

NOTES AND DOCUMENTS

A Pennsylvania Judge Views the Rebellion: The Civil War Letters of George Washington Woodward

GEORGE WASHINGTON WOODWARD was a prominent Pennsylvania politician and judge whose path to national greatness was repeatedly blocked by the harsh realities of nineteenth-century American politics. A leading Jacksonian Democrat in the Keystone State, Woodward played a central role in many important political events in antebellum Pennsylvania. During the Civil War he became the de facto leader of the Democratic Party in his state, and his role in state affairs earned him notoriety at the national level. Republicans frequently charged Woodward with disloyalty. His correspondence from this era thus reveals the convictions of a Democrat who strove to be loyal amid constant accusations of treason. His inner struggles over the most divisive constitutional and political issues of the day led Woodward to take public stances that enabled his contemporary critics—and some later historians—to charge him with disloyalty to the Union. Yet Woodward's allegiance to the nation never faltered. The letters that follow tell the story of a Northern judge as he struggled to understand the nature of the Union and secession, the meaning of fidelity to the Constitution, and the role of a political opposition in wartime.

George W. Woodward was born in Wayne County, Pennsylvania, on March 26, 1809. The son of a state judge, he graduated from Geneva Seminary (now Hobart and William Smith Colleges), read law, and was

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admitted to the bar in 1830. Six years later he achieved recognition as an elected delegate to the Pennsylvania convention to reform the state constitution. Woodward distinguished himself in the convention as an articulate and vocal proponent of several reform measures, including abolition of life tenure for state judges and limitations upon the political rights of foreigners who had not yet been naturalized. The latter issue proved an obstacle in his later political career by opening him to accusations of nativism. Woodward also voted with the majority to end black suffrage in Pennsylvania by restricting the vote to white males for the first time.¹

In 1841 Woodward was appointed president judge of the fourth judicial district of Pennsylvania, and four years later was a Democratic candidate for the United States Senate. Intraparty factionalism in the state legislature, including what one historian has called "some wily and devious bargaining," led to the election of his party rival, Simon Cameron, however. Nevertheless, Woodward was prominent enough to be nominated by President James K. Polk to succeed Justice Henry Baldwin as an associate justice on the Supreme Court of the United States. Although the Senate was controlled by Democrats, Cameron, now a freshman senator, again wielded his influence against Woodward, and the Senate rejected his nomination.² Woodward thus continued in his position in the fourth judicial district of Pennsylvania until 1851.

In 1852 Woodward became an associate judge on the Supreme Court of Pennsylvania, becoming chief justice in 1863.³ In 1867 he was elected a U.S. representative, serving two terms as a vocal, though mostly forgotten, opponent of Republican Reconstruction measures.⁴ After returning home

¹ It was somewhat unusual for a Democrat to be charged with nativism because Democrats relied heavily on the immigrant vote. For Woodward's voting record in the constitutional convention, see *Journal of the Convention of the State of Pennsylvania, to Propose Amendments to the Constitution . . . May, 1837*, 2 vols. (Philadelphia, 1838).

² For more information on Woodward's early political career, see Daniel J. Curran, "Polk, Politics, and Patronage: The Rejection of George W. Woodward's Nomination to the Supreme Court," *Pennsylvania Magazine of History and Biography* 121 (1997): 163-99; quotation from p. 174.

³ The governor appointed Woodward to fill a vacancy on May 8, 1852, and at the general election later that year Woodward won election to a full fifteen-year term. In 1863, the chief justice, Walter H. Lowrie, lost his reelection bid; Woodward, who currently had the longest tenure on the bench, became chief justice for the remainder of his term by virtue of his seniority.

⁴ Several of Woodward's speeches on the floor of Congress were published in pamphlet form by the Democratic Party. See, for example, *Speech of Hon. George W. Woodward, of Pennsylvania, on the Debt and Currency of the Country, Delivered in the House of Representatives, January 18, 1868* (Washington, DC, 1868); *Impeachment of the President. Speech of Hon. George W. Woodward,*

from Congress, Woodward was an unsuccessful candidate for president judge of the eleventh judicial district of Pennsylvania in 1870, he served as a delegate to the state constitutional convention of 1873, and died in 1875 while vacationing in Rome.

Woodward experienced perhaps his most bitter political disappointment during the Civil War. In 1863, while a judge on the Supreme Court of Pennsylvania, he was selected by the Democratic Party to run for governor. His opponent was the incumbent governor, Andrew G. Curtin, a conservative Republican from Bellefonte. Republicans rallied around their governor that year and labored assiduously to discredit Woodward's public record. Union League pamphleteers drew on portions of Woodward's court opinions, speeches, and public writings in an effort to present him as a pro-South, proslavery nativist who desired peace at any cost and opposed the rights of Union soldiers. By the narrow margin of 15,335 votes (of 523,677 cast), Curtin eked out a victory. In the course of the campaign Woodward's reputation was defamed as he suffered yet another humiliating political defeat.

The Republican attacks on Judge Woodward derived from three sources. The first was Woodward's role as a delegate to the 1837 constitutional convention, which gave rise to the charges of nativism. Pamphlets criticizing Woodward's alleged views toward foreigners appeared in both English and German. The Democrats responded by reprinting a public letter written by Woodward in 1852 as a candidate for the state supreme court that claimed that the convention reporter, a Whig, had conjured up his alleged nativist speech. As further vindication, Woodward pointed out that the nativists in the legislature did not vote for him in 1845 when he ran for the Senate because he refused to "favor their measures for changing naturalization laws."⁵

The second source for Republican attacks on Woodward was a speech he delivered at the public square behind Independence Hall, in Philadelphia, on December 13, 1860, at the time of the secession crisis. In the speech, Woodward took a strong proslavery stance, claiming that blacks were "well adapted to labor in latitudes which alone could produce

of Pennsylvania, Delivered in the House of Representatives, February 24, 1868 (Washington, DC, 1868); *Negro Suffrage. The Reconstruction Laws. Speech of Hon. George W. Woodward, of Pennsylvania, Delivered in the House of Representatives, March 21, 1868* (Washington, DC, 1868).

⁵ "Judge Woodward's Reply," Sept. 14, 1852, in "Judge Woodward and the Contest in Pennsylvania," *The Old Guard, A Monthly Journal, Devoted to the Principles of 1776 and 1787* 1 (1863): 224.

some of the great staples of life," and he argued that slavery provided an "incalculable blessing" to the North. He called on Pennsylvania to begin the process of amending the U.S. Constitution so as to guarantee the property rights of Southern slaveholders. This action, Woodward believed, was the only way to save the Union. For commercial, political, constitutional, and foreign policy purposes, Woodward believed the Union was worth preserving and he blamed Northern abolitionist agitation for the "irrepressible conflict" that was unfolding.⁶ Although the speech was a public call for preservation of the Union, Republicans extracted individual statements from their context to allege that Woodward was a disloyal Copperhead. In 1863, Democrats republished the speech in its entirety in an attempt to prove Woodward's loyalty.⁷

The final sources of Republican attack were Woodward's judicial opinions. The most important were his 1862 ruling that it was unconstitutional for Pennsylvania soldiers to vote outside of their election districts and his expected opinion in a case involving conscription then before the state supreme court. In the latter case Woodward was expected to rule federal conscription unconstitutional. Concerning the soldier voting case, U.S. representative Thaddeus Stevens, in a stump speech in favor of Governor Curtin's reelection, proclaimed that Woodward's opposition to soldier voting was "the surest way" for Democrats "to aid their rebel friends, and punish those who oppose them."⁸ An 1864 Republican pamphlet claimed that the Democrats had nominated Woodward in 1863 because of his "zeal and alacrity in thus attacking the soldiers and their right to vote, and for his declared sentiments *directly justifying the southern rebellion*."⁹

In point of fact, Woodward's judicial position in the 1862 case was

⁶ George W. Woodward, *Speech of George W. Woodward, at the Great Union Meeting, Held December 13, 1860, in Independence Square, Philadelphia* (Philadelphia, 1860).

⁷ For a sample of the Republican pamphlets, see *Democratic Opinions on Slavery! 1776-1863* (n.p., n.d.); *Opinions of a Man Who Wishes to be Governor of Pennsylvania: Extracts from a Speech of Judge Woodward, Delivered on Thursday, December 13, 1860, at Independence Square, Philadelphia* (Philadelphia, 1863); *A Picture of Slavery, Drawn from the Decisions of Southern Courts* (Philadelphia, 1863); *Woodward in 1860 and 1863* (Philadelphia, 1863).

⁸ Thaddeus Stevens, "Speech on State Elections," [September 17?], 1863, in *The Selected Papers of Thaddeus Stevens*, ed. Beverly Wilson Palmer and Holly Byers Ochoa (Pittsburgh, PA, 1997), 1:408.

⁹ William E. Chandler, *The Soldier's Right to Vote. Who Opposes It? Who Favors It? Or, The Record of the McClellan Copperheads against Allowing the Soldier Who Fights, the Right to Vote while Fighting* (Washington, DC, 1864), 8-9.

constitutionally correct. The state law permitting soldiers to vote was plainly inconsistent with the state constitution, which required that a voter reside for ten days prior to an election "*in the election district where he offers to vote.*"¹⁰ These districts must be bound by state lines, Woodward noted, and neither the legislature nor any military officer possessed the authority to create an election district outside the borders of Pennsylvania. Moreover, the same law that permitted soldiers to vote prohibited any troops, either armed or unarmed, from attending any polling place. Woodward also pointed out that many fraudulent ballots had been found among the soldiers' votes in the 1861 elections—further evidence of the law's deficiency. In this case the election of a Democrat was upheld, but several months later the court applied Woodward's decision in favor of Republicans. Woodward knew he would be criticized for "depriving so meritorious a class of volunteer soldiers of the right of voting," but he maintained that this sentiment could not influence his judicial position. "As a court of justice we cannot feel the force of any such consideration," he wrote. "Our business is to expound the constitution and laws of the country as we find them written. We have no bounties to grant to soldiers, or anybody else. . . . Constitutions, above all other documents, are to be read as they are written."¹¹ In this case, Woodward refused to read new rights into the constitution even though such a ruling might have been politically advantageous.

As this brief sketch indicates, Woodward is significant mainly as a leading critic and opponent of the Republican Party in the Civil War era. His letters throw light on the mind of the Northern political opposition. They reveal the anguish Northern Democrats felt when Abraham Lincoln was elected president because they knew it meant not only political defeat, but probable dissolution of the Union. More specifically, Woodward's letters present the perceptions and ideology of a leading Democrat running for political office who had to balance his political and judicial roles. Above all, these letters provide insight into the problems of

¹⁰ Pennsylvania Constitution (1838), art. 3, sec. 1. Emphasis added by Woodward in his court opinion. *Chase v. Miller*, 41 Pa. 418 (1862).

¹¹ *Chase v. Miller*, 41 Pa. 428 (1862). This decision was upheld, in favor of Republicans, in *Ewing v. Thompson*, 43 Pa. 372 (1862), and *Ewing v. Filley et al.*, 43 Pa. 384 (1862). See also Jonathan W. White, "Citizens and Soldiers: Party Competition and the Debate in Pennsylvania over Permitting Soldiers to Vote, 1861–64," *American Nineteenth Century History* 5 (Summer 2004): 47–70.

loyalty and disloyalty during the Civil War in the pivotal Keystone State.

Not surprisingly, the question of loyalty during the Civil War continues to be controversial. In the postwar period and well into the twentieth century many historians viewed the Democratic Party in the North as virtually, if not actually, disloyal. The revisionist consensus in the past generation concluded that Northern Democrats were basically loyal.¹² Nevertheless, historian Michael F. Holt questions this new orthodoxy. He says scholars have focused too much of their attention on congressional Democrats, disregarding Democratic leaders at the state and local levels who were closer to being "Copperheads." Holt points to "the embarrassing presence of strident antiwar Democrats such as Ohio's Clement L. Vallandigham, Pennsylvania's George Woodward, and Connecticut's Thomas Seymour, all of whom captured Democratic gubernatorial nominations in 1863."¹³

Certainly there are statements in these letters that could be used to question Woodward's unionism. On November 18, 1860, for instance, he wrote: "I wish Pennsylvania could go with" the Southern states, and "let them go in peace."¹⁴ To assess Woodward's meaning, however, we must consider the constitutional theory that informed his private thought and correspondence.

Woodward's writing and political career need to be considered in the constitutional context of dual federalism. Woodward believed that Americans were members of more than one political community—their allegiance to their state was just as important as their allegiance to the nation. Moreover, individual Americans became members of the Union by virtue of their state citizenship. As one who adhered to John C. Calhoun's compact theory of the Union, Woodward believed that the states had formed the Union, and he defined a state as "the people in their corporate character as distinguished from their individual personality." If

¹² For the revisionist work on the Democratic Party, see Frank L. Klement, *The Copperheads in the Middle West* (Chicago, 1960); *The Limits of Dissent: Clement L. Vallandigham and the Civil War* (Lexington, KY, 1970); and *Dark Lanterns: Secret Political Societies, Conspiracies, and Treason Trials in the Civil War* (Baton Rouge, LA, 1984); Joel H. Silbey, *A Respectable Minority: The Democratic Party in the Civil War Era, 1860–1868* (New York, 1977); and Jean H. Baker, *Affairs of Party: The Political Culture of Northern Democrats in the Mid-Nineteenth Century* (Ithaca, NY, 1983).

¹³ Michael F. Holt, "An Elusive Synthesis: Northern Politics during the Civil War," in *Writing the Civil War: The Quest to Understand*, ed. James M. McPherson and William J. Cooper Jr. (Columbia, SC, 1998), 123.

¹⁴ Unless otherwise noted, quotations in this introduction come from the letters that follow.

individuals joined the Union in their corporate character—as states—then it followed that they could withdraw in their corporate character as well. Secession, in this view, was an act of a state, not an act done by individuals. Therefore, individuals should not be convicted of treason for supporting secession. They were acting in the same sovereign capacity as when they had joined the Union. But was secession by a state treason? This question, which Woodward asked, raises important issues about the nature of the Union, the meaning of treason, and the circumstances, if any, in which secession might be justified. The Constitution defines treason as “levying War against” the United States, “adhering to their Enemies,” or giving “Aid and Comfort” to the enemies of the United States. The answer to the question of whether secession was treason then depends on the means by which it was carried out. If secession were undertaken by force and violence, by levying war against the United States, then it would be difficult to argue that such action did not constitute treason. If accomplished peaceably, however, secession should not be considered treasonable.

This theory notwithstanding, Woodward strongly desired preservation of the Union. His letters of November and December 1860, and his speech at Independence Hall, make this abundantly clear. He deplored the idea of Southern secession. Nevertheless, he believed that the Northern states had broken the bond that held the Union together. This gave the Southern states the right to secede, for “a bargain broken on one side is broken on all sides,” Woodward declared. “As a Northern man I cannot in justice condemn the South for withdrawing from the Union. I believe they have been loyal to the Union formed by the Constitution—secession is not disloyalty to that, for that no longer exists.” Southerners believed that the federal government was constitutionally required to protect slavery everywhere in the nation. Woodward concurred. Because the North had “abolitionized” the federal government in the election of 1860, thereby breaking the bond between the states, Woodward believed all commitments between the states absolved. Secession was the logical result of this disuniting and was justified on that ground.¹⁵

¹⁵ Abraham Lincoln provided some of the most lucent rebuttals to these proslavery and ostensibly prosecession arguments. See, in particular, his speech at the Cooper Institute in New York City on February 27, 1860, and his First Inaugural Address, delivered March 4, 1861. See Roy P. Basler et al., eds., *The Collected Works of Abraham Lincoln* (New Brunswick, NJ, 1953–1955), 3:522–50, 4:262–71. See also Arthur Bestor, “The American Civil War as a Constitutional Crisis,” *American Historical Review* 69 (1964): 327–52.

Woodward viewed the matter in the context of nonviolence. He advocated a peaceful separation of the Union, if it had to be divided at all. Both publicly and privately he called for reason, reflection, and deliberation to dissuade the Southern states from leaving. However, if they could not be persuaded to stay, he declared, "let them go in peace." It was in this rhetorical context that he expressed his wish that Pennsylvania might secede as well. This point is significant, for Woodward believed that the Union was rightly constituted and maintained by reason and consent, not by force. Woodward's statements were not acts of violence; nor were they *public* calls for violence against the government. He was *privately* indicating that secession had his consent and that he believed Pennsylvania should consent to secession. If this had happened—if the Northern states had consented to secession—then the Southern states would not be guilty of treason. Their peaceful withdrawal would have had the consent of the other states. In other words, if enough Northern citizens had felt as Woodward did, the Union might have divided peacefully, without a war—in a consensual and nontreasonable manner. Far fetched as it may seem, such an outcome was within the realm of constitutional possibility.

After secession, Woodward continued to ponder the constitutional issues surrounding the rebellion. Although he claimed not to have settled his mind on the matter even by May 1865, he appears to have tended towards certain conclusions. As will be seen below—in his own words—he wanted preservation of the Union first and foremost; in 1860 he gave no indication of supporting a war for Southern independence. After the Confederates fired on Fort Sumter, in April 1861, he supported his two sons when they joined the Union army and even underwrote the cost of raising a company of troops, by no means an inexpensive venture. Although he opposed national conscription, legal tender, and other wartime measures adopted by the Republicans in Washington, he followed his state when it withheld its consent from Southern secession and remained active in the administration of Pennsylvania's government and political affairs.

Very few of Woodward's letters survive (even fewer addressed to him exist). The selections that follow are those from the war years that contain the most content on the politics of the era. Also included is one letter addressed to Woodward regarding the secession crisis in order to give

both sides of a conversation between two prominent Democrats from Pennsylvania. The spelling, grammar, and punctuation have been kept as close to the original as possible. Canceled text is indicated by a strikeout, while interlineations are shown with up and down arrows.

George W. Woodward to Jeremiah S. Black, November 18, 1860¹⁶

Pittsburg 18. Novr. 60

My Dear Judge.

I received, a week ago or more, under your frank the address of your son & read it with great satisfaction.¹⁷ It is only too highly polished. Still it lacks not pith and strength and gives promise of the paternal capacity for saying fine things in the right way. I wish that son all success. I was very much pleased with my acquaintance with him at Harrisburg and should value an opportunity to extend & cultivate it.

Thus I acknowledge your politeness in sending me the address & have given you my opinion of it as I have of every document & production you have ever sent me. I never have been able to get even an acknowledgment from you of any opinion, speech or other thing that I sent you. There's the difference.

I have had no heart to write you or any body else on politics since the election. But now as I have pen in hand let me say a few things I want to say to somebody & I don't care how faithfully you preserve what I write—nor when or how it may come up in judgment against me.

Lincoln & Seward are right. The conflict is irrepressible.¹⁸ Lyod Garrison, offended with some trifle in the Colonization Society about

¹⁶ Jeremiah S. Black Papers, Manuscript Division, Library of Congress, Washington, DC. Jeremiah Sullivan Black (1810–1883) was a prominent Pennsylvania Democrat who, among many other accomplishments, became a state judge in 1842, was a justice on the Supreme Court of Pennsylvania from 1851 to 1857 (chief justice, 1851–1854), and served as attorney general (1857–1860) and secretary of state (1860) in the Buchanan administration.

¹⁷ Chauncey Forward Black (1839–1904), Jeremiah Black's son, was lieutenant governor of Pennsylvania, 1883–1887, and the unsuccessful candidate for governor in 1886.

¹⁸ William H. Seward (1801–1872) was a U.S. senator from New York (1849–1860), a founder of the Republican Party, and would become secretary of state in the Lincoln administration. In 1858, he delivered a speech at Rochester, New York, in which he stated that the political battle over slavery was "an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become either entirely a slaveholding nation, or entirely a free-labor nation." *The Irrepressible Conflict: Speech by William H. Seward, Delivered at Rochester,*

1835, & instigated not only by the D.I. but by some English infidels, started the scheme of abolishing the slavery of the U.S.¹⁹ He drew to himself all these Boston infidels whom unitarianism had thrown up to the surface & they commenced the war on slavery. Their weapons were sometimes gross blasphemies—sometimes literary platitudes—sometimes humanitarian philosophies—but whichever they were they were directed against slavery not because they cared for blacks or whites, but because slavery was an Institution of civilized and Christianized society. They saw the plain evidence that the principle of human bondage had received Divine sanction. This intensified their hate of it. They knew that we as a people were not responsible for the institution, but that we had dealt wisely with it and had turned it to good account, making it the instrument of blessings to both ourselves & the slaves. This maddened their rage. Here was a chance to war against God, Native Country, political & social institutions, and the vultures whetted their beaks for an unusual feast.

The first body of men they captivated was the Methodist Church & then the conspiracy began to attract attention. Then the Presbyterian, Congregational & Baptist Churches began to preach & pray & resolve about slavery. The politicians of New England seized hold & mounted the hobby. All New England became abolition. New York fell the next victim, then one after another of the Western states and last of all our own good old Pennsylvania.

Oh what a fall was there my Countryman,
When You & I and all of us fell down
Whilst bloody treason flourished over us.²⁰

Thus this foul plague has overspread all the North & has got possession of the patronage & power of the government. Do you suppose it is going to stop now? I tell you nay. It is irrepressable. It means to invade the south & sweep slavery into the sea.

Consider how it has mixed itself up with northern ideas. We are a thrifty, industrious, money getting people—and all our thrift is attributed to the abolition of slavery in these northern states.

Monday, October 27, 1858 (New York, 1858). Abraham Lincoln (1809–1865) had been elected sixteenth president of the United States on November 6.

¹⁹ William Lloyd Garrison (1805–1879) was a prominent abolitionist and founder of the newspaper *The Liberator*. D.I. is shorthand for Declaration of Independence.

²⁰ William Shakespeare, *Julius Caesar*, act 3, sc. 2.

We are a Church going people—and antislavery has become the cherished dogma of northern theology. Not only so, but personal religion has come to be measured by the zeal of slavery agitation. In almost all the Churches above mentioned abolitionism has become, practically, a test of good standing if not of Church membership. The Episcopal & the Romish Churches alone hold on to the conditions of communion prescribed by the saviour, and increasing hate of these Churches has marked the progress of abolitionism. Its march has been attended also with other results—such as conjugal infidelities & prostitution—breaches of trust of all sorts, legislative corruptions, fraudulent insolvencies, stuffing ballot boxes, gambling, lying, slandering, drunkenness &c &c.

We are an educating people—and abolitionism born in hell & raised by the non Episcopal Churches has entered into our schools, school books & school literature.

Now is it to be supposed that abolitionism ~~that has~~ so incorporated ~~itself~~ with our thrift, our religion, our education is going to die out ~~when~~ ~~it~~ just as it is about to clothe itself with the patronage & power of the government? I look for no such improbable event. On the contrary I expect it to wax more fat, more aggressive, more destructive.

The democratic party has become powerless before the march of this monster. The party is fast becoming abolitionized. At this moment not only political leaders in the party here in Penna. but men high in office by virtue of democratic votes, are among the most gratified of Lincoln's admirers. Their sympathies were with him in the contest & if their votes were cast for Douglass it was not until they were assured that they would not hinder Lincoln's success.²¹ I dont. mean that all Douglass men were for Lincoln—the honest among them were deluded—but the excessively conscientious sticklers for regular nominations, these Simon Pures that have always helped Simon Cameron to represent the democracy—these immaculate patriots and all wise philosophers who insisted ↑that↓ the democratic party should have a candidate for whom no democratic state would vote—these are the men I mean who were careful not to vote for Foster or Douglass until they had assured themselves of the success of Curtin & Lincoln.²² And they, these very men, set up for future leaders of

²¹ Stephen A. Douglas (1812–1861), senator from Illinois, was the Northern Democratic candidate for president in 1860.

²² Simon Pures (plural) refers to a character in a play who was impersonated by another (see Susanne Centlivre, *A Bold Stroke for a Wife* [1718]). Simon Cameron (1799–1889) was one of Woodward's biggest rivals in Pennsylvania (see the introduction). A Democrat in the 1840s,

the party & what do you suppose the party will do to resist abolitionism under their lead?

The results of the election are not to be looked for in any legislation that shall exclude slavery from the territories or otherwise interfere with it. Legislation wont. be attempted until the debauch of the public mind shall have become so general as to abolitionize both houses of Congress & the Sup. Court, for until then all attempts at legislation would be abortive. But nevertheless the conflict is to be waged in renewed vigor. An abolition party is to be built up in the South through patronage. The press, the pulpit & the lecturer's rostrum in the North are to keep up the agitation. A raid here and there and a local insurrection now & then are to be achieved. Wells & springs & food are to be poisoned. An occasional dwelling will be fired & a husband & father be occasionally found with his throat cut & thus the irrepressable conflict is to go on—until one after another concludes, "well slavery is a bad thing—slavery is a sin against God & man—slavery ought to be restricted, tormented, extirpated—let's vote for the anti slavery candidates."

Now my dear Sir, all this I believe & in view of it what ought a Northern man of common sense, of common honesty and who believes that slavery was intended as a special blessing to the people of the United States,—what ought such a man, what ought I to think of the proposition of the southern states to secede from the Union?

As a Northern man I would beg them to wait—to bear and to forbear a little longer. Though I consider them greatly outraged, not merely by Lincoln's election, but by the northern legislation that has already abolished the constitution & by the agitation which has destroyed the "public tranquility" the Constitution was designed to promote, yet it is possible the fears which are too probable may not be realized. It is possible that the Good Being who has shielded us in times of danger may save us from our own folly & wickedness. It is possible that some miracle may exorcise the northern mind and restore it to sanity. I would point them to the sound minority of the North—the more than 7000 who have not bowed the knee to Baal & who, though persecuted & cast down, will never yield an inch willingly to trenchant abolitionism but will fight it as they have

Cameron became a Republican in the 1850s. He served in the U.S. Senate in eleven different Congresses between 1846 and 1878, was Lincoln's first secretary of war and in 1862 was minister to Russia. Cameron was notorious for his ability to "buy" political offices for himself and his friends. Henry D. Foster (1808–1880) was the Democratic candidate for governor in 1860 who lost to Republican Andrew G. Curtin (1817–1894).

fought antimasonry, Bankism, Knownothingism, and every other fanaticism.²³

If such appeals will not stay secession, then let it come. There is cause. Much as I deplore it I cant. deny it. We have broke the bond long since, repeatedly, ruthlessly, and "a bargain broken on one side is broken on all sides."²⁴ As a Northern man I cannot in justice condemn the South for withdrawing from the Union. I believe they have been loyal to the Union formed by the Constitution—secession is not disloyalty to that, for that no longer exists. The North has extinguished it. And if they do go out, dont. let a blow be struck against them by the present administration. Dissuade them if you can, but if you cant. let them go in peace. I wish Pennsylvania could go with them. They are our brethren. They have not annoyed us. They have benefited & blessed us in a thousand ways. They have been good & peaceable neighbors. We are the wrong doers. We have driven them off & if we raise an arm to strike, the "stones of Rome will move to mutiny."²⁵

Mr. Buchanan has got the most delicate duty to perform that any human being was ever called to.²⁶ I hear that he insists on execution of the laws in all states that remain in Union, but that he will not resist secession. That is exactly right. Though I would have him dissuade from secession as long as moral suasion can avail, but if it cant. avail, coercion is not to be thought of as a preventive.

As to Lincoln's administration, it will follow that of Buchanan, Pearce & Fillmore on this slavery question.²⁷ He will never put it on that tissue of lies which is called the Chicago Platform, for I hear he is not a born idiot.²⁸ He knows the Government cant. last an hour on that basis and for the present the irrepressible is not to be waged in that form. Public opinion rather is to be debauched more & more as Seward told you.

²³ The 7,000 is a reference to 1 Kings 19:18. The prophet Elijah believed he was the only righteous, God-fearing Israelite left, but God tells him: "Yet I reserve seven thousand in Israel—all whose knees have not bowed down to Baal and all whose mouths have not kissed him." Democrats also opposed the Antimasons, the national bank, and the Know-Nothing Party.

²⁴ Quote from *Speech of Mr. Daniel Webster at Capon Springs, Virginia . . . June 28, 1851* (Washington, DC, [1851]).

²⁵ See Shakespeare, *Julius Caesar*, act 3, sc. 2.

²⁶ James Buchanan (1791–1868), fifteenth president of the United States (1857–1861). Buchanan resided in Lancaster County, Pennsylvania, after his presidency.

²⁷ Millard Fillmore (1800–1874) and Franklin Pierce (1804–1869), thirteenth and fourteenth presidents of the United States, respectively.

²⁸ The Republicans held their convention in Chicago in 1860. The platform adopted pledged not to extend slavery and denounced disunion.

But I stop. Why I have written you I scarcely know except that I wanted to pour out my heart into some ear & thought possibly I might suggest something worthy of your consideration in this hour of peril.

I am half inclined to think however that I should unsay what I began—by saying & should ask you not to preserve this letter but to burn it after reading it twice.

Of course I should be greatly gratified to hear from you and am

Yours truly
Geo. W. Woodward

Jeremiah S. Black to George W. Woodward, November 24, 1860²⁹

Attorney General's Office
Nov. 24th 1860.

My dear sir:

When I received your admirable letter, I intended to take the first moment that I could steal either from rest or my labor, to give an answer—not such an answer as it deserved, for that was beyond my capacity, but an answer which at least would be full and frank on all the subjects to which it refers. The moment of leisure has not come even yet. But if it had, I suppose my purpose would hardly hold, for events, so many of them and some so unexpected, have occurred in the meantime, that to discuss their bearing upon the general subject would require very considerable reflection.

We are probably in the midst of a revolution, bloodless as yet. The cotton states have sedately, calmly and deliberately determined that no power which they can resist shall retain them in the Union beyond the 4th of March; they will not have Abe Lincoln to rule over them.³⁰ It is not worth while to talk about theories, for whether secession be revolution or the exercise of a constitutional right, it comes to the same thing in the end. This great country is to be dismembered. The constitution that Washington gave his approbation to is to be broken up and destroyed.³¹

²⁹ Black Papers.

³⁰ Abraham Lincoln was inaugurated on March 4, 1861.

³¹ George Washington was president of the Constitutional Convention and a Federalist supporter of ratification.

I see the beginning but not the end. The probabilities are strongly in favor of the opinion that all the southern States will secede sooner or later. If Congress authorizes and the President attempts to carry out a system of coercion or subjugation they will all be in a blaze instantly. On the contrary if no force is used, and the cotton states can show the others the road to independence and freedom from abolition rule without fighting their way, every slave state will regard the question as one of free choice to be governed by their sympathies. In that event, the choice, of course, will be made before long, and then where are we? Can we in Pennsylvania live at peace with those intolerable mischief-makers in New England who do mischief like monkeys for the mere sake of mischief? We have no slaves to interfere with, it is true; but they have organized a war against the institution of marriage which at this moment is as strong as the abolition societies were twenty years ago, and they have just as good a right to force free-love upon Pennsylvania as free-labor upon Virginia.³² I am inclined to think also that you and I would take any interference with our matrimonial relations about as hard as the southern people take northern intervention between them and their servants.

I think, however, that you overstate somewhat the power and the depth of the mere bigotry, superstition and fanaticism at the bottom of the late northern movements. I do not believe that the real antislavery feeling, the actual desire & determination to abolish slavery, is as extensive as your view makes it seem. The corruptions which you speak ↑of↓, the total disregard of moral principle by politicians, are to a greater extent the cause of the antislavery vote, and that vote to a greater extent the effect of them than you suppose. You may remember that in one of my imprudent letters written to you about two years ago, I told you in substance, that I regarded a certain infamous transaction in Pennsylvania as likely to bring about this very state of things. How could we expect a set of politicians thus prostituted to hear or to understand what was necessary to be done to save the country? How can it be possible that they care whether the country is saved or not? Prostrate and fallen as they were, how could they rise to the height of that great argument ↑which was before them on the 7. of November↓? No, sir, ~~the practice of~~ those who

³² For the "free-love" movement, see "The Free Love System: Origin, Progress and Position of the Anti-Marriage Movement," *New York Times*, Sept. 8, 1855. In May 1860 Horace Greeley and Robert Dale Owen debated divorce, often equated with free love, in the *New York Daily Tribune*. See *New York Daily Tribune*, Mar. 1, 5, 6, 12, 17, 28, and Apr. 7, 21, and May 1, 1860; *Divorce: Being a Correspondence between Horace Greeley and Robert Dale Owen* (New York, 1860).

↑conscientiously and really↓ put the abolition of slavery before the peace of the country and the harmony of the states is restricted to a few hardened, wicked ribbald infidels, combined with a few others, religious, to be sure, but blinded and brutalized by bigotry. The worst trouble is that we now seem to have a majority in the northern States, of men who are perfectly willing to take advantage of any prejudice whether they approve it or not, which will give them votes enough to carry them into power. It must be perfectly well known to you that in 1856 there was a serious debate among them, (it was scarcely settled indeed at the time of the election) whether their rallying principle should be opposition to the Catholic religion or opposition to the slaveholders. It is as sure as death that in 1860, they would have gone to burning churches & convents, and smelling about female schools with just as much zest as they attack slavery in the Southern states, if thereby they could have been equally certain of success. If the abuses of marital power and the wrongs of women should in 1864 become the basis of a party organization strong enough to hold the balance of power in the Union, how many of our antislavery patriots do you suppose would have virtue enough to resist the temptation of joining them, especially if a few married men would suffer their indignation to boil over and say or do some violent things such as southern men have occasionally done under the influence of excitement produced by the abolitionists? But enough of this. The fact is, and we cannot change it, that though fanaticism alone or corruption alone would have been impotent they are now united and present to us a front ~~to the Democracy of the northern states~~ more terrible than an army with banners.

If the southern states could be induced to hold back, to make a fair effort, & the Democracy of the northern states could be reorganized & expurgated, and the ↑conscience of the↓ masses fairly appealed to, I am satisfied that all would be well. But I fear there is no chance for either. The news from the southern States, Georgia, Alabama, Mississippi & Florida grows worse and worse. Virginia is preparing to perform the duties of an arbitrator, but it does not seem probable that she will be listened to.

Mr. Buchanan has, as you truly say, the most delicate and difficult duty to perform that ever was assigned to a human being, and when it shall be performed, no portion of the people will say, "God bless you." A few scattered and bold hearts here and there will dare to do him justice. But in the North, his life's life has been already lied away, and the South will adhere

to him only so long as he expresses no opinion against the constitutional right of secession, and no determination to abandon his sworn duty of seeing the laws faithfully executed. There is but one thing left for him, and that is the approbation of his own conscience. For myself I value as highly as anybody the recollection that I once seemed to have some portion of the public confidence at home. But it will give me far more pride for the balance of my life to remember that I risked and lost it in a faithful support of principles which sooner or later will be acknowledged as necessary for the preservation of the noblest political system that the world ever saw.

I said your letter was admirable. That is not merely my own opinion. I took the liberty of reading it confidentially to several of my friends. Cobb said he would give a hundred dollars for a copy of it.³³ Gen. Cass said that it made him feel gladder than ever for his vote ↑in the Senate↓ on your nomination.³⁴ To these two I read it separately, and afterwards to the President and all the members of the cabinet together. It excited universal admiration and approbation for its eloquence & its truth. The slight criticism that I have made upon it in this reply was not expressed by anybody else. They wanted to publish it very much. I am not sure that I would advise its publication precisely in its present form. But can you not embody the same ideas in a shape which will enable me to lay it before the world? Think of this and write me again as soon as convenient.

I am, very respectfully &
Truly yours &c.
J. S. Black

Judge Geo. W. Woodward
Philada. Pa.

³³ Howell Cobb (1815–1868) had been governor of Georgia (1851–1853), U.S. representative from Georgia (1855–1857), and was secretary of the treasury in the Buchanan administration from 1857 until 1860, when he resigned to take an active political and military role in the Confederacy.

³⁴ Lewis Cass (1782–1866) was a former U.S. senator from Michigan and served as secretary of state in the Buchanan administration from 1857 until his resignation in December 1860. Cass had supported Polk's nomination of Woodward to the Supreme Court in 1845.

George W. Woodward to Jeremiah S. Black, November 28, 1860³⁵

Phila. 28. Novr. '60

My Dear Sir

After all the conflicting rumors, I rejoice to see it announced this afternoon, with apparent authority, that Ch. J. Taney has resigned and that you are to succeed him.³⁶

Accept my congratulations in advance of the actual fact. If there be a Senator whom I can reach & influence in your favour it will give me great pleasure to write him or if you require it to go and see him in behalf of your confirmation. I dont. know that there is such a Senator. The few I know will doubtless all support you except Cameron & him I cant. approach.

This offer is prompted by personal regard for you and your family and by public considerations, for I hold it to be of great moment to the future well being of a dismembered Republic that a sound constitutional lawyer occupy that exalted place.

But I am not wholly unselfish in my support of you. I want someday to be the Reporter of that Court. I mean when the time for an appointment comes, and I want you to advise me of the time, to make a formal application. I have nearly used up my health & fortune in the service of the state and I dont. know of a man who could execute that office better or to whom it would be more useful. ~~than to me.~~ Bear in mind therefore Mr. Chf. Justice that I want to report you & you shall be reported as you want, if you give me a chance.

I received your very kind reply to my letter & thank you for it. I did not anticipate so high an honor for it as to be read in Cabinet Council and to attract the commendations of such men as Cass & Cobb. Certainly it is not fit for publication & I beg of you not to let it get into print.

If I were not overwhelmed with writing duties I would say my say

³⁵ Black Papers.

³⁶ Roger B. Taney (1777–1864) of Maryland was chief justice of the United States from 1836 until his death, in 1864. The rumors Woodward heard were incorrect. Taney had not resigned, and Black was not nominated chief justice. Several months after this letter was written, Buchanan nominated Black to be an associate justice on the Supreme Court, but the Senate refused to confirm him. In December 1861 Black was appointed Supreme Court reporter, the position Woodward mentions in this letter.

through Florence's *Review*.³⁷ I feel sometimes stirred in my heart of hearts to speak a plain language to my erring Countrymen, but I have neither temper, time or strength to discuss the many sided subject of slavery thoroughly & unless discussed thoroughly it is better let alone. The disease of the public mind is so deep seated & so wide spread that the most radical treatment is alone likely to be useful.

In Pittsburg & here the greatest alarm is beginning to be felt at what has been done. You remember I told you & I wrote to Buchanan 4 years ago from Pittsburg that his election had saved us from dissolution of the Union. It would have happened then if Fremont had succeeded.³⁸ So far from the Country being able to bear an administration upon that tissue of lies which constitutes the black republican platform, the election even of a man on that platform is more than the Union can endure. It is not what the man may do or forbear to do—it is the endorsement of abolition treason that drives off the Southern States. And the fools who have made the indorsement without perhaps in all instances intending mischief have now their remorse for their reward and bitterer fruits still are in reserve for them.

If Mr. Buchanan & the wise & good men with whom he has surrounded himself can chalk out a way of escape from impending horrors I will teach my children to praise their memories while breath lasts, but if they cannot, and I do not believe they can, I can say to the monster of Disunion as Macbeth said to Banquos ghost—"thou canst not say I did it—never shake thy gory locks at me."³⁹

Renewing my congratulations
I am, Dear Sir, Yours truly
Geo. W. Woodward

³⁷ Thomas Birch Florence (1812–1875) was a U.S. representative from Pennsylvania (1851–1861) and edited the *National Democratic Quarterly Review*, which was founded in 1859.

³⁸ John C. Fremont (1813–1890) was the Republican candidate for president in 1856. Prior to the war he was a famous explorer in the West, and he was appointed a major general in the Union army by President Lincoln.

³⁹ See Shakespeare, *Macbeth*, act 3, sc. 4.

George W. Woodward to Jeremiah S. Black, December 10, 1860⁴⁰

Phila. 10. Decr. 1860.

My Dear Black—

I have this afternoon read with great satisfaction your clear and able letter to the President on the law of the present crisis.⁴¹ I have no doubt it is right in all particulars. The point that impresses me most is one that you make very clear—that Congress has no power to arm the Executive to make war on a state. Bayonets cant. keep a state in the Union. I believe that. I rejoice to believe it. Your opinion will be a halter round the neck of the abolition administration that is coming in. If Mr. Buchanan cant. be permitted to coerce a state, let not the miserable Pretender from Illinois try it.

But see here. If the law is so—if the Union cant. exist by force, its only principle of cohesion must be opinion—consent. And if that be so, a sovereign state may change its opinion—withdraw its consent. Something of the same solemnities should be observed undoubtedly in withdrawing, as marked the accession of the state to the Union, and when a convention of the people, which I take it is the highest and most solemn legislature on earth, have withdrawn from the Union in due notice, how can the President any longer exercise the defensive power of which you speak. You argue that he is to execute the laws by means of the ordinary instruments, but if they are resisted, he may defend them with the army and navy. But he is not to execute the laws outside of the Union, but only within it. And after a state has sundered the only bond that bound her, which bond being sovereign she may sunder with impunity if no superior sovereign may restrain her by force, she is no longer within the Union—the President's oath no longer comprehends the territory—his judges, marshalls and collectors have no right to be there, and of course have no right to the protection of the strong arm of the General Government. Between sovereigns there are but two forces—ratio and ultima ratio.⁴² If one cant.

⁴⁰ Black Papers.

⁴¹ On November 17, 1860, President Buchanan required Black to write an opinion on the secession crisis and what power the president had to coerce the Southern states. See "Opinion of the Attorney General," in *Life of James Buchanan: Fifteenth President of the United States*, by George Ticknor Curtis (New York, 1883), 2:319–24.

⁴² Latin terms, *ratio* means reason; *ultima ratio* means force.

convince and persuade the other, he must draw the sword.

And such is our Union—it is a bond of reason or of might. But you have demonstrated that it is not the latter. Then it is the former and if the former secession is not unlawful. If S. Carolina came into the Union for reasons that were satisfactory to herself, and is not detained there by the force which the Union has a right to employ, then, when on her own reasons, she goes out, she is as effectually out as if she had never been in, and you have no more right to maintain forts and arsenals and custom houses within her borders than if she had never belonged to the Union. In other words after a solemn and deliberate secession by the people in convention assembled, it seems to me the right & duty of executing the federal laws within the territory of that people will cease and determine forever.

I have always known, for I studied Mr. Calhoun when I was a young man, that our union was a government of opinion—and when pressed to extremes would be found a rope of sand—but I have never said much about it for I have thought it was the part of a good citizen not to press it to its ultimate principles.⁴³ And for the same reason I have looked with horror and ~~such~~ unutterable disgust on this slavery agitation, so well calculated to force us into an acknowledgement of our weakness, as well as to dissolve all our bonds political, social and religious.

When I wrote you last I expected you would be, before this time, Chief Justice of what united states remained. What means the delay?

Mr. Buchanan's message was read with great avidity here & gave very general satisfaction, to the best thinkers.⁴⁴ But the impression is becoming more general daily that the process of disintegration, already commenced, cannot be arrested, and I am asked every day (I am holding N.P. now) what Penna. is to do with herself.⁴⁵

One thing is certain I think. If the secession of the Gulf states prove peaceable & successful, the northern states cant. be kept together two years. Plenty of causes of discontent will develop themselves when it is

⁴³ John C. Calhoun (1782–1850) of South Carolina was a U.S. representative (1811–1817), secretary of war (1817–1825), vice president (1825–1832), and U.S. senator (1832–1850). In the 1820s and 1830s Calhoun advocated South Carolina's nullification of a federal tariff and force act. His anonymous essay, "The South Carolina Exposition and Protest" (1828), written while he was vice president, laid out a states' rights theory of the Union.

⁴⁴ Buchanan delivered his fourth annual message on December 3, 1860. See John Bassett Moore, ed., *The Works of James Buchanan: Comprising His Speeches, State Papers, and Private Correspondence* (New York, 1908–1911), 11:7–54.

⁴⁵ N.P. is short for *Nisi Prius*, a Latin term that, in American law, refers to a trial court or court of original jurisdiction.

found that they can help themselves to the remedy.

Alas, alas! What a magnificent Country we had and how shamefully we have ruined it. The boy with the goose that laid the golden egg, fool as he was, was as wise as we.

Yours in sadness,
Geo. W. Woodward

George W. Woodward to Lewis S. Coryell, June 1, 1863⁴⁶

Phila. 1. June '63

My Good old Friend—

Your letter is just received and I thank you for it. I was so sorry to hear on my return from Harrisburg that I had missed the call you made. I have long wanted to have a talk with you, for it is so much easier to talk than to write that it is a great loss to miss an opportunity.

I am hearing a good deal on the subject of the Gubernatorial nomination to which you allude. I have no personal aspirations—no selfish wishes to gratify. I only want an honest, bold, true, and competent democrat—one who will stand by the few state rights that are left, and not surrender them to any usurper. If we are permitted to elect any body in the fall (of which I have doubts) I hope we shall choose such a man.

I have done nothing to attract public attention to myself—have rather discouraged friends from naming me. My tastes are more judicial than executive. I have no desire to quit the bench for the Governor's chair, but if the democratic people think proper, without solicitations on my part, to make me their Governor I will do my best to administer the constitution & laws as they are written. Whilst I do not seek the nomination I will not decline it.

This is my exact position and so I have represented myself to all persons with whom I have conversed or to whom I have written on the subject.

Did you ever expect to see such times as these? You are almost the only remaining link between the present generation & a class of men whom I learned to revere and love in my youth. They were constitution loving cit-

⁴⁶ Lewis S. Coryell Papers, Historical Society of Pennsylvania. Coryell was a prominent Democrat from New Hope in Bucks County, Pennsylvania. He died at the age of seventy-five in 1865.

izens whose hearts were large enough to embrace the whole country, and whose heads were clear enough to see that a centralized despotism would be the death of popular liberty.

May their souls rest in peace undisturbed by the enormous follies of us their degenerate sons.

Always happy to hear from you I am always most truly Yours
Geo. W. Woodward

Lewis S. Coryell Esq.

George W. Woodward to James Buchanan, September 4, 1863⁴⁷

Phila. 4. Sepr. '63

Hon. James Buchanan

Dear Sir

Your letter of 25. July reached me while I was in Luzerne County and since I came home I have been so busy in assisting the work of organization of our party, that my correspondence has fallen into neglect. I pray you to excuse the delay of this answer.

I have considered, with great respect, your suggestions touching the constitutionality of the Conscript law, but as that question is pending in our Court and I may be called on very soon to pass upon it judicially, I have kept my mind back from any conclusions, on the subject, and mean

⁴⁷ James Buchanan Papers, Historical Society of Pennsylvania. This letter is in reference to *Kneedler v. Lane*, a case before the Supreme Court of Pennsylvania in 1863 in which the court would decide whether Congress possessed the authority to raise troops through conscription (see the Enrolling Act of Mar. 3, 1863). On July 25, 1863, Buchanan penned several letters arguing that the federal conscription law, "though unwise & unjust in many of its provisions, is not, in my opinion, unconstitutional." The letter to Woodward does not survive, but a similar letter does. See Buchanan to Augustus Schell, July 25, 1863, in Moore, ed., *Works of Buchanan*, 9:341-42. When Buchanan wrote to Woodward in July 1863, he expected Woodward would rule conscription unconstitutional and likely suggested that the court should uphold the law. In November 1863, the court declared the federal conscription law unconstitutional and Woodward wrote a concurring opinion. In 1864 the composition of the court changed with Republicans becoming the majority. The court quickly reheard the case and reversed its decision, affirming the right of Congress to draft citizens of Pennsylvania. See *Kneedler v. Lane*, 45 Pa. 238-338 (1863).

not to intimate any until I shall have had the benefit of an argument.⁴⁸

For your approval of my nomination and your good wishes for my success I feel myself much obliged to you.

The prospect of a triumph is very encouraging and improving daily.

I am very respectfully
Yr. Obt. Servt.
Geo. W. Woodward

George W. Woodward to Jeremiah S. Black, September 10, 1863⁴⁹

Phila. 10. Sept. '63.

Dear Judge

You asked me to suggest trains of thought for your speech at Lancaster.⁵⁰ I will do so in one single instance only.

I am satisfied that the only impression my furious assailants have made on the public mind to my prejudice relates to my "unionism" or "loyalty" or whatever else in the jargon of the leagues it is called.⁵¹ To that point I desire you to address a few strongly pointed remarks. Unlike the liar Browne you have been intimately acquainted with me for many years and every body in Penna. knows that.⁵² We have discussed much on public

⁴⁸ Buchanan replied to Woodward's letter, apologizing that "I probably ought not to have written at all on the subject of the Conscription Law. Had I reflected for a moment that you were a Judge of the Supreme Court as well as the Democratic Candidate for Governor, I should have refrained. My abhorrence throughout life has been the mixing up of party politics with the administration of Justice. . . . At the same time it occurred to me that a word of caution to you confidentially, as a Candidate, not as a Judge, might not be inappropriate." See Buchanan to Woodward, Sept. 5, 1863, in *Works of Buchanan*, 9:346-47.

⁴⁹ Black Papers.

⁵⁰ Black's speech is available in pamphlet form: Black, *Speech of the Hon. Jeremiah S. Black, at the Democratic Mass Convention in Lancaster City, September 17, 1863* (Harrisburg, PA, 1863).

⁵¹ Union Leagues were Republican societies founded throughout the North during the Civil War. The leagues became a powerful organ of the Republican Party, publishing pamphlets and broadsides and holding rallies in support of Republican candidates for office. In 1863, as the Democratic candidate for governor, Woodward received the brunt of the Union League's firepower. The Union League in Philadelphia was formed in 1862 and moved into its present home on Broad Street in 1865.

⁵² Prior to the election, several Republican politicians, such as N. B. Browne and T. J. Bingham, publicized fabricated conversations they claimed to have had with Woodward, attempting to discredit him as a disloyal Copperhead. Woodward and the Democrats maintained that none of the conversations had ever taken place and decried their actions as "utterly unscrupulous." See Democratic Party (PA), *Soldiers Read!! Citizens Read!!! Address of the Democratic State Central Committee. Letter*

affairs—by the wayside—at home—abroad—in private—in company.

Therefore you can testify of that which you do know. If I am a traitor I pray you tell the people of Penna. so, but tell them also to whom I would betray ~~the~~ a people among whom I was born and have always lived & with whom my all of earthly goods & honor is embarked.

If I have not venerated the constitution which established this confederacy of free & slave states—if I have not thank'd God again & again for the men who fixed up this Union for you & me and our children—if I have not scorned and denounced the transcendental, hypocritical, counting philanthropy that would overthrow the work of the founders & set up a negro despotism upon its ruins—if I have not paid my taxes, contributed money and sons to fight our battles, and in general performed the duties of an humble but loyal citizen then testify against me. If all this has been done, not as it ought to have been, but in much weakness then give me the benefit of your testimony. My Grandfathers fought the battles of the revolution. If my father had not lost one of his hands he would doubtless have fought in the war of 1812. My sons have taken part in the present war.⁵³ The family have been in the country since 1640—is widely diffused & very numerous. Two things I have never heard alleged against any individual of my race either on the paternal or maternal side—1st. that he betrayed or opposed his Country—2d. that he ever received a dollar from the Government of the U.S. on a contract or civil office.

Now cant. you convince the people of Penna. that no traitor blood lurks in my veins? I rather think they are the last people I shall prove unfaithful to. Indeed I do not know to whom I would sell them if I was bent on a bargain.

But enough. Yours truly. Geo W. Woodward

of Major Geo. A. Woodward. Letter of Judge Woodward (Philadelphia, [1863]).

⁵³ Two of Woodward's sons enlisted in the Union army early in the war. In August 1863 one of his sons, George A. Woodward, received a draft notice. Woodward penned the following note on the bottom of the notice before returning it: "Geo. A. Woodward has been in actual service for more than 2 years—is now Lt. Col. of the 2d Penna. Reserves serving under Genl. Mead in Virginia—has been wounded in both legs taken prisoner & exchanged. If subject to draft I trust he will not be treated as a deserter." See George A. Woodward's Draft Notice, McAllister Collection, Library Company of Philadelphia. George A. Woodward had raised a company of volunteer soldiers shortly after the fall of Fort Sumter in 1861. In a letter to one of the Republicans who published fallacious conversations with Judge Woodward, Lt. Col. Woodward wrote, "Anyone familiar with the business of raising volunteer organizations knows it to be an expensive undertaking. Every cent that my company cost, with the exception of the small amount that my limited means enabled me to devote to the purpose, came

George W. Woodward to Jeremiah S. Black, September 24, 1863⁵⁴

Phila. 24. Sepr. '63

Dear Judge

Never till today have I had time to read your noble speech at Lancaster. I meant to hear it after I found myself obliged to go upon the stage, but such was the demand upon my attention that I couldnt. lend my ear. I expected you to make a great speech & it is great. Original in conception it is forceful & beautiful in expression. I thank you for it & if you ever get into such a scrape as I am in I will pay you back as well as my poorer coin will enable me to do.

I have written a kind letter to Messrs. Bailey & Shellito in answer to the letter you gave me about indemnity for the damages of the war.⁵⁵ Of course I dont. want it published tho. I have no doubt its circulation in those border counties would help me.

I hear a good account of your son among the abolitionists of Susqua. Coy.⁵⁶

My best regards to the rest of your family.

Yours in haste.
Geo. W. Woodward

from my father, Judge Woodward." See George A. Woodward to T. J. Bingham, Sept. 23, 1863, reprinted in *Soldiers Read!! Citizens Read!!!*, 7-8.

⁵⁴ Black Papers.

⁵⁵ Possibly Joseph Bailey (1810-1885), a Democratic U.S. representative from Pennsylvania. It is unclear who Mr. Shellito is. In 1863, the Pennsylvania legislature adopted a resolution instructing the state's members of Congress to seek legislation compensating citizens of the state who had lost property during the rebel raid into the border counties in October 1862. See Pennsylvania Legislature, *Laws of the General Assembly of the State of Pennsylvania, Passed at the Session of 1863, in the Eighty-Seventh Year of Independence* (Harrisburg, PA, 1863), 607-8. The state also set up a board to hear claims for lost property.

⁵⁶ Susquehanna County, Pennsylvania.

George W. Woodward to Peter McCall, October 23, 1863⁵⁷

Pittsburg 23. Oct. '63

Peter McCall Esq.

Dear Sir

After much reflection I have determined to institute proceedings against Bp. Potter for falsehood and immorality, and I want to know whether you & Mr. Wharton will act as my Counsel. The proceedings must be under the canons & if you & Mr. W. consent to act I desire you to get together all the canons on the subject, a copy of the protest, the papers that first published it, and all the facts and circumstances attending the publication which are susceptible of proof.⁵⁸

When I ~~come~~ go home, the last of Novr. we will have personal interviews on the subject. If it should be thought best to include Brooks I should approve it, for against him it can be proved that he has spoken at the Union League & has preached politics in his pulpit.⁵⁹

⁵⁷ Cadwalader Collection, Peter McCall Section, Historical Society of Pennsylvania. McCall was a prominent Democratic lawyer in Philadelphia during the Civil War; he had previously been the mayor of the city, elected as a Whig. George M. Wharton, another Philadelphia lawyer, was a vice president of the Central Democratic Club in Philadelphia. For more on Philadelphia Democrats, see Nicholas B. Wainwright, "The Loyal Opposition in Civil War Philadelphia," *Pennsylvania Magazine of History and Biography* 88 (1964): 294–315.

⁵⁸ Prior to the election of 1863, which was held on October 13 that year, the Democrats reprinted a pamphlet by Episcopal bishop John Henry Hopkins of Pennsylvania, entitled *Bible View of Slavery*, in which Hopkins used scripture to defend American slavery. Many authors published rebuttals, one of which was by Bishop Alonzo Potter of Pennsylvania (see *Protest of the Bishop and Clergy of the Diocese of Pennsylvania against Bishop Hopkins' Letter on African Slavery* [Philadelphia, 1863], the title Woodward refers to here). Of the many others, perhaps the most devastating to Woodward's campaign was *The Views of Judge Woodward and Bishop Hopkins on Negro Slavery at the South, Illustrated from the Journal of a Residence on a Georgian Plantation* (Philadelphia, 1863). This pamphlet compared proslavery statements by Hopkins and Woodward with the diary of Fanny Kemble, in which she described the brutal realities of slavery in gruesome detail.

⁵⁹ Rev. Phillips Brooks (1835–1893) was the Episcopal minister at Holy Trinity Church in Rittenhouse Square, where Woodward worshiped when he was in Philadelphia. Brooks was one of the leaders among the clergy to respond to Bishop Hopkins. After the gubernatorial election, Brooks wrote to his brother: "Judge Woodward has resigned his seat on my vestry, and advertised his pew for sale. I am sorry, for he is a very pleasant man, and has been one of my kindest friends. I presume we shall get along without him, but I wish he could have stayed among us." Later in life, Brooks would become the bishop of Massachusetts, and he is well-known as the author of the Christmas carol, "O Little Town of Bethlehem." See Alexander V. G. Allen, *Life and Letters of Phillips Brooks* (New York, 1900), 1:460–63.

I dont. know that the cunning old fox who struts as Bishop has been at the League or has preached abolitionism or any thing else indeed. But of falsehood & slander he can be convicted. Let me hear from you & Mr. Wharton.

Yours truly
Geo. W. Woodward

George W. Woodward to Jeremiah S. Black, October 31, 1864⁶⁰

Pittsburg Oct. 31. 1864

My Dear Sir

I read your great speech with a degree of satisfaction I am quite unable to describe, and I rejoice to know that it has gained a very general perusal among democrats in this region. I would that all men were compelled to read it before voting.⁶¹

But why did you scant the sacred right of revolution? With what you say about secession I agree, but not in discrediting revolution. This were to deny the event whereof we were born & to upset the cradle wherein we were rock'd.

You see I fall right on the only fault your speech contains. Its merits and bounties are so abundant there would be no use in pointing them out—a blind man could do that.

My heart is brim full of things I want to say to you & I often feel like letting it run over into letters, but then I am afraid of the mails of old Abe.

In Apostolic times the faithful were exhorted to speak often one to another, and not to forsake the assembling themselves together, as the manner of some was, and the advice was good & like all scripture was recorded for "our instruction."⁶²

Let us profit by it. After the election let us come together somewhere & talk over the prospects of our Country.

⁶⁰ Black Papers.

⁶¹ Black's speech is available in pamphlet form: Black, *The Doctrines of the Democratic and Abolition Parties Contrasted: Negro Equality: The Conflict between "Higher Law" and the Law of the Land: Speech of Hon. Jeremiah S. Black, at the Hall of the Keystone Club, in Philadelphia, October 24, 1864* (Philadelphia, 1864).

⁶² See the New Testament scriptures Eph. 5, Heb. 10, and 2 Tim. 3.

I dont. know but this suggestion is treasonable but if it is I hope your loyalty will pardon it. May God forgive me, I do love my Country & will wish her well.

I know you wont. betray me for this to those wise men who wield mailed arms to kill out all lives except they be sable & wooly.

I sat down only to thank you for the speech & lest I say something more I stop.

Yours truly G. W. Woodward.

George W. Woodward to Jeremiah S. Black, May 28, 1865⁶³

Continental Hotel⁶⁴

Phila. 28. May '65.

My Dear Black.

Whilst I have no disposition to minister to your vanity I have felt, ever since last thursday, an irrepressible desire to thank you for that noble testimony you bore in behalf of constitutional law & liberty, and, perched this sunday afternoon at a lofty window in this lofty hotel, I have resolved to unpack my heart & tell you that it was the most magnificent speech I have ever heard in that Court.⁶⁵ And such was the almost universal voice of the auditors. Even Read & Agnew were emphatic in commendations—Strong only was reserved, as he always is when a democrat is praised. Thompson & I were delighted, to have our feeble vision so powerfully assisted.⁶⁶ No speech pleases so much as one that expresses your own thoughts better than you could express them yourself. This was the

⁶³ Black Papers.

⁶⁴ The Continental Hotel, on 9th and Chestnut, opened in February 1860 and was the largest hotel in the United States at the time. See Ellis Paxson Oberholtzer, *Philadelphia: A History of the City and Its People* (Philadelphia, [1912]), 2:357.

⁶⁵ The case to which Woodward refers is *Speer v. The School Directors, Burgess and Town Council of the Borough of Blairsville* (50 Pa. 150 [1865]). In this case, as counsel for the appellants, Black argued that the state and federal governments existed for different ends and therefore could not tax for the same purpose.

⁶⁶ John M. Read and Daniel Agnew, both Republicans, joined the bench on December 6, 1858, and December 7, 1863, respectively; James Thompson and William Strong were both elected as Democrats and joined the bench on December 7, 1857 (during the Civil War Strong switched to the Republican Party; in 1870, President Ulysses S. Grant appointed him an associate justice on the Supreme Court of the United States).

main source of my gratification.

I wish I dared to tell you about the consultation, but I may say that it was agreed that each Judge should write his own opinion & produce it at our adjourned meeting on 29. June, in this City when I hope you will be here.

Who is going to appear as counsel for Jeff Davis?⁶⁷ I would think you ought to take a hand in the defence.

The doctrine of state rights will have a severe test & may find a strange vindication in that trial. Secession has yet to be defined. Hitherto it has been a toy of politicians & they have dodged every thing like a definition. If it cant. be proved that the states formed the Union, cant. it be proved that the states seceded. By states I mean the people in their corporate character as distinguished from their individual personality.

If then secession were treason it was the offence of the corporate body & it is as insensible to indict the individual for that treason as it would be to indict the hand of Booth instead of Booth himself for the assassination.⁶⁸ For the individual is only a member of the corporate body & must move by a volition which it cannot control.

If the states seceded, the states also formed the southern confederacy, raised armies and levied war, and if herein the treason lurked it was still the treason of the corporation not of the individuals. Now traitors cannot protect themselves by forming a corporation, but the states were not formed to cloak the treason of secession—they existed ↑antecedently↓ for all the purposes of states & they united ↑in the federal union I mean↓ for a few lawful purposes. Had Genl. Washington been caught I doubt if he could have been tried for treason upon the English law, but his case would have differed as widely from Davis' as the relation of the colonies to the crown differed from that of the states to the Union.

A dissolution of a voluntary union of political societies—whose offence can that be except of one or more of the societies. I see not how individuals could secede or commit treason in supporting secession.

But is secession treason? That's a grand question. If it be not, war in support of it cannot be. If the right to withdraw existed, it must have included the right of defense, so that levying war to defend a confedera-

⁶⁷ Jefferson Davis (1808–1889) was president of the Confederate States of America. The Confederate army had surrendered in April 1865, and Jefferson Davis had been captured on May 10.

⁶⁸ John Wilkes Booth (1838–1865) shot President Lincoln on Good Friday, April 14, 1865. He was hunted down and killed in a burning barn in Virginia on April 26.

cy founded in secession would not be levying war against the Govemt. of U.S. But this is on the assumption that secession is something less than treason, which I neither aver nor deny. Spero clariorem lucem.⁶⁹ It will have to be defined & made plain, unless indeed we continue to set aside all law and administer only drumhead justice.

I go to Wilkesbarre day after tomorrow & I do insist upon seeing you & Mrs. Black this summer in that

“Lovliest land of all that sees
The Atlantic wave their morn restore”⁷⁰

Yours G. W. W.

University of Maryland

JONATHAN W. WHITE

⁶⁹ Latin for “I hope for a clearer light” or “I hope for more clarity.”

⁷⁰ Thomas Campbell, “Gertrude of Wyoming” (1809). Wyoming in the title of this poem refers to the Wyoming Valley in northeastern Pennsylvania. Jeremiah Black’s wife was Mary Forward, daughter of Chauncy Forward, with whom Black studied law.

