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# Democratic Turmoil: California During the Civil War Years

By Dr. Robert J. Chandler

"Talk and reason as we will about the liberty of speech," Federal Judge Matthew P. Deady ruled in a wartime California dispute, "something is due to society from every reasonable being who enjoys its protection and privileges." During a time of war, and civil war at that, where did political boundaries lie? What was that "something" owed to society? How far could one dissent? During the Civil War Californians supporting the Union stifled Democratic party opponents, and enhanced legal privileges for black men and women--and later Chinese and Indians.<sup>1</sup>

The question of wartime civil liberties intersects another significant question: "Did Democrats and Southern sympathizers in the North seriously threaten to disable or overthrow the Federal Government?" Conspiracy theories involving Southern revolutionaries became good electioneering material in 1860, and Unionists trotted out charges of Democratic fifth column activities until late into the nineteenth century. Democratic disloyalty easily explained the fourteen thousand civilians imprisoned in Northern forts.

Not until the grandsons of the veterans passed on did scholars seriously challenge the accepted view that Copperhead Democrats flocked to the secret, armed, plotting Knights of the Golden Circle. A new breed of historians arrived in the 1960s. Joel Silbey's analysis of Democratic party political theory in *A Respectable Minority* (1977) and Frank L. Klement's books on the Copperheads published between 1960 and 1984 advanced the thesis that Democrats merely offered an alternative to Abraham Lincoln's policies as a "loyal opposition."<sup>2</sup>

This Democratic rehabilitation underlies Mark E. Neely, Jr.'s pathbreaking studies in constitutional history, *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (1991), a Pulitzer Prize winner in 1992, and *The Last Best Hope on Earth: Abraham Lincoln and the Promise of America* (1993). Neely argued if Democrats were for the Union, then the thousands of civilians Unionists imprisoned in Lincoln's Bastilles were arrested for

military infractions rather than political ones. He makes his case for the vast numbers incarcerated in militarily-contested and occupied Southern areas, but falters in the political sphere.<sup>3</sup>

In the realm of politics, this new paradigm of a "loyal opposition" rests on a framework as shaky as its predecessor. Through all of Klement's studies is the underlying belief that Unionists *knew* secret Democratic organizations were ineffectual, but magnified them for political gain. However, Southern-sympathizing conspirators certainly were not sending meeting minutes to Abraham Lincoln, while some of the spies Klement so thoroughly ridicules supplied the only copies of printed materials in existence today. Reliable information was just not available. Furthermore, Klement assumed that the vision of the nation's most vocal Peace Democrat Clement L. Vallandigham, the Democratic party in California, and others encompassed a quickly reconstructed union rather than two independent nations occupying the land of the former United States.

On December 22, 1862, Congressman Vallandigham of Ohio forthrightly introduced a resolution into the House of Representatives calling for "an immediate cessation of hostilities." His reasoning became clear in a major speech three weeks later. Slavery, he argued on January 14, 1863, was benign, and "Abolition the cause of this civil war." Since 1861, coercion, invasion, and the emancipation of Southern slaves made the war an "utter and signal failure." Vallandigham had a solution. "Stop fighting. Make an armistice," he told Congress. "What I propose is informal, practical recognition" of the Confederate States of America! Reunion might come years or generations later. "Let slavery alone," he said. "Let passion have time to cool, and reason resume its sway." Vallandigham's nationalism was passive. "Southern rights" took precedent over national unity, and such men would lose no sleep if the Union crumbled.

Neely admitted in his superb analysis of Lincoln's

political mastery that the president "himself occasionally believed the rumors of plots to overthrow the republic. Such suspicions gained the upper hand only when Lincoln was under great stress and especially aggravated," Neely continued, "but he was under stress a great deal of the time." Yet, with skilled Confederate armies victorious on the battlefield and able political opponents all around in the North, every Unionist was "under stress a great deal of the time."<sup>4</sup>

A closer look at the universal ideology of Southern-sympathizing Democrats in the North and California places the threat in perspective. First, devotion to state sovereignty kept Southerners and Confederate sympathizers in the Northern states loyal to their respective states. As former California Supreme Court Clerk Charles Fairfax, a Southern gentleman to the core, emphatically declared, "Though I am a Virginian by birth, I have adopted California" and "I cannot in honor do anything . . . to weaken her attachment to the Union." Those in the north and west who wished to fight for a Southern nation left home to join Confederate armies.<sup>5</sup>

However, Vallandigham and other Northern civilians of this ilk argued through newspapers, pamphlets, speeches, and conversations for an independent slaveholding South rather than a coerced Union with a centralized government granting legal equality to blacks. That such men failed to let the Confederacy depart in peace, either by election victory or armed uprising, was due to lack of organization, no money, and low popular support—not for want of trying. Union men would not trust them; Unionists could not trust them.

California tests this philosophical view. The Golden State was the most diverse in the Union. Of the approximately 435,000 inhabitants in 1860, 27 percent were Northern born, 11 percent came from the South, and 10 percent were native-born children. Europeans comprised 26 percent of all Californians, with the Irish at 9 percent of the total population, British 6, German 6, and French two percent. Each group pursued its special interests, but suffrage restrictions distorted political strength and ideology sometimes overrode place of birth. John S. Hittell, the San Francisco *Alta California's* commercial editor, estimated in 1863 that the state had 150,000 voters: 50,000 from the free states, 30,000 from the slave states, and 50,000 from Europe, which included 20,000 Irish and 15,000 Germans. California's government was for white men; legal rights for the non-white population were a constant source of controversy. California had 11 percent

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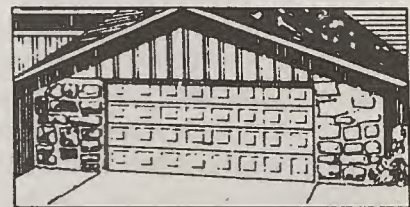
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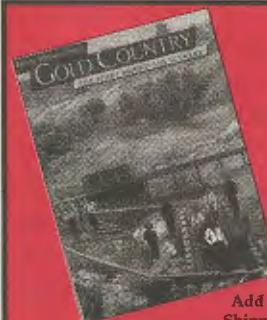
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Chinese, 8 percent Indian, 6 percent Spanish-speaking, and 1 percent black. Only Hispanics had legal and political privileges. Although isolated geographically from the East, the same ideological concerns shaped political discourse.

Beginning in 1848, gold seekers carried their political beliefs with them and California resembled a Border State. For instance: "Neither slavery, nor involuntary servitude," the 1849 Constitution in Article 1, Section 18, proclaimed, "shall ever be tolerated in this State." Meaningless verbiage, Democrats snorted. "Slavery must continue to exist here until the legislature, by the enactment of sufficient prohibitions and penalties," James H. Hardy, a politically-connected Democratic lawyer declared nine years later, "has asserted the paramount authority of the state." Only when the supreme court took a contrary view in this 1858 case did California become a free state in fact. Until that decision, Democrats had no legal qualms about keeping their black "property" in the Golden State.<sup>6</sup>

When war came, California escaped armed strife within its borders, but not from political principles. In fact, distance from eastern battlefields seemed to heighten patriotic fervor. California quickly aligned with the North, and the Civil War years in the Golden State brought a search for authority to enforce Unionist conformity. The masses turned first to the ballot box to elect like-minded nationalist officials. When dissent became offensive, Unionists used civil law, then military power, and finally found authority within themselves to silence foes. With peace, extra-legal arbitrariness vanished, and constitutional forms of law resumed their accustomed places.

A political revolution came in an incredibly short time. September 1859 marked the high and low points of the dominant Southern Democracy, which believed in state sovereignty and white supremacy. In the 1859 election, these slavery-supporting Democrats triumphed. The politically buried Republicans, who held to Federal authority and equality under the law for all, and the Northern wing of their party. Northern Democrats, such as Stephen A. Douglas in the eastern states, adopted the nationalism of the Republicans and the racism of their Southern political brethren. A Republican orator highlighted these irreconcilable ideological differences. "Democracy in the United States means equal rights to *all sections*," he said--hence protection for slavery--"and Republicanism means equal rights to all men." Each party would sacrifice the other's most cherished beliefs to advance its own--

Democrats would let the Union dissolve to protect slavery and an independent South, while Unionists would conquer the Confederacy and grant legal rights to blacks--and in theory to Chinese and Indians--to preserve the nation united.<sup>7</sup>

Southern Democratic decline began within two weeks of the election when one member each from the two separate wings of the Democracy raised a dueling pistol. The Southerner shot deadly, and on September 13, 1859, Supreme Court Justice David S. Terry mortally wounded United States Senator David S. Broderick. Illustrating the underlying power of race, the furor arose when Terry, in essence, called Broderick a "Negro Lover" and party apostate. In death, this Northern Democrat became larger than life. The golden-tongued Republican Edward D. Baker asserted at Broderick's funeral that Southern Democrats had deliberately killed him: "His death was a political necessity, poorly veiled beneath the guise of a private quarrel." Drawing on national issues, Baker rhetorically asked, "What was his public crime? The answer is in his own words: 'I die because I was opposed to a corrupt administration, and the extension of slavery [into the territories].'" Baker eulogized the martyr: "Who now shall speak for California? Who can appeal to the communities of the Atlantic who love free labor?"<sup>8</sup>

Baker received his answer in 1860, helped along when the splintered Democratic party followed California's 1859 precedent and nominated two separate candidates. To the surprise of many after ten years of Southern Democratic control, a plurality among 120,000 California voters chose Republican Abraham Lincoln for President. Unimpressed, the state's two leading Southern dailies, the *Herald* in San Francisco, and the *California Express* in Marysville, warned that November of a "disruption of the Union" and a "fratricidal war," explaining that a Republican victory meant "the Southern people...are driven to the last alternative--call it secession, disunion, revolution, or what you will." In the state capital, a Sacramento journalist sounded the call for "a convention with a view to the establishment of a separate and independent Republic." Off at the national capital in Washington, D.C., the state's four Southern Democratic congressmen advocated, in the words of Congressman John C. Burch, that Californians "raise aloft the flag of the 'bear,' surrounded with the hydra-pointed cactus of the western wilds."

Unionists quickly dismissed "Cactus" Burch, and events passed him by. A hastily called meeting in San

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AT TWO O'CLOCK, P. M.

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At the City Hall, at Half-past One o'clock, P. M., To-Day,

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On February 22, 1861, 14,000 San Franciscans--the number who voted in 1860--met where Montgomery and Post join Market Street to cheer an undivided Union "three times three" and "entirely repudiate" the Southern Democratic proposal for California to secede and become an independent nation.

San Francisco on Washington's birthday repudiated the idea of a Pacific Republic. In late April 1861, after the Rebels fired on Fort Sumter in Charleston harbor, public sentiment in the Golden State solidified for the Union. Newspapers swung into line, while Union Clubs sprang up throughout the state. Another mass meeting in the Bay City on May 11, 1861, enabled Gov-

ernor John G. Downey to commit political suicide: He stated he did not "believe that this Union can be preserved by a coercive policy." Following this meeting, a Committee of Thirty-Four San Francisco merchant leaders formed to aid authorities in detecting "conspiracies" and "treasonable combinations." In early June, the United States Marshal reported to Washington, "We have no avowed Secessionists here."<sup>9</sup>

Secessionists agreed. "The South is right in the step she has taken," Harry I. Thornton, Jr. had told his fellow state senators on February 7, 1861. Now, four months later, the Alabama-born Thornton recognized political reality. "I find I do not represent the Sentiments of my people," he complained to his mother on June 2. "Sierra [County] is like Sacramento and indeed this whole State--loudly for 'Coercion and War.'" His next remarks delineated party collapse since 1859

and the rise of Northern dominance: "Under the pressure I see Southern dirt-eaters humbling their cringing Spirits at the Knees of their enemies and licking the hand that Smites them." Even among his gentlemanly friends, he found "some are pliant stuff and stretch and retract like India rubber," rather than uphold the rights of the South. Within a month, Thornton sailed for the Confederacy and four hard years of battlefield service. Ultimately, six of his colleagues followed him, one-fifth of the Southern Democratic members of the 1861 legislature. Apropos, when the Sacramento *Union* received news that California congressman Charles L. Scott was then an officer in the 4th Alabama, it remarked on June 21, 1861, "He is carrying out the principles of his party."<sup>10</sup>

However, actions and statements by remaining Democrats kept Unionists wary and made charges of disloyalty believable. The 1861 Southern Democratic party platform, reaffirmed in 1862, declared, "We are opposed to the employment of force," adding, if "Constitutional guarantees" could not preserve the Union, then "we are in favor of the recognition of the independence of the Confederate States." No weasel-words here. Party sentiments and allegiance could not be clearer!<sup>11</sup>

Rising patriotic fervor demanded that churches decree that God was on the side of the Union. The Reverend William Anderson Scott was, as he declared,

*Continued Next Page*

"a Southern man by birth, education, conviction and choice," and he persisted in displaying political sentiments. Early in May 1861, Scott prayed for *both* Presidents, giving legitimacy to Confederate Jefferson Davis. Through his monthly *Pacific Expositor*, Scott endorsed secession and non-coercion. More ductile newspaper proprietors reacted as Thornton feared, leaving Scott the only San Francisco editor advocating the "Constitutional Rights and Truths" of the Southern Democratic political program.<sup>12</sup>

In response, public anger at Scott and popular approval of the avid Unionism of the Reverend Thomas Starr King demanded that the United States flag be flown from churches. "Where there are Secessionists mingling with Loyalists," the *Bulletin* pronounced on June 29, 1861, "the matter is rescued from the domain of mere taste and becomes a consideration of patriotism." A more visible demonstration came in September. A few days after Scott blurted out in a church meeting, "Jefferson Davis is no more a traitor than George Washington was a traitor," outraged Unionists surrounded his elite church and hanged him in effigy. Scott fled to France.<sup>13</sup>

In 1861, the election became crucial. Fears of "plotting, scheming, and organizing" Southern Democrats, who "undoubtedly have a secret organization," fueled irrational fears that "civil war will be inaugurated in the Golden State." Unionists sometimes became highhanded. "We drove them away from the Polls here in a number of districts," one San Franciscan wrote. "I would neither allow them to peddle tickets, or vote." Leland Stanford, representing the Republican party which had been so shredded in 1859, became governor. His Unionist program included the key right of African-Americans to testify in civil and criminal court cases involving whites. The next year, the legislature impeached District [equivalent to Superior Court] Judge James H. Hardy for treasonable

statements. Hardy, a well-known and out-spoken party hatchet-man, was the highest ranking Southern politician then in office.<sup>14</sup>

Also in 1862, the overland telegraph completed in October 1861, heightened war tensions. Leonard Noyes, a San Francisco special policeman, hinted at growing abolitionist fervor when he sat down to write his sisters on May 14, 1862: "We look for the End of this unjust War soon but I hope not before the last Enemy of the country is concord [conquered]." He added, "There was one Whole Regiment of State Molitia [sic] out parading the street last night singing Old John Brown, and rejoicing over the Telegraph News." By 1870, such emancipationist sentiment allowed California blacks to enjoy seven new privileges: testifying in court cases involving whites; riding the San Francisco street railroads; receiving a public education; pre-empting public land; serving as soldiers and sailors; marching in July 4 processions; and voting.<sup>15</sup>

The summer of 1862 became one of crisis as General George B. McClellan faltered before the Confederate capital at Richmond; disease and bullets greatly reduced Union armies; and President Lincoln pondered adding the emancipation of Southern slaves to the goals of war. On July 1, the President called for 300,000 troops, and then on August 4, requested the same number—threatening a draft on August 15, if men were not forthcoming. At the same time, Lincoln, too, was singing praises to abolitionist "Old John Brown." On July 22, he showed his cabinet a preliminary proclamation of freedom, but following his advisors, postponed issuing it until the North won a battle. Meantime, Lincoln molded and managed public opinion.

The president's iron fist appeared on August 8, 1862. At Lincoln's request, Secretary of War Edwin M. Stanton issued two orders suspending the writ of habeas corpus and authorizing a wide range of local civil and military authorities to arrest those engaging in "disloyal practice[s]," "discouraging volunteer enlistment," and "giving aid and comfort to the enemy." Openly, recruitment for the armies of the Union would proceed regardless of opposition; quietly, the president issued a political warning. If outraged Democrats upheld their party's premier principle of black inferiority by vigorously opposing the liberation of Southern slaves, "Lincoln's Bastilles" awaited them. Mark Neely characterized the orgy of arrests that followed these August orders as the "Low Tide for Liberty."<sup>16</sup>

Neely, however, has denounced this political interpretation of mine as an unwarranted search for

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"hidden motives." Instead, he illustrated the rigidity of his own thesis. In his view, Lincoln, whom he exalted as a genius at politics in *The Last Best Hope*, all of a sudden single-mindedly focused on raising troops. The president, according to Neely, would be inflexible and not use one set of orders to accomplish two purposes. The directives authorizing arbitrary arrests, Neely said, "were timed to enforce the draft call." They were "unrelated to the Emancipation Proclamation," - which Lincoln had already told his cabinet he intended to release! Yet, Neely admitted that opposition to emancipation formed the foundation of "aggressively antiwar sentiment." By his argument, the canny Lincoln would not plan for any public disturbances.<sup>17</sup>

Furthermore, the War Department orders, Neely stated, "were sharply curtailed by the government when the quotas were filled--just after the first week of September." According to Neely, all was quiet on September 8, 1862, when the provost marshal declared that "the necessity for stringent enforcement" of the August 8 orders "no longer exists." Yet, generals and governors could still make arrests; the revisions merely removed authority from low-level officers apt only to imprison drunken brawlers.<sup>+</sup>

Suddenly, Neely asserted conditions changed for the worse, requiring a special proclamation to enforce the War Department orders. What was the crisis in mid-September? The North cheered a victory! On September 17, General McClellan stopped invading Confederate General Robert E. Lee at Antietam, and with that triumph, on September 22, 1862, Abraham Lincoln issued his preliminary Emancipation Proclamation. More interestingly, two days later on September 24, the president suspended the writ of habeas corpus nationwide, incorporating the substance of the two August 8 orders.

Did this second proclamation have anything to do with the political impact of freeing African Americans--decreeing a solution to an issue that had so fiercely divided Americans since the 17th century? Not according to Neely. His thesis of the "Loyal Opposition" remained consistent: "The president intended his habeas corpus proclamation to enforce this provocative conscription law [of July 17, 1862]"<sup>19</sup>

To fit a revisionist view that arrests had military reasons rather than political, Neely goes through great contortions. First, in early September 1862, he must nullify the August orders--which brought unrestrained political arrests--through the completion of the quota for volunteers. Then to void a political relationship

between presidential proclamations on emancipation and arbitrary arrests issued 48-hours apart two weeks later, Neely manufactures a crisis in military recruiting to justify Lincoln's decree officially and publicly suspending habeas corpus!

The reaction in California illustrated the political nature of the August orders. Tension in the Golden State bubbled over in the fall. Depression that General Lee's Confederates soundly thrashed Union armies clashed with enthusiasm to aid sick and wounded soldiers. Into this mix, the two War Department orders arrived--by slow steamer mail rather than fast telegraph--a month late on September 8, 1862. General George Wright, commanding the Department of the Pacific, moderately used his power for arbitrary arrests and to exclude newspapers from the mails in order to destroy their circulation. He reported to Washington that he would "not create unnecessary alarm in the public mind by hasty and ill-advised acts."<sup>20</sup>

The orders gave Unionists the pretext to arrest and disrupt Democratic foes; while the army had general guidelines, Unionists chose the particular targets. Incidents were a test of wills. William Laine made the first arrest in San Francisco after his foe declared he was "the best g-- d-- rebel in the world & dared any man to take him." Laine added, "I tried and succeeded," and gloated, "I guess he won't blow much in future." The army banned papers from the mails in Los Angeles, Placerville, San Jose, Stockton, and Visalia in California, as well as several towns in Oregon. It imprisoned five men whom local Unionists found too vocal. Prisoners came from Benicia, Los Angeles, Sacramento, and Visalia, and to house some, the army constructed the first prison building on its secure Bay fortification, Alcatraz.<sup>21</sup>

The War Department orders strengthened with the president's proclamation worked as expected. Although freeing Southern slaves inflamed Democrats and increased their ranks, the party press only guardedly commented on emancipation. Journalists and speakers had even less to say about military arrests. Members of the California State Central Committee had "not even talked" about the problem, one Democratic paper mourned. In December 1862, General Wright became the one to conclude that arbitrary measures administered by novice politicians in blue uniforms did not work. While the released prisoners gloried in their martyrdom and resurrected papers bitterly

attacked the "abolition war," they posed little danger.

Nationally, Lincoln suffered so little fallout from "The Low Tide of Liberty,"--the mass arrests between August and December 1862--that in the future he *could* ignore everything but military security. "Once he suspended the writ of habeas corpus without suffering dire political consequences," Neely concluded, "similar actions grew easier and easier." Whatever Democrats might do--whether vehemently protesting political policy or interfering with the normal recruiting of troops--the president had mastered the defenders of slavery. With their loyalty justly questioned and their policies absurd, Democrats became the "feeble opposition!" Now, arbitrary arrests could conform to Neely's thesis and be for military offenses.<sup>22</sup>

More ominous for Democrats in California was a newspaper remark acted out in Visalia: "If the law cannot punish them, public opinion will." In Tulare County, Southern Democrats dominated politics and supported the vigorous *Equal Rights Expositor*. The army banned it from the mails and arrested its editors to no avail. "Stop calling the soldiers "Lincoln's hirelings," and "Union sons of -----," the commanding officer pleaded, warning Visalians: "I will punish no man for resenting a gross, intentional insult."<sup>23</sup>

The paper, however, found all Unionists to be "Dunghill Breeds," without "the pluck to resent a personal insult." On March 5, 1863, the paper condemned local troops as barbarous "California Cossacks." That evening, soldiers smashed the press and scattered the type. The *Expositor* was the first of three papers California Volunteers attacked in 1863 and 1864 for similar provocations. The rabidly patriotic *Sonora American Flag* summed up angry intolerance: "Lynching a Traitor--Legally Wrong--Morally Right."<sup>24</sup>

A second presidential proclamation on January 1, 1863, made emancipation firm administration policy, while that summer defense of slavery unified the two dispirited Democratic wings. In July 1863, Democrats chose ex-Governor John G. Downey to run for his former office on a platform pledging to support only the Lincoln Administration's "constitutional acts," which left "the rights of the several states unimpaired." They, of course, interpreted what were proper "constitutional modes." Destruction of slavery did not make the cut. Democrats "unqualifiedly condemn[ed] the Emancipation Proclamation" for "tending to protract indefinitely civil war, incite servile insurrection, and inevitably close the door forever to a restoration of the Union of these States."

Others took more direct action. Ridgley

Greathouse, Asbury Harpending, and Alfred Rubery, three rebels in their early twenties, did not rejoice at Lincoln's action. Instead, they began outfitting a Confederate privateer in San Francisco harbor to prey on gold carrying mail steamers. What spurred them to action? Harpending declared that emancipation was the "death" warrant of the South. "Arise, then, brave countrymen," he addressed an exaggerated "thirty thousand Southern hearts in California," and "strike for freedom, principle, and justice."<sup>25</sup>

On March 15, 1863, these Confederate sympathizers attempted to sail the schooner *J.M. Chapman* out of San Francisco harbor. Although naval, customs, and police forces captured all aboard without incident, public anger required retaliation. In a case of bad timing, the Rebels had acted while the legislature was in session. Law-makers crippled those holding Southern principles, while strengthening supporters of the Union. Legislators quickly passed a law "to punish offenses against the peace of the State," as well as others forbidding the display of the Confederate flag and organizing military expeditions. It approved loyalty oaths for attorneys and school teachers, instituted a \$2 military poll tax to support militia companies, and allowed the state's citizen soldiers to vote absentee.<sup>26</sup>

The loyalty oaths were the most effective. The attorney's oath struck at the leaders of the Democratic party. "No Democrat can take the oath without being an apostate," asserted one important politician--who had a son in the armies of the South! Attorneys who took the oath pledged to support Abraham Lincoln's war against the Confederacy and his detested proclamation to free Southern slaves. Those who refused sought a new line of work. "Brother Jim is down in the mouth, since the oath question busted him out from the practice of the law," attorney George L. Anderson wrote from Auburn. "You ought to hear him dam, & cuss the Blacks [that is, Republicans]." The oath drove important politicians out of California to Arizona, (where Anderson went), Nevada, Mexico, and the Confederate army.<sup>27</sup>

The school oath required teachers to "teach those under my charge to love, reverence and uphold" the "Constitution and Government." In the Unionist mind, illiteracy produced Secessionists. "Ignorance makes 'constitutional Democrats,'" a Napa school teacher declared, "and the school master abolitionizes them." The loyalty oath enabled Superintendent John Swett to cleanse the public schools of Democratic heretics. Democrats objected mightily to a political philosophy that taught their children to sing "John



**Public School Teachers' Oath of Allegiance.**

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County of *Sacramento* ss.



I do solemnly swear (or affirm, as the case may be,) that I will faithfully support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, that I will bear true faith, allegiance, and loyalty to the said Constitution and Government, and that I will, to the extent of my ability, teach those under my charge to love, reverence and uphold the same, any law or ordinance of any State Convention or Legislature, or any rule or obligation of any society or association, or any decree or order from any source whatsoever, to the contrary notwithstanding; and further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and I do further swear (or affirm, as the case may be,) that I will support the Constitution of the State of California. So HELP ME GOD.

SIGNED:

*Catherine Tyler*

Subscribed and sworn to before me, this *25* day of *November* one thousand eight hundred and sixty *five*.

*Samuel C. [Signature]*

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NOTE.—This certificate is subject to an Internal Revenue Stamp of five cents—to be filed in the office of the County Superintendent of Public Schools.

John Swett, Superintendent of Public Instruction, used an 1863 oath for school teachers to "fight ignorance and its twin sister secession until the last vestige of both shall be swept from our State."

Brown's Body" in praise of, according to one party journalist, "a nigger thief, a midnight assassin, a murderer, an abolition incendiary, and a convicted felon." The song explicitly gave God's sanction to Brown's crusade--John Brown's "soul is marching on" to be "a soldier in the army of the Lord." Democrats spurned "Abolition negro equality"--keeping their capitalization of the various words--and educated their children at home or set up private schools.<sup>28</sup>

With the added money from the special poll tax, the militia law and "a much needed military enthusiasm" doubled the number of men under arms compared to the year previous. The politics of these citizen-soldiers were not in doubt. At the close of 1863, California had 123 County companies comprising 8,500 men. From General Wright, the state received modern rifles "to organize and arm companies of good Union men at certain points in the State."<sup>29</sup>

The criminal laws only had limited effect as Unionists generally did not use them. Arrests for displaying Southern sympathies were not worth inflaming neighborhood antagonisms, nor did trials justify the time in court. A journalist observed that all juries would contain at least one Democrat, and "one would be quite enough to prevent conviction for any political crime." In 1863 and 1864, six cases for treasonable actions came to trial in the interior counties, and nine in San Francisco. Almost all of these pro-Southern

statements were drunken outbursts, while the defendants were politically unimportant.<sup>30</sup>

Additionally, two cases weakened respect for state and federal courts. On February 6, 1864, the five newly elected Unionists on the state supreme court struck down absentee voting by soldiers. Democrats grabbed the contested county offices. The decision, the Union press discovered, was "intended to give aid and comfort to the Jeff. Davis rebels." Less than ten days later, Unionists had little use for the federal courts. Back in October 1863, a jury took a mere four minutes to convict the Chapman ringleaders, who then received ten-

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year sentences. Now, on February 15, 1864, Federal Judge Ogden Hoffman released Ridgley Greathouse after he took a loyalty oath according to the terms of Lincoln's Amnesty Proclamation of December 8, 1863. Journalists immediately stressed that the courts were "really giving aid and comfort to the enemy, and laying the foundation for the destruction of the [Union] party."<sup>31</sup>

Returning to April 1863, Unionists emboldened by the *Chapman* scare, moved quickly outside of formal channels to join a secret national organization, the Union League. Officers demanded that "all true patriots" league together "by a firmer tie than mere party organizations." That summer, the League claimed 20,000 men organized into 113 Councils. The League's Grand Council exhibited its political clout. Members included Governor Frederick F. Low, Supreme Court Justice Edward Norton, Congressmen Timothy Phelps and Donald C. McRuer, San Francisco Police Chief Martin J. Burke, and Colonel Richard C. Drum, General Wright's adjutant.<sup>32</sup>

Not only was the Union League secretly active in electioneering, but it also encouraged members to form or join militia companies. "From these leagues," General Lucius H. Allen, commanding the Golden State's citizen-soldiers told his West Point classmate, General Henry W. Halleck in Washington, D.C., "we shall obtain the greater portion of our organized militia." Incidentally, Allen sat on the Grand Council of the Union League! If trouble arose, leaguers who knew military drill would have access to standardized weapons and ammunition.

The Santa Clara County town of Alviso exemplified Unionist unification of political and military spheres. One notable was president of the Union League, captain of the militia company, and delegate to the Union State convention. An admirer found him "altogether a most decided and positive Union man." He added, "Our motto is 'The Union must and shall be preserved,' and 'Death to all Traitors,' Amen."<sup>33</sup>

1864 was a presidential election year. "There is no clash of arms here," one League officer declared. "Our work thus far has been at the ballot box." Yet tensions expanded. On July 4, 1863, ex-President Franklin Pierce had established a national party theme when he told New Hampshire colleagues to go armed to the 1864 national Democratic convention to protect their rights. Vallandigham echoed this call for Democrats "to maintain their liberties at every hazard[;] forcibly if they must," and in March and April 1864, it reverberated across the plains to California. "Let Demo-

crats arm themselves," one editor proclaimed, while another demanded "a fair election, or a Revolution." Normally verbose Frank Pixley mapped the competing roads to salvation succinctly: "The issue is slavery first and Union afterwards; Union first and slavery nevermore." The Union League helped focus formal suppression, while increasing popular indignation grew more erratic.<sup>34</sup>

"If Democrats would regain their liberties and restore the white man's Government of Jefferson or Jackson," a Democratic editor thundered, "let them firmly and unitedly oppose the war." Another quietly asked, "Would not any sane man rather have a voluntary Union of fifteen States than a forced Union of thirty-four States?" On May 3, 1864 a week before the Democratic State Convention was due to assemble in San Francisco,



**In May 1864, loaded Columbiads at Battery Rosecranz at the northwest tip of Fort Alcatraz peer over an unfinished scarp wall searching San Francisco Bay for Rebel pirates. Autocratic Secretary of War Edwin M. Stanton ordered these photographs seized and destroyed, making them scarce today.**

former Michigan congressman John S. Chipman praised the South's fight for "independence" before a mostly Irish Democratic club. He called for a "a Republic on the Pacific," demanding that Democrats "rise up" and "put down the military despotism under which we are at present groaning." Pressured by Unionists--most probably League members--Chipman went off, as his nephew wrote, to the "Army's Bastille Boarding House of Alcatraz." His incarceration kept convention proceedings subdued. While the nephew

found that Wright possessed "sympathy & soul," Union Leaguer Drum was more hard-nosed. He insisted on a \$5,000 bond to embarrass Chipman's political friends. As practicing attorneys, they had, Chipman's nephew muttered, "Abolition client excuses" not to contribute.<sup>35</sup>

Meantime back East, the war produced a bountiful crop of generals, and Washington authorities picked Major General Irvin McDowell, an aloof but able organizer, to command the Department of the Pacific. Brigadier General George Wright moved to Sacramento, where the hot, dry climate aided his asthma, in charge of the District of California. Before Wright relinquished departmental command on July 1, 1864, he announced publicly what he had reported to headquarters privately. Lashing out at a "hiring radical press," he claimed that he had followed their lead, "I should have filled my forts with political prisoners to gratify personal hatred." The result, of course, would have been "civil war and bloodshed." Naturally, vehement Unionists pronounced the general "three-fourths dead and four-fifths Copperhead," but California's important daily papers praised Wright for keeping "profound peace." Due to his moderation, they noted, the Golden State remained the only one in the Union without "serious secession riots."<sup>36</sup>

Duplicating the bad timing that placed the *Chapman* affair in the midst of a legislative session, Confederate sympathizers—including a *Chapman* crewman—struck for the second and last time in California. On the night of June 30, six men robbed two Nevada stagecoaches coming into Placerville. Cheekily, their leader, claiming to be Captain Henry M. Ingraham, C.S.A., left a proper receipt: "Received of Wells, Fargo & Co. the sum of — dollars, said amount to be used in securing enlistments in this State for the Confederate service." However, ineptness continued to follow the Rebels. Their loot consisted mostly of huge, unweildy silver bars and amalgam. In contrast, stagecoaches going into Nevada Territory carried gold coin, ounce for ounce, sixteen times more valuable than silver! Within six weeks, local authorities had killed two, captured two, dispersed the others, and recovered the treasure. However, the murder of a deputy sheriff in the process of arresting the gang further inflamed public opinion. "Just in the nick of time," the *San Francisco Morning Call* pronounced, "General McDowell has arrived among us." What would he do?<sup>37</sup>

Perhaps driven by desperation and bitterness over the dawning Union military victory, Democrats gave Unionists another opportunity: On July 21, 1864,

Charles L. Weller spoke to the same Democratic club Chipman addressed. The League found Weller, the highest ranking party official in the state, a good choice to embarrass. He was chairman of the Democratic State Central Committee and second in command of the Knights of the Columbian Star, a feeble Democratic counterpart to the vigorous Union League. "Democrats, I do not believe you will be allowed to go to the polls," Weller warned. "I counsel Brute Force," he commanded as he told party members to "arm." With reference to Vallandigham as supreme grand commander of the midwestern Sons of Liberty—which did accept Confederate money and purchase revolvers—Weller urged the faithful to form secret societies "now" to "resist the high arm of military tyranny in California." The Grand Secretary of the Union League notarized a newspaper reporter's notes and General McDowell used them to send Weller to Alcatraz.

Democrats were in a public quandary. "We insist that Weller be read out of the party," one Unionist paper demanded, "or that party assumes the responsibility of his offense." General McDowell had the last word. He wondered, "Whether the public safety will admit of Mr. Weller's release to join his friends, or will require," he added emphatically, that "his friends shall be sent to join him." Having made his point, the general relented. On August 17, Weller left Fort Alcatraz a free man upon taking a loyalty oath and posting a \$10,000 bond.<sup>38</sup>

Meantime, Unionist opinion singled out Irish and Jews for perceived voting behavior. As the call of the Confederacy and the attorney's oath pulled Southerners from California, Irish Northern Democrats gained control of the Democratic party. President Lincoln's goal to free Southern slaves further cemented Irish allegiance and Democratic unity. Those who believed, as a party circular said, that the government was "organized for the benefit of white men and their posterity," united to oppose the war.<sup>39</sup>

More blatant prejudice was at work with Jewish voters: Papers praised Germans as "loyal" and condemned Jews for having "never been known" to "vote for the American Union." Yet, though Germans and Jews differed in religion, they shared essentially the same culture, language, and dress.<sup>40</sup>

Tempers flared when a boorish country paper moved to the refined city. In April, the vigorously loyal *Sonora American Flag* arrived in San Francisco. Building on a patronage tiff between a German and a German Jew, plus ill-advised comments in the Irish *San*

*Continued Next Page*

San Francisco *Monitor*, it pitched into "Sesesh Jews, Confederate Irish, and Other Traitors," kindling animosity in the interior of California. Calmer minds reined in extremists on both sides, but bitterness continued. The supposed sentiments of Jewish voters faded before election day, but the question of Irish voting remained volatile.<sup>41</sup>

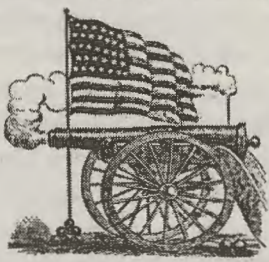
In September, the Union League used the Irish disruption of a Union procession as an excuse to form a Committee of Safety. With it came a 3,000 man Volunteer Police under Police Chief Burke, just incidentally, Grand Marshal of the Union League. In essence, the military arm of the 1856 Committee of Vigilance revived, but in 1864, the city government was not in opposition. The City and the League worked together quietly to keep order.

Jesse D. Mason, an acute observer in Ione, Amador County, described the situation in that area: "Every county in this state has from one to five volunteer militia companies uniformed and provided with United States Mini Rifles. Gen. McDowell ordered the Rifles to be taken home by the Soldiers and provided each company with ball cartridges to be used in case of necessity."<sup>42</sup>

Though in the midst of a civil war, in November the citizens of the United States went to the polls. Those in authority called for calmness. The California Union League's pre-election circular to its 130 councils requested "a full, free and fair vote." The Grand President said, "Let the only argument used be the ballot." Without popular tumult, Unionists swept the state, as they had done in 1861, 1862, and 1863. Nationally, voters re-elected President Abraham Lincoln. "I am firmly of the opinion that the Country is now Saved," a miner declared, and his residence, You Bet (Nevada County) affirmed it. "The war will soon be no more."<sup>43</sup>

In contrast to

WE WILL DEFEND IT FOREVER!



**National Union Ticket**

For President,  
**ABRAHAM LINCOLN,**

For Vice-President,  
**ANDREW JOHNSON.**

For Electors,  
SAMUEL BRANNAN,  
J. G. McCALLUM,  
W. W. CRANE,  
CHARLES MAOLAY,  
WARNER OLIVER.

**STATE TICKET.**  
SECOND DISTRICT.  
For Congress,  
**WILLIAM HIGBY.**

In the 1864 presidential elections, Republicans and Democrats placed patriotic appeals on their ballots

emerging peace, popular intolerance erupted in early 1865. Democratic party "disloyalty," Irish Catholic "treason," supposed lenient courts, perceived weak military commanders, and French and British support for the Confederacy fueled discontent. By January, major dailies ignored "the inept, cumbrous and slow-moving machinery of civil law" and called on "public opinion" to "exact condemnation."<sup>44</sup>


On April 15, the telegraph brought the mournful news of President Lincoln's assassination. Patriotic Californians reacted with shock, horror, anger, and violence. In San Francisco, at 3 p.m., angry Unionists called out, "Down with the Press!" A mob destroyed the *Democratic Press*, the main party daily; the Irish Catholic *Monitor* and *Occidental*; the British *News Letter*; and the French Imperialist *L'Union Franco-Americaine*. The crowd besieged the official Imperialist paper, *L'Echo du Pacifique* in the *Alta* building on Sacramento Street. This riot was the first in San Francisco history to destroy property. Unlike twentieth century urban uprisings, rioters chose specific political targets and did not injure people.

General McDowell appeared and addressed the mob as, "My Friends." He calmly explained, "I have wished to exercise as seldom as possible the military power so apt to become military despotism. I have therefore tolerated many wrong things done in the public press. While your course today was very

wrong, it was very natural . . . and [you] have perhaps saved me some trouble. Now, I want you to save me further trouble by dispersing."<sup>45</sup>

Soon, 2,000 militiamen began clearing Montgomery Street, and that evening, 5,000 soldiers from the Presidio occupied the city. Elsewhere, from the small town of Bodega, one woman reported, "There was wildness and madness and the most intense excitement in every eye." Through-

**REGULAR  
DEMOCRATIC TICKET.**



FOR PRESIDENT,  
**George B. McClellan.**

FOR VICE PRESIDENT,  
**George H. Pendleton.**

FOR PRESIDENTIAL ELECTORS,  
JOHN T. DOYLE,  
H. P. BARBER,  
WILLIAM F. WHITE,  
E. J. LEWIS,  
JOSEPH HAMILTON.

FOR CONGRESS—FIRST DISTRICT.  
**J. B. CROCKETT.**

Courtesy the Lincoln Museum, Fort Wayne, Indiana



Outraged Unionists reacted to the assassination of President Lincoln by trashing 5 San Francisco newspapers on April 15, 1865, and hoped to destroy a sixth in the *Alta California* building on Sacramento Street, below Montgomery. Shown here at 4 p.m., the police, augmented by the army's provost guard, have formed a hollow square to protect the French Imperialist paper renting the fourth floor. The building's flag is at half mast, mourning flaps from the balconies, and the iron fire shutters are closed for protection.

offered to it," one paper said, "even if there is no law proscribing the mode and manner."<sup>47</sup>

While the Unionist majority ignored legal niceties, the army prisoners remained unrepentant. Some worked on the fortifications of Alcatraz with 24-pound balls chained to their legs, singing:

out California, jubilant Southerners rejoiced at the assassination, while mournful Unionists ran some of them out of town. In San Francisco and Sacramento, authorities used the 1863 law to arrest seven who cheered.<sup>46</sup>

On April 17, 1865, at the request of San Francisco's mayor, the federal district judge, and other important citizens, General McDowell ordered the suppression of any paper and the arrest of any one "so utterly infamous as to exult over the assassination of the President." Between April 17 and June 1, the Army arrested 68 Californians. "Society has an inherent right to punish insults

"What a sad sight to see six and thirty men once free,  
Imprisoned for expressing an opinion!  
And when this noble band are made to shovel sand  
There's cursing in the happy land of Canaan!

"Ho, boys ho! To shovel sand you go!  
Your muscles and your patience are in trainin'  
Too brave you are to cry--you know that by and by  
You'll be welcomed to the happy land of Canaan!"<sup>48</sup>

"With firmness in the right," President Lincoln announced in his second inaugural, "let us strive . . . to bind up the nation's wounds." By July 1865, the Army had released all prisoners from its scattered posts and restored the San Francisco newspaper offices to their owners.<sup>49</sup>

The end of the war restored political equilibrium. On the Union side, military power vanished, officials ignored or repealed the 1863 legislation, the Union League disbanded, the *American Flag's* excesses doomed it, and the Union party split into two warring factions. Concurrently, their Democratic opponents struggled to regroup. With little support and scarce political patronage, Democratic journalism was devastated. In 1865, the three principal wartime Democratic editors--Beriah Brown of the *Democratic Press*; Thomas A. Brady of the *Monitor*; and Charles R. Street of the *Marysville Express*--retired or left California. A lack of revenue during the war had killed two thirds of the major party papers. However, paroled veterans returned from the Confederate army and attorneys wandered back from exile. They failed, however, to regain their old power and wartime moderates came to the fore. In 1867, Democrats broadened the issue of race to target the Chinese and captured the state offices. The next year, the legislature allowed cities to be sued for mob damages and San Francisco courts awarded \$32,000 to the owners of the destroyed papers.<sup>50</sup>

John McCall, one of several imprisoned for praising Lincoln's death, found vindication in the Federal courts. On April 25, 1867, District Judge Matthew P. Deady of Oregon awarded him "compensatory damages." Deady held that only Congress possessed the power to suspend the writ of habeas corpus. General McDowell, therefore, had acted on "what was deemed public necessity" with "no authority or order from the President." However, a recent act by Congress held that officers in such cases "shall be held prima facie to have been authorized by the President" stopped fur-

*Continued Next Page*

ther action. Similar to modern sexual harassment cases, each Civil War situation produced ambiguity. Political actions which legally were not crimes impinged upon the rights of society. Even Judge Deady admitted that McCall's arrest came about from "dangerous and disgraceful" conduct, "well calculated" to have brought "trouble to the community."<sup>51</sup>

No agreement existed concerning the Constitution and the laws. Political ideology was paramount. Southern Democrats held that the Constitution supported slavery and Southern independence, and did not worry over arbitrary measures in California. Men in the service of the semi-religious cause of national unity appealed to the "higher law" of "military necessity." They fought for the Constitution, but not by its "paper cobwebs." The Union majority turned first to civil authority, then to the military, and finally to popular action. It enforced conformity through the legislature, courts, executive action, Union Leagues, militia companies, boycotts, and proscription.<sup>52</sup>

Fierce, ideological political conflicts erupted in wartime California. California Democrats made Unionist conspiracy charges believable. Their vision of America placed the liberties of white citizens above territorial unity. Too many vocal party stalwarts supported the foundation political philosophy of an independent Confederate States of America as the safeguard of their rights for Unionists to dismiss fears that they would arm. The danger was real, and while the fate of the United States remained unknown, Unionists took no chances. Honor, vengeance, and frustration fueled the demand for quick and harsh punishment. However, in spite of strident demands to crush Democratic foes, no one persevered to do it. Imprisonment was temporary, and authorities executed no one. Democrats in the public eye continued their careers. Regardless of rhetoric, the idea of representative government remained strong. In the end, the primary Civil War battleground in California was the ballot box.

See companion article by Dr. Chandler, "Private Feelings: Californians View the Civil War" on page 47.

#### About the Author:

Robert J. Chandler received his doctorate in 1978 from the University of California, Riverside, for a dissertation on "The Press and Civil Liberties in California during the Civil War, 1861-1865." Since that time he has been the senior researcher for His-

torical Services, Wells Fargo Bank in San Francisco, and has written some thirty articles on Wells Fargo and the Civil War in California. He is acclaimed by many to be the premier authority on California in the Civil War and in particular San Francisco.

On October 24, 1997 Dr. Chandler will give a presentation for the Civil War Symposium at the Presidio of San Francisco entitled "California and San Francisco--Destinies Unbreakably Linked." For more information contact Len Riedel, Executive Director of the Blue & Gray Education Society in Danville, Virginia at (804)797-4535.

Dr. Chandler also serves as a Historical Advisor to the *Dogtown Territorial Quarterly*.

#### End Notes

1. McCall v. McDowell, No. 8,673, 15 Federal Cases, 123 (1867). I presented an earlier version of this paper on April 23, 1993, in Stockton at a University of the Pacific conference on "Law and Disorder: Public Policy and Civil Unrest in California" in a session termed "The Home Front in Wartime." Civil War California has not attracted a vast amount of scholarship. I have discussed many of these incidents and issues--plus the relevant historical literature--in other writings. See Robert J. Chandler, "The Press and Civil Liberties in California during the Civil War, 1861-1865," (PhD Dissertation: University of California, Riverside, 1978); Chandler, "Fighting Words: Censoring Civil War California Journalism," *The Californians* 8 (May/June 1990): 46-57; Chandler, "San Franciscans View the Civil War," *Salvo* [Journal of the Fort Point and Army Museum Association] 6 (Spring 1990): 6-13; Chandler, "Fort Alcatraz: Symbol of Federal Power," *PERIODICAL: Journal of the Council on America's Military Past* 13 (May 1985): 27-47; and, Chandler, as editor, "California and the Civil War, 1861-1865," *The Book Club of California 1992 Keepsake Series* (San Francisco: The Book Club of California, 1993). Related works are Christian G. Fritz, "Popular Sovereignty, Vigilantism, and the Constitutional Right of Revolution," *Pacific Historical-Review* 63 (February 1994): 39-66; and Alvin M. Josephy, Jr., *The Civil War in the American West* (New York: Alfred M. Knopf, 1991).
2. Joel H. Silbey, *A Respectable Minority: The Democratic Party in the Civil War Era, 1860-1868* (New York: W.W. Norton & Company, Inc. 1977; and Frank L. Klement, *The Copperheads in the Middle West* (Chicago: University of Chicago Press, 1960); Klement, *The Limits of Dissent: Clement L. Vallandigham & the Civil War* (Lexington: The University Press of Kentucky, 1970); and Klement, *Dark Lanterns: Secret Political Societies, Conspiracies, and Treason Trials in the Civil War* (Baton Rouge: Louisiana State University Press, 1984). The quote is from Mark E. Neely, Jr., *The Last Best Hope on Earth: Abraham Lincoln and the Promise of America* (Cambridge: Harvard University Press, 1993), 174. Still useful is Robert S. Harper, *Lincoln and the Press* (New York: McGraw-Hill Book Co., Inc., 1951).
3. Mark E. Neely, Jr. *The Fate of Liberty: Abraham Lincoln and Civil Liberties* (Oxford: Oxford University Press, 1991). Neely states succinctly in *The Last Best Hope*, "One of the most important historical discoveries about the Civil War made in the twentieth century is that the Copperhead menace was wildly exaggerated by

Republican fears; the Democratic party constituted a loyal opposition. The tens of thousands of civilians arrested by military authority seemed easily explained when Republican assertions about the Copperhead menace could be taken seriously. They no longer can be, and that means the vast majority of the people arrested were not disloyal northerners" (138).

4. Clement L. Vallandigham, *Speeches, Arguments, Addresses, and Letters* (New York: J. Walter & Co., 1864, 563, 418-53; quotes, 436, 447, 449, 450, 452; the author selected these writings to further his candidacy for the Democratic presidential nomination in 1864.

Neely, *The Last Best Hope*, 163, see 160.

5. Stephen J. Field, *Personal Reminiscences of Early Days in California* (1893), 96.

6. Chandler, "Press and Civil Liberties," 3; John S. Hittell, *The Resources of California* (San Francisco: A. Roman & Company, 1863), 359-60. (Ex parte Archy, 9 Cal. 148, 170-71 (1858); Rudolph M. Lapp, Archy Lee: A California Fugitive Slave Case (San Francisco: The Book Club of California, 1969); Robert J. Chandler, "Jews, Honor, and James H. Hardy," *Western States Jewish History* 23 (July 1991): 304-313.) For similarities between California and an eastern state, see Hubert H. Wubben, *Civil War Iowa and the Copperhead Movement* (Ames: Iowa State University Press, 1980).

For Golden State politics, see David A. Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840-1890* (Berkeley, University of California Press, 1992); Lately Thomas (pseud. for Robert V.P. Steele), *Between Two Empires: The Life Story of California's First Senator, William McKendree Gwin* (Boston: Houghton Mifflin Company, 1969); David A. Williams, *David C. Broderick: A Political Portrait* (San Marino: The Huntington Library, 1969); A. Russell Buchanan, *David S. Terry of California: Dueling Judge* (San Marino: The Huntington Library, 1956); and Norman E. Tutorow, *Leland Stanford: Many of Many Careers* (Menlo Park: Pacific Coast Publishers, 1971).

Ethnicity is covered in Rudolph M. Lapp, *Blacks in Gold Rush California* (New Haven: Yale University Press, 1977); Douglas Monroy, *Thrown Among Strangers: The Making of Mexican Culture in Frontier California* (Berkeley: University of California Press, 1990); Robert J. Chandler, "Press and Civil Liberties," 22-45, 190-236, 366-78; Chandler, "Friends in Time of Need: Republicans and Black Civil Rights in California during the Civil War Era," *Arizona and the West* 24 (Winter 1982): 319-40; Chandler, "'Anti Coolie Rabies': The Chinese Issue in California Politics in the 1860s," *The Pacific Historian* 28 (Spring 1984): 29-42; Chandler, "The Failure of Reform: White Attitudes and Indian Response in California during the Civil War Era," *The Pacific Historian* 24 (September 1980): 284-94; and Chandler and Ron Quinn, "'Emma is a Good Girl,'" *The Californians* 8 (January / February 1991): 34-7.

7. Edward D. Baker, *Eloquence of the Far West: Masterpieces of E.D. Baker*, ed. Oscar T. Shuck (San Francisco: The Murdock Press, 1899), p. 111. In Philip J. Ethington's highly theoretical work, *The Public City: The Political Construction of Urban Life in San Francisco, 1850-1890* (Cambridge: Cambridge University Press, 1994), he concluded, "Both Republican and Democratic party leaders were racist, but only the Republicans were willing to commit themselves and their political fortunes to equal civil rights among racial groups (185)." Ethington darts in and out of Bay City history to prove a thesis centered on the primacy of political ideology, which sometimes produces a disjointed narrative, distorted through a too narrow focus on local conditions. For instance, he claimed that only with the Civil War did race become "a crucial new ingredient" of the political sphere (171).

8. Baker, *Eloquence*, 74, 78, 85.

9. San Francisco *Herald*, November 6, 1860, January 3, 1861; Marysville *California Express*, November 9, 1860; Sacramento *Democratic Standard* in Sacramento *Bee*, November 12, 1860; San Francisco *Evening Bulletin*, May 11, 13, 1861; William Rabe, San Francisco, June 8, 1861, to Secretary of Treasury Salmon P. Chase, National Archives, copy courtesy of Frederick S. Calhoun, United States Marshals Service. See also Robert J. Chandler, "The Velvet Glove: The Army during the Secession Crisis in California, 1860-1861," *Journal of the West* 20 (October 1981): 35-42; and Chandler, "The Mythical Johnston Conspiracy Revisited: An Educated Guess," *The Californians* 4 (March / April 1986): 36-41.

10. Sacramento *Union*, February 8, 1861; Harry I. Thornton, Jr., Downieville, June 2, 1861, to Lucy C. Thornton, R.J. Chandler Collection.

11. Sacramento *Union*, June 13, 1861; Winfield J. Davis, *History of Political Conventions in California, 1849-1892* (Sacramento: California State Library, 1893), 166-7; 189-91.

12. Scott, Paris, March 3, 1862, to R.K.M. Baynum, Boston, Scott MSS, The Bancroft Library, Berkeley; *The Pacific Expositor* 3 (August 1861): 79; Chandler, "Press and Civil Liberties," 151-3.

13. San Francisco *Evening Bulletin*, September 18, 23-25, 1861; see Clifford M. Drury, William Anderson Scott: "No Ordinary Man" (Glendale: The Arthur Clark Company, 1967), 228-74; William A. Scott, *My Residence In and Departure from California* (Paris: E. Briere, 1861); and Robert A. Monzingo, *Thomas Starr King: Eminent Californian, Civil War Statesman, Unitarian Minister* (Pacific Grove: The Boxwood Press, 1991).

14. 65 merchants, San Francisco, August 28, 1861, to Secretary of War Simon Cameron, War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies 128 Vols. (Washington, 1880-1901) Series 1, Vol. 50, Pt. 1, p. 590 [Hereafter as *Official Records*]; San Francisco *Evening Bulletin*, August 24, 1861; San Francisco *Alta California*, August 25, 1861; R.W. Laine, San Francisco, September 6, 1861, to E.W. Morse, Morse, San Diego, Morse MSS, California Section, State Library, Sacramento; Robert J. Chandler, "Jews, Honor, and James H. Hardy, 1859," *Western States Jewish History* 23 (July 1991): 304-13.

15. Leonard W. Noyes, San Francisco, May 14, 1862, to sisters, R.J. Chandler Collection; Chandler, "Friends in Time of Need," 319-40; Chandler, "Emma Hardinge: A Spiritual Voice for the Slave and the Union," *Dogtown Territorial Quarterly*, No. 29, (Spring 1997): 6; 31-37; and Chandler, "In the Van: Spiritualists as Catalysts for the California Women's Suffrage Movement," *California History* 73 (Fall 1994): 188-201; 252-54-picks up the story in 1865 where the previous article leaves it.

16. *Official Records*, Series 2, Vol. 4, p. 359; Series 3, Vol. 2, p. 321; Neely, *Fate of Liberty*, 51; Robert J. Chandler, "Crushing Dissent: The Pacific Coast Tests Lincoln's Policy of Suppression, 1862," *Civil War History* 30 (September 1984): 239-40

17. Neely, *Fate of Liberty*, 63, 64, 59; Neely, *The Last Best Hope*, 139.

18. Neely, *Fate of Liberty*, 61, 63; Major Levi C. Turner, *Official Records*, Series 3, Vol. 2, 525-6.

19. Neely, *Fate of Liberty*, 52.

20. Wright, San Francisco, October 27, 1862, to Adjutant General Lorenzo Thomas, *Official Records*, Vol. 50, pt. 2, p. 197; Robert J. Chandler, "Crushing Dissent," 235-54; Chandler, "The Soldiers' Friend: The United States Sanitary Commission," *The Far-Westerner Quarterly* Publication of the Stockton Corral of Westerners, 36 (Fall / Winter 1995), and reprinted slightly revised in *Dogtown Territorial Quarterly* No. 25 (Spring 1996): 10-11; 49-61. For balance--and further sympathy for the South--see Chandler, "The Far West Aids Suffering Confederates," *The United Daughters of the*

Confederacy Magazine 51 (July 1988): 17-20.

21. W. William Laine, San Francisco, September 24, 1862, to E.W. Morse, San Diego, Morse MSS, California Section, State Library, Sacramento.

22. Jackson *Amador Dispatch*, in *Colusa Sun*, March 21, 1863; Neely, *Fate of Liberty*, 10.

23. San Francisco *Alta California*, June 3, 1862; *Visalia Delta*, December 4, 1862.

24. *Visalia Equal Rights Expositor*, February 19, March 5, 1863; *Sonora American Flag*, April 30, 1863.

25. Davis, *Political Conventions, 198-99*, Democrats reaffirmed this resolution in 1864; San Francisco *Alta California*, October 7, 1863; Robert J. Chandler, "Success to Civil War Tragedy: The Greathouse Brothers of Greathouse & Slicer's Express," *Western Express* 46 (March 1996): 4-13.

26. California Statutes. 1863, Chap. 264, p. 350; Chap. 328, pp. 490-1; Chap. 365, Sec. 28-29, pp. 566-7; Chap. 397, pp. 600-1; Chap. 450, p. 727; Chap. 498, p. 755.

27. Tod Robinson, 1861 Southern Democratic candidate for attorney general, Sacramento *Union*, June 4, 1863; G.L.A., Auburn, November 1, 1863, to John Q. Jackson, Chile, Jackson MSS, Wells Fargo Bank, San Francisco. See Robert J. Chandler, "California's 1863 Loyalty Oath: Another Look," *Arizona and the West* 21 (Autumn 1979): 215-34.

28. *Napa Register*, December 24, 1864; *Sonora Union Democrat*, July 5, 1862; *Marysville Express*, April 23, 1864; Chandler, "Press and Civil Liberties," pp. 172-182.

29. *Sacramento Bee*, June 21, 1863; Adjutant General Richard Drum, June 28, 1863, to Captain Julian McAllister, Benicia Arsenal, Department of the Pacific, Letters Sent, Vol. 10, p. 791, Record Group 393, National Archives; "Annual Report of the Adjutant General of the State of California for the year 1863," *Appendix to the Journals of the State of California* (Sacramento: O.M. Clayes, 1864), Vol. 1, Rep. 9, p. 22.

30. *Stockton Independent*, July 30, 1864; Chandler, "Press and Civil Liberties," pp. 318-320.

31. Bourland v. Hildreth, February 6, 1864, unreported, in Sacramento *Union*, February 8, 1864; *Sacramento Bee*, February 17, 1863. The court reheard this Tuolumne County case, but reaffirmed its decision on October 8, 1864. See Bourland v. Hildreth, 26 Cal. 161. *In re Greathouse*, No. 5,741, Federal Cases; San Francisco *Alta California*, February 16, 1863. See Robert J. Chandler, "The Release of the Chapman Pirates: A California Sidelight on Lincoln's Amnesty Policy," *Civil War History* 23 (June 1977): 129-43.

32. *Proceedings of the Grand Council of the Union League of America for the State of California at its Annual Session Held in San Francisco August 4th and 5th, 1863* (San Francisco: By Order of the Grand Council, 1863), p. 7. See Robert J. Chandler, "Vigilante Rebirth: The Civil War Union League," *The Argonaut: Journal of the San Francisco Historical Society* 3 (Winter 1992): 10-18.

33. Official Records, Vol. 50, Pt. 1, pp. 475-76; R.L. Rowley, Alviso, September 14, 1863, to Mrs. A. Van Bergen, New York, R.J. Chandler Collection.

34. Caleb T. Fay, *Address Delivered Before Washington Council No. 1, Union League of America, Thursday Evening, February 18th, 1864*, in *San Francisco* (San Francisco: Towne & Bacon Book and Job Printers, 1864), 15; Roy F. Nichols, *Franklin Pierce* (Philadelphia: University of Pennsylvania Press, end. ed. revised, 1958), 522-23; Vallandigham, *Speeches*, 518-20, 530-31, 570-71; Klement, *Limits of Dissent*, 261066; *Colusa Sun*, March 19, 1864; *Los Angeles Star*, April 23, 1864; *Marysville California Express*, July 12, 1864; *Speech*

*of the Hon. F.M. Pixley at the Ratification Meeting Held at Platt's Hall, on Thursday Evening, September 13, 1864* (San Francisco, 1864), 6.

35. *Sonora Union Democrat*, June 11, 1864; *Colusa Sun*, September 24, 1864, Editor Will S. Green's emphasis; San Francisco *American Flag*, May 5, 1863; William W. Chipman, Diary, May 21, 24, 25, 1864, Society of California Pioneers.

36. Wright, June 21, 1864, "To the Loyal Citizens of the Pacific Coast," *Official Records*, Series 1, Vol. 50, part 2, p. 873-74; San Jose *Mercury*, June 30, 1864; *Sacramento Bee*, June 29, 1864.

37. *San Francisco Morning Call*, July 2, 1864; see *Sacramento Union*, July 2, 1864; San Francisco *Alta California*, July 3, 1864; and John Boessenecker, *Badge and Buckshot: Lawlessness in Old California* (Norman: University of Oklahoma Press, 1988), 133-57.

38. *San Francisco American Flag*, July 22, 1864; *Stockton Independent*, August 1, 1864; August 9, 1864, Department of the Pacific, Letters Sent, Vol. 13, pp. 29-30, Record Group 393, National Archives; Klement, *Dark Lanterns*, 102-112, 130-35, 153-86.

39. *Auburn Placer Herald*, July 25 and August 1, 1863. For some causes and an analysis of Unionist apathy to Irish workingmen, see Iver Bernstein, *The New York City Draft Riots [of July 13-17, 1863]: Their Significance for American Society and Politics in the Age of the Civil War* (Oxford: Oxford University Press, 1990), 23-30; 112-24.

40. *Stockton Weekly Independent*, August 9, 1862; *Downieville Mountain Messenger*, November 12, 1864.

41. *San Francisco American Flag*, May 25, 1864. See R.A. Burchell, *The San Francisco Irish, 1848-1880* (Berkeley: University of California Press, 1980); Robert J. Chandler, "Some Political and Cultural Pressures on the Jewish Image in Civil War San Francisco," *Western States Jewish History* 20 (January 1988) 145-70; and Chandler, "A Stereotype Emerges," *Western States Jewish History* 21 (July 1989): 310-12; and Chandler, "That Lurking Prejudice: San Francisco, 1869-1870," *Western States Jewish History* 27 (July 1995): 205-214—which has roots in 1864 events.

42. Chandler, "Union League," 14-15; M.J. Burke, "Chief of Police's Report," *San Francisco Municipal Reports for the Fiscal Year 1864-5, Ending June 30, 1865* (San Francisco, 1865), pp. 136-37; Jesse D. Mason, Ione, November 27, 1864, to father, copy courtesy of William J.B. Burger.

43. Samuel H. Parker, ULA circular, October 27, 1864, California Section, State Library, Sacramento; William F. Heydlauff, You Bet, December 5, 1864, to sister, R.J. Chandler Collection.

44. *Sacramento Union*, January 5, 1865; *Marysville Appeal*, February 1, 1865.

45. *San Francisco Alta California*, April 17, 1865.

46. Emily Bodega, April 21, 1855, to mother, R.J. Chandler Collection; Chandler, "Press and Civil Liberties," 388-409.

47. *Official Records*, Vol. 50, pt 2, p. 1198; *San Francisco Morning Call*, June 17, 1865.

48. *Colusa Sun*, September 2, 1865.

49. Roy P. Basler, ed., *The Collected Works of Abraham Lincoln*, 9 vols. (New Brunswick, N.J.: Rutgers University Press, 1953-55), Vol. 8, p. 333.

50. Chandler, "Press and Civil Liberties," pp. 420-30; Chandler, "Anti-Coolie Rabies," 37-40; *California Statutes, 1868*, Chap. 344, pp. 418-9; *San Francisco Alta California*, December 1, 1868.

51. *McCall v. McDowell*, No. 8,673, 15 Federal Cases, 1235, 1239; *Congressional Globe*, 39th Cong. 2nd. Sess. Appendix, Chap. 155, p. 199 (March 2, 1867).

52. *San Francisco Alta California*, August 18, 1861; March 23, 1862.