

## Radicalism in the Civil War Era 1850–1875



Curt Anders

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ISBN-13: 978-0-9824369-7-4

ISBN-10: 0-9824369-7-1

Printed in the United States.

Cover design by Todd Engle Pen-and-ink illustrations by Melinda Buie Interior text design by Sheila Samson, WordCrafter, Inc., Carmel, Indiana

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## Preface

CURIOUS STUDENTS OF THE CIVIL WAR do not have to be of Confederate descent to wonder why the Union found quelling the Rebellion such a difficult and costly undertaking. One answer, I suggest, was the pernicious interference of the Radical Republicans — or, simply, Radicalism.

This factor fails to loom large in the War's historiography in large part because so many writers have paid so much attention to the combat period (1861–1865) and so little to the Civil War Era as a whole (1850–1875).<sup>1</sup>

Between 1850 and 1861, Radicalism evolved from fragmented opposition to the "Slave Power" into a Republican Party in which a small number of ultra-Radicals — driven by powerlust — sought full control of the federal government.

During the catastrophic slaughter, they attempted to wrest control of military operations from Commander-in-Chief Lincoln and struggled with him over post-war policy. Success during Reconstruction enabled the Radicals to replace Andrew Johnson's Lincoln-inspired state governments with punitive Congressionally mandated military districts that stripped Southerners of their freedoms and led to plundering and misrule. In 1869, however, the Radicals made the mistake of impeaching President Johnson, whose fidelity to the Constitution had never wavered.

Obviously, the story of Radicalism's rise and decline needed the Civil War Era's decades as the span in which it could be evaluated as a force contributing to the misconduct of the War and the squandering of the

Union's victory. Moreover, use of the Civil War Era facilitates tracking individual Radical movers and shakers as they emerged in the 1850s, performed during the War and in the wake of Lincoln's murder in the in the 1860s, and doomed the South to badly flawed "reconstruction" that lasted into the 1870s and beyond.

Finally, current events in the twenty-first century's opening decade seem to be reflecting the resurgence of nineteenth-century Radicalism in many respects, in partisan politics in particular. *Powerlust* confirms Ecclesiastes' declaration that there is nothing new under the sun, for much of the Past's Radicalism is Present in today's Liberalism.

Must history repeat?



As a student of the War for most of my adult life, in book after book I kept encountering the Radicals and the troubles they caused. Occasionally I ran across references to their influence, or brief biographies, but never anything that traced the emergence, the effect, and the excesses of Radicalism. *Powerlust* is my suggested beginning for filling that void.

This text is actually the fifth version of what I distilled from my studies. The first was a trilogy: *Pride Goeth Before a Fall, Evil That Men Did*, and *Sinners in the Hands of an Angry God*. But it was far too long. Another version was called *The Civil War You Missed*, in part because of my imagining what I would tell my five Confederate veteran greatuncles<sup>2</sup> if we met in Valhalla. Yet, I was mindful also of the tragic deprivation recent generations have suffered because of education commissars' removals from curricula of American history and also of George Santayanna's warning that those who do not remember the past are doomed to relive it. *The Civil War You Missed* was meant for those readers, too, but Radicalism got crowded out in my attempt to cover the entire Civil War Era from 1850 to 1875.

The *Powerlust* you are holding is only about 175,000 words in length, yet it focuses on who the Radicals were and what they did and what

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good and evil resulted. The process of putting together the pieces of their widely scattered yet gripping and important story was a fascinating one for me. I hope you find the end result equally interesting.

C. A. Garrison, N. Y. Summer 2009



John C. Calhoun, Statesman

Although devoted to the Union, South Carolinian Calhoun's widely endorsed advocacy of states' rights was a proximate cause of secession. His death in 1850 proved highly advantageous to Radicalism.

#### T

## THE WAY WE WERE

"We, the people of the United States, ..." do not really like each other very much. We never have. Almost as soon as the Pilgrims in Massachusetts or the first colonists to arrive in Virginia chased the local Indian braves far enough away from the beaches to feel some degree of security, the newest Americans began squabbling within their own little groups, reflecting the compulsion we humans have to control one another, to dominate whenever three or four or more are gathered together.

Furthermore, we absolutely abhor being dominated, controlled, manipulated — whether by someone or by a clique within the family, neighborhood, or town, or even by amorphous forces such as the news media. We know all about being a free people and that we ought to observe the Golden Rule, yet it often seems beyond us to be good sports, or loyal followers, or to swallow our pride whenever our precious egos have been bruised.

Instinctive as it may be to resist bullying by bosses or spouses or complete strangers, most of us have avoided jail by *going along to get along* — by *compromising*, by cutting a *deal*. Politicians are masters of the art. Nations whose leaders prove unwilling or unable to negotiate, to find common ground with those opposing them, usually find themselves fighting a war.

So it was that between 1861 and 1865 in the United States, so many people in the North and South disliked each other so intensely, and failed so miserably to compromise, that close to a half million young men were killed and the lives of uncounted millions of other Americans were

blighted in our Civil War. It was a catastrophe so destructive, so fierce, that we cannot possibly comprehend the horror, the grief, or the sense of futility it evoked at the time. While we admire and honor from a vast distance the gallantry displayed in the battles and the quiet heroism of all those whose sacrifices were unrecorded, we are left facing the naked truth that we brought the whole bloody thing on ourselves — that our Civil War was a self-inflicted wound.

Could it have been avoided? Certainly.

What did cause it? Pride, which groweth before a fall.

Could we blunder our way into such devastation again? Yes.



Considering all of the acrimony and wrangling that occurred in 1787 during the discussions that led to the preparation and later ratification of our Constitution, it is a wonder that the United States ever came into being.

Words on paper, but not much else, held the thirteen former British colonies together. About all that the citizens of the new states had in common in 1789 was strong desire to remain independent, not merely from foreign powers but from domestic tyranny — which is why the Constitution they adopted is actually a document severely limiting the powers of the federal government. Emphasis on protection of individuals from unwarranted molestation by officialdom is apparent in the wording of the Tenth Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

Within a few years, however, some Americans began to realize that it was to their advantage to use the federal government to do things that they could not get done within their states or regions. For example, Pennsylvanians in the iron and steel business found that they could charge more for their products if the U.S. Congress protected them from competition with lower cost British producers by imposing high taxes on

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imports. This was fine with the politicians; high tax revenue enhanced their enthusiasm for public improvements and other programs that also happened to buy votes come Election Day in districts benefiting from them. As a result, the government that was supposed to be limited grew rapidly; and as it did, as some groups got what they wanted, others lost something — in this instance, people in the Southern cotton-growing states had to pay more for the things they bought that were made in Great Britain and even in this country so that Pennsylvanians and others in the North might prosper.

Almost from the beginning, then, attitudes toward government depended on whose ox was getting gored. In 1814, Massachusetts and several other New England states threatened to secede from the fragile young Union because an embargo on shipping hurt businesses engaged in foreign trade. Yet New Englanders professed outrage in 1832 when South Carolinian John C. Calhoun advocated "nullification" — a doctrine to the effect that states retained the right to ignore any federal law, such as one establishing ultra-high protective tariff schedules, that was not in the states' best interests; and that under certain conditions, secession was justified.<sup>2</sup>

So it was that the United States Congress became a hotly contested battleground. Some of the clashes took place between lawgivers representing differing sections of the country. Others occurred because the most powerful political parties — after 1834, the generally pro-federal Whigs and states' rights-supporting Democrats — disagreed so often and so drastically. At times there was conflict even within Congress itself between the Senate and the House of Representatives over particular pieces of legislation. But by 1849 the controversies that seemed most likely to lead to the shedding of real blood sooner or later had to do with slavery.



The "peculiar institution" was thriving in South America and the islands of the Caribbean long before it spread to the British colonies on this

continent. The first blacks brought to Virginia arrived in 1619 on a Dutch ship and they came not as slaves but as persons recruited to ease chronic shortages of laborers in tobacco fields. Beginning in the 1670s, slaves were imported by growers of rice and indigo in Atlantic coastal regions of South Carolina and Georgia, but it is remarkable how small the total was. By 1700 there were only about twenty-six thousand blacks in the colonies; seventy percent of them were in the Chesapeake Bay regions of Virginia and Maryland, but some were in New York and even Rhode Island.<sup>3</sup> A harsh climate and poor soil retarded development of commercial agriculture in the North. Where slavery existed, groups of no larger than five — household servants, mostly — predominated.<sup>4</sup>

From 1776 onward, however, slavery would be a difficult problem for the American people. Many of this country's Founding Fathers owned slaves, yet in the Declaration of Independence they proclaimed "all men are created equal." In the ensuing Revolutionary War, blacks served in combat on both sides — most of them with the British — and took advantage of the British withdrawal in 1782 to obtain their freedom. Later, in 1787 while drafting the Constitution, the Framers avoided using the word *slavery* but they found language that recognized its existence adequately and afforded it protection. Also in 1787, the First Congress passed the Northwest Ordinance, which prohibited slavery in the territory that is now the upper Midwest, and the Constitutional Convention set 1808 as the first year in which Congress might forbid further importation of slaves. Around the same time, some states passed laws facilitating manumission and this led to a significant increase in the number of free blacks.

According to the first census, taken in 1790, there were about four million people in this country of which more than 650,000 were slaves, mostly in the Southern states. Two circumstances were responsible for a massive increase in the slave population during the first half of the 1800s: the invention of the cotton gin, and the self-reproducing feature of the peculiar institution. Cotton growing spread westward to Alabama, Mississippi, and Louisiana and also to states in the upper South such as Tennessee and Kentucky; planters prospered, gaining time in which to

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take an interest in politics; and the idea that eventually slavery would die a natural death became increasingly more difficult to accept.<sup>7</sup>

Concurrently, in the North the vexing ideological questions raised during the Revolution not only lingered but proliferated. In contrast to the agrarian nature of the rural South, industrialization had spread westward from New England and with it came waves of religious revivals and nigh-religious commitment to "free" labor.<sup>8</sup>

The harsh aspects of slavery to which Northerners objected evolved over two centuries. Back in 1619 when the Africans arrived in Virginia they found themselves in competition with Native Americans and European (mainly English) indentured servants for the jobs in the tobacco fields. When the Indians proved to be unsatisfactory as slaves and the whites' periods of servitude expired, the blacks filled the available positions by default. Blacks suffered from being so different, which led to judgments that they were inferior, which led to restrictions on their conduct that often involved punishment but always diminished their freedom. Moreover, their numbers grew — there were two million of them by 1830 — while entire tribes of Indians were being removed from cotton-growing states and resettled on reservations as a matter of national policy. Racism eliminated poor whites from competition. Labor became cheaper to own than rent. Also, it was in the best interests of slave owners to raise the living standards and capabilities of their human property, and this offset the peculiar institution's objectionable features somewhat — or so it would be argued.9

But there was no question about the fact that some "Yankees" disliked slavery or that they wanted it abolished and that they looked to Congress to do it. The controversy — "controversy" is what happens when people do not like each other — reached Congress in the wake of the Louisiana Purchase and adoption of the national strategy of filling that vast expanse with American settlers to prevent attempts by any European powers to establish colonial footholds. In 1820 Kentucky's Senator Henry Clay, a Whig, became known as "The Great Pacificator" by arranging the agreement that eased tensions over the extension of slavery: the Missouri Compromise. Maine was admitted as a "free" state and Missouri was to

be a "slave" state, maintaining the balance that had prevailed since the United States' earliest years. Looking to the future, Clay's compromise stipulated that the rest of the western region purchased from France in 1803 north of 36 degrees 30 minutes north latitude would be free. Also, the legislation specified that fugitive slaves escaping into any free state or territory of the United States "may be lawfully reclaimed and conveyed to the person claiming his or her labor or service." <sup>10</sup>



The Missouri Compromise of 1820 preserved what passed for peace between the North and South for nearly three decades despite the turbulence in the late 1820s and early 1830s caused by the "Tariff of Abominations" and the secession threat implicit in John C. Calhoun's nullification advocacy. An often-overlooked aspect of this "crisis" was that it was primarily over *taxes* — not slavery. Even so, the interests of the industrialists and protectionists (as well as politicians) in the Northern states were in conflict with those of the agrarian, free-trade desiring South; this fact amounted to another reason for the two regions' people not to like each other very much.

Massachusetts Senator Daniel Webster took Calhoun's implied threat to break up the Union over taxes alone so seriously that he waxed uncommonly eloquent during his debate with South Carolina Senator Robert Hayne in 1830. "I deny the whole [nullification] doctrine," Webster argued. "It has not a foot of ground in the Constitution to stand on." He continued:

Could anything have been more preposterous than to make a government for the whole Union, and yet leave its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations? . . . Would anything with such a principle in it, or rather with such destitution of all principle, be fit to be called a government?

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After more denunciation of nullification, in his speech's peroration Webster referred first to disunion and then made an appeal to patriotism:

I have not allowed myself, Sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. . . . Nor could I regard him [Calhoun] as a safe counselor in the affairs of this government whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed.

While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that, in my day, at least, that curtain may not rise!

God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood!

Let my last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single Star obscured, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that sentiment, dear to every true American heart — Liberty and Union, now and for ever, one and inseparable!<sup>11</sup>

But Henry Clay again applied his skills as a negotiator and conciliator,

and the enactment of new tariff legislation acceptable to both sides ended the nullification crisis.<sup>12</sup>



For a time it seemed that the work of Clay, Calhoun, and Webster was done. Actually, changes were occurring throughout the United States that would call them back to the Senate in due course.

Population was growing rapidly because of a high birth rate and immigration. There were roughly five million people in the United States in 1800, more than *twenty-three* million by 1850. Following the Missouri Compromise of 1820 an estimated four million Americans had moved into western territories. Frontier land was inexpensive; in some places it was free. Expansion provided many benefits, including new commercial opportunities and enhancement of individual worth. Technological advances — steamboats, railroads, canals, the telegraph, the rotary press — made living and working easier and more productive and facilitated exchange of news and political opinions over wider areas.<sup>13</sup>

"Manifest Destiny" was the term journalist John L. O'Sullivan applied in 1845 to the forces of change, but as early as 1839 he was sharing his vision with his readers. "The expansive future is our arena," he wrote. "We are the nation of human progress, and who will, who can set limits on our onward march?" <sup>114</sup>

O'Sullivan saw the United States' mission as "the entire development of the principle of our organization — freedom of conscience, freedom of person, freedom of trade and business pursuits, universality of freedom and equality." People who had settled in the Republic of Texas, the Mexican provinces of Alto California and Nuevo Mexico, and the Oregon Territory in the Pacific Northwest, however, tended to hold the pragmatic view that the protection the United States could provide was greatly to be preferred to British or Mexican domination. 16

Tennessee Democrat James K. Polk defeated Whig Henry Clay in the 1844 Presidential election in large part because he favored annexation

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of Texas and acquisition of Oregon, California, and New Mexico: Manifest Destiny. Generally, Southerners saw in westward expansion an opportunity to enhance their political power in Washington; it might also provide an outlet for their rapidly increasing slave populations. Northerners, however, were more inclined to let the western regions "ripen like fruit and fall into the lap of the United States."<sup>17</sup>

Texas' annexation, made possible mainly by Secretary of State John Calhoun, finally took place on July 4, 1845. However, negotiations with Mexico aimed toward purchase of California and New Mexico failed, and in April 1846 "Mr. Polk's War" began. Campaigns during 1847 led by Major General Zachary Taylor in central Mexico and by General-in-Chief Winfield Scott from Vera Cruz to Mexico City resulted in victories; in many of them, junior officers who were graduates of the United States Military Academy at West Point gained experience that would, like O'Sullivan's Manifest Destiny, prove significant in the future.

However, Whigs and even some Democrats in the North considered Polk's use of force to acquire California and New Mexico a threat to the Missouri Compromise of 1820. In August 1846 David Wilmot, an antislavery Free-Soil congressman from Pennsylvania, proposed amending an war-related appropriations bill in a manner declaring that "neither slavery nor involuntary servitude shall ever exist in said territory," meaning any land that might be added as a result of the war.<sup>20</sup>

"Having furnished most of the soldiers who conquered Mexican territory," wrote historian James McPherson, "the South was particularly outraged by the proposal to shut them out of its benefits." And early in 1847, John Calhoun, back in the Senate, introduced resolutions to deny the right of Congress to keep slave property out of the territories. Enactment of the Wilmot Proviso, he warned, would produce "political revolution, anarchy, civil war." But nothing came of legislation pro or con the Proviso; it, along with the controversy that spawned it, was carried over into the Presidential election of 1848.



Ratification of the Treaty of Guadalupe Hidalgo, in which Mexico ceded to the United States upper California and New Mexico and recognized the Rio Grande as Texas' southern boundary, gave James K. Polk the distinction of having added more square miles to the size of the United States than any other President. Enormous also, however, were the problems the people of the nation faced in the wake of not only the Mexican War but of the multitude of other changes that had occurred in recent decades.

Strains in political allegiances added complexity to selections of candidates and the outcomes of elections in 1848. Abolition of slavery, rooted in religious fervor that swept from New England across the upper Midwest in the 1820s and 1830s, was a more significant force than before; moderates had emerged advocating mobilization of public opinion and legal action rather than abolition by all means and immediately, and political parties' distinctions were determined mostly by the degree to which they were anti-slavery.

Sectional loyalties also caused fragmentation — hence, "Conscience" Whigs in the North objected to their party's presidential nominee, Mexican War hero Zachary Taylor, because he owned slaves on his Louisiana plantations. "We cannot & will not under any circumstances support General Taylor," Bostonian Charles Sumner wrote. "We cannot support any body who is not against the extension of Slavery." Sumner also called for "a new crystallization of parties, in which there shall be one grand Northern party of Freedom." Many Southern Democrats, finding too vague the proposal made by their party's candidate, Senator Lewis Cass of Michigan, to allow "popular sovereignty" — the right of territories' populations to allow or reject slavery — preferred Taylor for the same reason Northern Whigs and Free-Soilers turned against him. 24

General Taylor was elected. However, soon after his inauguration he enraged his Southern Whig and especially his Democrat supporters by declaring that he would not veto legislation passed by Congress that contained the anti-slavery Wilmot Proviso. Southerners, in particular, reflected in their protests their conviction that freedom was in jeopardy. Some Congressmen came to sessions armed. Fights broke out. "Despotic

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and tyrannical," declared one lawgiver, describing the power of the government to dictate what property a man might own at any place.<sup>25</sup>

Readers of newspapers all over the country who were at all familiar with American history were wondering if Henry Clay could repeat in 1850 his successes of 1820 and 1832. The Great Pacificator tried. On January 29 he offered a set of resolutions that gave new meaning to the term compromise. For each dispute's solution favoring the North, he paired one Southerners were likely to accept — thus, in the District of Columbia slaves would no longer be traded — but slavery itself could continue. Other issues treated in this manner included California statehood, Texas' border dispute with New Mexico, organization of the rest of the Mexican cession without any restriction or condition on the subject of slavery, and enforcement of laws pertaining to recovery of fugitive slaves.<sup>26</sup>

Predictably, South Carolina's venerable John Calhoun found Clay's proposals wanting in merit. On March 4 he was ready to reply but too ill to deliver the speech he had prepared; a colleague read it to the Senate as Calhoun sat nearby.<sup>27</sup> His main points:

- I have believed from the first that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion.
- It can no longer be disguised or denied that the Union is in danger.
- You have thus had forced upon you the greatest and gravest question that can ever come under your consideration:
   How can the Union be preserved?"

•

Then Calhoun suggested actions the Union might take to avoid driving the South into secession, finally declaring:

If you are unwilling we should part in peace, tell us so; and we shall know what to do when you reduce the question to submission or resistance. If you remain silent, . . . you will compel us to infer

by your acts that you intend to exclude us from the whole of the acquired Territories, with the intention of destroying irretrievably the equilibrium between the two sections.

We should be blind not to perceive in that case that your real objects are power and aggrandizement, and not to act accordingly.<sup>28</sup>



"If the question is not now settled," said John Calhoun along the way, "it is uncertain whether it ever can hereafter be." *Can the Union be saved?* would remain unsettled not just during the Civil War Era, which was just beginning; it still demanded an answer in the twenty-first century.

But on the seventh of March 1850, Massachusetts' Senator Daniel Webster, often a spokesman for Northern interests, surprised them and people all over the country by the tone of respect and conciliation in his reply to Calhoun. "I wish to speak today not as a Massachusetts man, nor as a Northern man, but as an American," he began. "I speak today for the preservation of the Union. *Hear me for my cause.*" <sup>29</sup>

John Calhoun had been assisted to his desk in the Senate and sat wrapped in a black cloak, watching through sunken eyes and listening intently as Webster alluded to the conviction with which Calhoun had made his case. Then the senator from Massachusetts made some statements that astonished most of his audience:

There has been found at the North, among individuals and among legislators, a disinclination to perform fully their constitutional duties in regard to the return of [fugitive slaves]. In that respect, the South, in my judgment, is right, and the North is wrong. . . . I put it to all the sober and sound minds at the North as a question of morals and a question of conscience. What right have they, in their legislative capacity or any other capacity, to endeavor to get round this Constitution, or to embarrass the free exercise of the

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rights secured by the Constitution to the persons whose slaves escape from them? None at all; none at all.

Then, Sir, there are the Abolition societies. I do not think them useful. I think their operations for the last twenty years have produced nothing good or valuable.

Senator Webster was particularly sharp on secession. "I see as plainly as I see the sun in heaven what that disruption itself must produce; I see that it must produce war." And as a practical matter, "We could not sit down here today and draw a line of separation that would satisfy any five men in the country. There are natural causes that would keep and tie us together, and there are social and domestic relations which we could not break if we would, and which we should not if we could."

Daniel Webster, reputed to be the most eloquent orator in America, did not disappoint his admirers in closing;

And now, Mr. President, instead of speaking of the possibility or utility of secession, instead of dwelling in those caverns of darkness full of all that is horrid and horrible, let us come out into the light of day; let us enjoy the fresh air of Liberty and Union; let us raise our conceptions to the magnitude and the importance of the duties that devolve upon us; let our comprehension be as broad as the country for which we act, our aspirations as high as its certain destiny; let us not be pygmies in a case that calls for men.

Never did there devolve on any generation of men higher trusts than now devolve upon us, for the preservation of this Constitution and the harmony and peace of all who are destined to live under it. Let us make our generation one of the strongest and brightest links in that golden chain which is destined, I fondly believe, to grapple the people of all the States to this Constitution for ages to come.<sup>30</sup>

"Let us not be pygmies in a case that calls for men," Webster stressed, only to have the impact of that splendid admonition dissipated by

reactions to a speech by Senator William H. Seward, a Whig from New York, on March 11. Apoplexy might have taken John Calhoun's life that same day had tuberculosis not killed him first.



Freshman Senator Seward's speech proved to be so long and rambling that about the only way to grasp what he said was to consult the *Congressional Globe*. Even in print, however, his words had shock value from the very beginning. "SHALL CALIFORNIA BE RECEIVED?" he asked after effusively praising the territory's glories. "For myself, upon my individual judgment and conscience, I answer, Yes."

Seward's rhetorical question was not likely to have been near the top of any other Senator's list of truly pressing issues, yet he devoted a quarter of the twenty thousand words the *Globe* printed to rebutting supposed objections and advancing arguments favoring statehood for California. Finally, as if capital letters were needed in the text to indicate shouting to rouse sleeping listeners, he made a point that set him apart:

But it is insisted that the admission of California shall be attended by a COMPROMISE of questions which have arisen out of SLAVERY!

I AM OPPOSED TO ANY SUCH COMPROMISE, IN ANY AND ALL THE FORMS IN WHICH IT HAS BEEN PROPOSED; because, while admitting the purity and patriotism of all from whom it is my misfortune to differ, I think all legislative compromises, which are not absolutely necessary, radically wrong and essentially vicious.

Certainly it was Seward's First Amendment right to express his dissent — yet why be so brazen about it, why dare his colleagues to *force* him to go along to get along? Or could it be that this former governor was still infected with powerlust, and was determined now to replace

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Constitutional consent of the governed with the will of the federal State?

Having in effect expressed his contempt for Henry Clay's decades of effort to find the basis for amicable settlement of one dispute after another, Seward attacked the position taken by the absent (indeed, deceased) John Calhoun.

Later in his speech Seward, a "Conscience" Whig, seemed to have assumed the role of spokesman for his section's interests. Seward's heaviest fire, however, was directed toward the proposed strengthening of the Fugitive Slave Acts:

I say, then, to the slave states, you are entitled to no more stringent laws; and that such laws would be useless....

Relying on the perversion of the Constitution, which makes slaves mere chattels, the slave states have applied to them the principles of the criminal law, and have held that he who aided the escape of his fellow man from bondage was guilty of a larceny in stealing him.

We [in the North] deem the principle of the law for the recapture of fugitives, as thus expounded, therefore, unjust, unconstitutional, and immoral; and thus, while patriotism withholds its approbation, the consciences of our people condemn it.

Seward's argument had been wordy and tedious, but he was building toward an assertion that would prove highly controversial:

I know that there are laws of various sorts which regulate the conduct of men. There are constitutions and statutes, codes mercantile and codes civil; but when we are legislating for states, especially when we are founding states, all of these laws must be brought to the standard of the laws of God, and must be tried by that standard, and must stand or fall by it.

If you will have this law executed, you must alleviate, not increase, its rigors....

But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part, no inconsiderable part, of the common heritage of mankind, bestowed upon them by the Creator of the universe. We are his stewards, and must so discharge our trust as to secure in the highest attainable degree their happiness.<sup>31</sup>

Senator Seward's twenty thousand words, nine pages in the *Congressional Globe*, would be remembered as the "Higher Law" speech. It was more than that. In the decades immediately ahead, the heavy emphasis he had placed on opposition to slavery would produce, from many smaller movements, one: the faction known as the Radical Republicans.

prosecuting the war. In the House, Radical George W. Julian of Indiana maintained that it was administration policy to favor military officers who opposed emancipation. And still fresh in congressional memories was the Ball's Bluff disaster.

On December 11, 1861, Ned Baker's good friend President Abraham Lincoln entered the Senate chamber "supported" (as the *Congressional Globe* put it) by Senators Lyman Trumbull and Orville Browning of Illinois. That afternoon one Senator after another recalled his association with Edward Baker, lauded the deceased's many fine qualities, and deplored his tragic death which (they agreed) came through no fault of his own. The eulogies were filled with oratorical flourishes readers of newspapers relished. Early in a typical outpouring there was a promise: "Mr. President, I shall leave to others more competent than myself to do justice to the character and many virtues of my deceased colleague...." and then the speaker would orate for the better part of an hour.

Naturally the Senators' emotional effusions included many references to Ball's Bluff and Baker's performance there on October 21, recalling to the minds of all the mourners present the allegations made by Charles Stone that the late colonel had botched the operation horribly. James A. McDougall of California dealt with this circumstance:

I who knew the man who was the late Senator say to you that no rash, reckless regardlessness of danger can be attributed to him. It is but just to say of him that his conduct sprung from a stern, hero, patriot, martyr spirit that enabled him to dare, unflinchingly, with a smile to the green earth, and a smile to the bright heavens, and a cheer to his brave companions, [and to] ascend the altar of sacrifice.<sup>47</sup>

The high point of the afternoon's drama was reached when Massachusetts' Charles Sumner took the floor and declared:

He died with his face to the foe; and he died so instantly that he

## Lead Me, Zeus, and Thou, Fate

passed without pain from the service to his country to the service of his God. It is sweet and becoming to die for one's country. Such a death, sudden but not unprepared for, is the crown of the patriot soldier's life.

But the question is painfully asked, who was the author of this tragedy, now filling the Senate Chamber, as it has already filled the country, with mourning? There is a strong desire to hold somebody responsible, where so many perished so unprofitably. But we need not appoint committees or study testimony in order to know precisely who took this precious life.

At about this point, reportedly, Senator Sumner looked directly at President Abraham Lincoln.

The great criminal is easily detected. The guns, the balls, and the men that fired them are of little importance. It is the power behind them all, saying, "the State, it is I," which took this precious life; and this power is slavery. The nine balls which slew our departed brother came from slavery. Every gaping wound of his lacerated bosom testifies against slavery. Every drop of his generous blood cries out from the ground against slavery. To hold others responsible is to hold the humble agent and to dismiss the giant principal.<sup>48</sup>

Lincoln is said to have blanched.<sup>49</sup>

# Dragon Seed

For anyone to denounce the President of the United States, the Commander-in-Chief in wartime, in public was in incredibly bad taste if not unthinkable — yet that was the effect of Senator Charles Sumner's riveting gaze and implied accusation during the Edward Baker Memorial session on December 11, 1861. By injecting partisan politics into a solemn occasion, the Massachusetts ultra Radical had perpetrated an outrageous offense against a man who had been doing his best to restore a Union shattered in part by Sumner's previous excessive harangues concerning slavery.

Was the damage this apparent monomaniac had already done to the North's peace and security somehow not sufficient? Did he not realize that he was fomenting additional separatism, this time within his own party and within his own region?

Given his impressive knowledge of law, surely Sumner was aware of the statutes pertaining to slander, libel, and treason and how to stop short of violating any of them. In addition, the First Amendment to the Constitution protected his right to convert a time of mourning into barely subtle expression of his unjustified contempt. Even his fellow Radical Republicans had cause to wonder if Sumner's caning by infuriated Preston Brooks back in 1856 had impaired his judgment more extensively than was evident at the time.

However: If Sumner's implied accusation had indeed focused the audience's scorn upon mourner Abraham Lincoln effectively enough to cause him to blanch, the reason may not have been a twinge of guilt or anger but his sudden recognition of how far he was from being in firm control of his own Presidency. And being a man given to reflection, he

may well have dismissed Sumner's insult from his memory of the sad occasion and resolved to become Commander-in-Chief of the army and navy in fact as well as title.

Among the excuses for the senator's unfortunate outburst may have been the Radical Republicans' outrage regarding Lincoln's having appointed George McClellan to replace General-in-Chief Winfield Scott despite the Young Napoleon's continuing refusal to use his huge Army of the Potomac for anything other than parades while Johnston's Confederates were going into winter quarters out at nearby Manassas. Also, it could be argued that ambition exceeding his sense of honor had caused McClellan to hector Scott, an infirm soldier twice his age, a man to whom he once professed to "owe everything," into retirement.

Upon reflection, Lincoln may have regretted anew that Major General Henry Halleck had not arrived from California in time to preclude McClellan's promotion. General Scott had recommended Halleck (USMA '39), a leading lawyer in San Francisco who had been highly instrumental in enabling California to become a State and was also the author of several books on international law and military art and science. But Halleck's trip to Washington had been by sea via Nicaragua, and upon his arrival he was assigned to replace insubordinate political General Fremont out in St. Louis.<sup>1</sup>

Lincoln recognized that having the right generals in the right places was vital if his performance as a warrior king was to improve. But how was he to discover overnight what exactly determined excellence in a senior officer? And selection of places was linked to military art — a fancy name for strategy and tactics. Well, Lincoln had digested the Bible and Shakespeare and the law; perhaps he could learn to perform somewhat better in the future — that is, if Jefferson Davis allowed him enough time.



On the day before Senator Sumner had humiliated his President at the

## Dragon Seed

Baker Memorial session, the newly convened 37th Congress had created the Joint Congressional Committee on the Conduct of the War, later to become known as the CCW. That action was being interpreted as the Legislative branch's expression of its lack of confidence in Commander-in-Chief Lincoln's ability to prosecute the quelling of the rebellion. It was also an indication of how successful the Radical Republicans had been in amassing political power since the early 1850s.

Back when dismemberment of the Union was merely a grim possibility, one that statesmen such as John C. Calhoun and Daniel Webster viewed with genuine alarm during their orations in order to underscore the vital importance of compromise, the younger men in their midst who later became influential Radical Republicans had seriously underestimated the consequences of ignoring such warnings. Civil war had been among those consequences, and during the winter of 1861–1862 the Union's chances of losing it — of sliding into history as a noble experiment in government that failed — seemed excellent.

So far there had been no significant Union victories — only the demoralizing defeats at Bull Run and Ball's Bluff, and out in southwest Missouri, Wilson's Creek. In what remained of the Union, disunity remained a threat. Not all Democrats were "war" Democrats. Countless Northerners hated being in a war far more than they did slavery or the South. Many questioned the morality of Americans killing one another over such matters. Business interests bemoaned loss of Southern markets. People in states drained by the upper Mississippi talked of seceding and making peace with the Confederates who were blocking the "Old Northwest" from access to the Gulf of Mexico, thence to markets wherever in the world their products could be sold. Worst of all, *suspicion* of disloyalty was rampant, vexing, and spreading. People who had merely disliked one another were now *afraid* of each other. How could anyone prove loyalty? Who was qualified to judge it? How much freedom needed to be sacrificed to assure it?

Leadership was needed urgently; its shortage explained a large portion of the North's discontent. In fact, the inexperienced Commanderin-Chief in Washington had mobilized the Union's military resources

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