

DARK HORSE, an essay read before the Indianapolis Literary Club by Thomas A. Hendrickson on March 3, 2014

In early May, 1859, influential Francis Blair of Silver Springs, Maryland, started the race for nomination of a presidential candidate by the Republican Party the next May. Blair, aided by Washington politicians like Indiana congressman Schuyler Colfax, learned about Missouri from his sons Monty and Frank, and considered the antislavery Whig Missourian Edward Bates, 65, an ideal candidate for the nomination. Though Missouri was a slave state, conservative Bates hated slavery and had given up his slaves. Young Frank Blair, a Missouri congressman, recruited the initially reluctant Bates for the race. Bates quickly loved being a candidate and appreciated others doing the work.

Bates was vigorous for his age and on the verge of giving up his Whig label for a Republican one, but his conservatism was a problem for abolitionists, who believed slaves should be emancipated immediately. Also his history of backing the nativist Know Nothing party turned off liberal German immigrants supporting the Republican Party.

Congress adjourned early that May to early December. New York Senator William H. Seward, almost 58, was by far the top

pick to lead the 1860 Republican ticket. New York State had a large popular and electoral vote that had gone Republican in 1856, while the Republicans lost nationally to Democrat James Buchanan of Pennsylvania.

Thurlow Weed, 61, publisher of the *Albany Register* and known as the Dictator, was Republican boss in New York State and Seward's manager. It was thought Weed's influence with Albany legislators issuing franchises, such as sought by New York City streetcar operators, brought him the money he lavished on politics.

What bothered Weed, Seward, and friends was that Seward might put his foot in his mouth while he had the nomination sewed up. Conservative Seward had painted himself radical with a puzzling "higher law" phrase, suggesting a law higher than the Constitution, such as permitting of harboring of fugitive slaves.

He also had used the unfortunate expression "irrepressible conflict" suggesting resignation to a war. Party spokesman Abraham Lincoln told audiences that his "house divided" phrase a few months earlier than Seward's remark carried the same meaning, but the public knew it was biblical, and that made it more acceptable.

It was decided to muzzle Seward for his own sake. With as much fanfare as if already president, he sailed for Europe and the Near East early that May, so that if he misspoke while abroad the news would be dimmed by the weeks it would take to reach America. But Seward stayed away past early December to the 28th, having gotten word from someone that Congress was deadlocked over selection of a House Speaker.

In October Weed decided he should talk to Lincoln, 50, and peremptorily wired Norman Judd, 44, Lincoln's manager and chairman of the Illinois Republican State Central Committee, to send Lincoln to see him, probably to explore a vice presidential option for Lincoln. Judd and Lincoln did not respond. Lincoln wanted to run for the presidency nomination and if that failed to run against Illinois Democrat Stephen Douglas for the U. S. Senate in 1864, just as he had done unsuccessfully in 1858. He seemed confident that Douglas would not be President in 1864, although in 1859 Douglas was the favorite to win the presidency if the Democrats won in 1860.

The radical Salmon P. Chace, 51, Governor of Ohio, considered himself to be in the race and was just then starting his

run for the U. S. Senate against incumbent Democrat George Pugh. Slave states adjoined Ohio's lengthy Ohio River border, affording a pathway for runaway slaves. Chace, an excellent lawyer, had defended runaways in court, helped found the Free Soil Party, became a U. S. Senator, on reelection was defeated by Pugh, and then became the country's first Republican governor. In 1859 Chace was once more running against Pugh for senator while Republican William Dennison was running for governor. Chace had no manager; Ohio delegates were not solidly behind him; some were for Congressman Ben Wade of northern Ohio and some were for Associate Supreme Court Justice John McLean of Cincinnati, whom Lincoln had favored in 1856. Like New York, Ohio had gone Republican in 1856.

Abraham Lincoln ostensibly had no favorites.

When asked about his candidacy Lincoln would say he was not sure he was "fit." Fit and "available" simply meant a candidate was electable. Slavery was the main issue in 1856 as well as 1860. The 1856 Republican vote had been lessened by the Know Nothing Party, which was defunct by 1860. Republicans felt that Illinois, Indiana, Pennsylvania and New Jersey would be winnable in the

1860 presidential race though they had been lost in 1856. These expectations turned out to be on target except for an unimportant split electoral vote in New Jersey.

Lincoln was in debt to Chace politically, since Chace had campaigned for him in his 1858 Senate race in Illinois against Douglas. Ohio Republicans had a plank advocating repeal of the Fugitive Slave Act. Lincoln disliked the Act, but knowing it to be constitutional, did not attack it, while he deplored making it an issue nationally, warning Chace that it would “explode” if in Illinois, hoping Chace would dodge the issue in Ohio, as he seems to have.

Lincoln was a candidate, but a semi-secret one as he built his Illinois strength in small steps, such as his purchase of the equipment of the German language *Illinois Staats Anzeiger* of Springfield while granting its publisher control so long as it supported the Republican Party through 1860 elections.

Lincoln was so trustworthy his clients did not worry about his conflicts of interest, and he seemed unperturbed about his political future during July and August, 1859. He had represented state officials, but in July was representing the Illinois Central

Railroad in a lawsuit versus the state before the Illinois Supreme Court over property taxes. These officials and their wives and Lincoln, with his wife Mary, and son Tad, went on a nine day junket over all the lines of the railroad during daylight hours, educating themselves on the railroad's property and having fun.

From this high dollar case Lincoln switched to successfully defending Peachy Quill Harrison, accused of murder, in an August twenty day jury trial before a judge unfamiliar with Lincoln. Following a vigorous argument with the judge Lincoln got permission for the defendant's grandfather to testify to hearing a deathbed forgiveness and assumption of responsibility by the victim. Lincoln, but not the judge, was familiar with the arcane law that a deathbed victim's statement in a criminal trial, though heard by a biased witness, is one of the twenty one types of hearsay admissible in evidence.

In early September, 1859, Ohio Republicans asked Lincoln to go on an expense paid speaking tour to follow up speeches by Douglas in support of Pugh and other Democrats. His prompt acceptance suggests his delight. Douglas's fortunes had changed since he had beaten Lincoln in the famous 1858 Illinois debates. At

the Freeport, Illinois, debate, Douglas had conceded that if territory residents had voted in favor of slavery they could reverse that decision by another vote. This Douglas honesty weakened him in the South and was contrary to his prior positions and the 1857 U. S. Supreme Court *Dred Scott* decision. As a result of Freeport Southern senators, with encouragement of President Buchanan, took away Douglas's territories committee chairmanship, while Senator Pugh stood by him. More worrisome to Lincoln, Freeport's "Douglasism" began to attract some Republicans, endangering the very existence of the Republican Party and its hodge-podge membership.

Lincoln's long battle with Douglas started in 1854 when as U. S. Senator from Illinois and chairman of its territories committee, Douglas authored the Kansas-Nebraska Act. The Act let voters in territories soon to be states decide on slavery by popular vote, "up or down," dubbed by its enemies "popular sovereignty." In final form the Act repealed the Missouri Compromise of 1820 which banned slavery in vast Western territories. Within two years in the North a loose fusion of Anti-Nebraskan "Opponents," Whigs and Democrats had formed the Republican party.

U. S. senators were then elected by state legislatures. After considerable deliberation, Lincoln ran in 1854 for the U. S. Senate seat occupied by Douglas's Illinois Democrat colleague. In Lincoln's three hour speech at Peoria in debate with Douglas he asserted that the Founders had expected the eventual extinction of slavery, as exemplified by the Northwest Ordinance, the guarantees of freedom in vast territories by the Missouri Compromise of 1820, and other actions, these being a core theme Lincoln returned to in scores of speeches thereafter, most famously at Cooper Institute in New York City on February 27, 1860, and nine more in New England cities right after that.

In the hurly-burly 1855 legislative voting following the 1854 election Whig Lincoln saw he was losing and induced his supporters to vote for Democrat Anti-Nebraskan Lyman Trumbull, who won. This sacrifice by Lincoln of his dying party for a high principle presented an epiphany to Anti-Nebraskans that had found it too hard to give up their strong Democratic Party for a Lincoln they loved. Trumbull became a Lincoln ally and five other key Democrats became Lincoln Republicans and for years rued they had not voted for Lincoln, and had shunned him because he was a

Whig. State senator Judd, one of these, became completely attached to Lincoln and, arguably, the greatest aid to his political career.

At the 1856 Illinois convention forming their Republican Party Lincoln gave his “Lost Speech,” so-called because it was so eloquent that reporters took no notes. The delegates from this convention to the first national convention in Philadelphia were so pumped up they tried to secure a vice-presidency nomination for Lincoln. Lincoln was a delegate but did not go, claiming he had to be in court. But the court matter could have been postponed. Lincoln was likely following campaign etiquette.

The September 1859 Ohio invitations summoned an eager Lincoln to battle again in his dogged pursuit of Douglas. The Douglas claim at Columbus that the Founders approved of slavery smoldered into the scholarship Lincoln displayed in his Cooper Institute address five months later. At Cincinnati Lincoln mocked the South, pretending his voice carried across the Ohio River to slave Kentucky, and he pointed out that for the South to talk of secession was foolish because there are more of “us” in the North that oppose secession than “you” in the South. After Ohio, Lincoln

continued with speeches in Indiana, Wisconsin and Kansas Territory the fall and winter of 1859.

Just before the John Brown Raid in October, Lincoln was invited to speak in Henry Ward Beecher's Brooklyn church the end of November. A master of timing, Lincoln gradually negotiated a date of Monday, February 27, 1860, for an agreed political address. He thus had four months to think about how to improve what he had been saying for five years.

Something different was needed February 27 and he realized the term "Founders" was too impersonal and that those men should be humanized with their names, one by one, and thus be counted. And if some of the Founders supported slavery or could not be counted one way or another, that would be taken care of by a "preponderance of evidence" that like a magic wand would waft "burden of proof" to rest on Douglas's side of the courtroom of American public opinion.

Not until Lincoln reached New York did he discover the speech location had been changed from Beecher's church to the Cooper Institute on lower Manhattan. Lincoln sustained the burden of proof he set up for himself at Cooper Institute by showing that

at least twenty three of the “thirty nine” signers of the Constitution, “a clear majority,” wanted slavery ultimately to become extinct. He humanized by name the Founders that had placed responsibility in Congress to ensure the eventual demise of slavery. He pointed out that George Washington as President of the United States during the first Congress had signed his approval of the bill that enforced the Northwest Ordinance of 1787 banning slavery in what would become Ohio, Indiana, Illinois, Wisconsin and Minnesota, making it the law of the land.

Lincoln’s speech brought on calls for him to immediately give the additional New England speeches, and he wrote Mary he was hard pressed to keep each speech original. New England and antislavery delegates from western Virginia, on top of solid Illinois and Indiana, gave him a surprise showing of strength on the first ballot at the Chicago convention on May 18, 1860. His victory came swiftly on the third ballot.

Lincoln was indeed a dark horse, and no one has a sure answer why he was nominated. Likely Joshua Giddings, the veteran Abolitionist congressman from northern Ohio, had it right in saying that Lincoln’s western “location” was the biggest factor.

Republicans needed Illinois to win.

In the process scholar Albert Woldman wrote that Lincoln was a “preserver and popularizer of the Constitution.” Lincoln did that at Cooper Institute by bringing the Founders back to life.