishment of the unity of the Country."\(^\text{16}\)

Medary's Crisis, however, remained intransigent and darkly prophesied that "They will now keep up the war in full blast to carry the Presidential election — not to conquer the South, but to ride over the North — not to save the Union, but to crush out liberty where no rebellion exists." As for the validity of the election, "We know that for days before the election, long trains of cars came into the State from every quarter loaded with voters, hurrahing for Brough, some in soldiers' clothes and some not."\(^\text{17}\)

More soberly, and with the benefit of 30 years' perspective, General Cox wrote the following evaluation:
The remarkable result of the election was felt throughout the country as an indication of renewed determination of the people that the war must be fought out to the complete crushing of the Rebellion and the restoration of the Union. There was a noticeable crystallization of public opinion after it. Reasonable men in the defeated party found it easy to accept conclusions which were backed up by so great majorities. Agitation was quieted, and there was an evident disposition to acquiesce in what was so evidently the popular current.
CONCLUSION

In the Introduction to this thesis it was suggested that the student of journalism might find the events of the Ohio summer of 1863 significant for two major reasons: first, as a test of the limits of civil liberty in time of war; and second, as a demonstration of the role played by the press in public opinion formulation.¹

The first proposition, it is hoped, has been developed adequately. All in all, the curtailment of civil liberties in time of war seems to be a more or less specific manifestation of one of the basic paradoxes of American life: the inevitable conflict between the desire for freedom and the need for security. There had to be and has to be a continuing re-evaluation of the degree of personal liberty which on occasion must be relinquished by the individual if the nation was and is to survive. These alternatives must be kept in equilibrium and as times change so does the necessary balance; therefore, there must be a continuing re-assessment. The Lincoln government in 1863 possibly pressed too far (for the time and the place) in imposing restrictions upon the Constitutionally sanctioned freedoms. But, when public opinion rebelled, the Lincoln administration had the good
tactical sense to withdraw to more tenable ground without giving up any critical terrain. The over-zealous Burnside was quieted, the contentious General Order No. 38 was emasculated, the suppressed newspapers were permitted to resume publication, Vallandigham was eventually allowed to return from exile, but the government's fundamental position remained unchanged. In final analysis, it was Vallandigham who was discredited, not the Lincoln government.

It is interesting and perhaps significant to note that some of the restrictions concerning the freedom of speech and press, which were so hotly contested in the Civil War, were accepted almost without audible murmur in World War II.

Byron Price, wartime director of the Office of Censorship, in justifying the voluntary suppression of news in wartime, has quoted President Franklin D. Roosevelt as saying:

All Americans abhor censorship, just as they abhor war. But the experience of this and of all other nations has demonstrated that some degree of censorship is essential in war time, and we are at war.

The important thing now is that such forms of censorship as are necessary shall be administered effectively and in harmony with the best interests of our free institutions. According to Price, the restrictions necessitated by World War II were not infringements upon the guarantees of the First Amendment:

Much has been said about the seeming incongruity of the terms "censorship" and "free press" and there always is a certain bristling when any restraint whatever is put upon the operation of a printing press. . . .

The rights conferred by the First Amendment are by no means absolute rights. . . When it is examined in all its aspects, the Constitutional guarantee resolves itself into a guarantee of freedom to express opinion, to petition,
to criticize, to protest. The language of the Amendment certainly cannot be reasonably stretched to include a guarantee of freedom to be criminally careless with information in war time, or to commit treason, which is expressly dealt with in another clause of the Constitution. 3

But what has been accepted almost without question in this present age of reduced personal discretion was not so quietly received in 1863 when the guarantees of the Constitution were held to be absolute rather than relative. It is easy (but not necessarily profitable) to draw parallels and comparisons between the national situation of the 1860s and the present. It can be argued that the American public of the 1950s is more stable, less apt to erupt in violence and rebellion, than was the American public of the 1860s. Certainly the present American public is better informed, better educated, and more literate than the public of ninety years ago. Possibly it is more mature, more reasoning, more sophisticated. (Or perhaps it has been bludgeoned into a state of apathy by the events of the past forty years -- two World Wars, a major depression, and a Korea.) For purposes of illustration it might not be over-dramatic to project the following events onto the front pages of the present-day press:

1. Opposition party leader seized in midnight arrest, tried by military commission, and exiled for seditious utterances.

2. Armed and uniformed mob breaks into and sacks editorial offices of opposition newspaper.

3. Citizens take up arms in resistance to draft.

4. Editor writes that President deserves to be executed.

5. Citizens seize city in protest against military arrests, all rail, highway, and wire communications cut,
governor declares martial law, Federal troops rushed to the scene.

6. Editor assassinated by irate reader.

In modern context such happenings have a far-fetched, even ridiculous, sound. They could happen now but not very likely. Yet, to translate the 1863 scene into present equivalents would require the above or a comparable sequence of incidents. It seems safe to conclude that, whatever the underlying causes or reasons, Americans of the 1950's are less apt to be stirred to overt and violent action than were the Americans of the 1860's.

As Thomas E. Powell, a prominent Ohio Democrat, expressed it nearly half a century later: "It was a day of prejudice; a day in which a little breath could speedily develop into a cyclone and blow a man off the earth." 4

Another safe conclusion seems to be that the "personal" journalism of the 1860s was more inflammatory than informative. Much criticism has been leveled at the contemporary press for its monopolistic tendencies, its concentration upon profits, and its general turgidity toward public issues. Viewed in fair perspective, 19th Century journalism, despite its impressive gallery of "great" editors, failed by a good deal in discharging what have become to be considered the basic responsibilities of a free press in a free society.

The mechanical and economic ease with which a newspaper could be originated and produced in the last century had much to recommend it; certainly every shade of political opinion was given its editorial
voice. But these one-man, small-investment, ventures seldom sent their roots down deep into the soil of their society. Three tenets of modern journalism — responsibility, authority, and objectivity — were almost entirely lacking. A modern reader, used to his news facts and his editorial opinions in separate and clearly-labeled compartments, would be dismayed at the irresponsible mish-mash of fact, opinion, and unsubstantiated rumor served up as news in the average Civil War newspaper. Presumably, the 19th Century reader expected his newspaper to be partisan, biased, and one-sided in the extreme. Certainly his reading practices were more leisurely than at present and there was far less competition for his attention. The newspaper itself was usually a slim four or eight pages but in it was found room for lengthy reprintings of political speeches and high-flown editorial harangues. Comic relief came in the form of particularly heavy-handed colloquial humor. The reader may be presumed to have had his own prejudices and predetermined convictions reinforced by the reading of the paper of his choice, but he cannot be presumed to have been adequately informed.

Significantly, the railroads and the telegraph had given news a velocity which had been undreamed of a scant quarter-century earlier. For example, on July 5, 1863, the Ohio papers were reporting (with some hesitation) the previous day’s withdrawal of Lee’s army from Gettysburg and the news of Grant’s Fourth of July victory at Vicksburg reached Burnside at Cincinnati on July 7. This performance may
seem vastly slow in the light of the almost instantaneous information of the present day, but in the 1860s the impact upon journalism was incalculable. Generals had not yet mastered the strategic implications of these revolutionary changes in communications; editors can be forgiven for failing to grasp their full potentialities as news-collecting machinery. A "correspondent" was literally that. The Associated Press was in its first fumbling beginnings. "Foreign" news was almost always in the form of reprinted articles from other (and equally unreliable) newspapers. In some cases a particularly succulent story can be traced through a complete cycle of reprintings. Favorite derisive anecdotes (mostly concerning personalities in the opposite political camp) appeared and reappeared with the same deathless monotony as characterizes certain two-line jokes in present day college humor magazines.

But regardless of the prejudiced and incomplete manner in which the news was reported (or possibly accentuated by this very prejudice and incompleteness) certain dramatic events had the effect of focusing public attention on the issues at hand. It might be held that this focusing of attention was an essential step toward the clarification of the issues. Of the sequence of events considered here, the cause célèbre was, of course, Vallandigham's Mt. Vernon address, his subsequent arrest, conviction, and exile. But other influences contributory to the molding of opinion must certainly include Bums- side's original issuance of General Order No. 38, the domestic unrest and rioting, Morgan's raid into Ohio, and the political conven-
tions and the subsequent election. Also, from outside the borders of Ohio, the effect of the great Union victories at Gettysburg and Vicksburg impinging upon the opinions of the people must be considered. A principle which seems timeless is that striking or dramatic events tend to coalesce otherwise diffused thinking on public issues.

A corollary to the above is the tendency of the public to identify issues with personalities. Undoubtedly, the public to a large extent saw the conflict in terms of Vallandigham, Medary, et al., versus Lincoln, Burnside, et al. As a generalized conclusion it may be said that public issues tend to become personalized and identified with public leaders. Conversely, public leaders tend to identify themselves with public issues — else they are not public leaders.

Also illustrated is the effect of the two-party system upon the formation of American public opinion. The quarrel over the extension of slavery into the new territories had splintered the old Whig party in the 1850s. Out of the ruins grew the new, liberal Republican party and the short-lived Constitutional Union party. Similarly, the Presidential election of 1860 had divided the Democratic party into Northern and Southern factions and, subsequent to the outbreak of the war, the Northern Democrats were further divided into War and Peace Democrats. But it is characteristic of American politics that sizable third or fourth parties do not remain long in the field. The War Democrats aligned themselves with the Republicans to form the Union party, essentially a coalition fusing many fragments of varying political shade. The two opposing factions at the Northern polls thus became the Peace
Democrats and the Union party. The effect was to split the major issue of the day -- the continuance of the war -- into a sharply defined, yes-or-no, black-or-white proposition. A vote for the Peace Democrats was a vote for a negotiated peace. A vote for the Union party was a vote to fight through until the South was brought to its knees. It was as simple as that. Burns and Peltason seem to be on firm ground when they contend that the two-party system in the United States serves to polarize or dichotomize public issues.5

What happened in Ohio also seems to document Bryce's assertion that in a democracy the election is public opinion's legal claim to action.6 Bryce cautioned against the acceptance of the results of stray and inconsequential elections as true indicators of the drift of public opinion — too often they are affected by purely local or transient influences. So, in the spring of 1863, both the Democratic and Republican presses were premature in their claims that the results of municipal elections in Ohio and elsewhere were portenders of a swing toward or away from the Lincoln administration and its prosecution of the war. But the Ohio gubernatorial contest afforded a true test because the issues at stake were exactly the same as the larger national issues. The dark doubts which assailed Lincoln prior to the Presidential election of 1864 might have been allayed if he had correctly interpreted the prophecy furnished by the Ohio elections of the previous year.
POSTSCRIPT

So ends the tale, for the great issue — should the war end in a negotiated peace or should it be fought through to the finish — was decided in the 1863 elections. The people — throughout the Union, but most dramatically in Ohio by the defeat of Vallandigham — had given Lincoln and his administration a very literal vote of confidence.

But an afterpiece is needed for the drama, for the actors are not yet ready to exit from the boards.

John Hunt Morgan was not content to lie supinely in Ohio’s state penitentiary. One rainy evening in November, 1863, he and six of his captains took French leave of the place. It was a classic escape: knives from the prison messhall to cut through the stone floors of the cells, a tunnel under the building’s wall, knotted bedclothes for going over the outer wall. Tom Mines,¹ one of the captains, left a note to goad the warden:

Mon (J) Merion, the watchful, the vigilant:

Commencement November 4, 1863; conclusion November 24, 1863. Number of hours for labor per day, five: tools, two small knives. La patience est amere mais ce fruit est doux.

By order of my six honorable Confederates.

T. M. Mines, Captain, C.S.A.²

-152-
The seven Confederate raiders boldly walked their several ways to the train station and took the Little Miami express for Cincinnati. Mines and Morgan dropped off the train in the outskirts of Cincinnati and paid a boy two dollars to row them across the river to friendly Kentucky. Mines was recaptured but Southern sympathizers saw Morgan safely through the Confederate lines.

In April 1864, Morgan was assigned command of the Department of Southwest Virginia. His new troops were poorly equipped and badly disciplined. He essayed a raid in Kentucky in June and was censured by his superiors for his excessive losses and the bad behavior of his men. In September, after a disappointing summer, he made a demonstration toward Knoxville. On the night of September 3, 1864, while Morgan bivouacked near Greeneville, Tennessee, a Federal detachment under General Alvan C. Gillam slipped through his outposts. In the morning, Morgan found himself surrounded by blue troopers. He was shot down in the dooryard of the Williams farmhouse — he had pressed his luck once too often.

As the Summer of 1863 burned to a close, Ambrose E. Burnside rode off at last to liberate East Tennessee. His passage through the Cumberlands was a model mountain troop movement; Burnside was always a good marcher. He advanced on Knoxville, brushed aside the desultory Confederate resistance, and entered the city on September 2. A week later, September 9, 1863, he accepted the surrender of the dejected remnant of the Confederate defending force at Cumberland Gap.
Thea Rosecrans was defeated at Chickamauga by Bragg, and James Longstreet, the best of Lee's surviving corps commanders, was sent with his veterans from the Army of Northern Virginia against Burnside. Burnside withdrew skillfully. His retreat drew compliments from Longstreet. This was the medium-scale, independent campaigning that Burnside handled well. By the middle of November, Longstreet had Burnside backed up into Knoxville, but Burnside was ready for a siege. Longstreet stood for ten days in front of the blue positions trying to make up his mind to assault. Meanwhile, Grant had taken over from Rosecrans and on November 24–25 had whipped Bragg decisively at Chattanooga. With Bragg withdrawing into Georgia, Grant could send Sherman to Burnside's relief. Longstreet tried one assault, November 29, which failed, and then on December 4, with the arrival of Sherman's long-legged Northwesterners imminent, commenced his withdrawal into Virginia.

Burnside then went east with his beloved Ninth Corps and was assigned to the Army of the Potomac. He ranked General Meade but agreed to serve under him. There was a brave march to the Wilderness and then confusion. Once again, as at Antietam, Burnside was too slow. Spotsylvania and Cold Harbor followed. Meade and Grant watched him closely; they were none too satisfied with this controversial commander. Then in the fearful Battle of the Crater, which was supposed to breach the defenses of Petersburg, Burnside failed again, lost 4,000 men, killed, wounded, or missing. Meade wanted him court-martialed. Grant said no. Meade went ahead with a court
of inquiry and found Burnside to blame. Burnside left the army on indefinite leave never to return to active duty.7

But little Rhode Island remained proud of its number one soldier. It elected him governor in 1866, 1867, and 1868. He held a multiplicity of corporate officerships in railroad and navigation companies. He was a semi-private observer of the Franco-Prussian War. In 1874 he was elected to the Senate and served there, an impressive, portly figure, the famous whiskers now snowy white, until his death in 1881.8

The remainder of Samuel Medary's story is quickly told. He supported the candidacy of General George B. McClellan in the presidential campaigning of 1864.9 In the same year he was indicted for conspiracy by the Federal grand jury at Cincinnati. He was released on $3,000 bond posted by Washington McLean of the Cincinnati Enquirer.10 The case was docketed for October but it never came to trial. Medary was ill; he died in November, 1864.11

Of the commentators who figured in the narrative, Jacob A. Cox followed Brough as governor of the Ohio, and Whitelaw Reid went to New York City to become editor and publisher of the New York Tribune and eventually to the Court of St. James.12

For the Mephistopheles of the piece, the drama became a tragicomedy. Vallandigham had shifted the seat of his exile from Niagara Falls to Windsor. In 1864 he slipped across the border in disguise, boarded a train in Detroit, and next day, June 15, appeared in Hamilton, Ohio. Denouncing "King Lincoln", he was warmly welcomed by his
adherents and unanimously named a delegate to the Democratic national convention. The Federal government took no official notice of him, regarding him as an empty windbag to whom no one was really listening. In Chicago he dabbled in an abortive Copperhead uprising (in which Tom Nines played a part) and at the convention contributed to his party's eventual defeat by forcing into its platform a resolution denouncing the war as a failure and demanding an end to hostilities. At the convention's conclusion his friends prompted him to return to exile in Canada.

After the war he made unsuccessful bids for both the Senate and House. In 1867, the Empire was re-organized as the Dayton Daily Ledger with Vallandigham as one of the publishers. By 1871, he reached a realization that the old issues were dead. But in the same year while acting as counsel for defense in a murder case being tried at Lebanon, Ohio, he accidentally shot himself to death in the Golden Lamb hotel while demonstrating the manner in which the murder weapon was discharged. His name is preserved on the door of the second floor room he occupied -- a mute witness to the troubled times in which he lived and to the uneasy and tumultuous course in which his life ran.
INTRODUCTION


2. Coulter, E. Merton, The Confederate States of America, Vol. VII of A History of the South, Baton Rouge: Louisiana State University, 1950. That there were islands and currents of Union sentiment in the South has been largely forgotten. Coulter, a Southern historian, documents quite conclusively that the generally accepted solidarity of the South (accepted even by J. F. C. Fuller, Britain's pre-eminent military historian) was largely a myth which has emerged as part of the sentimental legend of the Lost Cause. The Southern system of provost marshals and restrictions was far more rigorous than anything attempted by the North.


5. Ibid., pp. 229-30.


16. Ibid.

17. Ibid., pp. 444, 451.


20. Ibid.


22. Ibid., p. 356.


I. THE RETURN OF THE POLITICIAN

1. Philadelphia Inquirer, March 6, 1863, as quoted by J. L. Vallandigham in Life of Clement L. Vallandigham, Baltimore: Turnbull Brothers, 1872, pp. 231-2.

2. Vallandigham, op. cit. p. 231.

3. Ibid., pp. 232-7. The inflammatory Democratic Union Association speech is given almost in its entirety.


5. Vallandigham, op. cit. p. 239.


7. Vallandigham left no memoirs and practically no private papers. The basic biography is the previously cited Life of Clement L. Vallandigham by his clergyman brother James L. Vallandigham. Written immediately after his brother's death, J. L. Vallandigham's book, for obvious and understandable reasons, portrays C. L. Vallandigham as a martyr to the cause of liberty and freedom. Its chief value is that it collects in one place various contemporary newspaper accounts, official reports and records, as well as many apparently verbatim copies of C. L. V.'s speeches.


8. Ibid.


11. Ibid.

12. Ibid., p. 408.

13. Ibid., p. 409.
II. THE ARRIVAL OF THE GENERAL

1. Woodbury, Augustus, Burnside and the Ninth Army Corps, Providence: Sidney S. Rider and Bro., 1867, pp. 248-9. This is a near-contemporary biography of Burnside's war years and an organizational history of the Ninth Corps. Woodbury was Burnside's close friend and war-time chaplain.

2. Ibid. Chapter VIII, "The Battle of Fredericksburg," pp. 210-35. The Battle of Fredericksburg is, of course, covered in detail in many military histories. Two of the most recent, benefitting by the perspective gained by time, and offering two interestingly opposed viewpoints, are:


4. Ibid., complete text of both Halleck's letter and Lincoln's endorsement, pp. 241-3.


7. Ibid., p. 203.


III. SAM MEDARY AND THE CRISIS

1. Stark, Medary W., "Samuel Medary", Ohio Journalism Hall of Fame, Journalism Series No. 11, Columbus: The Ohio State University Press, 1932.

2. The Crisis, (Columbus, Ohio) masthead, 1861.


5. The Crisis, March 11, 1863.

6. Ibid., March 18, 1863.

7. Ibid.

8. Ohio State Journal, (Columbus, Ohio) masthead, 1863.

9. Ibid., March 4, 1863.

10. Ibid., March 6, 1863.


16. Ibid., p. 114.

17. Ibid., pp. 94-5.


19. Ibid., pp. 112-3.

20. Ibid., pp. 159-161. Also Sandburg, op. cit., Vol. II, pp. 52-3.
IV. THE STATE OF THE UNION — IN OHIO

1. Reid, Whitelaw, *Ohio in the War*, Cincinnati: Moore, Wilstach, & Baldwin, 1868, pp. 99-100. Reid's near-contemporary account of the Civil War years in Ohio is remarkable for its perspective in its assessments of public opinion; however, his judgments of personalities of the period apt to be marred by his radical Republican bias.


4. Ibid., pp. 262-3. Burnside's role in this minor campaign is somewhat suspect. It is hard to see how Burnside could have exerted such a dynamic effect only three days after arriving in the Department. Whitelaw Reid in his biographical sketch of Quincy A. Gillmore in *Ohio in the War*, pp. 630-1, gives no credit to Burnside and dismisses the whole campaign as inconsequential. He also indicates that Gillmore grossly over-stated both Pegram's initial strength and casualties. Reid says that the Confederates admitted a loss of only 150. This seems to be more in line with Gillmore's loss of about 50. An examination of the Official Records is indicated.

5. Ibid., p. 263. Woodbury hurries on to say that these Massachusetts Yankees soon won the respect and affection of the Kentucky civil populace. Perhaps they did.

6. Ibid., pp. 264-5, 278.


10. Ibid., pp. 455-6. The text of General Order No. 38 is reproduced in part and in full in many places.


V. THE ARREST OF VALLANDIGHAM

4. Ibid., p. 247.
5. Ibid., p. 251.
6. Ibid. The account of the Mt. Vernon meeting as reported by the Democratic Banner is given, pp. 250-1; as reported by The Crisis, pp. 252-3.
7. Ibid., p. 252.
8. Ibid., pp. 252-3.
10. Ibid., pp. 459-60, as paraphrased by Cox.
11. Ibid., p. 460.
12. Ibid., p. 456.
15. Ibid., p. 464.
VI. ARMED MOBS AND LEGAL WRITS


2. Dayton Empire, May 5, 1863, as quoted in Reid, op. cit., pp. 101-2. The full editorial is given.


4. Reid, op. cit., p. 103.


8. Ibid.


13. Ibid., p. 262. The entire court martial proceedings are given verbatim (with some editorial comment) as Chapter XII, "Trial before Military Commission," pp. 262-64.


15. Ibid., pp. 265-8.

16. Ibid., p. 271.

17. Ibid., pp. 260-1; also Reid, op. cit., p. 103.

18. Ibid., pp. 271-3.


22. Ibid.

23. Ibid.

24. Ibid., p. 283; also Reid, op. cit., p. 106.


27. Woodbury, op. cit., p. 270. Johnson's reported comment was that Burnside's actions toward Vallandigham were too lenient.


29. Ibid., p. 109.

30. Ibid., p. 112.


32. Vallandigham, op. cit., p. 286.


34. Reid, op. cit., pp. 115-124. Judge Leavitt's full opinion is given.

VII. REPERCUSSIONS, RECRIMINATIONS, COMMUTATION, AND EXILE

1. Vallandigham, op. cit., p. 293.

2. Ibid., p. 291.


5. Ibid., pp. 463-4.


8. Ibid., pp. 226-7.


11. Ibid., p. 296.

12. Ibid.

13. Ibid., p. 300.


VIII. SUPPRESSION OF THE "CHICAGO TIMES"


4. Ibid.

5. Ibid., p. 130.

6. Ibid., p. 129.


9. Ibid.

IX. ALARUMS AND EXCURSIONS

1. Woodbury, op. cit., p. 278.


3. Woodbury, op. cit., p. 278.

4. Daily Ohio Statesman, (Columbus, Ohio) January 10, 1863.


10. Ibid.

11. Ibid.


14. Ibid.

15. Ibid., pp. 120-7.

16. Ibid.

17. Ibid.

18. Ibid.

19. Ibid.


22. Ibid.

23. The Crisis, June 24, 1863.


I. CRIES FOR PEACE

3. Ibid., p. 402.
4. Ibid., p. 403.
10. Ibid., p. 154.
11. Ibid., pp. 154-6.
14. Ibid.
16. Ibid.
18. Ibid.
20. Ibid., p. 167.
22. Ibid., p. 168.
23. Ibid.
24. Ibid., p. 169.
25. Ibid.


27. Ibid., pp. 161-3.

28. Ibid.

29. Ibid.


31. Ibid., pp. 164-5.

2. Roseboom, op. cit., pp. 392, 399-400. Also Reid, op. cit., p. 82.


4. Ibid., p. 405. Also Reid, op. cit., p. 82 and the Ohio State Journal, April 13, 1863.

5. Ohio State Journal, April 16, 1863.


7. Reid, op. cit., p. 166. Also the Ohio State Journal, June 15, 1863.


9. Ibid.

10. Ibid.

11. The Crisis, July 8, 1863.


11. REBEL RIDERS AND HARD RIDING


2. Cox, op. cit., p. 494. Cox, p. 496, disagrees with Reid and Woodbury as to Morgan's original intention to raid Indiana and Ohio and then escape into West Virginia or Pennsylvania.


4. Ibid., p. 130.

5. Ibid., p. 241.

6. Ibid., pp. 131-2, 811-5.


10. Ibid., p. 294.


12. Ibid., p. 496.


14. Ibid.

15. Ibid.

16. Ibid., p. 137.


20. Ibid.
26. Ibid., p. 140.
27. Ibid.
28. Ibid., p. 141.
31. Ibid., p. 144.
33. Ibid.
36. Ibid.
37. Ibid.
38. Ibid., p. 149.
XIII THE PEOPLE'S MANDATE


4. Bickham, Daniel D., "William D. Bickham" a tribute by his son in Ohio Journalism Hall of Fame, Journalism Series 13, Columbus: The Ohio State University Press, 1937.

5. Ibid.


8. The Crisis, September 16, 1863.

9. Reid, op. cit., p. 149.

10. Ibid. Also Cox, op. cit., p. 501.


12. Ibid.

13. Ibid., p. 170.


15. Ohio State Journal, October 14, 1863.

16. Dayton Weekly Empire, October 17, 1863.

17. The Crisis, October 21, 1863.

CONCLUSION

1. Cf. supra, p. 3.


POSTSCRIPT


3. Ibid., pp. 279-80.


6. Ibid.

7. Ibid.

8. Ibid.

9. Ibid., Vol. XII, pp. 490-1, "Medary, Samuel."


13. Ibid., Vol. XIX, pp. 143-5, "Vallandigham, Clement Laird."


- 176 -
**CHRONOLOGY**

Principal events within Ohio's borders affecting the Vallandigham case and the Copperhead movement during the spring and summer of 1863

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Event Description</th>
</tr>
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<tbody>
<tr>
<td>March 5</td>
<td>Columbus</td>
<td>Armed mob attacks the editorial office of Samuel Medary's Copperhead paper, <em>The Crisis</em>.</td>
</tr>
<tr>
<td>March 13</td>
<td>Dayton</td>
<td>Clement L. Vallandigham, leading Copperhead, welcomed home from Washington.</td>
</tr>
<tr>
<td>March 20</td>
<td>Hoskinsville</td>
<td>Companies A and B, 115th Ohio Volunteer Infantry, enter Noble County to put down &quot;spark of rebellion.&quot;</td>
</tr>
<tr>
<td>April 13</td>
<td>Cincinnati</td>
<td>Burnside issues General Order No. 38 aimed at suppressing treasonable acts and sedition within the Department.</td>
</tr>
<tr>
<td>May 1</td>
<td>Mt. Vernon</td>
<td>Vallandigham speaks at rally of Knox County Democrats, denounces General Order No. 38.</td>
</tr>
<tr>
<td>May 6</td>
<td>Cincinnati</td>
<td>Military commission convened to try Vallandigham.</td>
</tr>
<tr>
<td>May 11-19</td>
<td>Cincinnati</td>
<td>Vallandigham's counsel moves for a writ of <em>habeas corpus</em>. Appeal is argued before the U. S. Circuit Court. Writ is denied. Findings and sentence of trial are published. Vallandigham is ordered passed through the Confederate lines.</td>
</tr>
<tr>
<td>June 1</td>
<td>Cincinnati</td>
<td>Burnside publishes General Order 84 prohibiting circulation of the New York <em>World</em> in the Department of the Ohio and suspending publication of the Chicago <em>Times</em>.</td>
</tr>
<tr>
<td>June 5</td>
<td>Holmes County</td>
<td>Draft enrollment officer from Loudonville mobbed by irate citizens near Napoleon.</td>
</tr>
</tbody>
</table>
June 7
Cincinnati
Orders reach Burnside from Secretary of War Stanton nullifying both General Orders 38 and 84.

June 11
Columbus
Democratic state convention meets. Vallandigham nominated for governor.

June 16
Columbus
Governor David Tod publishes proclamation ordering Holmes County dissidents to disperse and return to their homes.

June 18
Holmes County
State troops put down "rebellion," capture ring-leaders.

June 17
Columbus
Union party convention; John Brough nominated for governor.

July 4-7
Columbus
News of Union victories at Gettysburg and Vicksburg reaches Ohio.

July 12
Columbus
Governor Tod calls out state militia as Confederate raiders under Brig. Gen. John H. Morgan near Ohio borders.

July 13-14
Cincinnati
Morgan and his raiders ride through suburbs.

July 19
Portland
Morgan defeated at Battle of Buffington Island.

July 26
Salineville
Morgan defeated at Salineville. Captured with remnant of cavalry division near New Lisbon.

October 13
New Lisbon
State gubernatorial election. Vallandigham defeated; Brough victorious by a majority of 100,000.
BIBLIOGRAPHY

I. BOOKS

The following books have been the most useful in providing material for this thesis:


Beard, Charles A., and Mary R. Beard, Basic History of the United States, Philadelphia: The Blakiston Co., 1944. By developing the evolution of the several conflicting political philosophies of the 19th Century, this history provides an excellent summary of the fundamental issues of the Civil War.


Burns, John MacGregor and Jack Walter Peltason, Government By The People New York: Prentice-Hall, Inc., 1952. Answers the question of how popular governments respond to the will of the people.


Cox, Jacob D., Military Reminiscences of the Civil War, 2 volumes, New York: Charles Scribner's Sons, 1900. Cox, in addition to being one of Ohio's ranking Republican politicians, was Burnside's immediate subordinate and commanding general of the Ohio Military District.

Drury, Rev. A. W., History of the City of Dayton and Montgomery County, 2 volumes, Chicago-Dayton: The S. J. Clarke Publishing Co., 1909. Few of these local histories have any real historical merit.


Freeman, Douglas Southall, *Lee's Lieutenants*, 4 volumes, New York: Charles Scribner's Sons, 1946. This monumental work on Southern military leadership is included because of its evaluation of Burnside from a Southern viewpoint.


Reid, Whitelaw, *Ohio in the War*, 2 volumes, Cincinnati: More, Wilstach & Baldwin, 1863. Consists of a volume of State history organized by topic and a volume of biographical sketches. The most important single source for this thesis.


II. ENCYCLOPEDIAS

The following encyclopedias were useful in providing topical information and biographical background:


III. PAMPHLETS

*Pamphlets Issued by the Loyal Publication Society* (from Feb. 1, 1863 to Feb. 1, 1864), New York: Loyal Publication Society, 1864. The published efforts of the one of the many Loyal Societies and Union Leagues which were organized to combat the efforts of the Copperheads.
Bickham, Daniel D., "William D. Bickman," Ohio Journalism Hall of Fame, Journalism Series 13, Columbus: The Ohio State University Press, 1937.

Stark, Medary W., "Samuel Medary," Ohio Journalism Hall of Fame, Journalism Series No. 11, Columbus: The Ohio State University, 1932.

IV. NEWSPAPERS

Of the many Ohio newspapers on file in the library of the Ohio State Archaeological and Historical Society, the following were found to be particularly rewarding:

Ashland Union.

Ashtabula Leader.

Cincinnati Commercial.

Cincinnati Enquirer.

Cincinnati Gazette.

Cincinnati Times.

Cleveland Leader.

Cleveland Plain Dealer.

Dayton Empire.

Dayton Journal.

Ohio State Journal (Columbus).

Ohio Statesman (Columbus).

The Crisis (Columbus).

V. MONOGRAPHS

The Main Library of The Ohio State University contains the following monograph: