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## PART III

# War



## 6. Dissenters, Slaves, and Volunteers

USUAL PARTISAN STRIFE CEASED ABRUPTLY, TERMINATED by mobs and by the reaction of most Democrats against the attack on Sumter. Not until August, 1862, did Democratic leaders again arrange a mass meeting to discuss fundamental issues. Speeded by the Republicans' wartime decision to abolish slavery, however, full-blown opposition then quickly emerged, soon sustained by a new daily paper much more respectable-looking than the *Pennsylvanian*, and led by representatives of Philadelphia's highest society who weekly blasted the conduct of the war or the war itself.

The opposition's main charges were that the Lincoln administration's policy of arbitrary arrests recklessly threatened the country's most precious heritage, civil liberty, and that its Negro policy threatened both to flood Pennsylvania with unmanageable Negroes, and to destroy the racial order of the South. Our first task will therefore be to find how far civil liberty was suppressed in Philadelphia, and what theories were devised to justify this suppression. We shall discover next what the preponderantly anti-Negro whites thought of the process which converted them into surprised emancipators of Southern Negroes. Then we can define the stages in the revolution of Democratic attitudes toward the war. Finally, we shall ascertain with what success local authorities in late 1862 faced the novel

military problems posed by threatened invasion of Pennsylvania.

After the rout of the Northern army at the first battle of Bull Run, federal military officials inaugurated in Philadelphia a mild version of the drastic procedure already used so successfully to stifle dissent in Maryland. The first victim was the well-known Pierce Butler, who as trustee of his brother's Georgia plantation went south after the outbreak of war and probably took an oath of allegiance to the Confederacy. Returning north, the erratic and indiscreet Philadelphian defended the Southern cause, openly wishing it success.<sup>1</sup> He was arrested on August 19 and incarcerated for a month in New York without trial or hearing, but a rich contributor to the Republican Party secured the prisoner's release on a pledge of good behavior.

A few days after Butler's arrest, federal military officials in Philadelphia seized two thousand copies of the *New York Daily News*, a paper highly critical of the conduct of the war, and suppressed a local weekly, the *Christian Observer*. The latter publication, an organ of "New School" Presbyterians, criticized the behavior of Northern soldiers at Bull Run and advocated peace with or without Union. As the *Argus* had died from lack of funds not long after the outbreak of the war, suppression of the *Observer* removed the only remaining Philadelphia paper radically critical of administration policies. The government arrested six more men during the following week but quickly released them all. The last person for nearly a year to be seized was William Winder, a native of Maryland and a

<sup>1</sup> Sidney Fisher, *Diary*, December 26, 1860; May 2, August 6, 8, 20, September 23, 1861; August 26, 1862, HSP. Fisher's informant as to the oath was Butler's mother, who had just returned from her son's residence in Georgia.

son of an important general in the 1812 war. Accused of being a Southern sympathizer, Winder was imprisoned for more than a year in Boston without trial.<sup>2</sup>

To many Philadelphia editors the only question raised by these events was whether dissent should be suppressed by government action or by mob rule. John Forney, who by 1861 directed his venom against Southern sympathizers as unscrupulously as formerly he had attacked abolitionists, would have defended mob action against the *Observer*. The *Inquirer* on the other hand opposed an "unreasoning, mushroom mob," but praised stifling the suspect paper by "the calm, reasoning and ruling LAW." "To fight the traitors constitutionally would be . . . foolish," declared the *Dispatch*, while some journals denied even the right to criticize the policy of arbitrary arrests.<sup>3</sup>

The chief constitutional issue was whether the administration could rightfully prevent use of the habeas corpus writ. In the article devoted mainly to Congress, the Constitution declared that "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public safety may require it." Chief Justice Taney ruled that habeas corpus could be suspended only by Congress, but Lincoln ignored this opinion and did not even secure indemnification from Congress when it convened in July, 1861.

The first thorough attempt in Philadelphia to analyze the question was published by Sidney Fisher in August. Fisher regarded the habeas corpus right as the most important

<sup>2</sup> *Dispatch*, August 25, September 1, 8, 15, 1861. *Globe*, 37 Cong., 3 sess., 1216. John A. Marshall, *American Bastille* (Philadelphia: T. W. Hartley, 1869), p. 286. That three of the men were speedily released is inferred from absence of mention of these men when Democrats later counted up the number of arbitrary arrests in Philadelphia.

<sup>3</sup> *Press*, August 23, 1861. *Inquirer*, August 27, 1861. *Dispatch*, August 25, September 1, 22, 1861. *North American*, August 24, 1861.

safeguard of freedom, but feared that judges sympathetic to secession might unjustifiably release prisoners brought before them. He therefore sought to avoid a prisoner's being produced in court and yet to secure the writ's chief benefit, which he thought was to force the government to disclose its reasons for an arrest. So long as the government explained these reasons, he maintained, it could refuse to produce the prisoner.<sup>4</sup>

This interpretation, which would have destroyed the meaning of the habeas corpus privilege, was amply refuted by other local writers. A different justification for the President's action had to be found and Philadelphia's most famous lawyer, Horace Binney, attempted to fill the need. He argued that the power to suspend might be exercised by the President, whether or not Congress was in session; to justify this position, he disregarded the fact that the crucial phrase was located in the article devoted mainly to Congress, and ignored the practice in England, where the ministry could suspend habeas corpus only during a parliamentary recess.

Another famous Philadelphia lawyer, William Meredith (who in May, 1861 had been appointed Attorney-General of Pennsylvania to save the reputation of the scandal-ridden Curtin administration), fundamentally disagreed with Binney. Approving English practice, Meredith felt that as soon as Congress reconvened it should have indemnified the President for his emergency action. The Philadelphian feared embarrassing the administration, however, and urged his Whig-Republican friends not to publish their disagreement with Binney.<sup>5</sup>

The field was thus left to Democratic lawyers. So well-

<sup>4</sup> *North American*, August 29, 1861.

<sup>5</sup> Fisher, *Diary*, January 13, 1862. Meredith to William Seward (copy), May 2, 1862, William Meredith MSS, HSP.

known was Binney, so unsound was his doctrine, so vital was the habeas corpus privilege, and so hungry were certain writers for legitimate opportunity to criticize the administration, that no less than thirteen Philadelphia Democrats published rebuttals. A few of the authors appended attacks on the whole theory of the war. Such attacks, though, were infrequent in early 1862 and were made only in pamphlets, not in public speeches nor in daily papers. The *Democratic Evening Journal* actually defended the President's right to suspend the habeas corpus privilege, on the ground that the Constitution authorized whatever the public safety required.<sup>6</sup>

In dealing with slavery most Peoples Party leaders and some Democrats were guided by contradictory considerations: they wished to strike blows against the rebellious Southerners, but they also wished not to expose themselves to the charge of being abolitionists. Consideration for Negroes was practically never mentioned as a relevant factor.

When in May, 1861, the *North American* began to discuss important changes in Northern policies toward slavery, the matter was treated exclusively as a means of hurting Southerners. The piracy of Southern privateers absolved Northerners from all considerations of fellowship, McMichael wrote—no longer should the North help protect Southerners against their slaves.<sup>7</sup> This idea bore no immediate fruit, but after the smashing Northern defeat at Bull Run, antislavery ideas became more acceptable. Gen-

<sup>6</sup> Binney substantially modified his original doctrine in pamphlets published in 1862 and 1865. John T. Montgomery, *The Writ of Habeas Corpus and Mr. Binney* (2d ed.; Philadelphia: John Campbell, 1862), pp. 27–28. Edward Ingersoll, *Personal Liberty and Martial Law* (Philadelphia, 1862), pp. 5, 8, 25, 38. *Journal*, March 14, 1862.

<sup>7</sup> *North American*, April 29, May 10, 1861.

eral John Fremont, the former Republican presidential candidate, captured public attention by proclaiming freedom of all slaves of rebellious owners in Missouri. This proclamation was supported, at least by implication, by nearly every Philadelphia paper including even the quasi-Democratic *Ledger*.

The most important justification was military: proclaiming slaves free would encourage them to help the North either by revolting or by fleeing their owners. Philadelphia editors were not clear which possibility was more promising, but sometimes at least they talked openly of slave rebellion. The cotton states would not return to the Union except through dread of insurrection, the *Ledger* argued. The North therefore should seize Southern coastal regions and announce non-enforcement of the fugitive slave law: four million slaves would be turned into friends, and the fear-stricken Southerners would anxiously seek to end secession.<sup>8</sup> Thus Southerners' fears of slave rebellion, which formerly provided a main argument against abolitionism, now promoted the antislavery movement.

Traditional revulsion against insurrection, however, remained for a time so strong that newspapers generally concentrated on the second alternative, that slaves might flee their masters. The *Inquirer* declared that slaves must be "abstracted" from rebel service while the *Ledger* sometimes spoke ambiguously. By using resources which might be made available from the enemy's means, the editor wrote, the North could turn slavery into an element of weakness and imminent danger to the rebel cause.<sup>9</sup>

The impact of these arguments was not lost upon genuine abolitionists such as the Philadelphian, Charles Leland,

<sup>8</sup> *Ledger*, January 23, 1862.

<sup>9</sup> *Ledger*, September 18, 1861; January 1, 1862. *Inquirer*, September 2, 1861. *Ledger*, September 4, 1861.

who edited a New York literary magazine. He explained to an acquaintance, "I have been advocating of late . . . Emancipation for the sake of the Union—and of free white labor. I have ignored—skipped—the *Abolition* platform and urge it as the only arm by which we shall ever conquer the South. . . . I began in the early summer to urge Emancipation from this independent and *expedient* point, and find that it is *rapidly* working its way through the voting masses of the West among thousands who will not swallow Abolition, *pur et simple*."<sup>10</sup>

Philadelphia editors who, unlike Leland, genuinely disliked the radical antislavery movement, painstakingly dissociated themselves from the dread word, "abolitionism." The current of events was rapidly drifting toward the "extinction" of slavery, declared the *Ledger*, hastening to add that it referred not to the desirable but the inevitable.<sup>11</sup> This juggling with words was not entirely out of place, for "abolitionism" signified an attitude as well as a program, and the editors eschewed the attitude while considering adopting the program.

The movement toward abolition was delayed when Lincoln revoked Fremont's proclamation, which exceeded the terms of the recently enacted First Confiscation Law. When Congress reassembled in December, however, it whittled further at slavery and began considering new confiscation bills which would enact the terms of Fremont's proclamation and apply them to the whole South. Philadelphia's Peoples Party congressmen joined fully in these proceedings, but by late spring in 1862, some local editors were ready to call a halt. The *Inquirer* (which had attained Philadelphia's second largest daily circulation)

<sup>10</sup> Leland to Henry Carey, October 16, 1861, E. C. Gardiner MSS. Italics appear in the original.

<sup>11</sup> *Inquirer*, September 3, 1861. *Ledger*, September 4, 1861.

implied that the confiscation bills were unconstitutional,<sup>12</sup> and its editor expressed no interest in federal aid to border states for compensated emancipation. The *Dispatch* inveighed against abolitionists and even the *North American* cautioned Congress against a new confiscation law.<sup>13</sup> Apparently since the time of Fremont's proclamation a Democratic opposition had begun to emerge, which some Peoples Party men temporarily wanted to conciliate for fear of causing serious division within the North.

Many Philadelphia Democrats fully supported the war at its outset and, at a gathering in late 1861, applauded William Witte for his version of recent history. Before the war Northern Democrats had conscientiously guarded the rights of their Southern brethren, the speaker declared, but when Southerners refused to yield to constitutional process, Northern Democrats rallied round the flag determined to compel them to respect the country's authority. William Lehman, the only local Democrat elected to Congress in 1860, quickly supported Lincoln's Sumter policy and even backed compensated abolition of slavery in the District of Columbia. Philadelphia's only strictly Democratic daily, the *Evening Journal*, spoke of the "humiliating decadency of Mr. Buchanan," poured contempt upon secession sympathizers, and proposed conscription in order to strengthen the Northern war effort. Though the editor opposed emancipation in Washington, he urged adoption by state action of compensated emancipation in the border states.<sup>14</sup>

<sup>12</sup> Since coming under new management shortly before the war, the *Inquirer* had appealed to readers of both parties and had become, next to the *Ledger*, the most independent of the daily newspapers.

<sup>13</sup> *Inquirer*, March 7, 31, April 25, May 17, 18, 1862. *Dispatch*, April 20, 1862. *North American*, April 17, 26, May 10, 17, 1862.

<sup>14</sup> *Inquirer*, November 9, 1861. *Globe*, 37 Cong., 2 sess., 15, 1168, 1179, 1192, 1648-49, 1655, 2068, 2361, 2363, 2536. *Journal*, October

In contrast was a group of Southern sympathizers who at first expressed their views privately, but by early 1862 published pamphlets cautiously criticizing administration policies. The proprietors of the suppressed *Palmetto Flag* and *Christian Observer* had never had wide influence in Philadelphia, but the new critics were recruited from the city's social elite. Edward Ingersoll, grandson of a signer of the Constitution, and William Reed, ex-Minister to China, expressed skepticism of the war, at the end of pamphlets devoted to peripheral issues. The first Southern sympathizer to dare publishing a pamphlet on fundamental war issues was Edward's brother, Charles Ingersoll, whose *Letter to a Friend in a Slave State* appeared in March 1862. The author maintained that the North could never subjugate the South because of the low quality of the armies—Northern and Southern, he circumspectly added. Even if the North could impose emancipation, Negroes would gain nothing, for they would simply die off or be butchered in a war of races. If the North would only offer fair terms, the South would return to the Union.<sup>15</sup>

Most Democratic leaders in early 1862 stood between the *Journal* and the Southern sympathizers, and agreed with the ideas of Charles Biddle (son of the famous Nicholas Biddle), who was elected to Congress at a special poll in mid-1861. Biddle was proud to uphold his native Pennsylvania's military reputation after Sumter by promptly joining the army, where he was serving as Colonel when sent to Congress. He disliked the dominant class in South Carolina and had opposed Buchanan's Lecompton policy, but his attitude toward Negroes gave the decisive turn to

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22, 23, December 17, 19, 1861; January 23, February 19, 20, March 7, 8, 10–12, 1862.

<sup>15</sup> *A Letter to a Friend . . .* (Philadelphia: [J. Campbell], 1862), pp. 10–20, 26, 38, 59.

his congressional career. Slavery had been deeply rooted in America by the providence of God, he declared, and its evils could be alleviated only by the state governments—federal action would turn the fertile South into a “howling wilderness of revolted negroes,” leading to endless federal intervention for the Negroes’ sake against the whites. Diplomatic relations with the Negro governments of Liberia and Haiti should not be regularized, for such a move would imply racial equality. “[We Congressmen] are the sentinels on the ramparts,” he declaimed, “and it is our function to give the alarm. Sir, the repugnance to Negro equality is as strong in the middle States as it is at the South.”

Biddle cited northward migration of Negroes as an argument against freeing slaves in the District of Columbia. In early 1862 the abolitionist, James McKim, had secured cooperation of non-abolitionists in aiding destitute Southern Negroes, and soon one hundred Virginian ex-slaves had been brought to Philadelphia. Without public advertisement—for fear of stimulating anti-Negro feelings—William Still had obtained most of the newcomers farm jobs outside the city. Democrats made the secret doings of the abolitionist employment agency an issue at the next election and Biddle sounded the alarm in Congress. Passage of the emancipating act, he argued, would cause the railroad to relax its restrictions on carrying Negroes northward from Washington and “great swarms of fugitives—thousands and tens of thousands of them—may come like black locusts, and settle down upon us.” Slavery institutions were “dikes,” “floodgates that shut out an inundation” of Pennsylvania. Antislavery measures, furthermore, would discourage Southerners from submitting to the government. Southern unionists were a considerable group, Biddle believed; the

North should cultivate them as allies against secessionists instead of driving them into Jefferson Davis's arms.<sup>16</sup>

The Democratic state convention in July, 1862, expressed similar views. Democrats resolved unqualified support for the existing war but called for the overthrow of abolitionism, which "seeks to turn the slaves of the Southern States loose to overrun the North." Like Biddle, the convention castigated the Republicans' silencing of opposition, and muzzling of the press, as the worst kind of tyranny.<sup>17</sup>

Stimulated by the discussion in Congress of a new anti-slavery measure, bitter party conflict raged again during the summer of 1862. The slow progress of McClellan's army toward Richmond had been halted in the Seven Days' Battle, whose discouraging outcome helped persuade the doubtful that desperate measures were needed to crush the South. Taney's idea in the Dred Scott decision that, constitutionally speaking, slaves were no different from other property, was now turned against slaveowners: in mid-July Congress authorized "confiscation" of the human property of all rebels, and employment of the former slaves in the Union army. True, this act might not mean as much as it seemed, for the rebelliousness of each slaveholder might have to be determined judicially before his slaves could be freed, and there was little likelihood of taking thousands of cases to court. An immediate consequence of the law, however, was Lincoln's secret announcement to the cabinet of his intention soon to issue his own emancipation proclamation.

<sup>16</sup> *Globe*, 37 Cong., 2 sess., 1169, 1644-45, 2504-05.

<sup>17</sup> *Inquirer*, July 7, 1862.

The next day the *Inquirer's* editor, who had just returned to Philadelphia (probably from Washington), began preparing public opinion for the new antislavery policy. The *Inquirer* had supported Democratic candidates in the 1861 local elections and had condemned the confiscation bill unsparingly in May 1862, but on July 23 it declared that the whole theory of the war must be changed. When McClellan's soldiers were exhausted after the Seven Days' Battle, the editor wrote, Negroes might advantageously have been used to build defensive positions for the Union troops. If the works had been attacked, the Negroes should have had arms to defend themselves; and having worked and fought, they ought not to have been returned to their owners. "Without a particle of that sentimental negro philism known as Abolitionism, we endorse this policy." Its announcement, however, should better come from the President, "upon whom the people rely as a true patriot, than from a factious and partisan Congress. Better from him, the Commander-in-Chief of the Army, as a legitimate exercise of war power, than from the agitators in Congress."<sup>18</sup>

The views of Peoples Party leaders appeared three days later at a great troop-raising rally. Heretofore there had been sufficient enlistments from Philadelphia, but authorities now believed a state or local bounty necessary if the troop quota was to be filled. A statewide bounty could not be enacted, however, for Governor Curtin feared obstruction from the General Assembly's Democratic majority and refused to convene a special legislative session. Private citizens therefore established a local Bounty Fund and the city council hurriedly added an appropriation of its own. The mass meeting aimed at stimulating donations to the

<sup>18</sup> *Inquirer*, May 31, July 11, 23, 24, 1862.

private fund and at encouraging enlistments; many prominent Democrats were induced to support the demonstration, over which Mayor Henry presided.

At this supposedly non-partisan gathering, Peoples Party leaders promoted their own doctrines just as Democrats had exploited the Union meetings in 1859 and 1860. Mayor Henry, to be sure, simply appealed for singleness of purpose, avoiding reference either to Lincoln or to the recent antislavery measures. But the resolutions cautiously approved the controversial confiscation policy, and other speakers assaulted the principle of constitutional government during wartime. The Constitution should be put aside when the Union was dying, declared ex-Governor James Pollock; the government should not stick to the letter of the law but should fall back on the principle of self-defense. Every means, even the employment of Negro troops, should be used to crush the rebellion. Northerners made no war on slavery, but when the nation was struggling for her life, all things which crossed her path should be overturned. The speaker endorsed a suggestion from the audience that skulking neutrals should be hung to a lamp post.<sup>19</sup>

Three days later, on July 29, the Democratic state chairman published the most outspoken attack on Republican policies yet issued by an official of the party organization. Should Southern Negroes be employed in the Northern army, the writer predicted, the atrocities of the Santo Domingo slave insurrection would be repeated on a larger scale. Continuation of the war was largely the fault of the abolitionists, who seemed determined that Southern whites should be exterminated or held in subjugation. For the

<sup>19</sup> *Inquirer, Press*, July 28, 1862. The Negro troop issue is discussed in text, pp. 161–165.

North to direct its energies against abolitionists was as essential as for it to oppose secessionists, because without the substantial extinction of abolitionism the Union could never be restored.<sup>20</sup>

The *Inquirer* scorned the idea that rebellion could be defeated by campaigning against abolitionism, citing the mild words of Lincoln's inaugural address and those of Congress in mid-1861 as proof that conciliation failed to allay Southern apprehensions. The *North American*, reacting much less temperately, advocated imprisonment of the authors of the July 29 declaration. The conspirators who issued this address meant "no mere political canvass . . .," McMichael wrote, "they mean violence" with "Negro rioting" as the first step. (Anti-Negro riots had already broken out in Cincinnati and Brooklyn and federal authorities claimed to have discovered the plot for a similar riot in Harrisburg.) "It may be said," McMichael continued, "that the smallness of the number of these malignants is a guarantee against their success; but this is a delusion. They propose to manufacture public sentiment of a morbid kind by an anti-negro excitement among the ignorant whites, and calculate largely upon this to create for them a powerful party."<sup>21</sup>

Newspapers now alleged that sympathizers were informing the enemy of troop movements; editors demanded punishment of people who helped defend victims of arbitrary arrest; officials proposed loyalty oaths; and writers attacked constitutional restrictions on government during a time of revolutionary crisis. This last theme was developed by Sidney Fisher in the most substantial political treatise published in Philadelphia during the war. *The Trial of the*

<sup>20</sup> *Address of the Democratic State Central Committee*, July 29, 1862 (pamphlet, HSP), pp. 11, 13–15.

<sup>21</sup> *Inquirer*, August 5, 7, 1862. *North American*, August 5–8, 1862.

*Constitution*, as the book was called, argued that the English practice of parliamentary supremacy should be applied in America. Congress was the “delegate of the whole power of the people” and could be bound by neither reserved popular powers, state rights, the Supreme Court, nor the constitutional amending process. Congress had “supreme power over the Constitution . . . to alter it as necessity or expediency may require.” “Never before was a National Government so necessary as now,—a Government that can command, can coerce, can be a captain in the storm. . . . Nothing less than this can save us from anarchy and its consequence, a military despotism.”<sup>22</sup>

Amidst growing political tension, fed by news of military setbacks and marked by the first political arrest of a Philadelphian since 1861,<sup>23</sup> Democrats scheduled their first mass meeting to deal with fundamental political issues since before the war. Undismayed by rumors that the authorities or a mob might interpose, the organizers went ahead with the demonstration, which proved in some respects remarkably sympathetic to administration aims. The resolutions declared that dissolution of the Union would be the greatest possible catastrophe, as it would disrupt internal commerce, lead to border warfare and a standing army, and end America’s glory as a world power. The audience responded warmly as William Witte extolled the record of Democratic soldiers fighting to suppress treason. Witte even praised the honest and patriotic Lincoln for his supposed opposition to abolitionism. The President had promised to treat emancipation solely for its effect on

<sup>22</sup> Sidney Fisher, *The Trial of the Constitution* (Philadelphia: J. B. Lippincott, 1862), pp. 60–64, 195–201.

<sup>23</sup> The arrested man, a Democratic ward politician, was carried to Washington and held six weeks before being released.

restoring the Union; misled by this seeming repudiation of abolitionist intent, Witte predicted that the Democratic Party would soon be in power to support Lincoln, and the audience answered with deafening applause.<sup>24</sup>

In other respects the meeting showed the Democrats' usual anti-Negro and anti-abolitionist intolerance. Witte invoked fear of freed Negroes' coming north to compete with white laborers and degrading them through miscegenation, and the resolutions declared sympathy with abolitionists to be as treasonable as sympathy with secessionists. The most famous speech was delivered by Charles Ingersoll, who privately rejoiced in Union defeats and hoped for Confederate success in the war,<sup>25</sup> but naturally did not express these opinions in public. He made the meeting's first direct attack on the administration: "A more corrupt Government than that which now governs us never was in the United States, and has seldom been in any European part of the world," he charged. The government started with 700,000 troops and now wanted 600,000 more—what had it done with the army? The military results thus far had been insignificant. Hitherto "the whole object of the war . . . [has been] to free the nigger," but where would the country be with four million blacks turned loose into the Northern states? The poor blacks would have their throats cut in a war of races.

Two days later the federal Provost Marshal arrested Ingersoll, charging that this speech tended to discourage enlistments. John Cadwalader, the Democratic District Court judge, quickly issued a habeas corpus writ and declared that the arresting officers would be guilty of contempt

<sup>24</sup> *Dispatch*, August 17, 24, 1862. *Inquirer*, August 25, 1862.

<sup>25</sup> Fisher, *Diary*, April 18, September 29, 1861; August 1, 25, 1862. Fisher was Ingersoll's brother-in-law and spoke with him frequently.

of court if they failed to produce the prisoner. Washington then ordered Ingersoll freed; many Peoples Party men privately regarded the arrest as a blunder, but none of their newspapers printed a word of criticism.<sup>26</sup>

To the painful information of McClellan's withdrawal from his position near Richmond was added, in September, news of a Union army's disastrous defeat at the second battle of Bull Run. Confederate invasion of Pennsylvania suddenly loomed and Governor Curtin hurriedly requested militia units to prepare themselves. Philadelphia's emergency force consisted of two rival organizations, the municipal Home Guard and the state Gray Reserves. The former, commanded by General A.J. Pleasanton (a Leocompton Democrat whom Mayor Henry had appointed), was under tutelage of a Council committee, the majority of whose members in 1862 were Democrats. The Gray Reserves, which had already been called into service once to help suppress coal miners in northern Pennsylvania, counted among its advocates both the Republican, Morton McMichael, and the Democrat, Charles Biddle.

Theoretically these units together numbered 15,000 men, but in September, 1862, their ranks were pitifully thin. The officers did not command public confidence, General Pleasanton in particular being regarded as pompous and fussy. Mayor Henry unavailingly suggested unifying the two organizations and newspapers burst into criticism of their ridiculous squabbles. "We have *dilettante* soldiers, and generals of a parade day . . .," the *Press* complained; "our local military organizations, as organizations, are worth-

<sup>26</sup> *Inquirer*, August 25, 26, 28, September 2, 1862. Fisher, Diary, August 25, 26, 28, September 1, 1862.

less." The *Inquirer* reported that in Philadelphia there existed unparalleled apathy, confusion, and want of confidence in local military leaders.

Confusion mounted as the Confederates advanced in Maryland. The city charter so hamstrung the mayor that an emergency concentration of powers seemed essential, but there was no agreement on the proper form. Some people called for one-man rule under martial law; Democratic councilmen insisted that a Council committee retain a veto over the mayor's exercise of defense powers; the mayor requested instead that full powers, free from Council control, be granted a special commission of outstanding citizens. A Peoples Party judge contributed his mite by demanding death for traitors.

Governor Curtin, on September 11, urgently called on Philadelphia to send 20,000 short-term volunteers the next day. Theoretically this was not an impossible request, for probably only about 20,000 of Philadelphia's 116,000 white men of military age were already away in the regular army.<sup>27</sup> Less than 1000 volunteers, however, reported on the 12th, a result partly attributable to failure of the city's most widely circulated paper, the *Ledger*, to give the proclamation any encouragement. General Pleasanton, seeking a high command from Curtin, unnecessarily delayed departure of four Home Guard companies ready to set off for Harrisburg. Volunteering proceeded so slowly during the next week that no more than 4,700 volunteers reached the state capital. Weapons supplied to some of the men were defective and food supplies so poorly organized that volunteers often had to purchase their own provisions.<sup>28</sup>

<sup>27</sup> Negroes were excluded from the state's forces. See text, pp. 161–165.

<sup>28</sup> *Press*, September 5, 9–16, 1862. *Inquirer*, September 6, 8–17, 1862; February 1, 1865. *Ledger*, September 12–15, 1862.

Three political arrests were made during the month following Ingersoll's seizure, but the prisoners were all quickly released.<sup>29</sup> Sharply contrasted with the small number of political detentions was the frequency of arrests of deserters. Four hundred and twenty men, accused of desertion or other military offenses, were held in Philadelphia, or were sent back to the newly formed regiments, on September 16 and 17.<sup>30</sup>

Fortunately for Philadelphia, on September 17 McClellan's army halted the advance of Confederate troops at the bloody battle of Antietam.

When Lincoln learned that the Confederates were retreating, he decided to issue the preliminary emancipation proclamation which had been lying in his desk for two months.<sup>31</sup> The proclamation's terms were far more sweeping than those of the 1862 Confiscation Law, which left a slave's status dependent on the uncertain outcome of a trial of the owner's rebelliousness. The trial might never be held, for a victorious United States government would very probably grant amnesty to most slaveholders and lose thereby the power to confiscate. Lincoln's proclamation definitely declared free every slave in specified areas. It emanated from a man who had shown himself more representative of the national will, and hitherto much less subject to criticism, than the Republican congressional majority. The *Inquirer's* preference for action by Lincoln rather than by partisans in

<sup>29</sup> One of the men was released only after Judge Cadwalader issued a writ of habeas corpus. That the third man was quickly released is inferred from absence of reference to his case by the Democrats who protested such arrests.

<sup>30</sup> *Inquirer*, September 17, 1862.

<sup>31</sup> The proclamation was preliminary in that it announced that another proclamation would be issued on January 1, 1863, freeing slaves in areas then still in rebellion.

Congress, and Lincoln's immunity from criticism by most speakers at the recent Democratic demonstration, indicated the wartime President's advantage over Congress in announcing fundamental national policy.

A Democratic criticism was that the proclamation resembled a papal bull against a comet, directed toward conditions outside its author's jurisdiction. Lincoln "freed" slaves in the Confederacy, but not those in Delaware, Maryland, Kentucky, Missouri, and areas already conquered by the Union army. The criticism was invalid, however, for the Southern states—unlike the comet—might be expected to be brought within the government's jurisdiction. For both political and constitutional reasons the proclamation had to be made against enemies,<sup>32</sup> not against slaveholders in Union areas. More serious was the charge that the President invited slave insurrection by declaring that the government would not hinder slaves "in any efforts they may make for their actual freedom."<sup>33</sup> This invitation was an error, as Lincoln seemed to recognize by removing it from the final proclamation.

Although the emancipation policy was now backed by all the prestige of a wartime President, the reaction of most Peoples Party Philadelphians seems to have been extremely subdued. However much it might appeal to sentiments about freedom, the policy so abruptly ended the system of suppressing Negroes without which, many whites had assumed, anarchic racial conflicts would convulse the South—and it so completely contradicted what most Philadelphians had until recently supposed the government had any

<sup>32</sup> The Commander-in-Chief's little-defined military powers would much more readily be construed to include policies against a foe's resources than measures affecting the domestic institutions of loyal areas, with no obvious military purpose.

<sup>33</sup> *Inquirer*, September 23, 1862.

authority to do—that most Peoples Party editors could justify it only as a way of striking blindly against the enemy. Practically all Democratic leaders arrayed themselves indignantly against what they regarded as a perversion of a justifiable if unnecessary war into a mad crusade against the most cherished traditions of the white race. Traditionally allied with Southern Democrats, and expecting to resume the alliance when the South returned to the Union, Democratic leaders naturally tended to cling to their allies' ideals. The different reactions of non-Democrats and Democrats to emancipation, in other words, had their roots not so much in their attitudes toward Negroes as in their attitudes toward Southern whites.

Writing about a week after Lincoln's decree, the *Dispatch's* editor reported that the people had received the new policy with startling silence. "Unpleasant as it may be," he declared, slavery must cease forever, for it was the source of the rebels' strength. The proclamation, furthermore, would remove the cause for future Southern assaults against the Union.

The *Inquirer's* editor appeared nonplussed by Lincoln's action and offered no immediate response except to reprint editorials from New York papers. The first of these endorsed the proclamation because it would turn slavery from a source of strength into a source of weakness, perhaps of total destruction, for the rebels. Others of the reprinted editorials, however, thoroughly condemned the new policy. Not for two weeks did the *Inquirer* venture to publish its own opinion; then, expressing satisfaction at Southern fears of what the proclamation might lead to, the editor declared that Lincoln's action was a military right and necessity.

The *Ledger* quickly disapproved the President's policy. Scorning the alleged military benefits, the editor charac-

terized the decree as a mere paper proclamation. He blasted the abolitionists and circulated the idea—menacing to Philadelphia Negroes—that provocation of a slave revolt would lead to extermination of each racial minority in each area of the country.

Forney's *Press* was a belligerently enthusiastic advocate of the new policy, but the editor did not express approval in terms of sympathy with Negro freedom. It was wonderful, Forney wrote, what patience and self-denial the Northerners had displayed "in fighting this war with smaller weapons, while the great engine of death still remained in the arsenal." The proclamation would end the rebellion soon, in a very summary fashion. It was the hand of avenging justice, the editor continued—if the proclamation was followed by servile insurrection, the responsibility was with the slave aristocrats themselves.

The *Bulletin*, though mentioning that the proclamation would benefit the Union cause in Europe, and using the phrase "real dawn of freedom at the South," concentrated on the military argument. The quickest way to restore the Union, the editor maintained, was to "strike vigorous blows. . . . The President's proclamation . . . will be conveyed by the mysterious telegraphy that exists among the Southern negroes, to the remotest borders of Texas and Arkansas, and if the rebels do not submit by the end of the year, there will be risings of negroes all over the South, and the freed blacks will virtually become soldiers of the Union armies."

The only local journal to argue for emancipation as an end in itself was the *North American*, and even this paper followed a long, circuitous path before appealing to humane motives. The death of slavery was a decree of fate, McMichael wrote. Slavery was infamous and irreconcilable with the age, and its overthrow was to be regarded with

awe. The Northern army had learned to push on determinedly, disregarding comforts: the destruction of slavery, the editor implied, was another grim duty which must yet be executed with determination. The desperate activity of the rebels must be equalled. The North's side was that of hope, progress, and national glory; the Northerners must do their whole duty, and there would be a glorious reward.<sup>34</sup>

The extent of Democratic bitterness against the proclamation gradually revealed itself. In early 1863 party leaders found new channels for expressing their discontent, and intraparty differences made way for a common opposition to Lincoln's policy. Even after Lee's armies had been driven back from Gettysburg, Pennsylvania Democrats affirmed biblical justification for slavery as a prime element of their political faith, making emancipation the fundamental issue in a wartime gubernatorial election. Another year later, with the war's end in sight, Philadelphia's Democratic Congressman and nearly all his party colleagues still opposed an amendment conclusively banning slavery.

We have seen that all three topics of controversy—military policy, civil liberty, and slavery—were the subject of a series of wartime improvisations. The peacetime omission to work out a balance of powers between council and mayor made it natural that the local governmental arrangements devised in the face of Confederate invasion were unsatisfactory. When the governor called the militia, personal ambitions and rivalries, and public mistrust of local military commanders, did not make for a very efficient military performance. Later experience showed that, in the absence of

<sup>34</sup> *Dispatch*, September 28, 1862. *Inquirer*, September 24, October 7, 10, 1862. *Ledger*, September 25, October 4, 1862. *Press*, September 23, 24, 1862. *Bulletin*, September 23, 29, 1862. *North American*, September 24, 1862.

government funds to equip volunteers and of confidence in the military authorities, sufficient militiamen would volunteer only for regiments equipped at the expense of wealthy citizens or associations, and commanded by colonels already acceptable to the soldiers.

As to civil liberty, it is clear that dissenters were at first substantially intimidated by the policy of arbitrary arrests. Usually the government simply made "warning" arrests, only three prisoners being incarcerated for more than a few days. Excepting the Ingersoll arrest, this moderate policy could be justified at the beginning of such a war, in the nineteenth century, but the administration's omission to seek legislative sanction earned it well-founded criticism. The crisis of 1862 produced leaders ready to abandon written constitutional constraints on the national government, but in this sphere existing institutions proved their worth. Constitutional practices were largely maintained, Democratic opposition to administration policies was increasingly openly expressed, and the judiciary exercised a certain influence in preserving individual liberty.

Profound disagreements over slavery policy had the result that, by late 1862, the dominant political motives of prewar years were again paramount. Democratic politicians marshaled anti-Negro sentiment once more into an anti-abolitionist crusade. Most Peoples Party leaders, avoiding expressions of sympathy for Negroes, justified emancipation as a way of promoting interests of Northern white men. These motives were fully developed during the subsequent war years.