

## [Clement Vallandigham, Donald Trump, and the Politics of Treason](#)

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On May 1, 1863, Clement L. Vallandigham attended a political rally in Mount Vernon, Ohio. He created a bit of a stir. Before long, federal soldiers had arrested the recently defeated Ohio congressman. He was charged with all sorts of unpleasant, even treasonous, things. The military tribunal considered the charge that the Ohio congressman had declared "that the present war was a wicked, cruel, and unnecessary war, one not waged for the preservation of the Union, but for the purpose of crushing out liberty and to erect a despotism; a war for the freedom of the blacks and the enslavement of the whites." The court found him guilty and eventually banished him to the Confederacy.

We historians care about Clement Vallandigham because he was a Democratic congressman for the first half of the Civil War, and he had been a leading opponent to the Lincoln administration and the Union war effort. We remember Vallandigham as an anti-war "Copperhead." He is our most visible version of this perhaps treasonous wartime breed. Social media of the day - political cartoons, satirical cartes de visite, cheaply reprinted song sheets, and partisan editorials - feature Vallandigham's name and face, providing historians with precious evidence and useful illustrations. The Mount Vernon crowd was a raucous one. Vallandigham, one of various speakers, declared that he opposed the war, hated Lincoln, despised conscription, and was just an angry fellow. They cheered. Except for the few Union soldiers in plain clothes, who took notes and reported back to General Ambrose E. Burnside, the recently appointed commander of the Department of the Ohio.

On January 6, 2021, another angry politician who had recently lost an election gave a speech to an excited crowd, this time in Washington, D.C. Some folks say that the speaker, Donald Trump, should be held to account for treasonous speech. At this writing I do not know if that will happen, but I do know that several people in that crowd were soon committing various federal crimes and quite a few are already arrested; one is dead. Pundits on both sides of the political aisle are wondering if the Republican Party is effectively dead, or at least permanently divided. It may be that we have an unusual situation, where current political events help us rethink a somewhat murky past, while that past sharpens our understanding of recent episodes.

Since last March, I - like so many others - have limited my activity to a very few places and things. Specifically, I have honed expertise in two areas: I finished a book about northern Democrats during the American Civil War and I obsessively watched the events that eventually lead to the assault on the United States Capitol. I submit that these two political obsessions share a bit in common, and what we think we know about the Civil War can inform our understanding of today. Or is that vice versa?

Historians who write about the American Civil War commonly describe the northern Democrats as divided into two camps: War Democrats and Peace Democrats. The former generally supported Abraham Lincoln and the war effort; the latter called for an end to the military conflict. Some portion of those Peace Democrats are described as "Copperheads." In our historic memory the wartime

Democratic Party is seen as essentially divided while the Republican Party of Lincoln - later restyled as the Union Party - shared core values and party coherence. That is a coherent story for the textbooks, although it is not quite on the mark.

We historians are sometimes lumpers and often splitters. The impulse to split leads to some fundamental conclusions. Civil War Democrats certainly differed about whether they should cast their lot with Abraham Lincoln and the war effort. Moreover, anti-war Democrats in the Midwest and in the urban East Coast (to select just two geographic areas) thought differently about the war and their opposition to it. Things get more complex when we look hard at slave-holding Democrats in border states like Kentucky. The splitting project is really pretty simple. The North's Civil War Democrats thought different things, or at least arrayed their core passions in different orders.

But what about the impulse of the lumper? Civil War Democrats generally understood themselves as "conservative" and they commonly viewed politics and politicians arrayed along an ideological - as opposed to purely partisan - spectrum. They had fundamental beliefs about the Constitution and about the appropriate power of the federal government. Those core beliefs led these Democrats to some fundamental opinions about key issues of the day, including civil liberties, conscription, federal taxation, and emancipation. They shared fundamental ideas even though they divided over how to proceed. Some were bothered by the decisions of Abraham Lincoln and the Republican Party, but they were willing to hold their noses and back the war effort because defeating the Confederacy trumped ideological concerns about public policy. For others, the administration's policies at some point became a bridge too far. Some of those had some kinship with the Confederacy. But for many more their ideas about the Constitution and about the relationship between the federal government and the individual states led them to conclude that Lincoln and his administration had simply gone further than they could support. In this lumping formulation, many Civil War Democrats agreed on fundamental propositions, even while they split over whether they were willing to back Lincoln and the war effort.

At this point one might ask about what northern Democrats thought about slavery, race, and white supremacy. Several thoughts come to mind. Many (although not all) of these northern Democrats would have agreed that the institution of slavery was immoral, and the experience of being enslaved was truly horrible. The problem for the modern observer is that these Democrats lost little sleep over the peculiar institution. Before the war they had done their best to maintain a national political party with a strong pro-slavery southern wing. With secession they no longer had to appease firebrands to the South, but they still mouthed abstract notions about states' rights. Some endorsed the notion that the institution of slavery was really the best for both the enslaved and their white masters. But in truth they seemed indifferent to slavery as a human condition. These Democrats did worry about a post-emancipation future where population migrations would result in black freed people moving into white northern communities. They worried about miscegenation or some form of racial amalgamation in their own states, rather than about freeing enslaved people. Yes, these Democrats were racists and they embraced notions of white supremacy long before those notions had an articulated language. Were they more racist than northern Republicans? Probably. But we should not overstate that difference. With some exceptions, mainstream northern Democrats were not celebrating slavery in their speeches or private writings, even while their newspapers sold racist tropes and pushed the fear of black migrants entering their worlds.

Did Clement Vallandigham and his crowd push a treasonous agenda? I do not really think so. Vallandigham and many other northern Democrats opposed the military conflict. He thought that the war would not be won, and he had no enthusiasm for emancipation. He disliked Lincoln and believed that many of his core policies, including conscription, violated the Constitution. He also had a lot to say about the fundamental cost of the war and the citizens who bore that cost. His was a radical voice in opposition to the administration, but perhaps he was more an enemy of the war and of Lincoln than a true enemy of his nation.

The lumper, then, understands that northern Democrats really agreed on quite a bit. Some were War Democrats and some were Peace Democrats. And we think of some of those Peace Democrats as “Copperheads.” That is a label that some Lincoln critics proudly embraced, but we should not lose track of the fact that in many cases that label “Copperhead” was applied by partisan Republicans or their editors. Historians writing about the Civil War should be cautious about calling wartime Democrats “Copperhead” the same way that future historians should be careful about who in 2020 should be described as a “socialist.”

This brings us back to January 2021. There are pretty stark divisions within today’s Republican Party. How does today’s situation compare with the divided northern Democrats during the Civil War? The wartime Democrats differed on key issues and history labels them in distinct groups. The labels defining today’s different GOP camps are pretty clear as well. We speak of “Never Trumpers” and “Trumpers.” Some segment of the anti-Trump Republicans have abandoned their party, if not the ideological convictions that originally made them Republicans. During the Civil War conservative editor Chauncey Burr liked to point out that he was an ideologically pure Democrat, whereas politicians who claimed to be War Democrats had really abandoned their party. Today an outspoken cohort of conservative Republicans and ex-Republicans, including the clever and caustic members of the Lincoln Project, blame the Trump Republicans for having abandoned them. The Civil War Democrats divided over whether to support a huge civil war while today’s Republicans seem to have divided over how much they support one man.

Despite their differences, the Civil War Democrats shared key ideological convictions. It feels more challenging to summarize the ideology of today’s Republican Party. Like those Democrats, modern Republicans embrace the notion of “conservative” values, although those are not always easy to identify. There have long been divisions in the GOP, with fiscal conservatives sparring with social conservatives, and a powerful wing of evangelical conservatives pursuing particular policy goals. But right now it is harder to get a handle on the party’s ideological core. In broad strokes, they seem to embrace tax cuts, but they appear unmoved by deficits. They do seem to be consistently opposed to excessive government regulations, particularly when the environment or worker safety are involved. And they like conservative judges, particularly if they might undermine abortion rights. One might reasonably turn to the 2020 Republican Platform for a clear sense of what the party stands for. But, alas, they passed on that ritual. There are other issues one might raise that have motivated individual Republicans, but it is impossible to avoid the conclusion that in 2020 the Republican Party was entirely about Donald Trump, rather than any consistent set of ideological convictions. (One need not be a professional pundit to predict that in the next few years ideological fissures will roil the Democratic Party. But ideology will likely be central.)

Then there is the matter of race and ethnicity. History is quick to point out that the Civil War

Democrats were a party of racists. That is a presentist term, but no doubt both the party's leadership and its rank and file embraced massive racial prejudices. The contrarian points out that pretty much all white Civil War era Americans held a disturbing assortment of racist beliefs. That is certainly true, but it is a poor defense of the Democrats. Once freed from their party alignment with the southern slaveocracy, most northern Democrats seemed to have had little interest in either slavery or emancipation. They did worry tremendously about what might happen to an almost exclusively white northern society if hordes of freed people headed North. And their skilled propagandists played on those fears when speaking to voters.

Today's Republicans exist in an entirely different racial world for a host of reasons, many of which are related to the fact that the modern descendants of those enslaved people are part of public life, and they vote. Perhaps there are some similarities? Certainly white Americans today are still living in a world shaped by racism and an assortment of prejudices. And surely there is some reason to conclude that today's white Republicans - like the wartime Democrats - are more inclined to embrace some of those prejudices than their partisan opponents. And, again like the Civil War Democrats, it might simply be the case that some of their leaders and members of the rank and file lose little sleep over racial inequalities. Certainly there are political approaches to public policies engaging racial and ethnic difference (immigration, voter suppression, policing, incarceration, drug laws) that future historians will likely describe as pretty unsettling if not flat out racist and xenophobic. And perhaps the gap between the parties is actually more pronounced today than in the 1860s, if only because of the racial composition of voters in each party today. Democrats worried about what would become of them if their white worlds became more racially diverse; today's Trump Republicans surely seem to be deeply concerned about the implications of a racially and culturally diverse society.

This is not intended as a screed against today's Republican Party (well, not entirely), but rather as a call for thinking about those wartime Democrats in this broader context. They differed with each other about whether the party should support that huge war, but they really agreed on a broad spectrum of conservative ideals. And even the folks who backed Abraham Lincoln did not really embrace everything he was doing. They were, in those senses, a coherent political party.

Let us return to those two speeches. On May 1, 1863, Clement Vallandigham had a lot of nasty things to say about the war and the Lincoln administration. But in recalling the congressman and his angry rhetoric, it is perhaps worth keeping in mind that he provided his audience with a clear path to addressing these national ills. The answer, he said, rests in "the ballot box." If his supporters wished to end Lincoln's tyrannical reign they should vote him out of office. On January 6, 2021, the President of the United States spoke to an enthusiastic crowd in Washington. His core message was a bald-faced lie. He declared, not for the first or last time, that he had been cheated in the 2020 election. History will judge whether he was fully conscious of the fact that he was lying. In any case, the enthusiasts in that crowd believed everything he said. And whereas Clement Vallandigham - the man we recall as a traitor to his country - urged his listeners to use the ballot box to end the war, Donald Trump urged his listeners to march to the United States Capitol, where they might stop the constitutionally determined process of counting votes from the Electoral College. In the short run they were astonishingly successful, aided by a shocking number of elected leaders from the Republican Party.

In late 1863 Vallandigham lost another election when Ohioans turned back his bid for the

governorship, preferring John Brough, a War Democrat. There is apparently no record of the loser declaring that he had been cheated. Say what you want about the wartime Democrats, but they revered the Constitution. Vallandigham faced a military tribunal for his Mount Vernon speech. It remains to be seen what Donald Trump will face.

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