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Lincoln and the First Corruption of Illinois

TOM M. GEORGE

In February 1859, shortly after the Illinois Legislature reelected Stephen Douglas over Lincoln to the U.S. Senate, the first of two successive Springfield financial scandals came to light. These twin scandals unfolded over a period of months and would be the dominant state issues during the time that Lincoln was vying for the Republican presidential nomination. The first scandal involved Lincoln's rival and former opponent in the 1855 U.S. Senate contest, the immediate-past governor Joel Matteson, a Democrat. The second scandal involved Lincoln's ally, the incumbent governor William Bissell, a Republican.

The scandals would attract Lincoln's attention intermittently as he advanced his presidential aspirations. As an attorney, he provided professional services related to both. As a politician, he worked with his Republican colleagues in an attempt to limit the damage of the second scandal, and when the state treasurer resigned, he worked to have one of his own allies appointed as the replacement. Both scandals were factors during the campaigns of 1860. After the election, the scandals tainted two of Lincoln's Springfield presidential appointees. The scandals later led to reforms in Illinois's next state constitution.

This article tells the story of the two scandals and their repercussions. The primary sources related to the scandals are somewhat fragmentary. Some correspondence has been lost, destroyed, or misinterpreted, and all but one of Lincoln's contemporary biographers, who had firsthand knowledge of the events, chose to ignore them. Nevertheless, it is possible to reconstruct the story of the two scandals and their influence.

The Canal Scrip Fraud

On February 2, 1859, the *Illinois State Journal* reported that the legislature had been notified of the possible defrauding of the state by

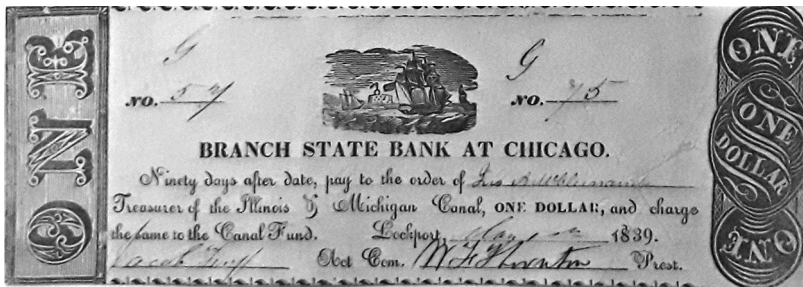


Figure 1. An example of 1839 Canal Scrip fraudulently cashed a 2nd time by Joel Matteson. Courtesy of the author.

illegal redemption of canal scrip.¹ Canal scrip were IOUs the state had issued years earlier when it had run out of money during construction of the Illinois-Michigan Canal (Figure 1). The scrip was used to pay contractors who dug the canal.² The state auditor, Jesse Dubois,³ reported that bundles of scrip were found to have been redeemed in 1857 by the immediate past governor, Joel Matteson.

On receiving Dubois's report, the Senate authorized its finance committee to investigate.⁴ Lincoln together with Stephen T. Logan⁵ represented Matteson (one of Lincoln's 1855 Senate opponents⁶) at

1. "Counterfeit Canal Scrip—A Fraud upon the State Discovered," *Illinois State Journal*, February 2, 1859, 2nd edition. A similar article appeared in the *Chicago Press and Tribune* on February 3, "Curious Development—Issue of Bonds on Fraudulent Indebtedness." The author wishes to thank Colin Rensch for assistance with the review of newspaper collections; and his wife Sandy for accompanying him on all his research expeditions.

2. John H. Krenkel, *Illinois Internal Improvements 1818–1848* (Cedar Rapids: The Torch Press, 1958), 100.

3. Jesse Dubois (doo-BOYCE) and his second wife, Adelia, were friends and neighbors of the Lincolns. Dubois and Lincoln had served together in the state House. The Dubois named one of their sons 'Lincoln.' See Bonnie E. Paull and Richard E. Hart, *Lincoln's Springfield Neighborhood* (Charleston, SC: History Press, 2015), and "The Politicians: Jesse K. Dubois (1811–1876)," Mr. Lincoln & Friends, The Lehrman Institute, accessed April 25, 2020, <http://www.mrlincolnandfriends.org/the-politicians/jesse-dubois/>. (Lehrman Institute noted as *loc. cit.* hereafter.)

4. *Journal of the Senate of the Twenty-First General Assembly of the State of Illinois* (Springfield: Bailhache & Baker, 1859).

5. Logan and Lincoln's relationship is summarized in "The Lawyers: Stephen Trigg Logan," Mr. Lincoln & Friends, The Lehrman Institute, accessed April 26, 2020, *loc. cit.*

6. During the campaign, Lincoln had mistakenly written an acquaintance, Roswell E. Goodell, and revealed his campaign strategy, not realizing that Goodell had become Matteson's son-in-law and that Matteson was secretly seeking the same seat. Tom George, "Overlooked Letter to Lincoln Reveals Misstep in 1855 Senate Race," *For the*

the committee's first hearing.⁷ They apparently declined to represent him further and were replaced by John T. Stuart⁸ and Benjamin S. Edwards,⁹ who, being Democrats, were politically aligned with Matteson.

It is unclear why Lincoln and Logan were asked to represent Matteson and why they were replaced at the beginning of the investigation. Despite being opponents in the 1855 election, Matteson had afterwards engaged Lincoln for various legal matters.¹⁰ Perhaps the hiring was a strategic maneuver by Matteson to help handle the Senate's Republicans who, though they were in the minority, would be expected to be hostile. Henry Clay Whitney, the only contemporary biographer who mentions the event, offered this explanation in *Life on the Circuit with Lincoln*:

People: A Newsletter of the Abraham Lincoln Association 17:1 (Winter 2015), 6–8. Later, the Matteson campaign was rumored to have paid some legislators for their votes, but the speculation was never proven. A complete account of the allegations of impropriety during the campaign and their sources is given in Michael Burlingame, *Abraham Lincoln: A Life*, 2 vols. (Baltimore: Johns Hopkins University Press, 2008) v. 1, chap. 10.

7. "The Great Fraud at Springfield," *Chicago Press and Tribune*, Feb. 8, 1859, 2. This first session was likely an organizational meeting of the committee that occurred before any sworn testimony was taken. Though the *Tribune* failed to date that meeting, such a meeting of the Senate Finance Committee was reported to have taken place on Tuesday evening, February 1, by the *Illinois State Journal* "to consider and investigate the matter of the counterfeit checks." *Illinois State Journal*, Feb. 3, 1859, 2.

8. John Todd Stuart was Mrs. Lincoln's first cousin and Lincoln's former legislative colleague and first law partner. When the Whig Party dissolved and the Illinois Republican Party formed, Stuart became a Democrat. A good summary of Lincoln and Stuart's relationship is found in "The Lawyers: John Todd Stuart (1807–1885)," Mr. Lincoln & Friends, The Lehrman Institute, accessed April 25, 2020, *loc. cit.*

9. Benjamin S. Edwards was a son of former Illinois Governor Ninian Edwards (1775–1833) and the younger brother of Ninian W. Edwards, who was Lincoln's brother-in-law. B.S. Edwards and his brother Ninian W. were both former Whigs who supported Stephen Douglas in his Senate campaign against Lincoln. That Monday, Benjamin Edwards had joined Lincoln and a third attorney, Milton Hay, in examining an aspirant attorney, Henry I. Atkins. The trio found Atkins "qualified to practice law and recommend that he be licensed." See "Certificate of Examination for Henry I. Atkins," January 31, 1859, in Roy P. Basler, ed., Marion Delores Pratt and Lloyd A. Dunlap, asst. eds., *The Collected Works of Abraham Lincoln*, 9 vols. (New Brunswick, N.J.: Rutgers University Press, for the ALA, 1953–55), 3:352. Hereafter cited as CW. Other sources such as the Feb. 4 entry in the diary of Orville Hickman Browning, who served as one the three state's attorneys during the investigation, and the *Tribune* both list Chicago attorney David Stuart as a third attorney for Matteson present at the first hearing. See Theodore C. Pease and James G. Randall, eds., *The Diary of Orville Hickman Browning, V. 1: 1850–1864* (Springfield: Illinois State Historical Library, 1925), and the *Chicago Press and Tribune*, Feb. 8, 1859.

10. Lincoln had been retained by Matteson in matters involving the Chicago and Alton Railroad and the Marine and Fire Insurance Company. Lincoln to Matteson, Nov. 25, 1858, CW, 3:342.

“... the ex-Governor employed Stuart & Edwards, a celebrated firm of lawyers, and sought, likewise, to employ Lincoln and Judge Logan. Neither at first declined employment, but after mature reflection both declined, unknown to each other, both having reached the conclusion, by different routes, that the distinguished culprit was guilty.”¹¹

The hearings were held during two weeks, a transcription being made by Robert R. Hitt, the shorthand reporter who had recorded the Lincoln-Douglas debates the previous year. Hitt’s transcription appears in the Senate record and was later serialized in the *Illinois State Journal*.¹² The testimony showed that bundles of old scrip, having previously been redeemed and cancelled, were redeemed a second time by the former governor shortly after he left office. It was also found that he had redeemed unissued scrip, in mint condition, which had never been used to pay anyone. A bank cashier testified that he recognized the former governor, and felt obliged to redeem the scrip despite its dubious provenance.¹³

Both the cancelled and unused scrip had been kept in storage in the canal office in Lockport. The unused scrip had been stored in a shoebox and the cancelled scrip in a large trunk. These had been shipped to the governor at his request when he assumed office. John Nicolay, who would later serve as Lincoln’s White House secretary, was at the time a clerk for the Illinois secretary of state, Ozias Hatch. Nicolay testified that he had found what remained of the cancelled scrip in the trunk in the basement of the Capitol and that the seal on the trunk appeared to have been tampered with. The shoebox with the mint scrip was never found.¹⁴

11. Henry Clay Whitney, *Life on the Circuit with Lincoln* (Boston: Estes and Lauriat, 1892), 136. A short biography of Whitney which includes modern criticism of his work is found in “The Lawyers: Henry Clay Whitney (1831–1905),” Mr. Lincoln & Friends, The Lehrman Institute, accessed April 29, 2020, *loc. cit.*

12. “Fraudulent Canal Scrip, Report of Evidence before the Senate Committee on Finance, Feb. 4–15, 1859,” *Reports Made to the General Assembly of Illinois at its Twenty-first Session Convened January 3, 1859*, Vol. I (Springfield: Bailhache & Baker, 1859), 655–819. After approval by the committee, Hitt’s transcription was serialized and published in the *Illinois State Journal* beginning April 21 and concluding May 16, 1859. The April 21 issue included a sworn affidavit from Hitt attesting to the transcription’s accuracy. Hitt was paid \$5.00 per day, which was more than the legislative salary of \$2.00 per day. “Auditor’s Report,” *Reports Made to the General Assembly of Illinois, at its Twenty-second Session, January 7, 1861*, Vol. 1 (Springfield: Bailhache & Baker, 1861), 95.

13. “Fraudulent Canal Scrip, Report of Evidence.” Browning calculated that nearly a quarter of a million dollars had been paid out in this fashion. This would amount to more than \$8 million in 2021 dollars. *Browning Diary*, 350.

14. “Fraudulent Canal Scrip, Report of Evidence.”

Matteson was present at the hearings but never testified. Instead, he submitted a letter stating that, not realizing the scrip had been stolen, he had purchased it from sellers whom he could not now recall. He offered to pay back the state for its losses and encouraged the committee to continue its work in the hopes of identifying the thieves. The committee chairman incorporated Matteson's suggestion into a legislative bill that allowed him five years to repay the state and authorized the committee to continue its investigation after the legislature adjourned.¹⁵

The payback arrangement passed the Democratic legislature nearly unanimously and was signed into law by Governor Bissell.¹⁶ Republicans felt that Matteson had stolen the scrip and should be prosecuted.¹⁷ In April, Lincoln attended the Republican State Central Committee meeting with Dubois, Hatch, and the state treasurer, James Miller, where the matter was likely discussed.¹⁸ Later that month, the Republican state officers sent a joint letter to the Sangamon County grand jury recommending an investigation and suggesting a list of witnesses.¹⁹

The grand jury convened on April 27 in the Sangamon County Courthouse and voted to investigate. The foreman of the jury was Lincoln's longtime friend and ally William Butler.²⁰ The jury heard from many of the same witnesses as had the Senate Finance Committee,

15. *Journal of the Senate of the Twenty-First General Assembly*, 210. The letter was read into the record on February 4 by Senator Kuykendall and referred to the Committee on Finance. See also "Fraudulent Canal Scrip, Report of Evidence," 818. The letter is reprinted in its entirety with Hitt's transcription as it was included in the committee testimony taken at the February 15 hearing.

16. "An Act to indemnify the State of Illinois against loss or liability by reason of unlawful funding of canal indebtedness," *Laws of the State of Illinois, Passed by the Twenty-First General Assembly Convened January 3, 1859* (Springfield: Bailhache & Baker, 1859), 190.

17. Browning wrote in his diary, "The opinion of all men of both parties, so far as I can learn it, is that he is guilty—that his guilt is conclusively proven, and that the case is not susceptible to further elucidation." *Browning Diary*, 354.

18. Lincoln's presence at the meeting is documented in Norman Judd to Lincoln, March 24, 1859, Abraham Lincoln Papers, Library of Congress, Washington, D.C., and in Lincoln to Gustave Koerner, April 11, 1859, CW, 3: 376.

19. *The Great Canal Scrip Fraud. Minutes of Proceedings, and Report of Evidence in the Investigation of the Case, By the Grand Jury of Sangamon County, ILL., at the April Term of the Court of Said County, 1859. Ordered to be Published by a Vote of the Grand Jury* (Springfield: Daily Journal Steam Press, 1859), 4.

20. A good summary of the relationship between Butler and Lincoln is given in "The Boys: William Butler (1797–1876)," Mr. Lincoln & Friends, The Lehrman Institute, accessed April 25, 2020, *loc. cit.*

including John Nicolay. Once again, Matteson himself did not testify. Oddly, several of the jury members were initially absent and were replaced by court bystanders. When the testimony concluded, the jury took a series of votes over two days. Initially the vote was to indict Matteson, but on subsequent votes the margin to indict shrank. Later, jurors were accused of being escorted to Matteson's house²¹ between votes and accepting bribes.²² On the fourth vote, aided by all of the "bystander" jurors, Matteson was acquitted.²³

Normally, grand jury proceedings were kept sealed. But Butler, who had voted consistently for an indictment, must have felt an injustice had been done. He made the unusual motion that the jury publish its proceedings. This motion passed, and the jury adjourned.²⁴ Like the hearings of the Senate Finance Committee, the proceedings were serialized by the *State Journal*, which opined that the jury had been corrupted.²⁵

The Macalister-Stebbins Bond Scandal

In early July, the second scandal came to light. The Senate Finance Committee had continued to meet as authorized. In addition to examining canal scrip, it was conducting a comprehensive review of state indebtedness. As part of its review it found that a special class of bonds the state had issued in 1841 had been improperly redeemed earlier in the year.²⁶

The bonds in question were known as the Macalister-Stebbins bonds after the bankers who had sold them in New York on behalf of the

21. Former Governor Matteson had remained in Springfield, moving into a huge mansion he had begun building during his last year in office. It rested on a three-acre estate he acquired across 4th Street from the governor's residence. His new home dwarfed the governor's residence, having three stories and fourteen bedrooms. James T. Hickey ed., "An Illinois First Family: The Reminiscences of Clara Matteson Doolittle," *The Collected Writings of James T. Hickey from the Journal of the Illinois State Historical Society, 1965–1984* (Springfield: Illinois State Historical Society, 1990), 103–14.

22. "The Next Sangamon Grand Jury," *The Chicago Daily Democrat*, July 13, 1859.

23. *The Great Canal Scrip Fraud, Minutes of Proceedings*.

24. *Ibid.*

25. The *State Journal* noted, "As the case now stands, it is without parallel in the judicial history of the country." "The Fraud on the Treasury," *Illinois State Journal*, May 17, 1859.

26. "The State Treasury," *Chicago Daily Times*, July 8, 1859. The potential loss to the state was later calculated to be near \$200,000, equivalent to more than \$6 million in 2020. See Alexander Davidson and Bernard Stuve, *A Complete History of Illinois from 1673 to 1884* (Springfield: H. W. Rokker, 1884), 676.

state.²⁷ Like canal scrip, the bonds had been issued at the height of the state's fiscal crisis. They carried a face value of \$1,000 and were supposed to pay 6% interest, but at auction they sold for only an average of \$286.²⁸ In response, when the bonds became due in 1849, an act was passed devaluing them to the purchase price plus interest. Governor Bissell, then a congressman and attorney, had represented the bondholders in Springfield. Most of the bondholders cashed in under these reduced terms, but some held out, hoping for a better deal.²⁹

As the state's fiscal situation improved, the legislature passed a series of laws allowing the governor to buy back state debt.³⁰ In 1857, with Bissell now governor, some of the holdout bondholders cited the new law and tried to sell them back to the state at face value. Governor Bissell refused their request. The bondholders hired Lincoln to represent them in the Illinois Supreme Court, where they sought an order directing the administration to fully redeem the bonds. The court ruled in favor of the administration, so these bonds remained unredeemed.³¹

27. The bonds have variously been referred to as Macalister-Stebbins, Macallister-Stebbins, McAllister-Stebbins, McCallister-Stebbins, Stebbins-Macalister, etc. I have used the most common spelling and the one used in the state ledger found in the Illinois State Archives.

28. The state was able to sell \$912,215.44 worth of bonds but collected only \$261,460. See *Reports Made to the Senate and House of Representatives of the State of Illinois at Their Session Begun and Held at Springfield, December 5, 1842* (Springfield: William Walters, Public Printer, 1842). The relevant reports include "The Message of the Governor of the State of Illinois, Transmitted Dec. 7, 1842," "The Senate Report of the Joint Select Committee," February 25, 1843, and "Communication from the Fund Commissioner," February 25, 1843, which detail the history of the bonds. The fund commissioner who sold the bonds for the state was John D. Whiteside. The bonds were sold in June 1841 in order to make interest payments owed by the state in July. Interestingly, Whiteside, a Democratic appointee, had served as James Shields's second in the duel imbroglio between Lincoln and Shields in 1842.

29. For an account of the Macalister-Stebbins affair, including Bissell's early work on behalf of the bondholders, see *A Complete History of Illinois from 1673 to 1884*, pp. 673–78. The 1849 law was "An act to prevent loss to the state upon the Macalister and Stebbins bonds," *Laws of the State of Illinois, Passed at the First Session by the Sixteenth General Assembly, Begun and Held at the City of Springfield, January 1, 1849* (Springfield: Charles H. Lanphier, 1849), 43.

30. "An Act to fund the arrears of Interest accrued and unpaid on the public debt of the state of Illinois," *Laws of the State of Illinois, Passed by the Twentieth General Assembly Convened January 5, 1857* (Springfield: Lanphier & Walker, 1857). The legislature also passed a resolution specifically excluding the remaining Macalister-Stebbins bonds from this consideration; see Senate message of concurrence of House resolution, Feb. 18, 1857, *Journal of the House of Representatives for the Twentieth General Assembly*, 1011.

31. The governor was represented by Stephen T. Logan. *People ex rel. Billings vs. Bissell*, Martha L. Benner and Cullom Davis et al., eds., *The Law Practice of Abraham Lincoln: Complete Documentary Edition, 2d edition* (Springfield: Illinois Historic Preservation Agency, 2009), <http://www.lawpracticeofabrahamlincoln.org>, hereafter cited as LPAL.

In early 1859, Bissell changed his mind and directed the state's New York agent to redeem the bonds at their face value after all. On February 4, 1859 (two days after the canal scrip fraud had been reported), the remaining Macalister-Stebbins bonds were exchanged for new bonds at par plus interest.³² Interestingly, after the fact, Bissell consulted with Lincoln and Logan regarding his bond redemption authority. They wrote back (without referencing the Macalister-Stebbins bonds or knowing of their redemption) that the acts to reduce debt were non-specific and had given the governor broad authority.³³

The Democratic press pronounced the redemption illegal and demanded an explanation from the administration and a full investigation. Two Republicans responded with letters to Republican papers. Auditor Dubois explained that he had learned of the redemption only after the fact from Bissell himself and that the governor, realizing he had made an error, was attempting to have the new bonds returned.³⁴

The second account came from State Representative Alonzo Mack, who had been appointed by Bissell as an agent to conduct the transaction. Mack was a banker from Kankakee and had been newly elected the previous fall. After winning his seat, the *Joliet Signal* had predicted, he would attempt to capitalize on "old claims" his bank held.³⁵ On July 12 he wrote to the *Chicago Daily Journal* explaining that the redemption was initially felt to be justified under the law, but that under further review the governor "became doubtful of his authority on the matter" and that consequently the new bonds would not be recognized.³⁶ On July 19 the *Journal* published an additional one-line telegram that Mack had sent from New York, "All the bonds Issued for the McCallister

32. The 1847 ledger for the Refunding of State Debt contains an entry dated February 4, 1859, showing the redemption of Macalister-Stebbins bonds held by the Mechanics Banking Association. The ledger is found in the Illinois State Archives. Later the investigating committee would report the date as February 7, and the *Chicago Daily Times* as February 5. The February 7 date is unlikely as that was a Sunday. The discrepancies probably represent differences in deciphering the ledger's handwritten numeral.

33. Lincoln and Stephen T. Logan to William Bissell, Jesse Dubois, and James Miller, May 28, 1859, CW, 3:381-82.

34. "The McCallister and Stebbins Bonds—A Note From Auditor Dubois," *Illinois State Journal*, July 13, 1859, edition 2. This was reprinted in the *Chicago Daily Journal*, July 15, and the *Chicago Daily Times*, July 16.

35. "The Old Canal Claims," *Joliet Signal*, December 21, 1858. The editorial concluded, "We look to our legislature to protect us from the wholesale speculation and swindle."

36. "The Funding of the McAllister and Stebbins Bonds," *Chicago Daily Journal*, July 14, 1859. There is a preface addressed to the editor, Charles L. Wilson, "Friend Wilson, I write you according to promise in relation to the McAllister & Stebbins bonds recently refunded in New York." On the same page is found "The Illinois Canal Scrip Frauds," the final excerpt of the testimony taken on that matter by the grand jury, reprinted from the "*Springfield State Journal*" (*Illinois State Journal*).

Stebbins bonds, will be surrendered *without a cent of loss or expense to the State.*"³⁷

Years later, Secretary of State Ozias Hatch³⁸ put the blame for the affair squarely on Mack. Hatch was interviewed by John Nicolay while collecting source material for the Lincoln biography he would write with John Hay. Hatch told Nicolay that "Mack was at the bottom of the affair." Hatch had reported this to Lincoln, who "[t]hen getting up and stretching himself he exclaimed with his emphatic gesture of doubling one of his fists 'I'll be _____ if that shall be done.'"³⁹

Lincoln Takes Action

This response would explain why on July 11 Lincoln took the unusual step of sending both a letter and a telegram to the state treasurer, James Miller, who was visiting New York. The letter argued that the governor, who was known to be suffering from a debilitating disease and could no longer walk without assistance, had been "dogged in his afflicted condition" until the bondholders had gotten their way.⁴⁰ The telegram order in Lincoln's hand was sent to Miller at "some hotel" in New York, and was direct: "For your life and reputation pay nothing on the new Macalister-Stebbins bonds."⁴¹

On July 14, Lincoln, Logan, Hatch, Dubois, and Butler began a trip over the Illinois Central Railroad for an assessment related to a legal

37. "The McCallister and Stebbins Bonds! (By Telegraph)," *Chicago Daily Journal*, July 19, 1859. Since Mack's July 12 letter had been sent from Springfield, he had wasted no time in getting to New York, where he was now engaged in attempting to undo the transaction. The italicized phrase appears as it was printed by the paper.

38. Hatch was a Springfield neighbor of the Lincolns and a long-time political ally. A summary of their relationship can be found in "The Politicians: Ozias M. Hatch (1814–1893)," Mr. Lincoln & Friends, The Lehrman Institute, accessed April 27, 2020, <http://www.mrlincolnandfriends.org/the-politicians/ozias-hatch/>.

39. Michael Burlingame, ed., *An Oral History of Abraham Lincoln: John G. Nicolay's Interviews and Essays* (Carbondale and Edwardsville: Southern Illinois University Press, 1996), 16–17.

40. The letter was signed by Lincoln, Hatch, and Logan. At the bottom, Hatch indicated in a postscript that Dubois was not at home, implying that he would have signed it as well. Lincoln to James Miller, July 11, 1859, CW, 3:392.

41. The telegram order was also signed by Logan. Lincoln to James Miller, July 11, 1859, CW, First Supplement, 40. Also see "Lincolniana Notes, Library Adds Five Lincoln Manuscripts to Collection," *Journal of the Illinois State Historical Society*, 59:2 (Summer, 1966), 172–73. The article states that this and a Lincoln telegram to Asahel Gridley, April 4, 1859, were the first two telegrams Lincoln ever sent. *Collected Works*, however, contains at least one earlier telegram, Lincoln to George T. Brown, January 19, 1858, CW, 2:432; and one from the Whig convention in Philadelphia in 1848 was discovered by PAL staff a decade ago.

case involving the railroad before the state Supreme Court.⁴² During the week of their journey, the partisan papers continued sparring over the bond scandals. One must assume that during their trip the five men read the papers and discussed both the canal scrip fraud, with which Butler, as the former grand jury foreman, was intimate, and the unfolding Macalister-Stebbins bond scandal, from which Auditor Dubois was attempting to extricate himself.

By July 20, the railroad inspection had come to an end and members of the party were staying at the Tremont House in Chicago.⁴³ The *Chicago Times* noted their presence: "During the week many Republican leaders have been in this city, caucusing about this matter. Abe Lincoln, who still hopes to hold an office, sometime, in the State, or in Washington, was here . . . Mr. Auditor Dubois was here. So was Mr. Secretary of State Hatch and others. One of these men was heard to say, "it is a bad egg,"—meaning the grand fraud in which our Republican State administration is implicated."⁴⁴

By July 22, Lincoln had returned to Springfield, where he found Miller's response to his pointed telegram. "[G]ive yourselves no uneasiness, I would go to the *Tomb* sooner than pay one cent on Int. which is claimed on the McCallister & Stebbins Debt. The parties here holding the debt are frightened & are waiting with great anxiety to hear what will be the course decided upon by the Gov. & his counsel."⁴⁵

It is interesting to note that Miller references the course of action to be made by the "Gov. and his counsel" though the governor is not part of the conversation. This wording seems to acknowledge that Lincoln and the state officers were expected to determine the governor's policy. The letter must not have been entirely reassuring, as they had directed Miller to "pay nothing" on the claims, and Miller only promised to not pay interest ("Int.").

On July 28, Miller wrote a longer letter from New York to Lincoln in Springfield, retracting his earlier assurances. He argued that the Macalister-Stebbins bonds should be fully exchanged, and he reported that he understood from "Dr. Mack that Jesse K. (Dubois) & all the heads

42. *The Lincoln Log: A Daily Chronology of the Life of Abraham Lincoln*, Papers of Abraham Lincoln, accessed April 22, 2020, <http://www.thelincolnlog.org>. Hereafter *The Lincoln Log*.

43. O.H. Browning, who had been hired to assist Auditor Dubois during the Senate Finance Committee's investigation of the canal scrip fraud, was also in Chicago on business. He recorded in his diary that he visited the Tremont House, socialized with Mrs. Lincoln and others, and met with Dubois. *Browning Diary*, 370, and *The Lincoln Log*.

44. "The 'Press and Tribune' Quibbles," *Chicago Daily Times*, July 21, 1859.

45. James Miller to Lincoln, Logan, and Hatch, July 14, 1859, Hatch Collection, Abraham Lincoln Presidential Library, Springfield, Ill.

of messes were agreed that the parties here should receive bonds of our new issue . . ." Expressing his frustration over the mixed instructions he had received, Miller complained, "This quibbling [sic] is contemptible & is very annoying to me as the agent. It carries with it a Seeming distrust in me as not being trustworthy, & is so looked upon here."⁴⁶

The Scandal Continues

In early August, the Senate Finance Committee published an interim report of its ongoing activities. The committee determined that no law warranted the Macalister-Stebbins redemption, and, moreover, it had been informed by Auditor Dubois that the new bonds had not been returned. The committee had confined its work to reviewing records, and other than the state auditor, had not questioned any of the parties involved.⁴⁷

The committee report reignited the debate. Democratic papers focused on the fact that Mack had telegraphed from New York that the new bonds were being surrendered. The report showed that was not yet true.⁴⁸ Republican papers pointed out that the committee had not questioned anyone besides the auditor, thus allowing them to claim that the committee had not completed its work and that former Governor Matteson and other Democrats must be involved.⁴⁹

Following a political and business trip through Iowa, on which he was accompanied by Hatch, Lincoln returned home to Springfield.⁵⁰ Soon after, correspondence began arriving related to the bond scandal including an August 20 bombshell letter from Treasurer Miller announcing his intention to resign and his plan to have Alonzo Mack take his place. Miller wrote, "it would be a great disappointment to me as well as deep mortification to Dr. Mack" if they could not

46. Miller also thanked Lincoln for a "suggestion" that had apparently been passed to him in a letter from Dubois. That letter is unknown today. James Miller to Lincoln, July 28, 1859, Abraham Lincoln Papers, LC.

47. "The State Finances, Progress of the Senate Finance Committee," *Chicago Daily Times*, August 12, 1859. The report was in the form of a letter, dated August 10, from Committee Chairman Sam W. Fuller.

48. The *Chicago Times* announced, "These bonds HAVE NOT BEEN SURRENDERED!!" in "Republican Falsehoods—The Macalister and Stebbins Bonds—Important to the People of Illinois," *Chicago Daily Times*, August 10, 1859.

49. The *Chicago Daily Journal* suggested that "a full development might hit some Democrats, high in the affection of the Democracy, who flushed with former success in that line, endeavored to entrap Governor Bissell" in "The State Frauds," *Chicago Daily Journal*, August 10, 1859; reprinted in the *Illinois State Journal*, August 15, 1859.

50. Lincoln left Springfield on August 9 and returned on August 18. *The Lincoln Log*.

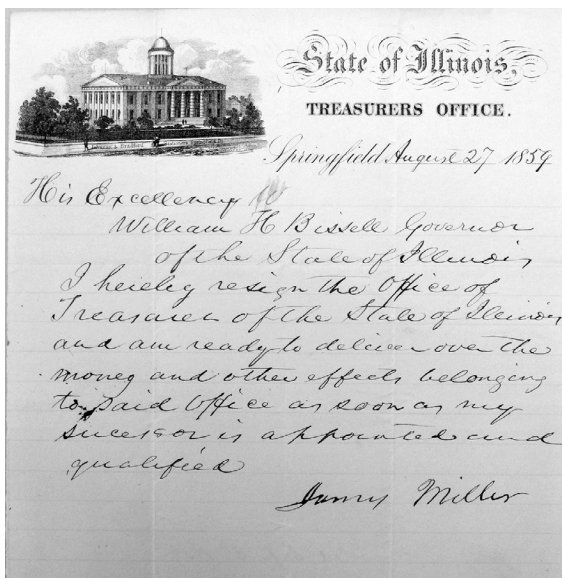


Figure 2. The 1859 resignation letter of James Miller from the State Treasurer's office. Courtesy of Illinois State Archives.

have Lincoln's approval, and asked Lincoln "for the light of your countenance."⁵¹

On the same day, Ward Lamon had written Lincoln from Bloomington to say that he had received a visit from Mack. Mack had informed Lamon that Treasurer Miller was about to resign and that Mack and Leonard Swett had asked Lamon to sign a letter to Governor Bissell recommending Mack as Miller's replacement. Lamon had joined Swett in signing the letter, but now harbored regrets.⁵² Lamon wrote, "Mr. Lincoln on more mature reflection, I doubt very much the propriety of appointing Mr. Mack to the office of State Treasurer in case of the resignation of Mr. Miller." He went on to recommend Lincoln's friend William Butler, the recent foreman of the Sangamon grand jury.⁵³

51. James Miller to Lincoln, August 20, 1859, Abraham Lincoln Papers, LC.

52. Lamon and Swett were attorney friends and allies of Lincoln who had assisted in his Senate campaigns. At the time, Swett was also a member of the state House. See short biographies at "The Lawyers: Ward Hill Lamon (1828-1893)," and "The Lawyers: Leonard Swett (1825-1899)," Mr. Lincoln and Friends, The Lehrman Institute, *loc. cit.*

53. Ward Lamon to Lincoln, August 20, 1859, Abraham Lincoln Papers, LC.

At this point, Browning arrived in Springfield. A Republican attorney, he had been hired to assist Dubois during the canal scrip investigation. His diary implies that he, Lincoln, Dubois, Lamon, and David Davis⁵⁴ were all working in concert, initially to prevent Miller from resigning, but later to prevent Mack from being appointed his successor. On August 24 Browning recorded, "Mack is in no sense fit for the office, and if the arrangement should be carried into effect it would be highly injurious to the interests of the State, & probably fatal to the Republican Party in Illinois."⁵⁵

Browning added that he had to leave Springfield, "but Judge Davis has promised me that he will stay over, prevent mischief if he can and write me tomorrow night."⁵⁶ Though Davis's letter to Browning has not been found, Davis did send Lincoln a short note. Davis's scrawl is difficult and the message rather cryptic. It reads, "Dear Lincoln. You need not hunt up the question of -limitation; The cheaters have filed their claims just a few days too early for me—Let it slide" In a postscript he adds, "Baker of Chicago is here, & feels we are saved a great trial."⁵⁷

By the "question of—limitation" Davis is probably referring to the constitutional constraint on the appointment of legislators. The Illinois Constitution of 1848 expressly forbade members of the legislature from receiving any "civil appointment within this state."⁵⁸ It seems Davis no longer needed Lincoln's assistance because Miller had been reminded of the prohibition, thereby eliminating the possibility of Mack's accession to the office: On the day of Davis's note, Treasurer Miller signed a letter of resignation addressed to Governor Bissell

54. The standard biography is Willard L. King, *Lincoln's Manager, David Davis* (Cambridge: Harvard University Press, 1960); see also "The Lawyers: David Davis (1815–1886)," Mr. Lincoln and Friends, The Lehrman Institute, *loc. cit.*

55. *Browning Diary*, 374.

56. *Browning Diary*, 375.

57. David Davis to Lincoln, August 27, 1859, Abraham Lincoln Papers, LC, where the transcription reads, "Dear Lincoln. You need not hunt up the question of — limitation — It The (?creaters) have filed their claims just a few days too early for me—Let it slide" I believe the ambiguous word parenthesized by the transcriber is more likely "cheaters" than "creaters" (sic). The "Baker" whom Davis mentions in his postscript is Samuel L. Baker, a Republican State Representative from Chicago. A photostat of the letter is found in the David Davis Collection of the Chicago History Museum. In its margin, Davis biographer Willard L. King has written, "What is this about?"

58. The Constitution of Illinois (1848), Article III "Of the Legislative Department," §7. Lincoln had personal experience with this provision which also included a prohibition against being elected to the U.S. Senate from the legislature. In 1854, after being elected to the legislature, he resigned his seat in order to be eligible to run for the Senate. Browning mentioned the constitutional prohibition in his diary, *Browning Diary*, 374.

(Figure 2).⁵⁹ Bissell subsequently named William Butler the new state treasurer, as Lamon had suggested. Thus, the “great trial” was averted.

Exactly how Lincoln and his allies prevented “mischief” and effectuated the appointment of Butler is unknown, but it seems that they had the governor’s ear. Perhaps one or more of them paid a visit to the governor’s residence to express their misgivings about Mack and to remind Bissell of the constitutional issue.

The resignation of the treasurer did not end the problem for the Republican administration. The *Times* took it as an admission of guilt and asked when Governor Bissell would address the matter, arguing that he should call a special session of the legislature to investigate.⁶⁰ Miller provided a letter to Republican papers citing health reasons as the cause of his departure and denying any responsibility for attempting to fund the Macalister-Stebbins bonds. Both the *Chicago Journal* and the *Illinois State Journal* reproduced the letter on September 12 and included a statement from Dubois and the new treasurer, Butler, certifying that the office had been inspected and all the state’s accounts were in order.⁶¹

Bissell Attacked

A few months later, the Macalister-Stebbins bonds scandal was a featured theme at the January 1860 Democratic State Convention.⁶² Colonel James D. Morrison, a long-time rival of Bissell’s, was given prominent speaking time during the proceedings.⁶³ Morrison recounted the entire history of the Macalister-Stebbins affair. As the speech reached its climax, he accused Bissell of “having deliberately committed outrages second only in the degree of crime to murder itself” and demanded the governor’s impeachment. Morrison then

59. James Miller to William Bissell, August 27, 1859, Illinois State Archives.

60. “The State Treasury,” *Chicago Daily Times*, Sept. 2, 1859.

61. “The State Treasury, Statements of Col. Miller, the Auditor and the State Treasurer,” *Chicago Daily Journal*, September 12, 1859, and “The State Treasury, Statements from the Auditor and the Official Receipt of Mr. Butler to Col. Miller—The State Funds all Safe,” *Illinois State Journal*, August 12, 1859.

62. The convention was held in Springfield on Wednesday, January 4, 1860, for the purpose of selecting delegates to the national convention to be held in April in Charleston, South Carolina. Statewide candidates would be chosen at a later convention. See “Convention To-Day,” *Chicago Press and Tribune*, Jan. 4, 1860, and “The Douglas State Convention,” *Chicago Press and Tribune*, Jan. 6, 1860.

63. Colonel James D. M. Morrison is not to be confused with William Rails Morrison, Democratic State Representative from Monroe County and Speaker of the House in 1859. A short biography of James D. Morrison can be found in Newton Bateman and Paul Selby, eds., *Historic Encyclopedia of Illinois*, Vol. 1 (Chicago: Munsell Publishing Company, 1907), 386.

dramatically reached into his pocket and produced a collection of letters purportedly written by Bissell to an agent of the Macalister-Stebbins bondholders. According to Morrison, the letters showed that Bissell had initially refused Lincoln's client's request to fully fund the bonds in order to demand more of a cut for himself. Morrison had put great effort into his research, even travelling to New York to procure the letters with which to impugn Bissell.⁶⁴

After the convention, the *Times* editorialized that the correspondence proved that the plan to fund the bonds was the result of a deliberate scheme by Bissell, not of "inadvertency" as his Republican defenders claimed.⁶⁵ Two days later the *Times* reported that Governor Bissell was in a "rage" over the allegations made by Morrison at the convention.⁶⁶

Finally, after enduring months of attacks, Bissell responded with a letter to the *Illinois State Journal*. In making his defense, he did not dispute the legitimacy of the documents Morrison had provided. Rather, he wrote, a key letter from the series had been purposely omitted. Had it been included, this letter would have vindicated him, because it showed he had declined the bondholders' "dishonorable proposition" and terminated their correspondence. Morrison had conveniently ignored it because it "would blow his pitiful cobwebs sky high."⁶⁷ Bissell added that Morrison held long-standing resentment of him and that Morrison was motivated by deep-seated envy and jealousy. He suggested that Morrison had either paid for the letters or stolen them, and concluded by claiming that Morrison, a lawyer, made his living by stealing land titles from widows and orphans.⁶⁸ The mercurial John Wentworth opined in his *Chicago Democrat* (by now usually pro-Republican), "... notwithstanding the illness of the Governor, he has waked up sufficiently to give the celebrated Colonel a most unmerciful scoring."⁶⁹

64. "Official Corruption—Crushing Speech Against Governor Bissell," *Chicago Daily Times*, Jan. 11, 1860. The impeachment reference is found in "Bissell and Morrison," *Joliet Signal*, Jan. 24, 1860. The trip to New York is in "Gov. Bissell in a Rage," *Chicago Daily Times*, Jan. 13, 1860.

65. "The Macalister Bonds," *Chicago Daily Times*, Jan. 11, 1860.

66. "Gov. Bissell in a Rage," *Chicago Daily Times*, Jan. 13, 1860.

67. "A Letter from Governor Bissell," *Illinois State Journal*, Jan. 9, 1860. Based on Bissell's response, it seems that the letters Morrison presented at the convention between Bissell and the bondholders' intermediary, Narcisse Pensoneau, were likely genuine. The *Times* had printed the full text of the letters with its report of Morrison's convention speech. The letter that Bissell claimed would exonerate him is non-extant today. If he had retained a copy, the Republican press never published it.

68. *Ibid.*

69. "Letter from Gov. Bissell," *Illinois State Journal*, Jan. 12, 1860, reprinted from the *Chicago Daily Democrat*.

On March 14, the *Chicago Tribune* reported that Governor Bissell's medical condition had worsened and he was "thought to be beyond recovery," and on March 20, it carried the report of his death.⁷⁰ The *Times* noted, "On or about the 8th inst. Gov. Bissell exposed himself to an atmospheric change, and was, as a consequence, visited with a severe pneumonia. . . . already reduced to a feeble state by long and serious bodily indispositions, he rapidly declined."⁷¹ The *Tribune* reported that "Messrs. Lincoln, Hatch, Dubois, and Herndon had a brief farewell interview with him" on March 17, the day before his passing.⁷² The *Journal* reported that Lincoln attended the funeral.⁷³

The Campaign of 1860—Republican Gubernatorial Race

Both scandals resurfaced during the 1860 election cycle. With the constitution limiting governors to a single term, prior to Bissell's death three candidates had been maneuvering for the Republican gubernatorial nomination. They were all political allies of Lincoln's: State Senator Norman Judd, State Representative Leonard Swett, and former Congressman Richard Yates. Judd's longtime Chicago rival John Wentworth tried to link Judd to both financial scandals. Repeatedly, his *Chicago Daily Democrat* used the phrase "Judd-Matteson" in an attempt to cement a connection.⁷⁴ Judd's vote as a state senator in favor of the canal scrip indemnification plan gave Wentworth ammunition. Lacking any evidence that Judd was a participant in either scandal, Wentworth argued that Judd, as "the senior Republican Senator," had failed to promote laws that might have protected the treasury. "We believe that laws could and should have been adopted to have saved us from the financial evils that disgrace our state."⁷⁵

On December 1, 1859, Judd filed suit against Wentworth for libel.⁷⁶ Finding himself now in need of legal representation, Wentworth wrote Lincoln to ask him to defend him.⁷⁷ Lincoln declined and encour-

70. "Gov. Bissell," *Chicago Press and Tribune*, March 14 and March 17, 1860; "Death of Governor Bissell," *ibid.*, March 20, 1860.

71. "Death of William H. Bissell, Governor of Illinois. Official Announcement" and "Death of Gov. Bissell," *Chicago Daily Times*, March 20, 1860.

72. "'The Last of Earth.' The Death of Hon. Wm. H. Bissell. The Obsequies at Springfield," *Chicago Press and Tribune*, March 23, 1860.

73. *Chicago Daily Journal*, March 22, 1860.

74. See for example, "Another Great State Fraud," *Chicago Daily Democrat*, July 11, 1859.

75. "A Political Libel Suit," *Chicago Daily Democrat*, Dec. 2, 1859, David Davis Collection, Chicago History Museum. The clipping is undated but the article begins, "Yesterday the sheriff called upon us with a summons to answer unto Senator Judd for a libel." This indicates it was published Dec. 2, 1859, the day after the suit was filed.

76. Judd to Trumbull, Dec. 1, 1859, David Davis Collection, Chicago History Museum.

77. Wentworth to Lincoln, Dec. 21, 1859, Abraham Lincoln Papers, LC.

aged the parties to settle, which they eventually did. But by having repeated for months the charge that Judd was somehow connected to Springfield's financial scandals, Wentworth may have fatally damaged Judd's gubernatorial prospects.

Judd, though, tried to use the Macalister-Stebbins scandal to taint one of his opponents, Leonard Swett. Swett and Alonzo Mack represented neighboring districts in the state House. Swett had supported Mack's maneuvering to be appointed treasurer upon Miller's resignation.⁷⁸ As the spring State Republican Convention approached, Judd hoped to undermine Swett by having Treasurer Butler remind David Davis of Swett's "connection with the Mack business."⁷⁹ In different ways, then, the canal financing scandals touched two of the three candidates for the 1860 Republican nomination for governor. It is impossible today to know if these accusations influenced the delegates. On the fourth ballot, delegates chose the third candidate, Richard Yates. He was a safe choice, having no connection to either scandal.

The Campaign of 1860—the General Election

Sectional issues dominated the race for president, but in Illinois the canal scrip fraud reappeared as an issue in state legislative races. Having escaped indictment, former Governor Matteson remained politically active.⁸⁰ The ex-governor was publicly listed as a subscriber to Democratic campaign events, which did not go unnoticed by Republicans. A steadfast supporter of Stephen Douglas, he participated in Douglas's Springfield rallies; some of the events started or ended at his mansion. Mrs. Matteson led a parade at one rally.⁸¹

The Republican press fueled speculation that Matteson was working out a deal with Douglas and the Democratic legislative candidates. It was alleged that if the Democrats won the legislature, in return for

78. Lamon to Lincoln, Aug. 20, 1859, Abraham Lincoln Papers, LC.

79. Judd outlined his plan in a letter sent to Secretary of State Hatch a month before the convention. He suggested "Butler ought to be able by proper representations to Davis to blow up that Bloomington meeting so far as Sweat [sic] is concerned." He continued, "That Treasurer business ought to be used against the whole gang—and if Sweats' [sic] attempts to bolster up those adventurers, was properly laid before Davis he would blow up the whole concern." He closed the letter, "Kindly ponder, and burn this as it is rather free. Yr friend, Judd" Judd to Ozias Hatch, March 29, 1860, David Davis Collection, Chicago History Museum.

80. In January 1860 he had embarked on a tour to promote Douglas's campaign in Florida and Louisiana.

81. "The Douglas Wigwag," "The Great Douglas Rally," and "Douglas Rally," *Illinois State Journal*, July 24, 26, and Aug. 20, 1860. The last article accuses Matteson of providing an "indefinite number of kegs of lager beer" to the "Douglasites" at the "Canal Scrip Synagogue."

Matteson's financial support, they would change the law and release him from his obligation to reimburse the state for the fraudulent canal scrip he had redeemed.⁸² The *Tribune's* editor Joseph Medill wrote Lincoln about the charge, "You observe that we have given Matteson a broadside."⁸³

In September, the Senate Finance Committee reported it had discovered more fraudulent transactions by Matteson.⁸⁴ Because the canal scrip fraud was familiar to the public, it was an easy topic for Republican candidates to raise on the stump. At joint appearances they would ask their opponents if they were part of the group that had made a deal with Matteson to release him from his commitment to repay the state. Democratic candidates were placed on the defensive and forced to spend time denying that they were part of any such plot.⁸⁵

On October 16, with the election less than three weeks away and occupied with national affairs, Lincoln managed to write an editorial expanding on the idea that a Democratic legislature would release Matteson from his obligations. He recounted the latest revelations of the Senate Finance Committee in stating that the stolen money had been "applied to establishing banks, and building palaces for nabobs." He wrote that since the Democratic candidates had refused to answer, the taxpayers needed to decide. "We say to them 'it is your business.' By your votes you can hold him to it, or you can release him."⁸⁶ The opinion piece seems never to have been published, but its arguments

82. The *Chicago Press and Tribune* and the *Illinois State Journal* initiated this attack on July 28 in "A Scheme to Defraud the State," *Chicago Press and Tribune*, July 28; "An Act for the Relief of Joel A. Matteson," *Chicago Press and Tribune*, August 30, 1860; and "The Douglas-Matteson League," *Illinois State Journal*, July 28, 1860.

83. Joseph Medill to Lincoln, July 29, 1860, Abraham Lincoln Papers, LC.

84. Records showed that in April of 1857, Matteson had redeemed unissued scrip for new bonds that had subsequently been deposited in trust for the State Bank of Illinois, a bank he himself owned. The committee found another set of scrip that the state had issued to contractors and then redeemed with state land. Some of this scrip was found to have been redeemed a second time from the State Land Fund for new bonds. In order to pay interest due on the new bonds, the state had issued more bonds, adding to the theft. All of this could be traced to scrip that had been in Matteson's possession. "Another Robbery of the State Discovered" and "More Frauds, A Further Discovery by the Senate Committee," *Chicago Press and Tribune*, Sept. 18 & Sept. 22, 1860. "Further Frauds Upon the State Discovered," *Illinois State Journal*, Sept. 20, 1860. During this period, Browning noted in his diary on three days that he was reviewing related treasury records on behalf of the state. He wrote that he met with Lincoln on one of those days, Sept. 10; see Sept. 10, 19, and 20, 1860, *Browning Diary*, 426-28.

85. *Illinois State Journal*, Oct. 1, 3, 8, 9, 12, 22, and 23, 1860.

86. The Canal-Scrip Fraud, Oct. 16, 1860, *CW*, 4:128.

paralleled the closing arguments of the *Illinois State Journal* and the *Chicago Tribune* in the final days before the election.⁸⁷

On Election Day, Tuesday, November 6, Republicans made major gains. Not only did Lincoln and Yates win, but Republicans captured both the state House and Senate for the first time in Illinois history. Republican legislative candidates outpolled both Lincoln and Yates, suggesting that the voters responded to the canal scrip messaging.⁸⁸

With Republicans securing control of the legislature, there would be no renegotiating Matteson's commitment to repay the state. In 1861, as southern states were debating resolutions calling for secession, the Senate Finance Committee submitted its final report. The committee had found that Matteson's illegal scrip redemptions dated back to 1854, while he was in office. It also found that he had written the name of a fabricated payee on unissued scrip he had redeemed, thus adding forgery to his list of crimes.⁸⁹ In order to collect repayment, the state sued him, winning a verdict in a jury trial.⁹⁰ Matteson's property, including his Springfield mansion, was confiscated and auctioned off at the Sangamon County courthouse. His son-in-law purchased the mansion, so Matteson and his family continued to live there.⁹¹

87. "Will You Sustain the Plunderers," *Illinois State Journal*, Nov. 1, 1860, and "Questions," *Chicago Press and Tribune*, Nov. 6, 1860.

88. The November 6 returns show 173,877 votes cast for Republican state House candidates (counting only the top vote-getter in districts electing more than one representative) while Lincoln collected 172,171 votes. Hence the Republican candidates for the state House outperformed Lincoln. In contrast, Douglas netted 160,215 votes, while Democratic candidates for the state House received only 151,045 votes (again counting the top vote-getter in districts electing more than one representative). Hence, Democratic state House candidates underperformed Douglas. This disparity is best explained by the influence of state issues, such as the canal scrip fraud. A good example of this dynamic played out in the Sangamon district where Douglas barely beat Lincoln 3,598 to 3,556, but Republican state House candidate Shelby Cullom out-pollled each of them with 3,708 votes. *Record of Election Returns*, microfilm reel #30-45, Illinois State Archives.

89. The additional losses to the state were calculated at \$165,346. The initial losses had been determined to be \$223,182, so the total losses from the canal scrip fraud amounted to \$388,528, or more than \$12.5 million in 2021 dollars. "Report of the Senate Finance Committee," *Reports Made to the General Assembly of Illinois, at its Twenty-Second Session*, 397-432.

90. "The Canal Scrip Fraud" and "Matteson Fraud Case," *Chicago Press and Tribune*, Jan. 27 and Oct. 29, 1862, and "State of Illinois vs. Joel A. Matteson," *Illinois State Journal*, Oct. 29, 1862.

91. "In Chancery," *Illinois State Journal*, Apr. 4-27. This public notice ran during the three weeks preceding the sale. See also "Sale of the Matteson Property," *Illinois State Journal*, Apr. 28, 1863, "A Remarkable Case of Justice," *Illinois State Journal*, May 5, 1863, "The News," *Chicago Press and Tribune*, Apr. 29, 1863, "From Springfield," *Chicago Press and Tribune*, Nov. 14, 1863, "The Matteson Property," *Illinois State Journal*, Dec. 7, 1863, "The City," *Illinois State Journal*, July 11, 1864, and "Personal," *Illinois State Journal*, July 19, 1864.

Regarding the Macalister-Stebbins bonds, the committee reaffirmed that these had been unlawfully exchanged but that the new bonds were “shortly after surrendered by the parties and the old bonds received again by them.” One hundred twenty-two bonds remained outstanding.⁹² In 1862, the president of a New York bank that held some of the bonds met with President Lincoln in Washington. Lincoln wrote to Dubois, who was still Auditor, suggesting the bondholders be given a “fair hearing.”⁹³ The hearing was a long time in coming, but in 1865 the legislature settled the issue by once again passing a bill allowing for the bonds to be redeemed at their purchase price (not on their \$1,000 face value), with interest, by that July. Any bonds outstanding after that time would be refuted.⁹⁴ In the spring of 1865 the remaining bonds were cashed in and the matter finally resolved.⁹⁵

Appointments

One of Lincoln’s duties on assuming the presidency was filling a vast array of administrative and military positions by appointment. To strengthen the political coalition against the Confederacy, Lincoln

92. This finding finally validated Mack’s July 19, 1859, telegram stating the bonds had been returned. Recall that the Macalister-Stebbins bonds carried a face value of \$1,000 each but were purchased for an average of only \$286. The report showed that 114 of these were exchanged in New York for new \$1,000 bonds. The new \$1,000 bonds had subsequently been returned for the original Macalister-Stebbins bonds. “Report of the Senate Finance Committee,” *Reports Made to the General Assembly of Illinois, at its Twenty-Second Session*, 420 (p. 28 of committee report).

93. Lincoln to Dubois, Dec. 10, 1862, CW, 5:548. The editors of the *Collected Works* were unable to identify “Mr. Freeman,” but a contemporary directory of New York bankers shows Melancthon Freeman was President of the New York Mechanics Banking Association: *The Bankers’ Magazine and Statistical Register*, 17, 1862/63 (New York: J. Smith Homans, Jr., 1862/63), 403. Browning noted that he met with a “Mr. Freeman, the president of a bank in New York,” *Browning Diary*, 452; and correspondence J.D. Morrison published in his attack on Bissell included letters between N. Pensoneau and Melancthon Freeman (“Official Corruption,” *Chicago Daily Times*, Jan. 11, 1860).

94. *Journal of the Senate of the Twenty-Fourth General Assembly of the State of Illinois, At Their Regular Session, Begun and Held at Springfield*, January 2, 1865 (Springfield: Baker and Phillips, 1865), 953. On Feb. 16, Governor Richard Oglesby signed “An Act to compel the holders of the Macalister-Stebbins bonds to surrender the same by July, 1, 1865.”

95. “Biennial Report of the Auditor of Public Accounts of the State of Illinois,” *Reports to the General Assembly of Illinois, at its twenty-fifth session, convened January 7, 1867*, 1 (Springfield: Baker, Bailhache & Co., 1867), 68. The Auditor’s report for 1867 shows the bonds purchased for \$286 in 1841 paid about \$475 in 1865 for a compound annual growth rate of just over 2%.

adopted a policy of appointing some northern Democrats to these posts. While he viewed this as a necessary part of the war effort, the appointments raised the concern of Republicans who viewed their former political opponents' commitment to the Union cause with skepticism.

These dynamics played out in Springfield when Lincoln appointed two of former Governor Matteson's allies. The first was Lincoln's brother-in-law Ninian W. Edwards, appointed a captain in the Quartermaster Department. A former Whig, Edwards had become a Democrat and an associate of Matteson's.⁹⁶ Lincoln received a barrage of complaints from Springfield Republicans and from Nicolay, who wrote while on a visit home. They reminded Lincoln that they had "been ferriting [sic] out, and exposing, the most stupendous and unprecedented frauds ever perpetrated in this country, by men closely connected with Mr. Edwards" and that his position allowed him to award contracts to the "Matteson Clique." Eventually Lincoln relented and transferred Edwards to a lesser post.⁹⁷

The second problematic appointment was that of Isaac B. Curran, a jeweler who may have engraved Mrs. Lincoln's wedding ring. He had served as an informal chief of staff to Governor Matteson and had testified as a character witness on his behalf during the Senate investigation of the canal scrip fraud.⁹⁸ In April 1862, Lincoln nominated Curran as consul for the Grand Duchy of Baden. This nomination was presented to the Senate but rejected when it was extracted

96. Ninian's younger brother Benjamin S. Edwards served as one of Matteson's attorneys throughout the canal scrip ordeal. A good overview of Lincoln's complicated relationship with Ninian is given in "The Politicians: Ninian W. Edwards, (1809–1889)," Mr. Lincoln and Friends, The Lehrman Institute, *loc. cit.*

97. Ozias Hatch, William Butler, and Jesse Dubois to Lincoln, July 22, 1861; Nicolay to Lincoln, Oct. 21, 1861; William Thomas to Lincoln, Sept. 28, 1861; Dubois, Butler, and Hatch to Lincoln, Oct. 21, 1861; William Yates to Lincoln, May 22, 1863; Dubois and others to Lincoln, May 23, 1863; S. Cullom to Lincoln, May 25, 1863; G. Webber to Lincoln, May 25, 1863; and Jacob Bunn to Lincoln, May 25, 1863. Abraham Lincoln Papers, LC.

98. For the wedding ring, see Bryon C. Andreasen, "Curran's Jewelry Shop," *Looking for Lincoln: Lincoln's Springfield* (Carbondale: Southern Illinois University Press, 2015), 16. Curran's connection to Matteson and Douglas is discussed in Nathaniel B. Curran, "General Isaac B. Curran: Gregarious Jeweler," *Journal of the Illinois State Historical Society* 71:4 (Nov. 1978): 272–78. Curran's testimony in the canal scrip investigation is found in "Fraudulent Canal Scrip, Report of Evidence."

from a list slated for approval and tabled.⁹⁹ Though the reason for the rejection is unknown, it is likely that Browning, who by then had been appointed to the U.S. Senate seat left by Stephen Douglas's death, was responsible.¹⁰⁰

A final legacy of the scandals were reforms instituted in the state's next constitution, the Constitution of 1870. The proceedings of the constitutional convention show that even though the scandals had occurred more than a decade earlier, they were factors in the delegates' deliberations.¹⁰¹ When the convention completed its work, it recommended a new constitution that reinstated the position of attorney general, made grand juries optional, and included a special section on canals that was to be voted on separately. The canal section read, "The general assembly shall never loan the credit of the state, or make appropriations from the treasury thereof, in aid of railroads or canals."¹⁰² Both the new constitution and the special section on canals were overwhelmingly adopted by Illinois voters in July 1870.

Analysis

The combined reports of the Senate Finance Committee leave little room for interpretation regarding the canal scrip fraud: Matteson had been brazenly defrauding the state for years, cashing in scrip he had obtained when he assumed the governorship. His excuse that he had

99. Lincoln's nomination of Curran was read into the U.S. Senate record on April 24 and referred to the Committee on Commerce. On May 2, the Committee on Commerce reported the nomination and on the same day the Senate, on a motion of Senator Lot M. Morrill (R-Maine), recommitted the nomination back to the Committee on Commerce. On July 12, 1862, the measure was tabled by Senator Fessenden (R-Maine) and never brought up again. *Journal of the Executive Proceedings of the Senate of the United States of America from December 2, 1861 to July 17, 1862, Inclusive*, Volume XII (Washington: Government Printing Office, 1887). Unfortunately, the *Illinois State Journal* incorrectly reported that Curran's appointment had been confirmed (untitled notice, July 22, 1862, p. 2). This error was repeated in the brief biography of Curran by his grandson, N. B. Curran, "General Isaac B. Curran," 277, and is implied in the Curran's Jewelry Shop historical marker on Adams Street in Springfield, which simply mentions that he was appointed. The text of the marker can be read at <https://www.hmdb.org/m.asp?m=48740>.

100. During the canal scrip investigation, he had commented in his diary that Curran's testimony was untruthful. *Browning Diary*, 353.

101. *Debates and Proceedings of the Constitutional Convention of the State of Illinois, Convened at the City of Springfield, Tuesday, December 13, 1869*, 1, Ely, Burnham and Bartlett Official Stenographers (Springfield: E. L. Merritt & Brother, 1870), 335. Browning; Milton Hay, who had studied law under Lincoln; and Joseph Medill, former editor of the *Chicago Tribune*, served as delegates to the convention.

102. *Article V Executive Department, Article II Bill of Rights, and Special Section on Canals*, Illinois Constitution of 1870.

purchased it from others whom he could not remember is simply untenable considering that he was a former canal contractor, Senate Finance Committee member, and expert on state debt. It is impossible to know today what portion of Matteson's wealth was obtained in this manner and consequently the degree to which it enabled his political power. Though Matteson stole from all the citizens of Illinois, it seems that Lincoln was a particular victim of his crimes. Matteson's financial largesse made him a near winner in the 1855 U.S. Senate election, forcing Lincoln to give up his own campaign and throw his support to Lyman Trumbull. Matteson then used his wealth to support Douglas in both his Senate and presidential campaigns against Lincoln. As the extent of Matteson's offenses was revealed piecemeal by the Senate Finance Committee's ongoing work, Republicans were able to use the scandal successfully in the 1860 legislative races, insuring Lyman Trumbull's reelection to the U.S. Senate. Thus, Democratic legislative candidates also became belated victims of Matteson's crime.

The investigation into the canal scrip fraud led to the discovery of the Macalister-Stebbins bond scandal. Lincoln and his colleagues crafted a narrative that Bissell, weakened by illness, had been taken advantage of by unscrupulous investors. Democrats argued that Bissell, having previously acted as attorney for the bondholders, was an expert on the bonds and that he had been crafting a swindle dating back to his refusal to redeem them in 1857. Because the exchanged bonds had not yet been cashed in, it was possible to have them repudiated and returned to the state. With no financial loss, the scandal then centered on the intent of the governor. Because Matteson had escaped prosecution for his crimes, it seemed a double standard for Democrats to pursue Bissell when his apparent plot had been thwarted. The resignation of State Treasurer Miller and the death of Bissell brought closure to the story, so Democrats could not use it against Republicans in the 1860 general elections.

A few months after his death, Bissell's personal items were appraised by the Lincoln-Herndon law firm. The 16-page inventory of his estate survives and includes an auctioneer's statement and a list of real estate holdings and other accounts, compiled by Herndon. The inventory includes property owned jointly with Narcisse Pensoneau, the agent with whom Bissell had corresponded regarding the Macalister-Stebbins bonds.¹⁰³

103. Herndon et al. *appraised property for Bissell's estate*, LPAL. The entry contains just the 16-page appraisal listing Bissell's real estate and other accounts and the auctioneer's statement. Herndon signed the appraisal on May 24, 1860.

Among his few papers surviving today is a contract executed with banker Charles Macalister in December 1856, just days before he became governor. This shows Macalister and 23 other investors sent Bissell \$80,500 to be invested in government land purchases. There is an accompanying document showing that Bissell divested himself of this investment in 1857, so that it did not appear in Herndon's post-mortem appraisal.¹⁰⁴

Together these documents demonstrate that Bissell had extensive land holdings and was engaged in land speculation as he became governor. Though probably not illegal, his actions are at least reflective of an active and shrewd businessman, and not of someone mentally impaired. Bissell's eventual assertive response to Morrison's convention attack implies that he was mentally capable just two months before his death. Taken *in toto*, this evidence supports the Democrats' claim that Bissell's decision to fully fund the Macalister-Stebbins bonds was not a mistake or misunderstanding of an infirmed mind, but rather an intentional plan.

Missing Pieces

Due to the fragmentary nature of the primary sources, the record of the scandals remains incomplete. Governor Matteson's mansion at 4th and Jackson Sts., Springfield, burned to the ground in 1873, and little of his personal correspondence remains. Some archives and many newspaper collections were lost in the Chicago Fire. Certain letters are clearly missing because they are referenced in correspondence but have never been found.¹⁰⁵ At least one relevant leaf from Browning's diary is missing.¹⁰⁶ With Lincoln and Herndon handling Bissell's estate, they may have been privy to information or documents which no longer exist and never became public.

104. Bissell to C. Macalister, Feb. 25, 1856; trust deed, Dec. 27, 1856; Bissell to R. Hinckley, May 27, 1857, McAlester & Markee Land Co. (1 folder), Manuscript Collection, ALPL.

105. Two of Norman Judd's letters written during this period reference the destruction of correspondence. To Lincoln he wrote "that little letter is destroyed as per request." Judd to Lincoln, June 15, 1859, Abraham Lincoln Papers, LC. In a letter to the Ozias Hatch he closed with the admonition, "... burn this as it is rather free." Judd to Hatch, Mar. 29, 1860, David Davis Collection, Chicago History Museum.

106. The Feb. 5, 1861, entry that begins discussing the Macalister-Stebbins bond issue ends abruptly with the next leaf missing. *Browning Diary*, 452. This missing leaf is not one of the sections of the diary withheld from publication due to unflattering references to Mrs. Lincoln. Rather, it is absent from the existing manuscript, and the reasons for its absence are unknown. (Personal communication with ALPLM staff, 4/14/2021).

Alonzo Mack's involvement in the Macalister-Stebbins affair has been overlooked due to errors confounding his name with that of others. In a letter Lincoln wrote earlier on another subject in which he referenced Mack, someone wrote over Mack's name, possibly in a deliberate attempt to obscure his identity. Due to this overwriting, "Mack" was misread by the editors of the *Collected Works* as "Mechem."¹⁰⁷ And in the modern publication of Nicolay's source interviews, Mack was confused with Charles Macalister.¹⁰⁸ Mack's involvement in the affair is well documented by his own letters, newspaper accounts, letters by others, Browning's diary, and the Senate Finance Committee's 1861 report.

John Nicolay and Ward Lamon separately became Lincoln biographers. Both men were witnesses and peripheral characters in the events that transpired. Despite their intimate knowledge of the scandals and the people involved, neither mentioned them in the biographies they published.¹⁰⁹ What explains this omission? Perhaps the authors felt the scandals were unimportant in the context of other events, or perhaps Nicolay and Lamon were reluctant to wade into sensitive subjects that involved their own friends and some of Lincoln's most important allies and their interrelations. Regardless of their reasons, it is unfortunate for us today, because their first-person perspectives could have helped fill in today's gap in the record.

The record of the twin scandals is incomplete, and some of their features remain a mystery. The scandals have been ignored by Lincoln scholars due to their complex nature and sometimes confusing primary sources, but they were an important fixture during Lincoln's rise to prominence, involving many of his contemporaries and shaping the political environment in which he operated.

107. Tom M. George, "'Mechem' or 'Mack': How a One-Word Correction in the *Collected Works of Abraham Lincoln* Reveals the Truth About an 1856 Political Event," *Journal of the Abraham Lincoln Association* 33:2 (Summer 2012): 20–34.

108. In a footnote, the statement by Ozias Hatch discussing Mack is incorrectly interpreted as referring to Charles Macalister. *An Oral History of Abraham Lincoln: John G. Nicolay's Interviews and Essays*, p. 137, fn. 73.

109. John G. Nicolay and John Hay, *Abraham Lincoln: A History*, 10 vols. (New York: Century Company, 1890). The only use of Hatch's material is an anecdote about viewing McClellan's Army, found in Vol. VI, p. 175. Ward H. Lamon, *The Life of Abraham Lincoln From His Birth to His Inauguration as President* (1872; rpt., Lincoln: University of Nebraska Press, 1999), and Dorothy Lamon Teillard, ed., Ward H. Lamon, *Recollections of Abraham Lincoln, 1847–1865* (1895; rpt., Lincoln: University of Nebraska Press, 1994).

Abraham Lincoln's Republic of Rules: The Logic of Labor, the Labor of Logic

OWEN CANTRELL

"Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration."

—Abraham Lincoln, 1861¹

During the presidential campaign of 1860, John Hanks, Lincoln's mother's first cousin, sold what he claimed were rails Lincoln had split 30 years before, in 1829–1830.² Future Illinois governor Richard Oglesby, an advocate for Lincoln during his U.S. Senate and presidential campaigns, came up with Lincoln's rail-splitting image on his own. For the most part, Lincoln rejected his humble origins, especially as a manual laborer. Nevertheless, Oglesby allegedly accompanied Hanks to find old split rails at Thomas Lincoln's former farm in Macon County, Illinois.³ Lincoln's humble origins became an asset; rural and agricultural roots for political leaders were ever more important in an increasingly urban nation. Walt Whitman in his 1856 political screed "The Eighteenth Presidency!" argued that the next president should be "some heroic, shrewd, full-informed, healthy-bodied, middle-aged, beard-faced American blacksmith or boatman come down from the West across the Alleghenies." This man could "walk into the Presidency, dressed in a clean suit of working attire with the tan all over

1. "Annual Message to Congress," December 3, 1861, Roy P. Basler, et al., eds., *The Collected Works of Abraham Lincoln*, 9 vols. (New Brunswick, N.J.: Rutgers University Press for the Abraham Lincoln Association, 1953–55), 5:52.

2. Allen C. Guelzo, "The Unlikely Intellectual Biography of Abraham Lincoln," in *Abraham Lincoln as a Man of Ideas* (Carbondale: Southern Illinois University Press, 2009), 26.

3. Mark A. Plummer, *Lincoln's Rail-Splitter: Governor Richard J. Oglesby* (Urbana: University of Illinois Press, 2001), 40, 46.

his face, breast, and arms.”⁴ Lincoln’s split rails, then, were a complex artifact that, as Olivier Frayssé argued, “symbolized manual labor, free labor, [and] agricultural labor” that made Lincoln into “the model of the self-made man, the incarnation of the American Dream of a classless society.”⁵ Lincoln’s split rails, alongside his fervent defense of free labor over and against slave labor, helped make him into the newly formed Republican Party’s unlikely 1860 presidential candidate.

Four years later in November 1864, writing on behalf of the First International, Karl Marx congratulated Lincoln on his reelection. The letter characterized Lincoln as a “single-minded son of the working class” who was destined to free “an enchained race” and reconstruct the “social world” for the betterment of the laboring classes. The First International also professed their hope that the “American Antislavery War,” as Marx called it in his letter, would uplift the working class, as the War for Independence had done for the bourgeoisie. Marx lauded Lincoln as working class, which was a designation that made him heroic in the United States and politically viable for Marx and the First International.⁶

Lincoln’s split rails in 1860 and Marx’s letter in 1864 tell us that Lincoln’s working-class legacy is, at the very least, complicated. While Lincoln’s personal history as a “son of the working class” was touted throughout his political career, his actual thoughts on labor are often discounted in favor of the political viability of this history for different movements, from the Republican Party to Karl Marx.

An examination of Lincoln’s thoughts on labor as they evolved from his adolescence when working on his father’s farm, to his political beginnings as a member of the Whig Party, and finally to the existential challenges presented by the Civil War, reveals that, while he remained relatively consistent in his allegiance to “free labor” throughout his political career, the continually changing labor market in the United States made this allegiance less actionable by the time of the Civil War. For example, while Lincoln and Marx agreed that labor, and its economic manifestation in the labor theory of value, was essential for their politics, they reached vastly different conclusions about what should be done to protect labor and guarantee that workers benefit

4. Walt Whitman, “The Eighteenth Presidency!” in *Poetry and Prose*, edited by Justin Kaplan (New York: Library of America, 1996), 1,332.

5. Olivier Frayssé, *Lincoln, Land, and Labor, 1809–1860*. Translated by Sylvia Neely. (Urbana: University of Illinois Press, 1988), 158.

6. Karl Marx, “Address of the International Workingmen’s Association to Abraham Lincoln” in *The Civil War in the U.S.*, edited by Richard Enmale (New York: International Publishers, 1971), 280.

from their own production. Marx insisted that the conflict over labor-power between the working class and capitalists was inescapable within the capitalist system, and that working-class labor could only be protected through a socialist revolution. Lincoln saw no inevitable conflict between labor and capital; the capitalist economy and wage labor allowed workers to move up the economic ladder and become capitalists themselves. In Lincoln's vision, there was no permanent working class, only employees on their way to becoming employers. This vision, however, was increasingly unrealistic by the 1860s, when a majority of workers had become wage earners rather than independent producers or employers.⁷ The rising death toll at the end of the Civil War presented an existential crisis for Lincoln, who attempted to address the philosophical question of fatalism in "The Second Inaugural," which proposed potential limits for man's self-creation.

This essay is in four sections. The first explores the different stories about labor told by Marx and Lincoln, who were both steeped in versions of the labor theory of value.⁸ While Marx's was grounded in more classical economic theory, Lincoln's labor theory of value was based in his understanding of labor as central to human thriving and social mobility in the United States. The second section deals with Lincoln's engagement with manual labor during his rural upbringing and the influence of the "cash economy" on his thinking. The third section explores Marx's interpretation of the Civil War (his "American Antislavery War") as a conflict over labor that would plant the seeds of an eventual socialist republic. The fourth section discusses Lincoln's theory of governance based on his legal background, which was challenged by the Civil War. The alleged turn to fatalism in the Second Inaugural Address was Lincoln's attempt to reestablish a rational foundation for the war and, in turn, for his thoughts on the autonomy of men to create themselves.

This essay, along with the different logic employed to understand the importance of labor within the capitalist system, also addresses philosophical questions about the nature of historical and logical

7. Eric Foner, in a classic study, cites David Montgomery's estimate that "almost 60 per cent of the American labor force was employed in some way, not economically independent, in 1860." Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (1970; New York: Oxford University Press, 1995), 31.

8. Recent studies have mined this important connection between Marx and Lincoln, including Robin Blackburn's *An Unfinished Revolution: Karl Marx and Abraham Lincoln* (London: Verso, 2011) and Allan Kulikoff's *Abraham Lincoln and Karl Marx in Dialogue*. (New York: Oxford University Press, 2018). These studies are important in viewing the two figures in relation to one another. However, much remains to be mined of this connection beyond its existence.

contradiction that lay at the heart of Lincoln's (and Marx's) theories of labor. Marx believed that contradiction was necessary for historical progress; thus, the contradiction between labor and capital could only be resolved through a socialist society. Lincoln, on the other hand, held to a rationalist tradition based on English common law and Aristotelian logic. The law of non-contradiction was essential to Lincoln's political beliefs regarding labor. Capital and labor were never in contradiction, otherwise this continual state of tension would have to be resolved. The struggle with fatalism towards the end of Lincoln's life signals the difficulties (and ideological impasses) the Market Revolution presented to antebellum theorists of labor.

I. Labor Theory of Value in Marx and Lincoln

In volume one, chapter one of *Capital*, Marx exhibited his labor theory of value by discussing the commodity-form. When two commodities were exchanged, they must be "reducible to this third thing," which is not a "natural property of commodities," in order to be exchanged.⁹ In a capitalist system, labor must create surplus value, or capital, produced by the "third thing": the labor power of workers. Thus, labor was central to Marx's understanding of capitalism, as it also was for classical economists, such as David Ricardo and Adam Smith, who focused on the centrality of labor in production. For these thinkers, the basis of this *labor theory of value* was that production was, at bottom, based in human exertion, which created the value inherent in commodities. While Marx's understanding of the labor theory of value differed in its consequences from the classical economic view, most theorists of capitalist economy would have similarly started from the basis of labor during the mid-19th century.

Abraham Lincoln, while not widely read in classical economics, found the study of political economy essential to his self-education. William Herndon, Lincoln's longtime law partner in Springfield, wrote "nothing, however, captured Lincoln's intellectual fancy more than 'political economy, the study of it.'"¹⁰ In fact, in his 1858 lecture on "Discoveries and Inventions," Lincoln proposed his own descent of man as the laboring animal. Lincoln began by stating "all creation is a mine, and every man, a miner." Man's goal was to "dig out his destiny" from the mine of all creation, which he does through laboring in the

9. Karl Marx, *Capital: A Critique of Political Economy*, translated by Ben Fowkes (New York: Penguin Classics, 1992), 125–28. Published in German in 1867, the book appeared in a 42-page English extract in 1875 but was not fully available in English until 1886.

10. Quoted in Guelzo, "Unlikely Intellectual Biography," 20

world. In contrast to the laboring animals of the Earth, humanity could improve its "workmanship" by acquiring specialized knowledge.¹¹ Through discovery and the creation of practical inventions, Lincoln argued, man was able to improve the quality and quantity of his labor on Earth. Man, as a laboring animal, was also a self-improving animal, but this labor was a curse if not wedded to knowledge. Lincoln argued in his 1847 "Fragments of a Tariff Discussion" that "useless labor" was equivalent to "idleness." Also in "Fragments," he proposed his own creation story of labor: In the early days of the world, the Almighty said to the first of our race, "In the sweat of thy face shalt thou eat bread"; and since then, if we except the *light* and the *air* of heaven, no good thing has been, or can be enjoyed by us, without having first cost labour." Lincoln continued, explaining that as "most good things are produced by labour, it follows that [all] such things of right belong to those whose labour has produced them." However, Lincoln argued that this is not always the case: "it has so happened in all ages of the world, that *some* have laboured, and *others* have, without labour, enjoyed a large proportion of the fruits." He argued that it should be "a most worthy object of any good government" to secure "each labourer the whole product of his labour, or as nearly as possible."¹² The productive results of man's labor should not be taken from him, since they were the fruit of his efforts and ability to apply knowledge to his lot as a laboring animal.

That Lincoln believed man owned his own labor does not mean he agreed with Marx's argument from *The Communist Manifesto* that "modern bourgeois private property is . . . based on class antagonisms, on the exploitation of the many by the few."¹³ In fact, Lincoln thought private property, defined as the "fruits of labor" in an 1864 speech to the New York Workingmen's Association, should be protected. He asserted the fact of labor that unites "all working people" should not lead to a "war upon property, or the owners of property." Instead, property was a "positive good in the world" and the fact "that some should be rich, shows that others may become rich, and hence is just encouragement to industry and enterprize."¹⁴ Furthermore, speaking

11. "First Lecture on Discoveries and Inventions," April 6, 1858, Basler, *Collected Works*, 2:437.

12. "Fragments of a Tariff Discussion," December 1, 1847, Basler, *Collected Works*, 1:413–20.

13. Karl Marx and Friedrich Engels, *The Economic and Philosophic Manuscripts of 1844 and The Communist Manifesto* (Amherst, N.Y.: Prometheus Books, 1988), 223. The Manifesto had first appeared in 1848 in German; fully in English in 1883.

14. "Reply to New York Workingmen's Democratic Republican Association," March 21, 1864, Basler, *Collected Works*, 7:259.

at New Haven, Connecticut, regarding an 1860 shoemaker's strike in Lynn, Massachusetts, Lincoln argued that "I take it that it is best for all to leave each man free to acquire property as fast as he can. . . . So while we do not propose any war upon capital, we do wish to allow the humblest man an equal chance to get rich with everyone else."¹⁵ Speaking to the German Club of Cincinnati in 1861, Lincoln argued for a labor philosophy that acts to "give the greatest good to the greatest number," which he stated was best accomplished through the use of free labor to acquire property and its attendant social advancement.¹⁶ Property was just proof of the promise of labor and a monument to achievement—a positive "good" grounded in Lincoln's belief in the potential for advancement for laborers and wage earners. Thus, his belief that a major function of government was securing property earned justly by the sweat of the laborer's brow.

Additionally, Lincoln asserted that social advancement for laborers was not only possible, but necessary for the political stability of the United States. This was in keeping with his Whig roots. Historian Daniel Walker Howe argued that "of all the items in the Whig program, internal improvements held the greatest appeal for the young Lincoln. He shared the typical Whig aspiration for humanity to triumph over its physical environment."¹⁷ In his 1859 address to the Wisconsin State Agricultural Society, Lincoln distinguished the "*mud-sill*" and "Free Labor" theories of labor. The *mud-sill* theory, Lincoln stated, argued "that nobody labors, unless somebody else, owning capital, somehow, by the use of that capital, induces him to do it." Because of their low opinion of labor, the *mud-sill* theorists "assume that whoever is once a *hired* laborer, is fatally fixed in that condition for life." The "Free Labor" theorists, on the other hand, believed that "there is no *such* relation between capital and labor, as assumed; and that there is no such thing as a freeman being fatally fixed for life, in the condition of a hired laborer." For Lincoln, who counted himself among the "Free Labor" theorists, the relationship between labor and capital was not one of capital driving labor. In fact, "labor is prior to, and independent of, capital; that, in fact, capital is the fruit of labor, and could never have existed if labor had not *first* existed—that labor can exist without capital, but that capital could never have existed

15. "Speech at New Haven, Connecticut," March 6, 1860, Basler, *Collected Works*, 4:24.

16. "Speech to Germans at Cincinnati, Ohio," February 12, 1861, Basler, *Collected Works*, 4:202.

17. Daniel Walker Howe, *The Political Culture of the Whigs* (Chicago, Ill.: University of Chicago Press, 1978), 264.

without labor."¹⁸ Labor not only does not require capital to set it in motion (what Marx calls *productive* labor), but it also was the origin of capital, an opinion shared by Marx.¹⁹ The mud-sills theorists did not believe in the dignity of labor and thought of labor only as a requirement for capital. For them, the laborer was just a cog that keeps the machinery of capitalism running smoothly, rather than the supplier of surplus value for capitalists. For Lincoln, the mud-sill theorists were fundamentally anti-democratic in their evaluation of laborers. He believed it was within the ability of all laborers to improve their station in life, as he had. Additionally, it was essential for Lincoln and his belief in a democratic republic that no class of citizens be permanently stuck in their position without the ability to improve their lot. By placing labor at the heart of his political philosophy, Lincoln argued the continual self-improvement and gathering of knowledge that characterized useful labor was the best way to maintain and advance a prosperous Union.

While Lincoln and Marx held similar beliefs about the importance of labor in the capitalist economy, Lincoln's rural background shaped how he thought of the relationship between labor and capital. Marx argued that labor and capital had always been in conflict, whereas Lincoln believed they could comfortably coexist. His own experiences as a laborer left him with a dim opinion of how much cultivation lower forms of manual labor alone could offer. However, Lincoln believed that labor, when joined with knowledge, could increase man's productive capacities. Additionally, he thought that the "cash economy" of bartering and selling offered a path of social mobility for those of lower-class status.

II. "You are not *lazy*, and still you *are* an *idler*": Lincoln and Labor before the Civil War

Labor historian Herbert Gutman argued that there were three periods in 19th-century American labor: 1815–1843, 1843–1893, and 1893–1919. During the second of these, Gutman argued,

industrial development radically transformed the earlier American social structure, and during this Middle Period (an era framed around the coming and aftermath of the Civil War) a profound tension existed between the American preindustrial structure and

18. "Address Before the Wisconsin State Agricultural Society, Milwaukee, Wisconsin," September 30, 1859, Basler, *Collected Works*, 3:477–78.

19. Marx, *Capital*, 45.

the modernizing institutions that accompanied the development of industrial capitalism. After 1893 the United States ranked as a mature industrial society.²⁰

Lincoln grew up during this period, in which republican ideas about the dignity of free labor were clashing with the emerging market and wage economy. Paying close attention to those experiences is essential to understanding how Lincoln thought about labor and its relationship to capital.

Lincoln's belief in the primacy of labor was shaped by his familial experiences in artisanal production and what Sean Wilentz has called "artisanal republicanism."²¹ This belief emphasized skills required in the production process and the desire of the artisan to move from apprentice to master. Through the acquisition of skills, these citizens could advance socially and form the foundation of popular sovereignty for the government. By the 1820s, this process was becoming increasingly difficult, as artisanal production was replaced by manual labor, focusing on mass production rather than quality craftsmanship. Lincoln's belief in the "free labor, free soil, free men" platform of the emerging Republican Party in the 1850s was supported by his conviction that there was no necessary contradiction between labor and capital, as each man would only be an employee until he could become a boss and hire laborers of his own. Lincoln's own experiences with the cash economy and wage labor had lifted him from the poverty of a rural cabin in Kentucky to a successful lawyer and candidate for president. However, by the late 1850s, it was increasingly clear that permanent wage labor—instead of each man's becoming his own boss—would be the predominant model of employment in the United States. Lincoln's political attempt to reconcile this economic fact had its foundation in his childhood experience of the changing labor market.

Born in 1809, Lincoln was privy to the first-hand effects of the Market Revolution in the wildernesses of Kentucky, Indiana, and Illinois. Oliver Frayssé summarizes Lincoln's early life as "grandfather killed by Indians, a father wandering in search of work, failing in his efforts to establish himself as an independent farmer in the hostile

20. Herbert Gutman, "Work, Culture, and Society in Industrializing America, 1815–1919," in *Work, Culture, and Society in Industrializing America: Essays in American Working-Class and Social History* (New York: Alfred Knopf, 1975), 13. The work of James L. Huston, particularly *Calculating the Value of the Union: Slavery, Property Rights, and the Economic Origins of the Civil War* (Chapel Hill: University of North Carolina Press, 2003), is also useful for understanding the transformation of labor in this period.

21. Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788–1850* (New York: Oxford University Press, 1984), 63.

atmosphere of a slave society because he lacked sure land titles." Lincoln's grandfather, also named Abraham, lived near Louisville. According to family legend, he was shot and killed by an "Indian" waiting in ambush while building a fence made of railroad ties in 1785. Thomas Lincoln, the youngest son, stood frozen in terror while the eldest son, Mordecai Lincoln, shot the assailant dead in his tracks.²² Abraham's death was a family tragedy, but it also prevented Thomas Lincoln from getting any portion of the family farm, due to inheritance laws. He would have to make it on his own even earlier in life. Thomas worked several odd jobs, including building a mill alongside slaves for Samuel Haycraft in 1796–1797. His position as a free laborer was tenuous, since the slave population in Kentucky kept increasing, which made it difficult for a migrant laborer to find steady work. Thomas, after marrying his first wife Nancy Hanks, left Elizabethtown in December 1808 to settle at Sinking Spring Farm. His son Abraham was born shortly afterwards.

Thomas, a carpenter-cabinetmaker by trade, found that his artisanal skills soon won him high esteem in his community. In the difficult environment of the frontier, neighbors relied upon him for his woodworking ability, and this improved his reputation. While Lincoln never learned such developed artisanal trades from his father, he did learn the backbreaking labor of work on the farm. Thomas, in search of land free from slave labor and speculators, moved across the Ohio River into Indiana in 1816. The family, including seven-year-old Abraham, had to build a homestead from the ground up. As Frayssé argued, it was common on the frontier that "children (young men or young women) owed their labor to their father, and if he had none for them—or if the work did not suit them—other fathers would provide employment."²³ Abraham, who eventually grew to six feet four inches, was a strong, wiry boy whom Thomas often rented out to fellow farmers. Despite the emphasis on origins during his presidential campaign, Lincoln was never particularly proud of his rural and agricultural past, largely because they seemed at odds with the professional, middle-class goals to which he attributed his success.²⁴ In his 1859 speech in Wisconsin, Lincoln's focus was not on the democratic nature or worth of agricultural labor, but rather how "no other human occupation opens so wide a field for the profitable

22. Frayssé, *Lincoln*, 3. Frayssé got the year (1786), and action wrong (the victim was plowing), and dismissed the fact as family 'legend.' Eight-year-old Thomas was being abducted when the Shawnee was shot.

23. Frayssé, *Lincoln*, 25.

24. Frayssé, *Lincoln*, 35.

and agreeable combination of labor with cultivated thought, as agriculture." He went on to emphasize that "education—cultivated thought—can best be combined with agricultural labor, or any labor, on the principle of *thorough* work—that careless, half performed, slovenly work, makes no place for such combination."²⁵ His only real interest in agricultural labor was how it can be thought and planned better through careful study. While working on the farm for his father, Lincoln rarely owned his own labor, but instead worked for others for his father's (and thus the family's) benefit. This experience would become an essential ingredient of Lincoln's political positions on labor once he was on a national stage.

Lincoln moved away from his father's farm near Decatur, Illinois, at the age of 22, about a year after he was no longer expected to work for his father, to make his own way.²⁶ Pointedly, Lincoln tried his hand at everything except farming. Eventually landing as a merchant in New Salem, he acted as the intermediary between the various social groups in town with bartering and selling as his central mode of exchange. In opposition to agrarian labor, Lincoln preferred the cash economy. He found that wages and commercial exchange were liberating in his quest for self-improvement, education, and a desire to break free of his father's influence.²⁷ It was his time at New Salem from 1831 to 1837 (despite his failing business) that eventually led Lincoln into politics, which, in turn, brought him into a law partnership with John T. Stuart in Springfield.

Lincoln attributed this opportunity to the cash economy, which led him to believe that wage labor could be a path for others as well. Richard Hofstadter argued that Lincoln's self-made man status "has come to have a hold on the American imagination that defies comparison with anything else in political mythology." However, the emphasis on self-making was central to Lincoln's personal beliefs *as well as* his political philosophy.²⁸ After all, as biographer Stephen B. Oates stated about Lincoln's youth, "he came to manhood in a rural backwoods where people accepted the most excruciating hardships

25. "Address Before the Wisconsin Agricultural Society," Basler, *Collected Works*, 480–81.

26. Guelzo, "Unlikely Intellectual Biography," 17.

27. Allen C. Guelzo, "Come-Outers and Community-Men: Abraham Lincoln and the Idea of Community in Nineteenth-Century America," in *Abraham Lincoln as a Man of Ideas*, 59, 53.

28. Richard Hofstadter, "Abraham Lincoln and the Self-Made Myth," in *The American Political Tradition and The Men Who Made It* (1948; New York: Vintage Books, 1989), 121.

as commonplace.”²⁹ Lincoln believed the path out of hardship was through opportunities the cash economy and wage labor provided.

In 1851, Lincoln's stepbrother John D. Johnston wrote to ask for \$80, stating that he would “rother live in bread and wotter than to have men allways dunning me.”³⁰ Lincoln, who had given him money before, bristled at the request. Each time he had previously loaned Johnston money, his stepbrother always found himself in the “same difficulty again.” In 1848 Lincoln argued that Johnston's “defect” was that “you are not *lazy*, and still you *are* an *idler*. I doubt whether since I saw you, you have done a good whole day's work, in any one day.” While Johnston was willing to labor, he was stuck in the belief that it was impossible to “get much for it.” Instead, Johnston cultivated the habit of “uselessly wasting time” which prevented him from ever getting ahead. Lincoln proposed that Johnston go to work as heartily as he could on nearby farms to earn money for himself. Furthermore, Lincoln promised that he would *give* his stepbrother the equivalent of any money Johnston would earn, which would help him out of debt and provide a “habit that will keep you from getting in debt again.”³¹ In essence, Lincoln was encouraging Johnston to abandon subsistence farming and get into the cash exchange of commercial farming.³² Johnston's insistence upon not doing additional work since he could not “get anything for it” was part of the subsistence farmer's inability to improve their condition, as Lincoln saw it, due to their desire to only provide enough instead of creating a surplus on which to build.³³ The cash economy, in Lincoln's opinion, held better options for men to improve beyond their station. Agricultural subsistence farming consigned men like his stepbrother to continual dependence.

Lincoln learned his labor theory of value on his father's farm and in the new “cash economy.” Despite his checkered job history and lack of success as a merchant in New Salem, he held true to these ideals into his political career, beginning with his election to the Illinois

29. Stephen B. Oates, *With Malice Toward None: A Life of Abraham Lincoln* (1977; New York: Harper, 2011), 11.

30. Quoted in Richard Lawrence Miller, *Lincoln and His World, Volume Three: The Rise to National Prominence, 1843–1853* (Jefferson, N.C.: McFarland, 2011), 219.

31. Abraham Lincoln to Thomas Lincoln and John D. Johnston, December 24, 1848, Basler, *Collected Works*, 2:16.

32. Guelzo, “Come-Outers and Community-Men,” 53.

33. By subsistence farming, Lincoln meant farming that did not create a large surplus. While Thomas Lincoln, and Johnston, were not subsistence farmers in the sense of only growing enough to sustain their own needs, Lincoln's point in this letter is that Johnston's unwillingness to work significantly beyond subsistence to create a large surplus was what kept him continually in financial difficulty.

House of Representatives in 1834. However, his faith in man's ability for self-improvement would be tested to the utmost by the greatest calamity of his age, the Civil War. The specter of slave labor, which was so important to the white working class's understanding of their own labor, haunted Lincoln's doctrine of self-improvement.

III. Karl Marx and the Civil War: A Marxist Interpretation of the "American Antislavery War"

Marx spent the first half of the 1860s heavily embroiled in newspaper work in London and laying the foundation for the 1864 founding of the First International. Among his other newspaper commitments, Marx covered England and Europe for Horace Greeley's *New York Tribune*, on the invitation of managing editor Charles Dana, whom Marx met in Cologne in 1848. During his tenure, Marx wrote nearly 400 articles. At the onset of the Civil War, Greeley eliminated Marx's column, since increasingly more space was devoted to domestic affairs. Marx went to work for the Vienna newspaper *Die Presse*, where he would write about, among other things, the American Civil War.

In his coverage of the Civil War, Marx sided unequivocally with the Union, which often put him in opposition to other European political radicals. Historian Robin Blackburn stated that the "cause of the South had definite appeal" for radicals as long as the focus was on the "cause of small nations to self-determine and distrust of strong states."³⁴ In this light, as many Southerners argued at the time, the North was attempting to impede on the sovereignty of a foreign nation, the Confederate States, by enforcing tyrannical measures that stood in the way of Southern autonomy. Marx rejected this position wholeheartedly. In a column written in 1861 for *Die Presse*, he argued "the South . . . is neither a territory strictly detached from the North geographically, nor a moral unity. It is not a country at all, but a battle slogan." Marx's argument was that the extension of slavery would lead to "not a dissolution of the Union, but a reorganization of it, reorganization based on slavery, under the recognized control of the slaveholding oligarchy." He even suggested "in the Northern states, where Negro slavery is in practice unworkable, the white working class would gradually be forced down to the level of helotry. This would accord with the loudly proclaimed principle that only certain races are capable of freedom." In the South, "actual labor is the lot

34. Blackburn, *Karl Marx and Abraham Lincoln*, 2-5.

of the Negro," whereas Northern labor would become linked to the "German and the Irishman, or their direct descendants."³⁵

Walt Whitman, writing nearly 20 years earlier, in 1847, argued that extending slavery to the West would "bring the dignity of labor down to the level of slavery." The battle lines, then, were "the grand body of white workingmen, the millions of mechanics, farmers, and operatives of our country, with their interests, on the one side—and the interests of a few thousand rich, 'polished,' and aristocratic owners of slaves at the south on the other side."³⁶ Therefore, as Lincoln argued in 1858 in his famous "House Divided" speech, the Union would eventually have to become "*all* one thing, or *all* the other."³⁷ There could be no middle ground as Western expansion threatened the future of free and slave labor. For Marx, the American Civil War was a "struggle between two social systems . . . the system of slavery and the system of free labor." Ultimately, this struggle could only be resolved "by the victory of one system or the other."³⁸ The war, as Lincoln suggested in his Second Inaugural Address, came regardless of protestations of peace and desire to avoid war. The conflict between the Northern free labor and Southern slave labor seemed inevitable.

Marx believed that slavery in the South stood in the way of the expansion of capitalism. In the American Civil War, Marx argued that the "first act," or the "constitutional waging of the war" was the abolishment of slave labor in the United States.³⁹ The "second act, the revolutionary waging of war" was what could lead to socialism; it was not until the United States was fully capitalist in its organization of labor and mode of production that socialism was possible. Marx was in favor of aggressive expansion of capitalism throughout the country, North and South, insofar as it would lead to the development of socialism in the former colonies. Though Marx was wrong in his prediction of pending socialism—and to some extent in his assessment of Southern society as not being fully capitalist—his assessment of conflicting labor systems leading to national conflict aligned with Lincoln's. For both men, a society where men owned the fruits of their own labor was a central tenet of how this conflict must mete out.

35. Karl Marx, "The Civil War in the United States," in Richard Enmale, ed., *The Civil War in the United States* (New York: International Publishers, 1937), 72–81.

36. Walt Whitman, "American Workingmen, versus Slavery" in Herbert Bergman et al., eds., Whitman, *The Journalism, Volume Two: 1846–1848* (New York: Peter Lang, 2003), 319.

37. "A House Divided": Speech at Springfield, Illinois," June 16, 1858, Basler, *Collected Works*, 2:461.

38. Marx, "The Civil War," 81.

39. Marx, "A Criticism of American Affairs" in *The Civil War in the United States*, 200.

The Civil War resulted in a massive reorganization of labor in the United States. The most obvious change was the destruction of slave-based economies in the South. However, increasing westward expansion, led and fueled by the completion of the transcontinental railroad, expanded industrial capitalism out of the North until it encompassed the entire continent. The social, political, and economic upheavals of the war led many intellectuals to rethink basic assumptions. The war also challenged and deeply unsettled the dominant logics of Union—and labor—to which Lincoln ascribed. The Civil War led Lincoln to struggle with fatalism as a mode of philosophical and logical thought, as opposed to his earlier progressive individualism. However, before noting Lincoln's struggle to reconcile the events of the war with his vision of Union, it is first necessary to detail how he thought Union could be maintained in the years leading up to the Civil War.

IV. Logics of Labor: Abraham Lincoln's Legal Republic

For many in the antebellum era, the threat of the dissolution of Union over slavery was an ongoing concern. Lincoln believed the legal structures of government would prevent this calamity. In 1838, a 28-year-old Lincoln, recently arrived in Springfield, gave a speech on the "Perpetuation of Our Political Institutions" to the Young Men's Lyceum. The speech was his response, according to Herndon, to mob violence in St. Louis that resulted in the death of a young black man.⁴⁰ Lincoln described the difficulties, common in the post-Revolutionary generation, of inheriting the "fundamental blessings" of a country they did not earn through revolutionary sacrifice. The question for Lincoln was how to best uphold the "legacy bequeathed us, by a *once* hardy, brave, and patriotic, but *now* lamented and departed race of ancestors." The current danger was a lack of respect for the rule of law that he considered pervasive in the country. Lincoln ominously warned that "if destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time, or die by suicide." As a lawyer, Lincoln believed that obedience to the rule of law was essential for the union of any political body. Without the blessing of a nation of freemen (at least white freemen), it was impossible for anything but internal conflict and disobedience of law to tear apart the Union. Lincoln's solution to prevent death by "suicide" was to "let every American, every lover of liberty, every well wisher to his

40. William H. Herndon and Jesse W. Weik, *Herndon's Lincoln*, edited by Douglas L. Wilson and Rodney O. Davis (Urbana: University of Illinois Press, 2006), 126.

posterity, swear by the blood of the Revolution, never to violate in the least particular, the laws of the country; and never to tolerate their violation by others." Reverence for the laws, through remembrance of the founding sacrifice of the Revolution, should "become the *political religion* of the nation." The founding fathers, then, acted as the "pillars of the temple of liberty" in the courts of law, where the nation could worship the rule of law that held them together.⁴¹

Lincoln's devotion to the temples of the law shaped his understanding of secession following his 1860 election. Allen Grossman argued, "Lincoln's strategy of order was an amplification of a legal grammar (Blackstonian) adapted to political use, the structure of which was based in the Aristotelian laws of thought—identity, non-contradiction, the excluded middle." Thus, Lincoln "judged that world that he constructed by a hermeneutic criterion of intelligibility, modeled in Euclid."⁴²

In *Metaphysics*, Aristotle defined the law of non-contradiction by stating that "it is impossible for anything at the same time to be and not to be, and by this means have shown that this is the most indisputable of all principles."⁴³ As an epistemological observation, the law of non-contradiction was able to discern known from unknown and clearly delineate the subject at hand. Without the ability to distinguish between subjects, while asserting what was known and what was not, reasoning would fall apart. When posited historically, the law of non-contradiction dictated that when two contradictory states (labor v. capital, slave labor v. free labor, confederacy v. union) encountered one another, one or the other must cease to exist. Lincoln was not slavishly devoted to this logical and historical principle, but non-contradiction did shape his pre-war political thought. On labor, he believed capital and labor would not come into conflict as a necessity (as Marx did); otherwise, he would have felt the relationship was unsustainable. On slavery, Lincoln believed the Union could not exist half-slave and half-free. The legal logic—and religion—that he proposed in his speech to the Young Men's Lyceum was the foundation upon which the Republic could rest—and continue to live into the future.

41. "Address Before the Young Men's Lyceum of Springfield, Illinois," January 27, 1838, Basler, *Collected Works*, 1:108–15. Herndon had titled the talk "Perpetuation of our Free Institutions," but in Basler it is "Political."

42. Allen Grossman, "The Poetics of Union in Whitman and Lincoln: An Inquiry Toward the Relationship of Art and Policy," in *The American Renaissance Reconsidered*, edited by Walter Benn Michaels and Donald E. Pease (Baltimore, Md.: Johns Hopkins University Press, 1985), 186–87.

43. Aristotle, *Metaphysics*, translated by Hugh Lawson-Tancred (New York: Penguin, 2004), 61.

During his first Annual Message to Congress in 1861, Lincoln directly quoted from his 1859 speech to the Wisconsin State Agricultural Society, stating again that “labor is prior to, and independent of, capital.” However, the context of this speech was very different. Lincoln described the ideal free labor system in stating that “the prudent, peniless beginner in the world, labors for wages awhile, saves a surplus with which to buy tools or land for himself; then labors on his own account another while, and at length hires another new beginner to help him.” This system was “just, and generous, and prosperous” and “gives hope to all, and consequent energy, and progress, and improvement of condition to all.” His final warning was that the Confederacy threatened this system: “Let them beware of surrendering a political power which they already possess, and which, if surrendered, will surely be used to close the door of advancement against such as they, and to fix new disabilities and burdens upon them, till all of liberty shall be lost.” This warning brought together his fears over the “perpetuation of our political institutions” and the threats to free labor. For Lincoln, both were threats in which “all liberty shall be lost.”⁴⁴

If labor was largely absent from Lincoln’s speeches during the Civil War, that was primarily because discussions of labor were subsumed into discussion of slavery—which was of course the dominant system of labor in the antebellum era. Ronald White, Jr., in his excellent study, *Lincoln’s Greatest Speech: The Second Inaugural*, argued that “if after 1854 slavery became the central subject in Lincoln’s speeches, we should not miss the economic component in his thought. Lincoln’s economic purpose for America was the right of every person to rise. Slavery threatened this American dream.”⁴⁵ The Second Inaugural brought together his thoughts on labor with the systematic legal logic that he found increasingly incompatible with the human misery and rising death toll of the Civil War. The Second Inaugural was a strange speech, especially from a man estranged from institutional Christianity for most of his life. In one of its most famous passages, Lincoln argued that despite the expectations of both sides that the war would be something “less fundamental and astounding” to the lives of citizens, the war came with its own purposes and destruction.⁴⁶

Furthermore, Lincoln pointed out that both sides prayed to the same God, but conceded that “the prayer of both could not be answered,” as both the South’s desire for disunion and the North’s desire to maintain

44. “Annual Message to Congress,” December 3, 1861, Basler, *Collected Works*, 5:52–53.

45. Ronald C. White, Jr., *Lincoln’s Greatest Speech: The Second Inaugural* (New York: Simon and Schuster, 2002), 89.

46. “Second Inaugural Address,” March 4, 1865, Basler, *Collected Works*, 8:333.

the Union, as well as the correspondent issue of slavery, could not both be reconciled by prayer. Since God could not possibly answer both prayers, Lincoln asserted that "The Almighty has His own purposes," which we can only judge to be "true and righteous altogether," even if that means, in retribution for the scourge of slavery, "every drop of blood drawn with the lash, shall be paid by another drawn with the sword."⁴⁷ Instead of either side having the agency to end the war, Lincoln committed to the fatalistic view that it was in God's hands. The purposes of God were not even fathomable, but humanity must still abide by the dictates of the Almighty. War weary, Lincoln spoke less like a man certain that a contradictory state of affairs could not last, but rather more like a man who had seen the four turbulent years of a bloody war and a supposedly just God in continual contradiction, with no sign of reconciliation of these material facts.

Lincoln's supposed fatalism in this speech has often been regarded as a type of resignation in his later years. Fatalism is a philosophical belief that laws of causation govern all things and they are bound to happen regardless of man's actions in the world. Many authors, including Allen Guelzo, attribute Lincoln's fatalism to the nascent Calvinism in his childhood.⁴⁸ White argued instead that "the logic and language of fatalism . . . did not exhaust his thinking about historical causation. Under the enormous weight of war, Lincoln was forced to think more deeply about the historical basis of the war."⁴⁹ While he was often attracted to fatalistic thinking, Lincoln was also a continual proponent of individual uplift. If certain things are simply "bound to happen," then fate, not effort nor hard work, was the cause of individual success or failure. In the face of ultimate failure, Lincoln was attempting to address this problem in his Second Inaugural.

Lincoln had begun thinking about the divine's relationship with humanity earlier in the war. In an unpublished fragment, "Meditation on the Divine Will" from 1862, Lincoln wrote a draft of the idea that God was on both sides of the conflict, but neither side appeared to be prevailing. This presented the ultimate contradiction: "God can not be *for*, and *against* the same thing at the same time." Lincoln posited instead that "God's purpose is something different from the purpose of either party" since "God wills this contest, and wills that it shall not end yet," though He could have "either *saved* or *destroyed* the Union without a human contest." Even as the contest raged on and the body count rose, Lincoln argued, "He could give the final victory to either

47. Ibid.

48. Guelzo, "Unlikely Intellectual Biography," 20.

49. White, *Lincoln's Greatest Speech*, 149.

side any day. Yet the contest proceeds."⁵⁰ Lincoln entertained a series of logical impossibilities that came about through holding a belief in a Divine Will and a witnessing of the bloody Civil War.

Lincoln also began working out these problems in church. Phineas D. Gurley was the minister at the New York Avenue Presbyterian Church in Washington. He and Lincoln were on friendly terms, with Lincoln reportedly stating of Gurley that "He don't preach politics. I get enough of that through the week, and when I go to church, I like to hear the gospel."⁵¹ One of Gurley's sermons, "Man's Projects and God's Results," called attention to the problem that Lincoln was dealing with. Gurley gave the sermon on August 6, 1863, and it was later published as a pamphlet. During this summer, the Civil War was in its bloodiest days between Gettysburg in July and Chickamauga in September, which would bring over 40,000 casualties for the Union alone.⁵²

Gurley began his sermon by stating that it will illustrate the "standpoint from which I have been accustomed to look at our national troubles, and what I have believed, and still believe, will be the final outcome and issue of those troubles." He stated that "I believe this Triune God is in history; I believe He is in all history: I believe His hand and His mercy are exceedingly conspicuous in our own national history; and never more so than in the present eventful and perilous crisis." Gurley set up the central tension of the sermon by stating, "Man is a rational, a free, and, therefore, an accountable moral agent" but "it is also true that God governs the world: by which we mean that He governs not merely the world of matter, but the world of mind." God's purposes, Gurley argued, are mysterious to man but they are there nevertheless. Since God has been "manifestly and marvellously the Guardian-God of this Republic," Gurley argued that "He may chastise, but He will not destroy us; He may purify, but He will not consume us." Instead, Gurley argued it was possible "that the very efforts which have been made to divide us, should lead to 'a more perfect union'; that the very scheme which was formed to perpetuate and extend slavery, should issue in its overthrow." The ultimate purpose of the war could be to put the country "upon a foundation so broad, and deep, and sure, that it never again can be imperiled or impaired."⁵³

This suggestion mirrored Lincoln's own in the Second Inaugural. His reference to the "unrequited toil" of the slave and the "wealth piled by the bondsman" recast the Civil War as an argument for free

50. "Meditation on the Divine Will," September 2, 1862, Basler, *Collected Works*, 5:404.

51. White, *Lincoln's Greatest Speech*, 138–39.

52. Phineas D. Gurley, *Man's Projects and God's Results* (Washington, D.C.: William Ballantyne, 1863), 7–8.

53. *Ibid.*, 8

labor. In other words, God's "true and righteous" judgement was that the misery of the war was retribution for the scourge of slavery. Through this understanding of the purposes of God as being wrathful payback for slavery, Lincoln was able to recast labor, and the failure of non-contradiction, within a scheme that permits a world beyond the bloody remains of the Civil War.⁵⁴

Nevertheless, Lincoln never fully resolved the contradiction between "man's projects" and "God's purposes." Even if the war was retribution for stolen labor, then "God's purposes" robbed man of the autonomous self-creation that Lincoln held dear. Allen Guelzo described the impact of Lincoln's supposed fatalism on his historical legacy: "To see the man who urged 'work, work, work' as the formula for professional success . . . to see this man turn and disavow any belief in the individual's freedom to choose, or create alternatives of choice, creates at best an image of a mind divided within itself, and at worst, whispers of an underlying moral cynicism about the meaning of Lincoln's most important deeds."⁵⁵

Guelzo may have overstated this point, but it is clear the full autonomy granted to free-laboring men by Lincoln in his speeches prior to the war diminished. While Lincoln's theory of labor, in which our self-improvement contends with the constrictions of an increasingly oppressive capitalism, had not yet become the glaring incongruity it would by the Gilded Age, his grappling with fatalism points to the difficulties of fully autonomous self-creation. For Lincoln, a contradictory state of affairs was one in which only freedom or slavery, union or disunion, could be true. During the war, Lincoln's rationalism was no longer adequate to deal with the contradiction of a just God who allowed a horrific war.

The coming of the new economic world after the Civil War was something Lincoln would never see. Richard Hofstadter, in writing about Lincoln's economic legacy, proposed the fortunate nature of Lincoln's early death for his own mythic status as self-made man:

Had he lived to seventy, he would have seen the generation brought up on self-help come into its own, build oppressive business corporations, and begin to close off those treasured opportunities for the little man. Further, he would have seen his own party become the jackal of the vested interests, placing the dollar far, far ahead of the man. . . Booth's bullet, indeed, saved him from something worse than embroilment with the radicals over

54. "Second Inaugural," 33.

55. Guelzo, "Abraham Lincoln and the Doctrine of Necessity," in *Abraham Lincoln as a Man of Ideas*, 29.

Reconstruction. It confined his life to the happier age that Lincoln understood—which unwittingly he helped to destroy—the age that gave sanction to the honest compromises of his thought.⁵⁶

Lincoln was thus able to remain a martyr and the prototypical self-made man. If he had witnessed the capitalist excesses of the Gilded Age, it would have proved the lie to his conception of capital and labor in the starkest possible way. However, Lincoln's later fatalism became a path to avoid the historical dilemma of explaining the Civil War. The limits to Lincoln's logic of labor become obvious when the economic concerns that dominated the latter half of the 19th century challenge the republican citizenship offered to free laboring white Americans.

Conclusion

Charles Francis Adams, the U.S. minister to London, responded to Marx's congratulatory letter to Lincoln on behalf of the First International in January 1865, less than two months after the reelection. While most of the letter was diplomatically worded to avoid appearing too friendly with the organization, Adams ended his letter by writing

nations do not exist for themselves alone, but to promote the welfare and happiness of mankind by benevolent intercourse and example. It was in this relation that the United States regard their cause in the present conflict with slavery, maintaining insurgence as the cause of human nature, and they derive new encouragements to persevere from the testimony of the workingmen of Europe that the national attitude is favored with their enlightened approval and earnest sympathies.⁵⁷

This letter reminds us that the Civil War was, fundamentally, a war over labor, and that observers, such as the First International, saw it thus. For Lincoln and other republican labor theorists, the ability of men to freely labor was central to their role as socially mobile citizens. For Marx, the "American Antislavery War" was the first step toward a truly equal socialist state. While both men found labor to be at the foundation of man's capacity to act on the world, Lincoln found no real contradiction between labor and capital, since laborers were simply on their way to becoming capitalists, rather than living in a continually subservient state to capital, whereas Marx believed that capital and

56. Hofstadter, "Abraham Lincoln," *American Political Tradition*, 138.

57. Charles Francis Adams, "The American Ambassador's [sic] Reply to the Address of the International Workingmen's Association," in Enmale, ed., *The Civil War in the United States*, 282.

labor were forever at war, since capitalists had to squeeze profit out of the worker's labor power.

Labor was also central to Lincoln's thinking coming into the Civil War. The Republican Party was founded on the platform of "free soil, free labor, and free men." One of the tragedies of slavery for Lincoln was that it robbed black Americans of their labor power. While Lincoln's thoughts on slavery changed over the course of the war, his conclusions regarding slavery that resulted in the Emancipation Proclamation were based on his philosophy of labor. However, the Civil War also challenged the logic underpinning that same philosophy. Aristotelian logic, and English common law, indicated that contradiction meant that one state of affairs or the other must cease to exist. As Lincoln stated in his "House Divided" speech, "I do not expect the Union to be *dissolved*—I do not expect the house to *fall*—but I *do* expect it will cease to be divided. It will become *all* one thing, or *all* the other."⁵⁸ In the carnage of the Civil War, Lincoln met the limits of non-contradiction in his questioning of Divine Will perpetuating the Civil War. If both sides wished for the war to end, but it did not, then God's judgement must be something else entirely. While his Second Inaugural Address pointed towards the Civil War's becoming God's judgment on slavery, and for the "unrequited toil" of black Americans, this judgment was not one of strict non-contradiction. Instead, it stemmed from a more dialectical understanding of history as working through contradiction. The fatalism seen in the Second Inaugural, therefore, became a path towards an acceptance of limits on the human capacity for self-creation.

Considering Lincoln's thoughts on labor as central to his political philosophy allows us to note common ground with contemporaries such as Marx, which is useful for viewing Lincoln beyond his popular canonization. Furthermore, understanding his later fatalistic tendencies as working through a contradiction, rather than a failure to reconcile a contradiction, helps us note the ways in which his logic could fail to accommodate the world as it was. While the contradiction between labor and capital was obvious by the end of the 19th century, Lincoln's struggle with that contradiction during the Civil War demonstrates the ways in which this seed was planted, and cultivated, in the struggle over labor power in the Civil War as well. Fundamentally, Lincoln's self-made-man philosophy met its limits during the Civil War. He had to recognize that history—and contingencies beyond the control of the individual—had their own designs and purposes beyond what he, or anyone, could fully control or contain.

58. "A House Divided," 461.

Vindicating Lincoln: Presidential Patronage, the *Sultana* Disaster, and the Cairo Claims Commission

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On April 27, 1865, the sidewheel steamboat *Sultana*, jammed with approximately 2,400 Union veterans, many returning at the Civil War's end from Confederate prisons, exploded and sank on the Mississippi River near Memphis, killing more than 1,700 persons. The *Sultana*'s certified capacity was 376 persons, but the Union officers at Vicksburg, including the quartermaster, Colonel Reuben B. Hatch, allowed it to be severely overloaded even though two other transport steamers were available for boarding. Experts dispute whether the overcrowding led the *Sultana*'s boilers, which had been recently repaired, to overheat and explode, but overcrowding certainly caused the accident's horrific death toll. Surprisingly, this deadly incident did not dominate national news. Because the *Sultana* disaster occurred shortly after Lincoln's assassination and the Confederate army's surrender—Lincoln's assassin, John Wilkes Booth, was tracked down and killed the day before the steamboat exploded—it did not receive sustained newspaper attention or public scrutiny.¹

After the incident, General Cadwallader Washburn, commanding the military District of West Tennessee, convened a court of inquiry. Colonel Hatch denied playing any role in overloading the *Sultana*. Despite testimony to the contrary and allegations that a kickback from the steamboat's owners influenced Hatch and his subordinates,

1. Published histories of the *Sultana* incident include James W. Elliott, *Transport to Disaster* (New York: Holt, Rinehart & Winston, 1962); Frank R. Levstik, "The *Sultana* Disaster," *Civil War Times Illustrated* 12 (January 1974): 18–25; Wilson M. Yager, "The *Sultana* Disaster," *Tennessee Historical Quarterly* 35 (1976): 306–25; Jerry O. Potter, "The *Sultana* Disaster: Conspiracy of Greed," *Blue & Gray Magazine* 7 (August 1990): 8–24, 54–57; Potter, *The Sultana Tragedy: America's Greatest Maritime Disaster* (Gretna, La.: Pelican Publishing Co., 1992); Gene Eric Saleker, *Disaster on the Mississippi: The Sultana Explosion, April 27, 1865* (Annapolis, Md.: Naval Institute Press, 1996); and Noah Andre Trudeau, "Death on the River," *Naval History Magazine* 24 (August 2009), <https://www.usni.org/magazines/naval-history-magazine/2009/august/death-river>.

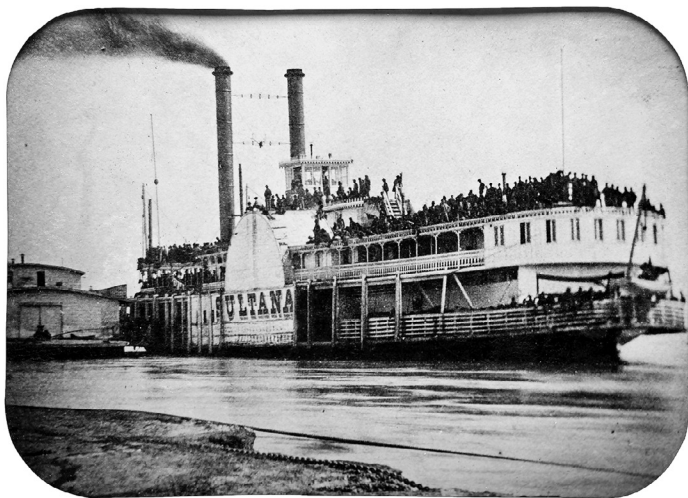


Figure 1. A sepia tintype print of the *Sultana* in 1865, overloaded with soldiers. Library of Congress.

Washburn exonerated Hatch and placed sole responsibility on another local officer, the assistant adjutant-general, Captain Frederic Speed. A separate investigation ordered by Secretary of War Edwin Stanton and led by General William Hoffman called Hatch's failure to intervene in the overloading a dereliction of duty and named Hatch and Speed "the most censurable" of the officers involved.² On June 3, 1865, Hatch was relieved of his quartermaster duties. Two weeks later, after reviewing the Washburn Commission report, Quartermaster General Montgomery Meigs recommended that Hatch be court-martialed. Instead, on July 28, 1865, Reuben Hatch was mustered out of the army with an honorable discharge. During Captain Speed's military trial the next year, Hatch ignored three subpoenas to testify—an indication, according to War Department officials, that he "felt a consciousness of some responsibility for the disaster."³

Reuben Hatch's army career thus ended in a cloud of suspicion. As recent histories have shown, that cloud can be traced back to the White House. Although Hatch's powerful political connections were overlooked at the time, his conduct appears to implicate President Lincoln.

2. For these reports, see *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, D.C.: Government Printing Office, 1880–1901) (hereafter *OR*), I, v. 48, pt. 1, 210–20; quotation is from 215. For summaries of the testimony, see Potter, *Sultana Tragedy*, 133–52.

3. Report of Judge Advocate General Joseph Holt, in *OR* I, v. 48, pt. 1, 220.

It was Lincoln who personally requested Hatch's initial appointment as assistant quartermaster at Cairo, Illinois, in 1861 as a patronage favor to the president's Illinois backers. Lincoln, historians allege, also intervened to allow Hatch to emerge unscathed from multiple investigations regarding corruption charges in 1861–62. Lincoln's subsequent aggressive lobbying to promote Hatch culminated in his assignment as quartermaster at Vicksburg, where he sent the *Sultana* on its fatal journey. The leading historical accounts of the *Sultana* disaster, including a popular PBS documentary with supporting commentary from prominent Lincoln scholar Harold Holzer, suggest that Lincoln, through his patronage largesse and careless cronyism, was indirectly responsible for the worst maritime disaster in U.S. history.⁴

This essay argues that Hatch's ascent through the army ranks, although clearly smoothed by Lincoln's support, was made possible by a lax and little-known War Department investigation of 1862, the Cairo Claims Commission. This civilian investigative body, which convened in Cairo in June and July 1862 to examine claims that originated during Hatch's term as assistant quartermaster, completely exonerated Hatch of charges of corruption and contract fraud. The full history of the Cairo Commission may never be known, since its official report went missing from the War Department records after the war. However, piecing together surviving documents and correspondence allows us to recreate the Commission's complicated origins, its investigative actions, and its decisive findings—and to highlight the deficiencies of its proceedings.⁵ President Lincoln's decision to convene

4. See Potter, *Sultana Tragedy*, 32–42; Saleker, *Disaster on the Mississippi*, 29–31; Trudeau, "Death on the River." Lincoln's complicity in the *Sultana* disaster climaxed a PBS television documentary, "Civil War Sabotage?" which was initially aired in July 2014 as an episode of "History Detectives: Special Investigations." For the video and transcript, see <https://www.pbs.org/opb/historydetectives/investigation/civil-war-sabotage/>. As a TV critic noted, the documentary concluded by "finding (or refinding) a trail of culpability that leads to Lincoln himself." Neil Genzlinger, "More Time for Sifting Among Clues," *New York Times*, June 30, 2014. Lincoln's guilt was also implied in a 2012 blues ballad titled "Reuben B. Hatch" by the band Dirt Farm: "Facing court-martial/ His brother petitions Lincoln/ He was a financial supporter/ And sometimes an adviser/ To intercede and proceed/ So Hatch was never tried. . . ." <http://the.sultana.com/project/reuben-b-hatch/>.

5. Most of the surviving records are in the Cairo Commission Consolidated Correspondence File, RG 92, National Archives and Records Administration (hereafter NARA), Washington, D.C. Scattered letters and documents located elsewhere add to the picture. A preliminary attempt to re-create the Commission's origins appeared in Charles V. Spaniolo, "Charles Anderson Dana: His Early Life and Civil War Career" (Ph.D. diss., Michigan State University, 1965), 84–98. The following history of the Commission elaborates on the summary presented in Carl J. Guarneri, *Lincoln's Informer: Charles A. Dana and the Inside Story of the Union War* (Lawrence: University Press of Kansas, 2019), 84–90.

a claims commission was not an attempt to “stop the investigation” of Hatch or prevent a court martial, as avid *Sultana* researchers have alleged.⁶ Nevertheless, the Commission’s blanket absolution of Hatch opened the way for endorsements of the ambitious quartermaster by Lincoln (and by General Grant), which led to Hatch’s subsequent promotions. In appointing Hatch, President Lincoln followed traditional patronage practices, and in continuing to advance his army career after the Cairo Commission’s exoneration, Lincoln was acting in good faith. The Commission’s shortcomings bear a much greater share of responsibility than Lincoln for Hatch’s later malfeasance, including his role in the *Sultana* disaster.

Located at the point where the Mississippi and Ohio Rivers converged, the town of Cairo sat in clusters of ramshackle, seemingly temporary buildings on a boot-shaped marsh protected by levees from the great rivers’ overflow. Perpetually muddy and pungent with the odors of marshland and animal pens, Cairo was described gloomily by Charles Dickens during his American tour in 1842 as “a dismal swamp, . . . a hotbed of disease, an ugly sepulchre, a grave uncheered by any gleam of promise: a place without one single quality, in earth or air or water, to commend it.” Twenty years later, another visiting British novelist, Anthony Trollope, found Cairo’s streets “absolutely impassable with mud” and donned high boots to negotiate its plank sidewalks. By then, however, the town was no longer desolate. Early in the Civil War, Cairo became the Union’s most important river port in the West, the focal point of Northern plans to split the Confederacy in two. In the summer of 1861 Cairo served as General Grant’s headquarters; when his army headed south in the fall, it was his main communications center and supply depot. From Cairo’s docks Union gunboats were dispatched on expeditions up the Ohio and Tennessee Rivers; from its warehouses Union armies on both sides of the Mississippi—in Kentucky, Tennessee, and Missouri—received their supplies and munitions.⁷

The town’s sudden prominence as a military supply center severely tested its quartermaster’s office. The logistical problems of outfitting the mushrooming Union army led to improvised, irregular supply procedures; lack of government cash sometimes reduced procurement to promises and bartering; and lucrative war contracts brought

6. Potter, *Sultana Tragedy*, 36; Potter, “The Sultana Disaster,” 11; “Civil War Sabotage?,” PBS documentary (July 2014), transcript.

7. Charles Dickens, *American Notes* (1843; New York: John W. Lovell Co., 1883), 747; Anthony Trollope, *North America* (Philadelphia: J. B. Lippincott, 1862), 2:112; James M. Merrill, “Cairo, Illinois: Strategic Civil War Port,” *Journal of the Illinois State Historical Society* 76 (1983): 242–56.

enticing new opportunities for corruption. By the fall of 1861 there was growing evidence that quartermaster operations at Cairo were being managed incompetently and probably dishonestly.

The problems dated from the previous summer, when Reuben B. Hatch was appointed Assistant Quartermaster. Hatch was the younger brother of Ozias M. Hatch, a close friend and political ally of Lincoln. In the 1850s the Hatch brothers, Reuben, Ozias, and Isaac, operated a mercantile store in their hometown of Griggsville, Illinois (about 45 miles west of Springfield). Ozias became active in state politics and in 1856 was elected as Secretary of State, serving back-to-back terms. John G. Nicolay, who became Lincoln's campaign assistant and White House secretary, had been Hatch's clerk. According to Nicolay, Hatch's office in the Old State Capitol was the center of Springfield political activity in the years before Lincoln left for Washington. Lincoln often visited there while using the Capitol's law library or seeking political scuttlebutt. There also Hatch and other prominent state Republicans met early in 1860 to propose putting up Lincoln's name as the Illinois nominee for president. Hatch headed a circle of Lincoln friends who helped secure his nomination at Chicago and provided incidental expenses for the 1860 presidential campaign. After Lincoln was elected, Hatch, along with State Auditor Jesse K. DuBois and State Treasurer William Butler, frequently advised President Lincoln on appointments and fought pro-Confederate influences in that intensely divided state.⁸

Reuben Hatch, according to his elder brother, was "foolish enough to desire an office," and in March 1861, when the Lincoln administration was besieged with place seekers, Ozias Hatch asked Lincoln's friend and sometime bodyguard Ward Hill Lamon to lobby for Reuben. Nothing came of this, so on April 26, two weeks after the war broke out, Reuben, aged 41, volunteered for the 8th Illinois Infantry and was commissioned as First Lieutenant and Quartermaster. Three months later he was mustered out from his unit, and on August 3, 1861, he was promoted to captain and assigned as assistant quartermaster at Cairo. President Lincoln had personally requested this appointment a week earlier from Secretary of War Simon Cameron.⁹

8. For biographical information on Reuben Hatch, see "Reuben Benton Hatch (May 16, 1819–July 28, 1871)," at <https://www.pikelincoln.com/explore-historical-pike-county/northern-district/griggsville-cemetery/>. For Ozias Hatch and his circle, see "Mr. Lincoln and Friends: Ozias M. Hatch," at the Lincoln Institute website: <http://www.mrlincolnanfriends.org/the-politicians/ozias-hatch/>.

9. Ozias M. Hatch to Ward Hill Lamon, March 18, 1861, in Lamon, *Recollections of Abraham Lincoln 1847–1865* (Washington, D.C.: Dorothy L. Teillard, 1911), 316; Lincoln to Cameron, July 26, 1861, *The Collected Works of Abraham Lincoln* (hereafter CW), ed. Roy P. Basler (New Brunswick, N.J.: Rutgers University Press, 1953), 4: 461.

Harry J. Carman and Reinhard H. Luthin, the most comprehensive students of Lincoln's distribution of patronage, contend that on the whole the President wielded his appointment powers judiciously to balance Republican Party factions, to bind War Democrats to the success of his administration, and to preserve the Union during wartime. However, "Lincoln, except in a few cases, made no very searching effort to ascertain whether the persons appointed were those best fitted by talent and experience for the job." "In other words," they conclude, Lincoln "followed the time-honored rule of political expediency. To friends—particularly those of long standing—he was inclined to show favoritism." Pressures for patronage were particularly strong in Illinois, where Lincoln's colleagues, neighbors, and supporters clamored for offices and never appeared satisfied that the President had done enough to reward them for their support. To appease those friends, Lincoln was glad to help Reuben Hatch, especially since he was unaware that Hatch was incompetent and probably corrupt.¹⁰

In July 1861 Congress, increasingly critical of the lax regime of Secretary of War Simon Cameron and aware of allegations of graft and lavish spending against General John C. Frémont, whose Department of the West included Cairo, formed a House Committee to inquire into contracts relating to western war operations. Four members of the Committee, led by Representative Elihu B. Washburne, met at St. Louis from October 15 to October 29, and at Cairo on October 31. Testimony presented at Cairo alleged such irregularities under Captain Hatch as long delays in the settling of accounts, the use of his clerk as a middleman, and the diversion of government horses and mules to Hatch's own farm. These were noted in the Committee's partial report of December 17.¹¹

A few days earlier, a reporter for the *Chicago Tribune* wrote a story claiming that local lumber dealers were being instructed to fill out inflated bills to cover the Cairo quartermaster purchasing agent's "commission."¹² General Grant, the commander at Cairo, had recently praised Hatch for his logistical assistance at the Battle of Belmont, and he was evidently surprised by these allegations. Grant sent an aide,

10. Harry J. Carman and Reinhard H. Luthin, *Lincoln and the Patronage* (New York: Columbia University Press, 1943), 334; David Herbert Donald, *Lincoln's Herndon: A Biography* (New York: Alfred A. Knopf, 1948), 153; Allan Nevins, *The War for the Union: The Improvised War, 1861–1862* (New York: Charles Scribner's Sons, 1959), 34; Ward Hill Lamon, *Recollections of Lincoln*, 27–28. See "Mr. Lincoln and Friends: Illinois Patronage," <http://www.mrlincolnanfriends.org/illinois-patronage/>.

11. *House Reports* 2, 37 Cong., 2nd sess., Serial 1143, li–lii, and Appendix: Journal of the Committee, 6–29 (testimony at Cairo).

12. *Chicago Tribune*, December 12, 1861.

Captain William S. Hillyer, to Chicago to investigate. Taking Captain Hatch along, Hillyer reported that the quartermaster had not been cooperative, but his inquiries had established that Hatch and his clerk Henry Wilcox had overbilled the government for the lumber and may have split the profits with the lumbermen.¹³

In January 1862, Grant, concluding that the investigation “fully sustains the charges made by the Tribune,” had Hatch and his chief clerk George Dunton arrested, clerk Wilcox dismissed, and the Quartermaster records seized. Hatch was accused of using illegal purchasing methods, defrauding the government through inflated billing on vouchers, and ignoring the graft of his assistant Wilcox. Grant requested that the U.S. Judge Advocate General’s Office begin preparing court-martial charges against Hatch, but Washington officials apparently lacked the necessary vouchers to specify charges. Grant, meanwhile, had received allegations about “selling clothing and other property by the Quartermaster, hiring boats and giving vouchers for a different price,” and buying grain in bulk to sell in smaller sacks at a profit. To investigate these accusations and determine Hatch’s innocence or guilt, the general suggested that “some suitable person” be delegated by the Quartermaster office in Washington.¹⁴

Quartermaster General Montgomery Meigs, after hearing from Grant about Hillyer’s report, and having received other incriminating reports on the Cairo office, told the new war secretary Edwin Stanton that none of his officers could be spared to investigate. Instead, Meigs ordered that all of the debts to contractors incurred at Cairo be submitted to a War Department claims commission that had been sitting in St. Louis since mid-November to examine military contracts, with General Frémont as its primary target. Kentuckian Joseph Holt, a former secretary of war under President Buchanan, Lincoln’s Illinois colleague David Davis, and prominent merchant Hugh Campbell of St. Louis were its members.¹⁵ On Grant’s advice, General Henry W. Halleck told Commissioner Davis to investigate, but not to settle, accounts from Cairo, “as every day develops [new] evidence of peculation.”¹⁶

13. *Chicago Tribune*, December 18, 1861; W.S. Hillyer to Grant, December 22, 1861, Cairo Claims Commission File, RG 92, NARA.

14. Grant to Montgomery Meigs, December 29, 1861, *The Papers of Ulysses S. Grant* (hereafter *PUSG*), ed. John Y. Simon (Carbondale: Southern Illinois University Press, 1967–2012), 3:351; Grant to Gen. Halleck, January 12, 1862, *PUSG* 4:37; Grant to Reuben B. Hatch, January 12, 1862, *PUSG* 4:44; Grant to Gen. Meigs, January 13, 1862, *PUSG* 4:46–47; Grant to Meigs, January 22, 1862, *PUSG* 4:79–80; J. F. Lee to John G. Nicolay, May 19, 1862, Lincoln Papers, Library of Congress (hereafter LC), online.

15. Meigs to Stanton, January 31, 1862, Cairo Claims Commission file, RG 92, NARA; Meigs to Grant, January 4, 1862, *PUSG* 3:352.

16. General H.W. Halleck to David Davis, January 13, 1862, *PUSG* 4:36n.

Meigs also urged Edwin Stanton to send an attorney to investigate the allegations against Hatch and prepare additional court-martial charges if warranted.¹⁷ Stanton had heard reports of corrupt and wasteful operations in the West and was anxious to root out shady practices tolerated by his predecessor Cameron. To assess conditions at Cairo he sent Assistant Secretary Thomas A. Scott to confer with generals and tour the camps. Scott was a former Pennsylvania Railroad vice president and an efficient manager who could penetrate the fog of army contracts. On February 12 Scott reported to Stanton that "the condition of affairs under Q. M. Hatch was about as bad as could well be imagined." Testimony from contractors had uncovered "a regular system of fraud": vouchers billing the government for lumber, hay, oats, and ferryboat rentals were inflated over costs, and "the difference, it is supposed, was to belong to the Quarter Master's Department *as perquisites*." Scott reported that Hatch, currently under military confinement to Cairo, may have been responsible for further mischief: "A few days after his arrest two of his ledgers were found at the lower point of Cairo, in the water at a point where the Ohio and Mississippi meet. They were washed onshore, the intention evidently being to destroy them." With Grant's expedition to Fort Donelson already under way, "the accounts of Capt. Hatch should be pressed to settlement immediately," Scott declared. He recommended that the Quartermaster's Department be reorganized and Hatch's accounts handed over to a competent officer who would reduce all claims to fair prices and settle them.¹⁸

The War Department's St. Louis Claims Commission report, completed on March 10, 1862, echoed Scott's suspicions. Its members had examined only a fraction of the claims originating under Hatch's administration but found strong indications that transactions in coal, ice, and lumber were tainted with fraud. Perhaps to cover the trail, Hatch regularly had his clerk sign the vouchers for him, a practice which itself was illegal. The Commissioners recommended that no Cairo vouchers be paid without an investigation: "Were an intelligent and faithful commissioner sent to Cairo, with power and directions to examine the claimants under oath, and such other testimony as might be obtained, the truth would probably generally be arrived at."¹⁹

On March 14, 1862, the House Committee on Contracts, which had been alerted by Stanton, held a new hearing in Chicago which exposed the lumber fraud in seamy detail. On two occasions late in 1861 Hatch

17. Meigs to Grant, January 4, 1862, *PUSG* 3:352.

18. Thomas A. Scott to Edwin Stanton, February 12, 1862, Stanton Papers, LC.

19. *Report of the St. Louis Claims Commissioners*, March 10, 1862 (copy), Joseph Holt Papers, Huntington Library, San Marino, California.

sent his assistant Wilcox to Chicago to purchase lumber for barracks at Cairo. Wilcox brought in his brother-in-law, Benjamin W. Thomas, as a middleman. As they visited various lumber dealers, Wilcox waited outside; inside, Thomas purchased lots of lumber for an average of \$9.50 per thousand board feet but asked dealers to bill the government for \$10.50, representing the difference as his commission. Wilcox and Thomas testified that over half of this "commission"—more than \$300—went to Hatch.

Hatch compounded the fraud with a cover-up. When Hatch had accompanied Grant's investigator Hillyer to Chicago, he shed him to meet secretly with the lumbermen in the same hotel and renegotiate their contracts, an obvious attempt to paper over the November and December deals. Hatch then sequestered Wilcox at the farm of his brother, Sylvanus Hatch, in an unsuccessful attempt to prevent him from testifying before government investigators. Based on the testimony of Wilcox, Thomas, and the lumbermen, the House report concluded that Hatch's lumber purchases were "fraudulent and corrupt," and that the Quartermaster had "combined with other parties to defraud the government and put money directly into his own pocket."²⁰

By the spring of 1862, then, four different preliminary investigations presented allegations and testimony regarding Hatch's complicity in various fraudulent schemes and other irregularities at Cairo. There were varied opinions on what to do next, but all the military men recommended further investigation prior to any court martial. Stanton's troubleshooter Scott and the War Department's St. Louis Commission recommended appointing a special commissioner to settle the Cairo claims. Quartermaster General Meigs agreed that a commissioner or Congress should take the lead, complaining repeatedly that his officers were "too few and too fully occupied with more important matters to be detailed on this investigation." Grant awaited further findings by the War Department (either an investigator appointed by Meigs or General Halleck's office, which was examining Hatch's ditched books) before deciding on a court of inquiry.²¹

President Lincoln, meanwhile, apparently learned of the accusations against Hatch in mid-January 1862, when he came across a report in the *New York Herald* that the quartermaster department at Cairo was rife with "the grossest frauds and peculations," including "coal swindles, horse swindles, mule swindles, and swindles of all kinds" perpetrated by Hatch. The reporter, Frank G. Chapman, claimed to

20. *House Reports* 37 Cong., 2nd sess., Serial 1143, pp. 1090–1137, lii.

21. Grant to Meigs, January 22, 1862, and Meigs to Stanton, January 29, 1862, *PUSG* 4:79–80.

have all the facts. Lincoln's reaction was not to defend his appointee Hatch or suppress the story, but to have the evidence placed before the proper War Department authorities. The President contacted Chapman and directed him to see Meigs and share his sources.²²

Later that month Hatch's attorney, Jackson Grimshaw, from Hatch's Pike County and another of Lincoln's Illinois friends, came to Washington to protest Hatch's arrest and argue his innocence. His presence was noted by Lincoln's secretary, Nicolay: "Jack Grimshaw has been here a week or ten days trying to ascertain and straighten out the troubles Reuben Hatch has somehow got himself into over his Quartermaster's affairs." Grimshaw carried a letter from U.S. Senator Orville Browning, another Illinois friend of Lincoln, attesting to Hatch's integrity and asking for a "fair, speedy trial." On January 31 Grimshaw urged the President in writing to speed the process by ordering a court martial or a court of inquiry himself. The next day, Lincoln asked Judge Advocate General John F. Lee if he as president could order such a court. Lee replied that General Grant was in a better position to know the facts and intended to appoint a military inquest; Lincoln should not interpose to speed things up.²³

Nearly a month passed, and the Illinois Republicans resumed their lobbying. On February 24, 1862, Illinois Governor Richard Yates, Ozias Hatch, and Jesse Dubois wrote Lincoln that the charges against the Quartermaster were "*frivolous* and without the shadow of foundation in fact." Lincoln again asked the Judge Advocate General for an opinion on the case, declaring: "I also personally know Capt. R. B. Hatch, and never before heard any thing against his character." The President was not asking Lee to squelch the case but was seeking Hatch's release from military confinement while the investigations continued. Lee consulted Meigs, who replied that the investigation so far was "very much against Capt. Hatch" and it would be "highly improper" to pass over such serious charges and restore Hatch to duty until a trial cleared him of wrongdoing. Meigs recommended that Lincoln press General Halleck, the supreme Union commander

22. "Our Cairo Correspondence," *New York Herald*, January 11, 1862; Meigs to Stanton, January 31, 1862, Cairo Claims Commission file, RG 92, NARA.

23. Nicolay to Therenia Bates (his fiancée), February 2, 1862, in Michael Burlingame, editor, *With Lincoln in the White House: Letters, Memoranda, and Other Writings of John G. Nicolay, 1860-1865* (Carbondale: Southern Illinois University Press, 2000), 68; Orville Browning to Stanton, January 27, 1862, *PUSG* 4:59n.; Jackson Grimshaw to Lincoln, January 31, 1862, Lincoln Papers, LC, online; Lincoln to John F. Lee, February 1, 1862, *CWL* 5:116.

in the West, to initiate the earliest possible court-martial proceedings. All this correspondence was forwarded to Halleck.²⁴

As the case dragged into the second half of March, the options narrowed to two: preparing a court of inquiry into the allegations against Hatch (forming the basis for a court martial) or creating a special commission, like the one meeting in St. Louis, to examine and settle all the Cairo claims. Hatch's attorney Jackson Grimshaw, in private and public letters, demanded an investigation by court martial or court of inquiry, in which there would be sworn testimony and Hatch could confront his accusers face to face. Grimshaw claimed that Hatch was the victim of a smear campaign being mounted by disappointed dishonest contractors and political opponents of Illinois's staunch Republicans.²⁵

Despite Grimshaw's urging and General Grant's initial support for a court martial, time loomed as a major obstacle to convening a military investigation. Establishing a paper trail that linked payment vouchers to accounts in Hatch's ledger books would take several more weeks of research coordinated by Halleck's office. The War Department, prompted by its St. Louis Commission and led by Meigs and Stanton, wanted to settle outstanding contract claims as quickly as possible and get on with the business of producing victories downriver (the battle of Shiloh loomed just two weeks ahead). Meanwhile, President Lincoln hovered in the background as Hatch's patron, relentlessly badgered by his Illinois friends to expedite the case.

As things turned out, Halleck, characteristically cautious and deferential to Washington authorities, gave Lincoln the last word on how the case should proceed. Stanton and Meigs made their preference clear: a court would sit for a long time and divert too many officers from military duties, and contract claims required immediate settlement if supplies were to be procured to continue the Union's downriver offensive. As Meigs wrote to Lee, and Lee passed on to Lincoln, "I fear that such a court would be long employed and that the services of the officers upon it could be ill spared." An investigating commission consisting of civilians (like the St. Louis Commission) would avoid this problem; it could settle all outstanding claims, and it could also produce evidence to resolve the question of a court martial. Lincoln, opting for a speedy resolution of the claims and expecting that the investigation would clarify Hatch's guilt or innocence, decided on

24. Yates, O. Hatch, and Dubois to Lincoln, February 24, 1862; Lincoln endorsement to J. F. Lee, March 20, 1862; Meigs endorsement to Lee, March 21, 1862; all in *PUSG* 4:83.

25. Grimshaw letter to editors, *Chicago Tribune*, May 29, 1862.

the commission. He informed Meigs, who alerted Stanton on March 26. On April 2 the President wrote to Stanton to make it official and to suggest potential appointees.²⁶

The foregoing sequence of events and communications does not support the accusation made by historians of the *Sultana* disaster that Lincoln intervened to squelch the charges against Reuben Hatch or to shield him from investigation. The idea that Lincoln moved to prevent a court martial is also misleading. On the contrary, Lincoln transmitted incriminating evidence in the case to the proper military authorities, pressed for a timely court martial (as did Hatch's attorney), and sought to have Hatch temporarily reassigned while the investigation dragged on. Lincoln's decision to convene a commission to examine Hatch's claims was grounded in War Department precedent and recommended by Meigs and Stanton. A claims commission did not preclude an eventual court martial but represented an expeditious and neutral way to move the case forward amid wartime pressures of limited time and personnel. The president's political influence did not save Reuben Hatch from prosecution, as Lincoln's critics declare; instead, as we shall see, a shoddy investigation by the Cairo Commissioners did.

In May 1862 Stanton appointed George S. Boutwell, Charles A. Dana, and Stephen T. Logan to serve on the Cairo Claims Commission. Boutwell, formerly a Free-Soil governor of Massachusetts, had extensive experience in financial and banking investigations. Dana, who had been Horace Greeley's managing editor at the *New York Tribune*, won Stanton's attention by prodding General George McClellan to attack the Confederate army and put an end to "champagne and oysters" at headquarters. Logan was a former law partner of Lincoln and the only member who was appointed at the President's recommendation. Stanton charged the commission "to examine and report upon all unsettled claims against the War Department at Cairo, Illinois, that may have originated prior to the first day of April 1862." Each commissioner received a travel allowance and a modest government stipend of eight dollars a day. Former Judge Thomas Means of Leavenworth, Kansas—rather than Lincoln's suggested candidate, John R. Shepley—was appointed as attorney for the Commission.²⁷

Logan, Dana, and Means convened in Cairo in mid-June. They set up living quarters in a shed on the levee and organized a mess with General William K. Strong, the officer in command. Boutwell arrived

26. Meigs to J. F. Lee, February 3, 1862, Lincoln Papers, LC, online; Meigs to Stanton, March 26, 1862, *PUSG* 4:83; Lincoln to Stanton, April 2, 1862, *CW* 5:177.

27. Edwin Stanton to Charles A. Dana, January 24, 1862, Dana Papers, LC; Stanton to Dana, June 16, 1862, Dana Papers, LC; Lincoln to Stanton, April 2, 1862, *CWL* 5:177.

a few days later; according to his recollections, their situation was “disagreeable to an extent that cannot be realized easily.” The summer heat was torrid; dead animals, the victims of the heat and earlier flooding, littered the ground; and every evening they endured thunderstorms and then higher water coming down the two rivers. Sickness was rife among the town’s inhabitants; Boutwell claimed he escaped it by eating moderately and drinking only tea and water from Iowa ice. Despite the heat—or perhaps seeking to escape it as quickly as possible—the Commissioners worked steadily, meeting almost daily in an office in “the Bank building” in town, most likely the City Bank of Cairo (1858–1865).²⁸

Exactly what the Commissioners did has to be reconstructed from fragmentary evidence, since their official report disappeared from War Department files within a few years without being printed.²⁹ The materials that remain in the National Archives include a journal with brief entries describing the Commission’s meetings, a partial alphabetical register of the claims and their disposition, and a small number of affidavits and letters pertaining to transactions.

According to surviving minutes, at the Commission’s first meeting on June 18 Dana and Logan were present along with solicitor Thomas Means; two days later Logan was named chair. The men drew up an announcement that the Commission was in session and solicited claims against the War Department incurred at Cairo prior to April 1862. The call for claims was published in newspapers at Cairo, St. Louis, Chicago, Springfield, Cincinnati, and Louisville. Within a few days Logan took ill and was unable to attend the commission’s meetings. He resigned on June 28 and was replaced as chair by George Boutwell, who had arrived on June 22. Logan’s seat was filled by Shelby M. Cullom, another Lincoln associate and the Republican Speaker of the Illinois House of Representatives.³⁰

Reuben Hatch arrived in town on June 24. Sometime in April, while awaiting the commission’s investigation, Hatch had been released from local custody in Cairo by General Halleck and, at the request of General Strong, restored to duty as acting commissary of subsistence

28. George S. Boutwell, *Reminiscences of Sixty Years in Public Affairs* (New York: McClure, Phillips & Co, 1902), 293–94.

29. After the Commission adjourned, chairman Dana sent the report and related documents to the Assistant Quartermaster at Chicago with instructions to forward them to the Office of the Quartermaster General at Washington, where their reception was noted in the Register of Letters Received on August 6, 1862. But within a few years they went missing.

30. Cairo Claims Commission *Proceedings*, June 18, 19, 28, 1862, RG 92, NARA; *Chicago Tribune*, June 23, 1862.

at Paducah, Kentucky. When Stanton found out, in a fit of pique he had Hatch rearrested. Hatch first appeared before the commissioners on June 27 but did not undergo examination because his attorney, Jackson Grimshaw, had not yet arrived. That day, the commissioners began examining claims.³¹ Thereafter they worked at a steady pace whose progress was tracked privately in letters from Grimshaw (who arrived at the end of the month) to Ozias Hatch, and noted publicly by a local reporter for the *Chicago Tribune*.³²

The *Tribune* reporter, however, provided no account of the Commission's most important meeting. On July 2 Captain Hatch appeared before the Commission accompanied by his counsel, Grimshaw. Immediately a pivotal confrontation occurred. Solicitor Means wanted Hatch sworn in and "examined generally on the management of the business of the Quartermaster's Department" at Cairo while he was Assistant Quartermaster. Attorney Grimshaw refused to allow this, stating instead that the Commission could examine his client under oath regarding particular claims arising during his tenure. After conferring, the three Commissioners overruled Means and agreed with Grimshaw: Hatch would be asked only about particular claims, "as in their judgement may be necessary."³³

From that point on, most of the Commission's meetings were spent examining individual claims presented by contractors and other aggrieved parties. Captain Hatch was present several times beginning on July 9, usually with his counsel, and was asked to certify under oath the accuracy of many vouchers presented. On July 12 Boutwell resigned, having been named Commissioner of Internal Revenue by Treasury Secretary Salmon Chase, and Dana was elected chair in his place. After July 13 the group met every day until it concluded its business. The cutoff date for claims to be presented was July 25; the Commission worked feverishly on the remaining cases until its final meeting on July 31, at which its report was approved and a copy of its abstract of claims was made for the disbursing officer at St. Louis.³⁴

All told, the Commissioners examined 1,696 claims, amounting to \$599,219. The value of those approved and certified for payment was

31. *Chicago Tribune*, May 29, June 26, 1862; CW 5:116, note (Hatch's release in April 1862); Nicolay to John F. Lee, May 19, 1862, with endorsement by Montgomery Meigs, Lincoln Papers, LC, online; *PUSG* 4:84.

32. See Jackson Grimshaw to Ozias M. Hatch, July 11, 20, August 1, 1862, in Ozias M. Hatch Papers, Abraham Lincoln Presidential Library and Museum, Springfield, Illinois (hereafter ALPLM). I am indebted to Christopher Schnell, Manuscripts Curator at ALPLM, for sending me scans of Grimshaw's 1862 letters in the Hatch Papers. See also seven reporters' letters from Cairo to the *Chicago Tribune*, June 23–August 2, 1862.

33. *Proceedings*, July 2, 1862, Cairo Commission File, RG 92, NARA.

34. *Proceedings*, Cairo Commission File, RG 92, NARA.

\$451,105. The majority of the claims rejected were for damages allegedly caused by Union troops and requisitions made by the armies against citizens who had inadequate documentation, or whom the Commissioners determined to be disloyal. A particularly large claim of \$33,000 by John Bird, a shipping agent from Bird's Point on the Missouri shore opposite Cairo, was dismissed on account of his complicity with Confederates. A claim for damages to an Ohio River steamboat that General Grant had ordered seized was accepted by the Commissioners but disallowed after the war by the Senate Committee on Claims. Another set of rejected claims, which we know about only from Charles Dana's published memoirs of 1898, concerned the Union government's use of Cairo's wharves for shipping and vacant lots for barracks and stables. The Commissioners decided that "the exigencies of the war" justified the temporary Union takeover of these assets rent-free.³⁵

Of the claims the Cairo Commission accepted, most were credited at face value. "A very small percentage of the claims were rejected because of fraud," chairman Dana later recalled. "In almost every case it was possible to suppose that the apparent fraud was accident." Astonishingly, the Commissioners found no evidence of wrongdoing by Reuben Hatch. "All of Quartermaster Hatch's claims were allowed, the investigation not having established anything of fraud or corruption in them," the *Chicago Tribune's* Cairo man reported.³⁶ The full reason for Hatch's exoneration may never be known, but surviving documents, viewed in light of the case's complicated history, suggest some answers.

Much of the problem lay in the Commission's interpretation of its mandate. Were the commissioners merely to examine outstanding claims or were they to undertake a larger investigation of the Quartermaster's history and operations? Early on, the Commissioners made the unanimous decision that Hatch should not be compelled to testify on the general management of his office but only on particular claims. At the same time, the Commissioners apparently decided that they would not investigate the allegations of fraud uncovered by the Washburne Committee, the St. Louis Commission, and Assistant War Secretary Scott unless the relevant claims were presented for payment. (That was likely the implication of the "as may be necessary" limitation on Hatch's testimony.) These two decisions drastically narrowed the Commission's task, fatally compromised its investigation, and excluded much evidence that might incriminate Hatch.

35. Dana, *Recollections of the Civil War* (New York: D. Appleton and Co., 1898), 13–14; *New York Times*, August 5, 1862; U.S. Congress, *Senate Committee on Claims, 45th Congress, 3rd Session, Senate Report 553*, December 12, 1878.

36. Dana, *Recollections*, 14; *Chicago Tribune*, August 2, 1862.

At times the Commission seemed to take its investigative role more seriously. Two of Hatch's clerks, George Dunton and a Mr. Dickinson, were examined under oath on business practices in his office. Dunton was questioned "at length" about hiring of men, renting of buildings, and purchases of coal. Dickinson testified about the payment of laborers. Hatch himself was asked about some purchases of steamboats that do not appear in the Commission's partial roster of claims.³⁷ The Commissioners took testimony relating to coal purchases from V. B. Horton, Jr., who, according to a witness deposed earlier by Assistant Secretary of War Thomas Scott, was systematically shortchanging the government. However, they found no wrongdoing on Hatch's part and paid Horton's claims in full.³⁸ The Commissioners also conducted a reasonably thorough investigation of shoe and boot contracts of October and November 1861, but they uncovered no convincing evidence to sustain an agent's allegation that he had to pay Hatch a 5% premium to obtain a government contract. (Hatch claimed that the agent himself was "skimming," and the agent's boss did not defend him.) The Commissioners did ascertain that Hatch had his clerk sign vouchers for him in his absence, a practice that violated military regulations.³⁹

According to Dana, the Commissioners also looked into the charge that Hatch destroyed incriminating evidence: "The books and papers were taken out of Captain Hatch's custody at the time of his arrest," Dana wrote, "and there was not a particle of evidence produced before the Commission that he had had any control over them, subsequent to that event. One of his books was found on the shore of the Ohio River, but this book was an attempt made at the beginning of his service as Assist. Quartermaster to keep his accounts by the casual mercantile system of double entry, and there was nothing in this book to indicate any dishonesty or fraud on his part." Ignoring the question of how Hatch's account books ended up in the river, the Commissioners concluded that they demonstrated his inexperience, not dishonesty. In short, as Dana recalled 18 months later, "it was the unanimous conclusion of the Commission that there was no evidence before it to prove him [Hatch] other than an honest man."⁴⁰

37. *Proceedings*, July 2, 3, 8, 1862, Cairo Commission File, RG 92, NARA.

38. Thomas A. Scott to Edwin Stanton, February 12, 1862, Stanton Papers, LC; *Proceedings*, Register of Claims, Cairo Commission File, RG 92, NARA; Jackson Grimshaw to Ozias M. Hatch, July 11, 20, 1862, Ozias M. Hatch Papers, ALPLM.

39. On the boot and shoe purchases, see Reuben Hatch to Benedict Hall, June 2 and 3, 1862; William B. Hall to Charles A. Dana, July 7, 1862; and other correspondence in the Cairo Commission file, RG 92, NARA; Jackson Grimshaw to Ozias M. Hatch, July 20, 1862, Ozias M. Hatch Papers, ALPLM.

40. Charles A. Dana to John G. Nicolay, February 6, 1864, Cairo Commission File, RG 92, NARA.

Yet even by the loosest of standards no thorough investigation had been undertaken. When asked by Lincoln's secretary Nicolay in February 1864 to clarify the Commission's findings, Dana reported that the Commission examined the Chicago lumber purchases in dispute and found "no evidence whatever" of dishonest billing or charging of commissions. Surviving records call this judgment into question. The Commission's alphabetical register of claims includes 10 small claims for lumber, all of which were approved at prices between \$8.75 and \$9.50 per thousand board feet—uninflated market prices. However, none of these were the Chicago lumber purchases in dispute. The Commissioners did not interrogate Hatch's accomplices in the lumber fraud, Wilcox and Thomas, nor did they review the testimony of those men under oath before Washburne's Committee. Hatch confirmed that no claims were submitted to the Commission relating to the lumber and ice transactions that had been targeted by the St. Louis board. These shady dealings were therefore not investigated. Instead, Hatch was allowed to insert a statement into the Commission's record in which he claimed that the high prices he paid for lumber and ice in November 1861 were "a business necessity" in some cases, or a "misunderstanding" between the parties in others. He flatly denied receiving any commission: "I had not and never have had any pecuniary interest in the shape of commissions or otherwise in these or any other purchases made by me as Asst. Qr. Master."⁴¹

For other transactions, the Commissioners evidently did not check the amounts in the discarded ledger books against vouchers at the War Department, as Assistant Secretary Scott had urged. Amazingly, for the majority of claims the Commissioners simply accepted Hatch's sworn certification "as to their correctness and legality." The only resistance to this procedure came later from quartermaster officials in St. Louis, who protested against paying claims presented without regulation vouchers. Dana replied in defense that the Commission's job was to settle valid claims, not to examine vouchers for proper signatures.⁴²

There is little doubt that Hatch was guilty of fraud in the lumber deals and probably in others. It was obvious that he ran his office in a haphazard and sometimes illegal fashion. But the Cairo Commissioners did not find—nor did they look hard for—evidence to support a court of inquiry into Hatch's conduct. Besides their myopic focus on settling outstanding claims, was there more at work in this oversight?

41. Charles A. Dana to John G. Nicolay, February 6, 1864; *Proceedings*, Register of Claims; Reuben Hatch to Charles A. Dana, July 25, 1862, all in Cairo Commission File, RG 92, NARA.

42. *Proceedings*, July 10, 1862; P. Clark to Dana, August 27, 1862; Dana to Boutwell, September 3, 1862, all in Cairo Commission File, RG 92, NARA.

Did Hatch's connection to Lincoln influence the Commissioners' too-friendly inquiry?

Officials at the War Department certainly knew about Hatch's friends in high places. As early as January 1862 prominent Illinois Republicans complained to Stanton about Hatch's arrest. Hatch's attorney Grimshaw called on Stanton in Washington, and Lincoln's testimonial praising Hatch probably passed through the War secretary's hands.⁴³ Although Lincoln never asked to have the charges dropped but only to have the case resolved as quickly as possible, Stanton and his commissioners no doubt felt political pressure to acquit Hatch. Still, it is hard to imagine Stanton meekly acquiescing, given his prickly independence in other cases in which Lincoln referred cases of aggrieved friends and political allies to him. It was Stanton, for example, who had Hatch snatched from duty at Paducah and rearrested before the Cairo Commission met. And Stanton, not Lincoln, dominated the Commission's makeup: One of the commissioners Stanton appointed (Logan) had been suggested by the President, but Dana and Boutwell were the War Secretary's choices, and they were known for their tough stands against fraud and incompetence. It is also hard to imagine Boutwell and Dana, who were essentially auditioning for full-time government posts—Boutwell at the Treasury and Dana as one of Stanton's assistant secretaries—trying to please Stanton with a lackluster investigation. The two men fully expected to sustain the charges against Hatch and were pleasantly surprised by the Commission's findings. "There is rascality in some of the [western] Quartermasters I am pretty certain," Dana wrote to a friend, "but generally the business of the army is honestly done. Charges of fraud, as I have ascertained, dwindle when you come to sift the evidence." Years later Dana remembered that finding so little corruption in a case "where the charges seemed so well based . . . was a source of solid satisfaction to everyone in the War Department."⁴⁴

Clearly the commissioners cut Hatch enormous slack. They allowed for the difficulties an inexperienced officer faced in running the overburdened quartermaster business early in the war, and they lowered their standards out of consideration for Hatch's Unionist loyalty in a hotly contested border-state region. The irregularities the Commissioners did find—unauthorized signatures and deceptive vouchers—could be dismissed this way. "Much of the business," Dana recalled,

43. Orville Browning to Stanton, January 27, 1862, *PUISG* 4:59.

44. Charles A. Dana to James Shepherd Pike, July 24, 1863, Pike Collection, University of Maine, Orono; Dana, *Recollections*, 14–15.

"had been done by green volunteer officers who did not understand the technical duties of making out military requisitions and returns." His fellow commissioner Shelby Cullom said much the same thing: The Cairo claims concerned "property purchased by commissary officers and quartermasters in the volunteer service before the volunteers knew anything about military rules or regulations." High prices had to be offered suppliers because of cash shortages, and Cairo vouchers were being sold in the market at a discount. Although such considerations could not excuse waste or frauds, the Cairo Commissioners allowed them to govern their assessment of Hatch.⁴⁵

When the Cairo Commission's report was made public, attorney Jackson Grimshaw, who had predicted that it would "fully exonerate" Reuben Hatch, was "much rejoiced" at the news, although he lamented that due to the investigations "the country has lost the offices of an able, honest officer for six months." Ozias Hatch and other Illinois Republicans wrote to Lincoln asking that Reuben be released from arrest and remanded to duty. Lincoln forwarded these requests to Secretary Stanton and Quartermaster General Meigs, noting that Shelby Cullom "says that the Com. at Cairo investigated the accounts of R.B. Hatch & utterly failed to find any thing wrong." Meigs nevertheless remained suspicious of Hatch and delayed his release until the president, after being informed by Ozias Hatch that his brother was still under arrest, personally ordered it six weeks later.⁴⁶

In the end even General Grant, who initially had been keen for a court martial, endorsed the Cairo Commission's finding and its exculpatory arguments. In February 1863 Grant recommended Hatch's promotion to colonel and appointment to Quartermaster in the regular army. As Grant explained to Lincoln, Hatch "offered his services to his country early in this war and was placed from the start in one of the most trying positions in the Army." Hatch had to run his department for many months without funds and faced the resentment of contractors who were paid late in inflated cash, a position "embarrassing and dangerous to his reputation even without a fault being committed by himself." Referring to the Cairo Commission, Grant noted that "a full

45. Dana, *Recollections*, 12; Shelby M. Cullom, *Fifty Years of Public Service: Personal Recollections of Shelby M. Cullom*, 2nd ed. (Chicago: A.C. McClurg & Co, 1911), 97.

46. Jackson Grimshaw to Ozias Hatch, July 20, August 1, October 12, 1862, O. M. Hatch Papers, ALPLM; Ozias Hatch to Lincoln, August 11, 1862 (copy), Cairo Commission File, RG 92, NARA; Orville Browning to Lincoln, n.d., RG 107, NARA; Lincoln to Meigs, August 15, 1862 (copy), Cairo Commission File, RG 92, NARA; Lincoln to Stanton, September 27, 1862, CW, Supplement I, 154; Meigs to Gen. Lorenzo Thomas, November 8, 1862, RG 94, NARA.

investigation has entirely exonerated him and even shown a most economical administration of his duties." Grant, who was pleased with Hatch's performance since the Commission adjourned, considered his testimonial "a simple act of justice to Capt. Hatch."⁴⁷

The Cairo Commission's whitewash of Reuben Hatch opened the way for a succession of promotions for the well-connected army officer. Once the Commission acquitted Hatch, Lincoln had good reason to believe that Hatch was honest, and he saw no obstacles to promoting him and pleasing his Illinois Republican allies.

Hatch returned to active duty in February 1863, when with Grant's and Lincoln's endorsements he was appointed chief quartermaster for the eastern district of Arkansas. Shortly thereafter, a flurry of letters from Grant, General Prentiss, and Cairo Commissioner Cullom recommended that Hatch be promoted to colonel. Frustrated by his lack of promotion and apparently suffering financial difficulties, Hatch tendered his resignation in August 1863, then attempted to withdraw it. General Meigs, who still harbored suspicions of Hatch, recommended that Hatch not be reinstated, pointing out that Hatch had been absent without leave for three months. Again, Hatch mobilized his prominent Illinois connections—his older brother, Jesse Dubois, and Richard Yates, the Republican governor of Illinois, who lobbied with Lincoln and Stanton.⁴⁸

Bowing to their patronage request in an election year, Lincoln in January 1864 asked Stanton to appoint Reuben Hatch a quartermaster in the regular army: "I know not whether it can be done conveniently, but if it can, I would like it." Montgomery Meigs again was the main obstacle. Lincoln's secretary Nicolay, Ozias Hatch's former clerk, asked Charles Dana to remind General Meigs that the Cairo Commissioners had found Hatch innocent. Dana's letter "removed a painful impression from my mind in regard to Hatch," Meigs wrote, and in March 1864 he allowed Hatch to be promoted to chief quartermaster of the Thirteenth Army Corps.⁴⁹

After the Thirteenth Corps was disbanded in June 1864, another campaign of testimonials from Grant, Lincoln, and his Illinois circle petitioned for Hatch to be promoted to colonel and assigned to the Department of the Gulf. After a brief reassignment and a bout of ill

47. Grant to Lincoln, February 8, 1863, *PUSG* 7:297–98.

48. *PUSG* 7:298n; Potter, *Sultana Tragedy*, 38–39.

49. Ozias Hatch to Jesse K. Dubois, December 30, 1863, Lincoln Papers, LC, online; Lincoln to Stanton, January 14, 1864, RG 94, NARA, quoted in *PUSG* 7:298n.; Meigs, endorsement on Charles A. Dana to John G. Nicolay, February 6, 1864, Cairo Commission File, RG 92, NARA.

health, Hatch became an assistant adjutant general for the Department of the Mississippi and joined the staff of General Napoleon J.T. Dana in Vicksburg, and in February 1865 he became chief quartermaster. In that capacity he allowed the *Sultana* to be overloaded for its fatal trip upriver.⁵⁰

We may never know conclusively whether chief quartermaster Reuben Hatch was bribed at Vicksburg or whether a different quartermaster would have intervened to prevent the *Sultana*'s departure so dangerously overloaded with passengers. Circumstantial evidence appears to damn Hatch for negligence, if not corruption, at the Vicksburg wharf. Insofar as Hatch was implicated in the *Sultana*'s horrific fate, the "trail of culpability" might plausibly lead to the White House, since President Lincoln had been eager to appoint and promote Hatch to please his Illinois backers.⁵¹ The evidence presented here suggests, however, that Lincoln's course, together with Grant's, relied heavily on Hatch's complete vindication by the Cairo Commission, and thus that a larger share of the responsibility lay with that body's questionable acquittal.⁵² The Cairo Commissioners did not fix their findings to please Lincoln, but their fatally limited and lax examination of Reuben Hatch's quartermaster practices prior to April 1862 allowed the President to advance Hatch's military career without qualms, a course that ended with that officer's dubious and deadly entanglement in the *Sultana* tragedy.

50. Potter, *Sultana Tragedy*, 40–42. For Grant and Lincoln's recommendations, see *PUSG* 11:357. On February 1, 1865, Hatch was called before an examining board in New Orleans, which found that his ignorance of regulations and accounting practices made him "totally unfit to discharge the duties of assistant quartermaster." However, the board's report was not forwarded to the secretary of war for action by the president until June 3, the day Hatch was relieved of his duties and several weeks after Lincoln's death and the *Sultana* incident. See Potter, *Sultana Tragedy*, 41–42.

51. Genzlinger, "More Time for Sifting Among Clues," *New York Times*, June 30, 2014.

52. I have found no evidence that Grant or the former Cairo Commissioners connected the *Sultana* disaster to Hatch's earlier exoneration by the Commission. Immediately after the explosion, Grant assigned his aide de camp Adam Badeau to investigate. Badeau's findings were incorporated into General Hoffman's report, which listed Hatch among those "censurable." Grant must have read Badeau's report before he forwarded it to Washington. See *PUSG* 15:533.

Commentary:

J. David Hacker's "A Census-Based Count of the Civil War Dead"

MARK FLOTOW

Every 20th year in the U.S., both a presidential election and a decennial census conclude around the same time, as occurred in 1860. Complete and accurate national censuses have importance beyond the *raison d'être* of reapportionment for the U.S. House of Representatives. Starting with the 1850 census, the constitutionally required enumeration pivoted from a head-of-household focus to individual persons as the basic collection unit.¹ For historical studies, this expanded the available demographic characteristics to include age, place of birth, and race for all residents.

Abraham Lincoln's first presidential term began on March 4, 1861, and the Civil War started less than six weeks later. Images of the president's progressively weary countenance reflect the weight of the war and his effort to preserve the Union.

What were the war's costs in terms of lost productivity, social upheaval, and, especially, human lives? An accounting or even a good approximation of the total dead remained unknown until decades after the war. The most recent nationally comprehensive "count" of the Civil War dead was published by J. David Hacker in 2011, in which he suggests a roughly 20 percent higher figure than what was previously accepted.² His approach was rightfully recognized by many historians as an analytical breath of fresh air on a topic that had hardly been touched in the previous century.³ Among the article's introductory comments was one from James M. McPherson that Hacker's

1. For example, previous to 1850 only the name of the head of household was collected and not the names of others at that household.

2. J. David Hacker, "A Census-Based Count of the Civil War Dead," *Civil War History* 57, no. 4 (December 2011), 307–48.

3. Hacker, "A Census-Based Count," 309–10.

"conclusion involves a number of assumptions, but all of them are quite reasonable and persuasive."⁴

Are they? During the decade since its publication, criticisms have been relatively few and somewhat misdirected, more or less acknowledging that Hacker's results represent the new gold standard.⁵ Be that as it may, there is room for improvement. Indeed, Hacker has used a methodology that *invites* refinements, which in itself may be more important than his central estimate of 752,000 dead.

Lincoln himself was also a casualty of the conflict, and when he was buried at Oak Ridge Cemetery, officials did not know how many had died due to the Civil War. We still do not have an exact number. This article explores Hacker's demographic method and why numbers matter in understanding the past.

* * *

Ashes of soldiers South or North . . .
 From their graves in the trenches ascending,
 From cemeteries all through Virginia and Tennessee,
 From every point of the compass out of the countless graves,
 In wafted clouds, in myriads large, or squads of twos and threes or
 single ones they come,
 And silently gather round me.⁶

Almost a year after the surrender of Fort Sumter, the Battle of Shiloh, Tennessee, was contested on April 6–7, 1862. The Union leadership and citizens alike initially rejoiced upon hearing the news of the great victory, until the casualty numbers were reported: 13,000 Federals and more than 10,000 Confederates. For the Union, this was more than the total number of casualties in all previous battles and skirmishes combined up to that point in the war.⁷ One of President Lincoln's responses, although Shiloh is not mentioned by name, was to issue a "Proclamation of Thanksgiving for Victories" on April 10 asking that "the People of the United States" in public worship "implore spiritual

4. Hacker, "A Census-Based Count," 309.

5. One example is Nicholas Marshall, "The Great Exaggeration: Death and the Civil War," *Journal of the Civil War Era*, 4:1 (March 2014), 3–27. Marshall does not address Hacker's methodology and instead focuses on the context of death during the mid-19th century.

6. Walt Whitman, opening lines of "Ashes of Soldiers" (originally titled "Hymn of Dead Soldiers" in *Drum-Taps*, 1865), reprinted in *Civil War Poetry and Prose* (New York: Dover Publications, 1995), 36–37.

7. Casualties are usually defined as the numbers of soldiers killed, wounded, and missing after a combat engagement.

consolations in behalf of all who have been brought into affliction by the casualties and calamities of sedition and civil war . . .”⁸ Yet due to the sting of battlefield losses at Shiloh, there followed dogged attempts by political leaders and some military rivals to remove Major General Ulysses S. Grant from command of the Army of the Tennessee. Lincoln, when pressed by Pennsylvania politician Alexander McClure in reference to Shiloh, reportedly retorted: “I can’t spare this man; he fights.”⁹

The fighting and killing continued for another three years, and the numbers of the Civil War dead became staggering. May 7, 1864, marked the last day of the Battle of the Wilderness, a horrific clash at the beginning of Grant’s campaign toward Richmond.¹⁰ That same day, perhaps with the Wilderness in mind, the president penned a brief note to an unnamed correspondent: “Dear Sir, I would give a sentiment, but just now I am not in a sentimental mood. Yours truly, A. Lincoln.”¹¹ A portrait painter at the White House studied Lincoln’s care-worn face, adding: “During the first week of the battles of the Wilderness he scarcely slept at all.”¹² The president, and the citizens in the Union and the Confederacy, grappled with their grief and the number of human losses. Yet even 20 years after the Civil War, there was still no final tally of deaths for the four years of conflict. Should there not be a definitive answer?

Subsequently, William F. Fox’s and Thomas Leonard Livermore’s combined work in the late 19th century represents a painstaking accounting of deaths derived from Union administrative records, such as battlefield losses, regimental muster rolls, and hospital reports.¹³

8. Roy P. Basler et al., eds., *The Collected Works of Abraham Lincoln*, 9 vols. (New Brunswick, NJ: Rutgers University Press, for the Abraham Lincoln Association, 1953–55), 5:185–86.

9. Alexander K. McClure, *Abraham Lincoln and Men of War-Times*, 2nd ed. (Philadelphia: Times Publishing, 1892), 180.

10. Six subsequent Civil War battles recorded more casualties than those at Shiloh, including the Battle of the Wilderness.

11. Abraham Lincoln to an unnamed correspondent, May 7, 1864. Holograph letter, in *With Malice Toward None: The Abraham Lincoln Bicentennial Exhibition*, Library of Congress, February 12–May 10, 2009. On loan from a private collector (193) Digital ID # al0193.

12. Francis Bicknell Carpenter, *Six Months at the White House* (1866; reprint, Bedford, Massachusetts: Applewood Books, 2008), 30.

13. William F. Fox, *Regimental Losses in the American Civil War, 1861–1865* (Albany, New York: Albany Publishing Co., 1889); Thomas L. Livermore, *Numbers and Losses in the Civil War in America, 1861–1865* (1900; reprint, Bloomington: Indiana University Press, 1957). Both began with official lists of names (and thousands of ‘name unknown’ graves) collected from burial grounds in each state and territory, in Quartermaster General’s Office, *Roll of Honor: Names of Soldiers Who Died in Defence of the American Union . . .*, 27 vols. (Washington, D.C.: GPO, 1866–71).

Both Fox and Livermore used assumptions based on Union experiences to estimate Confederate losses, given that most Confederate records were destroyed or lost by the end of the war. For a century, historians accepted, albeit sometimes grudgingly, their figure of 620,000 dead soldiers due to the Civil War.

Hacker, a demographic historian, used a census-based, indirect method to address the question "How many soldiers died due to the Civil War?" His calculations led him to a midpoint estimate of approximately 750,000 deaths. Why do these two methods give such different results? Which renders the more accurate or "true" number?

Fox's book *Regimental Losses in the American Civil War, 1861–1865* probably is best summarized by its subtitle: "A Treatise on the extent and nature of the mortuary losses in the union regiments, with full and exhaustive statistics compiled from the official records on file in the state military bureaus and at Washington." Fox's accounting task was Herculean in determining battlefield deaths (including bodies buried by the enemy), those who died of disease, expired in prisoner-of-war camps, deaths due to accidents of all types, suicides, executions (by either side), homicides, deaths during surgery or at a hospital, and deaths from causes unknown. The counting process is further complicated by soldiers with multiple enlistments, the short-term bounty-jumpers, recruits and replacements, enlistees using aliases, the missing-in-action, deserters, "French leave" takers, and escaped POWs who never reported back to the military.¹⁴ For the Confederates, Fox readily stated that the number he calculated for soldiers who served "is too low an estimate." Similarly, he wrote that his totals for deaths were too low (partially due to incomplete rolls), but "the extent of such increase must remain a matter of conjecture."¹⁵ Fox concluded, "The official records of the Civil War, though voluminous and rich in valuable information, are too often deficient in the facts essential to a proper statement of a regimental loss in action. . . . Too often, no return of casualties whatever was made. As a result the statistics of our last war are, in many instances, meager and unsatisfactory; and, in some cases are wanting entirely."¹⁶

14. Bounty-jumpers are those who enlisted with the intention of deserting after receiving a portion of their enlistment bounty or inducement. Some individuals were serial bounty-jumpers, often using enlistment aliases. "French leave" was a temporary absence, usually for personal purposes, from a military unit without prior announcement or permission (i.e., "short-term" desertion).

15. Fox, *Regimental Losses*, 552, 554.

16. Fox, *Regimental Losses*, 574.

Livermore's book *Numbers and Losses in the Civil War in America, 1861–1865* focused on battle outcomes by ascertaining the numbers engaged (i.e., “effectives,” those present for duty), the resulting losses or survivorship, and using those as the basis for measures of military efficiency and soldier courage. Livermore also expounded on direct and indirect ways of determining Confederate numbers and losses in lieu of comprehensive records.¹⁷ His statement, “the per cent. of mortality in the Confederate army was, as seems probable, greater than that in the Union army,” encapsulates the resulting uncertainty.¹⁸ The end result is 359,528 Union deaths and a rough figure of 260,000 Confederate deaths, giving a rounded total of 620,000.¹⁹

Can these human losses ever be quantified in a way that will satisfy all posterity purposes? Among the introductory comments to Hacker's article, it is asked “*can we ever count the Civil War dead?*”²⁰ His answer was “no.” There are far too many unknowns regarding battlefield statistics (especially for Confederate losses), African-American deaths, and losses due to guerrilla warfare, just to name a few, ever to merit an attempt to improve upon the accounting-style methodology of both Fox and Livermore. Simply put, a direct count is unrealistic, and thus deriving a verifiable number for the Civil War dead will remain forever unknowable.

Before examining Hacker's methodology, it should be noted that there is a difference between a count and an estimate. A count is an enumeration, like a regimental roll call in determining the number present. A U.S. decennial census of population is a similar count or enumeration.²¹ In demographic nomenclature, a population estimate is a number often based on a census count or enumeration and then adjusted backward or forward in time from the date of the enumeration. Both counts and estimates are subject to errors, with censuses considered the more reliable benchmarks.²²

17. For example, “neither [none] of the Confederate States kept a record of the men furnished to the Confederate service.” Livermore, *Numbers and Losses*, 2.

18. Livermore, *Numbers and Losses*, 62.

19. These Confederate deaths include killed in action, mortally wounded, deaths from diseases, and fatal accidents. This is based on Livermore's “corrected” figure of 164,000 killed by disease (using a ratio based on Union army experiences) and 94,000 killed in action and mortally wounded (based on Fox's estimates).

20. Hacker, “A Census-Based Count,” 308. The italics are from the original article.

21. Decennial censuses generally have had estimated net undercounts (also called coverage errors).

22. Census counts are more likely to be used for legal purposes (e.g., legislative representation, certain federal funding), and population estimates are often used for planning and statistical purposes (e.g., allocating services or other resources).

Intercensal population estimates are those made retrospectively between two completed censuses. Hacker's methodology is based on using two U.S. censuses in particular, 1860 and 1870, to estimate how many died during the intervening period. This statement is a gross oversimplification on my part, but it describes the basic concept. The two-census or intercensal method has been a part of the demographer's toolkit for many decades.²³

Using again the Battle of Shiloh as an example, which of the following circumstances might include battle-related deaths? Those killed by the enemy on the battlefield? Those who were killed by friendly fire and other battlefield accidents? Those who died at a nearby field or regimental hospital, either from wounds or attempted therapeutic interventions? Those who fled the battlefield and drowned in the Tennessee River? Those evacuated to general army hospitals (e.g., in Indiana, Illinois, Mississippi) and subsequently succumbed to their wounds there? Those who were discharged because of wounds received at the battle and subsequently died at home within a year of the engagement? Civilians (including sutlers) and non-army partisans (e.g., guerrillas, nurses) who died in the Shiloh area as a result of the battle? Those missing in action (who may have become prisoners of war, deserted, died and bodies not found, etc.)? The answers depend on the exact nature of the question, whether that be for determining regimental losses, commemorative honors, military pensions, or lost productivity, as examples. For the Battle of Shiloh, which of the above circumstances should be included as part of "the Civil War dead" and which excluded?

For example, Fox appropriately notes that "[t]hese figures, let it be remembered, include only the killed and mortally wounded. To understand their full significance, one must bear in mind the additional loss of wounded men who survived their injuries—many of

23. United Nations, *Manual X (10): Indirect Techniques for Demographic Estimation*, a collaboration of the Population Division of the Department of International Economic and Social Affairs of the United Nations Secretariat with the Committee on Population and Demography of the National Research Council, U.S. National Academy of Sciences (New York: United Nations, 1983), remains perhaps the best treatise on the topic. Chapter IX: "Estimation of Adult Mortality Using Successive Census Age Distributions" is apropos to Hacker's application of this method. For example, "This method of mortality estimation from intercensal survival is appealingly simple and straightforward . . . providing estimates of mortality for a clearly defined time period. The trouble is that these advantages are nullified by the requirements that the censuses be accurate and that the population be closed" (p.196).

them surviving only to drag their marred and crippled lives along a lower plane of existence."²⁴

In the 21st century there are few practical reasons to know the exact number of the Civil War dead. While there still may be honors to retroactively bestow upon those who have died, an exact accounting of everyone is not necessary and also not possible. However, the broader question remains of how big an impact the Civil War had on the U.S. population, numerically, socially, and economically.

These are items Hacker begins to address. There are two basic demographic concepts that his methodology is based upon: 1) the population balancing equation, and 2) "excess deaths." These are key to understanding how he estimated Civil War deaths, and both are relatively easy to grasp (but not always easy to calculate).

The population (or, demographic) balancing equation is used for calculating the total number of people from a beginning point (T1, or time 1) to an ending point (T2, or time 2).²⁵ Those two points usually are from one census to the next. If it is applied to the world's population, the equation is

$$\text{Pop (T2)} = \text{Pop (T1)} + B \text{ (T1 to T2)} - D \text{ (T1 to T2)}$$

where Pop is population, B is births, and D is deaths.²⁶ As a hypothetical example, the world's population in year 2020 would be equal to the population in 2010, plus all births on the planet between 2010 and 2020, and minus all deaths between 2010 and 2020.²⁷

If the equation is applied to a single country, say, then another factor needs to be included in the equation:

$$\begin{aligned} \text{Pop (T2)} = & \text{Pop (T1)} + B \text{ (T1 to T2)} - D \text{ (T1 to T2)} \\ & + \text{MigIn (T1 to T2)} - \text{MigOut (T1 to T2)} \end{aligned}$$

where MigIn is the number of migrants into the country during the two time periods and MigOut is the number of migrants leaving the country. In essence, Earth represents a closed system regarding the

24. Fox, *Regimental Losses*, 9.

25. Henry S. Shryock, Jacob S. Siegel and Associates, *The Methods and Materials of Demography*, 2 volumes, fourth printing (rev.), U.S. Department of Commerce, Bureau of the Census (Washington, DC: U.S.: Government Printing Office, 1980), 1:6.

26. Shryock et al. in *The Methods and Materials of Demography* when stating this equation include an "error of closure" term (*e*) because, in a practical world, censuses and vital registration systems are not 100% accurate or complete.

27. The births minus deaths part of the equation is sometimes referred to as "natural increase" when the resulting number is positive.

human population. An individual country generally is not closed because of in- and out-migration.

To understand Hacker's use of this equation for the Civil War decade, Pop (T1) is derived from the 1860 U.S. census and Pop (T2) is from the 1870 U.S. census. In knowing both of those population numbers, the equation can be rebalanced and solved for deaths:

$$D (T1 \text{ to } T2) = \text{Pop} (T2) - \text{Pop} (T1) + B (T1 \text{ to } T2) \\ + \text{MigIn} (T1 \text{ to } T2) - \text{MigOut} (T1 \text{ to } T2)$$

Below, we will see that Hacker is using an age-specific variant of this form of the equation to figure out how many Civil War-related deaths there may have been during the decade, which was long before there were death certificates or a comprehensive vital records system in the U.S.²⁸

However, how can it be determined which deaths during this decade were due to war-related causes and, as such, would be excess deaths? "Excess deaths" refers to how much of the total number of deaths during a given time period are due to specified causes or exceptional circumstances.²⁹ Perhaps think of it as a pie chart of all deaths divided into two pieces: those due to the hypothetical expected or "normal" force of mortality during the 1860–1870 decade and those due to the occurrence of the war, with the latter being in excess of what would have happened otherwise. As Hacker explains, his estimate

is an indirect measure of *excess* male deaths occurring between the 1860 and 1870 censuses, not a direct count of the number of currently enlisted men killed in the war. Although excess male deaths include military men killed in the war, it also includes men who died between the date of their discharge from the armed forces and the 1870 census from wounds, infections, and diseases contracted during their service and non-enlisted men killed in guerilla raids and in other war-related violence. The number of excess deaths excludes, however, the deaths of men in military service who would have died in the absence of war.³⁰

28. There were no birth certificates, either. The systematic recording of vital events was a 20th-century endeavor in the U.S. and elsewhere.

29. The concept of excess deaths also is used to determine, post hoc, the numbers of deaths from possibly similar causes. For example, for the spring of 2020 expected deaths (based on past mortality experiences) for certain respiratory causes were compared to actual numbers of deaths. The resulting excess deaths were possibly attributable to the 2019 novel coronavirus.

30. Italics in the quotation are by Hacker, "A Census-Based Count," 312.

Hacker's approach, which is fundamentally different from that of Fox or Livermore, uses a demographic methodology that, for the most part, is independent of the resources employed by either Fox or Livermore. Hacker's assumptions in implementing the two-census or intercensal method are key to understanding both his calculations and reasoning. Some of these are simplifying assumptions, which render his calculations easier to do and more transparent (but also subject to criticism, or they represent areas for refinement). To Hacker's credit, he outlines and explains each assumption, which are summarized below, along with quotations from his article.

Assumption 1: The native-born white population of the United States in the late-19th century was closed to migration.

Here is the modified demographic balancing equation from above:

$$D(T1 \text{ to } T2) = \text{Pop}(T2) - \text{Pop}(T1) + B(T1 \text{ to } T2) \\ + \text{MigIn}(T1 \text{ to } T2) - \text{MigOut}(T1 \text{ to } T2)$$

In this assumption, Hacker is suggesting that the [MigIn (T1 to T2) – MigOut (T1 to T2)] portion is essentially equal to zero (i.e., "closed to migration"). The equation then becomes:

$$D(T1 \text{ to } T2) = \text{Pop}(T2) - \text{Pop}(T1) + B(T1 \text{ to } T2)$$

He specifically refers to the *native-born* (i.e., in the U.S.) white population enumerated in the 1850 through 1880 censuses.³¹ Certainly, some U.S.-born people moved to Canada or Mexico, say, and some U.S.-born living in other countries returned to the U.S. Collectively, these migrants could potentially bias Hacker's methodology by overstating or understating the number of deaths experienced by the U.S. white population. However, Hacker concludes that the offsetting biases due to any such movements were "low enough to be negligible" and hence no need to adjust for migration.³²

This assumption is important due to the survivorship ratios implicit in the age cohorts between the 1860 and 1870 censuses. For example, those age 20–24 years in the 1860 census would be age 30–34 in the 1870 census, assuming the cohort *was not subject to migration*. In Table 1, this age cohort experienced a survivorship of 0.7172, or a little less than 72 percent survived from 1860 to 1870 (or conversely, more

31. Hacker examined multiple mid-19th-century censuses to compare the Civil War decade to temporally similar non-Civil War decades.

32. Hacker, "A Census-Based Count," 321.

Table 1. Native-born male white population in the United States from the 1850 to 1880 censuses, with selected survivorship probabilities.

Age Group	1850	1860	1870	1880
10–14	1,147,038	1,446,005	1,988,994	2,361,832
15–19	956,661	1,233,984	1,533,347	1,965,748
20–24	830,860	1,055,632	1,267,929	1,945,279
25–29	654,370	855,794	950,049	1,472,960
30–34	548,139	678,327	757,104	1,128,308
35–39	452,270	584,639	692,199	920,264
40–44	372,137	471,681	543,292	726,832

than 28 percent died).³³ Those who did not survive would have died either from a war-related cause or from some other (“normal”) cause. The 1860–70 survivorship ratios for males age 20–44, especially, were lower compared with the same for before and after the war. Hacker states, “the war dramatically lowered the survival probability of men in these cohorts,” which is just as expected.³⁴

As part of his methodology, Hacker initially focused on the native-born U.S. population to measure the demographic impact of the Civil War. Later, he argued that the non-native-born portion of the U.S. population likely had similar survivorship experiences and incorporated those results in a subsequent step. Moreover, as a practical element of his method, place of birth (or nativity) was a recurring question during the mid-19th-century censuses.

Because Hacker was concerned with deaths among those of potential military age, there are no birth cohorts (i.e., age 0) for which to account among males age 10–44 years. Without net migration and births, then the balancing equation can be further simplified to:

$$D (T1 \text{ to } T2) = \text{Pop} (T2) - \text{Pop} (T1)$$

Ergo, it is a demographic truism that a *closed* population (i.e., not affected by in- and out-migration) of young adults, say, can only numerically change from one time period to the next by deaths within that cohort.

33. Table 1, above, is a subset of the populations in Hacker’s Table 1, with a few of the survivorship ratios shown on the diagonal lines and derived from Hacker’s Table 2. Hacker, “A Census-Based Count,” 322, 323.

34. Hacker, “A Census-Based Count,” 321. However, survivorship values also are partially due to the relative quality and completeness of the 1870 versus the 1880 census. See further discussions under Assumptions 2, 3, and 4.

Assumption 2: Changes in the net undercount of the native-born white population among the four censuses affected males and females equally.

Not all U.S. censuses are of equal quality in coverage, and that is a factor when making measurements between censuses.³⁵ Relative to the 1860 census, the 1870 census had a larger undercount, meaning that more people were missed during the enumeration process and thus could bias mortality measurement. Hacker points out that the southern states may have been especially affected by the 1870 census undercount, meaning that there likely were instances in which whole households were not enumerated. (Demographers typically use a specific post-hoc demographic analysis to estimate net undercount for each census.)

A critical issue relative to this assumption is whether any of the four censuses in question tended to miss more males than females (or vice-versa) during the enumeration process. Others' research has suggested that these censuses tended to miss whole households rather than individuals within households. If it is true that the changes in the net undercounts affected males and females equally, then the differences between the sexes in survivorship would be unbiased for comparative purposes. This detail is important in determining and observing the lower male survivorship due to the war, as explained below.

Assumption 3: War-related mortality among white females age 10–44 was negligible relative to war-related mortality among white males age 10–44.

One of Hacker's key comparisons is between female and male mortality patterns. He used the mortality pattern, or more specifically the differential in mortality patterns, between females and males in five-year age increments to determine the "normal" mortality for males *if there had been no Civil War*. To do that, he used other census results—namely, 1850–60 and 1870–80—to estimate the 1860–70 "normal" mortality for white males age 10–44 years. This also explains why *Assumption 2* was needed to establish that the census undercounts for females and males were similar among the mid-19th-century censuses.

In examining female mortality, Hacker flatly stated that "the total number of civilian deaths during the Civil War is unknown," and the majority of these would have occurred in the Confederacy.³⁶ While the Union armies did practice "hard war" measures, these were directed

35. Shryock et al. include this as an "error of closure" in their demographic balancing equation.

36. Hacker, "A Census-Based Count," 326.

primarily toward property and not civilians per se. Hacker made special note of James McPherson's estimate of 50,000 civilian deaths during the Civil War.³⁷ If McPherson was correct, Hacker estimated that native-born southern white women would have experienced 9,000 of those deaths, which he concluded represents "a very small error relative to the expected numbers of male deaths."³⁸ Hacker decided that the error was small enough to simply assume there were zero deaths to the civilian white female population. In effect, assuming zero white female deaths also results in a more conservative Civil War death total.

Assumption 4: The expected "normal" age pattern in the sex differential in survival for the 1860s is best approximated by averaging the sex differentials in survival observed in the 1850–60 and 1870–80 intercensal periods.

This assumption is about selecting a preferred or "normal" set of survival rates, which in turn will be used to calculate male deaths during the 1860–70 decade. This is how Hacker simulated or estimated mortality as if the Civil War had not occurred. Selecting a set of survival rates is a critical choice in later determining excess deaths due to the war, by way of subtraction. Again, the reason for simply not using the 1860 and 1870 census survival ratios is because of the large differences in the two censuses' relative undercounts. Hacker proposed using averages of the 1850–60 ratios and the 1870–80 ratios as a substitute for calculating the 1860–70 survivorship. "If the average reflected the expected, or 'normal,' sex differential in the proportion surviving at each age group in the 1860s, subtracting the observed sex differential in the 1860–70 intercensal period from the average yields an estimate of the excess male proportion that failed to survival [*sic*] the 1860s (i.e., the excess proportion dying or excess male mortality)" presumably due to the Civil War.³⁹

Instructively, Hacker included a table showing the excess male deaths attributable to each of the three comparative standards (for the five-year age groups 10–14 through 40–44 years): 1850–60, 1870–80,

37. James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Ballantine, 1988), 619. These are deaths to civilians *due to* the Civil War.

38. Hacker, "A Census-Based Count," 328.

39. Hacker, "A Census-Based Count," 329.

and an average of 1850–60 and 1870–80.⁴⁰ Respectively, those totals are 451,000, 627,000, and 539,000 deaths. Hacker argued for using the averaged standard (539,000). He noted: “Clearly, the choice of comparative standard has a large impact on the final estimate of excess male deaths and introduces a large margin of potential error.”⁴¹

Assumption 5: Foreign-born white males experienced the same rate of excess mortality as native-born white males.

According to Hacker, about “one-fifth of the white men of military age enumerated by the 1860 census were foreign-born” (i.e., not native to the U.S.).⁴² Were their survival experiences between 1860 and 1870 different from those who were native-born? After examining some other researchers’ work related to this topic, Hacker concluded that non-native white men’s mortality experiences were about the same as those who were native-born. In terms of mortality calculation, this allowed Hacker to add these two populations together, which sums to deaths for “total white males” (by age group). The adding of the foreign-born mortality increased the excess male deaths total from 539,000 (for native-born only) to 673,000.

Assumption 6: The net census undercount of white men age 10–44 in the 1860 Census was between 3.7 and 6.9 percent, with a preferred estimate of 6.0 percent.

This is one of the more important assumptions because the net undercount percentage directly impacts the resulting mortality estimates. Up to this point in his estimation process, Hacker had assumed that there was no net undercount in the 1860 census. Realistically, that is quite unlikely, especially given how the censuses were conducted in the mid-19th century. Hacker arrived at a 6.0 percent undercount for white males age 10–44 years based on his earlier research.⁴³ By inflating these age cohorts by 6.0 percent, this adds 43,000 excess male deaths to the previous step’s 673,000, for a new total of 716,000 deaths. Hacker stated that “Given the small range in the estimates for

40. Although probably posing an insignificant impact on Hacker’s methodology, it is worth noting that through the various Confederate conscription acts, the eligibility age was raised to fifty years in February 1864. See, for example, David Williams, *Bitterly Divided: The South's Inner Civil War* (New York: The New Press. 2008), 55–56, as well as his examples about Confederate citizens avoiding the draft.

41. Hacker, “A Census-Based Count,” 334.

42. *Ibid.*, 334.

43. J. David Hacker, “New Estimates of Census Coverage in the United States, 1850–1930,” *Social Science History*, 37 (1, 2013), 71–101.

the 1850–1930 period, it is probably safe to assume that the true net undercount of the 1860 census fell within the 3.7–6.9 percent range estimated for the other censuses.”⁴⁴

Assumption 7: 36,000 black men died in the war.

Hacker realized that determining Black male deaths does not fit well into the two-census methodology, partially because “black civilian deaths . . . likely approached or exceeded the number of [Black] military deaths.”⁴⁵ He also noted that it is uncertain how many of the Black male deaths during the 1860s were due to the Civil War. So, he simply used an estimate of 36,000 Black soldier deaths determined by the War Department. Thus, 36,000 is added to the 716,000 deaths, from above, to give 752,000 excess male deaths.

Assumption 8: Excess male mortality in the 1860s was due entirely to the American Civil War.

While undoubtedly the Civil War was the primary reason for these excess male deaths, is it reasonable to assume that it was the *sole* cause? For example, the Civil War changed the pattern and impact of diseases, but should that be included as a war effect?⁴⁶ As Hacker put it, “Arguably, the postwar deaths of soldiers mustered out of service with diseases contracted while in camp, the deaths of men from complications related to unhealed battle wounds, and the postwar suicide of men with post-traumatic stress disorder should be attributed to the war.”⁴⁷ Hacker concluded that the war is the “overwhelming explanation for excess male mortality in the 1860s.”⁴⁸

Hacker ended the article with an assessment of his excess-deaths methodology. “Each step in the calculation of excess male deaths in the 1860s introduces potential error. For the final estimate to be useful, some sense of its robustness to alternative assumptions is needed. The most critical assumptions are the net census undercount of the 1860 census and the assumed ‘normal’ male-female differential in ten-year cohort survival ratios in the 1860s.”⁴⁹ Using Hacker’s extreme assumptions for census undercount and sex differentials for survival thus results in an excess male death *range* of 618,000 to 879,000 (while his “preferred” assumptions gave a more central estimate of

44. Hacker, “A Census-Based Count,” 338.

45. *Ibid.*, 338.

46. Reading, for example, Illinois Civil War soldiers’ letters, reveals that deaths due to disease could occur to recruits after just a few weeks living at a mustering camp.

47. Hacker, “A Census-Based Count,” 339.

48. *Ibid.*, 340.

49. *Ibid.*, 344.

752,000). Other minimum and maximum adjustments for his other stated assumptions would expand this range more modestly. Hacker stated, "It is very unlikely, however, that the true number of excess male deaths fell at or near one of the two extremes."⁵⁰

* * *

Hacker's work, compared with that of Fox and Livermore, does not address the same question. Fox and Livermore sought an answer regarding "the numbers and losses" to regiments due to military-related actions (i.e., battlefield losses and camp deaths from diseases) which in turn determined combat strength and the numbers of soldiers engaged during the battles of the Civil War (i.e., 1861–65). Hacker's work addresses "how many soldiers died due to the Civil War," which also would include deaths to *former* Civil War soldiers who subsequently died prematurely (and presumably due to the war, up to 1870). Thus, the resulting answers cannot (or should not) be similar, either in numerical value or interpretation.

Furthermore, Fox's and Livermore's efforts constitute a *direct* method of counting or enumerating the Union armies (although rather more indirectly for the Confederate armies due to the lack of surviving documentation) through regimental records, battlefield reports, and the like. Hacker's work, however, while involving enumerations from the U.S. decennial censuses, constitutes an *indirect* method based on those of military age who did not survive the 1860–70 decade and due to the effects of the war.⁵¹

However, that is not to say that Fox's and Livermore's combined work is equal in credibility to Hacker's, and that these studies simply addressed different questions. Fox and Livermore strove to do, especially for the Union side of the equation, a comprehensive accounting method where there were, in many cases, conflicting reports, and incomplete and unverifiable records. In such cases, they used their best judgment.⁵² Basically, their task and intentions were noble but too many unknowns limited the veracity and value of their results at a national level. However, their results were the best (and only) comprehensive Civil War numbers available for many decades to come. For individual battlefield figures, in many cases they may still be the best available.

50. Ibid., 348.

51. Based on what I have outlined in this article, it might be more precise if Hacker's piece was retitled as "A Census-Based Estimate of . . ."

52. As noted earlier, for Confederate losses their computational efforts constituted guesswork, by necessity.

For the numbers of Civil War dead, Hacker's method is more evenly and comprehensively applied across all the states, and, perhaps more importantly, uses a generally *replicable* set of calculations. This is the aspect that invites methodological refinements and improvements in the estimation of deaths due to the Civil War. The eight assumptions in Hacker's article can, and should, be reexamined and potentially improved upon. For example, further research on the estimates of the 1860 census enumeration undercount (Hacker's *Assumption 6*) may suggest a value different from 6.0 percent, or that the estimates of Black soldier deaths (*Assumption 7*) are found to be too low (or high).⁵³

Building on Hacker's work, in 2019, Swanson and Verdugo used white males age 10–44 years in 1860 in the 11 Confederate states to produce an "expected" 1870 population by age group, and then compared those estimates to the actual 1870 census numbers.⁵⁴ They found that roughly 25% of that cohort did not survive from 1860 to 1870, which generated a number of Confederate war dead 1.33 times greater than the 260,000 figure of Fox and Livermore.⁵⁵

Hacker's central estimate of 752,000 has been cited by scores of authors during the past decade, almost all of whom mention *the number* and exclude the range it falls within (618,000 to 879,000). Another misleading and repeated exercise is to compare Fox's and Livermore's 620,000 "count" of losses *during* the Civil War with Hacker's central estimate of those of military age who died due to the war *by 1870*. Again, to some extent, the results are different by definition.

Hacker has helped define the broader "human cost of the Civil War" as part of the impacts and legacies of the war's destructiveness.⁵⁶

53. Regarding census quality, see Judith Giesberg, " 'A Muster-Roll of the American People': The 1870 Census, Voting Rights, and the Postwar South," *The Journal of Southern History* 87, no. 1 (February 2021), 35–66. While not a demographer, Giesberg provides a good discussion of the political and mechanical aspects of the troubled 1870 decennial census.

54. David A. Swanson and Richard R. Verdugo, "The Civil War's Demographic Impact on Non-Hispanic White Males in the 11 Confederate States: An Analysis by State and Selected Age Groups," *Journal of Political & Military Sociology*, 46:1 (Spring 2019, University Press of Florida), 1–26.

55. *Ibid.*, 18. Note that Swanson and Verdugo's 345,802 figure is for those who died in the former Confederate states from 1860 to 1870, which is temporally similar to Hacker and dissimilar to Fox and Livermore. Also see Hamilton Lombard, "The Demographic Impact of the Civil War in Virginia," Weldon Cooper Center for Public Service, University of Virginia; on-line article: <https://www.arcgis.com/apps/Cascade/index.html?appid=0d606d52ea0842308b399fffbab8300c> accessed 12 January 2021. Lombard does not focus on mortality but instead on population change from 1860 to 1870.

56. Hacker, "A Census-Based Count," 348. This is a phrase from the last sentence in the article.

President Lincoln had asked for hundreds of thousands to serve in the military. In the second half of 1864 alone, Lincoln issued presidential proclamations for 800,000 additional Union soldiers, which was twice as many as he had called for in all of 1863.⁵⁷ During the entire war, President Lincoln, through proclamations and executive orders, asked for more than 2.2 million Federal soldiers.

Above, I used the Battle of Shiloh, Tennessee, to pose the question regarding which deaths were due to the battle, such as to those trying to swim the Tennessee River to escape, civilians caught up in the fighting (e.g., local populace, sutlers, and other camp followers), captives who subsequently succumbed at a POW camp, wounded who died at home a year later, and the like. Such scenarios suggest the broader mortality impact of the Civil War beyond the soldiers during the battles. All of these examples, *if each only applied to males age 10–44 years old in 1860*, would fit within Hacker's concept of excess deaths, meaning those who died due to, or because of, the occurrence of the Civil War. Since Hacker's focus is on males of potential military age, civilians of other ages, females, and older soldiers and officers, as examples, would not be included as part of the "excess deaths" definition.

Hacker has given historians plenty to think about. Beyond examining the robustness of his assumptions and final estimates, we all can gain a better appreciation of a longer "demographic shadow" from the aftermath of the Civil War.⁵⁸ Again hypothetically, how might Lincoln's own death fit into this methodological discussion? Would he have been accounted for in either of Fox's or Livermore's military accounting methods? No—even though he was commander in chief of the Union forces and died during the Civil War. Would his death have been an infinitesimal portion within Hacker's estimate? Again, no, even though he died midway between the 1860 and 1870 censuses. In Hacker's methodology, Lincoln was not of military age, yet it could be argued that the president did indeed die due to the Civil War. Was he even an "excess death" during that decade? Within the demographic sense of the concept, Lincoln was not. A poet such as Walt Whitman, however, might agree that there are some historic notions and human emotions that numbers simply do not capture nor embrace.

57. Basler et al., *Collected Works of Abraham Lincoln*, 6:277–78, 6:523–24, 7:448–49, 8:171–72.

58. This is James M. McPherson's term from a 2011 Binghamton University online article about Hacker's work.

Review

JENNIFER M. MURRAY

Carl J. Guarneri. *Lincoln's Informer: Charles A. Dana and the Inside Story of the Union War*. Lawrence: University of Kansas Press, 2019. Pp. 515.

There are no shortages of books or articles on the American Civil War, yet there are some aspects of our nation's most decisive epoch that have remained unexplored or underappreciated. Indeed, historians have offered scores of biographical studies on many of the war's most influential and acclaimed individuals—Abraham Lincoln, Ulysses S. Grant, William T. Sherman, Robert E. Lee, Thomas “Stonewall” Jackson. Still, some prominent individuals of the era lurk in historical obscurity or are reduced to oversimplifications. Charles A. Dana, a special informant to Secretary of War Edwin Stanton, held a critically influential role in the Civil War but has garnered minimal attention in the scholarship or the nation's collective memory. In *Lincoln's Informer: Charles A. Dana and the Inside Story of the Union War*, Carl J. Guarneri, a professor at Saint Mary's College of California, seeks to restore Dana's prominent place in the Union war effort.

Guarneri offers a thoroughly researched and eminently readable biography of Charles Dana, focusing primarily on Dana's Civil War career. Concluding that “Dana didn't just record history; he made it,” Guarneri traces Dana's rise as managing editor of Horace Greeley's *New York Tribune*, through his service to the War Department on campaign with Union armies in both the Western and Eastern Theaters, and his influence in shaping Washington politicians' thinking on the war effort and their generals (2).

In the 1850s, while at the *New York Tribune*, Dana forcefully criticized proslavery advocates and oriented the publication toward the Republican Party's free soil philosophy. After the firing on Fort Sumter in April 1861, Dana's writings eschewed peaceful solutions to secession in favor of military operations to restore the Union. When appropriate, Dana used his position with the *Tribune* to critique Lincoln's conduct of the war. Finding Lincoln's call for 75,000 volunteers in the wake of Fort Sumter inadequate, for instance, Dana urged the mobilization

of 500,000 troops, and on June 26 blazed the banner headline of the *Tribune* with the cry of "Forward to Richmond!!" (58). Dana's tenure at the *Tribune* came to an end when Greeley abruptly fired his managing editor, likely a result of uncompromising personality conflicts and differing opinions of General George McClellan.

As his 15-year career with the *Tribune* came to an end, Dana accepted a position as Secretary Stanton's ambassador to the Western Theater. On April 6, 1863, Dana arrived at General Grant's headquarters at Milliken's Bend, above Vicksburg, marking the beginning of a critically important relationship between the two men. Guarneri details this partnership and Dana's role in championing Grant's military career. Dana quickly became an integral part of Grant's inner circle. He shared the general's headquarters with him during the Vicksburg Campaign and, on July 4, 1863, entered the city with the victorious general. For his part, Grant found Dana useful. Dana's detailed reports to Washington freed Grant from such cumbersome paperwork, and the general trusted Dana's assessment and judgment. Dana helped to shape the general's image in critical ways. He consistently defended Grant against charges of drunkenness and freely covered up Grant's "Yazoo Bender." Here Guarneri suggests that Dana recognized that Grant was indispensable to Union victory. As a result, Guarneri argues that "Dana's cover-up saved Grant's job, and he kept a public silence about Grant's wartime drinking bouts for as long as the general lived" (140). Dana made a mark on Grant's career in other ways. He urged the Lincoln administration to place the general as the head of all Union armies in the Western Theater, a recommendation that Lincoln acted upon, and "helped smooth the way" to Grant's promotion to lieutenant general in February 1864 (234).

Dana's relationship with other Union generals, however, was not as fruitful. When Stanton dispatched Dana to Chattanooga in the fall of 1863, Dana became a vocal critic of General William Rosecrans. Guarneri acknowledges Dana's role in Rosecrans's removal, but concludes that "many Union figures shared responsibility for Rosecrans's fall" (192). Inevitably, Dana's role in the sacking of Rosecrans was contested, both at the time and by later generations. Predictably, Rosecrans's supporters charged Dana with meddling and doing the bidding of the Lincoln administration, while detractors of the general applauded Dana's role. Here Guarneri concludes that Dana's assessments of Rosecrans's limitations were grounded in objectivity. "It seems clear that Dana's warnings to Washington arose from a cool assessment of Rosecrans's actions more than from personal prejudice," Guarneri asserts (195). Rosecrans would not be the only Union general

who drew Dana's condemnation. On multiple occasions, Dana criticized the actions of General George G. Meade and recommended that the Pennsylvanian be replaced as commanding general of the Army of the Potomac. For instance, in the wake of Union victory at Gettysburg, and following the news of the Gettysburg Campaign from his location in Mississippi, Dana found Meade's pursuit of the Confederate forces sluggish. In 1864, Dana joined the Army of the Potomac for their maneuvers through Virginia in the Overland Campaign. Dana's estimation of the "Victor of Gettysburg" did not improve by personally witnessing Meade in command. He blamed Meade for the Union defeat at Cold Harbor and floundering assaults at Petersburg, stating that Meade was "deficient in all the elements of generalship" (289).

In January 1864, Lincoln appointed Dana as Stanton's second assistant, to receive a salary of \$3,000 per year. During the Overland Campaign, Dana sent approximately 120 telegrams to Washington, detailing the movement and progress of the army's drive to Richmond. The relationship between Dana and Grant that had originated in Mississippi the previous year only further bloomed in Virginia. To be sure, Grant's arrival in the Eastern Theater and position in the Army of the Potomac served to minimize Meade's position as the army's commanding general. While Dana was no champion of Meade, Guarneri argues that Dana's role in "squelching Meade" has been overstated (281). Guarneri notes that Dana objectively and fairly gave "ample space to Meade's opinions and reports, but Stanton regularly excised references to Meade and inserted additional attributions to Grant" (281). On the whole, Guarneri found Dana's battlefield reporting to be "clear and concise, enlivened by vivid detail and peppered with quick and decisive judgments" (2).

As the war drew to an end, Dana found himself in Washington tending to logistical matters. Thereafter his most critical contribution to the Union war effort came in assisting the War Department's efforts to capture the conspirators associated with Lincoln's assassination. During Reconstruction, Dana aligned himself with the Radical Republicans, urging strident measures to punish the South and implement measures to assure that Union victory gained on bloody battlefields was not lost in the postwar years. In the postwar years, Dana continued to champion Grant's military career and legacy. Their relationship was not without some discord, however. Dana disapproved of Grant's lenient treatment of Lee at Appomattox. And, for fiscal reasons, Dana opposed Grant's promotion to General of the Army.

After the Civil War, Dana returned to journalism and became the editor of the New York *Sun*, a Democratic newspaper. Dana wanted

his legacy to be found in his newspaper work in the postwar years. Guarneri suggests otherwise. Regardless of what the "proud newspaperman proclaimed," Guarneri asserts, "the Civil War, not the Gilded Age, was Dana's finest hour" (415).

There is no doubt that Carl Guarneri has offered the definitive treatment of Charles Dana. To be sure, Dana has remained a controversial figure in the scholarship, interpreted either as a contributor to Union victory or as an unnecessary meddler dispatched from Washington. Guarneri seems vested in redeeming Dana's image and at times misses critical opportunities to scrutinize Dana's actions or, indeed, question the influence that Dana held on Stanton and Lincoln. For a man who possessed no military experience, save what he read in texts on the American Revolution or the Napoleonic Wars, Dana evolved into an authoritative voice. How Dana emerged to wield such influence and sway (after a young adulthood spent at the commune Brook Farm) needs further exploration. Why did Lincoln so readily accept Dana's counsel? Was Dana really best positioned to offer criticism on the Army of the Potomac's pursuit in the days after the fight at Gettysburg from his position along the Mississippi River?

Additional analysis on the relationship between Dana and Stanton, and Dana and Lincoln, would add nuance to the life and influence of Charles Dana. Still, Guarneri's work establishes Dana's agency and challenges interpretations of Dana as more than Stanton's lackey. In doing so, *Lincoln's Informer* will force scholars to position Charles Dana as an influencer, or "informer," to the Union war effort.

Review

GRAHAM A. PECK

Michael E. Woods. *Arguing until Doomsday: Stephen Douglas, Jefferson Davis, and the Struggle for American Democracy*. Chapel Hill: The University of North Carolina Press, 2020. Pp. 338.

Stephen A. Douglas and Jefferson Davis had intertwined and profoundly consequential careers. Both were born in the early 19th century and made their mark in booming frontier states that lined the Mississippi River. Both found their way into politics, where each became a colossus of the Democratic Party in their respective states and in the nation. Douglas became an advocate of the Great West in Illinois, representing the frontier settler, and Davis an advocate of the Cotton South in Mississippi, representing the planter class. Both were ardent advocates of national expansion, and in the mid-1840s each entered the House of Representatives. In 1847, both rose into the U.S. Senate, each becoming a distinguished orator and influential figure during the tumultuous decade of the 1850s. In the thick of the tumult, both wanted to use the Democratic Party to preserve the Union, and both pushed their health to the breaking point to realize their vision. Seemingly, there was much reason for them to have been close allies, working together to advance the interests of the Democratic Party and the nation.

Instead, they became bitter rivals. Each disliked the other, personally and politically, and for over a decade they crossed swords in congressional debate. The passage of years deepened their differences, and by 1860 they battled for control of the Democratic Party and the nation's future. Douglas adhered fiercely to popular sovereignty, a policy authorizing territorial settlers to exclude slavery from their midst, while Davis demanded a federal slave code, insisting that territorial legislatures had no constitutional power to strip slaveholders of their property rights. Slavery's status in the nation's territories had divided northern and southern Democrats since the mid-1840s. In 1860, it precipitated the party's collapse. Shortly thereafter northern voters elevated Illinois's Abraham Lincoln to the presidency, a Republican Party politician who had urged slavery's "ultimate extinction." Neither Davis nor his southern Democratic constituency would

tolerate that outcome. The Cotton South seceded, Davis soon became president of the Confederacy, and Douglas joined Lincoln to defend the Union after Davis authorized the bombardment of Fort Sumter. Although Douglas died two months later, his feud with Davis never ceased. Shortly before Davis died in 1889, he penned a brief autobiography that blamed Douglas for the Democratic Party's destruction.

Their colorful and consequential rivalry is the subject of *Arguing until Doomsday*, Michael E. Woods's excellent and engaging new study. Excavating the histories of these two men with prodigious manuscript research and wide reading in the secondary sources, Woods reinterprets the antebellum Democratic Party. In his view, "a deep-rooted conflict between guardians of slaveholders' property rights and champions of white men's majority rule created an irrepressible conflict within the Democratic Party." (8) In Woods's telling, Davis stood sentinel over slavery while Douglas defended democracy. Their feud was the party's feud, and their fate was that of the nation. Skillfully and creatively, Woods "uses a biographical lens to explore more fundamental sectional conflicts" (235, n.17).

The argument is crisply presented. Woods first explores the economic and social characteristics of frontier Illinois and Mississippi, tracing how Douglas and Davis rose to prominence in "divergent societies" (12). Correspondingly, as Democrats, they developed competing regional creeds in a "fragile party" (54). Douglas pursued "western development" by combining "territorial aggrandizement" and "infrastructure policies," while Davis sought to protect slavery with an "aggressive proslavery agenda" inherited in part from Senator John C. Calhoun of South Carolina (61, 65). Douglas's and Davis's respective devotion to the Great West and the Cotton South reflected their powerful regional loyalties and prefigured immense sectional strain.

The strain emerged in tandem with national expansion, which brought conflicts between northern democrats and southern planters sharply into view. Douglas and Davis both thought control of the West was essential to their respective regional visions, and hence they tussled over the land taken from Mexico in 1848. Following Calhoun, Davis claimed "the equal right of the south with the north in the territory held as the common property of the United States," and insisted that Congress protect slave property in the territories (89). Douglas instead endorsed popular sovereignty, leaving territorial settlers free to legalize or prohibit slavery. Douglas prevailed, and in 1850 the Mexican Cession was organized in accord with his wishes. But Douglas did not enjoy such success in organizing the rest of the West. The election of Democrat Franklin Pierce in 1852 strengthened

the hand of southerners in national politics, with Davis ascendant as the new Secretary of War. When Douglas sought to organize Nebraska Territory in 1854, southerners demanded that his territorial bill explicitly repeal the antislavery provisions of the Missouri Compromise. Portentously, Douglas elected to use southern votes to drive what became the Kansas-Nebraska Act through Congress. Outrage against Douglas and the Democrats erupted throughout the North, and Woods aptly describes the consequences for Douglas as "less a Pyrrhic victory than a cyanide pill" (129). Like many scholars, Woods interprets the Kansas-Nebraska Act as a decisive turning point for the Democratic Party and the nation. "Its origins," he writes, "like its bloody epilogue, aggravated conflicts over property and democracy and ravaged the Democracy and the Union" (132).

The protracted and painful denouement shivered the party into fragments. Years of bloodshed in Kansas sowed dismay and distrust amongst both southern and northern Democrats, compelling Douglas and Davis to tack politically toward their constituents' preferences. Douglas's subsequent refusal to support passage of Kansas's pro-slavery Lecompton Constitution in Congress especially embittered southerners, but his partisan logic was unerring: he could not sacrifice popular sovereignty to slaveholders' property rights without dismembering the northern Democracy. Davis and other southern Democrats therefore watched in fury as Douglas collaborated with congressional Republicans to defeat passage of that constitution in 1858. To Woods, this momentous sundering of the party precipitated a "convergence between northern Democrats and Republicans" and a "parallel merger between southern Democrats and fire-eaters" (166). Sectional polarization, already well advanced, deepened further, and was then exacerbated by two years of additional fratricide, including sharp exchanges between Douglas and Davis in the Senate, leading Senator Alfred Iverson of Georgia to complain that they were arguing "until doomsday" (1). The Democratic Party's rupture in 1860 thus reflected its intractable divisions. At root, Woods writes, the "party could stand for white men's democracy or white masters' property, but not both" (178).

On its own terms, *Arguing until Doomsday* is highly persuasive. Woods's research demonstrates that both Douglas and Davis represented the central perspectives of their regional partisans. Neither man wished to destroy the Democratic Party and the Union, but both contributed handsomely to the calamity because slavery created "relentless internal conflict" in the party (8). From its inception, in Woods's account, the party harbored a deadly conflict within itself.

This framing of the problem contributes to a growing literature on property rights and the coming of the Civil War. As sectional conflict mounted, southerners increasingly demanded national protection of slave property, a progression highly evident in Davis's career. Despite a frequent reliance on strict construction of the Constitution, which he turned against western internal improvement projects, Davis repeatedly demanded that the federal government exert itself in favor of slavery to protect property rights (72–73, 106, 127, 155). Correspondingly, his proslavery politics were sustained and unapologetic. Soon after entering the Senate, he declared that slavery was a positive good, and thereafter he labored to make the Democratic Party as proslavery as possible (85). In 1852 he wrote that proslavery southerners should “sustain a sound party at the north to extract whatever we can from party organization for the security of our constitutional rights” (118). This was not exactly a national view of the party, and his willingness to endorse secession should southerners not control national politics highlights the profound connection between slave property and the origins of the war. Unquestionably, Douglas and his fellow northern Democrats had their hands full with their southern allies. Douglas was an unshakable Unionist. By contrast, Davis was a traitor-in-waiting, frequently waving the southern radicals' quasi-American flag of conditional unionism.

Despite its many merits, the book's focus on Douglas and Davis does obscure the critically important role of antislavery reformers and Republicans. Throughout the book, they are kept to the margins. This is understandable, but regrettable. After all, southerners did not secede because of Douglas's election, but because of Lincoln's. Similarly, southerners did not break up the Democratic Party because they feared northern Democrats, but because they feared Republicans. One way to conceptualize the problem is to imagine a political environment without Republicans, where the only debate was between Douglas and Davis, between majoritarian democracy and property rights in slaves. In such a circumstance, the clash between popular sovereignty and a slave code never would have seen the light of day. This is evident in Woods's own analysis. In 1848, President Polk recommended an extension of the Missouri Compromise line to resolve the nation's dispute over the Mexican Cession. “Douglas and Davis,” Woods writes, “voted with a Senate majority for such a measure, but antislavery northerners, determined to stop slavery's expansion, defeated it in the House” (90). In the midst of the secession crisis 13 years later, Senator John J. Crittenden proposed a similar adjustment, which Douglas accepted and Davis apparently would have if Republican senators

had concurred (218–219). But the Republican senators voted it down. Bolstered by a letter from President-elect Lincoln, Republican congressmen refused to compromise on slavery's expansion. They were not being especially obdurate, but merely sustaining the political will of their constituents. After all, the 1860 Republican Party platform denied that either Congress or territorial legislatures could "give legal existence to slavery in any territory of the United States." This stance was in stark contrast to Douglas, who supported not only slavery's perpetuity, but also its expansion wherever white men desired it. In keeping with this perspective, the Democratic Party platform in 1860 encouraged "the acquisition of the Island of Cuba on such terms as shall be honorable to ourselves and just to Spain." Freed from the Republicans, Douglas and Davis likely would have come to a *modus vivendi*.

Neither Douglas, nor the Democratic Party's rupture, nor the origins of the Civil War can be fully understood without addressing the influence of the antislavery movement. Woods presents Douglas as pragmatic, and, like virtually all politicians, he did have a pragmatic side. But of all his pragmatic decisions, adopting popular sovereignty in the late 1840s very likely tops the list. He did not do it because of a philosophical commitment to majoritarian democracy, but because organizing national territories and preserving his party seemed to require it. His decision reflected the disruptions produced by an emerging political antislavery movement focused on halting the spread of slavery. That movement had its origins in hostility to slavery. The hostility was by no means equally distributed across the northern population, but it was unquestionably growing by the 1840s and had forced its way into national politics after little more than a decade of agitation. It showed no signs of slowing. Calhoun knew this, as did Davis. Both feared it profoundly and acted accordingly. Hence, although it is true that a collision between majoritarian democracy and property rights in slaves bedeviled the Democratic Party, there was a broader conflict in America between southern defenders of property rights in slaves and northerners who believed that there should be no property rights in slaves at all. That broader conflict precipitated the conflict within the Democratic Party by shaping the decisions of both Douglas and Davis and their peers. *Arguing until Doomsday* does not tell that important story, but it tells an impressively good one as it is.

Review Essay

Works on the Civil War Congress

JOHN A. O'BRIEN

William C. Harris. *Lincoln and Congress*. Carbondale: Southern Illinois University Press, 2017. Pp. 165.

Fergus M. Bordewich. *Congress at War: How Republican Reformers Fought the Civil War, Defied Lincoln, Ended Slavery, and Remade America*. New York: Alfred A. Knopf, 2020. Pp. 450.

This is the perfect time to read about a Congress that remained resolute during a period of profound crisis to keep America great. Two books provide different perspectives on the relationship of the Civil War Congress and President Lincoln that drew extraordinary legislative feats from chaotic times. Distinguished authors William Harris and Fergus Bordewich provide lively, perceptive accounts of clashing personalities and values coalescing to propel Union victory and a vastly improved future for the country.

The Civil War was a test of the still-novel idea of government by the people. Could the United States survive a divisive war and restore national integrity with principles that, as Lincoln suggested, would make it worth saving? The vital role of Congress in securing those principles has been eclipsed by the vast archive of scholarship on Abraham Lincoln as an exceptional leader. The legislation that destroyed slavery and advanced human rights was defined by Congress and pressed upon the president. Without the restraining presence of the southern delegations, the Civil War Congress passed landmark legislation that would transform America. Laws were enacted to settle western lands, complete a transcontinental railroad, promote higher education with land-grant colleges, create a national currency, disrupt the viability of the slave system through confiscation acts, add two new states to the Union and, finally, abolish slavery. All this was accomplished while creating the means to raise a massive military force and prosecute an existential war.

Lincoln scholar Harris and historian Bordewich have authored books that examine how Congress responded to the Civil War as an

opportunity to shape a unifying vision of the nation's future. They tell the stories of the men credited with passing the series of bills that qualify the 37th and 38th congresses (1861–1865) as among the most legislatively significant in history. However, Harris and Bordewich have distinctly different perspectives on the nature of the working relationship between Congress and Lincoln. They divide over a persistent scholarly debate on the role of the Radical Republicans.

Eighty years ago, historian T. Harry Williams published an analysis of the Radical Republicans in relation to other factions in Congress. The Radicals were abolitionists who dominated both the House and Senate. Professor Williams defined them as men of morality and principle who, on the issue of slavery, would not compromise. In their passionate advocacy for an absolute solution to end slavery, the Radicals had to overcome a president who was the most pragmatic politician of his time. They were revolutionaries, Williams asserted, who made political war on President Lincoln over emancipation.

It is well documented that the relationship between Lincoln and Congress was often tempestuous. Those who write about this period usually do so through this lens of political conflict. Harris and Bordewich stake out their distinct positions very clearly beginning with their titles. Harris believes that shared objectives made it necessary for the Radicals and Lincoln to collaborate in the legislative and military victories during the war. Despite their disputes, it was Lincoln *and* Congress working together who achieved the ultimate triumphs.

In his title abbreviated as *Congress at War*, Bordewich refers to several types of political battles forced by the Radicals, and not just the shooting war with the Confederacy. Bordewich shows that confrontation was a tactic used by Radicals to spur the president to forceful action, exhort the army to wage aggressive war, and overcome less zealous factions in the Capitol. Congress was *at war* with Lincoln, peace Democrats, and Union generals, as well as with the seceded states. Bordewich builds his plot on the compelling stories and insights derived from heated confrontations in Washington, D.C. Harris disputes Professor Williams, while Bordewich sustains him. Readers benefit from the distinctions.

Harris is a productive scholar who has contributed greatly to Lincoln studies. In *Lincoln and Congress*, he has written the essential narrative about the enduring successes of their relationship. In five succinct chapters, he describes the leading figures and milestones of the Lincoln Administration and Congress through each year of the war. He portrays several of the well-known Radical confrontations with Lincoln that he says led to misperceptions of a troubled relationship. One such outburst was over war policy when Senator Ben Wade of

Ohio accused Lincoln of being responsible for every military blunder of the war. "You and this government are on the road to hell, sir," he raged, "and you are not a mile off this minute!" Lincoln deflected the charge, noting "that is about the distance from here to the Capitol." It is possible that Harris's substantial Lincoln research and his admiration for the president's eventual command of the situation may have softened his assessment of Lincoln's concern for the Radicals' behavior.

Harris credits many congressmen with helping to foster so much important legislation. He uses Radical leader Rep. Thaddeus Stevens of Pennsylvania to demonstrate the complexity of congressional collaboration. In this telling, Stevens defined the abolitionist positions and was alone unafraid to push his vision for racial equality. In the winter of 1862, Stevens was hard-pressed to name a single Lincoln supporter in the House. His chronic outrage at the president's inadequacies subsided only as Lincoln publicly pressed for the 13th Amendment after his re-election. Stevens was often the necessary advocate for uniting factions on such measures as the Homestead Act and the Pacific Railway Act. His style of transactional bipartisanship better defines the congressional relations with Lincoln, Harris writes, than a few incidents of "dynamic tension."

Lincoln and Congress was published in the Concise Lincoln Library Series by the Southern Illinois University Press. These editions are intended to give the reader "the opportunity to quickly achieve basic knowledge of a Lincoln-related topic." *Lincoln and Congress* meets the objective by providing a comprehensive yet tightly written narrative. Harris has a command of this topic to deliver a high-quality, high-level review in a slender 165-page volume.

Fergus Bordewich is both journalist and historian with a particular interest in the first century of culture and politics in the United States. He brings a popular writer's flair to describing the controversies between Congress and Lincoln. Bordewich takes the main points of dispute, such as the Wade-Davis bill on the future of reconstruction, and develops a very lively story of clashing temperaments and contending values. Lincoln vetoed this attempt by Congress to assert stringent rules for post-war reconciliation. Bordewich gathers the explosive reactions from congressmen howling that the traitor-loving, usurper president "must be gotten rid of." Here, the abolitionists' anger boils until they realize that with the elections near, it was either Lincoln or a Democrat. Bordewich stages the debates and confrontations to reveal progress as resulting from these emotionally bruising conflicts.

By highlighting selected leaders, Bordewich traces the development of relationships and policy themes. He explores the character,

personality, and beliefs of Benjamin Wade, Thaddeus Stevens, Clement Vallandigham, and William Pitt Fessenden. Through these four legislators, Bordewich reveals the influence of the culture and the layered politics of how the deals were done.

Senator Fessenden was a conservative Republican from Maine and was chair of the Senate Finance Committee. His stature and natural caution gave him the gravitas needed to create coalitions around money issues. Together, he and House Ways and Means Chair Stevens worked to assure that the war did not end prematurely for want of revenues. They assisted Treasury Secretary Salmon Chase to create the concept and political will for both a federal currency and a national income tax. Fessenden was thought to be indispensable to the implementation of these fiscal innovations. When Chase resigned his cabinet position in mid-1864, Lincoln immediately nominated Fessenden to head the Treasury. Fessenden learned about this only after the Senate had already confirmed him.

The peace Democrats, called Copperheads, opposed the war and efforts to end slavery. Their leader in the House was Clement Vallandigham of Ohio. Here Vallandigham represents the anti-war themes and concerns for unfettered executive power that made Lincoln particularly vulnerable to criticism. Vallandigham was a brilliant debater and gifted public speaker. Bordewich deploys him to dramatize the persuasive power of peace rhetoric to create turmoil as many grew weary of a seemingly unending war. Senator Wade was also critical of Lincoln, but for not using enough of his power. Wade longed for "an overthrow of this imbecility [Lincoln] when we could place the power in more competent hands." In the darkest days of the war, Bordewich displays Lincoln as pitiable within the vise of Copperhead pressures for immediate peace and Radical demands for total war.

Radical tactics pushed Lincoln to act more quickly on emancipation, Bordewich contends. But Lincoln was surely impatient to end slavery. He had declared before his election that Republicans were dedicated to achieving "a higher object than that of mere office." He knew that either slavery or the American ideal had to die. Lincoln feared that acting against slavery prematurely meant losing the war. This made the president the greatest enemy of the Radicals' ambition for swift revolution. Did Lincoln choose the moment to act, or was he compelled by pressure politics? Lincoln denied reacting when he later said that emancipation would not have been sustained by the public if he had ordered it even a few months earlier than he did.

Emancipation did not end the Radicals' campaign. They quickly moved to secure civil rights for people of African descent. Radicals readied for further battle as Lincoln announced his willingness to

reconcile with states that merely accepted that slavery was dead. Senator Wade told of his relief when Lincoln's assassination put a man with tougher views in the White House. Harris, too, doubts that Lincoln, had he lived, would have become more forceful in demanding Black voting rights during Reconstruction. But true to his premise in *Lincoln and Congress*, Harris leaves open the possibility that Radical leaders might still have been successful in convincing Lincoln to expand civil rights during his second term.

Even though they describe many incidents that seem to presage later, even current conflicts, these authors again part ways in their predictions. Harris is wary about drawing any longer-term lessons from this exceptionally turbulent era. In discussing his book at a recent Lincoln Institute meeting, Harris declined a question that invited him to make a comparison between events in Congress during the Civil War and today. Staying in his academic lane, Harris demurred, saying, "The 21st century is not my bag."

Bordewich is optimistic that the Radical Republicans "have something to teach us about how our government can function at its best in challenging times." He has presented his case believing that the Radicals became an irresistible force in pursuit of an absolute moral principle, the death of slavery. The argument seems better made for the uniqueness of the times that required aggressive acts. Had the south not seceded, the Radicals would have remained an ignored, frustrated minority faction in Congress. But they seized a rare moment in history to bring the United States in line with the moral standard of all western civilization. When the south returned, Congress could not long protect voting rights and equal justice for the formerly enslaved. Having passed heroic laws, the Radicals, or so the lesson might be, are necessary to secure changes, but are not sufficient to sustain them without a broader coalition.

Harris and Bordewich have written compelling, enjoyable books that reveal the inner workings of Congress during the Civil War from differing perspectives. They each invite us to reimagine an institution that today is not often credited with dynamic leadership. They present what is possible in Congress when a galvanizing moral principle becomes a tool in the hands of talented, selfless leaders. Whether Congress was at war or in collaboration with Lincoln, remarkable deeds were achieved. These wonderful books present new insights into the people who courageously asserted the highest moral values in uncharted times to re-create the United States on the basis of principles that made it worth saving for all time.

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