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Indiana and the Adoption and Ratification of the Fourteenth Amendment

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TO COMPLETE THE REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS
The Fourteenth Amendment in the Congressional election campaign - The Aftermath of the Republican Victory - The Fourteenth Amendment before the Indiana Legislature.

DIVISION OF GRADUATE INSTRUCTION
BUTLER UNIVERSITY
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PREFACE

In this study I have attempted to present the reaction of a Northern state, Indiana, to the movement for the adoption and ratification of the Fourteenth Amendment to the Constitution of the United States. The significance of such a study results from the position of this amendment as the foundation of the Republican party's program of national reconstruction and of Indiana as an important state in the movement for ratification. Of necessity, such a presentation involves a careful examination of the background of the two major political parties in Indiana as well as an investigation of the attitude of the state with regard to each of the problems with which the Fourteenth Amendment attempted to deal.

Previous to the Civil War, the Democracy of Indiana, then dominant in the state, had been the political vehicle of the conservative agrarian element which believed in the preservation of states' rights and the principle of non-intervention with regard to slavery. The Republican party of Indiana, which had displaced the Democracy as the dominant party by the end of the war, was the result of a fusion of many divergent political groups, each contending with the others for control of the party machinery and the right to dictate party policy. The party included within its fold those who believed in the complete abolition of slavery throughout the nation as well as those who,
for the hope of political success, favored some accommodation with the pro-slavery forces. Although the moderates controlled the party before and during the war, the intransigence of President Andrew Johnson had the effect of driving the moderates in the party into the arms of the radicals.

Before the war the people of Indiana regarded the Negro as an alien, an inferior being to whom the Constitutional guarantees of civil rights did not apply. Although such extreme prejudice had been to some extent softened by the end of the war, there was still considerable controversy over the question of Negro suffrage and its relation to the issue of Congressional representation.

One of the major political problems facing the Republican party as a result of the war was the increased representation the Southern states would gain as a result of the emancipation of the Negroes. If population continued to be the basis of Congressional representation without condition or qualification, the Northern Democrats might unite with those of the South to drive the Republicans from power. Although the introduction of Negro suffrage was an obvious solution to the problem, widespread disagreement existed within Republican ranks concerning the method by which it could be most effectively accomplished.

A more serious divergence of opinion existed in the state between those who wished to impose severe disabilities upon Southern whites and those who favored more lenient terms of restoration. While the Republicans were to some extent divided upon this issue as well, the Democracy maintained that since the Southern states were still members of the Union, they were in full
possession of their reserved powers, and, as such, could not be
made subject to disabilities by the Federal Government. As
President Johnson veered ever closer to the Democratic position,
the moderates within the Republican party had no recourse but to
support the radical program.

At the end of the Civil War the Republican party was
dominant in Indiana, and the Democratic party was demoralized and
discredited. The Democratic party had been dominated by the
Governor, Oliver P. Morton, whose affiliations as a political
leader had contributed much to the demoralization of the Indiana
Democracy and its support of the Republican party.

The parties in Indiana were also divided upon the issue
of a Constitutional guarantee for the Federal debt and a similar
repudiation of the debt incurred by the Confederacy. The Repub-
licans defended such constitutional safeguards by suggesting that
a resurgent Democracy might someday wish to repudiate the public
debt and pay the Confederate obligation. Indiana Democrats

ridiculed these accusations and charged that the real purpose of the
Republican party in advocating such constitutional guarantees was
to protect the holders of government bonds from state and municipal
taxation upon their investment.

In my study of this period I have used the following
Congressional Globe, memoirs, and other important publications to reveal and
document the attitudes of relevant public figures to the
questions at issue. I have also used the leading Indiana newspa-

paperns of the period and a few of the lesser journals to present
the reactions of the principal political elements in the state to
the problems involved. In addition, I have employed a few
biographies and other secondary works for background information.

The research for this manuscript was done under the direction
of Dr. Emma Lou Thornbrough to whom I shall always be indebted for
her kindly advice and constructive criticism. I would also like to
express my gratitude to the entire staff of the Indiana State Library
which gave me invaluable assistance.
I - THE POLITICAL SCENE IN INDIANA IN 1865

At the end of the Civil War the Republican party was dominant in Indiana, and the Democratic party was demoralized and discredited. The Republican party in turn was dominated by the Governor, Oliver P. Morton, whose effectiveness as a political leader had contributed much to the demoralization of the Indiana Democracy and the success of Hoosier Republicanism.

Within the victorious Republican party there were deep divisions. Ever since its formation in 1854 the different elements brought together in the coalition had contended with one another for control of the party machinery and the right to determine the position of the party on various issues. Into this fusion had gone many of the old Free-Soilers led by George W. Julian, most of the former Whigs led by the popular Henry S. Lane, and even some former Democrats who had followed Oliver P. Morton into the new party.

Even though the slavery issue had been largely responsible for the formation of the Republican party, prior to the war Hoosier Republicans had been divided over the question of how to deal with the issue. Some Republicans who were more interested in winning votes than sticking to principle had even suggested abandoning the slavery issue in favor of other and less divisive issues. According to William Dudley Foulke, Morton's biographer, Morton at one time thought that the Republican party could achieve greater unity by advocating a policy of imperialism at the expense of Mexico. Other Republicans considered the idea of resolving party differences over the slavery issue a defense of the doctrine of popular sovereignty combined with a general hostility to a territorial slave code which would form a platform sufficiently discredited. The Republican party in turn was dominated by the Governor, Oliver P. Morton, whose effectiveness as a political leader had contributed much to the demoralization of the Indiana Democracy and the success of Hoosier Republicanism.
party could achieve greater unity by advocating a policy of imperialism at the expense of Mexico. Other Republicans considered the idea of resolving party differences over the slavery issue by accepting some type of compromise with the pro-slavery forces. These Republicans felt that a defense of the doctrine of popular sovereignty combined with a general hostility to a territorial slave code would form a platform sufficiently broad to please the entire opposition.

George W. Julian and the Free-Soil element in the new party were sharply critical of the compromisers in the party. Julian's newspaper asserted that certain politicians appeared to be laboring to unite the Douglas program with the unfortunate position taken by the Buchanan administration. Julian and the old Free-Soilers would accept no compromise with the pro-slavery forces. Militantly abolitionist in sentiment, this group of Republicans heaped scorn upon the advocates of compromise and expressed the belief that the Republican party should stand firmly for emancipation.

During the early 1860's the moderates, being in control of the Republican party in Indiana, charted for the party a course of conservatism. Of the moderate leaders, Henry S. Lane had, by far, the largest following at the grassroots level, had

1 William Dudley Foulke, Life of Oliver P. Morton Including His Important Speeches (Indianapolis - Kansas City, 1899), I, 64.
2 Kenneth M. Stampp, Indiana Politics During the Civil War (Indianapolis, 1949), 24.
3 Centreville Indiana True Republican, December 16, 1858.
contributed much time and energy to the formation of the machinery of the party, and was unequalled in his capacity to interpret party principles to the rank and file as a stump speaker. 1

Another member of the moderate group was Governor Morton, a former Democrat and a bitter enemy of the radical Julian.

Morton's hostility to Julian, according to the latter, began with Julian's election to Congress in 1849. According to Julian, the Democratic party of his district, of which Morton was then a member, gave its united support to Julian's Free-Soil candidacy. Julian states that Morton never forgave him for his success in this contest, and that his unfriendliness was afterward aggravated by his failure to supplant Julian in the district. 2

The conflict between Morton and Julian was especially bitter during the contest for nomination to Congress in 1864.

During the primary election the friends of Morton made one of their attempts to destroy Julian politically by preventing his renomination. The conservative opponents of Julian rallied around the popular military figure, General Sol Meredith, who during the contest, questioned the sincerity of Julian's support of President Lincoln. 3 Julian managed to survive this campaign, but after the primary election had been awarded to the latter, the followers of Meredith continued to harass the Congressman. According to Julian,


2 George W. Julian, Political Recollections 1840 to 1872 (Chicago, 1884), 270-271.

3 Centreville Indiana True Republican, March 3, 1864.
the continued hostility of the friends of Meredith to the victorious radical was so great that Lincoln, himself, had to intervene to resolve the issue.\(^1\)

During the war the question of slavery was the cause of ever-increasing difficulty within the party. In a state containing a large number of citizens who regarded the Negro as an inferior being, the ruling conservative Republicans, in order to retain popular favor, were compelled to deal cautiously with this explosive issue. Governor Morton and the conservatives attempted during the early months of the war to present the conflict to Hoosier voters as a patriotic struggle to preserve the Union. Negro emancipation was not suggested by the conservative group as an objective of the war. When President Lincoln issued his preliminary proclamation of emancipation in September, 1862, Morton attempted to discount the measure as a mere "strategem of war."\(^2\)

The presence of Julian and his followers within the party weakened the position of the conservative element and was a constant source of embarrassment to Governor Morton. It was clear by 1865, however, that the war, itself, had destroyed slavery, and the Indiana Republican party found no difficulty at that time in accepting national emancipation.

The Democratic party of Indiana cannot be understood apart from the intense race prejudice which was so characteristic of a majority of the people of the state and by which the

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\(^1\) Julian, *Political Recollections*, 244 - 245.

\(^2\) Indianapolis *Daily Journal*, October 10, 1862.
party was dominated. Such prejudice found expression in certain legal measures that discriminated against Negroes. The Constitution of 1816, for example, followed the precedents established during the territorial period by limiting the right to vote to white male citizens and excluding Negroes, mulattoes, and Indians from the militia.\(^1\) Another example was the legislation of 1818 which provided that no Negro or mulatto should be a competent witness except in pleas of the state against Negroes and mulattoes or in civil cases in which Negroes or mulattoes alone were parties.\(^2\) In 1840 a law had been passed forbidding racial intermarriage,\(^3\) and the Constitution of 1851 not only restricted the right to vote to white citizens, but expressly stated that no Negro or mulatto should enjoy the right of suffrage,\(^4\) and further provided that no Negro or mulatto should enter the state after the adoption of the Constitution.\(^5\) Indiana Democrats not only sympathized with such measures, but had also been instrumental in securing the passage of a number of them.

In the 1850's the Hoosier Democracy had been closely

\(^1\) Emma Lou Thornbrough, The Negro in Indiana, A Study of a Minority (Indianapolis, 1957), 120.
\(^2\) Ibid., 121 - 122.
\(^3\) Ibid., 126.
\(^4\) Ibid., 121.
\(^5\) Ibid., 68.
identified with the agrarian pro-slavery forces of the South, and Senator Jesse D. Bright, the outstanding leader of the Indiana Democracy during these years, had been a firm supporter of the Buchanan administration. Although the Buchanan faction within the party had lost control of the party machinery in 1860, the Indiana Democracy retained its devotion to Jeffersonian agrarianism and was sharply critical of the political centralization and industrialization of the country being brought about under the Republicans. Hoosier Democrats also retained their traditional belief in non-intervention with regard to slavery and in the inferiority of the Negro.

These attitudes found expression during the political contest of the 1860's. Addressing the Democratic state convention in January, 1862, Thomas A. Hendricks, the party's gubernatorial candidate of 1860, expressed his opposition to the economic changes being effected by the war. He was particularly opposed to the new protective tariff which, he felt, was exploiting the West for the benefit of the East.

During the campaign of 1862, Indiana Democrats continued to play upon the racial prejudice of Hoosier voters by pointing out the increasing influence of the abolitionists within the Republican party. When, on September 22, President Lincoln yielded to abolitionist pressure and issued his preliminary proclamation of emancipation, the Democratic attack upon the abolitionists increased in intensity. The Democratic Sentinel declared that the question of the emancipation of the slaves had

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1Indianapolis Daily State Sentinel, January 9, 1862.
now become the principal issue in the campaign. It regarded the President’s proclamation as a serious blow to such Union sentiment as might still exist in the South and as conclusive evidence that the objective of the war had been changed from the preservation of the Union to the abolition of slavery. The Democratic paper also wondered whether those Democrats who had supported Governor Morton’s Union movement would now condone abolition as well. It predicted that more Negroes would soon enter Indiana.

In his address to the Democratic state convention of July, 1864, Joseph E. McDonald, the party’s gubernatorial nominee, asserted that he favored peace on the terms of the restoration of the Union under the Federal Constitution, with all its rights and guarantees to the states North and South unimpaired. Throughout the 1864 campaign, Hoosier Democrats repeated their protests against emancipation, Negro equality, and the economic changes being brought about by the war. And when national emancipation, dictated by the war, was placed before the Indiana legislature in the form of the Thirteenth Amendment, Hoosier Democrats not only demonstrated lack of enthusiasm, but a few bitter-enders attempted an unsuccessful bolt of the legislature.

1 Ibid., September 24, October 13, 1862.
2 Stampf, Indiana Politics, 234.
3 Indianapolis Daily State Sentinel, March 17, 26, April 20, May 19, August 17, September 5, 26, October 7, 1864.
4 Stampf, Indiana Politics, 258.
The Indiana Democracy of the 1860's was tied to the past. Its historic connection with Jeffersonian agrarianism and its devotion to the old Federal Union prevented the party from understanding the changes which war and industrialization were making.

In spite of the fact that Governor Morton had called for a cessation of partisan politics in order to win the war to preserve the Union, partisan bitterness had actually increased during the war years. The Governor's effort to win the support of the Democratic party movement collapsed in the election campaign of 1862 in which the Democrats obtained control of the state legislature. The reasons for the Democratic victory of 1862 were varied. First of all, an agricultural depression had occurred in the Midwest after the opening of hostilities in 1861. Western farmers, feeling the full effects of an economic calamity, were easily persuaded by Democrats that the Republicans, having eliminated the farmers' Southern market and promoted the interests of Eastern manufacturers, were responsible for all their ills. A Democratic victory, it was claimed, would remedy all these misfortunes.

A second reason for the defeat of the Republican Union party in 1862 was the discouragement which came as a result of Northern military reverses. When hostilities had first begun, it was widely assumed that the South would suffer a speedy collapse. The failure of General McClellan's campaign against Richmond and the efficient military maneuvers of "Stonewall" Jackson quickly relieved Northerners of this misconception, however.

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These military reverses brought in their wake a feeling of defeatism and discouragement which cooled the war spirit in the West and severely tested the faith of Northerners in the ultimate triumph of the Union cause. The military defeats gave the Democrats an opportunity to criticize the Republican administration’s conduct of the war and to suggest that Democrats could provide solutions for this problem as well.

Lincoln’s preliminary proclamation of emancipation and the execution of the draft also contributed to the defeat of the Indiana Union party. Governor Morton’s effort to present the President’s proclamation as a mere “strategem of war” failed to satisfy the electorate. Most Hoosier voters of 1862 were not prepared to accept Negro emancipation on any terms.

The military draft, delayed by the Governor as long as possible, was begun in Indiana in early October. Democrats, capitalizing on the unpopularity of conscription, implied that the law was being executed in the state solely by members of the Union party whose activities in connection with such execution might well reflect their partisanship.

The victory of the Hoosier Democracy in the election of 1862 was followed by a paralysis of constitutional government in 1863. The Democratic majority in the state legislature sponsored certain partisan programs which the Republicans refused to accept. In order to prevent a vote upon one of these controversial proposals, a group of Republicans absented themselves from the legislature, in a result of this political stalemate.

1 Indianapolis Daily Journal, July 1, 2, 1862.

2 Ibid., October 10, 1862.

3 Indianapolis Daily State Sentinel, August 6, 30, 1862.
sponsored certain partisan programs which the Republicans refused to accept. In order to prevent a vote upon one of these controversial proposals, a group of Republicans absented themselves from the legislature. As a result of this political stalemate, the General Assembly failed to pass the necessary appropriation bills, and the Democrats thought that Governor Morton would be forced to call a special session of the legislature to remedy this deficiency. Instead, the Governor, positing as the last refuge of loyal Union men, suspended the normal procedures of state government and assumed personal control of the entire state administration. He appealed for and received extraordinary financial assistance from the Federal Government, obtained additional funds from Republican county organizations in Indiana, and created his own financial department independent of the official state department then under Democratic control. As a result of these actions, Governor Morton was able to ignore the Democrats and carry on the state government until 1865.

Although these policies of the Governor came under review during the campaign of 1864, the Republicans attempted to distract attention from Morton's extra-constitutional rule by charging the Democratic party with disloyalty. Prominent Democrats were arrested and tried for treason by military commissions. These trials had the effect of discrediting the Indiana Democracy and contributed materially to the Republican victories in the 1864

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2. For a more detailed account of the treason trials see Frank L. Klement, The Copperheads in the Middle West, 191 - 199; also see Kenneth M. Stampp, Indiana Politics During the Civil War, 239 - 249.
The man who best symbolized the victorious Republican party at the end of the war was Governor Morton. Before 1854 Morton had been a Democrat and had felt no extreme opposition to slavery. According to Foulke, Morton had been tolerant of slavery because he had never come into close enough contact with the South's peculiar institution to become convinced of its evils, and because, like many statesmen of the era just passing away, Morton considered that the concord of the people and the preservation of the Union were of such paramount importance that he would do anything to discourage the agitation which might imperil them.  

In 1854 Morton's political attitudes underwent a significant change. In that year Senator Stephen A. Douglas of Illinois presented his Kansas-Nebraska Bill permitting the people within these national territories to accept or reject slavery in their proposed state constitutions. Morton opposed this measure because it would nullify the Missouri Compromise of 1820 which had excluded slavery from the area affected by the Bill and because he feared the Douglas proposal would endanger the Compromise measures of 1850. When the Democratic state convention endorsed the Kansas-Nebraska legislation, Morton withdrew from the Democratic party.  

Having helped in the formation of the new Republican party along national lines, Morton was its unsuccessful candidate.

1 Foulke, Oliver P. Morton, I, 36.  
for Governor of Indiana in 1856. In 1860 he managed to secure the Republican nomination for Lieutenant Governor as the running mate of Henry S. Lane. When the Republicans in the state legislature sent Lane to the U. S. Senate in 1861, Morton became the chief executive of Indiana.

Henry S. Lane, the head of the party's state ticket in 1860, had long favored conservatism and compromise in political dealings. Originally a member of the Whig party, Lane had taken an active part in the campaign of 1840. He had great admiration for Henry Clay, the statesman of compromise, and campaigned ardently for him in 1844. The defeat of his idol in that election was one of the great disappointments of his political career.1

Early in his life, Lane recognized that slavery was out of harmony with the spirit of the age, but, true to his belief in the value of compromise, Lane opposed the methods of the active abolitionists. However, when the Republican party was founded upon the principle of opposition to slavery in the territories, Lane became one of its most energetic leaders in Indiana.2 His contributions to the building of a party machine in Indiana and his popularity with the rank and file of the party have already been noted. True to the spirit of compromise, Lane proposed on the eve of the war that the Missouri Compromise line between free and slave territory be extended to California.3

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1 Ibid., X 574.
2 Ibid.
3 Stampf, Indiana Politics, 52.
he showed no sympathy for the schemes of the abolitionists.\textsuperscript{1}

In sharp contrast to the conservative Lane was Indiana's leading radical, George W. Julian. Having begun his political life as a Whig, Julian gave himself unsparingly to the abolitionist crusade. He soon become disillusioned with the Whig party because he believed it had made shipwreck of its principles for the sake of political success.\textsuperscript{2} After becoming a member of the Free Soil party, Julian continued to work unceasingly for the triumph of his abolitionist convictions and was nominated as the party's Vice Presidential candidate in 1852.\textsuperscript{3} Entering the new Republican party with great enthusiasm, Julian labored diligently to prevent the new alignment from submitting to the pressure for compromise on the slavery question which he believed would bring about its ruin. During the war the conservatism of the Lincoln government had at times angered Julian, and he had been favorable to the idea of replacing Lincoln with Salmon P. Chase, the Secretary of the Treasury, as the party's Presidential candidate in 1864. Julian had joined a central committee which was formed for the express purpose of aiding the movement to nominate Chase, but upon reflection, he decided to withdraw from the committee and let the Presidential matter drift.\textsuperscript{4}

\textsuperscript{1}Ibid., 145.

\textsuperscript{2}Julian, Political Recollections, 52.

\textsuperscript{3}Ibid., 123 - 124.

\textsuperscript{4}Ibid., 237.
It is obvious that Julian was a man of great moral sensitivity who could not remain silent in the face of what he believed to be wrong; but it was this very sensitivity which blinded him to the need for compromise and conciliation. His impatience and disgust with that element within the Republican party that favored compromise for the sake of the party's unity has already been noted. After the end of the war, Julian desired to punish the South and to execute Jefferson Davis and Robert E. Lee for treason.\(^1\) In an equally candid statement in defense of the radical reconstruction policy, Julian asserted that radicalism had successfully met the issues of the past and the present while conservatism attempted merely to compromise them.\(^2\) Here, it seems, was Julian's basic problem. His stern morality cast a stigma upon all thought of compromise.

A typical representative of the Indiana Democracy was Thomas A. Hendricks. Elected to the state constitutional convention of 1850, Hendricks supported the provision of the new constitution which prohibited Negroes from entering the state. An ardent supporter of Senator Douglas of Illinois, Hendricks

\(^1\) Special Correspondence, Washington, D.C., January 30, 1866, in Indianapolis Daily Journal, February 3, 1866; Richmond Indiana True Republican, May 17, 1866; Address by George W. Julian to the U.S. House of Representatives, April 30, 1866, in Congressional Globe, Thirty-Ninth Congress, First Session, 2284.

\(^2\) Address by George W. Julian to the U.S. House of Representatives, June 16, 1866, in Congressional Globe, Thirty-Ninth Congress, First Session, 3208 - 3209.
favored the Kansas-Nebraska Bill which made possible a further extension of slavery.\(^1\)

Towards the conclusion of the war, Hendricks, then a member of the U. S. Senate, opposed the Thirteenth Amendment which provided for national emancipation. In defense of his position Hendricks asserted that the times were not propitious for emancipation, that Negroes were inferior, and that the Constitution of the fathers should not be disturbed.\(^2\)

Another outstanding leader of the Hoosier Democracy and a typical representative of its conservative traditions was Daniel W. Voorhees. One of the factors which had placed Voorhees at the center of political controversy in Indiana in the 1850's was his belief in the right of the people living in the territories to determine their own destiny. This conviction became apparent during the election of 1856 in which Voorhees opposed Republican James Wilson for a seat in Congress. While debating the issues of the campaign with his opponent, Voorhees asserted that the people living in the national territories had a right to accept or reject slavery in their proposed state constitutions.\(^3\)

Living in a state whose people retained strong anti-Negro sentiments, Voorhees, in his 1856 campaign against Wilson, charged the Republicans with plotting the abolition of slavery


\(^2\) Ibid.

\(^3\) Leonard S. Kenworthy, The Tall Sycamore of the Wabash, Daniel Wolsey Voorhees (Boston, 1936), 32 - 33.
and the bestowal of full political and social rights upon the Negro. 1 In an address before the literary societies of the University of Virginia on July 4, 1860, Voorhees denied the equality of races and stated that the philosophy and teaching of all ages, as well as the wisdom of God, justify the existence of a dependent condition on the part of an inferior toward a superior race when the two are brought into contact with each other. 2

A firm believer in the Jeffersonian doctrine of the strict construction of the Constitution, Voorhees was a champion of states' rights and a defender of the Constitutional right of Southerners to hold property in slaves. 3 During the war Voorhees' devotion to the Constitution resulted in his promising to sustain the government in its efforts to maintain the union of all the states as that union had been originally established with all the rights of the states unimpaired. 4 In spite of this promise, Voorhees' Republican critics accused him of being a disloyal Copperhead who planned to give aid and comfort to the enemies of the government.

An important element in Indiana politics were the newspapers, most of which were strongly partisan. The leading

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1 Ibid., 33.
2 Ibid., 55.
3 Ibid., 33, 55.
4 Ibid., 58.
organ of conservative Republicanism in the state was the Indianapolis Daily Journal. Edited by Colonel W. R. Holloway, a brother-in-law of Governor Morton, the Journal was a consistent supporter of Morton’s policies and a firm defender of the Lincoln administration. Although the paper’s original reaction to President Johnson had been extremely favorable, the Journal broke with the new President when he vetoed the Civil Rights Bill at the end of March, 1866.

The most prominent Democratic newspaper was the Indianapolis Daily State Sentinel which in 1865 changed its name to the Indianapolis Daily Herald. The editor of the Democratic organ was J. J. Bingham whose pro-Southern editorials marked him as an opponent of the war. During the war the Sentinel had led the Democratic press in Indiana, critical of Lincoln and all his policies. After the war the paper became a firm supporter of President Johnson.

Radical Republicanism’s major organ in Indiana was the Centreville and Richmond Indiana True Republican. The paper was edited by Isaac H. Julian, the younger brother of George W. Julian, Indiana’s leading radical. It was moved from Centreville

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2 Indianapolis Daily Journal, April 18, 1865, March 28, 1866.
4 Grace Julian Clarke, George W. Julian (Indianapolis, 1923), 195.
to Richmond in 1865.

Among the lesser newspapers was the New Albany Daily Ledger. Established by John B. Norman and Phineas M. Kent, 1 the Ledger had opposed coercion of the South and had even entertained the idea of joining the Confederacy before the outbreak of the war. 2 After the beginning of hostilities, the Ledger became a supporter of the Union war effort and a spokesman for the "War Democrats". Upon the issuance by President Lincoln of the preliminary proclamation of emancipation in September, 1862, the paper denounced the proclamation and gave its support to the regular Democrats. 3 The Ledger continued to advocate a vigorous prosecution of the war. 4

Among the other lesser newspapers was the Madison Courier. This paper was edited by Michael C. Garber, a former Democrat and a highly independent and vigorous political writer. Garber practiced independence to such an amazing degree that he soon vaulted outside the Democratic party. 5 The Princeton Union Democrat was strongly anti-Lincoln in sentiment. When President

1 William W. Woollen, Biographical and Historical Sketches of Early Indiana (Indianapolis, 1883), 540.

2 Stampp, Indiana Politics, 95.

3 Ibid., 147; New Albany Daily Ledger, September 24, 1862.

4 Stampp, Indiana Politics, 233.

5 Woollen, Biographical and Historical Sketches, 540.
Johnson adopted a moderate program with regard to Southern restoration and vetoed the more stringent Republican legislation upon that subject, the Union Democrat firmly supported the President. The Warren Republican opposed Johnson on the question of civil rights for Negroes.

Partisan bitterness manifested itself at the beginning of the war when the Journal identified the Republican party with patriotism and accused the editors of the Democratic Sentinel of sympathizing with the Southern secessionists. According to Foulke, public feeling against the Sentinel ran so high that the Governor was constrained to place an armed guard in the Sentinel building to protect it from attack. The Democratic paper retaliated by attacking Morton's "no party" scheme, criticizing the Governor's military appointments, and ridiculing what it thought was Morton's needless interference in the affairs of the military. Julian's radical organ also participated in the general partisanship. The True Republican accused the Governor of attempting to build a gigantic political machine by limiting important military appointments to his political friends.

1Princeton Union Democrat, March 31, 1866.
2Warren Republican, April 5, 1866.
3Indianapolis Daily Journal, April 15, 1861.
4Foulke, Oliver P. Morton, I, 115.
5Indianapolis Daily State Sentinel, July 29, 1862, August 1, 1863.
6Centreville Indiana True Republican, July 11, 1861.
II - THE MEN AND THE ISSUES

Following the assassination of President Lincoln, Andrew Johnson, the new President, inaugurated a program of reconstruction which he hoped would result in a speedy restoration of the Union. Johnson directed the states of the former Confederacy to rewrite their state constitutions, reorganize their governments, and elect their state officers and Congressional representatives. The new President's moderate views were not shared by certain elements within the Republican party, however, and the dissidents produced an alternative program of reconstruction calling for Federal guarantees of civil and political rights for the freedmen and the imposition of certain penalties upon the rebels.

Indiana's delegation to the Thirty-Ninth Congress was composed of men who represented the major shades of political opinion throughout the nation with regard to the problems of reconstruction. The nine Republicans who served in the House of Representatives were Schuyler Colfax, Joseph H. Defrees, Ebenezer Dumont, John H. Farquhar, Ralph Hill, George W. Julian, Godlove S. Orth, Thomas N. Stillwell, and Henry D. Washburn. Republican, Henry S. Lane served in the Senate. Indiana's Democrats in the House of Representatives were Michael C. Kerr, William E. Niblack, and Daniel W. Voorhees. Thomas A. Hendricks was the Hoosier Democrat in the Senate. Among the Republicans were those who

wanted compromise and conciliation to be the watchwords of national reconstruction as well as those who favored the imposition of severe disabilities upon the Southern states. The Democrats represented the southern point of view and favored the restoration of the Union as it had existed before the war.
wanted compromise and conciliation to be the watchwords of national reconstruction as well as those who favored the imposition of severe disabilities upon the Southern states. The Democrats represented the conservative agrarian element and favored the restoration of the Union as it had existed before the war.

One of the most important of Indiana's Republicans in the new Congress was Schuyler Colfax, the Speaker of the House of Representatives. Colfax, originally a Whig, had been the editor of the St. Joseph Valley Register, the leading Whig organ of northern Indiana. In the 1840s Colfax, while expressing his distaste for slavery, had asserted through the Register that abolitionists, if sincere, would temper their plans with moderation instead of ultraism. He had also expressed himself through the Register as being unalterably opposed to any extension of slavery into the national territories. As a member of the constitutional convention of 1850, Colfax opposed the proposal to prohibit the Negroes from entering the state and eloquently pleaded the cause of the colored minority. With the passage of the Kansas-Nebraska Bill, providing for a possible extension of slavery into the territories, Colfax became a leader of those in the North who, while they would not interfere, they said, with the institution of slavery where it existed, were determined to

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2 Ibid.

3 Ibid., 33.
prevent any further extension of slavery into new areas.\textsuperscript{1} After entering the new Republican party, Colfax worked hard for the election to the Presidency of John C. Fremont in 1856 and favored the nomination of Edward Bates of Missouri as the Republican standard bearer in 1860.\textsuperscript{2} When Lincoln received the nomination, Colfax gave the candidate his loyal support.

Classed as a radical during the war, Colfax tended to become even more so during reconstruction.\textsuperscript{3} Although his original reaction to Andrew Johnson had been favorable,\textsuperscript{4} Colfax began to lose confidence in the new President in the fall of 1865. In November of that year Colfax indicated disapproval of the plan to seat the representatives of Johnson's state governments in the new Congress immediately.\textsuperscript{5} The President's veto of the Freedmen's Bureau Bill and other Congressional measures made the break between Colfax and Johnson complete.\textsuperscript{6}

\begin{itemize}
\item \textsuperscript{1}Ibid., 33.
\item \textsuperscript{2}Ibid., 83, 117, 133.
\item \textsuperscript{3}Ibid., 219.
\item \textsuperscript{4}Ibid., 218 - 219.
\item \textsuperscript{5}Ibid., 222.
\item \textsuperscript{6}Ibid., 232.
\end{itemize}
Joseph H. Defrees, another Republican member of the Hoosier delegation, had also been closely identified with the Whig party. His Whig background had made him an advocate of conciliation and compromise both of which qualities revealed themselves during reconstruction. On February 15, 1866, Defrees, defending President Johnson's work, declared that whatever had already been well done in the area of reconstruction should be recognized and serve as a means to assist in a speedy reorganization in order to give encouragement to the loyal men in the Southern states who were making sincere efforts to regenerate their states. Love, Defrees asserted, might be induced by kind treatment, but never by force.

A Republican Congressman of Democratic antecedents was Ebenezer Dumont. Making the transition from Democrat to War Democrat and finally to Unionist, Dumont became a Congressional radical in the Thirty-Ninth Congress. In an address to the House of Representatives on March 17, 1866, Dumont gave expression to his ultraism. He contended that a state could, by rebelling, incur disabilities. Such a state would cease by its crime to be a body-politic and would be unable to assume its lost functions until the conquerer should see fit to reanimate the state.


3 Address by Ebenezer Dumont to the U. S. House of Representatives, March 17, 1866, ibid., 1473.
In contrast with President Johnson's position that the Southern states were still within the Union and should be recognized as such, Dumont conceded the possibility of actual secession from the Union, denying only its legality. He advised the House not to conclude that because the right of secession was lacking the fact of secession was impossible. ¹

A Republican of lesser importance was John H. Farquhar. Formerly a Whig, Farquhar retained to some degree Whiggery's principles of compromise. The only major publicity he received during the period under consideration came to him as a result of his opposition to the bill for the extension of the suffrage to the Negroes who lived in the District of Columbia. ³

A Congressman of greater stature was Ralph Hill. Having been elected as a Unionist, Hill's position with regard to the issue of reconstruction was that of a conservative Republican. In an address delivered to the House of Representatives on March 17, 1866, Hill, in criticism of President Johnson's reconstruction policy, asserted that Presidential action alone could not restore the rebellious states to their former condition within the Union. Hill contended that the power wielded by the President in the course of his program was a war power, and that no machinery emanating solely from the war power of the general government

¹Ibid.
²Goddard, Biographical Sketches, 18.
³Indianapolis Daily Journal, February 6, 1866.
could restore, control, or permanently affect the civil relations between the states and the general government. The executive and legislative branches of the Federal government, Hill continued, should cooperate in working out a program for the restoration of the Union.1

Second only to Julian in radicalism was Godlove S. Orth. Formerly a Whig, Orth had been a member of the Peace Congress held in Washington, D. C. in 1861 for the purpose of preventing the impending disruption of the Union.2 He seems to have contributed nothing but an inflammatory speech3 which could only have served to anger the Southern representatives.

Orth revealed his radical views on the subject of reconstruction in an address to the House of Representatives on March 10, 1866. Indicating his disapproval of President Johnson's actions in this field, Orth asserted that the legislative branch of the Federal Government was alone clothed with the authority to recognize state governments. Continuing his address, Orth declared that the degree of disloyalty in most of the Southern states was so great that they should not be immediately recognized.4

The most moderate and conservative of the Republican

1 Address by Ralph Hill to the U. S. House of Representatives, March 17, 1866, in Congressional Globe, Thirty-Ninth Congress, First Session, 1470 - 1471.
2 Goddard, Biographical Sketches, 29.
3 Ibid.
4 Address by Godlove S. Orth to the U. S. House of Representatives, March 10, 1866, in Congressional Globe, Thirty-Ninth Congress, First Session, 1304 - 1395.
members of the Hoosier Congressional delegation was Thomas N. Stillwell. Before the outbreak of the war, Stillwell had been a Democrat. A warm and zealous friend of Stephen A. Douglas, Stillwell had supported the Senator from Illinois in his unsuccessful bid for the Presidency in 1860. When the war came, however, Stillwell broke his ties with the Hoosier Democracy and entered the Republican fold.1

In spite of his new political allegiance, the conservative principles of the Democratic party continued to dominate Stillwell's thinking during the early days of reconstruction. His convictions as to national restoration were revealed clearly in December, 1865, when he introduced a resolution in the House of Representatives to the effect that those Southern states which had fulfilled certain minimum requirements were entitled to representation in the Thirty-Ninth Congress.2 On February 5, 1866, Stillwell reminded the lawmakers of this resolution and again urged that the Southern states should be required to meet only minimal conditions for restoration.3

The influence of his Democratic background was also evident in Stillwell's comments upon the views of the radicals. Attacking the radical belief that the Southern states had committed treason and left the Union, Stillwell asserted that the Constitution does not contemplate the possibility of states leaving the Union.

1 Goddard, Biographical Sketches, 36.

2 Indianapolis Daily Herald, December 21, 1865.

3 Address by Thomas N. Stillwell to the U. S. House of Representatives, February 5, 1866, in Congressional Globe, Thirty-Ninth Congress, First Session, 669.
Union, and that the Constitution's definition of treason applies solely to individual persons, not to states. The assertion that states could depart from the Union, Stillwell maintained, was merely a restatement of the position of the nullifiers and the secessionists. Southern politicians had contended that secession was a possibility. Now the radicals were not only conceding the possibility but insisting upon the fact. The Democratic Herald expressed its approval of most of Stillwell's ideas and criticized him only for his support of the test oath which barred from Congress anyone who, of his own volition, supported the rebellion. Although Stillwell eventually modified his views to the extent that they were brought into greater accord with the position of his party, it is evident that Stillwell was unique among the Republican members of the Hoosier delegation in that his former ties with the Democracy had a decided influence upon his political attitudes during the early days of reconstruction.

A Republican of lesser importance was Henry D. Washburn. Having achieved a creditable military record, Washburn ran for Congress in 1864 as a Republican Unionist against Democrat, Daniel W. Voorhees. Although it appeared at first that Voorhees was the victor, a dispute arose concerning the validity of certain

1 Ibid.
2 Indianapolis Daily Herald, February 10, 1866.
3 Goddard, Biographical Sketches, 26 - 27.
ballots, a congressional investigating committee finally settled the difficulty by awarding the decision to Washburn and removing Voorhees from his seat in Congress. The \textit{Journal} expressed its satisfaction with this result, \textsuperscript{1} but the \textit{Herald} denounced the expulsion of Voorhees as another example of Republican partisanship. \textsuperscript{2} In answer to the Democratic charge of partisanship, the \textit{Journal} noted that the same House which had expelled Voorhees seated a Democrat who had been involved in a similar election dispute in the sixteenth Congressional district of Pennsylvania. \textsuperscript{3} Once seated, Washburn contributed nothing of significance to the discussion of the issues involved in reconstruction.

One of the major critics of radicalism in the Indiana delegation was Democratic Congressman Michael C. Kerr. Revealing his position with regard to reconstruction on February 2, 1866, Kerr defended the concept of the integrity of the Union. Bringing to the attention of the House what he considered to be the logical implications of radicalism, Kerr asserted that if, as the radicals claimed, the Southern states were no longer in the Union, it followed that (1) the war had not been fought for the preservation of the Union, but for the conquest of independent states; (2) that secession became an accomplished fact and the Confederacy an independent nation; and (3) that the Confederacy, as a nation,

\begin{enumerate}
\item \textit{Indianapolis Daily Journal}, March 5, 1866.
\item \textit{Indianapolis Daily Herald}, February 27, 1866.
\item \textit{Indianapolis Daily Journal}, March 5, 1866.
\end{enumerate}
had the right to contract a debt which the North was legally bound to respect.¹

No less a critic of the radical concepts was Congressman William E. Niblack. Representing the political position of southern Indiana, Niblack had supported the Lecompton Constitution for Kansas which had been passed by the pro-slavery elements in that territory.² On June 16, 1866, Niblack called for the preservation of states' rights. He asserted that the Union's truest friends were those who were attempting to preserve the proper equilibrium between the states and the Federal Government.³ These, then, together with Henry S. Lane, George W. Julian, Thomas A. Hendricks, and Daniel W. Voorhees, who have been discussed previously, were the men who represented Indiana in the Thirty-Ninth Congress. Some were more important than others. Some took a more active part in debate than did others. But the delegation, as a whole, was clearly representative of the wide diversity of political opinion throughout the nation.

²Allen Johnson and Dumas Malone (eds.), Dictionary of American Biography, XIII, 482.
From April to December of 1865, Andrew Johnson, the new President of the United States, put into effect his own program of restoration. First of all, Johnson issued a proclamation of amnesty and officially accepted the loyal governments that former President Lincoln had recognized in Tennessee, Louisiana, Arkansas, and Virginia.

For each of the other states of the former Confederacy, Johnson appointed provisional governors to serve until such time as regular governments could be reestablished in these states. The President's appointees were local men who had not been identified with the movement for secession. It was the duty of each of these provisional governors to call a constitutional convention, the members of which were to be elected by those whites who had taken an oath of allegiance to the United States.

The President required these conventions to take three decisive actions. They were to repudiate the Confederate debt, nullify their ordinances of secession, and ratify the Thirteenth Amendment. To appease the radical element, the President also recommended that the conventions extend the suffrage to those freedmen who could read and write or who owned property. When the constitution of the Southern states had been rewritten, the governmental officers could be elected, and the states would, then, resume their former place in the Union.

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1 Eric L. McKitrick, Andrew Johnson and Reconstruction (Chicago, 1960), 161.
As the President's plan was gradually put into effect, it soon became obvious that the Southern states were not going to satisfy Johnson's highest expectations. The first convention was that of Mississippi which met on August 14, 1865. It ignored the President's recommendation to extend the suffrage to exceptional Negroes and failed to repudiate the state's war debt. The South Carolina convention assembled on September 13. The ordinance of secession was not nullified but "repealed," the Confederate debt was not repudiated, and the suffrage was not extended to any of the freedmen. The conventions of North Carolina and Georgia accepted Johnson's three requirements, though not without the exertion of Presidential pressure. The conventions of Alabama and Florida conducted themselves well, while the Texas convention did not assemble until March, 1866.

A more serious annoyance, however, was the enactment by the Southern legislatures of certain codes for the regulation of the Negro. Although the passing of Negro codes has been defended as a social and economic necessity, the fact remains that the enactment of such legislation tended to weaken the position of the President and to strengthen that of the radicals. Northern opinion also disapproved of the election

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1 Ibid., 166.
2 Ibid., 167.
3 Ibid., 168.
4 Ibid., 166, 168.
5 J. G. Randall, The Civil War and Reconstruction (Boston, 1953), 726.
to office by Southerners of several of their former Confederate leaders.

The reaction of the Journal to Johnson and his program was at first extremely favorable. A few days following Lincoln's death, the paper praised the new President highly as one who, in the dark days of 1861, had stood alone among the Southern Senators in his fidelity to the Union. It asserted that Johnson had fought secession and treason with that determination and persistence which had ever characterized his adherence to his convictions. According to the Journal, the people could be assured that under Johnson's administration, no backward step would be taken in the progress of the great measures initiated by Lincoln. 1 A few days later, the Journal called upon the citizens to center upon Johnson, as spokes surrounded and centered in the hub of a wheel. 2 The following day the paper reported several of the President's remarks to the effect that treason should be punished, and asserted that the more the paper learned of Johnson's views the more it approved them. 3 The President's appointee as Provisional Governor of Georgia was praised by the Journal as a man who was earnestly attempting to make the people of that state realize that slavery was dead. 4 The paper also stated that the action of Mississippi's constitutional convention encouraged the hope that the Southern people were determined

1 Indianapolis Daily Journal, April 18, 1865.

2 Ibid, April 24, 1866.

3 Ibid, April 25, 1866.

to accept in good faith the policy of the President and to assume their position in the Union by the total annihilation of slavery.¹

Other Indiana newspapers were also generally favorable to the new President and his policy. The Sentinel described the President's program as designed to restore the administration of the government and the relations of the states to the Union, except for slavery, just as they existed previous to the war. This policy, the Sentinel believed, would have the support of all conservatives in the nation.²

The New Albany Ledger also approved of Johnson, predicting that under the new President's plan of adjusting the Southern states to the new situation, the states of the former Confederacy would be speedily regenerated.³ The Madison Daily Evening Courier stated that the President was attempting the experiment of giving Southerners the initiative in the work of reorganization; but reserving to the Federal Government the right to modify or reverse their decisions.⁴

In spite of the general approval of Johnson, without regard to party affiliation, a sharp divergence was apparent in Indiana on the issue of Negro suffrage, a question which became increasingly important in connection with reconstruction policy. Julian's paper expressed disappointment with the President's course in reorganizing the

¹Ibid., September 1, 1866.
²Indiana Daily State Sentinel, July 8, 1865.
³New Albany Daily Ledger, August 4, 1865.
⁴Madison Daily Evening Courier, September 1, 1865.
government of North Carolina. According to the True Republican, 1
Johnson failed to take the right position on the suffrage question.

Apparently the radical organ wanted the President to be more insistent
as to the necessity for Negro suffrage in the South. The Journal
approved the extension of the suffrage to the more intelligent Negroes
as a policy which would be in the best interest of all classes of
Southern people. The extension of the ballot to other Negroes was, in
the opinion of the Journal, at least open to discussion. 2 In answer
to the comments of the Journal upon this subject, the Sentinel
sharply opposed enfranchisement of any Negro, The Sentinel expressed
the view that the extension of the suffrage to Negroes would ultimately
result in social equality and miscegenation. 3 It is then clear that
during the summer and autumn of 1865 Indiana was favorably disposed
towards the President and his program of restoration. It is equally clear,
however, that no general consensus of opinion had been reached in the
state upon the question of Negro suffrage. 4

As soon as the first session of the Thirty-Ninth Congress
opened at the beginning of December, it was reported that a group of
Republicans had met in caucus to lay their plans. 4 During the days
that followed, Representative Thaddeus Stevens of Pennsylvania secured
widespread support for a plan to set up a committee composed of
representatives of the House and Senate for the purpose of inquiring

1. Richmond Indiana True Republican, July 6, 1865.


into the eligibility of the Southern states for restoration. Congress had already delinced to give immediate recognition to the Southern states by refusing to seat the representatives of the "Johnson governments" in the South, and the Stevens' proposal tended to deepen the division between the Union party in Congress and its President. To eliminate the possibility of a Presidential veto of the plan, the members of the Republican caucus in the Senate made the proposal for the committee a concurrent resolution which would not be subject to Presidential review. 1

On December 12, Senator Hendricks of Indiana stated his unalterable opposition to the plan for such a committee. If the committee were empowered to investigate conditions in the Southern states for the purpose of determining eligibility for the readmission to the Union of such states, the committee, according to Hendricks, would be dealing with a subject which was the sole prerogative of the Senate. 2 Hendricks' reasoning was that since each House is the sole judge of the qualifications of its own members, no joint committee of representatives from both Houses could lawfully assume to itself this responsibility. In spite of the opposition, however, the Stevens' plan encountered little difficulty in securing Congressional approval. The Journal reported later in the month that Congressional acceptance of the plan for a joint committee was understood to have determined the question of the admission of the Southern delegates for the remainder of the

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2 Address by Thomas A. Hendricks to the U. S. Senate, December 12, 1865, in Congressional Globe, Thirty-Ninth Congress, First Session, 28.
The Herald asserted that the Southern delegations were so discouraged that it was reported they had resolved to go home. Following the Congressional approval of the Stevens plan, the President sent his message to Congress. It constituted a clear, forthright statement of the principles upon which he was basing his policy and was received with general favor. The Journal asserted that the President's message proposed nothing to which all reasonable men could not heartily agree. The Herald also praised the message because, in the opinion of this paper, it did not seem to favor any condition of readmission of Southern states other than the adoption of the Thirteenth Amendment. Even the radical True Republican conceded that the message was a clear and forcible paper, though it also expressed the opinion that with regard to reconstruction the President had only made a feeble and unsatisfactory attempt to sustain his experiment.

The radicals were particularly distressed because the President had indicated in his message that the question of Negro suffrage should be decided by the individual states rather than by the Federal Government. Julian's organ was severely critical of the President for his

1 Indianapolis Daily Journal, December 16, 1865.
2 Indianapolis Daily Herald, December 21, 1865.
3 Indianapolis Daily Journal, December 6, 1865.
4 Indianapolis Daily Herald, December 6, 1865.
5 Richmond, Indiana True Republican, December 14, 1865.
position with regard to this matter. This being the general feeling of the radicals, it was not long before they made a concerted effort to obtain legislation upon the subject of Negro suffrage. One of the first bills upon this subject in the first session of the Thirty-Ninth Congress was the plan advocated by Julian and other radicals for the extension of the suffrage to Negroes in the District of Columbia. Julian himself defended this measure in the House on January 16, 1866. He asserted that whatever doubt might exist as to the authority of Congress to regulate the right of suffrage in those areas which were lately in revolt, none could exist as to such authority in the District of Columbia. He stated that the Negroes had made excellent use of their freedom by subscribing to newspapers, supporting churches, and aiding the war effort. In answer to those who contended that Negro suffrage should not be encouraged because of Negro ignorance, Julian asserted that the suffrage was one of the surest means of acquiring a high level of education for a people. Julian further argued that it would be unfair to allow whites in the District, whom he considered disloyal, to exercise the franchise, while, at the same time, Negroes, whose loyalty he thought unquestionable, were denied the ballot. The suffrage bill was creating some problems for conservative Republicans in Indiana. On February 1 the Journal cautiously stated that it was not impossible that the states would, by slow degrees, enfranchise the Negroes. The paper did not believe, however, that the

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1 Ibid.

people of any state would be greatly influenced by the fact that the suffrage might be granted or denied to Negroes in the District of Columbia, unless the experiment proved to be so successful as to remove the existing prejudice against it, the Journal finally asserted that the only reason for permitting Negroes in the District to vote at present was to assure political power to the friends rather than to the enemies of the government. The paper insisted that no abstract "rights" were involved. 1 These statements appear to represent an effort to satisfy the radicals who favored Negro suffrage without alienating those people in the state who regarded the Negro as an inferior being and feared that the extension of the suffrage in the District of Columbia would be but the first step to Negro suffrage on a nationwide basis.

The awkwardness and difficulty of the conservative Republican position as regards Negro suffrage is further suggested by the votes of Indiana's Congressmen on the suffrage bill and by the journalistic repercussions that followed. Three Republicans, Farquhar, Hill, and Stillwell, joined the Democrats, Kerr, Niblack, and Voorhees, in voting against the measure. The Republicans, Defrees, Julian, and Orth were recorded in favor of the bill, and Dumont did not cast a vote. 2 The Senate was not involved. It should be noted that when Farquhar was subjected to severe attacks because of his vote, the leading organ of conservative Republicanism in Indiana came to his defense. The Journal asserted that it was extremely unfair to accuse Farquhar of political

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1 Indianapolis Daily Journal, February 1, 1866.
treason because of his position with regard to the suffrage bill. Members of Congress, the Journal stated, needed encouragement, not abuse. Hill, who with Stillwell was also criticized, was defended by the Vevay Reveille, a minor paper of little or no significance. It supported Hill's vote by asserting that a majority of the people in the Congressman's district opposed the suffrage bill. Following these minor challenges to the President's policy, the radicals felt sufficiently confident to offer Johnson a major challenge. In January, 1866, the President's Congressional foes introduced further legislation with regard to the Freedmen's Bureau, a social welfare agency of the Federal Government which had been set up in March, 1865, for the protection of Negroes and other unfortunates in the Southern states. The bill they now proposed authorized the President to extend military protection to the officials of the Bureau and enhanced the authority of the War Department to extend various types of assistance to refugees and freedmen. Military protection was also to be extended whenever local laws deprived the unfortunates of their civil rights.

On January 19, 1866, Senator Hendricks voiced the reasons for his opposition to the new bill. First of all, unlike the former act which President Lincoln had approved, the new legislation proposed the establishment of the Bureau upon a permanent basis. No date of expiration was attached to the new bill, and, therefore, the extra-ordinary

1 *Indianapolis Daily Journal*, February 6, 1866.

2 *Vevay Reveille*, February 1, 1866.

authority which it conferred could be exercised for a time of
indefinite duration. Hendricks also criticized the bill for providing
for the purchase of lands for the poor by the Federal Government, ex-
tending military protection to any person denied the civil rights
enjoyed by whites, and providing for punishment by the officers of the
Bureau. The Herald, supporting Hendricks' position as regards the
bill, expressed its fear that the introduction of such legislation
meant that the Republic was gone and that consolidated, arbitrary, and
unlimited power ruled. The Herald prophesied that the future was
leading the nation either to a placid despotism or to the bloody
scenes of the French Revolution, or to both.

On February 2, in the House of Representatives, Kerr rejected
the argument that section two of the Thirteenth Amendment, which gave
Congress the right to enforce national emancipation by appropriate
legislation, permitted the Federal Government to assume special
control of the Negro and to take him out of the control of the
states of whose population he was a part, in order to secure to him
all civil rights enjoyed by the whites. He then, attacked what he
held to be the specific shortcomings of the bill. First of all, he
feared that it proposed the creation of a permanent Bureau coextensive
in jurisdiction with the Union. Secondly, he maintained that there
was no Constitutional warrant for Congress to make an entire people
the wards of the national government and make the national government
the guardian of that class of people. Finally, Kerr

1 Address by Thomas A. Hendricks to the U. S. Senate, January 19,
1866, in Congressional Globe, Thirty-Ninth Congress, First Session,
314 - 319.

2 Indianapolis Daily Herald, January 26, 1866.
thought that the bill would involve the expenditure of too much money.\(^1\) The *Journal* had earlier predicted that the bill would become law. The President, the paper had stated, was well aware of the precarious tenure by which the late slaves held their liberties, and in some quarters their lives. He would approve the bill.\(^2\) The *Journal* later conceded, however, that Kerr's speech had been moderate in tone and well-reasoned in argument.\(^3\)

The Senate passed the Freedmen's Bureau Bill on January 25, 1866. Republican Senator, Henry S. Lane supported it, while Democratic Senator, Thomas A. Hendricks voted in the negative.\(^4\) The House passed the measure in February 6, 1866. Defrees, Dumont, Ferquhar, Hill, Julian, Orth, and Stillwell, all Republicans, were recorded in favor of the bill, while Kerr and Niblack, Democrats, voted against it. Voorhees, a Democrat, did not vote.\(^5\)

President Johnson vetoed the bill and sent back a veto message that emphasized certain Constitutional problems. Following his objection to the permanency of the Bureau, the President asserted that a system for the support of indigent persons in the United States was never

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\(^2\) Special Correspondent, Washington, D. C., January 27, 1866, in *Indianapolis Daily Journal*, February 1, 1866.

\(^3\) Special Correspondence, Washington, D. C., February 7, 1866, *ibid.*, February 12, 1866.


contemplated by the authors of the Constitution. The President further reminded the Congress of the Constitutional right of every state to have at least one Representative and two Senators in Congress. At the time of the consideration and passing of this bill, he continued, there was no Senator or Representative in Congress from the eleven states mainly affected by its provisions. Johnson, then, outlined his view of the Presidency. The President of the United States, he asserted, stood toward the country in a somewhat different relationship from that of any member of Congress. Each member of Congress, Johnson continued, was chosen from a single district or state, but the President was chosen by the people of all the States. As eleven states were not at that time represented in either House of Congress, Johnson stated, it would seem to be the President's duty on all proper occasions to present their just claims to Congress. He concluded his message by warning the Congress that if in a permanent statute the Southern states were declared not to be in full constitutional relations to the country, they might think they had cause to become a unit in feeling and sentiment against the government. 1

Immediately after the release of the veto message, the Journal which had predicted Presidential acceptance of the Freedmen's Bureau Bill, could find nothing in the message that necessitated a division within the Union party. It asserted that the bill, as passed by Congress, was not without its faults. The President had said nothing indicating anything other than a desire to accomplish the purposes of the bill by some other means equally efficient, but free from the

1 Veto Message of Andrew Johnson, February 19, 1866, in James D. Richardson (ed.), A Compilation of the Messages and Papers of the Presidents 1789 - 1897 (Washington, 1897), VI, 400 - 404.
objections which to the present bill were, for him, insuperable. It appears that the organ of conservative Republicanism was attempting to reconcile the opposing factions within the Republican Union party and prevent the occurrence of any permanent rupture.

The following day the Journal denounced the "Copperheads" for their jubilation at the President's veto message. The paper stated that the President had no objections to the Bureau in its present form, and asserted that Johnson had actually testified as to its utility and efficiency as at present constituted. According to the Journal, the praise and flattery that the "Copperheads" were showering upon Johnson was an effort to create doubts in the minds of Union party men concerning the President's fidelity. In conclusion, the paper asserted that there was nothing in the veto message that forbade the expectation that Congress and the President would yet agree upon a common bill for the freedmen.

Previous to the Presidential veto, the Herald had denounced the Freedmen's Bureau as usurping the rights of the states. According to this paper, the Bureau, as administered, was an independent government over a portion of the people of a state. The Herald maintained that if such a government could be established in one state, it would be established in all the states. After Johnson's veto, the Herald stated that the President was on Democratic ground and promised to be

1 Indianapolis Daily Journal, February 21, 1866.
2 Ibid., February 22, 1866.
3 Indianapolis Daily Herald, January 1, 1866.
the Johnson paper of Indianapolis as long as the President occupied his present stand. 1

The New Albany Daily Ledger also supported the veto. The President's objections to the bill were described by the Ledger as having been set forth in a clear and convincing light. The Ledger asserted that the veto message showed how wide and deep was the gulf between President and Congress and that reconciliation was unlikely. 2

Julian's radical organ reported that the President had sent in his veto message of the bill, and that the Copperheads were rejoicing over it. The paper stated that the possibility of passing the bill over the President's veto remained. 3

Meanwhile another radical measure was in the process of formation in Congress. Since the conclusion of the war, the radicals had been seriously concerned not only about the specific rights which were to be accorded the freedmen, but also about the methods by which these rights could be enforced throughout the South. In January, 1866, they agreed upon the outline of a measure designed to make such rights actually effective in areas where local laws, customs, or prejudices militated against the Negroes. This measure became known as the Civil Rights Bill. As finally enacted into law over the President's veto, the bill included Negroes in a general definition of citizenship, listed the customary rights of citizenship, and provided for the

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3 *Richmond Indiana True Republican*, February 22, 1866.
employment of commissioners and the use of the armed forces to uphold the law in areas where its execution was likely to meet with resistance.  

All of these provisions provoked debate in Congress.

On February 2, 1866, Senator Hendricks presented his objections to the Civil Rights Bill. First of all, he objected to the section of the bill which gave the Federal Government the right to employ military force to prevent the violation of the act and to force its execution. He reminded the Senators who were supporting the measure that it re-enacted into law certain of the enforcement provisions of the Fugitive Slave Law which these same Senators had formerly deplored. The Senator was referring to the employment of commissioners as a part of the enforcement machinery which was characteristic of both acts.  

On the same day, Lane, in answer to his colleague from Indiana, conceded that certain provisions of the Fugitive Slave Law had been incorporated in the Civil Rights Bill. He admitted that these provisions had been oppressive when employed against the Negro, but now, he added, they would be justly employed in his interest. Lane also defended the employment of military force as the only method by which the bill could be enforced in the South.

Later in the year Niblack in the House of Representatives also attacked the Civil Rights Bill on the grounds that it authorized the exercise of power which Congress had no right to confer. He particularly

1. George P. Sanger (ed), Statutes at Large, Treaties, and Proclamations of the United States of America from December, 1865, to March, 1867 (Boston, 1868), XIV, 27 - 29.


3. Address by Henry S. Lane to the U. S. Senate, February 2, 1866, ibid., 602 - 603, 605; 605 - 606.
objected to the granting of citizenship to native-born persons who, in his opinion, were members of an inferior race. 1

Farquhar offered a defense of the bill later in the year before a group of Hoosier Unionists who were visiting in Washington. Farquhar regarded the bill as a humanitarian measure that was necessitated by the pitiful condition of Negroes in the South. 2

The Senate had accepted the bill on February 28. Senator Lane, the Republican, had voted in the affirmative and Hedricks, the Democrat, in the negative. 3 The House passed the measure on March 13. 1 The Republicans, Dumont, Farquhar, Hill, Julian, and Orth were recorded in favor of the bill, Kerr, a Democrat, voted in the negative, and Defrees, Stillwell, and Washburn, Republicans, and Niblack, a Democrat, did not vote. 4

On March 27, 1866, President Johnson vetoed the Civil Rights Bill. In his veto message, the President was critical of that section of the bill which accorded citizenship to Negroes. The President argued that if, as some had claimed, all native-born persons were citizens of the United States, this section would not be necessary to make them such. If, on the other hand, Negroes were not citizens, as

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1 Address by William E. Niblack to the U. S. House of Representatives, June 16, 1866, ibid., 3215 -3216.

2 Indianapolis Daily Journal, April 19, 1866, in Richardson (ed.), Messages and Papers of the Presidents, VI, 408 - 413.

3 Journal of the U. S. Senate, Thirty-Ninth Congress, First Session, 132.

might be assumed from the proposed legislation to make them such, the grave question presented itself whether, when eleven states were not represented, it would be sound policy to embark upon this path. The President also stated that since the South was undergoing a change in the traditional relations between ownership capital and labor, it would be better to allow the necessary adjustments to be made without the intervention of the Federal Government. Finally, Johnson asserted that the bill constituted another step toward centralization and the concentration of all legislative powers in the Federal Government.¹

Even moderate Republicans who had heretofore refrained from criticizing the President were alarmed over the veto of the Civil Rights Bill. Among them was Oliver P. Morton. At the beginning of Johnson's term there had been evidence of cordiality between Morton and Johnson. But on a visit to Johnson in March, 1866, after his return from a trip to Europe, Morton bluntly warned Johnson that unless he were willing to approve the Civil Rights Bill, the President and the Republican party would separate.² Previous to the veto, the Journal, Morton's paper, had expected Johnson to accept the bill.³ The day after the veto the organ of conservative Republicanism sadly concluded that the President was opposed to the Republicans and to the principles upon which the war was fought.⁴

¹Veto Message of Andrew Johnson, March 27, 1866, in Richardson (ed.), Messages and Papers of the Presidents, VI, 405 - 413.

²Foulke, Life of Oliver P. Morton, I, 466 - 467.

³Indianapolis Daily Journal, March 22, 1866.

⁴Ibid., March 28, 1866.
Julian's paper denounced the veto message as a Copperhead document. The Warren Republican asserted that if the President's position were correct, it then followed that the Constitution was repugnant to a law guaranteeing equality to all men as to civil rights.

The President received some support from Democratic newspapers in Indiana. The Herald praised the veto as evidence of the President's determination to uphold what he believed to be the Constitution. The New Albany Daily Ledger predicted that the President's veto of the Civil Rights Bill would serve to endear him even more to the conservative masses. The Ledger stated that the veto was a token of the President's determination to resist the attempt of the radicals to abrogate all the rights and privileges of the states, to subject whites to Negro rule, and to centralize power in Washington. The Princeton Union Democrat also approved of the President's action. The paper asserted that, although Johnson believed that Negroes should be protected in their rights, he also believed that white men had rights which should be respected.

1. Richmond Indiana True Republican, March 29, 1866.
2. Warren Republican, April 5, 1866.
5. Princeton Union Democrat, March 31, 1866.
The President's veto of the Civil Rights Bill was not permitted to stand. On April 6, 1866, the Senate overrode Johnson's veto. Lane, the Republican, voted to override the veto, while Hendricks, the Democrat, voted to sustain it. On April 9, the House also repassed the bill. The Republicans, Colfax, Speaker of the House, Defrees, Forquhar, Hill, Orth, and Washburn voted for the bill. Among the Democrats, Niblack voted to sustain the veto and Kerr failed to vote. The remaining Republicans, Dumont, Julian, and Stillwell did not vote. Thus the Civil Rights Bill became a law in spite of Presidential opposition, and the radicals had now established their control over the legislative process.

The effect of Johnson's veto of the bill was to drive moderate Republicans into the arms of the radicals. In Indiana, moderates who had at first enthusiastically supported Johnson were now suspicious and hostile. After the Civil Rights veto, the only strong support for the President in Indiana was among Democrats.

1Journal of the U.S. Senate, Thirty-Ninth Congress, First Session - 317.

IV - THE FOURTEENTH AMENDMENT

Ever since the beginning of the Civil War an awareness had existed among whites and Negroes in Indiana that the conflict would to a great extent determine the future of the Negro minority, not only in the South, but throughout the entire country. This awareness was evidenced not only by the willingness of many Indiana Negroes to join the Union army but also by the efforts of certain champions of white supremacy to resist any change in the race situation in the state.

Many whites in Indiana were particularly concerned about the increasing influx of Negroes into the state in violation of the expressly stated prohibition of such influx in the state constitution of 1851. The Democratic Sentinel had reminded its readers that these Negroes, unprovided with any means of making a living except by the hardest and roughest work, would reduce the price of labor within the state and place the white workers at a decided disadvantage in the competition for employment. Following the issuance of President Lincoln's preliminary proclamation of emancipation in September, 1862, the Negro influx increased. So intense was the anti-Negro feeling in Indiana at this time that, as has been previously noted, Governor Morton was forced to defend the President's proclamation as a mere "strategem of war". 

1 Indianapolis Daily State Sentinel, April 29, 1862.
2 Indianapolis Daily Journal, October 10, 1862.
Immediately before the election of October, 1862, the Sentinel had warned that a Republican victory would result in an ever increasing number of Negroes entering the state.

Proposals to employ Negroes as soldiers in the Union Army also faced serious opposition from the advocates of white supremacy during the early years of the war. Democratic sources expressed horror at the thought that the people of the North would permit the Negro to be armed in defense of the white man's government. Even as late as August, 1863, anti-Negro feeling was still sufficiently strong to compel Governor Morton to decline the offer of Negro soldiers. It is, therefore, clearly evident that during the first few years of the conflict the majority of Hoosiers continued to harbor extreme race prejudice, a fact which precluded any thought of the extension of civil rights to the Negro minority.

Before the end of the war, however, a change in public opinion began to occur. The draft had been extremely unpopular in Indiana, and when it became clear that the state would have difficulty filling its quota; Governor Morton decided to fill the ranks with Negro soldiers. The conduct of these and other Negroes under arms tended to dissipate much of the prejudice against them. During the campaign of 1864 Hoosier Republicans took credit for the use of Negro soldiers, and the victory of the Republican Unionists was a positive sign of decreasing

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1 Indianapolis Daily State Sentinel, October 13, 1862.
2 Ibid., January 9, July 17, 1862.
3 New Albany Daily Ledger, August 14, 1863.
prjudice. And when the Thirteenth Amendment providing for national emancipation was presented for ratification to the 1865 legislative session, the Republican majority did not hesitate to give the measure enthusiastic support.

But the Thirteenth Amendment left in its wake the problem of defining the meaning of freedom as it would affect the civil rights and liberties of the freedmen. The first major piece of proposed legislation designed as a solution to this problem was the Civil Rights Bill of 1866. As previously noted, this measure included Negroes in a definition of citizenship, listed the rights which all citizens should be privileged to enjoy, and established enforcement machinery similar to that of the Fugitive Slave Act of 1850.¹

Indiana's reaction to this first serious attempt to extend civil rights to Negroes was varied. Hoosier Democrats in Congress vigorously objected to the granting of citizenship to those whom they regarded as members of an inferior race, expressed dismay at the enforcement provisions which contemplated the use of military power, and questioned the constitutionality of the bill.² When President Johnson vetoed the measure, Democratic newspapers in Indiana praised the President's action as evidence of his willingness to uphold the Constitution, protect the authority of the states, and safeguard the rights of the white citizens.³ Hoosier Republicans, on the other hand, again

¹*United States Statutes at Large*, XIV, 27 - 29; *Congressional Globe*, Thirty-Ninth Congress, First Session, 475.


reflected the shift which had occurred in public opinion and demonstrated a more favorable attitude toward the Civil Rights Bill. Republican newspapers throughout the state severely condemned Johnson's veto of the measure and called for its passage in spite of Presidential disapproval.

Although the Republicans did indeed pass the Civil Rights Bill over the President's veto, they well knew, even during the debate over the bill, that this measure could never constitute the final settlement of the Negro question. The Democrats had opposed the bill with vigor and determination, and, although they had lacked sufficient strength to prevent it from becoming law, there was the possibility that the measure might be declared unconstitutional or that a resurgent Democracy, victorious at some future date, might repeal the Republicans' handiwork. of the Civil Rights Bill were to be written into the Constitution. It was, therefore, out of necessity that Republicans attempted to write the important provisions of their program into the Constitution.

On February 26, 1866, Congressman John A. Bingham of Ohio proposed a Constitutional amendment which provided that Congress should have the power to make all laws necessary to secure to the citizens of each state all privileges and immunities enjoyed by citizens in the several states, and to grant to all persons in the several states equal protection in the rights of life, liberty, and property. On April 30, 1866, the

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1 Congressional Globe, Thirty-Ninth Congress, First Session, 602-603; Indianapolis Daily Journal, April 19, 1866; Foulke, Life of Oliver P. Morton, I, 466 - 467.

2 Indianapolis Daily Journal, March 28, 1866; Richmond Indiana True Republican, March 29, 1866; Warren Republican, April 5, 1866.

Joint Committee of Fifteen recommended a guarantee of protection for the civil rights of Negroes from possible state legislation. This guarantee was to constitute the first section of a Constitutional amendment dealing with the broader problems of reconstruction.1

In commenting upon the Committee's proposed amendment, the Democratic Herald expressed the opinion that the section dealing with civil rights for Negroes was merely the result of a desire to give Constitutional sanction to the Civil Rights Bill.2 The Journal, organ of conservative Republicanism, expressed a favorable view of the amendment as a whole.3

At the end of May, the proposed amendment was to some degree modified in the Republican caucus. Among other changes, a definition of citizenship was added to the first section.4 All of the important guarantees of the Civil Rights Bill were to be written into the Constitution where, it was assumed, they would be forever secure from the dangers of judicial nullification and Democratic repeal.

In his attack upon the completed amendment, Senator Hendricks criticized the civil rights section which, among other provisions, stated that all persons born or naturalized in the United States and subject to the jurisdiction thereof were citizens of the United States.

1 Kendrick, Journal of the Joint Committee, 303-304.
2 Indianapolis Daily Herald, May 1, 1866.
3 Indianapolis Daily Journal, May 2, 1866.
4 Kendrick, Journal of the Joint Committee, 316.
and of the states wherein they resided. He criticized this provision for conferring citizenship upon Negroes, coolies, and Indians. Clearly revealing his racial prejudice, Hendricks told the Senate that twenty-thousand citizens of Mexico composed of different races were no match for four thousand citizens of the United States of pure white blood on the field of Buena Vista in the Mexican War.

There was much divergence of opinion in Indiana as regards the question of the extension of civil rights to Negroes. Conservative Republicans, hesitant even to express a favorable view of emancipation during the early years of the war, became bolder as public opinion began to change toward the close of hostilities. Radical Republicans, contemptuous of compromise, fiercely defended their abolitionist convictions and called for the granting of equal rights to Negroes.

The Democrats, on the other hand, anxious for a restoration of the Union as it had existed before the war, vigorously fought every move toward emancipation and regarded the extension of civil rights to the freedmen as the vilest of iniquities.

The most important problem, from the standpoint of the Republican party, was the question of the basis of representation for the lower House of Congress. The Thirteenth Amendment, providing for national emancipation had voided the old three-fifths compromise on this subject, and, therefore, if population continued to be the basis of representation without qualification or condition, the whites of the South, due to the non-voting Negro population in that area, would enjoy an increase of political power. Since the Northern and Southern wings of the

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1 Address by Thomas A. Hendricks to the U. S. Senate, June 4, 1866, in Congressional Globe, Thirty-Ninth Congress. First Session, 2938 - 2939.
Democratic party had established a tradition of cooperation before the war, and since some Northern Democrats had during the war expressed something less than overwhelming enthusiasm for the Northern war effort and had in some instances even expressed sympathy for the rebellious South, the Republicans feared that, unless the basis of representation were changed, Northern and Southern Democrats would reunite to drive the Republicans from power.

An obvious method of dealing with this problem was the extension of the right of suffrage to the freedmen, an act which would strengthen the position of the Republican party in the South. During the summer of 1865 the people of Indiana began to give serious consideration to the problems of representation and Negro suffrage. On June 8 the Journal recommended that the right of the suffrage be extended by the state government of Tennessee to the Negro Union soldiers who had helped to save the state from Southern conquest.\(^1\) On July 1, the Journal grew bolder and asserted that only two solutions existed with regard to the problem of the inordinate political power which national emancipation and a large non-voting Negro population would, under the traditional basis of representation, place in the hands of white Southerners. The first proposed solution was the extension of the ballot to Negroes. The alternative proposal was to amend the Constitution so that none but voters should be enumerated in fixing the ratio of representation.\(^2\)

By July 7, the Journal had decided that it favored a Constitutional

\(^1\)Indianapolis Daily Journal, June 8, 1865.

\(^2\)Ibid., July 1, 1865.
amendment basing representation upon the number of legal voters in a state. If the Southern states were allowed representation for their non-voting Negroes, the Journal argued, each Southern vote would have twice the political power in the lower House of Congress and in the election of a U. S. President as would a single Northern vote. The Journal implied that if the whites of the South were determined that Negroes should not vote for members of Congress, they had no reasonable pretext to claim representation for their former slaves. 1

It continued to support the plan to base representation upon the number of legal voters within a state. 2 On July 21 the paper asserted that it would be in the best interest of the people of the South to grant the suffrage to the more intelligent Negroes of that area. The Journal also held that the granting of the suffrage to other Negroes was at least open to discussion. 3

Other sources also displayed an interest in the question of Negro suffrage. The Democratic Sentinel castigated the Journal for its support of suffrage extension and asserted that the granting of the franchise to Negroes could only result in the elevation of that race to a level of political and social equality with whites. 4

1 Ibid., July 7, 1865.
2 Ibid., July 14, 1865.
3 Ibid., July 21, 1865.
4 Indianapolis Daily State Sentinel, July 22, 1865.
Julian’s True Republican, on the other hand, interpreted the attempt to deny Negroes the right to vote as an attack upon the rights of the whole laboring class in all the states. If Negroes were excluded from the suffrage, excuses would also be found for the exclusion of the Irish and the Germans.1 In Early November, 1865, Governor Morton in his address to the state legislature indicated his approval of the plan to base representation upon the number of legal voters in a state.2 By December, 1865, the plan for changing the basis of representation from population to legal voters had obtained the approval and support of a powerful advocate in Congress. Thaddeus Stevens of Pennsylvania introduced the plan into the House of Representatives.3

On January 4, 1866, the Indianapolis Herald expressed the fear that the basing of representation upon voters would lead to a race of suffrage extension among the states which would ultimately include women and minors.4 The plan also encountered the opposition of those in Indiana who believed that the elective franchise should be under exclusive national control. These people felt that the plan to base representation upon voters admitted by implication that Negroes

1 Richmond Indiana True Republican, August 24, 1865.

2 Address by Oliver P. Morton to the Legislature of the state of Indiana, November 14, 1865, Briefer Legislative Reports, VIII, 34.

3 Thaddeus Stevens to the U. S. House of Representatives, December 5, 1865, in Congressional Globe, Thirty-Ninth Congress, First Session, 10.

4 Indianapolis Daily Herald, January 4, 1866.
should vote but also indicated a lack of national courage to require it. ¹

The Joint Committee of Fifteen produced another plan, however. On January 20, 1866, the Committee agreed upon a Constitutional Amendment which apportioned representatives upon the basis of population, but provided that whenever the elective franchise should be denied or abridged in any state because of race or color, all persons of such race or color should be excluded from the basis of representation.²

On February 16, Senator Hendricks, voicing the opinion of the conservative Hoosier Democracy, delivered an address to the Senate in which he strongly opposed the Committee's proposal. Hendricks expressed three principal reasons for his opposition. First of all, he challenged the Committee's right to frame amendments when no authorization for such action could be found in the resolution creating that body. Secondly, he believed the amendment was designed to permit the Republican party to assume permanent control of the country. Finally, Hendricks feared that the measure would reduce the representation of the agricultural sections of the country and increase that of New England.³

The Journal, which had formerly recommended the plan to base representation upon the legal voters within each state, was now willing to accept the amendment proposed by the Joint Committee as a reasonable substitute, but would have

¹Warren Republican, May 17, 1866.
³Address by Thomas A. Hendricks to the U. S. Senate, February 16, 1866, in Congressional Globe, Thirty-Ninth Congress, First Session, 876, 878.
At the end of April, the Committee drastically revised its plan of reconstruction. It now presented an expanded Constitutional Amendment and two regular bills designed to deal with the broader problems of national restoration. The second section of the new amendment was a modification of the Committee's plan of January 20. While the Committee's earlier proposal had called for the reduction of the total members of a race as a basis of representation in any state that denied them the suffrage, the second section of the Committee's new amendment provided only for a proportional reduction. Subsequent changes in the amendment as a whole failed to alter the heart of this section.

In commenting upon the new proposal for apportioning representatives, the Herald asserted that its purpose was to prevent any state from giving the suffrage to a few members of a class, thus securing representation upon the whole class. Senator Hendricks, in discussing the plan for proportional reduction of representation, stated in an address to the Senate that this second section of the proposed amendment was designed to reduce the representation of states which denied the ballot to Negroes. He pointed out that this would fall most heavily upon the South and the West where most of the Negroes resided, but would have

1 Indianapolis Daily Journal, February 2, March 12, 1866.

2 Kendrick, Journal of the Joint Committee, 303 - 304.

3 Indianapolis Daily Herald, May 1, 1866.
little effect upon New England, which had few Negroes. The Democratic Herald, realizing that some modification of the basis of representation was inevitable, now proposed to support a Constitutional amendment basing representation upon legal voters and direct taxation upon wealth. Apparently, the Herald hoped that a loss on the issue of representation might be balanced by a program of direct taxation which would principally affect the industrialists of New England. But such a plan had no chance of winning the necessary Republican support. In the end population remained the basis of representation, and only a proportional reduction of this basis was to constitute the penalty in cases of racial discrimination at the ballot box.

Another problem faced by the nation at the end of the war was the question of the imposition of disabilities upon Southern rebels. In addition to those who wished to punish the South for the war and to reap personal gain at the expense of that section, there were people who feared that the Southern whites, in spite of their military defeat, were still unwilling to obey the Federal Government and to conform to the new situation. Such fears were much in evidence in Indiana during the summer of 1865. The True Republican reported at the end of June that the whites of the South, hardly conscious of their actual situation, were as proud and insolent as they had ever been. By the end of August, the

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1 Address by Thomas A. Hendricks to the U. S. Senate, June 4, 1866, in Congressional Globe, Thirty-Ninth Congress, First Session, 2939.
2 Indianapolis Daily Journal, June 6, 1866.
3 Special Correspondence, Mobile, Alabama, May 28, 1865, in Richmond Indiana True Republican, June 29, 1865.
radical organ asserted that the rebels were still unrepentant and that it was their intention to return to the councils of the government for the purpose of regaining control of the policy of the nation. If their plan succeeded, the paper warned, slavery might be re-established and the war debt repudiated. 1

On June 22, the Journal, attempting at this time to defend the program of President Johnson, assured its readers that if the President's sincere efforts for the restoration of civil law in the South should be perverted by the whites of the area to the perpetuation of disloyalty, the President had the power to dissolve the state governments he had helped to create. 2 A few days later, the Journal reassured its readers that if experience should prove that the people of the South were still rebels and that their submission to the national authority was insecure, the rule of the bayonet would be imposed. But the Journal was opposed to the adoption of such extreme methods until their necessity had been clearly demonstrated. 3 By August 1, the Journal was forced to concede the existence of turbulence in the South, including the abuse of the freedmen by their former masters, and the misuse by the freedmen of their newly-won liberty. Still attempting to justify the President's moderate course, however, the Journal asserted that the existing disorder was merely the natural result of war, and that, although military force might have to be employed, the North

1 Richmond Indiana True Republican, August 31, 1865.
2 Indianapolis Daily Journal, June 22, 1865.
3 Ibid., June 29, 1865.
should exercise patience and forbearance. On August 7, the Journal conceded that there were many people who feared that unrepentant rebel officers and soldiers would find their way back into places of responsibility in Congress. The paper asserted that the government would be protected from such an eventuality by the test oath which barred rebels from positions of honor or profit under the United States. As long as the test oath continued in force, the Journal proclaimed, good men had no legitimate cause for apprehension.

In spite of these assurances, the reports of increased turbulence and continued disloyalty in the South had a profound effect upon the people of Indiana as they did upon people in other Northern states. Many began to feel that President Johnson's program was too moderate and that severe disabilities should be imposed upon the Southern whites previous to the restoration of Southern state governments. Although wide areas of disagreement still existed as to the nature of these additional requirements, the radicals believed that sufficient popular support existed for a Congressional alternative to the President's program.

In December, 1865, radical determination prevented the seating of the representatives of Johnson's state governments in Congress, and a Joint Committee on Reconstruction was established for the purpose of investigating conditions in the South with a view to determining whether the Southern states were ready for restoration. The Committee heard testimony most of which indicated the existence of chaotic conditions in the South including acts of violence against the freedmen and

1Ibid., August 1, 1865.
2Ibid., August 7, 1865.
In commenting upon the third section of the proposed amendment, the Democratic Herald asserted that the Joint Committee was attempting to impose a restriction upon the rights of the states to exercise complete control of the suffrage. The journal could find nothing objectionable about the Committee's plan and expressed its approval. While the Republican caucus meetings were being held in Congress at the South which public opinion would allow, while the conservatives in the party were still attempting to defend the work of President Johnson. After the President's veto of the Civil Rights Bill, however, the Journal, principal organ of conservative Republicanism in the state, denounced the President as an enemy of the Republican party and a dissenter from the principles upon which the war had been fought. This conservative break with the President made possible a greater degree of cooperation between the radical and conservative elements within the Hoosier Republican party with regard to the question of disabilities.

By the end of April, Congress was preparing to act. The Constitutional amendment recommended to Congress by the Joint Committee on April 30 provided in its third section for disfranchisement of the rebels until July 4, 1870. As a part of the Committee's reconstruction program, two regular bills were recommended for Congressional consideration the second of which declared the leading rebels ineligible

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1Ibid., March 28, 1866.
2Kendrick, Journal of the Joint Committee, 303 - 304.
to office under the government of the United States. 1

In commenting upon the third section of the proposed amendment, the Democratic Herald asserted that the Joint Committee was attempting to impose a restriction upon the right of the states to exercise complete control of the suffrage. 2 The Journal could find nothing objectionable about the Committee's plan and expressed its approval. 3 While the Republican caucus meetings were being held in Congress at the end of May, the Indiana newspapers not only reported the meetings but in addition expressed considerable doubt as to the survival of section three of the amendment. 4

After some deliberation, the Republican caucus completed a modified plan and presented it to Congress. Among other changes, the original third section which had provided for the disfranchisement of rebels until July 4, 1870, had been replaced by a new section which embodied the principles of the bill declaring certain persons ineligible to office and which specifically provided that no person would be permitted to hold public office, who, having taken an oath to support the U. S. Constitution, engaged in insurrection against the

1 Ibid., 304.
2 Indianapolis Daily Herald, May 1, 1866.
3 Indianapolis Daily Journal, May 2, 1866.
4 Ibid., May 22, 28, 1866; Indianapolis Daily Herald, May 28, 1866; Richmond Indiana True Republican, May 24, 31, 1866.
United States. This disability could be removed, however, by a two-thirds vote of Congress.¹

On May 30 Senator Hendricks proposed a change in the new third section. The Indiana Democrat argued that when a person, assuming the duties of a public office, took an oath to support the Federal Constitution, he merely promised to remain loyal to the government in the discharge of the duties of that particular office. Hendricks wanted the third section of the amendment changed to include this interpretation of the oath of office.² Naturally the Senator’s effort failed.

On June 4 Hendricks criticized the modified version of the amendment. In commenting upon the third section, he asserted that this section would bar from office the very men whose services were most needed in the work of reconstruction. He also denounced the section for what he believed to be its affirmation of the ex post facto principle.³ But Democratic efforts to prevent the imposition of disabilities upon the Southern whites came to naught. Most Northerners, deeply influenced by the reports of continued disloyalty to the government and acts of violence against the freedmen in the Southern states, were unimpressed by the arguments of a party which had itself been suspected of disloyalty and which continued to espouse the political concepts of a bygone period of American history.

¹Kendrick, Journal of the Joint Committee, 316.
³Address by Thomas A. Hendricks to the U. S. Senate, June 4, 1866, ibid., 2940.
Another problem growing out of the war with which the Fourteenth Amendment attempted to deal and about which there was much discussion in Indiana was the question of the Union and Confederate war debts. Although neither party in Indiana favored outright repudiation of the Union debt, there was heated controversy during the summer of 1865 as to the meaning of repudiation. On August 15, the Journal asserted that Northern Democrats favored the levying of taxes upon government bonds, a program which, in the eyes of the Journal, would be tantamount to repudiation of the debt. On August 22 the Sentinel, principal organ of the Hoosier Democracy, replied that the people who owned wealth in the form of government bonds should pay their fair share of state and local taxes as did those who owned wealth in the form of land. To tax investments in land without taxing investments in government securities would be tantamount to forcing the owner of land to pay the taxes of the owner of government bonds. In answer to the argument of repudiation, the Sentinel asserted that the holders of government bonds should be sufficiently patriotic to be willing to pay taxes upon their investment. In fact, the Sentinel announced, the taxing of these securities would make more certain the payment of the interest upon them.

The Journal, unimpressed with the arguments of the Sentinel,

1Indianapolis Daily Journal, August 15, 1865.

2Indianapolis Daily State Sentinel, August 22, 1865.

3Ibid.
charged on September 16 that the Democratic paper had admitted favoring repudiation so far as to give support to the levying of taxes upon government securities for state and local purposes. If Northern Democrats thus favored repudiation, what would the attitude of Southerners be?\(^1\)

On November 7 the *Journal* turned its attention to the Confederate war debt. The paper asserted that if there were anything connected with the rebellion more sacred than another to Northern "Copperheads", it would be the rebel war debt. Since the "Copperheads" claimed the rebellion was right, the *Journal* continued, they naturally believed that the debt incurred on its behalf should be paid.\(^2\)

Indeed Republican fears concerning the Democratic attitude with regard to the Union and Confederate debts were so great that conservatives in the party joined the radicals in an attempt to invalidate the Southern debt and guarantee that of the North. The previously noted Constitutional amendment proposed on April 30 by the Joint Committee on Reconstruction contained a fourth section which invalidated the Confederate debt and also provided that no compensation should be made to the former owners of slaves for the loss of their slave property.\(^3\) While the Democratic Herald considered this section unnecessary,\(^4\)

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\(^1\) *Indianapolis Daily Journal*, September 16, 1865.

\(^2\) Ibid., November 7, 1865.

\(^3\) Kendrick, *Journal of the Joint Committee*, 303-304.

\(^4\) *Indianapolis Daily Herald*, May 1, 1866.
the Journal could find nothing objectionable about the Committee's plan. At the end of May, the Republican caucus added a guarantee for the Federal debt to section four of the amendment. In his discussion of the completed fourth section, Senator Hendricks, voicing the position of the Indiana Democracy, asserted that the Constitution was being changed for the benefit of bondholders. According to Hendricks, the real purpose of the provision guaranteeing the national debt was to guarantee bondholders against taxation. He also expressed the opinion that a constitutional guarantee of the public debt would actually create distrust. The provision invalidating the Confederate debt he considered foolish and unnecessary since Confederate notes themselves stated that they would not fall due until six months after the independence of the Confederacy had been recognized by the United States.

The Senator also expressed his fear of the last section of the amendment which gave Congress power to enforce its provisions by appropriate legislation. He recalled that a similar section of the Thirteenth Amendment had been used by Congress in a way that Hendricks considered oppressive. He concluded his remarks by praising President Johnson for his refusal to exercise dictatorial power in the

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1 Kendrick, Journal of the Joint Committee, 316.
2 Address by Thomas A. Hendricks to the U. S. Senate, June 4, 1866, in Congressional Globe, Thirty-Ninth Congress, First Session, 2940.
3 Ibid.
South, even when Congress wished to force such power upon him. 1

In spite of the Congressional debate, the Republican majority had agreed that the proposed amendment was not to be changed. In its final form, it was composed of five sections. The first section declared that all persons born or naturalized in the United States and subject to the jurisdiction thereof, were citizens of the United States and of the states wherein they resided. It also provided that no state should make or enforce any law abridging the privileges or immunities of citizens of the United States. The states were also denied the right to deprive any person of life, liberty, or property without due process of law, or to deny to any person within their jurisdiction the equal protection of the laws.

The second section of the completed amendment provided that representatives should be apportioned upon the basis of population, but also declared that whenever the right of suffrage were denied to any of the male inhabitants of a state except for participation in rebellion or other crime, the basis of representation would be proportionately reduced.

The third section barred from public office all those who, having previously taken an oath as public officers to support the Federal Constitution, had engaged in rebellion against the United States. This disability could be removed by a two-thirds vote of each House of Congress.

The fourth section provided that the validity of the public debt of the United States, authorized by law, should not be questioned. It also invalidated the Confederate debt, and precluded the granting of any compensation for the former slaves. The final section declared that

1Ibid., 2940 - 2941.
Congress should have the power to enforce the provisions of the article by appropriate legislation. This was the proposed Fourteenth Amendment to the Federal Constitution.

On June 8, 1866, the Senate passed the amendment, Lane voting in the affirmative, Hendricks in the negative. On June 13 the House accepted the Senate version. Among the Republicans, Defrees, Dumont, Forquer, Julian, Orth, Stillwell and Washburn supported the measure, while the Democrats, Kerr and Niblack, opposed it. Hill, a Republican, did not vote.

Previous to its passage the Journal had given the amendment its approval. The Madison Daily Evening Courier predicted that the provisions of the amendment would constitute the platform of the Union party in the Congressional election campaign of 1866.

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The state convention of the Indiana Democracy had begun on March 12 and its platform clearly indicated its position with regard to the Fourteenth Amendment. During the Congressional election campaign of 1866 the proposed amendment was praised as the magnificent handiwork of the Republican Union party and the Democratic opponents of the measure were castigated as Southern sympathizers.

The election campaign in Indiana witnessed a thorough discussion of the various sections of the amendment. The Republican state convention had met on February 22, 1866, and had adopted a platform which at several points indicated the party's position with regard to those problems with which the Fourteenth Amendment would later deal. The platform declared that the Constitution should be so amended that no representation in Congress or the Electoral College should be allowed to any state for any portion of its population excluded from the right of suffrage on account of race or color. The platform also recognized the duty of the Federal Government to see that emancipation should be thorough and complete, and that no state legislation should be tolerated which would tend to keep the Negroes a subject and servile race, and that full protection of life, liberty, and property should be guaranteed to them by national legislation. The state platform finally declared that no man who voluntarily adhered to the rebellion should be admitted to Congress, and that the assumption of the Confederate
debt and the direct or indirect repudiation of that of the Federal
Government were measures favored only by the enemies of the country.¹

The state convention of the Indiana Democracy had begun on
March 15 and its platform clearly indicated its position with regard
to the status of the Negro in society. The platform denounced the
vote of the House of Representatives in favor of Negro suffrage in
the District of Columbia as a precursor of universal Negro suffrage.
It also denounced the Republican effort in the state legislature
to secure the repeal of that provision of the state constitution
which forbade Negroes to enter the state.²

In the middle of June, after the proposed amendment had been
passed by Congress, Governor Morton made one of the most important
speeches of the campaign. The Masonic Hall Speech, as it was
called, was the Republican keynote address which set the theme
for the party's campaign. Referring to the civil rights section
of the amendment, Morton questioned how any man who was not a
believer in monarchy or slavery could take issue with any portion
of it. He defended the second section by asserting that it equalized
representation in Congress and in the Electoral College by taking
from the whites of the rebel states the right to Congressional
representation for their Negroes whom they deprived of all political
rights. As the matter now stood, he continued, the whites of the
South had sixty percent more political power in the House than an
equal number of whites in the North. This was a gross and

¹Russell M. Seeds (ed.), History of the Republican Party in
Indiana (Indianapolis, 1899), 1, 35 - 36.

²John B. Stell, History of the Indiana Democracy 1816-19-16
(Indianapolis, 1917), 230.
unrighteous inequality and an injustice to Northerners. Even if the Southern people were all loyal, Morton argued, they could not have the slightest claims to any such advantages. But considering that nearly all of them were Democratic rebels, their advantage was too monstrous to be viewed with calm.

Continuing his address, Morton asserted that the purpose of the third section was to exclude perjured rebels from power. He stated that if a man had once taken an oath to support the Constitution and then broken it, he should not be permitted to take it again. Enough loyal men could be found in the South to hold public offices. As regards the fourth section, Morton declared that the strong sympathies manifested by the leaders of the Northern Democracy for the holders of the rebel debt and their malignant hostility to the holders of United States bonds made it imperative to invalidate the debt of the rebels and guarantee that of the Federal Government. A resurgent Democracy might pay the rebel debt and offer compensation for the slaves.

Throughout the campaign Schuyler Colfax was also active in defense of the Republican Union position. At one point he declared that the Fourteenth Amendment was necessary to prevent Southern judges from declaring the Civil Rights Act unconstitutional.

Blaming the break with the President on the alleged fact that

1 Indianapolis Daily Journal, June 20, 1866.

2 Ibid., 242.

3 Smith, Schuyler Colfax, 235.
Johnson had changed his position, Colfax declared in a speech in Indianapolis that God Almighty was the author of the Civil Rights Bill inasmuch as He was no respector of persons. He also condemned the haste of Democrats in seeing in the Fourteenth Amendment the sure sign of Negro suffrage.  

Democratic Congressman Michael C. Kerr was quite active in the fight against the proposed amendment. In a speech on August 1st, Kerr declared that the radicals were attempting to accomplish these objectives with their amendment. First of all, they wanted to secure sectional supremacy in the government to radicalism and New England. Secondly, they desired to centralize and consolidate nearly all the rightful powers of the states into the hands of the Federal Government. Finally, they were attempting to enforce Negro suffrage upon the whole country.  

Discussing the various parts of the amendment, Kerr asserted that the civil rights section was a denial of the right of local self-government and would lay the states prostrate at the feet of the Federal Government. He stated that the second section was designed to reduce Southern representation and exert pressure for Negro suffrage. He feared that the third section would bar from office those men who had been forced to aid the Confederacy against their will. Kerr declared that the fourth section was designed to protect the bondholders from taxation. He agreed that the rebel debt should be repudiated, but asserted that the

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radicals had deliberately linked the section on repudiation with some undesirable sections in the hope that the good would carry through the bad.

Throughout the campaign political conventions and party rallies were held at the county level. At the end of June a Union party meeting was held at Lebanon in Boone County. General Nathan Kimball, the party’s candidate for state treasurer, delivered the principal address. After denying any belief in Negro suffrage, Kimball stated that he merely desired to keep the reconstruction of each Southern state in the hands of loyal men. The amendment, he asserted, would serve the purpose.

On June 28, the Democratic Congressional Convention of the second district was held in New Albany. Joseph E. McDonald and Daniel W. Voorhees were the principal speakers at this meeting. McDonald asserted that the civil rights section of the amendment would bring about equality of the races and would rob the states of the power to disfranchise anyone. Assuming that section two of the power to disfranchise anyone. Assuming that section two guaranteed Negro suffrage, he stated his opposition to the extension of the franchise to Negroes on the grounds that the character and characteristics of the Negro were different than those of whites. He also expressed disapproval of the fourth section because it tended to favor bondholders and would preclude any future readjustment of the debt.

1. Ibid., August 28, 1866.
section which guaranteed the public debt, declared that the
ratification of the amendment would forever prevent any reduction
of the rate of interest upon the government bonds and would protect
the bondholders from taxation upon their investment. 1

On August 16 the Indianapolis Herald published an advertisement
of a political meeting of the Democrats and union sympathizers
of Morgan county. The paper stated that the participants were in
favor of the restoration policy of President Johnson, desired the
taxation of government bonds, and were opposed to Negro suffrage. 2

A mass convention of the conservatives of Noble county assembled
at Albion in the latter part of August. The Herald stated that
a series of "patriotic resolutions" were adopted and "eloquent
speeches" delivered. 3 Union party rallies were also held at
Indianapolis and Delphi. 4

The leading Indiana newspapers also engaged in the struggle
through their editorial comments. In early July the Indianapolis
Journal, organ of conservative Republicanism, denounced the Demo-
cratic party for its opposition to that part of the proposed
amendment which invalidated the Confederate debt. The Journal
implied that the holders of Confederate bonds were plotting to
purchase Northern support for the assumption by the Federal Government
in the Norte.

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1 Ibid., June 30, 1866.
2 Indianapolis Daily Herald, August 16, 1866.
3 Ibid., August 28, 1866.
4 Indianapolis Daily Journal, August 22, 24, 1866.
of the Southern obligations. The Journal asserted that the ratification of the amendment would prevent such a catastrophe. The paper also warned that if the amendment were voted down, the action would be construed as a tacit consent to the assumption of the rebel debt.\(^1\)

On July 12, the Journal discounted Democratic fears that that section of the amendment guaranteeing civil rights to all citizens would serve as a protection for Mormon polygamy. It stated that Mormon marital practices did not stem from the rights and immunities of United States citizens, but merely from a local custom.\(^2\)

On July 14, the Journal implied that the terms of the proposed amendment were not unjust and imposed nothing upon the Southern states which it did not equally impose upon the loyal states. The amendment was indeed a more magnanimous proposal than the Southerners had any right to expect, and its terms contemplated the most liberal treatment ever accorded to subjugated revolutionaries by the legitimate government.\(^3\) The Journal asserted that the reluctance of Southern states to accept the amendment was due to the fact that President Johnson and the Democrats were advising them to reject it. It asserted that if Northerners were united in their support of the amendment, every Southern state would ratify it.\(^4\)

\(^1\)Ibid., July 9, 1866.

\(^2\)Ibid., July 12, 1866.

\(^3\)Ibid., July 14, 1866.

\(^4\)Ibid.
The *Journal* later reported that Senator Hendricks had declared himself to be opposed to any change in the Constitution. The paper implied that this position was totally inconsistent with Hendricks' role in the drafting of the Indiana Constitution of 1850. Later in August Lieutenant Governor Conrad Baker attacked the position of Joseph E. McDonald and Daniel Voorhees. Baker asserted that McDonald and Voorhees had claimed that the first section of the proposed amendment guaranteed Negro suffrage. According to Baker, McDonald and Voorhees had arrived at this conclusion by assuming that citizenship, guaranteed to Negroes by the first section, implied the right to vote. Denying the validity of this assumption, Baker asserted that citizenship and the right of suffrage were independent of each other.

On September 14 the *Journal* defended the section of the proposed amendment barring former Confederates from office. It argued that although the test oath provided adequate protection for the government, the Democrats might some day be strong enough to repeal it. A constitutional prohibition could not be so easily set aside.

Later that month the *Journal* reported that prospects for the adoption of the amendment were most encouraging.

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the paper stated that the proposed amendment was in reality a compromise between conservative and radical members of the Union party. If it were rejected, the *Journal* warned, the whole party would become more radical.\(^1\)

Indiana Democrats, painfully aware of their minority position, made a determined effort in the election campaign of 1866 to regain their former position of predominance in the state by discrediting the Republican party's proposed amendment. The Democratic *Herald* expressed fear that the new amendment would benefit New England at the expense of the West. Since the amendment based direct taxes upon population, a citizen of Indiana who, according to the *Herald*, lived in an area of larger population than a citizen of a New England state, would be required to pay three dollars in taxes as often as his New England counterpart of the same wealth paid a single dollar.\(^2\)

On July 6 the *Herald* asserted that the Democrats did not want the Constitution changed at all, but if it had to be changed, they preferred to have representation based upon voters so as to have equality in all of the states and direct taxes based upon wealth in order that a Westerner would not be required to pay three dollars in taxes for every one dollar paid by an Easterner.\(^3\)

Sensing that the amendment was the most important issue in the Indiana campaign, Hoosier Democrats soon launched a more detailed

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\(^1\) *Ebid.*, October 1, 1866.

\(^2\) *Indianapolis Daily Herald*, July 3, 1866.

\(^3\) *Ebid.*, July 6, 1866.
and systematic attack upon the Republican party's Constitutional handiwork. On July 11 the Herald charged that since the first section made citizens of Negroes, Malays, and Chinese in the country, it also deprived the states of the privilege of determining voters. The paper argued that this section conferred the right of suffrage by virtue of conferring citizenship.¹

On the following day the Herald attacked the second section which provided for a reduction of the basis of representation in any state which denied or abridged the right of suffrage for any reason except participation in rebellion or other crime. The Democratic paper charged that if this section were put into effect, all the states would have to enfranchise the Negroes or lose representation.²

The next day, the Herald criticized the fourth section of the amendment which invalidated the Confederate debt. The Democratic organ took the position that since Confederate bonds were payable only six months after the recognition of the independence of the Confederate government, it was absolutely useless to discuss invalidation of such a debt. The Herald also asserted that the Southern states had repudiated their debts.³

The Herald reserved its more detailed criticism for that part of the fourth section which stated that the public debt

¹Ibid., July 11, 1866
²Ibid., July 12, 1866.
³Ibid., July 13, 1866
of the United States, authorized by law, should never be questioned.
The Herald pointed out that the law authorized the issuance of
government bonds and provided for the payment of interest semi-
annually in gold. The law also declared these obligations to be
exempt from state and municipal taxes. The proposed amendment
provided that the debt, thus incurred, should never be questioned.
The Herald contended that the real meaning of this part of the
fourth section was that the rate of interest fixed in the bonds
should be paid in gold and the bonds should not be taxed.

Upon the basis of this interpretation, the Democratic organ
referred to this part of the amendment as the bondholders' section.
The Herald later stated that the second section of the proposed
amendment assumed that the right of suffrage had been granted to
Negroes by the first section which accorded them citizenship.
According to the Herald, such a conclusion was inescapable because
section two provided for the infliction of punishment upon those
states which denied the suffrage to Negroes.

On August 2, the Democratic paper attacked the entire Negro
race. According to the Herald, Negroes were inferior to the whites.
They were pagans, worshipping strange gods by the sacrifice of
members of their own specie. The Herald asserted that even the
light which might have been cast upon them by their contact with
the white race ceased to have any influence when the contact was
withdrawn. The proposed amendment, stated the Herald, was a

1 Ibid.

2 Ibid., July 28, 1866.
disgraceful attempt to effect the equalization of races. On August 6 the paper asserted that those who accused the Democratic party of favoring the assumption of the Confederate debt were forgetting that Democrats were also taxpayers and found their taxes heavy enough without favoring the assumption of an added burden.

With regard to the third section of the proposed amendment which barred certain rebels from public office, the Herald asserted that the government could afford to be more generous and forgiving in its attitude toward those who had participated in the rebellion. The Democratic paper agreed that no person presently disloyal should hold office. It maintained, however, that this prohibition should not apply to those who had repented of their offense.

In spite of the intensity of the Democratic campaign, however, the majority of the Hoosier electorate was unimpressed with Democratic arguments. After a campaign in which the various sections of the proposed amendment had been thoroughly discussed, the Republican Union party won an overwhelming victory. The net result of the election was the triumph of the Republican state ticket, the election of a Republican legislature, and the success of eight of the eleven Republican candidates for Congress. The new

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1. Ibid., August 2, 1866.
2. Ibid., August 6, 1866.
3. Ibid., August 22, 1866.
legislature which would consider the amendment received an additional thirty-five Republican Unionists in the Senate and forty-two in the House, while the Democrats elected only eight new Senators and one new Representative. 1

After the election the Journal expressed the hope that the logic of events would quickly convert Southerners from their opposition to the terms of reconstruction proposed in the amendment. Fearing that the Southern people would be effectively influenced against the proposed amendment by their former Confederate leaders who disliked that part of the settlement which barred them from office, the Journal asserted that it would be folly for the people of the South to remain in their present anomalous condition simply to shield a few mischief makers from being declared ineligible for public office. It pointed out that those who were so disqualified were active supporters of the rebellion, and, therefore, deserved a worse punishment than forced retirement to private life. The Journal also reminded the critics of the proposed amendment that those Southerners who were forced to support the rebellion against their convictions could have the disability removed and be rendered eligible for public office by a two-thirds vote of Congress. 2

On November 8 the Journal noted that the Herald had published an article complimenting Alexander H. Stephens, the former Vice President of the Confederacy, for opposing the proposed amendment. The Journal stated that if such former Confederate leaders had any conception of the enormity of their misdeeds, they would retire

1 Indianopolis Daily Evening Gazette, October 12, 1866.

2 Indianopolis Daily Journal, November 7, 1866.
from the public gaze for the remainder of their lives, making such atonement as was possible as private citizens. According to the Journal, it appeared, however, that these former leaders of the South were unwilling that the masses of the Southern people should again enjoy political rights in the Union unless they, the architects of ruin, could still be the political leaders of their section. 1

On the following day, the Journal declared that the South would gain by a political change from its old leaders to men from among the people who were not instrumental in bringing the woes of war upon their section. 2 Continuing its attack upon the former Confederate leaders who were opposing the proposed amendment, the Journal stated on November 13 that it was only natural for the old Bourbons of the South to oppose the Constitutional amendment. The Journal felt that it would be equally unnatural for the people of the South to allow themselves to be indefinitely deprived of representation in Congress. The Southern People, the Journal predicted, would not permit such a thing to happen. They would repudiate the Bourbons. 3

Toward the end of November it became increasingly clear that the proposed amendment stood in grave danger of being rejected by a majority of the Southern states. As a result of this Southern opposition to the proposed settlement, some People in the North

1 Ibid., November 8, 1866.
2 Ibid., November 9, 1866.
3 Ibid., November 13, 1866.
felt that the amendment might not be accepted by the necessary
three-fourths of the states and, therefore, began advocating the
abandonment of the amendment in its present form. A more moderate
program of reconstruction, they thought, would have a better chance
of acceptance.

In answer to these people the Journal took the position
asserted that there were a large number of Republican voters
in Indiana who were opposed to the amendment and would have voted
against it if that issue had been presented to them separately. The Herald
predicted that the Republican majority in the legislature
as a condition of restoration. Taking note of the additional
argument of the opponents of the measure that no guarantee of
readmission existed even if the amendment were accepted by the
South, the Journal proposed that Congress should provide by law
for the restoration of each seceded state on the ratification by
its legislature of the proposed amendment.

The attacks upon the amendment in the North continued un-
abated. On December 13, in answer to the attack of the North
Vernon Plaindealer, the Journal stated that it was opposed to
abandoning the pending amendment for any other plan of reconstruction.
If the future should prove the ratification of the present amend-
ment impossible, the Journal warned that it would favor the most
summary measures for restoring the South on a basis of tried and
unquestionable loyalty.

1Ibid., November 20, 1866,
2Ibid.
3Ibid., December 13, 1866.
When the Indiana state legislature convened in January, 1867, the Democratic Herald conceded that the amendment would be ratified. The Democratic paper informed its readers that such ratification could not be prevented by the minority except through revolutionary measures which would not be taken. The Herald asserted that there were a large number of Republican voters in Indiana who were opposed to the amendment and would have voted against it if that issue had been presented to them separately.

The Herald predicted that the Republican majority in the legislature would attempt to rush the amendment through, and that the Democratic minority would make no effort to delay the measure provided no efforts were made to prevent discussion. The Herald stated that those who voted against the ratification of the amendment desired that their reasons for so doing should be given to the people. This privilege, the Herald contended, could not be denied them without destroying freedom of speech and expression.

In his address to the state legislature on January 11, Governor Morton outlined the provisions of the different sections of the proposed amendment. He stated that the amendment established the great principle of national unity and citizenship, equality of representation, disability for treason, the good faith of the

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1 Indianapolis Daily Herald, January 11, 1867.
2 Ibid.
3 Ibid.
4 Ibid.
nation to his creditors, and guarded the nation in future times against the corruptions of the rebel debt. The Governor felt that the amendment was, therefore, of inestimable value to the country, and that its inclusion in the Constitution would safeguard the cardinal principles of reconstruction from the dangers of future repeal or nullification. He held that no public measure was ever more fully discussed before the people, better understood by them, or received a more distinct and intelligent approval. He, therefore, recommended that the legislature give the measure speedy consideration and hoped that its ratification would soon be published to the world as a declaration of the spirit and purpose of the people of Indiana.  

Morton then launched a verbal attack upon the South. He accused the Southerners of instituting a reign of terror by persecuting the freedmen and forcing other loyal Union men to flee for their lives. The Governor asserted that the South had, by these actions, stirred the anger of the nation and produced a cry for vengeance throughout the country. Warning Southerners to flee from the wrath to come, Morton called upon the people of the South to put away their prejured traitors, to make haste to abandon their sins, and to accept the proffered terms of restoration presented to them in the proposed amendment.  

The state legislature spent little time in debate over the proposed amendment. The Democrats, realizing that ratification

1Address by Oliver P. Morton to the Legislature of Indiana, January 11, 1867, Brevier Legislative Reports, 28
2Ibid.
was inevitable, made no serious effort to prevent the measure from passing, and the Republicans, equally aware of their ability to override Democratic opposition, contributed little to the discussion. Such debate as did take place was led by the Democrats and consisted of little more than their oft repeated arguments.

The most important speech in opposition to the amendment was delivered on January 16, 1867, by Senator Bayless W. Hanna. Hanna, an outstanding Democratic orator, had been one of Governor Morton's principal antagonists in the Democratic legislature of 1863 and had also been suspected of being a Copperhead. He reminded the state Senate that the original objective of the war had been to preserve the Constitution and the Union of states under it. That promise should first be made good. If it had been a war for the preservation of the Union, the Union should first be restored before proceeding to further measures. If it had been a war for the maintenance of the Constitution, the Constitution should be restored unimpaired. Hanna asserted that if the North were unwilling to restore the Union under the Constitution, it should boldly declare its intention of writing a new Constitution and establishing a new government. It would be impossible, he argued, to be in favor of the proposed amendment and in favor of the Constitution at the same time, because the changes set forth in the amendment were in open and flagrant violation of the Constitution. To favor the amendment, therefore, was to oppose the Constitution.¹

¹Address by Bayless W. Hanna to the Senate of Indiana, January 16, 1867, Brevier Legislative Reports, 44 - 45.
Similar arguments were employed by the opponents of the amendment in the state House of Representatives. Representative N. O. Ross decried Negro equality as in violation of state law. The Negro had neither voice nor land in the formation of the American government, and, therefore, his admission to full participation in its administration would subvert its fundamental principles.1

Representative Jacob F. Bird thought the first section of the amendment violated the rights of the states to determine the identity of their own citizens.2 Representative Samuel L. McFadden objected to the granting of citizenship to the Negro. God, Himself, had recognized distinctions of race when He selected the Hebrew race as His peculiar people.3 Representative C. H. Greene declared that the amendment would pave the way for the control of Southern state governments by Negroes. This, he argued, would be an insult to the whites of the South.4

The advocates of the amendment paid little attention to the Democratic arguments. Anxious to pass the measure as quickly as possible, the Republicans were willing to waste little time in discussion. Representative Moses F. Dunn denounced the

1 Address by N. O. Ross to the House of Representatives of Indiana, January 22, 1867, ibid., 80.
2 Address by Jacob F. Bird to the House of Representatives of Indiana, January 22, 1867, ibid., 80.
3 Address by Samuel L. McFadden to the House of Representatives of Indiana, January 23, 1867, ibid., 88.
4 Address by C. H. Greene to the House of Representatives of Indiana, January 23, 1867, ibid., 89.
conservatism that opposed change. Representative W. A. Moore defended the amendment as necessary to secure the public debt and protect the nation from disloyal Southerners. Representative M. F. Schuey attacked the Democrats for giving their support to Southerners who favored the assumption of the Confederate debt by the Federal Government. Schuey declared that there was never a demand made by Southerners that the Democrats were not willing to concede.

The state Senate passed the amendment on January 18, 1867 by a vote of twenty-nine to sixteen. The House accepted the measure on January 23, 1867 by a vote of fifty-five to thirty-six. It was not the discussion of the amendment in the legislature which had produced this result. By supporting the Republican party at the polls, the Hoosier voters of 1866 had, themselves, settled the issue.

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1 Moses F. Dunn to the House of Representatives of Indiana, January 23, 1867, ibid., 88 - 89.

2 W. A. Moore to the House of Representatives of Indiana, January 23, 1867, ibid., 89.

3 M. F. Schuey to the House of Representatives of Indiana, January 23, 1867, ibid., 90.

4 Ibid., 58.

5 Ibid., 90.
SUMMARY AND CONCLUSION

The people of Indiana had undergone a profound change in their political attitudes as a result of the Civil War. Previous to the outbreak of the conflict, the Democratic party had dominated the political life of the state and the overwhelming majority of Hoosier citizens had believed in the policy of non-intervention with regard to slavery. During the early years of the war these attitudes had remained almost the same.

By the end of the war, however, the Hoosier Democracy had been demoralized and discredited, and Indiana's confidence in the Old Order had been effectively undermined. After the war, the evidence of continuing Southern intransigence, including acts of violence against the freedmen, gradually turned the state against the Johnson administration and its moderate program of restoration.

The Fourteenth Amendment with its provision for a possible reduction of Southern representation provoked the anger of the Indiana Democracy which had favored the restoration of the old Federal Union as it had existed before the war. Indiana Republicans, conservatives and radicals, were united in support of the amendment, and the Republican press presented it to the voters as a just settlement of the problems left by the war. In their opposition to its passage, Indiana Democrats played upon the race...
prejudice of Hoosier citizens and warned that the amendment was a precursor of Negro suffrage and racial equality.

Historically the first section dealing with citizenship and protection of civil rights has been the most important, but in the debate in Indiana this section was largely ignored by both parties. The debate over ratification dealt almost wholly with the effect of the amendment upon the South. Little attention was paid to the effect it might have upon the position of Indiana Negroes. Although Democrats insisted that the Amendment was intended to force Negro suffrage, most Hoosier Republicans, not yet ready to advocate Negro suffrage upon a nationwide basis, suggested that the second section provided an alternative to such an extension of the franchise to Negroes. If the Negroes of the South could be given the right to vote, it would be unnecessary to extend the franchise to Northern Negroes. The sections dealing with Southern disabilities and the United States and Confederate debts also received much attention in Indiana to the neglect of the first section.
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