

Lincoln's Northern Nemesis and Opposing Lincoln

Matthew Pinsker

Dickinson College, pinsker@msn.com

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Review

Pinsker, Matthew

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Gottlieb, Martin. *Lincoln's Northern Nemesis: The War Opposition and Exile of Ohio's Clement Vallandigham.* McFarland, 2021. PAPERBACK. \$39.95 ISBN 9781476686295 pp. 250

Mackey, Thomas C. *Opposing Lincoln: Clement L. Vallandigham, Presidential Power, and the Legal Battle over Dissent in Wartime.* University Press of Kansas, 2020. PAPERBACK. \$24.95 ISBN 9780700630158 pp. 167

In August 1862, President Abraham Lincoln responded to some harsh public criticism from Horace Greeley, a leading Republican newspaper editor, by claiming that his “paramount object” in the Civil War was to “save the Union” and “not either to save or to destroy slavery.” (AL to Greeley, August 22, 1862). Lincoln’s pioneering use of a public letter to the editor during a midterm election cycle has since become a staple of modern classroom study. Yet teachers and students who read these now-famous words often skip past the president’s sharp opening where he dismissed his true Northern opponents, the so-called “Copperheads” or anti-war Democrats. “The sooner the national authority can be restored,” he wrote drily, “the nearer the Union will be ‘the Union as it was,’” (AL to Greeley, August 22, 1862).

Lincoln was quoting from what was then the emerging slogan of anti-war Northern Democrats: “The Constitution as it is, the Union as it was.” This was no accident and Lincoln’s sarcasm did not go unnoticed at the time. On August 26, 1862, the *Chicago Tribune* explained to its readers how the “cant phrase” which the president reworked had been “invented by the infamous Vallandigham and fathered by his dirty tool Dick Richardson.”

The influential Chicago newspaper was making a clear reference to a now forgotten public statement issued just a few months earlier on May 8, 1862, by the “Democratic Members of the House of Representatives,” featuring a group of midwestern congressmen led by Rep. William A. Richardson of Illinois and Rep. Clement L. Vallandigham of Ohio. Like Greeley, they were bitterly criticizing Lincoln’s policies, but from the opposite side of the political spectrum. These Democratic politicians were trying to appeal to their fellow partisans, urging them

to get past the initial patriotic spirit which had enveloped the North following the firing on Fort Sumter and to recognize “the necessity of party organization” if they truly wanted to “KILL ABOLITION.” (*Speeches of Clement Vallandigham*, 1864, pp. 362-69)

In August 1862, Greeley was complaining about something else—the lack of progress toward emancipation—but like most radical antislavery Republicans, he was also blaming the seeming-paralysis by the president and his men on too much deference toward bipartisanship. By responding to Greeley with his memorable claim that what he did about slaves he did to “save the Union” while simultaneously tweaking the Vallandigham-led Copperhead faction with his sly references to the “Union as it was,” Lincoln believed he was positioning himself and his party where they would have the best chance to prevail in the upcoming fall election contests.

The wartime president may well have been right about the value of moderate positioning over the long haul, but the results in the all-important 1862 midterms were decidedly mixed and left him in a difficult position. Republicans managed to retain control of both the House and Senate, but they suffered deep setbacks across the North, losing nearly 30 seats (from a majority coalition of about 138) in the House of Representatives. The hated Vallandigham lost his gerrymandered congressional seat in Ohio, but Illinois Democrats were able to elevate Richardson, who had once been the late Stephen A. Douglas’s top lieutenant, to replace him in the U.S. Senate.

Dick Richardson is now a pretty obscure nineteenth-century partisan figure, but Vallandigham has since become a staple of most classrooms. That is because the ex-congressman from Dayton kept attacking the Lincoln Administration through the spring of 1863 until he finally got arrested by Union military officials for speaking out against the draft. They quickly banished Vallandigham to the Confederacy, but he remained undaunted and even received the 1863 gubernatorial nomination from Ohio Democrats. The relentless critic campaigned unsuccessfully in the fall for that statewide office from Canada, before slipping back into the United States in 1864 to wage further political war against Lincoln’s reelection. Vallandigham was also an attorney, who later died in a bizarre accident following the Civil War, shooting himself by mistake while trying to demonstrate how one of his clients may have fired a murder weapon inadvertently.

Two new books tackle Vallandigham’s fascinating and important story with utterly different styles. Thomas C. Mackey, a noted legal historian from the University of Louisville,

has produced a thoughtful, classroom-friendly study of Vallandigham's wartime free speech battles with the Lincoln Administration. Mackey focuses on Vallandigham's 1863 arrest and its aftermath, including the Supreme Court wartime decision essentially upholding the administration's actions against him, one that has traditionally been overshadowed by the court's more far-reaching post-war opinion in *Ex Parte Milligan* (1866), which set forth limits on military commissions and their jurisdiction over civilians.

Mackey's slim study is heavy on political context and constitutional background, though sometimes short on biographical insight. His interest clearly lies more with Lincoln than Vallandigham, and his volume offers a nuanced defense of the president's controversial actions. The book is well-designed for classroom adoption, with concise chapters and a host of helpful tools, including a detailed chronology and an extensive bibliographic essay. Everything about the production exudes scholarly authority.

By contrast, retired newspaper columnist Martin Gottlieb's slim political biography of Vallandigham adopts a much breezier tone. The author begins by gently mocking historians who argue that the past is "a foreign country," claiming that he sees mostly similarities between our political world and Vallandigham's, comparing his initial foray into Civil War history as being more like a visit to Canada. The structure of Gottlieb's work is also a little slapdash, dipping in and out of chronology, with context that is shaky at best, especially on a national level.

Yet Gottlieb is a pro whose book reads like the kind of popular newspaper column he used to write. He also has some sharp reporter's instincts for digging up good material, especially from around the Dayton area, where both he and Vallandigham lived. *Lincoln's Northern Nemesis* is thus in many ways livelier than Mackey's study, and, on its own terms, also worth reading, especially for Civil War buffs seeking an enjoyable companion for a plane trip or a day at the beach.

What's curious, however, is that neither Gottlieb nor Mackey pay any serious attention either to the significance of Lincoln air-quoting Vallandigham in the 1862 Greeley Letter or the story behind the origins of the Ohio Democrat's controversial anti-war slogan. Mackey is far more concerned with Lincoln's Corning Letter, issued the following year, where the president blasted Vallandigham as "a wiley agitator" while vigorously defending his administration's actions on civil liberties (Mackey, pp 122-34). Gottlieb does provide some focus on the politics

of the war's initial years, though his tunnel vision about Ohio often leads him away from insights on critical national matters.

For reasons like this, neither of these books totally displaces an earlier standard work on Vallandigham by noted revisionist Frank Klement whose 1970 study, *The Limits of Dissent*, still provides the most comprehensive research on the elusive Copperhead leader. In fairness, writing about Vallandigham is an enormous challenge, because he left behind no significant body of private papers. Yet most current academics are unsatisfied with Klement's work, largely because he seemed to brush off the pervasive anti-black racism of Vallandigham and other Northern Democrats and perhaps too easily dismissed the charges linking them to subversive pro-Confederate conspiracies. In the years since Klement's work, a number of prominent political historians, such as Jean Harvey Baker, Joel Silbey, Mark Neely and Jennifer Weber, have provided competing portraits of the movement at large, though without necessarily focusing as much attention on Vallandigham himself.

Overall, the trend has been to treat the Copperheads and Vallandigham more seriously as a subversive threat. However, Mark Neely offers a sharp rejoinder to this emerging consensus in his 2017 monograph, *Lincoln and Northern Democrats*. Neither Mackey nor Gottlieb seem to have come to terms with this provocative reassessment. The result is that while both books add insights about the controversial Ohio politician, and while Mackey's work, in particular, builds deftly on a body of significant scholarship, neither has fully succeeded in analyzing Vallandigham's unsuccessful but persistent efforts to succeed Stephen Douglas as the leader of the Northern Democrats, nor has either provided a persuasive judgment about whether or not his attempted partisan coup truly represented a grave constitutional threat to the nation under siege from a rebellion. One thing is certain: Vallandigham received Lincoln's concerned notice throughout the war. He obviously deserves our continued attention as well.

Matthew Pinsker holds the Pohanka Chair for Civil War History at Dickinson College in Carlisle, Pennsylvania.